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Kishore Rao  
Director  
World Heritage Centre  
UNESCO  
7 Place de Fontenoy  
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France

31 January, 2014

Dear Kishore

**CORNWALL AND WEST DEVON MINING LANDSCAPE (C1215)**

In accordance with Decision of the 37<sup>th</sup> session of the World Heritage Committee, I am submitting the state of conservation report for the Cornwall and West Devon Mining Landscape. I have used the format stipulated as far as is possible.

A key development since the meeting of the World Heritage Committee has been the World Heritage Centre/ ICCROM/ ICOMOS Reactive Monitoring Mission which took place from 3rd to 6th October, and reported in December. We are most grateful to the members of the mission for their visit and for their detailed and thorough report. The Mission recommendations are considered in the appropriate sections of this State of Conservation report. There are many useful observations in the report which will be followed up by the State Party and by the local management of the property.

I have already written to you with some immediate factual comments on the mission report. I am taking this opportunity to send you the detailed commentaries provided by the Cornwall and West Devon Mining Landscape partnership and Cornwall Council which are attached as annexes 1 and 2 to this letter.

However, with regard to the recommendation that the property should be placed on the World Heritage in Danger List, I must stress at this point that the State Party regards any such action as disproportionate, given the limited negative impacts of the Hayle Harbour proposal on the property as a whole, and will oppose such a draft decision if this is proposed to the Committee this year. We request a meeting with the Centre and the Advisory Bodies before Committee meeting to discuss other possible ways to resolve this issue

**1 [Response from the State Party to the World Heritage Committee's Decision, paragraph by paragraph](#)**



**Decision: 37 COM 7B.89**

*The World Heritage Committee,*

1. *Having examined Document WHC-13/37.COM/7B.Add,*
2. *Recalling Decisions **30 COM 8B.50**, **34 COM 8E**, and **36 COM 7B.94**, adopted at its 30th (Vilnius, 2006), 34th (Brasilia, 2010) and 36th (Saint-Petersburg, 2012) sessions respectively,*
3. *Also recalling past decisions regarding mining in World Heritage properties as well as the International Council on Mining and Metals' (ICMM) Position Statement on Mining and Protected Areas to "not explore or mine in World Heritage properties",*
4. *Notes the information provided by the State Party on the resumption of mining at South Crofty and on various development proposals;*
5. *Requests the State Party to provide updated information on the proposed mining project at South Crofty including comprehensive graphic documentation of the project and its relationship to the property and its setting, for review by the World Heritage Centre and Advisory Bodies, and also requests the State Party to halt any resumption of mining at the property until such time as the World Heritage Committee has been able to examine and scrutinize all of the necessary documentation;*

Further information was provided to the Mission who also visited the site and discussed what was proposed with the various parties involved.

Mission Recommendation 8 The mission recommends that the developer be requested to revise the design of the ensemble of buildings of the current project proposal by rigorously examining the scale and massing of elements, their elevation and location with regard to the attributes. For example, the size and height of the proposed archives building at similar ground level to the engine houses means that it would be a dominant factor in views to them. The scale of the processing building will overwhelm historic elements. The cumulative effect of the silos, thickeners, substation and other plant, as well as the greatly increased hard stands for storage and parking, should be examined.

The UK government notes that the scheme proposed for South Crofty has been negotiated over a number of years and that the present design has been agreed by English Heritage. At present the company which owns the site is in administration which means that nothing is likely to proceed for some time.

The planning consent has been granted and could not in practice be rescinded without massive compensation. The local planning authority has briefly discussed the details of the mission's recommendations with the applicant. Where these are largely points of detail that can be resolved by careful choice of materials and colours, they are prepared to consider making changes, except for any which would undermine their existing permission. We are advised by Cornwall Council that they are willing to work with the applicant and other parties to try to accommodate, where practical, the recommendations of the mission. They are confident that a significant number of these could be achieved within the existing consent.

The government will provide further information to the Centre when it becomes available.

Mission Recommendation 9 The mission recommends that a Heritage Impact Assessment be carried out taking into account the status of the World Heritage property, with particular consideration of views to, and relationships between, attributes of Outstanding Universal Value. The mission emphasises that revised design solutions would need to permit legibility of the north southwest trend of mines from important views, especially those from other parts of the World Heritage property, including Carn Brea, Carn Arthen and Carn Entral.

Assuming that this refers to the need for HIA of any revised design proposals, the planning authority (Cornwall Council) would recommend the applicant to carry out an HIA and would assist the applicant in scoping and preparing an HIA if such proposals were made. However, as noted with regard to Recommendation 8 above, the existing planning consent is extant and was subject to a full Environmental Impact Assessment which included assessment of the impact on the Outstanding Universal Value of the property. There are no current intentions to submit revised proposals..

If the applicant does propose modifications either within the terms of the current consent or in any new application, the planning authority will review these in the light of the mission's comments.

Mission Recommendation 10 The mission also suggests that the 2003 archaeological report (as annexed to the Environmental Statement) be updated to reflect the site's significance for the World Heritage property, the current conditions and proposals. The site should be physically examined again. If any development happens in the future, an archaeological watching brief should be required because of the potential for the discovery and recording of further archaeological remains below the fill.

We agree with the intent of this recommendation but question its need. The current planning permission already carries a planning condition to achieve exactly this aim (see Annex 2, Item 11). This should ensure that any further necessary archaeological work is carried out.

*6. Further requests the State Party to provide to the World Heritage Centre, in line with Paragraph 172 of the Operational Guidelines, details of any mining proposals for Redmoor mine, Tamar Valley, as soon as possible and before any decision is made that would be difficult to reverse;*

As previously advised and noted by the mission, there are at present no firm proposals for exploratory drilling at Redmoor, and it is unlikely that any such proposals would be made in the near future. Any future mining activity in the area is most likely to be carried out from outside the boundaries of the World Heritage property.

*7. Regrets that the State Party has not complied with the request expressed by the Committee in Decision 36 COM 7B.94 to halt the Hayle Harbour project, and, given that planning permission has already been granted, strongly urges the State Party to halt the development of Hayle Harbour in the light of its potential impact on the Outstanding Universal Value of the property and to consider, as a matter of urgency, all possible ways to develop alternative solutions for smaller-scale heritage-led regeneration for the Hayle Harbour site that respect its role as the port and harbour for the mining industry;*

Mission Recommendation 4: The mission strongly recommends that the State Party immediately halt the implementation of the proposed development and re-enter into negotiations with the developer to determine if it is still possible to make the necessary

changes to the proposal to bring it more in line with the historic character of the site and limit any adverse effects to the OUV.

As previously pointed out, consent has been granted for this scheme and any change to the design would have to be by agreement between the applicant and the Council, and would involve substantial compensation

The majority of the site, the land that needs to be uplifted for flood defence purposes, has been sold on and the applicant only retains the historic quayside which will be conserved as part of the development. The quayside will continue to be used for the operation of the harbour and will be accessible by the public. The new owners, Peverill Securities have entered into contracts with: Asda Foodstores who will occupy the building on a 25 year lease, and a pension company who will hold the completed food store development as an investment.

The Council has spoken to the applicant about possible design changes and the applicant responded by referring to the extensive consultations and negotiations they have already undertaken in developing the proposals and the general level of support they have received from both the community and consultation bodies for the current design solution. Given this, and the existing contractual situation whereby under English law Peverill Securities are contracted to an occupier and investor to complete the development, neither they nor the original applicant are able or willing to negotiate over a possible revocation of the planning permission.

Neither the Council nor any other public body is in a position to pay the massive compensation, estimated in the region of £30 million, that would be due for cancellation of the existing consent.

Mission Recommendation 6: If the development is halted, and no other alternatives are developed, the State Party is advised to continue exploring options for repairing the sluicing infrastructure in order to ensure that the port remains open to boat traffic.

Work has already started on repairing the sluicing infrastructure and associated quay walls. Halting this work now would have an adverse impact as it would put the recently exposed structures at risk of degradation and tidal erosion. In any case, as noted above, it is not possible to cancel the scheme.

Mission Recommendation 7: It is strongly recommended that the State Party provide information to the World Heritage Centre, **as soon as possible and at the latest by 1 February 2014**, on the developments being planned or already approved for the North Quay or any other areas of this component part of the property, as per paragraph 172 of the *Operational Guidelines*.

There are two current proposals for the North Quay, both outside the boundary of the WHS.

The first, the Marine Renewables Business Park is already consented and will be built adjacent to North Quay but beyond the World Heritage Site Area A2 boundary. The full details for the consented development (ref PA13/00636) including the erection of two employment buildings one for B1 (business) and one for B2 (general industrial) and B8 (storage and distribution) with associated access, parking and landscaping, site levelling and temporary contractors compound can be viewed on line by accessing the planning application [search engine at](#)

<http://planning.cornwall.gov.uk/online-applications/search.do?action=simple> and entering the application number PA13/00636 into the search bar

The second is for the addition of equipment to the Wave Hub at the northern end of the harbour, and similarly beyond the immediate North Quay area and outside the World Heritage property. This is for the installation of a Reactive Compensation Equipment Upgrade to the existing Wave Hub Substation and Control Room on North Quay. External Plant will be installed connected to switchgear equipment housed in an extension to the existing substation building. This application ref PA13/11144 has been made by the UK Government' Department for Business Innovation and Skills and can be viewed on line by accessing the planning application search engine at <http://planning.cornwall.gov.uk/online-applications/search.do?action=simple> and entering the application number PA13/11144" into the search bar."

*8. Decides, in case the Hayle Harbour development project is not halted and reconsidered, to consider inscribing Cornwall and West Devon Mining Landscape (United Kingdom of Great Britain and Northern Ireland) on the List of World Heritage in Danger at its 38th session in 2014;*

Mission Recommendation 5: Taking into account the potential adverse effects of the proposed development on the OUV of the property, and in line with its Decision 37 COM 7B.89, the World Heritage Committee would be advised to consider immediately placing the Cornwall and West Devon Mining Landscape World Heritage property on the World Heritage List in Danger at its 38th session in June 2014 in Doha, Qatar, if implementation of the current development proposal continues.

As noted above, it is not possible to stop the consented development on the South Quay at Hayle Harbour. All parties, including the mission, have accepted the principle of development of this area in a way that is compatible with its Outstanding Universal Value. There are varying views on the impact of the current supermarket scheme on the World Heritage property.

The Cornwall Mining Partnership and Cornwall believe that the scheme does not disrupt any historically significant views, does not impact adversely on the original quay surfaces, and therefore does not have an adverse impact on Outstanding Universal Value. They believe that the scheme has minimal negative impact. These views are expanded more fully in Annexes 1 and 2.

The scheme has undoubted benefits because it is the only viable means by which the restoration of the historic quay and sluicing arrangements can be achieved. In practice, there is no other way in which this conservation work can be funded to the extent needed because the harbour is in private ownership. It cannot therefore benefit from sources of public funding to the same extent as other projects referred to by the mission team in their report. On private land many funding bodies also have to be mindful of European Union rules on state aid and therefore cannot provide grant even should they wish to.

Hayle is just one out of the ten components of a large serial World Heritage property. It is one of four harbours in the World Heritage property. The proposed harbour development affects only a small part of the Hayle component and a minute proportion of the property as a whole. While recognizing that the supermarket proposals do have an adverse impact on the Outstanding Universal Value of the property, the government emphasizes that a very small proportion of the World Heritage property is affected and that the development enables positive conservation of attributes of Outstanding Universal Value (the harbour walls and sluices, the sluicing system, and

control of silt in the harbour). The government does not believe that in-danger listing is an appropriate or acceptable response to this issue and will strongly oppose such an action.

*9. Requests furthermore the State Party to submit additional relevant information on the proposal for a mixed use development on land adjacent to Callington Road, Tavistock, Devon, when it becomes available;*

Mission Recommendation 12: The State Party is strongly encouraged to enter into negotiations with the applicant to bring the development proposal more in line with the historic character of the component part and limit any potential adverse effects to the OUV at this outline planning application stage. Matters such as the layout, density, design and scale of the proposed development should be considered in detail before the application progresses to the next stage of planning approvals.

Mission Recommendation 13: The mission recommends that negotiations with the developer should also include measures for future conservation and enhancement of the Tavistock Canal as well as a clear strategy for ongoing responsibility for public open space in its vicinity.

The government notes that preliminary notification of the Callington Road proposals to the UNESCO World Heritage Centre was made in February 2013. and a substantive response to this was only received as part of the mission report, ten months later. This emphasizes the problems of effective involvement in the planning process of the Centre and the Advisory Bodies and we return to this below. Comments raised in the mission report will be discussed with the applicants and are helpful in terms of improving the quality of the design. At this stage only outline planning consent is being considered. West Devon Borough Council will raise the points made in the mission report in their discussions with the developer with a view to incorporating these in the detailed proposals for each phase of the development.

*10. Requests moreover the State Party to invite a joint World Heritage Centre/ICOMOS/ICCROM reactive monitoring mission to assess the overall state of conservation of the property and the strategies in place to address mining exploration and sustainable development within the whole serial property;*

The Mission was invited and took place between 3<sup>rd</sup> and 6<sup>th</sup> October. Its specific recommendations on individual cases have been dealt with above. The report also made a number of more general recommendations:

Mission Recommendation 1: The State Party, Cornish Mining World Heritage Site Partnership Board, the Cornish Mining World Heritage Management Office, and the 3 local councils that constitute the main agencies in the management system of the serial property are strongly encouraged to work together to develop the necessary development control mechanisms for large-scale development proposals. Given the World Heritage status of the property, these control mechanisms should include paying special attention to the heritage advice received. If necessary, early consultations with the World Heritage Centre and Advisory Bodies should be carried out.

This recommendation appears to be based on the mission's finding that the efficacy of the property's conservation and management system may require to be enhanced. This is coupled with a suggestion that the property as a whole is vulnerable to incremental change and that it currently faces potential threats from the effects of projects because of the limited enforcement of

legal and regulatory provisions which should guarantee the protection of the World Heritage property (see mission report, p.36).

Neither the government and its heritage advisors nor local stakeholders recognize this picture of a whole World Heritage property at risk. Overall this is a well-managed World Heritage property with an active and innovative team leading the process. Over 200 planning applications and pre-application discussions happen each year. In nearly all cases, these are resolved in line with advice from English Heritage, Cornwall's own historic environment team and the WH Partnership. It is only in a very few cases that problems have arisen. In the context of such major developments, the government recognizes that more should be done to encourage collaborative effective working between developers, planners and heritage advisors and to raise awareness among all parties of the significance and responsibilities of World Heritage inscription.

The UK government does not believe that further control mechanisms for major development proposals are necessary. The national policy set out in the National Planning Policy Framework (NPPF) and the forthcoming National Planning Policy Guidance (NPPG), together with policies contained in local plans and World Heritage Management Plans (which have weight in the planning system) provide an adequate policy framework for protection of Outstanding Universal Value.

The system is designed to give responsibility for decision taking to democratically elected councilors, or, occasionally, ministers who have to balance a large number of different considerations in coming to a decision on each particular case. Government policy is that as far as possible decisions should be taken at the local level at which councilors have access not just to advice from their own officials but also from national bodies such as English Heritage, Natural England and the Environment Agency.

In taking decisions, councilors, and ministers, have to balance a large number of differing considerations and priorities, some relating to heritage. On rare occasions, it may be necessary to take decisions (in line with NPPF guidance, and with guidance in the ICOMOS *Guidance on Heritage Impact Assessments for cultural World Heritage properties* (para 2-5-5)) which do cause limited harm to heritage values because of the greater public benefit that they provide. It is possible that in some cases greater awareness of the significance of heritage may be needed and how this might be achieved is something that the government will consider.

We note that the mission suggests more early consultations with the Centre and the Advisory Bodies. In principle, if all bodies were adequately resourced, this would be an excellent idea. However, all too often, early notification does not produce a timely response as noted above for Callington Road. South Crofty was first notified in 2008 without any response whatsoever. Informal discussions with the Centre and the Advisory Bodies last June sought ways to reduce the number of cases referred by the UK. Making notifications at any stage is time consuming and it would be helpful to have further discussions on how to make the system more effective and efficient before seeking to refer more applications than at present.

Mission Recommendation 2: The mission suggests that a longer review period be considered for any development application that concerns the World Heritage property in order to ensure that the responsible local authorities can fulfill the requirement of a thorough review of planning documentation. It is further considered beneficial to include the principles of a heritage impact assessment as part of the required EIA for any large-scale development projects that may have potential impact on the component parts of the World Heritage property.

Consultation periods for planning applications are set by government and are unlikely to be changed. The government is committed to sustainable development, including protection of the environment, and to making the planning system simpler. In UK guidance, World Heritage properties are recognized as sensitive areas for the purposes of EIA and assessment of impact on heritage is specifically included in guidance on EIA. An increasing number of applicants and planning authorities are adopting the principles of the ICOMOS Guidance on Heritage Impact Assessment which closely resembles that used by the Highways Agency in England.

Mission Recommendation 3: The State Party may wish to reconsider the application of the call-in policy as set out in the Written Ministerial Statement of 26 October 2012 as a tool for implementing its responsibility for the protection of World Heritage on its territory. It may further consider referring to suggestions included in the English Heritage Consultation Paper of 2008 regarding protection of World Heritage properties at the national level.

The Minister takes decisions on call-in referrals on the merits of each case, within the overall policy framework of as far as possible leaving decision taking at the local level. The policy guidance on call-in has been reviewed within the last 18 months and is unlikely to be reviewed again in the near future.

Mission Recommendation 11: On a more general note, the Cornish Mining World Heritage Site Partnership Board is encouraged to consider developing greater policy guidance on significant underground heritage as far as may be practicable. The mission further recommends developing policy that assists owners or developers to understand assessments of heritage impacts on the underground resource of the World Heritage property.

The Cornish Mining World Heritage Site Partnership will consider the development of further policy guidance on significant underground heritage.

*11. Finally requests the State Party to submit to the World Heritage Centre, by **1 February 2014**, an updated report on the state of conservation of the property and on the implementation of the above, for examination by the World Heritage Committee at its 38th session in 2014.*

This letter constitutes the requested report

## **2 Other current conservation issues identified by the State Party**

The Cornwall and West Devon Mining Landscape Partnership Board have notified English Heritage and the State Party of the impact on the World Heritage property of the recent severe weather and flooding which has affected parts of it and this report is attached at Annex 3. The damage is limited and remedial actions are in hand but this does show the impact that severe weather can have on World Heritage properties, and the increasing likelihood of severe weather events.

### **3. In conformity with paragraph 172 of the Operational Guidelines, please describe any potential major restorations, alterations and/or new construction(s) within the protected areas (core zone and buffer zone and/or corridors) that might be envisaged**



The UK government is committed to fulfilling its obligations under the World Heritage Convention and believes that it does so effectively. We are therefore concerned that the mission and the Committee are considering in-danger listing of the Cornish Mining Landscape because of the Hayle Harbour development and will oppose that if it is proposed to the Committee this year. As stated above, we believe consider it essential to meet the Centre and the Advisory Bodies to look for ways to resolve this situation prior to the Committee meeting in Doha in June. If this is possible, we would be grateful if you could suggest possible dates. We look forward to hearing from you on this point.

Yours sincerely

Leila Al-Kazwini  
Head of World Heritage

Enclosures:

- Annex 1: Cornwall and West Devon Mining Landscape Partnership Board comments on the Recommendations of the UNESCO/ ICCROM/ ICOMOS Reactive Monitoring Mission
- Annex 2: Comments on the Recommendations of the UNESCO/ ICCROM/ ICOMOS Reactive Monitoring Mission affecting Cornwall Council
- Annex 3: Cornwall and West Devon Mining Landscape Partnership Board report on sites within the Cornwall and West Devon Mining Landscape affected by winter storms December 2013 – January 2014

Cc HE Matthew Sudders, UK Permanent Delegate to UNESCO  
UK National Commission for UNESCO  
English Heritage

## ANNEX 1

### COMMENTS ON THE MISSION POINT FROM THE CORNWALL AND WEST DEVON MINING LANDSCAPE PARTNERSHIP

#### Cornwall and West Devon Mining Landscape World Heritage Site UNESCO Reactive Monitoring Mission Comments on the Recommendations concerning the Partnership Board

#### Mission Conclusions on the Overall State of Conservation

The mission made the following conclusions/ recommendations (summarised in bullets) which the CMWHS Partnership Board have considered and responded to (*in italics*);

- The CMWHS is vulnerable to incremental changes and is currently facing potential threats ...as a result of limited enforcement of legal and regulatory provisions that exist to guarantee the protection of the World Heritage Site and the goals set out in the World Heritage management Plan. These may be exacerbated by the cumulative effects of possible future developments, in particular potential prospecting activities, industrial infrastructure or housing construction.

#### *CMWHS Partnership Response;*

*The Partnership cannot see what evidence this conclusion is based on. Other than Hayle Harbour South Quay, there were no other examples where the advice of the national and local advisory bodies had not been followed - and in this instance the decision was reached after*

- 1. carefully weighing the balance of significant **public** benefit derived from the development against its perceived harm (as recommended in the ICOMOS HIA guidance)*
- 2. seeking the advice of the Secretary of State for Communities and Local Government.*

*The mission viewed a range of regeneration projects where the WHS Management Plan policies had guided development and conservation work – Harvey's Foundry (Hayle), Geevor Tin Mine, Heartlands and Trevu Road all demonstrated this. Data prepared on behalf of the WHS Team in 2010 to inform the UNESCO Periodic Reporting cycle (2012), indicates that of the 991 OUV sites and clusters of OUV features assessed for condition, 82 per cent of these were classed to be in a 'favourable' condition, using the common standards monitoring approach employed (Management Plan Appendix 8.6, Section 2, p.110).*

*In response to the mission report conclusion that the '...CMWHS is vulnerable to incremental changes...', the Partnership Board offer as evidence their own monitoring system and data, used as the basis for the recent Periodic Review. While the scale and complexity of the Site demands the continued vigilance of all those charged with its care, the monitoring procedures in operation within the WHS partner local authorities are designed to capture those developments which may have an adverse impact on the Site.*

*The Appendices to the World Heritage Site Management Plan (2013–2018) outline the planning application monitoring process undertaken by the partner local authorities, operating in accordance with UK planning statutes and guidelines, and describes the structure of planning advice delivery by local authorities on behalf of the WHS Partnership Board. This was outlined to the mission in the presentation by Nick Cahill, of the CC Historic Environment Service. Similar consultation recording arrangements are in place within the Historic Environment Service of Devon County Council.*

*Figures contained within the Management Plan Appendix 8.6, Section 3 (pp.111-113) indicate that of the 2,909 pre-application and validated planning applications submitted within Cornwall and west Devon from March 2010 to April 2012, 427 of these (14.6 per cent) were selected for formal comment by the respective local authority Historic Environment Advice team and these comments were duly incorporated into individual application determinations at the committee stage, as required.*

*In addition to this, development cases within the WHS are also entered into Cornwall Council's Historic Buildings Sites and Monuments Register (HBSMR) as 'consultations', and for the period July 2011 to the present (December 2013), 96 entries had been made. When individually classified these consultations appear in the dataset as follows:*

*Planning pre-applications within the WHS: 11*

*Planning applications within the WHS: 66*

*Non-planning enquiries within the WHS: 2*

*Non-planning enquiries within the WHS: 17*

*Whilst the Partnership agree that statutory designation for WHS's would enhance their protection nationally, the lack of it should not be misinterpreted as resulting in no legally enforceable protection for or inevitable damage to OUV. Ongoing monitoring of developments within the World Heritage Areas since inscription, both within and beyond the influence of the statutory planning system, has resulted in enforcement action being undertaken by local authority Planning Enforcement Officers in 5 cases.*

*The Partnership consider that the overall state of preservation of the World Heritage Site is good, based on the condition assessments undertaken since inscription and the operation of the system to ensure that its Management Plan policies are factored into planning decisions. The assessed performance of the WHS partner local authorities to date in this matter is considered to be very good, given the scale and complexity of the multi-Area Site.*

#### **Mission report conclusion;**

- The inscription of CMWHS on the World Heritage List is dependent on development proposals being subject to a rigorous process of evaluation to ensure that they would have no negative impacts on OUV. This implies following the heritage advice received at both the local and national levels, and a need to put major development proposals on the agenda of the appropriate authorities within the United Kingdom at the national level where

appropriate. Where potential developments raise significant questions, consultations with the World Heritage Centre and Advisory Bodies (and eventually advice from the World Heritage Committee) should be sought at an early stage to avoid the problem of approvals being given while the potential impacts on OUV are still being evaluated.

***CMWHS Partnership Response;***

*See above comment regarding the volume and impact of process in place to evaluate planning applications in WHS and the evidence that in the main decisions are giving due weight to WHS policies. The Partnership note that Cornwall Council have drawn valuable experience in this regard from their experience of determining the Hayle Harbour South Quay supermarket application. However, it also recognises that in the case of Callington Road, Tavistock, there is an example of where LPA has sought input from UNESCO at an early stage, but the length of time taken to respond (10 months) is out of step with the UK Planning process. If the UK is being asked to amend the planning process, this is outside the Partnership Board's control and will have to be addressed by DCLG.*

**Mission report conclusion;**

**Hayle Harbour**

- Government should immediately halt the implementation of the proposed development and re-enter into negotiations with the developer to determine if it is still possible to make the necessary changes to the proposal to bring it more in line with the historic character of the site and limit any adverse effects to the OUV of the property.
- WH Committee will be recommended to immediately place the Cornwall and West Devon Mining Landscape World Heritage property on the World Heritage List in Danger at its 38th session in June 2014 in Doha, Qatar, if implementation of the current development proposal continues.
- If the development is halted, the State Party is advised to continue exploring options for repairing the sluicing infrastructure in order to ensure that the port remains open to boat traffic.
- Provide information to the World Heritage Centre, ***as soon as possible and at the latest by 1 February 2014***, on the developments being planned or already approved for the North Quay or any other areas of Hayle, as per paragraph 172 of the *Operational Guidelines*.

***CMWHS Partnership response;***

*Arising from the mission, the Partnership Board has considered the representations made by both English Heritage and Cornwall Council Planning Dept, and concludes that, whilst the proposed supermarket does represent a departure from the historic pattern of development on the Quay, it does not damage attributes of OUV. The mission report concludes that it does, but does not detail which attributes or in what way they are affected.*

*Change of use is inevitable – the evolution of economy and society since it was constructed means that South Quay will never be a port for the mining industry again. The question we are facing is therefore what use is both acceptable in terms of conservation principles and viable economically. The mission report states that a supermarket is not unacceptable in principle, but that in its current form the building's design is. Guidance on what design principles to follow would be most helpful.*

*There are precedents for large scale modern structures within a historic waterfront WHS. The Museum of Liverpool is a large modern building near the iconic "Three Graces". The Museum building in no way mimics its neighbours nor does it replace a historic pattern of building on that site. That mission report concluded;*

*"The Museum and Mann Island projects don't exceed the height of the Three Graces complex. However, the overall design, with slanting and sliding forms, massive scale and asymmetry, deviates from existing urban pattern and historic character of the locale".*

*It also concluded that these factors did not represent "an imminent threat to the site's Outstanding Universal Value".*

*The report refers to the supermarket structure interrupting views between the Foundry and its quays and cites this as a major objection. But the views experienced today are not as they were in our period of OUV, and are therefore not aspects of its authenticity or integrity. The views that did exist at the time of operation have been protected. The location of the supermarket building would not impact on these historic views, and preserves the original functional routes between the Foundry and its quays. This argument for placing this World Heritage Site on the in danger list is based on incorrect information.*

*The report quite rightly highlights the importance of following the advice of the national and local heritage advisory bodies. The Partnership Board invests 25% of its annual revenue budget in the Historic Environment Advisory Services to ensure there is sufficient capacity and expertise to give accurate guidance on WHS policy to Local Planning Authorities. The Partnership agree with their conclusion that there are heritage impacts from the supermarket development, which largely relate to the visual impact of introducing a new retail function on the quay, the form of which is a departure from previous uses.*

*However, the changes only affect some of the views across a limited part of the harbour. The supermarket will not be visible from all parts of Hayle, which in turn is only a small component of a serial inscription with ten landscape areas. Nine of the component areas are not affected in any way by the development at Hayle Harbour. **Accordingly, it will be an unsound and disproportionate conclusion to judge that the limited changes in the affected views cause significant harm to the Outstanding Universal Value of the whole World Heritage Site.***

*The Partnership's conclusion on the proposals took into account the benefits that they bring to keeping the harbour open to fishing and other craft, and the benefits to the town of Hayle. Cornwall Council have made a compelling case that, when considered in a wider geographical, economic and risk*

*management context, the impacts of the development are on balance beneficial. It funds £3m+ of conservation and repair work to the harbour fabric and the construction of the raised platform removes the need for a far more visually intrusive flood defence wall of up to 2m in height immediately adjacent to the railway viaduct that if constructed would have formed an impenetrable visual barrier between Foundry and the Quay, and in so doing would have harmed the authenticity and integrity of this part of Hayle.*

*English Heritage were incorrect in stating to the mission that this information had not been available with the planning application prior to their final comments made in 2011. They need to explain why they appear to have overlooked these wider factors. **The flood risks faced by the whole of Hayle are by far the greatest threat to this area of the WHS, as the Partnership reported in the Periodic Review.***

*The Council clearly demonstrated that a process of consultation and design revision had resulted in a final scheme that addressed a number of the concerns voiced by the heritage agencies, with a final structure less than half the scale of the original proposed supermarket and of a bespoke design that referenced the local history of copper production in its surface materials. It is unlike any other supermarket structure in the South West. The developer's architects referenced the guidance set out in UNESCO's Vienna Memorandum as helping them reach this design conclusion.*

*In the absence of more specific regulations or guidance, is it possible to define in what way their design solution does not meet UNESCO requirements? The UK preference for contemporary interventions in historic urban centres, including World Heritage Sites, is for the avoidance of pastiche or copying of historic styles (eg Thermae Bath Spa, Museum of Liverpool). **Is a difference in architectural taste sufficient grounds for an in danger listing?***

### **Mission report conclusion**

#### **South Crofty**

- The CMWHS is encouraged to consider developing greater policy guidance on significant underground heritage as far as may be practicable.
- It also suggests developing policy which assists owners or developers to understand assessments of heritage impacts on the underground resources of the WH property

#### **CMWHS Partnership response;**

*The Partnership Board welcome this suggestion and have already commenced research in preparation for incorporating guidance in its planned Supplementary Planning Document.*

### **Mission report conclusion;**

#### **Callington Road**

- Negotiate with the developer to bring the proposals more in line with the historic character of the site and limit any adverse effects to the OUV of the property at the outline planning stage. Layout, density, design and scale require further consideration before the application progresses to the next stage of the planning approval process.
- If that is not possible, stress to the applicant that substantial work on reserve matters to address layout, density, design and scale is needed to better address them at the detailed consent stage. The reports suggests WDBC may wish to re-examine aspects of the Masterplan and Design Brief to provide clearer guidance.
- Negotiations with the developer should also include measures for conservation and enhancement of the Tavistock Canal and a clear strategy for ongoing responsibility for public open space in its vicinity.

### ***CMWHS Partnership response***

*General recommendation – the timeframe within which planning applications are determined is set by the Government, and can only be addressed by them. WDBC, via DCMS, advised UNESCO World Heritage Centre of the emerging Callington Road development proposals on 1 February 2013, four months before the application was submitted. It took until October 2013 to get the mission, and until December to receive its report – 10 months after the original notification. It would be helpful for UK planning authorities seeking input from UNESCO if their advice process and timeframes took account of the requirement for timely responses and the avoidance of undue delays and associated costs.*

*Reviewing the masterplan – as the this went through a full public consultation process and a revision would potential involve a further process, it would be helpful if the report could be more specific about what in the current document needs strengthening and in what way, before the Partnership would consider encouraging the LPA to consider undertaking this substantial task.*

*Setting - The Tavistock Canal was not designed as an ornamental feature – it was a functional, industrial structure, for which open rural views or setting are not a specific attribute of its OUV, or part of its authenticity or integrity. Its route was determined by topographic, economic and geological factors, and its setting in farmland was incidental. The viewpoints identified in the Landscape and Visual Impact Assessment have been chosen to enable appreciation and enjoyment of the canal as a feature of the contemporary landscape, but do not represent functional relationships that influenced its original design. These points need to be borne in mind when considering the issue of the setting of the canal and visual impacts.*

### ***Other comments from WHS Partnership;***

*Consistency of advice in mission report – the report urges CC (and other Local Planning Authorities in this WHS) to follow advice of EH and Historic Environment services when reaching decisions. It quotes both in relation to Hayle South Quay, and reaches a similar conclusion. However, when considering South Crofty, the report does not refer to the overall positive*

*conclusions of either advisory organisation, and reaches a different conclusion itself. Whose advice should the Planning authorities be following??*

*North Quay – this was also signed off by EH and CC HES as acceptable in respect of the OUV of the WHS. Paragraph 172 of the operational guidance states;*

*“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 Outstanding Universal Value of the property”.*

*The Partnership note that the developments at North Quay are outside the WHS boundary, and therefore the issue is one of protection of the setting for, rather than direct physical impact on, attributes of OUV. Also, EH concluded that the proposals for North Quay (and by extension, other aspects of the masterplan for Hayle Harbour with outline consent), were acceptable in terms of their impact on OUV. Is this actually a para 172 notification situation, then?*

*South Crofty – the Partnership note that there is a wider debate regarding mining in cultural landscape WHS and would endorse the draft guidance issued by TICCIH highlighting that the principal issue is the protection of OUV. The Cornish Mining Partnership are working with other advisory bodies to ensure a debate based on the understanding of the special position of mining landscape Sites in this regard.*

*Whilst OUV is based on the historic mining features from the period 1700 – 1914, and this is therefore a “relict” mining landscape, para 182 of the Operational Guidance states;*

*“The Committee may wish to bear in mind the following supplementary factors when considering the inclusion of a cultural or natural property in the List of World Heritage in Danger:*

*... c) Above all in the case of potential danger to a property, one should consider that:*

*(i) the threat should be appraised according to the normal evolution of the social and economic framework in which the property is situated;”*

*Mining methods have evolved over time, and the buildings proposed at South Crofty reflect the functional requirements of a modern mine, just as the form of their predecessor structures was dictated by the functions of an 18<sup>th</sup> or 19<sup>th</sup> century mine. They therefore represent the contemporary expression of the cultural tradition of mining. It can be argued that this is the “normal evolution” of this Site.*

*The support for the resumption of mining where this does not damage OUV is still a central policy issue for the Partnership. In the event of any future proposed prospecting activities, the WHS Office has been actively contributing to the TICCIH debate in forming its draft position statement re mining in WHS’s that puts the protection of OUV and its attributes to the fore. This is currently being taken forward in close collaboration between TICCIH and ICOMOS.*



## Annex 2

### **Cornwall and West Devon Mining Landscape World Heritage Site UNESCO Reactive Monitoring Mission Comments on the Recommendations affecting Cornwall Council Planning Authority**

#### **General Recommendations**

The mission made the following **recommendations** (summarised)

**1) Develop the necessary development control mechanisms for large scale development, paying particular attention to the heritage advice received. If necessary, early consultation with World Heritage Centre and Advisory Bodies (ICOMOS) should be carried out.**

The UK planning system already sets out a number of Statutory Consultees, including English Heritage that local planning authorities are duty bound to consult on relevant planning applications. To assist development management officers in Cornwall the planning computer system uses a GIS based constraint and notification system which immediately identifies any physical issues (such as flood plains, Listed Buildings) or policy constraints (such as Conservation Areas, WHS boundaries) so that the officer knows they need to engage with the appropriate bodies to address the issues identified. In addition all statutory consultees are sent a weekly list of applications received so that they can also check independently of the Council.

The National Planning Policy Framework at paragraph 132 as the mission report quotes makes it clear that “when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset the greater the weight should be...”

The use of the term “great weight” in the above quotation is a reference to the fact that the UK planning system requires local planning authorities to assess all issues and perspectives that might arise in considering a proposal for development or change in order that a balanced decision is reached.

The need to accommodate development or change together with sometimes incompatible responses and/or advice from statutory consultees can and does create conflicts and tensions that the local planning authority has to consider before it determines an application.

The consultees understand that their role (in all but a few instances) is purely advisory and they can not direct the local planning authority to adopt their position.

Where there is conflict the local planning authority will work hard with all parties to try and establish an appropriate solution that meets all concerns but this usually requires compromise and mitigation.

Cornwall Council has also included policies within its emerging Local Plan and is working with Heritage Colleagues to prepare additional Supplementary Planning Documents to reinforce the NPPF policy statements and add local context to guide the preparation of HIA and other

statements and assist in the consideration and determination of development within the World Heritage Site.

Planning Officers from all 3 local planning authorities also sit on the World Heritage Partnership Technical Panel to help develop consistent policy guidance and provide and receive input from other technical advisors and the WHS team.

When assessing schemes either at pre-application or application stage, if a conflict or difference of opinion arises the local planning authority will work hard with all parties to try and establish an appropriate solution that meets all concerns but this usually requires change, compromise and mitigation.

In this respect the local planning authority will carefully and objectively assess development proposals, explore mitigation options and then when ultimately determining and application weigh up the potential adverse impacts of the development or change against their benefits and wider **public** benefits in order to reach a balanced decision.

This balanced approach of weighing up the pros and cons of a proposal is acknowledged and reflected in section 2 of the advice ICOMOS has prepared for those undertaking Heritage Impact Assessments for Cultural World Heritage Properties (published January 2011). Paragraph 2.1.1 acknowledges that *“change may be adverse or beneficial, but both need to be assessed as objectively as possible, against the stated OUV as reference point.”*

In understanding what benefits need to be assessed the guidance is very clear with paragraph 2.1.5 stating *“ultimately, however it may be necessary to balance the public benefit of the proposed change against the harm to the place.”*

This requirement to assess the wider public benefit in the ICOMOS document consequently calls into question the basis of the mission’s assessment, conclusion and recommendations. Whilst the mission report also references the HIA guidance they have only assessed the scheme against its heritage benefits and suggest some public benefits such as the flood defences are merely secondary.

Only considering and weighing the heritage benefits of the proposals against the harm caused will significantly affect the objectivity of any analysis being undertaken as it would be from a skewed and narrow perspective. This is unfortunate as it will bias the conclusions that will be reached and in this instance calls into question the validity of the mission recommendations.

Cornwall Council welcomed the publication of the ICOMOS guidance and the intended objectivity of its approach in assessing complex and challenging situations to reach a balanced conclusion but is concerned at the way it has been utilised on this occasion by the body that is supposed to champion it.

The value of this document to world heritage sites in general is seriously undermined if heritage bodies can chose to apply their own narrower terms and perspectives in assessing a proposal. This is especially the case where that narrower perspective is then used to dismiss or ignore many of the benefits and issues a planning authority has had to consider in its decision making process.

**2) Longer review periods for proposals in WHS sites and include Heritage Impact Assessments as part of the required EIA for any large-scale development projects that may have potential impact on the World Heritage property.**

The planning system in the UK works within Government prescribed timeframes in an effort to provide certainty to all users and all statutory consultation bodies and the public generally are required to respond to planning authorities within the prescribed time periods.

On larger projects there is now scope for the local planning authority to agree and sign a Planning Performance Agreement (PPA) with a developer. This sets out an approach to engage with consultees, agencies, communities and other bodies whilst developing proposals before submitting an application. It also sets out a timeline for engagement, meetings, responses, etc and provides a work programme up to and including the target committee date for determination. The PPA process does enable projects to occur outside of the normal time restrictions of planning applications however because they are designed to resolve issues ahead of a planning application being made the expectation is that the time to reach a decision after formal submission will be well within the normal target time.

The scope of a PPA could include engagement with the WHC office as another consultee body however without a change in process it is unlikely that any developer will currently sign up to a PPA on the basis of current WHC response times.

Is there scope for the WHC office to establish procedures to enable it to speed up its decision making processes?

Currently the indirect mechanisms of exchange that exist between the Local planning authority and WHC have not made it possible to have a normal dialogue over the very complex issues that need to be understood, considered and addressed by all in order to successfully direct and accommodate change.

Most other organisations with whom we engage have either suitably qualified and empowered professionals or dedicated sub-committees who meet more frequently, with whom we can engage and resolve matters without having to wait on the current committee cycles.

If the WHC is not able to accommodate the above then they may have to liaise with the UK Government to see if it is prepared to issue instructions to local planning authorities to extend the national consultation periods for projects within World Heritage Sites.

As recorded above Cornwall Council welcomed the publication of the HIA guidance and has already sought its implementation on the major projects that have come forward since its publication. However it will only have value in the decision making process if all parties involved in the assessing the issues accept the terminology it uses and its deliberately wide perspective and

to then objectively assess and balance the issues that arise and not seek to apply their own set of narrower definitions and fail to engage with the bigger picture.

**3) Reconsider the application of the call-in policy as set out in the written Ministerial Statement of 26<sup>th</sup> October 2012.**

This is a matter for the UK Government to respond to.

**Hayle Harbour**

**4) The State Party should immediately halt the implementation of the proposed development and re-enter into negotiations with the developer to determine if it is still possible to make the necessary changes to the proposal to bring it more in line with the historic character of the site and limit any adverse effects to the OUV of the property.**

Under UK planning law there is no mechanism to halt consented development immediately; it only has such powers where development is unlawful. This application has been through due process, been assessed by the Secretary of State and subject to the statutory period allowed for 3<sup>rd</sup> parties to seek a judicial review of the consent consequently the development is lawful under UK planning law.

UK planning law does however allow a Local planning authority a discretionary power to revoke or modify a planning permission once granted but only by following an established procedure and through the payment of appropriate compensation to those with an interest in the land.

The development has commenced on site but nevertheless the Council has spoken to the applicant about their willingness to voluntarily halt the development to allow a reconsideration of design matters without having to consider revocation of the consent.

The applicant has in fact now sold on the majority of the site, i.e. that land that needs to be uplifted for flood defence purposes, to Peverill Securities Limited and only retains the historic quayside that will remain after the development is completed. The quayside will continue to be used for the operation of the harbour and will be accessible by the public.

However, it should also be noted that Peverill Securities have entered into contracts with: Asda Foodstores who will occupy the building on a 25 year lease; and a pension company who will hold the completed food store development as an investment.

The Council has also spoken to the applicant about possible design changes and the applicant responded by referring to the extensive consultations and negotiations they have already undertaken in developing the proposals and the general of level of support they have received from both the community and consultation bodies for the

current design solution, one that also received the support from the Secretary of State.

Given the above and the existing contractual situation whereby under English law Peverill Securities are contracted to an occupier and investor to complete the development neither they nor the original applicant are able or willing to negotiate over a possible revocation of the planning permission.

As stated above, it is not possible to revoke a planning permission in the UK without paying compensation to those with an interest in the land in this instance, the applicant, developer, occupier, investor and harbour authority.

Section 107 of the town and Country Planning Act (as amend) 1990 describes the costs for which the local planning authority may be liable as

- The expenditure incurred in carrying out work which is rendered abortive by the revocation or modification;
- The sustained loss or damage which is directly attributable to the revocation or modification;
- Any expenditure incurred in the preparation of plans for the purposes of any work, or upon other similar matters preparatory to it, shall be taken to be included in the expenditure incurred in carrying out that work.
- The loss in land value that would occur in consent being withdrawn

Given the parties involved and the time available to collate this response it has not been possible to ascertain the extent of claim that would be made but the applicant has suggested the development has a completed investment value of over £30 million, but this does not include the consequential losses to the occupier who are currently gearing up for the opening of the store in 2014. Given the likely weekly income that would come from this store this would be a substantial sum.

Following a recent court case where a third party undertook legal action to try and force a local planning authority to issue a revocation notice the Supreme Court has ruled that local planning authorities can take into account the likely compensatory costs for which it would be liable when deciding whether or not to use its discretionary powers to revoke a permission.

The Judge added "As custodian of public funds, the authority not only may, but generally must, have regard to the cost to the public of its actions, at least to the extent of considering in any case whether the cost is proportionate to the aim to be achieved, and taking account of any more economic ways of achieving the same objective."

The revocation procedure where defended by the owner/developer is a long one, an Inquiry will be heard. In the meantime the development will potentially have reached completion and the revocation process will be redundant as a Revocation Order can only revoke a planning permission which is not completed.

**5) WH Committee will be recommended to immediately place the Cornwall and West Devon Mining Landscape World Heritage property on the World Heritage List in Danger at its 38th session in June 2014 in Doha, Qatar, if implementation of the current development proposal continues.**

The local planning authority are concerned that the Mission report as currently drafted concludes that the supermarket project would have an adverse impact on the OUV of the Harbour and negatively impact of the property as a whole, without setting out how the mission has reached this significant conclusion. The objective assessment that the mission must have undertaken is not referred to and does not provide the local planning authority with any rationale behind or confidence in the recommendation that has been put forward.

The local planning authority would advise the WHC to reconsider the basis for this recommendation as the Mission team's assessment of the site and proposed development is not evident within the report. The report also contains a key error with regard to the store's location and its subsequent impact on the site's OUV and no assessment of the development's wider public benefits

The local planning authority welcomes the Missions recognition of the need for a supermarket in Hayle and their acceptance of that use on the site in principle, this accords with the local planning authority's own assessment of the site both on its own and when considering a number of possible alternatives both in and outside the town. When considered against national retail policy and other wider sustainable development factors inclusive of OUV South Quay was the rational conclusion.

The local planning authority also welcomes the Mission's acknowledgement that the required flood defences on this site and their limited negative impact on the OUV is not sufficient to render any development inappropriate. The local planning authority also welcomes the Mission's recognition of the importance of repairing the sluicing infrastructure and harbour walls in order to maintain the harbour's OUV as a working port.

However, the local planning authority is concerned with the ease that the mission team disaggregates the two from the proposed development, by suggesting that funding can be readily sourced elsewhere.

This is not the case the Harbour is in private ownership and consequently cannot benefit from the same form of public sector investment that the mission team refers to in their report. On private land funding agencies have also to be mindful of European State Aid legislation and often cannot provide grant aid even if they wish to do so. As was explained to the mission the harbour was considered for ERDF and UK Government funding, but only the consented employment development on North Quay qualified for this funding.

Some of the sites the mission team were shown elsewhere during their visit were able to benefit from land stewardship grant aid, specifically Natural England's Higher Level Stewardship scheme, as these sites met the organisation's open landscape

business case objectives. This funding is not available for urban localities such as Hayle.

Regardless of alternative funding for either of these items, it should be noted that work has already begun on excavating the sluices and associated walls to enable their repair. The majority of these repair works are scheduled for completion by June 2014.

Halting the works now will leave these exposed unrepaired features vulnerable to further tidal erosion and degradation.

As acknowledged by the mission the flood defence walls form part of a larger initiative to protect the centres of Hayle and Copperhouse from coastal flooding that will require both private and public sector funding to secure its construction. Without these coastal defences the whole of Hayle's OUV is under significant threat. The flood defences currently being implemented on South Quay provide the ability to introduce a tidal gate across Penpol Creek avoiding the need to rely on a floodwall along Penpol Terrace and around Foundry Square. This latter option would if implemented have a significant adverse impact on the OUV in this area as it would create an imposing physical and visual barrier between the town and South Quay, yet the benefit offered by alternative offered by the design of the flood walls on South Quay have been discounted as secondary by the mission.

The local planning authority is unclear in respect of the mission team's assessment of the location of the store. The open views that exist today are only apparent because of the extensive demolition of the historic fabric and are not as they were in the period of OUV, and are therefore not part of its authenticity or integrity.

The mission team were supplied with historic plans and photographs of the area to illustrate the views that used to exist during the inscription period. From these it is clear that buildings existed on both sides of the railway viaduct obscuring views and prevent access between Foundry Square and South Quay, far more extensively than the proposed supermarket is claimed to do.

The location of the store will in-fact re-establish some of the historic enclosure on the site whilst preserving the original functional routes between the Foundry complex and its quays. It will also for the first time ever enable the public to access the quayside allowing them to view and interpret the historic functioning of this part of the harbour and its relationship with the Foundry.

This then leaves the scale and design of the supermarket.

The Mission Team do not dismiss the principle of a supermarket and in concluding this they must also have an appreciation of the basic functional requirements of a supermarket. Namely, a clear open sales area, storage area and service yard.

These three simple functional elements do not readily lend themselves to further significant subdivision and the mission team's report does not provide any real guidance on how their acceptance of the modern use can be squared with their

requirement for a design that reflects the number of smaller buildings that used to exist on the site.

A building can be skinned to create the impression of a number of individual elements, but this is pretending it is something it is not and in doing so risks creating the poor pastiche that the team rightly reflects would be inappropriate.

The architects have referenced UNESCO's Vienna Memorandum in helping them create a modern building design that is also sensitive to the context of the site.

They have also sought to enclose the normally exposed elements of service yard within the built element of the storage area and then split the building onto two distinct sculptural elements, the retail floor being a lightweight steel frame with significant glazing facing onto the quays which is then grounded by a heavier masonry element that contains the storage area and service yard.

The material treatment of these two elements reference two of the area's key building products namely copper (reflected in the cladding used on the elevations to the retail store) and scoria (reflected in the use of blue/black brickwork for the storage area).

As is noted in the mission report the architects have sought to manage the vertical height of the store so that it does not exceed the level of the railway viaduct. As is clear from the consented drawings that are readily available from the local planning authority's website the supermarket roof has been designed to have a maximum height of 14.67m which is below the top of the main timbers of the viaduct at 15.5m.

This height limit was agreed during the stakeholder workshops though it was also noted that some of the former buildings on the site, most notably the timber stores for the shipyard were significantly taller than the viaduct.

With the Mission's acceptance of the supermarket use and its spatial arrangement implications and hopefully their acknowledgement of a misunderstanding on the historic views that used to exist this would appear to reduce the significant issues down to the massing and cladding of the proposed building.

However the Mission's report does not provide clarity on this point or on what it considers would be an appropriate supermarket solution, further guidance on this would be appreciated.

**6) If the development is halted, the State Party is advised to continue exploring options for repairing the sluicing infrastructure in order to ensure that the port remains open to boat traffic.**

As reported above, work has already commenced on repairing the sluicing infrastructure and walls. Halting the development now would have an adverse impact as it would leave recently exposed but unrepaired structures vulnerable to degradation and tidal erosion.



**7) Provide information to the World Heritage Centre, as soon as possible and at the latest by 1 February 2014, on the developments being planned or already approved for the North Quay or any other areas of Hayle, as per paragraph 172 of the *Operational Guidelines*.**

#### **Masterplan**

The WHC Mission has previously been provided with the masterplan that is attached to the outline planning permission. There has been no further progress to date by the developer of this scheme.

#### **Marine Renewables Business Park**

The full details for the consented development (ref PA13/00636) of a Marine Renewable Business Park on North Quay involving the erection of two employment buildings one for B1 (business) and one for B2 (general industrial) and B8 (storage and distribution) with associated access, parking and landscaping, site levelling and temporary contractors compound can be viewed on line by accessing the planning application search engine at <http://planning.cornwall.gov.uk/online-applications/search.do?action=simple> and entering the application number PA13/00636 into the search bar

#### **Wave Hub**

An application was been received on the 5<sup>th</sup> December 2013 for the Installation of a Reactive Compensation Equipment Upgrade to the existing Wave Hub Substation and Control Room on North Quay. External Plant will be installed connected to switchgear equipment housed in an extension to the existing substation building. This application ref PA13/11144 has been made by the UK Government' Department for Business Innovation and Skills and can be viewed on line by accessing the planning application search engine at <http://planning.cornwall.gov.uk/online-applications/search.do?action=simple> and entering the application number PA13/11144 into the search bar

Please note under UK government planning definitions this is a minor application with a maximum 8 week target for issuing a decision. The WHC are advised that the deadline date for determination for this application is 30<sup>th</sup> January 2014.

#### **South Crofty**

**8) Requested the developer to revise the design of the surface buildings, rigorously examining the scale and massing, elevation and location with regard to the attributes (*historic mining features on the site*).**

The local planning authority is disappointed that the Mission team and WHC have felt it necessary to overrule the guidance, advice and support of our National and Local Heritage agencies with regard to the proposed development at South Crofty.

It has consequently created an uncertainty for us and local planning authorities generally, namely when dealing with applications or proposals for development or change in a World Heritage Site. How many heritage agencies should we always liaise with and where there is a professional difference of opinion between those agencies over the acceptability of the proposal just whose advice should take precedent?

The local planning authority has briefly discussed the details of the mission's recommendations with the applicant and where these are largely points of detail that can be resolved by careful choice of materials and colours, they are prepared to consider making changes.

However they are not prepared to consider any changes that would undermine their existing permission, consequently threatening their current investment plans. They are also concerned about the ability to reposition or modify some of the elements that have been identified as they have practical and physical relationships both in terms of distance and vertical distances. The processing plant uses water and relies on gravity to migrate material between the different processes so this does impact on the ability to modify or repositions some components.

The local planning authority is willing to work with applicant and other parties to try and accommodate where practical the recommendations of the Mission. The local planning authority are confident that a significant number of the panels recommendations could be achieved without requiring a new consent but to achieve this would welcome and appreciate the ongoing support and input from the World Heritage Centre that is implicit in the Mission report, recommendation 1.

In this respect the local planning authority request the WHC identifies an appropriate and empowered WHC officer with whom they can liaise to work alongside our national and local heritage agencies to achieve acceptable design solutions to the matters that have been raised.

**9) The mission recommends that a Heritage Impact Assessment be carried out, with particular consideration of views to, and relationships between, attributes of Outstanding Universal Value.**

The local planning authority assumes that this recommendation is made by the mission team on the presumption that further design work will be undertaken.

The local planning authority would not be able to recommend to the applicant that they expend further resources on a HIA for the existing proposals given the extant findings and recommendations of the mission.

Assuming this does refer to revised proposals the local planning authority will recommend to and assist the applicant in scoping and preparing a HIA to support design changes and would appreciate the input of the WHC in its preparation.

**10) Protect legibility of the north southwest trend of mines from important views, especially those from other parts of the World Heritage property, including Carn Brea, Carn Arthen and Carn Entral.**

The local planning authority and applicant will review those elements of the development that have been identified by the mission, within the caveat set by the applicant and again request the WHC identifies an appropriate and empowered WHC officer with whom they can liaise to work alongside our national heritage agencies to achieve an appropriate and acceptable solution.

**11) Update the 2003 archaeological report to reflect the site's World Heritage significance, and the current conditions. If any development happens in the future, an archaeological watching brief should be required because of the potential for the discovery and recording of further archaeological remains below the fill.**

The local planning authority (as Mineral Planning Authority MPA) agrees with the intent of this recommendation but question its need. The current planning permission already carries a planning condition to achieve this aim stating:

No demolition/development shall take place/commence until a programme of Archaeological work including a written scheme of investigation has been submitted to, and approved in writing by the MPA. The scheme shall include an assessment of significance and research questions and detail:-

- (i) the programme and methodology of site investigation and recording;
- (ii) the programme for post investigation assessment;
- (iii) provision to be made for analysis of the site investigation and recording;
- (iv) provision to be made for publication and dissemination of the analysis and records of site investigation;
- (v) provision to be made for archive deposition of the analysis and records of site investigation;
- (vi) nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation

No demolition/development shall take place other than in accordance with the written scheme of investigation

## Annex 3

### **REPORT BY CORNWALL AND WEST DEVON MINING LANDSCAPE PARTNERSHIP BOARD ON SITES WITHIN THE CORNWALL AND WEST DEVON MINING LANDSCAPE WORLD HERITAGE SITE AFFECTED BY WINTER STORMS: DECEMBER 2013 - JANUARY 2014**

#### **Background**

During late December and early January, a combination of high tides, strong winds and the localised effects of sustained heavy rainfall caused significant damage across Cornwall and west Devon. Cornwall Council estimates the cost of repairing this damage to be just over £2 million - initially £1.56 million with an additional £575k required longer term. Cornwall Council services, along with partners including the Environment Agency, are currently meeting with town and parish councils, and resident groups in affected areas, to provide support and advice, and gather information.

Although thirteen sites are known to have been significantly affected by the storms in Cornwall and west Devon, only three of these constitute attributes of Outstanding Universal Value within the World Heritage Site. For these, damage is known to have been caused at Portreath Harbour, Calstock, and to a more limited degree at Morwellham, and detail of these sites is set out below. There are currently no other reports of OUV features being affected within the World Heritage Site, though it is understood that Cornwall Council is collating further information.

Contact with the Tamar Valley AONB office has confirmed that there are no known instances of storm damage within the Tamar Valley Area of the World Heritage Site notwithstanding the flooding at Morwellham as described below.

*The following is a summary of those sites and features affected by the recent storms and the actions taken in remediation by Cornwall Council and others.*

**World Heritage Site Area: A5iii**

**Site: Portreath Harbour (Cornwall)**

**Statutory designations: Listed Grade II**

**Ownership: Cornwall Council**

**NGR: SW 65534 45408 (nominal centre)**

#### **Issue/damage**

Unusually strong winds in combination with spring tides caused significant damage to the historic structures of Portreath Harbour over the Christmas to New Year period.

Extensive damage was caused to the eastern breakwater of the harbour (c.1760 and NGR: SW 65485 45473) where extreme wave action resulted in the removal of eight courses of granite facing blocks and the associated rubble fill within. Additional courses of granite facing and infill were also lost from the parapet walling set back from the end of the breakwater, adjoining the section lost and described above (see image overleaf).

Sustained wave action also destroyed the Forward Observation Hut, a small granite built shelter (c.1890s) located at the end of western breakwater (c.1824) on 3<sup>rd</sup> January, also known locally as the 'Pepper Pot', or 'Monkey House' (NGR: SW 65430 45583 - see image overleaf).

### **Actions**

Cornwall Council Senior Building Conservation Officer Karen Pritchard is liaising with Cornwall Council Maritime Manager Andy Brigden who is securing repair estimates to address the damage to the eastern breakwater. A 'like for like' reinstatement option has been requested by Ms Pritchard and this is being supported by the World Heritage Site team. Howard Rushton, Principal Engineer of Hyder Consulting (UK) Ltd., Exeter, had been contracted to work with Cornwall Council to prepare tender documents for the required works.

The breakwater facing blocks and rubble infill are currently amassed where fallen at the foot of the breakwater, both in front and behind. Any reinstatement of the facing blocks will require the safe retrieval of the granite dimension stones and also the secure storage of these, prior to the commencement of works.

The Forward Observation Hut, on the western breakwater, should also be reinstated as an important part of the harbour infrastructure and the harbour's OUV. Ms Pritchard fortunately has detailed photos of the interior and exterior of the hut to inform is accurate reconstruction.

### **World Heritage Site Area A10i – Tamar Valley Mining District with Tavistock**

**Site: Calstock (Cornwall)**

**Statutory designations: Tamar Valley AONB; Conservation Area**

**Ownership: Cornwall Council (highway)**

**NGR: SX 43351 68702**

### **Issue/damage**

Exceptional rain fall over a sustained period caused the progressive failure and eventual collapse of a c.10-15 metre section of revetment walling below and adjoining Lower Kelly road, and adjacent to the Calstock Viaduct. The collapse, which took place on Christmas Day, is understood to have occurred due to the considerably higher than normal amount of water present within the ground and fill material below the road surface at this point. Due to the subsequent road closure at the time of writing (14<sup>th</sup> January) in excess of 20 properties are currently without vehicular access.

## **Actions**

Cornwall Council Localism Manager (West) Mark James is co-ordinating surveys of those properties immediately adjacent to the landslip to assess any structural problems that may have occurred and to assess their condition prior to further works. To address the safety concerns of the residents affected, Cornwall Council has commissioned an independent survey and review to confirm the stability of the ground where the landslip occurred.

Mark James is also producing a Calstock residents' information bulletin which is to be updated weekly to keep householders informed of all developments (see the Appendix for issue 1 of this).

## **World Heritage Site Area A10i – Tamar Valley Mining District with Tavistock**

**Site: Morwellham and New Quay (west Devon)**

**Statutory designations: Morwellham - Scheduled Monument, Conservation Area; New Quay - Listed Grade II**

**Ownership: Private**

**NGR: Morwellham - SX 44592 69707 (nominal centre) and New Quay - SX 45432 69531 (nominal centre)**

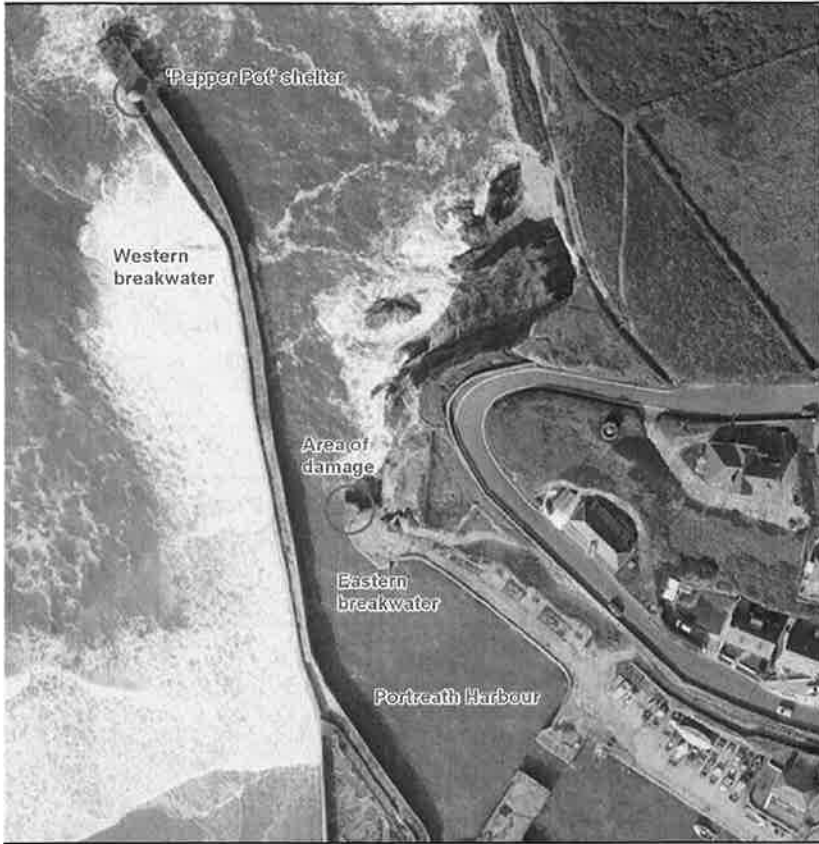
## **Issue/damage**

The high tides of late December and early January caused a degree of flooding on two occasions at Morwellham with river water entering properties adjoining the former ore quays. It is thought that the damage caused was largely superficial and not structural.

Flooding is a not infrequent occurrence at Morwellham with serious inundations being recorded as early as 1800. In 1979 flood levels were recorded on site in excess of 2 metres above the current road, and level with the top of the door to the Harbour Master's Cottage. Morwellham was also flooded in December 2012 and images of this can be seen below. Flooding is also thought to have taken place at the nearby historic and abandoned ore quay at New Quay (600 metres downstream from Morwellham) during the recent high tides, but there has been no damage reported in association with this.

## **Actions**

The private owners of Morwellham instigated clean up actions once the river had returned to its usual level. No significant or lasting damage is known to have been caused.



Left: an aerial view of Portreath Harbour showing the Western breakwater and the areas of damage. Below: the eastern breakwater at Portreath following the recent damage; eight courses of granite dimension stone have been washed from the outer

Bottom: the scene of the recent landslip and road collapse at Lower Kelly, Calstock; the road is currently closed to traffic. Below: the eastern breakwater at Portreath following the recent damage; eight courses of granite dimension stone have been washed from the outer





The scene of the recent landslide and road collapse at Lower Kelly, Calstock; the road is currently closed to traffic







The flooding of December 2012 at Morwellham, on the Devon side of the River Tamar; rising waters are a familiar problem at this riverside location





## Appendix

**Calstock residents' information bulletin**

**Number 1**

**Friday 3<sup>rd</sup> January 2014**

### **Car Hire**

Cornwall Council recognises that there are a number of residents who require transport after their vehicles became trapped by the landslip. In order to provide assistance, we have agreed to pay the reasonable costs of requests for car hire.

Please note that reimbursement will only be made to residents who can clearly demonstrate that their trapped vehicles were roadworthy and insured at the time of the landslip and the replacement is for a vehicle of a similar size and specification. The Council's decision on this issue will be final and reimbursement is offered as a gesture of goodwill with no formal liability accepted.

Once you have hired a car and have agreed the terms and conditions please send us the hire agreement details, the contact details of the hire company and the cost of the hire. We will then make arrangements to reimburse you.

**Please arrange the hire agreement up to the 20<sup>th</sup> January and not beyond at this time.**

Cornwall Council is looking at all available options to deal with the trapped cars and will be able to review the situation next week.

If you have already had to hire a car, please provide us with the name and contact details of the hire company and we will arrange to either reimburse the cost of hire or make payments direct to the hire company. Please car share if at all possible.

Send details of car hire arrangements to [mjames2@cornwall.gov.uk](mailto:mjames2@cornwall.gov.uk)

We also recommend that all residents with cars trapped by the landslip, contact their insurers, to explain the current situation.

**Removal of cars beyond the landslip**

We are exploring all possible options for retrieving the cars trapped by the landslip. Further discussions will be taking place week beginning Monday 6 January.

### **Property Surveys**

We are commissioning surveys of those properties immediately adjacent to the landslip. This is to assess any structural problems that may have occurred due to the landslip and to assess the condition prior to any further works. The households requiring these surveys will be contacted by Cornwall Council in the next few days.

While our engineers have carried out surveys and placed cordons around the area, we appreciate that many of you living close to the landslip have concerns about the safety of the area. As a result we have commissioned an independent survey/review and geotechnical engineers will be on site during the week beginning Monday 6 January to confirm the stability of the ground where the landslip occurred.

### **Reed Cottages**

We are making arrangements for additional signs to be put in place.

### **Broken Sewer Pipe**

This was repaired by South West Water (SWW) on Tuesday 31 December.

### **Water Supply**

Discussions with SWW are still ongoing to establish if it will be necessary for the mains water supply to be temporarily rerouted where the landslip has occurred. We are working with SWW to ensure that the water supply is maintained throughout the duration of the works required.

### **Emergency Services**

Cornwall Fire & Rescue Service has placed additional fire fighting equipment at the boat yard to cover any emergencies.

Fire crews have also visited homes carrying out Home Fire Safety checks, ensuring that homes have smoke detectors and giving advice on fire safety. Further visits are being arranged for homes that could not be accessed last week.

Cornwall Fire & Rescue Service's advice to householders is:

- Ensure you have a working smoke alarm installed on all levels of your home. A working alarm can give you the vital time needed to escape in a fire. Test your smoke alarms regularly and never remove batteries.
- Check on older relatives and neighbours to ensure their safety.
- Never leave cooking unattended. The majority of fires start in the kitchen so this is a high risk area.
- Stub cigarettes out properly and dispose of them carefully.
- Don't overload sockets – ensure only one plug per socket. Always turn off plugs when they are not in use, except those that are designed to be left on, like freezers. Watch out for faulty and over-heating electrical equipment, and wiring/cables.
- Make sure that everyone in your home knows what to do in a fire; plan your escape route and, in the event of fire, get out, stay out and call 999.

If you have not yet been visited by our fire crews or would like more advice on fire safety, call our 24hr freephone helpline on 0800 3581 999 or visit [www.cornwall.gov.uk/fire](http://www.cornwall.gov.uk/fire)

## **Post**

We are working with the Post Office to ensure that a way of mail delivery and collection is made available.

## **Waste & Recycling**

We appreciate the efforts of residents to deal with getting waste and recycling to an accessible point along Lower Kelly Road/Tamar Terrace. Cornwall Council is aware of the issue relating to the overflowing dog waste bins and will be dealing with this as soon as possible.

The collection days will remain unchanged and we will be in contact to confirm local collection arrangements.

### **Septic tank emptying**

If you are not on main drainage and know that your septic tank may need emptying please let us know.

### **Resident information meetings**

Starting week beginning Monday 6 January Cornwall Council is intending to hold weekly meetings for residents to speak to relevant officers from Cornwall Council. The date and venue of the meetings will be confirmed.

If you have any further questions please contact Mark James  
[mjames2@cornwall.gov.uk](mailto:mjames2@cornwall.gov.uk) Tel: 07528 983 265

