

Cultural World Heritage Sites: Heritage Impact Assessments and Paragraph 172 Notifications

Background to Heritage Impact Assessment for World Heritage Sites

The UK Government has been a signatory to the 1972 UNESCO *Convention for the Protection of the World Cultural and Natural Heritage* (the Convention) since 1984. There are now 30 UK properties that are inscribed on the List of World Heritage drawn up under the terms of the Convention. Of the 18 World Heritage Sites (WHS) wholly or partly within England all except one are cultural properties in which Historic England has some level of engagement. Under Article 4 of the Convention each State Party signatory accepts responsibility for *"the identification, protection, conservation, presentation and transmission to future generations"* of its outstanding heritage and *"will do all it can to this end to the utmost of its own resources"*

When the World Heritage Committee (the Committee) takes decisions which have a bearing on how WHSs are managed, DCMS, which acts as the UK State Party to the Convention considers, in consultation with Historic England, how best these decisions can be implemented in the UK through the application of domestic heritage and planning legislation and guidance.

Many WHSs across the world have become increasingly subject to development pressures in recent years. The advisory bodies to the Committee therefore developed methodologies for undertaking Heritage Impact Assessment (HIA) specific to the Outstanding Universal Value (OUV) of WHSs. The Committee has recently advocated the use of HIAs with increasing vigour and in 2015 adopted decision 39 COM 7 (<http://whc.unesco.org/en/decisions/6189/>) which at paragraph 11 : *"encourages States Parties to integrate the EIA/HIA processes into legislation, planning mechanisms and management plans, and reiterates its recommendation to States Parties to use these tools in assessing projects, including assessment of cumulative impacts, as early as possible and before any final decision is taken"*.

Properly conducted HIAs can not only lead to mitigation or prevention of harm to OUV, but, if carried out to a consistent methodology, can provide an increasingly important resource for assessing trends in WHSs and assist in the development of policy to help in the effective management of change. The ability to compare like with like is why the Committee prefers to see the use of the methodologies developed by its advisory bodies as standard practice. For cultural WHSs the methodology can be found in the guidance issued by ICOMOS in 2011 which can be found at http://www.icomos.org/world_heritage/HIA_20110201.pdf.

In the 2016 Culture White Paper DCMS states that it would like the UK to be seen as an exemplar of good practice in WHS management. DCMS would therefore like to ensure that, where necessary, HIA's are carried out in line with the ICOMOS methodology. This is also in accord with the Planning Practice Guidance where section 4 of the historic environment section contains additional guidance on WHSs

<http://planningguidance.communities.gov.uk/blog/guidance/conserving-and-enhancing-the-historic-environment/how-do-heritage-assets-become-designated/further-guidance-on-world-heritage-sites/> which says that applicants may find it helpful to use the approach set out in the ICOMOS guidance (as well as HE's guidance on setting and views).

Historic England Advice on development proposals affecting WHSs

HE Planning Department offices will be notified of most, but not all, applications that have the potential to cause harm to the OUV of a WHS as a result of one of the usual triggers. Such proposals may be outside the boundary of the WHS itself. In view of the UK government's responsibilities under the terms of the WH Convention, if you become aware of a non notifiable development which could have an adverse impact on OUV please raise this matter at the appropriate management level to determine whether HE should offer advice. In all cases professional judgement should be used to determine whether or not the likely level of harm is such as to merit an HIA.

At the heart of the ICOMOS methodology is the assessment of impact on the *attributes* of OUV as well as on OUV overall. Many WHS management plans in the UK have identified the attributes of OUV clearly, but where this is not yet the case the LPA or other decision maker, advised where appropriate by HE, should agree the relevant attributes for assessment with the applicant, ensuring that they are drawn from the adopted Statement of Outstanding Universal Value which can be found in the World Heritage List at <http://whc.unesco.org/en/list/>.

There is an issue about how HIA specific to OUV relates to heritage statements that cover all designated and undesignated heritage assets. A separate statement about the WHS structured in the way set out at Appendix 4 of the ICOMOS Guidance could lead to duplication of information that is already contained in the overall heritage statement and, depending on the extent of the impact, could be regarded as disproportionately onerous by developers. To avoid this, the ICOMOS Guidance advises that the HIA should be summarised early on in the Environmental Statement, and the full technical HIA report should be included as a technical appendix. The requirements should be made clear at the planning or scoping stage. The technical appendix should be an HIA specific to the WHS in line with the structure set out in Appendix 4 of the ICOMOS Guidance.

Where advice is given that HIA specific to OUV should be undertaken, whether as part of a heritage statement or as a stand-alone exercise, Henry Owen-John in the International Advice team should be informed so that an overview of the situation in relation to WHSs

across England can be maintained. In addition Henry is able to provide advice on HIAs based on this overview and his links to the UNESCO World Heritage Centre and the advisory bodies.

Paragraph 172 Notifications

The World Heritage Committee regularly reviews the *Operational Guidelines for the Implementation of the World Heritage Convention*. The most recent version was issued in July 2015 and can be downloaded from <http://whc.unesco.org/en/guidelines/>. Paragraph 172 says:

The World Heritage Committee invites the States Parties to the Convention to inform the Committee, through the Secretariat, of their intention to undertake or to authorize in an area protected under the Convention major restorations or new constructions which may affect the Outstanding Universal Value of the property. Notice should be given as soon as possible (for instance, before drafting basic documents for specific projects) and before making any decisions that would be difficult to reverse, so that the Committee may assist in seeking appropriate solutions to ensure that the Outstanding Universal Value of the property is fully preserved.

There is no set process in the UK for deciding whether proposed works should be notified to the Committee. Notifications have to be made by the State Party (DCMS) which usually consult the International Advice team at HE before reaching a decision. This process does however rely on DCMS being made aware of such proposals. Although it is not set out anywhere it seems reasonable that the LPA or other decision maker should take responsibility for alerting DCMS in relevant cases. HE advice can play an important role in the decision maker's determination of whether DCMS should be informed of the proposed works. As a general rule it is only proposals that are likely to have a substantial impact on OUV that should be notified to DCMS.

There is also a matter of timing, as schemes that have the potential to be very harmful in the early stages of the planning process may be sufficiently amended in the light of consultation as not to cause a problem when an application is made. Notification at too early a stage can therefore set alarm bells ringing unnecessarily. Pre application confidentiality can sometimes be an issue as well. Henry Owen-John in the International Advice team will be happy to discuss appropriate courses of action in individual cases where this would be helpful.

There is sometimes reluctance to notify schemes to DCMS as the Committee usually meets once a year and therefore sometimes responds only after a planning decision has been taken. However sometimes DCMS receives a timely response from one of the advisory bodies setting out its views of a particular scheme, which can then be fed into the planning process. In addition it is important that we show that we can respond positively to the intentions of paragraph 172 and DCMS can make it clear in the notification what the timescale for response is in relation to the English planning system. Such schemes should therefore be notified even when the Committee cycle does not work well with the timeframe for taking planning decisions in England.

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August 2016

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