



CONSERVATION AND CONFLICT

in Bloomsbury & Covent Garden

the influence of legislation, policy, economics, and politics in causing conflict in the conservation of the area

Tower battle may be set for court

Campaign group is fundraising to launch a judicial review

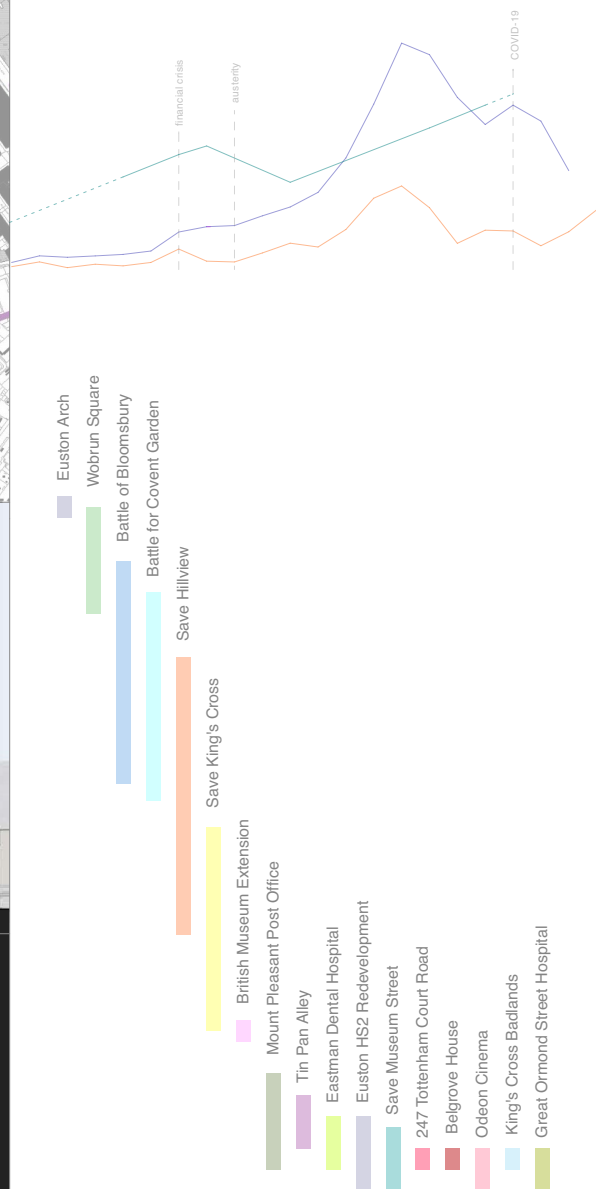
Thursday, 14th March – By Dan Carrier

[106] ^{F1} Planning obligations.

- (1) Any person interested in land in the area of a local planning authority may, by agreement or otherwise, enter into an obligation (referred to in this section and sections 106A [F2 to 106C] [F3, Schedule 7A] as "a planning obligation"), enforceable to the extent mentioned in subsection (3)—
- (a) restricting the development or use of the land in any specified way;
 - (b) requiring specified operations or activities to be carried out in, on, under or over the land;
 - (c) requiring the land to be used in any specified way; or
 - (d) requiring a sum or sums to be paid to the authority [F4] (or, in a case where section 2E applies, to the Greater London Authority) on a specified date or dates or periodically.



Town and Country Planning Act 1990



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This study has arisen out of a personal curiosity with a single question: why do the community and local authority conflict in the conservation of Bloomsbury and Covent Garden? This question has personally occupied me for the seven years that I have lived in the area. Even after this study, I still cannot say I have any meaningful answers, only clues and pointers as to where partial answers can be found.

From my point of view, there is no *a priori* reason why conflict is necessary. Central London is an area of competing aims and interests from around the globe. Community and conservation are just two interests among many, but given that heritage is one of the defining factors of the area, and is a driver of the tourism economy, why should conservation conflict with economy, politics, or planning? On the face of it, it seems that conservation should align with, rather than conflict with, economic and political aims.

In the event, that is clearly not the case. Conflict in conservation of the area can be traced back to the post-war period and has continued through to the present day, arguably intensifying over the past ten and certainly five years. Conflict almost always arises in the context of major development schemes, which act as a 'crystallisation point' for the competing aims of conservation, community, economy, planning, and politics. In these schemes, conservation and community almost always lose out in favour of other interests. The community fairly squarely places the blame on Camden, for 'encouraging' such schemes and being somehow 'complicit' with developers.

But is this really the case? What is the evidence for this? Most of the accusations which are made seem to be wholly accepted, perhaps due to their self-consistent logic and the community consensus around such matters. They serve primarily an explanatory purpose, in seeking to understand why major development schemes are approved, and a motivational purpose, in galvanising people to join campaigns. This perhaps leads to an 'echo chamber' where community ideas about these problems are 'confirmed' over and over again, without any consideration as to whether there is any truth in them. They are mostly 'inferences' of what 'must be true' given the fact that major development schemes are so routinely approved.

The aim of this study is to interrogate the evidence and examine whether community ideas about the local authority and its conservation practice stack up. It does this purely in the context of major development schemes, and does not look at the completely different areas of 'minor' development, enforcement, or plan-making. The study pursues several lines of enquiry and ultimately suggests that Camden's conservation practice and approach to major development is not significantly different to general planning practice, is certainly not exceptional, and complies wholly with legislation. Although this study was never intended to be so, it poses a fundamental challenge to community views and approaches to conservation in the area.

It is therefore necessary for me to explain that while the study can be read as in some sense 'absolving' Camden of responsibility, I have not attempted to either support or undermine either the community or the local authority through this work. I have looked at the evidence, discussed what it implies, and drawn these into some reasonable conclusions. It is up to readers to discuss these findings and challenge or accept them. What I absolutely do not wish is for conflict to be further entrenched or aggravated. I have suggested a number of ways in which conflict might be alleviated or overcome, which I will be following up with the local authority over the next few months. Whether or not this comes to fruition remains to be seen – but what it will require is a degree of cooperation between the two groups.

The study initially intended to study the views, opinions, and practices of both community members and local authority officers. In the event, the local authority declined to take part in such a study. This has meant I have only been able to look at legislation, policy, online data, decision notices, secondary sources, and some limited comments from senior officers to understand the local authority's approach. My study is therefore very much undertaken from 'outside' the local authority and 'inside' the community. To further understanding would absolutely require a degree of working 'within' Camden and seeing how things play out in practice. Interpersonal dynamics, power structures, and organisational culture must certainly influence how major development schemes, conservation, and community are treated, and I suspect they may in fact be the primary factors. I cannot make any inference about these things because I have no evidence. This should be seen as a fundamental 'limitation' of the work, and a far more thorough and holistic viewpoint would be gleaned by an internal study of Camden's planning department.

For those non-academics reading the study, I would suggest skipping directly to Chapter 03 (p. 15). Chapter 01 presents an introduction and methodology, while Chapter 02 reviews academic and policy literature on the topic. These two chapters, especially the literature review, I think would be of much interest to those outside academia in understanding how community participation is now treated in heritage – as a fundamental tenet of modern conservation practice. Chapter 06 (p. 40) draws together an holistic conclusion to the various points made throughout. Finally, I fully welcome comment, criticism, and discussion of this work, and would encourage anyone interested to leave their thoughts on my website Save Bloomsbury where this document will be posted.

Acknowledgements

I would principally like to thank my supervisor, Richard Sandford, for having the abiding patience to steer me away from either getting sued or writing a PhD-length study for this dissertation.

I would also like to thank the team at the Institute for Sustainable Heritage for their understanding when it became apparent there had been some misunderstanding as to expected word length for this work, and Hugh Cullum Architects for allowing me the time off to carry out this work to the extent that it deserved.

This dissertation comprises 35 pages and approximately 25,000 words.

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Introduction to the Study

This study seeks to answer one primary research question: *‘why do the local authority and community conflict in the conservation of Bloomsbury and Covent Garden?’* In broad terms, it does so by examining community opinion on the topic, and then investigates themes raised by participants in an inductive manner, drawing extensively upon the field of town-planning, within which the conservation of urban areas is legally instituted in the UK.

The participation of communities in the conservation of heritage is a key concern in the heritage literature, and this is increasingly reflected in international policy (see Chapter 02). This kind of participation goes beyond principles of good governance, but touches upon the *‘fundamental affinity’* (Crooke, 2009, p. 16) which local communities share with local heritage, and respect for the local values of heritage and practices of conservation which decentre privileged ‘expert’ interpretations of heritage value (Smith, 2006). In short, participation is considered a fundamental aspect of modern heritage practice, rather than a desirable ‘bolt-on’. But enabling meaningful community participation remains a significant challenge across the globe. This study furthers understanding of this issue, by presenting an in-depth examination of the reasons why meaningful community participation in conservation can be hindered by legislative, political, and economic complexities, rather than a failure in heritage theory and practice, and suggests that in order to achieve the aim of improved participation, heritage practitioners and theorists must respond to these wider socioeconomic influences, or *‘the critical issues that face the world today’* (Winter, 2012, p. 532).

Bloomsbury and Covent Garden is chosen as a case study area due to the author’s longstanding involvement in its conservation, and the associated benefits that an ‘insider’ position bring to the work. It is also an area under high development pressure, of high heritage significance, and high population density, with a longstanding history of conservation participation and campaigning, allowing for analysis of a broad evidence base. It is an area of international interest, which can be generalised both to urban conservation in London, the wider UK, and areas which utilise discretionary planning systems founded on the English system.

The study argues that the primary cause of poor participation in conservation arises from wider national and international forces and constraints, with local politics and practices responding to these forces in ways which indirectly rather than intentionally harm conservation and participation. Several lines of enquiry point to the same conclusion that while local decision-making does cause harm to heritage and poor practices of participation, the nature and process of decision-making are strongly shaped by national legislative frameworks and international economic pressures. Despite this, local and national opinion generally holds local, rather than national, influences to account for poor outcomes. This has several implications for the field, particularly that local heritage practitioners and communities necessarily have very limited influence over the conservation of local heritage, with wider economic and political considerations taking precedence. A number of practical solutions are offered to this conundrum, and these can potentially be applied more widely to the conservation of urban areas in the UK, and international planning systems which draw influence from the UK’s seminal discretionary system.

The author’s positionality and overall methodology are discussed in this chapter. Chapter 02 reviews the heritage literature on conservation and community, identifying the importance of community participation in the management of heritage, and identifies a gap in the literature dealing with detailed socioeconomic influences on participation in conservation. Chapter 03 discusses the heritage value and socioeconomic context of the study area, substantiates its history of conflict in conservation participation, and presents the results of a survey sent to community participants. These considerations identify four key themes for further investigation. The remainder of the dissertation explores these themes further, drawing upon theory, practice, policy, legislation, economics, and politics in an effort to answer how and why these themes can cause a failure of conservation participation. Chapter 04 explores the influence of legislation and policy. Chapter 05 explores major development, and economics, and limited resource. Chapter 06 draws together key findings, conclusions, and areas for future research.

Research Questions

- Why do the community and local authority conflict in the conservation of Bloomsbury and Covent Garden?
 - Are there ways in which this conflict can be alleviated, or resolved?
 - What are the wider implications for the field of conservation and heritage studies?
-

Overall Approach to the Research

To pretend that the approach to this research has been determinative and linear would be misleading. The author's assumptions, lines of enquiry, and structure of writing has been revised or completely changed several times in response to findings in the literature, reviews of his own positionality, findings from the survey and the author's own research into primary sources, and the interplay between these areas. As such, presenting a methodology is a difficult task, as even the topic and research questions became solidified only in the final weeks of the study.

The author's prior experience in the field, and his observation of widespread but generally unexplained conflict in the conservation of Bloomsbury and Covent Garden, coupled with a lack of recognition in the literature of some of the key issues at play, have been the driving factors to the research. But exactly how to investigate and frame the findings of the study has been a challenge, particularly in view of the author's pre-existing knowledge, beliefs, and relationships to participants. It would therefore be misleading to state that the author has followed a purely deductive approach as an objective or 'positivist' researcher. Rather, the research investigates two principal lines of enquiry, informed by the author's own prior experience, and motivated by the results of a community survey in Chapter 03 which identify these lines of enquiry as being of significance to the conservation community at large. In short, it identifies the conflicts which arise directly from community accounts, and then attempts to trace them to their root causes in an effort to answer why these conflicts occur.

The detailed direction of the research has been shaped by three separate factors: the author's position, the data gathered directly from the community, and the position of the literature in both identifying participation as a fundamental aim of modern conservation, but also a general paucity of case studies delving into the detail of how and why participation in conservation can be fundamentally restricted by wider political and economic influences. It is somewhat fortuitous that these three areas broadly 'align' to provide an overall direction to the research, contributing to make a study which is potentially both locally and more widely relevant. It has, however, required careful thought to write a dissertation which maintains constant relevance to all three areas.

Methodology

The author has closely followed and often referred back to Horsburgh's (2003) guide to robust qualitative research, both to resolve various conflicts in the process and to guide the overall direction of the work, both as a whole and in detail. Drawing on a number of writers, she identifies four principles which have been central to this work:

- Description of social context
Background information on overall structures, settings, and frameworks within which participants are situated should be identified. The effect which these have in facilitating or inhibiting participants' actions should be acknowledged, in order to place the data which is obtained from them within a wider context.
- Flexibility
There should be adaptation and redesign in the writing up of research. Analysis of one data set thus drives the research agenda in the subsequent areas for investigation and the selection of participants who are best placed to provide relevant data.
- Sampling
Randomness and representativeness are of less concern than relevance. Analysis of data should indicate the future direction that sampling should take.
- Generalisability
Qualitative research should still be generalisable. Theory which is developed within one study should ideally be exported to provide explanatory theory for the experience of other individuals in comparable situations.

Flexibility and sampling

As previously mentioned, analysis of data gathered from primary and secondary sources has necessitated almost continuous adaptation and redesign during the research process. In particular, information gathered first from the literature review (Chapter 02), and then from a survey of community participants (Chapter 03), strongly guided the research to investigate the wider influences of legislative frameworks and then economic and political influences on conservation and participation. The community's strong focus on major development has directed the research to focus almost solely on major, rather than minor, development as a cause of conflict. Similarly, the community survey in Chapter 03 samples only those individuals involved in conservation, rather than the wider community, and the study seeks only to explore how conflict occurs between this group and the local authority, rather than the wider community which is generally not involved in conservation and conflict.

Description of social context

A core principle of this work has been to give a robust description of the social context which participants find themselves within, both to contextualise the views and actions of participants, but also to identify how this social context is itself an influence on conflict in the area. In this sense the study goes somewhat beyond those in the literature by examining in detail overall legislative frameworks and positing them as a cause of conflict and limitation to conservation aims. The entirety of Chapter 04 is dedicated to this topic.

Generalisability

Generalisability has been an important aim of the study. While the work delves into the detail of legislative frameworks, community opinion, and political and economic influences at a local level, an effort is made at every stage to identify how these analyses are more widely generalisable. Indeed, the frameworks and influences which mediate conservation and participation in the study area are of national, and in a limited sense, international significance. The focus on generalisability has led to a set of conclusions which are relevant both to the participants of the study, but also draw implications for heritage practitioners across the country and heritage theorists across the globe.

Positionality

The author's positionality has been one of the primary influences on the direction of the research, and has also created somewhat difficult constraints during the research process. In approaching my position, I have attempted to make clear to readers my prior beliefs and experiences (see the following section), while also seeking to '*recognise and take responsibility for one's own situatedness within the research and the effect that it may have on the setting and people being studied*' (Berger, 2015, p. 220) and, importantly, '*situating the researcher as non-exploitative and compassionate toward the research subjects*' (Pillow, 2003, p. 178). At every point in the research, and almost in the writing of every sentence of the study, I have been extremely mindful of the impact that this work could have, both on the phenomenon itself, the local authority, the community, and my own position.

The guiding principle has been one of ethical conscience: I have attempted to minimise any harm to the position of any individual or organisation involved with the study. To cause no harm whatsoever, or to benefit participants, while meaningfully answering the research questions has, however, been impossible. I have experienced criticisms from participants during the research process, sometimes very strong or indeed of a personal nature, and it is also inevitable that both the community and local authority will be disappointed or critical of the research to some extent. I expect that some community members will be disappointed that I did not use my position of power to somehow 'condemn' local authority practice, and thereby further 'gains' in the long-running conflict between the two. Similarly, some of the observations made about local authority practice, particularly with regard to planning gain, will likely be interpreted as adversarial or unhelpful.

Both will impact upon participants, but also my own position in relation to the two. My overarching aim has been to prioritise understanding of the research questions, both at a local level, and to wider academia, but the reader should note that some lines of investigation have been cut short and participation in the research has been fairly severely limited by my position. A different researcher, particularly one outside the field, could very well come to quite different conclusions about the phenomenon under study.

Positionality Statement

With these preliminary observation in hand, I will attempt to explain my position in the field. I have been involved with the conservation of Bloomsbury and Covent Garden since 2019, after moving to the area from outside London. I quickly became dissatisfied with the standard of conservation in the area, despite having no prior interest in architecture or conservation. I began campaigning against the local authority in a personal capacity, setting up a conservation focused blog, Save Bloomsbury¹ which through its name implies the pressing need I felt to conserve the area. The blog was popular with local community members and particularly among a large community of conservation-oriented campaigners of which I had no prior knowledge. This led to my election to two key conservation groups in 2020: the Bloomsbury Conservation Area Advisory committee ('BCAAC') and Bloomsbury Residents' Action Group ('BRAG').

Despite being firmly embedded in the community, I believe my own experience of and approach to conservation, community, and conflict differs from that of most of these community members. This is because I have typically focused on finding solutions to conservation problems rather than complaining or campaigning against the local

¹ It was, in essence, a blog about 'saving' Bloomsbury from poor local authority decision-making.

authority. This is the default mode of engagement I have observed in the community, having experienced limited attempt to resolve any problems meaningfully. Generally, I have experienced a common belief that it is impossible to understand or change matters, and that the local authority, who makes almost all conservation decisions, is fundamentally incompetent or ignorant of conservation and community (see also Chapter 03).

While this is a belief which I began with, it is not one that I any longer hold. Over the years, I have attempted to understand the wider legislative and policy frameworks which constrain and influence the local authority, but also to work more closely with local authority officers and councillors, both to 'bridge' the divide which exists, but also to understand their own viewpoints and particularly their experience of the community.² The community's generally adversarial, and campaign-focused approach to conservation seems to be tacitly accepted as a necessity, but I have observed little consideration of whether this in fact hinders, rather than aids, conservation of the area. I now believe that much of the community's approach to liaising with the local authority in conservation matters has done more long-term harm than good, supported by a number of conversations and interactions I have had with local authority officers, and the surprising observation that any opportunity to overcome conflict with the local authority was treated with almost no interest by community members, in favour of perpetuating conflict. This view has been further 'solidified' through the carrying out of this study and the findings discussed in Chapter 06.

Position with respect to the community

These considerations place me as an 'insider' to the conservation community, but in some sense, an 'outsider' to the core beliefs held by the most active members of this community. While I empathise with the attempts to campaign against decisions which harm heritage, and have in the past taken part in them, I do not believe them to be effective, and have resisted or prevented some more aggressive campaigning tactics. This, I believe, has led to me being treated increasingly as an 'outsider' by certain conservation groups and individuals, and this is likely reflected in the low rate of participation in the current study (see Chapter 03), and a number of criticisms and even personal attacks made by members of the community in the carrying out of this research. This intra-community conflict has led to my gradual withdrawal from active campaigning, with my last major contribution taking place in 2022.

Position with respect to the local authority

While I believe that the local authority's conservation practice is poor, my experience of liaising with local authority officers has led me to believe that they are constrained by, and strongly influenced by wider practices, legislative frameworks, and intra-organisational conflicts (Ward, 2020). Certainly, heritage practitioners embedded within this authority appear to have very little influence over major decisions. I have only very rarely observed a clear disregard towards conservation and participation, limited to individuals rather than the wider organisation. Nevertheless, despite my attempts to work with the local authority on a number of occasions, I am still very much an 'outsider', and likely primarily known for my early campaigns and critical early posts on my blog. This has influenced the research: the local authority declined to take part in the study in the format originally envisaged, citing legal risk, the potential for bias, and limited resource. My position 'inside' the community was cited as being a particular concern.

Overall position and influence on the research

As such, while I cannot claim to be impartial or objective, I can reasonably confidently situate myself somewhere in the middle ground between the two groups under study, which aids me in my attempt to research and understand the conflict between the two. My prior understanding of some of the key issues, drawn from having been 'inside' the conflict for five years, directs the research towards exploring the wider influences on conservation and participation, rather than focusing only on local issues. However, my position 'inside' but also 'outside' the community has limited the degree of participation in the current study, both from the local authority and the community, and led to a number of pre-emptive criticisms and complaints which I have sought to carefully navigate.

While being in substance an academic study, this research can also be read as another community effort to improve conservation outcomes, and certainly, another personal initiative to understand and bridge the divide between the two groups. It could also be read as enabling or creating further conflict and thereby harming conservation outcomes.

I have therefore been mindful at all points in the carrying out and writing this research of how it will be received by both the local authority and community, and it is in some sense written for three separate audiences. It has been a somewhat difficult line to walk, in attempting to research a topic which is very sensitive to participants, while also meaningfully answering the research questions, without unduly damaging or compromising my own position or that of participants. It is unfortunately likely that this dissertation could be received poorly by some participants, but the focus

² This included a number of 'mini' ethnographic studies of litter officers, meeting twice a week and shadowing them in their work for almost six months. It was a highly illuminating exercise, and entirely changed my perspective from critical of local authority officers, to realising that individual officers are extremely tightly constrained by wider, and often very counterproductive, legislative and contractual frameworks. Working with, rather than against, these officers significantly improved standards of street cleanliness in the long term, and explained a number of phenomena which until that point had been described as 'incompetence', both by myself and the wider community.

has been squarely on answering the research questions, rather than writing something which supports either the community's or local authority's position outright.

Research Paradigm

Given the above discussion, an interpretivist paradigm is considered appropriate for this study. The author's own prior involvement in the field and associated biases and relationships with participants means a positivist approach would be a poor fit, in presenting a misleading view of the author as an independent and objective researcher. The extensive use of qualitative methods also makes a positivist approach inappropriate.

Critical theory is also relevant to the field under study, in *'challenging the world views and underlying power structures that create them'* (Ryan, 2018, p. 11), and the associated influence of critical theory on contemporary texts in heritage theory which this study draws upon. Similarly, while the author draws upon and generally agrees with the idea of an *'authorised heritage discourse,'* and its influence on heritage practitioners, he disagrees with the Association of Critical Heritage Studies that *'heritage studies needs to be rebuilt from the ground up, which requires the 'ruthless criticism of everything existing'*" (Association of Critical Heritage Studies Manifesto, 2011), and prefers Winter's more moderate view that the field requires *'a far stronger grasp of the socio-political complexities which envelope the field of conservation today'* (Winter, 2012, p. 541) and Witcomb & Buckley's view that *'intellectual work [should] value engagement and collaboration rather than critique for its own sake'* (Witcomb & Buckley, 2012, p. 526).

As such, the current study can be understood as both critical and interpretivist in its approach, while sitting outside the core values held by the school of critical heritage theorists. It also seeks to *'recognise and take responsibility for one's own situatedness within the research and the effect that it may have on the setting and people being studied'* (Berger, 2015, p. 220) and, importantly, *'[situates] the researcher as non-exploitative and compassionate toward the research subjects'* (Pillow, 2003, p. 178), adopting a 'compassionate' rather than a 'ruthless' attitude towards participants.

In this regard, the study explicitly avoids making any of its own value judgments on the practices or knowledge and beliefs of participants, including the local authority, and has been very mindful of how the research could negatively influence participants. The intention is to study wider influences and attempt to understand how they may cause negative conservation outcomes, perceptions, and conflicts, and attempt to answer in practical terms how these issues could be overcome, and thereby further understanding of a key issue in critical heritage studies while also addressing local concerns. In this sense, local authority and community actors are treated on an equal footing, as individuals equally constrained by *'underlying power structures'* which they generally do not have the power to *'challenge'* or *'rebuild'*.

Discussion and Structure of the Study

These discussions motivate the premise of the study, and also briefly explains the author's position in relation to the field. It has not identified or justified any particular methods which have been employed, as the research has not been in any sense a linear and deductive process, and employs a range of qualitative and quantitative methods as best fit particular areas of investigation. Rather, this chapter has explained the overall philosophical approach to the work, and why certain lines of enquiry have been prioritised over others.

Nevertheless, a piece of writing must still present itself in a linear way. Chapter 02 presents the findings of a literature review, identifying community participation in conservation as a fundamental aim of modern conservation practice, while also identifying a number of complexities which constrain implementation of this aim. Chapter 03 presents a brief overview of the case study area, substantiates the nature of conflict which arises in its conservation, and surveys community opinion on the topic. This, combined with the discussion in Chapter 02 and this chapter, motivates further investigation into legislative frameworks, the overall planning system, and wider economic and political influences in causing conflict in Chapter 04 and 05. These chapters focus almost exclusively on major development, this having been identified as a key theme by participants in Chapter 03. Chapter 06 then presents overall findings in an holistic and reflexive manner, and ties them back to the heritage literature, drawing a number of implications and areas for future research.

This purpose of this chapter is to provide an overview of research and literature relevant to this study, identify participation as a key concern in heritage academia and policy, and argue that few studies examine wider socioeconomic influences on participation. It examines the relationship between heritage managers and communities, and case studies that deal with this relationship in international contexts, both motivating and guiding the current study in its methodology.

Conservation and Community

'More recently, and without necessarily denying the aesthetic and historic values traditionally attributed to heritage, the concept of heritage places that is emerging characterizes heritage as a major anchor for cultural identity and positions it as an important element at the heart of community development' (Araoz, 2011).

A general drive towards empowering communities in heritage management, and the resulting tension between heritage managers and communities, is perhaps the primary area of research and debate in the current heritage literature. The International Journal of Heritage Studies dedicates the entirety of volume 16 to the topic (Watson & Waterton, 2010), while one of the most influential texts in critical heritage studies, *Uses of Heritage*, argues strongly for the decentring of expert opinion and practices in conservation, in favour of local heritage values and practices (Smith, 2006).

This approach, founded on 'non-western' understandings of heritage, has led to a school of thought which is strongly critical of established power structures rooted in traditional western approaches to conservation, which privilege the role of 'experts' in identifying and managing heritage. It seeks to fundamentally alter the way that heritage is understood and managed, in part in favour of communities, local heritage values, and local conservation practices (Araoz, 2011). This community-centred approach, emphasising the importance of local values and practices, is also increasingly reflected in international policy (UNESCO, 2014; ICOMOS, 2021; EU, 2012).

The traditional approach to conservation is rooted in western schools of thought originating in conservation of Greek and Roman antiquities and further developed in England into the preservationist and historic fabric-focused theories propounded by Ruskin and Morris in the mid-nineteenth century (Jokilehto, 1999). These appeal primarily to morality as the driver of conservation, and argue the view that the preservation of historic fabric constitutes the act of conservation. Riegl (1903) identifies the concept of heritage value, divesting it from fabric alone and linking it to contemporary attitudes towards aesthetics, making the distinction between historic and architectural value.

Challenges to these theories have primarily arisen over the past fifty years from their failure to properly account for and manage heritage in 'non-western' contexts, and the success of alternative approaches in such contexts (Stovel, 2008, Tom, 2013). Classical appeals to the universality of value embedded in historic fabric, and the resultant moral duty to conserve this fabric, are ontologically and culturally problematic. They are, in essence, Eurocentric theories, responding both to western understandings of heritage and cultural attitudes towards heritage and conservation (Smith, 2006). While this, in itself, is of limited relevance when applied only to western contexts, the position increasingly adopted in the literature and policy is that alternative approaches to conservation are more academically rigorous, can be more universally applied, and lead to better outcomes (Araoz, 2011; Smith, 2006).

Theorists in this area are particularly critical of the power imbalance which naturally arises from traditional theories of conservation. It is incumbent upon heritage 'experts' to both identify what is of heritage value, and propose and implement methods of conservation (Smith, 2006). In focusing only on historic fabric, methods of conservation are increasingly scientific and technical, excluding non-expert opinions and approaches, while neglecting to consider wider socio-economic complexities within which conservation is embedded (Winter, 2012). The solutions which have arisen to these problems are rooted in 'non-expert' values and practices of conservation, often found within what can be best described as 'communities',³ accompanied by the increasing recognition that local communities are better placed to understand what is of heritage value, describe heritage values, and sustainably conserve such values (Araoz, 2011; Smith, 2006) (see also the following pages).

This has led both to a broadening of understanding of heritage value, and a recognition of the fundamental role that local communities can play in generating and conserving heritage. 'Participation' in the context of heritage is no longer achieved by consultation in expert decision-making, rather, communities are increasingly set 'centre-stage' in the management of heritage sites and practices, even in the context of World Heritage Sites. 'Experts' can be said to serve a complementary, but not fundamental, role in conservation (Araoz, 2011).

³ The critiques of the 'power-laden' term of 'community' are not explored in this dissertation. A sufficiently robust identification of community for the purposes of this study is identified in Chapter 03.

Traditional approaches are, however, still prevalent in English legislation, theory, and policy. Morris' *Society for the Protection of Ancient Buildings* operates to its original manifesto and is recognised as a statutory consultee in the English planning system, while holding wider influence over the practice of conservation in the UK. The SPAB (2017) describes their approach as the '*yardstick in practice*'. Similarly, Riegl's (1903) concept of architectural and historic value is directly reflected in core provisions of current conservation legislation (Planning (Listed Buildings and Conservation Areas) Act, 1990), while Historic England's approach to conservation is self-described as a '*values-based approach*' (English Heritage, 2018). The UK is particularly slow to adopt modern theories and policies of conservation, it being one of the last six nations to formally ratify the Convention for the Protection of Intangible Heritage earlier this year (UNESCO, 2024), 19 years after its adoption by UNESCO.

Challenges to Participation

While the literature and international policy suggest that communities will play a central role in the future of heritage, significant obstacles remain to implementing this aim, both in theory and practice. The literature generally follows two strands of reasoning. The Association of Critical Heritage Studies, following the line of Smith, principally criticises heritage theorists and practitioners for continuing to follow established conservation theories, and call for '*heritage studies [to be] rebuilt from the ground up, which requires the 'ruthless criticism of everything existing'*' (Association of Critical Heritage Studies Manifesto, 2011). More moderate views suggest that the field requires '*a far stronger grasp of the socio-political complexities*' (Winter, 2012, p. 541) and that '*intellectual work [should] value engagement and collaboration rather than critique for its own sake*' (Witcomb & Buckley, 2012, p. 526).

Socio-political complexities

In support of Winter's view, case studies investigating the topic of participation across the globe identify a number of complex constraints and opportunities both limiting and enabling participation. These investigate participatory approaches to the governance of heritage (Ahmed, 2017; Chirikure et al., 2010; Cina' et al., 2019; Donato & Lohrasbi, 2017), the key role that local communities play in generating and conserving heritage (Donato & Lohrasbi, 2017), the politics of community heritage (Amin & Adu-Ampong, 2016; Crooke, 2010; Perkin, 2010), and the success of participatory methods for assessing heritage value (Greer, 2010; Heras et al., 2018).

It is almost universally considered that community involvement is positive if not essential to achieving conservation outcomes (Ahmed, 2017; Cina' et al., 2019; Donato & Lohrasbi, 2017; Greer, 2010; Heras et al., Perkin, 2010; Prangnell et al. 2010). The act of participation itself also appears to quantitatively improve the community's perception of local conservation efforts (Chinyele & Lwoga, 2019; Zhai & Chan, 2015). Key themes in these studies include considering the community as 'living experts' (Heras et al., 2019), the effectiveness of the community in providing human resource in times of restricted local authority funds and expertise (Ahmed, 2017; Cina' et al., 2019), and the community's fundamental 'affinity' with the heritage of their locality (Ahmed, 2017; Crooke, 2010).

However, several practical obstacles to ensuring effective community participation are identified. Many highlight the political tension between heritage managers and the community, and tensions within the community itself (Amin & Adu-Ampong, 2016; Cina' et al., 2019; Donato & Lohrasbi, 2017), and the general ineffectiveness of a 'top-down' approach to conservation and participation (Ahmed, 2017; Chirikure et al., 2010; Perkin, 2010). Some studies identify a tendency to pay 'lip service' to participation without achieving meaningful engagement (Chirikure et al. 2010; Donato & Lohrasbi, 2017), even where policy and legislation exists to support participation. This leads to what Donato & Lohrasbi term a '*paradoxical situation*' of '*an unsuccessful governance and management system, which are evidently based on correct existing policies,*' supporting the idea that changes to theory and practice do not necessarily lead to improved outcomes, with '*socio-political complexities*' taking precedence.

Studies also critically consider the idea of 'community' in heritage. Waterton & Smith (2010) assert that the idea of the community as an homogeneous entity is misleading, and critique the role of local authority 'experts' in identifying communities, and managing heritage 'for them'. However, the difficulty in defining communities, and the danger of considering 'the community' as a single 'entity' is acknowledged more widely in practice (Chirikure et al., 2010; Marzuki, 2015). Perkin (2010) points to the importance of managing competing interests within communities, while Amin & Adu-Ampong (2016) highlight the competing interests of local residents and commercial interests in conservation. They identify divisions within communities and between stakeholders as impeding conservation, even when there is a shared set of aims (Adu-Ampong, 2014).

Amin & Adu-Ampong's (2016) detailed study of the relationship between different stakeholders in the conservation of Sulaimaniyah, Iraq, touches on several pertinent issues. They identify a lack of local authority resource (financial, political, and expertise) as leading to a wide range of highly charged conflicts between the authority and the community, and within different sections of the community itself. They state, for example, that political interference in

the planning process leads to wealthier landowners breaking planning rules, leading to discontent and distrust within the community, and a widespread acceptance that breaking conservation legislation is acceptable. They also identify an unduly restrictive and inadequately resourced conservation protection system⁴ as leading to a *de facto* ignorance of conservation legislation, where locals have resorted to using illegal materials in repair and construction and demolishing listed buildings. Without the resource to prevent such works, the authority is reduced to ‘turning a blind eye’ to them.

Ahmed (2017) identifies a similar dynamic in Dhaka, Bangladesh, where the local authority’s demonstrably insufficient resource in finance and expertise makes conservation of listed buildings impracticable. In this case, he identifies the traditional community-based *panchayets* as instead leading and managing conservation efforts, with repairs to some historic buildings being entirely community-funded and managed. Both cases identify the potential for limited resource, political influence, and inadequate legislative frameworks to impede both conservation and participation. Ahmed (2017) notes that the solution to such problems can arise from community-centred heritage management, despite such an approach presumably not arising from theoretical considerations.

Discussion

Placing communities ‘centre-stage’ in the management of heritage is a key aim of modern conservation, both in the academy and international policy. Practical case studies also identify how successful community participation can bring further benefits: relieving local authority resource pressures, improving conservation outcomes, and improving local perceptions of conservation efforts. There are, however, several significant obstacles to achieving these aims. The academy critiques heritage theorists and practitioners for adhering to the traditional expert-centred worldview, and either calls for heritage studies to ‘rebuild’ or identifies a need for practitioners to have greater understanding of the ‘socio-political complexities’. Case studies support such a view, identifying several challenging practical limitations, particularly in limited resource, political influences, and ineffective legislative frameworks. These support the idea that advances in theory and policy may in fact have very little influence on improving participation or conservation outcomes.

The purpose of this study is to investigate these themes further, and thereby deepen understanding of a key issue in the academy, and plot paths forward to implementing these aims. It investigates the wider socio-political complexities which can inhibit participation and negatively impact conservation outcomes in the case of Bloomsbury and Covent Garden. While existing case studies focus on the specifics of a study area, this research will instead use the specifics of the study area to exemplify how far wider international and national influences can significantly limit participation at a local level. This, ultimately, suggests that advances in theory and policy, either locally or internationally, may have very little effect in improving participation and conservation, and that apparently local constraints to participation may in fact stem from far wider and stronger influences. To implement the aims of theory and policy, therefore, theorists and practitioners must confront and either overcome or work with these wider influences (see Chapter 06).

This review also identifies several pitfalls which should be avoided by researchers in this area, and has informed the overall methodology and research process of this study. Communities should not be considered as a single entity, and care must be taken to identify competing opinions and interests within a deceptively homogeneous body of people (see Chapter 01 and 03). The limitations of local authority resource should also be carefully considered, and the impact this can have in their ability to deliver on conservation or participation aims. Similarly, the limitations of legislative frameworks, and the potential for their failure when inconsistent with local authority resource should be considered. As such, intensive investigation of legislative frameworks may not be productive when not considered in their wider context (see Chapter 05). The overall sensitivity of the topic, and the potential for highly-charged conflicts, must also be carefully navigated (see Chapter 01 and 03).

Conclusion

This chapter has identified community participation in conservation as a fundamental aim of modern heritage theory and practice. It has demonstrated the number of obstacles to achieving this aim and suggested that a greater consideration of wider socio-political and economic influences is necessary to overcome these obstacles. This motivates the premise of this study, in investigating wider influences which constrain and impede participation in the case of Bloomsbury and Covent Garden. Several case studies have been discussed which provide guidance as to the type of obstacles that are encountered across several different heritage sites, the sensitivity of the topic, and the common pitfalls which practitioners or theorists can encounter. These have been considered in the overall approach to the research. The following chapters examine the range of conflicts which occur in the conservation of Bloomsbury and Covent Garden, and attempts to demonstrate how wider influences both cause these conflicts and ultimately limit the ability for improved participation in conservation.

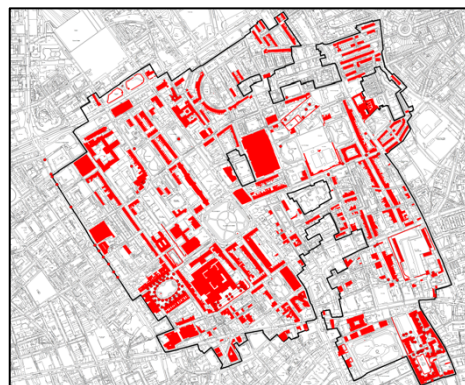
⁴ Whereby the local authority is the only body that can alter listed buildings, but it does not have the funds to do so.

This chapter contextualises Bloomsbury and Covent Garden as the case study area, identifies the nature of heritage values under consideration, and explores influences on conservation. It then investigates the way in which communities participate in conservation, identifying a longstanding tendency for conflict to occur in the decision-making process for major development schemes. Community opinion is surveyed, which further substantiates major development as a key driver of poor conservation and participation outcomes, with a link being made to financial and economic influences. This justifies the focus of the study on major development schemes, and the legislative, political, financial and economic influences which can cause such schemes to impact negatively upon conservation and participation in the study area.

Study Area Context

The heritage significance of Bloomsbury and Covent Garden is high by any metric, and this is formally recognised through statutory designations of conservation areas and a very high density of listed buildings, structures, and protected natural features and gardens. Almost all the study area is designated as a conservation area, with the local authority describing the Bloomsbury Conservation Area as being of international significance (LB Camden, 2011, p. 2). The Seven Dials Conservation Area was deemed to be of ‘outstanding status’ by the Secretary of State c.1978, one of only 38 out of 6,000 at the time (Seven Dials Trust, n.d.). In terms of area, the proportion of listed buildings is comparable to that of non-listed buildings, and in the Bloomsbury Conservation Area alone there are approximately 625 listings⁵ across an area of 2km²; the mean for a similar sized area in England is only 3 (Historic England, 2024).

Figure 01. Listed buildings in Bloomsbury CA.
Source: LB Camden (2011).



While these figures indicate the level of significance of built heritage, the area is also recognised in academia for its value in terms of social history. Ashton (2012) describes Bloomsbury as the ‘*undisputed intellectual quarter of London*’ arguing that of its Victorian period: ‘*significant conjunction between people and place are at the heart of this history*’. Bloomsbury is portrayed as the location for ‘*educational innovation, medical research, religious movements, and experiments in arts, crafts, and architecture*.’ It is also notable that several prominent early conservation theorists and practitioners lived and worked in Bloomsbury: Morris lived in Queen Square from 1865-1870 (Ashton, 2012), while the SPAB was founded in Bloomsbury (Bloomsbury Project, n.d.). It is, of course, also known for the Bloomsbury Group, and there are several literary and artistic references to Bloomsbury and Covent Garden, notable among them being Collins, Austen, Dickens, Hodges and Doré.

Both Covent Garden and Bloomsbury are recognised to be of international significance in their innovative approaches to town-planning. The Seven Dials plan in Covent Garden is suggested as being ‘*ahead of its time*’, based on seven radiating streets and a mix of commercial and residential uses, designed in 1692 and anticipating later town-planning developments in Haussmann’s redeveloped Paris from c.1850 (Baer, 2010). The Covent Garden ‘*piazza*’ is based on Palladian principles of architectural design imported from Italy by Inigo Jones c.1620, while Bloomsbury’s later formal Georgian town-planning carried out by the Bedford Estate from c.1680 is organised around a grid layout of garden squares and financed by a system of leaseholds sold to builders, setting the *modus operandi* for the wider development of London during the Georgian and Victorian periods (LB Camden, 2011).

The study area is situated in the centre of London and correspondingly has a high level of economic activity and population density. It is home to approximately 33,000 residents for a population density of around 10,000 people per square kilometre (Office for National Statistics, n.d.). This is almost double the average across London, which is itself one of the most densely populated cities in the world (GLA, 2021). While there are no economic studies which consider the study area in isolation, it comprises approximately a tenth of the Central Activities Zone, which accounts for approximately 1 in 20 UK jobs and 8% of GVA (GLA, 2016). It is correspondingly an area under high economic pressure, and of strategic importance to the local, regional, and national government in delivering economic growth.

To fully explore the heritage values and socioeconomic context of the study area is beyond the scope of this study, but this discussion illustrates a number of important points. Firstly, the heritage significance of the area is high, is statutorily recognised as such, and attracts both local and international attention. Just one heritage attraction – the British Museum – received 5.8M visitors in 2023, almost 16,000 per day (ALVA, n.d.). Secondly, the population density in the area is high, and coupled with the high economic activity of the area and its highly developed nature,

⁵ This only includes listings, and not groups of buildings included under one listing entry. The actual number is likely 20-30% higher.

there is necessarily both a large community and a relatively high proportion of community members with an interest in conservation, and individuals with a professional involvement with conservation or related subjects. There is also a long interaction between the study area and conservation causes.. Thirdly, the area is under economic pressure, and is of strategic economic importance to both local and national government, and of economic importance to international development.

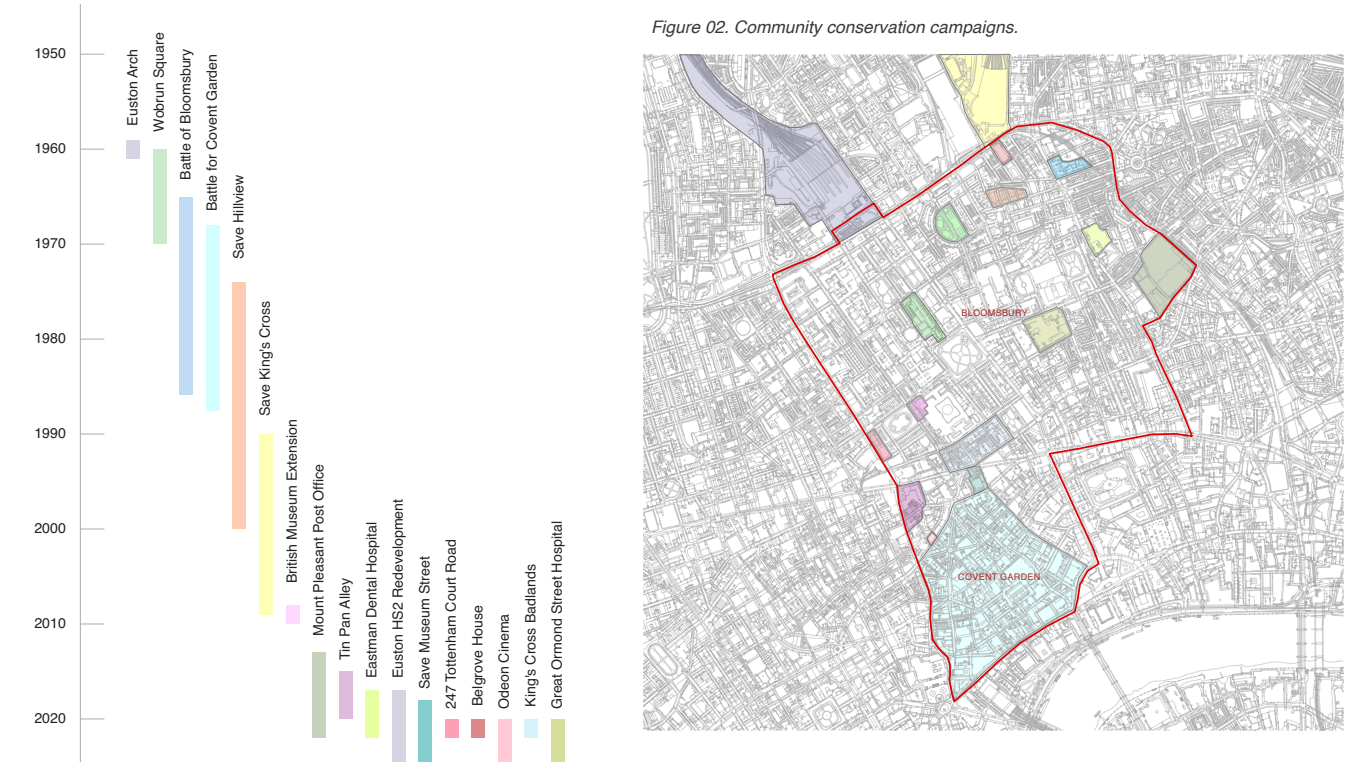
This situates the study area as being of international interest to the heritage academy. It is also an area necessarily sensitive to change, through its density of built heritage, the connections of this heritage to social history, and the international significance of its town plan. The breadth of its heritage value makes it of wide interest both to local communities, and national and international tourists. Economic pressures on the area, however, necessarily lead to pressure for change, which can conflict with the aim of conservation. It is suggested that these considerations set up a context whereby conflicts in conservation can naturally arise.

Conservation, Participation, and Major Development

Economic pressures on a limited land supply lead to high land values and an incentive to redevelop land for profit. As such, it is unsurprising that there is a long history of major redevelopment schemes in the study area, and these have, almost continuously, led to community-based campaigns against those schemes on the grounds of conservation. These campaigns do not focus solely on the values attributed to built heritage, but also seek to protect natural heritage, social heritage, and intangible heritage in the ways of life that community members enjoy, and particularly the integration of built heritage values with that way of life.⁶ These themes can be traced back to the earliest campaigns (Burgess, 1978; Covent Garden Memories, 2013), and persist through to the current day (see following discussion).

A timeline of these campaigns and the geographical areas affected are shown in figure 02.⁷ These begin with major redevelopment schemes of the 1960s and 70s, which sought to demolish and rebuild large areas of historic precinct. These campaigns were particularly lengthy and politically heated, and predated modern conservation theory and policy, but similar campaigns continue through to the present day in the form of opposition to more localised schemes to redevelop tall buildings or large sites.

These early redevelopment schemes led to the formation of the first community conservation groups, some of the members of which have been involved from the earliest campaigns through to the present day. Examples of this include the Covent Garden Community Association, the Seven Dials Trust, the Bloomsbury Association, and the Bloomsbury Conservation Area Advisory Committee. The first two formed in response to the ‘Battle for Covent Garden’ and the latter two in response to the ‘Battle of Bloomsbury’, both during the 1970s. It is these four groups which are the primary conservation groups still active in the study area, operating along the same lines, and comprising many of the same members.



⁶ To discuss this fully is beyond the scope of the dissertation.
⁷ The map describes the extent of development. The impact on community is far wider – typically such schemes attract attention from all throughout the study area, and, indeed, from national interests (see Chapter 05).

Why does Conflict Arise?

The previous discussion contextualises the study area, suggests that socioeconomic conditions naturally lead to conflicts in conservation, and substantiates the longevity of conflict which takes place between the local authority and community in the conservation of the area. It also identifies conservation as being a concern intimately tied to the history of the area itself. It shows major development as being a significant cause of conflict between the two groups, but it does not, however, shed any light as to why exactly conflict occurs. To understand this, an open-ended questionnaire was distributed to members of the community interested or active in conservation, to provide understanding of why community members consider conflict necessary, while also suggesting areas for further investigation.⁸

Methodology

An open, rather than closed questionnaire or interviews was chosen for a number of reasons. The primary aim of the survey was not only to collect evidence, but to allow for flexibility and adaptation in the direction that this research took depending upon themes identified by participants (Horsburgh, 2003). An open-ended method was therefore considered most appropriate, in allowing participants the room to express tangential views and opinions which might not have been anticipated by the author.

In an effort to attain a degree of reliability and investigate diversity of views, a wide sample size was prioritised over in-depth qualitative data from a limited number of participants. This also aligns with warnings identified in the literature against considering 'the community' as a single entity, especially within the context of conservation (Perkin, 2010; Waterton & Smith, 2010). Within the confines of a dissertation, a large number of interviews would have been disproportionately time-consuming. Many of the potential participants were also known personally to the author, and the use of open-ended interviews could have unintentionally biased results through researcher influence. A questionnaire in a standard format was considered to limit this risk. Similarly, the selection of a limited number of interviewees would necessarily have relied upon the author's prior experience in the field, and potentially biased findings towards those individuals most well-known to the author.

For these reasons, the format of an open-ended questionnaire was considered the most appropriate method to investigate community opinion. The questionnaire was distributed via an online post on the author's conservation-oriented blog, sent to all major conservation groups active in the area, and then subsequently distributed to followers of those groups via their mailing lists. The questionnaire was also sent personally via email to key members of the conservation community as known to the author.⁹ While exact figures cannot be ascertained, the survey was sent to around 1000 addresses, of which 23 individuals responded.

Questions were designed to probe both understanding of conservation theory and practice, and the quality of current practice of conservation and participation in the area. Emphasis was made on providing personal opinion, to provide a degree of consistency among professional and non-professional members of the community. They were asked the following¹⁰:

Participant profile

- What is your involvement with the conservation of Bloomsbury and Covent Garden?

Understanding of conservation

- What do you understand is meant by the term 'conservation'?
- What do you consider to be the 'point' of conservation?
- What is Bloomsbury and Covent Garden's importance in conservation terms?

Conservation Practice in Bloomsbury and Covent Garden

- What do you personally find are the key influences on the conservation of Bloomsbury and Covent Garden?
- What is your opinion on the quality of current conservation practice in Bloomsbury and Covent Garden?
- What is your opinion on the 'conservation community' in Bloomsbury and Covent Garden?
- What is your opinion on Camden in its conservation role in Bloomsbury and Covent Garden?

⁸ A case study or studies of historic conflicts is also a viable approach. This was ruled out for two reasons. Firstly, local authorities, legislative frameworks, and socio-political influences have changed significantly over this time. Secondly, the author did initially follow this approach, but the depth of sources and resulting explanation and discussion obscured the focus of the study, and greatly exceeded the word count available.

⁹ These include those who are chairs, leaders, secretaries, etc of conservation groups and campaigns.

¹⁰ These are abridged for clarity.

- Are there other more important matters which override or impede conservation in Bloomsbury and Covent Garden?
- Participation*
- What is your personal experience of the interaction between the community and Camden in conservation matters in Bloomsbury and Covent Garden?
 - Do you personally think that greater participation of the community would benefit or impede conservation in Bloomsbury and Covent Garden?

Limitations and Sample

It should be noted that the questionnaire was aimed at and only sent to individuals with a prior interest in conservation. The sample therefore represents individuals active in conservation, and should not be considered representative of wider community opinion. This is not considered a restriction to the analysis, as the purpose of the study is to investigate conflicts between conservation-oriented individuals and the local authority; as such, the views of non-conservation oriented community members would not have been as relevant to the work. Similarly, distribution via established networks of conservation groups was considered most likely to reach these individuals.

Results

Participant profile

Of the 22 participants, all were residents in the area. 12 of those cited professional qualifications in conservation, planning, or history, and 9 were members of community conservation groups. At least one member of each local conservation group responded. Of conservation group members, most were professionally qualified. A further 9 participants were ‘unqualified’ residents, with a personal interest in the conservation of the area.

Understanding of conservation

Participants showed a broad and sophisticated understanding of conservation, irrespective of professional background or conservation group membership. Only a minority described an explicit focus on historic fabric, with 87% citing wider place-based considerations, conservation of nature, way of life, vitality, culture, and preservation of limited resources. This pertained both to historic buildings as a resource, wider environmental consciousness, and the sustainable management of development in urban areas.

‘In the end, we have to look after the planet, not build and rebuild wastefully. Needs change but buildings can change and adapt, so that we continue to enjoy streets and townscapes that show us our history.’

Conservation group member

Given this holistic attitude to conservation, it is unsurprising that the majority of participants cited matters beyond the preservation of historic buildings when specifically asked about Bloomsbury and Covent Garden. Most participants referred to people, nature, and historic buildings as comprising significance, particularly citing the strength of community and their historic defence of conservation of the area.

‘Bloomsbury and Covent Garden were pioneer areas for conservation, due to the far-sightedness of a group of campaigners in the 1970s. If they had not had the foresight and determination to resist the planners and developers these iconic parts of London would have been turned into a modern wasteland of roads and office blocks, and what we have now would be lost for ever.’

Conservation group member

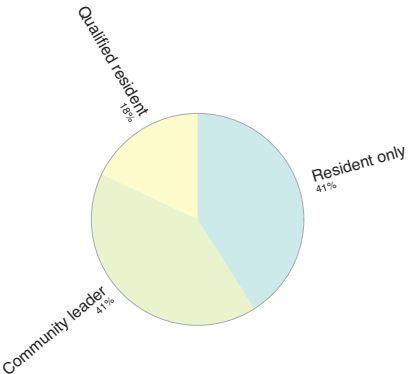


Figure 03. Participant profile

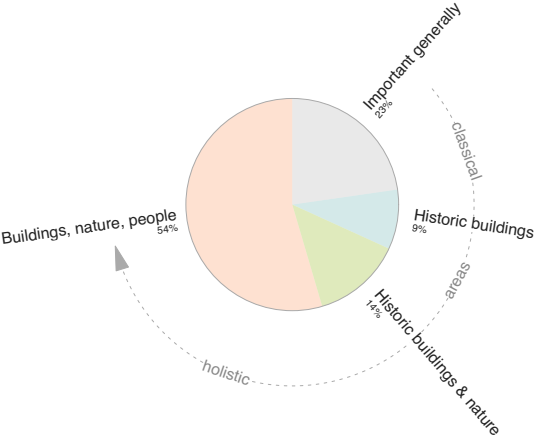


Figure 04. Significance of study area

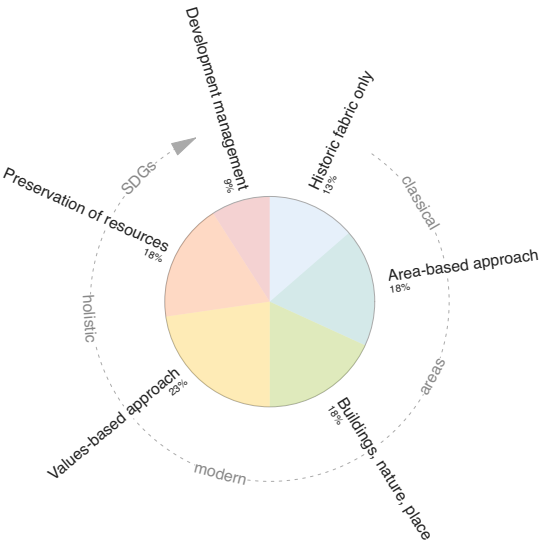


Figure 05. Understanding of conservation

Conservation and Participation

The previous summary outlines the degree and nature of participants' understanding of conservation and the significance of Bloomsbury and Covent Garden, and provides context to the following observations made on current conservation practice in the area. The prevalence of themes identified is shown in figure 06.

Just four themes account for 86% of responses. These are:

1. the poor quality of conservation,
2. the poor quality of participation,
3. the negative influence of major development,
4. the negative influence of finance/economics.

No participants expressed a positive view of the local authority's conservation practice in Bloomsbury and Covent Garden, nor did any participant express a positive view of their approach to participation. While there are a range of views as to the extent of perceived shortcomings, many of the participants expressed a deep dissatisfaction towards the local authority's practice in both:

'Camden is a disgrace! [...] over a 30 year period (just as an example), one can observe a constant salami slicing of the historical architecture'

Resident, conservation professional

'[I feel] great despair at seeing how powerful are the powers that seem intent on turning Bloomsbury and Covent Garden into something dethatched [sic] from recognised reality. Nothing in it for the folks at home.'

Resident

Opinions of poor conservation practice and poor participation are usually found together, with community participation generally serving to highlight conservation concerns and defend the conservation interests of the area.

'[Camden] doesn't listen to local concerns and almost always give developers permission to do as they please. Ruining the architectural and livability of the area.'

Resident

'It appears to me that the vibrancy and the determination to maintain the history and beauty of the area comes from local groups and individuals who have to fight tooth and nail against the indifference and thoughtlessness of local and national public bodies, developers.'

Resident

Very few responses critical of conservation and participation do not also draw a link to financial factors of some kind, and/or the political and financial influence of major developers.

'The key influence detrimental to the conservation of Bloomsbury and Covent Garden is the pact of the devil between planners and developers. The planners are pushed by their councils to grant planning applications so that the councils can get their hands on the Community Infrastructure Levy which will be paid as a result.'

Conservation group member

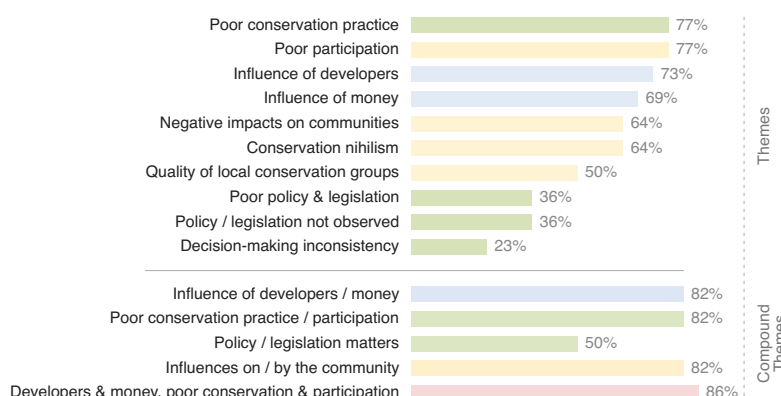
'Conservation is impeded by the apathy or antipathy of councillors and the power of large institutions to push through (by political or financial means) their often highly inappropriate proposals.'

Conservation group member

Community Impact and Conservation Nihilism

Another key theme identified by the survey is the negative effect that major development, poor conservation, and poor participation have on the community itself, rather than the on the conservation of the area's significance. This, along with poor participation, has a secondary effect of causing a nihilistic view of conservation efforts and initiatives. No responses expressed any optimism towards community conservation initiatives, describing them as a *'hard battle'*.

Figure 06. Thematic analysis



'The local community were greatly involved in campaigning against the GOSH development, and it made no difference.'

Resident

'It seems a constant battle against ill judged proposals.'

Resident

Policy and Legislation

Policy and legislation are commonly cited as negative influences on conservation, and typically either highlight its shortcomings in protecting conservation, or claim the local authority does not follow policy and regulation, with these responses typically asserting that major development and financial factors overrule or distort both:

'The councils have some excellent policies in place, but they are not implemented [...] the private citizen has to submit to the full rigor of planning laws whereas the big developer gets the red carpet treatment with planners fawning over them to smooth their path.'

Conservation group member

'Major influence and financial factors linked to developers often affect poor decisions, even when these go against council policies, and common sense.'

Resident

Discussion

The preceding analyses both demonstrate the high degree of community dissatisfaction with local authority conservation and participation practice, and provide key themes for further investigation. Survey participants were of different backgrounds and held different understandings of conservation and significance, and yet, none expressed a positive view of local authority conservation practice. Just four themes (fig. 06) account for all but two responses: *poor conservation*, *poor participation*, *major development*, and *financial/economic influences*. The shortcomings of policy and legislative frameworks are also identified, with participants asserting that major development either distorts or overrides both.

All these themes relate specifically to local authority practice, and most participants considered the local authority to be primarily responsible for poor outcomes. Major development is identified as a key driver of poor conservation and participation, both historically, and in the current context. Participants generally consider major development to impact negatively on conservation and participation, while also citing its apparent tendency to distort legislative and policy frameworks. Many participants note a link between the financial influence which major developers can exert over the local authority, and the wider economic and financial constraints encountered. These links, however, are not made clear by participants, although the four themes of *poor conservation*, *poor participation*, *major development*, and *financial/economic influences* are clearly interlinked.

The remainder of this study investigates these matters further, with the aim of answering how and why these influences cause conflict in the conservation of the area. It also provides evidence for the key claim of this study: that wider influences limit and obstruct participation in conservation, while substantiating the claim that conflict does indeed occur between the community and local authority in the conservation of the area. While participants generally hold the local authority to account for failures in conservation and participation, they at the same time point to wider legislative, financial, and economic influences. There is therefore some degree of interplay between local actions and wider influences, or *'socio-political complexities'* (Winter, 2012) which should be investigated further in the aim of answering why conflict occurs and how it could be overcome. In the process, we can thereby deepen understanding of the range of obstacles which heritage practitioners are likely to encounter in attempting to implement improved participation.

Conclusion

This chapter has contextualised the study area as of international heritage value, and under international economic pressures. It has substantiated the claim that conflict occurs between the community and local authority in conservation matters, and investigated why these conflicts occur. It has identified major development as a key driver of poor outcomes, with this being linked to wider legislative, political, financial, and economic considerations. These findings are used to motivate the remainder of the study as investigating these influences in the context of major development, with the aim of answering how and why they cause conflict in the conservation of the area and thereby limit meaningful participation in conservation.

The purpose of this chapter is to identify key legislative and policy frameworks which influence conservation and participation in Bloomsbury and Covent Garden, with a particular focus on major development, and demonstrate how and why they cause conflict and limit participation in conservation. A number of potential solutions to these problems are identified, which could be generalised to urban conservation and participation across the UK. Wider implications for the field of heritage studies are identified.

Introduction

As Horsburgh (2003) states of good qualitative research: *'background information on overall structures, settings, and frameworks within which participants are situated should be identified. The effect which these have in facilitating or inhibiting participants' actions should be acknowledged, in order to place the data which is obtained from them within a wider context.'* Similarly, Winter (2012) claims that *'[heritage professionals require] a far stronger grasp of the socio-political complexities which envelope the field of conservation today'*. Participants to the survey in Chapter 03 identify legislative and policy structures as directly influencing poor conservation and participation outcomes. Major development, a key driver of poor outcomes, is mediated and enabled through these legislative and policy frameworks, while conservation and participation are themselves institutionalised in such frameworks. Participants also suggest that major development somehow distorts implementation of conservation legislation and policy.

As such, the present chapter fulfils a number of aims by providing *'background information on overall frameworks'*, while identifying these legislative and policy frameworks as an obstacle to both conservation and participation. These frameworks are not unique to the study area, but apply across England, to some extent the UK, and influence discretionary planning systems across the globe. The discussion is therefore potentially generalisable to a number of different contexts, while also providing a deeper insight into local issues identified in Chapter 03.

The town-planning system

The paradigm for the control and implementation of urban conservation and participation in the UK is almost exclusively the town-planning system. Conservation legislation and policy is a part of, but does not dominate, planning legislation and policy. Rather, conservation forms one of a number of competing interests which the planning system seeks to balance. As the overall system is complex, this review necessarily cannot be exhaustive, and focuses only on the principal areas of the conservation and participation framework which apply to Bloomsbury and Covent Garden.¹¹

It should also be noted that the discussion focuses on the role of the local authority in this system, rather than heritage practitioners in isolation. Local authority conservation officers form a part of the local authority's planning department, but do not exercise full control over planning decisions. Hobson's (2004) review of planning and conservation discusses this matter extensively, identifying the various problems which arise from the split of power and influence over conservation within and between different organisations. At an organisational level, however, it is the local authority which manages and implements conservation aims in the study area. This, along with the focus on the on conflicts between *community* and *local authority*, is used to 'gloss over' the nuance of this point.¹²

In the analysis of the legislative and policy frameworks of town-planning, this chapter seeks to answer the following questions, motivated by the previous three chapters:

Primary research questions

- How do legislative and policy frameworks cause conflict between the community and local authority?
- Are there ways this conflict can be overcome?
- What are the wider implications of these considerations on the field?

Guided by Chapter 03

- Can inconsistency in decision-making be explained by these frameworks?
- Can poor conservation outcomes be explained by these frameworks?
- Can poor participation outcomes be explained by these frameworks?
- Can major development distort or influence these frameworks?
- To what extent is the local authority itself accountable for these matters?

¹¹ As planning is a devolved matter, planning policy and regulation is not completely uniform across the country, nor within individual boroughs. It must be approached on a case-by-case basis, but key considerations apply throughout England.

¹² Further analysis of this would of course be relevant to the study, but in the event, the local authority declined to allow the author to investigate differences in views, opinions, and approaches between individual officers within the organisation. Reference is made back to this point in the final chapter.

Participation in Practice

There are a range of statutory methods for participation in planning and conservation, but the community's principal role in Bloomsbury and Covent Garden is by contribution to local authority decision-making on redevelopment schemes brought forward by landowners. These redevelopment schemes either propose alterations to or demolition of historic buildings, or necessarily affect the historic character of an area by their proximity to historic buildings. As identified in the previous chapter, the high density of built heritage means that almost any application in the area has an effect on heritage value, and the larger the scheme, the greater this effect will generally be.

In most cases, it is the community's aim to preserve and enhance heritage significance, in conflict with the landowner's desire to increase land value or improve the condition of their property.¹³ A simplified schematic of this is shown in figure 07. While the overall statutory and policy framework has shifted through time, and the detail of this interaction is increasingly complex (see p. 27), this core dynamic, involving three separate parties: community, landowner, and local authority, remains the same.

This case-by-case and generally reactive approach can be said to arise for a number of reasons, but in general, limited community resource is effectively 'saturated' in responding to schemes only as they arise, rather than participating in wider pre-consultation or plan-making exercises. This, alone, is burdensome, and not a simple task to undertake. As one member of a conservation group put it: *'[we] have a high level of understanding of the issues facing conservation and are adept at contributing to the planning process. However, the sheer workload required to properly advise Camden on all planning applications is not possible with the current number of members'*.¹⁴ The principal conservation groups typically have a mandate to respond to all applications within a particular area as a primary responsibility,¹⁵ with focus directed on major development schemes, which necessarily consume the most resource through their complexity, importance, and longevity of permission process.



Figure 07. Participation process

Throughout 2023, 666 applications were registered in the study area, or approximately 13 every week. The high workload is reflected in local authority decision times, with 90% of applications exceeding statutory time limits in the same year¹⁶ (LB Camden, n.d.-a). The high number of applications arises from a mixture of the high intensity of land use and the strength of the local economy, as identified in Chapter 03. This attracts investment, and thereby pressure for change, from a range of interests. These include individual homeowners, small property investment corporations, business-owners, national and international institutions, and national and international investment corporations. It is the latter two – corporations and institutions – which typically propose the major development schemes in the area, while the bulk of more minor applications are made by homeowners and businesses (LB Camden, n.d.-a).

The Statutory Framework for Conservation and Participation

No matter the type of application or interests involved, the mode of community participation and the weight it has in the overall planning system is shaped by the national statutory framework which has remained largely unchanged since 1990 with the adoption of the modern Town and Country Planning Acts. While these acts have been amended and extended by subsequent legislation, the process of participation and the weight it has in the overall system remains largely the same.¹⁷ An overview of this framework is shown in figure 08, citing key provisions of legislation which apply to conservation and participation. It also shows how key terms and concepts are introduced into the planning system, and how key areas of policy are introduced and formally related to one another.

One thing immediately apparent is the complexity of the core legislation which underpins conservation and particularly participation, even without attempting to introduce the breadth and depth of case law and guidance which strongly influences interpretation of key terms and processes in the system. Before attempting to explain its relevance and influence, some key terms in this system must be explained. This also helps to contextualise subsequent discussions on the limited role that conservation and participation take in the overall system, while noting some important findings not generally discussed in the heritage literature.

¹³ These are not *a priori* conflicting aims, but this is observed by the author to generally be the case.

¹⁴ 7 professionally qualified members meeting twice a month for approximately 1-2 hours.

¹⁵ The BCAAC is formally consulted on *all* applications in the study area, while the CGCA responds only to those within and around Covent Garden, about a third of geographical area.

¹⁶ It is necessary, of course, to caveat this with COVID backlogs and local authority staffing shortages, and the fact that this is reflective of far wider backlogs in planning across the UK (DLUHC, 2023).

¹⁷ There have been drives through new legislation to further empower communities and their participation in the planning system. These are shown in figure 08.

Legislative Framework

legislation
policy
key concepts

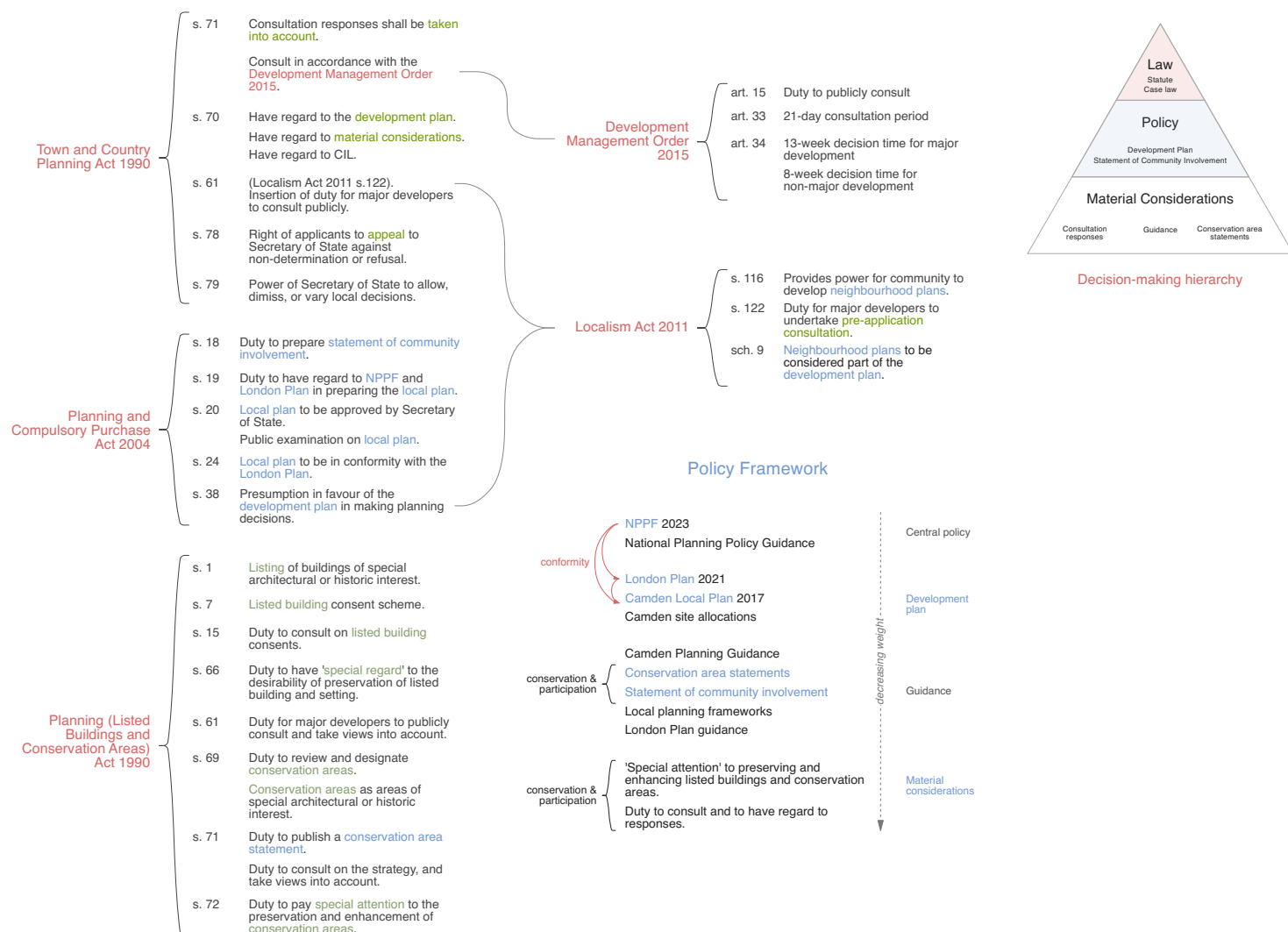


Figure 08. Statutory process for conservation and participation.

'Material considerations', 'weight', and 'planning judgment'

Three key theoretical concepts in the English planning system are that of 'material consideration', 'weight', and 'planning judgment'. These, broadly speaking, identify the matters which can be taken into account by the local authority, the relative importance of these, and the discretion available to local authorities in deciding how important different considerations are.

A 'material consideration' is a 'consideration which is relevant to making the planning decision in question' (MHCLG, 2023). This, in legal terms, is something which can be used as a reason in approving or refusing an application for permission. Things which are not a material consideration cannot be considered by the local authority, and to do so would leave it open to the risk of legal challenge or appeal by the developer. There is no published list of material considerations, rather it is a broad and strictly legal term open to interpretation, subject to guidance and case law. Policy cannot amend what constitutes a material consideration: it is a concept defined by legislation and the courts alone (Wright v Resilient Energy & Forest of Dean Council, 2019). The concept is correspondingly quite broad, but is inherently ambiguous and open to debate and challenge.

However, 'the law makes a clear distinction between the question of whether something is a material consideration and the weight which it is to be given [...] it is for the decision maker to decide what weight is to be given to the material considerations in each case.' (MHCLG, 2020). 'Weight' is the relative importance to be ascribed to each different material consideration which comes to bear on an application, with the local authority 'balancing' the 'weight' of the various material considerations to reach a decision to approve or refuse. This provides the theoretical underpinning to the management of 'competing aims and economics that are simultaneously political and technical: what many call 'a balancing act'' (Grant, 2022).

While the courts determine what constitutes a material consideration, it is mostly a matter of professional judgment to determine the weight that can be ascribed to each (MHCLG, 2023a). ‘A local authority [...] is free [...] to give material considerations ‘whatever weight [it] thinks fit or no weight at all’ (Bloor Homes v. Secretary of State, 2017, para. 19). The discretion available to local authorities to weigh material considerations differently is termed ‘planning judgment’. Planning judgment cannot be challenged in a court of law, in contrast to a ‘point of law’ or a ‘point of fact’. As such, planning decisions can only be legally challenged by a third party, including for example, the community, on points of law or fact; they cannot be challenged simply on the planning merits of the decision.¹⁸ This, in itself, severely limits the ability of communities to influence and challenge planning and conservation decisions made by the local authority.

While weighing material considerations is a matter of planning judgment, the legislative framework proactively ascribes a minimum level of weight to certain matters, including conservation. This establishes a legislative baseline across England, set by parliament and maintained by the courts. Subsequent national, regional, and local policy builds upon this, allowing local authorities to weigh matters differently, so long as the ‘minimum standards’ established in law are met. Policy, however, can be overruled, unlike legislation, and it is still up to the decision-maker to individually balance and weigh different matters of policy. This makes for a flexible, if not complex system, termed ‘discretionary planning’, in recognition of the level of discretion that each local authority and individual decision-maker can exercise on a case-by-case basis without threat of legal challenge (Sheppard et al., 2017).

The weight of conservation

Legislation explicitly places a strong weight in favour of conservation, stating that local authorities shall have ‘special regard’ to the conservation of listed buildings, and must pay ‘special attention’ to the conservation of conservation areas (Planning (Listed Buildings and Conservation Areas) Act, 1990). Case law provides guidance on the meaning to be attached to these ‘special’ duties.

‘[Conservation] is a matter which must be afforded considerable importance and weight [...] development [which does harm to designated heritage assets] should only be permitted if the decision-maker concludes that it carries some advantage or benefit which outweighs the failure to satisfy [the test].’

(The Bath Society v. Secretary of State, 1991)

In clarifying this further, Lord Bridge stated:

‘if any proposed development would conflict with that objective [s. 72], there will be a strong presumption against the grant of planning permission, though, no doubt, in exceptional cases the presumption may be overridden in favour of development which is desirable on the ground of some other public interest.’

(South Lakeland DC v. Secretary of State, 1992).¹⁹

The courts are clear that there is ‘considerable importance and weight’ to be attached to conservation,²⁰ and that where conservation harm is caused, there is a strong presumption against the grant of planning permission, except where a development confers some other public benefit which outweighs conservation concerns. This is of note in placing an explicit presumption in favour of conservation, to which all local authorities are bound, but also allowing conservation to be ‘overridden’ where there are other public benefits which outweigh the presumption in favour of conservation. These ‘public benefits’ must be of even greater ‘considerable importance and weight’ to ‘outweigh’ conservation concerns. It is, however, to the discretion of local authorities to weigh public benefits as they see fit, allowing decision-makers to consider that a scheme’s benefits outweigh conservation concerns, or not, on a case-by-case basis. Major development schemes, through their size, necessarily can offer substantial public benefits to be weighed against conservation.

The weight of participation

Participation, is, however, of much less importance in the statutory regime. The procedure for participation – or ‘public consultation’ – comprises a 21-day consultation period for most applications, during which any member of the public or group may submit their views. For major developments, an enhanced procedure is followed, whereby the developer²¹ must also carry out a ‘pre-consultation’ with communities and take their views into account before submitting the full application (Localism Act, 2011, s. 122).

¹⁸ Subject to reasonableness. Decision-making which is irrational can still be legally challenged, but this is a difficult test. See Chapter 06.

¹⁹ The planning system, and especially policy, has changed significantly since these early cases, but the legislation underpinning conservation has not changed since 1990, explaining the early dates but continuing relevance of these judgments.

²⁰ Of designated heritage assets. This review does not deal with undesignated heritage assets, because there are exceedingly few in the study area. The author is explicitly avoiding dealing with the legal and policy terms used to describe things worthy of conservation, as it unduly complicates the discussion.

²¹ Rather than the local authority.

There is no special weight to be afforded to consultation responses in legislative terms, the only requirement being that they must be *'taken into account'* (Town and Country Planning Act, 1990, s. 71) and *'conscientiously considered'* (R (Gunning) v. LB Brent, 1985). So long as the statutory procedure is followed, and the principal material considerations which arise from the consultation are taken into account, the local authority has carried out a lawful participation exercise. It is then to the decision-maker's discretion to weigh these material considerations as they see fit, or to ascribe them no weight at all.

In an effort to enhance community participation in planning, the Localism Act 2011 amended this procedure and placed a duty on local authorities to adopt a *Statement of Community Involvement* ('SCI') which sets out detailed local policy on participation. The SCI describes how a local authority will consult, and who they will consult, and is of legal status in that they must follow their adopted procedure explicitly.²² This, however, does not alter the relatively low weight afforded to the content of consultation responses, and in the case of the study area, does not significantly enhance the procedure by which consultation is undertaken (LB Camden, 2024).

The Influence on Conservation and Participation

Before attempting to answer the questions posed at the beginning of this chapter, it is worth noting some general points which are relevant to the study.

Firstly, conservation and participation are embedded within an undeniably complex system, which does not lend itself to being easily understood by the lay person, nor, indeed, the heritage professional. Fundamental concepts such as material consideration are not explicitly defined, and local authorities have received several legal challenges due to their failure to properly interpret the term.²³ This necessarily has the effect of privileging decision-making to the relatively few experts who can claim to understand the system, and even those are open to legal risk. Secondly, there is a split of power between planning officials and courts of law. Many key issues, such as participation, are controlled in procedure by legislation, while how to subsequently interpret participation results is discretionary on the part of the local authority. This has the dual effect of limiting local authority influence over, for example, the participation procedure, while limiting the community's ability to challenge any resulting interpretation which falls within discretionary protection. Related to this is the fact that weighing participation results and conservation matters is, ultimately, discretionary, and therefore legally protected. So long as minimum standards are met, there is no recourse for communities who disagree with local authority decision-making to challenge these results. They must, counterintuitively, find alternative points of fact or law to bring a challenge, which do not deal with the core disagreement between the two parties on the importance of conservation or interpretation of heritage value and impact. To bring such a challenge requires substantial financial resource, which community members generally cannot spare (see Chapter 06).

These points are of note in showing that neither community members nor the local authority exert full control over planning decisions, with key matters, including conservation and participation, partially controlled by legislation. Statutory matters can ultimately only be amended by an act of parliament. Control over decision-making in the historic environment, therefore, is split between local and national interests, and cannot be influenced either by communities, nor heritage practitioners, and certainly not by wider advancements in heritage theory and policy.

With these preliminary observations in hand, the following discussions attempt to answer the questions posed at the beginning of this chapter, and demonstrate how local concerns raised by participants in Chapter 03 are institutionalised by this overall system. Given that this system is of national status, it suggests that wider, rather than local, influences constrain and obstruct both conservation and participation in the study area, although limitations to this argument are also identified.

Discretionary Planning and Inconsistency

Community participants cited inconsistency in decision-making and pointed to policy and legislation being overruled by the local authority, particularly with regard to major development schemes. In these assertions, it is implied that the local authority is directly to blame for inconsistent approaches:

'[Camden] do not follow the policies created precisely to ensure there is no harm to Conservation Areas.'

Resident

'My experience of our interaction with Camden is that it is extremely inconsistent.'

Conservation group member

²² The 'promise' to carry out consultations according to the SCI gives rise to a 'legitimate expectation'.

²³ There are in fact so many that it would be impossible to reference this concisely. See LB Hackney v Secretary of State (2018) EWHC 2174 for just one example.

Can inconsistency in decision-making be explained by these frameworks, rather than local issues? The preceding discussions demonstrate conclusively that inconsistency and variation in decision-making is an integral part of the town-planning system. Crucially, this affords both the local authority *and* individual planning officers within the authority a level of discretion and flexibility which can be exercised in determining each application, leading to inconsistency in approaches between different officers and different applications. This approach is not peculiar to the study area, it is one which is both institutionalised across the UK, and a core feature of the discretionary planning system which emerged in early twentieth century Britain and has widely influenced planning systems across the globe (Booth, 1995).

The 'discretionary' approach to planning stands in contrast to the 'zonal' or 'regulatory' approach, which provides maximum certainty by defining objective regulations which development proposals must comply with. The regulatory system, however, does not allow decision-makers any level of discretion to consider the fundamentally subjective nature of heritage value, and does not allow for any participation in decision-making, which is reduced to a purely technical exercise of compliance.²⁴ The tension between the flexibility of one system and the certainty of the other is something recognised in the literature. *'Regulatory systems are based on the need to establish rights and create certainty, and discretionary systems are shaped by the desire to achieve a flexible response to future development'* (Booth, 1995).

Booth also makes the interesting claim that the discretionary system arises naturally from an Anglo-Saxon common law constitution and is therefore embedded in *'the political and administrative culture of the country'*. He suggests that regulatory systems are typically found in countries of civil, rather than common, law constitution, citing France and the US as examples (Booth, 1995).

These discussions serve to demonstrate two key issues relevant to the study. Firstly, we can point to a wider national framework which institutionalises uncertainty and inconsistency, not unintentionally, but as a core feature of the framework. It therefore supports a key claim of this study, that wider influences, rather than local issues, constrain and obstruct conservation and participation practice. Secondly, if we agree with Booth's arguments, the discretionary nature of the system can be traced back to a fundamental aspect of British 'administrative culture', in particular the Anglo-Saxon common law system. This is also reflected in the way that common law exerts significant influence over the implementation of conservation legislation. If we accept that the discretionary approach ultimately stems from a fundamental aspect of British cultural attitudes, the scope for amending this system is severely limited.

Major Development, Public Benefit, and the 'Overriding' of Conservation Concerns

Community participants commonly cited the tendency for major development schemes to somehow distort the overall legislative framework and conservation policy. Participants were split as to whether this occurred as a result of the local authority's approach, inadequacies in policy, or financial and economic influences. The following discussion focuses on legislative and policy frameworks (see Chapter 05 for financial influences).

'Large developments are often pushed through the planning process with conservation concerns being overridden through 'public benefit' arguments.'

Conservation group member

'The great threat to the conservation of Bloomsbury and Covent Garden is that insufficient weight is given to heritage matters when Planning Committees, and planning officers, are balancing heritage harm against perceived public benefits. Big institutions such as GOSH carry huge influence over the decision makers.'

Community member

Can major development distort or influence these frameworks? Statute, and by association, policy, attribute *'considerable importance and weight'* to the conservation of designated heritage assets, but case law identifies a key route for conservation concerns to be overruled. *'Development [which does harm to designated heritage assets] should only be permitted if the decision-maker concludes that it carries some advantage or benefit which outweighs the failure to satisfy [the statutory test of conservation].'* This route, of weighing *'public benefit'* against conservation harm, is directly replicated in national policy.

'Where a development proposal will lead to less than substantial harm²⁵ to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'

National Planning Policy Framework 2023, para. 208.

²⁴ Similar, to example, the British building regulations system. It would be absurd in this case to consult communities on building regulations applications, as subjective opinion cannot inform objective regulatory compliance.

²⁵ 'Less than substantial harm' appears to be a much weaker statement than case law, but in fact, 'substantial harm' is an extremely high test which has never been met in the case study area.

As regional and local policies must be in conformity with national policy (Planning and Compulsory Purchase Act, 2004) (see p. 24), this test is directly replicated in the London Plan and Camden Local Plan 2017. It is therefore both of statutory and policy status, and local planning officers must therefore weigh ‘public benefits’ against heritage harm caused by a scheme.

What are ‘public benefits’?

It is necessary, then, to understand what public benefits are, and how they can override conservation concerns. It is, however, a typically difficult term to define, and is ‘*so plagued with problems that it has effectively been abandoned by academia in recent years*’ (Lennon, 2017). Early commentaries on the term argue that it refers to improving social, economic, physical, and even moral conditions (McDougall, 1979), while modern case law establishes that what constitutes a public benefit, and the weight it is to be given, is a matter of planning judgment (City & County Bramshill Ltd. v. Secretary of State, 2021). We can, for the purposes of this study, read it as comprising wider social, economic, and environmental benefits brought by development, which align with the planning system’s overarching aim of delivering sustainable development (MHCLG, 2023b), but a term which is ultimately for the local authority to define on a case-by-case basis.

Plainly, then, larger development schemes carry a greater capacity to deliver such benefits, through the financial resource which they bring to bear on a project. Provision of new housing, office space, or research and educational institutions automatically supply public benefits which can be weighed against harm to heritage. And while statute determines that ‘*considerable importance and weight*’ must be attached to any harm caused by major development schemes, it is a matter of planning judgment to weigh public benefits of a proposal, and in particular, they can be considered to outweigh heritage harm.

This provides a partial answer as to whether legislative and policy frameworks are indeed distorted by major development schemes. In a sense, they do not, as the national framework provides the mechanism for such schemes to create heritage harm yet be approved. Another interpretation would be that local authority officers hold discretion to weigh these public benefits, and could therefore be seen to distort the system in favour of major developments, while still complying with the wider framework. It certainly appears to be the view of the community that local authority officers are rather to blame than the national framework. The ability of decision-makers to both identify and weigh public benefits is, however, institutionalised by this wider national framework – it is a feature, rather than an error. We can only point to a complex interplay of national and local influences, where a local response to a wider national framework perhaps causes both conservation outcomes and local participation to be harmed.

Poor Perceptions of Participation

Poor participation, and the link to major development and poor conservation outcomes, is a key theme identified by community participants.

‘It seems a constant battle against ill judged proposals.’

Resident

‘We have active, well informed groups but the Council rarely take any notice of them.’

Resident

Can poor participation outcomes be explained by legislative and policy frameworks? As identified in Chapter 03, community efforts are focused against major redevelopment schemes with the aim of influencing the local authority and having the application refused. As explained in this chapter, there is extremely limited recourse for the community to challenge an approval, which therefore necessitates maximum input during the decision-making stage. Similarly, the limited resource and high demand faced by conservation groups means the statutory consultation period is prioritised over pre-application or wider plan-making procedures. Resource is therefore saturated in the statutory consultation procedure, shown in figure 10.²⁶

This leads to community campaigns typically focusing on delivering a large magnitude of written objections to a development scheme; just one major scheme in 2023 received over 300 objections. There is, however, no basis in legislation by which the magnitude of objections can be a material consideration.²⁷ Similarly, the consultation process in itself is afforded very little statutory significance in the overall decision-making process: decision-makers must only ‘*conscientiously consider*’ the content of objections, so far as they are material.

²⁶ It is worth comparing this to figure 07 as a more complex version of the ‘core dynamic’ which was identified.

²⁷ This is a personal interpretation of the case law and supported by a number of local authority website pages, however, the author was not able to find an authoritative source to support this, and may not yet have been addressed in case law, likely because local authorities would be wary of explicitly stating that the magnitude of objections is a material consideration for fear of appeal by the developer.

It is suggested that this inherent power imbalance naturally leads to the frustration and entrenched conflict between the local authority and community. While the community seeks to maximise their ‘impact’ on the decision-making process through the only formal route available to them, the legislative system affords any community contribution, no matter the volume or strength, very little ‘weight’. Indeed, in that planning officers can only take into account material considerations contained in such objections, and that they are likely aware of these considerations long in advance, there is perhaps almost nil statutory effect of participation on the overall application process for major schemes.

Despite this, the highly technical nature of the preceding discussions means that ‘non-expert’ residents are unlikely to be aware that their responses are to be afforded little weight, but also that this is not a policy necessarily actively pursued by the local authority, but one which is institutionalised in national statute. And while community objections can and generally do focus on conservation-related matters, there is no legislative link between local heritage values and the statutory process for weighing conservation. While there may be a *de facto* link in practice between conservation harm and community opposition, which might guide local authority officers at least informally, they are strictly separate matters in legislative terms, with the amount of weight to be afforded to conservation in relation to other public benefits largely a matter of discretion on the part of the local authority.

In this regard, we can present a convincing justification for the widespread disappointment voiced by community participants in relation to poor participation, pointing to the wider statutory framework as being a key cause of poor outcomes. The only formal process for participation in major development schemes is legally instituted to minimise its importance, with other matters taking greater precedence. Its existence as the *only* method for participation nevertheless causes the community to maximise their input into this process, without recognition that in statutory terms, no matter the resource dedicated to this process, the overall effect is severely limited. Amending this procedure remains the prerogative of parliament, rather than national, regional, or local policy-makers or decision-makers.

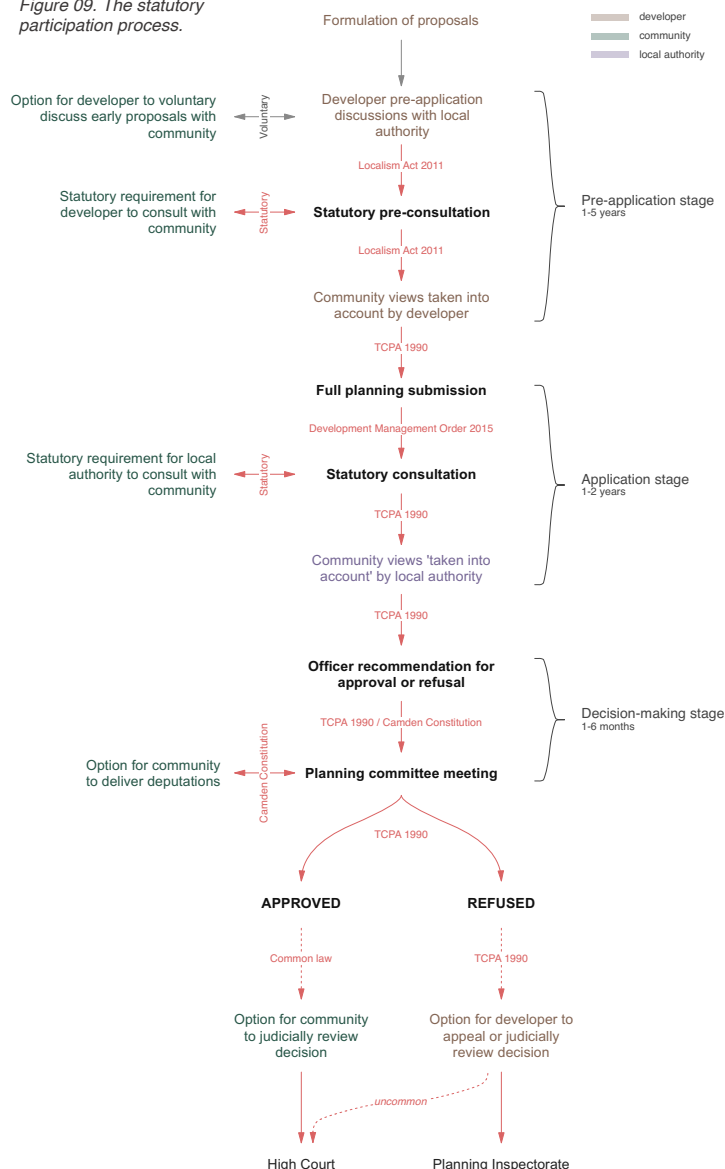
Discussion

Before answering how these conflicts could potentially be overcome, there are several points of relevance both to the current study and of note for the wider academy which should be discussed.

Legislative frameworks as a cause of conflict

In reference to the research questions posed by the results of Chapter 03, we can fairly firmly point to the national legislative framework as being a cause of conflict in the conservation of the area, impacting negatively upon conservation and participation, with these impacts being particularly pronounced in the case of major developments. While community members point to major development somehow distorting this framework, with policy being ‘overruled’, it has been explained that the distortion caused by major schemes is a feature, rather than an error, of the British town planning system. Public benefits presented by a major development scheme can gradually ‘outweigh’ conservation matters, including those raised during participation, and thereby give the appearance of conservation policy being overruled or local authority being distorted by such schemes.

Figure 09. The statutory participation process.



These legislative frameworks flow from parliament, and according to Booth (1995), ultimately from the administrative culture of the country. There is some nuance to this argument however. Booth's connection of administrative culture to a common-law influenced participatory planning system does not *a priori* prejudice conservation and participation, rather, it supports these aims when contrasted with a non-participative and objective regulatory system. It is the detailed implementation of the discretionary system, through national legislation and statutory instruments, which allows a clear path for conservation matters to be 'overruled', and explicitly places a low importance on participation exercises. This suggests that ultimately, amendments to legislation could enhance conservation and participation, potentially placing communities closer to the heart of heritage management, without conflicting with wider administrative and constitutional concerns.

Power over this framework

However, the actual likelihood of fundamental reforms to the planning system arising from the field of either heritage practice or theory is perhaps negligible. Conservation concerns have always formed only a part of this system which, from its inception, has been designed primarily to deliver public benefit, and within which Hobson (2004) notes '*conservation has attempted to ride a number of horses*' to ensure continued relevance. The only way in which this system could be fundamentally altered would be through parliament, necessitating *political*, rather than *academic*, support. This substantiates Winter's (2012) view that in order to implement the aims of modern heritage theory and policy, a '*stronger grasp of the socio-political complexities is required*,' and supports the idea that fundamental reforms to or 'the rebuilding' of heritage studies would have extremely limited impact on achieving its aims.

Local powers and risk-averse decision-making

To point solely to national influences as causing conflict in local conservation participation would be misleading. There is scope at the local level to amend overall statutory frameworks, so long as the 'minimum standards' set out in legislation are attained. Local policy can, theoretically, amend or improve upon national and regional policy, and local decision-makers can utilise their own powers of discretion to weigh conservation more highly and public benefits less strongly. It is not possible, within the confines of this dissertation, to explore this matter further, especially the reasons as to why, in almost all cases, public benefits are judged to outweigh heritage harm, although Chapter 05 discusses wider economic and political influences as to why this may be the case.

It is worth noting for the purposes of this study, however, that in practice, the local authority cannot always utilise its full powers of discretion. This is because, as identified in figure 10, developers have the right to appeal to national government against refusals of permission. This appeal process explicitly reconsiders matters of planning judgment, and a high proportion of major decisions overturned at appeal can lead to local authorities losing their decision-making powers. To delve into this topic is beyond the scope of this study, as it begins to consider the dynamic between local authorities and developers directly, which is not the purpose of this research. It can be described as both a limitation of the analysis, but also a further influence of wider, national power over local decision-making on conservation and participation matters.

Implications on the field and generalisability

Chapter 02 identifies community-based management of heritage sites as a key aim of modern conservation theory and policy, particularly with the aim of decentring expert values and practices of conservation. Two strands of thought are identified as to how to implement these aims. One seeks to achieve this by the '*ruthless criticism of everything existing*', while the other argues for the field to attain a '*stronger grasp of the socio-political complexities*.'

The preceding analysis strongly supports the latter view, and suggests that fundamental reforms to heritage theory and practice would have very little effect in achieving its aims. As identified by Hobson (2004), heritage practitioners have very limited influence within local authorities over development schemes, and as identified by this study, local authorities as an organisation are themselves strongly constrained by wider national legislative frameworks, and face the risk of planning powers being revoked by central government should discretionary decisions be consistently overturned at appeal. In this context, whether or not local heritage practitioners subscribe to the '*authorised heritage discourse*' is of very limited relevance. Rather, overarching power structures, and wider national, political influences strongly shape and influence both conservation and participation at the local level. These structures both limit the importance of conservation as a whole, strongly limit the effect of participation, and do not allow for any link between local heritage value and assessment of heritage significance. The highly complex nature of the system, and the need for local authorities to comply with this system, means that local communities are not well-placed to even understand how the system works, even less operate it themselves. Fundamental reforms to this system would be required to achieve these aims, and these arise from political structures, rather than academic, or international policy debates.

How can Conflicts be Overcome?

The previous discussion suggests that achieving fundamental reform of the kind advocated by academic and policy circles cannot be achieved without national political support. We can, however, attempt to answer how conflict can be alleviated, and conservation/participation aims at least partly achieved, at a local level. This has relevance in providing practical solutions to a complex problem in conservation, providing a solution to local concerns, and is potentially generalisable to the conservation of urban areas across the UK.

While appeals to international theory and policy are convincing intellectually, they do not address the risk-averse and technical nature of the system within which the local authority operates. To propose any meaningful solution in this instance would need to take account of the ‘*socio-political complexities*’ discussed in this chapter, while also aligning with the aims of international policy and theory.

With these considerations in mind, two options are identified and presented in a modified version of the application process in figure 13. As many major schemes are influenced principally through the pre-application process, it would be of benefit to include conservation groups in this process, rather than maximise participation during the statutory consultation period, by which time major development proposals are largely finalised. This does, however, present problems in that these discussions rely on privacy between the local authority and developer, and a concern that direct involvement could lead to confrontation and a loss of council influence and power.²⁸

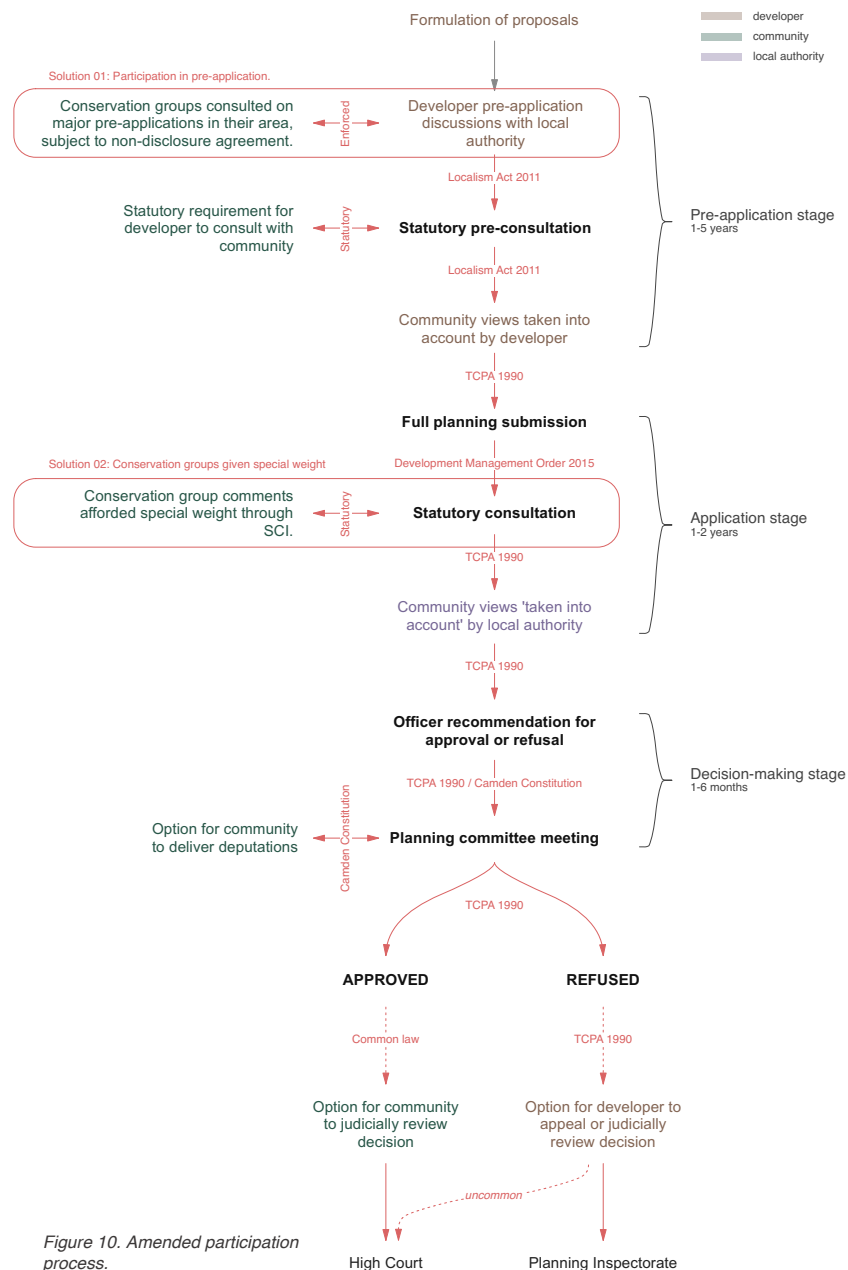


Figure 10. Amended participation process.

However, several statutory bodies, including the national amenity societies and external design review panels are consulted during this process. They do not sit ‘alongside’ council officers, but rather inform the council’s early opinion and approach to providing feedback. There is no *a priori* reason why local groups could not be treated in a similar fashion. This would have no impact on council resource, and officers would still rely on their own discretion in weighing such responses.

Nevertheless, privacy would likely remain a key concern. This could be addressed through means of a non-disclosure agreement. The importance of privacy, and not disclosing proposals either for development, or their detail, also necessitates the involvement of formal groups, rather than the wider community. Conservation groups would then act as a guide, rather than a definitive representation, of local heritage value.

The second option would be to introduce greater weight to the views of conservation groups during the statutory consultation process through the council’s locally adopted Statement of Community Involvement. This would, however, present difficulty in legally binding the council to preferentially consider views which may not be representative or reasonable in the instance. For this reason, informal discussions at an earlier stage would likely be a preferred option, also aiding to reduce rather than potentially inflame conflict between the two parties.²⁹

²⁸ These comments are informed by a contribution made by the local authority on the topic.

²⁹ As previously noted, Camden has suffered two judicial reviews due to failure to follow its SCI, so amending it to make the procedure even more restrictive is unlikely to have internal support.

Conclusion

This chapter has examined legislative frameworks and their influence on conservation and participation in the study area. These analyses have provided several useful findings for the purposes of this study, identifying this wider framework as both constraining conservation and particularly participation, and within the context of limited community and local authority resource, it has been suggested that conflict is essentially institutionalised by this framework.

Power over this system has been shown to arise from a range of sources, but ultimate control arises from Parliament, and then from national courts of law. It is also suggested that the discretionary nature of the system, which is one of the causes of poor participation and perceptions of conservation, arises primarily from longstanding cultural attitudes towards administration and planning in the UK (Booth, 1995). It is argued that legislative reforms to the system could achieve the aims of meaningful community participation in conservation, but that this would necessitate *political* rather than *academic* support. This suggests that wider influences are primarily the cause of poor conservation and participation outcomes, and that a '*stronger grasp of the socio-political complexities*', rather than the '*ruthless criticism of everything existing*' is necessary to achieve academic and policy aims.

The purpose of this chapter is to explore the influence of politics, economics, and limited resource in causing conflict in the conservation of the area, with a particular focus on major developments. The previous findings on legislative frameworks are drawn upon, while also challenged by findings in this chapter. It is suggested that while legislative frameworks play a fundamental part in causing conflict, poor outcomes can be exacerbated by wider political and economic forces. The chapter makes several new findings in the field, while also suggesting how conflict can be meaningfully overcome at a local and wider level.

Introduction

While the previous chapter conducted an in-depth examination of legislative and policy frameworks, identifying them as a cause of conflict, it also identified a large degree of discretion available to decision-makers, and it does not identify whether in practice, these legislative frameworks are rigorously followed. This is of note in that existing case studies identify legislative frameworks as being inadequate or simply not followed when limited resource or political considerations take precedence (Ahmed, 2017; Amin & Adu-Ampong, 2016; Donato & Lohrasbi, 2017), while community participants in Chapter 03 assert that economic considerations and limited resource do influence decision-making on major development schemes. To conclude that legislative frameworks are the sole cause of conflict in Bloomsbury and Covent Garden would therefore be naïve and fail to respond fully to some detailed concerns raised by participants.

The purpose of this chapter is therefore to investigate the link made by the community between major development and finance/economics, drawing upon the legislative framework discussed in the previous chapter, while also challenging some of the findings previously made. With reference to the previous discussions, we can pose the following questions for this chapter.

Primary research questions

- How do politics, economics, and limited resource cause conflict in the conservation of the area?
- Are there ways this conflict can be overcome?
- What are the wider implications of these considerations on the field?

Guided by Chapter 03

- Can poor conservation outcomes be explained by these considerations?
- Can poor participation outcomes be explained by these considerations?
- Does major development exert financial or political influence over the local authority?
- To what extent is the local authority itself accountable for these matters?

Guided by Chapter 04

- To what extent are legislative frameworks implemented, or even of influence on conservation and participation?

Review of Major Development

As discussed in Chapter 03, pressure for major development in the area is high as a result of its inner London location and associated socioeconomic pressures and strategic economic importance. This presents an investment opportunity for developers seeking to capitalise on increasing the value of land through construction. The RICS (2019) notes that obtaining reliable data on achieved returns is challenging, but financial viability assessments submitted in support of major development schemes in Camden generally target 15% profit³⁰ on benchmark land value³¹ ('BLV'). Depending on BLV, this equates to around £10-20M.³²

The rate at which sites are put forward for major redevelopment in the area is correspondingly high. In the 5-year period 2019-2024, 9 such applications were submitted, all of which attracted considerable community attention, one of which led to a community legal challenge (Carrier, 2024). Most of these also attract local and national press coverage, indicating their wider relevance to public opinion. Applications are on average current³³ for 1-2 years, so that at any

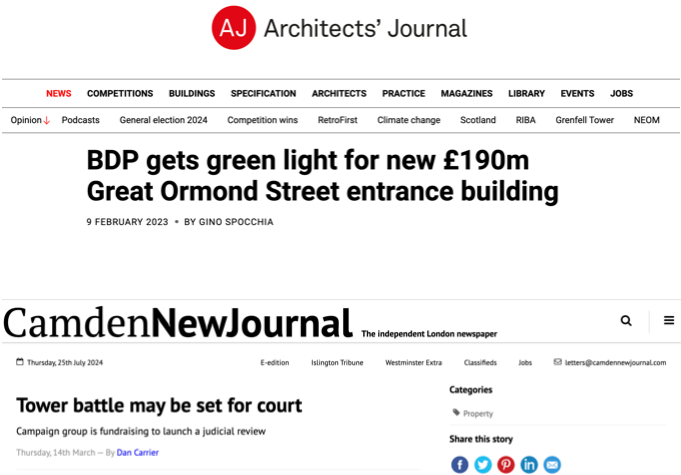
³⁰ In Camden, it is in the developer's interest to report 15% profit to minimise planning obligations, and almost every viability assessment claims 15-16%. See the following discussion.

³¹ This does not reflect the price paid for the land, but the theoretical value if sold on the open market.

³² It is important to stress the poor evidential value of these figures. Developers are strongly incentivised to minimise any claim to profit in financial viability assessments, as any surplus may be captured by the local authority through planning obligations.

³³ This includes the preapplication stage, whereby 'draft' proposals are released to the public for comment prior to an application being submitted.

one time, there are two or three major development schemes going through the permissions process. Construction then spans a further 1-3 years.



The Victorian Society urges Secretary of State to prevent harm to some of London’s most important Victorian buildings

Camden Council have recently approved plans to demolish the low-rise 1930s Belgrove House, and replace it with a 5-part 10 storey building, harming the setting of the Grade I-listed St Pancras.



Figure 11. Headlines relating to major development in the study area.

That the council is generally supportive of such schemes is clear through the statistics. In Bloomsbury and Covent Garden, none of the major applications were refused from 2019-2024, despite just one of the approved applications receiving over 300 objections (LB Camden, n.d.-b). All received objections from the primary local conservation groups, and some from the national amenity societies and Historic England. Historic England was unable to support any application, and the local authority itself judged that these applications caused harm to heritage assets, including surrounding conservation areas and listed buildings.³⁴

Planning Gain

All involved parties judged these schemes to cause harm to heritage, and yet they were approved. Clearly there is some overriding factor which has more influence than conservation in such applications. The previous chapter suggests that the overarching legislative framework permits such applications to be approved through consideration of their public benefits, which local authorities are free to weigh as more important than conservation matters. Some community participants in Chapter 03 identify this as being the case, but many also draw wider links to the financial incentive to approve such schemes.

‘The key influence detrimental to the conservation of Bloomsbury and Covent Garden is the pact of the devil between planners and developers. The planners are pushed by their councils to grant planning applications so that the councils can get their hands on the Community Infrastructure Levy which will be paid as a result.’

Conservation group member

‘Major influence and financial factors linked to developers often affect poor decisions, even when these go against council policies, and common sense.’

Resident

The financial factors which participants refer to are variously termed ‘*planning gain*’, ‘*planning obligations*’, ‘*section 106*’, ‘*community infrastructure levy*’, and ‘*developer contributions*’. These refer to the statutory mechanisms by which local authorities can secure payments from developers as part of the planning permission process. These can amount to well over £10M for one development, but they are generally proportional to development scale, and are in the range of £1M-12M in the study area. Payments are partly mediated by a ‘*section 106 agreement*’, which is negotiated with the developer during the application process, with approval contingent on its conclusion. A separate charge – the ‘*community infrastructure levy*’ (‘CIL’) – is also paid and is proportional to internal area with different rates for different land uses. These two mechanisms permit the transfer of funds from developers to local authorities, and comprise ‘*planning gain*’.

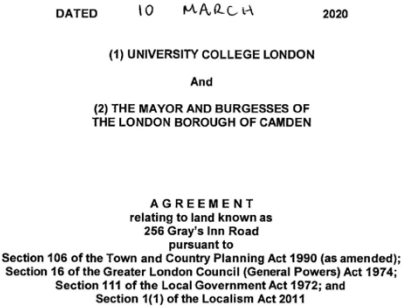


Figure 12. Example of a s.106 agreement cover page. Source: LB Camden.

³⁴ See page 38 for a full list of these applications and associated planning references.

The origins and influence of planning gain

Planning gain has a long and contested history dating back to 1971 (Town and Country Planning Act, 1971), but its influence on planning and conservation is relatively poorly documented in academic circles. Hobson's (2004) review of planning and conservation does not mention it once, and very few papers, if any, study the link between planning gain, urban conservation, and community participation, despite it being one of the primary community concerns in Bloomsbury and Covent Garden.

Very few recent papers even examine the influence of planning gain on planning itself, although those that do highlight the contentious nature of the topic. Ferm & Raco's (2020) review of the topic assert that planning gain and viability now dominate the work of planning, coining the term '*viability-driven planning*'.³⁵ They point to austerity measures as exacerbating this shift, with local government budget cuts of 49.1% in the period 2011-2018, 'locking' local authorities into a '*dependence on property market uplift to deliver basic services and facilities*'. This link between austerity and local authority dependence on development finances is also acknowledged by community participants.

'Government have played a huge part in this catastrophe by reducing the block grant received by local authorities to such an extent that they are extremely dependent on the CIL money [...] the big developer gets the red carpet treatment with planners fawning over them to smooth their path.'

Conservation group member

'Camden Council budget pressures have caused the planning department to be underfunded. This has led to under-trained, under-supported, underpaid and overworked planning officers. Combined with pressure from councillors to collect as many S106 payments as possible to plug budget holes, this has led to conservation matters in the planning process only being relevant to planning applications with minimal or no S106 contributions.'

Conservation group member

Although planning gain was not originally intended as a form of development taxation, but rather to mitigate the negative effects of development on communities, it is now generally accepted as a form of land tax in professional spheres. The 2020 Raynsford Review of Planning describes planning gain as a '*betterment taxation system*' with no further justification (TCPA, 2020, p. 33). Data on national planning gain points to a jump in payments during the period 2011-2018, from £3.7B to approximately £7B, an increase of approximately 89% (MHCLG, 2020), corresponding roughly with local authority budget cuts of 49.1% identified by Ferm & Raco (2020).³⁶

Planning gain in the study area

Data published by the local authority on their planning gain payments corroborate such a view, with a substantial increase in payments received following the 2008 financial crisis, and a similarly substantial sum held in reserve, brushing £100M in 2016 (LB Camden, n.d.-c). To compare to the council's overall finances, it claims a comparable

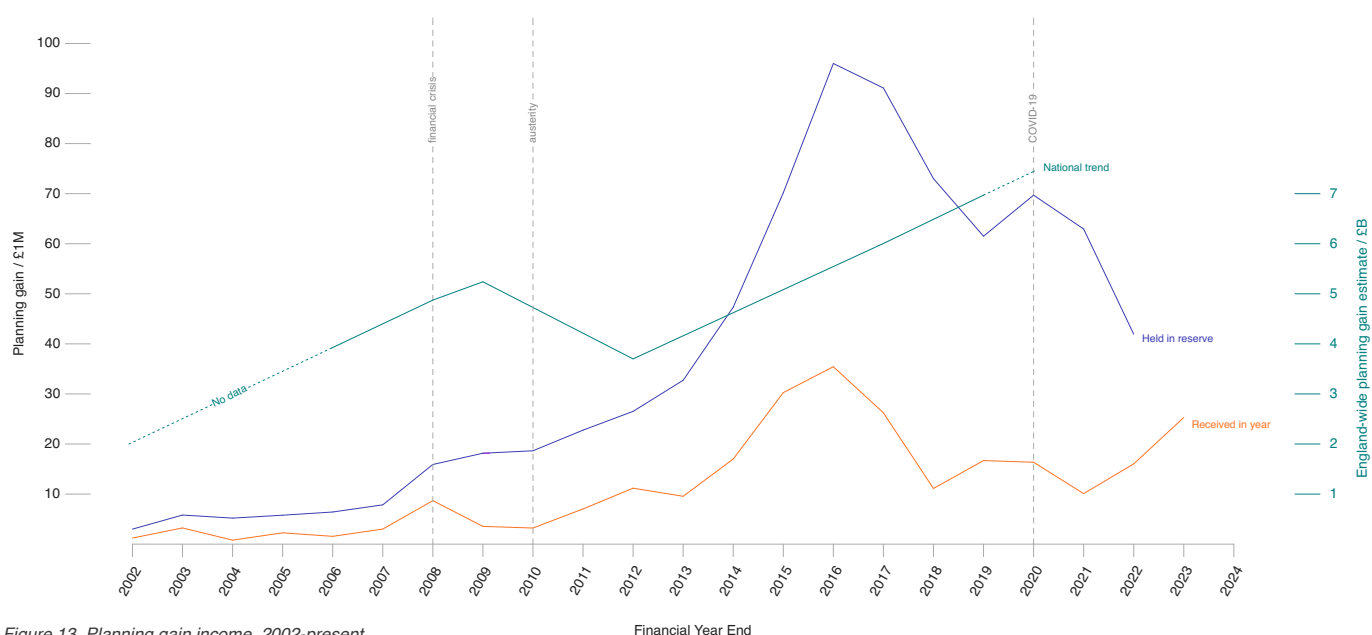


Figure 13. Planning gain income, 2002-present
Source: LB Camden (n.d.-c), MHCLG (2020). Presented by author.

³⁵ Viability is closely related to planning gain. It refers to the financial feasibility of carrying out a development project. Planning gain payments reduce the level of profit associated with a site, and thus impact on viability. Similarly, developers can use viability analyses to reduce or eliminate planning gain payments. It is a contentious topic – see Wainwright (2014, 2015).

³⁶ These figures do not account for inflation.

£111M held in its general reserves in 2016, predicting an overall funding gap of £20M by 2019 (LB Camden, 2016), and an overall budget of £914M. The funds raised through planning gain are clearly not insignificant in comparison.

Planning gain is not, however, simply a means of raising money, but is ringfenced to public expenditure in infrastructure, housing, green spaces, and highways improvements. Funds raised through planning gain could not be used, for example, to pay officer salaries.³⁷ Section 106 agreements in particular do not only secure funds but can also contractually bind a developer to provide affordable housing, green space, or affordable office workspaces. In other words, planning gain is and always has been primarily a means of delivering public benefit and mitigating public harm caused by a development. A developer's provision of sufficient on-site affordable housing, for example, would mean that no payment is made by the developer in lieu of affordable housing, reducing the overall section 106 payment proportionally.

The political context to major development and planning gain

The local authority's use of planning gain can be interpreted as part of a local political strategy to harness private investment in land to deliver public benefit, and particularly affordable housing, either as part of the development itself or by 'payments in lieu' ('PIL'). Payments made by developers are then pooled and spent on local authority infrastructure and housing projects. This allows the local authority a degree of financial resource to pursue its left-leaning political aims, in opposition to a right-leaning central government policy of austerity and economic neoliberalism from 2010 onwards.

To delve too deeply into the fraught and highly politicised nature of this topic³⁸ would be beyond the scope of this study; rather, it is important to explore the political influences which encourage major development schemes at the expense of conservation, and the wider strategy within which planning gain forms only a part. The council's expansive *Community Investment Programme*, for example, is somewhat more direct in inviting major developers to purchase and redevelop land owned by the local authority, but obliging them to provide on-site affordable housing and/or payments in lieu of such provision via the section 106 mechanism, while also capturing planning gain through the Community Infrastructure Levy. This ambitious scheme commits to spending £1.3B in the delivery of 4,850 new homes (LB Camden, n.d.-a). This is a considerable sum, and not one that can be raised through conventional means, considering Camden's annual budget is less than £1B (LB Camden, n.d.-d).

In speaking to the Guardian on the redevelopment of Denmark Street in 2016, Camden's cabinet member for regeneration, housing, and planning, Phil Jones, summarised it thus:

"London is changing and we want renewal, we want growth and we want jobs," he says. He points out that local authorities can only do so much in the face of global economic forces that drive development, and that just saying "no" to developers isn't an option for long, given their right to repeatedly appeal. "What we can do is to try to shape those forces of change so that some solid public benefits are built in." [emphasis added]

Jones, (2017), cited in Hill, (2016)

Although Phil Jones controversially departed to work for a major development consultant in 20XX,³⁹ the political philosophy of 'shaping' wider market forces to deliver local public benefit through planning gain remains the same. His successor, Danny Beales, said the following in relation to the Community Investment Programme in 2022:

'My sense is that most people who have that view about me – that I'm only interested in private deals, development, all those kind of things – well... I think it's clearly obvious what my priorities are when I talk about the importance of building new council homes. But it's difficult and it's expensive, and there aren't easy ways of doing it.'

Beales (2022), cited in Osley, (2022)

While development is primarily harnessed to deliver affordable housing, funds are also used to deliver on other political objectives, including low traffic neighbourhoods ('LTNs'), reduced vehicular emissions, community skills training, green space provision and improvement, and funding community capital works projects (LB Camden, n.d.-c) in line with wider national use and guidance on planning obligations (MHCLG, 2019).

It is important, however, to reiterate the nature of these endeavours as being a manifestation of *local political objectives*, rather than being a general public good. Many schemes funded by planning gain, particularly

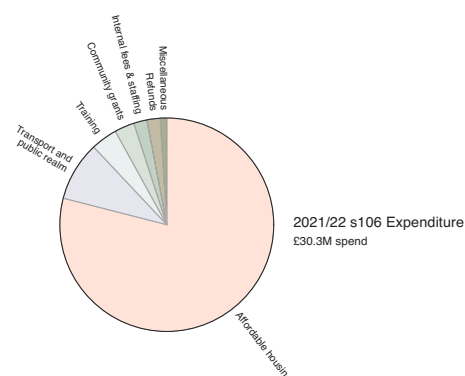


Figure 14. 2021/22 LB Camden s.106 expenditure. Source: LB Camden (n.d.-c). Presented by author.

³⁷ Except, of course, in relation to the administration of the section 106 agreements themselves and the supervision of construction.

³⁸ See, for example, the breadth of critical letters and articles published in the *Camden New Journal* on the 'Community Investment Programme', or the *CIP Challenge Project 2017*. (CIP Challenge, n.d.)

³⁹ The dual employment, or 'revolving doors' of Camden's planners and councillors with major development corporations and consultants is another controversial and important topic. It is unfortunately outside the scope of this work.

with regard to traffic and the public realm, are controversial with the communities that they seek to benefit. See, for example, the longstanding critiques raised by Bloomsbury Residents’ Action Group and others in response to traffic and public realm alterations made in Bloomsbury (BRAG, n.d.), and the wider critique of anti-traffic and emissions reductions schemes which the Labour leader blamed for the 2023 byelection defeat in Uxbridge (Ferguson & Thomas, 2023).

The Influence of Planning Gain on Conservation

Major development schemes are cited by the community as one of the most detrimental influences on the conservation of Bloomsbury and Covent Garden, with the link being made between the financial resource of developers and Camden’s need for funding. With the benefit of the preceding analysis, we can more clearly understand why this is the case, and assert that wider political and economic forces are at work, beyond that only relevant to the study area, manifesting in ways peculiar to the local political context and mediated by a wider legislative framework. With affordable housing provision and public realm improvements a key political aim of the local authority, encouraging major development and capturing some of the investment capital at play is one of the few options available in an environment of minimal central government funding. In simple terms, using planning gain to fund political objectives is council policy.

‘As the heft of local authorities has been weakened by loss of funding over the years, they are more inclined to pal up with developers who have the resources.’

Conservation group member

Development	Reference	Decision Date	GIA (m²)	Potential Planning Gain ⁴⁰ (£)
Eastman Dental Hospital	2019/2879/P	03 2020	32,301	3.0M
Lethaby Building	2020/2470/P	10 2020	40,043	7.7M
247 Tottenham Court Road	2020/3583/P	07 2021	11,028	1.7M
Belgrove House	2020/3881/P	11 2021	29,520	11.8M
ENT Hospital	2020/5593/P	06 2022	33,111	10.4M
Great Ormond Street Hospital ⁴¹	2022/2255/P	04 2023	18,288	2.5M
Minerva House ⁴²	2021/3704/P	05 2023	8,217	2.8M
RNIB	2022/1817/P	05 2023	8,898	2.0M
Selkirk House	2023/2510/P	03 2024	28,309	6.9M
Total				48.8M

That major development, through its size and design, impacts negatively both on the heritage significance of the area and directly on its communities, can perhaps be described as a side effect of this policy. But the negative impact of this side effect is of key concern to survey participants. They cite both impact upon the area’s significance and vitality, a general sense of ‘despair’ at the scale and speed of change, and either implicitly or explicitly a reduced level of confidence in local government.

‘[I feel] great despair at seeing how powerful are the powers that seem intent on turning Bloomsbury and Covent Garden into something detached from recognised reality. Nothing in it for the folks at home.’

Resident, conservation professional

‘Councils and developers have many millions at their disposal whereas community-orientated individuals and societies have vastly inferior resources to call upon. It’s a blatant example of ‘money talks’ which does society no favours at all.’

Resident

While funds raised from these schemes are pooled to deliver public benefit, the degree of benefit remains a matter of political persuasion, and the communities who are harmed by major development do not necessarily benefit from the process, or if they do, the link between major development and public spending is not made clear. Rather, some communities benefit at the expense of others: a hyperlocal version of market-led planning reinforcing inequality (Ferm & Raco, 2020). Those who support conservation also generally take issue with the public spending projects which major development schemes facilitate, potentially leading to a downward spiral of public opinion among such groups, and although funds raised from such schemes are spent within Camden, this does not necessarily need to be in Bloomsbury & Covent Garden where much of the funds are raised.⁴³

⁴⁰ Some of these payments are ‘deferred’, which means they will not be paid unless the viability of the development allows sufficient profit for them to be paid.
⁴¹ The planning gain figure for this development is Camden’s estimate based on a heads of terms with the developer. The agreement has not yet been published, suggesting negotiation is ongoing.
⁴² Unusually, the developer in this case volunteered payment of most of this contribution, despite the development being unviable by around £6M and therefore being exempt. The politics and economics behind such decisions would be worthy of further study.
⁴³ Further investigation of this point was unfortunately curtailed by the local authority’s claim that supplying detailed figures of this kind would not be proportionate under the Freedom of Information Act 2000.

Discussion

The preceding discussions, albeit brief considering the complexity of the topic, have clear links to similar case studies in the literature which cite limited local authority resource as distorting legislative frameworks (Ahmed, 2017; Amin & Adu-Ampong, 2016; Donato & Lohrasbi, 2017), and limits some of the conclusions drawn in the previous chapter. In this case, there appears to be a discrepancy between the legislated approach to major development, which is followed in officer reports, and statements made by local political leaders which clearly prioritise the collection of developer contributions to deliver on political aims. It would also be naïve to think that, in a wider environment of limited financial resource, payments of the scale described in this chapter do not have some degree of influence over the local authority, at least informally. This increasing focus on developer contributions is suggested in the way that their size dramatically increases following the financial crisis, despite the statutory mechanism to collect such payments existing from 1971 and being instituted in its current form since 1990 (Town and Country Planning Act, 1990, s. 106). Substantial economic and political change triggered a change in the utilisation of a long-established legislative mechanism.

However, while local political objectives clearly prioritise both major development and the collection of developer contributions, the trend for local authorities to increasingly focus on planning gain and viability is reflective of wider practice, rather than being unique to the study area (Ferm & Raco, 2020). It is suggested that wider economic and political influences since 2008 have effectively obliged local authorities to increasingly rely on such contributions, and this is reflected both in national and local statistics on planning gain (MHCLG, 2020).

This raises several important points, both relevant to this study and the wider field. Firstly, if we agree with Ferm & Raco (2020) that local authorities are indeed dependent on developer contributions, necessitating major development approvals as a key source of income, there are clear and negative impacts upon both conservation and participation. Major development, through its size, necessarily has a negative effect on heritage value, particularly in urban historic areas with a high density of built heritage. If local authorities are financially dependent on their approval, conservation harm is almost unavoidable. Secondly, if, as suggested by this chapter, local political aims direct the approval of such applications, participation is necessarily a ‘tick box exercise’, even given its limited status in the legislative framework. In a context of councillors publicly implying major development approvals are a foregone conclusion, conservation participants will naturally express frustration and an unwillingness to engage in discussions. This is not merely a theoretical point: several community participants to this study have expressed such views, leading to the author’s observation that ‘*conservation nihilism*’ – the view that conservation efforts will have very little, or no effect – is widespread among the community. The previous discussions both substantiate and justify this attitude towards participation.

Implications on the field

The influence of viability, planning gain, and developer contributions on conservation is very poorly documented. Historic England has not published any guidance on the matter, and the author’s own review of the literature, while not exhaustive, did not identify any heritage literature even discussing planning gain. Despite this, it apparently has a significant effect on conservation and participation outcomes. This does not stem only from theoretical considerations, but observations made by community participants in the study area.

The influence of planning gain on conservation is clearly worthy of further research. The lack of research into the topic perhaps arises from its complexity, but also the legally ambiguous way in which planning gain is even capable of influencing decision-making in the historic environment, making its research ethically and legally challenging, particularly at an official level. Existing studies suggest viability is now a core, if not central, tenet of urban town planning in the UK, and quantitative statistics prove their increased relevance following the financial crisis. And yet, at an official level, public benefit remains the only material consideration which outweighs conservation harm. Even the assertion that planning gain causes poor conservation outcomes is potentially of legal consequence, despite its apparent widespread relevance across the UK.

‘Socio-political complexities’

The preceding discussions also highlight the incredibly complex nature of the considerations which can come to bear on poor conservation and participation outcomes. While the previous chapter identified several ways in which the overall legislative framework limits implementation of conservation and participation aims, and to some extent institutionalises a degree of conflict, this chapter has highlighted that, in practice, wider political and economic pressures add further complexity to this framework, and potentially tends to distort it further against the aims of conservation. Planning gain is itself institutionalised by the national framework, but it was not utilised on the scale that it is today until the financial crisis and the resource pressures this brought upon local authorities. It is suggested that a significant change in the economic and political environment altered the way in which a pre-existing legislative

framework was utilised, in favour of major development and against conservation outcomes. This is surprising, as one would naturally expect legislative frameworks to institute a degree of consistency and stability, and provides further warning against relying on an analysis of legislative frameworks when limitations of local resource make their implementation as intended potentially impossible (Ahmed, 2017; Amin & Adu-Ampong, 2016).

To return to the core argument of this study, we can identify wider economic and political pressures as contributing to poor conservation and participation outcomes at a local level. A link can clearly be made between the international financial crisis of 2008, an international political philosophy of neoliberalism and austerity, and, eventually, poor conservation and participation outcomes at a local level. While the local authority is clearly following local political aims, and utilising local discretionary power, it is strongly influenced by these wider, international influences, and responds to these by utilising a national legislative framework. The local authority's 'viability-driven' approach, while responding to local concerns, is identified as being a far wider trend across the UK, in response to the same pressures and utilising the same statutory mechanisms (Ferm & Raco, 2020).

How can Conservation Respond?

Clearly, to implement the aims of improved conservation and participation, some response must be made to the existing system of 'viability-driven' planning. With the aim of addressing local concerns, and identifying how this can be achieved at a wider level, a possible solution is discussed. Given the paucity of literature on the topic, it necessarily relies only on the author's understanding of the topic.

Making conservation 'viability-driven'

One simple but key observation is that neither conservation nor local communities benefit from this dynamic, but there is no *a priori* reason why this is the case. While developer contributions are collected in lieu of affordable housing, to offset carbon emissions, and to fund public realms investment, no funds are specifically collected to benefit conservation, despite the demonstrable harm that major development does to conservation. This is despite planning obligations existing to mitigate harm on communities and make development acceptable in planning terms.

A simple way to address this would be to introduce a *conservation offset fund*, whereby harm to heritage is quantified and funds collected in proportion to harm caused.⁴⁴ It is argued that this would have the effect of:

- incentivising a developer to minimise conservation harm,
- giving local authority conservation officers greater power to influence developers,
- giving conservation groups greater power to influence perceptions of heritage harm,
- raise funds for public conservation works, where currently there is little available funding,
- allow local authorities to carry out and fund public conservation work, and,
- thereby improve public perception of local conservation practice.

Such an approach would remove conservation from the realm of *policy* and into the realm of *viability*, placing it on a par with other key planning concerns which have apparently already made this transition. It would also have the secondary effect of appeasing conservation groups and communities and potentially making them more supportive of major development, in giving them a genuine 'stake' in the financial aspect of the project. While developers, and more recently local authorities, have a genuine stake in the financial viability of a project, conservation groups and communities still do not. Similarly, significant conservation impacts would impact upon the viability of a project, incentivising developers to minimise heritage harm at an early stage. The effect of this intervention is to insert a new feedback loop 'R2' and 'R3' into the causal loop diagram, shown in figure 19, both acting to reduce conservation harm and community conflict.

Figure 15. Causal loop diagram.

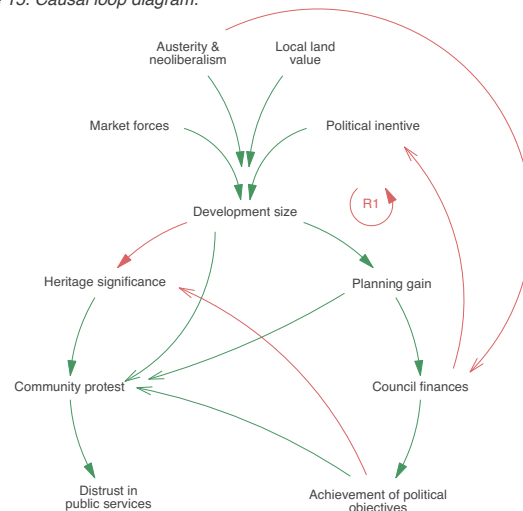


Figure 16. Amended causal loop diagram.

⁴⁴ Of course, 'quantifying' heritage harm is difficult, but there is much research on objectively quantifying the economic and financial value of heritage. See, for example, Historic England (2023b).

While this approach would almost certainly improve conservation outcomes to a degree, it is unlikely that all conservation protest would be overcome. Local communities across the study area are regularly in protest of major development schemes which raise funds for local schools and affordable housing, despite it bringing some level of benefit to them directly⁴⁵. Similarly, whether local politicians would be in support of a measure which could potentially reduce funding for other political objectives is doubtful. Nevertheless, given that Ferm & Raco (2020) suggest that the local authority's focus on viability and planning gain is not a special case, this is a potential solution which has wider relevance to the field of conservation in the UK, and particularly historic urban environments.

Conclusion

This chapter has given a brief overview of the political, economic, and financial influences on conservation and conflict in Bloomsbury and Covent Garden, focusing on the role of major development schemes and the financial benefits that these bring to the local authority. A link is made between major development and the consequential ability for the local authority to deliver on its political aims: affordable housing, and investment in public infrastructure. The influence of wider planning practice and legislation is stressed, but the local political and economic environment colour the means and extent of their implementation.

In recognising the wider influence of 'viability driven planning', it is suggested that conservation be placed on a par with other planning objectives by moving it from the realm of policy and into the realm of viability through the introduction of a 'conservation offset fund'. It is argued that this would have several beneficial effects for conservation and participation, reducing conservation harm, giving conservation and the community a real financial stake in development proposals, and increasing the influence of conservation groups and officers within the council.

The link between planning gain and poor conservation outcomes can be considered a new finding in the heritage literature, and considering that this legislative system exists throughout the country, it has far wider applicability. There is no published guidance or research from Historic England on the topic, little published research on the effect of planning gain on planning itself outside governmental circles, and little or potentially no academic research on the effect of planning gain on conservation. Important texts on the topic, such as Hobson's (2004) review of planning and conservation, do not mention planning gain at all, despite its liberalisation in 1990 and increasing use since 2010. Given the significant influence it has in the study area, both with respect to conservation itself and participation, the topic warrants further investigation.

Limitations

Given that this chapter touches on the practice of local authority officers and councillors, the lack of their participation in this research can be cited as a significant limitation. Assertions that planning gain influences development decisions and thereby conservation are in effect circumstantial, and no direct evidence has been found to substantiate this claim. An investigation of local authority attitudes and practices would deepen understanding of the matter, and potentially invalidate some findings. This topic deserves further investigation in the conservation field given its apparently widespread and fundamental influence.

⁴⁵ See BRAG (n.d.) for a number of references on this point.

Introduction

This study has examined a range of issues which can cause conflict in the conservation of Bloomsbury and Covent Garden, and thereby inhibit conservation and particularly participation outcomes. Many of these discussions have been highly technical and have delved into quite complex matters of law, economics, and policy. Indeed, the aim of the study has been to delve into and partially map the ‘*socio-political complexities*’ (Winter, 2012) which can influence conservation.

To attempt to draw out all of these points in an exhaustive manner and the exact logical thread which runs through them all would be needlessly complex and likely not productive to answering the research question in a holistic sense. Instead, what I would like to do is provide a reflexive overview of the various issues at play, relying on the evidence presented in previous chapters, and drawing further upon my own experiences and position within the field, both prior to and during the research process. This should hopefully provide a degree of intellectual relief to the reader, while allowing me to paint a broader picture of this case study and its relevance to heritage studies.

Preliminary Discussion

Firstly, it has to be recognised that the strength of feeling against major development schemes is exceptionally strong within conservation circles. Various objective impacts upon heritage significance, sustainability, and community wellbeing are mentioned, but my interpretation of the evidence is that in some sense, such schemes are simply considered morally ‘wrong’ in view of the area’s heritage significance and tight-knit community. This is reflected both in the strength of feeling expressed, but also the type of rhetoric routinely employed in campaigns against such schemes. These campaigns are typically referred to as ‘battles’, with the local authority and developers treated as an adversary to be ‘defeated’. Community groups utilise the tools at their disposal to fight these battles, principally through public campaigning and maximising impact during the statutory consultation period. Finally, if all else fails, decisions can be taken to judicial review.

I write this chapter just after attending an application for judicial review against one of the most controversial major development schemes in recent times. The proceedings for this hearing and the various arguments employed by the community and the local authority were in some sense a microcosm of the issues examined in this study. Community members arrived *en masse* with placards, posters, and stickers, demonstrating solidarity and reusing the familiar rhetoric of ‘battles’, ‘crimes against heritage’, and the local authority as ‘greedy’ and ‘incompetent’. Indeed, my invitation to the event referred directly to the community as ‘David’ and the local authority as ‘Goliath’. This is a fitting analogy for how I believe the community understands the local authority as an adversary, and the inherent power balance which community members attempt to redress through ‘morally righteous combat’.

Figure 17. Campaigners for Monahan v LB Camden, Royal Courts of Justice, 2024.



I would say that the findings of this study pose a fundamental challenge to this viewpoint. Several lines of enquiry have pointed to the same conclusion that the local authority does not possess unilateral power over the built environment, and certainly not conservation; even less participation. It is strongly constrained and influenced by a complex, power-laden system, in which individual officers notionally have discretion to act but are at constant risk of legal proceedings or appeals by developers. To add further problems to an already complex system, severe budget cuts since 2010 have made local authorities essentially dependent upon income derived from major development schemes (Ferm & Raco, 2020), and the evidence presented in Chapter 05 shows fairly conclusively that the study area is a particular hotspot for securing such income.

The detailed proceedings of the judicial review were of particular interest to me as it was in some sense a ‘test’ of the core arguments made by this study. The challenge brought by the community sought to undermine the legality of the local authority’s approach to planning (outlined in Chapter 04), and its particular approach to major development (outlined in Chapter 05). Several legal authorities identified in this study were cited by the local authority’s defence in explaining why decision-making on major development is a matter of *planning judgment*, not *law or fact*, and that in any event, no matter the harm to heritage, the *public benefits of the scheme outweighed the heritage harm caused*, and that it is a *matter of planning judgment* to weigh these public benefits, and therefore, could not be challenged by

the courts. These arguments were almost wholly accepted by the judge and the application was dismissed (*Monahan v LB Camden*, 2024).

Conflict and Resolution

I would argue that this adds further weight to this study's finding that an adversarial approach to participation is ineffective, but also that to resolve such conflicts meaningfully, the principal matters identified in this study must be addressed. The three approaches outlined in Chapter 04 and 05 emphasise the importance of responding to, rather than challenging, existing power systems and constraints. These solutions reiterate the importance of active collaboration and negotiation between the two parties, rather than an adversarial standoff between the two. Granted, the solutions presented in this study have not been tested and could potentially fail for a wide range of reasons, but the alternative approach of campaigning and challenging existing systems has not been effective, and the latest, strongest challenge to the local authority was both unsuccessful and extremely resource intensive.⁴⁶

Perhaps the key finding of this study is that the commonly held idea of the local authority as 'Goliath', and the community as 'David' (Chapter 03), is perhaps convincing, but when the evidence is interrogated, it appears to be little more than a rhetorical device, not accurately reflecting the '*socio-political complexities*' at play (Winter, 2012). The local authority does not hold unilateral decision-making power over the historic environment, but is constrained and influenced by far stronger forces (Chapter 04 and 05). The community nonetheless holds the local authority to account for decision-making, leading to ambivalence, distrust, and entrenched conflict between the two groups (Chapter 03). The discussion in this chapter, and the solutions presented in Chapter 04 and 05, emphasise the importance of dismantling this rhetoric and implementing a degree of collaboration and mutual understanding. Planning is and always has been a process of *negotiation* and balancing competing interests (Grant, 2022), and as conservation and participation are embedded within this system, I would argue that better outcomes can only be achieved through a process of negotiation.

There are of course many more conclusions and points which could be argued, drawing upon the detail of evidence discussed in previous chapters, but I do not believe that they would add anything substantial to this key point. Conflict between the two groups arises from national, and indeed, international forces, mediated through the planning system, and enacted on a day-to-day basis by the local authority. Perhaps because the local authority is publicly seen to act, the community holds it accountable for poor outcomes, and resistance to these outcomes is directed against the local authority, rather than Parliament. This study has demonstrated several reasons why action against the local authority is ineffective, and does not address the key issues at play. These key issues which require resolution reside in national legislative frameworks, national political decision-making, and international forces of economy and political theory. This study has suggested that given the strength of these forces, the only viable approach is to understand them and respond to them at a local level.

Implications on the Field

It could reasonably be argued that the previous discussion is fairly narrow in scope, addresses only local issues, and has limited relevance to wider academia. I would hesitate to agree with this for a number of reasons, and believe there to be a number of pertinent issues and detailed problems which warrant wider discussion and further research.

One of the key findings of this study is that the detailed distribution of power in the study area works against both conservation and participation. This framework – the *discretionary planning system* – is not unique to the study area, but applies in detail across the UK, and 'in spirit' to common law countries across the globe (Booth, 1995). As discussed in Chapter 02, greater participation, particularly of communities, is a key aim of modern conservation theory and policy. As to how to achieve this aim, two strands of thought were identified: that which seeks to criticise practitioners for following the '*authorised heritage discourse*' (Smith, 2006), and one which urges theorists to come to terms with the '*critical issues that face the world today*' (Winter, 2012, p. 532).

What this study has demonstrated is support of the latter view and a fundamental critique of the former. Hobson (2004) notes the very limited role which heritage practitioners play within local authorities, and what this study has shown is that local authorities as a whole are strongly constrained and influenced by wider systems of power and '*socio-political complexities*'. Many case studies, including those identified in Chapter 02, have at least suggested that such complexities are at play and limit conservation outcomes. This study has gone somewhat further by delving into the detail of these complexities and drawn some cogent links between them and poor conservation outcomes directly identified by community participants. At least in this case, I would argue it is fairly clear that even if the aims of the Association of Critical Heritage Studies (2010) are achieved – for '*heritage studies [to be] rebuilt from the ground up, which requires the 'ruthless criticism of everything existing'*' – there would be very little tangible benefit to conservation.

⁴⁶ It is likely that the cost to the community is upwards of £20,000, but the psychological exertion required to undertake such campaigning is not insignificant.

What this study has argued is that the detailed distribution of power over heritage, at least in the UK, does not lie solely with heritage practitioners, and that therefore, no change in theory or practice can meaningfully impact conservation outcomes. Power over built heritage arises from national political sources, and therefore, *political*, rather than *academic* support is required to achieve academic and policy aims.

Following Winter (2012), I would argue that the field must attain a stronger grasp of these complexities if it is to have any impact. I have also taken a slightly different view, and in light of Hobson's (2004) detailed review of conservation professionals' enduring struggle to remain relevant in the planning sphere, I have suggested that practitioners must not only understand these complexities, but respond to them in a meaningful way, and, crucially, not seek to 'challenge' or 'rebuild' these systems. In my view, such an endeavour is rhetorically convincing – and draws some parallels to the community's attempts to 'defeat' the local authority – but it appears to me to also be somewhat of a rhetorical fallacy. In understanding the power systems which exist, practitioners and theorists must also recognise the limitations of their own power within these systems, and utilise it as best they can. I do not believe fundamental reform of the UK planning system to achieve the aims of critical heritage studies is a realistic prospect. To do so would fundamentally stymie development and economic growth, and skew power disproportionately in favour of purely local interests in an area of competing national and international concerns.

Beyond these high-level observations, there are a number of detailed matters which I argue require further research. The identification of viability and planning gain as being a key consideration in modern planning practice, with very little or perhaps no recognition of its importance in the heritage literature, is alarming. The impact of planning gain on conservation outcomes is fairly widely acknowledged in the study area and is indeed acknowledged by local heritage practitioners as being a significant obstacle to achieving such outcomes.⁴⁷ Despite this, there is no published guidance or any research that the author could identify which draws a link between the two. Chapter 05 suggested a possible path to addressing these concerns, but given its significance and the complexity of the issues at play, this study can by no means be considered conclusive.

Limitations

These conclusions and general observations are of course limited both by the applicability of the UK planning system, and the highly developed and economically active nature of the area under study. This work has identified how its findings could potentially be generalised, both across the UK, and to countries where discretionary planning systems apply. Both situations encompass quite a broad subset of built heritage and community, and I would therefore argue that further research into whether similar or indeed contrasting dynamics are present both across the UK and in discretionary planning systems around the world. This would be of note in both identifying whether the matters identified in this study are more widespread, or whether alternative approaches exist which could be applied to the study area.

Concluding Remarks

This study began with a simple question: *'why do the community and local authority conflict in the conservation of Bloomsbury and Covent Garden?'* It seems a simple question, and readers perhaps hoped for a simple answer. In following a simple methodology of identifying conflicts and attempting to trace them to their root causes, several lines of enquiry have been followed, and some tentative answers have been presented, both in detail and at a high level.

But the study has perhaps raised more questions and left more loose ends than it has presented concrete answers, and, indeed, several lines of enquiry and whole chapters were cut to put this work together in a coherent form. The complexity of the considerations at play suggest, at least to me, that there are many unanswered questions in heritage studies, and that the interplay between *conservation*, *community*, and *power* is a fundamental one which needs greater understanding at a practical, rather than theoretical, level.

Delving deeper into this case study may provide further answers, but to what extent are they generalisable, and to what extent are they only a product of the current economic and political environment? These are all questions which are not only of academic interest, but also have very tangible impact upon heritage and communities, the resolution of which would provide better outcomes for both. This study has attempted to do this at a local level, with perhaps limited success. To achieve the aims of critical heritage theory at a broader level, I would argue that not only do theorists and practitioners require a greater grasp of Winter's (2012) *'socio-political complexities'*, but also a recognition of the pressing need to do so and to resolve and work within these complexities. To fail to do this, at least in the context of developed and developing heritage sites such as the one presented in this study, perhaps risks both practitioners and theorists becoming increasingly peripheral to the dominating effects of international and national politics and economics.

⁴⁷ This is drawn from personal conversations with Camden officers. Recording or publishing such conversations would, of course, be highly problematic given the difficult legality of the situation (see Chapter 05).

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