



Protection of World Heritage Sites
Consultation paper



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Protection of World Heritage Sites

1. This consultation document seeks your views on proposed measures designed to enhance the protection of World Heritage Sites (WHS) in England. The Government gave a commitment to introduce two of these measures in its white paper *Heritage Protection for the 21st Century*, published by the Department for Culture, Media and Sport in March 2007.

Planning circular

2. The white paper stated that we would issue a planning circular “ which will further recognise in national policy the need to protect World Heritage Sites as sites of outstanding universal value, and will make more prominent the need to create a management plan for each WHS, including, where needed, the delineation of a buffer zone around it.”
3. A draft of the planning circular, which it is proposed will replace the current advice in paragraphs 2.22 to 2.23 and 6.35 to 6.37 of Planning Policy Guidance (PPG) Note 15 (Planning and the Historic Environment), is at annex A. The draft circular is intended to explain the Government’s objectives for the protection of WHS, the principles which underpin those objectives, and the actions necessary to achieve them.

English Heritage Guidance Note

4. As indicated in paragraph 25 of the draft circular, it will be supported and supplemented by further guidance developed by English Heritage. We are taking the opportunity of this consultation exercise to include a draft of this guidance which English Heritage has prepared (at annex B) and to seek your views on it. The draft guidance note explains the national and international context, considers the role of the planning system and community strategies, and covers the preparation of management plans for the protection of World Heritage Sites.

Inclusion of World Heritage Sites as Article 1(5) land

5. The white paper also undertook to “ include World Heritage Sites as Article 1(5) land under the Town and Country Planning (General Permitted Development) Order 1995.” This would have the effect of restricting permitted development rights for certain types of development such as the addition of artificial stone cladding or dormer windows which, whilst relatively minor in themselves, could on a cumulative basis have a significant adverse effect on a WHS in terms of reduced protection. This measure, which is referred to in paragraph 20 of the draft circular, would put WHS on the same footing as other protected areas such as conservation areas, National Parks and Areas of Outstanding Natural Beauty.

6. The draft Statutory Instrument amending the 1995 Order is at annex C. A table showing the types of development where restrictions on permitted development rights apply on Article 1(5) land, is at annex D. The impact of this measure would not be spread evenly across all World Heritage Sites in England, partly because of the variation in the nature of these Sites and partly because some Sites are already located within Article 1(5) land. An Impact Assessment for this proposed amendment is at annex E.
7. Separately from the above two proposals, and as a further source of protection, the Government recently consulted on a third proposal, which would introduce specific notification and call-in requirements for significant development affecting World Heritage Sites.

Note on the World Heritage List

8. World Heritage Sites are inscribed by the United Nations Educational, Scientific and Cultural Organisation (UNESCO) on the basis of nominations by the countries concerned. UNESCO seeks to encourage the identification, protection and preservation of cultural and natural heritage around the world considered to be of outstanding value to humanity. This is embodied in an international treaty called the Convention concerning the Protection of the World Cultural and Natural Heritage, adopted by UNESCO in 1972. The United Kingdom ratified the Convention in 1984.
9. There are currently 17 World Heritage Sites in England (listed at annex F). The inclusion of a site in the World Heritage List highlights its outstanding international importance but does not in itself confer any additional statutory protection. It is the responsibility of the countries concerned, in the light of operational guidelines published by UNESCO, to ensure that adequate protection is in place.
10. The above proposals, on which we are seeking your comments, take account of concerns of UNESCO and others about current levels of protection of World Heritage Sites.

Details of the consultation process

11. Your comments are sought on:
 - the draft Planning circular at annex A;
 - English Heritage's draft guidance at annex B; and
 - the proposed amendment to the 1995 General Permitted Development Order (annexes C and D),

and in particular on the extent to which you consider they will enhance the protection of World Heritage Sites. Views on the estimated costs of the

proposed amendment to the 1995 Order (in the Impact Assessment at Annex E) are also welcome.

12. Responses to this consultation document should be received no later than 22 August 2008. Responses may either be sent by post or e-mailed to Phil Weatherby, PSI, Zone 1/G10, Eland House, Bressenden Place, London SW1E 5DU (tel. 020 7944 3888).

E-mail address: phil.weatherby@communities.gsi.gov.uk

13. Hard copies of this consultation document can be obtained free from Communities and Local Government Publications, PO Box 236, Wetherby, West Yorkshire LS23 7NB (tel. 0870 1226 236; fax no. 0870 1226 237; e-mail communities@capita.co.uk).
14. The consultation document can also be viewed on the Communities and Local Government website at www.communities.gov.uk.
15. A summary of responses to this consultation document will be published on the Communities and Local Government website within three months of the closing date of this consultation. Hard copies of the summary may also be obtained from Phil Weatherby at the above address. Unless you specifically state that your response, or any part of it, is confidential, we shall assume that you have no objection to its being made available to the public and identified on the Communities and Local Government website. Confidential responses will be included in any numerical summary or analysis of responses.
16. This consultation is being conducted in accordance with the Government's Code of Practice on consultation. The criteria from this code are reproduced below.

The consultation criteria

The Government has adopted a code of practice on consultations. The criteria below apply to all UK national public consultations on the basis of a document in electronic or printed form. They will often be relevant to other sorts of consultation.

Though they have no legal force, and cannot prevail over statutory or other mandatory external requirements (eg. under European Community Law), they should otherwise generally be regarded as binding on UK departments and their agencies, unless Ministers conclude that exceptional circumstances require a departure.

1. Consult widely throughout the process, allowing a minimum of 12 weeks for written consultations at least once during the development of the policy.
2. Be clear about what your proposals are, who may be affected, what questions are being asked and the timescale for responses.

3. Ensure that your consultation is clear, concise and widely accessible.
4. Give feedback regarding the responses received and how the consultation process influenced the policy.
5. Monitor your department's effectiveness at consultation, including through the use of a designated consultation co-ordinator.
6. Ensure your consultation follows better regulation best practice, including carrying out an Impact Assessment if appropriate.

The full consultation code may be viewed at:

www.cabinet-office.gov.uk/regulation/Consultation/Introduction.htm

Any procedural observations or complaints about the consultation exercise should be sent to:

Albert Joyce
Communities and Local Government Consultation Co-ordinator
6/H10
Eland House
Bressenden Place
London
SW1E 5DU

or by e-mail to: consultationcoordinator@communities.gsi.gov.uk

Annex A

Department For Communities and Local Government

Department for Culture Media and Sport

Draft circular on World Heritage Sites (WHS)

Introduction

- 1 The purpose of this circular, which applies only to England, is to provide updated policy guidance on the level of protection and management required for World Heritage Sites (WHS). It takes into account the changes announced in the white paper *Heritage Protection for the 21st Century*, published in March 2007. The circular fulfils the white paper's commitment to issue a planning circular 'which will further recognise in national policy the need to protect World Heritage Sites as sites of outstanding universal value'.
2. The circular explains the national context and the Government's objectives for the protection of WHS, the principles which underpin those objectives, and the actions necessary to achieve them.

Existing Guidance

3. The United Kingdom ratified the 1972 UNESCO *Convention concerning the Protection of the World Cultural and Natural Heritage* in 1984. Details of the UNESCO Convention can be found at <http://whc.unesco.org/en/convention>. The *Operational Guidelines for the Implementation of the World Heritage Convention 2005*, which include guidance on the protection and management of WHS, are published by UNESCO and can be found at <http://whc.unesco.org/en/guidelines>.
4. This guidance replaces paragraphs 2.22 - 2.23 and 6.35 - 6.37 of Planning Policy Guidance 15 (Planning and the Historic Environment). Planning Policy Guidance 16 (Archaeology and Planning) also contains relevant advice in the case of WHS inscribed primarily for their archaeological interest.

5. The UK has 27 World Heritage Sites in all, a recognition by the world of the significance of our heritage. Of these 17 are in England. A full list of WHS, which is kept updated, can be found at <http://whc.unesco.org/en/list>.

Objectives

6. World Heritage Sites are places of outstanding universal value to the whole of humanity. Outstanding universal value means cultural and/or natural significance which is so exceptional as to transcend national boundaries. As such, the permanent protection of this heritage is of high importance for present and future generations. Under the terms of Article 4 of the UNESCO Convention, the UK government has undertaken the identification, protection, conservation, presentation and transmission of its World Heritage Sites to future generations. This is reflected in national policy guidance by the Government's commitment in Planning Policy Statement 1 (*Delivering Sustainable Development*) to protect and enhance the quality of the natural and historic environment through the planning system, and to ensure that places with national and international designations receive the highest level of protection.
7. World Heritage Sites can also contribute to a national and local sense of community and to sustainable economic development. It is therefore important to ensure the continued conservation and sustainable use of these places.
8. The outstanding universal value of a World Heritage Site, as agreed by the intergovernmental UNESCO World Heritage Committee, indicates its importance as a key material consideration to be taken into account by local planning authorities in determining planning and listed building consent applications, and by the Secretary of State in determining cases on appeal or following call-in. It is therefore essential that policy frameworks at all levels recognise the need to protect the outstanding universal value of World Heritage Sites. The objective should be to protect the outstanding universal value of each World Heritage Site as agreed by the intergovernmental UNESCO World Heritage Committee at the time of inscription on the World Heritage List or as subsequently formally amended by them, as well as the authenticity and integrity of each site.
9. Since 1994 it has been Government policy that the most appropriate way of meeting the UK's obligations to protect, manage, present and transmit to future generations the World Heritage Sites on its territory is through the inclusion of appropriate policies in planning documents (see paragraphs 10-12) and through the development of Management Plans (see paragraphs 13-14).

Policies for the protection of WHS

10. The planning system in England requires the maximum use to be made of statements of national (and regional) policy and the minimum amount of duplication at local level. Existing international and national policy, including this circular and the policy guidance highlighted in paragraph three above, may therefore be referred to, but should not be reproduced, in development plan documents. Appropriate policies for the protection and sustainable use of World

Heritage Sites, which supplement international and national policy and take account of the specific regional or local circumstances of a particular WHS, should be included in Regional Spatial Strategies (the Spatial Development Strategy in London) and/or in Local Development Frameworks. In devising their own strategies for sustainable development in the Local Development Framework, local planning authorities should take account of WHS, in particular how the international and national policies for their protection should be worked into and reflected in their strategies for sustainable economic growth. Policies for the protection and sustainable use of particular WHS should apply both to the site itself and, as appropriate, to its setting, including any Buffer Zone (see paragraphs 16-17).

11. Local authorities must have regard to these policies when devising any site specific proposals for an area which includes a WHS, and its setting including any Buffer Zone, and in deciding which parts of their areas to promote for development.

Principles

12. Policies should reflect the fact that all these sites have been designated for their outstanding universal value, and they should place due weight on the need to protect them for the benefit of future generations as well as our own. In developing such policies to protect and enhance WHSs local planning authorities should aim to satisfy the following principles:
 - protecting the World Heritage Site and its setting, including any Buffer Zone, from inappropriate development;
 - striking a balance between the needs of conservation, access, the interests of the local community and the achievement of sustainable economic growth; and
 - protecting a WHS from the effect of changes which are relatively minor but which, on a cumulative basis, could have a significant effect.

Actions

World Heritage Site Management Plans

13. A Management Plan needs to cover all the issues affecting the site, some of which do not relate to planning matters, and to reflect the advice cited in the UNESCO *Operational Guidelines*. It needs to be developed in a consensual way, fully involving all interested parties, including those responsible for managing, owning or administering the Site. The key stakeholders should form a Management Plan Steering Group, which will, in many cases, be led by the relevant local or regional authority. The plan needs to draw its policies from a proper understanding of the significance of the site and focus on protection of the outstanding universal value, authenticity and integrity of the site. The plan should take account of sustainable community strategies as relevant. Further

guidance on the preparation of Management Plans is provided in [the English Heritage Guidance Note].

14. The Secretaries of State for Communities and Local Government and for Culture, Media and Sport expect local authorities to treat relevant policies in Management Plans as material considerations in making plans and planning decisions, to take them fully into account when devising core strategies and other local development documents, and to give them due weight in their other actions relating to World Heritage Sites. For some sites it may be useful for Management Plan Steering Groups to develop the section of the Management Plan dealing with development control in such a way as to allow adoption of that section within a local development document.

Protecting the setting of World Heritage Sites

15. The setting of a World Heritage Site is the area around it (including any Buffer Zone or its equivalent as defined below) in which development is capable of having an adverse impact on the World Heritage Site, including an impact on views to or from the Site. In developing plans for the protection of WHS it is important to consider carefully how to protect the setting of each WHS so that its outstanding universal value, integrity, authenticity and significance is not adversely affected by inappropriate developments close to it. The UNESCO *Operational Guidelines* seek protection of the immediate setting of each World Heritage Site, of important views and of other areas that are functionally important as a support to the Site and its protection. This can be achieved in various ways.
16. The UNESCO *Operational Guidelines (paragraph 104)* suggest the designation of a Buffer Zone around the WHS wherever this may be necessary for its conservation. A Buffer Zone is defined in the guidelines as an area surrounding the World Heritage Site which has complementary legal restriction placed on its use and development to give an added layer of protection to the WHS. This should be achieved in the same way as for the World Heritage Site itself (see paragraph 10 above). Additional policies may also be needed in Local Development Frameworks if it is considered necessary to protect the setting beyond any Buffer Zone.
17. If it is thought necessary to establish or amend a Buffer Zone or equivalent protection after a Site is inscribed, any such proposal will have to be agreed with DCMS since the latter must submit them to the intergovernmental UNESCO World Heritage Committee for approval (paragraph 107 of the UNESCO *Operational Guidelines*). Appropriate policies must also be adopted by the local authority.
18. It may be appropriate to protect the setting of the WHS in other ways, for example by the protection of specific views and viewpoints. Other landscape designations may also prove effective in protecting the setting of a World Heritage Site. However it is intended to protect the setting, it will be essential to explain how this will be done in the Local Development Framework.

Call In procedures

19. The white paper introduced a new proposal to increase the protection of World Heritage Sites and ensure that the outstanding universal value for which the Site is inscribed is properly reflected in development proposals. The Secretary of State for Communities and Local Government [has recently consulted] on this proposal, which would require local authorities to refer certain applications relating to World Heritage Sites, for consideration as to whether they should be called in for determination by the Secretary of State. Relevant applications are those where the local planning authority is minded to grant planning permission for a proposed development but English Heritage have objected on the grounds that it could have an adverse impact on the outstanding universal value, integrity, authenticity and significance of a World Heritage Site or its setting, including any Buffer Zone or its equivalent.

Minor incremental changes

20. As well as protecting a WHS from the impact of major developments, it is also important to protect each Site from minor incremental changes which can erode its outstanding universal value, integrity, authenticity and significance. The Government is therefore adding World Heritage Sites to the land described as Article 1 (5) land in the Town and Country Planning (General Permitted Development) Order 1995, which includes National Parks, Areas of Outstanding Natural Beauty, and conservation areas. The effect of this would be to restrict permitted development rights for some types of development on Article 1(5) land (see attached annex). Parts of some World Heritage Sites are already Article 1(5) land. A draft revision to the definition of Article 1(5) land is being published alongside this circular. These revisions do not extend to incremental development in the Buffer Zone or wider setting of the World Heritage Site.
21. Local authorities can further restrict these and other permitted developments using directions under Article 4 and Article 7 (minerals operations) of the 1995 Order if they consider it expedient to do so in the interests of protecting the outstanding universal value, integrity and authenticity of the World Heritage Site.

Other controls

22. There are other existing regulatory provisions which help to protect the outstanding universal value of World Heritage Sites.
23. World Heritage Sites are “sensitive areas” for the purposes of the Environmental Impact Assessment (EIA) Regulations¹. This means that local planning authorities must require EIA to be carried out for any development proposal in, or partly in, a World Heritage Site if they consider it is likely to have a significant effect on the environment. In addition, Design and Access Statements are required for development proposals affecting World Heritage Sites

¹ SI 1999/293

24. The white paper also proposed the introduction of Heritage Partnership Agreements (HPAs) for the management of complex heritage assets. HPAs are made between owners of a site, the local planning authority and English Heritage if appropriate. They agree categories of work that can be carried out without specific consent. These are not the same as World Heritage Site Management Plans which set general policies and priorities for the protection and sustainable use of World Heritage Sites and which need to involve all the key stakeholders in each Site. It may be appropriate in some cases for parts of a World Heritage Site in a single ownership to be the subject of a Heritage Partnership Agreement. In such cases, the HPA would need to be established within the policy framework set by the WHS Management Plan.
25. English Heritage has developed further guidance on World Heritage Sites to supplement and support this planning circular. This guidance is available at [website ref.] and has been endorsed by the Secretaries of State for Communities and Local Government and for Culture, Media and Sport.

Annex B

The Protection and Management of World Heritage Sites in England

English Heritage Guidance Note

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1 Introduction

- 1.1 World Heritage Sites are places of Outstanding Universal Value, recognised as such under the terms of the 1972 UNESCO Convention concerning the Protection of the World Cultural and Natural Heritage (the World Heritage Convention) (see <http://whc.unesco.org/en/convention/>). As a member state of the Convention, the United Kingdom is required to protect, conserve, present and transmit to future generations the World Heritage Sites on its territory both here and overseas. In the United Kingdom, this is done primarily through the spatial planning system. Significant changes are being made in England to the planning system for the protection of heritage in general, and of World Heritage

Sites in particular. This Guidance Note supports and amplifies the planning circular on World Heritage.

- 1.2 The Guidance focuses primarily on the protection and management of World Heritage Sites. It does not cover the process of nominating new sites to the World Heritage List. It also does not deal with promotional and educational activities in World Heritage Sites as these fall outside the planning process.
- 1.3 World Heritage Sites can be important for social cohesion and can help to foster a sense of pride. They can also act as the focus for tourism and economic regeneration although the extent to which is realised is, in part, dependent on the persuasive abilities of the World Heritage Site Steering Group.
- 1.4 After defining World Heritage Sites, the Note covers the international and national contexts. This is followed by consideration of the role of the planning system and sustainable community strategies in protecting World Heritage Sites and using them sustainably. The Note then explains the role and preparation of World Heritage Site Management Plans, and also the handling of contacts with the UNESCO World Heritage Centre.

2 What are World Heritage Sites?

- 2.1 World Heritage Sites are places of Outstanding Universal Value, recognised as such under the terms of the World Heritage Convention. In 2007 there were 851 World Heritage Sites ranging from the Great Barrier Reef, the Great Wall of China and the Sydney Opera House to Stonehenge. They can be either natural or cultural or mixed.
- 2.2 World Heritage Sites are nominated by their national government, evaluated by the international Advisory Bodies to the Convention and inscribed on the World Heritage List by the intergovernmental UNESCO World Heritage Site. In order to be inscribed on the List, a site has to meet one or more of ten criteria (six cultural, four natural) established to assess Outstanding Universal Value, satisfy requirements of authenticity and/or integrity, and have in place adequate legal protection and management systems to protect its Outstanding Universal Value, including authenticity and integrity. Before a site can be nominated, it has first to be included on the Tentative List of its national government. This is a list of sites which the government might consider nominating over a five-to-ten year period.
- 2.3 Outstanding Universal Value is defined by the UNESCO World Heritage Committee as cultural and/or natural significance which is so exceptional as to transcend national boundaries and of importance for present and future generations of all humanity. Such heritage constitutes a world heritage for whose protection it is the duty of the international community as a whole to cooperate. The Committee has defined criteria for judging whether a place has Outstanding Universal Value.

3 The International Context

The World Heritage Convention

3.1 The World Heritage Convention is known principally for the establishment of the World Heritage List. In fact it deals with the conservation of natural and cultural and natural heritage as a whole. The Convention:

- provides for the identification of places of Outstanding Universal Value and putting them on the World Heritage List;
- requires each member state to identify, protect, conserve, present and transmit such places to future generation;
- requires each government to adopt policies to give cultural and natural heritage generally a function in the life of the community; to integrate its protection into comprehensive planning programmes; to provide appropriate legal, scientific, technical, administrative and financial measures to identify, protect, conserve, present and rehabilitate that heritage; and to set up appropriate services for the protection, conservation and presentation of that heritage;
- sets up a system for international cooperation for protection of World Heritage, supported by a World Heritage Fund;
- outlines a system for the monitoring of the condition of World Heritage, with provision for a World Heritage in Danger List and for eventual deletion of sites from the World Heritage List if Outstanding Universal Value has been lost;
- establishes the General Assembly of member states of the Convention to elect the World Heritage Committee and set the levels of contributions to the World Heritage Fund;
- establishes the intergovernmental World Heritage Committee as the governing body of the Convention, elected from the member states of the Convention;
- identifies three Advisory Bodies to the Convention;
- creates a Secretariat for the Committee within UNESCO; and
- calls for educational activities and information programmes to promote awareness of World Heritage and threats to it.

World Heritage Committee

3.2 Implementation of the Convention is overseen by the World Heritage Committee. This is made up of 21 members elected by the 185 member states

