

WARD: Central

SITE ADDRESS: Statue Of Edward Colston Colston Avenue Bristol BS1 4UA

APPLICATION NO: 24/01112/COND Approval/Discharge of conditions

DETERMINATION DEADLINE: 21 May 2024

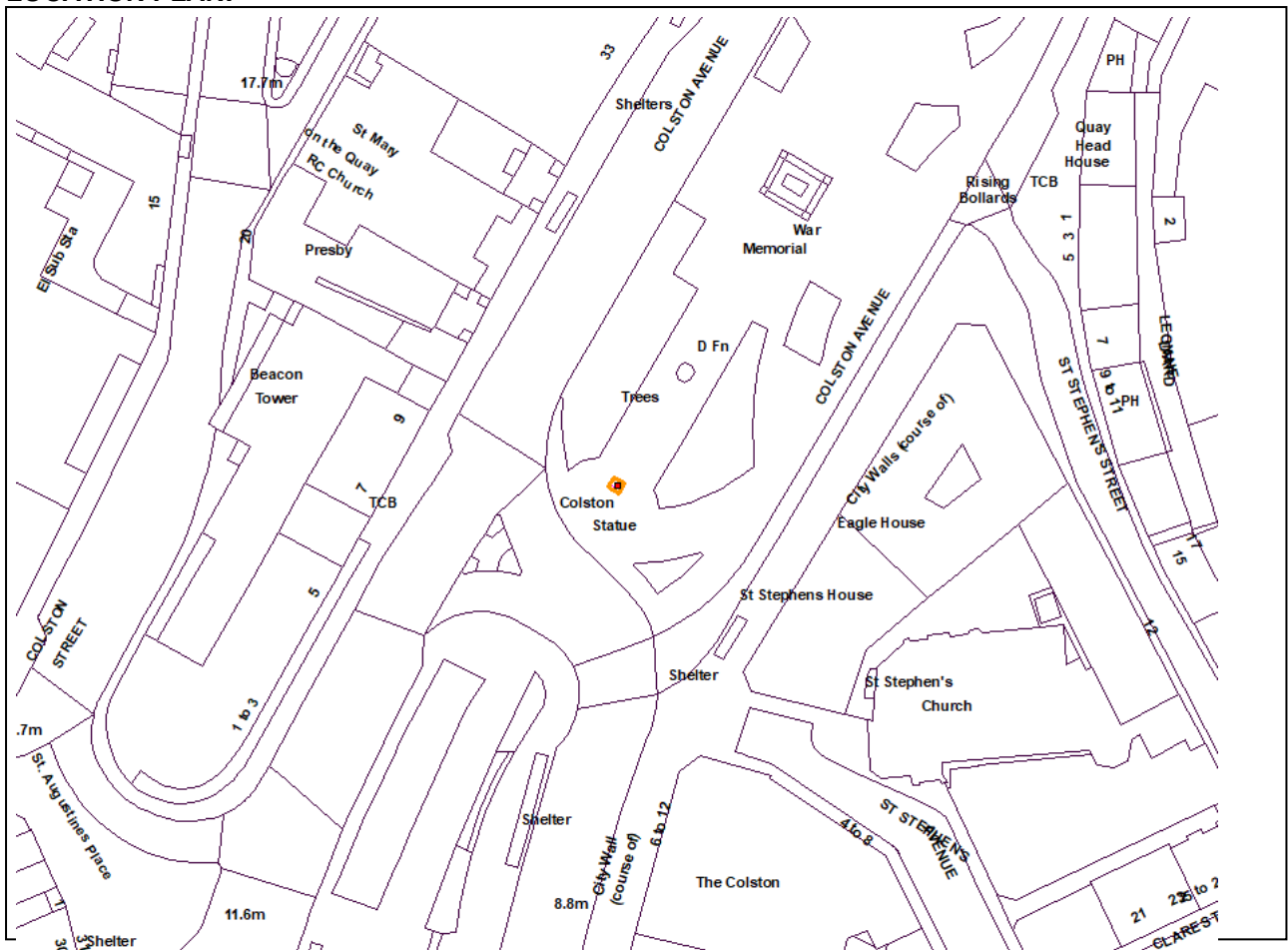
Application for approval of conditions 2 (Details of plaque) of permission 23/04315/LA - Proposal to move the statue of Edward Colston from Colston Avenue to M Shed.

RECOMMENDATION: Approve Details

APPLICANT: Bristol City Council
City Hall
College Green
Bristol
BS1 5TR

The following plan is for illustrative purposes only, and cannot be guaranteed to be up to date.

LOCATION PLAN:



Development Control Committee B – 10 April 2024

Application No. 24/01112/COND : Statue Of Edward Colston Colston Avenue Bristol BS1 4UA

Application for the approval of details reserved by condition pursuant to Condition 2 (Details of plaque) of Listed Building Consent 23/04315/LA - Proposal to move the statue of Edward Colston from Colston Avenue to M Shed.

SUMMARY

This is an application for the approval of details reserved by condition pursuant to Condition 2 of listed building consent 23/04315/LA dated 4th March 2024, for the “Proposal to move the statue of Edward Colston from Colston Avenue to M Shed”.

The listed building consent application was considered by the DC B Committee on 21st February 2024 and it was resolved to grant the application subject to conditions.

Condition 2 of this consent required the submission of details to the Local Planning Authority for approval relating to the proposed plaque that would be attached to the plinth that is to remain in situ. Members requested that the Committee consider these proposals and this submission is therefore being brought to Committee on that basis.

The applicant has provided details of the proposed plaque and information regarding the background to the proposed wording. The reason for imposing the Condition was to safeguard the architectural and historic interest of the Listed structure and the special character of the Conservation Area and to ensure the public benefits of development were secured in their totality. Assessing the proposed details in this context and having regard to relevant policies and the Planning (Listed Buildings and Conservation Areas) Act 1990, it is considered that the proposals would be acceptable.

It is therefore recommended that the submitted details be approved.

BACKGROUND

This is an application for the approval of details reserved by condition pursuant to Condition 2 of Listed Building Consent 23/04315/LA dated 4th March 2024, for the “Proposal to move the statue of Edward Colston from Colston Avenue to M Shed”.

The listed building consent application was considered by the DC B Committee on 21st February 2024 and it was resolved to grant the application subject to conditions.

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A copy of the report to the Committee on 21st February 2024 is attached for information as a Supporting Document.

Members specifically requested that the Committee consider the details of the proposed plaque that was proposed to be attached to the plinth that is to remain in situ.

The relevant condition reads as follows:

“ 2. Prior to installation of the plaque, the following detailed drawings shall be submitted to the Local Authority and approved in writing:

a) 1:5 section and elevation drawings of the proposed plaque showing it's intended materials, profiles, design, fixings, typeface, and wording

b) 1:10 elevation detail of the plinth showing the location of the proposed plaque and its fixings

The plaque shall be installed no later than 12 months from the date of the statue and base going on display as part of the Bristol Museums collections, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To safeguard the architectural and historic interest of the Listed structure and the special character of the Conservation Area and to ensure the public benefits of development are secured in their totality.”

PROPOSAL

The details submitted by the applicant shows a plaque that would be 650mm wide and 400mm high. It would be a cast plaque in genuine semi-precious bronze, with bright metal raised detail and sepia toned recessed detail. The proposed plaque would be attached to the plinth.

The wording of the proposed plaque is as follows:

“On 13 November 1895, a statue of Edward Colston (1636 - 1721) was unveiled here celebrating him as a city benefactor.

In the late twentieth and early twenty-first century, the celebration of Colston was increasingly challenged given his prominent role in the enslavement of African people.

On 7 June 2020, the statue was pulled down during Black Lives Matter protests and rolled into the harbour. Following consultation with the city in 2021, the statue entered the collections of Bristol City Council's museums.

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2024”

At the Committee meeting on 21st February 2024, Members raised issues regarding the suggested wording for the plaque. The applicant has therefore provided information regarding the background to this, which is copied in full below:

“Background

A new plaque attached to the empty plinth is required to help recontextualise some of the contested heritage associated with this place in accordance with recent policy and government guidance on these matters.

The wording for this proposed new plaque formed part of the application to place the statue in the care of the museum collections. The planning committee resolved to grant consent, but due to concerns raised about the proposed words for the plaque a request was made to review the details of the plaque required under condition 2 of the consent.

The submitted details for the condition discharge application include a supporting narrative provided by Tim Cole of the History Commission that did not form part of the original application. It is hoped that this background to the effort that has gone into getting to this point, together with the fact that these words are the result of contributions from over 14,000 Bristolians will reassure the committee that this is a good result for the city given the current social and political climate.

“One question that the History Commission asked people in the city and beyond was what they thought should now happen with the empty plinth.

Most people in the city wished to see a plaque placed on the plinth briefly explaining what once stood here, why it was now empty, and what happened to the statue. They wanted something short and factual that explained what was absent and why.

In contrast, they saw the museum display as a place for much more thorough discussion of the statue, who Colston was and his connections with Transatlantic Slavery, decades of protest against the statue and artistic interventions and its removal, the BLM movement globally and in Bristol etc. People recognised that this kind of contextualisation required far more words than can be placed on a short plaque and hence wished for the statue to be displayed in the museum.

As a result, the Commission worked through multiple possible drafts of a very short text for a plaque to be placed on the plinth that would be a simple, factual statement of when the statue was erected, when it was taken down, and where it now is. Alongside this, they made recommendations based on the extensive comments in the consultation about what the much larger museum display of the statue will involve. We saw the plaque as a pointer for the interested visitor to go to the museum to read that much fuller history.

We didn't do a full public consultation on the exact wording for the plaque but rather sought to draw upon what people said in the consultation to develop some v. brief and factual wording on the history of the site (statue of X erected in Y and taken

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down by Z in 2020 kind of thing). The critical thing is that the plaque orients the visitor to the museum where a much richer and more dynamic display is possible.

All members of the History Commission were actively involved in this so it was a joint effort from:

Joanna Burch-Brown

Edson Burton

Tim Cole

Nigel Costley

Steve Poole

Shawn Sobers

Estella Tincknell”

Contested heritage is a complex issue that cannot be fully addressed through the words of a plaque and if you asked 20 people to write their own words for the plaque you would get 20 different versions.

Therefore, in addition to the plaque it is proposed to site a QR code with a link to further information that relates to Colston and the display at M Shed. This web content associated with the exhibition [New display at M Shed: the toppling of the Colston statue | Bristol Museums](#) can be more easily be kept up to date and remain current.

Proposed words for new plaque

These words, that result from the process described by Tim Cole (above), are split into three factual paragraphs. The first presents a short sentence describing what was here. The second describes the recent social context and the third provides a brief detail of the events in 2020.

The content of these paragraphs recontextualises the empty plinth through factual, non-emotive language.

On 13 November 1895, a statue of Edward Colston
(1636 - 1721) was unveiled here celebrating him as a city
benefactor.

In the late twentieth and early twenty-first century, the

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Application No. 24/01112/COND : Statue Of Edward Colston Colston Avenue Bristol
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celebration of Colston was increasingly challenged given his prominent role in the enslavement of African people.

On 7 June 2020, the statue was pulled down during Black Lives Matter protests and rolled into the harbour. Following consultation with the city in 2021, the statue entered the collections of Bristol City Council's museums.

2024"

CONSULTATION

As this is an application for the approval of details reserved by condition, no public consultation is undertaken. Consultation was however undertaken in connection with the application Listed Building Consent. A summary of the responses received can be read in the copy of the report to the Committee on 21st February 2024, which is attached for information as a Supporting Document.

EQUALITIES ASSESSMENT

The public sector equalities duty is engaged through the public body decision making process.

Section 149 of the Equalities Act 2010 provides that a public authority must in the exercise of its functions have due regard to:-

- (a) eliminate discrimination, harassment, victimisation and any other conduct prohibited under the Act
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- (c) foster good relationships between persons who share a relevant characteristic and those who do not share it.

During the determination of this application due regard has been given to the impact of the scheme upon people who share the protected characteristics of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

Officers have had due regard to the Public Sector Equality Duty contained in the Equality Act 2010 when making the assessment set out in this report.

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An Equalities Impact Assessment was undertaken in connection with the Listed Building Consent application, which referenced the proposed plaque. This Assessment was reviewed by the Council's Equality and Inclusion Team. The Assessment was included as a Supporting Document to the report to Committee on the Listed Building Consent application.

The Assessment considered whether the proposal would have any potentially adverse impacts on people based on their protected or other relevant characteristics. Disproportionate impacts on those with protected characteristics was not indicated by the Assessment. The Assessment considered that the wider proposals had the potential to create benefits in terms of advancing equality of opportunity between people who share a protected characteristic and those who don't, and also through the fostering good relations between people who share a protected characteristic and those who don't.

RELEVANT POLICY

The following are considered to be relevant:

National Planning Policy Framework (NPPF) – December 2023

Bristol Local Plan comprising Core Strategy (Adopted June 2011), Site Allocations and Development Management Policies (Adopted July 2014) and (as appropriate) the Bristol Central Area Plan (Adopted March 2015)

Other relevant documents/guidance:

Written Ministerial Statement by The Secretary of State for Housing, Communities and Local Government "Planning and Heritage: Historic Statues, Plaques, Memorials and Monuments" Monday 18 January 2021

Historic England: Checklist to Help Local Authorities Deal With Contested Heritage Decisions

In determining this application, the Local Planning Authority has had regard to all relevant policies of the Bristol Local Plan and relevant guidance.

KEY ISSUE

Are the details submitted pursuant to Condition 2 of listed building consent 23/04315/LA dated 4th March 2024 acceptable?

The reason Condition 2 was imposed was to safeguard the architectural and historic interest of the Listed structure and the special character of the Conservation Area and to ensure the public benefits of development are secured in their totality.

In assessing the Listed Building Consent application, regard was had to the Planning (Listed Buildings and Conservation Areas) Act 1990, in particular Section 16 which states that in considering whether to grant listed building consent for any works the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

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Special attention was also paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area in accordance with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Regard must be had to this Act in assessing the acceptability of the details submitted.

Relevant policies include the requirements of the NPPF, Bristol Core Strategy (2011) Policy BCS22 which seeks to ensure that development proposals safeguard or enhance heritage assets in the city, with Policy DM31 in the Site Allocations and Development Management Policies (2014) expressing that alterations to buildings should preserve or enhance historic settings.

Having regard to the above legislation and policies, it is considered that the proposed details would be acceptable given the reason for imposing Condition 2.

The level of harm that is considered would arise and the public benefits that would be secured, in particular in terms of Paragraph 204 of the NPPF which highlights the importance of retention and explanation, are considered to be in accordance with the assessment undertaken at the Listed Building Consent stage and as detailed in the report to the Committee on 21st February 2024. The information provided by the applicant regarding the background to the proposals is noted.

It is therefore recommended that the details submitted pursuant to Condition 2 of Listed Building Consent 23/04315/LA dated 4th March 2024 be approved.

RECOMMENDATION

Approve details.

Supporting Documents

Statue of Edward Colston Colston Avenue

1. Cover Letter
2. Details of Bronze Plaque
3. Copy of report to Committee on 21st February 2024 (for information)

Application to discharge condition 2 of consent 23/04315/LA |

Proposal to move the statue of Edward Colston from Colston Avenue to M Shed. |

Statue Of Edward Colston Colston Avenue Bristol BS1 4UA

Pre occupation condition(s)

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Reason: To safeguard the architectural and historic interest of the Listed structure and the special character of the Conservation Area and to ensure the public benefits of development are secured in their totality.

Background

A new plaque attached to the empty plinth is required to help recontextualise some of the contested heritage associated with this place in accordance with recent policy and government guidance on these matters.

The wording for this proposed new plaque formed part of the application to place the statue in the care of the museum collections. The planning committee resolved to grant consent, but due to concerns raised about the proposed words for the plaque a request was made to review the details of the plaque required under condition 2 of the consent.

The submitted details for the condition discharge application include a supporting narrative provided by Tim Cole of the History Commission that did not form part of the original application. It is hoped that this background to the effort that has gone into getting to this point, together with the fact that these words are the result of contributions from over 14,000 Bristolians will reassure the committee that this is a good result for the city given the current social and political climate.

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On 7 June 2020, the statue was pulled down during Black Lives Matter protests and rolled into the harbour. Following consultation with the city in 2021, the statue entered the collections of Bristol City Council's museums.

2024

Original Layout

Cast Plaque

Genuine Semi Precious Bronze

Bright Metal Raised Detail

Sepia Toned Recessed Detail

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2024

400 mm

650 mm

Client	BCC - Colston Statue
Job	Colston Statue Bronze Plaque - Feb 24
Scale	1:4 @ A4
Date	8/2/24
Revision	0 - TM

Final manufacture is based upon this design.

Please check all artwork and either approve for manufacture or advise as to changes.
It is your responsibility to check spelling, font, size, spacing and all design characteristics.



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SUPPORTING DOCUMENT – FOR INFORMATION

Copy of Report to Development Control Committee B – 21 February 2024

Application No. 23/04315/LA : Statue of Edward Colston, Colston Avenue, Bristol, BS1 4UA

SUMMARY

This is an application for Listed Building Consent to move the statue of Edward Colston from Colston Avenue to the M Shed. The application is made by Bristol City Council. The application has not been referred by a Ward Member to a DC Committee for a decision.

Listed Building Consent is required because the statue and plinth is Grade II listed. The plinth would remain in situ and a new plaque is also proposed.

The applicant has provided the following summary of events leading up to the submission of this application:

“On 7th June 2020, the grade II listed bronze statue of Edward Colston was pulled down from its plinth on Colston Avenue during a Black Lives Matter demonstration. After being rolled through the City Centre, the statue was dumped into the Floating Harbour by a crowd of demonstrators.

The statue was recovered from the harbour and in the summer of 2021 went on display in the museum. While on display, Bristol City Council and the History Commission that had been established by the authority following the events in June, ran a public consultation process with visitors to the exhibition and online. This consultation asked what people thought should now happen to the statue and surviving plinth in the City Centre. The results of this consultation process informed a report by the commission that concluded with 6 recommendations for the future of the statue and plinth.” This application seeks to implement a number of those recommendations.

This significance of the heritage asset has been identified and assessed. This is considered to be principally artistic and historic, with the historic significance of the statue and plinth having been increased following the events of June 2020.

It is concluded that the public benefits would outweigh the less than substantial harm posed. In reaching this conclusion, officers have given great weight to the heritage asset’s conservation, that is, the sustaining and enhancing of its significance. There is considered to be clear and convincing justification for the harm.

The proposal is therefore considered to be in accordance with the requirements of the NPPF, Bristol Core Strategy (2011) Policy BCS22 which seeks to ensure that development proposals safeguard or enhance heritage assets in the city, with Policy DM31 in the Site Allocations and Development Management Policies (2014) expressing that alterations to buildings should preserve or enhance historic settings.

Furthermore, this would be in accordance with Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which states that in considering whether to grant listed building consent for any works the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Special attention has also been paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area in accordance with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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Copy of Report to Development Control Committee B – 21 February 2024

Application No. 23/04315/LA : Statue of Edward Colston, Colston Avenue, Bristol, BS1 4UA

It is therefore recommended that Listed Building Consent be granted. Conditions are recommended regarding the implementation of the proposed works.

SITE AND SURROUNDINGS

The site is located in Bristol city centre in a prominent position on Colston Avenue. Colston Avenue is where many transport routes come together to form a very active and extensive area of public realm. The area is known as “The Centre”, an important civic and transport hub for the city.

The site is located within the College Green Conservation Area and close to the City and Queen Square Conservation Area. The Conservation Area has a Character Appraisal that was adopted in 2016 and the site falls within “The Centre” character area. The Character Appraisal refers to the Centre as “a major city landmark space and focal point for gathering, convening and events”. To emphasise the importance of the location, the city’s Cenotaph is located in relatively close proximity to the site.

The Conservation Area covers a large portion of the city centre, from the Council House and the Cathedral round to the areas of Colston Avenue that used to be part of the harbour until it was culverted in the late 19th Century. The linear area of public realm on Colston Avenue that contains the site, along with the varied and strong built form lining each side, reflect the quayside that was here, while the historic statues and features along the public realm reinforce elements of the City’s history.

In the College Green Conservation Area Character Appraisal the statue and plinth does not appear to be identified as a local landmark. There are other listed monuments nearby however.

The specific structure the subject of this application is the plinth that, until 7th June 2020, was the pedestal of the statue of Edward Colston that had been in situ since 1895. The statue and plinth were Grade II listed in March 1977.

The Official List Entry reads as follows:

“Heritage Category: Listed Building
Grade: II
List Entry Number: 1202137
Date first listed: 04-Mar-1977
List Entry Name: STATUE OF EDWARD COLSTON
Statutory Address 1: STATUE OF EDWARD COLSTON, COLSTON AVENUE

District: City of Bristol (Unitary Authority)
Parish: Non Civil Parish
National Grid Reference: ST 58628 73014

Details

BRISTOL

901-1/11/555 COLSTON AVENUE 04-MAR-77 CENTRE (Northeast side) STATUE OF EDWARD COLSTON

SUPPORTING DOCUMENT – FOR INFORMATION

Copy of Report to Development Control Committee B – 21 February 2024
Application No. 23/04315/LA : Statue of Edward Colston, Colston Avenue, Bristol, BS1 4UA

|| This list entry has been amended as part of the Bicentenary commemorations of the 1807 Abolition Act.

Statue of Edward Colston, standing in Colston Avenue, to south of central pavement; the statue faces south. Erected 1895; the sculptor was John Cassidy of Manchester. A bronze statue on a pedestal of Portland stone. The statue shows Colston in middle age, dressed in C17 costume and leaning pensively on a stick. A rectangular moulded plinth with buttressed corners to a moulded pedestal; above this, consoles to an octagonal base supporting the statue. Inscribed on the south face of the base the words 'Edward Colston / Born 1636 / Died 1721'. To each corner of the pedestal, a bronze dolphin (dolphins feature on the Colston family crest), and on each face, a bronze plaque with Art Nouveau-style relief. On the south face, the words 'Erected by / citizens of Bristol / as a memorial / of one of the most / virtuous and wise sons of / their city / AD 1895' and 'John Cassidy fecit'. On the west face, Colston dispenses charity to poor children; on the north he is shown at the harbour; on the east is a scene with marine horses, mermaids, and anchors.

HISTORY: Edward Colston (1636-1721) was the son of a prosperous Bristol merchant; the family had long been established in Bristol. Edward Colston was apprenticed to the London Mercers' Company in 1654, in which he was enrolled in 1673. Thereafter, Colston established his own successful business in London, trading with Spain, Portugal, Italy, and Africa. The details of precisely how Colston's fortune was accumulated are not recorded, but his business interests were wide. Besides trading extensively in various commodities, including cloth and wine, he acted as a money-lender, and had interests in the West Indian island of St Kitts. In 1680 he became a shareholder in the Royal African Company. The Company, which had been founded in 1672 in place of the Royal Adventurers, had a monopoly on trade with Africa until 1688, after which time it received fees from English traders. Colston took a leading role in the Company, serving on several committees, and becoming deputy governor in 1689. Other members of the Colston family had connections with the Company; Edward's brother Thomas supplied beads that were used to buy slaves.

Although his trade was based in London, Colston continued to take an interest in his native Bristol; it is thought that he moved here for a while during the 1680s. He inherited a Bristol business from his brother, and became a partner in a Bristol sugar refinery, processing sugar produced by slaves in the West Indies. He was elected a free burgess of the city, and a member of the Society of Merchant Venturers, which meant that he could trade out of Bristol. By 1689 Colston had taken up residence at Mortlake, Surrey, where he lived for the rest of his life, but the philanthropic benefaction for which he was to become famous was concentrated on Bristol, the city for which he was MP from 1710-14.

Edward Colston is buried at All Saints' Church in Bristol, where a monument, designed by Gibbs and carved by Rysbrack, lists his charities. The bronze statue in Colston Avenue was commissioned by a committee organised by J. W. Arrowsmith, a Bristol printer and publisher and a promoter of the Exhibition, whose premises overlooked the site. The statue was unveiled by the Lord Mayor of Bristol on 13 November 1895.

Until the 1990s, Colston's involvement in the slave trade, the source of much of the money which he bestowed in Bristol, went largely unremarked. Since that time there has been growing interest in Bristol's role in the 'triangular trade', which saw ships

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leave Bristol filled with goods to purchase slaves, carry those slaves to West Indian plantations, and return to Bristol laden with sugar. Although Colston's principal connection with the slave trade was through the London-based Royal African Company, he has come to be seen as the pre-eminent representative of this aspect of Bristol's history.

SOURCES: Dictionary of National Biography; V. Coules, *The Trade: Bristol and the Transatlantic Slave Trade* (2007); Bristol Historic Environment Record; D. Merritt, *Sculpture in Bristol* (2002); <http://johnccassidy.org.uk/> accessed on 2 January 2008; R. Winstone, *Bristol in the 1890s* (1960)

REASONS FOR DESIGNATION The statue of Edward Colston is designated at Grade II for the following principal reasons: * A handsome statue, erected in the late C19 to commemorate a late C17 figure; the resulting contrast of styles is handled with confidence * The statue is of particular historical interest, the subject being Edward Colston, Bristol's most famous philanthropist, now also noted for his involvement in the slave trade. * Group value with other Bristol memorials: a statue of Edmund Burke, the Cenotaph, and a drinking fountain commemorating the Industrial and Fine Art Exhibition of 1893"

PROPOSAL

This is an application for Listed Building Consent to move the statue of Edward Colston from Colston Avenue to the M Shed. Listed Building Consent is required because the statue including the pedestal and plinth is Grade II listed. The plinth would remain in situ and a new plaque is proposed.

The applicant has provided the following summary of events leading up to the submission of this application:

"On 7th June 2020, the grade II listed bronze statue of Edward Colston was pulled down from its plinth on Colston Avenue during a Black Lives Matter demonstration. After being rolled through the City Centre, the statue was dumped into the Floating Harbour by a crowd of demonstrators.

The statue was recovered from the harbour and in the summer of 2021 went on display in the museum. While on display, Bristol City Council and the History Commission that had been established by the authority following the events in June, ran a public consultation process with visitors to the exhibition and online. This consultation asked what people thought should now happen to the statue and surviving plinth in the City Centre. The results of this consultation process informed a report by the commission that concluded with 6 recommendations for the future of the statue and plinth."

This application, which is made by Bristol City Council, seeks to implement a number of those recommendations. Specifically, these are as set out in the applicant's statement follows:

Recommendation 1

That the Colston statue enters the permanent collection of the Bristol City Council Museums service.

Recommendation 2

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That the statue is preserved in its current state and the opportunity to reflect this in the listing description is explored with Historic England.

Recommendation 3

That the statue be exhibited, drawing on the principles and practice of the temporary M Shed display where the statue was lying horizontally. That attention is paid to presenting the history in a nuanced, contextualised and engaging way, including information on the broader history of the enslavement of people of African descent.

Recommendation 4

That the former Colston statue plinth, along with the original plaques, remain in place and that a new plaque is installed that briefly and factually explains when and why the statue was put up and taken down.

The following wording for the new plaque is suggested:

“On 13th November 1895, a statue of Edward Colston (1636 - 1721) was unveiled here celebrating him as a city benefactor. In the late twentieth and early twenty-first century, the celebration of Colston was increasingly challenged given his prominent role in the enslavement of African people.

On 7th June 2020, the statue was pulled down during Black Lives Matter protests and rolled into the harbour. Following consultation with the city in 2021, the statue entered the collections of Bristol City Council’s museums.”

It is understood that the applicant sought pre-application advice from Historic England prior to the submission of the application.

RELEVANT PLANNING HISTORY

20/03127/F – Appeal: Temporary art installation for a period of 2 years (retrospective) entitled, ‘A Surge of Power (Jen Reid) 2020’ on the plinth of the former statue of slave trader Edward Colston (grade II listed). (Appeal reference APP/Z0116/W/20/3260461) Appeal against non-determination dismissed 4th August 2021

20/03128/LA – Appeal: Temporary art installation for a period of 2 years (retrospective) entitled, ‘A Surge of Power (Jen Reid) 2020’ on the plinth of the former statue of slave trader Edward Colston (grade II listed). (Appeal reference APP/Z0116/Y/21/3269256) Appeal against non-determination dismissed 4th August 2021

20/02458/LA – A Grade 2-listed statue of Edward Colston is proposed for partial demolition of the metal statue and statue base. The remainder of the pedestal is proposed to be retained. Application cancelled

18/03688/LA – Addition of a new bronze plaque to the stone pedestal. Granted subject to conditions 13th November 2018

07/03469/F – Temporary artwork constructed around the statue of Edward Colston. Granted subject to conditions 12th October 2007

07/03470/LA – Temporary artwork constructed around the statue of Edward Colston. Granted subject to conditions 12th October 2007

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01/01753/LA – Maintenance treatment comprising of cleaning and wax treatment of bronze statue and panels and cleaning of stone plinth. Granted subject to conditions 27th July 2001

RESPONSE TO PUBLICITY AND CONSULTATION

A site notice was displayed at the site on 22/11/2023 and a press advertisement was published on 22/11/2023.

There were 4 representations received, comprising 2 objections, 1 neutral comment and 1 comment in support, on the following grounds in summary:

Objections to the application

- Object to the statue being put on display at M Shed for the same reason quoted in the Crown Court for its removal. The statue is offensive in its nature, Colston is unbristolian.
- Whatever one feels of the contested history involved, it 'immortalises' and thereby rewards a heritage crime and act of art vandalism by people flouting Covid rules at the height of the pandemic, showing contempt for the democratic process, and undermining the law - it is deeply offensive to very many Bristolians and others as a result.

Pre-toppling the council had a 'retain and explain' plan for the statue, with planning permission, of the type recommended by Historic England for contested monuments, arrived at with substantial public input and wide support, and aimed at bringing the city together in a better understanding of its history.

Instead of this positive plan, after the toppling and a cynical disinformation campaign and flawed survey, we now have this highly divisive misuse of the remnants of the statue to promote a simplistic polarised, politicised, radicalised and racialised viewpoint also elevating the often semi-literate ahistorical rants of a lawless mob to prominence, while ignoring law abiding dissenting voices across the city - many of whom have a wealth of historical knowledge.

Also object to the proposed wording for the additional plaque for the empty plinth for the reasons and suggest a reworded version that is fit for purpose.

Neutral comment

- Comment received from Chair of Bristol Civic Society's Blue Plaques Panel with a request for a condition to be added that a design showing the wording is submitted.

Comment in support of the application

- Comment received from Chair of the History Commission advising that the Commission held an extensive consultation with the city in the summer and autumn of 2021, linked with the temporary display of the statue in the M-Shed museum.

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Just under 14000 people responded - around half from Bristol - with a clear majority supportive of moving the statue into the permanent collection of the M-Shed museum and putting it on display there. 80% of Bristol respondents wished to see the statue in the M-Shed (with smaller numbers - c. 12% of the Bristol sample wanted the statue back on the plinth; c. 4% of the Bristol sample wanted the statue back in the harbour or destroyed - wanting the statue to end up somewhere else).

One thing that was important was ensuring that these voices were broadly representative of the city as a whole.

The proposal to move the statue from Colston Avenue to the M Shed museum is one that meets with widespread approval from those who responded in their thousands to the consultation in 2021.

From reading comments most people in the city feel that the statue is too problematic to sit atop a plinth in the city centre, but remains of historical value (including the recent history of its toppling) and so should be placed into a museum where its long and contested history can be explained in more words than a plaque allows, and in a place where people can choose to visit.

Consultees

Historic England

“Summary

In June 2020, the statue of Edward Colston was pulled down and rolled into Bristol’s Floating Harbour during a Black Lives Matter protest. Subsequently the City Council arranged for the statue to be retrieved from the waters and for it and the fallen capstone from the plinth to be taken to Bristol Museums.

The statue of Edward Colston has become a touchstone for Bristol’s connections to the transatlantic trade in enslaved people. The proposal to regularise its removal from its plinth would cause a high degree of harm to the listed ensemble of plinth and statue; this would be substantial in the language of the National Planning Policy Framework (NPPF). Planning policy and legislation sets a high bar for justifying such a proposal.

While it will be for the decision-maker to determine whether the proposals would deliver substantial public benefits sufficient to outweigh the substantial harm it would entail, Historic England recognises both that the Council has undertaken a wide-ranging appraisal of the sentiment of Bristolians towards the future of Colston’s statue, and that it believes that the removal of the statue is important to the well-being of the city. We also note the Council’s commitment to permanently displaying the statue in the M Shed Museum.

Historic England Advice

Significance

Legally, the statue of Colston and its plinth remain intact and in situ, and together form a monument listed at grade II on account of its historic and artistic interest. This provides the correct starting point in planning terms for consideration of the current

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proposals, and not the current de facto position, in which the statue has been removed.

Edward Colston played a central part in the trade in enslaved people of the late 17th and early 18th centuries. His engagement in this trade was both sustained and direct. In the 1680s and early 1690s Colston was a member of the Royal African Company, and for a year was its principal official. The company had a monopoly of trade with Africa and thus of the slave trade. Colston's involvement in the trade in enslaved people continued after he left the company.

During Colston's membership of the Royal African Company, it is estimated that the company transported over 84,000 enslaved people from Africa to the West Indies and Americas. As many as 19,000 people may have died during the Atlantic crossing - the Middle Passage. Conditions for those who survived were harsh, and life expectancy short.

Colston gave a substantial part of his wealth to philanthropy. His chief benefactions were to Bristol institutions. They included almshouses, schools and churches.

In 1895 Colston's benefactions were recognised by the erection of a monument to his memory. It was intended to commemorate Colston's substantial benefactions to Bristol, and to commemorate his philanthropy. It was commissioned by a committee organised by J.W. Arrowsmith, a Bristol printer and publisher and a promoter of the Industrial and Fine Art Exhibition held on this site in 1893-94.

The monument was the work of John Cassidy (1860-1939). Cassidy was born in Ireland, trained in Milan and worked throughout his career in Manchester. Much of his work comprised busts and plaques celebrating commercial and cultural figures in Manchester and the surrounding areas. After the First World War he designed a series of war memorials.

Cassidy's monument to Colston is an eclectic work, characteristic of the period. It comprises a substantial plinth which supported a full-length figure of Colston.

Colston is portrayed deep in thought, his head supported by his left hand and arm, which are in turn supported by his right hand and a long staff. He wears late 17th century dress. The portrait combines sensitivity in the modelling and mood of the face with an illustrative character in its treatment of the clothing.

The plinth on which the statue was set is Baroque in its general character. Angled projections at the base support dolphins - Colston's emblems. Inverted volutes articulate the narrowing of the main body of the plinth to the cap upon which the statue itself was set. The principal surface on each side is set with a bronze plaque, which commemorate Colston's life.

The ensemble of statue and plinth was listed at grade II in 1977. The monument's entry on the National Heritage List for England, which was revised in 2007, identifies the following reasons for the monument's designation:

- a) "A handsome statue, erected in the late C19 to commemorate a late C17 figure; the resulting contrast of styles is handled with confidence";
- b) "The statue is of particular historical interest, the subject being Edward Colston, Bristol's most famous philanthropist, now also noted for his involvement in the slave trade";

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c) “Group value with other Bristol memorials: a statue of Edmund Burke, the Cenotaph, and a drinking fountain commemorating the Industrial and Fine Art Exhibition of 1893”.

From this it may be concluded that the significance of the Colston monument, in the language of the NPPF, lies in its artistic and historic interest, both of which are considerable.

Summary of proposals

The current proposals would regularise the removal of the statue from its plinth. The statue, which has been conserved in its current state, would be displayed in the M Shed, one of the City’s museums, where the fallen capstone from the top of the plinth would also be kept. An interpretive panel would be attached to the plinth itself, which would remain in situ, and the plinth would be used for temporary installations.

Proposals for a cultural programme for the site of the plinth do not form part of the listed building consent application.

Impact of the proposed development

The removal of the statue of Colston from the monument of which it forms part would severely impair the monument’s significance.

The statue is the *raison d’être* of the monument itself. It represents the man the monument commemorates and is the most artistically important part of the whole. The removal of the statue would take away much of the monument’s historic and artistic interest.

This notwithstanding, the plinth itself would remain of some interest. It is a substantial structure, carefully composed and richly adorned, and is of historic and artistic interest in its own right.

Planning legislation and policy context

The NPPF sets out three overarching objectives at paragraph 8, of which two are relevant to this case.

One of these is “a social objective - to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being”.

Another is “an environmental objective - to protect and enhance our natural, built and historic environment”.

The NPPF explains that heritage assets “are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations” (189).

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Paragraph 196 makes clear that “where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision”.

The next paragraph goes on to say that “in determining applications, local planning authorities should take account of ... the desirability of sustaining and enhancing the significance of heritage assets” and also “the positive contribution that conservation of heritage assets can make to sustainable communities” (197, a, b).

Paragraph 198 specifically addresses applications to remove historic statues. It states that “in considering any applications to remove or alter a historic statue, plaque, memorial or monument (whether listed or not), local planning authorities should have regard to the importance of their retention in situ and, where appropriate, of explaining their historic and social context rather than removal.”

The NPPF continues, “when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation... This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance” (paragraph 199).

Paragraph 200 sets out that “any harm to, or loss of, the significance of a designated heritage asset ... should require clear and convincing justification. Substantial harm to or loss of ... grade II listed buildings ... should be exceptional”.

Finally, paragraph 201 explains that “where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or unless four criteria are all met”.

In a Written Ministerial Statement made to Parliament on 18 January 2021, the then Secretary of State for Housing, Communities and Local Government, Robert Jenrick, stated about statues and monuments that “decisions to remove any such heritage assets owned by a local authority should be taken in accordance with its constitution, following consultation with the local community and interested parties, and the rationale for a decision to remove should be transparent.” This statement of government policy is a material consideration when deciding applications.

Historic England Position

The City Council’s proposal is to confirm the removal of Colston’s statue from its plinth, and conserve it within the City’s collection. Historic England recognises the very difficult history of which the statue has become the touchstone, but considers that the statue’s removal would cause substantial harm to the listed structure formed by statue and plinth. The policies referred to above would be engaged.

Most obviously, the City Council’s proposal runs counter to the importance of retaining statues in situ and interpreting them (NPPF, 198). It must also be tested against the requirement that local planning authorities refuse proposals which would cause substantial harm to the significance of a designated heritage asset, unless that harm would be outweighed by substantial public benefits, or meet all of four criteria

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(NPPF, 201). The strength of this policy flows from the great weight to be accorded to the conservation of the significance of designated heritage assets (NPPF, 199).

In this case, in considering the NPPF's policy in respect of substantial harm, the former test is the relevant one; the criteria are not applicable. In other words, the proposal must be justified by the public benefits it would provide, or not at all.

While it will be for the Local Authority, as decision-maker, to determine whether the proposal would deliver substantial public benefits sufficient to outweigh the substantial harm it would entail, Historic England can make a number of observations on the nature of the arguments put forward and the policies engaged.

At the heart of the Council's justification is the argument that regularising the removal of Colston's statue from the monument is of great importance to Bristol's well-being. This argument rests on an appraisal of the wishes of the City, a judgement about the consequences of reinstating the statue and a commitment to explain Colston's role as both slave trader and benefactor.

Since 2020, Bristol City Council has deliberated on the future of the statue and the monument of which it forms part. These deliberations have been informed by the work of the 'We Are Bristol History Commission', established by the Mayor in the immediate aftermath of events in June 2020.

Through the work of the Bristol History Commission, Bristol City Council has undertaken a wide-ranging appraisal of the sentiment of Bristolians towards the future of Colston's statue. The Commission reported that four out of five Bristolians thought the statue should be kept in a museum; seven of ten supported the addition of a plaque to the plinth to reflect the events of 2020; six of ten supported the use of the plinth for temporary artworks; and five of eight approved the pulling down of the statue.

The Commission's report does make clear that opinion, although broadly in favour of the points set out above, is also divided. While 65% of Bristolians were positive about what had happened, 36% - a substantial minority - felt negatively about the pulling down of the statue.

It is not for Historic England to gauge the weight to be accorded to the Commission's conclusions, but we acknowledge the seriousness with which this exercise has been conducted. This approach seems wholly in accordance with the Secretary of State's requirement that councils consult communities when considering such proposals.

The obverse of the Commission's conclusions is the Council's judgement that the "reinstatement of the statue to Edward Colston... would cause additional upset and disgust and potentially lead to further public order and health and safety risks as well as damage community cohesion".

Again, it is not for Historic England to gauge this judgement, although given the climate of public opinion in the city, as demonstrated by the consultation process that took place as part of the History Commission report, it must be taken seriously.

The Framework recognises that the social objective of the planning system, one of the three objectives which support the achievement of sustainable development, is "to support strong, vibrant and healthy communities" (NPPF, 8, b). Equally, the

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Framework requires local planning authorities to take account of “the positive contribution that conservation of heritage assets can make to sustainable communities” (NPPF, 197, b). In this case, the City considers in effect that the retention - practically, the reinstatement - of the statue would run counter to the social objective of the planning system.

The final part of the justification rests on the Council’s commitment to contextualise and explain the role of Colston as both slave trader and benefactor through the display of the statue in the M Shed Museum and the installation of a new plaque on the remaining plinth. The impact of the installation of a new plaque on the plinth to the significance of the listed structure would be very modest. Any harm would be negligible.

We recognise the potential of these proposals to contextualise the empty plinth and the fallen statue, enabling a deeper understanding of Colston’s difficult past.

In summary, the most important part of the City Council’s proposal would be the permanent removal of the statue of Colston - which remains, in law, in place - from the listed structure. This would entail substantial harm to that listed structure, and it will be for the decision-maker to determine whether the Council’s justification would provide substantial public benefits to outweigh the harm that removal would entail. Should it be found to do so, it would be reasonable to conclude that the other policy tests referred to above would be met, including that requiring the consideration of the importance of retaining statues in situ, and, where appropriate, explaining their historic and social context (NPPF, 198).

Conclusion

We recognise the pain that Colston’s role in the transatlantic trade in enslaved people has caused.

The monument to Edward Colston, a slave trader and benefactor, is of historic and artistic interest. Its permanent removal from its plinth would cause a high degree of harm to the significance of the listed ensemble of plinth and statue. This harm would be ‘substantial’ in the language of the NPPF. We welcome the work of the Bristol History Commission, and recognise the wide-ranging approach to the consultation, which has informed these proposals. Ultimately, however, it will be for Bristol City Council as the decision-maker to determine whether the proposals would be justified.”

National Amenity Societies

No comments received.

Conservation Advisory Panel

“The Panel recognised that the future location of the statue was a very sensitive issue, and this was discussed at length. The Panel regret the damage and harm that has been caused to this heritage asset, and whilst they would prefer that the statue was replaced and retained in its original location, with an explanation provided on its background, they acknowledged that this was unlikely to be feasible in practice. It was agreed that the statue should not be cleaned or repaired, but should for preference be displayed in an upright position in the Museum.”

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Bristol City Council Conservation

“Summary:

The proposed development would be harmful to designated heritage assets; that harm and the public benefit arising from it are wholly exceptional. Harm would be partially mitigated through the proposed works. On balance, development would be significantly in the public interest and this is given very considerable weight. Despite the great weight required in the conservation of the assets, the public benefit outweighs the degree of harm posed. We recommend the decision-maker approve development subject to conditions.

Significance:

Development would directly impact the architectural and historic interest of the Grade II Listed statue and base, and the character of the City Centre and College Green Conservation Area. The group value of the collection of Listed civic monuments along the Centre would also have their setting impacted; these include the Grade II Listed statue of Burke, drinking fountain commemorative of the 1891 exhibition, and the cenotaph.

The statue of Edward Colston and its plinth were erected posthumously in 1895, 174 years after his death. The statue was commissioned to stand in the new park laid out following the culverting of the River From. This presented a new opportunity to host civic adornments in one of the few open public spaces then available in the city centre. The selection of Colston as a subject for a statue was championed by JW Arrowsmith, whose Printing business adjoined the new open space at the head of the former quay. The choice of Colston, a Tory MP, appears to have been, at least partly, a political reaction to the planned and executed erection of a statue to the eminent Whig MP, Edmund Burke, by the Wills family, in the same area.

Architecturally, it's a prominent, monumental structure designed and executed in form, detail, and materials intended to impress. The plinth is highly ornate with attractive stepped form and bronze embellishments expressing the opulence and wealth of the age in which it was erected. The statue, in contrast, has a hunched, sullen and downbeat pose, unlike the posturing classical stance adopted in Burke's statue. The modelling and bronze casting are particularly high quality.

Significance of the statue and plinth is considered to have been considerably heightened by events of 7.6.20 when it received international attention following toppling during an anti-racism protest. Edward Colston's involvement in the Transatlantic slave trade, a long-established fact in Bristol, became nationally known through the pulling-down of the statue from its plinth and throwing into the docks. It inspired citizen action against totems of intolerance across the world. Statue and plinth, although presently separated, are now historically significant in new ways to those intended by its creators.

The National Planning Policy Framework (NPPF) is clear, that: '196. Where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision' The toppling of the statue from the plinth was clearly a deliberate act of damage, so the deteriorated state cannot be taken into account in the planning decision. This creates a paradox, where a degree of historic significance of the asset now arises from its

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effective separation. Whilst the NPPF states that the deteriorated state cannot be taken into account in the decision, it does not preclude that damage having increased the heritage significance or the assessment of that significance as part of assessing against the tests of the NPPF.

Proposals:

This Listed building application seeks to formally remove the statue and base from the plinth, and lodge them in the collections of the Council-owned M-Shed museum. The Museum is Accredited by the Arts Council England and is required to maintain a collections care and conservation policy, and a collections care and conservation plan; following lodging in the collections, the statue would be protected by those provisions.

Proposals also include for the affixing of a new plaque to the Grade II Listed plinth, recording the role of Edward Colston in slavery, and commemorating the pulling down of the statue in 2020. Drawings or other material showing the design of this plaque are not provided in the application, though an intended location and draft wording for the plaque is included in the supporting statements.

Assessment and potential mitigation

Is there harm posed by the development? (NPPF para 200):

As noted above, the NPPF the 'deteriorated state' of the asset cannot be taken into account in decision making, though it's not clear how damage that has amplified significance should be dealt with; To what extent has its 'state' been deteriorated or elevated by unlawful actions? It is undoubted that physical harm has occurred to the Listed structure. The ripping away of the statue has caused material damage to the plinth, and the statue itself is in a technically irreparable condition. The physical damage is irreversible. The deteriorated state of the heritage asset is not to be taken into account in any decision, that is to say, the present state of the asset is a separate consideration from the procedural assessment of heritage significance against the other tests of the NPPF, and the assessment of significance, harm, justification, and balancing harm against public benefit remain necessary parts of the

The NPPF is explicit that assessment should take into account 'the desirability of sustaining and enhancing the 'significance' of heritage assets' in our assessment rather than their physical 'state'. Accepting only the previous physical condition of the structure, we would be forced to disregard the heritage significance as it presently exists. The NPPF is clear that significance should underpin the decision-making process and that the physical state of the asset should not.

The NPPF requires harm to significance to be established. Historic England define significance as 'a collective term for the sum of all the heritage values attached to a place, be it a building an archaeological site or a larger historic area such as a whole village or landscape.' It defines heritage values as being:

Evidential value: the potential of a place to yield evidence about past human activity.

Historical value: the ways in which past people, events and aspects of life can be connected through a place to the present - it tends to be illustrative or associative.

Aesthetic value: the ways in which people draw sensory and intellectual stimulation from a place.

Communal value: the meanings of a place for the people who relate to it, or for whom it figures in their collective experience or memory.

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Harm would occur to the Listed statue and plinth where its heritage values were undermined. To summarise these individually:

Evidential value of the structure arises from its location in a prominent civic site, and how the construction and fabrication of the statue and plinth help inform our understanding of historic techniques. The large chunk taken out of the plinth moulding evidences the aggressive method of the statue's removal. Despite the present intention to separate the statue from the plinth, the evidential value would remain unaffected, with the location continuing to be marked by the masonry plinth, and the bronze casting secured in a museum collection where it would be available for inspection and protected by the collection management policies which would ensure better preservation than in the intended location.

The historical value derives from the celebration of Edward Colston as a significant figure in Bristol's past, from the physical expression of the social and political context in which the statue and plinth was erected, and from the actions of 2020 that brought it to international interest. It is argued that greater historic and commemorative value now resides in the plinth as symbolically vacant. Colston's commemoration by the Victorians remains explicit in the remaining plinth and plaques, though without the physical presence of the effigy itself.

The statue and plinth have aesthetic value together. They are a traditional coupling of a masonry pedestal and elevated representation of a celebrated personage that derives ultimately from the traditions of the Classical world; separated this allusion is damaged. Harmonious composition and proportions of both elements would be significantly impacted by the loss of the statue. The visually attractive, lifelike, and high-quality modelling of the statue would be entirely lost to the Listed building, but preserved elsewhere. The complementing materials of dark patinated statue, reliefs, and dolphins set against the bright white Portland Stone would be undermined, though not entirely lost. The stepped form of the plinth would be impacted by the loss of its uppermost masonry section, the statue base, which gave added stature and monumentality to the whole composition. The foreshortened plinth would retain a degree of aesthetic value in the late-Victorian dolphins and plaques, and the generally attractive proportions of the remaining structure, however, it would not have the same visual and monumental prominence of the complete structure.

Communal value contributes to significance through the collective memory and experience. The presence of a statue of a prominent slave trader is offensive to many, whilst Colston's charitable works are well memorialised on the plinth and elsewhere in the city. In the present day, consciousness of the statue and works of Colston were most frequently experienced when interventions to highlight Colston's role in the slave trade, artworks or new plaques, or a continuing campaign to address Colston's role became newsworthy events. Most Bristolians will have experienced the statue and plinth as an historically controversial monument, whatever their view might be on Colston as a man. Despite dating from the 19th Century, what the structure represented of 17th and 18th Century was how it was most frequently appreciated. The toppling of the statue in controversial circumstances has escalated communal value way beyond the boundaries of the city, with international interest being focussed on the statue, plinth, and notable historic events of June 2020.

In conclusion, whilst the aesthetic value has been significantly impacted, and the traditional historic and evidential values altered, the actual historic significance of the

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statue and plinth have been increased through the actions of 2020 regardless of its current state.

In considering whether the asset would be harmed by development it is also worthwhile returning to the Planning (Listed building and Conservation Areas) Act 1990. The act allows for buildings to be added to the national list and protected for their 'special architectural and historic interest'. The terminology here is different from that of the NPPF and Historic England's heritage values, and lacks the same breadth and nuance. The Act prohibits 'alteration or extension in any manner which would affect its character as a building of special architectural or historic interest, unless the works are authorised' by the Local Authority. The protection of the architectural and historic characteristics of the statue and plinth are therefore the objective of the Act. The statue and plinth have been moved several times within the broad area of the modern Centre without the architectural and historic character being impacted. This demonstrates the location of statue and plinth has little bearing on its special historic interest or character, and that those characteristics might be protected and sustained in alternative locations.

The NPPF requires decision making to 'sustain or enhance' heritage significance. Where development would fail in those ambitions it can be judged to pose harm. The development proposed, to remove the statue from the plinth and provide new interpretation, would ensure the present significance is sustained and enhanced through the new interpretive plaque. If the statue was still in place and the present application refused, the overall heritage significance would be less than it is currently experienced.

In summary, certain of the heritage values underpinning significance would be harmed by the proposed development, others sustained and enhanced. Conversely, should development be refused, the heritage values would be harmed in other ways. However, the statue is an integral and key component of the Listed building and its removal is, on balance, considered to cause harm to significance. The proposals to protect the statue in an alternative location and provide interpretation on the standing plinth help mitigate that harm. Overall, therefore, the harm to significance is not of a substantial degree.

Has clear and convincing justification been given for the harm? (NPPF para 200):

Before now, Historic England have often posed the question, how else could the purported public benefits be secured without harm to the asset? It's clear in this instance, that the totality of the public benefits could only be achieved through the removal of the statue to a secure public collection. Allowing the statue to remain on the plinth would expose it to further attack, damage and the risk of provoking further civil unrest. It is no longer possible to protect the architectural and historic interest with the statue and base attached to the plinth. Whilst the approach would usually be 'retain and explain' assets of contested heritage, the now-international profile of the statue and broader understanding of Colston's history in slave trading brought about for the 2020 actions, have focussed negative attention on the celebration of Colston, and retention would be enticement to future acts of a similar violent nature.

The current condition of the bronze casting is very poor. Whilst it's damaged state cannot form part of our decision making, the statue itself cannot continue to form part of the Listed asset as a whole. We are satisfied that, due to the irreparable and

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unsafe condition of the statue, it would require recasting if it were to remain integral to the plinth. Any replacement of the statue would not have the same heritage value as the original Victorian casting, even if the appearance could be replicated. With a facsimile in place of the original, the original integrity could not be fully restored. The replacement would remain provocative, the target of vandalism and antisocial behaviour, and the potential focus of civil unrest. A statue of Colston remaining on the plinth is not a reasonable expectation.

What are the purported public benefits? (NPPF para 202):

The NPPF requires public benefits to be of an economic, social, or environmental benefit. There is an overwhelming degree of public benefit in the removal of the statue. It would minimise the potential for criminal damage and vandalism of the Listed structure. The removal of the statue would encourage greater community cohesion, where the presence of the statue of Colston in a highly trafficked public place has stoked division. Development would help repair relationships between the Council and communities, for whom years of inaction have caused upset and alienation.

It would ensure the statue forms part of a secure accredited museum collection with enhanced conservation requirements, where people have the option to view it should they choose to. It would allow for the interpretation of contested heritage through the retention and contextualisation of the plinth with a new plaque, and the further explanation of the heritage significance as part of museum collections. The enhanced interpretation of statue and plinth would have an additional heritage benefit, where the international significance of statue and plinth could be greatly enhanced.

There are economic benefits where the city's tourism industry would benefit from the international attention from the statue and its felling, though it is difficult to attribute a specific degree of weight in this aspect. There would be economic benefit too, in removing the significant financial obligation on the local taxpayer of having to replace the statue where the original is irreparable.

Do public benefits outweigh harm where that harm has clear and convincing justification? (NPPF para 202)

It's clear there are exceptional circumstances around the current application. Significant, or 'great' weight is required in the planning balance in favour of conservation of designated assets. Historic England define conservation as "The process of maintaining and managing change to a heritage asset in a way that sustains and where appropriate enhances its significance." We have indicated above that we consider that consenting to the removal of the statue from its plinth would enable change to be managed in a way that could enhance the heritage values that underpin significance.

We acknowledge the harm that would be caused to significance by consenting removal of substantial proportion of the Listed structure, a key element of its significance, and the resultant loss or aesthetic value and architectural character of the whole composition. That the present state is deteriorated, permanently damaged, cannot be taken into account in forming a recommendation, however the NPPF separates consideration of the deteriorated state of the asset from the assessment of significance. As defined by Historic England, the heritage values underpinning significance are not entirely dependent on the objective physical state of the asset.

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They allow for intangible aspects to contribute to special importance, how an asset is experienced and appreciated, its meanings and memories, how it intellectually stimulates and allows for interpretation. The significance would be enriched by formalising removal of the statue of Colston.

We consider the harm posed by development is justifiable, and that there would be very significant and substantial public benefits to the removal of the statue from the public realm, its future protection in an accredited museum collection, the preservation of the plinth in-situ, and the addition of an interpretive plaque. The substantial public benefits outweigh the harm posed. In this assessment we have placed great weight in conservation of the heritage asset, that is, the sustaining and enhancing of its significance.

Following, and in reaction to, the widely publicised and controversial felling of the statue, its dropping in the harbour, and subsequent national and international attention focussed on contested heritage, the Government made a specific addition to the NPPF:

'198. In considering any applications to remove or alter a historic statue, plaque, memorial, or monument (whether listed or not), local planning authorities should have regard to the importance of their retention in situ and, where appropriate, of explaining their historic and social context rather than removal.'

We have regarded the importance of retaining the statue and plinth together in situ, and the required 'great weight' required in the conservation of designated heritage assets. We welcome the Government's recognition of the importance of the historic environment and the need to protect it unharmed. We have agreed that explaining of the significance of the statue through a permanent plaque installed on the plinth is wholly appropriate and offers a degree of mitigation for the harm that would arise from development.

Recommendation for decision:

Setting aside the current deteriorated state of the Listed structure, the public benefits that would be brought about by development are substantial in degree. Any harm posed to significance 'the collective heritage values' is judged to be wholly exceptional in this case, and justified in being overwhelmingly in the public interest. The harm posed to significance would be permanent, but we do not consider that it impacts the heritage values to be impaired to a substantial degree. Harm would be mitigated somewhat in the setting up of a new interpretive plaque and the protection of the statue of Colston in accredited museum collections.

The significant public benefits, social and to a lesser extent, brought about by development would be of such a degree that we consider they outweigh the harm posed; this is despite placing great weight in the planning balance in favour of conservation.

We recommend the following:

- ' That Listed building consent is granted subject to conditions.
- ' That the Secretary of State is notified of the Local Authorities intended decision
- ' That Historic England are invited to amend the Listing description of the plinth to omit the statue element and explain the amended the historic interest of the remaining plinth.

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Should the local Authority decide to approve development we request that the following conditions are appended:

Prior to commencement of the relevant element, the following detailed drawings shall be submitted to the Local Authority and approved in writing:

- a) 1:5 section and elevation drawings of the proposed plaque showing it's intended materials, profiles, design, fixings, typeface, and wording
- b) 1:10 elevation detail of the plinth showing the location of the proposed plaque and its fixings

Development should be completed in accordance with the approved drawings.

Reason: To safeguard the architectural and historic interest of the Listed structure and the special character of the Conservation Area.

Prior to completion of the works, written confirmation must be provided to the Local Authority that the statue and statue base have been formally entered as accessioned artefacts in the Bristol Museums collection.

Reason: To ensure the public benefits of development are secured in their totality.

Prior to the Completion of the works, a management plan for the display and interpretation of the statue and statue base as part of Bristol Museums collections should be submitted to the Local Authority and approved in writing.

Reason: To ensure the public benefits of development are secured in their totality.

Development must be fully implemented within three years of consent.

Reason: To ensure the public benefits of development are secured in their totality.”

Arrangements for handling heritage applications Direction 2021

As noted above, notification of the application has been given to Historic England and the National Amenity societies. Based on the proposals, the comments received and noting the requirements of Arrangements for handling heritage applications Direction 2021, it is not considered that there is a need to refer the application to the Secretary of State.

EQUALITIES ASSESSMENT

The public sector equalities duty is engaged through the public body decision making process.

Section 149 of the Equalities Act 2010 provides that a public authority must in the exercise of its functions have due regard to:-

- (a) eliminate discrimination, harassment, victimisation and any other conduct prohibited under the Act
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- (c) foster good relationships between persons who share a relevant characteristic and those who do not share it.

During the determination of this application due regard has been given to the impact of the scheme upon people who share the protected characteristics of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

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Officers have had due regard to the Public Sector Equality Duty contained in the Equality Act 2010 when making the assessment set out in this report.

An Equalities Impact Assessment has been undertaken in relation to this decision which has been reviewed by the Council's Equality and Inclusion Team. The Assessment considers whether the proposal would have any potentially adverse impacts on people based on their protected or other relevant characteristics. Disproportionate impacts on those with protected characteristics has not been indicated by the Assessment. The Assessment considers that the proposal would have the potential to create benefits in terms of advancing equality of opportunity between people who share a protected characteristic and those who don't, and also through the fostering good relations between people who share a protected characteristic and those who don't. It would also enable opportunity for a wide variety of people to learn about the history of Bristol through the display of the statue in the M Shed with associated accessible material.

RELEVANT POLICY

The following are considered to be relevant:

National Planning Policy Framework (NPPF) – December 2023

Bristol Local Plan comprising Core Strategy (Adopted June 2011), Site Allocations and Development Management Policies (Adopted July 2014) and (as appropriate) the Bristol Central Area Plan (Adopted March 2015)

Other relevant documents/guidance:

Written Ministerial Statement by The Secretary of State for Housing, Communities and Local Government "Planning and Heritage: Historic Statues, Plaques, Memorials and Monuments" Monday 18 January 2021

Historic England: Checklist to Help Local Authorities Deal With Contested Heritage Decisions

In determining this application, the Local Planning Authority has had regard to all relevant policies of the Bristol Local Plan and relevant guidance.

COMMUNITY ENGAGEMENT

Community consultation is not a formal requirement for non-major applications for Listed Building Consent such as this.

By way of background, the applicant has however referred to the public consultation that has been undertaken relating to the proposal, and in a section headed "Statement of Community Involvement" contained within the submitted "Heritage and design statement" a summary of the key results from the History Commission's work has been provided.

The applicant submits that the approach for both the statue and plinth as set out by the application is the result of an extensive city wide consultation as detailed in 'The Colston Statue what next?' History Commission Report. The 'We Are Bristol' History Commission was set up in September 2020 by Marvin Rees, Mayor of Bristol, after the pulling down of the statue of Edward Colston in the summer.

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In the summer of 2021, the 'We are Bristol' History Commission consulted with the public about the future of the Colston statue and the Colston plinth. People had a chance to see the statue and learn about its history in a temporary display at the M Shed museum, as well as view the display online. Alongside the display was a survey that invited people from Bristol and beyond to share their views on a number of questions.

This survey was a chance for people to help to decide what happens to the statue and plinth. The Mayor asked the History Commission to review the consultation and offer a number of recommendations in the light of it. The 'We are Bristol' History Commission Full Report titled The Colston Statue: What Next? summarizes the findings and also suggests what might happen next.

The applicant submits that key results from this consultation relevant to this application were that:

- 80% of respondents agreed that the statue should be displayed in a museum
- 70% agreed that a new plaque should be added to the plinth
- 14,000 people responded to the consultation from a good representative sample of the city population, over 50% of whom were from BS postcodes (History Commission short report pages 10-15)

KEY ISSUE

IS THE HARM TO THE SIGNIFICANCE OF THE GRADE II LISTED BUILDING ACCEPTABLE?

Legislation and Policy

Under the Planning (Listed Buildings and Conservation Areas) Act 1990, listed building consent from the local planning authority is required for the removal or alteration of a statue, plaque, memorial or monument which is designated as a listed building, or which forms part of a listed building, where it affects the special historic or architectural character of the listed building.

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant listed building consent for any works the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

There is also a general duty in respect of conservation areas when exercising planning functions under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, which states that "special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

Bristol Core Strategy (2011) Policy BCS22 seeks to ensure that development proposals safeguard or enhance heritage assets in the city with Policy DM31 in the Site Allocations and Development Management Policies (2014) expressing that alterations to buildings should preserve or enhance historic settings. Policy BCS21 also requires new development in Bristol to deliver high quality urban design and sets out criteria to measure developments against including the need for development to contribute positively to an area's character and identity, creating or reinforcing local distinctiveness.

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Policy DM26 more specifically states that the design of development proposals should contribute towards local character and distinctiveness by responding appropriately to the height, scale, massing, shape, form and proportion of existing buildings, building lines, skylines and roofscapes. Policy DM27 further expresses that the layout, form, pattern and arrangement of streets, buildings and landscapes should contribute towards to creation of quality urban space and that the height, scale and massing of development should be appropriate to the immediate context, site constraints, character of adjoining streets and spaces and setting. Policy DM30 further states that any extensions and alterations to existing buildings should respect the siting, scale, form, proportions, materials and overall design and character of the host building and broader street scene. DM30 further states that extensions should be physically and visually subservient to the host building, including its roof form.

Section 2 of the NPPF sets out the aim of achieving sustainable development and Paragraph 8 describes three overarching objectives for the planning system. These objectives are as follows:

- an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure
- a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

The following assessment of the proposed works has been undertaken having regard to Section 16 of the NPPF, "Conserving and enhancing the historic environment".

Paragraph 195 of the NPPF states that heritage assets (including sites and buildings of local historic value to those of the highest significance) are "an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations."

What is the Significance of the Heritage Asset? (Paragraphs 200 and 201 of the NPPF)

When determining applications affecting heritage assets, the NPPF requires through Paragraph 200, that local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting.

The NPPF defines "significance" as "the value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence but also from its setting".

The applicant has submitted a Heritage and Design Statement. This includes information regarding historic significance of the specific asset, which is the statue and plinth. This is considered to be sufficient to understand the potential impact of the proposal on the asset's

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significance. The information provided by the applicant regarding significance is provided in three sections: Edward Colston; The statue; Significance following 7th June 2020.

The applicant has set out the following in relation to the significance of the asset following 7th June 2020:

“The actions in June 2020 has caused a high degree of harm to the asset’s significance. The direct connection between the statue and the plinth as well as the statue’s setting within the College Green Conservation Area adjacent to several other designated monuments has obviously now been lost.

However, the events of 7th June 2020 reached a global audience bringing international recognition to Bristol, Edward Colston, contested heritage in general and wider injustices.

The now fallen statue and empty plinth are monuments to an international story about enslavement, misguided Victorian commemoration, and modern reactions to injustice.

However, the historic significance of both statue and plinth has now arguably increased. They will always be connected with the moment the statue commemorating a man who had direct connections with the enslavement, torture and death of thousands of people was torn down by demonstrators.

In the weeks and months since, the plinth and surrounding public realm has become a dynamic space, being the focus of conversations and interventions such as the Jen Reid statue and other temporary pieces.”

Paragraph 201 of the NPPF states that Local planning authorities should “identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal.”

In addition to the above, the Listing Description notes that the statue of Edward Colston is designated at Grade II for the following principal reasons:

- “A handsome statue, erected in the late C19 to commemorate a late C17 figure; the resulting contrast of styles is handled with confidence
- The statue is of particular historical interest, the subject being Edward Colston, Bristol’s most famous philanthropist, now also noted for his involvement in the slave trade
- Group value with other Bristol memorials: a statue of Edmund Burke, the Cenotaph, and a drinking fountain commemorating the Industrial and Fine Art Exhibition of 1893”

The Conservation comments also refer to Historic England’s guidance regarding significance and heritage values, which includes: evidential value, historic value, aesthetic value, and communal value. This analysis can be read in full above, however they conclude that “whilst the aesthetic value has been significantly impacted, and the traditional historic and evidential

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values altered, the actual historic significance of the statue and plinth have been increased through the actions of 2020 regardless of its current state.” Insofar as the impacts on the Conservation Area are concerned, the Conservation comments note that the proposal would have the potential to impact the character of the City and Queen Square, and College Green Conservation Areas. In particular the group value of the collection of Listed civic monuments along the Centre would also have their setting impacted.

Historic England have also commented on the significance of the asset. This can also be read in full above, and they have concluded that “the significant of the Colston monument, in the language of the NPPF, lies in its artistic and historic interest, both of which are considerable.”

Also of note are the views of the Inspector in their consideration of the non-determination appeals for the Jen Reid temporary art installation (appeal references APP/Z0116/W/20/3260461 and APP/Z0116/Y/21/3269256), where the Inspector noted that the significance of the asset was artistic and historic.

Taking into account the description of significance provided by the applicant and the available evidence and expertise relevant to this application for listed building consent, it is considered that the Local Planning Authority has sufficient information to identify and assess the particular significance of the heritage asset and to take this into account when considering the impacts. This significance is considered to be principally artistic and historic, with the historic significance of the statue and plinth having been increased.

Assessment and Potential Mitigation

Historic England have advised that legally, the statue of Colston and its plinth remain intact and in situ, and as such this is the correct starting point in planning terms. This is also the approach that the Inspector took in considering the non-determination appeals for the Jen Reid temporary art installation.

Regard must also be had to Paragraph 202 of the NPPF which states “Where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision.”

The toppling of the statue from the plinth is considered to be evidence of damage having regard to the wording of the above paragraph, so the deteriorated state cannot be taken into account by the Local Planning Authority in the decision. As Conservation note however, this creates something of a paradox, where a degree of historic significance of the asset may now arise from its effective separation. Whilst the NPPF states that the deteriorated state cannot be taken into account in the decision, Conservation also note it does not appear to preclude that evidence of damage having increased the heritage significance or the assessment of that significance as part of assessing against the tests of the NPPF.

Paragraph 205 of the NPPF states “when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”

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Accordingly, the Local Planning Authority must give great weight to the asset's conservation when considering the impact of the proposal on the significance of the heritage asset and undertaking the assessment that now follows.

Is there harm posed to the significance of the Listed Building by the works? (Paragraph 206 of the NPPF)

The applicant submits that the harm arising from the proposal would be less than substantial harm.

They have noted in their supporting statement that the NPPF states that where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision.

The applicant considers that a high degree of harm to the statue and plinth has already occurred as a result of the events of June 2020. Their view is that the significance of the asset has not been entirely lost and in some aspects, such as historic interest the asset's significance has increased, as detailed above.

The applicant further advises that the museum has recovered and placed the statue in its stores. A condition survey and conservation work to the statue has taken place as set out in the accompanying documents. The applicant states that the museum's 'Collections Care & Preservation Policy and Strategy' will ensure that no further harm comes to the statue and this care extends to any display of the artefact.

The applicant also acknowledges that the proposed plaque on the plinth will impact on the character and appearance of the grade II listed asset and will cause a level of harm to the asset. The size of the plaque has been kept to the minimum required to neatly cover the existing damage to the stonework and the materials have been chosen to complement the aesthetic of the statue and its pedestal.

Having regard to the comments received from Bristol City Council's Conservation team and Historic England, it is clear that there is some difference of view from consultees as to the level of harm to the significance of heritage asset that would occur as a result of the works. Based on the comments received this appears to have arisen in part due to the extent to which the events of June 2020 are considered to have affected the significance of the asset, having regard to the different types of interest described by the NPPF and the Historic England Guidance.

The Council's Conservation team considers that the harm to significance is "not of a substantial degree", and so would be less than substantial harm in the terms of the NPPF. The Council's Conservation team have commented that "certain of the heritage values underpinning significance would be harmed by the proposed development, others sustained and enhanced. Conversely, should development be refused, the heritage values would be harmed in other ways. However, the statue is an integral and key component of the Listed building and its removal is, on balance, considered to cause harm to significance. The proposals to protect the statue in an alternative location and provide interpretation on the standing plinth help mitigate that harm. Overall, therefore, the harm to significance is not of a substantial degree."

On the other hand, Historic England considers that the harm would be substantial harm in the terms of the NPPF. Historic England have commented that "the removal of the statue of Colston from the monument of which it forms part would severely impair the monument's

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significance. The statue is the *raison d'être* of the monument itself. It represents the man the monument commemorates and is the most artistically important part of the whole. The removal of the statue would take away much of the monument's historic and artistic interest. This notwithstanding, the plinth itself would remain of some interest. It is a substantial structure, carefully composed and richly adorned, and is of historic and artistic interest in its own right."

Of relevance to how harm should be viewed are also the conclusions reached by the Inspector in considering the non-determination appeals for the Jen Reid temporary art installation. The Inspector considered the significance of the designated heritage asset, as noted above, and considered that the proposal under consideration in that case, noting it would be for a temporary period and the heritage value of the plinth itself, would result in harm that would be less than substantial.

Having regard to the application and comments received, officers consider on balance that the works would lead to less than substantial harm to the significance of the designated heritage asset.

Has clear and convincing justification been given for the harm? (NPPF para 206):

Paragraph 206 of the NPPF states that "any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification."

There is considered to be clear and convincing justification for the harm that would occur. The comments from the Council's Conservation team are considered to address this succinctly:

"It's clear in this instance, that the totality of the public benefits could only be achieved through the removal of the statue to a secure public collection. Allowing the statue to remain on the plinth would expose it to further attack, damage and the risk of provoking further civil unrest. It is no longer possible to protect the architectural and historic interest with the statue and base attached to the plinth. Whilst the approach would usually be 'retain and explain' assets of contested heritage, the now-international profile of the statue and broader understanding of Colston's history in slave trading brought about for the 2020 actions, have focussed negative attention on the celebration of Colston, and retention would be enticement to future acts of a similar violent nature.

The current condition of the bronze casting is very poor. Whilst it's damaged state cannot form part of our decision making, the statue itself cannot continue to form part of the Listed asset as a whole. We are satisfied that, due to the irreparable and Insafe condition of the statue, it would require recasting if it were to remain integral to the plinth. Any replacement of the statue would not have the same heritage value as the original Victorian casting, even if the appearance could be replicated. With a facsimile in place of the original, the original integrity could not be fully restored. The replacement would remain provocative, the target of vandalism and antisocial behaviour, and the potential focus of civil unrest. A statue of Colston remaining on the plinth is not a reasonable expectation."

Do the public benefits of the proposal outweigh the less than substantial harm? (Paragraph 208 of the NPPF)

Where works would lead to less than substantial harm that harm should be weighed against the public benefits of the proposal. Officers consider that less than substantial harm would

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be caused to the significance of the listed building and also the Conservation Area. Balanced against this the applicant has identified public benefits.

They submit that the public benefits of providing an improved historic contextual balance to the statue and plinth that addresses this sensitive contested heritage issue outweighs this harm.

To summarise the applicant's justification for the proposals, they consider that placing of the statue in the care of the M Shed museum will ensure its long term preservation. This would be accompanied by contextual information and a new plaque on the Colston avenue plinth. The original plaques would remain in place. The applicant has provided some suggested wording for the new plaque, as follows:

“On 13th November 1895, a statue of Edward Colston (1636 - 1721) was unveiled here celebrating him as a city benefactor. In the late twentieth and early twenty-first century, the celebration of Colston was increasingly challenged given his prominent role in the enslavement of African people.

On 7th June 2020, the statue was pulled down during Black Lives Matter protests and rolled into the harbour. Following consultation with the city in 2021, the statue entered the collections of Bristol City Council's museums.”

The applicant proposes that the new plaque would be cast in bronze and measure 600mm wide by 400mm high and fixed to the pedestal using grouting rods set within mortar joints. It should be noted that Listed Building Consent was granted in November 2018 under application reference 18/03688/LA for the addition of a new bronze plaque to the stone pedestal which was of similar dimensions.

The applicant also submits that “Any reinstatement [of the statue] would cause additional upset and disgust and potentially lead to further public order and health and safety risks as well as damage community cohesion.”

In a Written Ministerial Statement made to Parliament on 18 January 2021, the then Secretary of State for Housing, Communities and Local Government, stated about statues and monuments that “decisions to remove any such heritage assets owned by a local authority should be taken in accordance with its constitution, following consultation with the local community and interested parties, and the rationale for a decision to remove should be transparent.” This Written Ministerial Statement is also a material consideration when deciding applications.

As noted above, the approach for both the statue and plinth is the result of an “extensive city wide consultation” as detailed in ‘The Colston Statue what next?’ History Commission Report, the key results from which have been summarised above.

In their comments on this application, Historic England have noted that the report makes clear that opinion, although broadly in favour of the proposals, is also divided. It is noted that the objections received raise concerns regarding this process in terms of the options presented, but this is considered to be beyond the scope of the assessment of this application.

Historic England however “acknowledge the seriousness with which this exercise has been conducted” and considers that “this approach seems wholly in accordance with the Secretary of State's requirement that councils consult communities when considering such

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proposals.” Officers consider that the History Commission’s Report should be given significant weight and that the aims of the Written Ministerial Statement appear to have been met.

Whilst the Council’s Conservation team consider that there would be an overwhelming degree of public benefit associated with the proposal and note specifically that the proposal would minimise the potential for criminal damage and vandalism of the listed structure, and that greater community cohesion would be encouraged and relationships repaired.

They also comment that the statue would form part of a secure accredited museum collection with enhanced conservation requirements, where people have the option to view it should they choose to. The proposals would also provide opportunity for interpreting contested heritage through the retention and contextualisation of the plinth with a new plaque, and the further explanation of the heritage significance as part of museum collections.

They consider that the enhanced interpretation of statue and plinth would have an additional heritage benefit, where the international significance of statue and plinth could be greatly enhanced. They also comment that there would be economic benefits associated with tourism, although it would be difficult to quantify this benefit, along with the costs that may be incurred associated with the damaged condition of the statue.

There is therefore considered to be clear and convincing justification for the harm. This harm would be less than substantial harm and this has harm has been weighed against the public benefits of the proposal as required by Paragraph 208 of the NPPF. Great weight has also been given to the asset’s conservation when considering the impact of the proposal on the significance of the heritage asset.

Returning to the aims of achieving sustainable development as set out in Section 2 of the NPPF, it is considered that the social objective of supporting communities’ health, social and cultural well-being would be central to the public benefits that would be achieved. Environmental objectives would also be met of protecting and enhancing our built and historic environment.

Paragraph 204 of the NPPF states “In considering any applications to remove or alter a historic statue, plaque, memorial or monument (whether listed or not), local planning authorities should have regard to the importance of their retention in situ and, where appropriate, of explaining their historic and social context rather than removal.” This can be summarised as ‘retain and explain’. The Local Planning authority must have regard to the importance of this in determining this application.

Whilst the applicant submits that this will address the ‘retain and explain’ requirements of this paragraph of the NPPF, it is considered that the proposal would conflict with this paragraph, as the statue would be moved from the plinth and put on display in the M Shed museum with accompanying contextual information however combined with a proposed new plaque on the plinth. Whilst the applicant has set out some suggested wording for this, which it is expected would be confirmed outside of the planning process, it is recommended that the final details are to be secured by condition to ensure these can be considered.

Regard has been had to the importance of the retention of the statue in situ together with the plinth, however when also considering the great weight required in the conservation of designated heritage assets and the substantial public benefits mentioned above, it is considered that the addition of a new permanent plaque installed on the plinth is appropriate

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in the circumstances in terms of contextualising the empty plinth the fallen statue, noting other the public benefits associated with the proposal.

Assessment to be undertaken if the proposal is considered to constitute Substantial Harm

Should the Committee be of the view that the harm to the heritage asset would be substantial harm in the terms of the NPPF, Paragraph 207 would apply. This states the following:

“Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- (a) the nature of the heritage asset prevents all reasonable uses of the site; and
- (b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- (c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- (d) the harm or loss is outweighed by the benefit of bringing the site back into use.”

It is important to note that this test requires consideration to be given as to whether the substantial harm is necessary to achieve substantial public benefits that outweigh that harm.

Conclusion

It is therefore concluded that the public benefits would outweigh the less than substantial harm posed. In reaching this conclusion, officers have given great weight to the heritage asset’s conservation, that is, the sustaining and enhancing of its significance.

The public benefits are considered to outweigh the less than substantial harm. There is clear and convincing justification for the harm.

The proposal is therefore considered to be in accordance with the requirements of the NPPF, Bristol Core Strategy (2011) Policy BCS22 which seeks to ensure that development proposals safeguard or enhance heritage assets in the city, with Policy DM31 in the Site Allocations and Development Management Policies (2014) expressing that alterations to buildings should preserve or enhance historic settings.

The statutory provisions of Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, which states that in considering whether to grant listed building consent for any works the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Have also been taken into account and are considered to have been compiled with.

Returning to the general duty to under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which relates to duty in respect of conservation areas when

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exercising planning functions, special attention has also been paid to the desirability of preserving or enhancing the character or appearance of that area and the public benefits would outweigh the less than substantial harm posed.

It is therefore recommended that Listed Building Consent be granted. Conditions are recommended regarding the implementation of the proposed works.

RECOMMENDATION

Grant Subject to Conditions

1) The development hereby permitted shall begin before the expiration of three years from the date of this permission.

Reason: As required by Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended by Section 51 of the Planning and Compulsory Act 2004.

2) Prior to installation of the plaque, the following detailed drawings shall be submitted to the Local Authority and approved in writing:

- a) 1:5 section and elevation drawings of the proposed plaque showing it's intended materials, profiles, design, fixings, typeface, and wording
- b) 1:10 elevation detail of the plinth showing the location of the proposed plaque and its fixings

The plaque shall be installed no later than 12 months from the date of the statue and base going on display as part of the Bristol Museums collections, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To safeguard the architectural and historic interest of the Listed structure and the special character of the Conservation Area and to ensure the public benefits of development are secured in their totality.

3) Prior to completion of the works, written confirmation must be provided to the Local Authority that the statue and statue base have been formally entered as accessioned artefacts in the Bristol Museums collection. The statue and base shall be retained as accessioned artefacts unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure the public benefits of development are secured in their totality.

4) Prior to the completion of the works, a management plan for the display and interpretation of the statue and statue base as part of Bristol Museums collections should be submitted to the Local Authority and approved in writing. Once approved, the management plan should be fully implemented unless otherwise agreed.

Reason: To ensure the public benefits of development are secured in their totality.

5) List of approved plans and drawings

The development shall conform in all aspects with the plans and details shown in the application as listed below, unless variations are agreed by the Local Planning Authority in order to discharge other conditions attached to this decision.

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Colston Statue Location Plan, received 7th November 2023

M Shed Location Plan, received 7th November 2023

Heritage and Design Statement, May 2023, received 7th November 2023

Bristol Museums & Art Gallery Condition Report, received 7th November 2023

Bristol Culture Collection Care and Preservation Policy & Strategy 2017-2022, received 8th February 2024

Colston Statue Treatment Report, received 8th February 2024