

Dorset and East Devon Coast World Heritage Site

JURASSICCOAST

Bath, March 8th 2017

Sam Rose



Jurassic Coast WHS

- Criterion 8, geology and geomorphology
- Natural processes
- No buffer zone – (setting) protected by AONBs and planning policies



Figure 4.3

Selected key viewpoints

-  Crown Estate Zone
-  Development site boundary
-  World Heritage Site
-  Heritage Coast
-  Area of Outstanding Natural Beauty
-  National Park
-  Selected key viewpoints

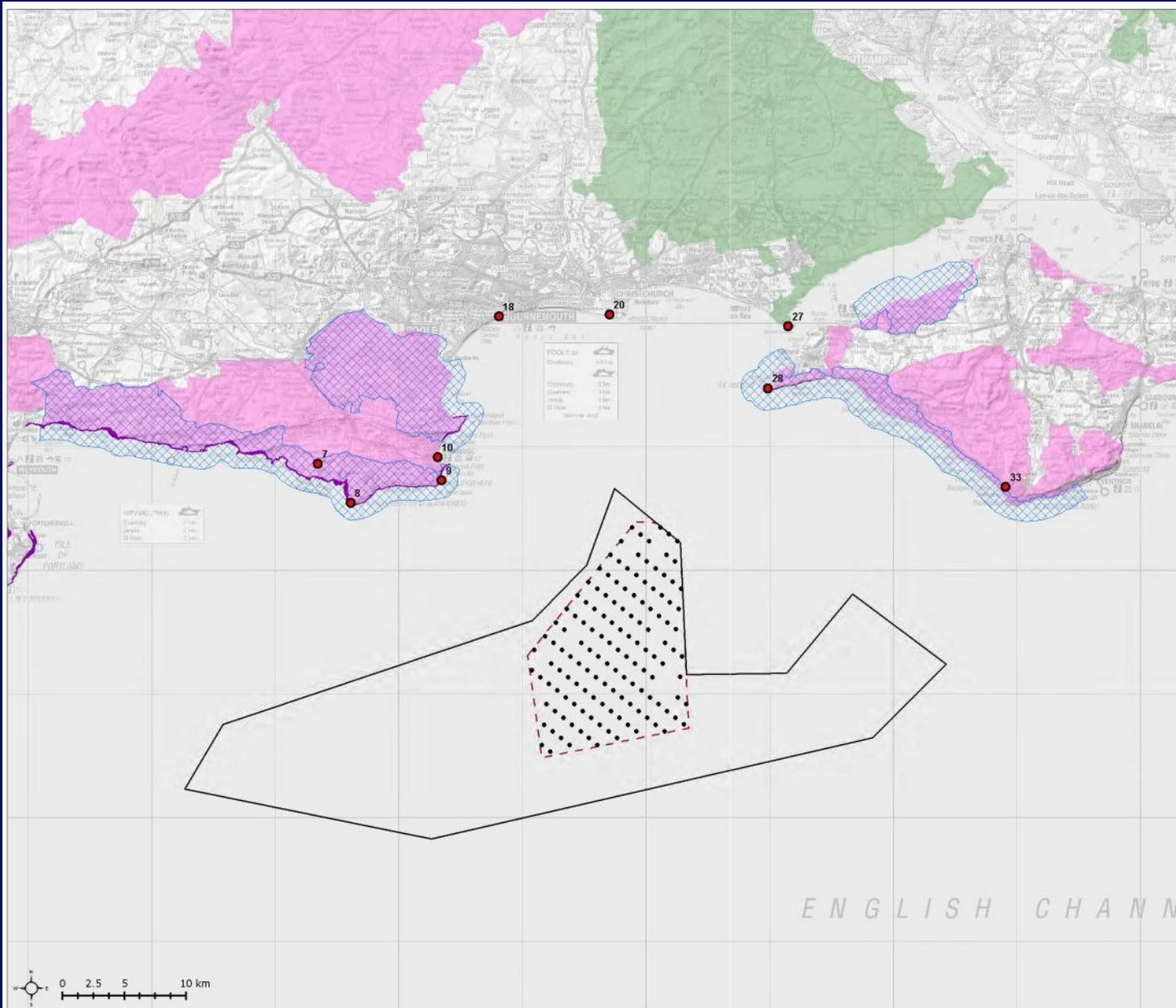
- 7: Swyre Head
- 8: St. Aldhelm's Head
- 9: Durlston Head
- 10: Swanage Seafront
- 18: West Cliff, Bournemouth
- 20: Hengistbury Head*
- 27: Hurst Castle
- 28: Footpath overlooking the Needles
- 33: Blackgang car park, IOW
- 8MW turbine scheme

VP 20 has been moved south by 10m as our initial viewshed modelling indicated VP20 did not have visibility of the scheme

Map Scale @ A3:1:300,000



Dorset County Council





Viewpoint Location: Swyre Head (Lulworth)
OS Grid Ref. & Altitude (m): 380008, 80412, 91
Date and Time: 23-08-2014 19:20BST
Field of View W x H (°): 27.0 x 18.2
Projection: Rectilinear
True Bearing to Image Centre (°): 113

Turbine Array Data: 194 x 5MW, 177m tall
Wind Direction: WNW
No. of Turbines Fully Visible in Image: 172
Total Span of Turbine Area (°): 22.9
% of Total Span Visible in Image: 84
Range of Closest Turbine in Image (km): 35.2

NOTE: SOME OF THE ARRAY IS HIDDEN BY ST. ALDHELM'S HEAD.
THIS IMAGE SHOULD BE VIEWED FLAT AT A COMFORTABLE ARM'S LENGTH.

SHL-S1-1-83-1-051-1-1
Canon EOS 5D MkII, EF 50mm f1.8 II, 1.5m above ground level.
Principal Distance 812.5mm.
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SHL, 5MW





Dorset and East Devon Coast World Heritage Site Management Plan 2009-2014



D. M. Gobbett

Don Gobbett
Chairman, Dorset and East Devon Coast World Heritage Site Steering Group, December 2009

Organisations represented on the Steering Group:



Script

- National Infrastructure Project – Planning Inspectorate decide, Local Authorities create Local impact assessments,
- Should have made more input at SEA of proposed round 3 Crown Estate offshore proposals
- WHS not statutory consultee, but can register to be an interested party
- Ongoing discussion with NBDL – their attendance at Steering groups
- Visualisations (AONB and Challenge Navitus, independent study)
- Statement of common ground
- ‘Written representations’
- Responses to questions from PI
- Mitigation option
- Hearing
- Decision
- Capitulation



Actors

- HE - difficult to comment in respect of a natural WHS due to lack of expertise
- NE - had no mandate to comment on World Heritage Issues, although did, indirectly, through landscape and AONBs
- JNCC chose not to comment at all
- Steering Group (Plan and minutes very important) – input was recognised
- Jurassic Coast Trust – supporting comments
- Dorset AONB – very important
- Challenge Navitus – arms length but influential
- IUCN – crucial intervention
- UNESCO – ‘what he said’
- Secretary of State – ‘in the nick of time’



Impacts

- None on the Site
- Some on the setting - visual
- The Steering Group considers that there will be a significant adverse impact in the manner in which the World Heritage Site is presented; referring to the World Heritage Convention Article 4 about the “*protection, conservation, presentation and transmission to future generations...*” of the Site, and our definition of presentation (available in page 10).



impacts

- When considering the impact on “*transmission to future generations*”, also Article 4 of the Convention, we agree with IUCN that “*the Project would result in the property being presented and transmitted to future generations in a form that is significantly different from what was there at the time of inscription and until today.*” ,.



impacts

- The Steering Group considered that there would be a significant adverse impact on the special qualities and landscape / seascape character of the **Dorset AONB**, as the protection for the setting of the World Heritage Site; referring to **arrangements set out in the Management Plan and agreed with UNESCO**, but have agreed with the Applicant¹ that the specific comments in respect of this came from the Dorset AONB Team.
- Impact on third pillar of OUV



impacts

- In terms of the impact on the setting in the context of the cultural and sensory experience, the Steering Group considers that the proposed development would substantially modify views along and from the World Heritage Site, and because this modification is through the introduction of man-made structures, some people may find the change detrimental and therefore unacceptable.



impacts

- The Steering Group agrees with IUCN's view that ***“Any potential impacts from the Project on this natural property are in contradiction to the overarching principle of the World Heritage Convention as stipulated in its Article 4, as the completion of the Project would result in the property being presented and transmitted to future generations in a form that is significantly different from what was there at the time of inscription and until today.*”**
- *Specifically, the property will change from being located in a natural setting that is largely free from man-made structures to one where its setting is dominated by man-made structures”*



impacts

- The Steering Group is disappointed that the Applicant did not follow the guidance as set out in *OESEA2*, which recommends that “*the bulk of new OWF generation capacity should be sited away from the coast, generally outside 12 nautical miles.*”



Outcome

22. The Secretary of State notes that much of the Dorset coast is designated by UNESCO as a World Heritage Site (the “Dorset and East Devon Coast World Heritage Site”) because of its outstanding geomorphological features. The Site extends over 155km of coastline from Old Harry Rocks in Dorset to Orcombe Point in Devon and occupies an area between the mean low water mark and either the back of the beach or the cliff top (as appropriate). The Applicant indicates in figure 13.10b of Chapter 13 of the Environmental Statement (“Seascape, Landscape and Visual”) that the wind farm would be visible from vantage points along a 30km section of the eastern edge of the World Heritage Site with the closest point lying on the shore approximately 15km from the edge of the wind turbine layout.



Outcome

23. However, the Secretary of State also notes that EN-1 sets out at paragraph 5.8.14 that:

“There should be a presumption in favour of the conservation of designated heritage assets and the more significant the designated heritage asset, the greater the presumption in favour of its conservation should be. Once lost heritage assets cannot be replaced and their loss has a cultural, environmental, economic and social impact. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Loss affecting any designated heritage asset should require clear and convincing justification. Substantial harm to or loss of a grade II listed building park or garden should be exceptional. Substantial harm to or loss of designated assets of the highest significance, including Scheduled Monuments; registered battlefields; grade I and II* listed buildings; grade I and II* registered parks and gardens; and World Heritage Sites, should be wholly exceptional.”

Outcome

24. The Secretary of State considers that this is a high hurdle for a project to cross where it is engaged. Though the Site is protected for its geology, the protected feature being its “outstanding combination of globally significant geological and geomorphological features”, the ExA considered that the offshore elements of the project would bring about changes in the way the World Heritage Site would be experienced or enjoyed in its surroundings and would have adverse implications for the Site’s significance and its Outstanding Universal Value (“OUV” - the test of “exceptionability” for World Heritage Sites). The ExA considered there was a risk that the Site would be presented and transmitted to future generations in a form significantly different from what was there at the time of inscription until today.



Outcome

25. The ExA concluded that there is limited scope to mitigate the impacts of the Development on the World Heritage Site and that, even with mitigation measures in place, the harm to the setting, significance and OUV of the Site carries significant weight against a decision to grant consent.
26. Given the strong steer in EN-1 against permitting irreplaceable harm to sites such as World Heritage Sites, the Secretary of State accepts that the ExA's arguments must carry significant weight as to the potential for harm to the setting of the World Heritage Site.
27. The Secretary of State notes that the Applicant made a late representation on 7 August 2015 in which it indicated (among other things) that the 38th Session of the World Heritage Committee (held from 28 June – 9 July 2015) did not consider in the agenda of the meeting: the Navitus Bay project, the annual report of the International Union of the Conservation of Nature, the questionnaire submitted by the Jurassic Coast Steering Group, the State of Conservation Reports (including properties under threat) for the UK or the Record of Decisions of the Session.

Outcome

28. However, given that the ExA does not rely on the listing of a World Heritage site as being under threat to draw its conclusion of harm, and neither does EN-1, the Secretary of State does not feel that this issue alters her conclusion on the possibility of significant adverse impacts on use and enjoyment of the World Heritage Site from either the Application Development or the TAMO.
29. In conclusion, the Secretary of State considers that the development, either the Application Development or the TAMO, though not damaging to the protected feature of the World Heritage Site, would adversely affect the use and enjoyment of that Site. This would have an adverse effect on the use and enjoyment of the Site irrespective of the fact that the effects are essentially temporary. The Secretary of State, given the importance of the Site, and its utility and amenity value, does not consider the adverse effects, even if considered to be of a temporary nature, are acceptable.



Issues and outcomes

- Precedent or one-off?
- NE vs EH role re Natural WHS
- Costs of doing the work
- Role of the Steering Group and future forecasting in Management Plan (upstream thinking).



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