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Dear Emma Walshe

Fountains Abbey and Studley Royal Applications ZC23/02883/FUL, ZC23/02884/LB and ZC23/02903/FUL

ICOMOS-UK wishes to comment on these three proposals in terms of their potential impact on the Outstanding Universal Value (OUV) of the *Studley Royal and the Ruins of Fountains Abbey World Heritage site* (WHS).

1. ICOMOS-UK

ICOMOS-UK is the UK National Committee of ICOMOS, which has a special role as the official adviser to UNESCO on cultural World Heritage Sites. ICOMOS-UK plays a leading role in implementing the World Heritage Convention 1972 (the Convention) within the UK and promoting best practice in the management of UK World Heritage Sites. The maintenance of the Outstanding Universal Value (OUV) of the UK World Heritage Sites and their settings is a key objective.

ICOMOS-UK is not a statutory consultee but offers the following comments based on ICOMOS guidelines and UNESCO policy advice and Guidelines.

We set out below the long background to the development of visitor facilities at Fountains Abbey and Studley Royal as a basis for analysing the role and siting of such facilities and engagement with local communities.

This is followed by comments on potential impact of the proposals on the OUV of the World Heritage site (WHS) based on the submitted Heritage Impact Assessment (HIA) and analysis of attributes of OUV.

Finally we consider the obligations to protect OUV, how these relate to HIAs and planning guidance.

2. Proposed Project

The project is to develop a new visitor centre at Canal Lodge through extending the existing building and creating a large new restaurant, widening the current visitor entrance in the Canal Gates flanking wall and providing external seating areas towards the lake.

3. Background to the development of Visitor Facilities at Fountains Abbey & Studley Royal

The National Trust acquired the Fountains Abbey and Studley Royal Estate in 1983. It quickly became apparent that the visitor facilities in place, a small cafe near the abbey and the main car park outside the gates to the south together with some parking to the north near the lake and minimal tea facilities at the lake lodge, were inadequate to cater for the large number of day visitors – then estimated to be up to 400,000 per annum.

Many possible solutions to this problem were considered at the time. What emerged was a policy direction that encompassed a respect for the integrity of the overall property (the inter-related water gardens and abbey) and the need to site visitor facilities outside its perimeter. There was clear understanding that enlarging the tearooms within the property was undesirable as was encouraging visitors to enter the property through the village and up the main drive.

The solution was to acquire Swanley Grange farm to the west of the property and to build a new entrance road, new visitor facilities and new car park. The opportunity was also taken to design a building that would be seen as a worthwhile addition to the overall landscape and one that could enhance the visitor experience. And at the northern end, consideration was given to demolishing the lodge (although this was never ratified but rather its use kept to a minimum) and a decision taken to limit the use of the northern car park and thus traffic through the village. An architect was appointed in 1986 and the project was completed in 1992.

It would clearly have been much easier at that time to have enlarged the car park to the north and extended the tea room by the lake – which in effect is what is now being proposed- but both these options were firmly rejected at that time.

It is worth stating that as the new visitor centre was roughly equidistant between Fountains Abbey and Canal Gates, it was the intention at that time to explore how connections could be made between the new visitor centre and Canal Gates, through negotiation with the owners of the pheasant shoot.

In 2019, ICOMOS-UK was invited to comment on the first project that the National Trust had developed for the Visitor Centre Project. This was based on a Visitor Centre in a similar position to that now proposed and of a similar size but with a tall, ridged roof. We expressed reservations about the appropriateness of the site. Although the need for increased visitor facilities was understood, the extension as then currently proposed for the Lodge appeared to be just too large to be accommodated without considerable adverse impact on the OUV of the WHS. We recommended that any revised proposals should reduce the overall size of the new building; respect long term restoration proposals for the planting behind the balustrade and for reinstating yew hedges alongside Kendal's walk; screen the existing lodge, which does not contribute to OUV; ensure any new buildings would not be visible from across the lake, from outside the main Studley Gates, from the Fishing Tabernacles within the gardens, or from the main path that approaches Studley Gates from within the gardens; ensure any new building should not extend to the edge of Kendal's Walk; and ensure that any outside seating areas should be kept to a minimum and screened from all sides.

In other words, the highly sensitive site next to the Lodge could not accommodate a major extension without adverse impacts on OUV.

4. Role, siting and purpose of Visitor Facilities

In the late 1980s at Studley Royal there was the view that visitor facilities should mediate between visitors and the attraction in raising understanding and awareness, should not distract from what people have come to see and should not become an attraction in themselves or bring visitors into conflict with local communities.

In ICOMOS-UK's view, this approach to visitor facilities should still prevail. We do not consider that it has been followed with the current proposals as the proposed facilities are within the attraction that visitors come to view and experience and are large enough to interfere with the attraction.

The current proposals for the new Visitor Centre include an Interpretation space as well as restaurant and shop – i.e. all the functions that are already present in the existing Visitor Centre. In our view, it is not necessary or desirable to have two visitor centres.

In terms of local communities, engagement with them is one of the five strategic objectives that UNESCO has adopted for the implementation of the World Heritage Convention (Credibility, Conservation, Capacity Building, Communication and Communities). It is difficult to see how the Studley Royal community has been fully involved with development of the current application. Clearly the traffic situation through the village is already an issue and is likely to worsen if more visitors arrive from the northern end in response to an improved visitor offer.

While we understand the view that it is desirable for visitors to be able to access the water gardens through the main gates, (as 18th century visitors did), it has to be accepted that the route around the water gardens is circular and thus whichever end the tour starts, all parts of the route can be followed in the clockwise direction that was intended.

Nevertheless, if visitors are to be encouraged to start their walk at the Canal Gates, this could be achieved by delivering an improved link between the Swanley Visitor Centre and the Obelisk Gate from which visitors can reach the Canal Gates on foot, and improving the current shuttle service until such time as the shortest route between the two along Kendal's Walk becomes available.

As the current visitor facilities offer a good introduction to the property (although could be further improved) and new interpretation facilities should not be provided within the water gardens, nor a shop, and as visitor entrance through the Canal Gates could be provided by other means, this leaves the sole justification for the proposed building as the provision of a large restaurant. Clearly a restaurant by the lake would be an attraction and could be a profitable enterprise, but we do not consider such benefits to be public benefits in relation to OUV. Nor do we consider that improving the existing Victorian building by removing inappropriate extensions can be seen as public benefits – as these could be achieved without the construction of a new building. We also consider that allowing a large attraction to be constructed within the confines of intact water gardens protected as a Grade 1 landscape and as WHS could set a most unfortunate precedent for other protected landscapes.

While ICOMOS-UK fully understands the need to try and accommodate visitor's demands for appropriate services, it considers that such services should not impact adversely on the key attributes of OUV – as a negative impact on a WHS cannot be mitigated, or offset, by positive gains elsewhere – a point that is further discussed below.

5. World Heritage Status

In 1987 Studley Royal Gardens including the Ruins of Fountains Abbey was inscribed on the World Heritage list. This inscription acknowledged that the planning of the water garden was seen to justify criterion (i) as ‘a true masterpiece of human creative genius’.

The Statement of Outstanding Universal Value (SOUV) sets out how ‘*Studley Royal Park is an outstanding example of the development of the ‘English’ garden style throughout the 18th century, which influenced the rest of Europe’ and is ‘one of the few great 18th century gardens to survive substantially in its original form [with] the design and layout of the gardens ... determined by the form of the natural landscape, rather than being imposed upon it’ and containing ‘canals, ponds, cascades, lawns and hedges, with elegant garden buildings, gateways and statues’.*

The most remarkable aspects of the water gardens are their scale and degree of intactness. Although the gardens originally extended somewhat beyond the current boundaries, and two buildings have disappeared (Chinese temple and Wattle Hall) all the key water features and main structures have survived to allow a full appreciation of the scale, scope and originality of the integrated design and its dramatic theatrical views.

The purpose of the SOUV is it defines what the property is, why the property has OUV, what attributes convey that OUV, as well the commitments on how OUV will be protected and the property managed. For Studley Royal and Fountains Abbey, the SOUV was approved in 2012 (after 2005, the UNESCO World Heritage Committee agreed that all properties should have an approved SOUV and those inscribed before 2005 were developed retrospectively).

6. Heritage Impact Assessments (HIAs)

The *Operational Guidelines for the Implementation of the World Heritage Convention 2021* now require States Parties to ‘*ensure that Environmental Impact Assessments, Heritage Impact Assessments, and/or Strategic Environmental Assessments be carried out as a pre-requisite for development projects and activities that are planned for implementation within or around a World Heritage property. These assessments should serve to identify development alternatives, as well as both potential positive and negative impacts on the Outstanding Universal Value of the property and to recommend mitigation measures against degradation or other negative impacts on the cultural or natural heritage within the property or its wider setting’.*

The idea of an Heritage Impact Assessment (HIA) (which is the relevant assessment for the current application) is to ensure that any proposal put forward does not have negative impact on OUV through screening out alternatives that might have negative impact or putting in place mitigation measures to remove any negative impacts. An HIA is carried out through analysing specific impact on the attributes that convey OUV.

The HIA submitted with the application appears to have been carried out once the project had been developed and this did not allow for alternatives to be considered at an early stage. Although an assessment of alternative has been provided in a separate document, this does not appear to have been carried out at the beginning of the project and the alternatives put forward – such as the Banqueting House and Studley Royal Stables/House can hardly be described as realistic alternatives that have been fully considered. Moreover, the assumption behind both these two documents appears to be that a site has to be found for a restaurant.

The HIA provides rather limited details of the attributes of OUV. The list of five key attributes was only recently developed in 2021 and comprises the following:

- A landscape garden of exceptional beauty and harmony
- The ruins of Fountains Abbey
- Accretion of designed landscape which enhances the natural landscape

- Immaculately designed views and vistas using the landscape both within and beyond the boundaries of the garden
- Range of buildings illustrating patronage, status and influence

It would have been helpful if these could have been further developed to give specificity to the attributes in relation to the water gardens and to define how the attributes are linked historically, spatially, visually, socially, etc. They do not quite address how the exceptional beauty and harmony is achieved in Studly Royal, how the ruins of Fountains Abbye are related to the garden or the design logic of the water gardens, and precisely how they were meant to be viewed.

The HIA acknowledges that there will be minor negative impact on OUV from the construction of the tearoom in terms of its impact on views across the gardens but considers that these will be migrated once the flattish roof of the buildings has greened and shelter trees have developed and also mitigated by the public benefits that the project is seen to deliver.

The vegetation proposed to the east of the Canal Gates will put back some of the belt of trees that once existed but cannot be seen as an ideal arrangement for this area. As documentary evidence shows, the area behind the balustrade was wooded so there were no views into the gardens from the drive – only the cascade tumbling into the lake between the Fishing Tabernacles gave a glimpse of what lay within. In the proposed restaurant this belt of trees won't be revived as the development only proposes a thin line of trees behind the balustrade presumably in order to allow visitors siting outside the restaurant to have views of the lake but which will mean they are in turn are on view from along the drive.

In our view the impact on OUV will be significant and cannot be mitigated. While in time the new building may become weathered it is nevertheless a large intrusion within the heart of the designed water gardens that confuses its spatial arrangements, impacts adversely on the designed form of the gardens and its spatial and visual legibility, and overall will have a pronounced adverse impact on the harmony of the gardens by introducing a quite alien function into its midst that will interrupt appreciation.

We would like to note that the SOUV adopted by the UNESCO World Heritage Committee and approved by the State Party, states, in relation to protection, that

'The main visitor facilities, services and car parking are provided at the [Swanley] Visitor Centre to protect the character of the historic area from intrusive modern developments and to minimise the impact of cars on the historic landscape'.

We consider that the proposed project will not support this approach as it will be an intrusive modern development in the historic landscape and will not minimise the impact of cars.

The HIA sets out to demonstrate that any negative impact will be mitigated by positive impacts arising from the tidying up of the Canal Gates Lodge, removing unsympathetic additions and the improvements to planting around the lodge and the Balustrade. We agree that these aspects are positive but they cannot outweigh the negative impact of the proposals on OUV.

We understand the NPPF allows for negative impacts of less than substantial harm to be mitigated by positive impacts such those identified – balancing harm versus benefit. We would like to note that the Guidance on HIAs makes it clear that negative impacts on OUV cannot be mitigated or offset by such 'public' or other benefits. Rather the HIA process should aim to identify projects at an early stage that do not have a negative impact on OUV and, where possible have a positive benefit on OUV as well as supporting sustainable development.

7. Conclusions

ICOMOS appreciates the background analysis and research work that has underpinned the current application.

We are disappointed not to be able to support this project. We are also concerned that justifying its acceptability on the basis of harm being offset by public benefits is not in line with the approach set out in the new HIA Guidance which relates to the immutability of a property's OUV. Had the gardens not been a World Heritage Site, then the proposed project might reasonably have been approved on the basis of a balance of benefit over harm, but this approach should not be applied to World Heritage Sites.

Yours sincerely

Peter Marsden

Chair ICOMOS-UK World Heritage Committee