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Thinking Outside the Heritage Box: Solving the Problems of Buildings at Risk

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Parsons, Keith (2008) Thinking Outside the Heritage Box: Solving the Problems of Buildings at Risk. Context, 107 . pp. 11-12.

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Thinking outside the heritage box: solving the problems of Buildings at Risk.

“Creative Partnerships for Buildings at Risk” was a one-day conference, organised by the IHBC North West Branch, at Manchester Town Hall on Wednesday 21st May.

The conference explored the opportunities offered by Buildings at Risk strategies and programmes; it considered the issues from a national perspective, whilst addressing practical realities of structural defects and the challenge of finding alternative uses for buildings. The conference also considered the roles played by different organisations in the work of saving historic buildings and identified examples of good practice in terms of how they could work together and create successful partnership.

The conference was chaired by Michael Hebbert, from the University of Manchester. Hebbert introduced the theme of partnership and pointed out that although creating partnerships was not a new activity, it was needed as much now as it ever had been, especially if funding was going to be diverted to the London Olympics, over the next few years.

The first presentation was by Andrew Davison, from English Heritage. The presentation focussed on the English Heritage Buildings at Risk (BAR) Register initiative and its operation. Davison said that the question was whether we were solving the BAR problem, or not? There were 30,544 Grade I & II* listed buildings on the latest EH Register. This reflected the fact that although some buildings have been removed from the Register, other had been added. Only a few buildings on the Register had been demolished since 1999. Removing a building from the Register meant the problems had been resolved. Davison made the point that the easiest problems to solve had generally been resolved; although this made sense, it cast a shadow over hopes for the future.

On a more positive note, the percentage of listed buildings that were Registered as “at risk” had fallen from 3.3% to 2.7% and the percentage of those Registered as being in priority A had fallen from 21.2% to 20.7% (i.e., from 343 buildings to 287). Since 1999, 626 entries had been removed from the Register and there had been a 13.5% net decrease in buildings at risk.

The national conservation deficit, as a whole, had declined from £369m to £330m. 87% of buildings on the Register require some public subsidy, but the funding for those subsidies was declining, delegates were told. So on balance, the story of the national BAR Register was one of mixed fortunes.

Nigel Hewitson gave the next presentation. He is Head of Planning at Norton Rose LLP and he outlined the main legal measures available to Local Planning Authorities (LPAs) and discussed some of the major problems and pitfalls.

Hewitson began with two questions. First, does the owner of a listed building have any general legal duty of care to keep the building in a state of repair? Second, does the owner have any duty to insure the building? Legally speaking, the answer to both questions was no, although a building owner was responsible if a dangerous

building injured someone.¹ Hewitson contended that the confusion over what was and what was not a legal duty arose because PPG15 could only be considered as “guidance”.

Under the (draft) Heritage Protection Bill changes to the existing procedures were being proposed. The Repairs Notice and CPO provisions in the 1990 Act would be repealed and extended to other “heritage structures”. Urgent Works provisions would be replaced by a system enabling the national and local authorities to carry out any works which “it appears to them area necessary for the preservation of registered heritage structures” (other than dwellings) on giving seven days notice. LPAs will need the consent of English Heritage, however, for such works.

Hewitson felt that legal powers and the availability of grants were limited. The issue of BAR was a low priority politically, at present, he observed, and the Heritage Protection Bill would not change things. The public subsidy was not available and requiring LPAs to obtain EH consent for works was actually introducing another hurdle.

Next it was time to look at some buildings themselves. Brian Morton is one of the country’s leading conservation engineers and he provided the delegates with a series of illustrated case studies in a presentation he called “Structural Solutions”.

Morton implored his audience not to despair at being presented with a structural engineer’s report that suggested a listed building needed to be demolished. The first inspection was not the full story, he said. It was simply the first step towards further inspections. There may be bulging walls and/or walls that were out of plumb, but normally they were still standing. Engineers should take the view that the building could be saved and rebuild it as it was. Where engineer’s reports did offer solutions, Morton’s advice was to query the costs, because often the proposed work was an over engineered solution.

The final part of the morning session was given over to two presentations on Managing Buildings at Risk. These presentations were given by the respective Buildings at Risk Officers for Manchester and Liverpool.

Kate Borland explained how English Heritage entered into a partnership with Manchester City Council in 2003 and funded a Buildings at Risk Officer’s post. Around that time some other large scale BAR projects were being addressed by Building Preservation Trusts (BPTs): Ancoats BPT was working towards restoring Murray’s Mil and St Peter’s Church, in partnership with the NWDA; and the St Francis Monastery Trust (in Gorton) was working towards restoring that building.

A strategy was developed at the outset in which Manchester decided to keep its approach simple. The principal objectives were to rescue buildings at risk and to prevent vulnerable buildings from becoming at risk. So the strategy was based on the premises of rescue and prevention. The first step was to develop a priority list of buildings at risk. So, following on from an EH survey, the BAR Officer had conducted a simple visual fast-track survey.

Partnership was a key theme in the BAR project. In order to make progress with these buildings it was necessary to create links, establish partnerships with private owners and internal departments. This made it possible to make use of the tools available under the legislation. Building Control at Manchester City Council had developed a Dangerous Buildings Policy which supported the BAR project as it promoted a coordinated approach for dealing with dangerous historic buildings, further underlining the value of partnership.

In Buildings at Risk programmes officers have dealings with both public and private owners. Delegates were advised that it is always better to try and negotiate with a private owner, in the first instance, before taking action; however, sometimes just the threat of action was enough to get the required result.

In summary, the key to success with BAR was developing good links; Borland advised patience because the situation could not be changed overnight and she pointed out that more often than not the owners could be more difficult than the buildings. The aim in removing a BAR from the Register was for it to stay off the Register, so whether it was a large building or a war memorial the idea was to make an impact – BAR work is noticed. The most important thing was to “remain positive”.

Chris Griffiths explained that a 1991 survey had found that one third of all listed buildings surveyed, in the city of Liverpool, were at risk. By 2001 the situation had not improved: decay was a growing problem among buildings at risk and this was compounded by political indifference, at the local level.

What was needed was a sea-change. Griffiths said three ingredients were required: heritage had to be valued at the political level; there was a need to build on local popular support for the historic environment; and the potential benefits of heritage-led regeneration had to be recognised.

The Liverpool Echo launched its own “Stop the Rot” campaign, in 2001, to highlight the story of the loss of the Casartelli building, a local landmark on the edge of what is now known as the Ropewalks area of the city, and the threat to other buildings at risk.

A forum was established, which met quarterly chaired by the Bishop of Liverpool. The aim of the exercise was to bring building owners round the table to demonstrate what progress was being made. Where necessary the forum would “name and shame” – a tactic that had been pioneered by SAVE Britain’s Heritage.

The approach gained the support of the City’s political leaders and EH and it led to the formation of HELP (the Historic Environment of Liverpool Project). HELP had three themes: investigation and characterisation; managing the historic environment; and access and celebration. EH also funded the BAR Officer post

If safeguarding the city’s heritage was to be a genuine political objective, then money would be needed to save the buildings identified in the BAR Strategy. NWDA provided £1.5m, as part of their buildings at risk programme; they liked the fact that they could get their money back on successful projects. Liverpool City Council and EH were also lobbied.

Griffiths concluded that Liverpool was moving in the right direction. In 1991 15% of Listed Buildings were at risk, whereas in 2008 the percentage had fallen to 8%. In addition, the number of buildings on the EH BAR Register had fallen from 15 to 9. Griffiths said that using statutory powers for BARs was the “last resort” and BPTs were similarly the ‘developers of last resort’. It was the duty of the LPA to make “the last resort” possible and make it work, however.

After lunch, delegates split into groups for workshops and walking tours. One workshop considered the work of Building Preservation Trusts and it was led by John Miller (of the North West Building Preservation Trust). The other workshop was entitled “Specifying the Right Repair” and was led by Brian Morton. The workshop groups swapped over half way through the session. The purpose of the workshops was to enable delegates to work in smaller groups, to be interactive and to deal with more practical issues.

Two walking tours had been organised: one tour was through the Northern Quarter, led by Warren Marshall, and the other tour went to Ancoats, led by Kate Dickenson and Stefan Brzozowski. The groups swapped over here too and completed both walking tours. The idea of the former walking tour was for delegates to see a range of buildings and see how Manchester was tackling the BAR problem on the ground. The other walking tour focussed on two former mill buildings - in order to consider the role of partnership in each case.

Ian Lush, Chief Executive of the Architectural Heritage Fund (AHF), entitled his presentation “Funding Historic Building Regeneration”. Lush identified the main funding sources. He began with the four agencies/departments in the UK: English Heritage, Cadw (in Wales), Historic Scotland and the Environment and Heritage Service (in Northern Ireland). Each one offers grants and advice, although this funding is limited and very competitive.

Lush outlined other sources of National Government funding. In England and Wales, Communities and Local Government (CLG) (formerly the ODPM) is a source of regeneration funding and Community Assets support. The Department for Environment Food and Rural Affairs (DEFRA) is another source of funding - particularly for rural regeneration. In Scotland, Wales and Northern Ireland there are equivalent (urban and rural) regeneration and social deprivation funds. Delegates were encouraged to ‘think outside the heritage box’: in particular they were advised to think about end use of the building, when looking for funding.

The main European source is the European Union (EU). Lush explained that from 2007, Britain's total ‘structural funds’ package from EU fell by more than 40 per cent. ‘Objective 1’ funding was now called ‘Convergence’ and in the UK it applied only to Cornwall, West Wales, and the Highlands & Islands. ‘Objectives 2 and 3’ funding was now called ‘Competitiveness’ and this applied everywhere else. There were special ring-fenced funds for Merseyside and South Yorkshire. European Regional Development and Social Funds are still available but they are carefully targeted. The Regional Development Agencies (RDAs) and local authorities are the first ports of call for advice on European funding matters.

RDA's can be very effective partners if projects meet their objective, Lush said. Applications must show tangible benefits, in economic and social terms, because heritage and conservation are not recognised as a key RDA objective. Each RDA sets its own objectives within an overall framework around 'sustainable development'.

Another funding source Lush identified was the Lottery. For BAR projects the HLF is normally the first source of funding, but others are also possible sources, if projects fitted the fund remit, particularly the 'Big' Lottery fund. Again the advice was to think outside the heritage box and consider the end use of the building. Lush pointed out that HLF's new strategic plan had just been implemented (in April 2008). He also pointed out that although there was concern about HLF's funding being reduced, it still had an annual budget of £180m.

Lush then discussed AHF funding. The key distinction here is that in the main AHF provided loans rather than grants. In order to be eligible, an applicant must be a registered charity/BPT. The project must involve a 'protected' building or buildings, i.e., listed buildings or one(s) in a conservation area. Buildings must be changing ownership and/or use; the AHF does not fund maintenance work. The project must also show long-term financial viability and sustainability to be eligible for funding.

The commercial sector could also be a source of funding. Lush believed that more and more commercial developers were sympathetic to built heritage and also recognise its economic value in regeneration projects. This was particularly true in times of economic downturn, he said.

The final presentation of the day was entitled: "Buildings at Risk – The Future?" by Bob Kindred. He is the Conservation, Urban Design and Planning Policy Manager at Ipswich Borough Council. Kindred started by giving the delegates the background to BAR in Ipswich, where the loss of historic buildings at risk had been almost halted in recent years as a direct result of an effective long-term Conservation Strategy, first implemented in 1987.

The strategy had been consistently applied, with careful use of specialist technical advice, grant aid to buildings in need and statutory action where necessary. Consequently, listed building demolitions had more or less stopped. The Ipswich approach had been to concentrate on buildings in 'at risk categories' 1 – 3. Kindred said that 21 years of the BAR programme in Ipswich had confirmed the maxim that there was no such thing as a problem building – only problem owners!

In terms of the future, Kindred informed delegates that there were estimated to be 37,000 Building at Risk in the UK and, at the present rate of progress, it would take us 780 years to deal with the backlog! So the question was: is the system broken? If it was then were there ways in which it could be fixed or were there things we could do better?

First, professionally, BAR must be a higher workload priority. Second, there must be better political buy-in at local level, because BAR work needed support at cabinet level and cross-party support. BAR programmes needed indicators that were

outcome generating and a regularly updated Buildings at Risk Register was essential.

It was also important for Local Authorities to sort out the at-risk buildings that they owned. Another part of the solutions was for BAR Officers to 'generate a profile' for their work and for the buildings. Publicity was the key to this and 'exposing the guilty parties' was the means. Kindred also believed that in order to generate a profile it was vital to ensure that officers had the appropriate delegated powers, so they could act quickly. But officers also need to think outside the box - they needed to think about the market and think about the big picture in policy terms.

The theme of the day conference was partnership and certainly Kindred did not think that LPAs could do it all on their own. Every authority was likely to have historic buildings at risk, but not every authority seemed active. Many authorities had a good relationship with their local BPT(s), but many others did not engage with them and it was not always obvious why.

Kindred summed up his advice to BPTs with three words: communicate, integrate and persist. BPTs should communicate effectively with LPAs and find out what the agendas area. They should integrate with the LPA, in other words find out who has the power to make the decisions and work with them and to their timetable. They should be persistent: they should bury the hatchet and be magnanimous, they should not take no for an answer; and they should be adaptable.

Throughout the day several themes emerged: for BAR programmes to be effective it was important for LPAs to have a strategy and the resources issues had to be addressed. Funding and partnership were often linked: partnership was often the key to funding. Partnerships were important anyway, since LPAs could not deliver BAR programmes on their own.

Thinking outside the heritage box was another theme that emerged: it was important to think about the end use of the building (for funding), and it was also important to think about the market and think about the big (policy) picture. Using statutory powers carefully and creatively was often advisable. Publicity was vital in raising the profile of the work that was being done - as well as naming and shaming where appropriate.

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¹ Building owners' duty under the Occupiers' Liability Acts 1957 and 1984 extends to invitees and trespassers.