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**Pickard, R.** (2002) 'A comparative review of policy for the protection of the architectural heritage of Europe', in the *International Journal of Heritage Studies*, Vol. 8 No. 4 at pp. 349 – 363 (ISSN1352-7258).

## **A comparative review of policy for the protection of the architectural heritage of Europe**

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### **Abstract:**

This paper is comparative a study of the policies for the protection of the architectural heritage currently in place in Belgium, Czech Republic, Denmark, France, Germany, Georgia, Ireland, the Netherlands, Spain and the United Kingdom. These countries are a representative sample of 32 countries that have brought the provisions of the Granada Convention (the Convention for the protection of the Architectural Heritage 1985) into force. Set against the articles of the convention the paper examines different approaches that have been adopted bearing in mind that the convention called for monitoring of the implementation of its provisions, which has not yet taken place. In this respect the paper provides a current overview of the extent of implementation and the different procedures and policies utilised.

**Key Words: Architectural Heritage, Granada Convention, Integrated Conservation, Inventory, Council of Europe.**

## **INTRODUCTION**

The Convention for the Protection of the Architectural Heritage of Europe (Granada, 1985)<sup>1</sup> (the Convention hereon) set the framework for a consistent approach for conservation law and policy within Europe. Since it opened for signature in 1985 the Convention has been brought into force in 32 countries, (from a total of 43 member states of the Council of Europe). Article 20 of the Convention identified that progress in implementing its provisions would be monitored. However, this has not taken place to date, but has recently been called for<sup>2</sup>. This study examines the way the main articles of the Convention have been interpreted and implemented in practice in 10 countries<sup>3</sup> (Figure 1). It aims to shed light on the complexity of measures utilised in practice in comparison to the brief framework of articles identified in the Convention.

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<sup>1</sup> European Treaty Series no. 121

<sup>2</sup> Resolutions and declarations of the 5<sup>th</sup> European Conference of Ministers responsible for the Cultural Heritage, Portorož, Slovenia, 6 – 7 April 2001.

<sup>3</sup> This study is partly derived from the findings of research project involving a sample of thirteen countries conducted in association with the Council of Europe and subsequently published in Pickard, R. (ed) (2001): *Policy and law in Heritage Conservation*, Conservation of the European Built Heritage Series, Spon Press. A corresponding study was published in Pickard, R. (2001): *Management of Historic Centres*, Conservation of the European Built Heritage Series, Spon Press.

**Figure 1. Granada Convention: Sample Countries**

Country	Date of Signature	Date of Ratification	Brought into Force
Belgium	21/10/1985	17/09/1992	01/01/1993
Czech Republic	24/06/1998	06/04/2000	01/08/2000
Denmark	03/10/1985	23/07/1987	01/12/1987
France	03/10/1985	17/03/1987	01/12/1987
Georgia	17/09/1999	13/04/2000	01/08/2000
Germany	03/10/1985	17/08/1987	01/12/1987
Ireland	03/10/1985	20/01/1997	01/05/1997
Netherlands	03/10/1985	15/02/1994	01/06/1994
Spain	03/10/1985	27/04/1989	01/08/1989
United Kingdom	03/10/1985	13/11/1987	01/03/1988

## **DEFINITION OF THE HERITAGE (article 1)**

### **Interest factors**

The Convention defines the interest factors to be used for the purpose of selecting “monuments, groups of buildings and sites” for protection as being the “conspicuous historical, archaeological artistic, scientific, social or technical interest”. In practice the terms used differ but follow a similar approach by a combination of the same or other appropriate terms. For instance, ‘landscape’ (Wallonia, Belgium), ‘revolutionary’ (Czech Republic), ‘architectural’ (Denmark, Malta and United Kingdom), ‘aesthetic’ (Georgia and France), ‘palaeontological’ (Spain), ‘ethnological’ (France, Italy and Spain), ‘spiritual’ and ‘religious’ (in Georgia and Ireland respectively), ‘urban design’ and ‘folk-lore’ (Thüringia, Germany). These illustrate the different ‘interest’, or ‘significance’ factors. Social interest may also be represented by ‘public interest’, ‘events’ or ‘persons of note in history’ and ‘military significance’, while environmental and economic considerations may also be used.

### **Levels and categories of protection**

Different approaches are adopted regarding the need for one single category or other levels of protection. The argument for having more than one levels of protection would seem to be tied to the question of economics. A higher level may warrant priority support (largely due to the limited funds available to support conservation action), whereas countries that have chosen one level have decided not to discriminate on the basis that all monuments should be equally eligible or for other reasons. For instance, Denmark formerly had both A and B levels of listed buildings but due to a reassessment of the selection criteria (which recognised the importance of industrial buildings for example), the distinction was removed. Terms for categorising protected assets can be identified as follows:

The Walloon region of Belgium uses the simple definitions in the Convention. The main level of protection is by ‘listing’, although there are 133 items that are listed as ‘exceptional immovable heritage’, and there is also the ‘safeguard’ (for temporary protection) and the possibility of *ad hoc* designations from the inventory. The Brussels-capital and Flemish regions use different approaches.

In the Czech Republic assets are defined as immovable objects and sets of objects (from the oldest time to the present), with 134 exceptional having declared as ‘national cultural monuments’.

Denmark adopts the concept of listed buildings (with an age criterion of being more than 50 years old) and a lower level of 'buildings worthy of preservation', which are dealt with more in relation to local planning mechanisms with the assistance the Survey of Architectural Values in the Environment (SAVE)<sup>4</sup>.

France uses an all-encompassing system of 'historic monuments' on two levels: 'classification' and 'inclusion on the supplementary list of historic monuments' (with no age distinction).

Legislation approved by the Georgian government in 1999 defines architectural monuments, monumental fine art, and monuments associated with the development of science, technology and industry. Three levels of significance have been identified (international i.e., UNESCO World Heritage Sites, national and local).

As a representative of the 16 federal states within Germany, Thuringia defines the concept of 'cultural monument' including objects, groups of objects and parts of objects, and while there is only one level of protection, in practice the authorities prioritise action on certain monuments. (The laws in other German states are similar but can differ).

Ireland has a system of national/historic monuments (generally applied to pre-1700 assets), heritage buildings (in public ownership), and a new system (operational from the beginning of 2000) to give greater protection for "protected structures".

The Netherlands, defines its historic buildings as objects (generally buildings more than 50 years old).

In Spain, the 'real property' heritage items include architectural monuments, historic sites and gardens. Autonomous regions also have their own system of local designations.

In the United Kingdom listed buildings are categorised according to three levels (generally they must be at least 30 years old).

### **The extent of protection (articles 1 and 7)**

Most countries protect the 'whole' monument. However there are different methods of identifying the scope and regime of protection. In the United Kingdom, case law has been used to define the fixtures, objects, structures and land associated with a listed building which often causes disputes, but the idea of defining items or boundaries remains a question of discussion as is the question of the 'setting'. Recent legislation in Ireland has attempted to deal with this problem by making a 'record of protected structures'. In Germany the exterior and movable parts can be protected as well as the surroundings. In Belgium the opportunity exists to protect different items so that even the frontage/façade can be singled out. Surrounding 'protection zones' and can be defined on a 'case by case basis' (Belgium, Czech Republic, Georgia, Spain) or by a defined radius (France).

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<sup>4</sup> Ministry of Environment and Energy, National Forest and Nature Agency (1995): InterSAVE: International Survey of Architectural Values in the Environment.

### **Types of legislation used for protection**

One marked difference between some of the countries is the type of law used as the basis of protection. Most of the countries use all encompassing laws for the protection of the “cultural heritage” in its widest sense – immovable, movable or other.

However, Denmark, Ireland and the United Kingdom use different legislation and policy mechanisms for the architectural and the archaeological heritage, although there is a degree of overlap in the management of these issues. Individual objects that can be protected include ‘listed buildings’ (Denmark and United Kingdom) which are based on national criteria. The United Kingdom uses planning legislation for the protection of buildings of ‘special architectural and historic interest’ (the same applies in the Walloon region of Belgium but not in the other two regions). Whereas in Ireland the legislation requires local planning authorities to devise protection objectives for ‘structures’ in relation to the preservation of buildings according to defined interest factors.

### **Areas and ensemble protection mechanisms**

The concept of ‘sites’ and ‘groups of buildings’ indicated in the Convention are often not specifically used in the sample of countries examined. The approach more often used is through area-based mechanisms. These include *secteur sauvegardé* and ZPPAUPs (zones of architectural, urban and landscape interest) (France), conservation zones and sites (Czech Republic), monument ensembles (Thüringia, Germany), the SAVE system (Denmark), urban parks including ensembles and complexes (Georgia), architectural conservation areas (Ireland), and conservation areas (United Kingdom). Historic sites that form a townscape unity, or for groups of immovable objects, can be specifically designated in Spain and the Netherlands respectively. Buildings can be listed for ‘group value’ in the United Kingdom, ‘sets’ of objects can be declared in the Czech Republic, whereas an *à la carte* approach in Belgium allows different approaches depending on the merits of the case. Similarly in France the law allows the possibility of applying historic monument status to entire areas of cities, towns and villages.

### **The scale of protection**

In the United Kingdom, taking into consideration England, Scotland, Wales and Northern Ireland, approximately 575,000 items have protection as listed buildings and approximately 10,000 conservation areas have been established. By contrast, in France, there are currently approximately 40,000 items that have been ‘classified’ or included in the supplementary inventory of historic monuments as well as 92 *secteur sauvegardés* and 300 ZZAUP (with a further 600 in the course of preparation)<sup>5</sup>. This does not mean to say that there are less items of cultural heritage value in France, it is more a reflection of policy designation as a historic monument is tied in with a commitment to financial support, which cannot be guaranteed for all listed buildings in the United Kingdom. Moreover, for unprotected historic buildings and areas other methods are used to financially support rehabilitation such as through the national housing agency (ANAH) and planned housing improvement programmes (OPAH).

In contrast to other countries, it would seem that the approach taken in the United Kingdom is quite remarkable. For instance, in the Netherlands there is a total of

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<sup>5</sup> Féral, M-A. (2001): *Les zones de protection du patrimoine architectural, urbain et paysager (ZPPAUP)*, presented at ZZAUP et Dynamiques Territoriales Colloque, Lyon, France 6- 8 december 2001.

48,474 protected immovable monuments, in Denmark 9200 listed buildings and 38,700 immovable monuments (and nearly 600 conservation sites and zones) in the Czech Republic.

## **IDENTIFICATION OF THE HERITAGE (article 2)**

Since the Convention came into force, identifying the need to maintain inventories and to document threatened items of the heritage, further work has been developed at the international level to identify core data information<sup>6</sup>. Moreover, geographical information systems (GIS) and other new information technology methods have provided the means to improve recording methods.

In Denmark and Ireland new inventory systems have been developed in response to these countries signing the Convention. Furthermore recording systems have been developed along the lines of the core data index in Belgium, Georgia and Ireland and most countries are now recording inventory information on computer databases. GIS systems are now being used in Belgium, Czech Republic, and France (where the concept of a 'heritage atlas' is being considered to combine all heritage data in a given region - similar to the 'preservation atlas' developed through the SAVE system in Denmark).

### **Inventory systems**

In Belgium an inventory for the Walloon region was completed in 1998 and a new inventory is to be developed which will recognise a wider concept of the heritage (to consider the interplay between built 'landscapes', economic and social history and the morphology of territories). The aim is to develop this work as a management tool for decision-makers in land-use planning of the 'living environment'. Furthermore, the inventory has been an important instrument for *ad hoc* protection of assets and a benchmark for framing integrated policies.

In the Czech Republic, there has been a need to revise inventory records since the 'velvet revolution' in 1989, particularly due to the restitution of property to private owners and resulting development pressure. The Central List is currently being updated and the information contained in it is used to determine items for protection.

In Denmark, the inventory records developed in the 1960s - 1980s are now being augmented by 'thematic surveys' (for example, to re-evaluate the industrial heritage) and by the topographical assessment of areas through the SAVE system to assist in the management strategies - the aim to produce a 'preservation atlas' for each of the 267 municipal areas.

In France, the general inventory was set up in 1964 and covers 25% of French territory. This work does not form the basis of protection but the results are increasingly used in this context. Current action is also concentrating on developing a 'heritage atlas' for each region and further studies are being carried out to assist in management activities.

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<sup>6</sup> Council of Europe (1995) *Core Data Index to Historic Buildings and Monuments of the Architectural Heritage* (further *Guidance on Inventory and Documentation of Cultural Heritage* will be published in 2002); Getty Information Institute (1998): *Documenting the Cultural Heritage*.

In Georgia a new form of identification was adopted for the architectural heritage in 1997. Planning legislation also still awaits approval and it will therefore take some time before the information can be integrated with land-use planning.

In Germany, at the national level a handbook of the most important building and art monuments was completed in 1998. However, each of the 16 federal states is responsible for recording the heritage in their territory. A considerable amount of updating and reform has taken place over the last decade due to the re-unification of eastern states.

A national inventory of the architectural heritage in Ireland was placed on a statutory footing in 1999 and survey action has occurred over the last decade, and is on-going, to develop inventories for towns and also for geographical county areas. This information is to be used as a management tool for the protection of 'structures' under planning legislation enacted in 2000.

All protected monuments dating from before 1850 have been recorded on the official register in the Netherlands and from 1985 to 1995 the heritage from the period of 1850 – 1994 was recorded and subsequent registrations have been made. In 2000 a new project has commenced to record items from the period of reconstruction following World War II.

Identification of the Spanish historical heritage has concentrated on recording items in a General Register (for protection) and the autonomous regions have also been involved in developing their own special inventories which can be used to as a management tool.

In the United Kingdom a re-survey of the architectural heritage was completed in 1989 (for England) and has played the most significant role in determining which assets should be put on the statutory 'list'. Since the mid-1990s recent survey work has been of a thematic basis, looking in particular at buildings of the 20<sup>th</sup> century. Other work to assist in the management of the immovable heritage includes the building-at-risk surveys that have been develop in recent years to prioritise action.

In general inventories are not normally utilised as the basis for protecting assets, but as a means to determine which assets should be protected, although in some cases the inventory (or register) is used directly to define items for protection. It is clear that the information contained on inventories and the development of new recording techniques and technology will increasingly have an important role to play in protection decisions especially in developing management tools for integrating heritage protection and land-use management.

#### **ADMINISTRATION OF CONTROL PROCEDURES (articles 3, 4 and 5)**

Control over activities such as repair and maintenance, use and adaptive re-use, demolition and other activities is an implied, or even an explicit, duty imposed on owners in all countries and failure to observe this can lead to sanctions and coercive measures being applied.



There are many different approaches to the administration of control procedures. A single-track permission procedure (linked with the planning system) exists in Walloon region of Belgium and similarly in Ireland planning permission is required for changes to protected structures (controlled through planning legislation). In the United Kingdom both planning permission and listed building consent may be required (particularly where a change of use is envisaged). In Spain, town councils regulate matters according to Special Preservation Plans (which are approved after the heritage authority has commented on them) - but there are reserve powers of control by the heritage administration. Elsewhere the control of activities concerning heritage assets is more usually independent from associated development control procedures although integrated forms of planning help to ensure that there is a link between conservation and development control.

The general theme for control procedures is related to whether proposed actions will materially affect the character of a particular architectural asset. To some extent this depends on the philosophy of conservation adopted within a particular country. The ICOMOS *Venice Charter*<sup>7</sup> remains an important guiding document in this context. The evidence suggests that conjectural major restoration work is generally not pursued today. The debate is more about whether restoration, in an authentic form and respecting the changes of time and originality of materials or methods, should be pursued, or whether conservative repair and timely maintenance is more important. There is no clear answer to this: the most important cultural objects are likely to demand restoration where maintenance has not been continued on a regular basis. However, it is more likely that the question of economics and principles of good management will direct endeavours more towards maintenance and rehabilitation if the cultural built heritage is to be sustained in the future. By example in the Netherlands and the Flemish region of Belgium the Monumentenwacht (Monument Care) system of subsidised surveys encourages timely maintenance and repair (and their reports can be linked to grant aid).

The idea of allowing new uses for historic buildings is generally acceptable if it helps to maintain the long-term preservation of the assets (article 11 of the Convention). New uses may be permissible if they do not materially cause detriment to the character or values for which the item has been protected. It is difficult to apply precise rules in this context and the general principle is that each case should be looked at on its merits. In Georgia there is the concept of 'eligible uses'. In France there is a greater likelihood of permission being granted for a new use for items contained on the 'supplementary' list as compared to 'classified' monuments (as is the case for lowest grade of listed buildings in the United Kingdom).

Authorisation of works is often delegated to a local level such as town councils in Spain, or local planning authorities in the United Kingdom, (reserve powers of control are usually maintained by a higher authority). In other countries the authorisation procedure is managed by a higher authority - for example, by the state authorities in the Czech Republic and France.

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<sup>7</sup> International Charter for the Conservation and Restoration of Monuments and Sites 1964.

## **SANCTIONS AND COERCIVE MEASURES (article 9)**

In all of the countries under examination the legislation provides sanction and coercive procedures, which usually combine both administrative and criminal measures.

Administrative procedures include reparation measures, i.e., to reinstate the situation that existed before unauthorised work was carried out (for example, in Belgium, Denmark, Ireland, Netherlands, and United Kingdom). In France, Germany and the United Kingdom the relevant authorities can enter premises to carry out urgent repairs works through a formal notice system where the works are not undertaken. In the case of the France half the costs can be recouped, in Germany this action is rarely taken because of the difficulty recouping the costs, and in United Kingdom the full cost can be recouped but the procedure is subject to appeal grounds including that of 'financial hardship'. In Denmark the preferred approach is use counselling and subsidies or loans to correct the situation.

In the United Kingdom, a Repairs Notice provision can require that a detailed schedule of works to be carried out with the ultimate sanction of compulsory purchase if the works are not undertaken in a specified period. Such notices are rarely served, but the threat of such action is often enough to induce the required works. Should expropriation follow there is the ultimate sanction of a 'minimum compensation order' if deliberate neglect can be proved (in practice this is very difficult). Expropriation provisions have also been highlighted in relation to the Czech Republic, France, Georgia, Germany and Spain but are generally only used as a last resort.

Action to stop damaging activity can be quite effectively pursued through other mechanisms such as with the assistance of the police in France and the Netherlands and injunctions in United Kingdom (the contravention of which is subject to a monetary fine at the discretion of the courts).

One problem that exists generally is that there is evidence that the sanction and coercive measures are ineffective due to the fact that they are not often applied: (for example in Denmark - although juridical orders are increasingly being served; and France - where the provisions are currently under review). In Georgia there are not enough precedents of prosecutions. Another problem is the low level of fines (Czech Republic) or the fact that the level of fines is not sufficient to act as a deterrent (Germany). In Ireland and the United Kingdom the level of fines have been increased in recent years. The maximum level of fine of IR £1 million that has recently been applied in Ireland for carrying out 'development' without permission or for not carrying out specified work to 'protected structures' would seem to be a significant deterrent, but much damage occurred before the new regime of protection commenced<sup>8</sup>.

Criminal proceedings can extend to imprisonment though it appears that this is generally a measure of last resort. The maximum period of imprisonment varies between six months and five years amongst the sample of countries.

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<sup>8</sup> Pickard, R. (1998): *Meeting the requirements of the Granada convention: A review of policy for the protection of the architectural heritage in the Republic of Ireland*, RICS Research Paper Series, Vol. 3. No. 1.

## **INTEGRATED CONSERVATION (article 10)**

Integrated conservation is one of the main themes of the Convention<sup>9</sup>. The concept has been important in widening the approach to cultural heritage protection from individual assets to whole areas and environments, which in turn is now being developed in the context of policies for ‘sustainable development’.

Within all of the countries under examination there is a degree of integration between heritage protection and management, and land-use planning and associated issues. Today the issues of rehabilitation and protecting the concept of ‘living environments’ have become important since the term sustainable development was coined. Moreover, there is a shift towards regional/spatial planning policies within Europe that recognises the need to safeguard the cultural heritage<sup>10</sup>. Some countries are more advanced in this area. Where integrated approaches are well developed the idea of developing sustainable approaches to heritage management is being actively pursued. The extent and effectiveness of integrated approaches can be summarised:

In all of the three regions of Belgium there are strong links with planning mechanisms (in Walloon monument protection is directly incorporated in the spatial, town planning and heritage code). Regional and communal development plans, as well as regional and specific land-use plans, town planning regulations and other planning procedures, provide the vehicle for the integrated protection of the architectural heritage.

In the Czech republic the state protection authority has a binding opinion when land-use plans are being prepared and approved. Development policy involves (at the local level) programmes for the regeneration of urban conservation sites and zones, which are linked to the organisation of grant-aid policy. But development pressures are now pointing to the need for measures to be strengthened and action in this respect has included the formulation of plans, including special plans, to define the principles for the protection of heritage items within territories.

The protection of listed buildings is recognised in the general plans implemented by regional and local authorities in Denmark. Focus is also directed at urban landscapes (townscapes), features of towns and buildings ‘worthy of preservation’ in local plan policies at municipal level. Further co-operation with local municipal authorities is provided through the SAVE system (as part of a commitment to the principles of the Convention) which is increasingly being used as a basis for local preservation plans and linked to supporting financial provisions.

In France, protection zones or rules incorporated into the ZPPAUP (as an annex to the *Plan d’Occupation des Sols*) and *secteurs sauvegardés* ensure an integrated process which is further assisted by spatial development schemes that include measures to safeguard the unprotected heritage. For the latter economic development policies are

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<sup>9</sup> The term first being used in the *Amsterdam Declaration: Congress on the European Architectural Heritage*, 21 – 25 October 1975.

<sup>10</sup> European Spatial Development Perspective (Final version adopted by the informal European Council of EU Ministers responsible for Spatial Planning in Potsdam on 10 – 11 May 1999); Guiding Principles for the Sustainable Spatial Development of the European Continent, adopted at the 12<sup>th</sup> Session of the European Conference of Ministers responsible for Regional Planning on 7 – 8 September 2000 in Hanover, Germany.

geared towards the conservation and rehabilitation of traditional buildings and procedures for designating heritage-based economic growth areas.

The Georgian authorities are currently in the process of drafting a law on territorial and spatial planning and development control. This aims to fully integrate heritage protection within a code on urban planning, but it will take some time before proposed mechanisms can become fully operational.

Regional policy law, building code plans (at county and local levels), conservation and design statutes all form part of the process for defining conservation policies for monuments and areas in Germany. Some states also adopt 'monument conservation plans'. Urban renewal procedures also indicate the means by which the demands of conservation are to be taken into account, for example, through refurbishment objectives to safeguard and integrate monuments.

New planning legislation in Ireland (1999 and 2000) has required the definition of objectives for preserving protected structures and for architectural conservation areas (and guidelines are being developed to assist planning authorities in this respect). There has also been a widening of the definition of matters that will require planning permission, for example, work that is deemed to 'materially affect the character' of a protected structure will require consent.

In the Netherlands a policy document produced jointly by several ministries was published in 1999<sup>11</sup>, which has been aimed at improving the integration of conservation within environmental planning, although an integrated approach has been evident for sometime. This new policy will take some time to implement, particularly in relation to zoning plans (which can take up to five years to prepare).

Different levels of plans are used control development and preserve heritage assets within Spain. The Special Plan is of particular importance for the maintenance of the urban and architectural structure and the general character of the settings of historical sites. Special Plans may also be used to co-ordinate rehabilitation activities.

Since the 1960's, the United Kingdom government has emphasised the importance of integrating conservation in the preparation of development plans, which may include policies on development control and preservation and enhancement. Planning and conservation is most closely integrated through conservation areas designated by local planning authorities. A joint policy statement made by governments departments responsible for environment and cultural matters (in England and Wales) has further stressed the integrated approach including other non-statutory heritage sites. A recent policy review has called for formulation of 'spatial master plans' for integrated conservation management in the context of the developing regional framework for planning and at the local level<sup>12</sup>. Planning policy is now moving towards defining and implementing sustainable goals for the historic environment. Identification of assets at risk has assisted the development of management strategies and the prioritising of financial assistance.

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<sup>11</sup> *Belvedere*, published by the Ministries of Housing, Physical Planning and Environment, Education, Culture and Science, Agriculture and Transport, July 1999.

<sup>12</sup> English Heritage (2000): *Power of Place: The future of the historic environment*

The concept of 'integrated conservation' is accepted (in different degrees) in all the sample countries. Significantly many of the countries have recently (in the last decade) implemented or are in the process of implementing or elaborating integrated management tools.

## **FINANCIAL RESOURCES, FUNDING MECHANISMS AND THE REGENERATION OF HISTORIC ENVIRONMENTS (article 6)**

The cultural heritage is not a primary target for public funding but the need for support is widely recognised. In some countries, particularly in central and eastern Europe, the shortage of finance is particularly acute as state budgets are not in a position to provide subsidies or other assistance. Nevertheless, the heritage is an asset that should be maintained for future generations as a sustainable activity as it can provide employment, skills training, and functional benefits and it also reinforces identity and community values<sup>13</sup>. In this context it is not just individual assets that are important, an integrated approach to the management of heritage assets can bring wider benefits to society and the environment.

There are three principal methods by which conservation action is supported: subsidies (grants), loans, and fiscal (tax) relief<sup>14</sup>. In some countries one of these methods is the main source of funding, whilst in others different types of support are used either in combination or separately. In most cases financial support is subject to an agreed plan of works for maintenance, repair or restoration work (but not improvements such as the provision of new utilities) and may be subject to public accessibility requirements (article 12 of the Convention). Grants can be prioritised according to the quality of the protected item or due to its condition. Moreover, research into condition and occupation of assets has proved to be a useful basis to assess where support action should be directed (for example, the BAR system in the United Kingdom - and surveys of condition have been used for this purpose in Denmark and the Czech Republic)<sup>15</sup>. Financial support may also be linked to other activities such as urban renewal programmes and other activities to regenerate historic environments. Private and charitable foundations and trusts may also play an important role in providing sponsoring support (article 14).

In Belgium there are two principal forms of financial assistance: grant subsidies and income tax relief. Grant aid can be for both maintenance and restoration work and the rate of grant can be in the range of 40 – 90% (and exceptionally 95% in the Walloon Region). Provinces and communes may also contribute to the total grant figure. Income tax relief is also given for maintenance and restoration for property that is not commercially let and some other forms of fiscal relief can be provided on sponsorships, cash donations and legacies bequeathed to the regions or foundations.

Since 1989 the restitution of property to private owners in the Czech Republic has taken the onus of responsibility out of public hands for many properties but the architectural heritage has inherited a debt from a lack of maintenance over time.

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<sup>13</sup> ICOMOS (1993): *Conservation Economics: Cost Benefit analysis for the cultural built heritage: Principles and Practice*.

<sup>14</sup> Council of Europe: Recommendation No. (91) 6 on measures likely to promote the funding of the conservation of the architectural heritage, Adopted by the Committee of Ministers on 11 April 1991.

<sup>15</sup> English Heritage (1998): *Buildings at Risk, A New Strategy*.

The main form of assistance is through grant aid provided through various supporting programmes for repair, renovation, and redevelopment action, for the countryside and for assets under threat, which have been provided since 1996. Some additional support is provided through an exemption from real estate tax for a period of eight years after a permit for agreed works has been granted.

In Denmark a combination of methods are used. Grant aid is the main form of support (usually in 20 – 50%) but low interest rate loans (at 2% in 1999) can be provided for substantial work and there is a special system of income tax relief for owners of listed houses<sup>16</sup>. Foundations can also support substantial conservation projects and work to accommodate new uses – this source can be used when there is insufficient finance available from public sources. Other programmes can be used to stimulate action such as urban renewal grants.

France provides grant aid for all classified property (30 – 50%) and those on the ‘supplementary’ list (15 – 25%) and income tax relief on works (the rules vary according to whether the asset is open to the public). Municipal authorities may also provide some grant assistance for other historic properties. Tax incentives can also be provided to owners of properties located in *secteur sauvegardés* and ZZAUPs and State funds are provided to subsidise rehabilitation work on old houses located within an OPAH programme. A system of foundations is well established and sponsorship can be provided through ‘enterprise foundations’ and other non-profit-making foundations.

At present the Georgian State budget is unable to provide much support although the 1999 cultural heritage law has identified provisions to allow for subsidies and tax relief. The World Bank has provided some support for specific projects<sup>17</sup>.

In Germany the federal government provides tax relief for work on historic monuments spread over a period of years. Various other national stimulation programmes indirectly support the heritage such as the *Städtebaulicher Denkmalschutz* programme, which has proved to be very cost effective<sup>18</sup>. Each State has its own system of providing funding. Foundations also play an important role (quasi -public and private – for the latter conservation work is regarded as a non-profit making activity and is tax deductible).

A new grant system has recently been set up in Ireland to support ‘protected structures’ (grants are limited to IR£1,500 – IR£10,000 and exceptionally up to IR£20,000). There are tax relief provisions for a limited number of properties (270 have benefited so far). Other forms of assistance can benefit heritage assets through urban renewal schemes (via tax incentives) and townscape restoration schemes.

A combination of different methods can be used in the Netherlands. Grants are provided for restoration work (20 – 70%) and are increasingly being provided for maintenance work. The grant system is dependent upon whether an owner is liable to pay tax as, for example, a foundation cannot deduct costs from tax if it is not liable.

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<sup>16</sup> BYFOs Bog om Byningsfredning (1996): *Håndbog for ejere af fredede bygninger*.

<sup>17</sup> The World Bank (1998): *Culture and Development at the Millennium: the Challenge and the Response*.

<sup>18</sup> Deutschen Nationalkomitees Für Denkmalschutz (2000): *Denkmalpflege und Beschäftigung*

Grant aid is most commonly at 20% where tax relief is also claimed but can be 50% where tax relief does not apply. The National Restoratiefond (a private foundation) operates within this framework and can provide loans at a low rate (currently 1%) and it administers budgets allocated to municipalities. Tax relief relates to income tax, corporation tax, wealth tax (applied to rural estates) and conveyance tax (for foundations). Other sources of finance are available from urban renewal grants.

In Spain 1% of the State Administration budget must be used to assist the historic heritage - support can be provided for maintenance, preservation and rehabilitation work. Income tax deductions can be provided for work on protected assets and for donations to defined beneficiaries (for example, the State, the church authority and national foundations). Other forms of fiscal relief are provided with respect to corporation tax and VAT, as well as relief from local taxes. The autonomous regions also provide some assistance.

In the United Kingdom support is mainly provided through grant aid. Individually important assets are usually supported (principally grade I and II\* listed buildings and those deemed 'at risk' in England). There has been a reorganisation of assistance programmes in recent years particularly due to the creation of the Heritage Lottery Fund, which distributes funds for individual projects and under the Townscape Heritage Initiative. Grants can also be provided via Heritage Economic Regeneration Schemes and other regeneration budgets. There are limited possibilities for tax relief via inheritance tax and relief from VAT for alterations (but not generally for repairs), which has been the subject of critical debate recently. The Architectural Heritage Fund can provide low interest loans to assist building preservation trusts.

## CONCLUSIONS

This study has provided a detailed insight into the different legislative and policy provisions for the protection of the cultural built heritage. There are clear indications in this sample of countries of a movement towards the principles that have been set down in the Convention. Apart from the Czech Republic and Georgia, many other countries in central and eastern Europe are in the process of reforming procedures and policies, which will take some time to implement. Furthermore, in western Europe there is evidence that similar actions are taking place as evidenced by the *Belvedere* policy in the Netherlands and the recent reform of legislation in Ireland. A major review of policies relating to the 'historic environment' has taken place in England, which may lead further changes in policy.

The debate on the protection of the cultural built heritage is now moving forward. There will soon be a need to re-examine the articles of the existing conventions particularly due to the fact that policies on sustainable development are now being advocated. The debate on sustainability suggests that a wider analysis of issues than is currently advocated under the concept of integrated conservation is required. Moreover, the European Landscape Convention (2000)<sup>19</sup>, aims to address aspects of both the natural and cultural heritage, and by the end of 2001 it had been signed by 20 countries (and ratified by Norway).

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<sup>19</sup> European Treaty Series No. 176

At the present time there remains a need to monitor compliance with the existing Convention and to assist national governments in developing procedures that satisfy its articles. Having said this, a pure monitoring exercise could deter those countries that have not yet signed the Convention. A more detailed review of policies and procedures may be more effective in determining whether they meet the over objectives of the Convention's articles. This process should be aided by the Council of Europe's *Herein Project* (the European Information Network on Heritage Policies: <http://www.european-heritage.net>), currently under development to provide information on heritage policies throughout Europe. The Legislative Support Task Force (operating within technical cooperation programme of the Cultural and Natural Heritage Department of the Council of Europe) has also been working in association with the governments and heritage services in Albania, Belarus, Georgia, Latvia, the Former Yugoslav Republic of Macedonia, Malta, Slovenia, and the United Nations Mission in Kosovo and has developed guidance in the field of legislative and administrative reform<sup>20</sup>. Other international organisations, such as UNESCO, also have an important role to play in this process.

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<sup>20</sup> Council of Europe (2000): *Guidance the development of legislation and administration systems in the field of Cultural Heritage*, Legislative Support Task Force, Technical Co-operation and Consultancy Programme, Cultural Heritage Department.