

Cornwall and West Devon Mining Landscape (United Kingdom of Great Britain and Northern Ireland (C1215))

Further to the World Heritage Committee decision **39 COM 7B.86**, the following report constitutes the requested State of Conservation Report for the Cornwall and West Devon Mining Landscape World Heritage Site. This provides information and updates further to our last communication of 29 January 2016.

Executive Summary

In accordance with Decision 39 COM 7B.86, the United Kingdom State Party has produced a State of Conservation Report for the Cornwall and West Devon Mining Landscape World Heritage Site which addresses:

- In accordance with 39 COM 7B.86 recommendation 3, the recommendations made by the joint ICOMOS/ICCROM Reactive Monitoring Mission of October 2013
- The progress in implementing new planning tools and processes that will ensure development within the World Heritage property supports its OUV
- The position with regard to further development at South Quay, Hayle Harbour
- The current situation in relation to those developments noted in 39 COM 7B.86 recommendations 5 and 7

The report is structured according to the format provided by the World Heritage Centre. The Committee decision is given first, in italics, followed by the Mission recommendation in italics (and in parentheses). The response of the State Party does not use italics.

1. Response from the State Party to the World Heritage Committee's Decision 39 COM 7B.86 - paragraph by paragraph

The World Heritage Committee,

1. *Having examined Document WHC-15/39.COM/7B,*
2. *Recalling Decisions **36 COM 7B.94**, **37 COM 7B.89**, and **38 COM 7B.34**, adopted at its 36th (Saint-Petersburg, 2012), 37th (Phnom Penh, 2013) and 38th (Doha, 2014) sessions respectively,*
3. *Notes the recommendations of the joint ICOMOS/ICCROM Reactive Monitoring mission of January 2015 and requests the State Party to implement them as a priority;*

Information on the implementation of the mission's recommendations can be found in the relevant paragraphs below.

4. Also notes that the proposal for mining at the South Crofty mine remains dormant at the moment, and also requests that the State Party continue its vigilance of the property and ensure that if the proposal to restart mining is confirmed, there is sufficient time to allow for the necessary dialogue and negotiation to ensure that the recommendations of the 2013 mission are followed, including the update of the archaeological reports;

*5. Deeply regrets that the State Party did not comply with the requests made in Decisions **36 COM 7B.94**, **37 COM 7B.89**, and **38 COM 7B.34** to halt the supermarket development project at Hayle Harbour, further notes that the construction has now been completed and also regrets that the completed structure has been found to have a negative impact on the Outstanding Universal Value (OUV) of the property, according to the recently concluded January 2015 mission and the evaluation of the State Party itself;*

6. Further requests the State Party to ensure that the implementation of the consented development on the remainder of the South Quay remains on hold and to re-enter into negotiations with the developer to make the necessary changes to the proposal to bring it more in line with the historic character of the site and limit any further adverse effects to the OUV;

(Mission recommendation: 3. The mission strongly recommends that the State Party immediately halt the implementation of the consented development on the remainder of the South Quay 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 further adverse effects to the OUV.)

The remaining development on South Quay has only outline consent, with all matters reserved except for access. The access is constructed and was complete at the time of the mission visit in January 2015.

The assumption in the mission report (page 29) is that the designs for the remainder of the development on South Quay are approved. This is incorrect, as there is no detailed

consented development for this part of the site. The outline consent did not in fact include the approval for the submitted designs, these were indicative only; further consent will be required before any development can be undertaken.

The call to halt the development is therefore in effect in place. In order to gain consent for further development on the South Quay the application will need to follow the new working practices described below. As reported in the letter of 29 January 2016 from the State Party to the World Heritage Centre, design principles which reflect the historic character of the site were agreed between Historic England South West, the Local Planning Authority and the developer in June 2015. The Council re-iterates its invitation for an advisory mission to the World Heritage Centre, to help further inform future development on the South Quay, should the Centre and Advisory Bodies believe this is would be desirable.

As there are no finalised development proposals for the remainder of development on South Quay, and Cornwall Council are already seeking the input of the World Heritage Centre at an early stage of the further development, the requirements of the Operational Guidelines when considering development have been met and we do not therefore believe there is a justification for considering placing the property on the World Heritage List in Danger.

7. Notes furthermore the additional information provided by the State Party and the positive efforts in developing new planning tools and requests furthermore the State Party to continue to provide information to the World Heritage Centre on the improvements to the planning and approval processes that will result in better outcomes for development within the World Heritage property that supports its OUV; requests moreover the State Party to ensure that, in line with Paragraph 172 of the Operational Guidelines, details for the current proposed developments (Hayle Harbour, South Crofty and Tavistock) and for any substantial new development which may affect the OUV of the property be submitted, together with respective HIAs, to the World Heritage Centre.

(Mission recommendation: 1. 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 2016, on the improvements to the planning tools that will result in outcomes for development within the World Heritage property that support its OUV.)

An update on progress was submitted to the World Heritage Centre on January 00 2016.

The **Supplementary Planning Document (SPD)** has been produced and was adopted by Cornwall Council as interim advice, pending approval of its Local Plan on 22 November 2016, following which the SPD will be re-adopted as a supporting document. The draft Cornwall Local Plan includes policies that ensure the protection of the WHS's OUV, authenticity and integrity and its setting, and were drafted in agreement with Historic England South West and the WHS Partnership.

Devon County Council has agreed to proceed to adoption of the SPD, whilst West Devon Borough Council is in the process of revising its Local Plan and will adopt the SPD once this is complete. In the meantime it will also adopt it as interim advice.

The SPD is publicly available via the Cornish Mining WHS website at <http://www.cornish-mining.org.uk/planning-site> where it is accompanied by further general information on planning in the WHS.

The **WHS Planning Advice Officer** has been in post since 1 December 2015 since when they have been fully involved in advising the local planning authorities on applications for development that may have an impact on the WHS. They have developed an effective working relationship with Development Officers in all partner Local Planning Authorities, and regularly attend Cornwall Council Development Officer team meetings to raise the awareness of the World Heritage Site and give briefings on the current issues in relation to proposed development. The additional capacity has also supported partner Local Planning Authorities to defend planning appeals where applicants have challenged decisions to refuse planning permission on World Heritage Site grounds, by assisting planning case officers to articulate reasons for refusal of development. As a result the Planning Inspectorate has upheld Cornwall Council's decision on developments within the WHS and its setting in a number of recent appeals.

Examples of these include:

Appeal Ref: APP/D0840/D/16/3145257 Land adjacent cemetery, Well Lane, St Cleer, Liskeard, Cornwall PL14 5EA (Application ref: PA15/09498)

The application site is within the setting of the WHS and the development proposed was the reconstruction of boundary wall / hedge with associated works. The WHS Office provided two detailed consultation responses objecting to the proposed works and the application was subsequently refused by notice dated 4 December 2015.

The Inspector in dismissing the appeal noted that;

1. Even where land is in private ownership as development within a WHS should protect against the cumulative impact of relatively minor changes that when taken together could have a significant effect.
2. The development would result in less than substantial harm due to the relatively small size of the works.
3. The development would be contrary to aims and Policy C3 of the adopted WHS Management Plan.

Appeal Ref: APP/D0840/W/15/3006077 Land South of St George's Road, Hayle
(Application ref: PA14/09315)

The application site is within the setting of the WHS, and was specifically referenced in the 2015 mission report. The development proposed was a residential development of 222 dwellings, associated public open space and the provision of land to facilitate the expansion of Penpol Primary School.

The Inspector in dismissing the appeal noted, amongst other matters, that;

1. WHS is a heritage asset of the highest importance
2. The adopted WHS Management Plan is an evidential and policy document
3. Setting is integral to the WHS and it is necessary to know how it interacts with WHS and contributes to its significance

As a result of these and other findings the appeals against the LPA's refusal of planning permissions were dismissed by the Inspector. Thus there is also a growing body of supportive case law precedent for Local Planning Authorities to refer to.

Cornwall Local Planning Authority Protocol with Historic England – as a result of the formative consultation with planning teams during drafting of the SPD and with Historic England a new working practices protocol was put in place from 6 May 2016. The new procedure has been applied to the registration and validation of applications, including the referral of applications and Case Officer liaison with Historic England. Improvements in planning processes now include:

- Applicants are now advised to engage with the heritage bodies at pre application stage.
- Applicants are advised on the need for Heritage Statements or Heritage Impact Assessments at pre-application stage and signposted to the heritage bodies and best practice for all substantial future developments within the boundaries or setting.
- What could be a major impact in one location may not be in another, so to resolve this the SPD sets out a similar process to Environmental Impact Assessment whereby proposals are firstly screened and then scoped in relation to their heritage impact, a process done in consultation with Historic England. This advocates a process in line with the ICOMOS HIA Guidelines on the scoping of HIAs.
- Officers are aware of the opportunity for advisory missions to help inform solutions, and have invited such a Mission to comment on the remaining development for South Quay, Hayle, should the World Heritage Centre and its Advisory Bodies feel this would be desirable.
- Planning Performance Agreements are negotiated for major planning applications with the potential to impact on WHS OUV to provide an extension of the statutory timescale for developments in the WHS to enable full engagement with heritage bodies in accordance with Paragraph 172 of the Operational Guidelines.
- The mission report is a material planning consideration that will be taken into account and given weight in the decision making process.

Historic England and Cornwall Council have regular senior officer level meetings arranged throughout the year to identify and resolve heritage matters. They are also working together to enhance officer and elected member understanding of heritage issues, with training events for elected members and planning officers, upskilling those involved in the development process.

*7. Notes furthermore the additional information provided by the State Party and the positive efforts in developing new planning tools and requests furthermore the State Party to continue to provide information to the World Heritage Centre on the improvements to the planning and approval processes that will result in better outcomes for development within the World Heritage property that supports its OUV; **requests moreover the State Party to ensure that, in line with Paragraph 172 of the Operational Guidelines,***

details for the current proposed developments (Hayle Harbour, South Crofty and Tavistock) and for any substantial new development which may affect the OUV of the property be submitted, together with respective HIAs, to the World Heritage Centre.

(Mission recommendation: 5. In regard to the South Crofty Mine, the mission recommends that the State Party continue its vigilance of the property and ensure that if the proposal to restart mining begins to move forward, that there is sufficient time to allow for the necessary dialogue and negotiation to ensure that the recommendations for the 2013 mission are followed.)

Other than South Quay, discussed above, there are no further Paragraph 172 notifications.

The developments named in 39 COM 7B.86 are not ones to which Historic England had objected. In relation to these, the current situation is as follows:

- **South Crofty Mine** - In July 2016 Strongbow Explorations Incorporated purchased the interest in South Crofty Mine. Whilst the underground permissions had already been properly implemented and were therefore 'extant', they also sought to pursue the relevant conditions to implement the new surface permission. There were a number of 'pre-commencement' planning conditions that needed to be discharged before 'material operations' took place so that the new surface permission could then be lawfully implemented. The planning conditions applied to this consent provided for the full range of environmental and amenity safeguards, including the historic environment.

The operators entered into a Planning Performance Agreement with Cornwall Council in respect of the mechanism for dealing with the 'pre-commencement conditions' and these have now been discharged and the permission lawfully implemented.

Two of the conditions related directly to archaeological matters – agreement of a programme of archaeological work and agreement of details of the boundary treatment to the area of historic features around Chappell's Shaft. A new Written Scheme of Investigation for an archaeological watching brief and recording exercise for the application site was agreed and will be enacted as construction of buildings at surface progresses. Assuming that sufficient finance is raised to fund the development, the mine operators anticipate a timescale of at least three and a half years until all surface elements, are completed and the mine can resume operation.

Cornwall Council, through the Planning Case Officer, had discussions with the operator (pre and post the involvement of Strongbow Explorations Incorporated), in regard to the findings of the Report of the joint World Heritage Centre /ICOMOS/ICCROM Reactive Monitoring Mission of 2013. In a subsequent meeting with Historic England and the World Heritage Site, the operators confirmed they are open to reconsider certain design changes in the light of the Mission Report, provided that any such changes are feasible and financially viable and do not delay progression with the ongoing development of the surface development. It was agreed that Historic England and the World Heritage Site Planning Advice Officer will work together to identify cost effective mitigations that address UNESCO recommendations without triggering the need for a new application. Cornwall Council

will continue to liaise with and encourage the operator in this regard and advise accordingly regarding the mechanism for any formal changes to the currently approved plans and this could include (depending on the scope and level of any such changes) Non Material Amendment applications and / or Section 73/ 73A planning applications seeking to formally vary planning conditions.

- **Hayle Harbour North Quay** – The outline planning permission, which did not draw objections from Historic England, has been followed up in discussions between the developer and Cornwall Council, as the Local Planning Authority, in order to inform a detailed reserve matters application.

This has not yet been submitted, but in the meantime the applicants have entered into a Planning Performance Agreement to allow sufficient time to factor in heritage consultees' opinions. They have commissioned a Heritage Impact Assessment as part of the development design process. Historic England South West have been in discussion with the developer's agents and have reported back general satisfaction that the architects have responded to their comments. Historic England requested that the historic grain of North Quay, characterised by the curving nature of its railway sidings and the disposition of stored materials (originally minerals for export and coal being imported), should be reflected in the disposition of new buildings on the site.

Historic England South West considered that the architects have proposed a disposition of buildings on the site that allows a new landscaping scheme to reinterpret the former position of the railway sidings. This, in Historic England South West's view, references the previous character and has the additional urban design benefit of providing natural desire lines / walking routes towards the estuary from the main access road. The height of the proposed buildings does not exceed those in the outline consent, and for the most part are lower. Historic England South West await more detail in the form of a Landscape and Visual Impact Assessment. The developer's target date for submission of the planning application is later this year.

- **Callington Road, Tavistock** - The outline planning consent on the development at Callington Road, which lies outside the WHS boundary, did not draw an objection from Historic England. This consent was subject to an associated Section 106 (legal) agreement, which contains a series of obligations relating to the re-instatement of the railway, local highways improvements, affordable housing, open space provision, etc. As part of the outline planning application an Environmental Statement (ES) was produced in line with the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. The purpose of the ES was to assess the effects of the development upon the environment. To that end the ES contained a Heritage Assessment (HA) that identified a range of heritage assets inclusive of the WHS and its attributes whose settings could be affected by the development. The HA assessed the impact of development upon them and outlined potential mitigation measures. The HA as well as noting the various aspects of the WHS setting also acknowledged that development would have to be in-line with both the adopted Tavistock Masterplan and the Core Strategy Policy SP23A, that require buffer zones to be provided and to have regard to the setting of the WHS as a designated site in terms of design and layout.

The next stage of the planning consent process will involve the submission of a reserved matters application. This will deal with those matters that have been reserved for consideration that include design, layout, landscaping, etc. The reserved matters process will allow provisions to respect the OUV of the property, in line with the advice of the 2013 reactive monitoring mission.

8. Notes furthermore that it will consider the inscription of the World Heritage property Cornwall and West Devon Mining Landscape on the World Heritage List in Danger, at its 41st session in 2017, if implementation of the current development proposals at Hayle Harbour continues, and if the proposed improvements to the planning tools and approval processes are not put into effect as outlined by the State Party;

As Hayle Harbour development proposals cannot be implemented without further consent, and Cornwall Council have requested an advisory mission to inform the future development on the South Quay, and in addition the enhanced planning tools are now fully in place to manage development, we believe that the requirements of this recommendation have been addressed.

We do not believe that the conditions for a proposal to reconsider placing the property on the World Heritage List in Danger have been triggered. The World Heritage Committee debate in 2014 reiterated that Danger Listing should be used as a catalyst for positive action; we believe the actions that have been put in place as summarised above have pre-empted any need for in danger listing as the Local Planning Authorities have already responded positively to the Committee's recommendations.

*9. Finally requests the State Party to submit to the World Heritage Centre, by 1 **December 2016**, an updated report, including a 1-page executive summary, on the state of conservation of the property and the implementation of the above, for examination by the World Heritage Committee at its 41st session in 2017.*

This letter constitutes the requested report.

2. Other current conservation issues identified by the State Party

Conservation of attributes of OUV: Mineworkers' smallholdings

A recent outline planning application (PA15/10215) for the erection of 62 dwellings on Land South Of Chacewater Hill, Chacewater, Cornwall was refused by the LPA.

The WHS Office provided a number of detailed consultation responses objecting to the scheme on the basis that it would harm a specific attribute (part of a mineworker's smallholding) and the LPA requested that the WHS Planning Officer provide wording for use as a refusal reason based upon these responses.

The WHS Planning Officer provided the requested wording, which the LPA then included as the primary reason for refusal of the application. Since that time the applicant has lodged an appeal against the refusal of planning permission and the WHS Office has provided a further statement in close liaison with the appeal case officer acting on behalf of the LPA, for the Inspector to consider as part of their assessment of this current appeal.

The appeal is currently awaiting determination.

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

In September 2015 Cornwall Council was successful in achieving funding from the Heritage Lottery Fund to enable it to develop a detailed £3.8m bid for funding to conserve and repair the Luxulyan Valley Viaduct (owned by Cornwall Heritage Trust) and leats system (owned by Cornwall Council), which are attributes of Outstanding Universal Value in Area 8 of the serial World Heritage Site. The target date for submission of the bid is March 2017. Should this be successful it will enable these attributes to resume operation, and if achieved will enable greater water flow through the nearby hydroelectric turbine, the increased income from which will be used to fund the ongoing care and maintenance of the Valley for a 20 year period.

In June 2015 Tavistock Town Council was also successful in achieving funding from the Heritage Lottery Fund to enable it to develop a £0.75m bid for funding to conserve the old Police Station and Magistrate's Court buildings in Bedford Square, Tavistock, which the Council owns, and repurpose as an interpretation and education centre. The building is an important attribute of OUV for Area 10 of the serial World Heritage Site, and in addition to improving the state of conservation of the Site it will enhance the presentation and transmission of OUV.

Between May and November 2016 the Steering Group for this property, the Cornwall and West Devon Mining Landscape World Heritage Site Partnership Board, organised a comprehensive programme of cultural events through Cornwall and west Devon to celebrate the tenth anniversary since its inscription on the World Heritage List, and present its OUV to a wider audience. Many of these events were free to attend, in recognition of the region's position as one of the UK's most disadvantaged economies and home to some of its most deprived communities. The events, many of which had an accompanying education programme in partnership with local schools, were attended by almost 160,000 people, equivalent to over a quarter of the resident population (604,000), many of whom were from the immediate areas. Some events attracted worldwide media attention for the Site, achieving 112 million views on traditional media (print, radio and television) and 48 million views on digital and social media. As a result, awareness of the Site and World Heritage status has grown substantially.

5. Public access to the state of conservation report

The State Party is content for the full report to be uploaded to the World Heritage Centre's State of Conservation Information System.

6. Signature of the Authority

Ms Hannah Jones

World Heritage Site and Underwater Policy Advisor