

WP-T1 DEVELOPMENT OF STRATEGY AND ACTIONS PLANS ON EVALUATION OF CULTURAL HERITAGE

D.T1.1.2 Analysis of national legislation and
local regulations regarding historical parks

Version 1.0



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Definition of basic terms (tbc)

- ❖ ICOMOS - International Council on Monuments and Sites
- ❖ ICOMOS-IFLA - International Committee on Historic Gardens and Sites
- ❖ Historic garden – architectural and horticultural composition of interest to the public from historical or artist point of view
- ❖ MAB – Man and Biosphere Programme, Unesco
- ❖ Venice Charter (1964) - set of guidelines providing an international framework for the conservation and restoration of historic buildings
- ❖ Landscape - an area, as perceived by people, whose character is the result of the action and interaction of natural and/or human factors
- ❖ ... [please add here your proposals]

1. Key regulations for historical parks on the EU/international level (in chronological order)

1.1. Convention Concerning the Protection of the World Cultural and Natural Heritage (Paris, 1972) adopted by the United Nations General Conference for Education, Science and Culture.

The Convention defines the kind of natural or cultural sites which can be considered for inscription on the World Heritage List. The Convention sets out the duties of States Parties in identifying potential sites and their role in protecting and preserving them. The States Parties are encouraged to integrate the protection of the cultural and natural heritage into regional planning programmes, set up staff and services at their sites, undertake scientific and technical conservation research and adopt measures which give this heritage a function in the day-to-day life of the community.

1.2. MAB – Man and Biosphere Programme, Initiated UNESCO

The Man and the Biosphere Programme, initiated by UNESCO in the 1970s, aims to improve the relationship between man and the environment and reduce the loss of biodiversity through research and capacity-building actions. The programme has promoted Biosphere Reserves, marine or land areas managed with the aim of resource conservation and sustainable development, and having care to ensure the direct involvement of local communities.

1.3. The Florence Charter - Historic Gardens (Florence, 1981), approved by ICOMOS

The Florence Charter, approved by ICOMOS, as a part of the Venice Charter, sets out the international rules and guidelines for the preservation of historic gardens. The document defines historic gardens as architectural compositions and recommends their preservation as living monuments. It characterizes a general approach to maintenance, conservation, restoration, and reconstruction of gardens, including their plans, vegetation, structural and decorative features, and use of water. Moreover it also outlines legal and administrative issues.

Please note that according to the Article 6 of the Charter: *The term "historic garden" is equally applicable to small gardens and to large parks, whether formal or "landscape".*

1.4. Convention for the Protection of the Architectural Heritage of Europe (Granada, 1985) Approved by Secretary General of the Council of Europe

The main purpose of the Convention is to reinforce and promote policies for the conservation and enhancement of Europe's heritage. It also affirms the need for European solidarity with regard to heritage conservation and is designed to foster practical co-operation among the Parties. It



establishes the principles of "European co-ordination of conservation policies" including consultations regarding the thrust of the policies to be implemented.

1.5. European Convention on the Protection of the Archaeological Heritage (La Valetta, 1992), adopted by the Council of Europe

The European Convention for the Protection of the Archaeological Heritage replaced and updated the original London Convention of 1969. It reflected the change in the nature of threats to the archaeological heritage, which now came less from unauthorized excavations, as in the 1960s, and more from the major construction projects carried out all over Europe from 1980 onwards. It established a body of new basic legal standards for Europe, to be met by national policies for the protection of archaeological assets as sources of scientific and documentary evidence, in line with the principles of integrated conservation.

1.6. European Landscapes Convention (Firenze, 2000) Adopted within the Council of Europe.

The European Landscape Convention is aimed at promoting the protection, management and planning of European landscapes and organizing European cooperation on landscape issues. It is the first international treaty to be exclusively concerned with all dimensions of European landscape. It applies to the entire territory of the Parties and relates to natural, urban and peri-urban areas, whether on land, water or sea. It therefore concerns not just remarkable landscapes but also ordinary everyday landscapes and blighted areas. The Convention represents an important contribution to the implementation of the objectives of the Council of Europe: these seek to protect Europeans' quality of life and well-being, taking into account landscape, cultural and natural values.

1.7. Convention on the Value of Cultural Heritage for Society (Faro Convention, 2005), Adopted within the Council of Europe.

The Faro Convention is a "framework convention" which defines issues at stake, general objectives and possible fields of intervention for member States to progress. The Convention emphasizes the important aspects of heritage as they relate to human rights and democracy. It promotes a wider understanding of heritage and its relationship to communities and society. Each State Party can decide on the most convenient means to implement the Convention according to its legal or institutional frameworks, practices and specific experience. Compared to other conventions, the "framework convention" does not create specific obligations for action. It suggests rather than imposes.

1.8. The Florence Declaration on Heritage and Landscape as Human Values (2014) Adopted by ICOMOS
Declaration of the principles and recommendations on the value of cultural heritage and landscapes for promoting peaceful and democratic societies. The Declaration encourages an in depth reflection on the ethics and processes of heritage management, and a shared concern regarding the challenges that current and future generations will have to deal with.

1.9. European Cultural Heritage Strategy for the 21st century (2017) adopted by Council of Europe

"Strategy 21" redefines the place and role of cultural heritage in Europe and provides guidelines to promote good governance and participation in heritage identification and management, and disseminates innovative approaches to improving the environment and quality of life of European citizens. It sets challenges, recommends actions and highlights best practice to be followed by all actors and stakeholders – governments, local authorities, civil society and professionals.

2. National regulations for historical parks and gardens

2.1. POLAND

2.1.1. Key documents and regulations



[Please list key documents and regulations in terms of maintenance, conservation, restoration, and reconstruction of historical parks/gardens on the national, regional and local level]

NATIONAL REGULATIONS:

- Act of 23 July 2003 on the Protection and Care of Monuments
- the Ordinance of the Minister of Culture and National Heritage of 28 June 2017 concerning conservation and restoration works, as well restoration research with regard to a monument entered in the monuments register or Heritage Treasure List, as well as construction works, architectural studies and other activities with regard to a monument entered in the monuments register, as well as archaeological research and search for monuments.
- Act of 07 July 1994, Construction Law
- Act of 16 April 2004 on the protection of nature
- Act of 27 March 2003 on planning and spatial development
- Act of 18 July 2001, Water Law
- Act of 21 August 1997, on property management
- Act of 24 April 2015 on altering certain acts on account of enhancing the tools for environmental protection
- Ordinances of the Minister of Infrastructure as of 12 April 2002 on technical conditions which should be fulfilled by buildings and their location
- Regulation of the Minister of the Environment from 16 December 2016 on species-specific protection of animals
- Regulation of the Minister of the Environment from 9 October 2014 on species-specific protection of plants
- Regulation of the Minister of the Environment from 9 October 2014 on species-specific protection of mushrooms
- The concept of the country's spatial development
- A domestic programme of monument protection and monument care for the years 2014-2017

REGIONAL DOCUMENTS OF THE KUJAWSKO-POMORSKIE REGION:

- Programme for the Protection of Historical Monuments of the Kuyavian-Pomeranian Voivodeship for the years 2017-2020
- Regional Operational Programme of the Kuyavian-Pomeranian Voivodeship for the years 2014-2020
- Strategy for the development of the Kuyavian-Pomeranian Voivodeship until 2020 and modernisation plan 2020+
- The spatial development plan for the Kuyavian-Pomeranian Voivodeship
- The Strategy of Tourism Development for the Kuyavian-Pomeranian Voivodeship
- Territorial Contract for the Kuyavian-Pomeranian Voivodeship for the years 2014-2023

REGIONAL DOCUMENTS AT A DISTRICT/COMMUNE LEVEL:

- Studies of conditions and directions of spatial development in the communes.
- Strategies for the development of communes
- Local plans of spatial development
- district/commune programmes for monument protection

2.1.2. Key institutions and organizations

[Please list key institutions and organizations involved in the process of maintenance, conservation, restoration, and reconstruction of historical parks/gardens on the national, regional and local level]



GOVERNMENTAL BODIES:

- The Ministry of Culture and National Heritage, General Conservation Officer as an Undersecretary of State operates within the structures of the ministry together with the Agency for the Preservation of Monuments
- National Heritage Board, together with its local branches

REGIONAL GOVERNMENT BODIES:

- Kuyavian-Pomeranian Voivodeship Conservation Officer
- Local branch of the National Heritage Board in Toruń
- General Directorate for Environmental Protection

LOCAL GOVERNMENT INSTITUTIONS:

- Municipal Conservation Officer (Bydgoszcz, Toruń, Chełmno, Grudziądz)
- District Conservation Officer (this function is not present in the Kuyavian-Pomeranian Voivodeship)
- District Starost – as a construction supervision body
- Commune council – as a natural monument protection body

ASSOCIATIONS:

- Polish National Committee ICOMOS
- Association of Conservation Officers (with local branches)
- Society for the Preservation of Monuments (with local branches)
- Association of Polish Architects (with local branches)
- International Association of Cultivation and Protection of Trees
- Society for Landscape Architecture (with local branches)
- Society for Polish Landscape Architects (with local branches)

2.2. SLOVENIA

2.2.1. Key documents and regulations

[Please list key documents and regulations in terms of maintenance, conservation, restoration, and reconstruction of historical parks/gardens on the national, regional and local level]

NATIONAL REGULATIONS

Strategic documents

- Slovenia's Development Strategy
- Spatial Development Strategy of Slovenia (Official Gazette of the RS, no 76/2004)
- The National Programme for Culture 2014-2017
- Strategy for Sustainable Development of Slovenian Tourism 2017-2021 (draft)

Key Acts

- Spatial Management Act (ZUreP-2) - Will be proceeded by the end of 2017. It will replace and combine three currently still valid acts:
 - Spatial Management Act (ZUreP-1),
 - Spatial Planning Act (ZPNactr),
 - Regarding the Siting of Spatial Arrangements of National Significance in Physical Space act (ZUPUDPP).
- Nature Conservation Act
- Cultural Heritage Protection Act (ZVKD-1)
- Documents, complementing the act (ZVKD-1) related to project topics:
 - Rules on the Cultural Heritage Register (Official Gazette of the Republic of Slovenia 66/09),
 - Conservation Plan for Renewal (Official Gazette of the Republic of Slovenia, 76/10) ,

- Rules on Conservation Plans (Official Gazette of the Republic of Slovenia 66/09).

LOCAL LEVEL - PTUJ

- Municipal Spatial Plan of the Municipality Ptuj (Article 13 - other important areas of the municipality - castle and park Turnišče)
- Order declaring Castle and Park Turnišče a cultural monument of national importance (Official Journal of RS, Nos. [81/99](#), [55/02](#), [54/03](#) in [16/08](#) – ZVKD-1)
- Special regulations protection areas (Natura 2000 sites) (Official Journal of RS, No. 49/04)
- Special regulations protection areas (Natura 2000 sites)(Official Gazette of RS, No. 49/04, 110/04, 59/07, 43/08, 8/12, 33/13, 35/13-OdlUS and 3/14).
- Decree on the proclamation and protection of natural areas and monuments of nature in the Municipality of Ptuj (Official newspaper of the municipalities of Ormož and Ptuj, no. 14/79)

LOCAL LEVEL - VELENJE

- Municipal Spatial Plan of the Municipality Velenje / Long-term Spatial Plan of MoV 2009 (Official Journal RS, Nos. 21/90, 34/92 (for parts of the former Municipality of Žalec) and Official Gazette of MoV Velenje Nos. 17/88, 7/01, 13/04, 17/10, 21/10)
- Ordinance on spatial planning conditions for the 02 planning zone; Local Communities Škale-Hrastovec and Konovo (PUP 02) (Official Gazette of MoV, Nos. 6/10 – UPB1, 27/10, 6/12, 9/13, 13/13, Official Journal of RS No. 27/13 – DPN)
- Ordinance on spatial planning conditions for Gorica in Velenje (Official Gazette of MoV, Nos. 4/99 and 1/02, 20/05, 26/06, 12/09, 06/12)
- Ordinance on the management plan for Grajski hrib, stage II, for part of the R 4/6 development zone in Velenje (Official Gazette of MoV, No. 16/91)
- Ordinance on the management plan for Šalek, for part of the S 4/8 development zone in Velenje (Official Gazette of MoV No. 5/96) – unofficial consolidated version

2.2.2. Key institutions and organizations

[Please list key institutions and organizations involved in the process of maintenance, conservation, restoration, and reconstruction of historical parks/gardens on the national, regional and local level]

NATIONAL LEVEL

- **Ministries and their bodies**
 - The Ministry of the Environment and Spatial Planning / Ministrstvo za okolje in prostor (MOP)
With competent public institution: / Agencija Republike Slovenija za okolje (ARSO)
Institute of the Republic of Slovenia for Nature Conservation / Zavod Republike Slovenije za varstvo narave (ZRSVN)
 - The Ministry of Culture / Ministrstvo za kulturo (MK)
With competent public institution: Institute for the Protection of Cultural Heritage / Zavod za varstvo kulturne dediščine Slovenije (ZVKDS).
- **Organizations /non-governmental**
 - ICOMOS Slovenia
 - Društvo krajinskih arhitektov Slovenije /Slovenian Association of Landscape Architects



- Slovenian Association of Architect

LOCAL LEVEL - PTUJ

- City Municipality of Ptuj /Mestna Občina Ptuj
- Institute for the Protection of Cultural Heritage - Regional Unit Maribor
- Institute for the Protection of Natural Heritage - Regional Unit Maribor

LOCAL LEVEL – VELENJE

- City Municipality of Velenje / Mestna Občina Velenje
- Institute for the Protection of Cultural Heritage - Regional Unit Celje
- Institute for the Protection of Natural Heritage - Regional Unit Celje

2.3. CROATIA

2.3.1. Key documents and regulations

[Please list key documents and regulations in terms of maintenance, conservation, restoration, and reconstruction of historical parks/gardens on the national, regional and local level]

- Taking into account the aspect of environmental protection and the fact that Historical parks (around castles) in Croatia are mostly preserved as “**Monument of park architecture**”, the most important national law governing the reconstruction of Historical parks would be the Law on nature protection. It can be found in the OJ (Official Journal number 80/13)
- As regards the conversation, relevant law is the **Law on Protection and Conservation of Cultural Property**. It can be found in the OJ (Official Journal number 69/99, 151/03, 157/03, 100/04, 87/09, 88/10, 61/11, 25/12, 136/12, 157/13, 152/14, 98/15, 44/17)

2.3.2. Key institutions and organizations

[Please list key institutions and organizations involved in the process of maintenance, conservation, restoration, and reconstruction of historical parks/gardens on the national, regional and local level]

REGIONAL LEVEL

- As regards the conversation, **regional offices for conservation** in every County (konzervatorski uredi) are the official government institutions in charge of conservation issues. They are mandated from the Ministry of Culture.
- **Ministry of Culture** as the overall responsible institution on the Government level, including regional offices mentioned above
- If we go to the regional level and take the example of Krapina Zagorje County (in which Municipality of Bedekovčina is located and in which the HICAPS park is located (also registered as monument of park architecture) a very important institution is the **Public Institution for the Management of Protected Areas of Nature I Administrative Department for Physical Planning and Environmental Protection of the Krapina-zagorje County** that issues permits for performing activities according to the Nature Protection Act (OJ 80/13) and will also issue a permit for activities which will be done through the HICAPS project in Bedekovčina.
- Very similar is also in Municipality of Varaždin which is in Varaždin County with little difference: The castle and its surroundings is under direct supervision of Ministry of culture and regional office for conservation because it's protected as part of cultural historical center and cultural monument.

2.4. ITALY

2.4.1. Key documents and regulations

[Please list key documents and regulations in terms of maintenance, conservation, restoration, and reconstruction of historical parks/gardens on the national, regional and local level]

NATIONAL LEVEL

- Law n. 394 6/12/1991: it defines the National Framework for protected areas. It establishes principles and regulations for identification, management, governance of protected natural areas, including parks, at national and regional level. It is currently subject to a general revision.
- Rete Natura 2000: national law and regulations <http://ambiente.regione.emilia-romagna.it/parchi-natura2000/consultazione/normativa/norme-nazionali/natura2000-normativa-statale>.
- Decree 22 January 2004, n. 42 "Codice dei beni culturali e del paesaggio": among other dispositions, it enlarges the concept of "cultural asset", also including landscape, forestry and natural areas <http://www.normattiva.it/uri-res/N2Ls?urn:nir:stato:decreto.legislativo:2004-01-22;42!vig=>.
- Law 14 January 2013, n. 10 "Norme per lo sviluppo degli spazi verdi urbani": it promotes initiatives for urban green areas (such as the Trees Day), the obligation for each municipality to set a "trees balance. It also defines the national Public Green Development Committee: <http://www.normattiva.it/uri-res/N2Ls?urn:nir:stato:legge:2013;10>.
- Law n. 132 (28 June 2016): it creates the National System Network for Environmental Protection (SNPA), an integrated system of regional and national agencies in charge of: monitoring, research, technical support, data collection and analysis, and acting as a point of reference for public administrations.

REGIONAL LEVEL

- Regional Law 24 January 1977: <http://ambiente.regione.emilia-romagna.it/parchi-natura2000/sistema-regionale/alberi-monumentali>: it defines actions for the protection of regional flora, such as establishment of a regional nature conservation fund, and discipline for the collection of undergrowth products.
- Tools and documents for management and government of regional protected areas: <http://ambiente.regione.emilia-romagna.it/parchi-natura2000/consultazione/Programmi-Piani-e-Regolamenti/piani-programmi-e-regolamenti-del-settore-aree-protette/Programmi-Piani-e-regolamenti-del-settore-aree-protette>
- Programme of the Regional System of Protected Areas: <http://ambiente.regione.emilia-romagna.it/parchi-natura2000/consultazione/Programmi-Piani-e-Regolamenti/programma-regionale/programma>
- Regional territorial plan: <http://ambiente.regione.emilia-romagna.it/parchi-natura2000/consultazione/Programmi-Piani-e-Regolamenti/piani-programmi-e-regolamenti-del-settore-aree-protette/ptp/Piani-territoriali-dei-parchi>
- Regional parks regulation: http://ambiente.regione.emilia-romagna.it/parchi-natura2000/consultazione/Programmi-Piani-e-Regolamenti/piani-programmi-e-regolamenti-del-settore-aree-protette/reg_parchi/regolamenti-parchi
- Regional laws for the creation of regional parks: <http://ambiente.regione.emilia-romagna.it/parchi-natura2000/consultazione/normativa/norme-rer/istituzione-parchi-regionali>
- Act establishing the Itinerary "Alta via dei parchi": <http://ambiente.regione.emilia-romagna.it/parchi->

[natura2000/fruizione/altavia/allegati-alta-via-dei-parchi/delibera-di-giunta-regionale-n-2039-2009](#)

- Act approving the cycle itinerary “Ciclovie dei parchi”:
<http://ambiente.regione.emilia-romagna.it/parchi-natura2000/fruizione/ciclovie/documenti-progetto-ciclovie/delibera-di-giunta-regionale-n-288-2011>

LOCAL LEVEL: City of Bologna and Villa Ghigi Park

- The regulation of public and private green areas in the City of Bologna:
http://www.comune.bologna.it/media/files/regolamento_comunale_del_verde_testo_consolidato_280416.pdf
- The Villa Ghigi Park is located in an area of great importance from the landscape point of view, on the hills of Bologna. This territory that has been protected for decades on the basis of Legislative Decree 42/2004 art. 136: Code of Cultural Heritage and Landscape - ex Law 1497/1939. In particular, the specific Ministerial Decree (dated 9 November 1955) refers to the area south of Bologna, which has been declared of considerable public interest in the city regulation:
<http://urp.comune.bologna.it/portaleterritorio/portaleterritorio.nsf/54d343d22fed7808c1256cfb002e416e/aaf414b396f3be14c1257ab50050049f?OpenDocument>.

This statement recognized the area, also including interesting natural parks - such as the hills of Paderno, Gaibola, Casaglia, Osservanza, etc., as a natural landscape of singular beauty. This regulation also includes the streets enclosed in this area, with their viewpoints accessible to the public, from which you can enjoy the view of the city and its surrounding hills. All these elements are therefore subject to all the provisions contained in the specific law.

A second level of protection for the Villa Ghigi Park concerns the villa and the surrounding green space, that are cultural objects declared on the basis of Legislative Decree 42/2004 art. 13 - Code of Cultural Heritage and Landscape (ex Law 1089/1939). In particular, it refers to the specifications contained in the text of the Ministry for Cultural and Environmental Heritage (Villas, Parks and Gardens for an Atlas of the Constrained Heritage, edited by Vincenzo Cazzato, Polygraph Institute and State Mint, Rome 1992).

- Finally, the aforementioned Code of Cultural Heritage and Landscape also protects some of the wooded areas within the park for their landscaping interest (Legislative Decree 42/2004, article 142, paragraph 1, letter g). In particular it includes the forest on the eastern sector of the park and the bushes along the Fontane River. At the level of municipal urban planning (PSC_RUE_POC), the Carta Unica del Territorio of the Municipality of Bologna is the document setting out and governing all the aforementioned aspects of protection.
- In the regional context, the Villa Ghigi Park falls within the system of protected areas of Emilia-Romagna, consisting of a complex set of parks, reserves and protected landscapes (to which the Natura 2000 Sites are linked to environmental protection policies at European level). In particular, the park is included within the perimeter of the natural and semi-natural Protected Landscape “Hills of San Luca” which includes much of the hilly area south of Bologna between Reno and Savena (Provincial Council Resolution No. 5 of 22/01/2014). The protected area of the natural and semi-natural Protected Landscape Hills of San Luca is under the direct responsibility of the Metropolitan City of Bologna.

LOCAL LEVEL: City of Ferrara

- The regulation of public and private green areas in the City of Ferrara:
http://servizi.comune.fe.it/attach/superuser/docs/regolamento_verde_publico_privato_rev1.pdf



- The Green Areas Office of the City of Ferrara performs only the ordinary maintenance activities (mainly cleaning, pruning, stability checks, control of urban furnishing) of the green areas in the municipal territory. There is currently no regulation on the maintenance and conservation of parks and historical gardens, however the City of Ferrara issued a Public and Private Green Areas Municipal Regulation, dealing with the proper management of historical trees and maintenance activities.
- On the 4th July 2016, the City of Ferrara also issued the new Municipal Regulation for Preservation and Participative Reorganisation of Public Green Areas: <http://servizi.comune.fe.it/4548/regolamento-per-la-cura-e-riconversione-di-aree-verdi-pubbliche>

The City of Ferrara, aware that public green areas and urban furnishing belong to the community and that their maintenance and preservation represent an activity of public interest, issued this regulation to govern the forms of shared responsibility among citizens, associations and the City itself, to take care of preservation and reconversion of public green areas. This action aims to:

- stimulate and increase the sense of belonging of citizens;
- raise awareness on the protection and safeguard of the municipal territory through processes of participation and self-management of the natural heritage;
- reclaim public green spaces, with social, aesthetic-landscaping and environmental purpose, improving their use and deployment.
- The area where the Hicaps interventions are planned is subject to safeguard for the respect of the "prospect, environment and decorum", according to the mentioned Code of Cultural Heritage and Landscape. For this reason the Regional Superintendence is requested to express its opinion and authorize the transformation and compatibility with the protection of the cultural values present. No building works are allowed in the park of the walls.
- By the end of 2017 a direct reference to the RUE (Urban Planning Directive) of the City of Ferrara (<http://servizi.comune.fe.it/6953/regolamento-urbanistico-edilizio-rue>) will be also added. The RUE, and also the PSC (Municipal Structural Plan, <http://servizi.comune.fe.it/6935/piano-strutturale-comunale-psc>), protect the landscape as part of the Unesco Site including the centre of Ferrara with its Walls and the Barco del Duca. In particular, Art. 107.3.1 of the RUE NTA protects the paths of the embankments and the valley for their panoramic value.

An additional protection from the archaeological point of view is set up by art. 107.2.4.5 and art. 107.2.4.4 of RUE. The area has a "high archaeological potential" at the bastions of St. Paul, where the ancient fortress was erected at the beginning of the 1600s. Any interventions must be preceded by a preventive survey in agreement with the Superintendence of the Archaeological Heritage of Emilia Romagna in order to ascertain the existence of archaeological materials or in any case to provide prescriptions on how to carry out the work.

2.4.2. Key institutions and organizations

[Please list key institutions and organizations involved in the process of maintenance, conservation, restoration, and reconstruction of historical parks/gardens on the national, regional and local level]

- Italian Ministry of Environment, Land and Sea – Division II – Biodiversity, Protected Areas, Flora and Fauna <http://www.minambiente.it/pagina/direzione-generale-la-protezione-della-natura-e-del-mare-pnm>. The existing Italian national parks (5% of the national territory) are formally under the responsibility of this Ministry, but their direct management is entrusted to external bodies with autonomous legal entity (national, regional, local bodies, associations, etc.).



- Regional parks are formally managed by Regions. Each Italian Region has its own department or office for environment and parks. Local parks are under the responsibility of the municipalities. In most cases the management is entrusted to external bodies. Natural areas also exist under the responsibility of the Ministry of Agriculture.
- Italian Federation of Parks and Nature Reserves, founded in 1989, joins over 160 bodies managing national and regional parks, marine protected areas, regional and state nature reserves, and consists of regional coordination offices. Since June 2008, the Federparchi has also been established as the Italian Section of the Europark Federation <http://www.parks.it/federparchi/Eindex.php>.
- The State Forestry Guard (Italian: Corpo Forestale dello Stato or CFS) was a national body established on 15 October 1822 for Forestry administration and control. CFS was closed on December 31, 2016 and all the personnel became militarized and absorbed by the Carabinieri (military force with police duties under the authority of the Ministry of Defence).
- Public Green Development Committee – created by law 10/2013 on Regulations for public green development - is in charge of monitoring, promoting and planning urban green areas development. The Committee publishes every year a Report on Public Green. The Committee is supported by the Italian Institute for Environment Research and Protection (ISPRA) for data collection and analysis, as well as organisation: <http://www.minambiente.it/pagina/comitato-il-verde-pubblico>.

ISPRA is part of the National System of Environmental Agencies (21 agencies, one for each Italian region) which deals with local problems and national regulations in terms of environment protection and preservation. In January 2017 the law 132 (dated 28 June 2016) entered into force: it has created the National System Network for Environment protection (SNPA) a more integrated system of regional and national agencies in charge of: monitoring, research, technical support, data collection and analysis, acting as a point of reference for public administration. The System's council is also in charge of guiding --with binding advice-- the decision of the Italian Government on environmental matters.

3. Case study, identified problems and recommendations

3.1. POLAND

3.1.1. Exemplary investment process of park/garden restoration or reconstruction

[Please describe an exemplary investment process (procedures, institutions involved, time frame, possible financing sources etc.) of restoration or reconstruction of historical parks/gardens]

Conservation, restoration, construction works, conservation and architectural studies, works around the monument or other activities with regard to the monument entered into the monument register, as well as archaeological research requires (in accordance with the act on the protection and care of monuments) a relevant authorisation from the Voivodeship Conservation Officer, issued as an administrative decision – separately for each type of works listed above. The authorisations are issued at the request of the owner (authorised entity) on the basis of relevant documentation and appendices defined in the Regulation regarding conservation works (...).

The execution of construction works at the monument is subject to the provisions of the Construction Law, and requires a relevant construction permit issued by a construction supervision body (District Starost).



The requirements of the investment process:

- Conservation recommendations to reshape the historical park layout –issued by the Voivodeship Conservation Officer at the request of the monument's owner;
- Preparation of the concept design for the reshaping of the park layout based upon: park survey, dendrochronology based on non-invasive methods, wood stand evaluation, as well as the analysis of historical composition based on field studies, analysis of archival materials, iconography, cartographic materials and, in justified cases, supplemented with an exploratory study performed with archaeological methods. Conservation studies require a permit of the Voivodeship Conservation Officer.
- Once the design concept has been agreed on with the Voivodeship Conservation Officer, one may proceed with industrial designs:
 - conservation and restoration works schedule
 - design documentations, industries: sanitation and water supply, electricity and power, roads, architecture with spatial development, landscape architecture – planting plan; landscape architecture - management of the wood stand;
- The choice (possibly by way of public procurement) of the site manager, a person responsible for investor supervision, and a person executing conservation works. The people listed above must comply with the requirements laid down in the act of protection and care of monuments;
- Obtaining conservation authorisations as well as permits or notifications with the bodies of construction administration;
- Preparation of the financial engineering – own funds + public funds intended for the protection of heritage, including the possibility to obtain subsidies in a competition mode: from the Minister of Culture and National Heritage, the Voivode (through the Voivodeship Conservation Officer), voivodeship, district and commune self-governments; environmental protection – subsidies from the Voivodeship Environmental Protection Fund Possibility to apply for EU funds.

3.1.2. Shortcomings and recommendations

[Please specify the main obstacles and problems for further investments and maintenance works regarding historical parks and gardens. Moreover please shortly describe the proposed recommendations for decision makers in order to provide improvements in this area]

Shortcomings

- A complex system of obtaining conservation authorisation, separately for each category of pre-conceptual works – conservation studies, architectural studies; execution: conservation and restoration works, construction works, works around the monument or other activities at the monument, archaeological research.
- obtaining authorisation from different administrative bodies: Voivodeship Conservation Officer, General Directorate for Environmental Protection, the Commune
- limited financial funds for task subsidies
- long waiting-time for the issuance of authorisation Construction permit (60 days) following the prior authorisation from the Voivodeship Conservation Officer (30 days). On account of frequent lack of legal status regulation of the park (property, responsible entity), compensation claims and similar cases may take years.
- possibility to revoke or annul authorization from the Voivodeship Conservation Officer within two years of the issuance of the decision by the Minister of Culture and National Heritage, which may cause the initiated actions and invested funds to be lost – lack of investment stability, which will reflect the possible provision of loan funds for it.



- discrepancy in the priorities as regards the protection of monuments and environmental protection;
- a small number of local plans of spatial development;
- lack of law-supported standards for reshaping documentation of historical parks;

Recommendations

- simplification of administrative procedures and the number of authorisations that are necessary to obtain, through accurate legislation changes;
- increase in social awareness in relation to the protection of historical greens as well as conservation priorities which sometimes depart from the principles of natural conservation;
- Bringing the legal status of historical parks to order;
- increase in the provision of funds for public aid for the reshaping of historical parks;
- protection of the surroundings and connections of views in historical parks in local plans of spatial development;
- establishment of standards for design documentation in historical parks;
- recording the principle of permanence of the issued administrative decision in the legal system– authorisation from the Voivodeship Conservation Officer.

3.2. SLOVENIA

3.2.1. Exemplary investment process of park/garden restoration or reconstruction

[Please describe an exemplary investment process (procedures, institutions involved, time frame, possible financing sources etc.) of restoration or reconstruction of historical parks/gardens]

Procedures

Due to different types of procedures for interventions which need building permit and the ones which don't need it both procedures are presented:

Works which require a building permit

A building (construction) permit is required for **a change of the use** of a building or site, **a reconstruction** of a building or site, **a new building or site** (which includes demanding, less demanding and non-complex buildings) and **a removal** of a building.

- The necessary documentation is prepared by **an authorised registered architect and/or landscape architect** in the collaboration with **other authorised engineers**.
- Competent public institutions must be involved into the process in order to give the **Planning conditions** for the specific case. Which institutions are competent is defined in Spatial planning documents. Usually they are: municipality and institutions managing public infrastructure. In the case of cultural heritage and special areas of nature preservation, those institutions are also the Institute for the Protection of Cultural Heritage (ZVKD) and the Slovenian Environmental Agency (ARSO). They have to issue **Protection conditions**. Special areas of nature preservation are: Areas of Natura 2000, protected areas (defined by protection legislation) and areas of natural values of local or national significance. Cultural heritage areas are all entered in national register of cultural heritage as: cultural heritage or monuments of local or national significance.

In general **Protection conditions** define if **the Conservation plan** is needed or not. In the case of interventions in building or site declared as monument of local or national significance (also in the case of historic parks/gardens) the Conservation plan is needed.



- On the basis of the issued **Planning and Protection conditions** and **Municipal (detailed) spatial planning documents** (OPN, OPPN, special regulations) the **Conceptual project (IDZ and/or IDP)** is made with the designs of the intended intervention. Project includes basic plans and technical reports.
- The Concept project has to be made in accordance with all planning and protection conditions. It is submitted to the responsible public agencies to control it and when all of the conditions are fulfilled the **Approval** is issued. Approvals are issued by each agency for the conditions they cover.
- The next stage is to make **The project for the acquisition of a building permit (PGD)** in which it is necessary to prove that the design of the intended intervention is consistent with the spatial planning documentation, in accordance with building regulations and has all of the demanded approvals. Project consists of a group of plans, detailed plans, technical reports, etc. The project is submitted to the **Administrative Unit** which runs the procedure and issues the Building permit.
- In order to start the construction, **Project with detailed plans for construction (PZI)** has to be made.
- In case of buildings, which are intended for **public use** (also historic parks/gardens), after the completion of the construction additional **technical documentation (Project PID)** must be made in order to obtain the **Operating Permit**.
- Operating Permit is issued after the Administrative unit assemble the special **commission** (consists of the representatives of the institutions, which gave the approvals). The commission conducts a **technical inspection** carried out on-site and if all of the demands are met, the Administrative unit issues the operating permit.

Works which doesn't require a building permit

A building permit isn't required in an instances of a building of a **simple building** and a **regular maintenance work**. A simple building is structurally non-complex, has no effect on its surroundings and it's not intended for living. Those interventions are in a case of historical parks/gardens for ex. removing ill and damaged trees, planting new trees and plants, making new pathways, lawns, making the accessibility ramps for disabled, establishing new sitting areas, installation of urban equipment etc.

- In historical parks/gardens, due to their protected status, the **Protection conditions** from competent institutions must be obtained. In the case of a protected cultural and natural heritage, those institutions are the **Institute for the Protection of Cultural Heritage (ZVKD)** and the **Slovenian Environmental Agency (ARSO)**.
- **Protection conditions** are issued based on the draft and the description of the intended works. Protection conditions could demand preparation of The Conservation plan, if intervention is proposed for monument of local or national significance.
- Based on a draft concept competent public agencies issue **Approvals**.
- After Approvals are issued works can start.

Institutions involved

- **Institute for the Protection of Cultural Heritage (ZVKD)**, regional office, issues Cultural protection conditions and Protection approval.
- **Slovenian Environmental Agency (ARSO)** issues Environmental protection conditions and Protection approval.



- **Municipality – Spatial planning office** issues planning conditions and approval regarding municipal (detailed) spatial acts (OPN and OPPN).
- **Municipal or regional services for public infrastructure** issues planning conditions and approvals based on possible interventions to the public infrastructure.
- **Administrative Unit** – regional subdivision – Department for environment and space - runs the proceedings for acquisition for Building Permit and issues the Building Permits, runs the proceedings for obtaining Operational Permits.

Time frame

Due to very complex legal proceedings it is hard to determine the time frame for any kind of intervention.

The deadline for institutions to issue planning and/or protection conditions is **15 working days**. The deadline for issuing the approval is **15 days** for less demanding objects and **30 days** for demanding objects.

The deadline for Administrative unit to issue the building permit is **30 days** although final date varies on different circumstances. First major factor is the type of object being build (defined in the Construction Act). In a case of a non-complex objects the procedure is shortened. The next factor is how many parties to proceeding are involved and what are their interests. **In case they oppose to the intended intervention, proceeding is automatically delayed** and expert opinions must be obtained to achieve the final decision.

Possible financing sources

In Slovenia, owners and possessors of the heritage are obliged (according to ZVKD-1) to maintain and protect them in proportion to their abilities. They have the right to the free explanations, advice and instructions from the competent organizations.

If the implementation of protection measures requires extraordinary costs, which aren't within the capabilities of the owner, they can be publicly funded from the budget of Republic of Slovenia. However, that isn't often the case and as the result the owners are forced to find other sources for financing. One of the possible sources are European funds.

3.2.2. Shortcomings and recommendations

[Please specify the main obstacles and problems for further investments and maintenance works regarding historical parks and gardens. Moreover please shortly describe the proposed recommendations for decision makers in order to provide improvements in this area]

Shortcomings

- Very complicated legislation and procedures and therefore obtaining a building permit is a time consuming and a lengthy process. It leads to the fact that it is impossible to precisely define the timeline for preparation of projects, planning and building.
- Legislation dictates that Protection conditions are separated for nature and cultural heritage. For the case of historical parks/gardens that means that conditions have to be prepared by two different agencies which leads to the confusion regarding the competences for the interventions in the heritage sites. E.g. The division in legislation into two fields: environment and culture in practice means, that the historical parks aren't taken into consideration as one entity, consisting of natural and cultural heritage. Therefore, during the construction phase most of the funds are used for build-up structures and the horticultural part of the project is often neglected.



- In the case of the conflict of interests between the environment and cultural heritage, The Ministry of the Environment and Spatial planning has the sole jurisdiction to decide, which Protection conditions will be taken into consideration, what is questionable in the professional sense.
- The responsibilities and the competences of the parties involved (owners, municipalities and the state) in terms of maintenance, reconstructions and possible interventions are not clearly defined. It leads to the transferring responsibility and consequently to the damage on a heritage.
- Vague and unspecific legislation in terms of defining financial responsibilities of the owners and the state. Lack of funds from the state.
- Complicated and time consuming procedures in terms of acquiring necessary Approvals disables the possibility for the establishment of temporary uses and more vivid life of historical parks.

Recommendations

- The legislation and the procedures should be simplified and shortened.
- In the case of historical parks only one combined and harmonized Protection conditions documents regarding environment and cultural heritage should be applied, containing both topics: environment and cultural heritage. Consequently, the same should apply for Approvals.
- The expert opinion on the matter of two protection statuses should be in the jurisdiction of an adequate professions, not (solely) in The Ministry of the Environment and Spatial planning.
- The responsibilities and competences of all parties involved in the maintenance and preservation works ought to be determined in detail and their implementation supervised regularly.
- Financial responsibilities of the state for protected areas should be extended and specifically defined. Nature and cultural heritage are defined as special values in need for protection in all national strategic documents, yet still that fact isn't reflected in everyday practice. Public-private partnership should be encouraged in projects of preservation and renewal of historic parks and gardens.
- Simplified procedures for the establishment of temporary public use and therefore to open historic parks/gardens to public and arise the awareness of their importance.

3.3. CROATIA

3.3.1. Exemplary investment process of park/garden restoration or reconstruction

[Please describe an exemplary investment process (procedures, institutions involved, time frame, possible financing sources etc.) of restoration or reconstruction of historical parks/gardens]

- According to the Nature Protection Act (NN 80/13) , Article 18 (1) The Park Architecture Monument is an artificially formed space (castle parks, botanical garden, arboretum, city park, tree – line , as well as other forms of garden and park design), i.e. individual tree or a group of trees that has esthetic, stylistic, artistic, cultural-historical, ecological or scientific value. No action or actions that could change or impair the values for which it is protected are allowed and shall be prohibited on the monument of the park architecture and its immediate vicinity forming an integral part of the protected area.



- According to Article 38 of the Nature Protection Act, the State Administration Office of the County, or the administrative body of the City of Zagreb responsible for nature protection (hereinafter: the State Administration Office) establishes special nature protection requirements in the process of issuing a location permit for the construction and execution of works and interventions in the area of a regional park, significant landscape, park-forest, monuments of park architecture, and beyond the boundaries of the construction area. According to Article 127 (4) Permission for interventions and actions in the regional park, significant landscape, park-forest, and monument of park architecture shall be issued by the competent state administration office.
- The investment has to also have a timeframe which depends on the complexity, scope, scale and nature of investment – reconstruction, significant upgrade etc. The issue of ownership as well as sustainability is to be solved as a precondition. Many of the institutions/CSOs/Municipalities are trying to apply their projects to EU funds and get cofinancing, as public budgets are scarce. There are also possibilities of Private-public partnerships, crowdfunding etc.
- Institutions that are usually involved are in general Municipalities on local level, Administrative Department for Physical Planning and Environmental Protection of the certain County, Public Institutions for the Management of Protected Areas of Nature on regional level and Ministry of culture / regional offices for conservation partly on regional and partly on national level.

3.3.2. Shortcomings and recommendations

[Please specify the main obstacles and problems for further investments and maintenance works regarding historical parks and gardens. Moreover please shortly describe the proposed recommendations for decision makers in order to provide improvements in this area]

- The problem of ownership, lengthy and unpredictable duration of the timeframe for obtaining the consent of the owner to perform the activities
- Lengthy and unpredictable duration of the timeframe for obtaining all necessary permits
- The problem of maintenance, and neglect of the park - a systematic restoration of the park is needed as most trees are too dangerous and present a hazard for potential visitors/tourists
- Areas of the park are of vast surface and very hard to maintain
- Harsh winters can ruin trees plants and flora
- Lack of new and modern vision for the castle and park that should work in synergy / have compatible content.
- Lack of management strategy of the complex.

3.4. ITALY

3.4.1. Exemplary investment process of park/garden restoration or reconstruction

[Please describe an exemplary investment process (procedures, institutions involved, time frame, possible financing sources etc.) of restoration or reconstruction of historical parks/gardens]

In the Bologna area, it is important mentioning the activities run at the San Michele in Bosco Park. Built at the end of the 19th century together with the building of Rizzoli Orthopaedic Institute, it is one of the most popular parks on the Bologna hills, because from its summit you can enjoy a close view of the city. The place had been well-known for centuries due to the presence of the convent, founded in the Middle Ages. The belvedere, described by



famous travellers and writers at least from the 15th century, had been progressively clouded by the growth of many conifers planted in the 1950s. Between 2008 and 2011, the park was object of a restoration project, managed by the Villa Ghigi Foundation, thanks to a funding from Fondazione del Monte, which restored the splendid view of Bologna. The experience and the intervention model followed in this previous experience will drive the activities planned within the HICAPS project.

The pilot area identified by the City of Ferrara concerns the Lineare Park of the city walls, almost completely accessible by foot or bicycle. The case study has a particular interest, since it involves both the historical and environmental heritage, and is aimed at stimulating tourism development and promoting the image of Ferrara as a centre of art and culture. All along the walls, the environmental and landscape relevance has been enriched by gardens and tree lines, harmonising the natural environment, the existing architecture and the overall urban layout. Several interventions have been done in the past (please also see deliverable D2.1 of thematic workpackage 2) to the original area adjacent to the walls, where –starting from the 15th century- many delightful green areas have been created (Ragnaia, la Castellina, the gardens of Belfiore and Montagnola, the Montagna di Sotto, etc.). They were rich of gardens, grottoes, ponds, fountains and labyrinths, whose beauty have been described by many writers. The extensive documentation present in the city archives provides the potential for reconstructing the entire system thanks to new and appropriate technologies.

3.4.2. Shortcomings and recommendations

[Please specify the main obstacles and problems for further investments and maintenance works regarding historical parks and gardens. Moreover please shortly describe the proposed recommendations for decision makers in order to provide improvements in this area]

The key traditional obstacles and problems come from financial limitations, procedures for authorization, coordination of activities and conflicts between stakeholders, however we intend to stress the biodiversity issues. Often old and damaged buildings have become shelter for protected species (e.g. bats, birds, small reptiles, etc.). Restoration interventions may cause destruction of such shelters. For this reason it is necessary to foresee careful inspections to verify the presence or absence of certain species. If they are present, we will take mitigation measures that allow man-nature coexistence, as well as compensation measures, to minimize damages to natural species. In the management of wooden parks, large and old trees must be preserved as much as possible, even if they have cavities, avoiding unnecessary destruction. Older trees are valuable for some animal species among the most threatened in Europe, and such large trees are often found in our towns and cities, especially in old parks or along the streets. If necessary, trees can be scaled down, to make them less susceptible to wind action, or can be harnessed to keep them standing. It is necessary to find a way to preserve the dead wood, that is considered to be the most threatened habitat, searching for solutions allowing the coexistence among the different ways to use the park.