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4th February 2020

Dear Dr Rössler,

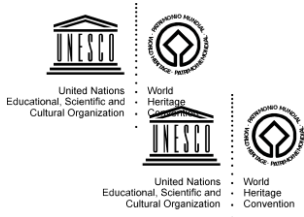
State of Conservation Report for the Cornwall and West Devon Mining Landscape World Heritage Site: United Kingdom of Great Britain and Northern Ireland

In accordance with Decision **43 COM 7B.93** we submit the following report on the state of conservation of the Cornwall and West Devon Mining Landscape World Heritage site. This report is structured in line with the template provided in the *Operational Guidelines*. The relevant sections of the Committee decision are printed in *italics* for ease of reference.

The UK State Party is content for this report to be posted on the UNESCO World Heritage Centre website. If you require further information or clarification do please do not hesitate to contact me.

Kind regards,

Enid Williams
World Heritage Policy Advisor



STATE OF CONSERVATION REPORTS BY THE STATES PARTIES

(in compliance with Paragraph 169 of the *Operational Guidelines*)

STATE OF CONSERVATION OF THE CORNWALL AND WEST DEVON MINING LANDSCAPE WORLD HERITAGE SITE (UNITED KINGDOM) (N1215)

1. Executive Summary of the report

In accordance with Decision 43 COM 7B.93, the United Kingdom State Party has produced a State of Conservation Report for the Cornwall and West Devon Mining Landscape World Heritage Site.

This report responds to committee decision WHC/19/43. COM/7B. Add, and also includes information previously provided in response to the various errors and omissions in that report and decision which were initially conveyed to the World Heritage Centre on 24 June, 2019. The State Party regrets that these factual amendments were not incorporated into the Decision prior to it being considered by the World Heritage Committee in 2019, and therefore this report includes a reiteration of our response to those errors.

This report also includes information previously provided to the World Heritage Centre in the State of Conservation Report of November 2018. Additionally, it includes a summary of information provided to the World Heritage centre since last year's committee meeting, detailing examples of the continued successful application of national and local planning policies in the Appeals process for proposals determined to impact on the OUV of the site. These policies, together with the new planning tools and processes that had been adopted prior to our last SOCR following the advice of the Committee and advisory missions, ensure development within the World Heritage property protects the attributes of OUV, individually and collectively, as well as authenticity and integrity of the property.

The report is structured according to the format provided by the World Heritage Centre. The text of the Committee decision is given first, in italics. The response of the State Party does not use italics.

2. Response from the State Party to the World Heritage Committee's Decision 43 COM 7B.93

1. *Having examined Document WHC/19/43. COM/7B. Add,*
2. *Recalling Decision 41 COM 7B. 54, adopted at its 41st session (Krakow, 2017),*
3. *Takes note of some progress of the State Party in making efforts to improve the planning tools and their implementation, in line with the previous Committee Decision 41 COM 7B.*

54, but notes with concern that the steps undertaken are insufficient to ensure that there are no adverse impacts on the property's Outstanding Universal Value (OUV);

4. *Urges the State Party to revise the current approval processes, planning tools and planning policy documents, including the Management Plan of the property, and requests the State Party to establish stronger protection tools and improve the associated planning processes;*

The State Party strongly disagrees with the Committee's view that the steps taken prior to the adoption of this decision were insufficient to ensure the protection of the OUV of the World Heritage site. The processes put in place following the recommendations of the joint UNESCO ICOMOS reactive monitoring missions and previous committee decisions are now fully in place and have continually proven effective in the protection of the site.

The Supplementary Planning Document (SPD) is the enforceable additional planning tool formally adopted by all three Local Planning Authorities (LPAs) in May 2017. The enhanced protection requested by the World Heritage Committee is therefore fully operational across all three LPAs, and all the necessary measures to protect OUV are enshrined within the SPD. This tool has been given substantial weight in the UK planning system, as demonstrated by planning decisions which have refused permission for development which would cause harm to OUV, including where this harm is less than substantial.

In a number of cases developers have submitted an Appeal to national government against the refusal of permission, and national government has dismissed the Appeal and upheld the refusal of planning permission. Since submission of the SOCR of November 2016 there have been an increasing number of dismissed appeals. This demonstrates the effectiveness of the current Management Plan policies, Local Plan policies and National Planning Policy Framework (NPPF) in protecting the OUV of the site against inappropriate development.

The improved planning processes also include the use of Planning Performance Agreements (PPAs) negotiated with developers to allow extensions to the determination timescales on applications, such as at South and North Quays, Hayle Harbour, as requested in previous Committee Decisions. These extended timeframes enabled ICOMOS to comment, and for further clarifications of their comments in order to modify the applications in line with their advice.

In respect of Local Plans, at the time of Committee decision 41 COM 7B53 in July 2017, Cornwall Council's Local Plan 2010-30 had already been adopted (November 2016), with Policy 24 protecting OUV and the setting of the World Heritage Site. Devon County Council (which only has planning responsibility for Minerals and Waste Local Plans); had also already adopted its Minerals Plan 2011-31 in February 2017, with Policy M19 protecting OUV. The emerging Plymouth & South West Devon Joint Local Plan 2014-2034, contains policy DEV 23 which includes further protection for the sites OUV. These policies are further detailed below for the consideration of the Committee.

The WHS Management plan is currently being reviewed and updated to take account of factors such as alignment with the UN Sustainable Goals, Climate Change and recent updates to the Operational Guidelines. It is not anticipated that this updated management plan will include any additional substantive changes to the policies in place to protect the site, as the existing policies are up to date and effective. We will be happy to consult the World Heritage Centre and the Advisory Bodies when a consultation draft of the Management Plan is available later this year.

5. Acknowledges that the State Party has consulted the World Heritage Centre and ICOMOS regarding the application of the South Quay project (Phase 2), and the proposed North Quay Project in order to reduce and mitigate the potential negative impact of the proposed design on the OUV of the property, but expresses concern at the timeframes imposed by local statutory processes and that there is a need for such detailed and iterative consultation process because of inadequate planning tools and policies;

6. Also requests the State Party to implement the recommendations of ICOMOS related to the North Quay project and ensure the further revision of the proposed design plans, in order to avoid the identified potential negative impacts of the project application on the OUV of the property;

The State Party believes that the timeframes for consultation with the World Heritage Centre and the Advisory Bodies are reasonable; the PPAs referred to above allow for an extension to the standard timeframes for determining planning applications in England. The State Party understands the concerns of the Centre and the Advisory Bodies about iterative consultation as the design of development proposals evolve as they go through the planning process. Arrangements have been put in place to reduce the number of stages at which the advice will be requested.

In the case of South Quay the application of the improved decision making processes and extended timescale produced a result that satisfied all concerned.

With regard to North Quay, the improved consultation process was that agreed with the 2013 and 2015 Missions ensured :

- The application and Heritage Impact Assessment (HIA) were submitted to the WH Centre ahead of a decision
- The revised proposals reflected the findings of the HIA
- Historic England did not identify harm to OUV and did not object
- Two further extensions of the decision timescale were agreed to enable ICOMOS to clarify what form their requested amendments should take

There was careful consideration of the WH Committee and ICOMOS views at each stage in the processing of the application, as they had requested, with the result that the North Quay application was modified to ICOMOS's satisfaction.

7. Also acknowledges the efforts of the operator Strongbow Explorations Incorporated in South Crofty Mine, for reducing the negative Visual impacts of the mine, but nevertheless, regrets that the State Party has not complied with the request in Decision 41 COM 7B.54 to submit to the World Heritage Centre the updated archaeological report as well as details of the boundary treatment and planning;

The existence of the updated Archaeological study was reported to the WH Centre in November 2018. We were pleased to provide a copy when it was requested. The mine site boundary treatment has not yet been defined and will not be addressed until a later date, at which time the Centre will be informed.

8. Also regrets that the planning application for the conversion of the Engine House at Wheal Friendly, St Agnes, was not submitted by the State Party to the World Heritage Centre in accordance with Paragraph 172 of the Operational Guidelines, and also notes with concern the lack of sufficient communication from the State Party with regard to:

- a) Explaining the reasons and justifying the design for the conversion of a listed industrial monument to domestic use,*
- b) Following up on how the provided expert advice was taken into account,*
- c) Issuing of the project approval;*

The information provided in Document WHC/19/43. COM/7B. Add, which informed this part of the Decision does not take account of the fact that, in the view of the State Party, a paragraph 172 notification was not needed as the potential impacts on OUV were effectively managed through the planning process within the UK. Historic England did not object to the application. Nevertheless, following the request from the Centre, ICOMOS's advice was sought, and considered by the LPA in its determination of the application, which was extended by several months to enable this. Cornwall Council did submit an explanation of the reasoning behind its decision, including how it had responded to Historic England and ICOMOS comments, to DCMS in December 2018, which DCMS passed to the World Heritage Centre in March 2019, 3 months ahead of the publication of Document WHC/19/43. COM/7B. Add.

9. Further requests the State Party to continue to ensure that, in line with Paragraph 172 of the Operational Guidelines, details for any new development which may affect the OUV of the property be submitted, together with respective Heritage Impact Assessments, to the World Heritage Centre, for review by the Advisory Bodies, before final decisions are taken;

The State Party will continue to ensure that new development which may affect the OUV of the property will be submitted to the World Heritage Centre, together with appropriate documentation, before decisions are taken.

10. Finally requests the State Party to submit to the World Heritage Centre, by 1 February 2020, an updated report on the state of conservation of the property and on the steps taken to implement the above, especially the proposed improvements to the planning tools and approval processes, for examination by the World Heritage Committee at its 44th session in 2020, with a view to considering, in the absence of significant progress in the implementation of these recommendations, and in the case of confirmation of the ascertained danger to OUV, the inscription of the property on the List of World Heritage in Danger.

This letter constitutes the requested report. We reassert that Decision 43 COM 7B.93 was based upon inaccurate information given in Document WHC/19/43. COM/7B, and had already been complied with at the point at which it was passed.

As noted above, Document WHC/19/43. COM/7B omitted to report:

- The evidence provided of all the favourable Appeal decisions where the Planning Inspector supported the Local Planning Authority's refusals of consents, based on the policy guidance in the adopted WHS SPD.

- The successful use of PPA's to deliver applications that protect OUV and which satisfy issues raised by ICOMOS. These provide clear evidence that decision making bodies are applying the English Planning system effectively to protect the WHS, and that the SPD has proved an effective tool when LPA's decisions have been challenged
- That the timeframe for the adoption of local plans (referred to in 41Com 53 7B) had already concluded by the time the Decision was taken, and thus the opportunity for input from the Centre or ICOMOS had passed, but that nevertheless robust policies to protect OUV had been put in place in the plans (as had been described in detail in our SOCR of November 2018).
- That the LPA had extended the decision making timescale on the Wheal Friendly application to enable ICOMOS to comment (notwithstanding the State Party's view that the proposals could be effectively managed within England and that a p172 notification was not needed), and for these comments to be taken into account in the planning decision.

The fact that the Decision neglected to ensure an accurate description of our previous actions to implement the recommendations made in previous mission reports and Committee decisions is a cause of concern at all levels of site governance. The State Party, on the basis of evidence summarized above, has demonstrated that the Committee's recommendations have been implemented effectively, and that there is no ascertained danger to OUV. The Committee's Decision 19/43.COM/7B does not provide evidence to demonstrate the "ascertained danger" to OUV; and the State Party has found no evidence of such danger.

The information set out above demonstrates clearly that the planning tools and approval processes, as significantly improved at both local and national level, have strengthened the protection and management regime for the property. The adoption by the State Party and local partners of the recommendations of the 2015 advisory mission and the 2017 World Heritage Committee decision has improved the state of conservation of the property and strengthened the measures that are in place for its long term protection and management. The State Party is strongly of the view that the WHS is not at risk and that "in-Danger" listing to secure the future of the property would be wholly unjustified.

3. Other current conservation issues identified by the State Party

4. 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

At the time of writing there are no proposals, other than those described above, which fall within the scope of paragraph 172.

5. Public access to the State of Conservation Report

The State Party is content for this report to be publicly accessible.

6. Signature of the State Party

A handwritten signature in black ink, appearing to read 'Enid Williams', with a long horizontal stroke extending to the right.

Ms Enid Williams
Senior Heritage Policy Advisor