



**BATH PRESERVATION TRUST**

**RESPONSE TO DCLG CONSULTATION PAPER ON THE PROTECTION OF  
WORLD HERITAGE SITES**

**15<sup>th</sup> August 2008**

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## **1. Introduction**

The Bath Preservation Trust was set up in 1934 to safeguard the historic city of Bath. Bath is a UNESCO World Heritage Site, and the only complete city in the UK afforded World Heritage Status. The purposes of the Trust are:

- to encourage and support the conservation, evolution and enhancement of Bath and its environs within a framework appropriate both to its historic setting and its sustainable future, and
- to provide educational resources which focus on the architectural and historic importance of the city.

The Trust receives no statutory funding and is supported by donations, grants, and visitor income to its museums, as well as 1400 members who share a passion for their city.

## **2. General**

The Trust welcomes the Government's intention to strengthen the protection afforded to World Heritage Sites (WHS). Our detailed comments on the proposals are set out below. These should be read in conjunction with our comments on the Draft Heritage Protection Bill (copy attached at Annex 1). In particular, we reiterate our view that it is essential that the Heritage Protection Bill should place a statutory duty on planning authorities to have regard to the Outstanding Universal Value (OUV) of WHS in the exercise of their planning functions.

In general we should like to see stronger language used throughout the Circular and the Guidance Note on the weight to be given to conserving the OUV of each WHS in drawing up Core Strategies and Local Development Frameworks (LDF). The Regional Spatial Strategies are heavily focussed on the need to achieve economic growth: this Circular and the associated guidance need to give firm messages in order to ensure that the right balance is struck.

### 3. The Draft Circular

**Paragraphs 10 and 11.** We support the references to the need for the protection of WHS to be an integral part of Regional Spatial Strategies and Local Development Frameworks, and on the importance of appropriate protection of the setting of WHS as well as of the Sites themselves. We suggest that these paragraphs could be strengthened by a reference to the need for local authorities' strategies to take account of the potential for properly managed WHS to contribute to the economic vitality of the area, as well as of international and national policies for their protection. In a large and complex WHS like the City of Bath, it is essential that the OUV of the WHS is at the heart of the local authority's vision for the future of the area.

**Paragraph 12.** We support the principles set out in this paragraph, but they must be backed up by a statutory duty in the Heritage Protection Bill on the local authority to take account of the OUV of the WHS (see above and Annex 1) and by the production of supplementary planning guidance reflecting these points.

**Paragraph 13.** We note that the Circular and the Guidance Note do not prescribe the composition of the Management Plan Steering Group or specify which organisation should take the lead. While we welcome the intention to allow flexibility to introduce arrangements which are appropriate to local circumstances, we are concerned that there should be clear accountability through a statutory organisation such as a local authority for ensuring that an appropriately constituted Steering Group is in place, that it is functioning effectively and that the Management Plan is adequately resourced and is being implemented properly.

**Paragraphs 15 to 18.** The Trust welcomes these paragraphs and in particular the requirement for LDFs to explain how the setting of WHS is to be protected.

**Paragraph 19.** We support the proposal to require local authorities to refer relevant applications in WHS for consideration for call-in. Recent experience in Bath (the Western Riverside and South Quays development proposals) has demonstrated that even applications to which English Heritage have not objected may cause concern to UNESCO, and we consider therefore that local authorities should be required to refer all **major** development proposals which are likely to have a significant impact on a WHS for consideration for call-in. In order to ensure that developments are not subject to unnecessary delay, the Secretary of State should be required to reach a decision within a given deadline (say two

months); in the absence of a decision within the deadline the local authority should be free to determine the application.

**Paragraphs 20 and 21.** We welcome the extension of the definition of Article 1(5) land to include WHS. As Annex E notes, this extension will have a considerable impact in the City of Bath, which we believe is justified in the interests of preserving and enhancing the architectural integrity, and protecting the Outstanding Universal Values of the only complete city in the UK to be designated as a WHS. The State of Conservation Report on the City of Bath World Heritage Site (DCMS February 2008) notes that Bath is an unusual WHS in that its boundaries are very widely drawn. As the Report says, the rest of the Site (beyond the medieval core overlying the Roman archaeology and the Georgian developments on the hillside to the north) is essentially the bowl which provides the setting for the whole. The 19<sup>th</sup> and 20<sup>th</sup> Century development has filled up the rest of the bowl 'while preserving the green rim around its outer edge which is such a pleasing feature of the WHS'. To quote the 2008 Report again, 'Bath has outstanding universal value because of its Roman archaeology, particularly that associated with the hot springs, its Georgian architecture and urban planning, **and the overall setting of the city in a hollow in the hills**' (*emphasis added*). The extension of the definition of Article 1(5) land will be an important tool to protect the overall setting of the city as it evolves to meet the growth agenda set out in the Regional Spatial Strategy.

**Paragraph 23.** The current CABE guidance on Design and Access Statements is good, but not fully adequate for developments in WHS. CABE should be invited to produce supplementary guidance specifically for proposed developments in WHS. This guidance could be produced in partnership with English Heritage.

**Paragraph 24.** Heritage Partnership Agreements (HPA's) are particularly welcomed to replace ecclesiastical exemption. Normal planning regulations should apply to development. In the case of secular buildings agreements in place of listed building consents should only relate to repairs. Works which affect a building's character should continue to require listed building consent.

#### **4. The Draft Guidance Note**

We found this document rather lengthy and repetitive. Its impact might be enhanced if the background material was shortened or placed in an Annex. We

have restricted our detailed comments to Sections 7 to 9 which contain the substantive guidance on management of WHS.

**Section 7.** This section could usefully provide further guidance on the criteria which should be used in deciding whether a buffer zone should be established or adjusted. Stronger encouragement should be given to local authorities to consider positively the need to establish buffer zones for those WHS which do not already have them, particularly where the WHS concerned is designated (as is the case with Bath) as a Strategically Significant Town or City in the Regional Spatial Strategy and therefore as a focal point for future growth. Similarly, there should be a clear expectation that all local authorities will put in place view management policies for a WHS: the complexity of these policies will of course vary according to the needs of the WHS in question.

**Section 8.** This section should emphasise that where the WHS constitutes a significant part of the local authority area (as is the case with the City of Bath) the links between the WHS Management Plan and the Sustainable Community Strategy must be very close indeed.

**Section 9.** We support the contents of this section, but believe that it needs to be expanded to set out more clearly who is accountable for ensuring that the Plan is adequately resourced and effectively implemented. Experience in Bath since the WHS Management Plan was adopted in 2003 demonstrates all too clearly that without effective arrangements for implementation, the existence of the Plan achieves very little. This guidance note needs to explain how English Heritage and DCMS will assess the effectiveness of local arrangements for managing the WHS and the steps which will be taken if these arrangements are failing to deliver the required results.

Management Plans need to address the risks posed to the WHS by the limited supply of local materials (such as Bath stone) and the shortage of skilled craftsmen familiar with local traditional building methods. Local authorities should be encouraged to develop policies for mitigating these risks.

## **Annex E**

### **Impact Assessment on Article 1(5) Proposal**

As noted above we strongly support the extension of the Article 1 (5) definition. However, the Trust is not convinced that the assumption of 10-100 additional applications per year is accurate. This figure may be applicable to the urban areas of World Heritage Site in Bath alone. Mechanisms will need to be put in

place to ensure that the Local Planning Authority and English Heritage are sufficiently resourced to deal with the management of the area and any increase in applications.

## **Annex 1**

### **BPT COMMENTS ON DRAFT HERITAGE PROTECTION BILL**

26 June 2008

Dear Sirs,

#### **DRAFT HERITAGE PROTECTION BILL 2008**

The Bath Preservation Trust was set up in 1934 to safeguard the historic city of Bath. Bath is a UNESCO World Heritage Site, and the only complete city in the UK afforded World Heritage Status. The purposes of the Trust are:

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#### **Our comments:**

- The Bath Preservation Trust welcomes the intention to require World Heritage Sites to be included in the Register of Historic Assets but is surprised and disappointed that the Bill makes no other improvements to the protection of these Sites which are the jewels in the heritage crown. What is the point of new legislation which, (to quote the explanatory note on Clause 45) 'will not



subject them to any protection regime but is simply a record of their existence'?

- The existence of these sites is recorded by UNESCO, however the national legislation needs to deliver the necessary improvements in the protection regime. The Trust welcomes the Department of Communities and Local Government's current consultation on the protection of World Heritage Sites and will respond to DCLG on the detail contained in it. The Trust considers that it is essential that the Heritage Protection Bill should impose a duty on the relevant authorities to have regard to the Outstanding Universal Value (OUV) of World Heritage sites in the exercise of their planning functions (Clause 155). We also consider that the Bill should give statutory backing to WHS Management Plans.
- The Trust agrees with English Heritage (Draft Heritage Protection Bill 2008 Commentary by English Heritage April 2008) that the OUVs as recommended by UNESCO demands separate recognition in the register.
- The need for increased resources (at all levels) is crucial for the effective implementation and enforcement of the revised heritage protection regime. We note that local government in particular will have an important, central role in the new unified system of consents, with new responsibilities. Delivery of this ambitious programme of reforms will depend on commitment and reliable partnerships between Local Government, English Heritage, and other organizations in the heritage sector.
- The Trust remains concerned about the changes in terminology. Particularly the terms "Heritage Asset Consent" to replace listed building consent and "Registered Heritage Structures" to replace listed buildings. The replacement terms and phrases are confusing. The Trust is not satisfied that the language is familiar enough to convey a clear message. We do note that it is essentially the policy and guidance influenced by the Bill that will be more commonly used.

The Trust looks forward to participating in further stages of consultation on the draft Bill and responding to consultations on additional guidance that will be issued in connection with this primary legislation.

Yours sincerely  
Edward Bayntun-Coward  
Chairman