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*Please cite this as: Malliaris, M. 2025 Practical Heritage Conservation in Cities in North Rhine-Westphalia: Legal Framework and a Practical Example from the Church Square of St Stephanus in Beckum, District of Warendorf (Westphalia), Internet Archaeology 70. <https://doi.org/10.11141/ia.70.8>*

# Practical Heritage Conservation in Cities in North Rhine–Westphalia: Legal Framework and a Practical Example from the Church Square of St Stephanus in Beckum, District of Warendorf (Westphalia)

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## Summary

The regional authorities in North Rhine-Westphalia supervise the legal application of monument law, with a hierarchical structure comprising supreme, higher and lower monument heritage authorities. The supreme monument heritage authorities form part of the Ministry for Regional Identity and are responsible for the implementation of the Monument Protection Act. Higher authorities supervise the lower monument heritage authorities at the municipal level, while urban archaeology units act as executive bodies for these lower authorities in historically significant cities. The current Monument Protection Act, enacted on 13 April 2022, outlines the responsibilities for preserving monuments in the region.

As the example of the excavation at the St Stephanus church square in Beckum, Warendorf district (Germany) shows, the organisation of monument heritage management in North Rhine-Westphalia ensures effective oversight and implementation of the Monument Protection Act. Increased construction activities, particularly related to energy projects, pose challenges to heritage conservation, necessitating improved communication and collaboration between the various authorities and stakeholders. The experiences in Beckum emphasise the importance of balancing urban development with the preservation of cultural heritage by smart, communicative and persistent heritage management.

## 1. Introduction

North Rhine–Westphalia (NRW), one of the 16 federal states of the Federal Republic of Germany, has a large and diverse urban landscape that extends across both industrial conurbations and rural regions. Archaeological investigations in the historic city centres of NRW account for a considerable proportion of practical archaeological heritage management, and ongoing and increasing building activity in the urban landscape places increasing pressure on appropriate implementation of archaeological heritage management. Urban projects require much more coordination than in rural environments, not least because of the numerous stakeholders and authorities involved in the process.

The practical example of an urban archaeological project completed in 2024 at the St Stephanus church square in the town of Beckum, Warendorf district, illustrates the complex interaction of authorities and the current structure of archaeological heritage management in NRW (Figure 1). The excavation in the city centre was carried out by a private enterprise



and supervised by the Department for Medieval and Modern Archaeology, Landschaftsverband Westfalen-Lippe (LWL)–Archaeology for Westphalia (Fachreferat für Mittelalter- und Neuzeitarchäologie der LWL-Archäologie für Westfalen), based in Münster.



Figure 1: An aerial view of the church of St Stephanus in Beckum, Germany, before renovation. The green lawn is the church square; on the left is the market square. Copyright: Heimat- und Geschichtsverein Beckum.

The aim of this article is not only to show how experts and local authorities adapt to individual urban archaeology projects, but also to what extent citizens can exert an influence through local heritage associations. Last but not least, the chosen example of St Stephanus in Beckum illustrates the hurdles that heritage managers at different levels face when determining the value of monuments and weighing up public interest in preserving archaeological monuments.

## 2. Legal and organisational framework

In the Federal Republic of Germany, the management and practical preservation of archaeological monuments is the responsibility of the individual federal states (Kunow and Rind [2022](#)). Each has its own state authority, with state constitutions, parliaments and administrative structures. NRW, as the most populous federal state, has approximately 18 million inhabitants and 396 municipalities. It covers an area of just under 34,098 km<sup>2</sup> and thus ranks between Belgium and the Netherlands in terms of size.

In contrast to the other federal states, the preservation of archaeological monuments in NRW is managed by specific organisations. It is divided into three independent administrative areas: the Rhineland, Westphalia, and the city of Cologne are organised independently of each other. The conservation of archaeological monuments in the Rhineland and Westphalia is carried out by two regional authorities: Landschaftsverband Rheinland (LVR) based in Cologne, and Landschaftsverband Westfalen-Lippe (LWL) based in Münster. The regional authorities are public corporations without territorial sovereignty. Their cultural departments incorporate the LVR-Amt für Bodendenkmalpflege (LVR-ABR) in the Rhineland (<https://bodendenkmalpflege.lvr.de/de/startseite.html>), and the LWL-Archäologie für Westfalen (LWL-AfW) in Westphalia–Lippe (<https://www.lwl-archaeologie.de/de/>).

There are five district governments in NRW: Düsseldorf and Cologne in the Rhineland; and Arnsberg, Bielefeld and Münster in Westphalia (Figure 2). The city of Cologne, with its rich urban history dating back to Roman times, enjoys a special status, which is also known as the 'lex Colonia'. The Roman–Germanic Museum, funded by the city of Cologne, represents the official authority responsible for the archaeological preservation of archaeological monuments in the city's 400 km<sup>2</sup> area.



Figure 2: Administrative units and districts in North Rhine–Westphalia. Rhineland: Düsseldorf and Cologne; Westphalia: Arnsberg, Detmold, Münster. Copyright: Bezirksregierung Düsseldorf.

Since the establishment of the North Rhine–Westphalian Monument Protection Act (DSchG NRW) in 1980, with amendments in 2013 and 2022, a complex hierarchical system of administrative authorities has developed for the practice of archaeological heritage management. The responsible Ministry of the State of North Rhine–Westphalia in Düsseldorf hosts the supreme monument heritage authority (Oberste Denkmalbehörde). Various regional and specialised departments under the roof of the regional authorities supervise the legal application of the monument law of NRW: the higher monument heritage authorities (Obere Denkmalbehörden) at the level of districts, and the lower monument heritage authorities (Untere Denkmalbehörden) at the level of the municipalities. In historically significant cities, so-called 'Stadtarchäologien' (urban archaeology units financed by municipalities) can be described as executive units of the lower monument heritage authorities in municipalities. Within this decentralised structure, the coordination of all those involved is of particular importance, in order to clearly present and explain the relevance of heritage conservation issues, and to be able to assert them against competing public interests. In view of the growing pressure of energy-related building projects, which are particularly prevalent in cities, the need for effective communication between the aforementioned authorities has increased.

### 3. Responsibility for the enforcement of the law

The current Monument Protection Act of 13 April 2022 (DSchG NRW) regulates the official responsibilities for the preservation of monuments in NRW (Monument Protection Act (Denkmalschutzgesetz) Nordrhein-Westfalen: [https://recht.nrw.de/lmi/owa/br\\_vbl\\_detail\\_text?anw\\_nr=6&vd\\_id=20423&ver=8&val=20423&sg=0&menu=0&vd\\_back=N](https://recht.nrw.de/lmi/owa/br_vbl_detail_text?anw_nr=6&vd_id=20423&ver=8&val=20423&sg=0&menu=0&vd_back=N)). The monument authorities responsible for enforcing the Monument Protection Act include the supreme, higher and lower monument heritage authorities. They are organised in a hierarchical relationship to each other. The higher authority exercises technical supervision over the subordinate authority.

#### 3.1 Supreme monument heritage authority (Oberste Denkmalbehörde)

The supreme monument authority is assigned to the Ministry for Regional Identity, Communities and Local Government, Building and Digitalisation of the State of North Rhine-Westphalia. It is responsible for the smooth implementation of the law, and endeavours to ensure this by drafting administrative regulations. The supreme monument heritage authority also regularly draws up the monument promotion programme (Denkmalförderprogramm) for the protection and maintenance of historical and cultural heritage.

#### 3.2 Higher monument heritage authority (Obere Denkmalbehörde)



The foremost task of the higher monument heritage authorities is to supervise the lower monument heritage authorities. They advise the lower monument heritage authorities in all procedural matters. In consultation with specialist offices at the regional authorities (Landesverbände), they issue excavation permits, which in most cases are carried out by third parties (excavation companies) for archaeological investigations in cities. For listed state and federal buildings, the district governments also fulfil the function of a lower monument heritage authority. In individual cases, however, the supreme monuments authority can also transfer responsibility to a lower monuments authority.

### **3.3 Lower monument heritage authority (Untere Denkmalbehörde)**

As the first point of contact for the implementation and enforcement of the Monument Protection Act, the local municipal authorities fulfil the tasks of the lower monument heritage authorities for their respective municipal areas (§ 21 DSchG NRW).

The local authorities in NRW, and specifically the lower monument authorities, are the first point of contact for all questions from citizens regarding monument protection and preservation. The Monument Protection Act stipulates that the state's cities and municipalities are responsible for the protection and maintenance of the registered monuments in their territory. They currently maintain the monument lists, in which around 5800 archaeological monuments have been recorded to date. From 2025 onwards, however, the specialised regional authorities (LWL-AfW and LVR-ABR) will take over the management of the monument lists with regard to archaeological monuments.

The lower monument authorities will issue the necessary authorisation under monument law if changes are to be made to an architectural or archaeological monument and its immediate surroundings, usually as a result of construction work. In the case of archaeological monuments, this authorisation can only be granted in consultation with the specialist offices at the regional authorities. The lower monument authorities administer monument files and other documents relating to the objects. For example, monument owners can obtain tax certificates for expenditure on monuments, or advice on subsidies for monument owners and associations.

### **3.4 Specialist offices at the LVR and LWL regional authorities**

The specialist offices of LVR and LWL are responsible for providing specialist advice on all matters relating to the protection of monuments, excavations, inventories, research and the dissemination of knowledge regarding the monuments. In addition, LVR-ABR, based in Bonn, and LWL-AfW, based in Münster, fulfil other various tasks. With their specialist departments and branch offices, they are responsible, among other things, for technical and legal advice and assessment of construction projects, the preparation of archaeological reports in all matters relating to the protection of archaeological monuments, and advice on the preservation, conservation and presentation of archaeological monuments. They draw up archaeological service descriptions, monitor compliance with the requirements of third-party excavators (specialist archaeological companies), and monitor excavation and documentation guidelines. They also check the documentation of third-party excavations. The regional authorities keep and maintain both physical site files and electronic specialist information systems for all sites and archaeological measures. Among other things, the specialist offices carry out research excavations, fact-finding and non-destructive searches for archaeological sites worthy of protection (geophysical prospection, field inspections, etc.) by their own staff. They also publish the latest results of archaeological measures and organise numerous events for the public, with the support of public relations.

### **3.5 City archaeologies (Stadtarchäologien)**

In the Rhineland and Westphalia, urban archaeological units have been established in historically significant towns and cities, and are based at the municipal authorities or lower heritage authorities. They work in close cooperation with the specialist departments. In the





Rhineland, city archaeological units are present in Aachen, Duisburg, Düsseldorf, Essen, Neuss and Wuppertal; in Westphalia, there are city archaeological units in Dortmund, Hagen, Höxter, Münster, Paderborn, Soest and Warendorf.

#### **4. An example of urban archaeology in NRW: the reconstruction of the church square near St Stephanus, Beckum**

The town of Beckum in the district of Warendorf is a medium-sized town with a population of around 37,000 inhabitants. St Stephanus, in the centre of the historic old town, is the oldest parish church and registered as an architectural monument; the surrounding church square is listed as an archaeological monument (Leidinger [2012](#)). As across the whole of NRW, there have been several urban archaeological investigations in Beckum in recent decades, for example during the redesign of the market square, which was supervised by LWL-AfW.

Excavations in the 1960s had already provided evidence that the first iteration of the parish church of St Stephanus was probably built at the end of 8th century (Kohl [1992](#)). It was most likely located on the site of a so-called 'Oberhof' (curtis) as the centre of an extensive Carolingian settlement. In any case, Beckum can be described as one of the oldest Christian missionary centres in the Münsterland region, after the pagan Saxons were defeated by Charlemagne under Duke Widukind. The square around the church served as a cemetery from Carolingian times until 1819. Beckum's church square, with its suburban settlement centre, which was overlaid by a cemetery used for around 1000 years, is without doubt an important archaeological monument (Figure 3).



Figure 3: A drainage ditch through the church square north of St Stephanus, which cut numerous stone slab graves. Copyright: LWL-AfW, A. Wunschel.

During archaeological measures in 2022, Christian burials with elaborate stone slab tombs came to light in the vicinity of the church square, which could be dated to the 8th/9th centuries through radiocarbon dating. This was the first scientific investigation to confirm the great age of the cemetery.

The last major project, the remodelling of the church square, was completed in spring 2024. It included considerable ground intervention and partial destruction of the archaeological record, especially graves, for the sake of better access, drainage and trafficability. The area was officially upgraded as a multifunctional space for public events and a barrier-free zone for markets and feasts. The St Stephanus church square project provides an up-to-date insight into the interrelationships of responsibilities, discussions and decisions involved in an urban excavation. The different viewpoints of the parties involved are best illustrated by the original but abridged quotes given below.

##### **4.1 Statement from the specialist office (LWL-AfW) on the conversion of the church square, dated 21 July 2017**



“... The square around the church served as a cemetery from Carolingian times until around 1819 and thus has a history of over a thousand years of occupancy. Plans to redesign the church square should take this fact into account. As a place of Memoria – the remembrance of the deceased – it is not suitable for profane events or as a skaters' paradise. Although the spiritual and secular spheres were closely interwoven in the Middle Ages, they are clearly separated from each other in the urban topography ...

In principle, therefore, the planned construction measures will affect an archaeological monument whose value cannot be overestimated. If remains of church buildings, the former churchyard perimeter development or even the old upper courtyard (Oberhof) are uncovered, their preservation must be guaranteed first and foremost. Any removal necessary on site can only be a last resort and can only take place after approval by the specialist authority ...”

#### **4.2 Statement from the parish of St Stephanus on the need to rebuild the church square, dated 2022**

“... When entering or leaving the church service, churchgoers coming and going often block each other because the paved entrances to the church are narrow and cramped. Although there are plenty of lawns, they are not easy to walk on – especially when wet. In view of these restrictions, it is hardly possible for groups to stand together and socialise for a while after the services, for example. There is currently no suitable place around the church to hold an open-air service; these always have to be held elsewhere ...

As our church square is a registered archaeological monument – it was the town's cemetery for more than 1,000 years, but has been out of use for around 200 years – the monument protection organisation of the Landschaftsverband Westfalen-Lippe (LWL) was also consulted ... Large green areas and the character of the square will be preserved and enhanced; the ground will only be paved to a small extent ... New pipework will significantly improve the drainage situation, e.g. during heavy rainfall. All the work is being supervised, monitored and documented by monument conservation officers and archaeologists.

Worth knowing: The church square is not undisturbed ground. For example, an ossuary and the paradise in front of the north portal were demolished around 200 years ago. Water pipes and supply lines were laid several times and a model of the town was erected. If bones are found during the work that are still lying together in their original location, they will at most be removed for research purposes, other bone remains will be reburied in a dignified manner ... [Figure 4]. Thankfully, the state of NRW is supporting 70% of the project with subsidies.”



Figure 4: An exposed burial in a stone slab grave in a trench in the church square of St Stephanus. Copyright: LWL-AfW, A. Wunschel.

#### **4.3 Statement from the lower monument heritage authority of the city of Beckum on the project 'Redesign of Beckum Church Square' and Propsteigasse, dated 8 December 2020**



“... When renewing the surface of the church square, it can be assumed that displaced remains of human burials, i.e. bones in the 5-digit range, will be unearthed. In order to avoid disturbing intact burials, which would also require a great deal of archaeological work, changes to the topography should be completely ruled out if they involve lowering the old ground surface. Modern levelling layers and thus ground intervention should be kept as minimal as possible. Lawns are to be favoured ...

Destruction of features during excavation is only permitted after consultation with the specialist authority. The renewal of supply and disposal lines should be carried out within the existing routes wherever possible. The construction of new pipe trenches in the area of the churchyard is strongly discouraged. The extensive investigation represents an immense effort, but is unavoidable due to the great importance of the archaeological monument ...

In addition to the above-mentioned archaeological aspects, the interests of architectural monuments are also important ... The surroundings of a church were used for burial purposes – as a cemetery – and, in contrast to the sealed surfaces of the market squares, were characterised by green structures ... The surviving exterior space of the surroundings of St Stephanus' Catholic Church is still characteristic of its appearance today and has a reciprocal relationship with the church ... From the point of view of the lower monument heritage authority, complete paving should therefore be avoided and the existing green spaces should be substantially preserved and thus retain their historical significance ...”

#### **4.4 Request from the city of Beckum for approval under monument law (Denkmalrechtliche Genehmigung) by the lower monument authority, dated 13 December 2022**

“... The redesign of the St Stephanus church square is a measure from the politically adopted integrated action concept for the city centre ... Urban development funding could be acquired for the construction measure on the basis of the coordinated design planning in 2021 ... The urban development goals of the city and the parish were balanced in this process with the public goal of preserving the archaeological monument ... The redesign of the church square also pursues climate protection and climate adaptation goals. The interventions in the subsoil will be minimised after consultation with a subsoil expert regarding the excavation depths ...”

#### **4.5 Incendiary letter from the Heimat- und Geschichtsverein für Beckum und die Beckumer Berge e.V. on the 'Preservation of the historic cemetery in Beckum as a ground monument', dated 15 May 2023**

“... Supported by funds from the state of North Rhine–Westphalia ('urban development programme'), the city of Beckum and the local parish are planning a 'redesign' or 'modernisation' of this inner-city 'area'. The aim of the measure is to structurally alter the cemetery so that it can be used as a market and event site ... There is no doubt that these measures will ultimately lead to a total loss of this unique archaeological monument ...

Apart from the irretrievable loss of this extraordinarily rare testimony to medieval burial culture, hundreds of square metres of the existing green area (lawn and low planting) will fall victim to an outmoded concrete desert ... We are very concerned that – should the current plans actually be implemented – irreparable damage will be caused: culturally and ecologically ...”

### **5. Evaluation of the project in retrospect**

Completion of the conversion work on the St Stephanus church square in Beckum marked the end of a planning process that had lasted about 10 years (Figure 5). In retrospect, the conflict of interests between urban development and the preservation of archaeological monuments was not unusual, but it was particularly pronounced. This is highlighted by the



fact that the substantial urban development subsidy from the state of NRW, to the amount of more than 1.2 million euros, was approved *before* the final planning stage and any considerations or even agreements on the preservation of archaeological monuments had been discussed. Earlier involvement in the planning process of the specialised office or other authorities responsible for the preservation of historical monuments would have probably made the entire process easier and even faster. The approval of a substantial subsidy for the Beckum church square in 2021 raised high expectations by the local authority for the rapid finalisation of the project without any further conditions. These expectations were dampened by the legally required and necessary intervention of the lower monument authority and the specialist authority LWL-AfW in the public interest of the archaeological monument, although the lower monument heritage authority, as the authorising body, had recalled aspects of the monument law in time. In its statement, the lower monument heritage authority adopted the advice of the LWL-AfW literally. The cooperation between the specialist department and the lower monument authority was always constructive.



Figure 5: The almost completed St Stephanus Church Square, with upgraded substructure and extended paving. Copyright: LWL-AfW, A. Wunschel.

It should be noted at this point that lower heritage monument authorities are integrated into the administration of local authorities, e.g. in planning departments. Normally, the employees mainly deal with objects of architectural heritage conservation, if not with completely different administrative topics. Issues relating to the preservation of archaeological monuments often only account for a small proportion of their workload, so sometimes there is a lack of time for dealing with complicated aspects of archaeological heritage conservation. Furthermore, employees of the lower heritage authorities are obliged to impose conditions in accordance with the Monument Protection Act. These conditions are sometimes to the disadvantage of their employer, who in this case was also the developer, and so a risk of a conflict of interest could not be excluded. During the course of the project, any potential conflict was avoided by transparent dialogue and cooperation between the supreme, higher and lower monument heritage authorities and the LWL-AfW specialists. The rescheduling that resulted from the requirements of the final building permit to minimise archaeological interventions proved to be an additional but moderate cost factor. Thanks to the flexibility and willingness to cooperate on the part of the town of Beckum as the developer, the reduction in construction measures proposed by the specialist authority was implemented without any major additional expense; it is even possible that minimising the ground interventions actually had a cost-saving effect! A construction fence public exhibition, with archaeological–historical content, which the city marketing department realised against the backdrop of Beckum's 800th anniversary in 2024, could also be seen as a bonus product of the archaeological investigations for the public.

Finally, the local heritage and history association, which had been working intensively for many years to preserve and research the town's archaeological monuments and their





history, should be mentioned for its role in opinion-forming and decision-making in the municipality; its input should not be underestimated. The association not only clearly formulated its position against even minor destruction of parts of the archaeological monument, but even presented alternatives that involved less intrusion. Incidentally, it was not only monument protection that provided the basis for its arguments, but also ecological aspects, which were cited against paving the previously greened areas of the church square. However, when weighing up the public interests of the archaeological monument and urban development interventions, representatives of the specialist department agreed to a solution that approved the ambitious and subsidised construction project at the expense of a number of untouched graves, much to the displeasure of the association, although it is worth noting that the town of Beckum also put forward ecological arguments in favour of its building project.

The remodelling of the St Stephanus church square can be described as a project in which an appropriate compromise was found between the various public interest concerns through an intensive exchange between the authorities involved, and the municipality, parish, specialists and citizens. The originally planned serious interventions to the archaeological monument were greatly reduced. While, as a result of trafficability and also climatic requirements for drainage, medieval graves in particular had to be documented and removed, but they were retained and can at least be used as an important resource for further research into the history of Beckum.

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