

Chapter 3 Conservation

3.1 Scope

Historical places, buildings, objects and manifestation of cultural, scientific, symbolic, spiritual and religious value are important expressions of the culture and heritage, identity and religious beliefs of societies. Their role and importance, particularly in the light of the need for cultural identity and continuity in a rapidly changing world, need to be promoted.

Buildings, spaces, places and landscapes charged with historical, cultural, spiritual and religious value represent an important element of stable and humane social life and community pride. Without appropriate restoration / conservation, the architectural evolution in relation to socio cultural concept of a country's heritage remains misinterpreted, and can lead to virtual disappearance.

National legislation and international treaties and regulations aim to strike a balance between the need for development and the need to conserve the environment for the future.

3.2 Terminology and Conceptual Definitions

3.2.1 Conservation

This is the process of retention of existing buildings or groups of buildings, landscapes etc. and taking care not to alter or destroy character or detail, even though repairs or changes may be necessary. Conservation conventionally is concerned to preserve as much original fabric as possible.

3.2.2 Restoration

This is the process of carrying on alterations and repairs to a building with the intention of restoring it to its original form, often involving reinstatement of missing or badly damaged parts, so it usually includes replication. As far as possible, efforts are made to replicate the materials and construction techniques of the original in this endeavor.

While often necessary after a disaster, it is generally regarded as more drastic than conservation, which suggests retention, repair and maintenance.

3.2.3 Area Conservation/Historic Districts

Area conservation includes conservation of any building or portion thereof, that fall under historic districts and/or abutting Heritage Streets as listed by the National Committee for Heritage listing.

3.2.4 Structures of Architectural Significance

Structures of architectural significance include any building or portion thereof with architectural significance, which may not be a historic building, but is designated as of significance for its architectural qualities as designated by the standing committee for Heritage listing.

3.3 Aims of Conservation

3.3.1 Conservation, rehabilitation and culturally sensitive adaptive reuse of urban, rural and architectural heritage shall be in accordance with the sustainable use of natural and human made resources. Access to culture and the cultural dimension of development is of utmost importance, benefiting all the people who have such access.

3.3.2 In order to promote historical and cultural continuity and to encourage broad civic participation in all kinds of cultural activities, the Government at the appropriate levels, including the local authorities, should undertake the following:

- (a) Identify and document, whenever possible, the historical and cultural significance of areas, sites, landscapes, ecosystems, buildings and other objects and manifestations
- (b) Establish conservation goals relevant to the cultural and spiritual development of the society;
- (c) Promote awareness of heritage in order to highlight its value and the need for its conservation and the financial viability of rehabilitation;
- (d) Encourage and support the local heritage and cultural institutions, association and communities in their conservation and rehabilitation efforts and inculcate in children and youth an adequate sense of their heritage;
- (e) Promote adequate financial and legal support for the effective protection of cultural heritage;
- (f) Promote education and training in traditional skills in all disciplines appropriate to the conservation and promotion of heritage.

3.4 Objectives of Conservation

To integrate development with conservation and rehabilitation goals, the Government at appropriate levels, including Ministries, local authorities and municipalities, shall undertake the following:

- (a) Recognizing that historical and cultural heritage is an important asset, strive to maintain the social, cultural and economic viability of historically and culturally important sites and communities.

- (b) Preserve the inherited historical settlement and landscape forms, while protecting the integrity of the historical urban fabric and thereby guiding new construction in historical areas;
- (c) Provide adequate legal and financial support for the implementation of conservation and rehabilitation activities, in particular through adequate training of specialized human resources;
- (d) Promote incentives for such conservation and rehabilitation to public, private and non-profit developers.
- (e) Promote community based action for the conservation, rehabilitation, regeneration and maintenance of neighborhoods.
- (f) Support public and private sector and community partnership for the rehabilitation of inner cities and neighborhoods.
- (g) Ensure the incorporation of environmental concerns in conservation and rehabilitation projects;
- (h) Take measures to reduce acid rain and other types of environmental pollution that damage to buildings and other items of cultural and historical value.
- (i) Adopt human settlement planning policies, including transport and other infrastructure policies that avoid environmental degradation of historical and cultural areas.
- (j) Ensure that the accessibility concerns of people with disabilities are incorporated in conservation and rehabilitation projects.

3.5 Ethics of Conservation

The following standards of conservation ethics shall be rigorously observed in conservation works:

- (a) The condition of the building must be recorded before any intervention.
- (b) Historic evidence must not be destroyed, falsified or removed.
- (c) Any intervention must be the minimum necessary.
- (d) Any intervention must be governed by unswerving respect for the aesthetic, historical and physical integrity of cultural property.
- (e) All method and material used during treatment must be documented.

3.6 Guidelines for Conservation

Any proposed intervention should:

- (a) be reversible or repeatable, if technically possible, or
- (b) not prejudice a future intervention whenever this may become necessary;
- (c) not hinder the possibility of later access to all evidence incorporated in the objects;
- (d) allow the maximum amount of existing material to be retained;
- (e) be harmonious in color, tone, texture, form and scale, if addition is necessary. But should be less noticeable than original material, while at the same time being identifiable;
- (f) not be undertaken by conservator/restorer who are insufficiently trained or experienced.

3.7 Listing of Heritage Building or Area

3.7.1 Aim and Objectives of Listing

Since a large part of Bangladesh's cultural heritage has so far remained undocumented, preparing an inventory of heritage buildings worthy of conservation is the most important task with which to begin the process of conservation.

This inventory will become National Register of Historic and Architectural Properties. It attempts to create a systematic, accessible and retrievable record of the built heritage of this country. It will serve as resource material for developing heritage conservation policies and regulations.

The primary aim of listing is to document the fast disappearing built heritage and then present it to scholars and the general public in a user-friendly format, which aids conservation by generating public awareness. Once a property/ building is included in such a list, it becomes justifiable to undertake necessary conservation activities by formulating special regulations for its conservation or according it due protection under Town Planning Acts or Detail Area Plan. Ideally, the footprints of all listed buildings along with the guidelines referred in Sec 3.8.2 below should be included in the Master Plan documents of all cities.

3.7.2 Listing and Protection of Buildings or Area of Historic Value

All historic buildings and places identified, listed and classified so by the appropriate agency of the Government under the Act of Antiquity shall be deemed to be protected. Any change of use, repair, alteration or extension of such buildings shall be in compliance with the requirements of this Code as referred in Sec 1.18 Chapter 1 Part 3, and with those of the Department of Archaeology of the Government.

3.7.3 Listing of Projects or Work of Architectural Value

Buildings and works under the jurisdiction of and identified by the Authority as having architectural value shall be deemed protected. The owner of any such building may also apply to the Building Official for enlistment as a building with architectural value. To be so identified, a building shall have been in existence for at least 20 years from the date of its completion. To determine whether the building or work is architecturally valuable, the Authority shall appoint a standing committee comprising noted experts from the fields of Architecture, Planning, Engineering, History, Art, Literature or any other discipline which may be deemed relevant. The committee shall identify a building as architecturally valuable if, in their judgment, the building possesses distinctive architectural features, has cultural or symbolic value, has become part of the heritage, or bears testimony of some historical event. In addition to satisfying the requirements of Sec 1.18.2 Chapter 1 Part 3 any proposed repair, alteration or addition to such buildings must also have the approval of the standing committee who shall have to be satisfied that the proposed changes will not impair the aesthetic quality and architectural character of the building.

3.7.4 Publication and Web Notification

Periodically, this database of listed heritage should be made more comprehensive and the information compiled should be available in published form and online. It should also be made compatible with similar registers of other countries to facilitate international research. The list of gazetted historic buildings shall be available on the websites of all concerned departments or development authorities or in the Government website on heritage conservation.

3.7.5 Selection Criteria for Listing

Conservation must preserve and if possible enhance the message and values of cultural properties. These values help systematically to set overall priorities that will determine whether a property is worthy of listing. The values assigned to cultural property come under three major headings:

A. Cultural values	B. Use values	C. Emotional Values
• Documentary • Historic • Archaeological age and scarcity • Aesthetic • Architectural • Townscape, landscape and ecological • Technological and scientific.	• Functional • Economic • Social • Political and ethnic.	• Wonder • Identity • Continuity • Spiritual and symbolic.

After analyzing these values they should be condensed into a statement of the significance of the cultural property, whether or not the property is worthy for listing.

3.7.6 Detailed Format for all Listed Properties

Information for each building or site should be recorded as per format as described below.

- (a) Each proforma shall contain information about persons engaged in the process of listing and review. Listing shall be carried out by or under the supervision of experienced conservation architects.
- (b) At least one photograph of the property/building shall be recorded for identification purposes. All significant elements of the property shall also be photographed. All photographs should be properly catalogued.
- (c) A conceptual plan (if available, a measured drawing) should be given for each building/area to be listed.
- (d) Any additional information related to or affecting the built heritage of the city/town/region documented and its conservation should be included as appendices, for example: laws and regulations on planning and conservation, etc.

3.7.7 Grading of Historic Buildings

The primary objective of listing is to record extant architectural heritage and sites. But the outcome of this process should invariably be to grade the listed heritage into a hierarchical series. This process must be undertaken in a rigorous and transparent manner by a multi-disciplinary team of experts whose recommendations should be available for public scrutiny. The importance of this process determines the basis for subsequent conservation decisions. Such hierarchical categorization facilitates the prioritization of decisions relating to the future of architectural heritage and sites.

The listed historic buildings and sites may further be classified in descending order of importance into the following categories:

- (i) Grade I and I* – Buildings of outstanding merits, in which every effort should be made to preserve. (Buildings and sites classified as Grade I* are already listed as per Antiquity Act)
- (ii) Grade II – Buildings of special merits; in which efforts should be made to preserve selectively.
- (iii) Grade III – Buildings of some merit; in which preservation in some form would be desirable and alternative means could be considered if full preservation is not practicable.

Grade I and II should be conserved in accordance with the provisions of official and legal manuals of practice (for example, Department of Archaeology's Works Manual). Endorsed grading may be subject to review and revision. The grading system is an internal administrative mechanism carrying no legal effect.

3.7.8 Upgrading of the List

The process of listing should be constantly upgraded and the updated list should maintain the availability of fresh information of the listed building or site.

3.8 Implementation Strategy**3.8.1 Community Participation**

In order to ensure community participation in the conservation process, scaled drawings of the proposed conservation shall be appended to the site during construction so that the public may become accustomed to the proposal and have the option of registering their opinion regarding the same.

If necessary the proposals shall be amended if strong public opinion is found against the proposal for conservation / restoration.

3.8.2 Protection of the Building or Site

3.8.2.1 A clear space around each monument shall be formed as an immediate environmental protection to the monument. This area should follow, as the case may be, the original line of the enclosure wall.

3.8.2.2 In rural or suburban setting no new structures/built forms of any size, shape shall be allowed to develop within the UNESCO/UNDP suggested area of half a mile radius from the epicenter of the monument under consideration.

3.8.2.3 In rural or suburban settings, a parcel of land representing approximately a circular area of a half mile radius of the farmland immediately surrounding the heritage building/monument shall be acquired to protect it from encroachment

3.8.2.4 In urban areas or metropolitan cities the radius of this protected zone shall be 250 m from the heritage building or area.

3.8.2.5 In both rural and urban areas, an immediate buffer zone shall beset by the permitting authorities, but not less than 9 m in width, adjacent to the heritage building or area, must be kept absolutely free of any structure or establishment surrounding the heritage building or its part thereof.

3.8.2.6 In general, authority having jurisdiction for planning and development, shall guide the height of any proposed buildings within the protected zone, depending upon the historic and architectural value of the building or area.

3.8.2.7 To protect the monument against human impact, movement of visitors within the structure and site shall be controlled. Climbing over the fabric of the monument shall be illegal and be prevented at all times.

3.8.2.8 Signage shall be installed within the site and building premises to guide visitors by creating circumambulatory path or circulation area around each of the heritage buildings/monuments.

3.8.3 Original Elements

3.8.3.1 Structures that impinge directly on the monument/s, identified to be additions, alterations or extensions of any form or kind on to the original monument/s, shall be removed/relocated elsewhere, in an attempt to recognize the original form/feature of the monument.

3.8.3.2 All original structures and architectural elements are to be retained and restored.

3.8.3.3 In the event that such elements have to be repaired, their features are to be retained intact.

3.8.4 Land Use, Building Height, Setback and Ground Coverage in the Listed Zone

3.8.4.1 For area conservation, to retain the urban fabric of the area, the height, setback and ground coverage for any new development within the listed zone shall comply with the height, setback and ground coverage of the heritage buildings or area to be conserved.

3.8.4.2 For all new developments in area conservation and for the conservation of any listed building or monument the guidelines of Sec 1.17 of Chapter 1 Part 3 shall be applicable.

3.8.5 Upgrading and Adaptive Reuse

3.8.5.1 Adaptive reuse shall follow logical consequence considering public requirements of the region, tourist influx and socio-cultural context of the region under influence.

3.8.5.2 The decision of including different functions shall be made only after thorough investigation by a committee working under the guideline of experts in archaeology and architecture of the region.

3.9 Incentives to Private Owners Affected by Conservation

3.9.1 Listed historic buildings, sites and areas are usually under huge pressure from competing economic activities, and hence are giving rise to sharp land values. Thus listed properties become easy target for demolition or replacement by more use-intensive and denser and taller structures, with apparently better economic return. Hence to safeguard those threaten landowner, special financial incentive should be offered to the stakeholders to preserve our national and universal outstanding values. Considering them as affected people, Transfer of Development Right's (TDR) certificate shall be introduced to protect these heritages.

3.9.2 Transfer of Development Rights (TDR) is a market-based mechanism that promotes responsible growth, while conserving culturally and environmentally sensitive sites and areas. Transfer of Development Rights (TDR) means making available certain amount of additional built up area in lieu of the area relinquished or surrendered by the owner of the land, so that he can use extra built up area either himself or transfer it to another in need of the extra built up area for an agreed value. It is designed to steer growth not to limit or stop development.

3.9.3 Local Governments may use TDR to direct development in specific zones. They may use this tool to preserve heritage areas etc. by allowing its owners to give up their rights to develop these spaces commercially in lieu of TDR. The affected land owner gets the benefit as private sector funds are used to purchase the development rights and build more in areas as per permission of the authority. The Government also gets the benefit by avoiding large public expenditures to protect historically and environmentally sensitive areas and development occurs in suitable areas, resulting in more efficient public services.

3.9.4 In implementing TDR, a Development Rights Certificate (DRC) is a certificate shall be issued by the Authority having jurisdiction to the affected owner of a property, when such property gets listed for conservation or gets affected by falling within the protected zone as mentioned in Sec 3.8.4 where his/her property (either partly or wholly) is reserved for the purpose of public utilities or conservation.

3.9.5 The DRC certificate shall state clearly the following issues-

- (a) The extra FAR (Floor Area Ratio) credit in square meter of the built-up area and the occupancy type to which the owner or lessee of the listed site/plot or affected site/plot is entitled,
- (b) The place and user zone in which the development rights are earned, and
- (c) The areas or zones in which they may be utilized.

3.9.6 To control the unplanned density, this TDR should be used only in the planned non-residential plots developed by the Government. The property owner may use DRC for himself or transfer to any other person.

Chapter 1 Scope And General

1.1 Purpose and Scope

1.1.1 The purpose of this part of the Code is to provide minimum standards to safeguard life, health, property and public welfare by regulating and controlling the design, location, construction and maintenance of signs and outdoor display structures. The requirements of the Code cover the spatial, structural and fire safety aspects of signs located on, within or outside the building. Official traffic signs erected on roads and highways are not covered by this Code.

1.1.2 The unrestrained placement of advertising signs mars the landscape with hoardings and advertising signs within the cityscape as well as in rural areas. Therefore, all signs and billboards shall be liable to take permit as per guidelines of Sec 1.4 of this Chapter and shall also comply with the guidelines of Chapter 3 Part 10 (see Sections 3.10 to 3.11).

1.1.3 The regulations of this Code are not intended, and shall not be understood to permit violation of the provisions of other ordinances, regulations or official requirements in force at or near railway stations, roads, railways, terminals or other places controlled by public agencies having jurisdiction to formulate such regulations.

1.1.4 No sign shall be erected in a manner that would confuse or obstruct the view or interfere with official signs, signals or devices installed for the purpose of guiding or controlling road, rail, marine or air traffic.

1.2 Terminology

This section provides an alphabetical list of the terms used in and applicable to this part of the Code. In case of any conflict or contradiction between a definition given in this Section and that in Part 1, the meaning specified in this part shall govern for interpretation of the provisions of this Part.

ADVERTISING SIGN	Any surface or structure with characters, letters or illustrations applied thereto and displayed in any manner whatsoever out of doors for purposes of advertising or to give information regarding or to attract the public to any place, person, public performance, article or merchandise whatsoever, and which surface or structure is attached to, forms part of or is connected with any building, or is fixed to a tree or to the ground or to any pole, screen, fence or hoarding or displayed in space.
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