Item 7 of the Provisional Agenda: State of conservation of properties inscribed on the World Heritage List and/or on the List of World Heritage in Danger.

Point 7 de l'Ordre du jour provisoire: Etat de conservation de biens inscrits sur la Liste du patrimoine mondial et/ou sur la Liste du patrimoine mondial en péril
REPORT ON ICOMOS – UNESCO– IUCN REACTIVE MONITORING MISSION TO FERTŐ / NEUSIEDLERSEE CULTURAL LANDSCAPE, AUSTRIA AND HUNGARY, 25-26 February 2007

EXECUTIVE SUMMARY

The primary purpose of the mission was to determine whether a proposed 73 meters high hotel in a development zone near Parndorf would impact adversely on the Fertő / Neusiedlersee Cultural Landscape World Heritage site, through being visible on the skyline from certain viewpoints in the World Heritage site, and to consider how further intrusive development might be prevented in the setting of the property.

The mission concluded that the proposed high-rise building would have an unacceptable adverse impact on the World Heritage site. The hotel already had in place all the necessary permissions.

Following round table discussions with the Governor of the Federal Province of Burgenland, representatives of the Provincial government, the developer, architect and financial adviser to the project, compromise proposals were put forward by the architect to reduce the height of the building to 47.2 m. The reduction in overall height would be compensated for by two shorter blocks either side. There would be no illuminated advert on top and the building would be painted in sub-fusc colours. As a legal building permit is already in place for the tall building, this offer was made on an entirely voluntary basis.

The mission welcomed this compromise. Although the hotel would still be visible and should not even at this lower height set a precedent for future development, the mission considered that the proposals would significantly reduce the overall impact particularly through changing the profile from a single tower to a shorter structure with two flanking wings, which when viewed from a distance would sit better in the landscape.

In order to prevent further high-rise developments which could impact on the property, the Austrian and Hungarian authorities both agree to put in place new zoning regulation to protect the setting of the World Heritage site from adverse development. Such regulations would be based on an appraisal of the visual and cultural qualities of the setting.

The Austrian State Party offered to host a seminar for stakeholders within the next two months to discuss management and protection of the World Heritage site and asked ICOMOS to suggest topics for discussion.

1. BACKGROUND TO THE MISSION

The mission was requested by the Austrian State Party in response to concerns raised by some parties, including ICOMOS Hungary, on the possible adverse impact of a proposed 73 meters hotel in the Parndorf development zone in Austria on the World Heritage site of Fertő / Neusiedlersee Cultural Landscape

Early in 2007 the Austrian authorities had informed the World Heritage Centre of their intention to authorise in an area protected under the Convention a new construction which could affect the outstanding value of the property of Fertő / Neusiedlersee Cultural Landscape. This procedure is in conformity with Paragraph 172 of the Operational Guidelines of the World Heritage Committee insofar as notice should be given before making any decisions that would be difficult to reverse.

During the mission it became clear that consultations were taking place at a very late stage, as the project already had permissions and was about to proceed.
There are no relevant World Heritage Committee decisions.

The planned hotel is located on a ridge 3.8 km from the core zone and 1.9 km from the buffer zone of the World Heritage site. The location of the proposed hotel and its height means that it would rise above the skyline of the low hills surrounding the property. Currently the only other intrusions into the skyline are a 1950s grain silo and wind turbines, both in place at the time of inscription, and both set further back from the World Heritage site boundary than the proposed hotel.

The Fertő / Neusiedlersee Cultural Landscape was inscribed on the World Heritage List in 2001 as a trans-boundary cultural landscape, surrounding and including the Neusiedler See (lake). It was inscribed under criterion (v). The Fertő / Neusiedlersee was seen as a meeting place of different cultures, graphically demonstrated by its varied landscape, the result of an evolutionary symbiosis between human activity and the physical environment.

The whole area has been a nature and landscape protection area since 1965, and the protection area has been classified as a reserve under the Ramsar Convention since 1983. The Fertő / Neusiedler lake is also a MAB Biosphere Reserve. In Austria the Neusiedlersee / Seewinkel has been established as a national park in 1993. The Southern (Hungarian end) of the lake Fertő region has been a landscape protection area since 1977. In 1992 the Fertő-Hansag National Park was established. Furthermore, the Neusiedlersee as well as the South Eastern part of the Leitha Mountain Range has been recognised as a NATURA 2000 region. There is hardly any other region in Europe which has collected so many designations as a protected area of primary importance.

During the evaluation process ICOMOS raised major questions concerning the boundaries of the World Heritage site. More particularly, the ICOMOS evaluation mentioned the context and setting of the World Heritage site in terms of the string of settlements circling the lake and also a second string set back from the lake. Parndorf is part of the second tier of settlements that form part of the setting for the cultural landscape at the Northern edge of the lake.

IUCN in evaluating the World Heritage nomination also raised some serious questions of integrity. Among others some prominent tourist developments on the Austrian side were criticised, among others a large hotel at the water’s edge at Rust, or an intrusive high-voltage power line that crosses several kilometres of the reed beds in the North West part of the site.

At the time of the time inscription, the insertion of intrusive modern developments were largely confined to some of the main settlements in the buffer zone and were not generally apparent in the wider landscape. The existence and delimitation of the Parndorf industrial development site was not mentioned. The management plan for the World Heritage site (see below) also did not refer to this development zone. It seems that until the mission took place the property and the Parndorf development site were seen as completely independent unrelated entities although forming part of the same landscape setting.

2. LEGAL AND INSTITUTIONAL FRAMEWORK

The nominated site is protected only be a narrow buffer zone in some places. The buffer zone cannot be said to protect the whole setting of the inscribed cultural landscape: rather it coincides with the extent of nature protection around the lake. The protection of the setting thus relies on Land Use Plans.

When the site was inscribed the State Parties were asked to prepare a joint Management Plan within two years. The resulting plan was assessed by ICOMOS and approved by the World Heritage Committee in 2004. The Committee decision commended “the Austrian and Hungarian management authorities as well as States Parties for the quality of the revised management plan and
the good cooperation process” and “encourages the Austrian and Hungarian authorities to continue their cooperation in the implementation of the management plan for this transboundary cultural landscape”.

The Management Plan put in place a mechanism for allowing transboundary cooperation and stressed what was already happening in terms of collaboration. It set out the aim to make the area a model of sustainable rural development. The plan also put in place a World Heritage Association and Advisory Panels to over-see the management of the site in Austria.

The plan mentions the Regional Master Plan for Northern Burgenland, 2002 in which the setting and height of wind turbines is controlled in the setting of the property. It also mentions the Regional Landscape Policy Plan of 1994 which deals with the appearance of the landscape – not just in the World Heritage site.

On page 88, paragraph 1.3 of the plan, it is stated that there will be no intrusion into the landscape of power lines or other technical infrastructure. At the time this was written high rise buildings were not seen as a threat – but the plan does address the need to protect the landscape from vertical structures that could impact on its setting. No mention was made in the plan of the Parndorf development zone.

The plan is an inspirational document that aims to put in place true sustainable development of the area in which new development and tourist infrastructure sit in harmony with the traditional cultural landscape in its wide setting. A weakness of the plan is now seen to be its almost complete separation from planning for the neighboring development zone.

3. ASSESSMENT OF THE STATE OF CONSERVATION OF THE SITE

The primary purpose of the mission was to determine whether the proposed 73 meters high hotel would impact adversely on the setting of the cultural landscape through being visible on the skyline from certain viewpoints in the World Heritage site, and to consider how further intrusive development might be prevented.

World Heritage site
The World Heritage site encompasses the Neusiedler See (Lake), its reedbeds, the plain surrounding the Lake with a string of small towns and villages, vineyards and agricultural land and part of the surrounding low hills. The property boundary follows for the most part an already existing nature protection zone; small parts of the zone excluded from the inscription form the buffer zone. The boundary and the buffer zone combined do not therefore form a readily identifiable visual boundary and do not encompass the wider setting of the lake, which at its northern end is fringed by low hills. Looking north from the town of Neusiedl am See, at the northern end of the lake, there is a strong visual boundary to the site, formed by the skyline of the hills. The buffer zone at one narrow point reaches this visual boundary, immediately to the south of Parndorf where the proposed hotel is to be sited.

Development Zone
North of the property, the main E60 highway from Vienna to Budapest, built around ten years ago, swings south between Parndorf and the lake. A new junction for a motorway link to Bratislava is being planned to the west of Parndorf. A railway line form Vienna to Budapest runs through Parndorf. The whole ‘interchange’ area of motorways and railways around Parndorf has been designated a development zone, as it has good transport connections, particularly with airports. Part of this zone is in the municipality of Parndorf and part, nearer to the World Heritage site, in the municipality of Neusiedl. The Parndorf zone extends to approximately 1 square kilometer; the Neusiedl zone which touches the buffer zone is slightly less.
The east area of Austria around Parndorf has in the recent past been an area where there is insufficient local employment and residents have had to commute to work. Development around Parndorf is being encouraged to address these issues. Parndorf is now the top economic area in region and the biggest employer. In the past decade there has been investment of several million euros in the area, most from EU funds.

Spatial and land use plans for the development zone have been approved. The area was seen to be outside the cultural landscape buffer zone and therefore ‘free’ of liabilities. 25% of the options for both development areas have already been sold. Construction so far undertaken near Parndorf includes large, low rise designer outlets constructed in a fusion of pastiche styles: rendered facades with Dutch gables and painted in a variety of pastel colours. In the Neusiedl zone, warehouse buildings have been constructed, as well as garages and a MacDonalds with its tall illuminated sign visible from within the World Heritage site.

Permission for development in line with the spatial and land-use plans must be approved by the community. The proposed hotel has all the necessary permissions.

In the development zone there is a general legal right to high-rise buildings. The only exception is where there are agreed zones of constraint – for instance certain areas have been excluded to the north for their nature conservation interest, as part of bird migration routes. No areas have been excluded for cultural reasons. It was made clear that cultural zoning plans could however be imposed on the spatial plans in the future.

The proposed hotel is the first high rise structure to be proposed in the development zone. It was acknowledged that this would be visible from the World Heritage property but the justification was that the height was in line with the existing grain silo and wind-farms. However it was also stated by the representative of the office of the Provincial Government that it was not envisaged that the hotel would set a precedent – the project might be lucrative but the office wants to stop further similar development. It was clear however that similar high-rise structures could only be resisted, in the light of a general legal right to high-rise buildings, if specific development constraints were to be imposed.

**Proposed Hotel**

On 27 October 2005 the community of Parndorf authorised the construction of the hotel with 154 beds and 106 parking lots. This authorisation was granted on an exceptional basis since the height of the building at 74.10 meters constitutes a record for the state of Burgenland.

The architects, Cserni & Paugger, explained the rationale for the hotel in terms of its setting in relation to the transport interchange which provided easy access to Vienna airport and in the future Bratislava airport as well. It was envisaged that the hotel would meet a need for beds in the area in particular from airport travellers and those involved with the flying school, and would provide restaurant outlets for airport visitors and customers to the retail park. The hotel is seen as a prestige project and a symbol of the reinvigoration of the area. Its height would make it visible and attractive to passing traffic.

The architects justify their high-rise building by comparing it with other constructions in the neighbourhood such as the silo of 72 meters height, electric power lines of 33 to 70 meters height at a distance of 150 meters from the construction site, and wind energy turbines of 35 to 100 meters height.
The hotel had been developed over two years. As the necessary permissions were in place, it had been hoped to start work almost immediately and open the hotel in time for Christmas 2007. Grant aid had been sought for the project from the regional government.

As part of the development of the project, the architect had carried out an environmental impact assessment of the scheme, at the request of the environmental office of the state of Burgenland. The report concluded that the project conformed to existing laws including those regulating nature and landscape protection. The visual impact on the World Heritage site was acknowledged in the report but not considered as sufficiently significant to justify a refusal of the building permit.

As the result of this slightly critical assessment, the architects abandoned red as principal colour for the building. They were then convinced that they had respected the landscape environment by changing to colours such as creamy white, sandstone colours, light and dark greys and silver-coloured window shades. They also claim to have modified the huge glass fibre front part of the building in line with US studies (identified by the environmental office) to avoid the tower becomes a deadly bird trap.

The developer and financial supporters for the project were concerned that a drastic reduction in height of the building could make the proposal uneconomic.

**Impact of hotel on the World Heritage site**

The mission was in no doubt that the proposed hotel would be visible in the World Heritage site and would have an adverse impact on the skyline and its setting. The mission considered that in the open and comparatively flat landscape surrounding the Neusiedler See, tall buildings could have a major impact on the sense of enclosure of the valley. Even a tall high tension mast could be visually disturbing. The property was inscribed for its delicate and harmonious balance between culture and nature: all the existing cultural elements are comparatively small scale, church spires being the dominant vertical features. To protect the attributes of the cultural landscape, there is a need to ensure that new buildings, in the site and outside the site do not impinge adversely on its natural setting.

Comparisons were made with a hotel considered for Sopron, Hungary. This was outside the buffer zone and twice as high as the trees as investors wanted the building to be seen. There however the citizens of Sopron took a different view and did not want to see an intrusive new building and as a result the height was reduced.

The mission did not consider that the existing grain silo should be seen as justification for further structures of a similar height. In the future the silo may at some point be removed in response to changes in agricultural practices. In the meantime, however, it is seen as very different in nature and function and part of the agricultural landscape, rather than part of a development zone.

Although the mission considered that the plans for the hotel were in themselves of good design, they did not consider that the design of the building mitigated its impact on the landscape. Indeed the design was somewhat confrontational with the intention of the hotel being highly visible in the landscape.

Furthermore the Vienna Memorandum, adopted two years ago, stipulates that top quality architecture is characterised by the fact that its design respects existing environments, which means that volume and height are adequately laid out according to existing scales. Caring for World Heritage implies respect for the environment in the choice of scale, functionality, materials and advertisement structures.
It is likely that the World Heritage Committee would consider such high-rise construction as a serious threat to the visual and aesthetic qualities of the World Heritage site which might in the first instance lead to World Heritage-In Danger-Listing and in case of non-respect of the *Convention* to de-listing. Paragraph 179 of the *Convention* stipulates that a World Heritage site can be put on the In-Danger List in the case of an important loss of its cultural significance, loss of historical authenticity and a serious deterioration of architectural coherence and of the natural beauty. This could be caused by the planned high-rise hotel building and subsequent other similar developments.

In summary, the arguments against the high-rise hotel were considered by the mission to be as follows:

- The hotel would be highly visible in the open landscape and impact adversely on the setting of the World Heritage site;
- Its construction would seem to run against the intent of the management plan which protects the World Heritage site within its cultural landscape of fields, small villages and low-rise towns as an example of sustainable development;
- If this high-rise building is approved there would be no reason why more high-rise buildings could not be constructed in towns which ring the site;
- The existing silo and masts should not be seen as precedents for further tall structures;
- The proposal is against the spirit of the Vienna Memorandum.

**Negotiations and results**

Following detailed discussion between the mission, the Regional authorities, the developer and the architect, compromise proposals were put forward by the architect to reduce the height of the building. The developer and the architect both stressed that, as a legal building permit is already in place for the tall building, the offer was entirely voluntary.

The compromise was put forward after several rounds of negotiations in which the Governor of the Federal Province of Burgenland, Landeshauptmann Niessl, took part. Other participants included, notably, ICOMOS Austria and ICOMOS Hungary.

The mission put forward the view that the height of the building should be limited to 35 m as a maximum. Mr. Niessl declared this request was completely unrealistic since the area of the building forms part of an industrial development zone and lies outside the buffer zone of the World Heritage site. Nevertheless he indicated that he would be prepared to accept a reduction of the height of the building to 60 m. This was considered by the mission to be unacceptable.

In a second attempt Mr. Niessl offered a height limitation of 50 m. He repeated his main argument that the proposed project was in all cases in conformity with Austrian law since it is located within an industrial development zone where there are no height restrictions whatsoever and he would have no choice but to approve the construction of the hotel.

Mr. Niessl further offered to establish a system of height regulations in the future which would take into account World Heritage concerns. He promised to establish a mechanism to avoid at an early stage conflicts by establishing an advisory board in which the World Heritage as a stakeholder would be represented.

In the afternoon, after Mr. Niessl had left the meeting, agreement was reached, with the approval of the representative of the investors and the architect, that on an exceptional basis the height should be reduced to 47.2 m., with the two lower floors being of a height of 10m, above which there would be 12 floors each of 3.10 m. height. The reduction in overall height would be compensated for by
two shorter blocks either side. There would be no illuminated advert on top, or illuminated corners, and the building would be painted in sub-fusc colours.

The mission welcomed this compromise. Although the hotel would still be visible and should not even at this lower height set a precedent for future development, the mission considered that the proposals would significantly reduce the overall impact particularly through changing the profile from a single tower to a shorter structure with two flanking wings, which when viewed from a distance would sit better in the landscape.

**Future development**

If the proposed hotel is not to set a precedent for future tall buildings in the development zone, the mission stressed the need for zoning controls to be in place. Following the offer by the Regional Governor and discussion with representatives of the Regional Government, it was agreed that zoning regulation would be put in place to protect the setting of the World Heritage site. Such regulation would be put in place in both Austria and Hungary. The mission considered that such regulation needed to be based on a cultural and visual evaluation of the setting of the site. Furthermore the mission considered that the existing Management Plan needed to be supplemented by strategies on new development.
4. CONCLUSIONS AND RECOMMENDATIONS

The mission understands the need for an industrial development zone in this part of Burgenland, which could provide jobs and less commuting; it also understands that the World Heritage property is not the driver for development that perhaps was hoped. Nevertheless, there is an urgent need to find ways to ensure that the interface between the development zone and the World Heritage cultural landscape is well defined and that the development zone does not impact adversely on the property.

In the view of the mission, the proposed hotel in its original form would have impacted adversely on the setting of the World Heritage site.

The cultural landscape of Fertő/Neusiedlersee should be unspoilt by large scale, visually intrusive architectural developments or infrastructures. It should continue to be of highest scenic quality, and thus remain preserved as a resource of great rarity and uniqueness. The landscape should keep its distinctive and common character and further evolve as an outstanding example of harmonious interaction between people and nature based upon sustainable land use practice. There should be in the future a sound legal basis for the management reflected in site-specific regulations, including appropriate buffer zone definitions and regulations for the height of buildings. A World Heritage landscape should be conceived and tendered as a particular configuration of topography, vegetation cover, land use and settlement pattern which delimits coherence of natural and cultural processes and activities.

The mission considers that there is in place a very good Management Plan for the property that stresses the need for protection of the wider landscape. Although the plan mentions the wider setting of the World Heritage site, the boundaries are drawn to coincide with nature conservation interests rather than enclosing a visually coherent area. One weakness of the plan that has become apparent in the light of the proposed hotel, is that it does not set out how in terms of planning the property sits within the wider landscape and how its policies mesh with land-use plans for Parndorf.

Furthermore it has become apparent that the development zone to the north of the World Heritage site is not constrained by any cultural zones that would prevent new development from impacting on the property.

The Management Plan stresses the need for coordinated cross-border collaboration on development as well as conservation matters. The original plan for the hotel does not seem to be approved by both parties in the spirit of this agreement.

Outcomes

1. **Reduction in height of hotel**
   The hotel will be re-designed to a maximum height of 47.20 meters (excluding the water tower). It will not include illuminated advertisement signs, or illuminated corners, and will be in a subfusc colour.

2. **New zoning regulations for all the setting of the World Heritage site**
   In order to prevent further high-rise developments which could impact on the property, new zoning regulation will be introduced to protect the setting of the World Heritage site from adverse development. Such regulations will be based on an appraisal of the visual and cultural qualities of the setting.
3. **Supplementary Management Plan policies**
In order to ensure that the World Heritage site’s Management Plan is fully integrated into wider land-use policies, it was agreed that supplementary strategies should be introduced on development and the protection of vernacular buildings (the latter was in response to discussions with the mission on the lack of formal protection for vernacular buildings and the impact of small incremental changes).

4. **Planning Seminar**
In order to take forward discussion on the matters raised in the mission, particularly on the need for a better understanding of the setting of the World Heritage cultural Landscape, and to strengthen the implantation of the Management Plan (the mission noted with concern that development was taking place around some settlements outside the envelope of the settlements and against MP policies), the Austrian State Party offered to host a seminar on management and protection for stakeholders within the next two months and asked ICOMOS to suggest topics for discussion.

The mission is very grateful to all parties involved for the constructive discussions and the positive compromise which emerged. The proposed tall hotel already had all the necessary permissions and therefore could have been built. The compromise that has been reached was as a result of an entirely voluntary offer by the architect and developer to re-design the building at a lower level. This is warmly welcomed.

6. **FOOTNOTE**
Following the mission the architect submitted copies of new designs for the proposed hotel in line with the agreement outlined above. These are attached to the report together with a drawing of the taller hotel and the rough sketch considered during the mission (see annex).
ANNEX 1. Composition of the mission team

Representing World Heritage Centre and IUCN:
Univ. Prof. Dr. Bernd von Droste zu Hülshoff
Special Advisor of UNESCO for World Heritage; and Special Advisor to the World Conservation Union (IUCN)

Representing ICOMOS:
Susan Denyer
World Heritage Adviser, ICOMOS

ANNEX 2. Itinerary and programme of the mission

Sunday, 25th February:
Site visit to site of proposed hotel and tour of view-points in north-eastern part of World Heritage site to see potential visual impact of the hotel. This showed that the impacts are correctly represented in the environmental impact assessment.
Evening discussion with hotel architect, developer and representative of project funders.

Monday 26th February:
All day round table meeting in Neusiedl See with Governor of the Federal Province of Burgenland, architect, representatives of national and local authorities, developer and funders - listed below. Various presentations were made to highlight the features of the project and its implications for the landscape.

ANNEX 3. List of people met

Hungary:
Ms Viktoria Schurk, Hungarian WH National Committee
Mt Tams Taschner, Association World Heritage Fertö
Mr Gabor Winkler, ICOMOS Hungary

Austria:
Mr Hermann Frühstück, Provincial Gov. Ombudsoffice for the Environment
Mr Anton Gabriel, Mayor of Parndorf
Mr Richard Giefing, Association World Heritage Neusiedlersee
Mr Anton Hombauer, Provincial Gov, Head of Dept for Protection of Nature
Mr Phillip Kelman, Financial Adviser to the developer
Mr Wilfried Lipp, President Austrian National Committee of ICOMOS
Mr Otto Lippert, Community of Parndorf
Ms Mona Mairitsch, Austrian Commission of UNESCO
Mr Franz Neuwirth, Austrian Bundesministerium für Bildung, Wissenschaft und Kultur
Mr Hans Niessl, Governor of Federal Province of Burgenland
Mr Enrich Paugger, Architect
Mr Thomas Perlacky, Office of Provincial Gov
Ms Erika Pieler, Federal Ministry of Education, Science and Culture
Mr Herbert Pliessing, Developer
Mr Robert Tauber, Director of Office of Provincial Gov.
ANNEX 4. Maps of the new proposed building

07.3.07
DOCUMENT BASED ON JOINT MISSION (UNESCO, ICOMOS, IUCN) FROM 26-02-2007 IN NEUSIEDL/SEE

HIGHTS, PROJECTED HOTEL

SOUTH FACADE, scale 1/500
EAST FACADE, scale 1/500

PRIMARY HOTEL-PROJECT
+74.10 m MUN. COUNCIL AGREEMENT

HIGHTS, HOTEL-NEW

SOUTH FACADE, scale 1/500
EAST FACADE, scale 1/500

~22.00 m
~33.00 m
~35.00 m
~47.20 m

HOTEL AIR PARNDORF
GZ: 25512
2.03.2007
INDEX A
SCALE 1/500
FACADE, HIGHTS

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