

PROCEEDINGS OF THE THIRD INTERNATIONAL CONFERENCE
PRESERVATION AND IMPROVEMENT
OF HISTORIC TOWNS

SREMSKI KARLOVCI
12TH – 13TH MAY 2016

ТРЕЋА МЕЂУНАРОДНА КОНФЕРЕНЦИЈА
ОЧУВАЊЕ И УНАПРЕЂЕЊЕ
ИСТОРИЈСКИХ ГРАДОВА

СРЕМСКИ КАРЛОВЦИ
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PROTECTION OF CULTURAL HERITAGE AND STRATEGIC ENVIRONMENTAL ASSESSMENT IN SERBIA

INTRODUCTION

During the first decade of the 21st century, Strategic Environmental Assessment (SEA) experienced an expansion in development in terms of introduction of the legal basis, administrative provisions and guidelines for the implementation of SEA. As indicated, the basic characteristics of SEA are ‘learning’ and ‘designing’ using experiences from practice, as each plan, program or policy are distinct in their own right (Crnčević, 2009). The European Union (EU) in particular has invested in the development of this instrument, encouraging research, application of this instrument within the EU country members, publishing special editions, organizing seminars, establishing the initiative, and adopting the Directive 2001/42/EC of the European Parliament and the Council of 27th June 2001 on the assessment of the effects of certain plans and programs on the environment¹. The model that promotes the SEA Directive is an ‘integrated model’ that aims to integrate SEA in each stage of decision-making processes within planning, promoting the obligation to involve the public and sustainability themes in the planning and decision making process, producing SEA reports, publishing results and their appreciation in decision-making and monitoring (Therivel & Partidario, 1996, Crnčević, 2009). The SEA Directive recognizes cultural heritage, including the historic city, as part of individual and collective identity, and as something of a particular significance when undertaking a strategic environmental assessment.

Today, SEA is implemented in about sixty countries worldwide (Fundingsland Tetlow & Hanusch, 2012) by applying different systems and models. Therefore, in the United States of America (USA), SEA tends to be very extensive, with special emphasis on the importance of public consultation, while in the EU, concerning the SEA Directive, there are some differences – in the Netherlands SEA applies particularly to the hierarchy of decision-making, in Germany it stands out for the quantification and use of Geographic Information System (GIS), while in the United Kingdom (UK) SEA

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¹ Hereafter to be referred as the SEA Directive

is more qualitative, with the tendency to provide Sustainability appraisals (Crnčević, 2009). In England, the SEA process involves consultation with the government's advisory body for historic environment during each of four main stages: screening, scoping, reporting and proposing a decision to adopt, in order to ensure that the impact of a proposed plan on historic environment is adequately addressed.

The Republic of Serbia (RS) introduced SEA in 2004 after adopting the Law on Strategic Environmental Impact Assessment (*Official gazette of the RS* No. 135/04, 88/10). According to Article 35 "*Strategic impact assessment is carried out for plans, programs and bases within spatial and urban planning or land use, energy, industry, transport, waste management, water management and other areas, and is an integral part of the plan or program, or base*". Taking into account the above mentioned, the aim of the paper is to emphasize the role and importance of SEA in the planning process with special reference to the cultural heritage protection.

SEA IN SERBIA

As a procedural instrument, SEA provides place in planning and environmental management process in the appropriate legal base, and institutional support. Regulations establish uniqueness of the procedures and quality, while SEA proceeds within the institutional framework and together, strengthen the implementation of this instrument. The SEA scope is determined by the legal framework and the scope of spatial and urban planning. In spatial planning, SEA considers impacts and compliance of formulated solutions and objectives of the plan at national and regional levels while within urban planning SEA investigates alternative solutions in relation to spatial coverage, considering the most suitable location and capacity of the study environment for further development (Crnčević, 2009). Recognizing that this instrument represents sustainable development and environmental protection, the SEA coverage, in terms of its thematic framework, can be more or less sustainable, depending on how economic, environmental and social aspects are presented. Previous experience of the SEA implementation indicates that "two different planning systems and experience with SEA gave similar results in achieving sustainability – slight promotion of sustainability in plans is common for both England and Serbia" (Crnčević & Theriel, 2009: 104). Further, it is stressed that SEA in Serbia favors environmental factors, while social and economic are not promoted enough, especially in respect to equity and quality of life.

Designed to deal with cumulative, synergetic and major intensity impacts in the planning process, SEA serves as a system for early warning and management of cumulative impacts, including global changes, that is, taking into account the present situation, climate change. In the context of climate change, it has been pointed out that the issue of climate change is treated within SEA in Serbia, regardless of the year, primarily as a result of the

thematic scope of SEA that represents climate change (Crnčević et al, 2011). In relation to cultural heritage and climate change, it is particularly pointed out that the premise of the climate responsible planning is the preservation and maintenance of authenticity, and maintenance and improvement of adaptability together with the development of appropriate measures (Crnčević et al., 2015).

The basic methodological framework for implementation of SEA in the RS is given by the Law on SEA in four parts (general provisions, articles 1-4, SEA procedures art. 5-24, corrective provisions art. 25 and transitional and final regulations art. 26-27), twenty-seven articles and two annexes (Annex I *Criteria for determining the characteristics of potential significant impacts* and Annex II *Criteria for assessing the SEA report*). According to Art. 6, the criteria for determining the potential for significant environmental impacts of plans and making decisions about SEA (Annex I) are based on: (1) characteristics of the plan and (2) characteristics of the impact. Article 1 of the Law on SEA defines the object and aims of SEA. In this sense, SEA is done to ensure the protection of environment and promotion of sustainable development through the integration of basic principles of environmental protection – (according to Art. 3) sustainable development, integrity, precautions, hierarchy and coordination and transparency within the process preparation and adoption of plans and programs. In making a decision on development and scope of SEA, with application of other criteria, it is particularly important to identify the problems of environmental protection within the planning area, and the possibility of the plan to impact its basic factors, including cultural heritage. The SEA preparation process includes SEA reports, implementation of the consultation process, adoption of the SEA report and the results of consultations in the decision-making process, as well as adoption of certain plans and programs and providing information and data regarding the decision made. Today, in Serbia, SEA is an integral part of the planning process. After the Law on Planning was passed, SEA has become an integral part of the documentation bases of the Spatial Plan of the Republic of Serbia, Regional Spatial Plan, Spatial Plan of Local Governmental Units and Spatial Plan of the Area for Special Purposes, while for plans within urban planning as previously stated *Criteria for determining the characteristics of potential significant impacts* within Annex I are applied for making decision about SEA.

After more than a decade, it could be said that the implementation of SEA in Serbia has overcome initial problems and obstacles that were identified (according to: Crnčević & Therivel, 2009, Josimović, Crnčević, 2006, Stojanović, Spasić, 2006 etc), such as improvisation in the SEA implementation, a lack of educated cadre for the SEA process, the problem of the SEA decisions usually being made automatically, and the scope of designed Guidelines not covering all the SEA phases, etc. However, the lack of relevant data, indicators and a very limited participation of the public are still present. Taking into account that the role of SEA in the planning process

is to strengthen the public participation, to educate, to timely inform and provide conditions for active participation, it could be stressed that the public participation is still relying on the planning process. As SEA is part of the planning process, the public participation is in its framework defined by the Law on Planning (*Official gazette of the RS* No. 72/09, 81/09-correction, 64/10-CC, 24/11,121/12, 42/13-CC, 50/13-CC, 98/13-CC, 132/14 and 145/14) and, as stated “does not oblige the developer of the Plan to cooperate with the local community and civil society who live in the vicinity” (Petovar, Jokić, 2011: 10). Taking into consideration the scope of the public participation regarding SEA, the situation is still as noted, “the scope of public involvement is not considered and the support for broader public participation is not sufficient in the SEA implementation, but only as stated by the law within the planning regulation” (Crnčević, 2007:75). However, the participation of interested parties provides control as they represent their interests within SEA and the planning process. Participation of interested parties and organizations implies that the body responsible for the preparation of plans and programs is obliged to request their opinion (Law on Planning and Construction, art. 45a). Respectively, within SEA, results of consultations with interested parties and organizations are an integral part of the SEA report (Art. 13). Furthermore, interested parties and organizations are obliged to submit their opinion on the SEA report (Art. 18), while the report on participation of interested parties and organizations and public consultation are components of the SEA report. In the case of cultural heritage, and depending on the level of protection, competent institutions in charge of particular cultural heritage might be national, regional or local institutions for the protection of cultural monuments. In general, there is no systematized data base regarding cultural heritage that would serve as an input for the production of SEA. Some institutions developed and made publicly available information on cultural heritage and the level of their protection, such as the Belgrade City Institute for the Protection of Cultural Monuments, or a partly filled database of immovable cultural heritage of the Institute for the Protection of Cultural Monuments of Serbia.

CULTURAL HERITAGE IN THE SEA PROCESS

In planning, SEA provides more information in the decision making process by reviewing and assessing various alternative solutions. Recognizing a broad scope of actions, SEA aims to promote solutions that are oriented towards environmental protection and implementation of sustainable development strategy. According to Article 15 of the Law on SEA, the assessment of possible impacts of plans and programs on the environment also contains guidelines on how environmental factors, including information on cultural heritage, are taken into account within the impact assessment. A high-quality SEA process implies that it is regulated by law, that the terminology is defined, methodologically and procedurally established, that coordination and

communication between teams working on the plan and SEA is set up integrally from the very beginning, with a high-quality SEA report, active and participatory, that manages and controls, the driver of change, includes monitoring program, focused and driven by sustainable development (Crnčević, 2009). The SEA report is an integral part of a high-quality SEA process (Annex II of the Law on SEA contains criteria for the assessment). It is essential that the basic minimum of the content provided by the legal framework is provided, clearly written and documented, that it is available to all interested parties, in order to serve as a basis for further assessment process, and that it represents a basic document for monitoring (Ibid.).

During the preparation of SEA, an appropriate information base is established. However, during the SEA process, the production of SEA generally relies on the documentation base that is formed during the preparation of the plan. The result of this is “the formation of the same or similar information picture as in the plan” (Crnčević, 2009: 140). An initial input for the consideration of cultural heritage is the information base formed within the respective institutions that are involved in the production and control of planning and project documentation. The main problem is still the lack of appropriate SEA databases and information base. Analytical results of planning documents show that there is a generated base of planning documents for the level of spatial planning as well as compulsory SEA reports within the Internet presentation of the former Republic Agency for Spatial Planning (<http://www.rapp.gov.rs/sr-Latn-CS/usvojeni-planovi/uid291/list/>). On the other hand, at the level of urban planning, there is no adequate data regarding SEA because, when the approved plan was published, the relevant SEA was not published and these SEAs are not available to the general public except during the process of public hearing and upon individual request. Taking into account cultural heritage that is an integral part of the SEA scope, it could be pointed out that this issue is not always present. In Table 1, examples are given of selected case studies that in their scope represent cultural heritage. Selected case studies are chosen according to the following criteria: availability, hierarchical level and thematic/sectorial coverage. It must be said that the aim of the analysis is to present a thematic representation of cultural heritage, independently of the hierarchical and thematic coverage of SEA. As it can be seen, SEA establishes the protection of cultural heritage as a fundamental objective and provides indicators for monitoring the SEA implementation and SEA specific aims.

Examples of selected case studies indicate the representation of cultural heritage protection issues within SEA. It can be singled out as a specific goal, considered together with natural heritage, or it might be omitted primarily, at lower phases of planning (urban planning regarding the plan of detailed regulation). The cases when there is no ground for inclusion of this issue are, primarily, due to the lack of cultural heritage that is under a certain protection regime. On the other hand, the presence of the issue is provided respecting the requirement of the institution in charge. Another way is when SEA may

indicate the existence of a connection between historic and natural environment and their impact on the character of (urban) landscape. In this context, SEA can be proactive regarding historic cities, both in terms of identifying the importance of certain elements of heritage, through provision of proposals for adaptation or modification some of the planning or design solutions, but also avoiding or minimizing potential adverse impacts on natural and built environment within historic centers.

CONCLUSIONS

In addition to what has already been a legal obligation for more than a decade, the process of SEA in Serbia occupies a more important place in the process of production of spatial and urban plans. On the other hand, an adequate link between this process and the process of protection and management of cultural heritage that are covered by individual plans has not been established yet, whether it is spatial plans or the ones that include significantly less territory. This also applies to those plans and projects that foresee a significant intervention in the area of historic cities and historic city cores, including the cultural heritage under different regimes of institutional protection. The paper discussed several factors affecting this state, such as the case of SEA generally relying on the documents formed during the preparation of the plan, that is, the lack of SEA information database and the lack of an updated and publicly available information base regarding cultural heritage.

To overcome this, the paper emphasized the importance of establishing a SEA database that can in turn result in better availability of data on cultural heritage, its current condition, and necessary measures for its protection and management. On the other hand, updated databases of the institutions responsible for the protection of cultural heritage can significantly facilitate, and thus contribute to an adequate impact assessment of planned solutions in terms of cultural heritage. Such established SEA could contribute to a clearer definition and (re)valorization of individual segments of spatial-historic sites that already have a certain degree of protection, which primarily refers to historic cities and historic city cores. In order to achieve the above mentioned, it is very important to work on establishing closer cooperation and appropriate exchange and transfer of relevant data in the SEA process regarding the actual condition, protection and management of cultural heritage.

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Table 1. Cultural heritage protection within SEA process

SEA report	SEA objectives	SEA indicators	SEA specific aims
<i>SEA for Spatial plan of the area for special purpose of the international waterway E-80 – Pan European corridor VII</i>	Conservation, presentation and appropriate use of immovable cultural heritage and presentation of folklore-ethnographic heritage.	<p>Number of recorded, categorized and declared immovable cultural properties;</p> <p>Preservation of the main characteristic and the value of buildings, other facilities and areas of immovable cultural properties (ICP);</p> <p>Type and scope of intervention of conservation and regulation;</p> <p>Type and scope of measures and works on the presentation and use.</p>	<p>The establishment and consistent implementation of measures for preservation and regular maintenance of cultural monuments, spatial cultural and historical sites, archeological sites and ICP;</p> <p>Development and implementation of programs and projects for presentation and putting ICP into function of general interest within waterway corridor (culture, education, tourism).</p>
<i>SEA for Regional spatial plan for the area of Podunavskog and Branicevskog district</i>	<p>Preservation and protection of protected natural and cultural heritage areas and protective belts and their sustainable inclusion within tourist offer;</p> <p>Preserving biodiversity, landscape improvement and the management of protected natural and cultural heritage.</p>	<p>The number and importance of protected plant and animal species;</p> <p>The number and area of protected natural heritage and landscape units</p> <p>The number and quality of protected immovable cultural heritage (listed in the monitoring plan of the Institute for Protection of Cultural Monuments);</p> <p>The number of visitors in tourist zones.</p>	<p>Preserving biodiversity, improving landscape and efficiency of the protection based on the principles of sustainability and by inclusion within the tourist offer.</p>
<i>SEA for the Local plan for waste management of the Belgrade town 2011-2015</i>	Protection of cultural heritage.	Number and importance of the vulnerable objects of cultural heritage.	To preserve protected and non-protected significant cultural properties.

ЗАШТИТА КУЛТУРНОГ НАСЛЕЂА И СТРАТЕШКА ПРОЦЕНА УТИЦАЈА У СРБИЈИ

Сажетак: Стратешка процена утицаја (СПУ) је уведена у Републику Србију 2004. године. Након више од деценије примене овај инструмент представља саставни део процеса планирања и управљања животином средином. Основни оквир – методолошки и процедурални део је Законом о стратешкој процени утицаја Републике Србије, који садржи обавезу процене утицаја и на културна добра, и утврђивање мера којима се штетни утицаји могу сфречити, смањити и отклонити.

У раду је дао преглед актуелног оквира примене СПУ, с посебним освртом на улогу овог инструмента у процесу, управљања и заштите културног наслеђа. Поред тога, рад елаборира стање информационе основе СПУ у РС, посебно у којој мери је успостављен систем мониторинга информација и података у оквиру СПУ студија, када је у питању културно наслеђе.

Као један од закључака рада истиче се индиректан утицај инструмента СПУ у формирању базе података надлежних установа и институција укључених у процес СПУ. Под тиме се, пре свега подразумева ажурирање postojećих база података док још увек недостигаје одговарајућа размена и трансфер података у оквиру процеса СПУ у вези са стањем и заштитом културног наслеђа.

Кључне речи: Стратешка процена утицаја, заштитна културног наслеђа, информациона основа.

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