

Sangeeta Sofat  
Review of Planning Guidance  
Department for Communities and Local Government  
1/J1 Eland house  
Bressenden Place  
London SW1E 5DU

14<sup>th</sup> February 2013

Dear Sangeeta Sofat

**ICOMOS-UK COMMENTS ON THE EXTERNAL REVIEW OF GOVERNMENT PLANNING PRACTICE GUIDANCE REPORT SUBMITTED BY LORD MATTHEW TAYLOR OF GOSS MOOR, DECEMBER, 2012**

ICOMOS-UK welcomes the opportunity to comment on this external review.

As ICOMOS-UK is the UK Committee of the body that advises UNESCO on cultural World Heritage sites, we wish to focus our comments mainly on those aspects of the report that are relevant to World Heritage sites.

The two relevant sections for World Heritage in the Report are as follows:

**41 2009 Joint Circular with DCMS 07/2009: Circular on Protection of World Heritage Sites (2009)**

Needs to be updated, but considered important to retain a statement on the relationship between the planning system and World Heritage Sites, building on policy set out in the NPPF. Immediate withdrawal ahead of replacement may lead to concern by UNESCO. Revised document can pick up any additional guidance only contained in document 39 of Annex A.

**39 2009 The Protection and Management of World Heritage Sites in England: English Heritage Guidance Note to Circular for England on the Protection of World Heritage Sites (2009)**

Provided circular 07/2009 remains in place until an updated version is ready there is no need to retain this document in the interim. Revised replacement for 07/2009 can pick up any additional guidance only contained in this document. Can be cancelled.

In summary, these suggest that Circular 07/2009 should be retained but updated to include some aspects of the associated English Heritage Guidance Note which itself should be cancelled.

### **ICOMOS-UK Comments:**

#### **Obligations flowing from the World Heritage Convention, 1972**

When the UNESCO World Heritage Committee inscribes World Heritage sites on the World Heritage List as places of Outstanding Universal Value, they have to be satisfied that adequate protection and management for the sites are in place. World Heritage sites are nominated voluntarily by States Parties who undertake to respect the Operational Guidelines to the World Heritage Convention. This asks for World Heritage sites to be protected at the national, regional and municipal levels.

#### **Protecting World Heritage Sites in the UK**

In the UK, although parts of World Heritage sites may be nationally protected, through Listed Building status or as Scheduled Monuments, World Heritage sites as specific entities are not designated as national assets.

This means that at the time of inscription, the UK has to commit to protecting World Heritage sites through the Planning system. For each World Heritage site, Planning Policies must exist that have as their aim the protection of the specific World Heritage site in order to sustain its Outstanding Universal Value. This in practice means protecting the attributes of the sites that convey their Outstanding Universal Value.

Ultimately the protection of UK World Heritage sites is delegated to Local Authorities who take decisions within their planning frameworks, with advice from Government Agencies (EH, HS and Cadw).

The challenge for Local Authorities is to understand how to deal with an asset of international value that is not recognised as a discrete asset under planning law.

#### **41 2009 Joint Circular with DCMS 07/2009: Circular on Protection of World Heritage Sites (2009)**

ICOMOS-UK considers that it is essential that this Circular on the Protection of World Heritage Sites should be retained, as is recommended by this Report, but also that it should be revised and updated and that this should be done as a priority.

The current Circular was an enormous step forward in 2009 for World Heritage Sites in England. ICOMOS-UK considers that the Circular should now be updated and

-

strengthened to set out more clearly the framework within which Local Authorities take their decision for planning applications relating to World Heritage Sites.

In our view it is essential that there is National Government Guidance on how Local Authorities consider planning applications that might impact on World Heritage Sites that are not recognised as single assets but have international value.

The Circular currently states that Outstanding Universal Value of World Heritage Sites must be a key material consideration in Local Authority decisions and that Local Authorities must strike a balance between the needs of conservation, biodiversity, access, the interests of the local community and the sustainable economic use of the World Heritage Site in its setting.

In ICOMOS-UK's view, the Circular needs to go further to set out more clearly the due processes that should be followed to allow for robust decisions – or 'ground rules' so that there is a clarity of approach, the need for which is emphasised in the Report. In particular, the Circular needs to set out methodologies for Cultural Heritage Impact Assessments (as part of Environmental Impact Assessments) and also for Sustainable Management.

Guidance on Heritage Impact Assessments could reflect new approaches within the recent ICOMOS Guidance on Heritage Impact Assessment for Cultural World Heritage sites, and the fact that all inscribed World Heritage sites now have Statements of Outstanding Universal value that have been agreed by key stakeholders and Government Agencies (some awaiting final approval by the UNESCO World Heritage Committee).

Guidance on Sustainable Management needs to clarify the obligation to sustain Outstanding Universal Value within the meaning of the term sustainable management and in relation to the idea of proportionality.

ICOMOS-UK would welcome involvement in discussions on the revision of this Circular 07/2009.

ICOMOS-UK notes that Guidance on Environmental Impact Assessments and on Sustainability Approaches are listed in paragraph 18 as priority areas for re-drafting. ICOMOS-UK considers that it is essential that these two Guidance texts are cross-referenced to the revised Circular on the Protection of World Heritage.

ICOMOS-UK therefore further suggests that in order to facilitate this cross-referencing, updating Circular 07/2009 should also become a priority.

-

**39 2009 The Protection and Management of World Heritage Sites in England:  
English Heritage Guidance Note to Circular for England on the Protection of World  
Heritage Sites (2009)**

We note that the Report recommends that English Heritage Guidance on the implementation of the Circular 07/2009 should be cancelled.

ICOMOS-UK would not object to the English Heritage Guidance being cancelled if the Circular on the Protection of World Heritage Sites could be strengthened to include some of the methodologies currently within the Guidance, together with further guidance as suggested above and overall 'ground rules' for planning approaches to World Heritage sites. Indeed we can see benefits in there being one document that offers a clear national planning practice perspective.

**Response to Consultation Questions:**

*Q7. Do you agree with the recommendations for cancellation of existing guidance documents? Are there specific, essential elements of current guidance material that should in your view be retained and considered for inclusion in the revised guidance set? (Recommendations 14 - 16)*

ICOMOS-UK does not object to the English Heritage Guidance being cancelled if the 07/2009 Circular on the Protection of World Heritage Sites could be strengthened to include some of the methodologies currently within the Guidance together with further guidance on Heritage Impact Assessments and Sustainable Management and overall 'ground rules' for the planning approach to World Heritage sites.

*Q8. Do you agree with the recommended priority list for new/revised guidance? (Recommendations 17-18)*

ICOMOS-UK supports that Guidance on Environmental Impact Assessments and on Sustainability Approaches being priority areas for re-drafting.

However as these subject areas are of crucial importance for World Heritage sites, ICOMOS-UK considers that it is essential that these two Guidance texts are cross-referenced to the revised 07/2009 Circular on the Protection of World Heritage.

ICOMOS-UK therefore suggests that in order to facilitate this cross-referencing, updating Circular 07/2009 should also become a priority.

*Q9. Are there any further points you would like to make in response to the Review Group's Report? Do you have additional ideas to improve and/or streamline planning practice guidance?*

-

ICOMOS-UK would welcome the opportunity to engage with revisions of the 07/2009 Circular on the Protection of World Heritage

ICOMOS-UK welcomes the suggested approach to separate Government Planning Practice Guidance from sectoral best practice, with the latter being provided by organisations with specialist expertise in relevant areas. We would welcome the opportunity to contribute to the preparation of best practice in the sphere of World Heritage.

Yours sincerely

**Susan Denyer**  
**Secretary, ICOMOS-UK**