



# Cornwall and West Devon Mining Landscape World Heritage Site

## Supplementary Planning Document

2016



United Nations  
Educational, Scientific and  
Cultural Organization



**Cornwall and West Devon  
Mining Landscape**  
inscribed on the World Heritage List in 2006





## Cornwall and West Devon Mining Landscape World Heritage Site Supplementary Planning Document 2016

On behalf of the Cornwall and West Devon Mining Landscape World Heritage Site Partnership Board

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# Cornwall and West Devon Mining Landscape World Heritage Site

## Supplementary Planning Document 2016

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# 1 Introduction

## Purpose of the Supplementary Planning Document

- 1.1 **The Cornwall and West Devon Mining Landscape World Heritage Site (commonly referred to as the Cornish Mining World Heritage Site and referred to as the 'WHS' or the 'Site' throughout this document) is an extraordinary place, a designated heritage asset of the highest significance.<sup>1</sup>**
- 1.2 With this status come both responsibilities and opportunities; by becoming party to the *Convention Concerning the Protection of the World Cultural and Natural Heritage*, the United Kingdom is required to protect, conserve, present and transmit to future generations its World Heritage Sites, and in the UK this is achieved primarily through the spatial planning system. Substantial harm to the WHS should be wholly exceptional.<sup>2</sup>
- 1.3 This Supplementary Planning Document (SPD) sets out how the planning system will seek to fulfil these responsibilities and opportunities. It seeks to unpick what makes the WHS important, why it must be protected and how the planning system can help to do this. It also provides advice for all decision makers, developers and the public on ensuring that the responsibilities conferred by this status are fully taken into consideration and opportunities taken advantage of.
- 1.4 It is important to understand that this SPD is concerned with protecting the features that are special that make this area worthy of being a WHS. This international status does not

supersede national heritage status but runs in parallel with it. Therefore this document does not cover the management and protection requirements of other heritage designations and is not a substitute for good planning practice.

- 1.5 The UNESCO Operational Guidelines<sup>3</sup> identifies the common elements of the management system for WHSs:
  - Thorough shared understanding of the property by all stakeholders
  - Cycle of planning, implementation, monitoring, evaluation and feedback
  - Involvement of partners and stakeholders
  - Capacity building
  - An accountable transparent description of how the system works
- 1.6 This SPD directly contributes to ensuring all stakeholders have this shared understanding and an accountable transparent description of how the management system works.
- 1.7 This document is split into seven chapters, as follows:
  - The remainder of this Introductory chapter describes the importance of the WHS;
  - The second chapter sets out the need for managed change in order to preserve the Outstanding Universal Value (OUV) of the WHS;
  - The third chapter sets out the protection mechanisms in place for the WHS;

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<sup>1</sup> NPPF (2012) para132

<sup>2</sup> *ibid*

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<sup>3</sup> UNESCO, The Operational Guidelines for the Implementation of the World Heritage Convention 2013

- Chapter four sets out opportunities within the planning application process to protect the WHS;
- Chapter five addresses the Area boundaries and setting of the WHS;
- Chapter six sets out how the landscape Attributes of the WHS can be identified and how these manifest conditions of Authenticity and Integrity essential to OUV;
- The seventh and final chapter describes how planners can identify what needs to be protected from harmful development, how they can determine the significance of the impact of development, and how at the different stages in the planning application process they can help to protect and enhance the Site.

## The World Heritage Site and why it is important

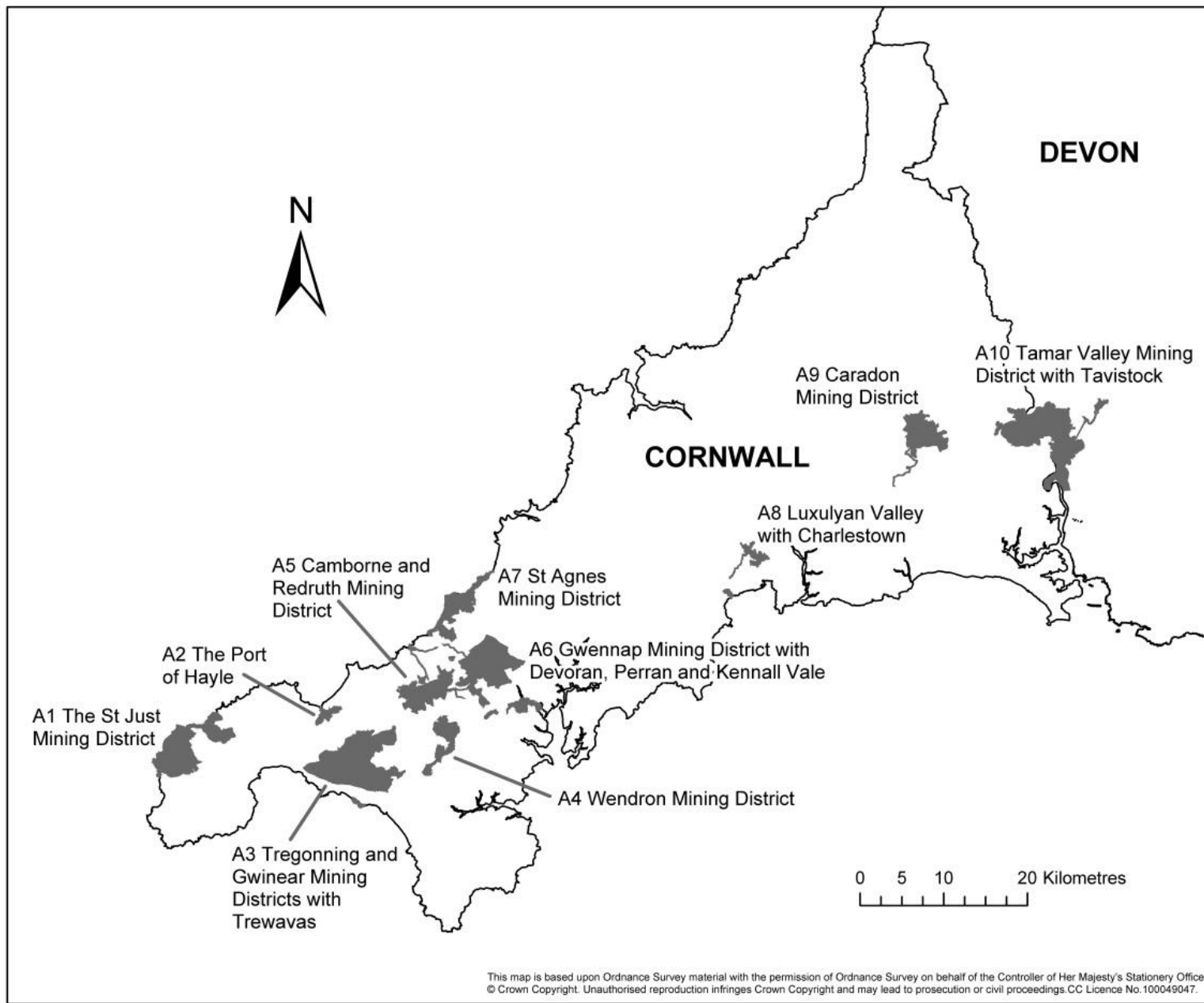
- 1.8 The Cornwall and West Devon Mining Landscape World Heritage Site is the largest WHS in the UK, covering ten discreet Areas controlled by three Planning Authorities (Cornwall Council, West Devon Borough Council and Devon County Council). The Areas of the Site are over land with multiple owners and management interests in coastal, rural and urban settings and comprise a mixture of physical assets (Attributes of OUV), and their attendant cultural traditions (see Fig 1.1, p.9).
- 1.9 The WHS is complex, and this complexity runs through every dimension of the Site. The ten component Areas of the Site, and all the landscape Attributes within, together comprise the OUV for the Site overall. Please see Chapters 5 and 6 for descriptions of the Areas, their boundaries and settings, and background regarding the landscape Attributes of the Site. The complexity of the WHS needs to be accounted for when considering planning's response to change affecting the WHS. Therefore there is no simple 'one size fits all' solution for conserving the Site.

- 1.10 The Cornwall and West Devon Mining Landscapes' designation (or 'inscription' in UNESCO terminology) as a WHS is testament to its cultural significance which is deemed so exceptional that it transcends national boundaries and is of importance for all of humanity both present and future generations.
- 1.11 The Cornwall and West Devon Mining Landscape World Heritage Site is inscribed as a Cultural landscape by UNESCO as a place which can '...testify to the creative genius, social development and the imaginative and spiritual vitality of humanity.' 'The term 'cultural landscape' embraces a diversity of manifestations of the interaction between humankind and its natural environment.'
- (See: <http://whc.unesco.org/en/culturallandscape/#1>)
- 1.12 Box 6.1 (p.35) sets out the 'Brief synthesis of Outstanding Universal Value' (<http://whc.unesco.org/en/list/1215>)

## Benefits the World Heritage Site brings to Cornwall and West Devon

- 1.13 The Cornwall and West Devon Mining Landscape's status as a WHS is an opportunity that planners and those who can influence change in the area should take full advantage of. WHS status is to a large extent what owners and managing agencies choose to make of it. Used to its full effect it can bring partners together, leverage additional funding, lead to new developments and regeneration, and help foster a sense of pride and social cohesion in an area. For some WHSs their fame precedes them and the status conveys confirmation of their importance. However for mining heritage in Cornwall and West Devon, WHS status provides a significant opportunity to galvanise support from all stakeholders to ensure that the area reflects its international status.





**Fig 1.1: The ten World Heritage Site Areas in Cornwall and West Devon which together constitute the Site**

## 2 Managing change

- 2.1 Conserving our heritage is not about preserving places 'in aspic', as they were at some fixed – but likely arbitrary – point in time. In order to continue to be relevant and to have a sustainable future, places have to be able to change through time. Indeed, this is what makes many historic places special, providing a sense of time-depth and cultural continuity.
- 2.2 While generally associated with adverse impacts on heritage significance, change – including that delivered through new development – can also have positive effects on heritage values and significance. This could manifest itself in stripping away poorly designed additions to historic buildings, changing land management regimes or simply drawing attention to the value, character and significance of under-appreciated assets.
- 2.3 Within the WHS, the priority is conserving the OUV for which the area was designated. In common with Areas of Outstanding Natural Beauty and National Parks, the designation does not mean change is unwelcome, but it does need to be carefully managed.
- 2.4 At the heart of understanding what makes the WHS special, and therefore what needs to be conserved, is the concept of OUV.
- 2.5 To become a WHS, and be inscribed as such, the Cornwall and West Devon Mining Landscape WHS had to demonstrate it is of OUV by:
  - meeting one or more of the ten possible criteria for inscription,
  - meeting the conditions of integrity,
  - meeting the conditions of authenticity.
- 2.6 A dedicated management structure with an agreed management plan was also required at the time of nomination to demonstrate that adequate protection policies were in place to ensure its safeguarding (explored in Chapter 3).
- 2.6 By exploring these different parts of OUV it is possible to understand how change might impact on the OUV of the WHS and how planners can best manage this change.
- 2.7 Having an effective protection and management system in place allows change to be carefully managed - where possible avoiding adverse impacts and ensuring opportunities for positive improvements are made. The following chapter sets out the protection and management arrangements in place for the WHS.
- 2.8 Where the planning authority is minded to grant permission for a development to which Historic England has objected, the Secretary of State for Communities and Local Government must be consulted to provide the option for the decision to be called-in for their determination under Section 77 of the Town and Country Planning Act 1990, as amended.

### 3 How the World Heritage Site is protected

- 3.1 Having an adequate protection and management system in place to ensure the safeguarding of the WHS is a key component of OUV. The way WHSs are protected varies from country to country depending on local circumstances. In the UK the approach centres around the spatial planning system and the coordination of stakeholders.
- 3.2 The following mechanisms make up the protection and management system for WHSs in England:

#### *Planning measures:*

- **Policies in the NPPF, Local Plans and Neighbourhood Plans** to protect the OUV, authenticity and integrity of WHSs;
- Any SPDs dealing with WHSs are a material consideration in planning decisions and as such act similarly to relevant national and local policies while not forming part of the development plan;
- WHSs are a **key material consideration** in the determination of planning applications;
- **Restrictions on permitted development** as set out in The Town and Country Planning (General Permitted Development) (England) Order 2015 (GPD0 2015);
- **Designation of specific assets within WHSs which may also be Attributes of OUV** (Listed Buildings, Scheduled Ancient Monuments, Parks and Gardens, Conservation Areas, Areas of Outstanding Natural Beauty etc.); more detail is given in Appendix 6.

- An agreed **Management Plan**<sup>4</sup> for the WHS that is a material consideration in the determination of planning applications;
- Whilst these statutory designations provide important tools for protecting some Attributes of OUV, it must be remembered that the WHS has to be viewed as a whole in terms of its protection. It is important to reiterate that not every heritage asset or landscape that conveys OUV will be covered by one of these statutory designations. The cultural legacy component of OUV is also particularly vulnerable as there is currently no statutory protection for intangible assets which relate to practices, representations, expressions, knowledge, and skills which local communities, groups or in some cases individuals identify to be part of their cultural heritage.

#### *Stakeholder measures:*

- **commitment** from the local authorities;
- provision of historic environment services that manage and maintain the Historic Environment Records and advise the Councils on curation of heritage assets in their ownership;
- provision of expert heritage management advice by specialist officers within the Development Management Service and the WHS Office.
- a **stakeholder steering group** and support from the key partners;
- **effective coordination**, by a dedicated Coordinator.

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<sup>4</sup> Cornwall and West Devon Mining Landscape World Heritage Site Management Plan 2013 - 2018

## National planning policy

### National Planning Policy Framework

- 3.3 The National Planning Policy Framework (NPPF, 2012) states that substantial harm to or loss of Outstanding Universal Value in a World Heritage Site is to be ‘...wholly exceptional...’. This specific reference for the need to protect World Heritage Sites as irreplaceable heritage assets is reinforced through the text of the NPPF as highlighted in Table 3.1. Importantly the NPPF also states that Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment and opportunities should be sought to ensure physical and intellectual access to the Site.
- 3.4 The NPPF is a material consideration when planning decisions are being made. In addition, planning law requires that applications for planning permission must be determined in accordance with policies in development plans unless other material considerations indicate otherwise<sup>5</sup>.
- 3.5 The conservation of heritage assets in a manner appropriate to their significance is one of the core planning principals that underpin the NPPF. This principle should underpin both plan-making and decision-taking.

**Table 3.1: Protection of the World Heritage Site through the National Planning Policy Framework (NPPF)**

#### Sections of the NPPF relating to the protection of WHSs

The NPPF defines a World Heritage Site as a designated heritage asset. As such the Core planning principle defined in Paragraph 17 applies to both plan making and decision making in relation to World Heritage Sites:

*Planning should ... **conserve heritage assets in a manner appropriate to their significance**, so that they can be enjoyed for their contribution*

<sup>5</sup> Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990

to the quality of life of this and future generations.

**Paragraph 126:** Local planning authorities should set out in their Local Plan a **positive strategy for the conservation and enjoyment of the historic environment**, including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that **heritage assets are an irreplaceable resource** and conserve them in a manner appropriate to their significance.

**Paragraph 128:** In determining applications, local planning authorities should require an applicant to **describe the significance of any heritage assets** affected, including any **contribution made by their setting**. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance.

**Paragraph 132: Substantial harm to or loss** of designated heritage assets of the highest significance, notably... World Heritage Sites should be **wholly exceptional**.

**Paragraph 133:** Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities **should refuse consent**, unless it can be demonstrated that the substantial harm or loss is necessary to achieve **substantial public benefits that outweigh that harm or loss**.

**Paragraph 134:** Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

**Paragraph 137:** Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites and within the setting of heritage assets to **enhance or better reveal their significance**. Proposals that preserve those elements of the setting that make a **positive contribution** to or better reveal the significance of the asset should be treated favourably.

**Paragraph 138:** Not all elements of a World Heritage Site or Conservation Area will necessarily contribute to its significance. **Loss of a building (or other element)** which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be

treated either as **substantial harm** under paragraph 133 or less than substantial harm under paragraph 134.

**Paragraph 141:** Local planning authorities should make **information about the significance of the historic environment gathered as part of plan-making or development management publicly accessible**. They should also require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) **in a manner proportionate to their importance** and the impact, and to make this evidence (and any archive generated) publicly accessible. From this it is clear that particular consideration should be given to dissemination of information regarding the WHS. This links to the Transmit strategic aim of the WHS Partnership Board which seeks to increase awareness of the Site. This aim is supported through Policy T1 and Policy T2 of the Cornwall and West Devon Mining Landscape World Heritage Site Management Plan which seek to communicate the values and significance of the WHS to a wide range of educational audiences and facilitate and disseminate research into the WHS respectively.

In relation to minerals planning, paragraph 144 requires that authorities 'give great weight to the benefits of mineral extraction, including to the economy', but also that land-banks for non-energy minerals should be maintained 'as far as is practical' outside sensitive areas, including World Heritage Sites. In addition, NPPF requires that minerals development has 'no unacceptable adverse impacts on the natural and historic environment'.

### Planning Practice Guidance

- 3.6 Advice on the level of protection and management needed for World Heritage Sites and the legislative measures which have been established to enable this protection is given in Planning Practice Guidance (PPG), including specific advice on WHS issues<sup>6</sup>.
- 3.7 The PPG sets out the importance of the World Heritage Sites and how they are inscribed in terms of their cultural

<sup>6</sup> DCLG (2014) [Designated heritage assets Further guidance on World Heritage Sites Reference ID: 18a-028-20140306](#)

significance. Paragraph 32 sets out the principles which should '...inform the development of a positive strategy for the conservation and enjoyment of World Heritage Sites' and from this '...policy frameworks at all levels should conserve the Outstanding Universal Value, integrity and authenticity (where relevant for cultural or 'mixed' Sites [i.e. comprising both cultural and natural Attributes]) of each World Heritage Site and its setting' given that 'World Heritage Sites are designated heritage assets of the highest significance'.

3.8 The guidance highlights that the following principles should be satisfied when making planning decisions within a World Heritage Site:

- protecting the World Heritage Site and its setting ... from **inappropriate development**
- **strike a balance** between the needs of conservation, biodiversity, access, the interests of the local community, the public benefits of a development and the sustainable economic use of the World Heritage Site in its setting
- protecting the World Heritage Site from the effect of changes which are relatively minor but which, on a **cumulative** basis, could have a significant effect
- **enhancing** the World Heritage Site and its setting where appropriate and possible through positive management

3.9 The PPG also highlights that when proposing development which may affect the OUV of a World Heritage Site relevant data should be provided by the applicant to the deciding authority as to enable an assessment of the likely impact on the identified OUV. This data may include 'visual impact assessments, archaeological data or historical information'.

## Local Plans

- 3.10 Planning at a local level is required to have regard to the guidance in the NPPF on the preparation of local plans<sup>7</sup>. As such the importance of protecting assets of historical importance is transmitted from a national to local level through the highlighted relevant policies in both Local Plans<sup>8</sup>, Minerals and Waste Plans and Local Transport Plans.
- 3.11 The WHS lies within three planning authorities. Nine of the ten Areas of the Site fall under the jurisdiction of Cornwall Council alone. The Tamar Valley Mining District Area in the east of the Site is located mainly in Cornwall with the remainder in West Devon and under the jurisdiction of West Devon Borough Council and Devon County Council.

## Cornwall

- 3.12 Cornwall Council has submitted the Cornwall Local Plan Strategic Policies document to the Planning Inspectorate for examination. The policies contained in the document will replace the policies that were used by the former district and borough councils to make their planning decisions. Some of the planning policies of the former district and borough councils have been saved until the new Local Plan is adopted, however some of these policies may be considered to be out of date and as such the national guidance of the NPPF will be given greatest weight in any related decision making. Cornwall Council is also in the process of preparing a Minerals Safeguarding Development Plan Document (DPD). This document will identify areas containing mineral resources which require protection for future use.

<sup>7</sup> Sections 19(2)(a) of the Planning and Compulsory Purchase Act 2004

<sup>8</sup> Further guidance is available in Historic England's document 'The Historic Environment in Local Plans – Historic Environment Good Practice Advice in Planning:2' (July 2015) <https://content.historicengland.org.uk/images-books/publications/gpa1-historic-environment-local-plans/gpa1.pdf/>

**Table 3.2: Cornwall Council planning policies of relevance to the protection of the WHS**

### **Extracts from sections of local planning policy relating to the protection of the WHS in Cornwall**

#### ***Cornwall Local Plan: Strategic Policies – Proposed changes for consultation 2016***

#### **Policy 2 - Spatial Strategy:**

New development should provide a sustainable approach to accommodating growth, providing a well balanced mix of economic, social and environmental benefits. This should maintain the dispersed development pattern of Cornwall and provide homes and jobs based on the role and function of each place. Strategic scale growth will be accommodated in our main towns and city where they can best support regeneration and sustainable development.

Overall, development should seek to meet the following objectives of the Plan for Cornwall:

#### *1. Respecting and enhancing quality of place:*

Proposals should maintain and respect the special character of Cornwall, recognising that all urban and rural landscapes, designated and undesignated, are important by:

- a. Ensuring that the design of development is high quality and demonstrates a cultural, physical and aesthetic understanding of its location;
- b. Considering the impact of development upon the biodiversity, beauty and diversity of landscape and seascape, character and setting of settlements, wealth of natural resources, agricultural, historic and recreational value of Cornwall;
- c. Identifying the value and sensitivity, of the character and importance of landscapes, biodiversity and geodiversity and historic assets;
- d. Protecting, conserving and enhancing the natural and historic landscape, heritage, cultural, biodiversity and geodiversity assets of

Cornwall in recognition of their international, national and local status, in accordance with national legislation and policy, as amplified by the other policies of this plan.

## *2. Providing solutions to current and future issues:*

Proposals should assist the creation of resilient and cohesive communities by:

- a. Delivering renewable and low carbon energies, increasing energy efficiency and minimising resource consumption through a range of renewable and low carbon technologies;
- b. Ensuring that built and environmental assets can adapt to and be resilient to climate change;
- c. Creating resilient landscapes and biodiversity and geodiversity assets that are resilient and sensitively accommodating investment and growth within Cornwall's unique landscape and wealth of biodiversity and geodiversity, ensuring that people continue to be drawn to Cornwall to visit and invest and for a thriving healthy population to live and work;
- d. Supporting the delivery of made Neighbourhood Plans and other community based initiatives that help to make communities more resilient.

## *3. Generating and sustaining economic activity:*

Proposals will be welcome that improve conditions for business and investment in Cornwall, in particular by:

- a. Supporting key regeneration activities and the economic vision for Cornwall;
- b. Providing homes and jobs in a proportional manner, where they can best sustain the role and function of local communities and that of their catchment;
- c. Supporting the expansion of existing businesses and the indigenous businesses of agriculture, fishing and mining;
- d. Safeguarding waterfront sites, docks and ports to provide for marine businesses;
- e. Maximising the economic growth and benefits of education, skills

development, research, and the colleges and Combined Universities in Cornwall;

f. Supporting employment schemes in both towns and rural areas, giving particular emphasis to quality, permanent work opportunities that break seasonal labour cycles;

g. Supporting smart specialisation sectors including; food; aerospace; marine; renewable energies (including geothermal); and cultural industries;

h. Supporting the provision of work hubs and the ability to work from home through live/work units;

i. Supporting the Enterprise Zone Aerohub at Newquay Airport as an economic catalyst for the wider Newquay, Clay Country and St Austell area through improved linkages;

j. Supporting the economic regeneration of Camborne, Pool and Redruth;

k. The regeneration of Hayle, focussing mainly on the harbour area and the development of the wave hub and associated employment development;

l. Optimising the economic opportunity and maximising existing linkages in mid Cornwall by:

i. supporting the role of Bodmin as a strategic employment location taking advantage of its position on the transport network;

ii. identifying mixed use development to deliver the eco-community at West Carclaze / Baal and Par Docks, to help deliver an exemplar development that provides a showcase for sustainable, greener, low carbon living;

iii. supporting the economic regeneration of St Austell as a centre for retail, business and leisure with a focus on promoting 'green' industries;

m. Supporting economic development in South East Cornwall that meets the area's own needs and benefits from its relationship with Plymouth;

n. Supporting Truro's wider role as an economic and service centre and maintaining its role in the retail hierarchy and as a retail alternative to

major centres outside of Cornwall;

o. Strengthening the role of Launceston and Saltash as gateways to Cornwall;

p. Supporting the economic regeneration of Penzance, including the improvement of Penzance Harbour, and retention of a main line rail link to Penzance as a strategic link for Cornwall and the UK.

**Policy 15 - Renewable and low carbon energy:**

*1. To increase use and production of renewable and low carbon energy generation development proposals will be supported that:*

a. maximise the use of the available resource by deploying installations with the greatest energy output practicable taking into account the provisions of this Plan;

b. make use, or offer genuine potential for use, of any waste heat produced; and

c. in the case of wind turbines, they are within an area allocated by Neighbourhood Plans for wind power and avoid, or adequately mitigate shadow flicker, noise and adverse impact on air traffic operations, radar and air navigational installations and do not have an overshadowing or overbearing effect on nearby habitations.

d. in the case of solar development, unacceptable noise, glint and glare is mitigated adequately.

*2. Support will be given to renewable and low carbon energy generation developments that:*

a. are led by, or meet the needs of local communities; and

b. creates opportunities for co-location of energy producers with energy users, in particular heat, and facilitate renewable and low carbon energy innovation.

*3. When considering such proposals, regard will be given to the wider benefits of providing energy from renewable sources, as well as the potential effects on the local environment; including any cumulative impact of these proposals.*

*4. In and within the setting of Areas of Outstanding Natural Beauty and*

*undeveloped coast, developments will only be permitted in exceptional circumstances and should generally be very small scale in order that the natural beauty of these areas may be conserved.*

*5. When considering proposals for renewables that impact upon the Area of Outstanding Natural Beauty and its setting and / or the World Heritage Site and its setting or other historic assets and their settings, applicants should apply other relevant policies in the plan.*

**Policy 24 - Historic Environment:**

Historic environment Development proposals will be permitted where they would sustain the cultural distinctiveness and significance of Cornwall's historic rural, urban and coastal environment by protecting, conserving and where appropriate and enhancing the significance of designated and non-designated assets and their settings.

Development proposals will be expected to:

- sustain designated heritage assets;
- take opportunities to better reveal their significance;
- maintain the special character and appearance of Conservation Areas, especially those positive elements in any Conservation Area Appraisal;
- conserve and, where appropriate, enhance the design, character, appearance and historic significance of historic parks and gardens;
- conserve and, where appropriate, enhance other historic landscapes and townscapes, including registered battlefields, including the industrial mining heritage;
- protect the historic maritime environment, including the significant ports, harbours and quays.

Development within the Cornwall and West Devon Mining Landscape World Heritage Site (WHS) and its setting should accord with the WHS Management Plan. Proposals that would result in harm to the authenticity and integrity of the Outstanding Universal Value, should be wholly exceptional. If the impact of the proposal is neutral, either on the significance or setting, then opportunities to enhance or better reveal their significance it should be taken.

All development proposals should be informed by proportionate historic



environment assessments and evaluations (such as heritage impact assessments, desk-based appraisals, field evaluation and historic building reports) identifying the significance of all heritage assets that would be affected by the proposals and the nature and degree of any effects and demonstrating how, in order of preference, any harm will be avoided, minimised or mitigated.

Great weight will be given to the conservation of the Cornwall's heritage assets. Where development is proposed that would lead to substantial harm to assets of the highest significance, including un-designated archaeology of national importance, this will only be justified in wholly exceptional circumstances, and substantial harm to all other nationally designated assets will only be justified in exceptional circumstances.

Any harm to the significance of a designated or non-designated heritage asset must be justified. Proposals causing harm will be weighed against the substantial public, not private, benefits of the proposal and whether it has been demonstrated that all reasonable efforts have been made to sustain the existing use, find new uses, or mitigate the extent of the harm to the significance of the asset in line with national policy; and whether the works proposed are the minimum required to secure the long term use of the asset.

*In those exceptional circumstances where harm to any heritage assets can be fully justified, and development would result in the partial or total loss of the asset and/or its setting, the applicant will be required to secure a programme of recording and analysis of that asset, and archaeological excavation where relevant, and ensure the publication of that record to an appropriate standard in a public archive. Proposals which will help to secure a sustainable future for the Cornwall's heritage assets, especially those identified as being at greatest risk of loss or decay, will be supported.*

### West Devon

- 3.13 Plymouth City Council, South Hams District Council and West Devon Borough Council are working together to prepare the Plymouth and South West Devon Joint Local Plan. The Joint Local Plan will set out where potential development could take place and how the area will change through to 2034. It is

anticipated that the Joint Local Plan will be considered by the Full Councils of all three local authorities in October 2016, before being subject to a final round of formal consultation in November and December 2016. The Core Strategy (2011) document will remain in place until it is replaced by the emerging Local Plan.

- 3.14 Devon County Council is currently preparing the Devon Minerals Plan 2011 – 2031 which will replace the Devon County Minerals Local Plan. This document was due to lapse in September 2007 however all but two policies (MP1 and MP12) were saved pending the adoption of the emerging new minerals plan. The Devon Waste Plan was adopted in December 2014.

### Table 3.3: Devon and West Devon planning policies of relevance to the protection of the WHS

#### Sections of local planning policy relating to the protection of the WHS in West Devon

##### *Devon County Waste Plan (December 2014)*

**Policy W13** requires waste management development to conserve and enhance Devon's historic and cultural environment. Development that would lead to harm to the significance of designated or non-designated heritage asset, including its setting, will only be permitted where substantial public benefits outweigh the harm and all significant effects can be adequately mitigated.

##### *West Devon Borough Council Core Strategy (April 2011)*

Strategic Policy 1 Sustainable Development - The following considerations should be taken into account in order to ensure that development within West Devon is undertaken in a sustainable manner: '...The protection of natural and man-made landscapes in and surrounding the Borough with particular regard ... the Cornwall and West Devon Mining Landscape World Heritage Site.'

**Strategic Policy 18 The Heritage and Historical Character of West Devon** - Development proposals within the World Heritage Site will conserve and where possible enhance the Outstanding Universal Value of the Site. In particular, regard should be given to the following:

- The historical and social importance of key buildings and their contextual setting;
- The need to retain locally distinctive features in the design of buildings and the sub-division of the landscape;
- The integrity of industrial infrastructure; and
- The importance of and evidence for ancillary industries

**Strategic Policy 23 Tavistock** - The development of land to the south and south west of Tavistock should be developed in accordance with a comprehensive masterplan, along with the following site-specific development principles: Have regard to the ... Cornwall Mining Landscape World Heritage Site ... and mitigate for any impacts on these special designations.

#### ***West Devon Borough Council Local Plan (March 2005)***

**Policy BE3 (as saved by the West Devon Borough Council Core Strategy)** requires that development proposals which involve the extension, alteration or change of use of a listed building or any part of its curtilage do not adverse impact upon the character, setting, historic form or features of special architectural or historic importance of that building. Minor features which contribute to identity and character of local areas should be preserved when opportunities arise and should also be protected from development.

#### ***Devon County Minerals Local Plan (June 2004)***

**Policy MP 58 Exploration** - 'Exploratory operations will be permitted, except where they would: (i) adversely affect a World Heritage Site,...

## Neighbourhood Plans

- 3.15 Approved Neighbourhood Development Plans form part of the development plan and are material considerations for the purposes of planning.

### **Cornwall**

- 3.16 In Cornwall, place-based plans for key settlements have been developed to provide an additional layer of evidence for the Local Plan, bringing its policies and proposals to life. Three levels of place-based plan have been developed:

- [Community Network Areas](#);
- [Town Frameworks and Masterplans](#); and
- [Neighbourhood Plans](#).

- 3.17 Only Neighbourhood Plans have statutory weight, but each of these documents makes reference to WHS issues where these have a bearing on future development aspirations.

### **West Devon**

- 3.18 West Devon has a number of Neighbourhood Development Plans in preparation. To date none of these proposed plans interact with the WHS.

### **Cornwall and West Devon Mining Landscape World Heritage Site Management Plan**

- 3.19 The WHS Management Plan is a key resource for planners, providing further information on the WHS. The Management Plan must balance conservation, access, local community interest and sustainable economic use. It provides objectives and policies for the WHS to facilitate its management and protection. There is recognition within the Management Plan for regeneration to be heritage led and an appreciation that the Site is a living landscape. As such the aims of social and economic regeneration, sustainable tourism and education should be achieved through, and not in spite of, maintenance of

Site's OUV. Box 3.1 provides a quick overview of the most useful sections of the Management Plan in this regard.

- 3.20 The Secretary of State for Communities and Local Government expects planning authorities to treat relevant policies in management plans as material considerations in making planning decisions and in developing strategies for the historic or natural environments.<sup>9</sup> The Management Plan's policies are divided as follows: Protection; Conservation and Enhancement; Presentation (ensuring access to the Site); and, Transmit (improving awareness about the Site) and reflect the living nature of the landscape. The relevant Management Plan policies to the planning process are set out in Table 6.1 and Table 7.1, below (p.37, and pp.45-46).

<b>Box 3.1: WHS Management Plan (2013-2018)</b>	
<b>Quick reference guide</b>	
Summary of Criteria for Inscription, and contribution of Attributes	p.24-25
Area descriptions and mapping of key OUV features	3.3, p. 27-69
Full OUV and Area descriptions	Appendix 8.1
Glossary of mining terms used in Cornwall and West Devon	Appendix 8.8

## Stakeholders

- 3.21 The protection afforded to the WHS through the UK planning system at national and local level and through the Management Plan is reinforced by a number of stakeholder measures that were put in place when the WHS was designated (inscribed) in 2006.
- 3.22 Prior to the WHS being inscribed commitment was gained from the relevant Local Authorities to support the inscription and set up The Cornwall and West Devon Mining Landscape WHS Partnership Board, whose chief member organisations are Cornwall Council, West Devon Borough Council and Devon County Council. The Partnership Board is required to report to UNESCO on a periodic basis (as part of the mandatory Periodic Reporting process) and is ultimately responsible through its member organisations for the management of the Site on behalf of the UK Government.

## Role of the World Heritage Site Office

- 3.23 Cornwall Council funds the position of World Heritage Site Coordinator supported by a Research & Information Officer and Administration Officer to facilitate the operation of the World Heritage Site Office. From December 2015 a specialist WHS Planning Advice Officer has been in post to provide advice on planning matters associated with the WHS. The World Heritage Site Office is required to implement and report on the Management Plan. It also leads on a number of other duties including reporting on the Listing/Scheduling needs within the Site, developing information for elected members and developing training materials and a programme for Local Planning Authority staff, development professionals and the general public.

<sup>9</sup> DCLG (2014) Designated heritage assets Further Guidance on World Heritage Sites Reference ID: 18a-028-20140306

## Role of Historic England

- 3.24 Historic England, the public body charged with conserving and managing England's historic environment, plays a key role in the planning process where applications have the potential for adverse effects on designated heritage assets.
- 3.25 Historic England is responsible for the process of designating heritage assets, including Listed Buildings, Scheduled Monuments, Registered Historic Parks and Gardens and Registered Historic Battlefields.
- 3.26 Historic England has an advisory role where development poses a potential threat to the character and significance of designated assets including the WHS. Historic England recommends that comment be sought on major applications in the WHS that are over 1000m<sup>2</sup> or over 20m in height, although it is acknowledged that the scale of some Attributes of OUV may be below these trigger thresholds. The World Heritage Site Planning Advice Officer will screen all applications and pre-applications received, comment, and consult with Historic England as necessary.

## Role of UNESCO World Heritage Centre

- 3.27 The UNESCO World Heritage Committee Operational Guidelines request that the World Heritage Centre be informed at an early stage where proposals are identified as having potentially adverse effects on the OUV of a WHS. The planning authorities will therefore consult with Historic England at the earliest opportunity – ideally at pre-application stage – to enable liaison with the Department for Culture, Media and Sport (DCMS) and the World Heritage Centre.

If it so decides the World Heritage Centre may refer an application to its designated advisory bodies for comment. In the context of this WHS which is inscribed as a Cultural Site, the advisory bodies are: ICOMOS - the International Council on

Monuments and Sites, and ICCROM – the International Centre for the Study of the Preservation and Restoration of Cultural Property. For major applications sufficient time should be allowed in the planning development process for this consultation to take place, which should be within the context of a Planning Performance Agreement (PPA). For further information on PPAs, see 4.18 and Appendix 5.

## Natural England and biodiversity

- 3.28 While biodiversity does not constitute part of WHS OUV for this Site, it is acknowledged that former mine sites in Cornwall and West Devon can exhibit rare plant forms of national or other significance which can have statutory protection. Former mine buildings and related shafts and adits are also favoured roosting sites for bats, which also constitute protected species. Building and other conservation works at relict mine sites can impinge on the above and Natural England can have a stakeholder interest in this regard.

A description of Natural England's function is set out below:

'Natural England's role is to conserve and enhance the natural environment for its intrinsic value, the wellbeing and enjoyment of people and the economic prosperity that it brings. It is a statutory consultee on development plans and certain development proposals (and associated environmental assessments for both). This includes development proposals requiring an Environmental Impact Assessment (EIA), all National Strategic Infrastructure Projects (NSIPs) and proposals impacting on Sites of Special Scientific Interest (SSSIs). Natural England has specific duties under the Habitats Regulations and may also be consulted on a range of other planning applications, including those affecting National Parks, Areas of Outstanding Natural Beauty, and minerals restoration and aftercare.'

## 4 Making sound planning decisions

- 4.1 Whilst the protection and management framework laid out in Chapter 3 is made up of a range of familiar mechanisms, the complexity of the WHS renders this challenging. A wide range of different heritage assets and cultural landscapes (comprising Attributes of OUV), and the associated cultural legacy, need to be conserved, but an unfamiliar heritage protection ethos can result in the implementation of the protection and management system seeming like a daunting task.
- 4.2 However, when dealing with a planning application the process can be broken down into a series of more manageable tasks. This chapter provides guidance on:
- Understanding **what is at risk** of being harmed by the proposed development;
  - How **harm might be caused**; and
  - Opportunities for the protection and management system **to prevent this harm** happening.

### Opportunities in the planning application process to protect the WHS

- 4.3 The planning process is central to the protection and conservation of the WHS, and in addition to Local Plans, how planning applications are dealt with represents a significant opportunity to influence positive outcomes for the WHS. This section sets out the main opportunities for planning officers to influence outcomes through either their own actions, requiring developers to take account of the WHS or drawing in expertise and advice from heritage specialists such as the WHS team,

LPA Historic Environment Advisers or Historic England (HE) where appropriate.

Currently the WHS Office is developing a pre-application process flow - designed to inform and guide development proposals - which can be used alongside this document.

- 4.4 Table 4.1 (pages 23-24) sets out the opportunities planning officers have to protect and enhance the WHS. Opportunities to positively influence applications are loaded towards the start of the application process and efforts need to be focused early on in the process at both the pre-application and submission stages.
- 4.5 The approach taken by this SPD is very much for planners to gain a better understanding of why the WHS needs protecting and how this can be done. This is with the aim that they will then be able to use more discretion when seeking advice on heritage issues and be able to be more focused and efficient in the way they do this. Given the complexity of the Site it will always be necessary for specialist advice to be sought and a precautionary approach to seeking advice should be adopted i.e. 'when in doubt ask'. However it is hoped that over time through using this SPD, taking part in the accompanying training, and working with specialists on applications that impact on the Site, planning officers will build up their knowledge, skills and confidence in dealing with applications that affect the WHS. In time improved, more efficient and effective decisions will be made concerning development in and surrounding the WHS.
- 4.6 It is also worth highlighting that other tools, outside of heritage protection, may be available to planning officers to help protect and enhance the WHS. For example, mine spoil heaps that contribute to the OUV of the WHS are often overlooked and undervalued. However they often support rare metallophyte plant species which are protected by a number of nature conservation measures including Special Areas of Conservation designated under the EU Habitats Directive. The Habitats Directive provides a strong mechanism to protect both the metallophyte plant species and the mine spoil heaps

themselves – as supporting habitat critical to the maintenance of the designated vegetation communities (see: Natural England, 3.28). These and other synergies should be explored to help deliver multiple benefits.

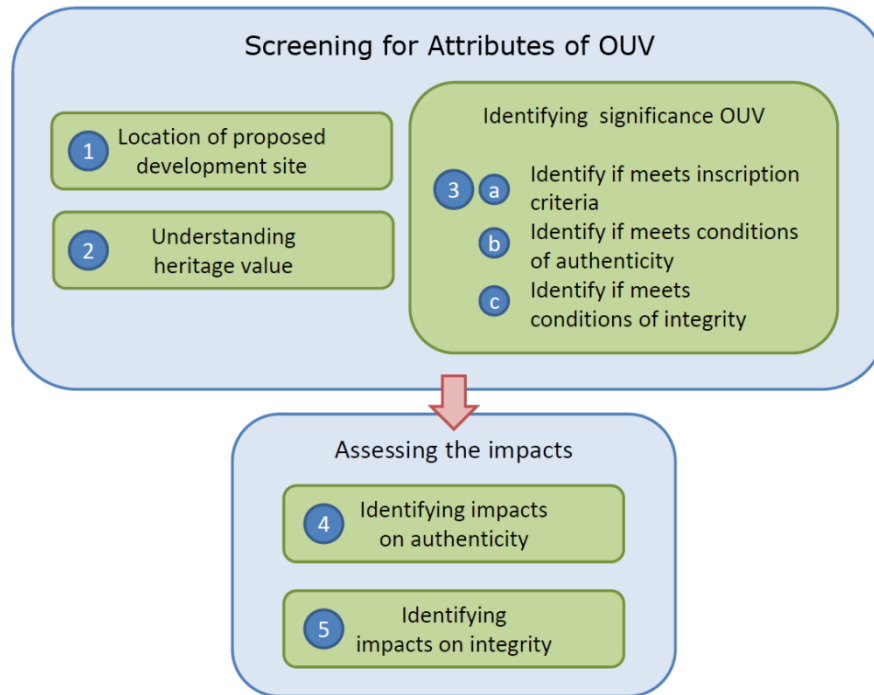
**Table 4.1: Actions planners and developers can take to protect, enhance and promote the WHS**

	<b>Planners will ...</b>	<b>... ask developers to</b>	<b>... and contact</b>
<b>Initial Approach</b>	<p>Present clear messages on the importance of the WHS and the need to take it into consideration when submitting a planning application.</p>	<p>Ensure that:</p> <ul style="list-style-type: none"> <li>The quality of the development and design reflects the importance of the WHS</li> <li>Specialist advice is sought early on</li> <li>They familiarise themselves with this SPD and the Management Plan</li> <li>They are familiar with the character of the WHS</li> <li>They understand the risks of submitting an application in the WHS and how to reduce the risks.</li> </ul>	
<b>Pre-Application</b>	<p>Recommend that developers proposing development within the WHS seek pre-application advice.</p> <p>Consider the WHS and OUV in pre-application investigations.</p>	<p>Provide a site map that shows the relationship between the WHS and the proposed development.</p> <p>Familiarise themselves with the WHS and the relevant parts of the Management Plan.</p> <p>Note that consultation of the Historic Environment Record is a minimum requirement of the NPPF, and advise developers accordingly.</p>	<p>The LPA historic environment advisors and alert them when an application for pre-application advice comes in which has the potential to impact on the WHS.</p> <p>The LPA historic environment advisors for advice as to whether the location of the proposed development suggests that pre-determination site investigations may be required (e.g. if the site is located within an area of high archaeological potential, but insufficient information exists to provide an appropriate understanding of the significance of below-ground heritage assets). Advice should also be sought on the form and content of appropriate Heritage Statements and Heritage Impact Assessments.</p> <p>(Where pre-determination investigations are required, engagement with LPA historic environment service will be required to ensure that works are appropriately specified and conducted.)</p>

Application	<p>Highlight that a full application rather than an outline application is most appropriate for proposals within the WHS to ensure that sufficient detail is provided for the LPA to make a fully-informed decision.</p> <p>Explore the need for and benefits of a Planning Performance Agreement.</p> <p>Promote the need for a high quality HIA that deals with UNESCO requirements (further information about HIA requirements and what should be included in a good HIA is included in <b>Appendix 2</b> of this document).</p> <p>Promote early community consultation on the change that might take place and physical and intellectual access to the site during survey and recoding stages of the construction process as well as once development completed.</p>	<p>Produce a high quality HIA that deals with UNESCO requirements.</p> <p>Consider whether a Planning Performance Agreement would be beneficial.</p> <p>Consider how the proposed development can enhance and protect the WHS.</p>	<p>The WHS team, the LPA historic environment advisors and HE if a Planning Performance Agreement relating to the WHS is being considered, and in line with consultation requirements for applications affecting heritage assets.</p>
During determination	<p>Impose relevant Conditions on planning permission.</p> <p>Consider use of S106 agreements and CIL for protecting and enhancing the WHS.</p>	<p>Negotiate positively with the LPA and specialists in agreeing appropriate Conditions, design modifications and S106/CIL provisions as appropriate.</p>	<p>The WHS team, the LPA historic environment advisors and HE if negative impacts on OUV have been identified and ensure they are involved in negotiations.</p>
Post determination	<p>Establish an appropriate system to monitor discharge of planning Conditions and S106 obligations</p> <p>Monitor completed developments as required to ensure ongoing compliance with approved plans and Conditions</p> <p>Promote engagement with the community to explain the importance of the application site and the consequences of any change that might occur in an accessible way.</p>	<p>Work with the LPA to manage the discharge of Conditions/obligations, including the provision of necessary information and evidence of fulfilment of obligations (e.g. publication of archaeological fieldwork and deposit of finds and archive materials)</p>	<p>LPA historic environment advisors to comment on discharge of heritage-related Conditions and obligations.</p>
Enforcement	<p>Ensure enforcement officers aware of the importance of the WHS and the need to enforce Conditions designed to protect the WHS that form part of the planning permission, as granted.</p>		<p>The WHS team, and work with them to follow up Conditions affecting the WHS to ensure they are enforced.</p>



## Screening for Attributes of OUV - understanding what is at risk



- 4.7 The tasks involved in understanding what might be at risk and how harm might be caused can be divided into two stages of work, these stages can be summarised as: Screening for Attributes of OUV (see diagram above), and Assessing the impacts.
- 4.8 The first stage planners (or developers proposing a development) must go through is to establish whether the proposed development has the potential to impact upon any heritage assets, cultural landscapes or cultural legacy that are Attributes of OUV of the WHS.

- 4.9 The proposed development site's location in relation to the WHS in terms of its boundary, its setting and disposition of related heritage assets is the first thing that needs to be considered. Mapping available in the Management Plan and on the Cornwall Council website's interactive mapping service; <http://map.cornwall.gov.uk/website/ccmap/> will help to establish the relative location of the proposed development site to the WHS and known heritage assets which may be Attributes of OUV. Additional mapping services which provide details of the WHS boundary and heritage assets are available on the government's [Magic](#) website and the [Heritage Gateway](#), managed by Historic England. Further mapping services are soon to be made available for access on Devon County Council's Environmental Data on-line portal.

### Initial approach

- 4.10 Planners need to ensure that information available to potential developers about development within Cornwall and West Devon presents a clear consistent message on the importance of the WHS and the need to take it into consideration when submitting a planning application. Key messages include:
- The WHS is an exceptional place of international significance, this should be reflected in the **quality of the developments and their design** put forward.
  - Developments within the Site or within the setting of the WHS will be subject to supranational scrutiny therefore developers are encouraged to **seek early, specialist advice**
  - Developers should be aware that there is not a direct correlation between the **size of the proposed development and the level of impact that it may have on the WHS**. Small sites and incremental change can pose significant threats to the WHS.
  - Developers should familiarise themselves with the WHS and the implications this may have for their proposed

development by referring to this **SPD** and the **Management Plan**.

- Applicants should familiarise themselves with the **Attributes of OUV** which exist within their part of the Site and how these contribute to the WHS overall. Retaining these Attributes is essential in maintaining OUV and the cultural significance that these hold for the whole of humanity.
- Developers should consider the likely impact of their proposals on the WHS and recognise the implications that this may have on timescales and resources. Discussions should be held with planning officers at the earliest possible opportunity to **reduce the risks of submitting an application** that potentially impacts on the WHS and good practice planning measures such as putting a **Planning Performance Agreement** in place should be considered.

#### *Consultation*

- 4.11 Where a proposal has the potential for impacts on OUV, Historic England should be consulted at the earliest opportunity as statutory consultees (see: Role of Historic England, 3.24 et seq.). This will help to ensure that lines of communication are opened to DCMS and the World Heritage Centre in an efficient and timely manner. Where appropriate, HE representatives can be invited to attend pre-application discussions.
- 4.12 The WHS Planning Advice Officer is to be informed of all applications and pre-applications within or adjacent to the WHS areas in Cornwall (c.92 per cent of the total WHS). Officers delivering this function within West Devon Borough Council and Devon County Council should be similarly informed of all applications and pre-applications within or adjacent to the area of the WHS in West Devon. This will ensure the necessary management of development within the WHS with potential to effect OUV. Fig 4.1 (p.28) illustrates the proposed protocol for Cornwall Council and Historic England when managing applications with the potential for effects on the WHS. Other WHS partner LPAs may wish to develop a similar process flow.

#### *Pre-Application*

- 4.13 Pre-Application advice is an important part of the application process, and both Cornwall and West Devon Borough Council charge for their pre-application services. HER information can be obtained from either the Devon County Historic Environment Team or the Cornwall Council Strategic Historic Environment Team, and licences for commercial reuse of this information and for pre- and post-application advice is available for a fee. Given the importance, complexity and sensitivity of the WHS, Planning Officers should recommend that developers proposing development within the WHS or its setting should seek pre-application advice irrespective of the size of the development in order to reduce and manage risk. Developers can in turn make the most of pre-application advice by providing planning officers with a site map that shows the relationship between the WHS and the proposed development and also familiarising themselves with the WHS and the relevant parts of the Management Plan so they are aware in advance of the issues that might arise when developing within the WHS.
- 4.14 The submission of a request for pre-application advice is an early opportunity for proposed developments within the WHS or its setting to be flagged up with the WHS team, relevant LPA Historic Environment Advisers and HE. Whilst it may not be appropriate for specialists to become involved at this stage it does ensure that potential developments are on the specialists' radar and they are in a position to pass on relevant advice if necessary.
- For further information on Planning Performance Agreements (PPA) see Appendix 5 and 4.18, below.

#### *Pre-application investigations*

- 4.15 Pre-application investigations provide an opportunity for the relationship between the proposed development, individual heritage assets (Attributes of OUV) and the WHS and its setting as a whole to be considered in more detail along with the potential to impact upon OUV.

- 4.16 Where development is proposed in an area of high archaeological potential, or there is some uncertainty regarding the significance of below-ground remains, it will often be necessary for applicants to commission appropriate investigations to gain an appropriate understanding of this significance. There can include: desk-based studies of existing material, geotechnical investigations, geophysical survey, test-pitting, historic building appraisal, measured survey or archaeological evaluation excavations.
- 4.17 Advice should be sought at an early stage from the WHS Office and appropriate LPA Historic Environment Adviser to discuss the location, nature and scale of proposals and the likelihood of extensive pre-application investigations being required. This is critical information for developers, as these studies can add significant time and cost to a programme of works.

*Developers and their agents should refer to specifications for archaeological work provided online by [Devon County Council](#) and [Cornwall Council](#).*

### Submitting an Application

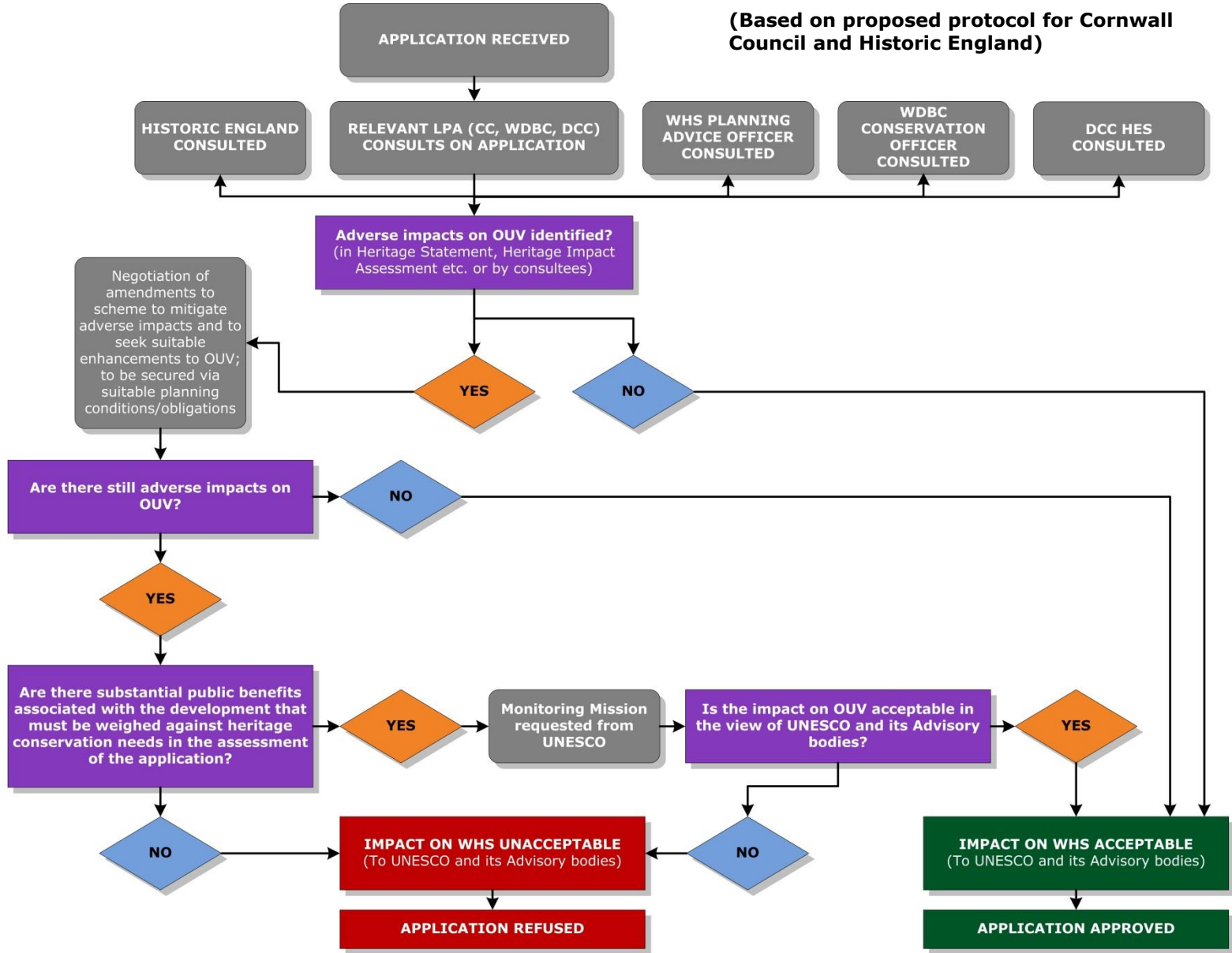
- 4.18 Planning officers should highlight that, given the importance of the WHS and the supranational scrutiny that applications that potentially might impact the WHS come under, a full-application rather than an outline application may be most appropriate. This is also an effective way of managing risk for the developer. Another risk management strategy that Planning Officers may wish to explore with developers and specialists is the use of Planning Performance Agreements (PPA). PPAs have the potential to ensure enough specialist input and support is secured at the start of the application process and also that realistic timescales are set especially to meet UNESCO reporting procedures. Appendix 5 provides further information on Planning Performance Agreements.
- 4.19 Production of a high quality Heritage Statements (HS) and Heritage Impact Assessments (HIA) provides an opportunity to not only highlight potential impacts on the WHS and its setting but also explore how the proposed development can enhance

and protect the WHS. However, it is important for both Planning Officers and developers to understand how an HS or HIA can meet both UNESCO requirements as well as UK heritage protection requirements. Appendix 2 discusses HSs and HIAs in relation to the WHS in further detail.

### During determination

- 4.20 It is hoped that by front loading advice there will be a reduction in inappropriate planning applications, however if once an application has been submitted it is apparent that there are potential impacts on the WHS and its setting, it will be essential for the Planning Officers to work closely with the WHS team, the relevant LPA Historic Environment Adviser and Historic England to negotiate for a more positive outcome.

**Fig 4.1: Proposed protocol for dealing with development with potential effects on the WHS**



## Post determination

### Planning Conditions

- 4.21 Where planning permission is granted for development within or affecting the WHS or Attributes therein, it is likely that the LPA will impose Conditions to secure appropriate mitigation measures. This could include:
- Archaeological monitoring and recording brief to supervise groundworks or demolition;
  - Archaeological excavation, where impacts on heritage significance are outweighed by public benefits and preservation by record is the only viable option;
  - Standing building recording prior to loss/alteration of historic fabric;
  - Provision of detailed landscape plan to provide appropriate planting to mitigate visual effects on Attributes of OUV.
- 4.22 It should again be noted that the ability to record information on the significance of an Attribute of OUV, which may also be an acknowledged heritage asset in other contexts, should not be a factor in deciding whether harm or loss should be permitted (see paragraph 141 of the NPPF). This is regardless of the level of sophistication of the recording techniques employed.
- 4.23 In addition, a significant opportunity for Planning Officers is to look into how the use of planning Conditions, S106 obligations and Community Infrastructure Levy (CIL), might provide opportunities for protecting and enhancing the WHS in the future. For example, significant opportunities exist to link the protection and enhancement of the Site to the delivery of Green Infrastructure. Mine transport infrastructure such as tramways, industrial railways, roadways, tracks, paths and canals provide significant opportunities to form green walking, cycling and horse riding routes that also protect, enhance and promote the enjoyment and understanding of these Attributes. Appendix 3 provides further information on planning Conditions and their use in relation to the WHS.

### Enforcement

- 4.24 Whilst Conditions and obligations can be set to protect the WHS from harm when planning permission is granted, ensuring that these Conditions and obligations are met and no harm has come to the WHS is not guaranteed. Therefore the role of the enforcement officers is key, and it is vital that they are aware of the importance of the WHS and the need to enforce Conditions designed to protect the WHS. There is also a role for the WHS team to work closely with enforcement officer to follow up Conditions affecting the WHS to ensure that they are enforced.

## Permitted Development Rights

### General development

- 4.25 Permitted development rights allow for certain works to proceed without a requirement to submit a planning application. These rights are set out in The Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (GPDO 2015). World Heritage Sites have been classed as Article 2(3) land, these are protected areas where special quality has been recognised and as such specific limits have been placed on the applicable permitted development rights which mean most works and alterations will require full planning permission.
- 4.26 Limitations and/or Conditions in relation to Article 2(3) land, and in some cases specifically World Heritage Sites, have been placed on the permitted development rights which are applicable in most other locations. Appendix 4 provides full details, these controls relate broadly to:
- development within the curtilage of a dwelling house;
  - changes of use;
  - temporary buildings and uses;
  - non-domestic extensions, alterations etc.;
  - road related development;

- renewable energy;
- power related (i.e. electricity and gas distribution) development;
- communications; and
- development by the Crown or for national security purposes.

**Table 4.2: Selection criteria for Attributes of OUV**

<p><b>Primary criteria</b></p> <ul style="list-style-type: none"> <li>• a significant component of the Cornwall and West Devon Mining Landscape of the period 1700-1914.</li> <li>• survival and condition: sites that do not survive above ground will not normally be considered. Sites where below-ground remains are both demonstrably important and accessible may however be included.</li> <li>• authenticity of remains: structures or sites that have been largely or wholly reconstructed will not normally be eligible for inclusion.</li> </ul> <p><b>Secondary criteria</b></p> <ul style="list-style-type: none"> <li>• rarity: if a site or component is rare either in terms of its type, or its survival, it will have a higher likelihood of being included.</li> <li>• documentation: if there is historical documentation that supports the connection with metalliferous mining.</li> <li>• association: where a number of metalliferous mining related components survive within the same landscape, there is a higher likelihood that those sites and landscape will be included.</li> </ul>
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**Location of the proposed development site**

4.27 The proposed development site’s location in relation to the WHS in terms of its boundary, its setting and disposition of Attributes of OUV is the first thing that needs to be considered. Mapping available in the Management Plan and on the Cornwall Council website’s interactive mapping service; <http://map.cornwall.gov.uk/website/ccmap/> will help to establish the relative location of the proposed development site to the WHS and known heritage assets which may be Attributes of OUV. In identifying Attributes it is necessary to consider their

selection criteria as set out in Table 4.2. Additional mapping services which provide details of the WHS boundary and heritage assets are available on the government’s [Magic](#) website and the [Heritage Gateway](#), managed by Historic England. Further mapping services are soon to be made available for access on Devon County Council’s Environmental Data on-line portal.

- 4.28 Whilst it should be straightforward to identify if the proposed development site lies within the WHS, or directly affects known Attributes of OUV, consideration of effects on setting is more complex. As discussed in Chapter 5 it is not possible to identify a definitive, permanent and fixed boundary for the setting of individual Attributes or the WHS as a whole. This is because the Attributes and their surroundings may evolve, and/or become better understood over time. Setting may vary according to the nature and potential impact of the proposed development. However, setting can be identified and mapped in relation to specific development proposals, bearing in mind that complex multi-period landscapes and townscapes with many heritage assets, such as those within the WHS, can contain multiple nested and overlapping settings.
- 4.29 Historic England’s [‘The Setting of Heritage Assets: Historic England’s Historic Environment Good Practice Advice Note 3’](#) provides detailed advice on understanding the setting of heritage assets. This guidance provides the starting point for understanding the setting of heritage assets. Consideration then needs to be given to the contribution of the setting of an individual Attribute to the OUV of the WHS as a whole.
- 4.30 Where the potential for either physical impacts on historic fabric in the WHS, or impacts on the setting of either heritage assets or the WHS as a whole are identified, pre-application discussions with both Historic England and the relevant local authority historic environment service should be a priority.
- 4.31 Permitted Development Rights are liable to change and the most recent version of the General Permitted Development Order should be checked for updates, which may supersede that contained within this SPD.

## 5 The boundary and setting of the World Heritage Site

- 5.1 The concept of the 'setting' of the WHS is an important one. It can be defined as the physical and cultural context in which the inscribed Areas lie. The setting of the Site requires protection because it affects the way that the Site is viewed and perceived in its surrounding landscape. The Nomination Document for the WHS states that *'The setting of the Site includes the physical monuments and landscape components which provide additional historical context, and a physical space in which events could affect the visual appreciation of these elements'*.
- 5.2 'This approach goes beyond the property to include any buffer zone(s), as well as the broader setting. The broader setting, may relate to the property's topography, natural and built environment, and other elements such as infrastructure, land use patterns, spatial organization, and visual relationships. It may also include related social and cultural practices, economic processes and other intangible dimensions of heritage such as perceptions and associations. Management of the broader setting is related to its role in supporting the Outstanding Universal Value.'<sup>10</sup>
- 5.3 In assessing potential impacts, the setting of the Site must firstly be defined in how this relates to OUV. OUV can only be protected from developments within the setting through a clear understanding of the function the setting plays in this regard.
- 5.4 For many WHSs, the setting can be geographically demarcated as a formal buffer around the edge of the Site. However, the Nomination Document concluded that this approach was not appropriate for this Site because of the diverse range of risks,

its fragmented nature across ten Areas, most of which are visible from one another, and the many individual monuments and other areas of mining landscape which lie outside the inscribed areas. The document states that *'The protection of the setting of the nominated Site will be achieved through policies in strategic planning documents, a suite of existing strategic documents for landscape conservation, and the measures contained in statutory designations'*.

- 5.5 The setting of all principal forms of statutory designation used to protect, conserve and enhance the Site (e.g. Conservation Areas, Areas of Outstanding Natural Beauty, Scheduled Monuments and Listed Buildings) is a material consideration in the planning system and appropriate action should be decided on a case by case basis rather than identifying a formal buffer zones.<sup>11</sup>
- 5.6 In developing plans for the protection of WHS it is important to consider carefully how to protect the setting of each WHS so that it's OUV is not adversely affected by inappropriate developments close to it. The UNESCO Operational Guidelines seek protection of the immediate setting of each WHS, of important views and of other areas that are functionally important as a support to the Site and its protection. This can be achieved in various ways.<sup>3</sup>
- 5.7 The fact that the mining landscape was an industrial and functional one shapes what is likely to be important, and what may be considered harmful, in its setting. Important views into and out of the WHS will usually not be 'designed' or intentional, and concepts such as the 'naturalness' of the landscape may also not be appropriate. Instead judgements need to be made on whether developments in the setting of the Site affect OUV, in terms of how the respective roles and relationships of setting and OUV might change post construction.

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<sup>10</sup> Operational Guidelines for the Implementation of the World Heritage Convention UNESCO WHC.15/01 8 July 2015 - paragraph 112

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<sup>11</sup> Further guidance on setting can be found in Historic England's document 'The Setting of Heritage Assets – Historic Environment Good Practice Advice in Planning:3' (July 2015) <https://content.historicengland.org.uk/images-books/publications/gpa3-setting-of-heritage-assets/gpa3.pdf/>

## Underground mining heritage

- 5.8 The underground workings of the region's mining industry are significant and important context for the Attributes which survive at surface. As such should be afforded special consideration similar to aspects of setting.
- 5.9 In many instances the upper levels of mine workings remain accessible where these are being drained by open adits, but these comprise only a small fraction of the total underground environment being worked from the eighteenth through to the twentieth centuries. These comparatively near-surface workings comprise, however, by the nature of lode mining, some of the earliest worked portions of the respective mineral deposits and may contain important archaeology and mineralogical exposures.
- 5.10 Accessible mine workings should be considered as a depleting resource as over time adits and mine levels, and the shafts and stopes with which these intersect, deteriorate and collapse if unmanaged. The issue of gradual loss of underground environment was considered in detail during the nomination of the World Heritage Site, and the decision was consequently taken that these workings were not to be included as Attributes of OUV, except where these were already being maintained as part of mining visitor attractions.

## Conserving below-ground heritage and underground access

- 5.11 Shallow below-ground archaeological remains can play a major role in the significance of a large number of sites and must, therefore, be given careful consideration to fulfil the requirements of the NPPF.
- 5.12 Where development could adversely affect underground workings, applicants should be alerted to their significance and encouraged to consider their preservation. The WHS Office has

access to additional information to guide owners, developers and planners on the significance of underground workings related to the Site. The advice of the relevant Historic Environment Service and Historic England should also be sought at the earliest opportunity to understand the archaeological potential of a site, and the likely requirements for pre-consent archaeological investigations.

- 5.13 The Management Plan includes the presumption that principal points of underground access expressed at surface (e.g. shafts and adits relating to significant surface mine sites), and any associated mine spoil, are Attributes of OUV. Where this is the case, these have been identified and included within the Site boundaries. If a mining feature is of specified WHS interest, planning authorities would need to consider the need for the development against the need to protect, conserve and enhance the WHS, as per Local Plan or Core Strategy policy. Cornwall Council intends to explore the issue further as part of the Minerals Safeguarding Development Plan Document currently being prepared.

## Understanding archaeological remains

- 5.14 Where development is proposed in areas of high archaeological potential, where the significance of in-situ remains is unclear, LPAs will require developers to commission appropriate pre-determination invasive works – generally field evaluation, supplementing the desk-based assessment – to characterise the remains and ensure that their significance is fully understood. Such works should be carried out to the specifications provided by the LPA historic environment service, and should comply with the Chartered Institute for Archaeologists' Standard and guidance for archaeological field evaluation.



## 6 Defining the baseline – identifying the protected landscape: Attributes, Authenticity and Integrity

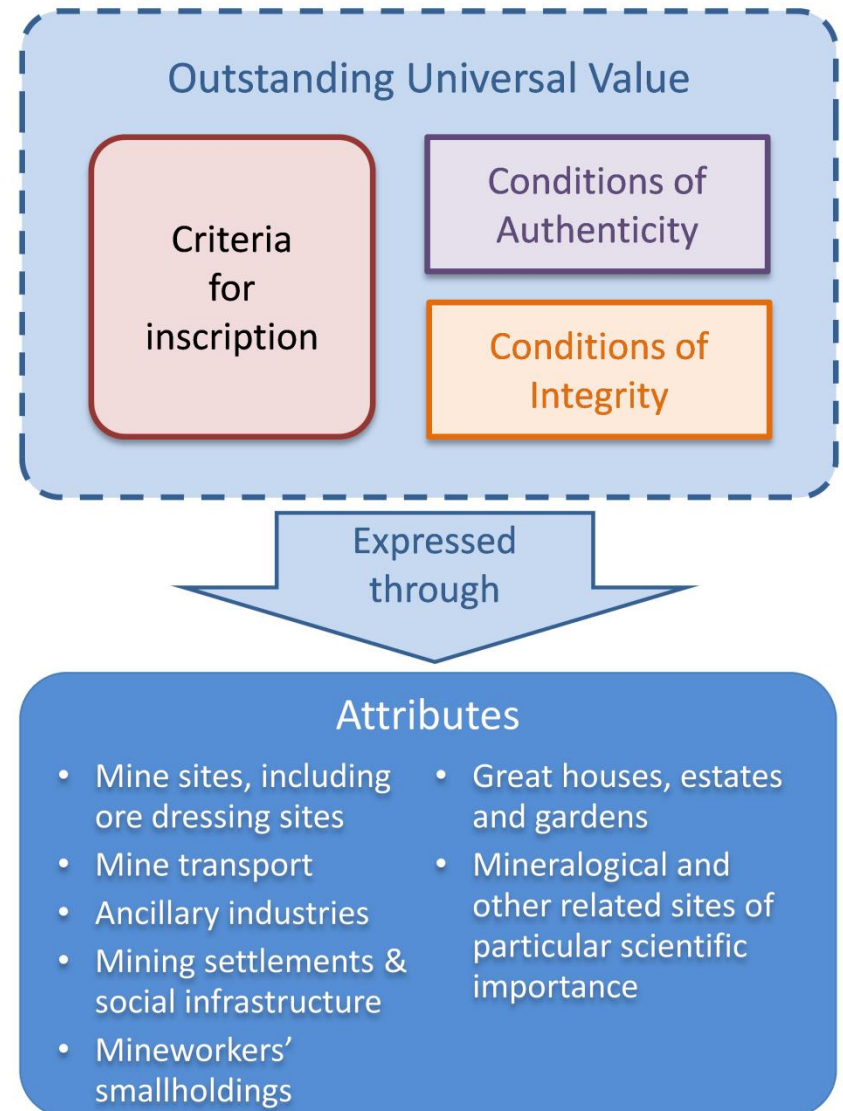
- 6.1 A shared understanding of the WHS by all stakeholders is seen as being a key requirement of an effective management system by the UNESCO World Heritage Committee. Due to the complexity of the WHS and the terminology used to describe key concepts, stakeholders often only have a partial understanding of what makes up the WHS and how to conserve its international significance.
- 6.2 This section unpicks the concepts that surround the WHS in order to enable planning officers to work more effectively to ensure its conservation and enhancement.

### Outstanding Universal Value

- 6.3 At the heart of understanding what makes the WHS special, and therefore what needs to be conserved, is the concept of Outstanding Universal Value (OUV).
- 6.4 To be inscribed as a WHS, the Cornwall and West Devon Mining Landscape WHS had to demonstrate it is of OUV by:
- meeting one or more of the ten possible criteria for inscription,
  - meeting the conditions of integrity,
  - meeting the conditions of authenticity.

Having an adequate protection and management system in place was also required to ensure its safeguarding (explored in Chapter 3).

- 6.5 By exploring these different aspects of OUV it is possible to understand how change might impact on the OUV of the WHS and how planners can best manage this change.



## The criteria on which the WHS is inscribed

- 6.6 WHSs can be designated for a range of different reasons, from important habitats and geology to being associated with important historical events, or a masterpiece of human creative genius. This WHS was assessed as meeting three out of ten possible inscription criteria which can be summarised as:
- Exhibits an important interchange of human values, over a span of time and within a cultural area of the world, on developments in technology;
  - Bears a unique or at least exceptional testimony to a cultural tradition which is living or has disappeared;
  - An outstanding example of a type of building, architectural or technological ensemble or landscape which illustrates a significant stage in human history.
- 6.7 The Statement of OUV sets out how the Site meets these three criteria, as follows.  
(See: <http://whc.unesco.org/en/list/1215> and the Management Plan<sup>12</sup>)
- 6.8 Box 6.1 (p.35) provides a 'Brief synthesis of Outstanding Universal Value' which sets out what is important about the Cornwall and West Devon Mining Landscape that led to its inscription as a WHS.  
(See: <http://whc.unesco.org/en/list/1215>)

- 6.9 Firstly, in relation to **the interchange of human values on developments in technology – Criterion (ii)**:

*The development of industrialised mining in Cornwall and West Devon between 1700 and 1914, and particularly the innovative use of the high-pressure steam beam engine, led to the evolution of an industrialised society manifest in the transformation of the landscape through the creation of smallholdings, railways, canals, docks and ports and the creation or remodelling of towns and villages. Together these had a profound impact on the growth of industrialisation in the United Kingdom, and consequently on industrialised mining around the world.*

- 6.10 Secondly, with respect to **the testimony to a living cultural tradition – Criterion (iii)**:

*The extent and scope of the remains of copper and tin mining, and the associated transformation of the urban and rural landscapes presents a vivid and legible testimony to the success of Cornish and West Devon industrialised mining when the area dominated the world's output of copper, tin and arsenic.*

- 6.11 And finally, in relation to the **technological ensemble in the landscape** which illustrates a significant stage in human history – **Criterion (iv)**:

*The mining landscape of Cornwall and West Devon, and particularly its characteristic engine houses and beam engines as a technological ensemble in a landscape, reflect the substantial contribution the area made to the Industrial Revolution and formative changes in mining practices around the world.*

<sup>12</sup> Cornwall and West Devon Mining Landscape World Heritage Site Management Plan 2013 - 2018

### Box 6.1: Brief synthesis of Outstanding Universal Value (OUV)

The landscapes of Cornwall and West Devon were radically reshaped during the eighteenth and nineteenth centuries by deep mining for predominantly copper and tin. The remains of mines, engine houses, smallholdings, ports, harbours, canals, railways, tramroads, and industries allied to mining, along with new towns and villages reflect an extended period of industrial expansion and prolific innovation. Together these are testimony, in an inter-linked and highly legible way, to the sophistication and success of early, large-scale, industrialised nonferrous hard-rock mining. The technology and infrastructure developed at Cornish and West Devon mines enabled these to dominate copper, tin and later arsenic production worldwide, and to greatly influence nineteenth century mining practice internationally.

The extensive Site comprises the most authentic and historically important components of the Cornwall and West Devon mining landscape dating principally from 1700 to 1914, the period during which the most significant industrial and social impacts occurred. The ten areas of the Site together form a unified, coherent cultural landscape and share a common identity as part of the overall exploitation of metalliferous minerals here from the eighteenth to twentieth centuries. Copper and tin particularly were required in increasing quantities through the growing needs of British industry and commerce. Copper was used to protect the hulls of ocean-going timber ships, for domestic ware, and as a major constituent of important alloys such as brass, and with tin, bronze. The usage of tin was increasing greatly through the requirements of the tin plate industry, for use in the canning of foods and in communications.

The substantial remains within the Site are a prominent reminder of the contribution Cornwall and West Devon made to the Industrial Revolution in Britain and to the fundamental influence the area asserted on the development of mining globally. Innovative Cornish technology embodied in high-pressure steam engines and other mining equipment was exported around the world, concurrent with the movement of mineworkers migrating to live and work in mining communities based in many instances on Cornish traditions. The transfer of mining technology and related culture led to a replication of readily discernible landscapes overseas, and numerous migrant descended communities prosper around the globe as confirmation of the scale of this influence.

(Reproduced from: <http://whc.unesco.org/en/list/1215>)

### Understanding heritage values

- 6.12 The next step in the screening process specifically in relation to a WHS is to understand whether anything within the proposed development site may be an Attribute of OUV and/or is designated in some manner.
- 6.13 All heritage assets are important, regardless of whether or not they are designated, aesthetically attractive or readily understood by the layperson. Different places mean different things to different groups of people and defining value can be complex. Considering how a range of heritage values interact and combine helps to provide the building blocks of a good understanding of the significance of the asset or landscape in the next step of the process.
- 6.14 Heritage can be valued in a range of ways, and the National Planning Policy Guidance sets out different types of value or interest:
- **Archaeological interest:** the importance of a place in providing evidence about the past, or a particular type of site, and the people and/or cultures that made them.
  - **Architectural interest:** the importance of a place or building in demonstrating importance in terms of its design, decoration or craftsmanship. This can include examples of particular building types, techniques and urban/plan forms.
  - **Artistic interest:** the importance attached to the ways in which people draw sensory and intellectual stimulation from a place. This need not relate to deliberately designed appearance – for example, an engine-house in a dramatic coastal setting can create appealing and special characteristics.
  - **Historic interest:** the importance of a place in relation to its connection with people, events and aspects of life in the past.

- 6.15 Whilst developing a thorough appreciation of these values will often require substantial time and effort, a wealth of information already exists that can be referred to (see Box 6.2).
- 6.16 The seven Attributes which express OUV also provide a useful checklist to ensure that different types of assets and landscapes are considered for their heritage value. The Management Plan provides further useful information on the heritage value of the Site as a whole, and identifies the key Attributes within each of the ten component Areas of the WHS.
- 6.17 Establishing heritage value is also a key stage in the process when considering impacts in the UK planning and heritage protection system, and therefore this task is not a new step for planning officers to undertake.
- 6.18 At this stage planning officers need only gain enough understanding of the application site and surrounding area to identify if there is anything of heritage value that has the potential to be affected and then determine if this value is of international significance. The onus should be on applicants and their agents to develop a full and proper appreciation of these values. This may involve direct engagement with local communities and appropriate experts, to ensure that the full range of values are captured and can be systematically considered.

### Identifying significance

- 6.19 Once it has been determined that there are assets and landscapes of heritage value that have the potential to be affected by the proposed development it is necessary to understand if they are of significance to the WHS.
- 6.20 Heritage significance is the yardstick in establishing the overall importance of heritage assets or cultural landscapes and the key features, characteristics and relationships that are fundamental to this importance. Heritage assets and cultural landscapes may be of local, regional, national or international importance. In the case of WHSs, international significance

#### Box 6.2: Useful sources of information

The principal sources of information on heritage assets are the:

- Cornwall and Scilly Historic Environment Record (HER): *accessible via the [Heritage Gateway](#) and [Cornwall Council online mapping](#)*
- [Devon Historic Environment Record \(HER\)](#): *also accessible via the Heritage Gateway and soon to be available through the Devon County Council's environment data online portal*

The Historic Environment Records (HERs) contain a wealth of information on designated and non-designated assets alike, including: aerial photographs, historical mapping, survey and excavation reports and Historic Landscape Characterisation (HLC) data. The local authorities' historic environment services also provide specialist advice on non-designated assets for consideration in planning decisions.

*The HERs charge for commercial access to materials held, with non-commercial consultations subject to discretionary charging. Further information can be found on [Cornwall](#) and [Devon's HER charging policies online](#). Licensing restrictions on data, mapping and materials supplied may also apply.*

The WHS Unit holds a significant amount of GIS information on heritage assets and cultural landscapes that are related to the mining industry as a whole (not just those that convey OUV) in Cornwall. The intention is that these will become a publically available resource.

does not outweigh national significance. It is therefore more helpful to think of national and international heritage significance as running in parallel, rather than one 'trumping' the other.<sup>13</sup>

- 6.21 The absence of statutory designation does not necessarily imply a lack of significance (or value and meaning it has to particular

<sup>13</sup> Further guidance on significance can be found in Historic England's document 'Managing Significance in Decision-Taking in the Historic Environment – Historic Environment Good Practice Advice in Planning: 2' (July 2015) <https://content.historicengland.org.uk/images-books/publications/gpa2-managing-significance-in-decision-taking/gpa2.pdf/>

communities). Furthermore, new information about the asset or landscape or a change in designation criteria might make it possible for that asset or landscape to be designated at a point in the future.

- 6.22 All heritage assets and cultural landscapes have a measure of significance. Understanding the level of significance of assets and landscapes is also an established step in the UK heritage protection system – albeit using a slightly different framework.
- 6.23 In the context of the WHS the issue is whether a heritage asset or cultural landscape is of a level of significance that it makes it an Attribute of OUV.
- 6.24 Three criteria have to be met for a site or feature to comprise an Attribute of OUV;
- **Criteria for Inscription**
  - **Conditions of Authenticity**
  - **Conditions of Integrity**
- 6.25 Establishing whether a heritage asset or cultural landscape meets all three of these criteria, and therefore contributes to OUV as an Attribute, will enable the presence of international significance to be established.

**Table 6.1: Management Plan Protection Policies of relevance**

<p><b>Protection</b></p> <p><b>Policy P3:</b> Planning authorities will ensure that new development protects, conserves and enhances the Site and its setting.</p> <p><b>Policy P6:</b> Local authorities and other agencies will make full use of the powers available to them for the protection and conservation of the Site.</p> <p><b>Policy P7:</b> There is a presumption against the removal, disturbance or burial of historic mine waste within the Site.</p> <p><b>Policy P8:</b> Developments outside the Site that will adversely affect its Outstanding Universal Value will be resisted.</p>
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- 6.26 A 'precautionary principle' should be applied when planning officers screen for Attributes of OUV and specialist advice

should be sought at the earliest possible opportunity, if in doubt. Following the above steps it is possible for an understanding to be developed of whether Attributes of OUV are present within, or within proximity to the proposed development site. The nomination form<sup>14</sup> also sets out the criteria that were used to identify some principal sites that convey OUV as Attributes, (see Table 6.2, p.38), demonstrating the understanding of heritage value, inscription criteria, authenticity and integrity that is needed to determine OUV.

*Identifying if the Criteria for Inscription are met*

- 6.27 Chapter 6 and the Management Plan provide detailed information on the three inscription criteria that the Site meets. However, in an attempt to understand if the inscription criteria in the context of the WHS the main points are summarised below.
- 6.28 Does the heritage asset or cultural landscape relate to one of the seven Attributes of OUV – namely:
- Industrialised mining in Cornwall and West Devon between 1700 – 1914.
  - The innovative use of the high pressure beam engine.
  - The consequent (to industrialised mining between 1700 – 1914) evolution of an industrialised society including the resultant creation of smallholding, railways, canals, docks and ports and the creation or remodelling of towns and villages.
  - Remains of copper and tin mining.
  - The testimony of when the area dominated the World's output of copper, tin and arsenic.
  - The technological ensemble of characteristic Cornish and West Devon engine houses and beam engines.

<sup>14</sup> Nomination Document for the Cornwall and West Devon Mining Landscape for inclusion on the World Heritage List (2005) World Heritage Site Bid Team Cornwall County Council Environment and Heritage Service.

- The contribution to the Industrial Revolution and formative changes in mining practices around the world.

*helped shape a whole culture and way of life; from settlement patterns and land use to language, religion and spirituality.*

## The Attributes that define the OUV

- 6.29 The WHS comprises a series of heritage assets, cultural landscapes, and an attendant cultural legacy that help it meet the three inscription criteria; these are in turn authentic and have integrity giving the Site OUV. These assets have been categorised under seven different **Attribute** types that individually and collectively 'express' OUV.
- 6.30 The seven Attribute types for the Cornwall and West Devon Mining Landscape WHS are:
- Mine sites, including ore dressing sites
  - Mine transport infrastructure
  - Ancillary industries
  - Mining settlements and social infrastructure
  - Mineworkers' smallholdings
  - Great houses, estates and gardens
  - Mineralogical and other related sites of particular scientific importance
- 6.31 It is these Attribute types, and the features which fall under the respective Attribute classifications, that are the focus of management activities. Further information on Attributes is set out in Section 3.2 (pp.23–25) and Appendix 8.1 of the Management Plan.
- 6.32 Table 6.2 lists each of the seven Attribute types and how these relate to the inscription criteria.

*For example, Devon and Cornwall's unique geology and mineralogy underpins the whole of the cultural landscape – supplying the economic driver for the development of early industry and the income to inspire and fund technological development in a cycle of innovation and investment. In turn, the dominance of mining and allied industries*

**Table 6.2: Contribution of Attribute types to inscription criteria**

		Criteria for Inscription		
		<i>Interchange of human values and developments in technology</i>	<i>Unique testimony to a cultural tradition</i>	<i>Outstanding example of a technological ensemble / landscape</i>
<b>Attribute types</b>	<b>Stronger colour = stronger contribution to OUV</b>			
	Mine sites			
	Transport			
	Ancillary industries			
	Mining settlements & social infrastructure			
	Mineworkers' smallholdings			
	Great houses			?
	Mineralogy			

- 6.33 The table in Appendix 1 sets out a brief description of how different Attribute features and the associated cultural legacy of mining in Cornwall and West Devon relate to the seven Attribute types that express OUV. It should also be remembered that one Attribute type may overlap or intersect with another, e.g. an Ancillary industry site may be located within a Mining settlement.
- 6.34 Section 3.2 (pp. 23–25) and Appendix 8.1 of the Management Plan set out some examples of Attributes that express the OUV

of the Site. However, given the scale and complexity of the WHS, this is not intended as a comprehensive list. It also must be emphasised that not everything that lies within the boundary of the WHS contributes to its OUV. Therefore consideration of whether a heritage asset or a wider cultural landscape conveys OUV as an Attribute has to be considered on a case by case basis.

### Determining contributions to OUV

6.35 Whilst there is no comprehensive list of Attributes of OUV, due in part to the scale and complexity of the Site, some ‘principal sites’ were identified for illustrative purposes when the WHS was inscribed (designated); these are mapped and listed within the Management Plan under Chapter 3 and Appendix 8.1.

6.36 The location of the heritage asset or cultural landscape may also provide a clue to its significance. The WHS criteria, and the Attributes that combine to contribute to OUV, are expressed differently across the ten inscribed Areas of the WHS. The differing spatial distribution of Attributes of OUV is highlighted in Table 6.3.

Key questions that developers, planners and others can ask whilst screening for Attributes of OUV are set out below:

- Has the location of the development site in relation to the boundaries and setting of the WHS been identified?
- Have any principal sites that convey OUV already been identified in the WHS Management Plan, in or near to the proposed development site?
- Has the WHS Management Plan been consulted to identify if the development site might contain Attributes of OUV?
- If historic features or landscapes have been identified in or near to the proposed development site, has it been established if these might be Attributes of OUV - by meeting the criteria for inscription, conditions for authenticity and conditions of integrity?

**Table 6.3: Spatial distribution of Attributes of OUV**

Attributes Areas	Mine sites	Mine transport infrastructure	Ancillary industries	Mining settlements	Mine workers' smallholdings	Great houses, estates & gardens	Mineralogical sites
(A1) St Just Mining District	■			■		■	■
(A2) The Port of Hayle		■	■	■			
(A3) Tregonning and Gwinear Mining District	■			■		■	■
(A4) Wendron Mining District	■			■			
(A5) Camborne and Redruth Mining District	■	■	■	■			■
(A6) Gwennap Mining District	■	■	■	■		■	■
(A7) St Agnes Mining District	■	■		■			■
(A8) The Luxulyan Valley	■		■	■			■
(A9) Caradon Mining District	■	■		■	■		■
(A10) Tamar Valley Mining District	■	■	■	■	■	■	■

## The conditions of Authenticity

- 6.37 It is not enough for the WHS to meet an inscription criterion to be inscribed, it also has to meet the conditions of **authenticity**. The key condition is that the types of Attributes which comprise OUV are well understood in terms of their history, meaning and development. In order to determine the credibility of the Attributes (i.e. the individual heritage assets, historic/cultural landscapes and cultural legacy that comprise OUV overall) it is necessary to look at a variety of sources of information (these may be material, written, oral and figurative sources) to gain a knowledge and understanding of their original and subsequent characteristics and their meaning.
- 6.38 Paragraph 82 of the World Heritage Operational Guidelines states that 'Depending on the type of cultural heritage, and its cultural context, properties may be understood to meet the conditions of authenticity if their cultural values (as recognized in the nomination criteria proposed) are truthfully and credibly expressed through a variety of attributes including:
- form and design;
  - materials and substance;
  - use and function;
  - traditions, techniques and management systems;
  - location and setting;

- language, and other forms of intangible heritage;
- spirit and feeling; and
- other internal and external factors.'

(See: Operational Guidelines for the Implementation of the World Heritage Convention UNESCO WHC.15/01 8 July 2015)

### *Identifying if the conditions of Authenticity are met*

- 6.39 Understanding if the conditions of authenticity are met in terms of a feature's or site's history, meaning and development can be explored through several aspects and the list reproduced in 6.38 is only an indication as to how this might be achieved. These aspects are explored further in Table 6.4, and consideration of each of these can form the basis of an understanding of the authenticity of the asset or landscape, and its potential contribution to OUV as an Attribute.
- 6.40 The quality of authenticity, in World Heritage terms, is manifested across all the WHS Areas together (as the Site) and within each of the individual Areas (A1 –A10), as discrete entities.



**Table 6.4: Framework for considering authenticity**

Further explanation / definition
<b>Form and design</b>
<p>The origins, function and historical development of an authentic heritage asset are legible in its design and appearance.</p> <p>This does not mean that it survives precisely as originally intended, but that the various stages of its historical development, and attendant alterations to meet changing needs, can be understood in its current form. The asset's history of use and re-use are part of what give it significance.</p>
<b>Materials and substance</b>
<p>The materials used in building historic structures are a key part of their character and significance.</p> <p>Industrial buildings are often built quickly, of comparatively cheap and easily obtained materials (at the time and place of construction). Mine buildings tend to be built of very local stone and, while structurally strong and appropriate for their intended purpose, were not necessarily meant to 'last forever'.</p> <p>The use of these expedient materials and construction approaches, and the ability to appreciate and understand them, are important elements of such structures' authenticity.</p>
<b>Use and function</b>
<p>An asset's history of use, re-use and evolution of function are clearly central to its significance. To preserve authenticity, it is important that the key features that make this history understandable are conserved.</p> <p>The asset need not retain its original or subsequent use to retain its authenticity, but the features that make the structure understandable as, for instance, an engine-house or fuse-works, need to be conserved.</p>
<b>Traditions, techniques and management systems</b>
<p>Many heritage assets were built using traditional skills and techniques that are now rare or that the relevant skills have been lost.</p> <p>Patterns of land management can also be important in preserving the appearance and legibility of historic landscapes (e.g. coppicing of woodlands or small-scale subsistence farming).</p> <p>The authenticity of historic landscapes depends on them retaining legibility, rather than necessarily continuing in the same patterns of use for posterity.</p> <p>At a fundamental level, it is the activity of mining for metal ores which is the tradition central to the existence of the cultural complex comprising the WHS.</p>
<b>Location and setting</b>
<p>The surroundings in which a heritage asset is experienced is a fundamental part of its character and significance. The setting allows the asset to be understood in its contemporary and, often, its historical context through its relationships with other buildings, landscape features and cultural associations. These are the key elements for authenticity in this context.</p> <p>The setting of an asset relates to its current surroundings, rather than how the landscape would have looked when it was built. Change can often be accommodated, and can even have a positive effect, but this always needs to retain the visual, functional and cultural relationships that contribute to the asset's significance.</p>
<b>Language, and other forms of intangible heritage</b>
<p>Local identity, language and culture is indivisible with its mining heritage.</p> <p>The lexicon of mining terms, visible in place-names across Cornwall and West Devon, is important in maintaining this connection – provided people retain</p>

#### Further explanation / definition

an understanding of their meaning, and the cultural significance of the places they refer to. Similarly, the social and cultural traditions associated with Methodism and community identity – which are often strongly associated with built heritage (chapels, public buildings and open spaces) – are kept alive by local people.

The literary associations of Cornwall and West Devon's mining heritage, for example with Winston Graham's '*Poldark*' novels (and subsequent dramatizations for TV) are an important point of understanding for people outside the region.

#### **Spirit and feeling**

Monuments of industry have a particular 'feel'. They are not necessarily beautiful in the conventional sense, but their raw functional aesthetic is an important part of understanding what they were like in the past, and conveying a sense of the roughness of the work involved.

These aspects of authenticity depend largely on how people respond to assets and their setting – for instance, on a warm summer's day the Towanroath engine house at Wheal Coates, St. Agnes is an idyllic, romantic 'ruin', but its exposure to the elements can readily be appreciated, hinting at the difficulties of mining life in the past.

Religion and spirituality is a very important aspect of local mining tradition. As a highly dangerous occupation, closeness to God and community alike was a critical element of personal and social resilience in the face of constant risk. Preserving the physical fabric relating to these values – such as Methodist chapels and public buildings – is key to maintaining an understanding (if not continuity) of these traditions.

## The conditions of Integrity

- 6.41 The third requirement in order for the WHS to have OUV, is to meet the conditions of **integrity**. Integrity is a measure of the wholeness and intactness of the WHS and its Attributes. The concept of integrity is particularly relevant for cultural landscapes, human settlements, modes of occupation of land, cultural routes, and sites of technical production such as the WHS. It is important that these sites, that are representative of a certain way of life, have sufficient dimensions and contain all significant features and elements to respect their integrity.<sup>15</sup>
- 6.42 The integrity of the WHS can be judged on:
- Whether or not the WHS includes all elements necessary to express OUV;
  - Whether or not the WHS is of an adequate size to ensure the complete representation of the features and processes which convey the Site's significance;
  - Whether or not the WHS is essentially free from the adverse effects of development and/or neglect.
- 6.43 This means that the physical fabric of the Site and/or its significant features should be in good condition, and the impact of deterioration processes controlled. A significant proportion of the elements necessary to convey the totality of the value conveyed by the Site should be included. Relationships and dynamic functions present in cultural landscapes, historic towns or other living properties essential to their distinctive character should also be maintained.<sup>15</sup>

### *Identifying if the conditions of Integrity are met*

- 6.44 The conditions of Integrity are focussed on the wholeness and intactness of the entire WHS. Therefore the contribution that a single or cluster of Attributes (that may potentially be affected by proposed development) make to OUV overall, must be understood.
- 6.45 Comparing a particular asset or landscape to similar places both within and outside the WHS, and understanding its comparative rarity, uniqueness and condition, may all help in understanding the contribution (and the impact of its potential loss) on the integrity of the Site as a whole.
- 6.46 Once an understanding of the asset or landscape in relation to the Criteria for Inscription and the conditions of Authenticity and Integrity have been gained, it is possible to gauge the level of significance and whether the asset or landscape contributes an Attribute of OUV.
- 6.47 The quality of integrity, in World Heritage terms, is manifested across all the World Heritage Site Areas together (the Site) and within each of the individual Areas (A1 –A10), as discrete entities.

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<sup>15</sup> Background document on the notion of Integrity. World Heritage Centre, ICOMOS, ICCROM and IUCN VERSION (7 MARCH 2012) International World Heritage Expert Meeting on Integrity for Cultural Heritage 12 to 15 March 2012, Al Ain, United Arab Emirates

## 7 Assessing impact - how harm might be caused

### Introduction to assessing impacts on the WHS

- 7.1 By understanding the value and significance of heritage assets and cultural landscapes, and their contribution to OUV as Attributes, it is then possible to determine whether the change resulting from proposed development will potentially have a negative or positive impact on the WHS.
- 7.2 As a party to the *Convention Concerning the Protection of the World Cultural and Natural Heritage* the UK is required to conserve the WHS. In translating this commitment into English planning policy the NPPF requires that '**substantial harm to or loss of designated heritage assets of the highest significance, notably ... World Heritage Sites should be wholly exceptional**'.
- 7.3 The degree of **authenticity** and **integrity** exhibited by the many and various Attributes within the Site is established at the point of inscription and defines OUV, both overall and at an Area level. Whilst the inscription criteria that establish OUV are fixed and non-negotiable, the authenticity and integrity of the Site are vulnerable to change, which in turn could jeopardize the OUV of the Site.
- 7.4 Planning decisions should consider the effect proposed changes will have on Attributes which jointly and severally express the OUV of the Site.
- 7.5 Impacts are often thought about in a two stages;
  - Firstly, the nature of the likely impact is identified, and
  - Secondly, the scale and implication of the likely impact is assessed
- 7.6 Broadly speaking, by understanding the impact on the authenticity of the Site it is possible to understand the nature of the impact, and by understanding the impact on the integrity

of the Site it is possible to understand the scale and implication of the impact.

- 7.7 It is also important to emphasise that the Site needs to be seen as a single entity, and that it is the WHS *as a whole* (i.e. all ten Areas and each of the Attributes in combination) that represents the full OUV. Too frequently the WHS is disaggregated into discrete receptors (e.g. historic buildings, archaeological sites and specified view points) without considering the Site as a whole. Ensuring that the relationships are fully established between assets and landscapes, will help ensure that the overall effects of development can be understood and managed<sup>16</sup>.
- 7.8 Determining whether development in and around the WHS results in harm to the Site's OUV is a potentially complex process. Planners should seek specialist advice where necessary, but it is hoped that this section provides an insight into how impacts can be identified in order to guide developers and engage more effectively and efficiently with specialists.

### Identifying impacts on authenticity

- 7.9 'The Statement of OUV and Significance' in the Management Plan (Section 3.2 d, reproduced as 'Brief synthesis of Outstanding Universal Value' in Box 6.1, p.35) identifies that the surviving features of the Site as a whole have high authenticity. The mines, engine houses, associated buildings and other features have either been consolidated or await work – but are broadly in relatively good condition. However, in the villages and towns there has been some loss of architectural detail, particularly in the terraced housing, but it is considered that this is reversible.
- 7.10 An aspect of authenticity of the Site that is considered particularly under threat is the spatial arrangements of areas such as Hayle Harbour and the setting of Redruth and Camborne.

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<sup>16</sup> ICOMOS, Guidance on Heritage Impact Assessments for Cultural World Heritage Properties (January 2011)

7.11 As discussed earlier in the chapter when establishing if the proposed development will have an impact on any heritage assets or cultural landscapes that contribute to OUV, authenticity can be explored through a series of aspects. These aspects also provide a useful framework for exploring the nature of likely impacts that may result from proposed development (see Table 7.1)

7.12 Whilst all of the aspects of authenticity should be considered, 'The Statement of OUV and Significance' in the Management Plan (Section 3.2 d, and reproduced as 'Brief synthesis of

Outstanding Universal Value' in Box 6.1, p.35) identifies the aspects that are of most relevance for the Site, these are:

- form and design;
- materials; and
- location and setting

7.13 Impacts may take many forms, they may be direct or indirect, cumulative, temporary or permanent, reversible or irreversible, visual, physical, social and cultural, or economic.

**Table 7.1: Framework for considering impacts on authenticity**

Potential effect of development
<b>Form and design</b>
<p>Alterations, restoration or refurbishment can mask or remove features that 'tell the asset's story' – making its historical form, function and development through time harder to understand and appreciate.</p> <p><i>E.g. an architect proposes adding a high quality modern extension to a historic building to facilitate re-use. It will necessitate driving a void into the historic building at the junction of two phases of past development.</i></p> <p><i>This could harm the authenticity of the structure, unless the importance of the multi-phase nature of the building is recognised as part of its significance and incorporated within the design.</i></p> <p>Reconstruction of historic buildings can harm authenticity as this inherently involves some conjecture and introduces confusion as to 'real' and reconstructed fabric.</p> <p><i>E.g. a landowner proposes conserving and restoring a complex of engine-houses and ancillary buildings as a tourist attraction. This will involve partial reconstruction of engine-house buildings, replacing lost fabric with modern equivalents and installation of new machinery.</i></p> <p><i>The authenticity of the structures could be reduced through their reconstruction – as there will be substantial 'new' elements added to the buildings to make them safe and useable. New elements are inherently inauthentic where their origins are not clearly articulated.</i></p>
<b>Materials and substance</b>
<p>Maintenance, repair and restoration of historic buildings are necessary if they are to continue to have a sustainable use and to survive for future generations. However, ensuring that the materials used in this process are as close to those originally specified is important in maintaining authenticity where like-for-like replacement is possible (e.g. windows, doors, roofing materials). Where more extensive repair and restoration is required (e.g. replacing rotted timbers, corroded metalwork or crumbling stone) it is important that modern conservation interventions are clearly legible and not artificially 'aged'.</p> <p>Development poses a unique threat to sub-surface archaeological remains, as it raises the possibility of extensive damage or even complete destruction. It is therefore vital that the archaeological potential of development sites is fully understood at application stage to ensure that significant remains are preserved in situ wherever possible.</p>
<b>Use and function</b>
<p>As with 'Form and Design' above, change to historic structures that could remove or obscure the key physical elements of an asset's 'story' would constitute a reduction in its authenticity.</p> <p>Intact historic buildings can readily be repurposed and altered or extended – but the origins and development of the asset should always remain legible. This is</p>

#### Potential effect of development

significantly more challenging with regard to archaeological sites, whose value could be obscured or harmed by attempts at restoration or reconstruction - good conservation practice dictates that this would seldom be an appropriate step for most archaeological sites.

#### Traditions, techniques and management systems

While this is not a particular issue for the WHS, the traditional building skills (e.g. stone masonry and the use of lime mortar) are in short supply.

Similarly, the way land is used and managed has changed significantly over time, with the traditional miners' smallholdings – which make up a significant part of the WHS' historic landscape – no longer occupied or managed under their original pattern of use or tenure. However, their authenticity is retained through the preservation of historic field boundaries and the relationship between domestic buildings and their associated land-holdings.

*Agricultural intensification could represent a major threat, through the removal of boundaries, as could woodland expansion – obscuring the historic pattern of land division.*

*Resumption of mining within the WHS could be potentially problematic from an environmental perspective. However, provided that the impacts could be managed to preserve the fabric and associations contributing to OUV, it would represent a continuation of a tradition stretching back millennia and should not affect the authenticity of the site.*

#### Location and setting

Change within the setting of a heritage asset can reduce its authenticity by interrupting, reducing or destroying key visual, functional, cultural or symbolic relationships with other assets or landscape features.

*E.g. a developer proposed a new housing development on the edge of a historic mining village. Although the design of the houses themselves is of high quality, and the townscape form is complimentary to the existing settlement, its location intrudes on the visual relationship between the village and the mining complex in its hinterland to which it owes its existence.*

*This would constitute a major change in the authenticity of the mine, and the village's, setting and would have a potentially major impact on the significance of both.*

#### Language, and other forms of intangible heritage

Maintaining cultural links through sensitive naming of new places and developments, linking to mining heritage where appropriate, can help to preserve continuity. Similarly, ensuring that places retain their historical names helps to maintain the understanding of their associations.

Often, the preservation of cultural associations and wider cultural value depends on the preservation of physical places.

#### Spirit and feeling

Intangible heritage is not specifically protected by the planning system, as it is inherently designed to deal with physical matters and development.

However, it plays a key role in ensuring that the authenticity of such cultural associations with physical places is understood and conserved through appropriate use of built heritage.

*E.g. a developer proposes conversion of a redundant, de-consecrated chapel for housing. Provided that the form and original function of the building remains legible, conserving the architectural and historical interest, the authenticity of the structure should be preserved.*

### Identifying impacts on integrity

7.14 The second stage in identifying potential impacts is to understand the scale and implication of the impact. The requirements of the NPPF necessitate the scale and implications of impacts on the WHS to be thought of in terms of:

- **Positive outcomes;**
- **Less than Substantial harm;**
- **Substantial harm;** and
- **Loss**

7.15 The NPPF stresses that, if a development would result in substantial harm or loss, planning consent should be refused unless it can be demonstrated that the impacts are necessary to achieve substantial public benefits that outweigh that harm or loss. In essence, this should be considered to be the loss of one public good to secure another and, in the terms of the NPPF, this should be 'exceptional'. For the most significant assets - Grade II\* and Grade I - Listed Buildings, Scheduled Monuments and World Heritage Sites, this should be '...wholly exceptional...'. This sets a high bar in terms of the public benefits that would be required to outweigh the harm.

**Recent case law suggests that acknowledgement of 'harm' to the heritage asset is the key part of the NPPF policy test.** While the impact of recent judgements have not yet been applied to World Heritage Sites, recent case law ('Forger Field and Barnwell' \*) indicates that the interpretation of paragraph 132 of the NPPF should be strictly applied – in that **'...great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be.'**

The issue of '**substantial**' and '**less than substantial**' harm has also been clarified to a considerable degree through recent case law. **For WHSs – as internationally important assets – where harm can be identified, very significant weight must be given to its conservation, regardless of the degree of harm envisioned.**

7.16 Whilst impacts may affect a small portion of the WHS that contributes towards OUV, the impact needs to be considered on the integrity of the Site as a whole. As outlined earlier in the chapter integrity is a measure of the wholeness and intactness of the WHS and its Attributes.

7.17 The integrity of the WHS can be judged on:

- Whether or not the WHS includes all elements necessary to express OUV;
- Whether or not the WHS is of adequate size to ensure the complete representation of the features and processes which convey its significance;
- Whether or not the WHS is essentially free from the adverse effects of development and/or neglect.

7.18 As such, small-scale incremental (cumulative) changes can have a particularly negative impact on the integrity of the Site – but one that is often difficult to assess at the level of individual planning applications. The World Heritage Site Office, as part of its planning advice function, will therefore record development applications within the WHS and its setting to identify any potentially harmful trends. This evidence will inform future planning guidance and revisions to the Management Plan.

7.19 Section 3.2c of the Management Plan identifies that some of the mining landscapes and towns within the Site are within development zones and may be vulnerable to the possibility of incompatible development, and that this is a key area of concern in terms of the integrity of the Site.

7.20 Table 7.2 sets out a framework to help impacts on the integrity of the Site to be identified.

(\* See: Barnwell vs East Northamptonshire District Council and others 2014, case no. C1/2013/0843)

**Table 7.2: Framework to identify impacts on integrity**

Measurement of integrity	How change might compromise integrity ...	What needs to be ensured so not compromised	How change managed	Potential types of change <i>Examples / advice</i>
<b>Wholeness</b> = all the necessary Attributes are within the feature/site and it is of an adequate size to convey the significance of the property	Boundary change	Preservation of the physical extent of the WHS	Formal procedure for boundary changes set out in the Operational Guidelines	
	Reduce the size of the property in any way that would compromise the complete representation of the features and processes which convey the OUV		Planning process	
<b>Intactness</b> = all the necessary Attributes are still present –none eroded	<b>Development</b>	<b>Heritage Assets</b> <i>Changes in extent, loss or modification of historic fabric reducing visibility and ability to understand assets in an appropriate setting; adverse impacts on assets' character and significance</i>	Ensure that the Attributes that embody the OUV and the Site as a whole will remain in good condition and that development with conserve and enhance their special interest and heritage significance.	<b>Planning process:</b> Identifying all heritage assets prior to development, systematically assessing their significance and contributions to OUV – then ensuring these qualities are conserved, enhanced and interpreted.
		<b>Historic Landscape</b> <i>As above; changes in visual, functional or symbolic relationships between places and assets (e.g. loss of visual relationships or connecting infrastructure)</i>		<b>Designation:</b> Planning officers required to give 'special regard' to assets' value and significance in planning decisions. NPPF requires a presumption in favour of designated assets' preservation.  Effects of development on the significance of non-designated heritage assets are a material consideration, as set out in para. 135 of NPPF.  <b>Historic England</b> should be consulted on any applications potentially affecting Grade I or II* Listed Buildings or their setting, Scheduled Monuments, Grade I or II* Registered Historic Parks and Gardens, Registered Battlefield



Measurement of integrity	How change might compromise integrity ...	What needs to be ensured so not compromised	How change managed	Potential types of change <i>Examples / advice</i>
				<p><i>landscape'</i></p> <p>Change how mining heritage can be appreciated and understood in the landscape?  <i>E.g. peri-urban development resulting in visual and functional separation between historic mining town and its industrial hinterland</i></p> <p>Affect the relationships between elements of mining heritage: assets and Attributes of OUV?  <i>E.g. development destroying or covering over historic transport infrastructure or leats; reducing the legibility of the historic nature of ports and harbours through insensitive development; changing the character of historic mining settlements</i></p> <p>Result in intrusion in key views of, from or between key heritage assets?  <i>E.g. tall / bulky development in views from upland mine sites affecting inter-visibility between historically and functionally related sites</i></p>
	<b>Cultural Legacy</b>	<p>Conservation of the physical assets with which cultural practices and traditions are associated.</p> <p>Active engagement with local communities to understand folk memory and local cultural associations to enable their understanding and ongoing dissemination.</p>	<p><b>Planning process:</b></p> <p>Conserving physical fabric with which cultural practices and traditions are associated and encourage access to, interpretation and increased understanding of them.</p> <p><b>Heritage management:</b></p> <p>Understanding the communal values associated with a place is a fundamental aspect of understanding its heritage significance.</p> <p>Ensure that records of change are made and shared with the community in an accessible format.</p> <p>Engage the community during the</p>	<p><b>Does the proposal:</b></p> <p>Potentially affect places or assets that have important local cultural associations (e.g. with festivals, historical events and figures or folklore and customs?)  <i>E.g. development that erodes the grouped OUV assets as a whole will undermine well established annual celebrations such as Trevithick Day in Camborne and the Miners' Festival in Redruth. Development that affects buildings or mines that have particularly strong cultural associations and where a strong folk memory exists such as Geevor Mine in Pendeen which was an important economic mainstay of the area which closed as recently as 1990 or</i></p>

Measurement of integrity	How change might compromise integrity ...	What needs to be ensured so not compromised	How change managed	Potential types of change <i>Examples / advice</i>
			investigation process and in dissemination of the results.	<p><i>Holmans No. 3 works in Camborne once the town's largest employer.</i></p> <p>Affect the ability to appreciate places, assets or relationships that are important to local cultural values?  <b>E.g.</b> <i>development that affects the relationship between historic towns and Methodist chapels, social infrastructure (such as technical institutes) or ancillary industrial buildings, reducing the ability of visitors and local people to understand the origins of communities and built environment</i></p> <p>Alter culturally important historic buildings in a manner that their original form or function – which is important to the cultural value – is no longer discernible?  <b>E.g.</b> <i>conversion of industrial buildings in a manner that affects the ability to identify their origins</i></p>

Measurement of integrity	How change might compromise integrity ...	What needs to be ensured so not compromised	How change managed	Potential types of change <i>Examples / advice</i>	
	<b>Neglect (and deterioration)</b>	<b>Heritage Assets</b>	<p>The physical condition of these Heritage Assets, alone and in relation to each other, remains adequate to continue to carry the OUV of the property.</p>	<p>For designated assets, through the appropriate enforcement processes:</p> <p><b>Listed Buildings</b> – <i>unauthorised works and other breaches of planning control: LB Enforcement Notices.</i></p> <p><i>Ongoing neglect – direct engagement with owners to correct neglect; threat of Section 48 Building Repair Notice<sup>17</sup>; as a last resort, compulsory purchase under Section 47 of the Planning (Listed Buildings and Conservation Areas) Act 1990 – where there is evidence of deliberate neglect, the local authority may only pay minimum compensation.</i></p> <p><i>Unoccupied buildings – LPAs can undertake urgent works to unoccupied Listed Buildings and recover costs from owners, under Sections 54 &amp; 55 of the 1990 Act.</i></p>	<p>Where neglected assets are the subject of development proposals (particularly where some/total demolition is proposed), key questions include: <i>How long has the asset been in a state of disrepair / decline?</i></p> <p><i>Has there been a change of ownership, resulting in new proposals for conversion / demolition? If not, what are the reasons for development now?</i></p> <p><i>Have any (Listed Building) enforcement notices been served on the property / Building Repair Notices<sup>15</sup>? If this is the case, this could describe a pattern of poor stewardship, potentially designed to allow the building to decay to the point where its significance is reduced and demolition could be permitted. NPPF requires that any such neglect is not to be considered – i.e. the full, undiminished significance of the asset should be used in decision-making.</i></p>
		<b>Historic Landscape</b>	<p>The physical condition of these Heritage Assets, alone and in relation to each other, remains adequate to continue to carry the OUV of the property.</p>	<p><b>Conservation Areas</b> – unauthorised works and other breaches of planning control: <i>planning enforcement notices.</i></p> <p><i>Ongoing neglect – direct engagement with owners to correct issues;</i></p> <p><b>Scheduled Monuments</b> – any evidence of neglect or unauthorised works to SMs should be referred to Historic England for enforcement.</p> <p><b>Undesignated historic buildings</b> – LPAs may serve a Building Preservation Notice<sup>18</sup> on the owner or occupier of a building that is not Listed, but which they consider to be</p>	<p>If demolition is proposed, how has this been justified in relation to heritage values, significance and OUV? <i>If demolition is proposed as a first option, rather than as a last resort, it is unlikely that the developer has given the conservation of historic fabric and the values of the place sufficient attention. The requirements of the NPPF are clear, and loss of anything that contributes to OUV would need to be very well justified in relation to very substantial public benefits.</i></p> <p>Is damage to historic fabric / archaeology occurring as a consequence of poor land or visitor management e.g. by livestock intrusion or erosion from</p>

<sup>17</sup> Served under Section 48 of the Planning (Listed Buildings and Conservation Areas) Act 1990

<sup>18</sup> Served under Section 3 of the Planning (Listed Buildings and Conservation Areas) Act 1990 – they afford temporary protection to a building equivalent to that given to Listed Buildings

Measurement of integrity	How change might compromise integrity ...	What needs to be ensured so not compromised	How change managed	Potential types of change <i>Examples / advice</i>
			<p>of special architectural or historic interest and is in danger of demolition</p> <p><b>Historic landscapes</b> – hold a range of challenges, as they often cut across land ownership boundaries and may therefore be managed in a range of ways, with potentially competing priorities.</p> <p>Engaging positively with landowners to encourage collaborative working, up to and including the development of Conservation Management Plans for key historic landscapes</p>	<p>poorly-placed footpaths, unauthorised access or irresponsible use of sites (visitors climbing on fragile walls etc.)? <i>If damage to heritage assets is occurring as a consequence of poor management, direct engagement with the assets' owner is advisable to highlight the issue and suggest an appropriate course of action.</i></p> <p><i>Where this affects designated assets Historic England should be involved to ensure that management proposals are appropriate and – where possible – take advantage of available funding for access control / enhancement measures (e.g. those available through the <a href="#">England Rural Development Programme</a>)</i></p> <p><i>For larger-scale assets or historic landscapes, developing a collaborative Conservation Management Plan may be the most appropriate and sustainable option, and can help to identify and unlock opportunities for sensitive development that conserves and enhances OUV.</i></p>
		<b>Cultural Legacy</b>	<p>Make sure that they are encouraged to continue and have a presence within the World Heritage property; the priority for planning will be conserving and enhancing the built environment that contributes to cultural value and associations</p> <p>Adequate processes for ensuring the handing down of skills from generation to generation (which may themselves be Attributes of the OUV), documentation systems for capturing these processes over time, monitoring systems, adequate resources, and perhaps most important, adequate collaboration and control by the communities concerned.</p> <p>Planning: to prevent adverse effects as a consequence of development</p>	<p>In general, cultural associations will only be preserved through active engagement by communities with their heritage, to ensure that traditions, stories and practices are passed between generations. While, at present, there is an extant population of former miners and their families living in the region, it is possible that – should mining remain an historical, rather than current, industry – the primary knowledge and value of this cultural legacy may be diminished.</p> <p><i>Neglect of physical assets can also lead to, or contribute to, loss of cultural legacy as assets begin to be associated more strongly with their current derelict</i></p>

Measurement of integrity	How change might compromise integrity ...	What needs to be ensured so not compromised	How change managed	Potential types of change <i>Examples / advice</i>
				<i>state than their cultural meaning and value. Preserving the physical legacy of Cornwall's mining heritage is therefore critical in maintaining and improving the understanding of the wider cultural impact and legacy of mining and allied industries.</i>

**Table 7.3: Management Plan Conservation and Enhancement Policies of relevance**

<b>Conservation and Enhancement</b>
<p><b>Policy C1:</b> Sustainable heritage-led regeneration will be encouraged and supported.</p> <p><b>Policy C2:</b> New development will add to the quality and distinctiveness of the Site by being of high quality design and respectful of setting.</p> <p><b>Policy C3:</b> There will be a presumption in favour of retaining and re-using historic buildings which are important components of the Site.</p> <p><b>Policy C4:</b> Proposals for the resumption of mining will be supported where they do not adversely affect the Outstanding Universal Value of the Site</p> <p><b>Policy C5:</b> Landscape, nature conservation and agri-environment management regimes will have regard for the authenticity and values of the Site.</p> <p><b>Policy C6:</b> The conservation and continuing maintenance of the historic fabric of the Site will be undertaken to the highest standards to ensure authenticity and integrity.</p> <p><b>Policy C7:</b> The historic character and distinctiveness of the Cornwall and West Devon mining landscape will be maintained.</p> <p><b>Policy C8:</b> Traditional materials and skills will be encouraged in the maintenance of the authentic historic fabric within the site.</p> <p><b>Policy C9:</b> Where the historic fabric within the Site has been lost or compromised through non-authentic materials, inappropriate details and poor workmanship, historic character and detail will be reintroduced wherever and whenever possible.</p> <p><b>Policy C11:</b> Key moveable components will be preserved in situ unless relocation will conserve or enhance the OUV of the Site.</p>

7.21 Key questions that developers, planners and others can ask themselves, in order to assess the impacts of a proposed development on Attributes of OUV, are given below:

- Will the development result in the obstruction, harm to, or loss of identified Attributes of OUV within the WHS?
- Have cumulative effects on the OUV of the WHS as a whole been considered?
- Have opportunities to enhance, interpret and promote the WHS been taken?



## **8 Appendix 1: Description of Attribute types, Attribute features, the cultural landscape, and the related cultural legacy of mining in Cornwall and West Devon**

## Description of Attribute types, Attribute features, the cultural landscape, and the related cultural legacy of mining in Cornwall and West Devon

Attribute type (1-7)	Attribute features (within Attribute type)	The cultural landscape (comprising multiple Attribute types and features)	The cultural legacy of mining
Mine sites, including ore dressing sites	Includes engine houses and other mine buildings, chimneys, dressing floors, mine dumps and infrastructure, as well as tin salvage works, also significant shafts, adits and means of underground access	<p>The landscape-scale legacy of the mining industry: complexes of mine-workings and processing sites, spoil tips, networks of transport infrastructure and their physical links through the landscape.</p> <p>Within the WHS, significant relict landscapes are present, with the relationships between mines, processing and export facilities and the places the workforce lived all readily legible.</p> <p>Within the mining towns, the presence of areas of miners' housing and the social and religious fabric of everyday life remains intact.</p>	<p>The connection between Cornwall's people and their mining heritage remains strong. As mining only ceased comparatively recently, the human legacy of the industry is still very much alive and tangible for current and future generations.</p> <p>Similarly, cultural connections to and understanding of the social and spiritual infrastructure of historic mining towns remain intact.</p>
Mine transport	Includes ports, harbours, wharfs and quays, mine tramways and industrial railways, mine roadways, tracks and paths, mining-related canals		
Ancillary industries	Includes foundries and engineering works, smelting works, fuse and explosive works, arsenic and chemical works		
Mining settlements and social infrastructure	Includes mining towns, villages and hamlets, public buildings, Methodist chapels, preaching pits and new C of E churches		
Mineworkers' smallholdings	Comprises mineworkers' farms, their buildings and related smallholding boundaries (usually Cornish type hedges)		
Great houses, estates and gardens	Comprises great houses and other substantial residences, lodge houses and other related buildings, estates, villas and embellished town houses, parkland and gardens	<p>Extensive landscapes of distinctive mineworkers' smallholdings: cottages and associated patterns of small, regular fields.</p>	<p>Understanding of this element of the historic environment is probably less widespread than for readily identifiable 'mining' built heritage.</p>
		<p>The country houses, estates and designed landscapes associated with local minerals magnates represent the symbols of wealth and power derived from mining. Their explicit association with mining may not always be well understood, but they are a critical part of the WHS landscape – and their relationship with mining infrastructure and villages is highly significant. In towns such as Redruth, high quality Victorian and Edwardian villas and townhouses – built by the professional classes involved in the mining industry – represents the considerable wealth that was derived from mining both locally and abroad, by travelling engineers and businessmen that</p>	<p>The legacy of designed landscapes in particular is important where these have become publicly accessible visitor attractions – allowing the story of the 'mine adventurers' to be articulated and understood.</p>



Attribute type (1-7)	Attribute features (within Attribute type)	The cultural landscape (comprising multiple Attribute types and features)	The cultural legacy of mining
		prospered in South Africa in particular. Similarly, Tavistock was radically re-planned as a consequence of the growth of the mining industry, introducing a still-visible hierarchy of housing types and a distinctive pattern of social infrastructure including the Magistrate’s Court, chapels, schools and hostelries.	
Mineralogical and other related sites of particular scientific importance	Comprises internationally and nationally-important type sites for minerals, important mining-related ecological sites	The unique geology and mineralogy that provided the raw materials for the industry literally and figuratively underpins all other aspects of the WHS’ significance. The physical distribution of minerals had a profound influence on the disposition and location of mining infrastructure.	Worldwide, the region is synonymous with copper and tin in particular. Popular understanding of the region’s history of metals extraction – ranging from pasties to accounts of Mediterranean traders in antiquity and the <i>Poldark</i> TV series – revolves around this accident of geology.



## **9 Appendix 2: Heritage Statements and Heritage Impact Assessment**

# Heritage Statements and Heritage Impact Assessment

## Introduction

Where a proposed development is likely to have an impact on heritage assets and/or the Outstanding Universal Value of the WHS, a Heritage Statement and/or Heritage Impact Assessment will be required. The key function of these documents is to provide the planning authority with sufficient information to:

- Identify which heritage assets are likely to be affected;
- Understand their heritage significance;
- Understand their contribution to OUV;
- Understand the impact of the proposed development on their heritage significance and the OUV of the WHS;
- Consider the proposed mitigation measures; and,
- Reach a well-informed and robust decision.

NPPF places the onus on developers to provide information '*proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance*'. As World Heritage Sites in themselves are heritage assets of the highest importance, developers should expect to provide high quality assessments prepared by appropriately qualified and experienced professionals.

## Do I need to provide a heritage statement?

If the proposed development site lies within the World Heritage Site, it is likely that some level of consideration of the historic environment will be required. Similarly, if the proposal lies within a Conservation Area or involves heritage assets, including their settings, or areas of archaeological potential, a Heritage Statement will be required.

Any proposals potentially affecting designated heritage assets will automatically require a Heritage Statement.

In determining whether a Heritage Statement is required, prospective applicants should consult the guidance provided in Chapter 4 of this SPD which should assist in assessing the potential for impacts on the historic environment.

Prospective applicants should engage with the appropriate Historic Environment Service at the earliest opportunity to discuss the location, nature and scale of their proposed development, and the likely implications for the historic environment. These discussions will also help to frame the likely level of pre-application investigation that would be required, ranging from desk-based assessment to evaluation excavations or standing building recording. This will help developers understand the likely cost and regulatory implications of proceeding with the development as envisaged, or whether options to conserve and enhance heritage assets can be more effectively incorporated in design solutions.

Cornwall Council Historic Environment Service has produced valuable guidance on developing appropriate Heritage Statements, which developers should consult when commissioning / undertaking assessments.

**Applications for planning permission and/or Listed Building Consent will not be validated unless a heritage statement has been submitted.**

## Do I need to provide a Heritage Impact Assessment?

A formal Heritage Impact Assessment (HIA), following the ICOMOS guidance, will be required for larger-scale development within the World Heritage Site and its setting, and/or where there is the potential for significant impacts on the Site's Outstanding Universal Value (OUV).

As even comparatively small-scale development has the potential to adversely affect OUV, developers should take the risk, and likely costs, for securing the appropriate advice and assessment into account when planning their projects.

### *How does this relate to the 'Cultural Heritage' assessments in EIA?*

Where developments are identified as requiring Environmental Impact Assessment (EIA), the planning authority and Historic England will highlight the need for an ICOMOS guidance-compliant HIA at the Scoping stage. This will ensure that expectations on developers are clear from the outset, and that appropriate specialists can be engaged.

### **Preparing a heritage statement**

Broadly, a heritage statement should set out:

#### **Identification of the heritage assets affected:**

- The **history and development** of the all the heritage assets involved (both designated and non-designated), using photographic, map, archival and primary evidence from analysis of the surviving fabric;
- The definitive records of non-designated sites, including areas of archaeological potential, are the [Cornwall and Scilly Historic Environment Record](#) and the [Devon County Council Historic Environment Record](#)
- Appropriately detailed **recording and analysis of extant fabric**, including – as required – survey drawings, photographic record, mapping of the site in its context showing assets, features and spaces which might be affected;
- For archaeological sites, this may require pre-application surveys, non-invasive investigations (e.g. geophysical survey) or invasive field evaluation to characterise the extent, nature and likely significance of deposits on site. Such studies should always be discussed and agreed in writing with the relevant planning authority and their archaeological advisers.

#### **Assessment of the significance of the heritage assets and their settings:**

- An assessment of the archaeological, architectural, historical, social and cultural **significance** of the assets, including reference to key heritage values (as discussed in Chapter 4 of this SPD);

### **Assessment of impacts and harm:**

- A systematic assessment of the **impact of the proposed development** on the significance of all assets potentially affected;
  - While a range of approaches may be acceptable, assessments should always provide an assessment of whether the proposed development would constitute harm to the asset, within the meaning of the NPPF. This should always be aligned to a strong understanding of the asset's significance.
  - Studies required can include:

#### *For historic buildings and Scheduled Monuments:*

- Assessments of setting
- Structural surveys and repair schedules
- Standing building recording / archaeological building assessments
- Demolition method statements

#### *For archaeological sites, this could include:*

- Archaeological assessments
- Geophysical survey
- Evaluation reports
- Detailed topographic survey

- Where necessary, a **statement of justification** for the proposed works – especially where any demolition or alteration of historic fabric is required; and

#### **Mitigation strategy:**

- Details of any mitigation or compensation measures proposed. Applicants are expected to mitigate harm to the significance of heritage assets. Heritage Statements should show how proposals have:
  - **Avoided** harm, where this is reasonable;
  - **Reduced** harm, wherever possible; and
  - **Offset** harm, only where this is unavoidable, through programmes of recording and advancing the understanding of heritage assets harmed or lost.

**It should be noted that, while the LPA will require programmes of recording, the ability to secure 'preservation by record' will not be a factor in deciding whether harm or loss should be permitted (see NPPF para. 141).**

Heritage Statements must be objective and focus solely on the heritage significance of the assets, and the likely effects of development on that significance. Any discussion of planning balance and public benefits should be confined to an accompanying planning statement.

While it can be appropriate for Heritage Statements to be incorporated within Design and Access Statements, particularly for smaller-scale and lower impact development, there must be a clear distinction between the objective presentation and analysis of historic environment information with more subjective design responses.

### Preparing an HIA

Heritage Impact Assessments must follow ICOMOS' [Guidance on Heritage Impact Assessments for Cultural World Heritage Properties](#). The guidance provides a broad structure that heritage specialists should work to in presenting their findings.

In essence, the Heritage Statement and the HIA are parallel processes that, while linked, fulfil the requirements of separate conservation regimes and therefore have different emphases. There are obvious shared elements that help to reduce the duplication of effort, but heritage specialists should be aware of the relevant procedural differences and the difficulties posed by standardised approaches to EIA cultural heritage assessments. The mechanistic and highly disaggregated approach taken by heritage specialists in the UK to EIA-based cultural heritage assessment is, on its own, ill-suited to the holistic consideration of OUV. Where it is required, it should be seen as a complementary source of information, providing a valuable insight into impacts on individual assets – however, this then needs to be framed in the context of an overall impact on OUV.

Where the need for HIA is identified by either the planning authority or applicant, pre-application discussions should be arranged at the earliest opportunity involving:

- The LPA case officer;

- The relevant LPA heritage advisor(s) (Conservation Officer, Curatorial Archaeologist, Landscape Architect);
- Historic England;
- The developer;
- Representatives from the design team (e.g. architect, landscape architect);
- The developer's heritage advisor.

This will be a critical opportunity to discuss the likely nature and scale of the development, its location, likely key issues and the necessary scope of and approach to HIA.

**Where possible, applicants should seek to engage heritage specialists with appropriate qualifications and experience in working with WHS issues and undertaking UNESCO-compliant HIA.**

## **10 Appendix 3: Planning Conditions and obligations**

# Planning Conditions and obligations

## Planning Conditions

When granting planning permission, the local planning authority (LPA) will impose such Conditions as are seen fit to render the development acceptable in planning terms. This includes securing the necessary environmental safeguards and ensuring development progresses and is completed as permitted.

Conditions will be used to ensure that development does not proceed before the appropriate archaeological or standing buildings recording has taken place and that safeguards are in place to protect important features. When imposing Conditions, planning officers will consult with the council's heritage advisors to ensure that the proposed measure are proportionate, enforceable and effective in conserving OUV.

In general, these will be secured through the use of standard Conditions, but developers should refer to the [guidance provided by Devon County Council](#) in terms of the necessary specifications for commissioning technical archaeological and heritage investigations. For any such programme of works, a 'Written Scheme of Investigation' must be prepared and approved by the LPA, their heritage advisors and, where relevant, Historic England.

## Section 106 obligations

Community Infrastructure Levy (CIL), discussed below, has replaced Section 106 obligations as the principal means of securing developer contributions. However, they are still widely used in parallel with planning Conditions to secure programmes of works and/or enhancements necessary to support the delivery of the proposal, make it acceptable in planning terms and securing appropriate public benefits.

Within the WHS, it is likely that, where comprehensive programmes of, for example archaeological work or landscape design, will be required in

advance of development, these will be secured through a combination of Conditions and Section 106 obligations.

## Community Infrastructure Levy (CIL)

Community Infrastructure Levy (CIL) is a means of collecting developer contributions that are used to help pay for infrastructure that is needed to support the delivery of new development. CIL is fundamentally different from Section 106 obligations, in that the Council is able to pool funds from any number of developments to contribute to the delivery of necessary infrastructure.

Cornwall's CIL works in parallel with the Local Plan to help ensure that developers play a coordinated role in financing the infrastructure required for the implementation of the Council's 20 year development strategy. Policy 28 of the Local Plan submission document states that CIL contributions will be used to '*...ensure that the necessary physical, social, economic and green infrastructure is in place to deliver development*'. Contributions are calculated in a spatially and development type-specific manner, helping to ensure that developers are charged in a sustainable and equitable manner that does not affect overall viability.

Developers should consult the Council CIL document to determine the likely levels of contribution required at the outset of the development process. West Devon has not, as yet, produced a CIL charging schedule.

## The use of CIL and Section 106 Agreements to protect and enhance the WHS

As per the 2008 Planning Act Cornwall Council and West Devon Borough Council may produce a Charging Schedule as a means of collecting developer contributions to help fund infrastructure that is required to support new development in the area. CIL has replaced Section 106 obligations as the main source of developer contributions which however remains important for the achievement of affordable housing delivery and site specific infrastructure issues such as local access or connection to services.

The scope of implementing planning obligation collected through Section 106 Agreements is limited to be directly related to the development, necessary to make the development acceptable in planning terms and



fairly and reasonably related in scale and kind. CIL differs fundamentally from Section 106 obligations in that the funds collected are not tied to a specific development or the provision of specific infrastructure. From April 2015 the Council has no longer been permitted to pool contributions collected through Section 106 Agreements from more than five development sites to pay for a single infrastructure project or type of infrastructure.

The introduction of CIL aims to provide greater certainty on the costs to development generated through the planning process. The Charging Schedule is to be produced in accordance with the Community Infrastructure Levy Regulations 2010 and is required to be consistent with the up-to-date relevant Plan. In the case of Cornwall where the Local Plan is still emerging, the Charging Schedule will have to reflect the policies which emerge for seeking planning obligations. Policy 28 of the Local Plan submission document states that CIL contributions will be used to '...ensure that the necessary physical, social, economic and green infrastructure is in place to deliver development'. A Regulation 123 list will also be produced to clarify what types of infrastructure will in future no longer fall under Section 106 Agreements. This should mean that a 'double charge' does not result for development: i.e. that there is no overlap in the use of CIL and Section 106. Infrastructure which is not included on the Regulation 123 list may be sought on a site-by-site basis as per Policy 28.

### **Financial contributions**

As such at this stage only a preliminary draft of the Charging Schedule has been prepared and a final draft is scheduled to be adopted following the Local Plan Examination and Adoption. The draft which clarified that the development of 100m<sup>2</sup> of floor space or more and development creating one or more dwellings even if the floor space is less than 100m<sup>2</sup> would incur a CIL charge, divided Cornwall into three individual charging zones for housing development and two individual charging zones for supermarkets. The charging rate for each area varies for each subdivision and affordable housing and development for charitable purposes will be exempt from the charge. Additionally the Council may decide that the charging rate for certain uses or certain areas should be set to £0 depending on development viability. At present West Devon Borough Council has not prepared a CIL Charging Schedule. The most recent

Infrastructure Delivery Plan was prepared in February 2015 and aimed to identify any funding gap in relation to the provision of infrastructure in the Borough and as such would be used to provide evidence to support a future decision on whether to introduce a CIL in West Devon.

Once the Charging Schedule has been adopted in Cornwall development within the WHS will liable to the charge that is appropriate for the specific charging zone. The same situation will be applied to development within the West Devon area of the WHS if a CIL deemed to be required in the Borough. Growth within the WHS will need to be supported and as such contributions incurred as a result of CIL can be used to address issues relating to the built environment and social and support and support infrastructure. Section 106 Agreements can be continued to be used to fund affordable housing and to obtain contributions for infrastructure specifically related to the development which would make the development acceptable in planning terms (in accordance with Regulation 122 of the Community Infrastructure Levy Regulations 2010).

While Section 106 contributions will have to be used in direct relation to the development for which they have been secured, contributions which have been obtained through CIL may be used to positively enhance and protect the WHS's condition and character. These contributions can be used to address issues of conservation, interpretation and public access. Making use of traditional or appropriate materials, authentic workmanship and addressing historic detail should be encouraged where possible and use of appropriate contributions when necessary. Public access and through this understanding and appreciation of the WHS should be facilitated through an appropriate curation process with the maintenance of data and relevant collections. These actions may be funded through CIL collected related to CIL within the WHS and Section 106 contributions where contributions are used for improvements which are directly related to the development in question and make said development acceptable in planning terms.



## **11 Appendix 4: Permitted Development Rights and the World Heritage Site**

# Permitted Development Rights and the World Heritage Site

Permitted development rights allow for certain building works to proceed without a requirement to submit a planning application. These rights are set out in The Town and Country Planning (General Permitted Development) (England) Order 2015 (GPD0).

To control the impact and protect amenity permitted development rights are subject to Conditions and limitations. Together with Conservation Areas, National Parks, Areas of Outstanding Natural Beauty and the Broads, World Heritage Sites have been classed as article 2(3) land. These are protected areas where special quality has been recognised and as such specific limits have been placed on the applicable permitted development rights.

Limitations and/or Conditions in relation to article 2(3) land and in some cases specifically World Heritage Sites have been placed on the following permitted development rights which are usually applicable:

## Schedule 2 Permitted development rights, Part 1 Development within the curtilage of a dwellinghouse

- **Class A** - Enlargement, improvement or other alteration of a dwellinghouse

Development is not permitted by Class A on article 2(3) land if:

- (a) it would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles;
- (b) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or
- (c) the enlarged part of the dwellinghouse would have more than a single storey and extend beyond the rear wall of the original dwellinghouse.

- **Class B** - The enlargement of a dwellinghouse consisting of an addition or alteration to its roof

Development is not permitted by Class B if the dwellinghouse is on article 2(3) land.

- **Class E** - The provision within the curtilage of the dwellinghouse of buildings etc. incidental to their enjoyment

Development is not permitted by Class E if:

- (a) the curtilage of the dwellinghouse is within a World Heritage Site and the total area of ground covered by buildings, enclosures, pools and containers situated more than 20 metres from any wall of the dwellinghouse would exceed 10 square metres; or
- (b) the land within the curtilage of a dwellinghouse which is article 2(3) land and any part of the building, enclosure, pool or container would be situated on land between a wall forming a side elevation of the dwellinghouse and the boundary of the curtilage of the dwellinghouse

- **Class G** - The installation, alteration or replacement of a chimney, flue or soil and vent pipe on a dwellinghouse

Development on article 2(3) land is not permitted by Class G if the chimney, flue or soil and vent pipe would be installed on a wall or roof slope which fronts a highway and forms either the principal elevation or a side elevation of the dwellinghouse

- **Class H** - The installation, alteration or replacement of a microwave antenna on a dwellinghouse or within the curtilage of a dwellinghouse

Development on article 2(3) land is not permitted by Class H if it would consist of the installation of an antenna:

- (a) on a chimney, wall or roof slope which faces onto, and is visible from, a highway;
- (b) in the Broads, on a chimney, wall or roof slope which faces onto, and is visible from, a waterway; or
- (c) on a building which exceeds 15 metres in height.

### Schedule 2, Part 3 Changes of use

- **Class J** – Change of use of retail or betting office or pay day loan shop to assembly and leisure

Development is not permitted by Class J if the building is on article 2(3) land

- **Class M** - Change of use of retail or betting office or pay day loan shop to dwellinghouses

Development is not permitted by Class M if the building is on article 2(3) land

- **Class N** - Development consisting of change of use from an amusement arcade or casino to a dwellinghouse or any building operations required to facilitate this change of use.

Development is not permitted by Class M if the building is within a World Heritage Site.

- **Class P** - Development consisting of change of use from a building within Class B8 (storage or distribution centre) to a dwellinghouse

Development is not permitted by Class P if the building is within a World Heritage Site.

- **Class Q** – Change of use of agricultural buildings or land within its curtilage to dwellinghouses

Development is not permitted by Class Q if the building is on article 2(3) land

### Schedule 2, Part 4 temporary buildings and uses

- **Class E** – Temporary use of buildings or land for film-making purposes

Development is not permitted by Class E if the building is on article 2(3) land

### Schedule 2, Part 7 Non-domestic extensions, alterations, etc.

- **Class A** - The extension or alteration of a shop or financial or professional services establishment

Development is not permitted by Class E if:

- (a) the building is on article 2(3) land and the gross floor space of the original building would be exceeded by 25% or 50 square metres (whichever is the lesser);
- (b) any part of the development (other than an alteration) is on land which is on article 2(3) land and is within 2 metres of any boundary of the curtilage of the premises; or
- (c) any alteration would be on article 2(3) land

#### *Applicable conditions*

*Any extension permitted by Class A on article 2(3) land is subject to the specific condition of being constructed using materials which have a similar external appearance to those used for the building being extended in addition to the conditions which are applicable to permitted development at all other locations.*

- **Class C** - Development consisting of the erection or construction of a collection facility within the curtilage of a shop

Development is not permitted by Class C if any part of the development would be on article 2(3) land

- **Class D** - Development consisting of modification of a loading bay of a shop

Development is not permitted by Class D if any part of the development would be on article 2(3) land

- **Class F** - The extension or alteration of an office building

Development is not permitted by Class F if:

- (a) the building is on article 2(3) land and the gross floor space of the original building would be exceeded by 25% or 50 square metres (whichever is the lesser); or
- (b) any alteration would be on article 2(3) land

- **Class H** - The erection, extension or alteration of an industrial building or a warehouse

Development is not permitted by Class H if:

- (a) for a building on article 2(3) land the gross floor space of any new building erected would exceed 100 square metres
- (b) for a building on article 2(3) land the gross floor space of the original building would be exceeded by more than 10% or 500 square metres (whichever is lesser)

#### *Applicable conditions*

*Any new building permitted by this Class H on article 2(3) land is subject to the specific condition of being constructed using materials which have a similar external appearance to those used for the existing building.*

*Similarly any extension permitted by Class H on article 2(3) land is subject to the specific condition of being constructed using materials which have a similar external appearance to those used for the building being extended. These conditions are in addition to those which are applicable to permitted development at all other locations.*

- **Class L** - Development at waste management facilities (the extension or alteration of a building or the installation of a replacement plant or machinery)

Development is not permitted by Class L if the development would be on article 2(3) land.

- **Class M** - The erection, extension or alteration of a school, college, university or hospital building

#### *Applicable conditions*

*Any new building permitted by Class M on article 2(3) land is subject to the specific condition of being constructed using materials which have a similar external appearance to those used for the existing building.*

*Similarly any extension permitted by Class M on article 2(3) land is subject to the specific condition of being constructed using materials which have a similar external appearance to those used for the building being extended. These conditions are in addition to those which are applicable to permitted development at all other locations.*

## **Schedule 2, Part 9 Development relating to roads**

- **Class D** – Toll road facilities setting up and maintenance of facilities and hard surfaces for parking relating to the collection of tolls

#### *Applicable conditions*

*Any development permitted by Class D on article 2(3) land is subject to the following conditions:*

- (a) *the developer must, before beginning the development, apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the siting, design and external appearance of the facilities for the collection of tolls;*
- (b) *the application must be accompanied by a written description, together with plans and elevations, of the proposed development and any fee required to be paid;*
- (c) *the development must not begin before the occurrence of one of the following—*
  - (i) *the receipt by the applicant from the local planning authority of a written notice of their determination that such prior approval is not required;*
  - (ii) *where the local planning authority give the applicant notice within 28 days following the date of receiving the application of their determination that such prior approval is required, the giving of such approval; or*
  - (iii) *the expiry of 28 days following the date on which the application was received by the local planning authority without the local planning authority making any determination as to whether such approval is required or notifying the applicant of their determination;*
- (d) *the development must, except to the extent that the local planning authority otherwise agree in writing, be carried out—*
  - (i) *where prior approval is required, in accordance with the details approved;*

*(ii) where prior approval is not required, or where paragraph (c)(iii) applies, in accordance with the details submitted with the application; and*

*(e) the development must be carried out—*

*(i) where approval has been given by the local planning authority, within a period of 5 years from the date on which the approval was given;*

*(ii) in any other case, within a period of 5 years from the date on which the local planning authority were given the information referred to in paragraph (b).*

## **Schedule 2, Part 14 Renewable energy**

- **Class A** – The installation, alteration or replacement of microgeneration solar PV or solar thermal equipment on a dwellinghouse or a block of flats or a building within the curtilage of a dwellinghouse or a block of flats

Development is not permitted by Class A if, in the case of land within a World Heritage Site, if any part of the solar PV or solar thermal equipment would be installed on a wall which fronts a highway.

- **Class B** - The installation, alteration or replacement of stand-alone solar for microgeneration within the curtilage of a dwellinghouse or a block of flats

Development is not permitted by Class B if in the case of land within a World Heritage Site any part of the stand-alone solar would be installed so that it is nearer to any highway which bounds the curtilage than the part of the dwellinghouse or block of flats which is nearest to that highway.

- **Class E**- The installation, alteration or replacement of a flue, forming part of a microgeneration biomass heating system, on a dwellinghouse or a block of flats

Development is not permitted by Class E if in the case of land within a World Heritage Site the flue would be installed on a wall or roof slope which fronts a highway.

- **Class F** - The installation, alteration or replacement of a flue, forming part of a microgeneration combined heat and power system, on a dwellinghouse or a block of flats

Development is not permitted by Class F if in the case of land within a World Heritage Site the flue would be installed on a wall or roof slope which fronts a highway.

- **Class G** - The installation, alteration or replacement of a microgeneration air source heat pump on a dwellinghouse or a block of flats or within the curtilage of a dwellinghouse or a block of flats, including a building within that curtilage

Development is not permitted by Class G if in the case of land within a World Heritage Site either of the following applies:

- (a) the air source heat pump would be installed on a wall or a roof which fronts a highway or would be installed so that it is nearer to any highway which bounds the curtilage than the part of the dwellinghouse or block of flats which is nearest to that highway
- (b) the air source heat pump would be installed on a wall of a dwellinghouse or block of flats if that wall fronts on a highway and the air source heat pump would be installed on any part of that wall which is above the level of the ground floor storey.

- **Class H** - The installation, alteration or replacement of a microgeneration wind turbine on a detached house or a detached building situated within the curtilage of a dwellinghouse or a block of flats

Development is not permitted by Class H if the development would be on article 2(3) land (other than within a conservation area).

- **Class I** - The installation, alteration or replacement of a stand-alone wind turbine for microgeneration within the curtilage of a dwellinghouse or a block of flats

Development is not permitted by Class I if the stand-alone wind turbine would be installed on article 2(3) land (other than within a conservation area).

- **Class J** - Installation or alteration etc. of solar equipment on non-domestic premises

Development is not permitted by Class J if:

- (a) on article 2(3) land the solar PV equipment or solar thermal equipment would be installed on a roof slope which fronts a highway; or
- (b) in the case of installing replacing or altering microgeneration solar thermal equipment on a building or microgeneration solar PV equipment on a building on article 2(3) land the solar PV equipment or solar thermal equipment would be installed on a wall which fronts a highway.

- **Class K** - The installation, alteration or replacement of stand-alone solar for microgeneration within the curtilage of a building other than a dwellinghouse or a block of flats

Development is not permitted by Class K if installation takes place so that it is nearer to any highway which bounds the curtilage than the part of the building which is nearest to that highway.

- **Class N** - The installation, alteration or replacement of a flue, forming part of a microgeneration biomass heating system, on a building other than dwellinghouse or a block of flats or a building situated within the curtilage of a dwellinghouse or a block of flats

Development is not permitted by Class N if the flue was to be installed on a building on article 2(3) land and would be installed on a wall or roof slope which fronts a highway.

- **Class O** - The installation, alteration or replacement of a flue, forming part of a microgeneration combined heat and power system, on a building other than a dwellinghouse or a block of flats or a building situated within the curtilage of a dwellinghouse or a block of flats

Development is not permitted by Class O if the flue was to be installed on a building on article 2(3) land and would be installed on a wall or roof slope which fronts a highway.

## Schedule 2, Part 15 Power related development

- **Class B** - Development by statutory undertakers for the generation, transmission, distribution or supply of electricity for the purposes of their undertaking

Development consisting of installation or replacement of any electronic communications line which connects any part of an electric line to any electrical plant or building and installation or replacement of related supports is not permitted by Class B if:

- (a) the development would be on article 2(3) land and the cubic content of the original building would be exceeded by more than 10%; or
- (b) the development would be on article 2(3) land and the floor space of the original building would be exceeded by more than 500 square metres.

## Schedule 2, Part 16 Communications

- **Class A** - Development by or on behalf of an electronic communications code operator for the purpose of the operator's electronic communications network in, on, over or under land controlled by that operator or in accordance with the electronic communications code consisting of—

- (a) the installation, alteration or replacement of any electronic communications apparatus,
- (b) the use of land in an emergency for a period not exceeding 6 months to station and operate moveable electronic communications apparatus required for the replacement of unserviceable electronic communications apparatus, including the provision of moveable structures on the land for the purposes of that use, or
- (c) development ancillary to radio equipment housing.

Development which is not permitted in relation to communications Class A is divided into a number of subcategories as presented below.



Development not permitted: ground-based apparatus:

Development is not permitted by Class A(a) on article 2(3) land if:

- (a) it involves alteration or replacement of an existing mast which would result in a mast (excluding any antenna) which would exceed a height of 20 metres above ground mast width exceeding the width of the existing mast at the same height by more than one third; or level or result in a
- (b) where antenna support structures are altered or replaced, the combined width of the mast and any antenna support structures would exceed the combined width of the existing mast and any antenna support structures by more than one third.

Development not permitted: antennas installed, replaced or altered on article 2(3) land or SSSIs:

Development is not permitted by Class A(a) on article 2(3) if:

- (a) it would consist of the installation or alteration of an antenna or of any apparatus which includes or is intended for the support of such an antenna;
- (b) it would consist of the replacement of such an antenna or such apparatus by an antenna or apparatus which differs from that which is being replaced<sup>19</sup>;
- (c) in the case of dish antennas, the size of any additional dishes would exceed 0.6 metres, and the number of additional dishes on the building or structure would exceed 3; or
- (d) in the case of antennas other than dish antennas, any additional antennas would exceed 3 metres in height, and the number of additional antennas on the building or structure would exceed 3.

Development not permitted: radio equipment housing:

Development is not permitted by Class A(a) in the case of the installation, alteration or replacement of radio equipment housing on any article 2(3) land if any single development would exceed 2.5 cubic metres, unless the development is carried out in an emergency.

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<sup>19</sup> Unless the development is carried out in an emergency or is allowed by paragraphs A.1(5)(b), (9)(a), (9)(b) or (10)(b) of Part 16 of the Town and Country Planning (General Permitted Development) (England) Order 2015

Development not permitted: antennas installed, replaced or altered on a dwellinghouse:

Development is not permitted by Class A(a) in the case of the installation, alteration or replacement of a small antenna on a dwellinghouse or within the curtilage of a dwellinghouse on article 2(3) land if the antenna is to be located on:

- (a) on a chimney;
- (b) on a building which exceeds 15 metres in height; or
- (c) on a wall or roof slope which fronts a highway.

Development not permitted: antennas installed, replaced or altered not on a dwellinghouse

Development is not permitted by Class A(a) in the case of the installation, alteration or replacement of a small antenna on a building which is not a dwellinghouse or within the curtilage of a dwellinghouse if the building is on article 2(3) land.

*Applicable conditions*

*Class A(a) and Class A(c) development on article 2(3) is permitted subject to the specific condition that any apparatus or structure provided in accordance with that permission is removed from the land, building or structure on which it is situated at the expiry of the relevant period. It is also required that such land, building or structure is restored to its condition before the development took place, or to any other condition as may be agreed in writing between the local planning authority and the developer.*

*Class A development on article 2(3) land is permitted except in case of emergency<sup>20</sup>.*

*The conditions set out in paragraph A.3 (prior approval) do not apply in relation to Class A development on any article 2(3) land which consists of the construction, installation, alteration or replacement of a telegraph pole, cabinet or line, in connection with the provision of fixed-line broadband, provided that the development is completed on or before 30th May 2018.*

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<sup>20</sup> Subject to further conditions set out in paragraph A.3 of Part 16 of the Town and Country Planning (General Permitted Development) (England) Order 2015

- **Class B** – other telecommunications development  
The installation, alteration or replacement on any building or other structure of a height of 15 metres or more of a microwave antenna and any structure intended for the support of a microwave antenna

B.1 Development is not permitted by Class B if-

- (i) in the case of article 2(3) land, it would consist of the installation of an antenna— (i) on a chimney, wall or roof slope which faces onto, and is visible from, a highway

- **Class C** – other telecommunications development: microwave antenna

The installation, alteration or replacement on any building or other structure of a height of less than 15 metres of a microwave antenna

C.1 Development is not permitted by Class C if-

- (g) in the case of article 2(3) land, it would consist of the installation of an antenna— (i) on a chimney, wall or roof slope which faces onto, and is visible from, a highway;

### **Schedule 2, Part 19 Development by the Crown or for national security purposes**

- **Class B** - The extension or alteration by or on behalf of the Crown of an operational Crown building

Development is not permitted by Class B if either of the following applies:

- (a) the development would be on article 2(3) land and the cubic content of the original building would be exceeded by more than 10%; or
- (b) the development would be on article 2(3) land and the floor space of the original building would be exceeded by more than 500 square metres.

- **Class T** - Development by or on behalf of the Crown electronic communication apparatus etc. for national security purposes

The installation of any electronic communications apparatus in, on, under or over Crown land for security purposes is not permitted by Class T(a) on article 2(3) land unless:

- (a) the land on which the apparatus is to be installed is, or forms part of, a site on which there is existing electronic communication apparatus
- (b) the existing apparatus was installed on the site on or before the relevant day; and
- (c) the site was Crown land on the relevant day.

### *Applicable conditions*

*Any installation permitted by Class T on article 2(3) land is subject to the specific condition that the apparatus is installed as close as is reasonably practicable to any existing apparatus.*

*Class T development on article 2(3) land is permitted subject, except in emergency situations, to the additional specific conditions:*

*(i) Before commencing development the developer must give notice of the proposed development to any person (other than the developer) who is an owner or tenant of the land to which the development relates by serving notice to every such person whose name and address is known to the developer and where this information is unobtainable, by local advertisement.*

*(ii) Where the proposed development consists of the installation of a mast within 3 kilometres of the perimeter of an aerodrome, the developer must, before commencing development, notify the Civil Aviation Authority, the Secretary of State for Defence or the aerodrome operator, as appropriate.*

## Schedule 2, Part 17 Mining and mineral exploration

Certain permitted development rights have been granted specifically in relation to mining and mineral exploration through Part 17 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO). Given the history of the WHS and its status as a living landscape which will include mining activities a number of these rights are now included.

Operators of mineral workings are afforded specific rights by the GPDO which are not restricted by Article 2(3). These are potentially important, as detailed in Classes J to M below.

- **Class J** – temporary use of land etc. for mineral exploration

Permitted development

Development on any land during a period not exceeding 28 consecutive days consisting of–

- (a) the drilling of boreholes;
- (b) the carrying out of seismic surveys; or
- (c) the making of other excavations,

for the purpose of mineral exploration, and the provision or assembly on that land or adjoining land of any structure required in connection with any of those operations.

Development is not permitted by Class J if:

- (c) any operation would be carried out within a National Park, an area of outstanding natural beauty, a site of archaeological interest or a site of special scientific interest<sup>21</sup>;

- **Class K** – use of land etc. for mineral exploration

Permitted development

Development on any land consisting of–

- (a) the drilling of boreholes;

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<sup>21</sup> This exception to mineral related permitted development rights is included as it may be of particular relevance to those considering mineral exploration within the WHS given that restrictions include other designated areas but not specifically WHSs, however other conditions may be applicable. Please see the GPDO 2015 for further guidance.

- (b) the carrying out of seismic surveys; or
- (c) the making of other excavations,

for the purposes of mineral exploration, and the provision or assembly on that land or on adjoining land of any structure required in connection with any of those operations.

Development is not permitted by Class K if:

- (c) the developer has not previously notified the mineral planning authority in writing of its intention to carry out the development (specifying the nature and location of the development)

- **Class M** - removal of material from mineral-working deposits

Permitted development

The removal of material of any description from a mineral-working deposit other than a stockpile.

Development is not permitted by Class M if:

- (a) the developer has not previously notified the mineral planning authority in writing of its intention to carry out the development and supplied them with the appropriate details;
- (b) the deposit covers a ground area exceeding 2 hectares, unless the deposit contains no mineral or other material which was deposited on the land more than 5 years before the development

### Conditions

Development is permitted by Class M subject to the following conditions:

- (a) it is carried out in accordance with the details given in the notice sent to the mineral planning authority, unless that authority have agreed otherwise in writing;
- (b) if the mineral planning authority so require, the developer must within a period of 3 months from the date of the requirement (or such other longer period as that authority may provide) submit to them for approval a scheme providing for the restoration and aftercare of the site;

- (c) where such a scheme is required, the site is restored and aftercare is carried out in accordance with the provisions of the approved scheme; and
- (d) development is not be commenced until the relevant period has elapsed.

**Minerals Planning Authorities will therefore consider the potential for adverse effects on OUV when approached for approval of reworking of mining deposits.**

**Similarly, where spoil tips are a key aspect of OUV, MPAs may consider imposing Directions under Article 5 of the GPDO that would restrict the above rights.**

## **12 Appendix 5: Planning Performance Agreements**

# Planning Performance Agreements

## Introduction

- 12.1 Planning Performance Agreements (PPAs) are a framework for local authorities and applicants to agree how development proposals should be managed through the planning process. They are a useful tool in ensuring smooth and effective planning and can make a real difference to complex proposals where applicants require ongoing advice from and engagement with the planning authority.
- 12.2 PPAs are put in place prior to the submission of a planning application<sup>22</sup> and, once agreed, mean that the statutory time limits for determination no longer apply – but new, more appropriate timescales can be agreed.

PPAs can help to:

- Reduce risk and increase certainty for developers (in terms of timing of key stages and decisions and, where developers follow LPA advice, outcome).
- Promote discussion and agreement of realistic and robust timetables, with clear milestones for both parties.
- Identify potential issues at the earliest opportunity and take action to avoid adverse effects – both on the environment and on the progress of the development proposal.
- Promote a partnership approach between LPAs and developers, breaking down barriers and reducing perceptions of planning as an adversarial process.
- Achieve greater transparency and accountability.

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<sup>22</sup> NB. PPAs must be submitted before an application to ensure that the application itself can be exempted from the statutory time limits for determination. Developers should note that, by signing a PPA, they are waiving their right to appeal against non-determination

- Secure additional resource for particularly large or complex proposals that would constitute an unusually significant burden on the planning authority.

## PPAs and development in the World Heritage Site

- 12.3 For development in the WHS, PPAs can help to ensure that expectations on all parties are clear from the outset; that specialists are brought in in a timely fashion; and that appropriate consultees (i.e. LPA Historic Environment Advisors and Historic England) are aware of the case and can commit to attending meetings. They can also ensure that developers allow sufficient time in their development programme for any pre-application archaeological works that may be required to adequately understand the significance of affected assets and their contribution to OUV. Similarly, it ensures that LPA specialist advisors have sufficient time within their work programmes to appropriately consider the developer's submissions (e.g. heritage statements/HIA, Landscape and Visual Impact Assessment (LVIA)).

Because of the potential complexity of delivering development within the WHS, applicants should be aware of the additional time that may be required to:

- Commission and deliver the necessary specialist studies;
- Process and analyse the findings of these studies;
- Ensure that consultees have sufficient time to engage with the materials and provide appropriate responses;
- Engage, through Historic England, with the Department for Culture, Media and Sport (DCMS), should significant adverse effects on OUV be identified – building in time for a reactive monitoring mission by the UNESCO World Heritage Centre if required<sup>23</sup>.

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<sup>23</sup> In such circumstances, it is likely that the application will be called-in by the Secretary of State and alternate timetables would be put in place.

Prospective applicants should consult the Council's Planning Charter to understand the criteria for development that could benefit from a PPA and approach the LPA accordingly.





## **13 Appendix 6: Designation of specific assets within the World Heritage Site**

## Designation of specific assets within the World Heritage Site

- 13.1 Individual heritage assets and cultural landscapes considered to be of national importance may have been given a statutory designation. Statutory Designations are:
- Listed Buildings (under the Planning (Listed Buildings and Conservation Areas) Act 1990)
  - Conservation Areas (under Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990)
  - Scheduled Monuments (The Ancient Monuments and Archaeological Areas Act 1979)
- 13.2 In addition, assets and landscapes may lie within areas designated for their scenic value, which can confer additional protection in some circumstances:
- Area of Outstanding Natural Beauty (AONB) (National Parks and Access to the Countryside Act 1949, amended in the Environment Act 1995, clarified in the Countryside and Rights of Way Act 2000)
- 13.3 In addition, further national – but non-statutory designations may apply. These include:
- Registered Parks and Gardens (Historic England)
  - Registered Historic Battlefields (Historic England)
  - Area of Great Landscape Value (Town and Country Planning Act 1947)
- 13.4 Information on the heritage assets and cultural landscapes that are subject to these designations is available from Cornwall Council and West Devon Borough Council / Devon County Council. A summary of Conservation Areas that fall within (wholly or partially) the WHS is given in Table 13.1.
- 13.5 Therefore many heritage assets and cultural landscapes that convey the OUV of the Site as Attributes will also be protected by these statutory heritage and landscape designations. Table 13.2 below highlights the heritage and landscape designations that could potentially protect Attributes of OUV.

**Table 13.1: Conservation Areas within the WHS**

Local Authority	WHS Area (A1 – A10)	Conservation Areas
<b>Cornwall Council</b>	A1 - The St Just Mining District	Boscaswell, Trewellard, Pendeen, Carnyorth, Botallack and Truthwall, Nancherrow and Tregeseal
	A2 - The Port of Hayle	Hayle
	A3 – The Tregonning and Gwinear Mining Districts with Trewavas	Tregonning Hill, Breage, Germoe, Relubbus, St Hilary Churchtown, Goldsithney
	A4 - The Wendron Mining District	No Conservation Areas
	A5 - The Camborne and Redruth Mining District with Wheal Peevor and Portreath Harbour	Redruth, Plain-An-Gwarry, Carn Brea, Tucking Mill, South Roskear, Camborne (town centre)
	A6 - The Gwennap Mining District with Devoran and Perran, and Kennall Vale	Chacewater, St Day, Gwennap, Perranarworthal, Devoran
	A7 - The St Agnes Mining District	St Agnes, Mongoose
	A8 - The Luxulyan Valley with Charlestown	Charlestown
	A9 - The Caradon Mining District	Minions, Henwood
	A10 - The Tamar Valley Mining District with Tavistock	Calstock, Lucket
<b>West Devon Borough Council</b>	A10 - The Tamar Valley Mining District with Tavistock	Tavistock, Weir Quay

**Table 13.2: Attributes of OUV potentially protected by national and local designations**

Attribute type (1-7)	Attribute features	Forms of statutory and non-statutory protection that may be present	
Mine sites, including ore dressing sites	Engine houses and other mine buildings	<ul style="list-style-type: none"> <li>• Listed Building</li> <li>• Scheduled Monument</li> <li>• SSSIs</li> <li>• The Cornwall and Tamar Valley AONBs</li> </ul>	<ul style="list-style-type: none"> <li>• Area of Great Landscape Value</li> <li>• Archaeological Constraint Areas</li> </ul>
	Chimneys	<ul style="list-style-type: none"> <li>• Scheduled Monument</li> <li>• Listed Building</li> <li>• The Cornwall and Tamar Valley AONBs</li> </ul>	<ul style="list-style-type: none"> <li>• Area of Great Landscape Value</li> <li>• Archaeological Constraint Areas</li> </ul>
	Dressing floors, mine dumps and infrastructure, as well as tin salvage works, also significant	<ul style="list-style-type: none"> <li>• Scheduled Monument</li> <li>• SSSIs</li> <li>• The Cornwall and Tamar Valley AONBs</li> <li>• SAC and SPA</li> </ul>	<ul style="list-style-type: none"> <li>• Area of Great Landscape Value</li> <li>• Archaeological Constraint Areas</li> </ul>
	Shafts, adits and means of underground access	<ul style="list-style-type: none"> <li>• Scheduled Monument</li> <li>• Listed Building</li> <li>• SSSIs</li> <li>• The Cornwall and Tamar Valley AONBs</li> </ul>	<ul style="list-style-type: none"> <li>• Area of Great Landscape Value</li> <li>• Archaeological Constraint Areas</li> </ul>
Mine transport	Ports, harbours, wharfs and quays	<ul style="list-style-type: none"> <li>• Scheduled Monument</li> <li>• Listed Building</li> <li>• The Cornwall and Tamar Valley AONBs</li> </ul>	<ul style="list-style-type: none"> <li>• Area of Great Landscape Value</li> </ul>
	Mine tramways and industrial railways, mine roadways, tracks and paths, mining-related canals	<ul style="list-style-type: none"> <li>• Scheduled Monument</li> <li>• Conservation Area</li> <li>• The Cornwall and Tamar Valley AONBs</li> </ul>	<ul style="list-style-type: none"> <li>• Archaeological site</li> </ul>
Ancillary industries	Foundries and engineering works	<ul style="list-style-type: none"> <li>• Listed Building</li> <li>• Conservation Area</li> </ul>	
	Smelting works	<ul style="list-style-type: none"> <li>• Listed Building</li> <li>• Conservation Area</li> </ul>	
	Fuse and explosive works, arsenic and chemical works	<ul style="list-style-type: none"> <li>• Listed Building</li> <li>• Conservation Area</li> </ul>	
Mining settlements and social infrastructure	Mining towns, villages and hamlets, public buildings	<ul style="list-style-type: none"> <li>• Listed Building</li> <li>• Conservation Area</li> <li>• The Cornwall and Tamar Valley AONBs</li> </ul>	<ul style="list-style-type: none"> <li>• Area of Great Landscape Value</li> </ul>
	Methodist chapels, preaching pits and new C of E churches	<ul style="list-style-type: none"> <li>• Scheduled Monument</li> <li>• Listed Building</li> <li>• Conservation Area</li> <li>• The Cornwall and Tamar Valley AONBs</li> </ul>	

Mineworkers' smallholdings	Comprises mineworkers' farms, their buildings and smallholding boundaries (usually Cornish type hedges)	<ul style="list-style-type: none"> <li>Listed Building</li> <li>The Cornwall and Tamar Valley AONBs</li> <li>UK Hedgerow Regulations</li> </ul>	<ul style="list-style-type: none"> <li>Area of Great Landscape Value</li> </ul>
Great houses, estates and gardens	Great houses and other substantial residences, lodge houses and other related buildings, estates and villas	<ul style="list-style-type: none"> <li>Listed Building (the large majority are Listed)</li> <li>Conservation Area</li> <li>The Cornwall and Tamar Valley AONBs</li> </ul>	<ul style="list-style-type: none"> <li>Area of Great Landscape Value</li> </ul>
	Parkland and gardens	<ul style="list-style-type: none"> <li>Registered Parks and Gardens</li> <li>Conservation Area</li> <li>The Cornwall and Tamar Valley AONBs</li> </ul>	<ul style="list-style-type: none"> <li>County Wildlife Sites</li> <li>Geological Sites of Significance<sup>24</sup></li> <li>Area of Great Landscape Value</li> <li>BAP</li> </ul>
Mineralogical and other related sites of particular scientific importance	Internationally and nationally-important type sites for minerals, important mining-related ecological sites	<ul style="list-style-type: none"> <li>SSSIs</li> <li>The Cornwall and Tamar Valley AONBs</li> <li>SAC and SPA</li> </ul>	<ul style="list-style-type: none"> <li>County Geology Sites<sup>25</sup> (formerly RIGS sites)</li> <li>Ramsar sites</li> <li>Area of Great Landscape Value<sup>26</sup></li> <li>BAP (including sites within the South West Regional Nature Map)</li> </ul>

<sup>24</sup> Cornwall Local Plan (2015) Cornwall Local Plan: Strategic Policies document, submission February 2015, Local Plan submission document refers to these designations see para 2.99 (2.94) 'There are also about 400 County Wildlife Sites and Geological Sites of Significance'

<sup>25</sup> Cornish Mining World Heritage (2012) Cornwall and West Devon Mining Landscape World Heritage Site Management Plan 2013-2018, consultation draft, page 85 states that 'The Cornwall Wildlife Trust undertakes the monitoring of CGS and undertakes condition assessments periodically. In Devon, CGS sites are managed by the Devon RIGS Group'

<sup>26</sup> Cornwall Local Plan (2015) Cornwall Local Plan: Strategic Policies document, submission February 2015, Local plan submission document refers to these designations see para 2.100 (2.95) 'A range of evidence will inform decisions about the impact on landscape including our well documented Areas of Great Landscape Value'. These areas are identified in the saved policies of the Cornwall Structure Plan. See Policy 2, Cornwall Structure Plan (2004) [http://www.cornwall.gov.uk/media/3633088/cornwall\\_structure\\_plan\\_2004.pdf](http://www.cornwall.gov.uk/media/3633088/cornwall_structure_plan_2004.pdf)