

Nomination of
**The GREAT
SPAS** *of Europe*



for inclusion on the
**World Heritage
List**

Volume II: Existing plans; local and regional

5.d Existing plans related to municipality and region in which the proposed property is located

The existing plans related to municipality or region (development plans, land-use plans, conservation plans, tourism development plans and other important documents) are listed below for each component part.

Please note that because of the number of components and the amount of data for each, this section summarises information. For fuller details, it is necessary to check from the documents listed here and attached in Section 7.b.

1. *Baden bei Wien*

AUSTRIA

Plans issued by the Provincial Government:

Provincial Development Concept of Lower Austria (Landesentwicklungskonzept Niederösterreich, Nö. LGBl no. 9/2014)

This Concept was adopted on 14 September 2004 by the Government of Lower Austria. It is a policy document with a strategic steering and coordination function at the highest level and is committed to integrated spatial development. It provides information about the basic features of the desired spatial structure as well as about the principles and goals of regional development. It forms a model for spatial activities in various sectors and specialist areas as well as for different spatial levels.

Regional Planning Programme for the area south of Vienna (Verordnung über ein regionales Raumordnungsprogramm südliches Wiener Umland, Nö. LGBl no. 8000/85-0) contains regulations concerning green areas, development of settlements and for the production of raw materials in order to achieve a balance between the use of landscape, development of settlements and the protection of green spaces, forests and of biotopes.

Plans issued by the municipality *Baden bei Wien*:

The “**Local Special Programme**” (**örtliches Raumordnungsprogramm**)¹ contains beside the Area Designation Plan the local Development Concept. This was issued on the basis of paras 13-24 NÖ ROG 2014 by decree on 22. Oct. 2015 and contains guidelines for the future development of the town,

“**Area Designation Plan (Flächenwidmungsplan)**”² : Area Designation Plans are issued for the whole territory of a municipality and indicate the specific use of a plot (e.g. for residential purposes, agriculture, economic activities, traffic) on the basis of para 14 NÖ ROG 2014. These plans can be amended as necessary by the municipal council, subject to approval by the Government of Lower Austria.

The Construction Plan (Bebauungsplan)³ – on the basis of paras 29-36 NÖ ROG 2014 – dates back to 1986 and was amended regularly. They have to be prepared for built-up areas and contain specific regulations concerning the dimension, position, height and volume of a building as well as their distance to neighbouring plots and roads. On the occasion of its amendment on 29 March 2016, construction regulations were revised.

2. Spa

1. Supra-municipal level

Sector plan

The Walloon Region has a total of 23 sector plans adopted between 1977 and 1987. They define the land-use designations at 1:10,000 scale to ensure the harmonious development of human activities and prevent abusive consumption of space. The sector plan is regulatory and binding. Its stipulations can involve restrictions to the rights of ownership, including a ban on building or sub-dividing of land parcels. Dispensation is only possible according to the procedures provided in the Territorial Development Code (CoDT).

It is mandatory for the sector plan to include land-use designations (zoning) (Articles D.II.24 to D.II.40 of the CoDT) and routes of the main infrastructure networks. It can also include boundaries overlapping the designations (Art. 40), additional town planning or planning stipulations (Art. 41) and other planning measures.

Spa is included in the VERVIERS - EUPEN sector plan adopted by Order of 23 January 1979. 3,127 hectares of the municipal area are shown in non-building areas in the sector plan, which accounts for 78.5% of this area. Almost all the territory surrounding the property as a buffer zone is zoned for restricted land use (e.g. forest area, nature protection area). This guarantees that no large-scale urban project could harm the property. Within the boundaries of the nominated property, the areas of the springs, the therapeutic and recreational spa landscape, and the walks are also situated in areas of restricted land use of the land area. These help to guarantee the preservation of the integrity of green belt around the city.

Sanitation Plans per River Basin (PASH)

The Sanitation Plans per River Sub-basin (PASH) delimit and define for all buildable areas in the sector plans the sanitation regime in force from those specified in the General Sanitation Regulations.

There are three types of sanitation area covering areas with sewerage systems and treatment plants, areas in which inhabitants must treat the wastewater themselves, and areas where classification is yet to be complete. Each Sanitation Plan is a file comprising a map and a report referring to the map components. The map shows the mandatory sanitation regimes allocated to each dwelling and the sanitation networks and structure are shown as a rough guide.

The entire property is located within the area of the Sanitation Plan per River Sub-basin of the Vesdre, whose regime was made applicable by a decision of the Walloon Government in its session of 10 November 2005. The overwhelming majority of the municipal territory is governed by the collective sanitation regime. Avoiding individual treatment systems for wastewater, this helps to limit the risk of pollution in the property.

¹ http://www.baden.at/cms/upload/abteilungen/bauen_infrastruktur/bauangelegenheiten/Verordnung_ROP/2015_09_29_Verordnung_Raumordnungsprogramm.pdf

² <http://gis.stadtgemeinde-baden.at/>

³ http://www.baden.at/cms/upload/abteilungen/bauen_infrastruktur/bauangelegenheiten/Bebauungsbestimmungen/Verordnung_Bebauungsbestimmungen_GR_2016_03_29.pdf

2. Municipal level

Municipal Mobility Plan

The Municipal Mobility Plan (PCM) is a strategic instrument to facilitate mobility planning at municipal scale. Its purpose is to improve accessibility and mobility, road safety and quality of life. The **Spa Municipal Mobility Plan** was approved by the *Spa* Municipal Council on 23 May 2017. Its objectives focus on the single goal of reinstating *Spa* in its role as the quintessential spa in Europe.

Objectives linked directly to mobility are to:

- remodel the public spaces in the town centre for the benefit of pedestrians;
- develop shared use between the car and public space;
- offer an alternative to passing through the town centre on the N62;
- discourage the transit of HGV through the town centre, whether local or regional;
- develop quality itineraries for “soft” means of transport (pedestrians and two wheelers), mainly in terms of continuity, safety and urban development;
- strengthen the role of public transport for travel within Spa.

All the objectives aim to return the heart of *Spa* to pedestrians. Developments in Rues Dagly, Delhasse, Général Bertrand and Place du Monument are already moving towards this.

Specific objectives for operating parking in *Spa* have also been set, mainly in terms of encouraging customers and visitors to use short-term parking in the town centre and moving some medium- and long-term users away from the town centre.

The Czech Republic has a sophisticated scheme of landscape planning to protect and develop natural and cultural values of the region. Planning documents and planning documentation are key instruments of landscape planning, among other analytical documents investigating and evaluating the condition and development of the region, and regional studies. The plan sets out the basic concept of development of the urban area and protection of its values, the concept of space arrangement and layout and conditions of use of defined areas and corridors. The regional plan can, for defined areas and corridors, stipulate a review of changes in use through a regional study or a regulation plan. In such cases, it is not possible to site constructions until the regional study or the regulation plan has been prepared.

CZECH
REPUBLIC

Principles of the regional development of the *Karlovy Vary* region 2010, updated 2012

The principles of the regional development of the *Karlovy Vary* region fully respect the extent of the protected zones of spa areas. Definition of the protected areas of international importance distinguishes areas in optimal condition from those where it is necessary to develop and more strongly support long-term territorial stabilization of activities of the spa industry and connected services (while adhering to the principles of

the general protection of the environment, nature and landscape and respecting cultural and civilisation values of the region).

Integrated development plan of the *Karlovy Vary* region (IRPÚ) 2014-2020

This collates planning events linked by content and time. One priority is the development of the spa industry and conservation care. With the intention of reinforcing the attractiveness of the local environment, emphasis is placed on the preservation of cultural and historical heritage values of the spa region through conservation of significant cultural and historical monuments. Further, the Plan aims to secure the spa infrastructure to reinforce protection, access and sustainable utilisation of cultural heritage for the development of the region.

Concept of conservation care of the *Karlovy Vary* region

This long-term effective and detailed study from 2006 in the first part specifies values and documents the current condition of the heritage stock in the *Karlovy Vary* territory. The second part sets specific goals of conservation care in the *Karlovy Vary* region.

Culture concept of the *Karlovy Vary* region for the period 2013-2020

The goal is to preserve the functions of cultural institutions and the level of live culture in the *Karlovy Vary* region and simultaneously to maintain the level of financial assets invested into the culture sphere. At the same time it identifies investments necessary to preserve the minimal development especially of regional cultural institutions. The concept creates significant reference material for the Management Plan, and realistically counts on a possible increase of visitors in the region connected with the nomination process.

Concept of tourism in the *Karlovy Vary* region

This establishes a framework for public and private investments in the sphere of tourism and the spa industry. It is a tool which enables the *Karlovy Vary* region effectively to coordinate and optimize the financial assets given for the development of tourism and the spa industry.

3. *Františkovy Lázně*

Strategic plan of development of the town of *Františkovy Lázně* 2008-2023

The strategic plan is one of the basic development documents planning the town's development over a 15-year time horizon in accordance with the principles of sustainable development. It is a tool for the municipality for the care and overall development of its area within the independent competence set for municipalities in Act no. 128/2000 Coll. It defines an overall vision of the town's development, together with priority areas and strategic aims, priorities and provisions for their fulfilment and a system for evaluating with measurable indicators the fulfilment of the strategy. A significant thematic area is 'the Centre of spa industry and tourism'. The town of *Františkovy Lázně* supports the spa industry as the main town-forming function and, at the same time, it aspires to increase interest in the town as a destination for other fields of tourism. Activities are also aimed at increasing active advertising of the town by modern marketing means, the strengthening of information services for visitors, and preserving and making it more attractive through the traditional events.

Urban plan of the town of *Františkovy Lázně* approved by decree no. 485/2014 on 27 August 2014

The main function of the town will continue to be a spa. Development of other residential functions and service systems will be carried out only in accordance with the need to protect the natural healing resources and their long-term use. The historical heritage of the town – and especially the historical town reserves – will be protected, renovated and maintained and thoughtfully used. New constructions, conversions and annexes in valuable localities with unfinished building development will need to respect the structure of buildings and the character of buildings. The unique intimacy of the small spa town will be preserved by the suitable use of buildings and areas and especially by the adequate areal development of ‘the core zone’ – *Františkovy Lázně*, Horní Lomany and Slatina – and preserving the current height level of buildings. The quality natural and landscape setting of the spa location *Františkovy Lázně* will be respected, generally protected and suitably extended and completed by building development. The building development, service systems and changes in the use of the area will help to improve the quality of all components of the environment and protection of natural resources. In the long term, no mining of brown coal or any other industrial activity will be allowed.

Program for regeneration of the *Františkovy Lázně* Urban Heritage Reserve in 2015-25

The program provides an extensive base for determining the regulations for the area of the Urban Heritage Reserve of *Františkovy Lázně*. Part 1 is a detailed inventory and analysis of all buildings in the Urban Heritage Reserve including detailed photographic documentation. Part 2 evaluates the buildings, which are, according to their common characters, included into the so called blocks. The blocks represent logical town-creating groups of buildings with the same urban structure. Regulations are set out for each block. An appendix contains data sheets on individual cultural monuments and other buildings located in the Urban Heritage Reserve.

4. *Karlovy Vary*

Strategic plan of sustainable development of the town of *Karlovy Vary* – KV Strategy (SPURM) approved by municipal decree no. ZM/270/9/14 from 9 September 2014

This is the key strategic development document of the town of *Karlovy Vary* for the period 2014–2020. It describes all the standard steps and control tools for the town’s development and identifies definite projects and programmes. The strategic plan was compiled based on wide consultation with citizens, non-profit organizations, social organisations, business subjects and other institutions functioning in the town. So it has become the universal document binding all public subjects functioning in the town. Its content is in correspondence with the Local Management Plan of the *Karlovy Vary* component part.

Urban plan of the town of *Karlovy Vary* approved by decree no. 046.0/97, 14 October 1997

The current urban plan defines a number of significant projects and creates conditions for them within the framework of protection and regeneration of the Urban Heritage Reserve. The plan claims that for the spa industry there is no need for new capacity, and development should focus on increasing the standards of accommodation and supporting services. Currently the new urban plan is being processed.

The generally binding notice of the town of *Karlovy Vary* no. 1/2000, on binding parts of the urban plan of the town of *Karlovy Vary*, with changes and supplements resulting from the generally binding notices of the town of *Karlovy Vary* no. 1/2004 and no. 13/2006.

The notice establishes the basic principles for planning of the territory and the limits of its use; it defines buildings beneficial to the public, wildlife populations and habitat corridors of the territorial system of ecological stability. It respects and includes the border of the inner spa area.

Program for regeneration of the *Karlovy Vary* Urban Heritage Reserve

The program sets out specifically oriented arrangements beneficial to the public, aiming at the preservation of historically valuable buildings and associated properties. It is developed from the conclusions of the Plan of protection of the Urban Heritage Reserve in *Karlovy Vary*. It aims to reconcile the requirements for protection and regeneration of the urban heritage zone and those for securing the necessary development of the town. It helps with effective and economical spending of private as well as public financial assets, and identifies common interests of the municipality and individual property owners on improvements to the most visible and most valuable parts of the town.

Protection plan of the *Karlovy Vary* Urban Heritage Reserve

In September 2013 this was prepared according to the methodology of the Ministry of Culture of the Czech Republic. Besides listing cultural values and types of works which do not require in advance a binding opinion according to §14 paragraph 2 of the Heritage Preservation Act, provisions secure cultural values and restrict activities which would disturb the values of the environment of the urban heritage zone. It is significant legal regulation simplifying decision making by the conservation care authorities. A new Protection Plan was elaborated in 2018 reflecting the fact that the whole component part of *Karlovy Vary* was declared an Urban Heritage Reserve in 2017. This plan has not been approved yet.

Study of regulations of construction for the Urban Heritage Zone approved by the town council in 2013 (decree no. RM/1443/13)

The study is a fundamental document for protection of heritage values focused on the inner spa area. The study identifies how to achieve spatial control of development in the context of the values of the town centre and spa quarters, within the framework of the Urban Plan. The Plan exactly defines non-development areas, especially public ones, height zones of the development level and the definition of building and other regulation lines is incorporated in the material. Terrace gardens and planned gardens of spa villas are listed as a special part of urbanistic values.

Integrated development plan of the *Karlovy Vary* area (IRPÚ) 2014-20

This collates planning events linked by content and time. One priority is the development of the spa industry and conservation care. With the intention of reinforcing the attractiveness of the local environment, emphasis is placed on the preservation of cultural and historical heritage values of the spa region through conservation of significant cultural and historical monuments. Further, the Plan aims to secure the spa infrastructure to reinforce protection, access and sustainable utilisation of cultural heritage for the development of the region.

5. *Mariánské Lázně*

Strategic development plan of the town of *Mariánské Lázně* 2016-31 approved by municipal decree no. ZM/414/16 on 13 December 2017

This is a basic development document planning development over a time frame of 15 years in accordance with the principles of sustainable development. It defines an overall

vision of the town's development, together with priority areas and strategic aims, priorities and provisions for their fulfilment and a system for evaluating with measurable indicators the fulfilment of the strategy. A significant thematic area is 'tourism and spa industry'. The strategic plan contains the strategic aims, priorities and provisions of the town development until 2031. The so called action plan follows up the strategic plan, which contains project sheets for the individual provisions. These documents will be continuously updated.

Development concept of *Mariánské Lázně*

The Development concept of the town was prepared and processed by the Group for *Mariánské Lázně* development in August 1998, with assistance from the Development fund of *Mariánské Lázně*, s.r.o. and the firm Berman Group, Inc. This strategic plan is for universal development of the locality, where the collected information, plans and instructions for implementing the goals are live and constantly evolving elements. It has become one of the initial documents for creating the town's new development plan.

Urban plan of the town of *Mariánské Lázně* , approved by municipal decree no. 64/03, on 8 April 2003

The current urban plan defines a number of significant projects and creates conditions for them within the framework of protection and regeneration of the Urban Heritage Reserve. The plan claims that the spa industry needs no new capacity. Development should focus on increasing accommodation standards and supporting services. Currently the new urban plan is being processed. It respects and includes the border of the inner spa area. The Plan establishes the basic principles of the organisation of the territory and the limits of its use, identifies buildings beneficial to the public, wildlife populations and habitat corridors of the territorial system of ecological stability.

Programme for regeneration of the *Mariánské Lázně* Urban Heritage Reserve

This provides a broad foundation for determining the regulations and rules for the *Mariánské Lázně* Urban Heritage Reserve. Part 1 provides detailed analysis of all structures of the Urban Heritage Reserve including detailed photographic documentation. Part 2 evaluates buildings, which, according to their common characteristics, are included into so called blocks. The blocks represent logical town-making groups of buildings with the same urban structure. The result is the determination of regulations for each block.

6. *Vichy*

FRANCE

The Municipality of *Vichy* is subject to two town-planning and development documents which influence the way its territory is developed, conserved and presented: the SCoT of *Vichy Val d'Allier* and the PLU of *Vichy*.

The Schéma de Cohérence Territoriale (SCoT) (territorial coherence scheme) 18 July 2013, Community of Greater *Vichy Val d'Allier*⁴

The Solidarité et Renouvellement Urbains law (the SRU law – solidarity and urban renewal) adopted on 13 December 2000, modified by the Urbanisme et Habitat law (town planning and housing) of 2 July 2003, introduced the territorial coherence scheme (SCoT). Governed by the Town Planning Code through Articles L.141-1 ff., this is a town development and planning document laying down basic directions to be followed in the organization of the territory and the development of urban zones for several municipalities or groups of municipalities.

The SCOT must respect the principles of sustainable development, including the principle of maintaining a balance between urban renewal, controlled urban development, the development of the rural zone and the preservation of natural spaces and landscapes, the principle of diversity of urban functions and a social mix, and the principle of respect for the environment.

The SCOT:

- sets out basic directions for development, taking into account the balance which needs to be preserved between urban development, agricultural activity and other economic functions as well as preserving air quality, and of habitats, natural and urban settings, sites and landscapes;
- does not specify land use in general, but provides an overall strategy for developing the built-up area while reconciling various policies (urban reconstruction, housing, transport);
- limits expansion of towns by restructuring the organized spaces while respecting a general balance.

The main principles of the SCOT are stated in Article L.101-2 of the Town Planning Code. It must provide, in particular, for:

economical use of natural areas, protection of natural sites, habitats and landscapes; the preservation of urban complexes and the protection, conservation and restoration of the cultural heritage; mobility-related needs; urban, architectural and landscaping quality, especially around the approaches to the town; the prevention of foreseeable natural risks, technological risks, pollution and nuisances of all kinds; the protection of natural habitats and landscapes, preservation of the quality of air, water, the soil and subsoil, and natural resources.

The SCOT may override with the Plan Local d'Urbanisme (PLU) (local urban land-use plan) and the municipal map, the Programmes Locaux de l'Habitat (PLH) (local housing plans), the Plans de Déplacement Urbains (PDU) (urban transport plans), land transactions and development projects, commercial development schemes and commercial urban development authorizations. The SCOT makes it possible to take a larger-scale approach to development, protection and presentation of the heritage. World Heritage properties can be incorporated in a SCOT, and this initiative is of special interest with regard to the management of distant views.

The nominated component is covered by the SCoT of *Vichy Val d'Allier*, approved on 18 July 2013, which relates to 23 municipalities constituting the *Vichy* built-up area. This SCOT is that of the previous Community of *Vichy Val d'Allier*. Its general approach and objectives have been incorporated into the new local urban land-use plan for *Vichy*.

The objectives are as follows:

- Aspect 1 – For a dynamic, welcoming territory, to play a role in buttressing the peri-urban area of Clermont-Ferrand: connect the territory; foster excellence and innovation; develop a territorial marketing strategy; structure land reserve policy; assert the economic vocation of the territory; strengthen the commercial offer; promote the tourism and culture vocation; develop local agriculture.

- Aspect 2 – For a structured, socially cohesive territory, improve the living conditions of the inhabitants, giving priority to territorial solidarity and neighbourliness: structure the territory to improve the quality of services; promote neighbourliness; produce a housing supply corresponding to demand and integrated into its environment.
- Aspect 3 – For a low-carbon territory, conserved and recognized for its quality of life: bring urban expansion under control: optimize rates of occupation on the principle of “urban density”; preserve and enhance the large natural areas in the territory of *Vichy Val d’Allier*; preserve the water resource, encourage urban development compatible with respect for the environment; beautify the inhabitants’ urban surroundings.

With respect to Aspect 3, the important landscapes of the territory providing symbolic views have been identified and mapped, so that they can be shown to advantage and preserved in development projects. Thus certain lines of hill crests are to be protected from urbanization. The panoramic views and characteristic landscape entities are to be maintained, by adapting development to the specific features of each unit (its relief, its natural or agricultural constituent elements, its atmosphere, etc.).

The Outstanding Universal Value of the nominated property is thus doubly preserved and enhanced: first, through the registration of Old *Vichy* and the banks of the Allier as sites, which enables preservation of the landscape entity as a whole with its views, and second, by the principles of approach of the SCOT, which provide for the preservation of the distant and panoramic views of and from this site, beyond the limits of the municipality.

The Plan local d’urbanisme (PLU) (local urban land-use plan) Municipality of *Vichy*, 28 September 2017

The Solidarité et Renouvellement Urbains law (SRU) – (solidarity and urban renewal) adopted on 13 December 2000, replaced the Plans d’Occupation des Sols (POS) (land-use plans) with Plans Locaux d’Urbanisme (PLU) (local urban land-use plans). The PLU is a development and planning document drawn up on the initiative, and under the responsibility, of the municipality. However, the Accès au Logement et un Urbanisme Rénové law (ALUR) (access to housing and urban renovation) of 24 March 2014 has transferred this competence in PLU matters to the inter-municipal level. This change is because the PLU is an essential tool for land use planning and, with a view to coherence, associated problems need to be solved at a territorial level where they make sense, which is the inter-municipal level.

In this new context, the PLU is still the document defining the development project for the whole of the municipal territory and the framework document defining the development project of the municipality itself and the land rights that enable the issue of town planning permits.

Like all town planning documents, the PLU is drawn up in accordance with the legal and regulatory provisions of the Town Planning Code. The PLU has a life of around ten years. It is open to progressive modification and its rules may be altered or revised in order to

take account of new municipal and inter-municipal objectives. The plan is drawn up to be compatible with planning documents at inter-municipal level, and in particular with the general directions of the SCOT.

⁴This became the Community of Greater *Vichy* on 1 January 2017.

As a reflection of municipal town planning policy, the PLU is a document both strategic and operational, setting forth rules for future development in the medium and long term. It differs from the land-use plan, which reflects an essentially regulatory outlook, by giving priority to a comprehensive assessment of the issues at stake (in particular, heritage issues) and the urban project. Thus, the process of drawing up a PLU may lead to an inventory of the most significant architectural, urban and landscape elements of the heritage.

Article L.101-2 of the Town Planning Code states:

In order to respect sustainable development objectives, the urban development action of public authorities should aim to [. . .] conserve urban complexes and protect, conserve and restore the cultural heritage.

In particular, the PLU, through its Orientations d'Aménagement et de Programmation (OAP) (development and programming approaches) may *define the actions and operations required to show the environment to advantage, in particular, ecological networks, landscapes, town approaches and the heritage, fight insanitariness, facilitate urban renewal and further the development of the municipality* (Art. L.151-7).

Showing landscapes to advantage, defining urban forms and preserving the heritage are objectives which may have their place in the development approaches of a PLU specific to an area of town or a sector.

Article L.151-19 of the Town Planning Code also urges that the regulations of the PLU should

identify and locate landscape elements and identify, locate and delimit the urban areas, blocks, built or non-built property, public spaces, monuments, sites and sectors to be protected, conserved, shown to advantage or redefined for cultural, historical, architectural or other reasons and, where appropriate, define the instructions needed to ensure their preservation, conservation or restoration.

Municipalities endowed with an Outstanding Heritage Site (SPR) have the advantage of additional heritage protection expressed in a specific document drawn up to incorporate a diagnosis recording the whole of the architectural, urban and landscape heritage and accompanied by instructions and guidelines that complement those of the PLU, and take precedence in the event of conflict. Actually, the regulation which is applied within the perimeter of the Outstanding Heritage Site (SPR) is the one of the AVAP.

The whole of the territory of this component of the nominated property is covered by the *Vichy* PLU. Created in 2006, the PLU has been revised in 2017 in order to incorporate recent changes in legislation and the continuing structuring of the *Vichy* built-up area (including the SCOT) was approved on 18 July 2013.

This PLU defines zones that regulate the possible arrangements of buildings as a function of their urban morphology. The territory of the component is located in zone UA and Zone N. Zone UA corresponds to the town centre. It is characterized by a mix of functions and very high building density. Its whole area is covered by the Outstanding Heritage Site, whose rules are imposed on the PLU. Within these confines, all projected works liable to modify the state of the exterior parts of the buildings or non-built property are subject to the advice and control of the architect of Bâtiments de France.

The built heritage within the Outstanding Heritage Site is organized into 4 categories:

- buildings protected as Historic Monuments (C1);
- exceptional buildings (C2+);
- outstanding buildings (C2);
- interesting buildings (C3);
- buildings designated as “common”, not protected under the heading of Outstanding Heritage Site, make up a last category, C4.

Buildings in the “exceptional” and “outstanding” categories must be conserved and restored with a view to presentation and safeguarding. Interesting buildings should be preserved and shown to advantage. Buildings not protected under the heading of Outstanding Heritage Site may be transformed with a view to improving their architectural appearance, demolished or replaced.

In addition to the easement associated with an Outstanding Heritage Site, the UA zone is also concerned by the following public interest easements:

- *Plan de Prévention des Risques Allier* (PPRI approved on 17/10/2018) (Allier risk prevention plan),
- *Plan de Prévention des Risques Sichon-Jolan* (PPRI approved on 30/07/2001) (Sichon-Jolan risk prevention plan)

Zone N is a natural zone on which all building is prohibited, to be protected by reason of the quality of its sites, natural habitats and landscapes, and their interest. It is affected by the following easements:

- Allier PPRi (approved on 17/10/2018)
- Sichon-Jolan PPRi (approved on 30/07/2001)
- Shrink-swell of clays PPR (approved on 22/08/2008).

As we see, a part of the nominated property in *Vichy* is concerned by a flood risk which is covered by the *Plan de Prévention des Risques Allier* (PPRI approved on 17/10/2018 (Allier flood risk prevention plan)). The PPRI is a risk management tool that aims to control urbanization in flood zones in order to reduce the vulnerability of goods and people.

The objectives of the PPRI are:

- identifying areas at risk and level of hazard
- the prohibition of any new construction in the strongest hazard zones
- reducing the vulnerability of the existing and future constructions,
- the preservation of flood expansion zones so as not to aggravate the risk

The PPRI file include hazard maps, issues and regulatory zoning associated with a by-law as well as an introductory note.

In the case of *Vichy*, the nominated property is included in the exceptional flood envelope. As such, are forbidden the projects to create sensitive establishments, equipment, facilities or services that are useful for crisis management, defence or law enforcement, or whose flood risk poses a risk.

Regional Development Plan Regionaler Raumordnungsplan Mittelrhein-Westerwald (binding since 11 December 2017)

The regional development plan (Landesentwicklungsplan) presents, in textual and map form, the structural objectives and specifications for the overarching spatial order of the land, especially with respect to settlement areas and open space, development cores and axes, transport infrastructure, extraction of mineral resources and energy generation, and the provision of supra-regional facilities such as ports, airports, etc. Its key objective is a sustainable spatial development that reconciles social and economic demands and functions with ecological requirements.

The planning department of the region of Mittelrhein-Westerwald, which includes *Bad Ems*, is responsible for regional planning in accordance with State planning law. The Regionaler Raumordnungsplan (spatial development plan) for the region - currently being updated and now at the authorisation stage - covers supra-local, supradepartmental and overarching planning at state level in the Mittelrhein-Westerwald region.

It enlarges upon and specifies the Landesentwicklungsprogramm (State development programme, LEP IV) and contains aims and principles that must be observed and taken into account in land-use and technical/departmental planning (§1 (4) BauGB and §4 ROG). Its text and map identify areas in urgent need of planning to ensure that competing land-use claims can be dealt with competently and appropriately, as in the case of the UNESCO World Heritage Site of the Upper Middle Rhine Valley. The Regionaler Raumordnungsplan also contains aims and principles of monument protection, and acknowledges the town centre of *Bad Ems* to be of high historico-cultural value and deserving of protection. The Development Programme (LEP) itself says (§8.41):

UNESCO World Heritage Properties are to be preserved including their setting with regard to their Outstanding Universal Value.

According to the plan as updated, *Bad Ems* is moreover situated in a Vorbehaltsgebiet - an area designated for a specific primary function or use, in this case recreation and tourism - and in a major river valley, the landscape of which is under special protection. The (approved and future) regional plan contains a number of determinations with regard to traffic and energy, none of which would present an obstacle to *Bad Ems* becoming a World Heritage Site.

The Plan contains specific policies on monument protection and on landscape and scenery. Buildings, groups of buildings, and ensembles that are eligible for monument status, being characteristic elements of the cultural landscape, should be preserved, maintained and protected from damage. They should be taken into account in all planning and building projects. Municipalities should adopt statutes to protect townscapes while the urban structure and historico-cultural appearance of significant towns, including *Bad Ems*, must be preserved, and existing disfigurements must be reduced.

The diversity, unique character, and natural beauty and landscape must be maintained in a permanent, sustainable manner. Major river valleys (including *Bad Ems*), particularly their sides must be kept free of large individual structures and disfigurements such as wind turbines and multi-storey buildings.

Preparatory urban land-use plans

In the preparatory urban land-use plan, types of land use necessary for planned urban development based on the foreseeable requirements of the community should be outlined for the entire association of municipalities of *Bad Ems* (§1 Federal Building Code). The currently valid urban land-use plan (upgraded for the 5th time in 2017) shows the land requirements of the development of the association of municipalities of *Bad Ems*, in accordance with the regulations of the Building Code. It provides the basis for a methodical spatial development at *Bad Ems* by listing urban-development, social, ecological, and economic perspectives.

Binding urban land-use plan

A binding urban land-use plan (§9 Federal Building Code) states legally binding commitments regarding the manner and extent of land use for building purposes within its area. A binding urban land-use plan may determine the manner and extent of building, construction type, land/plots eligible for building, as well as size, width and depth of building plots. Arrangements based on other legal provisions, e.g. monuments identified by State law, are to be adopted into the binding urban land-use plan for informational purposes, to the extent that they are necessary or useful for a better understanding of the plan itself, or for the assessment of building applications in a town-planning context.

Within the nominated property, 24.1 ha, amounting to 30 per cent of the nominated property, is subject to a binding urban land-use plan. If only the built-up area is considered, the percentage covered by a binding urban land-use plan is considerably larger. Moreover, monument protection regulations and an advertising statute apply as well. Apart from that, the “blending in” criteria for new builds stated in §34 Federal Building Code concerning the admissibility of projects within built-up areas (“Zulässigkeit von Vorhaben innerhalb der im Zusammenhang bebauten Ortsteile“) are in force.

Redevelopment statute

For a sustainable urban development, the designation of redevelopment areas is called for according to § 136 of the Building Code. Currently *Bad Ems* features one redevelopment area. The former Sanierungsgebiet West encompassed most of Römerstraße with the monument protection zone. Following the construction of the new relief road, the redesign and restoration of Römerstraße is largely complete, and the designation as a redevelopment area was formally lifted in 2017. Sanierungsgebiet Ost is largely identical with the area surrounding the station. Most redevelopment measures are complete, with some infill building east of the station to be finished in 2019. Afterwards the “redevelopment” designation will be lifted here too.

A new redevelopment area, Stadtumbau Lahnquartier, will be tackled over the next years. It encompasses Wilhelmsallee and the riverside promenade, Carl-Heyer-Promenade, as well as the Vier Türme and Altes Rathaus properties on the northern bank of the Lahn. The redevelopment area will feature the standards of an integrated urban development concept, even though *Bad Ems* does not have its own integrated urban development concept.

Advertising statute

For the protection and future shaping of the townscape, the Council passed a statute on the permissibility and design of advertising installations, billboards, display cases, and vending machines (Werbeanlagensatzung, WAS) on 16 March 2010. The installation of advertising is subject to approval as well as to design regulations ensuring, among other things, that advertising does not conceal characteristic architectural features. The statute aims at strengthening awareness of the issues surrounding the preservation of the historical townscape amongst those responsible for advertising, including particularly retailers and restaurateurs.

Design guidelines

Bad Ems does not yet have a design statute but is going to draw up guidelines, as envisaged in the regional development plan.

***Bad Ems* tourism strategy**

The new Tourism Strategy Rhineland-Palatinate 2025 was published on 31 October 2018. It was prepared with the participation of many regional partners including Heilbäderverband Rheinland-Pfalz e.V. and the Ministry of Economic Affairs, Transport, Agriculture and Viticulture Rhineland-Palatinate. In this respect sustainability is understood as a cross-sectional task. An important objective is to provide a clear framework for the cooperation of tourism with related industries and sectors such as in particular wine and culture, commerce, trade and services, agriculture and forestry, architecture and building culture, health, nature conservation and landscape experience, regional and municipal development as well as mobility and transport.

The tourism interests of the town of *Bad Ems* are represented by the tourism and marketing association (Stadt- und Touristikmarketingverein), which is also in charge of shaping the aims of tourism development at *Bad Ems*. In the long term, the aim is continually to enhance the town's appeal, boost the numbers of visitors and overnight stays, and support the creation of added value by the town's tourist sector. In order to implement this long-term strategy, an annual action plan will be prepared and put into practice. This will enable a flexible response to shifts in the market, on both on supply and demand side. The action plan is informed by the Rhineland-Palatinate tourism strategy, which also serves in place of a large-scale strategy drawn up specifically for *Bad Ems*.

8. *Baden-Baden*

The nominated component part of *Baden-Baden* is embedded in a versatile landscape. Besides legal provision to protect and preserve cultural monuments, the protection of nature and mechanisms of urban planning, and appropriate plans relating to the region and the municipality also contribute to the preservation of the property and its buffer zone. The existing plans are listed and summarised below.

Regional Development Plan Middle Upper-Rhine 2003

The regional development plan (Regionalpläne) for the region of Middle Upper Rhine (Mittlerer Oberrhein) has been prepared by the regional association (Regionalverband) of Middle Upper Rhine, the regional planning authority. The regional plan comprises

the agreed policies, the approval of the plan, explanatory text, and a set of maps including a land-use map and a structural map. In 2016, the regional association resolved (Aufstellungsbeschluss) to prepare for the Regional Development Plan 2020, which will be valid for around 20 years. The association's administration will implement the four-year procedure and carry out preparatory work including the settlement survey and the landscape framework plan.

The task of regional planning is to control the development of the region. Under the umbrella of state spatial planning, it realises the technical integration and implementation of regional planning goals. It thus assumes a mediating position between state and municipal planning. Regional planning, in which objectives and principles of spatial planning and state planning are set up, thus creates planning security for municipalities and specialist planning agencies. The regional plan sets goals and principles according to the State Development Plan of Baden-Württemberg for the development of central locations, development axes, settlement areas, building land requirements and settlement development areas, priorities for industry, commerce and professional services. In accordance with the regional planning guidelines, the regional plan includes green areas, green spaces and areas in need of protection for various open space functions and uses.

Strategic development plan *Baden-Baden* 2020

In force since 2011, updating in progress / revision expected December 2018 (Strategic development plan *Baden-Baden* 2030)

The strategic development plan (Strategischer Entwicklungsplan) of the municipality of *Baden-Baden*, drawn up in 2011, describes development perspectives over a ten-year period. Strategic objectives are identified for eleven areas, examined in close coordination (Landscape and settlement, Environment, Traffic, Tourism and culture, Economy, Architecture and urban development, Cultural legacy, Schools and education, Social living, Civic information and civic participation, Area development) and formulates practical projects to realise them. It thus provides decision-making support for local affairs. In order to give added relevance to the valuable historical legacy of the town centre and the high urban quality of the international spa town, the plan's two fields of action of Architecture and urban development and Cultural legacy have, among others, these strategic objectives:

- Preservation and protection of the historical townscape along with further development that is both up to date and monument compatible
- Fitting in of modern architecture with due consideration of the town's identity
- Preservation of the characteristic hillside locations and ensuring further development of a high standard
- Inscription of the town on the World Heritage List
- Preservation, care and sustainable development of the material and immaterial heritage

Projects to achieve these objectives include:

1. Review land-use planning and develop informal town-planning instruments;
2. Reviewing issues of local history

3. Overhaul of the Literaturmuseum

4. Development and installation of a system of information boards, signposts and plaques..

Raising awareness of, and dispensing information about the outstanding value of the urbanistic and historical legacy through communication with locals, visitors and politicians is considered exceptionally important. Appropriate steps are being taken to reflect this priority.

Landscape Development Plan 12.04.2014 (valid for 15 years)

The landscape development plan (Landschaftsplan) was drawn up in tandem with the preparatory land-use plan (Flächennutzungsplan 2025). It is a local plan that is not legally binding. It defines nature conservation and landscape preservation objectives and identifies measures and requirements to implement them.

The plan has the following goals:

- Identification and assessment of those manifestations of the subjects of protection, soil, water, climate and air, species and habitats, natural scenery and recreation, that are present in the municipal district,
- drawing up guidelines to provide orientation and target-setting for sustainable development, and based on them
- description of necessary and realisable landscape-preserving measures.

Preparatory land-use plan 2025 12.04.2014 (valid for 15 years)

This plan (Flächennutzungsplan) describes the expected area-related development of the entire urban district of *Baden-Baden* in accordance with the Federal Building Code over a period of c. 15 years. This includes the future World Heritage site and its buffer zone. The plan provides a basis for systematic spatial development with regard to land use and building options. For the centre of town, it proposes, among others, a core area, general residential building areas, mixed-use building areas, special building areas and public green spaces.

Binding urban land-use plans (Issued 1975-2016)

Binding urban land-use plans (Bebauungsplan, based on Federal Building Code §9) contain legally binding regulations on the type and degree of building and land use within their designated areas. Accordingly, they may contain regulations about the type and degree of building and land use, construction types, the plot area to be built on, and the size, width and depth of building plots. Regulations in accordance with other statutory provisions (e.g. historical monuments), according to Federal law, are included in the binding urban land-use plan for information purposes only, insofar as they are necessary or useful for a better understanding of the plan or for the assessment of building applications in the context of urban planning.

In *Baden-Baden*, 50% (115.65 ha) of the area of the nominated World Heritage site are regulated by binding urban land-use plans; in the buffer zone, the percentage is 8.4 % (198.7 ha). 71.51 ha, that is 30.7 %, of the nominated World Heritage site, are protected by the two preservation statutes in accordance to the Federal Building Code.

Preservation statutes

Satzung der Stadt Baden-Baden zur Erhaltung baulicher Anlagen gemäß § 39 b Bundesbaugesetz (BBauG) für die Gewanne Friesenberg, Beutigwiesen, Beutigacker, Ochsenacker, Salzgraben, Am Quettig, Quettigacker, Sonnenberg, Quettighof, Birkenbuckel, Herchenbach seit dem 03.08.1979 mit der 1. Änderung vom 02.05.1989

Satzung der Stadt Baden-Baden zur Erhaltung Baulicher Anlagen gemäß § 39 b BBauG für den Bereich „Annaberg-Friedrichshöhe“ vom 26.02.1985 mit 1. Änderung vom 08.01.1989.

Protection by preservation statutes has been in place since 1979 for the large mansion districts so characteristic of the townscape, so that they were not included in the area of the ensemble when it was designated in 2007. According to these statutes, the demolition, conversion, or alteration of physical structures may be prohibited if they are considered worthy of preservation. Permission to demolish, convert or alter a physical structure may also be denied if this would impair the streetscape, the preservation of which is in the public interest. Changes of use and the construction of physical structures are subject to approval. Approval of a change of use may only be denied in cases where the physical structure, alone or along with other structures, defines the townscape, the overall appearance of the town, or the landscape, or is otherwise significant in the urbanistic and especially the historical or artistic context. Approval to construct a physical structure may only be denied if the urban pattern of the neighbourhood would be impaired by the proposed physical structure.

30.7% (71.51 ha) of the proposed World Heritage Site and 2% (48.64 ha) of the buffer zone are protected by the two preservation statutes.

Redevelopment statute Südliche Neustadt

The Area of the Südliche Neustadt is situated in the centre of the nominated property, close to the Lichtentaler Allee and the spa quarter, including important parts of the historic suburb and the Protestant Church. In accordance with the Federal Building Code § 142, a redevelopment statute has been in place for the 8.5 ha area of Südliche Neustadt since April 2017. In 2015, the Gesellschaft für Stadterneuerung und Stadtentwicklung (GSE), acting as redevelopment agency for the municipality of *Baden-Baden*, conducted a analysis of deficits of urban planning evident in the area under investigation, the Südliche Neustadt neighbourhood. This analysed buildings, infrastructure, public amenities, public spaces, the situation of business and utilities, as well as population structure. The authorising order of 08.02.2016 allowed Südliche Neustadt to be included in the urban development support programme Aktive Stadt- und Ortsteilzentren (ASP). In accordance with the guidelines for supporting private modernisation and maintenance measures, support is funded out of the allowance for the development area in question, 60% from National/Länd resources and 40% from the municipality.

Integrated urban development concept (ISEK) Südliche Neustadt

Alongside the preparatory examination of the urban redevelopment area of Südliche Neustadt, an Integrated urban development concept (Integriertes städtebauliches Entwicklungskonzept, ISEK) was compiled.

Major objectives of the redevelopment are

- the partial or wholesale refurbishment of privately owned properties, taking into account the objectives of Baden-Baden's climate change policy as well as energy-saving retrofitting measures, monument protection issues, and the impact of the historico-urbanistic context

- the improving of the associated privately owned open spaces and activation of their potential as venues/social spaces (e.g. courtyards).
- the improving of public spaces through design
- the facilitation of a balanced, diverse and differentiated combination of uses
- the reduction of traffic problems and further development of traffic management

The public “trailblazer” investment provides the catalyst for positive structural change in the neighbourhood.

Transport Development Plan 2013, valid 10–15 years

The Transport Development Plan for *Baden-Baden* states the goals and strategies for development of transport infrastructure over the next 10–15 years. It provides a planning basis for responsible parties in politics and planning, the municipal administration, and members of the public, and supports them in decision-making. Beyond that, it documents current traffic conditions and at the same time provides a glimpse of the future. It describes possible developments and the instruments that are available to control them.

Transport Development Plan 2013, valid 10–15 years

The Transport Development Plan for Baden-Baden sets goals and strategies for development of transport infrastructure over the next 10 to 15 years. It provides a planning basis for responsible parties in politics and planning, the municipal administration, and members of the public, and supports them in decision-making. Beyond that, it documents current traffic conditions and at the same time provides a glimpse of the future. It describes possible developments and the instruments available to control them.

Design guideline 2010

The 2010 guideline, Richtlinie für die Gestaltung von privaten Nutzungen auf öffentlich gewidmeten Flächen im Geltungsbereich der Gesamtanlagenschutzsatzung, is an instruction issued by the municipality of *Baden-Baden*. The design guideline’s area of application corresponds to the ensemble according to §19 DSchG BW, excepting the green spaces.

The townscape was analysed in detail in order to arrive at an overall design concept that would do justice to it. The aim is to enhance the appearance of *Baden-Baden’s* town centre with restrained and high-quality street furniture, mindful of the historical legacy but dynamic, keeping up with the times and meeting modern and economic demands regarding both design and functionality. The primary objective is to raise awareness in all responsible parties – especially retailers, caterers and the municipal administration – of the need to preserve the historical townscape, and to match the design of outdoor installations and furniture to this objective.

Special-use guideline

The municipality’s special-use guideline, **Satzung der Stadt Baden-Baden über Sondernutzungen in den Fußgängerzonen** of 02.09.2009, regulates uses of pedestrianised areas that go beyond public use in accordance with § 18 Straßengesetz für Baden-Württemberg. In particular, these include the putting out of tables and chairs for restaurants, goods displays, peddling, vending stalls that are not primarily used while

fixed in place like e.g. kiosks, such as information stalls, and the like. The design requirements that must be satisfied for permission within the ensemble protection statute are laid down in a guideline, *"Richtlinie für die Gestaltung von privaten Nutzungen auf öffentlich gewidmeten Flächen im Geltungsbereich der Gesamtanlagenschutzsatzung"*.

Advertising statute

On the basis of §74 Abs. 1 Nr. 1 and 2 as well as §75 of the State Building Code of Baden-Württemberg, the advertising statute of the municipality of *Baden-Baden* has been in force since 2003. In accordance with this statute, advertising installations, notice boards, display cases and vending machines in the town centre are to be arranged, installed, maintained, and designed in such a manner that they will blend in with the appearance of the surrounding structures and the streetscape in their shape, scale, materials, colour, and structuring. They must conform to the design principles of this statute that have been formulated to preserve the unique architectural and scenic character of *Baden-Baden*.

9. Bad Kissingen

Regional Development Plan (Regionalplan Region Main-Rhön (3)), binding since 18 January 2008; alterations of 28 January 2011, amendments of January 31, 2012

The purpose of the regional development plan is to set specific objectives in the Regional Development Plan of Bavaria for the areas of a region and sections of its areas.

The regional plan defines the desired spatial planning and development. As regional and collective planning it has a framework-setting character. As the planning authority of urban development planning, the municipality, which must adapt the urban development plans in line with state objectives, is given sufficient spatial and temporal leeway.

The objectives of the regional plan are specified textually and cartographically. Reasons must be given for each objective.

The revised version of the regional plan of the Main-Rhön region came into effect on 18 January 2008.

Preparatory land-use plan (Flächennutzungsplan) October 26, 1977, 19th amendment May 4, 2016

The city of *Bad Kissingen* has got a preparatory land-use plan (Flächennutzungsplan), dated May 12, 1977 which was approved by the Regierung von Unterfranken (the governing body of the district of Lower Franconia) on October 26, 1977. In the areas of the property zone and of the puffer zone, the changes and modifications of the 19th amendment referred, for the most part, to the adoption of the presentations of the uses as regards the setting.

The Preparatory land-use plan of Bad Kissingen graphically displays the basic intention of the future purpose of land use on the whole municipal territory. It is thus the basis for the preparation and the deployment of binding development plans. The zoning plan of *Bad Kissingen* indicates the several functional zones, e.g. the residential areas, industrial and commercial zones. With respect to the nominated World Heritage Site it is important to mention the indication of the functional zoning Sondergebiet Kur, Erholung, Gesundheit (special area dedicated to cure treatment), springs, conservation areas listed in the

Official Bavarian Listing of Historic Buildings and Monuments (no single listed cultural monuments), nature and biosphere reserve, natural monuments as well as the indication of the sport facilities (golf, tennis, equestrian sport) as parts of the green open spaces.

The Landscape Development Plan (Landschaftsplan)

The Landscape Development Plan had been integrated into the Preparatory land-use plan. It presents objectives concerning urban green space planning.

It is intended to implement the following objectives:

- Preservation and integration of existing habitat structures
- Adequate and appropriate greening within the area of the binding land-use plans
- Protection of the soil and water

Binding urban land-use plans (Bebauungspläne)

The municipal authority for urban planning prepares binding urban land-use plans for particular parts of its territory. These contain legally binding regulations on the type and degree of building and land use within their designated areas. Accordingly, they may contain regulations about the type and degree of building and land use, construction types, the plot area to be built on, and the size, width and depth of building plots.

The policies of these plans are binding on the landowner. They form the basis for the granting of licences and permits for construction. In *Bad Kissingen*, there are, at the moment, five development plans in the property zone and twelve development plans in the buffer zone with legally binding effect. These development plans cover 27.8 % of the nominated component and 13.9 % of the buffer zone.

Binding urban land-use plan special area Kurggebiet (spa area, dedicated to cure treatment) 4th amendment, local subdistrict of *Bad Kissingen*, made up on January 28, 2015, with legally binding effects as of March 4, 2016.

Bebauungsplan Sondergebiet Kurggebiet, 4. Änderung, Gemarkung *Bad Kissingen*, aufgestellt am 28.01.2015, rechtskräftig am 4.3.2016.

In accordance with § 11 BauNVO, this area is determined to be Sondergebiet Kur (special area dedicated to cure treatment). The use of the buildings in the Sondergebiet Kur has been regulated so that they serve, with only a few exemptions, predominantly to render services to those guest visiting *Bad Kissingen* for the purpose of health care, of recovery and convalescence, of cultural experience, as a business traveller, as a conference participant or, maybe, for any other touristic reasons. For the Sondergebiet Kurggebiet an open character has been agreed, and the existing population of trees and bushes shall be maintained. Decisions on removing trees or bushes in the case of new buildings, or of extension / enlargement of existing buildings, or of laying any yard surfaces will be made by the supervisory authority for building works. An accumulation of advertising media is not permissible. By means of an amendment in 2015, the Sondergebiet Kur (special area) was adopted to the current demands and requirements. The amendments refer to changes of the boundaries of the area and to functional changes. Functional change of the area refers mainly to the adoption of permission of an increasing residential use within the area. By way of exception it is now permitted to use up to a maximum of 25% of the surface of one floor for residential purpose if it does not affect the specific function of the spa area in a negative way.

Binding urban land-use plan relating to a particular project including local plan for area with green open spaces in special area Kurgebiet (spa area, dedicated to cure treatment) with reference to the Hotel Fürstenhof 2nd amendment, local subdistrict of *Bad Kissingen*, made up on February 03, 2010, with legally binding effects as of August 27, 2011 with

Plan for area with green spaces Area of compensation Saalebogen (as compensation) for the Hotel Fürstenhof, local subdistrict of *Bad Kissingen*, of April 20, 2010, with legally binding effects as of August 27, 2011

Vorhabenbezogener Bebauungsplan mit Grünordnungsplan Sondergebiet Kurgebiet für das Hotel Fürstenhof, 2. Änderung, Gemarkung *Bad Kissingen*, aufgestellt am 03.02.2010, rechtskräftig am 27.08.2011 mit

Grünordnungsplan Ausgleichsfläche Saalebogen für das Hotel Fürstenhof, Gemarkung *Bad Kissingen*, aufgestellt am 20.04.2010, rechtskräftig am 27.08.2011

This plan regulates the construction of new buildings on the premises of the Hotel Fürstenhof within the area which has been determined as Sondergebiet-Kurgebiet (special area, spa area dedicated to cure treatment) in accordance with § 11 BauNVO. The building development plan contains, in addition to the type and to the extent of the constructional use, policies on the planting of green areas as well as on the preservation of existing trees and bushes. In the northern part of the property zone, the compensation area Saalebogen is situated just before the Obere Saline. The compensation area is being assigned, together with its determined measures and sizes of compensation, to the surface area of the Hotel Fürstenhof. In the compensation area, measures for the protection, tending and development of the soil, of nature and of agriculture shall be performed in accordance with §9 nr. (20) BauGB.

Binding urban land-use plan with integrated local plan for area with green spaces at Theaterplatz 1st amendment, local subdistrict of *Bad Kissingen*, made up on June 16, 2004, with legally binding effects as of October 15, 2004

Bebauungsplan mit integriertem Grünordnungsplan Theaterplatz, 1. Änderung, Gemarkung *Bad Kissingen*, aufgestellt am 16.06.2004, rechtskräftig am 15.10.2004

This plan aims to preserve the characteristic urban appearance in the area of the Theaterplatz (square around the municipal theatre) which is particularly characterized by the green areas which brighten up the built-up zone. This kind of planting and vegetation is to be fostered, and in the case of any losses of plants, these are to be compensated or replaced with the same type and kind (quantity and quality) for the purposes of and in the meaning of art. 6a of Bavarian Nature Protection Act – (Bayerisches Naturschutzgesetz, BayNatSchG).

Binding urban land-use plan with integrated local plan for area with green spaces at Südlicher Altenbergpark, local subdistrict of *Bad Kissingen*, of January 29, 2002, with legally binding effects as of April 27, 2002

Bebauungsplan mit integriertem Grünordnungsplan Südlicher Altenbergpark, Gemarkung *Bad Kissingen*, aufgestellt am 29.01.2002, rechtskräftig am 27.04.2002

The northern end of this development plan impinges on the nominated area. This plan defines, in particular, the park extension and enlargement of the southern area of the Altenbergpark by installing footpaths, and regulates necessary new planting in this area.

Re-development areas

Re-development area “Am Mühlbach” 1996 (declaration)

Sanierungsgebiet “Am Mühlbach“ 1996 (Bekanntmachung)

Within the officially determined re-development area, it possible for land and real

estate owners to apply for increased tax write-off in accordance with §7h of the Income Tax Act. The official declaration of a re-development area recognises, in accordance with the Federal Building Code, that deplorable conditions in urban construction have been proved and made evident. To repair and to remedy this situation, the area affected will be essentially improved or re-designed by measures of re-development. The uniform preparation as well as the quick and continuous implementation and achievement of such re-development measures must be in the public interest and for the public benefit.

Re-development area “Altstadt“ und Sanierungsgebiet “Erweiterung der Altstadt“
(Bekanntmachung für Ende 2018/Anfang 2019 angestrebt)

Sanierungsgebiet “Altstadt” und Sanierungsgebiet “Erweiterung der Altstadt”
(Effective date is expected by the end of 2018/beginning of 2019)

On March 22, 2017, the municipal council decided to extend and to enlarge the re-development area I “Am Mühlbach” by areas and zones of the southern part of the Altstadt (old part of the town) including the area at the eastern side of the theatre reaching up to the border of the legally binding development plan Sondergebiet Kur (special area, spa area) (including the Frühlingsstraße). Effective date is expected by the end of 2018/beginning of 2019.

Another extension of the re-development area is currently being planned. The zone comprises a large area of the nominated property area and lies south-east of the river. This area connects to the above mentioned re-development areas.

The investigations necessary to prepare this measure are intended to be carried out in 2019.

Strategic development plans

The strategic development plans present long-term development concepts of the municipality. These informal steering instruments contain guidelines and development priorities for mid-term and long-term urban city planning. Basic Plans (Rahmenpläne) are informal planning instruments which present planning and development opportunities for a particular area or town quarter. These basic plans present an informal framework for short and long-term prospects and are not binding.

Basic urbanistic plan Altstadt (old town) Bad Kissingen, 1989

Städtebaulicher Rahmenplan Altstadt Bad Kissingen, 1989

Basic plan for urban renewal and improvement of historic town centre.

Integrated conception to act, north-eastern area and pedestrian area, 2009

Integriertes Handlungskonzept, Nordost und Fußgängerzone, 2009

Basic plan and conception to act for the city centre / downtown area and for the north-eastern area of *Bad Kissingen*.

Integrated conception to act, Kurgebiet (spa area – dedicated to cure treatment), 2015

Integriertes Handlungskonzept Kurgebiet, seit 2015

In January 2015, the city council agreed an Integrated Conception for the special area Kur, and also including it in the area of the Soziale Stadt (Social City Area).

Municipal development concept, *Bad Kissingen*, April 11, 2018

Gemeindeentwicklungskonzept, Stadt *Bad Kissingen*, 11.04.2018

In the Municipal Development Concept (GEK) all the urban districts of *Bad Kissingen* except the centre of the town are considered; the basics for a potential structural

improvement respectively adapted development are laid. The interdisciplinary view includes existing concepts and measures and deals with all the necessary topics for the future development of the town of *Bad Kissingen* as a whole.

By compiling the Municipal Development Concept (GEK) *Bad Kissingen* wants to fix a coordinated strategy of development for all districts of the town. Each district ought to be considered according to its peculiarities and needs, chances and risks. The aim is to use the available budget resources and potential subsidies in the best way for the development in *Bad Kissingen*.

Considering the mutual interrelations and functions of all the districts it has to be shown in which direction the districts and the whole municipality should develop in the not-too-distant future.

Preparatory Analysis for the old town with extensions of the re-development plan, June 14, 2018

Vorbereitende Untersuchungen für die Altstadt mit Erweiterungsgebiet, 14.06.2018
Presentation and establishment of a Social City Area

(Ausweisung eines Soziale-Stadt-Gebietes)

Since 1999, the Federal Republic has been supporting through its programme for the Promotion of Urban Construction called “Social City” the stabilization as well as the enhancement of parts of a city or of a village adversely affected in an urbanistic, economic and social sense, and showing some structural weakness. Considering its old town centre and the area to the north-east, *Bad Kissingen* has some quarters that are being further developed by means of this programme. It focuses on promoting and encouraging social bonds and togetherness as well as neighbourhoods filled with life in these areas. Investments in urban construction will improve the chance of participation as well as the integration of the citizens in the area where they live. Starting from this idea, a circle of very active citizens has been established. The Quarter Management department of the city of *Bad Kissingen* takes care of these areas. In 2015, this development plan was continued and it was extended into the Kurviertel (spa area quarter).

Project Bavaria without barriers (accessibility for handicapped and disabled people) 2013–2023

(Projekt Bayern Barrierefrei 2023, 2013–2023)

In November 2013, Horst Seehofer, Bavarian Minister-President, set the goal to make Bavaria a barrier free state throughout its public areas by 2023. The supreme construction authority, the Bavarian State Ministry of Housing, Building and Transport acting as central coordinator, developed, as part of this overall concept, the module Bavaria free of barriers 2023 – construction and traffic. It is meant to design and build the municipalities (cities and communities) to make it possible for all the citizens, regardless of their age or their degree of handicap and disability, to take part in public life in a self-determined way. Barrier-free accessibility should be established and realized, as needed and required, particularly where there is a high volume of movements and visits, where there are no possible alternatives, and where the removal of barriers to fulfilling everyday needs is necessary. The target is the development of a barrier-free commune / municipality that meets and satisfies all needs and demands. During initial investigation and data collection, needs for action have already been discovered in public buildings, in public open and free space, and in public transportation (ÖPNV – company for the public local transport of persons), as well as in private institutions like private clinics and old people’s residences.

Retail Trade concept and centre concept for Bad Kissingen, April 2009

Einzelhandels- und Zentrenkonzept für die Stadt *Bad Kissingen*, April 2009

The City of *Bad Kissingen* often gets requests for settlements from different retail trades. In this context especially former commercial premises offering potential for large-scale retail trade come in. Against the background of the positive developments that can be seen in the town centre concerning urban and retail trade developments, a purposeful handling with retail trades is essential. That is why a planning office has been ordered to establish a retail trade concept for *Bad Kissingen*. Taking into account both the judicial, demographic and urban basic conditions and the operational requirements and interests of the town, this study illustrates development margins, development perspectives and implementation strategies for the retail trade in *Bad Kissingen*. On the one hand, the Retail Trade and Centre Concept is to be a well-grounded basis for future common decisions for the sake of the retail trade and town development in *Bad Kissingen*, on the other hand it is to form the basis for a sustainable positioning of the town within the regional competitive situation.

Marketing strategy of *Bad Kissingen* 2019

Marketingstrategie *Bad Kissingen* 2019

The strategic tourism strategy aims to increase health tourism within the town. Health tourists should continue to enjoy their visits over long time periods. It is desirable, too, that culturally interested tourists should stay in *Bad Kissingen* for several days to enjoy and experience the tangible and intangible values of the spa town to the full.

Statutes and Guidelines

Design guideline for the city of *Bad Kissingen* April 09, 2003

Gestaltungssatzung für die Stadt *Bad Kissingen*, 09.04.2003

This charter covers the whole of the town of *Bad Kissingen*. Its provisions cannot be applied if legally binding development plans require different actions. The requirements in accordance for the protection of historic buildings and monuments also remain unaffected by this charter.

Any building measures should be designed, built and maintained so that they are in harmony with the characteristics of buildings in their immediate vicinity as far as their form, dimensions, structure, material and colour are concerned. While following such guidance, special and particular solutions with elements of contemporary architecture can be realized provided that they respect the character of existing buildings in their neighbourhood. The design charter refers to the regulation for the design of roofs as well as of driveways, parking spaces and garages.

Advertising statute for the city of *Bad Kissingen*, 2001

Werbeanlagensatzung für die Stadt *Bad Kissingen*, 2001

This regulates requirements as to advertising installation with regard to their location, their size, their design and the type of their lighting.

Parking space statutes, December 12, 2007, last amendment June 9, 2018

Satzung der Stadt *Bad Kissingen* für die Ermittlung des Stellplatzbedarfs bei Bauvorhaben und Nutzungsänderungen sowie für die Erhebung von Ablösungsbeträgen bei nicht vorhandenen Kraftfahrzeugstellplätzen (Stellplatzsatzung) vom 12.12.2007, zuletzt geändert am 09.06.2018

Based on Art. 47 Abs. 2 i. V. m. Art. 81 Abs. 1 Nr. 4 BayBO the town of *Bad Kissingen*

passed parking space statutes being valid in the total area of *Bad Kissingen* district town. It determines a key for parking spaces for the calculation of the parking space necessity for motor vehicles for building projects and changes in use. Necessary parking spaces which cannot be made on the building site or on an appropriate site near the building site, have always to be financially replaced by a contract. For the “old town square” and the pedestrian zones, as well as within the restoration of single monuments no financial replacement is demanded.

Public park statutes, of May 23, 1996, last amendment November 26, 2014

Satzung über die Benutzung der städtischen öffentlichen Grünanlagen (Grünanlagensatzung) vom 23. Mai 1996, zuletzt geändert am 26.11.2014

Public parks in the sense of these statutes are the public parks being set and maintained by the municipality of *Bad Kissingen*, especially horticulturally designed parks and green spaces, spaces for recreation and children’s playgrounds. They are public facilities of the town for the general free use in compliance with these statutes. The users/visitors have to behave in such a way that nobody is endangered, damaged or more than inevitable according to the circumstances impeded or molested. Moreover the permissible uses are individually defined.

Special-use guideline for particular use of areas on public ground 2016, last amendment

Sondernutzungssatzung öffentlicher Verkehrsgrund 2016 zuletzt geändert

Recommendations on the granting of permission to use public areas and surfaces, e.g. in the case of offering restaurant services in the open air and exhibition of goods in the open air.

Municipal regional development programme of *Bad Kissingen* for the implementation of private building measures within the urban restructuring in Social-town-area city centre *Bad Kissingen*, October 5, 2011 (extension to the two redevelopment areas with announcement of the redevelopment areas, presumably in January 2018)

Kommunales Förderungsprogramm der Stadt *Bad Kissingen* zur Durchführung privater Baumaßnahmen im Rahmen der städtebaulichen Sanierung im Soziale-Stadt-Gebiet Innenstadt *Bad Kissingen*, 05.10.2011 (Ausweitung auf die beiden Sanierungsgebiete mit Bekanntmachung der Sanierungsgebiete, vrstl. im Januar 2018)

The purpose of the Municipal regional development programme is the maintenance of the independent character of the city centre of *Bad Kissingen*. The inner-city development is to be supported by suitable maintenance, restructuring and layout measures, considering viewpoints in respect to townscape and preserving measures.

Within the Municipal regional development programme the following measures can be promoted/sponsored:

- Measures to preserve and design the existing residential and business buildings with a character forming the townscape. Especially measures at façades, including windows and doors, roofs, roof structures, walls, gates, gateways and stairs.
- Design and renovation of places, courtyards, and rooms with a public impact for the preservation and shaping of the townscape by greening and unsealing in a way characteristic for the region

- Greening of façades
- Improvement of the illumination in public spaces, also by illuminating and highlighting of parts of prominent buildings
- Up to 30% of the eligible costs per single object can be promoted/sponsored, with a maximum of 10,000 €.
- As the protected zones of *Bad Kissingen* reach into the boundaries of the urban districts, the Municipal development concept is also relevant for the UNESCO application.

Official regulations

Official determination of the flood plain, area *Bad Kissingen*, Official Regulation September 30, 2016

Amtliche Festsetzung des Überschwemmungsgebietes Bereich Bad Kissingen VO

According to §76 paragraph 2 of the Water Resources Act (WHG), the federal states are obliged to determine the flood plains at risk of a 1 in 100 year flood (HQ100).

These proceedings serve for obtaining and preserving flood / water retaining zones, for forming a sense of risk and danger as well as awareness of accident prevention and averting dangers. By determining these flood plains, it is intended:

- To ensure the draining off of the floods without producing any damages
- To clearly mark or to point out to any dangers
- To protect and to preserve any free as well as empty and undeveloped areas as retention zone
- To reduce or to avoid damages caused by floods in areas that have already been developed and that have been planned for development.

The official determination of the flood plain serves, in addition, for the preservation of the water landscape situated in the Talgrund and it also serves for its ecological structures. And this meets, in particular, also targets for the protection of nature and landscape. On November 05, 1980, the flood plain was extended by the area Hausen that is located north of the property.

10. *Montecatini Terme*

ITALY

Plans at regional level

Regional Orientation Plan of the Region of Tuscany (PIT)

The PIT is based on principles of environmental and landscape sustainability which underpin all strategies of protection, conservation and enhancement of the territorial resources.

The PIT has three main objectives:

- to increase knowledge of the specificities that characterise the Tuscan region and the role that its landscapes can play in regional development policies;
- to raise awareness about the role of the of the landscape protection: stronger attention to landscape can lead to more integrated policies at different levels of government;
- to strengthen the relationship between landscape and engagement, landscape protection and active citizenship.

The Cultural Heritage and Landscape Code (Code), assigns to the Landscape Plan identification of homogeneous areas, description of the specificities and the main landscape of the region, characterisation of landscape areas, specification of norms of use and establishment of appropriate quality objectives.

For each of the 20 landscape areas identified in Tuscany a Landscape Sheet has been developed. The current PIT includes Montecatini Alto within the Landscape Sheet for the landscape area of Val di Nievole.

Plans at provincial level

Territorial Plan of Coordination of the Province of Pistoia (PTCP)

The PTCP is the instrument of town-and-country-planning to which provincial policies, provincial sector plans and programmes, instruments of town-and-country-planning and municipal urban planning should comply; it is also a tool of socio-economic planning for the Province. The PTCP defines the local territorial systems, which are a basis both for research and documentation, and for protection and conservation management of sites and landscapes and their monitoring. It defines the general framework for conservation and management actions, and for the sector plans with the aim to inform and harmonise the local plan.

The current PTCP defines local territorial systems according to specific physical/political territorial conditions, and establishes functional systems, which, on the basis of morphological, usage, economic and social relationships integrate the former and evaluate the characteristics of the territory. According to the PTCP, the Municipality of *Montecatini Terme* is part of the local territorial system of Val di Nievole; among its most characteristic elements there are the original structure of the “Bagni di *Montecatini Terme*”, the urban fabric of the nineteenth-century and of the first half of the twentieth century, the historic centre and the thermal resources with the protection of its historical and architectural specificities, and the enhancement of environmental aspects of tourist interest. These valuable elements were discussed in further analyses and verification with the objectives and strategies of municipal urban planning tools.

Plans at municipal level

Structural Plan (PS)

This establishes the basis of the municipal management consistent with the requirements

of the regional PIT and provincial PTC. It also analyses the information in these plans in terms on identification of resources, including landscape ones, territorial orders for soil protection and environmental effects. The plan is divided into a “statutory” part, defining the identity elements, the codifying characterising elements and providing objectives for actions, and a “strategic” part, which outlines the directions of territorial development. These general objectives are intended to ensure the sustainability of urban development strategies to preserve the quality and quantity of resources, from environmental, landscape, social, economic and cultural viewpoints. Among these objectives should be highlighted the reorganisation and enhancement of the Thermal Park as an organic environmental unit, redevelopment of the urban image through a series of special projects, and safeguarding and enhancement of the original nucleus of Montecatini Alto.

Based on results of the in-depth analysis of the cognitive framework, four municipal territorial areas (territorial environments characterised by sets of specific physical, geo-morphological, economic and social interactions) are identified. For each territorial area the strategic objectives and characteristic elements are recognised (key elements, constitutive elements of the territorial identity and relative levels of performance quality). The areas are subdivided into urban and rural territory, and mobility infrastructure networks. Relationships between these areas and the two local functional systems deriving from the PTC are then identified. These are a) the system of environmental landscape values; b) the functional system of tourism and ecotourism mobility.

Among the four territorial areas making up the structure of the town, it is particularly important to highlight Montecatini Alto, with the main objective of enhancing the cultural identity of the historical nucleus and guaranteeing its landscape value by preserving the road network and pedestrian system, largely of medieval origin. Alongside this area, that of the urbanised plain has particular importance. Its main objective is the enhancement of the thermal system, through protection of the particular constituent elements, including the bathing establishments and related infrastructure, the old town centre founded by the Grand-Duke Leopoldo, the seventeenth and nineteenth century tree-lined avenues and the urban park of the Spas. The Thermal Park is fundamental to both the environmental values system – further subdivided into the sub-systems of the thermal properties – and the functional system of tourism, complementary to the hotel sub-system and that of Montecatini Alto.

In relation to the enhancement of the thermal identity, the PS identifies the Area of Thermal Development (AST) as the subject of renewal and enhancement, through redevelopment of the existing heritage and its relationship with the thermal landscape, primarily with its parks and tree-lined avenues, and marginal integration of recreational and commercial activities compatible with spa activities, in view of a more modern concept of wellness.

Within the AST, interventions more fundamental than building renovation are allowed only after the approval of Implementation Plans (which require detailed planning). The PS therefore provides for detailed indexing of the establishments and buildings contained in the AST, including specific regulations that indicate the differentiation of both listed (vincolati) and monumental buildings, and heritage buildings having a strategic or non-strategic value for thermal purposes, taking into account the industrial plan of the company Terme di Montecatini.

The PS goes beyond the concept of cultural asset conceived as a single building to describe the more extensive landscape/environmental value of the resource; for this

reason, some categories of assets are identified as “historical permanencies”. Among these are the properties concerning the spa buildings and part of the hill extending to Montecatini Alto, existing building heritage of historical, architectural and evidential value (certified on special sheets); surviving traces of the “Regi Bagni di Montecatini” and adjoining areas, including also the historic centres and ancient nuclei of early development (historic town centres of Montecatini Alto and *Montecatini Terme*).

Urban Planning Regulation of *Montecatini Terme* (RU) (Deliberation of the City Council No. 49, 20.06.2016)

This was approved in 2016. It is a tool for implementation of prescriptive and operational regulations of the Structural Plan. The Regulation has a five-year timespan, during which its effects are monitored to ensure that it complies with the environmental sustainability of the forecasts and to inform its successor.

The Strategic Environmental Assessment (Valutazione Ambientale Strategica – VAS) of the Urban Planning Regulation measures the effects of urban transformations by analysing their impact on the environment and landscape.

The RU’s objectives include:

- achieving environmental quality, identity and territorial cohesion, and supporting productive activities through promotion of spas and tourist-reception activities;
- protection and enhancement of existing building heritage of relevant historical, architectural and environmental value through a process guaranteeing the conservation of identity elements, offering at the same time the possibility of adapting the buildings to modern life and the needs of tourist accommodation;
- improvement of the existing public park system, with the possibility of extending the pine forest (Pineta) to the north, linking it with the parks of the Panteraie and Cava Maona, and by reclamation, to the south, of the area of the former landfill, which has a strategic value for the enhancement of this part of the territory; construction, in the Nievole area, of an urban park to the west of the provincial road;
- possible adaptive reuse of abandoned tourist accommodation facilities, thus promoting both a reduction in land consumption and enhancement of important parts of the town currently affected by conditions of degradation;
- fostering of tourist-reception activities through identification of an area for an exhibition centre, leading to an additional diversified flow of tourists compared to the existing pattern;
- redevelopment of areas through which the city is entered, to create a system of “access gates” of strong symbolic and identity value;
- the promotion of bio-architecture and the use of renewable energy sources through the launch of an urban and economic incentives system.

In order to pursue these objectives, the Urban Planning Regulation has two fundamental parts: the discipline of existing settlements and the discipline of settlement, infrastructural and building structures.

Discipline of existing settlements

This is based on an almost complete inventory of existing building stock (N. 10534 buildings) and the subdivision into value classes. This provided the basis for defining rules controlling adaptations so as to guarantee the preservation and protection of historical-architectural features.

Discipline of settlement transformation

The RU, while not rejecting the opportunity of drawing up a strategic vision of urban development, sets out the rules of territorial transformation in a measured and sober way, with regard to environmental problems and vulnerabilities identified in hydraulic and geological studies.

The Urban Planning Regulation is primarily aimed at the restoration and enhancement of existing buildings. It allocates an extremely limited area to new land use (about 10% of the plan's area), mostly concentrated on a few areas of the already urbanised fabric, and mainly for residential use.

Besides renovating the existing building fabric, the Urban Planning Regulation implements some of the most important themes of the Structural Plan. These are put into practice within Strategic and Environmental Value Plans covering:

- *Historic centre of Montecatini Alto*
- *Renewal Plan for the Area called South - East Gate (PR1);*
- *Renewal Plan Area called West Gate (PR2);*
- *The area of the former Cava Maona (PR5);*
- *Renewal Plan for the Area called East Gate (Piazza Italia) (PR7);*
- *Thermal Development Area (PR8);*
- *Renewal Plan of the Park of Nievole.*

There are a number of other municipal plans in force which can affect the protection, management and sustainable use of the Outstanding Universal Value of the nominated property. These include:

Building Regulation

The Building Regulations is a municipal legislative instrument of a technical nature. In particular, it defines construction rules in relation to building parameters, their measurement criteria, the procedures for submitting applications for building permits and the functioning of the Building Commission. Furthermore, it is supported by the Technical Regulations for the implementation of the Urban Planning Regulation, which deal with the forecasting aspects (subdivision of the territory into functional areas, permitted use destinations, permitted volumes, etc.).

Plan of advertisement installations

This is a municipal legislative instrument of technical nature, established on the basis of the Legislative Decree 507/1993 and subsequent amendments. It defines the modalities of advertising on the municipal territory, setting norms for the installation of advertisements outdoor (private advertising) and for public bill-posting (advertising on institutional installations). With this plan, the municipal territory is subdivided into areas in which the type of admissible advertising systems, the methods of installation, any limitations and restrictions are specified. As regards the public bill-posting installations, the Plan defines the characteristics and the modalities with which the advertisement has be installed, the exact location and the type of support and dimensions of the instalment.

Municipal regulations Hydrogeological constraint

These set out the procedure for carrying out the administrative functions assigned to the municipalities by the Regional Authority in the field of research, cultivation and utilisation of mineral, springs and thermal waters, as regulated by Regional Law No 38/2004, "Norms for the Research, Use of Mineral, Spring and Spa Water" and by the Regional Regulation n. 11/R of 24 March 2009. The Regulation, in Annex A, lays down specific norms on the safeguard of groundwater in general, and in particular for the hydrothermal resource.

Regulations for the protection of public green areas

The Regulation is a municipal legislative instrument of a technical nature, aimed at regulating the methods of intervention on the plant heritage, both public and private, in order to guarantee its protection, maintenance and management. It regulates the scope of the guidelines, the functions of the municipal administration, the procedures for the planting or the removal of trees and plant heritage, as well as the measures for the maintenance of plant essences and uncultivated land in the urbanised area and the penalties for works carried out differently from the same.

Municipal noise classification plan

The Regulation is a municipal regulatory instrument of technical nature, drawn up in compliance with Law 447/95 and the regional legislation in order to counter noise pollution. Through this regulation, the municipal territory is divided into acoustic classes, each of which is characterised by maximum emission levels, constituting quality thresholds.

General plan of urban transports

The general plan of urban transports represents a synthesis of the needs and demands regarding mobility and accessibility that emerged during the cognitive analyses related to the various city categories (residents, hoteliers, traders, city users, tourists and users of the thermal establishments). The study has set a series of quality objectives related to mobility: the removal of the transit traffic present in the city centre, the hierarchy of the road network, the maintenance of a smooth flow of the main routes traffic through the introduction of roundabouts and the construction of sidewalks. The achievement of these objectives has led to a planning of priority interventions.

Urban Police Regulations

The Regulation is a municipal regulatory instrument designed to ensure the peaceful and civil coexistence, preventing unlawful behaviours that may cause damage or injury to people and regulating the behaviour and activities of citizens within the municipal area, in order to protect the social peace, the availability and correct use of public land and common goods, environmental decorum and the quality of life of citizens.

Regulations for research and cultivation of mineral, spring and thermal waters

Regional Regulation No. 11/R of 24 March 2009 is the implementation of the Regional Law No 38/2004, “Norms for the Research, Use of Mineral, Spring and Spa Water”. The subject of the Regulations is the procedure for carrying out the administrative functions assigned to the municipalities by the Regional Authority in the field of research, cultivation and utilisation of mineral, springs and thermal waters, as regulated by Regional Law No 38/2004, “Norms for the Research, Use of Mineral, Spring and Spa Water” and by the Regional Regulation n. 11 / R of 24 March 2009. The Regulation, in Annex A, lays down specific norms on the safeguard of groundwater in general, and in particular for the hydrothermal resource.

Considering the transfer to municipalities of administrative functions in the research and cultivation of mineral, springs and thermal waters, constant monitoring is required to verify the sustainability of exploitation of aquifers. The Region inserts the lists of research permits and concessions in place within the regional geographic information system.

For the purpose of protecting the natural mineral water, thermal and spring water, and the preservation of land, limitations on the area of the permit and a detailed system for closing the wells are implemented. Capture works and materials used for the contact with water must have technical and hygienic characteristics to provide effective protection against any danger of pollution. Regarding the official control of natural mineral and spring mineral water uses, it is carried out through sample analysis procedures which need to be thoroughly disciplined in the technical and scientific terms; to adopt the joint opinion of committees both of productive and health activities.

11. *City of Bath*

Bath and North East Somerset Council is a Unitary Authority. This means it provides all the Local Government services in the District. It is the Planning Authority for the District. Relevant for the protection of the heritage of the City are policies are set out in the Council’s **Development Plan** which establishes a statutory policy base for the regulation and control of development.

Decisions on town and country planning matters must be made with regard to policies of the Development Plan unless material considerations indicate otherwise. Material considerations include a wide range of town and country planning matters including the government’s National Planning Policy Framework, Planning Practice Guide and other relevant guidance, and guidance set out in Supplementary Planning Documents adopted by the Planning Authority. These provide detailed policy guidance on a range of subjects and this is a material consideration when determining applications for planning permission.

UNITED
KINGDOM

Development Plan

This is made up of several documents described below.

Core Strategy 2014

This supports the objectives of sustainable development including the protection and sustainable use of the cultural and natural heritage. A key policy is to sustain and enhance the significance of the city's heritage assets and green infrastructure (Policy B1). There are also policies to promote, protect, conserve and enhance the distinctive quality, character and diversity of the District's environmental assets through the sensitive management of its outstanding cultural and historic environment, conservation and enhancement of the significant character of the landscape, and enhancement of nature conservation (Policy CP6). The openness of the Green Belt will be protected from inappropriate development (CP8).

As an existing World Heritage property, there is a specific policy (B4) stating a strong presumption against development that would harm the Outstanding Universal Value whether it occurs in the property itself or in its setting. Where development has a demonstrable public benefit, including mitigating and adapting to climate change, this benefit will be weighed against the level of harm to the Outstanding Universal Value of the World Heritage Site. These policies sit alongside others intended to foster the City's diversified economic development, improve housing supply and maintain the City as a major source of employment, a leading tourist destination, a recognised regional shopping centre, and a centre for higher education. Other policies deal with flood risk management, the environmental quality of the District

Bath and North East Somerset Local Plan 2007

This Plan has been superseded by the Core Strategy apart from specific policies which have been formally 'saved' and are still in force. These policies state how the Council will handle development proposals to prevent damage to Listed Buildings, Locally Important Buildings, Conservation Areas, Historic Parks and Gardens, Scheduled Ancient Monuments and other archaeological remains (Policies BH2-9, 11-13). Other saved policies include controls on advertisements, shop fronts and external lighting. Policies NE1-4, NE9, 12, 13, 15 protect the natural environment. Policy NE13A prohibits development within the Hot Springs Protection Area which would have adverse impact on the quality or yield of the springs.

Placemaking Plan 2017

Whilst the Council's Core Strategy sets out the broad strategic approach to the level and location of new development throughout Bath and North East Somerset, the Council's Placemaking Plan focuses more on specifics, including detailed design principles and development aspirations and updating the planning policies used in determining planning applications. The Core Strategy and the Placemaking Plan are complementary planning policy documents, and should be read as one.

The Placemaking Plan allocates sites for development for housing, employment and other uses to help meet development needs identified in the Core Strategy, reviews and updates development management policies used in the determination of planning applications, facilitates the delivery of key development sites, safeguards and enhances the quality and diversity of places in the District including the protection of valued assets and identifying opportunities for change. and provides the opportunity to work together with local communities to review Housing Development Boundaries. Policies to protect

the historic and natural environment in general and the World Heritage property in particular are maintained in this Plan.

Material Considerations - Supplementary Planning Documents

When determining applications for Planning permission. Decisions makers must consider material considerations on town and country planning matters and these include policies and guidance in adopted Supplementary Planning Documents.

Documents most relevant to the protection of heritage assets in Bath include:-

- *Bath Conservation Area Commercial signage and tables and chairs on the highway Design and Conservation Guidance (2016)* This supports of the Bath & North East Somerset Local Plan. The document provides design and conservation guidance within the City of Bath Conservation Area for commercial signage and placing of tables and chairs on the highway;
- *Revised Planning Obligations SPD (April 2015)*; provides guidance on the Council's approach to Planning Obligations. *A note has been produced which sets out how local housing standards policies will apply in Bath and North East Somerset from October 1st 2015.*
- *Draft Character Assessments for Bath Conservation Area (November 2015)* Informs decisions concerning the character and appearance of the Bath Conservation Area in: Bath City Centre, Bathwick, Brassmill, Locksbrook and Western Riverside; North Road and Cleveland Walk; Pulteney Road; Twerton, Whiteway, Southdown and Moorlands;
- *Bath Pattern book (November 2015)* Informs decisions concerning the character, appearance of and use of materials in streets in Bath;
- *West of England Sustainable Drainage Developer Guide (March 2015)* This was ratified by the Planning, Homes and Communities Board on 20 March 2015 for use for Development Management Purposes, and supports the delivery of SuDS across the sub-region. It is supported by the emerging B&NES Placemaking Plan SU.1.
- *City of Bath World Heritage Site Setting SPD (2013)* This document provides information and the tools needed for the effective protection and appropriate management of the World Heritage Site setting in support of policies in the Development Plan
- *Energy Efficiency & Renewable Energy Guidance For Listed Buildings and Undesignated Historic Buildings (2013)* This provides general advice to owners of historic buildings, developers, architects, surveyors and anyone proposing measures to improve energy efficiency or domestic scale renewable energy of designated and undesignated heritage assets. With the Energy Efficiency Retrofitting & Renewables Permitted Development Check List & Guidance Note.

- *City of Bath World Heritage Site Setting Supplementary Planning Document (August 2013)*; World Heritage Site Setting (*City of Bath*) Supplementary Planning Document Provides information and the tools needed for the effective protection and appropriate management of the World Heritage Site setting in support of policies in the Development Plan
- *Houses of Multiple Occupation SPD (2013)* Informs control over Houses in Multiple Occupation in the city, controlling their future growth and improving their standard and management.
- *Renewable Energy in the Green Belt in Bath & North East Somerset (April 2013)* An informal guidance note on non-domestic renewable energy produced by Bath & North East Somerset Council in collaboration with Regen SW.
- *Bath Building Height Strategy, Urban Initiatives (September 2010)* Informs decisions concerning the management of proposals for High Buildings in Bath;
- *Bath Western Riverside SPD (March 2008)*; A Spatial Masterplan to guide the redevelopment and regeneration of Western Riverside. It supplements Bath & North East Somerset's Local Plan site allocation Policy GDS.1/B1
- *Existing Dwellings in the Green Belt SPD (October 2008)*; Existing Dwellings in the Green Belt SPD (2008) This supplements Bath & North East Somerset's Local Plan Policies HG.14 and HG.15. It provides further information and guidance on the approach the Council as a Local Planning Authority will take in relation to extensions to dwellings in the Green Belt and the circumstances under which replacement dwellings will be acceptable.
- *Bath City-wide Character Appraisal (August 2005)* Informs decisions concerning the character and appearance of the Bath Conservation Area;
- *Streetscape Manual SPD (2005)* This supplements Policy D.2 of the Bath & North East Somerset Local Plan. It provides a guide to the selection, design, installation and care of the District's streetscape and its historical preservation.
- *Archaeology in Bath and North East Somerset (May 2004)* This supports Policies of the Bath & North East Somerset Local Plan.
- *Archaeology in Bath (May 2004)*; This supports Policies Bath & North East Somerset Local Plan;
- *Rural Landscapes of Bath & North East Somerset: A Landscape Character Assessment SPG (2003)* This supports Policy NE.1 of the Bath & North East Somerset Local Plan.

- *Rural Landscapes of Bath and North East Somerset: a Landscape Character Assessment (February 2003)* Informs decisions concerning the character and appearance of rural landscape in the setting of Bath ;
- *Larkhall area of Bath Conservation Area Statement (1998)* Informs decisions concerning the character and appearance of the Conservation Area in the Larkhall area.
- *Walcot Street Works (1997)* Informs decisions concerning the character and appearance of the Bath Conservation Area in Walcot Street;
- *Cherishing Outdoor Places (1994)* Informs decisions concerning the character and appearance landscape of the *City of Bath*;
- *Bath Shopfronts: Guidelines for Design and Conservation (1993)* Informs decisions concerning the character and appearance of proposals affecting shopfronts in Bath;
- Lighting strategy Informs decisions concerning the character and appearance of the Bath Conservation Area with respect to planning for outdoor lighting (2015);

Other strategies and studies may be held to be a material consideration when determining Planning Applications and will inform decisions on the management of the City. These strategies and studies include:-

Destination Management Plan of 2007 (the Tourism Company);

Visitor accommodation Study 2009 (by the Tourism Company)

Bath Flood Risk Management Strategy 2010 (Bath and North East Somerset Council)

Bath and North East Somerset Cultural Strategy 2011-2026

Getting around Bath – The Transport Strategy for Bath 2014 (Mott MacDonald)

Hotel Futures Study 2015 (Bath and North East Somerset Council)