



United Nations
Educational, Scientific and
Cultural Organization

Organisation
des Nations Unies
pour l'éducation,
la science et la culture

Organización
de las Naciones Unidas
para la Educación,
la Ciencia y la Cultura

Организация
Объединенных Наций по
вопросам образования,
науки и культуры

منظمة الأمم المتحدة
للتربية والعلم والثقافة

联合国教育、
科学及文化组织

Culture Sector
World Heritage Centre

H. E. Mr Ivan Ivanisevic
Ambassador Extraordinary and
Plenipotentiary of
Montenegro to France
Permanent Delegate of
Montenegro to UNESCO
Embassy of Montenegro
7, rue Léo Delibes
75016 Paris

Ref.: CLT/WHC/EUR/19/12393

19 December 2019

Subject: **State of conservation of the World Heritage property
'Natural and Culturo-Historical Region of Kotor'**

Dear Ambassador,

I wish to inform you that ICOMOS has reviewed the Draft Spatial Urban Plan of Kotor Municipality (PUP) and the Heritage Impact Assessment for the Hotel Teuta project in Risan, within the boundaries of the World Heritage property 'Natural and Culturo-Historical Region of Kotor'.

I would be grateful if you could share the enclosed ICOMOS technical reviews (Annexes I-II) with your relevant national authorities for their consideration and keep the World Heritage Centre informed of ways by which these comments are being taken into account.

We remain at the disposal of the State Party to respond to any requests for clarification or further technical assistance.

Thanking you for your support and cooperation in the implementation of the *World Heritage Convention*, I remain,

Yours sincerely,

Mechtild Rössler
Director

Enc.

cc: National Commission of Montenegro for UNESCO
National Focal Point for World Heritage
ICOMOS International

Annex I

**ICOMOS Technical Review of the Draft Spatial Urban Plan of Kotor Municipality
regarding the World Heritage property 'Natural and Culturo-Historical Region of Kotor'**

ICOMOS Technical Review

Property	Natural and Culturo-Historical Region of Kotor
State Party	Montenegro
Property ID	125ter
Date inscription	1979
Criteria	(i)(ii)(iii)(iv)
Issue	Draft Spatial Urban Plan of Kotor Municipality (April 2019)

Background

The report of the 2018 joint World Heritage Centre/ICOMOS Reactive Monitoring mission to the property made extensive recommendations about changes to the emerging draft Spatial Urban Plan for Kotor Municipality that were necessary to avoid further harm to the Outstanding Universal Value (OUV) of the property caused by the spread of urbanisation. These were both general (mission recommendations 11-16) and location-specific (mission recommendations 21- 22, 25-28, 30). The revised draft *Spatial Urban Plan of Kotor Municipality* dated April 2019 was submitted to the World Heritage Centre for comment in accordance with the mission's recommendation 16.

Documents submitted

Draft Spatial Urban Plan of Kotor Municipality, textual part volumes 1 and 2, April 2019 (received by ICOMOS on 8 April 2019).

Maps (all received by ICOMOS on 10 April 2019):

- 07a Planned intended purpose of areas
- 07b4 Planned Transport Network
- 10a GUS Planned intended purpose of areas

Final annexe SIP ENG 13 misljenja [Government department responses to the draft] (received by ICOMOS on 16 April 2019).

Overview

The textual parts of the draft plan are long (227+245 pages in two volumes), the contents somewhat repetitive, and the meaning not always clear (the latter perhaps a consequence of the quality of the translation). The plan draws on the key documents, particularly the *Coastal Plan* and other relevant spatial plans (summarised in Part 1), the *Study on the Protection of Cultural Properties*, and the 2018 mission report, quoting sections and recommendations but not integrating them into a set of coherent, consistent and clear policies based on analysis and reasoned argument. In consequence, the precise meaning and intent of the plan text, the strategy for the future planning of the municipality, is not always clear.

While the document goes a long way towards addressing some specific issues raised in the mission report, particularly by drastically reducing the scale of urbanisation previously envisaged, the overall strategy needs to recognise the priority that should be given to sustaining OUV. Key issues are transport, especially roads, and the over-riding priority given to developing tourism.

Once adopted, the Plan is intended to be in force until overtaken by the *General Regulation Plan of Montenegro*, probably in 2020. It represents a tremendous advance from the annulled 2015 Plan and the lower-ranking plans for individual settlements, and with amendments and actions as recommended below, it can serve until its provisions can be incorporated into the emerging General Regulation Plan.

Strategy

The plan relates solely to the Municipality of Kotor, which includes most of the World Heritage property and parts of its buffer zone, and also includes (in the north) an extensive upland area which is outside the boundaries of both.¹ The large buffer zone of the property includes the outer bays and coastline of the Boka region, which are historically, geographically and economically complementary to Kotor Municipality. The Plan rightly recognises that the major development issues need to be considered on the level of the Boka region as a whole (II.16).

In considering the appropriate spatial model for Kotor (6.1, pII.26), the draft Plan states as an initial conclusion that 'The spatial plan of Kotor should strive for stable and safe development with the emphasis on keeping its status on the World Heritage List'. It then outlines as opposing models a 'Protection Scenario' and a 'Convergence Scenario', and adopts the latter, focussed on creating additional value in the area, particularly by boosting tourism (II.26). In fact, the distinction is artificial. For the long term, the need is for sustainable development (as the plan recognises, II.27-8), which from a cultural heritage perspective prioritises protecting and valorising the attributes of the place that contribute to OUV, and above all avoids further material harm to those attributes. That should be an underlying principle governing 'the rigorous control of the use of space' that it is proposed to introduce. The assumptions of the 'Convergence Scenario' are not *de facto* inconsistent with this principle, but it must be added to the stated list of assumptions (II.28).

The Plan puts tourism at the heart of the strategy for the area, but seeks to shift the emphasis from the development of holiday apartments, which has predominated in recent years, to high end and niche tourism (II.43), hotels and resorts which offer quality rather than quantity and can support an extended season providing better local employment opportunities. The revival of crafts and agriculture are aligned towards supporting the tourist market. The negative impact of tourism on Kotor Old Town, which has moved from being a place that tourists visit to one which functions almost solely to provide for and exploit them, has long been evident. While acknowledging the difficulties of encouraging a more diverse economy, the lack of economic analysis and strategy are evident; ambition is limited to exploiting the cultural and natural heritage values of the place to attract high-spending visitors for longer. As a short-term strategy this is much preferable to the apartment scenario, but as a long-term strategy it poses risks to the sustainability of the local community.

Transport

The use of a 'waterbus' system linking the settlements around the inner bay, advocated by the 2018 mission, is taken up (II.86), but the number of stops envisaged is limited. There would be none between Dobrota and Perast on the east, nor Risan and Morinj on the north-west, nor Morinj and Stoliv on the south. To provide an effective public transport system around the bay settlements, there would need to be more comprehensive coverage. This would not of course preclude direct routes between the major settlements. While services are an operational matter, the Plan should identify and safeguard sufficient sites to enable provision of a comprehensive service. Utilising the redundant

¹ See 2018 mission report, fig 3.

port infrastructure at Lipci as a terminal for cruise ships anchored offshore seems sensible, given that it can accommodate vessels larger than those which can safely navigate to Kotor itself.

Proposals for road transport (II.83) remain unresolved. The options for the Adriatic Expressway remain (necessarily) as in the higher level Coastal Plan, despite a strong recommendation from the 2018 mission (recommendation 1) that the bridge option be set aside and that the route be resolved in a way that avoids harm to OUV (either by a tunnel at Verige or by adopting the alternative southern route). If the expressway is built, in either form, there would be an alternative route (to that through Kotor) northward past Morinj: through traffic on the road around the inner bay would be reduced. That in turn would reduce the need for the long-standing aspiration for a tunnelled by-pass around the east side of Kotor Old Town and its continuation north to meet the existing coast road at Orahovac. That project remains on the proposals map within the draft Plan, safeguarding the route, although the Implementation Guidelines (II.151) make mandatory the preparation of a study on the economic feasibility of the scheme, and in line with the 2018 mission recommendation, the investigation of alternative solutions, before action is taken. The previous overambitious by-pass for Risan has been dropped (II.151) in favour of local improvements to the existing infrastructure, as recommended by the mission.

It is particularly welcome that the mission's recommendation to drop the plans for new roads to service development on the south-west shore to either side of the Verige Strait has been accepted. It is true that some of the existing historic road pavements on this side of the bay are in need of replacement, but the concept that these roads should remain in their historic form with minor improvement is entirely appropriate. Alignments fit the landscape and are extensively constrained by historic buildings and mandatory modern standards should not be imposed.

While other infrastructure required to implement the Plan is costed, the road projects are generally un-costed and, as is implicitly recognised in relation to the Kotor bypass, potentially unaffordable as well as damaging to the landscape. The guidelines (II.151) include as mandatory the development and evaluation of a sustainable integrated transport model. The Plan should include a timetable of no more than five years duration for developing and adopting such a model, which must be affordable and considered in the context of the whole Boka region. It should *inter alia* settle the strategy for major intervention, or not, in the route from Škaljari to Morinj, taking account of the national strategy for the Adriatic Expressway.

Urbanisation

Excessive urbanisation due primarily to the inadequacy of previous spatial planning documents is acknowledged as the greatest threat to the OUV of the property (II.12). The Guidelines (II.151) and the proposals maps address this issue, and generally incorporate the recommendations of the 2018 mission, including remediation measures at Kostanjica. Remaining spaces between settlements are safeguarded, the areas designated for 'settlement' (residential development) are reduced and new roads to facilitate such development are no longer included. Residential development is limited to low density, and within Dobrota 'the number of stories in the newly-planned buildings shall be limited by the height of fully-grown trees'. This is in the right spirit, but some firm metric limits need to be set based on realistic heights achieved by indigenous tree species. At 1.26, the Plan suggests that 'precise guidelines for the architectural design of buildings' are needed within the property. That is correct, and it would be desirable within the Plan to set out the mechanism and timetable for their preparation.

The maps forming part of the Plan provide the clearest, presumably definitive, statement of what will be permitted, at least in the horizontal plane. The 'planned intended purpose of areas' map for the

settlements in the northern part of the bay is at too small a scale (1:25,000) to relate the proposals to the existing landscape in any detail. That plan designates the potential of the 'coastal offset' (100 m from shore) in 9 grades ranging from 1, developed coast, to 9, no adaptation. The remainder of a zone 1000m from the shore is in the Coastal Zone 'planned for tourism development' (II.70; II.150-1), which may be outside existing settlements, although 'the rules of the plan' shall apply to them and they are not permitted in the Central Zone' (including the World Heritage property; II.150-1) There is an exception if state contracts or lease and construction agreements have been signed by the government. It is not clear whether any of these exist in the World Heritage property but are not shown on the 'intended purpose' plans; if so, they should be indicated.

Specific settlements

Comments on specific settlements are as follows (without repeating comments on roads, above):

07a Planned intended purpose of areas: 1:25,000

Morinj takes account of the mission's comments (recommendation 21) by greatly reducing the proposed expansion of the settlement area, although individual assessment will still be needed on the impact of particular proposals in the designated areas. Much of the land proposed for the staff accommodation facility proposed by ADC Herceg Novi is outside that area. The coastal 100m zone is designated '3', 'possible adaptation with the use of urbanistic criteria'; this area is sensitive and the implications of this designation are unclear and potentially problematic.

Kostanjica. Requirements for remediation (II.137, 152) are welcome in line with mission recommendation 22 (although the delivery mechanism, how they will be achieved, is unclear). But the proposals map still shows as 'settlements area', land to the west of each of the two recently developed areas shown as such on Fig 19 of the mission report and on the base layer of the proposals map. This goes against mission recommendation 22. Any significant expansion of the developed area as it stood at the end of 2018 can only do further harm and should be excluded.

Lipci: The former port facilities are in principle a good site for a new tourist facility/home cruising port (see under 'transport' above) but demand a very high standard of contextual design.

Risan: The northern part of the 'settlements area' designation covers a substantial area which in 2018 had little more than sporadic two-storey houses amongst the surviving agricultural terraces. There is potential for some low density infilling here (and indeed the proposed touristic facilities) but blanket urbanisation or a hard edge to the settlement boundary should not be permitted or encouraged by the designation, which if it is to remain should be qualified.

The designation of the coast south of Risan as '3', 'possible adaptation with the use of urbanistic criteria', should be reconsidered (and seems to be contrary to Guideline 8,² II.162). This area is zoned 'Forest area', undeveloped save for a couple of monuments (including the Banja monastery) and ought to remain so, like the rest of the coast between Risan and Perast.

Orahovac: The 'settlement' designation includes a great deal of land not shown as currently developed, much of which is covered by trees (in this steep wide valley) rather than scrub on rock. There is potential for some infill here, but away from the coastal fringe the tree cover should dominate. The Guidance (II.157) recognises its importance, the need to define the significant parts of it, and for development to respect it. It indeed suggests 'the necessary designation of a new DUP

² These guidelines are taken from the *Study in the protection of cultural properties*, which appear by inclusion to be incorporated into the development guidelines of the Spatial Urban Plan as a whole.

[Detailed Urban Plan]'; but nonetheless concludes that 'the construction areas shall remain in accordance with the DUP with the exception of those which are proven to have a significant green fund'. Set against the definition of an enlarged and consolidated settlement boundary on what is intended to be the definitive spatial plan, that would in practice amount to a very high test, and a source of uncertainty and conflict which needs through the Plan to be resolved in favour of the substantial retention of existing tree cover before the draft is adopted.

10a GUS Planned intended purpose of areas; 1:5,000 covering the southern part of the Bay³

Dobrota: Reducing the defined 'settlement area' compared to earlier plans is welcome; but from the sprawl around 'Buena Vista Apartments' north to 'Boka Heights', much former terraced land, east of the E80, mostly well treed and currently little developed, is included, to be serviced by two new local roads. This area is covered by a similar caveat to Orahovac about green areas being 'kept by means of a planning solution' (II.158). The largely undeveloped areas here proposed to be designated as 'settlement' should be reduced, and particularly at this large scale, the 'green areas' for retention within the settlement area should be made clear.

Škaljari: The intended formation of a western loop from the E80 to Njegoševa Street at the south-west corner of the bay, mirroring the eastern route to the Old Town, does not raise any issues for the World Heritage property (but is not shown on the planned transport network plan). If potential 'short tunnel' solutions to the Kotor bottleneck are explored further, this might be an appropriate southern starting point.

Muo, Prečanj, Stoliv: The reduced 'settlement' zoning is very welcome.

Conclusions

The draft Plan is substantially along the right lines, and with some amendments can serve the immediate need of establishing, essentially through the 'planned intended purpose of areas' maps, limits of development compatible with doing minimal further harm to OUV. However, ICOMOS advises that:

- 1 By whatever administrative means is necessary, it should be established that the policies in this Plan (when adopted) take precedence over the coastal zone plan if the two are in conflict.⁴
- 2 Prioritising the protection and valorisation of the attributes that contribute to the Outstanding Universal Value, and emphasising the need to avoid further harm to those attributes, should be an underlying principle governing 'the rigorous control of the use of space' and so must be added to the stated list of assumptions on which the Plan strategy is based (II.28).
- 3 Section 8, Guidelines for implementation of the planning document, should be redrafted as a single, integrated, logically ordered set of clear policies, with explanatory material limited to the minimum necessary to support those policies.

³ Many areas are identified as PUO but the key refers only to PU, 'areas for landscape development'; it is assumed that these terms have the same meaning.

⁴ See, for example, the planned settlement area in the southern part of the bay compared in the plan on p II.191

- 4 Section 8 should conclude with a list of the supplementary studies necessary to resolve alternative possibilities (e.g. the Kotor by-pass) or provide technical guidance (e.g. on building design), and identify the timescale and responsible actors for each.
- 5 The development and evaluation of a sustainable integrated transport model ('mandatory' according to II.151) should be a priority and should be completed and the outcome adopted within five years. It must be undertaken in the context of the whole Boka region and provide a realistic basis for the resolution of uncertainty about the strategic road network as it affects Kotor and the inner bay.
- 6 Consideration should be given to suggested amendments, set out above, in relation to the spatial planning of specific settlements and areas.
- 7 The spatial plans for Tivat and Herceg Novi should be revised as a matter of urgency, particularly in relation to the areas flanking the Verige Strait.

ICOMOS remains at the disposal of the State Party for further clarification on the above or assistance as required.

ICOMOS, Charenton-le-Pont
December 2019