



PRESS RELEASE

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SAVE Britain's Heritage has won two major high court rulings in their decade-long campaign to end housing destruction in the north of England, both of which will potentially save thousands of homes from the bulldozer and bring in a new era of neighbourhood refurbishment.

In both cases High Court Judges ruled that SAVE has a strong enough claim to take the Secretary of State for Communities Eric Pickles to full Judicial Review; SAVE's costs are to be protected in the public interest.

SAVE has supported resident groups in battles to protect up to 400,000 mainly Victorian homes and local landmarks from local authority bulldozers, unleashed in 2003 under John Prescott's now discredited £2.2bn 'Pathfinder' demolition programme.

The heritage charity advocates refurbishment and re-use of empty homes as alternatives to clearance.

On 6th September SAVE received permission from Mr Justice Walker to challenge Eric Pickles' refusal to conduct an environmental impact assessment (EIA) in the case of an historic Welsh Presbyterian Chapel in Bootle on Merseyside. An EIA necessitates considering alternatives to demolition.

SAVE argued that the chapel, partially demolished by Sefton Council in January this year, falls under a larger area-wide Pathfinder scheme for demolition of some 480 homes in the Klondyke neighbourhood. They said it should not be 'salami sliced' as if it were separate. Justice Walker decided there was 'an arguable case to advance' and that Judicial Review should take place by Christmas.



Springwell Chapel, Klondyke, Liverpool, partially demolished.

Yesterday's related case concerned £35.5 million of so-called 'transitional funding', approved by new Conservative Party Chairman Grant Shapps when housing minister. The money was intended as an exit strategy from the Pathfinder programme, which had been scrapped and condemned by Mr Shapps who described it as an 'abject failure' in a Parliamentary statement on November 24th 2011.

SAVE's barrister Richard Harwood of 39 Essex Chambers told the court that Freedom of Information requests by campaigners revealed the money, totalling £70m when matched by councils, would in fact be used for 5,000 additional demolitions, effectively continuing Pathfinder by stealth in direct contravention of Mr Shapps' promises to Parliament.

Acting for the government, barrister James Eadie QC accepted that Mr Shapps had signed off the fund unlawfully, having "not been informed" that it provided for large scale demolition against his own stated policy. But he argued the decision should not be legally quashed, claiming the Secretary of State has no power to demand repayment from councils, or retrospectively impose conditions on use of the funding.

Mr Eadie argued that it would be “legally extremely problematic, if possible at all”, to unravel the payments. He argued the situation had moved on, and that, after consideration of his options, the Minister had sought to open a constructive discussion with local authorities, led by TV architect George Clarke.

SAVE’s legal team dismissed these remedies as inadequate, saying only 16 houses (including the birthplace of Beatles drummer Ringo Starr) out of the 5,000 had been saved as a result of these discussions. Mr Harwood argued that the majority of the money had not been spent, and the Secretary of State was fully entitled to recover it. As many of the buildings acquired using the funds had not yet been demolished, the funds should instead be redirected to refurbishment, as Grant Shapps had pledged to Parliament.

SAVE Director Clem Cecil said that while the two High Court judgments were embarrassing to the government, they should welcome them as corrections to help deliver stated policy on re-using empty homes.

“These are not cases in which nothing can be done. Far from forcing on the Secretary of State a weapon he does not want to use, we believe he is already sympathetic to the local campaigns. We hope this will steel Mr Pickles’ resolve to help residents still in the grip of an extremely destructive policy.”

Mrs Justice Lang ruled: “I have given careful consideration to the evidence. The claimant has established an arguable case. Whilst recognizing the difficulty [of elements of the case], the claimant is entitled to have its claim considered in a full Judicial Review and this is in the public interest.” She also ventured that the Secretary of State might benefit from material that would emerge in the course of a Judicial Review.

Marcus Binney, SAVE's President said: "SAVE has been at the forefront of the battle to stop the demolition of up to 400,000 traditional terraced houses in the north of England, which in our view can be economically refurbished to provide pleasant and comfortable homes for families left for years on housing waiting lists. We were appalled that funds assigned by the Government for refurbishment have been used for continuing demolition. These judgements by Mrs Justice Lang and Mr Justice Walker potentially open the door towards one of the most important and productive regeneration schemes in Britain, with renovation of thousands of empty homes and local landmark buildings".

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NOTES TO EDITORS: SAVE Britain's Heritage has been campaigning for historic buildings since its formation in 1975 by a group of architects, journalists and planners. It is a strong, independent voice in conservation, free to respond rapidly to emergencies and to speak out loud for the historic built environment.

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