



Lake District World Heritage Site Project Planning Statement, October 2006

Purpose

This Statement sets out:

- the current hierarchy of planning guidance and plans that would apply to any proposed Lake District World Heritage Site (WHS) within the National Park;
- how such plans are currently changing to take account of, amongst other things, the new Vision for the Lake District National Park
- whether WHS status may be an additional material consideration in any planning application

**The Lake District National Park Authority does not believe
World Heritage Site Inscription will introduce any additional
planning policy restraint within the Lake District National Park**

Existing Planning Guidance and Plans

a) National Level

The Government determines national policies on different aspects of planning and the rules that govern the operation of the system. National planning policies are set out in a number of documents including Planning Policy Statements (PPS) (formerly known as Planning Policy Guidance Notes (PPG))

National planning policy for World Heritage Sites is set out in the Government's Planning Policy Guidance Note No 15 'Planning and the Historic Environment'.

PPG15, para 2.22 (see Annex 1) states *no additional statutory controls follow from the inclusion of a site in the World Heritage list. Inclusion does however, highlight the outstanding international importance of the site as a key material consideration...*

Para 2.23 outlines how local authorities are required to formulate policies to protect these sites and their settings and include such policies in their development plans.

But, in the Lake District National Park, Planning Policy Statement 7 'Sustainable Development in Rural Areas' also applies. This explains national policy in relation to nationally designated areas (See Annex 2).

Paragraph 21 states that nationally designated areas (including National Parks) have been confirmed by the Government as having the highest status of protection in relation to landscape and scenic beauty. Conserving the natural beauty of the

landscape and countryside must be given great weight in planning policies and development control decisions in these areas. As a specific purpose of National Parks, the conservation of wildlife and the cultural heritage are important considerations in all these areas and should be given great weight in planning policies and development control decisions. Significant development proposals also require formal environmental assessment.

The requirements of PPS 7 are already reflected in local planning policy. And this already provides the “highest status of protection”.

b) Regional Level

In England Regional Planning Bodies prepare a Regional Spatial Strategy reflecting the needs and aspirations for development and land use. Each RSS should reflect, and build on, the policies set out at national level.

The final version of Regional Planning Guidance for the North West (RPG13) was issued in March 2003. Policy ER2 (Annex 3) provides the strongest levels of protection to landscapes of international and national importance and their settings. This includes the Lake District National Park. Policy ER3 (Annex 3) requires the protection, conservation and, where appropriate, the enhancement of the built heritage of the region, including Hadrian’s Wall World Heritage Site. There is no reference to a possible WHS for the Lake District.

Work has now commenced on the replacement of RPG13. ‘The North West Plan’, draft Regional Spatial Strategy (RSS) has recently completed its formal consultation process. At the present time, there is no policy specifically dealing with World Heritage Sites (nor with the protection of landscapes of international and national importance). Such policy is specified at national level. Paragraphs 11.1 to 11.3 explain that government has set out detailed national guidance on landscape and heritage. A new policy EM1 (Annex 4) concentrates on encouraging an integrated approach to the management of the landscape and the natural environment, within both rural and urban areas. In addition, RSS policy DP1 requires plans and strategies to contain policies which set out the elements of environmental, social and economic ‘capital’ where there is a presumption against any harm arising from development. An Examination in Public is to be held in the Autumn, following which the Plan will be amended and this situation may change.

The RSS, as part of the Development Plan, is subject to a cycle of monitoring and review. This would allow the possible reference to any Lake District World Heritage Site, if appropriate.

c) Local Policy

Whilst the Planning and Compulsory Purchase Act 2004 has introduced the need for the National Park Authority to prepare a new Local Development Framework (LDF) for the Lake District National Park this will take time to establish.

During an interim period the Authority’s planning decisions will take into account any relevant policies in the existing development plan. This currently consists of the adopted Cumbria and Lake District Joint Structure Plan and Lake District National Park Local Plan.

The Cumbria and Lake District Joint Structure Plan was adopted on 6 April 2006. Policy E34 does not allow detrimental development and other land use changes in areas or features of national or international importance, or within their settings. However, if a proposal meets one of the specified criteria an exception can be allowed. This policy applies equally to World Heritage Sites and to National Parks. (See Annex 5 for full policy wording). However, this policy is intended to be superseded by RSS Policy EM1 on adoption of RSS.

The Lake District Local Plan, adopted in 1998, has no policies which deal with the World Heritage Site proposal.

The development of the LDF for the Lake District has now commenced. Importantly this will have at its heart the new Vision for the Lake District National Park. This emphasises the importance of achieving sustainable development within the Lake District National Park. It will have planning policies that

- contribute to a prosperous economy;
- contribute to world class visitor experiences;
- contribute to vibrant communities; and
- sustain the spectacular landscape

Aspiring to achieving sustainable development and securing a long term future for the National Park are already objectives that the new Local Development Framework will be addressing. Annual monitoring will show how progress is being made towards delivering the Vision.

The need for any detailed policy for the WHS will need to be considered alongside all other issues. This will be done with the full engagement of partners and stakeholders. However the Authority does not believe any additional WHS planning policy will introduce further restraint over and above those already applicable to safeguard the qualities of the Lake District National Park.

Material Planning Consideration

Local planning authorities must determine planning applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise. Where there are other material considerations, the Development Plan should be the starting point, and other material considerations should be taken into account in reaching a decision. A key point is that the planning authority must control the use and development of land in the public interest. Government advice in the companion document to PPS1 'The Planning System General Principles (2005) advises that "*material considerations must be genuine planning considerations, i.e. they must be related to the development and use of land in the public interest. The considerations must also fairly and reasonably relate to the application concerned.*" One such consideration will be whether the plan policies are relevant and up to date.

Currently, Structure Plan policy E34 includes consideration of WHSs, but the Local Plan does not.

Prior to replacement of these policies with the new Local Development Framework any WHS status would be considered a key material consideration, and the weight given to this will depend on the nature, scale and type of development proposal

being considered. The Courts are the arbiters of what constitutes a material consideration.

But WHS inscription is unlikely before 2009 even if a bid were made and was successful. By that time the Local Development Framework should be adopted and appropriate policies included, if necessary.

How a Planning Application would be dealt with

Any application for planning permission within the boundary of the proposed World Heritage Site would follow the general procedures already in place for the National Park. Certain organisations (known as statutory consultees) are consulted on all planning applications with other organisations being consulted as appropriate for specific types of development or areas. Within the proposed World Heritage Site, English Heritage (EH) would be consulted on any significant applications.

There is a responsibility on the 'State Party' (UK Government) to notify the World Heritage Centre of developments that will have a significant impact on the WHS. Members of the public who are concerned about a proposal can also make their concerns known to the Centre. Although theoretically any views that the Centre may have should be taken into account in making a decision, in practice the Centre refers such cases to the World Heritage Committee which only meets once a year, so most applications will be determined before the views of the Committee are known.

If the Committee has concerns about a development it may ask the State Party to invite a joint UNESCO/ICOMOS mission to investigate the case and report back to the World Heritage Centre and Committee. If the Committee believes that the development impacts detrimentally on the WHS it can put the site on the "in danger" list or ultimately remove it from the WHS list altogether. The UK Government currently argues that its agreement is needed before this can happen. As yet, no site has been removed in this way although a small number have been put on the "in danger" list.

The main areas of concern at the moment relate to new development, especially tall buildings in urban WHSs. Whilst two missions are planned in the UK later this year we are advised that, if approaches to new development are clearly set out in the Management Plan which now forms part of all nominations and is therefore accepted by the World Heritage Committee on inscription, it is less likely that there would be anything that might cause controversy in the Lake District.

What about the area outside the National Park

This planning statement has been written by the Lake District National Park Authority, as the sole planning authority for the National Park. It does not deal with those areas outside of the National Park which may/ may not be included within any buffer zone if thought appropriate. The local planning authorities covering the areas adjacent to the National Park have endorsed the Vision for the Lake District National Park.

Integrating Policy for the Lake District National Park

The Local Development Framework (LDF) will consider the need for policies in relation to World Heritage Site status, guided by national and regional policy, the

Vision for the National Park, and taking into account the aspirations of local communities and stakeholders.

If the bid for World Heritage Site status proceeds, a Management Plan for the WHS will need to be prepared. One option may be to incorporate a WHS Management Plan into a future review of the Lake District National Park Management Plan. It is crucial to achieve synergy between both Management Plans and the Local Development Framework.

Already the merits of integrating work on the LDF with a review of the National Park Management Plan, particularly in respect to processes, is being investigated. Timescales for the preparation of the WHS Management Plan could be similar and would maximise opportunities.

Whilst each Plan will have its appropriate focus all need to show how the Vision for the National Park is being taken forward. Clearly they will need to show how that Vision is to be realised on the ground, establishing the general policies and promoting site specific proposals. For the WHS Management Plan such proposals will be considered by UNESCO/ICOMOS prior to any successful bid, ensuring both organisations are clear as to the implications of the Vision.

Conclusion

There is no existing legislation in the UK to regulate World Heritage Sites. The necessary powers to sustain them are contained within current planning legislation. National Park status is the highest level of protection currently provided by planning legislation. Such legislation aims to protect and enhance such areas. World Heritage Site inscription does not bring any additional planning constraints over and above those already in place for the National Park.

What WHS inscription does bring is a requirement to manage such areas for the long term. But the Vision for the Lake District National Park, recently approved by the Lake District Partnership aims to ensure the long term sustainability of the Lake District National Park. And this is to form the foundation of the Local Development Framework and the Lake District National Park Management Plan.

WHS status needs to reinforce the need to sustain the long term future of Lake District National Park for future generations.

PPG15: Planning and the Historic environment (extract)

2.22 No additional statutory controls follow from the inclusion of a site in the World Heritage list. Inclusion does however, highlight the outstanding international importance of the site 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.

2.23 Each local authority concerned, taking account of World Heritage Site designation and other relevant statutory designations, should formulate specific planning policies for protecting these sites and include these policies in their development plans. Policies should reflect the fact that all these sites have been designated for their outstanding universal value, and they should place great weight on the need to protect them for the benefit of future generations as well as our own. Development proposals affecting these sites or their setting may be compatible with this objective, but should always be carefully scrutinised for their likely effect on the site or its setting in the longer term. Significant development proposals affecting World Heritage Sites will generally require formal environmental assessment, to ensure that their immediate impact and their implications for the longer term are fully evaluated (see para 2.13)

**Planning Policy Statement 7 ‘Sustainable Development in Rural Areas’
(extract)**

21. Nationally designated areas comprising National Parks, the Broads, the New Forest Heritage Area and Areas of Outstanding Natural Beauty (AONB), have been confirmed by the Government as having the highest status of protection in relation to landscape and scenic beauty. The conservation of the natural beauty of the landscape and countryside should therefore be given great weight in planning policies and development control decisions in these areas. The conservation of wildlife and the cultural heritage are important considerations in all these areas. They are a specific purpose of National Parks, where they should also be given great weight in planning policies and development control decisions. As well as reflecting these priorities, planning policies in LDDs and where appropriate, RSS, should also support suitably located and designed development necessary to facilitate the economic and social well-being of those designated areas and their communities, including the provision of adequate housing to meet identified local needs.

22. Major developments should not take place in these designated areas, except in exceptional circumstances. This policy includes major development proposals that raise issues of national significance. Because of the serious impact that major developments may have on these areas of natural beauty, and taking account of the recreational opportunities that they provide, applications for all such developments should be subject to the most rigorous examination. Major development proposals should be demonstrated to be in the public interest before being allowed to proceed. Consideration of such applications should therefore include an assessment of:

- i. the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- ii. the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and
- iii. any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

23. Planning authorities should ensure that any planning permission granted for major developments in these designated areas should be carried out to high environmental standards through the application of appropriate conditions where necessary.

Policies from Regional Planning Guidance for the North West, RPG13, March 2003

Policy ER2 Landscape Character

Planning authorities and other agencies in their plans, policies and proposals will provide the strongest levels of protection for the North West's finest landscapes and areas of international and national importance and their settings, specifically the Lake District national Park; Areas of Outstanding Natural Beauty (Solway coast, North Pennines, Arnside and Silverdale and the Forest of Bowland); and St Bees Head Heritage Coast.

It is also very important that the rich diversity of landscapes and their settings throughout the North West be conserved and enhanced. Planning authorities and other agencies, in their plans, policies, and proposals, will conserve and enhance landscapes and their settings which are of regional and sub-regional importance (highlighted by the Countryside Agency's Countryside Character initiative and English Nature's Natural Areas initiatives), but not covered by national designations, by:

- Seeking to restore those which have become degraded;
- Ensuring that all new development makes every effort to avoid damage to the landscape and, where possible, enhances it;
- Seeking to provide adequate mitigatory measures where avoidance of damage is impossible or impractical;
- Ensuring that, where mitigation is insufficient, equivalent compensatory landscape enhancement is provided elsewhere to ensure no net loss.

Policy ER3 Built Heritage

Planning authorities and other agencies in their plans, policies and proposals will identify, protect, conserve and, where appropriate, enhance the built heritage of the Region, including those features and sites (and their settings) of historic significance to the North West:

- Hadrians Wall World Heritage Site;
- The City of Chester;
- Liverpool's commercial centre and waterfront and parts of Manchester and Salford (Ancoats, Castlefield and Worsley);
- Listed buildings, historic parks and gardens, conservation areas and battlefields; and
- The wider historic landscape that contributes to the distinctiveness of the Region, taking into account the chronological depth of heritage contained within the North West Metropolitan Area, the rural lowlands, rural uplands and coastal areas.

Policy EM1 from Draft Submitted Regional Spatial Strategy for the North West, January 2006

Policy EM1 Integrated Land Management

Plans, strategies, proposals and schemes should deliver an integrated approach to land management, based upon detailed character assessments and landscape strategies derived from the North West Joint Character Area map. With regards to specific elements of integrated land management, the following should be taken into account:

Biodiversity

Plans and strategies should seek to deliver a 'step-change' increase in the region's biodiversity resources, by delivering the regional biodiversity targets for maintaining, restoring and expanding priority habitats, and delivering the habitat and species targets of the Local Biodiversity Action Plans. This should be done by protecting, expanding and linking areas for wildlife within and between the locations of highest biodiversity resources, and encouraging the protection, conservation and improvement of the ecological fabric elsewhere.

Broad locations where there are greatest opportunities for delivering these targets are shown on the Indicative Biodiversity Resource and Opportunities Diagram (see Diagram 11.1). Local Authorities should:

- Seek to develop a more detailed representation of this spatial information for use in their Local Development Frameworks; and
- Develop functional ecological frameworks that seek to address habitat fragmentation and species isolation, working together to address cross-border issues within the region such as in the Pennines, Solway Firth, the River Dee Estuary and the Cheshire Meres and Mosses.

Landscape and Heritage

Plans, strategies, proposals and schemes should identify, protect, maintain and where possible, enhance natural, man-made and historic features that contribute to the character and culture of landscapes, places and local distinctiveness within the North West.

Plans and strategies should support conservation-led regeneration in areas rich in historic interest, particularly exploiting the regeneration potential of:

- The maritime heritage of the North West coast including docks and waterspaces, and coastal resorts and piers;
- The Pennine textile mill-town heritage that exists in East Lancashire and Greater Manchester; and the textile mill-town heritage of East Cheshire;
- Victorian and Edwardian commercial developments in Liverpool and Manchester City Centres; and

- The traditional architecture of rural villages and market towns of Cumbria, Cheshire and Lancashire.

Woodlands

Plans and strategies for woodland and forestry management, should adopt the multi-purpose approach set out in the Regional Forestry Framework (RFF), especially in relation to their role in green infrastructure provision and management.

Cumbria and Lake District Joint Structure Plan
Policy E34: Areas and features of national and international conservation importance

Development and other land use changes in areas or features of national or international conservation importance, or within their settings, and that are detrimental to their characteristics will not be permitted.

Exceptions will only be made where:

- 1 there is an over-riding need for development required to meet local infrastructure needs which cannot be located elsewhere and which is sited to minimise environmental impacts and meets high standards of design, and
- 2 In the case of international areas of nature conservation interest where:
 - i. there is no alternative solution; and
 - ii. there are imperative reasons of overriding public interest, including those of a social or economic nature; and
 - iii. if the site concerned hosts a priority natural habitat type and/or a priority species, where there are imperative reasons of human health or public safety or benefits of primary importance to the environment and
- 3 In the case of European Protected Species where:
 - i. there is no satisfactory alternative; and
 - ii. there is no detriment to the maintenance of the populations at a favourable conservation status in their natural range; and
 - iii. the proposed development is in the interests of public health or public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance to the environment.
- 4 In the case of national areas of nature conservation interest, where the reasons for the development outweigh the national nature conservation value of the site.

Where development is permitted, mitigation should be provided, where appropriate.

Areas and features of international or national interest are defined as:

- World heritage Sites recognised by the World Heritage Committee of UNESCO
- National Parks
- Areas of Outstanding natural Beauty (AONBs)
- Potential and classified Special Protection Areas (SPAs)
- RAMSAR sites
- Candidate and designated Special Areas of conservation (SACs)
- Limestone Pavements protected by order
- National nature Reserves
- Sites of Special Scientific Interest (SSSIs)

- Statutory protected species
- Buildings or groups of buildings listed as of Grade I, Grade II* or Grade II architectural or historic merit
- Parks or gardens listed as Grade I, Grade II* or Grade II in the Register of Parks and Gardens of Special Historic Interest
- Sites of archaeological or historic interest which are scheduled ancient monuments
- Battlefields included in the Register of Historic Battlefields
- St Bees Heritage Coast