

Metchtild Rossler

Chief of Section World Heritage Centre Europe & North America, UNESCO

World Heritage Centre

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France

By email and post

12 February 2010

Dear Ms Rossler,

PROTECTION OF THE SETTING OF CITY OF BATH WORLD HERITAGE SITE

– URGENT ACTION REQUIRED

We are writing to you to express our deep concerns regarding the proposal of Bath and North East Somerset Council (B&NES) to construct a new 1400 space Park and Ride facility on the Bathampton Meadows which are adjacent to the City of Bath World Heritage Site (WHS) and form part of its eastern landscape setting - refer Figure 1.

As a late substitution for another location, the Bathampton Meadows scheme was permitted by B&NES (the applicant and decision making authority) on 20th November 2009 following a decision by the Secretary of State for Communities and Local Government not to call-in the application for his consideration. This decision, which was founded on incorrect advice from the Government Office for the South West and also omitted any reference to the issues we raise in this letter, is currently the subject of a legal challenge by VeracityBath Limited.

VeracityBath Limited is a private Not for Profit Company which was established by a number of Parish Councils, community organisations and concerned citizens in the Bath area. Its objectives are - *to enhance and protect the World Heritage City of Bath and its surrounding area*. These objectives reflect accurately the aspirations of the wider community, be it in the urban areas or rural parishes.

We trust that, having read this paper, you will decide to intervene, as a matter of urgency, to encourage the State Party and other UK government agencies to stop this damaging scheme going ahead.

Reasons for Writing

The reasons for writing to you now for your urgent consideration of these issues is that VeracityBath Limited has recently received correspondence from B&NES, in the context of proposed legal challenge by VeracityBath Limited against the B&NES planning decisions which demonstrates that the World Heritage status of Bath has not been properly and adequately considered by B&NES in the context of the Bath Transportation Package.

We attach a copy of the letter sent by Harrison Grant to B&NES dated 21 December 2009 (Annex 1), together with B&NES reply dated 15 January 2010 (Annex 2), which contains some of the worrisome statements.

Background

Protection of the City of Bath World Heritage landscape setting has again been drawn into sharp focus by the June 2009 UNESCO Bath report, 24th July 2009 Department for Communities and Local Government (DCLG) Circular on the Protection of World Heritage Sites and the October 2009 B&NES “Bath World Heritage Site Setting Study”. We attach for your convenience a copy of the DCLG Circular as Annex 3.

The June 2009 UNESCO Bath report was, of course, the result of your mission visit to Bath from 5-7th November 2008, during which we understand that the mission was given a short presentation by B&NES on the Bath Transportation Package (BTP).

We are concerned that important information regarding the Bathampton Meadows Park and Ride, which is one element of the BTP, may not have come to light during your visit. This information relates directly to the protection of the City of Bath World Heritage Site landscape setting and in this paper we therefore propose to demonstrate to you that -

- (a). Fundamental key material World Heritage considerations, as described in the above reports, have either been disregarded or ignored by B&NES;
- (b). Use of the Bathampton site for Park and Ride and associated development has previously been consistently and explicitly rejected on the ground of environmental impact and planning policy conflict in a number of studies, notably one commissioned by the Government Office for the South West (2004);
- (c). These previous rejections, coupled with the many issues raised by the above reports, are evidence of well founded and widespread objection to the use of the proposed Bathampton site for Park and Ride development; and
- (d). B&NES response to our legal challenge letter causes significant concern regarding its application of World Heritage issues to the Bath Transportation Package.

UNESCO Bath Report, DCLG Circular and B&NES “Bath WHS Setting Study”

UNESCO Bath Report

We have noted the following statements in the Bath report which address the issue of protection of the landscape setting of the World Heritage Site.

Paragraph 5.1 states “The mission feels that the State Party should reinforce protection of the views to and from the City of Bath and of the attributes bearing the Outstanding Universal Value. A clear mapping of these important views to be protected is necessary, as well as how those views will be protected from future developments”...

“With regard to the protection of the property, the mission recommends that the State Party act on the reinforced protection of the surrounding landscape to prevent any future developments which could have adverse and cumulative impact on the Outstanding Universal Value of the property”.

These comments clearly reflect concerns about the potential negative impact any development could have on visual amenity and the landscape setting of the WHS.

We consider that they are directly relevant to the proposed Bathampton Park and Ride site which lies only 200m from the WHS boundary.

The site is in Green Belt where there is currently no development, flanked by the Cotswolds Area of Outstanding Natural Beauty (AONB) and overlooked by hundreds of houses in the eastern WHS and Batheaston, Bathampton and Bathford areas (Refer Figure 1). The zone of visual influence map included in the Environmental Statement also illustrates the wide area, including the eastern part of the WHS, from which the development would be visible (Refer Figure 1a).

The intrusive valley floor location of the Park and Ride site, and an appreciation of why it would be impossible to mitigate the adverse impact on the landscape setting of the WHS, is illustrated in Figures 2 and 3 (photographs taken from close to points 4 and 3 respectively, as shown in Figure 1).

The hard paved surfaces, shiny reflective metal surfaces of vehicles and lighting would have a detrimental impact on views from all the above areas. No landscaping measures could mitigate this impact because of the elevation of these areas relative to the valley floor location of the Park and Ride site.

The site would be particularly intrusive during the winter months when leaf cover would be minimal and light pollution, resulting from the site being floodlit for many hours with in excess of 120 lighting columns (5m), would generate a substantial pool of light where darkness currently defines the bounds of the built-up city and neighbouring villages.

It is very clear that the above statements from the mission report and the UNESCO Operational Guidelines, which seek protection of the immediate landscape setting of the WHS and important views, are key material considerations in assessing new developments.

We are extremely concerned that B&NES have seriously understated the impacts of the scheme and have stated in formal legal response that the mission report was **not a material consideration**. We are also concerned that neither it nor the UNESCO Operational Guidelines was presented to or discussed by the B&NES Development Control Committee when considering the scheme.

DCLG Circular

The requirement to protect the landscape setting on the WHS is also highlighted in the DCLG Circular, particularly in paragraphs 15-18. This requirement also reflects the UK national Planning Policy Guidance (PPG) 15 at paragraph 2.22 where the proposition that the World Heritage Site is a “key material consideration” is made and in paragraphs 2.23 and 6.37 where protection of the WHS setting is emphasised.

The Circular and PPG 15 clearly highlight that World Heritage Site landscape setting considerations are a “key material consideration” and the impact of a development in the setting should be afforded significant weight by B&NES.

B&NES have stated that the effect of the developments on the World Heritage Site and its setting was considered but that it was concluded that there would not be any material or unacceptable impact on the World Heritage Site.

However, regarding the landscape setting, B&NES concluded that “the development is inappropriate development in the Green Belt”, and that “To the harm by reason of inappropriateness needs to be added the limited harm to openness”. We contend that “limited” understates the harm.

B&NES also concluded that “the proposal would harm the landscape, including the setting of the Cotswolds AONB, the character and appearance of Conservation Areas and the setting of listed buildings and Scheduled Ancient Monuments.” and that “Those identified elements of harm need to be added to the identified harm to the Green Belt”

These statements lead to, but fail to acknowledge, the conclusion that the landscape setting of the World Heritage Site is harmed. This conclusion goes to the heart of other considerations expressed in the Circular, namely those related to designation of a buffer zone around the World Heritage Site. Paragraph 16 states -

“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...”

Paragraph 18 states -

“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”.

The statements are extremely relevant to the City of Bath WHS as the designation of a buffer zone is one of the key policy issues currently being considered in the B&NES long term Core Strategy. It is clearly highly relevant to the proposed Bathampton Park and Ride, given that the site is just 200 metres from the World Heritage Site boundary and therefore well within any buffer zone which may be designated.

We are extremely concerned that B&NES have stated that the Circular did not represent a new material consideration. In particular, buffer zone considerations were not afforded significant weight by B&NES. We consider that these are “key material considerations” but they were not presented to or discussed by the B&NES Development Control Committee at any time, despite formal requests and warnings when there was appropriate time and opportunity to do so.

B&NES “Bath WHS Setting Study”

B&NES have stated that, although this study does not have policy status, the methodology contained in the study was used by the Council’s Landscape Consultee to assess the Bathampton application.

We are concerned that B&NES have never reported the results of the assessment and it was not included in the Case Officer report to the B&NES Development Control Committee. Given the intrusive valley floor location of the Park and Ride, we consider that an independent assessment would have shown the impact of the development to be, at the very least, adverse.

We would also highlight that, although the study does not currently have “policy” status it will be a key supplementary planning document to the final B&NES long term Core Strategy.

We consider that the assessment and implications of such an important study should have been provided to the B&NES Development Control Committee when it considered the Park and Ride scheme, particularly as it cross references all the key material considerations and concerns addressed in the UNESCO Operational Guidelines and the DCLG Circular.

Previous Assessments of the Park and Ride Site

The proposed Park and Ride scheme is not a new idea. The use of the site for Park and Ride and associated development has been consistently and explicitly rejected over the preceding decade in a number of B&NES and Government reports. Full details are set out in the attached Annex 4.

Conclusion

We conclude that there is irrefutable evidence that the Park and Ride scheme would do irreversible environmental damage and seriously degrade the character of the landscape, openness and visual amenity of the Green Belt, adjacent Cotswolds AONB and the setting of the WHS and eastern approach to Bath.

We also consider that previous rejections of the site on grounds of adverse environmental impact, coupled with the many issues raised by the UNESCO Bath report, DCLG Circular and B&NES "Bath World Heritage Site Setting Study" are evidence of well founded and widespread objection to the use of the proposed Bathampton site for Park and Ride development.

In refusing to acknowledge these issues it is evident that B&NES is intent on disregarding relevant information and demonstrating a lack of regard for fundamental key material considerations which relate to protection of the immediate landscape setting of the World Heritage site, as laid out in the UNESCO Operational Guidelines and reinforced by the DCLG Circular. Alternative locations for car parking exist outside this environmentally sensitive area.

B&NES is obliged to protect the World Heritage status of Bath. That the Council does not consider World Heritage landscape issues to be a key material consideration in major projects which involve substantial development in a highly sensitive and intrusive valley floor location, an area of Green Belt surrounded by AONB and adjacent to the World Heritage Site, is of grave concern to us and the wider community.

These wider concerns have been best expressed by the Bath Preservation Trust when they commented -

"The decision not to call-in Bathampton Meadows P&R should ring alarm bells for anyone who lives on the immediate periphery of the City boundary, since it appears that local planning policies, national statutory responsibilities towards conservation areas, as well as international obligations, can be overridden without come-back".

URGENT ACTION REQUIRED

We trust that, having read this paper, you will come to the same conclusions which we have regarding protection of the landscape setting of the City of Bath World Heritage Site.

We hope that you will decide to intervene, as a matter of urgency, with the State Party and all other relevant UK government agencies with a view to encouraging them to stop this damaging scheme going ahead.

We look forward to hearing from you at your earliest convenience.

Yours sincerely,

Mark Millar, LL.B

Chairman

On behalf of the Board of Directors

Of VeracityBath Limited