



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 The draft guidance note explains the national and international context, considers the role of the planning system and community strategies, and covers the preparation of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

at the biennial General Assembly for up to six years. The Committee meets annually and is advised at its meetings by the three Advisory Bodies. Other State Party delegations, experts, and international organisations may attend the meetings as observers.

3.3 The Committee is responsible for the implementation of the Convention. Its principal functions are:

- to determine and keep under review the strategy for the implementation of the World Heritage Convention;
- to decide on nominations for inscription as World Heritage Sites;
- to monitor the conservation of World Heritage Sites through Reactive Monitoring and Periodic Reporting and to decide on whether Sites should be placed on the List of World Heritage in Danger or even deleted from the World Heritage List altogether;
- to consider requests for International Assistance; and
- to raise awareness of World Heritage and to promote educational activities.

3.4 The Committee periodically publishes Operational Guidelines for the *Implementation of the World Heritage Convention*. The most recent edition was published in January 2008 (<http://whc.unesco.org/en/guidelines/>). The *Guidelines* amplify the provisions of the Convention and explain how they are operated on a day-to-day basis.

Advisory Bodies

3.5 The Committee receives professional advice from three bodies named in the Convention. These are:

- the International Centre for the Study of the Preservation and Restoration of Cultural Property (the Rome Centre) (ICCROM), whose principal concern is training;
- the International Council of Monuments and Sites (ICOMOS), whose principal functions are to evaluate the nominations of cultural sites, and to report on the state of conservation of cultural properties on the List; and
- the World Conservation Union (IUCN), whose principal functions are to evaluate the nominations of natural sites, and to report on the state of conservation of natural properties on the List

3.6 All three bodies also advise on strategic issues and international assistance applications, and can draw on the expertise of other bodies as required.

UNESCO World Heritage Centre

- 3.7 The Secretariat of the Committee is provided by UNESCO's World Heritage Centre which is based in Paris. (<http://whc.unesco.org>).

4 The National Context

- 4.1 The United Kingdom joined the World Heritage Convention in 1984 and now has 27 World Heritage Sites. 17 of these are in England. These vary considerably in size and type from archaeological sites through major country houses and their parks to urban centres and sites illuminating England's role in industrialisation. There is one natural site (the Dorset and East Devon Coast) inscribed for its geological value. They also vary greatly in the number of owners and occupiers they have from, for example, Blenheim Palace which is in single ownership through to Bath with many thousands of owners and occupiers.
- 4.2 The United Kingdom government works closely with UNESCO on many issues including World Heritage. There is a permanent British delegation to UNESCO. The lead department dealing with the World Heritage Convention is the Department for Culture Media and Sport (DCMS) which liaises with colleagues from the Scottish Government, the Welsh Assembly Government and the Department of the Environment for Northern Ireland who have devolved responsibility for natural and cultural heritage as well as with the Ministry of Justice, which acts on behalf of crown dependencies, and the Foreign and Commonwealth Office which is responsible for the overseas territories.
- 4.3 Other government departments in England also have roles relating to the implementation of the World Heritage Convention. The Department for Communities and Local Government covers spatial planning and the roles of local authorities. The Department for Environment, Food and Rural Affairs (DEFRA) is responsible through Natural England for England's only natural World Heritage Sites. Other departments such as the Ministry of Defence occupy parts of some English World Heritage Sites.
- 4.4 At regional level, both Regional Government Offices and Regional Development Agencies can play a significant role in World Heritage matters both through Regional Spatial Strategies and through provision of funding to individual World Heritage Sites.
- 4.5 At local level, the role of local authorities is key and multiple. They are responsible for spatial planning in their areas and also have important roles in management and promotion of tourism and as owners, in some cases, of parts of World Heritage Sites.
- 4.6 Religious buildings form a key part of many World Heritage Sites. The Cathedrals Fabric Commission regulates repair and development activities of cathedrals although Westminster Abbey as a 'Royal Peculiar' is not subject to any regulation. Diocesan authorities operate a system of control for parish churches.

- 4.7 The government has access to advice from a number of bodies on World Heritage matters.
- 4.8 The United Kingdom National Commission for UNESCO is the focal point in the UK for UNESCO-related policies and activities. As an independent body, the Commission is the principle adviser to and works closely in partnership with UK government, enabling it to engage UK organisations in education, science, culture and communication and information, towards achieving UNESCO's ideal of promoting the inseparable goals of peace, mutual understanding and equitable and sustainable human development.
- 4.9 English Heritage is the Government's adviser on the historic environment. Responsibilities include the understanding and conservation of archaeology on land and under water; historic buildings, sites and areas; designed landscapes and the historic aspects of the wider landscape, as well as the management of an estate of more than 400 historic properties. English Heritage is DCMS's principal advisor on all matters relating to World Heritage.
- 4.10 Natural England was established by government in 2005 to work for people, places and nature, to enhance biodiversity, landscapes and wildlife in rural, urban, coastal and marine areas; promote access, recreation and public well-being; and contribute to the way natural resources are managed so that they can be enjoyed now and in the future. Natural England has a particular role with regard to England's only natural World Heritage Site, the Dorset and East Devon Coast. It also is responsible for monitoring the management of SSSI's within other World Heritage Sites and plays an essential role in relation to agreeing and administering agri-environmental grants.
- 4.11 There are also a number of Non-Government Organisations with a particular involvement in World Heritage. Both ICOMOS and the World Conservation Union have national committees. ICOMOS UK provides advice on World Heritage Sites and the application of the World Heritage Convention under an agreement with English Heritage. It may comment on planning applications affecting World Heritage Sites and does so independently of its relationship with English Heritage.
- 4.12 The Local Authority World Heritage Forum (LAWHF) is a network of local authorities in the UK that have the whole or part of an Inscribed World Heritage Site or Tentative Site within their administrative boundaries. LAWHF exists to help local authorities play their part in protecting, conserving and presenting UK World Heritage Sites.

5 Protection and Management of World Heritage Sites in England

- 5.1 English World Heritage Sites are complex assets mostly in multiple ownership and often very large. In 1994, PPG15 set the basic parameters for the protection of the Outstanding Universal Value and also the sustainable use of English World Heritage Sites. The English approach is based on the use of the spatial

planning system to protect World Heritage Sites and the development of World Heritage Management Plans to provide a holistic approach to their overall management. All English World Heritage Sites now have Management Plans. Effective and active involvement of all key stakeholders, including the owners and occupiers of sites and the local communities, is essential.

5.2 The key elements of the English approach to the protection and management of World Heritage Sites are:

- designation of specific assets within World Heritage Sites (listed buildings, scheduled ancient monuments, parks and gardens, conservation areas, Areas of Outstanding National Beauty etc);
- World Heritage Sites are a key material consideration in the determination of planning applications;
- local authorities should include policies in their local plan to protect the Outstanding Universal Value, authenticity and integrity of World Heritage Sites;
- each World Heritage Site should have an agreed Management Plan;
- local authority commitment;
- a stakeholder steering group and support from the key partners;
- effective coordination, normally by a dedicated Coordinator

6 World Heritage Sites in the planning system

6.1 PPG15 and PPG16 set out core national policy on the conservation of the historic environment of which World Heritage Sites are part. [Government policy on the protection of World Heritage Sites is set out in Circular [xxxxx] which is supplemented and supported by this Guidance Note]. There is also additional specific government policy advice and regulation on World Heritage Sites. This is summarised below.

Planning Policy Statements/ Guidance (PPS/ PPG)

<http://www.planningportal.gov.uk/england/professionals/en/1020432881271.html>

6.2 PPS1 *Delivering Sustainable Development* sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system. It says:

The Government is committed to protecting and enhancing the quality of the natural and historic environment, in both rural and urban areas. Planning policies should seek to protect and enhance the quality, character and

amenity value of the countryside and urban areas as a whole. A high level of protection should be given to most valued townscapes and landscapes, wildlife habitats and natural resources. Those with national and international designations should receive the highest level of protection.

6.3 PPS22 *Renewable Energy* says

Planning permission for renewable energy developments likely to have an adverse effect on a site of international importance for nature and heritage conservation (Special Protection Areas, Special Areas of Conservation, RAMSAR Sites and World Heritage Sites) should only be granted once an assessment has shown that the integrity of the site would not be adversely affected.

Call In Regulations

- 6.4 [The proposed Town and Country Planning (Consultation) (England) Direction 2008 will implement the government's commitment to introduce specific notification and call in requirements for significant development affecting World Heritage Sites. Under the Direction, local authorities must refer to the Secretary of State any development proposals affecting World Heritage Sites to which English Heritage has objected, that objection not having been withdrawn. "World Heritage Site development" means development which would 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]

Other Regulations

- 6.5 World Heritage Sites are classed as "sensitive areas" for the purposes of the **Environmental Impact Assessment** (EIA) regulations. Environmental Impact Assessments for development proposals and infrastructure proposals within World Heritage Sites should consider the impact of the proposal on the World Heritage Site and its Outstanding Universal Value. Location within the World Heritage Site should also be a matter taken into account by local authorities when screening development and infrastructure proposals for the need for EIA.
- 6.6 Development proposals within World Heritage Sites also require **Design and Access Statements**.

General Permitted Development Order (GPDO)

- 6.7 [World Heritage Sites have been added to Article 1(5) Land in the GPDO. This limits permitted development rights within World Heritage Sites and is intended to control small scale changes which over time could erode the Outstanding Universal Value, authenticity, integrity and character of the Site.]
- 6.8 Local authorities also have the power to make Article 4 Directions to limit other forms of development within World Heritage Sites while minerals authorities

can make Article 7 Directions to limit permitted development rights for mineral extraction activities.

The Heritage Protection Bill

- 6.9 The Heritage Protection Bill [currently in pre-legislative scrutiny] would for the first time give statutory recognition of World Heritage Sites by including them in the Register of Historic Assets. It would also require World Heritage Sites to be included in local authority Historic Environment Records. World Heritage Sites would also benefit from the possibility of being included [at least in part] in Heritage Partnership Agreements. (see http://www.culture.gov.uk/Reference_library/Publications/archive_2008/pub_drafthpb.htm)

English Heritage Guidance

- 6.10 English Heritage publishes guidance and policy documents on the protection and management of the historic environment. As the government's principal advisor on the World Heritage Convention, English Heritage's advice on all World Heritage Site matters will be in accordance with its own guidance. This should therefore inform decision-making on matters where English Heritage is a relevant consultee.
- 6.11 In April 2008 English Heritage published *Conservation Principles* (see <http://www.english-heritage.org.uk/server/show/ConWebDoc.13556>) which had been the subject of extensive and extended public consultation. They will guide the work of English Heritage. The Principles set out the framework within which English Heritage will make judgments on casework. They lay out a logical approach to making decisions and offering guidance about all aspects of England's historic environment. There are six main Principles:

Principle 1: The historic environment is a shared resource

Principle 2: Everyone should be able to participate in sustaining the historic environment

Principle 3: Understanding the significance of places is vital

Principle 4: Significant places should be managed to sustain their values

Principle 5: Decisions about change must be reasonable, transparent and consistent

Principle 6: Documenting and learning from decisions is essential

- 6.12 Conservation is defined as the process of managing change to a significant place in its setting in ways that will best sustain its heritage values, while recognising opportunities to reveal or reinforce those values for present and future generations.

6.13 The Principles identify a range of *heritage values* which may be attached to places. These are:

- *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*: relating to the ways in which people derive sensory and intellectual stimulation from a place;
- *communal value*: relating to the meanings of a place for the people who relate to it, or for whom it figures in their collective experience or memory.

6.14 The *Principles* set out a process for *assessing the heritage significance* of a place:

- understand the fabric and evolution of the place;
- identify who values the place, and why they do so;
- relate identified heritage values to the fabric of the place;
- consider the relative importance of those identified values;
- consider the contribution of associated objects and collections;
- consider the contribution made by setting and context;
- compare the place with other places sharing similar values;
- articulate the significance of the place.

6.15 The *Principles* explain how to **make decisions** about change to significant places by:

- considering whether there is sufficient information to understand the impacts of potential change;
- considering authenticity and integrity;
- considering sustainability;
- considering reversibility;
- comparing options and making the decision;
- applying mitigation;

- monitoring and evaluating outcomes.

- 6.16 This conforms well with the value-focused approach of the World Heritage Convention and the need to define and protect the Outstanding Universal Value, authenticity and integrity of World Heritage Sites.
- 6.17 The *Principles* also set out the policies which English Heritage will apply on appropriate routine management and maintenance, periodic renewal of elements of significant places, repair of significant places, interventions to increase knowledge, restoration, the addition of new works to significant places, the management of change which is potentially harmful, and enabling development.
- 6.18 The English Heritage/ CABE *Guidance on Tall Buildings* includes World Heritage Sites and their settings among the criteria against which proposals for tall buildings should be assessed.
- 6.19 English Heritage is currently consulting on *Seeing the Heritage in the View*. This is a methodology for assessing heritage significance within views and should be particularly relevant to World Heritage Sites. (see <http://www.english-heritage.org.uk/server/show/ConWebDoc.13380>)

7 Use of the planning system to protect World Heritage Sites

- 7.1 World Heritage Sites are protected primarily through the spatial planning system. Regional, Unitary, County and District planning authorities therefore play a central role in managing change, protecting and conserving their World Heritage Sites. The system is plan-led and, since the 2004 Planning and Compulsory Purchase Act, depends on a hierarchy of national guidance, Regional Spatial Strategies, and Local Development Frameworks setting out policies according to which local authorities determine planning applications. Individual scheduled ancient monuments and listed buildings within World Heritage Sites are protected under specific designations. World Heritage Sites, in whole or in part, may also benefit from protection by other designations including National Parks, Areas of Outstanding Natural Beauty, registered parks and gardens, and conservation areas.
- 7.2 As regards planning permission controls, adequate protection of World Heritage Sites and their settings, including any defined buffer zone or its equivalent, should be ensured by the inclusion of appropriate policies and mapping in both Regional Spatial Strategies and Local Development Frameworks which together form the development plan for each local authority. During the transition to the new planning system, appropriate policies from old Local Plans should be 'saved' to ensure protection of World Heritage Sites in the transitional period.
- 7.3 The purpose of policies in the development plan includes the need to protect the Outstanding Universal Value, including authenticity and integrity, for which the site was inscribed on the World Heritage List. This is defined by the UNESCO

World Heritage Committee at the time of inscription and can only be changed by the Committee. It is necessary to control development in the setting of each World Heritage Site, including any buffer zone or its equivalent, in order to protect its Outstanding Universal Value, including authenticity and integrity.

- 7.4 Setting is defined in the English Heritage Conservation Principles as ‘the surroundings in which a place is experienced, its local context, embracing present and past relationships to the adjacent landscape’. This can be defined, as set out in the WHS planning circular, for the purposes of World Heritage as the area around a World Heritage Site (including any buffer zone or its equivalent) in which development is capable of having an adverse impact on the World Heritage Site, including an adverse impact on views to and from the World Heritage Site. [English Heritage will be publishing more detailed guidance shortly on the setting of historic assets].
- 7.5 Planning authorities may wish to initiate projects to assess which views of the WHS best encapsulate its Outstanding Universal Value. Typically this will involve a baseline survey where the heritage significance is assessed and evaluated. This will be issued for public consultation. Specific guidance is, for example, being developed in London.
- 7.6 World Heritage Sites may have buffer zones or their equivalent. These are recommended, where necessary, in the UNESCO *Operational Guidelines*. A buffer zone is defined there as an area surrounding the World Heritage Site which has complementary legal restrictions placed on its use and development to give an added layer of protection to the World Heritage Site. This should be achieved through the planning system in the same way as for the World Heritage Site itself. Buffer zones will generally differ from the setting of the WHS which may be much larger. World Heritage Sites and their buffer zones or equivalents should be identified clearly in local development framework maps and the regional spatial strategy plans. All boundaries should be notified to the Government Mapping Geographical System MAGIC, to English Heritage and to the relevant local authority Historic Environment Record or SMR. Changes to the boundaries of World Heritage Sites and their buffer zones can only be made by the UNESCO World Heritage Committee on the proposal of the national government (see section 10).
- 7.7 It is essential that appropriate policies are included in the core strategy of the local development framework. The core strategy can be complemented by a variety of other documents including area action plans and supplementary planning documents. These may cover a range of issues, both thematic and site specific, which may expand policy or provide further details to policies in a development plan document. Depending on the nature of the specific World Heritage Site, it may be appropriate to supplement policies in the core strategy in either area action plans (AAP) or supplementary planning documents (SPD). It is essential that both AAP and SPD are directly related to a policy in the development plan. Given the need to protect the setting of World Heritage Sites, appropriate policies should be included as appropriate in the local

development frameworks of planning authorities bordering a World Heritage Site as well as of the authority in which the site is located.

- 7.8 Local planning authorities may wish to consider whether Article 4 or Article 7 Directions might be appropriate ways of improving protection of World Heritage Sites. They should also bear in mind the need to consider World Heritage issues when giving screening opinions on whether Environmental Impact Assessments are needed.

Handling Development Proposals

- 7.9 Change within World Heritage Sites is inevitable, if only as a result of the passage of time, and can be neutral or beneficial in its effect on the Outstanding Universal Value, authenticity and integrity of a World Heritage Site. The impact of development proposals on World Heritage Sites can sometimes be considerable and can cause damage to their Outstanding Universal Value, authenticity and integrity. Such proposals can cause considerable controversy and require careful handling.
- 7.10 It is essential to consider the impact of each development proposal on the Outstanding Universal Value. For many proposals this can be done when an Environmental Impact Appraisal is required for significant developments in World Heritage Sites. Such issues should also be considered in design and access statement. In all cases likely to have a material impact of Outstanding Universal Value, authenticity and integrity of the World Heritage Site, pre-application consultation should be carried out with the local planning authority and English Heritage staff in the respective regional office to ensure that all the implications are fully understood and explicitly portrayed in supporting illustrative material. Applicants should detail the impact their proposals will have on the Outstanding Universal Value and indicate fully how they believe these effects should be acceptable in the context of the protection of the Outstanding Universal Value, authenticity and integrity of the site.
- 7.11 When considering planning applications within World Heritage Sites or their settings, including any buffer zone or its equivalent, local planning authorities should carefully consider the impact on the Outstanding Universal Value, authenticity and integrity of the World Heritage Site. English Heritage staff in the respective regional office should be able to advise on cases likely to have a material impact of Outstanding Universal Value, authenticity and integrity of the World Heritage Site.
- 7.12 The UNESCO World Heritage Committee have asked to be informed by national governments of proposals for major restorations or interventions which may affect the Outstanding Universal Value of a World Heritage Site. They ask for notice to be given as soon as possible so that the Committee may assist in seeking appropriate solutions to ensure that the Outstanding Universal Value of the property is fully preserved. This process raises considerable problems in terms of defining whether developments will have an adverse impact on Outstanding Universal Value and of timing since the World Heritage Committee

meets only once a year. In some cases, it may be appropriate to refer cases before they reach the stage of an actual planning application.

7.13 The decision on whether or not to refer cases to UNESCO is taken by DCMS. They will first seek the advice of English Heritage and it is helpful for English Heritage staff in the relevant regional office to be consulted at an early stage by planning authorities on all cases with significant potential impact on Outstanding Universal Value. All cases for which English Heritage requests call-in because of impact on Outstanding Universal Value will be considered for potential referral to the UNESCO World Heritage Committee. English Heritage will also advise DCMS on whether cases should be referred at an earlier stage of their development (see Section 10 also).

8 Sustainable Community Strategies (SCS)

8.1 The Local Government Act 2000 placed on local authorities a duty to prepare community strategies for promoting or improving the economic, social and environmental well-being of their areas, and contributing to the achievement of sustainable development in the UK. It gave them broad new powers to improve and promote local well-being as a means of helping them to promote those strategies. In some cases, local authorities may prepare local community plans within a wider strategy.

8.2 A SCS should meet four objectives:

- allow local communities (based upon geography and/or interest) to articulate their aspirations, needs and priorities;
- co-ordinate the actions of the council, and of the public, private, voluntary and community organisations that operate locally;
- focus and shape existing and future activity of those organisations so that they effectively meet community needs and aspirations; and
- contribute to the achievement of sustainable development both locally and more widely, with local goals and priorities relating, where appropriate, to regional, national and even global aims.

8.3 A SCS must have four key components:

- a long-term vision for the area focusing on the outcomes that are to be achieved;
- an action plan identifying shorter-term priorities and activities that will contribute to the achievement of long-term outcomes;
- a shared commitment to implement the action plan and proposals for doing so; and

- arrangements for monitoring the implementation of the action plan, for periodically reviewing the SCS, and for reporting progress to local communities.

(see *Preparing community strategies: government advice to local authorities*, Department for Communities and Local Government
<http://www.communities.gov.uk/publications/localgovernment/preparingcommunitystrategies>)

- 8.4 There are clearly methodological links between SCS and the way in which World Heritage Site Management Plans should be developed by key stakeholders with the involvement of local and other interested communities. There will also be areas of common interest. Some policies in World Heritage Site Management Plans may well need to reflect policies in SCS or to influence the development of such strategies. How close the relationship should be will depend on the character, ownership and size of the World Heritage Site and also on the area covered by the relevant SCS.

9 World Heritage Site Management Plans

- 9.1 All effective conservation is concerned with the successful management of change. Conserving each World Heritage Site is fundamental but change is inevitable if the Site is to respond to the needs of present-day society. Effective management of a World Heritage Site is therefore concerned with identification and promotion of change that will conserve and enhance the Outstanding Universal Value, authenticity and integrity of the Site, and with the modification or mitigation of changes that might damage that value. It is also necessary to develop policies for the sustainable use of the site for the benefit of the local population and economy.
- 9.2 These uses may be economic, for example for tourism or through adaptation of a historic building or area to a new function. Uses can also be social, for example by using a historic site as a focal point for a local community, or educational activity. It is entirely legitimate that a World Heritage Site should be used in these ways, provided that this is done in ways that do not harm its Outstanding Universal Value. Use of English Heritage's *Conservation Principles* can aid assessment of proposals.
- 9.3 It is therefore essential that change is planned and that competing uses are reconciled. The UNESCO World Heritage Committee has said that all World Heritage Sites must have an appropriate management system in place which should specify how the Outstanding Universal Value, authenticity and integrity of the site should be maintained, preferably through participative means. The Committee's *Operational Guidelines* recognise that an effective management system will vary according to the nature of the site as well as the legal system of the state party concerned. They say that effective management involves a cycle of long-term and day-to-day actions to protect, conserve and present the Site.

- 9.4 They recommend that common elements of an effective management system should include:
- a. a thorough shared understanding of the property by all stakeholders
 - b. a cycle of planning, implementation, monitoring, evaluation and feedback
 - c. the involvement of partners and stakeholders
 - d. the allocation of necessary resources
 - e. capacity building
 - f. an accountable transparent description of how the management system functions
- 9.5 Most English World Heritage Sites are complex and large and generally in multiple ownership. There can also be large numbers of official bodies with an interest in the Site. World Heritage Site Management Plans are intended to resolve such potential challenges and to achieve the appropriate balance between **conservation, access** and **interpretation**, the **interests of the local community**, and **sustainable economic use** of the Site. World Heritage Site Management Plans should be prepared on a participatory basis by a Steering Group or Committee made up of the key stakeholders in each Site. These will vary according to the site but should include representatives of the owners, local authorities including parish councils, DCMS, English Heritage (or Natural England in the case of a natural site) and other official bodies or NGOs with an interest in the site. ICOMOS UK is normally a member of Steering Groups. The leader of the Group will also vary according to the nature of the site but is often the relevant local authority or the key owner of the site.
- 9.6 As far as possible Plans should be based on consensus and involve all the stakeholders in each Site and be subject to public consultation. Implementation mechanisms and resources should also be identified. Steering Groups and Management Plans are most effective when there is a World Heritage Site Coordinator in place. For a complex site, this is likely to be a full time function. On sites in single ownership, the coordinating function can be combined with other roles.
- 9.7 UNESCO and the Advisory Bodies recommend that World Heritage Site Management Plans should have an overall **vision** for the Site, **long-term aims** looking forward 30 years, and **policies** for five years. The vision and aims provide a long term continuum in which effective policies can be developed. Five or six years is about the longest period for which it is possible to plan ahead effectively and with any certainty. From these policies, it should then be feasible to develop annual work plans.
- 9.8 Successful World Heritage Site Management Plans will be focused on the identification, conservation and sustainable use of the values of the site and

particularly on its Outstanding Universal Value, authenticity and integrity. To achieve a successful outcome, it is necessary to know:

1. **what is there;** description of the site covering all its aspects, including uses, and not confined just to those which give its Outstanding Universal Value;
2. **what is important and why;** identification of the Site's values through analysis of the description. All values should be identified and if necessary prioritised. This should focus on the Outstanding Universal Value as agreed by the UNESCO World Heritage Committee but should also identify other national, regional and local site values. It may be helpful to follow the methodology set out in English Heritage Conservation Principles;
3. **what makes the values vulnerable;** Identification of ways in which the values (particularly its Outstanding Universal Value, authenticity and integrity) of the Site are vulnerable, and also of ways in which they can be enhanced and used sustainably;
4. **what policies need to be in place to protect the values;** development of policies to counter the vulnerabilities and to enhance the character of the Site and its sustainable use, including education, promotion and access;
5. **how will the policies be implemented and monitored;** identification of the ways in which the Plan will be implemented, and of arrangements to monitor and review its effectiveness.

9.9 This is the same basic methodology as is used for Conservation Plans but expanded to include proposals for sustainable beneficial use. A World Heritage Site Management Plan will normally be at a higher and less detailed level than a Conservation Plan. Conservation Plans may supplement World Heritage Site Management Plans for particular parts of complex sites, such as specific assemblages of ruins or individual buildings.

9.10 It may be helpful to group policies under four headings:

Protecting the Site's Outstanding Universal Value: protection of a site is about the prevention of activities which might damage its Outstanding Universal Value, authenticity and integrity either on the site itself or through the effects of development in its setting, including any buffer zone

Conserving the Site: conservation is about the positive actions needed to conserve and enhance the site. They can include works such as repair of buildings or ruins, changes to agricultural regimes to protect buried archaeology, or landscape works to improve the setting of the site.

Using the Site: sustainable use of a site is often the best way of conserving it. The way in which the site is used will depend on the nature of the site. What is appropriate in an urban centre will be very different to what may be needed on an archaeological site. On any site proper provision for visitors is essential.

The primary focus of sustainable use is clearly the conservation of the Site's Outstanding Universal Value, authenticity and integrity. All projects should be designed and implemented with this in mind. It is also important, though, that any use of a site should be economically sustainable. Sustainable use of a site is often the best way of conserving it.

Policies for use of the Site should include not just economic use but also education, outreach, promotion and access.

Managing the Site: clear policies for putting the Plan into effect are essential if it is to be effective. It is essential that all key stakeholders are involved in the management process. That process must provide for this involvement, and allow all interests to input to definition of the appropriate balance between conservation, access, sustainable use, including tourism, and the interests of the local community.

9.11 The process by which the plan is developed and put into effect is as important as its content. Essentially the development of the plan will go through three stages:

1. **The preparation of a draft plan through involvement of all stakeholders;** discussion and participation through this process is essential to develop consensus on the policies of the plan. Public consultation on the draft plan is the last step of this stage although there may be public meetings and consultations throughout the preparation process as required.
2. **Publication of the agreed plan and its adoption by all the key stakeholders;** this is a key stage in the process since it presents a programme of work and an agreed vision and direction for the management of the site.
3. **Implementation:** without agreed means for implementation, the plan will be of little use. It is essential that someone is responsible for implementing the plan and acts as its champion. The Plan Coordinator should also be responsible for reviewing and monitoring the effectiveness of the plan on a regular basis.

9.12 Many World Heritage Sites are affected by natural or man made emergencies. The UNESCO World Heritage Committee have requested that Management Plans should assess the possible impact of climate change and the likely risk of flood, fire and other emergencies and prepare mitigation strategies as appropriate for the WHS and amongst other things their collections. Steering groups are advised to consult closely with the relevant regional resilience authority and with county and local authority emergency planners and encourage owners within the WHS to make their own preparations English Heritage and the Museums, Libraries and Archives Commission can also provide valuable advice.

- 9.13 Successful management planning is key to the satisfactory conservation and sustainable, beneficial use of World Heritage Sites. Essentially the process is cyclical. The success of the plan should be reviewed on a regular basis (say every five years) and the plan revised in line with the results of the monitoring and review. Also essential is continued research and analysis of the history and significance of the Site, and of how it is used, since only through such work is it possible to refine the definition of why the Site is important and thus to improve the plan's policies. Improved understanding also enables the site manager to improve interpretation for visitors.
- 9.14 Management Plans are essential documents in the management of a World Heritage Site. The World Heritage planning circular advises that relevant policies in them should be material considerations in making plans and planning decisions, and that Management Plans should be taken fully into account when devising core strategies and other documents in the local development framework. It may be appropriate in some cases 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. It is therefore essential that they should be subject to full public consultation. Once completed, Management Plans should be formally endorsed or adopted by the bodies that have to put them into effect.
- 9.15 Management plans may be subject to European Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment (the Strategic Environmental Assessment (SEA) Directive). Advice on how to establish whether the Directive applies, and on its requirements, is in *A Practical Guide to the SEA Directive*, published in September 2005. <http://www.communities.gov.uk/documents/planningandbuilding/pdf/practicalguidesea.pdf>).

10 Involvement of the UNESCO World Heritage Committee in individual World Heritage Sites

- 10.1 As has been noted at various points above, the UNESCO World Heritage Committee may become involved with individual sites in various ways. **All correspondence with the World Heritage Centre, Advisory Bodies and the World Heritage Committee is conducted by DCMS who will involve individual sites as appropriate.**
- 10.2 Some changes to World Heritage Sites must be approved by the World Heritage Committee. These are:
- any change to the definition of the Outstanding Universal Value of a World Heritage Site; this requires a re-nomination which goes through the full evaluation process;
 - addition of new criteria to an inscribed World Heritage Site; this requires a re-nomination which goes through the full evaluation process;

- changes to the boundaries of a World Heritage Site; minor changes can be achieved relatively simply. Significant changes require a re-nomination which goes through the full evaluation process;
- addition of a buffer zone or changes to the boundaries of an existing buffer zone; while buffer zones, or their equivalent, are not part of the World Heritage Site, the Committee wishes to approve such proposals.

- 10.3 The need for such actions may be identified through the revision of the Management Plan or as a result of Periodic Reporting (see 10.9 below). Steering Groups should develop proposals for consideration by DCMS who will decide whether or not to submit them for consideration by the World Heritage Committee. Before doing so, the Department will seek the advice of English Heritage on the validity of the proposal. It is advisable, too, for Steering Groups to consult English Heritage and the Department before starting work on such revisions as the Department is unlikely to support proposals requiring full re-nomination since this is a lengthy and expensive process. At present such re-nominations would also preclude nomination of a new site in the same Committee cycle.
- 10.4 In the case of a transnational site, any proposals for changes to the items above must be approved by the national authorities responsible for the non-British parts of the Site.
- 10.5 The World Heritage Committee is also involved in the monitoring of the state of conservation of World Heritage Sites. Governments are asked to notify the World Heritage Centre of major events (such as natural disasters) which affect World Heritage Sites. The Committee also asks governments to notify the World Heritage Centre of major restorations or new developments which might affect the outstanding universal value of a World Heritage Site. The Centre also receives communications from third parties on concerns over the state of conservation of individual World Heritage Sites.
- 10.6 Whatever the source of information, the Centre then follows it up by seeking further information (if necessary) from the national government. Information is then referred to the relevant Advisory Body for their views. If necessary, the Centre then makes a State of Conservation report to the annual meeting of the World Heritage Committee. The Committee can offer advice to the relevant government. It can also seek further information from the national government and may consider sending a mission to investigate the issues of concern. In very serious cases, the Committee can place a site on the World Heritage in Danger List, or if it is considered that its Outstanding Universal Value has been lost, can remove it from the World Heritage List altogether (see *Operational Guidelines* paras 169 – 198)
- 10.7 Notifications of proposed developments by the national government are dealt with in section **xxx** above. In the event of a natural or other disaster, the World Heritage Site Coordinator, or equivalent, should notify the Department and English Heritage as soon as possible. The Department will then agree with

English Heritage and the Coordinator whether a report should be submitted and, if so, what information is needed.

- 10.8 When the World Heritage Centre seeks information from the national government, DCMS will pass on the request to the relevant site and to English Heritage as soon as possible to seek the necessary information to compose a reply. Similarly, after the UNESCO World Heritage Committee has taken a decision on a particular site, DCMS will notify the site of the decision and agree with them any necessary follow-up action. If the Committee decides to send a mission, DCMS will make the necessary arrangements with the site.
- 10.9 The World Heritage Committee also reviews all World Heritage Sites on a cyclical basis. This process, known as Periodic Reporting, was carried out for Europe in 2004 and 2005. The next European Periodic report is likely to take place from 2011 to 2013

Annex C

Statutory Instrument

2008 No.

Town and Country Planning, England

The Town and Country Planning (General Permitted Development) (Amendment No) (England) Order 2008

Made	-	-	-	-	***
Laid before Parliament					***
Coming into force	-	-	-	-	***

The Secretary of State, in exercise of the powers conferred by sections 60, 61 and 333(7) of the Town and Country Planning Act 1990⁽¹⁾, makes the following Order:

Citation, commencement and application

1.—(1) This Order may be cited as the Town and Country Planning (General Permitted Development) (Amendment No) (England) Order 2008 and shall come into force on

(2) This Order applies in relation to England only.

Amendment of Order

2.—(1) The Town and Country Planning (General Permitted Development) Order 1995⁽²⁾ shall be amended in accordance with paragraph (2) of this article.

¹ 1990 c.8, to which there are amendments not relevant to this Order. The functions of the Secretary of State under sections 59, 60 and 333(7) were, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales by article 2 of and Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999, S.I. 1999/672: see the entry in Schedule 1 for the Town and Country Planning Act 1990 (c.8) as substituted by article 4 of, and Schedule 3 to, the National Assembly for Wales (Transfer of Functions) Order 2000 (S.I. 2000/253).

² S.I. 1995/418, to which there are amendments not relevant to this Order.

(2) In Part 2 of Schedule 1 after sub-paragraph (e) add—

(f) a World Heritage Site.

Signatory text

Name

Parliamentary Under Secretary of State

Date

Department for Communities and Local Government

Explanatory Note

(This note is not part of the Order)

This Order adds World Heritage Sites to the list of land in article 1(5) of The Town and Country Planning (General Permitted Development) Order 1995.

Annex D

Article 1(5) land

Article 1(5) of the Town and Country Planning ((General Permitted Development) Order 1995 states that land referred to elsewhere in the Order as Article 1(5) land is the land described in Part 2 of Schedule 1 to the Order. Under Part 2 of Schedule 1 the following are currently included as Article 1(5) land –

- (a) a National Park;
- (b) an area of outstanding natural beauty;
- (c) an area designated as a conservation area under section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990;
- (d) an area specified for the purposes of section 41(3) of the Wildlife and Countryside Act 1981;
- (e) the Broads.

The types of development to which restrictions apply on Article 1(5) land are summarised below.

Article or Part	Restrictions on development
<p>Part 1 (Development within the Curtilage of a Dwellinghouse) - A1(a)(i), A2, A3(a)(i), B1(e), E1(f) and H1(d)</p>	<p>The enlargement, improvement or other alteration of a dwellinghouse is not permitted on article 1(5) land if:</p> <ul style="list-style-type: none"> • the cubic content of the resulting building would exceed the cubic content of the original dwellinghouse by 50 cubic metres or 10%, whichever is the greater (and the erection of any building with a cubic content of more than 10 metres within the curtilage treated as enlargement) • it would consist of or include the cladding of any part of the exterior with stone, artificial stone, timber, plastic or tiles • the enlargement consists of an addition or alteration to its roof <p>Ancillary buildings/ pools etc in the curtilage of a dwellinghouse are not permitted on article 1(5) land if they would consist of the provision, alteration or improvement of a building with a cubic content of more than 10 cubic metres.</p>
<p>Part 8 (Industrial and Warehouse Development) - A1(d)(i) and (e)(i)</p>	<p>The installation of a microwave antenna on a chimney, wall or roof slope which faces onto, and is visible from, a highway or a building higher than 15 metres is not permitted on article 1(5) land.</p>
<p>Part 17 (Electricity Undertakings) - G1(c)(ii) and (iii)</p>	<p>The extension or alteration of an industrial building or warehouse is not permitted on article 1(5) land if the cubic content of the original building would be exceeded by more than 10% or the floor space by more than 500 square metres.</p>
<p>Part 24 (Development by Electronic Communications Code Operators) - A1(i), (l)(iii), (n) and (o)(i), A2(2)(a) and (4)(a)</p>	<p>The extension or alteration of buildings on operational land is not permitted on article 1(5) land if the cubic content of the original building would be exceeded by more than 10% or the floor space by more than 500 square metres.</p>
<p>Part 25 (Other Telecommunications Development) - A1(i) and B1(g)</p> <p>Part 30 (Toll Road Facilities) - A2</p>	<p>The installation, alteration or replacement of an antenna or supporting apparatus, or radio equipment housing which would exceed 2.5 cubic metres, is not permitted development on article 1(5) land unless carried out in an emergency or unless it consists of one small antenna on a dwellinghouse or within its curtilage and located on a chimney, a wall or roof slope fronting a highway or a building which exceeds 15 metres in height. Various conditions attached to permitted development, including notice provisions (see A2(2), (4) and A3).</p>
<p>Part 32 (Schools, Colleges, Universities and Hospitals) - A2</p>	<p>The installation of an antenna on a chimney, wall or roof slope which faces onto, and is visible from, a highway is not permitted on article 1(5) land.</p>
<p>Part 34 (Development by the Crown) - B1(c)(i) and (d)(i)</p>	<p>Various conditions attached to permitted development for toll road facilities on article 1(5) land.</p>
<p>Part 38 (Development for National Security Purposes) - C2, C4(2) and (4)(a)</p>	<p>Conditions relating to the materials to be used for school, college, university or hospital buildings on article 1(5) land.</p> <p>The erection, construction, maintenance, improvement or alteration of ancillary buildings etc on Crown land is not permitted on article 1(5) land where the cubic content of the original building would be exceeded by more than 10% or the floor space by more than 500 square metres.</p> <p>Various conditions attached to permitted development rights for National Security purposes on article 1(5) land, including notice provisions (see C5).</p>

Annex E

Impact assessment on Article 1(5) proposal

Summary: intervention and options

Department/Agency: CLG Title: Impact Assessment of restricting some types of permitted development on World Heritage Sites		
Stage: Consultation	Version:	Date: 08 April 2008
Related Publications: Heritage Protection for the 21st Century		
Available to view or download at: http://www. Contact for enquiries: Phil Weatherby Telephone: 020 7944 3888		
<i>What is the problem under consideration? Why is government intervention necessary?</i> The problem is the risk of inappropriate development which, although of a comparatively minor nature, could on a cumulative basis have a significant adverse effect on the outstanding universal value of a World Heritage Site (WHS).		
<i>What are the policy objectives and the intended effects?</i> The objective is to prevent the inappropriate development on World Heritage Sites. The intended effects are to preserve the value of World Heritage Sites to the public and prevent any damage to their attraction to tourists.		
<i>What policy options have been considered? Please justify any preferred option.</i> Only two options have been identified: (i) do nothing (ii) restrict certain permitted development rights which may currently be used for some development on World Heritage Sites. Doing nothing would perpetuate the risk of incremental development having an adverse effect on World Heritage Sites. Option 2 would enable local planning authorities to turn down proposals which could have such adverse effects, and would therefore preserve their value to the public and their attraction to tourists.		
<i>When will the policy be reviewed to establish the actual costs and benefits and the achievement of the desired effects?</i> Three years after implementation.		
Ministerial Sign-off For <i>consultation stage</i> Impact Assessments: <i>I have read the Impact Assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options.</i> Signed by the responsible Minister: Date:		

Summary: analysis and evidence

Policy Option:		Description:	
		Restrict permitted development rights for World Heritage Sites by including them as 'Article 1(5) land'	
COSTS	Annual Costs	<i>Description and scale of key monetised costs by 'main affected groups'</i>	
	One-off (Transition)	Yrs	An increase in applications by developers of World Heritage Sites. Estimated to be between 10 and 100 additional applications per year. Cost estimates on the basis of proposed householder application fee of £150 and administrative burden of £725.
	£		
	Average Annual Cost (excluding one-off)		
	£8,750 - £87,500		Total cost (PV)
<i>Other key non-monetised costs by 'main affected groups'</i> No non-monetised costs have been identified.			
BENEFITS	Annual Costs	<i>Description and scale of key monetised benefits by 'main affected groups'</i>	
	One-off	Yrs	Benefits cannot be monetised. Contingent Valuation studies however show that the public places a large value on World Heritage Sites. The benefit of preventing inappropriate development will therefore be large. See evidence base.
	£		
	Average Annual Cost (excluding one-off)		
	£		Total cost (PV)
<i>Other key non-monetised benefits by 'main affected groups'</i> Large benefits from maintaining the value of World Heritage Sites to the public. Benefits from protecting World Heritage Sites as tourist attractions.			

Continued

Key Assumptions/Sensitivities/Risks					
The assumption of there being 10 to 100 additional applications per year has been based on an estimate by English Heritage.					
Price Base Year 2008	Time Period Years 10	Net Benefit Range (NPV) - £730,000 to -£70,000	NET BENEFIT (NPV Best estimate) £ See Range		
What is the geographic coverage of the policy/option?			England		
On what date will the policy be implemented?			October 2008		
Which organisation(s) will enforce the policy?			planning authorities		
What is the total annual cost of enforcement for these organisations?			£ not quantifiable		
Does enforcement comply with Hampton principles?			N/A		
Will implementation go beyond minimum EU requirements?			No		
What is the value of the proposed offsetting measure per year?			£ n/a		
What is the value of changes in greenhouse gas emissions?			£ n/a		
Will the proposal have a significant impact on competition?			No		
Annual cost (£-£) per organisation (excluding one-off)		<i>Micro</i>	<i>Small</i>	<i>Medium</i>	<i>Large</i>
Are any of these organisations exempt?		No	No	N/A	N/A
Impact on Admin Burdens Baseline (2005 Prices)				(Increase)	
Increase of	£ 0.0m to £0.1m	Decrease of £	Net Impact	£ 0.0m to £0.1m	

Key: Annual costs and benefits: Constant Prices (Net) Present Value

Evidence base (for summary sheets)

[Use this space (with a recommended maximum of 30 pages) to set out the evidence, analysis and detailed narrative from which you have generated your policy options or proposal. Ensure that the information is organised in such a way as to explain clearly the summary information on the preceding pages of this form.]

Background

At present there are some restrictions on the permitted development rights (i.e. types of development that can go ahead without the need for a planning application to be submitted to and granted by the local planning authority) available for development on land specified as "Article 1(5)" land in Part 2 of Schedule 1 to the Town and Country Planning (General Permitted Development) Order 1995 (the "GPDO"). Article 1(5) land currently includes National Parks; Areas of Outstanding Natural Beauty; conservation areas; areas specified under section 41(3) of the Wildlife and Countryside Act 1981; and the Broads.

The following are the main types of development where permitted development rights (PDRs) are altered or not available if proposed on Article 1(5) land:

- extensions to dwellinghouses are restricted to 10 per cent or 50 cubic metres (compared to 15% or 70 cubic metres for houses other than terrace houses outside Article 1(5) land);
- no PDRs are available for cladding of exterior of dwellinghouses with stone, artificial stone, timber, plastic or tiles;
- no PDRs are available for alterations to a dwellinghouse roof resulting in a material alteration to its shape (notably dormer windows);
- no PDRs are available for a building greater than 10 cubic metres erected within the curtilage of a dwellinghouse (outside Article 1(5) land PDRs are available for such a building if not within 5 metres of the main dwellinghouse);
- extensions to and alterations of industrial buildings, electricity undertakers' buildings and operational Crown buildings are restricted to 10 per cent or 500 square metres (compared to 25% or 1000 square metres outside Article 1(5) land); and
- restrictions on the installation of electronic communications equipment for national security purposes.

Rationale for intervention

Although these are relatively minor types of development, the Government considers that, on an incremental basis, they could have a significant adverse effect on a World Heritage Site's 'outstanding universal value' (the criterion for which such sites are designated). It is therefore important that proposals for such development should be subject to planning application procedures. This can only be achieved by legislation.

Options

Option 1: Do Nothing

Option 2: Restrict permitted development for World Heritage Sites by including them as 'Article 1 (5) land' in the GPDO.

This would give these sites the same degree of protection as those enjoyed under the GPDO as National Parks; Areas of Outstanding Natural Beauty; conservation areas; areas specified under section 41(3) of the Wildlife and Countryside Act 1981; and the Broads. Planning permission would therefore be required for the types of development listed above in World Heritage Sites when they are between the Article 1(5) land threshold and the standard PDR threshold.

Groups and sectors for the proposal

The main affected groups would therefore be:

- local planning authorities which have World Heritage Sites not already classed as Article 1(5) land;
- landowners and managers of these World Heritage Sites;
- members of the public who visit and appreciate these World Heritage Sites; and
- the economy through these World Heritage Sites' attractions to tourists.

Costs and benefits

Option 1: Do nothing

There would be no associated costs or benefits in this option, but there would be a continuing risk of incremental development having significant adverse effect on World Heritage Sites.

Option 2: implement the proposed amendment to the General Permitted Development Order

Costs to developers of World Heritage Sites

This option will impose a cost on the landowners of World Heritage sites as they will now have to apply for planning permission to carry out any development between the Article 1(5) threshold and the standard PDR threshold on Article 1(5) land. This will not however, generate a large number of planning applications as 8 of the 17 English sites are already located wholly within Article 1(5) land and some of the other sites are partially on Article 1(5) land.

It is difficult to predict with any degree of accuracy how many planning applications would be generated as a consequence of these additional restrictions, but English Heritage estimate that it would be of the order of 10s rather than 100s of cases per year.

For assessment of costs on the summary sheets a range of additional planning applications has therefore been chosen from 10 to 100 per year. Since developments restricted by being on Article 1(5) land primarily relate to dwellinghouses, it is assumed that these will be householder applications. The fee for these planning applications is assumed to be the proposed fee of £150 from April¹. The administrative burden of submitting a householder planning application is assumed to be £725 from the assessment of administrative burdens for Communities and Local Government². This leads to the following range of estimates:

Low estimate: $10 * (£725+£150) = £8,750$

High estimate: $100 * (£725+£150) = £87,500$

The increase will not be spread uniformly across the existing World Heritage Sites since 8 of the 17 English sites are already located wholly within Article 1(5) land, and the impact of the proposal is likely to vary considerably in the remaining sites. The two sites where the effect is likely to be greatest are the City of Bath and the Cornish and West Devon Mining Landscape. At Bath the considerable parts of the World Heritage Site not within conservation areas would be brought within the new controls. Some of the additional planning applications which might be submitted here, particularly for industrial extensions, could be for development with an adverse impact given the sensitivity of views down into the city from the surrounding hills. Significant parts of the Cornish and West Devon Mining site are not currently on Article 1(5) land, and the nature of this site means that the sort of developments to which Article 1(5) relates could over time cause a significant erosion of outstanding universal value.

¹ See the Government's Response to the Consultation on Planning Application Fees: <http://www.communities.gov.uk/publications/planningandbuilding/planningfees> and SI 2008/958

² <http://www.communities.gov.uk/documents/corporate/pdf/regulation-burden>

Impact on local planning authorities

There should be no additional costs to local planning authorities as the processing of the applications should be covered by the fee income. In addition, enforcement obligations should be met by existing resources.

Benefits

This option would prevent the cumulative impact of inappropriate development on World Heritage Sites. This will help preserve World Heritage Sites' value to the public as well as their value as tourist attractions. Although it is not possible to quantify this effect, the scale of the potential value of these sites can be better understood by contingent value surveys³. A 1999 contingent valuation study by Maddison and Mourato of securing the preferred access option to Stonehenge⁴ valued that option at £152 million. This demonstrates the potentially large benefit of preserving the value of World Heritage Sites.

Conclusion

Option 2 is the preferred option as it will protect the value of World Heritage Sites to the public and as tourist attractions. The potential large benefit of preventing inappropriate development is believed to outweigh the small additional burden on the developers of World Heritage Sites.

Specific impact tests

Small firms impact test

There may be some impact on building firms in the specific areas affected, as they would be unable to carry out certain types of work, eg. cladding and fitting dormer windows if a planning application for such work were refused. Against that, where planning consent is granted subject to conditions, for example that a dormer window is of a particular type or material that fits in with the overall character of the buildings and surroundings, the impact on small firms would be more limited and a demand for specialist services might be created which did not exist before.

Competition assessment

No impact on competition has been identified.

³ For more information on contingent valuation surveys see Annex 2 of the Treasury Green Book: <http://greenbook.treasury.gov.uk/>

⁴ **Maddison and Mourato** (1999) 'Valuing Different Road Options for Stonehenge' Norwich: Centre for Social and Economic Research on the Global Environment

Legal aid impact

No impact on legal aid has been identified.

Sustainable development/ other environmental impact

There should be a reduction in inappropriate development on World Heritage Sites, resulting mainly in visual/landscape benefits.

Carbon impact

No impact on carbon has been identified.

Health impact

No impact on health has been identified.

Race equality/disability equality/gender equality impacts

No impact on race equality, disability equality or gender equality has been identified.

Human Rights impact

No impact on human rights has been identified.

Rural proofing

No rural proofing issues have been identified.

Specific impact tests: checklist

Use the table below to demonstrate how broadly you have considered the potential impacts of your policy options.

Ensure that the results of any tests that impact on the cost-benefit analysis are contained within the main evidence base; other results may be annexed.

Type of testing undertaken	Results in Evidence Base?	Results annexed?
Competition Assessment	Yes	No
Small Firms Impact Test	Yes	No
Legal Aid	Yes	No
Sustainable Development	Yes	No
Carbon Assessment	Yes	No
Other Environment	Yes	No
Health Impact Assessment	Yes	No
Race Equality	Yes	No
Disability Equality	Yes	No
Gender Equality	Yes	No
Human Rights	Yes	No
Rural Proofing	Yes	No

Annex F

World Heritage Sites in England

Durham Castle and Cathedral (1986)

Ironbridge Gorge (1986)

Stonehenge, Avebury and Associated Sites (1986)

Studley Royal Park including the Ruins of Fountains Abbey (1986)

Blenheim Palace (1987)

City of Bath (1987)

Frontiers of the Roman Empire (Hadrian's Wall) (1987)

Westminster Palace, Westminster Abbey and St Margaret's Church (1987)

Canterbury Cathedral, St Augustine's Abbey and St Michael's Church (1988)

Tower of London (1988)

Maritime Greenwich (1997)

Derwent Valley Mills (2001)

Dorset and East Devon Coast (2001)

Saltaire (2001)

Royal Botanic Gardens, Kew (2003)

Liverpool – Maritime Mercantile City (2004)

Cornwall and West Devon Mining Landscape (2006)

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