# CODE 1.8

**THE CONSERVATION OF HISTORIC BUILT HERITAGE IN EUROPE: REGULATIONS AND GUIDELINES IN ITALY AND ENGLAND**

Marmo, Rossella1\*; Pascale, Federica2; Coday, Alan3; Polverino, Francesco4

1: Università degli Studi di Napoli Federico II, Scuola Politecnica e delle Scienze di Base, Dipartimento di Ingegneria Civile, Edile e Ambientale

e-mail: rossella.marmo@unina.it

2: Anglia Ruskin University, Faculty of Science and Technology, Department of Engineering and the Built Environment e-mail: federica.pascale@anglia.ac.uk, web: <http://www.anglia.ac.uk/science-and-technology/about/engineering-and-the-built-environment/our-staff/federica-pascale>

3: Anglia Ruskin University, Faculty of Science and Technology, Department of Engineering and the Built Environment e-mail: alan.coday@anglia.ac.uk, web: <http://www.anglia.ac.uk/science-and-technology/about/engineering-and-the-built-environment/our-staff/alan-coday>

4: Università degli Studi di Napoli Federico II, Scuola Politecnica e delle Scienze di Base, Dipartimento di Ingegneria Civile, Edile e Ambientale

e-mail: francesco.polverino@unina.it, web: <https://www.docenti.unina.it/francesco.polverino>

**KEYWORDS**: Conservation; Built Heritage; Regulations; Italy; England

**ABSTRACT**

The management and conservation of cultural heritage, including architecture and urban sites, is a necessity and a duty of the modern world. The identity of European society is strongly linked to the architectural heritage, it represents an irreplaceable resource for its inhabitants, in terms of psychological, economic and social wellbeing. During the 20th century several international charters and conventions were adopted, developing and evolving conservation principles and methods. Meanwhile the object of the protection has changed, moving from the archaeological and artistic heritage to the historic towns, which require an integrated conservation in the society, in order to reconcile the urban renewal actions with the protection of historical and architectural values of each site. This means making delicate choices and difficult operations, which change from country to country depending on the attitude adopted regarding to the conservation. This work compares the legislative and political aspects on the theme of the architectural heritage management and conservation in Italy and England, in order to identify advantages and disadvantages of each approach and the lessons that can be drawn. Italy and England were chosen as case studies because they implement a profoundly different relationship between protection and utilization. The literature search carried out includes scientific articles, reports, laws and governmental and non-governmental guidelines. This research concludes that the relationship between protection and utilization depends on many factors: recognized values in the object of protection, affordability, rules and practices, limitations to the changes in legislation matter. The analysis of current attitudes about heritage built allows to understand the limits and potential of different approaches and the Italy and England are different in ideological, economical and methodological aspects, and therefore in the practical one.

# Introduction

The protection of cultural heritage is a complex discipline, which concerns both movable and immovable, and tangible and intangible property. The necessity of its conservation in order to defend the present human identity and social well-being is not a recent achievement. In the XIX century W. Morris and his mentor J. Ruskin caught the social dimension of monuments, and the rights that men have on their historical and natural heritage and the resulting preservation duty. In The Seven Lamps of Architecture Ruskin writes “*We have no right whatever to touch them. They are not ours. They belong partly to those who built them, and partly to all the generations of mankind who are to follow us*” [1]. The collective heritage culture and the methods to protect it have been growing over the last century. The First International Congress of Architects and Technicians of Historic Monuments, held in the 1931 in Athens, represented the starting of an international debate that has seen the concept of protection increasing its area of influence moving from the single monument to the neighbourhood of it [2]. In 1964 this was clearly defined by the Venice Charter: “*the concept of a historic monument embraces (…) the urban or rural setting in which is found the evidence of a particular civilization, a significant development or a historic event*” [3]. In 1972 the Convention adopted in Paris stated that each country participating to that convention should involve cultural and natural heritage sites within the life of the community, by integrating the protection into comprehensive planning programs [4]. In the same way the European Charter for Architectural Heritage (1975) introduced the concept of integrated conservation, as “*achieved by the application of sensitive restoration techniques and the correct choice of appropriate functions*”, and it represented the way to prevent the deterioration of heritage [5]. The more recent urbanization, generated by the industrial society, led to the Charter for the Conservation of Historic Towns and Urban Areas (1987), where the subject of the protection included entire historic towns. More recently the Cracow Charter (2000) mentioned the role of individual European countries in the recognition of their fundamental values linked to their own heritage. In addition, referring to the Venice Charter, it provided methodological principals about the project restoration. All these documents, and also more others, have guided the European conservation agenda, and have led to different regulations in the various countries. This paper aims to investigate the different approach to conservation, through the analysis of main legislative references and their developments, procedures of intervention and stakeholders involved, focussing on the architectural heritage, and in particular on listed buildings, in Italy and in the UK.

# defining the protection matter

Nowadays there is not a unique definition of cultural heritage among the different national regulations. In Italy, the Study Commission Franceschini, held in 1967, adopted the use of the term “*cultural heritage*” that has been accepted in the Code Urbani, which is the current legislation: “*Cultural heritage consists of cultural property and landscape assets. Cultural property consist of immovable and movable thing which, pursuant to the articles 10 and 11, presents artistic, historical, archeological, ethno-anthropological, archival and bibliographical interest, and of any other thing identified by law or in accordance with the law as testifying to the values of civilization (…)*”[6]. In accordance with this definition, cultural heritage it is not just a ‘*res’*, but also an expression of immaterial values that find demonstration in the social and historic contest [7]. Historic England is the public body that looks after England’s historic environment. It defines “*cultural heritage*” as the “*assets which people identify and value as a reflection and expression of their evolving knowledge, beliefs and traditions, and of their understanding of the beliefs and traditions of others*” [8].

In Italy buildings are considered as any other heritage assets. In fact there is a unique definition for landscapes, buildings, even the ecclesiastic one, and movable things that need to be protected and there is no kind of listing in the values they represent. The State, through the Ministry, and the Regions have the duty to protect and conserve their cultural heritage following the principles set out in the Code. Conversely, in England a “listed building” is a “*building, object or structure that has been judged to be of national importance in terms of architectural or historic interest and included on a special register, called the List of Buildings of Special Architectural or Historic Interest*” [9]. The list includes a wide variety of buildings that are classified in grades depending on of the level of importance and they have to meet certain criteria. From the definition comes out that the buildings have to present a character of national importance to be listed, a local interest is not enough.

# laws and regulations in architectural heritage matter: a brief background

Cultural Heritage has been protected in Italy since pre-unification times (1861), but from the beginning of the XX century several national laws were issued, defining and arranging the protection field, the main of which are summarized in Table 1.

 In 1939 some important laws were issued, which represented the first attempt to develop an integral jurisdiction on cultural heritage matter. In particular the law n. 1089, ‘Protection of artistic or historic interest property’, and the law n. 1497, ‘Protection of natural beauty’ was the main legislative reference for several decades until the Consolidated Law of the 1999, and then the Legislative Decree n.42/2004, finally unified the discussion about cultural heritage in a single text.

During the XIX century the discussion about the protection of historic buildings advanced considerably in England as well: many society and institutes were established and also the Parliament started adopting several Acts, partly mentioned in Table 1.

After the Second World War the necessity of reconstruction prevailed in all Europe. In order to discuss the state of dereliction in which the cultural heritage found itself and to identify what kind of measures could be adopted to avoid a further deterioration, an important International Congress was held in Venice, in the 1964, which gave new principles and innovative positions, first of all the more critical view of restoration. The Charter of Venice became a common reference for European States and their regulations in the following decades [10].

Table 1. Legislation timeline

|  |  |
| --- | --- |
| Italy | England |
| Law n. 185, 12th June 1902Introduced a “*Unique Catalogue*” of public monuments and artistic, historic and archeological properties | Ancient Monument Protection Act, 1882Contained a list of monuments to which the act applies, exclusively focused on pre-historic monuments |
| Law n. 364’, 20th June 1909Introduced some fundamental principles: artistic and historic heritage inalienability, preservations constraints on private property, supervision on the private property exportation, definition of local and national authorities, designed for the protection of cultural heritage | Ancient Monument Consolidation and Amendment Act, 1913Introduced an advisory body of experts known as Ancient Monument Board, it was charged to alert the Commissioners of Works when a monument of national importance was in danger of damage or demolition in order to place the monument under the Government protection, in this sense it introduced for the first time the idea of a “*preservation order*” [11]. |
| Law n. 1089, 1st June 1939 and Law n. 1497, 29th June 1939 Instated a constraint discipline on private property more than fifty years old and the author of which isn’t still alive | Town and Country Planning Act, 1944National listing system was put into place, expert committee was formed to compile a comprehensive list of buildings of sufficient merit to be worthy of preservation, building in list were graded |
| Law n. 657, 14th December 1974Institution of the Ministry of ’Cultural and Landscape Heritage’ | Civic Amenities Act, 1967Extended the protection matter introducing the Protection Areas |
| Legislative Decree n. 490/1999 (Consolidated Text of Cultural Heritage)Concerned historic and artistic heritage and charged the Regions and the other Public Administrations with their protection, even if it did not clarify the division of duties between them | Planning (Listed Buildings and Conservation Areas) Act, 1990Listed Buildings and Conservation Areas became subjects of separate acts. No person could executed any works on a listed building in any manner which would affect its character as a building of special architectural or historic interest, unless the works are authorized by the Local Planning Authority or the Secretary of State |

# the protection of historic buildings in the current legislation

The most important current legislation reference in Italy is the Legislative Decree n.42/2004, also called *Urbani Code*. The most relevant element introduced by the *Urbani Code* was the unique treatment of cultural proprieties, independently from whom they belong to, they are entitled to protection and enhancement strategies. This defined all the activities involved in the protection matter and identified the stakeholders and their responsibility; but it was not accurate about practical uses and modifications that can be done on the cultural heritage. The article 3 defined protection as the list of activities aiming at identifying cultural property and ensuring conservation for public benefit. Protection functions are attribute to the Ministry and, in case of agreement, to the Regions (art. 4). The enhancement consists in activities and functions aiming at promoting knowledge of cultural heritage and to ensuring the best conditions for its utilization. It also includes the promotion of conservations works on cultural heritage (art. 6). Private activities on private cultural property may obtain the public support, in this case strategies retrofitting interventions have to be established by agreement (art.113). Conversely, for public property, the Ministry or the Regions or other territorial government bodies stipulated agreements and plans in order to define common strategies and common objectives. The State and the Regions can manage enhancement activities directly or indirectly. Direct management is carried out by organizational structures within the administrations; the indirect one is carried out by third part, basis on open tendering procedures. The choice depends on a comparative assessment, in terms of economic sustainability and effectiveness (art.115).

The verification of cultural interest is a very important innovation, it concerns public movable and immovable proprieties also including the ecclesiastic ones, which were produced more than fifty years ago by artists who passed away. The public heritage is subject to the provisions of the Second Part, Title I, of the Code, until the cultural interest verification has been carried out, if it denies the presence of the cultural interest the property is excluded from the application of the provisions of the Code (art. 12). The declaration of interest is described in the articles 13 and 14, it is used for the private property and ascertains the interest required in the art. 10. In absence of it these private goods are not submitted to the protection misusers contained in the Code.

The conservation is defined in the art. 29 by its expression, that means a preventive, co-ordinated and programmed activities of study, prevention, maintenance and restoration. The restoration concerns direct operations on the cultural property aimed at the material integrity, at the protection and the transmission of its cultural values. It is also declared that the Ministry shall define guidelines and criteria for the cultural heritage conservation, with the collaboration of the Regions, the Universities and the competent Institutes. At the end it is not actually given a definition of restoration in practical terms, neither it is explained how to implement a restoration intervention, submitting the project judgment to the Superintend.

In England, there is not a unique system for the protection of cultural heritage and the current legislation pertinent on cultural heritage is more complex than the Italian one, above all for being more fragmented, even if it is more practical and user-friendly. Laws and regulations change depending on the different field of application (e.g. architectures have different legislation form parks and gardens or from landscapes and areas) and in terms of enhancement activities, that could depend from the amenity body, a voluntary society with the purpose of preserving and promoting the architecture of past centuries, involved in the process. The different treatment depending on the different no-profit societies can create a disjointed approach to heritage conservation as a whole. The Department for Culture, Media and Sports (DCMS), under the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990, compiles the list of building need to be protected. Buildings are listed to help protect the physical evidence of our past, they are valued as a central part of our cultural heritage and our sense of identity and they can give quality to our lives and our cities [12]. For a building to become listed it must meet a certain criteria and must be either of architectural interest, or historical interest, and also have historical association or have group value. Historic England identifies other general principles: age and rarity, aesthetic and merits, selectivity, national interest and state of repair [13]. Buildings are listed in three categories based on their interest. The category is relevant in terms of alteration or modification in a planning process:

· Grade I buildings are of exceptional interest, sometimes considered to be internationally important; only 2.5% of listed buildings are Grade I,

· Grade II\* buildings are particularly important buildings of more than special interest; 5.5% of listed buildings are Grade II\*,

· Grade II buildings are nationally important and of special interest; 92% of all listed buildings are in this class and it is the most likely grade of listing for a home owner.

The listing buildings process is open to everyone, even if the majority of listings have resulted from survey work conducted by Historic England on behalf of the Secretary of State. Historic England specifies that listing does not mean ‘*freezing a building in time’*, as they are to be enjoyed and used, like any other. The local authority uses listed building consent to make decisions that balance the site's historic significance against other issues, such as its function, condition or viability [14].

Table 2. Main protection viewpoints in Italy and England

|  |  |
| --- | --- |
| Italy | England |
| * Organic treatment of cultural proprieties
* Unique protection and enhancement code
* Enhancement activities are under the judgment of the Superintendent
* Verification of cultural interest is needed for the public property, looking forward to it the public heritage is subject to the provisions of the Code
* Declaration of interest is needed for the private property, in absence of it these goods are not protected by the Code
 | * Not unique treatment for the protection of cultural heritage
* Not unique legislative reference
* Enhancement activities could depend from the amenity body judgment
* Buildings are listed in three categories, depending from their interest
* The alteration of cultural heritage depend on the grade of interest
 |

# Control of works and interventions

The article 20 of the Legislative Decree 42/2004 explains which interventions are not allowed on cultural heritage in Italy: the cultural heritage cannot be destroyed, damaged or used in an incompatible way with their historical or artistic characters. Any kind of intervention requires authorization by the Ministry (for example in case of demolitions) or the Superintendence[[1]](#footnote-1) (for the common operations on the built heritage, including the normal maintenance).

The art. 21 specified that execution of interventions of any kind on cultural properties (public or private) are subjected to authorization by the Superintendence. The authorization is granted on the basis of the project architectural drawings or on the basis of the technical description of the intervention presented by the applicant, which must be the owner, through a charted architect or engineer. The application has to be signed by a professional, who must describes the chosen techniques and materials, in a detailed report, and must submit also a text on the chronological development and the current situation of the examined building.

In general the maximum time limit to receive an answer from the superintendence is one hundred and twenty days, but it could increase if more documents or clarifications are requested (art.22). For works on public properties the necessary authorisation may be expressed within agreements between the Ministry and the concerned government bodies (art 24).

The conservation work can be voluntary or obligatory. In the first case the Ministry can contribute to the expenses borne by the possessor or the holder of a building to make this accessible to the public (art. 38). When someone decides to make modifications on a building it must comply first of all with the local development plan, ‘*Piano Regolatore Generale* (PRG)’, with its ‘*Regolamento Edilizio* (RE)’, the building regulation, and its ‘*Norme Tecniche* *di* *Attuazione* (NTA)’, the technical standard. These regulations change from city to city, and are not related to the law that disciplines the cultural heritage, but are the first reference for any kind of intervention. Concerning a single building the PRG gives the possibility of intervention through building permits. When the modifications concern protected buildings is necessary the authorization of the Superintendent, so the applicant must submit to the Municipality also the acquired authorisation. The applicant must submit the certificated signaling of the start of activities, that is a building permits disciplined by the Presidential Decree 380/2001, and all the permission required by the case to the Single Point for the Building. It is a municipality office, introduced by the Legislative Decree n.267/2000, that represents the only and *omni* comprehensive reference for the citizens that must make any intervention on their buildings.

The Legislative Decree 42/2004 does not specifies what kind of documents must be submitted to have the authorization, except the technical description, but most of the Superintendents have published, on their web pages, what they need to evaluate the project. However, there is a lack guidelines on how owners and professionals should carry out the control of works. Anyway some of them are the guidelines for evaluating and reducing the seismic risk, the guidelines for the improvement of the energetic efficiency, the guidelines for fire prevention in public buildings and the one for the overcoming of the architectural barriers.

In the United Kingdom the Planning (Listed Building and Conservation Areas) Act 1990 is the primary document explaining the parameters for control of works within the historic environment In Section it states: *‘Subject to the following provisions of this Act, no person shall execute or cause to be executed any works for the demolition of a listed building or for its alteration or extension in any manner which would affect its character as a building of special architectural or historic interest, unless the works are authorised’.*

Private owners can apply for interventions on listed building without the support of professionals, even if the works must be authorised by the Local Planning Authority (LPA) or the Secretary of State (SOS) and executed in accordance with the terms of consent. If a stakeholder wants to alter or extend a listed building in a way that affects its character or appearance as a building of special architectural or historic interest, or even demolish it, the first step is to apply for listed building consent from the Local Planning Authority. In addition, to a listed building consent a planning permission may be needed. Planning permission is needed for changes which are defined as development.  This includes building works, some kinds of demolition, and changes of use to existing buildings. If changes are minor, these count as ‘*permitted development*’ which means that they do not need permission. However, some certain minor works, such as replacing windows or front walls, would need planning permission. The local authority might do this to prevent the character and appearance of a conservation area from being eroded through lots of changes which, although insignificant in their own right, collectively can have a large impact. Building Regulations also apply to material alterations as stated in Part 2, Section 3c of the Building Regulations Act 2010, so some development can need to have planning permission or building regulations approval or may need both. These are two separate applications, stakeholders can apply for both using the Planning Portal’s services. More recently the Enterprise and Regulatory Reform Act 2013 introduces the possibility to stipulate agreements between local authorities and private owners. Therefore, some kind of works, such as restoring and repairing activities, could be done according to a certificate, that is valid for 10 years, confirming that the works described in it do not affect the character of the listed building and do not therefore require consent [15].

Table 3. Summary comparison on the control of works

|  |  |
| --- | --- |
| Italy | England |
| * Any kind of intervention requires authorization, by the Ministry or the Superintendence
* The authorization is granted on the basis of the a technical description of the intervention presented by the applicant, which must be the owner, signed by a professional
* The first reference for any intervention is the local development plan (‘PRG’)
* When the modifications concern protected buildings is necessary the authorization of the Superintendent, so the applicant must submit to the Municipality also the acquired authorisation.
* There is a lack guidelines on how owners and professionals should carry out the control of works
 | * No one can execute any works on a listed building unless the works are authorised
* Private owners can apply for interventions on listed building without the support of professionals
* The first step is to apply for listed building consent from the Local Planning Authority
* A planning permission may be needed, for changes which are defined as development
* Building Regulations apply to material alterations so some development can need to have planning permission or building regulations approval or may need both.
* Some kind of works could be done according to a certificate and do not therefore require consent
 |

# stakeholders

The most important Italian body that deals with cultural heritage is the Ministry of Cultural Heritage, Activities and Tourism, which has political and administrative functions. It is divided in twelve Central Offices, which include several Peripheral Bodies, such as Superintendence, Museums, Archives and others [16]. The Ministry collaborates with several advisory Institutes, such as with the ‘Superior Council for cultural and landscape heritage’ and with the ‘Technic- Scientific Committee’, that provide opinions on the spending plans [17]. The public organization most involved in the architectural heritage peripheral protection is the ‘*Superintendence for Archeological and Architectural Heritage and for Landscape’*, they catalogue and protect the area of its jurisdiction, they authorize interventions on protected buildings, they can dispose the temporary occupation of immovable things for research reason, they take part of service conferences in order to deliver opinions and give clearances, they promote and carry out research activities, also in accordance with University and other institutes, they can propose the declaration or the verification of interest and other activities of control and protection.

The enhancement activities described in the Code provide private interventions, even if they are rarely implemented in the architectural field, relying on the State for them. There are two principal ways to attract private funds: the ‘*cultural patronage*’, that means financial donations in return for tax exemptions, and the sponsoring of the cultural property. Both of these methods assume the public stakeholder as who maintains the governance of the cultural property, so the private contribution is just a funding for the public initiative [18]. An important example of a great intervention executed by sponsorship is the restoration of the surfaces of the Colosseum, in Rome. The businessman Diego Della Valle has financed restorative works in the amount of EUR 25 millions in return for the right of using the ancient image for advertising purposes.

Government and non-government bodies coexist in the English conservation system, they collaborate to preserve the architecture of the past. The Department of Culture Media and Sport is responsible for the identification of the heritage and for conservation planning, and the Historic England is the statutory adviser on the historic environment that champion historic places, helping people understand and care for them, and it works in partnership with the central government. In addition, to the Government and to the private owner promoting the interventions on their property, there are also private organizations that cooperate with the public system, in the form of charity and trust. Among them there are seven voluntary societies established with the purpose of preserving art and architecture of past centuries, named ‘National Amenity Societies’ [19]. They have different roles and are expert in different field. Some of them must be consulted by law when an application is made for total or partial demolition of a listed building, such as the Society for the Protection of Ancient Buildings. Other Societies have a significant influence on historic conservation planning and legislation, such as National Trust and Building Preservation Trust. This kind of organization buy buildings who need conservative interventions and then manage them, by selling or renting them. Another way to attract private funds is the sponsorship, as in Italy, and this phenomenon has had such a big interest that in the 2005 it was published the ‘Sponsorship Manual’ giving suggestions in order to obtain private financing.

Table 4. Main stakeholders in Italy and in England

|  |  |
| --- | --- |
| Italy | England |
| * The organizations most involved in the architectural heritage peripheral are public, such as the ‘Superintendence for Archeological and Architectural Heritage and for Landscape’, part of the Ministry of Cultural Heritage, Activities and Tourism
* The private interventions in the enhancement activities are rarely implemented
* Two principal ways to attract private funds: the ‘cultural patronage’ and the sponsoring of the cultural property
 | * Government and non-government bodies coexist in the conservation system
* The public bodies most involved are The Department of Culture Media and Sport and the Historic England
* Private organizations that cooperate with the public system are the ‘National Amenity Societies’, with a great power in the conservation field
* Another way to attract private funds is the sponsorship
 |

# Discussion and conclusions

The protection of cultural heritage is a complex discipline, which concerns both movable and immovable, and tangible and intangible property. During the 20th century several international charters and conventions were adopted, developing and evolving conservation principles and methods. Meanwhile the object of the protection has changed, moving from the archaeological and artistic heritage to the historic towns, which require an integrated conservation in the society, in order to reconcile the urban renewal actions with the protection of historical and architectural values of each site.

Even if the definition of cultural heritage is similar between Italy and England, In Italy buildings are considered as any other heritage assets (e.g. landscapes, buildings, even the ecclesiastic one, and movable things) that need to be protected. Conversely, in England a judged to be of national importance in terms of architectural or historic interest and included on a special register, called the List of Buildings of Special Architectural or Historic Interest. This list includes a wide variety of buildings that are classified in grades depending on of the level of importance and they have to meet certain criteria. The listing system of the building can be a way to simplify the management of interventions, but could also force to label buildings that could need a more flexible judgment. In the Italian legislation there is no conceptual constrains for being an architectural heritage (except the limit of 50 years old and author death) but this approach leads to a vague and large field of protected matter. In addition, adopting the listing system in Italy could be very challenging because of the large number of buildings that could be defined of interest.

In England there is not a unique system for the protection of cultural heritage. This is visible in terms of laws and regulations, that change depending on the different field of application (for examples architectures have different legislation form the gardens) and in terms of enhancement activities that could depend from the amenity body involved in the process. The State delegates local authorities to the conservation policy, and the enhancement activities depend on non-government bodies, in practical and theoretical terms. The different treatment depending on the different no-profit societies can create a disjointed approach to heritage conservation as a whole. On the contrary, in Italy there is a unique legislative body for all the cultural heritage, in terms of policy and principles as well as enhancement activities. The Urbani Code explains the principles for the conservation, enhancement and restoration interventions, even if the way to achieve them are not included. This has the merit to unify the vision of intervention but is necessarily more generic and make interventions more difficult to be implemented. It could be learned from the English system the way to involve more actors in the cultural heritage conservation, in order to find more investors and to involve the people who live the ancient architecture in the conservation process.

The control of works and interventions in England is well explained in several open-access guidance for practical applications. The private owner can identify in detail what types of interventions are feasible and they can apply for interventions on listed building without the support of professionals; while in Italy the application has to be signed by a profesional. In Italy the lack of practical guidance is evident, this can lead in involuntary mistakes in applying for interventions on cultural heritage, even if the control of the Superintendence must be always guaranteed. Some detailed information about permitted interventions are included in the PRG and its documents, but they are not related to the superintended judgment. However, the technical support of professionals guarantee that the type of interventions and technologies adopted are aligned with the current practice and philosophy of restoration. Whilst the absence of such an expert judgment in England can make cultural heritage and listed building in particular vulnerable to speculative interests.

The institutional Italian system is organised hierarchically, from the Ministry and its offices to private owner. This led to a good control of interventions, but could cause also a lack of works, especially the private enterprise one. On the contrary the horizontal English system is able to relate the different stakeholders and to avoid to ‘*freeze a building in time’*, as they are to be enjoyed and used, like any others.

Amenities bodies play an important role in the conservation field, above all for the financial support they guarantee to the listed buildings. In Italy the public spending on cultural heritage has become unsustainable. It is necessary increase the private role in conservative processes and the introduction of amenities bodies would be worth to explore.

This research concludes that the relationship between protection and utilization depends on many factors: recognized values in the object of protection, affordability, rules and practices, limitations to the changes in legislation matter. The analysis of current attitudes about heritage built allows to understand the limits and potential of different approaches and the Italy and England are different in ideological, economical and methodological aspects, and therefore in the practical one.

# BIBLIOGRAPHY

[1] Ruskin J. *The Seven Lamps of Architecture*. Smith, Elder, and Co., London, 1849. Pag. 163.

[2] The Athens Charter for the Restoration of Historic Monuments. *First International Congress of Architects and Technicians of Historic Monuments*. Art. VII. Athens, 1931.

[3] International Charter for the Conservation and Restoration of Monuments and Sites. *IInd International Congress of Architects and Technicians of Historic Monuments*. Art. 1. Venice, 1964.

[4] Convention concerning the protection of the world cultural and natural heritage. *General Conference of UNESCO* *at its seventeenth session*. Art. 5. Paris, 1972.

[5] European Charter for the Architectural Heritage. *Council of Europe.* Art.7. October 1975

[6] Ministry of Cultural Heritage and Activities and Tourism. *Code of Cultural and Landscape Heritage*. Legislative Decree n.42 of 22 Jenuary 2004. Art 2.

[7] Cosi D. *Diritto dei beni e delle attività culturali*, Aracne Editrice s.r.l. Rome, 2008. Pag. 35.

[8] Historic England. *Conservation principles, policies and guidance, for the sustainable management of the historic environment.* English Heritage. London, 2008. Pag. 71.

[9] Planning Portal. *Application for Listed Building Consent for Alterations, Extension or Demolition of a Listed Building.* <https://ecab.planningportal.co.uk/uploads/1app/guidance/guidance_note-listed_building_consent.pdf>. (06.09.2017).

[10] Aveta A. *Conservazione e valorizzazione del patrimonio culturale.* Arte Tipografica Editrice. Naples, 2005. Pag 44.

[11] [Mynors](https://www.google.it/search?tbo=p&tbm=bks&q=inauthor:%22Charles+Mynors%22) C. *Listed Buildings, Conservation Areas and Monuments.* Fourth Edition. Sweet and Maxwell. London, 2006. Pag. 9.

[12] Planning Portal. *Op. cit.* <https://ecab.planningportal.co.uk/uploads/1app/guidance/guidance_note-listed_building_consent.pdf>. (06.09.2017).

[13] [Department for Digital, Culture, Media & Sport](https://www.gov.uk/government/organisations/department-for-culture-media-sport). *Principles of selection for listing buildings.*

 <https://www.gov.uk/government/publications/principles-of-selection-for-listing-buildings>. (15.09.2017).

[14] Historic England. *Listed Buildings.* <https://historicengland.org.uk/listing/what-is-designation/listed-buildings/>. (15.09.2017)

[17] The Enterprise and Regulatory Reform Act 2013. <https://historicengland.org.uk/advice/planning/consents/err-act-2013/>

(10.09.2017)

[18] Presidential Decree 29th August 2014, n. 171. *Regolamento di organizzazione del Ministero dei beni e delle attivita' culturali e del turismo (…).* Art. 1-33. <https://www.google.it/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&cad=rja&uact=8&ved=0ahUKEwix3riC64nXAhUCPxQKHbfpA0EQFggoMAA&url=http%3A%2F%2Fwww.spettacolodalvivo.beniculturali.it%2Findex.php%2Fnormativa-danza%2Fdoc_download%2F1055-dpcm-29-agosto-2014-n-171&usg=AOvVaw2Tkr67CnOFRZCgOTuhnQRd>. (24.10.2017).

[19] Presidential Decree 26th November 2007, n. 233. *Regolamento di riorganizzazione del Ministero per i beni e le attività culturali (…).* Art. 13-14. <http://www.gazzettaufficiale.it/atto/serie_generale/caricaDettaglioAtto/originario?atto.dataPubblicazioneGazzetta=2009-07-29&atto.codiceRedazionale=09A08941&elenco30giorni=false>. (24.10.2017).

[20] Fidone G. Il ruolo dei privati della valorizzazione dei beni culturali: dalle sponsorizzazioni alle forme di gestione*. Aedon , rivista di arti e diritto online.* Num. 1-2, 2012.

[21] Joint Committee of the National Amenity Societies. <http://www.jcnas.org.uk/>. (24.10.2017)

1. Executive office of the Italian Ministry of Culture, belonging to its peripheral bodies [↑](#footnote-ref-1)