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Energy efficiency, cultural heritage values and the law – conflicts and potential solutions

A Christiernsson, M Geijer and M Malafry

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Why is it important to study the legal system?

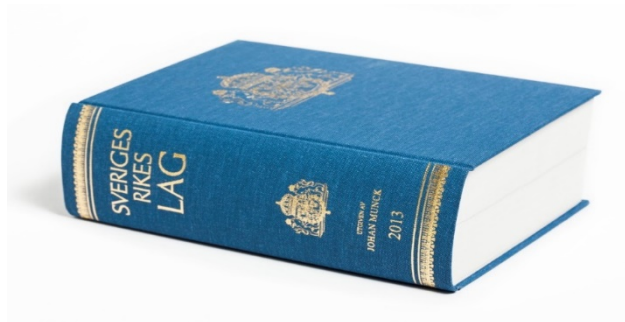
- Law – instrument to reach political goals
- Challenges:
 - Construction of laws: coherency, loopholes, conflicts
 - Implementation, application and enforcement of laws



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Methodological approach

- Internal and external environmental law methodological approach
 - **Internal** approach (de lege lata) – study of legal texts, preparatory works, case-law and legal literature
 - **External** approach – study of the legal system from the perspective of art and conservation science
- ➔ Suggesting how the law can be improved (de lege ferenda)





The primary legal framework – conflicts between energy efficiency and culture heritage values

- The EU Legal framework
 - Directive on energy efficiency
 - No directive on protection of built heritage
- The Swedish Legal Framework
 - Planning and building Act (PBA)
 - The Swedish Historic Environment Act (HEA)
 - The Swedish Environmental Code (EC)
- When is the law applicable?
 - Land use planning (PBA) and building processes (PBA and HEA) – For example when changing windows, heating system and installing solarcells



The Planning and Building Act (PBA)

Municipalities have a large role in planning and building permit processes.

- Aim of PBA: Sustainable habitat for people in today's society and for future generations
- General rules of consideration (Chapter 2 PBA)
- Specific rules related to culture heritage values
 - Prohibition of distortion (Chapter 8 Section 13 PBA)
 - Changes handled with precaution? (Chapter 8 Section 17 PBA)
- Proportionality assessment



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Examples of when the conflict between energy efficiency and protection of cultural heritage values are present

- Building permit or notification requirement
 - Changing of heating systems
 - Installation of solarcells
 - Changing of windows





Results of studies

- Deficits in planning instruments
 - national guidance on land use is vague
 - protection of culture heritage values is dependent on the municipality
- Important with some type of pre-assessment before retrofitting (building permit, notification requirement, etc.)
- Lack of conservation knowledge and requirement on documentation
- Lack of legal requirements on life-cycle analysis



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Conclusion

- Energy efficiency and the protection of cultural heritage values can be reached simultaneously.
 - But lack of adequate application/enforcement to ensure that culture heritage values are protected.



Thank you for listening!

For more information: see <https://rekoforskning.se>