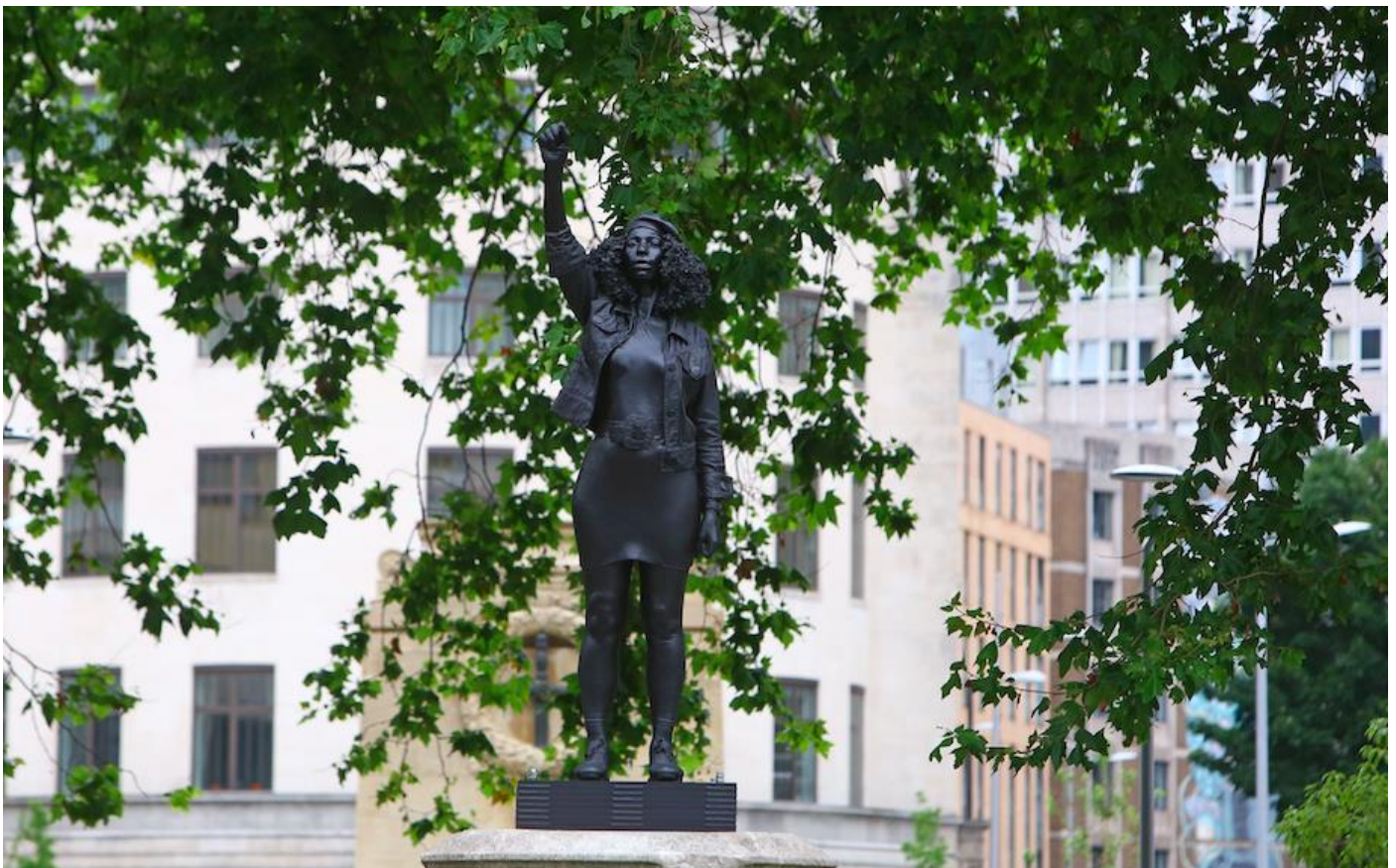


The issues raised by an appeal decision blocking the replacement of a slave trader statue with that of a Black Lives Matter protester

9 September 2021 by Ben Kochan

An appeal decision that saw an inspector block the replacement of a listed statue of an 18th-century slave trader in Bristol with that of a Black Lives Matter protester indicates the challenges in removing or altering historic structures for social and community reasons, say experts. But the consultant who lodged the appeal says the planning system needs to find an effective way of considering concerns about built environment representations of colonialism and slavery.



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Lives Matter protests prompted by the murder of George Floyd in the USA. A statue of protester Jen Reid, titled 'A Surge of Power', was placed on the plinth, previously occupied by Colston last summer, before being removed by Bristol City Council after just one day.

Gary Rice, director of planning consultancy Interpolitan and a former head of development management at the London Borough of Southwark, subsequently applied for temporary planning and listed building consent for the statue of Reid to be placed on the plinth for a period of two years. Rice then appealed against the council's non-determination of the applications.

However, last month, the two appeals were [dismissed by a planning inspector](#) Jeremy Sargent who ruled that the negative heritage impacts would not be outweighed by "the creation of a more inclusive public realm". Sargent found that the "proposal would fail to preserve the monument's special architectural and historic interest". In his decision letter, he said there was "little to substantiate the appellant's contention that the work would make the public realm more inclusive and encourage community cohesion, and it is not supported with firm or decisive evidence".

The inspector carried out a thorough review of the impacts of the proposals, said experts. "He weighed up the harm which would be done to the grade 2 listed statue and the historic environment against the benefits of the replacement sculpture," said Richard Harwood QC, barrister at 39 Essex Chambers. "The case had not been sufficiently made about the social and community benefits of the replacement statue."

Rice said he got involved in the issue because of "a professional interest," adding: "The statue had been toppled and a replacement put in its place without planning permission, so I decided to put in a retrospective application. It posed a challenge to the planning authority and the inspector because this kind of community issue had not been addressed within the planning system before."

"The case shows how difficult it is to get planning inspectors to accept arguments to remove or alter historic buildings for social and community reasons," said Harwood. "Planning and listed building controls generally put a higher value on the design and architectural qualities of buildings and their setting than their social and community value."

"The inspector rightly applied the guiding principle of the heritage value of the statue as it was grade 2 listed," said Helen Fadipe, director of consultancy FPP Associates and founder of the BAME Planners Network. She also pointed to problems with the design of the replacement statue of Jen Reid. "It was not appropriate on Colston's plinth as the inspector pointed out," she said. "The case clearly shows that any attempt to replace statues elsewhere will need to address the heritage quality of the original statue and put forward a coherent design in the right setting."

"I wasn't surprised by the outcome, because of the arguments to retain the original statue brought by Historic England," said Rice. "The planning system does need to find a meaningful way to consider how the built environment can reflect community concerns about colonialism and slavery."

"There will be debates in the community about what should be replaced and how," said Sian Griffiths, director of consultancy RCA Regeneration. "The planning system is well placed to manage these debates but planners need the skills and the training to mediate effectively between different groups."

"Councils however need to be prepared to make difficult decisions," said David Evans, placemaking lead at local authority body the Planning Officers Society (POS). He pointed out that Bristol City Council had not validated Rice's applications, which had led to the appeal. He pointed to the inspector's comments that the council "provided no evidence in the appeal process to show it considered the proposals were objectionable on heritage grounds or in relation to any other planning matters". "Unusually", the inspector then granted Rice's application for costs against the council, he added.

In its defence, a council spokesperson pointed out that its head of development told the planning inquiry: "We don't believe that the refusal to validate and determine the applications was unreasonable. There was a very tense atmosphere within the city [following the statue's removal] and the elected mayor's focus was on containing protest and avoiding further trouble."

The spokesperson added: "We're pleased the inspector's decision backed our position on the matter and it remains the mayor's position that it should be for the people of Bristol to decide what happens next."

required to remove a historic statue, whether listed or not". "If a council seeks to approve removal of a statue and Historic England objects, the application must be referred to the secretary of state to make the final decision," she added.

"These changes could limit the options for local authorities when reviewing their statues," said Hanrahan. "The reforms mean the secretary of state has given himself more powers to intervene if statues are affected, even if there are strong local feelings," said Harwood.

The NPPF amendments require councils to give priority to retaining statues and providing more extensive explanations about the figures in the statue rather than removing them. "This could bring some simplistic relabelling of statues rather than the fundamental changes which communities are looking for," said Rice.

"Several councils, including Bristol and the Welsh Government, have been carrying out audits of their statues, street names and buildings connected to the slave trade," said Nick Bridgland, heritage director at planning consultancy Lichfields. "The results of these audits and debates need to be translated into policy that could be included in planning documents and the local plan."

He suggested that councils can also consider setting up a local listing scheme that would provide an "opportunity for communities to have their views on local heritage heard". In Bristol, the council could have considered delisting the Colston statue, which might have made it easier for its future to be reviewed, suggested Cliff Hague, freelance academic and researcher.

"Strategies for public statues and space should reflect both historical and modern perspectives," said Nairita Chakraborty, associate in heritage and townscape at consultancy Icen Projects. "This could mean superimposing different images or ensuring a range of statues in the same public space. This juxtaposition will reflect the uncomfortable history of colonialism and slavery which underlies many of these statues."

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