

Resolution concerning the adaptation of laws and regulations to the requirements of integrated conservation of the architectural heritage (76/28)

(Adopted by the Committee of Ministers on 14 April 1976 at the 256th meeting of the Ministers'Deputies)

The Committee of Ministers,

Considering that the aim of the Council of Europe is to achieve a greater unity between its Members for the purpose of safeguarding and realising the ideals and principles which are their common heritage;

Considering that the member states of the Council of Europe which have adhered to the European Cultural Convention on 19 December 1954 committed themselves, under Article 1 of that convention, to take appropriate measures to safeguard and to encourage the development of their national contributions to the common cultural heritage of Europe;

Having regard to Recommendations 365 (1963) and 612 (1970) of the Consultative Assembly relating respectively to the preservation and development of ancient buildings and historical or artistic sites and to a draft outline law for the active protection of immovable cultural property in Europe;

Bearing in mind the Recommendation I, paragraph c, of the Conference of European Ministers responsible for the Protection of the Architectural Heritage, held in Brussels in November 1969, relating to the adaptation of their laws and regulations to meet the requirements of the active preservation of the cultural heritage of monuments and sites and its integration into contemporary society;

Recalling in this connection the provisions of the European Charter on the Architectural Heritage and taking note of the wishes expressed in the Declaration of Amsterdam by the European Congress on the Conservation of the Architectural Heritage;

Considering that such adaptation of national laws and regulations should make it possible to halt any aggravation of the threats to the architectural heritage, reduce the damage to which it is exposed and redress the growing disproportion between the dangers that threaten and the means employed to counteract them,

Recommends that governments promote and accelerate the adaptation of national systems of law and regulations, bearing in mind the definitions, principles and measures set out below.

I. Definitions

1. The cultural heritage of monuments and sites

For the purpose of the present resolution, a country's cultural heritage of monuments and sites is considered to comprise:

- the architectural heritage consisting of monuments and groups of buildings,
- sites.

The term monument denotes architectural works, whether conceived on a grand or on a modest scale, including both fixtures and fittings, as well as monumental sculptures of historical, archaeological, artistic, scientific, cultural or social interest.

The term group of buildings denotes a group of urban or rural buildings fulfilling the following criteria:

- they must be of interest by reason either of their social, historical, archaeological, scientific or artistic value, or of their typical or picturesque character;
- they must form a coherent whole or be remarkable for the way they fit into the landscape;
- they must be sufficiently closely grouped to allow the buildings, the structures connecting them and the site which they occupy to be delimited geographically.

The term site denotes an area with well-defined limits created by nature, or by man and nature jointly, remarkable for its beauty or its archaeological, historical, artistic, cultural, scientific or social interest.

2. Integrated conservation

By “integrated conservation” of the cultural heritage of monuments and sites is meant the whole range of measures aimed at ensuring the perpetuation of that heritage, its maintenance as part of an appropriate environment, whether man made or natural, its utilisation and its adaptation to the needs of society.

These measures should have two main objectives:

The conservation of monuments, groups of buildings and sites through:

- measures to safeguard them;
- steps to ensure the physical preservation of their constituent parts;
- operations aimed at their restoration and enhancement.

The integration of monuments, groups of buildings and sites into the physical environment of present-day society through programmes designed to:

- revitalise monuments and old buildings belonging to groups by assigning them a social purpose, possibly differing from their original function but compatible with their dignity, and as far as possible in keeping with the character of their setting;
- rehabilitate buildings, particularly those intended for habitation, by renovating their internal structure and adapting it to the needs of modern life, while carefully preserving features of cultural interest.

II. Principles of integrated conservation policy

1. Integrated conservation of the cultural heritage of monuments and sites is one of the basic constituents of regional town and country planning

Monuments, groups of buildings and sites, when properly used, provide the essential element of man's environment, whose quality depends upon their cultural value. It is important to integrate them into social life and, for that purpose, assign them a modern function in the context of man's present-day activities and requirements (revitalisation) and adapt them judiciously to the needs of our time (rehabilitation).

Consequently, the policy of affording individual protection to the most outstanding monuments and sites must be broadened and supplemented by a comprehensive policy for the integrated conservation of architectural complexes, especially old urban districts and villages forming part of a tradition.

The measures required for the conservation of monuments, groups of buildings and sites and their integration into social life must be made part of regional and town planning. This new broader concept of conservation should serve as a basis for a more human approach to regional and town planning policy.

2. The integrated conservation of a country's cultural heritage of monuments and sites concerns its citizens first and foremost

It is for the entire community to be aware of its collective responsibility for the cultural heritage of monuments and sites, to show its determination to maintain a balance between man and his traditional environment and prevent the debasement of those assets inherited from the past on which the quality of the environment largely depends.

3. Public authorities at national, regional and local levels have special responsibilities in the integrated conservation of the cultural heritage of monuments and sites

The new policy for the integrated conservation of the cultural heritage of monuments and sites should result in public authorities playing a direct part in the protection of groups of buildings and, in particular, in their allocating to restoration, revitalisation and rehabilitation schemes a substantial part of the funds earmarked for urbanisation and the construction of new buildings. It is also important that public authorities should encourage private initiative while ensuring that it adheres to integrated conservation programmes approved by the competent authorities.

The public authorities should in particular take measures to ensure:

- that properly qualified practitioners are entrusted with such operations and that the young people who will eventually take their place are given proper theoretical and practical training;
- that greater attention is given in schools of architecture to the harmonisation of modern buildings, where appropriate, with old ones;
- that departments responsible for protection of the cultural heritage are in a position to ensure that tried and tested principles, methods and techniques are applied.

They should also ensure that new constructions in the vicinity of monuments or within groups of buildings are so designed that they both incorporate present-day aesthetic conceptions and harmonise with old buildings.

Similarly, public authorities should exercise greater vigilance in areas where the authenticity of monuments, groups of buildings and sites is liable to suffer ill effects, which may be caused either by changes in the structure or nature of the zones or by large-scale public or private works such as road schemes or the building of factories or dams etc.

III. National integrated conservation policies

For the implementation of the new policy of integrated conservation, government authorities have a duty to review not only all laws and regulations relating to the protection of the cultural heritage of monuments and sites, but also some aspects of legislation regarding regional and town planning and housing, and to make a point of co-ordinating these various branches of legislation so that they are mutually complementary and compatible.

Such a review should be based on the definitions and principles set out in Sections I and II above and be guided by the financial, administrative and social recommendations appearing below.

A. Financial measures

Reallocation of funds

Because of the new objectives involved, the implementation of a policy of integrated conservation calls for a fundamental reform of national budgetary policies.

It demands considerable funds whose availability often depends on a combined effort by the ministerial departments responsible for the protection of the cultural heritage, regional and town planning, housing and tourism.

A particular reason for restoring and rehabilitating the architectural heritage lies in the advantages such action offers in the present economic situation—saving of land, infrastructure, new materials and hence energy.

Accordingly, the substantial national budgetary appropriations earmarked for redevelopment and new construction should be reallocated so as to foster the rehabilitation of the architectural heritage to a greater extent than in the past. This reallocation should be effected evenly between rehabilitation schemes and new buildings.

Official financial aid

a. Reform of regulations

Regulations laying down the form and size of financial aid and the conditions on which it is granted should be:

— jointly reviewed by the administrative departments concerned so as to ensure that aid is co-ordinated;

– designed to ensure that persons deciding to restore and rehabilitate an old building are accorded the same financial conditions as persons constructing a new building.

b. Financing of preliminary surveys

Authorities responsible for the architectural heritage should be able to defray, at least in part, the cost of any preliminary scientific, technical and socio-economic surveys designed to obtain the information needed for the drawing up of programmes for the integrated conservation of monuments and groups of buildings.

In other cases, survey costs should be included in expenditure on the work and subsidised in the same manner.

c. Financing of work

All sections of society should share in the benefits of restoration and rehabilitation financed from public funds.

In order to ensure that these works are properly financed, two forms of aid are needed:

- state grants,
- long-term, low-interest loans.

The purpose of government grants should be to help public or private owners either to restore buildings of architectural merit or to adapt them to present-day requirements and enable them to fulfil a social function once more. Rules governing the provision of grants should be based on such criteria as: the building's importance both intrinsically and in relation to other buildings, its social function, its accessibility to the public, the owner's means and the material advantage he stands to derive from the work.

Two types of grant may be envisaged:

- non-repayable ones, for work producing no material profit, such as restoration of monuments;
- repayable ones, for work which considerably increases a building's economic value, such as revitalisation and rehabilitation work on architectural complexes or on monuments.

Owners whose means are inadequate for immediately covering the cost of restoration or rehabilitation work should be able to obtain long-term, low-interest loans.

Such loans might be:

- either provided by a public credit agency already in existence or one specially established by the public authority;
- or contracted with an officially-approved private credit agency on the strength of a public guarantee.

d. Tax relief

It would be highly desirable for owners of monuments, buildings belonging to architectural complexes or sites to be allowed some tax relief so as to be able to devote more of their means to maintenance and conservation work.

For this purpose the following measures, amongst others, may be envisaged:

- reduction of property tax;
- setting-off of maintenance and conservation costs against tax;
- reduction of estate duty.

e. Establishment of a fund

To increase their resources and simplify financing procedures, governments might set up a “revolving fund” comprising the budgetary appropriations of the various ministerial departments as well as donations from private individuals or bodies such as industrial and commercial firms.

In return for such donations, some tax relief would be granted.

Practical arrangements

3. a. The public architectural heritage

Central governments as well as regional and local public authorities should set an example by the manner in which they shoulder their responsibility for monuments, ancient buildings forming part of architectural complexes and sites belonging to them or managed by them.

Local authorities should, however, be able to apply for state aid in the form of grants which, in the case of small communities lacking resources, should be large enough to cover total expenditure.

3. b. The private architectural heritage

For the implementation of programmes for the integrated conservation of architectural complexes, the state should provide adequate funds to enable the following to be carried out in a reasonable time on the basis of a national (or regional) programme drawn up in agreement with the local authorities concerned:

- official pilot projects designed to provide an impetus;
- voluntary projects conducted by owners or by associations acting on their behalf.

Statutory financial aid should be granted not only to private owners but also to public, private or mixed bodies formally recognised and appointed by them.

3. c. Sites

Public authorities should also contribute towards the cost of protecting and enhancing sites in cases where more work needs to be done than the owner can pay for himself, and compensate for some disabilities resulting from such care.

B. Administrative measures

The implementation of an integrated conservation policy on monuments, architectural complexes and sites implies a considerable increase in the operational capacities of the public authorities concerned.

Organisation of departments

Unless it already exists, a department for the conservation of the cultural heritage provided with the necessary administrative, scientific and technical personnel and appropriations should be set up to work out and implement policy.

The work of this department would be made considerably more effective if it could have the advice of a committee of conservation specialists and the support of a scientific institute with the task of developing conservation methods and techniques offering the guarantee of safety and, generally speaking, of ensuring that the protection of the architectural heritage benefits from the continuous progress being made in science and technology.

With such resources, the administrative department responsible for the cultural heritage of monuments and sites can and should act in close co-operation with the one responsible for regional and town planning and with local authorities.

Such co-operation should exist both at the preliminary studies level and at the decision-making and execution level.

Conservation and planning

In the case of each group of buildings it will be necessary to prepare an integrated conservation programme setting out in detail the measures to be taken to ensure conservation and integration into social life. In a good many cases, it would be desirable to prepare a similar programme for the monuments and sites to be protected.

However, the integrated conservation programme will have little chance of being effectively applied unless the measures it contains are dovetailed into larger-scale plans at local or even regional level.

Until such time as the cultural heritage of monuments and sites is effectively protected as part of planning formation, it is essential that planning provisions require new constructions to be subject to certain restrictions in regard to their outline and dimensions (height and volume) and their materials. Such restrictions would discourage speculation in property and would encourage rehabilitation.

It is highly desirable for planning regulations to be revised and supplemented so as to discourage overcrowding and promote rehabilitation rather than renovation (preceded by demolition).

Moreover, technical building regulations should be eased in order to enable integrated conservation schemes to be carried out.

Inventories, maps and plans

Each member state should prepare protective inventories so as to be able to identify exactly the monuments, groups of buildings and sites that are worthy of protection.

Countries which already have such inventories should expand them and bring them up to date in the light of the new enlarged concept of what constitutes the architectural heritage.

In countries which do not have an inventory, provisional lists should be drawn up as an initial step, indicating the groups of buildings, monuments and sites worthy of protection.

Around the latter, there should be a protection zone in order to ensure the harmonious evolution of the man-made environment. Monuments, groups of buildings and sites together with their protection zones should be entered on maps and plans produced jointly by departments responsible for the protection of the architectural heritage and those dealing with regional and town planning.

Constitution of a panel of qualified practitioners and specialised technicians

Projects should be planned and directed by experienced practitioners and executed by technicians and skilled craftsmen.

Special attention should be paid to training young people to take over such work in due course and to training craftsmen skilled in techniques that are dying out.

C. Social measures

Maintaining the social fabric and improving the living conditions of all levels of the population, particularly the less affluent ones, should be one of the main concerns of anyone responsible for drawing up a programme for the integrated conservation of a group of urban or rural buildings.

For this purpose, a multidisciplinary team should be assembled and, before anything else, a detailed study made of the economic, social and cultural situation in the urban district or village concerned, so that a catalogue of problems may be compiled and consideration given to solutions likely to prove acceptable to local authorities and to the public.

Public authorities should ensure that the rents of houses rehabilitated with public financial aid do not exceed rents for comparable modern housing. In order to prevent the general departure of poorer sections of the population and to foster social balance in rehabilitated areas, authorities should consider special rent subsidies or allowances as part of the housing aid system.

Before a programme for the integrated conservation of an architectural complex comes to be drawn up, local authorities should prevent an increase in property speculation by acquiring control of land wherever necessary.

Local authorities should ensure that the public actively participates in the preparation of integrated conservation programmes by informing it about the value of the architectural heritage and about measures envisaged for revitalising and rehabilitating it. They should in particular ensure that schemes are presented in a form intelligible to the public.

The latter should have an opportunity to obtain all relevant information and be allowed sufficient time to appraise all aspects of problems and make an effective contribution to the finalisation of integrated conservation programmes and of arrangements for their implementation.

D. Informing and educating the public

Each member state should take action to inform the public at large of the extent and richness of the cultural heritage of monuments and sites forming their environment, of the impairment it has suffered, of the dangers threatening it and of the cultural, economic and social reasons justifying its protection. Continuous efforts should be made, employing all available dissemination techniques, especially television, to bring home to the public the important part they can play in preserving that heritage.

A richly illustrated and reasonably priced publication reproducing the inventory of protected monuments and sites would draw the attention of the local authorities and the public at large to the cultural treasures which they collectively own.

An information campaign should be conducted to publicise the new policy of integrated conservation, whose aim it is to restore, rehabilitate and enhance man's traditional environment and enable old buildings of a modest character belonging to groups in urban or rural areas to be used again as dwellings.

At the international, national and local levels, voluntary organisations can play a most valuable part in drawing attention to the cultural and social value of the architectural heritage, in enlisting the active support of the public for its conservation and in inducing public authorities to apply an effective policy.