



NORTHAMPTON BOROUGH COUNCIL

SCRUTINY PANEL 2 CULTURE AND TOURISM

14 SEPTEMBER 2017

BRIEFING NOTE: BACKGROUND DATA – PUBLISHED PAPERS

1 INTRODUCTION

1.1 At its inaugural scoping meeting, Scrutiny Panel 2 (Culture and Tourism) agreed that it would receive details of relevant published papers to inform its evidence base.

1.2 Short summaries of the key points of the published papers, for consideration by the Scrutiny Panel at its meeting on 14 September 2017, are:

- Government Paper – “Preserving historic sites and buildings”
- Building Conservation – “Heritage Protection in the UK – Key Facts”
- Department for Culture, Media and Sport – The Culture White Paper

1.3 Preserving historic sites and buildings

Parliament reports that it has recognised the need for the protection of monuments and buildings for well over a century. It therefore introduced the first legislation “Ancient Monuments Protection Act of 1882” on the preservation of archaeological and historic sites in Britain. This Act made arrangements for the 'guardianship' of some 50 prehistoric sites and appointed a single inspector of ancient monuments.

Parliament goes on to report that responsibility for sites and monuments was developed through further Acts during the early 20th century. The most significant changes, however, took place after the end of the Second World War. The Town and Country Planning Act of 1947 began the system of listing buildings and structures of special historical, architectural or cultural importance.

It is noted that the demolition of listed buildings, particularly in the countryside, continued almost unchecked in the 1950s and 1960s until rigorous new planning procedures were laid down in the Planning Act of

1968. This Act also explicitly introduced for the first time the concept of a listed building, a status which now carries full statutory obligations of care and conservation.

Parliament created English Heritage by the National Heritage Act of 1983
The National Trust, founded in 1895.

1.4 Building Conservation – “Heritage Protection in the UK – Key Facts”

1.4.1 Building Conservation published a short paper “Heritage Protection in the UK – Key Facts:”

“Although the introduction of the NPPF in England and SHEP in Scotland have rather muddied the waters with overarching concepts such as ‘heritage assets’ and ‘significance’, the underlying systems of protection remain essentially the same throughout the UK. Scheduled monuments and buildings which are listed or in conservation areas are protected by law, and it is a criminal offence to carry out certain works to them without the necessary consent. Other types of designations, such as registered parks and gardens, carry no additional protection, although applications for planning permission may need to take their significance into account.

DESIGNATION	DISTRIBUTION			
	England	NI	Scotland	Wales
Scheduled monuments	19,730	1,860	8,150	4,110
Listed buildings	374,300	8,520	47,500	29,900
Conservation areas	9,800	60	640	520
World heritage sites	18	1	5	3
Historic parks and gardens	1,600	150	390	430

The principal types of designation likely to affect historic buildings in the UK are shown in the table above, and the consents required are shown in the two tables at the bottom of this page.

LISTED BUILDINGS

Government and assembly government ministers are responsible for maintaining lists of buildings that are considered to be of sufficiently special architectural or historic interest to merit protection. Currently there are almost 460,000 entries in total, although as one list entry can include a terrace of houses, many more buildings are listed than this figure suggests. Entries are graded according to their significance: these are grades I, II and II in England and Wales, grades A, B+ and B in Northern Ireland (excluding non-statutory grades), and categories A, B, and C in Scotland. However, it is important to understand that the statutory controls apply equally to all listed buildings, to their interiors as well as their facades, and to most older structures within their grounds or ‘curtilage’, irrespective of the grade of listing.*

In brief, listed building consent is required for any alteration to a listed building which affects its ‘character as a building of special architectural or historic interest’. Repairs

which entail some element of alteration, such as stone cleaning, or replacing the roof tiles or slates, often also need listed building consent. Applications in England, Scotland and Wales are made to the local authority. In Northern Ireland they are made to the divisional office of the Planning Service.

Ecclesiastical exemption: alterations to churches and other places of worship fall outside this system as most denominations enjoy ‘ecclesiastical exemption’, and have internal systems of control for approving alterations. Demolition still requires secular listed building consent as, in effect, the church is no longer in use at the point of demolition.

CONSERVATION AREAS

Local authorities are responsible for designating conservation areas and for developing policies to protect their character. Within them, conservation area consent is required for the substantial demolition of any unlisted building. Further control over alterations which affect the character of the area are exercised through the need for planning permission. However, owners of houses (technically, ‘single family dwellings’) enjoy certain ‘permitted development’ rights which allow them to make many alterations without the need for a planning application. It is these rights that are suspended where the local authority introduces an ‘Article 4’ direction, enabling the control over, for example, the replacement of windows and roof coverings, and many other superficial alterations that have destroyed the character of so many areas.

SCHEDULED MONUMENTS

Buildings which are or could be habitable are generally listed rather than scheduled. However, the schedules, which are maintained by central and assembly governments, include standing ruins, which are often associated with listed buildings. Protection prevents almost all interventions without scheduled monument consent. Where a building is both listed and scheduled, it is the requirements of scheduling that take precedence, and only an application for scheduled monument consent is required. Further information, including links to the relevant legislation, can be found on the websites of the four statutory bodies: Cadw (the Welsh word means to keep, save or guard), English Heritage, Northern Ireland’s Environment Agency, and Historic Scotland.”

SPECIAL CONSENTS		
Scheduled monuments	Scheduled monument consent	for all works including demolition, alterations and repairs
Listed buildings	Listed building consent	for all demolition work and all alterations which affect its character as a listed building
Conservation areas	Conservation area consent	for demolition of any building in a conservation area
	Planning permission	for certain external alterations to houses where covered by an article 4 direction
Other designations	No special consents required	

LEGISLATION	Primary Legislation	Government policy and guidance
England	Planning (Listed Buildings and Conservation Areas) Act 1990	The National Planning Policy Framework

Northern Ireland	Planning (NI) Order 1991	Planning Policy Statement 6 (PPS6): Planning, Archaeology and the Built Heritage
Scotland	Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997	Scottish Historic Environment Policy and Managing Change in the Historic Environment Guidance Notes
Wales	Planning (Listed Buildings and Conservation Areas) Act 1991	Planning Policy Wales, Government Circular 61/96 Planning and the Historic Environment, and Technical Advice Note 12: Design

Source: <http://www.buildingconservation.com/articles/heritage-summary/heritage-summary.htm>

1.5 Department for Culture, Media and Sport – The Culture White Paper (2016)

1.5.1 The Executive Summary of the Culture White Paper is detailed below:

“Everyone should enjoy the opportunities culture offers, no matter where they start in life. We will put in place measures to increase participation in culture, especially among those who are currently excluded from the opportunities that culture has to offer. In particular, we will ensure that children and young people from disadvantaged backgrounds are inspired by and have new meaningful relationships with culture. A new cultural citizens programme will be led by Arts Council England and the Heritage Lottery Fund and will reach across 70 areas where cultural participation is lowest. With the introduction of the apprenticeships levy, we will expect our larger cultural organisations to take on apprentices and promote diversity and inclusion in the workplace. We need a more diverse leadership and workforce in the cultural sectors. We will promote clearer pathways into the sectors, including tackling barriers to working as a professional in the arts. We will require funded bodies to publish strategies for increasing diversity.

***The riches of our culture should benefit communities across the country.** Our cultural sectors make a crucial contribution to the regeneration, health and wellbeing of our regions, cities, towns and villages. We will work with Arts Council England, the Heritage Lottery Fund, Public Health England and other partners to develop and promote the contribution of the cultural sectors to improving health and wellbeing. Culture has the potential to transform communities and our programmes including UK City of Culture, the Great Exhibition of the North, and the new £40 million Discover England fund will showcase this. We will push for new cultural partnerships to include a range of national and local partners. We will ask experienced national cultural leaders to work with those developing cultural partnerships. We will bring national arts and heritage Lottery funders together to work on a new Great Place scheme. This scheme will back local communities who want to put culture at the heart of their local vision, supporting jobs, economic growth, education, health and wellbeing. We will launch Heritage Action Zones in England. Our national heritage organisations will advise communities on how they can make best use of their historic buildings, including taking ownership of them. We will encourage*

councils and owners to make empty business premises available to cultural organisations on a temporary basis. We will provide £20 million across 2016-17 and 2017-18 to extend the First World War Centenary cathedral repairs fund and establish a review to examine how church buildings and cathedrals in England can become more financially sustainable. Technology offers many opportunities to bring our culture to many more people in many different ways. We will work with our cultural institutions to make the UK one of the world's leading countries for digitised public collections and use of technology to enhance the online experience of users.

The power of culture can increase our international standing The UK is a leader in soft power. We are respected for our strong and stable democracy, our belief in individual liberty, our diversity and our freedom of expression. Our culture celebrates these values. We will build on initiatives such as the GREAT Britain campaign and the work of the British Council to create new opportunities for our cultural sectors to promote trade, exports and cultural exchanges. We have increased investment in the GREAT campaign and will use GREAT funding to attract world-class events to the UK. We will promote a global cultural export programme with UK Trade & Investment to open up new markets, and ensure that the cultural sectors are able to participate in UKTI's High Value Opportunity programme. In 2016, we will support Shakespeare Lives, a global programme of live performances, public screenings and digital activity to commemorate 400 years since the death of Shakespeare. We will work in partnership with Voluntary Service Overseas, who will use the Shakespeare celebrations to raise funds to support children's literacy globally. We will strengthen legal measures to support cultural heritage around the world, especially in areas of conflict. We will create a new Cultural Protection Fund to help countries recover from acts of cultural destruction.

Cultural investment, resilience and reform. *We have a successful model of cultural investment in which public funding works alongside earned income, private sector finance and philanthropy. This mixture of income streams provides the basis for a thriving and resilient cultural sector. We will continue to support growth through investment and incentives. We are extending the VAT refund scheme for museums and galleries so that more can benefit from it, and we will introduce a new tax relief for museums and galleries in 2017 to support temporary and touring exhibitions. We will consider changes to the Gift Aid donor benefit rules to make them simpler. We will increase the amount of investment eligible for Social Investment Tax Relief, subject to State Aid clearance. We will establish a new Commercial Academy for Culture to improve and spread commercial expertise in the cultural sectors. We want to see a rejuvenated approach to corporate giving. Arts Council England has commissioned a new Private Investment Survey to provide an overview of private investment, including corporate investment, in our cultural sectors. We will carry out tailored reviews of Arts Council England and the Heritage Lottery Fund. We will also carry out a wide-ranging review of the museums sector."*

1.5.2 The White Paper is [available](#).

2 RECOMMENDATION

2.1 That the information provided in this briefing note informs the evidence base of this Scrutiny Review.

Author: Tracy Tiff, Scrutiny Officer, on behalf of Councillor Jamie Lane, Chair, Scrutiny Panel 2 – Culture and Tourism

7 August 2017