

Mr Jeremy Content
Planning & Regeneration
Cornwall Council
St Clare
Penzance
Cornwall TR18 3QW

31st January 2010

Dear Jeremy Content

**HAYLE HARBOUR: OUTLINE DEVELOPMENT FOR CONSTRUCTION OF
FOODSTORE AND UNIT SHOPS, ASSOCIATED CAR PARKING, VEHICULAR
ACCESS, PEDESTRIAN LINKAGE, PROMENADE AND RAISED WALKWAY**

APPLICATION NUMBER 09-1334-ORM

With reference to your letter of 29th December 2009 on this application, ICOMOS-UK would like to OBJECT to the proposed development. Our reasons are set out below. These relate to the impact of the proposals on the Hayle Harbour part of the Cornwall and West Devon Mining Landscape World Heritage site. They also make reference to the much larger proposals for the Harbour Redevelopment that were conditionally approved in March 2009.

1. Cornwall & West Devon Mining Landscape World Heritage site

Hayle is one of the ten discrete areas that make up the serial cultural landscape, Cornwall and West Devon Mining landscape, inscribed on the World Heritage (WH) list in 2004. Hayle was chosen to reflect a key element of the structure of the overall mining industry that brought such prosperity to Cornwall: the export of copper ore and the import of coal and timber.

In its evaluation, ICOMOS (ICOMOS international advises the UNESCO World Heritage Committee on WH nominations) described Hayle as follows:

On the north Cornish coast, this was the main port for the Cornish mining industry. Large amounts of coal and timber were imported through the port, and copper ore exported. Extensive quays and wharves survive largely intact in a dramatic open estuarine setting flanked by villas for managerial classes and terraced housing for workers. Hayle also includes the remains of two iron foundries, Harvey's, where the largest mine steam engines in the world were produced, and the Cornwall Copper company. Both generated substantial, distinguished urban buildings. The port was served by a Copperhouse canal constructed in 1769/87, and a railway constructed from 1834 with a bridge of 1837 and a swinging bridge across the canal.

In terms of threats from development, the ICOMOS report stated:

Certain urban areas, Camborne, Redruth and Hayle Harbour, have been designed as priority areas for economic regeneration areas by the government, which has had the effect of rapid development of industrial areas

around Redruth. Given the lack of specific protection (see above) there is concern that in some cases the need for heritage led regeneration may give way to commercial pressures. There is a positive commitment to the former in the management plan, but as yet no case studies to show how unsuitable development will be turned down without added protection.

A major development planned for the centre of Hayle Harbour could be the test case. On 31st March 2006, the State Party submitted details of a £25 million scheme for 54,000 sq ft of industrial units, 23,000 sq ft of wavehub building, marina, over 800 residential units, shops, pubs, restaurant, two hotels, and leisure facilities. This planning application is apparently to be determined before the [UNESCO] World Heritage Committee [meets] and has the support of English Heritage and the State Party. This very large development is justified on the grounds that it will bring much needed development. It does however go beyond the minimal development needed to support restoration and regeneration. The scale and scope of the project would mean that, if built, the new structures would dominate the harbour and compromise its integrity as the main port for the Cornish mining industry.

And under authenticity, the ICOMOS report stated that

The main threat to authenticity is in terms of development that might compromise the spatial arrangements of areas such as Hayle harbour or the setting of Redruth and Camborne.

And in its conclusion, ICOMOS noted:

ICOMOS considers that the proposed development at Hayle harbour would not be consistent with the importance of Hayle as the main port of the mining industry and thus a key part of the nominated cultural landscape.

2. Planning Circular 07/09: Protection of World Heritage Sites

Planning Circular 07/09: Protection of World Heritage Sites has been adopted since the last ING application for Hayle Harbour was submitted. This sets out clearly that: “*The outstanding universal value of a World Heritage Site indicates its importance as a key material consideration to be taken into account by the relevant authorities in determining planning and related applications, and by the Secretary of State in determining cases on appeal or following call in. It is therefore essential that policy frameworks at all levels recognise the need to protect the outstanding universal value of World Heritage Sites. The main objective should be the protection of each World Heritage Site through conservation and preservation of its outstanding universal value.*”

Furthermore the Circular states that WHS status is a key material consideration, as are relevant policies in WHS Management Plans: “*The Secretaries of State for Communities and Local Government and for Culture, Media and Sport expect planning authorities to treat relevant policies in [World Heritage site] management plans as key material considerations in making plans and planning decisions*”.

This means that relevant policies in the WHS Management Plan become key material considerations. These include:

Policy 4c: Planning authorities should ensure that new development protects, conserves and enhance the site and its setting.

Policy 7a: Sustainable heritage-led regeneration will be encouraged and supported.

Policy 7b: New development should add to the quality and distinctiveness of the site by being of high quality design and respectful of setting.

Policy 8a: The conservation and continuing maintenance of the historic fabric of

the site should be undertaken to the highest standards to ensure authenticity and integrity.

Policy 8b: The historic character and distinctiveness of the Cornwall and West Devon mining landscape should be maintained.

ICOMOS-UK considers that Policies 4c, 7a and 8b are highly relevant to this application.

3. Proposed development:

3.1 Background

ING, part of a Dutch bank, own much of the core of the WHS north of the railway – that is the harbour and its environs. Their ownership is part of what Peter de Savary bought when the Harvey Foundry Company was sold (the Harvey Foundry having taken over the Cornwall Copper Company estates).

On 23rd March 2009, ING obtained conditional outline planning application for the development of 1,200 domestic units, business units, a wave hub and associated flood protection measures, and conditional detailed planning permission for the necessary infrastructure which includes a new bridge over Copperhouse Pool. The development encompassed land at north quay, south quay, part of east quay (all within the WHS), land above north quay, and Riviere Fields, to the east of north quay above the villas that fringe Copperhouse Pool. These permissions were subject to a Section 106 agreement.

Planning permission was granted by Penwith Council, and its final meeting before the Cornwall unitary authority was created, because of the perceived marginal economic and social benefits that were seen to be associated with the scheme, and in spite of concerns expressed by others about the impact of the development on the integrity of the WHS, which in ICOMOS-UK's view was not properly considered by the Council.

Since the granting of this conditional approval, because of the impact of the recession, ING has not moved forward in reaching agreement with Cornwall County Council on the S106 agreement. Nor has it produced detailed plans, or found the resources to put in place the infrastructure needed for the development, particularly the bridge work. Indeed, we understand ING has moved to sell off some land on the outskirts of the harbour.

This new application for outline permission for a superstore and associated shops and car parking on the South Quay would appear to signal a further re-trenchment of the developers from the original concept to regenerate the whole harbour basin. As the application states: 'the original land use proposals [i.e. in the previous scheme] for South Quay are financially unviable'.

3.2 Super-store application:

The current outline application includes the following elements:

South Quay: Super-store of 6,864 sq metres, 4 small retail shops and car parking for 341 cars, covering the southern part of South Quay. At 6,864 sq metres, the superstore would come into the largest category of supermarkets. A road is proposed on the west side of the quay to give access to any future development at the northern end.

Flood protection: For the development to take place, flood protection measures are needed. These are concrete platforms constructed on top of the quayside ‘decks’, 1.85 metres above the height of the existing granite stone quay walls, which will be consolidated and repaired. The flood protection measures would cover the whole edge of south quay, even though the proposed development does not cover the northern part of the quay.

4. *Outstanding Universal Value:*

The WHS was inscribed under criteria (ii), (iii) and (iv), and as a cultural landscape. The Committee agreed the justification for these criteria. The Nomination dossier and the ICOMOS evaluation make clear that the inclusion of Hayle in the serial property is essentially because of its role as the principal port for the export of mined raw materials and the import of coal and fuel for the foundries.

ICOMOS-UK considers that the following are the key physical attributes of Hayle that contribute to OUV of the entire WHS and which thus need protection:

1. The Port itself:
 - The assembly of quays, quay walls, docking areas and quayside platforms or decks where goods were loaded and unloaded
 - Tramways and railways; linear track ways in the landscape and townscape and the remains of tracks including granite pad stones which held iron rails for horse drawn ‘tramways’; terminus of railway
 - The fishing port
 - Large man-made sluicing ponds and sluices, with the associated infrastructure of pond walls, sluice gates etc
 - Shipbuilding yard for Harvey’s iron boats
 - Estuarine landscape:
 - Narrow funnel exit from harbour to sea; harbour in bowl between sand dunes; strong contrast between industry and surrounding ‘natural’ landscape –with in places abrupt change between the two.
 - Overall readability of much of the harbour landscape in terms of spatial arrangements:
 - Open character and low-height buildings that allow views between the docks, down and across Copperhouse pool, across Carnsew Pool, etc
2. The Foundries and Twin Company Towns
 - The location of two iron foundries and remains of buildings
 - The twin company ‘new towns’
 - With terraced housing, distinctive terraces facing South quay and Copperhouse pool, and substantial villas, especially north of Copperhouse Pool
 - Visual cohesiveness

5. *Impact of development on OUV:*

The key issues to be addressed are whether the impact on OUV will be detrimental and whether the benefits from the development can be justified in view of the substantial change that they will bring to the cultural landscape of Hayle.

ICOMOS-UK considers that the impact of the development should be considered in terms of its impact on the attributes that carry OUV, and in terms of their subsequent ability, or lack of ability, to display that OUV. Below is a table of what we consider to be the positive and negative impacts on the attributes outlined above:

Positive impact:

- Repair of quay walls

Negative impact:

- Loss of quaysides. i.e. the quayside ‘platforms’ or ‘decks’, which were used for the loading and unloading of raw materials
- Loss of visual coherence of quays
- Loss of local distinctiveness through introduction of significant and overwhelming new structures,
- Introduction of a large volume and tall structure that distorts historic evidence and spatial relationships
- Damage to landscape setting: the interface between the historic port town and the harbour views will be dramatically interrupted

In order to develop the area, the whole quay has to be lifted by some 1.85metres and surrounded by a flood wall. The scale of the superstore would be an overwhelming intrusion into the harbour landscape, would lead to a loss of open quayside space, and adversely impact on its key attributes, bearing little relationship to the attractive and small scale row of double fronted villa houses with front gardens at Penpol Terrace, that characterise the road alongside the current fishing harbour and are a key part of the planned factory town. The bulk of the development would in effect visually cut the harbour basin in two north of the viaduct and lead to a loss of views from the east part of the town across Carnsew Pool and beyond.

As very little detail is provided in the documents submitted, with the overall height of the superstore not being given, it is not possible to describe graphically the impact on the Hayle WHS. Nevertheless ICOMOS-UK considers that the bulk of the building, its presumed height, the very large expanse of car-parking, and, overall, the complete anonymity of the scheme which shows no local distinctiveness and does not in any way relate to the morphology of Hayle, or respect its strong local character, would have a negative and detrimental impact on the attributes of Hayle that contribute to the overall OUV of the WHS.

We consider that a smaller scale development that bore some resemblance to the low warehouse buildings that once existed in the centre of the quay could be envisaged on South Quay in a way that would not have these adverse effects, although the EA requirements would still have a very substantial impact.

ICOMOS-UK does not consider that the development respects the following policies in the Management Plan:

Policy 4c: Planning authorities should ensure that new development protects, conserves and enhances the site and its setting.

The proposed development would have a strongly adverse impact on the south quay part of the site, on the adjoining terraces and on their views and their relationship to the harbour.

Policy 7a: Sustainable heritage-led regeneration will be encouraged and supported.
The proposed development cannot be considered to be heritage-led regeneration.

Policy 8b: The historic character and distinctiveness of the Cornwall and West Devon mining landscape should be maintained.

The proposed development cannot be seen to contribute to the character and distinctiveness of Hayle as it introduces a large volume structure totally unrelated to the surrounding forms and structures

6. Benefits/disbenefits of development

In giving permission for the major scheme in April 2009, Penwith Council considered that the development would secure for the town the following benefits:

- Secure jobs
- Repair quay walls
- Gain a new fishing port
- Mitigate long-term flooding problems

They thus considered that the disbenefits of the scheme, in terms of its size, scale and negative impact on the OUV of the WHS, as identified by ICOMOS-UK and others, were marginally out-weighted by benefits that related to the overall re-generation of Hayle.

By contrast this new scheme, which covers only part of South Quay, would deliver only part of one of the previous benefits:

- Repair to South Quay walls

In our response to the first application, ICOMOS-UK did sympathise with the aims of the Council to deliver regeneration to Hayle and to create the means to repair the quay walls. We did however consider that as Hayle is a WHS, the driving force for this regeneration should be the historic cultural landscape that has been given

international recognition. The starting point for regeneration should be an assessment of the strong and distinctive assets that could be capitalised upon in order that development optimises the inherent opportunities of the site. These assets include all the attributes listed above as well as the proximity to the beaches, the spectacular waterfront and the very fine landscape setting.

We did not consider that the first application rose to this challenge, although it did have as an aim the overall regeneration of the harbour: we consider that this subsequent application has even less grounding in an attempt to optimise WH status and deliver heritage-led regeneration.

In ICOMOS-UK's view, it is indeed unfortunate that it has not proved possible for the Hayle community, who are all supportive of the need to regenerate the area, to articulate a clear vision as to how they would like to see their area grow and develop, based on the substantial assets it has related to its WH status. A clear vision is needed for the renaissance of Hayle that could attract support. We do not consider that such a vision would give priority to a super-store in the centre of the harbour.

7. *Planning Consideration*

ICOMOS-UK is aware of the need for Cornwall Council under PPS4 to give consideration to the location of super-stores and to prioritise in favour of town centre locations. Nevertheless the consideration of the requirements of PPS4 has to sit alongside consideration of Planning Circular 07/09, which reflects the inscription of Hayle as a WHS, and also alongside traffic and transport considerations.

ICOMOS-UK considers that, in this instance, the high negative impact of a super-store on South Quay should outweigh the advantages of its town centre location. It cannot be said that a superstore has to be located on South Quay because it is a city centre location when such a location would have a detrimental impact on an international designation.

8. *Conclusions*

ICOMOS-UK considers that the bulk of the building, and its presumed height, would be an overwhelming intrusion into the harbour landscape, and in effect would visually cut the harbour basin in two north of the viaduct, and lead to a loss of views from the east part of the town across Carnsew Pool and beyond. The flood protection measures required, based on raising on the ground level by 1.85 metres above the height of the existing granite stone quay walls, will also have a considerable negative impact.

Overall, we consider that the complete anonymity of the scheme which shows no local distinctiveness and does not in any way relate to the morphology of Hayle, or respect its strong local character, would have a negative and detrimental impact on the attributes of Hayle that contribute to the overall OUV of the WHS. Its design bears little relationship to the attractive and small scale row of double fronted villa houses

with front gardens at Penpol Terrace that characterise the road alongside the current fishing harbour and are a key part of the planned factory town.

As well as failing to respect the attributes of OUV, these proposals are also not in line with policies of the Management Plan which now have to be considered as Key Material Considerations – as set out above.

Furthermore we consider that the benefits that would be delivered to Hayle in terms of heritage led regeneration would be minimal, and there is no certainty that this scheme would unlock further schemes linked to the previous application that has not yet been given unconditional approval.

The WH status of Hayle, and the enormous assets of its historic cultural landscape that has been given international recognition, should be the starting point and driving force for the regeneration of the overall harbour, in line with the aspirations of the Management Plan.

We did not consider that the first application rose to this challenge, even though it did have as an aim the overall regeneration of the harbour: we consider that this subsequent application has even less grounding as an attempt to optimise WH status and deliver heritage-led regeneration. Indeed, we consider that it could result in being the reverse of heritage-led regeneration and bring into question the overall validity of Hayle as part of the WHS.

Hayle deserves better than this and we urge the Council to REFUSE this application.

Yours sincerely

Susan Denyer
Secretary, ICOMOS-UK