

Amenity Societies:

**An Introduction to Amenity Societies;
Past Present and Future**

MSc Conservation of Buildings



Image of Summer House at Copped Hall, taken by Author

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Image of street scene in Nayland with Wissington,
Suffolk, taken by Author

Executive Summary

The purpose of this report is to look at Amenity Societies and their role in relation to Heritage Assets. The report will initially establish how the societies were established and how they became part of Legislation and Policy. This will also include their significance in developing what is regarded as the modern planning system.

The report will continue by looking at how the modern planning system has developed to include the Amenity Societies as part of the Legislative process and the need for statutory consultation when either demolition or alterations that comprise of partial demolition are proposed to a Listed Building. This is then developed to establish how these groups are represented by the Joint Committee of National Amenity Societies and their role as a representative body.

To allow a comparison to be made Article 14 of the Grenada Convention, Article 9 of the Valetta Convention and the Burra Charter are considered. This is to provide a reference to how these ideals are embedded into UK legislation and to allow discussions to be had regarding the change in philosophy, primarily as a result of the Burra Charter.



Image of Laver Marney Tower, Essex, taken by Author

Following on from these observations, it allows the report to develop to consider the proposals for Heritage Asset reform and the future of Legislation bringing the role of the Amenity Society up to the present day and the challenges faced in the conservation of these assets.

“an important and unusual part in the English system is the role of Amenity Societies in the Conservation Planning System”
(Pickard, 2001)

1.0 Introduction

Amenity Societies have had a long and established connection with the Planning system and a role of consultation within this system. This report sets out to establish the origins of the Amenity Societies, their role within the current planning legislation and the future of this role.

The role of the Amenity Societies is described by Pickard (2001, pp 309) an important and unusual part in the English system is the role of Amenity Societies in the Conservation Planning System.

The list of current National Amenity Societies can be found in Planning Policy Guidance 15; Planning and the Historic Environment (PPG15) and amended by Circular 01/01; Arrangements for handling heritage applications – notifications and directions by the secretary of state. The list shown within PPG15 and Circular 01/01 is as follows:

- The Ancient Monuments Society
- The Council for British Archaeology
- The Georgian Group
- The Society for the Protection of Ancient Buildings
- The Victorian Society
- Twentieth Century Society

These societies are jointly represented by the Joint Committee of the National Amenities Societies (JCNAS). The JCNAS represents the National Societies, other local societies and interests groups are not represented at this level but are also part of the planning consultation process. As well as those stated above the JCNAS also represents (JCNAS, 2005):

- Civic Trust
- The Garden History Society

The addresses of these societies are regularly updated by circulars, currently Circular 08/09.

The Civic Trust, however, was disbanded in April 2009, and the Civic Society Initiative has since been set up. This is discussed later in the report.

The role and primary functions of each of the members of the JCNAS can be found in Appendix A.

Current Legislation and in particular guidance in relation to Heritage Assets is primarily covered by Planning (Listed Building and Conservation Areas) Act 1990 (LB&CA 1990). Within this Act, Part 1 (15) (5) states;

Without prejudice to sections 10 to 14, the Secretary of State may give directions to local planning authorities requiring them, in such cases or classes of case as may be specified in the directions, to notify him and such other person as may be specified –

- (1) of any applications made to the authorities for listed building consent; and
- (2) of the decision taken by the authorities on those applications.

Those other such persons referred to in (LB&CA 1990) are referred to as the National Amenity Societies.

Annex A of PPG15 refers to the legislation in relation to the Heritage Bodies. An extract of this can be found in Appendix B.

The above outlines the legislation that sets out that consultations should take place, but what has led to this process being part of the Planning Legislative system? The next section of this report looks at the history of the Amenity Society and how they have developed into the role they play in current legislation.



Image of entrance bridge at Castle Hedingham, Essex, taken by Author

“ That very few historical facts remain immune from subsequent revisionism. But one truism does, I think, still stands. It is this – that the conservation movement in the United Kingdom was the product of the voluntary sector.”
(Saunders, 2002)

2.0 The Dawning of the Amenity Societies

Amenity Societies have a heavy dependence on the voluntary sector, Saunders (2002) states that:

“That very few historical facts remain immune from subsequent revisionism. But one truism does, I think, still stands. It is this – that the conservation movement in the United Kingdom was the product of the voluntary sector.”

The Camden Society, founded in 1839 by two undergraduates of Trinity College, Cambridge, JM Neale and Benjamin Webb, and their tutor the Rev T Thorpe as Chairman (Delafons, 1997, pp 14). Delafons (1997, pp 14) further explains that the Societies objective was to promote the study of Ecclesiastical Architecture and Antiquities, and the restoration of Architectural remains. The society existed for only 4 years. Although the guidance that this society set up influenced decisions and led to the birth of the of the Ecclesiological Society. However, it was the restoration works of this movement that lead to the formation of the Society for the Protection of Ancient Buildings (SPAB). It was Ruskin's condemnation of restoration that let to the founding principles of the organisation. Delafons (1997, pp19-20) continues to explain that

despite Ruskins onslaught the business of restoration continued for the next thirty years. It was the powerful character of William Morris that took up the cause that the extravagant vandalism of the restorers was arrested. The formation of SPAB was the first of such Voluntary groups.

SPAB attracted widespread support, however, Delafons (1997, pp 43) explains how this had little or no effect in stemming the vigorous activities of Victorian commercial developers. Almost all vestiges of mediaeval and Tudor buildings in the City of London, and in many provincial cities, were swept away.

The most significant voluntary group, and influential in the formation of Amenity Societies as they are recognised today is the Georgian Group, a minority group within SPAB. Founded in 1937 by a group led by Lord Derwent, Angus Acworth and Robert Byron. What united them was exasperation at the extent and pace of the destruction of Georgian buildings in Britain, and particularly in London (Georgian Group, 2010). Delafons (1997, pp 50) acknowledges that it was likely that the Georgian Group more than any other conservationist body, that led

the way to the new regime established by the Planning Acts of the 1940's.

Delafons (1997, pp 48-49) proclaims Byron as one of the first apostles of conservation. He explains how Byron lashed out in his Architectural Review article regarding the devastation of London's Architectural Heritage. Delafons recites Byron as declaring:

Today Architecture, as controlled by speculators and officials, is a forgotten art: when a work of genius or a building of famous associations is demolished there may be compensation for the landlord, but there is none – in this heyday of democracy – for the public.

Delafons (1997, pp49) further accredits Byron with showing that one did not have to be polite or respectful in dealing with this subject. It is this approach that is believed to have impacted on the development of the Planning System in the 1940's and the formation of a system that is recognised in today's society.

3.0 The Birth of the Modern Planning System

The planning system that we are familiar with today can be traced back to the 1940's and marked a birth of the modern planning system. Delafons (1997, pp 56) writes:

The Town and Country Planning Act 1943 made the planning provisions of the 1932 Act mandatory over the whole country (previously the obligation to prepare Town Planning Schemes applied only to local authorities of over 20,000 population). Thus the ground was laid for the comprehensive post war planning system introduced by the Town and Country Planning Acts of 1944 and 1947.

The role of the Heritage Asset was minor in the early days of this system; however, 1944 saw the beginnings of the consultation process. Delafons (1997, pp 56) continues to explain how when the Minister of Town and Country Planning was asked on the 9th March 1944 a Parliamentary question on what powers he had to preserve buildings of national importance. The minister responded by stating, that except his powers under Section 17 of the 1932 Act to approve Building Preservation Orders, none. The Minister continued by stating 'the provision of further powers for this purpose is under consideration in connection with further legislation'.

This Minister was Mr Morrison, who introduced the Town and Country Planning Bill. This Bill originally did not have a great deal of concern for the retention of buildings with architectural or historical interest. It was primarily concerned with the reconstruction of a post war Britain. It was during its second reading that a Mr Kipling (MP for Twickenham) made a speech that stated that the enthusiasm for reconstruction should not lead to the demolition of historic buildings and pleaded for the protection of Georgian Buildings. Mr Kipling proposed that Local Authorities should be required to prepare lists of historic buildings, that the Minister should have power to add to these lists and that, pending the preparation of these lists, all buildings earlier than 1850 should be treated as listed. It is this proposal that is reminiscent of the system that we recognise today. The introduction of this feature and the development of a crucial section of the modern day heritage protection system was proposed by a private member, however, backed by SPAB, The Georgian Group and other bodies (Delafons, 1997, pp 56-57).

The development of the system above demonstrates the significance of the Amenity Society within developing legislation, and being instrumental within Government decisions.

4.0 The Joint Committee of the National Amenity Societies

The JCNAS was established in 1972 with the purpose to co-ordinate strategic action, particularly in matters of Government Policy, Legislation, and taxation, between the national conservation organisations concerned with the Historic Environment (JCNAS, 2009). JCNAS (2005) states that in recognition of the considerable expertise of these societies and the fact that their membership is a good cross-section of the informed public, the Government directed in the 1968 Town and Country Planning Act that all applications for Listed Building Consent to demolish Listed Buildings in the whole or part in England and Wales should be notified to a number of societies.

As discussed earlier the list of these societies can be found in Appendix A.

JCNAS (2005) further explains how these societies are described in various Acts of Parliament, in Government Circulars and other literature as 'The National Amenity Societies', and this label distinguishes them from the many other local history and specialist interest societies that may become involved in the process of Planning and Listed Building control.

The first Act introduced by Parliament that required the Amenity Societies to be consulted on applications for Listed Buildings was in the 1968 Town and Country Planning Act. Under Part V Section 56 (2) (a) of this Act it States:

“before determining an application to consult such persons or bodies of persons as the Minister may specify, being persons or bodies appearing to him to be competent to give advice in relation to the development or description of development to which the directions have reference;”

The JCNAS meet regularly to discuss upcoming amendments to legislation and matters of mutual interest. This allows the group to comment as one entity on these changes. One example of this is the recent consultation on the draft Planning Policy Statement (PPS) 15: Planning and Historic Environment and the Historic Environment Planning Practice Guide.

5.0 Local Amenity Societies

The JCNAS clearly states that it does not represent the many Local Amenity Groups, only those classed as Statutory Consultees. However, many Local Authorities still consult with Local Amenity groups, particularly in part to their local expertise. Two examples of Local Amenity Groups are the Covent Garden Area Trust and the Bath Preservation Trust. To highlight their role within the Planning Legislation system these two Societies form the basis of two case studies found within Appendix C.

What these two case studies highlight is the important role that Local Amenity Groups have within the protection of Heritage Assets, however, within current Legislation there is no Statutory obligation to consult with these groups. Any consultation is born from an understanding by the Local Authority for the expertise and knowledge base that these bodies can offer.

6.0 Current Legislation

As previously explained the Amenity Societies have had a long established link with Heritage Legislation and influencing the way in which Legislation within England and Wales has developed. JCNAS (2005) recognises that the first legislation that advises Local Authorities to consult with the Statutory Amenities Society was in the 1968. However, this role and the need for consultation have developed since its first integration into planning Legislation.

As already stated current Legislation for the protection of Heritage Assets is set out in the Planning (Listed Building and Conservation Areas) Act 1990. The requirement for Local Authorities to consult with the Amenity Societies is set out within the Act under Chapter II, Part I, 15 (5)



Image of Properties
in the Dutch Quarter,
Colchester, Essex,
taken by Author

As previously mentioned this is further explained under PPG15 and Circular 01/01. Circular 01/01 states:

15. The Secretary of State, in exercise of the powers conferred on him by section 15(5) of the Act, hereby directs local planning authorities to give notice of the applications for listed building consent and of the decision taken by them on those applications:

(1) to the Ancient Monuments Society, the Council for British Archaeology, the Georgian Group, the Society for the Protection of Ancient Buildings and the Victorian Society in the following cases

- (i) for works for the demolition of a listed building; or
- (ii) for works for the alteration of a listed building which compromise or include the demolition of any part of that building

PPG15 Annex A A.17 also states:

Many local amenity societies affiliated to the Civic Trust, and local branches of the national amenity societies, work closely with their local authorities to secure conservation objectives. The Secretaries of State attach particular importance to the activities of the voluntary sector in heritage matters, and hope that local authorities

will work in close co-operation with national and local amenity bodies and draw on their expertise.



Image of Thorington Hall, Stoke by Nayland, Suffolk, taken by Author

Although, as previously mentioned, The Civic Trust has now disbanded; there is a movement to establish a national representation for the individual and local Civic Societies. Civic (2010) explains that since the closure of the Civic Trust in April 2009, the representation of the Civic Societies has been managed by the Civic Society Initiative. Following extensive debate a new national charity is being set up – Civic Voice. The purpose of this group is to represent the civic movement and support civic societies. This new Charity to represent the civic movement is being launched on the 17 April 2010.

It can be seen that current legislation and guidance notes place a heavy weighting on the importance of the need to consult with the Amenity Societies, and the role that their advice places within the current method of determining the effect that the Listed Building process has on our Heritage Assets.



Image of rotunda at Ickworth Hall, Suffolk, taken by Author

“The role of state and other voluntary private agencies involved on the promotion of conservation is highlighted in article 14 of the Granada Convention and article 9 of the Malta Convention.”
(Pickard, 2001)

7.0 International and European Legislation

The idea of consulting with specialists and advisory groups is something that is embedded within the legislation for Heritage Assets within England and Wales. It is important to understand how this process has become part of the Planning Legislative system and how this fits in with global methods of dealing with Heritage Assets.



Image of from Michelangelo Plaza, Florence, Italy,
taken by Author

Pickard (2001, pp 9) explains;

“The role of state and other voluntary private agencies involved on the promotion of conservation is highlighted in article 14 of the Granada Convention and article 9 of the Valetta Convention.”

COE, (1985, pp 6) states in the Granada Convention Article 14:

With a view to widening the impact of public authority measures for the identification, protection, restoration, maintenance, management and promotion of the architectural heritage, each Party undertakes:

- (1) to establish in the various stages of the decision-making process, appropriate machinery for the supply of information, consultation and co-operation between the State, the regional and local authorities, cultural institutions and associations, and the public;
- (2) to foster the development of sponsorship and of non-profit-making associations working in this field.

The Granada Convention was ratified by the UK on the 13 November 1987 and came into force 1 March 1988 (COE, 2010a).

COE, (1992, pp 6) further reiterates in the Valetta Convention the sentiments of the earlier Granada Convention by stating in Article 9:

Each Party undertakes:

- (1) to conduct educational actions with a view to raising and developing an awareness in public opinion of the value of the archaeological heritage for understanding the past and of the threats to this heritage;
- (2) to promote public access to important elements of its archaeological heritage, especially sites, and encourage the display to the public of suitable selections of archaeological objects.

The Valetta Convention was ratified by the UK on 19 September 2000 and came into force 10 March 2000 (COE, 2010b).

The ratification of these conventions by the UK has allowed their sentiments to be embodied within the UK's Legislation. The formation of these conventions allows the member states of the European Union to decide on a unified approach to the protection of Architectural Heritage within Europe and subsequently the England and Wales.

However, Pickard (2001, pp 302) outlines that the spirit of these conventions is found within UK law & policy; though neither the Malta, Granada or other acknowledge international standards (such as ICOMOS) charters are explicitly referred to.

In contrast to the UK system of embedding these ideas of consultation into Policy, Germany, who ratified the Granada Convention on 17 March 1987 and came into force 1 December 1987 (COE, 2010a), do not appear to have the same idea of consultation within their legislation for the protection of Heritage Assets.

Pickard, (2001, pp 154) explains that:

"When the Thüringian Law on the Protection of Historical Monuments was being drawn up in 1990/91, consideration was given to granting non-governmental conservation associations a statutory right to participate, similar to that in nature protection legislation. The law passed in 1992 makes no provision to such participation, however."

This demonstrates a direct contrast with the consultation embodied within the current Legislation and Policy of England and Wales.



Image of Brandenburg Gate, Berlin, Germany, taken by Author

“ The Burra Charter provides guidelines for understanding the five heritage values (aesthetic/architectural, historic, scientific, social and spiritual) and for the development of conservation policy and strategy for implementing policy (Smith, 2005)

The development of these charters and the international organisation such as the International Council of Monuments and Sites (ICOMOS) have influenced policy and decisions across the globe. Organisations such as ICOMOS have also had a hand in influencing the philosophy and approach to maintaining these Heritage Assets, in particular the Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance 1999 (Burra Charter).

Smith (2005) explains that The Burra Charter provides guidelines for understanding the five heritage values (aesthetic/architectural, historic, scientific, social and spiritual) and for the development of conservation policy and strategy for implementing policy.

It is this shift to considering Heritage Assets under these five headings and the ideas expressed within the charter that have impacted on today's conservation philosophy. As a result of this change in approach that the Legislation with in England and Wales needs to be revaluated to reflect this.

8.0 The future of Heritage Legislation and the Amenity Societies

It has already been established that the current Legislation covering the protection of Heritage Assets is covered by Legislation and Policy from the 1990's. Since this date philosophy has moved, primarily since Burra Charter. This Charter has seen an approach that considers the Cultural Significance and Place of an asset (See Appendix C for definitions of these terms). This has resulted in a shift in the perimeters in which Heritage Assets are considered.

In 2008 The Draft Heritage Protection Bill was published. DCMS (2008) explains the aims behind the Draft Bill:

The draft Bill contained provisions to unify the designation and consent regimes for terrestrial heritage assets, and transfer responsibility for designation of these assets in England from the Secretary of State to English Heritage; it also contained provisions to reform the marine heritage protection regime in England and Wales by broadening the range of marine historic assets that can be protected and bringing greater flexibility to the licensing system. As the accompanying Impact Assessment makes clear, the main benefits of the reforms set out by best expressed in terms of public value and sustainability. The benefits of the reforms set out in the draft

Bill are that they enable us to preserve the historic environment and manage its transition to the future, in the light of both present values and in the interest of future generations.

This statement appears to reflect some of the principles within the Burra Charter. Principally looking at how the assets should be managed and allowing flexibility in the approach to reflect changes in present values and those of the future.

These draft proposals were based on The White Paper Heritage Protection for the 21st Century. This was born from a comprehensive review and public consultations set out by the Government in 2003 to improve the way the Historic Environment is managed (DCMS, 2010).

On establishing the reasoning behind the development of the future of Heritage protection it is then important to identify how Amenity Societies fit into this reform. DCMS (2007, pp 6) sets out that their vision for heritage protection is one that is understandable and accessible, that engages the public in decisions on protection, and provides wide opportunities for involvement for individuals, owners and community groups. With these sentiments at the core of the policy it can be hoped that the

requirement for consultation will be core to the legislation and policy that is devolved from the White Paper.

This sentiment is further reiterated by DCMS (2007, pp 30), where it states:

“Complementing the role of local authorities, the local historic environment inspires huge numbers of volunteers. The heritage protection system relies on the commitment of voluntary organisations such as the National Amenity Societies and of thousands of local historical and special interest groups. These organisations contribute essential expertise and knowledge to the process supported at national level by enabling organisations such as Planning Aid and Heritage Link.”



Image of Peckover House, Wisbech, taken by Author

This recognition of the role of the Amenity Societies has been transferred from this White Paper and embedded into the draft Heritage Bill. The draft Heritage Bill states:

103 — Procedure for dealing with applications: general:

- (1) The appropriate national authority may make regulations about procedure in relation to the handling of applications for heritage asset consent.
- (2) The regulations may in particular make provision –
 - (a) As to the publicity to be given to applications, decisions on applications and such other matters as may be prescribed;
 - (b) Requiring representations in respect of an application to be invited from –
 - (i) Prescribed persons;
 - (ii) Persons of prescribed descriptions;
 - (c) Requiring representations to be taken into account
 - (d) Preventing an application from being decided during a prescribed period;
 - (e) Requiring notice of decisions on applications, and of such other matters as may be prescribed, to be given to prescribed persons;
 - (f) As to the contents of any such notice and the period within which it must be given.

This is further reiterated under section 106 (5) of the draft Heritage Bill where it states:

A local planning authority must not decide an application for heritage asset consent unless it –

- (a) Has received expert advice in respect of the application (whether as a result of inviting representations under regulation 103, or otherwise); and
- (b) Has taken that advice into account.

These statements, although broad and non specific on whom the consultations should be undertaken with, seem to imply a heavier weighting to the need to consult with advisory bodies and that decisions should not be made without this consultation. These statements are much firmer than that of current legislation set out within LB&CA 1990, under section 15(5). However, the sentiments are supported by PPG15, this at present does not appear to be stated so clearly in the revised guidance of Planning Policy Statement 5: Planning for the Historic Environment (PPS5). At present the guidance is shown in PPS5 and supported by a Practice Guide, based on a Draft Heritage Bill and White Paper that has yet to become an Act, subsequently the Act that still prevails is LB&CA 1990.

“ In decision-making local planning authorities should seek to identify and assess the particular significance of any element of the historic environment that may be affected by the relevant proposal (PPS5, 2010)

Under Policy HE 7.1 of PPS5 it states:

In decision-making local planning authorities should seek to identify and assess the particular significance of any element of the historic environment that may be affected by the relevant proposal (including by development affecting the setting of a heritage asset) taking account of(vi) where appropriate and when the need to understand the significance of the heritage asset demands it, expert advice (from in house experts, experts available through agreement with other authorities, or consultants and complemented as appropriate by advice from heritage amenity societies).

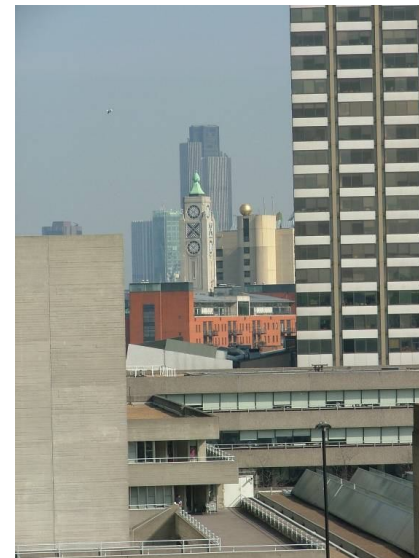
PPS5 further explains under Policy HE 7.3:

If the evidence suggests that the heritage asset may have a special significance to a community that may not be fully understood from the usual process of consultation and assessment, the local authority should take reasonable steps to seek the views of that community.

At the time of writing the Draft Heritage Bill has not been progressed through Parliament to make it an Act, however, supplementary guidance, PPS5, has been issued and is to be adopted by Local Authorities. English Heritage (2008) explain the current position with regards to this reform as not being taken forward by Parliament at this juncture due to the current economic climate, however, they welcome the Governments firm commitment to the Heritage Protection Reform programme.

English Heritage (2008) further explain that more than two thirds of the changes set out in the Heritage White Paper can go ahead using the new PPS, accompanying Guidance and forthcoming English Heritage initiatives as a new focus for reform.

The sentiments of PPS5 are further supported by the Historic Environment Planning Practice Guide, (DCLG, 2010) where the ideas to consult with the Amenity Societies and Local community interest groups is reiterated. This guidance refers directly to the local community which was reduced in former publications.



Alongside PPS5, Circulars 01/01 and 08/09 will still be used, this identifies the Amenity Societies to be consulted as part of the decision making process.

Image of OXO tower taken from the roof of The Royal Festival Hall, London, taken by Author

9.0 Exclusions and Areas for Further Research

The contents of this report focuses on England and Wales, no research has been undertaken into the role and history of the Amenity Societies within Scotland and Ireland. Had more time been available further research would have enabled a comparison with the Legislation to these areas to have been undertaken.

This also applies to the comparison with European Legislation; the scope has been limited to a brief comparison with the consultation process within and area of Germany. Again, had time allowed it would have been beneficial to widen this comparison with other areas of Europe.

This report concentrates on the consultation process for applications outside of London. A separate process applies within London.

Although the legislation covering ecclesiastical buildings varies to that of other Heritage Assets, there is also a consultation process within this system. However, this area of consultation has not been included within this report.



Image of All Saints, Brightlingsea, taken by Author

10.0 Conclusion

This report has concentrated on Amenity Societies within the legislative system for Heritage Assets. The report has looked at the important role that this voluntary sector plays within this system and the influence they have had in forming the Planning system that we recognise today, as well as contributing to the future.

From the formation of SPAB in 1877 these Societies have campaigned to protect the Heritage of England. As well as campaigns for protection these Societies have fought to ensure that that this protection is embedded into the legislative system. This is from the early days of the formation of the modern planning system, up until the present, where through the JCNAS they meet to discuss upcoming Legislation.

Although, representation through the Civic Trust has faltered in recent months, the strong will of this voluntary sector has ensured that the small groups of regional society's still have a say in the issues with the formation of the society Civic Voice. This is a reflection of the determination of these groups to ensure that their opinions and thoughts are considered.

The Amenity Societies have contributed significantly to the development and retention of our Heritage Assets and although they have not saved all the building that they wish for, they have certainly ensured that any decision made regarding these assets has been considered and well executed.

However, there is a delicate balance that must be played within the Legislative system that ensures that the views of these groups are included within the decision making process, without dominating the system and preventing progress and reasonable change. This is something that must be considered as new Legislation is considered and put forward.

The reform that is currently taking place, seems to place a heavier weighting on their role within the draft Heritage Bill, however, the supporting guidance of PPS5 does not to be as clear as that of its predecessor PPG15, where the list of consultees is far more defined. To support this circulars from the previous guidance PPG15 are still relied upon within the new guidance.

The future of the Legislative system is unclear at this current juncture, however one thing that can be guaranteed is that the Amenity Societies will be part of this system.

11.0 Recommendations

There are currently a number of uncertainties that surround the future of Legislation concerned with Heritage Assets. Although a reform of the current system was undertaken in 2003 and a draft Heritage Bill prepared with supporting guidance, there does not appear to be a clear indication from Government that this will be progressed any further at this stage. English Heritage have given their backing to the proposals and are pushing for this reform to continue.

The changes in philosophy and approach to Heritage Assets have changed since the LB&CA 1990 Act and the supporting guidance of PPG15, this is reflected in the approach set out in the Burra Charter. The proposals set out in proposed guidance appear to support these philosophies. Where the UK has ratified these charters it is important that these are embedded into the latest policy. As result of these shift in perimeters it is imperative that this revised Legislation and guidance is progressed forward.

The role of the Local Amenity Society is valued within the protection of Heritage Assets, however, current and proposed Legislation does not currently offer a statutory requirement to consult with

these bodies. The case studies have demonstrated the integral part these societies play in protection and this role should be recognised. Although it would be difficult to specify each and every Local Amenity Society within a national policy, the regional input of these groups should be embedded within future policies and legislation to ensure their continued input. The opinion of Local Communities has been stated within PPS5, however, how this will be imbedded at a Local level will only be known as the new policies started to be implemented.

The impending General Election is likely to affect the likelihood that there will be any further progression this year with the draft Heritage Bill so it becomes Legislation. At present the guidance within PPS5 has been progressed, however, this will result in guidance that it is not supported by Legislation. This may result in confusion and ambiguity between those enforcing the Legislation and the relative stakeholders trying to implement the Legislation. It is recommended that the Act is progressed so that guidance and Act are implemented at the same time. This confusion is highlighted by using Circulars from PPG15 to support the guidance of PPS5.

As previously described, the role of the Amenity Society is embedded within both current and proposed Policy and Legislation and it is important that this link is retained. The Amenity Societies rely on power and support of volunteers, although not discussed within the report, it is important that this power and support are retained. However, it is unclear whether there are the numbers of volunteers and experts becoming involved within these groups and maintaining the impetus that is required to ensure the long term security of the groups and the ability to participate within the consultation process.

The current proposals offers guidance that is separated from policy, this will allow guidance to be updated as ideas and approaches changes. The ability to make changes should improve the process and avoid and policy becoming outdated. This flexibility can only improve the process and protection offered to Heritage Assets.



Image of Berlin Dom, Berlin, German, taken by Author

12.0 Reflection

At the start of this report I was only vaguely aware of the Amenity Societies. I knew that when I had submitted Listed Building Applications that there was a statutory consultation process and that Bodies were consulted, however, I was not aware of the importance of this consultation and the role that the Amenity Societies played in developing the legislative system that we recognise today.

On commencement of the course this was one module that I was looking forward to. I knew that the subject matter of legislation linked to Heritage Assets was my weakest subject and I this module offered the greatest learning experience for myself.

I have always enjoyed the area of legislation, this probably stems from the early part of my career concentrating on Building Regulations. I have undertaken large amounts of research as part of this module and have enhanced my understanding of the legislative system. The way that the module has been broken down into 'bite size' pieces means that you don't get lost in this large a varied subject. Each member of the course is able to tackle a small area of the legislation and then disseminate this information to the rest of the group.

This makes the subject more manageable and allows a broader knowledge base to be gained by all. The only down side is that if other members of the group have a poorer standard, you run the risk of that knowledge being shallower in areas. However, this is counteracted by group discussions to assist members of the team to ensure they have a full grasp and understanding of their subject matter.

This module has meet all the criteria that I thought that it would and has enabled me to enhance my knowledge and to take this information forward into my professional career and also my dissertation subject.

Although there are some exclusions from the subject of Amenity Societies, that had time allowed I could have covered further, I feel that I have gained an enormous amount of detail and knowledge from this subject.

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Image of internal courtyard of Neuse Museum, Berlin,
taken by Author

Appendix A

See Section 1.0 Introduction, Page 4

Extract taken from JCNAS, 2005, outlining the role and function of the member societies.

Ancient Monuments Society

Concerned with the study and conservation of historic buildings of all ages and types. Publishes a list of total demolition applications each year. In working partnership with the Friends of Friendless Churches which owns 34 disused but historically important places of worship in England and Wales.

Civic Trust

Established in 1957 to promote civic values and co-ordinate the work of the 900 civic societies nationwide.

Council for British Archaeology

Concerned with archaeological evidence above and below ground, and buildings of all ages and all types.

The Garden History Society

Promotes the protection and conservation of historic parks, gardens and designed landscapes, and advises on their restoration.

The Georgian Group

Concerned with architecture from the late 17th century to the early 19th century but with a watching brief over earlier and later Classical buildings.

Society for the Protection of Ancient Buildings

The oldest conservation society in the English-speaking world, founded in 1877 by William Morris and others. Concerned with pre-1700 buildings and technique and philosophy of repair. Runs National Maintenance Week.

The Twentieth Century Society

Concerned with buildings from 1914.

The Victorian Society

Concerned with Victorian and Edwardian buildings 1837 - 1914.

Appendix B

See Section 1.0 Introduction, Page 5

Extract taken from PPG15:

THE NATIONAL AMENITY SOCIETIES

A.15 The six national amenity societies aim to protect different aspects of the built heritage. The societies are:

- a) the Ancient Monuments Society, which is concerned with historic buildings of all ages and types, but with a particular interest in churches;
- b) the Council for British Archaeology, which is concerned with all historic buildings, but with a particular interest in the archaeology of subterranean and standing structures;
- c) the Society for the Protection of Ancient Buildings, which is concerned mainly with structures constructed before 1700, but also with philosophical and technical aspects of conservation;
- d) the Georgian Group, which is concerned with architecture and architecture-related arts between 1700 and 1840;
- e) the Victorian Society, which is concerned with Victorian and Edwardian architecture and architecture-related arts between 1840 and 1914; and
- f) the Twentieth Century Society (formerly the Thirties Society), which is concerned with architecture of the twentieth century in all decades except the first.

The first five of these are required to be notified by local authorities of applications to demolish listed buildings, either in whole or in part; the Twentieth Century Society receives relevant notifications via the Victorian Society.

A.16 The Garden History Society was closely involved in setting up the Register of Historic Parks and Gardens, now maintained by English Heritage. Its work, however, is analogous to that of the national amenity societies mentioned above and it has more experience of dealing with planning applications affecting parks and gardens than any other body.

A.17 Many local amenity societies affiliated to the Civic Trust, and local branches of the national societies, work closely with their local authorities to secure conservation objectives. The Secretaries of State attach particular importance to the activities of the voluntary sector in heritage matters, and hope that local authorities will work in close co-operation with national and local amenity bodies and draw on their expertise to the full.

Appendix C

See Section 5.0 Local Amenity Societies Page 9

Case Study 1

Covent Garden Area Trust

The content of this case study is an extract from Covent Garden: A Model for Protection of Special Character by Raymond Cooper and Teige O'Donovan (<http://www.coventgarden.org.uk/resources/article/> , Accessed 16 March 2010)

Is the planning system adequate to protect the special character of areas of particular and possibly unique architectural, historic and economic interest against unrestrained market forces? Fortunately for Covent Garden, in the centre of London, local amenity groups and the London Residuary Body agreed in 1988 that it was not. The result was the formation of the Covent Garden Area Trust and the creation of a unique ownership structure the effectiveness of which in preventing inappropriate development notwithstanding approval by the local planning authority has been more than adequately demonstrated over the 10 years of the Trust's life.

Fortunately the core areas of Covent Garden have an extra and unusual protection in the form of a trust charged with protecting the area's special character and with powers enabling it to exercise control over changes in the use of, and alterations to, key buildings. These powers have recently been challenged before an arbitrator and proven successful in protecting the special character of the area against well-funded development proposals which had achieved planning consent.

A body charged solely with the protection of the special character of a particular area is subject to far less constraints and is more locally focused. Land law provides the framework. Whilst some features of the structure adopted in Covent Garden may be unique, the law which underpins the Trust's powers is of long standing. Since at least a century before the Town and Country Planning Act 1947 the great London estates and other private land owners were protecting the amenity of their estates largely through retaining freeholds and imposing leasehold restrictive covenants.

Appendix C

Since the decision in *Tulk v. Moxhay* (1848) 2 Ph. 774 which saved Leicester Square Garden, land-owners have also been able to dispose of freehold land subject to restrictive covenants enforceable against successors in title of the original buyer (very relevant in the age of leasehold enfranchisement legislation). The freehold restrictive covenant is the method adopted by the Duchy of Cornwall to set up and protect aesthetic values in the Poundbury development in Dorchester. The estates entitled to the benefit of restrictive covenants are not subject to public law, only to the law of contract. Consequently covenants can be drawn so as to apply rigorous standards of control which the listed building control system would struggle to replicate.

The authors believe that the Covent Garden model, or something very similar to it, could be applied to other historic town centre areas. For example, London Borough Market in Southwark is considered by many to be the 'next Covent Garden'. The authors would be interested to hear of bodies of this kind already in existence: one is the New Hampstead Garden Suburb Trust (see the article by Mervyn Miller in *Planning*, June 26, 1998).

In the wake of these decisions, the Covent Garden Forum was set up in 1974. This consisted of 30 elected members representing all interest groups within the community. The GLC's Covent Garden team liaised with the Forum to produce a comprehensive plan called the Covent Garden Action Area Plan, adopted by the GLC in 1978.

The GLC's team was largely responsible for the Covent Garden we see today but after the Local Government Act 1985 the GLC ceased to exist. The Covent Garden Area Trust was formed by local amenity bodies and other interests with the intention of acquiring the GLC land holdings. The intention of the Trust was to continue the management policies set out in the Action Area Plan. In 1985 the Trust's objectives were stated to be:

- to hold in trust, on behalf of all London rate payers, the GLC land holdings in Covent Garden;
- to continue to implement the Action Area Plan in conjunction full public participation as directed by the Secretary of State for the Environment,
- to continue to enhance and maintain the streetscape and individual listed buildings in Covent Garden.

Appendix C

The balance thus struck between private and public interests has in the main enabled the Trust and the commercial owners of Covent Garden to operate in harmony. The Trust has enjoyed a particularly close relationship with Guardian. The establishment early on of good lines of communication including a working party meeting at regular intervals has meant a perhaps surprisingly small element of confrontation.

In planning terms Covent Garden is about as highly protected as it is possible to be, comprising Conservation Areas and packed with listed buildings. Both Westminster City Council and Camden Council are fully aware of the importance and character of the area. As planning authorities however their powers to control the commercial pressures which threaten the special character of the area are, as we have seen, limited. In planning terms it is for example impossible to distinguish between an outlet of a large, national, multiple shop which is present in every High Street in the country and a unique business serving a specialist market as both are shops within Class A1 of the Use Classes Order 1987 and in planning terms the change from one business to another is not material, and does not even require planning consent.

that role.

The Trust's land interest is confined to the core properties in Covent Garden. It does, however, have an influential role outside its area of ownership. In its Memorandum of Association, the "Covent Garden Area" is defined to mean the area of Central London bounded by Kingsway, Aldwych, High Holborn, Shaftesbury Avenue, Charing Cross Road and the Strand. Although the Trust does not exercise direct control outside the core area it has gained a substantial degree of influence and (although not a formal consultee) is consulted by the LPAs on all key planning applications.

If areas of distinctive character with definite but well hidden potential are to be successfully developed and regenerated local input is essential. That input can only effectively be channelled through a vehicle in which local interests have a stake and an involvement in its day-to-day running. The Covent Garden Area Trust provides a model of such a body. In the event that the right policies are devised and implemented then the processes of implementation must be overseen by a body with powers to ensure that the policy objectives are adhered to. It may well be that planning authorities are not equipped to perform that role.

Appendix C

Case Study 2

Bath Preservation Trust

This case study is based on an extract from What We Do: <http://www.bath-preservation-trust.org.uk/index.php?id=22> Accessed 16 March 2010

The Bath Preservation Trust was set up in 1934 to safeguard the historic city of Bath. Bath is a UNESCO World Heritage Site, and the only complete city in the UK afforded World Heritage Status. The purposes of the Trust are:

- to encourage and support the conservation, evolution and enhancement of Bath and its environs within a framework appropriate both to its historic setting and its sustainable future, and
- to provide educational resources which focus on the architectural and historic importance of the city.

The Trust receives no statutory funding and is supported by around 1400 members who share a passion for the city and its environs.

The Trust also runs or helps to run four of the best museums in Bath.

The Trust campaigns tirelessly on behalf of the city of Bath and its historic environment. One of our mainstays is the Architecture and Planning Committee, a group of unpaid people assisted by the Trust's own Conservation Officer who offer their time and considerable expertise to try to ensure that the city's unique environment gets the best possible deal, this includes support for high quality new developments provided they are harmonious with the character of the city.

Applications for development and alterations to historic buildings are monitored and examined in detail every fortnight

The Trust aims to give its attention to all these issues and to work alongside the Council, architects, developers and other interested parties to achieve the best possible outcome, while remaining aware of the challenges of living modern life in an ancient historic environment.

In addition to campaigning the Trust works with the Council in developing policies and practices to enhance the City's status as a World Heritage Site. Much time is devoted to the development and review of the Council's planning policies.

Appendix D

See Section 8.0 The Future of Heritage Legislation and Amenity Societies Page14

Burra Charter Definitions

Place means site, area, land, landscape, building or other work, group of buildings or other works, and may include components, contents, spaces and views.

The concept of place should be broadly interpreted. The elements described in Article 1.1 may include memorials, trees, gardens, parks, places of historical events, urban areas, towns, industrial places, archaeological sites and spiritual and religious places.

Cultural significance means aesthetic, historic, scientific, social or spiritual value for past, present or future generations.

Cultural significance is embodied in the place itself, its fabric setting, use, associations, meanings, records, related places and related objects.

Places may have a range of values for different individuals or groups.

The term cultural significance is synonymous with heritage significance and cultural heritage value.

Cultural significance may change as a result of the continuing history of the place.

Understanding of cultural significance may change as a result of new information.

Appendix E

Copy of Handout from Presentation

(see following page)

Amenity Societies — An introduction to Amenity Societies; Past, Present and Future

A Timeline of Key Dates

Rev B

By Dayle Bayliss—0307716

The Camden Society, founded in 1839 by two undergraduates of Trinity College, Cambridge, JM Neale and Benjamin Webb, and their tutor the Rev T Thorpe as Chairman (Delafons, 1997, pp 14). Delafons (1997, pp 14) further explains that the Societies objective was to promote the study of Ecclesiastical Architecture and Antiquities, and the restoration of Architectural remains. This lead to the movement of Victorian Restoration. The Society only lasted 4 years but influenced philosophy for many years after and resulted in the birth of Ecclesiological Society.

The Town and Country Planning Act 1943 makes the planning provisions of the 1932 Act mandatory over the whole country (previously applied only to local authorities of over 20,000 population).

Delafons (1997, pp 56) explains how when the Minister of Town and Country Planning was asked on the 9th March 1944 during Parliamentary questions on what powers he had to preserve buildings of national importance. The Minister responded by stating, that except his powers under Section 17 of the 1932 Act to approve Building Preservation Orders, none. Two months after this date the Minister, Mr Morrison, who introduced the Town and Country Planning Bill. This Bill originally did not have a great deal of concern for the retention of buildings with architectural or historical interest. It was primarily concerned with the reconstruction of a post war Britain. It was during its second reading that a Mr Kipling (MP for Twickenham) made a speech that stated that the enthusiasm for reconstruction should not lead to the demolition of historic buildings and pleaded for the protection of Georgian Buildings. Mr Kipling proposed that Local Authorities should be required to prepare lists of historic buildings, that the Minister should have power to add to these lists and that, pending the preparation of these lists, all buildings earlier than 1850 should be treated as listed. The most significant point of this proposals, was that it was backed by SPAB, The Georgian Group and other bodies.

English Heritage founded

Planning (Listed Building and Conservation Areas) Act 1990. The requirement for Local Authorities to consult with the Amenity Societies is set out within the Act under Chapter II, Part I, 15 (5).

Valetta Convention further reiterates in the sentiments of the earlier Granada Convention by stating in Article 9. Convention ratified by UK in 2000 (Coe, 2010b).

PPG15 introduced to support LB&CA 1990, guidance on consultations given in Annex A.

Circular 01/01 introduced updating the list of Statutory Consultees to support PPG 15.

Draft Heritage Bill introduced. The role of Amenity Societies has been transferred from this white paper and embedded into the draft Heritage Bill. The draft Heritage Bill refers to Amenity Societies under sections 103 and 106.

PPS15 prepared, under Policy HE 9.2 of PPS15 it states: Local planning Authorities should use appropriate expert advice to inform decision making relating to heritage assets where the need to understand the significance of the heritage assets demands it. Superseded by PPS5.

PPS5 released, Policy HE 7.1 & 7.3 require consultation with National Amenity Groups and Local Communities. Read in conjunction with Circulars 01/01 & 08/09 of PPG15.

Draft Heritage Bill on hold. General Election expected.

April 2010, Civic voice formed to represent Local Civic groups.

Civic Trust disbanded

White Paper Heritage Protection for the 21st Century introduced. DCMS (2007, pp 6) sets out that their vision for heritage protection is one that is understandable and accessible, that engages the public in decisions on protection, and provides wide opportunities for involvement for individuals, owners and community groups. With these sentiments at the core of the policy it can be hoped that the requirement for consultation will be core to the legislation and policy that is devolved from this white

A comprehensive review and public consultations set out by the Government in to improve the way the Historic Environment is managed (DCMS, 2010).

ICOMOS Burra Charter: Changes philosophies on Heritage Assets, five heritage values (aesthetic/ architectural, historic, scientific, social and spiritual) considered (Smith, 2005).

Granada Convention held. Pickard (2001, pp 9) explains; "The role of state and other voluntary private agencies involved on the promotion of conservation is highlighted in article 14 of the Granada Convention and article 9 of the Malta Convention."

The first Act of Parliament introduced that required Amenity Societies to be consulted on applications for Listed Building Consent.

The JCNAS was established with the purpose to co-ordinate strategic action, particularly in matters of Government Policy, Legislation, and taxation, between the national conservation organisations concerned with the Historic Environment (JCNAS, 2009).

The Twentieth Century Society was founded as the Thirties Society in 1979 – the year the Thirties exhibition was shown at the Hayward Gallery. The need for a specialised conservation society covering the period after 1914 (the limit of the scope of the Victorian Society, founded twenty years earlier) was increasingly appreciated in the 1970s as understanding and awareness of twentieth century design was developing (Stamp and Powers, 2010).

The catalyst for the foundation of the Victorian Society was Anne, Lady Rosse.....On Guy Fawkes Night in 1957 she summoned a group of 32 of her friends, who included John Betjeman and Nikolaus Pevsner, to consider the possibility of founding a Society for the preservation and appreciation of Victorian architecture and the arts.....it was agreed that a Society should be founded, and the deed was done at a second meeting at 18 Stafford Terrace on 24 February 1958. From the start it was agreed that, despite the chosen name, the Society would also have within its remit the Edwardian period, up to the outbreak of the First World War. John Betjeman became the first secretary (Filmer-Sankey,1998).

The most significant voluntary group, and influential in the formation of Amenity Societies as they are recognised today is the Georgian Group, a minority group within SPAB. Founded in 1937 by a group led by Lord Derwent, Angus Acworth and Robert Byron. What united them was exasperation at the extent and pace of the destruction of Georgian buildings in Britain, and particularly in London (Georgian Group, 2010). Delafons (1997, pp 50) acknowledges that it was likely that the Georgian Group more than any other conservationist body, that led the way to the new regime established by the Planning Acts of the 1940's.

It was the restoration works originating from the Camden Society that lead to the formation of the Society for the Protection of Ancient Buildings (SPAB). It was Ruskins condemnation of restoration that let to the founding principles of the organisation. Delafons (1997, pp19-20) continues to explain that despite Ruskins onslaught the business of restoration continued for the next thirty years. It was the powerful character of William Morris that took up the cause that the extravagant vandalism of the restorers was arrested, the result was the formation of SPAB.

For Reference list see main report

Appendix F

Electronic Copy of Report and Handout