

Bath and North East Somerset

**Core Strategy Topic Paper 6
World Heritage Site & its Setting**

June 2011



Bath and North East Somerset
Local Development Framework

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1.0 Introduction

- 1.1 The purpose of this topic paper is to explain the Council's approach to and rationale behind the protection of the setting of the City of Bath World Heritage Site.

2.0 Wider Policy Context

- 2.1 The '*Circular on the Protection of World Heritage Sites*' 07/2009 [CD1/20] stipulates that the outstanding universal value of a World Heritage Site is a key material consideration to be taken into account in determining planning and related applications. The Circular also states that policies for the protection and sustainable use of a World Heritage Site should apply both to the site itself and to its setting. The setting of a World Heritage Site is the area around it (including any buffer zone) 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.
- 2.2 The UNESCO '*Operational Guidelines for the Implementation of the World Heritage Convention*' (2008) [CD1/19] require protection of the immediate setting of a World Heritage Site, of important views and of other areas that are functionally important as a support to the site and its protection. PPS5 '*Planning for the Historic Environment*' [CD2/6] is clear that there should be a presumption in favour of the conservation of designated heritage assets and that substantial harm to or loss of designated heritage assets of the highest significance, including World Heritage Sites, should be wholly exceptional. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.
- 2.3 Both the *Operational Guidelines* [CD1/19] and the *Circular* [CD1/20] suggest defining and protecting the setting with a buffer zone. The UNESCO document states that '*wherever necessary... an adequate buffer zone should be provided*' (para 103) whilst the Circular says 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.*' (para 15). The Circular then goes on to say:

'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 if it is intended to protect the setting, it will be

essential to explain how this will be done in LDF documents. [CD1/20, para 18]

- 2.4 Policy and Guidance therefore indicate that protection of the Setting can be achieved through designation of a buffer zone or by other appropriate means provided there is *'effective protection of the nominated property'* [CD1/19, para 104] so that its Outstanding Universal Value, integrity, authenticity and significance is not adversely affected.

3.0 Existing Local Policy

- 3.1 The Bath World Heritage Site and its setting are currently protected by Policy BH.1 in the B&NES Local Plan [CD5/1]. This policy also refers to protection of the setting, but there was no clarity on the extent of the setting. Whilst a policy protecting the WHS is straightforward, the issue of the approach to dealing with the setting is less clear. In order to address this, a study has been undertaken by the Council to define the setting.

4.0 Bath World Heritage Site Setting Study

- 4.1 The Bath World Heritage Site Setting Study [CD6/O1] was produced initially to inform the Examination in Public of the Draft Regional Spatial Strategy and more recently, policies and options in the Core Strategy (2009). It takes account of the consultation comments, the Statement of Outstanding Universal Value, draft guidance produced by English Heritage, draft Planning Policy Statement 5 and Circular 07/2009.

- 4.2 The overall purpose of the study is:

- To explain the broad location and what constitutes the Bath World Heritage Site Setting and its significance - see further explanation in para 5.4 below
- To give guidance on how to assess impacts on the setting
- To provide information to inform decisions to enable its proper management and protection
- To provide evidence to support the policy in the Core Strategy and as required by PPS5 for protection of the setting (PPS5, Policy HE2)

- 4.3 The study seeks to provide the information and tools needed for the identification, protection and management of the setting including both the developed and undeveloped landscape. By understanding the implications of any proposed changes it will help inform decisions to ensure that the

characteristics that make up the setting are maintained and where appropriate enhanced. This will be through policy, through managing appropriate development and through encouragement of enhancement projects.

- 4.4 The study will form the basis of a Supplementary Planning Document (in preparation), initially to supplement Policy BH.1 in the Bath & North East Somerset Local Plan and subsequently to supplement Policy B4 in the Core Strategy, once adopted.

5.0 Core Strategy Approach

Core Strategy Spatial Options [CD5/4]

- 5.1 The Core Strategy Spatial Options document set out the proposed policy framework for protecting the World Heritage Site and its Setting. In seeking to protect the setting two options were proposed for defining the setting of the WHS based on the work undertaken in the Bath World Heritage Site Setting Study to elicit the level of support for the Council's preferred approach:

Option 1 entailed providing a buffer zone, as defined by UNESCO,¹ together with a policy for protecting the buffer zone. This option may have also required a policy for protecting any setting which extended beyond the buffer zone².

Option 2 offered the same level of protection as option 1 through a policy to protect setting with a Supplementary Planning Document to explain what the setting is, where it is, what its significance is and guidance on assessing impacts on the setting but without a buffer zone.

This second option was set out as the Council's preferred approach in the Core Strategy Options document, as it identifies potentially harmful development over a wider area whilst allowing non harmful development to proceed.

- 5.2 This approach to protecting the setting of the Bath World Heritage Site is principally informed by government guidance that recognises that the setting of a heritage asset, in this case the World Heritage Site, is not static but can change for a variety of reasons³. Policy to protect setting therefore needs to have flexibility to take account of changes to the setting.

¹ The Operational Guidelines for the Implementation of the World Heritage Convention (2008) paragraph 104

² Circular on the Protection of World Heritage Sites (2009) paragraph 16

³ PPS 5: Planning for the Historic Environment page 14 Setting

- 5.3 The setting of the Bath World Heritage Site consists of three key aspects; the visual, landscape and historic setting, which are explained in the study. When the boundaries are combined they give an identifiable boundary to the setting of the World Heritage Site. The boundary will be shown in the Supplementary Planning Document as a broad band to reflect that the boundary of the setting is not fixed⁴.
- 5.4 The option of a buffer zone was not considered suitable because firstly a precise fixed boundary would be required by UNESCO⁵ and secondly because the process for getting approval for a buffer zone and for revising the boundary is cumbersome since it requires the approval of the World Heritage Committee. The option of a buffer zone was therefore considered too inflexible, whereas the proposed policy to protect setting allows flexibility to take account of changes in the setting boundary.
- 5.5 There are also other considerations which are particularly relevant to Bath:
- Bath World Heritage Site encompasses the complete city marked by the former municipal boundary. A buffer zone may conflict with the objective of maintaining a vibrant economy by appearing to prevent changes which may otherwise be desirable. National policy in the form of Circular 07/2009 paragraphs 12 and 15 and its accompanying guidance note recognise the inevitability of change within World Heritage Sites and their setting.
 - Aspects of the Outstanding Universal Value include elements of setting which extend both within and beyond the World Heritage Site boundary. Setting issues are therefore inextricably interlinked with the asset itself rather than only extending outside the boundary. One policy which protects both the site and its setting is therefore particularly appropriate.
 - The surroundings of Bath are likely to have ongoing pressures for developments, the location of which, distance from the World Heritage Site, nature and degree of impact cannot necessarily be foreseen and protection of setting therefore needs to have flexibility to address these.
 - The complex topography, complex mix of issues and extensive views make consensus on the definition of a fixed boundary for a buffer zone difficult. If the buffer zone is too close to the World Heritage Site boundary development may be inclined to jump beyond the buffer zone yet still have an impact on the setting. If it is too distant from the World Heritage Site boundary it may give the perception that developments which may be beneficial may be prevented because of a buffer zone.

⁴ PPS 5: Planning for the Historic Environment page 14 Setting

⁵ The Operational Guidelines for the Implementation of the World Heritage Convention (2008) paragraph 104

5.7 Bath and North East Somerset Council therefore believes that the best way to protect the setting of the Bath World Heritage Site setting is to have a robust policy protecting the setting supported by a Supplementary Planning Document which:

- A explains what the setting consists of, where it is and what its significance is
- B provides guidance on assessing impacts on it and
- C provides information to inform decisions to enable its proper management and protection.

It is considered that this approach will give *'effective protection of the nominated property'*⁶ so that *'its Outstanding Universal Value, integrity, authenticity and significance is not adversely affected'*⁷ as required by the Operational Guidelines and Circular 07/2009.

Core Strategy Options consultation response (2009)

5.6 A large body of support for the Council's preferred policy approach for protection of the setting of the World Heritage Site was received from a range of stakeholders including Government Office for the South West, English Heritage, Natural England, local heritage groups, a number of developers, amenity groups, local residents and Parish Councils. Key issues raised:

Option 1

- Defining a fixed boundary, despite reliance on the same policy protection as Option 2, was perceived by some to give a greater level of protection to the WHS and provide greater certainty
- Number of suggestions as to how the setting boundary might be defined ranging from a fixed boundary a certain distance from the WHS to including all undeveloped land between the boundary of the WHS and visible from it as far as the ridge lines of the neighbouring hillsides to protect the views

Option 2

- The Government Office, Wiltshire Council and others indicated that Option 2 is a far more pragmatic and workable policy, more in line with the emerging national policy approach
- Allows a more flexible approach to be taken
- English Heritage suggested a zone is included without a line defining the precise extent

⁶ The Operational Guidelines for the Implementation of the World Heritage Convention (2008) paragraph 104

⁷ Circular on the Protection of World Heritage Sites (2009) paragraph 15

Draft Core Strategy [CD5/5]

- 5.7 The proposed policy framework for protecting the World Heritage Site and its Setting was formalised and relocated in the Bath chapter. Policy B4 and its supporting text has since been amended (as indicated in the Schedule of Proposed Changes to the Draft Core Strategy (March 2011) [CD5/6] to bring the policy more in line with the provisions of PPS5. The revised text also clarifies the Council's position that a formal buffer zone is not appropriate in the case of Bath as a World Heritage Site.

6.0 Appraisal Recommendations

- 6.1 The Sustainability Appraisal of the Spatial Options 2009 [CD4/A6, page A23] suggested of the two options proposed, Option 2 would be a more appropriate way of protecting the World Heritage Site as it is more evidence based and is not as rigid as Option 1. It is also backed up by a system of impact assessments for each development proposal as promoted through the Setting Study.
- 6.2 The Equalities Impact Assessment [CD4/A7], Health Impact Assessment [CD4/A8] and the Habitats Regulations Assessment [CD4/A9] of the Spatial Options 2009 did not raise any specific issues in relation to the World Heritage Site and its Setting proposed policy framework, nor any of the appraisals relating to the Draft Core Strategy in relation to Policy B4.