

ASSESSMENT OF HBA GOVERNANCE SYSTEM IN SLOVENIA

A - POLICY APPROACH TO HBA

BASIC INFORMATION

A.1. Cultural Heritage vision and policy approach

The cultural heritage preservation in Slovenia is provided by the Slovenian Constitution. The Cultural Heritage Protection Act (CHPA-1) adopted in 2008 aimed to turn heritage conservation from a preventive into a co-creative heritage's conservation. In this vein the heritage protection policy until 2019 established strategic goals to ensure the protection and the inclusion of the heritage in the modern life, ensure stable financial resources to the national public service, improve its organization, working practices, and homogenous activities, prepare public service expert standards, raise awareness on the heritage and its protection, and ensure a larger role of the Slovenian heritage at international level. The Cultural Heritage Protection Act also introduced the integrated heritage conservation that is implemented through the spatial planning.

Currently, Slovenian policy in general, has no formal policy vision and clearly defined policy approach to cultural heritage. Namely, the current National Cultural Programme adopted for the period 2014 - 2017 expired by the end of 2017 and on top of this, the objectives defined in this document, refer to cultural heritage only indirectly. The national programme objectives are: to preserve and develop the Slovenian language; to promote cultural diversity; to ensure access to cultural goods and services; to support artistic creativity and artists; to encourage and promote cultural education in schools; to educate young people for cultural professions; to encourage the cultural industries and major investments from business to culture; to encourage the process of digitalisation; to modernise the public cultural sector in terms of better efficiency, openness and autonomy; and to improve the situation of NGOs.

In 2017, the Ministry of culture which is responsible for cultural heritage policy, started the project for the adoption of Cultural Heritage Strategy. The Cultural Heritage Protection Act defines the scope of the Strategy as follows: the Strategy prescribes objectives, standards, and measures for the integrated conservation of heritage which is the subject of the public interest. The strategy shall be prepared by the Ministry in cooperation with those governmental departments whose tasks enter the field of heritage protection. The draft Strategy was given into public consultation at the beginning of 2018. Currently, the Ministry is preparing a feedback to the proposals and comments deriving from the public consultation. Due to Parliamentary elections in June 2018 it is not possible the Strategy to be adopted by the current Government. The draft Strategy defines the following general goal: use heritage in enhancing the quality of life and social cohesion, to foster sustainable development and to raise the

awareness about our heritage in general population. Operational goals (objectives) are divided in three pillars: Society, Development and Knowledge (after the model of the European Cultural Heritage Strategy for the 21st Century, adopted by the Council of Europe in 2017.)

A.2. Relevant terms provided by legal/strategic framework

Cultural heritage conservation in Slovenia is achieved by integrating heritage issues in spatial planning and by designating the status of a cultural monument to heritage. The Cultural Heritage Protection Act divides heritage into intangible and tangible heritage. Tangible heritage is further divided into movable and immovable heritage. The CHPA-1 does not adopt division buildings, groups of buildings, sites in its entirety and recognizes only its essential elements, namely individual properties and areas. Heritage of a particular location could be called HBA must be protected as a whole, meaning that all its aspects must be simultaneously taken into account and protected.

Heritage protection areas, registered archaeological sites and cultural monuments are obligatory components of spatial plans. Heritage protection areas are defined in Cultural Heritage Protection Act as areas with homogenous immovable heritage character that are an important part of spatial arrangements due to their values and development potential. The law prescribes the procedure of coordination and political decision-making that gives rise to protection areas as obligatory components of spatial plans.

Immovable heritage is divided into the following categories⁶⁵:

- archaeological sites,
- buildings
- parks and gardens
- buildings with parks and gardens
- commemorative structures and places
- facilities and installations
- settlements and parts thereof
- cultural landscape.

Each individual category has general protection standards and this gives a substantial legal security and clear standards in all subsequent implementation procedures pertaining to heritage.

QUALITATIVE INFORMATION AND COMMENTS

A.3. Policy "Character"

The CPHA-1 promotes heritage conservation which means legal, administrative, organisational, financial, and other measures available to the state, regions, and municipalities, intended for maintenance and enhancement of heritage. The Act introduces integrated conservation that means set of measures aimed at ensuring the continued existence and enhancement of heritage, as well as its maintenance, restoration, rehabilitation, use, and regeneration. Integrated conservation includes management with aim of taking care of its physical existence

⁶⁵ The Rules on Lists of Heritage Categories and Protection Standards

and its long term function and regeneration. The issue of heritage conservation is included also in sustainable development and protection of heritage from natural and other disasters.

Formally speaking, Slovenian cultural heritage policy has a strong legal basis in the form of Cultural Heritage Protection Act, its by-laws and international conventions related to cultural heritage. One should note that Slovenia ranks among European countries that ratified all the conventions dealing in one way or another with the cultural heritage (with the exception of the latest Council of Europe's Convention on Offences relating to Cultural Property adopted in 2017). The organization of the immovable heritage protection that fall under the remit of the Ministry of Culture is sufficiently robust and relatively well-provided with human resources for the implementation of the core tasks defined by the Cultural Heritage Protection Act.

A.4. Policy trends and evolutions

The Cultural Heritage Strategy (at least its draft) tries to define policy objectives, measures and actions that should integrate heritage concerns in other relevant sectors' policies, programmes and projects. If adopted and implemented, the Strategy shall become one of the main integrated tools for the sustainable management of Historic Urban Areas.

Another positive trend can be identified in the project for the possible upgrading of the Heritage Register managed by the Ministry of culture in the framework of the »The programme of the projects eProstor« managed by the Ministry of the Environment and Spatial Planning and financed by the European Regional Development Fund. One of the goals of the project is the implementation of Article 25 of the Cultural Heritage Protection act regarding heritage protection areas.

Planning, implementation and evaluation of heritage areas (archaeological sites as well as Heritage Built Areas) is getting some positive momentum due to various EU projects (for example Parsjad, Claustra and Camaa) that, among others, deal with heritage management issues.

One of the negative trends that cultural heritage faces lately, is recently adopted spatial planning and construction legislation which has not been harmonised with the provisions of Cultural Heritage Protection Act in matters related to heritage protection through planning.

SOURCES

- <http://www.herein-system.eu/slovenia-country-profile>
 - <http://www.mk.gov.si>
 - <http://www.mop.gov.si>
 - Pirkovič J., Šantej, B. (2013) Statutory Protection of Immovable Cultural Heritage in Slovenia PHARE EU
 - <http://evrd.situla.org>
 - <http://giskd.situla.org>
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B - GOVERNANCE ANALYSIS - LEGAL FRAMEWORK, SUBJECTS AND PROCEDURES IN 3 AREAS

B.1. Built heritage protection (and/or preservation/ conservation)

B.1.1. Heritage protection grades foreseen by legislation

Cultural heritage in Slovenia is protected according to three different grades:

1. **Cultural monument of national importance** gains the protection with designation decree issued by the Government. The smallest number of heritage has high protection grades.
2. **Cultural monument of local importance** gains its protection with designation decree issued by the representative body of the municipality.
3. **Cultural heritage is protected on the basis of spatial plans adopted by the municipality**, after its identification by the IPCHS and after registration on the Immovable Cultural Heritage Register of Slovenia (giskd.situla.org). This is the widest and least protection grade.

B.1.2. Governance level or Institution that has the main responsibility of heritage protection

Responsibility is divided between the Government, the Ministry of Culture, to some degree also other ministries whose sectorial policies directly or indirectly impact heritage sector (environment and spatial planning, economic development etc.), and the Institute for the Protection of Cultural Heritage of Slovenia. Legislation defining the responsibilities of the institutional players are: the Government Act, Cultural Heritage Protection Act, Spatial Planning Act, Construction Act and some other sectorial legislation.

B.1.3. National/main governance level

<p>LEGAL FRAMEWORK Main legislation, including adoption of international Conventions</p>	<ul style="list-style-type: none"> • The Constitution of the Republic of Slovenia/1991/ The Constitution define conservation of cultural heritage as a positive obligation of the state. The state “shall provide for the preservation of the natural wealth and cultural heritage and create opportunities for the harmonious development of society and culture in Slovenia.” The Constitution of Slovenia establishes obligation of the state, local communities and every individual regarding heritage protection while also introducing constitutional rights to expression and fostering of culture. • Cultural heritage protection act / 2008 with amendments / The fundamental law through which the system of heritage protection in Slovenia is implied. The act provides the methods of cultural heritage protection and the related competencies required for an integrated policy of heritage conservation. Act determines public interest in heritage protection, obliges the state and municipalities to safeguard heritage, and citizens to protect cultural monuments; the rights and duties of owners towards heritage; the framework for public participation in protection matters; provisions for access to heritage through new media and information technologies. • National Programme for Culture 2018-2025 / 2017 / strategic instrument for planning Slovenian cultural policy • Rules on the Registry of Types of Heritage and Protection Guidelines / 2010 • Rules on the Conservation plan / 2009 / • Rules on the Cultural Heritage Register / 2009 • Rules on the Registry of Types of Heritage and Protection Guidelines / 2010 <p>International adopted conventions International adopted conventions are embodied into Cultural Heritage Protection Act: The Granada Convention: ratified 1993, The Valletta Convention: ratified 1999, The European Landscape Convention: ratified 2003, The Faro Convention: ratified 2008</p>
<p>SUBJECTS list main involved organisations and describe</p>	<ul style="list-style-type: none"> • National government is in charge of adopting designation acts on monuments of national importance and funds for its restoration. Majority of responsibilities for immovable heritage protection are divided between the Ministry of Culture, municipalities and the Institute for the Protection of Cultural Heritage of Slovenia. • The Ministry of Culture is responsible for carrying out the cultural policy and ensuring the heritage protection, in cooperation with other ministries and municipalities. • The Cultural Heritage Directorate is a body at the Ministry of Culture and is in charge of preparing regulations, and carrying out the policy on the protection of immovable, movable, and intangible heritage at national level. Its actions are funded by the national budget and partially, by the European Structural and Investment Funds. Its experts are responsible for keeping the heritage’s databases, fostering the information system development; monitoring national projects; managing and overseeing co-funded interventions on national monuments and areas; coordinating and

	<p>fostering the heritage protection by spatial planning; and ensuring the international cooperation as well as raising awareness.</p> <ul style="list-style-type: none"> • Institute for the Protection of Cultural Heritage of Slovenia is a national public institute established by the government. Composed by interdisciplinary experts, it is responsible for administrative tasks linked to the conservation of immovable, related movable and intangible heritage. The Institute is composed by the Cultural Heritage Service which has seven regional offices; the Conservation Centre (with the Restoration Centre, the Preventive Archaeology Centre, and the Research Institute), and the Development and Information Science Service. The institute carry out the following tasks as a national public service: <ol style="list-style-type: none"> 1. identifying, documenting, studying, evaluating, and interpreting immovable, movable and living heritage, and presenting it to the public within the framework of immovable heritage protection, 2. cooperating in the preparation of the heritage protection strategy and proposing measures for the implementation thereof, 3. proposing the entry of immovable heritage to the register, 4. preparing proposals for proclamations of immovable monuments, 5. analysing and evaluating the space for surveys of evaluation of the heritage in its spatial context, 6. preparing the material for guidelines and opinions in the preparatory procedures for drawing up plans, 7. cooperating with State bodies, offering them technical assistance in procedures related to items assumed to be heritage, 8. adopting an implementation plan for preliminary research on areas subject to spatial plans, 9. cooperating in heritage protection in the event of an armed conflict, and in protection against natural and other disasters, 10. auditing conservation plans prepared by other persons, 11. cooperating with managers of monuments in the preparation of draft management plans, 12. issuing opinions on the payment and the amount of compensation for limits placed on the commercial exploitation of monuments, 13. preparing expert grounds for the administrative procedures managed by the Ministry, 14. proposing to the Minister the adoption of implementing regulations, 15. designing methods and standards for the conservation of immovable heritage, and directing, coordinating and monitoring their implementation, 16. providing for regular and advanced training and coordinating the educational needs of staff in the field of immovable heritage protection, 17. carrying out the expert supervision of preliminary researches, 18. cooperating with the owners or possessors of immovable monuments and with other users of heritage who have interests in relation to an individual monument, and providing them with information, advice and instructions, 19. implementing programmes for fostering awareness of heritage, traineeship and practical training for educational programmes at various levels in the field,
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	<p>20. cooperating in carrying out professional examinations in the field of immovable heritage protection, and</p> <p>21. carry out expert supervision of works on heritage.</p>
PROCESSES	<p><u>Hierarchical and functional relations at national level</u></p> <p>Mechanisms for decision making on HBA protection and for implementing of HBA protection lies in the Ministry of Culture, sectorial ministries and The Cultural Heritage Directorate and the Institute for the Protection of Cultural Heritage of Slovenia. From the aspect of BhENEFIT project and the issue of implementing of HBA protection the crucial role plays municipality. Municipality ensures conservation of heritage through spatial planning by designating the status of a cultural monument to heritage. HBA is obligatory component of spatial plans.</p>

B.1.4. Local governance level

<p>LEGAL FRAMEWORK Main legislation, including adoption of international Conventions</p>	<ul style="list-style-type: none"> <p>1986: Decree on the proclamation of cultural and historical and natural sights in the area of Municipality of Idrija (OJ SRS nos. 16/86, 17/88, OJ RS nos. 56/93, 45/97, 131/03,45/07,115/07). The decree defines the list of protected sights, among others Idrija's historic centre and certain buildings. It also indicates protection regimes, the protection aspects that needs to be considered, regulations and institutes to be addressed and partly approvals that needs to be given for any actions to be implemented regarding the exiting local and/or national legislation on the field.</p> <p>2001: Decree on proclamation of technical heritage in Idrija and it's surrounding for cultural monuments of national importance (OJ RS nos. 66/2001-3538, 55/2002-2693, 16/2008-493, 20/2009-761). The decree defines the list of protected sights. It also indicates the protection aspects that needs to be considered and partly approvals that needs to be given for regarding the exiting local and/or national legislation on the field.</p> <p>2010: Decree on establishment of the Idrija Heritage Centre public institution (OJ RS no. 55/10). The document defines the role of the institution. Besides management and promotion of heritage being the focus of the institute, the role also involves maintenance of the buildings owned by Municipality or, potentially, others as well. In addition, the decree also defines the role of institution as the main linking body in-between different stakeholders such as: professional and educational institutes, public and private sector and the general public. It was also to be actively involved in the process of UNESCO nomination.</p> <p>2012: Mercury Heritage Dossier (UNESCO) Detailed report on heritage inscribed in UNESCO list and plan of management of protected sights.</p>
SUBJECTS list main involved organisations and describe	<ul style="list-style-type: none"> <p>Institute for the Protection of Cultural Heritage of Slovenia, Regional Unit Nova Gorica (ZVKD NG) role & competences provided by the law: drawing up conservation plans and restoration projects, supervising building, research and</p>

	<p>protective undertakings and their implementation (main activities: planning and implementation).</p> <ul style="list-style-type: none"> • Centre for the management of Mercury Heritage (CUDHg Idrija) role & competences provided by the law: it is an organization dealing with the professional aspects of the mining and Mercury heritage and management (main activities: management). • Heritage Centre public institution (CID) role & competences provided by the law: the centre is actively involved in heritage promotion and branding of the area as tourist destination. It is considered as a main actor in the field (main activities: marketing). • City museum Idrija role & competences provided by the law: it is a public institution whose mission is continuous care for movable heritage of Idrija (and Cerknj); (main activities: management).
<p>PROCESSES</p>	<p>Municipalities can establish public institutes for implementing the local public service for immovable heritage protection, but so far only museums performing the public service for protection of movable and intangible heritage have been established in this manner. If municipalities nevertheless established such institutions, such municipal public institutions would not be able to exercise public authorizations because the Act reserves this role for the Institute of the protection of cultural heritage of Slovenia.</p> <p>CHPA obliges the state and municipalities to cooperate in the realization of the public interest of protection with owners of heritage, commercial entities, non-governmental organizations and the civil society. Special emphasis is given to the area of cooperation with large owners of the heritage and the non-governmental sector as the Act aims at developing partnership-like relations with these entities. The term “major owners of heritage” applies primarily to churches, other denominations, universities and commercial companies owning a large number of heritage items, either immovable or movable. As already mentioned municipality cooperates with national bodies in designating the status of a cultural monument to heritage and in the process of spatial plan preparation.</p> <p>UNESCO mechanism works through the system of different boards that are represented on international and national level. Every UNESCO site should report on the state of the heritage, governance and problems faced by the management of the protected site.</p> <p>Main databases, software and tools used to support the above mentioned processes are:</p> <ol style="list-style-type: none"> 1. Register of immovable cultural heritage The GIS-version of the Cultural heritage register as the basic official record of heritage. The register of immovable cultural heritage is available as GIS online tool: http://giskd.situla.org 2. The eVRD Database on on legal regimes of protection The eVRD database is a compilation of all data from binding spatial plans and the obligatory basis for protection which must be taken in consideration during spatial planning and in interventions until the system of heritage protection areas comes into effect. Data on legal regimes is linked to each heritage item from the register (http://evrd.situla.org/).

B.2. Urban planning and HBA

B.2.1. Territorial and Urban planning main framework and principles and levels

The first Spatial Planning Act was adopted in 2005. In the following years, spatial planning system was gradually complemented by separate pieces of legislation dealing with specific planning issues. In 2017, Slovenia has re-introduced a general spatial planning framework by adopting the revised Spatial Planning Act. Spatial planning now covers territorial and urban planning at national and municipal levels, spatial measures, instruments and land-use measures, monitoring and spatial information system. Now, the principles of regional planning and of separation of strategic planning and detailed plans have been re-introduced.

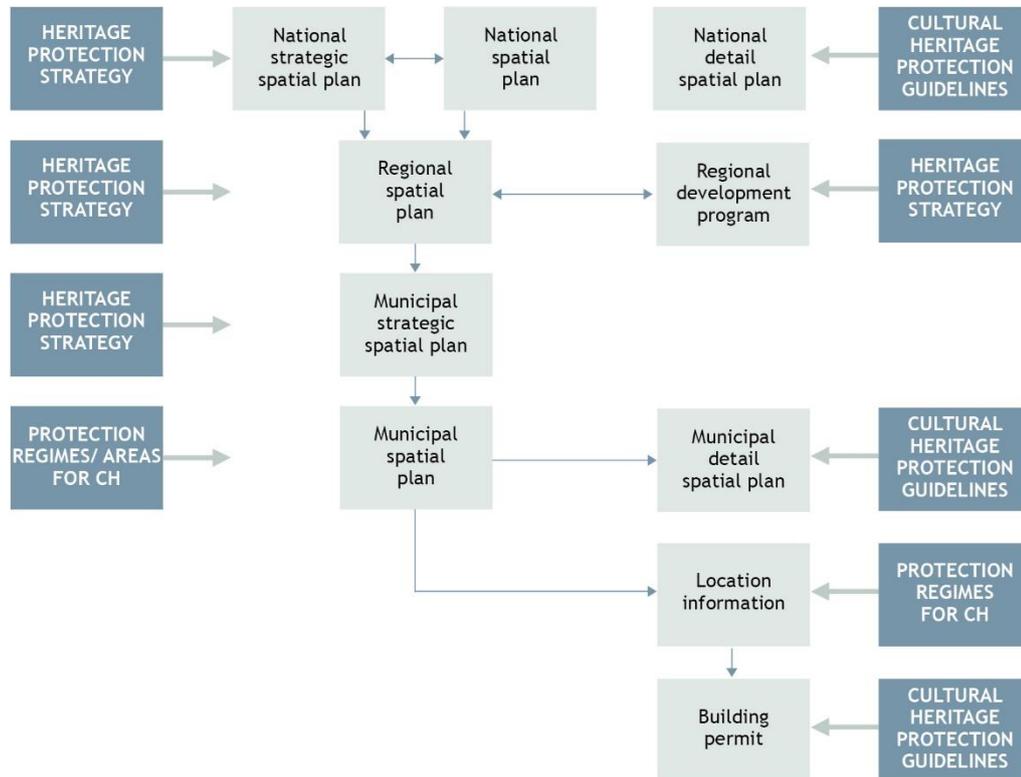
Spatial Planning Act recognises the following types of spatial documents, namely:

- National Spatial Development Strategy - the document defines the vision, long-term goals and concept of spatial development of Slovenia;
- National Spatial Plan - the plan covers planning of state infrastructure facilities or another intervention of national importance;
- Detailed National Spatial Plan - as an option in specific cases;
- National Spatial Order - the document defines rules governing spatial development in general;
- A Regional Spatial Plan - the plan defines spatial development strategy covering several municipalities;
- Municipal Spatial Plan - the plan covers the entire territory of a municipality and prescribes land use and urban planning conditions for construction;
- Detailed Municipal Spatial Plan - the plan covers detailed spatial arrangements for municipal infrastructure facilities or other spatial interventions.

Requirements concerning integration of heritage in spatial plans and methods of taking its protection into consideration are defined in the Article 74 of the Cultural Heritage Protection Act. The principal requirement is that heritage protection should be taken in consideration in preparation of all plans and that plans have to include heritage protection measures. This general requirement is turned into practice by taking into consideration the following heritage elements.

- monuments (of local and national importance),
- registered archaeological sites (those identified by experts, with data on them listed in the Heritage Register of heritage) and
- heritage protection areas are taken in consideration as obligatory components of plans.

All these elements are obligatory components of spatial plans at all levels.



Heritage protection areas have not been defined yet (the procedure needs to be first approved by the Government and then refined and adopted in the form of ministerial regulation). Thus, a transitory provision defined in Articles 131 and 132 of the Cultural Heritage Protection Act is in force. It prescribes that, until heritage protection areas come into effect, an obligatory planning category is considered to be such heritage (which is neither a monument nor a registered archaeological site) that is already protected in the spatial context in binding spatial plans. Protection of heritage items that have not yet been integrated in spatial plans (for instance those recently identified and registered) can be, in new spatial planning procedures, only optional.

B.2.2. National/main governance level

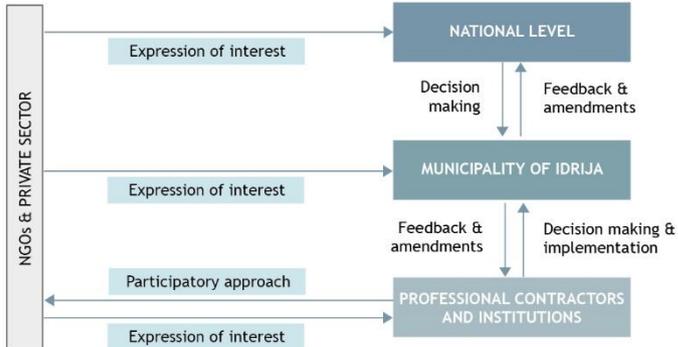
<p>LEGAL FRAMEWORK Main legislation, including adoption of international Conventions</p>	<p><u>Cultural Built Heritage reference within the territorial/urban planning legal framework</u></p> <ul style="list-style-type: none"> • Spatial Planning Act / 2007 with alterations and additions / act regulates spatial planning, lays down types of spatial planning document, their content and mutual relations, and procedures for their drafting and adoption / the act regulates also spatial plans intervening in areas of cultural heritage • Construction Act / 2004 with alterations / act regulate the conditions for the construction of all facilities. The construction of the facility under this law consists in the design, construction and maintenance of the facility. In this manner act prescribes conditions for obtaining building permits for heritage areas.
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SUBJECTS list main involved organisations and describe	<p><u>Competences, functions and activities relate to Cultural Built Heritage among the organisations involved in for territorial/urban planning</u></p> <ul style="list-style-type: none"> • Ministry of the Environment and Spatial Planning • Ministry of Culture • Institute for the Protection of Cultural Heritage of Slovenia
PROCESSES	<p><u>Hierarchical and functional relations; main mechanisms for decision making/ implementation of territorial planning with relevance for HBA</u></p> <p>Directorate for Cultural heritage at the Ministry of Culture is a responsible body for integration of the protection cultural heritage in spatial planning. The Directorate cooperates with other sectorial ministries and municipalities during the preparation of national or municipal spatial plans. Slovenia has three types of spatial plans:</p> <ul style="list-style-type: none"> • National Spatial Plan (NSP) covers planning of state owned infrastructure or another intervention of national importance. • Municipal Spatial Plan (MSP) covers the entire territory of a municipality and prescribes urban planning conditions for construction • Detailed Municipal Spatial Plan (DMSP) covers planning of municipal infrastructure facilities or other major spatial interventions at municipal level. <p>Requirements for integration of cultural heritage issues in spatial plans and methods of taking its protection into consideration are defined by CHPA. CHPA requires that heritage protection should be taken in consideration in preparation of all spatial plans and that plans must include heritage protection measures. That means that monuments of local and of national importance, registered archaeological sites and heritage protection areas are included and taken into consideration as obligatory components of plans.</p> <p>The legal provision also sets the obligation to perform an assessment of impact on heritage as an important part of the environment during a strategic environment impact assessment procedure. A strategic environmental impact assessment of planned activities on heritage is prepared for all categories: monuments, registered archaeological sites and heritage protection areas. A strategic impact assessment on heritage is also mandatory for interventions to areas without heritage if such interventions could have a direct or indirect impact on heritage.</p>
PROCESSES / INTEGRATION	<p><u>Hierarchical and functional relations at national level between the territorial planning process/the heritage protection process/other relevant policies and practices</u></p> <p>Heritage protection areas, registered archaeological sites and cultural monuments are obligatory components of spatial plans. Heritage protection areas are defined in CHPA-1 as areas with homogenous immovable heritage character that are an important part of spatial arrangements due to their values and development potential. CHPA prescribes the procedure of coordination and political</p>

	<p>decision-making that gives rise to protection areas as obligatory components of spatial plans. First, the government adopts the decree on types of protection areas, formulating types of protection standards for each. Then, the minister on the basis of results of public consultation and coordination with municipalities adopts the Rules containing the list of protection areas together with detailed protection standards.</p> <p>The state, regions, municipalities, and other protection entities shall select those measures which, while achieving the same effects, are the least restrictive for owners and actual possessors of heritage.</p> <p>When a heritage owner is seeking a building permit before executing some changes to the built heritage, he/she has to apply for specific conditions defining how the works should be carried out. Before the building permit is issued Institute for the protection of cultural heritage of Slovenia issues the protection consent.</p>
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B.2.3. Local governance level

<p>LEGAL / POLICY/ STRATEGIC FRAMEWORK</p>	<p><u>Cultural Built Heritage reference within the regional/local legal framework for urban planning</u></p> <p>Regional framework: Not established.</p> <p>Local framework: 2011: Decree on the Idrija Municipality Spatial Plan (OJ 35/2011). By the decree Municipality has accepted the Municipality Spatial Plan, that also sets the priority of preservation and protection of cultural heritage of Mercury. Urbanistic site plan is considered as part of Municipality spatial plan. 2012: Decree on the Idrija Municipality Detailed Spatial Plan “City centre area” (OJ 15/2012). It sets out the merits and conditions for decisions on realization of revitalization of cultural-historical and urbanistic values of old city centre with the purpose of creating higher value living space.</p> <p>Main thematic or sector plans concerned with HBA For protection: Decree on the proclamation of cultural and historical and natural sights in the area of Municipality of Idrija; 1986 (OJ SRS nos. 16/86, 17/88, OJ RS nos. 56/93, 45/97, 131/03,45/07,115/07) Decree on proclamation of technical heritage in Idrija and it’s surrounding for cultural monuments of national importance; 2001 (OJ RS nos. 66/2001-3538, 55/2002-2693, 16/2008-493, 20/2009-761)</p>
<p>SUBJECTS list main involved organisations and describe</p>	<p><u>Competences, functions and activities relate to Cultural Built Heritage among the organisations/departments/stakeholders involved in urban planning processes</u></p> <ul style="list-style-type: none"> • Municipality of Idrija role & competences provided by the law: determining the goals and objectives for spatial development of Municipality, determining use and terms for envisaged spatial plan implementation, planning of site plan design for sights of local importance (main activities: policy framework, coordination, authorisation, funding). • Professional contractors (e.g.: LUZ d.d. - has created Idrija Municipality Spatial Plan)

	<p>role & competences provided by the law: are involved in production of spatial acts and responsible for issuing the guidelines and opinions on Municipality spatial plan (main activities: actively involved in planning and implantation process).</p> <ul style="list-style-type: none"> • Institute for the Protection of Cultural Heritage of Slovenia (ZVKD) role & competences provided by the law: drawing up conservation plans and restoration projects, supervising building, research and protective undertakings and their implementation (main activities: planning and implementation).
<p>PROCESSES AND TOOLS</p>	<p><u>Hierarchical and functional relations; main mechanisms for decision making/</u></p> <p>Municipalities need to cooperate with owners of monuments of local importance located at their territory. They are also responsible to put in place and implement municipal spatial plans that take in due consideration heritage of all types. IPCHS gives each municipality specific guidelines how to integrate heritage in a municipal spatial plan, and, before the plan is adopted by the municipality, the ministry issues an opinion declaring if the heritage concern has been properly addressed.</p>  <pre> graph TD subgraph "NGOs & PRIVATE SECTOR" A[NGOs & PRIVATE SECTOR] end subgraph "NATIONAL LEVEL" B[NATIONAL LEVEL] end subgraph "MUNICIPALITY OF IDRIJA" C[MUNICIPALITY OF IDRIJA] end subgraph "PROFESSIONAL CONTRACTORS AND INSTITUTIONS" D[PROFESSIONAL CONTRACTORS AND INSTITUTIONS] end A -- "Expression of interest" --> B A -- "Expression of interest" --> C A -- "Participatory approach" --> D A -- "Expression of interest" --> D B -- "Decision making" --> C C -- "Feedback & amendments" --> B C -- "Decision making & implementation" --> D D -- "Feedback & amendments" --> C </pre>
<p>PROCESSES/ INTEGRATION</p>	<p><u>Hierarchical and functional relations at local level between the urban planning process/the heritage protection planning and process/regeneration and/or valorisation processes or projects/other relevant policies and practices relating to HBA use and development (economy promotion, quality of life, waste management, public lighting...)</u></p> <p>Since urban plan is part of Municipality spatial plan it should consider the principle of subsidiarity which means, the planning should be in compliance with all the national regulations. Heritage protection guidelines are considered as part of planning guidelines and objectives that has to be considered (like other institutional guidelines such as: land use, protection of nature, land register, etc.). General public has the ability to influence or make amendments through the participatory process. Urban planning is implemented by contractor with professional background.</p>

B.3. Environmental policies and HBA

B.3.1. Integrated approach or integration policies

The issue of heritage protection is included in several national development documents where the **contribution of heritage to sustainable development** is well-established. Development documents are national strategies, national and regional development programmes. Those important for heritage protection refer mainly to: agriculture and forestry, rural development, spatial planning, environment protection and nature conservation, protection from natural and other disasters, construction, housing and public utility sector, tourism, research, information society, education, training and lifelong learning. Most important of legally binding development documents in Slovenia are The Development Strategy of Slovenia, The Spatial Development Strategy of Slovenia, The Information Society Development Strategy of the RS, 2010, The Strategy for the Development of Slovenian Tourism 2012-2016, The Strategy for the Development of Slovenian Tourism 2012-2016 / 2011

When it is obligatory to assess environmental impact during the drafting of a spatial plan, the environmental impact assessment of planned activities on heritage is prepared for all categories of heritage which represent obligatory components of spatial planning: monuments, registered archaeological sites and heritage protection areas. An impact assessment on heritage is also mandatory for interventions to areas without heritage if such interventions could have a direct or indirect impact on heritage in nearby areas. This is important from the view of heritage built areas that could be impacted by the spatial development within wider impact areas. The new Spatial Planning Act integrates environmental impact assessment into the process of the preparation and adoption of plans which simplifies the administrative procedure.

B.3.2. Governance mechanism including institutional and stakeholders levels

Heritage impact assessment as a part of environmental impact assessment is carried out by specialised firms supervised by the Environmental Agency of the Ministry of environment and spatial planning. The Agency also issues environmental consents at the end of the process. As a starting point, the Ministry of Culture prepares guidelines on how the heritage impact assessment should be carried out with detailed information about heritage impact areas and types and sources of data on heritage which make possible to prepare an environmental report. In guidelines, the ministry can demand preliminary archaeological research to be performed with the aim of assessing archaeological potential, which alone makes it possible to prepare an environmental report. As a rule, such preliminary archaeological research consists solely of an assessment whether there are archaeological remains in a specific area where archaeological sites have not been registered yet.

Stakeholders as well as general public has the right to participate in the spatial planning and environmental impact assessment procedures in the form of attending public consultations and having the right of access to all the documents and to receiving additional clarifications and feed-back from planning authorities. The new Spatial Planning Act even upgrades the rights of stakeholders and public in general to participate more actively in planning processes by stipulating that everyone who has a legal interest has the right to lodge legal remedies in accordance against the spatial plan. For non-governmental organizations that have a status of acting in the public interest in the field of environment, environmental protection, nature conservation or cultural heritage protection, the legal interest is self-evident. How this provision works in practice needs to be seen after some time.

B.3.3. Thematic policies and strategic plans

From the point of view of cultural heritage protection, sectoral policies with greatest practical and potential links with our field are related to environmental protection, nature conservation, protection against natural and other disasters, residential and public utility sectors, tourism and other economic activities, regional development, rural development, research, information society, education, training, and lifelong learning. Almost every sector has adopted its own sectoral strategy or development programme. Generally speaking, heritage concerns have been introduced in some of them, but there is an overall observation that heritage is dealt with only formally without a deeper understanding of the reciprocal benefits of a more integrated approach.

In 2017, the Government adopted the new National Development Strategy (the former one covered the period of 2006 to 2013). Heritage is mentioned only in the goal “Culture and language as one of the main factors of national identity”. This shows that cultural heritage remains to be considered as cultural issue alone and left to be dealt with cultural policy.

B.3.4. National/main governance level

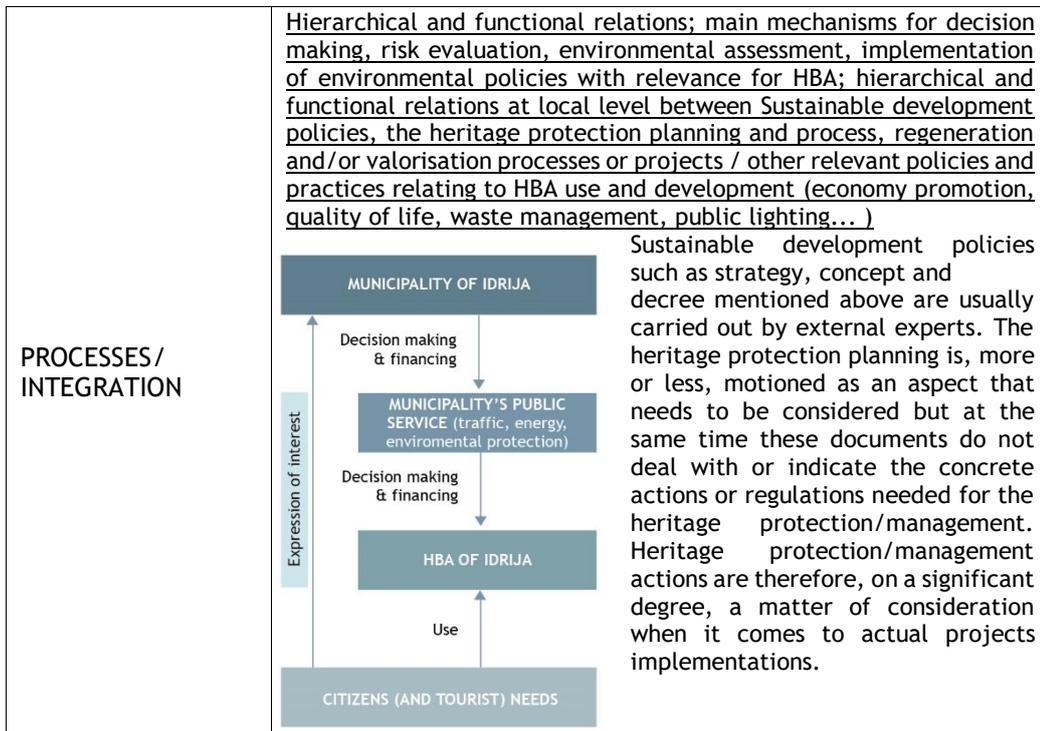
<p>LEGAL FRAMEWORK Main legislation, including adoption of international Conventions</p>	<p><u>Reference to Cultural Built Heritage within the legal framework for environmental protection, efficient use of resources or sustainability</u></p> <p>Environment protection from the content point of view is regulated in the Environment Protection Act and in the Nature Conservation Act, together with corresponding by-laws. The Spatial Planning Acts serves as an additional framework for joint procedures of environmental protection and spatial planning ones. The main responsibility lies in the national administration dealing with the environment, nature conservation and in the case of heritage, with culture.</p> <ul style="list-style-type: none"> • Protection Against Natural and Other Disasters Act / 1994 with alterations / act regulates protection of cultural heritage against Natural and Other Disasters • Defence Act / 1994 with alterations / Risk Preparedness • Environment Protection Act / 2008 with alterations • The Development Strategy of Slovenia / 2005 • The Spatial Development Strategy of Slovenia / 2004 • The Information Society Development Strategy of the RS / 2010
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	<ul style="list-style-type: none"> • The Strategy for the Development of Slovenian Tourism 2012-2016 / 2011
SUBJECTS list main involved organisations and describe	<p><u>Competences, functions and activities relate to Cultural Built Heritage among the organisations involved in environmental protection, efficient use of resources or sustainability</u></p> <p>The Environmental Agency of the Republic of Slovenia Slovenian Environment Agency performs expert, analytical, regulatory and administrative tasks related to the environment at the national level. The Environment Agency is a body of the Ministry of the Environment and Spatial Planning. Its mission is to monitor, analyse and forecast natural phenomena and processes in the environment, and to reduce natural threats to people and property. The following tasks relate to HBA:</p> <ul style="list-style-type: none"> • preserving natural resources, biodiversity and sustainable development; • observing, analysing and forecasting natural phenomena and processes in the environment; • reducing impact of natural hazards; • ensuring high-quality environmental data for all target groups.
PROCESSES / INTEGRATION	<p><u>Hierarchical and functional relations; main mechanisms for decision making, risk evaluation, environmental assessment, implementation of environmental policies with relevance for HBA</u></p> <p>Prevention of natural and other disasters is regulated by the Protection Against Natural and Other Disasters Act. The law obliges heritage owners and users who can request the aid of heritage protection service.</p> <p>Protection measures have to plan and implement the owners, Municipalities, the state and the Civil Defence. Same requirements are used for protection in the event of armed conflict. Preparatory measures must be adopted in the peacetime. Preparatory measures for the event of armed conflict include preparation of inventories, planning of emergency measures for protection from fire or demolition, preparations for relocation of movable cultural assets or suitable protection of such assets in their locality, and identification of authorities responsible for protection of cultural assets. An extended protection is given to cultural assets that are cultural heritage of the greatest importance for humanity or are protected by adequate domestic legal and administrative measures recognising their exceptional cultural and historical value and ensuring the highest level of protection.</p>

B.3.5. Local governance level

LEGAL FRAMEWORK Main legislation, including adoption of international Conventions	<p><u>Reference to Cultural Built Heritage within the regional/local legal framework environmental protection, efficient use of resources or sustainability</u></p> <p>Local authorities (municipalities) main responsibility in environmental matters is limited to the preparation and adoption of</p>
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	<p>spatial plans and other development documents that are in line with environmental standards prescribed by the law, to provide public amenities systems and to organise communal service at their territories.</p> <ul style="list-style-type: none"> • 2009: Decree on protection against natural and other disasters on the area of Idrija Municipality (OJ 43/09). The document (Article 14) determines Municipality board (“občinska uprava”) as the responsible body for preparation and execution of mitigation and reduction of harmful consequences of natural and other disasters on cultural heritage (with the help of authorised public service when needed). • 2011: Local energy concept of Municipality of Idrija It deals with valorisation of current energy efficiency situation in Municipality of Idrija and possibilities for better and more efficient energy supply. The concept takes a close look into different aspects of energy use and types of energy, emissions, traffic and buildings (including companies, apartments, public buildings). Therefore, it is a useful although indirect way off considering the build heritage as well. • 2017: Holistic traffic strategy for the town of Idrija The aim of the strategy is to foresee a more sustainable traffic system to improve living conditions and conditions of work in Municipality. By doing so it is expected to encourage the development of the urban area, satisfaction and health of the people. Idrija already took some actions and has implemented a few interventions that influence the protected area of city centre.
<p>SUBJECTS list main involved organisations and describe</p>	<p><u>Competences, functions and activities relate to Cultural Built Heritage among the organisations, departments, stakeholders involved in environmental protection, efficient use of resources or sustainability</u></p> <p>Municipality of Idrija (different departments, public services) role & competences provided by the law: determining the goals and objectives for environmental protection of Municipality, determining the envisaged plans and strategy implementations and coordination of public services: traffic, water and energy supply, waste management (main activities: policy framework, coordination, authorisation, funding)</p>



C - STAKEHOLDERS

BASIC INFORMATION

C.1. Horizontal governance mechanisms at national level

Majority of responsibilities for immovable heritage protection are divided between the Ministry of Culture, municipalities and the Institute for the Protection of Cultural Heritage of Slovenia. Mechanisms for decision making on HBA protection and for implementing of HBA protection lies in the Ministry of Culture, sectorial ministries and The Cultural Heritage Directorate and the Institute for the Protection of Cultural Heritage of Slovenia. Municipality plays crucial role in implementing of HBA protection. Municipality ensures conservation of heritage through spatial planning by designating the status of a cultural monument to heritage. HBA is also obligatory component of national spatial plans.

Therefore the only formal horizontal governance mechanism at the national level is the process of inter-ministerial co-ordination of decisions to be adopted by the government. This applies to draft legal texts, plans and other documents that deal with matters in the interest of several ministries. Governmental rules of procedure define the process of co-ordination. Each piece of legislation also needs to be available for public consultation before it is adopted. Normally, draft legislation is publicised on-line and also proposals and reactions from the public are collected on-line.

Some sectoral legislation stipulates specific forms of horizontal co-operation with mostly consultative remit. Such consultative bodies may consist of representatives from relevant sectors, academia and civil society, as well.

In individual cases, ad-hoc consultative bodies may be appointed in the form of working groups, commissions and the like.

In the field of cultural heritage protection and management, including Heritage Built Areas, no horizontal governance mechanism is provided for.

C.2 Horizontal governance mechanisms and practices at local level.

Municipalities in Slovenia act as basic local self-governance units: they are in charge of approving municipal planning acts, designating monuments of local importance, subsidizing restoration and other projects, managing municipality-owned heritage, and exercising pre-emption rights if monuments of local importance are being sold. The system described above for the national level applies to the local level as well, mostly in the case of larger municipalities. Smaller ones usually lack human resources to carry out complicated governance procedures.

C.3 Specific procedures involving public and private sectors on HBA

The legal framework requires cooperation of municipalities with owners of monuments of local importance located at their territory. Spatial plan is another instrument where heritage of all types is considered. The process of adopting the spatial plan includes public participation. IPCHS gives each municipality specific guidelines how to integrate heritage in a municipal spatial plan, and, before the plan is adopted by the municipality, the ministry issues an opinion declaring if the heritage concern has been properly addressed.

QUALITATIVE INFORMATION AND COMMENTS

C.4. The PP approach and relations: partnership or conflict?

The private sector, the civil society, the users trends and actions in the National and Local contexts: perception of HBA cultural and identity value among citizens, private investments in HBA, ownership of the buildings; the public sector approach towards Stakeholders.

CHPA-1 obliges the state and municipalities to cooperate in the realization of the public interest of protection with owners of heritage, commercial entities, non-governmental organizations and the civil society. Cooperation with large owners of the heritage and the non-governmental sector is mentioned as the Act aims at developing partnership-like relations with these entities. Although the legal framework is in favour for cooperation the idea is not easily applicable at local level due to financial and organizational obstacles. Those barriers might be overcome by international projects as initiatives for developments or establishment management/cooperative structures, but without continuous financial support sustainability is in question.

SOURCES

- <http://www.herein-system.eu/slovenia-country-profile>
 - <http://www.mk.gov.si>
 - <http://www.mop.gov.si>
 - Pirkovič J., Šantelj, B. (2013) Statutory Protection of Immovable Cultural Heritage in Slovenia PHARE EU
 - <http://evrd.situla.org>
 - <http://giskd.situla.org>
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D - SWOT ANALYSIS

Strengths	Weakness
<ul style="list-style-type: none"> • Presence of the UNESCO heritage site • Establishment of a management plan for UNESCO heritage • Support to public-private partnership in culture as well as partnerships between public institutions and NGO's • Unspoiled nature 	<ul style="list-style-type: none"> • Remote location of Idrija • Lack of public transport to other parts of Slovenia • Risks of unbalanced effects of large promotion of UNESCO site • Limited awareness among people in considering intersectorial solutions for development
Opportunities	Threats
<ul style="list-style-type: none"> • Raising awareness among public authorities about potentials of culture • Creation of a strategy for common international promotion fostering the cooperation between the economic and cultural sphere • Encouragement of the involvement of culture in lifelong learning measures 	<ul style="list-style-type: none"> • Overall reduced resources for cultural investments • Increasing financial burden in municipality • Lack of job opportunities for humanities