

Kishore Rao
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28th February 2012

Dear Kishore

LIVERPOOL – MARITIME MERCANTILE CITY (UNITED KINGDOM) (C 1150)

In accordance with Decision 35COM 7B.118, I am pleased to send you a State of Conservation Report for Liverpool Maritime Mercantile City for consideration by the Committee at its 36th Session in June this year. As well as the Committee decision, we have also received the report of the reactive monitoring mission requested by the Committee at its 35th session in 2011. Its relevant findings, conclusions, and recommendations are noted below in the appropriate place.

This report is structured according to the format provided by the World Heritage Centre. The clauses of the World Heritage Committee decision are given in bold and indented. The response of the state party is not indented and does not use bold type. I have attached a map to the report to locate the principal features mentioned in it.

1. **Response from the State Party to the World Heritage Committee's Decision, paragraph by paragraph**

Decision: 35 COM 7B.118

The World Heritage Committee,

1. **Having examined** Document WHC-11/35.COM/7B.Add,
2. **Expresses its extreme concern** at the proposed development of Liverpool Waters in terms of the potential impact of its dense,

high and mid-rise buildings on the form and design of the historic docks and thus on the Outstanding Universal Value of the property;

Noted – this point is considered further below.

- 3. Notes that the independent Impact Assessment commissioned by English Heritage clearly sets out the significantly damaging negative impact on the Outstanding Universal Value of the property;**

Impact assessments produced by Peel Holdings, the developer, and Liverpool City Council came to a different conclusion. The proposals have since been updated. A detailed, updated HIA following ICOMOS guidelines has been prepared and submitted by the applicant in the context of the updated proposals. Both Liverpool City Council and English Heritage are also preparing their own HIA which follow the general guidance of the ICOMOS advice.

- 4. Also notes that the proposed development is not in compliance with the property Management Plan nor with the Liverpool Urban Development Plan;**

While our statutory advisor on the historic environment shares the mission's view on compliance, Peel Holdings, the developer, and the Liverpool City Council consider that the proposed development - as initially submitted and now as updated in November 2011 – is, in principle, in compliance with the Property Management Plan and the Liverpool Unitary Development Plan. In the Management Plan, the vision for this part of the property is that the Central Docks development should result in a premier residential scheme with improved access and linkages, while the site is allocated for mixed use developments in the Unitary Development Plan.

- 5. Urges the State Party to ensure that these proposals are not approved, as failure to do so could lead to consideration of loss of the Outstanding Universal Value of the property;**

The UK has rigorous planning procedures in place to assess impact of development proposals and to determine whether or not planning consent should be granted. However it is not possible for the UK Government just to direct that a proposal should be rejected. The process in operation is summarised below.

Peel Holdings have submitted updated planning application proposals which are currently under consideration by Liverpool City Council. Any adverse impact of the proposals on the Outstanding Universal Value of the property would be a major aspect of the consideration of this application. The application has been the subject of extensive public consultation. English Heritage has now offered their formal advice to Liverpool City Council. The City Council is also carefully evaluating the proposal before moving to a decision on it. The application is discussed further in the next section of the report.

Should the City Council be minded to grant consent and English Heritage maintain an objection, the application would automatically be referred to the Secretary of State for Communities and Local Government for him to consider whether to 'call-in' the application for his own decision. Should he call in the application, there would probably be a public inquiry to examine all aspects of the proposal before he took a substantive decision on the application. Public enquiries provide the opportunity for a thorough examination of all the issues which can form the basis for an objective decision based on discussion of all aspects of the proposal. We are confident that we have a robust process for looking at these issues.

More detail on this proposal is provided below. As soon as further substantive information is available, an update will be provided.

6. Requests the State Party to invite a joint World Heritage Centre/ICOMOS reactive monitoring mission, as soon as possible, to assess planning procedures and the overall development strategies for the property;

The UK Government was pleased to invite a mission, which took place from 14 to 16 November, 2011, and to receive the report of the mission on 23rd January, 2012. As agreed with the World Heritage Centre, the report has been shared with key stakeholders. Factual comments on the report, as requested by you, were sent to you on 17th February.

The agreed terms of reference of the mission were to assess:

- i. the overall state of conservation of this property and the factors affecting its Outstanding Universal Value, with particular regard to the proposed development of Liverpool Waters with its dense, high and mid-rise buildings;
- ii. progress in implementing the recommendations of the joint World

Heritage Centre/ICOMOS mission of 2006 as set out in the decisions of the World Heritage Committee;

- iii. the overall development strategies, existing planning procedures and management systems and their effectiveness for the property and its setting.

Dealing in turn with the principal aspects of these terms of reference:

Overall state of conservation of the property

The mission concluded that *“the overall state of conservation of the property is good and has in fact improved since the 2006 Reactive Monitoring Mission”*.

Much of this improvement has resulted from the actions of the City Council and of other stakeholders to develop conservation schemes for parts of the World Heritage property. It also results in part from improvements to the spatial planning system, both nationally through the World Heritage Planning Circular 07/09 (see further below) and national Planning Policy Statement 5 (Planning for the Historic Environment), and also locally through the development of the Council’s very detailed Supplementary Planning Document on the protection of the World Heritage property which was sent to the World Heritage Centre in 2009 in line with the Committee’s decision earlier that year, and which is discussed further below.

The UK Government is pleased to note the generally positive comments of the mission on the overall state of conservation of the property and the numerous specific references both to the conservation of individual buildings and to the overall approach to particular areas such as Ropewalks.

The UK Government welcomes the mission’s positive comments on the Museum of Liverpool and the Ferry Terminal buildings on the Pier Head and its generally positive comments on the Mann Island development within the World Heritage property itself. We also note the very positive comments on the Liverpool One development. These comments show that it is possible to carry out successful heritage-led regeneration within the World Heritage property and its buffer zone, including contemporary design, provided that it respects the context and scale of the property, in line with the 2011 UNESCO Recommendation on Historic Urban Landscapes.

The mission commented on three specific development proposals – Liverpool Waters, Stanley Dock Warehouses, and Wellington Dock (see below).

Progress in implementing the recommendations of the joint World Heritage Centre/ICOMOS mission of 2006

The mission noted in its conclusions that: *“The implementation of the recommendations of the joint World Heritage Centre/ICOMOS mission of 2006, as set out in the decisions of the World Heritage Committee, has taken place through the development, adoption and publication in October 2009 of a Supplementary Planning Document (SPD), with an additional Evidential Report, by the Liverpool City Council”.*

The mission accepted that the SPD fulfils the recommendations of the 2006 mission, with the important exception of the inclusion of the opportunity to develop two secondary clusters of tall buildings, which the mission considered inconsistent with the advice it gave in 2006. The UK Government and other stakeholders welcome this recognition of the success of the considerable work of the previous mission. The UK Government is pleased that the mission should feel able to commend the City Council for its efforts to maintain a transparent and participatory approach in developing the Supplementary Planning Document (SPD) which is the main response to the recommendations of the 2006 mission. The document is an important one, as the UK operates a plan-led development system and the SPD usefully expands on the provisions of the Unitary Development Plan.

The SPD was adopted in 2009 following extensive consultations. English Heritage has noted that a significant change to the consultation draft of the SPD – the provision for two secondary clusters of tall buildings - was made without any further public consultation. English Heritage advised Liverpool City Council in February 2010 that the secondary cluster of tall buildings at Clarence Dock would only be acceptable if it could be clearly demonstrated that it did not damage the OUV of the WHS.

The criteria in the SPD seek to ensure that no development will be allowed which could impact adversely on the OUV of the property. Liverpool City Council’s view is that the opportunities for tall buildings suggested in the SPD are only suggestions and are subject to compliance with the strict criteria set out in the SPD to prevent such adverse impact.

The UK Government therefore generally welcomes the conclusions of the mission praising the response which has been made to the 2006 mission

recommendations, while noting the serious concerns of the mission and English Heritage about the specific element of the SPD relating to the opportunity for two secondary clusters of tall buildings.

The overall development strategies, existing planning procedures and management systems and their effectiveness for the property and its setting.

The mission concluded that: *“The overall development strategies, existing planning procedures and management systems, and their effectiveness for the property and its setting, should be effective in putting heritage at the heart of the conservation and redevelopment process of Liverpool.”*

The UK Government welcomes this recognition of the progress made and the substantial amount of work involved in putting development strategies, planning procedures and management systems in place, largely reflecting the efforts of the City Council.

World Heritage sites in the UK are protected through specific national and local designations and the spatial planning system. National planning guidance on the historic environment (Planning Policy Statement 5 (PPS5)) emphasises the need to protect World Heritage properties as noted by the mission.

Since 2009, there has been a government planning circular in England specifically covering World Heritage (CLG Circular 07/09 The Protection of World Heritage Sites). This is supported by further English Heritage guidance, which has been endorsed by ministers. The Circular states:

- Statements of Outstanding Universal Value are key references for the effective protection and management of World Heritage Sites
- World Heritage Sites can also contribute to a national and local sense of community and to sustainable economic development and sustainable regeneration.
- Local authorities should have appropriate spatial planning policies to protect World Heritage properties which should aim to:
 - protect the property and its setting, including any buffer zone, from inappropriate development,
 - strike a balance between the needs of conservation, biodiversity, access, the interests of the local community and the sustainable economic use of the property in its setting
 - protect a World Heritage Site from the effect of changes which are relatively minor but which, on a cumulative basis, could have a significant effect

- enhance the World Heritage Site where appropriate and possible through positive management
 - protect World Heritage Sites from climate change but ensure that mitigation is not at the expense of authenticity or integrity
- World Heritage properties are a key material consideration in the planning system
- World Heritage properties should have Management Plans to protect their Outstanding Universal Value
- Management Plans should be prepared in a consensual way by the key stakeholders in each property, including significant landowners
- There should be a steering group of key stakeholders, including significant landowners
- Relevant policies in Management Plans are key material considerations in the spatial planning system
- Local authorities should support and promote World Heritage properties in all their actions, not just within the spatial planning system
- When a local authority is minded to grant consent for a planning application to which English Heritage has maintained an objection, the authority must refer the case to the Secretary of State for Communities and Local Government for him to consider calling it in for decision at national level

The Government is currently reviewing planning policy guidance and intends to replace much of it with a much more succinct National Planning Policy Framework (NPPF). This will maintain existing levels of protection for World Heritage properties, which will continue to be treated as designations of the highest importance.

In Liverpool, the City Council has relevant policies in its Unitary Development Plan and, as noted above, adopted a Supplementary Planning Document in 2009 providing detailed planning guidance on the World Heritage property. This seeks:

“to provide guidance for protecting and enhancing the Outstanding Universal value of (the) World Heritage Site, whilst encouraging investment and development which supports a healthy economy and supports regeneration.”

The mission’s comments generally praising the overall development strategies, existing planning procedures and management systems in place in Liverpool WHS and their effectiveness are welcomed by the UK Government.

Liverpool Waters

The mission concluded that *if the proposed Liverpool Waters development as outlined during the mission would be implemented, the World Heritage property would be irreversibly damaged, due to a serious deterioration of its architectural and town-planning coherence, a serious loss of historical authenticity, and an important loss of cultural significance.*

The UK Government notes these conclusions with concern. At the same time, we recognise the aspirations of Liverpool City Council to bring investment, activity, the conservation of heritage assets and public access to this currently dis-used and closed site, most of which is in the Buffer Zone, rather than the WHS itself.

The mission recommended that *the three principal stakeholders, being Liverpool City Council, Peel Holdings and English Heritage, reconvene around the table and work out an adjusted scheme that includes the observations put forward in (the mission) report.* Constructive discussions between the principal stakeholders have taken place on this basis and are continuing at the time of writing (February 2012). The Leader of the City Council has said that the Council would work with English Heritage and Peel Holdings to find an appropriate compromise which would allow development to happen and preserve the status of the World Heritage property.

A planning application, updated from the one submitted in 2010, was submitted to the City Council on 29th November 2011. The scheme is essentially the same as that presented to the mission on 15th November. It is planned by the Council that a decision on the application will be taken by elected Members of the Council in March. Details of the application can be found by entering the application reference (10O/2424) at

<http://northgate.liverpool.gov.uk/PlanningExplorer17/ApplicationSearch.aspx>

The revised application includes an updated Heritage Impact Assessment undertaken on behalf of the applicants, which used the methodology recommended by ICOMOS. Two further revised Heritage Impact Assessments are also being undertaken on behalf of English Heritage and Liverpool City Council, using methodologies following the general tenor of the ICOMOS guidance.

The application has been changed, following the preparation of an Archaeological Deposit Model, to provide better protection for below-ground

archaeology by reducing proposed under-ground parking, although this is still a potential concern, since no physical evaluation has taken place to test the Model, thus limiting the ability to develop effective mitigation strategies because it is not possible at this stage to be certain where significant archaeology may survive. The application maintains proposals (criticised by the mission and by English Heritage) for the secondary cluster of tall buildings within the buffer zone. The buffer zone would still contain a high density of development and English Heritage considers that this may risk the loss of the links between the docks and the river, which are an important feature of the significance of the site. A Conservation Management Plan has been included which sets out: a) policies and principles for protecting all heritage assets and b) an action plan for the repair and conservation of specific heritage assets

The developer maintains that heritage is at the heart of the proposals, the application is based on detailed and thorough heritage studies and the proposals have been designed to ensure that they conserve, protect and present the Outstanding Universal Value of the World Heritage Site. They say that the heritage benefits of the proposals are enormous. Further details of their case can be found in the planning application and its supporting documentation at the weblink given above. The recommendation by City Council staff to the City's planning committee is not yet known.

English Heritage have now submitted their advice to the City Council. They support fully the need to regenerate this extensive area of former docks, recognising that successful and appropriate redevelopment should not only promote economic growth and employment, but also that it should bring benefits to redundant or disused heritage assets within and adjacent to the application site. However, they believe that the impact of these particular proposals on the historic character of Liverpool as a whole, on the Outstanding Universal Value, authenticity and integrity of the World Heritage Site and on the significance and setting of many designated heritage assets is very serious. While there are some positive heritage benefits that will flow from the development, if they are properly secured in a timely way, they consider that these are substantially outweighed by the harm that will be done.

- 7. Also requests the State Party to submit to the World Heritage Centre, by 1 February 2012, an updated report on the state of conservation of the property and on the implementation of the above, for examination by the World Heritage Committee at its 36th session in 2012.**

This letter forms the requested report.

2. Other current conservation issues identified by the State Party

As noted above, the mission commented on two other development proposals not previously considered by the Committee:

Stanley Dock Warehouses

The Stanley Dock Warehouses were unused and at risk at the time of inscription. Adaptive re-use has posed particular problems, partly because the floor-to-ceiling heights of the massive Tobacco Warehouse are too low for most other uses and partly because of their enormous scale. The mission was shown a scheme for a restoration project to convert the warehouses into live/work units, offices and exhibition areas. Some internal structural alterations would be necessary to bring natural light into the central area of the Tobacco Warehouse and to counter the low height of the existing floors. The mission considered that the project, notwithstanding the internal alterations, *would contribute to the conservation of the historic buildings and of the historical assets and setting of the area as well as to its revitalization*. The UK Government welcomes this conclusion. Planning consent was granted for the scheme on 13th December, 2011, subject to completion of a 'Section 106 Agreement' setting out special legal obligations in relation to it.

Wellington Dock

Wellington Dock is located within the buffer zone, immediately north of the World Heritage property, and is not subject to any national designation. Its environment is highly industrial. United Utilities currently manages the wastewater treatment in the existing plant at Sandon Dock, immediately north of Wellington Dock. Current discharges from the plant into the River Mersey do not meet EU standards and the Environment Agency has taken enforcement action against United Utilities to remedy this. The company is under a legal obligation to remedy the defects by 2016 and has submitted an application to Liverpool City Council for an extension of the plant, which is planned through an infill of Wellington Dock.

The extension would be concentrated in the area of the existing water basin, and would only have minor impact on the Wellington Dock retaining walls to accommodate a pipe bringing in waste from the existing treatment works in the adjoining Sandon Dock. The surface area between the new building and dock

walls would be at the original level of the water in the dock and be covered with slate chippings, recalling the water's surface. The structures would not exceed the height of the historic accumulator tower, just over the boundary of the World Heritage property, and would be similar in scale and height to the current plant in Sandon Dock.

The impact assessment prepared for United Utilities acknowledged that the project will have an impact on the authenticity and integrity of the World Heritage site. However, there is an urgent need to improve the quality of waste water discharging into the Mersey since it does not meet the required legal standards of purity.

English Heritage raised concerns regarding the impact of the proposals on the integrity and authenticity of the dock and recommended that alternative locations were considered for the treatment works. They recognised that the proposed scheme represents a significant planning dilemma as the impact on the dock from an historic environment point of view would normally be unacceptable, whilst the water treatment plant is a crucial element of public infrastructure.

Following subsequent discussions with United Utilities, and the provision by them of further information, English Heritage have recognised the cogent arguments for the need to locate the new treatment plant within Wellington Dock, particularly in respect of the alignment of the main interceptor sewer, location of the outfall into the Mersey and the relationship of the sewerage system to the underlying topography. They recognize that siting the works elsewhere would require extensive new infrastructure work along the banks of the Mersey. The topography means that discharge from any other point would require extensive pumping of waste water uphill from the existing outfall at Sandon Dock which lies at the lowest point in the drainage system. This is not a sustainable solution in any terms.

Given the essential requirement for the facilities and relationship to the existing public infrastructure and the long term potential for the proposals to be reversible, English Heritage has recognised that the scheme represents an exceptional justification for developing the dock water space of Wellington Dock and has withdrawn its previous objection. Consent for the works was granted by the City Council on 10th January, 2012 because of the exceptional urgency of the work which has, as noted above, to be completed by 2016.

3. In conformity with paragraph 172 of the *Operational Guidelines*, please describe any potential major restorations, alterations and/or

new construction(s) within the protected area (core zone and buffer zone and/or corridors) that might be envisaged.

A current planning application for the tallest residential building in England outside London was submitted to the City Council in 2010. This 67-storey, 199-metre building would be within the central cluster at the junction of King Edward Street and Leeds Street, in the Buffer Zone. A revised design was considered by the Commission for Architecture and the Built Environment (CABE) in 2011 when serious concerns were raised about the design. No further revisions have yet been made and so the application remains undetermined.

Consent has been granted for two blocks (one of 13 and one of 15 storeys), linked by a podium, at Queen's Dock at the south edge of the World Heritage property buffer zone. These mid rise blocks are within the area zoned for the southern secondary tall-buildings cluster in the Liverpool World Heritage Site SPD. English Heritage considered that there was no adverse impact on the Outstanding Universal Value of the World Heritage property. There is no indication of when, or if, these blocks will be constructed.

Conclusion

The UK Government takes its responsibilities under the World Heritage Convention very seriously and is fully committed to protecting, conserving and presenting UK properties on the World Heritage List. In recent years, there has been significant progress in improving protection for those properties and transmitting their outstanding values to future generations.

We welcome the mainly positive comments made in the mission report regarding the effectiveness of the development strategies, planning procedures and management systems which are in place for the property and the mission's comments that these should be "*effective in putting heritage at the heart of the conservation and redevelopment process of Liverpool*". We note, however, the serious concerns of the mission in relation to the opportunities for two secondary clusters of tall buildings that are set out in the SPD. The UK Government is pleased that the mission acknowledged wholeheartedly the generally excellent progress made since 2006 in line with its earlier recommendations. In addition, we also welcome the mission's recognition that it is possible to place new buildings using contemporary design within the World Heritage property.

The overall finding of the mission that the planning procedures and the overall development strategies in place for the Liverpool World Heritage site are sound and effective will re-assure members of the World Heritage Committee.

Nevertheless, the UK Government notes carefully the serious concern expressed by the mission regarding the Liverpool Waters proposals and its comments regarding the potential impact on the World Heritage property should that development go ahead without significant modification. We will keep you informed of developments.

Yours sincerely

A handwritten signature in black ink, appearing to read 'P. Blaker', written in a cursive style.

Paul Blaker
Head of World Heritage

cc HE Matthew Sudders, UK Ambassador to UNESCO
UK National Commission for UNESCO
Christopher Young, English Heritage
John Hinchcliffe, Liverpool City Council

