

Participatory Statutory Frameworks and the Formulation of Local Heritage Conservation Plans: Legal Models and Comparative Case Studies

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ABSTRACT

This article examines statutory frameworks and participatory processes in local heritage conservation planning, with a particular focus on comparative legal structures and institutional arrangements for public participation. It explores how value-based conservation principles, community engagement, and legal systems can be integrated to promote meaningful and empowered participation. The study identifies and analyzes three comparative statutory models in a global context—the Mediated Model, Cohesive Model, and Constrained Model—each representing a distinct approach to the interaction among heritage, planning, and local government legislation. The analysis then draws on case studies from the United Kingdom, the United States, and Australia, examining in detail the formulation of local conservation plans and their associated mechanisms, instruments, and actors. The findings indicate that inclusive and effective conservation planning depends on the extent to which legal systems balance authority between central and local governments, institutionalize participation through statutory provisions, and support community involvement throughout the planning process. In doing so, the article contributes to urban heritage governance scholarship by demonstrating how statutory participatory conservation planning can move beyond procedural consultation toward substantive community agency in shaping conservation outcomes. On this basis, the article develops three interrelated conceptual strategies as the theoretical pillars of its conclusion: Integrated Participatory Legal Framework, which emphasizes cross-sectoral and central–local legal integration; Mobilizing Participatory Processes, which focuses on the procedural activation of mechanisms, instruments, and actors in plan formulation; and Active Legal Empowerment, which advances participation as both a legal and governance outcome through direct community engagement. Together, these strategies provide a conceptual basis for strengthening the legitimacy and sustainability of statutory participatory conservation planning.

Keywords: value-based conservation, public participation, urban heritage governance, statutory instruments, socio-legal frameworks

INTRODUCTION

Architectural and urban conservation has expanded beyond protecting the physical environment to include broader process-based and social dimensions, especially conservation planning and community participation. As global practice shifts from material-focused methods to more inclusive, value-based approaches, a central challenge lies in designing and integrating effective participatory processes within statutory planning systems. In practice, this challenge reveals a statutory gap between the participatory aspirations of value-based conservation and the statutory planning frameworks through which conservation must be implemented, a gap this article seeks to clarify and address. Although widely endorsed in international charters and national policies, participation is enabled and structured differently across legal systems. This study examines how participation becomes operational through statutory authority and local legal design, focusing on frameworks, procedures, and components that support conservation planning. The following section presents the study's background, research questions, and approach, emphasizing how legal frameworks shape conservation plan-making and decentralization through participatory processes.

Background and Rationale

After the Second World War, value-based conservation replaced earlier material-focused views of authenticity. This shift also exposed the need for legislative reform, since many legal frameworks remain shaped by earlier material-centered assumptions and are not fully aligned with contemporary participatory ethics. In this context, the Burra Charter (Australia International Council on Monuments and sites [ICOMOS], 2013) articulates three processes: identifying values, formulating conservation policies, and managing heritage. Most studies emphasize value assessment, while the second step—the formulation of conservation plans—receives limited attention, even though it shapes the framework and direction of cultural heritage management. Implementing value-based conservation at national and local levels requires legal frameworks and processes that connect

identified values to planning mechanisms and clarify stakeholder roles (Booth, 2011; Healey & Williams, 1993; Hobson, 2004; Othengrafen, 2009; Newman & Thornley, 1996; UN-Habitat, 2015). Furthermore, participatory approaches also contribute to the long-term sustainability of conservation (Chohan & Ki, 2005).

Preparing a participatory conservation plan requires procedures and components that support a continuous cycle of planning, implementation, and evaluation within existing legal mechanisms and instruments (Birmingham City Council, 2017; Marquis-Kyle & Walker, 1992; Sullivan, 2021). Notwithstanding these requirements, the relationship between conservation planning and public participation remains difficult. This difficulty is often reinforced by asymmetric information and power imbalances between local authorities and citizens, as officials typically control legal procedures, technical expertise, and access to planning information. Common problems include weak links between planning tools and mandated participation, legal frameworks that overlook local diversity, and incomplete procedures for enabling effective participation throughout the process (Alatale, 2015; O'Keefe, 1999; Orbasli, 2008; Staneva, 1999; Department for Levelling Up, Housing and Communities, 2024). Despite the proliferation of value-based conservation discourse, there remains a critical lacuna in understanding how statutory mechanisms structure and enable participatory local heritage conservation planning. This article therefore examines legal structures, processes, and components in local conservation planning that can better promote participation and strengthen the legitimacy and sustainability of conservation practice.

Research Questions and Objectives

The analysis focuses on statutory conditions that structure participatory approaches within local heritage conservation planning. It also draws on case material from the United Kingdom (UK), the United States (USA), and Australia to examine the operation of conservation planning processes, the organization of participation, and the ways in which legal arrangements shape conservation governance practices.

Research Questions

- How do statutory legal frameworks structure participatory conservation planning and provide a basis for strategic principles to strengthen it?
- What are the core processes that define its operational structure and inform those principles?
- How do legal mechanisms, instruments, and actors interact within these frameworks and processes to support participatory conservation planning?

Objectives

- To examine how statutory legal frameworks structure participatory conservation planning and provide a basis for strategic principles to strengthen it.
- To identify the core processes that define the operational structure of participatory conservation planning and inform those strategic principles.
- To assess how legal mechanisms, instruments, and actors interact within these frameworks and processes to support participatory conservation planning.

These objectives guide the literature review and the comparative socio-legal analysis of the relevant legal frameworks, processes, and components discussed in this article.

Theoretical Framework

Value-based conservation relies on formal participation and decentralization, especially legal empowerment, which directly supports sustainable outcomes. Research highlights the need to connect conservation plans with local development plans through legal tools and to clarify how authority is delegated to local officials and stakeholders (Guzman et al., 2014; Hobson, 2004; Joshi & Widodo, 2018; UN-Habitat, 2009). However, gaps remain in understanding interconnected legal frameworks and local mechanisms that enable effective, practical participation. Locally focused conservation aligns with theories arguing that value-based approaches work when participation is strong and continuous (Booth, 2011; Australia ICOMOS,

2013; de la Torre et al., 2005; Rae, 2017 O'Keefe, 1999). The recognition of participation contributes to the strengthening of decentralization, power-sharing, and empowerment.

Structure and Contribution

Building on the preceding research questions and objectives, the article is structured as follows. Section 2 reviews literature on value-based conservation, public participation, and statutory frameworks. Section 3 presents the research design and case selection. Section 4, the core of the article, has two parts: The first compares three legal frameworks, and the second examines legal components in plan formulation that connect statutory frameworks and participation. Section 5 discusses the findings and proposes structural, procedural, and component-level approaches to participatory conservation planning, and Section 6 considers their implications for legitimacy and sustainability.

This article identifies key gaps and opportunities in understanding the role of legal tools in shaping participatory local heritage conservation planning. Existing scholarship on heritage conservation largely concentrates on national or international regimes and tends to rely on UNESCO and ICOMOS frameworks. Even where these principles are adapted domestically, relatively little attention is given to their implementation within local planning systems. In particular, there is limited analysis of how legal mechanisms for heritage protection are connected with those that structure public participation in local planning. The article addresses this gap by clarifying these linkages and contributes to research on urban heritage governance by demonstrating how statutory heritage protection and participatory planning processes are co-constituted in local conservation planning.

LITERATURE REVIEW

The conservation of community districts as cultural heritage is essential amid rapid urban growth. To balance development with traditional values, current frameworks stress sustainability grounded in values, participation, and local empowerment (Council of Europe, 2005, Council of Europe, 2016; International Centre for the Study of the Preservation and Restoration of Cultural Property [ICCROM], 2009;). Three principles guide this approach. First, the Burra Charter (Australia ICOMOS, 2013) promotes values-based planning linked to legal processes. Second, participation frameworks use engagement-level analysis (Arnstein, 1969) to assess how legal and institutional mechanisms support community involvement. Third, legal empowerment focuses on local policies and tools that shape conservation (Council of Europe, 2005; ICCROM, 2009; Swedish National Heritage Board, 2014). Together, these principles frame contemporary debates on how conservation planning can respond to social value, public participation, and institutional capacity.

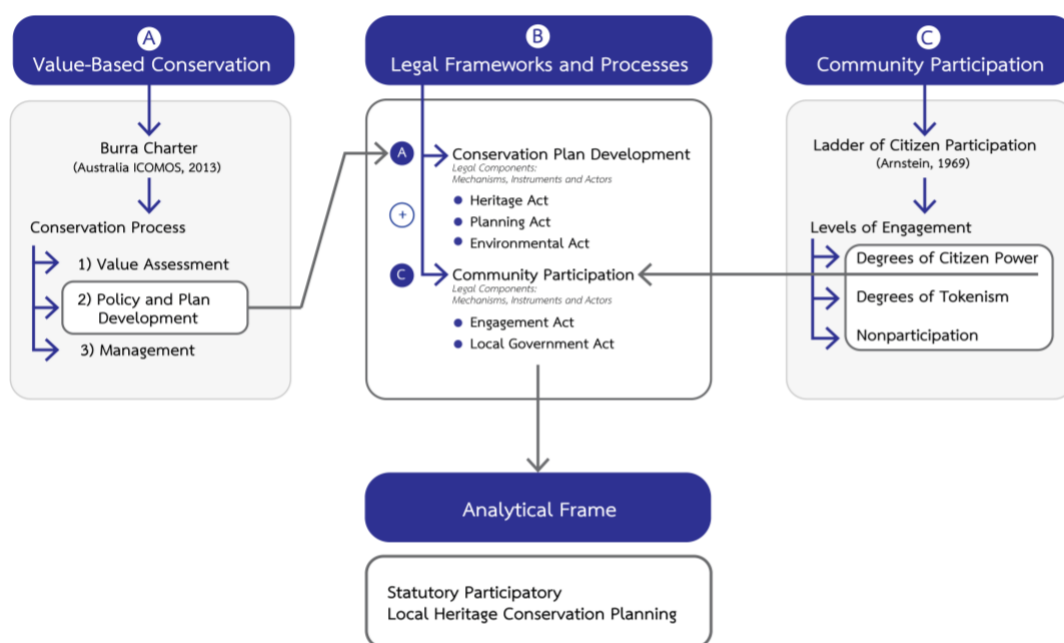
Although scholarship on heritage conservation, participation, and legal governance is extensive,

these strands are often addressed separately. Less attention has been paid to how formal participatory mechanisms in conservation planning are shaped by statutory architecture, including the legal distribution of authority across national and local levels, the coordination among heritage, planning, and local government legislation, and the specific instruments through which communities are accorded voice and influence. This gap is significant because participation in conservation is not determined solely by policy intent or procedural rhetoric, but by the extent to which legal frameworks create meaningful opportunities for communities to contribute to the identification of heritage values, the formulation of conservation plans, and the shaping of conservation outcomes.

To address this gap, this review integrates value-based conservation, participation theory, and legal empowerment within a multi-level governance perspective into a single conceptual framework. This framework is used to examine how participation is recognized, structured, and enabled in statutory conservation planning, and how different legal arrangements condition the character and effectiveness of participation.

Figure 1

Research Framework: Value-Based, Legal, and Participatory Dimensions of Heritage Conservation



Value-Based Conservation: Evolution toward Legally Mandated Participation

Value-based conservation marks both a shift in conservation thinking and a redefinition of what merits preservation. Over the course of the twentieth century, conservation has evolved through three paradigms: a Material-Based Approach focused on safeguarding physical fabric, a Value-Based Approach emerging after World War II that expanded heritage beyond monuments to encompass diverse architecture and urban communities, and a Living Heritage Approach that integrates both tangible and intangible dimensions (Feilden, 2003; Jokilehto, 1999; Office of Natural Resources and Environmental Policy and Planning, 2011; Pimonsathean, 2020). Although the Living Heritage Approach reflects current priorities, the Value-Based Approach remains central for reshaping conservation goals. It broadens protection from state-owned monuments to neighborhoods and communities, and encourages stakeholder involvement through conservation plans (Jokilehto, 2007; Mason, 2002). By adopting this framework, heritage criteria shift from historically significant structures to places valued for their present meaning. The aim is not only to manage threats to change but to sustain the ongoing significance of heritage within evolving cultural contexts (Hobson, 2004; Madhury & Sarker, 2024).

The value-based conservation framework highlights local and community contexts. It links conservation with urban planning and development, and supports decentralization so communities and stakeholders can influence conservation directions. As a result, decision-making has shifted from state authorities and experts to broader public participation (Mason & Avrami, 2002; Wijesuriya, 2018; Court & Wijesuriya, 2015). This shift began with the Declaration of Amsterdam (Council of Europe, 1975), which expanded conservation from individual buildings to entire areas and opened the way for community involvement (Jokilehto, 1999; Phattanawasin, 2009; Stubbs & Makaš, 2011; Zhang et al., 2025). Later developments were shaped by the Burra Charter, which

recognizes diverse heritage values (ICOMOS Australia, 1979, 1999, 2013). The approach was subsequently adopted in national frameworks and advanced through Getty Conservation Institute initiatives (Avrami et al., 2000; de la Torre, 2002). Pioneering examples from the UK, USA, and Australia demonstrate how communities became central to the conservation process (de la Torre et al., 2005; Feilden, 2003; Jokilehto, 1999; Mason, 2002; Poullos, 2010)

The Burra Charter is a core foundation of value-based cultural heritage conservation. It highlights participatory processes that guide value assessment and decision-making. The Charter outlines the phases of Understanding Significance, Developing Policy, and Managing in Accordance with the Policy, within which the conservation plan plays a central role (Figure 2). This plan not only defines obligations and documents heritage information but also supports value analysis, stakeholder involvement, use of standard frameworks, and management of heritage precincts (Australia ICOMOS, 2013). The conservation plan translates value concepts into practice through meaningful participation. Its main components include: (1) prioritizing cultural heritage management; (2) forming a holistic view that links context and stakeholder needs; (3) promoting inclusive participation; and (4) ensuring ongoing management supported by monitoring and review (Australian ICOMOS, 2013; Jokilehto, 2007; Marquis-Kyle & Walker, 1992). Widely recognized, the Burra Charter shapes conservation principles at national and local levels, strengthens participatory practice, and encourages supporting legal and institutional mechanisms.

International conservation frameworks emphasize that national implementation requires integration into legal systems. Connecting values-based conservation with law has reshaped national and local approaches by creating planning mechanisms and practical instruments (Alatale, 2015; Hobson, 2004; Silva, 2006). The Declaration of Amsterdam (1975) and UNESCO Operational Guidelines (2023) underline the need for conservation plans with legal status. Similarly, the Burra Charter (Australia ICOMOS, 2013) states that, as a non-binding document, it becomes effective only when incorporated into domestic planning

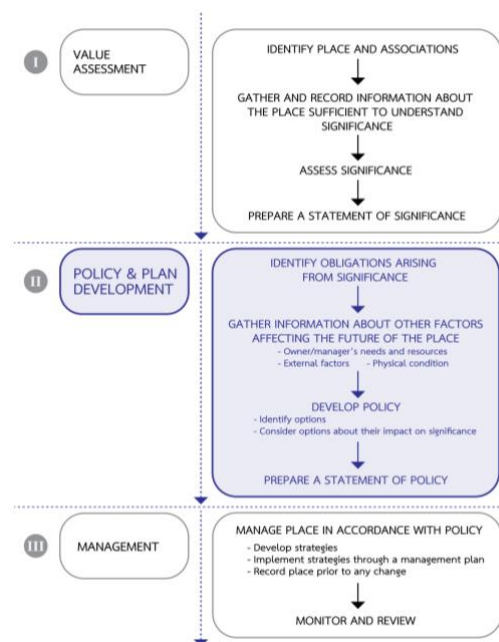
legislation and heritage policy (Marquis-Kyle & Walker, 1992; Pimonsathean, 2024; Worthing & Gwilliams, 2002). This legal perspective supports decentralization, recognizing local communities as bearing primary responsibility for cultural heritage, especially at the neighborhood level (Hall, 1992; Jokilehto, 2007; Orbasli, 2008). Conservation plans should therefore be integrated into wider local or urban development systems (O'Keefe, 1999). Within a value-based and participatory approach, these plans must include community-identified heritage values and long-term management strategies (ICOMOS Australia, 2013; Taylor & Verdini, 2022; United Nations Educational, Scientific and Cultural Organization [UNESCO], 2014). Ultimately, legal empowerment strengthens conservation quality and reinforces human rights through decentralized decision-making.

Community Participation: Dimensions and Evaluation of Engagement

The global conservation paradigm has increasingly emphasized sustainability and decentralization, creating mechanisms that strengthen public participation. For instance, at the 1992 United Nations Conference on Local Agenda 21, decentralization was reaffirmed as a core element of sustainable development through community-based planning, with chapter 28 stating that local authorities should consult their populations and reach consensus on community planning (United Nations, 1993). This principle was later incorporated into national conservation planning, as reflected in *The Local Agenda 21 Planning Guide* (International Council for Local Environmental Initiatives, 1996). Participatory sustainable development aligns with value-based conservation by reinforcing local engagement. The global focus on participation has also shaped revisions of national frameworks through local legal instruments that support inclusive conservation governance.

Figure 2

Policy and Plan Development in the Burra Charter (2013)



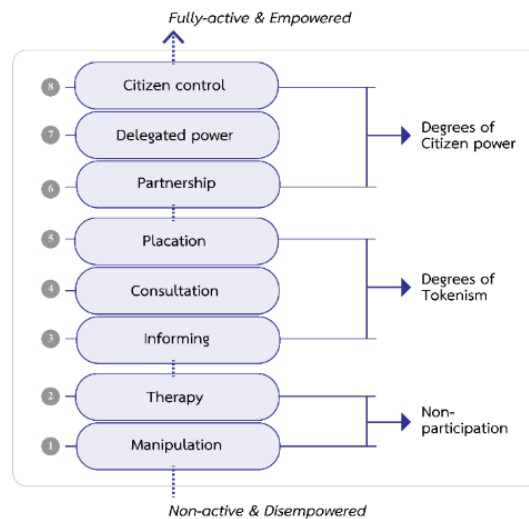
Note. Adapted from *The Burra Charter: The Australia ICOMOS charter for places of cultural significance*, 2013, by Australia International Council on Monuments and sites, 2013 (<https://australia.icomos.org/publications/burra-charter-practice-notes/>). Copyright 2013 by Australia International Council on Monuments and sites.

The formulation of development and conservation plans with public participation reflects the principle of participatory democracy. Jacobs (1961) argued that residents should have the right to shape their communities, and since the 1960s, many US cities have embedded citizen participation in planning through Community Design Centers (CDCs). In the UK, the Town and Country Planning Act (1990) advanced district and architectural conservation through local participatory processes. Viewing conservation through participatory democracy calls for wider citizen involvement (Davidoff, 1965) and stronger legal empowerment at the local level (Pace, 2021; Great Britain. Committee on Public Participation in Planning, 1969/2014); Ibrahim, 2007). Growing public awareness of rights and participation should be formalized through legal frameworks that institutionalize engagement.

Developing mechanisms for participatory processes requires understanding different levels of participation, which arise from several conceptual frameworks. Assessments of participation intensity generally follow two main approaches. The first is theory-based, including Ladder of Citizen Participation (Arnstein, 1969), the most widely used model for evaluating participation intensity in development and conservation (Belausteguigoitia et al., 2021; Kopetzky, 2011; Margaryan, 2018; Mulrennan et al., 2012), and the IAP2 Spectrum of Public Participation (1999) (Engagement Institute, n.d.). Both examine depth of participation but differ in purpose: Arnstein offers a critical analytical lens, while IAP2 focuses on practical application. The second approach uses international standards built on theoretical foundations but adapted to specific contexts. Examples include UN-Habitat (2007)'s *Forms of Participation in an Urban Strategic Planning Process*, centered on urban planning, and United Nations International Children's Emergency Fund [UNICEF]'s *Minimum Quality Standards and Indicators for Community Engagement* (2020), which emphasizes qualitative assessment at the community level. These frameworks highlight inclusive participation, especially in local settings. Overall, both theoretical and standard-based approaches aim to evaluate participation quality, but theoretical models emphasize critical analysis, while standard-based ones focus on practical measurement aligned with policy outcomes.

Beyond examining participation processes, assessing participation quality is also essential. Arnstein's Ladder identifies three levels: Degrees of Citizen Power (empowered participation), Degrees of Tokenism (symbolic participation), and Non-participation (Arnstein, 1969) (Figure 3). In this framework, genuine citizen power and active engagement are linked to the upper rungs of partnership, delegated power, and citizen control, whereas consultation and informing are regarded as tokenistic, and therapy and manipulation as non-participatory and largely devoid of real influence. This framework has become a central reference for evaluating participation, including in heritage district and community conservation planning (e.g. Elbakidze et al., 2015; Maier, 2001). It also informs contemporary urban planning, which calls for community planning as a counterpoint to modernist approaches, with participation moving toward collaborative forms (Sandercock, 1998). The model guides the standardization of public engagement evaluation (Abdel-Fattah et al., 2025; Ibrahim, 2007) and helps explain mechanisms that support participation in local conservation processes. Overall, this framework clarifies participation dynamics and enables assessment of its authenticity and sustainability.

The development of a conservation plan is recognized by international and national heritage agencies as a key stage in the conservation process. The Burra Charter identifies the Develop Policy as a framework (Figure 2) that links heritage values with management practices and highlights public participation (Walker & Marquis-Kyle, 2004; Australia ICOMOS. (2013). This stage is essential for stakeholder engagement, as defining conservation frameworks and methods requires consultation that varies with the type and significance of the heritage asset. Communities often understand the future potential of their areas, which encourages them to support and participate in preparing and implementing Heritage Conservation Plans (London Borough of Ealing, 2023; Heritage NSW, 2020). Participatory conservation planning therefore provides both management guidelines and opportunities for collaboration across sectors. For these processes to be effective, the authority to undertake conservation planning must be clearly established in law.

Figure 3*Ladder of Citizen Participation With Engagement & Legal Empowerment Dimensions*

Note. Adapted from “A ladder of citizen participation,” by S. R. Arnstein, 1969, *Journal of the American Institute of Planners*, 35(4), p. 3 (<https://doi.org/10.1080/01944366908977225>). Copyright 1969 by Sherry R. Arnstein.

Legal Frameworks: Multi-level Governance in Heritage Conservation

Because communities are custodians of urban heritage and the environment, conservation planning should be advanced through legal empowerment. Grounded in a rights-based approach, legal empowerment promotes community-led heritage management in planning, development, and policy oversight, and strengthens civil society’s capacity to use law and assert community rights (Avrami et al., 2000; Banik, 2008; Golub, 2003; Meneghin et al., 2024; Nielsen, 2012). In this sense, legal empowerment functions as a mechanism for the *de jure* recognition of community rights in heritage planning by embedding those rights in formal legal and planning frameworks. UN-Habitat calls for legal tools that give communities formal roles in urban planning and conservation, creating legitimate state–local relations and reducing inequalities of top–down governance (UN-Habitat, 2012). This perspective aligns with the Burra Charter’s value-based, participatory conservation planning (Walker & Marquis-Kyle, 2004). Empowering communities to shape their futures helps balance development and

conservation, making citizens genuine co-owners of change. Conversely, without legal recognition of community rights, participation is constrained, sustainable management weakened, and heritage and local identity are at risk.

Legal empowerment should rely on clear legal mechanisms that enable meaningful public participation and formally recognize community rights within heritage planning processes. National heritage conservation typically uses charters, agreements, and conventions to define its scope and procedures across different governance systems (Pickard, 2001). At the local level, conservation planning should be co-managed with communities (Hobson, 2004; Rae, 2017; UN–Habitat, 2009), highlighting the need for participatory planning and formal decision-making processes (Australia ICOMOS, 2013; Jokilehto, 2002; Obasli, 2008). International cases illustrate diverse models: The United States authorizes states to legislate public participation; Australia links legal tools with planning from drafting through monitoring (Boer & Wiffen, 2006); and Bulgaria, Poland, Sweden, and Israel use legal mechanisms that support participation within decentralized systems (Adlercreutz, 2002; Koren, 2002; Kowalski, 1999; O’Keefe, 1999; Staneva, 1999). Overall, effective heritage conservation depends on legal

instruments that institutionalize participatory processes at national and local levels (Alatale, 2015; Rae, 2015; Reap, 1999). This legal grounding reinforces the essential role of active public involvement (Pateman, 2014).

The recognition of governmental decentralization and citizen legal empowerment has created structural linkages in the legal framework for participatory conservation planning. (Bassoli, 2010) These linkages reflect both vertical and horizontal legal relationships. Vertically, authority flows from primary law, which operationalizes constitutional powers, to secondary law enacted through local regulations (Kelsen, 1967). Horizontally, coordination occurs among legal regimes such as the Heritage, Environmental, and Planning Acts, along with participation-oriented provisions in the Local Government Act; some jurisdictions also adopt Engagement Acts to strengthen public involvement. These connections illustrate a shifting conservation paradigm. The former Monument Act, rooted in material-based approaches, has been supplemented and partly replaced by broader laws that expand conservation scope and stakeholder participation, aligning with a value-based approach. Within a multi-level governance framework (Hooghe & Marks, 2003; Raz, 1979), conservation law now requires integrated vertical and horizontal coordination—linking primary and secondary legislation with both conservation and participatory laws—to form a coherent system for heritage governance.

Formulating local conservation plans through formal participatory processes requires aligning participation theory with legal-empowerment frameworks, creating both opportunities and challenges. Existing research indicates that rights-based approaches improve conservation by expanding community authority over cultural heritage (Fatima et al., 2025) and supporting heritage continuity at the neighborhood scale (Tsintskiladze, 2024). In the UK and USA, effective community conservation often depends on legal mechanisms that institutionalize participation (Dawood et al., 2010; Smith, 2023). However, implementation gaps remain, especially the lack of tools linking conservation planning with participatory practice (Mackay, 2019; Zhang et al., 2024). These law-based empowerment processes also demonstrate the role of democratic governance, as seen in

evaluations of formal participation (Jokilehto, 2002; Pickard, 2001; Stubb & Makas, 2011). In this way, integrating community engagement within broader legal frameworks demonstrates how systemic participation can build local capacity and support sustainable conservation, although the limitation of mechanisms to connect and evaluate planning and participation remains a critical challenge.

Synthesis of Key Concepts

This review of theories, concepts, and case studies examines the relationship and critical gaps between conservation planning and formal participatory mechanisms. Grounded in a value-based conservation framework, it highlights how stakeholder participation and legal empowerment shape the recognition of diverse values. The discussion underscores the need for effective legal instruments to institutionalize participation and support conservation planning, while emphasizing decentralization as essential for sustaining locally driven initiatives. It further suggests that participation depends not only on the existence of legal provisions, but also on the statutory architecture through which authority, coordination, and community influence are organized. In this respect, the review identifies a key conceptual gap: Although conservation, participation, and legal governance are widely discussed, they are less often integrated into a single analytical framework that explains how formal participatory mechanisms operate in local conservation planning.

Developing a conservation plan is a central task in cultural heritage management, translating principles into locally grounded actions and enabling public participation. Although participation is widely discussed, its effectiveness depends on the opportunity and depth of involvement, as well as on the legal-institutional structure that defines who participates, at what stage, and with what degree of influence. This study therefore applies the ladder of citizen participation to examine the legal frameworks and mechanisms embedded in the conservation process, including the statutory architectures that enable, mediate, or constrain participation. Overall, the research links heritage planning with efforts to strengthen local participation and

provides a conceptual basis for examining statutory mechanisms that support participatory practices.

METHODOLOGY

This study adopts a comparative socio-legal approach to examine participatory local conservation planning within statutory frameworks and to understand how theoretical approaches connect with practical implementation, particularly through legal empowerment embedded in the structures, mechanisms, and instruments that mandate and support participation. The research adopts a two-level analytical approach: (1) analyzing structural relationships, and (2) examining a key process and its detailed components through case studies. This division clarifies how conservation planning relates to legal structures, explains the purpose of interconnected steps, and enables comparison of the provisions found in the case material within the overall process.

Part One: This section reviews the key legal frameworks that structure participatory local conservation planning. It is based on a comparative examination of the legal structures governing conservation and participatory provisions across approximately 20 countries. Through this analysis, the study traces the origins and diversity of subsidiary legislation across jurisdictions, identifies recurring structural patterns in legal regimes, and synthesizes these into three representative legal models with distinct structural characteristics. It then compares these legal configurations in terms of how they enable mechanisms that support active participation. Finally, the study identifies six core processes that connect different laws into a coherent operational system.

Part Two: This section investigates how legal processes and provisions operate within conservation regimes through case studies of local implementation. It focuses on the Formulation processes that underpin both conservation planning and participation strategies, using them to examine the relationship between these two dimensions. Case studies are drawn from the UK, USA, and Australia, which are widely recognized for

effective local participatory conservation planning and for shaping global practice, making them valuable comparative references. They were also selected because they represent distinct regulatory traditions within the broader common-law legal family, thereby providing a wider comparative spectrum for examining how statutory frameworks shape the formulation of conservation plans. Although these countries are selected as the overarching cases, the analysis focuses on England, Massachusetts, and New South Wales as the operative units because the study examines how participatory conservation planning becomes operational at the sub-national level, where heritage and planning powers are substantively exercised. These units represent distinct but comparable legal-institutional pathways: England as a plan-led participatory planning model, Massachusetts as a state-enabled local historic district model, and New South Wales as a statutory participation model embedded in a Burra-informed, values-based planning context.

In this study, legal frameworks, processes, and components are examined not only as regulatory structures that direct conservation, but also as relational configurations that shape actors' roles and support participation, particularly at the local level. Synthesizing findings from each stage clarifies differences among decentralized conservation-planning models and offers insights for enhancing the effectiveness of participatory local conservation planning.

FINDINGS

This section elucidates how conservation-planning processes formally incorporate local participation. The analysis comprises two interrelated phases. The first surveys Legal Frameworks across governance systems and types of law, outlining differing configurations of central–local relations. The second investigates the key process of plan formulation in the UK, USA, and Australia, specifying the mechanisms, instruments, and actors that underpin effective statutory participation. Both phases include preliminary analysis to clarify variations in legal arrangements and provisions that facilitate participatory planning.

Comparative Statutory Frameworks for Participatory Heritage Conservation

The analysis examines the Legal Frameworks that structure conservation planning and shape its procedural pathways. It identifies variations in how legal components are linked and operationalized, focusing on two core aspects: the overarching framework for conservation planning and the establishment of participatory mechanisms. Cross-national legislation reveals substantial diversity in both the types and applications of law, reflected in three forms: the direct use of conservation and participation laws through primary and secondary legislation; the combined reliance on environmental and planning law as the principal basis for local conservation planning with participatory provisions supplied by secondary legislation; and the use of planning-law instruments as a direct legal pathway for conservation without separate participatory mechanisms.

These differences form three structural typologies of statutory arrangements—Mediated, Cohesive, and Constrained Models—each reflecting distinct degrees of legal integration and participatory capacity. The typologies operate as conceptual syntheses derived from cross-national configurations rather than fixed legal categories. The analysis employs this structure to examine and identify conservation planning's Core Processes that enable participation, supported by examples and discussions from the legal frameworks. The following section proceeds with a focused examination of the Formulation Process within conservation-plan development.

Mediated Model: Heritage–Planning–Community Engagement–Local Government Acts

The first legal configuration, the *Mediated Model*, comprises mechanisms derived from primary legislation that function as an integrated system to strengthen conservation planning and public participation (Figure 4). It is anchored in the Heritage and Planning Acts, which define planning procedures, and the Community Engagement and Local Government Acts, which govern participation. In practice, various

instruments align local planning policy with the local conservation plan, while the State/Local Planning Act links development and conservation planning. Public participation is maintained through the Engagement Plan under the Community Engagement Act.

In community engagement, local conservation planning relies on continuous stakeholder involvement. Legislation establishes locally driven participation mechanisms linking planning policy, conservation plans, implementation and monitoring with participatory principles and national–local policy frameworks. It requires community committees to oversee integration of conservation and development plans and, in some countries, ties participation mechanisms to local budget allocation, underscoring the value of active public engagement.

Case studies show that local conservation planning uses different instruments under primary and secondary laws, producing two enforcement levels. In England and Scotland, national acts such as the *Planning and Compulsory Purchase Act (2004)* and the *Community Empowerment (Scotland) Act (2015)* require authorities to create participation frameworks like the Statement of Community Involvement (SCI), enabling communities to assess engagement and influence budgets. Secondary enforcement relies on delegated powers; in Canada, the Local Government Act allows local governments to adopt participatory tools, and Ontario requires a Community Charter for Heritage Conservation.

This mediated legal framework tightly integrates planning and participatory mechanisms by linking primary and secondary laws and authorizing local governments to create their own conservation and participation plans. It requires participatory processes throughout all planning stages for historic districts and communities. Implementation is carried out through legally established committees or working groups that include civil society representatives. Although local authorities have autonomy, they operate within central and local policy frameworks that set standards and oversight. Embedding participation in formal planning structures standardizes procedures, strengthens citizen influence, and supports committee-based decision-making. Despite policy constraints, the

framework sustains continuous, multi-level engagement in cultural heritage conservation.

Cohesive Model: Heritage–Environmental–Planning–Local Government Acts

The second legal configuration, the *Cohesive Model*, integrates multiple sets of conservation-planning and participation measures, derived both directly from primary laws and from secondary laws that result from the decentralization process (Figure 5). It relies mainly on the Environmental Act and Planning Act, supported at the secondary level by the Heritage Act through State or Local Heritage laws, which set standards for cultural heritage management. In practice, the Local Environmental Act defines conservation zones, while the Planning Act enables spatial planning tools for districts and communities. Participation is guided by the Local Government Act, which requires participation plans aligned with conservation planning.

Under this type of legal relationship, participation in developing a Community Engagement Plan depends on how specific laws are applied, shaping both continuity and diversity of involvement. Participatory mechanisms stem from three primary laws and one local law. The Heritage Act requires conservation plans to define participatory procedures through a Heritage Strategic Plan, producing Heritage Guidelines and a Community Engagement Framework. The Environmental Act mandates that a Heritage Area Plan use participation tools aligned with the State Community Engagement Framework. The Spatial Plan for Conservation Areas and Local Development Plans integrate participation under environmental and local laws, while the Local Government Act requires local participatory frameworks through the Community Strategic Plan. This mechanism's strength lies in its diverse legal tools, but challenges remain in effective enforcement and in coordinating multiple legislative frameworks.

Figure 4

Mediated Model of Conservation Planning and Public Participation (Legal Configuration 1)

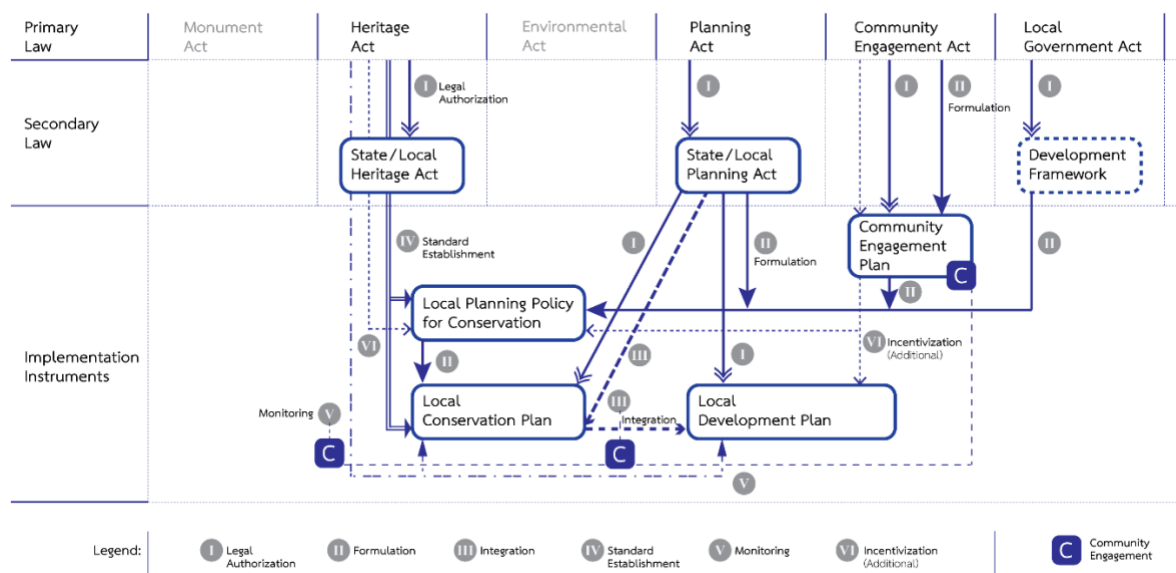
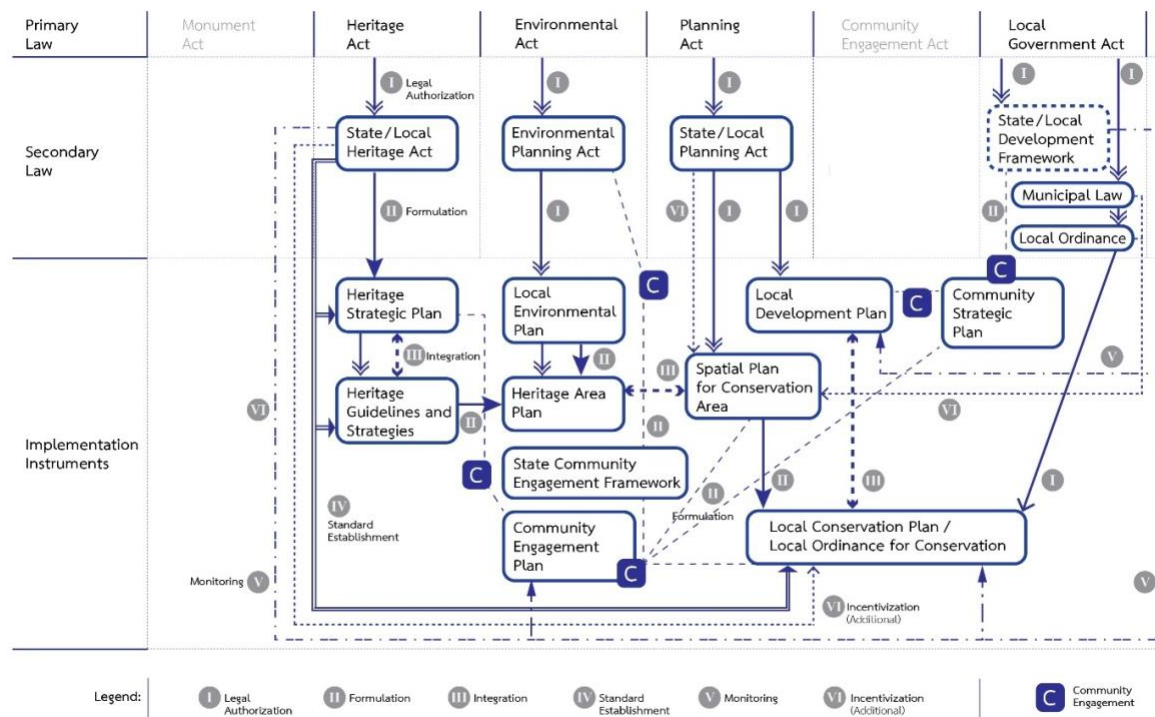


Figure 5*Cohesive Model of Conservation Planning and Public Participation (Legal Configuration 2)*

Participatory mechanisms in conservation planning under this legal framework generally follow decentralization, using the Local Government Act or Municipality Law to guide Community Participation Processes, while some countries reinforce participation through sectoral laws such as the Environmental Act or Planning Act. Two patterns emerge. The first relies solely on Local or Municipal Laws. For example, in Norway, the Ministry of Local Government and Regional Development (2018) requires civil society working groups or heritage communities to join conservation decisions, a model also found in Nordic countries and South Africa. The second combines local laws with conservation legislation. In Australia, states apply the Local Government Act alongside the Environmental Planning and Assessment Act (1979), which mandates the Community Participation Plan.

The cohesive legal model is defined by its flexibility but faces challenges in implementation, delegated authority, and legal coordination. Differences in how authority is exercised across countries influence the effectiveness of conservation planning, participatory mechanisms, and the integration of legal instruments. Coordination among these mechanisms

determines system coherence and participation depth. Legal linkages create an interdependent cycle—from the Heritage Strategic Plan and Heritage Guidelines to defining heritage boundaries, preparing Spatial Plans for Conservation Districts, and aligning local participatory frameworks with conservation laws. This adaptable model demonstrates how integrated legal structures can empower communities while embedding heritage within broader territorial planning instruments, reducing the risk that heritage is treated as a separate or secondary concern in urban development decision-making.

Constrained Model: Planning Act Dominant System

The third legal configuration, the *Constrained Model*, relies on planning legislation as the basis for conservation planning and public participation (Figure 6). The Planning Act functions as the main instrument for directing conservation and participation efforts, while the absence of specific legal tools forces dependence on urban planning mechanisms. State or Local Planning Acts allow conservation-area designation and the use of

Local Planning Policy for Conservation to prepare Local Conservation Plans aligned with local development strategies. However, without standardized conservation frameworks or direct participatory tools, stakeholder involvement in plan formulation and monitoring remains limited and fragmented.

Participation under this mechanism depends entirely on planning legislation, resulting in weak tools and limited public engagement.

Participation usually occurs only at the informing or consultation stage, often after a draft conservation plan is completed. In countries with low decentralization, the Planning Act transfers only minimal authority to local governments, and many rely solely on a Monument Act focused on nationally significant monuments. Consequently, planning laws alone yield superficial and late participation, reflecting centralized systems that restrict meaningful community and civil-society involvement.

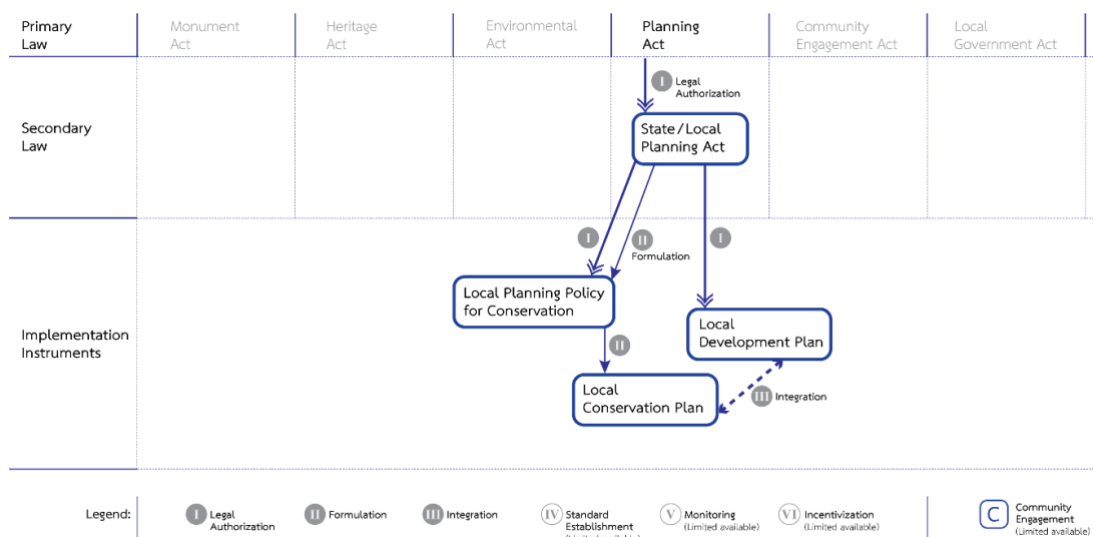
Countries that rely on planning legislation to promote participation in local conservation planning exhibit clear weaknesses in both legal tools and participation levels. In Ireland, Section 20 of the *Planning and Development Act (2000)* requires public consultation during plan preparation, while Nigeria's *Urban and Regional Planning Act (1992)* (Federal Republic of Nigeria, 1992) similarly allows stakeholders to object to or amend draft conservation plans through a commission process. In both jurisdictions,

however, consultation is undertaken only once a completed draft plan is presented for review. In Singapore, the lack of explicit legal tools limits sustained public involvement, reducing participation to information provision rather than collaboration. Overall, deep participation is still a major challenge, as most mechanisms reflect tokenism or non-participation, inadequate for addressing the complex spatial and social dimensions of conservation.

Using planning legislation as the primary mechanism links urban development with heritage conservation and demonstrates that conservation need not hinder growth, yet structural challenges remain within this constrained legal framework. Although participation procedures exist, they are largely symbolic and offer limited influence for citizens or stakeholders. Reliance on the Planning Act as a conservation tool also conflicts with its role as a "general law" focused on local development rather than the complex demands of heritage areas, weakening conservation plans and preventing participatory practices from becoming institutionalized. The absence of standardized mechanisms and monitoring systems further restricts continuity, leaving participation concentrated in the drafting stage. Ultimately, dependence on planning law alone narrows both the scope of conservation and communities' ability to shape their cultural heritage districts.

Figure 6

Constrained Model of Conservation Planning and Public Participation (Legal Configuration 3)



Comparative Interpretation of Statutory Models

The classification of participatory local conservation planning into three legal configurations illustrates how statutory frameworks shape participatory mechanisms and overall conservation effectiveness. The Mediated Model (Legal Configuration 1) has a clear structure and multi-level interactions that foster continuous, proactive community involvement. The Cohesive Model (Legal Configuration 2) lacks a specific conservation law but uses flexible, integrated subsidiary laws to link conservation with community engagement, though overlap and coordination remain concerns. The Constrained Model (Legal Configuration 3) depends mainly on planning legislation, limiting participatory depth and long-term engagement. Coherent legal frameworks—built on clear structures, integrated legal provisions, and mechanisms that secure substantive community participation—are crucial for effective and durable conservation planning. More specifically, the three models differ not only in participatory effectiveness, but in statutory architecture: The Mediated Model distributes authority across multiple governance levels, the Cohesive Model embeds participation through integrated subsidiary legal regimes, and the Constrained Model centralizes authority within general planning law and thereby limits substantive public influence.

This study further identifies key procedural steps linking conservation planning with participatory mechanisms, termed the *Core Processes*: *Authorization, Formulation, Development-Conservation Integration, Standard and Guideline Establishment, Monitoring System, and Incentivization*. The three legal frameworks do not simply vary in how these processes are applied; they also reflect distinct institutional logics that shape participation, coordination, and legal authority in different ways.

- **Mediated Model** — Integrates conservation considerations from the Formulation stage through Development–Conservation Integration, and employs both central and community Monitoring. Its balance of state standards and local participation is supported by Incentivization tools that encourage engagement at policy and operational levels. Taken together, these

features suggest a polycentric governance structure in which authority is dispersed across state, local, and community actors, enabling participation to operate through multiple interacting centers of decision-making.

- **Cohesive Model** — Fosters alignment across all stages through Standard and Guideline Establishment, embedding community participation from Formulation through Monitoring. Strong procedural continuity enhances public influence on conservation outcomes. Accordingly, the model may be interpreted as one of inter-sectoral alignment, where conservation objectives are advanced through integration with land-use and environmental regulation rather than through a stand-alone heritage statute.

- **Constrained Model** — Lacks clear Standards, systematic Monitoring, and effective Incentivization. Strong reliance on general urban planning law, without specialized Authorization or oversight, weakens implementation, while limited incentives reduce local participation and long-term continuity. In this sense, the model exemplifies bureaucratic centralism, where participation is often reduced to a procedural formality rather than functioning as a substantive and deliberative mode of engagement.

In summary, the three legal framework models show how statutory structures shape conservation planning and participatory processes at different levels of legal empowerment. They span frameworks that balance top-down and bottom-up approaches, integrate multiple legal regimes, or are constrained mainly by urban planning law. This comparative analysis provides a basis for further examination of these legal processes and participatory components across diverse national contexts.

Legal Processes and Participatory Components in the Formulation of Conservation Plans: United Kingdom, United States, and Australia

This section presents an analysis of the legal processes and participatory components that structure the formulation stage of conservation planning. It represents one of the key findings derived from the preceding examination of the structural relationships underpinning participatory conservation (Section 4.1). Following Legal Authorization, the Formulation stage serves as the foundational step that conditions the effectiveness of the subsequent implementation of a participatory conservation plan. It also shapes—both directly and indirectly—related processes, including the Integration of Development Plan and Conservation Plan, Standard and Guidelines Establishment, Monitoring System, and Incentivization. This part of the study focuses specifically on the procedural and institutional dimensions of the Formulation stage, clarifying both the legal Mechanisms and Instruments involved, and the roles of the relevant Actors as reflected in their institutional mandates and practical application across the case-study countries.

The case studies—UK, USA, and Australia—were selected for their demonstrated effectiveness in implementing conservation measures, which reflect the characteristics of the Mediated and Cohesive legal models outlined in this study (Sections 4.1.1 and 4.1.2). These countries serve as leading references influencing the development of legal mechanisms and instruments for participatory conservation planning worldwide. The Constrained Model was excluded, as its reliance on urban planning law limits its relevance to decentralized conservation processes. The comparative analysis provides empirical insights into how legal structures interact with the procedural requirements of the Formulation stage.

Legal Components of Participatory Conservation Planning

The examination of participatory conservation planning in the three case-study countries—undertaken across all six procedural components—reveals an extensive set of laws, plans, regulatory instruments, organizations, and committees. These sub-elements, referred to here as *Legal Components*, perform a range of interconnected functions within the planning system. From this comprehensive body of materials, the principal components can be identified and systematically classified into categories that correspond to the six processes. Their relationships and functions are presented in detail in Table 1.

These Legal Components (Table 1) in the participatory conservation planning process correspond to different procedural stages, yet they remain interdependent and cannot be fully separated. Several components overlap, performing functions across multiple steps.

For the *Formulation* analysis presented below, four components are central:

(A) *Legal Mechanisms Authorizing the Formulation of Local Conservation Plans;*

(B) *Legal Mechanisms and Instruments Enabling the Formulation of Conservation Plans;*

(C) *Identification of Officials' Roles in Establishing Mechanisms and Instruments for Conservation Planning; and*

(D) *Committee for Conservation Plan Preparation and Committee for Draft Plan Review.*

In addition, the article accords particular importance to public participation by distinguishing a specific component, (X): *Legal Mechanisms and Instruments Facilitating Public Participation*, to examine the dimension of legal empowerment. The roles and interconnections of these components can be analytically organized into three overarching categories: *Mechanisms*, *Instruments*, and *Actors*.

Table 1
Legal Components of Participatory Conservation Planning

CONSERVATION PLANNING PROCESSES	LEGAL COMPONENTS
1 Authorization Components 2 Formulation Components	A Legal Mechanisms Authorizing the Formulation of Local Conservation Plans B Legal Mechanisms and Instruments Enabling the Formulation of Conservation Plans C Identification of Officials' Roles in Establishing Mechanisms and Instruments for Conservation Planning D Committee for Conservation Plan Preparation and Committee for Draft Plan Review
3 Standard Establishment Components	E Legal Instruments for the Establishing Standards and Guidelines on Conservation Plan Preparation F Committee for Developing and Reviewing Standards and Guidelines for Conservation Plan Preparation
4 Integration Components	G Legal Mechanisms Linking Conservation Plans and Development Plans across Multiple Levels H Legal Instruments Integrating Conservation Plans and Local Development Plans
5 Monitoring Components	I Legal Mechanisms for Monitoring and Reviewing the Implementation of Conservation Plans by Officials and Experts J Citizen Committee for Oversight of Conservation Plan Implementation
6 Incentivization Components	K Rights-Based Incentive Mechanisms L Financial Incentive Mechanisms
7 Participatory Component	X Legal Mechanisms and Instruments Facilitating Public Participation

Understanding Mechanisms, Instruments, and Actors forms the foundation of conservation planning, as these components clarify the operation of each planning stage. Mechanisms refer to processes of decentralizing authority to local levels, enabling them to define plan formulation, participation, and integration with local development frameworks. Instruments include specific laws, standards, guidelines, and policy frameworks that serve as tools supporting implementation. Actors denote the legally defined stakeholders responsible for drafting, standard setting, evaluation, and enforcement. Although interdependent, these three elements assume different practical roles across national contexts, as illustrated in the subsequent case studies.

Formulation Process of Local Conservation Plans

The Formulation process is critical as it enables the preparation of conservation plans under various forms of authorization provided by primary legislation (Table 2). Effective plan formulation—addressing social and operational dimensions—relies on legal mechanisms, policy instruments, and multi-level stakeholder participation to ensure implementation. Here, Mechanisms refer to the procedures required for drafting, while Instruments denote the legal frameworks, standards, and guidelines that define the scope and mandate of conservation planning. The Actors comprise working groups,

experts, and stakeholders involved in plan preparation. Comparative analysis of the UK, USA, and Australia reveals distinct institutional structures and degrees of decentralization in their conservation planning systems, yet all underscore the importance of participatory governance.

Mechanisms

Legal mechanisms serve as the foundation for the systematic formulation of local conservation plans, driven by four dimensions outlined in Table 2: (A) *Mechanisms Authorizing Local Conservation Plans*; (B) *Mechanisms and Instruments Enabling Plan Formulation*; (C) *Officials' Roles in Establishing Mechanisms and Instruments*; and (X) *Mechanisms and Instruments Facilitating Public Participation*. All three countries maintain legal frameworks supporting plan formulation but differ in their levels of decentralization and governance structures.

UK: In the sub-stages of “Conservation Plan Formulation” and “Community-based Conservation Plan Preparation,” the *National Heritage Act (1983)*, *Planning (Listed Buildings and Conservation Areas) Act (1990)*, and *Planning and Compulsory Purchase Act (2004)* mandate conservation plan preparation under the *Localism Act (2011)* and the *National Planning Policy Framework (NPPF)*, empowering local authorities and communities through a bottom-up approach.

Table 2*Formulation of Local Conservation Plan With Engagement*

CONSERVATION PLANNING		United Kingdom	United States of America	Australia
A	Legal Mechanisms Authorizing the Formulation of Local Conservation Plans	1. Conservation Plan Formulation: Mandate of Local Planning Authorities (LPAs) in preparing conservation plans and adopting planning policies <i>(National Heritage Act 1983; Planning (Listed Buildings and Conservation Areas) Act 1990; Town and Country Planning Act 1990)</i>	1. Preservation Plan Formulation: Authorization of States to enact enabling legislation for local conservation and planning through model acts, establishing the statutory foundation for preservation planning <i>(A Standard State Zoning Enabling Act 1924; A Standard City Planning Enabling Act 1928)</i>	1. Conservation Plan Formulation: Empowerment of local governments under state planning and heritage legislation to prepare Conservation Management Plans (CMPs) as statutory instruments guiding development and heritage protection <i>(e.g., Environmental Planning and Assessment Act 1979 (NSW); Heritage Act 1977 (NSW); Local Government Act 1993 (NSW))</i>
		2. Local Conservation Plan Preparation: Undertaking by Local Planning Authorities (LPAs) and formalization through Planning Policy Guidance (PPG) <i>(Planning (Listed Buildings and Conservation Areas) Act 1990)</i>	B & C 2. State Preservation Plan Development: Federal mandate for State Historic Preservation Officers (SHPOs), in collaboration with State Historical Commissions, to prepare statewide preservation plans <i>(National Historic Preservation Act 1966; state enabling acts, and Local Preservation Ordinances)</i>	2. Local Conservation Plan Collaboration: Statutory responsibility of State Departments of Planning to establish planning frameworks in collaboration with local councils preparing CMPs consistent with state legislation <i>(Relevant State Environmental Planning and Assessment Acts (SEPPs); Local Government Acts)</i>
		C Identification of Officials' Roles in Establishing Mechanisms and Instruments for Conservation Planning		
D	Committee for Conservation Plan Preparation and Committee for Draft Plan Review	3. Expert Consultation: Advisory input on development proposals in conservation areas by Historic England for consideration by Local Planning Authorities (LPAs) <i>(Planning (Listed Buildings and Conservation Areas) Act 1990; National Heritage Act 1983)</i>	3. State Legislatures: Mandate through enabling statutes for local conservation plan preparation and review by State Historic Preservation Officers and Review Boards <i>(National Historic Preservation Act 1966; state enabling acts)</i>	3. Local Council and Heritage Council Roles: Preparation of conservation plans by local councils under state planning guidelines and examination with advisory functions by Heritage Councils to ensure compliance with heritage legislation <i>(e.g., State-Specific Government Acts; Environmental Planning and Assessment Act 1979 (NSW); Heritage Act 1977 (NSW); Heritage Act 1995 (VIC))</i>
		4. Local Councils: Elected bodies, Neighbourhood Forums and Parish Councils, responsible for designating and safeguarding conservation areas as local planning authorities <i>(Planning (Listed Buildings and Conservation Areas) Act 1990; Localism Act 2011)</i>	4. State Review Boards: Appointed bodies responsible for evaluating conservation plans, recommending National Register nominations, and coordinating with State Historic Preservation Officers (SHPOs) <i>(National Historic Preservation Act 1966)</i>	
X	Legal Mechanisms and Instruments Facilitating Public Participation within Conservation Plans	5. Community-based Conservation Plan Preparation: Facilitation by Local Planning Authorities (LPAs) under the participatory provisions of the National Planning Policy Framework (NPPF) <i>(Civic Amenities Act 1967; Town and Country Planning Act 1990)</i>	5. Community Engagement Provisions: Encouragement of Certified Local Governments (CLG) to consult local communities and requirement of local authorities to incorporate public participation in planning and decision-making <i>(National Historic Preservation Act 1966; Protection of Historic Properties, 36 C.F.R. pt. 800, 2020)</i>	4. Heritage Acts Consultation: Requirement of community participation in conservation plan preparation and heritage policy development under State Heritage Acts by Community Strategic Plan (CSP) <i>(e.g., Heritage Act 1977 (NSW); Heritage Act 1995 (VIC))</i>
		6. Community Engagement Plan Preparation: Coordination by Local Planning Authorities (LPAs) in accordance with the Statement of Community Involvement (SCI) <i>(Civic Amenities Act 1967; Town and Country Planning Act 1990; Planning and Compulsory Purchase Act 2004)</i>	6. Advisory Council Involvement: Role of the Advisory Council on Historic Preservation (ACHP) in the review process alongside State Historic Preservation Officers (SHPOs) holding statutory responsibility <i>(National Historic Preservation Act 1966)</i>	5. Community Engagement Frameworks: Requirement under state planning and local government legislation for broader participatory approaches in conservation planning, including Community Participation Plan (CPP) <i>(e.g., Environmental Planning and Assessment Act 1979 (NSW); Local Government Act 1993 (NSW); Local Government Act 2009 (QLD))</i>
		7. Neighborhood Development Plans (NDPs) and Neighborhood Development Orders (NDOs): Statutory instruments enabling local communities to initiate planning requirements and conservation-related provisions <i>(Localism Act 2011)</i>	7. Municipal Role in Preservation Planning: Mandate of municipalities to exercise zoning and regulatory powers for the preservation of historic areas through policy development and planning <i>(State enabling legislation enacted by individual states; derived from A Standard State Zoning Enabling Act 1924, and A Standard City Planning Enabling Act 1928)</i>	

USA: Under the “State Preservation Plan Development,” national planning follows the *National Historic Preservation Act 1(1966)*, while state and local levels are governed by the *State Enabling Act / Preservation Acts, Historic District Act*, and *Local Preservation Ordinances*. This multilayered framework positions State Historic Preservation Officers (SHPOs) as links between Federal, State, and Local Governments, as seen in Massachusetts, California, and Florida. The “Community Engagement Provisions,” through Certified Local Government (CLG) designation, further strengthen public participation in preservation planning.

Australia: The key processes, “Conservation Plan Formulation” and “Local Conservation Plan Collaboration,” are exemplified in New South Wales, where the *Heritage Act (1977)* and *Environmental Planning and Assessment Act (1979)* mandate local authorities to prepare the *Local Heritage Strategic Plan (LSPs)* and *State Environmental Planning Policies (SEPPs)* within the state planning framework, reflecting a collaborative yet state-led mechanism.

Structurally, the UK model balances top-down and bottom-up approaches, while the USA exhibits a more vertically integrated system. Australia lies between the decentralized structure of the former and the multi-level integrated framework of the latter.

Instruments

Despite comprehensive legal frameworks, conservation plan formulation depends on supporting instruments aligned with established institutional mechanisms. As shown in Table 2—(B) *Legal Mechanisms and Instruments Enabling Conservation Plans*, (D) *Committee for Plan Preparation and Draft Review*, and (X) *Legal Mechanisms and Instruments Facilitating Public Participation*—effective plans require clear operational tools. Each country has developed specific legal instruments to advance conservation planning under statutory authority.

UK: In the sub-stages of “Local Conservation Plan Preparation” and “Community-based Conservation Plan Preparation,” the key instrument is the *Planning Practice Guidance (PPG)*, which supports the *Statement of Community Involvement (SCI)* and empowers

communities to shape their own plans through “Neighbourhood Development Plans (NDPs)” and “Neighbourhood Development Orders (NDOs).”

USA: In “State Preservation Plan Development,” “Advisory Council Involvement,” and “Municipal Role in Preservation Planning,” instruments such as *State Preservation Plans*, *Local Preservation Ordinances*, *Local Government Codes*, and *State–Local Partnership Agreements* operate alongside review and advice from the American Advisory Council on Historic Preservation (ACHP), ensuring expert oversight and consistent preservation standards.

Australia: The “Heritage Acts Consultation” process aligns with “Community Engagement Frameworks,” requiring each State’s *Local Heritage Act* to guide local governments in preparing conservation plans and policy plans for heritage areas. Community participation is structured through the *Community Strategic Plan (CSP)* and *Local Heritage Strategy (LHS)*, as exemplified by New South Wales, where the engagement framework is legally mandated.

These differences show that the UK prioritizes community-based tools within a central framework, the USA focuses on cooperation between local authorities and professionals, while Australia depends on legal instruments to standardize practices across States.

Actors

Stakeholders are the key drivers in developing a conservation plan that truly embodies the area’s shared values. The mobilization of *actors* includes (D) *Committee for Conservation Plan Preparation and Committee for Draft Plan Review* and (X) *Legal Mechanisms and Instruments Facilitating Public Participation* (Table 2). All three countries recognize the joint roles of the state, local authorities, experts, and the public, though their structures and influence vary.

UK: Under the sub-stage of “Community Engagement Plan Preparation,” communities hold the leading role through specific legislation and the *Statement of Community Involvement (SCI)*, developed with elected “Local Councils” and community mechanisms. “Neighbourhood Forums and Parish Councils” also prepare *Neighbourhood Development Plans (NDPs)* and *Neighbourhood Development Orders (NDOs)*, exemplifying co-decision making.

USA: “Advisory Council Involvement,” “Municipal Role in Preservation Planning,” “State Legislatures,” and “State Review Boards” illustrate a broad range of actors—federal (Advisory Council on Historic Preservation, ACHP), state (State Historic Preservation Officers, SHPOs), local (counties, municipalities), and community-based *citizen committees*.

Australia: “Local Council and Heritage Council Roles” and “Community Engagement Frameworks” identify state councils and local councils as key planning bodies. Community participation follows state-designed frameworks such as *Community Participation Plans (CPP)* and *Statement of Community Participation (SCP)* in New South Wales, with oversight from Heritage Councils.

Across the stakeholder structures, each country emphasizes different actor groups. The UK enables communities to initiate *Neighborhood Development Orders*, while in the USA, SHPOs and local commissions primarily guide planning directions. In Australia, community engagement follows a government-defined participatory framework. These differences illustrate how each legal system embeds community participation within its own governance structure.

Comparative Synthesis of the Formulation Process

A preliminary comparison shows that the UK, the USA, and Australia operationalize local conservation plan formulation through distinct institutional logics and procedural emphases. In the UK, the process is more directly shaped by participatory mechanisms and legal instruments that facilitate community involvement in plan development. In the USA, formulation is undertaken through a more complex multi-level planning structure in which formal mechanisms, technical instruments, and expert actors assume a stronger coordinating role. Australia, by contrast, relies more heavily on state regulatory frameworks that standardize procedures and guide decision-making within clearer administrative parameters. These differences suggest that the three countries vary not only in the mechanisms and instruments they employ, but also in how they structure the relationship between public participation, technical expertise, and regulatory oversight in the formulation process.

Taken together, these variations indicate that conservation plan formulation does not depend on any single component in isolation, but on how legal provisions, institutional arrangements, and participatory practices are coordinated within each national context. Although the balance among these dimensions differs across the UK, the USA, and Australia, the evidence suggests that stronger outcomes are more likely when statutory requirements are supported by clear procedural guidance, practical implementation measures, and meaningful opportunities for public involvement.

Interdependence of Mechanisms, Instruments, and Actors

Across the country cases, the formulation of local conservation plans emerges as the stage at which the overall credibility and implementability of conservation policy are first structured. A critical factor at this stage is whether roles, procedures, and forms of participation are defined in a manner that can be operationalized in practice. Where responsibilities are clearly allocated and stakeholders are involved from an early point in the process, plan formulation tends to generate outcomes that are transparent, open to scrutiny, and more readily translated into concrete measures. Conversely, where these conditions are weak or absent, the process is more likely to remain formalistic and provide only limited support for subsequent implementation. In this sense, the formulation stage not only organizes how decisions are made but also establishes the practical foundation for subsequent standard-setting, the integration of development and conservation policies, the design of monitoring arrangements, and the use of incentive mechanisms.

Findings Summary: Statutory Frameworks and the Formulation Process of Conservation Planning

This study analyzes how different legal systems and conservation-planning processes formally integrate local participation. Section 4.1 reviews legal frameworks as institutional structures that define central–local relations, connect cross-sectoral laws, and establish the legal basis for public involvement. Section 4.2 examines the formulation process in the UK, USA, and Australia, illustrating how legal requirements and administrative practice interact to support genuinely active participation.

The Legal Frameworks comparison identifies three models—Mediated, Cohesive, and Constrained—that illustrate how legal structures shape participation. The Mediated model demonstrates how clear laws and multi-level mechanisms sustain engagement. The Cohesive model indicates that integrating multiple laws can facilitate community collaboration, although coordination gaps remain. The Constrained model, which relies on planning law, restricts participation and offers little proactive support. Stronger legal integration is required to enhance participatory conservation at the local level. The comparative analysis reveals that legal frameworks conferring greater local legal authority and participatory capacity are more strongly associated with effective community-led conservation initiatives.

Building on these reflections, the formulation of local conservation plans illustrates how legal structures interact with planning processes in practice. In all three country cases, this stage is the foundation where participatory and collaborative practices first take shape. It functions as both the procedural starting point and a structural anchor aligning legal mechanisms, planning instruments, and stakeholder roles. Here, statutory mechanisms and participatory tools enable formal civil society involvement and help ensure a transparent, inclusive planning process.

Experiences from the UK, USA, and Australia demonstrate that effective conservation planning

depends not only on legal structures but also on procedures, tools, and actors that reinforce one another throughout the planning sequence. When mechanisms are well sequenced, instruments are practical, and actors—from government to community organizations—coordinate across levels, conservation planning becomes credible and implementable. These patterns reflect broader structural conditions: Systems with coherent, multi-level mechanisms sustain participation effectively, whereas fragmented or overly narrow legal bases provide weaker support for collaboration. Together, these insights clarify how the formulation stage links legal design to practical outcomes.

The relationship between legal structures and implementation processes indicates that conservation law operates not only as a regulatory tool but also as a framework enabling ongoing public participation. Understanding legal frameworks and processes provides a basis for discussing how legal empowerment and participation contribute to more legitimate and sustainable conservation planning.

DISCUSSION

The study of Statutory Participatory Conservation Planning, both internationally and through selected case studies, underscores the need to integrate policy-based conservation with participatory processes. Regarding Legal Frameworks, this integration reveals diverse relationships between regulative structures and participatory practices, shaped by differing governance models, legal configurations, and multi-layered interactions between central and local authorities. Conservation planning must function as an *integrated* intersection across multiple legal domains to support effective plan formulation and implementation. Comparative analysis of key formulation-stage processes in the UK, USA, and Australia indicates that mechanisms, instruments, and actors should be *mobilized* to ensure flexible and inclusive participation. By linking legal empowerment with *active* participation, the discussion clarifies the structural and procedural dynamics of participatory legal processes, providing a basis for strengthening participation within the legal

procedures of conservation planning and improving their overall effectiveness.

Integrated Central-Local Participatory Frameworks

Under the concept of decentralization, participatory conservation planning operates across multiple governance levels—from national and state to local and community. The study of Mediated and Cohesive Models of legal configurations reveals frameworks that reduce centralized control and top-down command while strengthening local authority. These frameworks support community initiatives through institutionalized participatory mechanisms at both higher and lower legislative levels, blending with a bottom-up approach. Decentralization also manifests within the statutory framework itself, notably through the Local Government Act and the Community Engagement Act, which promote legal empowerment of local governments and communities. These instruments enhance participation capacity both vertically and horizontally, reinforcing more inclusive and effective conservation governance.

In conservation planning, legal configurations shape both operational effectiveness and forms of participation. The first, the Mediated Model—seen in the UK—features horizontal linkages among legal domains, such as between the Heritage Act and Planning Act, and between the Community Engagement Act and Local Government Act. Vertically, participation is supported by clear primary legislation and relatively streamlined procedures. The second, the Cohesive Model, found in the USA and Australia, relies on multi-directional oversight mechanisms. However, without a direct Engagement Act, participation often depends on more complex interactions among overlapping legal regimes. The third, the Constrained Model, relies mainly on planning legislation like the Town and Country Planning Act. While straightforward, its structural limits create participation gaps in conservation planning, often rendering participation merely symbolic. To mitigate these limitations, jurisdictions under the Constrained Model could introduce a statutory toolbox—such as Community Heritage Charters and Statutory Consultation Protocols—to formalize community

participation and strengthen consultation within narrow planning frameworks. Overall, integrated and multi-dimensional legal frameworks offer more sustainable conservation planning than narrowly framed single-law systems.

Achieving statutory participation in conservation planning requires an *Integrative Framework* that is regularly reviewed and refined. To this end, central–local frameworks should, vertically, enhance interaction between governance levels; horizontally, higher-level laws should promote decentralization, reduce hierarchical control, and embed place-based contexts into planning. Given the rigidity of existing conservation systems, participatory planning must reduce structural constraints through cross-connecting mechanisms that link laws across levels and domains, fostering adaptability and broad yet focused participation. Current challenges within identified Core Processes call for transforming fixed procedures into opportunities that advance active and inclusive participation, accommodating plural values within conservation governance.

Mobilizing Participatory Processes and Components

The examination of legal frameworks reveals variations in the structural configurations of conservation planning and participation, as well as distinct core processes operating within them. This article adopts enabling and mobilizing processes as its analytical lens. Enabling processes involve regulative functions grounded in statutory law, encompassing the directive stages of Authorization, Integration, Standard Establishment, and Incentivization. In contrast, mobilizing processes are more collaborative and adaptive, tied to Formulation and Monitoring. This mobilizing dynamic is clearly reflected in the formulation procedures and components of conservation plans in the UK, the USA, and Australia. These processes lie on a continuum rather than forming separate categories. Enabling processes can include mobilizing aims, while mobilizing processes rely on supportive regulative structures. In participation, enabling processes generate indirect, compliance-oriented engagement, whereas mobilizing processes

encourage collaboration and negotiation toward shared outcomes.

Within the conservation planning process, Formulation constitutes a critical stage of participatory mobilization. In all three countries, the formulation stage exhibits key strengths: direct empowerment of central and local stakeholders, requirements that plans operate under accountable standards, and integration of mechanisms, instruments, and actors from policy framing to plan drafting. The formulation stage must be supported by *Mobilizing Participatory Components* within the legal framework, consisting of:

- Mechanisms — Procedural arrangements that activate, connect, and sustain interaction across sectors and governance levels, enabling iterative dialogue, coordination, and negotiated input throughout plan formulation.
- Instruments — Statutory provisions and operational tools that structure and channel participation into practice, supporting co-design, accountability, and the translation of stakeholder input into planning outcomes.
- Actors — Public authorities, experts, community groups, and other stakeholders whose organized, proactive, and continuing involvement drives collaboration, represents diverse interests, and shapes conservation decisions.

Mobilizing Participatory Processes advances participatory conservation planning by emphasizing legal components that foster dynamic, cross-sector collaboration. It employs institutional mechanisms and instruments to promote direct community and stakeholder engagement in conservation plan development. From the perspectives of decentralization and civic engagement, strengthening the link between conservation planning processes and components and social practices constitutes a form of mobilization that supports active participation.

Active Legal Empowerment for Participatory Conservation Planning

Building on the discussions of *Integrated Central–Local Participatory Frameworks* and *Mobilizing Participatory Processes and Components*, this article proposes *Active Legal Empowerment* as both a conceptual goal and a practical evaluation. Grounded in Ladder of Citizen Participation (Arnstein, 1969), which emphasizes active participation in governance and societal dimensions, the concept extends participation theory into the legal realm. It focuses on designing legal configurations, processes, and components that promote direct empowerment. As the intersection of structural and component-based legal analysis, this conceptual framework advances formal participatory conservation planning by integrating legal empowerment and participation theories, enhancing their combined capacity for inclusive and effective conservation governance. Viewed in socio-legal terms, Active Legal Empowerment is especially important where statutory planning is marked by power imbalances. By strengthening participatory mechanisms, instruments, and actors within the legal framework, it helps rebalance participatory influence between authorities and citizens.

The pursuit of Active Legal Empowerment must operate alongside passive measures, not as separate but, rather, complementary forms of legal empowerment. This active–passive relationship can be viewed in two dimensions. In conservation planning, the passive dimension entails the indirect enabling of rights through institutional and statutory instruments, while the active dimension involves direct engagement of individuals and communities in shaping plans via participatory mechanisms that are statutorily mandated. Accordingly, Active Legal Empowerment depends not only on opportunities for engagement but on the legislative entrenchment of those opportunities as enforceable participatory rights within planning law. Beyond complementarity, the active–passive legal empowerment framework can serve as a measure of whether empowerment processes truly generate active participation. In this respect, and viewed through the normative lens of the

right to the city, Active Legal Empowerment in participatory heritage conservation planning may be understood not merely as a legal or procedural arrangement, but as a means of enabling inhabitants to participate more directly in shaping the future of historic urban space as part of their urban identity (Lefebvre, 1968, 1996; Harvey, 2008, 2012). Emphasizing integrated local statutory configurations and prioritizing processes that mobilize participation strengthens active forms of legal empowerment, thereby enhancing the legitimacy and sustainability of participatory conservation planning.

CONCLUSION

Recent scholarship in architectural and urban heritage conservation increasingly emphasizes participation as both a social process and a basis for shared values. This emphasis reflects a broader shift in heritage conservation from a predominantly material-based focus on physical fabric toward a value-based approach that also recognizes social value and intangible significance. Against this background, the article examines formal participation in local-level conservation planning, focusing on the legal dimensions that shape and enable it. The study argues that conservation and decentralization laws should jointly promote active participation by *integrating* and *mobilizing* structures, processes, and components through an *active* legal empowerment approach. Such legal integration constitutes a mechanism for the institutionalization of inclusive and continuous public participation, enabling a strategic shift from consultative participation, which is often symbolic, toward substantive co-governance. In essence, the proposed framework transcends traditional regulatory boundaries by fostering a synergistic relationship between law, policy, and public agency. Ultimately, such empowerment enhances the legitimacy and sustainability of participatory conservation planning.

Legitimacy and Sustainability of Statutory Participatory Conservation Planning

Participatory local conservation planning, grounded in integrated central–local configurations and mobilizing processes that link mechanisms, instruments, and stakeholders, should aim to enhance the social *legitimacy* of conservation plans. Procedural and structural legitimacy emerges from legal linkages between central and local authorities, though these differ across contexts. The UK, USA, and Australia illustrate distinct configurations of state direction and community agency, but in each case legal frameworks connect public authorities, experts, and citizens in the formulation of local conservation plans. Across all three cases, diverse legal processes and components converge through central mechanisms that link government, experts, and citizens. This integration moves participation beyond tokenism, establishing it as a cyclical and responsive process. Together, these dynamics reinforce the substantive legitimacy of participatory conservation planning.

Sustaining the conservation planning process requires mobilizing participation within a durable and adaptable framework, while integrating conservation plans with broader local development agendas. Under the Mediated Model and Cohesive Model, the UK, USA, and Australia illustrate balanced approaches between regulatory clarity and contextual flexibility. Despite differing governance structures, all three countries institutionalize consistent participation throughout the planning stages. These mechanisms strengthen participatory governance while fostering long-term social sustainability by reducing conflict and enhancing the legitimacy of planning decisions through community-led conservation. Conservation plans are further integrated with local development plans via joint stakeholder committees overseeing review and coordination. Such integration embeds conservation within community and urban development, ensuring that sustainability derives not only from standards and participation but from alignment with local growth trajectories.

In light of these findings, the study demonstrates that the structural relationships among

conservation laws and processes reveal how interconnected components jointly shape the legitimacy and sustainability of participatory conservation planning. Legitimacy arises not from top-down authority alone but from inclusive, adaptive participation that balances central frameworks with local adaptation for contextual relevance. Sustainability depends on coordinated mechanisms, continuous engagement, and integration of conservation with urban development—reflecting institutional, social, and developmental resilience. Ultimately, legitimacy and sustainability are interlinked through governance, decentralization, and statutory architecture, and should be pursued together as complementary goals in advancing legal empowerment for participatory conservation planning. This legal empowerment, in turn, depends on statutory conditions that enable communities to participate meaningfully in shaping the heritage they value.

Implications for Practice and Future Research

Building on the analysis presented herein, participatory conservation planning grounded in an active legal empowerment approach should account for contextual diversity. It should also adapt its policy, structural, and social dimensions through well-designed legal frameworks to ensure alignment with local conditions. These frameworks should establish an integrated central-local mechanism that is both formal and flexible, while fostering a mobilizing process that enables community-led participation. Integrating conservation with local development strategies ensures plans reflect local realities. Ultimately, effective conservation planning aims to build systems that are legitimate, sustainable, and contextually responsive to each locality.

More specifically, participation should be institutionalized as a statutory prerequisite rather than treated as an ad hoc or discretionary exercise. Conservation law and related public participation law should require meaningful, documented participation at the plan-formulation stage as a condition of the legal validity of any conservation plan. This requirement should be operationalized through statutory consultation protocols that establish minimum procedural

standards, including timely notice, access to relevant information, identification of affected stakeholders, opportunities for early-stage input, and obligations to document and respond to public submissions. Where participation is absent, merely symbolic, or not demonstrably integrated into plan-making, the plan should be treated as procedurally defective and potentially vulnerable to legal challenge. Institutionalizing participation in this way would strengthen active legal empowerment and reinforce the legitimacy and sustainability of statutory participatory conservation planning.

Beyond these implications for practice, this article has examined Participatory Heritage Conservation Planning across different legal configurations, with particular attention to the formulation of conservation plans. Further research may investigate the participatory dimensions of another critical stage of the process—such as Monitoring Systems for assessing plan implementation—which is linked to Authorization, Development–Conservation Integration, Standard and Guideline Establishment, and Incentivization. Another promising avenue is the role of e-participation, particularly digital planning tools, in the formulation and monitoring stages. Such tools may enhance transparency, improve public access to planning and review processes, and engage younger demographics through more accessible channels of participation.

A further comparative direction for future research is to extend case studies beyond the principal Common Law reference countries of the UK, USA, and Australia. While this study focuses on these jurisdictions, the principles derived from them may also serve as a useful benchmark for examining other legal systems. Future comparison could therefore be expanded to regions shaped by colonial legal transplantation or broader Western legal influence, including Sub-Saharan Africa, Latin America, South Asia, and Southeast Asia. In these regions, governance structures and decentralization arrangements vary widely. Comparative inquiry of this kind would clarify how the transplantation and adaptation of structures, processes, and components of statutory participatory conservation planning differ across diverse social, political, and cultural contexts.

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