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Mapping of current heritage re-use policies and regulations in Europe

Complex policy overview of adaptive heritage re-use

December 2019

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0 Executive summary

This report presents the interim findings of Work Package 1 for the OpenHeritage project, funded under the EU's Horizon 2020 research and innovation programme (grant agreement 776766). OpenHeritage aims to identify and test the best practices of adaptive heritage re-use in Europe. Drawing on the observations and results, the project will develop inclusive governance and management models for marginalized, non-touristic heritage sites and test them in selected "Cooperative Heritage Labs". In order to develop an understanding of the different policy, regulatory and financial contexts in which heritage can be re-used, WP1 investigates heritage and other relevant policy and funding in fifteen countries across Europe.

The fifteen countries were selected upon the basis of whether they contained either a Cooperative Heritage Lab or one of the Observatory Cases used in the project. All are in Europe and most, but not all, in the EU. Most were considered at the level of the nation-state but again with some exceptions. They are: Austria; England (UK); Flanders (Belgium); France; Germany; Hungary; Italy; Netherlands; Poland; Portugal; Romania; Slovakia; Spain; Sweden, and; Ukraine. Data was gathered through systematic documentary analysis supplemented by expert interviews. As such this report stands as a significant contribution to understanding the contextual conditions in which adaptive heritage reuse occurs in fifteen European countries. However, it has the further purpose of contextualising the Observatory Cases considered in the OpenHeritage projects and helping providing an important framing for the development of the Cooperative Heritage Labs.

The report is organised into four principal sections. After an introductory section, section 2 looks at how adaptive use might be understood at a European scale. Historically, formal policy making on cultural heritage issues was centred upon the Council of Europe. However, recent years have seen an increasing influence from the EU through its activities gathering data (e.g. Cultural Heritage Counts for Europe), through its promotion of cultural heritage and, critically, through its spending programmes. Cultural heritage is increasingly understood as a mechanism for addressing European goals of cohesion and European integration and 'unity in diversity'. In terms of furthering an agenda for cultural heritage generally and adaptive heritage reuse specifically, the 2018 European Year of Cultural Heritage was extremely significant and has led to a range of subsequent actions, including the European Framework for Action on Cultural Heritage. Furthermore, heritage and adaptive reuse are increasingly prominent in the EU's funding programmes relating to research, innovation and knowledge exchange. Opportunities are arising directly within the sphere of cultural heritage (such as this project) but also through the mainstreaming of the relevance of adaptive heritage reuse to broader cultural and urban programmes.

Section 3 is a provisional thematic analysis, arising from the country-level data. Whilst many forms of regulation and policy can be significant, generally it is law and policy relating to cultural heritage and urban planning that are most

significant. The amount of discretion given to decision-makers in heritage protection systems varies enormously across Europe. Similarly flexibilities in urban planning that are conducive to adaptive reuse (e.g. a liberal approach to temporary reuse or change of use) are equally variable. Adaptive reuse is only an explicit process in a small number of countries and it is rare that national or local governments play a direct role in leading innovation in this area, although some governments at least facilitate others to do so. Governance generally is a major theme in conditioning the ease or difficulty in which adaptive heritage reuse can be effected. Reuse usually requires interaction with heritage and planning regulatory regimes, making project development complex. This tends to be easier where decision-making between the two regimes is at the same spatial scale or, better still, held within the same authority.

Crises, and specifically the 2008 financial crash, can directly or indirectly stimulate a more liberal approach to adaptive heritage reuse. As such, reuse may link with complementary policy agendas, such as, urban regeneration, tourism development, the creative industries, environmental quality and 'localism'. Many users linked to these programmes are attracted to historic property and some other sectors, such as universities, have had a significant role in reconditioning historic buildings. Conversely, post-crisis austerity can inhibit creative approaches to adaptive heritage use by, for example, restricting the potential for peer to peer learning opportunities amongst professional groups. The direct impact of the EU is greatest in recent accession countries where spending programmes can exert considerable influence.

Finally, section 4 includes summary data for each of the fifteen countries.

1 Introduction

The adaptive reuse of buildings and places that have lost their former use is a practice as old as buildings and places themselves. Modernity introduced a self-conscious separation of the present and the future from the past. The cultural relics to be kept in this process were to stand largely as testaments of earlier civilisations rather than as buildings with ongoing social and economic utility. The 1970s and 1980s, and a reaction against post-war modernism, saw the beginning of systematic efforts to re-integrate old places, new uses and design. Cities becoming a lens into the larger economic and political shifts of the emergent new global era, increased the urge to redevelop and regenerate urban centres, and prepare them to become platforms for the current urban century (Sassen 2011). In this context, heritage became more relevant for cities, as a way to develop their identity, uniqueness, and attractiveness, and it became promoted as potential for inward investment and economic growth.

Under pressures of urban development, we see plenty examples of reuse, ranging from facadism removing most historic fabric, through creative interventions in historic fabric, by eclectically mixing layers of history, designing a seemingly evolutionary next layer, creating analogy with the material from the past, (re)creating space by restoring a building back to one specific period in time, removing all (usually newer) fabric, or inserting or attaching new contrasting elements through to simple 'light' reuse.

Adaptive reuse has until recently been an issue mostly discussed in the building context (and disciplines) of interior design and (re)architecture ((Plevoets and Cleempoel 2019; Provoost and CRIMSON historians and urbanists 1995; Swensen and Berg 2017; Wong 2016). In recent years, with a growing interest in the instrumental nature of heritage, combined with a context of austerity, where the state no longer prioritises large investments in heritage as a cultural good, adaptive reuse has emerged as a policy aim, and heritage investment tool, in several countries and more recently also in EU governance, as a way to create financially more viable and environmentally sustainable ways to achieve regeneration and conservation, as we will show in this report. In order to understand the potential of adaptive heritage reuse, and inclusive governance models in effecting re-use, it is necessary to develop an overview of the regulatory and policy context in which reuse projects are attempted in a way that currently does not exist. This report (along with further deliverables to come in WP1) is an important step in achieving this objective.

1.1 Objectives and Scope

OpenHeritage is an EU funded research project. It aims to identify and test the best practices of adaptive heritage re-use in Europe. Drawing on the observations and results, the project will develop inclusive governance and management models for marginalized, non-touristic heritage sites and tests them in selected Cooperative Heritage Labs over Europe.

In order to develop a more precise understanding of the different policy contexts in which heritage can be re-used, this particular report provides an overview of heritage policies in fifteen countries across Europe. This report is *"Deliverable 1.2: Complex policy overview of adaptive heritage re-use"*, and as such, it synthetizes inputs from Task 1.1. (Institutional and regulatory context of adaptive heritage reuse); Task 1.2 (Funding mechanisms and economic models); and Task 1.3 (Territorial development and architectural regulations).

The aim is to develop an overview and understanding of the current policies and legal frameworks regulating and influencing adaptive re-use practices, including the financial and funding mechanisms.

The report focuses on the formal processes and procedures around adaptive heritage reuse, mapping and reviewing legal and regulatory frameworks, government policy, and finance and funding mechanisms, for all the 15 countries OpenHeritage has case studies in, either in the form of Collaborative Heritage Labs (CHLs) or as Observatory Cases (OCs).

As such this report stands as a significant contribution to understanding the contextual conditions in which adaptive heritage reuse occurs in 15 European countries. It has the further purpose of contextualising the Observatory Cases considered in the OpenHeritage projects and helping providing an important framing for the development of the Cooperative Heritage Labs.

As such the Research Objective is: To developing a contextual and thematic understanding of the workings of the legal frameworks, policies, and funding mechanisms through and under which heritage assets can be re-used.

The **Research Questions** guiding the work were:

1) On EU level:
   a) How are various EU programmes, policies, and funding mechanisms supporting, or intending to support, adaptive heritage reuse?
2) On country level:
   a) What are the main legal, policy, regulatory, and financial frameworks of around adaptive heritage reuse, on local, regional and national level, and how do they influence adaptive heritage reuse processes?
   b) Who are the main actors and funders in adaptive heritage reuse?
   c) What are the barriers and openings created in the national systems?
3) What are the patterns and themes that appear across countries, creating an understanding of similarities and differences between systems and approaches?

1.2 Approach - methods and operational approach

Data collection

On EU level: The main aim was understanding the trends in and relevance of adaptive heritage reuse in the current and upcoming EU programmes and funding structures. The data were collected thematically by the Task Leads

(SARP, ROMA3, UNEW). This was done mainly by desk research, and two interviews with EU officials (Becquart 2019; Hofman 2019). The data was combined and analysed through a policy review and critical reading, providing an overview of the various EU programmes, policies, and funding mechanisms supporting, and how they support adaptive heritage reuse. Some of the data also came from the country level analysis (RQ2) creating an understanding of the workings (or potential) of various policy and funding programmes.

On country level: The data for the countries considered in this report was gathered using a template: Country Datasheets (example attached ANNEX X). These were first developed in the period after the first consortium meeting in Budapest (June 2018) and provided to all the partners for the collection of data per country. The structure of the sheet was further discussed and evolved in the OpenHeritage project meeting in November 2018 (Barcelona) in collaboration with those working on other WPs (and specifically WP2 and WP3). Data was then collected between January and August 2019.

The objectives of the Country Datasheets were to:

- Developing a good understanding of the national frameworks OpenHeritage operates in;
- Identify bottlenecks and barriers, as well as supportive measures and good practice;
- Gain overview of all countries, create a source that helps those interested to better understand and learn from other contexts
- Contextualise the specifics and learnings from OCs and CHLs

After an inventory on language skills and access to experts through networks, each of the partners in WP 1 was assigned the task of completing the template for one or various countries / languages. This included collecting law, policy, and financial data in planning, heritage, building regulations, financial mechanisms, and where deemed relevant also in the cross-disciplinary context such as sustainability, civic engagement, and arts and cultures. These were developed in the period until the May 2019 (Berlin) consortium meeting.

The datasheets had four sections: SECTION I: Policy Overview and Definitions as they are used in the countries legal framework / policies; SECTION II: Schematic Overview of main actors in adaptive reuse; SECTION III: Interview report; SECTION IV: Bibliography and Country specific literature. The sections will briefly be introduced below.

In collecting the data it was important to be inclusive and broad. Therefore, we gave the explicit instruction that heritage is considered in the *broad sense*, beyond listed buildings and formalised heritage. Where possible, we asked to make a distinction between policy, regulation, and funding for formalised forms of heritage (e.g. listed buildings) and broader interpretations (e.g. historic environment, cultural-historic areas).

Adaptive reuse we defined as meaning any reuse/repurposing of any building (heritage - but in the broad sense) for which there have to be changes to the characteristic (material) aspects of the building.

Table 1: country templates, work division

WP 1 Partner				
CEU	HU	RO		
CUH	UA	SK	AT policy	EU financial
ROMA3	IT	ES	PT	EU policy
SARP	PL	FR	AT financial	
UBER	DE	SE		
UGENT	FL (BE)			
UNEW	NL	EN (UK)	EU policy	

Section 1 of the Country Datasheet first asks to provide an overview of the definitions, e.g. heritage, conservation, and adaptive reuse, to understand how this terminology is more specifically defined in each country. This is followed by a detailed overview of national, regional, and local level laws, policies and procedures on:

- Planning: How adaptive reuse is influenced, steered, or legally affected by planning, land-use (including things such as (land) ownership, common law). This includes territorial integration (or the lack thereof) and the integration between levels of governance.
- Heritage: How heritage is defined in policy formally and informally: e.g. listed, not-listed or not-yet-listed, as well as different conceptualisations of heritage (that may have different legal implications, (e.g. archaeology, buildings, landscapes, tangible / intangible).
- Building regulations: Main building codes and regulation, architectural as well as technical, e.g. seismic design; fire safety; physical accessibility; health and safety; modern (sustainability) technologies (e.g. insulation, acoustics, heating, PV panels).
- Finances / Market : Funding and financing mechanisms and trends (e.g. centralisation /decentralisation, austerity, circular economy, types of partnerships & partners), the description of mechanisms and legislation regarding the mechanisms (eg. possibility of PPP, grass-root initiatives)
- Incentives / Barriers: that stimulate or impede the market. Which tools are used, e.g. taxes, incentives, is there a focus on some issues over others?
- Additional topics where suggested, and completed when deemed relevant:
    - Socio-economic development and public policies
    - Participation, community led initiatives, civic organisation(s), localism
    - Culture, Arts /Crafts
    - Environmental / Ecology / Sustainability

The aim of the datasheet is to undertake a critical policy review, by collecting data that describes the formal structures. The assumption was that someone not familiar with the planning / heritage / funding structures in the country being described has to be able to understand the system.

Section 2 provides a scheme of main governance bodies, with a focus on planning and heritage departments / agencies, but including others where

relevant, involved in adaptive reuse of the historic environment and their relations. This scheme needs to include the most relevant governance levels and institutes (may differ per country) and where possible link to funding mechanisms (include where possible also where things such as where permit and enforcement decisions and responsibilities lie).

In section 3 we asked for an interview report (in English), based on a number of interviews (in local language) with policy officers and practitioners, using a list of questions (semi-structured interview). In this section, the aim was to look at policy practices, to fill the gaps in section 1 and 2. Through interviews (or going to presentation / practice conferences/ discussion with expert informant) we obtained specific information on:

- Policy practices, how are things done, where is the focus, which parts are working which are not, how do policies work in practice etc?
- How all the different bits of the data gathered in section 1 and 2 interact,
- Where /how things happen despite policy /regulation,
- Where innovation lies
- What are considered good / learning practices and bottle-necks / issues.

Thus, the interviews served two purposes. First, they were helpful to get a better overview of the situation to start with, when policies / regulation are not available in written form or when the researcher was not familiar enough with the national / local context to get to the right information. Second, we also asked for some interviews to be undertaken when the interviewer had developed a good grasp of the situation through section 1 and 2 of the policy analysis, so they could use that knowledge to focus the interview, and fill gaps, as well as understand the practices / reality.

Data Analysis:

Once we received all the Country Sheets, the Task Leads for T 1.2;1.3; 1.4) ROMA3, SARP and UNEW developed country 'summary' overviews for each of the countries, with the help of the partners collecting the data for the countries templates, and internal and external reviewers. The data was summarised and analysed per country. The result per country can be found at the end of this report.

A thematic analysis helped develop a cross-country review, presenting an overview of the main themes (RQ 3). This is a review and overview picking up on recurring themes, across the various national systems. This doesn't mean all the themes are present in each country. Our aim here is revealing what themes are that present themselves as significant in the formal frames of adaptive reuse, as well as the different ways a theme relates to adaptive reuse, and how it provides support or actually makes adaptive reuse harder. We also highlight exceptions.

2 Setting the scene to adaptive reuse: an overview of the European context

Policy on adaptive heritage reuse is present in EU heritage and culture policy and, more recently, in the EU's urban and regional development agendas. This overview will address all these contexts, but starts from the main field, heritage.

The EU coordinates, supports, and supplements policies and measures around culture, without having legislative powers; culture and heritage are seen as national matters. Whilst the idea of a shared culture (and heritage) as part of the European identity has been around since the 1970s, the EU's (limited) competence in the field of heritage was only established in the Treaty of Maastricht in 1992.[1] Ever since, the EUs interest in its own and Europe's past has been growing, as manifested in its policy discourse (Lähdesmäki 2014, 2019), as well as funding allocations. Funding projects like OpenHeritage is part of this. The ways the EU narrates its past, interacts with how it defines its policies and plans for the future. It is linking notions of culture, heritage and European identity, not in the least to support cohesion and European integration. The new programme on culture and creative activities and enterprises, for example falls directly under the 'Cohesion and Values' heading of the EUs 2021-2027 financial framework (Pasikowska-Schnass 2019). The EU's motto since 2000 is "United in Diversity". Cultural heritage is seen as one of ways this finds tangible expression. As such heritage explicitly informs how to tackle future challenges, addressing European cohesion, convergence, diversity and creativity across all areas of the economy, society, culture and governance.

The EU has been rather successful in mainstreaming heritage, through a shift of perception on the societal and economic value of heritage and its role in sustainable development. The shift moves heritage from a costly development control measure towards an enabling force that stimulates change, which in turn, brings life to places that both suffered from economic and physical decline. One of the main challenges for heritage management has been a slow shift from state investments to financially independent models of private (and civic) investments. This, it seems is one of the drivers for a stronger focus on adaptive reuse, as a financially (more likely to be) viable solution to conservation. Another challenge is that the heritage sector is relatively reactive and struggles with performance management, monitoring and overall data collection in comparison to other areas of economy. The publication of the "Cultural Heritage Counts for Europe" report[2] on 12th June 2015 in Oslo opened a door for improvement by providing data that helped mainstreaming heritage for more investment from the EU. The report states that over 300 000 people work in the EU cultural heritage sector while 7.8

[1] "Action by the Community shall be aimed at encouraging cooperation between Member States and, if necessary, supporting and supplementing their action in the following areas:- improvement of the knowledge and dissemination of the culture and history of the European peoples;- conservation and safeguarding of cultural heritage of European significance;"

[2] CHCFE Consortium (2015), *Cultural Heritage counts for Europe.* International Culture Center. Krakow. http://blogs.encatc.org/culturalheritagecountsforeurope/wp-content/uploads/2015/06/CHCfE_FULL-REPORT_v2.pdf

million jobs in the EU are indirectly linked to heritage. Cultural heritage sector produces up to 26.7 indirect jobs for each direct job in comparison to the car industry, which produces only 6.3. The European Commission's Eurobarometer (2017)[3] in addition reported that 68% of Europeans consider the presence of cultural heritage while deciding on a holiday destination. These statistics show how relevant heritage is to the wider economy, which has not been reflected in any substantial commitment until recently.

Within this wider context of mainstreaming and integrating heritage into wider policy frameworks, the EU is starting to explicitly promote adaptive reuse of heritage as a practice. It presents itself as crosscutting concept, embedded in the document and projects hereafter discussed.

2.1 Year of Cultural Heritage 2018 – a shift in heritage, culture, and building

In the current 'future' plans the EU is developing for its next budget period, adaptive heritage reuse is well represented. This is a culmination of various initiatives by a wide range of actors over the past decades. However, a clear shift can be seen in the context of the The European Year of Cultural Heritage 2018 (EYCH). 2018 was designated as the European Year of Cultural Heritage by the European Commission, and it represented the opportunity both evaluate and looking forward in the heritage sector, and related sectors. The results include new agenda's on culture and heritage in Europe, as well as the more concrete inclusion of heritage in the EU's urban agenda (discussed below). The aims are promoting people-centred, inclusive, and sustainable approaches through a wide range of projects and EU funding programs.

The legacy of the European Year of Cultural heritage 2018, as found in various agendas and intertwined with European programs and projects is very supportive of adaptive heritage reuse practices. Perhaps the most directly supportive outcome of the 2018 EYCH related to adaptive reuse, is the Leeuwarden Declaration, specifically focused on adaptive-reuse; *Adaptive re-use of the built heritage: preserving and enhancing. The values of our built heritage for future generations*. The main recommendations of the Leeuwarden Declaration are on developing a smart and quality based process for adaptive reuse. It promotes "processes that favour and ensure flexibility, participatory approaches, innovation, quality-based procurement, multidisciplinary teams, financial viability and good story-telling can contribute to successful projects in the long term." For this, it recommends flexibility with respect to regulatory framework and standards; Participation of citizens; Temporary uses of unoccupied spaces; Active responsibility of the competent public authorities; Quality-based procurement; Multidisciplinary teams & collaborative approaches; Financial viability, making preservation of heritage values is compatible with the economic; and finally good story-telling. This is followed by specific recommendations on developing a

[3] Special Eurobarometer 466 Report, *Cultural Heritage,* European Commission, December 2017, https://ec.europa.eu/commfrontoffice/publicopinion/index.cfm/ResultDoc/download/DocumentKy/80882

reflexive dialogue between past, present and future; a multi-scale and territorial approach; and developing case-by-case as well as knowledge-based approaches.

Moreover, the EU is developing The *European Framework for Action on Cultural Heritage, which* aims to "capture the momentum created during the European Year of Cultural Heritage, through a continued series of short to medium-term actions. It provides an overview of the commitments taken by the European Commission in this respect." (p. 2) The aim of the document is thus "to set a common direction for heritage-related activities at European level, primarily in EU policies and programmes", complementing the work plan adopted by the Council of the European Union "Conclusions on the Work Plan for Culture 2019-2022" a strategic instrument, setting priorities and defining concrete actions to address cultural policy, setting out five priorities for European cooperation in cultural policy-making: Sustainability in cultural heritage; Cohesion and well-being; An ecosystem supporting artists, cultural and creative professionals and European content; Gender equality; and International cultural relations (see more below).

The European Framework for Action received input from multiple important international heritage and culture networks and stakeholders. For example, Europa Nostra (Berlin Call to Action[4]) stated "*We must ensure and enable adequate investments, public and private, into quality heritage-led regeneration of our neighbourhoods, cities and countryside based on creativity, innovation and adaptive re-use*". The Council of Europe (CoE) (European Heritage Strategy for the 21st century) is also very invested in adaptive reuse. Its strategy has three main components: "social", "territorial and economic development", "knowledge and education". Reuse of heritage is recommended (with the use of traditional knowledge and practice) as a way to ensure that "heritage is taken into account in sustainable spatial development strategies and programmes" (challenge D5). It is also seen as important (challenge D8) in coming up with new solutions for heritage assets, and the role of new technologies. Finally, *Culture Action Europe* in their Fast Forward Heritage manifesto[5] recommend a "regenerative approach to cultural heritage based on an active engagement with present cultural production and contemporary society".

2.2 The European Union's current and future programmes on Culture, Heritage, and Urban relevant to adaptive reuse

Through the Leeuwarden Declaration, wider learnings from EYCH, and the promotion of adaptive reuse through a wide range of heritage and culture stakeholders, adaptive reuse has found its way into the *European Framework for Action on Cultural Heritage.* The framework is based on five pillars:

- Cultural heritage for an inclusive Europe: participation and access for all;

[4] https://www.europanostra.org/wp-content/uploads/2018/09/Berlin-Call-Action-Eng.pdf
[5] https://cultureactioneurope.org/advocacy/fast-forward-heritage/

- Cultural heritage for a sustainable Europe: smart solutions for a cohesive and sustainable future;
- Cultural heritage for a resilient Europe: safeguarding endangered heritage;
- Cultural heritage for an innovative Europe: mobilising knowledge and research;
- Cultural heritage for stronger global partnerships: reinforcing international cooperation.

Each of the pillars corresponds with a limited number of clusters of actions. Adaptive reuse is a crucial factor among the cluster action identified within the second pillar, *Cultural Heritage for a Sustainable Europe*, which includes: a) regenerating cities and regions through cultural heritage; b) promoting adaptive re-use of heritage buildings; and c) balancing access to cultural heritage with sustainable cultural tourism and natural heritage.

Focus upon adaptive reuse extends beyond the heritage sector. EUs most recent Cultural Programme 'Creative Europe' has also included it as a topic, with actions set out in its Work Plan for Culture 2019-2022. One of the proposals is to pay more attention to architectural quality and cultural heritage, and promoting the idea of 'Baukultur' (2018 Davos Declaration) through mobility of the sector's operators, capacity-building, conservation and awareness raising of the potential of cultural heritage. There is also a recommendation by the European Alliance for Culture and the Arts to include support for culture, arts and heritage (more explicitly) in many other EU funding programmes (European Alliance for Culture and the Arts 2018). As part of mainstreaming culture in the other policies sectors, they recommend culture, arts and heritage to be horizontally included in and financially supported within a wide variety of EU programmes (E.g. Horizon Europe, Single Market Programme, European Regional Development and Cohesion Fund, European Social Fund+, Erasmus+, Rights, Justice and Values Fund, European Agricultural Fund for Rural Development, LIFE – Programme for the Environment and Climate Action, Asylum and Migration Fund, Neighbourhood, Development and International Cooperation Instrument, and InvestEU Fund). All of those programmes have significant potential for the stimulation of adaptive reuse of heritage. For example, through focusing on heritage reuse in teaching and research, or emphasising the relevance of culture, heritage, and adaptive reuse in urban regeneration. If the presence of cultural activities is a major factor for the attractiveness of regions, rural or urban, then we need to also think about in what spaces these activities take place, and who benefits. Investing in reuse of buildings in and with disengaged, new, or minority groups and communities, in a way that is meaningful for them could be a way to use culture and heritage to foster social empowerment, civic engagement and participation, and the wider acceptance of pluralism and diversity. Moreover, adaptive reuse can easily be part of climate and sustainability programmes (Reduce, Reuse, Recycle).

2.2.1 New European Agenda for Culture & work plan

The Council conclusions on the Work Plan for Culture 2019-2022 (2018/C 460/10) builds on the New European Agenda for Culture (adopted European Commission in May 2018). The three strategic objectives of the New Agenda for Culture is 1) harnessing the power of culture and cultural diversity for social

cohesion and well-being by promoting cultural participation, the mobility of artists and the protection of heritage; 2) boosting jobs and growth in the cultural and creative sectors by fostering arts and culture in education, promoting the relevant skills, and encouraging innovation in culture; 3) strengthening international cultural relations by making the most of the potential of culture to foster sustainable development and peace.

In the 2019-22 Work Plan for Culture, (adopted 27 November 2018) this is translated into five priorities for European cooperation in cultural policy-making[6] . One of them is *sustainability of cultural heritage.* Within this plan there are various upcoming actions relevant to adaptive reuse for heritage First of all will be support for a peer-learning scheme for cities and regions on three topics related to cultural heritage policies: participatory governance of cultural heritage, adaptive reuse of built heritage and quality of interventions on cultural heritage.[7] The aim is to look, for example, at best practices of long-term cultural investment plans established prior to investing in cultural heritage restoration, good practices of sustainable cultural tourism, good practice of adaptive re-use of built heritage etc. It is peer learning between EU experts and officials at national and regional levels by means of meetings and site visits (this programme is currently out for tender and will be very relevant to join, once announced, for OpenHeritage partners).

Sustainability of cultural heritage will also be pursued by the following actions: [8]

- Experts will identify and exchange good practices and innovative measures for the historical environment in relation to climate change. Specific focus should be given to the energy efficiency of historical buildings, the design and transformation of the cultural landscape and the safety of heritage under extreme climate circumstances.
- Awareness-raising and capacity-building of national heritage experts on sustainability of cultural heritage.
- Quality principles for cultural heritage interventions: develop guidelines governing the next generation of EU funds, ensuring quality principles for conservation and safeguarding in heritage.
- Alternative funding for cultural heritage, due to the strong pressure on public budgets devoted to cultural heritage, alternative sources of funding are being developed, from public/private partnerships, to the involvement of lotteries and tax credit for donations. The role of foundations will also be examined in this context. Aim is to identify new sources of funding for cultural heritage and transferable best practices in order to promote its economic sustainability.

In Creative Europe, Cultural Heritage[9] is developed in the context of follow-up to the European Year of Cultural Heritage and the European Framework for actions

[6] https://ec.europa.eu/culture/policy/strategic-framework_en
[7] https://etendering.ted.europa.eu/document/document-file-download.html?docFileId=68133
[8] https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52018XG1221(01)&from=EN

on heritage is supported through various actions, such as European Heritage Days, European Heritage Label. The idea of rewarding quality is also pursued through various prizes in Architecture (e.g. EUMies, European Union prize for contemporary architecture – Mies van der Rohe award) and Heritage (European Heritage Awards/Europa Nostra Awards) and the possibility to create a specific prize to reward "the best adaptive reuse projects of heritage buildings/sites" is being currently considered by the European Commission. Whilst the EUMies award is not and 'adaptive reuse award' there is a trend towards receiving and awarding adaptive reuse projects in recent years.

Responding to the increased focus on adaptive reuse, ICOMOS in 2019 published the *European quality principles for EU-funded interventions with potential impact upon cultural heritage*. The objective of the study "is to provide guidance on quality principles for all stakeholders directly or indirectly engaged in EU-funded heritage conservation and management." Adaptive reuse appears among the critical determinants of quality regarding cultural heritage design. New, extended, and temporary uses are seen as valuable way to keep built heritage contributing to society. It recommends for new uses to be compatible not only with the heritage but also respond to community and sustainability needs.

2.2.2 Adaptive reuse in the wider urban and building sector

There is also a clear uptake of heritage in the urban context. The 2016 Urban Agenda for the EU 'Pact of Amsterdam' now has a Culture / Cultural Heritage sector too (since 2019).10 The key challenges, problems and opportunities areas determined (2019) are almost all directly or indirectly relevant to adaptive reuse: tourism, creative and cultural industries, transformation, adaptive reuse and urban reconversion, financial sustainability, resilience of cultural and natural heritage, and integrated/interdisciplinary approaches for governance, funding and knowledge sharing in a cultural heritage based urban development.

The EU Cohesion Policy was designed to help overcome regional inequalities reflected in strengths of economy, overall wealth and development opportunities, and is funded by the European Regional Development Fund (ERDF), the European Social Fund (ESF) and the Cohesion Fund (CF). Especially ERDF's thematic objective of "*Preserving and protecting the environment and promoting resource efficiency*" has been a relatively attractive option for projects that seek to protect, promote and develop cultural heritage. ERDF particularly encourages creativity and innovation, so adaptive re-use projects can be accommodated. Projects can benefit from direct support or technical assistance for preparation of project proposals and feasibility studies as well as advice on use of financial instruments. INTERREG Europe, as a part of ERDF 2014-2020, with its €10.1 billion budget brings an opportunity to regional and local governments to develop and deliver better policies for adaptive re-use. However, the only relevant project to adaptive heritage reuse, "AT FORT", was delivered in the previous programming period and was set *"to facilitate the adaptive re-use of fortified*

[9] https://ec.europa.eu/programmes/creative-europe/sites/creative-europe/files/c20196151-ce-awp.pdf
[10] https://ec.europa.eu/futurium/en/urban-agenda ; https://ec.europa.eu/futurium/en/culturecultural-heritage/outcomes-2nd-partnership-meeting-culturecultural-heritage-partnership

heritage sites by exploring solutions for successful approaches and methods to deal with enabling conditions to create better frameworks for their exploitation".[11] The Engine Shed[12] in Stirling (Scotland) is a successful project, which was enabled by ERDF. Thanks to this support a former XIX century goods transfer shed was turned into dedicated and innovative conservation centre that builds capacity and promotes traditional building materials and skills across the country.

Regional development investments are also starting to invest more directly in heritage, e.g. through its Urban Innovative Actions (UIA). This is an Initiative of the European Union that provides urban areas throughout Europe with resources to test new and unproven solutions to address urban challenges, as part of the European Regional Development Fund (ERDF). The most recent call has heritage as one of its call topics.[13] Future ERDF and cohesion funds have been set out to focus on a Smarter Europe, a Greener, carbon free Europe, a more Connected Europe, a more Social Europe, a Europe closer to citizens – there are of course no particular commitments to adaptive reuse on this level of abstraction, but there is potential. This is evident in the next 'interreg' programme whereby the focus will be upon Interregional and cross-border cooperation. [14]

The Cohesion Fund (CF) has been focused on supporting environmental measures, transport networks, smart energy management and renewable energy use in the housing sector.

The European Agricultural Fund for Rural Development through its LEADER programme[15] also offers support for the promotion, enhancement and maintenance of cultural heritage assets and events in rural contexts. Projects considered for the LEADER support should be particularly focused on protection against damage and degradation as the programme covers costs of construction and/or restoration of buildings and other physical assets, including general costs such as architects and engineering fees. Moreover, it supports projects that enhance, restore and upgrade the cultural and natural heritage of villages and rural landscapes, making LEADER an attractive vehicle for adaptive re-use, especially in regions that support rural tourism and agribusiness.

There are also specific grants, for example through the EEA and Norway Grants, funded by Iceland, Liechtenstein and Norway. These calls have two goals: to contribute to a more equal Europe and strengthen the relations between the 3 funding countries and 15 beneficiary countries.[16] Current funding calls: Open call on the support of restoration and revitalization of cultural heritage (CLT01) and

[11] INTERREG IVC, *Projects: AT FORT,* http://www.interreg4c.eu/projects/project-details/index-project=140-atelier-european-fortresses-powering-local-sustainable-development&.html, (accessed on 2 November 2019)

[12] The Engine Shed, https://www.engineshed.scot/, (accessed on 2 November 2019)

[13] https://www.uia-initiative.eu/en/culture-and-cultural-heritage

[14] https://ec.europa.eu/regional_policy/en/2021_2027/

[15] European Commission, Agriculture and rural development, Rural development 2014-2020, https://ec.europa.eu/agriculture/rural-development-2014-2020_en, (accessed on 2 November 2019)

[16] namely: Bulgaria, Croatia, Cyprus, Czech Republic, Estonia, Greece, Hungary, Latvia, Lithuania, Malta, Poland, Portugal, Romania, Slovakia, Slovenia

the Open call (GGCBF01) for bilateral relations for establishing and developing partnerships.[17]

That culture and heritage are considered relevant for economic development also appears from the Davos Declaration, adopted in advance of the 2018 Annual Meeting of the World Economic Forum by the European Ministers of Culture.[18] "*As recalled in the Davos Declaration, "cultural heritage is a crucial component of high-quality Baukultur". The adaptive re-use of our built heritage presents itself as a necessary strategy to meet the challenges expressed in the Davos Declaration and achieve high-quality Baukultur in Europe, understood as "a new, adaptive approach to shaping our built environment (...) that is rooted in culture, builds social cohesion, ensures environmental sustainability, and contributes to the health and well-being of all*".

The European Year of Cultural Heritage and the Leeuwarden Declaration showed that adaptive reuse is a way to support heritage transition through an "active and meaningful dialogue" which brings together new uses and heritage values. The call for a "high-quality Baukultur" is very well aligned with this, as it strongly recommends developing new and adaptive approaches to shaping the built environment, and working with existing structures, focusing on developing culture, building social cohesion, ensuring environmental sustainability, and contributing to health and well-being. Baukultur**,** it is argued, "*embraces every human activity that changes the built environment. The whole built environment, including every designed and built asset that is embedded in and relates to the natural environment, is to be understood as a single entity. Baukultur encompasses existing buildings, including monuments and other elements of cultural heritage, as well as the design and construction of contemporary buildings, infrastructure, public spaces and landscapes*." (Art. 4). A human-centred approach to the way the environment is shaped is recommended, and there are three elements which express a direct connection between the holistic approach proposed in the document and adaptive reuse: 1) time factors: high-quality Baukultur includes the "quality of the processes of creation and design and the capabilities and competencies of all those involved in the construction"; 2) new needs: by stressing the *social function* of the built environment, it emerges the central importance of "layout and design that is attuned to the users' specific needs", establishing a direct link with issues relate to environmental psychology; 3) a comprehensive vision: the care and preservation of cultural heritage and more the contemporary ways to shape the environment are put on the same level.

In the recent statement (June 2019) *Designing for a Circular Economy,* the Architects' Council of Europe (ACE) proposed a policy recommendation for architect's endeavours to be focused toward a circular economy in the building sector. The key role of adaptive reuse is recognized among architectural solutions aimed at promoting circularity. In the value-oriented hierarchy of actions conveyed in the document, renovation and adaptive-reuse are principal

[17] EEA and Norway Grants https://eeagrants.org/
[18] https://davosdeclaration2018.ch/

elements of the so called "cultural approach", i.e. an approach based on maintain and re-use as the best strategy for both preserving and improving the built environment and avoiding the generation of waste.

2.2.3 Adaptive reuse in the European Research context

One of the five mission areas of the upcoming EU framework programme for research, Horizon Europe, is climate-neutral and smart cities. There will be a cluster (Cluster 2) on Culture, creativity and inclusive society "*Strengthening democratic values, including rule of law and fundamental rights, safeguarding our cultural heritage, exploring the potential of cultural and creative sectors, and promoting socio-economic transformations that contribute to inclusion and growth, including migration management and integration of migrants.*" [19]

This is the first time that cultural and creative sectors are extensively integrated in the EU programme for research. The cluster on Culture, creativity and inclusive society[20] is explicitly aimed at cohesion and integration. The current EU motto is "United in Diversity" and cultural heritage is considered to be one of the ways to give this motto a tangible expression. Heritage explicitly informs how to tackle future challenges, addressing European cohesion, convergence, diversity and creativity across all areas of the economy, society, culture and governance.

Cultural Heritage is one of the three Key Research and Innovation orientations within this cluster. The aim is: better, wider and more equal access, understanding of and engagement with cultural heritage; supporting the emergence of a sense of belonging based on the common roots and riches of the diversity of European cultural heritage; Enhancing the governance of European cultural heritage institutions and networks. Key within this is to improve protection, enhancement, conservation and establish more efficient restoration of European cultural heritage, increasing the quality standards for conservation and restoration.

The programme is very broad (see here) and reuse of existing heritage assets is promoted explicitly[21]. There are many objectives that support further developing this aim e.g. sustainable and inclusive cultural tourism; job creation; for education and (skills) training to make the existing cultural heritage protection practices compatible with societal transformation; develop cutting-edge conservation and restoration technologies and methods and innovative, integrated, sustainable and participative management models, and; connect cultural heritage with the creative and cultural sectors. Some of the current projects – as funded through Horizon 2020, that have been leading up to this increased focus on adaptive reuse are CLIC, ROCK, RURITAG, and ILUCIDARE. Of course wider culture and heritage projects such as UNREST; CoHERE; REINVENT; TRACES; TAMA; ECHOES, as well as projects in the context of JPI-CH and ESPON also have relevance in this context.

[19] https://ietm.org/en/horizon-europe-2021-2027-what-place-for-culture

[20] https://ec.europa.eu/research/pdf/horizon-europe/annex-2.pdf

[21] Research old and new forms of cultural and artistic expression to promote tangible and intangible heritage and intercultural cooperation and valorise traditional skills and reuse existing assets.

Focused upon issues of circular economy and heritage management, the CLIC project – Circular models Leveraging Investments in Cultural heritage adaptive reuse – was launched in 2017, benefitting from the Horizon 2020 funding program[22]. The overarching objective of the project is to demonstrate the economic, social, environmental convenience of heritage adaptive reuse, by developing evaluation tools and sharing innovative "circular" financing, business and governance models. Aligned with this, as of 2019, the Taskforce on "Circular models for cultural heritage adaptive reuse in cities and regions" was born, still built on the legacy of the EYCH 2018. As part of a strategy aimed at implementing the circular economy in cities and regions, this "CLIC community" aims to stimulate a more effective and "operative" dialogue among adaptive-reuse players and crosscutting cultural, social and environmental sectors. In this respect, it is worth noticing that since adaptive reuse "can still be regarded as being an unviable option, while planning and building regulations may prevent the development of re-use projects", the Leeuwarden Declaration urges for sensitizing "all stakeholders on the benefits and challenge it presents."

Yet, the ambition to *Getting cultural heritage to work for Europe* (Publications Office of the European Union 2015) points out the bond between demand-driven reuse and innovative financing and governance models. The research was led by an expert group settled to "outline a clear orientation for how EU R&I policy and programs" which can maximize cultural heritage values[23]. In this context, the focus on adaptive-reuse is an attempt to discover new financing perspectives, complementing more traditional scenarios (e.g. PPP, social enterprises, investment funds etc.). Along with this, the potential of adaptive reuse was addressed in term of attractiveness, namely by stressing a communicative power strongly embedded in this kind of project.

Within the Horizon 2020 framework, it is worth mentioning other projects, indirectly regarding adaptive reuse:

ROCK - Regeneration and Optimisation of Cultural heritage in creative and Knowledge cities. It aims at developing regenerative approaches to address the challenges of historic centres. The analysis[24] of the seven role-model cities forming the project[25] shows that sustainable adaptive reuse "can be seen as a common tool that is used to upscale the cities while preserving their identity and values", strongly intertwined to local contexts. Impacts are then measured in term of innovation economy, environmental sustainability, social inclusion.

RURITAGE -Rural regeneration through systemic heritage-led strategies. Also in this case, cultural heritage has investigated as a resource to ignite regeneration processes by exploring its impacts on rural areas. Although several research

[22] See: https://www.clicproject.eu

[23] See: https://ec.europa.eu/programmes/horizon2020/en/news/getting-cultural-heritage-work-europe

[24] Deliverable D2.3 Guidelines for sustainable adaptive reuse for CH - revised version. See: https://rockproject.eu/documents-list

[25] They are: Athens, Cluj-Napoca, Eindhoven, Liverpool, Lyon, Turin and Vilnius.

areas may fit adaptive reuse issues, the theme has not been explicitly addressed[26].

ILUCIDARE aims at exploring heritage-led innovation and diplomacy by promoting knowledge exchange on different level e.g. Participatory research & Co-creation; Training; Networking & outreach events; etc. One of the learning areas addressed as part of the training activities proposes a focus on adaptive reuse[27].

Overview of examples of direct and indirect, financial and non-financial support for adaptive reuse:

Funding programme	Strand/action	Description/ relevant funding calls	Budget
Horizon 2020	The EU major research programme for the period of 2014-2020 focused on technology and innovation.		€80 billion
	The Societal Challenges	SC5-22-2017: Innovative financing, business and governance models for adaptive re-use of cultural heritage – research and innovation actions. SMEinst-12-2016-2017: Boosting the potential of small businesses in the areas and priorities of Societal Challenge 5, where proposals for SMEs on cultural heritage for sustainable growth are eligible. SMEInst-62-2016-2017-SC6-CULT-COOP: New business models for inclusive, innovative and reflective societies, where proposals for SMEs in creative sectors and cultural heritage are eligible. SC5-20-2019 Transforming historic urban areas and/or cultural landscapes into hubs of entrepreneurship and social and cultural integration	€29.679 million
	Industrial Leadership	NMBP 05-2017 Advanced materials and innovative design for improved functionality and aesthetics in high added value consumer goods. NMBP 35-2017: Innovative solutions for the conservation of 20th century cultural heritage. NMP-21-2014 Materials-based solutions for the protection or preservation of European cultural heritage.	€17.016 million

[26] See: https://www.ruritage.eu
[27] See: https://ilucidare.eu/about/what-we-do

	Projects to follow	Projects focused on stimulation of economic activity and social integration in historic sites: ROCK project, CLIC project, RURITAGE project, OpenHeritage project, HERACLES	€25 million
Creative Europe		Strong focus on transnational mobility, audience development, capacity building, partnership working. Encourages seeking innovative ways to re-use of cultural heritage for contemporary requirements and digitisation. Peer-Learning Scheme on Cultural Heritage for Cities and Regions can be used for seeking good practices in adaptive re-use.	€1.46 billion
Erasmus+		Focus on boosting skills and employability (especially youth), modernising education and capacity building, innovation and good practices.	€14.7 billion
The Cultural and Creative Sectors Guarantee Facility (CCS GF) is managed by ESIF		Established by the European Commission and managed by the European Investment Fund to enable SMEs in the CCS to access loans that normally would not be available for them due to their type of business activity or lack of tangible assets. Expected to create more than €600 million of new loans and other financial products. Provides training for financial intermediaries to adopt specific credit assessment approach.	€121 million
Europeana		An online resource that may be relevant in researching information for conservation statements that inform a scope of adaptive re-use projects. Set up in 2008, contains 54 million items (images, texts, sounds, videos from over 3700 archives, libraries and museum collections across Europe.	Requires €8 million/year to operate
Executive Agency for Small and Medium-sized Enterprises (EASME)		Task force on “Circular Business and Financial Models for Cultural Heritage Adaptive Reuse” established by EASME, DG Research & Innovation in close cooperation with the CLIC partnership provides expertise and advice on linking financing and business models for the re-use of built heritage in cities to circular economy models.	NA
URBACT III		As a know-how programme, URBACT supports networks of cities to develop pragmatic, sustainable and integrated solutions through promotion of best practices, capacity building and peer learning.	€96.3 million

2.3 Concluding remarks

The potential for heritage to help achieve other policy goals has been an increasing focus for policymakers over recent decades. Initially this has stemmed from heritage communities seeking to demonstrate the importance the historic environment may have, beyond a sense of intrinsic cultural worth. However, an understanding of this potential now extends more widely across a wide range of policy-makers dealing with place, including, for example key priorities focused upon climate change and the importance of collective identities. Adaptive heritage reuse lies at the centre of such considerations, as it is where the past and the future are mediated; heritage is sustained but given new purpose as part of ongoing social, economic, environmental and cultural transformation. The recognition of the potential of heritage in this way has, as a result, been increasingly found through policy and programmes at the European level, as detailed above, both promoted by the EU and other relevant Europe-level organisations.

In the upcoming EU programmes and budgets, adaptive reuse has been put on the agenda much more actively than before through and within various agendas. There are more and more pathways being explored and created to integrate and mainstream heritage (at least partly) through promoting adaptive reuse. Not only will it continue to grow within the heritage and cultural agenda's. It will also be further integrated in other agendas such as economic (growth) and regional development agendas, quality of the built environment and architecture, as well as the 'green' agenda's around material sustainability, recycling, and waste reduction.

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3 THEMATIC ANALYSIS

3.1 introduction

OpenHeritage aims to share innovative governance and finance initiatives for adaptive reuse of heritage assets. As explained in chapter 1.2 of this report, we collected data on the legal and regulatory framework, government policy, and finance and funding mechanisms to give an overview of the formal structures for each of the fifteen countries of the OpenHeritage project. The overviews are presented in chapter 4 of this report. These overview create the contextual understanding of the workings of the legal frameworks, policies, and funding mechanisms through and under which heritage assets can be re-used, including the main actors, the barriers and openings created in the national systems?

This chapter of the report presents the thematic analysis of the country overviews to address the final research question, which was to reveal the patterns and themes that appear across countries, creating an understanding of similarities and differences between systems and approaches. This is a review and overview picking up on recurring themes, across the various national systems, but by no means all themes are present in each country. The aim is to reveal the themes that are significant in the formal frames of adaptive reuse, as well as the different ways a theme relates to adaptive reuse. For example, when *ownership* is a raised as a theme, then the goal is to try and understand if and how different types of ownership (e.g. public or private) affect adaptive reuse.

3.2 Adaptive Heritage Reuse across Europe

Unsurprisingly, the main domains regulating *adaptive reuse of heritage buildings* are broadly the planning (including design and building regulations) and heritage (mostly built heritage) domains, and the legislations, policies, procedures, programmes, and attendant funding priorities. There are also other programmes and policies that influence adaptive reuse, by making it easier (or more difficult) for people to undertake projects. These are wide ranging, e.g. energy-saving programmes, crisis recovery acts, policy on participation etc. They often reveal relations to a wider context of influential events (Financial Crises, joining – or leaving– the EU) and more general goals of e.g. sustainability.

The analysis shows how heritage and reuse in themselves are not clear-cut terms. Definitions of heritage tend to be broadened beyond legal status by cultural and or planning policies, sometimes also extended or 'stretched' by the influence of international instruments such as conventions by UNESCO (IHC, HUL) and CoE (Faro, Landscape Convention). Adaptive re-use, despite it being a common term in some heritage circles, as a term is not included in policy by most countries considered here. In some countries this is simply because adaptive reuse of heritage is not a very common practice. In other countries it seems that it is not mentioned in policy, because it is such a common practice.

Despite adaptive reuse being a common term in some heritage circles, it is not included as a term in policy by most countries we looked at. In some countries this is simply because adaptive reuse of heritage is not a common practice. In other countries it seems that it is not mentioned in policy, because it is such a common practice. This means we also need to question what is meant by 'adaptive reuse' in the various countries. We see that there are different terms, but also different practices. Sometimes there is a 'special' word (e.g. *herbestemming* in Dutch). However, more commonly adaptive heritage reuse might be implicit in other terminology. Unpicking this is complex. Terms used to encompass adaptive reuse might include heritage restoration or rehabilitation but equally reuse maybe embraced in more contentious terms such as reconstruction, or part-reconstruction. Equally adaptive reuse could relate to projects where reuse has been undertaken with little visible / material intervention. It can also relate to temporary reuse, through activism, that doesn't change the building but shows its potential, protests demolition, or provides a glimpse of the alternative futures. It is also difficult to be firm about how the concept relates to areas or archaeological sites.

That definitions and terminology vary, is to be kept in mind when reading the country overviews. The overviews are based on desk research, literature research, and expert interviews. The latter were mostly reflections by practitioners on the relative importance of policies and procedures. Discretion, and the making of exceptions, is not uncommon in the field of adaptive reuse. This can mean discretion to enable drastic, negative intervention to heritage buildings. Equally, there is evidence of very interesting practices emerging 'against the odds', and despite barriers in the system. Our focus here however is on the formal system, the legal and regulatory framework, government policy, and finance and funding mechanisms, and where possible the type of practices and projects it encourages or discourages, without going into detail on specific practices.

Finally, a lot of the bottlenecks mentioned by many interviewees have to do with complexity, density and contradictions within the planning and heritage systems (e.g. Flanders, France, Germany, Italy) in terms of overlapping responsibilities and plans, as well as a lack of coordination and cooperation (e.g. England, Austria, Portugal, Spain) between different levels/authorities. These issues are not specific to adaptive reuse but become highlighted in projects that need heritage and planning systems to collaborate.

In the following paragraphs we first unpack the heritage contexts further, and the integration of policies, programmes and procedures around (land-use) planning and heritage. The systems of heritage protection – all the countries we look at have one - are important of course, and when a building or site is listed, they tend to determine what the limits of acceptable change are to it. However, also of importance is how decisions are made in the wider context of urban plans and policies, where changes of use, buildings, character, or ownership are also being regulated to varied levels. So, the context of planning and urban design policies and procedures is important, as in many countries we see how a lack of overlap between the two domains makes reuse more difficult.

Subsequently the chapter discusses the (changing) roles and responsibilities of other actors in the processes around adaptive reuse, as well as the influence of EU programmes. This is followed by a general introduction to heritage as a resource, and the finance and funding mechanisms that influence adaptive reuse.

Table 2: the fifteen countries OpenHeritage has case studies in

AT	Austria	HU	Hungary	RO	Romania
FL	Belgium (Flanders)	IT	Italy	SK	Slovakia
EN	UK (England)	NL	Netherlands	ES	Spain
FR	France	PL	Poland	SE	Sweden
DE	Germany	PT	Portugal	UA	Ukraine

3.2.1 Heritage

This section considers how is heritage is defined in the countries studied. Most countries have a *national* Act, setting out a system of registering and listing heritage assets on Nation State level. This can also be set on the sub-national country level, such as on the level of Flanders and England, instead of Belgium and the UK. In Germany it is constitutionally devolved to regional level (federal states), and there are 16 heritage Acts.

In most of the countries considered general definitions of heritage are common (e.g. monument, area, garden, landscape, archaeology), albeit in some cases there are also more specific categories (e.g. architectural, military (HU) work of recent architectural interest (FR)). Most countries use a division between movable (or cultural) and immovable (or built) heritage, and there is also often reference to both tangible and intangible heritage, although intangible often remains without conservation regulation or policy.

In defining heritage, many countries make mention of statements along the lines of *bearing witness to or being created by human expression or interaction with its environment*. Indicating that the one of the main criteria for heritage is that it is a human legacy.

For example:

- Reflect the identity and creative power of the society, more specifically the local communities (HU);
- Contribution made by Spaniards to universal civilization and its contemporary creative capacity (ES);
- Inherited from the past, interaction between human and the environment, reflection and expression of continuously evolving values, beliefs,

knowledge and traditions, offer a frame of reference to them and to future generation (NL);
- Expressions of human activity (SE)
- Bearing the value from the past to the present (UA);
- Being a testimony of a bygone era or event, and the value - material or immaterial - given by the ancestors and defining our culture (PL);
- Created by humans and/or the landscape, all cultural expression of communities which are valued as such within a certain frame of reference and passed on to coming generations (FL)
- Created by human beings (including remains and traces of human formative work and artificially constructed or shaped soil formations) (AT)

Subsequently, most countries when talking specifically about built / movable heritage, provide further criteria through the types of values that are deemed relevant for heritage designations. Common criteria include:

- historic;
- aesthetic / artistic /architectural / compositional;
- research / scientific / technical;
- cultural / cultural-historic / craft;
- environmental/ natural/ landscape;
- urban / morphological, setting and surroundings.

Other values referred to include use and socio-economic value, (PL, NL) innovation value (NL) and ethnographic, civil, social, public value (ES, IT, NL, FL)

Looking at the heritage protection systems across the fifteen countries, the main commonality is that they all have legal heritage protection. Cultural heritage is mainly classified between moveable (or cultural) and immoveable (or built) assets. International documents such as the 2003 UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage, have had some impact; many countries have updated their regulations by including reference to intangible heritage, albeit often separate from tangible heritage, and not necessarily with protection measures. Thus, in most legal systems the idea of heritage as material tangible (old) objects continues to prevail. If intangible elements related to these heritage assets are referred to, such as traditional uses or practices, they tend to be evaluated in traditional ways, for example, through considering 'proper' use, or making connection with traditional building skills.

National heritage lists and registers contain buildings and /or areas with historical and cultural significance. Most countries also have the opportunity to list on a regional or local level, even though this often comes with different (often lower, locally determined, or even no formal) protective measures. Moreover, a concept of 'setting' (direct context of the heritage asset) either formally set (e.g. the area 50 metres around a listed building) or more general (the setting of a listed building, defined by how it affects the significance of the heritage asset), is part of most systems, enabling decision-makers to consider the impact development might have upon how a heritage building is understood in the wider urban landscape. What is defined as heritage (or monuments) legally is often broadened by the influence of national or international cultural, heritage and planning documents, which can widen or stretch legal definitions to include, for

example, more elements and aspects of the landscape, the historic environment, cultural practices or community value, through including them in policy or in listing descriptions, but also through concepts in planning policy such as setting or character.

Importantly, most countries have some sort of difference between what is being defined as heritage, and what is being protected as such. That is to mean, all that is protected is heritage, but not all that is heritage is protected, or protected in the same way.

3.2.2 Conservation

"Conservation" in terms of its use in a legal and policy context, is defined, in all countries, around ideas of protection, restoration and maintenance of material (and sometimes immaterial) aspects of heritage (e.g. DE, PT, FL, SK, HU, UA, PL, IT, RO, ES, AT). Some of these countries are very focussed on the material harm / aspects of heritage, where conservation is mostly about material condition (authenticity and integrity), and protecting from (further) harm, and recreating parts when lost (PL, UA). There are also countries that use a more general description of caring for, managing, paying attention to the historic environment, supporting the quality of the living environment (e.g. NL, SE, EN). In most countries, conservation can also apply to the spatial characteristics of an area. Some countries include use in what can be controlled for heritage purposes (HU, PT, NL, IT)

Many countries make reference to the importance of research and documentation (e.g. DE FL PL SR NL IT), for recording. In some countries this is also explicitly linked to using heritage for and making heritage accessible to the broader public (e.g. NL, FL, IT)

Overall, two principal regulatory systems can be distinguished in accordance with levels of protection; that is, unitary and graded systems, with the latter tending to some with greater scope for discretion and negotiation. For example the Italian legal system is built on a binary approach: heritage assets can be protected (1) not protected (0). In other countries, legislation is based on a more nuanced system, for example using grades of protection (as for example in England), or a 'scale' of cultural significance varying from (inter)national to local interests as is the case in Spain, Portugal, Hungary, Romania, Sweden, the Netherlands, and England, ultimately allowing different level of flexibility, as the different nuances allow for different limits of acceptable change. In many countries, as we will discuss in more detail below, parts of the historic environment are also protected through the planning system, in e.g. conservation areas (EN), areas of culture-historical value (NL) or settlement images (HU).

3.2.3 Limits of Acceptable Change

As particularly evident in England and Hungary, this leads to a significant "grey zone" where discretion applied by (local) planners and heritage officers can be significant in defining limits of acceptable change. This means there is significant potential for local development through adaptive reuse, but at the same time the

discretion of the protection process might threaten the value of these cultural assets and thus hamper adaptive-reuse process.

The limits of acceptable change as defined by the heritage systems are significant in adaptive reuse projects, especially when protection is strict due to the significance of the building or the way the system works (binary). However, especially in the 'grey' zones, some level of protection often comes from the planning system. This protection can be legally binding, but often is guidance, suggested, or up to the discretion of local planning and heritage officers.

3.2.4 Capitalising on, Using, and Commodifying heritage

An overall tendency towards capitalising on 'cultural-historical values' is revealed in all the countries. In policies, we can see an overall shift towards seeing heritage as a resource for development, for engagement, for branding, rather than (only) a cultural asset and as such significant in defining (national) identity and history. England and the Netherlands are pioneer examples on the matter, corresponding in their more flexible the legal/ regulatory context, and explicit mentioned of economic and use value of heritage in policy. This is a trend that has been reinforced by international documents (e.g. HUL recommendation, Faro Convention). As a result, there is room for flexibility, and a willingness to 'use' the heritage, often facilitating adaptive reuse projects. In other countries we see this shift too, but more in the context of using it for stimulating tourism (PT, HU, IT) which then doesn't necessarily facilitate processes adaptive reuse (this will be further addressed under funding and finance topics).

3.3 Planning and the integration of heritage and planning systems

Spatial planning, like heritage, tends to have a framing at national level, varying in remit and influence. Usually, at the national scale planning sets a framework for future development, addressing issues such as infrastructure, water, and economic development. However, not all countries have a National Planning Act (e.g. Austria).

Planning is an important domain that regulates reuse processes. A wide variety of ministries and government agencies are responsible for planning and spatial developments (from environmental to industry & innovation, from transport to internal affairs). This spreading of the planning remit influences what planning is *for* (e.g. economic growth, sustainable development, environmental quality), and thus the national narrative or focus of the planning agencies. This also influences the way in which adaptive reuse of heritage is stimulated (or not). When economic growth is the core objective in a planning system, demolition and new build is often preferred over adaptive reuse. This can be because the value of heritage is seen as low, or the difficulty of developing heritage is (perceived as) too high and costly. The latter can occur because of legal restrictions.

In recent years, some countries have new policies emerging focussed on a 'high quality living environment' (NL, SE) integrating more sectors (environmental, spatial, design, culture, social, environmental) than previously (e.g. including but

beyond 'quality design'). The 'quality' of the 'living environment' is often partly described by definitions such as 'character', which is to do with types of use and users in the area, as much as what it looks like. This is often developed through land use requirements as well as setting guidelines for (new) design in existing areas, including how to deal with the existing environment and thus heritage and adaptive reuse.

Sustainable development of the historic environment can also be part of a "narrative" which affects planning and heritage policies e.g. England, the Netherlands, Portugal, and France. Nevertheless (aside from NL), new trends and paradigms such as circular economy have made little impact on heritage policies. Particularly, in countries where the "culture of construction" is still dominant (e.g. ES, IT, etc.), environmental-friendly innovations in the sector, ultimately based on new buildings and materials (re)cycle, struggle to establish roots.

3.3.1 Levels of Governance, regional integration

Whilst planning, decisions are often to a large extent devolved to the level of local government (within the general regulatory framework on national level, and potentially a regional level coordinating cohesion / harmonisation), decisions over the management of built heritage often remain with national systems of administration (e.g. HU, RO). How much power local level governments have over heritage-related decision-making varies significantly between the countries considered. Importantly, less influence over decision-making at a local level tends to make adaptive heritage reuse more difficult.

The power local authorities have in designating and managing heritage depends on various factors. Some have no or limited legislative power to designate, and/or they just have legislative power (responsibility) to protect what is listed on a national level. Some can designate locally, but have little to none legislative power to enforce protection, or they don't have the budgets to do so. They may be responsible for protection of national heritage without getting a say in designation, or getting special budgets for this protection. There is also much variation in how heritage and planning are integrated at local level. It is much harder to achieve integration when decision-making for heritage and planning systems is made at different governmental levels, and this affects the realisation of adaptive reuse projects as they generally require both forms of approval. Some countries have heritage and planning officers combined in local authorities (EN, NL), whether they are part of the same internal department or not. Other countries have separate administrations. In Italy, for example, heritage is designated and managed through devolved regional / local offices of the cultural heritage agency, independent from local government.

The use of words like character, significance, and quality, in planning are interesting for adaptive heritage reuse, as they create a 'grey zone' where levels of protection, and thus the limits of acceptable change, tend to be more negotiable – which can refer to style, material, landscape structures, local practices and traditions, the particular use and users of an area, or all of those. Such context may allow for more flexibility than 'listed building' when it comes to reuse / interventions. Wider strategic plans (in addition to land use plans, or just

in general) tend to help define this environmental character element, land use plans can facilitate this, but are generally more focussed on individual objects.

3.3.2 Approach of government

Government at different spatial scales has a key role in setting the context for adaptive heritage reuse. Furthermore, in most countries the state tends to have significant heritage assets in their property portfolio. Despite this, governments are rarely to be found at the forefront of innovative practice in adaptive reuse.

In many countries, a response to the 2008 financial crisis was asset disposal, including heritage assets. This was often as austerity measure, for quick economic gain. It rarely, therefore, led to demonstration projects, whereby, for example, government made it possible for such assets to be taken over and revived by a particular community, and become of value through adaptive reuse. The Netherlands, England and Portugal have made some efforts in this direction (e.g. community asset transfer, pubic-public partnerships), although these initiatives often seem still very austerity driven, and focused upon removing the costs for maintenance and operation.

Government ownership could mean that governments are proactive in piloting heritage reuse themselves. For example in the Netherlands, the Central Government Real Estate Agency is stimulating new reuse approaches by undertaking 'unusual' reuse projects for their own ministries e.g. through applying the principles of adaptive heritage reuse to unlisted buildings since 1992 (e.g. Rijnstraat 8), and through exploring new forms of public-private financing and partnerships with the market (e.g. DBFMO: Design Built Finance Maintenance and Operate) for adaptive reuse of a listed national monument (e.g. Bezuidenhoutseweg 30). Such testing or piloting in a proactive role is unusual, however. Instead many governments tend to be risk averse, reactive, and at best facilitative. More common are national and regional policies that help create a 'market' for reuse, by restricting sprawl (e.g. IT), or by focusing on more efficient use of existing resources & recycling (sustainability policies) as well as mapping vacant space, and supporting (or hiring) 'match makers' between users and vacant space (FL, NL).

Barriers to adaptive reuse are often related to risk, which can mean risk in terms of administrative processes. De-risking the process of adaptive reuse, through clearer regulator frameworks, would be welcomed in many situations. The relative unpredictability of building and permit processes is an issue in many countries, especially when it relates to bottom up processes, where the people undertaking a project are often doing this only once. Risk can thus lie in complex to navigate systems, leading to high procedural fees, and making it hard to get approval due to a lack of access 'into' the system, compounded where there is a lack of certainty over approvals will ultimately be received. Also for more seasoned adaptive reuse project undertakers, there are issues, such as the variety of approaches across one country because of different legal systems per region, (e.g. Germany) or uncertainty because of the level of discretion and difference in approach per local authority (HU, EN), lack of support, interest, or simply a lack of capacity to deal with the number of applications leading to very long waits.

On a national level, some countries have very specific programmes to facilitate and steer some investments in reuse of heritage (and thus not others), or offer funding programmes to invest in particular parts of the city / country e.g. High Street (EN) villages and rural areas (HU), industrial areas (RO, EN), churches (NL, FL), deprived urban areas (IT, PT, HU), housing (SE, AU, UA), youth (IT) and tourism potential (HU, PT).

Many decisions also relate to the fiscal base of local authorities. When revenue is derived from heritage led tourism (e.g. tourism tax, job creation), reuse is more common than when the mina income is obtained through business taxes. In general we see a move to 'useful' heritage, both through how reuse is funded (through use rather than the heritage itself) and the integration of heritage in other policies (reuse for youth policy, reuse for community engagement, reuse for creative sector, reuse for tourism, reuse for character, reuse for peace ..), which means heritage becomes fully commodified and utility focused. Rather than telling the stories of the asset in a multi-vocal way, and thus have a/ wider range of stories and voices, stories that help 'sell' the building or help fund the buildings reuse / protection are prioritised.

3.4 Use, Re-use, Adaptive Re-use

3.4.1 Provided definitions

This table contains the definitions of adaptive reuse per country as provided by the templates. Adaptive reuse as a professional, empirical understanding is present in all countries under study, but definitions in policy (a few) and legal (only in Sweden) definitions are scarcer.

Table 3: adaptive reuse definitions per country

DE: "Umnutzung" (re-use) or "Nachnutzung" (after-use) is frequently used and a variety of terms are used to describe different measures that are applied in adaptive re-use but which are not specific, such as rehabilitation, renovation, refurbishment, reconstruction, etc.
EN: common practice, included in the term conservation, defined as sustaining and enhancing the significance of a heritage assets. Often bringing vacant / poor condition heritage buildings back into use.
ES: closest comes rehabilitation (rehabilitación): "structural or functional adaptation work of buildings which pay attention to their architectonic characters." This is related also to the owners' duty to improve their property (deber de mejora). Clear definitions of terms such as rehabilitación, regeneración y renovación urbanas, are lacking.
FL: professional understanding: re-use of heritage objects. Conservation is defined as including the mapping, registration, documentation, selection, listing and re-using heritage.
HU: the use of the building appears in terms of "proper" use, meaning that its use is suitable to its intrinsic value, and a use that does not damage the heritage values of the building; Professional understanding is new function to an old building. Sustainable use:

using protected heritage in a way that does not lead to physical, ensure survival
IT: “riuso/recupero” is often used and is about “to re-use and rehabilitation” some buildings and zones that have lost their original use
NL: herbestemmen (verb) literally means giving a new ‘destination / designation’ or to re-assign, giving a new use to an old(er) building. This includes, but is not limited to listed ‘monuments’, (cultural) landscapes, and conservation areas (Policy definition)
PL: Legally in architectonic administration language ‘adaptation’ means that no building works are needed to change the use, at most a refurbishment, which doesn’t require any permit. Conservation recommendations can include specifications on the manner of using the monument, as well as on the scope of acceptable changes that may be introduced in this monument can be provided.
PT: reabilitação / rehabilitation
RO: processes through which the building or a set of buildings which lost its original purpose is actively adapted to the new function in technical, constructional, architectural, and urban aspects, with preservation of its spatial structures.
SE: “alteration of a building: one or more measures that modify a building’s design, function, use, appearance, or cultural-historical value” (legal definition)
SK: In Slovakia adaptive reuse (konverzia) is considered as a processes through which the building or a set of buildings which lost its original purpose is actively adapted to the new function in technical, constructional, architectural, and urban aspects, with preservation of its spatial structures. The result is consistency of the new function with the spatial design, historical background, and the context of the place.
UA: professional understanding, contemporary use of the cultural heritage object without changes of its heritage value, including restoration of elements of historical and cultural value. A widely used term is “museumification” which is considered the best way of preservation, however, now there is an opinion among experts about the necessary amendments to the law to include more instruments and understanding of revitalization and heritage reuse, and not only museumification, in the context of market economy and new stakeholders from the civil society.

3.4.2 Positioning adaptive reuse

Reuse is positioned in different ways in different countries. Often it is seen as a catalyst for development and, implicitly, a means for boosting property markets/ gentrification. In some countries it is explicitly positioned as a tool for urban regeneration (PT, IT). In these countries heritage reuse is (partly) funded through urban regeneration money, usually with a focus on deprived areas. In other countries reuse is much more directly related to solving vacancy (IT, RO, NL) and often also restricting urban sprawl (e.g. IT, NL, FL), or to facilitate the creation of more direct links between heritage and (their) communities (FL, EN). In countries where reuse is less common within formal policy frameworks, heritage is still being reused, but in a more bottom up way. This can mean, for example, projects led by activists, by protest groups (against demolition), artists

in need of affordable studio space. This may occur in an illegal or semi-legal setting (e.g. through squatting, occupation, etc).

As mentioned in the introduction, adaptive reuse may be a common term in some heritage circles, it is not included as a term in policy by most countries we looked at. In some countries this is simply because adaptive reuse of heritage is not a common practice. In other countries it seems that it is not mentioned in policy, because it is such a common practice.

When heritage and/or reuse are not a policy priority on a national level, reuse of heritage still occurs. In addition to the local possibilities (PL, UA, HU, RO) and the temporary reuse discussed so far, adaptive heritage reuse is sometimes also stimulated and funded through a strong framework of regional identity (ES, Austria). It is also clear that adaptive heritage reuse aligns well with some market-sectors across the countries we looked at; especially the creative industries and the IT sector, where the reuse of certain type of buildings is fashionable with the aesthetics linked to a certain ethics (sustainability, culture, recycle, not-corporate). Through its cultural programmes the EU is also supporting this trend to some extent.

3.4.3 Use and reuse

When we talk about adaptive reuse, obviously how *use* is dealt with, and in particular *change of use*, is important. Use can be linked to land either indicating zones, or per plot (land use plan, most countries) or to existing buildings (UK).

In most cases change of use needs to go through an approval process. This may involve, for example, regional, provincial and municipal rules (e.g. Flanders) or consistency with land-use and/or development plans (e.g. Italy, German, Austria). In some countries it was felt there was a lack of guidelines on use and specifically the impact of use on cultural assets (Hungary, Romania). Overall, more flexibility in terms of change of use is often granted under the pressure of the market (e.g. Hungary, Ukraine, Sweden), which potentially threaten heritage protection.

Mechanisms and practices to facilitate reuse include:

- In some circumstances, change of use between particular types of use can be allowed without planning permission (permitted development rights). However, the lack of regulation can also lead to problems, and in heritage contexts (e.g. conservation areas) these rights are usually revoked.
- Temporary use options can be important to bottom up reuse processes, which often start with temporary situation.
- This is linked to the option to temporarily change the use of a building (in land use context) or in other ways provide (temporary) exceptions. In some cases, this will have to be made possible on a national level (e.g. in NL by crisis and recovery act stating local authorities can decide to allow a temporary change of use from 1 day up to 10 years). In others it is a local level decision already possible within the (often legally binding) land use plan.

- Possibilities to temporarily unlock 'on hold' public land / buildings for certain initiatives
- Some cities and countries are developing 'vacancy' maps (NL, IT, FL, UA) or heritage @ risk lists (UK) which are a good start for further thinking about urban regeneration, especially where linked with restrictions upon urban sprawl. Such initiatives can also help prioritise reuse actions for certain areas / assets (e.g. NL, UK). In Ukraine, an inventory was undertaken by CoE rather than the state or a city, which hasn't led to the same results (e.g. new approaches from state to vacancy), but it may be helpful local actors.
- Other initiatives include Matchmakers (regional or local) between vacant buildings and users looking for a building, and Monument Mentors, experts advising on (volunteers, through local government, consultancy) navigating procedures as well as guiding the general process of adaptive reuse especially for one-off projects.

3.4.4 Heritage significance: use and character.

Use can be part of the heritage 'character' for an area or building. So, for example, in the case of high streets new uses might be requires to be at least 50% commercially focussed to keep this character. Another example is often seen in (former) industrial areas, where reuse is focussed on continuing the 'industrial' character by e.g. focussing on new forms of manufacturing and innovation and or the creative industries. However, no examples were found whereby the use of a building was confined to its historic purpose.

3.4.5 Politics of reuse

Heritage is always political. And interventions in heritage therefore are too. Whose histories are you interacting with, deleting, highlighting, who belongs, feels at home enough to invest their time or money? These issues are more visible in some contexts than others. Post-communist /socialist contexts, often have strong reactive policies and actions against those more recent histories, leading to rejection of these histories / heritage legacies, and even to demolition (de-communisation) of communist legacy in the built environment (UA) and a lack of appreciation for the heritage / buildings that refer to these histories (or also sometimes a nostalgia for these histories e.g. in former Yugoslav countries). This easily leads to neglect and disrepair, and eventually demolition. In other cases, potential heritage is not recognised as such (e.g. industrial sites in Romania, in the context of very recent and ongoing industrialisation).

Conversely, the adaptive reuse of some types of heritage is very attractive because they have the right (trendy) aesthetics and size (e.g. industrial heritage in many other countries) or a particular meaning to a particular community (e.g. religious heritage). This leads to an interest to invest in a building/area because of character, either commercially or communally.

Heritage has a mobilising power, a platform to invest in, to get communities together around to and to protect and reuse 'together'. But we have to remember to reflect critically on this too, as reinforcing ideas of 'roots' and belonging can also explicitly exclude and create un-belonging.

3.4.6 Procedures and regulation

Efforts to secure better integration between regulations and a more co-ordinated approach were evident in some countries. National or regional coordination of approaches to heritage and reuse can help. This can be done by 'soft tools' such as sharing practices, knowledge, experiences, examples, and undertaking joint pilots, especially to de-risk and clarify the process, especially in situations where local authorities have a lot of power to decide. Often however, there is no funding for such programmes. Local authorities could also benefit from joining peer-to-peer networks, but also specific peer-learning schemes on cultural heritage for cities and regions supported by EU funding.

Even when decisions are not made at the local level alone (e.g. national heritage) local government can have a lot of influence in how / if reuse happens through the way local planning (and heritage) officers advice or judge issues in relation to design quality and heritage values. How advice is offered is also important; is it free, is it positive towards reuse, are there example projects, are there opportunity to discuss plans early on in the process, is there a willingness to facilitate reuse etc.? Even when national frameworks set procedures and policy, they are applied, agreed on, and practiced on local level – and most adaptive reuse practice will initially be decided upon at local level.

Building regulations and guidance are mainly set at local level and function in combination with local or regional plans. The majority of the countries considered opt for non-standard solutions to be applied to listed buildings, solving creatively issues related to energy efficiency, health and fire safety, either on a case-by-case base, and/or because the legal framework already provides some exceptions (e.g. energy measures). That doesn't mean all confrontations are easily solved. To stimulate the application of some regulations around e.g. energy additional funding is sometimes available, or access provided to different (low interest) loans in some counties.

Moreover, in some countries, e.g. Portugal and Spain, the shift from a (new) construction-oriented system to one based on reuse/rehabilitation goes in parallel with the updating of building codes and regulations, establishing exceptional, proportional or flexible criteria aimed at supporting adaptation processes. Considering the "co-evolutionary" approach which is at the basis of community-led adaptive reuse, it is also worth highlighting the idea of "proportional and progressive improvement", recently introduced in the new Rehabilitation Legal Regime (95/2019) of Portugal to allow more flexibility and proportionality in renewal interventions. "Special" regimes are also at the core of e.g. the German regulation specifically designed to deal with rehabilitation of areas, assuring a higher level of flexibility.

Experiences such as those regarding urban commons regulations, as currently being implemented in Italy, show the significance of administrative innovations in terms of public-private-people partnerships (4Ps) and, more broadly, in relation to public procurement and tendering. Procedural aspects and requirements to participate in public tenders or to initiate projects such as: fee for pre-application (e.g. EN), costly guarantees (e.g. IT), tenders based on principles of "low expenditure" or "construction efficiency" (e.g. PT, SP), are counter-productive to

innovation and risk taking actors. Thus, revising the way public tenders and procurement processes and criteria are set up, as well as which assets and funding are granted might mean a significant step forwards in designing a more open and also a more accessible and thus potentially more participative context. This, it should be noted, regards not only the initial phase of the process but also the evaluation framework through which project are assessed and thus supported in the implementation phase.

3.5 Participatory governance

3.5.1 Participation and community engagement

Material aspects are predominant in how most cultural heritage is addressed and managed. Even though community engagement is becoming crucial element in many national debates, in practice, few countries have already put in place participatory tools to shape the urban environment. Alongside community-oriented planning tools, mechanisms of asset transfer are established with the aim to facilitate the devolution of decision-making powers from state to community. Whereas in England it is indirectly linked to adaptive reuse, by empowering local community in the planning process, in other countries, such as Italy, it explicitly conveys a supportive measure for heritage enhancement and reuse.

Since the 2008 financial crisis, more attention is being paid to facilitating community initiatives and participation, if only as a way to deal with austerity in local government. In countries where a state and/or expert-oriented approach still prevails community initiatives are less promoted, and may even be actively discouraged through creating difficult bureaucratic structures to formalise and organise. In the Netherlands and England for example, the reorientation of the system has put a strong emphasis on people's actions (do-democracy) and decision-making (Big Society). In the case of France, Portugal, Italy, and Spain, community-led adaptive reuse initiatives exist, but still are a minority part of the construction sector, lacking structural support from central and local governments.

In participation and community engagement the recognition (and thus regulation) of temporary (change of) use, as a tool is also important. Time factors are crucial elements of both community engagement and heritage adaptive reuse, and making temporality possible means making community action more feasible. In many countries there are no significant regulations and/or policies as part of a long-term strategy based on progressive (phased, temporary) renovation, reuse, adaptation of built heritage, and this lack is often fostering squatting and illegal appropriation.

Moreover, by considering cultural heritage adaptive reuse as a continuous process, it has to be noticed that the focus on community involvement is mostly concentrated in the initial phase of the process, regarding raising awareness, providing information or decision making. Subsequent stage in the process, such as project construction (e.g. DIY practices), management and implementation, are rarely mentioned or included in local regulation and never considered in national acts as social innovation tools to be applied in the construction sector.

More positive examples include Polish revitalization programs explicitly based on the involvement of local society in the preparation phase, management of the process and final evaluation of results and in the city of Vienna self-build housing co-operatives (*Baugruppen*) are promoted and are thus a way to encourage self-organization throughout the construction phase. Aside from these experiences, a case-by-case approach seems to prevail, often showing political bias: rules about uses can be relaxed with the aim to favour specific developers (Hungary), specific contracts might be defined to access peculiar assets (Spain, Italy). This seems to show a deficiency in term of people-oriented strategy in territorial development.

3.5.2 Other-than-public actors

Austerity, and generally a lack of funding, in most countries led to further devolution of responsibilities around heritage, sharing them with lower tiers of government, but also with commercial actors, with third sector organisations, and communities. However, devolving responsibilities also doesn't always mean also devolving funds and power. Changing responsibilities in governance, without changing them in terms of resources (to funding and power as well as knowledge and experience) leads to procedural issues. It also means new actors bring their own approaches and aims, whilst they often don't have the same democratic accountability as the (local) state. The third sector (including NGOs, universities etc) also can have a role in filling the gap creating by a lack of capacity in the local state. Thus in some countries some of the work around making adaptive reuse visible is done by local /regional architecture centres (NL, FL), accreditation bodies (such as RIBA) or through work (commissioned) by national urban / heritage knowledge centres (often state funded, or through universities). This may encompass training days, workshops, the undertaking of studies, offering specific or additional certification or accreditation, and creating discussion platforms, for adaptive reuse / urban transformation / regeneration. Such actors also sometimes facilitate or guide processes, consult, or do match making and share their knowledge / are a platform for others to do so.

In some countries there is evidence of non-governmental public bodies (often in partnership with government) working towards adaptive reuse for their needs, e.g. sometimes universities and housing associations are at the forefront of reuse initiatives (e.g. SE, NL, IT, DE)

3.5.3 Partnership working

Public-private partnerships (PPP) in heritage protection are not common in most countries. They are used in countries including Italy, where the CBCP recognizes donations (erogazioni liberalior mecenatismo culturale), based on tax exception or reduction, and sponsorships, which promote conservation and the enhancement of cultural heritage. The sponsor's endeavour is rewarded through the positive association between the project and the sponsors name, image or brand.

3.6 Influence of EU programmes

The potential influence of EU integration seems very high, particularly through funding programmes. This is most visible in recent EU accession countries. EU integration for some countries also came with a significant increase in territorial funding, leading to an uptake in urban regeneration and reuse projects, e.g. through Regional Development Fund (which (co) funds programmes such as Interreg, Leader, Creative Europe), or European Social Fund, Cohesion Fund). These EU funds and themes determine the policy focus (e.g. tourism for economic development). Direct stimulants for adaptive reuse through those funding pots could be clearer towards reuse – whilst is possible, this agenda is not necessarily highlighted.

Investment in heritage and reuse is often because of potential economic gain, mostly tourism (HU, PT, UA) potential, or urban regeneration (PL, IT, PT) which is often directly linked to EU investments / programmes. Crises in many countries led to 'recovery' legislation and policies that also focussed on seeking EU support for regeneration. We see a move to reuse after crises (e.g. 1999 SE; 2008 UK, NL, PT, IT) over new build.

3.7 Heritage as a resource

Heritage is often perceived as a resource for tourism and linked with the tourism development of specific area (Italy, Portugal, Spain, Romania). In the case of Romania, cultural heritage projects are realised under the Regional Operational Programme on sustainable development and the promotion of tourism, including the sustainable restoration and capitalisation of cultural heritage and the establishment or modernisation of a connected infrastructure. Heritage is widely used as a branding and marketing tool, and historic environments create a favourable climate for specific groups of users that might be engaged in reuse projects such as artists, education workers and start-ups. Projects can be facilitated by financial mechanisms e.g. providing low rent and longer lease options, rent and facilities 'package deals', shared facilities. In some countries (Netherlands, Ukraine) this may be supported by private investors.

In some situations publicly owned heritage buildings maybe be sold to private investors e.g. 1990s in Germany, the Netherlands after 2008 economic crisis as a mean of repairing public budgets. This procedure could also lead to unlawful actions, for example, in Ukraine and Romania where historical sites could be sold based on the administrative decision to private investor.

3.7.1 Funding and financing

Most heritage protection funding relates to national state budgets. There are hardly any examples of private bodies apart from listed property owners who are responsible to keep them in good technical condition especially in Eastern Europe countries.

Significant findings include:

- In general, public bodies like ministries supervise most substantial funds. However specific projects are realised on local level from municipal budget. For instance, in the Netherlands all levels of government have a strong interest in stimulating adaptive reuse, in terms of support and facilitating the process, being partner etc., and committing financially with central government investing 325 million extra in their current 'Heritage Counts' 2018-2021 policy programme.
- Analysis shows that in countries like Portugal and Poland the capital of public funds for heritage protection is incremented by fees on illegal demolition or exportation cultural heritage.
- In some cases, like Belgium and England there are special funds or foundations involved in heritage protection. The sources of their budgets are philanthropic giving, the national lottery, and revenues from fund management. In England funding for adaptive re-use comes from a variety of sources, but by far the most significant is the National Lottery Heritage Fund.
- On the other hand, in countries like Poland, Hungary Ukraine and Romania there are no dedicated funds for adaptive heritage reuse, but there are for protection and preservation of heritage sites.
- Building restorations or preservation may be co-financed from EU grants (Poland, Slovakia, Spain), IBRD and International Bank for Development of the European Council, EEA grants (Romania, Ukraine).
- Apart from central system, in which ministry of culture, infrastructure, regional development or economic development holds the most significant budget and oversees the protection of heritage, in countries like Belgium (specially Flanders) and Spain there is decentralisation and regions are responsible for protecting and financing heritage.
- In some cases, for instance Hungary, the role of church was emphasized, where building renovation is based on a mixed financing system relying on the state, church, municipal, and private financial support.
- Not many examples of purely social, community re-development funding like cooperative or crowdfunding were in evidence. Yet, there are positive signals from creative industries including IT start-ups and artists who prefer to work in places with "soul" for two reasons creative atmosphere and also cheaper rents. Crowd-funding is being encouraged in some places e.g. in the Netherlands heritage crowdfunding is encouraged in various ways, e.g. by matching, or topping up crowd funded moneys, and e.g. developing a brochure 'tips for crowdfunding for culture and heritage.
- There is a general challenge across analysed countries to make private investments in heritage financially attractive or economically reasonable. Therefore public budgets are the main source of financing. It is due to the fact that municipalities, like Dutch, can invest for greater good, not for profit.
- Funding of renovation of historically important sites in city centres is usually not a challenge in any investigated country. There are being taken care of well, are usually protected (listed), in good technical condition and are locations for public institutions (museums, theatres etc.) or safe investments for international funds (offices, hotels etc.).
- In some countries, for instance Belgium, NGOs are actors in the field of financing heritage. Organizations such as the Vlaamse

Erfgoedkluisoperate, which cooperates with local heritage initiatives, developers and owners. They offer information, support, and alternative funding tools (offering loans, owning property rights or by (co-) financing initiatives by searching for partnerships with all kind of actors).

- In countries like France there are grants for the rehabilitation of housing assets available, including historic housing. These are mostly geared towards dwellings that are suffering from high levels of degradation or danger and may include e.g. restoring water, energy or sewerage supplies, installing adequate sanitary facilities or adjustments for access such as a ramp.
- In practically all countries regions can supplement state aid with grants, loans, interest subsidies or loan guarantee mostly relating to housing provision or improvement.
- Public-private partnerships (PPP) in heritage protection are not common. They are used in countries including Italy, where the CBCP recognizes donations (erogazioni liberalior mecenatismo culturale), based on tax exception or reduction, and sponsorships, which promote conservation and the enhancement of cultural heritage. The sponsor's endeavour is rewarded through the positive association between the project and the sponsors name, image or brand. In other countries, for instance Poland, Ukraine and Romania PPPs are not used for heritage protection neither for heritage adaptive re-uses.
- It is important to note that in countries including Poland restoration and conservation can be subsidised from public sources, adaptive re-use not.
- There are hardly any examples of funding environmentally oriented adaptive re-use projects, apart from cases regarding energy efficiency.
- French example where subsidies are available from various agencies, shows how complex this issues is, and includes municipality, EPCI, the State, the Region and the National Agency for Housing (ANAH).
- Polish example show that there is a system of several Ministry programs including: Protection of Monuments; Polish Cultural Heritage Abroad; Protection of Archaeological Monuments; War Graves and Cemeteries; Places of Remembrance and permanent commemoration in the country; Places of National Remembrance Abroad. But, all these mechanism apply to the heritage buildings and sites with no specific mechanism related to the adaptive re-use.

Analysis was also focused on financial incentives and barriers for public and private bodies to get involved in adaptive heritage reuse. This showed that adaptive reuse projects do not offer many tax reliefs or other incentives. In general, investments in heritage sites mean more challenges and costs for private investors in comparison with regular investment in the real estate market on the empty plot (e.g. Hungary, Ukraine). Yet, there are tax reliefs for investors taking part in heritage preservation, repairs in listed buildings. Also, projects connected with heritage re-use are usually funded as a part of urban regeneration programs. In almost all country templates information about tax reliefs or other incentives appears, but practice shows that tools are not attractive and there are discussions how they should be applied and to whom addressed (large corporation capable to finance but not actually having heritage

in their core activities and values, or smaller companies and even individual passionate and caring about the specific site, building etc.)

Focusing on examples:

- Administrative authorities in France are authorised to subsidise up to 40% of the actual expenditure for the maintenance and repair work required for the conservation of buildings or parts of buildings that are inscribed as historic monuments. Also there are tax reliefs up to 50% of costs to individuals after the renovation works are completed and carried for maximum 5 years
- In Spain various laws have recognised the importance of stimulating either private funding in the work of cultural heritage organisations. In some instances this is done by tax reductions for expenditure on a) conservation, reparation, restoration, promotion and exhibition of property of cultural interest according with Historical Heritage regulations; b) buildings rehabilitation as well as the improvement of their infrastructures or architectural, archaeological, natural or landscape ensembles and World Heritage properties.
- Romania - Private investments and sponsorship in cultural heritage is not particularly encouraged and there is a lack of initiatives to raise the interest of the public sector to invest or to develop sponsorship.
- Hungary - Corporate tax reduction for organizations are allowed for the maintenance or renovation of listed monuments. Costs of maintenance can be reduced from their basis of tax assessment up to 50% of their profit; organizations can reduce 100% of the costs of renovation from their basis of assessment twice in the next five years after the renovation.
- In the case of Italy in order to overcome PPP bottlenecks, 2014 saw the introduction of the so-called Art Bonus for publicly owned heritage, not for private assets. It is a tax exemption for charitable contributions that individuals or companies make supporting public cultural heritage. The aim of the donation has to be the maintenance, conservation and restoration of cultural public assets and/or to sustain cultural public institution such as museums, libraries, archives, archaeological parks etc.
- Other possible incentives in researched countries included deduction of maintenance costs from income tax when residential, from corporate tax (only when asset is on the books for a specific period of time) or transfer tax/stamp duty.
- Moreover, low interest finance mechanisms such as low interest mortgages for listed residential buildings, which also creates a favourable situation for other (banks) investments, as they are then more likely to provide additional financing or special low interest sustainability and heritage loans if needed.

Analysis of gathered materials also included influence of ownership types on available funding. This showed that:

- In the case of publicly owned sites and buildings governments are obligated to keep them in a proper technical condition and cover costs.

- In the case of private buildings, especially historic properties grants are available for individuals. In countries like France there are grants for the rehabilitation of housing assets available, including historic housing. These are mostly for dwellings that are suffering from high levels of degradation or danger and may include e.g. restoring water, energy or sewerage supplies, installing adequate sanitary facilities or adjustments for access such as ramps. Also in England and Belgium renovation projects could be subsidised.
- In countries like Poland, Ukraine, Hungary there are no specific funds or financial support for adaptive heritage re-use for private owners, but scheme for protected monuments are defined every year and owners of protected monuments can apply for state support for the maintenance and renovation of the monument from national funds.
- In Poland private owners and organization, as well as the local authority–owners of a monument are obligated to finance all kind of works concerning given monument. Every owner can apply for a public subsidy. A Ministry of Culture and National Heritage and Voivodship Monument Conservation Officer (WKZ) can award subsidy to the registered monuments (RZ), also the local authorities of each level–community, county or voivodship –can award subsidies based on the respective resolution. Received finances come from the central, regional or local budgets.

With regards to the economic role of heritage it can be said that in many cases it is perceived as resource for tourism and are linked with tourism development of specific area (Italy, Portugal, Spain, Romania). In Romania, cultural heritage projects are realised under the Regional Operational Programme on sustainable development and the promotion of tourism, including the sustainable restoration and capitalisation of cultural heritage and the establishment or modernisation of a connected infrastructure.

4 Country overviews

The country overviews all follow the same structure. The focus is on the different levels and departments of government, and how they interact (or not) to regulate adaptive reuse. When relevant, the regional and local levels are illustrated with the specific regions and municipalities the OpenHeritage OCs or CHLs are located in.

The structure is as follows:

Institutional and regulatory context of adaptive heritage re-use. An overview of heritage and planning, regeneration, urban strategies, land use, regulation/governance i.e. the context for adaptive reuse. The data comes mainly from template parts on heritage and planning, use of interview report when relevant. Includes national, regional, local.

Main actors of the heritage management and re-adaptive use: short introduction to relevant governmental actors, as well as e.g. their collaboration, integration, working practice(s). From all boxes in templates, national, regional, local.

Cultural and Built heritage adaptive reuse regulation and development: looking at the building level, heritage, building regulation, intervention, use (e.g. change of / temporary). Data mainly from template parts on heritage and building regulations, with interview report used where relevant. Includes national, regional, local.

Funding, financing and incentivizing adaptation: the framework for financing adaptive reuse projects, mainly from the boxes on finances and incentives, use of interview report as relevant. Includes national, regional, local.

Participation, culture and sustainability: the 'additional' policy & funding available to adaptive reuse / that supports adaptive reuse (e.g. through participation requirements, cultural policy, sustainability measures) if provided in the final three boxes of the template and/or as integrated throughout the template, in planning /heritage/building boxes. Includes national, regional, local, as relevant / provided.

Trends for adaptive reuse in country: merging the trends (first question in each topic in the template) with bottlenecks, obstacles and supportive measures toward adaptive reuse, (final question in each topic) as well as interview report. Includes national, regional, local, as relevant / provided.

Labox: Only for the countries with an CHL we also included a focus-paragraph on city/region context for the CHLs (IT, PT, UK, DE, PL, HU) application of general principles in the specific locality of the living lab.

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Table 4: the fifteen countries OpenHeritage has case studies in

AT	Austria	HU	Hungary	RO	Romania
FL	Belgium (Flanders)	IT	Italy	SK	Slovakia
EN	UK (England)	NL	Netherlands	ES	Spain
FR	France	PL	Poland	SE	Sweden
DE	Germany	PT	Portugal	UA	Ukraine

5 AUSTRIA

As a federal state Austria has three levels of government; national, nine states and 2100 municipalities.

5.1 Institutional and regulatory context of adaptive heritage re-use

In Austria there is no federal act on spatial planning, but the national government is an important actor in the Austrian Conference on Spatial Planning (an important institution aimed at co-ordinating planning across levels of government. However, the main planning level is with the States. The two main relevant acts connected with heritage are: the Federal Constitutional Law of the Republic of Austria and the Federal act on Monuments Protection (Denkmalschutzgesetz (DMSG)). (The non-official English-language version is referred to as the Monuments Protection Act (MPA). The Constitution assigns responsibility for local planning to municipalities.

In 2017, the Government of Austria adopted the Austrian Federal Guidelines for Building Culture and its accompanying stimulus program. Through this, the national government has voluntarily committed itself to upholding Building Culture Guidelines, in the public interest and as the basis for a partnership-oriented approach to the built environment. These guidelines are each broken down into specific commitments with regards to planning Guideline 1 - 'Strengthening town and city', and Guideline 2 - 'Reducing land use and developing land in high quality'.

In terms of spatial planning, the role of the national government is focussed on major infrastructures (e.g. mobility, energy). Otherwise, the federal structure of the Austrian administration devolves most planning, including land use to States and municipalities. While each of the federal states set its own frame for spatial planning, the executive and operative power of planning is with the local level. The state government can implement state/regional development plans as well as state/regional sectoral plans in varying numbers and of different natures. State Development Plans and Regional Development Plans are issued by the state governments as official decrees. Sectoral Planning of the States is the mechanism for planning at the supra-local level by the state.

Spatial Planning Laws of the States started in 1956 but have been extensively modified since then. The core of spatial planning laws is the determination of the planning instruments and their forms for the supra-local planning work carried out by the states and for the planning work of municipalities as well as the regulation of obligations and procedures.

The zoning plan determines the possible uses of properties. The procedures and the contents for them are are laid down in the corresponding state spatial planning laws. The binding decree comprises the plan and the written explanation for the entire territory of the municipality and it divides the region into different land use categories.

The municipalities are the bodies that control permissible land-use through the zoning plan. There is no obligation specified to actually implement the use prescribed in the zoning plan. The municipalities create a building regulation plan

that determines the use of building land. The Building Regulation Plan is indissolubly connected to the zoning plan and it is drawn up for selected areas shown in the zoning plan or parts of it. Another autonomous task of the municipalities is the local spatial planning that is supervised and approved by the states according to the criteria of the spatial planning laws as well as the supra-local plans of the state. The actual instruments of implementation of the objectives of spatial planning are contained in building laws and the building permits must comply with the zoning. (pierroue_vienna 2011-2012). In practice, the formal procedures of planning (Urban Development Concept, Zoning Plan, Urban Master Plan, and Building Licence) could be supplemented by informal instruments, such as framework plans, contracts between the city and owner or developer, architecture and town planning competitions, and the monitoring concept (as it is the case, for example, in the city of Graz) (Degros et al. 2017:495).

Heritage Management

Preservation and maintenance of monuments form an essential factor in the Austrian culture and in its economy. The primary aim of national policy is to preserve cultural heritage in an authentic and undiminished way, and to see it as an irreplaceable capital for the future.

The Monument Protection Act and the Austrian Federal Guidelines for Building Culture were introduced earlier. The MPA includes provisions relating to monument protection and alteration. The second building guideline from the Austrian Federal Guidelines for Building Culture, 'Construction, restoration and operation' relates directly to the protection of architectural heritage, and careful design and construction with high-quality craftsmanship and attention to cost-effectiveness. The fifth guideline, 'Applying and advancing the principle of sustainability', involves cost optimization over the life cycle of a building and takes into consideration (amongst others) the BDA's preservation standards. The seventh, heritage-specific guideline, 'Carefully maintaining our building culture heritage and developing it for the future' concerns how the Austrian (federal) government will preserve, develop and use the built heritage under its care with the intention that this should form a model.

Some tools for protection and heritage management:

- In Austria there is a publicly available, comprehensive and nation-wide land register with information on heritage buildings
- Formal restrictions on purchasing the real estate by the non-EU citizens (they must prove Austria is their prominent place of residence)
- Open competitions for site and historic building restoration

5.2 Main actors of the heritage management and adaptive re-use

In general, there are no specific actors or bodies in Austria responsible for adaptive heritage re-use. In terms of heritage management the government of Austria operates as a legislating body, incentive-setter, and coordinator.

On the state level the *Bundesdenkmalamt* (Federal Monuments Authority Austria) is the professional instance that protects the cultural heritage of Austria by law and assumes the responsibility for the preservation of the monuments. The BDA

strives to arrive at a consensus with the monument owners regarding conservation and use of the monuments. It is not only a professional authority but also a service agency that spreads the necessary historical and technological knowledge and strives to be open to requests and suggestions. BDA lists monuments and puts them under monument conservation. Amongst its responsibilities are monument care (including structural alterations, restoration, conservation) and maintenance of listed buildings.

The *Denkmal Beirat* (Monument Advisory Board (MAB)) is a body concerned with advising the Federal Monuments Authority (or, in certain cases, the Federal Minister for Education, Art and Culture) when answering questions of monument protection and monument care. The permanent members are appointed for a period of six years by the federal government from among representatives of the respective scientific disciplines. Depending on the type and location of the respective monument, a representative of relevant bodies and societies must be consulted as non-permanent members. The Monument Advisory Board may also convene in committees.

Upon the request of the federal government, each permanent member of the Monument Advisory Board may be consulted for advisory purposes or to provide an expert opinion as well as during complaint procedures upon the request of the Federal Administrative Court or an administrative court of the federal provinces to provide an expert opinion. If the Monument Advisory Board does not provide a response within specified timeframes it may be assumed that the Monument Advisory Board has no reservations regarding the planned measures. Outside the government but working at the level of the federation, *Referat für die Kulturgüter der Orden in Österreich* / Department for the Cultural Property of the Order in Austria.

The Tax Office, Ministry of Finance, establishes taxes for real estate and other businesses. The Ministry "jointly with provinces determines the equalisation of tax revenue distribution between the provinces and formerly allocated specific funds for housing programs" (Deutsch&Lawson 2012:17). The Federal Ministry for Digitization and Business Location promotes measures related to business location in the old buildings and postindustrial territories, participates in urban regeneration. It one of the significant state owners/managers of the monuments. This ministry manages most important national landmarks and give substantial state funding for their renovation. The 5th department of this ministry includes *Burghauptmannschaft Österreich,* which is responsible for multiple services aimed at efficient management, as well as conservation of historic buildings owned by the republic of Austria. The "Historical Objects - Investing in the Future" study, commissioned by the Ministry of Economic Affairs, confirms the effects that the *Burghauptmannschaft Österreich* had achieved in 2012 through ongoing operations and investments in the historical holdings it manages (Fernsebner-Kokert&Kovar 2017:11). The Federal Ministry of Transport, Innovation and Technology deals with the renovation and energy efficiency, development of infrastructure.

In addition there is a complex ecosystem of organisations, which are variously, governmentally-funded organisations, federations and associations of smaller independent organisations and independent institutes. They each have their own distinctive focus which in some regard overlaps with the adaptive reuse of buildings. Some organisations operate at the federal level or operate locally across the entire nation. Others work at a more local level and are focused on specific parts of the country.

At the level of the *Länder*, the state governments will have their own conservators. In Vienna, this is the *Landeskonservatorat für Wien* (State Conservatory for Vienna). Another important actor in Vienna is the *Bauamt der Erzdiözese Wien* (Building Department of the Archdiocese of Vienna).

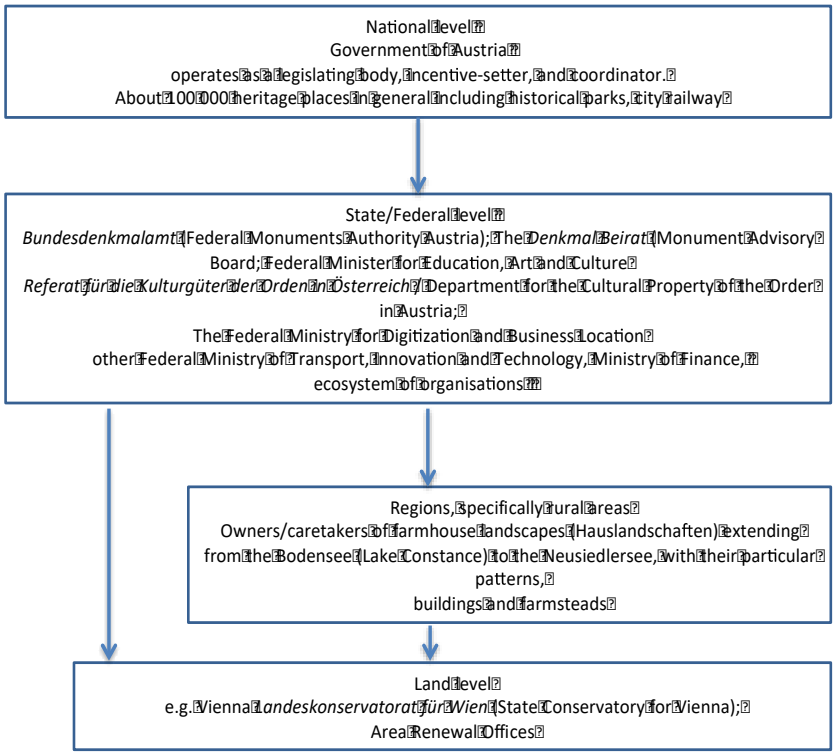
Area Renewal Offices were established as a consequence of the Urban Renewal Act (*Stadterneuerungsgesetz*) of 1974, which enabled the City of Vienna to participate in the renovation and renewal processes. The Area Renewal Offices operate as mediating institutions between the interests of politics, developers and residents" (Fassman & Hatz 2006:222). Also important to point out is historical or heritage housing. In Vienna, there is a range of organisations working in the area of housing. Municipal housing still dominates over private (for profit), limited-profit housing associations (LHPAs) and cooperatives. This mix of organisations is relevant insofar as they are involved in property re-development.

There is no ministry for spatial planning at the federal level. However, the works of other Federal Ministries have implications for planning. These are: Federal Chancellery, Ministry of Transport and Infrastructure, Ministry of Economic Affairs, Ministry of Environment, Agriculture, Forestry and Water Issues. Following the adoption of the Austrian Federal Guidelines for Building Culture and accompanying stimulus program the federal government acts as a legislating body, incentive-setter, and coordinator in this area. The Building Culture Advisory Board advises the government. ÖROK (Österreichische Raumordnungskonferenz / Austrian Conference on Spatial Planning) was established in 1971 by the federal government and the states and municipalities to coordinate spatial development at the national level. Its function is more akin to a co-ordination platform.

Vienna participates in the planning association, EAST, which fosters cooperation in Easter Austria, among Burgenland, Lower Austria and Vienna. EAST was established in 1979 and its task is to coordinate especially traffic planning and spatial planning development. The main actors at the level of the municipality are:

- The commune council - a collective body elected by citizens and the first-instance spatial planning office. The commune's matters are dealt with at the Commune Office (municipal - master's office);
- The mayor (elected either by the commune council or in direct elections)
- Municipal Council (or, the City Senate in cities with their own statutes);
- The municipality management board, which is elected by the Council.
- Organization of municipalities / communes in Austria.

Figure 1 Main actors of heritage management in Austria



5.3 Cultural and Built heritage adaptive reuse: regulation and development

Each of the 9 states in Austria, has its own Construction Law code and regulations. The most relevant of the Austrian Federal Guidelines for Building Culture are guidelines 6, 8 & 9. Guideline 6, 'Adapting, simplifying, and harmonizing building regulations to meet building culture requirements' states that, in cooperation with the provinces, the Government of Austria will expedite the process of adapting, simplifying, and harmonizing federal and provincial laws, regulations, standards, and norms for construction. A holistic approach will be given preference over sectoral interests.

Guideline 8, 'Incorporating principles of accessibility, diversity, and inclusion' states that the Government of Austria is committed to the principle of Design for All, with barrier-free design and construction that benefits nearly all users. In city and town planning and architecture, it considers the different needs of users (by gender, age, state of health, etc.), criteria for the promotion of a better quality of life, and a healthy living environment. Key prerequisites for this are expert advice and design standards for barrier-free construction.

Guideline 9, 'Establishing a standard of comprehensive and well-documented project design' states that, as part of project planning and in advance of any detailed project design, the Government of Austria will carry out and document a comprehensive assessment of needs, ideas, and process design.

The laws regarding construction are enacted through the relevant state authorities. In addition, the responsibility of promoting construction was transferred from the Republic of Austria to the federal provinces in the 1980s. Since then the City of Vienna, as a federal province, has been empowered to decide how to use development expenditures for housing, and it has favoured renewal and improvement over new construction (Fassman & Hatz 2006:222).

The real estate market in Vienna is very attractive and constantly growing. However, among the scholars, there is an opinion about quite a restrictive situation for the profit-oriented adaptive reuse projects, especially in Vienna downtown. Recent overviews still note that "building restrictions, timing for applications and historical monument protection, however, add to building costs" (Albert 2018). On the other hand, the city of Vienna is supportive for the commercial use of the ground floors of the renovated buildings. Official policy of the city states that the mixture of uses is desirable, with the so-called "backyard industry" where service providers are located. Municipal policy also promotes the establishment of residential social services or the integration of cultural facilities on the ground floors, the necessary technical infrastructure as well as a certain flexibility in the floor plans, and also extensions of the ground floors can be provided in the course of the renovation (Sanieren von Althäusern 2016:9).

If all the amendments to the [Vienna] Building Code before 2000 were oriented towards tighter conservation, the amendment of the Building Code in 1996 provisioned that slight modifications in old buildings without monument status under certain circumstances were simplified leading to a boom of loft conversions in the inner districts (Blaas&Oppolzer 2003:15). More recently, the Amendment of the Vienna Building code 2015 involved the zoning category of "fundable housing" and temporary zoning, which are intended to counteract rising prices on the land market and simplify the creation of new living space; urban development agreements permit the involvement of private land owners in the construction of infrastructure (Vienna Housing 2015:11)

5.4 Funding, financing and incentivizing adaptation

In general Austria has a positive climate for doing business and real estate market is transparent. Finances in Austria are decentralized, which has both advantages (greater chances for the support of local projects and effective control) and disadvantages (some communities, especially in post-industrial areas, have a limited tax base and, respectively, limited resources for the regeneration).

Main funding actors active in the area of heritage sites:

Public bodies, including Bundesdenkmalamt; Private investors, including international funds; Civic initiatives for fundraising like Fundraising Verband Austria https://www.fundraising.at

Focusing on Vienna one has to mention two bodies involved in heritage sites protection Vienna's Historic Town Center Preservation Fund and Vienna Business Agency.

Tools, which could be used to protect heritage sites:

Barriers / bottlenecks

One of the conflicting issues for the renovation and maintenance of historical buildings are rent limits imposed on the owners of the houses constructed before 1945. In accordance with the Austrian Rent Act, the landlord can charge the part of the sum needed for the renovation of the historical building on the tenants, but this sum is rather small. On the other hand, the maintenance duties imposed on the landlords require much investment.

Support substantially varies from one federal state to another and there are states which don't consider heritage a central point for urban renewal.

In terms of financial tools, what applies to buildings in general, ususally also applies to historical properties.

There are no tax releases or incentives for the owners of the historical monuments and for the developers dealing with former sites of industrial production on the national level (some incentives exist on the level of federal states).

There is a possibility for companies and individuals to deduct the cost of repairs or necessary alterations to income-producing federally recognized monuments from their income tax as an anticipatory write-off, during next 10 or 15 years.

Tax concession: all buildings constructed before 1880, as well as especially important properties related to arts, history, and science, are valued at 30% einheitswert (a real estate assessment value, serving as the basis for real estate taxes), if their average maintenance costs exceed their income

Austrian Tax Law also allows donations to the Bundesdenkmalamt to be deducted from the donor's taxable income

Amendments to the Rent Law permitted the suspension of rent controls for recognized historic or culturally important buildings if their owners made a considerable investment in the restoration of the building

There are no general tax releases or incentives for the owners of the historical monuments and for the developers dealing with former sites of industrial production on the federal level

Practise shows case by case approach meaning that releases are possible.

High prices of properties and small availability

Program on façade restoration (Fassadenrestaurierungsaktion) and townscape preservation (the Federal Ministry for Education and Cultural Affairs).

Federal states' urban development programs created under Federal Urban Renewal Law (Stadterneuerungsgesetz): grants and loans for renovations, research, architectural competitions, temporary tenant relocation etc.

5.5 Participation, culture and sustainability

Traditionally, Austria is a country with a very strong presence of the state in social and cultural issues. The state and municipalities own properties and high

percentage of social housing and subsidized housing, so the state and municipal governemnt have quite a big influence on the politics of urban regeneration. Heritage is seen and promoted as both public good (need to be supported by public funds) and important factor for commercial tourism, "theming" and "marketing" which could be contradictory and in some cases conflicting.

There is a trend of regeneration of the former industrial areas and the orientation towards 'soft' urban renewal supported by grants from for example Vienna, to avoid gentrification and provide affordable housing.

Step 2025 – Urban Development Plan Vienna - City development strategy until 2025. which includes revitalization of buildings from the Potsdam period (*Aktionsplan Gründerzeit*[28]), revitalization and development of districts from the 1950s (*Aktionsplan 50/60/70*). Acquisition of land for the development of the city, development of green areas, development of social infrastructure (schools, hospitals, libraries, etc.)

There are strong traditions of civic activity on the level of communities and regions. Starting from 1970s, many rural and urban communities made heritage one of the backbones of the revitalization. These were largely local initiatives which later gained also international support and recognition from UNESCO. Many of these projects embraced several municipalities each, which demands a high level of inter-municipal cooperation (see Kurz, Ruland, Zech 2014:68). Grass-root initiatives also are related to the strong regional identities. The configuration of actors and regulations in planning and development varies between regions.

In general, there is a good cooperation between public authorities, civil society organizations, and the market (for example, in the forms of corporate volunteering, volunteer tourism, regional land care associations), whereas local landscape protection associations and cultural heritage volunteers tend to be more independent from the state and market (see Penker, Mühlmann & Muhar 2014:21).

Various programmes exist to support civic participation and localism:

"Denkmalfreunde" – small civic organization of about 50 people who donate money for the renovation of the historical buildings selected by their preferences in dialogue with the BDA.

Organizations for the protection of traditional landscapes and non-commercial tourism (for example, Austrian League for Nature Conservation (*Naturschutzbund Österreich*)

As for the rural areas, there is subsidy framework for agriculture (ÖPUL, Austria's programme for the promotion of an agriculture that is appropriate to the environment, extensive and protective of natural habitats) and the rural regions (rural development programme) together with the regional development structures and their institutions (Leader, Interreg, Regional Agenda) (Kurz, Ruland, Zech 2014:70).

[28] Gründerzeit refers to building that were built in the 19th Century but before the 1873 stock market crash.

Creative and cultural industries were proclaimed as one of the most prominent agendas of the Austrian government from early 2000s and widely used in the promotion strategy of both the state and particular politicians. In terms of space use creative industries concentrate in former industrial buildings, not financed by the public hand but developed by the initiative of those working there.

Programmes and actors:

Some examples on federal level: "Evolve" program (Ministry of Science, Research and Economy): Working group Creativewirtschaftaustria in the Austrian Chamber of Labour Austrian Ministry of Science, Research and Economy – vouchers for entrepreneurs

Vienna municipal level: "Departure" – program of the Creative Agency of the City of Vienna, from 2014 – of the Vienna Business Agency: information, service, networking and grants. The programs of Vienna Business Agency are especially relevant in case of revitalization of the former sites of industrial production.

In Austria climate and environment protection is one of the most important objectives in planning region and city development. It is a birthplace of the concepts of "eco-profit" and "eco-social market economy" aiming at combining both economic development and ecological agenda. In Austria, also adaptive reuse projects have to comply with the principle of sustainability. In Austrian Federal Guidelines for Building Culture from 2017 Guideline 5: Applying and advancing the principle of sustainability the government promotes and calls for the integrative implementation of ecological, economic, social, and cultural factors in constructing, restoring, and operating its own properties. It acts as a model for sustainability and conservation in construction.

Tools and financial mechanisms referring to the environmental issues are for instance Environmental Support Programme ("Umweltfoerderung im Inland, UFI") and Klimaaktiv. In case of the listed building, the application for the subsidy should propose a project in accordance with the guidelines of the BDA, otherwise the financial support would be rejected. Other tools are energy audit guides, information campaigns and awards for the companies most successful in energy efficiency.

However, the energy efficiency is not considered to be the primary goal for the adaptive reuse because the overall consumption of energy in the historical buildings is relatively small if to compare with all the non-protected buildings. In terms of good practices is it worth to mention EU-supported project "Efficient Energy for EU Cultural Heritage", case: Primary school Hötting, Innsbruk (see The 3ENCULT 2015).

5.6 Adaptive reuse trends in Austria

- Due to the redistribution of tax income according to population per municipality, budgets of the municipalities are fairly stable. Municipality's planners implement the zoning plans and further planning regulations as to attract new inhabitants or new companies' establishment.
- The BDA is very dialogue-oriented and tries to find the middle ground between the interests of the owner and their economic considerations, public opinion, existing regulations, and expert knowledge on how to preserve the heritage values of the buildings.

- The inventory of monuments is up to date and the lists are publicly accessible on the web-site of the BDA. One of the most progressive things is orientation towards inclusion of post-1945 buildings (and even buildings from the most recent decades) into protected heritage lists. On a local level, "Wien Kulturgut" - a digital cultural map of Vienna - presents the cultural-historical and urban development of the city from the origins to the present. It is open-access detailed age of building survey map of Vienna's historic centre (see Wedrorn 2014:38) which promotes the understanding of heritage values for the owners and broader public and makes the procedure of the reuse more transparent.
- There are significant speculations on the real estate market in Vienna, and many people decide to move to the outskirts or to the neighbouring communities. As a consequence, the real estate market in Vienna, and in the neighbouring Lower Austria, is developing vividly. There is a growing demand for housing in St.Poelten, Korneuburg, Stockerau and also communities such as Bruck / Leitha (Redl 2018). Because of that there is a big pressure on existing infrastructure and demand for buildings with community functions such as kindergartens which could potentially lead to adaptive reuse of the buildings.
- Austria is notable for the strong presence of the public sector in the housing market (compared to other countries). Federal states have been empowered to decide how to use development expenditures for housing, and some have favoured renewal and improvement over new construction. However, more broadly, Austrian (federal) policy encourages new construction, especially of social housing.
- Competitions between developers are a mechanism for improving environmental quality, promoting socially inclusive design, encouraging innovation and transparently reducing costs (Deutsch & Lawson 2012:13); "all development proposals on *Wohnfond* sites are submitted to competitions or *Bauträgerwettbewerbe* and publicly assessed by an interdisciplinary jury. The jury assesses planning qualities, costs of construction, the rent level guaranteed by the developer, future maintenance costs and environmental sustainability (building materials, energy consumption)" (ibid 2012:18).

Finance & Incentives

- There are several features in Austrian policies noted by international experts as valuable for sustainable maintenance and renovation of old buildings used as housing (see Deutsch&Lawson 2012:17): rules for setting rents and the principles of rent contracts; the compulsory re-investment of profits into construction and renovation; limits on administration costs, including income ceilings for managers; interest limits on financing provided by the capital market; the decision-making and management process that involves tenants.
- Especially the activity in the framework of *Wohnbauförderung* is successful, because it allows changes into historical buildings, including roof extensions and other adaptations to suite to new functions and to generate additional income for the further rehabilitation of the building. However, public opinion is often critical to certain cases of such adaptation because of its problematic relation to the heritage values and authenticity.

- In general, “soft urban renewal” in Vienna is considered to be a success story: Since 1984, around 7,200 residential buildings with around 340,000 residential units have been granted refurbishments from Viennese housing subsidies. The original substandard housing share of more than 35 percent has been significantly reduced in the last 30 years to around one percent today (see intro by Michael Ludwig to: Sanieren von Altheusern 2016:3).
- Vienna Old Town Preservation Fund (established in 1972) is seen as a model for other European countries. It is endowed from the levy (20%) on fees payable for a radio or TV/radio license in Vienna. As Wehdorn (2006) states, “the Fund subsidizes "additional costs accrued from monument protection" in the course of rehabilitating or revitalizing a building. In other words, the Fund fully covers all restoration costs, which exceed those expended on the straightforward rehabilitation of a house. One third of each of the annual subsidies is allocated to privately owned houses, city-owned houses and ecclesiastical buildings respectively” (Wehdorn).
- Some cases of PPP(P): albeit still very much a case of renovation and new additions, little intervention, e.g. Westbahnhof in Vienna and Austrian company Berndorf Bäderbau, as a result of the Europe-wide competition, co-financed the renovation of a listed swimming complex in Trier, together with municipality. This process started as civic initiative.
- Special case of the town of Krems in Lower Austria: grant program from 1959. Fund for private building owners offers interest free loans for facade restoration work, the only example in Austria of a revolving (loan based) fund.
- There are also successful cases of crowd investing, through the local platform NÖ. Regional, For example, the project "Königsberg ski area" in Hollenstein an der Ybbs where a total of 285 supporters invested € 56 678 to support the development of the site as a tourist attraction see Schiebel&Lösch (2017:99).

6 ENGLAND

Wider governmental context / background

Due to the devolution of planning in the UK, England, Northern Ireland, Scotland and Wales all have their own (slightly different) framework legislation and policy on planning as well as on related issues such as conservation. The focus here is on England. Between the 1945 and 1979, the adoption of various Acts set out the framework for conservation & planning in England, and by the mid-1970s the principal legal instruments of conservation were established. Regulation and policy matured and tightened, and in the recent decade policy didn't change much. Changes in practice are a result of austerity, public sector reform, and further deregulation. Commodification, and using heritage as a vehicle for development through 'heritage-led' regeneration is very common now (Veldpaus and Pendlebury, 2019).

The main post-crisis policy shifts in England for the historic environment came after 2010, with a new wave of neoliberalization of the planning system, based on austerity, public sector reform and deregulation. For example by increased 'permitted development rights' (generally development deemed to be sufficiently small so as not to require planning permission, e.g. certain changes of use) and increased room for discretion by planning officers. There was also a shift of emphasis to local (people's) decision making such as 'Big Society' involvement and movement away from 'Big Government'. This aimed to stimulate local engagement, but also led to the removal (in 2010) of the regional levels of Government, the latter led to much criticism and an even more heavily centralised system.

6.1 Institutional and regulatory context of adaptive heritage re-use

Heritage (Listed buildings and conservation areas) is legislated within the planning system, using an integrated approach build on National Legislation (planning and heritage), National Planning Policy for England (includes guidance on conservation) and Local Plans & Local decision-making. Additionally, building regulations, accessibility requirements, and financial incentives and disincentives influence the adaptive reuse of heritage building.

Any decisions relating to listed buildings and their settings and conservation areas must address the statutory considerations of the Planning (Listed Buildings and Conservation Areas) Act 1990 as well as satisfy the relevant policies within the National Planning Policy Framework (NPPF 2019) and the Local Plan. While the former provides specific protection for buildings and areas of special architectural or historic interest, the NPPF sets out the national planning policies, including chapters on e.g. conservation and design, for England (in particular Chapter 16: Conserving and Enhancing the Historic Environment). They must be taken into account for local plans, and neighbourhood plans. The NPPF explicitly encourages "sustaining and enhancing the significance of heritage assets, and putting them to viable uses consistent with their conservation". It also focuses upon wider benefits conservation of the historic environment can bring to people, to the character of a place and on the desirability of new development making a positive contribution to both. The NPPF stimulates design that is sympathetic to local character and history while not preventing or discouraging innovation or

change. It promotes maintaining and enhancing the significance of any heritage asset (listed or not) as well as their setting, local character, and distinctiveness through putting them to viable economic use, and to create public benefit. It aims at integration of new development into the natural, built and historic environment, through character of place and significance (chapter 16) while one of the main foci is getting vacant property back into use, without substantial harm to the 'character'. Consequently, even though adaptive reuse is not mentioned as such, it is part of normalised practice and policy.

In the NPPF heritage assets are defined wider than just Listed Buildings or Conservation Areas, Heritage is defined as an "irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations".

At operative level, local plans must be consistent with principles and policies presented in the National Planning Policy Framework by setting out what the opportunities are for development in the area, and specifying types and location of development. It sets out, for example, where future housing should be allocated or how change to heritage assets should be managed. It includes policy on how to deal with the historic environment, and the plan document is the local policy basis from which planning decisions are made (e.g. Sunderland Core Strategy and Development Plan 2015 – 2033).

To allow changes in an area or building, one has to obtain planning permission (e.g. for change of use, for specific rules that apply to a conservation area) and/or listed building consent (changes to listed building), as well as comply with building regulations. Applications have to be submitted to the Local Authority – for some changes a permit can obtained retrospectively.

Barriers in planning: Both delays to the process due to the under-capacity in planning and conservation planning departments in the local authority, and starting to charge a fee (since 2012) for planning pre-application advice to discuss proposals are experienced as obstacles to the planning process.

Exception: There are five religious groups or denominations in England, all Christian, which are exempt from certain provisions of the planning acts, including the need to apply for listed building consent, for ecclesiastical buildings.

6.2 Main actors of the heritage management and re-adaptive use

Various actors influence the policy and practices around adaptive reuse. On a national level there are Historic England as the national body to develop policy and guidance, and give advice, on the restoration and reuse of historic buildings, and the Heritage Alliance, who lobby for heritage to be on the agenda in various government policies, as well as large funders, e.g. National Lottery Heritage Fund who determine a lot of the practices through their selection of projects. Specific non-governmental organisations specialised in heritage reuse are organised under the Heritage Trust Network. On a local level, the local authority decides on the permits needed to undertake reuse, change to a listed building etc.

At local level, Local Authorities have a key role in strategic planning for their area and in key decision making on planning. Political support and resources can vary

significantly from authority to authority depending on territorial priorities and the financial well-being of the locality. Unlike Listed Buildings, Local Authorities have the responsibility for designating conservation areas, namely "areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance". They identify Conservation Areas, whilst Listed Buildings are selected by Historic England (HE). With consultation by HE (often their regional offices, e.g. the 'Yorkshire and North East' office as based in Newcastle), Local Planning Authority decides on listed building applications. Everyone can comment on planning applications through an online system (local authority) for the legal set minimum of days, in the case of Neighbourhood Planning groups, may choose to develop policies in regard to change in the historic environment and develop local lists of historic buildings, and design guides. Local Authorities also have to check whether new or adapted buildings comply with building regulations, although these building regulation checks can now also be fulfilled by the private sector.

Generally, there are no policies on regional level, as a regional level of government doesn't exist anymore. To stimulate and steer regional development initiatives and organisations at regional level such as the (North East) Local Enterprise Partnerships (LEP) - voluntary partnerships between local authorities and businesses - were set up. They are vehicles to build a stronger economy, and are part of and partly funded through the Central government's 'industrial strategy'. LEPs focus mainly on regional growth and job creation not heritage or culture, but they can provide funding / support for uses that will move into repurposed buildings, as well as skills development / training programmes (e.g. skill building in the construction industry is one of their focus areas).

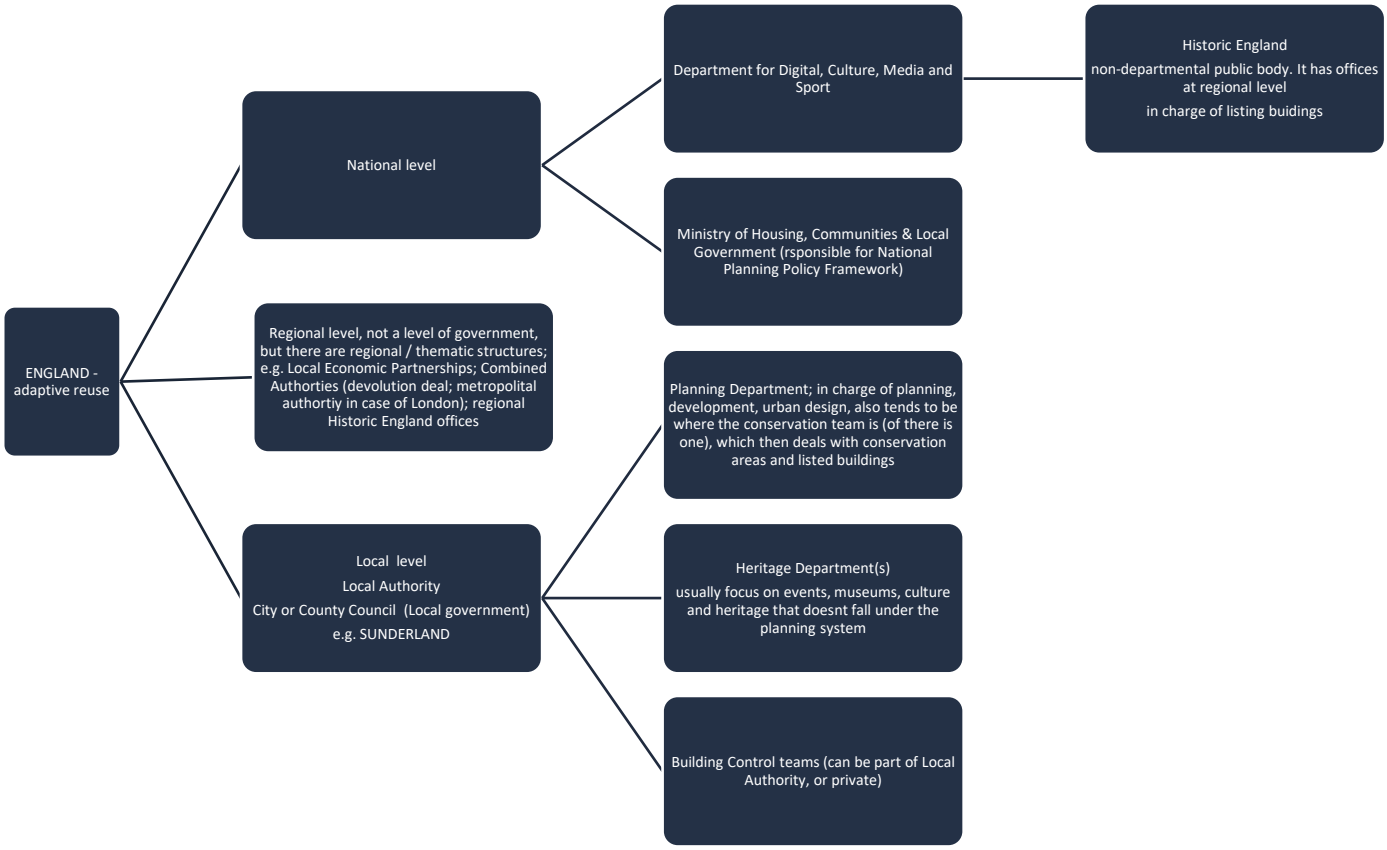


Figure 1 Overview of the main public actors involved in the governance of adaptive-reuse

6.3 Cultural and Built heritage adaptive reuse: regulation and development

Since 1990s the potential of heritage to be a positive force in economic regeneration was increasingly established, evident in e.g. large-scale city centre initiatives, coined "Urban Renaissance" projects. Since then reuse and heritage led regeneration are more or less common practice in the English context.

Legally there are two principal acts: the Town and Country Planning Act 1990 and the aforementioned Planning (Listed Buildings and Conservation Area) Act 1990. Buildings are identified as listed within context of this latter Act in accordance with three different grades which reflect their relative special architectural and historical interest: Grade I buildings are of exceptional interest, (2.5% of all listed buildings), Grade II* buildings are particularly important buildings of more than special interest (5.8%) and Grade II buildings are of special interest (91.7%). Principles and guidance on which buildings should be listed are set out by the Government in Principles for Listing (DCMS, 2018). Non-

designated heritage assets (buildings, monuments, sites, places, areas or landscapes) might be identified by Local planning authorities as 'locally listed' buildings, or through the concept of 'setting' of a listed building (defined in NPPF).

In addition to listed buildings there are scheduled monuments which are not graded, but all are, by definition, considered to be of national importance. Moreover, there is a register of Parks & Gardens (over 1600), and a register of Historic Battlefields (46 sites). Sites registered on those lists are demarcated sites that are likely to include protection of certain landscape qualities through the planning system.

There is also a Heritage at Risk Register, which includes heritage which is has been assessed and is considered to be 'at risk' meaning they are at risk to be lost as a result of neglect, decay or inappropriate development. Historic England maintains the register. HE also has programmes, such as recently (2017) the Heritage Action Zone programme, which is focused on creating economic growth and improve the quality of life in villages, towns and cities in England by focussing its resources at identified areas, which often include conservation areas and buildings on the 'at risk' list.

The Localism Act 2011 introduced 'Neighbourhood Plans' in which local communities can develop local plans for their neighbourhood, which can include the identification of their heritage. The Act also provides for a tool called 'community asset transfer'. It aims to facilitate the devolution of decision-making powers from central and local government control to individuals and communities (see more §5). General Permitted Development Order 2015 (GDPO) is a statutory instrument that grants planning permission for certain types of development, i.e. planning permission is not required for this type of development or change of use (this is the permitted development referred to above). This has opened up new flexibility to create benefits for the market, this might include alterations to heritage assets, particularly where they are not listed. There are restrictions to development around listed buildings, and permitted development rights are often withdrawn in Conservation Areas.

The designation of a Conservation Area by a Local Planning Authority has a number of direct effects too e.g. you need demolition consent; works to trees have to be notified to the LPA; different permitted development rights apply. Upon consideration of future applications and area management strategies Local Planning Authority has to pay special attention to the desirability of preserving or enhancing the appearance of a conservation area.

Conflicts can occur between Building Regulations requirements and Listed Building control, which could potentially lead to the loss of original or early fabric, these are however often overcome through creative and non-invasive or reversible solutions to help balance the competing needs. This is more difficult where public safety is concerned in regard to health and safety and fire safety. Other parts of the Building Regulations may be relaxed to help preserve and sustain what makes the building special, e.g. compliance with energy efficient requirements. Historic England also provides detailed Advice on Energy Efficiency (e.g. on micro-renewables and improving insulation) and Historic Buildings, looking at how to balance Building Regulations and protecting the significance.

6.4 Funding, financing and incentivizing adaptation

Funding for adaptive reuse comes from a variety of sources. By far the most significant is the National Lottery Heritage Fund (grants ranging from £3000 to over £1.000.000; expected to invest about £1.2 billion between 2019-2024), which offers a variety of funding schemes (based on lottery ticket sales), for a wide range of heritage related activities29. There has been a long-term trend to move from funding for buildings (e.g. renovation, new heritage centre), towards more 'people-orientated' projects e.g. workshops, engagement programmes and events, skills building, knowledge sharing, community involvement that in some way support heritage buildings, processes, or practices.

English Heritage/Historic England traditionally has a range of grant programmes but these have reduced in size steadily over the last decade. In general, there is an increased focus on utilising diminishing resources of Historic England towards capacity building and better management of the heritage. Their grants mostly go towards the repair of particularly significant heritage assets, with a priority of heritage deemed to be at risk, and 'urgent works' to those buildings. Previous conservation area funding programmes have now ceased. New schemes such as Heritage Action Zones (HAZ), do not come with significant new funding, but refocus existing funding and resources within HE to specific areas. Although the HAZ partnerships between Historic England and the involved Local Authority can have 'partnership funding schemes' for some buildings in the HAZ, matching funding from the Local Authority and HE. With the aim to indicate areas (urban or rural) that can be regenerated through heritage, this programme is refocussing also some of its funding towards reuse (and interior changes) rather than (exterior) material restoration only. The resources offered by HE are their time on research (e.g. to identify the significance or find a technical solution to a problem); Funding, including Repair Grants for listed buildings, scheduled monuments and registered parks and gardens, and Capacity Building Grants for wider area-based schemes; Advice on repairs; The focus is mostly on deprived parts of the built environment, with a recent more specific focus on reuse in High Streets. This focus on highstreets, comes with programme based funding, this is typical approach in England. E.g. Central Government gave The Architectural Heritage Fund (http://ahfund.org.uk/) a significant pot of money specifically for getting buildings on historic High Streets back into use, this is competitive funding. This pot of money is part of a much larger government investment in High Streets (Future High Street Fund) which may also impact on historic high streets through general measures such as (temporary) tax breaks or lower rates, rate relief due to status of e.g. charity or small business owner.

Very few local authorities now have any provision for structural grants towards heritage, and if there is this investment, there is usually a strong case for new viable use that will provide a 'return on investment'.

Within Local Authorities, there can be some funding to support participation, as the Localism Act (2011) and Neighbourhood Planning Act (2017) create a situation in which communities can develop their own neighbourhood plan, and where ownership / responsibility of care of certain buildings can move from public to community (§ 5).

[29] See: https://www.heritagefund.org.uk/about/what-we-do.

Regionally, various small private and philanthropic trusts will invest in heritage or cultural programmes that support the regeneration of a building or area, such as the Gillian Dickenson Trust or the Pilgrims Trust. On many occasions it is down to the skill of the owner / developer to find, collect and bring together a number of different funding streams and loans that the project can tap into, to create a deliverable project.

After Brexit the government has a manifesto pledge to create a United Kingdom Shared Prosperity Fund to replace the EU structural funds, which have also contributed significantly to local and regional area development.

There are barriers to reuse in the VAT system, the main perversion being that new construction falls under 0% VAT (or in some cases 5%) whilst you pay 20% VAT on alterations to listed buildings. You do however not pay local tax (called business rates, which are based on market rental value) on a listed building that is vacant, the assumption being the owner can use the savings to invest in the building and bring it back into use, but there is little evidence showing this works. In some cases we saw it facilitates just bringing back ground floor use only, leaving upper floors empty and prone to maintenance backlog.

Charitable trusts and local government can borrow money to invest (on a smaller scale than e.g. the pension funds) with interest rates currently relatively low from some banks and in some cases Central or Local Government. There are tax incentives such as the Social Investment Tax Relief (SITR) which is the government's tax relief for social investment. It encourages individuals to support social enterprises and helps them access new sources of finance. The Community Share Scheme is a way of private investment cumulatively helping to save local shops, pubs or to finance renewable energy schemes or to restore heritage buildings as part of the Community Asset Transfer (§ 5).

6.5 Participation, culture and sustainability

Two previously referred acts, the Localism Act 2011 and the Neighbourhood Planning Act 2017, are important in considering issues of participation. The first aims to facilitate the devolution of decision-making powers from central government control to individuals and communities, introducing 'neighbourhood plans' and 'community asset transfer'. Communities can shape development in their areas through the production of Neighbourhood Development Plans (often referred to simply as Neighbourhood Plans), Neighbourhood Development Orders and Community Right to Build Orders. Neighbourhood Plans become part of the Local Plan, and the policies contained within them are used in the determination of planning applications. Heritage assets can be included in Neighbourhood Plans; which also often include local design guides or local lists of historic buildings not on the national list (non-designated heritage assets).

Community Asset Transfer is the transfer of management and/or ownership of public land and buildings from its owner (usually a local authority) to a community organisation (such as a Development Trust, a Community Interest Company or a social enterprise) for less than market value – they sign a contract to take over managing the use (e.g. library, swimming pool) and maintenance and responsibility for the building and the aim is for this to have local social, economic or environmental benefit. This is relevant in this context as often these are heritage buildings. Usually a local authority will be involved, but the assets transferred have included local pubs, football clubs and housing. The Neighbourhood Planning Act 2017, was introduced to strengthen neighbourhood

planning by ensuring that decision makers take account of neighbourhood development plans by giving them greater legal effect at an earlier stage.

Whilst issues of management of the historic environment and climate change are part of the 'sustainable development' narrative in NPPF, and heritage assets are defined as an 'irreplaceable resource' (art.126, p30), there are no further / clear links made in the policy between sustainability and heritage. Another possible link between heritage and sustainability is through waste management. The Resources and waste strategy for England aims, also for the construction sector, to preserve material resources by minimising waste, and promotes resource efficiency and moving towards a circular economy. It notes that the construction, excavation and demolition sector is estimated to have produced around 120 million tonnes in 2014 in the UK. The plan however makes no link to the perverse 0% VAT incentive for new construction (see §4), basically promoting demolition of old buildings rather than their repair and reuse which is charged at a 20% rate. For this reason, Heritage Alliance recommends that measures to encourage the reuse rather than demolition should be embedded in the planning system to seriously tackle this source of waste. There is currently no mechanism to capture the waste of embodied energy when existing buildings are demolished and replaced.

6.6 Trends for adaptive reuse in England

As previously introduced, austerity measures have been significantly impacting on the institutional environment, leading to push for a more efficient, effective and delivery-oriented system that facilitates urban development (Waterhout, Othengrafen, & Sykes, 2013), as well as increasing room for discretion in (conservation) planning practices and processes. The immense cuts to local government meant a loss of investment power and capacity and resources, and an overall trend towards a private developer or owner further taking the majority share of the burden of adapting historic buildings. This is reflected also in the Government's general approach which, in theory, is to decentralise power from Central Government to communities and individuals to set the agenda and achieve local ambitions.

Barriers through fiscal mechanisms hinder the market, both through the tax system (high VAT) and through business rates. Targeted funds such as the 'Future High Street Fund' seek to temporality cut business rates to provide business rates relief to revive the 'High Street'. In addition, the Historic High Streets Fund provides (match) funding for regenerating historic buildings on (historic) high streets.

The imbalance between regions in term of investment, is amongst the main barriers to adaptive-reuse. National funding e.g National Lottery Heritage Fund, the Architectural Heritage Fund and the Arts Council together with other smaller funding pots are becoming more competitive, and therefore regionally / locally accessible funding (which is higher in the London area) becomes more influential.

Moreover, as consequence of there being no regional level of governance, interviewees underlined a frustration over a lack of connectivity between the local and national levels, so that regions can have a platform to talk to other parts of the same region to improve relationships, collaborative working, and set strategic priorities for the territory itself. Although some inter-government organisations act on this level, difficulties in connections, absence of inter-local collaboration and a growing competitive system delineate a dysfunctional

environment preventing heritage adaptation. More joined up thinking and a more consistent approach and response between local planning authorities and others.

If one of the perceived benefits of the English planning system is that it is a flexible system, designed to be able to be adapted and implemented on a range of different buildings types, condition and location, the lack of consistency, caused in part by the interpretative or flexible nature of the framework supporting the legislation, is a regular source of frustration to the applicant and developer. Flexibility also mains risk and uncertainty, particularly when agreeing what is and is not significant e.g. for heritage as values might vary significantly among LPA, local community and 'heritage professionals'. The Penfold Review (2010) of non-planning consents, which included heritage consents, also show that business contributors to the review cited heritage consents as particularly problematic, being time consuming, complex and expensive.

Overall, delayed timescales for planning and listed building applications either due to the Local Planning Authority not being able to process the information quickly or requesting new or additional information which takes time to compile is bound to a widespread criticism of the planning process, in particular when it comes to listed building and conservation area. In addition, issues such as impact on a heritage asset and whether that impact is 'harmful' and the level of harm, substantial or less than substantial, what can outweigh such harm can appear to be subjective and political.

Ownership is also important when it comes to reuse, as they need to be willing to make things happen, see a viable future, and the planning system doesn't provide many incentives. There are tools to force repairs, and even compulsory purchase, but not much can be done to force reuse, those are all incentive led, e.g. through permitted development rights, but they often don't apply in conservation areas / heritage contexts.

Finally, it is important to notice that the whole process can be made more difficult if there are questions over the motivations of the developer and their long-term intentions, to build out or to sell on once the work is completed. Smaller organizations, such as the Building Preservation Trusts, come with an 'in built' authenticity because of the overarching purpose to preserve buildings.

6.7 Labox: 170/5 High Street West, Sunderland

The city of Sunderland has a population of around 280,000 and represents 10.6% of the population of the North East region. It is one of nine official regions of England at the first level of NUTS (Nomenclature of Territorial Units for Statistics) for statistical purposes. The north East population is 2.6 million and it is generally regarded as one of the economically poorer areas of England30, and indeed in Northern Europe. The regional market is subject to trends and fluctuations as with any finance market, however the North East tends to attract less investment overall than other regions (outside of London), part in due to the population size and its location (far from London).

Sunderland was known as a large shipbuilding city. Post-industrial Sunderland adapted following the decline of these industries, but especially the city centre

[30] See: http://theconversation.com/reality-of-poverty-in-newcastle-england-un-examines-effect-of-austerity-106098

area has declined, partly as the result of a focus of new investments was on large plants in the periphery of the city (e.g. Nissan and Doxford International Building Park). The commercial heart of the town moved west and post war redevelopment changed the character of the east end of town. The area now suffers from a mix of social and economic issues. Amongst many other things, this affecting the historic environment and consequently there is a significant amount of heritage at risk caused by lack of maintenance and unauthorised works to historic buildings31. A recent change to city management, is that through and (unsuccessful) UK City of Culture 2021 bid, the organisation 'Sunderland Culture' was set up (and funded through the Arts Council) to boost the cultural regeneration of Sunderland with infrastructure and funding for arts and creative industries, which also translated in to a place based funding stream ' great places / unlock', linking culture and heritage, also supporting various adaptive reuse projects – of which the Sunderland Lab is one.

Sunderland has a strong track record when it comes to heritage funding in its city and in house expertise. Now Sunderland is among few selected areas across England that has a 'Heritage Action Zone' for its historic high streets: High Street East, Church Street East, High Street West and Fawcett Street. This will hopefully (party) link up the previous heritage led regeneration initiatives across the city. The High Streets in the HAZ have all functioned as the City's main commercial streets in past centuries but have all since declined as the City's commercial core has gradually moved west. This has left a legacy of economic deprivation in the HAZ with high levels of vacancy, key historic buildings in derelict or poor condition with urgent and often vast repair/restoration needs. The area's lowly economic position is reflected in the Index of Multiple Deprivation statistics which puts it in the bottom 10% most deprived areas in the country. It suffers from significantly higher than average unemployment levels, based on 2011 census data 21% are unemployed compared to 10.4% for Sunderland on average and 7.6% nationally.

The Local Development Plan, the Sunderland Core Strategy and Development Plan 2015 – 2033, sets out the long-term plan for development to 2033 (it is pending approval In regard to the historic environment, it identifies a wide range of heritage assets, including nine Scheduled Ancient Monuments and 692 Listed Buildings and 14 Conservation Areas.

Interviewees

Andie Harris Architectural Heritage Fund Support Officer for North East England

Dan White

Geoff Underwood Planning Inspector

Kate Wilson Partnership Team Lead for North East Yorkshire Historic England

Martin Hulse Trust Manager TWBPT

Paul Callaghan Chair Of The Board Of Trustees Sunderland Music, Arts and Culture Trust

[31] See: https://historicengland.org.uk/content/heritage-counts/pub/2017/ne-regional-report-2017-pdf/

7 FLANDERS

Belgium became an independent country in 1830. Between 1970 and 2001 the country went through a process of federalisation (with five state reforms in 1970, 1980, 1988-89, 1993 and 2001). As a result, the first Article of the Belgian constitution reads today: 'Belgium is a federal state, composed of communities and regions'. The redistribution of power occurred along two lines, one following the 'communities' of language and culture, and another more focussed on regional economic interests as conveyed by the regions, which aspired to more economic autonomy. As a result, the country is divided into three highly autonomous regions: Flanders, Wallonia, and the Brussels-Capital Region, with their own administrative structures. The administrative structures also partly reflect the linguistic communities that constitute the nation (see Figures 1 & 2). As can be seen in Figure 2, the Flanders region and Dutch-speaking communities largely overlap. Flanders and Wallonia are further divided into provinces. Our focus in this overview in on Flanders, which has 5 provinces: West Flanders, East Flanders, Antwerp, Flemish Brabant and Limburg. At the local level, there are 300 municipalities across the 5 provinces.

The kingdom of Belgium is characterized by a complex institutional organisation. The power redistribution process and the far-reaching process of federalisation more and more led to the devolvement of government responsibilities to the autonomous regions.

7.1 Institutional and regulatory context of adaptive heritage re-use

Since reform of the Belgian Act in 1980, the responsibility for land use planning is devolved to lower levels of government, mainly the regions (Flanders in this cases) and the municipalities. This leads to a very complex governmental structure where different autonomous regions operate next to each other without much cooperation when it comes to land use policy. Devolving the responsibility for heritage management to the autonomous regions means that there is considerable variability in heritage management practices across the different regions.

There is however still some national land use planning policy. Before 1980, spatial planning was a national responsibility, and land use planning was organised into national lands use plans, sub-national land use plans (Gewestplannen) and regional land use plans (streekplannen). In practice, only the nationally implemented subnational land use plans were implemented and to some extent they are still in force in specific areas where there are no regional implemented land use plans (Ruimtelijk Uitvoeringsplannen (RUP's)) in force.

The three main acts and decrees relating to planning define the organisation of land use planning, provide a vision-document for future land use in Flanders and (in the Codex for Spatial Planning) provides a framework for the implementation of spatial policy. Lower levels of plan must comply with this framework.

At the municipal level, detailed land use plans are guidelines for implementation for spatial planning developments. Municipalities may prepare Plannen van Aanleg which are local implementation plans, set up in line with regional policy.

Municipalities, especially smaller municipalities, do not have much additional spatial planning policy.

There are trends towards stronger governmental role in spatial planning policies at the subnational level. The subnational land use plans (Gewestplannen) were primarily based on a policy of testing plans against spatial rules and regulations (Toelatingsplanologie). Instead, the ambition of the Flemish government is to use spatial plans as a guidance for spatial developments (so called ontwikkelingsplanologie), this represents a shift towards more strategic spatial planning. Current planning tools are based on the Toelatingplanologie approach - they check whether certain activities are allowed, where they are allowed and how a certain area should be planned. These guidelines are written down in spatial plans for implementation (Ruimtelijke Uitvoeringsplannen). These plans are made at all government levels.

To overcome planning issues and to deregulate the Flemish planning context, the Flemish government is now developing several new planning tools to make spatial planning more efficient and simpler. These new tools include e.g. a system of tradable development rights, the allowance of more economic activities in living neighbourhoods (https://www.ruimtelijkeordening.be/instrumentendecreet), These do not directly address adaptive reuse, but will likely affect it.

Another major ambition set by the Flemish government is for co-operation via a multi-level governance system. Special attention is paid to the co-creation of policies and plans between different levels of government and integration of different spatial issues as well as related topics.

Flemish heritage management is divided in two main policy areas: cultural (movable) heritage and immovable heritage (roerend en onroerend erfgoed). Cultural heritage includes all forms of movable cultural heritage such as archives, museum collections, immaterial heritage (Vlaamse Overheid; Departement Kanselarij en Bestuur, 2017). Immovable heritage includes all forms of built-, archeologic-, landscape-, and sailing heritage (Vlaamse Overheid; Departement Kanselarij en Bestuur, 2013). The Flemish government lists heritage sites based on a published list of criteria. For both types of heritage there are policy-documents, regulatory frameworks, responsibilities, and organisations operating at the provincial level, the local level (i.e. municipalities) and a supra-local level, wherein cooperation occurs between certain municipalities.

The protection and management of heritage sites is also a responsibility of the autonomous regions and the local municipalities (communities). However, the Belgian government has ratified several international conventions regarding heritage (management), which must then be implemented at the level of the regions, which have to adjust policy concerning heritage (management) practices. Some changes have been introduced; for example, one of the main principles of the Faro convention – the integration of greater community participation – has been implemented.

7.2 Main actors of the heritage management and re-adaptive use

The main actor for Flemish land use policy and spatial planning is the Flemish Environment Department (Departement Omgeving) - they decide on policies, acts and decrees, and certain planning tools to be implemented. Immovable

heritage is named as an important aspect of spatial developments and its potential role for the identity of the landscape is acknowledged. For spatial planning policy, the overall goal is defined as taking care for sustainable spatial development where the environment, nature, space and land use co-exist in balance with each other. There is no strict hierarchical distinction when it comes to decision-making processes. Municipalities and provinces can make their own land use plan. It is, however, the idea that the spatial plans and policies at the local level are in line with the policy from the regions and the Flemish government has produced guidelines to assist in this goal. The five provinces of Flanders and the various municipalities are stakeholders in land use planning and they do have responsibilities regarding policy development and implementation.

Several strategic advisory councils were created to advise or inform the immovable heritage agency, the Flemish parliament, or the Flemish government about spatial and environmental issues, including issues related to immovable heritage. Representatives of social organisations, scientists and independent experts are members of these advisory councils. The most relevant council is the Strategic Advisory Council for Spatial Planning and Immovable Heritage (Strategische Adviesraad voor Ruimtelijke Ordening en Onroerend Erfgoed) (SARO). They are accompanied by a regional strategic advisory council for immovable heritage (de Vlaamse Commissie Onroerend Erfgoed), which is the most important organization concerning the policy and management of immovable heritage. This agency is responsible for policy-making and for the protection and management of immovable heritage. It offers both financial and knowledge support. They also develop a database and specific guidance on re-use.

The Flemish governmental department that is responsible for the implementation of the cultural heritage policy is the Department for Culture, Youth, and Media (Departement Cultuur Jeugd en Media). The department offers both financial and knowledge support.

A partnership-agreement concluded between the Flemish government and the provinces assigns designation, protection and the management of immovable heritage sites to the regional government. Provincial governments also conduct research and share knowledge and research-publications. Furthermore, they have their own strategy when it comes to raising public awareness, and they offer (financial) support. Some provinces are more active in the field of immovable heritage than others. Moreover, a provincial immovable heritage service (Monumentenwacht) inspects the immovable heritage of private parties (such as house owners) and gives advice about the physical and architectural condition of the building and about potential preservation and conservations actions. Four of the five provinces combined their provision into a single Flemish immovable heritage service (Vlaamse Monumentenwacht). The organization which is responsible for the implementation of policy in the Brussels-Capital Region is the Vlaamse Gemeenschapscommissie (VGC).

The Immovable Heritage Agency (AOE; Agentschap Onroerend Erfgoed) published a vision for heritage management practices in Flanders. Based on an analysis of demographic, economic, societal, technological, and policy developments, seven main conclusions were drawn regarding heritage management policy in Flanders :

- more social inclusion to meet demographic trends;

- re-use of heritage sites will ensure the future of objects, but attention needs to be paid to involvement of local communities and the heritage values of an object;
- budget cuts put pressure on heritage management (especially on local scale);
- democratization in heritage management, more bottom-up instead of top-down expert organized;
- further integrate heritage and spatial developments to deal with changes in the environment (e.g., climate change);
- think about communication tools to enhance community participation;
- digitalization, technological tools as essential part of heritage management strategies.

The primary intention behind this document is to inform and advice policy makers to take these trends into account. The Flemish annual budget for 2016 was budgeted on 43,5 million euros. Which is 39% more than in 2003 (31,3 million euros) but it still seems inadequate for tackling all the above mentioned issues. Given the focus on community participation, it is worth noting that the AOE has a special website on which it promotes good heritage management practices, including good examples of community-engagement practices.

HERITA offers support to local heritage organizations working on the protection, management, and promotion of immovable heritage. They help raise public awareness and offer news and information for the general public e.g. by organising lectures, debates and the 'heritage-days'. HERITA and FARO (a similar organisation working in the field of cultural heritage) collaborate on certain projects.

The Flemish municipalities can make their own immovable heritage policy. In practice it is however more common they do this in a cooperate form, through a so called inter-municipal immovable heritage agency (Intergemeentelijke Onroerenderfgoeddienst (IOED)). There are currently 25 inter-municipal immovable heritage agencies and with membership drawn from 175 of the 300 Flemish municipalities. On the local level there is a trend for heritage organizations and municipalities to look for more ways to cooperate (intermunicipal) and to align their activities in order to deal with ongoing budget reductions.

The role of the Flemish Government Architectural Advisor (Vlaamse Bouwmeester) I also relevant, as their guidance and thematic steer of government policy is focussed on taking up 'less space' and being careful with environmental resources. This includes dealing with heritage in a smart way and reusing it.

The Flemish Knowledge Centre for Cities (Kenniscentrum Vlaamse Steden) is also some developing guidance, workshops, knowledge sharing activities regarding adaptive reuse.

Association of Flemish cities and municipalities (Vereniging van Vlaamse Steden en Gemeenten; VVSG) ran a programme to promote and support the reuse of churches, and have just asked https://missmiyagi.eu to undertake research in to alternative development and financing models for difficult to reuse heritage. Missmiyagi also provides a 'match making' platform, trying to match empty buildings and people looking for a building.

There are organisations like VVIA for industrial heritage (industrieel erfgoed in vlaanderen) that promote adaptive reuse as a practice, and express the need for more attention to reuse.

Local architecture centres (e.g. AR-TUR centre for architecture, urbanity and landscape in the Kempen region) also develop activities, lectures, workshops, and publications around local reuse concepts, projects, and do alternative visioning.

7.3 Cultural and Built heritage adaptive reuse: regulation and development

The nationally implemented subnational land use plans (Gewestplannen), regional land use plans (streekplannen), and the regional land use plans[32] (gewestelijke ruimtelijke uitvoeringsplannen (GRUs)) define partly what is possible in reuse projects. The first two describe an envisioned spatial future, the GRUs combine strategic aspects with tools and guidance, such as building regulations. These documents are further specified at the provincial and municipal level in development plans and detailed land use plans.

The provincial and municipal development plans that provide the detailed description of the regional land use plans include certain guidelines about where to build, what to build and what a certain building should look like according to urban planning guidelines. For building permits additional guidelines are written down in the development plans (Gemeentelijke Bijzonder Plan van Aanleg (BPA) or the Gemeentelijk Ruimtelijk Uitvoeringsplan (GRUP)).

There is no overall building code on the national level, and also in Flanders there are only some specific codes and regulations. They do not specifically address the topic of heritage. Implementation is the responsibility of subnational or local level government. Meaning there is a wide variety in guidelines and regulations concerning buildings, depending on local government.

The Department for the environment (part of the Flemish government) and especially the environmental office (Omgevingsloket) sets up the policy for spatial planning and building regulations including the broader environment. The main regulation is the Decree for environmental and building permits (Decreet betreffende de omgevingsvergunning). This document details the policy and regulations with regard to permits for building, spatial plans, and the environment. There are also specific regulations e.g. regulations for energy saving measures (Nieuwe EPB-eisen voor 2019 voor nieuwbouw en renovatie). However, in building and planning practice these measures only affect larger projects, changes to smaller projects (< 800M3) including activities demolition require no permit. Change of use, extending a building, renovating a building, or changes to land use of a plot, have minimum a reporting duty, or require a permit. A building permit or reporting of building activities is always needed in case of an official listed heritage site. The legislation in this area is complex, involving both regional, provincial and municipal rules (with notable differences between municipalities). However, in the end, the municipality can overrule the Flemish or provincial government's decision as they make the final decision about a request for a permit.

[32] Note, although they are named kind of similar, this is not the same regional land use plan as the above described regional land use plan as implemented by the national government.

7.4 Funding, financing and incentivizing adaptation:

There are some foundations operating at the Belgium level that do offer funding for heritage. One example is the Koning Boudewijn Foundation, which offers several grants for activities within the field of culture, science and education, including heritage management and preservation activities. This Foundation in turn gets it funding from philanthropic giving, the national lottery, and revenues from fund management.

The protection and management of heritage sites and spatial planning practices are the responsibility of the three autonomous regions who are therefore also responsible for financing heritage management practices. Financing heritage management practices in Flanders is, in the first place, the responsibility of the Flemish government. The regulatory framework for the management of immovable heritage also provides a description of the financial policies such as funding mechanisms. These documents include definitions of what is regarded as heritage, a description of the governmental task concerning heritage management. A description of the main goals and ideas about heritage management as well as information on financial policies such as the different funding mechanisms. Heritage management practices are done in close cooperation with various actors, like heritage agencies or the IOEDs. These actors can get financial support from the Flemish government.

An important part of protection is to ensure continuity in use. Reusing is considered sustainable and meaningful, contributing to the quality of the living environment, and has the potential to connect people to 'heritage communities'. Aim is to keep legacy and values readable, ensuring a positive, social appreciation in the future, and be tolerant towards change, be open to design that adds value to the heritage, and assure its future in a quality and sustainable way. Heritage funding therefore is also available for reuse projects.

Government funding (Flemish government) includes the options to have cooperation agreements with other actors (e.g., heritage agencies) which come with funding to fulfil their tasks such as inventory, knowledge dissemination, or informing the general public; contractual agreements with owners or administrators of a certain immovable heritage object (e.g., a site, landscape or cityscape) including subsidies to support them in their task for the preservation of that object; or Project grants for specific projects for the management or preservation of heritage objects.

In addition to these the Flemish government offers all kinds of grants for owners of heritage buildings. Individuals and organizations can request a heritage-loan from the government to finance a restoration project. Subsidies are available for specific tasks, such as maintenance allowance to fund the gap between normal maintenance and heritage maintenance (40%). In addition, certain tax benefits for owners of a heritage object. Using these tax benefits, however, means that you cannot apply for any other financial tools (such as subsidies, or loans).

There are some additional, non-governmental organisations that can provide (limited) funding for owners and administrators of heritage objects. HERITA, supports heritage owners or organization with fundraising activities by promoting their initiatives. It also supports local heritage organizations (including NGOs, municipalities and IOEDs) by offering a tool, called projectrekening. This involves a special bank-account where funding for, and collected by, the initiative are transferred to. HERITA oversees the spending and gives advice about how to

spend the money. The heritage initiative/organisation, benefit from HERITA's expertise in financial management and their network and communication tools. The donors benefit because HERITA can offer tax benefits and give financial advice to the donors, making it a more trustworthy investment.

The King Baudouin Foundation, offers several grants for heritage management and preservation activities. Organizations such as the Vlaamse Erfgoedkluis operate as an NGO who cooperate with local heritage initiatives, developers and owners. They offer information, support, and alternative funding tools (offering loans, owning property rights or by (co-)financing initiatives by searching for partnerships with all kind of actors). Provincial, municipal and certain city government bodies can offer financial support to local initiatives. This is mainly granted in the form of project grants for specific heritage projects. This, of course, depends on the city, municipality or province involved and the amount of funding available will depend on local policy choices and the financial situation of the governmental organizations. Funding policies on the local level work in a similar way to the regional level.

7.5 Participation, culture and sustainability

In 2016 (a new one is imminent), the Flemish minister of Culture and Heritage published a long-term vision regarding heritage management practices in Flanders in which more attention was payed to issues such as participation, community involvement. In practice, however, this means more involvement and raising awareness than actual participation. Informal conversations with stakeholders in heritage management suggest that the public still expect the minister or municipal monuments and landscapes departments to carry the responsibility when it comes to heritage management practices.

The issue of diversity and heritage is also present in the 2016 vision document: "Heritage should highlight these different aspects, should stimulate debate and be a stimulator of public debate and dialogue". The vision document also links heritage to broader developments like tourism, culture, socio-economic development and spatial planning. The creative industries and the arts are mentioned. Therefore, the aim is to create space for experiments to stimulate interaction between heritage and sectors like culture and arts. However, whilst it seems that heritage management practices may be adjusted, adaptive re-use is not named as a potential future solution.

7.6 Trends for adaptive reuse in Flanders

Moves towards transparency and coherence are beginning to be seen. The process of applying for planning permission is becoming simplified and more transparent, and you can use an online tool where citizens who want to make changes to buildings, plots or objects can submit their request for a permit. This will also help make reuse practices more accessible.

There is a growing understanding of the importance of subnational, or even national, government when it comes to land use policy, possibly lessening the unpredictability of wide variations across municipalities.

The evaluation of the new heritage decrees in Flanders is on-going. Some argue that, despite the Flemish governments goal of creating one homogenous heritage management policy, there are still many issues to be solved. These include: the

lack of long-term heritage policy, the weak integration of heritage in spatial context, the limited financial means available for heritage, the cooperation and organization between various levels of government, the lack of integration of stakeholders and volunteers, and the devolvement of heritage management responsibilities.

Against this backdrop it seems public debates and trends in heritage management are more focused on solving these issues rather than addressing new issues or trends for the Flemish heritage context to move forward. With the focus on community participation, engagement, and public outreach. As well as a stimulating a closer cooperation between the different regions, and between the regions and provinces to overcome some of the bottlenecks in the governmental system.

There is an aim to create a better collaboration / network between heritage organizations, and more responsibilities for non-governmental heritage organizations. Moreover, heritage is linked more to other sectors and heritage is seen as a catalyst for further societal developments.

The perception in practice is there is a more open, dynamic and flexible definition of heritage against the backdrop of a stricter (less risky) institutional context of rules and regulations. Adaptive re-use is seen as "an opportunity to link heritage and society and change of use, or design are seen as an additional value, helping to preserve heritage for the future.

People are actively looking for a new balance between rules and regulations and flexibility. A similar balance of regulation and flexibility could be seen with regards to other issues (e.g., sustainability).

In preparation for the Flemish elections (end of May 2019) several heritage organizations were asked to share their main propositions and ideas with regard to Flemish heritage management practices, which echo previous strategy documents. HERITA collected them and they include developing integrated approaches, between levels of government, but also between heritage and spatial developments and heritage and sustainability; more and better participatory approaches; more flexibility, space for contemporary interventions and thus a more important role for re-use practices; more cooperation between different governmental levels.

At the local level, stakeholders in the field of heritage complain that the heritage policy context is continuously changing, that there is complete fragmentation in terms of tasks and responsibilities, that there is no interaction between all the various heritage organizations, and that there is no integration of heritage in its wider context.

Bottlenecks

There are many barriers in land use planning which can be attributed to the situation wherein land use policy is organized in a very complex governmental structure with also almost no policy or responsibilities for heritage management at the level of the Flemish government. This leads to a lack of coordination vertically (between levels of government), horizontally (between neighbouring jurisdictions) and sectorally compound the problems with planning.

One often mentioned bottleneck for the management of immovable heritage is that there is relatively low integration of immovable heritage in the broader spatial planning context.

A second major barrier for immovable heritage management is that there can be a large discrepancy between the policies at regional and local levels (if it exists at all). Decisions made on the Flemish level are only in some cases supported by local heritage management organizations or local citizens. They experience a very top-down organized system in which heritage sites are designated without incorporating the local level. Not only does this lead to a decrease in support for heritage management practices, it also means that there is little or no room for local initiatives and only limited room to incorporate heritage values identified by local communities.

Thirdly, funding available for heritage management is not enough. Regionally, for example, a huge discrepancy can be seen between the Flemish annual budget for heritage management subsidies and grants and the waiting list for approved project grants, which exceeds the budget by almost 3:1. Locally, the Flemish municipalities have a total debt of 10,14 milliard euro. Consequently, municipalities are rather reluctant with listing of new heritage sites and, at the same time, they are reducing their budgets for heritage management or even postponing restauration and preservation activities for budgetary reasons.

The acts and codes with regard to immovable heritage only came into force in 2014 and there are still some problems with the implementation of this policy framework. The most often heard barriers for a well operating heritage policy is that this new policy changed certain responsibilities without a change in funding mechanisms. More responsibilities were devolved to local authorities and various other actors like the IOED’s, but a similar or even smaller amount of funding is available for these.

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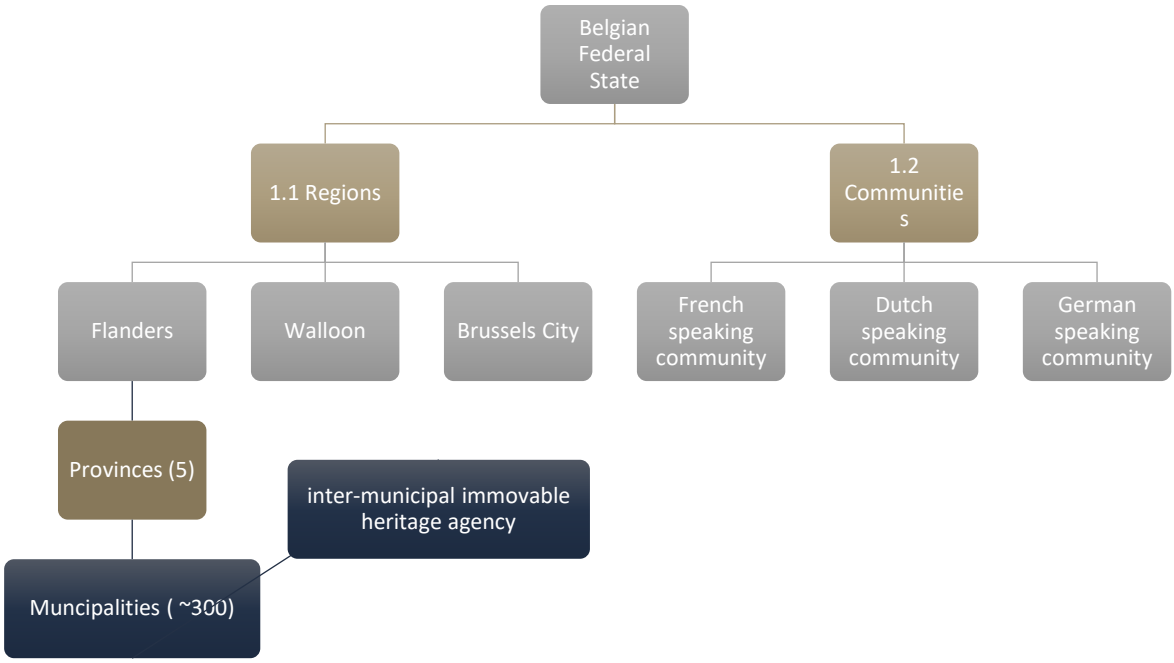
Figure 1: Overview of the Belgian political system (specified for the Flemish



context only).

8 FRANCE

France is a republic with two legislative houses that form its parliament – the senate and the national assembly. The Head of State is the President and the government is led by the Prime Minister. Below this, the French territory is divided into regions (of which there are 12 on mainland France), departments (96), districts or arrondissements (322), cantons (1,995) and communes (36,529). These sub-divisions may have an administrative, electoral and/or political purpose, but do not have legislative power. There are also a number of overseas departments and regions that are administered in the same way as the departments and regions of mainland France. While departments, cantons and communes (communities, municipalities) have roots in the 18th and early 19th centuries, the regions have only existed since 1982.

8.1 Institutional and regulatory context of adaptive heritage re-use

At a national level the government has responsibility for defining the regulations governing development which are set out in a number of 'codes', the main one for planning being the 'Code of Urbanism' (CdU). There is also a separate Heritage Code (CdCH). Each 'code' includes legislative provisions and regulations (or policies) for delivering the legislation. Alongside this legislative framework there are also a number of topic specific national strategies and plans relevant to planning and development e.g. the National Plan for Adaptation to Climate Change. The national government also plans and finances major infrastructure such as transport or universities and is responsible for the territorial directive of planning and sustainable development (DTADD) which sets out, medium- and long-term objectives.

At a regional level, the regions are responsible for overseeing the implementation of state law and policies. They have significant budgetary responsibility and their primary role is to plan and finance large-scale infrastructure projects. They also prepare regional schemes including the regional scheme of spatial planning, sustainable development and territorial equality (SRADDET) and the regional strategy for economic development, innovation and Internationalisation (SRDEII). These documents must be approved by the regional prefect as being in line with national priorities and legislation as set out in the DTADD.

Below this, departments do not have any specific planning powers. However, inter-municipal authorities do play a role in planning, particularly in larger urban areas. They are responsible for preparing strategic plans that provide a coherent territorial strategy for several municipalities or groupings of municipalities to reinforce the need for cooperation and take account of sustainable development. From 2000, these have been called territorial coherence schemes (SCoT) and they are legally binding for local land use development plans covering housing, mobility, commercial development, environment and landscape.

Municipalities (communes) are then responsible for creating local urban plans (PLU) or, where inter-municipal associations (EPCI) exist, inter-communal local urban plans (PLUI) which set out detailed zoning proposals. These bodies have decision-making autonomy and freedom of conception in the drafting of urban plans. EPCI may also have their own taxation and are called 'project' institutions that exercise optional powers entrusted by municipalities.

In some cases, where a PLU does not exist, a communal map or community map can be used by the municipality to set out how the general rules of national planning by-law following the urban planning code will be applied in that area. The map may concern all or part of the territory and could also be developed at the inter-communal level.

8.2 Main actors of the heritage management and re-adaptive use

At a national level the Ministry for Ecological and Solidarity Transition (MTES) has primary responsibility for national level planning regulations and legislation through the Directorate-General for Planning, Housing and Nature which contains the Directorate for Housing, Town Planning and Landscapes and the Permanent Secretariat of the Plan Urbanism Construction Architecture. The Ministry of Territorial Cohesion and Relations with local authorities (MCTRCT) is responsible for dealing with regional and local level planning and urbanism, city policies and other aspects of local policy including housing.

The National Federation of Councils of architecture, urbanism and environment (FN CAUE) also participates in national discussions surrounding major issues linked to living environment, especially debates around legislation. The National Agency for Housing Improvement (ANAH) implements the national policy for improving private housing stock as defined in major government plans. Amongst others, they work with the Agency for Urban Renewal (ANRU), the Federation of Crafts and Small Building Enterprises (CAPEB). ANRU oversees the urban and social redevelopment of neighbourhoods, rehabilitation of poor-quality housing and improvement and diversification of the housing supply. It also has responsibility for improving the energy performance of housing and maintaining social mix within neighbourhoods. Generally, it works in disadvantaged areas with high concentrations of low-quality housing or communities with low socio-economic status. The Higher Council for Construction and Energy Efficiency provides advice to public authorities on policies relating to construction and the adaptation of building regulations to the objectives of sustainable development.

In terms of heritage, the Ministry of Culture has responsibility for national-level historic monuments policy and legislation including designations, casework, the application of legislation and regulation and providing advice and expertise to ministers and senior managers. They also maintain the national inventory of cultural heritage, historical monuments, and the state’s museums and archives. Alongside this, the National Commission for Historic Monuments provides expert advice and opinion on designation proposals, modifications to protected or inscribed buildings where the relevant municipality did not give agreement, significant alterations to listed buildings, and on projects and programmes relating to monuments.

There are also a handful of other national institutions relating to cultural heritage and re-use of buildings including: the Centre of National Monuments, which maintains, conserves and restores the national monuments and their collections over which it has custody and presents these to the public; and the City of Architecture and Heritage which promotes knowledge of heritage and architecture. The French Institute of Architecture, the Heritage Foundation and the Heritage-Environment Federation (FPE) also have a role as third sector or public entities. FPE is a forum for consultation and reflection with the Ministry of Culture and brings together associations and individuals who advocate for

sustainable development, protection of the environment, archaeological, architectural heritage and for the improvement of life.

At a regional level, the regions are typically governed by the regional prefect – the representative of the Prime Minister in that region – and a regional council who oversee regional spatial plans and bring forward infrastructure developments in line with national plans and priorities. There may also be Regional Directorates for the Environment, Architecture and Heritage, or territorial planning and regional attractiveness. Each region has a regional council of architecture, urbanism and the environment (AUE), a regional committee of tourism and a regional commission for heritage and sites (CRPS). The latter is placed under the regional prefect and provides expert advice on developments and works that will modify historic buildings or affect the setting of historic monuments and sites. The regional prefect makes decisions about monuments to be designated.

Locally, departments have a council of the department and prefect of department – the representative of the Prime Minister and Ministers for that department. They would implement government policies for development and land-use planning at the department level. Municipalities designate the municipal council responsible for settling the affairs of the municipality. The mayor (who is elected by the councillors) and his deputies constitute the executive of the municipality and are charged with implementing the decisions taken by the municipal council. Where inter-communal associations exist (EPCI) they may also have a governing structure and could have taxation powers.

Within each municipality Architects of the Buildings of France (ABF) operate as members of the regional AUE who have opted for 'heritage'. They work under the authority of the prefect within the department of architecture and heritage (UDAP) and are conservation professionals who provide free and independent advice, help to the assembly on financial files and skills and oversee new development around protected monuments. The UDAP is responsible for advice and promotion of urban planning and quality architecture and the control of development in protected areas and heritage preservation through issuing relevant permits for development. It also supports identification of local heritage and will generally be involved in local urban plan preparation to ensure heritage is taken into account. ABF working within UDAPs will also assist departmental prefects in opinions on major projects like roads, wind farms or wider landscape issues.

8.3 Cultural and Built heritage adaptive reuse: regulation and development

France has a relatively strict system of heritage protection that dates back to the 18th century. Buildings whose conservation has a public interest in history or art are designated nationally in whole or in part as Classed Historical Monuments (CI.MH). Such classified assets cannot be destroyed or moved, even partially nor can they be subject to restoration, repair or modification of any kind without the authorisation of the administrative authority. Authorised works are carried out under the scientific and technical control of the State. Those wishing to make alterations to a historic monument must consult with the relevant historic monuments service or department who will assist the owner to define the needs for the conservation of the monument and establish a programme of appropriate works. Designations are subject to consultation and approved by the relevant

state representative and may originate from the state, an owner or a third party with an interest (i.e. local authority).

Buildings, or parts of buildings which don't justify immediate classification as CI.MH but for which preservation is desirable may be inscribed as IMH by a local authority. Such assets cannot be modified without prior notification to the local authority and where subject to planning or building permits, will also need agreement from the authority responsible for heritage. Each department holds an inventory of natural monuments and sites whose protection and preservation are of general interest. Historic monuments that are privately owned can be sold freely but the owner must inform the regional prefect within fifteen days under the heritage code. The sale of publicly owned historic monuments must also be approved by the regional prefect.

Buildings that adjoin or are located within the field of view of IMH or CI.MH also have provisions applied to ensure that works to them does not affect the setting of historic monuments. A protection perimeter corresponding to a circle with a radius of 500m around the historic monument comes into effect as soon as the protective measure is enforced. Within this perimeter the ABF will ensure the quality of the projects of works and new developments.

Areas can also be protected where they are of a historical, aesthetic or justifiable nature for conservation, restoration and enhancement of all or part of a set of buildings. Referred to as 'safeguarded sectors' (PSMV) they are created by the administrative authority at the request of the municipality or relevant PLU/PLUI organisation with advice from the National Commission of Safeguarded Sectors. A PSMV is placed on assets within the area and prevents their demolition or modification without relevant permissions. The PSMV must be taken into account in the preparation of the PLU and has to be compatible with the sustainable development plan of the PLU.

In the 1980s new legislation provided for the possibility of establishing zones of protection of architectural and urban heritage (ZPPAU) based on the growing interest of people towards heritage and the need for more flexible regulations to enable 'innovation'. In 1993 this provision was extended to include natural landscapes (ZPPAUP) and in 2007 the procedures for allocating such areas was simplified to ensure a clear relationship with local urban planning. ZPPAUP is an instrument appreciated by municipalities and supported by heritage associations.

Areas of enhancement of the architecture and the heritage (AVAP) can also be designated on the initiative of the municipality or ECPI on the basis of their cultural, architectural, urban, landscape, historical or archaeological interest. The purpose is to promote the enhancement of built heritage and spaces in respect of sustainable development taking account of the aims of the PLU to guarantee the architectural quality of existing and future buildings and spaces. Specific regulations are applied and a detailed design brief is produced setting out design codes to be observed. All developments within the AVAP are subject to approval by the competent authority.

For buildings not inscribed as historic monuments, building regulations still apply requiring a works permit to be issued by the relevant authority. A decree is issued by the Council of State, which sets out the list of works to be executed based on regulations in the relevant codes. This includes changes in use, which by their nature or location require a permit to be issued.

8.4 Funding, financing and incentivizing adaptation

Administrative authorities in France are authorised to subsidise up to 40% of the actual expenditure for the maintenance and repair work required for the conservation of buildings or parts of buildings that are inscribed as historic monuments. In addition, works that are the responsibility of the owner are 100% tax deductible without any obligation to open the building to the public. For protected buildings that are open to the public the law provides for exemptions from transfer taxes (inheritance and donation) subject to an agreement between the state and the owners.

State departments can provide free assistance to owners of landlords of classified or listed buildings that, due to insufficiency of resources or complexity of project, need additional support. A 'Conseil d'Etat' decree specifies the conditions of access to this assistance and the tasks that the state services would carry out.

Financial assistance for 'heritage' properties, specifically in rural areas is awarded by the Foundation du Patrimoine whose main role is the protection and restoration of properties of historic or architectural interest. The assistance is usually in the form of tax relief up to 50% of costs, while the works are being carried out for a maximum of five years. If the person pays little or no income tax then a grant is payable, up to 20% of the capital works relating to the external structure. The grant is only payable when the work has been completed and there is a need to carry out the works in compliance with the standards of the Foundation.

One of the criteria of the grant is that the building should be visible to the public so an interesting, but isolated property that cannot be seen by passing traffic is unlikely to be eligible. Accordingly, the main focus of assistance is on the external aspects of the property and internal works will only be consider where they are necessary to preserve the integrity of the building. Applications can be made in the Regional Office.

Grants for the rehabilitation of housing assets are also available from ANAH. These are for dwellings that are suffering from high levels of degradation or danger and may include e.g. restoring water, energy or sewerage supplies, installing adequate sanitary facilities or adjustments for access such as a ramp. Such projects must also improve the energy consumption of the property by at least 35% and might include insulation or changing the heating system. Since 2010, the National Fund for Thermal Renovation Assistance (FART) for private housing has been helping the most modest owners to rehabilitate their homes and save on energy bills. In 2017, it had granted more then 100 million in aid.

A municipality, EPCI, the State, the Region and the National Agency for Housing (ANAH) can pass a convention called a Programmed Improvement Operation (OPAH) which aims to regenerate a built district. The purpose is to create more favourable conditions that may encourage investors to improve or renovate existing housing within a specific area. An OPAH will usually be established for a fixed term, generally three to give years, during which financial aid is available from ANAH, the Regional Council, the General Council, the EPCI and the City. Usually an external operator is appointed to oversee the implementation and smooth running of the operation.

Regions can supplement State aid with grants, loans, interest subsidies or loan guarantees mostly relating to housing provision or improvement. Under the

CdCH, for example, a state guarantee can be granted on loans from the Credit Foncier de France and Comptoir des Entrepreneurs for the construction, acquisition or improvement of buildings for the main use of housing. These loans may be distributed by any credit institution or finance company that has signed an agreement with the State and with a management company acting on its behalf.

8.5 Participation, culture and sustainability

Other policies or assistance that support adaptive re-use include those relating to sustainability including the energy efficiency of housing, housing provision, participation and innovation.

National energy policy is defined in the energy code. According to the Cd.CH (heritage code) the government must, every two years, report on the housing situation in France and every five years submit a report detailing the national strategy for the control of energy. This includes economically relevant renovation strategies for different types of buildings and climatic zones. It also considers policies and actions to stimulate cost-effective building renovations and details a programme of action aimed at guiding individuals, the construction industry and financial institutions. There are strict requirements on the energy, environmental and health performance of buildings. All energy renovation work must be compatible with the objectives of the national energy policy although the architectural specificities of the existing building are taken into account.

Housing policies are relevant where they support the reuse or rehabilitation of housing stock. Municipalities, EPCIs, departments and regions define their own priorities with respect to housing. Within the framework of assistance policies, they promote the economic and social development of the territory. The Local Habitat Programme (PLH) for example is established by an EPCI for all of its member municipalities. It defines for a six-year period, the objectives and principles of a policy aimed at meeting the needs of housing and accommodation and urban renewal. It also shows how to improve the energy performance of the housing and accessibility of the built environment to people with disabilities. It adopts policies determined in the SCoT and the departmental action plan for housing.

In terms of innovation and climate change, the Operational Programme FEDER – FSE supports the protection and enhancement of the environment including cultural and landscape heritage in territories and promotes the sustainable, rational and innovative use of resources. Investment through FEDER is part of the national programme to support the country’s transition to a low-carbon economy, but actions could also support cultural heritage in particular in refocusing economic activity of innovative services, increasing innovative partnership projects and supporting innovation in all forms.

Neighbourhood Councils (Conseils de quartier) are in operation, being public meetings that are open to all residents. They are an opportunity for discussions and sharing information about neighbourhood development and are held twice a year. A permanent commission composed of 40 inhabitations enriches each neighbourhood council. These councillors, in working groups, create or develop neighbourhood projects and have a role in advising and supporting decision-making the municipality.

8.6 Trends for adaptive reuse in France

Criticism of the French administrative system is that there are too many tiers which – according to criticism from the European Commission – creates problems of duplication, coordination and confusion of roles. In France municipalities have an average population of 1,800 which is much lower than the EU average (5,500). From a planning and heritage perspective, there appears to be a three-tier system of plan making with most planning taking place at EPCI or municipality level.

The interviews suggested that the public and private sectors operate quite separately with few examples of collaboration. Publicly owned buildings will tend to be supported by public funds and privately owned by private funds. There are few opportunities to apply for public funds to support private buildings and they are complex and overly formal. Financial problems and bottlenecks mostly apply at the regional, local level in small communes. They are too small to care for heritage buildings and this has led to the dismantling of assets due to a lack of funds for preservation and public safely. Private properties have also been demolished or run down due to costs of maintaining the property.

In general, however, the public sector lacks the proper funds for the extensive heritage that exists in France. Example is the fire at Notre Dame where private entrepreneurs together committed 300 million for the renovation while the Ile-de-France region could only offer 10 million. This was quite a unique example of the private sector sponsoring public heritage, but demonstrates the lack of funding available to the State.

In terms of funding for adaptive re-use of heritage assets, there are broadly two paths. Revenue driven in the private sector and legally driven in the public sector. Recently, there have been foundations whose goal it is to fundraise for heritage preservation or re-use but these are strongly embedded in existing institutions. As a result, grass-root initiatives are rare. The main areas of adaptive re-use are post-industrial sites and public hospitals.

There are several heritage re-use examples under construction in France which has revived the discussion that seemed to be closed a few years ago, but there are no distinctive trends that have appeared beyond a new wave of ‘facadism’. New trends and paradigms such as circular economy have also made, for now, little impact on heritage policies in France which largely remain conservation-driven and traditional. Social impact and outcomes are considerations in some heritage re-use projects.

9 GERMANY

Germany is a federal state. Three levels of government are distinguished: Federal government, the federal states ("Länder"), and the municipalities (Gemeinde or Kommunen). National policy is decided by the national/federal government. Some federal policy is decided by the agreement of the state representatives rather than by the national government alone. Particularly in matters of cultural and educational policies, laws are passed at the state level. Germany comprises 16 states (Länder), including the city-states of Berlin, Hamburg and Bremen. The city-states are further divided into boroughs (Bezirke). Their authority and remit is widely the same as municipalities (Kommunen) elsewhere in Germany. The remaining 13 states (Flächenländer) are made up of municipalities (Gemeinde or Kommunen) that in several cases form associations in the form of districts (Kreise). The capacity of local government to support adaptive reused depends, in part, on the financial resources at their disposal which varies widely across the country. In the following analysis, Länder-focus is on Brandenburg as the OpenHeritage CHL project Hof Prädikow is located within it. [33]

9.1 Institutional and regulatory context of adaptive heritage re-use.

The planning system in Germany is organized in a federal fashion with different levels of government involved in different competencies, interwoven in sometimes complex ways. The Federal Building Code makes several stipulations that guide the process of developing land-use plans. Developing legally binding land-use plans is within the competency of the local entity of the "Kommune", but they have to take into account other plans developed at federal, Länder and local (Kommune) level, including the preparatory land-use plan (Flächennutzungsplan). Key planning principle in this context is the constitutional guarantee of municipal planning sovereignty (kommunale Planungshoheit) when it comes to planning and land-use.

The Federal Building Code (Baugesetzbuch (BauGB)) contains a number of sections which relate to adaptive reuse. Some sections pertain to heritage preservation – the granting of protection to an area and the necessity of considering this status when developing either a (municipal) Land-Use Plan (Flächennutzungsplan) or a Development Plan (Bebauungsplan). Special urban planning legislation - in particular, Städtebauliche Sanierungsmaßnahmen - allow for measures in areas designated for rehabilitation in view of social and physical measures that might include adaptive reuse to address problems related to the quality of life. The Federal Building Use Ordinance (Baunutzungsverordnung (BauNVO)), revised in 2017 allows for greater flexibility in the land-use plan and the mixing of different uses in an area (dwelling, offices, retail, other small enterprises, civic activities and others) as long as they do not disturb the quality of life. This Ordinance thus has made possible to reassign certain areas in the land-use plan formerly fixated for specific uses (dwelling, industry etc.) to "urban

[33] https://www.culturalpolicies.net/down/germany_012016.pdf

areas" thus opening the way to adaptive reuse of buildings, in particular from industrial and retail sites to dwelling.

In the federal system, cultural policies, including heritage protection laws are passed at the Länder (state/subnational) level. The sovereignty of the Länder is constitutionally guaranteed. There are thus 16 heritage protection laws, one for each Land. "Denkmalschutz" is defined in the Denkmalschutzgesetze (Conservation Laws) on the subnational level ("Länder"). So, each Land has a slightly different take on "Denkmalschutz", though a reference to "public interest" is common to all conservation laws. Some Länder define Conservation in relation to "Denkmale" (monuments), other in relation to "Kulturdenkmale" (cultural monuments). Kiesow (2000) argues that the effectiveness of the protection varies significantly among the Länder. The constitutional basis for such legislation and the ability to intervene with it in private property is guaranteed by the social obligation of property (meaning there can be no absolute property without regard for the public interest (Löhnig, 2019)). The Omnibus Law of 1980 ensures that concerns of heritage preservation also enter various Acts and Codes, including the Federal Policy of regional development, traffic, train and waterway, environmental protection and communication lines. While these laws are relevant for the urban and regional planning, heritage preservation laws in the strict sense are passed at the level of Länder. The level Länder-based ministries of culture communicate and coordinate. The conference of these ministers decides on, for example, German UNESCO nominations (Kultusministerkonferenz der Länder zum UNESCO-Weltkulturerbe).

Generally, in the bureaucracy of heritage protection, there is an administrative distinction between legal heritage protection (Denkmalschutz) and heritage preservation agency (Denkmalpflege). The former has legal competency, the latter provides the scientific argument. Aside from the Heritage Conservation Law at state level, there are also regional ordinances (Landesbauordnungen), as well as local ordinances (Ortsstatute and Gemeindeordnungen) that can protect the appearance of individual monuments or areas against modifications or additions. Under the BauGB, municipal government may pass the heritage preservation statute (Erhaltungssatzung) in order to protect to the appearance and character of a neighbourhood, and to regulate new building projects. In general, heritage protection decisions are thus being made by the local (lower) heritage authority (Untere Denkmalschutzbehörde) who need to give permission for building, modification or demolition related to listed buildings.

An important programme for adaptive reuse in the past years has been the urban heritage conservation programme (Städtebaulicher Denkmalschutz) of federal, Länder and municipal levels of government, as it became an important funding source for urban heritage conservation. Originally funded to cover the costs of regenerating neglected areas in the new (former East) German Länder, between 1991 und 2008 it generated 4.6 billion Euros. The program was expanded to cover the old (former West) German Länder as well since 2009. This programme made a direct link between inner-city development and urban heritage conservation, supporting integrated urban renewal. It includes an integrative approach combining concerns of refurbishment, economic development, social engagement in neighbourhoods and citizen participation with heritage protection. The program was also mentioned as good practice because of good quality management, providing expert advice, research support, integrated social development strategies. Since an application for support through this program requires a heritage protection ordinance, it is a program in which heritage protection can be experienced by citizens as an enabler rather than an obstacle.

9.2 Main actors of the heritage management and re-adaptive use

The main actors or agencies operate at different levels, from European to local. Through its LEADER/CLLR programmes, the EU plays an important role supporting rural development, including heritage and adaptive reuse. This support for rural areas is significant given that many of the federal & regional incentives for adaptive reuse focus on urban settings. The urban heritage conservation programme (Städtebaulicher Denkmalschutz) is conceived and coordinated by federal state and Länder Ministries for construction. Its implementation requires the collaboration of the local level entities (Kommunen). The Bundesstiftung Baukultur (Federal Foundation for the Culture of the Built Environment) was initiated in 2007 by the Federal Government to establish a proactive engagement and network for approaching the built environment to address pressing urban challenges and foster the quality of life. The Foundation sets its own agenda. Their main approach is to engage public discussion through events, workshops, cooperation and publications. Its main target audiences are architects, planners and real estate developers. Every two years a report on Baukultur (Culture of the Built Environment) is published that draws on the workshops, professional and public engagements as an input with recommendations primarily for politicians, policy makers, and professionals. The Foundation is financed by the Federal Ministry for Environmental Protection, Construction and Safety of Nuclear Power Plants and its workshops and the report are supported by the German Federal Foundation for the Environment (Deutsche Bundesstiftung Umwelt).

At the local (district or municipal) level, the Building Control Authority (Bauaufsichtsbehörde) within the Planning Department is responsible for the implementation of the Brandenburg Building Regulations and for approvals related to construction or adaptive re-use. The Lower Heritage Protection Authority is responsible for land-use, building approvals and permits related to protected heritage buildings and sites. The Municipal Planning Department (Stadtplanungsamt) in coordination with other planners of the Building and Housing Inspection (Bau- und Wohnaufsicht) and the Lower Heritage Protection Authority (Untere Denkmalschutzbehörde) and in negotiation with planners and architects play roles in the exploration of possible adaptation of protected heritage buildings and sites.

The professional conservation authority on State level (Landesdenkmalamt) issues reports and engages in negotiations with owners, architects and planners regarding planned adaptive re-uses. The key power of the conservation authority is in defining objects as heritage. Moreover, the conservation authority is to be consulted under given conditions about redevelopment plans involving heritage.

The Highest authority for heritage protection (Oberste Denkmalschutzbehörde), in Brandenburg, is part of the Ministry of Science, Research and Culture, and decides in case of conflict between conservation authority and Lower Heritage Protection Authority. Regarding heritage protection, Ministry of Science, Research and Culture is the highest authority in Brandenburg, under the assumption that they take on protection of heritage assets of broader significance for the Land and not just the municipality. (In some other Länder, the ministries are organized in a different manner, and heritage protection is under ministries of urban development or internal affairs).

Other ministries have the potential to impact on projects involving the adaptive re-use of heritage. For example, the Federal Ministry of the Interior, for Construction and Homeland (Bundesministerium des Innern, für Bau und Heimat) in conjunction with the Länder Ministries for Construction, set up programs to fund the construction of housing or adaptive reuse, including in the past the "Urban Heritage Protection" programme (Städtebaulicher Denkmalschutz). These programs are often area-based and located in urban areas, making it difficult for projects in rural areas to be funded. The Commissioner of the Federal Government for Culture and Media (Beauftragte der Bundesregierung für Kultur und Medien (BKM)) funded the Heritage preservation program "Nationally significant cultural monuments" (Denkmalpflegeprogramm "National wertvolle Kulturdenkmäler") as well as the "Investments in national culture institutions in East Germany" (Investitionen für nationale Kultureinrichtungen in Ostdeutschland). These investments are to be matched (co-financed) with at least the same amount of money through Länder, Municipalities or Third Parties, particularly the owners of such assets or foundations that have an interest in them.

The influence of municipalities on adaptive reuse policy and practice largely depends on the wealth of the municipality. Large and wealthy municipalities have means to support adaptive reuse and heritage protection and municipal leadership (notably mayors) play an important role as key political decision-makers in determining incentives that are available for certain types of work. The planning and economic authority of smaller municipalities usually do not have any specific means of support. They can, however, offer advice, and broker deals with applications around construction and investments, such as reducing the requirements for parking space.

Another actor are local cooperatives established to create housing or public services (including social / village centers). The Cooperative Law regulates the rights and requirements of cooperatives, which can facilitate larger, collective adaptive reuse project by reducing the risk for individual members to invest with shares in the cooperative. Individual members can regain their shares when exiting the cooperative. Moreover, the cooperative model enables democratic self-determination of the cooperative members and a greater ability to be creative in the project and adapt it to people's needs.

9.3 Cultural and Built heritage adaptive reuse: regulation and development:

Regulations for buildings are passed at Länder-level. Once reuse adaptations are proposed, buildings have to be checked for their ability to meet prevailing (and possibly new) building standards. These "Bauordnungen" regulate uses, distance to other buildings, heights, lighting, heating insulation acoustics, fire safety, statics, use of material, drainage etc. However, federal efforts seek to foster a certain coherence among these different Länder-based regulations by defining a common pattern for building regulations (Musterbauordnung). This ordinance, even though it is not specific to it, is relevant for any consideration of adaptive reuse. Arguably the most important law at the national level that regulates buildings is the Energy Saving Ordinance (Energieeinsparverordnung) of 2002 that defines standards for heating and insulation in buildings. When rehabilitating listed buildings, exemption can be granted from meeting energy saving requirements (according to Energy Saving Ordinance, EnEV) and fire safety standards.

Whether building applications meet prevailing (and possibly new) building standards is checked out at the local level by the Building Control Authority (Bauaufsichtsbehörde) within the municipal Planning Department, responsible for the implementation of the regional Building Regulations and for approvals related to construction or adaptive re-use.

Heritage conservation is often portrayed as a barrier to adaptive re-use, as formal protection makes it more difficult to integrate measures for accessibility, energy efficiency, integrating photovoltaic elements, loft conversion etc. Conservation officials are regularly criticized for requiring high and costly conservation standards, while failing consider aspects of (economic) feasibility and sustainability, which may lead to a longer process and more negotiation, and sometimes decay and demolition. Other parties, however, contest such portrayals as conservation officials aim to negotiate in conjunction with owners, planners, architects in figuring out possible adaptations that do justice to different concerns of statics, fire safety, heritage, but also economic feasibility and others. From such perspective, the locally based heritage protection system is considered useful as it allows for greater awareness, and direct communication.

9.4 Funding, financing and incentivizing adaptation:

After reunification (1990) and following the official goal of creating equal living conditions, the preservation of heritage required significant amount of money for assets in East Germany. This was complicated in the 1990s and 2000s by the realization that several areas, particularly in East Germany but also in West German areas had shrinking populations. This raised the challenge of maintaining (or demolishing) buildings when they were largely left unused. Currently, housing is a more acute issue in large cities, while at the same time, available land for new developments has become scarce. Thus, for the housing market in urban areas, the issue of adaptive reuse has become increasingly relevant and profitable.

Funding is the one area where the federal government (rather than the Länder) plays a significant role. The different purposes and priorities of the national ministries overlap with the adaptive reuse in different ways. As mentioned above the program "Urban Heritage Protection" (Städtebaulicher Denkmalschutz) is financed by the Federal Ministry of the Interior, Construction and Homeland and the Länder Ministries for Construction. It was first introduced in the new Länder of the former East Germany in 1991 and in 2009 was extended to cover all Länder. It also helped leverage further EU funds (Franz, 2015; pp230). Moreover, the Commissioner of the Federal Government for Culture and Media developed investment programmes (as above). Funding for rural areas through the Federal Ministry of Agriculture also goes some way to cover preservation of heritage sites.

Further, the Federal Ministry of Family Affairs, Senior Citizens, Women and Youth funds projects for multigenerational living through a variety of programs. Some of that funding can be used for adaptive reuse; Special public funds (Sondermittel) may be mobilized by politicians (often at national level) for specific purposes. In interviews it was explained that even for heritage experts, it is difficult to gain an overview over such special public funds and the purposes they were created for.

As noted earlier, the EU (through its LEADER/CLLR programmes) plays an important role funding rural development.

Regional ministries may have a budget for heritage preservation (Landesprogramme der Denkmalpflege). In addition, regional ministries support specific programs for certain measures, e.g. rehabilitating thatched roofs, timber-framed houses. Regional state banks offer loans at more attractive conditions for heritage-related re-use.

Financial support also comes from a variety of private and public foundations which have a focus on heritage and heritage protection, including the Kreditanstalt für Wiederaufbau (Credit Institution for Reconstruction); Deutsche Bundesstiftung Umwelt; Bosch-Stiftung; Deutsche Stiftung Denkmalschutz; Wüstenrot Stiftung; Stiftung trias. The scale of these foundations and their budgets varies. Their work is mostly related to funding, and therefore they have an influence on the practice of reuse, in terms of what receives funding, as well as what their guidelines are for funding eligibility. For example, Stiftung trias draw on tools from crowdfunding to face-to-face requests and finances rehabilitation of buildings through hereditary building rights (Erbbaurecht) that provides a steady base for a particular social purpose and protects against for-profit development and gentrification-pressures. The program Energy-related Urban Rehabilitation (Energetische Stadtsanierung) by the federal public bank Credit Institution for Reconstruction for example funds staff and other resources for an integrated neighbourhood concept to increase energy efficiency that takes account of heritage concerns; another private foundation "Bosch-Stiftung" runs a program "Neulandgewinner" to support rural projects that seek to foster civic engagement and cultural activities. The support is financial as well as by offering a forum for networking with other projects and with relevant actors in political arena, administration and economy.

In Brandenburg, Ministries of Science, Research and Culture also plays a role in providing funding for certain types of projects. The Regional State Banks are also significant in this regard for funding and financing public and private investments in the areas of economy, infrastructure, housing development and employment. Of particular interest for adaptive reuse is the program of the Investment bank of Land Brandenburg (ILB) for housing development which may include refurbishments and extensions to existing buildings. It offers interest-free credits and subsidies for new developments and refurbishments. Additional grants are available for extra costs related to adaptive reuse, heritage protection, children or accessibility. It targets private individuals and households in central urban areas that fall under an income-threshold. A new pilot program has been introduced for collective forms of living too. The drawback is that the program currently does not offer such support to projects in rural areas, such as Hof Prädikow.

The regional Industrie und Handelskammer (Chamber of Industry and Commerce), offers support to start-ups and existing companies and helps orient in questions of finance and business development. Public foundations (see list above) may operate in some Länder but not others.

Aside from funding, there are also incentives, e.g. tax write-offs, are another area where federal law and government play a role. Tax write-offs of about 10% may be granted to owners of listed buildings. That means 10% of the value can be declared as expenses thus reducing the taxable income. In urban areas designated for refurbishment measures, the refurbishment of, amongst others, listed buildings usually include tax write-offs of 10%.

The municipality may also offer incentives to adaptive reuse projects by promising a more generous handling of heritage protection concerns, reducing the requirements of car-parking space, promising to locate a public bus-stop close by etc.

In some, but not all, Länder there are also public incentives to set up cooperatives. The cooperative model supports private investment in an enterprise and, potentially, allows for democratic self-determination of the cooperative members and a greater ability to be creative in the project and adapt it to people's needs.

9.5 Participation, culture and sustainability:

Cultural Policy in Germany (from before reunification) always prioritized the integration of cultural identity, cultural heritage, cultural diversity and participation in cultural life. Today, one of its main objectives is to enable as many people as possible to participate. [34]

The urban heritage programme (Städtebaulicher Denkmalschutz) also has the aim to increase social engagement in neighbourhoods and citizen participation with heritage protection.

As mentioned before the Energy-related Urban Rehabilitation programme by the national public bank Credit Institution for Reconstruction supports the increase of energy efficiency that takes account of heritage concerns.

The mentioned IBL programme also stimulates integration of heritage, culture and participation.

9.6 Trends for adaptive reuse in Germany

Whilst stimulating adaptive reuse falls more directly under the responsibility of the ministries relating to planning and heritage, they are not the only ones whose work pertains to the re-use of heritage. An integrated approach means that projects funded by the Ministry of Agriculture, or Family Affairs, Senior Citizens, Women and Youth are of relevance. On top of this, there are private foundations that often operate at a local level, but do so across the nation. Considering also the role of the EU in providing funds that may be used for adaptive reuse, this creates a complex legislative and funding landscape that people undertaking adaptive re-use of heritage projects, need to navigate.

Some of these (non-)governmental agencies have specialized to provide advice and guidance, for example on how building modifications (e.g. type of insulation or accessibility measures) can best be done in the context of heritage protection.

The urban heritage conservation program (Städtebaulicher Denkmalschutz) became an important funding source for urban heritage conservation. It includes an integrative approach combining concerns of refurbishment, economic

[34] See https://www.culturalpolicies.net/down/germany_012016.pdf

development, social engagement in neighbourhoods and citizen participation with heritage protection.

After reunification, several cities in East Germany shrunk and buildings became empty, eventually this trend also affected areas in West Germany. In large cities, a more recent increased need for housing became a reason to (re) consider adaptive reuse as a practice. Adaptive reuse now is becoming even more relevant and especially in the very profitable in the housing market in urban contexts.

In the current economic context, adaptive reuse projects are mostly run by civil society actors, primarily with the intention of converting buildings into housing. We see adaptive reuse is rarely funded because of heritage concerns, but for example through public funding for housing projects related to multigenerational living, accessibility and housing for people with disabilities.

Adaptive reuse projects require tailor-made solutions; civil society groups often show greater creativity and collective capacities to engage in these tasks and tent to appropriate buildings and spaces in innovative ways. The housing shortages in cities fosters this (re)development. But there are also adaptive reuse projects other than housing to address other needs such as artist workshops, social centers, childcare centers or village centers etc.

Setting up a cooperative to engage in adaptive reuse projects can be stimulating. The advantage is that it reduces the investment risk for individuals. The associated disadvantage of such cooperative model is that the individual investment does not generate as much potential interests (or none) for the individual member. The cooperative model also allows for democratic self-determination of the cooperative members and a greater ability to be creative in the project and adapt it to people needs. This however, may also be time-consuming and requires greater engagement of members.

In the planning and heritage system, there is space to negotiate between conservation officers, owners, planners, architects to figure out possible adaptations that do justice to different concerns of use, construction, fire safety, heritage, economic sustainability and so on. For this, the locally based heritage protection system is considered useful by several actors as it allows for greater awareness, and direct communication. Others, however, consider heritage protection as a significant obstacle to sustainable economic development.

Bottlenecks

The high density and complexity of regulations can be a bottleneck in the system. The co-existence of many different regulations and differences per State, as well as the funding of heritage and adaptive reuse through many different sources, means a lack of a coherent approach to adaptive reuse. This is especially difficult for those attempting to engage in adaptive reuse in multiple sites and states across the country.

Acquiring funding for adaptive reuse requires considerable knowledge of existing funding programs in many different fields, which are not explicitly tailored to “adaptive reuse” but which may provide funds that could be used for such purposes. Thus, in addition to knowledge, significant creativity is also required to envision how funds may be relevant for adaptive reuse purposes. In the CHL, Hof Prädikow, for example, federal funds for multi-generational living may make the refurbishment of one building possible.

Within the current project-based heritage funding provided by government there are several issues. It is often necessary to do advance investments (developing plans, estimate of costs etc.) to apply for funds or a loan. This is time-consuming and involves significant risks for those small entrepreneurs/investors since the outcome cannot be calculated.

Rather than providing public money to cover the difference between a regular refurbishment and a refurbishment that complies with heritage preservation standards, owners need to apply for funds in the complex funding landscape.

It has become very difficult to maintain an overview over the possible project-based funding opportunities. In addition, particularly with respect to funding from the EU, as well as increasingly also from federal or Länder-level sources, it is difficult to fulfil the (pre) requirements the funding bodies set. Several examinations are required, making the process complicated and at times unpredictable, and thus risky. Applications require specific and expert project coordination which not every local community, or civil society groups are able to guarantee or afford.

Due to the complexities of the application process, sometimes the actual money becomes only available at a time when it might be difficult to spend it (due to inclement weather or because time is too short). Therefore, in such cases considerable funding money is not retrieved.

When it comes to funding, it is easier for the state, compared to foundations, to fund projects that could make a profit. Foundations are commonly registered as charitable/non-profit and are usually restricted to support projects that are not-for-profit. It is difficult for non-profits to support projects with profit interests, even if it involves only small entrepreneurs.

When it comes to heritage preservation (instead of reuse), by far most funding comes from public sources. Public funding is criticized for disproportionally supporting projects such as UNESCO World heritage sites, while neglecting other "ordinary" sites.

There are less resources than adaptive reuse projects, there is significant competition over public and private funds.

Rural areas are often not covered by federal funding / investment programs that promote reuse, e.g. through the redevelopment into housing, as the focus is on urban areas. For rural areas, at this moment only pilot programs to establish such subsidy areas are envisioned.

Adaptive reuse of non-listed heritage in a way that is sensitive to the heritage can be expensive as there are few to no incentives or public funding to close the 'conservation' gap.

Exterior appearance/façade of listed buildings or in historical areas allow relatively little flexibility in terms of modifications. This is particularly difficult with respect to re-use for housing – with requests for (larger) windows or even balconies.

Introducing new uses/changing uses of buildings can be difficult, given legally binding land-use plans and development plans.

Strict building regulations are often criticized for impeding creative designs and reuses. Once a Development Plan (Bebauungsplan) is passed into law it becomes difficult to change it. A Development Plan may allow for greater density and heights in an area, compromising the historical landscape.

Approvals for temporary uses are difficult to obtain – even as e.g. in the case of Hof Prädikow to house people temporarily in trailers while they work on refurbishing the place.

9.7 Labox: Hof Pradikow

The German Living Lab site, Hof Pradikow, is situated within Gemeinde Prötzel, in Landkreis Märkisch-Oderland, in the Land of Brandenburg. Brandenburg encircles Berlin (though Berlin is a separate state). Märkisch-Oderland lies to the east of Berlin and part of the boundary of Märkisch-Oderland, is contiguous with Berlin. Gemeinde Prötzel is a rural area, like much of Märkisch-Oderland. Although Prädikow is only about 50km away from the city centre of Berlin, it is poorly connected by public transport with only few public buses passing through the village each day.

Brandenburg is one of the poorest Länder in Germany, average income is well below the German average (Consumer Index of 88% compared to EU-28: 100% and German average of 126%). Brandenburg suffers from a shrinking population. Financial capabilities of the Land Brandenburg are limited, compared to other Länder.

The Landkreis MOL is only slowly benefitting from the economic growth of Berlin, since it is relatively far away from Berlin city. Disparities within the Landkreis are considerable with those areas closer to Berlin experiencing relative growth while areas further in the East, bordering to Poland, struggle more economically, speaking in general.

Two trends come together in a project such as Hof Prädikow: Brandenburg, more generally, has suffered from a shrinking population, particularly in rural areas such as the Landkreis MOL. Several buildings remain empty and unused. At the same time, the housing market in Berlin has made living space increasingly expensive, pushing some residents to seek for cheaper housing solutions outside of the city.

As noted earlier, the Länder define their own laws with regards to heritage. Brandenburg includes “Protection of cultural landscape” in its constitution. The Brandenburg Conservation Law distinguishes monuments (Baudenkmale), monument areas (Denkmalbereiche), mobile monuments, and monuments in the ground (Bodendenkmale). Different criteria and areas of significance are defined in these subnational laws to promote “conservation”. For Brandenburg, these are history, art, urban design, technology, folklore and science. The Brandenburg Conservation Law states as its purpose: “Monuments are to be protected, preserved, maintained and researched as sources and testimonies of human history and as defining parts of the cultural landscape of the Land Brandenburg according to the stipulations of this law.”

Large and wealthy municipalities have means to support adaptive reuse and heritage protection (such as Kommunale Programme der Denkmalpflege – but not in Märkisch-Oderland. The municipality of Prötzel is not well resourced and financially relatively disadvantaged which allows for little ability to provide funds

and supports. Overall, there is a lack of support capacities from the municipality. There are thus no municipal programmes of heritage preservation (Kommunale Programme der Denkmalpflege) operative in Prädikow. Similarly, funding that may be acquired for heritage protection in larger cities or districts are not applicable in a small and economically relatively weak Landkreis Märkisch-Oderland.

The Investitionsbank des Land Brandenburg (Investment bank of Land Brandenburg (ILB)) funds and finances public and private investments in the areas of economy, infrastructure, housing development and employment. Of particular interest for adaptive reuse is the ILB program for housing development which may include refurbishments and extensions to existing buildings. It offers interest-free credits and subsidies for new developments and refurbishments. Additional grants are available for extra costs related to adaptive reuse, heritage protection, children or accessibility. It targets private individuals and households in central urban areas that fall under a given income-threshold. A new pilot program has been introduced for collective forms of living. However, Hof Prädikow is situated in a rural setting and is therefore not eligible for this support.

As noted earlier, it is possible for municipalities to offer non-financial incentives to support adaptive reuse projects. Apparently, however, none of this has happened in Hof Prädikow so far. Approvals for temporary uses are also difficult to obtain. In the case of Hof Prädikow, according to our interviewee, this would make it possible to house people temporarily in trailers or temporary settlements while they work on refurbishing the place.

As in other Länder, the Brandenburg Chamber of Industry & Commerce offers support to start-ups and existing companies (such as those that may be located at Hof Prädikow once it is developed) and helps orient in questions of finance and business development. This may become a relevant option for Hof Prädikow.

Private foundations are offering support; Stiftung trias by granting hereditary building rights to the project and Stattbau GmbH as the developer of the site. Hof Prädikow also reflects the trend towards the formation of cooperatives to support re-use. However, the public incentives to found cooperatives, seen in other Länder, are not available in Brandenburg. Also, the challenges for non-profits to support adaptive re-use projects with profit interests (e.g. some members at Hof Prädikow who are entrepreneurs and use certain spaces of the site) comes into play here.

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10 HUNGARY

Hungary three tiers of government, the national government, counties, and municipalities. There are 19 counties and the capital region of Budapest, and the 3152 municipalities form the local level. The counties are further subdivided into 174 districts (járások). Budapest is subdivided into 23 districts (kerületek).The National Government has devolved 'regional' offices at the level of counties and districts, which perform governmental tasks at county level and monitor the realization of the state-level principles.

10.1 Institutional and regulatory context of adaptive heritage re-use

Hungarian spatial planning is characterized by a centralized system where central government carries most of the responsibilities. They prepare the national framework legislation that structures planning at the national and subnational level, and implement the National Spatial Plan. They also allocate budgets. They assist initiatives of regional and local communities, and make sure their plans are corresponding with the national strategies with the aim to decrease differences between regions. There are priority-regions, such as the Budapest Agglomeration Region, where specific regulations to spatial planning can apply.

Though the concept of adaptive reuse does not appear in the legislation or policies at any level, the following legal framework shapes the processes for adaptive heritage re-use projects e.g. through defining limitations on change of use through the zoning plans and establishing priorities in terms of preservation.

Law XXI in 1996 on territorial development and spatial planning: defines the roles in the government – a broad framework for any adaptive heritage re-use project

Law XXVI 2003 on the National Spatial Plan: determines how the land-use planning system works and defines the main land-use categories that must be used in zoning plans at national and county level – a broad framework for any adaptive heritage re-use project; the land-use categories define the general framework of re-use, it provides a basic limitations for that.

Law LXXVIII in 1997 on shaping and protecting built environment: the law is about various aspects of settlement planning and development as well as planning and construction of buildings and the preservation of built heritage and the related actors and their responsibilities. It defines architectural heritage at national and local levels.

Law LXIV in 2001 on the protection of cultural heritage: it defines various categories of heritage protection and protected monuments; it proclaims that all developments should be carried out in accordance with the interests of cultural heritage protection.

Government Decree 496/2016. (XII. 28.) modified with Government Decree 68/2018. (IV. 9.) on regulations related to the protection of cultural heritage: defines the organizational structure and regulates archaeological excavations as well as construction works on protected monuments; it describes the permission

processes and the responsible authorities when doing construction works on protected monuments.

The main national policies in this respect are 1) the Spatial and Settlement Development Operational Programme (Terület- és településfejlesztési operatív program) and the EU Rural Development Programme LEADER.

The first contains the spatial strategy of Hungary (2014-2020). Since it is funded through the Regional Development Fund and the European Social Fund of the EU, it is aligned with the thematic priorities 'Environment and resource efficiency' and 'Social inclusion. It aims to support regional, decentralised economic development and increase employment based on local resources. Heritage issues appear in the context of preservation and the development of touristic potential which provides employment opportunities. Resources that come with this programme for protection, development and promotion of cultural goods are only for State property. The LEADER Programme, also EU funded and thus aligned with EU priorities, mostly focuses on agriculture. It aims to create and realize settlement development programs and investments in the rural areas of Hungary building on the local resources and the active involvement of local people. Whilst there is potential in both programmes for built heritage as a resource for adaptive reuse, this is not included as such.

County governments are responsible for preparing and implementing County Spatial Plans. At regional level, the Spatial development plans for counties and the Regional territorial development plans define respectively general principles and the major categories of land use and zonal plan. Pest County (Pomáz Lab) Spatial Development Plan (2013) recognizes built heritage as a resource in terms of local identity and tourism development and sets the conservation and maintenance of heritage sites as a task, but adaptive reuse is not mentioned as a tool to achieve any of this.

By harmonizing the settlement development strategies and settlement planning tools with the county-level strategies and plans, the overall planning governance has. County municipalities prepare and accept the county developmental strategy and spatial planning program; supervise the realization of the programs and the development plans of the municipalities and economic organizations together with the economic actors in the county; coordinate developments from EU funding; prepare a spatial plan for the county in cooperation with the county level towns; etc.

At local level, every settlement is required to have a Settlement Image Manual (Település Arculati Kézikönyv) and connected to that, a Settlement Image Decree (Településképi Rendelet). The latter might include locally protected buildings, but there is no mandatory requirement to define locally protected sites. The Settlement Image Manual (Település Arculati Kézikönyv) contains a heritage survey. Based on that, it establishes specific suggestions for plot uses, materials and colours to be applied to the buildings and several other details, but it is not mandatory to follow these. Every local municipality has a Building Regulation Plan (építési szabályzat), and a built heritage inventory (értékleltár) is a mandatory element in that.

The concept of heritage as a resource appears in the policies and legislation concerning the local level, but mostly in the context of protection or conservation.

10.2 Main actors of the heritage management and re-adaptive use

Important in this context is that the organizational structure and their roles, remits, and responsibilities are changing very fast. Information is not always up to date and practitioners often struggle to understand the formal situation. A lack of clarity in terms of structures and competences (at all level), affects practice, particularly in the heritage field.

The Hungarian planning system and heritage management is based on three tiers: national, regional and local. At national level, the ministry currently responsible for both spatial planning and heritage is the Prime Minister's office and their Deputy State Secretariat for Architecture and Building Control (Építészeti és Építésügyi Helyettes Államtitkárság). They prepare the national developmental and spatial planning strategy and the spatial planning strategy of the Budapest Agglomeration. Prime Minister's office is also responsible for the protection of cultural heritage; supervising the field of cultural heritage and the authorities of cultural heritage protection and they are responsible for the national heritage inventory. The Deputy State Secretariat for Architecture and Building Control (Építészeti és Építésügyi Helyettes Államtitkárság) are responsible for settlement issues and territorial development – heritage at the local level appears in this context. There used to be a Department of Monuments under the Deputy State Secretariat for Architecture and Building Control, but they ceased to exist in November 2018.

There is a minister assigned by law to coordinate all issues related to building regulation. Now this minister is the Minister of Innovation and technology (since 2018 May) but his is constantly changing. Developments designated by governmental decrees as priority developments of national economy belong directly under this minister. Conversely, the Prime Minister's office handles the budget for spatial planning and territorial development and support the programs defined in the national strategy.

Some of the implementation and monitoring of planning tasks is delegated to the Government Offices at regional level (these are devolved county or district level offices of the National Government). By performing governmental tasks at county level and monitoring the realization of the state-level principles, the regional (district) Government Offices have control over several activities among which the approval of regional and local spatial plans.

As mentioned above, protection of cultural heritage is mostly the responsibility of the national level. The subnational level (District Offices (Járási hivatalok) under the county-level Government Offices (Kormányhivatalok)) are tasked with enforcing the law concerning protected monuments on the national list (protection and inventory of the protected values are decided at national level) and also concerning construction in general..

Municipalities are responsible for the inventory, maintenance and protection of local built heritage as defined by the law by creating the mandatory Settlement Image Manual and the Settlement Image Decree. In this document, they decide whether and how local built heritage will be protected. Discretion of local government in decision making these plans is 100% as they get to decide if, and how to deal with this locally. The local Settlement Image Decree can e.g. require the Mayor's approval of every construction plan.

Building Control Offices ([redacted]) of designated District Offices (Járási hivatalok) give permission for any construction works on protected monuments; only one district per county deals with listed monuments for the entire county.

Figure 2 Overview of the main public actors involved in the governance of adaptive-reuse

10.3 Cultural and built heritage adaptive reuse: regulation and development

National law and policy only refer to listed, and among these, protected monuments. Buildings which are not protected but considered to be of heritage value are defined and dealt with on local level (heritage value), and at sub-national level (construction permits); they do not appear on national level.

The law (LXIV 2001) specifies these categories (monument, a listed monument, and a protected monument) and the restrictions when renovating or utilizing a protected monument. Important in terms of reuse is that nationally protected monuments legally need to be preserved in their physical integrity, which is more important than any changes required by change of use. Heritage significance of monuments is also included in the Settlement Image; specific regulation applies at local level in these cases. The setting of a monument can also be part of the listing if its transformation effects the value of the monument. What is on the National List comes with high restrictions, while there is high variation in terms of restrictions concerning the locally designated heritage sites, defined locally in each case. Whether buildings are protected or not, uses are still determined by the Settlement Structure Plan and the Local Building Regulation (both optional) based on the designated functional zones.

The value of material side of built heritage is emphasized in the Act, the related intangible heritage is mentioned but undefined. Monuments should have a "proper function" suitable to their "intrinsic value". In practice, the original and future use of the buildings is often not considered in the renovation process. It was noted that this gap also reflects an unsuccessful strategy inherited from Socialist times, when buildings were in the state property. Recent examples show that in the capital and concerning the most valuable heritage assets, developers have gained an extended freedom concerning the (new) use, and the national Government supports this by issuing decrees case by case to create such freedom deviating from heritage law.

The Heritage law provides an opportunity to every settlement to introduce the category of locally protected monuments for those elements of built heritage which are not protected at national level but stand out due to their appearance and characteristics or their value in the settlement image or settlement structure, preserve some kind of tradition, reflect the work and culture of people and communities living there, so belong to local heritage. Buildings and sites which are not protected at local level, but appear in the settlement image, can be considered to be of heritage value in this context. Territories can be protected where the value is contextual e.g. settlement structure, street view, etc. or in buildings, protected as whole or in part (e.g. façade). As mentioned, it is mandatory for every settlement to create a heritage inventory in the Settlement Image Manual and to issue a Settlement Image Decree (Településképi Rendelet).

In this, the discretion of the process becomes evident: decisions about the local requirements related to the permission process before constructions as well as about local protection itself depend on local authorities. Even though the law LXXVIII/1997 points out that in case of any construction, special attention should be paid on the settlement image, landscape, architectural characteristics, the view, and the values of built heritage when making decisions about the location, and any element that influence the appearance of the building when it is constructed, transformed, or reconstructed, the enforcement of these principles is strongly dependent on personal interest of people in charge (in particular the mayor and the chief architect) and on local policy. The involvement of local communities is not formally recognized., and the acknowledgement of heritage values are much influenced by these contingent factors. Consequently, there is a large variety of practices between different Hungarian settlements in this respect.

10.4Funding, financing and incentivizing adaptation

Generally, building renovation is based on a mixed financing system relying on the State, church, municipal, and private financial support. Obligations of the owner are defined in law LXXVIII/1997 and LXIV/201. Accordingly, the owner is obliged to keep its protected properties in good condition and to ensure their suitable use. In case of non-fulfilment of this duty, the authorities are allowed to prescribe appropriate work on the expenses of the owner, igniting a process which might lead up to expropriation. Still, no specific funds or financial support exists for adaptive heritage re-use, but scheme for protected monuments are defined every year and owners of protected monuments can apply for state support for the maintenance and renovation of the monument at the National Cultural Fund. In 2019, the total sum was 172 million HUF, and the owners could apply for a maximum of 15 million HUF.

Based on Law LXIV/2001, the main tools of central administration for the protection of listed monuments are the above-mentioned national budget sum designated for heritage protection and settlement image protection, possibly incremented with budgets designated by local municipalities (optional). Additionally, law LXXVIII/1997 entrusted to the Prime Minister’s Office a budget for helping the local protection of monuments and to support planning at the regional and local level.

A further line of credit is defined through priority projects for which large amounts are budgeted (billions of HUF) through the institutions created for this purpose. Among this, the National Castle Program is a governmental program financed by the EU (Europa2020 – in Hungary Széchényi2020, Economic Development and Innovation Program; Government Decision 1773/2016. (XII. 15.)), focused on a “top layer” of monuments, by selecting the “most important” 60 castles from all over the country with the aim to develop tourism.

Works on not listed buildings at national scale (not protected historical buildings, locally protected buildings or buildings with heritage values) are supported through various thematic funding programs within which adaptive re-use can match the main goals of the program, such as Kisfaludy Tourism Development Program, for the development of touristic accommodations in rural Hungary until 2030 (totally 300 billion HUF, partly for direct funding and partly for favourable loans - government decree 1152/2019) or the Hungarian Village Program (totally 7000 million HUF, maximum 15 million HUF per building), for developing local community spaces for churches.

The concept of adaptive reuse is not mentioned in these programs. Deaingl with a protected monument tends to be perceived as a burden due to the lack of incentives and the range of legal, administrative, and financial barriers. Nevertheless, a recent interest in terms of heritage and community initiatives is rising from a small circle of young professionals, mainly based in the capital, though they have to face significant difficulties.

In the perspective of tools, the law reserves solely to protected monuments incentives in terms of tax reductions, fee reductions, favourable loans, and further incentives for heritage protection. Corporate tax reduction for organizations are allowed for the maintenance or renovation of listed monuments. Costs of maintenance can be reduced from their basis of tax assessment up to the 50% of their profit; organizations can reduce 100% of the costs of renovation from their basis of assessment twice in the next five years after the renovation, maximum 100 million euro. This applies also if they handle a state owned monument in trust. In respect of private owners, this applies through the companies where they have interests, plus they do not have to pay tax after the increase in the value of their property due to the renovations. This law was introduced in 2017. There is a risk that it primarily benefits a limited group of wealthy developers who are close to the circles of the government and who are trustees of large and valuable monuments – they can use these to reduce the taxes of their various companies.

Thus, it is significant to point out that at local level most developments are financed by private developers and owners while community financing is extremely rare. Local protection of building can be combined with financial support from local administration, but there financial means are very limited, so they can offer only small amounts. As already mentioned about the discretion of the process on the matter, both protection and financing depend on intentions and financial means of each municipal government. Nevertheless, some valuable experiences show how non-financial incentives, appeared informally at the local level, and based on personal connections and influence of local actors, might support alternatively heritage as a resource for the local community. For example, in Budakalász, a small settlement near Budapest, the mayor and the chief architect established good connections with the community and they are able to influence how owners deal with buildings of local heritage value. In Sopronkövesd, a village in Western Hungary, the mayor has organized successful programs on the European Heritage Days for years now involving the entire village, which otherwise has no protected monuments. He recognized the power of heritage in strengthening the community, this is why he is doing this.

10.5Participation, culture and sustainability

Overall, community initiatives, civic organizations are discouraged by the Hungarian Government even via legislative means. Still, at the present, a huge number (more than 50 thousand) of civic organizations is registered. As already noted in relation to heritage, a scarce interest in the community engagement reflects on communities themselves, generating a lack of enthusiasm concerning any activity in the civic sphere due to a feeling of lack of power and competence.

In respect of adaptive reuse framework, two main aspects - significantly community led initiative - can be pointed out: the lack of grant scheme to work with available properties and of legal regulation of interim/temporary utilization. Beyond few successful exceptions (e.g. Gólya Szövetkezet, a community-based pub and cultural centre or some housing communities such as Rákóczi Kollektíva

and Magdolna Utca) the majority of the solutions are spreading on illegal bases. Art and cultural centers are involved mainly in the adaptation of former industrial buildings (e.g. Former MÜSZI, Heinrich Alkotói Szint and Fonó, Artus) and other buildings such as former apartment houses or public buildings (e.g. Jurányi Incubator House and Former Tűzraktár). Therefore, no long-term strategy to finance a step-by-step renovation / reuse of buildings is set.

In the environmental perspective, no strategy or policy is specifically designed on adaptive-reuse.

10.6Trends for adaptive reuse in Hungary

Going through the previous thematic sections, it is clearly shown how the concept of adaptive reuse does not appear in the legislation, and neither in the policies at any level. In matter of cultural heritage, the main focus is on nationally protected monuments which, at the present count 15.000 listed buildings. The current governmental plan is to reduce this number to 3000. Interviewees see that a possible solution would be transforming the rest in local protected heritage. However, since no plan has been developed to strengthen the meaning of local authority on the field, they also showed their concerns about this kind of process, underlining a risk for several heritage assets.

On the other side, local protection has a seminal value and a huge potential for the overall system. However, local protection is optional for the municipalities. If the national protection is removed, only local protection can prevent the demolishing of the buildings, in case the local municipality is interested in that.

Since heritage is understood as a building with a defined set of values to conserve and protect, the issue to deal with the uses and practices connected to that (intangible heritage) and the diversity of heritage values does not even appear in the system at all. Indeed, it is through local heritage that people and built environment might be connected, steering new functions and perspectives.

Overall, there is a lack of tools to encourage developers to take up a re-use project against new constructions and, as effect, no benefits are perceived in dealing with heritage. As already underlined, the rigidity of the context is particularly stressed in relation with functions: whereas the definition of “proper” use is at the core of protected monuments - meaning that its use is suitable to its intrinsic value - function usually does not appear as a negotiable question in the planning process. The law talks about a ‘proper’ use but it is unclear what would be that. The institutional system is chaotic: owners have nowhere to turn to for expert advice, and it is really complicated to get through the required permissions at all levels. Consequently, there are cases where owners of protected monuments gave up their intention to adapt and reuse the building.

In some extent, the inflexibility and chaotic character of the system has revealed also in terms of knowledge: research in the case of protected monuments prescribed by the law is partial as well as insufficient. What is pointed out from practitioners at various levels in the field is thus an arbitrary framework in accordance with a general tendency towards political bias combined with a lack of monitoring system.

10.7Labox: The Glasshill Heritage Lab

The Glasshill Heritage Lab is situated in a complex archaeological-environmental heritage site, Pomáz-Nagykovácsi-puszta, on the edge of Pomáz namely 20 km north from the centre of Budapest in the Pilis Mountain Region.

The spatial development plan for Pest County is relevant for the Pomáz Lab. The document created in 2013 sets the balanced development of the county as an aim. Built heritage is recognized as a resource in terms of local identities and tourism development, and the conservation and maintenance of heritage sites as a task, but adaptive re-use is not mentioned as a tool to achieve these.

Pomáz belongs to the Budapest agglomeration area, so it is impacted by the Territorial Development Plan of the Budapest Agglomeration. The latter is composed of a structural plan defining the major categories of land use and a zonal plan. In terms of land use, Pomáz is an urban settlement area combined with green settlement areas, agricultural areas, and forestry areas. The Lab is located in the latter, protected areas which cannot be reduced in size. In addition, the zoning plan defines the area of the lab as a core zone, namely an important natural habitat for several species. It is also a zone of protected landscape of national significance and a zone of historical settlement, as well as a zone protected for further natural resources such as natural water and minerals. Based on these, the Local Building Regulation (Települési építési szabályzat) has to prescribe the preservation of local building and architectural traditions, characteristic for the landscape .

Based on the Settlement Image Manuals (Település Arculati Kézikönyv) of the settlements in the area, the Lechner Knowledge Center ordered the preparation of a document with Guidelines for the Image of the Pilis Region. This document lays down important foundations for adaptive re-use in the Pilis by presenting the values of the landscape, traditional and modern use of the landscape. The reason for preparing this regional manual was that the Danube Bend, where the Pilis is located, is a priority touristic development region, receiving about 70 billion HUF support until 2030. Thus, the aim of the commissioner of the paper is to ensure that the uniqueness of Pilis is preserved and enhanced when these resources will be invested. The paper defines heritage value, and distinguishes various types of heritage (from which period, what kind of construction or space, etc.).

In this document, the settlement structure is defined as heritage and adaptive re-use is explicitly supported by suggesting the renovation of old buildings. In particular, some special building types are pointed out: old stables, granaries should be preserved and a new function should be found for them: e.g. additional accommodation (utilized in village tourism), storage, garage. Village tourism should be combined with a functioning agricultural unit with local craft production. Unused outbuildings should be utilized in this respect. Industrial heritage is also emphasized as something to be preserved by finding a new function for them. The paper also brings a few good examples from the region and from Hungary. Ruins, such as the one within the Glasshill Heritage Lab, should be presented in an enjoyable way, applying smooth architectural tools based on careful landscape architectural considerations. They should receive a function (or functions) which contribute to the sustainability of the site. In agricultural areas and forests, only justified buildings should be constructed, matching the natural environment, using traditional and natural materials, and keeping the old buildings if possible. The document also promotes the regional

integration of similar ruins and to combine their presentation with the adaptive re-use of other building types to serve tourism development in the area.

At local level, the Settlement Image Manual of Pomáz (Település Arculati Kézikönyv) aims to present the local architectural and landscape values to offer good alternatives for developers and builders. Heritage is defined in terms of the settlement structure, ethnicities, and characteristic elements of traditional architecture. The document includes recommendations with respect to the plot arrangement, ground plan, façade elements, colours, etc. Part of these applies to reconstructions, while some specific requirements regard façade of those buildings and areas which are not under local protection too.

Description and specific recommendations for each historical part of Pomáz include special advices for renovating old buildings. They encourage the renovation of old buildings respecting heritage values but the use is rarely mentioned.

The Settlement Development Concept (Településfejlesztési koncepció) of Pomáz was written in 2016. It is an overarching strategy for developing the town in economic, social, and spatial-architectural terms. Heritage is discussed as a source of local identity and a resource for tourism development. Since most of the visitors of the Pilis mountains do not enter the town, it is an aim to attract them. The excavation and presentation of the ruins at the Lab site is mentioned as a positive example set by a private owner which could be followed by the municipality.

In addition, as every local municipality, Pomáz has its Building Regulation Plan which conveys requirements for the plot arrangement, general requirements for buildings and constructions, transport and infrastructure developments, public spaces, dwelling areas, industrial zones, recreational zones, general guidelines of heritage and nature protection referring to national legal documents, etc.

11 ITALY

Italy was first unified in the late 19th Century and became a republic in 1946. It is comprised of 20 regions, which have "concurrent legislation" with the State when it comes to territorial governance; together they set the legal framework for planning, building and property as well as heritage, environmental and landscape protection. Governance thus works across 4 spatial levels – national, regional, sub-regional (provincial) and municipal. The framework, mostly led by the national state, is worked out at the regional and local level.

11.1 Institutional and regulatory context of adaptive heritage re-use

The main legal framework for Planning is set by the National Planning Law (1942 but amended in 1967 with specific regard to the conservation of the "historical centre"), even though some regions have adjust / introduced innovations on matter of local plans (e.g. contents and approval). Additionally, 1978 legislation determines which building permit and plans are required for reuse and rehabilitation of buildings and zones.

Plans and policies are developed on subnational level. There are three levels of general plans: regional, sub-regional, municipal:

The regional plan is a development plan, defining regional policy goals, locating infrastructures and special zones and defining the socio-economic and environmental framework for local plans. These plans do not directly affect building rights or land use regulation. Levels of autonomy for regions (devolution) are increasing as such it varies per region how planning frameworks are organised, and in particular how heritage is integrated;

Sub-regional plans are optional, and aim to deliver a spatial framework for local plans;

The municipal comprehensive plan (Piano Regolatore Generale) is the main planning tool, and determines land-use. Some regions have municipal plans in two or three tools, approved separately: structural/strategic plan, land use regulation, and an operational plan (regarding development areas and/or public facilities).

There is no national urban agenda or plan / policy on urban planning. The regions share with the state the general setting for urban policies and the implementation of EU policies. The 'urban policy' is programme-led (developing mostly in this century and partly under the impulse of European Programs and funding) and aims to accelerate intervention in urban areas and support initiatives of urban re-development / regeneration. This tends to be a competitive process and financed through the ministries of Infrastructure and/or Economic Development.

Overall, adaptive reuse is not a common term in the policy context. Within the policies, however, the term "riuso/recupero" is often used, to refer to "re-use and rehabilitation" of buildings and zones that have lost their original use. Nevertheless, new urban challenges - such those regarding the shift towards no consumption of land, conflicts emerging from urban sprawl and fragmented

territories - have been drawing attention on urban regeneration at national, regional and local scale. Several regions (among which Lazio, l.r. 7/2017), adopted their own law on the matter. It has noticed, physical-constructive aspects have often prevailed over social and environmental ones, ultimately allowing deregulation processes in favor of punctual interventions (Giusti, 2018).

During the last 20 years, some programmes have been launched, partly by the impulse of European Programs, partly to accelerate interventions in urban areas and to support initiatives of urban re-development, financed through residual funds available to the Ministries of Infrastructures, or economic development. Among this, national call, Bando Periferie, was launched in 2016 to adopt an "extraordinary program for urban renovation and security of outskirts". The call was open to local authorities of provincial capitals and metropolitan cities. Most of the selected projects are focused on reuse and renovation of built heritage. There is also the Internal Areas Strategy ("Strategia nazionale aree interne") a national strategy for development in small local authorities far from large urban centres (Ministry for Territorial Cohesion, 2013), which includes the enhancement of natural and cultural resources and sustainable tourism.

11.2 Main actors of the heritage management and re-adaptive use

Overall, Ministero delle infrastrutture e dei trasporti / Ministry of infrastructure and transport has competence in urban planning while Conferenza Stato Regioni / State-Regions Conference supports the cooperation between Regions and the State. Moreover, it dedicates specific attention to the implementation of European policies at the regional and local level.

The Ministry for Heritage and Cultural Activities and Tourism (MiBACT), has the responsibility for heritage protection (including designation, regulation, financial support, research and documentation). It also sets out the cultural policies related to historic asset conservation. Regions and Municipalities have to cooperate with MiBACT and its territorial bodies. The Segretariato Regionale del Ministero (for each region) coordinates the relationship between the Ministry and regional public authorities. The Soprintendenze are local administrative branches of MiBACT. Overall, they work at regional level and are gathered in two groups: a) Soprintendenze Archeologia, belle arti e paesaggio; b) Soprintendenze archivistiche e bibliografiche. Their main responsibilities are: cataloguing and assuring the conservation and management of cultural heritage within a specific territory.

The Soprintendenze are therefore a separate authority for heritage protection with devolved regional powers which are not integrated into the regional or municipal authorities where the planning departments are situated. This has the potential to create challenges: the main issue being that the regional government may seek to promote heritage sites for the public (development through tourism), whilst the Soprintendenze exist to protect heritage sites, creating a clash of economic and cultural values within the systems of government.

Overall, in term of financing, investments in cultural heritage fall within the MiBACT's programs. The strategy follows an exploitative vision of cultural assets, which try to connect cultural heritage enhancement, tourism development and entrepreneurship. There are also non-governmental economic actors operating nationally. Cassa Depositi e Prestiti S.p.A. operates as merchant bank mainly

supported by the Ministry of Economy and Financing. It has promoted significant real-estate operations based on cultural and temporary activities. Various foundations also operate in Italy: they are organizations (recognized in Italian law) that have assets but pursue a non-economic purpose. Italian legislation also provides for bank foundations that must operate exclusively in the non-profit world (i.e. pursue exclusively socially useful purposes), while retaining an economic vocation. MiBAC, regions and other public authorities can establish pacts with foundations which operate in the art and social field.

11.3 Cultural and Built heritage adaptive reuse: regulation and development

In Italy, the duty to take care of heritage is part of the Constitution. Heritage is subsequently seen as a fusion between landscape and historical-artistic heritage and is identified as "an essential ingredient of democracy, equality and freedom" (Settis, 2017). Heritage protection is listed among cultural responsibilities retained by the state which is executed by its peripheral branch, the Soprintendenze.

The main legal framework for Heritage Protection and valorisation, is set out in the Codice dei beni culturali e del paesaggio / Cultural assets and landscape code, which contains the definition of cultural assets and landscape, related values, and conservation tools. Conservation in this law refers to every activity carried out with the aim of maintaining the integrity, identity and functional efficiency of a cultural (heritage) asset in a consistent, planned and coordinated manner. Conservation includes activities intended to promote cultural heritage for public fruition". The term 'public fruition' underlines the social relevance of cultural heritage, i.e. citizens' cultural development.

The State and the Regions identify buildings and areas to be protected by a "declaration of interest". Following the Code, cultural constraints are recognized on a case by case basis, on the base of the cultural interest verified by the State "for mobile and immobile assets 70 years old and realized by not-living author" (art. 12). As mentioned, heritage protection and enhancement are the responsibility of the Soprintendenze. By law, their authorization has to be obtained for any intervention in a listed building or protected area where they can impede or allow projects on the base of building constraints. This, it has argued (Cammelli, 2017), represent a significant obstacle also to minimal intervention of maintenance of building.

Generally speaking, Piano Territoriale Paesistico Regionale (PTPR) catalogues cultural assets and landscapes. These are established by the CBCP and have temporary duration (maximum 5 years). The PTPR defines mandatory interventions and constraints with respect to listed buildings and landscape protection areas. This includes the need for "landscape permission" for interventions such as restoration by demolition/reconstruction; extending the building beyond its initial shape; urban restoration etc. PTPR is defined by Ministry and Regions. PTPR's prescriptions prevail over other plans. It has noticed that the overlapping of competences and plans often produces contradictions on territorial governance and management.

Landscape regional plans are the main tool for the integration between heritage protection and urban planning. Regional landscape plans, formed and approved with the participation of the State, set levels of protection for listed buildings and protected areas, and define conservation measures, prevailing over the

assumptions and rules of urban plans. Regions have competence in promoting knowledge and supporting public enjoyment of heritage sites. The distinction between protection and economic enhancement of heritage - mainly as a touristic asset - was the main issue of recent reforms (2014), recently re-emerging with new government in charge35.

In the last decade, due to austerity measures, the State also promoted the asset disposal of a significant amount of public-owned decommissioned buildings (barracks, hospitals, factories), mostly constructed in the post-unitarian period (1870-1940). Therefore, through the enforcement of a series of laws36, the enhancement process has been mostly intended economically, fostering the privatization of public owned built heritage. Moreover, the reduction of Soprintendenze's powers along with a shift toward actions mainly focused on national strategic assets (e.g Grandi Progetti Beni culturali / Cultural assets Big Projects (D.L. no. 83/2014) convey a progressive fragmentation of policy framework, currently characterized by a wide range of special initiatives, programmes or tools (cultural asset transfer, private investment in restoration, touristic enhancement, cultural activities and events).

Federalismo demaniale / federalism of state assets (d.l. 85/2010) allows the transfer of state property to local authorities (regions, provinces, metropolitan cities, municipalities). In particular, by drawing attention on cultural aspects (art. 5), it allowed the transfer on the base of specific enhancement pacts and cultural development plans. The pact, proposed by public authority, has to be approved by MiBACT (art. 112 c. 4, CBCP). In the regeneration process, public authorities can create partnership, involving private actors, associations, or other relevant subjects. Currently, this mechanism interested about 142 public assets37. The project Valore Paese Fari has been approaching in particular coastal heritage enhancement, e.g. lighthouse and coastal building, by 50 years concessions to private actors; at the present, the 4th edition of the call identified 9 coastal structures38.

Still, the Nuovo Codice degli Appalti e dei Contratti Pubblici / New code of public procurement and contracts (NCACP), launched significant innovations in terms of public-private partnerships (PPP). New and simplified forms of public-private partnership were introduced for the enhancement of the public heritage for cultural and social innovation purposes, capable of strengthening cultural and creative enterprises, offering more services to citizens, improving the tourist offer and producing quality jobs. The code also introduced tools to support PPP. However, in its strategy for the reuse of the cultural heritage of Italian cities, the Association of Municipalities (ANCI) has argued that the "special forms of Partnership" provided for in the code do not include local authorities and public entities that are owners of cultural assets. ANCI argued that they should be included as this would allow, with simplified and more effective methods, recovery, restoration, research, scheduled maintenance, management, openness

[35] In the I Conte Cabinet (1st June 2018 – 5th September 2019) the MiBACT was renamed MiBAC, losing power in term of tourism while in the second II Conte Cabinet (5th September 2019 – ongoing) the term has been reintroduced.

[36] See for istance: L. 401/2001, "*Disposizioni urgenti in materia di privatizzazione e valorizzazione del patrimonio immobiliare pubblico e sviluppo dei fondi comuni di investimento*"; L. 133/2008, „Misure urgenti per lo sviluppo economico e la stabilizzazione finanziaria"; Finance Act 2010 (L. 191/2009).

[37] https://www.agenziademanio.it/opencms/it/progetti/federalismodemanialeeculturale/.

[38] The initiative is promoted by the *State properties Agency / Agenzia del Demanio*.

to public use and enhancement of the public heritage available for cultural and creative purposes.

In matter of regulation, Testo unico delle disposizioni legislative e regolamentari in materia edilizia (TUE), is the national legal framework for building activities, classifying interventions, documents, terms of habitability, responsibility, etc. As such, it gathers and coordinates the complex apparatus of building norms. It also provides the main principles on which regions must base their legislation on building matters. The Technical Norms (Norme tecniche per la costruzione) are part of this too. They define design principles, building construction and tests, and address security standards and parameters.

Although recent updates simplify change of use procedures within the same use category, the change of use of (cultural) buildings have always to be consistent with PRG prescriptions which, in specific areas, might be forbidden.

The code also defines the 'limits' of the buildings and the urban planning standards to facilitate a balanced urban development. It classifies different project typologies (ordinary or extraordinary maintenance, conservation, restoration, etc.) and specifies the permissions/consent required to start the project. A 2018 update also lists and clarifies works exempt from permissions. The specifics of building regulation are defined at municipal level (Regolamento edilizio comunale). This applies to restoration and reuse as much as to new buildings. The municipal level has to conform to Region and the State regulations.

Finally, it is worth noticing the particular condition affected abandoned or unused churches. As underlined by Marini and Reversi Monaco (2017), in Italy the reuse of these buildings has to respond not to landscape (PTPR), conservation (MiBACT) and building (fire, hygienic, security etc.) prescriptions, but also to peculiar rules related to catholic worship buildings, established by the canonic law (Codice di diritto canonico).

11.4Funding, financing and incentivizing adaptation

According to the CBCP, enhancement activity can be both public and private. Overall, the code recognizes three main forms of contribution: a) total contribution by the State; b) up to 50% the total amount of the investment by the State when a privately-owned cultural asset is significant in term of public use; c) public-private partnership (PPP). In the second case, national contribution can be supply as capital grants (conto capitale) or as interest subsidies (conto interesse), determining significant implication in the restoration process (F. Scoppola - inteview). Overall, as ANCI has contested in the formulation of a strategy proposed to boost public abandoned heritage (see earlier), administrative norms still apply the principle of "maximum economic efficiency" on public assets39.

On the public side, as mentioned, investments in cultural heritage are mainly remitted to the MiBACT's programs. Generally speaking, regions participate in

[39] In contrast, they suggested considering, within profitability parameters, cultural values and social cohesion – factors usually incorporated into reuse and enhancement projects.

national calls and/or can invest (part of) their budget to cultural heritage restoration. Usually, such projects are linked to tourism development of specific areas. For instance, Lazio region defines a specific to enhancement of "cultural heritage and attraction areas", selecting 6 regional places among which historic theater, villas, spiritual paths, etc. PPP continues to be a significant source of funding for projects.

Overall, the national strategy has been based on government measures which aimed to relaunch the economic development of the country. It was part of a broad reform of the cultural system (rifroma Franceschini) launched in 2014 and aimed at sealing the relation between cultural and tourist sectors. A 2014 decree established a fund that the MiBACT can specifically use to preserve cultural heritage (Fondo per la tutela del patrimonio culturale). The amount of money available through the fund has been reduced since its launch. Some of this funding is ring-fenced to specific projects. In the same year, the Direzione Generale Arte e Architettura contemporanee e Periferie urbane (DGAAP) / Directorate General of Contemporary art, architecture and Urban Outskirt was established as a specific MiBACT Office dedicated to promoting contemporary culture, art and architecture. It has been exploring their role in territorial (micro) regeneration processes. One of the aims of the DGAAP is to promote cultural actions in deprived outskirts, this has included re-use projects (see Section 5). Clauses in the 2017 Finance Act (Finanziaria 2017) allocate, among others, housing tenures and fines established by the Building Code to deprived outskirts and historic centres, to fund reuse and regeneration, and to support conservation and renovation of environment and landscape.

Although the enhancement and efficient exploitation of public real-estate assets has been a cornerstone of the central and local agenda for years, it has been noticed that since the 2008 crisis the dramatic fall in demand for assets destined for development led Italian authorities to support bottom-up actions. A recent study gathering about 50 community-led initiatives from across the country found that the majority were self-financed or partially financed by public authorities and the buildings are mainly assigned through the legal terms of bailment at no charge (Micelli, Mangialardo, 2017).

In respect of PPP, the CBCP recognizes donations (erogazioni liberali or mecenatismo culturale), based on tax exception or reduction, and sponsorships which promote conservation and the enhancement of cultural heritage. The sponsor's endeavor is rewarded through the positive association between the project and the sponsors name, image or brand.

In order to overcome PPP bottlenecks, in 2014 it was introduced the so-called Art Bonus. It is a tax exemption for charitable contributions that individuals or companies make supporting public cultural heritage. The aim of the donation has to be the maintenance, conservation and restoration of cultural public assets and/or to sustain cultural public institution such as museums, libraries, archives, archeologic parks etc. After an initial, experimental period, the Art Bonus was made permanent and, in the period 2016-2018, a specific fund was established to integrate art-bonus donations. In term of results, some contradictions come out. According to the 2018 annual report of Federculture (Federation of Companies and Organizations for the Management of Culture, Tourism, Sport and Leisure), the Art Bonus has proven to be a fundamental tool for encouraging private investment by citizens and businesses to support the recovery and

enhancement of cultural heritage40. Conversely, scholars agree that the donations system has not been properly measured, therefore it resulted ineffective (FIDONE; PETRAROIA) due to two main reasons: a) fiscal incentives in cultural heritage field are less economically convenient in comparison other fields; b) high level of bureaucracy. In addition, the fiscal benefits of the Art Bonus scheme can only be applied to public-owned cultural heritage. This excludes those significant private assets that can be found through the country.

11.5Participation, culture and sustainability

Since the economic crisis, the reduced capacity within local authorities as a result of austerity measures, and the increase of abandoned/vacant buildings, have been proceeding in parallel to local communities' engagement on the urban scene. Mapping initiatives, cultural events and (legal / illegal) adaptive reuse projects widespread throughout Italy, drawing attention on a variety of abandoned assets[41].

It is worth noticing in Italy the movement of the commons had been gaining popularity since the referenda occurred in June 2011, when Italians were called to vote about four topics[42], among which the privatization of water supply. The result, largely against the liberalization of the service, sparked a new interest in matter of commons, marking the success of the movement which supported the referenda (Mattei 2013; Borchi 2018). Since then, Italian experiences have been contributing to the debate about the commons, and particularly the urban commons, internationally. This has been based on an unprecedent alliance between urban movements and scholars in the juridical field which has been producing significant results in term of institutional frameworks (Mattei 2015). Despite political hostilities, collaboration between citizens and local authorities, Department and regulation of the commons flourished throughout the country setting the scene for revising the legislation of public and private goods[43]. Whereas culture has played a significant role in activating marginal territories, in May 2019, the national call Cultura Futuro Urbano / Cultur Urban Future launched by MiBAC supported the implementation of cultural activities based on principles of "civic engagement" in priority assets such as: schools, libraries and unfinished buildings. The project was defined in collaboration with LabGov, on the base of the OpenHeritage living based in Rome, thus strengthening the link between culture and urban commons.

Nationally, the 2014 Decreto Sblocca Italia | Unblock Italy Decree (art. 24 and 26 L. 164/2014) gives municipalities the responsability to set basic criteria for citizens' participation. The law relies on a constitutional principle, namely the "horizontal subsidiarity" (sussidiarietà orizzontale, art. 118). Since 2014, over 170 municipalities set up their own regulations for public property while about 70

[40] In July 2018, private grants to culture made through Art bonuses reached 264.7 million euros, with 8,531 patrons who donated for the realization of 1,703 interventions in favor of museums, monuments, archaeological sites throughout Italy. This is in comparison with the (then forecasted) MiBAC budget for 2018 of 2.4 billion.

[41] e.g. "Unfinished buildings" which supported the elaboration, at national scale, of the *Anagrafe delle Opere Incompiute / Unfinished Buildings Archive.*

[42] The first two regarded local public services, namely water service privatization, and the following nuclear energy and legitimate impediment (*legittimo impedimento*).

[43] Just to recall some well-known experiences: *Patti di collaborazione | Collaborative Pacts*, tools initially adopted in Bologna and based on the principle of "horizontal subsidiarity" (sussidiarietà orizzontale); regulations based on civic use (uso civico) for the management of public (dismissed) assets in the city of Naples.

municipalities have started the process based on the framework of the commons[44].

As previously noticed, the NCACP introduced public procurement innovations, facilitating the engagement of private and civic actors in heritage adaptive reuse of public assets. In particular, the Baratto amministrativo / administrative trade allows local authorities to stipulate "social partnership contracts" with single or associated citizens. Accordingly, they regard mainly intervention on cleaning, management, beautification of green areas, squares, streets and can include also recycle and reuse of dismissed areas and buildings as well as the enhancement of specific territorial zones. The "social value" of these actions promoted by (single or associated) citizens can be corresponded by a special tax regime (relief or exception).

Overall, since the '90s, Italian legislation has identified the third sector and specified the characteristics of a social enterprise. In 2017, those norms have been reorganized in the Codice del terzo settore / Code of third sector. At the present, social enterprises are assuming a significant role in the adaptive-reuse of the extant built heritage. In the same period, the "social" re-use of assets seized from the mafia has become increasingly significant. A 1996 law recognised the role of civic participation in the management of confiscated assets. Since then, more than 700 associations and social cooperatives have been engaged in this process. Moreover, foundations (e.g. Cariplo, Unipolis, etc.) have been recently developing a significant role in cultural regeneration processes by fostering small size, community-led initiatives. Banking foundations are based, and act, on regional/metropolitan scale. Nevertheless, they also promote and finance actions at national level; among these are national calls, establishing specific funds to promote civic engagement in building heritage regeneration. In this way, foundations have been playing the role of policy makers.

11.6Trends for adaptive reuse in Italy

The trend is for regional differentiation in terms of policies, programmes and strategies in Italy. As mention, PTPRs have been designed to assure integration among conservation, reuse, urban planning. Though, the overlapping responsibilities are producing some confusion, preventing, in practice, a comprehensive planning. Urban policies / plans also suffer from the sectoral division among planning, public works, and welfare departments. Coordination difficulties of different skills and decision makers that insist on the same territory involved in planning, creating an overlap which would require both a clearer division of tasks and areas of conformed intervention with each other in planning and a management through schemes and instruments harmonized and shared.

Complexity and contradiction of the legal framework, and austerity measures, seem to justify the contradictory land-use prescriptions (interviews with Scoppola and Orizzontale). Complexity in respecting the hierarchies between the different planning levels, antinomies between the different planning tools. The lack of a national plan / planning policy, weak position of development plans at regional (and county) level, long waits for urban plans to be approved (several years, on average) all lead to out-dated plans and high levels of plot-level adjustment in (old) urban land-use plans (punctual variations). Also, planning is always projected over long time. This creates difficulties to deal with "contingent"

[44] https://www.labsus.org/i-regolamenti-per-lamministrazione-condivisa-dei-beni-comuni/.

situations which might intercept the future. As interviewees witness, it seems to explain the tendency toward illegal reuse practices led by local communities (Careri), justifying also an overall preference in construction instead of reuse processes (Scoppola).

Some cities have created special agencies to address urban regeneration (i.e. Turin), or special offices dedicated to the implementation of specific urban policies (e.g. Naples), thought the lack of a national framework in matter of community led adaptive reuse, and particularly in term of temporary uses and DIY practices (often at the bases of community-led initiatives) are recurrent points among interviewees. As consequence, a "case by case" approach prevail (D'Incà Levis, Mafra and Mohiti Asli, Iaione, Bee), often showing political bias (Iaione about Rome). This condition of uncertainty prevents projects upscaling and development.

Moreover, it has noticed, public authorities usually rely on standard procedure to evaluate and support community led projects, increasing construction times and/or causing their failure. In addition, practitioners underlined weak institutional capacity in managing complex processes such as those based on social and urban innovation (Calvaresi, Mafra and Mohiti Asli, Ferretti).

Whereas steps forward have been done thanks to the recent reform about financing mechanism of the cultural assets (Art bonus), a traditional vision of heritage, mainly link to massive tourist exploitation, seems still to prevail. Although Cultural Assets and Landscape Act strongly focus on the public use of cultural heritage, mostly stressing the social function of these assets, fruition is still overruled (subordinated) by conservation. Therefore, on the light of actual abandonment, a general claim is for rethinking how to assure public fruition, subordinating conservation to this purpose (Reversi Monaco, 2016).

11.7Labox: focus on Rome

As the nation's capital, Rome is an exception. It the largest Italian municipality (more than 1.200 km2) and the most populated (about 3 million inhabitants), while the average size of the 8.000 Italian municipalities is about 30 km2, and 70% of municipalities have less than 5.000 inhabitants. The historic centre of Rome (including the Vatican State) became a World Heritage site in 1980. Tourism plays a significant role in the economy of Rome.

Alongside the State (with all its bodies) and the Church, there are hundreds of international organisations (embassies, cultural and research institutions) that play an active role in promoting cultural activities and the maintenance of their own historical properties. There are many initiatives, but a lack of coordination and the absence of a coherent strategy and organization.

In the wake of the 2008 financial crisis, the city has been facing decline due to 'gridlock' austerity and organizational issues. At present, even the maintenance of public assets and the delivery of public services are suffering. Consequently, long-term plans, policies and programs are generally stuck, in favour of partial or emergency interventions.

The municipal department of planning is responsible for defining plan revisions and amendments (PRG), giving building permits and ensuring control of the construction activity. The local plan was approved in 2008, incorporating rules for heritage protection. By land-use (zoning) planning, it sets out constraints,

measures and levels of interventions, taking into account the historic value of specific parts of the city. The part of Rome built before 1945 is entirely recognized as “historical city”. This is a core strategy of the plan and it gives the historical city a higher and progressive degree of conservation. Moreover, specific strategies are set for some areas, e.g. surrounding Roman walls and the axis Fori-Appia Antica. Yet, due to the weak powers such public policies carry, real estate and touristic pressures are not being addressed sufficiently, which often means the likeliness of social/community use of heritage are low. Beyond this plan, Rome does not have a clear / comprehensive set of spatial policies – not even in the touristic field. Also, cooperation between the State and the Municipality of Rome is not always positive. In term of heritage management, an additional office, the Soprintendenza Capitolina, is tasked with the conservation and enhancement of cultural assets owned by the Municipality.

After decades of conflicts between urban expansion and landscape/heritage protection, the relationship between urban planning and heritage management is quite controversial. For example, archaeological discoveries can cause work stoppages, significant modifications of plans and projects, higher costs.

In some cases, the complex framework of planning, and development plans for specific areas are incomplete or have relapsed, but their rules still have effects on property rights/building permits. Generally, inefficiency in term of public infrastructure and facilities goes in parallel to austerity measures, leading to budget, staff, and organizational issue, and a lack of effective urban policies in the post crisis decade.

Among its planning document, the municipality of Rome approved a Quality Charter. The Charter identifies about 10.000 monumental and archaeological elements, including buildings from the 20th-century city, industrial archaeology, open spaces of particular value within the built city and buildings whose particular functions or configurations play a particular historical and functional role, in relationship to their location and use. For each category are defined guidelines for interventions. In particular, its role is relevant because the map extends value recognition of a larger amount of heritage sites than the listed one, especially in the outer city neighbourhoods, where many associations are engaged in defending and demanding for social use of historical buildings and sites.

In 2006 Rome adopted a code on participation (Delibera di Consiglio comunale). Yet, its application is more formal than effective and – so far – it has not led to an inclusive decision-making process. The lack of a clear strategy prevents citizens/organisations to undertake initiatives (lack of support in obtaining permissions, technical or financial assistance) and, moreover, to empower them. Conversely, good practices can be observed, mainly, in several “informal/illegal” initiatives, promoted by local groups and associations. Rome has strong tradition on self-organized activities, with some relevant impacts and capacity to promote social innovation and critical/theoretical thinking. There are some efforts to make a network of those initiatives (Reter), although they have yet to obtain consistent/permanent results.

Moreover, between 2017 and 2018 the "Coalition of Common Goods" was formed and is defined as "An informal network of active citizenship and Roman citizens united with the aim of having the Municipality of Rome approve a Regulation for the management and the shared regeneration of the common goods constituting a popular initiative resolution for the adoption of the Regulation. Despite the spread of new tools for community participation in re-used, such as Patti di

collaborazione / Collaborative Pacts, it is commonly noted that, in Rome, these pacts are usually regulated by specific guidelines that were draft in Rome but never adopted.

Nevertheless, the municipality has explored the possibilities of community-led re-use through different projects. Although focused mainly on the public space, cultural initiatives such as Estate Romana (Roman Summer) and Enzimi, have been promoting, also through community-led reuse project in the city centre and in the outskirt as well. Finally, more recently, Rome is part of Co-city project, specifically Co-Roma, within which the OpenHeritage living lab, Collaboratorio, has been developing.

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Interviews

1. Francesco Careri. Rome, 24th October 2017. Architect and Researcher at the Department of Architecture, Roma Tre University of Rome.

2. Margherita Manfra and Nasrin Mohiti Asli. Rome, 24th October 2017. Architects and founding members of Orizzontale,

3. Gianluca D'Incà Levis. Skype call, 8th November 2018. Architect, project creator and curator of dolomiti contemporanee, a

4. Francesco Scoppola. Rome, 13th November 2018. Architect and General Director of Education and Reserch Directorate - Ministery for Heritage and Cultural Activity.

5. Claudio Calvaresi, Milan, 4th Dicember 2018. Senior consultant di Avanzi,

6. Christian Iaione, Rome, 22sd October 2018. Director of LabGov – LABoratory for the GOVernance of the Commons and of Centocelle CHL;

7. Simone Ferretti, Rome, 17th January 2019. Architect and president of the Rome-based association Progetto Forti, out the reuse of the ancient fortifications of the city.

8. Michèle Bee, Skype call, 18th January 2019. Project creator of Manifatture Knos,

12 THE NETHERLANDS

12.1 Institutional and regulatory context of adaptive heritage re-use

The Netherlands is comprehensively regulated with rather powerful and well-resourced municipalities as part of a three-tier governance system of national, provinces and municipalities. It is based on the principle of subsidiarity. To make sure local plans relate to each other, all provinces have to develop regional plans (structuur visies). Overall, goals for planning are set out at national scale, in the National Strategy for Infrastructure and Spatial Planning (there are maps and text). One of the three main aims in the policy is: "guarantee a safe environment in which it is pleasant to live, and in which unique natural and cultural heritage values are preserved" (pp8).

Adaptive reuse is mostly facilitated and stimulated through the wider planning framework, which also covers parts of the heritage legislation (See: https://monumentengemeenten.nl/over-de-federatie/about-the-federation-english/). There is some additional legislation that supports reuse, e.g. the national 'crisis and recovery act' (2010) made a wider range of temporary use possible, by providing the option of a temporary permission for use that doesn't fit with the land-use plan (for timespans from 1 day up to 10 years), which helps phasing reuse projects. Also the legal framework around cultural and sustainability can be influential.

At the moment, municipalities are obliged to produce detailed (plot level) legally binding land-use plans (bestemmingsplan) for the whole of their territory, which determine function and the use of land and buildings and thus give a high degree of control over the spatial development process and land value (Buitelaar and Sorel 2010). Since January 1, 2012, it is also required to consider 'cultural history' (a broad term covering e.g. archaeology, landscape structures, listed buildings, local character) in land-use plans. As such most plans include 'heritage zones' which indicate areas where cultural history has to be considered in addition to the use when developing the area. Text that accompanies the detailed land-use plans, needs – amongst other things - to explain how objects and structures with 'cultural-historical values' are taken into account. This can go beyond what is formally listed and protected, including for example descriptions of the character of a place and/or design guidelines on colour, height, material, style, etc.

Currently, local and regional experiences are being used to test the (upcoming) Environment and Planning Act (Omgevingswet) which in time will replace the current Spatial Planning Act (expected 2021). In practice, the land use plan will become the environment plan (omgevingsplan), integrating various 'layers' of designations (including heritage and use). So for example it will further integrate listings buildings and areas of historical-cultural value, as well as an assessment framework for demolition of non-listed properties in conservation areas. This is mainly further embedding and developing existing policies and practices, but the visions and plans are likely to stimulate and influence adaptive reuse. To anticipate the Act, the Province of North Holland for example just accepted the 'environmental vision' required (Omgevingsvisie NH2050) in which "adaptive reuse of heritage and other valuable buildings" is described as essential to develop strong regional and local identity.

This fits with the aim of the new Act to provide more flexibility and as such more chances for adaptive reuse. The current system is built on permitting and reviewing, and under the new Act there will be more space for private initiative, it encourages pro-active behaviour of municipalities, facilitates an integrated approach with respect to the broad landscape (environmental vision documents on all levels) and is better aligned with European regulations. It continues the definition of heritage seen in a broad sense. Planning and adaptive reuse are thus in the process further integration, presented as a comprehensive way to develop local and regional identity.

12.2 Main actors of the heritage management and re-adaptive use

In the Netherlands, as mentioned above, urban planning follows three levels of governance based on the principle of subsidiarity, as does heritage. The main direct actors when it comes to adaptive reuse are usually municipalities, but also at national level several actors play a significant role. Planning falls under the joint responsibility of the Ministry of the Interior and Kingdom Relations and the Ministry of Infrastructure and Water Management. The Ministry of Education Culture and Science (Ministerie van Onderwijs, Cultuur en Wetenschap) is responsible for heritage, especially through the Cultural Heritage Agency (Rijksdienst Cultureel Erfgoed, RCE), the agency (under the Ministry) which is recognized as the Netherlands' centre of expertise for heritage. They are responsible for the list of national heritage (listed buildings and 'townscapes'), as well as heritage research, policy, funding, and advice. RCE collaborates with partners (in addition to all levels of government) like housing cooperation's, heritage institutes (e.g. museums), knowledge institutes, and businesses. In some cases of 'new' heritage they wanted to list on the national lsit, the RCE have developed pilots with market parties, and agreed to guide the process of change but not list buildings until the changes were made, to make change for reuse more flexible.

The ministry of OCW also develops policy around heritage; the 'character in focus' (kiezen voor karakter 2011-2015) policy shows how the focus shifts away from protecting material to keeping character, following the Belvedere Programme, creating more flexibility for reuse. The latest government policy "Heritage Counts the significance of heritage for society" (2018-2021), is even explicitly meant for encouraging reuse and renovation, all these programmes come with specific extra investment (e.g. Heritage Counts is supported by 325 million euro investment).

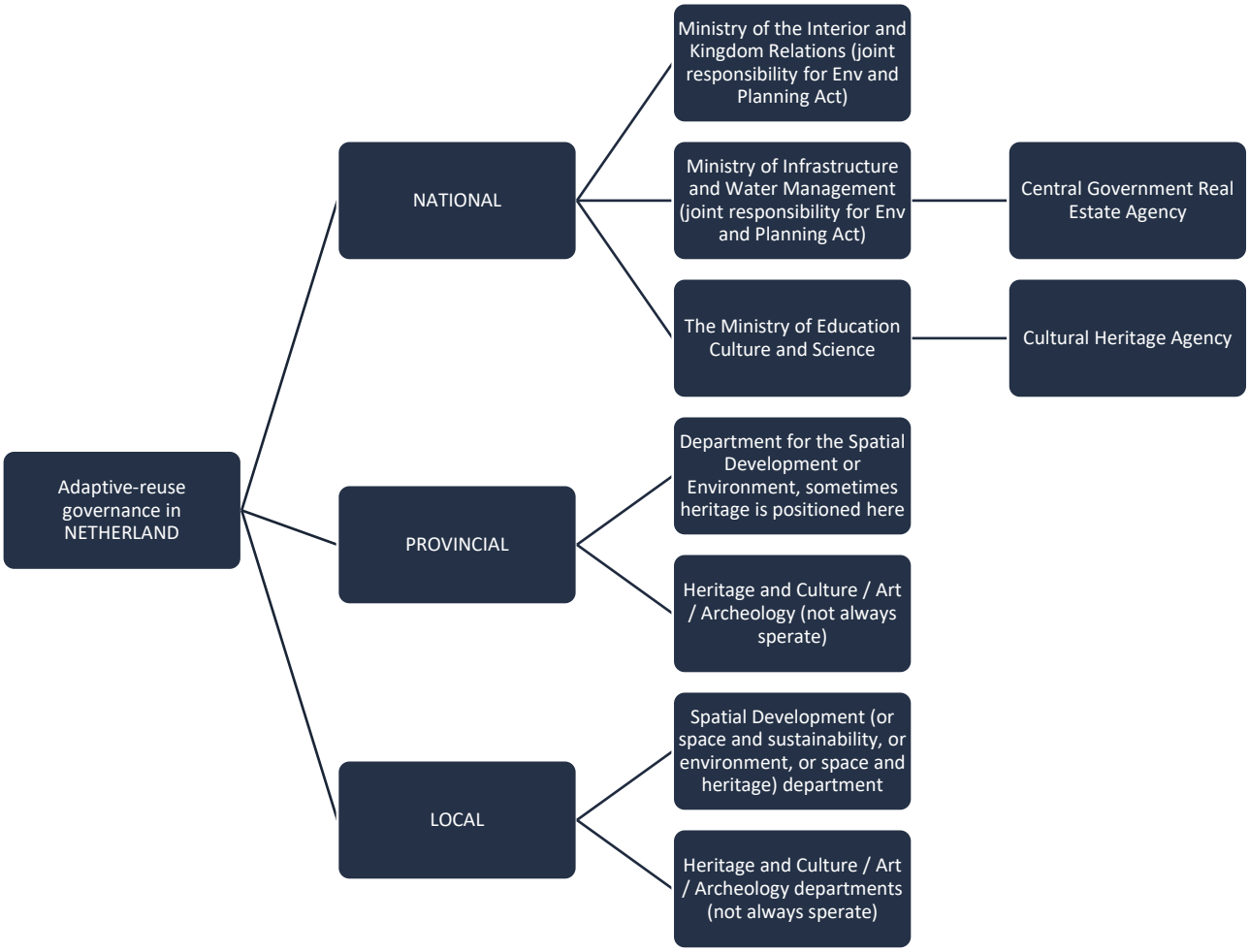
Since policy integration between planning and heritage became an aim in the late nineties, RCE ran various programs aimed at anchoring heritage (through the concept of 'cultural history') in design and planning, among which Heritage & Planning (Erfgoed en Ruimte, 2012-2018) through which they furthered the 1999-2009 Belvedere Agenda, and between 2010 and 2015 the National Adaptive Reuse Program (National Programma Herbestemming) the latter also brought an 'H-team' a 'support re-use team' to better facilitate and make possible re-use processes and assess needs and 'wins' national policy and building regulations etc. for barriers. Also the National Platform for Transformation and Renovation (nrp.nl) was set up, which now has a wide remit supporting reuse, e.g. with national awards, an professional (CPD) training through their adaptive reuse academy.

Under the Ministry of the Interior and Kingdom Relations, the Central Government Real Estate Agency (rijksvastgoedbedrijf) is an important player too. They own about 90.000 ha of land and 12 mln m² floor space (including many listed buildings) and employ a Chief Government Architect (and studio. Beside of being the largest land & property owner in the country, they advise central state on urban themes such as energy and climate, mobility and urbanization, and the Dutch landscape (agenda 2017-2020), and are stimulating new reuse approaches by undertaking 'unusual' reuse projects (e.g. through applying the principles of adaptive heritage reuse to un-listed buildings from the 1990s), and through exploring new forms of financing and partnerships with the market (e.g. DBFMO, Design Built Finance Maintenance and Operate). They also continued the H-Team between 2015 and 2019.

Provincial government has some planning authority, but only when there is a regional (as per subsidiarity principle) component e.g. water, ecology, housing, infrastructure, regional identity. The province coordinates issues that transcend municipal boundaries and develops regional policies (e.g. spatio-economic, culture, ecological) in conjunction with these. As above, they can stimulate and facilitate reuse through their environmental vision, but some also they take an active role in reuse projects, either by facilitating the process, or in some cases in the role of developer.

At local level, most municipalities have an 'planning' department that also manages the historic environment components, and when there is a local heritage ordinance there can also be a separate heritage department (e.g. Amsterdam's Monuments & Archaeology Department). They can decide how to organize their departments and collaborations between departments. In Amsterdam they recently changed to an area-led governance structure, creating central departments, with people working in area development teams. Such a team then includes someone from the central 'heritage' department. This means heritage is represented by someone throughout the area development processes and projects. As such, heritage officers are well positioned to provide advice on how to deal with the significance of heritage in planning and projects from early on in the process, with integrated area teams which work together per area, as well as special project teams for large-scale urban projects, and a 'team-city' covering wider Metropolitan developments. In Amsterdam, for instance, the daily practices of urban development are now mostly organised around those area teams, and area plans (agenda setting 3 to 4 years cycle, and annual action plans) which focus on a broad understanding of spatial quality.

Some cities and provinces have installed a 'monuments mentor' (monumentenloods) This proves to be a useful role, and tends to be a 'broker' between those looking for an empty building in an area (Amsterdam, Province) and those looking to sell on. This person is employed by province or local authority to stimulate resue and matchmaking. They can help / support in processes of negotiation and strategising. Movig this to a regional level is important, to not create unnecessary competition / loss of opportunity because of municipal boundaries.



Not-for-profit companies / trusts for restoration with a social purpose, such as Stadsherstel, have an important role in some cities. The model proposed by Stadsherstel[45], an Amsterdam based organisation founded in 1956, had been copied in various locations in Netherland. Their aim is to restore buildings, keep them in ownership and rent them out (currently over 600 houses and some twenty larger monuments, e.g. churches and industrial monuments – 6 of them for hire as e.g. wedding venue). They distribute a modest dividend among shareholders.

12.3 Cultural and Built heritage adaptive reuse: regulation and development

Since its formalization in 1961, the statutory heritage protection 'Monumentenwet' directly linking planning and conservation by providing for a national 'Register of protected monuments and historic buildings', which included the possibility of designating 'protected townscapes'. Townscapes (conservation areas) are designated nationally, but depend on local authorities drawing up a conservation-led zoning plan for the designated area, forging a direct link between the central government (designation and listing) and municipalities (land-use planning) (Janssen 2014; Janssen et al. 2012, 2017).

[45]

Relatively small-scale incremental revisions reflect more instrumental view of the role of heritage and its use in the urban economy and the broadening of the heritage concept have occurred in recent decades (e.g. revised Monumentenwet 1988; Ministerie van OCW, 1999;2009;2011). Policy changes for heritage are subject to 'administrative pragmatism' (Needham 2014) and what Janssen et. al. (2017) call legal 'stretching' by expanding the interpretation through national policy documents (Belvedere, 1999; Character in Focus, 2011; Heritage Counts, 2018), rather than the replacement of the system. By 2016, this leads to a new overall Heritage Act (Erfgoedwet) continuing the thinking, but putting an end to past fragmentation, integrating previous legislations including the 1988 'Monuments Act'. The parts that apply to built heritage will be transferred to the Environmental & Planning Act. Thus, by 2021 heritage care will be combined in these two acts.

The trend set by Belvedere, and continued till now, is to foster socio-economic development through a process of capitalizing on 'cultural-historical values' through design and spatial planning, and forging further alliances between government, institutions, entrepreneurs and the public (Bosma 2010; Kolen, Renes, and Hermans 2015). It pushes conservation-planning to more directly relate heritage protection, and more specifically heritage value and character, with wider urban management and spatial planning goals, as well as capitalising on the value of heritage value by means of using it as an input and inspiration for (urban) design.

At regional level, provinces have a directing role and are responsible for provincial heritage. Only if have a provincial ordinance, not all provinces choose to develop a heritage ordinance, they can list and protect heritage. They still will have a policy (e.g. within the context of their environmental vision) about how they support regional initiatives. The also have some devolved powers, as they get to decide on a part of national heritage funding and renovation budgets allocated to their province.

In the context of policy, the province can prioritise heritage reuse, as Noord Holland does for example. They have employed a team of 12 people working in what they call "Support service for monuments and archaeology NH" (Steunpunt Monumenten & Archeologie Noord-Holland). They are actively looking for projects to support 'through the system' in terms of restoration and reuse and redesign.

The local government (municipality) has an executive role, and can regulate through the 'land-use plan' (bestemmingsplan) that is developed and enforced locally (in context of and aligned with provincial & national plan) and includes heritage assurances, including a heritage 'layer' (double designation of use and cultural value). Also municipalities will have to have a local heritage ordinance to be able to list and protect cultural historical values (and thus buildings and townscapes) in the municipal boundaries (in conjunction with / addition to zoning plan). This ordinance also describes the municipal process, including required research and documents, the permit system / process etc, for changes to locally and nationally listed buildings. On local level there is also a spatial quality committee (Commissie Ruimtelijke Kwaliteit, previously Welstand) which is municipal advisory body which is to safeguard quality when project permits for changes to the built environment (not just heritage). A number of municipalities have introduced a vacancy regulation for a specific area on the basis of the Vacancy Law (1981; widened remit in 2013). Within this area, property owners must report vacancy to the municipality. The municipality can then contact the owner to explore together how to work towards a new use.

Building regulations are mostly regulated on local level within the context of a national Building Decree. This contains regulations for various situations: for new construction, renovation and for existing construction. In addition there will be municipal requirements regarding building regulations and external appearance of buildings (bouwverordening, heritage or spatial quality policies e.g. 'Beauty of Amsterdam') and the land use plan (bestemmingsplan) include detailed rules on e.g. maximum permissible heights and widths of buildings, and other detailed building specifications / aesthetics) have to be seen in combination with 2012 Building Decree. For listed buildings there are options for 'suitable' (non-standard) solutions in application and it is stimulated to get e.g. fire experts in early on, to come up with suitable yet safe plans, with creative solutions that suite both heritage & regulations rather than the standard ones that often don't work.

12.4Funding, financing and incentivizing adaptation

Dutch municipalities have for long been involved in real estate development projects and their role, aided by central government, is to invest in 'greater good' projects, that are not generating a direct financial return. This includes many interventions involving historic environment, legitimized by a traditional emphasis on its importance in terms of cultural identity but also acting in tune with a new instrumentalism.

The financial crisis (2008) forced the reposition of local authorities' role concerning the management of, and direct investment in urban development, reducing their workforce and cutting back on the maintenance of public space and cultural subsidies. Both national and local state also sought to raise income by selling property (including sometime listed buildings, not on a large scale, and they developed a policy to decide if a property was suitable for this) and land and raising charges and taxes. Emphasis in this phase shifted from being investor and risk-taking partner to facilitating and steering development, and the emphasis upon the economic use of heritage has sharpened. All levels of government have a strong interest in stimulating adaptive reuse, in terms of support / facilitating experiment, being partner etc, but also financial commitment, with central government investing 325 million extra in their current 'Heritage Counts' 2018-2021 policy programme.

All levels of government provide support, both financial and other resources e.g. free access to their in-house knowledge and time. This can be through specific programmes (e.g. sustainability), or heritage / planning departments. There is also a National Restauration Fund Trust (Stichting Nationaal Restauratiefonds) set up in 1985 by central government when they wanted to replace subsidies for listed buildings by low interest loans. It is a trust with now 50 people working for them, to administer those loans. They received a start-up funding from central state to set up a revolving fund. Interest covers administration of the fund. They have helped restore over 300 buildings, and currently have nearly 400 million outstanding in revolving low interest loans. Now they have a much wider remit, and offer bespoke advice / financing for reuse projects.

In the context of heritage, what can be seen more and more, is that reuse is being financed through heritage value and it is used as a branding and marketing tool, the character creates a favourable climate for specific groups of users might be engaged in reuse project such as artists, education workers, start-ups; many of the ways to make the project feasible are financial in nature e.g. providing low rent and longer lease options, rent & facilities 'package deals', shared facilities.

Different fiscal measures frame the context: deduct maintenance costs from income tax when residential, from corporate tax (only when asset is on the books for at least 5 years) or transfer tax / stamp duty (some of this is in the process of change though). Moreover, low interest finance mechanisms such as low interest mortgages for listed residential buildings, which also creates a favourable situation for other (banks) investments, as they are then more likely to provide additional financing or special low interest sustainability & heritage loans if needed.

RCE offers annual rounds of grants for undertaking viability research (min 5000 max 25000) and grants for 'wind and water tight / urgent works' (max 50.000) to contain deterioration, they can be applied for by or in collaboration with the building owner. Heritage crowdfunding is currently also encouraged in various ways, e.g. by matching, or topping up, crowd funded moneys, and e.g. developing a brochure 'tips for crowdfunding for culture and heritage. Overall, many reuse projects (also through policy connections) have a connection with arts / crafts / creative industries and funding can often be combined.

12.5Participation, culture and sustainability

Especially since the 2008 economic crisis, community engagement and participatory practices have been central in the reorientation of the system towards less of a welfare state and more of a 'do-democracy', asking people to act, to 'do'. The participatory process will be an obligatory part of developing the 'environment and planning vision' in the upcoming environment and planning act, so one of the assignment now is to come up with different formats and structures that allow for people to be involved. With the aim to provide vision documents, local authorities are currently testing options such as setting up local think-thanks, mapping & overlaying different plans and imaginaries for the future to see how they interact.

The Heritage Act (2016) also gave more formal attention to the user, the owner, the initiator of heritage (re)use, and there is now a new programme ran by the RCE on 'implementing the Faro convention' on citizen participation in the heritage field and using heritage for societal challenges.

It goes in parallel with a clear move towards process guidance (away from the government taking the lead) in governance and in practice, facilitating bottom up and local initiatives. Indeed, engagement is considered important if only because developers (especially bigger projects) know they run a big risk of opposition and complaints later on in the process if they don't.

As mentioned above, financial tools have been created to enable the engagement of the creative sector. In addition, others instruments, participatory in nature, offering future users (e.g. in area developments that include re-use projects) the opportunity to have a say in future development, e.g. by collaborative planning, the (co-) organisation of place 'branding' activities and events (cultural events, pop-ups, markets, festivals, expositions) or by developing guidance on how to deal with the historic buildings (Nadin et al. 2018).

Even though Dutch cultural / heritage policy has four years cycles, there is a high degree of continuity in practice: internationalisation, participation, education,

innovation, talent development, entrepreneurship and the preservation of cultural heritage have long been priority areas[46].

12.6Adaptive reuse trends in The Netherlands

In the Netherlands, the concept of adaptive reuse is directly linked with (solving) vacancy. Especially after the 2008 financial crisis, several tools have been developed to find new uses for empty (cultural) assets as a major incentive in conservation and maintenance. Among the main steps in this, it can be mentioned the 'old map' of Netherlands to start to inventory vacancy in the country and matching them with future new uses, and the 'crisis and recovery act' which increased a wider range of temporary use making it possible to giver temporary permission for a use that doesn't suite the land-use plan (for timespans from 1 day up to 10 years).

The upcoming 'environment and planning visions' (to replace current municipal land use plans, and provincial plans) will integrate heritage, cultural history and spatial development, and be more flexible in terms of changes of use, to facilitate and stimulate private initiative, and there are national deregulation efforts. In reality, we can see examples of safeguarding buildings being more strictly regulated (to protect the valuable identity and subsequent attraction gained through heritage) from any potential adverse consequences arising from a more commercial / flexible approach in national frameworks.

Reuse is stimulated in many ways in the Netherlands. It is aided by different levels of research and tools such as publications for the support of heritage / conservation / reuse / best practice[47], specific programs and or teams (e.g. the H-team) to go into detail on what could be changed in the detail of building regulations and to give advice in reuse projects, increasing public attention for reuse, linking to the thematic of sustainability and shrinking cities. In some cases, collaborations between provinces are set to stimulate adaptive re-use, for example a regional 'Knowledge Center' for reuse (supported by the Cultural Heritage Agency) to stimulate smooth sustainable re-use. Short procedures, low procedural costs as possible, maximising heritage values and characteristics, and optimising use of subsidies and other financing schemes. Similar to the monumentsmentor they also connect vacant buildings & potential users.

The overall system has a flexible attitude towards heritage (although some typologies/locations more than others), and it is aimed by the willingness to negotiate between developers' interests and conservation requirements.

Whislt belvedere started in the late 1990s as a programme, the real shift from demolition and new built to reuse, happened after the 2008 crisis. Especially in the depth of the crisis, up until around 2014/2015 adaptive reuse was seemingly the only way development of areas could still happen.

The Netherlands is currently in an economic boom again, and there is a worry that it now seems too easy to go back to old practices and forget the lessons learned from the crisis. On the other site, adaptive reuse has become a developed as a serious and normal part of the portfolio of both architects and real-estate developers.

[46] See: https://www.culturalpolicies.net/down/netherlands_112016.pdf.

[47] https://www.herbestemming.nu/

A persistent 20 years push (since belvedere 1999) in a combined effort of policy programmes, regulation, and financing/funding, focussed on dealing with both the integration of 'cultural history values' (cultuurhistorische waarden) in planning / urban design, and re-use of the historic environment has paid off. The general feeling is that in the Netherlands heritage is not 'really' threatened anymore; the legal context is open enough to work in new ways, so it is more about flexible attitudes, and changing cultural practices to get there.

Indeed, adaptive reuse in the Netherlands is usually shaped by heritage protection (monumentenzorg), planning (planologie), and financing, and in particular by a constant debate on deciding on the limits of acceptable change and thus the restrictions in terms of what is possible/acceptable material, use, and financially.

Interviewees

Arno Boon and Menje Almekinders Stichting Boei 26 April 2019

Peter Oussoren Monuments Mentor (Monumentenloods) Province North Holland 18 March 2019

André Winder Monuments Mentor (Monumentenloods) Amsterdam Local Authority 22 March 2019

Frank Strolenberg Dutch Heritage Agency 27 March 2019

Anne Seghers RUIMTEVOLK 3 April 2019

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POLAND

Poland has 4 levels of government; the National level, 16 regions (Voivodeship), 380 intermediate governments (Powiat) and 2 478 municipalities (Gmina).

Institutional and regulatory context of adaptive heritage re-use.

Poland has a well-founded system of heritage protection, however no specific regulations or other legal basis regarding the heritage adaptive re-use. Therefore, to describe its institutional and regulatory context it is necessary first to present the existing conservation planning framework, the regulations applicable to re-use as such and then to provide the authors` interpretation of the two, based on the experience and knowledge of practice and factual use of regulations in the country-level and regional-level policies.

Listing the heritage comprises few different aspects and legal documents. Built environment heritage is listed in register of (immovable) monuments (Rejestr Zabytków/RZ). A monument shall be entered into the register on the basis of a decision issued by WKZ (regional Monument Conservation Officer) The request of the owner of the monument leads to the opening of the registration procedure. The register may also include the surroundings of the monument entered into the register, as well as the geographical, historical or traditional name of this monument. An entry in the register of historical urban layout, rural or historical architectural complex does not exclude the possibility of issuing a decision on entry into the register selected monuments included in these systems. Preservation may encompass in particular a single building, historical urban or rural layout, historical architectural complex and cultural landscape.

The second important resource of official information about monuments is the record of monuments. It is conducted at national, voivodship (regional) and local levels. Initially, this collection, run in the form of cards of monuments, was primarily run by the WKZ (Wojewódzki Konserwator Zabytków) and by the GKZ (Generalny Konserwator Zabytków) with the help of the National Institute of Heritage (NID), which collects copies of the cards of all WKZ. Local governments have kept commune records of monuments (GEZ) since 2003, which for several years need not be a true reflection of the provincial record of monuments, may, with the consent of the Provincial Jewish Committee, contain more monuments from the area of the commune.

The main act regulating the heritage buildings and sites is UOZiOZ (Act on Monument Protection and Monument Care), which, as mentioned before, focuses on the conservation and protection of the existing heritage. It provides definitions of conservation and restoration works, and the regulations on the development or new use of immovable monument. The latter requires the description of the possibility of its adaptation, taking into account the historical function and value of this monument, the program of the conservation works agreed with the responsible Monument Conservation Officer. Any main adaptation and re-use must also apply to Construction Law (UPB) act and other construction regulations which result from it. Construction Law defines and describes the regulation of the reconstruction, extension (vertical / horizontal) of a building, which may apply to the adaptive re-use, although the heritage characteristic is not included into this part of legislation. The change of use means undertaking activities which can provoke changes of the structure safety conditions as: fire safety, health & safety, environmental protection or construction safety (load size and system). Again, the heritage aspects of such changes, in tangible and intangible terms, must be evaluated and decided

separately, based on the relevant acts. The third main act which must be taken into consideration is the Act on Space Planning (UPZP) and especially its definition of the spatial order (a harmonious shape of space which resulted from inner order of well balanced and satisfied requirements: functional, socio-economic, environmental, cultural and compositional-aesthetic).

Since 2015 there is also another act which influences several heritage areas in Poland, Act on Revitalization. It was introduced after a long and heated debated if a separate act regarding the degraded areas (affected by at least one of negative phenomenon of economic, environmental, infrastructural or technical nature) is in fact needed. It related to the various form of degraded areas, however several of them are historical and have important heritage values, especially in terms of local identity. The area of revitalization can't exceed the 20% of the commune area and the 30% of the population. What is important about this act is also a higher level of social involvement.

The entire process is assigned to the commune and assisted by higher level of self-government and the state administration. The local society is involved in the preparation phase, management of the process and final evaluation of results. The active social participation is possible during public consultations and by taking part in the Committee of Revitalization works. The consultations are organized by the commune or county mayor or by the city president. The revitalization program must also get an approval of an independent local body, namely The Urban – Architecture Commission. Also the voivodship Conservator - if needed – may give his opinion on the monuments protection and preservation methods. The plan of the revitalization becomes the local law. The most important document, the Spatial Study should be modified in order to include the adopted program of revitalization. The special zone of revitalization can be delimited for a period of 10 years by the municipal council in order to optimize the operations. Another type of local protection or re-shaping heritage areas are cultural park (park kulturowy) as one of the statutory forms of monument protection in Poland. The commune council, after consulting the voivodship conservator, may, on the basis of a resolution, create a cultural park to protect the cultural landscape and preserve outstanding areas with immovable monuments characteristic for the local tradition of building and settlement.

Revitalization programme of cultural parks is realized on the local level, which brings out the question of the institutional structure of the regulations and practices. The local government was re-introduced in Poland during the transition period initiated in 1989. Since then there is a three-tier local governance system; local government units being gmina (commune or municipality), powiat (district or county) and województwo (voivodeship, regional level). Initially only the commune level of local government was introduced in Poland, and it was only in 1998, that the two upper tiers of local government, powiat and voivodeship, were added. Today the local government consists of: 16 voivodships constituted by 66 cities with rights of a county, 314 counties constituted by 2478 communes, where there are 302 urban communes, 621 urban – rural communes, 1555 rural communes. Polish local governance follows the rules of the European Charter of Local Self Government, which means that all responsibilities are taken and all the decisions are made on the most local level of the governance possible.

What can be described by heritage adaptive re-use is in a significant part regulated by the spatial planning documents. At the three levels of spatial planning: municipality (commune), county, voivodship, the Spatial Study is obligatory and must be coherent with central strategies, programs and policies. There is no obligation to draw a local plan in communities unless it is required by

separate regulations. Especially these regulations must be in accordance with the KZPK (Koncepcja Przestrzennego Zagospodarowania Kraju – the Concept of the National Spatial Planning) - the most important document approved by the council of ministers regarding the spatial order in Poland. Its strategic goal is the effective use of the space and of its diversified development potential - what In long term means: to achieve competitiveness, increasing employment, efficiency of the state as well as social, economic and spatial cohesion. Other overall policies are: Strategy for Responsible Development (Strategia Odpowiedzialnego Rozwoju) – approved by the Council of Ministers 14.02.2017 and National Program for the Protection of Monuments (KPOZiOZ Krajowy Program Ochrony Zabytków i Opieki nad zabytkami) currently in progress for years 2018 – 2022.

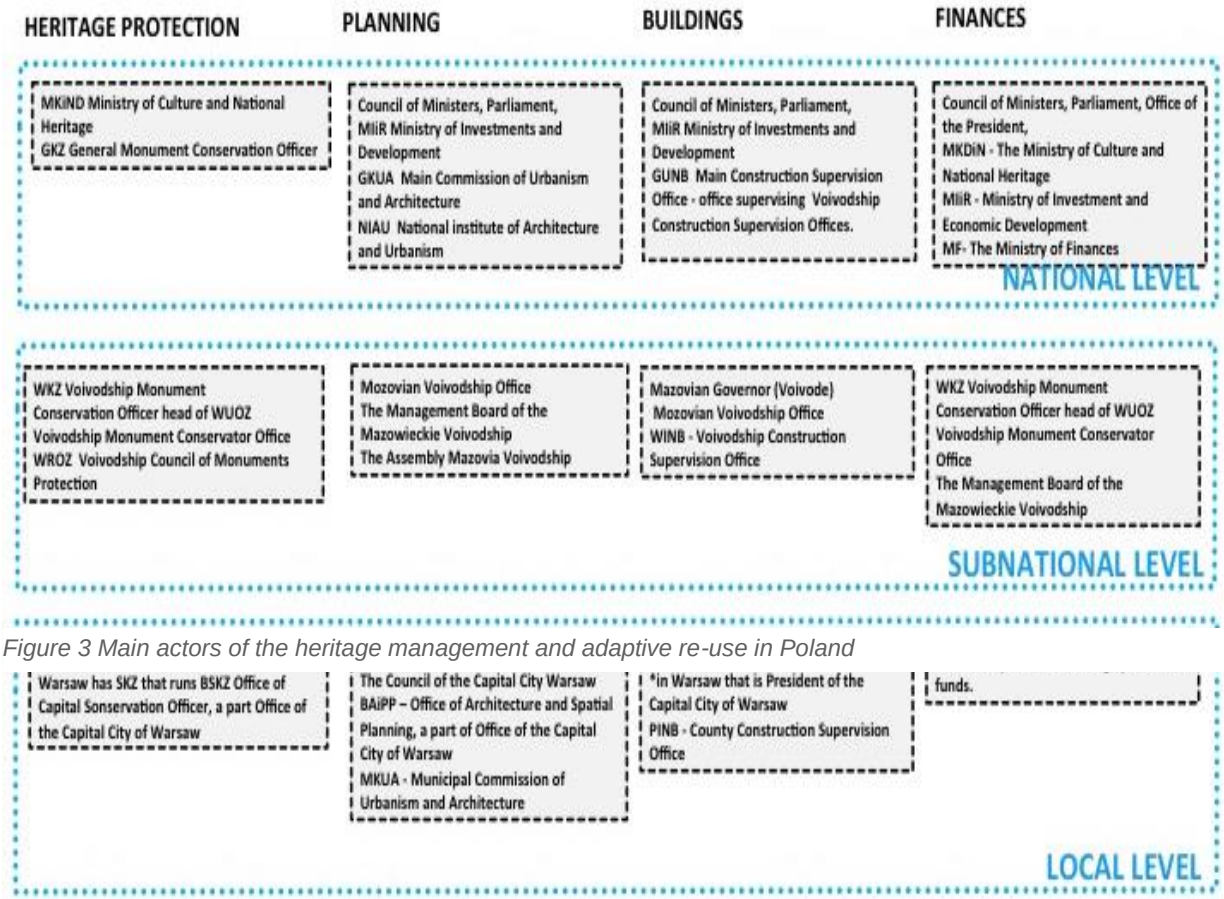

Figure 3 Main actors of the heritage management and adaptive re-use in Poland

Main actors of the heritage management and re-adaptive use

Main actors of the heritage management and re-adaptive use may be identified on two levels: decision-making and ownership. General structure of decision-making is presented below. Conservator Offices are the crucial actors in the heritage protection and adaptive re-use. General Monument Conservation Officer (GKZ) acts on the country level and prepares guidelines for WKZ. The amendment to the act UOZiOZ in 2018 strengthened the position of the GKZ, who may overrule the decision of the voivodeship level of the conservation officer and may demand the change of the head of this office. The WKZ is responsible for the (RZ) register of monuments in the region.

There are also two bodies that delivers expertise to the GKZ and WKZ. The Main Conservation Commission operates as the advisor of GKZ and issues, in particular, opinions on: application of methods, technologies and materials necessary for saving monuments; regularity and legitimacy of planned and carried out conservation, restoration and construction works at monuments and archaeological research; the manner and rules of conduct in case of threats to individual monuments.

The Voivodship Monument Protection Council acts as the opinion-giving authority in the field of monument protection and care of monuments at the voivodship conservator of monuments.

WKZ is the head of the monument protection office (WUOZ), which has field offices servicing individual parts of the region (voivodship). The structures of these offices always consist of the department for the register of monuments and documentation of monuments (keeping the register of monuments and the regional record of monuments) and other departments dealing with the issue of permits to operate on monuments: movable, immovable and archaeological.

As to the ownership public sector in private sector do not differ much in terms of the share of the general number of registered immovable monuments (55 585). Publicly-owned monuments consist of 36% of the total number, with a higher ownership on the local level (21%) than on the country level (15%). The next crucial owners of immovable monuments are churches and religious associations (24%), with the outstanding domination of the Catholic church. Private, more dispersed ownership consists of 30% of all monuments. Only 2% of total are in a co-ownership of various kind and even less (1%) is of a unregulated status. This must be described as a favourable situation, as unregulated status poses important risk and little possibility for re-use.

Cultural and built heritage adaptive reuse: regulation and development

At national level, all legal acts are mandatory in the whole country. The UPB - Construction Law is mandatory in all regions of Poland except areas of mines excavations. The UPB regulations respect separate regulations especially the law: geological, mining, hydrological, preservation and protection of monuments. All European and international regulations are respected and implemented. The UPB is submitted to constant modifications, mainly in order to facilitate the building permit procedures, and adapt the regulations to the new reality in every aspect. The UPB precise the list of construction works with obligatory building permission , notification of works or neither of them.

WT – Warunki techniczne / Technical Regulations – Rozporządzenie Ministra Infrastruktury z dnia 12 kwietnia 2002 r. w sprawie warunków technicznych, jakim powinny odpowiadać budynki i ich usytuowanie / Ordinance of the Minister of Infrastructure on the technical requirements that the buildings and their location must meet. The WT contains the detailed set of regulations for all technical areas, with references to the European and Polish Standards PN-EN ISO . WT sections: building and development of the building plot, Buildings and rooms, Technical equipment of building, construction safety, Fire safety, Safety of use, Health and safety, Protection against noise and vibrations, Energy saving and thermal insulation. Annexes: Polish standards index, Requirements related to the energy performance, terms concerning the flammability, spread of fire, etc. Exceptions – waiver of WT code requirements

Art. 9. UPB: In particularly justified cases the architectural administration authority, after obtaining (or not) the minister's authorization, grants or refuses to grant a relaxation of the requirement.

It is often necessary to follow this procedure in projects regarding the use or re-use of old or at least built before 1994 buildings.

RMKiDN – Rozporządzenie MKiDN z dnia 2 sierpnia 2018 w sprawie prowadzenia prac konserwatorskich, prac restauratorskich i badań konserwatorskich przy zabytku wpisanym do rejestru zabytków albo na Listę Skarbów Dziedzictwa oraz robót budowlanych, badań architektonicznych i innych działań przy zabytku wpisanym do rejestru zabytków, a także badań archeologicznych i poszukiwań zabytków / Regulation of the Ministry of Culture and National Heritage of 2 August 2018 on conservation works, restoration works and conservation studies on a monument entered into the register of monuments or on the List of Heritage Treasures and construction works, architectural research and other activities on the monument entered into the register of monuments, as well as archaeological and searching for monuments.

The regulation specifies the procedure for issuing permits for:

conducting research and conservation and restoration works - RZ and LSD; conducting architectural research, construction works – RZ; division of immovable monument – RZ; changing the purpose or use of the monument – RZ; performing construction works in the surroundings of the monument; The application is made to WKZ necessary document attached: the legal title to use the property work program, construction project

On the local level (Warsaw), commune level the main regulatory instrument is MPZP Miejscowy Plan Zagospodarowania Przestrzennego – Local Space Development Plan that can be only enacted by City Council or in case there is no enacted MPZP another instrument is WZiZT which is administrative proceedings (decision) - land use permit, and outline planning permission - issued by the Prezydent m.st. Warszawy / President of the Capital City of Warsaw in the mode of the act UPZP. WZiZT responds on the particular development application, there is no ownership property title demanded to apply for that decision. Both MPZP and WZiZT defines functional and indicatory restriction for particular developments and are mandatory (one or another) to apply for building permission. Both MPZP and WZiZT should be accepted by WKZ (MPZP always, WZiZT only in case of a historical monument or a heritage area reference).

Funding, financing and incentives relative to the heritage re-use

The private owner and organization, as well as the local authority – owners of a monument - are obligated to finance all kind of works concerning given monument. Every owner can apply for a public subsidy. Subsidy can be awarded to the registered monuments (RZ) by a Ministry of Culture and National Heritage and Voivodship Monument Conservation Officer (WKZ), also the local authorities of each level – community, county or voivodship – can award subsidies based on the respective resolution. Received finances come from the central, regional or local budgets. Act on the protection of monuments and monuments preservation precise all the activities and works related to the restoration that can be covered by the subsidy. All of the subsidised activities or works need to lead to the restoration and conservation of the monuments. Other activities or works like modernization cannot be subsidized. Subsidies cannot overpass 50% of the cost or the cost, or 100% in urgent cases, or cases of the highest class monuments.

Additionally the local government (community) can grant the owner or holder of the monument from the record (GEZ).

Ministry of Culture and National Heritage create and manage the National Fund for Monument Preservation (NFOZ), which is the target fund. The income of NFOZ comes from financial penalties. It is dedicated to cover necessary expenses for the conservation/restoration from the List of Heritage Treasures and registered monuments. There are also several Ministry programs including: Protection of Monuments; Polish Cultural Heritage Abroad; Protection of Archaeological Monuments; War Graves and Cemeteries; Places of Remembrance and permanent commemoration in the country; Places of National Remembrance Abroad.

The Act on Monument Protection and Monument Care organizes challenges of the contemporary conservation doctrine in Poland, but does not resolve the main question related to the necessary changes in the legal-financial aspects of the conservation of monuments in Poland neither establishes new mechanisms for financing it. In the original project of the act (which was to bear another name) in 1999 such mechanisms were proposed by the General Conservator of Monuments Office and consisted on establishing a tax deduction on the tourist services. This instrument could both: reinforce the effectiveness of General Conservator of Monuments Office and create a new philosophy of heritage preservation, founded on the active management of its potential. Currently in Poland does not exist any system of tax relief what determines some real protection of cultural goods. However there are some particular and rare tax privileges e.g. the owner of the registered monument (RZ) can be exempt from property tax on the condition of the proper care of the monument.

The deficiencies of financing in the area of Monuments is a constantly growing problem, and the material heritage slowly disappear. According to the estimations (2008) only every third or fourth of the registered monuments has a chance to survive. The Minister of Culture and National Heritage dispose annually of 100 million PLN (approx. 23 million EUR) , meanwhile the preservation of all monuments requires an amount of 10 billion PLN (Purchla 2008). In 2019 the total sum of subsidies achieved 124 820 297 PLN.

All these mechanism applies to the heritage buildings and/or sites with no specific mechanism related to the adaptive re-use.

Participation, culture and sustainability

Public participation is required in all phases of revitalization: preparation, conduct, evaluation. Public participation is carried out by public consultations and in Revitalization Committee works.

Slogan: No Revitalization without Participation

Citizens are encouraged to participate in urban revitalization by municipality. It is possible to: become a partner and submit a project; take part in Public Consultation; join volunteer programs;apply for a grant from Participatory Budget; engage in local initiative (regulated process of cooperation between municipality and local inhabitants aiming to achieve common goal); apply for a grant for NGO, church organization, social cooperative, trade union, employers' organization, professional self-government, political party or foundation

In Warsaw work so called revitalization animators (part of the Revitalization Program). These are 6 people for 3 revitalization areas who are available 3h once a week. Their aim is to provide each person interested in taking a part in revitalization projects with the detailed information of Revitalization Program and its cultural offer. The important task of animators is also to facilitate contact between informal groups, artists, institutions, organizations and habitants - create net-working.

The plan of the revitalization can become the local plan if previously the community adopted the program of revitalization.

The area of the community affected by at least one of negative phenomenon of economic, environmental, infrastructural or technical nature is defined as degraded area.

The area of revitalization - as part or parts of the degraded area is designed by the community. The area can't exceed the 20% of the community area and the 30% of the population.

The entire process is assigned to the community and assisted by higher level of self-government and the state administration. The local society is involved in the preparation phase, management of the process and final evaluation of results. The active social participation is possible during public consultations and by taking part in the Committee of Revitalization works. The consultations are organized by the commune or county mayor or by the city president.

The Urban – Architecture Commission of the community (MKUA) must give an opinion on the revitalization program. The voivodship Conservator - if needed - gives his opinion on what concern the monuments protection and preservation methods. The resolution on the revitalization, adopted by the community council is the local law.

Besides that obligatory participation processes are included in the planning process related to MPZP (Miejscowy Plan Zagospodarowania Przestrzennego – Local Space Development Plan) enactment. The participation in that case refers to two stages of that process. During first and early stage everybody can submit an application for a certain solutions that should be included in MPZP regulations. During the next, late step everybody can submit a remark to the solutions proposed in the MPZP draft and one may also participate in open public discussion on the MPZP draft regulations.

According to legal regulation communes like Warsaw (larger municipalities with the poviat status) are obliged to run yearly the Participatory Budget.

Adaptive reuse trends in Poland

After its political transformation, Poland had to face new challenges and threats concerning its cultural heritage. The Congress of Polish Culture, organised in Cracow in September 2009, prepared a comprehensive report on the cultural heritage preservation system in Poland after 1989. The authors of the report indicate three phenomena that can have a significant impact on the future of Polish historical monuments: an accelerating process of transformation of building stock, leading to stronger pressures of economic factors on the cultural landscape; a growing demand for heritage as a backlash against the homogenising effects of globalisation and a result of the increasingly important economic role of tourism; a shift in focus from the value of heritage to the needs

of society. This new approach to heritage can be described as a change in its ontological status. The existing legal and financial tools of monument protection were adapted to a static situation typical of a centrally- planned economy and a command-and-quota system. Today, Poland needs to create a new effective programme of heritage management that would satisfy local communities who, along with the owners and users of monuments, are crucial for heritage protection.

Some more general trends are also argued to influence Polish heritage policies. Post-modern vision of the world does not put attention on constants, but on the change, movement, fluidity and ability to adapt. Another aspect is the growing role of the individual and its importance in society, its own free choice, needs and preferences.

Poland face also some very specific challenges, which are to a great extent epitomised in the case of Warsaw, presented below.

Up to 1989 in the matter of heritage and monuments the State was the only actor, owner, sponsor, investor and decision maker. Monuments were not treated as commercial investment, the State was the only responsible for the preservation and protection.

After 1989 the private property is dominating and preferred, the responsibility for preservation and protection is assigned to the owner / user, every expense is covered by the owner, monuments are treated as an investment.

In 2002 – the General Conservator of Monuments GKZ service lost the status of the autonomous central body of administration, and was incorporated as the Department of Monuments Protection at the Ministry of Culture. GKZ became in fact a simple sub secretary of state. Officially this position was presented as of more estimation than the "simple chief "of the central administration office. The requirements for this important position are not defined, so it is evidently submitted to political decision who will be named / designed.

After 2002: the Minister of culture and GKZ passed almost entirely the responsibility for the status and budget of Conservation services (voivodships level) to the minister of administration and interior affairs (now admin and digitization). In consequence the functioning of the services became disturbed, inefficient as to question the legitimacy of its existence. (J. Purchla, 2009)

The biggest problem in the protection of monuments is negligence of managers, ignored WKZ recommendations, purchase of monuments for investment plots, but also poor effectiveness of law enforcement services in matters related to crime against monuments, impunity with which the heritage is deliberately destroyed. In smaller centers, unfortunately, there are strong local links between local governments and developers. In small towns there are no strong urban movements to protect monuments, nor the journalists' lobby to promote the question of monuments or heritage. (GKZ Magdalena Gawin – interview September 9, 2017)

Today, however, it turns out that the biological degradation, on which conservation was originally set, has become a much smaller threat than destruction caused by human activity - resultant of mainly economic factors. The economy decides about the survival of the heritage resource. So to talk about its duration, it is necessary to change the attitude and the way of thinking about it.

On the list of national monuments registers there is a total (including RZ) 827 579 entries. All data are estimated, unclassified, not valuated. Real protection is not possible. The problem is not only the selection of useful elements of the heritage, but also the decision on how to use tchem (M. Murzyn, 2017).

Many communities haven't prepared mentioned programmes. According the report prepared by The Supreme Audit Office, in 2015 only 30% of communities had actual programmes of protecting monuments.

Labox: focus on Warsaw, context for the CHL

The capital city of Warsaw is a municipality with the status of a city with county rights. Its functions are defined by the act on municipal self-government and the act on poviat self-government, and tasks resulting from the capital's character of the city - the act on the system of the capital city of Warsaw. The city area is 517 sq km, Warsaw has 1 764 615 inhabitants, 18 districts (agglomeration: 2730,23 sq km, 2 596 553 inhabitants). After the Second World War, human losses and the destruction of Warsaw were enormous (85%). The city authorities had to organize the clearing of the city, accommodation of the population, provision of rooms to public administration units and taking care of abandoned property.

On October 26, 1945, the Decree on ownership and use of land was issued in the area of approximately 14,146 hectares, and covered property at the then administrative borders of the city, currently within the seven districts occupying a significant part of the present area of Warsaw. The purpose of the introduction of the Decree was the rational restoration and unrestrained planning of the Capital City without any obstacles: lack of mortgage documents, absence of owners or their heirs, lack of boundary signs and plans of plots, long-term expropriation processes. Based on the provision of art. 1 of the Decree, all land within the city limits existing on the date of its entry into force passed by virtue of law in favor of the commune of the Capital City of Warsaw. Then, on April 13, 1950, due to the liquidation of the local government, these lands became the property of the State.

The decree on ownership and use of land in the area of the capital city of Warsaw is an unprecedented legal act on a national scale. Its current existence hinders the harmonious development of the capital, both in the sphere of public investments and in the private sector.

Left and right bank of Warsaw differ significantly in terms of heritage. Left bank central districts as almost totally destroyed during the war, whereas the right bank (Praga) remained almost untouched. Left bank underwent a broad program of reconstruction and restoration, which brought a heated international debate at the time. The reconstruction of the city, symbolised by the UNESCO Old Town, gained world-wide recognition due to the its scale and the organizational methods involved in that process and critical, based on the knowledge methods of reconstruction respecting modern functional demands. The problem of identity relates to the idealization of pre-war heritage (as authentic) and post-war negation (as not authentic) additionally associated with the communist regime. At the same time, this approach is increasingly confronted with a completely opposite approach indicating the positive impact of post-war reconstruction on improving the living conditions of the inhabitants.

Today, in Praga (right bank) there is a supply of heritage buildings and complexes of various legal status and various technical state. However, this

supply is in a way "hidden" with the exception of the listed buildings, difficult to find, assess and approach. A lot of time and money is required to do a proper research. In fact, some actors are interested in keeping this heritage hidden, as they fear their interests, businesses (legal and illegal) would be at risk in case of new investments.

There is no specific path or mechanism regarding adaptive re-use in Praga, neither for the listed and unlisted buildings and sites. A lot of investments and activities rely on personal contacts, much happens just by accident (somebody found out about the place, knew someone who could help them overcome obstacles etc.).

The main players are big developers with significant investments. SMEs and NGOs have a lot of failures under their belts. There is no PPP or crowd-funding to talk about. Another important player is Capital/Voivodship Conservator as a decision maker. Public administration is also a strong player, having a final say in all administrative decision and because of an ownership of several buildings.

There are several grass-root activities and many of them focus on heritage of various types. Main obstacles to such activities are: bad cooperation with the municipality, lack of appropriate space (stores etc.). The most successful stories are related to the activities based on cooperation with business.

Currently Warsaw most important document is Development strategy of the Capital City of Warsaw until 2030. There are several others which may influence heritage adaptive re-use policies, even if none of these documents relates directly to the challenges of heritage adaptive re-use. This abundance of legal regulations and bodies involved in decision-making and supervising processes is very typical and poses an important obstacle to many activities. The documents are following:

Study of conditions and directions of spatial development of the Capital City of Warsaw; Local spatial development plans; Cooperation program for the Capital City of Warsaw and non-governmental organizations until 2020; Housing policy - Apartments 2030 for the capital city of Warsaw; A multi-year housing program for the capital of the Capital City of Warsaw for 2018-2022; An integrated revitalization program for the capital city of Warsaw until 2022; Environmental protection program against noise for the capital city of Warsaw; Action plan for sustainable energy consumption for Warsaw in the perspective of 2020; Warsaw Action Program for the Disabled for the years 2010-2020; The ordinance regarding the creation of available space in the capital city of Warsaw, including pedestrian infrastructure with particular emphasis on people with limited mobility and perception; Young Warsaw program. A city with a climate for young people 2016-2020; Program for the enhancement of the local community for the years 2015-2020; Innovative Warsaw 2020. Entrepreneurship support program

References

Interviewees

13 PORTUGAL

Portugal is a democratic republic which ratify its Constitution in 1976. The governance of the country is organized in two level: national and municipal. Its five regions (north, center, Lisbon Metropolitan Area, Alentejo, Algarve – NUTS II level), indeed, are defined geographically and do not have regional authorities but in the cases Azores and Madeira, the only two autonomous territory of the country. Therefore, sub-national governance is mediated by state administrative branches.

13.1 Institutional and regulatory context of adaptive heritage re-use

National government has four main functions in land-use policy: 1) it provides the legal framework that regulates planning at the national, regional and local level; 2) it defines national and sectoral strategic policies aimed at integrated, cohesive and sustainable territorial development of the country; 3) it allocates national and EU funds to specific territories and projects; 4) it provides technical assistance for regional and municipal planning (OECD, 2017).

The main Portuguese planning reform occurred between 2014 and 2015, strengthening the strategic dimension of the planning process: at national and regional levels are set programs, stressing the strategic vision of the country, while plans at local level regulate specific land use. This framework is described in the law 31/2014, 30th May, *Lei de bases do solo, do ordenamento do território e do urbanismo / Land-use, territorial planning and urbanism*. Particularly, art. 54 of the law identifies national plans (and programs) as tools which defines the strategic planning framework of the country; regional programs and local plan must be consistent with the national framework.

The *Programa Nacional da Política de Ordenamento do Território/ land-use and planning policy national program* (already approved in 2007) defines the 2025 strategy and territorial model of Portugal. First strategic object of the plan is "To preserve and enhance biodiversity, resources, as well as landscapes, natural and cultural heritage, promoting energy and geological sustainability with the aim to prevent and minimize risks". It also establishes the implementation of the European Landscape Convention through a national policy regarding architecture and landscape, and to promote the inventory, classify and registration of cultural assets, etc. Among national plan, *planos especiais / special plans* pursuit goals of safeguarding resources, natural and cultural values considered of public interests at national level, such as the coastlines, natural parks and archaeological parks. They contain management guidelines, but also detailed land-use plans. Accordingly, regional plans set guidelines for regional (e.g. regional infrastructures, transports) and local planning development. Municipal Master Plans[48] (PDM) are mandatory and they have to cover the whole territory, integrating municipal development strategies. Operatively, the *plano de pormenor / the detail plan* describes forms and design of specific area, establishing development rules for infrastructures and integrating building and landscape.

[48] The law defines three major planning tools: the plano diretor municipal / municipal master plan, the plano de urbanização / urbanization plan and the plano intermunicipal / inter-municipal plan.s, and Detailed Plans

As other European country, Portuguese planning system has been based "on concept of urban expansion plans and improvement of the urban fabric" (Carter and Da Silva, 2001). The delay of the of planning law, from one side, and the over building production, from the other, have been recognized as the main reasons of the "suburbanization" of the country. The strategic environmental assessment framework for urban planning, which call for the consideration of new global ecological concern, arrives also late (Mourao and Marat-Mendes 2015). This has fostered uncontrolled planning, individual interest and illegal urbanization, making Portugal "a disorganized territory" (Baptista, 2012; Mourao and Marat-Mendes, 2015; Henriques, 2016), noticeably impacting on its economy.

Nevertheless, in the 60s already emerged the first rehabilitation approaches, opening up new urban intervention perspectives. In 1976, the Área Crítica de Recuperação e Reconversão Urbanística and preventive measures were established to act on built heritage and historical zone of the city. Along with the establishment of Urban renovation company (Decreto-Lei n.º 104/2004, de 7 de Maio, see more § 2), this testifies a political will looking for inverting the production of the city, from new constructions to renovation process (Perestrelo de Lemos, 2014). Even though in the Portuguese law the term adaptive reuse is not in use, in practice Áreas de Reabilitação Urbana / Rehabilitation Urban Areas (ARU) and Rehabilitation Programs support significantly a cultural shift towards adaptive reuse of the built heritage.

Recently, the decreto-Lei n. 307/2009 (with subsequent modifications) establish the *regime jurídico da reabilitação urbana / urban rehabilitation legal framework*, strengthening the orientation of the system towards enhancement and renovation of urban areas. The dl thus assesses renovation "as a fundamental component of urban and housing policies […] aiming at a more harmonious and sustainable cities and guaranteeing suitable housing for all." (Perestrelo de Lemos, p. 30).

Aim of the act is to address historic zones and deprived areas in terms of urban standards by integrating – at least theoretically – different public policies i.e. urban, social, transport and conservation (art. 3). The concept of rehabilitation is based on two main legal principles: 1) owner's duty on the matter; 2) subsidiarity of public actions. To promote renovation process, ARUs, namely "an area characterized by inadequacy, degradation or obsolescence of buildings, infrastructures, collective use equipment and urban space", has to be defined, notified to Instituto da Habitação e da Reabilitação Urbana and projected through detailed plan. Recently, on July 2019, a new Rehabilitation Legal Regime (95/2019)49 was approved, defining the preservation of pre-existents as paramount over other construction requirements. The Act introduced more flexibility and proportionality in renewal interventions in assets fully or prevalently dedicated to residential purpose, by relying on the principle of "proportional and progressive improvement" (Princípio da melhoria proporcional e progressive).

[49] See: https://dre.pt/pesquisa/-/search/123279819/details/maximized.

13.2 Main actors of the heritage management and adaptive re-use

Main actor responsible for planning is The Ministério do Planeamento e das Infraestruturas/Ministry of Planning and infrastructure and is supported by State Secretary for Development and Cohesion and the Secretary of State for Infrastructures. As mention, there are three levels of planning administration but only two, state and municipal, have political power and authority (see Figure 1). At regional level, the state has "satellite" directorates for several areas such as education, economy, culture, agriculture. Regarding planning, *Regional Co-ordination and Development Commissions / Comissão de Coordenação e Desenvolvimento Regional* are peripheral institutions of the State, endowed with administrative and financial autonomy. Each region has its own Commission: CCDR do Norte (north), in the city of Porto; b) CCDR do Centro (center), in Coimbra; CCDR de Lisboa e Vale do Tejo (Lisbon and Tagus Valley), in Lisbon; d) CCDR do Alentejo, in Évora; e) CCDR do Algarve, in Faro. Their mission is to carry out environmental, regional and town planning policies and regional development policies, translating national spatial planning policies at their respective geographic areas. Moreover, they provide technical support to local authorities and their associations and prepare *Regional Programmes for Spatial Planning* which are approved at national level. Municipalities are responsible for land-use and planning. They define rehabilitation strategy also by describing development policy at local scale.

State, autonomous regions and local authorities have joint competence in matter of cultural heritage protection and enhancement. At national level, the *Direção Geral do Património Cultural DGPC / General Directorate for the Cultural Heritage* is responsible for heritage policy and management. It has to assure conservation, restoration and safeguard of immovable, movable and immaterial Portuguese heritage and develop museums national policies. It has the responsibility, along with the Regional Directorate for Culture (based on its specific area), to classify cultural assets on the base of their cultural value, namely national (by the Conselho de Ministros / Secretary of the State) or public (by the Secretário de Estado da Cultura / State Secretary for Culture). Still, Direção *Regional de Cultura / Regional Directorate for Culture* are decentered branches of the State that are responsible for the cultural heritage on their specific territory, by working in articulation with the General Directorate for Cultural Heritage. Locally, municipalities have the responsibility to classify cultural heritage declared of municipal interest, listing it in a municipal register. Besides this, they also produce heritage inventories and related map (Heritage Charter) to be integrated in PDMs, which include statutory but also other features non-statutory listed. Those features can be protected if considered as such by PDM ordinance (regulamento). Thus, it is remitted to local authorities the restoration and protection of these assets, also by promoting studies and research activities. It is worth noticing local authorities play a significant role in cultural policy. They support arts, events cultural initiative also in collaboration with the Ministry of Culture.

Looking at reuse strategy, significant subjects on the matter are the Sociedade de Reabilitação Urbana / Urban renovation company SRUs, established in 2004, with the d.l. 104/2004. The SRU are municipal company created by the City Council with the aim to support renovation process, initially co-financed by the State (in same cases the national support has been recently withdrawn) and the municipality itself. At the present, five SRUs have been working: Porto, Lisbon (West), Coimbra, Serpobra, Viseu.

Finally, *Instituto de Habitação e da Reabilitação Urbana* and *Turismo de Portugal* are significant financial actors mainly supporting rehabilitation and valorization programs (§ 4).

13.3 Cultural and built heritage adaptive reuse: regulation and development

In Portugal, responsibility concerning cultural heritage are framed by the Constitution (Art. 78). Overall, the legislative evolution on matter of conservation, from the 80s (L. 13/85) up to now (L. 107/2001), adjust Portugal's regulations towards international tendencies, adopting a multidimensional and expanded concept of cultural heritage (Carvalho, 2012) which gradually appear in the local plans (Tarrafa Pereira da Silva, 2017).

Currently, the Lei de Bases do Património Cultural 107/2001 (and following 2009 amendments) establishes the political basis and the juridical regime to enhance and protect Portuguese cultural heritage. Accordingly, the State has the duty to protect cultural assets which are classified in two main categories: 1) monument, group of buildings or site as defined by international law and 2) assets declared of national, public or municipal interest. Municipal heritage is just listed in municipal inventories and managed by local planning policies (e.g. Municipal Master Plans, Urban Plans or Detailed Plans).

The law, it has noted, renovated the way they were interpreted and regulated. In this "new spirit" (Pires Ferreira, 2013), cultural heritage enhancement is intended both socially and economically.

Overall, the protection system is based on classification and inventory of assets (art. 16) in their respective registers. Classification is intended as an administrative act through which the cultural value is recognized, while inventory consist in a systematic collection of cultural assets at national level. To protect property architectonic, urbanistic and landscaped context, Municipalities has the responsibility to activate temporary protection zones[50], anticipating the Safeguarding Detailed Plan character.

Moreover, the *plano de pormenor de salvaguarda / safeguard detail plan* assumes a crucial role in conserving historic urban areas. Defined by the city council[51], they include monuments, historical sites and groups of building.

About "environmental and landscape quality", State, autonomous region and local authorities have to promote restoration and valorization zones of historic center, natural park, gardens, etc. (art. 44). A specific focus is then dedicated to the context of the monument, reserving then a "strengthen safeguard", forbidding interventions (such as volume, color, morphology changes) might alter architectural values of the area or disrupt the contemplation of the good (art. 52). Immaterial heritage is also recognized by law as a field of protection defined as "realities that … witness ethnographic or anthropological value of civilization or culture, defining collective identity and memory" (art. 91) and is regulated by a specific decree (decreto-Lei 139/2009).

[50] Decree-Law no. 309/2009 of 23 October.
[51] *DL n. 309/2009* (with subsequent modifications) defines procedures to classify immovable cultural property and protection zones. It also establishes rules for drawing up detailed safeguard plans.

Cultural heritage policy follows general principles of inventory, planning, coordination and compatibility with planning, environmental, education policies, supporting cultural production and tourism (art. 6). According to the 2007 national plan (l. 58/2007), the *Política Nacional de Arquitetura e da Paisagem / Landscape and Architecture National Policy* (PNAP) was approved in 2015. The plan follows these general guidelines based a study conducted by a Committee specifically created, ultimately promoting improvements in term of quality, sustainability and citizens' awareness on urban, architecture and landscape values. Its implementation is remitted to local and regional governments. Yet, at the time of writing, the PNAP has not enforced.

Overall, no specific mechanisms or regulations (e.g. temporary use) are set to stimulate adaptive reuse. In the 2017 was launched the *Programa Nacional de Emergência do Património Cultural* (Lei n. 114/2017, 2018 State budget, Art. 205). Aim of the program is monitoring and study cultural heritage conditions, assessing future interventions. On this basis, it is expected a national emergency program for cultural heritage, focusing mostly on conservation and safeguard. Conversely, a tourist-driven program, the *Programa Revive* (ongoing), has been launched by the Ministry of Economy, Culture and Financing with the aim to restore and enhance public properties of historic, cultural or social value. To encourage private investors' participation in the 30 sites selected by national authorities all over the Portugal (among which castles, monasteries, etc.), the program launched a public competition, allowing the development of tourist activities to return the private investments[52].

In accordance with planning system which privileged urban expansion, Portuguese codes are mainly directed to new constructions as in the *Regulamento geral das edificações urbanas / general building regulation* (RGEU), adopted in the middle of the XX Century. To mitigate Code's requirements, the *Regime Excecional de Reabilitacão Urbana* has introduced (up to 2021) "exception criteria to support interventions in existing buildings in historic sites and ensembles" (Ornelas et al, 2016). RGEU, indeed, was adopted in 1951 (Decreto-Lei n. 382 de 7 de Agosto de 1951) to establish minimum housing conditions, and technical standards regarding fire safety, accessibility, comfort and acoustic conditions. Recently, the need to define a "Minimum Technical Requirements for Rehabilitation of Old Buildings" supported a research on "technical regulation on construction work", aimed to analyze their application and identify suggestions for its improvement. As the study[53] reports the main difficulties to comply with the building regulations lay on "structural deficiencies in the legal and regulatory framework and from maladjustments of that framework to construction works in existing residential buildings." The large number of provisions approved by separate legislation and the poor harmonization among them, outdated provisions still in force, difficulties in provisions' interpretation are among the major deficiencies reveled by the research. Still, in face of the variety of situations found in the rehabilitation of buildings, the rigidity of the provisions' system is deemed as the main obstacle in rehabilitation projects[54].

[52] See: https://revive.turismodeportugal.pt.

[53] Conducted by National Laboratory of Civil Engineering – LNEC.

[54] See: https://www.researchgate.net/profile/Joao_Pedro9/publication/325302618_Regulamentacao_tecnica_da_construcao_nas_obras_em_edificios_existentes_Analise_da_aplicacao_e_sugestoes_de_melhoria/links/5b04ab754585

13.4Funding, financing and incentivizing adaptation

National government, mostly throughout EU funding, is the main funding actor of cultural heritage transformation. In terms of financing and funding an important actor to look are Instituto de Habitação e da Reabilitação Urbana and Turismo de Portugal. The first is a special public institute, integrated in the indirect administration of the State and endowed with administrative and financial autonomy as well as its own properties. It implements housing and urban rehabilitation policy assuring loans and grants to public and private investors, participating also to investment funds, public-private partnership or other associative forms. The latter, as part of the Ministry of economy, is national authority aimed at financing Portugal's valorization through tourism.

In accordance with the 107/2001 Cultural Heritage Act, in 2009 it was created the *Fundo de Salvaguarda do Património Cultural / Fund for Cultural Heritage Safeguarding* (d.l. 138/200). The fund was established to support renovation, conservation and restoring projects of cultural assets of national and public interests and also to purchase cultural goods to increment museum collections. In 2018 (d.l. 35/2018) the fund was reframed on new structures and services offered by the Ministry of Culture. The initial capital of the fund (5 mil euro) is mostly incremented (60%) by fees on illegal demolition or exportation cultural heritage. In addition, the *Fundo de Reabilitação e Conservação Patrimonial / Renovation and Conservation Fund* (dl 24/2009) was set to grant (*fundo perdido*) refurbishment, conservation, adaptation or renovation works on public assets.

It has been noted that after a period of vigorous intervention from 1995 to 2000, Portuguese investment in culture gradually decrease. Overall, renovation programs in the 80s - focusing mainly on physical aspect - did not satisfy initial expectations, though they ignited the transition towards a regeneration-oriented system, furtherly encouraged by European programs. In the 2000s, indeed, the country benefited from the injection of European funding (Garcia et al, 2018) also through several programs, focused on integrate urban policy e.g. Programa de Iniciativa Comunitária URBAN, 1994-1999, co-financed by FEDER and FSE, and URBAN II, 2000-2006. Within these programs, it can be mentioned O programa POLIS, Programa de Requalificação Urbana e Valorização Ambiental das Cidades (2000- 2006) and the POLIS XXI (2007-2015).

Moreover, public-private partnerships in the field of cultural heritage are also supported by specific programs and agreements. Along with the abovementioned *Programa Revive*, other examples are project such as the *Rota de Catedrais/Cathedrals,* based on an agreement between Ministry of Culture and Portuguese Episcopal Conference signed in 2009 to enhance cathedrals, recognizing among the most important legacy of the national history; the program *+Património +Turismo* (2016), part of the *Estratégia Nacional para o Empreendedorismo StartUP*. It is supported by Portugal Ventures with the Turismo de Portugal with the aim to stimulate start-ups and new business activities at local and regional level by matching tourism and cultural heritage enhancement; *Programa Nacional de Alojamiento Estudiantil*, recently launched with the aim to adapt 263 unused State assets, among which palaces and convents, to student housing; etc.

154aeb07f7f4/Regulamentacao-tecnica-da-construcao-nas-obras-em-edificios-existentes-Analise-da-aplicacao-e-sugestoes-de-melhoria.pdf

About benefits and incentives, the Cultural Heritage Act (TÍTULO X) remits to the elaboration of an autonomous law on the matter. In matter of "cultural patronage" (mecenato cultural)[55], donations, in cash or kind, to public or private subjects supporting social, cultural, environmental, educational and sportive mission, are considered as a cost equals to 120, 130 or 140% of the donation total amount. Difference in percentage depends on the kind and period of activities supported. Private subjects[56] benefit of 25% tax relief on corporate income taxes (IRC - Imposto Sobre o Rendimento das Pessoas Colectivas) and personal income tax (IRS - Imposto Sobre o Rendimento das Pessoas Singulares).

Additionally, art. 71 of the *Estatuto dos Benefícios Fiscais* regulates incentives related to urban renovation. Indeed, as established in the urban renovation juridical regime (d.l. 307/2009), municipalities must associate specific benefits and incentives to ARU, such as on real-estate tax (IMI) or real-estate trade (IMT). Renovation process is thus stimulated (art. 17.3) by giving the owners the right to access public aid and incentives. At municipal level a special tax regime might be defined to support planning operations, as it happens in the Lisbon PDM 2012 where the incentive system is defined by a specific regulation (Estratégia 2011-2024, p. 28).

Finally, with the aim to stimulate housing renovation project, resolution do Conselho de Ministros 20/2011 consolidates existent incentives such as those related to ARU by simplifying procedure. For instance, tax relief at 5% on rents of renovated properties or the exemption of housing tax (IMI) for five years.

Finally, in terms of reuse, significant dispositions are established by *Código do Imposto Municipal sobre Imóveis (CIMI) / Municipal tax regime on buildings* (dl 287/2003). Accordingly, municipalities can provide for a taxes aggravation up to three times for buildings resulting vacant for more than one year (d.l. 159/2006).

13.5Participation, culture and sustainability

Creativity and cultural heritage are increasingly considered fundamental in shaping regional identities and also in stimulating economic sectors, such as tourism and knowledge economy. Currently, State investments in cultural policy has been increasing, drawing attention on public cultural structures, arts, artistic creation and cultural heritage enhancement and access to culture.

Between 80s and 90s, major aim of cultural policy was the implementation of cultural facilities networks, like the Rede Nacional de Bibliotecas Públicas / National Public Libraries Network in 1987 and the *Rede Portuguesa de Museus / Portuguese Museums Network*, in 2000 (Council of Europe, 2011).

Whereas this strategy was mainly based on municipal-State cooperation, after the 2008 crisis austerity measures have re-oriented the cultural system towards multi-level partnership, supporting a decentralization process which goes in parallel to a more economic-driven vision of cultural policy, mostly intended "in terms of its contribution to economic growth." (Garcia et al, 2018). Therefore,

[55] See more in: Capítulo X of the Estatuto dos Benefícios Fiscais approved in 1989 (dl 215/89) with subsequent updating.

[56] Ibidem, Art. 63.

the link to economic activities, especially tourism, meaning also municipal alliances based on heritage stiles such as Romanesque Route, currently part of the Romanesque Route of European Heritage (Transromanica) (Silva, 2018).

Generally speaking, the relevance of associations' role in cultural heritage issues is stated in the 1976 Constitution. Also, the 107/2001 Cultural Heritage Act specifically address participation by encouraging cooperation among state, institutions and associations in cultural heritage protection and enhancement. Moreover, citizens' participation is among the main principles of the planning law (31/2014). Adaptive reuse is particularly supported by the mobilization of local communities, showing a growing interest around heritage and environment values. In this perspective, it has noted, heritage is rather a sector within which observes issues such as modern citizenship and cultural rights (Brito Reis, 2016). Though, community-oriented policy in matter of adaptive-reuse are rare. It is worth mentioning that participation is among the priorities of the *Plano Director Municipal de Lisboa* where innovative Local Development Strategies such as BIP/ZIP have been developing (see Labox).

Finally, no specific references between "heritage and environment" are reported. As Tarrafa Pereira da Silva (2017) notes, in some cases protection zones had being used as 'opportunist listing', meaning "an asset is listed for the purpose to conserve surrounding areas".

13.6Adaptive reuse trends in Portugal

As profusely discussed, from the 80s up to now, urban rehabilitation strategy has significantly steered a change of paradigm orienting tools and norms from urban expansion to the urban rehabilitation praxis (Virtudes, 2019).

Despite not being directly focused on adaptive reuse, public planning and legal documents are mainly based on regeneration/rehabilitation principles. Conservation practice has been expanded to more comprehensive areas, relying on spatial planning tools and specific tourism programs (Pereira 2017). Nevertheless, building regulation prescriptions, still closely link to a construction-oriented system, are perceived as obstacles to building adaptation. Also, at national level there are no tools / framework to support the (temporary) use of built assets has defined. In addition, urban sprawl and real estate market speculation still are among the most significant factors hindering urban renewal by creating an "artificial scarcity" of land (Henriques, 2016). The trend, indeed, is to keep properties out of the market, pushing prices up and causing demand and supply anomalies – "apparent" land and property scarcity in the city, which block possible renovation projects.

About cultural heritage, the main post-crisis shift in Portugal has been its further re-interpretation as economic resources for tourist purpose, also encouraged by EU funding. Whereas tourism is a relevant agent of transformation, interviewees' concerns are particularly focused on housing affordability. Difficult situation on the property market caused by speculations – mostly in Portuguese cities like Lisbon which are attractive for large international investors – have been increasing inhabitants' displacement. Several factors have been influencing this process: New Urban Lease Law, introduced in 2012 in response to Portugal's

bailout, which allow the liberalization of the rental market[57], and a stable Portuguese market regarding retired people coming from Europe (supported by the central state through *ad hoc* fiscal benefits) as well.

In parallel, public awareness about the importance and value of heritage in terms of culture, economic development and in general sustainability of their communities is growing. Though, a general skepticism over cooperative projects – inherited since the 90's and also encouraged by private oriented-policy – still seems to prevail. This cultural gap also appears in term of in public procurement. Public tender, it has noted, are set regardless consideration of some crucial factors leading not-profit operations such as the social values and publicness of the projects itself. Conversely, low expenditure, construction efficiency and / or high level of guarantees are favored.

13.7Labox: Marquês de Abrantes, Lisbon

The metropolitan area of Lisbon plays a key role in the in the Lisbon And Tagus Valley Region and in the national level as well. Lisbon, indeed, includes the major structural components for the development of the country. Major data confirms this assumption: "in 2016, the region of Lisbon and Tagus Valley's population was about 3.7 million, thus representing 36% of the country's population; it also represented 41% of national employment. 35% of all companies were based in RLVT and 43% of the national Gross Value Added was produced in this area." As the *Mapeamento do património cultural* (2015) shows, Lisbon Region is also characterized by cultural heritage of national and international value, mostly concentrated the City of Lisbon itself. Therefore, at regional level heritage is tapped as its foremost potential. In the last years, renovation and restoration projects were strongly linked to urban development aimed at stimulating Historical and Cultural Tourism in the Lisbon region where are located more than 70 museum and 500 cultural assets.

The evolution of the "Big Lisbon" has been interpreted as the natural evolution of the city itself which has been going on since its origin. The city, indeed, stems from the geographic area of the Tagus river, connecting the territories on both sides of the river (Reggiani, 2014). Since the first general plan, between the '30s and the 40s, the strategic vision of Lisbon has aimed at transforming the city in a global capital, a process which is still ongoing. Whereas in recent years the city is undergoing an intense renovation process, significant demolitions have been previously justified in sake of modernization (Ivi): modern residential construction substituted XIX century and art-nouveau buildings and in 2011 in the Lisbon region, only the 5% of residential buildings were built before 1919 (Brito-Henriques, 2017). In the 60s a significant urbanization converted the rural area of the city. Between the 1981 and 2011 the housing stock increased by 74% whereas the families increased by 42% and residents by 14%, determining a significant accumulation of unused or abandoned assets which rose up to 136% in these 30 years (Ivi). For this reason, Lisbon has been used as exemplary case to address what a city in ruin means (Aimini, 2005; Brito-Henriques, 2017).

The strategical vision of the city is set in the Carta Estratégica 2010/2024 which identifies four macro-themes: City and sociodemographic dynamics; friendly,

[57] The *Novo Regime do Arrendamento Urbano* / New Urban Lease Law was introduced in 2012 in response to Portugal's bailout, modified the old rent laws (dated prior to 1990) which controlled at rates considerably below the market.

safe and inclusive city; environmentally, sustainable and energy efficient city, dynamic, competitive and international city; city and global identity; city and "governance". This document establishes development guidelines for the Municipal Master Plan, that was revised and approved in 2012 on the base of new urban and political conditions i.e. a lack of public founding and a significant amount of vacant buildings. Inner-city regeneration is thus at the core of the Lisbon Master Plan. Accordingly, *Estratégia de Reabilitação para Lisboa 2011-2024* (ERL) proposes a significant shift towards private investments[58] and participation in urban processes, which mainly occur within 14 *Área de reabilitação urbana* (ARU).

Among the most innovative planning tools, *Bairros de intervenção prioritária* (BIP/ZIP) are "priority intervention neighbourhoods" which include historical and not districts with a high level of physical (building and public space as well) and social deprivation. Between 2009 and 2010, 67 BIP/ZIPs are then identified through a mapping process. BIP/ZIPs have been supported by the City Council through two main tools: 1) local structures for co-governance, called GABIPs, which promote partnerships between municipal technicians, elected officials and local stakeholders to promote and steer initiatives, investment and regeneration for the neighbourhood; 2) a funding investment for partnership and local intervention which provide funding for small projects, for networks of local initiatives and non-profit organizations. Each project can apply for a budget of up to 50.000 € (Brito, 2017).

Although urban rehabilitation is part of the Lisbon Planning Strategy since 2007, it has to be noted that recent tourism development is strongly linked to investments in the historic center of the city supported by programs such as *Programa de Investimentos Prioritários em Acções de Reabilitação Urbana* and *Programa Reabilita Primeiro Paga Depois*[59]. Therefore, as Baptista et al. (2018) states, today the intense transformation of Lisbon is the result of renovation policy based on tourism and leisure. In the authors' words, turismo/lazer/habitação triangulation is the fundamental in the process of internazionalization established by the 2011-2024 ERL, also supported through the liberalization of the real estate market. Finally, as mention, the creation of a favorable tax regime for investment in local tourist accommodation and Visa Gold agreement, produced a transnational dimension on urban properties; programs and financial tools oriented this transformation significantly (Ivi).

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[58] See: *Programa Reabilite Primeiro Paga Depois.*

[59] *Programa Reabilita Primeiro Paga Depois* focus on vacant properties of the Municipality and it is based on public tender, including one or more public assets. The successful tender provides for renovating the building straightway, while the payment to the municipality shall occur at the end of the process, once the investment will produce first incomes. Although the program successfully encouraged private investors, it has promoted public asset disposal.

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Interviews

Rui Braz Afonso, 21st March 2019. Professor at University of Porto.

Tiago Mota Saraiva, 20th March 2019. Architect, urbanist and managing partner at Ateliermob.

Ana Tarrafa Pereira da Silva, 05th July 2019. PhD Candidate Heritage and Values at TU Delft/CEAU-FAUP/FCT.

Filipe Martins, 6th November 2019. Camera Municipal De Lisboa.

14 ROMANIA

Romania is a semi-presidential representative democratic republic with a Prime Minister as the Head of Government and President as Head of State[60]. Legislative power belongs to the government and two parliamentary chambers – the senate and the chamber of deputies. Below this Romania's territory is divided into macro-regions (4), regions (8), counties (41), municipalities (103), cities (217) and communes (2861). Communes are larger villages which have authority institutions like a mayor's office or consist of a group of small villages combined into a commune with a common administrative organization. Counties belong to the traditional division of Romania while regions were defined in the process of European integration (member state since 2007).

14.1 Institutional and regulatory context of adaptive heritage re-use. An overview

Spatial and urban planning (termed urbanism) were introduced into legislation in 2001 to regulate planning activities. The law (Law 350/2001) sets out the main strategies, policies and programmes for spatial planning and defines the main aim as the spatial management of the country, in line with the interests of the communities and the requirements of European integration. It aims to increase territorial cohesion and competitiveness, as well as to promote development and equal chances for people.

The state government are also responsible for Romania's National Spatial Planning Document (PATN) which is composed of six sectoral plans (transport, water, protected areas, housing, natural risks and tourism) and Romania's Territorial Development Strategy (Strategia de dezvoltare teritoriala a Romaniei – SDTR), a long-term document that sets out the vision for the development of a 'Polycentric Romania 2035'. It includes objectives, measures, actions and specific projects, forms the basis of all hierarchical planning policy and plans and includes national and regional measures.

Alongside the SDTR is the National Sustainable Development Strategy of Romania 2013-2020-2030 (Strategia Nationala de Dezvoltare Durabila Romania Orizonturi 2013-2020-2030) which is developed by the Ministry of Environment and Sustainable Development. The two strategies stand at the base of the technical and legal processes that influence the regional development plans and provide direction for pursuit of European funding e.g. through the European Regional Development Fund (ERDF) or Sectoral Operational Programmes.

Regionally, the main document of regional development in Romania is also the Territorial Development Strategy (see above). Regional provisions in the SDTR include policies for the renovation of historic centres, and projects which deliver such policies (which might be local in their scale). Regional plans (PATR) reflect the national strategies and policies, and are further reflected in the county-level plans (PATJ).

The General Urban Plan and the related Local Norms of Urbanism (PUG) are mandatory for all administrative units. It represents the legal ground for any

[60] https://europa.eu/european-union/about-eu/countries/member-countries/romania_en

development proposed, covering the entire administrative territory of a town or commune. The General Urban Plans must be developed based on the regional or county plans, following the regulations in the regional plans and contain programmes of short, medium and long-term measures addressing issues and inequalities in that area. They regulate land-use, the functional zoning, the traffic, infrastructure, protected zones and historical areas. It determines the future development of the area including the maximum built-up area and designates protected and regeneration areas. Alongside the PUG, the Zonal Urban Plan (PUZ) is a more specific/detailed urban planning document which connects the PUG to specific areas within the territory. It regulates the land-use in the main functional zones (i.e. historic centre, industrial zones, recreational zones, residential zones etc.), provides technical and legal rules for the developments based on their locations. Additionally, the Detailed Urban Plan (PUD) is an even more specific urban planning document which provides further detailed regulations on the provisions prescribed in the PUG, PUZ or for the purpose of defining construction conditions. These plans need to facilitate for the listed and protected sites.

At local level, urban planning (termed urbanism) is coordinated by the local council in line with regional and national planning policies and documents. Building regulations play a central role with a strong architectural focus and concern with urban design. Building parameters and functional zones are strictly regulated. However, in practice, regulations can easily by adapted to the interests of landowners or developers (Benedek 2013).

As through the process of European integration, also other European (CoE) policy recommendations (Landscape Convention, Faro convention and others) and regional and targeted processes (e.g. Ljubjana Process) were used in developing heritage protection and reuse practices and policy. The main policy objectives for heritage are defined through national-level documents, either by the Romanian Government or through the strategies and policies of the Ministry of Culture. The main strategic document is the Strategy in the Field of National Cultural Heritage for the period 2016-2020 (Strategia pentru cultură și patrimoniu național 2016-2020). This was developed by the Ministry of Culture and National Identity, in correlation with about twenty other strategic cultural policy documents. It aims to organise strategic action around thematically defined priority areas (access, diversity, sustainable development, creative economy, international diplomacy, capacity of cultural and creative sectors). The strategy suggests an integrated approach to cultural heritage, as a key aspect of sustainable development. Priorities include research, rehabilitation and re-use with purpose of providing social and economic impact, promotion of historic monuments as contributing to social inclusion as cultural and identity landmarks. Unclear is how this is translated in governance structures and practice.

14.2 Main actors of the heritage management and re-adaptive use

The main actors influencing adaptive reuse processes in Romania are from the planning and heritage domains. At a national level the Ministry of Regional Development and Public Administration (Ministerul Dezvoltarii Regionale si Administratiei Publice) regulates and exercises state control in connection with provisions and regulations for spatial and urban planning. It is responsible for preparing the National Spatial Planning Document (PATN), overseeing Regional Planning Documents (PATZR), developing urban planning laws and policies.

The State Inspectorate in Construction (ISC) is a specialist body coordinated by the Ministry designated to exercise state control regarding urbanism and construction. It is composed of a central team and seven regional inspectorates plus the Regional Inspectorate in Constructions Bucharest-Ilfov. An ISC representative must be involved in the acceptance of new works to historic buildings that are of exceptional, remarkable or normal importance (categories A, B and C) and buildings of low importance (category D) of public or social interest, financed entirely or partially by public funds.

In terms of heritage the Ministry of Culture and National Identity is the government department for heritage and is responsible for heritage law, policies and national strategies. Within the Ministry the Directorate of Cultural Heritage publishes and updates the list of historical monuments and issues permits for works to listed assets. It also issues permits for research and constructions in the protected areas as defined in the national Territorial Development Strategy. It works with other relevant bodies to support projects and programmes for the revitalisation and enhancement of historic monuments and that enhance public interest and access to heritage. It also coordinates works for heritage conservation, through the National Heritage Institute, which are financed partially or totally through the Ministry.

The National Heritage Institute is the delivery body for heritage. It manages state funds allocated for research, expert assessment and consolidation-restoration of historical monuments through the National Programme of Restoration of Historical Monuments. It also manages the Romanian List of Historical Monuments, evaluates the applications for financing of individuals who wish to restore buildings in their possession, and organises and generates other activity that will raise revenue to support its functions.

The Ministry of Culture exerts its prerogatives through the Directorate of Cultural Heritage (Direcția Patrimoniu Cultural) which includes the departments of archaeology; the built heritage; movable heritage; and intangible heritage. Its tasks are to co-ordinate the specific activity in the field of cultural heritage through direct collaboration with the National Heritage Institute, the County Directorates for Culture, the Bucharest Municipality and the subordinated museum institutions.

Within the Ministry there is also a Department of National Minorities which deals with the protection of cultural heritage belonging to national minorities.

The National Strategy for Ecotourism Development was developed by the Research Institute for Tourism Development and affects reuse possibilities through funding for heritage reuse for tourism either hosting (hotels) or visiting sites.

National Commissions are scientific bodies in the field of cultural heritage protection. They develop regulations and strategies, propose designations and establish criteria for specialists. They also approve, together with other specialised commissions under other Ministries, the heritage content of urban plans or landscape development plans. The relevant commissions are the National Commission of Archaeology, the National Commission of Museums and Collections, the National Commission for the Safeguarding of Immaterial Cultural Heritage and the National Commission for Historical Monuments.

Heritage protection is very much centralised in Romania, with a central (national) organization that operates through regional offices. The National Commission for

Historical Monuments includes eleven Regional Committees of Historical Monuments working across the different regions. The Ministry of Culture also has 42 decentralised County Cultural Directorates with responsibilities for the protection and promotion of cultural heritage.

At a regional level, Regional Development Councils, Regional Development Agencies and a National Council for Regional Development are present in each of the eight regions creating an institutional network with objectives alike those of the national government and county councils. Each county council, city and local councils in the biggest communes also has a spatial planning department, coordinated by a chief architect. These departments coordinate planning activity at county level, establish general policies and guidelines for spatial planning and ensure that the provisions of the national, regional and area spatial plans, as well as heritage listings and protected areas, are respected.

Technical Committees for Territorial Planning and Urbanism are specialist organisations in the field of territorial and urban planning led by the chief architect in the county, municipality or city. They can be established to assist county councils and municipalities in improving the quality of decision-making processes in the field with technical advice, guidance and consultancy services. The competent authority for granting a building permit is generally the mayor of the territorial administrative unit (covered by the GUP) where the construction will be built. In some exceptional cases, it will be the president of the county council where the works take place.

Finally, there are a series of NGOs or Foundations such Transylvania Trust, Mihail Eminescu Trust, Monumente Uitate, Fundatia Pro Patrimonio, Anglo-Romanian Trust for Traditional Architecture (ARTTA), Asotiatia Monumentum, Ambulanţa pentru monumente, the activity of which focuses on certain historical regions. They play a role in representing the interests of heritage particularly in areas that do not attract state investment or effort e.g. the heritage of ethnic minorities.

As well as the state, owners and administrators of historical monuments have responsibilities under the law to use, maintain and exploit designated buildings, ensure their protection, conservation and/or restoration, inform the regional directorate for heritage about any physical damage to the building or any new elements within protected areas, and to get all the approval documents needed for any intervention on the historical monument.

14.3 Cultural and built heritage adaptive reuse: regulation and development

Cultural heritage in Romania includes historical monuments, archaeological sites, museums and collections (movable heritage) and intangible heritage. Historical monuments are protected nationally by law (Law 422/2001) and are categorised as type A (having national and universal value) and type B (having local value). There are around 30,000 historical monuments. Areas can also be recognised for their natural and cultural heritage values. Protected built areas, for example, are designated to save, protect and enhance the built heritage with special historical, cultural or memorial value.

Interventions to historic monuments (A and B category) are controlled at the national level and can only be done with the approval of the Ministry of Culture and National Identity. Interventions include changing the function or the purpose

of the monument, even temporarily. All interventions in historical monuments, other than those of changing the use of the building and maintenance, must be done by specialists and experts attested by the Ministry of Culture and National Identity. Expert assessments and restoration works can only be done by experts accredited by the Ministry. Similarly, works in protected areas of national interest can only be executed with the approval of the relevant administrative authorities and agencies.

There is also a specific law (Law 6/2008) on the protection of technical and industrial heritage. Also here, intervention that might affect the integrity of the heritage must have prior approval of the Ministry of Culture and National Identity. The national list of protected monuments contains 880 industrial sites but there is no systematic inventory made and the coverage varies depending on the county (Iamandescu, 2018). Due to the deindustrialisation process still ongoing in this part of Europe, a high number of industrial sites are decaying without being considered as heritage.

Historical monuments owned by the state are inalienable; they can be given to a public institution either for free or for rent. Historical monuments owned by private individuals can be sold but the Ministry of Culture has a priority right. A large number of listed monuments in Romania are in a bad state of conservation, and there is no policy relating to sites which can be considered heritage but are not listed. In many cases the problem is that even the protected monuments do not have a clear function, especially those situated in rural areas where there are no communities to make use of the buildings e.g. medieval fortified churches. In Transylvania where there is a high density of sites, restoration works financed by the state (through EU funds) is focused on a particular set of select monuments (with touristic potential) with some additional ones preserved by NGO activity.

Even if a historical building or site is not a protected (listed) monument, the developer can have an informal discussion with heritage professionals for advice and ideas. However, very few people do as it takes time and is not specifically encouraged by the relevant administrations. Monitoring is not a reliable feature of the system which means that while permissions come from national government, often there is no capacity to ensure that works are carried out accordingly.

Monuments of local significance are also designated and listed in a centralised manner by the state, mostly independently from the views and perspectives of local communities. As heritage protection is largely centralised, at the local level it occurs through the planning system. Public local administrative authorities have responsibilities to cooperate with owners or administrators of historical monuments, take the necessary technical and administrative measures to prevent the degradation of historical monuments, carry out studies for the establishment of historical monuments and protected areas, and participate in the financing of works for the protection of historical monuments. Local councils are also expected to collaborate with local and national directorates for culture and heritage, ensure that the relevant documentation is in place for identifying protected heritage areas in relation to urban planning.

In terms of adaptive re-use of heritage, the (new) users tend to decide on the new use(s) of heritage buildings – and apply for this change of use. There are no specific frameworks or policies that would define to what use a heritage site could (or could not) be repurposed. The current use of a listed building is not mentioned in the list of protected sites, only the original purpose. Change of use is normally decided at local level rather than by a heritage committee as the

function is seen as separate from the heritage character. For historical buildings which aren't listed, the whole legal framework does not differ from that for any general construction unless the building is in a protected area.

14.4Funding, financing and incentivizing adaptation

There is no specific financial framework for adaptive heritage re-use, only for heritage preservation of protected buildings. Works to non-protected historic buildings are financed the same way as general construction work. The most common source of finance for historic buildings is from central government and local public administrations (including European funds e.g. LEADER). Private investments and sponsorship in cultural heritage is not particularly encouraged and there is a lack of initiatives to raise the interest of the public sector to invest or to develop sponsorship. Public-private partnerships are also scarce (Becut, 2013). There is a tax scheme for sponsorship which allows income tax deductions if two conditions are met – that they are up to 0.3% of the turnover and don't exceed 20% of income tax. However, the scheme is not particularly efficient because private companies are not interested in cultural sponsorship and because of the accounting procedures involved in the sponsorship system (Becut, 2013).

Public funds used for heritage include refundable (loan) and non-refundable (investment, grants) instruments. Refundable instruments for the restoration of historical monuments are those included in the Loan Agreement between Romania and the International Bank for Reconstruction and Development (IBRD), or the Loan Agreement between Romania and the International Bank for Development of the European Council, signed in 2006. It has been managed by a unit under the co-ordination of the Ministry of Culture for rehabilitation of historical monuments and for the construction, renovation and rehabilitation of cultural buildings of public interest (Becuț 2013).

Non-refundable instruments are provided by the Ministry of Culture through its priority programmes and the Administration of the National Cultural Fund (ANCF). Their budget includes funds for conservation works to buildings administered by the National Heritage Institute, funds for conservations works to historic buildings owned by the state and funds for works to historic monument owned by private individuals (Becuț 2013).

The Ministry of Culture has carried out several projects dedicated to cultural heritage in partnership with other Romanian and foreign organisations, co-financed by different European and International funds. Other projects dedicated to the preservation and revitalisation of cultural and natural heritage were financed through EEA grants in Romania. Another funding stream available for cultural heritage projects has been the Regional Operational Programme on sustainable development and the promotion of tourism, including the sustainable restoration and capitalisation of cultural heritage and the establishment or modernisation of a connected infrastructure.

Regional, municipal, city or local councils can contribute fully or partially to costs of interventions on historical monuments class B, or to the conservation works for monuments, class A, located in their respective administrative territory. The financial contribution of the state and the public administrative authorities can be ensured through co-financing mechanisms, as well as partnerships, including with the owner or other individuals. The total or partial funding of the works can also be done by other investors, individuals or legal persons, from donations or

other funds allocated by international bodies, or from financial resources obtained from bi- or multilateral conventions.

14.5Participation, culture and sustainability

Despite the Strategy in the Field of National Cultural Heritage for the period 2016-2020 (Ministry of Culture and National Identity) suggesting an integrated approach to cultural heritage, as a key aspect of sustainable development, there is no clear implementation framework for this.

Adaptive reuse of buildings for creative hubs is typical in Bucharest (e.g. Manasia, a refurbished former police station, or Nod Makerspace in a former Cotton Factory) and other major towns (e.g. Cluj Napoca) and this is often at least a collaborative process, with an interest in participatory approaches. The actual process however much depends on, on the one hand how much the local government is willing to take a flexible and open approach to this, and on the other the aims of other partners (e.g. NGOs) involved. Town municipalities such as Alba Iulia have been involved in various projects funded by the European Union where participatory approaches were incorporated in the adopted models, but these are often at the basic level of participation, that is, voting, giving feedback, so rather fit to the top-down governance model.

14.6Trends for adaptive reuse in Romania

The institutional system dealing with heritage is very much centralised in Romania. The main tendency in policies has been to include all categories of heritage (mobile, immobile, built) under separate administrative bodies and then design interrelated measures for their protection and promotion. Preservation has been the focus of cultural heritage policy and there was a general positive trend of restoration in the period 2007-2012. Romania’s EU membership brought positive changes both in the policies and legislation and in funding for projects.

In terms of planning protection, the most important document, the PUG should function as a combination of strategic and legal land use plan but in practice it often only does the latter (Strategic Spatial Planning in Romania, 2010) which means that there is pressure in planning to increase development. This has often led to a continuous updating of the PUG as it adapts to the changing reality. This means that planning activity is shaped by contextual decisions despite its regulatory character (Benedek, 2013).

Political influence in urban planning decisions, strong market forces combined with weak enforcement tools result in arbitrary planning decisions and a lack of cohesion in urban landscapes (Strategic Spatial Planning in Romania, 2010).

Strategic thinking (e.g. in case of Alba Iulia and Oradea) helped gaining access to large EU funds.

From a heritage perspective, resources (people and financial) to implement the legislation and thus control development are scarce. Despite repeated restructuring of the centralised institutional system, there are simply not enough experts in the field to advise or monitor projects – which becomes an even bigger issue in the context of national approval for all interventions in listed buildings.

NGOs are active and do a large part of this job, but it isn't enough, and a lot of this work is on a volunteer base. Generally, public discussion only occurs when there is a conflict or point of contention associated with a known heritage object. This often results in no changes being made which can also mean that there are very few attempts to deal with heritage that is under risk. Essentially existing institutions are protectionist with heritage seen as untouchable.

There are not enough funds to cover the huge number of buildings and historic sites and many remain redundant and deteriorating. There has been low interest in heritage locally and resistance towards decentralization on behalf of civic society, because local administrations lack the capacity and efficiency to deal with heritage (Becut, 2013) even though national administration also seems to lack the resources and capacity.

Local communities feel it is the responsibility of the state to take care of the heritage on the one hand and are not facilitated (or even permitted) to undertake any works to it – beyond maintenance - themselves on the other hand.

There has been a change in population in the formation of the modern Romanian state which has altered the relationships and values attributed to certain heritage assets by current communities. This is particularly prominent in Transylvania in rural areas where there are numerous medieval churches and formal noble residences which have lost their functions in the ethnic and social changes in the second half of the twentieth century.

Industrial heritage represents a separate problem all over the country. Deindustrialisation causes serious social and economic problems at local level and the abandoned industrial buildings, most of which are not listed – are a blemish on the landscape rather than a resource even if they belong to the heritage of the local community.

15 Slovakia

As other CEE countries Slovakia underwent a process of profound institutional and economic change and today is one of Eastern Europe's most successful transition countries. It has a relatively stable policy and liberal market economy. It is one of the fastest growing economies in Europe, and it went through comprehensive market reforms, but it also maintains considerable social protection. Ownership structure changed during the transition period, which influence strongly the possibility of heritage adaptive re-use. As a result of privatization, there are a very high percentage of housing owners among all the households, considerably higher than in the other EU countries. Also, many historical buildings were privatized or transferred to the heirs of the pre-1948 owners in the framework of restitution process.

15.1 Institutional and regulatory context of adaptive heritage re-use

The implementation of city planning decisions were especially problematic in 1990s-2000s because of non-transparent privatization and very individually-oriented behaviors of developers, as well as lack of the culture of dialogue between different stakeholders because of the socialist legacy of paternalism and top-down city planning. Important acts were adopted. The Act no. 50/1976 Coll. on Land Planning and Building Order (1976, with amendments): among other, regulates the foundations and requirements related to environment protection, territorial system of ecological stability, protection of landscapes and cultural monuments, reserves and monuments' zones. The Decree of the Ministry of the Environment of the Slovak Republic No. 55/2001 Coll. on land-use planning documentation and land-use regulates the preparation of the plans by the local organs. Slovak Spatial Development Perspective from 2001 was approved and amended in 2011.

The market of adaptive reuse is only emerging, especially because the new construction is very active in the situation of constant economic growth. Owner-occupancy in Slovakia is very high (above 90%), therefore the lease of properties is not so widespread. There is a high property demand, both from local and foreign investors, especially in Bratislava city and region, and the part of international investors are not concerned with use of the property, but are only interested in parking their money. On the other hand, the real estate market was impacted by the processes of restitution of properties to pre-socialist times owners. One of the important challenges is that many developers still see only economic value of land, and restoration is more expensive and takes more time. Especially in 1990s-2000s, very many valuable buildings were demolished because the awareness of adaptive heritage reuse came much later in this part of the world.

The very concept of creative industries is developing rather slowly in Slovakia because of the accent on traditional cultural values and forms after 1989 (Baculáková 2018:74). Creative industries companies make for 6,2% of all companies and employ 4% of employees (Baculáková 2018:74). They mostly are located in the urban centers (Bratislava, Košice, Trnava) and dependent on the universities, good cultural infrastructure and transport. Bratislava creates a cluster with the neighboring districts of Austria. From the existing literature, it is difficult to state to which extent the creative industries are related to adaptive

reuse in practice, but at least in the official policies this link exists (special grants for renovation and upgrade of buildings for CI purposes). The innovative re-use of the existing buildings for the CI purposes is mentioned as one of the positive developments specifically in Bratislava. In 2015 the Action Plan was adapted: state support for the development of infrastructure which will include the reconstruction of buildings and premises for artistic and experimental activity, co-working offices, workshops, art and production studios, studios with more advanced technological equipment; promotion of CI through the permanent state-funded traditional cultural institutions and so on.

15.2 Main actors of the heritage management and re-adaptive use

The Slovak Republic has a very rich cultural heritage, and its preservation is a part of its national narrative and pride. The national-level Monumental Board and 9 regional boards are responsible for the listing, protection, and promotion of cultural heritage. The Ministry of Culture determines the strategy of heritage protection, submit proposals to the government, direct and check the performance of state organs; sets conditions for a grant-based and multi-sourced system for financing the conservation and renovation of cultural heritage monuments. It also performs supervision through Monuments Inspectorate. The Monuments Inspectorate supervises whether the competent authorities in heritage protection act in compliance with the law, gives recommendations in case of deficiencies, and has the right to check the implementation of recommended measures. The Monuments Council and Archaeological Council are two expert consultative and initiative-making bodies of the Ministry of Culture for fundamental issues concerning the protection of monuments, historic and archaeological sites. There is also several strong research and educational institutions with focus on heritage done by Slovak Academy of Sciences, Slovak Technical University in Bratislava, Fine Arts College in Bratislava.

Planning and land use issues are dealt with by the special departments of spatial planning in the regional councils. They procure, discuss and approve territorial planning documents of the self-governing region and regional plans, participate in creation and protection of the environment; prepare expert opinions-assessments of the territorial planning documents and land-use technical documentation of municipalities, projects of buildings of a regional character. On the local level, spatial plans are approved by the city councils or city boroughs, with considerable role of the chief city architects. In Bratislava, the main actors are Municipality of Bratislava (council of deputies), Municipal Monument Protection Institute (research institution), Regional Monumental Board of Bratislava; Old Town City Quarter; State Nature Conservancy; Association of Industry and Nature Conservation.

In the financial context main actors are Monuments Fund, local municipalities, and Ministry of Culture of the Slovak Republic; European structural fund; Heritage Information and Documentation Centre of the Directorate for Cultural Heritage at the Ministry of Culture; Actors dealing with housing subsidies: Ministry of Labour, Social Affairs and Family and Ministry of finance; Ministry of Education, Science, Research and Ministry of Economy; European Fund of Regional Development; Ministry of Finance of the Slovak Republic and Statistical Office of the Slovak Republic; European PPP Expertise Centre; Regional Councils and municipalities; Homeowners associations.

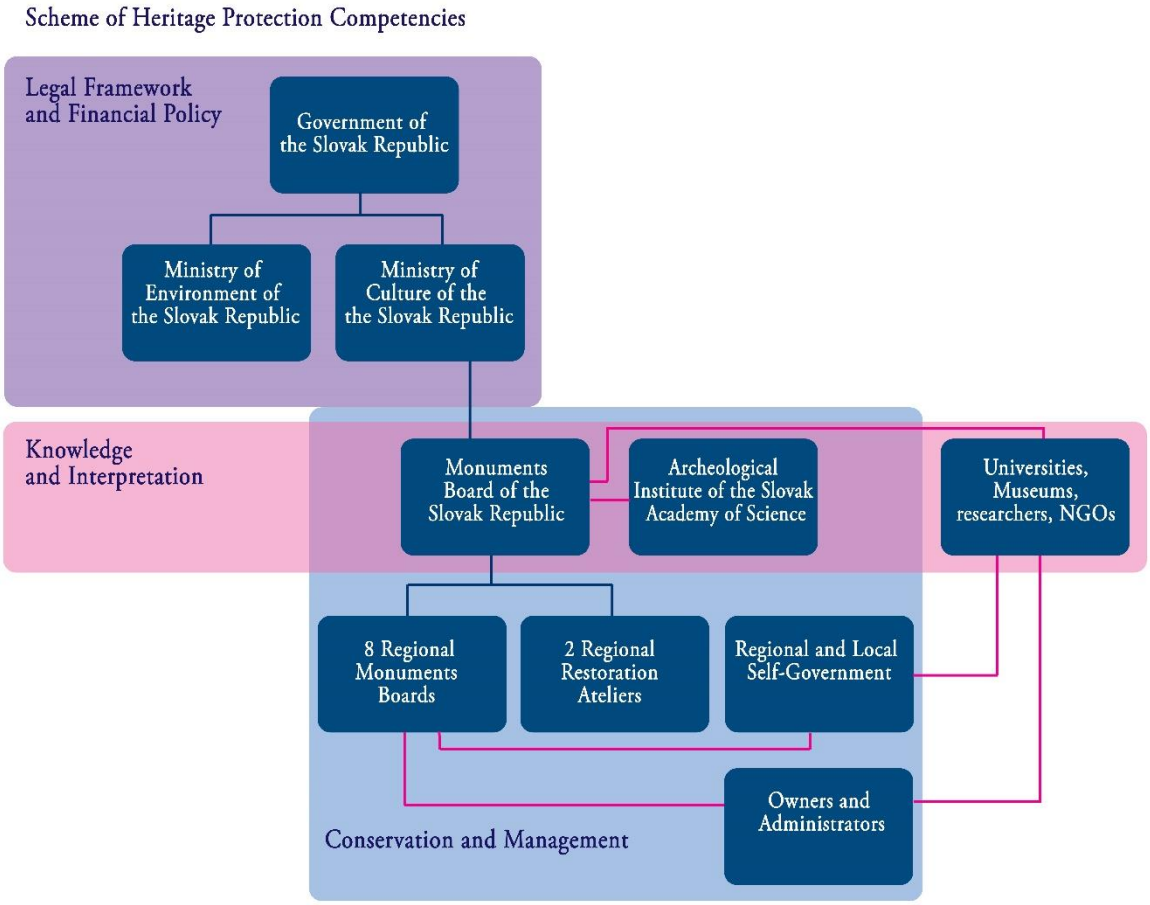

Figure 4: Scheme of Heritage Protection Competences from https://www.coe.int/en/web/herein-system/slovak-republic

15.3 Cultural and built heritage adaptive reuse: regulation and development

The national-level Monumental Board and 9 regional boards are responsible for the listing, protection, and promotion of cultural heritage. In the legislation, both tangible and intangible heritage values are recognized, as well as cultural and natural landscapes and areas.

Since 2002, in accordance with the Act №49.2002 Coll. on the protection of monuments and historic sites, the Monuments Board of the SR became an organ of state administration; not "state care of monuments", but "state protection": prevention and restriction of any interferences with monuments' territories which threaten, damage or destroy the monuments and monuments' territories (so-called preventive measures) and removal of impacts of harmful activities (the so-called corrective actions). It applies to movable and immovable items. All the monuments are united in the category of national cultural monuments, with no differentiation of national and local monuments. The Act introduced the registration of archaeological sites and paid special attention at their protection.

Improvement in the transparency of the decision-making related to the declaration of monuments. Board is divided into a methodological, research, documentation and restoration center in Bratislava and 8 regional Monument Offices. However, among the specialists (Bartoshova 2019; Szalay 2019) there is an opinion that the change of status of the Monuments Board into the administrative organ made it less devoted to the protection and revitalization, but more a part of bureaucracy and also a subject of political and lobbyist influences.

The central Monuments Board maintains the national list of the Monuments Fund of the Slovak Republic, which contains registers of movable and immovable objects, monument reserves and monument zones. The decisions of central and local Monuments Offices are only concerned with the objects and territories registered as monuments or those located on the protected areas.

Threat of gentrification and touristification is visible: for example, Slovak National Mining Museum in Bańska Štiavnica – open-air complex, listed as UNESCO World Heritage site, and historical town center listed as national heritage, combines commercial, tourist-oriented, as well as educational and self-governing bodies located in the historical monuments.

In the heritage management, there are several important successful projects and programs, including international:

Pro Monumenta https://www.coe.int/en/web/culture-and-heritage/-/pro-monumenta

HEREIN project - European Cultural Heritage Information Network developed within the Council of Europe which brings together European public administrations in charge of national cultural heritage policies and strategies to form a co-operation network in the domain of cultural heritage

In the framework of the World Heritage Capacity Building Strategy, the World Heritage Center took the initiative to start developing a sub-regional capacity-building strategy for Central, Eastern and South-Eastern Europe. See more whc.unesco.org/document/123367

Commission for the Coordination of the Tasks of the World Heritage Protection - established for solving the inter-ministerial tasks concerning the preservation and protection of individual sites. See more whc.unesco.org/document/123367

"Restoring torsional architecture with the help of the unemployed" – national project which proved to be effective in rescuing this type of heritage.

In 2010, the definition of major renovation was changed in accordance with EU requirements. "Major renovation" applies to alterations with regard to the quality of thermal protection in more than 25% of the building envelope. Major renovation can take place either for a complete building, or only for a part of the building.

Slovak Republic is considered to be a very successful case of the renovation of housing stock, especially mass housing of the socialist epoch, and respective methodology, management and financial instruments are quite well developed (Kakalejcikova 2017). Residential and Non-residential Building Stock Renovation Strategy (2017) includes an overview of the national stock of residential and non-residential buildings, the identification of cost-effective approaches to

renovations relevant to the building type and climatic zone, policies and measures to stimulate renovations of buildings, including staged (deep) renovations. Whereas the renovation of the residential housing was comprehensive, the non-residential housing was renovated in the framework of different projects and not due to any nationwide program State Housing Policy Concept to 2020. Between 2008 and 2012, the EkoFond supported improvements in the energy performance of 61 school and school-facility buildings and 21 public-service buildings.

15.4 Funding, financing and incentives relative to the heritage re-use

In terms of possibilities of financial support of adaptive reuse, both international support and community involvement gains more importance. Probably most well-known successful case of adaptive reuse is Railway station in Zilina (Stanica Zilina) – renovated as a cultural center by NGO Truc Sphérique. This team later participated in the conversion of New Synagogue, also in Zilina, which stood vacant from 2010 and was adapted for the cultural center, first as initiative from grass-root activists in cooperation with the community (lease for symbolic 1 Euro sum), and then Norwegian grant. The project won international architectural award.

The use of the EU funds has its both positive and negative sides. One of examples here could be the case of Košice as a "Capital of Culture" city in 2013 (Szalay 2019). Positive part of this story is that the municipality didn't build any new buildings, but only reused historical buildings, to host the events of the "cultural capital". But with rather ambivalent outcomes, also because it was financed by EU money, focused on remodeling of material and paid no attention to community building and sustainability after the events of the "Culture Capital" were over.

Most PPP projects are public work concessions, related to new infrastructure construction, and the adaptive reuse is not the central issue for the state policies related to PPP. In PPP, private sector involvement was accused of 'privatization' and commercialization of cultural values, and there is also lack of trust on both sides of public sector and private sector (Jelinic at al. 2017: 85-86).

Act(s) & codes:

Act no. 416/2001 Coll. - the transfer of some competencies from state administration to municipalities and higher territorial units, the financial system became more decentralized, Real Estate Tax Act, The Income Tax Act, Act No. 227/2007 Coll. on the value added tax. Act 57/2018 on Regional Investment Aid and Act 561/2007 Coll. on Investment Aid, Act 185/2009 on Research and Development Incentives, and amendment of the Act 595/2003 Coll. on income tax as amended posterior set the conditions for using the incentives. Law act no. 434/210 Coll. on providing subsidies in competence of the Ministry of Culture of the Slovak Republic as amended. There is no special legislation on PPP, but it is regulated in several broader acts.

Dotation system 'Renew your house' is relevant both for listed and non-listed monuments. Sub-program 1.6 is "Comprehensive reconstruction of national cultural monuments with priority of protection and renewal".

Financial support for the housing renovations from the State Housing Development fund. They are mostly oriented towards thermal modernization, but also can help with technical appliances, elevator modernization or replacement, adaptation for barrierless environment, modernization of gas, electricity, water supply and sewage systems.

Residential and Non-residential Building Stock Renovation Strategy: includes an overview of the national stock of residential and non-residential buildings, the identification of cost-effective approaches to renovations relevant to the building type and climatic zone, policies and measures to stimulate renovations of buildings.

Ministry of Economy created and owns MH Invest Ltd. as a company for construction and engineering connected with the development of industrial zones for purpose of support, development and competitiveness of the Slovak regions, for the facilitation of the improvement of the business environment and for the increase of the employment. See more https://www.priemyselneparkyslovenska.sk/en/

Rural development program – funded under the European Agricultural Fund for Rural Development and national contributions. In Slovakia, the municipalities tend to apply for these funds for their particular needs. See https://enrd.ec.europa.eu/sites/enrd/files/sk_rdp_qnt_summary_v1_2.pdf

2% of annual income tax (of physical persons or legal entities) could be donated to any NGO chosen by the taxpayer.

The Cadastral Register (kataster nehnutelnosti) discloses the property owner, and indicates the extent to which the land is encumbered with mortgages and other forms of legal servitudes. Currently, all Slovak agencies require the seller to provide a Kataster paper that contains the legal state of the property before selling (https://www.globalpropertyguide.com/Europe/Slovak-Republic/Buying-Guide)

contractual savings system (Bauspar) that makes it easy for Slovaks to obtain housing loans. This Bauspar system allows borrowers to take loans at lower interest rates, with the government paying an interest premium on the amount saved (Delmendo 2019). Loans from the Housing Development Fund are focused on eliminating systemic defects of the buildings and energy efficiency improvement.

Subsidies from the Ministry of Transport, Construction and Regional Development (to eliminate most severe defects of the buildlings) and loan program from the State Housing Development Fund (systemic defects and thermal modernization). Among the tools related to the state housing policy there are subsidy for the procurement of rental flats, technical facilities and removal of systemic defects in blocks of flats, the contribution for housing, the contribution for insulation of a family house, premium loans for procurement of rental housing and renewal of the housing stock.

Commercial banks issue loans to co-finance the state subsidies (Kakalejcikova 2017);

From 2010, National Monuments Board and regional monuments boards have the accreditation as research institutions from the Minister of Education, Science,

Research and Sports. Therefore they are eligible to apply for the state funds for science and research (Stratégia 2017: 6).

Eurofunds, loans, and state budget funds are used mostly for big investment projects, such as new construction, but their relevance for the heritage reuse should be further explored;

Investment incentives are aimed at industrial production, technology centres, and business service centres, and is provided in the form of cash grant, income tax relief, contribution to newly created jobs, transfer or rent of real estate at a price lower than a general asset value. So mostly all these incentives were beneficial for the spheres not directly related to adaptive reuse.

Income tax release for R&D project,

Subsidies from the state budget for R&D project, see https://stimuly.vedatechnika.sk

15.5Participation, culture and sustainability

To date, the civic initiatives related to heritage preservation were mostly focused on protests against demolitions, but these proved to be unsuccessful, and developers succeeded in their projects. Therefore, the civic initiatives turned to more positive approach to initiate the preservation and reuse. They are also supported by the new generation professional architects specialized in adaptive reuse. Still, generally the adaptive reuse definitely was not a prominent issue both for society and political elites, but after recent local elections - new deputies are much more sympathetic to CCI and urban renewal, before that it only depended on grants from EU.

Some good practices and possibilities to act may be presented. One of the innovative in Slovak context is NGO "Punkt" http://punkt.sk/ with special focus on urbanism, CCI, urban design, support for community life and participatory planning. In 2017, they prepared a participatory process in the Panienska zone of Bratislava's Stare Mesto; in 2018-2019 they involved the public in the pilot project of the reuse of the old school building in Zvoleń (Bańska Bystrica region). "Punkt" also helps to organize neighborhood meetings and workshops for urban professionals.

One of the most visible initiatives on protection and development of heritage is NGO "Black Holes" (Cierne Diery) which organizes exploratory trips to forgotten objects, mapping, and cooperate with designers and artists in creation of art products, books and articles promoting heritage preservation and reuse, as well as particular objects. They also use crowdfunding as a tool for their publishing projects. See more http://ciernediery.sk and Bartošova 2019.

Other examples are Pisztory Palace and Stara Trznica.

Among important policies and programs are:

2011 - Concept of the Creative and Culture Industry Development in Slovak Republic was adopted by the Ministry of Culture, as the first attempt to introduce the notion into the legal field. In the official terms, there is division between cultural industries and creative industries. In 2014, the development strategy for the brunch was developed,

2015 – Action Plan: state support for the development of infrastructure which will include the reconstruction of buildings and premises for artistic and experimental activity, co-working offices, workshops, art and production studios, studios with more advanced technological equipment; promotion of CI through the permanent state-funded traditional cultural institutions etc.

Bratislava Conception of the Development of Culture, Cultural Industries and Creative Industries is in the process of development

In general, Slovakia is a successful case of implementation of requirements to energy efficiency of the buildings. The definition of "nearly zero emission building" (NZEB) was introduced in 2012, and they are introduced mostly in the newly constructed buildings, but it is still the task for the future to prompt extensive renovation of buildings, which will require additional training for experts. The complex renovation and insulation of the housing is sometimes difficult to implement because of the privatization of the flats and respective lack of coordination between tenants (Stadt bauen 2012:63). Related acts and strategies are:

Act 555/2005 on the Energy Performance of Buildings (EPB) requires to implement EU standards in energy efficiency. In order to obtain a building permit, designers had to present proof that the energy rating of the designed building met the legally required minimum performance. Energy Performance Certificates (EPCs) have been issued since January 2008.

Updated Building Energy Performance Concept up to 2010 with an Outlook up to 2020, approved under Resolution of the Government of the Slovak Republic No 336/2012.

2017 - Update of the Residential and Non-residential Building Stock Renovation Strategy, Slovak Republic
https://ec.europa.eu/energy/sites/ener/files/documents/update_of_the_residential_and_non-residential_building_stock_renovation_strategy_slovak_republic.pdf

15.6Adaptive reuse trends in Slovakia

Planning

In Slovak Republic, there is a comprehensive system of planning on national, regional, local levels, as well as good practices of transregional (transborder) cooperation. However, there is a challenge of lack of resources and cadres on the local level, in some localities the plans are not completed, in some (including the capital city Bratislava) the plans are outdated or disregarded in actual practice (Marko et al. in Vallo et al. 2018:12). Restrictions on urban development in natural areas through planning policy is not effective enough, as well as attempts to force developers to strictly fulfil the legislation (Pazúr & Bolliger 2016:172).

One of bigger challenges in planning is the tendency to build on greenfields and underestimation of the postindustrial zones' potential. The abandoned industrial sites are referred to as "destabilized areas" in territorial and zoning plans, without prior research of their cultural values and without their objective documentation, which leads to their liquidation (Husák).

Heritage

The Ministry of Culture proclaimed the change of restrictive model of monuments protection to the motivational and development-oriented, and supports the owners of the monuments, mainly through the program "Renew your house". The aim is to make heritage a backbone of the local economy development, especially through tourism and service economy, so there is a bigger accent not on the state protection, but on the responsibilities of the owners. The idea of adaptive reuse as the best way of preservation is gradually becoming dominant, but the financial and professional capacities of the Ministry of Culture, Monuments Board, and local authorities are not sufficient to help effectively in the revitalization projects. In many cases on the local level the owners should deal with the monuments without any sufficient support and guidance.

It often happens that the workers who are engaged in restoration are not prepared enough, and the firms engaged in the process are the same firms specialized on thermal renovations (changing windows to plastic, adding insulation) (Vošková 2015). In the legislation, it is not specified what kind of construction firm can carry out works on the monuments, so the winner of the public competition can happen to be a regular construction firm which has no experience of work specifically with monuments (Majtan 2017). The managers of World Heritage Sites do not cooperate sufficiently with the representatives of the respective local municipalities, see Blueprint 2012:19 (annex II). On the level of municipalities and villages, there are no special organs dealing with the cultural heritage protection, and only some officials who are dealing with this issue along with other issues.

Building

On the contrary to some other EU countries, where in the recent years "the dominant trend in the organization and formulation of technical building regulations was their centralization into fewer legal documents and the increase of performance-based requirements", in the Slovak Republic, "separated legal documents with performance requirements combined with prescriptive requirements for some subjects" are still needed (Pedro et al. 2011:). In the recent years, there is a growing number of constructions works exempt from control or shifting from regular procedure to light or building notice procedure (Pedro et al. 2011:202). In Bratislava, many districts are under strong impact of developers, and this very often lead to conflicts with publicity resulting in so-called construction closure, which allows the freezing of the issue of new building permits until the new zoning plan of the zone is approved, but for a maximum of five years.

Among the major bottlenecks, there are:

national support schemes to promote the renovation of non-residential buildings have not yet been prepared (2017),

343/2015 Coll. Public Procurement Act - there is a negative impact because of the lowest price criteria, without taking into account of the quality of the work carried out, as well as the selection of supplier companies in all areas of care for the heritage fund,

There is a contradiction between technical requirements for construction objects (both national technical standards and Eurocode) and the real possibilities of national cultural monuments and their historical constructive specificities (Strategia ochrany 2015:10)

Finance and Incentives

Investment incentives in Slovakia are aimed at industrial production, technology centres, and business service centres. So mostly all these incentives were beneficial for the spheres not directly related to adaptive reuse. Overall, in terms of tax incentives, Slovakia is rather a liberal country with no major tax reductions to specific economy areas or types of buildings. Also, in the legislation it is clearly stated that this is the obligation of the owner to provide basic protection of the cultural monument for his/her own expense (Monument Protection Act). Thus, there is a lack of support from the state for adaptive reuse, both financial and institutional (Liptáková 2013; Bartošova 2019). The responsibility for the basic protection of the monuments belongs entirely to the owners, but there are no substantial financial instruments to reimburse or support them, even in spite of the fact that preservation of heritage is recognized as being beneficial for the public good. But it is also important that in comparison to the number of other developed European economies, Slovakia has lower real estate prices and lower tax rates, which is positive for doing business and developing real estate. Positive is also raising importance of PPP projects, especially in the new EU financing period 2021-2027.

There are available resources like grants or possibilities of private funding, but there is a need in additional skills training of fundraising, because the information on financial resources is scattered. The possibilities of private donations are to be further explored. Smaller municipalities beyond Bratislava and other big cities are struggling to repay the loans and in general are lacking financial resources. To mention, but a few challenges:

Property market is focused in on the housing and office market development and investment, whereas heritage adaptive re-use is often perceived as expensive and time consuming,

Most of the funds are managed by public bodies like in other EU countries in this region,

Creative industry could play an important role in heritage adaptive re-use in the future – this group is interested in preserving unique sites, not everything they do has to be profitable, usually choose locations which are historically and socially important but not attractive for commercial property investors,

Corruption and lack of transparency affecting distribution of funds for revitalization from the EU and national budget,

Public funds are scarce on the local level and are redistributed for more pressing needs than heritage.

16 SPAIN

Spain is a parliamentary monarchy regulated by the 1978 Constitution. It is recognized that, among European states, Spain presents one of the most decentralized systems of government. With the fall of the dictatorship, the Constitution in 1978, and the local government standards act of 1985 (Reguladora de las Bases del Régimen Local) led to the formation of new administrative, territorial divisions. These defined main three administrative levels: central government, autonomous communities or regions and municipalities. At the present, the country is formed by 17 autonomous communities, 2 autonomous towns (Ceuta and Melilla) and 8119 municipalities (2015). To clarify the Spanish planning system, we mostly refer to Extremadura region, where one of the OpenHeritage's Observatory Case is located (LaFábrica detodalavida).

16.1 Institutional and regulatory context of adaptive heritage re-use

Although the central administration keeps important legislative powers, significant legislative and regulatory responsibilities on planning matters have been distributing between the two sub-national tiers of government. Nonetheless, the State can design sectorial plans for national infrastructure such as transport and energy. Also, in 2016, Spain assumed two international commitments: the Pact of Amsterdam and the Quito declaration. On the base of these agreements, the central government has been developing the "Agenda Urbana Española", a strategic document that will orient sustainable urban policy.

Autonomous Communities have exclusive competences in the matter of planning. Overall, they "develop and complement the basic national framework legislation concerning land use by establishing their own legislative framework on land-use planning. Within the limits set by the national framework, this allows them to establish their own comprehensive planning systems." (OECD, 2017) Thus, regions have competence in urban planning guidelines while local authorities define physical municipal planning and development. Aim of this structure is to assure a development suited to the peculiarity of each regional territory. According with the hieratical structure of the Spanish planning system, City Councils are responsible for the design and application of the urban planning instruments but these are approved at the regional level.

Supporting a period of wide urban expansion, the model defined by the Ley de Suelo (2/2008) has been described as a "private urbanism", essentially based on a remunerative principle pertinent to urban actions by generating and distributing the surplus value it produced to the private agencies (Caro, Gil, 2017). This system stemmed from the "public governance, private financing" insight which, along with other factors such as the liberalization of the market, led to a high level of speculation and to an overproduction of the real-estate sector. Ultimately, this compromised the financial sector and then the Spanish economy after the 2008 crisis (D'Orsogna, 2015). It is after the property bubble burst, indeed, that the 2013 act on urban rehabilitation, regeneration and renewal in Spain (Ley de rehabilitación, regeneración y renovación urbanas) was issued with the aim to form a new legal and administrative framework to sustain urban actions.

Focusing on adaptive-reuse, the term does not appear in the legislation. Nevertheless, it can be assimilated to the concept of "rehabilitation" (Rehabilitación) as defined in the Ley de Suelo (art. 9, l.): "structural or functional adaptation work of buildings which pay attention to their architectonic characters." Although the 2015 Royal Decree, Texto refundido de la Ley de Suelo y Rehabilitación Urbana, was intended with the aim "to clarify, regulate and harmonize terminology and content" of the Ley de Suelo, the Ley rehabilitación […] urbanas and to structure their provisions in a single text general, a clear definition of terms such as rehabilitación, regeneración y renovación urbanas is still lacking.

16.2 Main actors of the heritage management and re-adaptive use

The Ministerio de Cultura y Deporte (MCD) / Ministry of Education, Culture and Sport (MECS) has the overall responsibility in cultural heritage policy and management. It is the primary actor at the national level, with regards to structural funding for cultural. However, it has noted, the EU is a significant actor through its influence on policy and through the provision of funding programmes (De Gregorio Hurtado, 2017; Garcia et al, 2015).

Responsible for the central administration is the Secretary of State for Culture (SSC), which is subdivided in 2 directorate-generals: DG for Fine Arts and Cultural Assets (DGFACA) and the DG for Cultural Industry and Book Policy. The first (DGFACA), in turn, is composed by the Subdirección General de Protección del Patrimonio Histórico (SGPPH) / Sub Directorate General for Historic Heritage. The SGPPH and the Instituto del Patrimonio Cultural de España (IPCE) / Institute (or council) of Spanish Cultural Heritage are the responsible entities for heritage policy and, in particular, the latter is in charge for cultural heritage conservation (Herein, 2014). The IPCE's competence includes "the study, the conservation and the restoration of cultural assets", also providing dissemination and training activities.

As part of the SGPPH, the Consejo de Patrimonio Histórico Español (CPHS) / Spanish Historical Heritage Council is a central body which purpose is to support the collaboration between the State and of the Autonomous Communities, facilitating communication and information exchange. In addition, it prepares and executes National Conservation Plans.

The Ministry of Development (Ministerio de Fomento) is also a significant actor in the field of heritage insofar as it recognises the potential role of architectural heritage in the revitalisation of regional economies and tourist industries. Through its Programa de Rehabilitación Arquitectónica, the ministry aims to support restoration of historic buildings with wider goals of encouraging employment and nurturing environmental, social and economic sustainability.

At regional level, the Consejería de Cultura / Culture Department (a regional body of the Dirección General de Patrimonio Cultural) has the overall responsibility of cultural heritage as established by the regional law; it also allocates resources to cultural heritage development.

In accordance with the Spanish Historical Heritage (l. 16/1986), universities, the Royal Spanish Academy of Arts, and other research institutions61 are advisory institutions for the State administration. Moreover, due to the quantity and quality of its cultural assets, the Catholic Church is one of the most important actors in the field62.

Among third sector's actors, a financing activity is led by local or national Foundations such as Fundación Centro Internacional para la Conservación del Patrimonio, Fundación Santa María la Real, Fundación del Patrimonio Histórico de Castilla y León. The legal framework of foundations is described by the 2002 law, Ley de Fundaciones with additional regional legislation.

City Councils are the main actors at a local level with regards to both planning and heritage. However, the thrust of government policy on planning is towards encouraging the involvement of the private sector in urban development.

16.3 Cultural and Built heritage adaptive reuse: regulation and development

The three aforementioned levels of government (central, regional, local) also share responsibilities for culture. It is significant to notice that the Constitution introduced among authorities' duties not only cultural heritage conservation but also "…the enrichment of the historic, cultural and artistic heritage of the peoples of Spain and of the property of which it consists, regardless of its legal status and its ownership." (art. 46).

At national level, the 1985 law on "Spanish Historical Heritage" (with subsequent modifications) is the legislative reference on the matter. It lays down its definition, purposes, evaluation criteria, taxation and financial measures defining the overall regulation for Spanish historical heritage. Indeed, aim of the act is to overcome the previous legislative fragmentation and to enable the autonomous communities to legislate their own regional laws.

The document identify categories on which specific protection regulations are developed. In respect of protection, two main categories are identified: immoveable (Title II) and moveable (Title III) assets. To assure a higher level of protection, both kind of assets have to be declared assets of cultural interest (Biens de Interés Cultural – BIC) and included in the General Register of Assets of Cultural Value. Two lower levels of protection are also set, regarding Personal Property (General Inventory of) and Spanish Historical Heritage (minimum level of protection).

About industrial heritage, the institutional attention, especially from a regulatory point of view, is quite recent, but a growing social sensitivity for industrial ruins and what they represent in historical and cultural terms has been detected in the last decade. Many factories, fences and industrial landscapes have been protected by the Bien de Interés Cultural (BIC). The 1985 Act on "Spanish Historical Heritage" have been recently completed by the Law 10/2015 which included among the Spanish Cultural Heritage: "… the properties that integrate

[61] See Art. 3, L. 16/1985.

[62] The Council (CPHS) and the Church of Extremedura signed a collaboration agreement in 1989 to conserve and enhance these assets.

the Intangible Cultural Heritage form part of the Spanish Historical Heritage, in accordance with what is established in its special legislation." (Pino, 2018, p. 10)

At the national scale, two main planning tools are adopted: 1) the Cultural Heritage National Plan (CHNP) and 2) the Cultural Landscape National Plan (CLNP). The National Plans are mainly intended to support coordination among central administration and the definition of general criteria and methodologies.

At the time of writing, 14 CHNPs have been approved each covering different types of heritage (for example, cathedrals, defensive architecture, industrial heritage, immaterial heritage, etc.). The CLNP has been recently developed on the basis of international conventions and complements, through the scale of landscape, the consolidated experience of Cultural Heritage National Plans.

As mentioned, at regional level each autonomous community has to legislate establishing their own measures concerning "conservation, rehabilitation and the definition of the state of collapse of built heritage, combined with procedures for the protection of historic heritage" (Ornelas et al. 2016). At the present, all regions have their own cultural heritage law; the lack of tools and uniform criteria at national level thus explain the fragmentation of the framework in term of procedures to inventory and catalogue cultural built heritage (Ornelas et al. 2016).

According with the CLNP (p. 19), regions are responsible for the application of international conventions about cultural landscape; as in the case of cultural heritage, they have been defining specific legislation, strategies, instruments (maps, catalogues, charts etc.) or entities such as Observatori del Paisatge de Catalunya, aiming essentially to include landscape within territorial planning.

In accordance with the 1985 law on Spanish Historical Heritage, Municipalities are obliged to draw up a Special Protection Plans. Such plans must "establish for all public uses the priority order of its installation in the buildings and spaces that are appropriate for it. Possible areas for integrated renovation will be contemplated that will make the recovery of the residential area and of the adequate economic activities, possible. It will also contain criteria related to the conservation of façades and any coverings or installations on these." (L. 16/85) Special Plans have to be approved by Consejería de Cultura y Patrimonio (regional level) and can be replaced by the general planning tools if it receives the approval by the Dirección General de Patrimonio Cultural.

The Special Plans for Internal Reform (SPIRs) are normally used to recover historic centres, including renovation operations and reserving special sensitivity towards patrimonial protection and development. Among the Special Plans, they are considered the most important ones (Gonzàlez Peréz, 2007) and their link with urban planning is clear. For instance, considering the municipality of Badajoz, the Plan especial de ordenación, protección y actuación del centro histórico was elaborated in parallel with the town's land use plan addressing: the implementation program of the urban rehabilitation strategy; management and execution of the plan; and, regulations.

Regarding building regulation, the Building Act of 1999 is the main reference in the matter of building construction. Aim of the Act is to regulate the building activity, defining technical and administrative requirement for building processes, subjects involved and legal dispositions, responsibilities and guarantees of the final users. Among its final disposition, the Act recognized the need to adopt a national code on building matter, the future Código Técnico de la Edificación

(CTE), "that establishes building requirements in relation to the basic dispositions defined in article 3 of the law". Since the '70, indeed, the proliferation of different rules and buildings technical standards determined the need to arrange a unique legal framework. Notably, Art. 16.1 of the Building Act describe conservation as owners' duty.

The 2006 CTE, collects all technical standards and regulations in the same text: structural safety, fire safety, accessibility, thermal comfort and acoustic comfort. However, the CTE was established to deal with new constructions so [governmental] institutions have been working together to adapt the CTE to the particularities of existing buildings. Currently, this code already recognizes requirements based on proportionality and flexibility criteria that guarantee levels of demand adjusted to the particular conditions of existing built heritage that should not be worsen. According to some authors, this is in line with the requirements adopted in the European Union, being reflected in the new national law Ley de Rehabilitación, regeneración y renovación urbanas." (Ornelas, Guedes and Breda-Vázquez 2016).

16.4Funding, financing and incentivizing adaptation

Overall, investments in cultural heritage can derive from different public and private sources such as state, regional and local departments, foundations, banks, Catholic Church etc. In accordance with the decentralized model of the country, regions have to foster the cultural heritage sector, dedicating its own funds and involving local administrations, communities and private initiatives through sponsorship and patronage.

The Historical Heritage Act establishes the obligation for setting aside an allotment equal to at least 1% of the public works contracts for Spanish Cultural Heritage conservation or enrichment or for the promotion of the creative sector, in 2013 increased up to 1,5% for those public works and organizations dependent from the Ministry of Education, Culture and Sport.

The government also works through specific projects which have funding attached to them. In 2017 and 2018, the Secretario de Estado de Cultura published several competitive grants to allocate resources to support cultural heritage projects such as the conservation of World Cultural Heritage in Spain, the protection of Immaterial Cultural Heritage and the development of archeological project.

As noted earlier, EU programs are also an important source of funding at both the national and regional levels. The program Iniciativa Urbana was launched by the central state, following the main principles at the basis of the previous European initiative in the matter of urban regeneration (URBAN and URBAN II). From the program, the Extremadura region received 8.034.061 €, allocated in the World Heritage city of Mérida. The funds were used to regenerate districts closed to important cultural heritage sites predicting future touristic development of the areas. Still, thematic objectives of the Operative Programs of Extremadura (OP 2014-2020), launched within the framework of the European Funds for Regional Development (FEDER), considered heritage in term of conservation, protection, promotion and development of natural and cultural heritage by focusing mostly on a tourism-oriented strategy.

As well as laying out funding obligations for the State, Spanish law also allows for tax debts to be paid by delivering property belonging to Spanish Historical

Heritage. This was originally incorporated into the Historical Heritage Act but, since 2014, this has been incorporated into the law on Corporation Tax.

Various laws have recognised the importance of stimulating either private funding in the work of cultural heritage organisations. In some instances this is done by tax reductions for expenditure on a) conservation, reparation, restoration, promotion and exhibition of property of cultural interest according with Historical Heritage regulations; b) buildings rehabilitation as well as the improvement of their infrastructures or architectural, archaeological, natural or landscape ensembles and World Heritage properties. "With regard to tax relief, and concerning local taxes, it stipulates that, as established by Municipal Ordinances, Properties of Cultural Interest (BIC's) are exempt from the payment of Property Tax (IBI), Tax on Constructions, Installations and Works, and Capital Gains Tax on urban lands. Also, property of the BIC's and movable objects included in the General Inventory is exempt from the payment of Heritage Tax (Herein, 2014). But the law also supports the participation of not-for-profit organisations in activities for the public good by defining legal and tax frameworks which are beneficial to them. Such laws for incentives have been established at local as well as national levels.

16.5Participation, culture and sustainability

The Spanish Constitution of the 1978 contains a regulatory framework for the process for shared administration and places the onus on public authorities to ensure the freedom and equality of the individual and the groups, along with the participation of all citizens in political, economic, cultural and social life. But the tools to apply it are not identified and the warrant is not addressed to a particular public authority. The issue is to strengthen democracy with the active participation of citizens in political life (Giordano, 2017).

More recently, the Real Decreto Legislativo of 2015 provides the basic conditions of equality in the constitutional rights and duties of citizens. The law requires that all citizens have the right to participate effectively in the procedures for the preparation and approval of any land use planning or urban planning and execution instruments and their environmental assessment. Moving from reuse to culture, Cultura y Ciudadanía is a program of the Ministero de la cultura y deporte/Ministry of culture and sport, that aims to promote citizen participation in the field of cultural heritage. The program focuses on culture as the basis of the processes of construction and transformation of contemporary society and supporting research, debate, mapping and programming of various activities, in collaboration with public and private agents throughout the State, about culture and citizenship building.

Regionally, the Ley de Patrimonio Histórico y Cultural de Extremadura (DOE 59, of 22/05/1999) considers cultural heritage as a factor of integral development, for its value as a resource with cultural, social and economic profitability. As Perales Piqueres (2013) noted, in the last years, cultural heritage policy of Extremadura has, for instance, focused on the acquisition of historical, artistic and archaeological heritage of social interest and public utility and aims around socioeconomic development. In the 2002 Ley Orgánica of the region regulates the rights and statutes of associations in the autonomous community. This is now very relevant to promoting their involvement in the processes of adaptive reuse of empty buildings belonging to public heritage.

In matter of participation, it is worth to mention the city of Barcelona. The so-called "Barcelona Model", defined "municipalism of the common good" (Blanco, Gomà, 2016), characterized by the collaboration between public, private and community sectors (Blanco, 2015). The liberal-Christian Democratic Council answered in 2012, to a citizen application for management of empty spaces, with the creation of the Pla Buits. Pla Buits is designed to stimulate the use of "on hold" lands in the city of Barcelona, through temporary activities of public interest, led by public entities or non-profit, promoting the involvement of civil society in the regeneration of the urban fabric of the city.

An open source digital platform for participation in the City of Barcelona, called Decidim Barcelona, has also been developed. This tool aims to build a democratic and transparent city, by enhancing citizen participation in the definition and development of policies. This platform was considered one of the best European models in terms of digital municipal decision-making, policy and budgeting processes and as an instance of digital participation tool.

Finally, the legislation for the evaluation of environmental impacts is relevant here. The Royal Legislative Decree on the Evaluation of Environmental Impact (EIA) (1986), is the tool for environmental impact assessment. This regulation is directed not only at the preservation of natural resources and defense of the environment, but it is also aimed at the protection of cultural heritage. The protection of cultural heritage is introduced in the article 1 of this standard where it establishes that an evaluation should identify, describe and evaluate appropriately the direct and indirect effects of a project on, among other factors, material objects and cultural heritage. As with other fields, the regional governments will have their own compatible pieces of legislation.

16.6Trends for adaptive reuse in Spain

With the exception of the ages 80s and 90s, when a more sensitive commitment to enhancement and rehabilitation was experienced (Morenos et al, 2013, Perez, 2007), Spanish urban planning is mostly characterized by a speculative tendency of the real estate sector. The preference toward building processes, interviewees argue, still hinder the development of new orientations based on reuse of urban assets and sites likewise on construction materials recycle which, it has noted, could significantly impulse urban metabolisms (Cirugeda and Moya González).

Whereas some concerns arose regarding the law 8/2013, recent norms on regeneration show steps forward on the matter. The lack of a clarification of the terms "Rehabilitación, Regeneración y Renovación" creates misunderstanding which would be important to avoid when different kinds of interventions can benefit from official aids. As Moya González argued (2014), the omission of the term "Restauración / Restoration" demonstrates that cultural heritage issues (intended in a broad sense) are addressed indirectly by the law. Conversely, to invert the speculative tendency of the Spanish real estate sector, and to support a long-term vision of development, the author suggests creating a link between regeneration and conservation. This is particularly significant with regard to intervention in modern (i.e. 20th Century) heritage districts. Indeed, the omission of "cultural" status of these parts of the city, combined with this terminological uncertainty, have been justifying the demolition or the preservation of modern heritage on the base of political bias (Moya González, Gil-Fournier, Hernández Renner interviews). Although, in the words of practitioners, the logic of conservation seems to prevail over needs and uses calmed by local community, the weakness of offices overseeing conservation

issues, along with public non-fulfilment has caused significant demolitions regardless the real cultural interest of (not yet listed) buildings (Moya González interview).

In the transition towards a system based on regeneration and rehabilitation, European urban policy (De Gregorio Hurtado, 2017; Garcia et al, 2015) has been significantly influenced the country. Regional laws have also been sensitive to the new international criteria and recommendations on the matter of cultural heritage, incorporating in their legislation patrimonial typologies such as industrial heritage, the cultural landscape or intangible heritage (Pino, 2018). Moreover, in this re-orientation process, scholars agree about a general shift towards a tourism-oriented policy, making tourism "the main engine of the Spanish national economy" (Ivi).

Despite a relative delay in the start of cultural policy, in Spain cultural regeneration activities has defined international archetypes such as "the Barcelona Model" and the "Bilbao Effect", strongly linked to city branding (Morató and Zarlenga 2018). This has often encouraged demolitions of the built and, in particular, of the industrial heritage. Nevertheless, the 2008 economic crisis has been opening the way to new participated urban scenarios based on contemporary culture.

Among the most significant initiatives, we can mention the Fàbricas de creation / creativity factories in Barcelona and the Harinera ZGZ in Saragossa. Two both support industrial heritage reuse through cultural production encouraging, cooperation, citizens empowerment and multidisciplinary processes. These new factories, included in old abandoned industrial buildings, located in degraded neighborhoods or waiting for urban reconversion - are transferred by public administrations to social collectives who take responsibility for their management. In addition, there is also a kind of management independent of the municipal administration: reference is made to the new generation of social centers, more inclusive than in the past, which have as their primary objective providing services and green areas in these spaces. Such adaptive reuse projects bring together the fields of heritage, culture and community participation.

Many forms of tactical urbanism have also emerged throughout the country. One of the most popular is the initiative Esto no es un solar / this is not a plot in Saragossa which develops a self-management and "projective" process on abandoned public space. Still, community-led initiatives are minoritarian part of the sector, suffering a lack of political support (Cirugeda, Muñoz Sánchez) and/or political bias (Schulbaum, Moya González). This goes in parallel with obstacles in terms of public procurements, often base on traditional scheme. To overcome these obstacles, the research published by Arquitecturas Colectivas, Guída práctica para la activaciòn de espacios inmuebles en desuso, describes the legal "knowledge-base" needed to support collectives, groups, associations etc. interested in activating vacant properties. The focus of the study is the regulation of local administrations' assets by underlining possible forms of negotiation in respect with temporary uses.

As in the planning legislation, no specific reference to temporary loan for use is explicated in the national law on matter of local patrimony likewise legal regulation on the matter of DIY practices. This absence of tools aimed at supporting "processual design", ultimately based on integration of short and long terms projects, are indicated as major obstacles to community-led adaptive reuse.

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1. Santiago Cirugeda, 3/2/2019 Architect

2. Olivier Schulbaum, 08/02/19

3. Luis Moya González, Architect and professor at Escuela Técnica Superior de Arquitectura of Madrid.18/02/2019

4. Mauro Gil-Fournier, 19/02/2019 Architect of Estudio [SIC] arquitectura y urbanismo,

5. Massimo Angrilli 25/02/2019

6. Carlos Muñoz Sánchez, 20/02/2019 Architect and co-funder of the LaFábrika detodalavida (OC) in Los Santos de Maimona.

7. Alejandro Hernández Renner, 01/03/2019 (interview by Platonic) Fundacion Maimona director.

17 SWEDEN

Sweden is a unitary country with 3 levels of government; the national level, 21 counties and 290 municipalities.

17.1 Institutional and regulatory context of adaptive heritage re-use.

National level sets out the framework legislation that defines the system of land-use planning and provides the guidelines for municipal plans. It also defines the building code and designates areas that are strictly protected from development for nature or heritage protection. The key legislation is the Planning and Building Act. It defines the relationship between national, regional (county administrative board – which has rather little authority and autonomy and resembles a supervisory government level for the national government) and municipal authorities. The planning monopoly of the municipalities is particularly strong in Sweden. Certain objectives for the municipal planning are set by the national framework through laws and ordinances, but in general municipalities are responsible for planning and land-use. The municipal hegemony over planning has been challenged by increasing influence of financial and professional actors and citizenry as well as the growing competency of environmental protection through the Environmental Code in 1999. Legal trials and examination are also gaining in significance in municipal planning (COMMIN, p.5). The provisions of the Planning and Building Act[63] aim, with due regard to the individual's right to freedom, at promoting societal progress towards equal and good living conditions and a good and lasting sustainable environment for the benefit of the people of today's society as well as of future generations. (COMMIN, p. 6)

The overarching environmental code (Miljöbalken) defines areas of national interest (riksinteresse) in various aspects: cultural heritage, but also energy, transport and logistic, military, ecological, etc. There are currently 43 areas considered as cultural reserves – besides natural reserves and others. The areas of cultural interest are defined in consultation with the Swedish National Board of Heritage.

The national government is represented in the region through County Administrative Boards (Länsstyrelse), representing the national government's interests in the planning process at the subnational (regional) level of government. Regional spatial planning is legally only obligatory for the Stockholm region, the other counties only have a regional development strategy.

Two main terms are Kulturarv (cultural heritage) which are material and immaterial expressions of human activity, such as constructions, traditions, artisanry etc., and Kulturmiljö (historic/cultural environment) refers to the entire environment influenced by people. The cultural environment includes physical content of the landscape, as well as intangible phenomena such as place names or phrases that are linked to a place or area.

63 https://www.eui.eu/Projects/InternationalArtHeritageLaw/Documents/NationalLegislation/Sweden/planningandbuildingact1987.pdf

Municipalities prepare Comprehensive Plans (compulsory but not legally binding) and Detailed Plans (legally building, and the most important instrument fulfil the intentions of the comprehensive plan) and issue building permits based on those plans and other relevant regulations. As such they decide on change of use in the context of adaptive reuse – which is defined as the alteration of a building. The Planning and Building Act is rather precise on this. It explains how measures may modify a building's design, function, use, appearance, or cultural-historical value, as alterations. These alterations must be made cautiously, and regard the building's characteristic features, and sustain constructional, historical, cultural, environmental and artistic values. Buildings which are especially valuable from a historical, cultural, environmental or artistic viewpoint, or which form an integral part of a built area that is distinguished by those qualities, must not be distorted. Moreover, a building's exterior must be kept in proper order and maintenance must match the building's value from a historical, cultural, environmental and artistic viewpoint as well as the character of the surroundings. In addition to (re)use) the Planning and Building Act also requires municipalities to make proper measures of protection to these areas of national interests (e.g. natural or heritage) in their comprehensive and development plans.

The Swedish National Heritage Board is responsible for cultural heritage and cultural environment (under the Ministry of Culture). The county administrative boards represent regional government, supervising and establishing dialogue with municipalities. Each Swedish county has at least one regional museum that receives public grants from the region and the state to pursue work related to cultural heritage and the cultural environment (Eliasson et al, 2018). The building register (BeBR) contains information about the built cultural heritage, and the information comes from regional museums, the Swedish Church, county administrative boards, municipalities, universities in collaboration with the National Heritage Board.

Heritage can be legally protected in three ways: (1) As an asset in an area of national interest (riksinteressen), the concrete protection of which has to be decided on and implemented at municipal level; (2) as an asset that is specifically defined in national law (particularly through the Historic Environment Act (Kulturmiljölagen)); (3) through municipal legislation to protect cultural heritage in the public interest (allmänsinteressen). These are explained further below:

(1) National interests (riksinteressen) in cultural heritage (among other issues) are to be given proper consideration in municipal planning. These areas need to be given consideration in the land use plans and the detailed development plans (detajlplanen).

(2) The national law "Historic Environment Law" (Kulturmiljölagen) passed in 1988 defines national (mostly privately-owned) assets that are to be protected. To list a building under this law (at least in practice) requires consent from the owner of the building. While before the passing of this Law in 1988, there were about 300 buildings protected under the previous law (Kulturminneslagen), today there are about 2200 protected privately owned buildings. In addition, there are around 2700 churches (Church of Sweden) protected. Moreover, the decree on state-owned heritage buildings ("Förordningen om statliga byggnadsminnen") lists about 270 publicly owned buildings or building ensembles (such as royal palaces, the parliament, lighthouses, bridges) that are given heritage protection on a national level. https://www.raa.se/in-english/cultural-heritage/historic-environment-laws/ A detailed inventory of the aspects that are to be protected is kept, any aspect that is not mentioned on the list can be altered. Compared to

the Environmental Code (Miljöbalken), the Historic Environment Act offers stronger protection for individual buildings and areas.

(3) At the municipal level, buildings can be protected as heritage when it is considered that it is in the "public interest" (allmänna interessen). Such status is usually conferred on occasion of a concrete application (demolition, alteration or such) or request by the owner. There is a partial grading system at local level, distinguishing between buildings and sites of specific and general interest. There are rules set out against distortion deviating from these cultural-historical (heritage) values (Planning and Building Act). These are to be included in the detailed development plan (detajlplanen), and will include a detailed list of the aspects to be protected. The number of buildings protected under this law is in the tens of thousands. There are around 2.000 protected buildings in Lund alone (compared to only 20 buildings – aside from churches – protected under the Historic Environment Act). In most cases, the city administration subcontracts the task of heritage surveys to external experts.

Swedish Local Heritage Foundation (Sveriges Hemgygdsförbund) raises awareness and offers advice to owners about heritage values of buildings. In Lund, it was also an actor to participate It also participates in the implementation of the European Landscape Convention.

Some current policy developments are trying to address the perceived fragmentation and incoherence of the wider (historic) built environment sector (see 'bottlenecks', below). For example, since 2018 "Gestaltad livsmiljö" is a current policy in which national ministries of finance, innovation and enterprise, environment and the ministry of culture as well as various agencies including the National Board of Housing, Building and Planning and the National Board of Heritage Protection collaborate to improve the living environment in cities through an integrative approach. In this approach the role of the arts, design, heritage, urban mining (reuse and recycling of resources found in the city from buildings and infrastructure to short-term consumables) and pedagogy are to be considered in conjunction. The policy takes a holistic view of the work on the designed living environment and constitutes a unified architectural and urban design policy for sustainable, high-quality environments.

In another policy development, ten governmental agencies that relate to cultural heritage buildings and assets (including traffic, landscape, natural environment etc.) are to develop a coordinated and intersectoral approach to funding for cultural heritage assets, coordinated by the Ministry of Culture.

17.2 Main actors of the heritage management and re-adaptive use:

On national level, several ministries are related to adaptive reuse. The Ministry of Enterprise and Innovation is (amongst many other things) responsible for the National Board of Housing, Building and Planning, whilst the Swedish National Heritage Board (https://www.raa.se/in-english/swedish-national-heritage-board) falls under the Ministry of Culture. The central government agencies (esp. National Heritage Board), in consultation with county administrative boards, issue guidance and instructions regarding the national heritage interests. The Swedish National Board of Housing, Building, and Planning (Boverket) keeps oversight over and offers consultation for the implementation of the Planning and Building Act. Other ministries have roles through programmes, e.g. the Ministry of Enterprise and Innovation is responsible for matters relating to industrial

policy, rural affairs and regional growth and is actively involved in the new policy (see later) called "gestaltad livsmiljö".

Municipal building development and planning is a municipal task carried out by the planning board (Byggnadsnämnden). The county administrative board supervises and provides approval – or a non-rejection to be exact – of the comprehensive plan (översiktsplan) and detailed development plan (detajlplan). The approval of the county administrative board is also required for adaptive re-use of buildings protected under the "Historic Environment Act" (Kulturmiljölagen) and World Heritage.

The Swedish National Board of Heritage Protection (Riksantikvarieämbetet, roots in the 17th century) keeps oversight over and offers consultation for the implementation of the Historic Environment Act. It also gives advice in the process of deciding how to protect assets in national interest. The Ministry of Culture, through the National Board of Heritage Protection, provides funds for the protection of buildings protected under the Historic Environment Act and the State-Owned Cultural Heritage Buildings Ordinance. The National Board of Heritage Protection shows a growing effort to render the approach to cultural heritage more participatory and sensitive to social diversity.

Since 2000 the Church of Sweden is no longer a state church, but receives state grants each year to cover costs for measures to preserve the 3,700 or so listed churches. The figures also reflect the fact that the Church of Sweden is a de facto major actor in the preservation of built heritage in Sweden.

Statens Fastighetsverket (a state-owned association) owns and manages real estate including theatres, museums, castles, administrative buildings etc. in their current (or changing) use; several of these buildings are protected as heritage.

In the case of a building forming part of an area of national interest (riksinteressen), the county administrative board can have strong possibilities to repeal decisions of the municipality regarding the development of the area or building. If the building is of "public interest" (allmänna interessen) the county administrative board can only repeal decisions under very specific circumstances, e.g. in cases of demolition.

Larger county administrative boards have some funds to support local heritage protection and reuse.

At the level of the municipality, a building committee gives permission to reuse of municipally protected buildings. However, other actors may be involved in larger cities: In Stockholm, the Stockholm City Museum carries performs an inventory and classifies the built environment.

Moreover, there are also efforts made, particularly by civil society organizations such as the Swedish Local Heritage Foundation (Sveriges hembyggdsförbund) to raise awareness about heritage values of buildings (beyond official status) and to help owners to take care of them. Swedish Local Heritage Foundation operates nationally, but its main activity is at the local level. About 500,000 members nationally are organized in 225 clubs. Their strongest activity is seen in rural areas. 120 of the clubs' own buildings such as windmills, shops, barns. Other clubs use buildings owned by the municipality. The buildings are used for cultural events, theatre, movies, museums etc.

The Swedish Association for Building Preservation (Svenska byggnadsvårdsföreningen) is an independent, non-profit organization, concerned with buildings and environments of all types and from all periods all over Sweden. They provide guidance and training, they take part in the public debate, and advocate building preservation as "sustainable resource management for a society in ecological balance". https://byggnadsvard.se/medlem/in-english/

17.3 Cultural and Built heritage adaptive reuse: regulation and development

In general, the National Board of Housing, Building and Planning (Boverket) oversees implementation of Planning and Building Act. In order to change any aspect of a building, an application needs to be granted by local authorities. The Board can prevent demolition, require the owner to continue with the same use, or ask them to find a new use. Additional regulations regarding accessibility, fire safety, noise protection, energy efficiency apply normally to the same standards, but for some issues (e.g. energy) there can be a negotiation between cultural value and regulation.

Adaptive reuse of buildings protected under the State-Owned Cultural Heritage Buildings Ordinance (Förordningen om statliga byggnadsminnen) requires approval by the National Board of Heritage Protection (Riksantikvarieämbete). Adaptive reuse of buildings that are protected under the Historic Environment Act requires permission by the county administrative board. Adaptive reuse of buildings protected by municipalities need to be given permission also by them.

When it comes to the alteration of formally listed buildings, the various interests are to be weighed against each other. In the case of municipal decisions, it is primarily a compromise between private and public interests. The Building Committee (byggnadsnämnden) decides in cases of conflict. Its decisions are often politically motivated as it is a politically appointed committee. In the other cases "national interests" (riksinteressen) and the protection of cultural heritage (through the Historic Environment Act) also come into play and the decisions are lifted on county regional level.

Municipal governments have the possibility to set higher requirements than the new national directive for energy saving requirements. Cultural heritage buildings are not granted a general exception from new energy requirements, i.e. when refurbishing an old building, the same requirements for energy efficiency are in place as for new buildings. However, built heritage may be excluded from such stipulations if the adaptation would result in a distortion of the building's cultural heritage value.

17.4 Funding, financing and incentivizing adaptation:

In Sweden, a significant share of urban housing is organized by one large cooperative under the legal form "Bostadsrätt" (housing cooperative, tennans have a vote). In 2009, 762,000 housing units were under the Bostadsrätt (a significant share considering the total population in Sweden of 10 Mio). It is this cooperative that often engages in adaptive reuse of former industrial sites or office buildings to housing. Other buildings that were reused in Sweden in the 1990s are military barracks, in many cases for public administration.

Commercial reuse, especially for housing, is common in Sweden. Until 1991, when the social democratic government cancelled their social housing construction program due to an economic crisis, there was a first wave of adaptive reuse of former industrial sites for housing. Gentrification and skyrocketing housing prices in larger cities (especially Stockholm, but also Gothenburg, Lund and others) have fostered the reuse of office buildings that were already results of adaptive reuse, formerly as early 20th century housing. These reused office buildings are now reused again for housing purposes because it is profitable. The investors in these projects are mostly private but also some state-related pension funds.

There is a variety of public funding programs available that may be used in reuse projects (from energy efficiency to arts, social services and traffic). These funding programs currently have no particular focus on cultural heritage. Until the end of 2018, there was funding from Boverket (National Board of Housing, Building and Planning) to increase the number of rental and student accommodation, especially when improving energy efficiency. Boverket also funds measures for accessibility to public spaces. The natural environment protection agency (Naturvårdsverket) has funding of about 6,8 Million Euro for applications for climate friendly innovations in cities.

For buildings protected under the Historic Environment Act and the State-Owned Cultural Heritage Buildings Ordinance, the largest sums of money come from the Ministry of Culture and its agency, the National Board of Heritage Protection. This funding is mainly used to cover the 'additional' maintenance costs for the preservation of cultural heritage, as 'normal' maintenance costs are considered to be for the owner. In this context, 250 Million Swedish crowns (approx. 25 million Euros) are distributed per year for preservation of privately-owned buildings under the Historic Environment Act and 460 Million Swedish crowns (approx. 46 million Euros) per year goes to churches for preservation (for the Church of Sweden). For areas of national interest ("riksinteressen") that municipalities are to protect, municipalities do not receive any compensation but funding must come from their own budgets. Some larger municipalities (Stockholm, Malmö, Helsingborg, and other) have local funds to support local heritage protection, but is seems that funding for protection is largely to compensate for additional costs coming with a protection status. Poor municipalities therefore have therefore less to spend on heritage.

Monetary funding through private foundations is relatively small. The key support provided by the Swedish Local Heritage Foundation with 500,000 members is mainly volunteer labour in the care for heritage assets (from refurbishments to education) https://www.hembygd.se/shf.

There are no tax incentives for adaptive reuse in Sweden. Available public funding is mostly reserved for listed buildings. Among interviewees, the impression is that during the last decades, reusage of older industrial sites and buildings has become more common. The character of the buildings being reused depends on the history of the region. For example, Stockholm region has had relatively little in terms of industry and most of it has either been reused already or demolished. Other projects have reused military barracks. In Södertälje a former pharmaceutical industrial site was successfully reused into a university (Södertälje Högskola).It is believed that heritage character makes sites more attractive to buyers. In the region of Halland (South Western Sweden) the local museum conducted a survey comparing the taxation value of buildings with their selling price on the real estate market. It was observed that buildings with a

distinct cultural historical value rendered a higher price in proportion to its taxation value than other buildings.

As noted earlier, economic and development pressures on housing stock have led to reuse in cities such as Gothenburg and Stockholm. The profitability of these sites represents a form of incentive for further investment.

The perception by several interviewees is that there is not too much support or political promotion and only few incentives to support heritage protection by private owners.

Aside from some exceptions, there are no tax-write offs available to owners who do refurbishments and take measures for heritage protection.

17.5Participation, culture and sustainability:

The National Planning and Building Act contains regulations concerning public participation in the planning process. Both comprehensive plans and detailed development plans are adopted by the respective municipal council following a process of consultation and public exhibition (Eliasson et al, 2018).

Current policy developments (as mentioned above) are aiming to better integrate e.g. heritage culture and design. At the level of the Swedish National Board of Heritage Protection there is also a growing effort to render the approach to cultural heritage more participatory and sensitive to social diversity.

There are some local (individual) initiatives to implement participatory approaches.

In 2014 the Swedish government tasked the Swedish National Heritage Board with developing a vision for cultural heritage management until 2030. The process has included a wide range of public stakeholders and civil society organisations. https://www.coe.int/en/web/culture-and-heritage/-/2030-vision-for-cultural-heritage-management-in-sweden

17.6Trends for adaptive reuse in Sweden

As noted above, “Gestaltad livsmiljö” represents a trend towards a more integrative approach to improving the living environment in cities. In another policy development, ten governmental agencies that relate to cultural heritage buildings and assets (including traffic, landscape, natural environment etc.) are to develop a coordinated and intersectoral approach to funding for cultural heritage assets, coordinated by the Ministry of Culture. These should be viewed in the light of the perceived fragmentation and incoherence of the sector (see ‘bottlenecks’, below).

At the level of the Swedish National Board of Heritage Protection there is also a growing effort to render the approach to cultural heritage more participatory and sensitive to social diversity.

At the local level (at least, in Stockholm) plans have become more flexible in recent decades to allow for a change of use of building in the future. This is partly due to market pressures. Changes to the housing market (e.g. development of housing under the Bostadsrätt and the profitability of adaptive

reuse in gentrifying projects) represent a significant trend in adaptive reuse, particularly in urban settings. However, the capacity for adaptive reuse depends on historical patterns of land use (e.g. industrial or military sites) and how much of that has survived. This varies across the country.

There are quite some bottlenecks. Experts consider for example that at the local level, the Historic Environment Act is too much concerned with the objects, and not enough with the environment. There are also many court cases around planning, which take up time and require significant administrative resources, particularly at local level.

According to a representative from the RAA (Swedish National Board of Heritage Protection) the declaration of areas of national interest in cultural heritage and local heritage status (in the detailed development plan) grants little protection. Municipalities often do not have the (professional) expertise 'in house' to understand or survey the heritage (most municipalities count well below 20.000 inhabitants), or they don't have the resources or interest to protect heritage against urban development interests. Municipal protection can be more extensive and comprehensive than buildings protected under the Historic Environment Act, but it depends on the resources, capacity, expertise, and willingness of the municipality.

There is often conflict between municipalities on the one side, and the county administrative board (länsstyrelse) and the Swedish National Board of Heritage Protection, on the other side. While some municipal authorities hold that local heritage protection may be more comprehensive, critics point out that municipalities are accused of being inclined to urban development at the cost of cultural heritage.

Decisions at the local level are commonly politically motivated, it can provide opportunities for adaptive re-use but also disadvantages (unpredictability, political changes in local government may result in change of decisions).

It is difficult to keep an overview of the various public funding mechanisms that may relate to heritage reuse projects. These funding opportunities also lack coordination with respect to cultural heritage aspects. Overall, there is relatively little funding available for adaptive reuse (often mentioned by interviewees).

It seems there is little to no systematic work done on the reuse of (heritage) buildings as a theme. There are not structural or repeated types of financial incentives, and there is a lack of coordination, e.g. different local agencies may simultaneously issue contradictory measures, e.g. in Stockholm it was granted to residents to install new windows for noise reduction; meanwhile at the same time the buildings in which they lived (including their windows) were protected as heritage.

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18 UKRAINE

18.1 Institutional and regulatory context of adaptive heritage re-use.

Ukraine does not have an official definition of adaptive re-use embedded in national or local laws. Although, adaptive reuse (Ukr. prystosuvannia) could be described as a complex of scholarly and research, planning, heuristic and construction works aimed at contemporary use of the cultural heritage object without changes of its intrinsic qualities which constitute the object of protection, including restoration of the elements which constitute historical and cultural value

As for the terminology, one can notice that Ukrainian law and professional discourse is mostly oriented towards objectivist and expert approaches to heritage and don't pay much attention to the heritage community and social relevance of heritage. Also, the law makes the biggest accent on preservation of authenticity, whereas the use of monument and its adaptation is perceived more suspiciously as potential threat and "change" as such is defined negatively.

Planning and heritage protection in Ukraine focus mostly on conservation and protection, not heritage adaptive re-use. It results from the fact that rich architecture and urban heritage in Ukraine lacks appropriate measures of protection. As 2007 Council of Europe's report on Ukrainian culture stated, 50 % of the listed monuments were inadequately maintained and 18% in emergency condition (Stubbs and Makaš 2011: 300). Due to slow economic development, lack of reforms and high level of corruption, the support for culture and heritage from the state budget is insufficient. From 1991, these were only specific categories of heritage buildings (mostly related to the national narrative; and the UNESCO designated heritage sites) that received financial support on the national level. Many monuments depend of the international support, especially from Poland (notably projects related to common multicultural heritage in border regions) and the EU. Instead of more adaptive and creative approach, reconstructions and historical-style "fake" buildings were also widespread practices, especially in 1990s.

Due to the difficulties of political, economic and everyday life, heritage is not a priority for the state in practice, in spite of the fact that cultural heritage protection is proclaimed to be important part of state obligations. Lack of specialists and knowledge remains one of the main obstacles to the heritage-oriented planning and policies.

Special case is the industrial Soviet architecture: among the experts it is considered to be not valuable because of low quality of cheap construction materials and fast development process during the construction works, whereas the community-building value and aspects of social memory are not taken into account. The situation is reflected by the legal acts, as the most important are as following: Law "On Protection of Cultural Heritage" (2000, with later amendments), https://zakon.rada.gov.ua/laws/show/1805-14 "The Order of the Designation of the Borders and Regimes of Use of the Historical Areas of the Settlements"; (2002) List of Historically Inhabited Places of Ukraine (2001); State Registry of Immovable Monuments of Ukraine (started 2001)

The bureaucratic and corruption issues also obstruct planning, such as: Lack of the vertical structure for heritage protection in the regions; in many regions there is a very small number of officials responsible for the heritage issues and it is virtually impossible to monitor the monuments, and even to properly describe and document them. The conclusion of protective agreements with the monuments' owners is one of the most neglected tasks.

Problem of corrupt decisions of the courts and problem of law enforcement. The cases of criminal responsibility of the officials for the purposeful demolition, destruction or harm to the monuments committed using the position in power are absent, in spite of the fact that there is respective position in the Criminal Code.

Formally, regional and district state administrations, Kyiv and Sevastopol municipal state administrations are responsible for the heritage protection. In practice, Heritage Protection Offices (upravlinnia okhorony kulturnoi spadshchyny) are created only in several regions (oblast) out of 25 (exactly in Kyiv, Lviv, Zaporizhia, Zakarpattia, Kharkiv, Dnipro and Crimea). In most regions, there are no special organs for heritage protection, and only few specialists working on this in the framework of departments of culture and tourism in regional state administrations. In many cases, they are dependent on the influences of the local authorities and lobbyists of big businesses in the administrations, and are fired if they resist (Kot 2018:19). These sub-national organs are not formally subordinate to the Ministry of Culture; therefore, in fact, the holistic vertical system of heritage protection is absent. Among the cities – regional centres, there are the offices of heritage protection attached to the city councils only in 4 cities: Kyiv, Lviv, Chernivtsi and Odesa. With the process of decentralization, many monuments (except for the nationally recognized) are transferred under the auspices of the consolidated communities.

18.2 Main actors of the heritage management and re-adaptive use

Main actors in the Ukrainian system are public bodies. Figure 1 below presents detailed information about actors and their interrelations. To mention, but a few:

Ministry of Culture, Department of the Protection of Cultural Heritage (responsible for listing the heritage objects in the Registry; endorsement of the documents on the land use on the territory of the national monuments and their protective zones, etc.)

Ministry of Regional Development and Construction (supervising designation of historical and cultural reserves of national significance and historical and cultural reserved territories; approval of the list of the historical settlements of Ukraine; approves state construction norms, etc.), also

Ministry of Environmental Protection – is responsible for the preservation of the garden and park monuments and landscape monuments.

State Architectural and Construction Inspection (Ukr. DABI) – central and its regional and local divisions, acts as control organ to enforce observation of state construction norms.

Also other actors appear in the area of heritage and adaptive re-use of buildings and sites, including churches of different denominations, have many monuments

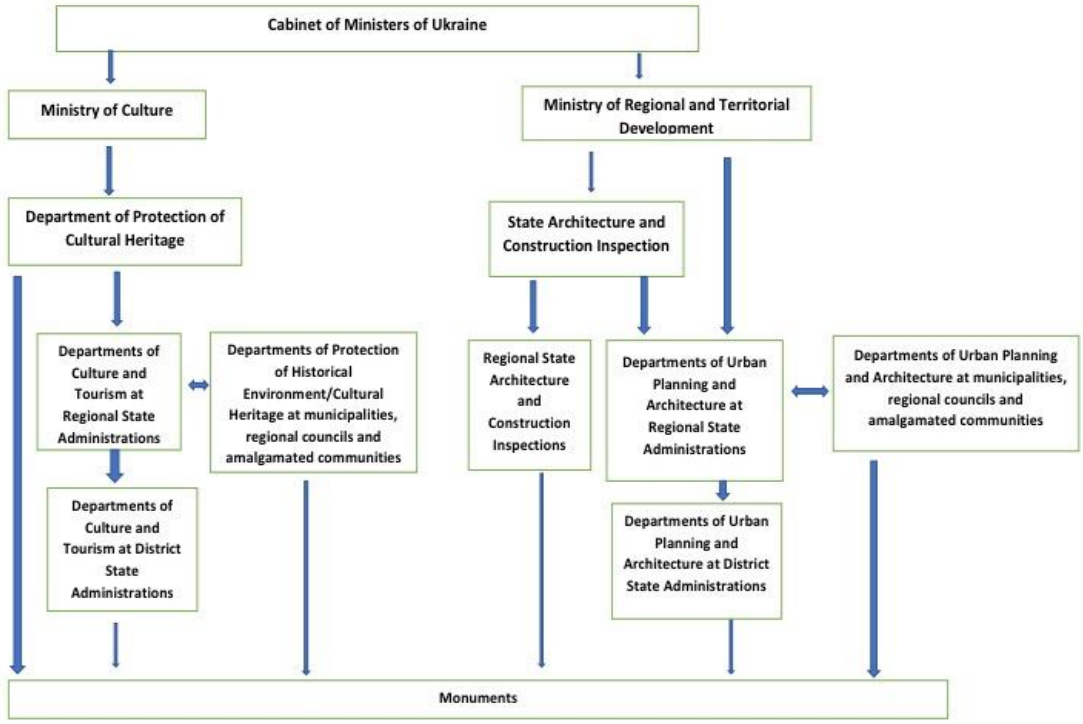


Figure 5: Main public actors of the heritage management and adaptive re-use in Ukraine

in their jurisdiction, and considerable funds generated by the churches allow them to make necessary renovations. Private investors and developers and business people acting as arts and culture patrons as a part of improving public reputation. As well as UNESCO, NGOs like Ukrainian Society for the Preservation of Monuments and ICOMOS Ukraine – national committee, founded in 1994, acts mostly for scholarly exchange.

18.3 Cultural and built heritage adaptive reuse: regulation and development

Focusing on heritage at the national level, as 2007 Council of Europe's report on Ukrainian culture stated, 50 % of the listed monuments were inadequately maintained and 18% in emergency condition (Stubbs and Makaš 2011: 300). Due to slow economic development, lack of reforms and high level of corruption, the support for culture and heritage from the state budget is insufficient. From 1991, these were only specific categories of heritage buildings (mostly related to the national narrative; and the UNESCO designated heritage sites) that received financial support on the national level. Many monuments depend of the international support, especially from Poland (especially projects related to common multicultural heritage in border regions) and the EU.

The major specific feature of the state registry of monuments is that it is mostly comprised of objects built before WWII. There are not so many listed post-war architectural objects. On the one hand, it is determined by the limited resources, which are allocated only for the oldest and unique buildings, on the other hand – there is not enough expert attention and public appreciation of this buildings

because of negative attitudes to Soviet period and recent processes of "decommunization". As a response to the state-led policy of "decommunization" (from 2015, demolition of the statues and other monumental art of the Soviet era, related to the ban of the public use of communist symbols, see Marples 2016) there is a popular movement among the independent activists and experts in art and architecture for preservation of the communist-era monuments, including mosaics, statues, and neglected buildings (which are not target of demolition in accordance with "decommunization", but are also not listed as monuments).

The Law is considered to be quite out-dated because its creation started in 1990s, still under the influence of the previous socialist epoch, and it didn't pay much attention to the actual changes in the ownership structure, collapse of planned economy and impossibility for the state to fund renovations from the central budget. The new text of the law was drafted and discussed among the experts in 2015, but with the change of the minister in 2016 the issues of heritage protection ceased

Due to not transparent processes of privatization in the 1990s, many monuments turned out to belong to the owners who do not sign/not fulfil the protection agreements and do not invest into the buildings, exposing them to the elements and ultimate destruction. Only recently, the penalties for this kind of violations were made stricter (both fines and term of imprisonment). But due to the inefficiency of courts, the owners most often go unpunished. If the monument is not properly taken care of, it can be returned to the state property, but not to the municipal property, which causes its ineffective management (Asper Consultations 2018).

National-scale successful examples of adaptive reuse supported by the state:

Art Arsenal – 18-century industrial building in Kyiv converted into the art centre (art, education, book fair etc.) of international importance (start of conversion process 2005). Renovation and functioning were funded mostly by the central state budget, with help from donors. See https://artarsenal.in.ua/en/

National Exhibition Center of Ukraine – former exhibition centre of the socialist achievements in Kyiv (built 1958), from 2016 under process of revitalization as innovation, commercial, cultural and entertainment centre, with respect to built heritage and natural landscape.

In Lviv region with the process of decentralization, many monuments (except for the nationally recognized) are transferred under the auspices of the consolidated communities, but many of them lack necessary expert knowledge and vision for the revitalization of heritage.

There are no codes on the regional level.

Competitions of the micro projects organized by the Lviv Regional Council with the aim to foster participation of the locals in the development of territories. Some of the winning projects are related to revitalization of heritage buildings and necessary infrastructure around the them.

"Euroregions" – special agreements with neighbouring regions enhancing trans border cooperation. One of them - East Carpathians Biosphere Reserve – trans border designated area from 1998, includes territories of Poland, Slovakia and Ukraine.

Program of the regional state administration "Protection and Preservation of the Cultural Heritage of Lviv Region, 2018-2020": aimed at complete listing of the monuments to the state Registry, urgent restoration works on endangered objects, especially of wooden church architecture; popularizing of monuments. The fostering of functional use of the monuments is also mentioned, but there are no specific actions planned in the program to achieve this, only mentions of tourist visiting. Funding is public (most part from regional level and some part from local level), and some unspecified international funding.

There are several programs of protection of cultural heritage in a few other regions: in Transcarpathia Region, 2016-2020; in Ternopil region, 2016-2020; Donetsk, 2017-2019; Kharkiv, 2019-2023 and others. They are mostly oriented towards inventarization, research and popularization, installment of protective signs on the buildings, and some funds are secured for renovation works, but the questions of re-use of the monument and work with the owners are not so much highlighted. The issues of use, especially for the tourist purposes, the conclusion on protective agreements with the owners are more highlighted in Transcarpathian program.

There is no vertical structure for heritage protection in the regions; in many regions there is a very small number of officials responsible for the heritage issues and it is virtually impossible to monitor the monuments, and even to properly describe and document them.

Buildings

Ukraine is 4th in absolute number of new built-up areas over the last 15 years (Ukraine 2015; Lozynskyi 2017). It is explained by the reinstatement of the private ownership and very big demand for housing after the fall of communism. Therefore, the construction industry is among most profitable, and developers are predominantly oriented towards construction of housing. In general, the demolition of existing buildings and construction of high-rise housing blocks is most widespread type of development. Many developers tend to violate the norms of land use, in many cases, they don't follow the approved documentation for the construction project (for example conserving scale, height, façade, or promises to construct related objects of public use and public spaces), but after the construction is finished, they legalize it in the courts.

Several recent changes (2018) aimed at ease for doing business (cancellation of the part of necessary building documentation, such as Historical and City Construction Explanation, less control instruments on the side of the city and chief city architect) is favourable for the developers, but potentially dangerous for the heritage protection.

Ministry for the Regional Development, Construction and Housing and Communal Services – establishes building norms and regulations

State Architecture and Construction Inspection (Ukr. DABI) – part of the Ministry of Regional Development, responsible for supervising and control of the existing building norms; issues permissions for construction and carries inspections.

State Building Code (DBN): the Code is obligatory in all the country.

Recent changes from 2017: cancelled Historical and Urban Development Feasibility Study (formerly necessary document for any new construction); the offices of architecture in the local organs (headed by chief architects) have less

power over developers and interfere much less into the process. After 2014 Ukraine takes steps to modernize existing building norms in accordance with contemporary technical possibilities and materials.

To avoid the risks of corruption, the changes were introduced in order to make the process of construction and renovation easier in bureaucratic terms. More freedom is given to the architects (authors of the projects). Now the Office for Architecture headed by the chief architect only approves the initial conditions for the project (the land allotment, conditions and restrictions for the existing walls in case of the reconstruction of existing building). Therefore, the city has no impact on the future façade if the building is not a protected monument, even if the building is located in the historical area.

Looking at local level, Lviv, in accordance with the 2016 decision on the decentralization of the architectural and building control, the main responsibilities for the control were transferred to the local level: the local inspections supervise all the objects falling under the categories 1-4. Only objects of the category 5 (strategic infrastructure, such as rail stations, airports, stadiums, and monuments of national significance) are supervised by central inspection. However, formation of the new municipal inspection hasn't solved the problem of illegal constructions. There is a list of illegal constructions compiled by the municipality, but in fact there are no tools to stop the construction, and many of the objects will be completed and later legalized through courts. To fight against this, the municipality has recently demolished one illegally constructed multistory house close to the historical center, after successful struggle in the court.

18.4Funding, financing and incentivizing adaptation

Giving the historical context, the massive privatization of the tenement houses after 1991 (transfer of the property to its immediate residents) resulted in private ownership for nearly 96% of the flats. In many cases it leads to unclear responsibilities, neglect and disrepair of the common spaces and facilities. One of the major challenges is that the culture of taking care for common spaces and collective action of the neighbours is only on the initial stages of its development (in the form of OSBB – Condominium Ownership Associations).

Potentially, the market for the redevelopment of housing is very big, because more than 80% of apartment houses need complete or partial renovation, including energy efficiency renovation. During the years after 1991, there were no national, regional or municipal programs of complex renovation of houses. At the same time, real estate is one of the most attractive targets for the investment of surplus funds in Ukraine because it is more profitable and secure in comparison to bank deposits. As for public finances, the decentralization reform started in 2014. Amendments to the tax code of Ukraine from 2015 introduce the decentralization of budget revenues, which will result in the fact that land tax will be left at the local level.

As mentioned before main actors include Ministry of Regional Development, Ministry of Economic Development and Trade, as well as International support: EBRR, WB, USAID (also through PAUCI – Polish-Ukrainian Cooperation Foundation), International funding agencies such as Western NIS Enterprise Fund, Foundation for Eastern Carpathians Biodiversity Conservation (ECBC) from Switzerland, Charity organizations: Fund of Communities "Ridnia".

Among major acts and codes are Law "On Concessions" (1999); Law "On Public-Private Partnerships" (2010); Law «The List of Cultural Heritage Monuments Which Cannot be Subject to Privatization» N 574-VI (2008).

Policies/programmes/strategies

State Strategy of Regional Development to 2020 and regional Strategies of regional development for 2021-2027: its proclaimed aims are support for innovative activity, micro-loans, promotion of public-private partnerships.

Project Office SP3ILNO (from 2016) attached to the Ministry of Infrastructure, supported by WNISEF – new body to enhance private-public partnerships.

Privatization. Concession as a tool is present in the law, but not well functioning. The cost of concession is most often estimated as too high, and for potential concessioners it is too burdensome to invest into revitalization of the monument and to pay high price at the same time. Some competitions of potential concessioners turned even into corruption cases.

Good practices:

PROMPRYLAD, ongoing adaptive re-use project in Ivano-Frankivsk.

Sankt Miklos castle in Chinadievo village in Transcarpathia – case of cooperation between the owner, NGO, artist community, and international support.

Charity fund Spadshchyna.ua was created on the basis of the NGO "Ukraine – Europe - World" and Initiative group for the revival of the Pomoriany castle.

As far as local level is concerned, Lviv is affected by the speculations on the housing market, also with participation of international investors, so the pressure on the market is high. Real estate is sold but not used, many people just park their money in the real estate but are not involved in development of the area. Renovated historical buildings in the downtown are sold or rent for rich business people for speculative prices. Still, there is still local population living in the downtown and the problem of gentrification is not so pressing as in the other European tourist capitals.

There are several substantial challenges for the investment into renovation of the historical buildings in the downtown as the quality of this stock is poor and only water and sewage system in the downtown were mostly renovated by the municipality in the past years. Although there as positives, growth of the property market is stimulated by IT industry. IT professionals are active homebuyers and property investors and this could stiumulate market in Lviv as it did in Kyiv.

There are no incentives for the developers dealing with historical monuments, in spite of the fact that in the expert discourse the demand for tax incentives is present for a long time. Recently, the fines for the improper restoration or other damage to the monuments were made substantially higher, but this norm doesn't facilitate the process of monuments reuse, but, on the contrary, creates the atmosphere of suspiciousness and repressions, not of stimulation of positive activity.

In 2013, the real estate (including housing and other buildings) tax was introduced in Ukraine (before that there was only land tax). Its size is decided on

the local level and taxed are all the buildings larger than 60 sq. m. Not taxed are only the buildings where the publicly funded institutions are located.

Barriers / bottlenecks

There are no cheap bank credits for construction and renovation of the buildings,

The property rights are not strongly protected (hostile takeovers),

There is a nationwide ban on selling farmland, and every year the moratorium is prolongued. It leads to the rise of shadow market of land and impedes the investment into the rural areas in general. In rural areas, the most of land is under long-time lease by big agricultural holdings, which have strong impact on local politics and infrastructure as well.

At local level, in Lviv, the real estate tax is differentiated and depends on the location of the building (in the historical center, it is 1.6 times higher than on the outskirts, for the buildings other than housing). In accordance with the law, the local municipalities have the right to decide about the exemption from tax for additional groups of owners/tenants. In Lviv, these groups are veterans of the war in Donbas and garages.

18.5Participation, culture and sustainability

As a response to the state-led policy of "decommunization" (from 2015, demolition of the statues and other monumental art of the Soviet era, related to the ban of the public use of communist symbols, see Marples 2016) there is a popular movement among the independent activists and experts in art and architecture for preservation of the communist-era monuments, including mosaics, statues, and neglected buildings (which are not target of demolition in accordance with "decommunization", but are also not listed as monuments). The specialists today are talking about fashion for Soviet modernism, both of 1920-30s and "second wave" of 1950-60s. There is a growing number of researches, educational, and public engagement initiatives related to socialist heritage. In several cases, it leads to revitalization and listing of the buildings (Mokrousova 2018).

Some good practices in heritage adaptive re-use or modernisation may be named:

Art Arsenal – 18-century industrial building in Kyiv converted into the art centre (art, education, book fair etc.) of international importance (start of conversion process 2005). Renovation and functioning were funded mostly by the central state budget, with help from donors. See https://artarsenal.in.ua/en/

National Exhibition Center of Ukraine – former exhibition center of the socialist achievements in Kyiv (built 1958), from 2016 under process of revitalization as innovation, commercial, cultural and entertainment center, with respect to built heritage and natural landscape. See https://vdng.ua/en/pages/5.

The possibilities for grass-root activism grew significantly after the Maidan civil protests in 2013-2014 and their ultimate success, and big number of new civic organizations emerged, mostly related to military and migration challenges. After 2016, in more peaceful circumstances and while the state better controlled its

military responsibilities several organizations turned their attention to other issues, including urbanism, cultural initiatives and decentralization reforms. Hopes changes are highest on the local level.

Still, in many cases the activism in favour of heritage buildings is expressed in the forms of temporary involvement: protest actions and petitions against demolitions or illegal constructions next to the monument, but not a long-term renovation projects, let alone the heritage re-use. Local history societies, festivals and cultural initiatives, initiatives of heritage community-making create an environment for future possibilities. The ideas of reuse of the monuments by the grass-root activists is definitely a fashion, inspired by successful examples in major urban centers in all the parts of the country (emerged mostly after 2014). The monuments consist also a basis for new identity-making, especially in the post-industrial region of the Donbas. Many local hubs and community centres emerged from 2014, partly due to the international support, to foster civil dialogue and informal culture. In general, civil society organizations have stronger impact on the government than ever before (Stewart & Dollbaum 2017).

Citizens can act as a voluntary inspectors of the monuments. Commission on the Issues of Cultural Heritage Protection and Cultural Properties (part of the Public Council) and Expert Council on the Issues of Intangible Heritage are two entities of this kind attached to the Ministry of Culture of Ukraine. Ukrainian State Institute of Cultural Heritage (attached to the Ministry of Culture) is an expert research institution. However, in the recent years these "official" civil organizations are not so effective because of their dependence on the authorities. When some experts or public figures from these organizations resist the unlawful initiatives, they could be removed from the councils, or the work of this organs could be manipulated.

Civic engagement is also present in form of business and civic organisation supporting local activism in urbanism, among them:

Heinrich Boell Stiftung, Kiev Office (promotion of ecological and urban agenda, support for research and practical seminars dedicated to revitalization of heritage buildings)

CANactions School, educational platform with offices in Kyiv and Amsterdam (co-financed by the Creative Europe Program of the EU and Western NIS enterprise fund) – education for integrated urban planning, public programs, international architectural and urban planning festival, professional competitions in architecture, publishing house. Promotes re-use of buildings and revitalization of cities through participation.

Agency for the Development of Private Initiatives, co-financed by the UK Embassy in Ukraine, driving force of the initiative of cooperation of 25 NGOs for the support of local communities with historical heritage (started in 2018).

Culture – Arts
At the moment, the state policy in relation to creative industries is in its initial stage of development. The term "creative industries" was introduced into the national legislation in 2017. It includes visual, scenic, audio, audiovisual arts; design; literature and publishing; new media and IT; architecture and urbanism; advertisement, marketing and PR; libraries, archives and museums; traditional crafts. The relation between the creative industries and adaptive reuse of buildings is not so obvious on the level of national policies, but definitely present

in bigger cities such as Lviv and Kyiv. In 2017, the Lviv City Council announced about ambitious project of revitalization of 20 post-industrial complexes, with the main emphasis on creation of new spaces for the creative industries, small businesses and innovations parks.

Policies/programmes/strategies

Export Strategy of Ukraine (2017-2021): creative industries as one of important branches, also in the framework of Ukraine-EU Association agreement

Ministry for Economic Development and Trade – in late 2018 launched state grant program for stimulating innovation and invention, with special accent on links between innovation and market.

The Strategy of the Lviv Culture Development till 2025, http://city-institute.org/index.php/uk/stratehii/33-culture-strategy

Tools and financial mechanisms

Sector for Promotion of Cultural Industries in the Ministry of Culture,

Ukrainian Culture Fund – gives state funding on competitive base to the initiatives in culture and cultural industries.

Ukrainian Institute – the state institution aimed at promotion of Ukrainian culture in the world as a part of the Ministry for Foreign Affairs.

The use of international support substantially increased from 2014, when Ukraine joined ERASMUS program for students and scholars.

Culture and Creativity – EU Program

Support of British Council

Culture Bridges – EU-funded program (2017-2020) in the framework of Association Agreement between Ukraine and EU.

Environment

Challenges related to the national energy security (dependency on energy resources imported from Russia) are important part of the discussion and thus lead to growing awareness of the prospects of energy-efficient buildings. With growing expenses for public utilities, there is a bigger demand for renovation of the buildings in terms of heating systems and insulation. Thus, at the moment the discourse on modernization of the buildings is rather related to the issues of economy and saving money in the households, and not to environmental issues. Until recently landscape was interpreted as a natural complex, the definition of cultural landscape emerged only in recent years. In Lviv, the chief architect Yulian Chaplynsky actively promotes the green roofs as one of the instruments to deal with the challenges of floods after big rains.

Policies/programmes/strategies

State Program of "Warm" Loans: 4 state-owned banks provide loans partially reimbursed by the state and local budgets for energy-efficient modernization of both housing and organizations.

2016 – Cabinet of Ministers, "Concept for the Implementation of Mechanisms for Sustainable Financing of Energy Efficiency Measures": Energy Efficiency Fund was created.

Law 'On Fundamentals of the Ukrainian State Environmental Policy to the year 2020' and the Cabinet of Ministers decree 'On the National Action Plan on Environmental Protection to the year 2015'.

Law 'On the State Programme of the National Ecological Network in Ukraine in 2000–2015'

Tools and financial mechanisms

Bank loans for the energy efficient reconstruction of the building (as well as new construction of the energy efficient building) are very expensive in Ukraine and they require mortgage being 30-50% higher than the loan. Investment loans are mostly suitable for the already existing and well-functioning enterprises or for the housing development projects where the liquidity is guaranteed.

International support: EBRD program "IQ Energy" of funding the projects in energy efficiency and renewable energy sources.

18.6Trends for adaptive re-use in Ukraine

There is no centralized financial support of the heritage protection organs, so their activily is only financed from the local budgets is often is not a priority

There is no forma act describing heritage adaptive re-use

According to experts taking part in interviews in the last 10 years, the renovation on the monuments of national significance had no funding from the central budget (with the only exception of the year 2018, when some funds came for the renovation of 2 monuments in Lviv region). The Lviv city budget allocates money for the renovation of several dozen objects every year (75 in 2018 and 69 in 2019).

There is an international support including Polish Ministry of Culture and Heritage ("Polish cultural Heritage Abroad" program); German program GIZ (Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH); charitable auctions; private donations.

now the idea is discussed in the Ministry of Culture: to create a special fund for support of the monuments made up of the fines paid by those who violated the law in the construction and development.

Among the positive trends, one should mention the creation of the Centers for Administrative Services where every citizen can more easily get the documents related to property rights for buildings and plots. The procedure of getting permissions for the construction works also is simplified. Much bigger state investments into infrastructure, especially road construction, is also among the positive factors (from 2015, with creation of special Road Fund).

There is not so much cooperation between different business actors, and therefore the revitalization of big objects (such as former industrial buildings) is scattered and chaotic. There are big holistic plans of revitalization from big

developers, but they don’t cooperate too much with small businesses and creatives. This process of dialogue is only on its initial stage in Lviv. One of examples of revitalization is REMA factory (in fact squatted building), where many business initiatives and creatives work, but the owner is not cooperative (in fact does not communicate with the initiatives), so the community intends to move to another building with more open owner – leaving everything done in REMA behind. Example of good practices are Jam Factory, OpenHeritage observatory case and Tram Depo.

19 Annex Country Sheet Netherlands

Guidance: This datasheet has 5 sections. OpenHeritage looks at adaptive re-use of heritage buildings. This datasheet is to understand relevant national policies around this, with explicit instruction that

- Heritage is considered in the *broad* sense, beyond listed buildings / formalised heritage. For this analysis we need to make a distinction between formalised forms of heritage (e.g. listed buildings) and broader interpretations (e.g. historic environment)
- Adaptive reuse meaning any reuse/repurposing of any building (heritage - but in the broad sense) for which there have to be changes to the (material) aspects of the building

Template is to undertake a critical policy review, by collecting data that describes the formal structures, i.e. someone not familiar with the planning / heritage / funding structures in the country you are describing has to be able to understand the system.

The result is that should be able to

- Better understand national frameworks we operate in,
- Identify bottlenecks & barriers, as well as supportive measures & good practice;
- Gain overview of all countries, regionally, typologically, and per thematic framing. To understand other contexts; learn from other contexts
- Contextualise the specifics and learnings from Observatory Cases & CHLs

To do this we:

- Collect data per country (combined for 3 Task Themes),
- Map out different models and approaches across the countries involved (so we can develop a typology later on)
- Keep in mind, while we want this overview and will thematically analyse it, the collection is for contextualising and understanding more than comparison

If you have questions about the template, please consider who best to contact in relation to the topic of you question (as related to the Tasks)

Loes (loes.veldpaus@ncl.ac.uk) for general guidance on the template, and questions on the parts that relate to institutional and regulatory context of adaptive heritage re-use

Dominika (dominika.p.brodowicz@gmail.com): Funding mechanisms and economic models:

Federica (federicafv@gmail.com): Territorial development and architectural regulations

SECTION I: POLICY OVERVIEW

Some definitions as they are used in the countries legal framework / policies (formal definitions, which could be different from the definitions used by interviewees)

The new Dutch Heritage Act (2016) is online in English – with many definitions / details see: http://ehhf.eu/system/files/Dutch%20Heritage%20Act%202016.pdf

Some of the most relevant ones:

Archaeology: archaeological monument: a site that forms part of cultural heritage due to the remains, objects, or other traces present there of human presence in the past, including said remains, objects, and traces; archaeological find: a remain, object, or other trace of human presence in the past originating from an archaeological monument;

Cultural heritage: tangible and intangible resources inherited from the past, created in the course of time by people or arising from the interaction between human and the environment that people, irrespective of the ownership thereof, identify as a reflection and expression of continuously evolving values, beliefs, knowledge and traditions, and that offer a frame of reference to them and to future generations; [legal definition in Heritage Act 2016]

The introduction to the act states: The Netherlands has a rich cultural heritage. It can be found throughout Dutch society: in the country's numerous museums and historic town centres, in the countryside, in the soil, and – as intangible heritage – in traditions, rituals, and stories. Cultural heritage also manifests itself in many different ways. It comprises the entirety of tangible and intangible resources, created in the course of time by people, that give expression to continuously evolving values, convictions, knowledge and traditions, and that offer a frame of reference to present and future generations. […] Cultural heritage is also an important source of inspiration for innovation in design and spatial development. Attention to our cultural heritage has become an essential part of discussion of the quality of the living environment. It is also important in science and scholarship, and can form the basis for research. But that is not all. Cultural heritage is also of major economic value. […] cultural heritage represents an important social value that demands our attention. That involves not only maintaining it but also making it accessible, learning about it, and utilising it in the further development of our country.

Cultural object: a movable item forming part of cultural heritage;

Ensemble: a national monument with cultural objects designated pursuant to Section 3.13;

Ecclesiastical monument: a monument that is owned by a religious association, an independent part thereof, a body in which religious associations are united, or another spiritually-based association and that is used exclusively or predominately for the shared profession of religion or belief;

Monument: immovable property forming part of cultural heritage;

Museological cultural object of the State: a cultural object of particular importance that is owned by the State or whose care is entrusted to the State;

Maintenance: necessary regular work intended to preserve monumental value;

Restoration: work that goes beyond normal maintenance and that is necessary for renovation;

National monument: a monument or archaeological monument that is listed in the National Monuments register

The anticipated Environment and Planning act includes the following definition of '**Cultural Heritage':** Monuments (listed buildings), archaeological monuments (remains), protected town or village conservation areas, and urban and cultural landscapes, are always part of cultural heritage. Immovable and intangible heritage are only part to the extent that they can be directly or indirectly subject to the allocation of uses (or special regulations) to locations (by this they give the following example: special rules for a port with historic ships, assigning a use to a location that is associated with a (local) public traditions/practice that is classified as an intangible heritage

Conservation (there is no formal definition in the act) seems understood as the care fore, and protection of monuments (including archaeological monuments), urban and village conservation areas, and human-made landscapes

(Heritage) Significance / Value: heritage is considered to be of general interest because of its beauty, scholarly significance, or cultural-historical value. The latter is often used since the Belvedere programme (1999 cultural heritage policy), and is closely related to re-use as it refers to the idea that the wider cultural (social) history has value we can use (using the past in the present). The Belvedere policy was all about how it should be used in future designs / plans. This is often done in the form of material (adaptive) reuse, but can also be based less material pasts, such as in the reuse of landscape structures, practices, traditions, stories, concepts, typologies, colour schemes etc. So in practice this operational definition will be a common connotation

Adaptive reuse: in Dutch: herbestemmen (verb) literally means giving a new 'destination / designation' or to re-assign, but is normally translated to the physical re-use or adaptive re-use of buildings / structures. The word *herbestemmen* in particular refers to giving a new use to an old(er) building. This includes, but is not limited formal 'monuments', (cultural) landscapes, or human-made structures, or to (conservation) areas.

There is now also a register of intangible (immaterial) heritage to which you can apply. Online via: https://www.immaterieelerfgoed.nl/en/

ANNEX COUNTRY SHEET EXAMPLE NETHERLANDS

<table>
<tr><td colspan="2">Governance of (insert topics below) In relation to adaptive re-use of the historic built environment (applicable to formally listed heritage sites as well as the wider historic environment)
The content has not changed since Barcelona, but the different levels of governance are now following each other rather than next to each other, to make the template a bit more ‘workable’</td></tr>
<tr><td>What are the main issues / structures in planning, land-use (including things such as (land) ownership, common law) that influence, steer, or legally structure how/what/when adaptive re-use practices can (or cannot) happen.
Also think about territorial integration (or the lack thereof), are levels of governance connected / integrated, is there overlap/ integration with other parts of this framework (e.g. heritage, finances)
Please add details per topic / color, and add ±500 words description / per level of governance, to explain how the system works.</td><td>NATIONAL LEVEL – [NETHERLANDS]
Context / trends / principle
• The Netherlands is comprehensively regulated with rather powerful and well-resourced municipalities as part of a three-tier governance system of national, provinces and municipalities (Dühr et al., 2010; Organisation for Economic Co-operation and Development, 2017)
• Urban planning follows these levels of governance on the principle of subsidiarity. Discretionary powers for spatial development are focused primarily at the municipal level, but the hierarchical planning system limits the policy freedom municipalities have (Roodbol-Mekkes and Brink, 2015)). Municipalities are obliged to produce legally binding land-use plans (bestemmingsplan) for the whole of their territory which give a high degree of control over the development process (Buitelaar and Sorel, 2010)which have a wider remit, including heritage.
• In addition to detailed land-use designation plans are required to explain how objects and structures with ‘cultural-historical values’ are taken into account, going beyond what is formally listed and protected. Combining planning and heritage regulation, the historic environment of Dutch cities is tightly regulated.
• A new Environment and Planning Act to be implemented (Omgevingswet) is due to replace the land use plan with ‘environmental plans’ for all three tiers of governance (expected 2021), and some cities are already piloting parts of this. This Act is expected to provide more flexibility and chances for adaptive reuse, as now the system is still very much built on permitting and reviewing, the new Act would be more open, and support pro-active behaviour of local authorities. To some extent this is formalising / consolidating and further facilitating the ways some are already working. But for many local authority officers this will not be easy, as they are used to different ways of working.
• Plans are self-binding—i.e. plans of an upper level government are not legally binding on that of a lower order one, in case of disagreements between levels of government, the provincial or national government can issue ordinances that request a change in lower level plans to conform to higher level plans. If the lower level does</td></tr>
</table>

	not comply, it can be forced through directives ordering it to do so. • Horizontal coordination at all three levels of government occurs through the legal requirement to coordinate spatially relevant decisions between the responsible public authorities at the respective level of government. • In 2008 the 'old map' of Netherlands was developed (a publication + actual vacancy map Dutch only, (Harmsen, 2008)) to start to inventory vacancy in the country. It very quickly became clear that there was a vast number of empty buildings to be reused. This was a first step in matching them with future users, and because the crisis meant the building industry wasn't very active, those empty ones became attractive. **Main actors (who & what they do)** • **Ministry of Education Culture and Science** (Ministerie van Onderwijs, Cultuur en Wetenschap) are responsible for heritage, especially through the Cultural Heritage Agency (RCE Rijksdienst Cultureel Erfgoed) one of their main programmes over the past years was heritage & planning "Erfgoed en Ruimte" (2012-2018) (de Boer and Visie voor erfgoed en ruimte project group, 2011; Rijksdienst voor het Cultureel Erfgoed, n.d.; Zande and During, 2010) • **Ministry of Infrastructure and Water Management** (Ministerie van Infrastructuur en Waterstaat) are responsible for spatial planning. Research support by Netherlands Environmental Assessment Agency (Planbureau voor de Leefomgeving) for example https://www.pbl.nl/sites/default/files/cms/publicaties/PBL_2016_The%20Europeanisation%20of%20spatial%20planning_1885.pdf • **Ministry of the Interior and Kingdom Relations** (Binnenlandse Zaken en Koninkrijksrelaties) is responsible for Spatial Planning (Ruimtelijke Ordening) since late 2017, and they coordinate various programmes around national spatial planning e.g. the Multiple year Infrastructure, spatial planning and transport programme, 'REOS' the spatio-economic development strategy, working towards a National Environmental-planning vision (Omgevingsvisie). These programmes frame adaptive reuse by for example focussing on accelerating the sustainable transformation of inner city areas (densification of & transformation of buildings) to increase attractiveness, supported by increased connectedness (digital and transport) • **Ministry of economic affairs >>** Central Government Real Estate Agency (rijksvastgoedbedrijf) With about 90.000 ha. Of land and 12 mln. m² floor space the Central Government Real Estate Agency is the largest land & property owner in NL.

	This includes many listed buildings too, see: https://english.rijksvastgoedbedrijf.nl/about-us/current-and-future-priorities they also employ the Chief Government Architect and their advisors, and 'atelier'. They advise central state on urban themes such as energy and climate, mobility and urbanization, and the Dutch landscape (agenda 2017-2020). **Act(s) & codes** • **Current Act:** Spatial Planning Act (Wet Ruimtelijke Ordening) https://www.government.nl/topics/spatial-planning-and-infrastructure/spatial-planning-in-the-netherlands is the current Spatial Planning Act. • There are structure plans and land-use plans. Structure plans are required (by law) for all three levels of government, they outline the main spatial policy objectives and the policies to pursue them. All spatial and land-use plans in the Netherlands are publicly accessible via a national web portal https://www.ruimtelijkeplannen.nl/ (NL) • **Upcoming Act** Environment and Planning Act see https://www.government.nl/topics/spatial-planning-and-infrastructure/revision-of-environment-planning-laws and https://www.coe.int/en/web/herein-system/netherlands The aim is to integrate and simplify environmental legislation (e.g. on land use, residential areas, infrastructure, the environment, nature and water). It aims for fewer regulations, less studies to conduct (for businesses), a one-stop-shop, smoother and faster process. The Act is also more in line with European regulations and allows more room for private initiatives. • Heritage will be split between the Heritage Act (archaeology, collections, national listing, subsidies) and the (upcoming) Environment and Planning Act (built environment / environment plan, permits for changes to monuments and conservation areas, local listing) • This new Environment and Planning Act uses a broad definition of heritage, including built heritage, archaeology, conservation areas and cultural landscapes; it aims for an integrated landscape based approach to planning all brought together in the 'environment vision' (omgevingsvisie), to describe development and ambitions. The land use plan will become the environment plan (omgevingsplan). Some additional relevant Acts • **Squatting and Vacancy Act (2010)** makes squatting is prohibited. Until 2010, the

	so-called one-year period applied, which meant that buildings that had been vacant for more than a year could be squatted legally. However, it is very important for the Public Prosecution to know what the intentions of the owner for vacant building are to decide on the urgency of eviction and possible prosecution. • The **'crisis and recovery act'** (2010, first as a temporary measure, but now it is consolidated) in combination with 'Environmental Law Decree' (Besluit OmgevingsRecht BOR) increased a wider range of temporary use making it possible to giver temporary permission for a use that doesn't suite the land-use plan (for timespans from 1 day up to 10 years). • **Nature Protection Act and the Flora and Fauna Act:** protection regimes apply to specific areas and to special plants and animals. In buildings this can for example apply to bats and ferns. **Policies / programmes / strategies** • **Planning policy:** Central State goals for planning are set out in the **National Policy Strategy for Infrastructure and Spatial Planning** https://www.government.nl/topics/spatial-planning-and-infrastructure/documents/publications/2013/07/24/summary-national-policy-strategy-for-infrastructure-and-spatial-planning This has a clear stance on heritage: "*guarantee a safe environment in which it is pleasant to live, and in which unique natural and cultural heritage values are preserved*" is one of the three main aims in the policy (pp8). • There is a Dutch Multi-Year Programme for Infrastructure, Spatial Planning and Transport (MIRT) https://www.mirtoverzicht.nl Significant investments are being made by central state in infrastructure and the Delta / water, in a wider context of climate change – there will be possibilities for funding / working within this wider framework. **Planning tools** • The land use plan will become the environment plan (omgevingsplan), integrating various 'layers' of designations (including heritage and use), local listings will be made through this plan, as well as an assessment framework for demolition of property in conservation areas.

Barriers / Bottlenecks / Guidance & Good practice

- Since the 2008 crisis municipal land use plans tend to become more flexible in terms of changes of use, to facilitate and stimulate private initiative. This more flexible approach to land-use however, is in some cases accompanied by stricter guidance on physical change for listed buildings, running counter to national deregulation efforts from 2010 to enable 'permit free building' (vergunningvrij bouwen) to maintain important heritage sites for their instrumental value (in terms of visual attractiveness for e.g. tourism, real-estate value,….) by safeguarding the, from any potential adverse consequences arising from a more commercial approach.
- **Reality / practice doesn't necessarily follow the ambition**, so within the wider national policy landscape, not everyone is tuned into a new and flexible approach (yet).
- There is an online '**Atlas Living Environment'** commissioned by the Ministry of Infrastructure and Water Management the aim is to provide a thorough overview and up-to-date and correct information on environment and health, by means of maps, example projects, and explanations. A reduced version operational in English https://www.atlasleefomgeving.nl/en/home The Atlas is to reduce work for professionals and supports collaboration (it is also an online participatory platform).

SUBNATIONAL LEVEL – [NORTH HOLLAND]

Context / trends / principle

- The province of Noord-Holland is 1 of the 12 provinces the Netherlands consists of.
- Amsterdam (the Capital of NL) is located in this province.
- There is a strong tourism industry, and mainly because of Amsterdam, also a strong business climate in the province. It has just under 3 million inhabitants
- Some further numbers here https://www.noord-holland.nl/English/Province_of_Noord_Holland
- For looking at adaptive reuse, it would be strange to separate planning and adaptive reuse, as they are actually working on integrating these, and present them as a comprehensive way to develop regional identity.

Main actor (who & what they do)

- **Provincial government** has some planning authority, but only when there is a

	regional (supra local) component such as water, ecology, housing, infrastructure. The province coordinates issues that transcend municipal boundaries (in their structural visions / plans), and it develops regional policies (e.g. spatio-economic, culture, ecological) in conjunction with these. **Act(s) & codes** N/A **Policies / programmes / strategies** • All provinces have to develop regional plans (structuur visies) to make sure local plans relate to each other. Noord Holland, is already anticipating the new Environment and Planning Act and just accepted the 'environmental vision' this new act will require called "Omgevingsvisie NH2050" in which "adaptive reuse of heritage and other valuable buildings" is seen as essential to develop strong (er) regional / local identity. The Provincial Spatial Regulations (Provinciale Ruimtelijke Verordening, februari 2019) explain what municipal land-use plans have to adhere to (including heritage). • The main cultural policy in Noord Holland towards re-use is the "Culture in Development" 2017-2020 (Beleidskader Cultuur in Ontwikkeling 2017-2020) of the province has 3 main points, all of them are directly related to (and to some extend regulated in) the planning context 1) transformation of the cultural landscapes, 2) reuse, development by protection; 3) regional direction for cultural facilities. Two are directly related to supporting the integration of cultural history in development, directly informing / encouraging transformation and reuse **Tools** There are various tools for adaptive reuse > see heritage **Barriers / bottlenecks / Guidance & good practice** There is a strong supportive framework in the province for adaptive reuse > see heritage **LOCAL LEVEL – [AMSTERDAM]** **Context / trends / principle** • Transformation has been a point of attention within the municipality of Amsterdam since 2003. The financial crisis led to an increase in vacancy, with the benchmark as 2015 in which almost 1.3 million m² gross floor area was vacant. In the meantime,

	space in the city has become scarcer and the vacancy rate has fallen to 700,000 m² gross floor area. In January 2018, the vacancy rate fell from 18% to 10%. The office vacancy rate fell sharply to 8.8% 1 in January 2019, due to transformation, little new construction and a constantly growing economy. • Amsterdam is currently experiencing a period of strong growth. Not through expansion, but by absorbing the increase in population through densification. Re-use is at the core of their plans. • They want to create highly urban environments, attractive, and sustainable, balancing its position as a global city, while retaining its local character and qualities. **Main actor (who & what they do)** • The main actor in planning is the Local authority >> Amsterdam used to have sub-municipal' (borough) councils that would be responsible for planning and heritage in that borough, but they lost a lot of their decision making powers (2014/2015), in an effort to (re)centralise policy/decision making, and a large-scale reorganisation of Amsterdam's civil service (2015) resulted in the creation of an 'Spatio-Economic Cluster' (Cluster Economie en Ruimte) and the department on Spatial / Sustainable planning (Ruimte en Duurzaamheid) for all of Amsterdam. • Integrated area teams are working together per urban district, as well as special project teams for large-scale urban projects, and 'team-city' covers wider Metropolitan developments. • The daily practices of urban development in Amsterdam are now mostly organised around those area teams, and area plans (agenda setting 3 to 4 year cycle, and annual action plans) which focus on a broad understanding of spatial quality. • Area-led governance structure is set up to create urban development partnerships in which heritage is represented by someone throughout the entire process. As such, heritage officers are well positioned to provide advice on how to deal with the significance of heritage in planning and projects from early on in the process. **Act(s) & codes** • The acts are national / land-use plans etc are legally required / binding planning policy • The land-use plan is the main planning policy framework locally, framed in wider metropolitan or regional / provincial plans, as well as the national plan. (Amsterdam has hundreds of land-use plans)

	• Parking standards used to be set on the basis of the Building Regulation. Nowadays parking standards are more tailored (and thus negotiable) and set in land use plans or in its additional written policy. **Policies / programmes / strategies** • There is a raft of policy / programmes in Amsterdam for some overview see • https://www.amsterdam.nl/bestuur-organisatie/organisatie/ruimte-economie/ruimte-duurzaamheid/making-amsterdam/ • The current structural vision of Amsterdam focussed on economic growth https://www.amsterdam.nl/bestuur-organisatie/organisatie/ruimte-economie/ruimte-duurzaamheid/structural-vision/ , but 'transformation is one of the thematic focus points. Between 2015 and 2018 the 'Land and Development' department of Amsterdam had a 'transformation program' with the aim to develop new homes through transformation of vacant (office) space. In 4 years, they have facilitated the creation of almost 6,500 homes through transformation, and more than 700,000 m² of vacant real estate was re-used for housing and hotels. Adaptive reuse in this case, did not necessarily have a 'heritage' link at all. • There is a metropolitan agenda for the city which encourages re-use of heritage because of the metropolitan identity https://www.metropoolregioamsterdam.nl/pagina/20170515-mra-agenda-english *"A smart and innovative metropolis needs a vital cultural life and attractive landscapes which offer a broad range of recreational possibilities and nature experiences. With regard to culture we are focusing on harmonisation and reinforcement of the cultural menu, among other things by finding new cultural functions for vacant monuments"* • Almost all of the policy and regulations that determine what can happen in a specific locations will be indicated in a lot of detail in the plans & regulations, as well as the 'written explanation' that comes with the land-use plan (this will be substantial documents, with a chapter on cultural heritage) • Amsterdam has an extensive spatial quality (more specifically aesthetic quality) policy (welstandsbeleid 'Beauty of Amsterdam') that includes heritage value but is also planning policy, as it indicates (by means of maps & detailed descriptions) which areas are valuable (what, where, why, how much). It sets general aesthetic quality objectives per area (not only conservation areas) • The policy includes a flow chart explaining the general process & which criteria apply

	when it comes to changes to the built environment. Every application for an environmental permit for the construction of buildings must be assessed against these 'reasonable requirements of welstand' (spatial quality). http://www.crk.amsterdam.nl/media/documenten/deschoonheidvanamsterdam2016.pdf • Every application for an environmental permit (see below) for the construction of buildings must be assessed against 'reasonable requirements of welstand' (spatial quality). Some local authorities indicated 'welstandsvrij' areas (the specific policy doesn't apply) but not for conservation areas. Equally 'permit free' regulations (see building regulations below) will not apply when it is a conservation area / listed building (except when it comes to changes to the interior). • There are quite some national programmes to stimulate / strengthen the (economic) position of Amsterdam region in European context, to help Schiphol grow etc, these are very specific for this area, and are part of the reason for economic development pressures on the Amsterdam area. So Amsterdam is by no means illustrative for the Dutch situation. **Planning tools** • https://maps.amsterdam.nl database / creating maps for public use • https://maps.amsterdam.nl/monumenten/ for example map of all the listed buildings • The interdisciplinary committee 'quality of space' (ruimtelijke kwaliteit) is one of the main 'tools' to monitor and assess quality of developments • Amsterdam always tries to develop new tools, for example a new type of value-maps, to value urban heritage based on a combination of its urban design / ensemble qualities and its architectural value was felt necessary in post war context. (New as a tool that combines planning& building but they do not really go beyond the remit of aesthetic / historic value, they do not really take into account social or community value for example). • Amsterdam operates (not common in NL) on a ground lease system (erfpacht; although currently under pressure / criticisms) **Barriers / bottlenecks / Guidance & good practice** • An extended case study done by OECD on Amsterdam land use policies & governance in 2017 to be found here https://www.oecd.org/regional/regional-policy/Amsterdam-

	Policy-Highlights-EN.pdf • The evaluation of the transformation programme provides various recommendations: • Being the point of contact for administrators, services, projects and market parties and establishing connections between these parties. Organize expertise for area, to keep up with the shift from object to area transformation ; • Steering on quality instead of quantity. Steering by program, sustainable development, socio-cultural facilities and mixed residential work areas including maintaining office stock; • In the transformation areas ensure uniformity of working methods, knowledge sharing and coordination in knowledge development; • Supporting transformation by providing process costs for the transformation manager or team and advising and coordinating the transformations; • Monitoring vacancy, transformation at regional level and planning office stock, future vacancy can be better anticipated. • For more (in Dutch) see https://www.amsterdam.nl/ondernemen/investeren/kantoren/transformatie/
Heritage, this about a wide interpretation of heritage listed, not-listed or not-yet-listed, as well as different conceptualisations of heritage (that may have different legal implications, (e.g. archaeology, buildings, landscapes, … tangible / intangible) Please add details per topic / colour, and add ±500 words description / per level of governance, to explain how the system works.	**NATIONAL LEVEL – [NETHERLANDS]** **Context / trends / principle** • The formalization of statutory heritage protection occurred with the 1961 'Monumentenwet'. This provided for a national 'Register of protected monuments and historic buildings', which included the possibility of designating 'protected townscapes', enabling the conservation of areas, and directly linking planning and conservation. Townscapes (conservation areas) are designated nationally, but depend on local authorities drawing up a conservation-led zoning plan for the designated area. This forges a direct link between the central government (designation and listing) and municipalities (land-use planning) (Janssen, 2014; Janssen et al., 2017, 2012) • Relatively small-scale incremental revisions reflecting a degree of deregulation, decentralization, a more instrumental view of the role of heritage and its use in the urban economy and the broadening of the heritage concept have occurred in recent decades (e.g. revised Monumentenwet 1988; Ministerie van OCW, 1999;2009;2011) and policy changes for heritage are subject to 'administrative pragmatism' (Needham, 2014) and what Janssen et. al. (2017) call legal 'stretching' by expanding the interpretation through national policy documents (Belvedere, 1999; Character in

	Focus, 2011; Heritage Counts, 2018), rather than the replacement of the system. • A key initiative has been the non-statutory 'Belvedere Memorandum' (Ministerie van OCW, 1999) and programme (1999-2009) that sought to shift both the AHD of Dutch heritage and the conservation-planning assemblage. Through a targeted investment programme that eventually encompassed some 400 projects, a more proactive approach to heritage management was sought, including greater integration with spatial planning and public engagement and participation (Janssen, 2014). • Belvedere also reflects a move from a 'culture of loss' to a 'culture of profit', seeking to foster socio-economic development through a process of capitalizing on 'cultural-historical values' through design and spatial planning, and forging further alliances between government, institutions, entrepreneurs and the public (Bosma, 2010; Kolen et al., 2015) • The Belvedere approach has been widely adopted in the Netherlands, extending beyond the funded projects. • Belvedere wanted to extend conservation-planning to more directly relate heritage protection to wider urban management and spatial planning goals, as well as capitalising on its value by means of (urban) design. The adoption of Belvedere principles can be seen in the adoption of integrated plans that bring all heritage sectors together, achieved in the later years of Belvedere, before the 2008 crisis. This already included re-use of heritage, but the focus wat on integrating policies. • Since 'Modernising the care for Monuments' policy programme (started after belvedere in 2009) there has been a very clear steer towards reuse, of historic buildings, as well as, using histo-cultural structures, values, and interests in spatial planning and development. • More recently the emphasis has moved to a focus on the economic contribution of heritage and its use in creating value. Underpinning this is an emphasis upon the commercial potential of tourism specifically. The aim is also to strengthen city's identity and use heritage as a tool for city marketing. **Main actors (who & what they do) and Partnerships** • **Ministry of Education Culture and Science** (Ministerie van Onderwijs, Cultuur en Wetenschap) are responsible for heritage, especially through the Cultural Heritage Agency (Rijksdienst voor cultureel erfgoed (RCE) (online via https://english.cultureelerfgoed.nl/). • Since policy integration was aimed for since the late nineties, there have been

	various 'planning' oriented programmes ran by RCE. One of their main programmes over the past years was heritage & planning "Erfgoed en Ruimte" (2012-2018 https://erfgoedenruimte.nl/ Dutch only) through which they furthered the Belvedere Agenda , which was also supported by the national policy 'character in focus'). Another important programme was 'National Programma Herbestemming (national adaptive reuse programme https://www.herbestemming.nu Dutch only) which they formally ran between 2010 and 2015, and continued in its own right. • RCE themselves indicate their main collaborative partners (aside from all levels of government) to be the housing cooperation's, heritage institutes, knowledge institutes, and businesses. • As mentioned above**, Central Government Real Estate Agency** (rijksvastgoedbedrijf; part of Ministry of economic affairs) is an important player too, not just because they own property, they also stimulate new approaches /reuse. They for example set up / stimulate partnerships to develop existing buildings they own, and lead by example also in adaptive reuse e.g. Rijnstraat 8 (https://www.dezeen.com/2017/10/31/oma-rijnstraat-8-remodelled-government-offices-the-hague-renovations/ and B30 https://arcspace.com/feature/b30/) In these projects they explored new partnership forms (e.g. DBFMO, Design Built Finance Maintenance and Operate – not used for re-use until this project in NL) they also commissioned a character assessments (e.g. their own offices Rijnstraat 8 The Hague (Veldpaus and Colenbrander, 2011)) to inform changes to the building, even though the building was not listed, and only finished in 1992. The Chief Government Architect team advise central state on urban themes but their team also selects architects/ artists for new construction/commission and renovation of government real estate, and does research into possible re-use of buildings and grounds that the government no longer needs. In that role they have the opportunity to 'lead by example'.
	Act(s) & codes
	• Heritage Act (Erfgoedwet, 2016) (Koninkrijksrelaties, 2017) see https://cultureelerfgoed.nl/sites/default/files/publications/heritage_act_2016_1.pdf In 2016 a new overall Heritage Act (Erfgoedwet) was implemented. The Act lays down rules governing the disposal of cultural property and collections by government authorities. It places a duty on the Minister for Education, Culture and Science to add

	high-quality items of cultural property or collections to the national collection if the owner is no longer able to look after them and wishes to donate them to the State. This act is online also see http://www.ehhf.eu/news/new-integrated-heritage-act-netherlands and https://www.coe.int/en/web/herein-system/netherlands • Central government is responsible for the legal structure and national policies. They list nationally (listed buildings and townscapes). They develop the regulatory system by means of policy monitoring, and gathering evidence based (research and information). They are also responsible for European and World Heritage (which is protected using the existing heritage and planning systems, World Heritage will become legally embedded in the new Environmental Act) • Movable heritage and national listings are organised in the Heritage Act (2016). The designation of conservation areas and heritage in our direct 'living environment' will be dealt with in the context of the New Environment and Planning Act as soon as it comes into power, parts of the old 'monuments act' as well as the local integration in land use plans will cover this until then. • Aside from this heritage act, you have to comply with building regulations when (re) developing heritage (see building regulations) **Policies / programmes / strategies** • The Belvedere approach – was effectively consolidated through various programmes, eventually in the new Heritage Act of 2016 and the latest government policy (Heritage Counts: Ministerie van OCW, 2018 (OCW, 2018)) promises a significant investment in heritage, there is a strong focus on the importance of heritage (or more specifically 'cultural history') for the local economy, its potential for creativity and the creative industries, and upon stimulating volunteering. • The new "Heritage Counts the significance of heritage for society" Erfgoed telt - De betekenis van erfgoed voor de samenleving Programme of the central government very strongly promotes to go beyond restauration and preservation by encouraging creative reuse of heritage (listed and not-listed) to stimulate and operate in, local economy, wider quality of the environment, and local identity. The focus is on heritage for current and future generations; positioning heritage in our daily living environment, and attention for the social and societal value, the 'binding force' of heritage (community building, connecting). Various catchphrases are used e.g. from *collecting to connecting*, from *stones to stories*, from *object to environment* and from *buildings to uses* to describe the transitions they imagine for how to think about

	heritage. The national policy programme "Heritage Counts" comes with €325 million investment over 4 years (2018-2021), that is explicitly meant for encouraging reuse and renovation, through fiscal measures, focus on crafts and skills, development of norms and guides for reuse and sustainability measures for heritage, integration of heritage in environment act, delta programme, energy and climate deal (Green deal) • Special focus at the moment is on the reuse of church buildings and farms as they are seen as particularly vulnerable to disappear if not reused. Another focus is the province Groningen as this is an earthquake damage prone area due to gas drilling. • The heritage monitor 2018 defined the partners including housing cooperation, heritage organisations, knowledge institutes, commercial partners [https://erfgoedenruimte.nl/sites/default/files/news_attachments/Vouwblad_De_oogst_van%20Erfgoed_en_ruimte.pdf] **heritage / conservation tools** • There is a Monuments Register for national listings (about 62.000, of which about 25.000 are not residential) and there is a register of nationally listed conservation areas (beschermd stads- of dorpsgezicht) https://cultureelerfgoed.nl/dossiers/stads-en-dorpsgezichten/kaartinformatie • Once every 4 years there will be a 'heritage balance' report to monitor the state of heritage > data collected publicly through 'heritage monitor' https://erfgoedmonitor.nl/en • There are also provincial and local listings possible, protected under the same framework Act, but designated locally and regulated by a provincial or municipal Erfgoedverordening (heritage statute / regulation) as well as through local land-use / provincial structural plans in some cases. • There is also a separate register of Intangible heritage https://www.immaterieelerfgoed.nl/en/ • But there is no legislative framework in place for protection **Barriers / bottlenecks / Guidance & good practice** • The heritage agency develops brochures and publications for the support of heritage / conservation / reuse – many also in English (even though only accessible via Dutch part of the website https://www.cultureelerfgoed.nl/publicaties) • As mentioned, National Heritage Agency (RCE) ran a specific programme on adaptive reuse (2010-2015) as part of it there was a National H-team set up to really go into

	detail on what could be changed in the detail of building regulations and to make them more supportive to reuse, and to give advice in reuse projects. They also worked on increasing public attention for reuse, and link to the thematic of sustainability and shrinking cities. Various publications and also online 'best practice' cases via hebestemming.nu • At the same time as the H-team was established, the national heritage agency set up a new subsidy to fund feasibility studies, relatively small amounts (the 'fuss' of applying, makes it less attractive for large scale developers) for small scale developers / private initiatives to find out if a reuse project would be feasible. In conjunction funding became available to make the building wind and water tight (urgent works) to avoid further deterioration and have time to gather more funding to make the reuse project feasible. • Reuse is stimulated in many ways in the Netherlands, the website https://www.herbestemming.nu for example provides a details overview of the processes of what legal frameworks to consider when it comes to (adaptive) reuse, and they also develop what they call 'white papers' with experiences & suggestions as to how to approach reuse processes (e.g. focussed on e.g. legal site, temporary use, or sustainability, etc) • Other support organisations / websites / online sources for heritage are e.g. Stichting Erkende Restauratiekwaliteit Monumentenzorg (Certified Restoration Quality Monument Care Trust) is a platform where governments, clients and contractors work together and practice-oriented to achieve the highest possible quality in maintaining and restoring monuments. ERM manages the assessment and implementation guidelines as adopted by the Central College of Restoration Quality Experts (Centraal College van Deskundigen Restauratiekwaliteit). They disseminate the knowledge developed for these guidelines with websites, newsletters, publications and knowledge meetings. https://www.stichtingerm.nl/index (Dutch only) They for example recently did a sustainable monuments brochure https://www.stichtingerm.nl/doc/Waaier%20duurzaamheid%202019.pdf (Dutch only) • Erfgoedstem https://erfgoedstem.nl/ (Dutch only; The Heritage Voice) is a digital news platform for the Dutch heritage sector since 2007, through e.g. website,

	newsletter, and twitter. • There are also (social) developers such as BOEi (a social enterprise working in restoration and re-use of heritage) that offer a lot of information, examples, tips https://www.boei.nl/ (NL only). • There are many volunteer initiatives / organisations when it comes to heritage, and some have 'umbrella' organisation such as http://www.industrieel-erfgoed.nl/ FIEN Federation of Industrial Heritage in the Netherlands, or https://www.bhre.nl/ Trust Conservation and Re-Destination of Religious Heritage **SUBNATIONAL LEVEL – [NOORD HOLLAND]** **Context / trends / principle** • The provinces have a directing role and are responsible for provincial heritage (listen on provincial level, protected under provincial statute) they are to support regional initiatives and have some devolved power of dividing national heritage / renovation budgets in their province. • North Holland Province includes about 14.000 nationally listed buildings (about 8.000 in Amsterdam, but also 500 provincial listings and thousands of local listings. • NH is one of the 2 (out of 12) provinces who has a provincially listed buildings. • Noord Holland as a province is an important player in NL for heritage because almost a quarter of the national monuments are in North Holland, alongside almost half of the World Heritage sites located in the Netherlands. **Main actor (who & what they do)** • Provinces take an active role in heritage management, in the role of facilitator, and in some cases even in the role of developer • The other actors are local authorities, developers, local initiatives, land owners, third sector organisations **Act(s) & codes** • Erfgoed verordening Noord Holland is the required provincial heritage regulation, which is a legal framework for listing (and possible damages) , further filled in by policies. **Policies / programmes / strategies** • The coalition government deal NOORD-HOLLAND 2015 – 2019 (they just had

	elections, so an update will follow) has a chapter on heritage, stimulating heritage renovation and reuse, as they are deemed important as carriers of regional stories and imaginaries for visitors and residents alike. Their thinking is that positioning those buildings in this way means their economic value goes up, and the potential for investment and thus sustaining them into the future. • The province are willing to invest in (co-finance) reuse projects they think are exemplary. **heritage / conservation tools** • The province of Noord Holland has a team of 12 people working in what they call "Support service for monuments and archaeology NH" (Steunpunt Monumenten & Archeologie Noord-Holland). They are actively looking for projects to support. • A lot of the work is not 'in-house' but undertaken for the province by an advice & consultancy office (an independent Trust / social enterprise) https://www.mooinoord-holland.nl/ (BEAUTIFUL Noord-Holland) with a long history of working on landscape, urban design and planning, and heritage in the province. • In the context of the above mentioned policy the province have an online data base of example projects in the region, thematic (public) meetings & events, professional development and networking meetings for local authority officers, training, they developed an infographic to illustrate the process of adaptive reuse and the role one can take in this; and are funding a 'monuments mentor' (monumentenloods) who can support groups, individuals and local authorities in developing / facilitating reuse projects by connecting empty buildings and groups/initiatives looking for a location, their focus currently is on religious, rural, and industrial heritage. They can also provide advice around the criteria of planning, contracts, exploitation, and financing. • The province also offers an online tool 'signpost routes for monuments' which includes routes for restauration and maintenance, but also a route for making the historic environment more sustainable, and one for adaptive reuse. • They then offer feasibility study subsidies up to 50% of the cost (between 5000 and 10.000 euro) separate to the one the national agency offers. Not all provinces have the same regulations / offer. • The province is investing in this by investing in this monuments mentor position as well as central point for questions, as well as knowledge sharing, developing a 'toolbox' including legal, financial, strategic, procedural options / suggestions; and

	providing workshops / meetings to educate local authorities. **Barriers / bottlenecks / Guidance & good practice** • Monuments mentor(s) (Monumentenloods) as well as online procedural help / support the process of reuse, and connect vacant buildings & potential users. • There are collaborations between provinces (not Noord Holland) to stimulate adaptive re-use, for example https://www.herbestemmingnoord.nl/ this is a 'Knowledge Center' for reuse (supported by the Cultural Heritage Agency) to stimulate smooth sustainable re-use. Short procedures, low procedural costs as possible, maximising heritage values and characteristics, and optimising use of subsidies and other financing schemes. Similar to the monumentsmentor they also connect vacant buildings & potential users. **LOCAL LEVEL – [AMSTERDAM]** **Context / trends / principle** • The local government (municipality) has an executive role, and can regulate through the 'land-use plan' (bestemmingsplan) that is developed and enforced locally (in context of and aligned with provincial regional / structural plan & national plan) and includes heritage assurances, including a heritage 'layer' (double designation of use and cultural value). They can also list buildings /ensembles/areas locally (erfgoed verordening) and are the direct permit providers / enforcers. • There is a flexible attitude towards heritage (some typologies/locations more than others, industrial is usually fairly flexible for example, whilst historic core is stricter – the higher the development potential, pressure, and thus willingness to comply, the more strict local authority feels it can be). There is the willingness to negotiate deals between developers' interests and conservation requirements. • New stakeholders / users (e.g. higher education institutes, Port Company) take up reuse projects and bring their own knowledge and expertise (of development / approach to processes) to heritage management. • For more detail see also (Veldpaus et al., 2013; Veldpaus and Bokhove, 2019) • **Main actor (who & what they do)** • Local authority Amsterdam, especially bureau monuments and archaeology

	• https://www.amsterdam.nl/kunst-cultuur/monumenten/ • **Stadsherstel** is an important player in Amsterdam heritage / restauration world https://www.stadsherstel.nl/36/diversen/english/ This is company for restoration founded in 1956. It restores, and keeps into ownership and rents them out (currently over 600 houses and some twenty larger monuments, e.g. churches and industrial monuments – 6 of them for hire as e.g. wedding venue). Stadsherstel is a company with a social purpose; shareholders receive a modest dividend. The model had been copied in various locations in NL. **Act(s) & codes** • Erfgoedverordening Amsterdam (local heritage ordinance / regulation) to protect cultural historical values in the municipal boundaries (in conjunction with / addition to zoning plan) • In it the listing of municipal heritage is regulated, as well as municipal townscapes (conservation areas), it describes the municipal permit system / process for changes to local and nationally listed buildings, formalises the existence of spatial quality committee (Commissie Ruimtelijke Kwaliteit, previously welstand), and advisory body when it comes to listing and permits for changes to heritage • It regulated the 'above ground' cultural historical values in the zoning plan, and it states the requirements (ahead of changes to asset, zoning plan or project decision) to cultural historical research and archaeological, as well as the access to sites for such research ahead of archaeological research. **Policies / programmes / strategies** • The policy (Welstandsnota) De Schoonheid van Amsterdam (the beauty of Amsterdam) guides most of the thinking around urban heritage, this is informed by the 'Structural Vision for Amsterdam' and follows the focus on densification, transformation, and sustainability – a significant part of that can be done through re-use. There is a focus on facilitating private / entrepreneurial initiatives, as well as reuse of large scale (mostly from second halve 20th century) office blocks – as sustainable reuse rather than necessarily heritage framing. **heritage / conservation tools** • https://www.amsterdam.nl/beleidskadermonumenten/ the Amsterdam heritage policy framework is developed to assess proposed changes to listed buildings (local &

	national listings) it includes assessment criteria as well as technical directions for changes or repairs. They explain what is allowed and how this should be done. There are also specific directions per building part addressing for example the most common roofs in Amsterdam and what the technical specifications are (like roofs, specifications for slate, thatched, sink, copper, led, etc.) • There is also a website and a phone number to ask questions about this https://www.amsterdam.nl/kunst-cultuur/monumenten/veelgestelde-vragen/monumenten/richtlijnen/ • to make this process also more comprehensible / doable for when it comes to (adaptive) reuse of historic environment (and offer and demand in this context), the local authority has also formally appointed a Monumentsmentor (Monumentenloods) adaptive reuse projects – backed up by the team of conservation officers
	Barriers / bottlenecks Guidance & good practice • The push for 'transformation' comes from the urban development team, not the heritage team. It is not seen as a protection measure, but as a feasible way to develop the city sustainably, and effectively. • Heritage in this high pressure economy situation, has a lot of leverage, as the identity of the heritage areas is used to promote the city – so the role of the heritage department if more focussed on protection. The need for development is there in the wider urban area (one of the comments in an interview) benefits from more flexible attitudes. • In previous research, interviewees felt that the linkages between the plans for the wider urban landscape and the area plans could be improved. For example, the acknowledgement of heritage in the more abstract plans could go beyond the designated structures of heritage such as conservation areas, listed buildings, and archaeological areas. Heritage potential in, for example, the periphery, or developing wider urban or regional links could be explored. Despite this, there is also much common ground to work with, and while differences in opinion between urban development and heritage officers will remain, it is felt they are growing closer, and collaboration is considered vital by all interviewees. • The positive changes in working in the heritage department were to a large extent felt to be dependent on having 'the right people in the right positions'. For example,

	the more integrated way of working between the urban and heritage departments on projects is attributed to a few people 'leading by example' and really making an effort to put those ideas into practice and support those who were willing to contribute to the process of integration. As much as this is mentioned as a positive experience, being dependent on particular people is also recognised as a potential problem.
Buildings Main building codes and regulation, architectural as well as technical, e.g. seismic design; fire safety; physical accessibility; health & safety; modern (sustainability) technologies (e.g. insulation, acoustics, heating, PV panels). Please add details per topic / color, and add ±500 words description / per level of governance, to explain how the system works	**NATIONAL LEVEL – [NETHERLANDS]** **Context / trends / principle** • With the upcoming Environment and Planning Act, the permit will be integrated • The 2012 Building Decree entered into force on 1 April 2012. This successor to the 2003 Building Decree made redevelopment, the conversion of vacant buildings for another use easier – this was to stimulate re-use, and the result of lobby by the market and the H-team mentioned above. Under the 2003 Building Decree, a re-use plan had to meet 'new built' requirements, barring a few exceptions, unless local authority wanted to cooperate with a request for exemption. The 2012 Building Decree changes that principle. For most of all quality aspects, a 'renovation' level - regulations for renovation - has been introduced that states that the quality after the renovation may not be worse than the quality level that was permitted before the renovation. **Main actors (who & what they do) and Partnerships** **Act(s) & codes** • Permit needed is a so-called 'all-in-one permit for physical aspects' (Omgevingsvergunning) https://rwsenvironment.eu/subjects/general-provisions-0/all-one-permit/ • If you plan to refurbish, build, demolish or occupy a building, you must also comply with the **Buildings Decree 2012**. This decree contains the technical regulations that represent the minimum requirements for all structures in the Netherlands. This decree includes minimum structural requirements in the area of health, safety, usability and energy efficiency. • The Building Decree contains regulations for various situations: for new construction, renovation and for existing construction. Existing buildings must at least meet the requirements for existing construction, even if there is no plan to renovate. • Some further explanation here https://business.gov.nl/regulation/building-regulations; https://business.gov.nl/regulation/zoning-plan

	• In addition there will be municipal requirements regarding building regulations and external appearance of buildings (bouwverordening, welstandseisen e.g. the above 'Beauty of Amsterdam') and the land use plan (bestemmingsplan) include detailed rules on e.g. maximum permissible heights and widths of buildings, and other detailed building specifications / aesthetics which have to be seen in combination with 2012 Building Decree • For listed buildings there are options for less strict application (there is a fairly detailed explanation for how this works – of relevant I can translate), and it is stimulated to get e.g. fire experts in early on, to come up with suitable yet safe plans, with creative solutions that suite both heritage & regulations rather than the standard ones that often don't work. • If 25% or more of the building envelope (all facades + roof) is replaced, new build requirements will apply. • **Permit-free building** in some cases you may build without an all-in-one permit. You have to check with the municipality to see if this applies – but unlikely in conservation area or listed building. In any case you will have to observe the 2012 Building Decree. • As mentioned above the 'crisis and recovery act' (2010) made a wider range of **temporary use** possible, by providing the option of a temporary permission for use that doesn't fit with the land-use plan (for timespans from 1 day up to 10 years). The 2012 Building Decree sets less stringent requirements for the construction of a temporary structure than for a permanent structure. Temporary construction works must at least meet the requirements of existing construction • The rules for **the fire safety** of buildings are set out in the 2012 Building Decree. A building must always comply with the requirements set out in the 2012 Building Decree. If it concerns a building with an increased risk, such as a day-care centre or hotel, one must apply for an environmental permit for fire-safe use. • A **user declaration** is mandatory if more than 50 people can stay in a building, for example offices, restaurants or gyms. The municipality can set further requirements for both a user permit and a user report. This does not concern a higher level of requirements, but matters that are not elaborated in the 2012 Building Decree for the situation in question, and which are necessary from the point of view of fire safety. This may, for example, concern the capacity of escape routes.

	• **Asbestos:** Before the start of renovation or demolition work, it must be clear whether there is asbestos in the building, where the asbestos is and what the situation is (certified asbestos inventory company). If there is asbestos, the Building Decree requires additional measures. There can be co-finance schemes in pace, e.g. in 2017 and 2018 there was national subsidy for removal of asbestos roofs. • **Land Contamination**: Central government wants to tackle polluted places that pose a threat to people or ecosystems. For this, the government has (co)finance incentive schemes. The polluter or owner must clean the polluted soil as quickly as possible. This would be relevant for reuse in post-industrial areas. • **Sound /Noise:** One of the laws against which re-use is often encountered in practice is the Noise Nuisance Act (Wet Geluidshinder), especially when buildings located at in certain locations, along highways, railways and at airports (reuse from office to residential for example means stricter rules regarding noise). Some uses (e.g. residential, schools, care homes, hospitals etc) have a specific 'sound sensitive' designation. Following the EU Environmental Noise Directive local authorities have to develop Noise maps and Action Plans http://ec.europa.eu/environment/noise/directive_en.htm • A number of municipalities have introduced a *vacancy regulation* for a specific area on the basis of the **Vacancy Law (1981; widened remit in 2013).** Within this area, property owners must report vacancy to the municipality. The municipality can then contact the owner to explore together how to work towards a new use. **Policies / programmes / strategies** **Tools** • There is an online tool to do a check /apply for a 'all-in-one permit for physical aspects' (Omgevingsvergunning) for a specific location https://www.omgevingsloket.nl/ • https://www.herbestemming.nu/ offers a details description of the process and the exceptions when it comes to permits & regulations. • There are various trainings / courses to follow e.g. the by professional body for Dutch architects and the National Platform for Renovation and Transformation (NRP) https://www.nrp.nl/ . **Barriers / bottlenecks / Guidance & good practice** • In general in the interviews building regulations are not mentioned as a bottleneck

	• Evaluation of sustainability programmes ran by the state (to upgrade national monuments by sustainability programmes) shows that permits can be an issue, but more because the heritage or permit departments aren't willing to think 'with' the project / have an active / proactive role in reuse. **SUBNATIONAL LEVEL – [NOORD HOLLAND]** N/A **LOCAL LEVEL – [AMSTERDAM]** **Context / trends / principle** **Main actor (who & what they do)** **Act(s) & codes** • Follows national act through local regulation. The municipal building rules relate to urban planning, building on contaminated land and requirements regarding the external appearance of buildings, this can differ from one municipality to another because they act in conjunction with other local plans, land use plan(s), heritage regulations, which is influencing the whole. Policies / programmes / strategies Tools Barriers / bottlenecks Guidance & good practice
Finances / Market Funding and financing mechanisms and trends (e.g. centralisation /decentralisation, austerity, circular economy, types of partnerships & partners) • the description of mechanisms • legislation regarding the mechanisms (eg. possibility of PPP, grass-root initiatives)	**NATIONAL LEVEL – [NETHERLANDS]** **Context / trends / principle** • Dutch municipalities have for long been involved in real estate development projects and their role is to, aided by central government, invest in projects not generating a direct financial return. This includes many interventions involving historic environment, legitimized by a traditional emphasis on its importance in terms of cultural identity but also acting in tune with a new instrumentalism. • Many cities were deeply involved in large scale real estate and infrastructure projects at the time of the financial crisis. As development came to a stand-still, this resulted in significant financial losses and subsequent localised austerity. Local authorities were forced to reduce their workforce, cut back on the maintenance of public space and cultural subsidies. Both national and local state also sought to raise income by

Please add details per topic / color, and add ±500 words description / per level of governance, to explain how the system works	selling property (including listed buildings) and land and raising charges and taxes. As such, local government has been forced to reposition its role concerning the management of, and direct investment in, urban development. • Emphasis has shifted from being investor and risk-taking partner to facilitating and steering development, and the emphasis upon the economic use of heritage has sharpened. However, in recent years, there is a positive financial climate again, with willingness to invest. This, (see interviews) is seen as positive, of course, but also a threat as there is a tendency to forget a lot of the lessons from the crisis, and go back to 'old practices' • In the last decade the investments have moved from renovation to maintenance (indicating most listed buildings are in a good state) annual turnover of this market is estimated to be about €400 million (significant investments from state, e.g. national subsidies 50 mil, NRF 60 mil, fiscal advantages 50 mil, provincial subsidies 40 mil) • One of the developments identified is that production and consumption in reuse processes tend to be in the same hands – less 'develop and sell' practices. • To create the 'right' market there are various branding and marketing tools used to create a favourable climate for specific groups of users that 'fit' the brand of the reuse (e.g. artists, education workers, start-ups), a lot of them are financial in nature e.g. providing low rent and longer lease options, rent & facilities 'package deals', shared facilities. Others are participatory in nature, offering future users the opportunity to have a say in future development, e.g. by collaborative planning, the (co-) organisation of place 'branding' activities and events (cultural events, pop-ups, markets, festivals, expositions) or by developing guidance on how to deal with the historic buildings (Nadin et al, 2018) • In analysing 26 reuse projects in the Netherlands, varying from less than 1milion investment to over 30 million, Gelinck and Strolenberg (2014) show that a healthy yet creative approach to exploitation is really important. They identify variation in rent (below cost as a 'in between phase' as the building would otherwise be empty, and it is 'showing potential'.), different ways of renting out space (e.g. desk rather than rooms, offering package deals), and different levels of rent for different users (to create a good mix of users, e.g. a library pays less that the cafe, because of its social / cultural value, also the cafe will have more customers because of the vicinity of a library). • This mix of use is considered to be an important factor for success, as well as other

	ways of collaborating (co-ownership, co-creating, co-making) which also lead to new exploitation models, and sharing profits. • Gelinck and Strolenberg (2014) also show higher rental revenues are not about location necessarily. Both in offering cheap space in 'A 'locations, and in being able to get more rent from less well located buildings. A lot of it has to do with being able to create identity, experience, and loyalty. • Getting a famous 'pioneer' involved to attract visitors, organise events, and direct attention towards the project also is mentioned as a model (but it is not discussed in detail) **Main actors (who & what they do) and Partnerships** • Large / structural (semi-) governmental clients / initiators of adaptive reuse are Rijksvastgoedbedrijf, local authorities, professional bodies in heritage sector (e.g. Stadsherstel (city repairs), BOEi (social enterprise / heritage and reuse developer), Hendrick de Keyser, etc.), as well as Staatsbosbeheer (state forestry maintenance, Natuurmonumenten (natural heritage agency) and woningcorporaties (housing cooperations / associations). • Rijksvastgoedbedrijf and Stadsherstel have been mentioned and defined above • Many private investors / developers also now have a significant 'reuse' portfolio (post crisis developed, now normalised) **Act(s) & codes** n/a no directly relevant Acts in this section as far as I can see. **Policies / programmes / strategies** • All levels of government provide support / financial as well as offering free access to their in-house knowledge and resources either through specific programmes (e.g. sustainability), or heritage / planning departments, as well as through setting up loan facilities such as National Restauration Fund Trust: When in 1985 many subsidies for listed buildings became replaced by low interest loans, Central government set up a trust to administer those loans: Stichting Nationaal Restauratiefonds. They received a start-up funding from central state to set up a revolving fund. Interest covers administration of the fund. Now they have a much wider remit, and offer bespoke

	advice / financing for reuse projects • Showcase projects undertaken with their funding https://www.hartvoormonumenten.nl/ as practice examples • Central government also has programmes around stimulating (by co-financing / subsidies / low interest loans) things like decontamination, sustainability measures, creative industries **Tools** • There have been subsequent national policies / programmes to stimulate reuse, which all came with specific tools including research funding, subsidies, tax / fiscal tools, (see next section) • The Central state real estate department (Rijksvastgoedbedrijf) offers a toolkit finance constructions for transformation (ranging from area to building) https://www.rvo.nl/onderwerpen/innovatief-ondernemen/innovatiefinanciering/toolbox-financieringsconstructies which includes options in 5 categories • Funds, guaranties, subsidies, loans, and 'other forms of organising' • Nationally there are also subsidies and no-interest loans for users/ uses such as • https://fondskwadraat.nl/ zero interest loans for artists /creative • statisitcs bureau of the Netherlands now measures how many new dwellings are developed in transformation processes (rather than new build) https://www.cbs.nl/nl-nl/nieuws/2018/45/ruim-7-500-woningen-door-transformatie-van-gebouwen **Barriers / bottlenecks / Guidance & good practice** • Issues: quality control / steering for projects that benefit from subsidies, low interest loans / fiscal advantages is not strong enough. • This could be improved when they would require working with specific / certified companies. **SUBNATIONAL LEVEL – [NOORD HOLLAND]** **Context / trends / principle** • Follows the national funding, decisions on some of the national funding is devolved to Provinces, and they tent to provide their own funding pots too.

	• Some provinces made a lot of money recently by selling of stocks (in energy company) and used some of that money to invest in 'identity' projects, often large heritage projects. (Brabant and Gelderland, not Noord Holland) **Act(s) & codes** **Policies / programmes / strategies** • *Financial arrangements / programmes mirror National ones mostly* Cultuurfonds mortgage: owners of a municipal or provincial monument or iconic buildings conservation area may be eligible for a Cultuurfonds mortgage: a low-interest loan from one of the provincial Cultural Funds for Monuments. However, in many provinces, demand exceeds the available budget. It is possible to apply for a loan for the restoration, re-use and / or sustainability of various types of monuments. For residential and non-residential. • *Subsidy schemes for provincial monuments in Noord-Holland* • The Province of Noord-Holland has various subsidy schemes for heritage. ○ Supra-local cultural events in Noord-Holland, subsidy ○ Re-use, restoration and preservation of North Holland monuments, subsidy ○ Maintenance provincial monuments North Holland, subsidy ○ Investigations sustainable /viable (re) use of monuments North Holland, small pots of funding for research into the sustainable/ viable re-use. With the money, an owner can now also have an energy scan carried out. ○ Restoration provincial monuments North Holland, subsidy ○ Making cultural institutions in Noord-Holland 2019 more sustainable, subsidy • The province of Noord-Holland has a handbook for the heritage sector for the multi-year deployment of crowdfunding: Handbook Crowdfunding & Heritage was developed for the Province Noord-Holland in 2017 (https://www.noord-holland.nl/Onderwerpen/Cultuur_en_Erfgoed/Monumenten_en_herbestemming/Publicaties/Handboek_Crowdfunding_Erfgoed.org (DUTCH) The handbook has 2 parts: the first part focuses on crowdfunding for heritage and the lessons from a pilot they undertook. The second part serves to get the heritage sector on the road in a practical way and contains tips and step-by-step plans for crowdfunders-to-be. • IN general they offer support by monuments mentor in finding the right match between property and people, as well as providing a monument sign post website:

	Handy tool from the Province of Noord-Holland will guide people through knowledge, opportunities, advice and financing options at the province of Noord-Holland. The pointer helps to find out if and, if so, how the province of Noord-Holland can support people in preserving your monument. • **Tools** **Barriers / bottlenecks** See interviews **Guidance & good practice** **LOCAL LEVEL – [AMSTERDAM]** **Context / trends / principle** **Main actor (who & what they do)** • **Stadsherstel** is an important player in Amsterdam heritage / restauration world https://www.stadsherstel.nl/36/diversen/english/ This is company for restoration founded in 1956. It restores, and keeps into ownership and rents them out (currently over 600 houses and some twenty larger monuments, e.g. churches and industrial monuments – 6 of them for hire as e.g. wedding venue). Stadsherstel is a company with a social purpose; shareholders receive a modest dividend. The model had been copied in various locations in NL. • Amsterdam has many (and I mean many!) mostly small and/or niche groups of stakeholders who in some way care for the historic environment, and will get involved through the formal procedures when it comes to 'complains'. IN terms of Funding / financing, there are developers, local investors, and residents groups that take on buildings, or areas to develop, but not as structural as Stadsherstel as far as I am aware. • Amsterdam local authority has a very wide range of possible subsidies and

	• https://www.amsterdam.nl/veelgevraagd/?categoryid=%7b9FF80F80-01D7-4744-9EBB-C27BABF0EAEE%7d for sports, culture organisations, activities, events, incubation spaces, festivals, neighbourhood centres, etc, which are all interesting when it comes to reuse / heritage, as they can fund various aspects or future use / intangible heritage etc. **Act(s) & codes** **Policies / programmes / strategies** **Tools** • Most of the funding programmes are national, but Amsterdam as the capital city has a local programme too (see incentives below) • There are also other subsidies and low interests loans for e.g. green / sustainable measure (facades, pv panels, going off gas, etc that are 'heritage friendly' • Amsterdam offers subsidies / zero interest loans / support for developing creative clusters (broedplaatsen) https://www.amsterdam.nl/bestuur-organisatie/organisaties/organisaties/bureau-broedplaatsen/ **Barriers / bottlenecks / Guidance & good practice** See interviews
Incentives / Barriers (stimulate or impede market) Which tools are used, e.g. taxes, incentives, is there a focus on some issues over others, … Please add details per topic / colour, and add ±500 words description / per level of governance, to explain how the system works	**NATIONAL LEVEL – [NETHERLANDS]** **Context / trends / principle** • There is a lot of willingness on all levels of government to stimulate adaptive reuse, in terms of support / facilitating experiment, being partner etc, but also financial commitment. **Main actors (who & what they do) and Partnerships** **Act(s) & codes** **Policies / programmes / strategies** **Tools** • These tools apply mostly to listed buildings (locally, provincially, or nationally) and

	buildings that are important for the townscape / suite / support the conservation area character • There are fiscal measures such as deductions income tax (when residential), or of maintenance costs on corporate tax (only when asset is on the books for at least 5 years) or transfer tax / stamp duty (although some of this is about to change) • Low interest finance mechanisms. e.g. low interest mortgage for listed residential buildings, which then also creates a situation in which other banks are more likely to provide additional financing or special low interest sustainability & heritage loans. • Aside from a programme of low interest loans to owners of historic property there are also initiatives such as an energy saving / sustainability programme for historic buildings (loan or partly subsidised). • For reuse specifically there is a (min 5000 max 25000) grant from national heritage agency (RCE) to do research into the feasibility (feasibility study) And in conjunction one can apply for 'wind and water tight - urgent works' (max 50.000) grant, to make sure deterioration doesn't continue whilst looking for money. • Mix of these financial tools is most common • Support for crowdfunding specifically for heritage is there in various ways (It is an indicator on the heritage monitor and There is a crowd funding for heritage manual https://www.monumenten.nl/files/regionale_informatie/handboek_crowdfundingerfgoed.pdf) • There is a strong recommendation to look into insurance early on in the process which could be more expensive due to high costs restauration costs in case of a fire / water damage etc. via www.herbestemming.nu • Research undertaken in 2017 shows the ££ benefits of reusing heritage based on the projects supported by the National Renovation Fund (e.g. jobs created, value of surrounding property, and increases in tourism / visitors / safety / quality of life) **Barriers / bottlenecks / Guidance & good practice** **SUBNATIONAL LEVEL – [NOORD HOLLAND]** The options mentioned above are in the case of Noord Holland and Amsterdam also available on provincial and local level **LOCAL LEVEL – [AMSTERDAM]** **Tools**

	• Since 2018 Amsterdam has a special subsidy that comes with the heritage regulations, that can be applied for co-funding feasibly research (reuse) and changes to listed buildings / buildings in conservation areas, with special pots for shop frontages and fixed / building specific (wall)art. • http://decentrale.regelgeving.overheid.nl/cvdr/XHTMLoutput/Historie/Amsterdam/614718/CVDR614718_1.html • There is also an Amsterdam specific renovation fund, for low interest loans (revolving fund like the national renovation fund) https://www.amsterdam.nl/kunst-cultuur/monumenten/financiele-steun/amsterdams/
Are there any other relevant but not yet mentioned policies, funding mechanisms, or requirements from other 'fields' (to understand integration in wider policies / structures) of the following topics influence the processes around adaptive reuse? A lack of presence of e.g. heritage in those would also be relevant to identify!	
Socio-economic Development e.g. **r**elation between heritage / adaptive reuse and aims around socioeconomic development expressed by public policies When possible, consider both the approaches of public and of the most prominent private actors; are there (unexplored) potentials for funding?	**Context / political influences / trends** **Policies / programmes / strategies** **Tools and financial mechanisms**
Participation, community led initiatives, civic organisation(s), localism Is there an identifiable relation between adaptive reuse and involving grass-root actors? Do formal structures around these	**Context / political influences / trends** • To create the 'right' market for a reuse project there are various branding and marketing tools that is used to create a favourable climate for specific groups of users that 'fit' the brand of the reuse (e.g. artists, education workers, start-ups), a lot of them are financial in nature e.g. providing low rent and longer lease options, rent & facilities 'package deals', shared facilities. Others are participatory in nature, offering future users the opportunity to have a say in future development, e.g. by

topics (when they exist) influence adaptive reuse, also think about e.g. legal forms of collective ownership, and how community organisation can be formalised (e.g. trust, foundation etc) When possible, consider both the approaches of public and of the most prominent private actors; are there (unexplored) potentials for funding; look for potential for heritage/ reuse support in this policy / thematic context	collaborative planning, the (co-) organisation of place 'branding' activities and events (cultural events, pop-ups, markets, festivals, expositions) or by developing guidance on how to deal with the historic buildings **Policies / programmes / strategies** **Tools and financial mechanisms**
Culture /Arts /Crafts Is there an identifiable relation between adaptive reuse / and the arts / cultural /creative industries. Do formal structures around these topics (when they exist) influence adaptive reuse? When possible, consider both the approaches of public and of the most prominent private actors; are there (unexplored) potentials for funding; look for potential for heritage/ reuse support in this policy / thematic context	**Context / political influences / trends** • A lot of reuse has a connection with arts / crafts/ creative industries (as everywhere) and funding can often be combined. Policies and projects seem quite well integrated **Policies / programmes / strategies** • https://www.culturalpolicies.net/down/netherlands_112016.pdf a very elaborate description of cultural policies here, and a survey from 2014 about cultural life in NL • https://www.cultuur.nl/upload/documents/tinymce/The-Cultural-Survey.pdf **Tools and financial mechanisms** • In general the tools and funding available will be used in combination with heritage identity / funding, to get a stronger story, and get either clients / visitors there, or investors interested in putting money towards the project. • https://stimuleringsfonds.nl/ creative industries fund has also provided specific thematic calls around adaptive reuse
Environmental / Ecology / sustainability Is there an identifiable relation	**Context / political influences / trends** • A lot of effort/focus at the moment in general for low carbon, energy efficiency etc. in NL, a lot of the low interest loans and subsidies can also be used for heritage. There is also a specific effort from national heritage agency / national policy towards

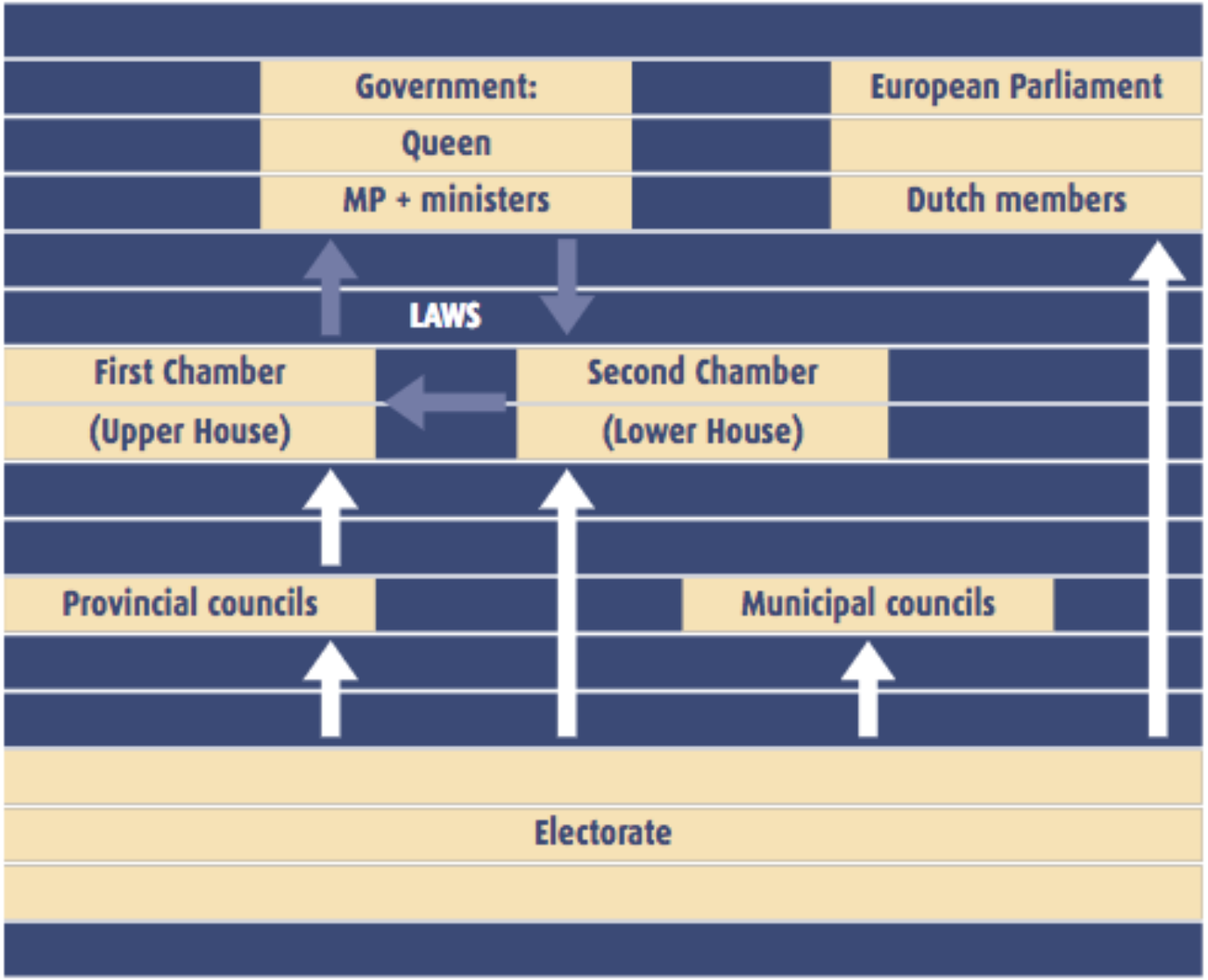
between adaptive reuse and environmental sustainability? Do formal structures around these topics (when they exist) influence adaptive reuse? When possible, consider both the approaches of public and of the most prominent private actors; are there (unexplored) potentials for funding; look for potential for heritage/ reuse support in this policy / thematic context	"making monument sustainable" The integration between natural heritage / ecology and reuse is not discussed in much detail **Policies / programmes / strategies** **Tools and financial mechanisms** • Re-use projects the change use to residential are eligible for a 'green (sustainability) certificate' if the new energy performance meets the requirements for new-build homes. This means you can apply for 'green financing' and thus low(er) interest loans
… other …?? If there are any other major topics /policy context you feel influence adaptive reuse of heritage, please mention here	• **Education**: https://www.nrp.nl is a national platform for renovation and transformation, and they (set up in 2011 first as an award for good examples) are now also offering an 'academy' of a year to learn all about adaptive reuse for practitioners (including clients, designers, financers, government, suppliers, construction companies etc) in collaboration with 3 universities in NL

SECTION II: SCHEMATIC OVERVIEW

Drawing / scheme of main governance bodies (presumably focus on planning and heritage departments / agencies, but do include others where relevant!) involved in adaptive reuse of the historic environment and their relations (it could be drawn by an interviewee of section III, please also include the more detailed description in section I)

This scheme needs to include the most relevant governance levels and institutes (may differ per country) and where possible link to funding mechanisms (include where possible also where things such as where permit and enforcement decisions and responsibilities lie)

We think we need to develop new schemes here, but in the end the aim is to clarify the context & workings of the planning / heritage / funding structures and how they are related, so if there are existing drawings of the situation that you deem relevant for this, please add them here too



EU

National Acts for planning and heritage

National Planning Policy

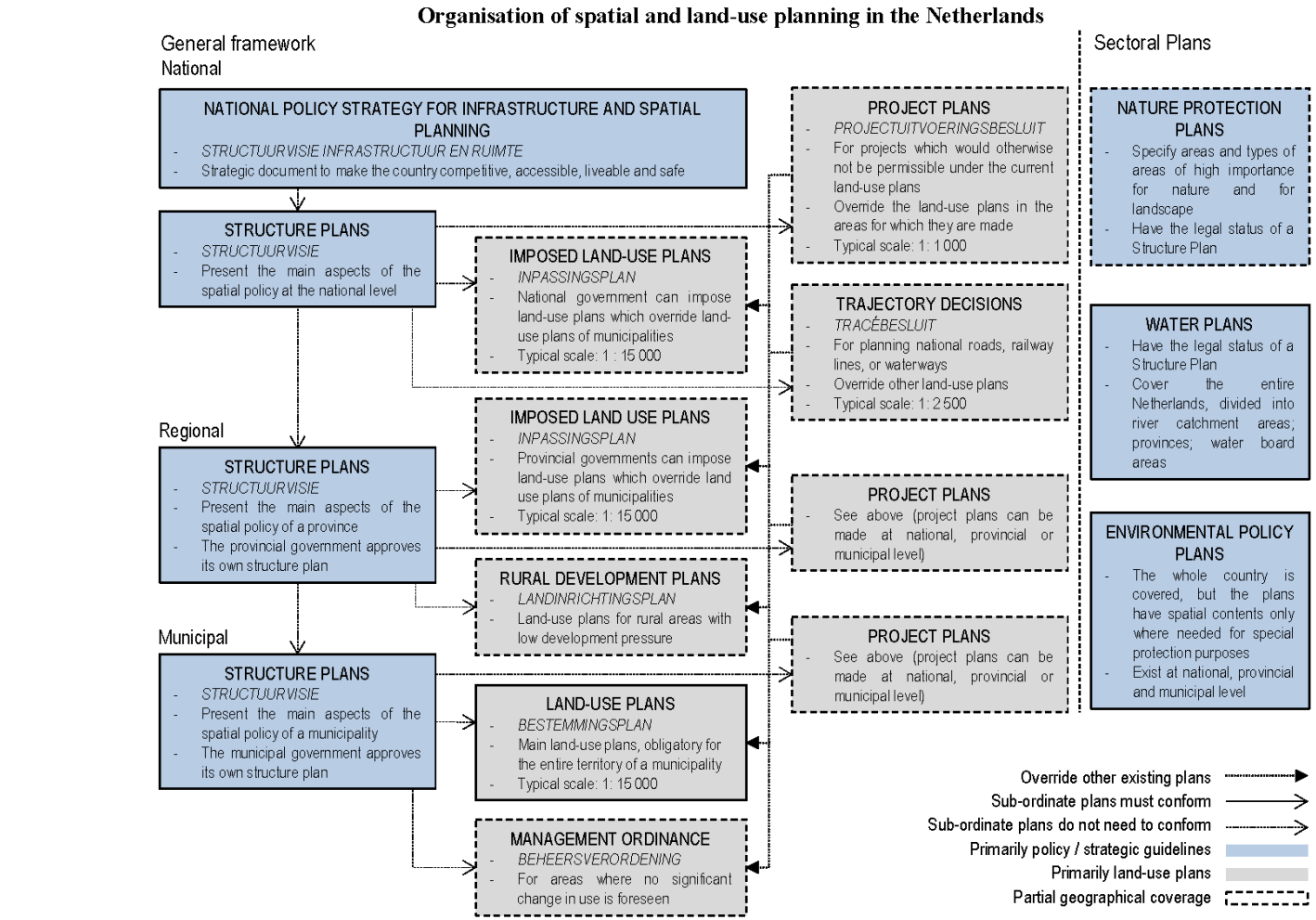
National Heritage Policy

Provincial Plan + Policy

(Heritage ordinance) + Heritage policy

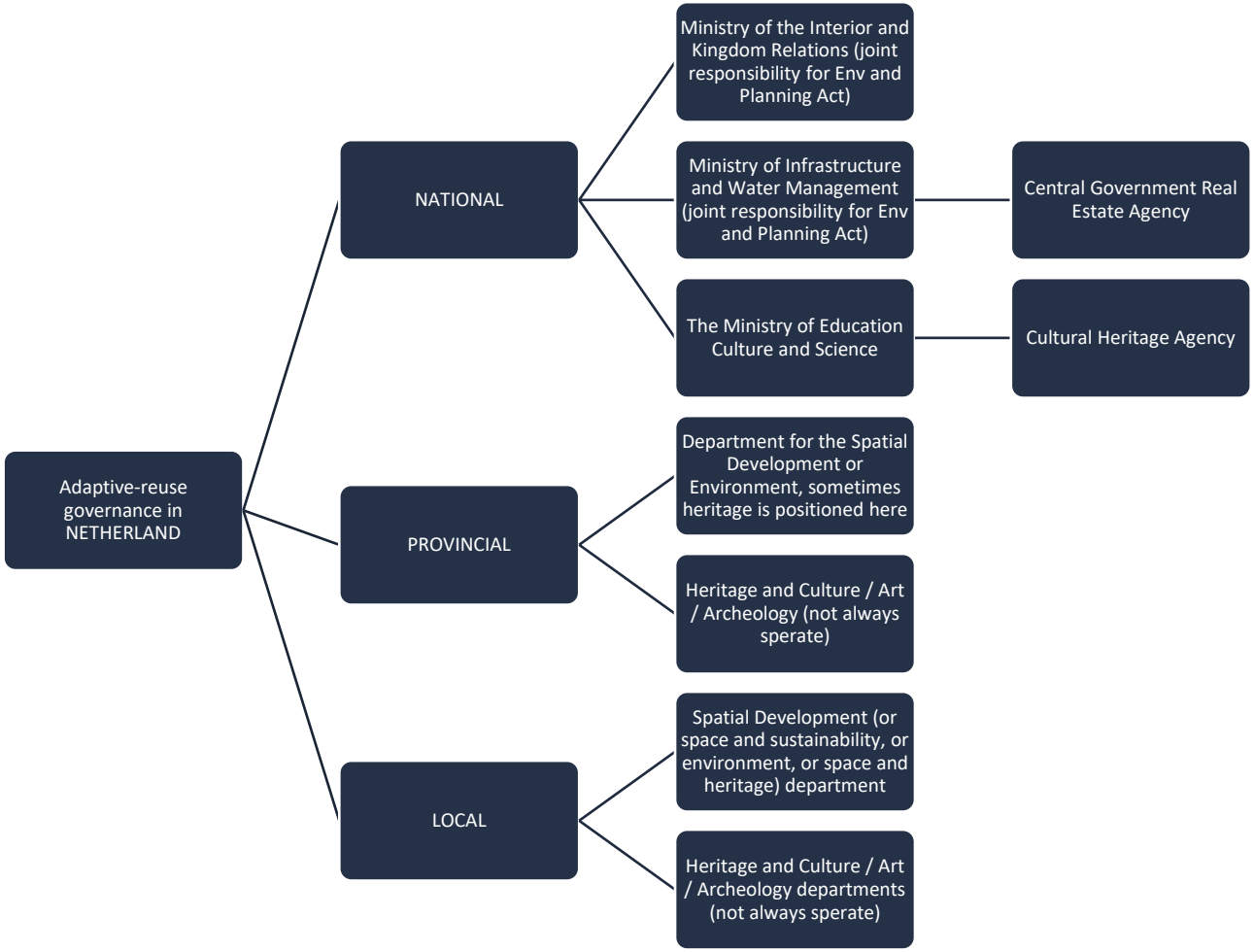
Local Plan + Land use plan + policy

Heritage ordinance + Heritage policy



LAND-USE PLANNING SYSTEMS IN THE OECD: COUNTRY FACT SHEETS © OECD 2017

Figure 6 OECD (2017) overview of Planning in the Netherlands


Adaptive-reuse governance in NETHERLAND
NATIONAL
PROVINCIAL
LOCAL
Ministry of the Interior and Kingdom Relations (joint responsibility for Env and Planning Act)
Ministry of Infrastructure and Water Management (joint responsibility for Env and Planning Act)
The Ministry of Education Culture and Science
Central Government Real Estate Agency
Cultural Heritage Agency
Department for the Spatial Development or Environment, sometimes heritage is positioned here
Heritage and Culture / Art / Archeology (not always sperate)
Spatial Development (or space and sustainability, or environment, or space and heritage) department
Heritage and Culture / Art / Archeology departments (not always sperate)

SECTION III: INTERVIEW REPORT

Introduction

Interview with local, provincial and national level actors, as well as commercial office, the former to get the heritage perspective, the latter because they have a lot of experience / understanding of what is happening on grassroots level, communities perspective.

There are many publications supporting (see list of references later)

Concept / definition of adaptive re-use

Adaptive reuse (Dutch: Herbestemming) is simply the reuse of buildings which have lost their original function, bringing them back into use, not necessarily listed or 'formally' heritage. Most interviewees linked it **directly with (solving) vacancy**. Adaptive Reuse is seen as leading to more unexpected and creative solutions, reused buildings are place makers and expected to trigger further (economic and spatial) development. Adaptive reuse of buildings with identity and value, is somehow magical, it creates new and unexpected chances, through its layers, stories, feelings it evokes.

Especially after crisis 2008, finding new uses for cultural heritage was a major incentive in conservation / maintenance, and the other way around as well, when almost all other building project halted, re-use projects kept going / growing.

Policies, Processes, and Practices

A persistent 20 year push (since belvedere 1999) in a combined effort of policy programmes, regulation, and financing/funding, focussed on dealing with both the integration of 'cultural history values' (cultuurhistorische waarden) in planning / urban design, and re-use of the historic environment has paid off. the general feeling is that in the Netherlands heritage is not 'really' threatened anymore. On top of that, re-use has become normal, even fashionable). The legal context is open enough to work in new ways, so it is more about flexible attitudes, and changing cultural practices to get there.

According to the interviewees, **adaptive reuse in the Netherlands is usually shaped by heritage protection (monumentenzorg), planning (planologie), and financing**, and in particular by a constant debate on deciding on the **limits of acceptable change** and thus the restrictions in terms of what is possible/acceptable material, use, and financially. The focus lies on financial possibility first usually. Policy aims around it are cultural or social development, circular economy, and/or sustainability – but in the end is it mostly about avoiding demolition and keeping (real estate) values.

The interviewees mentioned that people are used to 'consensus', belvedere thinking, process thinking, PPS constructions, and focussed on financial gain as well as common good/public benefit. They also see a changing culture around reuse, from investing heavily as (national / local) government to close the 'conservation deficit' (based on the argument that social /public

benefit is high enough to accept the public investment) to governments being much more facilitative, supportive, stimulating the market to redevelop heritage by allowing freedom / flexibility, as well as, offering support / guidance/ knowledge to navigate the 'system'.

It is argued by one of the interviewees that we must remember – especially in times of a growing economy – that public investment is valuable, and may mean annual contributions because of the public function this new use (e.g. library, neighbourhood centre) contributes to the locality.

Bottlenecks / issues:

- There can be a lot of variety in approaches (levels of (un)flexibility, (un)willingness to think 'with') to land use planning, as well as reuse and funding options between local authorities. Even though policies and plans are quite integrated, there are often so many different departments to address aside from spatial planning and building regulations that it can still be a challenge to get all the people on the same track e.g. economic, tourism, area development, municipal land-holding / company or municipal land allocation company, maintenance, enforcement, culture, nature and ecology. It can also be hard to connect up within a local or provincial authority.
- Another issue (related to integration) is that there are often gaps in knowledge on local levels Collaboration on regional level between natural and cultural protection structures, especially in the case of legal structures for nature protection such as natura 2000, could be better too.
- There is the feeling that the provinces and local authorities are more directly invested, whilst the national governmental bodies (RCE) can be more difficult. But it is also acknowledged as their role in the process, they focus on listed buildings, and they don't take a role as active developer of projects, their role is to guide the process from the heritage perspective, and enforce legal restrictions that apply through listing.
- However, it is felt that many heritage organisations still has quite a few 'old school' architectural historians, who have the tendency to think in restrictions rather than possibilities, they are not thinking along / moving with reuse project.
- In general, knowledge and experience is there but not always shared and spread, and of course it is also a matter of time / new generations with different education.
- Sometimes it is also a lack of imagination; time pressures / no understanding or willingness to engage with the necessary long term (post election-cycle) thinking in these projects. Need to have visible results. Choices are financially and politically informed, ideologically economy often comes before landscape / environment
- **Understanding of the process** can also be an issue. The space / time to open up conversations about future potential is limited, the selling party decides and puts property on the market. Chances of a adaptive reuse project happening in

the first place – especially in more difficult locations – would increase if the choices around the sale of properties were more open (not necessarily public, but open to discussion and suggestion). It would be good when conversations could happen before the final decision to sell is taken. >> Example: Others thinking along in a process of which of the several church buildings in a wider diocese area would be most attractive to someone and thus 'best value' when put up for sale, whilst also most likely to be sold & a feasible project for the new users.

- **Working with local authority** to consider their policy aims and aligning with planning policy (especially land-use) will help too. Selling a property with particular use-designation options (or the pre-knowledge certain changes will be allowed / would not be allowed) will make a property potentially more attractive, and the process more clear. Can also clarify what is possible in relation to context, e.g. can parking, noise, fit in with future plans / developments already planned for the area, which again would make it more likely to get a better matched buyer, and thus a project.
- There is no formal policy on this, but for public buildings, the aim seems to be to keep them for public uses if possible. Change of use to a commercial or residential use would make it hard to get them back into public use. (Temporary change of land-use is possible, but wasn't well known).
- Owners who are selling do not always know there is space for negotiation, and or they don't have or don't want to invest the resources (pay someone to do the feasibility study / negotiations) to use this space. But often the gains would outweigh the investment, and there are subsidies to help too.
- When all of this has to be figured out after the offer was put in, it becomes much more formal, and also potentially more costly when the sale falls through.
-
- The 'monuments mentor' (monumentenloods) proves to be a useful 'broker' between those looking for an empty building in an area (Amsterdam, Province) and those looking to sell on – employed by province or local authority. They can also help / support in these processes. Regional coordination is important, to not create unnecessary competition / loss of opportunity.
- More space for discussion on what change is acceptable change to a building would be welcomed by some interviewees.
- Generally, interviewees see reuse as a way to secure a (financially) viable future for a building. The thinking being that if it helps to keep some parts at least, then that is better than nothing. At the same time it is seen as more sustainable environmentally. Sustainability became a much more common concept in reuse, not just because reuse is keeping resources, but also in terms of thinking about how we can change approaches, ways of working, and financing to make a more sustainable / durable future possible.

Funding and Financing

Before the 2008 crisis demolition and new built was the mainstream option, and the norm, both in real-estate and in architecture, despite belvedere policies. Reuse slowly became more popular, and around 2014/2015 adaptive Reuse was seemingly the only way development of areas could still happen to some extent, as a years after 2008 the building industry had pretty much come to a halt.

One of the issues is that now the Netherlands is in an economic boom ('post crisis time') again, and interviewees mention it seems too easy sometimes to go back to old practices and forget the lessons learned from the crisis but on the other site, adaptive reuse has become a developed as a serious and normal part of the portfolio of both architects and real-estate developers. However, it is essential for government to keep pushing and really get this message across that transformation of your city means transformation of buildings.

Lessons from / changes after the crisis mentioned by the interviewees, are:

- Not everything could just be sold after 2008, and thus developers had to change their ways, listen to future users and they turned out to be interested in reuse projects, it turned out they like 'different' and the variation in options.
- The market changed as short(er) term leases making it possible for 'other' actors to get into the market, but also making it necessary to provide good services to make sure your users want to stay.
- Unless there is a very strong market (such as centre of Amsterdam) standard (traditional) approaches to process, finances, calculations, funding, and construction can often not be applied directly. Reuse is asking for creative open approach of all actors.
- Reuse projects have to be carried by a range of users and preferably also the local community.
- Reuse projects are often mixed use, and subsequently likely to be a mix of financing too, and different access to funds based on different uses.
- There are many (smaller) private funds often with specific aims (e.g. aimed at certain cultural events or uses, or specific target audiences) and you have to be very creative, and often the money the get is not for the asset /heritage but for the (new) use(s).
- Often co-financing measures, and many 'marginal' projects need a provincial / municipal subsidy. The provinces have also jumped on the re-use wagon in the past decade and often are using and matching the money they get from central state for listed buildings to stimulate and facilitate / fund reuse projects / make things possible.

- There is still public money, subsidies, but it does come with requirements/restrictions such as a project needs to be accessible to the wider public – not to just a specific group of users, it needs to be serving public needs. The owner / users is expected to co-finance / put in the effort of maintenance. Or it is a loan (e.g. revolving fund, low interest) the new use will need to be viable commercially to pay this back.
- There used to be large institutes willing to put down a lot of (tax) money for maintenance and preservation, but with a move to small state, more and more individual owners become responsible, they don't want to / or even have the option to invest in a similar way. Now, the investment by owner (which can be a public authority) is generally the start, and often what is needed to start a process

Issues

- Traditional financing (banks etc) weren't big for a while, but now growing again, which seems to be killing creativity / willingness to take risks, as reuse is still fashionable some projects become about an aesthetics of reuse rather than 'real' reuse.
- There is a 'danger' of local competition, when there are several buildings that need investment and different parties have different aims / choose differently. Scale and size are really important here. If there is only one building in a small village it is clear where the local investment will go, but if there are several assets, strategic / collaborative measures are needed. Regional coordination is important, to not create unnecessary competition.
- Many buildings are in the books for a lot of money, so now there is more money again to do projects, municipalities go for the project that is financially more attractive rather than the one that is more community minded / creative / … etc Local cooperatives do not stand a chance against the big money.
- When there isn't an alternative, cooperatives stand a chance, but when the market gets better, there is less appetite for experiment /risk / trying something different.
- Cases we now consider success, can have a really long trajectory (and may have benefitted from a lack of alternative, or a wealthy beneficiary) we should acknowledge that. >> example Church in Vucht, took 13 years, it took 7 locals to step up and invest 100.000 each to get the local authority invested, but now a great success, but it still requires (an annual) investment by the (local) authority (which is now deemed acceptable, as it is for the public benefit).

Financial tools mentioned by the interviewees:

- Co-financing;
- Deferred financing (giving space in early stages of project);

- Free labour / volunteers;
- More efficient / on site co/parallel working;
- Crowd/community funding;
- (match) funding for uses instead of materials / buildings.
- Local companies or individuals investing through (community) shares,
- Local companies or individuals investing based on the promise of rent reduction later when they move into the building.
- There are various funding options for setting up collaborative programmes (often cooperatives) bottom up – but not through heritage sector necessarily. Most of these programmes are funded through local budgets for health care, quality of life, or energy for example.
- In smaller villages there is quite some joining up local money, a group of local entrepreneurs, or community shares. One village co-funded a windmill, and the revenue goes into a village fund, to be used for village activities. This way they share the burdens and the benefits.

Citizens & Community

Especially after the crisis, the push was very much in a direction of community engagement and participatory practices (using slogans such as 'small is the new big', 'sharing is the new having', and 'temporary is the new permanent') and developing less of a welfare state and more of a 'do-democracy'. All towards a smaller and facilitative state (central and local). This will be consolidated legally in the upcoming environment and planning act: participatory process will be an obligatory part of developing the 'environment and planning vision' so one of the assignments now is to come up with structures that allow for people to be involved, without it only being about those who are the loudest. Setting up local think-thanks (with representatives of groups in that locality), mapping & overlaying different plans and imaginaries for the future to see how they interact. So already now local authorities are testing these options, and are starting to develop vision documents. Moreover, citizens can organise themselves and take up their "right to challenge" if they feel a plan / project by local authority could be done better / cheaper by them. The Heritage Act (2016) also gave more formal attention to the user, the owner, the initiator of heritage (re)use, and there is now a new programme about to start ran by the Cultural Heritage Agency of the Netherlands (RCE) on citizen participation in the heritage field and using heritage for societal challenges.

Actors: There are many different actors who take up these processes, they can be village / area cooperatives, private individuals or commercial developers. Formal partnerships are more common when it concerns area developments (e.g. former industrial area) with multiple assets / owners.

Process: There is a clear move towards process guidance (in governance, but also in practice, facilitating bottom up and local initiatives). There is more focus on engagement, generating energy, gathering partners, processes phased, and /or co-created. Even when there aren't many legal requirements when it comes to involving interest groups, engagement is considered important as more developers (especially bigger projects) know they run a big risk of opposition and complaints later on in the process. Less cynical, it can also lead to new volunteers/ more engagement and investment (time, promotion etc) of people later on, to think with / do things for the project.

Perspectives: According to one (heritage) interviewee, thinking in terms of community thinking / community value is not so normal yet in NL (and still thought of as a task for the government) so things like community shares etc are not that big (yet) that way of community thinking is in early stages. They had mostly seen it work in specific contexts, such as elite group with a lot of cultural capital in Amsterdam (and thus access to politicians, money, the language needed to promote and acquire funding [pakhuis de zwijger]), in a more small scale / rural context this is not so easy they argued.

However, interviewing someone from an 'spatial strategy' office who worked on shrinking population & villages, the experience was entirely opposite. They agreed it wasn't happening in the urban context, but research they did showed that actually the real innovation and creativity in collaboration when it comes to 'bottom up' initiatives and innovations is to be found in villages. Those villages have higher levels of self-reliance due to lack of facilities. Their need is higher to do something together, collaborate, because of the move of larger amenities (e.g. care facilities) to larger cities / regional centres. Most of those are not to 'save' heritage, but they are set up as e.g. care cooperative or energy cooperative. The main thing the successful initiatives had common was the approach they took, they took a 'middle road'. Not opposed to local authority or commercial initiatives, but with / in cooperation. So to some extend they institutionalised themselves. This asked of the local authority to flexible and facilitative, and approach things differently, and for all to build relations and trust. It also asked of the community / cooperative to be fairly professional and think about a viable future, to prevent a fully subsidy dependent situation.

A crucial point in getting these projects off the ground, was having a well thought through narrative, a strong story. Even if that story sounded a bit crazy in the beginning, these stories helped to get partners on board, to make a case for funding, and to get other locals interested. This is also where the link with heritage is made. Often strong stories are connected to identity and certain (key) buildings/ structures. Heritage lends itself to be 'identity carrier' anchor, a story carrier. Heritage in a wide sense, not necessarily listed. They thus often use heritage structures for these cooperative projects, but funding comes from a mix of sources – linked to use / the aim of the cooperative (i.e. care, energy), not heritage.

The need for / existence of such cooperatives in villages was confirmed by other interviews. Especially in places where economy isn't high pressure / thriving (e.g rural, marginal) engagement with local communities is seen as very much needed (considered almost impossible to achieve success without) and becoming more normal. Often they are actually the initiators or at least one of the driving stakeholders of such a project. This is usually linked to investment of time, resources, knowledge, energy, but sometimes also money. As mentioned above, in the new environmental act, this will be legally more embedded.

Some suggestions for what works for projects

- Projects gain from scenario / future planning
- Shared learning was important in these initiatives, bringing in practice experts from other initiatives was very valuable
- Exchange of examples and ideas is very welcome
- Creativity and open mindedness are considered very important
- Collaboration instead of competition, and thus connecting on a regional scale is important (although it tends to be hard to really commit to sharing responsibilities / duties vs maintaining identity and keeping political promises on local level).

Interviewees

Arno Boon and Menje Almekinders Stichting Boei 26 April 2019

Peter Oussoren Monumentenloods / Monuments Mentor Province North Holland 18 March 2019

André Winder Monumentenloods / Monuments Mentor Amsterdam Local Authority 22 March 2019

Frank Strolenberg Dutch Heritage Agency 27 March 2019

Anne Seghers RUIMTEVOLK 3 April 2019

SECTION IV: BIBLIOGRAPHY + COUNTRY SPECIFIC LITERATURE

Please add your references here (Harvard) also recommend 2 to 3 publications (or other material as available, e.g documentary, website) in English on heritage / adaptive reuse in the national context, if existing. This will be good background information for those analysing the different national contexts thematically, so analysis can go beyond the template and "catch the spirit" of place.

In their book "**Reuse, Redevelop and Design: How the Dutch Deal with Heritage" Marinke Steenhuis and Paul Meurs** (2018 – there is also **a short docu on YouTube**) argue that the cultural practice of reusing heritage in the Netherlands is strongly informed by the culture of integral working, the consensus culture and the close collaboration between public and private parties. There is a high degree of public involvement, but with quite a development/market mind set in how they care for heritage (adagio since belvedere policy introduced in 1999 is "preservation through development") and market parties have a sense of cultural heritage and spatial identity.

The papers (see references below) by Janssen, especially **Janssen, J., Luiten, E., Renes, H., Stegmeijer, E., 2017**. Heritage as sector, factor and vector: conceptualizing the shifting relationship between heritage management and spatial planning. European Planning Studies 25 is relevant for understanding the integration of spatial planning and heritage management in NL.

I suppose my chapter on Amsterdam would be relevant in terms of heritage governance in Amsterdam (not reuse in particular though) **Veldpaus, L., Bokhove, H., 2019**. Integrating Policy: The Historic Urban Landscape Approach in Amsterdam, in: Pereira Roders, A., Bandarin, F. (Eds.), Reshaping Urban Conservation: The Historic Urban Landscape Approach in Action, Creativity, Heritage and the City. Springer Singapore.

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