

DEPARTMENT FOR COMMUNITIES AND LOCAL GOVERNMENT
DEPARTMENT FOR CULTURE MEDIA AND SPORT

Communities and Local Government Circular 07/2009
Department for Communities and Local Government
Eland House, Bressenden Place, London SW1E 5DU

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CIRCULAR ON THE PROTECTION OF WORLD HERITAGE SITES

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. It fulfils the commitment in the white paper *Heritage Protection for the 21st Century*, published in March 2007, 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 World Heritage Sites, 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* (referred to as the *World Heritage Convention*) in 1984. Details of the World Heritage Convention can be found at <http://whc.unesco.org/en/convention>. The *Operational Guidelines for the Implementation of the World Heritage Convention 2008*, which include guidance on the protection and management of World Heritage Sites, 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 World Heritage Sites inscribed primarily for their archaeological interest¹. Guidance on the protection of biodiversity and geological conservation, applicable to natural World Heritage Sites, is covered by PPS 9 (*Biodiversity and Geological Conservation*).

¹ Both PPG 15 and 16 are likely to be replaced in the near future by a new PPS covering the historic environment

- 5 The UK has 28 World Heritage Sites, recognition by the world of the significance of our heritage. Of these 18 are in England in whole or in part. A full list of World Heritage Sites, 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. A statement of outstanding universal value which includes the authenticity and integrity of a World Heritage Site is adopted by UNESCO’s intergovernmental World Heritage Committee at the time of its inscription and may be subsequently amended by the Committee. Statements of outstanding universal value are key references for the effective protection and management of World Heritage Sites and can be found at <http://whc.unesco.org/en/list> on local historic environment records. The permanent protection of the world’s cultural and natural heritage is of high importance for present and future generations and to this end the UK government is committed to the identification, protection, conservation, presentation and transmission of its World Heritage Sites to future generations in accordance with Article 4 of the World Heritage Convention. 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 and sustainable regeneration. That is another important reason why we should ensure the continued conservation and sustainable use of these places.
- 8 The outstanding universal value of a World Heritage Site indicates its importance as a key material consideration to be taken into account by the relevant authorities in determining planning and related applications² 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 main objective should be the protection of each World Heritage Site through conservation and preservation of its outstanding universal value.
- 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 including core strategies (see paragraphs 10–12) and through the development of management plans (see paragraphs 13–14).

² As well as planning, conservation area and listed building consents this will also cover regimes such as Transport and Works Act Orders. This issue will be covered by the decision-making framework for decisions by the Infrastructure Planning Commission on applications for development consent.

PRINCIPLES AND 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 including enhancement where appropriate, which supplement international and national policy and take account of the specific regional or local circumstances of a particular World Heritage Site, should be included in regional spatial strategies³ (the spatial development strategy in London), core strategies and/or in other plans in their local development frameworks. In devising their own strategies for sustainable development in the local development frameworks, local planning authorities should take account of the need to protect and conserve the World Heritage Site. In particular they should consider how the international and national policies for their protection can be worked into and reflected in their sustainable community strategies within the special characteristics of the area. Policies for the protection and sustainable use of a particular World Heritage Site should apply both to the site itself and, as appropriate, to its setting, including any buffer zone or equivalent⁴ (see paragraphs 16–17).
- 11 Planning authorities must have special regard to these policies when devising any site specific proposals for an area which includes a World Heritage Site, and its setting including any buffer zone, and in deciding which parts of their areas are suitable for development.
- 12 Policies should reflect the fact that all these sites have been designated for their outstanding universal value, and those policies should place due weight on the need to protect World Heritage Sites for the benefit of future generations as well as our own. Effective management of World Heritage Sites is therefore concerned with identification and promotion of change that will conserve and enhance their outstanding universal value, authenticity and integrity and with the modification or mitigation of changes that might change those values. World Heritage Site status is a key material consideration and in developing such policies to protect and enhance World Heritage Sites 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, biodiversity, access, the interests of the local community and the sustainable economic use of the World Heritage Site in its setting

³ References to regional spatial strategies should be taken to refer to Regional Strategies once the Local Democracy, Economic Development and Construction Bill is enacted and brought into force.

⁴ Buffer zones are sometimes known by a different name such as in the case of Westminster World Heritage Site (Buffer Zone (Defined Local Setting)). Buffer zones are defined in paragraphs 16-17.

- protecting a World Heritage Site from the effect of changes which are relatively minor but which, on a cumulative basis, could have a significant effect
- enhancing the World Heritage Site where appropriate and possible through positive management
- protecting World Heritage Sites from climate change but ensuring that mitigation is not at the expense of authenticity or integrity

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 participatory way, fully involving all interested parties, including those responsible for managing, owning or administering the site and will involve public consultation at key stages. 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 management 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 management plan should take account of sustainable community strategies as appropriate. Further guidance on the preparation of management plans and steering groups is provided in English Heritage guidance (see paragraph 24).
- 14 The Secretaries of State for Communities and Local Government and for Culture, Media and Sport expect planning authorities to treat relevant policies in management plans as key material considerations in making plans and planning decisions, to take them fully into account when devising core strategies and other development documents, and to give them due weight in their other actions⁵ 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 facilitate adoption by planning authorities of relevant sections within LDF documents which would be adopted following the prescribed procedures.

Protecting the setting of World Heritage Sites

- 15 The setting of a World Heritage Site is the area around it (including any buffer zone as defined below) in which change or 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 World Heritage Sites it is important to consider carefully how to protect the setting of each World Heritage Site so that its outstanding universal value, integrity, authenticity and significance is not adversely affected by inappropriate change or development. 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.

⁵ Regional and local authorities can have non-planning functions relating to World Heritage Sites such as tourism and promotion

- 16 The UNESCO *Operational Guidelines (paragraph 104)* suggest the designation of a buffer zone around the World Heritage Site 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 World Heritage Site. 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 regional spatial strategies and LDF documents 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 after a site is inscribed, any such proposal will have to be agreed with the Department for Culture, Media and Sport, who are required to submit it to the World Heritage Committee for approval (paragraph 107 of the UNESCO *Operational Guidelines*). Appropriate policies on buffer zones must also be adopted by the planning authority.
- 18 It may be appropriate to protect the setting of World Heritage Sites 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 LDF documents.

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. Under the terms of the Town and Country Planning (Consultation) (England) Direction 2009, planning authorities are required to consult the Secretary of State for Communities and Local Government before approving any planning application made on or after 20 April 2009 to which English Heritage maintains an objection and 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. The Secretary of State then has the discretion to call-in the application for his own determination if he considers it appropriate to do so.

Minor incremental changes

- 20 As well as protecting World Heritage Sites 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. On 1 October 2008 World Heritage Sites were added to the types of 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 such designation is to restrict permitted development rights for some types of minor development on the land. Parts of some World Heritage Sites are already Article 1(5) land. This change does 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 development rights 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) Regulations⁶. This means that 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.
- 24 English Heritage has developed further guidance on World Heritage Sites to supplement and support this planning circular. This guidance is available at www.english-heritage.org.uk/whcircular and has been endorsed by the Secretaries of State for Communities and Local Government and for Culture, Media and Sport.

⁶ SI 1999/293 as amended.

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