



## Historic England Draft Guidance on Dealing with Contested Heritage

*This statement sets out Historic England's approach to contested and problematic heritage. Additionally, it also aims to assist those managing historic buildings, structures or sites that are in some way politically or culturally disputed. For ease of reference we have used the term 'contested' although some refer to the issue as 'problematic' or 'disputed' heritage.*

### Introduction

The historic environment has a profound impact on our culture and identity, both local and national. The subject of what our collective heritage is and what our built heritage represents is a complex and fluid one. As our understanding and interpretation of history changes with each generation, so does our response to our historic environment, with all of its challenges and omissions. We are a diverse nation. Historic England understands that there is no one historic narrative and all of England's heritage has been and will be understood and valued differently at different times by different people.

Tangible heritage plays a vital role in helping us understand the past. Documents, buildings, statues, below-ground archaeological remains, artefacts, pictures and place-names are all physical evidence of the past. Retaining as much of this primary evidence as possible is critical in our ability to properly understand the realities of the past.

Some stories of the past can be painful, shameful and very challenging. Some of our statues and monuments refer to and represent events and people that may now make us feel very uncomfortable.

For example a historic statue of a prominent philanthropist may not record the original source of that civic generosity, which could have been from the transatlantic slave trade. The statue may be artistically of a high standard; its position and setting might add to the character and interest of the area, but the deeds of the person it is portraying may be anything but cause for celebration when judged by today's standards.

Historic England's advisory roles in assigning value and weighing up significance involve a number of complex and sometimes competing considerations. There will be a range of dimensions to consider in any assessment for listing or advising on changes to listed buildings.

### **How does Historic England respond to proposals to remove or alter an architectural feature or structure because it is believed to have strong negative associations?**

Architectural features such as commemorative windows or plaques or structures such as statues may be subject to proposals for alteration or removal because of their negative associations. Historic England may be involved in some of these decisions depending on a range of factors, such as whether an item is listed. Where Historic England is involved, each case will be assessed on its own merits. Historic England's [Conservation Principles](#) provide an overarching

approach to how we advise on applications for listing and for alteration and/or removal. The questions below may also be of use to owners and managers when discussing the issues around a site in their care, and to local planning authorities when considering how best to respond to proposals to deal with contested heritage.

### **1) What does the object, building or site tell us about the past?**

Retaining reminders of the past can be uncomfortable when they remind us of historic episodes or people whose views we would find unacceptable today. But these places offer an opportunity: a stimulus for learning and debate. At the core of Historic England's [Conservation Principles](#) is the belief that the historic environment is of value to everyone (Principle 1), as a record of the past, and as a source of learning. However, identifying all that a site can tell us about the past should take into account a wide range of perspectives. Removing or destroying a contested asset could deny future generations the opportunity to understand all that the object, building or site has to communicate, including stories that make us uncomfortable. Removals can dilute or hide the reality of a complex history that has shaped who we are. It should be noted though, that, removal does not always equal destruction.

### **2) What is particularly significant about it?**

Understanding what is significant about a historic object or site includes all the diverse values or interests that people associate with it. An understanding of significance should be arrived at through a fuller consideration than just its physical appearance, the date it was designed or created, or who or what it commemorates. The sculptural quality, the choice of site, its patron, the values it presents and the omissions in what it seeks to portray could all add to its interest (Principle 3). Discussions around the future of a contested historic object or site should seek and take account of a wide range of views including those of communities and campaigners with an interest and a perspective that can inform the discussion. As part of achieving an understanding of significance, we recommend that a thorough interrogation of the context in which certain commemorations were made should take place at an early stage. This will allow a deeper understanding of significance, as well as drawing in a respectful and meaningful understanding of how communities feel about places, which should be an important factor in determining the best approach.

### **3) How can a historic object or site best be managed so that its values can be fully understood?**

As a society, we want to ensure that objects or sites are understood from a range of viewpoints and that these are visible. (Principle 4)

Historic England believes that in most cases, an appropriate response to contested sites is to provide alternative and counter narratives, rather than demolition or removal. Some objects or sites may lend themselves to a contemporary response to the original asset. In some cases it may be possible to alter the original statue, for example, to bring out a fresh meaning without destroying it. Historic England believes that any new interpretations highlighting alternative and counter narratives should have equal prominence and quality to the original

#### 4) How does Historic England make decisions or advise about change in such situations?

##### a) Listing

Where listing of a heritage asset is being considered we apply the DCMS [Principles of Selection](#) in all cases irrespective of whether a statue, structure or site has positive or negative connotations by today's standards. Where appropriate we will consult our *Commemorative Structures Selection Guide* [insert link]. If it meets the criteria for listing, we will recommend to DCMS that it is included on the National Heritage List for England, and will include as much information as possible in the List entry, including multiple narratives around its historical significance. Where new information is discovered the formal description can be added to or amended. We do not have the resources to formally review all listings but Historic England positively encourages people to share their understanding of a site's importance and meaning using [Enriching the List](#).

Historic England would not, in most cases, support removing a listed building or statue from the List ('de-listing') solely for its contested status, but would instead favour a revised List entry that fully sets out the narrative including the uncomfortable and challenging aspects of its history. We have several examples of this, most notably a project from 2007 (for the bicentenary commemorations of the Abolition Act 1807) which amended a number of listed buildings for their connections with slavery and abolition, including a statue of Edward Colston in Bristol [link].

##### b) Decisions through the planning system

Where change is proposed to a heritage asset which requires consent (such as listed building consent or planning permission), the National Planning Policy Framework and relevant guidance documents will be applied in the same way to controversial or politically or socially disputed sites as to less contentious sites. If there is a proposal to remove or significantly alter a heritage asset, a range of policies will be relevant, but the substance of the following several paragraphs will almost certainly need to be brought into the decision-making process:

- The local planning authority has to apply paragraph 128 requiring 'an applicant to describe the significance of any heritage asset affected' and in 129 themselves to 'identify and assess the particular significance of any heritage asset that may be affected by a proposal'. Historic England believes that the local authority can only do that successfully if they have taken in to account a wide range of views, especially over heritage which is contested.
- Paragraph 132 states that, in relation to designated heritage assets 'Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification'.
- Paragraph 133 states that 'Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss....'

Historic England has no statutory role in relation to the naming of buildings, places or streets, unless it is manifest in the listed building in some way through naming (such as a carved

inscription) or a plaque, in which case considerations as above would apply and more likely we would advise that the original lettering should remain, but with additional interpretation. Local authorities have some powers in the areas of street naming more generally. On very rare occasions where Historic England believes it is helpful to offer an informal view in such issues, it will apply the approach set out above and in *Conservation Principles*.

**We are acutely aware that difficult history in our public realm can cause pain, distress or offence.** While we have empathy with this understandable response we believe that public understanding is usually harmed by removing difficult and contentious parts of history. We are instead likely to recommend that bold, long-lasting and/or innovative reinterpretation at or near the object or site is used in order to make clear that contemporary values differ from those presented by the asset.

### **Further reading**

There are currently a number of examples of this kind of response around the world, as different cultures establish responses to their own difficult histories.

Historic England has considered many examples of problematic heritage, particularly concerning the transatlantic slave trade:

The World Heritage Site listing for Liverpool makes explicit reference to its participation in the transatlantic slave trade.

<https://historicengland.org.uk/listing/the-list/list-entry/1000104>

Sites of Memory project:

<https://historicengland.org.uk/research/inclusive-heritage/the-slave-trade-and-abolition/sites-of-memory/>

There are also a number of books that address ways of grappling with contested heritage in the public landscape, for example:

[Dolores Hayden, \*The Power of Place: Urban Landscapes as Public History\* \(1995\)](#)

[Dell Upton, \*What Can and Can't Be Said: Race, Uplift, and Monument Building in the Contemporary South\* \(2015\)](#)