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Cultural Heritage:

Changing Ideas on Compensation in Planning

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Abstract

Compensation measures are a new method for handling impact on cultural heritage in land use planning. The idea with compensation measures can be understood as an extension of the polluter pays principle. Today, compensation measures are mainly used when natural environments are damaged by development, but it is also possible to use compensation measures when a project results in negative impact on cultural heritage. However, there is a lack of experience in using compensation when it comes to the latter.

In our work as heritage consultants, we have experienced difficulties in implementing compensation measures in projects and assignments. Since 2013, we have organised a research project dealing with compensation measures and cultural heritage; aiming towards a new practice and better use of planning instruments. With this paper, we want to share our results from four case studies where development impact on cultural heritage has led to discussions about, and implementation of, compensation measures, find patterns in the use of compensation measures in planning processes. The results show an uncertainty in understanding compensation as a concept. This is due to an absence of practice dealing with compensation measures; cultural heritage values are not addressed in a proper way in negotiations over land access.

Several instruments for compensation measures in planning processes can actually be found in the law and land use of the Swedish planning system, but they are not being used properly, which results in a negative impact on the cultural heritage. After two years of analysing and discussing our case studies in workshops and conferences, we have concluded that there is a strong need for clarifying planning instruments and for developing a professional practice dealing with compensation measures.

Keywords: cultural heritage, compensation, planning, values, impact, planning instruments

Introduction

Since 2013, the cooperative Kulturlandskapet has been working with a research project about compensation measures, which can be seen as a new approach to community planning related to cultural heritage issues. The purpose of this paper is to describe our conclusions concerning planning instruments and compensation measures for impact on cultural heritage. Furthermore, we want to introduce the concept and ideas of compensation measures, and show examples of different applications of compensation and the planning instruments that have been used in these cases. Our objective is that the reader should understand what compensation measures for impact on cultural heritage in community planning are all about, and what types of planning instruments that can be used according to the professional practice in a Swedish context.

The research project developed from the experiences we, in the cooperative, had when we worked as nature and heritage consultants in several large wind power projects in Sweden. For many years, our cooperative carried out several studies and environmental impact assessments (EIA) for wind power projects. A basic idea of the cooperative was to work across disciplinary boundaries, and we developed a method where both archaeologists and biologists collaborated from the start. Archaeological heritage work took place side by side with the biologists' work of making an inventory of natural values (Grahm Danielson & Gustavsson, 2011; Grahm Danielson, 2012). This collaboration between professions gave us new understandings of the landscape and changed our approach to both nature and cultural heritage. The paradigm of natural sciences met the humanistic sciences, which led both biologists and archaeologists into new ways of thinking. This made us pay attention to phenomena otherwise overlooked. One of the experiences was that the biologists had different legal instruments and possibilities compared with the cultural heritage sector. The idea of compensation for negative impact by constructing projects was a central point in the different conditions we had to work with as consultants.

Those of us working with cultural heritage started to understand that the juridical toolbox used by the nature conservation sector in Sweden was more stringent than that of the heritage sector. An instrument used in nature conservation was compensation measures. In some projects, we also discussed the possibility of working with compensation for the impact upon cultural heritage values. From our point of view, it appeared to be a constructive approach. Moreover, both developers and municipality officials realised that it was reasonable. But how would one proceed? Admittedly, our attempts were tentative and creative, but the issues often fell because of a lack of established practice and due to unclear legislation, often with vague answers from the officials who had to approve the project. Therefore, we applied for funding from the Swedish National Heritage Board for a research project about "compensation measures and planning instruments in the cultural heritage domain", an application that was granted in 2012.

The idea behind compensation measures

The background to compensation measures as an instrument for nature conservation is the debate about human impact on the environment that started to flourish in the 1960s. The growing environmental movement, arousing public opinion on environmental issues, and getting them on decision-makers' agendas, prepared the ground for compensation measures as a method (Persson, 2011). Different compensation systems developed in parallel in Germany ("balancing") and in the US, spreading to the rest of Western and Northern Europe. Nowadays, most countries in the EU have a system for compensating loss of natural environment values (Skärbäck, 2015).

In this way, compensatory measures are a part of the polluter pays principle. However, it is one matter to rebuild a swamp, marshland or habitats, which is not too difficult to conceptualise, but how do we compensate the impact upon an old building, archaeological site or on cultural heritage values in the landscape?

Research Strategy

The research project started in January 2013. Besides Kulturlandskapet, other contributors to the project were researchers from the University of Gothenburg, Uppsala University, Lagtolken AB, the Swedish University of Agricultural Sciences (SLU) and the Royal Institute of Technology (KTH), together with a reference group representing the City of Västerås, Gothenburg City Museum, the County Administrative Board of Skåne and the Swedish National Heritage Board. To understand the concept of compensation we contacted Julia Nordblad, lecturer and researcher in History of Ideas at the University of Uppsala, to make a conceptual analysis. At the same time, we asked Peggy Lerman, environmental lawyer at Lagtolken AB, to make a study about the legal background of compensation (Nordblad, 2014, and Lerman, 2014). Simultaneously we conducted an inventory of Sweden over cases where compensation measures for impact on cultural heritage had been discussed/carried out.

Based on findings in the inventory we chose to conduct four case studies, involving various types of architecture, urban design and construction projects with an impact on cultural heritage. The case studies are presented below. Each case study was evaluated in a workshop led by a researcher from a university. The workshops were divided into three sections: presentations of the case study at hand, analysis of the theme in parallel group sessions and a general discussion at the end. 10 to 16 individuals took part in the sessions. The workshops sought a width of participants with different professional experiences, and each workshop was combined with an overall theme (like planning instruments, compensation as a concept, compensation and European Landscape Convention, degeneration of cultural heritage). We also organized a conference about compensation measures in Gothenburg (in December 2014), which resulted in an anthology, published at the end of the summer, 2015 (Grahm Danielson, Rönn & Swedberg, 2015).

Compensation – Discourses, confusing concepts and planning instruments

The word compensation is used in several different legal contexts. One example comes from the Swedish Tort Liability Act (SFS 1972:207: chapter 5, § 1), where the term compensation is used as a synonym for recompensing those exposed to violation. There are also examples of compensation in the form of redemption, in which the compensation applies to restrictions on the private ownership. Such cases apply to heritage building statements (SFS 1988:950 Chapter 3, §§10-14). However, this is not the kind of compensation we will discuss in this paper. Instead, we will focus on compensation for damage and loss caused to general values in the landscape and built environment, specifically cultural heritage values.

Two different fields of knowledge

The common thread in the concept of compensation is that it is all about making amends for loss. The word compensation is of Latin origin, meaning to replace, compensate, equalize, indemnify etc. The reason why we wanted Julia Nordblad to conduct a history-based analysis of compensation was to get a better understanding of compensation as a key concept in the research project and as a professional practice, both in the nature conservation sector and in the cultural heritage sector.

Nordblad (2014) sets her starting point in the end of the 19th century, a time when the protection of the natural environment slowly began. In the US and in Sweden, the first National Parks were founded, areas where “pristine” nature should be protected against civilisation. Nature conservation, however, had received inspiration from the cultural heritage sector, but the humanistic tradition of enlightenment of the latter was now being replaced by a scientific, “objective” view of the world. To explain the different discourses, Nordblad used Sven-Eric Liedman’s description of the natural sciences as nomothetic and the arts and humanities as ideographic. The different fields, or rather views of knowledge,

have their own scientific traditions, academies and official authorities – simply their own worldview.

The differences in thinking gives rise to implications when we discuss compensation measures for impact on cultural heritage. The environmental sector is largely controlled by a nomothetic thinking where nature has been equated with the environment; the Swedish environmental legislation is highly influenced by this. When the balancing principle was applied in Germany in the 1970s (Persson, 2011; Skärbäck, 2015), it was within a paradigm of the natural sciences, and it is obvious that the Swedish legislation is highly influenced by the German. When the Swedish environmental legislation was compiled in the Environmental Code (SFS 1998:808) in the 1990s, the cultural heritage sector chose not to be a part of it. According to the Swedish National Heritage Board, cultural heritage was not something that could be readily measured, weighed or described from a scientific position (Nordblad, 2014). Instead, it was strongly linked to humanistic streams of thought in which history, values, readability and personal experience are important. This is seen as a “subjective” understanding of the landscape.

The thoughts of compensating damage to natural environment values were applied to cultural heritage values in the late 1990s and early 2000s. But it was not on the initiative of heritage management. Instead, these discussions began within community planning. Therefore, when compensation measures for impact on cultural heritage values are discussed, problems arise. Heritage managers are often protesting, for how can you compensate and replace values if they are unique and connected to a specific site. Confusion arises because most of the persons operating in the planning processes are not used to dealing with compensation in terms of cultural heritage values.

A Confusing Concept

The confusion over the term compensation is not surprising. In the various literature and case studies, we have found that compensation measures occur at three different levels. Firstly, it can represent an *instrument for community planning* that relies on the Environmental Code; secondly, it can form a *method in land use planning*; thirdly, it can be a *set of actions in projects*. In other words, it is a broad concept with many meanings; for this reason, the context is crucial for understanding compensation. Compensation becomes a confusing concept, in general use out of its specific context. The reason for this is that compensation measures taken in detailed planning are dependent on the purpose behind the actions in projects.

Since the concept of compensation is ambiguous and controversial, and therefore seldom used in community planning, or even rejected and sometimes described in other words, we analysed the use based on some criteria. Measures that are taken are not always seen as compensation. We need a clarifying definition. In community planning, certain conditions need to be fulfilled before measures are regarded as compensation. There must be a case of 1) land development of a cultural heritage area, which 2) leads to a negative impact (damage or loss of cultural value/qualities), in turn 3) requiring physical compensation or measures. This has to be 4) regulated in an agreement with the developer or appointed in a decision taken by the authorities and should 5) be carried out within a certain time. If these criteria are met, then the case can be considered as compensation in community planning regardless what words the key players are using. By applying this definition, compensation becomes an empirical issue.

Types of Compensation

During the research project, a model (Figure 1) has been developed to be used as a basis for discussions on compensation measures in the case studies. The model is originally designed to fit ecological compensation (Persson, 2011) but has, after adjustment, worked well as a tool to discuss compensation measures for cultural heritage in workshops. The model has also been useful as a theoretical tool in order to classify compensation measures in chosen case studies in the research project.

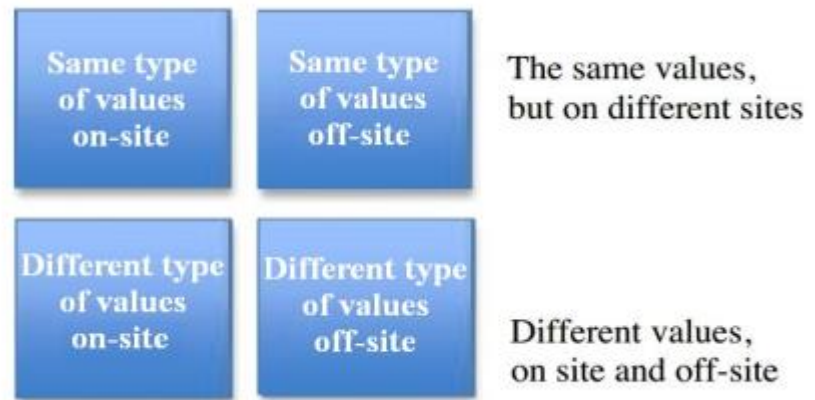


Figure 1. Four types of compensation measures.

The professional purpose of the model is to be a usable instrument to analyse and investigate the existence and the need for compensation measures in the community planning. The model might enable the key players to think more broadly in assignments, and it might act as a help in the design of appropriate measures in the reconstruction of cultural values. The four boxes present different types of compensatory measures as principals.

Starting from the upper left, the first strategy is to restore the same type of values as those that were lost, either in the same place or adjacent to the intervention. In this case, damage and compensation measures are spatially connected. The second strategy is to restore the same type of values, but in another location in the landscape. The total value of the heritage is constant, but in order to assess the fulfilment of objectives, two different contexts must be considered. The two bottom boxes contain strategies with other types of cultural heritage values, with direct spatial connection and without any at all respectively. In the first box, the damage remains, even if the surroundings are supplemented with new equivalent values of another kind. The last strategy consists of reconstructing other values in a new location in the landscape. Damage and compensation are then spatially separated and contain different features. In other words, it is all about weighing the importance of the spatial relationship and the relationship between cultural values. The model places great demands on descriptions and assessments of the cultural heritage.

Control principles and positions taken by key players

The Swedish legislation is a very restrictive tool when applied in decisions concerning compensation measures, which is reflected in practice. However, the need for compensation measures is real, and the market parties, including local politicians and municipal administrations, have taken the initiative to produce solutions. Municipalities prefer agreement by negotiation with developers. Consultants and actors defending cultural heritage values are looking for support in regulations and from the County Administrative Board. Compensation by law or by agreement are two different instruments of control in social planning that can be analysed using the following model as support:

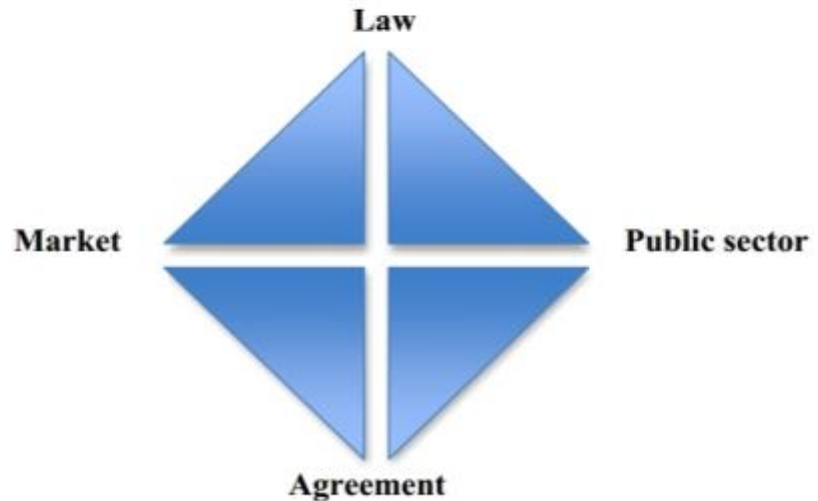


Figure 2. Actors and regulation principles

Depending on their role as key players in the community planning, the stakeholders will adopt different strategies along the way when dealing with matters concerning compensation. With inspiration from von Wright (1963), we can find four different strategies towards compensation among key players (Figure 3). They can push on and support the use of compensation in cultural heritage; pull back compensation proposals in planning processes; let the proposals become conditions for implementing construction projects; or retreat from this demand.



Figure 3. Strategies among stakeholders in community planning processes.

In two of the case studies, the municipality's legal right to make demands about compensation measures have been questioned by the government authorities (Grahm Danielson, 2014; Swedberg, 2014). These actions can be seen as “pull back”. The more progressive municipalities are leading the development of solution for compensation measures by facilitating agreements between the key players on the market. They “push on”. In this case, the land becomes available for exploitation through land development agreements, connected to detailed plans (Rönn, 2014). Several municipalities set up requirements that compensation measures should be implemented in sensitive environments with high cultural heritage values. Then compensation becomes a condition for building permits. The dynamics between the solutions of the law and the market are also reflected by the key players' different positions (see fig 3). Their roles are not fixed. In the four case studies the key players changed positions during the planning process from “push on” to “let retreat” or “let go” when proposals on compensation measures from consultants did not receive support.

Means of Control

During the research project and the case studies, we have identified several planning instruments that are being used or can be used in community planning to control the development led impact and to conduct compensation measures (Grahm Danielson, Rönn & Swedberg, 2015). The planning instruments can be attributed to the following categories:

- Legal instruments (laws, regulations and rules in the community planning)
- Plans and permit instruments (municipal plans and trial of building permits)
- Administrative instruments (routines of municipal/authority administrations)
- Financial instruments (costs in planning, fees and allowance)
- Informative instruments (requirements of assessments, documentation and consultations)

An underlying idea is that the planning instruments should induce the involved stakeholders to meet the political objectives in the community planning, providing them with a guide in the processes. The usefulness of the planning instruments differs, but also the ability and willingness to use and apply them, which is found in public as well as private sectors as “pull back” or “let retreat”. The degree of usefulness of the planning instruments depends on the stage of the planning process. The instrument that is chosen differs depending on whether it is applied in a comprehensive plan, detailed development plan, trial of a building permit or in authorization for a project. Several planning instruments are used in the same project and at the same time. They are used to control the impact on cultural heritage values and to create measures to compensate for the same.

Legal instruments

The legal instruments are laws, regulations and statutes that regulate the structure of society. This type of instrument exists at three different levels in a hierarchical order. At the top of the hierarchy are the laws. Relevant in a Swedish context are the Heritage Conservation Act (SFS 1988: 950), the Planning and Building Act (SFS 2010:900) and the Environmental Code (SFS 1998:808), but only in the latter are compensation measures available and are clarified. The relevant sections of the law are found in the general rules of consideration in Chapter 16 §9 of the Environmental Code. Neither the Planning and Building Act nor the Heritage Conservation Act have any sections concerning compensation measures in community planning conducted by local authorities (municipalities/cities).

The laws are followed in the regulations produced by the government, but in the context of cultural heritage and compensation measures, they lack clear connections. Active planning instruments emerge only in the third level, which contains official regulations. The Environmental Protection Agency's general advice (NFS 2005:17) about “significant damage” is an effective means of control. Various authorities' interpretations of how the regulations should be applied appear further down in the legal hierarchy. These are of great importance for how the municipalities act in their planning.

Plans and permits

Among the identified planning instruments, under the category of plans and permit decision instruments, are comprehensive plans, detailed development plans and different policy documents. Comprehensive plans could handle the matter of compensation at an early stage. The City of Gothenburg and Lomma municipality are a couple of examples of municipalities handling this in their comprehensive plans (Grahm Danielson, Rönn & Swedberg, 2015).

The comprehensive plan for the City of Gothenburg states that removed natural, cultural and recreational values are to be compensated and the municipality should strive to “develop and use methods of compensation measures for the

natural, cultural and recreational values in the community planning" (City of Gothenburg, 2009a, p 91). The municipality of Lomma (2010) points out areas in their comprehensive plan where compensatory measures for impact on landscape values can be performed. Lomma use the German balancing principle in which impact should be compensated as far as possible.

The City of Gothenburg also developed a policy for compensation measures concerning impact on nature and recreational values (City of Gothenburg, 2009b). Although the policy does not explicitly mention cultural heritage, it contains clear demands for investigations about the need for compensatory measures. Other municipalities that have developed clear policies or procedures for handling compensation measures are the cities of Nyköping (Skjyllberg, 2015) and Västerås (Melander, 2015). These procedures can also be attributed to the category of administrative instruments since they constitute procedures for municipal officers.

Financial instruments

Financial instruments act primarily as costs or fees for developers in planning, for permits and implementation of projects. Several countries use a financial instrument in the form of so-called mitigation banking (Persson, 2011). The developer has to pay a sum to a fund that pays for compensation measures where needed. In Sweden, financial instruments instead appear as municipal fees used to fund detailed development plans and the processes of building permit applications. Assessments on impact on cultural heritage values can also act as financial instruments if they are imposed on the developer by municipalities and authorities. If the costs for the assessments become too high, the developer might choose to avoid an obvious impact. Economic instruments can also occur in the form of public allowance to property owners to preserve and maintain cultural heritage values.

Informative instruments

As authorities can impose on developers the obligation of conducting assessments of the potential impact on the cultural heritage involved in a project or a plan, this becomes an instrument in itself. A study of the impact on the cultural heritage may result in the conclusion that the project should be changed and the planned development should be moved to another site or be rejected (Skjyllberg, 2015). In such a case, an assessment becomes an informative planning instrument. Nonetheless, if the informative instruments are to work, certain conditions need to be fulfilled. The presented information must provide an accurate picture of the project/plan and its impact. Firstly, this condition is based upon the consultant's professionalism, on whether they have the right knowledge and have a strong integrity. Secondly, the assessments must be utilized in plan proposals and/or designs of projects, after which they should be presented for decision makers and the public. However, even if the first two premises are crucial, the studies of how the cultural heritage values are affected need to be communicate in a proper way, so that the public and involved parties can form an opinion and take a stand.

Compensatory measures and planning instruments – case studies

The four case studies carried out within the research project are presented below, as well as some conclusions from the workshops (Grahn Danielson, Rönn & Swedberg, 2015). In this part, we want to use our theoretical models and present some examples of how compensation measures for impact on cultural heritage have been handled.

The People's Park in Linköping

The first case study presented is about the development of the People's Park area in Linköping (Rönn, 2014). People's Parks (Folkets park), as a concept, evolved during the 1900s as a re-creational area for the emerging labour movement. They are found in nearly every town in Sweden and are a sort of public

recreation space or amusement park (figure 4). In the beginning of the 21st century, the Folkets park had had its day as a place for entertainment for large parts of the society. But the setting still tells the visitor about the struggling labour movement, the developing democratic society and the modernistic 1900s.



Figure 4. The entrance to the People' Park in Linköping at night (Wikimedia Commons, photo Lars Aronsson, Linköping)

Due to severe economic problems, the association that ran the park in Linköping sold the area to a private developer (HSB) with far-reaching plans of an architectural project aimed at building a new housing area. To start with, the park association considered keeping and renovating one of the buildings for its own purposes; but after a while, the association went bankrupt. According to the proposed plan, essential elements of the park would disappear through demolition and/or change of use. Even if the park was not a protected area, the different stakeholders were aware of the cultural heritage values of the park and agreed that the impact in some way should be compensated. In the combined planning and architectural project, the cultural heritage issues were discussed, involving such issues as demolition/preservation, adaptation of a new development to the area's history and compensation for the damage. Nowhere in this process can the word compensation measure be found. However, the action is compensation as a professional practice.

A heritage assessment was conducted, but no overall documentation of the area was undertaken (which the first study pointed out as crucial) and when the detailed development plan was processed, the heritage assessment was ignored. The process lacked deeper cooperation with heritage consultants and the town planning office. The municipality's contract with the developer stated that the latter would partly pay for the relocation of a building to the city's open air museum, and would moreover renovate two other buildings within the park a. The municipality itself would also contribute to the relocation of another building.

Is it good policy to move a house out of context and then designate it as a compensatory measure? Based on our criteria, it is nevertheless clear that it was compensation measures for impact on cultural heritage values the key players were talking about, even if they chose not to address it in those words. First, there is a development in an area with high cultural heritage values (1). Crucial elements of the site will disappear through demolition (2). Since the stakeholders agree that they need to make amends for the impact (3) they write an agreement (4), which regulates when the measures are to be implemented (5). According to our model, this case involves different types of compensation (See Figure 1). There is the *same type of value on-site* for the detailed planned area (refurbishment of two buildings); meanwhile, the relocation of buildings is *the same type of value off-site*. The relocation of buildings can also be seen as

partly *different type of values off-site* because the buildings lose their original context.

The planning instruments used in the Linköping case involve the detailed development plan and the land and development agreement. There is no link to the legislation actually mentioning compensation measures. The heritage assessment can be considered as informative planning instruments, but in this case, the municipality ignored the study and therefore it had no effect.

The workshop evaluating the case (Håkansson, 2015) showed us that even the detailed development plan is a vague instrument since the area had already been identified as a good spot for development. Maria Håkansson believes that the comprehensive plan is a much better tool to apply in order to avoid negative impact on cultural heritage. If the authorities at Linköping municipality had worked with compensation measures within its comprehensive plan, it would probably have led to a more transparent process. Instead, financial instruments control the process in Linköping. Through the voluntary agreement with the municipality, the developer is obliged to pay for the relocation of a building and renovation of another (Rönn, 2014a).



Figure 5. The Port of Gothenburg with the fortress Nya Älvsborg and the two islands of Stora and Lilla Aspholmen. (Photo from the EIA 2013)

Port of Gothenburg and the island of Lilla Aspholmen

This case study is about the expansion of the port of Gothenburg and its conflict with a cultural heritage area of national interest (Swedberg, 2014). The process extends from the end of the 1990s to 2014, when a detailed development plan was adopted. A crucial point of the process involves two fields of national interest, set against each other: the port of Gothenburg, and the cultural heritage area of national interest including Nya Älvsborg fortress and the islands of Stora and Lilla Aspholmen (figure 5). The cultural heritage area comprises these important features:

- *The wide view, the silhouette of the outer walls of the fortress and the various buildings of the courtyard [...]*
- *The neighbouring islands Aspholmarna with the cemetery on Stora Aspholmen.*

Besides these features, there are also the remains of a salting house for herring, historical rock carvings, parts of a barrier of the channel and a harbour area, but there are also summer cottages from the 20th century. In the detailed development plan, parts of the cultural heritage were considered worth protecting, while other heritage values, such as those at Lilla Aspholmen were suppressed.

The expansion of the port is a long process resulting in the proposal of building new quays over Lilla Aspholmen and nearly up to the fortress island; Lilla Aspholmen would then be blasted to the level of the quays. A detailed comprehensive plan states that this would affect the area of national interest for cultural heritage, but it would be an acceptable damage that should be compensated. Ambiguities in how to use compensation measures allow the town planning office to believe this must be solved through voluntary agreements. The decision-making process is unclear and the city's different departments have different stands. The city is acting as the owner of the expanding port, but it is also managing the heritage sites in the area. The process is not helped by the County Administrative Board and the County Governor, who intervene in the process. The adopted detailed development plan, however, states that the damage on the cultural heritage area of national interest should be regulated by an agreement on compensation measures. Again, the confusing term compensation measure is part of the problem. Many of the involved parties have been trying to avoid the term and instead discuss it in terms of mitigation, regulations, etc. In this case-study too, it becomes clear that the lack of established practice poses a problem.

The process ends with an agreement between the city's town planning office and the port. Unfortunately, the compensation measures cannot be seen as reasonable, as the parties agree on a sum (four million Swedish kronor). Bohusläns museum was later given the assignment to investigate what type of compensation measures would be suitable (Friden & Toreld, 2013), but the predetermined cost made a framework that did not facilitate the work, or leave much space for creativity (Swedberg, 2014, 2015; Axelsson, 2015). Finally, the proposed compensation measures consist of interactive reproduction of sight lines through film technology and the presentation of historical maps for the public. The compensation measures represent a *different type of value off-site*. Furthermore, in this case, the criterion for when compensation exists is clear, and the planning instruments that are activated in this process belong to the entire spectrum.

In his article, summarizing the workshop that evaluated the case study, Tony Axelsson (2015) describes a heritage management world that is stuck in thinking about conservation rather than thinking about creating. Starting from the case study, Axelsson sees opportunities to move away from, in this case, unwelcome conservation work and compensation according to the upper left box in figure 1, and instead use other strategies. Axelsson believes it would contribute to the democratization of the way we think about cultural heritage. The democratic heritage, or rather the right of the citizens to be involved in creating cultural heritage, has been discussed repeatedly during most of the 2000s. In the Gothenburg-case, it becomes interesting because only parts of features in the area of national interest have been highlighted (Swedberg, 2014). The fortress with its history is considered more important than the more general remains of working life. The narrative of the maritime fortress Nya Älvsborg is selected before the narrative of the shipyard and port dockers' self-built cottages on Lilla Aspholmen.

Wind Power in Tanum and Project Lursäng

The third case study is about the process behind the thematic municipal comprehensive plan for wind power in Tanum municipality (Grahm Danielson, 2014), and project "Lursäng", a project initiated by a local wind power company, planning to build a small wind farm with five wind turbines (figure 6).

The Lursäng-area is located at the border to Strömstad municipality, where an adjacent cultural heritage area has been designated an area of local significance. The cultural heritage area features several cairns, tumulus and tombs from Bronze and Iron Age. The municipality authorities of Strömstad have committed themselves to preserve and care for the area, but they have not done anything so far. The wind turbines and the new roads leading to them, will not affect the area physically but there will be a visual impact and the noise will affect the area. The officials working with the municipality's wind power plan realised this and at an early stage in the process demanded an assessment of

the possibilities of compensating the impact. The public and authority consultation and design of the individual wind farm runs parallel with the proceeding wind power plan. Therefore, the experiences of the consultations in the individual project merge into the larger process in which the municipality operates. Compensation measures for impact on cultural heritage were therefore later included in the adopted wind power plan.



Figure 6. A photomontage over the five wind turbines planned at Lursång. (Photomontage from the EIA of the Lursång project).

During the consultation with the authorities, the initially proposed compensation measure was to put up some signs with information about the area. The county museum objected to this, with the argument that it was a cheap solution for a large negative impact from a multimillion investment. The heritage consultant presented a solution, a more ambitious proposal, which involved making the area more available for the public by a downloadable map with information about the sites. With the map, it would be easy to visit the area and the sites without signs and large efforts of constructing hiking trails. More important was that the information presented on the homepage, would be based in relatively extensive research about the ancient remains of the area. Compensation measures in this case represent *different type of value off-site and on site*. The involved parties agreed on this and the developer used the proposal in its application for permission to the County Administrative Board, stating that they had assessed the measures as both feasible and reasonable.

In the further process, the proposed compensation was never analysed by the County Administrative Board when the application was submitted to them. The developer felt cheated by the municipality's demands, while the consultant and the municipal officers considered that the County Administrative Board had not done its job. In turn, the latter argued that they could not handle the question in their permit, since they have not the authority to make claims on other land than the one directly affected by the development. Virtually all wrong and right at the same time. As the developer in the application stated that they were going to conduct the compensation measures according to the EIA, they were committed to do so. The present problem is that the municipality's officers have resigned from their jobs and none has taken over the case, the County Administrative Board does not consider it to be an issue for them to solve, and the developer believes that compensation measures were not necessary. It is all up to the developer whether the compensation will be implemented. The legal instruments are weak, and in this case, there is no adequate reference to the legal instruments that actually apply. However, in the discussion on planning instruments, the thematic municipal comprehensive plan proved to be an adequate instrument, which in this case acted both as a planning instrument but also as an informative instrument.

In the evaluating workshop, we wanted to discuss the case study in the light of the European Landscape Convention (ELC; European Council 2000). Could we

take further steps towards a sustainable landscape by using compensation measures in cases of impact on the cultural heritage? If so, how? The Tanum case is interesting from a landscape perspective because the tall wind turbines affect large areas visually. Ann Åkerskog who led the workshop emphasizes time as an important aspect of the landscape (Åkerskog, 2015). In line with Axelsson, she returns to a discussion about a democratic landscape. Whose experience of the landscape is to be compensated?

A large part of the discussion during the workshop was about whether a map with information, downloadable from the internet, could be seen as a compensation measure, and in that case how does it fit into our model (Figure 1)? Heritage managers have a special relation to conservation as well as *authenticity*, and it was very clear that the proponents for the heritage management point of view were not satisfied with the category *different type of value on the same and/or different site*. At the same time, those with a background in architecture had solutions in the early design of the wind farm. If the wind turbines were placed in another way, could this not be seen as compensation? The participants emphasized the importance of the municipality's wind power plan, but they also mentioned that the officials lacked professional knowledge about cultural heritage. This is a common occurrence. A majority of the Swedish municipalities lack staff with practical and theoretical understanding of current cultural heritage issues.



Figure 7. The Steam Ferry Station in Helsingborg. (Wikimedia Commons).

The Steam Ferry Station in Helsingborg

The fourth and last case study presented is an urban development project in central Helsingborg (Rönn, 2014b). The harbour area of central Helsingborg was to be reshaped and renewed, which would affect a cultural heritage area of national interest. A significant feature of this area is the old *Steam Ferry Station* (figure 7), a wooden building in national romantic style, erected in 1898 (Fredriksson, 2006). A large hotel- and venue-building was to be built in its place. The planning process began with an invitation to a land use competition in 2009, ending with the town planning office approval of the detailed development plan in 2013.

During the process, several critical voices were raised. First, the County Administrative Board criticized the proposed plan since it was not dealing with the cultural heritage of national interest in a proper way. Secondly, the cultural administration of Helsingborg felt that the proposed plan violated their own conservation policies. In particular, the impact on the Steam Ferry Station was criticized, especially from a loud public opinion.

Owing to the criticism, the town planning office assigned two different consultants to assess the impact on the cultural heritage. The first consultant concluded that the plan occasioned a significant negative impact. The second consultant, instead, concluded that alteration could be accepted if the Steam Ferry Station was moved within the harbour. The municipality adopted the latter

suggestion, and integrated it in the detailed development plan. The County Administrative Board, who were monitoring the process then intervened, stopped the plan on the grounds that it would cause significant damage to the cultural heritage of national interest. The municipality was therefore forced to rework the plan. As a countermove, they hired a new consultant to do an EIA and analysis of the cultural heritage. The studies concluded that the plan should be adapted to the criticism, in part, but that it was all right to move the discussed building some 70 meters. The re-vised plan was adopted by the municipality and County Administrative Board finally accepted.

As in the cases of Linköping and Gothenburg, the key player tries to avoid the term compensation measure during the entire process. In Helsingborg, they agree that the Steam Ferry Station could not be demolished, but according to the town planning office, the building has to be moved to another site in the harbour. In this case, we have also found a confusing use of concepts and uncertainties about how to handle compensation. According to our criteria, however, they perform a compensation measure, without using the word. The compensation measures includes both *same type of cultural values on site* for the detailed plan as well as *different type on values on site*. The compensation in this case is settled through both a land use agreement and the detailed development plan. It is clear that they are the most important planning instruments. The conducted assessments of the plan's impact on the cultural heritage are vague as instruments but are still a reason for the alteration of the first proposal.

Jonas E. Andersson managed the workshop that evaluated the case study. In his article (Andersson, 2015), he states that early on in the process, there were contradictions between the local policies and the public. However, there was also a conflict between the municipality's desires to appear modern, versus regional conservation interests, for which the County Administrative Board is responsible. An issue that became clear in the case study was the conflicting interests between the eagerness for conservation and preservation of the heritage management, and demand for change and development of the town planning office. Andersson believes that these differences are based in different professional approaches, an observation we have seen in the other workshops as well.

According to our model over compensation (Figure 1), it became obvious during Andersson's workshop that architects and planners had a different view than the heritage managers and archaeologists, concerning whether the case from Helsingborg involved the same type of value in the same place, or the same type of value elsewhere. It also became clear that the concept of compensation was complicated. The understanding of compensation as a concept is influenced both by the key players' training and by their professional background including their role or assignment in planning processes.

Discussion and conclusions

A point that all case studies show us is that compensation is a complicated matter. In the Gothenburg-case, the key players did not want to use the term compensation measures, the same applied to the key players in Linköping and Helsingborg. In the Tanum-case, there was not the same reluctance and the term compensation measure was not controversial, although it turned out to be problematic in the end.

All types of compensation in the case studies were criticised in the workshops. The consultants' proposed measures were undeveloped and were not connected to the specific loss of cultural heritage values. But there is no unambiguous connection between identified cultural values, damage/loss and compensation. The relations are complex. The conclusion has to be that in a development situation, there is a selection of values that can be highlighted and visualised in assessments, and somewhere someone has to choose. It is possible to make up for damages through several different measures, either in close

relationship to the impact or at another place. Obviously, compensation is a part of a creative process. Due to this, compensation measures for impact on cultural heritage values are essentially controversial arrangements.

With the criteria for when compensation measures occur, it becomes clear that it is all about compensation regardless of the terms used in planning processes. Another observation is the uncertainty when it comes to dealing with compensation. None of the key players know how to handle it, and the parties grope their way forward (see Figure 2). There is no clear connection in any of the four cases to the section of the law (Environmental Code) that actually governs compensation issues in cultural heritage. As we have no clear practice, local solutions occur alongside the Environmental Code, following planning instruments provided in the Planning and Building Act. Municipalities and consultants who propose compensation measures in their assignments are the driving force behind this local development of the use of compensation in areas with cultural heritage.

The most important planning instruments we can see in three of the case studies are the land use agreements between the municipalities and the developers in detailed plans. In municipalities, the town planning offices manage planning processes and demands for investigating values in the site. But it is the property development departments that negotiate over land use agreement, and these processes are not open consultations for the public to have their say. If, instead, compensation measures were handled at an early stage in public consultations concerning the municipalities' comprehensive plans, and if authorities and consultants used the legislative sections dealing with compensation, perhaps then a professional practice could be developed. This would be a way to handle the conflict between development projects and preservation of cultural heritage. Compensation is an issue for all the key players in community planning.

Final words

In this paper, we have presented criteria for when compensation measures occur. In this way, we hope to avoid the confusion that otherwise prevails, and instead discuss how the loss of value actually should be replaced. This challenge calls for research and development of theory, methods and professional practice in assignment, as well as feedback.

The lack of established practice along with a widespread uncertainty causes problems in planning processes. The legal instruments are not fully used; instead, local practices have emerged. Our re-view shows that the municipalities have a key role in the development of compensation measures but the involved heritage consultants play an important part too. There is a conflict between conservation and development that can be partly bridged over and could be handled in a more creative way by using the model presenting four different aspects of sites and values. The solution could be more oriented towards a dialogue-based production of knowledge about heritage issues in planning processes.

The key players in the case studies lack advice and guidance from the central authorities, who could show how compensation measures for impact on cultural heritage should be managed. Such guidelines would strengthen the position of the planning instruments and enable them to be utilized to a greater extent. This is an assumption. The research results point out a need for rethinking regulations in law and for the development of tools for compensation in practice.

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