

INTEGRATION OF MAINTENANCE AND MANAGEMENT ACTIVITIES WITH AUTHORIZATION PROCEDURES FOR LISTED ARCHITECTURAL HERITAGE

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SUMMARY

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The aim of the paper is to discuss the relationships between maintenance and management of listed buildings and authorization procedures, focusing on the Italian case.

Consequently, we propose, with punctual reference to the enforced Heritage Codex (Law Decree n. 42/2004), a different methodology, based on the approval of a management and maintenance plan, drafted on the basis of sustainable use evaluations (or “flow capacity”) of a given listed building.

The path to follow seems to be that of knowledge sharing, through an information management system. This would originate a more concrete and certain relational system between controller and controlled. One could envisage both the control extension to the whole process, with extreme advantages on the protection side, and the preliminary approval of predetermined limits within which the user’s interventions could be limited to real-time information, without requiring further authorization steps, with a clear simplification.

The aim of the paper is to discuss the relationships between maintenance and management of listed buildings and authorization procedures, focusing on the Italian case.

The evolution of the national legal framework in the last decade has introduced the theme of management in cultural heritage and given a definition of conservation as a process. Nevertheless, it is compulsory to realize that Italian laws and attitudes are still bound to a vision of restoration as an event. Therefore legislation and standard procedures do not include specific measures meant to simplify the relation between users and conservation Authorities, and to shift the focus from projects alone to long-term processes, which are critical for built cultural heritage conservation and enhancement.

The Italian normative framework is still so far from perfection that, in public works legislation, while on one hand drafting a maintenance plan is compulsory, on the other no plan is quoted in the maintenance works execution procedure.

In comparison with foreign Countries, there is the evidence of a gap which must be bridged, learning from experiences where maintenance activity created friendlier relationships between institutions and people: in particular referring to *Monumentenwacht* in the Netherlands and in the Flemish Region (Verpoest, Stulens 2006).

Consequently, we propose, with punctual reference to the enforced Heritage Codex (Law Decree n. 42/2004), a different methodology, based on the approval of a management and maintenance plan, drafted on the basis of sustainable use evaluations (or “flow capacity”) of a given listed building.

Management implies control of the use of a building, and this is the discussion starting point. We are aware that use and public fruition must be handled “in forms compatible with protection” (42/2004 art. 6: “in forme compatibili con la tutela”), and this recalls necessary reflections on the compatibility principle (Della Torre 2003). Quoting Pierre Smars, “the definitions of compatibility can change but three elements are always present: some differences, a changing environment and permissible damages” (Smars 1998). In fact, recent researches on compatibility in the field of conservation focused on the problems arising from joining different materials, while compatibility of use, especially if mentioned in law texts, is likely to undergo broader interpretations.

If the compatibility concept refers to potential damages, should attention be paid more to the aesthetic dignity of the site or to the materials pertaining to the building?

Cultural heritage can be considered as an integration of natural and historical handworks, continuously stimulated by human interventions, which tend to use up non-renewable territorial resources.

Italian Heritage Code explicitly prohibits non-compatible uses (art. 20: “I beni culturali non possono essere distrutti, danneggiati o adibiti ad usi non compatibili con il loro carattere storico o artistico oppure tali da recare pregiudizio alla loro conservazione” – Cultural Heritage cannot be destroyed, damaged or assigned to uses not compatible with their historical or artistic characteristics), resuming a text which was already mentioned in the law n. 1089 of year 1939. The legal text is rightly generic, consequently addressing both interpretations; it seems that this originated

quite a lively contentious where worries on the aesthetics and convenience prevailed by far (Brocca 2006).

Italian legislation also foresees different procedures for private and public owners. For public subjects, the obligation, perhaps not always fulfilled in current habit, to inform the Heritage Office on the use of a listed building comes from art. 51 of the Regolamento of year 1913 referring to the so called Rosadi law 364/1909, still enforced.

For private owners, just last year the obligation of communicating variations of use was introduced, to the purpose of compatibility evaluation (Law Decree n. 156/2006, modifying comma 4 of art. 21: "Il mutamento di destinazione d'uso dei beni medesimi è comunicato al soprintendente per le finalità di cui all'articolo 20, comma 1" – The change of use destination of the heritage property in question is communicated to the superintendent for the scopes referred to in art.20, comma 1).

It seems difficult though that an evaluation can be provided on the basis of plain information, if lacking of supporting documentation that illustrates practical results of the change of use.

Such an evaluation, however, is surely carried out, and also in a quite analytical way, when the change of use implies a project and an intervention: but the focus tends to shift on the physical impact of building works, while the long term effects of real behaviours are difficult to evaluate.

In fact, the control on the use of a listed building and the related effects is remitted to surveillance activities (not better specified) and inspection activities (the latter according to 1913 regulations) which are difficult for Heritage Offices to carry out.

Due to this reason it is useful to search for innovative surveillance instruments, more efficient and less persecutory, which might derive from the acknowledgment of a mutual convenience.

Among innovative instruments, a first direction to follow would be to increase the sharpness of regulation acts. For example, it has often been proposed that, at the very moment of listing a building, not only the reasons of its recognition are to be described, together with its characteristics that cannot be given up, but also usage compatibility limits. Already a few years ago it was considered desirable that listing of a building would as well provide a short study indicating its "capacity flow" with respect to its usage potential (e.g. Petrarola 2002, p. 107).

This vision seems to have met some difficulties on the legal side, especially with respect to privately owned buildings, as restrictions may turn into a forms of expropriation of the building usage rights of the owner. Nevertheless, the principle that usage restrictions can be imposed as instrumental to the conservation of the property and consequently necessary for such scope is widely accepted.

Probably a synthetic compatibility/incompatibility evaluation would turn out to be aprioristic, and as such it would undergo similar difficulties in terms of respect of legal principles. On the contrary, it would be within civil rights boundaries if it would provide only detailed statements, more performance-oriented than prescriptive. It would be a matter of predetermining the limits of physical (mechanic and igrothermal) stresses and of risk thresholds, due to anthropic pressure, that a building's rooms could stand.

Prohibitions and permissions, when generally issued, derive from rather debatable prejudices on the dignity of functions and tend to neglect resources of the project, which could translate the same functions in compatible or incompatible effects: maybe compatible in terms of dignity but damaging in terms of conservation of historic fabrication.

Physical limits and thresholds referred to, based on objective or at least verifiable considerations, could be taken into consideration as inputs for a project, not as evaluations issued a priori.

On the other hand, such limits and thresholds become the reference values for the control of conservation conditions in time (the "surveillance").

Existing legislation does not specify how Heritage Offices should implement surveillance (art.18): this resulting more in a power (function) than a procedure, even more as the Code seems to have widened the surveillance concept beyond controls strictly related to the conservation topic (Sessa 2004).

The sole instructions officially although occasionally provided in the course of sightings cannot be considered any longer sufficient.

To translate power into procedures means to build surveillance methodologies based on more objective evaluations, allowing, at least with respect to the so called conservation controls, a discreet control, possibly remote, therefore generalized, with lower overall costs.

The path to follow seems to be that of knowledge sharing, through an information management system. This would originate a more concrete and certain relational system between controller and controlled. One could envisage both the control extension to the whole process, with extreme advantages on the protection side, and the preliminary approval of predetermined limits within which the user's interventions could be limited to real-time information, without requiring further authorization steps, with a clear simplification.

The need for knowledge sharing to create innovative surveillance methodologies is felt even stronger with respect to the public property heritage, when compared to the growing spreading of management practices that consider usage of the property under more remunerative conditions, such as entrusting the property to third parties, or for individual usage (art.106) or for enhancement scopes (art 112-116; Sciullo 2006).

It is not only a matter of favouring private investor interventions, but often of rationalizing property usage by functional independent actors not far from strictly cultural activities, or by system projects where a common management actor could implement scale economy and management strategies that would not be applicable for individual owning bodies.

In this, as with all externalization forms, it is necessary not to give up control: long term risks of solutions based exclusively on results are well-known, as they easily lose focus on the primary need not to loose the property, whether considered as an economic asset or as irreplaceable cultural heritage.

In order to maintain control, it is necessary to share a methodological framework and a language, to define competences and specialized profiles, to the point of creating innovative profiles (Cannada Batoli, Petrarola 2007), to

create both contractual tools for process control and information tools for knowledge sharing (Turati 2007, see also contribution of A. Canziani e F.P. Turati in this volume).

As the construction of an information system such as the one herewith proposed is undoubtedly costly, as confirmed by the fact that data filing appears to be a critical issue in other contexts as well (Dann, Worthing 2005), in order to make the procedure more economic, it could be useful to achieve a common solution such as the maintenance plan.

The maintenance plan built according to the classical three levels (programme, manual, user manual) can include both the information system (in the "manual"), the usage limits and the identification of improper usage modes (in the "user manual". Moioli 2003, Dell'Atti 2007). The guidelines approved by the Lombardy Region originate maintenance plans that, in order to be attentive to the peculiarities of the historical building, have an information refinement level and such a structure that allow the data base core to be usable as a support for the various sub-processes of the main process for protection and enhancement.

Along this research line, the SIRCop software (D'Ascola 2005, Bossi 2007) was developed. Furthermore, the broad problem analysis set-up allows to converge on the same data base, together with conservation problems, other requirements related to bureaucratic procedures (safety, health, accessibility). Consequently the instrument could also be useful, as a last consideration, to reduce administrative tasks.

The implementation of maintenance plans dedicated to historical architectural heritage as outlined in this document should provide IT tools that in particular would allow:

- remote sharing of given modules
- integration of sensors for controlling given physical measures, significant with respect to impact safety limits.

It is believed that such instrument can integrate the surveillance practice foreseen by the Code, also through the foreseen regional contribution to surveillance on public property objects: the construction of information systems related to buildings, also including the scientific and operability summaries such as maintenance plans, converges on the cataloguing task (Petraroia 2004, Cannada Bartoli, Petraroia 2004), assumed and implemented by Regions.

Lombardy Region, in partnership with Milan Polytechnic and with the Istituto Centrale del Restauro (Rome) has undersigned this approach by a specific decree of the Regional Government and has started to apply it even before its publication at national level on the Code, promoting the planned conservation of architectonic heritage on its territory. This way, it has brought to the most advanced limit to date, a process based on a systematic and multidisciplinary approach to the cultural interest artefact, in other words, based on the reading (once more: the acknowledgement) of the internal structural relations of its constituent elements in relation to all encompassing stimuli deriving from both the environment and the human intervention external to the artefact (Petraroia 2006).

Attention is recalled herewith also to the "qualitative improvement of the preliminary protection activity for protection of heritage in their own environment" initiatives, reported in the initiative for the attribution of wider

autonomy actions approved by the regional council of April 3, 2007.

Besides, given that this path requires an improved definition of information interchangeable with project documentation, the Heritage Code itself provides room for potential implementation, see point 5 of art. 29: "Il Ministero definisce, anche con il concorso delle regioni e con la collaborazione delle università e degli istituti di ricerca competenti, linee di indirizzo, norme tecniche, criteri e modelli di intervento in materia di conservazione dei beni culturali" (The Ministry, in cooperation with Regions, as well as universities and with the competent research institutes, defines guidelines, technical norms, criteria and models of intervention in the matter of cultural heritage conservation).

Clearly building "together" - with State, Regions, Universities and Research Centers such as CNR - a shared regulation framework for the enhancement of cultural heritage, and in particular for their conservation, public fruition and future transfer, today means to build the fundamentals necessary for re-launching in Italy highly qualified know-how and competences, through a professional community whose members do not create a sort of "expert" caste system separate from society, but that promote the dissemination of conscious behaviours for cultural heritage protection, and the technological transfer that can be generated by the relationship between research organizations and industry.

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