

How does the Protection of Monuments Office reach its decision?

The Protection of Monuments Office will decide on approving or declining approval, after dutiful discretion. The Protection of Monuments Office may issue an approval subject to conditions or other auxiliary conditions, in particular, a condition with respect to a specific type of execution.

According to Sec. 8 Saxon Act for the Protection of Monuments, owners and holders of monuments are obligated to take good care of them, preserve them in a reasonable manner and protect them against hazards. The administrative regulation of the Saxon State Ministry of the Interior will provide information on the scope and limits of this obligation (administrative regulation on the reasonableness of the preservation of monuments) of 12 June 2013 (Saxon Official Gazette, 2013, p. 632). The owner of a monument must accept specific economic constraints without compensation (e.g., limited use), which are not applied to an owner without comparable commitment. The person obligated to maintain the monument, however, cannot be expected to maintain it on a continuous and long-term basis at its own expense.

Against a decision of the Protection of Monuments Office, which loads the applicant contradiction can be inserted. Against an incriminating contradiction answer complaint before the administrative court may be lodged.

Who should I contact?

Contacts in all questions relating to monument conservation are the Protection of Monuments Offices of the administrative districts, independent towns and the municipalities of Freiberg, Görlitz, Hoyerswerda, Pirna, Plauen and Zwickau. The Protection of Monuments Offices listed below internally consult the Saxon State Office for Conservation of Monuments and Saxon State Archaeological Heritage Office as competent authorities in matters of monument protection and conservation.



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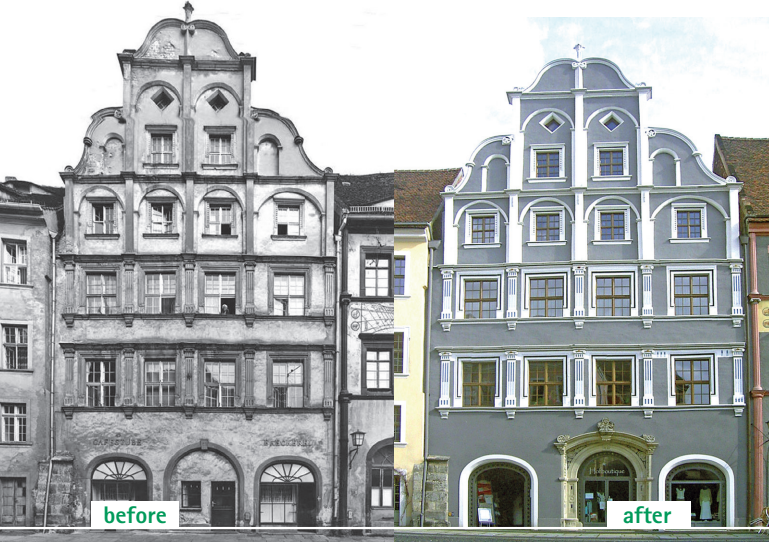
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Monuments in Saxony

Guidelines for Monument Owners II: Authorization procedure under the monument protection law





Authorization procedure under the monument protection law

When is an authorization necessary under the monument protection law?

According to Sec. 12 Saxon Act for the Protection of Monuments, a monument may be restored or maintained, changed or affected in its appearance or substance, provided with add-ons or attachments, inscriptions or advertising signs, removed from its environment, destroyed or demolished only with the Protection of Monuments Office's approval. Buildings or gardens and landscaped facilities in the vicinity of the monument, if they are of considerable significance for its appearance, may be constructed, modified or removed with the Protection of Monuments Office's approval. Other projects in the vicinity of a monument require this authorization if the previous use of the property would change. A change subject to approval shall be explained using the following examples:

Restoration is required when a monument, which is no longer complete, is restored to its former condition by supplementing missing parts. In doing so, the original substance is maintained to such an extent that the monument supplemented by the missing parts still is considered an original.

However, this is not the case if only the original parts for a minor component of the original substance, e.g., when large missing areas of the façade, need to be re-plastered.

A **Repair** is required when the existence of a monument is put at risk due to damage or if it is disfigured and/or marred. At the same time, the cultural monument would not be modified; damage and defects are removed by applying methods of conservation, repair, renovation and restoration, while in practice frequently a combination of various methods is necessary, e.g., in the case of a subdivided façade with stucco ornaments, the missing elements will be reproduced and added, other plaster ornaments are carefully cleaned and repaired, i.e., conserved.

An **Impairment** exists when the appearance of a monument has a disturbing effect on open-minded viewers, regarding the concerns of monument protection. Such a concern may exist, e.g., in the case of attaching advertising signs to the façade or installing double-glazed windows with Viennese glazing bars instead of timber-framed windows with genuine glazing bars.

The **Removal** of a monument from its environment is an action in which a monument, whose character is particularly related to its environment, is removed. This means that the environment, in which the monument is located, indeed justifies or significantly increases its heritage value and that, as a result of removing it from its environment, its entire or a significant part of the heritage value would be lost, such as the removal of a Madonna statue from the chapel for which it was built.

Destruction defines the liquidation of the substance of a monument in the sense that, as such, it no longer exists in whole or in part. It is defined not only as the complete destruction, but also as the destruction of parts of a monument – destruction of the plaster on a façade, the removal of stucco work in interiors, the clearing of a ridge turret or the tearing down of a monument.

Elimination of parts of a monument means that the substance itself is not destroyed, but the same effect occurs nevertheless in that the object is deprived of the visual perception, so that it is no longer visible. Removal, for instance, can be defined as painting over paintings on plaster, covering an ornamental ceiling,

overlaying the visible timber framing on a three-sided farmstead with the erection of add-ons in front of a façade.

Where must the approval application be made?

The approval application is to be made in writing at the responsible Protection of Monuments Office. If the project requires a building permit or planning authorisation, the approval application is deemed to have been filed with the building permit or planning authorization. All documents, in particular plans, documentations, photographs, expert opinions, cost and feasibility calculations for the evaluation of the project and the processing of the application must be filed with the approval application.

