Information Sheet 14: A guide to preparing World Heritage Site Heritage Impact Assessments

Department of Town Planning
and Buildings Control

HM Government of Gibraltar

INTRODUCTION

Gibraltar's World Heritage Site (WHS), Gorham's Cave Complex, was inscribed on to UNESCO's World Heritage List in July 2016 as an exceptional testimony to the Neanderthals and Early Modern Humans. The Site is on the east side of Gibraltar and covers an area of 28 hectares from sea level caves to the top of the Mediterranean Steps at 426 metres AOD (Figure 1). The WHS also has a Buffer Zone covering 313 hectares, whose boundaries are largely contiguous with the Gibraltar Nature Reserve (Figure 2).

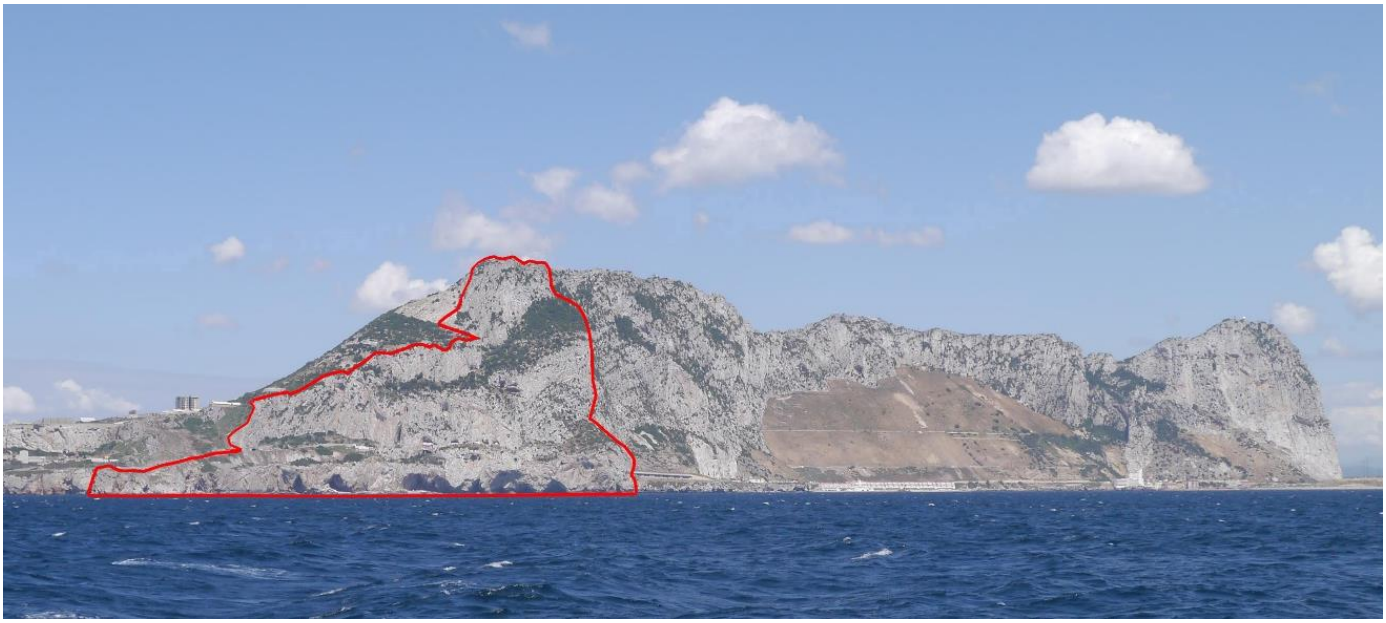

Figure 1: Gorham's Cave Complex World Heritage Site from the east. Site boundaries are shown in red.

In order to be inscribed as a WHS, a property must have Outstanding Universal Value (OUV) and must also have satisfactory protection and management arrangements in place. A property's OUV is fixed by the World Heritage Committee at the time of inscription and is encapsulated in a 'Statement of OUV' (Appendix 1). The attributes that are seen to convey OUV, which are identified at the time of Inscription, are also non-negotiable and must be protected.

World Heritage Sites are therefore single heritage assets with an international value that has been clearly evaluated and articulated. The protection and management of the World Heritage Sites is based on specific designations and the use of the spatial planning system, including impact assessments.

UNESCO has stated that it expects Heritage Impact Assessments (HIA) to be carried out for all change and development potentially affecting world heritage sites. One of the recommendations by the UNESCO World Heritage Committee for the Gorham's Cave Complex at the time of inscription was also to establish a system of HIA for development potentially affecting the WHS.

There is current guidance on HIA for cultural world heritage sites (ICOMOS 2011), which is based on established UK and European approaches to environmental impact assessment.

This document provides guidance on HIA specific to the Gorham's Cave Complex, in line with recommendations by the World Heritage Committee in 2016. It is a guide. It is not a manual nor completely comprehensive. Each HIA must be fit-for-purpose for, and in proportion to the project under consideration. The guidance is principally aimed at professionals undertaking impact assessments.

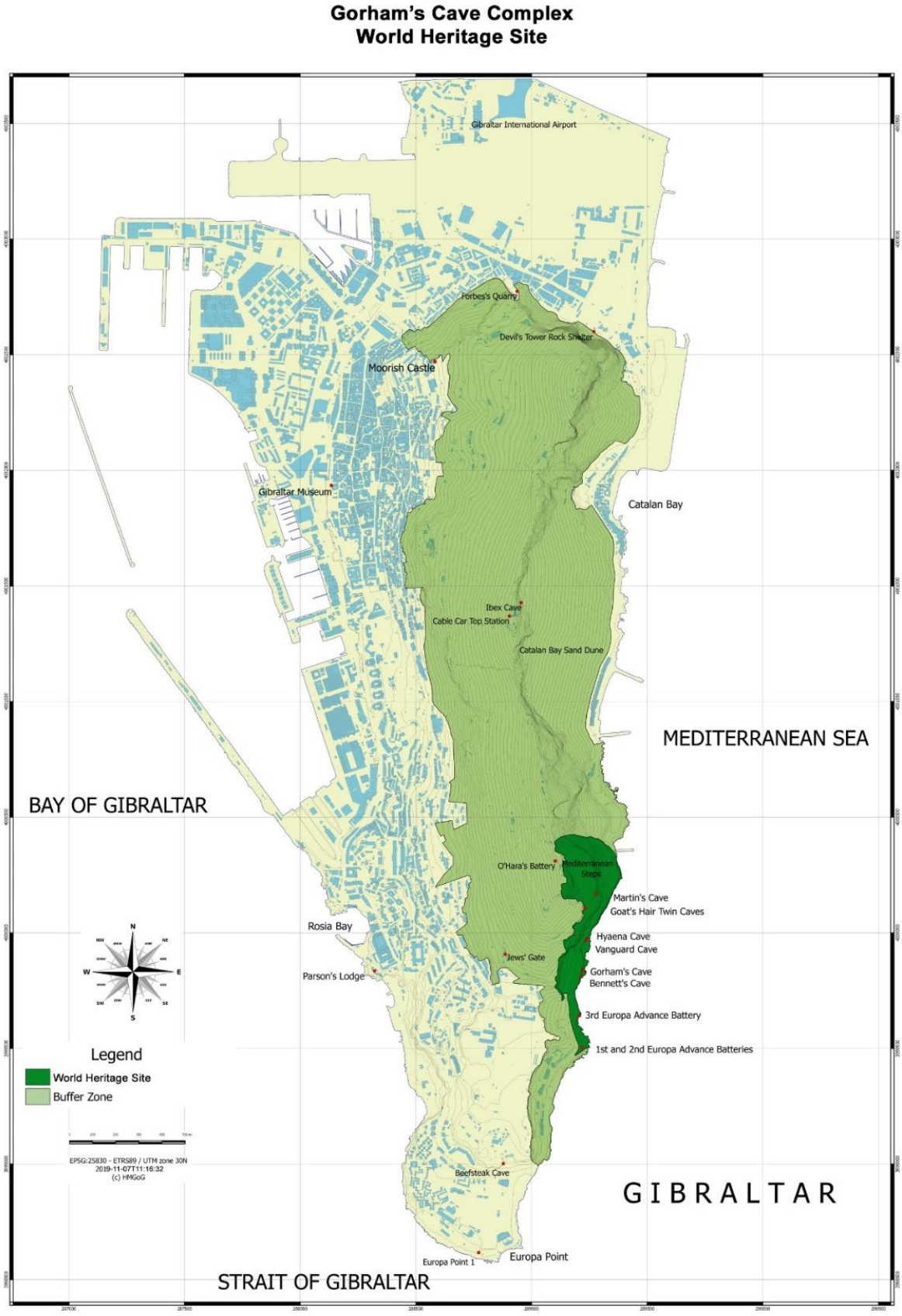

Figure 2: Gorham's Cave Complex World Heritage Site Location. The WHS is shown in dark green; its buffer zone in light green. The exact boundaries are available through the World Heritage Office at whoffice@gibmuseum.gi .

LEGAL PROTECTION

The boundary of the WHS is defined in law by the Gorham's Cave Complex Regulations 2019 (published 1st August) to the Heritage and Antiquities Act 2018. These Regulations define what is protected, and restrict access to sensitive caves. They also appoint the Gibraltar National Museum as the 'competent authority' to manage the WHS.

In addition, within the WHS there are several scheduled sites protected by the Heritage and Antiquities Act 2018. These comprise the following caves: Gorham's, Vanguard, Hyaena and Bennett's Caves, Goat's Hair Twin Caves and Martin's Cave. In the Buffer zone, Sewell's Cave and Ibex Cave are also listed.

Military sites inside the WHS are also scheduled under the Heritage and Antiquities Act 2018. The 1st/2nd Europa Advance Batteries are the current public observation platform and information centre for the WHS on the East Side of the Rock. The 3rd Europa Advance Battery is also scheduled, and is currently used for clay target shooting.

Development and World Heritage Sites

Inscription on the World Heritage List does not preclude change or development, provided that the OUV of the property, including its authenticity and integrity, is not adversely affected directly or indirectly (including its setting, and key views in and out). Not everything within a WHS contributes to OUV, but those attributes that do must be protected.

Heritage Impact Assessments (HIA) are crucially important for any change or development potentially affecting a WHS's OUV, not least to demonstrate that the WHS is being adequately protected and managed and that the State Party is meeting its obligations.

The UNESCO World Heritage Committee monitors how well World Heritage Sites are conserved and managed. The basis for the monitoring is the Statement of OUV and the management plans for the property. The World Heritage Committee can intervene with individual governments if it considers there are potential threats to OUV. The Operational Guidelines to the Convention include a notification process for developments or changes that potentially could affect the OUV of a property:

> *"172 The World Heritage Committee invites the States Parties to the Convention to inform the Committee, through the Secretariat, of their intention to undertake or to authorize in an area protected under the Convention major restorations or new constructions which may affect the OUV of the property. Notice should be given as soon as possible (for instance, before drafting basic documents for specific projects) and before making any decisions that would be difficult to reverse, so that the Committee may assist in seeking appropriate solutions to ensure that the OUV of the property is fully preserved."* (UNESCO 2016)

If a property's OUV is adversely affected, the World Heritage Committee can decide to place it on the 'World Heritage in Danger List' until the position improves (if it can be redressed). Fifty-four sites are currently on this List (January 2018), including Liverpool Mercantile City, UK.

In the worst case, the World Heritage Committee can remove a site from the World Heritage List. Only two sites have ever been delisted in the last forty years.

Figure 3: Gorham's Cave Complex - the caves and their landscape setting

KEY DOCUMENTS FOR GORHAM'S CAVE COMPLEX

Gibraltar Museum 2015, **Gorham's Cave Complex Nomination Dossier**, [note that a name change was agreed at inscription]: *Gibraltar Neanderthal Caves and Environments World Heritage Site Nomination* http://whc.unesco.org/uploads/nominations/1500.pdf

Gorham's Cave Complex Statement of Outstanding Universal Value and Inscription Decision: 40 COM 8B.29: Examination of nominations of cultural properties to the World Heritage List, http://whc.unesco.org/en/decisions/6807 or http://whc.unesco.org/en/list/1500 and Appendix 1 of this document.

HM Government of Gibraltar Town Planning and Building Control 2020, '**Gorham's Cave Complex World Heritage Site and Planning Applications'**, Information Sheet 13 https://www.gibraltar.gov.gi/town-planning/planning-guidance

HM Government of Gibraltar 2018, **Heritage and Antiquities Act**

HM Government of Gibraltar 2019, **Gorham's Cave Complex Regulations**)

ICOMOS 2011, **Guidance on Heritage Impact Assessments for Cultural World Heritage Properties***:* http://www.icomos-uk.org/uploads/sidebar/PDF/ICOMOS%20Guidance%20on%20Heritage%20Impact%20Assessments%20January%202011.pdf

UNESCO 1972, **Convention concerning the protection of the World Cultural and Natural Heritage***,* http://whc.unesco.org/en/conventiontext/

UNESCO 2019, **Operational Guidelines for the Implementation of the World Heritage Convention***,* http://whc.unesco.org/en/guidelines/ [Note these guidelines are updated almost annually; check that it is the latest edition.]

PURPOSE OF HERITAGE IMPACT ASSESSMENT FOR THE GORHAM'S CAVE COMPLEX WHS

The principal purpose of Heritage Impact Assessments (HIA) for a WHS is to protect and sustain the Site's OUV, the attributes that convey that OUV, and its integrity and authenticity by:

- identifying all potential impacts (direct, indirect, cumulative; permanent or temporary; construction and operational phases) which might affect the OUV of the property as a whole and/or the individual attributes which convey its OUV;
- evaluating the significance of effect (positive or negative) of the potential impacts, on the whole site or individual elements, including attributes of OUV and all other cultural heritage assets (below ground archaeological deposits, built heritage, landscapes *et al.*), landscape, setting and visual elements, in one place, chapter or section; and
- putting forward appropriate measures to avoid, reduce or compensate potential adverse effects, or to enhance the OUV.

The attributes that convey the WHS's OUV are the striking cluster of caves and their contents at sea level and their landscape setting. The landscape setting can be further refined in terms of geology and topography and species (see the Statement of OUV in Appendix 1 and Table 1 below).

Associative attributes comprise the Catalan Bay Sand Dune, the submerged landscape and Museum Collections (Table 1; Gibraltar Museum 2015, Volume 1, 131). Other additional values include historical and spiritual values, military heritage, archival collections and natural species (see Table 1; Appendix 2; and Gibraltar Museum 2015, Volume 3, 37-9).

CONTENTS OF A WHS HIA REPORT OR CHAPTER IN AN ENVIRONMENTAL STATEMENT

The HIA Report, whether incorporated into an Environmental Statement or a stand-alone report, should contain all relevant information on the WHS and wider cultural heritage including archaeology, built heritage, landscape and visual analysis.

Information and evaluation of the impact on the WHS and all attributes of OUV or other heritage assets must be in one place, not split between chapters or sections in an Environmental Statement.

The HIA Report should provide the evidence on which decisions can be made in a clear, transparent and practicable way. The level of detail needed will depend on the proposed changes and their location in relation to the WHS or its Buffer Zone. The Statement of OUV (Appendix 1) will be central to the evaluation of the impacts and risk to the site.

An assessment of the risk to the WHS's Inscription on the UNESCO List is also an important element, (e.g. is there a risk that the WHS might be placed on the UNESCO 'World Heritage in Danger List' or delisted).

The report should include:

- The proper name of the WH property,
- Its geographical coordinates,
- The date of inscription,
- The date of the HIA report,
- The name of the organization or entities responsible for preparing the HIA report, for whom it was prepared, and a statement on whether the report has been externally assessed or peer-reviewed.
- Where appropriate a non-technical summary
- Scope of the assessment
- Methodology
- Baseline description, including OUV, attributes and other heritage assets
    - This section should also include any nationally or locally designated sites, monuments or structures as well as non-designated sites. It should set out the historical development of the study area, and describe its character. It should describe the condition of the whole and of individual attributes and components, physical characteristics, sensitive viewpoints and intangible associations which may relate to attributes. This should focus on areas affected in particular but must include a description of the whole.
- Value of attributes/all heritage assets – see Table 1 below.
- Definition and evaluation of all potential impacts (permanent, temporary, by phase, cumulative) on:
    - The whole WHS
    - Attributes that convey OUV
    - Associative attributes
    - Other heritage assets
    - Buffer Zone
    - Setting
    - Visual appreciation of the WHS
    - Any other relevant features
    - The inclusion on the UNESCO World Heritage List.
- Measures to avoid, to reduce or to compensate all potential impacts, should cover
    - those needed before the development or change proceeds (such as archaeological excavation)
    - those needed during construction or change (such as a watching brief or physical protection of assets)
    - any post-construction measures during the operation of any proposed change or development (such as interpretation or access measures, awareness-building, education, reconstruction proposals),
    - proposals to disseminate information, knowledge or understanding gained by the HIA,
    - detailed desk, field or scientific studies.
- Summary and Conclusions, including
    - A clear statement on effects on the Outstanding Universal Value of the WHS, its integrity and authenticity
    - the risk to the Inscription of the site as a WH property,
    - any beneficial effects, including better knowledge and understanding and awareness-raising.
- References

- Supporting data in tables or figures, or appendices.

HERITAGE ASSET VALUE AND SENSITIVITY

The method of assessment should focus on the sustainability of the OUV of the WHS, whilst not ignoring associated or other heritage assets. The concept of OUV underpins the whole World Heritage Convention and all activities associated with properties inscribed on the List.

A property's OUV is fixed by the World Heritage Committee at the time of inscription and since 2007 has been encapsulated in a Statement of OUV. OUV thus defines the thinking at the time of inscription and is non-negotiable. This means that OUV needs to be sustained over time through the protection of attributes that are seen to convey OUV.

World Heritage sites are single heritage assets with an international value that has been clearly articulated and recognised. Not everything within them contributes to OUV, but those attributes that do must be appropriately protected. For the purpose of HIA all cultural heritage assets potentially affected should be included. The baseline description should therefore include:

- the WHS as a single heritage asset – the OUV of the site as a whole
- the individual attributes which carry the WHS OUV
- where relevant, heritage assets which are associative attributes of OUV or additional values as defined in the Nomination Dossier (Gibraltar Museum 2015, Volume 3, 36-9; also available at http://whc.unesco.org/uploads/nominations/1500.pdf) and
- the WHS Buffer zone in the immediate vicinity of the proposed development or wider as appropriate.

Table 1 sets out definitions of value and assets that have been adopted as a guide for Gorham's Cave Complex (based on ICOMOS 2011, Appendix 3a):

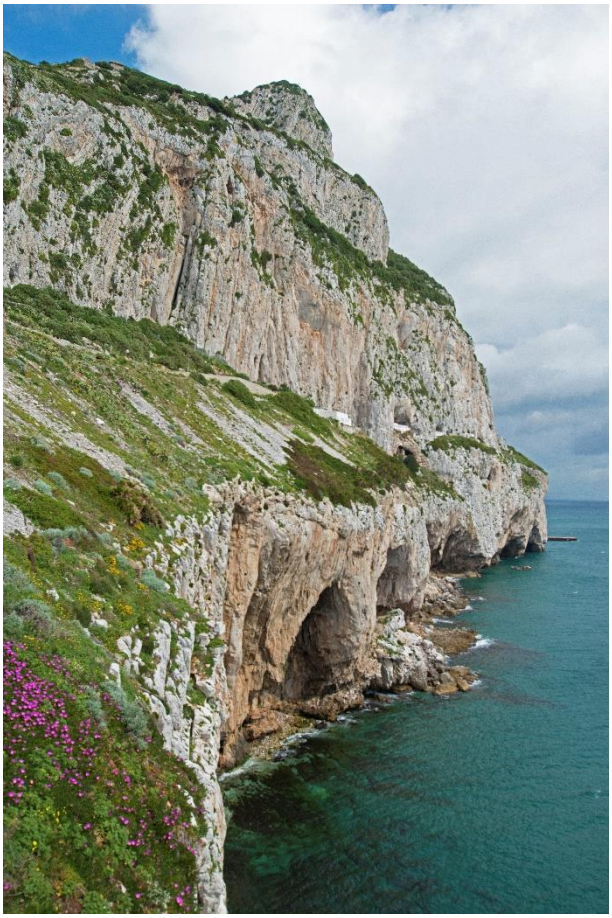

Figure 4: looking north along the Gorham's Cave Complex Site

Figure 5: looking out from Gorham's Cave

Table 1: Heritage Assets and their Values		
Value	**Generic Assets**	**Gorham's Cave Complex Heritage Assets**
Very high	• World Heritage Property as a whole and its OUV;	• The WHS (as a whole) within its boundaries as inscribed on the World Heritage List in 2016; and described in the Gorham's Cave Complex Regulations 2019
	• All individual attributes that convey the WHS's OUV;	• The caves (scheduled or not) and their archaeological deposits and all materials contained therein; • The 426m-high landscape setting of the caves, including the cliffs, fossil beaches, scree slopes, shoreline; • Vegetation demonstrably similar with Middle and Upper Palaeolithic environments; • Fauna present now and demonstrably present in Middle and Upper Palaeolithic, resident or migratory
High	• Buffer zone as a whole;	• Buffer zone as a single asset as shown on the official map of the WHS (Figure 2)
	• Buffer Zone attributes which directly link to its function as a reservoir of species	• Buffer zone vegetation demonstrably similar with Middle and Upper Palaeolithic environments • Buffer Zone Fauna present now and demonstrably present in Middle and Upper Palaeolithic, resident or migratory
	• Associative attributes of OUV	• Catalan Bay fossil sand dune • Submerged landscape - submerged features include Flysch pinnacles at -30m deep, which are associated with freshwater springs, indicative of the wider landscape at the time of the Neanderthals and of the presence of coastal oases • Museum collections of artefacts, fossils, plant remains and scientific specimens from the WHS
	• Scheduled associated or contemporary sites outside the WHS	• Forbes's Quarry; • Devil's Tower Rock Shelter
	• Scheduled national sites, structures or buildings in the WHS or its Buffer zone (other periods)	• As listed in the schedules of the Heritage and Antiquities Act 2018 • Scheduled military sites within the WHS or Buffer zone (for example the 1st to 3rd Europa Advance Batteries) and associated features such as the Mediterranean Steps themselves
	• Any Intangible additional values as defined in the Nomination Dossier	• Historical and spiritual values associated with the 'Pillars of Hercules' beliefs and the Islamic conquest of Hispania in the early 8th century BC • Education value, local and wider • Research and evidential values e.g. ecological, historical or global cultural heritage; climate change studies
	• Any tangible additional values as defined in the Nomination Dossier	• Natural resources – endemic or migratory, for example plant species of local, regional and international importance not in the fossil record; reintroduced avian species • Military heritage sites in the WHS • Tourism and economic values
Medium	• Undesignated but other known archaeological or historical sites, buildings or objects over 50 years old	• Known but un-scheduled archaeological or historical sites within the WHS and Buffer Zone – consult the Ministry for Heritage records, Gibraltar National Archives, Gibraltar National Museum, Gibraltar Heritage Trust
Low	• Modern (late 20th century or later) structures	
Uncertain	• Sites whose exact nature or extent are unknown or unexplored, artefact scatters or occasional finds' records	

In some instances, it may be necessary to consider in detail, for example, effects on flora or fauna species which might be adversely affected. Refer to the detailed tables in the Nomination Dossier Volume 1 (http://whc.unesco.org/uploads/nominations/1500.pdf).

MAGNITUDE OF IMPACT/CHANGE

The magnitude or scale of change, applied to direct physical change and to visual and setting change, is defined as follows:

- No change
- Negligible change
- Minor change
- Moderate change
- Major change

SIGNIFICANCE OF EFFECT

Derivation

The significance of effect is a function of the attribute or heritage asset value/sensitivity and the magnitude or scale of impact or change. The matrix below shows how the significance of effect is derived.

Table 2: Matrix showing how impact significance is derived

	SIGNIFICANCE OF EFFECT								
Impact magnitude or scale / Receptor Value	Major change	Moderate change	Minor change	Negligible change	No change	Negligible change	Minor change	Moderate change	Major change
Very high	Major beneficial	Moderate beneficial	Minor beneficial	Negligible beneficial	Neutral	Negligible adverse	Minor adverse	Moderate adverse	Major adverse
High	Major beneficial	Moderate beneficial	Minor beneficial	Negligible beneficial	Neutral	Negligible adverse	Minor adverse	Moderate adverse	Major adverse
Medium	Moderate beneficial	Minor beneficial	Minor beneficial	Negligible beneficial	Neutral	Negligible adverse	Minor adverse	Minor adverse	Moderate adverse
Low	Minor beneficial	Minor beneficial	Negligible beneficial	Negligible beneficial	Neutral	Negligible adverse	Negligible adverse	Minor adverse	Minor adverse
Uncertain	Negligible beneficial	Negligible beneficial	Negligible beneficial	Negligible beneficial	Neutral	Negligible adverse	Negligible adverse	Negligible adverse	Negligible adverse
	Positive				Neutral	**Negative**			

Descriptions for the significance of effect

The following terminology in Table 3should be adopted to describe the significance of effect consistently. If it is not used, an explanation should be provided.

Table 3: Significance of Effect Descriptions

SIGNIFICANCE OF EFFECT	DESCRIPTION
Negligible adverse	The effect is not of concern. Negligible or very minor change or damage but reparable; low risk to the WHS's OUV or individual attributes of OUV.
Minor adverse	The impact is undesirable but of limited concern. There is a limited degree of risk to the WHS's OUV or individual attributes of OUV: some damage but recoverable, attributes affected but not destroyed.
Moderate adverse	The impact gives rise to some concern but it is likely to be tolerable (depending on its scale and duration); potential damage to WHS's OUV or individual attributes of OUV, possibly some irrecoverable.
Major adverse	The impact gives rise to serious concern. It should be considered as unacceptable unless unavoidable to achieve significant public benefit by best practicable means. Irreparable damage to WHS's OUV or individual attributes of OUV, potential for addition to the UNESCO 'World Heritage in Danger List' or eventual de-listing of Property.
Neutral	Status quo: no benefit or adverse impact on the WHS's OUV or individual attributes of OUV.
Negligible beneficial	There is very small change but it has limited benefit to the WHS and its OUV, or individual elements of OUV.
Minor beneficial	The impact is of minor significance but has some benefit to the WHS and its OUV, or individual elements of OUV.
Moderate beneficial	The impact provides some gain to the WHS and its OUV, or individual elements of OUV.
Major beneficial	The impact provides a significant positive gain to the WHS and its OUV, or individual elements of OUV.

SETTING AND VISUAL IMPACTS

Visual context and Setting

The setting of a heritage asset comprises the surroundings in which that asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance, or may be neutral. The contribution of setting to the significance of a heritage asset is frequently expressed by reference to views, a purely visual impression of an asset or place which can be static or dynamic (Historic England 2015, *The Setting of Heritage Assets, Historic Environment Good Practice Advice in Planning 3,* 2-3).

The setting of the WHS varies substantially according to where it is experienced from. It can range from the whole eastern profile of the Rock of Gibraltar, to the setting of the Upper Rock, to more intimate appreciation of the scale and nature of the sea caves in their present environment on the coast.

Views from the WHS also contribute to the appreciation of the WHS's setting.

Policy GDS7, of the Gibraltar Development Plan, on strategic vistas states that "planning permission will not normally be granted for development that impinges, to a significant degree, on any identified strategic vista". These may be of landmark buildings, structures or landscape features considered important to protect.

Key Views and Vistas of the WHS

1 The view of the WHS from the east, from the Mediterranean

The view from the Mediterranean is one of the best means to appreciate the scale, nature and integrity of the WHS and to appreciate the sea caves in their landscape setting. Tourists who take trips on some of the dolphin boats can see both close-up views of the caves and their deposits and mid-range/distant views of the whole WHS in its wider context of the iconic profile of the Rock. The more distant vista is also clearly visible to tourists arriving/leaving by cruise liner.

In terms of presenting the site to present and future generations this view is of exceptional importance.

2 The view from the WHS viewing platform at 1st/2nd Europa Advance Batteries

The WHS viewing platform at 1st/2nd Europa Advance Batteries has an uninterrupted view of the south and east sides of the WHS from sea level to the highest point. The viewing platform is in the WHS. The platform is a key interpretation and information centre for the WHS, along with the Gibraltar National Museum.

3 The view from the south-east

Close-up and mid-range views from the south-east by Europa Point clearly show the WHS in its historical context.

Key views and vistas from the WHS – the Upper Rock along Mediterranean Steps Path (from Jews' Gate to O'Hara's Battery)

The Upper Rock portion of the WHS is an important attraction visited by the local community and by tourists via the Mediterranean Steps Path. The boundary of the WHS lies across the Mediterranean Steps Path above the sea cave complex (Figure 1) and the 19th Century Mediterranean Steps themselves are in the WHS.

Tourists and recreational visitors have high expectations of both the views from the path across the Strait of Gibraltar and the Mediterranean, and of the appreciation of the landscape setting of the WHS.

In terms of views from the WHS, there are two significant views out:

1 to the east across the Mediterranean and the submerged landscape which was dry land during much of the Neanderthals' occupation and
2 the view south towards Morocco and Jebel Musa (Mons Abyla, the second Pillar of Hercules).

Criteria for assessing visual impact and impact on setting

The following criteria could be appropriate to consider:

Table 4: Criteria for assessing visual and setting effects

Magnitude of impact	Criteria
Major change	• Substantial change to composition of baseline views or key vistas of whole site • Substantial change to individual attribute(s) of OUV • Close range view and/or direct uninterrupted view • No integration with extant background character • Large spatial area affected • Long-term irreversible effect
Moderate change	• Moderate change to baseline views or key vistas of majority of site • Moderate change to one individual attribute of OUV • Mid-range view • Indirect or oblique view • Partially interrupted view • Partial integration with extant background character • Medium term and irreversible effect
Minor change	• Minor change to baseline views or key vistas of whole site • Minor change to one individual attribute of OUV • Peripheral view to main receptor • Interrupted view or • Integration with extant background character • Mid-range or distant view • Short-term and irreversible
Negligible change	• Almost indiscernible change to baseline view or key vistas • Peripheral views • Integration with extant background character • Distant view • Short-term and reversible
No change	• No discernible change to baseline view or key vistas • No change to OUV or individual attributes of OUV

EXPECTED STANDARDS

H M Government of Gibraltar has defined standards for desk-based work and consultancy advice including environmental impact assessments, available from the Town Planning web site (https://www.gibraltar.gov.gi/town-planning/planning-guidance) or the Government Archaeologist. The Gibraltar Standard is based on the Code of Conduct and advice documents produced by the Chartered Institute for Archaeologists (CIFA). These provide guidance on process, briefs and specifications, report contents, ethics and other issues and are available at https://www.archaeologists.net/codes/cifa. Work in Gibraltar should seek to comply with these CIFA Standards & Guidance, subject to complying principally with Gibraltarian legislation and regulations.

Before commencing work it is essential to agree the scope of works with the Government Archaeologist, Ministry for Heritage, and the World Heritage Office.

INDUSTRY STANDARDS AND GUIDANCE

This HIA guidance has been informed by *Guidance on Heritage Impact Assessments for Cultural World Heritage Properties* (ICOMOS 2011, on behalf of UNESCO). This 2011 document was the result of an international workshop, and is based on recognised EIA procedures developed in the UK.

Consideration of setting has been informed by *The Setting of Heritage Assets*, Historic Environment Good Practice Advice in Planning: 3 (Historic England 2015).

Visual impact has also been informed by *The Guidelines for Landscape and Visual Impact Assessment* (3rd Edition; Landscape Institute 2013).

WHO CAN CARRY OUT THE WORK?

Cultural heritage or archaeological works in Gibraltar must be carried out by persons with suitable professional qualifications, training and experience from a recognised, professional body or institution, and they must also be competent to carry out the specific type of works required to the latest scientific and industry standards (Heritage and Antiquities Act 2018, 26).

Membership of a professional institute, such as the Institute of Environmental Management and Assessment (IEMA), the Chartered Institute of Ecology and Environmental Management (CIEEM), or the Chartered Institute for Archaeologists (CIFA), is a useful guide. Other European accreditations also exist.

The Ministry for Heritage can advise on such organisations and individuals. ***Note*** *that such advice is for information and should not be construed as a recommendation or endorsement of any particular organisation or individual*.

DO I HAVE TO PAY FOR THESE SERVICES?

Yes, like any other professional service you commission.

However, the initial advice from the World Heritage Office and the Government Archaeologist is normally free.

DO I NEED A LICENCE?

Not normally for a desk-based impact assessment (including site visits). If intrusive field work is planned, then that would require a licence from the Ministry for Heritage for works inside the WHS or on any scheduled site.

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Gorham's Cave Complex Web Site
https://www.gorhamscave.gi/

APPENDIX 1: GORHAM'S CAVE COMPLEX STATEMENT OF OUV

[an Extract of the Decisions adopted by the 40th session of the World Heritage Committee, Istanbul, 2016]

[Note: the legislation references were correct at the time of Inscription]

Decision: 40 COM 8B.29

The World Heritage Committee,

1 Having examined Documents WHC/16/40.COM/8B and WHC/16/40.COM/INF.8B1,
2 Inscribes the **Gorham's Cave Complex, United Kingdom of Great Britain and Northern Ireland,** on the World Heritage List on the basis of **criterion (iii)**;
3 Adopts the following Statement of OUV:

Brief Synthesis

Located on the eastern side of the Rock of Gibraltar, steep limestone cliffs contain four caves with extensive archaeological and palaeontological deposits that provide evidence of Neanderthal occupation over a span of 100,000 years. These caves have provided extensive evidence of Neanderthal life, including rare evidence of exploitation of birds and marine animals for food; and use of bird feathers and abstract rock engravings, both indicating new evidence of the cognitive abilities of the Neanderthals. The sites are complemented by their steep limestone cliff settings, and the present-day flora and fauna of Gibraltar, much of which can be also identified in the rich palaeo-environmental evidence from the excavations. While long-term scientific research is continuing, these sites have contributed substantially to the debates about the Neanderthal and human evolution. The attributes that express this value are the striking cluster of caves containing intact archaeological deposits that provide evidence of Neanderthal and early modern human occupation of Gibraltar and the landscape setting which assists in presenting the natural resources and environmental context of Neanderthal life.

Criterion (iii): Gorham's Cave Complex provides an exceptional testimony to the occupation, cultural traditions and material culture of Neanderthal and early modern human populations through a period spanning approximately 120,000 years. This is expressed by the rich archaeological evidence in the caves, the rare rock engravings at Gorham's Caves (dated to more than 39,000 years ago), rare evidence of Neanderthal exploitation of birds and marine animals for food, and the ability of the deposits to depict the climatic and environmental conditions of the peninsula over this vast span of time. The archaeological and scientific potential of the caves continues to be explored through archaeological research and scientific debates, providing continuing opportunities for understanding Neanderthal life, including their capacity for abstract thinking.

Integrity

The boundary includes all elements necessary to express the OUV of this property, including the setting of the caves in relation to the topography and vegetation of Gibraltar (limestone cliffs, fossil sand dunes, fossil beaches, scree slopes, shorelines and flora and fauna). The property is vulnerable to sea level rises, flooding and other effects of climate change.

Authenticity

The authenticity of this property is demonstrated by the substantial stratified archaeological deposits in the caves, the landforms that contain the caves and demonstrate the geomorphological history of Gibraltar, and the cliff vegetation and fauna that can be associated with the environmental conditions of the past.

Protection and management requirements

The property and most of the buffer zone are located within the Gibraltar Nature Reserve (Upper Rock Nature Reserve). The property and its buffer zone are given legal protection by Gibraltar Heritage Trust Act (1989), the Nature Protection Act (1991) the Town Planning Act (1999), the Town Planning (Environment Impact Assessment) Regulations (2000), and the Nature Conservation Area (Upper Rock) Designation Order (2013). The individual caves containing evidence of Neanderthal and early modern human occupation are protected as Schedule 1 Category A (maximum protection) sites under the Gibraltar Heritage Trust Ordinance.

Development is regulated by the Town Planning Act and by implementation of policies in the Gibraltar Development Plan (2009), including the 2014 Town Planner's amendments. Planning controls and procedures are enforced by the Development and Planning Commission.

The area of sea adjacent to the property is located within the Eastern Marine Conservation Zone, protected as a marine area of conservation through European Union legislation (European Marine Special Area of Conservation), and Gibraltar legislation (Marine Nature Reserve Regulations (1995), the Marine Strategy Regulations (2011) and the Marine Protection Regulations (2014)).

The property is managed by the Gibraltar [National] Museum. The Executive Management Group (comprised of relevant government agencies) oversees the implementation of the management system, assisted by the Museum's multi-disciplinary World Heritage team. The Executive Management Group reports to a Steering Committee (Advisory Forum) which includes a wide spectrum of stakeholders. The International Research and Conservation Committee assists in establishing research programs and reviewing scientific outcomes. Levels of resourcing, including staffing are reviewed annually.

Management plans are in place for the property and for the (larger) Gibraltar Nature Reserve. The latter will be revised to ensure compatibility with the World Heritage inscription and to ensure priority is given to the retention of the OUV of the property. The management system is further supported by the Risk Preparedness Plan, Research and Conservation Strategy and Integrated Visitor Strategy. A five-year Archaeological Excavation Action Plan (2016-2020) outlines the planned work and addresses the need to balance excavation and the conservation of deposits.

While visitor pressure is not a current threat, it is likely that visitation will increase. Access to the caves is strictly controlled, and visitors must be accompanied by a guide approved by the Director of the Gibraltar Museum. Monitoring is in place and the carrying capacity of the property is reviewed annually. Implementation of the Integrated Visitor Strategy will improve the visitor experiences and presentation of the OUV.

Reference

UNESCO World Heritage Centre web site: http://whc.unesco.org/en/list/1500.

APPENDIX 2: GORHAM'S CAVE COMPLEX WORLD HERITAGE SITE – GENERAL DESCRIPTION

The entire WHS is within the Gibraltar Nature Reserve. The boundaries, clearly visible as natural topographical boundaries, delimit all the attributes [features] that confer OUV and follow natural features which encompass the five major morpho-tectonic units of the Rock of Gibraltar. The eastern boundary is delimited naturally by the Mediterranean coastline (Figure 2). The southern boundary follows natural cliff lines from sea level to the highest point of the Rock and its northern boundary follows a steep topographical discontinuity in the contours, also from sea level to the highest point. The western boundary is delimited by the ridge of the Rock itself at its highest point.

Buffer Zone

The WHS has a buffer zone which occupies an area of 313 hectares and which is intended to provide additional protection against inappropriate development or changes that might adversely affects the WHS OUV (below). This zone comprises the Gibraltar Nature Reserve and two coastal strips, to the north and south of the property (Figure 2). The eastern side of the buffer zone, including the northern coastal strip, is situated below the ridgeline of the Rock and consists of sheer limestone cliffs and the Catalan Bay Sand Dune. The western side of the buffer zone is gentler sloping and is covered in olive maquis vegetation which acts as a reservoir for the natural cliff vegetation and avifauna within the property. The southern coastal strip consists of cliffs and raised beaches away from the main ridge of the Rock.

The Site's Internationally-recognised values

The Gibraltar WHS is inscribed under cultural Criterion (iii): "*Gorham's Cave Complex provides an exceptional testimony to the occupation, cultural traditions and material culture of Neanderthal and early modern human populations through a period spanning approximately 120,000 years. This is expressed by the rich archaeological evidence in the caves, the rare rock engravings at Gorham's Caves (dated to more than 39,000 years ago), rare evidence of Neanderthal exploitation of birds and marine animals for food, and the ability of the deposits to depict the climatic and environmental conditions of the peninsula over this vast span of time. The archaeological and scientific potential of the caves continues to be explored through archaeological research and scientific debates, providing continuing opportunities for understanding Neanderthal life, including their capacity for abstract thinking*."

The Statement continues: *" . . . The attributes that express OUV are the striking cluster of caves containing intact archaeological deposits that provide evidence of Neanderthal and early modern human occupation of Gibraltar and the landscape setting which assists in presenting the natural resources and environmental context of Neanderthal life. . . ."* (Statement of OUV, July 2016). See Table 1 for the list of attributes and values.

To be inscribed, a WHS must also pass the tests of 'Authenticity' and 'Integrity', and must have in place appropriate legislative and policy protection and management. Authenticity is the degree to which information sources and attributes of OUV may be understood as credible or truthful. In the case of the Gibraltar WHS the authenticity is demonstrated by the deep and substantial stratified archaeological deposits in the caves, the landforms that contain the caves and demonstrate the geomorphological history of Gibraltar, and the cliff vegetation and fauna that can be associated with the environmental conditions of the past.

Integrity is a measure of the wholeness and intactness of the natural and/or cultural heritage and its attributes. The property has to include all elements necessary to express its OUV, be of adequate size to ensure the complete representation of the features and processes which convey the property's significance; and not suffer from adverse effects of development and/or neglect. In Gibraltar's case this includes the setting of the caves in relation to the topography and vegetation of Gibraltar (limestone cliffs, fossil sand dunes, fossil beaches, scree slopes, shorelines and flora and fauna).

Neanderthal and Early Modern Human Designated Sites

Within the WHS there are several legally-protected or designated sites protected by the Heritage and Antiquities Act 2018 (Schedule 2, Part 4). These include the following caves: Gorham's, Vanguard, Hyaena and Bennett's Caves, Goat's Hair Twin Caves and Martin's Cave. In the Buffer Zone, Sewell's Cave and Ibex Cave are also listed.

Military heritage

Several fortifications and military remains are located within the site, reflecting its evolution since the 18th Century. They include a number of observation posts, gun positions and related structures such as Mediterranean (or Martin's) Battery – 19th Century to World War II; Advance Light anti-aircraft (LAA) Site – World War II; AROW Street Gun Positions and DEL Sites – World War II, and Europa Advance Batteries – 18th Century to World War II. The Europa Advance Complex consists of four batteries, three of which (1st to 3rd Batteries) are proposed for conversion into viewing platforms overlooking the Gorham's Cave Complex. The fourth is sited near Monkey's Cave Hospital. There are also numerous military remains, designated and undesignated in the buffer zone.

Designated Military Sites

Sites listed under the Heritage and Antiquities Act 2018 within the WHS comprise: 1st/2nd and 3rd Europa Advance Batteries (Schedule 2, Part 4).

Historical and spiritual Values

The Rock of Gibraltar is a globally recognisable feature. It is a natural landmark set within a unique geographic context, astride two continents and two large bodies of water. The spectacular cliffs on the Mediterranean side of the Rock of Gibraltar constituted a major geographical marker of the ancient world known as the northern Pillar of Herakles – Mons Calpe to the Romans. Beyond this was the end of the Earth. At the base of the highest peak, mariners were required to make offerings to the gods in a cave known today as Gorham's Cave. These are recorded in the diverse array of Phoenician, Roman and other ceramics and artefacts in Gorham's Cave.

In 711 the Berber Tarik-ibn-Ziyad led a force across the Strait from North Africa and landed on the Rock. This marked the beginning of the conquest of Hispania and the 781-year Muslim rule of al-Andalus. The spiritual and strategic significance of the Rock to Islam, the beacon and first landing place, were recognised in a new name - the Jebel Tarik, the mountain of Tarik - Gibraltar. The symbolic significance of Jebel Tarik to Islam is captured in a number of important texts, some of outstanding universal significance: Ibn Battuta's *Travels in Asia and Africa*, al-Idrisi's *Kitab nuzhat al-mushtaq* (Latin *Opus Geographicum*), al-Himyari's *Kita bar-Rawd al-Mi'tar,* Ibn al-Jatib's *Mi'yar al-Ijtyar* and Ibn Marzuq's *Musnad.*

APPENDIX 3: LEGISLATION, POLICY AND INTERNATIONAL TREATIES

The Heritage and Antiquities Act 2018 (enacted 16th August 2018)

The Gibraltar Heritage and Antiquities Act 2018 provides for the legal protection of some important archaeological sites, historic buildings and monuments through their inclusion in schedules to the Act. Any work on such scheduled heritage assets may not be undertaken without consent from H M Government of Gibraltar, as advised by its heritage officers, and normally requires a licence. The Act also provides for the protection and, where appropriate, investigation of non-designated heritage assets by requiring developers to provide information on proposed works:

"(7) Where a person proposes to develop a site ("the developer") in respect of which the Development and Planning Commission, after consulting the Archaeological Officer and the Curator, has ascertained that that site has undiscovered archaeological potential, the developer shall undertake an archaeological impact study (including a desk-based assessment).

(8) The Minister, after consulting the Archaeological Officer and the Curator, having had regard to the study referred to in subsection (7) may direct the developer to undertake either or both-

(a) an archaeological watching brief; and

(b) an archaeological excavation,

as the case may be, and such direction shall be communicated in writing.

(9) The obligations under subsections (7) and (8) are not fulfilled unless these are undertaken in consultation with a representative of the Ministry for Heritage, and for such purposes the developer shall grant such access to the site, objects and to any other relevant material as may be required.

(10) A study under subsections (7) and (8) shall include field and post-field analysis and shall be submitted to the Ministry for Heritage.

(11) The costs of compliance with the provisions of subsections (7) to (10) shall be borne by the person upon whom the duty is imposed.

(12) A person who fails to comply with subsections (7) to (10) is guilty of an offence under this section and shall be liable–

(a) on summary conviction to imprisonment for a term not exceeding 3 months or a fine not exceeding level 2 on the standard scale, or both; or

(b) on conviction on indictment to imprisonment for a term not exceeding 12 months or a fine not exceeding level 5 on the standard scale, or both."

Heritage and Antiquities Act 2018: Gorham's Cave Complex Regulations 2019 (ref 2019/150; 1st August 2019)

These Regulations define the boundaries of the WHS and mechanisms to protect its attributes of Outstanding Universal Value, associative attributes and additional values in order to ensure it retains authenticity and integrity.

Defined protection measures include prohibiting access to sensitive caves by land, sea or the foreshore unless permission from the Minister has been obtained beforehand, after he has consulted the competent authority. The competent authority is responsible for ensuring the number of visitors accessing sensitive caves is kept under review and is in accordance with the quota supplied by the International Research and Conservation Committee (excepting *bona fide* researchers with permission from the competent authority). Research and conservation of Gorham's Cave Complex is to be actively promoted and monitored.

The competent authority is also responsible for the promotion, development, periodic review and implementation of a management plan for Gorham's Cave Complex, and must consult the World Heritage Advisory Forum and International Research and Conservation Committee.

Heritage and Antiquities Act 2018: Gorham's Cave Complex Regulations 2019 Appointment of Competent Authority Notice (2019/154; 1st August 2019; 1st August 2019)

The Minister for Heritage appoints the Gibraltar National Museum as the competent authority [i.e. the managing body] for the World Heritage Site.

The Town Planning Act 2018

This Act governs the process of applications and development control, including information to be supplied with applications. The Town Planning Act 2018 came into effect on 26th September 2019.

Town Planning (Environmental Impact Assessment) Regulations 2019

The EIA regulations outline the key requirements necessary to ensure that potentially environmentally-harmful proposals or activities are properly controlled and mitigated within Gibraltar.

Town Planning (General Procedures) Regulations 2019

These regulations set out the general requirements for planning applications, including consultation required, notifications and certification process.

Gibraltar Development Plan

The Gibraltar Development Plan was approved in 2009 and is intended to provide a clear framework to guide spatial planning within Gibraltar for the next 10 years. It sets out in Part I a series of general policies on a range of topics that apply throughout Gibraltar. Part II sets out policies relating to nine specific planning zones. Parts III and IV relate to the particular requirements for the Old Town.

Policy ENV22 addresses the setting of protected monuments, stating *inter alia* that "proposals that would adversely affect the setting or appearance of a protected monument, building or property will not normally be permitted".

Policy GDS7 on strategic vistas states that "planning permission will not normally be granted for development that impinges, to a significant degree, on any identified strategic vista". These may be of landmark buildings, structures or landscape features considered important to protect.

The WHS and planning procedures

The Managing Authority for the WHS is the Gibraltar National Museum. Since January 2016 the Museum's World Heritage Office has been consulted through the online ePlanning process on all planning applications within the WHS, within its Buffer zone and within 100m of the boundary of the Buffer zone. The WHO is also normally consulted on the scope of relevant EIA.

The UNESCO Convention Concerning the Protection of the World Cultural and Natural Heritage, 1972

World Heritage is an international system of mutual co-operation between states set up to identify, protect, manage, present and transmit to future generations places of Outstanding Universal Value to all humanity, according to the terms of the 1972 UNESCO *Convention concerning the Protection of Cultural and Natural Heritage* (the World Heritage Convention). The Convention also encourages states to develop systems for the conservation of their natural and cultural heritage generally (Appendix 3).

The World Heritage Convention recognises that the primary responsibility for the care and conservation of world heritage belongs to individual states. By joining the Convention, each government recognises its duty to protect World Heritage.

The operation of the Convention is overseen by UNESCO's intergovernmental World Heritage Committee, made up of 21 states elected in rotation by the member states of the Convention. At its annual meeting, the World Heritage Committee decides which nominated sites shall be inscribed on the World Heritage List. Sites can only be nominated for inclusion on the World Heritage List by a national government from its Tentative List. Once nominated, they are rigorously evaluated by either ICOMOS (for cultural sites) or IUCN (for natural sites) or both (for mixed sites and cultural landscapes). Only the Committee can actually decide whether or not a site has OUV and should be placed on the List.

The United Kingdom ratified the World Heritage Convention in 1984. Since then 31 sites from the UK and its Overseas Territories have been inscribed on the World Heritage. The Department for Culture, Media and Sport

(DCMS) is responsible for the implementation of the World Heritage Convention and for liaison on World Heritage matters with Overseas Territories.

Development and WHS

The protection and management of the World Heritage Sites is based on specific designations, and the use of the spatial planning system. Normally planning authorities have the required planning policies and documents in their local plans.

Inscription on the World Heritage List does not preclude change, provided that the OUV of the property, including its authenticity and integrity, is not adversely affected.

The World Heritage Committee monitors how well World Heritage Sites are conserved through 'State of Conservation Reports' and 'Periodic Reporting' processes. The basis for the monitoring is the Statement of OUV (Appendix 1) and the management plans for the property. The Committee can intervene with individual governments if they consider there are potential threats to OUV. The Operational Guidelines to the Convention include a notification process for developments or changes that potentially could affect the OUV of a property:

"172 The World Heritage Committee invites the States Parties to the *Convention* to inform the Committee, through the Secretariat, of their intention to undertake or to authorize in an area protected under the *Convention* major restorations or new constructions which may affect the OUV of the property. Notice should be given as soon as possible (for instance, before drafting basic documents for specific projects) and before making any decisions that would be difficult to reverse, so that the Committee may assist in seeking appropriate solutions to ensure that the OUV of the property is fully preserved." (UNESCO 2016).

Extract from the UNESCO 1972 Convention concerning the protection of the World Cultural and Natural Heritage

"II. NATIONAL PROTECTION AND INTERNATIONAL PROTECTION OF THE CULTURAL AND NATURAL HERITAGE

Article 4
Each State Party to this Convention recognizes that the duty of ensuring the identification, protection, conservation, presentation and transmission to future generations of the cultural and natural heritage referred to in Articles 1 and 2 and situated on its territory, belongs primarily to that State. It will do all it can to this end, to the utmost of its own resources and, where appropriate, with any international assistance and co-operation, in particular, financial, artistic, scientific and technical, which it may be able to obtain.

Article 5
To ensure that effective and active measures are taken for the protection, conservation and presentation of the cultural and natural heritage situated on its territory, each State Party to this Convention shall endeavour, in so far as possible, and as appropriate for each country:

(a) to adopt a general policy which aims to give the cultural and natural heritage a function in the life of the community and to integrate the protection of that heritage into comprehensive planning programmes;

(b) to set up within its territories, where such services do not exist, one or more services for the protection, conservation and presentation of the cultural and natural heritage with an appropriate staff and possessing the means to discharge their functions;

(c) to develop scientific and technical studies and research and to work out such operating methods as will make the State capable of counteracting the dangers that threaten its cultural or natural heritage;

(d) to take the appropriate legal, scientific, technical, administrative and financial measures necessary for the identification, protection, conservation, presentation and rehabilitation of this heritage; and

(e) to foster the establishment or development of national or regional centres for training in the protection, conservation and presentation of the cultural and natural heritage and to encourage scientific research in this field.

Article 6
1. Whilst fully respecting the sovereignty of the States on whose territory the cultural and natural heritage mentioned in Articles 1 and 2 is situated, and without prejudice to property right provided by national legislation, the States Parties to this Convention recognize that such heritage constitutes a world heritage for whose protection it is the duty of the international community as a whole to co-operate.

2. The States Parties undertake, in accordance with the provisions of this Convention, to give their help in the identification, protection, conservation and presentation of the cultural and natural heritage referred to in paragraphs 2 and 4 of Article 11 if the States on whose territory it is situated so request.

3. Each State Party to this Convention undertakes not to take any deliberate measures which might damage directly or indirectly the cultural and natural heritage referred to in Articles 1 and 2 situated on the territory of other States Parties to this Convention.

Article 7

For the purpose of this Convention, international protection of the world cultural and natural heritage shall be understood to mean the establishment of a system of international cooperation and assistance designed to support States Parties to the Convention in their efforts to conserve and identify that heritage."