



Unofficial transcript prepared by SAVE Britain's Heritage of the consideration of Liverpool Mercantile Maritime City and its retention on the List of World Heritage in Danger based on recordings of proceedings available at <http://whc.unesco.org/en/sessions/40COM/records/?day=2016-07-12#tIDDrFlwmYB40>, afternoon session of 12 July 2016 (from 1:25:13 - 1:51:19 of the recording) of the 40th Session of the UNESCO World Heritage Committee, Istanbul, Turkey

Ms Lale Ülker, Chairperson, World Heritage Committee: I now invite Mrs Anatole-Gabriel to present the next Report.

Mrs Anatole-Gabriel: Merci Madam. Thank you Mrs Chairperson. The next report concerns Liverpool Maritime Mercantile City, from the United Kingdom of Great Britain and Northern Ireland. The State of Conservation of the property can be found on page 44 in the English version and on page 46 of the French version of the document 7A. The draft decision is on page 46 in the English and 48 in French. The Secretariat has ...The State of Conservation Report was sent by the State Party to the World Heritage Centre on the 29th January 2016. This State of Conservation Report identifies concerns with the sequence of the timeline of the Desired State of Conservation for the removal of Liverpool from the List of World Heritage in Danger which has been set on 1st December 2016 by Decision 39 COM.7A. 43. On 8th July the World Heritage Centre has received new information from the State Party in line with paragraph 172 of the Operational Guidelines concerning two planning proposals in the buffer zone of the property. Firstly, an application for a 34 storey tower at Princes Dock close to the Dock Wall which forms part of the property. Secondly at Skelhorne Street an application for student residence located in the buffer zone adjacent to Liverpool Lime Street Railway Station which lies within the property. This new information, which excludes the detailed material of the two applications, has been sent to ICOMOS to review on 8th July. I think Mrs Chairperson that ICOMOS would like to comment on this property. Thank you Mrs Chairperson.

Ms Lale Ülker, Chairperson, World Heritage Committee: Thank you very much. Representative of ICOMOS.

Representative of ICOMOS: Thank you Madam Chair. ICOMOS acknowledges that this property continues to face strong challenges associated with an approved large scale development. ICOMOS has participated in joint World Heritage Centre and ICOMOS missions in

2006, 2011 and 2015. Over this period there has been progress in improving the State of Conservation of the property through repair and reuse of the outstanding historic buildings and structures which were previously at risk.

However, the major threat to the OUV posed by overdevelopment within the property itself and within its buffer zone remains. ICOMOS and the Committee have consistently advised that the proposed Liverpool Waters development and specifically the scale of the proposed development would fundamentally adversely affect the OUV of the property. The statement of Outstanding Universal Value for the property specifically notes that [and I am quoting] "at the time of inscription the World Heritage Committee requested that the height of any new construction in the property should not exceed that of structures in the immediate surroundings". ICOMOS regrets the misalignment between the obligations of the State Party and the ability of the local planning authority to grant approval for developments which adversely impact on the OUV of World Heritage Properties. The outline planning consent granted for the extensive Liverpool Waters project in 2012 permits the proposed development but does not adequately address the threat to the OUV of the property and resulted in the property being placed on the List of World Heritage in Danger. Substantial reduction in the urban density and particularly height of new buildings is required to avert this threat. ICOMOS understands that this can only be achieved through engagement and negotiation among the three principal stakeholders: Liverpool City Council, Peel Holdings and English Heritage.

ICOMOS welcomes the moratorium on development within the Central Docks precinct of the overall project and notes that only repair, reuse, maintenance and small scale projects should occur elsewhere within the property and the buffer zone until the Desired State of Conservation has been adopted by the Committee. ICOMOS notes that the State Party has advised that it will develop the Desired State of Conservation in conjunction with a review of the site management, revision to the Supplementary Planning Document and approval of the Local Plan. While all of these actions are appropriate, the sequence is not adequately focussed on the OUV of the property. ICOMOS considers that the preparation of a revised outcome-focussed Desired State of Conservation which identifies precisely how the approved scheme should be refined to protect the OUV of the property is required as soon as possible to inform the finalisation and approval of the planning tools and regulatory framework. This process should in turn inform necessary changes to the Liverpool Waters scheme prior to consideration of any detailed planning proposals or approvals.

There should be no possibility of further impacts on the OUV of the property until the Desired State of Conservation is prepared and adopted. It would therefore not be appropriate for any major projects including the 2 projects submitted by the State Party in recent days to proceed with the property and its buffer zone before the DSOCR - the Desired State of Conservation- is finalised and approved and the relevant corrective measures have been taken. Thank you Madam Chair.

Ms Lale Ülker, Chairperson, World Heritage Committee: Thank you very much. Now I would like to invite the Committee Members for their comments. I give the floor to the representative of Lebanon.

Representative of Lebanon: Thank you very much Madam Chair. In the report presented by the Centre and Advisory Bodies we can read that the State Party's report says that the Committee has misunderstood the agreement reached during the Advisory mission that there should be a moratorium on developments in the Central Docks neighbourhood only and not the whole of the World Heritage property. We would like - in order to avoid a new misunderstanding - we would like to know what does it mean when the State Party says that it considers that focusing on the planning process will be more effective than setting out the revised vision of the Liverpool Waters that would be susceptible to change before the expiry of the existing permission in 2042. What do the State Party means by this phrase? I mean we all know that the issue of Liverpool Waters is central and that all the height - high buildings etc. is central so please can – I don't know who can explain - what does this phrase mean and let's try to avoid a new misunderstanding. Thank you.

Ms Lale Ülker, Chairperson, World Heritage Committee: Thank you very much. Representative of Poland.

Representative of Poland: Thank you Madam Chair. Liverpool Maritime Mercantile City was inscribed on the World Heritage List in 2004 already with some concerns about development and these concerns remain current over the 12 years of inscription. In 2012 the property was inscribed on the List of the World Heritage in Danger due to Liverpool Waters a major large-scale development project. The plan for implementation over 30 years period in the area of 60 hectares covering part of the inscribed property as well as part of its buffer zone. The 2012 decision stated that the Liverpool Waters development scheme poses a serious potential threat to the OUV of the property and that the implementation of the development would irreversibly damage the attributes of the conditions of integrity that warranted inscription and that could lead to the potential deletion of the property from the World Heritage List. Unfortunately, after 4 years since 2012 Committee Decision we hardly see any progress made by the State Party in this regard. In addition, the Committee's request to develop a Desired State of Conservation together with a defined timetable for the implementation of the corrective measure is not respected. In such a situation we have no other choice like to come back to the discussion of removing this property from the World Heritage List in the near future. We do hope, that the State Party will take it as an encouragement or an international support.

Poland is proposing an amendment to the draft decision accordingly. It has been sent to the Rapporteur. I hope she receives it.

Ms Lale Ülker, Chairperson, World Heritage Committee: Thank you. Representative of Portugal.

Representative of Portugal: Thank you Madam President. I remember that we already had a good go on this in Bonn last year but apparently to no avail. Well I join what has just been said by our Polish colleague and before her by our Lebanese colleague and I am extremely worried

on the situation facing this property after hearing the Secretariat and ICOMOS. There does not seem to be a clear and serious commitment from the State Party to preserve the Outstanding Universal Value of this World Heritage property already recognized to be in serious danger. I am not speaking only about the State Party report and of its analysis by the World Heritage Centre and Advisory Bodies but also I recall an event that the developer of this site organized last April to showcase precisely the Liverpool Waters skyscraper project which included 34 storey residential tower in Princes Dock which is surely beyond any misinterpretation than one might have and so we are further appalled to read in several papers news about this case and I think that perhaps on line with what was said by our Lebanese colleague perhaps it would be very useful for the State Party to address these issues here - and to address these issues - that have been raised namely by Lebanon so that we could have some clarity on what the real intentions of the State Party are on this matter and taking into account that a deletion from the list is always possible. Thank you.

Ms Lale Ülker, Chairperson, World Heritage Committee: Thank you very much Mr Ambassador. Representative of Turkey.

Representative of Turkey: Thank you Madam Chair. The Committee has been asking the State Party to develop the Desired State of Conservation since the property's first inscription in the Danger List in 2012 but it seems it is still in progress. The State Party proposes to develop a Desired State of Conservation in conjunction with the reworked related plans and programmes and plans to adopt it before 2018. Considering that Desired State of Conservation is not only a tool defining the necessary circumstances for removal from the Danger List but also a tool for the Committee for facilitating its decision-making, timely submission of the final draft of this document should be an urgent and crucial task for the State Party. Approval of the Local Plan and management plan should be defined within the correct measures accordingly. Thank you Madam Chair.

Ms Lale Ülker, Chairperson, World Heritage Committee: Thank you. Representative of Peru.

Representative of Peru: [short statement not in English]

Ms Lale Ülker, Chairperson, World Heritage Committee: Thank you very much. Now I give the floor to the State Party. Representative of United Kingdom.

Representative of United Kingdom: Thank you Madam Chair. The United Kingdom will respond positively to the proposed way forward and submit the Desired State of Conservation Report by 1st of December this year for review by the Centre and Advisory Bodies. There may yet be a gap between the expectations of the Committee and what the State Party can deliver in practice but after a useful meeting with the Centre and ICOMOS yesterday evening, we will do what we can to bridge that gap and ensure that the planning tools that are in development are put in place to support the Desired State of Conservation Report.

I would remind respectfully members of the Committee that in Bonn last year the Desired State of Conservation Report was requested by December 2016 and we now agree to that as I have just said. I would also respectfully remind the Committee that the UK did submit a Desired

State of Conservation Report in April 2014 which commented on the planning process raised by the respected delegate from Lebanon. The idea behind that is that we have a 30 year outline permission for Liverpool Waters but no part of it can proceed without agreement of detailed matters which have the potential to reduce the mass and density as requested by the Committee in its draft decision.

We are very disappointed that the moratorium is still being extended out from beyond the Central Docks area of Liverpool Waters to the whole of the World Heritage Site. There is a need for Liverpool to continue with contextual, well thought out, new development that respects the OUV of the property to drive economic growth and sustain the historic buildings that are there.

The detailed proposals that have been referred to which were submitted for information last week are accompanied by Heritage Impact Assessments, and it is the view of Historic England, the Government's adviser on the World Heritage Convention, that these demonstrate that there will be no significant adverse affect from these new developments on the OUV of the property.

The majority of the UK sites, 29 World Heritage Sites, are we believe a model of good practice and we wish to extend this to all our properties. We therefore regret that because of the planning process in the UK we will not be able to respond positively to the request from the Committee to place a moratorium on development because it is a legal requirement that a local authority must determine applications that are submitted to it. The Committee does have our assurance however that we will progress the Desired State of Conservation with energy and enthusiasm in order to secure the removal of Liverpool from the in-Danger List as soon as practicable. Thank you Madam Chair.

Ms Lale Ülker, Chairperson, World Heritage Committee: Thank you very much. I now give the floor to the Representative of ICOMOS. You have the floor.

Representative of ICOMOS: Thank you Madam Chair. If I may I will endeavour to answer a couple of questions that were raised by members of the Committee and then pass some comments on the representations made by the distinguished delegate for the State Party. With respect to the query that was raised by Lebanon about the focus on the planning process, I think this actually goes to the heart of where this matter is at at the moment. What the Committee said very clearly in Bonn was that the first step was an agreed adopted Desired State of Conservation by December 2016. The State Party in its earlier representations suggested that the Desired State of Conservation would need to be informed by their planning framework and it is the view of ICOMOS that that is the wrong way round. That the Desired State of Conservation must be framed in terms of the retention of the Outstanding Universal Value and retaining Outstanding Universal Value is the touchstone by which the planning framework and guidelines should then be developed. So that is a very fundamental thing.

I must say then that as the honourable delegate from the State Party has mentioned in a meeting yesterday when this was reiterated there was an indication that firstly that the Desired State of Conservation Report would be prepared by December 2016 as has just been said and that they would endeavour to commence with what the requirements for retention of

Outstanding Universal Value were and then if the planning consent that has been issued is larger than that they at least understand the difference and can address how that might be managed.

With respect to the honourable delegate from Portugal, ICOMOS and the Advisory Bodies share the concern that it is entirely inappropriate to be dealing with one off detailed planning consents along the way and the tower that was announced in April is in fact one of the applications that came to the Centre a matter of only days ago. It is for a 34 storey tower development adjacent to Princes Dock just in the buffer zone outside the core area of the property. It must be said that the outline planning consent actually provides for 50 storeys in this location and some of the suggestion in the impact assessment is that 34 is therefore an improvement. This is not a view to which ICOMOS holds that in fact the impact on the setting and values of the place is the benchmark not whether it is less than 50 storeys.

ICOMOS is very pleased about the response of the State Party and acknowledges that the arrangement between the powers of the National Government and the local authority has created a problem because the planning consent is in place. This does not create any obligation for the World Heritage Committee to solve that problem. So it would be entirely inappropriate to have any of the detailed planning consents for large buildings and we are talking buildings of a 30 storeys plus size or one building of a 30 storey plus size – it would be entirely inappropriate for such developments to be considered until the guidelines and rules are in place after the Desired State of Conservation has been prepared and agreed.

I think I must finally say that while I acknowledge – or ICOMOS acknowledges - that there is at a local level a legal requirement to address those proposals there are other ways than the pure legalistic way. In ICOMOS's opening remarks mention was made of the need for discussions between the State Party Government represented by English Heritage, Liverpool City Council and the developer, Peel Holdings. It is open to Peel Holdings to place those applications on hold until this due process is complete – the Desired State of Conservation is adopted and then it will be clear to Peel Holdings and to the State Party what is required to solve this problem and they can choose to solve the problem or they can choose not to. And that is indeed the appropriate process. Thank you Madam Chairman.

Ms Lale Ülker, Chairperson, World Heritage Committee: Thank you very much for your explanation. I see no more requests for the floor from the member countries so we can move to the adoption of the draft decision 40 COM. 7A. 31 concerning this property. I would like to ask our Rapporteur if she has received any amendments on the draft decision proposed.

Rapporteur: Thank you Madam Chair. As the distinguished delegate from Poland has indicated, we have received an amendment from Poland and you can see the amendments now up on the screens. We also have amendments proposed by the Secretariat and I will just move through in order of the paragraphs:

Paragraph 2 “Recalling Decision 39 COM 7A.43....”, “and additions of other previous decisions as well as Decisions: 36 COM. 7B.93 St Petersburg, 37 COM. 7A. 35 and 38 Com.7A. 19.”.

The rest of the Decision remains and we insert in a new paragraph, paragraph 7, this is proposed by the Secretariat: "That furthermore the submission by the State Party on 8th July 2016 of new information about 2 projects, Princes Reach, Princes Dock, Liverpool and proposed student residences on Skelhorne Street, Liverpool and requests the State Party to ensure that neither project receives project approval until DSOCR has been finalised and adopted.

We move down to paragraph 11. This is an amendment proposed by Poland again: "and decides to retain Liverpool Maritime Mercantile City on the List of World Heritage in Danger with the possibility of the deletion of the property from the World Heritage List in the absence of timely implementation of the above recommendations."

This is all the amendments proposed. Thank you.

Ms Lale Ülker, Chairperson, World Heritage Committee: Thank you very much Mrs Jo. Is there any comments or objections to the draft Decision as amended?

I see no. I declare Decision 40 COM. 7A. 31 adopted as amended.

Prepared 22.07.16