

Adaptive Heritage Reuse: Mapping Policies and Regulations

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Adaptive heritage reuse (AHR) has seen a flourishing of interest in the last decade within the European context of this study, both as a practice, and in scholarly work as explored in detail by Lanz and Pendlebury (2022). In the broad sense, the term adaptive reuse suggests a change of use of a building or place, which requires some level of material change, while *adaptive heritage reuse* assumes a recognition of heritage values within the process of reuse (Pendlebury & Veldpaus, n.d.; Pendlebury et al., 2018). These heritage values are often formalised through designation or listing, or emerge from a more local or informal discourse. We consider both as valid, while we also recognise that the policies and regulations discussed in this chapter focus on the former. Therefore, when discussing the ‘heritage system’, we refer to the formalised governance structures in place for conservation, designation, and protection of heritage.

The recent surge in AHR can be understood within a wider discourse on the usefulness of heritage, and its contributions to urban regeneration. Moreover, supra-national documents, such as the Council of Europe conventions (Council of Europe, 2000, 2005) and UNESCO’s Recommendation on the Historic Urban Landscape (HUL) (UNESCO, 2011), have highlighted the potential of heritage as a

resource beyond its use and economic benefits, for creating social cohesion and promoting democratic engagement. The increased focus on AHR is also the result of the mainstreaming of heritage by the European Union. While the EU coordinates, supports, and supplements policies and measures around heritage and culture, it does not have legislative powers, since culture and heritage are seen as national matters. Nevertheless, the EU has been rather successful in mainstreaming heritage, through shifting perceptions regarding the societal and economic value of heritage and its role in sustainable development. The EU-led 2018 European Year of Cultural Heritage¹ advanced this discourse, emphasising the role of AHR in supporting a more inclusive, participatory, and high-quality process of urban transformation (Architects' Council of Europe, 2018; Swiss Confederation, 2018). This has also influenced further EU programmes, such as the New European Bauhaus initiative² and the European Green Deal³, slowly shifting the focus from new-build to reuse, including AHR. All these policy and funding programmes are useful in mainstreaming AHR; yet, as heritage is considered a domestic matter for each EU member state, an understanding of how to make AHR easier also lies within the national context. For example, the presence (or lack) of an open and participatory understanding of heritage that facilitates AHR, is largely determined by legislation and policies at the level of individual member states. Moreover, effective integration between the planning and heritage systems was found to be crucial in making AHR less complicated. The OpenHeritage project systematically explored this policy context, and this chapter discusses some of the findings and presents a way to map the national system in order to increase the understanding of how AHR is (or can be) facilitated through the combination and integration of a range of national policy frameworks. Published overviews of national regulatory systems for heritage, conservation, and planning (Dühr et al., 2010; Nadin et al., 2018; Pickard, 2002; Stubbs & Makaš, 2011) have been taken into account, but these do not focus on adaptive heritage reuse nor make the connections – between the heritage and planning systems, or wider policy realms – necessary to understand the governance arrangements that facilitate AHR.

This chapter offers an approach to bring together the policy realms and governance arrangements that facilitate (or impede) AHR at the national level. Our aim is to sketch the governance arrangements; specifically, to identify how these arrangements support particular policies, regulations, mechanisms, or their structural integration; as well as understand potential barriers or obstacles to be tackled. We present some of the findings from mapping out these governance

arrangements in 15 European countries⁴ and analysing them across all settings, focusing on how they facilitate AHR. We present this mapping of AHR within institutional frameworks, aimed at enabling a contextual understanding of the conditions in which heritage can be reused, also as an analytical framework to map additional countries.

A conceptual framework to study adaptive heritage reuse

We built on national and regional knowledge from previous research, and discussions in several workshops with researchers from the various countries and disciplines on how to capture similar data in different countries. We developed an analytical framework based on this, which we then finetuned throughout the research process. Eight research groups across Europe undertook country-based analyses, using their networks, language skills, and cultural knowledge to identify and analyse policies and interview key practitioners and stakeholders. The results were presented to be understandable by readers from other countries. We collected, structured, and analysed policies and policy practices per country considered relevant to AHR, which were then analysed as a whole and translated into more narrative country overviews (Veldpaus et al., 2019).

The analytical structure we used is represented in Fig. 2 (for a more detailed template, see Veldpaus et al., 2019). We included national, regional, and local levels, and covered various policy sectors, starting with the (urban) planning and heritage protection frameworks. In addition to a policy analysis of formal documents, such as acts, codes, and policies, mostly on a national level, we specified what the regional and local contexts mean (e.g., province, county, commune), and how regulations and responsibilities are devolved (or centralised). We also related our research to the local setting by examining the policy contexts of the case studies presented elsewhere in this volume. To

fully understand the regulatory framework, we aimed to address the entire policy cycle, from formulation to implementation to feedback, including incentives and bottlenecks, as seen by practitioners at various points of the institutional system as well as working in AHR initiatives. We therefore undertook informative interviews with key experts engaged in the (daily) practice of AHR, to further understand the reality on the ground. This gave us access to experience of 'the system', e.g., how do governance levels relate or work together, and identified other relevant policy areas to be examined. It also provided us with a better understanding of the different ways in which national and local experts understand AHR and how they relate it to heritage, visualising aspects that might remain obscured in a textual representation.

As Fig. 2 shows, our focus was on heritage and planning legislation, policy, and regulations on one side, and on financing and funding structures on the other. Governance arrangements showed that these domains provide the formal context for most decisions on whether AHR can happen or not. There are, however, many other legislative, policy, and regulatory realms that are potentially relevant, such as environmental sustainability, culture and the creative sector, and community and civic engagement. Specific policy or funding programmes can also play a significant role in making AHR possible.

Based on the 15 national overviews, we undertook further thematic analysis to consider the institutional, cultural, and semantic factors that facilitate AHR (Veldpaus et al., 2019). A comparative analysis based on the approaches across Europe was also used to generate country-groupings where AHR is (1) common and facilitated, (2) supported and developing, and (3) where it is difficult. (Méraï et al., 2022).

We pay specific attention to differences in language, policy aims, and definitions across countries, and how this influences the ways in which AHR is supported or not. We also address the level of horizontal and vertical policy integration, meaning the integration of heritage and planning policy contexts, and the integration between local, regional, and national levels of governance, which we found to be a structural facilitator for AHR. Finally, we look at how local groups and communities can get involved in (or even lead) AHR projects and how they are supported.

Adaptive heritage reuse: terminology in acts and policies

Adaptive heritage reuse, despite being a common term in discourses on heritage (cf. Lanz & Pendlebury, 2022), is not included in the policy terminology of most countries we analysed. Moreover, the terms 'heritage' and 'adaptive reuse' are ascribed a variety of meanings in the literature, and our analysis demonstrated that this is also true for the institutional contexts of the 15 countries. It is essential to understand the terminology, since diverse terms also imply divergent practices, which can create confusion when trying to learn from each other's systems and approaches.

Some countries employ specific terminology, such as *herbestemming* in Dutch. However, AHR is more commonly referenced through general terminology such as restoration or regeneration. This can make it complex to unpack what are considered AHR projects in the first place, and how they are (and would want to be) supported (or not) by institutional contexts or policy programmes. Terms used to encompass adaptive reuse might include heritage restoration or rehabilitation; however, the term reuse also has several potential meanings, such as (partial) reconstruction, or reusing materials or design features rather than the actual building – which are more contentious and quite far removed from the idea of 'reuse' central to AHR. On the other hand, adaptive reuse can also relate to projects where reuse has been undertaken with little visible or material intervention. Or, in the context of activism, it may happen as temporary reuse, which is a relevant practice that does not necessarily change the building but may showcase its potential, protest against its demolition, and provide a glimpse of alternative futures. AHR as a concept may also relate to areas or archaeological sites, which can, for example, become an element in urban regeneration, recycling terminology, and feature in landscape design (cf. Rome Centocelle, Fig. 1, 3).

Adaptive heritage reuse: supportive policy frameworks

We found that AHR is already widely used as a tool in urban regeneration, solving vacancy, restricting urban sprawl, and connecting with local communities, which immediately implies that a range of policies are involved. However, all this happens very unevenly within and between countries. This influences not only where AHR can happen, but also who can undertake such projects. The research demonstrated that heritage, and its reuse – supported by policy, knowledge, and resources – can be a resource for development, engagement, branding, tourism, local and regional identity, and is becoming more popular as a sustainable means of caring for existing building stock.

The practice of AHR is rarely directly regulated. In most countries, however, it is regulated to some extent between the planning and heritage systems; and is emerging as a tool in (or result of) other policies, funding, and programmes. For example, it is used as a tool in the context of energy efficiency, greening, circularity, reducing carbon and nitrogen emissions, crisis recovery programmes with their focus on reuse to support the construction sector, participation and inclusion, local identity, and localism, stimulating people to get involved, creating places of belonging, and opening multiple perspectives on history (Fig. 3). Tourism, the arts, cultural and creative industries, youth initiatives, and wellbeing agendas were also found to stimulate AHR, as heritage is seen as an attractive setting for such sectors, connecting it to the local identity and historic character. Either way, AHR is a way to achieve policy aims.

The lack of integration between the heritage, as introduced in this chapter, and planning systems emerged as a fundamental barrier to AHR, since



Fig. 1
Archaeological heritage site, Rome
Centocelle

changes of use and related material interventions usually require approval from two different departments: those deciding on planning applications, and those deciding on consent to change heritage. While planning decisions are largely devolved to local government, responsibilities for heritage decisions often lie at the regional or national level. It is much more difficult to integrate the systems for heritage and planning when key decisions in each field are made at different tiers of government. This not only impacts direct contact and conversation about cases, but the various government tiers may also differ in their priorities, staffing resources, funding, or political leadership. There is great variation in local decision-making powers concerning material changes to heritage, and the less power there is to decide on this level, the more difficult AHR appears to be. The various obstacles to AHR are thus tied to the rigidity, complexity, and contradictions between or within planning and heritage systems, and their respective authorities. This can refer to overlapping responsibilities and/or plans, and a lack of coordination and cooperation between different levels of government or competent authorities. While none of these problems are specific to adaptive reuse, they are more pronounced in projects that require the collaboration of heritage and planning systems and authorities.

Heritage, protection, and legal frameworks for conservation

Each country operates with its own definition of heritage, either formulated explicitly or implied by a range of legal and policy documents. Most countries have a *national* heritage act, setting out a system of designating, registering, and listing heritage assets at a national or sub-national level. However, some systems can be more complicated, such as in Germany where the definition is constitutionally devolved, with each of the 16 federal states having their own heritage act. In most European countries, formal definitions of heritage address wide groupings such as monuments, sites or areas, landscapes, and archaeology. These are sometimes complemented by more specific categories, such as architectural or military heritage (Hungary), industrial heritage (Romania), and ‘work of recent architectural interest’ (France). There are often distinct regulatory frameworks for movable versus immovable (or built) heritage, or tangible versus intangible heritage.

Influenced by international documents such as the 2003 UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage, many countries have updated their regulations by including references to intangible heritage. Intangible and tangible heritage are, however, often separated in law, and protection measures are mostly focused on what is considered tangible heritage. Thus, in most legal systems, the idea of heritage as material and tangible objects prevails. Within the built heritage context, explicit references to intangible heritage tend to be limited to (traditional) uses or practices, and addressed through considering ‘proper’ uses, or making connections with traditional construction skills and practices.

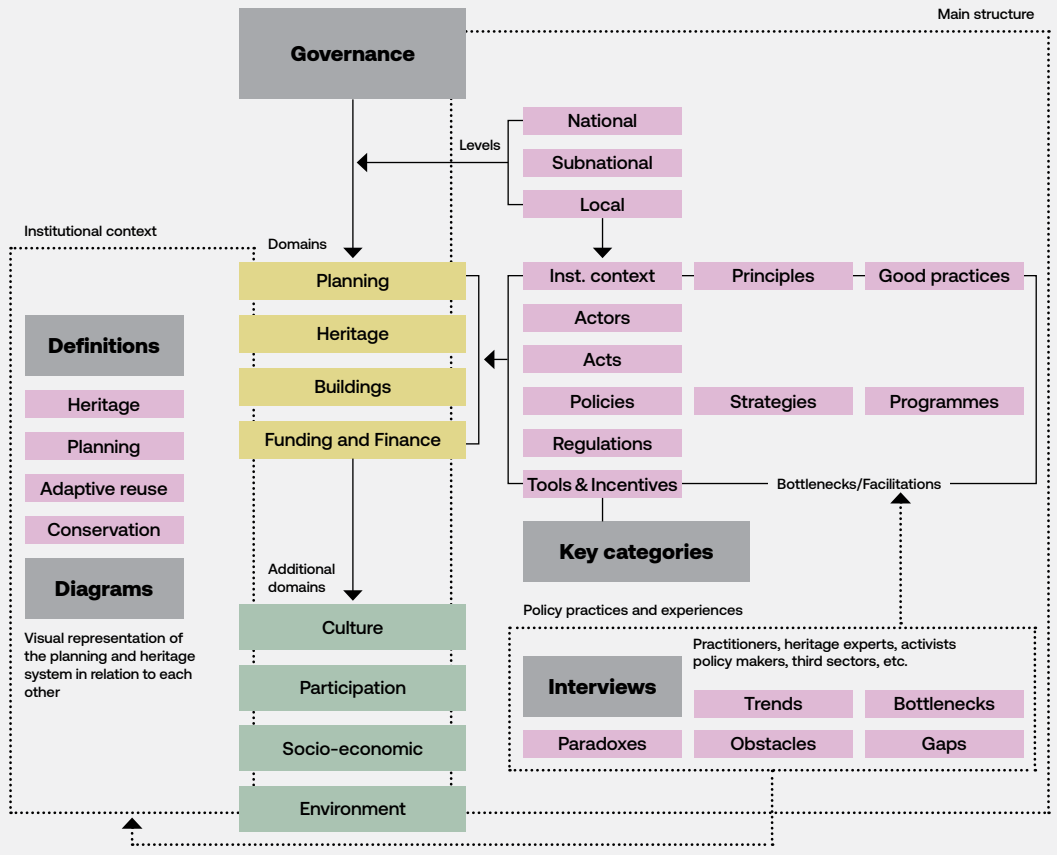


Fig. 2
Mapping governance arrangements
by country

Fig. 3
Neighbourhood centre Fusolab, Rome
Centocelle



Conservation practices, policy programmes, national or international cultural, heritage and (conservation) planning documents, as well as funding criteria can widen or 'stretch' the understanding of heritage compared with the legal definition. This broader concept can include more elements and aspects of the landscape, the historic environment, cultural practices, or community value through their inclusion in policy and descriptions, or even through funding requirements. In practice, concepts in (conservation) planning policy, such as 'setting' or 'character', can also widen this understanding of heritage beyond the legal definition. Most countries make a distinction between what is seen as heritage, and what is being protected: not all that is seen as heritage is protected (nor protected in an equal manner), but all sites, spaces, and practices with a protected status are defined as heritage. This 'stretching' of what is included in 'heritage' – and, relatedly, what sort of protection is deemed suitable – influences what is considered AHR, and where it can happen, as it slowly shifts perspectives on what is 'acceptable' change.

Protection is thus important. While heritage is protected in every country we looked at, there are different systems. Generally, there is protection for heritage through designation, and in some countries parts of the historic environment can also be protected via the planning system, through area-based protection. Some systems are much more nuanced and flexible than others. Two principal types of regulatory system can be distinguished based on the levels of protection: binary versus graded systems. In a binary approach (e.g., Italy), heritage assets are either protected (1) or not (0). A graded system introduces some nuance, using grades of protection (as in England), or a 'scale' of cultural significance varying from (inter)national to local interest (as in Spain, Portugal, Hungary, Romania, Sweden, the Netherlands, and England). Parts of the historic environment can also be protected through the planning systems, by the creation of conservation areas (England), areas of culture-historical value (Netherlands), or settlement images (Hungary). Graded systems ultimately allow for different levels of flexibility when it comes to change, and leave more space for discretion and negotiation per case, and thus potentially for adaptive reuse. At the same time, the discretion in the protection process might make it easier to dismiss the value of (parts of) cultural assets, as it creates space for more contentious practices, such as (partial) demolition and facadism.

Countries where AHR is difficult tend to have inflexible heritage protection systems, and AHR is easier and more common in countries where heritage protection is flexible (that is not to mean weak). A difference can also be seen in the general way countries define heritage, whether as something to care for or as something to protect from harm. Inflexible heritage legislation, however, may also be the only reason that a heritage asset has survived. A heritage designation can mean legally binding protection; however, it tends to offer only a level of protection, and can also be simply a suggestion or offer very minimal protection;

how it is implemented then depends on local planning and heritage officers. Flexibility leaves space for discretion and negotiation, and thus the space for the interventions necessary for adaptive reuse. This discretion can make AHR much easier, but may also block it altogether.

Discretion can be helpful, especially at the local level, but also requires reliance on 'good faith' and support, which is not a given everywhere and not a structural solution. The discretion and flexibility to accommodate local specifics can promote adaptive reuse processes in systems where heritage or planning officers have time for or interest in supporting and exploring alternatives and options. However, it can also lead to blocking or favouring specific groups of people; and may threaten the value of cultural assets, as it also creates space for negative practices such as (partial) demolition and facadism. Discretion does not mean deregulation, and therefore clear guiding criteria are needed. Clear regulatory frameworks de-risk the process of adaptive reuse, making outcomes more predictable, especially as they are often (one-off) bottom-up processes, and since it can be complicated to navigate complex systems.

In a few countries, policies implicitly or explicitly mention that heritage can be 'put to use' for economic gain, and/or better-quality places and lives. Where there is such a preference for 'use' of heritage, as a way of protecting it, AHR is much more likely. In other countries this understanding is less direct, through stimulating heritage tourism, but this is not guaranteed to stimulate AHR. An overall tendency towards capitalising on 'cultural-historical values' is evident in all the countries studied. Following international recommendations such as HUL (UNESCO, 2011) we see a general shift towards understanding heritage as a resource for development, for engagement, and for branding, rather than solely a cultural asset significant in defining national identity and history.

Codes and regulations on adaptive heritage reuse

Building regulations and codes are also crucial in enabling AHR. They are mainly set at national, or even supra-national level, such as Eurocodes, CEN, and ISO, and function in combination with local or regional plans. However, they tend to be written either for new construction or for restoration and conservation purposes, which can make the 'in between' status of AHR complicated, unclear, and high-risk. Some countries have already made efforts to secure better integration; however, this is not a straightforward process – requiring time, money, the sharing of practices, knowledge, experiences, examples, and evaluation of pilot projects. The lack of integration between levels of governance can complicate such integration.

To support the (cultural) shift from a construction-oriented system to one favouring reuse, most countries in our study start by making non-standard solutions possible as an exception, where proposals seek to reuse listed buildings. In effect, this requires those working on projects to present 'in practice and

on the ground' solutions. For example, legal requirements on fire safety and energy efficiency may clash with the demands of heritage protection, thereby requiring experts in all fields to collaborate towards creative solutions. Such challenges may be implemented in different ways. In some cases, the legal framework already provides for exceptions (e.g., exempting heritage protection projects from certain energy performance requirements). In other situations, specifically designated 'regeneration areas' may have greater flexibility in dealing with protection and/or other regulations, but these remain predominantly case-by-case scenarios. To enable more fitting solutions, some countries also offer additional grant funding or (low-interest) loans. This requires exceptions, and (temporary) proportional or flexible criteria, which can then lead to further integration or the rewriting of building regulations and codes.

Administrative innovation, by developing alternative models of public procurement and tendering, can also support AHR (Fava, 2022). Similarly to regulatory systems, procurement and tendering processes often presume new construction, and display little understanding of circularity or recycling in their criteria, let alone local identity or memory. Refocusing these, to include sustainability and social criteria, has already been taken up to some extent through the *2022 Action Plan on Public Procurement*. However, this could be extended by revising the European Public Tender Criteria for the construction industry and could be piloted through a New European Bauhaus Lab.

The complexity of the abovementioned administrative aspects has also been found to impede the accessibility and possibilities for AHR, especially for those actors who are interested in AHR for a 'one-off' project, e.g., for their own future use, as stimulated through other policies. For example, social policies may fund organisations to reuse vacant property in particular neighbourhoods, or provide economic stimuli for reuse by SMEs in the cultural and creative industries; however, countering such initiatives, countries have introduced pre-application fees (e.g., England), costly guarantees (e.g., Italy), or tenders based on principles of 'low expenditure' or 'construction efficiency' (e.g., Portugal and Spain). These are counter-productive, especially for innovation and risk-taking actors. Thus, revising the way that public tenders and procurement processes and criteria are set up, as well as which assets and funding are granted, might facilitate a significant step forward in designing a context that is more open and accessible and thus potentially more participative. This concerns not only the initial phase of the process but also the evaluation framework through which projects are assessed and thus supported in the implementation phase.

Participation in adaptive heritage reuse

Since the 2008 financial crisis, more attention has been paid to facilitating community initiatives and participation, if only in an attempt to compensate for the effects of austerity policies in local government. This often goes hand in hand with mechanisms of

asset transfer – meaning to sell, lease, or gift unprofitable government-owned heritage assets to local community groups, or to third sector organisations (NGOs) such as heritage trusts. This accelerated the general trend towards democratising heritage, where community engagement became an increasingly important theme in supra-national heritage planning approaches over the past decades (cf. Council of Europe, 2000, 2005; UNESCO, 2011).

Most of the countries we looked at have some projects, funding, and thematic programmes to stimulate engagement within their heritage and planning systems. Genuine participation and clear policy guidance on this, however, remain complicated and limited. In countries where the state and/or expert-oriented approach still prevails, community initiatives are less promoted, and in some cases are actively discouraged through creating bureaucratic structures that make it difficult to formalise and organise.

Where we found community involvement in AHR to be a priority – especially in the form of supporting bottom-up temporary use projects – the support is mostly project-based, and concentrated in the initial phase of the process, namely: awareness raising, providing information, or decision-making. Communities are more often left to their own devices in the subsequent phases of construction (for example by DIY practices), developing management and governance structures, and long-term implementation and maintenance. This significantly weakens the resilience and sustainability of community-based AHR.

Temporal factors are important for both community engagement and adaptive reuse. AHR often starts off as a trial, temporary, or meanwhile use for an old building, which can be difficult if the 'temporary change of use' is not regulated. Enabling temporary uses and temporary changes of use makes community action more feasible. The need to allow for temporary or partial use, and/or temporary changes in the use of heritage buildings is not limited to land-use or use-class regulations. The regulatory framework should also allow the waiving or proportionate application of any levies or taxes placed on this new temporary use(r). Market pressures can be an important factor when granting exceptions and permissions for (temporary) change of use, while bottom-up local initiatives may struggle to receive similar benefits.

Concluding remarks

Policy analysis as part of the OpenHeritage project aimed to understand the wider regulatory environments surrounding AHR proposals. Clarifying these national contexts also means we could explore the potentials and problems for the transferability of certain practices and approaches between countries. The goal was to understand which factors support AHR and which allow projects to successfully navigate systems that are less supportive of AHR. The comparative analysis allowed us to develop a general understanding of what a policy environment that is favourable to AHR looks like. The results served as the basis for policy briefs at local, national, and EU levels, and were also

utilised in an analysis of the European (and in particular EU context) to develop a policy road map for Europe (Veldpaus et al., 2023). The conceptual framework employed to identify and explore the policies relevant for AHR in the 15 EU member states can be applied to map the policy context in other countries, while the overview of trends offered in this paper aims to present policy practices for AHR, as well as a context for future analyses.

The wider European comparative analysis demonstrated that governance systems that support AHR are those where the planning and heritage domains are integrated. Besides focusing on the conservation and restoration of heritage by reuse, AHR can explicitly be applied as a 'tool' in wider policy areas, either to deliver policy aims by using AHR, for example to increase sustainability, greening, circularity, or to stimulate AHR through funding the reuse old buildings for social and cultural initiatives as one possibility. Such an integrative approach benefits all domains, but it requires cooperation at the level of institutions and procedures. This must go hand in hand with changing standards and regulatory frameworks (building codes, fiscal, procurement, and tendering regulations) to be more focused on supporting heritage, reuse, and circular economies rather than favouring new construction.

Finally, there is a broad range of other organisations that can play a crucial role in promoting and supporting AHR, such as national heritage knowledge centres, and college and university degree programmes, as well as national professional bodies and accrediting institutes, which define the content of, for example, architecture and planning degrees. This may encompass training days, workshops, specific or additional certification or accreditation, discussion platforms, and other activities that support knowledge building and awareness raising around adaptive reuse, in a context of urban transformation and regeneration.

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- 1 For more details, see: <https://culture.ec.europa.eu/cultural-heritage/eu-policy-for-cultural-heritage/european-year-of-cultural-heritage-2018>.
 - 2 See the online platform at: <https://new-european-bauhaus.europa.eu>.
 - 3 For more details, see: https://commission.europa.eu/strategy-and-policy/priorities-2019-2024/european-green-deal_en.
 - 4 Austria, Belgium, England, France, Germany, Hungary, Italy, Poland, Portugal, Romania, Slovakia, Spain, Sweden, the Netherlands, Ukraine.