



Negotiating multi-scalar conservation: the case of England

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Abstract

The activity and process of conservation-planning occurs at multiple spatial and governance scales. In the English context there is, on the one hand, the obligation to respond to an international infrastructure around the inscription and management of world heritage sites and, on the other, a deeply embedded sense of the passionate protection of local neighbourhoods by their communities.

This paper will seek to unpack the multi-scalar levels of English conservation-planning practice with reference to the theoretical formulation of “Authorised Heritage Discourse” (Smith, 2006). It will examine the various scales of practice and governance from the international (through the World Heritage Convention), through the national system of legislation, policy and regulation, the local state and the very local as represented by non-state civic action. The paper will start with a brief analysis of the historical evolution of conservation-planning practice and the important legacies this has for perceptions of the role of governance levels today. So for example, the development of national laws and policy, and the willingness of government to use them to override the local state, are often considered a pivotal part of the success of conservation-planning in becoming a central and important planning policy.

It will then focus on the contemporary planning context. British planning is currently dominated by an agenda of localism, introduced by the coalition Government through the Localism Act. This legislation ostensibly aims to shift power from central and local government to local communities. The planning provisions include, for example, various provisions on community-generated neighbourhood planning. When draft legislation was introduced the overall goals of the legislation were warmly welcomed by much of the heritage sector, but tempered by reference to the enduring importance of national systems of regulation. This new context will give a new dimension to the contestations and multi-scalar perspectives that frequently exist with urban conservation

The paper will explore these issues through two case studies. First, it will look at the fierce contestation that has occurred in recent years over development proposals in world heritage sites and the complex multi-scalar politics this has involved, with, for example, very local bodies seeking to mobilise international organisations due to their lack of faith in the local and national state. Second, it will look at the emerging localism agenda and the role conservation-planning is playing in some of the pilot areas for neighbourhood plans. How much weight is heritage given when plans are formulated in this way? Is there a danger heritage will be deprioritised in favour of economic development goals?

‘The locality where we belong...is the centre of reassurance (identifiable) more by the tenacity of its users than by its architecture: it may even be ugly, will generally be shabby, will invariably be overcrowded. British planners call it the “historic core”, note its tiny extent in relation to the built-up area as a whole, mark it a Conservation Area and hope for the best. Civic societies passionately defend its every cobblestone’ (Brett 1970: 142)

‘The Heritage Alliance welcomes the Coalition Government’s intention to shift the balance of policy-making more towards the communities who care about them.....

We welcome the Coalition Government’s intention that there should be no lessening in the level of protection for national heritage assets....

Although local interests are important and we do not underestimate the quality of expertise available in many communities, there is also significant knowledge and expert advice in our national civil society, outside central and local government (extracts from The Heritage Alliance consultation response to Localism Bill, 2010).

Introduction

British planning is currently dominated by an agenda of localism, introduced by the coalition Government through the Localism Act, 2011. This legislation ostensibly aims to shift power from central to local government and from local government to local communities. The planning provisions include, for example, various provisions on community-generated neighbourhood planning. At first sight this has strong positive resonations with the heritage sector. As the first quote above by Lionel Brett (Lord Esher) illustrates; deep within the identity of the heritage movement is a sense of heritage as something to be fought over and protected by local groups and local people in opposition to external forces, whether the state or capital. Surely the Localism Act, therefore, is to be warmly embraced; devolving powers and giving control to local people to define what is important about their place and ensure that those qualities are sustained.

However, as the second quote illustrates, it is not quite that simple. Here, *The Heritage Alliance*, an umbrella body for national extra-state heritage organisations, is reminding government that heritage is not just a local concern. National laws and national bodies are important too. In practice the British heritage protection system, and its administration, that has developed over the last century or more, and that in recent years has been so successful in limiting the destruction of protected heritage (Pendlebury, 2009), is in practice a complex “assemblage” (Pendlebury, 2012) that includes actants within and outside the state, at international, national, local and very local levels, underpinned by laws, regulations and policies, which again operate at a variety of spatial scales.

This paper will seek to unpack the multi-scalar levels of English conservation-planning practice. It will examine the various scales of practice and governance from the international (through the World Heritage Convention), through the national system of legislation, policy and regulation, the local state and the very local as represented by non-state civic action. The paper will start with a brief analysis of the historical evolution of conservation-planning practice and the important legacies this has had for perceptions of the role of governance levels today.

It will then focus on the contemporary planning context. The paper will explore this through two case studies. First, it will look at the fierce contestation that has occurred in recent years over development proposals in world heritage sites and the complex multi-scalar politics this has involved, with, for example, very local bodies seeking to mobilise international organisations due to their lack of faith in the local and national state. Second, it will look at the emerging localism agenda and the role conservation-planning is playing in one of the pilot areas for neighbourhood plans.

The evolution of conservation-planning

An important part of the identity of the British heritage movement is its evolution outside the state, as part of wider civil society, responding to, and opposing, changes to buildings and places. This history is generally traced to the nineteenth century. The seminal national figures are John Ruskin and William Morris, famous in particular for opposing the treatment ('restoration') of medieval churches and cathedrals and, in the case of Morris, for the formation of the first national amenity society for historic buildings, the Society for the Protection of Ancient Buildings in 1877, a body that is still very much with us today. In the same period local bodies were being formed that were the antecedents of the local civic movement, which perhaps reached its height in the 1970s, but again remains of huge significance today. So, what was arguably the first such local body was formed in Sidmouth in 1846 and then definite civic groups were formed in 1897 in the rather different and contrasting locales of the leafy and wealthy Surrey town of Guildford and the big industrial city of Glasgow.

The key part of conservation history I wish to briefly focus on in this paper, however, is the late 1960s and early 1970s. Throughout the course of the twentieth century the focus of conservationists had often been focused on achieving conservation goals through the development of a comprehensive planning system and securing conservation objectives as part of this. In principle this had been achieved with the post-war planning acts culminating in the 1947 Town and Country Planning Act., which contained provision for the "listing" of buildings. In practice, however, the conservation provisions were weak and tended to be marginal in the implementation of the system. As the post-war economy finally began to accelerate in the 1960s, and the amount of redevelopment grew apace, the consequences of this became very evident as even the relatively small numbers of buildings listed were being rapidly

lost. Opposition to such redevelopment grew. Ultimately one outcome of this was a significantly enhanced legislative framework for heritage protection, developed in the period 1967-1974 (and spanning two changes of government). The 1967 Amenities Act introduced conservation areas and the 1968 Town and Country Planning Act introduced systematic controls on listed buildings and legal rights of consultation on applications to demolish list buildings for a group of national amenity societies. Other legislation in the early 1970s stiffened the system further with, for example, the 1974 Town and Country Amenities Act extending demolition control to all conservation areas. Legislative change was accompanied by a welter of government guidance with, for example, Circular 61/68 introducing a presumption in favour of retaining listed buildings. This circular also introduced Conservation Area Advisory Committees - recognition of the lack of conservation expertise within local authorities and designed to connect to local amenity movements and give public voice into conservation-planning decision-making.

Thus one of the most important outcomes (perhaps ultimately the most important) of the mobilisation of opposition to redevelopment in the 1960s and 1970s was a much more robust system for protecting historic buildings, a new system for protecting historic areas and an acknowledgement of the importance and legitimacy of voices in decision-making, beyond the professionals (typically in local planning authorities) usually charged with such matters. Having achieved these goals, an important way to fight local development struggles was to use this legislative framework. Perhaps the emblematic case of this in the early 1970s was the Covent Garden area in central London. The possibilities for major development in the area became apparent with the decision in the mid-1960s to relocate the fruit and vegetable market, eventually executed in 1974. From its creation in 1965 the Greater London Council (GLC) formulated ambitious proposals for comprehensive redevelopment, involving demolition of two-thirds of the buildings in the area. In the early 1970s the heterogeneous communities of residents, small traders and so on in the area mobilised to oppose the GLC plan. What ultimately killed the GLC plan was the decision by central government to list 245 buildings in the area. Subsequently the Covent Garden Conservation Area was designated in 1972 and extended in 1974; the Seven Dials Conservation Area immediately to the north was also designated. The Action Plan of 1978 (GLC 1978) was of a very different character, encompassing a much more sensitive attitude to both place and process. The GLC had not been removed as planning authority, but was forced by a combination of local opposition and central government intervention (through use of heritage protection powers) to take a very different planning approach to the area.

Using Covent Garden as an example, we can begin to see the importance of scale in British conservation practice. Redevelopment was resisted by the very local groups of residents and businesses mobilising against the local state and succeeding in their aims by persuading the central government Minister to use his powers set out in national legislation. In terms of the evolving planning framework for Covent Garden, once the approach to its planning was reversed the local state (the GLC) became important in developing a new strategic future for the area through first using its

powers to designate conservation areas and with its subsequent Action Plan for the area.

Conservation-planning today: Urban World Heritage Sites

The 1972 World Heritage Convention introduced a further, international, scale to conservation-planning, most specifically in relation to World Heritage sites. This is particularly so with those WHS that are not *sites* as such; but are urban WHS that effectively cover significant parts of cities. The UK ratified the World Heritage Convention in 1984 and between 1986 and 1988 the first eleven cultural sites within the UK were inscribed. By 2011 there were twenty-three cultural or mixed WHS in the UK with a significant number of these being located within cities or are themselves a significant part of a city.

All WHS have a particularly complex set of governance arrangements and in the case of urban WHS this complexity is magnified. This has been evident in urban WHS such as Bath, Edinburgh and Liverpool. Until relatively recently, the booming economy and rising property market brought intense development pressures to each of these cities. Whilst different development cultures exist in the three cities – for example, between economically deprived Liverpool desperate for development, more affluent and conservative Bath and the political and financial capital Edinburgh - in each place there have been strong voices arguing for vigorous modernisation. In each of the three cities this has led to development schemes and proposals that have concerned UNESCO sufficiently to send missions to inspect on the ground.

In the case of Liverpool it was apparent at the time of the nomination in 2004 that extensive development was both anticipated and seen as desirable by the various UK authorities - within the site, its buffer zone and its wider setting. Concerned about the impact of this intended development, UNESCO imposed conditions relating to the height of new construction and expressed anxiety about development proposals at the symbolic heart of the site at Pier Head. The inscription of the WHS attracted the general support of the many agencies and government bodies involved in regenerating Liverpool, yet there has been concern within the business community that the tightly drawn boundaries are stifling investment. Conversely, some conservation bodies have been intensely critical with what they perceive as a poor track-record on maintaining historic buildings and a *laissez-faire* approach to development within the city (e.g. see Merseyside Civic Society website, <http://www.liv.ac.uk/mcs/mcshome.html>, Hradsky, 2009); a critique that has been mirrored in the local and national press (e.g. Hunt, 2008).

It is in this context that, following the World Heritage Committee's main annual meeting in 2006, a reactive monitoring mission was dispatched to the city in the October of that year. Reporting to the World Heritage Committee in mid-2007 the mission team indicated that they did not consider the integrity of the site to be under imminent danger but foresaw potential threats to the future functional and integrity

of the site (UNESCO-ICOMOS, 2007). They expressed concerns over developments on the waterfront and were also concerned that the 'world heritage perspective' has not been effectively communicated and 'sold' to local stakeholders. However, perhaps their most powerful conclusion was over the inadequacy of the planning framework for appraising development proposals. This led in due course to a new Supplementary Planning Document for the WHS (Liverpool City Council 2009).

More recently there was another reactive monitoring mission in November 2011. The desirability of this mission was noted at the World Heritage Committee in Paris earlier in 2011, followed by, as protocol requires, a letter of invitation from the UK government. The mission looked at the overall state of conservation of the site and was generally positive in its conclusions. However, the particular prompt for this mission was an enormous development proposal known as 'Liverpool Waters'. The Liverpool Waters scheme is a massive proposed development by the private UK developer, Peel Holdings. The mixed-use scheme (of offices, residential units and port infrastructure) comprises a redevelopment of the historic docklands north of the city centre, with significant consequences for altering the skyline and profile of the World Heritage site. Not surprisingly the proposal has been hugely contentious within the city and beyond. Separate heritage impact appraisals have been undertaken by Peel Holdings, Liverpool City Council and English Heritage (the statutory advisors to government on heritage matters). All reached a different conclusion. Perhaps not surprisingly the study by Peel concluding the scheme would not be detrimental to the 'outstanding universal value (OUV) of the site', whereas English Heritage have concluded that there would be a very serious impact on OUV. Liverpool City Council have been broadly supportive of the scheme and granted outline planning consent. The relevant central government department, the Department for Communities and Local Government are, at the time of writing, deciding whether to let that decision stand or to 'call-in' the application for determination at a public inquiry chaired by a central government-appointed planning inspector. The UNESCO mission concluded that the proposed Liverpool Waters scheme would irreversibly damage the WHS (UNESCO-ICOMOS, 2011)..

In reading the appendix to the monitoring mission report, the diversity of stakeholders who were involved in the visit is notable, with the three-person mission meeting with some 55 people in Liverpool. This included representatives from the national Department of Media, Culture and Sport and English Heritage, politicians and officers from the local authorities, developers and industry representatives (not just Peel Holdings), other bodies linked to the local state, such as the economic development-company Liverpool Vision and amenity bodies such as the Merseyside Civic Society.

This example gives some sense of the governance complexity in managing an urban WHS such as Liverpool. There is clear potential for conflict between the international regulatory bodies and local decision-makers. An added layer to this, demonstrated by the situation in the UK, is the role of national government. As the state party, the UK government is responsible not only for nominating sites but for

implementing the convention and reporting back to UNESCO. It has had to become, as a result, far more involved than is usual in local decision-making about particular development as a result of intense interest and pressure from UNESCO and ICOMOS and has therefore had to mediate between competing, and often hostile, interests. The level of complexity and difficulty in making meaningful decisions about conservation, management and development within this context results in friction between different scales of governance. In the UK this tends to mean powerful local interests pursuing pro-development strategies within the context of an often relatively weak regulatory regime. Weaker local conservation interests resist perceived threats to the integrity and authenticity of place, calling in UNESCO as an ally with their infrequently used, but politically powerfully, potential sanction to classify a site as 'in danger' or, in extremis, to remove sites from the list.

Conservation-planning today: Neighbourhood planning

The 2011 Localism Act in England is ostensibly intended to shift power in various spheres of activity "downwards", from the centre to a more local level. It is, in the words of the Government,

"the Government's revolution to hand power back to local communities... Local people, businesses and councils are at the heart of communities and the Government is determined to put them back in control with the choices and chances to shape the future of their local area... wiping away unpopular bureaucratic interferences and cutting red tape that locked out communities, slowed progress and stifled innovation" (<http://www.communities.gov.uk/news/corporate/2126182>).

The Localism Act is not exclusively concerned with the planning system, but planning is a major focus in the legislation. Focus on the local has been accompanied by the stripping out of other layers of planning strategy, such as the abolition of regional planning policy. Amongst the various planning provisions the most eye-catching has been the provision for Neighbourhood Development Plans. These provisions effectively enable local neighbourhoods to assume the responsibility for statutory plan-making. The development of these powers raised many contentious issues. So, for example, and immediate question is who has the right to propose and prepare a plan? – an issue that cuts right to the heart of the difficulties of how we think about the nature of communities. Historically most rural areas are divided into "parishes" with parish councils, relating to the territory under the care of a particular church, but most urban areas do not have an equivalent and a variety of new groups will need to be evolved to undertake this work. It is also clear that, despite the localist rhetoric from the Government, there is a firm view that the purpose of neighbourhood planning should be to enable development, not to prevent it. This is not supposed to be a "NIMBY charter"; yet history suggests community mobilisation most frequently occurs in affluent areas seeking to safeguard the existing qualities of place. Linking these issues of representation and strategy together, one of the most

contentious elements of the Neighbourhood Development Plan provisions is the possibility this has created for plan-production to be a business-led process.

During the period that the legislation was being drafted and subject to consultation there was much anxiety in the conservation-planning sector about proposed clauses that would have allowed Neighbourhood Plans to effectively ignore some of national statutes on conservation; the quotes at the beginning of this paper from *The Heritage Alliance* were addressed to these concerns. The legislation that was ultimately introduced responded to these issues and Neighbourhood Plans are now expected to be in general conformity with a range of other plans and planning policy, including the recently introduced National Planning Policy Framework. Nevertheless, there is much interest in what Neighbourhood Plans will comprise of in practice and what the process will be to get there and, in relation to this paper, what implications this might have for the definition of, protection and management of the historic environment.

As a prelude to the introduction of the legislation the Government committed a modest amount of resource to supporting a number of pilot or “frontrunner” Neighbourhood Plans. There have been several waves of frontrunners and, at the time of writing, there is significantly in excess of 100 plans under development. One of the very first wave of 17 frontrunner plans was North Shield Fish Quay, an historic but somewhat run-down area close to the mouth of the River Tyne, with a mix of commercial and residential land-uses. Like many of the front runner proposals, the impetus for a community planning process did not arise out of a vacuum. A variety of community planning processes have in recent years preceded the rather more formal provisions of Neighbourhood Plans; such as, parish plans, village appraisals, Placecheck, Planning for Real and so on. Community planning processes started up in Fish Quay in 2002, linked to the evolution of conservation and regeneration plans for the area. Previous outcomes have included a community-generated conservation area character appraisal and a community design project. Thus when frontrunner projects were being sought, the combination of an active community engaged in processes of planning and regeneration and a market interest from developers made it an obvious candidate for frontrunner status. Fish Quay was proposed as a bid for frontrunner status by the local Mayor and this was met with cautious enthusiasm by the existing community partnership in the area and less reservedly by development interests.

Having been successful in the bidding process, the first difficult stage was the need to create a group with the locus to produce the Plan. As a non-parished area there is no Parish Council and the existing FISH community group was not considered to be constituted correctly to take on this role. The creation of a new group, the Fish Quay Heritage Partnership, was a difficult and contentious process and there has been a change in the dynamic of community representation in the area. So there is now, for example, a more overt business representation and a number of people from outside the area are an active part of the process – something allowed for under the legislation.

At the time of the writing the plan is around half-way through an 18 month plan production process, which will lead in due course to a local referendum on the plan proposals, and it is too early to be clear what the outcomes will be. However, discussions with the independent planning facilitator reveal some interesting trends in the way the plan is evolving. There seems to be significantly less focus on traditional conceptions of heritage and conservation-planning goals in developing the plan than in previous planning initiatives. Instead there is an increased emphasis on other concepts, such as amenity. So, for example, there is a site in the area currently empty of buildings but that has been up to now earmarked for development. Analysis of the historic morphology and the townscape has supported this as the “correct” approach. However, as part of the neighbourhood planning process different perspectives have arisen and greater stress placed upon the amenity of residents in a nearby building. This has led to this site being proposed as a “village green” and left as an open space in the area. Thus, whilst it is too early to come to clear conclusions about how the plan for Fish Quay may evolve, it seems as though the new neighbourhood planning process has created a different dynamic and interaction of interests in the area. One outcome of this might be a modified conception of place with different values given emphasis in its future management.

Discussion and Conclusion

The activity and process of conservation-planning occurs at multiple spatial and governance scales. In the English context there is, on the one hand, the obligation to respond to an international infrastructure around the inscription and management of world heritage sites and, on the other, a deeply embedded sense of the passionate protection of local neighbourhoods by their communities. One of the principal theoretical contributions to the study of heritage studies in recent years has been Laurajane Smith’s concept of the Authorised Heritage Discourse (AHD) (Smith, 2006).

The AHD is considered a self-referential discourse that ‘privileges monumentality and grand scale, innate artefact/ site significance tied to time depth, scientific/aesthetic expert judgement, social consensus and nation building’ (p 11). The AHD can seek to control fundamental questions about why material objects from the past should be considered valuable and extend this to what in practice should be protected and to how that protection should take place, what constitutes acceptable conservation practice. Furthermore, critical to Smith’s concept are the power relations it embodies, and the way that the AHD is used to close-down other possible heritages, or subaltern heritages and as such is seen as a regressive process, a point that subsequent writings by Smith (e.g. 2010) and others (e.g. Waterton, 2010, 2011) reinforce.

A simplistic reading of AHD might see the extension of planning powers to neighbourhoods through the Localism Act as a straightforwardly positive development. Such a reading would see the possibility of the wresting of the

hegemonic control over heritage definition and management away from the centre, away from experts, away from the state towards the local, and towards community and civil society. As such it would open up more inclusive, more diverse, more democratic readings of heritage and how these might be planned for. The neighbourhood plans could, from a heritage perspective, develop more holistic conceptions of place and place-value, with less emphasis placed upon locally applied expert-led judgements of national criteria. And indeed, this may be one outcome of the localism legislation.

Yet the examples in this paper illustrate some of the complexities and problems from taking such a straightforward interpretation. Specifically, we can see this around issues of scale. So, for example, the binaries of expert vs. community or state vs. civil society do not map easily on to issues of scale. Deep within the history of British conservation-planning are conflicts between national civil groups vs. the local state. National and local amenity bodies have consistently seen, and used, national legislation as a key element in achieving their aims. In the conflicts over World Heritage Sites we can see local amenity groups appealing to the expertise and authority of international expert organisations in their conflicts over their local place that is also freighted with WHS status.

I have previously written about how remarkably successful conservationists have been in moving conservation from the margins of planning objective. Conservation goals have been successfully positioned such that they have become a central and rarely challenged objective of modern British planning practice (Pendlebury, 2009). This achievement has been the result of a complex multi-scalar interaction encompassing local amenity groups, local authorities, national amenity bodies, national conservation agencies and governments of different political persuasions. Indeed, one of the mechanisms that has been important in creating and sustaining this position has been the creation of a powerful AHD, existing in competition not only with subaltern discourses of heritage but equally if not more so with other elite discourses over the future of place and specifically processes of capital accumulation.

It is too early to say how the Localism Act and Neighbourhood Development Plans impact upon this position. However, in bringing new “voices” to the process of place and heritage management new and unintended consequences may arise. We might see new, subaltern and more holistic conceptions of place and heritage structuring the discourse of planning, albeit in tension with conceptions of the historic environment held within the AHD across all spatial scales from the international to the very local. We might see subversions of the process; the status of locally valued places put under challenge by commercial or other interests directly through the plan-making process. Indeed, we may see both.

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