

World Heritage Scanned Nomination

File Name: 1215.pdf

UNESCO Region: EUROPE AND NORTH AMERICA

SITE NAME: Cornwall and West Devon Mining Landscape

DATE OF INSCRIPTION: 16th July 2006

STATE PARTY: United Kingdom of Great Britain and Northern Ireland

CRITERIA: C (ii)(iii)(iv)

DECISION OF THE WORLD HERITAGE COMMITTEE:

Excerpt from the Decisions of the 29th Session of the World Heritage Committee

Criterion (ii): The development of industrialised mining in Cornwall and West Devon between 1700 and 1914, and particularly the innovative use of the beam engine, led to the evolution of an industrialised society manifest in the transformation of the landscape through the creation of new towns and villages, smallholdings, railways, canals, docks and ports, and this had a profound impact on the growth of industrialisation in the United Kingdom and then on industrialised mining around the world.

Criterion (iii): The extent and scope of the remains of copper and tin mining, and the associated transformation of the urban and rural landscapes, including the now distinctive plant communities of waste and spoil heaps and estuarine areas, 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.

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.

BRIEF DESCRIPTIONS

Much of the landscape of Cornwall and West Devon was transformed in the 18th and early 19th centuries as a result of the rapid growth of pioneering copper and tin mining. Its deep underground mines, engine houses, foundries, new towns, smallholdings, ports and harbours, and ancillary industries together reflect prolific innovation which, in the early 19th century, enabled the region to produce two thirds of the world's supply of copper. The substantial remains are a testimony to the contribution Cornwall and West Devon made to the industrial revolution in the rest of Britain and to the fundamental influence the area had on the mining world at large. Cornish technology embodied in engines, engine houses and mining equipment were exported around the world. Cornwall and West Devon were the heartland from which mining technology rapidly spread. When Cornish and West Devon mining declined in the 1860s, large numbers of miners emigrated to work and live in mining communities based on Cornish traditions, in for instance South Africa, Australia, and Central and South America, where Cornish engine houses still survive.

Le paysage des Cornouailles et de l'ouest du Devon s'est en grande partie transformé au XVIII^e et au début du XIX^e siècle dans le sillage de l'essor rapide de l'exploitation minière du cuivre et de l'étain. Les profondes mines souterraines, les bâtiments des machines, les fonderies, les villes nouvelles, les petites propriétés, les ports et les industries associées reflètent le prolifique esprit d'innovation qui fut le moteur de ce développement industriel, qui produisait au début du XIX^e siècle les deux tiers du cuivre mondial. Les nombreux vestiges attestent de la contribution des Cornouailles et de l'ouest du Devon à la Révolution industrielle dans le reste de la Grande-Bretagne, et de l'influence fondamentale de cette région sur l'ensemble du monde minier. La technologie des Cornouailles qu'incarnent les machines, les bâtiments qui les abritent et l'équipement minier fut exportée dans le monde entier. Les Cornouailles et l'ouest du Devon furent au cœur de la diffusion rapide de la technologie minière. Lorsque l'activité minière des Cornouailles et de l'ouest du Devon déclinèrent dans les années 1860, les mineurs émigrèrent en grand nombre vers des communautés minières fondées d'après les traditions de des Cornouailles, par exemple en Afrique du Sud, Australie, Amérique centrale, Amérique du Sud, où subsistent encore aujourd'hui des bâtiments qui abritent des machines de Cornouailles.

1.b State, Province or Region: Cornwall and Devon Counties

1.d Exact location:

Serial ID Number	Name	Location	Coordinates
1215-001	St Just Mining District	Cornwall, United Kingdom of Great Britain and Northern Ireland	N50 08 53 W05 39 21
1215-002	The Port of Hayle	-	N50 11 07 W05 25 49
1215-003	Tregonning and Gwinear Mining Districts(003i) with Trewavas (003ii)	-	N50 08 10 W05 23 01
1215-004	Wendron Mining District	-	N50 09 58 W05 12 47
1215-005	Camborne and Redruth Mining District(005i) with Wheal Peevor (005ii) and Portreath Harbour (005iii)		N50 13 12 W05 15 18
1215-006	Gwennap Mining District (006i) with Devoran and Perran (006ii) and Kennall Vale (006iii)		N50 14 50 W05 09 39
1215-007	St Agnes Mining District	-	N50 18 28 W05 12 48
1215-008	The Luxulyan Valley (008i) and Charlestown (008ii)	-	N50 21 39 W04 45 00
1215-009	Caradon Mining District		N50 30 42 W04 26 41
1215-010	Tamar Valley Mining District (010i) with Tavistock (010ii)		N50 31 13 W04 13 34

Nomination of the

Cornwall and West Devon Mining Landscape

for inclusion on the

World Heritage List



Cornwall and West Devon Mining Landscape

An Tirwel Balweyth
Kernow ha
Dewnens West



Cornwall and West Devon Mining Landscape World Heritage Site Nomination Document

Foreword

by The Rt Hon Tessa Jowell MP, Secretary of State for Culture, Media and Sport

In the 20 years since the UK ratified the World Heritage Convention, the Government has carefully considered how best to contribute to the UNESCO World Heritage Committee's aspirations for widening the range and representation of sites on the World Heritage List. In 1992 industrial heritage and cultural landscapes were identified as two of the categories that are under-represented. Yet they have an important role in helping to unlock, for current and future generations, the heritage values, knowledge and history upon which civilisations are based.

I am therefore delighted that the Government is now able formally to nominate the Cornwall and West Devon Mining Landscape. This is the first cultural landscape nomination concerned with deep shaft mining of tin, copper and other industrial metals. The region has four millennia of history and tradition in metalliferous mining but it is for the 200 years from the early 18th century that its people and resources played such a vital role in the expansion of British and worldwide industrialisation resulting in the widespread export of innovative technological expertise which defined mining and engineering culture across the rest of the UK and overseas. Today this unique industrial and cultural landscape survives as a tribute to one of the most rapid periods of economic industrial and social development the UK has known.

I would like to express my thanks to the many people and organisations who have worked in a spirit of partnership to develop this nomination document. On behalf of the UK Government, I am delighted to give my full support to this nomination for World Heritage status.

Tessa Jowell





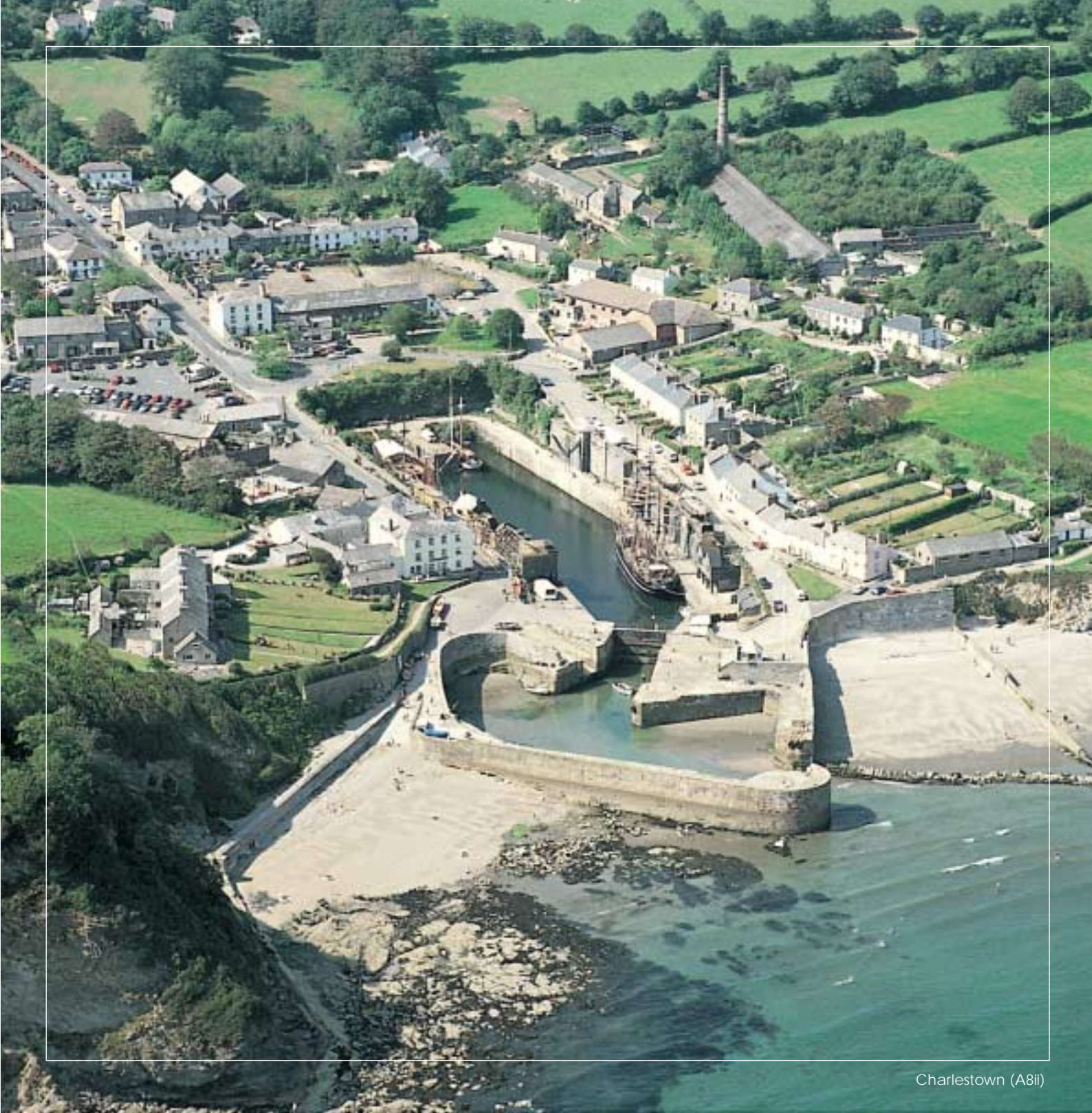
Wheal Coates, St Agnes (A7)

"The remains of this industry, now completely abandoned, have created an industrial cultural landscape that is of the highest quality, both aesthetically and in terms of technological history. The State Party, through its central and regional policies, has applied commendable protection and conservation policies in order to preserve this exceptional landscape for and on behalf of present and future generations."

Henry Cleere

Henry Cleere OBE DLitt PhD FSA FCSI HonMIFA
Honorary Professor of Heritage Management,
Institute of Archaeology, University College London.

ICOMOS World Heritage Coordinator 1992-2002.



Charlestown (A8ii)

"Industrialisation is one of Britain's most significant and lasting contributions to global society. The industrial sites selected for inclusion in the 1999 Tentative List were carefully chosen because they were fundamental to the development of modern society as outstanding places representative of the origins and development of industrialisation, of processing and manufacture, developments in transport and virtuosity in civil engineering."



from the Chairman
Sir Neil Cossons OBE

Industrialisation shaped and made possible modern global society. It is a key theme of the United Kingdom's approach to World Heritage Site nominations because it was here that this process began. Industrialisation is one of Britain's most significant and lasting contributions to global society. This needs to be appropriately marked in the World Heritage List. The industrial sites selected for inclusion in the 1999 Tentative List were carefully chosen because they were fundamental to the development of modern society as outstanding places representative of the origins and development of industrialisation, of processing and manufacture, developments in transport and virtuosity in civil engineering.

I was closely involved in the development of the Tentative List as a member of the expert committee set up by English Heritage at the request of the Department for Culture, Media and Sport to advise on the content of the List. I also chaired English Heritage's Industrial Archaeology Advisory Panel which provided specialist input to the process.

I strongly supported the inclusion of Cornish Mining on the List. As, for a time, the world's greatest producer of tin and copper, the area provided essential raw materials for the industrialisation of the world. In doing so, it developed a distinctive and technologically advanced approach to deep mining for metals which was then exported around the world and was fundamental to the shaping of modern mining technology and organisation. Because of the steep decline of the industry in the twentieth century, the landscape which the industry created survives exceptionally well, preserving evidence not just of the mines and their ancillary structures but of the whole society and social structure of the mining industry.

The Nomination has succeeded in capturing in a comprehensible and manageable form the complex physical remains of this industry, its landscape and society. It clearly demonstrates the outstanding universal value of this place to the world as a whole, both as a source of materials and as the birthplace of a technology which has spread all around the world, leaving distinctive Cornish landscapes and customs in places as far apart as Mexico and South Australia.

I am struck too by the broad partnership which has developed and supported this bid, demonstrating a wide level of commitment and involvement across all parts of society, both in Cornwall and Devon. I welcome the way in which it is planned to conserve the site in order to use it sustainably for the benefit of local and wider communities and to communicate the significance of this great industry and landscape for the people of Cornwall, visitors to Cornwall and also much more widely through virtual access.

I am pleased too that English Heritage has been able to assist the Cornish Mining Partnership in achieving a Nomination of such high standards. I believe that this Nomination clearly demonstrates the outstanding universal value of the Cornwall and West Devon Mining Landscape and proves the case for its inscription on the World Heritage List.

I look forward to the success of this nomination as the next landmark in this process.

SIR NEIL COSSONS

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- d. Address where inventory, records and archives are held

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Cape Cornwall, St Just (A1)

WORLD HERITAGE LIST

Nomination Form

Convention concerning the protection of the world cultural and natural heritage.

Under the terms of the Convention concerning the Protection of the World Cultural and Natural Heritage, adopted by the General Conference of UNESCO in 1972, the Intergovernmental Committee for the Protection of the World Cultural and Natural Heritage, called 'the World Heritage Committee' shall establish, under the title of 'World Heritage List', a list of properties forming part of the cultural and natural heritage which it considers as having outstanding universal value in terms of such criteria as it shall have established.

The purpose of this form is to enable States Parties to submit to the World Heritage Committee nominations of properties situated in their territory and suitable for inclusion in the World Heritage List.

This 'Nomination Document' has been prepared in accordance with the 'Format for the nomination of cultural and natural properties for inscription on the World Heritage List' issued by UNESCO.

The form has been completed in English and is sent in four copies to:-

The Secretariat
World Heritage Committee
Division of Cultural Heritage
UNESCO
7 Place de Fontenoy
75352 Paris 07 SP
France

1. Identification of Property

1 a Country : UNITED KINGDOM

1 b Region: CORNWALL AND DEVON

1 c Name of Property: CORNWALL AND WEST DEVON MINING LANDSCAPE
POPULARLY KNOWN AS 'CORNISH MINING'

1 d Exact location on map and geographical co-ordinates

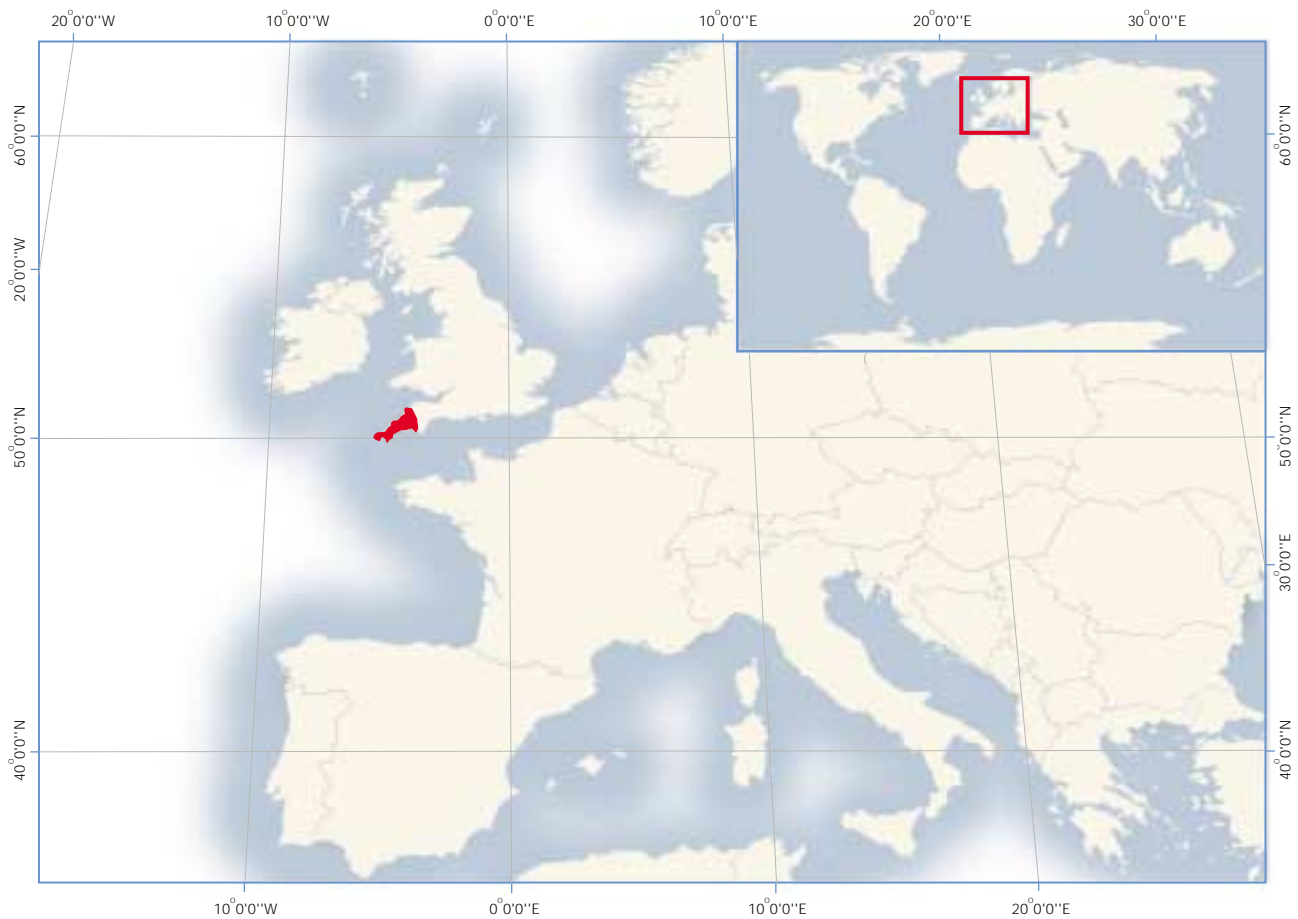


Figure 1. Map showing the location of the Cornwall and West Devon Mining Landscape.

Ref. No.	Name	County	Co-ordinates of centre point	National Grid Reference (centre)	Nominated area (ha)	Map reference
A1	St Just Mining District	Cornwall	50° 08' 53" N 05° 39' 21" W	SW 37766, 33810	2671	Fig 3
A2	The Port of Hayle	Cornwall	50° 11' 07" N 05° 25' 49" W	SW 55854, 37272	207	Fig 4
A3	Tregonning and Gwinear Mining Districts (A3i) with Trewavas (A3ii)	Cornwall	50° 08' 10" N 05° 23' 01" W	SW 58946, 32088	4436	Fig 5
			50° 05' 35" N 05° 21' 48" W	SW 59453, 26931	48	Fig 5
A4	Wendron Mining District	Cornwall	50° 09' 58" N 05° 12' 47" W	SW 70504, 33700	810	Fig 6
A5	Camborne and Redruth Mining District (A5i) with Wheal Peevor (A5ii) and Portreath Harbour (A5iii)	Cornwall	50° 13' 12" N 05° 15' 18" W	SW 67402, 40164	1403	Fig 7
A6	Gwennap Mining District (A6i) with Devoran and Perran (A6ii) and Kennall Vale (A6iii)	Cornwall	50° 14' 50" N 05° 09' 39" W	SW 74390, 42591	2712	Fig 8
			50° 12' 15" N 05° 05' 39" W	SW 79225, 38511	296	Fig 8
			50° 11' 35" N 05° 09' 12" W	SW 74950, 37405	37	Fig 8
A7	St Agnes Mining District	Cornwall	50° 18' 28" N 05° 12' 48" W	SW 71607, 50353	1225	Fig 9
A8	The Luxulyan Valley (A8i) and Charlestown (A8ii)	Cornwall	50° 21' 39" N 04° 45' 00" W	SX 06703, 56498	240	Fig 10
			50° 19' 58" N 04° 45' 30" W	SX 03700, 51812	34	Fig 11
A9	Caradon Mining District	Cornwall	50° 30' 42" N 04° 26' 41" W	SX 29076, 69132	1436	Fig 12
A10	Tamar Valley Mining District (A10i) with Tavistock (A10ii)	Cornwall and Devon	50° 31' 13" N 04° 13' 34" W	SX 44096, 69421	4087	Fig 13
			50° 32' 54" N 04° 08' 54" W	SX 47657, 73546	77	Fig 14

Table 1. Geographical co-ordinates of the nominated Site.

The nominated Site

The nominated Site consists of the most authentic and historically significant surviving components of the Cornwall and West Devon Mining Landscape from the period 1700 to 1914. This cultural landscape is a testament to the profoundly important process of pioneer metal mining, to its industrialisation, and to the innovations which occurred here and had a fundamental influence on the mining world at large during the nineteenth century.

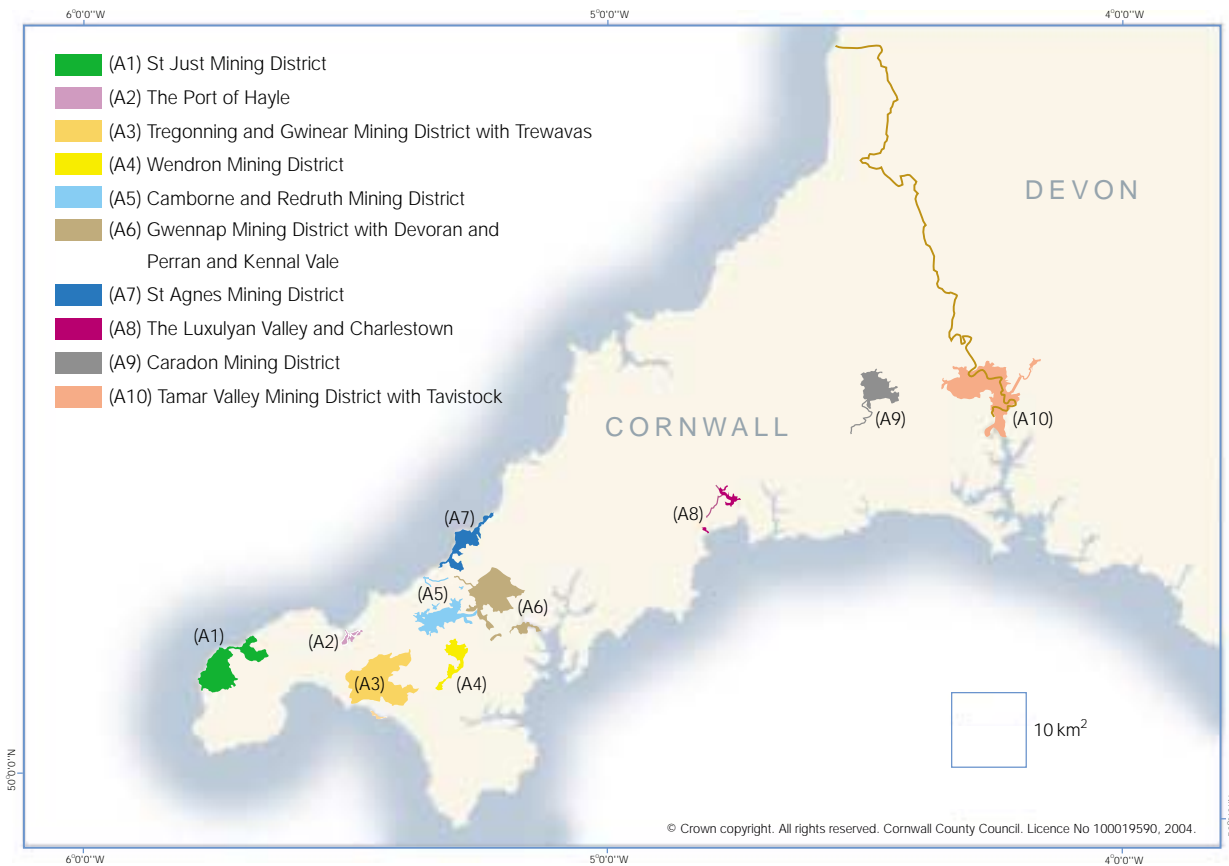


Figure 2. The Cornwall and West Devon Mining Landscape serial nomination.

There are ten Areas in the nominated Site whose landscapes represent former mining districts, ancillary industrial concentrations and associated settlements. They share a common identity despite having developed separately from one another. Where they border the sea, their boundary extends only as far as the Mean Low Water Mark (as defined by the United Kingdom Ordnance Survey) this being the legal limit as far as the statutory planning responsibilities of local authorities is concerned.

Area boundary maps

The methodology used in the definition of Areas and their boundaries is explained in Section 3a (Description of Property). Inevitably there are mining landscapes outside Area boundaries. There are various reasons for their exclusion. They may be geographically isolated or too small, or simply do not meet the selection criteria in some other way.

These maps present the nominated area boundaries against 1:10,000 and 1:25,000 Ordnance Survey map bases. They show the basic topography of each of the areas including principal settlements, communication routes and landscape cover. These are designed to orientate the reader and provide the simplest understanding of the nominated Site.

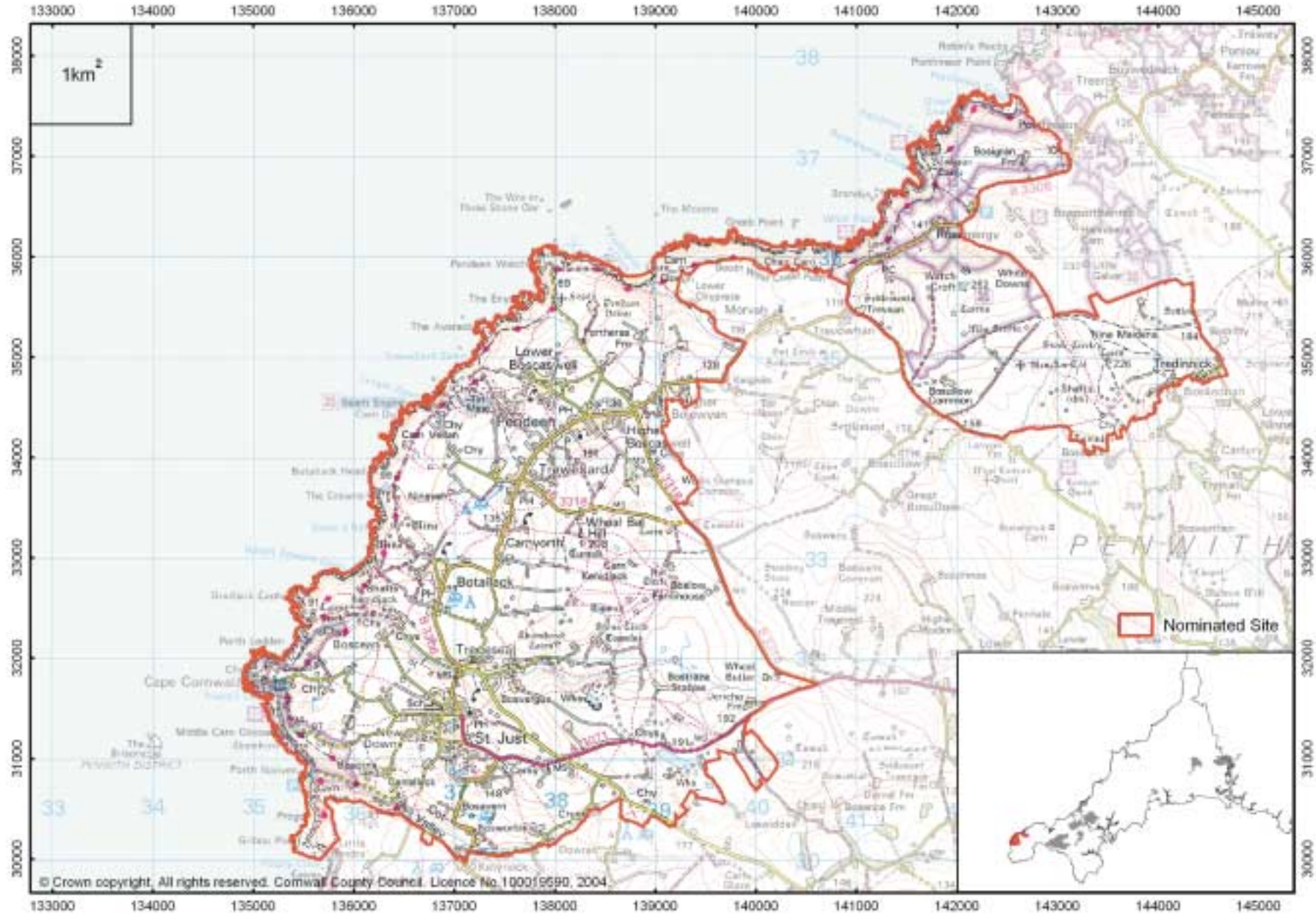


Figure 3. St Just Mining District (A1)

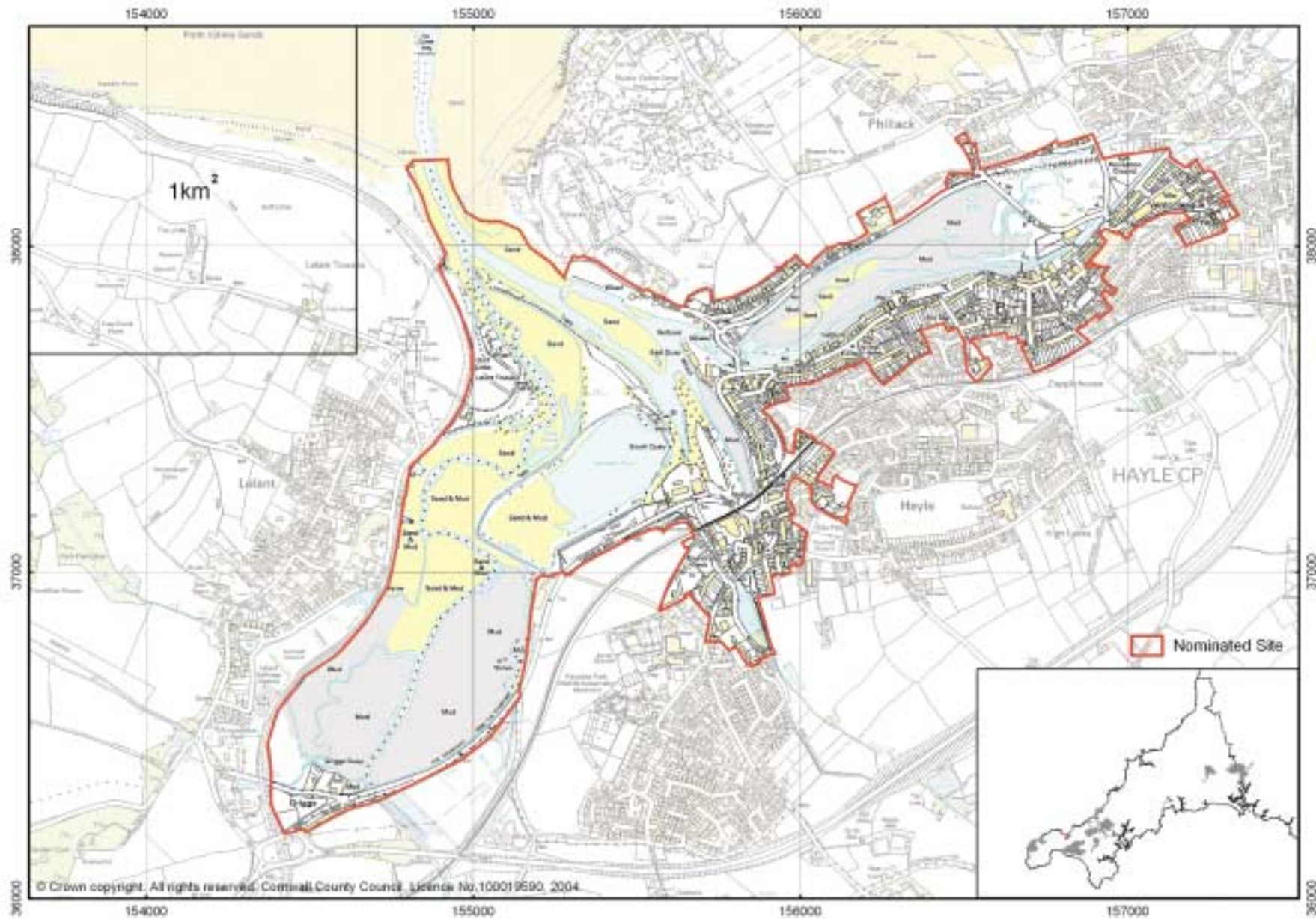


Figure 4. The Port of Hayle (A2)

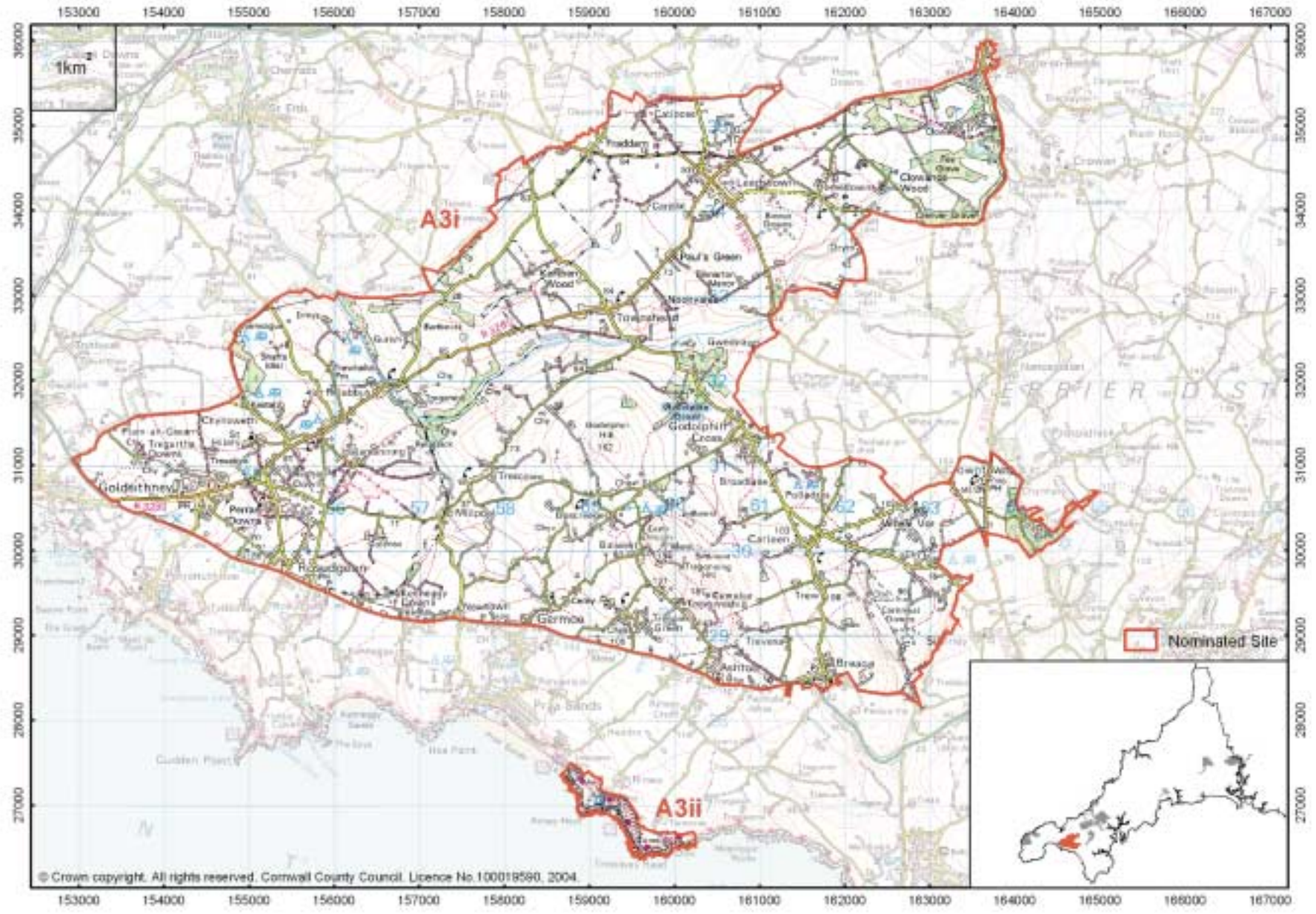


Figure 5. Tregonning and Gwinear Mining Districts (A3i) with Trewavas (A3ii)

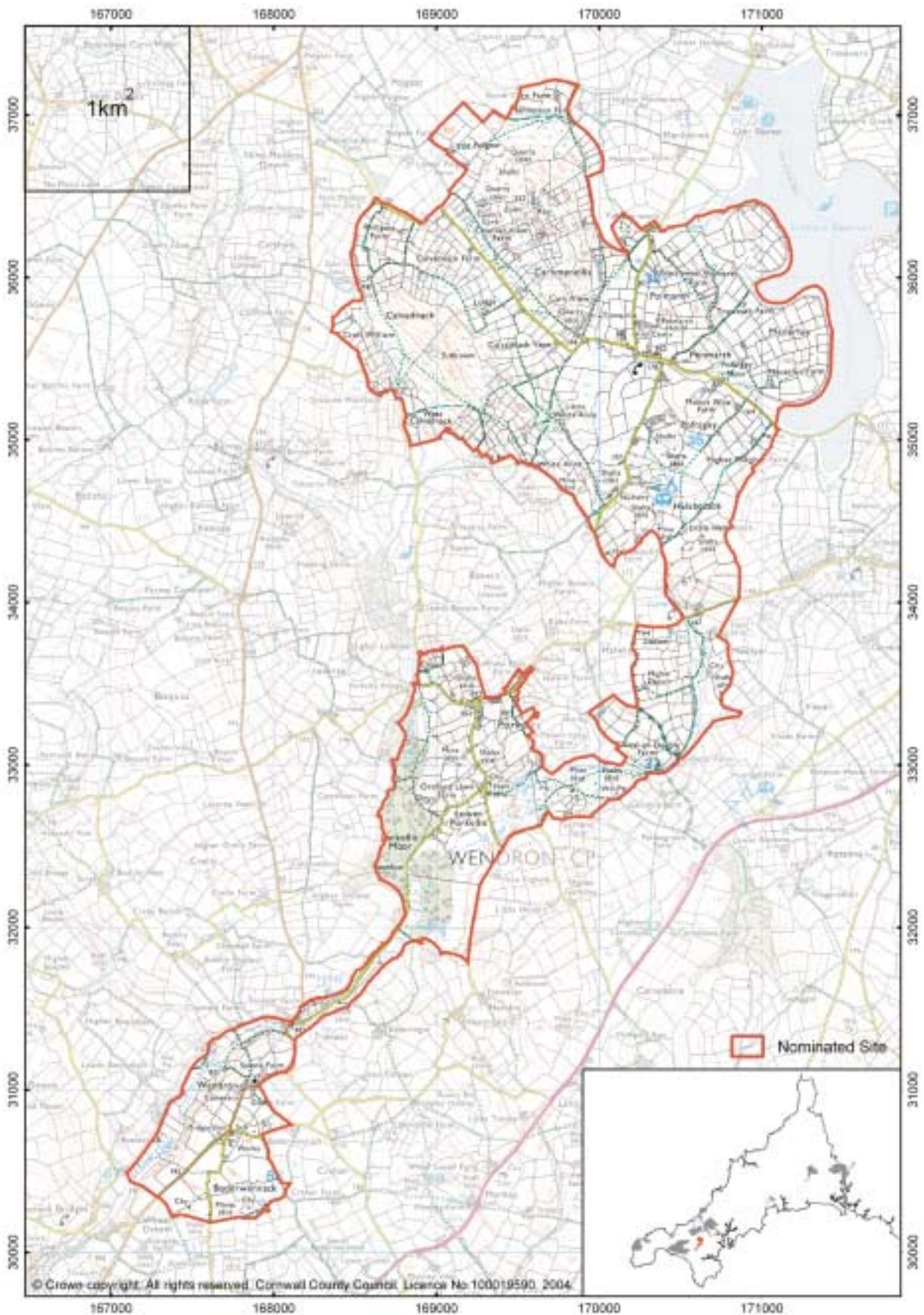


Figure 6. Wendron Mining District (A4)

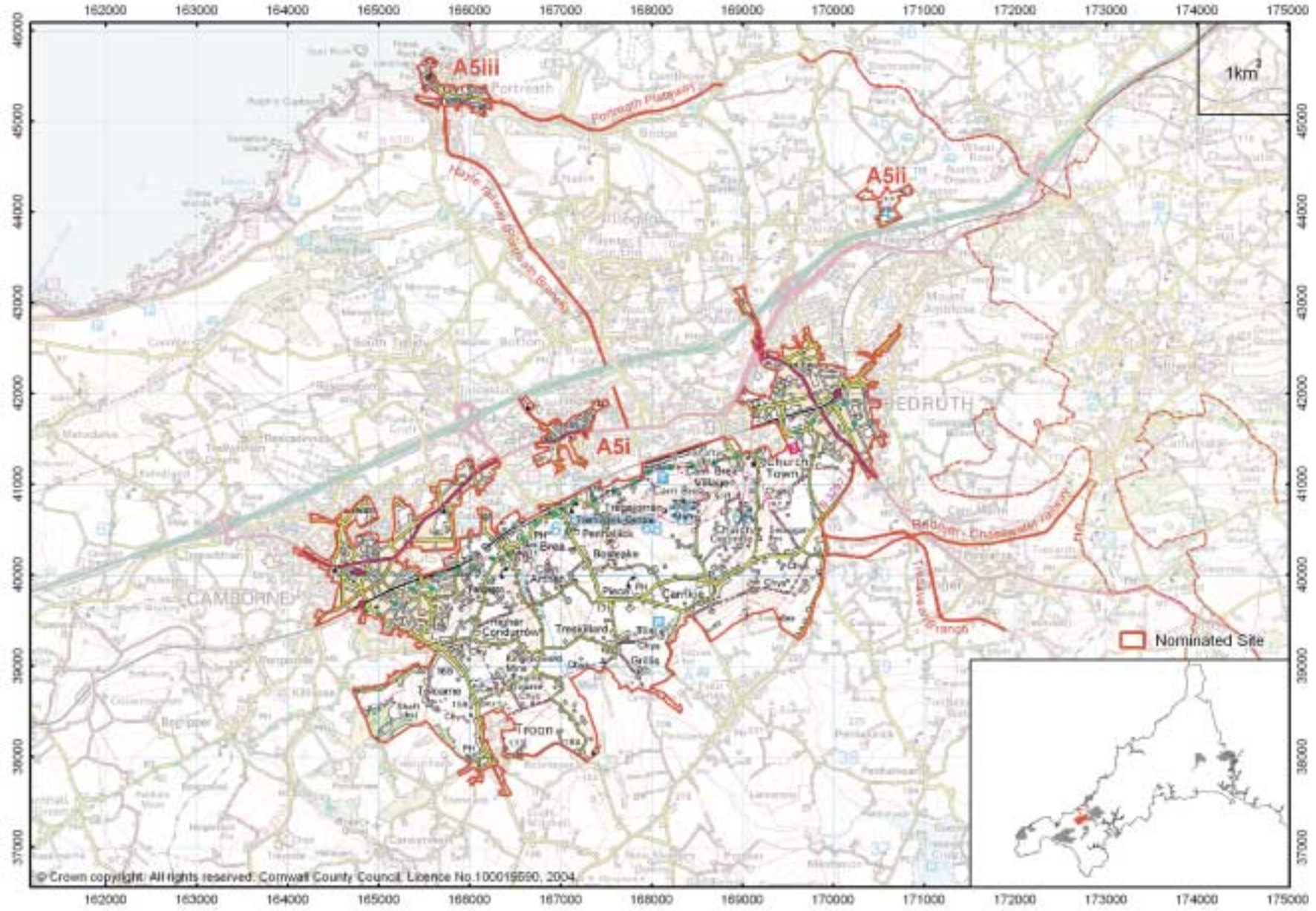


Figure 7. Camborne and Redruth Mining District (A5i) with Wheal Peavor (A5ii) and Portreath Harbour (A5iii)

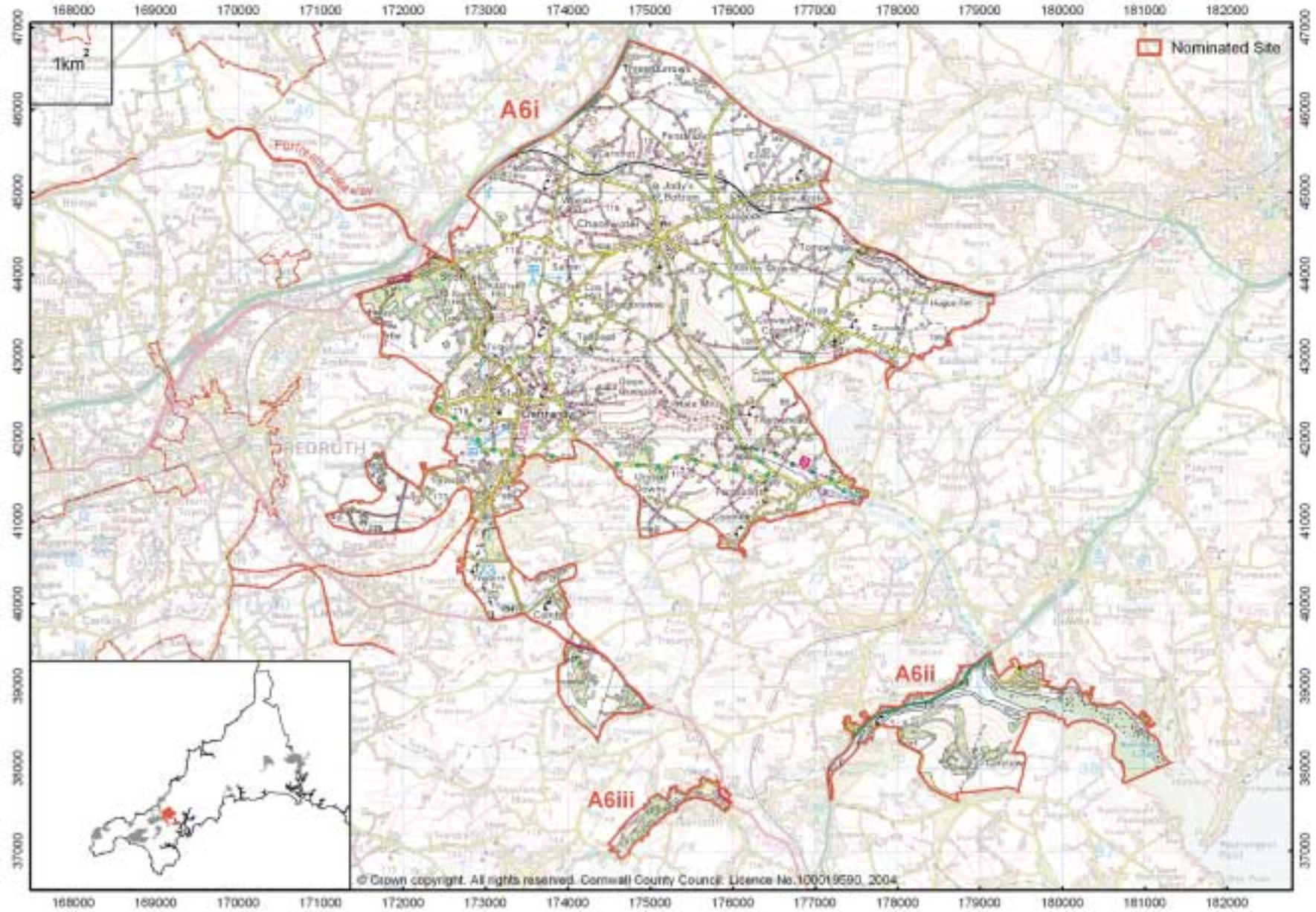


Figure 8. Gwennap Mining District (A6i) with Devoran and Perran (A6ii) and Kennall Vale (A6iii)

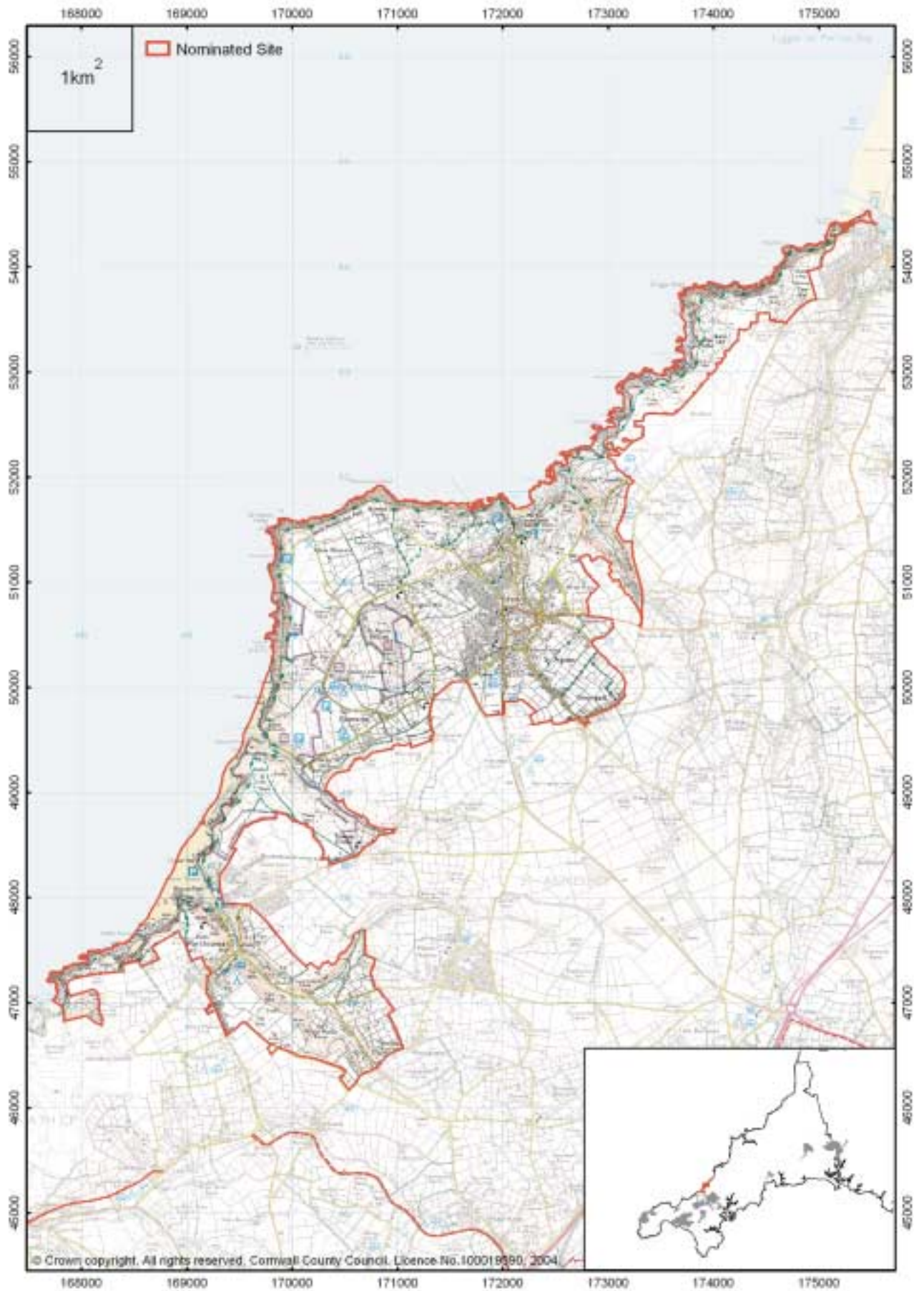


Figure 9. St Agnes Mining District (A7)

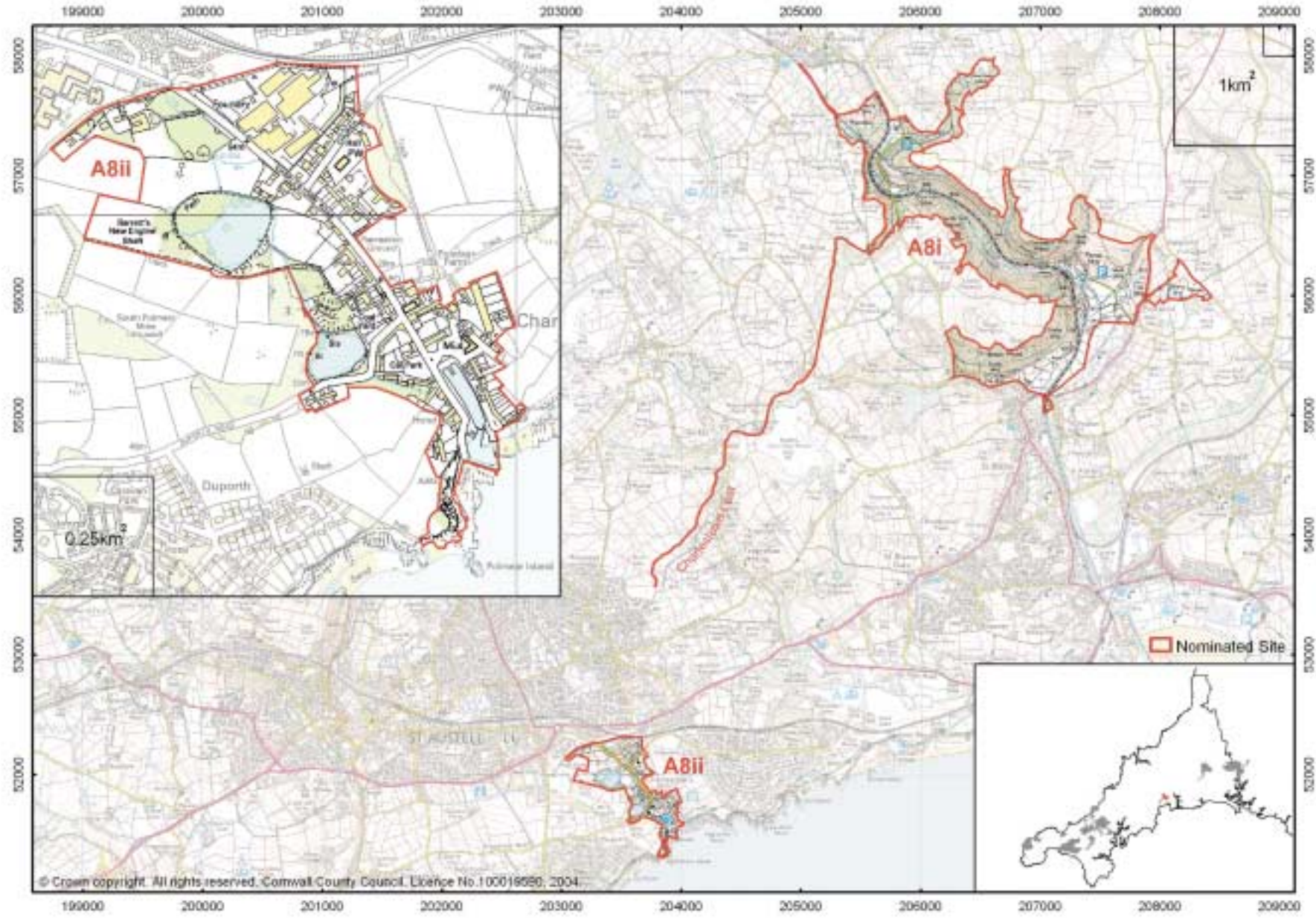


Figure 10 The Luxulyan Valley (A8i) and Charlestown (A8ii)

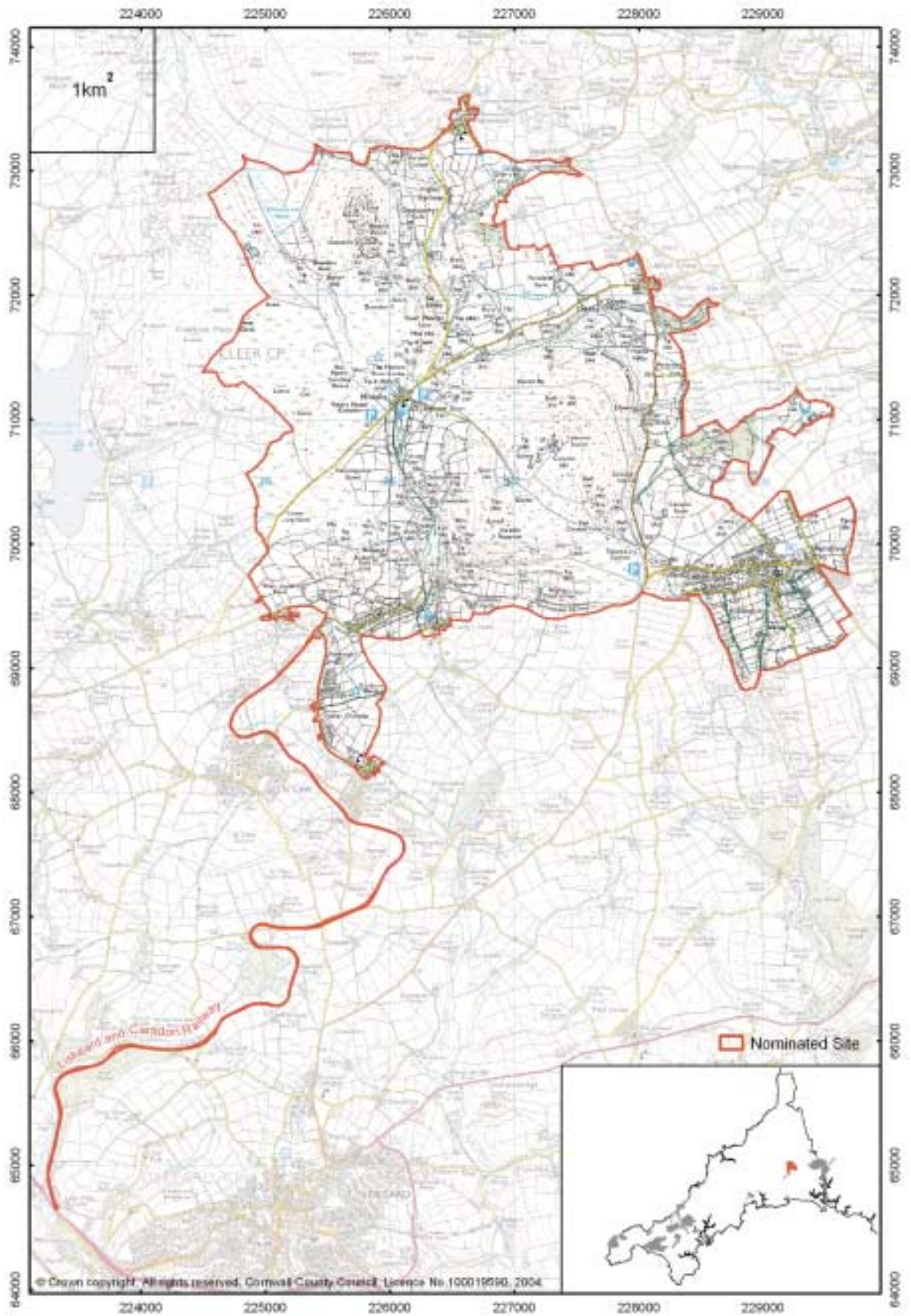


Figure 11. Caradon Mining District (A9)

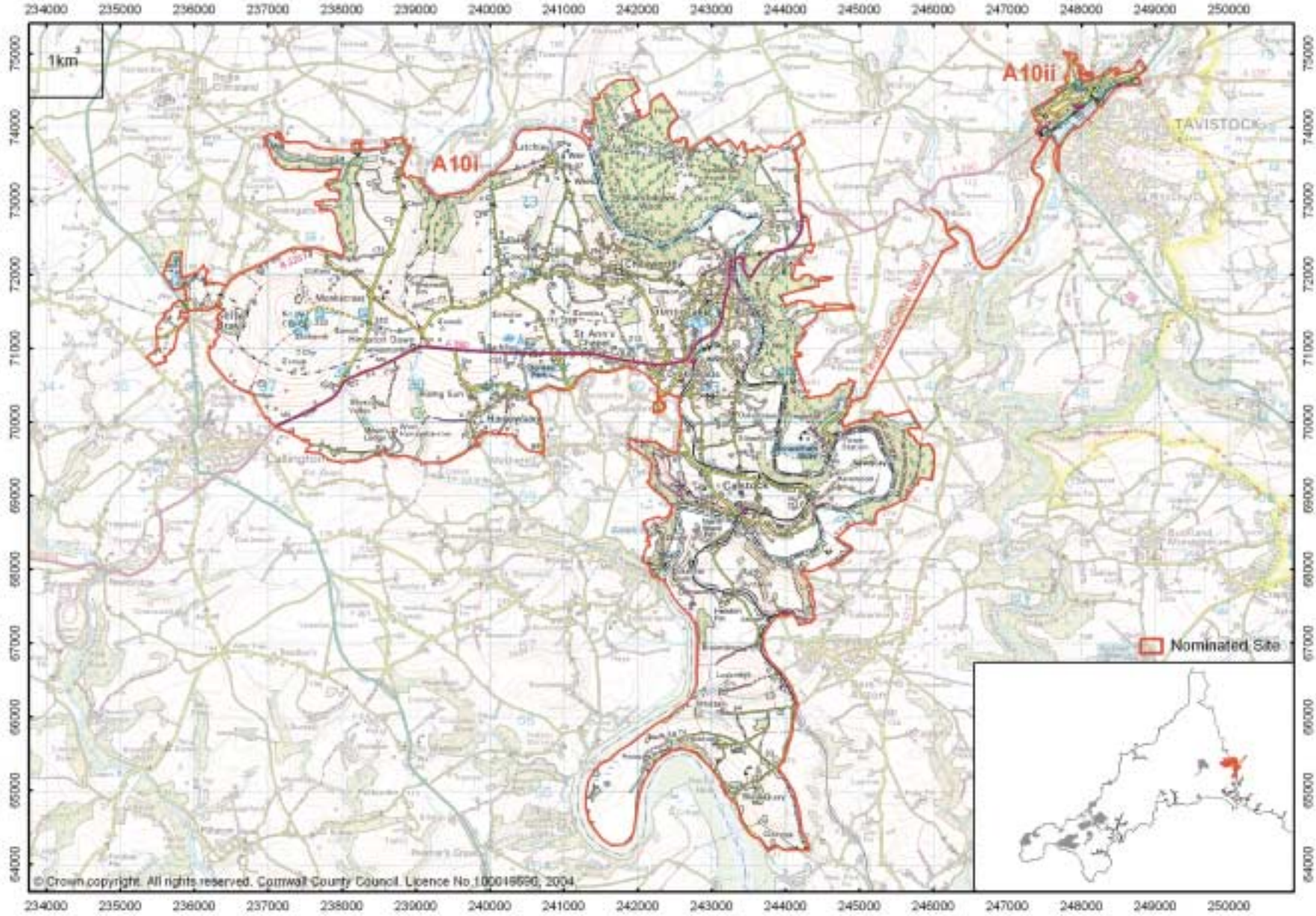


Figure 12. Tamar Valley Mining District (A10i)

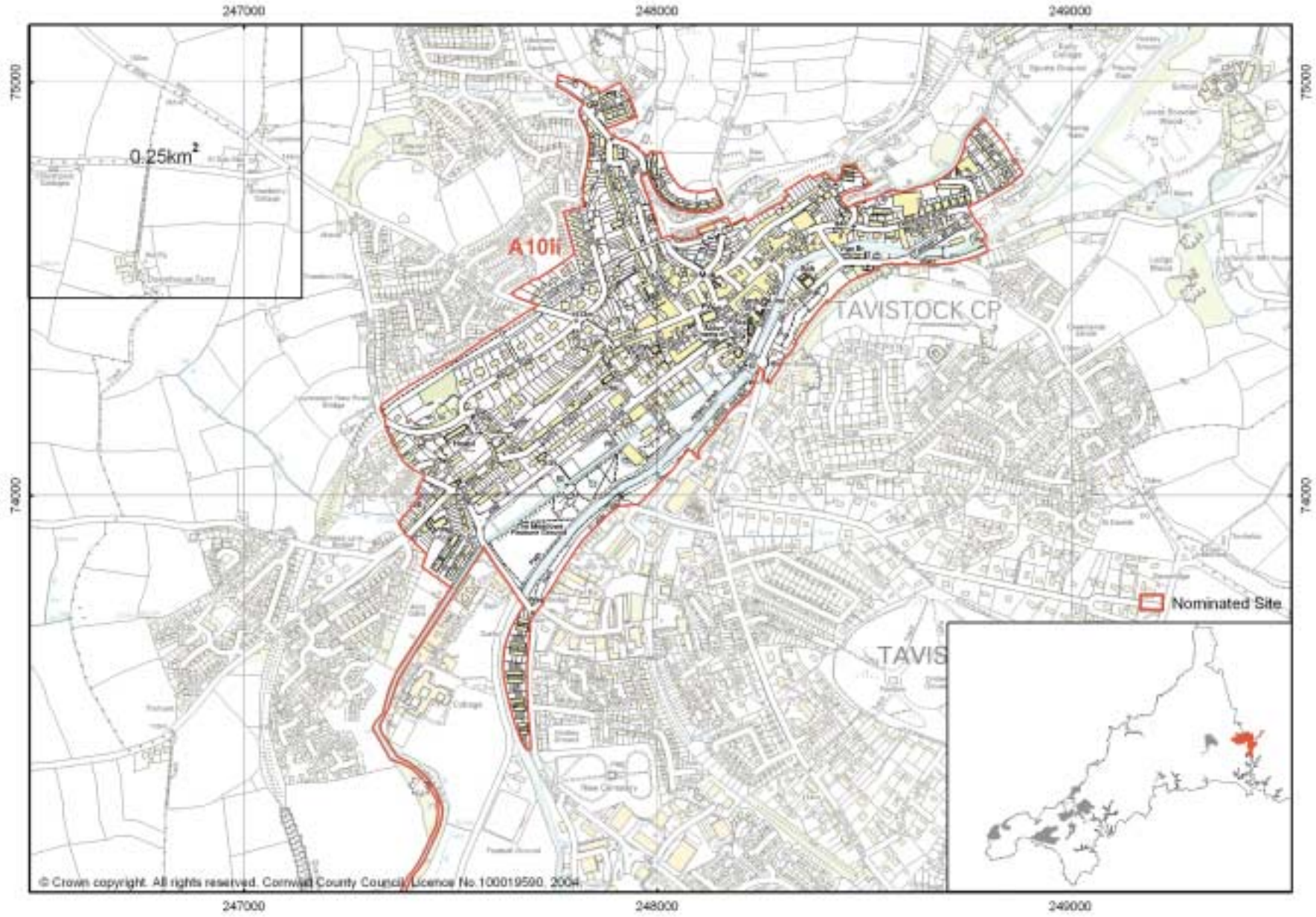


Figure 13. Tavistock (A10ii)

1e) The Setting of the nominated Site

The extent to which changes outside the nominated Site can adversely affect its outstanding universal value has been thoroughly considered. The setting of the nominated 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.

The nominated Site comprises ten discrete, but in the main inter-visible, landscapes all of which encompass significant components. This is an evolving cultural landscape, with the process of change driven by mining technology and economy from 1700 and continuing to the present day and into the future, following a period of decline and now regeneration, with new sympathetic additions and changes to the landscape having a place.

The setting of the nominated Site is extensive. The objective is the protection of the setting of the nominated Site and we have examined whether a formal buffer zone will help provide this protection. Mapping a buffer zone would rely on foresight to predict an area where the visual setting could be a material consideration, thus also identifying an area beyond which the visual setting will not be a material consideration in the view of the planning system. It is not feasible to draw a robust single large buffer zone around the ten discrete areas and there are no obvious natural or administrative boundaries to use. Neither is it consistent or feasible to draw a multitude of small buffer zones around some of the ten discrete areas, as this introduces the risk of limited foresight and the implication that areas without buffer zones do not have a setting.

A formal buffer zone does not bring any statutory protection in the United Kingdom. A buffer zone would only serve to trigger policies in strategic planning documents (including Development Plans) for the protection of the setting of the nominated Site. Provided that there are appropriate policies in Development Plans, these do not need a defined formal buffer zone to be triggered. Instead it relies on the local planning authority and other agencies to decide the setting issue, on a case by case basis, taking into account wider considerations, any possible detrimental effects and applying judgement.

The setting of all the principal forms of statutory designation used to protect, conserve and enhance the nominated Site (Conservation Areas, Areas of Outstanding Natural Beauty, Scheduled Monuments and Listed Buildings) is a material consideration in the United Kingdom planning system and appropriate action is decided case by case without formal buffer zones.

A formal buffer zone is not necessary to protect the setting of this nominated Site. For this reason a formal buffer zone is not proposed. 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. The Management Plan includes policy and action to follow through this approach.

Designation	Number	Area (ha)	Percentage
Area of Outstanding Natural Beauty	2	7369	37.4%
Conservation Area	33	1922	9.7%
Scheduled Monument	148	241	1.2%
Listed Buildings*	358	not applicable	not applicable
SSSI	26	1208	6.1%
CSAC	6	723	3.6%
		Total	41%**

Table 2. Legal Protection

*Buildings recorded as being related to Cornish mining in the listing description
 ** Area of the Site covered by a form of designation

1f) Area of property proposed for inscription

Ref. No.	Name	Nominated area (ha)	Ref. No.	Name	Nominated area (ha)
A1	St Just Mining District	2671	A7	St Agnes Mining District	1225
A2	The Port of Hayle	207			
A3	Tregonning and Gwinear Mining Districts (A3i) with Trewavas (A3ii)	4436 48	A8	The Luxulyan Valley (A8i) and Charlestown (A8ii)	240 34
A4	Wendron Mining District	810	A9	Caradon Mining District	1436
A5	Camborne and Redruth Mining District (A5i) with Wheal Peevor (A5ii) and Portreath Harbour (A5iii)	1403	A10	Tamar Valley Mining District (A10i) with Tavistock (A10ii)	4087 77
A6	Gwennap Mining District (A6i) with Devoran and Perran (A6ii) and Kennal Vale (A6iii)	2712 296 37			

Table 3. Area (hectares) of serial nominated Areas.

Underground remains

The underground workings of the Cornish mining industry are highly significant. The upper levels of many mines exist above the water-table, often created artificially by adit levels. Those networks which are comparatively close to the surface are, by the nature of lode-mining, some of the earliest worked portions of the respective mineral deposits and may contain important archaeological and mineralogical evidence. Wherever such networks have been identified, they have been included within the nominated Site. The principal points of access have been established by survey and their significance recorded. Many of them have been secured for safety reasons but in such a way that they could be accessed in the future. Whilst members of the public are only able to visit a few mines underground, there are a great many which are explored by caving and mining groups, both locally and nationally. Such workings provide a vital insight into the technical, environmental and mineralogical aspects of hard-rock mining and form an extremely important part of our mining heritage.



Bedford United Mine (A10).



South Caradon Mine (A9).



Devon Great Consols (A10).



2 Justification for Inscription

Richard Trevithick (1771-1833).
Portrait in oil by J Linnell, 1816.
Courtesy of The Science Museum.

2. Justification for Inscription

2a Statement of Significance

The Significance of the Cornwall and West Devon Mining Landscape

Introduction

The Cornwall and West Devon Mining Landscape is an embodiment of the profoundly important process of non-ferrous metal mining, its industrialisation, and its social and economic consequences. This transformed the landscape between 1700 and 1914 and contributed substantially to the development of the Industrial Revolution in the rest of Britain. Cornwall pioneered the transfer of the British industrial revolution overseas and thus played a key role in the growth of a global capitalist economy.

Not only did the region dominate the world's output of copper, tin and arsenic, but the overall technological, social and economic contribution made by Cornish mining was crucial to the development of modern industrial society. The Cornish mining industry also played a leading role in the diffusion of both metal mining and steam technology around the globe.

The rapid industrialisation of the Cornish mining landscape required unprecedented levels of technological innovation in the use of power, transport and processing techniques, and in major social changes too, including a massive population increase. As the rich lodes were exploited in innovative ways, much of the landscape was re-written to create thriving and prosperous settlements scattered throughout Cornwall and West Devon. The substantial remains of this early industrial landscape are an extraordinary testimony to the manner in which every level of society helped to pioneer new methods of harnessing mineral wealth.

Why were these industrial metals needed?

Tin was used in pewter ware and solder, and to make the tin plate on which the canning industry was built. It was alloyed with copper to make bronze for industrial applications, including machine bearings and ship's propellers.

Copper was used to sheath the hulls of British ships and to provide coinage. The sugar and dyeing industries used it to make hollow-ware boilers, vats and piping. It is also the principal constituent of brass and so provided crucial fittings for steam engines, gun cartridges and brass trading goods. Cornish copper formed the basis of the Bristol and then of the Birmingham brass industries. These were the largest producers in the world at that time.

Arsenic was used extensively in the nineteenth century, for example in the dyes and pigments of the Lancashire cotton industry. Demand grew during the last quarter of the century when it became a popular insecticide. It helped to control Colorado Beetle which had devastated potato, tobacco and other crops across America.

Productivity - one of the world's most important non-ferrous mining regions

Cornwall and Devon contained Europe's principal tin deposits and satisfied substantial demand over four millennia. The region's ancient mining industry was founded on the expertise gained in the working of tin and other metal ores by the Celtic Britons and the organisation of the medieval Stannaries. During the nineteenth century, half of Cornwall's output came from the Camborne and Redruth Mining District and until the late 1870s Cornwall and West Devon produced more tin than any country in the world.

Larger-scale tin smelting began during the early eighteenth century following the introduction of reverberatory furnace technology. (Ultimately this replaced the blowing houses that had been in operation since the medieval period). Virtually all the ore from Cornwall and Devon was smelted within the region until the twentieth century.

Copper production from West Cornwall during the first three decades of the nineteenth century amounted to two-thirds of the world's supply. During the 1850s, Devon Great Consols in West Devon became the largest single producer in Western Europe.

Copper smelting ceased within the nominated Site in 1819. Swansea in South Wales then became the global centre for the trade, much of it under the control of Cornish entrepreneurs. During the second half of the nineteenth century copper became the essential metal of the electrical and communications industries.

Arsenic production in Britain began as a by-product of tin and copper mining in West Cornwall during the early nineteenth century. In the 1870s Devon Great Consols, and a few other mines in West Devon and East Cornwall, produced half the world's supply.

All arsenic ores from within the nominated Site were refined in the region.

Technical aspects of ore-processing ('dressing') were pioneered within the nominated Site and imported techniques were improved. They enabled ores to be mined which had previously been considered unworkable. The diffusion of such technology to mines overseas proved to be of international significance.

The impact of mining on the Cornwall and West Devon landscape during the period 1700-1914 was large-scale and the speed at which the industry was abandoned resulted in an unparalleled relict primary mining landscape. It features more than 3,000 shafts, numerous waste tips and over 200 engine houses, together with the widespread remains of tin and arsenic processing.

Industrial infrastructure

Transport was crucial. Supplies had to be brought in and minerals - particularly copper ore - had to be moved out from the mines to the new purpose-built mineral ports. A high-capacity transport network developed during the early nineteenth century to meet this demand.

Remains of this network occur right across the nominated Site. There is an internationally significant group of late eighteenth- and early nineteenth-century industrial ports, together with the tramways, railways and canals which connected them to the mines.

Ancillary industries developed in the towns and ports to service the mines. Tin smelting became highly capitalised and in the nineteenth century foundries and engineering works produced the steam engines, rock drills and other mining equipment (particularly steam-driven machinery) which pushed out the technological barriers, enabling mines to be dug deeper, made larger and process their ore efficiently. The impact of these developments was felt throughout the mining world.

There are substantial remains of these ancillary industries within the nominated Site. Important concentrations occur in the new industrial towns of Hayle, Charlestown and Camborne, in Tavistock, Redruth and in the Kennall Valley on the edge of the Gwennap Mining District.

Innovation and export

The Cornish mining industry was characterised by prolific innovation, sustained by an influx of capital, attracted to what had become a crucible of industrial development. The near-vertical metalliferous vein deposits could be exploited only by deep-shaft mining. Local pioneers invented the Newcomen atmospheric steam engine and first applied it to a metal mine, probably between 1710 and 1714, in West Cornwall. The expense of shipping coal to the Cornish mining region from Bristol and South Wales stimulated the need for energy efficiency. Newcomen's engines were vastly improved by Cornish engineers during the second half of the eighteenth century.

During the last quarter of the eighteenth century, large-scale copper mining attracted Boulton & Watt to Cornwall; a region that became their principal market. Their patent expired in 1800 and Cornish engineers went on to develop high-pressure steam pumping technology which resulted in the Cornish beam engine and boiler, the most efficient equipment of its kind at that time anywhere in the world. It also led to the development of steam as a method of motive power by pioneers elsewhere whose experiments eventually resulted in the mass movement of goods and people.

Cornish mining expertise and products began to be exported throughout the world during the second decade of the nineteenth century, wherever mining operators sought the latest technology and working practices. (Often these mines were developed with the help of British capital too). The core of the export trade consisted of steam engines, the engineers needed to install and operate them, mining equipment and the miners needed to superintend mining operations.

One globally successful export was the Cornish safety fuse which was used for blasting. This too was pioneered on the Site. It made a significant technological contribution to the industry as well as saving countless miners' lives. The Cornish mining industry as a whole made a very specific contribution to metal mining throughout the world, particularly during the nineteenth century.

Cornish engine houses, which are among the most distinctive industrial buildings in the world, survive in Spain, Mexico, South Africa and Australia. They are striking evidence of this world-wide impact. As to the Cornish engine houses on the nominated Site, they are not only iconic, they represent the largest concentration of such technological monuments anywhere in the world.

Industrial society

Cornwall was one of Europe's earliest industrial regions, with a complex and dispersed industrial society. It was unusual in that it never developed a dominant large town or city containing the political, economic and institutional elite, around which the county might have cohered. Instead, ownership and control was spread among the small towns throughout the Cornish countryside. Landowners and merchants diversified their portfolios across mining, banking and smelting enterprises. So capital was dispersed, with no direct social control.

The owning class exercised their power through agents and stewards. Mine agents, more usually known in Cornwall as 'captains', imposed workplace discipline and social leadership. This was often reinforced by their position as lay preachers in the Methodist chapels which dominated the Cornish religious landscape after the Revivals of 1799 and 1814.

This social structure enabled mining communities to be relatively independent. In addition, the practice of leasing out smallholdings on unenclosed land in the mining districts enabled a proportion of miners to build their cottages, rear pigs and grow vegetables. This decreased their dependence on both market and mine and helped to maintain the economic role of the family unit. It also led to more egalitarian relations between men and women within the household. Yet despite the scattered and independent nature of small mining communities in the eighteenth century, they tended to be grouped geographically in quite dense concentrations according to the location of particular mineral resources.

The copper industry was exceptional in that its growth rate exceeded every other major national industrial sector. Eighteenth-century copper mining was principally confined to a small area between Hayle and Gwennap. This became Cornwall's core industrial district, bounded by the towns of Truro, Penzance and Falmouth. In cultural terms, this small area was extraordinarily dynamic and innovative. Two newspapers were established in Truro within a decade: the *Royal Cornwall Gazette* in 1800 and the *West Briton* (which still exists under the same name) in 1810.

Shortly afterwards a number of literary institutes were established. The most significant were the Royal Geological Society in Penzance (1814), the Royal Institution of Cornwall in Truro (1818) and the Royal Cornwall Polytechnic Society in Falmouth (1833); all three continue to contribute to Cornwall's rich cultural life. Mineralogy and geology, and their practical application to the mining and mineral processing industries, were studied extensively throughout the nominated Site. The ferment of engineering and scientific endeavour associated with the development, by deep mining, of one of the world's most mineralogically diverse orefields stimulated the ground-breaking efforts of Cornish scientists whose contributions helped to lay the foundations of geological, chemical and physical science.

The cultural identity of Cornwall and West Devon was transformed by mining and its infrastructure during the course of the nineteenth century, aided by the extension of copper mining to the St Austell district in the 1810s, to east Cornwall in the 1830s and renewed activity across the Tamar to Tavistock in the 1840s. By the time of the 1861 census more than 38,000 men, women and children were employed directly in Cornwall's mining industry, almost a quarter of the entire workforce. At its peak around half of all families in Cornwall were dependent on the extractive industries while even more were affected by the rise and fall of the mining economy.

Global migration

Cornwall was locked into the global economy at an early stage. As a leader in mining expertise its miners were in demand in other, newer mining regions. By the 1820s Cornish miners were being recruited for mines in Latin America. Within a generation a flourishing culture of emigration had been created and links with North America and Australia forged. During the fall in world copper prices in the late 1860s and the crisis decade of the 1870s, when tin prices were also in recession, the Cornish had a ready-made option. They left. Indeed, Cornwall became one of Europe's major emigration regions with perhaps over 200,000 people leaving in the century after 1830. Although not all emigrants were miners, it was to mining communities overseas that Cornish traditions were most obviously transferred, replicating their familiar Cornish mining landscapes. This gave the Cornish Mining industrial region a global significance, exporting its culture, as well as its mining expertise and its copper and tin, world-wide.

Outstanding Universal Value

The Cornwall and West Devon Mining Landscape was transformed during the period 1700-1914 by early industrial development that made a key contribution to the evolution of an industrialised economy and society in the United Kingdom, and throughout the world.

Its outstanding survival, in a coherent series of highly distinctive cultural landscapes, is testimony to this achievement.



South Caradon Mine (A9). This mine produced 217,820 tons of copper-ore between 1838 and 1885 (its output ranked seventh in the region) and was one of the last of the big Cornish copper producers to survive. Its waste tips, chimneys and engine houses have created distinctive landforms and landmarks that are a typical outward manifestation of Cornish copper mines.



'From Under the Sea'. Botallack Mine by James Clarke Hook (1819-1907). In 1863, the iron hoisting-chain broke and nine miners were killed as the wheeled skip plunged down the shaft. Accidents were an accepted part of everyday life for mining families. Courtesy Manchester City Art Galleries.

2b) Comparative analysis (including survival of similar sites)

The World Heritage Committee has acknowledged thematic imbalances in the World Heritage Site List and recognises the significance of the Industrial Revolution for all humankind.

Industrial and Cultural Landscapes on the World Heritage Site List

In 1992, industrial heritage and cultural landscapes were identified as being under-represented categories on the World Heritage Site List. Industrial sites currently account for less than 5% of the List. Of the 788 inscribed so far (July 2004), 36 were nominated, either wholly or in part, for their industrial significance. Of these, only nine have non-ferrous mining associations and all represent different historical, technological and cultural traditions.

The Cornwall and West Devon Mining Landscape

The nominated Site was a large-scale eighteenth and nineteenth century example of industrialisation which was highly capitalised by private and local individuals, usually associated in what were known as cost book companies. The use of private capital underlies much of the success and distinctiveness of Cornish mining. The Stannary system (see section 3b) of bounding encouraged enterprise, multi-ownership and partnerships, and Cornish mining was stimulated by entrepreneurial working practices intended to produce the greatest profit in the shortest time; for the ultimate benefit of the mine owners and mineral lords. This ran counter to the system of government control that was characteristic of European mining regions which were managed to produce a regulated supply of metals together with a steady source of employment for their people, subject to as little fluctuation as possible.

The nominated Site includes the mines themselves, the remains of the early infrastructure which was developed to facilitate industrialisation and innovation, and the tangible and intangible surviving evidence of its social and economic consequences, including a wide-ranging manifestation of distinctive settlement patterns.

This is the first cultural landscape nomination for inclusion on the World Heritage List that is concerned with the mining and ore-processing of tin and arsenic as well as copper and other industrial metals. It is also the first mining landscape nomination to be dominated by steam-powered deep shaft mining. This is exemplified by the distinctive architectural form of the Cornish engine house, a feature of mining fields throughout the world, wherever they were influenced by the Cornish cultural and mining diaspora. There is extensive evidence of the export of this distinctive technological and cultural ensemble to other countries, both within the United Kingdom and overseas.

The region dominated much of the world's output of copper, tin and arsenic during the eighteenth and nineteenth centuries and Cornish mining culture made an outstanding contribution to the evolution of metal mining and steam technology, influencing its diffusion across the globe. Today there are distinctive Cornish mining landscapes in Australia, Mexico, Spain and South Africa. These sites made considerable contributions to the industrial, social and economic development of these countries and are derived directly from the nominated cultural landscape.



Holmbush Mine (A10). Engine houses and burrows (waste tips) exemplify the distinctiveness of the Cornish Mining landscape.

United Kingdom World Heritage Sites linked to the industrial revolution with comparisons to the nominated Site.

	Type	Pre 18 th Century	18 th century	19 th century	20 th century	Landscape	Settlement	Tin Mining	Copper Mining	Arsenic Mining	Silver Mining	Gold Mining	Coal/Iron Mining
Cornwall & West Devon Mining Nomin.	Mining landscape												
Blaenavon	Coal & iron												
Ironbridge	Industrial landscape												
Derwent Mills	Cotton factory system												
New Lanark	Cotton Mills												
Saltaire	Industrial town												

Table 4. United Kingdom comparative table.

Of the 24 United Kingdom World Heritage Sites, five represent key sites linked to the industrial revolution.

None however is associated with the early industrialisation of non-ferrous metal mining and its cultural diffusion across the world.



Figure 14. The five key World Heritage Sites linked to the industrial revolution in the United Kingdom.

Saltaire (West Yorkshire)

Saltaire was the creation of a single owner who managed and controlled both the industrial activity and provided the social infrastructure of this new town.

Principal differences:

- Type of industry
- Ownership and organisation
- Settlement pattern

Ironbridge Gorge (Shropshire)

Ironbridge exemplifies pioneering iron-making during the industrial revolution and is inscribed as an eighteenth- century industrial area.

Principal differences:

- Primary resources
- Mining and processing technologies

Derwent Valley Mills (Derbyshire)

This site is inscribed for its eighteenth- and nineteenth- century cotton mills set in an industrial landscape linked to the cotton spinning technology of Richard Arkwright and his factory system.

International World Heritage Sites (linked to non-ferrous metal mining) with comparisons to the nominated Site.

	Type	Pre 18th century	18th century	19th century	20th century	Landscape	Settlement	Tin Mining	Copper Mining	Arsenic Mining	Silver Mining	Gold Mining	Water Power	Stream Power
Cornish Mining Nominated Site	Mining landscape													
Falun	Mining landscape	17												
Rammelsberg	Town/mines	15-20												
Guanajuato	Town/mines	16-18												
Zacatecas	Town/mines	16-18												
Potosi	Mining city	16												
Ouro Preto	Mining town													
Las Medulas	Gold mine	1/2												
Stiavnica	Mining town	16												
Roros	Mining town	17/18												

There are no tin or arsenic mining World Heritage Sites, nor any mining landscape dominated by steam power technology.

Principal differences:

- Type of industry
- Ownership and organisation

New Lanark (South Lanarkshire, Scotland)

New Lanark is associated with Richard Arkwright's factory system for textile production and was operated by a single owner who managed and controlled all activity including the social infrastructure of this new town. The village contains impressive cotton mills and the model industrial built community moulded by Robert Owen in the early nineteenth century.

Principal differences:

- Type of industry
- Ownership and organisation

Blaenavon Industrial Landscape (Wales)

Blaenavon is inscribed for its outstanding and remarkably complete late eighteenth- and early nineteenth-century landscape created by coal mining, iron and steelmaking integrated under a single ownership.

Principal differences:

- Primary natural resources
- Mining and processing technologies
- Ownership and organisation

Table 5. World comparative table.



Figure 15. Location of international World Heritage Sites linked to non-ferrous metal mining.

Mining Area of the Great Copper Mountain in Falun (Sweden).

The Stora Kopparberget copper mine was at its peak during the seventeenth century when it produced 70% of the world's copper.

The Site also contains the associated seventeenth century planned town of Falun, with its original housing, together with a number of industrial and domestic settlements within the Dalarna region.

Principal differences:

- Main exploitation phase
- Primary natural resources
- Principal extractive method is opencast compared to shaft mining
- Water power
- Processing technologies

Mines of Rammelsberg and the Historic Town of Goslar (Germany)

The Rammelsberg mines (lead, zinc and copper) are closely associated with the medieval city of Goslar that contains some 1,500 half-timbered houses dating from the fifteenth to the nineteenth century.

It is a mining region that strongly influenced early post-medieval Cornish mining practice, particularly within the realms of water power.

Principal differences:

- Water power
- Primary natural resources
- Processing technologies
- Ownership and organisation
- Settlement pattern

Historic Town of Guanajuato and its Silver Mines (Mexico)

Guanajuato is inscribed for its significance as the world's leading centre of silver extraction during the eighteenth century. There are exceptional silver-processing sites within the limits of the colonial city founded during the sixteenth-century.

Principal differences:

- Main exploitation phase
- Primary natural resources
- Processing technologies
- Power
- Settlement pattern

Historic Centre of Zacatecas (Mexico)

Zacatecas was founded during the sixteenth, seventeenth and eighteenth centuries upon the prosperity derived from the exploitation of rich silver deposits. It is inscribed for its outstanding architecture.

Principal differences:

- Main exploitation phase
- Primary natural resources
- Processing technologies
- Power
- Settlement pattern

City of Potosi (Bolivia)

Potosi is recognised as one of the world's largest industrial complexes of the sixteenth century and is based upon silver mining. The town developed during this highly prosperous mining phase and is notable for its religious architecture and workers' housing.

Principal differences:

- Main exploitation phase
- Primary natural resources
- Processing technologies
- Water power
- Settlement pattern

Historic Town of Ouro Preto (Brazil)

Ouro Preto developed primarily as a result of Brazil's gold rush which began in the late seventeenth century and predominated during the eighteenth century. Churches, bridges and fountains are testimony to past prosperity.

Principal differences:

- Primary natural resources
- Processing technologies
- Water power
- Settlement pattern

Las Medulas (Spain)

Las Medulas is a Roman gold mining area, whose landscape was fashioned during the first two centuries AD, which has survived due to there having been no subsequent industrial activity.

Principal differences:

- Main exploitation phase
- Primary natural resources
- Mining methods were principally opencast
- Water power
- Processing technologies

Banská Stiavnica (Slovak Republic)

Banská Stiavnica is a medieval mining centre, its prosperity derived from nearby gold and silver deposits. It developed into a town with Renaissance palaces and sixteenth century churches.

Principal differences:

- Main exploitation phase
- Primary natural resources
- Water power
- Processing technologies
- Settlement pattern

Røros (Norway)

Røros developed in response to the discovery of rich copper deposits in the seventeenth century. Developments from this period survive, including those of the smelting process. The original historic settlement core however, comprises medieval wooden houses grouped around courtyards.

Principal differences:

- Main exploitation phase
- Primary natural resources
- Water power
- Processing technologies
- Settlement pattern

Other non-ferrous mining sites within Cornwall and Devon (same geo-cultural region)

The selected areas within the nominated Site were chosen to express its outstanding universal value. There are however other mining cultural landscapes in the region which can be regarded as important within the setting of the proposed World Heritage Site. Examples include: the Mary Tavy/Peter Tavy mining district north of Tavistock (A10ii) which is historically significant in terms of the development of Tavistock and its canal; the Trencrom area near St Ives and the Polgooth mining district near St Austell (which has both historical and survival significance). There are also extensive areas of medieval tin-streaming on Dartmoor, Bodmin Moor and St Austell Moor in particular. Such areas contain individual sites and monuments of archaeological importance both to local communities, and as part of the setting of the nominated Site.

Principal differences in comparison with the nominated Site:

- Too geographically remote from nominated bid areas;
- insufficient survival of coherent mining landscape;
- range of components not large enough to be proposed as additional elements of the nominated Site.

Non-ferrous mining sites outside the nominated Site



Figure 17. United Kingdom non-ferrous mining sites outside the nominated Site.

Copper mining sites in the United Kingdom

Copper mining was relatively widespread in the United Kingdom but only Parys Mountain in Anglesey (Wales) seriously challenged Cornish production; indeed it exceeded it for a period during the second half of the eighteenth century. The copper was principally extracted by opencast methods which created a spectacular mining landscape. The nearby copper-ore harbour of Amlwch and its associated smelting and industrial complex is an exceptional late eighteenth century survival.

The Great Orme at Llandudno in Wales is an important prehistoric mining site. Alderley Edge in Cheshire is notable for its Roman associations. At Coniston in the Lake District of Cumbria, copper mines were developed in the seventeenth century and worked on a large scale during the eighteenth and nineteenth centuries, powered principally by water. There are Welsh copper mining sites in Cardiganshire and Snowdonia. They too were water-powered.

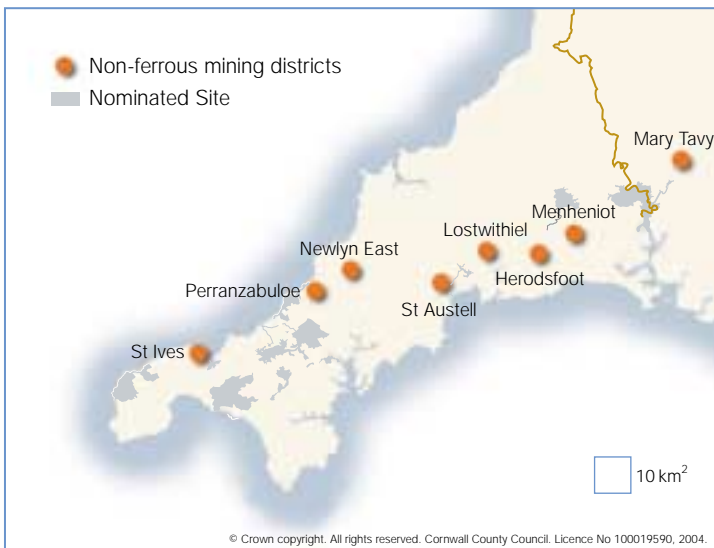


Figure 16. The places shown above represent former mining districts whose locations fall outside nominated bid areas in Cornwall and West Devon.

Copper-mining sites in Eire

Southern Ireland (Eire) is notable for nineteenth-century copper mining and as a classic example of a Cornish-derived steam-powered mining landscape. The most important mines, around Berehaven and West Carbery in County Cork, Knockmahon in Waterford and Avoca in Wicklow, were all directly associated with Cornish mining. Cornish engine houses remain and the man-engine house at Mountain Mine on the Atlantic coast at Allihies in Cork is particularly notable. The significance of these mining landscapes is recognised and preservation schemes are progressing under the direction of the Mining Heritage Society of Ireland.

Lead- and zinc-mining sites in the United Kingdom

Lead- and zinc-mining in the United Kingdom shared a number of technologies with Cornish mining, particularly water-power for pumping, ore-processing technologies and, though on a much smaller scale, steam-pumping.

England (lead-zinc)

Lead and zinc was mined extensively in northern England: in the east and west Pennines; the Peak District of Derbyshire, where at least three Cornish engine houses survive; in the Yorkshire Dales at Grassington, and in Lancashire. In central England it was mined in Shropshire, notably at Snailbeach and Tankerville where there are Cornish engine houses. In the south west, outside Devon and Cornwall, lead was mined principally in the Mendip Hills, Somerset, where evidence of Roman mining exists.

Wales (lead-zinc)

Lead was mined in all the Welsh counties. Water-power predominates but steam-power was adopted, using Cornish engines, particularly in the Flintshire/Denbighshire mines. Several engine houses survive in addition to one at Frongoch.

Other United Kingdom (lead-zinc)

Wanlockhead in Scotland and Laxey on the Isle of Man were also significant sources of lead and zinc.

Other non-ferrous United Kingdom mining

This includes gold such as at Dolaucothi in Wales where a Roman mine is preserved together with eighteenth- and nineteenth-century technologies.

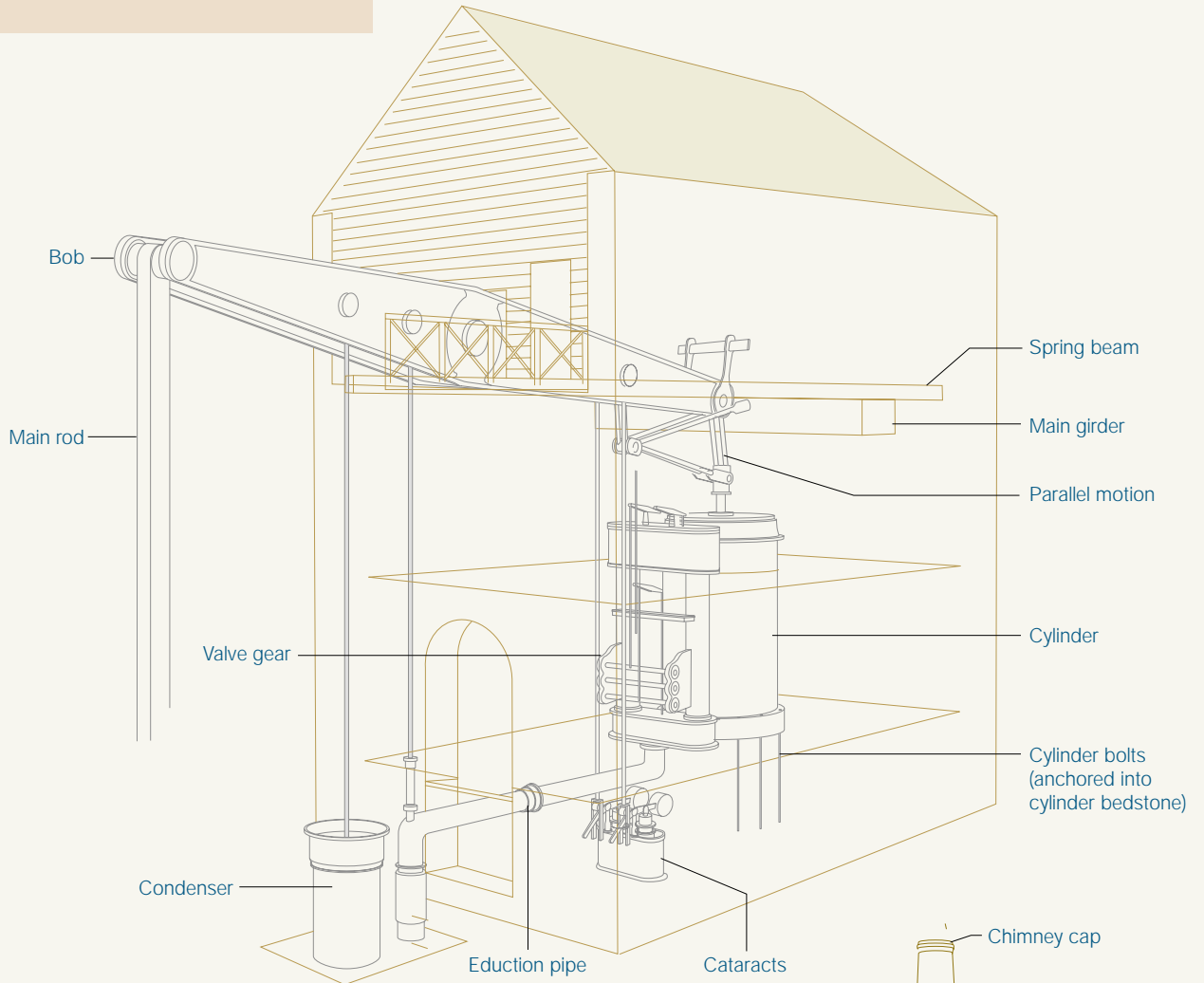
Steam Technology - Beam engines

Of the thousands of beam engines erected only a small number have survived and those still on their original sites are fewer still. It must be noted that the relocation of beam engines from one mine to another was very common practice. An engine may have been moved three or four times during its lifetime and therefore may have had several different but entirely authentic locations.

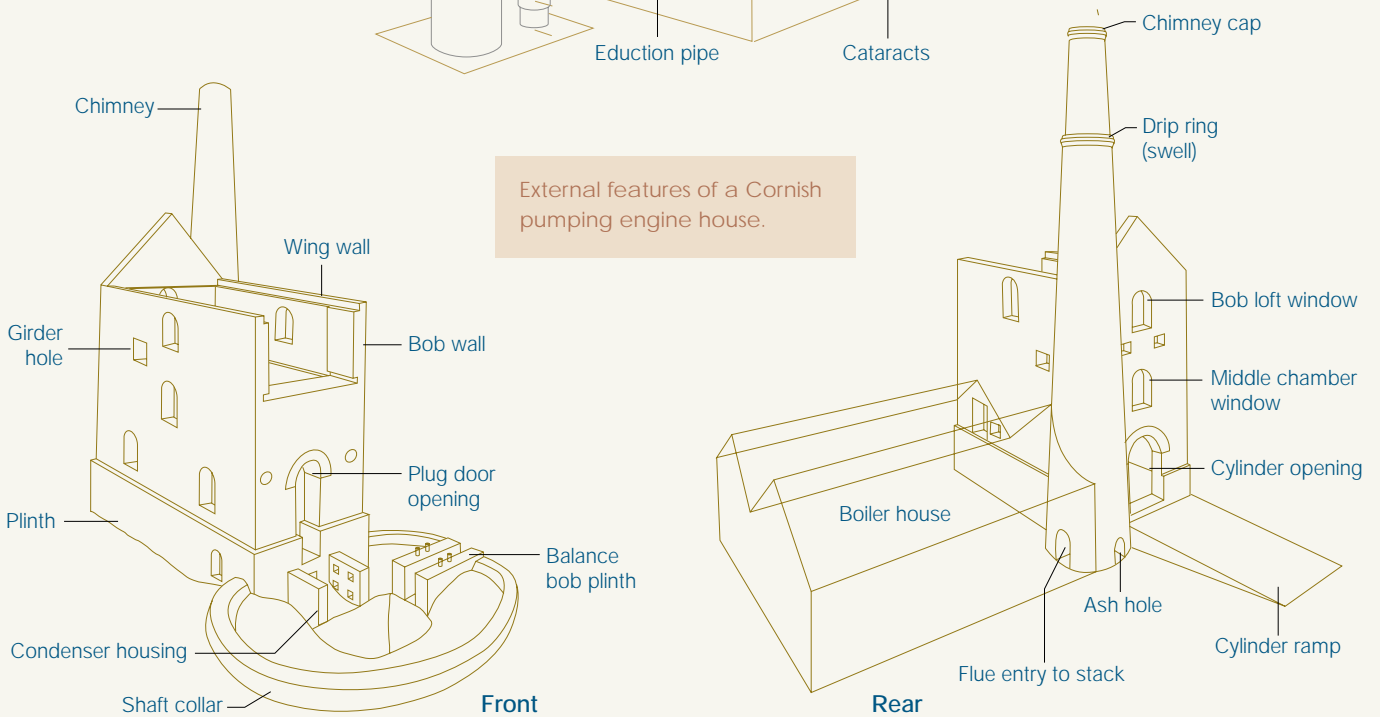


East Pool Mine (A5, 1887, Listed Grade II*). The North Whim at Mitchell's Shaft was designed by Francis Michell of Redruth and made by Holman Brothers of Camborne in 1887. It was the last traditional Cornish beam whim to be built and is now preserved by the National Trust.

Simplified layout of a Cornish pumping engine house showing the position of principal components.



External features of a Cornish pumping engine house.



Local stone was used to build engine houses. This was sourced from quarries (commonly opened up near the site to provide the rubble walling), sometimes from mine waste and often from existing derelict engine houses on the same or adjoining mines that were pulled down to re-use the stone, particularly cut granite that was always favoured for the cylinder bedstone, the bob wall and coigns. Gable roofs were covered with Cornish slate and bricks were brought in to construct the topmost section of the chimney stacks and to form arch/window details. The necessary massive construction of these engine houses is the principal reason for their survival.

Figure 18.

Beam engines, Cornwall:

Within the nominated Site there are four beam engines still in situ on their original metal mines:



Levant Mine (A1, 1840, Listed Grade II). The restored engine house contains an all-indoor beam whim that was designed by Francis Michell and made by Harvey & Co., Hayle, in 1840. It worked until 1930 and was the first engine to be preserved by the Cornish Engines Preservation Committee, formed in 1935. It is now under the care of the National Trust.



Levant Mine. Interior view showing part of the engine, restored to working (steaming) order, but powered by modern oil-fired plant for practical reasons.

There is an indoor winding engine at Levant Mine (A1); There are two at East Pool & Agar Mine - Taylor's pump and Michell's whim - and the Robinson's pumping engine at South Crofty Mine (A5).

Many beam engines were moved from mines to the St Austell china clay district. These include engines at Rostowrack and Parkandillick, the Goonvean engine and the Greensplat engine which has been re-erected at Poldark Mine (A4). The china-clay industry's adoption of beam engines has contributed to their present-day survival.



East Pool & Agar Mine (A5, engine house 1924, Listed Grade II*). The 90-inch pumping engine at Taylor's Shaft was designed by Nicholas Trestrail and manufactured by Harvey & Co., Hayle, in 1892. It was purchased second-hand in 1923 from the nearby Carn Brea & Tincroft Mines and was the last Cornish beam pumping engine to be erected in Cornwall. It was also one of the last to work, being replaced by electric pumps in 1954.

Beam engines, other United Kingdom:

The Newcomen engine at the Elsecar Colliery in Yorkshire is on its original site. Others are to be found in the Science Museum, London, and in Dartmouth, the Devon birthplace of Thomas Newcomen. Later mine engines are to be found in situ at Hodbarrow Iron Mine, Cumbria (built by the Perran Foundry), Dorothea Slate Quarry, Caernarvon (built by Holman Brothers of Camborne) and Prestongrange Colliery. Kew Steam Museum, near London, was a pumping station that pumped water for public utilities. It contains important Cornish engines. Similar sites such as Crofton (where water was pumped to upper levels of the Kennet and Avon Canal) have other examples of beam engines, some of which were made in Cornish foundries. Beamish and Blist's Hill at Ironbridge (Shropshire) and the Science Museum in London have important examples of ex situ beam engines.

Other world locations with known surviving Cornish engine houses and beam engines:



Figure 19. Map of United Kingdom and world Cornish engine house and beam engine sites.

Cornish beam engines overseas



The D F Wouda Steam Pumping Station, Lemmer, Holland (inscribed as a World Heritage Site in 1998). Three Cornish engines were ordered by the Dutch Government in the mid-1840s for the purpose of draining the Haarlem Mere. Two were supplied by Harvey & Co., Hayle, and the other by Perran Foundry, Perran-ar-worthal. The cylinder cover of the Cruquius engine is pictured: with an outer cylinder diameter of 144 inches (3.66m), it is the largest steam engine ever built.



Fresnillo Mine, Zacatecas, Mexico. Harvey's of Hayle exported beam engines to this rich silver mine in the 1830s, 40s and 50s. Two such engines, used to power crushing machinery, are preserved in their roofed houses not far from the Zacatecas World Heritage Site.

O'okiep Mine, South Africa (National Monument). The beam pumping engine, manufactured by Harvey's of Hayle, is the only such engine to survive in situ in the southern hemisphere.



Cornish engine houses (United Kingdom)

In the United Kingdom (outside of Cornwall and West Devon), extant mine engine houses are to be found in Wales (at least six, including the house for a Boulton & Watt engine at Llansamlet), at least three in Derbyshire and three in Shropshire.

There are eight Cornish engine houses in Ireland.



Mountain Mine, Allihies, Eire.
The Cornish Man-Engine House (1862).



Mina San Pedro la Ravia, Pachuca, Mexico.
This pumping engine house is one of eight Cornish engine houses to survive in the Pachuca-Real del Monte silver mining district, in the Sierra Madre north-east of Mexico City. The engine houses, in particular, are now under the care of The Historic Archive and Museum of Mining in Pachuca.

Cornish engine houses (overseas)



Burra Burra Mine, South Australia. Morphett's pumping engine house (erected in 1858, and reconstructed in 1986) with the whim engine house (1861) behind.

Burra was once the largest metal mine in Australia and the majority of its miners came from Cornwall; the surface and underground methods were all Cornish. Apart from the engine houses and cottages that form part of the Burra Mine Open Air Museum there is a Methodist chapel that is preserved in the nearby village of Redruth.

Cornish engine houses signify 'Cornish' mining landscapes across the world. Their setting varies from desert landscapes to a tropical island.



Moonta Mine, South Australia. Hughes engine house (erected 1864) housed one of a number of Cornish engines that were sent to Australian mines around the mid-nineteenth century. There are seven Cornish engine houses surviving in South Australia.

Virgin Gorda Copper Mine, British Virgin Islands.

In 1835 a party of 31 men and five women migrated from St Austell (mid-Cornwall) to work the mine and were joined by 140 islanders.

A Cornish engine house, the remains of the crusher house (for Cornish Rolls), part of a Cornish boiler and the flue and chimney survive. On the beach below there are two halves of a cast iron engine beam (together with other engine parts) in shallow water. One half still bears the name of Perran Foundry and the date 1836.



Linares, southern Spain.

Mining plant in this rich lead mining district was entirely imported, principally from Cornwall. Harvey's of Hayle shipped one of the first engines to Linares in 1844. However a new trade of engine-dealing for export emerged in west Cornwall in the 1860s when many copper mines closed following the great copper crash. Spain was one of the principal destinations of these Cornish engines until the mid-1870s. The surviving landscape of Cornish engine houses in this region is exceptional.



Pozo Ancho, Linares, southern Spain.

Conclusion to the comparative analysis.

In comparison with other industrial heritage and cultural landscapes in the World Heritage Site List, the nominated Site stands out as being of international significance for:

- The early industrialisation of non-ferrous metal mining, its widespread social and economic consequences, and its contribution to the development of modern industrial society.
- The large-scale exploitation of industrial metals within the nominated Site (particularly tin, copper and arsenic) and the world significance of this output.
- The type of exploitation, which was dominated by steam-powered deep shaft mining, and the high level of technological innovation associated with it.
- The leading role played in the diffusion of both metal mining technology and steam pumping technology, across the world.
- The outstanding survival of landscapes transformed by metal mining during the period 1700 -1914, particularly those associated with steam engineering, the ore-processing of tin and arsenic, the industrial infrastructure and the type of settlement.
- The high level of conservation applied to the Cornish Mining landscape and the high level of protection afforded to key structures and areas.
- The development of a distinctive cultural tradition and the evidence for its diffusion world-wide.
- World-wide evidence of metal mining landscapes that are derived from the original Cornish example.
- The large size and scope of the property which, covering a substantial part of Cornwall and West Devon, offers opportunities to harness heritage as a deliverer of social and economic benefit and to link cultural heritage to a sense of identity and well-being.

"This district (Cornwall and West Devon) has clearly been one of the internationally most important regions of mining non-ferrous metals in history. None of the World Heritage Sites listed up to now includes a district of tin and arsenic production. Thus an inscription of the Cornwall and West Devon mining district could fill a gap on the international list of World Heritage Sites."

2c) Authenticity

The Cornwall and West Devon Mining Landscape fulfils all the criteria for authenticity in relation to World Heritage Sites set out in the declaration of the conference organised by UNESCO, ICCROM and ICOMOS at Nara, Japan in 1994.

The Areas that make up the nominated Site collectively represent one aspect of an important stage in human development, namely the industrialisation process of the eighteenth and the nineteenth centuries with their associated technical, scientific, cultural and landscape changes.

It is a landscape which continues to evolve. It contains exceptional and varied evidence of past activities as well as the interaction of people with the natural world, in particular with the metalliferous resources of the Cornubian Orefield (see 3a).

Efforts to conserve elements within the site began more than seventy years ago. A Preservation Committee first emerged in 1935. From this evolved the Cornish Engines Preservation Society which, in 1943, formally advocated the preservation of a number of Cornish beam engines as monuments to Britain's heritage in power and technology. This organisation is now the Trevithick Society which works closely with the National Trust on engine restoration. The success of this partnership was demonstrated recently by the successful re-steaming of the Levant Mine winding engine. These beam engines were not designed to be portable but were traditionally moved to new sites as part of their ongoing working life. The survival in situ of four mine engines is entirely authentic in this respect.

As far as the mining landscape is concerned, a major effort has been directed towards the conservation of the built mining heritage during the past fifteen years. A further programme of work is planned for the next five years. A high priority is placed on retaining the authenticity of the structures. Best practices have been adhered to when conserving engine houses and their associated mineshafts which have often survived relatively unaltered. Reconstruction has been limited to the minimum required to achieve structural integrity and public safety. Not one of the key features of the Cornish Mining Landscape is a replica.

The nominated Site includes Camborne-Redruth that has, at times, when viewed as a single urban centre, contained one of the largest populations in Cornwall.



Levant Mine (A1, 1901). The recently consolidated compressor house remains (left) formerly contained an air-compressor made in 1901 by Holman's of Camborne. It was described by *The Mining Journal* as "the biggest piece of machinery of its kind ever erected in the County."

The overall pattern and structure of this historic 'new town' survives remarkably well. Some of the smaller-scale authentic elements have been damaged as most buildings have been refurbished.

Much of this is retrievable, however, and will constitute an issue within the Management Plan. Some of the nearby mining landscapes have experienced new development. Many buildings have been adapted for new uses and remain in occupation.

The nominated Site is exceptionally well documented. It has the longest and most continuous recorded history of any metal mining region. It is the subject of diverse research, extensive publication of Scientific and Learned Society Proceedings and Transactions, aerial mapping, measured survey, photography, written and oral records. A very extensive and still growing reference literature is based around the mines of the Cornubian Orefield. This high level of information and knowledge provides a database that has allowed the landscape to be tested for authenticity and integrity and to be monitored effectively so as to inform conservation strategies.

Integrity

The Serial Nomination known as the Cornwall and West Devon Mining Landscape is an example of dispersed industrialisation. The ten areas are necessary to ensure that the geographical coverage and the overall size is sufficiently large to provide a complete representation of all the significant elements which together express outstanding universal value.

Table 6 shows the components C1-C7 (see page 50 et seq. for a description) which are essential to the distinctive character of the Cornish Mining landscape. Areas A1-A10 are the best examples of surviving mining cultural landscapes which also remain free from the adverse effects of development. They also represent the most significant areas in terms of industrial history. Though the evidence of industrialisation was dispersed across a wide area, the components were not evenly spread. An examination of Table 6 shows that each area possesses a different mix of components. It is the *sum* of the Areas rather than any individual Area which demonstrates the full relationship between the components and leads to an holistic understanding of the Cornish mining landscape.



























































Components	 C1 Mines	 C2 Transport	 C3 Ancillary	 C4 Settlement	 C5 Smallholdings	 C6 Houses and Estates	 C7 Mineralogical and Ecological
Areas							
A1 St Just							
A2 Hayle							
A3 Tregonning							
A4 Wendron							
A5 Camborne-Redruth							
A6 Gwennap							
A7 St Agnes							
A8 Luxulyan-Charlestown							
A9 Caradon							
A10 Tamar-Tavistock							

Table 6. Area/component table.

"Today the effects of mining on our land are mellowed but they still influence our way of life. They will continue to provide everyone who studies them with an incomparable source of our history and industrial heritage."

Bryan Earl
President, The Trevithick Society

2d) Criteria under which the inscription is proposed and the justification for the inscription under these criteria

The Cornwall and West Devon Mining Landscape is nominated as a cultural landscape under the criteria for cultural properties set out in the Operational Guidelines for the Implementation of the World Heritage Convention. Under the second category defined in 39(ii): *the organically evolved landscape*, and within its first sub-category: *a relict landscape*, it is further proposed that this be taken to demonstrate *the evolution of human society and settlement over time, under the influence of the physical constraints and/or opportunities presented by their natural environment and of successive social, economic and cultural forces, both external and internal.*

The nominated site meets three criteria: (ii), (iii) and (iv).

Criterion (a) (ii): Exhibit an important interchange of human values, over a span of time or within a cultural area of the world, on developments in architecture or technology, monumental arts, town-planning or landscape design.



The Central Mining District c1890 with Carn Brea on the right (south). This view includes a group of mines that were, during the second half of the nineteenth century, the most productive in the world. The entire landscape was devoted to metal mining.

Cornwall was an early and advanced eighteenth-century industrial region. During the nineteenth century the region played a strategic role in the world-wide spread of hard-rock mining skills, and of steam-engine technology. Cornwall pioneered the transfer of the British industrial revolution overseas.

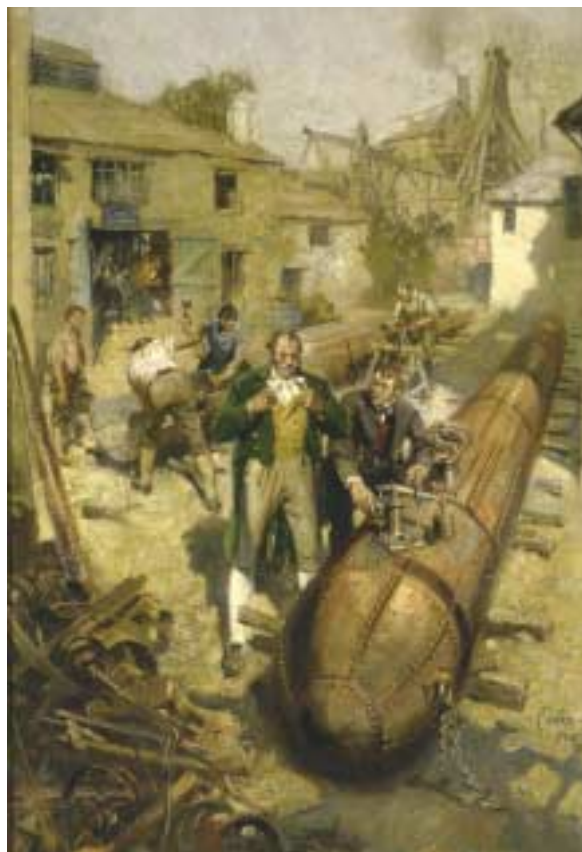
As a result, the nominated Site played a key role in the growth of a global capitalist economy.

From 1700, the key interchange that characterised Cornish mining was the diffusion of technology. Cornwall and Devon both played a leading role in the development of the steam engine because this was the technology that was increasingly used to pump the deep wet mines of the region, to draw the ore to the surface and, later, to crush it.



A £2 coin issued in 2004 by the Royal Mint to commemorate the first steam engine to run effectively on metal rails. The high-pressure steam-powered locomotive – named Penydarren – was designed by Richard Trevithick in 1804. It allowed the engine to haul six to seven times its own weight.

Steam power was first adopted by a metal mine during the second decade of the eighteenth century. This was probably at Wheal Vor (A3) between 1710 and 1714. The engine was a Newcomen atmospheric steam engine, patented by Thomas Newcomen and Thomas Savery from Devon. Despite this early beginning, it took time for the technology to be adopted, primarily because of the cost of the coal that had to be shipped from the coalfields of Bristol and South Wales.



Richard Trevithick in the yard of the Holman Boiler Works (Pool, A5) during the early nineteenth century. Boiler development was integral to the success of high-pressure steam. Painting by Terence Cuneo for Holman Brothers, Camborne (1950s).

When the patent expired in 1733, engineers such as the Hornblowers began to improve the Newcomen-Savery design. John Smeaton, who was brought in by Cornish mines adventurers during the early 1770s, almost doubled the power of the Newcomen engine. This power output was effectively doubled yet again by Boulton & Watt who began to supply for their own engines to Cornwall from 1777. They also made highly significant fuel savings. By the time their monopoly came to an end in 1800, Cornish engineers such as Trevithick and Woolf were beginning to develop the high-pressure steam engine. Once again this was to double the 'duty' reached by the best of Watt's engines. So by 1838, the average 'duty' of Cornish engines was almost two-and-a-half times more than that of the best Watt engines.

It was at the foundries and mines in areas A2, A3, A5 and A6 that much of the development was carried out which was to propel the steam engine to previously unimagined levels of efficiency.

A whole society was involved in this diffusion of knowledge and expertise, a society steeped in a vigorous and receptive industrial culture. It was a powerhouse of invention and innovation, importing new ideas from elsewhere, exporting new techniques in turn. It was a culture that gave rise to a local engineering industry dedicated to servicing the growing needs both of mining and processing the ore ('ore-dressing'). Local foundries manufactured innovations such as 'Cornish rolls' which crushed copper ore, and the 'Cornish boiler' which was used to produce high-pressure steam.

A Cornish mining scene. Heaps of copper ore are being sampled and weighed within a traditional walled mine yard. By 1861 there were 340 Cornish mines which directly employed more than 38,000 men, women and children. In addition, there were countless numbers of supporting businesses and their employees. (English School, nineteenth century).



A number of internationally significant innovations originated in the nominated Site. For example in 1792 William Murdoch was the first person to use gas for lighting. The house he lit still stands in the centre of Redruth (A5).



William Murdoch (1754-1839)

Richard Trevithick experimented with steam-powered road vehicles in Camborne and his railway engine of 1802 helped to lay the foundations for the railway system that revolutionised the

world economy. Sir Humphry Davy invented the coal miners' safety lamp in 1816. And William Bickford developed the miners' safety fuse in 1831. Bickford's factory complex at Tuckingmill became the global centre of fuse manufacturing. Parts of it still survive.

Some of Britain's earliest printed 'scientific' works on mining and mineralogy were produced in Cornwall. They included *Mineralogia Cornubiensis* by William Pryce, a Redruth mine surgeon, which was published in 1778. Another intellectual characteristic of the nominated Site was the founding of miners' and mechanics' institutes such as the one at St Agnes (A7), and mining schools such as the one at Redruth (A5). Some mining schools were later incorporated into the Camborne School of Mines. In the nearby towns of Penzance, Truro and Falmouth, an interest in geology and science was encouraged by literary institutions and museums. The Royal Geological Society of Cornwall (1814), the Royal Institution of Cornwall (1818), and the Royal Cornwall Polytechnic Society (1833) were founded with the aim of increasing knowledge and improving skills within the industry. They still exist and retain their importance as part of the Cornish cultural heritage.

Cornwall's mining industry had a profound impact on the landscape. New ports and quays were built at places such as Hayle (A2), Portreath (A5), Devoran (A6), Charlestown (A8) and Morwellham (A10). New tramways and railways were laid down, for example the Poldice Plateway (A5), the Redruth & Chasewater Railway (A6), the Liskeard & Caradon Railway (A9) and the East Cornwall Mineral Railway (A10). In addition there were the hundreds of distinctive engine houses with their associated 'burrows' and shafts, together with waste tips which sprawled across the landscape. New settlements such as Camborne (A5), Carharrack (A6) and Minions (A9) sprang up, each one containing rows of terraced miners' cottages and the ubiquitous Methodist chapels.

As emigration became central to the cultural life of nineteenth-century Cornwall, this characteristic mining landscape together with numerous aspects of the mining community's social ethos went overseas with the emigrants. Cornish engine houses and Cornish chapels can still be found in countries as far apart as Australia and Mexico.



Mina Corteza, Pachuca, Mexico, 1899. Cornish miners and engineers first brought steam engines to the silver mines of Pachuca-Real del Monte in the 1820s.



Hayle - a new town created by the mining industry.

The Cornish landscape had a special meaning for its people in medieval times. The evidence for this claim is the propensity to adopt surnames based on place names. This link between people and places continued throughout the industrial period though developments in the nineteenth century meant it was no longer confined to geographical Cornwall. For example, Cornish surnames such as Menadue, Chynoweth or Nankivell, all derived from the Cornish language via place names, are now far more common in Australia than in Cornwall. So even Cornish names now have an international aspect. This illustrates the process of cultural interchange that has followed the changing fortunes of Cornish mining.



Bal-maidens - women and girls - 'dressing' tin. Water-coloured sketch by James Henderson who published *On the Dressing of Tin and Copper Ores in Cornwall*, 1858.

Criterion (a) (iii): Bear a unique or at least exceptional testimony to a cultural tradition or to a civilisation which is living or which has disappeared.

Cornish mining transformed both the region's landscape and its society over a period of four millennia. It also helped to create a distinctive culture.

The industrialisation of Cornish mining in particular had profound social and cultural consequences.

By the mid-nineteenth century, Cornwall had spawned a proud and assertive regional identity, associated most closely with the mining districts. (This identity took on a wider global significance in the wake of mass migration overseas). Eventually this cultural tradition fused with other aspects of Cornwall's heritage and developed into the contemporary perception of the Cornish - by the Cornish - as 'industrial Celts'.

Cornwall's mining landscape bears the imprint of much of this distinctive and changing cultural heritage.

Most medieval European mining regions were closely controlled by the state. Cornish mining was different. It had developed under conditions which gave both miners and investors considerable freedom. Mining practice in Cornwall was based on Stannary law, a codified version of customary mining traditions which included such practices as the adventurers' right to 'bound' land, in other words to stake a claim to a piece of land for mining purposes without regard for the constraints of normal landed property rights. The Stannary Courts and Convocation existed in association with the Duchy of Cornwall (the Duchy being an institution which tied Cornwall and parts of Devon into a close relationship with the Crown) and did so to their mutual advantage.



East Pool Mine (A5). The miners are enjoying the usual "croust time", having performed the first part of the day's labour. Some of the holes bored are often blasted before "croust", so that the smoke may clear away while the welcome and well-earned "crib" and pipe are being enjoyed. Photograph by J C Burrow (1852-1914).

Caption by W Thomas, as published in *Mongst Mines and Miners* (Camborne, 1893).

During the nineteenth century pasties became the compact Cornish miner's meal. They overcame the impracticality of leaving the workplace and their widespread popularity embedded them into Cornish mining culture - worldwide.

Cornwall's eighteenth-century mining activities, which were widely dispersed across the region, were characterised by elements of the older mining tradition coupled with new industrial practices. Together they produced a distinct regional culture. Employment relations, for example, became well-defined during this period. Although they harked back culturally to an older tradition of semi-independent tinner-smallholders, they were ideally suited to the requirements of a more capitalised industry. The payment systems known as 'tribute' and 'tutwork', which contained an element of self-employment, were developed in the nominated Site and prevailed in almost every mine.



Miner's cottage, Beacon, Camborne (A5). Numerous similar cottages in the rural mining districts were built by miners and leased on a three-lives tenure.

The practice of leasing out smallholdings on unenclosed land within the mining districts enabled a proportion of the miners to build cottages, rear pigs and grow some vegetables. This lessened their dependence on both the market and the mine. It also maintained the economic role of the family unit and guaranteed relatively egalitarian relations between the men and women within the household. The characteristic landscape of small fields and scattered cottages associated with this practice can still be found in many parts of the nominated Site.

As to religion, the dispersed settlement pattern associated with industrialisation in eighteenth-century Cornwall provided fertile ground for Methodism. When new mines were developed and a mining village sprang up to house the miners and their families, the Methodists were able to establish themselves immediately, unlike the Anglicans who had to undertake



Scorrier chapel (A6)

a lengthy legal process. So a network of small chapels provided the focal point for people's spiritual life. By 1851, Cornwall had a higher proportion of Methodist members and chapel-goers than any other part of England. Methodism continued to exert an important influence until the mid-twentieth century. Well over 700 chapels still survive in Cornwall and more than 80 per cent of them are Methodist in origin.

From the 1840s onwards, there was an outpouring of work in the Cornish dialect. In the 1880s and '90s a distinct school of literature emerged and included Edward Bosanketh's *Tin* (set in A1) and H. D. Lowry's *Wheal Darkness* (A5). John Harris (1820-1884), the Cornish poet and miner, published several volumes of poetry celebrating his native landscapes, including *Lays from the Mine, the Moor and the Mountains* (1853) and *A Story of Carn Brea* (1863).

These developments provide clear evidence of mining's position at the centre of local culture.

As to popular culture, a number of distinct elements became central to mining communities: they ranged from sports such as Cornish wrestling to food such as pasties and saffron buns. The folk tales of the region and its rich oral culture were captured by collectors such as Henry Hunt and William Bottrell in the 1860s and '70s. Later, the Cornish adopted cultural activities which were enjoyed in other parts of industrial Britain, including male voice choirs, brass and silver bands, carol singing and rugby. They all became mainstays of local cultural life and came to be identified as quintessentially 'Cornish' by the 1900s.

The Cornish family was distinctive in that it was the custom for there to be a relatively equal division of labour regardless of gender. This practice was retained well into the nineteenth century. Boys (as young as eight years old) worked underground, whilst Cornish women had in any case developed a sense of relative independence from the late eighteenth century onwards due to the common practice of employing girls and women in the copper mines as surface workers, or 'bal maidens'. This independence was reinforced in the latter part of the nineteenth century when mass migration produced another distinct family form, that of the Cornish 'dispersed' family. In this case there was a stark division of labour, with the men working overseas for variable amounts of time while their wives undertook total domestic and financial responsibility at home in Cornwall.

What had been a singular regional culture based on mining gained global significance when some 200,000 Cornish people migrated overseas. In America and Australia, in particular, it was the Cornish who often established the culture of the mining 'frontiers'. Cornish words became commonplace, often derived from Cornwall's Celtic language: words such as 'wheal', meaning mine working; 'bal', which originally referred to a group of individual workings but which later applied to a single mine that incorporated these earlier and smaller workings; and 'gunnis', meaning a stope (a chamber from which ore is excavated) that is empty or no longer worked.

The Cornish wage systems known as 'tribute' and 'tutwork' were applied. So too was the cost book system of mine finance. Cornish folk traditions were adopted: choir-singing in California and pasties in Mexico, for example. And Cornish chapels were built in South Australia. In the latter part of the nineteenth century and the early twentieth century, Cornish entertainers such as Fanny Moody, and novelists such as Silas, Joseph and Salome Hocking became household names in Australia, South Africa and parts of North America.

The trans-national aspect of Cornish culture was cemented by family links, by constant trans-continental migration and by the return of so-called 'Cousin Jacks' to Cornwall. It blossomed from the 1880s to just before World War I, receding only with the collapse of international metal mining after 1919.

The region's mining communities have bequeathed a vibrant cultural heritage. Social and family history is

intertwined with a living tradition of music, art and literature. This heritage continues to shape the modern Cornish identity, even though the mining industry itself has contracted.

In the late twentieth century, the industrial cultural heritage of rugby, choirs and dialect merged with the revival of other cultural traditions such as Celtic music and dance, and the Cornish language itself, and together they now underpin a vibrant, dynamic and changing cultural identity. Perhaps the most visible sign of this development is the flag of St Piran, the patron saint of Cornish tanners, which is in widespread use. The flag - a white cross on a black background - symbolises the tin metal set in a black background of charcoal ashes and represents contemporary Cornish pride in a sense of identity and inheritance.



The closure of South Crofty Mine, 1998. The flag of St Piran, the patron saint of Cornish tanners, is a symbol that unites the Cornish in Cornwall; and with the global diaspora of people of Cornish descent.

St Piran's flag is also unfurled at events in North America and South Australia connected with a renewed sense of trans-national Cornishness. This reinvigorated global sense of Cornishness influences contemporary Cornish culture. It manifests itself in such twinning agreements as those between the Cornish towns of Redruth and Bodmin and their respective counterparts in the U.S.A. at Mineral Point, Wisconsin, and Grass Valley, California. A similar arrangement is proposed between Camborne in Cornwall and Pachuca in Mexico. In this way 'Cornishness' continues to have a unique international dimension.

Criterion (a) (iv): Be an outstanding example of a type of building or architectural or technological ensemble or (and) landscape which illustrates (a) significant stage(s) in human history.

The nominated Site is an intrinsic part of that greater landmark of human history known as ‘the Industrial Revolution’. Cornish mining made substantial technological, social and economic contributions to the British industrial revolution and it was Cornish mining which made pioneering use of industrial practices overseas. This occurred at a crucial formative period in the development of modern industrial society and played a key role in the growth of a global capitalist economy.



Basset Mines (A5, Listed Grade II). Pumping engine house (foreground) and whim engine house (background) at Pascoe's Shaft, South Wheal Frances section.

Metal mining transformed the landscape and society of Cornwall and West Devon. The serial nomination represents the most significant of the dispersed industrial areas within the Site and includes a range of highly visible components, all relatively close to one another. Together they exemplify the evolution and development of Cornish mining technology in its entirety.

Steam power was the greatest of the technical innovations to be developed during the Industrial Revolution, and the nominated Site was central to its introduction and development. Neither transport nor many of the strategic industries of that era could have continued to advance without the innovative application of steam power. The developments which came from within the nominated Site were often owed to everyday tinkering by empirically-trained, local working engineers rather than to innovative flashes of genius. The acme of steam development was the Cornish Beam Engine. There are more than two hundred Cornish engine houses spread across the nominated Site. They are among the most distinctive industrial buildings in the world. The variations in their design reflect the evolutionary development of the Cornish engine, and the form of each individual engine house reflects the type and size of the engine it once housed.

Four beam engines survive in situ in Cornwall. There is a winding (hoisting) engine at Levant Mine (A1), a winding and a pumping engine at East Pool & Agar Mine (A5), and a pumping engine at South Crofty Mine (A5).

Another significant contribution to steam technology was made by the foundries that manufactured the engines. The principal surviving foundries are: Perran (A6); Harvey's (A2); Holman's and Sara's (A5); Mount, Tavy and Bedford (A10); and Charlestown (A8). These foundries also manufactured a wide range of other mining products. Holman's, in particular, was internationally renowned for the production of compressed air rock drills. Their products dominated the mining world.



Holman's Rock Drill Works, Camborne (A5). Holman's made a global impact with their rock drills and compressed air mining equipment during the late nineteenth- and early twentieth century. By 1896 there were more than 1,000 Cornish rock drills in use in the Rand gold mines in South Africa. Cornish manufacturers did much to pioneer dust-suppression by delivering a water spray to the drill bit.

Cornish copper ore was the basis on which the Bristol and Birmingham brass industries were founded. These were the largest producers in the world. Cornish copper ore was also responsible for Swansea (South Wales) becoming the global centre for copper-smelting during most of the nineteenth-century. The copper output from west Cornwall during the first three decades of the nineteenth century amounted to two-thirds of the world's supply. During the 1850s, Devon Great Consols in West Devon became the largest single producer in Western Europe.

There is a great deal of evidence of the former importance of Cornish copper both at the sites where it was extracted and also in the form of the substantial transport infrastructure needed to export it. Millions of tonnes of copper ore were carried from the mines to the new purpose-built mineral ports. A high-capacity transport network had to be developed rapidly from the early nineteenth century and substantial remains of this network occur right across the nominated Site in various forms. There is an internationally significant group of late eighteenth- and early nineteenth-century industrial ports (A2, A5, A6, A8 and A10), together with former tramways and railways (A2, A5, A6, A9 and A10) and canals (A8 and A10).

Until the last quarter of the nineteenth century, Cornwall and West Devon produced more tin than any country in the world. The ore was mined, 'dressed' and smelted locally. Tin was the foundation of the English pewter industry and later of tin plate manufacturing, and that in turn led to the development of the canning industry.

There are substantial remains of the technologies used to dress and to smelt tin, particularly in A1, A5, A7 and A10.



King Edward Mine (A5, tin dressing plant Listed Grade II*). A convex buddle, used to concentrate fine-grained tin-ore.

Arsenic began to be produced in Britain as a by-product of tin and copper mining in West Cornwall during the early nineteenth century. In the 1870s, Devon Great Consols and a few other mines in West Devon and East Cornwall produced half the world's supply. The Lancashire cotton industry used arsenic in dyes and pigments. Then demand grew when it became popular as an insecticide during the last quarter of the nineteenth century. It helped to control Colorado Beetle which had devastated potato, tobacco and other crops across America. There is a rare group of technological monuments of international significance in the nominated Site in the form of arsenic calciners and refining works, particularly in A1, A5 and A10.

Kenidjack arsenic works (A1).



"Mining in Cornwall played a major part in developing one of the chief prime movers in the process of industrialisation in the eighteenth and nineteenth centuries. I can't think of many things that have more universal significance."

Dr Frank AJL James
President, The Newcomen Society



3 Description

3 Description

3a) Description of Property

The Cornwall and West Devon Mining Landscape World Heritage Site nomination is a series of Areas made up of distinctive and recurring patterns of buildings, monuments and sites: the ‘components’. Together they represent a unified cultural landscape. These components are determined by, and are central to, the understanding of the Cornish mining industry in the period 1700-1914.

Geology and the formation of the metallogenic province known as the Cornubian Orefield

Simplified geological history

The geological history of the geo-cultural region in which the nominated Site is located begins nearly 400 million years ago (Ma). Sand and mud settled on the floor of a Devonian sea, and molten rock formed submarine lavas and intrusions within the sediments. Around 320 Ma, during Carboniferous times, continents collided and caused a major earth-movement. This subjected the earlier rock formations to folding, faulting and cleavage on a general axis with an east-north-east to west-south-west trend. It is this alignment that accounts both for the

orientation of the granite emplacement and the main tin and copper lodes. Mudstones became slates, which together with subordinate bands of sandstones have long been known collectively by the Cornish term ‘killas’. Between 300-270 Ma, during the late Carboniferous and Permian periods, continental collision generated considerable heat and pressure which melted the crust to form granite, a coarse crystalline igneous rock formed deep in the earth. Separate granite masses intruded into the rocks above them between 290-270 Ma. They merged to form an elongate body of granite, known to geologists as a batholith. The intense heat also caused water to circulate within the granite, producing the main tin, copper and tungsten mineralisation around 270 Ma. Around 250 Ma, during the late Permian, a mountain

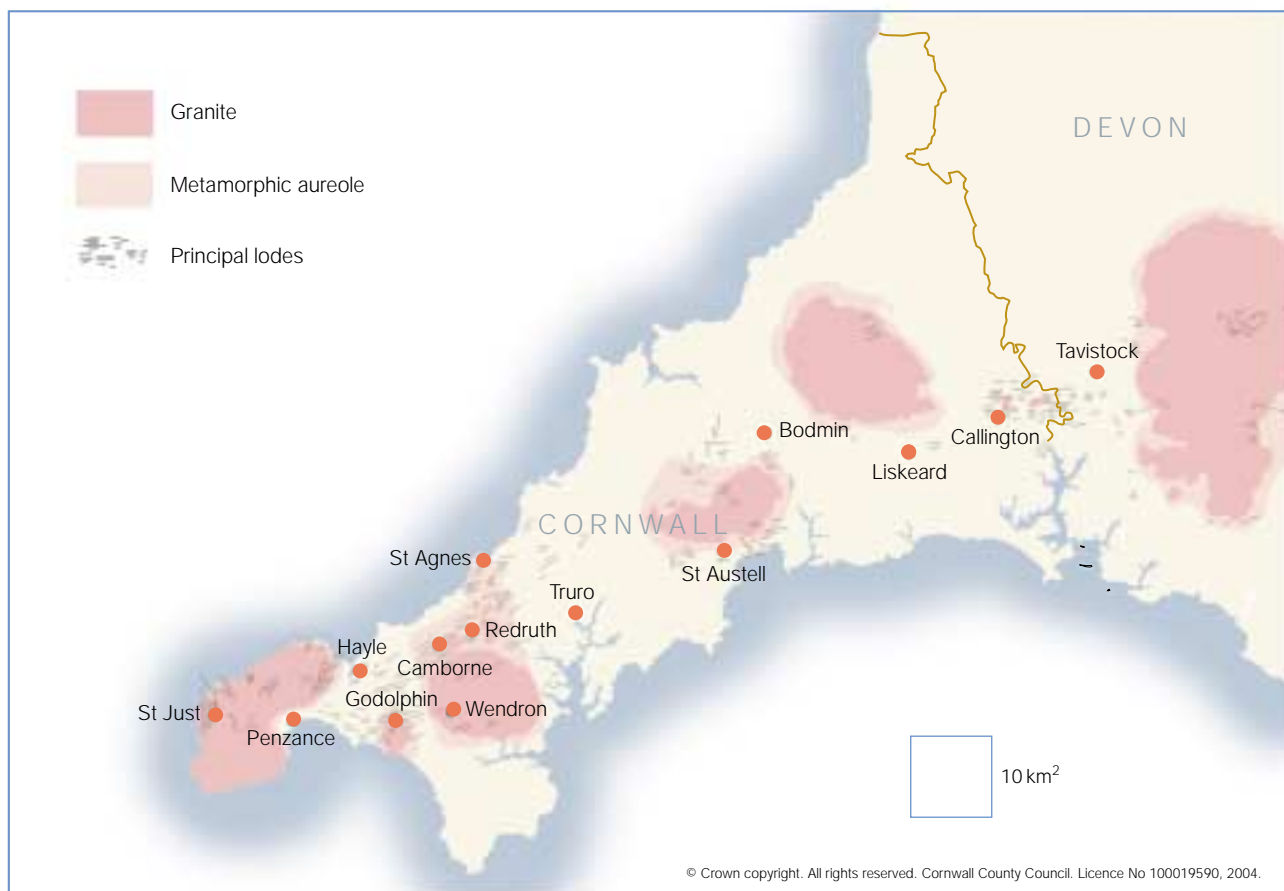


Figure 20. The Cornubian Orefield. The spatial relationship between granite outcrops, mineralisation and the mining districts.

chain was created during a period of considerable uplift. The rocks which once covered the granite were then gradually removed by deep weathering and erosion, exposing the tops of the granite domes. Around 236 Ma, during the Triassic, the cross-course lead-silver-zinc mineralisation formed in a north-south structural orientation. This alignment, perpendicular to the main tin and copper mineralisation, was due to changes in geological stress regimes. Within the past 4 million years, marine erosion created a relatively flat surface (the 130-metre planation surface), as well as wave-cut platforms and raised beaches. It is likely that tin placer deposits were formed within the same period, and went on being formed until relatively recent times. The sea level fell during the Ice Ages of the past 1 million years, (ending around 10,000 years ago) and rose in recent times by about 15 metres. River valleys (known as 'rias') were cut and subsequently flooded by these events, including the River Tamar and the Fal estuary.

Mineralisation

The most economically important mineral veins, or lodes as they are known in Devon and Cornwall, were formed at a time shortly after the intrusion of the granite. Residual heat from the granite (together with radioactive related heat) raised the temperature within the surrounding rocks and caused water to circulate in the fractures by means of convection. The water dissolved metal salts which were distributed in small amounts throughout the rock that surrounded the fractures. Repeated circulation led to metal concentration and as the water cooled it deposited metallic ore minerals along fractures and faults. Higher temperature minerals, such as those bearing tin and tungsten formed earliest and tended to occur within or closer to the granite, and lower temperature minerals such as lead and zinc formed later and tended to occur furthest from the granite. Mineralogical diversity was a major factor in the economy of Cornish Mining. Fifteen different metals were produced and a great variety of minerals occurred along with the main ore minerals being worked in the Cornubian Orefield. Many of these are of international interest to scientists and mineral collectors.

The pattern of the various components that make up the Cornish mining landscape was dictated by the location of the different metal ores and the periods in which they were worked.

The principal metal ores usually occurred in structurally similar deposits. The underground mining methods used to gain access to these was by sinking shafts, driving tunnels (levels) along the lodes and excavating the payable parts of the lodes (by stoping). Consequently the archaeology of underground extraction (shafts, levels and stopes) is common to most mines whether they were worked for copper, tin, arsenic or lead, although there is some variation for metals such as iron and manganese which occur in different types of mineral deposits.

Geographical setting

The geographical setting of the nominated Site is dominated by its underlying geology and by the sea. Much of the area is a gently sloping plateau of metamorphosed rock underlain and punctuated by granite intrusions. The granite forms a central spine - 240-300m above sea level in the west to over 400m in the east - which manifests itself at the surface by rough upland. The land is incised by a number of river valleys. To the east the natural boundary of the River Tamar forms the border between the administrative counties of Cornwall and Devon. The nominated Site extends at this point beyond the Tamar Valley Mining District to the west Devon town of Tavistock.



Botallack Mine (A1). Extensive archaeology of tin-dressing and arsenic-refining spans the period 1700-1914.

General description of principal components that define Cornish mining landscapes. The survival of such integrated coherent cultural landscapes within the nominated Site is outstanding. It is testimony to the culture which created them.

Component selection criteria

Primary criteria

- a significant component of the Cornwall and West Devon Mining Landscape of the period 1700-1914.
- 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.
- authenticity of remains: structures or sites that have been largely or wholly reconstructed will not normally be eligible for inclusion.

Secondary criteria

- 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.
- documentation: if there is historical documentation that supports the connection with Cornish Mining.
- association: where a number of Cornish Mining components survive within the same landscape, there is a higher likelihood that those sites and landscape will be included.

Categories of Components

The nominated Site is rich in the principal components that impart the singular character of the Cornish mining landscape. These components have been grouped under the following categories.

C1	mine sites, including ore-dressing sites	
C2	mine transport	
C3	ancillary industries	
C4	mining settlements and social infrastructure	
C5	miners' smallholdings	
C6	great houses, estates and gardens	
C7	mineralogical (and other related) sites of particular scientific importance	

C1 Mine sites, including ore dressing sites

The location of mineral resources and the natural topography are the principal factors that dictate the location of former mining and ore-processing (dressing) activities.

nineteenth century. The engine houses that once contained these engines stand close to the principal shafts and are the distinctive outward visible manifestation of the industrial archaeology of steam power.

Mining (primary extraction)

The typical sub-vertical inclination of Cornish lodes limited output to what could be achieved by the drainage technology available at the time. (It was limited too by mining methods and ore-processing technology). Steam pumps were introduced in the early eighteenth century and this technology culminated in the development of the Cornish high-pressure steam-pumping engine in the

Ore-processing (dressing) and its expression in the landscape

The surface structures associated with ore-dressing is the best indicator of the particular metal produced by a particular mine. Tin ore was initially crushed and concentrated at the mine. During the eighteenth century much of this was done by hand and water-powered stamps (crushers). From the early nineteenth century it

became a mechanically-intensive process that required increasingly larger areas of land with a suitable gradient and a water supply (water and gravity separation methods give rise to 'stepped' structural remains). The product (black tin) was smelted locally until the twentieth century (the last Cornish smelter closed in 1931). Copper ores were commonly sorted and crushed by hand, though copper crushers became more widespread during the nineteenth century on larger mines. Huge tonnages were then sent for smelting - mostly by sea to South Wales. This led to the development of a massive infrastructure of railways and ports. Arsenic was refined either at the mine or in special refineries built in the arsenic-producing districts. The form of ore-processing determined the nature and extent of built structures. Innovation often led to new structures though these did not necessarily wholly replace earlier technological elements. For example, small-scale tin streaming co-existed with large-scale, capital-intensive, steam-powered tin mining and ore-processing (in fact secondary tin streaming, recovering the fine tin lost from the mills of the still operational mines, continued until late in the twentieth century). Nevertheless the period when they were in operation naturally had an impact upon the degree of their survival. The archaeology of late-eighteenth and early-nineteenth century copper ore tramways, railways, canals and ports, together with the monumental archaeology of nineteenth- and early twentieth-century tin and arsenic processing has resulted in an outstanding integrated landscape.

C2 Mine transport

Transport infrastructure was a crucial component of the Cornish mining industry. The region is peninsular; nowhere in the nominated Site is much more than 20 kilometres from the sea. Proximity to the coast counterbalanced the industry's geographically peripheral position in the far south-west of Britain.

Supplies, such as coal and timber, had to be imported and minerals - particularly copper ore - had to be moved from the mines to the new purpose-built quays, harbours and ports. From here, fleets of schooners shipped the region's copper ore to the smelters in South Wales and brought back the coal needed to fire the mines' steam engines. Timber was brought in from Scandinavia and Canada. A substantially intact group of late eighteenth- and early nineteenth-century industrial harbours survives on rivers, in estuaries and on the coastline within the nominated Site. During the eighteenth and early nineteenth centuries, a large network of mule tracks developed as a direct

consequence of the growing import and export of coal and copper ore. These tracks were not built but simply brought into existence by the constant use of mule trains. They were engineered or metalled only where conditions were particularly difficult, such as along a cliff-side, across marshy terrain or down a steep slope to some creek-side quay.

There are also a number of pedestrian tracks between nearby settlements and the mines, and at surface level in the mines themselves (particularly the larger ones). Steep 'adit pathways' cut into the face of the cliffs are ubiquitous in coastal mining districts. Some tracks survive as recreational footpaths or as tarmac public roads. Many mule tracks were abandoned by the industry when they were replaced by higher-capacity mineral tramways, railways and (occasionally) canals. The aim was to capture as much trade as possible from the mines and to provide a link with the nearest port, though in each case the route was governed by topography and its length by economic limitations. Remains of this early nineteenth-century development occur right across the nominated Site. They include extensive tramway and railway track-beds and bridges. Two canals also survive in good condition, including their watercourses, towpaths for the horses, embankments, cuttings and in one case an exceptional tunnel and its associated air shafts.

C3 Ancillary industries

The mines created a demand which led to the establishment of local ancillary industries. There were: smelters (tin, copper and silver-lead); foundries and engineering works (to make steam engines, rock drills and other mining equipment); gunpowder, explosives and fuse works (to manufacture safety fuse for blasting). Tin ore was smelted locally. An exceptional reverberatory tin smelting site (together with silver-lead smelters) survives within the nominated Site. Several other smelters survive outside it.

There are substantial remains of a number of foundries and engineering works within the nominated Site, all characterised by distinctive industrial architecture. This is an internationally significant group, symbolic of the importance of nineteenth century iron-founding, particularly in the creation of steam pumping engines and other mining equipment.

A single well-preserved water-powered gunpowder works is included within the nominated Site. All its important buildings survive and clearly demonstrate the manufacturing process. There are several fuse works within the nominated Site, together with the partial remains of an explosives works.

Following the decline of Cornish mining, some of these ancillary industries continued to thrive in the export market. Their extended life (and sometimes adaptive re-use) has, in several cases, helped to preserve their original structures.

C4 Mining settlements and social infrastructure

Large-scale industrial development in the mining industry created employment opportunities which led to rapid population growth and the consequent emergence of new settlement patterns. Housing was built to accommodate an entirely new industrial population. It was built within existing market towns and villages in the mining districts, as well as in the ports, and in other settlements where the ancillary industries were situated. But entirely new villages and towns were developed too. Urban expansion accounted for more than 2,500 hectares. A new type of industrial housing was introduced to the region - rows of terraces - and these stood alongside the institutes and other public buildings which reflected the new-found confidence and industrial prowess. A number of these industrial settlements – from towns to small villages - are included within the nominated Site.

Methodist chapels were a conspicuous component of these developments. They remain a highly visible manifestation of nineteenth-century industrial society and both their character and distribution are often closely related to the development of mining in the region. The nineteenth century also saw the building of new Church of England churches in the mining areas, such as those at Charlestown and St Day. The magnificent architecture of Truro Cathedral, built at the end of the nineteenth and beginning of the twentieth century, relates very substantially to the prosperity derived from tin mining and to the benevolence of a prominent mineral lord.

C5 Miners' smallholdings

Miners' small farms developed in the mining districts on formerly unenclosed heathland. More than 50,000 hectares were enclosed during the eighteenth and nineteenth centuries. The smallholdings, usually no bigger than 2 hectares, consisted principally of self-built cottages on holdings leased from the landowner, together with a pig-and-potato subsistence husbandry that brought a degree of self-sufficiency to the miner. Some have been amalgamated into larger farms but the survival of large areas of small fields, with their associated hedge banks and scattered cottages, is a reminder of the historical and cultural significance of the smallholding within the mining landscape.

C6 Great houses, estates and gardens

Great houses and estates were created and embellished by revenue from the mining industry. Good examples of these houses and parkland which once belonged to mineral lords, or to the industrial nouveau riche, still survive. There is also an internationally important group of gardens that were developed during the nineteenth and early twentieth century although most of them are outside the nominated Site. They were financed by industrial wealth. Several of the families involved with the mining industry became notable horticulturalists. Villas and architecturally-embellished town houses were built within the burgeoning towns of the region, indicating the increasing sophistication of this new entrepreneurial class.

C7 Mineralogical (and other related) sites of particular scientific importance

Mineralogy, geology, and their practical application to the mining and mineral processing industries, were both studied extensively throughout the nominated Site. The development by deep mining of one of the world's most mineralogically diverse orefields resulted in numerous important discoveries from the mid-eighteenth century onwards. These inspired some of the earliest British geological and mineralogical literature, together with internationally important mineral collections, such as the Rashleigh Collection now in the Royal Cornwall Museum (Truro). They are notable manifestations of a crucial and formative contribution to science.

Key mineralogical sites include the discovery sites of new species, the sources of world-class specimens and important exposures. They are all important components of the mining districts included within the nominated Site. In addition there are sites of great ecological value which owe their existence to mining activity. They represent habitats for nationally and internationally important species.

Maps overleaf

The following maps provide an overview of the area of Cornwall and West Devon assessed as part of the detailed research underpinning the selected Areas of the nominated Site. They illustrate the areas of industrial activity and the distribution of industrial sites and components associated with that activity. Viewed at a regional level these maps support the defined boundaries of the nominated Site.

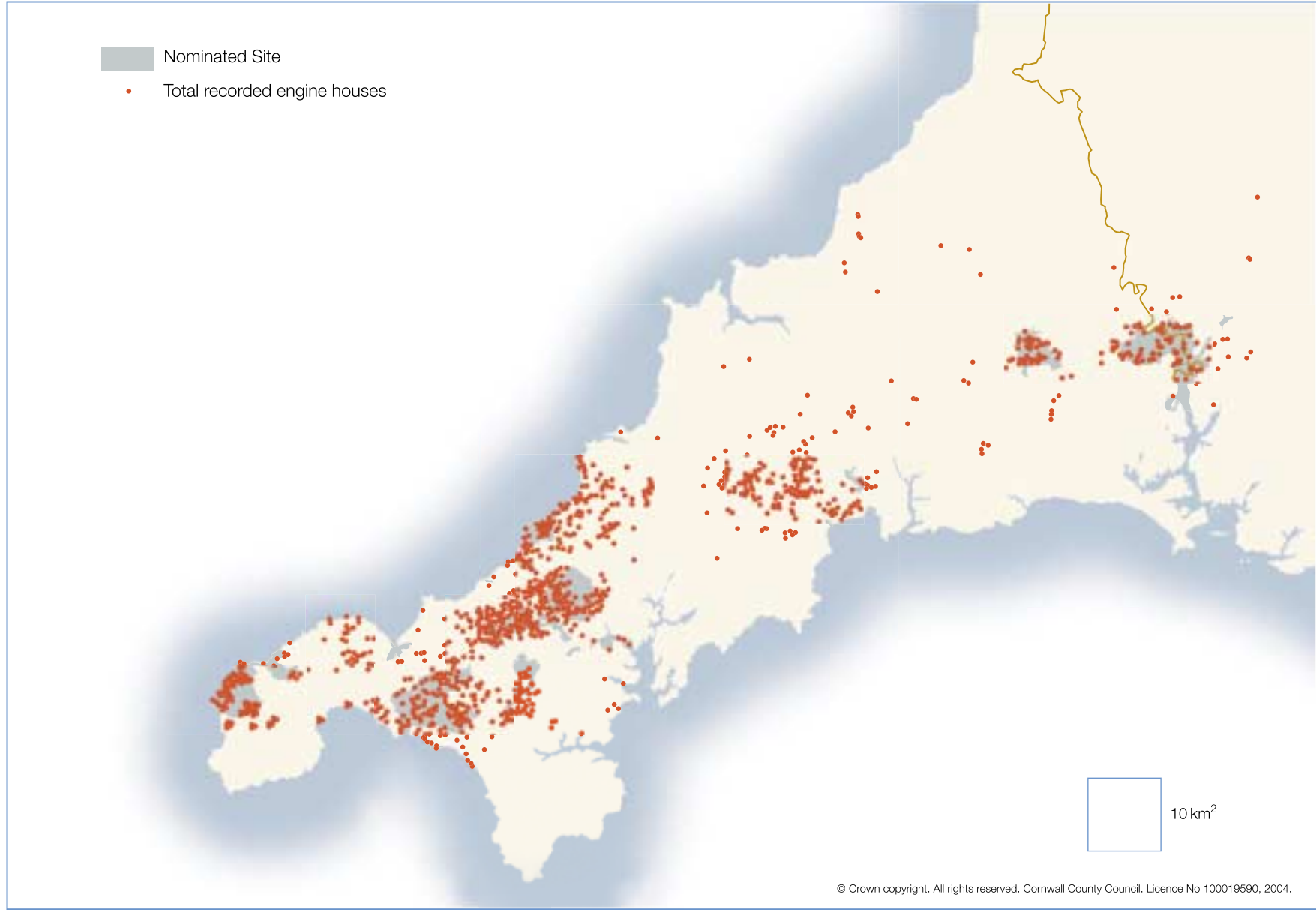


Figure 21. Distribution map of engine houses

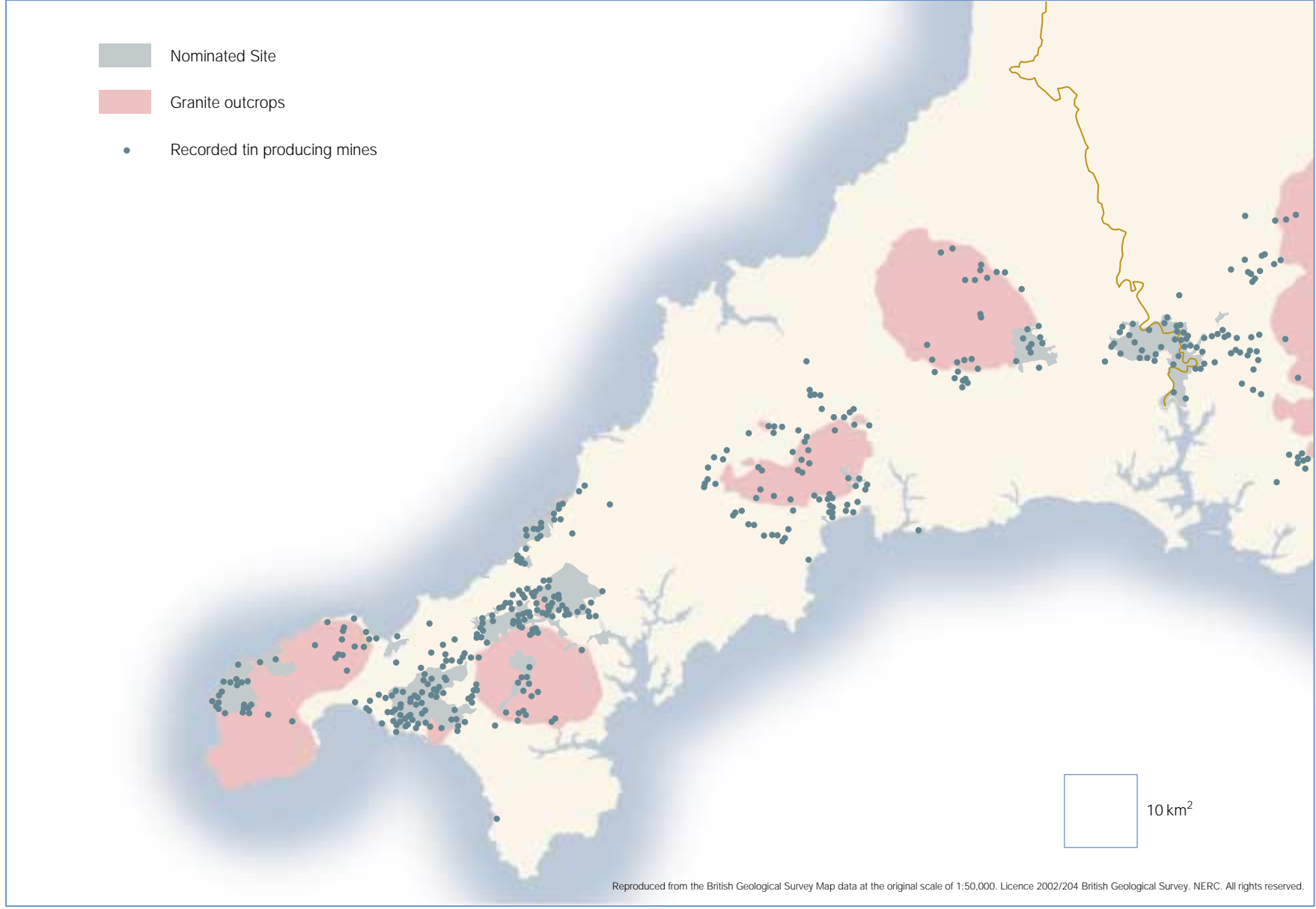


Figure 22. The location of tin mines is spatially related to granite geology. The distribution of these mines is a guide to the extensive and internationally significant remains of tin processing.

*Surface remains of the concentration of tin mines in central Cornwall, north of Charlestown (A811), have mostly been obliterated by opencast operations of the china clay industry.

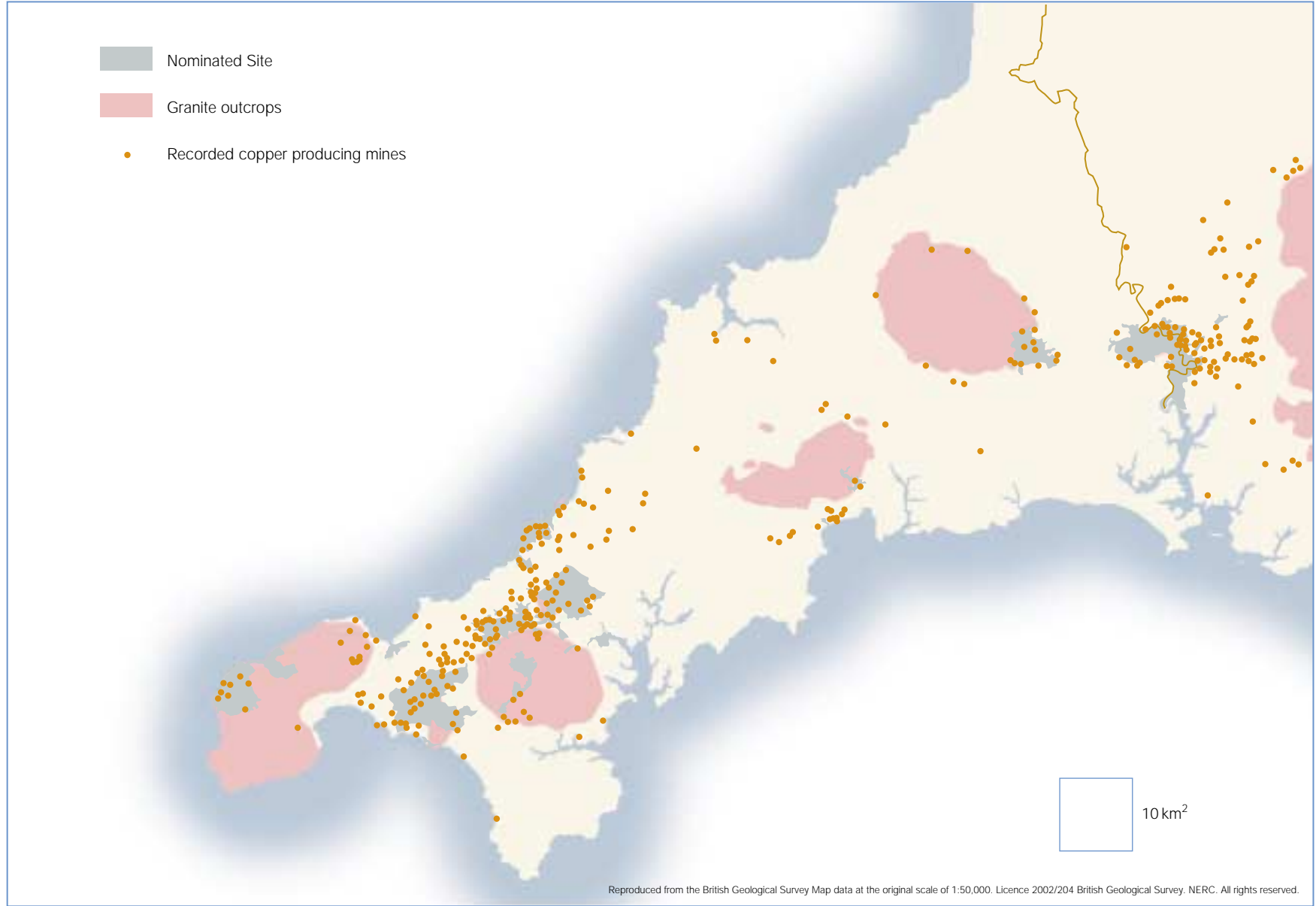


Figure 23. The location of copper mines is spatially related to the granite outcrops. Their location also strongly influenced the pattern of mining transport.

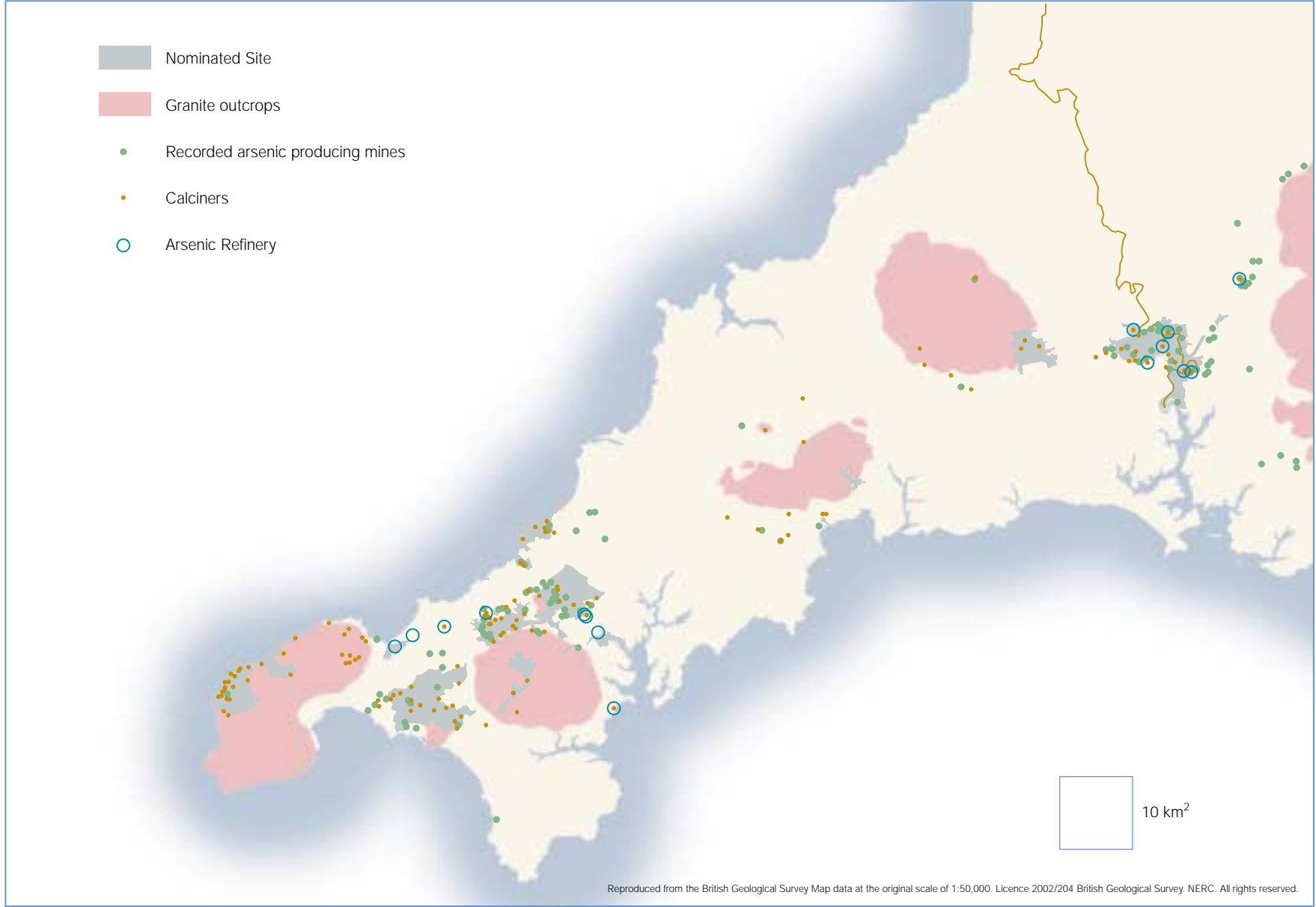


Figure 24. The location of arsenic mines (with particular concentrations in A1, A5 and A10i) is a guide to the distribution of internationally significant remains of arsenic processing.

C2 Mine transport



Figure 25. Mine transport networks are closely associated with the location of copper mining.

C3. Ancillary industries

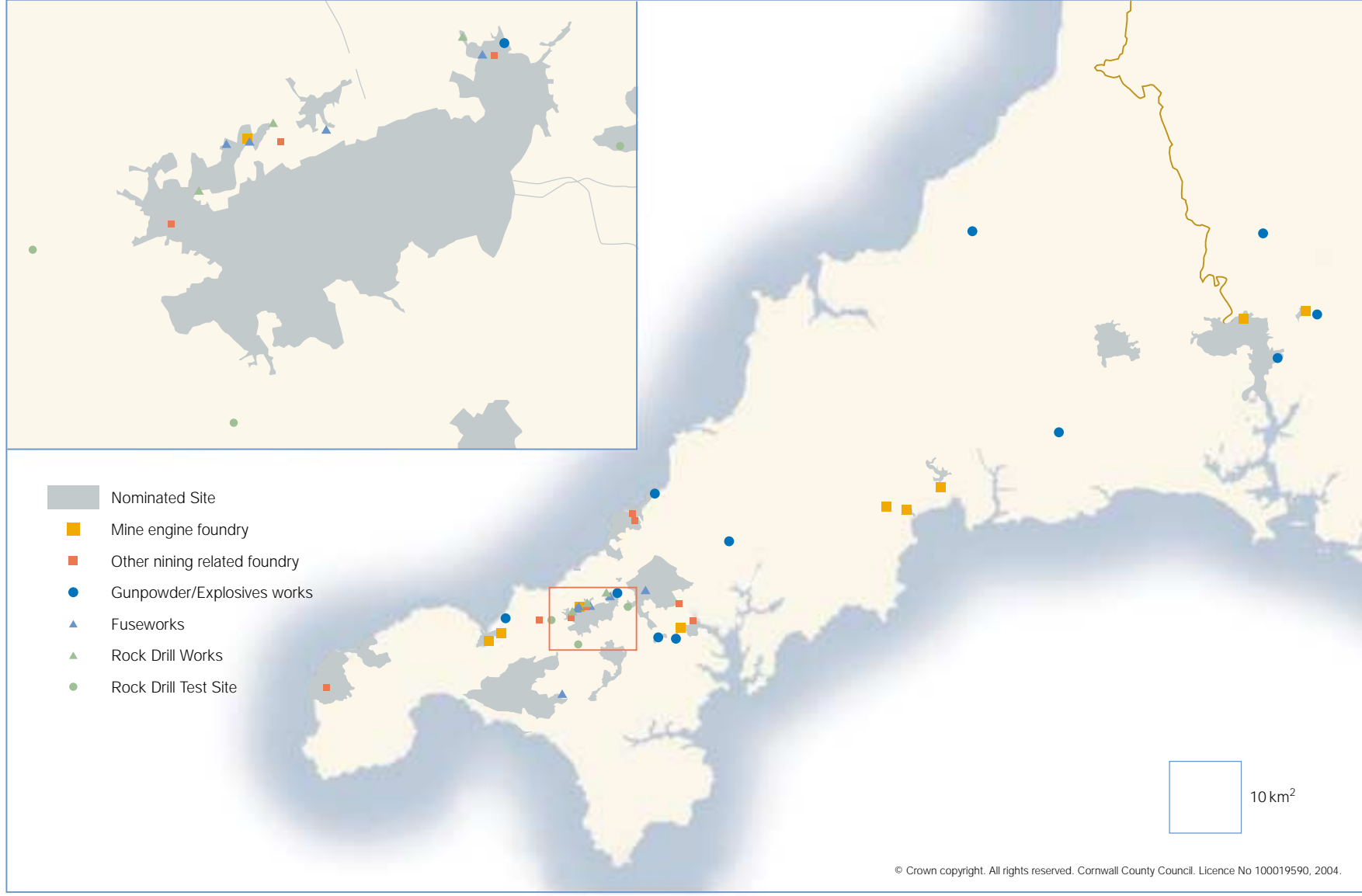


Figure 26. Ancillary sites (engineering and explosives).



Figure 27. Ancillary sites (smelting works).



Robinson's Shaft complex, South Crofty Mine (A5, Scheduled Monument, Listed Grade II*). Detailed assessment identifies earlier elements of the mining landscape, such as the circular powder magazine (1850s, bottom left) and the engine house (1903, centre right) adjacent to the shaft with a modern headframe. Most of the surrounding buildings date from the second half of the twentieth century.

Historic landscape characterisation

The method of historic landscape characterisation has been used to assist in the initial selection of the Areas and their boundaries. For over a decade the present-day landscape has been the subject of a holistic approach of historical and geographical enquiry involving extensive research and fieldwork. This has enabled initial classification by mapping at 1:50,000 scale that captures both historic character and time-depth. Historic Landscape Characterisation (Cornwall Archaeological Unit, 1994/1998) forms the primary mapping base onto which has been plotted the secondary, more refined and larger scale mapping (at 1:25,000 scale) of industrial monuments and sites (components) which define the particular and characteristic elements of the Cornish and West Devon Mining Landscape. See Section 3c for more details.

Maps overleaf

Supporting the definition of the nominated Site boundaries presented in figures 3-13, the following maps depict the historic landscape character of each Area of the nominated Site.

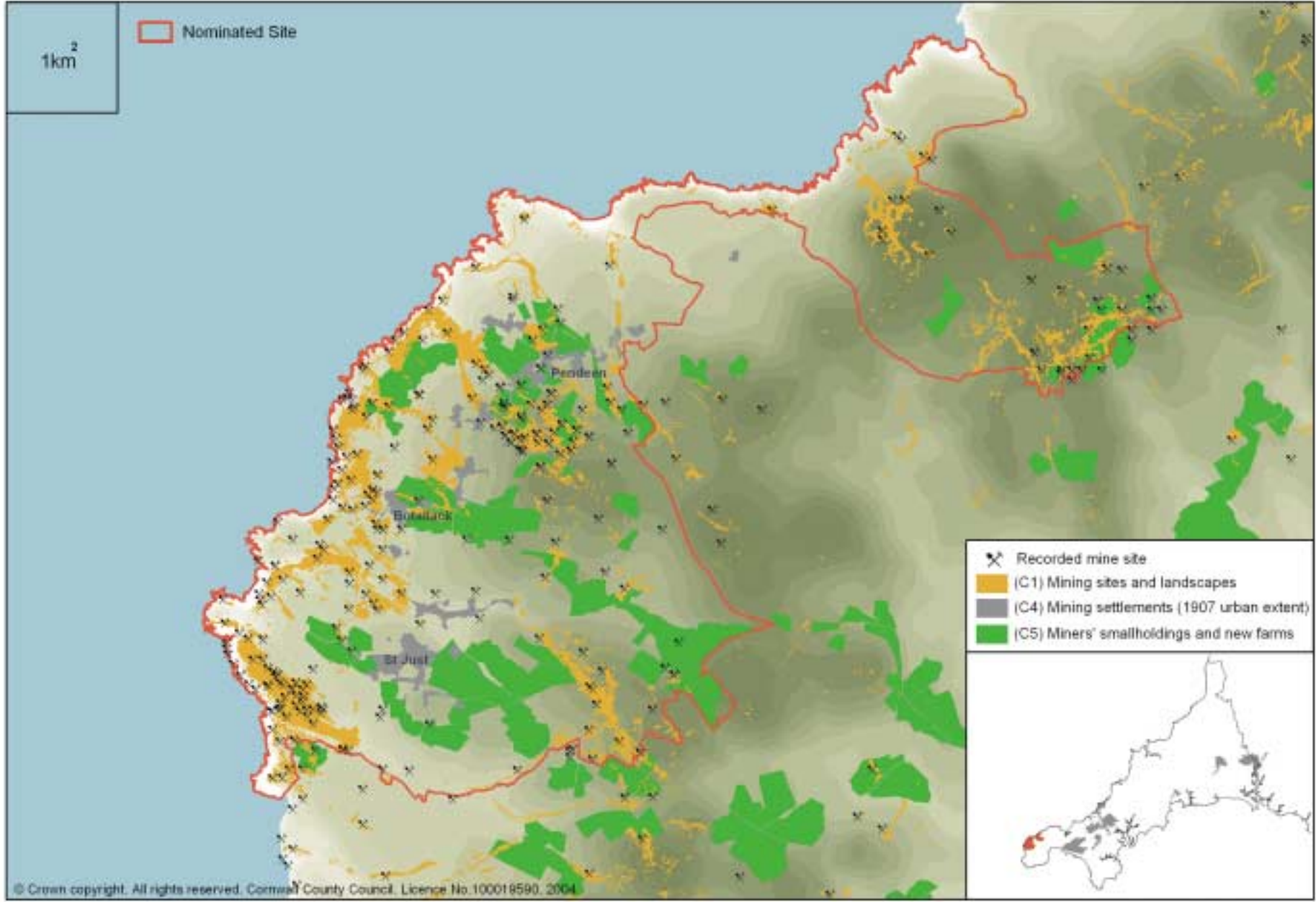


Figure 28. St Just Mining District (A1).

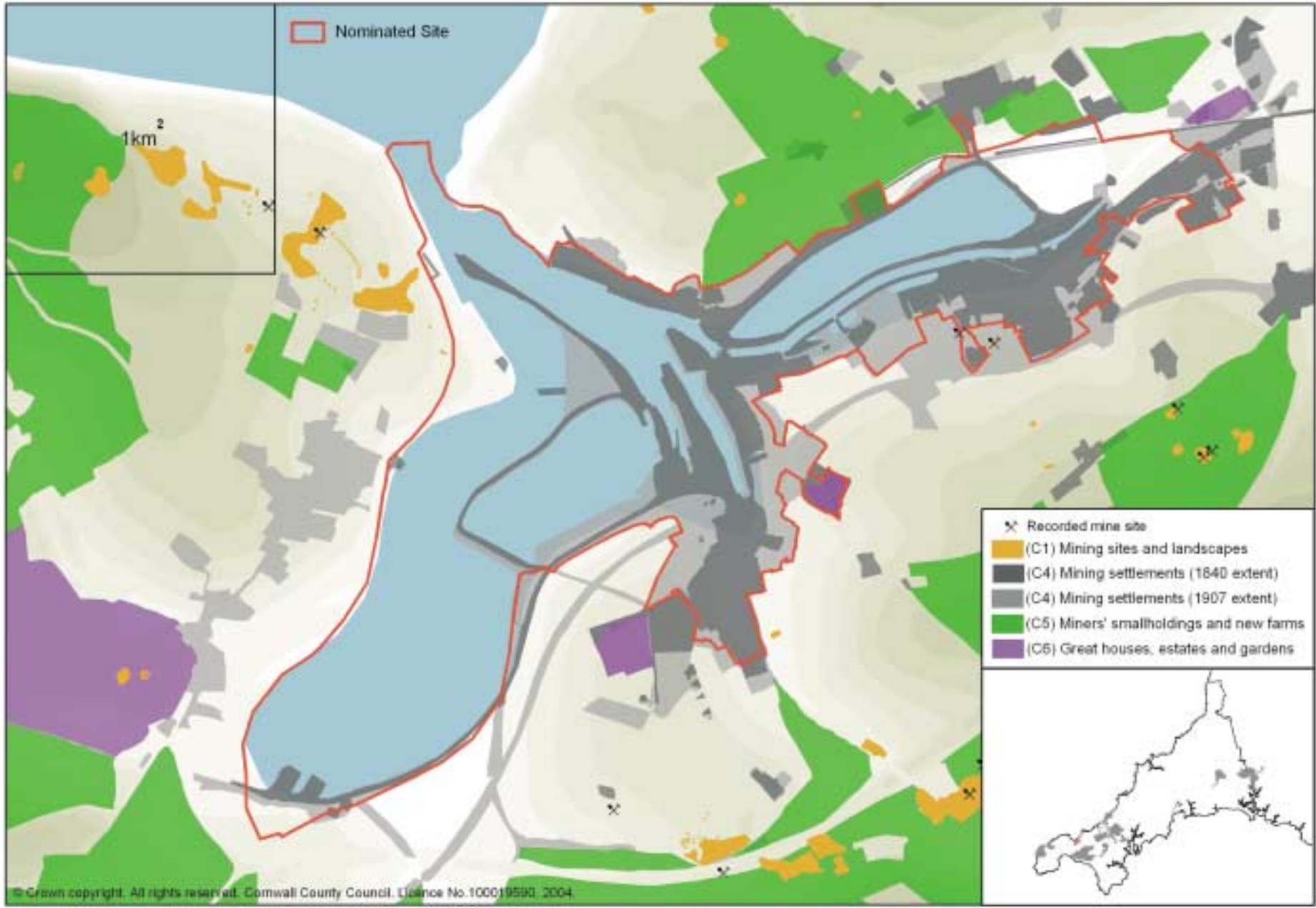


Figure 29. The Port of Hayle (A2).

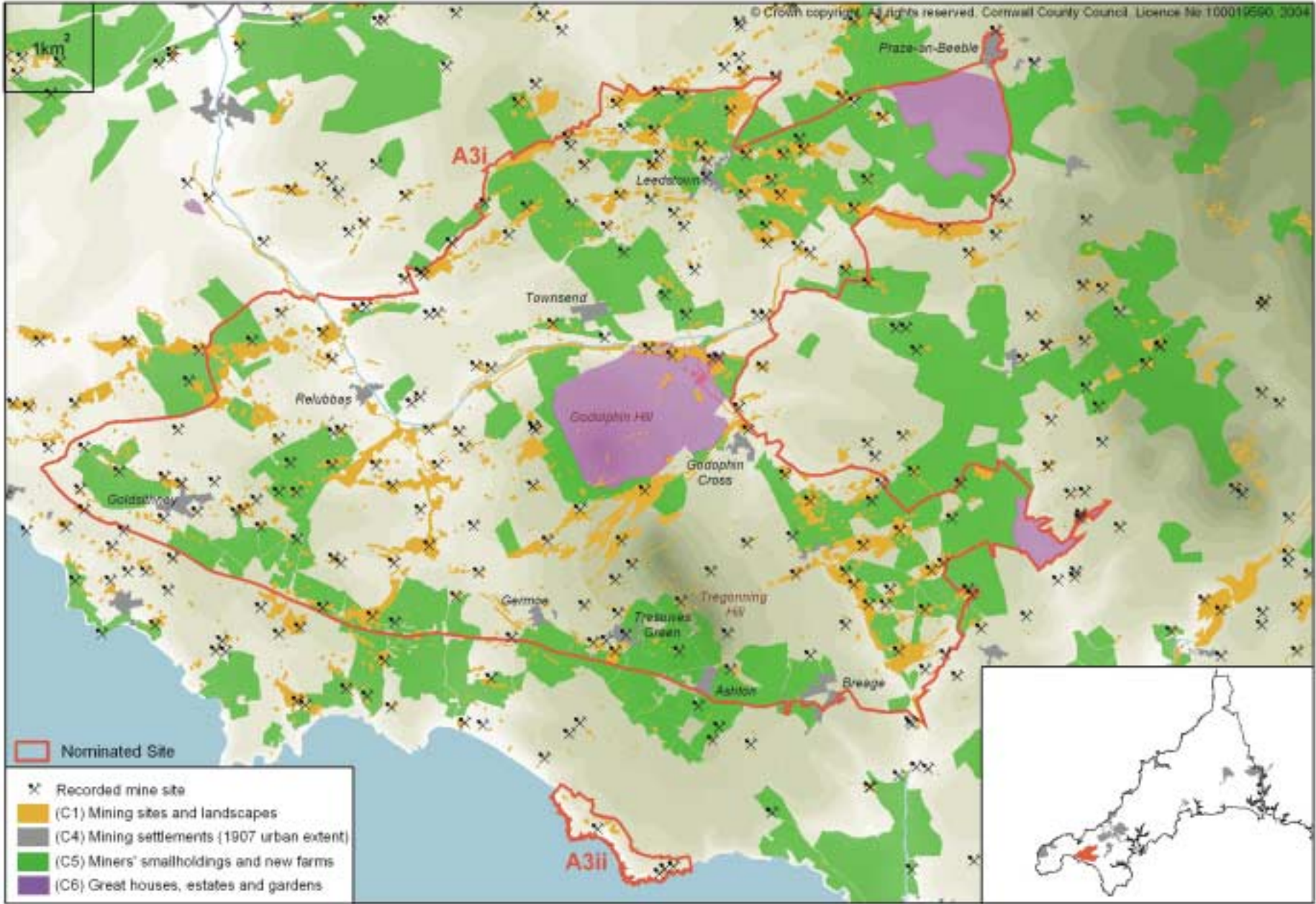


Figure 30. Tregonning and Gwinear Mining Districts (A3i) with Trewavas (A3ii).

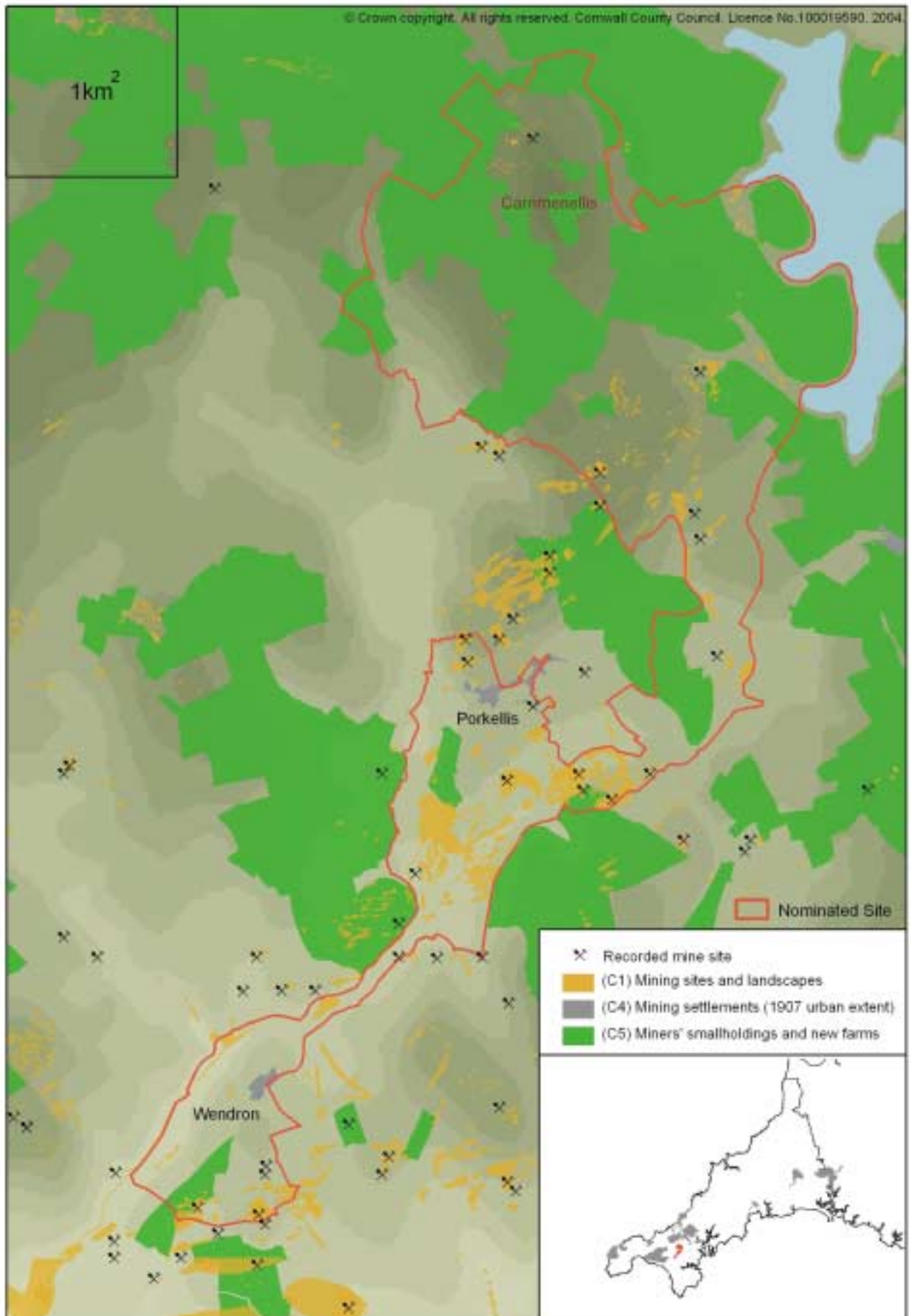


Figure 31. Wendron Mining District (A4).

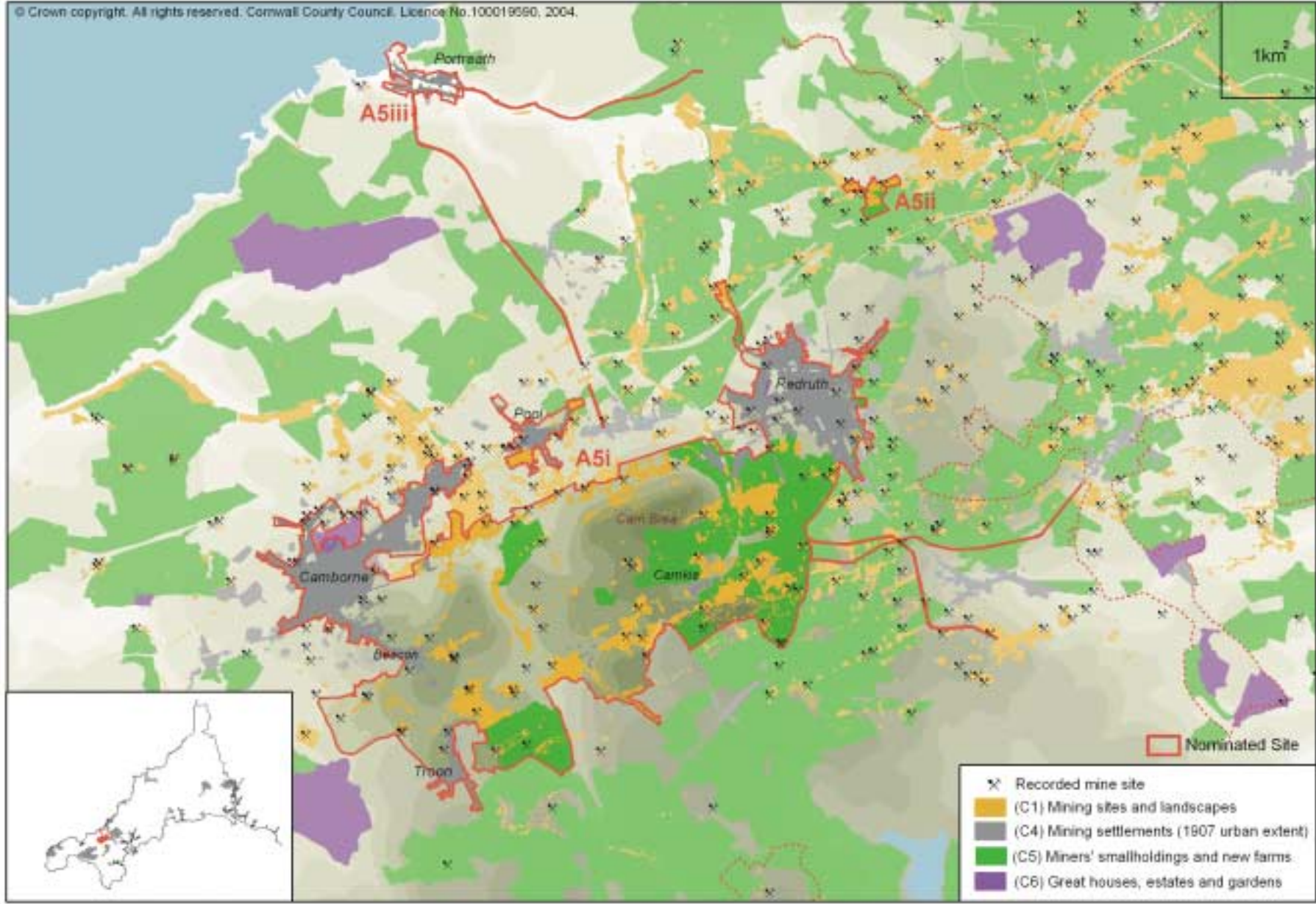


Figure 32. Camborne and Redruth Mining Districts (A5i), Wheal Peevor (A5ii) and Portreath (A5iii).

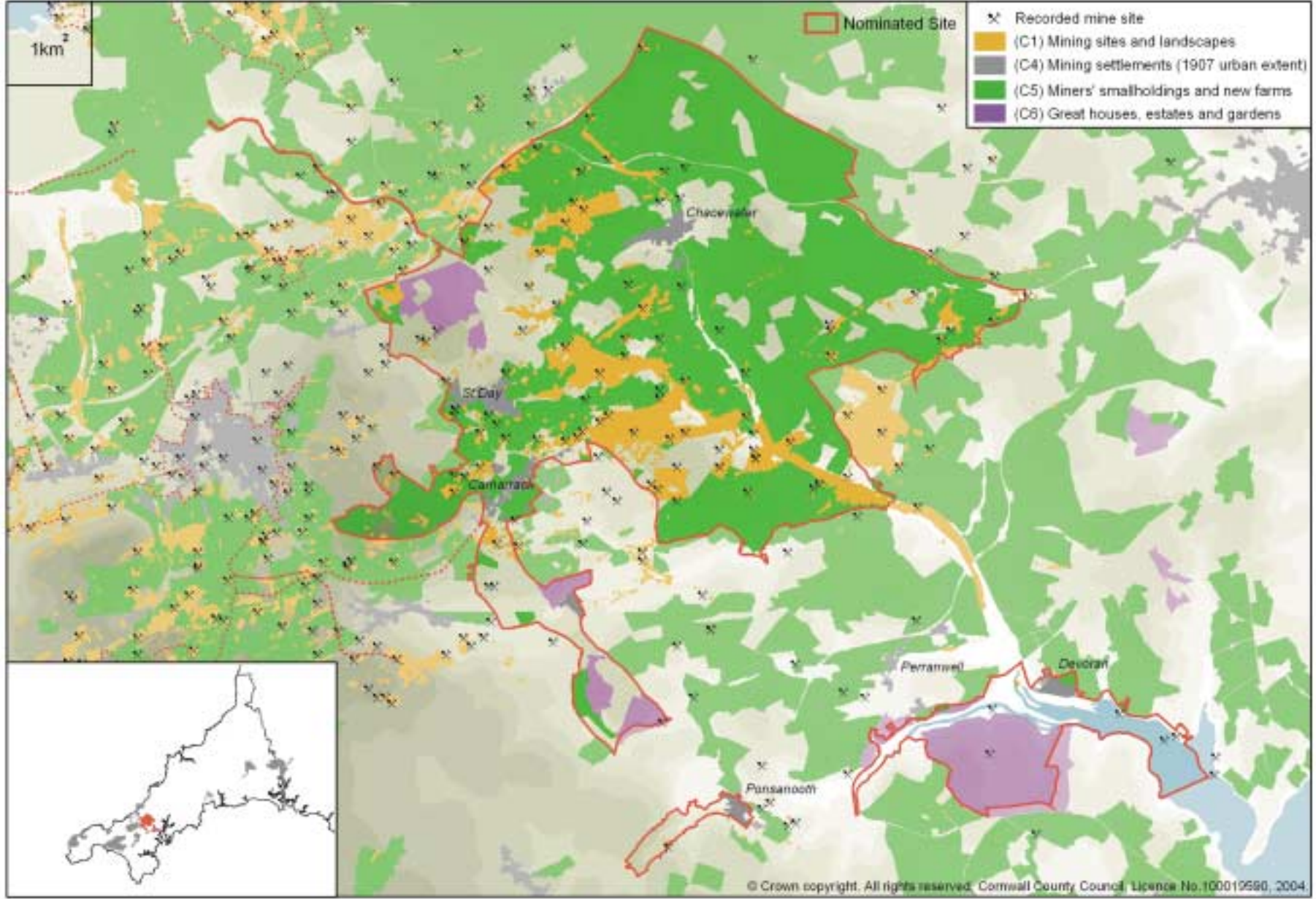


Figure 33. Gwennap Mining District (A6i) with Devoran and Perran (A6ii) and Kennal Vale (A6iii).

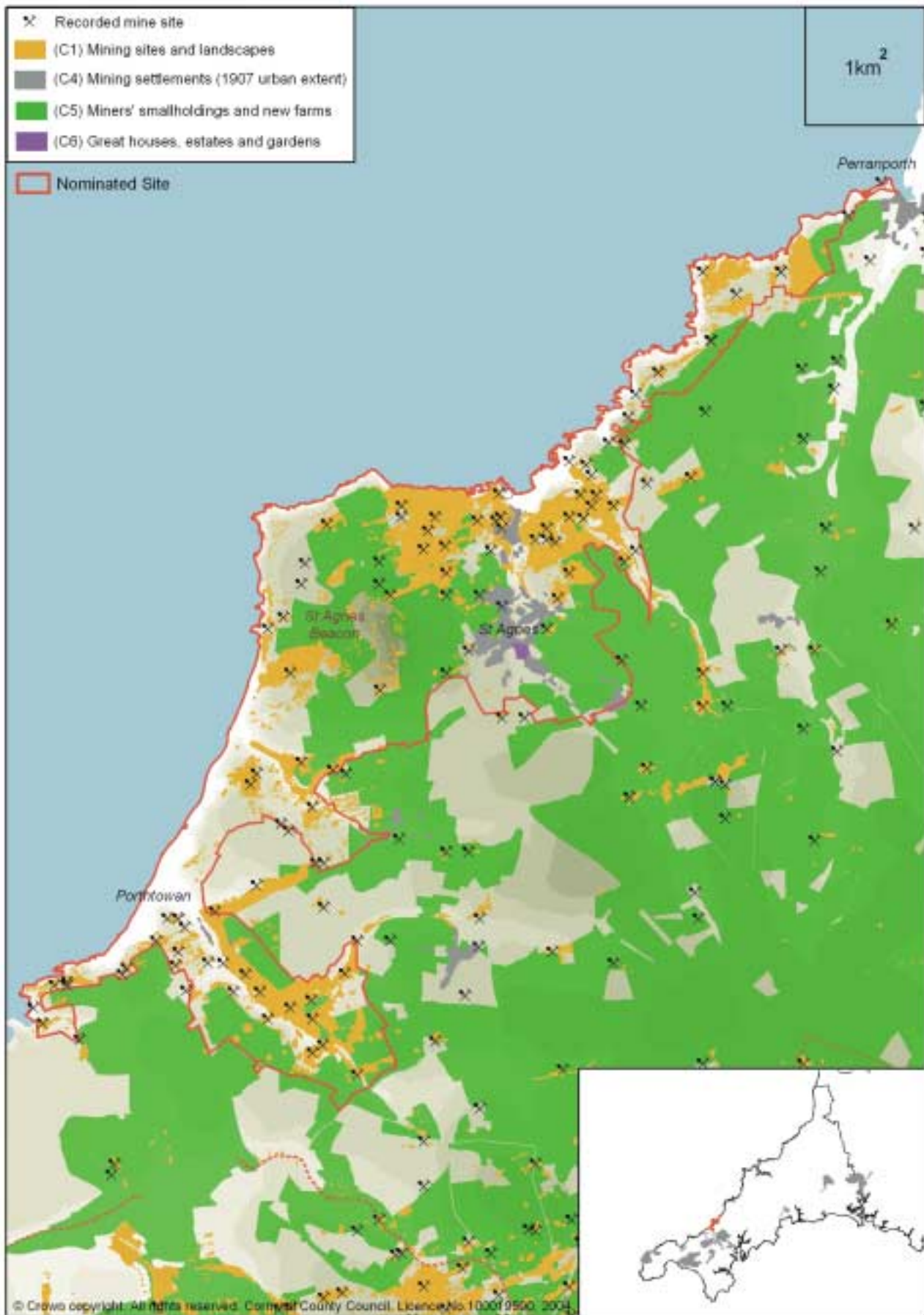


Figure 34. St Agnes Mining District (A7).

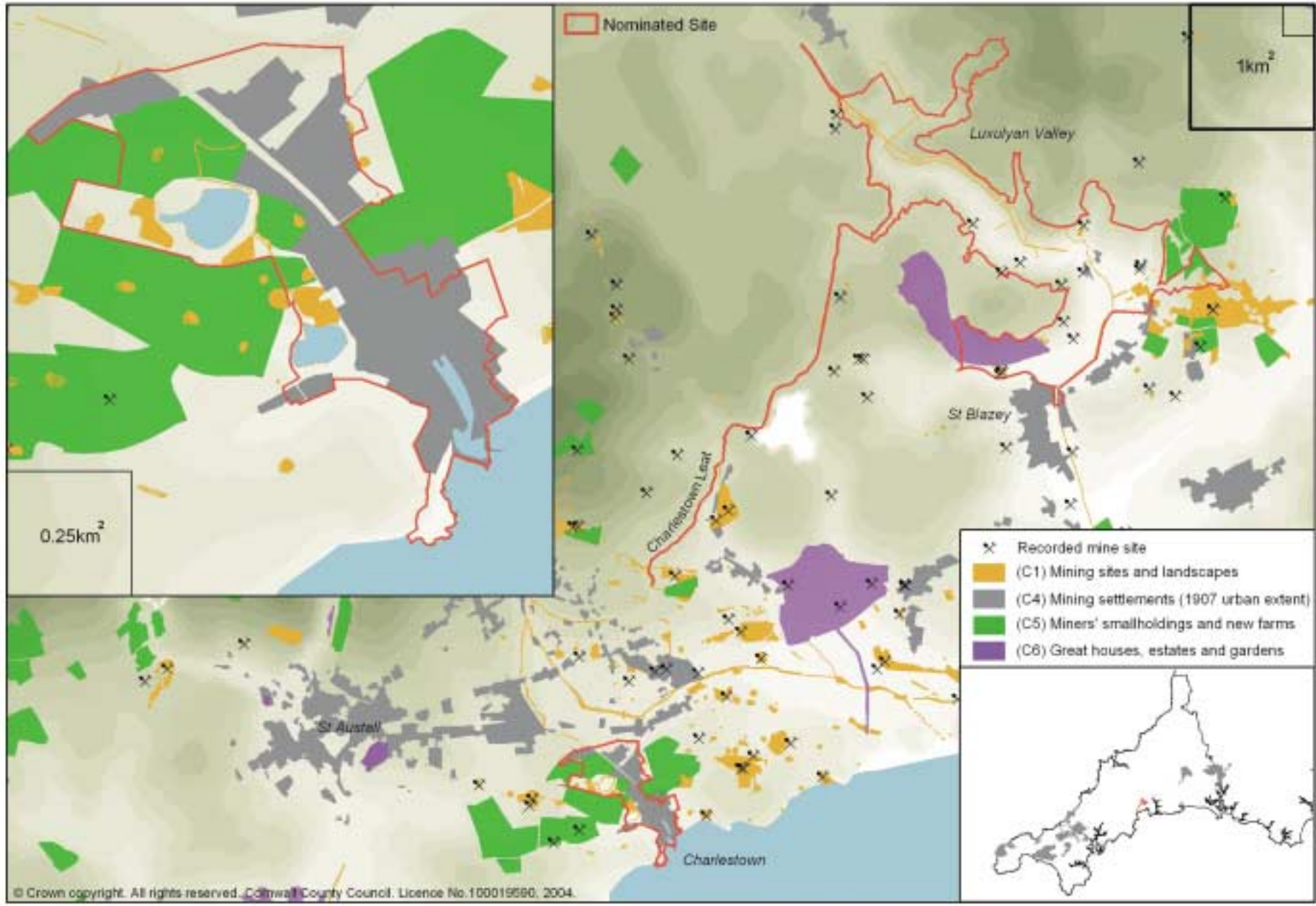


Figure 35. The Luxulyan Valley (A8i) and Charlestown (A8ii)

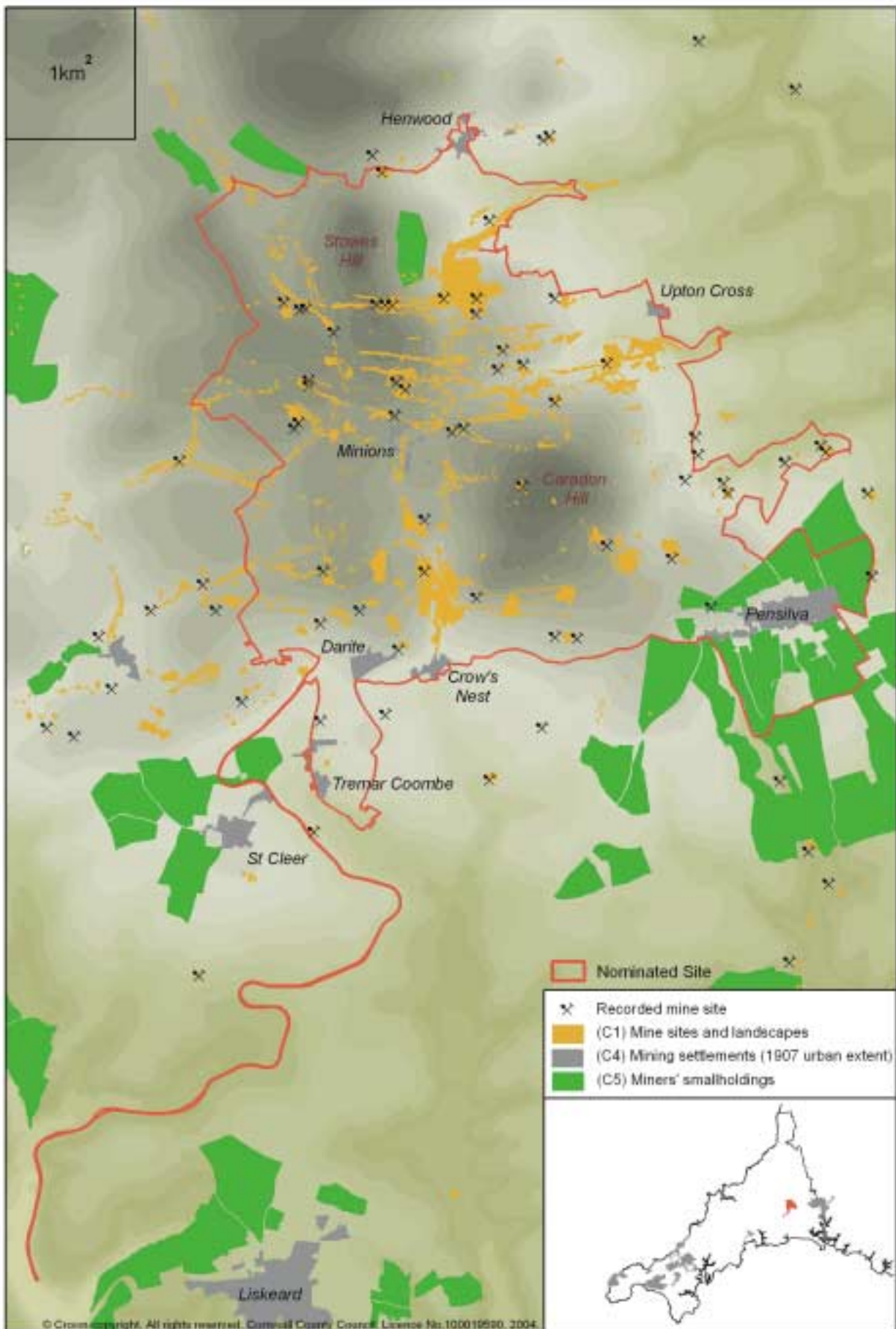


Figure 36. Caradon Mining District (A9)

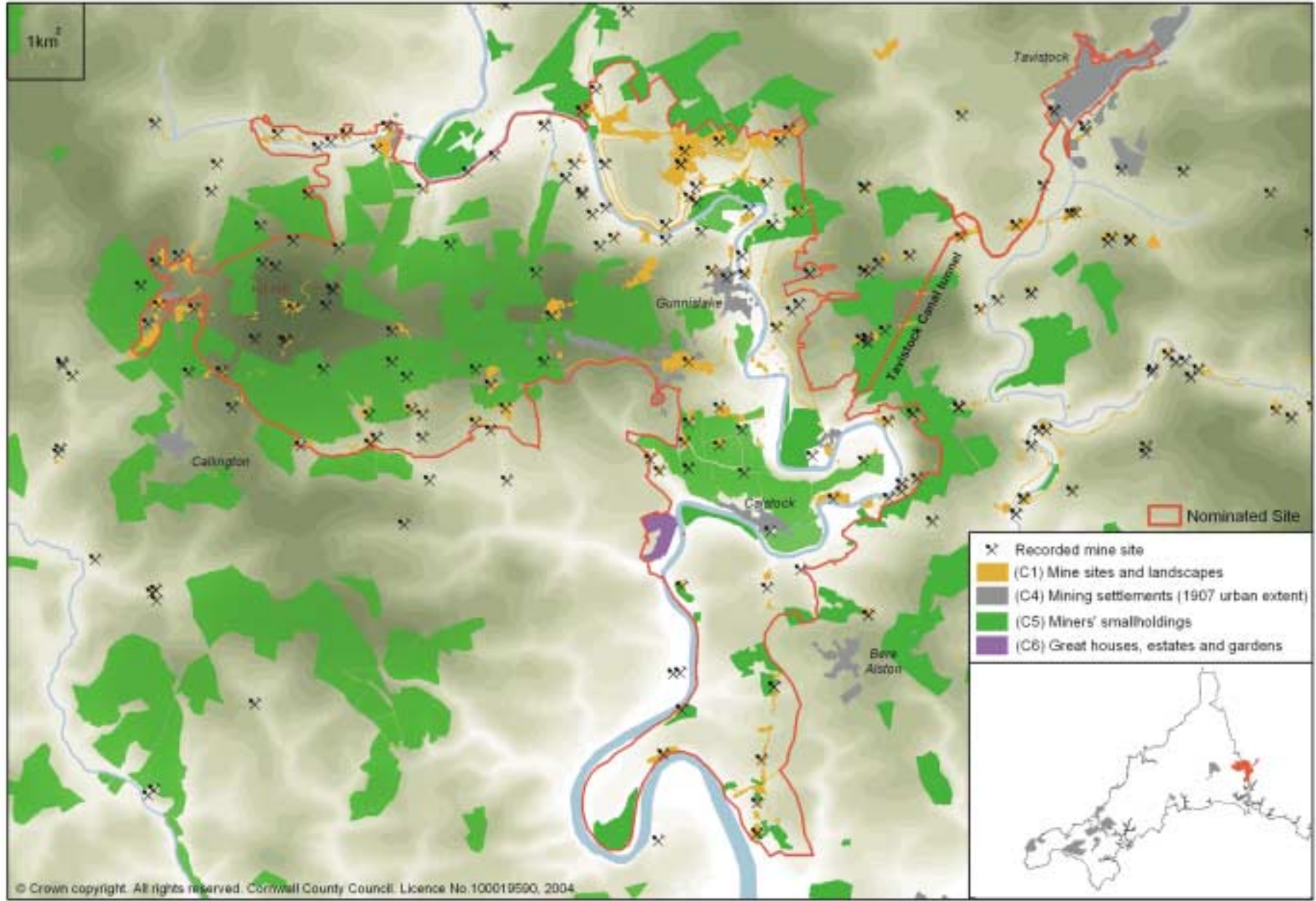


Figure 37. Tamar Valley Mining District (A10i)

The majority of the principal mine sites in this ancient mining district lie within a well-defined spectacular and rugged coastal belt 6 km long by approximately 2 km wide.



Cape Cornwall. The ornate stack (1850s, Listed Grade II) of Cape Cornwall Mine, which crowns the summit of England's only cape, is one of a number of mining structures that serve as prominent sea-marks along this rugged stretch of coastline; the white building was the mine's count house. Priest's Cove was St Just's harbour for centuries.

The town of St. Just, in the south of the Area, gives the district its name. It is the only large settlement. It is a small, substantially-planned, industrial town built to serve the local mines such as St Just United, Balleswidden, Boscean, Wheal Owles, Botallack and Levant. To its north, there are a number of dispersed mining hamlets (late eighteenth and early nineteenth century) and clusters of miners' smallholdings, often created on former moorland.

The district is unique in that the majority of its lodes strike at right angles to the coastline. This lode trend is

also at right angles to the direction of most tin and copper lodes in the rest of the nominated Site and is a phenomenon related to the area's geological history. Cliffs recede in deep, steep-sided, narrow incised clefts, locally called 'zawns'. These indicate perpendicular weaknesses in the lode (and fault) structures which are perhaps more highly concentrated in their coastal exposure here than anywhere else in the world. It is likely that this was one of the first areas within the Cornubian Orefield where underground mining for tin was tried. Extensive evidence survives of open-works (included within the term 'gunnises').

These are amongst the earliest and rarest surviving group of surface hard-rock mining features in the region. There are no rivers, and few streams, but water was captured, transported along leats and used to power pumps and dressing equipment on numerous mines, both large and small. Perhaps the most distinctive feature of the Area however, one intimately tied to its structural geology and the orientation of its lodes, was the development of a group of world-famous pioneer submarine mines.

In the case of Levant Mine, workings extended horizontally up to 1.5km from the shore at a depth of over 600m below the sea-bed.



Wheal Hermon. Ancient linear open-works on tin lodes cut the cliffs.



Levant Mine (whim engine house 1840, pumping engine house 1835, Listed Grade II). Levant produced £200,000 worth of high-grade copper-ore in the first ten years of working. One hundred years later it was the last of the larger copper mines to close, having also been rich in tin.

The mineral processing sites in the Area illustrate the full range of technological development in this branch of mining. Numerous small-scale tin-dressing floors demonstrate the evolution of technology introduced during the post-Medieval period. At the Botallack and Levant mines, large-scale tin-dressing floors show how steam power was used in ore-processing and the scale on which it was applied. There are extensive remains of a tin mill preserved at Geevor

Mine which shows how twentieth-century technology was incorporated into the industry. The surviving arsenic works within the Area indicate the technological developments that occurred within this important branch of the mining industry.



Botallack Mine. Remains of early-twentieth century tin-dressing floor (foreground) with those of arsenic refining behind (1906, Scheduled Monument).



Porthledden House (1907-09). In the early twentieth century Cape Cornwall was owned by Captain Francis Oats. From a boy who worked underground at Baleswidden Mine at the age of 12, he became Chairman of De Beers in South Africa and member of the Cape Legislature Assembly. Porthledden was built as his family home and the entire area was transformed into an extensive garden landscape.



Wheal Cock. Dumps contain important mineral species and are designated as a Site of Special Scientific Interest.

The Area is very important in terms of mineralogical significance. Twenty-five per cent of the first British species occurrences - both historically, *and* in recent decades - came from Cornwall. Existing mine dumps and in situ exposures are internationally important for future research.

Mining clifftop of Botallack group - Levant mines

Botallack Mine

The Crowns engine houses are precariously sited on a promontory just above the sea.



Botallack Mine, Crowns engine houses (lower pumping house 1835, higher whim house 1862, Listed Grade II).

Their dramatic setting has inspired generations of writers, artists and photographers. There is great technical interest in the inclined Boscawen Diagonal Shaft (sunk 1858-62) that runs out under the Ocean bed to a distance of 800m from the cliffs.



Botallack Mine. The recently (2004) consolidated remains of a Brunton calciner (1906, Scheduled Monument).

At the top of the cliff-slope there are the remains of one of the finest surviving arsenic-refining works in Britain with remarkable extant flues and a large double bayed labyrinth. The chimney stack dates from an earlier working (it was associated with a stamps engine). The tin-dressing floors that survive in the surrounding landscape show the evolution of mineral-processing technologies from small-scale eighteenth century earthworks to the conspicuous concrete remains dating from 1906.



Botallack Mine, Count-house (Listed Grade II). A count-house ('account house') was the mine's office and they were the scene of customary count-house dinners for adventurers and mine management when the accounts were presented. Miners also received their pay from here.

Levant Mine

Submarine workings were extended up to 1.5km from the cliffs to a depth of over 600m below the sea-bed. The engine houses are next to the principal extraction shaft (Skip Shaft). The smaller (restored) engine house contains an all-indoor beam-whim, the oldest surviving Cornish engine (1840) still in its original house. Remarkably it has been brought back to work under steam by a dedicated team of volunteers. The larger pumping engine house which served the Engine Shaft dates from 1835. Nearby are two examples of circular gunpowder magazines.

Geevor Mine

Geevor Mine is a large preserved twentieth century tin mine, and is the principal visitor facility within the district. The site occupies a shallow sloping valley which meets the sea at Trewellard Zawn. It is dominated by the tall Victory Shaft steel headgear (1954) which forms a prominent land and seamount.



Geevor Mine.

As well as retaining a very high proportion of its machinery, the site also incorporates eighteenth century underground workings, mid-nineteenth century mine structures and a well-preserved Brunton calciner (1912, Scheduled Monument), all of which are embedded in a tin mill complex whose development spans most of the twentieth century.

Kenidjack Valley

Streams are rare in the district and their value to industry is exemplified in the Kenidjack Valley which contains a remarkable concentration of industrial remains.

Where the valley meets the sea, Porthledden Cove is dominated by views to Cape Cornwall but in the valley itself the river course has been repeatedly moved and numerous manmade watercourses (leat systems) skirt the hillsides.



Kenidjack Valley. The entire valley bears extensive evidence of mining. The Kenidjack stream once powered up to fifty waterwheels. When steam engines were installed lower down the valley, two out of five only operated during periods of prolonged dry weather.



Kenidjack arsenic works. These works contained a furnace that was the precursor to the Brunton calciner. Most of the surrounding walled structures contained waterwheel-driven crushing mills.



Boswedden Mine (Wheal Call). In 1837 the Wheal Call 'Great Wheel' was the second largest in Britain at 65 feet diameter (19.8 m). The extant masonry wheel pit in the lower Kenidjack Valley above was enlarged around 1865 to accommodate a waterwheel of 52 feet (15.8 m).

St. Just town

St Just town is a striking example of a nineteenth century mining settlement which expanded from an earlier medieval village. Its features are distinctive. Market Square and Bank Square (with its clock tower) are surrounded by hotels, public houses and shops. Streets of terraced houses are characterised by ranks of nearly identical single-fronted cottages with cut-granite facades. These contrast with interspersed miners' cottages from an earlier period, with lower elevations and smaller windows set in rubble-stone walls.



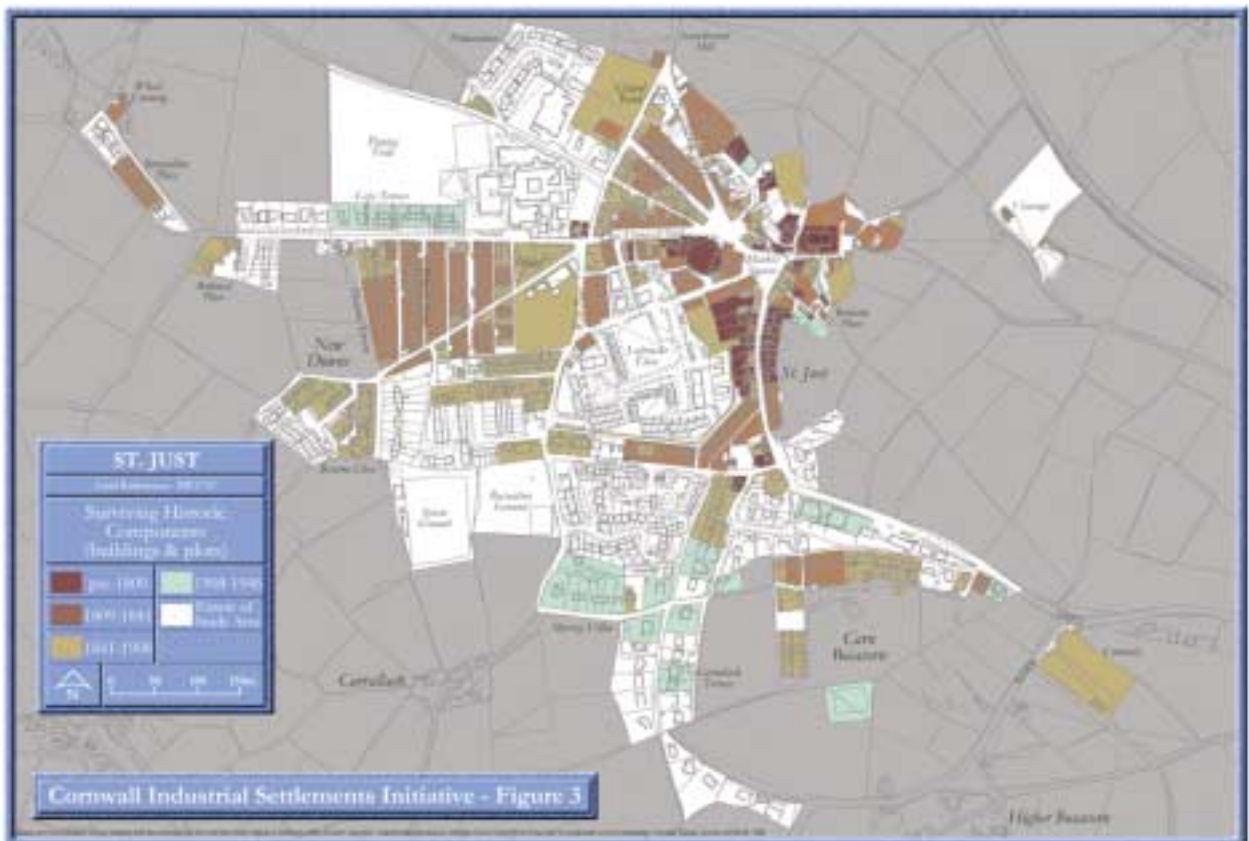
The distinctive circular open space (medieval in origin) was once famous for hand-drilling competitions. It is surrounded by late eighteenth and nineteenth century development.





The Star Inn (Listed Grade II) and terraces.



St Just Wesleyan Chapel (1833, Listed Grade II*). This is one of the largest chapels in the nominated Site, with a capacity of well over 1,000 people.



A2 The Port of Hayle

Component	C1	C2	C3	C4	C5	C6	C7
Area content		 					

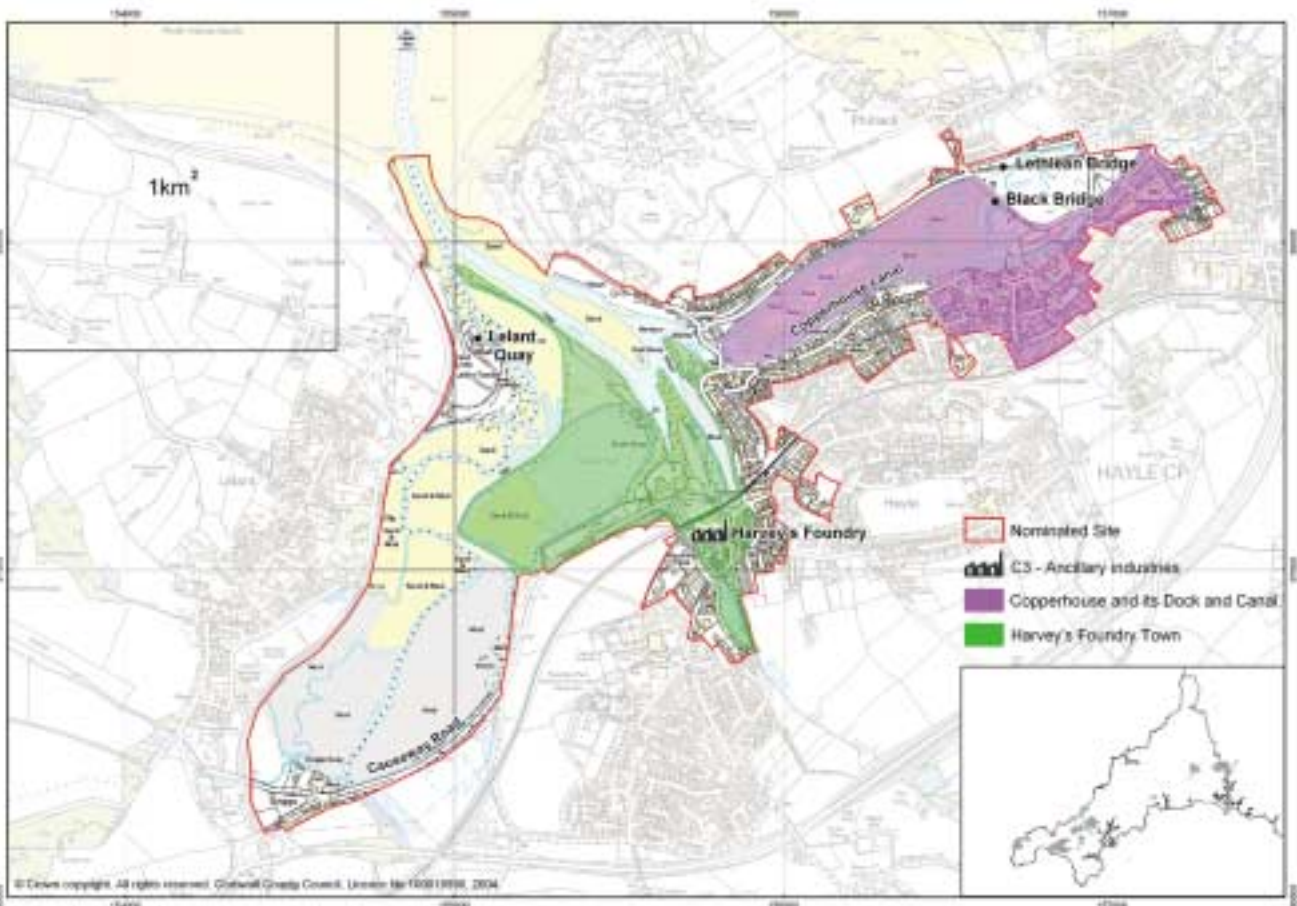


Figure 39. Principal sites, The Port of Hayle.

The Port of Hayle was a product of the Industrial Revolution during the late eighteenth and the nineteenth centuries. It played a distinguished role in Cornish economic and social history. The Area includes the principal surviving historic fabric of the largest fully integrated mining port and steam engine manufacturing centre anywhere in Britain.



From the point of view of traffic between Cornwall and south Wales, Hayle's geographical location on the north Cornish coast was highly strategic. The extensive quays and wharves survive largely intact. They clearly define the character of the broad open shape of one of Europe's most outstanding estuarine settings.

There are no mines inside the Area boundary but it is within 15km of the richest copper and tin mining hinterland of the Old World (A5, A6, A3). Both the land and sea transport infrastructure needed in order to develop such a major industrial complex survives in a coherent form. Prodigious amounts of coal, timber and other materials for the mines were imported through Hayle. Hundreds of thousands of tonnes of bulky copper ore were exported for smelting. The mule trains that originally carried the ore were replaced by dedicated local railways. These were never intended to be part of the regional or national networks. Notable remains of the Hayle Railway (1834) still survive. The scale of the landforms constructed during the development of the port is impressive. They range from the great harbour spit of Middle Weir (1819), the Copperhouse Canal (1769/87) and the sluicing pools (1789) to the Causeway road (1824-5), one of Cornwall's earliest road engineering monuments.

Harvey's and Copperhouse

A complex set of social and industrial relationships was established in Hayle through the rivalry between two of the largest iron foundries in south-west Britain: Harvey & Company, and the Cornwall Copper Company. From 1758 until 1819 the latter firm operated the largest, most successful and long-lived copper smelter of its time outside South Wales. From the 1820s until 1867 the copper smelter site was used by the company as an iron foundry known as the Copperhouse Foundry (trading as Sandys, Carne and Vivian). These two industrial giants directly steered development within the port of Hayle towards two geographically distinct urban areas; Harvey & Co at Foundry beside the railway line and its rival beside the estuary at Copperhouse.

Key industrial and public buildings survive in Hayle, together with good examples of housing that reflect the social divide of industrial labour. High-density terraced housing of the work-force contrasts with the villas and mansions of the managerial class.

Harvey's Foundry Town

Extensive quays and wharves survive at Penpol together with the tidal catchment pool at Carnsew, built to keep the sea-channel clear of sand.



Hayle (Foundry Town), showing the foundry site (bottom left), the railway (crossing lower centre) and the foundry's quays (left).



White Hart Hotel (1838, Grade II*). This stands in Foundry Square opposite the site of the former Hayle Railway terminus of 1834.

Around 25 historic structures connected with Harvey's Foundry survive in a relatively coherent group. This is where the largest steam engines in the world were produced and the greatest number of mine steam engines exported throughout the world. The surrounding urban fabric, principally deriving from industrial growth instigated by this single family-owned business, is of considerable historical significance.



Former Harvey's quay (Lelant church in the distance).



Harvey's Foundry (late-nineteenth century, Listed Grade II).



The former White Hart public house, now the Masonic Hall (Listed Grade II). This was the home of Jane Trevithick, wife of the engineer Richard Trevithick.

Copperhouse and its Dock & Canal



High-density industrial terraced housing survives around the former copper smelter/foundry site.

Scoria (copper smelting slag) building blocks, once offered free to workers, distinguish the architecture of ‘Copperhouse vernacular’ though their use in domestic housing is commonly concealed by distinctive period render.

Copperhouse Pool is part of the maritime industrial infrastructure which kept the Copperhouse Canal (1769/87) free of sand and so navigable. Black Road and Black Bridge were constructed to provide a road crossing from Copperhouse to Phillack Churchtown and later to the northern copper quays.

Other notable features in the vicinity include the oldest surviving railway bridge (standard gauge) in Cornwall at Lethlean (Scheduled Monument, 1837) and a railway swing bridge, with machinery still intact, crossing the Copperhouse Canal.



Copperhouse Canal and Pool.



Black Road embankment and Black Bridge (1811, Scheduled Monument). The extensive use of scoria blocks is apparent.



Railway swing bridge (1877, Listed Grade II).

A3(i) The Tregonning and Gwinear Mining District

Component	C1	C2	C3	C4	C5	C6	C7
Area content							

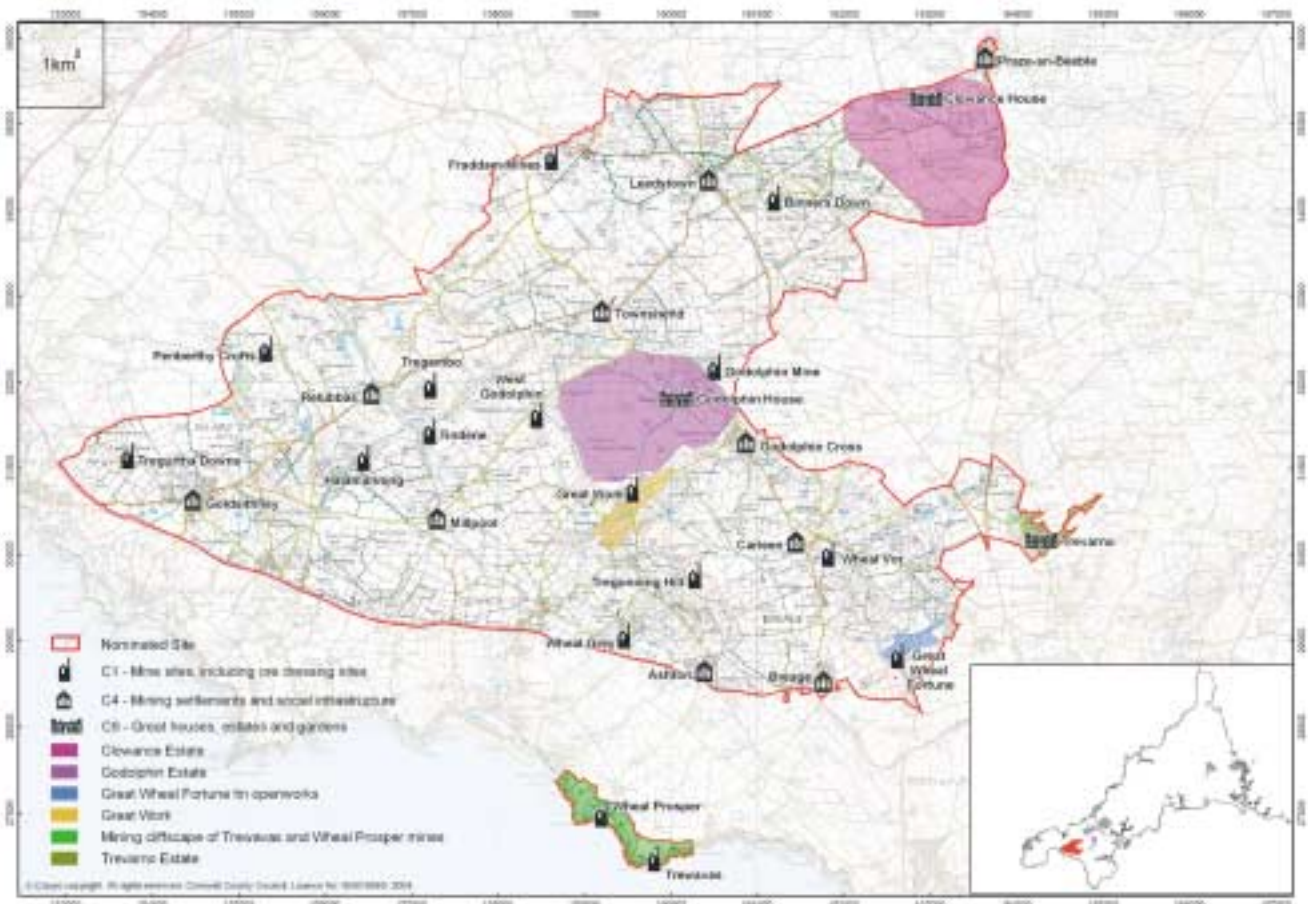


Figure 40. Principal sites, Tregonning and Gwinear Mining District.

The granite cone of Godolphin Hill and the long ridge of Tregonning Hill with the engine house and chimney stack of Great Work mine prominently visible in the saddle between them, dominate the southern part of this ancient mining district. Some of the richest and, at times, the deepest tin and copper mines in the Region occur within this Area.



Tregonning Hill and Great Work Mine (Leeds' Shaft, 1850s, Listed Grade II). Great Work was a very rich tin mine with one of the longest recorded histories – over 400 years - of any Cornish mine.

To the north the landscape is a mixture of gently rising downland on which a patchwork of smallholdings and new farms has been created, interspersed with long-established farms and parkland associated with the great mining estates of Godolphin and Clowance. Most miners' cottages are dispersed in a landscape of small fields or set in small groups, though larger settlements of highway villages with fine industrial

terraced cottages exist, notably at Praze-an-Beeble and Leedstown. Small groups of miners' cottages set within substantial blocks of early nineteenth century miners' smallholdings flank the A394 road through the southern part of the mining district.



Praze-an-Beeble. Distinctive terraced housing with cut-granite facades. Red brick arches, at intervals, mark traditional passageways (known as opes) leading to premises behind.



Wheal Grey, Ashton (Listed Grade II). This small tin mine was possibly the source, in 1746, of china clay discovered by William Cookworthy and John Nancarrow (a miner from Godolphin). This laid the foundation of the British porcelain industry.

A number of engine houses form landmarks in the Area and the sheer density of mine shafts in the landscape is particularly impressive. Some mark the site of some of the earliest steam engines on metal mines in the world.



Miners' smallholdings around Tregonning Hill (lower centre).

Godolphin

The ancient tin and copper mines around Godolphin Hill lie within the former bounds of the Godolphin family estate. Godolphin House itself (seventeenth century, Grade I) is one of Cornwall's most architecturally important houses. Sir Francis Godolphin (Lord of Godolphin from 1575 to 1608) was a mines adventurer. He earned a national reputation for pioneering new methods of tin mining and processing in his mines, a tradition which endured there until the middle of the eighteenth century. From 1786 the estate was owned by the Duke of Leeds and his successors.



Godolphin Mine Count House (Listed Grade II). This serves as a Warden's base and an education centre for the National Trust.



West Godolphin Mine (Listed Grade II).

Great Wheal Fortune



Great Wheal Fortune.
Steep-sided open-works.

The most extensive example of open-cast tin mining within the nominated Site survives at Great Wheal Fortune. Developed on a network of tin-bearing veinlets ('stockwork') known as the Conqueror Branches, its two 'quarries' retain considerable geological and mineralogical significance. They are also valuable conservation sites.



West Wheal Metal (Listed Grade II).
Unusual ornamentation in the brickwork of the chimney stack.

Wheal Vor



Wheal Vor (Wheal Metal, Listed Grade II). Wheal Vor was an ancient mine associated with the Godolphin family and was the site of the first Newcomen engine in Cornwall, installed during the second decade of the eighteenth century. It was the richest tin mine in Cornwall at its peak in the 1830s: It employed 1,100 persons and was one of the few mines to possess its own smelter.




Trevarno House.
Formerly the home of the Wallis mining family, Trevarno later became the home of the Bickford-Smiths (safety-fuse manufacturers).

Tregurtha Downs Mine (1882, Listed Grade II), Goldsithney. The massive engine house at St Aubyn's Shaft contained an 80-inch pumping engine that had a working life not untypical for Cornish engines: The engine was originally commissioned from the Copperhouse Foundry (Hayle) in 1853 for Great Wheal Alfred in Gwinear. It was subsequently moved to nearby Crenver and Wheal Abraham in 1864 and then to Tregurtha Downs in 1882 where it worked until 1897. It was purchased by South Crofty Mine in 1902 and erected at Robinson's Shaft. The engine is now in the care of the National Trust.



Trewavas (A3ii)

Component	C1	C2	C3	C4	C5	C6	C7
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Area content 

Mining cliffscape of Trewavas and Wheal Prosper mines.

The detached coastal enclave in the south of the Area contains some important remains that mark the sites of old undersea copper mines.



Wheal Trewavas (1838, Scheduled Monument, Listed Grade II). The cliff-side engine houses, shafts and capstan platform are amongst the most spectacular in their situation.



Wheal Prosper (1860, Scheduled Monument, Listed Grade II). The cliff-slope engine house was acquired by the National Trust in 1969 and consolidated during 1970/71.



Wheal Trewavas. The unstable condition of structures means that they are presently at risk. Efforts are being directed towards their consolidation in the near future.

A4 Wendron Mining District

Component C1 C2 C3 C4 C5 C6 C7

Area content

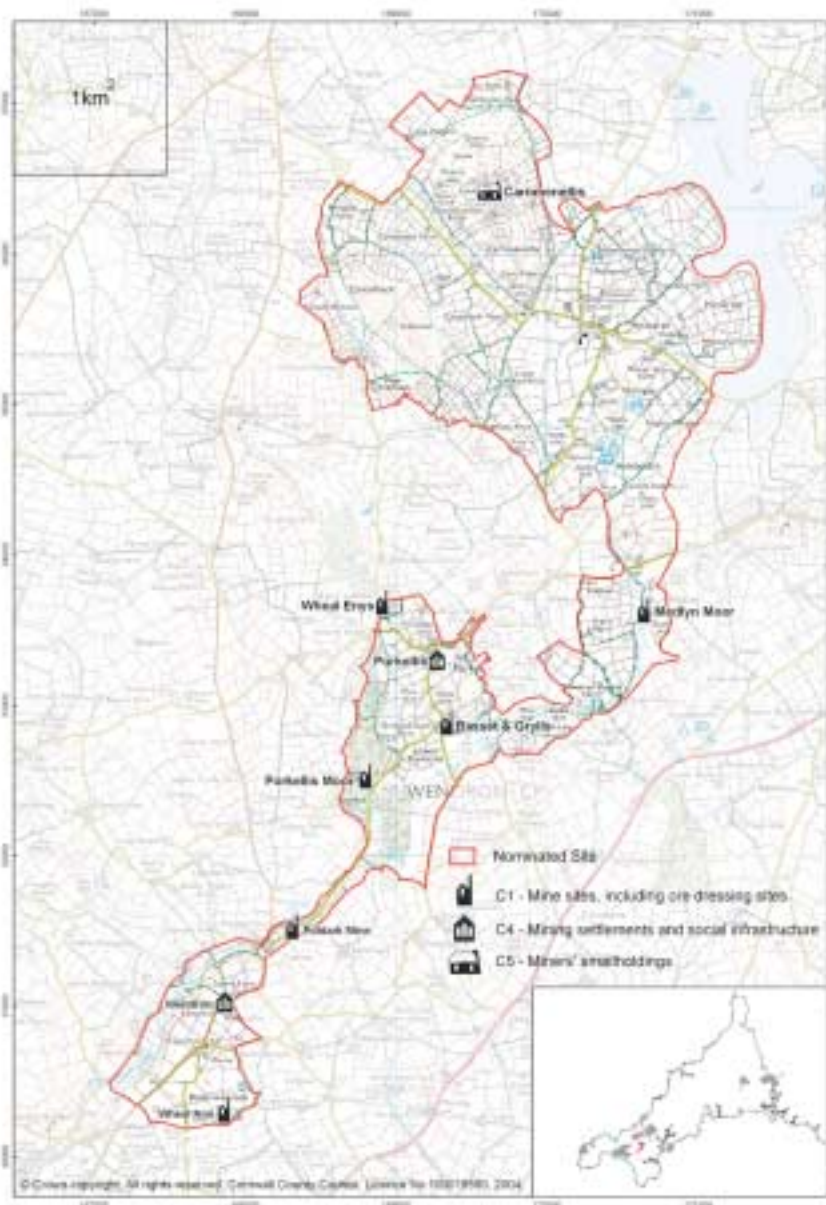


Figure 41. Principal sites, Wendron Mining District.

The sparsely populated upland area of Carnmenellis (265m OD) contains the most extensive and best-preserved evidence for miners' smallholdings in Cornwall. The relationship between mining and the development of these small farms which emerged in the late eighteenth century is clearer here than anywhere else in the Site. They occupy a significant proportion of the Area.



Miners' smallholdings near Carnmenellis.

Engine houses are located at Basset & Grylls Mine (1858), Wheal Enys (1852), Medlyn Moor Mine and Trumpet Consols. There are also the remains of tin dressing floors at several sites.



Basset & Grylls Mine (also known as Porkellis United). The pumping engine house at Tyacke's Shaft was built following the tragic flooding of an older section of the mine when water and fine-grained tin 'slimes' collapsed into the workings.



Porkellis chapels (1814 Listed Grade II, 1866 Listed Grade II*). The early nineteenth century chapel at Porkellis was converted into a schoolroom when the larger 1866 chapel was built alongside, using dressed granite from a demolished engine house. It has hardly been modified since its construction, which is rare, and it contains a central row of box pews with rows of benches on each side which were the free seats.



Miners' smallholdings (represented by a patchwork of small fields), and moorland (lower centre) that occupies former tin-streaming areas.



Porkellis Moor. Mining here was in granite 'country', relatively shallow and principally for tin. It was mostly restricted to the area around Porkellis and Wendron. There is good evidence for alluvial tin mining in the valley basins. Flooded pits (hatches), industrial watercourses (leats) and waterwheel pits are prominent features.

Wheal Ann

Wheal Ann is one of the two landmark engine houses of Trumpet Consols. Together they establish the mining landscape when entering the district from Helston to the south-west.



Trumpet Consols (Listed Grade II).

'Poldark Mine'

Former eighteenth century underground workings have been made accessible to the public at a mine formally known as Wheal Roots. The site, named after the popular novels and television series, also contains the Greensplatt beam engine re-sited from the china-clay district.



Poldark Mine.
A 'gunnis' showing where the tin lode has been removed during the eighteenth century.



Wheal Ann (Listed Grade II).

The engine house at Wheal Ann, constructed during the early nineteenth century, may have contained a modified Watt engine. It is unusual too because of the light construction of the bob wall which confirms the use of a wooden beam or 'bob'. Cast iron bobs were ubiquitous during the remainder of the nineteenth century, so this would have been amongst the last in Cornwall of its kind.



Wheal Enys (1852). A sympathetic conversion of the stamps engine house.

A5(i) The Camborne and Redruth Mining District

Component	C1	C2	C3	C4	C5	C6	C7
Area content							

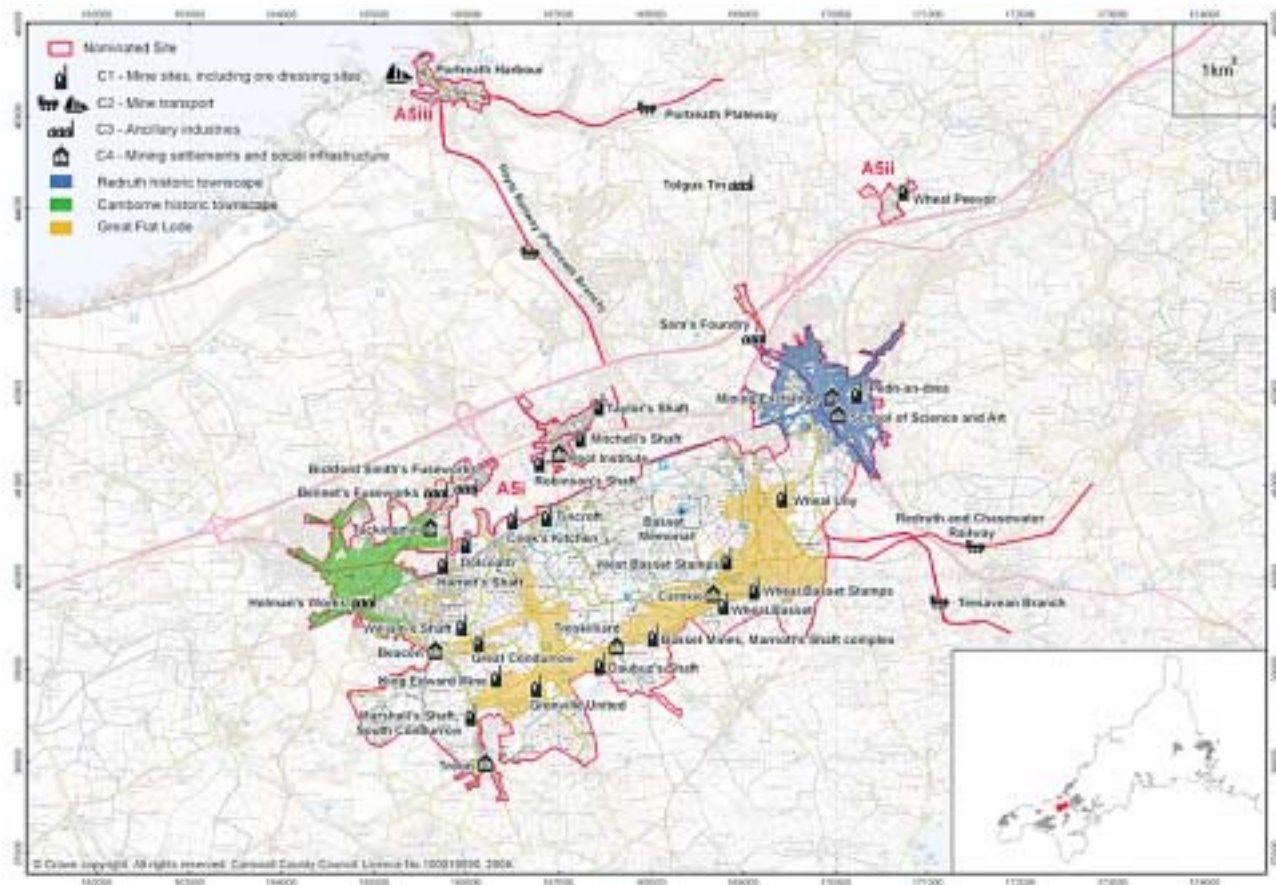


Figure 42. Principal sites, Camborne and Redruth Mining District.

The steep granite ridge of Carn Brea (250m OD) dominates the area. Its associated mineral resources brought fabulous wealth to the district, the mineral lodes being exploited by some of the richest, and deepest, eighteenth-century copper mines and nineteenth-century tin mines in the world.



View across Carn Brea to Carnkie and mines on the Great Flat Lode.

The mining towns of Camborne and Redruth are now connected by an almost continuous ribbon development of mining settlements and modern light industry occupying the sites of former mines. 'Islands' of historic mining structures survive.



Union Street, Camborne.
Uniform row of industrial terraced housing.



Dunstanville Memorial (1836, Listed Grade II). Carn Brea is crowned by a 30m tall granite obelisk (1836); a highly-visible public memorial to Sir Francis Basset, Lord de Dunstanville, the principal mineral owner of the district. Much of the surrounding landscape was developed under the controlling influence of the Basset family and other mineral 'lords' in the Area.

Beam engines

An unparalleled feature of this Area is the three Cornish beam engines that survive in their authentic metal mine context. One whim engine has been restored to working motion and the other two pumping engines have the capability of working under steam.

East Pool & Agar Mine

A 30-inch cylinder beam winding engine (1887, Holman's Foundry, Camborne) survives at Mitchell's shaft, East Pool Mine, and is open to the public. It was saved from being scrapped in 1941, taken over by The National Trust in 1967 and set back in motion again in 1975.



East Pool & Agar Mine (Listed Grade II*). Interior of Taylor's engine house.

South Crofty Mine (Robinson's Section)

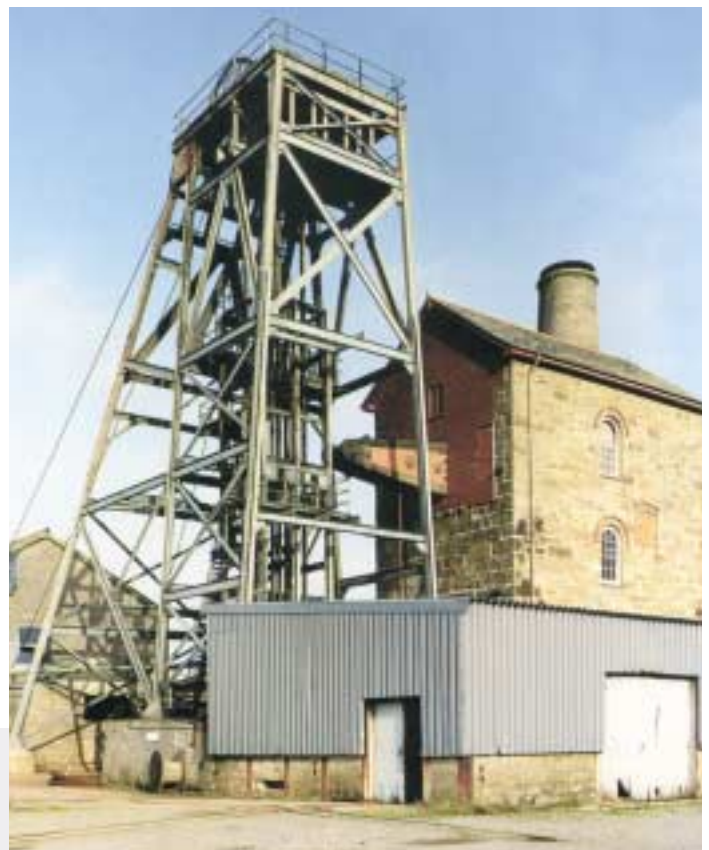
Nearby at Robinson's Shaft of South Crofty Mine is an 80-inch cylinder pumping engine (1854, Copperhouse Foundry, Hayle), the last to work on a Cornish mine, only stopping in 1955.



The Taylor's Shaft complex (1920s, Scheduled Monument, Listed Grade II*) at East Pool & Agar Mine during restoration in 1999.

Taylor's Shaft pumping engine survives as part of a 1920s single-phase complex which includes a winder house, compressor house, two boiler houses (one includes foundations for Cornish boilers), flues, capstan house, the miners' dry, an office and the primary crushing- and ore-loading stations. It is currently an interpretation centre for the region's industrial past.

South Crofty Mine, Robinson's Section (Scheduled Monument, Listed Grade II*). The Robinson's engine is in the care of the National Trust, and the surrounding site is owned by Kerrier District Council.



Redruth townscape

Throughout the eighteenth and nineteenth centuries Redruth was west Cornwall's principal market town and the acknowledged capital of the Cornish mining industry.



The Mining Exchange (1880, Listed Grade II). Mining business and ticketing (or bidding) for copper and tin took place in this building.



The Coffee Tavern (1880, Listed Grade II) and Town clock (1828, Listed Grade II).



Belmont House (1837). This building replaced the eighteenth century home of Dr William Pryce (1735-1790) who was a mine surgeon and author of *Mineralogia Cornubiensis* (published in 1778). Belmont became a traditional residence for doctors, including the Pryce family.

Redruth possesses some fine Victorian urban architecture. There were also a number of houses built for the professional classes, many of whom were engaged in the mining industry, or its ancillaries.



Chylowen', Plain-an-Gwarry. James Watt (1736-1819), of Boulton & Watt engineers, rented this cottage during the 1780s when consulting with William Murdoch on mine pumping engines.



Murdoch House (c1660, Listed Grade II*). Mining engineer William Murdoch (1754-1839) lived here whilst he worked on local mines as an engine erector for Boulton & Watt of Birmingham. He made a small working model of the world's first steam locomotive in 1784 and also invented gas lighting in this house in 1792.



The School of Science & Art (1883) stands next to the Robert Hunt Museum (1890) in Clinton Road. It was built as a memorial to its founder by the Miners' Association of Devon and Cornwall. The Redruth School of Mines was based here and extra-mural classes continued until the 1950s.

Clinton Road is lined with impressive late Victorian and Edwardian villas built on former mining ground at a time when Redruth miners were prospering in South Africa.



St Andrew's Church (1883) and number 1 Clinton Road. Both of these buildings were designed by Redruth-born architect James Hicks whose distinctive designs are a feature of Victorian Redruth.



Plain-an-Gwarry Chapel (1883, Listed Grade II). Designed by James Hicks and built for the Primitive Methodists.

Pedn-an-Drea Mine (1824, Listed Grade II), Redruth. The survival of this telescoped chimney (although much reduced from its original height of over 42m) is important in that it represents a Cornish design that was once commonplace. The engine that this stack served only worked for three years; it thereafter served only as a landmark.



Camborne townscape

Camborne contains the best example in the Area of large-scale urbanisation associated with the Industrial Revolution in metal mining and engineering.



Camborne is the prime example of speculatively-built industrial housing in Cornwall. The townscape is dominated by classic industrial cottage rows, robustly built and remaining substantially unaltered.

It is a town forged by industry and characterised by relict zones of key enterprises, such as the world-famous Holman's Foundry & Rock Drill Works, and classic industrial building types of cottage rows, pubs and chapels. Fine public buildings characterise the townscape, such as the Market House and Town Hall (1867), the Literary Institute (1842) and the J Passmore Edwards Library (1895). There is also a Masonic Hall (1899) in Cross Street. The Wesleyan Centenary Chapel (1839), in Centenary Street, was built to commemorate the centenary of Charles Wesley's conversion in 1738.



Trevithick statue (Listed Grade II). The bronze statue stands in front of the Passmore Edwards Library, Camborne, and shows Richard Trevithick holding a model of his road locomotive which made its first run 'up Camborne Hill' on Christmas Eve, 1801. This was the first full-sized locomotive in the world.



Holman Brothers Rock Drill Works (late-nineteenth century).



Town clock tower erected by John Francis Basset, 1868.

Bickford's Fuseworks and Tuckingmill Factory Row

The miners' "Safety Fuze" (1831) was an innovation with global significance.



Bickford-Smith's safety fuse factory, (front range Listed Grade II). The jute spinning mill.

Fuse manufacture was concentrated at the Tuckingmill factory in the triangle formed by Pendarves Street and Chapel Road. Much of this complex survives including the imposing granite façade and the model terraced workers' housing.

The Great Flat Lode

Along the strike of the Great Flat Lode – is to be found the finest surviving assemblage of engine houses along a single mineralised structure anywhere in the world.



View along the surface of the Great Flat Lode (named for its unusually shallow inclination of around 45 degrees).

For 4 km the landscape between and beyond the high hills of Carn Brea and Carnkie Hill is characterised by 24 engine houses (demonstrating a range of pumping, winding and stamping functions), tin dressing floors, extensive tramway beds, mining settlements and the site of the largest tin smelter in Cornwall.

Basset Mines, Marriott's Shaft complex



Basset Mines, Marriott's Shaft complex (1900, Scheduled Monument, Listed Grade II).

This unusual group represents an outstanding survival. It includes the pumping engine house which contained an inverted vertical beam engine (unique to Cornwall) with compound 40-inch and 80-inch cylinders, the houses for winding, compressor and crusher engines, and the miners' dry or changing house.

West Basset

A stamps engine house (which had a rear secondary beam for pumping water for dressing) stands above one of the finest surviving nineteenth century tin dressing floors in the world.

West Basset Mine, New Stamps (1875, Listed Grade II). The stamps were made by the Tuckingmill Foundry and remains of the dressing floors show three different phases - settling and buddling (1875), additional buddle floor (1892), and the installation of Frue vanners (1906).



Wheal Basset



Wheal Basset.

The stamps engine house (1868) of Wheal Basset was unusual in that it contained two separate beam engines, side by side. It stands above a prominent Frue vanner house (1908) and Brunton calciner (1897). The count house survives nearby as a private dwelling.

King Edward Mine

This site is a complete training mine developed from 1897 on an existing mine (South Condurrow) for the world-famous Camborne School of Mines. King Edward Mine contains, as a working museum, a remarkable collection of late nineteenth and early twentieth-century tin processing equipment, and all the facilities – including underground workings – that students and their lecturers would require.



King Edward Mine (Complex Listed Grade II*)

Dolcoath Mine



Dolcoath Mine, New East Shaft Whim. One of the four surviving Cornish engine houses of this historic mine.

Dolcoath Mine, Williams Shaft (1902, Listed Grade II). Its 3,000 ft (917m) working level was the deepest of any metal mine in Britain. The engine house contained a unique traversing winding engine manufactured by Holman's of Camborne.



Wheal Peevor (A5ii)

The rare survival at Wheal Peevor of a triple arrangement (from left to right) of stamps, pumping and winding engine houses, together with their associated dressing floors is clearly visible from the nearby A30 trunk road.



Wheal Peevor (1875, Scheduled Monument, Listed Grade II).

Portreath Harbour (A5iii)

This mining port dates from 1760. The massive granite- built basins were added later, the outer basin in 1800 and the inner basin in 1846.

The Portreath Tramroad (1809) and the Portreath branch of the Hayle Railway (1838) linked the mines in A5 and A6 with the port. The Hayle railway is marked by a major piece of railway engineering, the Portreath Incline.

Portreath Harbour (Listed Grade II). This was constructed by the Bassets of Tehidy, one of the most influential mining families in Cornwall at that time.



A6 The Gwennap Mining District

Component	C1	C2	C3	C4	C5	C6	C7
Area content							

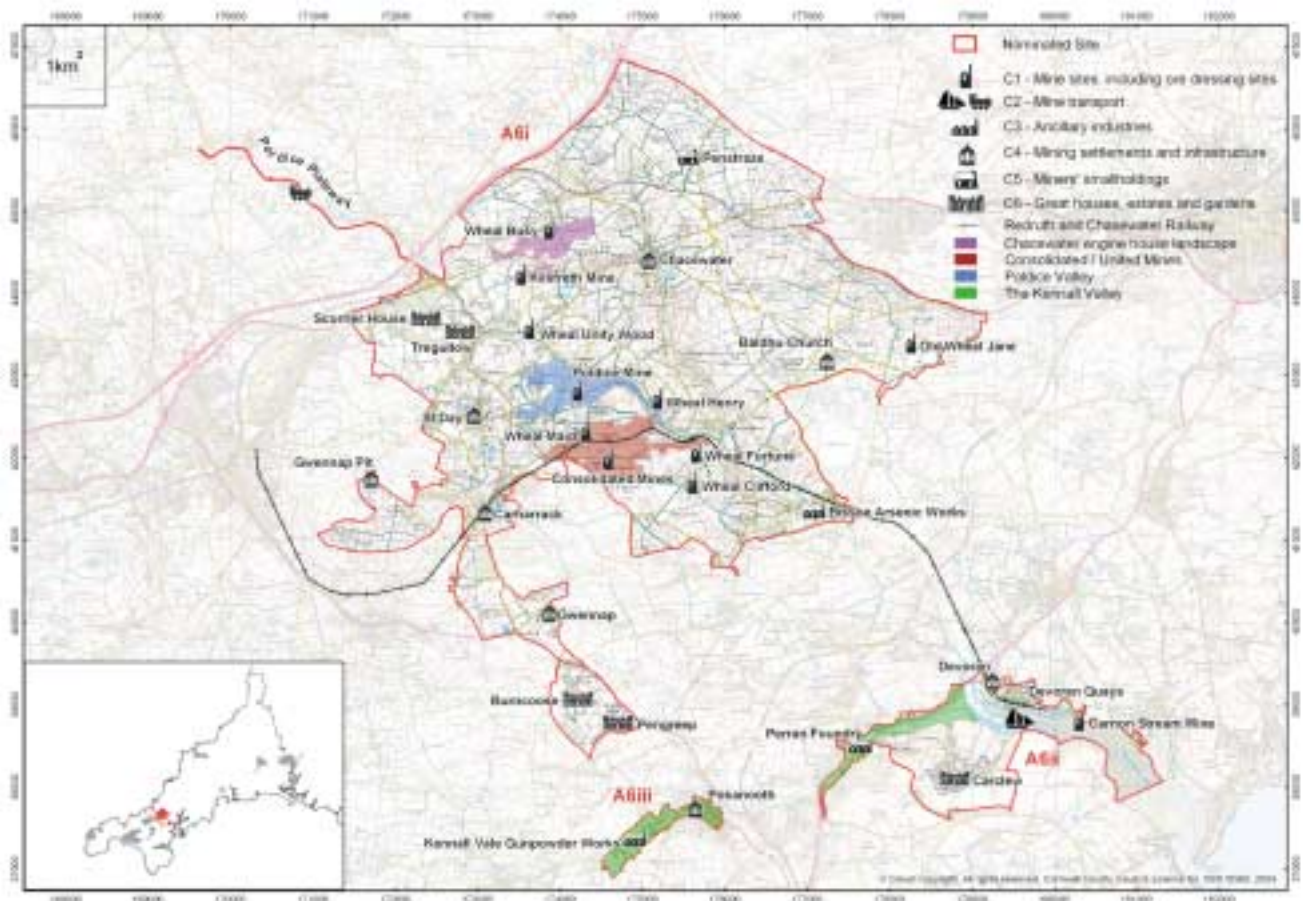


Figure 43. Principal sites, Gwennap Mining District.

Gwennap was once described as the "richest square mile in the Old World". The widespread and devastating landscape impact of copper mining may be seen together with remains of the network of railways that linked the mines to the ports.



Poldice Mine, St Day.

Extensive tracts of mining 'wasteland' survive (at Poldice, United and the Consolidated Mines in the southern part of the Area) despite widespread removal of waste dump material for aerodrome construction during the Second World War.

The desolate, largely heathland landscape, considerably modified by mining, is carpeted with waste rock (deads), dotted with islands of consolidated building remains, and with shafts surrounded by distinctive Cornish mine hedges.



Consolidated Mines. This unusual structure is the base of a clock tower at this mine which produced over 12% of Britain's copper from 1823 to 1835.



Miners' terrace, Chacewater main street.

The central and northern sections of this Area are notable for their well-preserved landscape of smallholdings, interspersed with small mining settlements together with the mines which they served. St Day, Carharrack and Chacewater are particularly fine examples of mining villages. Scorrier House, Tregullov and Burncoose are examples of the grand houses and estates built by mining industrialists.

Wheal Busy

Wheal Busy is close to the mining hamlet of Chacewater. It is remarkable for its range of structures, its technological association with Newcomen engines and the first Cornish Watt engine, and the character of its surviving mining landscape. The impressive engine house (1858), with its rare intact adjoining boiler house (for three Lancashire boilers), dominates the site.



Carnon Stream Mine (1823, Listed Grade II). The remains of this creek-side engine house mark the unique Carnon Stream Mine that worked tin gravels in the river bed from shafts sunk within artificial islands out in the river itself.



Wheal Busy (Listed Grade II). Rural terraced miners' cottages at this mine where a succession of ten big pumping engines worked – Newcomen, Watt and a range of Cornish engines – from 1725 to 1929.



Brunton calciner, Wheal Busy.

Clifford Amalgamated Mines

At the lower end of the important and once heavily industrialised Carnon Valley is the southern terminus of the Redruth & Chacewater Railway (1824) and the important copper mining port of Devoran which dates from the late 1820s and 1830s. It was built by John Taylor. Though its wooden wharf has largely disappeared, there are the remains of ore-storage bins, granite mooring-bollards and various former port buildings, now in private use.

Cusvey Mine. The engine house and stack date from the 1820s and are amongst the earliest that survive in the nominated Site.



Poldice Plateway (1809). The bed of Cornwall's first plateway survives with many of its granite sett stones still in situ.



Wheal Clifford powder magazine (Listed Grade II). This example is one of only a few survivals in the nominated Site of this important type of mining structure.

Gwennap Pit



Gwennap Pit (Listed Grade II*). It was used eighteen times by John Wesley (1703-1791); by the 1780s he was preaching to crowds of 20,000. Its stepped amphitheatre form dates from a remodelling in 1806.

A depression caused by mining subsidence was subsequently used as an open air preaching pit. It dates from the mid-eighteenth century. It is located in what was the greatest copper mining district of the eighteenth and early nineteenth centuries, one of the most densely populated areas at the time.

The Kennall Valley (A6ii and A6iii)

The Kennall Valley, which is situated to the south of the Area, has historical links with the port of Devoran. It is steep-sided and wooded and contains two concentrations of exceptional mining-related industrial monuments. It also contains the remains of one of Cornwall's former great houses.



Carclew House (Listed Grade II), Perran-ar-Worthal. Once the home of mining magnate Sir Charles Lemon, Bart. (1784-1868), the house suffered from a disastrous fire in 1934.

The Kennall Vale Works (Scheduled Monument), originally a subsidiary of the Fox family's Perran Foundry Company, was built to a substantial and technologically advanced design in 1812 and expanded by 1835.

Perran Foundry (A6ii) (Listed Grade II*)

The Perran Foundry and Wharf stand on the level valley floor at the navigable limit of an inlet leading to the River Fal. The foundry was one of the three largest in Cornwall and is considered one of the most important surviving industrial monuments of its period in southern Britain.



Perran Foundry (Listed Grade II*). The earliest surviving structures on the site date from 1791. These were extended around 1830, others date from 1860-65, part of a period of development which ran from 1858-1879.

Kennall Vale Gunpowder Works (A6iii)

Extensive remains are set in a wooded valley containing the river Kennall. It is one of the best-preserved gunpowder works in southwest Britain.



A7 The St Agnes Mining District

Component	C1	C2	C3	C4	C5	C6	C7
Area content							

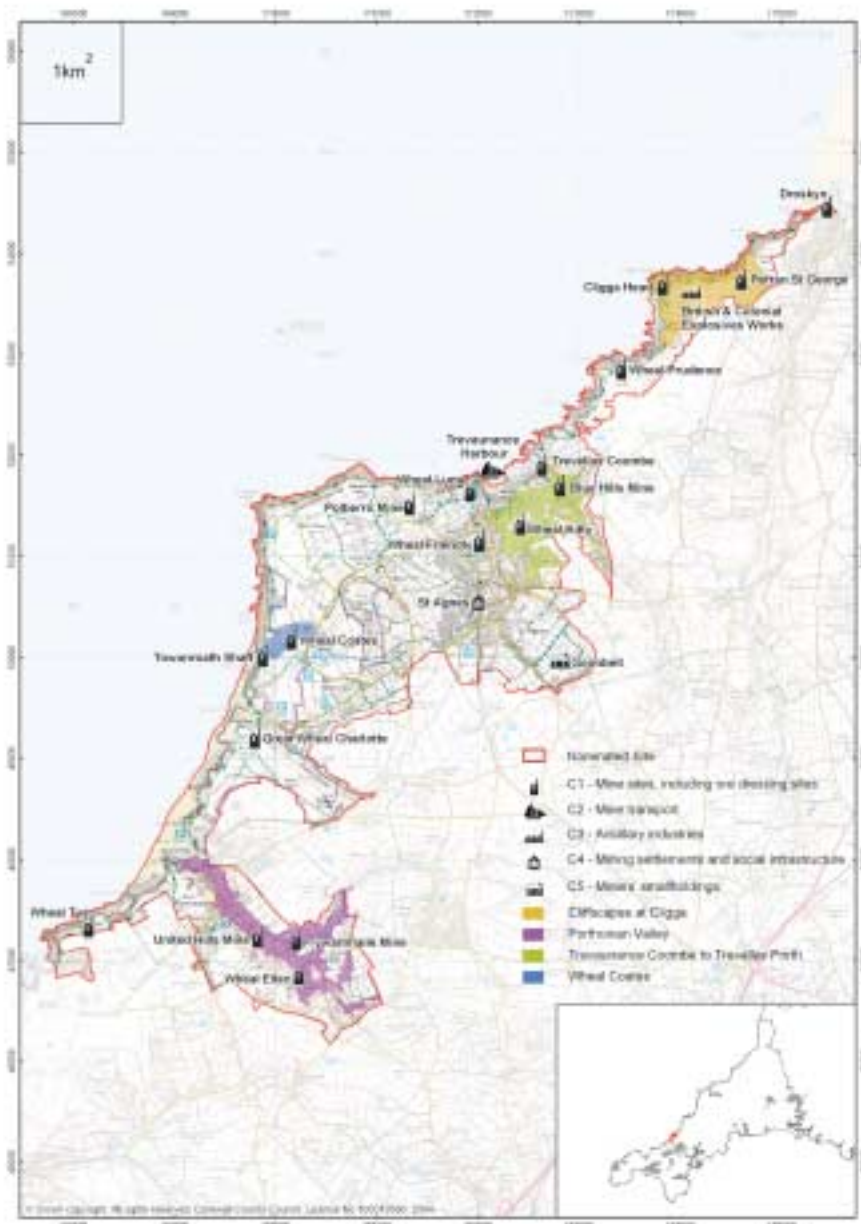


Figure 44. Principal sites, St Agnes Mining District.

St. Agnes, like St. Just, exemplifies a coastal mining tradition which is of enormous antiquity in Cornwall. It probably includes some sites worked in prehistoric times.



Well-preserved field patterns indicating the sites of former smallholdings can be seen around Goonbell (centre right) and Mount Hawke.

St Agnes village



Stippy Stuppy (Listed Grade II). A traditional stepped terrace of cottages originally built for ships' captains sailing from Trevaunance Harbour.

Much of St Agnes was developed during the eighteenth and nineteenth centuries as a result of tin and copper mining in and around the village. Along the main street are good examples of nineteenth century terraced houses and the Miners' and Mechanics' Institute.



The 100m-high cliffs to the north are cut by late seventeenth- and early eighteenth-century examples of cross-cutting adit systems that drained the exceptionally rich Polberro group of mines.



The flat-topped, heath-covered St Agnes Beacon is underlain by the granite that is responsible for the mineral wealth of this district.

Most of the mining activity was confined to the coast but huge areas of downland formerly stretching almost all the way to Truro and Redruth were taken under the plough to feed the rapidly-expanding and increasingly urban population of the Cornish mid-west.

Miners' and Mechanics' Institute (1893, Listed Grade II). One of four workers' institutes in Cornwall that was donated by J Passmore Edwards.



United Hills Mine, John's Shaft (1861, Listed Grade II) on the skyline above Tywarnhayle Valley.

Wheal Coates

The site is notable for its trio of engine houses for winding pumping and stamping. All three stand in a cliff-side setting. Wheal Coates is in the care of the National Trust, which has consolidated all the built structures. These buildings date from the 1870s. In addition there is a wide range of mining archaeology surviving amongst the heathland, including an early and well-preserved open-working on a tin lode and an unusual double-bayed reverberatory calciner.



Wheal Coates, Towanroath Shaft (1872, Listed Grade II). The pumping engine house of this tin and copper mine is pictured. Its deeper levels ran out beneath the sea.

In the vicinity of nearby Beacon Cottage there are the remains of pits where candle clay was worked. This was supplied to the mining industry to fix candles onto the miners' felt hats.

Tywarnhayle Valley

This steep-sided valley takes its rust-coloured appearance from the thousands of tonnes of waste rock from copper mining which was tipped down its sides. An engine house with a castellated chimney stack at Wheal Ellen (1866) survives on the valley floor. Further seawards at Tywarnhayle Mine, the engine house is one of the very few to survive which was built for a wooden beam; it was at this shaft that electrically-driven centrifugal pumps were first used in Cornwall in 1906. This was also the first site of experimental froth flotation in the early twentieth century. This major innovation had a world-wide impact on mineral processing. From 1908 until recently the underground levels in the hillside were used as a training mine for the Royal School of Mines, Imperial College, London.



Tywarnhayle Mine, (1826, Listed Grade II)

Trevaunance Coombe to Trevellas Porth

Immediately to the north of St Agnes are some fine engine houses overlooking Trevaunance Coombe, a valley whose steep sides carpeted with waste rock dumps make up a distinctive landform.

At the head of the valley is the engine house of Gooninnis Mine (1899) with its castellated chimney, whilst to the west are those of Wheal Friendly (pre 1879) and Polberro Mine (by 1864) and to the east Wheal Kitty (1910).



Wheal Kitty, Sarah's Shaft (1910, Listed Grade II)

Tin-dressing floors at Wheal Kitty demonstrate ore-processing technology from both the nineteenth and twentieth centuries.

Trevaunance Cove contains the remains of several harbours. They represent attempts to establish ports on the north Cornish coast, closer to South Wales. Each one was destroyed by the sea. The cliffs are riddled with ancient mine workings. Above them stand former harbour buildings and an ancient open-work on a tin lode at Wheal Luna.



Trevaunance Point. Several harbours were built in an effort to establish a link between St Agnes and South Wales, the source of engine coal and the destination for local copper ore.



Blue Hills Mine, Blue Burrow Shaft (1860s, Listed Grade II).

Blue Hills Mine in Trevellas Coombe is marked by an engine house and chimney surrounded by shafts and waste rock tips in a steep-sided valley leading down to the sea at Trevellas Porth. Nearby is Blue Hills Tin Streams, a site which shows how tin streaming continued alongside hard rock mining. Visitors may see the waterwheel driven Cornish stamps together with tin-dressing.

Cliffscapes at Cligga

The high and frequently sheer cliffs between St Agnes and Perranporth have been extensively worked by small, and in many cases, ancient mines. The finest example of cliff-side tin-tungsten sheeted-vein workings to be seen anywhere is at Cligga Head. Its in situ mineralogy is of international significance.

Cligga Head. Countless generations of miners exploited numerous near-vertical (and almost parallel) tin-bearing veins in these cliffs.



British & Colonial Explosives Company works (1891).

A8(i) The Luxulyan Valley

Component	C1	C2	C3	C4	C5	C6	C7
Area content							

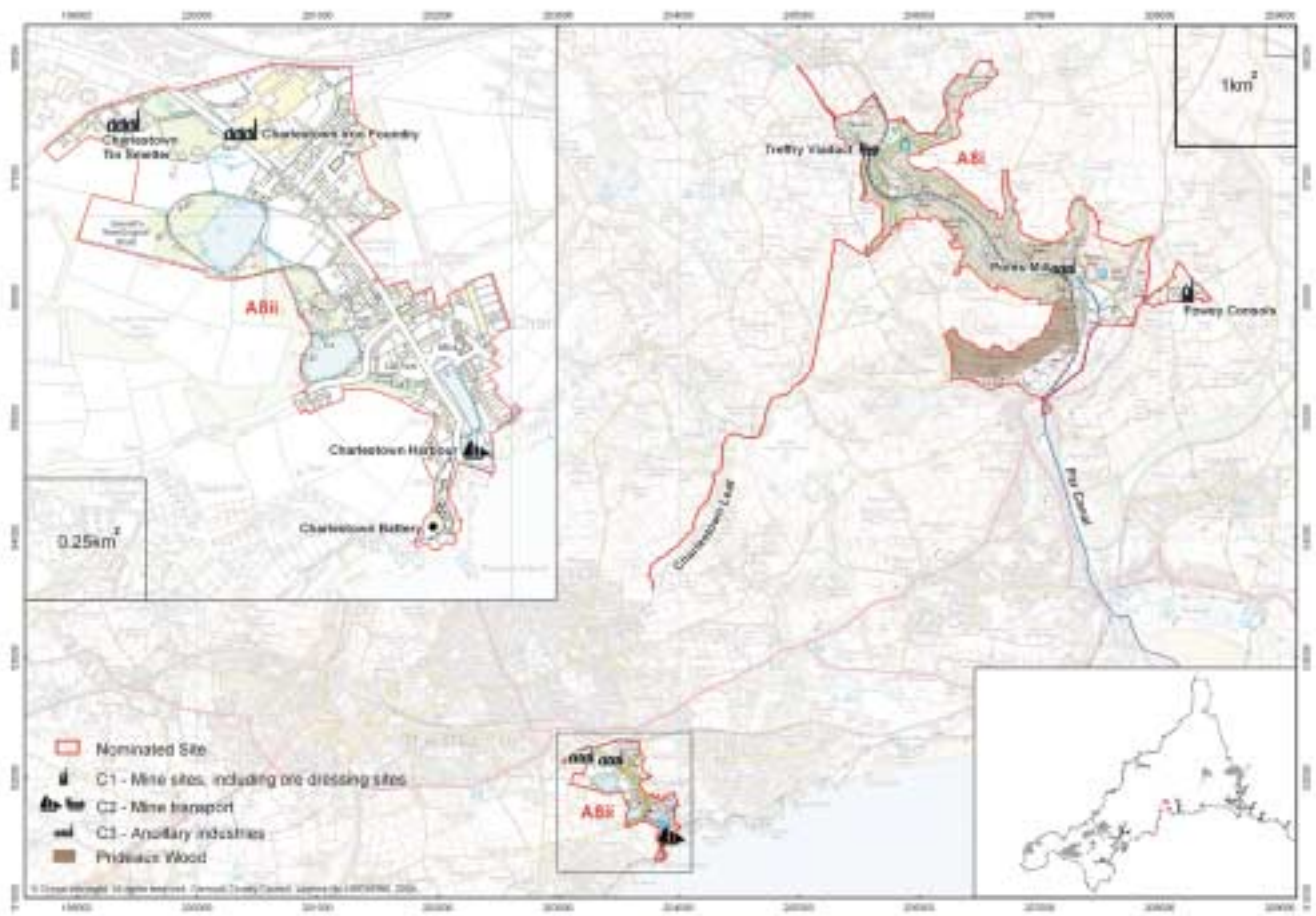


Figure 45. Principal sites, The Luxulyan Valley.

This Area contains an extraordinary concentration of early nineteenth-century industrial remains. They are unique in south-west Britain, in that they represent the physical manifestation of one man's enterprise – that of Joseph Treffry.



Treffry Viaduct & Aqueduct (1842, Scheduled Monument). This is the earliest granite construction of its kind in the region and stands 27m over the river with a span of 200m.



The granite sleepers of the 1835 industrial tramway also acted as lintels for the Carmears Leat that flowed immediately beneath.

The Luxulyan Valley has steep boulder-strewn slopes surrounding the fast-flowing River Par. The thickly-wooded terrain was once an important resource for making the charcoal that was needed in large quantities for smelting tin from rich alluvial deposits on the moors to the north-west. Charcoal-burning platforms are to be found at nearby Prideaux.



The Fowey Consols leat (1820s) is the earliest civil engineering construction built by Treffry in the Luxulyan Valley. It supplied the Fowey Consols waterwheels and the largest concentration of water power on a nineteenth century copper mine.

Treffry was one of the greatest single mines adventurer in Cornwall at the time. He used the profits from Fowey Consols (Cornwall's fourth largest copper mine), together with financial backing from a fellow investor, to realise his industrial empire.



Fowey Consols, Austen's engine house (1834, Listed Grade II). The landmark engine house contained the most efficient Cornish beam pumping engine ever made (William West).

The Par Canal (c1835) at the lower end of the valley was created by Treffry to take copper ore from the base of the Fowey Consols inclined plane railway to the new industrial port he built at Par. The River Par was moved to facilitate its construction and operation.

A8 (ii) Charlestown

Component C1 C2 C3 C4 C5 C6 C7

Area content



Charlestown, designed by the foremost civil engineer of the day - John Smeaton FRS (1724-92) - is one of the finest examples of late eighteenth- and early nineteenth-century industrial harbour works in Britain. It is also the best preserved china-clay and copper ore port of its period anywhere in the world.



Charlestown was built for Charles Rashleigh (1747-1825), one of three local industrialists who each created a mineral harbour along this stretch of coastline in St Austell Bay. It also represents a rare example of a mineral port with its own defences since its approaches are overlooked by the Charlestown Battery (late eighteenth century); a crenellated walled enclosure survives.

The evidence for several phases of expansion and building is particularly well preserved.

The settlement is in the form of a ribbon that follows Charlestown Road (late eighteenth century) down to the sea. Charlestown Iron Foundry (1827) and the site of Charlestown House tin smelter (1834) lie higher up the hill to the east and west of Charlestown Road.



Charlestown Harbour. Inner basin (1798, extended in 1871, Listed Grade II*)



Terraced housing (pre-1842, Listed Grade II), Quay Road.



Charlestown Foundry established by J & R Michell in 1827. By the 1850s it was producing complete engines. The foundry had the distinction of casting the last pumping engine to be made in Cornwall in 1911.



Copper-ore floor. Cobbled yards for both copper-ore and coal are a distinctive feature of Charlestown.

A9 The Caradon Mining District

Component	C1	C2	C3	C4	C5	C6	C7
Area content							

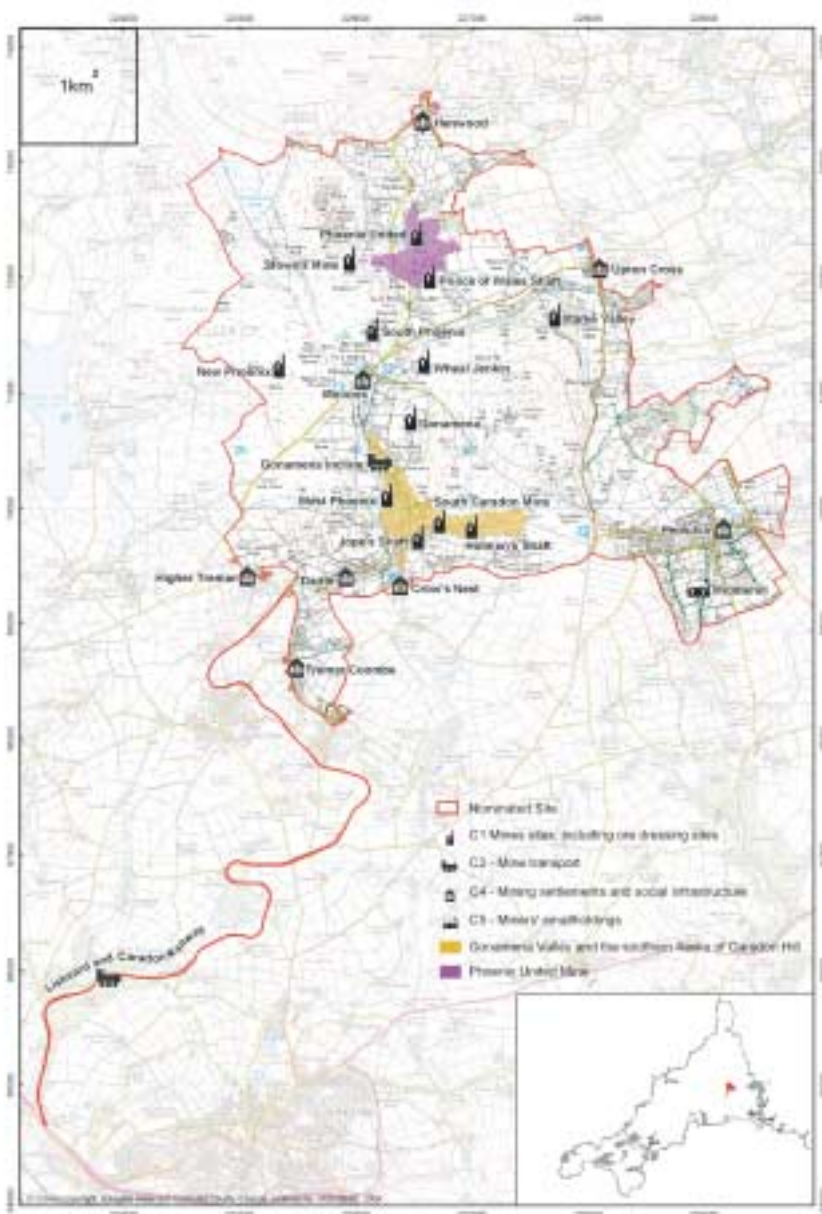


Figure 46. Principal sites, Caradon Mining District.

Located in the south-eastern corner of Bodmin Moor, the setting for this Area is characterised entirely by open, exposed, granite moorland, mostly above 300m OD. Nowhere else within the nominated Site are such extensive mining remains found that date from such a limited period of operation (1840-90). They reflect a good example of a 'boom to bust' Cornish copper mining landscape.



South Caradon Mine (Scheduled Monument). The remains of two pumping engine houses, side-by-side, represent an unusual example within the nominated Site.

The elevated moorland to the north of Caradon Hill - Craddock Moor and Rillaton Moor - is also rich in mining archaeology. There are no major river valleys in the Area though several important water-courses, such as the Seaton, have their source on this high ground. New settlements of terraced cottages, chapels and schools grew up around the mines. Minions is an example of a mining settlement on moorland, unconstrained in its development.



Minions.

The granite dome of Caradon Hill (404m OD) dominates the Area. Engine houses, chimney stacks and thousands of tonnes of waste rock tips encircle the hill. So does the bed of the Liskeard and Caradon Railway, built to link the mines with the copper-ore port of Looe.



Liskeard and Caradon Railway bridge (Listed Grade II) and embankment at South Caradon Mine. The Seaton Stream in foreground.

Other mining settlements may be seen at Darite, Tremarcombe, Upton Cross, Higher Tremar, Pensilva and Crow's Nest. There are also good examples of villages that expanded due to the mining boom, such as St. Cleer and Henwood. Numerous blocks of smallholdings created from open moorland can also be seen.

As the nineteenth century mines were single phase and, on closure, the sites reverted to rough grazing land, all aspects of mining activity are well represented within this Area.

Gonamena Valley and the southern flanks of Caradon Hill

Although there is exceptional evidence for tin-streaming at Gonamena, it was the extraordinary copper riches found at South Caradon Mine that were responsible for the rapid development of the Caradon Mining District. Over a period of fifty years its copper output ranked third in Cornwall.

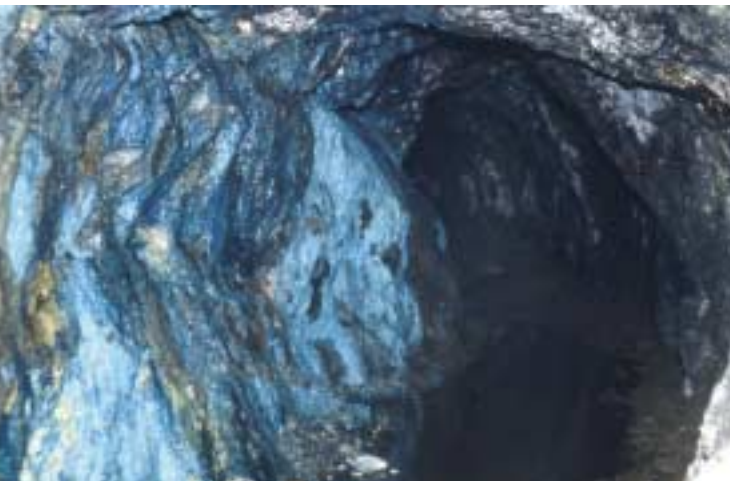


South Caradon Mine (Scheduled Monument). The horse-drawn tramway track-bed passes through a tunnel beneath dumps and past the engine houses at Rule's and Holman's shafts.

Wheal Jenkin - Marke Valley



Wheal Jenkin (1886, Scheduled Monument, Listed Grade II), Bellingham's Shaft pumping engine house.



South Caradon Mine. The bright blue copper-stained adit level where, in 1836, the first strike of rich copper was made which sparked the mining boom.

Engine houses, such as the one at Jope's Shaft (1862; subsequently the site of the last man-engine to be built in Cornwall in 1872) and at Holman's Shaft (1875), form distinctive landmarks. The massive waste tips on both sides of the Seaton valley (West and South Caradon Mine) and on the southern flanks of Caradon Hill are a striking testament to the scale of operations beneath the moorland landscape. The mine's well-preserved cobbled dressing floor can still be seen in the valley floor.



Wheal Jenkin. Remains of the stamps engine house and chimney.



South Phoenix Mine (Listed Grade II). Houseman's engine house was once converted into a mine office.



Marke Valley Mine (1876, Scheduled Monument, Listed Grade II). Whim engine house that served Salisbury Shaft.






Phoenix United Mine

Both copper and tin were mined here, but it was tin that extended the life of this mine for some 15 years beyond that of South Caradon, and tin that explains its later, and most impressive, archaeology.

Phoenix Mine, Prince of Wales Shaft, (1907, Listed Grade II). The outstanding engine house was built for the last big pumping engine made in Cornwall (by Holman's Foundry, Camborne). It is a distinctive landmark within the Area and is a monument to spectacular failure and misplaced optimism. The adjacent single-phase group of buildings includes the remains of the boiler house, compressor house, winding-engine house and mill.



A10(i) The Tamar Valley Mining District

Component	C1	C2	C3	C4	C5	C6	C7
Area content							

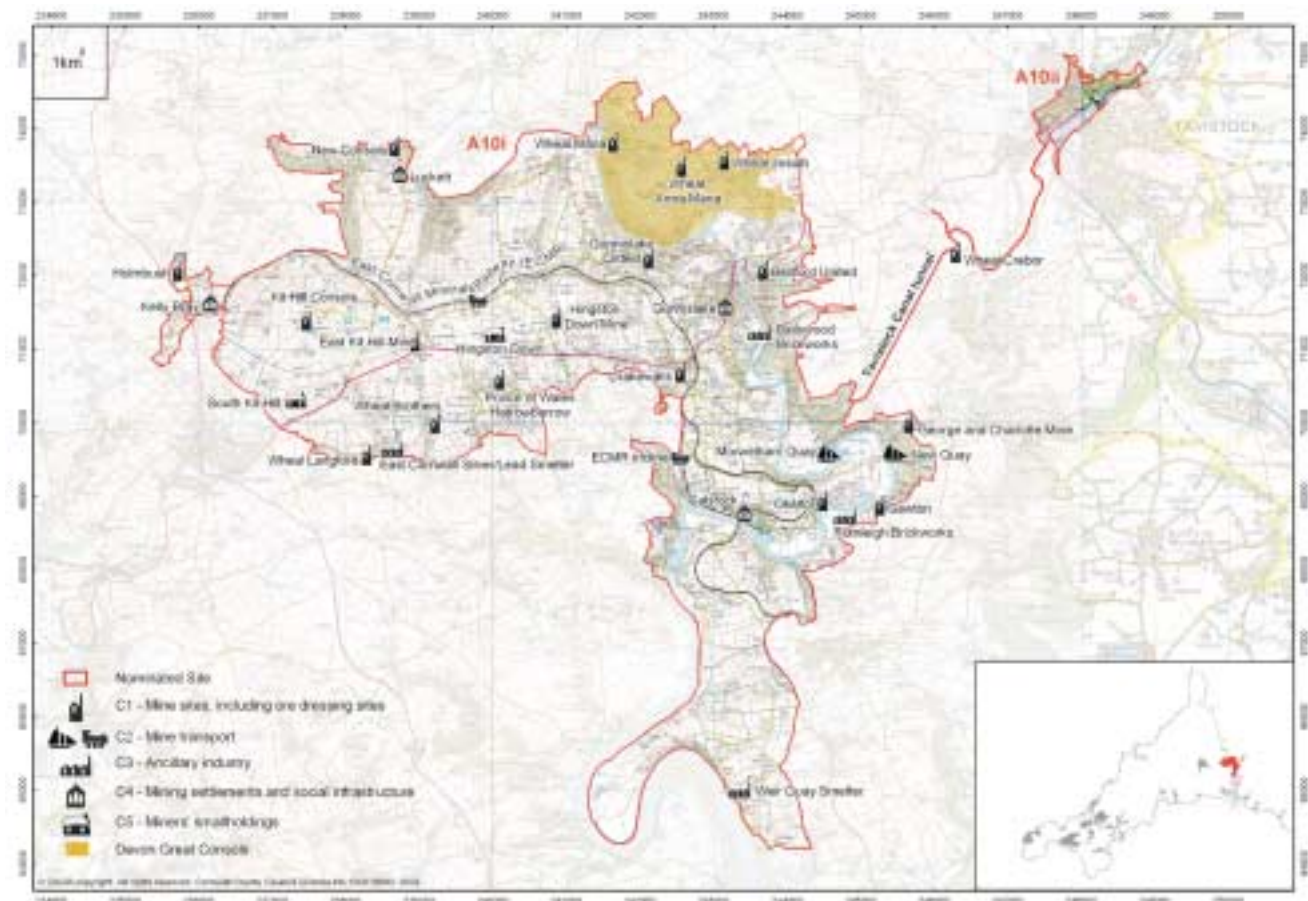


Figure 47. Principal sites, Tamar Valley Mining District.

The rounded granite summit of Kit Hill (333m OD, centre left) dominates the western part of the Area whilst high ground creates a distinctive landform running eastwards along the upland ridge of Hingston Down. At Gunnislake, on the western bank of the River Tamar, the granite ridge descends steeply to the river.



Miners' smallholdings (represented by the landscape of small fields, centre) are in stark contrast to larger fields (right) to the east of the River Tamar where land formerly belonged to the Bedford and Edgcombe Estates.



Gunnislake Clitters Mine (Scheduled Monument, Listed Grade II). Some mines are located in the Tamar Valley itself and here the topography imparts an unusual character, some having been worked beneath the river bed. This engine house pumped river water for dressing purposes.

The Tamar Valley forms the principal central landform of the district. Whilst the river flows from north to south, its great loops and bends follow a highly sinuous and changing course, and its sides are often steep and frequently wooded. To the east the landscape is rolling cultivated countryside that descends to the ancient market town of Tavistock, which nestles beneath the high granite uplands of Dartmoor.



Kit Hill Consols (1856, Listed Grade II). The ornate chimney stack - a prominent landmark - on the summit of Kit Hill.

The mines of this district exploited an important concentration of tin, copper and arsenic lodes most of which run parallel with the east-west axis of the granite and which were worked almost continuously from Callington to Tavistock.

Important silver-lead deposits have been mined in the Bere Alston peninsula. These are amongst the earliest documented mines (late thirteenth century) in southwest Britain and extensive surface and shallow-extraction mining features remain. There are notable survivals of several engine houses and a silver-lead smelter (1836, Tamar Smelting Company) at Weir Quay. They date from renewed mining activity during the nineteenth century.



Tamar Tin Smelting House, (Union Smelter, 1849, Listed Grade II), Weir Quay. This is the best survival of a reverberatory tin smelter in the nominated Site.

The natural highway for most of the traffic within the Area was the Tamar. The quays that lined its banks proved inadequate to deal with the volume of industrial traffic created during the nineteenth century, and both Calstock (Cornwall), and Morwellham (Devon) were developed as industrial ports with rail links to their mining hinterlands.



The East Cornwall Mineral Railway (commenced 1863), linked Calstock with Callington and connected a number of mines, an arsenic refinery, granite quarries, and brick, tile and fireclay works via an incline-plane railway to nearly 0.5km of quays at Calstock. Here the mining village and port developed as a huddle of terraced roads and houses whose layout was constrained by the steep topography.

From Gunnislake to Kelly Bray, near Callington, much of the railway track bed is still discernible. So are the remains of the industries the East Cornwall Mineral Railway once served.

For many mines the Tamar was also their principal power source, and it was ingeniously harnessed. The Area is consequently richly endowed with waterwheel pits. Those examples at Wheal Brothers and Wheal Benny are amongst its most spectacular.

Morwellham – a Tamar mining port



Morwellham (Listed Grade II). This was the busiest inland river port west of Exeter, taking vessels up to 300 tonnes. During the mid-nineteenth century it became the greatest copper ore port in the world due to the extraordinary output of Devon Great Consols which was discovered in 1844.

Morwellham is strategically sited at the centre of the Tamar Valley Mining District. It is some 3km below the tidal limit near Gunnislake and 32 km from Plymouth. The port occupies the floodplain of a wide meander and is backed by sharply rising and thickly wooded valley sides which rise to over 180m.

It was connected to Tavistock (6.5km away) via the Tavistock Canal completed in 1817. Morwellham was also connected to Devon Great Consols by a standard gauge mineral railway (and incline-plane) in 1859.

Calstock on the west bank of the River Tamar. The Tamar Valley Branch Line from Plymouth is carried over the river at a height of 39m by the magnificent concrete Calstock viaduct (1907, Listed Grade II *).



The Morwellham and Tamar Valley Trust (established 1969) have restored much of Morwellham as a museum of living history. Cottages, a school and a Wesleyan Chapel (1859) are amongst the buildings that have been restored.

Much of this transport infrastructure is represented by substantial archaeological remains. Between the slate-fronted former harbour master's house and the Ship Inn are the iron rails (1817) on slate sleepers that linked the canal incline with the old copper ore quays. Copper ore chutes survive in the rear retaining wall.



Morwellham, Devon Great Consols Copper Dock, (Listed Grade II).

Beyond the mine is New Quay (extended to supplement the Devon Great Consols copper ore quay at Morwellham during the 1840s).

Devon Great Consols

The largest copper mine in the nominated Site is Devon Great Consols. It covers 67 hectares and is now mostly occupied by a conifer plantation.



Wheal Josiah Cottages (1854, Listed Grade II) built by the company for key personnel.






Devon Great Consols, Captains' house. A self-contained community lived in company-built housing on the mine.



Devon Great Consols (Wheal Josiah). Immense burrows and remains of arsenic refining dominate large areas of the valley sides; 742,400 tons of copper ore was produced between 1845 and 1903. This was the highest recorded production of copper-ore of any mine within the nominated Site. The mine's arsenic output dominated the world's supply.

A10(ii) Tavistock

Component	C1	C2	C3	C4	C5	C6	C7
Area content		 					

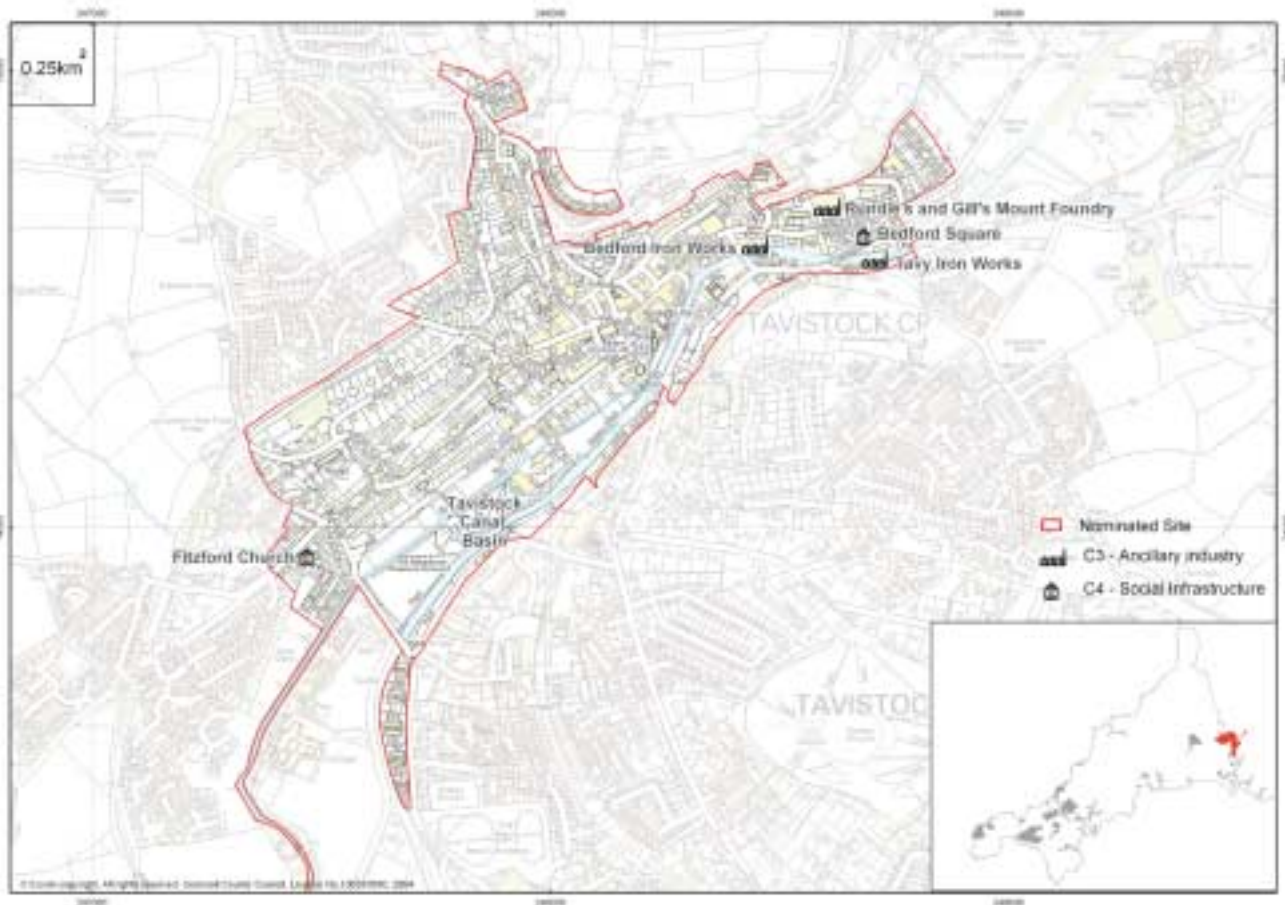


Figure 48. Principal sites, Tavistock.

Tavistock is a medieval stannary town, re-modelled during the nineteenth century using the profits of copper mining, notably from Devon Great Consols (A10i) and Wheal Friendship (Mary Tavy). It includes a number of impressive contemporary public buildings and model housing for workers as well as the inland terminus of an important mineral canal.



The rolling cultivated countryside to the east of the Tamar Valley contains comparatively large farms. There are almost no settlements. There are no former land plots for the owner-occupied miners' cottages and smallholdings, so common in many of the mining districts in Cornwall.

The historic core of Tavistock is on the level plain north of the river Tavy. Nineteenth century expansion took the form of terraced developments on the hill behind.



Imposing architecture facing Bedford Square.

Tavistock's buildings, many built using the distinctive greenish-grey Hurdwick Stone, includes early financial institutions such as the Tavistock Bank (1791) in Market Street and the Tavistock Savings Bank (1816).



The bronze statue of Francis Russell (1788-1861), the seventh Duke of Bedford. It is said that both the metal and stone used in its construction had been raised on the Bedford Estate.

Both in architecture and plan Tavistock exudes confidence. Landmarks include: the Bedford Hotel (remodelled 1822-29); Plymouth Road (1822) lined on the north by elegant villas; the Corn Market building (1835) in West Street; the Guildhall (1848); the Pannier Market (1860); the Town Hall (1860) which faces Bedford Square; and the enormous Fitzford Church (1867).

Bedford Cottages

High-quality industrial housing – that comprise a number of different designs – form a distinctive industrial aspect to Tavistock and some of the surrounding hamlets. Most were two-up two-down, and had outbuildings for wood and ashes and a pigsty.



Part of Mount Foundry (1866, Listed Grade II, top right) with Bedford Cottages in the foreground. This was the first iron foundry established in the town. In 1805 they advertised *the newly invented machine for crushing copper-ore needs no other recommendation of its utility than an enquiry at Crowndale or Friendship Mines*. In 1810 the foundry began to manufacture ore-barges, made of iron, for the Tavistock Canal.



Bedford Cottages. Following the discovery, in 1844, of the immensely rich copper lode at Devon Great Consols, there was a large influx of workers to the Tavistock district. In response to a serious shortage of housing and gross overcrowding (which became a local scandal) 268 'model' industrial workers' cottages were built in and around Tavistock (between 1845 and 1866) by Francis the 7th Duke of Bedford.

Iron foundries

Substantial remains of three nineteenth century iron foundries are located within the urban core of Tavistock. Mount Foundry (1805, later Tavistock Iron Works) is extensive and includes foundry buildings and associated workers' housing.

Largely intact buildings of the Tavy Iron Foundry (1850) survive on both banks of the river Tavy near Stannary Bridge.

Bedford Iron Works (Nicholls, Williams & Mathews' 1842) still stands in Bannawell Street.



The Tavy Iron Works (1869) on the west bank of the river Tavy. The roof (bottom left) is of Gill's 'Lower Foundry' and was on the site of Isaac & Bray's Foundry (1800-1804) which was used for tin smelting around 1815.

Tavistock Canal (built 1803-17)

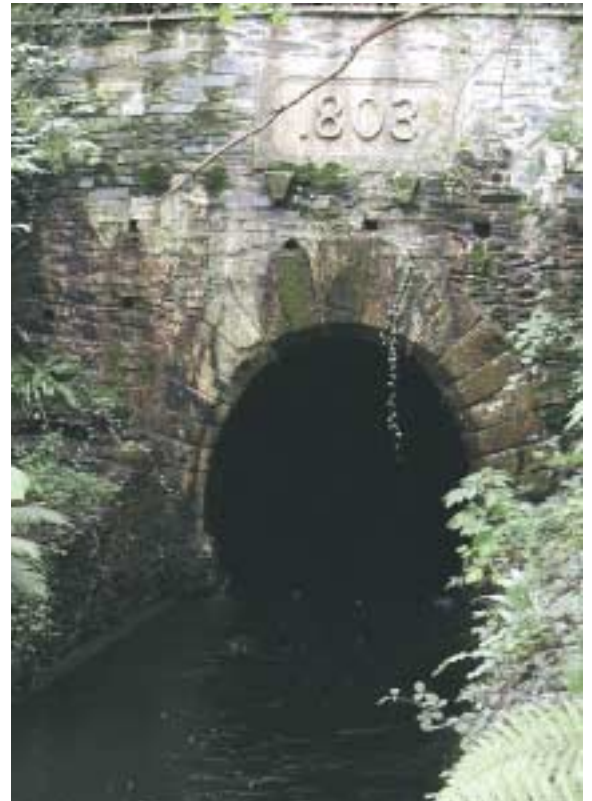
The link between Tavistock, its mining hinterland and the Tamar port of Morwellham is via the Tavistock Canal, one of the finest surviving examples of a canal constructed primarily for mineral traffic. Old warehouses, cottages and an ore storage floor (now a car park) mark the site of Tavistock Old Wharf whilst nearby the sluice intake from the river Tavy still functions.

The Canal emerges from the tunnel at an elevation of 72 metres above Morwellham. The terminal basin (now dry), together with an associated canal keeper's cottage, survives next to the head of the former waterwheel-powered incline plane railway which allowed ore to be transported to the quay below. The bed of the incline plane, and a number of associated features remain.



Lock gate, Tavistock Canal. To provide a current, the canal was to drop *roughly one foot per mile*.

The canal, 7.2km long and just over 5m wide by 1m deep, remains in good order and still carries water along almost its entire course. It crosses the river Lumburn near Crowndale on a stone aqueduct, then narrows to 2m wide as it passes through a 2.4km long tunnel.



Tavistock Canal tunnel, southern portal (1803, Listed Grade II). Not a single fatal accident occurred during the entire construction of the Tavistock Canal.

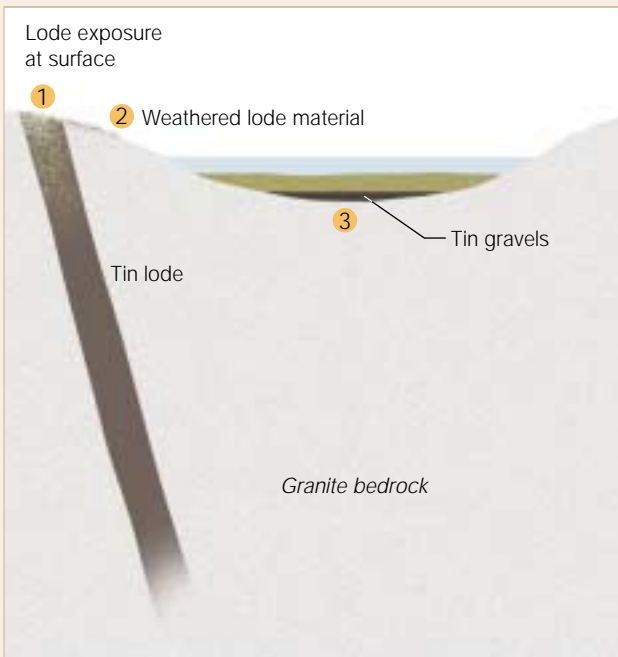


Tavistock Canal. The canal is a fitting memorial to the brilliance of mining engineer John Taylor (1779-1863) who managed important copper and lead mines at Wheal Friendship and Wheal Betsy in the Mary Tavy mining district north of Tavistock.

3b) History and Development

From prehistory to 1700

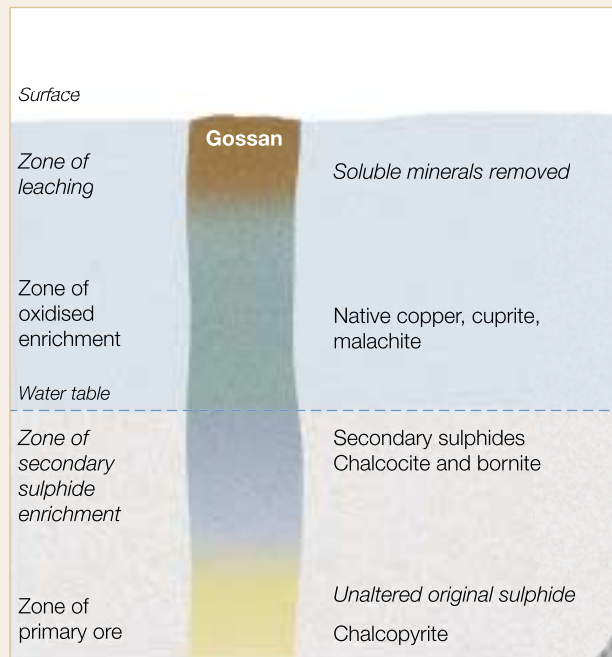
The metalliferous mineral resources of the Cornubian Orefield have been exploited for well over 3,500 years. Pebbles of 'stream tin' have been recovered from a number of prehistoric settlement sites and there is much evidence of prehistoric activity recorded from Cornish tin streamworks. Until 1700 tin was the most important metal (except for silver which was mined in the Bere Alston peninsula during the late-thirteenth and mid-fourteenth century). Cornwall and Devon was Britain's only indigenous tin resource. Its recorded production was only ever exceeded by the Erzgebirge in Eastern Europe in the early fifteenth century.



Alluvial tin accounts for a significant percentage of the region's tin production. Where lodes were exposed at surface (1) material was weathered and moved downslope where it lay as eluvial tin (2). Concentrated deposition occurred close to bedrock in river valleys (3).

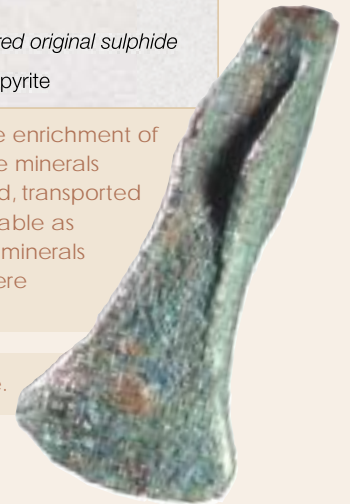
Tin

The simple oxide ore of tin, cassiterite (SnO_2), accounts for virtually all the tin that has ever been recovered. It is noted for its high specific gravity (its heaviness), approximately three times the weight of a comparably-sized piece of the granite with which it is normally associated. Where tin lodes have reached the surface, weathering and erosion over millions of years have broken up the vein structure and released the cassiterite which is stable and durable and resists rapid breakdown. It tends to lie on the surface as coarse eluvial material, often mixed with quartz. When washed into river valleys, it forms concentrated alluvial deposits of dark coloured pebbles and gravel.



Diagrammatic section illustrating the enrichment of a copper-ore body. Soluble sulphide minerals (such as chalcopyrite) were leached, transported and redeposited above the water table as oxidised minerals. Enriched copper minerals (such as chalcocite and bornite) were formed below the water table.

Bronze Age axe.



Copper

Native, or pure, copper would have easily been recognised as metallic masses commonly found at the surface on the Lizard peninsula or in the cliffs around St Just (A1). In sea cliffs, such as those between St Agnes and Perranporth (A7), copper salts create bright green staining that must have attracted attention from the earliest times. The near-surface oxidised zone of Cornish copper lodes produced colourful minerals rich in copper, such as the red oxide (cuprite) and the blue and green carbonates (azurite and malachite).

Romano-British period (AD 43-410)

Classical author Diodorus Siculus was a Sicilian historian who wrote about trading for tin with Cornwall prior to the Roman invasion. He refers to tin trading at *Ictis*; a location claimed alike by St Michael's Mount and Mount Batten in Plymouth.



A well-known find by tinnners at Treloy (St Columb Minor) in 1826, is this pure tin bowl, complete with a flat cover inscribed with the Latin numerals XX. Tin is very rarely used un-alloyed and the bowl is thought to date from the 3rd or 4th century AD.

Diodorus, who may have been quoting Pytheas of Massilia (300 BC), states *The inhabitants of Britain who dwell about the promontory known as Belerion (Cornwall) are especially hospitable to strangers...*

The natives work the tin, treating the bed which bears it in an ingenious manner. The bed, being like rock, contains earthy seams, and in them the workers quarry the ore, which they melt down and cleanse of its impurities...and convey it to an island which lies off Britain and is called Ictis; for at the time of ebb-tide the space between this island and the mainland becomes dry and they can take the tin in large quantities over to the island on their wagons. On the island of Ictis the merchants purchase the tin of the natives and carry it from there across the straits of Galatia or Gaul; and finally make their way on foot through Gaul for some thirty days, they bring their wares on horseback to the mouth of the river Rhone.

Cornwall was the principal source of tin for countries in northern Europe; though in the first centuries BC and AD the Mediterranean region may have obtained their supplies from Iberia. Tin production was probably the main reason that the Romans ventured into this part of Dumnonia. The nearest Roman town was Exeter but small forts have been found in Cornwall, together with Roman milestones and hoards of Roman coins. A Roman fort at Tregear (Nanstallon) near Bodmin is

close to an ancient ford and some important early tin workings.

Early Medieval - AD 410 - 1066

Tin was in considerable demand for manufacturing both bronze and pewter and there is strong archaeological evidence for trade between Cornwall, the eastern Mediterranean and northern Europe. The Trewhiddle Hoard (Pentewan) of late ninth-century silver is thought to have been hidden from invading Danes in a working tin stream. An oak tinnners' shovel found in Boscarne tin stream (Bodmin Moor) has been radiocarbon dated to between AD 635 and AD 1045. Church bells, whose bronze depended on Cornish tin, were widespread by AD 1000.

Later Medieval 1066-1500

Cornwall and Devon sustained an internationally important medieval tin industry. Shallow mining effectively mapped the major areas where tin occurred; copper at this time still being of little commercial interest.

The Stannaries

The importance of the tin industry in the medieval period was recognised by the establishment of a special legal framework. It was first enshrined in a charter from King John in 1201 that included a number of pre-existing common law practices. The charter gave privileges to the tinnners, and their industry, in return for which they paid a special tax, that was calculated at the time of coinage. From the earliest records in the twelfth century through to abolition in 1838 the tax levied on tin production in Cornwall was at double the rate of that applied in Devon.

The areas of jurisdiction were defined as eight Stannaries; four in Devon and four in Cornwall. In Devon they divided Dartmoor into quadrants. In Cornwall they were: Foweymore (present-day Bodmin Moor); Blackmoor (centred on Hensbarrow Moor north of St Austell); Tywarnhayle (a triangle approximately bounded by St Agnes, Truro and Scorrier); and the united Stannaries of Penwith & Kerrier (roughly corresponding with the respective political districts of today). Each possessed at least one designated Stannary town where tinnners were obliged to present their blocks of smelted tin that were tested for purity before taxes were collected. Tavistock (A10) was a Devon Stannary town.

When the Duchy of Cornwall was established in 1337 coinage formed a significant source of revenue. The Duchy was also probably the largest single mineral lord in the south-west. Most of the fundus (river-bed) of the principal rivers, and some of the estuaries, were owned by them, and considerable royalties were gained from tin-streaming activities in those areas.



The Stannary system included dedicated courts and a convocation (later a parliament). A main seat of the administration was the elaborate Duchy Palace complex established in the 1290s in Lostwithiel. Some parts of the medieval buildings survive within the planned medieval town.

In 1497 the Cornish revolted against new Stannary laws imposed by Prince Arthur, Duke of Cornwall. As a result the charters were confiscated, to be renewed by the Charter of Pardon issued in 1508 in return for a payment of £1,000. This included the right, through the Stannary Parliament, to veto any statute or proclamation which was 'to the prejudice' of the tanners.

The combined Stannaries had their own Stannary regiment 1798-1913.

Medieval tin-streaming

Tin-streaming technology in Cornwall and Devon was similar to that which was used elsewhere in Europe during this period. This was documented by a number



Tin-streaming woodcut from Agricola (1556)

of contemporary European writers, notably Biringuccio (1540), Agricola (1555) and Ercker (1574).

They show an industry that had already begun to develop sophisticated water-powered machinery, in particular for pumping small-scale shaft mines, and was using extensive adits to provide natural drainage wherever possible. By 1602, however, Carew was making plain the limitations of the available technology as mines became deeper:

For conveying away the water they pray in aid of sundry devices, as adits, pumps, and wheels driven by a stream and interchangeably filling and emptying two buckets, with many such like, all which notwithstanding, the springs begin to encroach upon these inventions as in sundry places they are driven to keep men, and somewhere horses also, at work both day and night without ceasing, and in some all this will not serve the turn.

Tin streaming, and shallow shaft mining, provided employment and wealth far beyond that to be expected from such a remote and poor agricultural area.

Countless valleys in Cornwall and west Devon were turned over for tin. There is massive evidence of tin streaming manifested in hundreds of hectares of man-made landforms on Dartmoor (Devon), Bodmin Moor, West Penwith, on Goss Moor, Breney Common and Redmoor, as well as in the wooded valleys of the region that drain the mineral rich areas. These remains are well documented and many have been surveyed in detail. The removal of millions of tonnes of overburden, together with the finely crushed waste of ore-processing resulted in the rivers and estuaries in the region becoming heavily silted. The Plym, Looe, Fowey, Fal, Carnon, Helford, Cober, Hayle and Red Rivers all have mineral detritus many metres deep. Tidal limits have been progressively pushed downriver so far that former ports were subsequently marooned amidst salt marsh. The landscape of the region's medieval tin mining industry represents the most extensive remains of pre-1700 mining in Britain.

Tin smelting in blowing houses

Tin was smelted by mixing the simple oxide ore (cassiterite SnO_2) with carbon (usually peat or wood charcoal) and reducing it in a granite furnace blown with air by means of a water-wheel bellows. In 1198 William de Wrotham, first Warden of the Stannaries, refers to two smelting processes. The first (probably a crude smelting) took place at the mine whilst the second took place at the Stannary town for taxation purposes.

By the mid-fourteenth century this practice was succeeded by single-process blowing houses and a number of these survive, particularly on Dartmoor. Blowing houses produced the purest grade of tin (grain tin) from alluvial ore. This metal carried a premium price, above that of 'mine tin', and was favoured by the glass-making industry. It was also used in coloured glazes and in acid dyes for carpets and fabrics.

Fuel and the early mining industry

During the thirteenth and fourteenth centuries oak woodland in Cornwall and Devon was managed to make charcoal for tin-blowing. Tanners also needed timber for their shallow shaft workings. Old oak woodlands in Cornwall such as in the Luxulyan Valley or the thickly wooded banks of the river Fowey, show the multiple trunks of ancient coppiced trees and the platforms where the charcoal was made. On the moorland peat was cut to make peat charcoal. Goonhilly Downs, Bodmin Moor and Dartmoor were important sources for this fuel.

Medieval silver mining in the Bere Alston peninsula (A10)

The Bere Old Mines, together with those at Combe Martin in north Devon, dominated English silver production until the late sixteenth century. In the late-thirteenth and fourteenth centuries a fundamental change took place in local mining organisation when the Crown - apparently prompted by the desire to maximise its income from silver mining - worked the Devon silver-lead mines directly by shaft mining. For the first time small-scale independent operations were replaced by a relatively large-scale capital-intensive mining organisation that laid the foundation for an entrepreneurial system - the Cornish tribute. This dominated non-ferrous metal mining, in Britain and in many overseas mining fields into the modern period. Skilled miners were drawn from other British lead-mining districts, many of whom were pressed into service. Workings were initially shallow but adit drainage was required by 1297 when output peaked. In the early fourteenth century the workings were rich but again impeded by water. Crosscut drainage adits had to be driven deeper. When the Black Death hit the South West of England in 1348/9 the mines were reduced to the reworking of slag residues. Underground working was abandoned.

1500-1700

By the early sixteenth century many tin streams were becoming exhausted and miners were turning to the exploitation of tin and copper lodes that outcropped in cliffs and other places where hard-rock was close to the surface.

Goffen works

Much of this early mining was in the form of open-cast trenches up to 20m deep; known as 'goffen works'. The next step was to sink shafts and drive horizontal levels through the ore-ground which occurred in fissures or veins. Once the shallow ore had been mined the only way to go was deeper, progress only being possible if the workings were free of water.

Workings were drained by adits and primitive pumps. The pumps were operated by perhaps five times more pump-men than miners. From the late-seventeenth century miners used water power to drain their shafts. Waterwheel pumps were built wherever there was sufficient surface water to drive them. Man-made watercourses (leats) often brought water several kilometres to drive pumps and tin stamping machinery.

Copper mining

The earliest recorded attempts to mine Cornwall's copper ores had been in the 1580s by The Society of Mines Royal (which had first worked the Keswick deposits in Cumbria on a large scale). The Cornish mining operations took place in St Just, St Agnes, Perranzabuloe, Illogan, Marazion and St Hilary. Ulrich Fosse (a German mining expert) was sent to Cornwall to manage operations and under his direction a small smelting works was also set up at Neath in South Wales. This smelter operated under German management and copper ore was received from mines near St Ives and St Just. Carew in his *Survey of Cornwall* (1602) mentions the shipment of copper ore from St Ives to be refined in Wales: the beginnings of a long-standing relationship between Cornwall and South Wales.

These early copper mines were unsuccessful and significant exploitation did not begin until the passing of the Mines Royal Acts of 1689 and 1693. During the last years of the seventeenth century, copper production largely progressed as a result of the efforts of a copper smelter named John Coster who had established works on the River Wye, Herefordshire in 1680. He was a metallurgist and engineer who also helped to further

develop adit drainage, to make significant advances in assaying and dressing copper ore, erected one of the first horse-whims in Cornwall and developed its first true copper mine at Chacewater in the early 1700s.

Gunpowder

In 1689 the Godolphins asked Thomas Epsley, who had learnt the art of 'shooting the rocks' in the Mines Royal in Somerset, to come and demonstrate the use of gunpowder to their miners in the Breage district (A3i). Thomas Epsley died at Godolphin Ball six months later but the import was quickly adopted in other districts such as the cluster of tin mines around St Agnes Beacon (A7). The time, labour and capital required to drive adit levels and crosscuts was reduced significantly by the use of gunpowder. As a result, ore-ground could be opened up much more quickly.

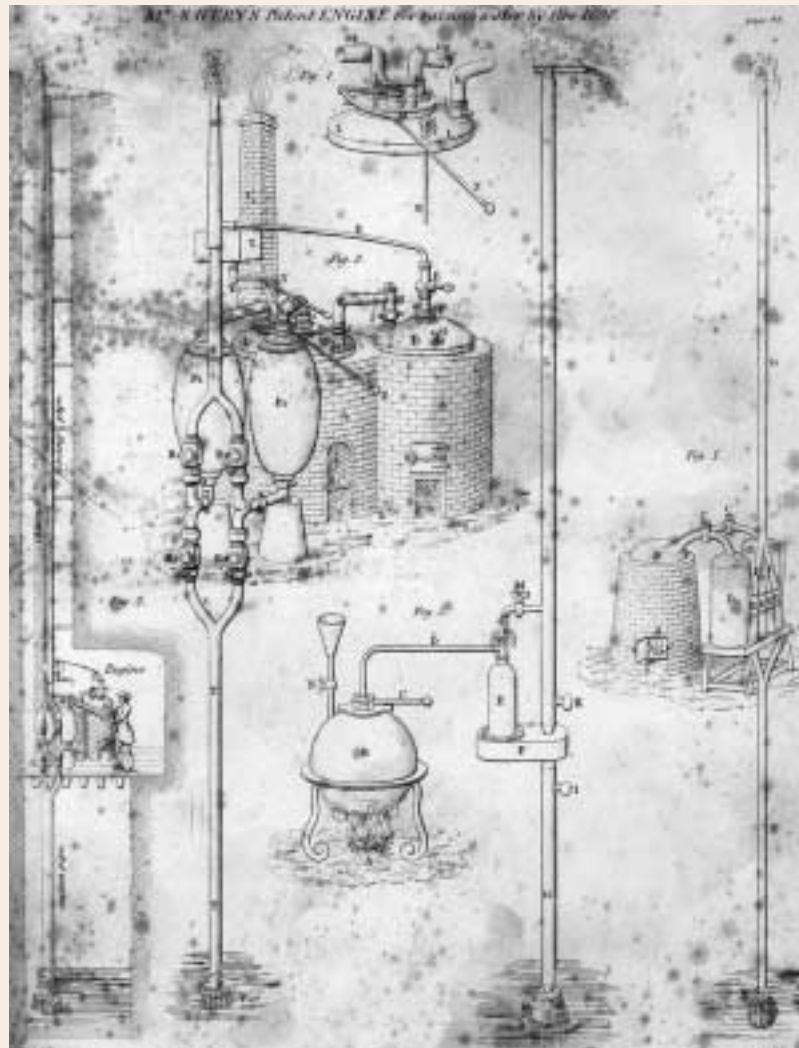
Sir Francis Godolphin was highly successful with his innovations at Great Work mine and his services as a mining engineer were sought by the owners of the lead mines in Cardiganshire in Wales.

Adit drainage

Drainage tunnels (adits) had been used for centuries to drain water out of mines (e.g. the thirteenth-century Bere silver mines). They were driven from the lowest convenient point the topography allowed, such as a river, the base of a cliff or a valley bottom. These tunnels lowered the natural water table and presented a new datum to which water could be pumped up from below. However the depth at which this could be done was still limited by the primitive design of early pumps, such as the 'rag and chain' pump.

Gunpowder made it possible to drive adits much more rapidly along a known or towards a surmised lode. Such undertakings were costly and could take tens of years to accomplish so were often financed by mineral lords or other adventurers with significant capital. In addition to mineral revenue, further rewards were often reaped by leasing the use of the adits to other mine operators for transferring water.

The 'Fire Engine'



Savery Engine.

In 1698 Thomas Savery, a Devonshire military engineer, secured a patent for an invention for *raising water by the impellent force of fire*. This worked by introducing steam into a receiving vessel, then cooling it with cold water, thus creating a vacuum. He visited Cornwall on several occasions but was unsuccessful in his attempts to introduce his engines, though some minor trials are thought to have been made in the Wheal Vor district (A3i).

Rag-and-chain pump.



The industrial mining landscape and economy, from 1700 to 1914

The nomination of the Cornwall and West Devon Mining Landscape for inclusion on the World Heritage List is for the most universally significant era of Cornish mining between 1700 and 1914.



A gentleman and a miner with a specimen of copper ore.
Oil painting by renowned Cornish artist John Opie (1761-1807).

nineteenth century. These were as diverse as any mining field in the world. During the early nineteenth century Cornwall was the first centre of world arsenic production and during the later nineteenth century West Devon was its leader.

- the availability of large-scale employment in the industry which caused major population growth, spawned new settlements and a range of institutions for self-improvement and scientific study. There was a corresponding growth in agriculture and a large-scale emergence of miners' smallholdings. Great houses were built or remodelled and estates and gardens were created or expanded on profits from the industry.

From 1700 there are a number of general characteristics which distinguish this period of metalliferous mining in the nominated Site from any preceding period. They were:

- the steady growth in Cornish and Devon tin production which was represented mostly by exploitation in depth and was based on underground lode mining (as opposed to tin streams). Small-scale tin-blowing was gradually replaced by larger-scale coal-fired reverberatory smelting.
- landmark technical advances in steam pumping which marked the formative period of the Industrial Revolution in Cornish mining. By the end of the eighteenth century deep mining was made possible by the development of this new technology.
- the mining of copper which experienced steady growth from the beginning of the eighteenth century. From 1750 to 1850 it was the most important mineral in the region. Cornish and West Devon output dominated the world's copper markets.
- the laying down of the industrial transport infrastructure during the late eighteenth and early nineteenth centuries. This was essential to the production of copper. The major mining ancillary industries (such as engineering) were also established.
- the mining of a wide range of other metals (such as silver, lead, zinc, iron, manganese, tungsten, antimony and cobalt) between the late-eighteenth and the mid-



East Pool Mine.
180-fathom level.
J. C. Burrow, 1893.

- the export of Cornish mining technology and equipment during the nineteenth and early twentieth centuries and the global diaspora of the Cornish mining population.
- 1914 is a significant date in the mature phase of the British Industrial Revolution. It marks the commencement of the First World War and a significant reduction in economic growth. One effect of the war was to dramatically increase the demand for tungsten (for armaments), which stimulated some mines and led to some new mines being started. However by 1919, in the midst of a post-war slump, the Cornish mining industry was changed radically and forever.

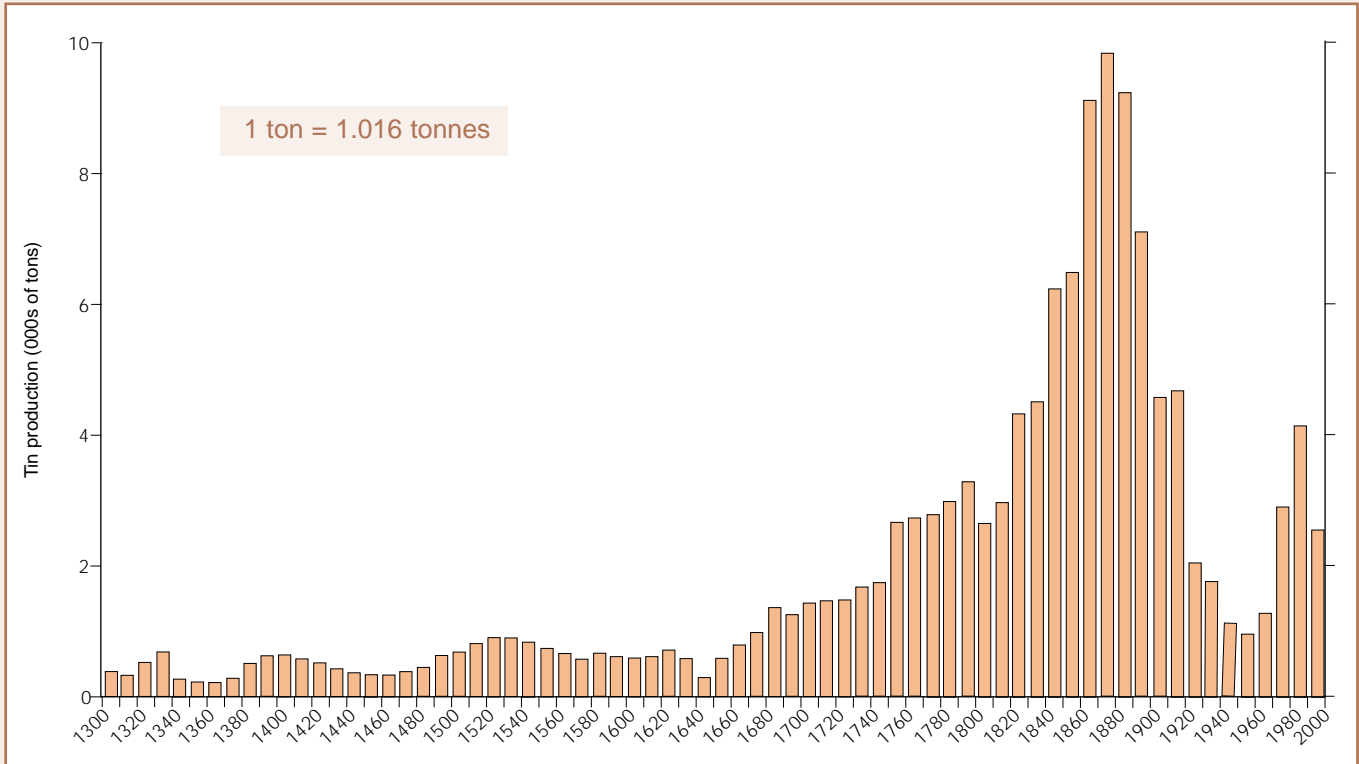


Figure 49. Cornwall and Devon average decennial tin production.

Tin

A substantial amount of tin output in the region came from tin-streaming. Until the eighteenth century most tin came from these deposits. From the eighteenth century lode mining became dominant.

There was a virtual absence of world competition in tin mining until the 1820s and the market remained dominated by Cornish tin until the 1870s. Periods of increased demand, such as the rapid rise of the tin-plate industry after 1800, strongly influenced the metal market price and hence production levels. The ability to increase production however depended upon the available mining technology of the time. The introduction of gunpowder for blasting and of reverberatory furnaces for smelting began a rising trend in production towards the end of the seventeenth century. From 1700 there began a steady improvement in the understanding of the nature of tin mineralisation and hence the ability to predict where tin deposits might lie. The development towards an industrial economy, with the ability to raise risk capital from investors, was a crucial factor that enabled expansion of the industry. The improvement of steam pumping technology during

the second half of the eighteenth century, and dramatic improvements to the Cornish engine from the 1820s enabled deeper mining and greater output.

Cornish tin mines survived the threat of competition during the 1820s and 1840s from producers in the Far East. Following the 1866 copper crash, and the closure of a large percentage of Cornish copper mines, tin mines became the principal mines in the nominated Site. The 1870s marks the peak production period at a time when Malayan production was temporarily halted by internal political anarchy. From 1874 production declined as Australia and Malaya produced a large output from extensive shallow deposits of cheaply exploited ore that continued to be mined through the 1880s and 90s. The consequent drop in the tin price, coupled with a decline in investment and the irony of a shortage of miners due to emigration, caused production to continue to fall sharply. It was not until the second half of the twentieth century that there was a substantial recovery in output. This followed a programme of financial support targeted at the mining industry by the United Kingdom.

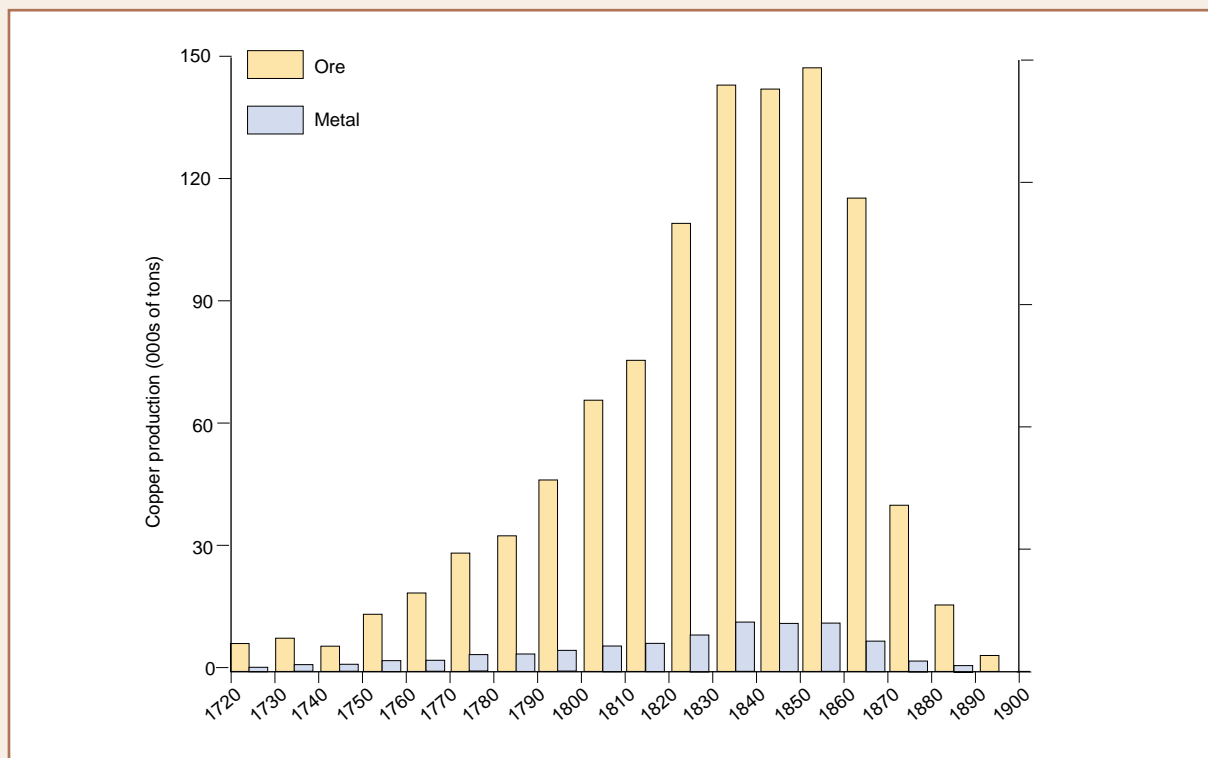


Figure 50. Cornwall and Devon copper production.

Copper

In 1785 the exploitation of the large and shallow deposit of copper-rich sulphide ores at Parys Mountain on Anglesey (North Wales) precipitated a sharp economic downturn in the fortunes of many Cornish mines. During this period, British copper production exceeded demand by a large margin, whilst a struggle for the control of the copper market between the smelters and the Cornish producers resulted in a glut of copper on the world market; inevitably this was followed by numerous mine closures.

In the event, the readily-exploitable ores at Parys Mountain were worked out within two decades. Meanwhile the Cornish had responded to this threat to their mining economy through marked improvements in pumping technology and better working methods. During the early years of the nineteenth century Cornwall had once again become the pre-eminent copper ore producer in Britain, indeed, in the world; and was to remain so for several decades.

The Consolidated Mines in Gwennap produced 442,493 tons of copper ore between 1819-1858, and the adjacent United Mines 347,640 tons from 1815-1861; the area was so rich that it was dubbed 'the Copper Kingdom'.

In the 1830s Cornwall completely dominated world copper production. However, two decades later Chile's

production far exceeded Cornwall's output and the Lake Superior mines (N. America) and those in South Australia were developing fast. Cornwall and Devon's peak year for production was 1855-6, when 209,305 tons of ore were mined. By the end of that decade tin was replacing copper as the region's most important mineral, particularly in its western mines, and in 1866 a disastrous crash in the copper market occurred which Cornish copper mining could not survive. Chile, Australia, Lake Superior, Montana, and Arizona spelt the end for Cornish copper mines and for the Welsh smelters. Some Cornish mining districts were fortunate in that they also possessed tin reserves, and through increasing mechanisation and the adoption of efficient ore-dressing technology, their mines were able to work on towards the end of the century, despite falling tin prices. Some former copper mines found a new lease of life in working the arsenical pyrite which they had formerly discarded as waste. Devon Great Consols in the Tamar Valley produced nearly two-thirds of the world's arsenic during the closing years of the nineteenth century. Nevertheless, the great days of Cornish mining were over and, one by one, mines whose reputation had spread far beyond Cornwall were abandoned.

Arsenic

During the early nineteenth century Cornwall pioneered world arsenic production as a by-product of tin and copper mining in the western part of the nominated Site (A6ii). The first commercial British arsenic was produced at Perran-ar-Worthal in 1812, followed by a works at Bissoe (1834) in the Carnon Valley that became a stronghold of arsenic production. Its principal market was the expanding Lancashire cotton industry which used it in pigments and dyes.

It was also used by other industries such as glass manufacture (as a decolouriser), in the production of lead-shot, in leather tanning, in wallpaper manufacture (to create green and yellow print), in pharmaceuticals, in agriculture for sheep dips and, from the 1870s, as a pesticide to control the Colorado beetle which devastated potato, tobacco and other crops in America during the late nineteenth century.

The principal arsenical insecticides were Paris green (from 1869) superseded by London purple (from 1878).

During the latter half of the nineteenth century the leading world output came from the eastern part of the nominated Site (A10). Production of this semi-metal prolonged prosperity long after other metalliferous productions had declined.

Calciners or 'burning houses' (furnaces) were an essential part of most eighteenth century Cornish tin mines whose ores contained arsenic and sulphur. These essential elements had to be 'cleansed out' by roasting as they proved deleterious to smelted tin. It was not until the nineteenth century however that demand arose, induced by technological advances, for the white arsenious oxide.



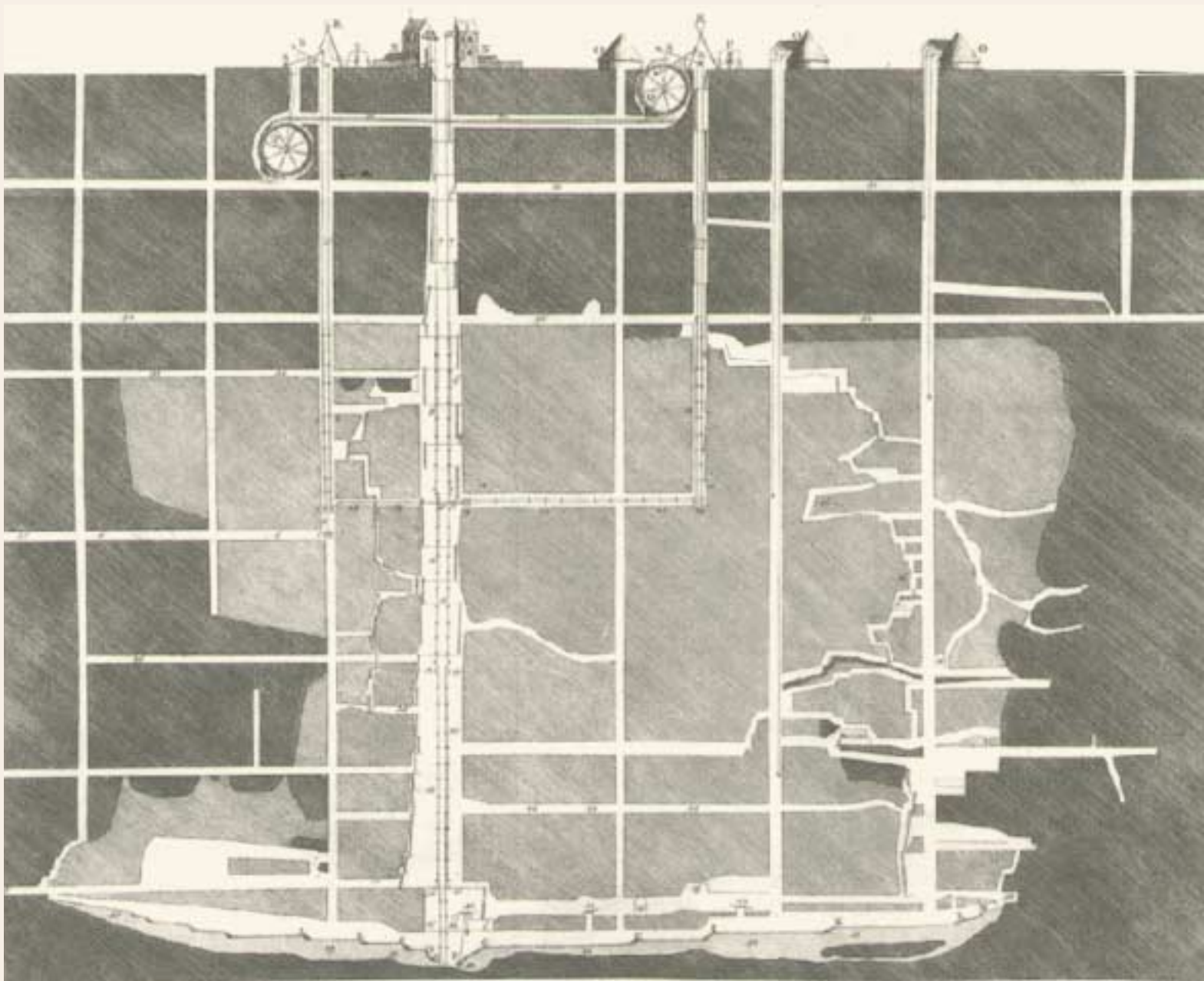
Bissoe sulphuric acid works, painted by Lamorna Birch (1869-1955). Later, in the nineteenth century the Carnon Valley was a centre of chemical production for sulphuric acid and other by-products from mine waste.

For some flagging copper mines, the working of arsenic provided several more years of profitable work and in some cases these ores became their principal output. Substantial works were established at the English Arsenic Company factory at Roseworthy, Gwithian and at Greenhill near Gunnislake, but the largest in the region was at Devon Great Consols, which at its peak produced 3,000 tons of refined arsenic a year. It was in the 1870s that a handful of mines in the Tamar Valley mining district were producing over half of the world's arsenic; the works at Wheal Anna Maria (part of Devon Great Consols) covered 3.2 hectares and had over 6,850 cubic metres of arsenic flues.



Collecting white arsenic from the flues, Roseworthy arsenic works (that served mines in A3i and A5).

A few grains of arsenic are usually fatal, but the arsenic workers did not appear to suffer from ill health or premature death. Their only protection was cotton wool for the nose and sometimes a cloth to cover their mouth. Exposed skin was also covered with fuller's earth to prevent arsenic poisoning through the pores.



A Scale of Fathoms

To Francis Basset Esq.
 (BULLEN GARDEN MINE in the Parish of Lumborne Cornwall)
Examined at his Request and gratefully inscribed By WILLIAM PRYCE

Bullen Garden Mine (later part of Dolcoath Mine, A5), as published by Pryce in 1778. This section is shown in the plane of the lode and workings at that time were for copper (the productive areas shown in a lighter shade). It conveys an impression of the deep mining methods that characterised Cornish mining throughout the nominated Site; and the context for the development and refinement of pioneer steam pumping technology.

Mining Technology

Water drainage

The growth in mineral output that created Britain's most important non-ferrous metal mining region was due to vertical exploitation of irregular, and erratic lodes within hard rock.

This necessitated shaft mining and presented a continuous challenge in terms of depth and water drainage.

Adit levels and the Great County Adit (Gwennap)

The driving of long drainage tunnels (adits) from the lowest suitable points in the topography was vigorously pursued from 1700 onwards. By the second half of the eighteenth century most established mines possessed adit systems.

The Great or County Adit was a venture headed by the Lemon and Williams families and drained the largest concentration of copper mines in the world. It was commenced in 1748. Its branching network eventually drained over 100 mines to an average depth of 80-100m and attained a length of over 65km. In 1839 it discharged around 66 million litres per day and had more steam engines pumping into its course than were used by the whole of continental Europe and America combined.

A high level of dissolved metal salts in this discharge gave rise to copper precipitation works and iron ochre works in the Bissoe Valley.

Even when steam engines were introduced, adits remained cost-effective, especially in coastal locations such as at St Agnes where up to 100m of vertical ore-ground could be drained by using sea-level adits. In the deeply incised Tamar Valley Mining District this was even greater and an adit driven in the mid-nineteenth century at Gunnislake Clitters mine met the ore-ground at a depth of 160m.

At Wheal Rose near St Agnes in 1725 the Newcomen engine was so costly that the adventurers decided to drive a 2.4km adit to alleviate the cost of carrying on firing it. By the time steam engines were adopted, the ore-ground above an adit was often exhausted.

Water-wheel engines

We are all assured, that a large water-wheel engine, if water is plenty and cheap, is most effectual and steady for the purpose of draining our mines. (W Pryce, 1778)

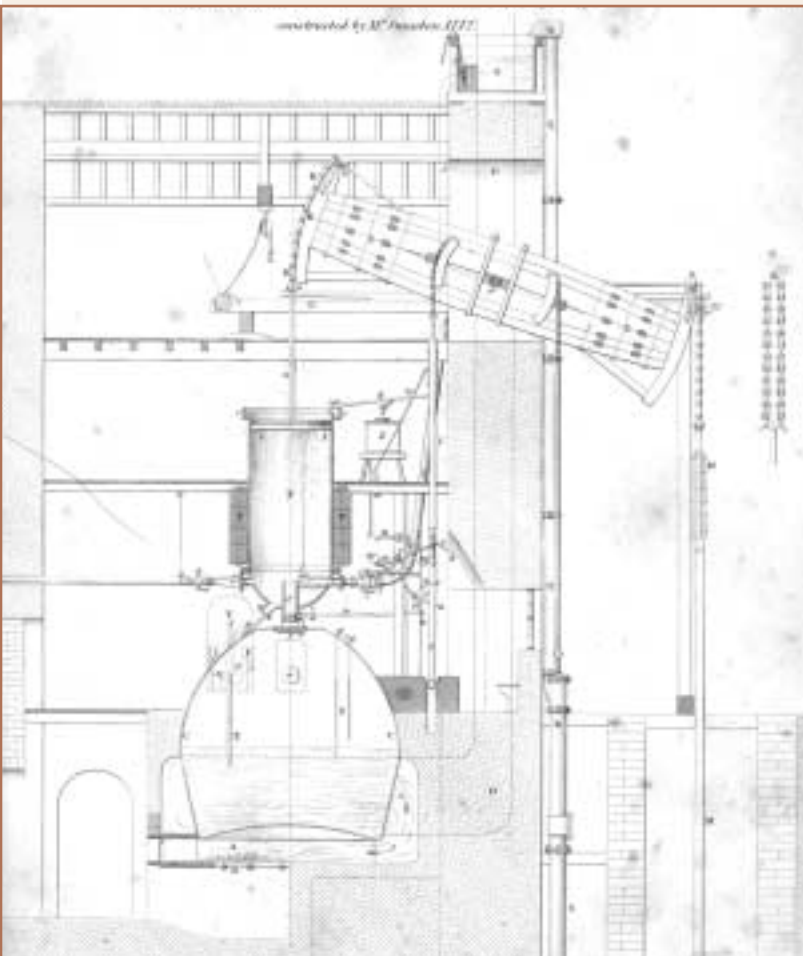
Water had long been removed from mine workings by devices that employed manual, horse or water power. William Pryce, writing around 1760, records horse-whims that drew 120 gallon (545 litres) barrels by the power of four horses. He writes *The water-wheel with bobs is yet a more effectual engine, whose power is answerable to the diameter of the wheel and the sweep of the cranks fixed in the extremities of the axis.* Water wheels also provided power for winding machinery, stamping mills and a host of other appliances. There were hundreds in the region, often working on a seasonal basis, some through leats taken off streams further up the valley, but also through leats taken from reservoirs that would only allow effective working during the rainy months of winter and spring. Water was a valuable commodity and landlords often rented out their streams for considerable sums of money. Mines themselves sometimes drove adits in search of water, constructed single leats many kilometres long to secure water and sited additional large waterwheels and water pressure engines underground to maximise the use of this precious energy resource.

Thomas Newcomen and the Atmospheric Beam Engine

The atmospheric engine invented by Devon-born Thomas Newcomen and installed at Dudley Colliery (West Midlands) in 1712 triggered changes in the Cornish mining industry that were to take it from an enterprise limited by what could be achieved using manpower, horse power and water power to a mechanised industry capable of large-scale and increasingly reliable production.

The engine at Great Wheal Vor (Breage), probably installed between 1710 and 1714, was the first such engine on a metal mine and can be taken as the beginning of the industrial revolution in Cornwall. This was not industrialisation in its economic and social sense but rather the establishment of the means to achieve industrialisation.

The engine introduced a radically new method of working. It also created the necessity for skilled workers who became known as engineers.



Newcomen Engine. From Farey, *A treatise on the steam engine*, 1827.

Building upon centuries of mining experience, Cornwall was, over the next seven decades to 1790, poised to change from a region with a growing mining industry, to a fully industrialised economy which was amongst the earliest both in Britain, and the world. However for some time Newcomen engines proved to be something of a false hope for Cornish mine adventurers. Their inherent inefficiencies combined with the crippling burden of coal duty had initially made them far too expensive for all but the largest and most profitable mines to install. By 1727 only five Newcomen engines were working in Cornwall and by 1740 there were still only about 20. This slow adoption of steam power resulted from four factors: the high initial capital cost of constructing the engine; a duty on sea-borne coal

(following petitions from Cornish mine adventurers this was finally abolished in 1741); the high cost of coal shipment from the coalfields of Bristol and South Wales and the added cost (often as much again) of mule carriage of landed coal from Cornish ports to the mines. Added to this was the high consumption of coal necessary to keep the engines running continuously (a large engine might consume as much as 12 tons of coal per day - 80 mule loads - and worked at an incredibly low efficiency of 1%). Even on the larger mines these running costs were often so high that the engines would be taken out of service after only a short period of use, to be replaced with the water-wheel pumps which had preceded them.

Nevertheless by the time of Newcomen's death in 1729, his engines were helping to drain mines in Hungary, Sweden, France, Germany, Belgium and Spain. One had even been delivered to the port of Vera Cruz in Mexico but had never made it to the silver mines for which it was intended. In 1753-55 Josiah Hornblower erected the first beam engine in North America (New Jersey).

Despite work by the Yorkshire engineer John Smeaton which resulted in the doubling of the efficiency of the Newcomen engine, it was proving too fuel-hungry for most Cornish mines.

In 1778 however there were still over 70 Newcomen engines at work when Pryce stated *Mr. Newcomen's invention of the fire engine enabled us to sink our mines to twice the depth we could formerly do by any other machinery.*

A depth of around 200m (below adit) approached the limit of the capability of these engines and, though they opened up important new ore-ground at such depths, technology remained at this level until the introduction of the Boulton & Watt engine into Cornwall in 1778.

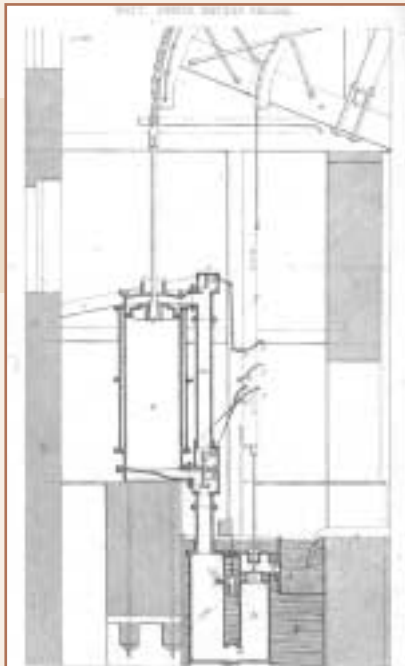
James Watt and the Separate Condenser

James Watt (1736-1819) invented the separate condenser in 1769 and in doing so created the first economic steam-powered engine. Not only were the new engines far more powerful than the old Newcomen engines but also their consumption of fuel was less than a third of the atmospheric engines.

In a region without its own coal, the invention was a breakthrough of immeasurable consequence.

Boulton & Watt's first engine in Cornwall was at the Chacewater Mine (later part of Wheal Busy, Chacewater) in 1778. Over the next four years 40% of the Boulton and Watt engines built were destined for Cornish mines.

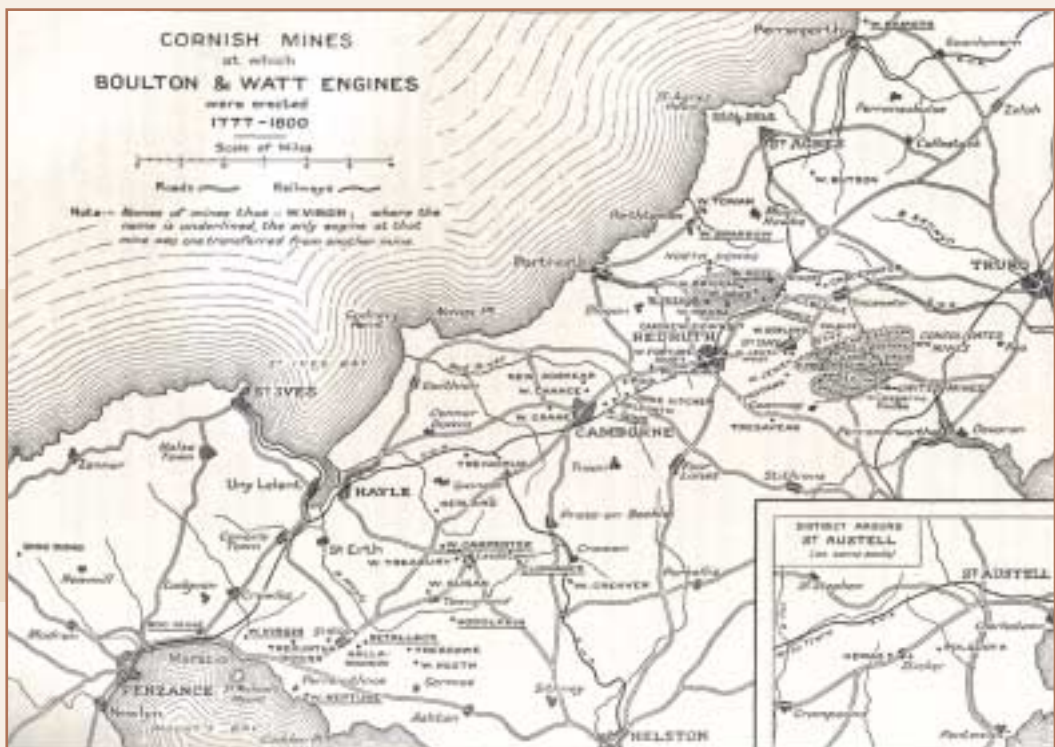
Boulton & Watt Engine. From Stuart, *Historical and descriptive anecdotes of steam engines...*, 1829



What later became Consolidated Mines in Gwennap operated seven Newcomen engines in 1779 to keep the mine workings drained but had to cease working due to the crippling cost of firing them. The mines were subsequently acquired by another group of adventurers who erected five Boulton & Watt engines in 1780. These operated at a full third of the pumping cost in coal. By 1783, 21 of the new engines were at work in the county with only one Newcomen engine still operating. By 1790 the number of Boulton & Watt engines

working in the county had increased to 45 and by 1800 mines were able to attain depths of around 300m below adit. The era of the Newcomen engine was over. James Watt and Matthew Boulton were not slow to recognise that Cornwall in particular stood to benefit enormously from these efficient pumping engines. Protected by Watt's patent from 1776 they could profit from a market in engines that they controlled and encouraged. Boulton & Watt invested in a number of Cornish mines to encourage the adoption of their engines. Under the terms of the licencing agreement with the owner, mines could only use this new technology under an arrangement which returned to Boulton & Watt one third of the saving in coal gained by using their engine rather than an atmospheric of equivalent power – an equation which was prone to dispute and interpretation. The patent was strictly enforced, as Hornblower and Winwood were to discover in the 1790s (in relation to their compound engines). Edward Bull Junior, with his inverted engine termed it *a manifest piracy...* Watt continued to improve his engine designs: the steam jacket in 1778; an improved rotative winding engine in 1781 (the first Cornish whim engine was erected three years later); the idea of expansive steam in 1782; the double acting engine and, in 1784, the parallel motion which kept the piston rod in line with the beam. By the last years of the century, however, the Cornish mines' market was becoming far less important to Boulton & Watt than the developing factories of the Midlands and North of England. Nevertheless their engines had laid the foundation for the most significant phase in Cornish mining.

Location map of Boulton & Watt engines. The distribution of steam engines at this time (principally in A3i, A5 and A6) marked the richest tin and copper mines in the world.



Richard Trevithick and the Cornish engine

Richard Trevithick (1771-1833) of Camborne, is Cornwall's most famous engineer. He is accredited with the introduction of high-pressure steam and a series of historic innovations.

James Watt distrusted high-pressure steam. He recognised the potential both for wear and tear due to harder working, and for catastrophic explosions in poorly-maintained boilers and engines. Trevithick, by contrast, recognised it as the way ahead; the key to the development of much faster, more powerful, and portable engines.

The end of the Watt Patent in 1800 ushered in an era of experimentation with alternative engine designs that flourished during the first three decades of the nineteenth century. The publication in Cornwall (from 1811) of Lean's Engine Reporter recorded the power produced by engines per unit of coal. It helped to promote competition amongst engineers and mine owners to develop efficient and powerful engines. The Cornish engine was adopted not only by Cornish and overseas mines but, from 1837, by the new waterworks being constructed to service Britain's rapidly-growing towns and cities.

Cornwall and West Devon foundries expanded to meet the growing demand. They benefited from being in

close contact with their market and rapidly became leaders in engine-building technology, supply and the erection on site wherever in the world the topography and depth of workings required them.

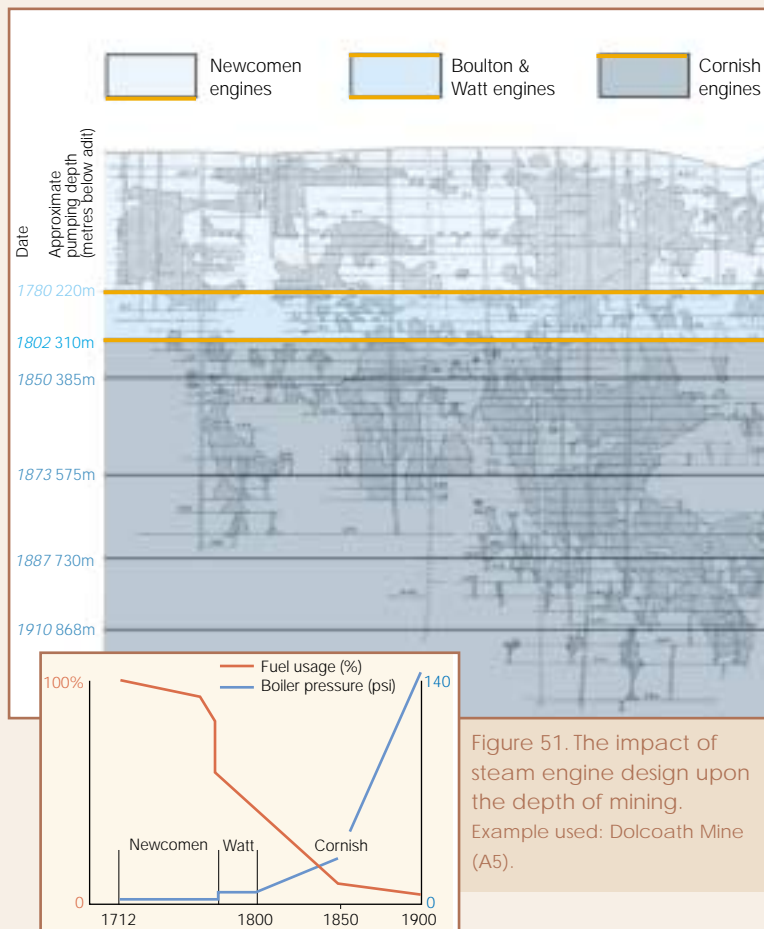
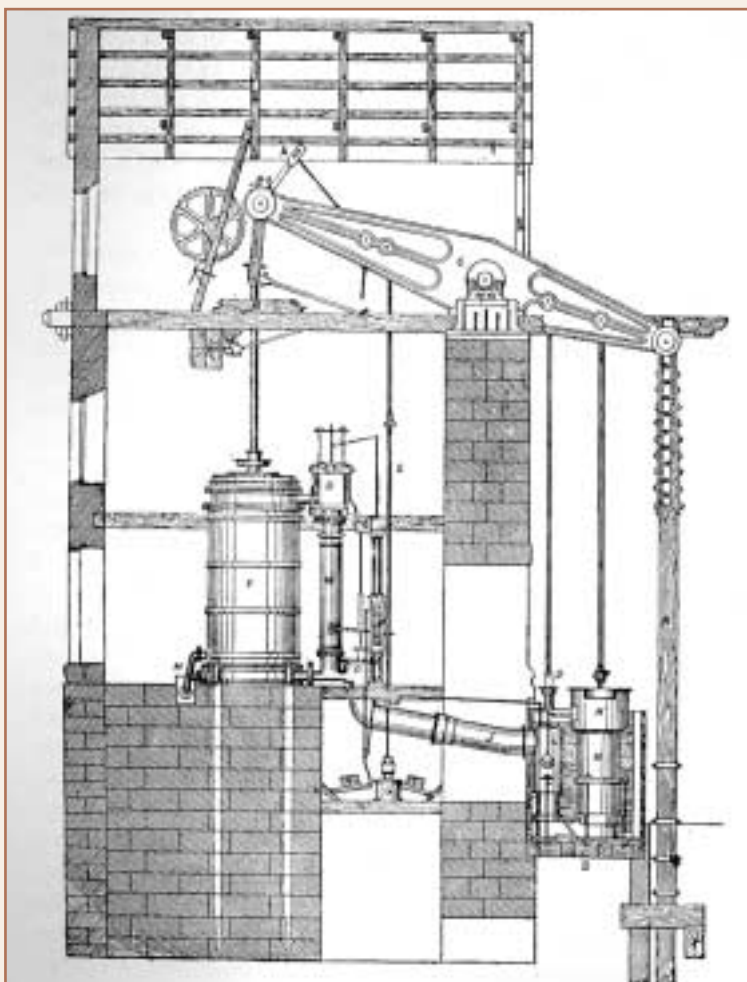


Figure 51. The impact of steam engine design upon the depth of mining. Example used: Dolcoath Mine (A5).



Trevithick's first high-pressure engine was erected at Stray Park (latterly a section of Dolcoath Mine) in 1800 and incorporated a series of radical improvements. It worked perfectly from the beginning, clearly implying that the engine had been under development for some time. Trevithick's influence on mine engines was considerable, particularly following the introduction of his high-pressure 'Cornish' boiler which allowed safe, high working pressures. An important legacy however lay in the potential for small, powerful, self-contained engines, particularly in the field of self-propelled transport. Trevithick's work laid the foundation for the development of the steam locomotive, the steam ship, the portable engine, the traction engine and the steam car and lorry, for many of which he built prototypes. The development of efficient high-pressure steam engines with multi-tube boilers effectively freed industry and communications from the limitations of water power, horse power and wind power. Equally significant, the more economical use of fuel meant freedom of location. It was now possible to take and use steam power anywhere.

The Cornish Beam Engine that became standard pumping equipment in the nominated Site and at many mines throughout the world. From Davies, *Machinery for Metalliferous Mining*, 1894.

The Cornish Engine House

The principal function of an engine house was to provide the integral framework of the engine it contained and its basic design was essentially established by Newcomen for his Atmospheric Engine. The distinctive architecture of Cornish beam engine houses links their landscape context - both in the United Kingdom and overseas - with Cornwall and West Devon mining engineering. More beam engines were installed in Cornwall and West Devon than any other mining region of the world: a total of around 3,000 engine houses were built to house them. Most surviving engine houses are rectangular in plan with a much thicker wall in the front (the bob wall), this was constructed using more massive stone (often cut granite) and was perhaps two-thirds of the height of the other walls. This wall supported the reciprocating beam (known in Cornish mining as a bob) which transmitted the reciprocating motion of the piston to the pump rods in the adjacent shaft (in the case of a pumping engine) or to the hoisting or crushing machinery. This wall had to withstand both the weight (that might be over 50 tonnes for a large pumping engine) and the rocking forces of the bob. The other walls braced the bob wall and helped to take some of the working stresses of the engine. The rear wall (usually with a gable that supported a pitched roof) contained the cylinder opening through which the cylinder, bob, and other large components were brought into the house. There were usually three chambers internally. Associated structures include: boiler houses which were often attached to the engine house as a lean-to building; chimney stacks which were either built-in to a rear corner of the engine house or sometimes detached and connected by a flue; and engine ponds (usually upslope) which stored water for the engine condensers.



The man-engine at Dolcoath Mine, photographed by J C Burrow and published in 1893. The man-engine was a means of ascending and descending the mine by stepping on and off the platforms of the reciprocating engine-rod.

The Man-Engine

Cornishman Michael Loam, engineer of Consolidated Mines, was one of the first to design a man-engine that could use the reciprocating motion of pump rods in engine shafts. In 1829 he tried to sell his invention but it was rejected without trial. In 1834 a prize was offered by the Royal Cornwall Polytechnic Society in Falmouth - *for the best improvement in the method of ascending and descending mines*; miners had long suffered the arduous and time consuming task of climbing ladders to get to and from their workplace. The prize was won by Michael Loam and his Man-Engine in 1835, two years after a similar machine (known as a Fahrkunst) was independently developed and installed in the Harz mining district in Germany.

It was not until 1842 that the first engine was installed in Cornwall at Tresavean Mine near Redruth. By 1864 eight man engines were in use in Cornwall. It was a successful design but initial cost combined with the crookedness of Cornish shafts, which frequently changed angle to follow the lode, meant that many mines did not adopt the device. These crooked shafts, due to lack of investment, were used well into the twentieth century until vertical shafts began to replace them.

Cornish stamps at South Crofty Mine (A5), c 1907. Revolving cams raised and dropped the heavy stamp heads to crush the tin ore.

Mining applications for the new steam technology

The first steam stamps were installed at Wheal Fanny (Carn Brea) in 1813; the first steam capstan, by William West, at South Hooe in 1835; and the first British man-engine by Michael Loam at Tresavean in 1842. But it was the Cornish pumping engine and the rotative winding engine which were to be the mainstay of Cornish and West Devon foundries. They were produced in their thousands for mines and works the world over. On overseas mines however, the rotative winding engine was quickly superceded by more efficient methods.



Point Smelting Works, Devoran (A6), 1857. During the eighteenth and nineteenth centuries the mining industry used quay space alongside the nearest navigable water for transport facilities and as a location for ancillary industry. Watercolour by Susan Anna Cory Whitford (1822-1894).

Mining ancillary industries

Growth in Cornwall and West Devon mining created a demand for ancillary industries to supply both the mines and its workforce, and to process its output. Amongst these industries (many newly imported to Cornwall) were: foundries; copper, tin and silver-lead smelters; rope-walks; ochre-works; arsenic works; chemical works; charcoal manufactories; candle factories; crucible works; brickworks; clothing factories; scientific instrument manufactories; gunpowder mills and explosives factories.

Harvey's Foundry Hayle (A2), 1876, where a blacksmith's workshop developed into the largest steam engine foundry in the world. Pictured in the 'erecting shop' this engine was supplied to the Kimberley Diamond Mines, South Africa.

Engineering and foundries

The Engineer makes Engines for Raising of Water by Fire, either for supplying Reservoirs or draining Mines.

An engineer, who operated and maintained steam engines, had become a specialist on Cornish mines as early as 1740.

Parts for steam engines were made in foundries and forges. Initially Cornwall did not possess any foundries capable of casting and boring cylinders. The Darby firm of Coalbrookdale in Shropshire (established 1709) was one of the principal founders of iron cylinders and, together with others in the Midlands, supplied almost all the early engines in Cornwall.

It was not until the end of the eighteenth century that Cornwall began making her own engines. The expiry

of the Watt Patent in 1800 heralded a period of experimentation in Cornwall by engineers such as Sims, Woolf, Trevithick and Hornblower. From about 1820 virtually all the

local mines bought 'Cornish' and by 1840 Cornish engines and engineers were the most distinguished in the world. Globally, as new mineral discoveries were made, so mine engines were despatched to South America, Australia, Ireland and South Africa; in fact wherever deep mining was to be found.



Three of the largest foundries were Harvey's Foundry (Hayle), Perran Foundry (Perran-ar-Worthal) and the Copperhouse Foundry (Hayle). Together they were responsible for the employment of upwards of 3,000 people during the nineteenth century:

Harvey's Foundry, Hayle (1779-1903)



Harvey's Foundry, Hayle (A2), c1890. Harvey's were noted for the production of large beam pumping engines. A cast-iron 'bob' is pictured in their yard. Hayle railway viaduct behind.

Harvey's was indisputably the greatest of the Cornish foundries. It was established in 1779 by John Harvey and greatly expanded by his son Henry in collaboration with Arthur Woolf. It became the foremost engine foundry in the world, with an international market served through their own port at Foundry town, Hayle.

Perran Foundry, Perran-ar-Worthal (1791-1879)

Perran Foundry was the second largest iron foundry in Cornwall. It stood on a tidal inlet of the Fal estuary at Perran-ar-Worthal (near Falmouth) and was set up by seven members of the Fox family in 1791. A year later, the same partners leased Neath Abbey Ironworks in



Perran Foundry (A6), late nineteenth century woodcut. A settlement grew up around the great iron foundry and from here iron barges took heavy engine parts to their quay at Devoran for shipment.

South Wales and acquired nearby collieries, iron mines and blast furnaces to produce their own pig-iron.

They were formulating a production chain of considerable commercial scale; an aim shared by their friends and co-partners in many mines and other ventures, the Williams family of Scorrier.

Copperhouse Foundry (1820-1869)

The Cornish Copper Company started a foundry in their former copper smelting complex when smelting ceased there in the 1820s. This traded as Sandys, Carne and Vivian and was one of the three great Cornish engine foundries.

Other foundries

Cornwall and West Devon foundries and engineering works also specialised in the manufacture and supply of a wide range of mining equipment. There were foundries in Tavistock, Charlestown, St Just, Tuckingmill, Redruth, St Blazey and other mining districts.

Holmans of Camborne was established as a boiler works at Pool in 1801. It developed into the principal employer in the district (over 3,000 employees) and expansion had a significant impact upon the urban development of Camborne. Holmans became synonymous world-wide with excellence in rock-drills and compressors.

Rock drills

A high-pressure steam rock-boring engine, which also lifted and loaded the stone for transport, was designed by Richard Trevithick (1771-1833) and built by Henry Harvey at his foundry in Hayle.

Mining rock drills however were not adopted in the region until the last quarter of the nineteenth century, well after Joseph Fowle of Boston, USA, invented them



in 1851. Rock drills increased the rate of sinking shot holes dramatically. Their operation by compressed air also greatly improved ventilation and reduced working temperatures. But they did have a sinister downside. Deadly sharp dust caused thousands of miners to die a painful death from silicosis; drills became known as 'widow-makers'.

Cornish manufacturers subsequently pioneered dust-suppression by delivering a water spray to the drill bit. Whilst the decline in Cornish mining closed much of the home market, trade in the Camborne engineering heartland soared with the opening up of huge markets overseas. One of the major exporters was Holman Brothers which, with James McCulloch, developed *The Cornish Rock Drill*. It was in use in South Wheal Crofty, Dolcoath, Tincroft, East Pool, Kit Hill, and in Wales by 1882. In the late 1880s rock drills were sent to Australia, New Zealand and Spain. In 1889 Holmans began trading with South Africa and interests were concentrated on the Rand Goldfields in what became their greatest market for over half a century. By 1896 there were more than 1,000 Cornish rock drills in use on the Rand gold mines. Their impact upon the development of these deep mines was crucial and by the turn of the century their number had doubled. Both Holmans and Climax had experimental drill test sites (near Camborne and Carn Marth Quarry respectively).

Engineers and engine erectors

Initially, many of the engine erectors and engineers came from outside Cornwall and were originally agents or representatives of the pioneering Midlands foundries which had supplied the majority of the parts for the early beam engines. Some settled in Cornwall to work. Josiah Hornblower came from the Midlands in the 1720s. His son Jonathon followed him from Coalbrookdale in 1745 and four of his children worked as engine erectors for Boulton & Watt before setting up as engineers in their own right. John Wise came from Warwickshire in the 1740s. Of all these incomers the most important were the engineers and erectors sent to Cornwall by Boulton & Watt in the later decades of the eighteenth century. William Murdoch was one, and he came to Cornwall as their chief engineer. But local engineers of distinction soon appeared. Richard Trevithick was the son of one of the mine captains at Dolcoath and was brother-in-law to Henry Harvey of Hayle. Arthur Woolf left Cornwall in 1785 to work for Joseph Bramah's engineering works in Pimlico (London) and subsequently worked as an engine erector and engineer until his return to Cornwall in 1811. There were many others, amongst whom were: William Sims, the self-taught

son of an engine man, James Sims, John Hocking, Michael Loam, William West, the Michells, the Eustices, Samuel Grose, Billy Jenkin, the Tonkins, James Bullen and others on whose expertise rested the efficient running of Cornwall's mines. They became highly respected engineers.

Innovation

The development of deep, hard-rock mining during the eighteenth century repeatedly threw up problems for which practical answers had to be found. Other people's ideas and skills were sometimes imported, whilst local mineral owners, merchants, miners and engineers, in an inherent empirical tradition, were constantly experimenting, improving and cumulatively innovating. In 1702 Robert Lydall of Truro developed an improved reverberatory tin furnace; in 1762 Sampson Swaine of Camborne developed a moorstone boiler which combined the production of steam with the reduction of low-grade copper ore to a partial smelt; in 1772 James Budge developed the tapered barrel whim; in 1805 John Taylor designed the mechanised copper ore crusher that became known as the Cornish Roll. These were first manufactured by Mount Foundry in Tavistock (A10ii) and first applied to ore-dressing at the important copper mines of Wheal Friendship (Mary Tavy) and Wheal Crowndale (adjacent to the Tavistock Canal, A10ii); in 1812 Woolf's steam stamps were erected at the Carn Brea mines. Whilst the best-known developments in mining technology lay in the field of steam engines, engineers from Cornwall and Devon were also responsible for numerous important improvements to boilers, mine pitwork, pumps, hydraulics, surveying equipment and ore-dressing. In 1829 the Brunton calciner was installed at Wheal Vor; in 1830 the first hydraulic jig was invented at Fowey Consols; in 1840 wire rope haulage was introduced at South Frances; in 1844 the Brunton Belt Concentrator (a forerunner of the frue vanner) was installed at Devon Great Consols; in 1844 the Oxland process was developed for the removal of wolfram from tin ores; in 1856 the hydraulic classifier was invented by Isaac Richards; in 1860 Vincent invented the rag frame; in the 1870s Harvey's of Hayle developed the pneumatic stamps; in 1880 Michell & Tregonning invented the barrel pulveriser (forerunner to the ball mill); in 1912 the James tin concentrating table was first manufactured by Holmans.

The nineteenth century also saw the emergence of a substantial gunpowder-making industry, the invention and manufacture of the safety fuse by Bickford (whose company was to dominate world production for

decades), the expansion of Perran Foundry and Harveys of Hayle into international suppliers of mining equipment, and the eventual emergence of Holmans of Camborne as world leaders in the field of rock drills and compressed air equipment.

Murdoch lit his Redruth house with gas in 1792, Humphry Davy established himself as a pioneering British chemist, Goldsworthy Gurney ran a steam-driven coach from London to Bath in 1829 before turning his attention to lighthouses, Trevithick had trialed a practical steam carriage in 1801 and produced the first successful steam locomotive in the world.

Gunpowder

Gunpowder was very expensive, largely because of the monopoly on saltpetre. It was made by grinding charcoal, sulphur and saltpetre together in 'incorporating mills'. The process was complex and extremely dangerous. At all stages the mixture was unstable to a greater or lesser degree.

Gunpowder was imported into Cornwall until 1808 when the first Cornish gunpowder factory opened: at Cosawes Wood, Perran-ar-Worthal, about 5 miles from Falmouth. The site at Cosawes and at other works - such as the one at nearby Kennall Vale which followed in 1813 - were chosen for their seclusion in wooded river valleys. This ensured both the availability of water power and the relative safety of nearby settlements, shielded as they were by the trees. The roofs of the factory buildings were also designed to blow off relatively harmlessly in the event of an explosion. The adoption of gunpowder represented a great technological breakthrough. In 1836 alone, 30 tonnes of gunpowder were used in Cornish mines.

The first practical high-explosive ever fired in a mine was in the Restormel Iron Mine (managed by John Taylor) at Lostwithiel in 1846.

By the 1860s high explosives were being used far more efficiently and had become far more refined. In 1866, Alfred Nobel (1833-96) invented dynamite.

This nitroglycerine-based explosive reached Britain the following year and Cornwall soon after. The principal Cornish gunpowder manufacturer - Shilson - set up the National Explosives Company in 1888.

The first factory was built amidst the protective environment of Hayle Towans and soon became one of the leading manufactories in Britain. In 1889 the British & Colonial Explosives Company was formed. The site chosen for the new factory was a hectare of remote old mining ground at St George's Common on the cliffs west of Perranporth. Extensive structures survive, both at Hayle and at Perranporth.

Safety fuse

Blasting in mines was extremely dangerous. Shot holes were drilled by hand, a charge of gunpowder inserted, tamped, and a fuse lit to fire the hole. Rudimentary powder-filled reed or goose-quill fuses burned unpredictably. There were countless accidents to miners involving blinding, loss of fingers, mutilation and death.

In 1830, William Bickford, a leather merchant from Tuckingmill near Camborne, devised a way of introducing a stream of gunpowder into the core of twisted flax yarns which were afterwards bound with twine and sealed with a waterproof varnish of tar. The fuse burned at a consistent 30 seconds per foot. Bickford obtained his patent in September 1831.

The production of the safety fuse in Cornwall increased dramatically as more mines adopted it when blasting underground. The Cornish fuse, made not only by the Bickfords but also by other manufacturers such as Bennetts of Roskear (1870) and Tangye's in Redruth (1886), was sent to mining fields throughout the world. Bickford's product predominated however, and they soon set up works in America (1837), Germany (1844) and a subsidiary company in Spain (1860). Production further spread with factories in Austria, Australia and Hungary. A century after its invention, the Company was manufacturing 160,000 kilometres of safety fuse a year.



Bickford-Smith's Fuse Works and Foundry Row at Tuckingmill (A5). Early twentieth century aerial photograph (surrounding landscape ghosted by photographer). Today, in countries such as France and Russia, 'Bickford' is synonymous with safety-fuse.

Tin smelting

Tin smelting in Cornwall was, on the whole, a more capital-intensive and lucrative business than mining and was controlled by a 'ring' or cartel of a few families.



Duchy of Cornwall coinage stamp. After smelting, tin ingots were submitted to the Coinage Hall by the producer. There, a corner, or 'coin' was removed and assayed. On receipt of the tax, tin of the approved purity was struck by the Hammerman with the 'Duchy coinage stamp'.

Money was often advanced to mines or miners, to be re-paid in tin. For the Bolitho family of Penzance this practice led to them becoming bankers. Thomas and William Bolitho founded The Mounts Bay Commercial Bank in 1807 in the count-house of their Chyandour Smelting House. The Consolidated Bank of Cornwall was taken over by Barclays Bank in 1905. The principal Cornish families engaged in tin smelting were the Daubuz, the Williams, the Harveys and the Bolithos. The ownership of smelting houses, and of the smelting companies themselves, changed frequently throughout the nineteenth century as industrial families changed their alliances and strategies.



Mellanear Smelting House, Hayle, 1900.

A landmark technical improvement in Cornish tin smelting came in 1702. This was the introduction of the reverberatory furnace at Newham (Truro). This used coal instead of charcoal and the charge of tin was no longer mixed with (and contaminated by) the fuel but was reduced by the application of heat alone. By the nineteenth century, most tin smelting was conducted in reverberatory furnaces, although the larger and more

important blowing houses remained until the mid-century. Tin smelters within the region were initially concentrated close to the Stannary Towns and navigable rivers or harbours. Those in Cornwall tended to migrate from east to west as production shifted from tin-streaming to deep lode-mining. Most of these early important tin smelters were concentrated in Penzance, Hayle, Truro and the St Austell area. Later, when rail transport had developed (and coinage had been abolished) Redruth became an important centre for tin smelting.



Carvedras Smelting House, Truro, 1890. The workers display 28lb (12.7 kg) tin ingots and (at the front) a slab or block (weighing up to 178 kg).

Uses of tin

For centuries, Cornish tin production was destined for The Worshipful Company of London Pewterers and gave rise to important medieval ports such as Truro. Coins were also minted: tin halfpennies and farthings were introduced by King James II (reigned 1685-1688). In all £10,000 worth of tin was purchased, and £65,000 worth of coins issued. Bronze (an alloy of copper and tin), once used in the production of cannon (before the development of large reliable iron castings) was also essential for precision instruments.

In 1789 a major new market was found for Cornish tin. The East India Company, which had a monopoly on all official "British" trade with China, began to buy around two thousand tons a year. This was consumed as tinfoil in religious ceremonies. Around half of this demand was met by Cornwall.

Tin-plated cans to preserve and transport food were invented by Peter Durand in 1810. During the early decades of the nineteenth century major growth in the tin-plate industry created a new and vibrant demand. Solder was an essential part of that industry and it also became a vital requirement of the electrical industry in the second half of the nineteenth century.

Copper smelting

The technical complexity of copper smelting meant that sites needed to be close to a plentiful and homogeneous mix of copper ores. In addition, large amounts of coal were needed for fuel and the reduction process; an economic supply of coal was therefore crucial. Copper smelting was carried out in Cornwall in several locations but principally by the Cornwall Copper Company at Hayle (1758-1819). In time however, it made better commercial sense to ship the ore to the coalfields. Shipments were mostly of hand-picked, crushed ('cobbed') raw ore but later partly smelted regulus was sent too. At first it all went to Bristol. Later, most of the copper smelting works were located close to the south Wales seaboard around Swansea.

The transport of millions of tons of copper ore accounts for the once extensive mule trade, the tramroads and railways, quays, industrial harbours and shipping fleets. The 'Welsh Fleet' brought coal for Cornwall's steam engines as back loads in the copper-ore schooners. In the Swansea region, copper smelting (and indeed much of the tin-plate industry) was in the hands of Cornish industrialists. The Williams family bought the Morfa Copper Smelting Works in Swansea in 1831. Michael Williams (1784-1858) was vested with the responsibility of the Welsh business and became High Sheriff of Glamorgan in 1840. Henry Hussey Vivian (1821-1894) was responsible for the success of the family's Hafod Works, Vivian & Sons, together with much of the enhancement of Swansea as a port and the creation of a railway to the Rhondda coalfield. He became the first chairman of Glamorgan County Council in 1889 and was made Lord Swansea in 1893.

Grenfell & Sons (Copper Bank Works, 1803) was where Pascoe Grenfell partnered the great Anglesey mining dynasty of Williams. Ralph Allen Daniell started the Llanelli Copper Works in 1805.

Uses of copper

Defeating the ship worm:

From the mid-eighteenth century copper was used to sheath the oak bottoms of ships to protect them from the teredo or shipworm. The frigate *Alarm* was sheathed with copper in 1761 which improved her speed. The Admiralty subsequently had virtually the entire fleet sheathed. Large East Indiamen followed suit and copper was used almost exclusively until 1832 when it was replaced by a new patented brass.

Copper coinage:

At a time of an acute shortage of copper coinage Matthew Boulton perfected a steam-powered coining press that could produce coins of a standard size and weight. Between 1797 and 1806 4,200 tons of two-penny pieces, pennies, halfpennies and farthings were produced (equivalent to around one year's production of metal from the Cornish mines). Token money, only to be spent at the owners' shops, was issued in Cornwall, notably by the Basset and Williams families.



Scorrer penny, 1812.

The sugar industry:

The British-led West Indies sugar cane industry used copper to make boiling and refining equipment. It was also used to make brewing vats, distilling and dyeing vessels.

Electric cable:

From the mid-nineteenth century the telegraph system required tens of thousands of miles of copper cable for land- and submarine-telegraphy. Copper was vital to this world-changing revolution in communications and the

first trans-Atlantic cable came ashore at Porthcurno in west Cornwall.



Hafod Copper Works on the Swansea River owned by Vivian & Sons.

Mining transport



Morwellham (A10) c 1860. Piles of copper ore can be seen on the quays next to schooners awaiting loading. The transport infrastructure and surrounding settlement can be clearly seen; much of which remains today.

Mineral products and their transport implications

Tin ore was crushed at the mine to a fine mass and the waste separated out to produce sacks of concentrate (around 60% tin metal). These were taken to local tin smelters. Copper ore was sorted and broken by hand into small lumps and taken in bulk (6-12% copper metal) mostly to ports to be shipped to South Wales for smelting. Arsenic ore was refined (either to the oxide or a pure form) at the larger mines or special refineries, and packed in casks.

By far the greatest volume of carriage from the mines was therefore due to the transportation of copper ore to the nearest port for shipment to South Wales.

The beginnings of the nineteenth century marked a great era of expansion and growth in Cornish copper mining but progress was being impeded by the inadequacies of a slow, congested and sometimes even seasonal transport infrastructure. Mines in the region were concentrated in a spatial and structural relationship with the outcrops of granite and their metamorphic aureoles. However, the geographical distribution of output shifted temporally as new lodes (and even districts) were discovered and old ones exhausted. Mining hinterlands required a substantial transport network that formed a reliable, economic and high-capacity link from mine to port. The transport sector that served the mining industry required some of the largest investments in the region and promoters were nearly always those mineral lords and mine owners and/or bankers who were already engaged in mining.

The development of an effective industrial transport

network had a considerable impact upon the landscape, involving as it did the construction of extensive railway trackbeds, bridges, tunnels and aqueducts, as well as harbours and their associated infrastructure.

Supplies (coal and timber):

Devon and Cornwall had no suitable coal of its own, the inferior coals found in north and south Devon being mainly used domestically and for lime-burning. All the region's needs were brought from the coalfields of the Bristol area and subsequently from South Wales; an unlimited supply made accessible by sea and navigable river systems. Timber was required in immense quantities for pump rods and underground props. Pine was found to be suitable, brought from Scandinavia and Canada, again by sea.



Close-set heavy timbering in the 412 fathom level of Dolcoath Mine. J. C. Burrow, 1893. Shortly after this photograph was taken, the massive timbers collapsed due to a heavy rock fall. Seven miners were killed.

Mineral ports and harbours

Cornwall has an extensive coastline and a long maritime tradition but until the late-eighteenth century it had few large specialised ports. The mining trade was handled by newly-developed specialist industrial harbours throughout the region. Pre-eminent amongst these were: Hayle, Copperhouse, Portreath and Devoran.



Portreath Harbour (A5), c 1860. Copper-ore was loaded into the schooners from the storage bins along the quay.

These jointly handled almost all the requirements and output of the mines and industries of west Cornwall. Smaller harbours were also built at St. Agnes, Par and Charlestown. Harbours and quays at Newquay, St Michael's Mount, Porthleven, Looe, Calstock, Morwellham and New Quay were enlarged to cope with several phases of the expansion of mineral output.

Mule trains

Until the nineteenth century horse and cart transport was rarely used for the carriage of ore and coal as the track ways and roads of the mining districts were totally unsuitable for wheeled transport of any kind, particularly in wet winter months. Pack-horses and most commonly mules were universally adopted and became a highly visible feature of the landscape.



Mule train carrying copper ore, Dolcoath Mine, Camborne (A5). A 'pare' of mules consisted of anything between 20 and 60 beasts.

Stables were purpose-built for large numbers of the animals; in 1800 Matthew Boulton estimated that there were 1,500 mules engaged in the copper ore-coal trade with West Cornwall mines. To this may be added a similar number of horses and mules that worked on the mines themselves and in ancillary industries.

A mule carried a load of around 150kg in leather or sail-cloth sacks slung across a wooden saddle. (They could however haul up to seven times as much if the load was in a wagon riding on iron rails). Mule packing frequently involved journeys of 30km a day or more with the laden mules working from daybreak to midnight in summer. In winter however, tracks often became impassable due to heavy rain and mud, adding to the logistical bottleneck of transporting coal to and copper ore from, the mines. During the Napoleonic Wars (1803-1815) the steep rise in the price of fodder side-lined the mules and caused the emergence of tramways and railways; some of the first railways in the world.

Mineral tramways and railways

Cast iron rails were first adopted in Coalbrookdale (Shropshire) in 1767 and short industrial tramways were soon in use at mines and quarries across the country. Far heavier loads could now be moved, by the same power, than on the finest road surface. During the 1820s, many of the more important mines in the region adopted horse-drawn tramways to link production shafts and dressing floors. Traction continued to be provided by horse and mule power until steam locomotives were introduced.

The early Cornish tramroads and railways were built to link copper mines with mineral ports. Up until the early nineteenth century practically the entire copper mining region was within a 13km radius of Carn Brea Hill.

Portreath Plateway (1809) (A5iii)

Portreath Plateway, the first of the mineral lines, was started in 1809 to link the copper mines of North Downs and the Gwennap district with the harbour of Portreath on the north coast. It was leased from the Bassets of Tehidy and promoted by the Williams family and their friends the Foxes of Falmouth. Gwennap parish alone produced one third of the total output of Cornish copper and mines such as Poldice benefited greatly from the new plateway.

Poldice was both the richest mine in Gwennap and the last to close down (in 1873). It had gradually switched from tin to prolific copper production during the last quarter of the eighteenth century.

Redruth and Chasewater Railway (1824) (A6)



Redruth & Chasewater Railway, c1899. In addition to serving the Gwennap Mining District (A6), the railway carried supplies for other mines and industries between Devoran, Redruth and the Basset mines. In its inaugural year, the railway hauled over 50,000 tons of copper ore and 20,000 tons of coal.

John Taylor (1779-1863), industrial rival to the Lemons, the Williams and the Foxes, built the Redruth and Chasewater Railway in 1824 to link the principal mines which he leased in Gwennap - including Consolidated - to his new port at Devoran. This was built on one of the estuaries above Falmouth Harbour on the south coast.

Hayle Railway (1834) (A2)

The Hayle Railway linked the Redruth-Camborne district to the port of Hayle from 1834 to 1839. The Portreath Branch was constructed in 1837. This was intended to capture the trade of the rich mines in the district north of Carn Brea.



The inclined plane of the Portreath branch of the Hayle Railway (A5). This was operated by a steam whim at the top of the incline.

Luxulyan Valley

In 1829 Joseph Thomas Austen (later changing his name to Treffry) opened a canal from Par to the foot of Penpillick Hill, later to be extended to Pontois Mill. This connected with a railway to Lanescot Mine and via an inclined plane to the rapidly expanding Fowey Consols. Ten years later work began on another incline (to be worked by water wheel) through Carmears woods to terminate near the viaduct/aqueduct which spanned the Luxulyan Valley. After leaving the viaduct the line terminated at Molinnis near Bugle. In 1844 Treffry turned his attention to the north coast and constructed a railway from Newquay harbour to St Dennis with a branch to East Wheal Rose. The line was completed in 1849 and was the beginning of what was to become the Cornwall Minerals Railway.

Liskeard and Caradon Railway (1844 - 1915) (A9)

This railway was started in 1844 and linked the Liskeard & Looe Union Canal at Moorswater to South Caradon Mine. In 1846 the line was extended to Minions and Cheesewring Quarry via a long incline at Gonamena. Further extensions took place over the years including the incorporation of the Kilmar Railway and a route around Caradon Hill, taking in more productive mines such as East Caradon and Marke Valley Mine, and avoiding the Gonamena incline. By the late 1850s the canal was proving to be inadequate due to the increasing traffic and so the canal company constructed a railway, mostly built on the bed of the canal. This gave the railway a direct route to the port of Looe.



The Liskeard and Caradon Railway (A9) was at first operated by gravity (from the mines to the canal) and by horses on the return journey. When the railway was extended to Looe, the company hired a locomotive to work their new line and in 1862 they purchased their first locomotive named 'Caradon'.

The East Cornwall Mineral Railway (A10i)

The first turf of the Tamar, Kit Hill and Callington Railway was cut in 1863, and the line was completed as the East Cornwall Minerals Railway in 1872. The line connected the mines in the Kit Hill-Gunnislake area with the port of Calstock. The railway above Calstock (worked by two steam locomotives) was connected to the Calstock quays and the River Tamar by a rope-worked single track incline with a passing loop at its mid-way point. The line was taken over in 1901 by the Plymouth, Devonport & South Western Junction Railway. The Calstock viaduct was built in 1907 and subsequently the Calstock incline was abandoned and a fifteen ton wagon lift was constructed against one of the viaduct piers. This was dismantled and sold for scrap in 1934.

Other railways constructed in Cornwall and West Devon to link developing industrial areas to the coast were: the Pentewan Railway (1829) connecting St Austell to Pentewan; the Bodmin and Wadebridge Railway (1834); the Newquay to St. Dennis line (1849) with its branch to the Newlyn East lead mines; the Fowey Consols to Par line (1851) replacing the Par canal; and the line linking Devon Great Consols to Morwelham (1857).

The Pentewan Railway was built in 1829 by Sir Christopher Hawkins primarily for china clay traffic, although there was however a siding near London Apprentice that served Polgooth Mine. It was not until 1874 that a locomotive replaced horses. The silting of the harbour at Pentewan combined with the reluctance of the clay companies to transport their clay by horse and cart to the terminus at St Austell brought about the closure of the line in 1918.

With the completion of Brunel's Royal Albert Bridge (1859) across the River Tamar, Cornwall had, for the first time, a main line connection to the rest of Britain. Some sections of mineral railways were converted to passenger use, but many remained predominantly or wholly industrial carriers for the remainder of their working lives.

Canals

Canals were generally not a practical option for moving minerals and supplies, particularly in the western part of the nominated Site. For one thing, the mines were in relatively easy reach of navigable water; for another, many mines were on or close to the granite uplands. There were some notable exceptions. At Carclaze Mine, a tin open-work near St Austell, a subterranean canal was in operation from around 1720-31. This ran beneath the length of the pit and was connected to it by a 40m

deep shaft down which ore was lowered into the barges. These were made of oak, 2 x 1.5 x 0.3m deep, with flat bottoms and were simply floated out to the stamps and dressing floors nearly 1km away.

The Tavistock Canal (built 1803-17) was 7.2km and was constructed by Taylor to link the copper mines that he managed in the Tavistock area with the River Tamar, the principal transport highway to the sea at Plymouth. A 2.4km tunnel carried it beneath the high ground of Morwell Down and an inclined plane connected the Morwellham canal basin with the quays below.

The Liskeard & Looe Union Canal (opened in 1827) connected Moorswater with Looe. The canal owed its success to the discovery of copper ore at South Caradon Mine in 1836 and to the considerable traffic of the Caradon mines and granite quarries thereafter. From 1844 the Liskeard & Caradon Railway linked South Caradon with the inland canal terminus at Moorswater. By the late 1850s the canal was proving to be inadequate due to the high level of mineral output from the Caradon mining district and so, in 1860, the canal company extended the railway down to Looe. This initially relieved congestion on the canal and then swiftly replaced it. The Par Canal (opened in 1829) was constructed by Treffry from Par to the foot of Penpillick Hill and later extended to Pons Mill. This connected with a railway to Lanescot Mine and via an inclined plane to Fowey Consols, a large and very rich mine owned by Treffry.

Mining settlements

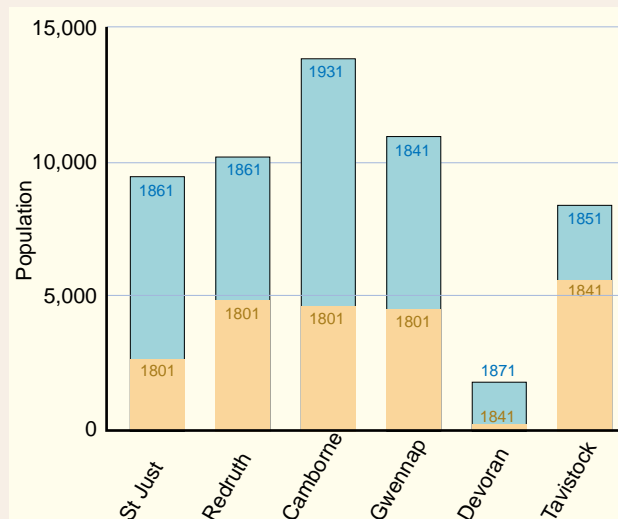


Fig 52. The influence of mining on population.

Miners generally lived in two- or three-roomed houses built of granite or 'cob', a mixture of straw and mud. Their families were often large and they frequently took in lodgers to supplement their incomes. Keeping a big family in a damp over-crowded cottage without adequate sanitation meant a daily struggle to maintain respectable standards.

In 1861, well over 60 per cent of the lodgers employed in the mining industry in Camborne and Redruth were accommodated in the houses of fellow miners. Some occupied cottages on smallholdings and had access to a few acres of land. Some lived in terraces or rows of cottages which might have gardens where food could be grown. The majority lived in towns, however, where gardens were small or replaced by courtyards offering little opportunity of supplementing their diet with garden produce. Mining radically changed the population distribution within Cornwall.



Mining and the community side by side in St Agnes (A7), early twentieth century. The central spire beyond Fore Street is the parish church whilst on the left is an engine house of West Wheal Kitty.

The industry and its ancillaries were employers of vast amounts of labour. Around 25 per cent of the population were employed in the mines alone. Throughout the eighteenth century nearly all Cornish copper - more than one-third of the world's production at the time - came from the region between Truro and Hayle, and much of it in rural areas remote from established settlements. So until the 1840s, every parish west of Truro experienced rapid population growth.

Numbers rose dramatically as 'sojourners' followed the fortunes of the mines. There was a constant movement of miners across the County as the fortunes of mines and mining districts waxed and waned. In 1801, the great mining parish of Gwennap had a population of 4,594. By 1841 it had mushroomed to 10,794.

Copper was discovered and mined in the St Austell district on a large scale after 1812. The Caradon mines north of Liskeard were opened up around 1835 and became among the richest in Cornwall some fifteen years later. The Tamar Valley, already an old producer, saw renewed activity in the 1840s especially with the discovery of the richest copper mine of them all - Devon Great Consols. Between 1845 and 1866 the Duke of Bedford built 268 model industrial workers cottages in the Tavistock area. Lead mining districts such as St

Newlyn East, Menheniot and Herodsfoot joined these 'magnets' of the 1840s.

As the mining industry gathered pace in mid- and east Cornwall, there was a marked movement from St Austell to Liskeard and St Cleer and longer distance movements of miners and their families from west to east, for example, from Gwennap to Calstock and Breage to Menheniot.

Villages such as Pendeen, Lanner, Four Lanes, Menheniot and Mary Tavy grew up haphazardly around new mines, while older towns close to the mines like Redruth, St Just and Tavistock grew rapidly to accommodate an influx in population.

Redruth's population grew from 4,924 to 11,504 between 1801 and 1861. In the Tavistock District, the population rocketed from 6,272 to 8,147 between the 1841 and 1851 censuses, an increase of 30 per cent. Camborne grew from a small village to one of the largest towns in west Cornwall, witnessing significant inward migration from eight other districts. Such rapid industrialisation created social problems similar to those encountered in other industrial areas of Britain.

Miners' smallholdings



Much of the Cornish mining landscape - over 80,000 hectares - is in upland rough ground, commonly treeless, exposed, and very wet, with thin acid soil. This ancient landscape was once heathland, then the site of prehistoric farmland and the upper margins of the medieval farming zone. Until the late eighteenth century it was largely uncultivated and used for common grazing. In west Cornwall the best arable land had probably been enclosed by the seventeenth century. Mineral lords, such as Francis Basset, allowed settlement for miners provided they cleared upland areas of waste. These smallholdings were held under the 'three lives' system. Over 50,000 hectares were taken into cultivation during the eighteenth and nineteenth centuries and the impact on the landscape was considerable, especially between areas of concentrated mining.

Religion: Wesley and non-conformism

Throughout Britain in the eighteenth century some felt that the established Church had become too class ridden, too hierarchical, and was failing to respond to basic spiritual needs. John Wesley (1703-1791) was one such reformer, although he never considered himself to be a rebel.

While at Oxford, John and his brother Charles (1707-1788) *resolved to live by rule and method* from which 'Methodism' was derived. They promoted faith over reason, salvation, and simplicity of ritual. They preached the length and breadth of Britain and were particularly successful in Cornwall, where they arrived in 1743.

The important message of Methodism, with its simple doctrine of justification through faith and instant salvation, brought comfort, hope and security to a population which faced daily dangers in the hazardous environment of metal mines and increasing uncertainty in a world being rapidly reshaped by industrialisation. Charismatic lay preachers, such as Billy Bray, who preached to the people in the dialect they spoke, gave a sense of social inclusion.



John Wesley

Wesley's message was keenly accepted by Cornish communities. By 1750, societies had been established in 30 of the mining communities in the west and there were four societies in north-east Cornwall. By 1798, the membership for the Redruth circuit was the fourth largest in British Methodism.

Initially, Methodist meetings were held in cottages and barns. Within just two years society rooms had been established. The constant movements of itinerants and

lay preachers connected communities in ways denied to Anglican clergy tied to the church building itself.



Worshippers at Gwennap Pit (A6), late nineteenth century.

Huge crowds were drawn to open air meetings.

Wesley preached to thousands at a time in places such as Gwennap Pit.

Cornwall was ultimately well suited to non-conformity. With the ever-present dangers of mining the idea of personal salvation was very relevant. By the mid-nineteenth century the Vicar of Crowan was forced to concede that the Church of England had lost the people, "the religion of the mass is become Wesleyan Methodism". By 1851 Cornwall was the only county outside of north Wales where attendees at Methodist chapels were in the majority. Methodism, initially a movement to invigorate the Church of England from within, eventually drifted apart from it mainly because the Church of England's institutional rigidity did not allow it to respond to evangelism. Wesleyan Methodism was closest to the established church, but a series of schisms occurred, caused in part by the lay members' desire to govern their own societies. This resulted in numerous factions, including the Wesleyan Association and the Wesleyan Reformers, the Bible Christians and the Primitive Methodists. The Census Day for 1851 records that nearly 40 per cent of Methodists in attendance were non-Wesleyans, a proportion retained for the remainder of the nineteenth century. Over 700 chapels survive in Cornwall and more than 80 percent are Methodist in origin. While ancient parish churches were often remote from new settlements, chapels were better placed to minister to such new centres of population.

Cornish Methodism was also carried overseas, to areas such as South Australia, Canada and the American Upper Mid-West, where Cornish communities flourished, their Methodism being seen as a badge of their unique cultural identity. Many of the best known names in Cornish Methodism were from mining and industrial backgrounds. These include: political leaders such as Isaac Foot, and Edward Hain the MP and shipping magnate from St Ives; Dr George Smith of the fuse-making family; Joseph and Silas Hocking the popular Victorian novelists; Billy Bray, the miner and popular evangelistic Bible Christian preacher; John Harris, the miner, poet, organist and choirmaster (he later became a Quaker); Thomas Merritt, whose carols are not only performed in contemporary Cornwall but were carried to the gold fields of western America and the copper triangle of South Australia where they are still performed today, a continuing reminder of the symbiosis of mining and Methodism.

Mining schools and Institutes

The organisation and vastly increased capitalisation of the industry was accompanied by a movement from philosophy to science. Cornwall, during the eighteenth and much of the nineteenth century was somewhat remote in terms of communication with 'England' and under-developed in education and public services. By 1800, however, it had become a scientific and intellectual powerhouse, with no less than five Fellows of the Royal Society: Philip Rashleigh (1729-1811), John Hawkins (1761-1841), Sir Humphry Davy (1778-1829, President Royal Society 1820-1827), Joseph Carne (1782-1858), and Robert Were Fox (1789-1877). Mining had become established as the cornerstone of Cornwall's prosperity and assured its place in British and world industrial history. New institutions characterised a new culture:

The second oldest geological society in the world was founded in Penzance in 1814 as the Royal Geological Society of Cornwall. The Royal Institution of Cornwall in Truro was co-founded by Sir Humphry Davy in 1818. In 1833 The Polytechnic Society was founded in Falmouth by Robert Fox and his two daughters Anna Maria and Caroline. This marked the establishment of the first polytechnic in England, partly *to stimulate the ingenuity of the young, to promote industrious habits among the working classes, and to elicit the inventive powers of the community at large* and partly to promote the ideas and inventions of the Fox family's Perran Foundry workforce. Robert Were Fox (1789-1877) proved that the temperature within the Earth increases with depth, a phenomenon now known as the

geothermal gradient. This was made possible by direct observation in some of the deeper mine workings in Cornwall.

The Royal Cornwall Polytechnic Society devoted most of its energy to the improvement of the mining industry, particularly the welfare of its workers. It held annual exhibitions and awarded premiums or prizes for inventions.



The Royal Cornwall Polytechnic Society, 1882.

Perhaps the best known was that for Captain Michael Loam's 'Man Engine', finally installed at Tresavean Mine in 1842. It proved an immediate success and 391 miners wrote to the Polytechnic thanking them for *the best day's work ever done for them*. Alfred Nobel gave the first demonstration of the use of nitro-glycerine as an explosive in 1865, the year of his patent.

The technical education of miners was facilitated by a number of local organisations such as the St Agnes Miners' and Mechanics' Institute, the St Just Miners' Institute and the Carharrack Institution.

On a more regional scale there were organisations such as the Miners' Association of Cornwall and Devonshire (1859), the Mining Institute of Cornwall (1876) and the Mining Association and Institute of Cornwall (1885).

The Camborne School of Mines and its influence on the world-wide mining community

Camborne School of Mines began life in 1896 at a time when the mining industry saw the need for well-instructed miners with both theoretical and practical skills to improve the efficiency of the mining process. Many unsuccessful attempts had been made to establish such a school. However, by the end of the nineteenth century three full-time mining schools had been established in the prominent mining areas of the day; Redruth, Penzance and Camborne. By the early 1900s it had been decided to amalgamate the three schools under one name: the School of Metalliferous Mining.

Camborne was by 1890 the largest of the schools. Mr Pendarves, a local mineral owner was able to report that the school had *a total of 189 students, and the whole of the other mining schools of Cornwall could not come up to anything like that, if they were all put together.*



Student surveyors at Botallack Mine, St Just (A1). Many mines in the St Just area had workings that ran under the sea-bed. The foreshore of Cornwall was awarded to the Duchy of Cornwall in 1858, by which it was entitled to royalties on any minerals produced.

At the time of the amalgamation, the Camborne School had several facilities at its disposal that included classrooms, offices, chemical and metallurgical laboratories and a geological museum plus lecture rooms. King Edward mine had been acquired by 1897 for practical training in both underground and surface work. Many of the facilities had been paid for in part by local mineral owners such as the Bassets and the Pendarves'; this patronage by respected local families continued up to the twentieth century. Mining engineers and surveyors who learnt their trade in Cornwall were to be found worldwide.



Mining students underground at King Edward Mine (A5) c1900.

Great houses and estates

Cornish mining and its ancillary industries made considerable fortunes for a small number (less than 0.5%) of those engaged in the industry.



Count-house punch jug from the Consolidated Mines, Gwennap.

This new-found wealth was often expressed in the highly visual form of grand houses, gardens and parkland, a feature common in industrial landscapes elsewhere in Britain, but perhaps more densely represented in Cornwall. These great houses represented the nodes of a series of integrated networks of power, society and commerce; their rise, and sometimes fall, can be closely correlated with the mining economy.



The Basset family transformed Tehidy into what was once one of the finest country house estates in Cornwall. Located on the edge of the Camborne and Redruth Mining District (A5), the house is contemporary with the most expansive period of industrialisation.



Francis Basset, Lord de Dunstanville painted by J Bryant Lane 1831.

In 1836, Francis Basset successfully promoted the Stannaries Act at Westminster in order to *re-establish the mining courts of the Duchy of Cornwall.*

Eighteenth century

In the early eighteenth century Cornwall probably possessed more newly rich than most other English counties and until the nineteenth century local private capital was virtually the only source of finance for the industry. Alliances between a small number of Cornish families led to risk-sharing and cartels earlier than many other industrial regions. This was an organisational feature of the tin- and copper-smelting industries in particular which generally proved to be more lucrative than mining.

By the end of the eighteenth century all of the principal tin mining districts had been discovered and, particularly in west Cornwall, mines were being exploited at ever-increasing depths using new steam technology; Polgooth and Great Hewas near St Austell were the exceptions in mid-Cornwall where three Newcomen engines worked.

Most of the copper output came from west Cornwall (principally the mining districts of Gwennap, Tregonning and Gwinear, and Camborne and Redruth) and this led to important houses and estates in the area being remodelled and enlarged by landed families such as the Bassets, Boscawens and St Aubyns.

Mineral rights to base-metal ores and the royalties (dues) that flowed from them - traditionally charged as a percentage of the value of ore production - were mostly the prerogative of the small number of prominent mineral lords. They provided the core wealth that agriculture alone could not provide.

Nineteenth century: the rise of Cornish gardens

William Lemon's son Sir Charles (1784-1868) inherited Carclew House (Perran-ar-Worthal) in 1824. He was a

Cornish MP for nearly 50 years (1807-57) and was the leading Parliamentary spokesman for the Cornish mining interest during the first half of the nineteenth century. His statistical survey of Cornish copper mining is one of the earliest and most comprehensive ever written. He was also a pioneer advocate of regional mining education and an outstanding amateur gardener who founded the Royal Horticultural Society of Cornwall in 1832. He nurtured gifted plantsmen at Carclew such as the Lobb brothers (William 1809-64 and Thomas 1811-94) who went on to work as plant hunters for the Veitch nurseries of Exeter, Devon and Chelsea. He was also a personal friend and sponsor of Sir Joseph Hooker (1817-1911) who in the mid-nineteenth century collected plants in the Himalayas. Magnificent 'Hooker rhododendrons' enriched a number of Cornish gardens.



Rhododendron arboreum.

Exotic conifers, rhododendrons, camellias and 'jungle' flora such as palms and tree ferns were introduced and flourished. Even stranger was the sight of oranges, lemons and bananas growing outdoors.

During the early nineteenth century the increasingly dispersed interests of a distinct entrepreneurial group obscured their role as a class of capitalist employers. In the copper and tin-plate industries of South Wales, and in mining fields such as those in the newly-emergent Latin American countries, Cornish capitalists laid the foundations of major economies. Ironically these were the ones that challenged and finally destroyed the metalliferous pre-eminence of the 'Old Country'.

As the nineteenth century progressed the new industrial society within Cornwall was growing fast and was increasingly part of a significant integrated industrial economy.



William Lemon (1696-1760) rose to the high ranks of society through his astute investments in copper mining. Painted by an unknown artist c 1745.

It was not just in west Cornwall that houses, estates, parkland and gardens were enriched by mining money. Spectacular copper deposits were discovered further to the east during the nineteenth century. Those found near Charlestown in 1810 at mines such as Crinnis and Pembroke brought considerable royalties to the Carlyon family of Tregrehan (as did tin mining at Charlestown United Mines and Wheal Eliza Consols). Edward Carlyon used his great wealth to become a renowned



On their estates around Falmouth the Fox family built comfortable country houses and created the first of Cornwall's valley gardens (Penjerrick, Glendurgan and Trebah) where exceptional collections of plants were raised.

plantsman, a Carlyon family tradition that continues to this day. Many of Cornwall's great industrial families followed suit, such as the Bolithos of Penzance who were ship-owners, dealers in tallow (for miners' candles), tin smelters, mine owners and bankers. They created their great gardens at Trengwainton and Trewidden. J. C. Williams created his at Werrington and Caerhays, and George Johnstone at Trewithen. They all became remarkable and nationally distinguished gardeners. The wealth that mining brought them enabled them to indulge in horticulture on a very grand scale indeed. The climate and geology of their gardens is also unquestionably distinctive and suited to many exotic introductions. Perhaps their affinity for natural resources also spurred their interest, as most of them were also keen amateur mineralogists. Whatever the reason behind the trend, their activities changed the face of the Cornish landscape and influenced garden development throughout Britain.

Mineralogical sites

The Cornubian Orefield is notable for its mineralogical diversity. Most major mines produced a range of ores throughout their period of operation. This was fundamental to their ability to withstand the price fluctuations of world metal markets.

Knowledge of mineralogy was crucial to mine-owners and smelters as chemical combinations of variable percentages of metal commanded correspondingly variable prices for ore, and their different physical properties influenced the development of ore-dressing and smelting techniques.

Empirical mineralogical knowledge was fostered by newly-emergent institutions and mining schools and, as the nineteenth century progressed, applied mineralogy acquired a more scientific foundation. It was during this time that Cornish ore-minerals in particular attained a high status throughout the world and their collection and study contributed to the universal understanding of ore-deposit geology and mineralogy.



William Pryce.
Original oil on
copper portrait c1778.

Mineralogical diversity

Ores of fifteen different metals have been mined in the region. Tin was sourced from a single species (cassiterite) and arsenic was principally sourced from the sulphide ore-mineral arsenopyrite.

Copper

Mineralogy strongly influenced the economics of copper mining as the metal occurred in a number of different minerals which occurred in an uneven geographical distribution.

Ore Mineral	% copper metal	Areas where this comprised a major ore
Native Copper	100	A6, A9
Cuprite	89	A6, A9
Chalcocite	80	A1, A3, A5
Chalcopyrite	35	A1, A3, A5, A6, A7, A8ii, A9, A10

Table 7. Common Cornish copper ores and their potential economic impact upon mining.

Native copper and cuprite

Pure copper (native) and the simple oxide (cuprite) were responsible for many of the early mining bonanzas in A6. In 1757 at Wheal Virgin in Gwennap, during the first two weeks of mining, ore to the value of £5,700 was produced at a cost of only £100. During 1813, at Wheal Gorland in St Day, native copper was being sent to the smelters packed in fish casks.

Chalcocite

This sulphide was the principal copper ore exploited in A1 at rich mines such as Levant and Botallack. The mineral was formerly called Redruthite due to its predominance in mines in A5 during the eighteenth and early nineteenth century.

Chalcopyrite

This was the commonest copper ore and the one from which the other copper ores are geologically derived. The actual metallic yield was often only 7-12% due to associated waste minerals; the average value in the nineteenth century was lower than in the eighteenth century due to the deeper mining of poorer grades.

Other metals

A certain amount of silver was produced in the region from very high grade ores (rare in the United Kingdom), principally in A3 and A10. However the metal was mainly a by-product (in terms of volume of output, but not always in terms of value) of lead mines where the ore galena was mined extensively, such as in A10 and a number of other districts. Zinc was also an important associated output.

Tungsten was produced from wolframite in A5 and A10 and manganese, iron and antimony were produced together with rarer ores that made their economic and historical impact in different ways:



This blue ware is printed from the CAKE of BRITISH COBALT, produced from Wheal Virgin Mine in the County of Cornwall, August 1816.

Cobalt glaze was used in the Staffordshire Potteries (inscription from reverse).

Cobalt was used in a blue glaze on Britain's first true porcelain (itself made from Cornish china clay and china stone), and Cornish uranium ores were used by Marie Curie in her work in France which made significant contributions to the foundation of nuclear physics.

Mineralogical study

The geographical and geological distribution of minerals had been observed by generations of working miners. It was also researched by important amateur mineralogists who produced some of the earliest British mineralogical literature such as: *The Natural History of Cornwall* (Borlase, 1758); *Mineralogia Cornubiensis* (Pryce, 1778); *Observations relative to the Mineralogical and Chemical History of the Fossils of Cornwall* (Klaproth, 1787); and *Specimens of British Minerals* (Rashleigh, 1797 & 1802).

In 1791 Reverend William Gregor (1761-1816) a notable mineralogist identified the element we now call titanium. It was discovered in titanium bearing sand at Manaccan in Cornwall. Sir Humphry Davy of Penzance (1778-1829) was a founder of the Geological Society of London in 1807 and of the Royal Geological Society of Cornwall in Penzance in 1814.



Cuprite crystals from the Gwennap district (A6) figured in Rashleigh's *Specimens of British Minerals*, 1797. Ores such as these brought fortunes to some lucky 'adventurers'.

In 1830 Robert Were Fox (1789-1877), from the Falmouth family of industrialists and amateur scientists, made important observations on 'electricity' in Cornish lodes.

In 1839 the first British memoir produced by the Ordnance Geological Survey (later to become the British Geological Survey) was the Report on the Geology of Cornwall, Devon and West Somerset by Sir Henry de la Beche who mapped the region from 1835 and became the first Director of the Survey.

In 1876 Joseph Collins from St Austell founded the Mineralogical Society and subsequently co-founded the Institution of Mining and Metallurgy. His *Handbook to the Mineralogy of Cornwall and Devon* (1871) became an important field and laboratory guide for the industry and contains entries of many species that were new to science. Some were named after sites within the orefield (e.g. Cornwallite, Liskeardite), some after the mines where they were first identified (e.g. Botallackite, Bassetite), and others in honour of the finders or their patrons (e.g. Vivianite, Bournonite).

450 mineral species have been recognised in Cornwall and this represents around 50% of those known from the United Kingdom (12% of those known world-wide). Cornwall, together with the Erzgebirge/Bohemia region in central Europe, were the source of many important and newly-described ore-minerals. Nearly 40 type localities (where species new to science were first discovered and described) are recorded and Cornwall possesses 223 sites where individual species were first identified in the United Kingdom; the greatest number of any county. These minerals, together with many others, have formed the basis for scientific enquiry since the beginning of the eighteenth century. Mineralogical investigation in the area represents one of the most

important, but lesser-known, parts of its intellectual heritage, and its international significance continues into the future.



Phillip Rashleigh
(1729-1811).

Mineral collections

During the late-eighteenth and throughout the nineteenth centuries, Cornish mines produced some of the finest mineral specimens, of certain species, that are known. The mineral cabinets of Philip Rashleigh (Menabilly near Fowey), Sir John St Aubyn (Clowance, A3), John Hawkins (Trewithen near Truro), and John Williams (Scorrier, A6) were considered amongst the finest in Europe.

An international market in well-crystallised, interesting or unusual minerals was supplied by a large number of dealers. Miners and engineers, many of whom also travelled overseas, supplied dealers with specimens that enriched the collections of institutions and wealthy private individuals throughout Europe and North America. It is fortunate that some of these great collections were preserved by institutions. That of Philip Rashleigh (1729-1811) and Joseph Carne (1782-1858), each with extensive manuscript notes, survive almost wholly intact at the Royal Institution of Cornwall (Royal Cornwall Museum, Truro) and Cambridge University (Sedgwick Museum), respectively. In addition, virtually every major museum in the world that possesses a mineral collection contains a selection of Cornish specimens.



Fluorite, Bere Alston, Devon (A10).
Sowerby's *British Mineralogy*, 1810.



Burra Burra Mine, South Australia. The majority of miners here were Cornish, as were all surface and underground methods.

Cornish Mining overseas

Across the globe the Cornish introduced an efficient, highly structured and capital-intensive method of mining on a scale not seen before. Industrial landscapes reminiscent of Cornwall emerged, complete with engine houses and chapels.

Trevithick's transatlantic venture (1814-18) saw high-pressure Cornish steam engines and boilers fabricated in numerous sections, transported by sail across the Atlantic and then conveyed on mules over 15,000 feet (4,500m) up into the Andes to be re-assembled at the flooded Pasco silver mines. This remarkable example of British technological dynamism laid the foundation for Cornwall's world-class export market in mining equipment, particularly the Cornish engine which, accommodated in its characteristic masonry house, came to mark diverse landscapes ranging from England, Wales, Scotland, the Isle of Man and Ireland to Spain, Cuba, Virgin Gorda, Central America, South Australia, New Zealand and South Africa.

As early as 1824 an order manufactured by the Perran Foundry weighing 1,500 tons was shipped from Falmouth for the Mexican Real del Monte Mining Company, including nine Cornish beam engines and Cornish boilers. From 1848-88, 33 Cornish engine houses were erected in South Australia. The Cornish also led the way in waterwheel technology, introducing it to Mexican mines and employing it on a large-scale and a systematic basis for the first time in Brazil.

Migration

Alone of the counties of south western England Cornwall witnessed significant migration in the period dubbed The Great Migration (c1815-1930), losing some 20% of its adult male population overseas in every decade from 1861-1901; three times the average for England and Wales. With a population that never exceeded 500,000 in the nineteenth century, Cornwall lost anywhere between a quarter to half a million people, making it an emigration region comparable to any in Europe. Today there are over 6 million people of Cornish descent worldwide.

The extraordinary story of Cornish migration is inextricably linked to the rise and subsequent decline of its mining industry. Skilled Cornish miners had been migrating from the 1700s within Cornwall and then to other parts of the British Isles. This was a mere foretaste of what was to come, for in the early 1800s the expansive, dynamic industrial region of Cornwall and west Devon possessed the best contemporary European mining know-how and had begun to export its technology, capital and skilled labour.

Industrial giants - the Vivians and Grenfells - had acquired a strong stake in mining and smelting in South Wales before 1815, but it was the export of high-pressure steam engines perfected by Trevithick and his contemporaries to the silver mines of Peru in 1814-18 that marked the transatlantic migration of the industrial revolution. This heralded the beginning of a modern,

integrated global mining economy with its attendant financial, labour and technological markets. It paved the way for British capital investment in overseas mining enterprises from the early 1820s. This expanded the frontiers of the British Empire, both formal and informal. The introduction of the latest technology in areas devoid of industrialisation necessitated the export from Cornwall of everything from steam engines and boilers to ropes and crucibles together with the staff to mine, process, organise and administer these enterprises. As a result, the global mining industry was heavily influenced by Cornish miners for almost a century.

The Cornish rehabilitated abandoned mines across Latin America in the 1820s, and were the first real hard rock miners in the USA. They worked lead deposits in Wisconsin and Illinois and copper and lead deposits in Norway and Spain in the 1830s, as well as copper fields in South Australia and in Michigan in the 1840s. Without the introduction of the Cornish engine, deep lode mining in California after the 1849 gold rush (e.g. Grass Valley and Nevada City) would have been considerably delayed. Further mineral strikes across the Americas (e.g. at Bisbee and Tombstone in Arizona and the Cornish town of Virginia City in Nevada) and Australasia followed, as well as in the Caribbean, northern England, India, Malaysia and Africa. The discovery of diamonds in South Africa in the late 1860s followed by the Transvaal gold rush a decade later created opportunities for significant migration from Cornwall in the three decades following the 1880s. In 1905 there were some 7000 Cornish miners on the Rand in South Africa.



The Cornish Methodist church in Pachuca, Mexico (early 20th century). In 1903 it was described as *the best Protestant church in the country*.

The Cornish did not just export their technology, they also took their culture with them. Distinctive Cornish communities with their nonconformist chapels, traditional food and leisure activities - such as Cornish wrestling - flourished on virtually every continent. The Cornish even brought football to Mexico, playing the first game in Pachuca in 1900.

The Yorke Peninsula became known as Australia's 'Little Cornwall', with the Cornish constituting over 42% of migrants to South Australia by 1865. In 1894 it was noted that over 60% of the 6,000 population of the gold mining town of Grass Valley, California, was from Cornwall. In the Transvaal, prior to the Boer war, an estimated 25% of the white workforce was Cornish. By the late nineteenth century migration had resulted in a pronounced population decline in many Cornish parishes which were only sustained by financial remittances from miners abroad; a sum close to a £1,000,000 a year was flowing into Cornwall around 1900 from the Transvaal alone. Some of this money was used to build or extend places of worship, municipal buildings and housing, as well as to diversify an economy stricken by mining decline. Foreign house names given to the homes built or bought by return migrants may still be seen across the region. The region's connection with the wider mining world did not automatically decline with the failing fortunes of its own mining industry. Investment by Cornish entrepreneurs in Malaysian mining was responsible for the opening of the Malaysian Tin Dredging Company's headquarters at Redruth in 1891.

The First World War disrupted migration networks and marked the beginning of the end for significant migration as Cornish miners were increasingly replaced abroad by native labour.



Emigration scene at Redruth Station (A5). Weekly trains took hundreds of Cornish miners to the port of Southampton (Hampshire) and thence, to the mining fields of the world.

Cornish mining 1900 - 1914

One of the Old World's greatest copper mines, Devon Great Consols in the Tamar Valley, was finally abandoned in 1901.

In west Cornwall a few large tin producers - mostly concentrated in the Camborne and Redruth District - dominated the Cornish mines that entered the twentieth century. Tin had doubled in price within five years and the mines that survived were reorganised and consolidated; although as a percentage of world output, Cornish tin accounted for less than 5%. The alluvial tin deposits north of the St Austell china clay district at Goss Moor, Tregoss Moor, Molinnis Moor, Redmoor and Breney Common are the sites of the largest and most important alluvial tin workings in Cornwall. Though worked from prehistoric times, large scale mining in the early twentieth century, using suction and bucket ladder dredges, was successful.

The London and West Country Chamber of Mines was formed in 1900 to protect and promote Cornish Mining interests; this became the still extant Cornish Chamber of Mines. High prices prompted the reworking of old waste tips and some ventures met with swift success, such as the new plant installed at Gunnislake Clitters in the Tamar Valley.

Secondary tin streaming plants along the Red River near Camborne prospered during these times when the mills of large mines could still lose well over a third of their tin in slimes that were discharged into the river. In the years leading up to 1914 Dolcoath Mine (which closed in 1920) was returning some of its highest ever levels of output; around a quarter of United Kingdom production. By this time South Crofty Mine (finally closed for production in 1998) had established itself and was a name that was to become synonymous with Cornish tin for generations; indeed its name persists in Cornish mining culture in the twenty-first century.



Gunnislake Clitters Mill above the River Tamar near Gunnislake (A10). Early twentieth century.



Robinson's Shaft, South Crofty Mine (A5), c 1910. In front of the engine house is the new headgear and rock-breaker plant. The train of wagons are filled with ore and are on the horse-drawn tramway which led to the mill.

1914 to the present

A number of mines were recapitalised or reworked during the period up to the 1920s. Carn Brea & Tincroft (A5), Basset (A5), Botallack (A1), Boscawell United (A1), Phoenix United (A9), Wheal Vor (A3), West Kitty (A7), Wheal Kitty & Penhalls United (A7), Grenville United (A5), amongst others. They were mostly unsuccessful.



Basset & Grylls Mine, Wendron (A4). Old Mens' Shaft re-opened during the 1920s.

The Redruth & Chasewater Railway closed in 1915 and G F Basset (the most prominent private mineral lord in Cornwall at the time) sold his entire mineral rights to a London syndicate. Lord Clifden (Agar-Robartes family of Lanhydrock) followed with the disposal of 25,000 acres in 1919, the same year in which 31 miners perished in the terrible man-engine disaster at Levant Mine. These were on the whole sad times for Cornwall. Arsenic supplemented tin output and East Pool & Agar Ltd (having discovered a fabulously rich tin lode at the same time) became a leading producer; its chimney bearing the arsenic brand name 'EPAL' picked out in white brick.



Taylor's Shaft, East Pool & Agar Mine (A5).

The largest tin smelter that Cornwall possessed – the Cornish Tin Smelting Company's Seleggan Works near Carn Brea – was the last to close in 1931.



Cornish Tin Smelting Company, Seleggan Works, Carnkie (A5). For many years, this works obtained all of its coal supplies via the Redruth & Chasewater Railway.

In 1935 South Crofty Mine acquired the Dolcoath and Roskear setts. Shortly afterwards the Second World War created a renewed demand for tin and tungsten. East Pool & Agar Mine (A5, closed 1945), Castle-an-Dinas Wolfram Mine (1915-1956) and South Crofty Mine recorded significant outputs of tungsten. New Consols mine at Lockett (A10i) reopened for tin and tungsten in the 1950s and 'nuclear' tests were conducted in the nearby Excelsior Tunnel. South Crofty and Geevor Mine (A1) were now the largest tin producers in Cornwall.



Geevor Tin Mines Ltd, St Just (A1). Victory Shaft, and mill. 1930s.

In the 1960s tin prices began to soar and Wheal Jane (A6) was reopened (1970-1991). New operations also began at Mount Wellington Mine (A6) and at Pendarves Mine (A5i, 1970-1988).

High prices persisted (albeit with artificial price intervention by the International Tin Council) until October 1985 when the Council collapsed financially in spectacular style and the price of tin halved overnight. By the end of the year the tin price had dropped from over £10,000 per tonne to under £3,000 per tonne. Wheal Concorde (St Agnes) and Pendarves closed in 1988, Geevor closed in 1990, Wheal Jane closed in 1991, and South Crofty closed in 1998.



Mount Wellington Mine (A6)

Large steel headframes dominate the mines at Geevor, South Crofty and Mount Wellington and have become cultural icons that join the engine houses of a former era to mark the landscape with a reminder of a proud mining tradition.



South Crofty Mine (A5). New Cook's Kitchen Shaft headgear and mill.

Ecological value of the Cornwall and West Devon Mining Landscape

The ecological interest and value of the area is inextricably linked with its mining past; habitats and species have adapted, and continue to adapt, to the particular ecological opportunities present. The miners utilised all available technology and opportunities to better extract the ores and minerals that were their goal. The land was completely transformed and everything adapted to the miner's will: earth and rock was stripped away, ores crushed, minerals chemically and physically modified; watercourses were diverted and put to use; the resultant spoil was processed, dumped, processed and dumped again; toxic gases, dust and solutions spilled across the landscape.



Phoenix Mine (A9), Site of Special Scientific Interest.



The resulting landscape provided, and continues to provide, complex and challenging conditions and opportunities for wildlife. The impoverished and frequently toxic soils and substrates are highly specialised and support unique, internationally rare and important, assemblages of species, notably mosses and liverworts that are able to colonise and sustain themselves. The acidic thin soils that have evolved tend to support heathland habitats and communities, which are themselves globally rare, with these former mined landscapes providing a significant proportion of the United Kingdom resource. In consequence, many of these habitats are designated as of national or regional importance, and contain species of international conservation value, for example petalwort.

The mix of heathland habitats and bare ground that characterise former mined sites provide an emblematic backdrop and visual contextual character for the remaining archaeological features.

The mosaic of miners' smallholdings and the associated field systems provide a further important ecological resource. The boundary features themselves provide an important habitat and some significant target species such as yellowhammer and other farmland birds occur widely throughout this type of landscape.

3c Form & Date of Most Recent Records of Property

This is one of the best documented nominated Sites in the United Kingdom. There are substantial local and national records relating to the nominated Site held within district councils, county councils and national agencies.

National Monuments Record (NMR)

The NMR is the national archaeological and historic buildings archive and is maintained by English Heritage. It is based at the National Monuments Record Centre in Swindon, United Kingdom where it has public search rooms and its catalogues and contents are available online via www.english-heritage.org.uk. Of particular importance is the large national collection of aerial photographs dating from the beginning of the 20th century.

Historic Environment Records (HERs) for Cornwall and Devon

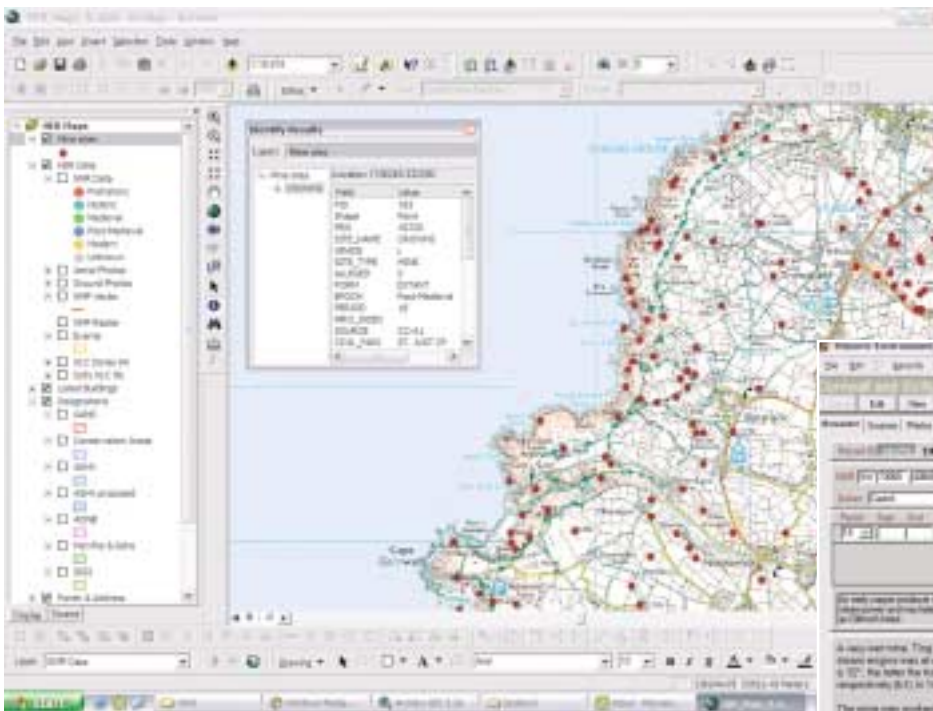
The historic environment includes all aspects of our surroundings that have been built, formed or influenced by human activities from earliest to most recent times – it is the human habitat. An Historic Environment Record (HER) stores and provides access to systematically organised information about these surroundings in a given area, through the application of electronic

databases, GIS (Geographic Information System) and paper archives. It is maintained and updated for public benefit (with the likelihood of becoming a statutory database in the near future) in accordance with national and international standards and guidance. Historic Environment Records make information accessible to all in order to:

- advance knowledge and understanding of the historic environment
- guide its care and conservation
- contribute to the decision-making and development of public policies on land-use planning and management
- contribute to environmental improvement and economic regeneration
- contribute to education and social inclusion
- encourage participation in the exploration, appreciation and enjoyment of the historic environment

The Cornwall and Devon HERs are comprised of the following elements:

- Geographic Information System (GIS)
The GIS is an electronic map system that allows us to view digital maps, both modern



Screenshot of Cornwall HER database.



and historic, against which archaeological and historical information can be plotted. It also allows the collection, collation, interpretation and presentation of archaeological and historical data through the query and analysis of the spatial elements of that information.

- Sites, Monuments and Buildings database (SMR)

This electronic database holds thousands of records of sites, structures, buildings, artefacts, finds and significant place-names throughout Cornwall and Devon ranging from the early prehistory through to the late 20th century. The SMR data is linked to the Geographic Information System.

- Plans and Surveys

HERs also holds a variety of paper-based archaeological plans and surveys.

- Event record

All archaeological and historic building interventions and activities (excavations, surveys assessments, watching briefs etc) are recorded in the HER. Reports on these interventions are held within the HER.

- Protective Designations

Details of national and local statutory and non-statutory protection for sites, monuments, buildings and areas are held in HERs.

- Images

Ground and aerial colour and black and white photographs are a significant historic resource and the HERs incorporate archives of thousands of photographic images. In particular these record conservation works to mine sites over the past 20 years in Cornwall and West Devon. Both Cornwall and Devon County Councils have longstanding programmes of specialist archaeological aerial photography whose results form part of the HERs.

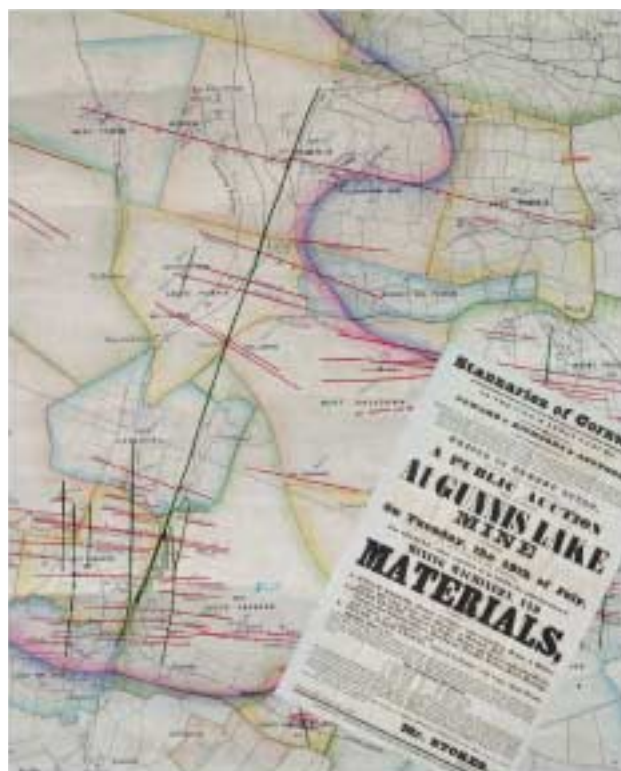
The World Heritage Site Bid has undertaken extensive desk-based research work, augmented with corroborative fieldwork; identifying, documenting and mapping thousands of mining related features and landscapes across Cornwall and West Devon in support of the Nomination. This has been done through close

liaison with the HERs of both Cornwall and Devon counties. The project results have been deposited and incorporated into the HERs for wider dissemination with selected information being added to the Cornish Mining website (www.cornish-mining.org.uk).

County Record Offices (Cornwall, Devon and Plymouth)

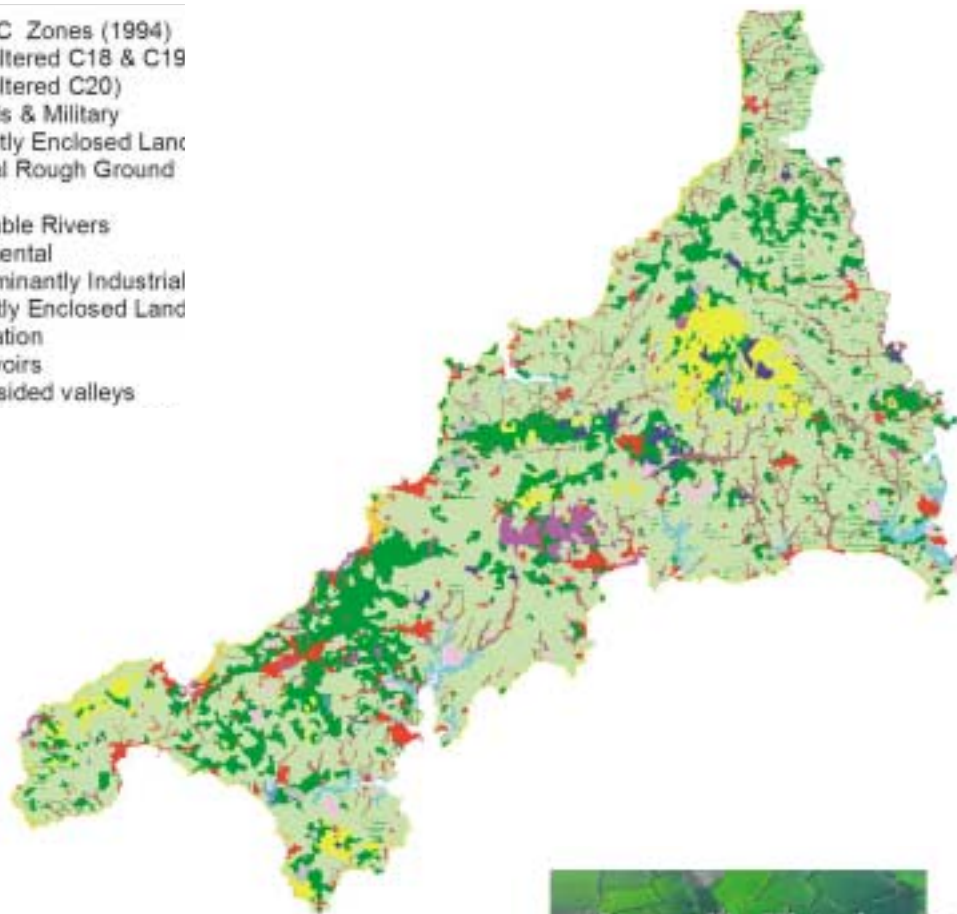
The County Record Offices provide high quality archive services for Cornwall and Devon. Their main purpose is to ensure that the historical records relating to the people, places and organisations of Cornwall and Devon are preserved for the future and made available for public consultation. The offices are staffed by teams of professional archivists and conservators who can offer advice on the archives and their storage and care. Electronic catalogues to the collections are now available online via the national Public Record Office website (www.a2a.org.uk) and the three local websites (www.cornwall.gov.uk; www.devon.gov.uk; www.plymouth.gov.uk).

The Offices hold a wide range of documents dating from the 12th to the 21st centuries. This includes thousands of maps, plans, photographs, parchment documents and volumes which contain information on local families and their estates, businesses, schools and villages, together with evidence for maritime and mining activities. Of particular importance are the Mining Records held in the two Offices deposited by law on the closure of a mine. They constitute an historical resource of international significance.

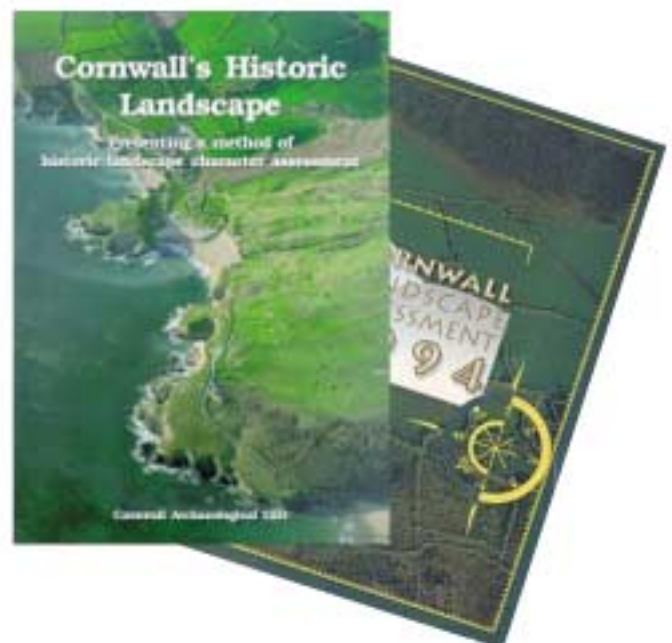


Original mining maps and documents held at the Cornwall Record Office, Truro.

Historic Landscape Characterisation (HLC) map for Cornwall



Characterisation is fundamental to our understanding and interpretation of the historic environment. A basic premise of HLC is that the whole of United Kingdom is one continuous but multi-faceted historic landscape altered by people over succeeding centuries, either deliberate or incidental. It sees the present-day landscape as the product of continuing human intervention, different phases of which inform the dominant landscape character in different areas. It is possible to establish, through the systematic analysis of a number of systematic sources (mainly maps), the predominant historic landscape character of each parcel of land. These form a mosaic of land parcels whose predominant historical landscape characters are both various and repeating. This method allows parcels to be assigned to distinguishable and defined HLC 'Types'. To create a smaller-scale and simplified characterisation of a whole county, the 'Types' mapping can be simplified, generalised and, to some extent, reinterpreted, to produce a map of Historic Landscape Character 'Zones' as shown above for Cornwall.



Scheduled Monuments

The UK government maintains the Schedule of Monuments (see 4c). Copies of the Monuments Descriptions and maps are distributed by English Heritage to local authorities including Cornwall and Devon County Councils. Within Cornwall the map polygons are digitised and added to the Geographic Information System software and the Schedule Descriptions are added to the Historic Environment Record and the same work is in progress in Devon.



Listed Buildings (Images of England or Listed Buildings Online)

The United Kingdom government maintains a List of Buildings of Special Architectural or Historic Interest (see 4c). English Heritage has recently sought to improve access to this information by launching the publicly accessible Images of England website (<http://www.imagesofengland.org.uk/>). This resource provides a searchable Listed buildings database, offering full extracts from the List description, and a photograph of each building providing a snapshot in time of England's historic buildings. In addition English Heritage have recently created the Listed Buildings Online website (<http://lbonline.english-heritage.org.uk/>), which provides a copy of the detailed List specifically to Local Planning Authorities, National Amenity Societies, and other authorised government agencies; although public access will be made available in future. This detailed list augments and enhances existing electronic and paper information currently held, maintained and shared by and between Local Authorities.

Screen-shot of Listed Buildings Online. www.lbonline.english-heritage.org.uk



Register of Parks & Gardens of Special Historic Interest

This national register is maintained by English Heritage but copies are circulated to local authorities including Cornwall and Devon County Councils. Entries on the register are added to the Historic Environment Record and mapped on the GIS.



Screen-shot of Images of England. www.imagesofengland.org.uk

Cornwall Industrial Settlements Initiative (CISI)

CISI is the subject of a Conservation Area Programme between English Heritage (with the Heritage Lottery Fund), Cornwall County Council and the 6 districts in Cornwall. It is intended to assess the character and significance of 112 industrial settlements, including villages, ports and towns associated with Cornwall's nineteenth century industrial revolution based on metalliferous mining, quarrying and china-clay. The historic importance and distinctive character of these

settlements has previously been undervalued and their existing status does not adequately represent the industrial history of Cornwall. CISI aims at redressing this by producing a short report on each settlement's history, character, and importance. This is followed by recommendations for improved protection through listing and conservation areas. The CISI report could become the basis of Conservation Area Statements and the use of Article 4 directions. Subsequent revision to the project has reduced the number of settlements and prioritised those that fall within the nominated Site.

WHS Area	CISI name (settlement no. see fig 52)
A1 St Just Mining District	St Just (1) Nancherrow-Tregeseal (2) Botallack-Truthwall (3) Carnyorth (4) Trewellard (5) Pendeen (6) Bojewyan (7)
A2 The Port of Hayle	Not CISI (see Hayle Historical Assessment 2002)
A3 Tregonning and Gwinear Mining Districts	Praze an Beeble (8)
A5 Camborne and Redruth Mining District	Troon (9) Beacon (10) Camborne (11) Tuckingmill and Roskear (12) Pool (13) Redruth (14) Portreath (15) St Day (16) Chacewater (17) Perranarworthal (18) Devoran (19) St Agnes (20)
A6 Gwennap Mining District with Devoran and Perran and Kennal Vale	Not CISI (see Charlestown Survey 1998)
A7 St Agnes Mining District	Tremar Coombe (21) Darite (22) Crow's Nest (23) Pensilva (24) Minions (25) Henwood (26)
A8 The Luxulyan Valley and Charlestown	Gunnislake (27) Drakewalls - Albaston (28) Calstock (29) Kelly Bray (30)
A9 Caradon Mining District	
A10 Tamar Valley Mining District with Tavistock	

Table 8. CISI reports within the nominated Site.

(reports available on www.historic-cornwall.gov.uk/cisi)

Area and Site Based Surveys

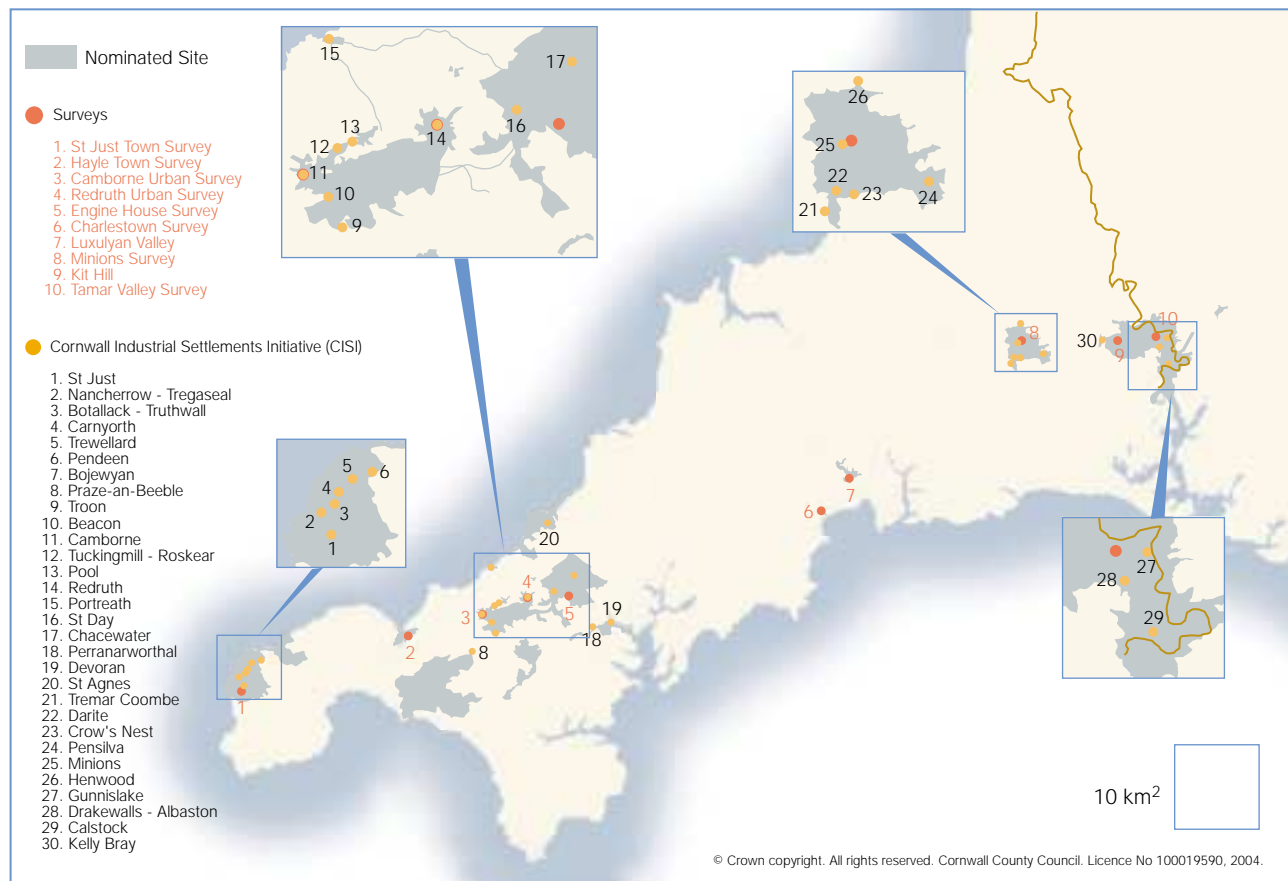


Figure 53. Surveyed areas within the nominated Site.

Below are selected examples of significant area and site based surveys that have been undertaken within the nominated Site. Copies of these reports are held with the Cornwall Historic Environment Record. A comprehensive list of all the Events that have taken place within the nominated Site is available from the Cornwall and Devon Historic Environment Records.

Area Based Surveys

- Kit Hill 1988**
- Luxulyan Valley 1988**
- St Just Survey 1992**
- Minions Survey 1993**
- Hayle Town Survey 1995**
- Godolphin Assessment 1997**
- Charlestown Survey 1998**
- Tamar Valley Survey 1998**
- Hayle Historical Assessment 2002**
- Camborne Urban Survey 2004**
- Redruth Urban Survey 2004**

Site Based

- Wheal Coates, St Agnes 1986**
- Gawton Mine and Arsenic Works 1988**
- Perran Foundry 1990**
- Geevor Mine 1993**
- Devon Great Consols 2002/Bedford United 2003**



3d) Present State of Conservation

The conservation of the historic remains of mining in Cornwall and West Devon has been undertaken since the 1930s and this represents one of the longest histories of industrial heritage conservation in the world.

1930s and 1940s

In 1933 the Newcomen Society for the History of Science and Technology (UK), visited Cornwall and suggested that a Cornish Mining Museum should be established. At this stage the Cornish Engines Preservation Committee was formed to preserve the indoor beam winding engine, or whim, at Levant Mine in west Cornwall. A survey of engines and mine buildings in danger was compiled over the next nine years and in response the Cornish Engines Preservation Society was formed in 1944. Over the next 20 years the Society acquired and handed over to the National Trust:

- Richard Trevithick's Cottage at Penponds
- Levant Whim (now restored to steam)
- Robinson's pumping engine
- Taylor's pumping engine
- Mitchell's Whim

In 1969 the Society amalgamated with The Cornish Water Wheel Preservation Society and together they became The Trevithick Society - named after the great Cornish engineer Richard Trevithick, developer of high pressure steam and pioneer in its application as the foundation of our industrialised mechanical world. This Society has carried on the work of its illustrious predecessor, carrying out surveys, publishing an academic journal, rescuing and preserving artefacts and documents, and most recently (2001) building a working replica of the world's first steam road locomotive built by Trevithick in 1801.

1950s and 1960s

This was a very busy time for preserving Cornish engines in Cornwall. Five beam engines have been conserved from the St Austell china clay district:

- Goonvean – in situ
- Parkandillick – in situ
- Carpalla – Science Museum London, in store
- Rostowrack – Formerly displayed in Holman's Museum, now in store
- Greensplat – re-erected at Poldark Mine, Wendron.

A number of other Cornish Engines manufactured in Cornwall are preserved elsewhere in the UK and world wide:

- Kew Bridge Pumping Station, London, UK (2 engines)
- Crofton Pumping Station, Kennet and Avon Canal, UK (2 engines)
- Fresnillo, Mexico (2 engines)
- Cruquius Pumping Station, Haarlem, Netherlands
- Llanishen Engine, Cardiff Docks, UK
- Sandfields Pumping Engine, Lichfield, UK
- Prestongrange Colliery, Scotland, UK
- Dorothea Slate Quarry, Caernarvon, Wales, UK
- O'okiep, Cape Province, South Africa (2 engines)

The National Science Museum, London has also preserved the world's first stationary agricultural engine built by Trevithick in 1812 for Sir Christopher Hawkins of Trewithen near Grampound. It worked until 1877 and the engine and the barn are still extant. The Ironbridge Gorge Museum has built a working replica of Trevithick's first railway engine and the first railway in the world (The Pennydarren Tramroad) built by Trevithick and opened on 21 February 1804 is celebrated at Merther Tydfil, South Wales. A £2 commemorative coin has been issued in 2004 by The Royal Mint to celebrate the achievement of this giant of the Industrial Revolution. In the late 1960s Tolgus Tin, Wendron Forge (later Poldark) and Morwhelham Quay (West Devon) were opened as open air industrial museums in Cornwall and west Devon at the same time as other famous sites elsewhere in England including Ironbridge, Beamish and The Black Country Museum. This active preservation movement was and continues to be backed up and reinforced by the existence of substantial mining and related archives and artefacts deposited in:

- Cornwall Record Office
- Cornish Studies Library
- Royal Institution of Cornwall

Other substantial collections also exist in Cornwall and Devon and elsewhere in the UK, now beginning to be interlinked via the national archives A2A (Access to Archives) internet site (www.a2a.org.uk).

1970s and 1980s

In the 1970s and 1980s the emphasis on preservation began to spread to the wider mining landscape and engine houses in particular. Plans by The National Trust, in the early 1970s, to move Robinson's engine from Pool back to its original location in the great engine house at Tregurtha Downs near Marazion came to nothing. This did help to highlight the increasingly parlous state of many engine houses that had often been empty for over a century. One solution was to convert them to dwellings and a number had already been converted long before - Wheal Lushington, Porthtowan; Princess of Wales, Kit Hill; Silver Valley, Ladock; Terras Mine, St Stephens in Brannel, and Wheal Andrew, Twelveheads. The trend of conversion to dwellings has continued with two conversions at Danescombe Mine, Calstock by The Landmark Trust in the 1970s and in the 1980s and 1990s at Wheal Rose, Scorrier, Northwood, St Neot, Tregurtha Downs and Wheal Rodney at Goldsithney, Wheal Langford, Harrowbarrow and most recently at Okel Tor Mine, Calstock.

The massive programme of consolidation works to engine houses to preserve them as monuments began modestly with works by The National Trust at Wheal Coates and Basset and Grylls Porkellis and in the early 1980s at The Crowns, Botallack by the Botallack Trust (The Carn Brea Mining Society). The Historic Environment Service (formerly Cornwall Archaeological Unit), Cornwall County Council began recording mine sites in 1986 at Wheal Coates, and this was followed by large survey projects in 1987/88 using government employment schemes at Minions (Caradon Mines) and Luxulyan Valley. Both these surveys indicated that historic mine buildings in these areas were in serious danger of collapse.

In the 1980s government funds began to be available to remediate abandoned mining land to bring it back to beneficial re-use. Until 1988 Local Authorities used these public funds to clear away the mining remains as at United Mines (1982-3) where important early remains of the Consolidated Mines were removed in advance of tree planting. The works at Tresavean Mine (1989), Lanner precipitated a deliberate shift in attitude and policy away from the removal of mining remains towards wholesale in situ conservation and the encouragement

of public access for recreation. In 1989 Groundwork Kerrier (Kerrier Groundwork Trust) was established as part of a national initiative to encourage environmental improvements in areas of industrial decline. This developing new approach to the use of public funds dealing with contaminated derelict land is encapsulated in the seminal Mineral Tramways Report begun in 1987 and accepted by Kerrier District Council as a priority project in 1988 and published in 1990. This project proposed that the mine sites of the areas of the Camborne- Redruth and Gwennap Mining Districts were a vital part of Cornwall's heritage and should be conserved using public money. These sites would be linked to mining heritage centres by a series of multi-use trails using the old mineral railways that used to take copper ore from the mines inland to the ports of Hayle, Devoran and Portreath. For the first time it was proposed that large numbers of mine sites deserved preservation as monuments in their own right.

1990s to present

Since 1990 a considerable number of mine sites have been conserved and opened up for safe public access. Two further large scale surveys have resulted in large major programmes of conservation works. The St Just Survey (1992) prompted The National Trust to seek to acquire the 7 km of mining coast between Pendeen Watch and Gribba Point. All mine buildings acquired have already or will shortly be consolidated. The assessment of the Tamar Valley mines in 1998 as part of the Cornwall Land Reclamation Strategy 1997 has also resulted in the start of a campaign of conservation and public access works. The major works campaigns since 1990 have therefore involved the following areas:

- St Just Mining District (A1)
- Mineral Tramways. The Camborne- Redruth and Gwennap mining Districts (A5,A6)
- Luxulyan Valley (A8)
- Tamar Valley mines on both the Cornish and Devon sides of the river (A10)

Other significant works have also been carried out in:

- St Agnes Mining District (A7)
- Caradon Mining District (A9)
- Godolphin mining area (A3)

This sustained campaign, carried out over the past 14 years by local authorities and the National Trust has resulted in making safe and accessible over 700 hectares of historic mine sites, and the consolidation and repair of nearly 100 engine houses, 40 chimneys, 16 arsenic calciners, and well over 100 other significant other mine buildings. This is the largest mining heritage conservation campaign in the United Kingdom.

One of the principal recommendations of the 1990 Mineral Tramways report was that by bringing together existing mining heritage centres and several proposed new ones a new dispersed Museum of Cornish mining could be created along the lines of that developed at Ironbridge a decade before. A consultants report that examined the economic potential of the Mineral Tramways Project (Roger Tym & Partners, 1990)

confirmed the attractiveness of conserving, consolidating and promoting the mining heritage of the area and recommended that a new mining trust should be created to develop and manage mining heritage centres as well as mine sites in the countryside. In 1993 the Trevithick Trust was formed by the Trevithick Society, local authorities, the National Trust and Camborne School of Mines to develop the idea of a dispersed museum of Cornish Mining. Over the last decade the Trust has been responsible for helping to create mining heritage centres at Geevor Mine, Cornish Mines and Engines at Pool, King Edward Mine at Troon as well as developing Tolgus Tin.

The prospects for the mining heritage of Cornwall and West Devon have changed dramatically over the last decade.

World Heritage Site Bid Area/Project	Lead Agency	Timescale	Cost £
St Just Mining District (A1)			
Ballowal & Wheal Edward	Cornwall County Council & The National Trust	1998-1999	97,000
Geevor Tin Mine	Cornwall County Council	1998-2003	295,000
West Penwith Mining Heritage Coast	Cornwall County Council & The National Trust	1998-2000	640,952
Wheal Owles	Cornwall County Council & The National Trust	1999	272,000
The Port of Hayle (A2)			
Harvey's Foundry Phase I	Penwith District Council	2001-2003	1,840,000
Tregonning & Gwinear Mining Districts with Trewavas (A3)			
Godolphin Estate	The National Trust	1998-2002	1,931,960
Camborne & Redruth Mining Districts (A5)			
Alma Place, Redruth	Kerrier District Council	1998-2001	2,608,302
Camborne & Redruth Public Realm	Kerrier District Council	1998-2003	1,363,779
Cornwall's Industrial Discovery Centre	Kerrier District Council and Trevithick Trust	1998-2001	1,800,000
King Edward Mine	Kerrier District Council and Trevithick Trust	2001-2002	261,303
Mineral Tramways Great Flat Lode	Kerrier District Council	1998-2003	1,785,027
Tuckingmill Valley Park Phases I & II	Kerrier District Council	2000-2003	1,922,000
Gwennap Mining District with Devoran, Perran and Kennal Vale (A6)			
Mineral Tramways Coast-to-Coast Trail	Cornwall County Council	1999-2001	912,000
Mining Villages Project	Kerrier District Council	1998-2001	724,677
Poldice Valley	Carrick District Council	1999-2001	563,000
United Downs	Cornwall County Council	1999-2000	307,806
St Agnes Mining District (A7)			
St Agnes Environmental Enhancements	Cornwall County Council	1999-2002	651,834
Luxulyan Valley & Charlestown (A8)			
Luxulyan Valley	Cornwall County Council	1998-1999	268,171
Caradon Mining District (A9)			
Caradon Mines	Caradon District Council	1998-2002	238,000
Tamar Valley Mining District with Tavistock (A10)			
Danescombe Valley	Cornwall County Council	1998-2000	172,000
Tamar Valley Regeneration	Cornwall County Council and Tamar Valley AONB	1998-2002	3,493,676
General			
Cornwall & Scilly Urban Survey	Cornwall County Council	2002-2003	50,000
Cornwall Industrial Settlements Initiative	Cornwall County Council	2002-2003	108,000

Table 9. Conservation projects completed in the nominated Site 1998-2003.

Notes

1. The cost of each project is the total cost of all project expenditure within the World Heritage Site Bid area. This is less than the total cost of the project for those projects that include expenditure outside the World Heritage Site Bid area.
2. Only projects costing over £50,000 have been included.

A Guide to Conserving Mine Buildings 1996



In recognition of the growing need to provide guidance on appropriate conservation methodologies for engine houses and other associated mine buildings in Cornwall, this report, commissioned by the Cornwall Industrial Heritage Partnership, was intended to set out good practice at a time when there was considerable variability in approach to such works.

Conservation Value of Mine Sites 1996



Produced by specialists in a wide range of disciplines, this report provides an explanation of the many different reasons why old mining sites are of importance, and why it is essential to take a holistic approach to their conservation and management.



A Manual for the Nature Conservation Management of Metalliferous Mine Sites in Cornwall 2001

Produced by Cornwall Environmental Consultants Ltd, former mining land holds a wide range of habitats and species and amounts to an extensive area of semi-natural vegetation in Cornwall. The nature conservation practices associated with remedial works to mine sites have seen great progress in recent years. This manual provides recommendations and guidance for ecological and mineralogical conservation and, where necessary, pushes forward current thinking and practices for the benefit of nature conservation.

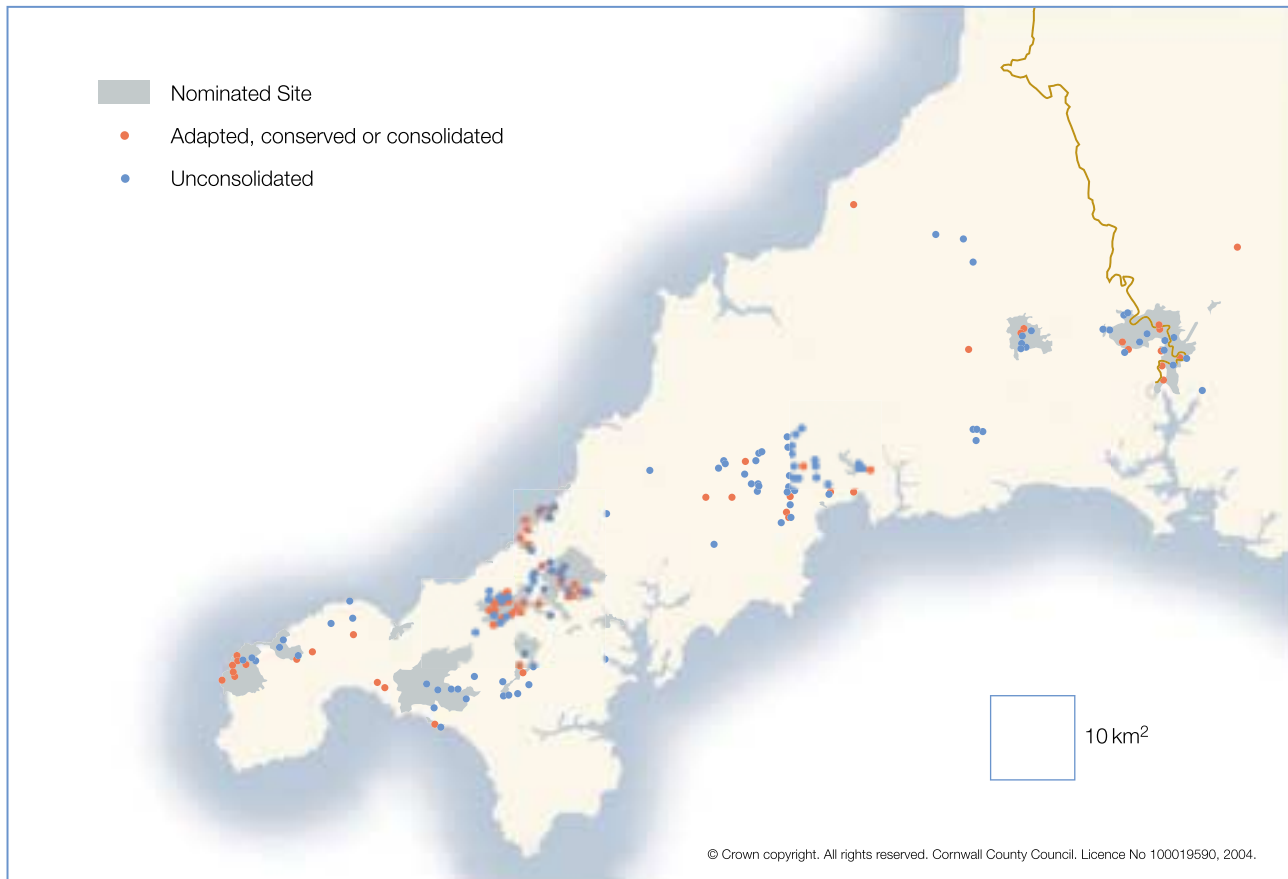


Figure 54. Current state of engine house conservation.

Conservation works and consolidated sites

St. Just Mining District (A1)

A very substantial proportion of the coastal landscape within which the majority of mines were sited has been acquired by the National Trust since 1995, appropriate management regimes set in place and extensive consolidation works undertaken. Of the 126 engine houses constructed within or immediately adjacent to the Bid Area, 32 survive to some degree and 19 of these have already been conserved or adapted for other purposes. Of the remainder, seven do not require significant works, two are proposed for consolidation using agri-environmental grants and one as part of a village enhancement scheme, leaving four requiring consolidation. Other mine structures within the area have, in general, received rather less remedial attention to date, though substantial safety and consolidation programmes have already been undertaken at Geevor

Mine and Levant. The underground remains and historic mine buildings at Geevor and the preserved engine at Levant are now managed as heritage centres. A small number of mine sites not in National Trust or Cornwall County Council ownership need attention. Many of the sites within this area are under consideration for statutory protection; although the form that this is likely to take has yet to be determined, it is likely that a substantial number of the former mining sites within the area will be scheduled and the surviving structures listed. The conservation area for St. Just/ Tregeseal has been redrawn to include significant areas of worker housing, whilst new conservation areas and additional listing have been proposed and implemented for the mining villages examined as part of the Cornwall Industrial Settlements Initiative (CISI).

Port of Hayle (A2)

Despite the demolition of much of Copperhouse Foundry and elements of Harvey's Foundry, much of Hayle's harbour infrastructure survives, together with key industrial and public buildings, and a good range of workers' housing, villas and early shop fronts. The statutory and other protection at present in place does not adequately reflect the importance of the town and its industries, the only industrial structures to be scheduled being the black bridge and railway bridge in Copperhouse. There are 129 Listed buildings within the Bid Area, though the listing is judged to be in need of review. English Heritage are carrying out a review of Scheduling and Listing within the Hayle harbour area. Foundry is within a Conservation Area, however the local authority is presently considering the extension of this to include important elements of the historic town following the publication of the Hayle Historical Assessment in 2000.

Tregonning and Gwinear Mining Districts with Trewavas (A3)

This is not now a district characterised by extensive structural remains, much of its mining activity having taken place during the 18th and early 19th centuries, the abandonment of many of its important copper mines having taken place by the 1840s. The sites of 232 beam engine installations have been recorded within the Bid Area with 10 others immediately abutting its boundary. Most of the engine houses were demolished in the early 20th century, but of the remainder three have been conserved, whilst 11 survive and require remedial attention. This landscape has tremendous archaeological potential particularly relating to the 18th century phase of Newcomen atmospheric engines. Despite the loss of such a large proportion of its industrial buildings, both the mining and rural landscapes of this Bid Area are well-preserved, and contain a good mixture of miners' settlements – both dispersed and aggregated - three important country houses and their associated estates – Clowance, Godolphin and Trevarno - and extensive evidence for miners smallholdings during the late 18th and early 19th centuries. The whole of this landscape is peppered with preserved shafts whose alignments indicate the underlying lode structures, as well as some well-preserved copper mining sites typical of the late 18th and early 19th centuries whose survival is rare elsewhere in Cornwall.

Wendron (A4)

The smallholding landscape is remarkably intact. The area is recorded as having had 35 beam engines. One of these (at Porkellis) has been consolidated (by the National Trust), two others have been adapted as dwellings; and those at White Alice and Trumpet Consols require consolidation. The remainder have been demolished. CISI recommends a Conservation Area at Porkellis, the underground remains at Poldark Mines are exceptionally well preserved. Porkellis chapel is on the national Buildings at Risk Register.



Porkellis chapels (A4).

Camborne and Redruth Mining District (A5)

The survival of sites to the south of Carn Brea making up the Great Flat Lode landscape is good, and more engine houses can be seen from vistas within the southern part of this area than anywhere else in Cornwall. To the north of Carn Brea, survival has been more patchy given development pressure on former mining land during the last half century, and little remains to be seen of some once very important mines. A large number of conservation projects have taken place within this bid area during the past decade, with the result that the majority of its standing mine structures have now been consolidated. Research has indicated the sites of 314 beam engine installations within the Bid Area, of which 41 survive, 35 having been consolidated. The Marriott's Shaft site is a Scheduled

Monument, as are the Grenville United engine houses; many of the engine houses and buildings associated with the industrialisation period within this area are already Listed Buildings and it is expected that the English Heritage Monuments Protection Programme will result in the statutory protection of all important sites and structures within this area. Redruth, Tuckingmill and Carn Brea are covered by Conservation Areas and historic mining settlements have now been assessed through CISI and CSUS and new or amended Conservation Areas are being proposed.

The exceptionally well preserved Scheduled mine complex at Wheel Peevor will be consolidated in 2004-05 and linked to the Mineral Tramways trails. Portreath harbour and its associated railways are in the care of local authorities. The condition of the harbour and its breakwater requires monitoring. An important mining era fire-damaged public building was converted in 2001 to the Cornwall Centre (Cornish Studies Library). The conservation of the important complex of mine buildings at Robinson's Shaft are being considered for adaptive re-use by the Urban Regeneration Company.

Gwennap Mining District with Devoran and Perran and Kennall Vale (A6)

The heyday for many of the mines within this area, which were worked primarily for copper, spanned the last part of the 18th century and the first decades of the 19th. As a result, some important sites within this area have now left few above-ground traces, having been the subject of later dump reworking or reclamation. In addition, although many pioneering engines were amongst the 160 recorded as having been erected within the Bid Area, only 26 engine houses survive to any significant degree. Of these, eight have been consolidated or adapted, whilst the remaining 18 await conservation works, many of which are part of the second phase Mineral Tramways Project. The majority of these structures are neither listed nor scheduled, the exception being those at Wheal Busy, which are Scheduled Monuments, but all important mine sites will be protected under the MPP. The course of the Redruth and Chacewater Railway is well-preserved, whilst St. Day, Chacewater and Carharrack still retain much of their original settlement character. Kennall Vale represents the best-preserved gunpowder

works in south-west Britain. The quality of survival of the site is excellent, the buildings being mostly of sturdy construction and the site not subjected to other uses following its abandonment, though the consolidation of these buildings will be required. The site is a Scheduled Monument and is under beneficial management by Cornwall Wildlife Trust.

Perran Foundry was established in 1791 by the Fox family and was the second major iron foundry established in Cornwall after Harvey's at Hayle. The works was re-modelled in 1860 and every building from this period survives unaltered. All the buildings are Listed and an iron footbridge is Scheduled. However the site has been abandoned since 1988 and all buildings require urgent works to prevent structural collapse, which the local authority is investigating while also attempting to seek a new use for the site. The state of conservation in Devoran is good with part of the original quays being conserved by a local amenity society.

St Agnes Mining District (A7)

The coastal location of many of the mine sites within this Area have limited pressure for their redevelopment for other uses and survival is exceptional. Wheal Coates, which incorporates a good range of evidence for the development of mining technology over many centuries, is particularly well-preserved, and has been conserved by the National Trust. Other important sites – particularly those on the cliffs between St. Agnes and Perranporth - await conservation and appropriate management. Underground access is particularly good within this area, and has revealed important details about the working of these sites over long periods of time, as well as access to important geological exposures. The area contains the sites of 114 recorded engine houses of which 13 have been consolidated or adapted for other uses. Five remain unconsolidated and should be high priorities for attention. All important mine sites will be protected under MPP.

Luxulyan Valley and Charlestown (A8)

Although Fowey Consols has suffered considerably from dump removal and buildings demolition, the site still includes significant structures requiring conservation notably Austen's Engine House which stands prominently on the horizon clad in ivy.



Austen's engine house, Fowey Consols (A8).

Within the Luxulyan Valley, site preservation is very good and some necessary conservation works have already been undertaken. At present, only the viaduct itself is statutorily protected as a Scheduled Monument, and the valley is managed as a public park. Charlestown has, until recently, been managed as a single estate since its creation, resulting in the exceptional preservation of so much of the built environment from the 18th and 19th centuries. This includes not only the houses themselves, but the domestic and industrial infrastructure which surrounds them: the earth closets and wash houses, little yards and gardens, alleyways and lanes, and around the harbour itself bollards, cobbles, steps and mooring rings. Nowhere else in Cornwall is it possible to step so immediately into the ambience of an early 19th century working port. As a result, Charlestown embodies some of the most vital aspects of social and economic change in Cornwall during the period 1790 to 1850.

Caradon Mining District (A9)

With so little pressure for redevelopment or re-use, sites within the Caradon mining district have by and large, escaped clearance and demolition. The sites of 59 engine houses are recorded within the district, of which three have recently been consolidated, one further having been converted into an interpretation centre. A large number - 34 - have not been consolidated, though this large number includes several which are relatively stable low ruins whose consolidation is a low priority. A large scale conservation project to consolidate a large number of these is currently awaiting approval from funders. Almost the whole of the Bid Area is a Conservation Area, though at present statutory protection of these industrial sites is low but this will be addressed through Monument Protection Programme.

Proposals are being discussed to incorporate as much as possible of the well-preserved route of the Liskeard and Caradon Railway from Moorswater to South Caradon into a footpath or multi-use trail.

Tamar Valley Mining District (A10)

Within this area, mine sites have survived well within marginal land, most particularly the upland areas of Hingston Down and Kit Hill, within often wooded valley slopes and within land controlled and managed by large estates. Some of these sites are amongst the finest to be found anywhere within the Bid Areas, and a number have already been the subject of extensive conservation



Consolidated engine houses at Skinners Shaft, Gunnislake Clitters Mine.

projects, as has the port of Morwellham, which has been developed into a mining heritage site. Within Calstock, a village enhancement scheme has preserved parts of the copper ore floors on the quays. The area is recorded as having contained 80 engine houses, of which 16 have been consolidated; 22 have been identified as requiring conservation works. Many of these 22 are part of large conservation projects awaiting approval from funders. The Monument Protection Programme will ensure the statutory protection of important mine sites. Calstock and Luckett are partly covered by Conservation Areas and all industrial settlements have been assessed by CISI.

Tavistock (A10ii)

The whole of the historic core of Tavistock is a Conservation Area, and contains a large number of Listed Buildings, and is regarded as an outstanding example of an estate-owned planned town. Of the three major former foundries within the town, one is currently being adapted for domestic use, the others are in commercial and retail use.

3 e) Policies and programmes relating to the presentation and promotion of the property

In presenting and promoting the mining landscape the World Heritage Site Bid Partnership is committed to maintaining authenticity and pursuing the principles of sustainable access. At the same time, it recognises that this access must be equally available to all, regardless of physical ability or income, and that tourism in Cornwall and West Devon is a major driver in regeneration strategies, with significant growth targets for the period 2000 – 2010 already in place. Integrating these principles, so that World Heritage Site inscription would deliver a sustainable increase in usage of the nominated Site, is at the heart of the Partnership's policy.

In 2003 an Economic Impact Assessment surveyed the use of mining heritage facilities in Cornwall and West Devon. It found that these are essentially a sub set of the 6.7 million visits to the area motivated by conserved landscapes. The report estimated the value of mining heritage motivated tourism to Cornwall and West Devon's economy in 2003 was £118 million.

The Economic Impact Assessment estimated that, with appropriate marketing, World Heritage Site inscription could deliver a 10% increase in visitors to mining heritage attractions, contributing to the target of a 20% increase in the number of tourism days by 2010 established by the Objective One Tourism Task Force in 2001. However, the study also concluded that the capacity to accommodate increased usage varied amongst bid areas. The Marketing Strategy for the nominated Site therefore differentiates between the areas, and presentation and promotion targets will be set according to local circumstances and capacity for growth.

Policies of owners and operators within the nominated Site

The nominated Site is currently well served by a range of visitor attractions that focus on the history, development and impact of hard rock mining in Cornwall and West Devon. Although the facilities within the nominated Site are owned and managed by a range of operators and governing bodies, the process of developing the World Heritage Site bid has already encouraged greater co-ordination between interested parties through the creation of a Marketing and Interpretation Advisory Panel which has agreed a range

of shared policy priorities, as expressed in the Marketing Strategy adopted as part of the Management Plan. Current management priorities for presentation and promotion of the major landowners/ operators and local authorities within the proposed World Heritage Site are;

Cornwall and Tamar Valley Areas of Outstanding Natural Beauty

Areas of Outstanding Natural Beauty are by definition some of the country's finest landscapes. Cornwall and Tamar Valley Areas of Outstanding Natural Beauty both recognise the value and contribution of the mining heritage to the distinctiveness of the landscape within their management plans, which include policies to raise awareness of the landscape and its importance and prioritise sustainable approaches to tourism in their areas. In addition, the Tamar Valley includes objectives to improve interpretation of the landscape to a wider audience, and mining heritage is a specific theme of both the Areas of Outstanding Natural Beauty website and its guided walks and events programme.

Cornwall County Council

Cornwall County Council owns and manages a range of sites and interpreted trails within the proposed World Heritage Site. It aims to conserve the natural and historic heritage, culture and local distinctiveness of the county for the benefit of communities. It has identified communication, presentation and promotion of mining heritage assets as a key priority in pursuing sustainable public access to its conserved landscapes. Significant sites in County Council ownership each have management plans which set usage targets appropriate for their capacity, and identify a range of interpretation, education and promotional priorities.

Support for the World Heritage Site bid is a corporate priority, and the County Council owned Geevor Tin Mine visitor attraction in the St Just bid area is devising plans to develop as a centre for World Heritage Site interpretation, including strategies to address access, sustainable transport, interpretation and education.

Devon County Council

Devon County Council does not own or manage any mining heritage visitor attractions or facilities, but its role as a strategic tourism authority is set out in its Tourism Role and Action Programme. The County

Council develops a range of initiatives and campaigns that are focused around the sustainable tourism agenda and opportunities to attract visitors out of season. These include the *Discover Devon* campaign and the proposed *Discover Devon Naturally* campaign, for which Objective 2 European funding has been achieved. These focus on the area's distinctiveness and unique natural and historic environment. The County Council also promotes mining heritage as part of the wider heritage sector, and develops related facilities such as the Tamar Valley Discovery Trail, part of the Devon strategic walking network.

District and Borough Councils

The World Heritage Site Bid Areas come under the jurisdiction of six District / Borough Councils. Within Cornwall these are Penwith, Kerrier, Carrick, Restormel and Caradon. Within Devon, this includes West Devon Borough Council.

These authorities are not major owners or operators of mining heritage visitor attractions and facilities, and therefore do not possess policies directly related to the presentation or promotion of aspects of the universal significance of the nominated Site. However, as destination managers and tourist information service providers they do have local tourism strategies and undertake promotional activities which encompass general mining heritage.

A review of the publications produced by the District and Borough Councils reveals that mining heritage receives limited coverage within existing marketing activity. Coverage appears to be greatest in marketing specifically related to the West of Cornwall.

Perhaps due to the greater 'space' available on websites as compared with publications, these have a greater amount of content devoted to mining heritage. This tends to be linked to sections on heritage and typically features a general description and information about specific mining-related attractions.

An audit of existing marketing, undertaken in 2004 to inform the World Heritage Site Marketing Strategy, did uncover some examples of innovative marketing techniques being used to promote the area's industrial heritage. Restormel Borough Council run a number of half-day conducted tours/ guided walks that enable visitors to tour areas such as the Luxulyan Valley, and Charlestown. These tours explain the industrial history of the area and allow visitors to access areas that normally would not be open to the public.

The National Trust

The National Trust is both a major landowner within the proposed World Heritage Site and an operator of key interpretation facilities. It works to preserve and protect the coastline, countryside and buildings of England, Wales and Northern Ireland. Two of its three key organisational aims in the Strategic Plan 2001-2004 are to:

- Deliver lifelong learning and education
- Deepen people's understanding of our landscape, built and cultural heritage and broaden its appeal

Management plans are prepared at Regional, countryside area and individual property level. Relevant priorities relating to property within the nominated Site are:

- Review and enhance interpretive techniques and materials
- Provide appropriate visitor facilities and infrastructure to allow access for people of all abilities
- Maximise the benefits of publicity resulting from the World Heritage Site bid, and inscription if granted
- Deliver Learning Strategy and increased educational usage
- Increase the length of the visitor season



Camborne/Pool/Redruth Urban Regeneration Company

The Urban Regeneration Company was established in 2002 to secure regeneration in Camborne, Pool and Redruth and to meet the demands of structural changes in the existing economy. Its strategic objectives include the provision of a new offer of Camborne, Pool and Redruth heritage and tourism strengths and consolidation of the environmental qualities inherent in the area. The business plan recognises that this will require a sustained programme of works, including visitor attraction development and interpretation studies and plans.

Description of existing interpretation/ presentation

There are currently 56 museums, heritage centres and other mining landscape related visitor facilities such as country parks and interpreted trails within or adjacent to the proposed World Heritage Site. Twenty six are within the nominated Site areas. Of these, ten attractions recorded a combined visitor total of over 460,000 in 2004). The highest concentration is in the Central Mining area (Camborne/Pool/Redruth), with nine mining related interpretation facilities. The most significant roles in presentation and promotion of the nominated Site are performed by the National Trust, managing seven of these attractions and Cornwall County Council with six.

The most frequently presented key themes relevant to the universal significance of the Site include the development of mining and related technological innovations and transport systems, together with discussion of the social

impacts as part of local history displays.

Methods of presentation include displays and interpreted trails, with a wide range of books, guides and leaflets available from the attractions themselves and other distribution points within Cornwall and Devon, such as Tourist Information Centres. Guided walks are available at some of the parks and country trails, and there are 45 guided walks publications covering sites and trails within the nominated Site currently in print.

A number of websites exist to provide information about mining and allied sites, projects and societies, or to promote visitor facilities, whilst others are under construction or have been proposed. Existing web sites include the Cornish Mining World Heritage Site Bid Project. This provides information relating to the development of the Bid to raise awareness of its existence and aims. It is intended that this website will be maintained and expanded should inscription be achieved. CHAIN (the Cornwall Heritage Access Information Network) is an umbrella website for museums and galleries in Cornwall, promoting and enabling on-line access to the collections held by the member museums. The National Trust has also developed a website giving access to information about their sites and related services, such as education, as have the majority of single site operators. Some information is also available via the Cornwall Tourist Board, the Discover Devon website and other visitor-oriented websites, including CATA and DATA (the Cornwall Association of Tourist Attractions and its Devon equivalent).

Education/learning services

Existing education provision within and about the proposed World Heritage Site is focussed primarily on the main visitor attractions and museums.

The National Trust, Morwellham Trust and Cornwall County Council provide education services to school parties at their attractions within the nominated Site, as do a number of the other local authority and charitable trust



managed museums and heritage centres. There is potential for greater use of the nominated Site in teaching both existing National Curriculum subjects such as local history, geography and technology and specially developed study schemes, such as Cornwall County Council's *Sense of Place* initiative which seeks to integrate a Cornish perspective with attainment of national learning objectives. Teachers also require support and teaching resources for use in the classroom. Recent research to establish education priorities for museums in the South West discovered a need for greater access to education resources to teach local history from teachers of 5-16 year old pupils. In Cornwall half of the teachers consulted were interested in resources to provide an overview of Cornish industry, with one commenting that they want to be able to "teach mining in an interesting way" (Local History report for the South West Museums).

The nominated Site also has relevance for further and higher education audiences.

The international significance of the nominated Site to the study of mineralogy and geology is reflected in field trips for academic study by Universities and Colleges and enquiries from students to the four geology and mineralogy collections held in The Royal Cornwall, Plymouth, Royal Geological Society of Cornwall and Camborne School of Mines Museums.

Promotion

Strategic tourism policy objectives primarily focus around generating more visits outside the traditional high-season from market segments which increase the value of tourism to the economy without increasing visitor numbers beyond the region's carrying capacity. This is in recognition of the value of the environment as a resource for both residents and visitors, and the need to protect it from damage or detriment. Recent research has highlighted the importance of the conserved landscape and high quality cultural attractions to the short break, off-peak markets (Cornwall and Scilly Objective One Single Programming Document). The proposed World Heritage Site could therefore make a significant contribution to strategic priorities aimed at the economic and environmental integration of the tourism industry.

The Economic Impact Assessment also recommended differentiating between those elements of the proposed World Heritage Site areas capable of accommodating substantial increases in visitor numbers, those which

would need infrastructure developing before being able to do so and those areas where increases in usage would not be appropriate. The Marketing Strategy will reflect these variations and promotional activity will be targeted accordingly.

In order to achieve co-ordinated marketing across the nominated Site, individual mining heritage attractions and facilities will need to be incorporated into a World Heritage Site Marketing and Interpretation network. The marketing audit in 2004 indicated that the resources for marketing available to individual attractions were limited. The average spend per year was £15,000, within a range from £150 to £30,000.

From these budgets mining heritage attractions were producing a range of promotional tools and resources to attract and cater for all audiences, including education groups. Most education resources were directed at primary and secondary schools rather than further or higher education with activity packs and teachers' notes the most popular provision made by attractions.

There is some level of monitoring and audience research being undertaken although a lack of financial and staffing resources means that visitor surveys are not conducted as often as managers would wish. The World Heritage Site Marketing Strategy will establish standards for marketing activity and include measures to facilitate achievement of these by attractions within the nominated Site. It will aim to ensure a consistent, responsible use of the proposed World Heritage Site status.





4 Management

4 Management

4a) Ownership

The Cornish Mining World Heritage Nominated Site extends across 19,808 hectares and with it a variety of ownerships both public and private, large and small scale. A proportion (8.4%) of the nominated Site is in the ownership of local authorities and the National Trust (see table 8 below). A proportion (8.6%) of the nominated Site is owned and managed by large private estates (including the Duchy of Cornwall, the Tregothnan Estate, the St. Levan Estate, the Bolitho Estate, the Godolphin Estate, the Bradford Estate, the Williams Estate and the Clowance Estate), and a series of trusts and charities including the Charlestown Trust, Royal Society for the Protection of Birds, Cornwall Wildlife Trust, Woodland Trust and Cornwall Heritage Trust. Collectively these organisations own many of the significant components within the nominated Site (see table 8 below).

By far the largest ownership (83%) within the nominated Site is made up of small scale private ownership. The Management Plan will need to ensure that all owners within the proposed World Heritage Site have access to information, can participate and benefit. Public bodies should set exemplary standards and a commitment to conservation, sustainable development and public access.

Land owner	Area (ha)
Carrick District Council	75
Caradon District Council	8
Cornwall County Council	354
Devon County Council	2
Kerrier District Council	89
National Trust	1055
North Cornwall District Council	0
Penwith District Council	11
Restormel Borough Council	88
Tavistock Town Council	5
West Devon Borough Council	2
Total	1671 (8.4 % of nominated Site)

Table 10. Size of land ownership within the nominated Site by local authorities and the National Trust.

World Heritage Nominated Area	Owners/Managers of key components
St Just (A1)	Cornwall County Council - Geevor Mine National Trust - most of the key coastal mining sites within this area including Botallack. They manage a large proportion of the Levant Mine site on behalf of Cornwall County Council.
Port of Hayle (A2)	Royal Society for the Protection of Birds - wildlife reserves in west Cornwall covering Carnsew Pool and Copperhouse Pool Cornwall Trust for nature Conservation - manage the Harvey's casting sand pits at St. Erth Penwith District Council – Harvey's Foundry
Tregonning and Gwinear with Trewavas (A3)	Kerrier District Council - Binner Downs South Mine National Trust - own Godolphin Hill, Godolphin Mine Count House, and Wheal Prosper and two small agricultural properties at Trenow and Venton Farm.
Wendron (A4)	National Trust - Porkellis Moor
Camborne-Redruth (A5)	Kerrier District Council - substantial portions of the Red River from Roskear to Gwithian, and former mining land at West Wheal Seton, Roskear, Tolvaddon, Cooks Kitchen, Dolcoath, South Condurrow, West Basset and Newton Moor, the Basset Mines, Seleggan, Carn Brea, Tresavean, South Crofty and Tolskithy and leases parts of Grenville United, Wheal Uny and Buller Downs. National Trust - Trevithick's Cottage, Mitchell's Whim, the Taylor's Shaft site and Robinson's pumping engine.
Gwennap, Devoran, Perran & Kennal Vale (A6)	Kerrier District Council – parts of Carn Marth Tregothnan Estate – Wheal Busy Cornwall Wildlife Trust – Kennal Vale Gunpowder works
St Agnes (A7)	Carrick District Council - Wheal Kitty, the lower part of Trevelas Coombe, St. Agnes Head, parts of Poldice and West Poldice, Cligga Head and Point Mills, Bissoe, as well as a number of unrelated development plots and industrial estates. It also leases part of Killifreth Mine. National Trust - own Wheal Coates and Chapel Porth, St. Agnes Head, St. Agnes Beacon, and Wheal Prudence
Luxulyan Valley with Charlestown (A8)	Cornwall County Council and Restormel District Council – Luxulyan Valley Cornwall Heritage Trust - own and manage the Treffry Viaduct
Caradon (A9)	Caradon District Council - Prince of Wales Shaft site, Phoenix United and Houseman's engine house, South Phoenix
Tamar Valley with Tavistock(A10)	Cornwall County Council – Kit Hill, Drakewalls Mine Duchy of Cornwall – Drakewalls Mine, Prince of Wales Mine, Gunnislake Clitters Mine Caradon District Council - an area on Hingston Downs and the course of the leat running from Higher Sherwell to Drakewalls. National Trust - Cotehele Estate Forest Enterprise - Tavistock Woodlands Morwellham and Tamar Valley Trust - Morwellham Quay Devon County Council – parts of Tavistock South West Water – Tavistock Canal Tavistock Town Council – parts of Tavistock

Table 11. Table showing ownership or management body for some of the significant components in the nominated Site.

4b) Legal Status

The United Kingdom is party to the World Heritage Convention, although World Heritage Sites do not have statutory protection within the United Kingdom. Cornwall and West Devon contain many statutory designations of European and United Kingdom basis for natural, historic and landscape importance. Some of these designations incidentally include parts of the Cornish Mining nominated Site and may provide some indirect protection. Other designations have been specifically applied to protect historic mining sites and broader built landscapes.

AONB

Cornwall Area of Outstanding Natural Beauty was designated in 1959 and covers 12 distinct areas comprising 958 sq km. The Tamar Valley Area of Outstanding Natural Beauty was designated in 1995 and is split into two areas (Tamar-Tavy area and the Lynher area) covering 190 sq km.

Scheduled Monuments

Under the Ancient Monuments and Archaeological Areas Act 1979, 148 Scheduled Monuments have been designated within the nominated Site. At the commencement of the World Heritage Site Bid a commitment was made by the English Heritage Monuments Protection Programme to prioritise the scheduling of mine sites and mine related structures within the proposed Bid areas in Cornwall and West Devon. A shortlist of local sites has been compiled which targets those of greatest national importance that are most under threat from neglect or development pressures. Twenty sites have been considered since May 2003, and scheduling proposals recently submitted include the Robinson's Shaft complex at South Crofty, Geevor Mine in Pendeen, the East Pool Whim and Taylor's Shaft engines at Pool, and the New Sump Shaft complex at Dolcoath in Pengegon. Others that have been deferred pending the completion of site consolidation works include the Botallack Mine and calciner, and the Kenidjack Arsenic Works.

Listed Buildings

There are 358 Listed Buildings designated under the Planning (Listed Buildings and Conservation Areas) Act 1990, within the nominated Site that are recorded within the listing description to have been directly linked to mining or an associated industry or activity.

Registered Parks & Gardens

The national Register of Parks and Gardens of Special Historic Interest maintained by English Heritage includes three gardens within the nominated Site at Godolphin, Carclew and Cotehele.

Conservation Areas

33 Conservation Areas have been designated locally under the Planning (Listed Buildings and Conservation Areas) Act 1990 principally around historic mining settlements to protect and conserve their special character and interest. The Cornwall Industrial Settlements Initiative has resulted in proposals for additional and amended Conservation Areas within 29 mining settlements, which are being implemented as resources allow.

There are several designations for the natural environment within the nominated Site which include Sites of Special Scientific Interest (SSSI), European Special Area of Conservation (SAC), candidate SAC, Wildlife Trust sites, National Nature Reserves, Local Nature Reserves, Heritage Coast and Regionally Important Geological Sites (RIGS). These designations range in importance from European, national and local, and provide indirect protection to the nominated Site. Two of these are particularly relevant to the protection of the nominated Site:

SSSIs

There are 26 Sites of Special Scientific Interest (SSSI) within the nominated Site some of whose special interest leading to designation is based on their mineralogical value. For example there are two SSSIs within the Tamar Valley Bid area whose special interest is based on the minerals which are to be found on the old spoil dumps. Where SSSIs have been designated in relation to the historic mining landscape their statutory protection contributes directly to the nominated Site.

RIGS

Regionally Important Geological/Geomorphological Sites (RIGS) are sites of geological or geomorphological interest (excluding sites of national importance designated Sites of Special Scientific Interest), that are considered worthy of protection for their education, research, historical or aesthetic importance. These sites display evidence for the earth's formation and transformation through rocks, minerals, fossils and landforms. Few areas within the United Kingdom contain a comparable wealth of geological heritage as Cornwall and West Devon. RIGS are selected by the Cornwall and Devon RIGS Groups. There are 23 RIGS within the nominated Site in Cornwall. As a result of recent survey work, eight RIGS have been identified within the Devon section of the nominated Site, six of which are mine sites. Protection for RIGS comes through policies in both the Cornwall and Devon Mineral Plans.

4c) Legislative framework

An established framework of legislation and planning policy exists within which the management of the World Heritage Site will take place. This framework stems from European Union, United Kingdom national, regional and local government. Supporting the statutory system are conventions, codes of practice and guidance. Some of these protective measures are administered by United Kingdom national government and some by local authorities.

International

The World Heritage Convention (adopted by UNESCO in 1972) was ratified by the United Kingdom in 1984.

The Convention provides for the identification, protection, conservation and presentation of cultural and natural sites of *outstanding universal value*, and requires a World Heritage List to be established under the management of an inter-governmental World Heritage Committee. Under the terms of the Convention the United Kingdom makes an annual contribution to the UNESCO's World Heritage Fund which helps to protect World Heritage Sites in danger, usually in the Third World or war-affected countries. Implementation of the World Heritage Convention is overseen by UNESCO's World Heritage Committee. The United Kingdom Government was successful in gaining election to the World Heritage Committee in October 2001, for the first time, for a four year term. The Department for Culture, Media and Sport is responsible for the United Kingdom's general compliance with the Convention, and for nominating sites in England.

The Valetta Convention. In order to better understand and protect the common historic heritage of Europe, the member States of the Council of Europe and the other States party to the European Cultural Convention signatory drew up the Valetta Convention (The European Convention on the Protection of the Archaeological Heritage (Revised)) in 1992. The convention consists of 18 Articles which define the common archaeological heritage, set out measures for its protection, guarantee the scientific significance of archaeological research work, provide for public financial support for archaeological research, encourage the dissemination of the results of that research, promote awareness of the importance of the historic heritage, seek to prevent the illicit circulation of artefacts and encourage international co-operation and scientific

assistance. The Convention stresses the agreement of the member states that the archaeological heritage was both essential to a knowledge of the history of mankind and at the same time increasingly at risk. It identified a need for the protection of the archaeological heritage to be reflected in town and country planning and cultural development policies.

The Nara Document on Authenticity builds on the Charter of Venice, 1964 and recognises that in a world undergoing increasing globalisation and homogenisation the search for cultural identity can sometimes be pursued through aggressive nationalism and the suppression of the cultures of minorities. All cultures and societies are rooted in tangible and intangible expression which constitute their heritage and these should be respected. It is essential that authenticity is achieved in conservation practice to illuminate the collective memory of humanity.

European Union Directive on the management of waste from the extractive industries. In 2003 the European Commission adopted a proposal for an EU Directive on the management of waste from the extractive industries (i.e. mining and quarrying). The proposal seeks to prevent or reduce, as far as possible, any adverse effects on the environment, and any resultant risks to human health, brought about as a result of the management of waste from the extractive industries. One element of this Directive may be the need to compile an inventory of sites, although the Directive appears to be directed to new mining sites rather than past or historic sites provided there is no danger to health. Concerns about the possible effects of the Directive on the historic environment have been raised by English Heritage with representatives in the United Kingdom government who are currently assessing its impact.

National Legislation

The Ancient Monuments and Archaeological Areas Act 1979 provides the statutory framework under which a schedule of archaeological and historical monuments deemed to be of national importance is established and maintained, as well as the basis for protecting these sites and controlling works to them through a formal system of Scheduled Monument Consent. English Heritage are the agency who deliver advice to the Department of Culture, Media and Sport on the inclusion of sites on the schedule and the granting of consents.

The Planning (Listed Buildings and Conservation Areas) Act 1990

Listed Buildings: under this legislation the government maintains a list of buildings of special architectural or historic interest, and operates a Listed Building Consent process to control works which affect them.

Conservation Areas: under this legislation local authorities can designate areas of historical or architectural importance. The legislation places a duty on local planning authorities to identify the special qualities and formulate proposals for the conservation and enhancement of Conservation Areas, informally known as Conservation Area Statements.

The Town and Country Planning Act 1990 require planning authorities to have regard to environmental considerations, including those relating to the historic, natural and cultural heritage in preparing their Development Plan policies and proposals (**Planning and Compensation Act 1990**). **The Planning and Compulsory Purchase Act 2004** resulted from the United Kingdom governments' **Planning Green Paper 2001** and modernises the development plan system by introducing Regional Spatial Strategies, Local Development Frameworks and abolishing Structure Plans. Local Development Frameworks will relate to Local Community Strategies and contain the core spatial strategy. They will be supported by a portfolio of documents including Area Action Plans for those areas with significant regeneration or conservation needs, and non-statutory Supplementary Planning Documents.

The Town and Country Planning (General Permitted Development) Order 1995 (GPDO): permitted development rights allow certain types of minor and uncontentious development to proceed without the need for a planning application, since planning permission for them is deemed to be granted. Under the GPDO, Article 4 Directions can be issued by the local planning authority to restrict some permitted development rights, and are typically used to control minor alterations in Conservation Areas. Article 7 Directions allow the mineral planning authority to remove permitted development rights for removal of mineral working deposits where it is on land within an AONB or site of archaeological interest. However, the payment of compensation hampers the use of this power. The United Kingdom government has recently commissioned a study (Nathaniel Lichfield 2003) into the effectiveness of the GPDO.

Town and Country Planning (Environmental Impact Assessment) Regulations 1999 Environmental Impact Assessment (EIA) is a procedure that must be followed for certain types of development before they are granted development consent. The requirement for EIA comes from a European Directive and the procedure requires the developer to compile an Environmental Statement (ES) describing the likely significant effects of the development on the environment and proposed mitigation measures. The need for an ES, or whether the proposed development is deemed to fall within the Schedules triggering ES, is determined by a Screening Opinion sought from the Local Planning Authority or other competent authority. The content is agreed under a Scoping Opinion sought from the Local Planning Authority. It is common for the impact on historic environment to be examined by an ES. The ES must be circulated to statutory consultation bodies and made available to the public for comment. Its contents, together with any comments, must be taken into account by the competent authority before it may grant consent.

The National Parks and Access to the Countryside Act 1949 established procedure for the creation of Areas of Outstanding Natural Beauty (AONB). This was strengthened by **The Countryside and Rights of Way Act (CROW) 2000**, which intended to facilitate greater public access to the countryside, including placing a duty on local authorities to produce management plans for AONBs and the local authority's duty to establish an independent Local Access Forum (LAF) that will advise a county council on its Rights of Way Improvement Plans.

National Guidance

Guidance on government planning policy is contained in a series of Planning Policy Guidance Notes, now being superseded by Planning Policy Statements. Guidance on the proposed new Regional Spatial Strategies is given in draft **PPS11**. Guidance on the proposed new Local Development Frameworks is given in draft **PPS12**.

PPG 15 This guidance provides a full statement of United Kingdom government policies for the identification and protection of historic buildings, conservation areas, and other elements of the historic environment, explains the role played by the planning system in their protection and treatment as a material consideration in development proposals.

PPG15 complements the guidance on archaeology and planning given in PPG16 to ensure effective protection for all aspects of the historic environment, and encourages local planning authorities to ensure that they have appropriately qualified specialist advice on any development which, by its character or location, might be held to have an adverse effect on the historic environment. PPG15 specifically refers to World Heritage Site in paragraphs 2.2.2-3 as follows:

2.2.2 No additional statutory controls follow from the inclusion of a site in the World Heritage list. Inclusion does, however, highlight the outstanding international importance of the site as a key material consideration to be taken into account by local planning authorities in determining planning and listed building applications, and by the Secretary of State in determining cases on appeal following call-in.

2.2.3 Each local authority concerned, taking account of World Heritage Site designation and other relevant statutory designations, should formulate specific planning policies for protecting these sites and include these policies in their development plans. Policies should reflect the fact that all these sites have been designated for their outstanding universal value, and they should place great weight on the need to protect them for the benefit of future generations as well as our own. Development proposals affecting these sites or their setting may be compatible with this objective, but should always be carefully scrutinised for their likely effect on the site or its setting in the longer term. Significant development proposals affecting World Heritage Sites will generally require formal environmental assessment, to ensure that their immediate impact and their implications for the longer term are fully evaluated.

PPG 16 This guidance for planning authorities in England, property owners, developers, archaeologists, amenity societies and the general public sets out the United Kingdom government's policy on archaeological remains on land, and how they should be a material consideration in the planning system. PPG16 establishes the policy of preservation in situ of nationally important archaeological remains and applies the principle of polluter pays where archaeological remains will be destroyed by new development. It gives advice on the handling of archaeological remains and discoveries under the development plan and development control systems including the use of

planning conditions, the requirement for developers to provide adequate information on the impact of proposals on archaeological remains, and to arrange for recording and publication in mitigation.

Register of Parks and Gardens of Special Historic

Interest: Parks and Gardens included within this national register maintained by English Heritage are not subject to additional statutory controls. However PPG15 guides planning authorities to take account of the need to protect registered parks and gardens when preparing development plans and in determining planning applications. The Register acts as guidance to local authorities on those parks and gardens deemed to be of national importance and most needy of protection.

National Reviews

The Historic Environment: A Force for Our Future 2001. This document represents the UK Government's response to English Heritage's report *Power of Place* and gives a clear commitment on the importance of the historic environment. Covering the areas of education, social inclusion, planning, conservation, regeneration and tourism, this document sets out the agenda and 54 action points for Government, English Heritage and the wider historic environment sector. This document is a guide to the United Kingdom government's position and an indication of the roles that the historic environment should play in the future. It also sets out a proposal to review heritage protection.

Protecting the Historic Environment; Making the System Work Better 2003. In July 2003 the government published a consultation paper *Protecting the Historic Environment; making the system work better*. This paper proposes changes requiring primary legislation to bring together the disparate mechanisms for protection under one single combined List. This will include World Heritage Sites which currently have no statutory basis in the United Kingdom, at a stroke bringing a new level of protection to the proposed World Heritage Site. Following public consultation, in June 2004 the government issued *Review of Heritage Protection; The Way Forward* outlining a series of short term and long term measures to bring about change. The World Heritage Site Office and Partnership will need to be aware of any new legislation over the next 5 years and the implications for our Vision and Aims of increasing protection.

4 d) Management Authority

The nominated Site spans several local authorities, government agencies and private estates with a management interest and responsibility.

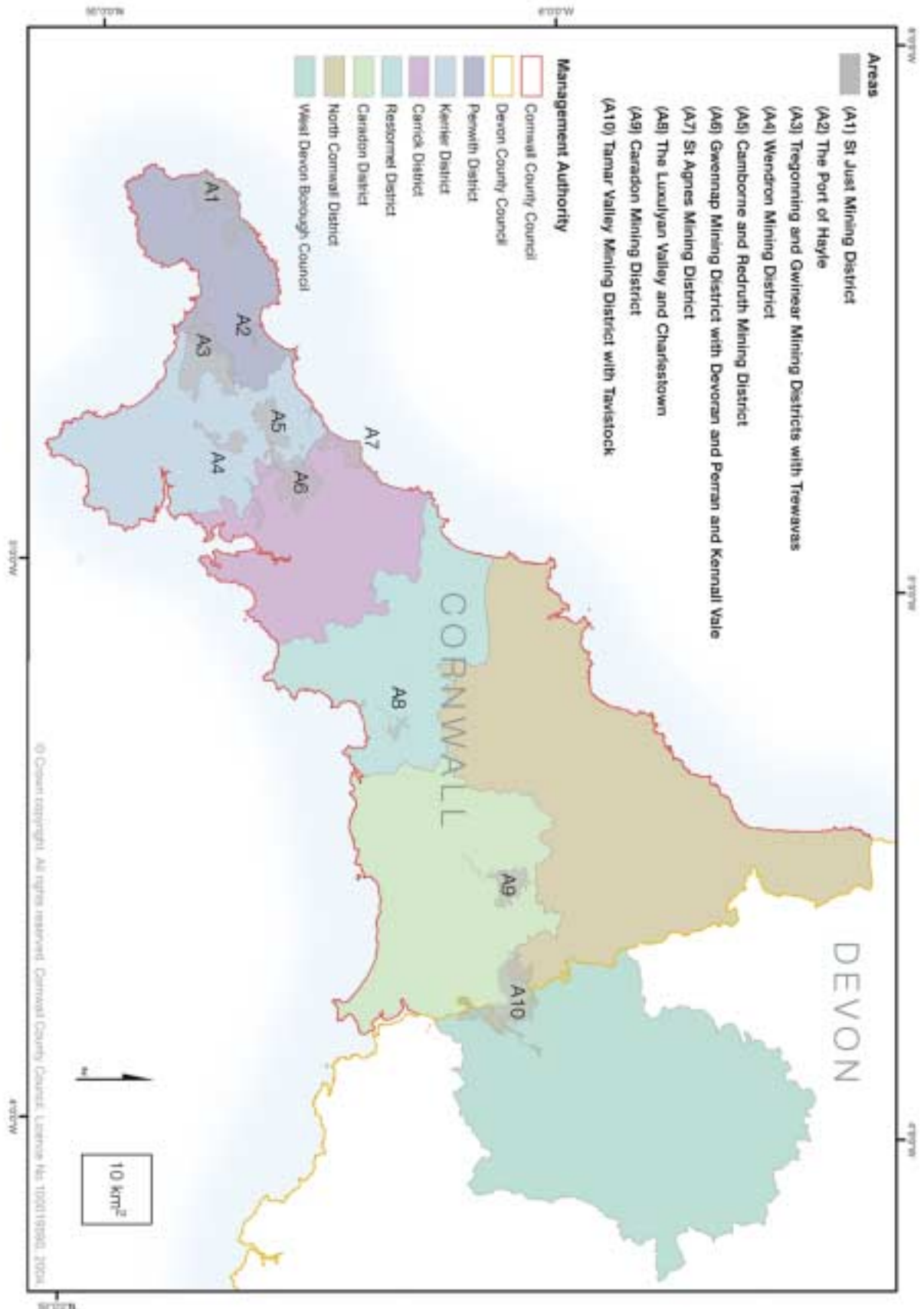


Figure 55. Management Authorities.

4 e) Level at which Management exercised

The Cornwall and West Devon Mining Landscape World Heritage Site Bid Partnership is comprised of representatives from 73 organisations that own, manage or have an operating interest in land and/or property within the nominated Site areas. The principal owners/management authorities and their representatives on the Partnership are:

Name	Organisation	Position	Contact details	
Mike Hawkey	Cornwall County Council	Head of Environment and Heritage	mhawkey@cornwall.gov.uk	01872 322000
David Andrew	Devon County Council	Assistant Environment Director	david.andrew@devon.gov.uk	01392 382175
Steve Foster	Caradon District Council	Head of Economic & Community Services	sbfooster@caradon.gov.uk	01579 341460
Karl Roberts	Carrick District Council	Chief Planning Officer	kr Roberts@carrick.gov.uk	01872 224400
Tony Sandercock	Kerrier District Council	Principal Engineer	Tony.sandercock@kerrier.gov.uk	01209 614319
Neil Pendleton	North Cornwall District Council	Director of Planning and Building Control	neil.pendleton@ncdc.gov.uk	01208 265601
Steve Edwards	Penwith District Council	Conservation & Design Officer	steve.edwards@penwith.gov.uk	01736 336711
Malcolm Pinch	Restormel Borough Council	Acting Strategic Development Officer	mpinch@restormel.gov.uk	01726 223463
Stephen Gill	West Devon Borough Council	Borough Planning Officer	sgill@westdevon.gov.uk	01822 813600
Paul Walton	Cornwall AONB	Cornwall AONB Officer	pwalton@cornwall.gov.uk	01872 323998
Tim Selman	Tamar Valley AONB	Tamar Valley AONB Manager	tselman@tamarvalley.org.uk	01822 610676
Roger Halliday	Duchy of Cornwall	Land Steward	rhalliday@duchyofcornwall.gov.uk	01579 343149
Simon Leather	Tregothnan Estate	Land Agent	enquiries@tregothnan.com	01872 520325
Nicholas Molyneux	English Heritage	Inspector of Historic Buildings	nicholas.molyneux@english-heritage.org.uk	0117 975 0669
Andrew Davey	National Trust	Area Manager	andrew.davey@nationaltrust.org.uk	01208 265272

The Partnership's remit is to steer production of the Nomination Document and Management Plan by:

- acting as the first level of consultation with key stakeholders
- considering recommendations from the Area Panels and Officer Working Group
- receiving progress reports from the World Heritage Site Bid Team and steering its activities
- scrutinising bid documentation prior to wider consultation



The Officer Working Group.

The Partnership established six Area Panels based on the relevant District Council administrative areas in Cornwall and West Devon to advise it on appropriate boundaries for the individual bid areas. The Officer Working Group is comprised of staff from the local authorities and other key organisations including the National Trust, Cornwall and Tamar Valley AONBs and English Heritage, to oversee production of the bid documentation on its behalf.

Administrative and treasury functions are provided by Cornwall County Council, which co-ordinates the activities of the Partnership and employed the World Heritage Site Bid team, and is establishing the World Heritage Site Office. The Office will be responsible to the Partnership for delivery of the bid documents and the implementation of the Management Plan on its behalf. Its core management functions will be to co-ordinate action, monitoring and evaluation across the proposed World Heritage Site and to report the results to the Partnership. Should World Heritage Site inscription be awarded, the composition and remit of the Bid Partnership will be reviewed and developed to create the management structure most appropriate for the effective implementation, monitoring and evaluation of the Management Plan.

4 f) Agreed Plans

There are a range of agreed plans which relate to the nominated Site directly or indirectly. These range from strategic planning documents at regional, county and local level, through to overarching strategies guiding community, economy, tourism, transport or heritage. All of these strategies are of relevance to the World Heritage Site Vision and Aims. There are also management plans and conservation plans for specific landscapes, monuments or projects, with more to be carried out.

The World Heritage Site Office has been successful at integrating the proposed World Heritage Site into many existing agreed plans by way of planning consideration, economic contribution, tourism strength, cultural significance and heritage asset. Opportunities are being taken as they arise with the drafting of new plans to include provision for the World Heritage Site in the most appropriate way.

An important example of this is the precedent established with the Cornwall Structure Plan 2004 which made provision in Policy 2 for the proposed World Heritage Site:

Policy 2 Character Areas, Design & Environmental Protection

..The conservation and enhancement of sites, areas, or interests, of recognised international or national importance for their landscape, nature conservation, archaeological or historic importance, including the proposed World Heritage Site, should be given priority in the consideration of development proposals....

Title	
Regional Planning Guidance for the South West (RPG10)	Government Office South West 2001
Cornwall Structure Plan	Adopted 2004
Devon Structure Plan 2001-2016	Adopted 2004
Cornwall Minerals Local Plan	Adopted 1998
Devon Minerals Local Plan	Adopted 2004
Caradon Local Plan	Adopted 1999 Deposit Draft 2003
Carrick Local Plan	Adopted 1998
Kerrier Local Plan 1996-2001	Deposit Draft
North Cornwall Local Plan	Adopted 1999 Issues & Options Study 2003
Penwith Local Plan	Adopted 2004
Restormel Local Plan 2001-2011	Adopted 2002 Issues & Options study 2003
West Devon Local Plan	Modifications stage due for adoption 2005
Cornwall Local Transport Plan 2001-2006	Cornwall County Council

Table 12. Table of plans (continued overleaf)

Devon Local Transport Plan 2001-2006	Devon County Council 2000
Cornwall Heritage & Culture Strategy (and subsequent Action Plans)	Cornwall County Council, Royal Cornwall Museum, South West Arts, South West Museums Council, District Councils 2001
Cornwall's Community Strategy	A broad Partnership 2003
Devon's Community Strategy	Devon Strategic Partnership Draft 2004
Tamar Valley AONB Management Plan 2004-2009	Tamar Valley AONB Partnership 2004
Cornwall AONB Management Plan 2004-2009	Cornwall AONB Partnership 2004
Towards 2015; 10 year plan for Tourism	SWERDA/South West Tourism
Cornwall Sustainable Tourism (COAST) Business Plan	2004
Tourism – Everybody's Business: Devon County Councils Tourism Role & Action Programme	Devon County Council 2003
Economic Strategy & Action	Cornwall & Isles of Scilly Economic Forum 2003
Cornwall County Council's Economic Development & Regeneration Strategic Plan 2003 - 2008	2003
Camborne-Pool-Redruth Urban Regeneration Company Business Plan	2003
West Penwith ESA: whole-farm conservation plans	Landowners/tenants for DEFRA funding
Countryside Stewardship Scheme: Management plans for conservation works on individual farms	Landowners/tenants for DEFRA funding
Strategic Action Plan for the Tamar Community	Tamar Community Futures & Market
Futures Area	Towns Initiative 2003 Futures Area
Harvey's Foundry Action Plan	Penwith District Council
Perran Foundry Conservation Statement 2002	Cornwall County Council & Carrick District Council
Mineral Tramways Strategy 1998-2004	Mineral Tramways Partnership 2000
Godolphin Estate Conservation Plan	National Trust 1999
Geevor Tin Mine Conservation Plan	Geevor Partnership 2002
Kit Hill Management Plan	Cornwall County Council 1997
Luxulyan Valley Management Plan	Cornwall County Council & Restormel Borough Council
National Trust management plans for all its properties	National Trust
Tamar Valley Mines Heritage Project Conservation Plan	Tamar Valley AONB Service 2004
Mineral Tramways Heritage Project Conservation Plan	Mineral Tramways Partnership; to be commissioned May 2004
Cornwall Biodiversity Initiative, Cornwall's Biodiversity	Cornwall Biodiversity Initiative Partnership 1998
Volume 2: Action Plans; metalliferous mine sites The Nature of Devon; a biodiversity action plan	Devon Biodiversity Partnership 1998
Cornwall Land Reclamation Strategy	1997-2000

Table 12 (continued).

4 g) Sources and levels of finance

The ten bid areas comprising the nominated Site contain many component landholdings and multiplicity of ownership. The capital expenditure on nominated Site property by the major public and charitable trust owners between 1998/9 and 2003/4 totals £26,599,440. Projected capital spend in 2004/5 amounts to £7,797,011.

The revenue budgets for the most recent complete financial year (2003/4) total £2,787,629, including expenditure on operating costs of the property, ongoing repair, maintenance, staffing and presentation (for visitor attractions facilities).

This level of investment is evidence of the high priority placed on mining heritage by public authorities in Cornwall and West Devon. The Management Plan will include further research to identify the investment in mining heritage as a proportion of the total spend on the heritage sector overall.

4h) Sources of Expertise and Training in Conservation and Management Techniques

The World Heritage Site Office and Bid Team is hosted within the Environment and Heritage Service of Cornwall County Council. The team has access to a range of skills and experience across the bid Partnership. The Environment and Heritage Service includes archives, publicity, land management, bid development, project management and historic environment. The Historic Environment Team (formerly Cornwall Archaeological Unit) is one of the largest most established of its type in the United Kingdom and provides the following expertise to the World Heritage Site Office:

- County Archaeologist (Head of Historic Environment)
- Projects Team includes Archaeologists with considerable experience in identification and recording of mine sites
- Historic Environment Record Team
- Historic Environment Advice Team
- National Mapping Programme Team

Over the past 20 years staff working for Cornwall County Council, in partnership with colleagues across the local authorities and other agencies including the

National Trust, have been at the forefront of developing skills and best practice for dealing with contaminated and derelict land, conserving mine buildings, creating public access, sourcing funding, recording archaeological remains, promoting heritage-led regeneration, developing Geographical Information Systems and other computer data systems. Cornwall County Council is an Investor in People and all staff are provided with opportunity and encouragement for continuing professional development and training.

Devon County Council has been at the forefront of delivering benefits to the historic environment through agri-environment schemes and has a well established programme of aerial reconnaissance. The Historic Environment Team includes:

- County Archaeologist
- Historic Environment Record & Geographic Information System staff
- Development control and planning advice staff
- Site management advice staff
- Historic Landscape Characterisation Officer
- Historic Buildings Officers

Expertise is also available from the 10 Conservation Officers, Planning Officers, and staff with expertise in policy, regeneration, countryside management and tourism marketing from all the District Councils in the nominated Site. Expertise in the care and management of World Heritage Sites, as well as strategic policy advice on conservation and planning is available from English Heritage within the Regional and National offices.

The Officer Working Group brings together representatives from English Heritage, ICOMOS, the two County Councils, seven District Councils and other agencies into a forum for discussion, advice and guidance to the World Heritage Site Office.

The Bid Partnership provides the World Heritage Site Office communication with a full range of interest groups and societies, agencies and owners and the specialist knowledge and expertise each hold. During the Bid, Technical Panels have provided expertise in mining and engineering history, mineralogy, marketing and promotion. Area Panels have provided local knowledge during the drafting of the nominated Site boundary.

4i) Visitor facilities and statistics

Visitor facilities

The nominated Site comprises a series of landscapes (Areas) that contain a distinctive and recurring pattern of buildings, monuments and sites, some of which now offer specific visitor facilities.

Mining Heritage visitor facilities within the nominated Site areas can be broadly categorised as follows:

- Heritage centres/museums interpreting multiple aspects of nominated Site history and significance, providing a range of visitor facilities including education services
- Mine sites interpreted and operating as a visitor attraction and providing a range of visitor facilities, including education services
- Mine Sites, accessible and with basic interpretation, but no visitor facilities
- Mineral and mine owners houses and gardens
- Libraries and archives with mining related material and collections
- Mine landscapes with basic interpretation, served by trails and footpaths
- Mining towns and villages with basic interpretation trails
- Tourism Information Centres



Morwellham (A10). Underground tram tour of the George & Charlotte copper mine.

There are currently 56 mining landscape related visitor facilities in these categories across Cornwall and West Devon. Within the first five categories there is a wide range in size and scope of facility, with some attractions offering a more comprehensive interpretation of mining heritage, while others specialising in a particular aspect or feature.

Major relevant attractions in the nominated Site	Other major attractions less relevant or outside the nominated Site	Minor relevant attractions in the nominated Site	Smaller relevant attractions outside the nominated Site	Potential attractions and other resources
1. Morwellham 2. Geevor/Levant Mines 3. Cornwall Industrial Discovery Centre 4. Poldark Mine 5. Godolphin House and Estate	6. Royal Cornwall Museum 7. Tolgus Tin 8. Shipwreck Museum 9. Penlee Museum 10. Trevarno Estate 11. Wheal Martyn 12. Cotehele	13. King Edward Mine 14. Minions Heritage Centre 15. St Agnes Museum 16. Blue Hills Tin 17. Camborne Museum 18. Redruth Museum 19. Murdoch House 20. Trevithick Cottage 21. Cornwall Centre 22. Cornwall Record Office 23. Waterfront Inn 24. Gwennap Pit 25. Botallack Count House 26. Liskeard Museum 27. Tavistock Museum 28. Cotehele Quay Museum	29. Rosevale Mine 30. Wayside Folk Museum 31. Helston Folk Museum 32. Wheal Betsy	33. South Crofty Mine 34. Robinson's Shaft 35. Perran Foundry 36. Harvey's Foundry 37. St Days H.C. 38. Wheal Peevor 39. Camborne School of Mines 40. Royal Cornwall Geological Museum 41. Great Condrurrow Mine

Table 13. Categorization of mining heritage attractions (based on current visitor numbers and/or the potential to attract more visitors). For distribution see figure 55.

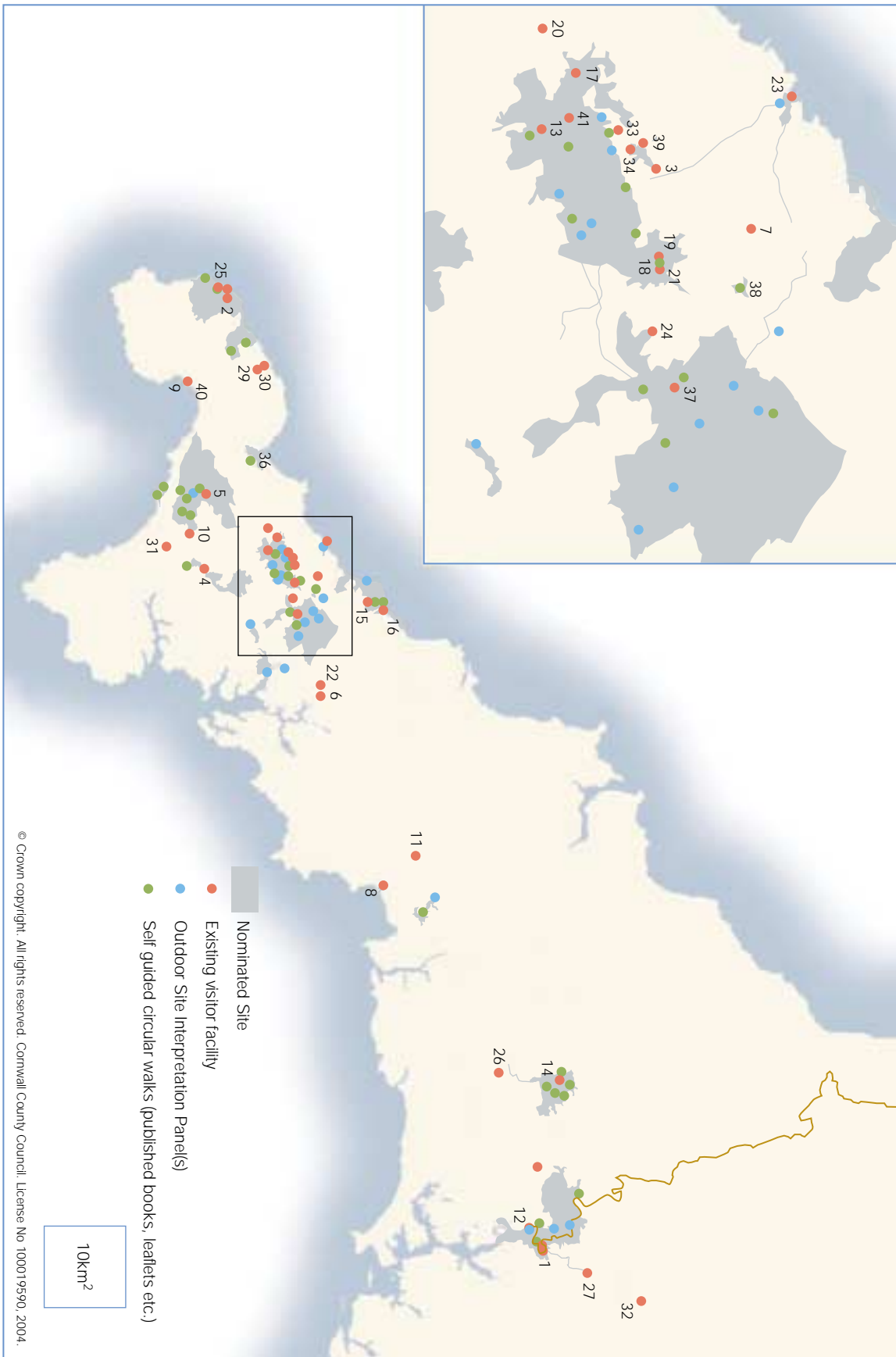


Figure 56. Distribution of interpretation facilities listed in table 13.

Visitor Movement to and within the nominated site

Transport connections to Cornwall and West Devon from Southern England and Europe are improving. Newquay, Plymouth and Exeter airports are well placed to serve both domestic and international travellers with regular internal flights to London (Stansted and Gatwick), Belfast, Bristol, Cardiff, Edinburgh, Glasgow, Manchester and Newcastle. Exeter has direct external departures to several airports in Spain and Faro, Portugal, whilst Plymouth has connections to Brussels via Cardiff. In addition, Plymouth has frequent sailings to Roscoff and Santander, bringing European travellers to within 16 kilometres of one of the key proposed World Heritage Site areas identified for tourism development within the nominated Site.

Road and rail transport and existing facilities were significant factors in identifying the nominated Site areas suitable for promoting increased visitor usage. Both the Tamar Valley and Central areas are well served by major A roads, rail services, and contain a range of existing attractions and associated infrastructure. Cycle tracks have been developed along former mineral tramway routes, providing sustainable transport options within and between some areas of the nominated Site.

The World Heritage Site Bid Partnership has joined the Cornwall Sustainable Tourism Project (COAST) and through the Marketing Strategy will continue to develop sustainable transport opportunities for visitors to the nominated Site.

Visitor statistics

An Economic Impact Assessment (EIA) was commissioned by the Cornwall and West Devon Mining Landscape World Heritage Site Bid Partnership in 2003 to:

- establish the current volume and value of mining heritage motivated tourism
- predict the effect of World Heritage Site inscription on tourism

It is estimated that in 2000 there were 870,000 visits per year to the mining heritage visitor attractions and facilities in Cornwall and West Devon. These were part of an overall estimated 739,000 staying visitors and 1,913,000 day visitors for whom mining heritage

is important in planning their visit, who are themselves a sub-set of the estimated 6.7 million trips every year motivated by conserved landscapes.

A more recent survey of mining heritage attractions and interpreted landscapes within the nominated Site revealed that in 2003, 10 of these achieved a combined visitor total of over 460,000.

In estimating the potential impact on visitor numbers of inscription as a World Heritage Site, the EIA identified that the ten nominated Site areas fell into five broad categories. These differentiated between those areas with the capacity to benefit from increased visitor activity throughout the year, those where any growth should be targeted outside the summer high season, areas where infrastructure development was needed before the area could support greater visitor activity, and those which were not well placed to seek growth in visitor numbers, either because they were already at capacity or due to a lack of facilities.

The EIA report concluded that, given the context of regional tourism targets for growth between 1999 and 2010 (40%), there was potential for a 10% increase in mining heritage related visits by 2007/8, subject to the implementation of a 3 year, £500,000 marketing strategy commencing in 2004.

Visitor Management Priorities

The World Heritage Site Bid Partnership Marketing Strategy adopted in April 2004 has identified the following priorities in relation to target audiences:

- local residents
- cultural tourists
- ancestral tourists descended from migrant miners
- education and lifelong learning
- walkers

This mix of audiences best fits the strategic aims of pursuing sustainable growth outside high season and generating economic benefits whilst also ensuring that the social and cultural values of the nominated Site contribute to present day community development strategies.

A key visitor management policy priority is the identification and development of "Key Centre" sites, which interpret the character and significance of mining within a sub region of the Cornwall and West Devon Mining Landscape, and act as a signpost to other

attractions and facilities within the nominated Site. Criteria for identification of Key Centres will include:

- authenticity of experience (including above ground interpretation and underground mine visit)
- capacity to serve substantially increased visitor numbers without detriment to the site
- relevance to a range of the mining landscape components and multiple significances
- significant existing educational usage, with potential for growth
- range of quality ancillary facilities such as café, shop

The central Cornwall bid areas contain a number of potential Key Centre candidates, although currently without the full range of advantages listed above. The Management Plan includes an options appraisal of each of these, with a view to identifying a further candidate Key Centre for development.

4j) Management Plan

A Management Plan 2005-2010 is being prepared in draft for consultation before being finalised in late 2004, then adopted and owned by the Partners. The adopted Management Plan will be included in the nomination to UNESCO. The Management Plan follows an accepted format beginning by establishing a Vision for the World Heritage Site, followed by a series of aims, objectives and actions in pursuit of this Vision:

Vision for the World Heritage Site

We believe that by protecting, conserving and enhancing the outstanding universal value of the Cornwall and West Devon Mining Landscape World Heritage Site it will reinforce cultural distinctiveness, and become a significant driver for economic regeneration and social inclusion.

The Management Plan expands on issues covered briefly in the Nomination Document and will provide a handbook for the Partners. The Management Plan will be reviewed on a five year cycle, although the Actions in Chapter 5 will be updated annually as part of the monitoring of progress (a loose-leaf printed format and the World Heritage Site website will allow for regular updating).

4k) Staffing Levels

The World Heritage Site Office was established in 2003 with the creation of a permanent World Heritage Site Coordinator post, funded and hosted by Cornwall County Council. The County Council revenue funding of £206,000 per annum from 2004/5 onwards also enabled the creation of Research and Administrative Officer posts to support the Co-ordinator in the implementation of the Management Plan. Funding will be sought from the Partners to expand the World Heritage Site Office either through direct employment or buying in expertise from existing specialist staff within the Partner organisations.

"The international dimension... could be pivotal to creating a truly global site - to reflect the international 19th century diaspora of Cornish peoples, their culture, traditions, technology and skills. Such potential is very exciting, and one which Europamines would like to support and assist in whatever way it can."



5 Factors Affecting the Site

5 Factors Affecting the Site

5a) Development Pressures

The nominated Site is a living cultural landscape in which we must expect and allow for evolution, growth and decline. There is a determined agenda for social and economic change across Cornwall and West Devon driven by the Objective One Programme, Objective Two, regional and local government strategies. This will bring direct pressures on some areas of the nominated Site, particularly in urban centres such as Hayle and Camborne-Pool-Redruth, which have been identified for major development.

World Heritage Site Inscription can be used as a tool to encourage sensitive development and key to this is relating new development to local character. In Cornwall and West Devon it has been identified that sustainable heritage-led regeneration is both an Aim, and an Issue which is explored further in the Management Plan. World Heritage Site Inscription can make a positive contribution to the economic growth and prosperity of Cornwall and West Devon. So while there is without doubt development pressure, much of this will be positive regeneration of former mining land and mining communities.

The major redevelopment of Camborne-Pool-Redruth is a strategic priority and an Urban Regeneration Company has been established to drive this forward guided by an Urban Framework Plan. English Heritage have commissioned an historic urban survey report to inform redevelopment in this area. The URC Business Plan and Urban Framework Plan recognise the importance of the strong heritage, local distinctiveness, and high quality design in shaping a sustainable future for this area, and these aims are consistent with those of the nominated Site.

Housing: There is substantial housing pressure in Cornwall and West Devon as a result of an increasing population, household growth, and surge in second-home ownership. New affordable housing is a serious issue for the region and is needed to sustain social and economic regeneration and future prosperity. Most new housing is likely to be on former brownfield sites within the existing urban envelopes and on the periphery of urban and major village settlements.

Industrial, commercial and leisure development: To add value to goods in Cornwall and West Devon, to foster start-up companies and expand niche markets, new business parks are required which could include re-use of former mine sites, for example the existing and proposed development at Wheal Kitty, St Agnes. Ports and harbours are subject to pressures for new facilities to improve and extend commercial and leisure use, most typically in the form of marinas to service the leisure and tourism industry.

Conversion and adaptive re-use of historic buildings: The majority of former mining structures within the nominated Site are either by nature or location unsuitable for adaptive re-use and will be conserved as monuments. However some of the housing, business and commercial growth could include conversion of historic buildings, which might vary from increased use of upper storeys over shops in historic towns, conversion of former industrial premises (engineering works and factories) to offices and homes. Inappropriate conversion resulting in loss of character poses a threat which needs to be balanced with the benefits of losing historic buildings altogether through neglect.

Lack of maintenance and neglect of historic fabric: A serious threat across such a large nominated Site arises from simple neglect of historic structures particularly those that have no economic use. Buildings that are unused and do not receive maintenance quickly



Greenhill Arsenic Works, Gunnislake (A10).

become susceptible to the elements and decay can be surprisingly rapid.

Incremental alterations to historic built fabric: Non-availability or the higher costs associated with the use of traditional building materials, combined with locally depressed economies can result in the widespread use of inappropriate materials, finishes and detailing in works undertaken to many private dwellings. In some areas this can lead to a significant loss of urban historic character. The new Part L of the Building Regulations aims to improve energy efficiency in buildings but in the interpretation one has to recognise and balance the special interest of historic buildings to avoid erosion of historic character.

Resumption of mining and mineral processing:

There is no presumption in principle against mining in the nominated Site provided that the outstanding universal value is conserved or enhanced. A resumption of mining could add to the evolving cultural landscape and authenticity of the nominated Site. There are currently no active mines in Cornwall and West Devon however in the event of a significant upturn in tin prices, there might be an interest in the reopening and the re-prospection of mines. Proposals for resumption of mining in Cornwall and West Devon would need to satisfy the normal environmental and planning requirements. Cornwall and Devon Minerals Plans (Mineral Development Frameworks) safeguard long term access to mineral reserves and balances mineral and commercial interests with environmental and conservation concerns. There are currently proposals for the resumption of mining activity at South Crofty by Baseresult Holdings who have submitted a Review of Mineral Permission application under the Environment Act 1995 to the Mineral Planning Authority. South Crofty Tin Mine is outside the nominated Site but development on this site could affect the setting.

Removal of secondary minerals (mineral working deposits): Removal of secondary minerals from waste dumps is permitted under the Town and Country Planning (General Permitted Development) Order 1995 (GPDO) unless the mineral planning authority issues an Article 7 Direction to remove these rights and trigger a planning application. If planning permission is refused then the mineral planning authority is liable for compensation. The imposition of the Aggregates Tax

has created renewed interest in old mineral dumps because they are exempt from the Tax which is directed at primary aggregates. Removal of mine and quarry waste is actively encouraged by the Aggregates Tax to deter the working of new deposits where there are



East Caradon Mine (A9).

existing stockpiles of material that could be used. At the same time the historical and continuing mineralogical value of old mineral dumps is being recognised and the nominated Site includes many such sites.

Agriculture and forestry: Outside the towns and villages, the majority of the land in the nominated Site is currently used for agriculture and forestry. Much of the area where mining remains survive well is now open moorland predominantly used for grazing, while other parts of the nominated Site are enclosed farmland. Some demands of farming can be damaging to the historic remains on the nominated Site. For example in the past some mineshafts have been unsympathetically filled or capped to avoid stock losses. In addition, recent changes to the farming industry may mean a gradual reduction in stocking rates in areas of grazing, which could lead to scrub growth obscuring and damaging historic features. The introduction of energy crops could pose a threat to the landscape by obscuring and damaging historic mine sites and changing its historic character. Woodland Grant Schemes which promote planting of new woodland can potentially change the character of the landscape. This would be particularly damaging in areas of miners' smallholdings which have historically been cleared for agriculture.



Tregurtha Downs Mine,
Goldsithney (A3)

5b) Environmental Pressures

Biodiversity: The disturbance and metalliferous contamination of former mined land has resulted in environmental conditions that favour restricted and specialised habitats and species, in particular heathland and bare ground suitable for colonization by specialist lower plants. Many of these habitats contain species of international conservation value, for example petalwort. Many habitats have been given protection, for example, national Sites of Special Scientific Interest notified by English Nature under the Wildlife and Countryside Acts of 1981 (as amended) or local Wildlife Sites designated through Structure and Local plans.

The biological composition and character of the majority of these habitats is in transition, very slowly succeeding through a vegetational succession (towards scrub and woodland). The primary aim of all management for biodiversity is to retain a representative mosaic of characteristic habitats and, at a minimum, sustain

existing populations of rare and scarce species. In some cases, existing environmental factors, for example substrate chemistry and exposure, maintain these habitats and species, but the majority require active management, usually grazing, to maintain their character and quality.

It is important that biodiversity conservation values and management regimes do not conflict with the overall conservation of the nominated Site. The cultural integrity and value of the area is now dependent upon the development of an integrated policy and management framework, based upon management at the landscape scale. Within this, if it is done well, there are significant opportunities to provide real and sustainable gains for agriculture, archaeology and biodiversity, which will ensure the continuing quality of the nominated Site.

Contamination: the nominated Site contains some of the most polluted land in the United Kingdom. The responsibilities of the Environment Agency together with European Union legislation controlling acceptable levels of heavy metals within watercourses or groundwater may result in pressure to tackle contamination pathways between mine waste disposal areas, mine drainage systems and hydrological systems which provide sources of drinking water for humans or animals, or which discharge into the marine environment. Such methods of de-contamination could cause disturbance to mine sites within the nominated Site.



Phoenix Mine (A9). Former mining land presents a great variety of habitats for flora and fauna.



The building at Harveys Foundry, Hayle (A2) is an example of the damage which can be caused by fire, often through arson attack.

Risk Preparedness and Natural Disasters

Fire: The majority of surviving mine structures are constructed of stone, but a small number of particularly important sites incorporate timber buildings (e.g. Geevor, King Edward Mine, Robinson's Shaft), retain important floor, roof and other detailing or machinery (Levant whim, Mitchell's, Taylor's and Robinson's engine houses) or incorporate historically important original timber roof elements (e.g. Perran Foundry, Wheal Busy Smithy). All are vulnerable to fire, as has been demonstrated by the destruction by arson of the early 20th century steam winder house at Robinson's Shaft.

Theft, disposal or damage to artefacts and archives:

A number of important artefacts and collections of archive material which document and illustrate the nominated Site are held in private collections. There is a thriving market for such items, which may be vulnerable to sale, disposal into collections without public access or theft. Private archives and collections are also inherently far more vulnerable to accidental damage than those in appropriately housed, conserved and protected public collections.

Mineral collection: With the cessation of active mining, the supply of minerals for research has been significantly curtailed. The stock of existing mine dumps and accessible underground sites are, by definition, a finite and non-replaceable resource. Minerals from such

sites are also gathered for private collections or for sale, which can cause depletion and disturbance. In extreme cases mechanical excavators and power tools have been used, in part to supply an international trade, now dominated by internet sites. However the conservation and study of mineral sites by organisations with an interest in responsible recreational and scientific collecting (for example Russell Society) helps promote good practice and self-policing of sites.

Natural disaster: Cornwall and West Devon are not prone to major earthquakes or volcanic activity, devastating forest fires, massive flooding or tidal waves, although extreme weather conditions, e.g. localised flooding, and related events are increasing as a result of global warming. Sea level rise resulting from global warming is unlikely to directly impact the nominated Site in the short term, although increased coastal erosion and the environmental effects of changing weather patterns may need to be taken into account in management plans for a number of coastal sites.

Equally the United Kingdom Shoreline Management Plans may need to make better provision for heritage issues particularly in the nominated Site.

Incidences of mining subsidence within hard rock mining areas are rare, and are generally confined to poorly-secured mine shafts or ground instability resulting from near-surface mine workings. Although there are recorded instances of such events damaging or destroying historical mine structures, such events are exceptionally rare and not considered likely to pose a significant risk to components of the nominated Site.

The majority of the sites for which public access is proposed have been subjected to geotechnical survey to determine the public risk from mine subsidence and remediation measures undertaken to the small number of features considered likely to pose such dangers.

Risk assessment: Risk is the threat that an event or action will adversely affect the ability to achieve objectives. In the case of the nominated Site, risks are present in the physical Site itself and in the implementation of the Management Plan.

The World Heritage Site Office needs to undertake a risk assessment of its own strategic and operational functions relating to the Management Plan. The World Heritage Site Office will use the Cornwall County Council risk management cycle contained in its Risk Management Strategy and will be guided by the

Cornwall County Council Emergency Planning Officer on the carrying out of this assessment and the implementation of its recommendations. Action Plans for those risks identified which will be passed to the Cornwall County Council Strategic Risk Management Group for inclusion in the corporate risk framework.

Some of the risks to the nominated Site itself have been identified in this section of the Nomination Document. In order to assess the significance of all risks and to mitigate them it is necessary for a risk assessment to be carried out using adopted procedures. Responsibility for risk assessment lies with individual owners and managers. The World Heritage Site Office will need to be proactive in encouraging owners and managers to undertake risk assessment and relate these to its own strategic and operational risk assessment.

Risk management begins with identifying risks, evaluating their potential consequences and determining the most effective methods of managing or responding to them. This might include producing Fire Action Plans for significant historic buildings, particularly those containing machinery or timber roofs, and providing data on the nominated Site to the fire service to inform their response to incidents. It may also involve checking Disaster Plans for archive and museum collections are in place (e.g. Cornwall Record Office, The Cornwall Centre, Courtney Library).



East Holmbush Mine (A10i).
Interior of engine house.

Cornwall County Council's Emergency Planning Officer coordinates emergency planning across the six districts in Cornwall and similarly the Devon Emergency Planning Officer in West Devon. The World Heritage Site Office will liaise with the Emergency Planning Officers on integrating the nominated Site into the existing Crisis Management Teams and reporting mechanisms at the appropriate level, so that in the event of an incident the World Heritage Site Office is involved in decisions which may affect the outstanding universal value. (A similar process will be applied in West Devon).

5d) Visitor/tourism pressures

With appropriate marketing, World Heritage Site inscription will result in increased visitor usage. This needs to be seen in the context of existing targets for growth of the tourism sector in the region generally, as the nominated Site could make a significant contribution not only to the economic benefits derived from this growth, but also to strategies to manage the impact of tourism on the environment. The candidate World Heritage Site is a member of the Cornwall Sustainable Tourism Project, which aims to encourage the existing, and foster an increase in, sustainable behaviour within the tourism industry.

Recent policies pursued by local authorities and tourism agencies in Cornwall and West Devon are designed to extend the region's visitor season from the traditional peak months of July and August, when traffic congestion is sometimes severe, into the "shoulder" months of spring and autumn, when there is capacity to accommodate more visitors. The strategies also aim to increase income from tourism by developing the cultural tourism markets, which are less high-season focussed.

The development of the proposed Cornwall and West Devon Mining Landscape World Heritage Site will complement this strategy by providing visitor experiences which interpret authentic Cornish culture and heritage and appeal to these markets.

The World Heritage Site Marketing Strategy differentiates between those nominated Site areas that are suitable for and can sustain an increase in visitors and those where this would not be appropriate, and includes the development of a visitor management strategy as a key objective.

In addition to road traffic pressures, agencies concerned with the care of Cornwall's natural assets, including the County Council, the National Trust and the Cornwall and Tamar Valley Area of Outstanding Natural Beauty, have identified erosion of footpaths as a key concern.

Measures to deal with this are already in place as part of their respective management plans. World Heritage Site status would help to secure public support for these by highlighting the historical significance of the nominated Areas and justifying action taken to conserve them.

Other potential pressures deriving from visitor access to sites within the nominated Site include:

- the visual and environmental impact of new or expanded facilities
- the need to integrate socially inclusive service provision with a contribution to economic regeneration

During the lifespan of the Management Plan the World Heritage Site Office will work with owners, operators and agencies concerned with the management of visitor facilities within the nominated Site areas to define individual area marketing and interpretation plans that take into account their particular circumstances, including capacity for growth, and set appropriate



Cyclists on one of the Mineral Tramways routeways.

actions and targets. In some areas this will involve substituting greater access to information about some sites (e.g. through publications and websites), instead of promoting further physical access to them.

Each nominated Site Area marketing plan will address the following identified pressures:

- Authenticity of experience – marketing plans must balance authenticity in interpreting mining heritage with contemporary environmental concerns. A range of interpretation and presentation techniques will need to be employed to convey the authentic experience whilst protecting their present atmosphere.
- Traffic management – the South West region generally, but Cornwall in particular, experiences severe traffic flow problems in July and August. World Heritage Site status, if granted, will be used to support shoulder month initiatives linked to the tourism markets for landscape, heritage and cultural appreciation, and in so doing contribute to strategies to spread visitor numbers more evenly throughout the year. Marketing plans will include active promotion of rail, bus and cycle access to sites.
- Public safety – where relevant, mine site safety guidelines will be provided, including advice regarding arsenic and other contaminants.
- Quality of design – where visitor facilities are developed they will be expected to follow the principles of sympathetic design. In towns within the proposed World Heritage Site where the Cornwall and Scilly Urban Survey or Cornwall Industrial Settlements Initiative have established the urban landscape character this should be reflected in any development proposals. In rural areas a range of existing controls, e.g. through the Area of Outstanding Natural Beauty Management Plans, are already in place to exert control over the quality and appropriateness of proposed developments.
- Protection of wildlife – interpretation and visitor access should not result in the loss of significant habitats or other threats to species diversity.

- Equality of opportunity – in compliance with the Disabilities Discrimination Act, action to ensure World Heritage Site visitor information and services are accessible to all will be prioritised. Marketing plans should identify the range of target audiences to be served, including local residents within the proposed World Heritage Site and develop pricing and access policies which take into account economic circumstances.
- Optimum economic benefit – to ensure that the proposed World Heritage Site visitor management strategy contributes to the wider economic regeneration agenda, each individual nominated Area marketing plan will be developed in consultation with the Integrated Area Partnerships, District Councils and regional agencies.



Morwellham (A10) situated in the Tamar Valley Area of Outstanding Natural Beauty.

5e) Inhabitants within the property

Within the ten nominated Areas there are an estimated 81,535 residents; 26,531 of these live within the Camborne and Redruth Area (A5).

Awareness of the World Heritage Site Bid has been raised through a Communication Plan which identified different audiences and interest groups within Cornwall and West Devon and appropriate methods of disseminating information to these. This has included a number of articles in the press, television coverage, over 20 talks to local societies and community groups by members of the Bid team and Officer Working Group, and numerous visits to the Cornish Mining website, which has generated enquiries from overseas, particularly from those descended from migrant Cornish miners.

Wider participation, particularly by residents within the World Heritage Site bid Areas, is actively sought and managed through the Cornwall and West Devon Mining Landscape Consultation Strategy and Programme. This recognises that, for a proposed World Heritage Site with 10 Areas and the number and variety of communities within these, effective participation requires utilising existing successful consultation mechanisms, including those established by local authorities in developing Community Strategies and other local priority setting exercises. The World Heritage Site Consultation Programme includes formally constituted community authorities, such as Town and Parish Councils, Integrated Area Partnerships, set up to advise on priorities for Objective One investment, and questionnaires distributed to the Cornwall People's Panel. In addition, all existing community strategies and plans will be assessed to influence the implementation of the management plan and to identify how World Heritage Site status could contribute to achieving agreed development priorities. This programme has been integrated into the Management Plan, as a five year commitment from 2004 to 2009, to guide drafting, implementation and ongoing monitoring.

“English Nature is pleased to provide our full support for this proposal. This world-renowned landscape has important geological and biological diversity, inextricably linked to its industrial mining heritage. Natural and cultural features are intimately interwoven with community and economy here, so an integrated approach to land management will be vital to ensure the sustainable development of this remarkable area. We look forward to continuing our work with the Partnership.”

Sir Martin Doughty
Chair, English Nature.



6 Monitoring

6 Monitoring

6a) Key Indicators for Measuring State of Conservation

One of the key actions over the life of the Management Plan is to develop a useful and comprehensive set of performance indicators. These indicators will fall into two categories:

- Measuring the implementation of objectives, primarily through quantitative indicators (see below)
- Measuring the impact of this implementation, (i.e. outcomes) which requires a more qualitative analysis, often through evaluation studies which interpret the quantitative data in the context of the stated Vision, Mission and Aims.

For some straightforward short timescale objectives both types of measurement could be reported annually. For longer term objectives or initiatives the qualitative performance measuring and reporting intervals may have to be longer, perhaps as part of the 5 yearly World Heritage Site Management Plan review. The process for collecting qualitative data could be based on a system of annual returns, where the World Heritage Site Office circulate pre-agreed forms to the Partners and key agencies, which are returned and then analysed by the World Heritage Site Office and published in an annual report to the Partnership.

In relation to visitors and users of the World Heritage Site, the Marketing Strategy will establish current baseline performance information which can then be used to set targets and compare subsequent performance figures against.

District councils, Government Office for South West and the Objective One Office have considerable experience in developing local indicators which the World Heritage Site Office will need to examine.

The State of the Historic Environment Report (SHER) 2003 produced by English Heritage provides a list of suggested indicators which will be subject to wider consultation in 2004. The World Heritage Site Office will follow the consultation process carefully and look to utilise common indicators where possible. Suggested quantitative indicators for the nominated Site are:

- Users - number of school visits to mining attractions, mineral tramway visitors, website hits, press enquiries, proportion of minority groups as users.
- Enhancement – number of mine sites/buildings/streetscapes conserved, new webpages created, new educational material produced.

- Economics - public funds invested in relation to private finance invested, income from tourism as % of Gross Domestic Product, employment generated and sustained.
- Protection - number of designations (Scheduled Monuments, Conservation Areas, Conservation Area Appraisals, Article 4s) created, number of Development Plans and other strategic document (local transport plan, community strategy) with World Heritage Site policies.
- Condition - number of buildings/monuments at risk, number of conservation area consents/enforcement cases, number of planning applications and other development proposals receiving World Heritage Site Office advice.
- Skills - number of qualified staff involved in the World Heritage Site, number of training opportunities provided.

6b) Administrative arrangements

The current World Heritage Site Bid team report to both the Officer Working Group and the World Heritage Site Bid Partnership, with day to day line management provided through Cornwall County Council's Environment and Heritage Service. Reporting arrangements and timescales during compilation of the World Heritage Site Bid were defined in the Project Design documents produced as part of the application for Objective One grant funding.

Implementation of the Management Plan will necessitate a review of current administrative arrangements. It is envisaged that an Executive Management Group will be required, which includes those organisations with management responsibility for substantial proportions of the nominated Site, but is of a size that can exercise executive functions. Members of this group would be responsible for maintaining management information required to assess achievement of the key performance indicators and providing this for the World Heritage Site Co-ordinator. Monitoring progress could be through a programme of regular meetings, with a more detailed evaluation and analysis of outcomes in the form of an annual report of achievement provided for the wider World Heritage Site Bid Partnership (or its successor body).

6 c) Results of Previous Reporting Exercises

Reports on the state of conservation and previous records referred to in (3c) are held with several public bodies (including Cornwall County Council, Devon County Council, English Heritage). Addresses for these public bodies are provided in (7d).



7 Documentation

The Cornwall Record Office.
Original mine 'cost books'.

7 Documentation

7a Photographs, slides and, where available, film/video (see separate enclosure)

7b. Copies of site management plans and extracts of other plans relevant to the site (see separate appendix)

7c. Bibliography and Glossary

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General

The Industrial Revolution

Mining, Processing and Administration

Mining Transport

Engineering

Mining Related Industries

Mining Settlements and Miners' Smallholdings

Great Houses, Estates and Mining Dynasties

Mining Social Infrastructure

Geology and Mineralogy

The Cornish Overseas

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GLOSSARY OF MINING TERMS USED IN CORNWALL AND WEST DEVON

The following is a brief glossary of terms which relate to mining in Cornwall and west Devon; some appear in the text while others have been included due to their significance to the nominated Site.

ADIT

A horizontal or slightly sloping tunnel driven for access or drainage purposes whereby water could drain away by gravity without the need for pumping. These were also used for exploration purposes in the development of early mines, as when driven on lode outcrops from the bases of sea cliffs.

ADVENTURER

A shareholder in a mining operation.

ARSENOPYRITE

An ore of Arsenic. Also termed **MUNDIC** or **MISPICKEL**.

BACK OF LODE

The upper part of the lode.

BAL or BALL

From Cornish 'Pal' a shovel, and hence 'a digging' (a mine). Generally applied to a group of individual workings which frequently became incorporated into a single large mine. See also **WHEAL**.

BAL-MAID

A woman or girl employed at surface on a mine, generally in the dressing of ore. Also Bal-Maiden.

BEAM-ENGINE

A type of steam-engine much favoured in Cornwall and west Devon for use in pumping, winding and the crushing of ores preparatory to dressing. The power from a large cylinder set vertically in an engine-house was transferred via a massive rocking beam or bob to the pumps in the shaft outside. For winding and crushing, the bob was instead attached to a flywheel and crank on a **LOADING** next to the **BOB-WALL** (or in the case of all indoor engines, the side wall). In most cases, the engine house formed an integral part of the framing of the engine.

BLACK TIN

The refined concentrate of tin (SnO₂).

BLOWING-HOUSE

An early form of tin smelting furnace, small in scale and using charcoal as a fuel.

BOB-WALL

The robust masonry front wall of an **ENGINE HOUSE** which was used to support the heavy iron bob of a **BEAM ENGINE**.

BOILER HOUSE

A generally lightly-built structure attached to an **ENGINE HOUSE**, and designed to contain the horizontal boilers for a steam engine; the associated chimney stack may be attached to this structure, or built into one corner of the engine house.

BORING MACHINE

Alternative term for a **ROCK DRILL**.

BOUNDING

A traditional term used to describe the process of establishing a legal claim to extract tin or other minerals from a specified area.

BROKEN ORE

Ore which has been mined and is ready for processing to remove impurities (see **DRESSING**).

BUCKING

The breaking down of copper ore on an anvil to about 10mm in diameter by **BAL-MAIDS** (or buckers) using small hammers, after which the ore was separated from the waste by hand. This process followed cobbing, in which it had been broken down to about 25mm in diameter, the waste again being hand removed. These processes, through which the majority of the highest quality copper ore was recovered, often took place within roofed structures called bucking houses.

BUDDLE

A device for concentrating tin ore. In the mid-19th century these most usually took the form of a circular pit with rotating brushes; the tin from the stamps was fed into the centre or side of the pit and was graded by gravity, concentrating the heavy ore near the inlet point. These were often mechanically worked. Earlier buddles were rectangular or trapezoidal in shape, and manually operated, whilst a further variation was the dumb buddle or dumb pit, which was not mechanically operated.

CALCINER

A furnace and heating chamber in which ores were roasted to remove impurities such as sulphur and arsenic. These were also known as Burning Houses, later patterns being of **REVERBERATORY** design. The Brunton pattern calciner, introduced in the mid-19th century, was mechanically powered, and operated on a continuous basis, unlike earlier designs. Other patterns of calciner were also devised, the majority named after their designers (e.g. Oxland, Hocking and Loam).

CANDLE FACTORIES

An enormous amount of candles or **DIPS** were required by 18th and 19th century miners to light their working areas underground. The candles were made in specialist factories across Cornwall and west Devon.

COBBER

A mine surface worker, usually female, employed in copper ore dressing to remove waste from the mineral by means of a long-headed hammer. See **BAL-MAID**.

COFFIN or **GOFFEN** The narrow excavation resulting from stoping on a lode being carried to or from surface on part or all of a lode. See also **GUNNIS**, **STOPE**, and **OPENWORK**.

CONCENTRATE

Ore ready for smelting after having been treated to remove the maximum amount of impurities.

CONDENSER

The cast-iron cylinder set in a tank of cold water immediately in front of the bob wall of an engine house in which the exhaust steam was condensed, creating a vacuum which greatly increased the efficiency of a steam engine. For a pumping engine this equipment was often contained within a pair of masonry walls projecting from the bob wall towards the shaft.

CORNISH BOILER

A type of steam boiler which has a central fire-tube passing through the boiler from the fire box, and brick flues which circulate the hot gases under the boiler before being discharged.

CORNISH ENGINE

Style of steam beam engine which became prevalent in Cornwall – see **BEAM-ENGINE**.

CORNWALL

A county at the extreme south-west of the UK situated on a peninsula which is bounded by the Atlantic Ocean to the west, the Bristol Channel to the north, the English Channel to the south, with **DEVON** county to the east.

COUNT HOUSE

Properly **ACCOUNT HOUSE**, but generally shortened. The mine office, sometimes incorporating accommodation.

COUSIN JACK CHUTE

A timber/steel structure used for the controlled removal of broken rock/ore from **STOPES** and ore passes into rail-mounted wagons.

CROSSCOURSE

A geological formation which traverses the **STRIKE** of a mineral **LODE**.

CROSSCUT

A drive mined across the **STRIKE** of a **LODE** for access or exploration. Often mined on a **GUIDE** for easier progress, and with the potential to discover unknown mineralisation.

CROUST

Food – also termed crib and bait.

CRUCIBLE WORKS

The process of testing ores to assess their mineral content required specialised equipment, one type being the crucible. Often of fired white clay, the crucibles were small dish-like or conical vessels and a number of works were established to produce these throughout Cornwall and west Devon.

CULM

Geological strata underlying coal measures. Also waste from anthracite coal mines, consisting of fine coal, coal dust and dirt.

DEADS

Waste rock discarded after mining or processing.

DEVON

A county in the south-west of the UK bordered by Cornwall to the west and Somerset and Dorset counties to the east.

DIPS

Tallow based candles made in large quantities for use underground.

DRESSING

The concentration of tin (copper or other ores) contained in the rock excavated from the **STOPES** of a mine.

Carried out on **DRESSING FLOORS**.

DRESSING FLOORS (also **TIN MILL**)

An (often extensive) area at surface on a mine where the various processes of concentration of ore took place - these consisted of crushing or stamping to attain a uniform size range, sizing (particularly on later mines), separation of waste rock, concentration (generally mechanically and hydraulically on tin mines, manually on copper mines), the removal of contaminant minerals (by calcination, flotation, magnetic separation), and finally drying and bagging for transportation to the smelter. Tin floors in particular were generally laid out down a slope to reduce mechanical or manual handling between stages in the process.

DRILL STEEL

A steel bar used by hand or machine for drilling into rock. Hand versions are usually chisel-tipped and in sets of three with the longest being 2 feet (0.6m) long.

DRY or **CHANGE HOUSE** (earlier **MOOR HOUSE**)

The building within which miners changed their clothes before and after going underground. Some were heated by steam pipes connected to the engine boilers. Where there were large numbers of women or children employed on a mine, there might be two dries - one for men, the other for women and children. The pithead baths or showers found in collieries were rarely provided in Cornwall.

DUES

The royalty payment made to the owner of the mineral rights, paid by the mines' operators as a proportion of the value of the ores raised.

DUMP or **BURROW** (alternatively spoil heap, spoil dump, spoil tip)

A pile of waste material, usually from a mine or quarry. May contain primary waste (where this could not be disposed of underground) or waste from various stages in the dressing process.

DUTY

A measured assessment of the efficiency of a steam engine calculated by the weight of water lifted one foot high (0.3m) by the use of one bushel of coal.

ENGINE HOUSE

A building designed to contain steam, gas, oil or electric engines on a mine or other works. From the 18th to early 20th century, usually a robust masonry construction of three floors over a cataract pit to accommodate a vertical cylinder **BEAM-ENGINE**.

Houses of this type were used to contain pumping, winding and stamping engines, with the former types usually arranged in a right-angle about a principal shaft. The sturdy build has led to many examples surviving into the 21st century in Cornwall and west Devon and their presence in the landscape has become an iconic representation of the importance of metal mining to south-west Britain.

FROTH FLOTATION

The process of ore refining where impurities or the ore itself are removed from a solution of chemicals frothed by continual aeration.

GIG

A man-riding skip or cage within a mine shaft.

GOFFEN (see **COFFIN**)

Generally applied to an excavation along the **STRIKE** of a **LODE** which is mined from the surface only.

GOSSAN

Decomposed rock where the original sulphide minerals have been altered to oxidized pyrites giving a reddish or ferruginous colour; usually forms the upper part of a metallic vein.

GUNNIS

A narrow linear excavation left where a lode has been worked out, the term most commonly being used when the working is open to surface. See **COFFIN**, **GOFFEN**.

GUNPOWDER MILL

A works for the production of gunpowder which usually comprised a series of incorporating mills, similar in some respects to the grinding mills used for corn, and additional process buildings for the drying, finishing and storage of the explosive.

HATCHES

Pits excavated to locate **SHOAD** tin deposits (cassiterite - SnO₂). See also **PROSPECTING PIT/FOSSICKING PIT OR COSTEANING PIT**.

HEADFRAME (HEADGEAR)

The tall construction set over a winding shaft which carried the sheave wheels over which the winding ropes ran. Headframes usually contained ore bins or ore chutes to allow the broken rock in the skips or kibbles to be tipped into trams at surface.

HORIZONTAL ENGINE

A steam engine where the cylinder(s) are set on a horizontal bed and the piston rods are attached via a cross-head to a crank and flywheel.

HORSE WHIM

Similar to a capstan, but with the motive power being supplied by a horse walking around a circular platform (**PLAT**) was applied to an overhead winding drum; frequently used for winding from small shafts on Cornish mines, especially during exploratory work and shaft sinking.

INCLINE PLANE

A slope laid with rails enabling wagons on a tramway or railway to be raised up a steep rise by rope or wire; powered by steam or gravity.

JIG

A large mechanically or hand-operated sieve set in a tank of water by which ore could be separated from the waste. Sometimes constructed in groups within jiggling houses.

KIBBLE

A large, strongly-constructed, egg-shaped, iron container used for ore and rock haulage in earlier shafts. Superseded by **SKIPS**.

LABYRINTH (colloquially "lambreth")

A series of interconnected masonry chambers on whose walls arsenic condensed after having been released as a fume from ore roasted in a calciner. The fume followed a zigzag path through such groups of chambers; one end of each chamber was closed off with a door through which the condensed arsenic could eventually be removed.

LAUNDER

A wooden or steel trough used to carry water or other liquids; often used to feed water or finely-divided material in suspension around a dressing floor.

LEAT

An artificial water-course, built to carry a supply of water to a mine or around it.

LEVEL

A sub-horizontal tunnel driven to explore for valuable mineral, to remove the mineral, and/or for other purposes. Alternatively a lode drive or heading.

LODE

A linear zone of mineralization underground, referred to as a vein, rake or seam in other parts of Britain. Generally vertical or near-vertical, and often extending for considerable distances along its **STRIKE**.

MAGAZINE

Small strongly built store containing explosives (gunpowder or dynamite) or detonators; often circular, sometimes with additional enclosing walls to contain the blast of an accidental explosion.

MAN-ENGINE

A mechanical device used in mines to raise and lower men in a shaft using a system of platforms attached to a reciprocating rod extending the depth of the shaft.

MINERAL LORD

The owner of the mineral rights to a **SETT**.

MINERS' SMALLHOLDINGS

Small plots of land, usually from 3-5 acres in extent, which were leased to miners on which to build a cottage and lay out fields.

MISPICKEL

An ore of arsenic. Also **ARSENOPYRITE** or **MUNDIC**.

MUNDIC

An ore of arsenic.

OCHRE WORKS

An ancillary industry which utilised the mining by-product ochre to produce a vivid red/brown dye, often used in the manufacture of cloth.

ORE

A mineral or mixture of minerals which could be worked for sale.

PASTY

A meal favoured by the Cornish comprising pastry containing meat and vegetables; sweet variants made with fruit were also popular.

PEWTER

A metallic alloy of tin with various amounts of antimony, copper and lead which was commonly used in the manufacture of tableware.

PICKER

A mine surface worker, usually female, employed to hand-select copper ore during the dressing process. See **BAL-MAID**. Term later applied to those employed to remove scrap and rubbish mixed with the ore on mechanically-operated picking belts.

PITWORK

Term used to describe pump rods, rising main, shaft guides (buntons) etc. within a shaft.

PLACER DEPOSITS

Glacial or alluvial deposits of sand or gravel containing eroded particles of valuable minerals.

PORTAL

The entrance to an adit beyond its lobby. Often timbered or stone vaulted.

PROSPECTING PIT/FOSSICKING PIT OR COSTEANING PIT

A small pit dug in search of minerals, and almost always found in linear groups, often arranged cross-contour, or at right angles to the projected **STRIKE** of known lodes or deposits of **SHOAD**. A **COSTEANING TRENCH** is a linear excavation cut for prospecting purposes.

PUMP ROD

A continuous timber rod fitted in a shaft to drive underground pumps via its reciprocating action.

RAG FRAME or RACK FRAME

An inclined table-like surface on which very fine slimes in slurry form were treated to recover their tin. Large mines would have hundreds of such frames arranged in groups.

RAISE

A vertical or angled tunnel mined upwards to connect with other workings, sometimes as the first stage in the development of a **STOPE**.

REGULUS

The mass of metal, in an impure state, which forms in the bottom of the crucible during the smelting and reduction of ores.

REVERBERATORY KILN

A design of furnace in which there was indirect contact between the heat from a hearth and the ore to be roasted, usually by incorporating a baffle flue.

ROCK DRILL

A machine for drilling shot holes in rock, usually powered by compressed air.

ROPE-WALK

A linear strip of land set out to facilitate the braiding of long ropes intended for mining or maritime usage.

ROTATIVE ENGINE

A beam engine in which the reciprocating motion of the beam was converted to rotary motion via a sweep rod, crank, and flywheel.

ROUND FRAME

A timber built, mechanically-actuated rotating tin separation device working on similar principles to the **BUDDLE**.

SAFETY FUSE

A reliable means of detonating explosives which was developed in Cornwall by William Bickford in 1831. Consisting essentially of a braided cord filled with gunpowder, safety fuse was later adopted by mines across the world.

SETT

An area of land legally held by a mining company or individuals within which a mine could extract minerals.

SETT

One of a series of stone supports for a tramway, performing the same function as sleepers.

SHAFT

A vertical or near-vertical tunnel sunk within a mine for pumping, hoisting, ventilation, access or other purposes.

SHAFT HEDGE

A surrounding safety wall, usually of stone rubble, constructed to prevent people or animals from falling down an open mine shaft.

SHAKING TABLE

A slightly inclined, mechanically vibrated table on which valuable minerals suspended in water are concentrated by relative density.

SHEARS or shear legs

A tall timber frame carrying a pulley or sheave wheel erected in front of an engine house over a shaft and used for the installation and maintenance of **PITWORK**.

SHOAD or **SHODE**

Ore weathered from the lode and moved (in geological time) downslope under the force of gravity. Material reaching a river valley would be to some degree concentrated before redeposition in horizontal beds. These beds of detrital material (**PLACER DEPOSITS**) and those on hillslopes were exploited by streamworking.

SKIP

A (generally elongated) iron or steel container equipped with small wheels or brackets running on the shaft guides (buntons) and used for rock and ore haulage in later mines.

SPALLERS

Mine surface workers, usually female, employed in the dressing of copper ore to reduce the mineral to a size suitable for further processing. See **BAL-MAID**.

STACK

A chimney on an industrial site, used to carry away smoke or fumes from boilers, furnaces and calciners. Often situated at the end of a Flue.

STAMPS

A mechanical device for crushing ore-bearing rock to a fine sand. Heavy vertically-mounted beams (or later iron rods) carrying cast or forged iron heads were sequentially lifted and dropped onto the prepared ore beneath them by a series of cams mounted on a rotating drum; this usually being driven by a water-wheel or rotative steam engine.

STANNARY

Pertaining to tin mines or miners and with its roots in the

Latin 'stannum' (tin); the Stannary Parliament and Stannary Courts existed for the administration of justice among the tanners within Cornwall, Devon and elsewhere, and were also courts of record. The powers of the Stannary Parliament included the right to veto laws from the Parliament at Westminster and some claim that the powers have fallen into abeyance but have never been repealed.

STOPE

Excavated area produced during the extraction of ore-bearing rock; often narrow, deep and elongated, reflecting the former position of the lode. Where open to the surface, these form **GUNNISES** or **COFFINS**.

STREAMWORK (TIN STREAMING)

An area worked for detrital (redeposited) tin deposits by shallow excavation. Often characterised by linear dumps, river diversion, and evidence for leats. Some such works (dryworks) exploited deposits of shoad in now dry valleys and on hillsides, where concentrations of this material were economically workable. Leats and reservoirs were necessary to work these sites, and are characteristic of them.

TIN MILL

See **DRESSING FLOORS**

TRAMWAY

A method of transportation for ore and materials at surface using iron plates or rails; similar to a modern railway and operated using either horse or locomotive power. Also known as tramroads.

TRIBUTE

A system of payment by results in which groups of miners bid against one another for contracts to work sections of the mine for a percentage of the value of the ore raised from that area.

TUTWORK

A system of payment by percentage of value of ore broken or by depth of shaft sunk or length of level driven whereby groups of miners contracted to work at previously-agreed rates.

UNDERHAND

Describing a **STOPE** worked from the top downwards.

UNDERLIE

Angle of inclination of a **LODE** or geological structure as measured from the vertical.

VANNER

A person employed on the surface of a mine to check or assess the tin content at each stage of the refining process. The **VANNING SHOVEL** was used to test the relative concentration of ore in a sample of finely crushed ore or partially dressed ore. The term was also later applied to mechanically-operated dressing equipment (see **FRUE VANNER**).

WATER-WHEEL

Wheel fitted with buckets or paddles around its periphery, and driven by the weight or force of a stream of water directed onto them.

WEST DEVON

A second tier local authority (West Devon Borough Council) in the western part of the county of Devon in the south-west of the UK which is bounded by the River Tamar and Cornwall to the west and with the high ground of Dartmoor in the east and Plymouth to the south.

WHEAL also **WHELE, WHILE, HUEL**

Dialect variations of a Cornish term for a mine.

WHEEL PIT

A structure built to house a water-wheel, often excavated and stone-lined, but sometimes free-standing.

WHIM

A Cornish term for the winding gear used for hauling from a shaft; consists of a power source and a winding drum. See **HORSE WHIM**

WHIM PLAT

The level and usually circular platform on which a horse-whim was sited.

WINZE

A vertical or angled shaft mined downwards and not connecting to surface.

ZAWN

A west Cornwall dialect term derived from the Cornish language word sawan meaning 'chasm' and applied to gullies eroded into cliffs, sometimes

7d. Address where inventory, records and archives are held**Collections of archaeological records that relate to the Cornwall and West Devon Mining Landscape.****The Historic Environment Record (HER)****Historic Environment Service – Cornwall County Council**

Kennall Building

Old County Hall, Station Road, Truro

Cornwall TR1 3AY

United Kingdom

Tel: +44 (0)1872 323603

Fax: +44 (0)1872 323811

E-mail: cau@cornwall.gov.uk

Web: <http://www.cornwall.gov.uk/history/ab-hi30.htm>

The Historic Environment Record (HER) holds electronic and paper based records which relate to archaeological work that has been undertaken in Cornwall. The HER also has a significant archive of ground and aerial site photographs.

Sites and Monuments Register (SMR)**The Historic Environment Section (Archaeology) – Devon County Council**

Devon County Council

County Hall, Exeter, Devon EX2 4QW

United Kingdom

Tel: +44 (0)1392 382246

Fax: +44 (0)1392 383011

E-mail: archaeol@devon.gov.uk

Web: http://www.devon.gov.uk/historic_environment

The Sites and Monuments Register (SMR) holds electronic and paper based records that relate to archaeological studies which have been undertaken throughout Devon.

Collections of historical records that relate to the Cornwall and West Devon Mining Landscape

National Monuments Record Centre

Kemble Drive
Swindon SN2 2GZ
United Kingdom
Tel: +44 (0)1793 414600

The National Monuments Record Centre holds a large collection of historic photographs dating from 1840 arranged by county parish. The NMR also holds the national database of all Listed Buildings.

Birmingham City Archives – The Boulton & Watt Collection

*Floor 7, Central Library, Chamberlain Square
Birmingham B3 3HQ*

*Tel: +44 (0)121 303 4217
Fax: +44 (0)121 464 1176
E-mail: archives@birmingham.gov.uk
Web: <http://www.birmingham.gov.uk>*

The Boulton and Watt Collection is the archive of the steam engineering partnership of Matthew Boulton and James Watt which dates from 1774 until the end of the 19th century.

The archive constitutes approximately 550 volumes of books, order books and account books, and approximately 29,000 engine drawings and correspondence in the form of some 20,000 letters from clients.

The collection and the associated James Watt and Matthew Boulton Papers comprise a unique historical resource for historians of the late 18th and early 19th centuries.

The National Archives (Public Record Office)

*Ruskin Avenue, Kew, Richmond
Surrey TW9 4DU
United Kingdom*

*Tel: +44 (0)20 8876 3444
Fax: +44 (0)20 8392 5286
E-mail: enquiry@nationalarchives.gov.uk
Web: <http://www.nationalarchives.gov.uk/> and
<http://www.pro.gov.uk/default.htm>
On line catalogue: <http://catalogue.pro.gov.uk/>*

The National Archives holds one of the largest archival collections in the world which spans 1000 years of British history, from the Domesday Book to recently released government papers. The collection is available to view at the Public Record Office at Kew and certain documents can be accessed via the internet. The National Archives also advises people on the location of non-public records and manuscripts relating to British history (see below).

Access to Archives (A2A)

The Access to Archives database contains catalogues from archives across England which are not held by the Public Record Office.

Web: <http://www.a2a.org.uk/>

The Duchy of Cornwall Archive

*Duchy of Cornwall
10 Buckingham Gate
London SW1E 6LA
Tel: +44 (0)20 78347346*

The Duchy of Cornwall Archive contains records relating to its significant landholdings in Cornwall and Devon. Access is by appointment only.

Cornwall Record Office

*Old County Hall, Truro
Cornwall TR1 3AY
United Kingdom*

*Tel: +44 (0)1872 323129
E-mail: cro@cornwall.gov.uk
Web: <http://www.cornwall.gov.uk/cro/default.htm>*

The Cornwall Record Office holds a wide range of documents dating from the 12th to the 20th centuries, including thousands of maps, plans, photographs and manuscript documents. These contain information on local families and their estates, businesses, schools and villages, economic and administrative activity. In particular the office specialises in records of Cornwall's mining heritage – including the Health and Safety Executives' abandoned mine plans and Thomas Wilson's correspondence with Boulton & Watt. Further information and advice is available.

The Cornwall Centre

*Alma Place,, Redruth
Cornwall TR15 2AT
United Kingdom*

*Tel: +44 (0)1209 216760
Fax: +44 (0)1209 210283
E-mail: cornishstudies.library@cornwall.gov.uk
Web: <http://www.chycor.co.uk/general/red-lib/>*

The Cornwall Centre holds an extensive collection of Cornwall related fiction and non-fiction books (c.21,000), newspapers and periodicals, journals, magazines and newsletters. The Centre also has a major collection of maps, and Cornwall's largest public collection of photographic images (c.155,000) which are stored in a purpose built archive repository.

Genealogical studies are an important role of the Centre which holds a substantial collection of Parish Registers and Cornwall's largest public collection of Cornish Census Returns.

Introductory information is also available to visitors concerning heritage sites and attractions in and around the Redruth area and throughout Cornwall.

The Courtney Library, Cornish History Archive and Royal Cornwall Museum

*The Royal Institution of Cornwall
River Street, Truro
TR1 2SJ Cornwall
United Kingdom*

*Tel: +44 (0)1872 272205
Fax: +44 (0)1872 240514
E-mail: RIC@royal-cornwall-museum.freeserve.co.uk
Web: <http://www.cornwall-online.co.uk/ric/>*

The collection of the Courtney Library includes works on history, archaeology, geology, mining and religion in Cornwall, with particular attention given to the social and cultural history of the area.

The extensive reference collection contains approximately 30,000 books and an important range of Cornish trade directories, guidebooks and Methodist history records, in addition to Public Record Office publications. A collection of national, regional, and Cornish journals and newsletters is also held.

The Trounson-Bullen Collection

*Warleggan
33 Wellington Road, Camborne
Cornwall TR14 7LH
United Kingdom*

Tel: +44 (0)1209 714245

The Trounson-Bullen Collection contains the most comprehensive archive of mining and ancillary industrial images in Cornwall, which cover a date range from the mid 19th to the end of the 20th century. Further more, this collection forms only a part of a much larger private archive of maps, reports, letters, books etc.

The Trevithick Society Collection

*The Trevithick Society
PO Box No. 62, Camborne
Cornwall TR14 7ZN
United Kingdom*

*E-mail: curator@trevithick-society.org.uk
Web: <http://www.trevithick-society.org.uk/>*

The collection includes a full size working replica of Trevithick's steam road locomotive of 1801, c. 50,000 images and a wide variety of documents, publications, and artefacts which relate to the industrial heritage of Cornwall.

Geevor Mine Archive

*Geevor Tin Mine
Pendeen, Penzance
Cornwall TR19 7EW
United Kingdom*

*Tel: +44 (0)1736 788662
Fax: +44 (0)1736 786059
E-mail: pch@geevor.com
Web: <http://www.geevor.com>*

Geevor has an extensive archive of documents which relate to the operation of the mine between 1911 and its closure in 1990. The collection is open to the public for reference as part of the heritage attraction which is operated by the Pendeen Community Heritage group.

Devon Record Office

Devon Studies Centre
Castle Street, Exeter
Devon EX4 3PU
United Kingdom

Tel: +44 (0)1392 384253
Fax: +44 (0)1392 384256
E-mail: devrec@devon.gov.uk
Web: http://www.devon.gov.uk/record_office.htm

The Devon Record Office at Exeter houses many forms of historical records relating to the County of Devon and contains historic maps and documentation relating to the district councils, the city of Exeter, religious records and information relating to families and estates. Public records and a substantial number of parish and other documents are available on microfiche, and datasets of place and personal names are held in addition to an index of Wills.

Westcountry Studies Library

Devon Studies Centre
Castle Street, Exeter
Devon EX4 3PQ
United Kingdom

Tel: +44 (0)1392 384216
E-mail: exeloc@devon.gov.uk
Web: <http://www.devon.gov.uk/library/locstudy/wsl.html>

Situated in the Devon Studies Centre the Westcountry Studies Library is the main local studies library in Devon. A collection of more than 60,000 books, periodicals, newspapers and maps is available in addition to some 50,000 prints, drawings and photographs dating from the late 18th century to the present

Plymouth and West Devon Record Office

Unit 3 Clare Place, Coxside
Plymouth, Devon PL4 0JW
United Kingdom

Tel: +44 (0)1752 305940.
E-mail: pwdro@plymouth.gov.uk

Plymouth Record Office holds a wide range of documents dating from the 12th to the 20th centuries, containing information on the City of Plymouth and the West Devon area. It holds a quantity of records relating to mining activity in both Cornwall (including Gunnislake,

Calstock) and the West Devon area (including setts, plans and minute books).
Further information and advice is available.

Plymouth Central Local Studies Library

Central Library
Drake Circus, Plymouth
Devon PL4 8AL
United Kingdom

Tel: +44 (0)1752 305909
E-mail: localstudies@plymouth.gov.uk
Web: http://www.pgfl.plymouth.gov.uk/libraries/local_studies.asp

The Central Local Studies Library contains approximately 35,000 books and an extensive collection of maps, illustrations, newspapers, periodicals, and a sound and vision archive. Genealogical indexes are held in addition to six 19th century Census Enumerators' returns for Plymouth, to aid the family history researcher.

Plymouth City Museum and Art Gallery

Drake Circus, Plymouth
Devon PL4 8AJ
United Kingdom

Tel: +44 (0)1752 304 774
Fax: +44 (0)1752 304 775
E-mail: enquiry@plymouthmuseum.gov.uk
Web: <http://www.plymouthmuseum.gov.uk/>

Genealogical Societies in Cornwall and West Devon

Cornwall Family History Society

5 Victoria Square, Truro
Cornwall TR1 2RD
United Kingdom

Tel: +44 (0)1872 264044
E-mail: LarryP@cornwallfhs.com
Web: <http://www.cornwallfhs.com/>

Devon Family History Society

Devon Family History Society
PO Box 9, Exeter
Devon, EX2 6YP
United Kingdom

Tel: +44 (0)1395 275538
E-mail: enquiries@devonfhs.org.uk
Web: http://www.devonfhs.org.uk/

Significant mineral collections that relate to Cornwall and west Devon

Cornwall

The Royal Cornwall Museum (The Rashleigh Collection)

River Street, Truro
Cornwall TR1 2SJ
United Kingdom

Tel: +44 (0)1872 272205
Fax: +44 (0)1872 240514
E-mail: RIC@royal-cornwall-museum.freemove.co.uk
Web: http://www.cornwall-online.co.uk/ric/

The museum holds an internationally important collection of over 10,000 specimens of outstanding quality and rarity, many of which were collected in Cornwall and west Devon. The most important part of this collection was formed by Philip Rashleigh (1729-1811) of Menabilly, Cornwall, and is one of the few 18th century collections of minerals to remain largely intact.

The Camborne School of Mines Mineral Collection

University of Exeter in Cornwall
Tremough Campus, Treliever Road, Penryn
Cornwall TR10 9EZ
United Kingdom

Tel: +44 (0)1326 371800
E-mail: cornwall@exeter.ac.uk
Web: http://www.ex.ac.uk/CSM/index.htm
Web: http://www.ex.ac.uk/geomincentre/ (CSM Virtual Museum – The Cornubian Orefield)

The Camborne School of Mines holds an impressive collection of rocks and minerals from south-west Britain and around the world. It is currently being relocated to the new University of Exeter in Cornwall campus at Tremough and will soon be open for public viewing by appointment.

A comprehensive virtual museum on-line tour of the Cornubian Orefield is also available to view at the above web address.

Plymouth City Museum and Art Gallery

Drake Circus, Plymouth,
Devon PL4 8AJ
United Kingdom

Tel: +44 (0)1752 304 774
Fax: +44 (0)1752 304 775
E-mail: enquiry@plymouthmuseum.gov.uk
Web: http://www.plymouthmuseum.gov.uk/

The museum holds some 10,000 specimens in the mineral collection, the bulk of which were assembled by private collectors, all closely linked with Plymouth and the south-west. These include Sir John St. Aubyn (1758-1839), Sir William Serjeant (1857-1930), René Gallant (1906-85) and Richard Barstow (1947-82).

The Natural History Museum

Earth's Treasury Gallery, Cromwell Road
London SW7 5BD
United Kingdom

Tel: +44 (0)20 7942 5011
E-mail: earthscilib@nhm.ac.uk
Web: http://www.nhm.ac.uk/science/treasures/mineralogy.html

The Natural History Museum mineral collection is one of the most important and comprehensive collections of its type in the world. Containing around 350,000 specimens, the display is complemented by a series of introductory cases and a number of wall displays showing notable specimens, in many instances of world significance.

The museum also holds some outstanding specimens of minerals that have been collected from Cornish metal mines, primarily during the 19th century. Examples on display of Tetrahedrite, Goethite and Connellite constitute the finest United Kingdom specimens known.

The Royal Geological Society Collection (Formerly held by the Cornwall Geological Museum)

West Wing, St. John's Hall
Alverton Street, Penzance
Cornwall TR18 2QR
United Kingdom

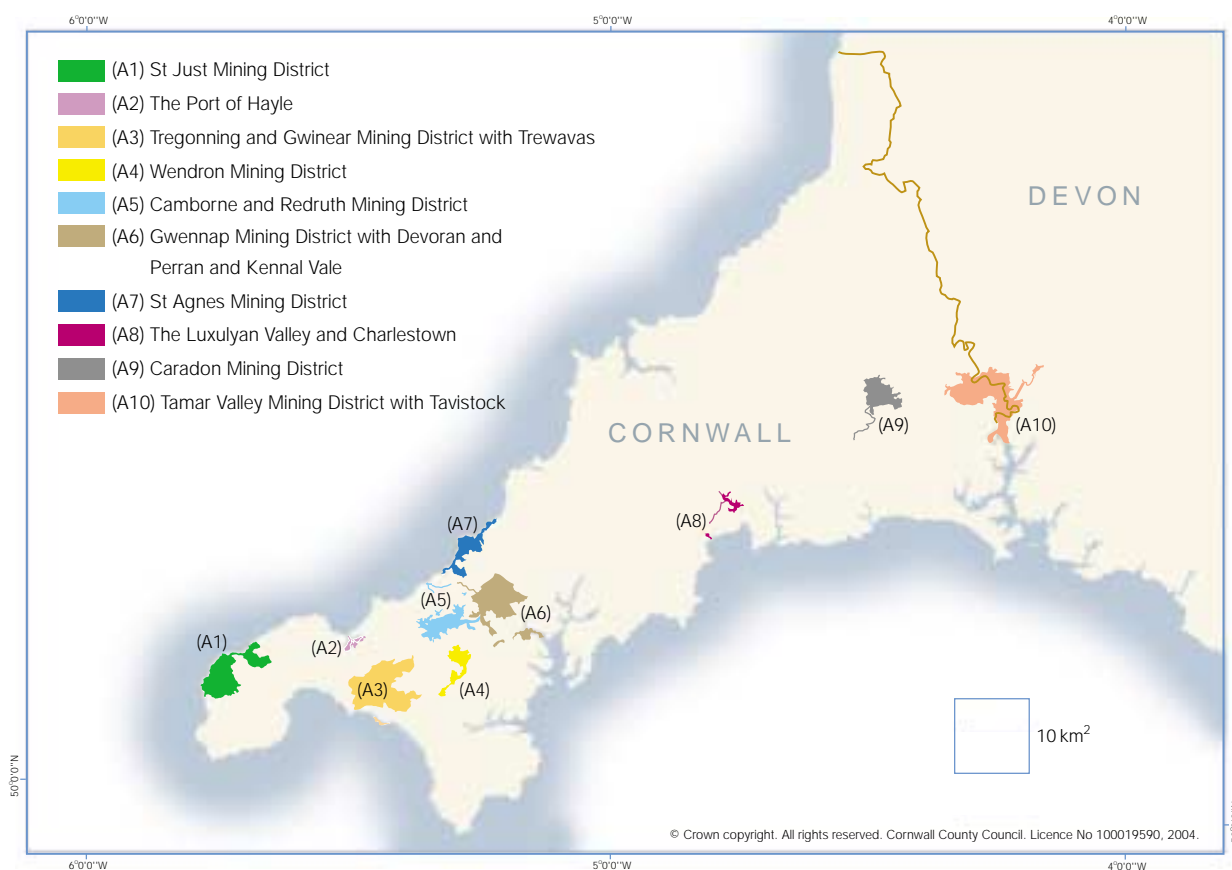
The geological importance of the region was marked by the establishment of the Royal Geological Society of Cornwall in 1814 and the resultant collection, whilst not currently open to the public, contains a wealth of mineral and fossil specimens which are a valued resource of the nominated Site.

8. Executive Summary and Contact Information

Executive Summary

State Party	United Kingdom
Region	Cornwall and Devon
Name of Property	Cornwall and West Devon Mining Landscape

Map showing boundary of serial Areas proposed for inscription



Geographical co-ordinates of centre points and Description of Area Boundaries

A1 (50008'53"N, 05039'21"W)

This **coastal mining district** includes eighteenth- and nineteenth-century submarine tin and copper mines, the mining town of St Just and dispersed mining villages with associated miners' smallholdings. The boundary is drawn to include all the most significant mines on the coastal plateau (together with their tin and arsenic processing sites) and extends inland beyond areas of smallholdings to granite upland in the east. The western boundary is coastline.

A2 (50008'53"N, 05039'21"W)

This **mining port** and **industrial 'new town'** was also the region's greatest **steam engine manufacturing centre**. The boundary has been drawn to capture the entire estuarine port setting (which contains an important maritime industrial infrastructure) and the historic core of Hayle town (including the remains of an internationally significant iron foundry) as guided by the existing Conservation Area designation.

A3 (50008'53"N, 05039'21"W)

This **rural mining district** includes tin and copper mines (some of which were sites of important eighteenth century technological developments) together with extensive miners' smallholdings, mining settlements and large estates related to the mining industry. The boundary has been drawn to contain the best surviving mining landscape in the south and west, important settlements in the north and the principal parkland of the country house estates in the east. A detached enclave in the south contains the sites of two undersea copper mines.

A4 (50008'53"N, 05039'21"W)

This **rural mining district** was significant in terms of its near-surface alluvial tin production which later led to comparatively shallow shaft mining. It contains areas of former tin-streamworks together with extensive upland miners' smallholdings. The boundary has been drawn to include the large area of smallholdings in the north, the mining settlement of Porkellis and the principal central areas of alluvial valley basins (with their associated shaft mine sites) and the shaft mines in the south around the village of Wendron.

A5 (50008'53"N, 05039'21"W)

This was the most **heavily industrialised** tin and copper **mining district** in the nominated Site, and also contained its most significant **urban centres** of mining population. It contains remains of the mines (including three in situ beam engines), their transport infrastructure, ancillary industries and important mining settlements including Redruth and the mining engineering 'new town' of Camborne. The boundary has been drawn to contain the principal settlements in the north, the northeast-southwest trend of mines (aligned with the upland ridge of Carn Brea), two early railway links and the coastal mining port of Portreath. A satellite site to the northeast comprises an important mine site.

A6 (50008'53"N, 05039'21"W)

This **rural mining district** produced a major proportion of the world's supply of copper during the eighteenth and first half of the nineteenth century. Mining villages, important Methodist sites and the houses and estates of industrial entrepreneurs are included together with major ancillary industrial sites, important early railway networks and the remains of an early nineteenth century mining port. The boundary has been drawn to include all of the principal mines, large areas of miners' smallholdings in the north and east, and country houses and estates in the south and west. Two detached areas in the south include portions of the Kennall Valley (gunpowder works and a major iron foundry), the Carclew estate, the port of Devoran and a stretch of Restronguet Creek where sub-estuarine mining in tin gravels was carried out.

A7 (50008'53"N, 05039'21"W)

This ancient **coastal mining district** includes a number of important tin and copper mines, the mining settlement of St Agnes and extensive areas of miners' smallholdings. The northern boundary is coastline and extends inland to include all of the important coastal mines, (together with mine sites in valleys that run perpendicular to the coastline), St Agnes itself and a lobe to the south and east of the village that contains the best-preserved and highest density of smallholdings.

A8 (50008'53"N, 05039'21"W)

This area comprises an important concentration of **industrial transport infrastructure** and water supply network. The boundary is drawn to tightly constrain the best elements of this and each sub-area contains the manifestations of industrialisation under respective single owners. A8(i) contains the industrial transport network of the Luxulyan Valley together with the principal surviving remains of a major copper mine in the east that was one of the reasons for the establishment of major elements of the infrastructure; it also provided significant wealth for its construction. A8(ii) comprises the exceptional industrial port of Charlestown (that became an important centre for copper export), the boundary being guided by the Conservation Area designation.

A9 (50008'53"N, 05039'21"W)

This **rural upland mining district** represents a 1840s-60s boom copper mining landscape. It also includes the remains of a mineral railway (constructed primarily to transport copper-ore southwards to the port of Looe), some important tin mines and dispersed mining settlements. The boundary has been drawn to contain all of the significant mines, and mining villages in the north east and south (including an extension in the southeast, around Pensilva, to include well-preserved miners' smallholdings). The western boundary runs north-south across open moorland and includes a sufficient margin that takes in all westerly extensions of mine workings both on the surface and underground.

A10 (50008'53"N, 05039'21"W)

The **mining district** A10(i) comprises both **valley** and upland settings for tin, copper, silver-lead and arsenic mining, ore-processing and smelting. It also includes the River Tamar and its associated industrial river quays, and the major **mining town** of Tavistock (A10(ii) in the east) that was remodelled during the nineteenth century with profits derived principally from copper mining royalties. The boundary has been drawn to contain all of the principal mines that are in the upland area from the west to the east, and in the valley setting from the north to the south (including an extension in the south that includes the Bere silver mines, bounded on the west by the River Tamar). The principal mining quays, mining villages and mineral railway network falls within the boundary and the linear route of the early nineteenth century Tavistock Canal (including a tunnelled section) links the two sub-areas.

Justification

Statement of Outstanding Universal Value

The Cornwall and West Devon Mining Landscape is an embodiment of the profoundly important process of non-ferrous metal mining, its industrialisation, and its social and economic consequences. This transformed the landscape between 1700 and 1914 and contributed substantially to the development of the Industrial Revolution in the rest of Britain. Cornwall pioneered the transfer of the British industrial revolution overseas and thus played a key role in the growth of a global capitalist economy.

The outstanding survival of the Cornish Mining landscape, in a coherent series of highly distinctive cultural landscapes, is testimony to this achievement.

Criteria under which property is nominated

Justification for Inscription

Criterion (ii): the mining region of Cornwall and West Devon generated a distinctive and technologically advanced approach to deep mining for non-ferrous metals during the eighteenth and nineteenth centuries. This was then exported around the world.

Criterion (iii): the geo-cultural region of Cornwall and West Devon contains an exceptional testimony to the early industrialisation of non-ferrous metal mining, its widespread social and economic consequences, and its contribution to the development of modern industrial society. Such large-scale exploitation of industrial metals played a substantial part in the building of the British Empire and the industrialisation of the world; its enduring legacy remains global.

Criterion (iv): the nominated Site is an outstanding example of a landscape transformed by metal mining during the period 1700-1914, particularly that which is associated with steam power and the ore-processing of tin and arsenic. Because of the steep decline of the industry in the twentieth century, the landscape which the industry created preserves evidence not just of the mines and their ancillary structures but of the whole society and social structure of the mining industry.

Contact information

Preparer

This document has been prepared by the World Heritage Site Bid Team of Cornwall County Council Environment & Heritage Service under the guidance of the Cornwall and West Devon Mining Landscape Bid Partnership.

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Report design

Exhibitionists

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9. Signature

Signed (on behalf of State Party)

Full name

Title

Date

Picture sources

Abbreviations t=top b=bottom c=centre;
 l=left r=right a=above

Historic Environment Service – Cornwall County Council

P49. P74 cr, b. P75 t. P76 tr. P78. P79 tl. P83 br. P84 tl, tr. P86 t. P88 t. P89 b. P92 t. P96 tl. P97 bl, br. P98 cl, br. P100 t. P101 bl. P104 cr. P108 t. P112 t. P117 c, b. P118 b. P120 t. P179. P187. P195. P199. P201

Cornwall Record Office

P162. P205.

The Cornwall Centre

P41 tl. P125 tl, bl. P127 r. P132. P134. P135 t, b. P136 b. P141 b. P145 bl. P149 t, c. P150r. P151 ba. P152 ba. P157 bl.

Royal Cornwall Museum

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The Trounson - Bullen Collection

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The Science Museum, London

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Manchester City Galleries

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D F Wouda Steam Pumping Station, Lemmer, Holland

P33 tl.

The National Trust of South Australia

P34 c,b.

Victoria Art Gallery, Australia

P156

AHMMP – The Historic Archive and Museum of Mining, Pachuca, Mexico

P41 c. P157 t

Apex Photo Agency

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Getmapping

P83 t. P89 t. P104 t. P116 t.

The National Trust

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English Heritage

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Barry Gamble

P16 b l,c,r. P21. P23. P31 c. P33 tr, b. P34 tr. P35 t,c,b. P36. P43 tr. P45 l. P47. P72 t. P73 t, cl, cr, b. P74 tl, cl. P76 cl, cr. P79 t, cr, bl, br. P80 t, c, bl, br. P82 t,bl,br. P83 bl. P84 b. P85 b. P95 bl, br. P90 tl, tr, br. P93 l. P94 tr, c, bl, br. P95 tl, tr, bl, br. P96 tr, c, bl, br. P97 tl, tr. P98 tl, tr, cr, bl. P100 c, bl. P101 tr, cl, cr, br. P102 cr, bl, br. P104 c. P105 t, br. P106 tr, c, bl, br, a. P108 cl, cr, b. P109. P110 tr, cl, cr, b. P112 bl, br. P113 tr, c, br. P114 tl, tr, c. P116 bl. P118 t, cl, cr, a. P120 bl, br. P121 t, c, b. P122 c, bl, br. P123 br. P124. P151 tr. P152 r. P154 tr, br. P155 bl. P160 cl, cr, b. P172. P174 t. P176. P177. P196. P197. P198 t, b. P200. P202. P203 bl, br. P207.

Morwellham & Tamar Valley Trust

P144 t. P191

Trevarno Estate

P85

Poldark Mine

P90 bl

R Moss

P114 b

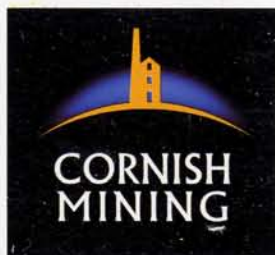
G Spink

P34 tl

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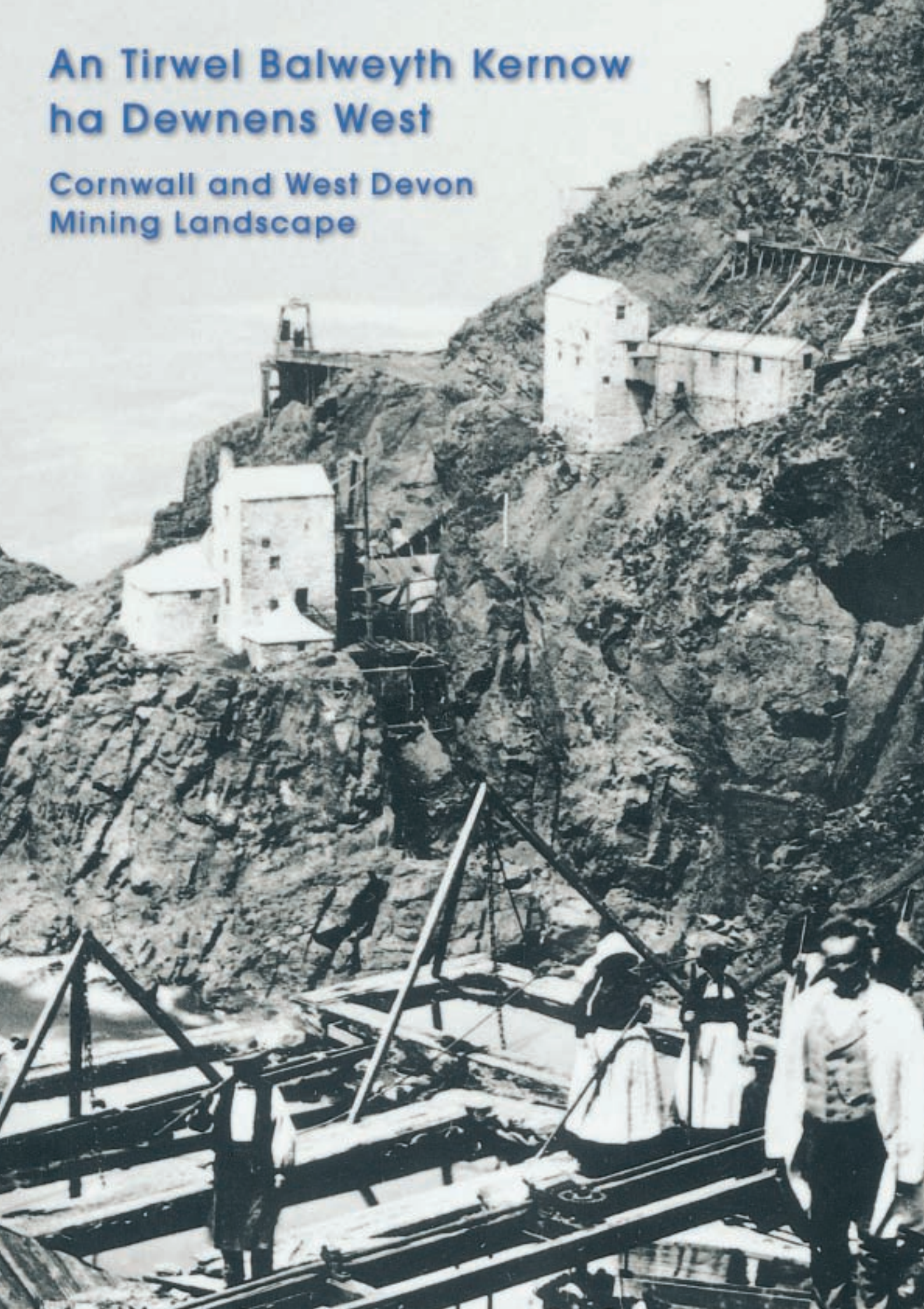
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An Tirwel Balweyth Kernow ha Dewnens West

Cornwall and West Devon
Mining Landscape



Cornwall and West Devon Mining Landscape

Nomination Document Appendix

7b Extracts from agreed strategic plans





7b Extracts from agreed strategic plans

Given the size and nature of the nominated Site there are a large number of relevant strategic plans, as listed in 4f of the Nomination Document. It was therefore considered more appropriate to reproduce relevant extracts from the most significant plans as an appendix.

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GOVERNMENT OFFICE
FOR THE SOUTH WEST

Regional Planning Guidance *for the* South West (RPG 10)

September 2001



- designate air quality management areas where required as part of the local air quality management process;
- ensure that air quality considerations are properly considered along with other material considerations in the planning process, particularly where any air quality management areas have been designated.

Historic Environment

- 4.10 The South West has settlements and individual buildings of great historic and architectural quality and interest, as well as a wide range of archaeological resources, historic landscapes, parks and gardens and features of industrial heritage importance. It contains two World Heritage Sites, Stonehenge/Avebury and the City of Bath, as well as many outstanding cathedral cities, spas, seaside resorts and market towns. These, with their wealth of formal and vernacular architecture, together with the many attractive and historic villages, form integral elements of the character, heritage and richness of the region.
- 4.11 Listed buildings and scheduled ancient monuments are protected by national policy. Conservation area legislation also aims to manage change within the context of historic settlements. However, it is important for the character and distinctiveness of all settlements, not just those specifically designated as important, to be protected and enhanced. The conservation of the cultural and historic resource will need to take account of the landscape context and setting of buildings and settlements; of building materials; and of the patterns of fields, hedgerows and walls which also distinguish one area from another. It is important that new development recognises characteristics of local significance; that building design is sympathetic to the surroundings and where possible enhances them.

Quality in the Built Environment

- 4.12 A high proportion of future development in the region will be located within and around urban areas. It is critical to the successful implementation of RPG to ensure that the region's cities and towns are attractive to live in and offer no quality of life disadvantages in comparison with smaller towns and rural areas. An "urban renaissance" is required.

Central Principles of Urban Renaissance as set out in the Urban White Paper

The sustained success of urban areas will be predicated upon four central principles:

- Getting the design and quality of the urban fabric right;
- Enabling all towns and cities to create and share prosperity;
- Providing the quality services people need;
- Equipping people to participate in developing their communities.

Source: Our towns and cities: the future Urban White Paper DETR, November 2000

- 4.13 Where development occurs, opportunities for positive environmental gains should be taken through design, layout and landscaping. While developed land within urban areas should be re-used, this process of urban regeneration must not be at the expense of adversely affecting necessary open spaces such as parks, playing fields, allotments, green wedges and river corridors, which contribute significantly to both biodiversity and quality of life within our towns and cities.

Policy EN 3: The Historic Environment

Local authorities and other agencies in their plans, policies and proposals should:

- afford the highest level of protection to historic and archaeological areas, sites and monuments of international, national and regional importance;
 - indicate that new development should preserve or enhance historic buildings and conservation areas and important archaeological features and their settings, having regard to the advice in PPG15 and PPG16;
 - indicate that policies and programmes should work towards rescuing buildings and monuments at risk;
 - encourage the restoration and appropriate re-use of buildings of historic and architectural value and take a particularly active role in bringing about their restoration where this would help bring about urban regeneration;
 - take account of the landscape context and setting of buildings and settlements; of building materials; and of the patterns of fields, hedgerows and walls that distinguish one area from another.
- 4.14 Mixing different land uses throughout cities and towns can serve to strengthen social integration and civic life. PPG 1: (*General Policy and Principles*) and PPG 6: (*Town Centres and Retail Developments*) advise on the advantages of mixed use. This is also important in suburbs, where a high quality living environment can be provided with a mix of uses and good public transport connections to town or city centres. Even in recently developed suburbs it is possible to make small scale improvements that benefit the way in which suburbs function; for example, by improving townscape and public spaces and by focussing facilities that meet day-to-day needs in local neighbourhood centres.
- 4.15 Urban villages may provide a more sustainable model for development in existing urban areas, suburban areas, urban extensions or new settlements. By providing a mix of uses and housing choices so that people can live, work and meet their everyday shopping and lifestyle needs locally, urban villages can help to reduce the need to travel. They can provide safe streets to encourage walking and cycling, good access to public transport, incorporate support for local businesses and local jobs and encourage a stronger sense of community.

Policy EN 4: Quality in the Built Environment

Local authorities, developers and other agencies should work together to further the objectives of urban renaissance and make the urban areas places where people wish to live. They should aim to achieve:

- high quality architecture, urban design, layout and landscape architecture in all new development;
- improvements to the environment in cities, towns and villages. This should also recognise and maximise the positive contribution that trees, other planting and open



Cornwall Structure Plan

Cornwall Structure Plan 2004





Policy 2

Character Areas, Design & Environmental Protection

The quality, character, diversity and local distinctiveness of the natural and built environment of Cornwall will be protected and enhanced. Throughout Cornwall, development must respect local character and:

- retain important elements of the local landscape, including natural and semi-natural habitats, hedges, trees, and other natural and historic features that add to its distinctiveness;
- contribute to the regeneration, restoration, enhancement or conservation of the area;
- positively relate to townscape and landscape character through siting, design, use of local materials and landscaping;
- create safe, aesthetically pleasing and understandable places;
- consider, where appropriate, a mix of uses that create vibrant and active places, including tenure, size and densities.

Local plans should define Character Areas to inform planning decisions taking into account Regional and County-wide landscape assessments.

The conservation and enhancement of sites, areas, or interests, of recognised international or national importance for their landscape, nature conservation, archaeological or historic importance, including the proposed World Heritage Site, should be given priority in the consideration of development proposals.

Within Areas of Great Landscape Value and other areas or sites of county-wide significance for their biodiversity, geodiversity or historic interest, development proposals will be required to respect those interests.

The following areas are of Great Landscape Value and are shown on the Key Diagram:

- | | |
|--|---------------------------------|
| St Buryan | Helman Tor and Luxulyan Valleys |
| Halsetown and St Ives Bay | Boconnoc |
| Godolphin and Tregonning Hills | Mid-Fowey |
| Carn Brea, Carnmenellis and Carn Marth | Caradon Hill |
| Portreath | Looe and Seaton Valleys |
| Gweek and Constantine | South-East Caradon |
| St Gluvias | Lynher Valley |
| Devoran/Killiw | Inny Valley and Lawhitton |
| St Erme- Tresillian | North Petherwin to St Clether |
| Fal Valley | Upper Tamar |
| Perranporth and Holywell | Week St Mary |
| Watergate and Lanherne | Bude Coast |
| Camel and Allen Valleys | Gooseham to Launcells. |

26. People appreciate and value Cornwall's varied character and local distinctiveness. Where there is physical evidence of this character it should be retained and where development is proposed, it should reflect and consolidate the character of Cornwall's natural, semi-natural and man made environments: wildlife, biodiversity, geodiversity, history, landscape, townscape and people.

27. Policy 2 embraces the landscape character assessment approach as a basis for assessing development impacts. It also fully supports national policy (together with Policy 3) to protect the countryside for the sake of its beauty, the diversity of its landscapes, wildlife and wealth of natural resources.

28. The County Council will work with the District Councils and other partners on the implementation of the character area approach. Further guidance will inform decisions across the County encompassing both the rural and urban environment. In the interim the 1994 Landscape Assessment of Cornwall (published by the County Council) should be used to inform development considerations along with the ongoing Cornwall and Scilly Urban Survey and Cornwall Industrial Settlements Initiative. The latter is particularly significant for informing and guiding change in historic settlements.

29. Development must be compatible with the conservation of Cornwall's historic and natural heritage. This is not just confined to designated areas. Local features are an important element of local character and all too often these elements are lost by gradual attrition. The protection, conservation, interpretation and stewardship of the environment for future generations is an

important element in sustainable development and one in which local authorities must play a vital role through example and encouragement. Good design should take full account of and respect these features.

Better Design

The new Design Statement for Cornwall - 'Achieving Quality in the Built Environment' (commissioned by the County Council with financial support from all six District Councils, the South West Regional Development Agency and the Environment Agency) sets the benchmark for future Cornish architecture and major development, focusing on achieving the highest quality in the built environment, whilst respecting the 'Cornish context' and local distinctiveness.

The Design Statement (published in 2002) sets out how to achieve good design and is structured around two main strands - the characteristics of good design in Cornwall and the process of developing good and sustainable design.

Cornwall is a diverse place and there is no standard approach. Instead new buildings should fit into a wider setting, creating places that are unique to Cornwall and embedded in the community.

It is intended that the Design Statement is reflected within the statutory planning system. Support is needed from all District Councils to adopt the principles of the Design Statement in Local Development Documents.

Landscape Character Assessment (LCA) helps address "effective environmental protection" and prudent use of natural resources. In particular it can help:

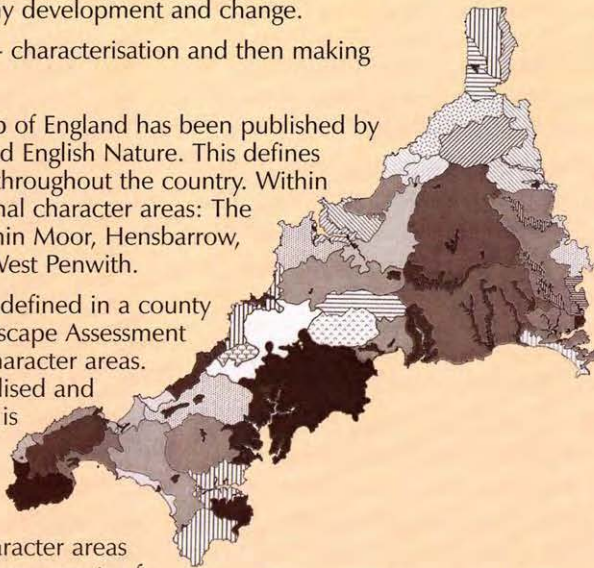
- identify the environmental and cultural features in a locality.
- monitor change in the environment.
- understand a location's sensitivity to development and change.
- set the conditions for any development and change.

LCA comprises two stages - characterisation and then making judgements.

Nationally a Character Map of England has been published by the Countryside Agency and English Nature. This defines landscape character areas throughout the country. Within Cornwall there are 7 national character areas: The Culm, Cornish Killas, Bodmin Moor, Hensbarrow, Carnmenellis, Lizard and West Penwith.

These have been further redefined in a county assessment, Cornwall Landscape Assessment 1994, into 28 individual character areas.

The boundaries are generalised and often indicate where there is transition rather than marked changes on the ground.



Determination of these character areas has brought together the components of the Landscape and the Historic Landscape Assessment creating a broad picture. Further work needs to be carried out to incorporate changes that have taken place over the last 10 years and to amplify the description, particularly in respect of the implications for development.

Implementing a Character Approach

The County Council will work with the District and Borough Councils and other partners on the implementation of the character approach. Initially it is proposed to make the 1994 Landscape Assessment more accessible to decision makers identifying more clearly for different character areas key characteristics, landscape sensitivity and environmental components with guidelines relating to their conservation.

The aim will be to produce a Cornwall guide to the character approach - identifying for different areas the key implications for developments, including priorities for finer grain assessments. This work will underpin District Council preparations of Local Development Documents.

To create clearer guidance, there is the opportunity to establish Landscape Character Policy Areas that have clear goals and objectives especially in terms of local distinctiveness, historical landscape and semi-natural vegetation.

The basic information already exists in the Cornwall Landscape Assessment 1994 but this, importantly, will be supplemented by the Urban Surveys and updated with additional information on the historic environment and from the Biodiversity Action Plan.

30. The Cornwall Biodiversity Initiative and the Biodiversity Action Plan⁵ are complementary to development plans; they also provide an important resource base to inform the character approach.

31. It should be recognised that good quality development can and should enhance Cornwall's valued and special environment. The landscapes and townscapes of Cornwall are the combination of the natural environment and the influence of people over centuries. Continuous investment is needed to keep Cornwall a place where people want to live, work and visit. New buildings and spaces are the most noticeable products of the planning system and will always affect the environment in some way. It is, therefore, important that all development has a positive effect on the environment through good design.

32. The character area approach sits alongside and informs development plan policies and designations. It is a holistic approach that applies to all areas as well as being integral to areas of recognised national or international significance. Such sites and areas include:

- Areas of Outstanding Natural Beauty
- National Nature Reserves
- Sites of Special Scientific Interest
- Special Areas of Conservation
- Special Protection Areas
- Scheduled Ancient Monuments
- Conservation Areas
- Buildings, Parks and Gardens of Special Architectural or Historic Interest (Listed Buildings)

33. These sites and areas require the strongest protection from any adverse effects arising from development, including any cumulative impact. The key tests for the consideration of development that may affect these areas are set out in national policy guidance. Full account needs to be taken of the specific features or qualities which justified designation of the area, and sustain or further the purposes of that designation. This must include the relative weight to be given, where appropriate, to the significance of international, national and local designations.

34. The impact of development on these areas will require careful consideration. To be acceptable the need for the development will have to outweigh the reasons leading to the designation.

Historic Settlements

There is a need to take a more holistic approach to Historic Settlements than in the 1997 Plan, in recognition of the special historic character of Cornwall's medieval, industrial, coastal and tourist settlements. The historic character of many of these settlements is being studied by the ongoing Cornwall and Scilly Urban Survey and Cornwall Industrial Settlements Initiative which will build on the Cornwall Landscape Assessment and provide further guidance on development in these urban areas.

⁵ The Cornwall Biodiversity Initiative is a partnership of over 100 organisations and individuals with an interest in protecting Cornwall's biodiversity. The Initiative published Cornwall's Biodiversity Volume 1: Audit and Priorities in 1997 followed in 1998 by an Action Plan; the latter aims to facilitate the delivery of the UK Biodiversity Action Plan at the local level.



35. In addition, it is still considered important to identify particular areas and sites of special importance in the County. The Areas of Great Landscape Value were reviewed in the preparation of the previous Structure Plan (1997) on the basis of the Cornwall Landscape Assessment and have now been incorporated in District-wide Local Plans. These are carried forward in the revised Structure Plan.

36. The coverage, role and objectives of the former Areas of Great Historic Value and Areas of Great Scientific Value will be more effectively achieved through the proposed character approach complemented by the protection of key sites and areas of County importance. These will include, for example, the Cornwall Wildlife and Geological sites which represent an important environmental resource. Archaeological and historic sites are registered in the Historic Environment Record maintained by the County Council and wildlife and geological sites are recorded at the Environmental Records Centre for Cornwall and the Isles of Scilly.

Nature conservation and planning is not confined to statutory and non-statutory sites and landscape features - certain wild plants and animals, including all wild birds, are protected under the Wildlife and Countryside Act, whilst some other animals either have their own legislation (eg. Protection of Badgers Act) or are otherwise protected by international agreements such as the Birds and Habitats Directives.

Devon Structure Plan 2001 to 2016
WRITTEN STATEMENT

Devonto2016

WRITTEN STATEMENT

Policies and Proposals

Adopted by the Structure Plan Authorities in Devon



Adopted October 2004



SITES OF SUB REGIONAL SIGNIFICANCE

At the Torbay PUA

- Torbay : Long Road South (12 ha)

Barnstaple Sub Regional Centre

- North Devon : Roundswell (25 ha)

Re-assessing and Safeguarding Employment Land

Policy ST 20 (former Policy E4)

Local Plans should reassess all existing and allocated employment land in order to test whether it is necessary to meet the area's current or longer term economic development needs, taking into account the overall level of provision indicated by Proposal ST17 and the need to maximise opportunities for residential and mixed use development in sustainable locations. Subject to that reassessment, employment land and premises should be reserved for that use.

Regeneration Priority

Policy ST21 (Policy C10 revised)

In considering initiatives for economic and social regeneration priority should be given to:

- 1) those parts of the Principal Urban Areas and the Sub Regional Centres which suffer from social exclusion and economic deprivation;
- 2) the tourist resorts of Ilfracombe, Teignmouth, Dawlish, Seaton and Westward Ho! which have experienced significant decline in economic vitality and viability;
- 3) those Area Centres and their associated hinterlands where a specific need for regeneration has been identified to address environmental, social or economic disadvantage.

IMPLEMENTING STRATEGIC PROPOSALS

Concept of New Community Development

Policy ST23 (former Policy N3)

The new communities provided for in Policies ST8 and ST12 should be subject to an Environmental Impact Assessment and should be developed to secure the highest standards of design, and in such a way as to avoid pollution, minimise the use of resources and minimise waste. They must include provision for:

- 1) local community facilities, including primary and secondary education, shopping, cultural and health facilities, together with local employment opportunities;
- 2) a range of housing types, including a significant element of affordable housing;
- 3) a land use and transportation system that promotes pedestrian, cycle and public transport accessibility and minimises the need for travel by private car;
- 4) design features and layout of buildings that promote energy conservation;
- 5) public and private open space, structural landscaping and features that promotes nature conservation;
- 6) all necessary physical infrastructure.

New Community Implementation

Policy ST24 (former Policy N4)

The new communities provided for in Policies ST8 and ST12 should be included as specific proposals within the District-wide Local Plans for South Hams and East Devon respectively, and should be:

- 1) developed in a fully comprehensive way in accordance with an overall development scheme agreed with the appropriate Local Planning Authority;

- 2) developed in accordance with an agreed phasing programme, so as to ensure the early provision of community, infrastructure and other facilities as residential development progresses, and promote the self sufficiency of each phase of the development;
- 3) subject to specific agreements between the developer and the Local Planning Authority so as to ensure the provision of infrastructure, the full implementation of the development scheme and the phasing programme.

New Community Landscape Setting

Policy ST25 (former policy N5)

Where new communities are proposed in accordance with Proposals ST8 and ST12, the appropriate District-wide Local Plans should include policies to protect the setting of those new communities within the landscape, ensure that they retain a separate identity and do not coalesce with existing settlements.

II : CONSERVING DEVON'S ENVIRONMENT AND RESOURCES

Landscape Character and Local Distinctiveness

Policy CO1 (Policy C2 revised)

The distinctive qualities and features of Devon's Landscape Character Zones, illustrated in Map 9, should be sustained and enhanced.

Within the context of this broad characterisation, Local Planning Authorities should undertake more detailed assessments of landscape character in order to identify priority areas for the maintenance, enhancement and / or restoration of that character and provide an appropriate policy framework in Local Plans for each area.

Policies and proposals within each part of Devon should be informed by and be sympathetic to its landscape character and quality.

National Parks

Policy CO2 (former Policy C3)

In Dartmoor National Park, the conservation and enhancement of the natural beauty, wildlife and cultural heritage will be given priority over other considerations in the determination of development proposals. Development will only be provided for where it would:

- 1) conserve and enhance the natural beauty, wildlife and cultural heritage of the Park; or
- 2) promote the understanding and enjoyment of the special qualities of the Park; or
- 3) foster the social or economic well-being of the communities within the Park provided that such development is compatible with the pursuit of National Park purposes.

Particular care will also be taken to ensure that no development is permitted outside Dartmoor or Exmoor National Parks which would damage their natural beauty, character and special qualities or otherwise prejudice the achievement of National Park purposes.

Areas of Outstanding Natural Beauty

Policy CO3 (former Policy C4)

In designated Areas of Outstanding Natural Beauty, the conservation and enhancement of their natural beauty will be given priority over other considerations. Within these areas, development will only be provided for where it would support their conservation or enhancement or would foster their social and economic well-being provided that such development is compatible with their conservation. Particular care will also be taken to ensure that any development proposed adjacent to such areas does not damage their natural beauty.

Areas of Great Landscape Value

Policy CO4 (Policy C6 revised)

The Areas of Great Landscape Value are identified as areas of high landscape quality having strong and distinctive characteristics which make them particularly sensitive to new development. Within these areas the primary objective will be the active conservation and enhancement of their landscape quality and individual character. New development should therefore only be provided for where it would be limited in its visual impact. Local Plans should refine the boundaries of the AGLVs as illustrated on the Key Diagram in the context of more detailed assessments of landscape characteristics within each area.

Coastal Preservation Area

Policy CO5 (Policy C7 revised)

Within the Coastal Preservation Area, development, other than that of a minor nature, will not be provided for except where it is required: for the benefit of the community at large, in connection with public access for informal recreation, or for the purposes of agriculture or forestry and only when such development cannot reasonably be accommodated outside the protected areas. Such development will only be provided for when it would not detract from the unspoilt character and appearance of the coastal area.

Quality of New Development

Policy CO6 (Policy C9 revised)

The identity, distinctive character and features of existing settlements, urban and rural areas should be conserved and enhanced. In planning for new development the Local Planning Authority should maintain and improve the quality of Devon's environment by requiring attention to good design and layout that respects the character of the site and its surroundings and by providing for regeneration and conservation, townscape enhancement, traffic management and the retention and provision of open space.

Historic Heritage

Historic Settlements and Buildings

Policy CO7 (Policy C11 revised)

The quality of Devon's historic environment should be conserved and enhanced. In providing for new development particular care should be taken to conserve the special historic character of settlements, the character and appearance of conservation areas, the historic character of the landscape, listed or other buildings of historic or architectural interest and their settings and parks and gardens of special historic interest and their settings.

Archaeology

Policy CO8 (Policy C12 revised)

Internationally, nationally and regionally important archaeological sites and their settings, whether Scheduled Monuments or unscheduled, will be preserved. Other important sites and their settings should be preserved wherever possible, and in considering proposals for development which would have an adverse impact on them, the importance and value of the remains will be a determining factor. Where a lack of information precludes the proper assessment of a site or area with archaeological potential, developers will be required to arrange appropriate prior evaluation in advance of any decision to affect the site or area. Where the loss of an archaeological site or area is acceptable, proper provision for archaeological excavation and recording will be required.

NATURE CONSERVATION

Biodiversity and Earth Science Diversity

Policy CO9 (Policy C13 revised)

The biodiversity and earth science resource of Devon's natural environment should be sustained and, where possible, enhanced in accordance with Biodiversity Action Plan objectives and targets. Its diversity and distinctiveness should not be diminished.

Protection of Nature Conservation Sites and Species

Policy CO10 (Policies C14 to C17 revised)

Sites of National and International importance for nature conservation will be protected from development which would harm their nature conservation interest or conflict with their conservation objectives. Where practical, opportunities for enhancement should be sought.

Local Plans should also define sites and features of local nature conservation importance, including landscape features which provide wildlife corridors, links or stepping stones between habitats, and seek to protect these sites and features from harmful development and promote their beneficial management.

Development likely to have an adverse effect on a specially protected species should only be permitted where appropriate measures are taken to secure its protection. Special consideration should be given to any development proposals likely to affect a European Protected Species.

CONSERVATION OF RESOURCES AND POLLUTION

Conserving Energy Resources

Policy CO11 (former Policy C22)

The direct and indirect energy consumption of new development should be minimised by requiring the incorporation of energy saving features into its design and layout.

Renewable Energy Developments

Policy CO12 (Policy C23 revised)

Provision should be made for renewable energy developments, including offshore developments, in the context of Devon's sub regional target of 151MW of electricity production from landbased renewable sources by 2010, subject to the consideration of their impact upon the qualities and special features of the landscape and upon the conditions of those living or working nearby.

In providing for strategic wind based energy production in the period to 2016, priority should be given to locations within the area of search identified on the Key Diagram.

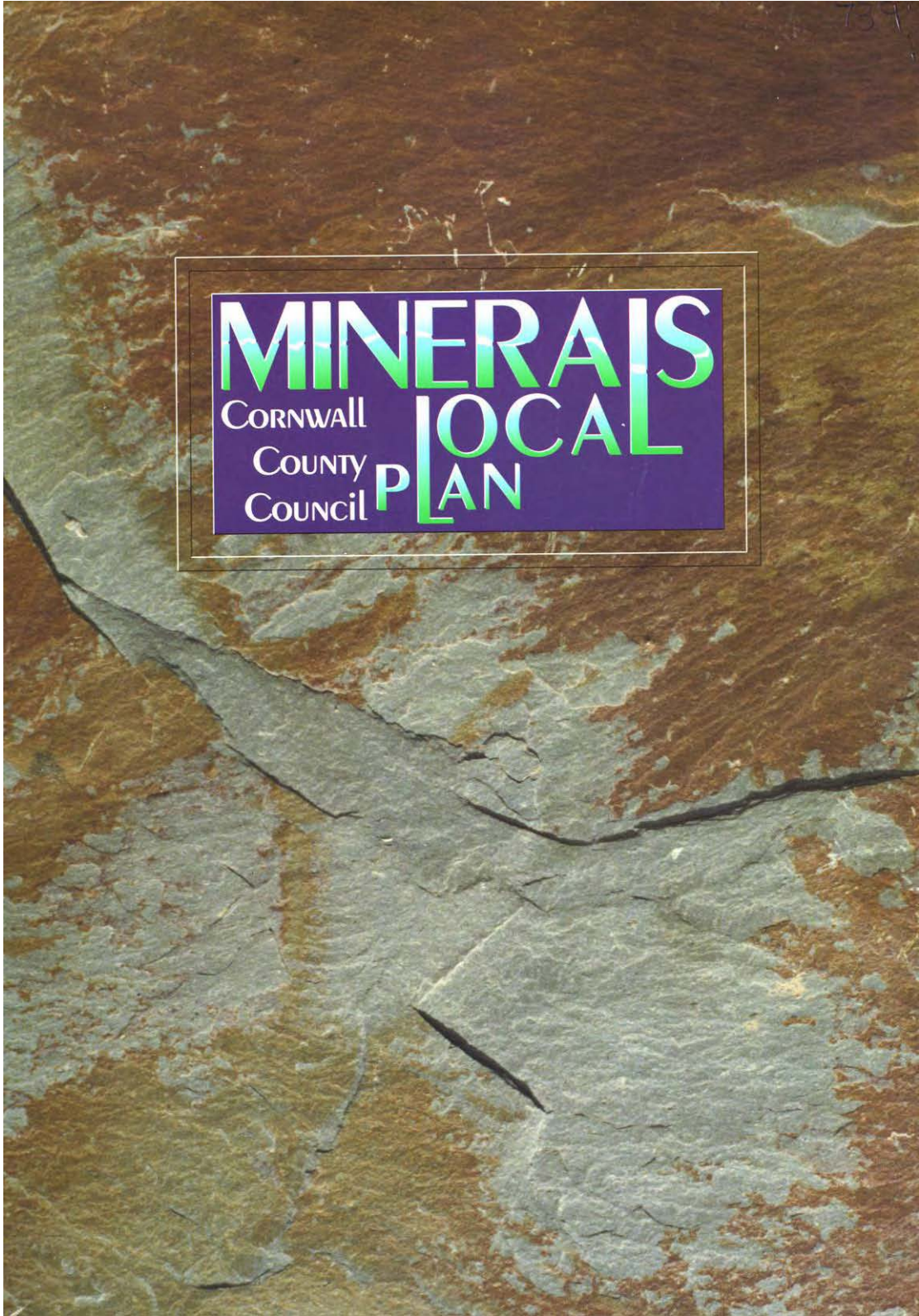
Protecting Water Resources and Flood Defence

Policy CO13 (Policy C24 revised)

All new development should be subject to an appropriate drainage assessment, and wherever possible appropriate sustainable drainage systems.

Proposals for development should not be provided for where:

- 1) such development would lead to a deterioration in the quality, quantity, or natural flow of underground, surface and coastal waters;
- 2) adequate water resources do not already exist, or where their provision is considered likely to pose a risk to existing abstractions, water quality, fisheries, nature conservation, amenity or inland navigation interests or any facet of the natural water environment;



ENVIRONMENT AND ECONOMIC PROSPERITY

Proposals Map of this Plan and are derived from the Replacement Structure Plan process.

Policy E3
Minerals development in an Area of Great Landscape Value will not be permitted unless the benefits of the development clearly outweigh the detrimental effects on the landscape, having taken account of measures to mitigate the impacts.

4.15. The activities of the minerals industry can have a potentially damaging effect on such areas. Frequently these very landscapes are underlain by important mineral resources of economic significance. The County Council will seek to afford special protection to these areas and will subject applications for minerals development within these areas to close scrutiny.

HISTORIC ENVIRONMENT

4.16. Cornwall has a wealth of archaeological and historic sites ranging from prehistoric settlements and burial sites, stone circles and hill forts through medieval crosses, holy wells and castles to the mines, harbours, and chapels of the last 200 years. There is also an industrial heritage of international significance reflecting the history and development of, in particular, the Cornish mining industry but also including quarries and mineral spoil heaps for example. This historic heritage is reflected in a range of designations including Areas of Great Historic Value (AGHVs), Scheduled Ancient Monuments, Conservation Areas etc. The precise boundaries of the AGHVs are defined as part of the Development Plan in the Cornwall Countryside Local Plan and following a review of the Structure Plan, amended boundaries will in future be found in the district-wide local plans which are at various stages in their preparation. The areas of AGHV shown, for information, on the Proposals Map of this Plan are derived from the Replacement Structure Plan. The relevant districtwide local plans should be consulted for the precise boundaries.

Policy E4
Mineral development which would have a significant adverse impact on a nationally important historic site or its setting will not be permitted except where:-

- a) the need for the development would be in the public interest; and
- b) provision can be made for prior recording of the site; or
- c) the physical preservation of the remains can be ensured.

4.17. Minerals development can severely damage historic sites and areas. However because so much of Cornwall has some historic value there will inevitably be minerals proposals which will affect such areas and sites. Where disturbance is unavoidable the County Council will normally require some form of archaeological recording of the site to help inform the final determination. The County Council will have close regard to the recently published Planning Policy Guidance Note 15 "Planning and the Historic Environment," as well as PPG 16 "Planning and Archaeology."

Policy E5
Minerals development which would have a significant adverse effect on the historic landscape of Areas of Great Historic Value or would otherwise adversely affect a site of historic value will not be permitted unless the benefits of the development outweigh the impacts of the proposal on the historic value of the area or sites and having taken account of measures to mitigate the impacts.

EARTH SCIENCE CONSERVATION

4.18. The unique geology of Cornwall combined with its long and extensive history of mining and quarrying have resulted in numerous sites of local, national and international geological and geomorphological importance. Few areas in the UK contain such a comparable wealth of interest. To reflect this English Nature are currently re-notifying existing and identifying additional geological and geomorphological SSSIs. To

CORNWALL MINERALS LOCAL PLAN

ENVIRONMENT AND ECONOMIC PROSPERITY

compliment the designation of sites with national importance, there are the Regionally Important Geological/Geomorphological Sites (RIGs). These are discussed more fully in Appendix 6. The minerals industry has a key role to play in the management of these sites which are frequently owned by mineral operators and in the creation of new exposures and sites through their extractive activities. The County Council will encourage the minerals industry to conserve, manage and display sites of earth science conservation interest.

BIODIVERSITY AND NATURE CONSERVATION

4.19. Biodiversity is the term used to describe the variety of flora and fauna in the environment. Cornwall contains a huge wealth of prime nature conservation and biodiversity value covering approximately 22% of the County's land area. The presence of a protected species is a material planning consideration in the determination of proposals for minerals development. Again the important sites are covered by a wide range of local, national and international designations including potential Special Protection Areas, candidate Special Areas of Conservation National Nature Reserves, Sites of Special Scientific Interest, Areas of Great Scientific Value and Cornwall Nature Conservation sites. Potential Special Protection Areas are treated as though designated. The boundaries of SPAs and SACs are indicated on the Proposals Map. The County Council will carefully examine any proposals for minerals development in such areas in the light of the Conservation (Natural Habitats) Regulations 1994. The precise boundaries of the sites of county-wide value for nature conservation (Cornwall Nature Conservation Sites) are delineated in the district wide local plans. (The Mineral Planning Authority also holds complete records for these sites). The precise boundaries of the AGSVs are to be defined in the district-wide local plans which are at various stages in their preparation. The areas of AGSV shown, for information, on the Proposals Map of this Plan are derived from the Replacement Structure Plan process. The relevant district-wide local plan should be consulted for the precise boundaries. The policy approach to minerals related activities in these areas and sites must be based on balancing the need for the development against the significance and value of the site in question.

Policy E6

Mineral development which would significantly adversely affect the integrity of candidate or designated SPAs or SACs will only be permitted where:

- a) these adverse effect can be prevented;
- b) there are no alternative sources of the mineral;
- c) the development is necessary for reasons of overriding public interest.

If such a site hosts a priority habitat or species, and there are no alternative sources, the development will not be permitted unless:

- a) the development should be carried out in the interests of human health and public safety; or
- b) it would give rise to beneficial consequences of primary importance to the environment.

Policy E7

Minerals development proposals which are likely to result in harm to a statutorily protected plant or animal species or its habitat will not be permitted unless the protection of the species can be secured through a condition or planning obligation.

4.20. Certain plants and animals, including all wild birds and bats, are protected under the Wildlife and Countryside Act (as amended). In addition badgers are protected under their own legislation. Whilst it is an offence to kill, injure and sometimes disturb these species, development proposals may affect their habitats. It is important therefore to protect these species through additional controls on development. When considering relevant development proposals, the Council will seek and act on the advice of wildlife conservation bodies in order to safeguard the habitats of protected species.

CORNWALL MINERALS LOCAL PLAN

ENVIRONMENT AND ECONOMIC PROSPERITY

In addition, these bodies may be able to suggest mitigatory measures such as, for example, the provision of alternative nesting and roosting sites or control over the timing of works, to protect species. Where mitigatory measures are required they will be secured through a condition or planning obligation.

Policy E8

Minerals development proposals likely to have a significantly adverse effect on National Nature Reserves and Sites of Special Scientific Interest will be the subject of the most rigorous examination and will only be permitted if:-

- a) **damaging impacts can be prevented;**
- b) **the benefits of the development outweigh the nature conservation value of the site.**

In the case of proposals likely to have a significantly adverse effect on National Nature Reserves, particular attention will be paid to their national importance.

Policy E9

In sites of county wide importance for wildlife or Regionally Important Geological/Geomorphological Sites, applications for minerals development will be given careful consideration and will not be permitted unless the benefits of the development would outweigh the detrimental effects of the proposal on the value of the site having taken into account measures to mitigate the impacts.

Policy E10

In Areas of Great Scientific Value, applications for mineral development will be given careful consideration and will not be permitted unless the benefits of the development would outweigh the detrimental effects of the proposal on the integrity or continuity of countryside features of major importance to wildlife having taken into account measures to mitigate the impacts.

STEWARDSHIP OF NATURAL AND BUILT RESOURCES

4.21. Cornwall contains a wide range of both natural and built resources. It is essential that these are utilised wisely to enable them to yield the greatest continuous benefit for both present and future generations in a manner compatible with the maintenance of the environment. These resources include for example, trees and woodland, "best and most versatile" agricultural land, energy, water, the mineral resource itself and the existing building stock. The "Control of Mineral Working" chapter considers in greater detail the protection and policy response to the effects of extraction on these resources.

AGRICULTURAL LAND

4.22. National policy, as indicated in Planning Policy Guidance Note 7, states that "best and most versatile agricultural land (Grades 1, 2 and 3a)" is a resource of national significance and that considerable weight should be attached to its protection.

4.23. Proposed changes to the use of the best and most versatile land are the most significant in terms of the national agricultural interest. The County Council will seek to protect the best and most versatile agricultural land.

Policy E11

Mineral development on land classified as best and most versatile agricultural land Grades 1, 2 & 3A will not be permitted unless:-

- a) **the benefits of the development would outweigh the need to protect the land; or**
- b) **the land could be reclaimed to its former condition.**

Within these grades, where there is a choice between sites of different classification, development should be directed towards land of the lowest possible classification.

CORNWALL MINERALS LOCAL PLAN

Devon County Minerals Local Plan

Adopted Plan

Part A

Written Statement

June 2004

4. Protecting the Environment

4.1 Introduction

- 4.1.1 The County's distinctive appearance and character is made up of a complex interplay between its urban areas, rural settlements, countryside, wildlife habitats, and historic environment. It is important that minerals development does not unnecessarily prejudice this character and local distinctiveness.
- 4.1.2 Almost half of the area of the County has some form of statutory designation aimed at giving sufficient level of protection to various features considered environmentally significant by seeking to guide and control development.
- 4.1.3 The most significant statutory designations are international and European designations such as Ramsar, World Heritage Sites, Special Areas of Conservation (SACs), and Special Protection Areas (SPAs). National designations for the protection of landscape features in Devon are National Parks, Areas of Outstanding Natural Beauty (AONBs) and Heritage Coast, for nature conservation there are Sites of Special Scientific Interest (SSSI) and for the historic environment there are Scheduled Ancient Monuments, Historic Parks and Gardens, and Listed Building designations.
- 4.1.4 At County level, the protection of the landscape is afforded by non-statutory designations such as Coastal Preservation Areas (CPA) and Areas of Great Landscape Value (AGLV), while the historic environment is protected by Conservation Area designation. Figure 4.1 shows the extent of the existing national and county landscape policy areas.
- 4.1.5 In addition, there are other non-statutory environmental designations which recognise specific qualities of an area and afford protection to locally significant features. Examples of these are County Wildlife Sites, County Geological Sites and archaeological sites identified in the County Sites and Monuments Register (SMR).

4.2 International Designations

RAMSAR SITES

- 4.2.1 Ramsar Sites are wetlands of international importance, especially as waterfowl habitat, identified under the 1972 Ramsar Convention. There is a general obligation to promote the conservation and wise use of such wetlands. The Exe Estuary is the only Ramsar Site within the County, and there are currently no mineral operations within or directly affecting the designated area.

WORLD HERITAGE SITES

- 4.2.2 Although no additional statutory controls follow from the inclusion of a site on the World Heritage List, such inclusion does highlight the outstanding international importance of the site in the planning consideration process. PPG 15 advises MPAs to formulate specific planning policies for protecting these sites in Development Plans. Such policies should reflect the fact that these sites have been designated for their outstanding universal value and great weight should be placed on the need to protect them for the benefit of future generations as well as our own. Mineral development proposals affecting these sites and their settings may be compatible with this objective, but should always be carefully scrutinised for their likely impact on the site or its setting in the longer term.
- 4.2.3 In 2001 the Dorset and East Devon Coast (between Old Harry Rocks in Dorset, and Orcombe Point, Exmouth in Devon) was designated as the 'Dorset and East Devon Coast World Heritage Site' (and more commonly as The Jurassic Coast) by virtue of its geological interest. The Dormant planning permission to pick beach pebbles at Rousdon Beach is the only minerals planning permission within the area of the 'Jurassic Coast' within the Plan area
- 4.2.4 Devon also has a candidate World Heritage Site in the Western part of the County. Now called the Cornwall and West Devon Mining Landscape World Heritage Site, this is centred on the Tamar Valley and Tavistock areas and is proposed because of its industrial archaeology and landscape features. The boundaries of the area are still to be defined but are expected to include parts of the Tamar Valley which contain a great deal of metalliferous mineralisation.

EUROPEAN SITES

- 4.2.5 The European Habitats and Birds Directives provide for the conservation of habitats and the protection of species through the designation of Special Areas of Conservation and Special Protection Areas. These European sites will form a network of internationally important wildlife sites within the European Union which will be known as 'Natura 2000'. A number of SSSIs are of such importance that they have been included, or are being considered for inclusion, within these designations.
- 4.2.6 Damaging development likely to affect sites in the Natura 2000 series will be allowed only if there is no alternative site and there is an imperative reason of overriding public interest.
- 4.2.7 Regulation 50 of the Habitats Regulations 1994 requires Mineral Planning Authorities to review all extant planning permissions whose completion is likely to have a significant effect on a European Site.

Source: Devon County Minerals Local Plan, Adopted Plan: Part A, June 2004

Figure 4.1 NATIONAL AND COUNTY LANDSCAPE POLICY AREAS



If they are unable to ascertain that the development would not have an adverse effect on the integrity of the site then the Authority must (except in certain special circumstances set out in the Regulations) take the necessary action to ensure that harm to the site is avoided. This usually means that the Authority will be required to use their powers under the Planning Acts to make orders modifying or revoking the permission.

- 4.2.8 Although candidate SACs and potential SPAs (before their status has been agreed by the E.U.) are not European sites, PPG9 states that for the purposes of considering development proposals affecting them these sites should be treated as if they were European sites. Accordingly, all new applications should be subject to the tests set out in the Habitats Directive.
- 4.2.9 Applications for mineral development either within or affecting a SAC, cSAC or SPA will have to show that there are imperative reasons of public interest to override the protection afforded by the environmental designation. This will have to be in the nature of international or strategic national need for the mineral, and even in these circumstances the County Council would require the development to show a sensitive approach to the environment and the features which are the reason for the environmental designation during the life of the development. Any development permitted would also be required to include an improvement to the landscape and habitat as an intrinsic part of the restoration and aftercare of the development.



Woodbury Common, part of the East Devon Pebblebed Heaths SPA and cSAC.

SPECIAL AREAS OF CONSERVATION (SAC)

- 4.2.10 Under the E.U. Directive and the associated Conservation (Natural Habitats, etc) Regulations 1994, a number of candidate Special Areas of conservation (cSACs) have been identified within the County. Three of these have active quarries within their areas. These are the East Devon Pebblebed

Heaths (Blackhill Quarry), Beer Quarry and Caves (Beer Quarry) and the Chudleigh Rocks and Caves (Palace Quarry).

SPECIAL PROTECTION AREAS

- 4.2.11 SPA designation provides a similar level of protection as that afforded to SACs. Of the three SPAs in Devon, only one - the East Devon Heaths, contains an active mineral site at Blackhill Quarry.

POLICY MP 1

INTERNATIONAL DESIGNATIONS

Proposals for mineral development which are likely to harm the integrity and conservation objectives of World Heritage Sites, Ramsar Sites, Special Areas of Conservation or Special Protection Areas (including candidate SACs and potential SPAs) will not be permitted.

4.3 National Designations

NATIONAL PARKS AND AREAS OF OUTSTANDING NATURAL BEAUTY

- 4.3.1 National Parks and Areas of Outstanding Natural Beauty (AONBs) are national landscape designations made by the Countryside Agency and confirmed by the Secretary of State. The statutory purposes of National Parks are:

- (i) to conserve and enhance the natural beauty, wildlife, and cultural heritage; and
- (ii) to promote opportunities for the public understanding and enjoyment of their special qualities.

There are two National Parks and five AONB's in Devon. It is the view of Government (PPG7 - The Countryside and the Rural Economy) that applications for new mineral workings in National Parks and AONBs must be subject to the most rigorous examination given the serious impact that major developments may have on these areas of natural beauty.

- 4.3.2 Mineral development issues within National Parks fall outside the scope of this Plan and are instead dealt with by the National Park Authorities as the relevant Mineral Planning Authority. However, the Devon Structure Plan First Review Policy C3 requires that development outside National Parks, including mineral development, should not have a detrimental effect on them.
- 4.3.3 Structure Plan Policy E16 states that: "Proposals for mineral development within National Parks and

Areas of Outstanding Natural Beauty will be subject to the most rigorous examination, and will only be approved where development can be demonstrated to be in the public interest and where there is an overriding national need for development which cannot reasonably be met in some other way”.

- 4.3.4 Factors which it is considered should be assessed when considering applications for mineral extraction affecting National Parks and AONBs are set out below:

- (a) The need for the particular mineral should be assessed in terms of its international, national or regional significance rather than merely local significance.
- (b) It is necessary to assess the impact on the local economy of allowing the development, or refusing it. The mineral operation may be a significant source of employment in a rural area where alternative sources of employment are limited.
- (c) It is necessary to establish whether alternative supplies can be made available at reasonable cost, and the possibility of meeting the demand in some other way. It will be for the developer, therefore, to demonstrate that the proposal is the only one possible in the region or nationally.
- (d) As with mineral proposals in all locations within the County, the potential adverse environmental effects of quarrying operations will need to be assessed, together with the proposals put forward to mitigate such effects and the overall long term implications.
- (e) In the case of extensions to existing quarries, it may be possible to secure environmental improvements resulting in an overall enhancement of the landscape, by the granting of such extensions. It may be the case that historic planning permissions within AONBs have inadequate working and restoration conditions, and have developed in a way that has caused, and will continue to cause, problems within the local environment to the detriment of its natural beauty. A new planning application to extend the site can enable a comprehensive assessment of the site and its relationship with the local environment.

- 4.3.5 There are relatively few existing planning permissions for mineral working within the Plan area that have significant implications for National Parks and AONBs. Major exceptions to this are the china clay workings on the southern fringe of Dartmoor National Park, Steer Point Quarry near Brixton (South Devon AONB) and the sand and gravel deposits at Blackhill Quarry near Woodbury within the East Devon AONB.

POLICY MP 2

AREAS OF OUTSTANDING NATURAL BEAUTY AND EFFECT ON NATIONAL PARKS

Proposals for mineral development within an Area of Outstanding Natural Beauty will not be permitted if they would conflict with the objective of preserving and enhancing its natural beauty.

Proposals for mineral development which would harm the natural beauty, character and special qualities of a nearby Area of Outstanding Natural Beauty or National Park will not be permitted.



Gravel extraction within the East Devon AONB at Blackhill Quarry.

SITES OF SPECIAL SCIENTIFIC INTEREST

- 4.3.6 A national network of Sites of Special Scientific Interest (SSSIs), all of which are considered of national importance, has been designated by English Nature under Section 28 of the Wildlife and Countryside Act, 1981. There are approximately 150 SSSIs in the Plan area covering a range of wildlife and geological features (107 have a geological interest). These have been identified on the basis of published scientific criteria and represent the best examples of semi-natural ecosystems and their essential natural processes. A number of these SSSIs are located within active mineral sites. The explanatory text accompanying the Inset Plans includes reference to SSSIs where relevant.
- 4.3.7 A small number of SSSIs have been declared as National Nature Reserves. These sites are managed by, or on behalf of, English Nature, with nature conservation as their primary objective. The coastal waters around Lundy comprise England's only statutory Marine Nature Reserve.
- 4.3.8 A 1998 consultation paper on the better protection and management of SSSIs reaffirmed the Government's strong commitment to the conservation of such sites. Paragraph 72 of MPG6

states that 'minerals proposals within or likely to affect SSSIs should be the subject of the most rigorous examination.' However, mineral workings do not always conflict with nature conservation interests, particularly where they expose important geological features

- 4.3.9 It may, therefore be acceptable to allow mineral working within a geological SSSI in order to maintain fresh exposures of geological interest. At sites where there is such an interest it will be necessary in the consideration of restoration proposals to have regard to the final exposure of the mineral deposit, following the completion of mineral working. It is also important to consider access for geological recording, research, and educational use. This can be achieved by imposing appropriate planning conditions.



Beer Quarry SSSI, showing clay pipes cutting through the Chalk.

- 4.3.10 A mineral site may be designated as an SSSI for wildlife conservation purposes as well as for its inherent geological features. If this is the case then it is important to have regard to both these factors as mineral development might be acceptable in terms of geological interest but may conflict with the wildlife conservation interest within the SSSI.

POLICY MP 3

SITES OF SPECIAL SCIENTIFIC INTEREST AND NATIONAL NATURE RESERVES

Proposals for mineral development will not be permitted which are likely to harm, either directly or indirectly, the particular wildlife or geological interest of Sites of Special Scientific Interest or National Nature Reserves.

ARCHAEOLOGICAL SITES AND HISTORIC LANDSCAPES

- 4.3.11 The Plan area has many thousands of archaeological sites and new sites are constantly being identified. There are more than 5,300 scheduled under the Ancient Monuments and Archaeological Act 1979. PPG16 'Archaeology and Planning' states that the value, variety and vulnerability of archaeological remains justifies a presumption in favour of the preservation of the sites and their settings, and against development which would adversely affect them. It continues, stating that: *'archaeological remains should be seen as a finite and non-renewable resource' and that 'care must be taken to ensure that archaeological remains are not needlessly or thoughtlessly destroyed'.*
- 4.3.12 Known archaeological and historic sites in the County are recorded on the County Sites and Monuments Register (SMR) and form the basis for initial consideration of minerals proposals by the MPA. However, in many cases more detailed assessment of the implications of a proposal may be necessary, and early consultation with the MPA's archaeologist will be encouraged. In accordance with PPG16, a programme of desktop assessment and documentary research, followed by field evaluation, may be required to enable the archaeological impact of the proposal to be fully considered prior to determination of the planning application. Such a programme of assessment should cover all aspects of the proposed works, including haul roads, temporary works, ancillary works and landscaping, as well as areas of extraction or tipping.

STATEMENT OF INTENT - S3

INTERPRETATION OF ARCHAEOLOGICAL SITES

The County Council will promote and encourage the interpretation of archaeology, history and industrial archaeology for the benefit of the public.

- 4.3.13 In some cases the value of the archaeological resource may be such as to demand the refusal of consent for a proposal. In other cases, it may be possible to modify the proposal to minimise its impact upon the archaeology of the site. Where the destruction of archaeological features is permitted, the developer will be required, with the agreement of the MPA, to commission a programme of investigation, recording, excavation analysis and publication in accordance with the advice given in PPG16, where paragraph 8 makes it clear that nationally important sites require special treatment when it states *'Where nationally important archaeological remains, whether scheduled or not, and their settings, are affected by proposed development there should be a presumption in favour of their physical preservation'.*

POLICY MP 4**ARCHAEOLOGICAL SITES**

Proposals for mineral development will not be permitted where they would harm nationally important archaeological sites (Scheduled Ancient Monuments and unscheduled ones of national importance) and their settings.

LISTED BUILDINGS

- 4.3.14 The Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Secretary of State to prepare lists of buildings and features of special architectural or historic interest. Planning Authorities are required to have regard to the effect which any development (including mineral development) for which planning permission is sought will have on Listed Buildings and their settings. There are approximately 15,000 listed buildings and structures in the Plan area. Listed Building Consent is required from the Local Planning Authority for the demolition of, or alterations to, a listed building or structure.
- 4.3.15 Proposals for mineral development must have regard to the objective to preserve the features and settings of Listed Buildings. This includes both the national and local importance of the Listed Buildings. In considering proposals for mineral development, it may be that the need for the mineral and its benefits to the local economy, override the preservation of a Listed Building and its setting. In considering the effects of proposals, an assessment will be required for the need for the mineral as (discussed in para 12.6.2 and the Statement of Intent S19), in order to ascertain whether or not the benefits to the local and/or national economy of working the minerals are such as to override the national objective to preserve Listed Buildings and their settings. In any situation where the need for the mineral is considered by the MPA as outweighing the preservation of the Listed Building it will be expected that the developer will include within the proposals the measures and designs to reduce the harmful effects of the proposal on the Listed Building and its setting.

POLICY MP 5**LISTED BUILDINGS**

Proposals for mineral development which would conflict with the objective to preserve Listed Buildings and their settings will not be permitted.

HISTORIC PARKS AND GARDENS

- 4.13.16 There are 36 sites in Devon that are listed in English Heritage's Register of Parks and Gardens of Special Historic Interest. Whilst these do not enjoy statutory protection, they are sites which are designated at a national level and considered to be of particular importance. There are many other such sites which are not included in the Register, but which are of local importance in the County.
- 4.13.17 Proposals for mineral development must have regard to the objective to preserve the features and settings of Historic Parks and Gardens. In considering the effects of proposals, an assessment will need to be made for the mineral (as described in para. 12.6.2 and Statement of Intent S19), in order to ascertain whether the benefits to the local and/or national economy from working the mineral are such as to override the national objective to preserve Historic Parks and Gardens. In any situation where the need for the mineral is considered by the Mineral Planning Authority as outweighing the preservation of an Historic Park and Garden it will be expected that the developer will include within the proposals measures and designs to reduce the harmful effects on the Historic Park and Garden and its setting.

POLICY MP 6**HISTORIC PARKS AND GARDENS**

Proposals for mineral development which would harm Historic Parks and Gardens and their settings will not be permitted.

4.4 Local and Other Non-Statutory Environmental Designations

- 4.4.1 MPG6 advises that: "Planning Authorities may designate in their development plans other environmentally significant areas, such as special landscape areas or areas of great landscape or nature conservation value. These areas may be important locally and mineral development proposals within them will need to be given careful consideration, although the degree of protection given to such areas should not be as high as that given to the nationally designated areas."
- 4.4.2 The County Council's Landscape Policy Areas Local Plan was adopted in 1985, and amended by the First Alteration in May 1990. This defines in detail, and gives further guidance, in respect of the Structure Plan policies pertaining to Areas of Great Landscape Value (AGLVs) and Coastal Preservation Areas (CPAs).
- 4.4.3 District and Borough Councils have further defined the Landscape Policy Areas, incorporating additions and alterations to these in preparing their Local Plans.

AREAS OF GREAT LANDSCAPE VALUE

- 4.4.4 Areas of Great Landscape Value were originally defined in the 1950s and there are now ten areas or groups of AGLVs within the County. These areas are either high land or parts of valley systems that have a discernible local landscape character, which Structure Plan Policy C6 seeks to safeguard from development which would adversely affect their special landscape character. While it is acknowledged that Policy MP41 includes landscape as one of four elements to be considered when assessing proposals for mineral development, the importance of the AGLV designation is considered sufficient to warrant special consideration by a separate policy.
- 4.4.5 In considering extensions to existing mineral development tips, it may be possible to achieve an enhancement to an Area of Great Landscape Value. The second paragraph of Policy MP 7 encourages developers and decision-makers to give particular attention to enhancement that can be brought about by the proposed extension.

POLICY MP 7

COUNTY ENVIRONMENTAL DESIGNATIONS - AREAS OF GREAT LANDSCAPE VALUE

Proposals for mineral development within Areas of Great Landscape Value will not be permitted if they would harm the landscape qualities and features of those areas, unless the need for the mineral or the benefits of the development to the local economy override that harm.

In the case of extensions to existing quarries and mineral waste tips, regard will be had to the extent to which the proposal would achieve an enhancement of the designated site.

COASTAL PRESERVATION AREAS

- 4.4.6 The County Council first designated Coastal Preservation Areas (CPAs) in 1966 in response to Government advice that identified the need to safeguard unspoilt stretches of coastline. The extent of the CPAs is defined in detail in the Landscape Policy Areas Local Plan or in subsequently adopted District Local Plans. Structure Plan Policy C7 states that, with some exceptions, development will normally be opposed in CPAs in order to safeguard the undeveloped coast and protect its character.
- 4.4.7 The Proposals Map shows, hatched green, the extent of the Coastal Preservation Areas in Devon. This corresponds to areas of undeveloped coast where the character and appearance is considered sufficiently important to warrant a policy to protect it from harmful intrusion by minerals development.

POLICY MP 8

COUNTY ENVIRONMENTAL DESIGNATIONS - COASTAL PRESERVATION AREAS

Proposals for mineral development will only be permitted within a Coastal Preservation Area where they do not detract from the unspoilt character and appearance of the coastal area.

HERITAGE COAST

- 4.4.8 Significant stretches of Devon's coastline are defined by the Countryside Agency as Heritage Coasts in recognition of their outstanding qualities for the purposes of managing the areas of naturally important coastal landscape
- 4.4.9 It should be remembered that there might be some overlaps with these designations. For example, a Heritage Coast may be within a Coastal Preservation Area. In such cases the more restrictive of the relevant policies would apply.

CONSERVATION AREAS

- 4.4.10 There are about 250 Conservation Areas, which are designated by District/Borough Councils in the Plan area. These are areas of special architectural or historic interest, the character and appearance of which it is desirable to preserve or enhance. Permission is required to demolish buildings within a Conservation Area, and the Local Planning Authority is required to pay special attention to the desirability of preserving or enhancing its character and appearance in dealing with development proposals.

POLICY MP 9

CONSERVATION AREAS

Proposals for mineral development which would conflict with the objective to preserve and enhance the character and appearance of Conservation Areas will not be permitted, unless the need for the mineral or the benefits of the development to the local economy override the harm to the Conservation Area.

COUNTY SITES AND MONUMENTS REGISTER (SMR)

- 4.4.11 Accurate expert information on the condition and significance of archaeological sites affected by mineral development proposals is essential prior to the determination of any application. In assessing the importance of any particular archaeological site, the basic source of up-to-date information will be the County's SMR, and the Secretary of State's non-

statutory criteria of national importance set out in PPG16. In order to take account of previously unknown or undervalued sites, there is an established consultation procedure, desk-top assessment and field evaluation, outlined in PPG16, which the County Council will follow in dealing with applications for mineral development.

- 4.4.12 Whilst it is always preferable to avoid disturbance of an archaeological site this may not always be possible. Early discussions between the developer and the MPA may allow for a modification of the original proposal so as to minimise the impact on an archaeological site. Where disturbance or destruction is an inevitable consequence of the development it will be necessary for the developer to investigate and record archaeological sites prior to their destruction in accordance with a scheme previously agreed with the County Council. In most cases the cost of such survey and recording will be required to be met by the developer.
- 4.4.13 Where mineral exploitation brings to light the loss or potential loss of concealed archaeological information or the exposure of geological sections which are of public interest, the MPA will require the developer to make these, or the information they contain, available for public benefit.

NON STATUTORY ENVIRONMENTAL DESIGNATIONS

- 4.4.14 Devon's wildlife and geological interest is not confined to designated conservation sites, but is also distributed widely around the County in both rural and urban locations. Many sites are of notable importance for their habitats, species, geology or geomorphological features. PPG9 'Nature Conservation' indicates that local plans should identify sites with relevant local nature conservation value and ensure that the protection and enhancement of these interests is properly provided for in development and land-use policies.
- 4.4.15 Over 1,400 sites throughout Devon have been identified as comprising features considered to be of wildlife significance in the County context. A rigorous selection system for such sites - usually referred to as **County Wildlife Sites** - is co-ordinated by the Devon Biodiversity Record Centre. Such sites are increasingly being defined through district-wide local plans.
- 4.4.16 A similar system is operated by the Devon RIGS group to identify geological sites considered to be important in a Devon context. These are referred to as County Geological Sites or, alternatively, as Regionally Important Geological Sites (RIGS) More than 150 such sites have been selected to date as a result of detailed surveys, with this process continuing on a District by District basis.
- 4.4.17 Where sites of local conservation importance are affected by mineral development the proposals will need to be adequately assessed in order to ascertain

their impacts and to assess whether or not there are no less damaging alternatives or whether the proposals can provide sufficient mitigation to outweigh any harmful impacts.

- 4.4.18 The protection and enhancement of sites and features of either nature conservation interest or historic importance will be a significant consideration in assessing development proposals. Where necessary, additional information relating to ecological, geological, archaeological or historic interests will be sought from applicants for this purpose. The MPA will ensure that proper account is taken of nature conservation or historic matters when considering proposals for mineral development in order to maintain and enhance the resource in line with Government policy and in keeping with the aims of environmental sustainability.
- 4.4.19 Mineral development can provide opportunities to promote nature conservation, landscape improvement and the enhancement of local distinctiveness, and this can be achieved by the use of appropriate conditions and legal agreements. This can include permanent conservation features to replace those to be removed by the proposed development, or temporary ones to act as alternative habitats while development, restoration and aftercare is carried out to replace the original feature. In each case the proposals will need to ensure that the alternative feature is firmly established before the original is removed.

POLICY MP 10

MAINTENANCE OF THE COUNTY'S NATURE CONSERVATION RESOURCE

Proposals for mineral development will not be permitted unless provision is made to maintain or enhance the extent, diversity and local distinctiveness of the County's nature conservation resource.

- 4.4.20 It is expected that mineral developers will provide the MPA with detailed information regarding the characteristics of the site and an evaluation of the effects that their proposal will have on the wildlife, geological and archaeology features as an integral part of their development proposals. Similarly, it is also expected that mineral developers will provide for effective mitigation or compensatory measures as part of their development proposals. The MPA will endeavour, in the case of nature conservation interest, to establish an appropriate link with biodiversity action plans.

STATEMENT OF INTENT - S4 MAINTENANCE AND IMPROVEMENT OF NATURE CONSERVATION RESOURCE

The County Council will seek to use planning conditions and planning obligations to mitigate or compensate for any adverse impacts on the County's nature conservation resource.

Opportunities will be sought to manage, restore and enhance key conservation interests in line with the targets set through the Devon Biodiversity Action Plan.

- 4.4.21 Where damage or destruction to features of historic importance is considered inevitable the proposals should minimise destruction of such features and their settings, and there should be a full programme of investigation carried out prior to, and during, the development.

STATEMENT OF INTENT - S5 MINIMISATION OF ARCHAEOLOGICAL DESTRUCTION

The County Council will seek to minimise the destruction of archaeological sites and in cases where the loss of archaeological deposits is permitted, will require the commissioning of an agreed programme of investigation, recording, post-excavation analysis and publication of findings.

- 4.4.22 While much of the County has been designated to reflect its high quality and diverse landscapes and character, the scale and quality of much of the remaining undesignated landscape makes it important that the Minerals Local Plan should also consider the effect of any mineral proposals on all areas within Devon.
- 4.4.23 Assessment of a proposed mineral development should include its effects on the landscape and its character, the fauna and flora and the effects on the human element of the area. The assessment should also consider the effects on the area of the site's eventual restoration, aftercare and afteruse on the character and diversity of the area.
- 4.4.24 The final paragraph of Policy 11 encourages developers and decision-makers when considering extensions to existing mineral development, to give particular attention to the way in which such development would achieve overall environmental enhancement.

POLICY MP 11 ENVIRONMENTALLY SENSITIVE SITES NOT HAVING STATUTORY DESIGNATION

Proposals for mineral development which are likely to have adverse effect on the following local sites of substantive nature conservation or historic environmental importance, or their settings:

- County Wildlife Sites;
- County Geological Sites;
- Local Nature Reserves;
- Significant sites recorded on the County Sites & Monuments Register;
- Sites which following survey are found to be of equivalent importance to those above;
- Sites of recreational value,

will only be approved if:

- (a) the developer provides sufficiently detailed evaluation of the environmental impacts to allow a full assessment to be made of the acceptability of the impact of development and the adequacy of any proposed mitigation; and,
- (b) there is an overriding need for the mineral which outweighs the need to safeguard the nature conservation or historic value of the site or its setting; and,
- (c) there are no reasonable, less damaging solutions or availability of suitable secondary or recycled materials; and,
- (d) the development incorporates satisfactory provision for the mitigation of its impacts in the form of habitat creation/re-creation, conservation of geological or other features, and the recording, excavation, analysis and subsequent publication of historic sites or archaeological features to be affected.

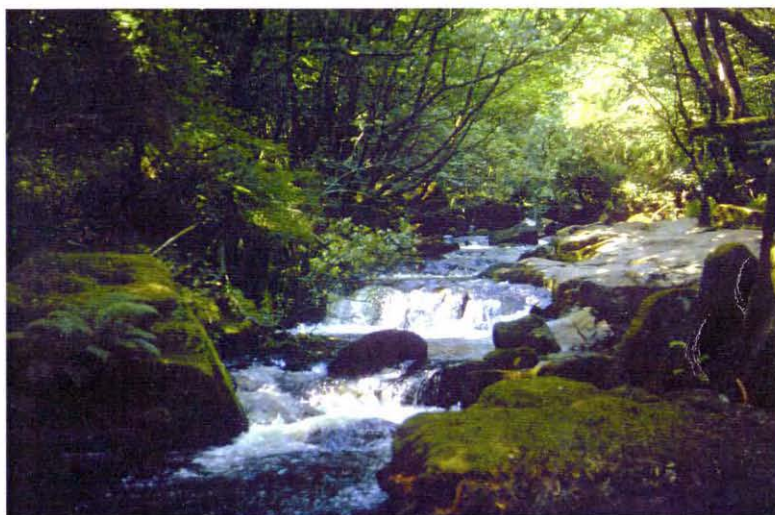
Proposals for mineral development in the countryside will not be permitted if they would harm its landscape or historic character, its natural resources or its ecological, agricultural, recreational or archaeological value, unless the need for the mineral, or the benefits of the development to the local economy override that harm.

In the case of extensions to existing quarries and mineral waste tips, regard will be had to the extent to which the proposal would achieve overall environmental enhancement.

CARADON LOCAL PLAN

Adopted December 1999

1. General Chapters.



Caradon District Council
Forward Planning, Countryside
& Leisure Services



the usual manner. As with the Landscape Areas, boundaries have been drawn to coincide, as far as possible, with natural or man-made features.

- 7.76 The District Council will support measures to preserve the Rame Forts and which provide interpretation and access where possible. The significance of the fortifications on the Rame Peninsula is described above. Forts or batteries at Scraesdon, Tregantle, Tregonhawke, Maker Heights, Greville, Cawsand and Picklecombe are all scheduled Ancient Monuments. English Heritage and the CAU have contributed to a survey of these and other features and have produced a strategy for their future protection. These could provide a substantial resource for rural tourism development as well as being worth preserving for their historic value.

ARCHAEOLOGY

POLICY CL19 HIGH PRIORITY WILL BE GIVEN TO THE PROTECTION, PRESERVATION AND ENHANCEMENT OF NATIONALLY IMPORTANT SCHEDULED AND UNSCHEDULED MONUMENTS AND OTHER SITES AND BUILDINGS OF ARCHAEOLOGICAL AND HISTORIC SIGNIFICANCE IN THE PLAN AREA THROUGH THE FOLLOWING MEASURES:-

- (i) **DEVELOPMENT PROPOSALS WHICH WOULD PREJUDICE THE PRESERVATION OF NATIONALLY IMPORTANT ARCHAEOLOGICAL REMAINS, WHETHER SCHEDULED OR NOT, AND THEIR SETTINGS, WILL NOT BE ALLOWED UNLESS THE DEVELOPMENT IS ALSO OF NATIONAL IMPORTANCE AND THERE IS NO ALTERNATIVE SITE.**
- (ii) **IF THERE IS EVIDENCE TO SUGGEST THAT SIGNIFICANT REMAINS MAY EXIST ON THE SITE OF A PROPOSED DEVELOPMENT, THE EXTENT AND IMPORTANCE OF WHICH ARE UNKNOWN, THE LOCAL PLANNING AUTHORITY WILL REQUEST THE DEVELOPER TO ARRANGE FOR AN ARCHAEOLOGICAL EVALUATION TO BE CARRIED OUT BEFORE THE PLANNING APPLICATION IS DETERMINED, THUS ENABLING AN INFORMED PLANNING DECISION TO BE MADE.**
- (iii) **WHERE PRESERVATION IN SITU IS NOT POSSIBLE THE LOCAL AUTHORITY WILL NOT ALLOW DEVELOPMENT TO TAKE PLACE UNTIL SATISFACTORY PROVISION HAS BEEN MADE FOR A PROGRAMME OF ARCHAEOLOGICAL INVESTIGATION AND RECORDING PRIOR TO THE COMMENCEMENT OF THE DEVELOPMENT.**

POLICY CL20 WHERE PROPOSED DEVELOPMENT IS LIKELY TO SIGNIFICANTLY AFFECT SITES OF COUNTY OR LOCAL

ARCHAEOLOGICAL IMPORTANCE, THEY SHOULD BE PROTECTED IN SITU, UNLESS THE SIGNIFICANCE OF THE REMAINS IS NOT SUFFICIENT, WHEN WEIGHED AGAINST THE NEED FOR DEVELOPMENT, TO JUSTIFY THEIR PHYSICAL PRESERVATION. WHERE RETENTION OF REMAINS IS NOT POSSIBLE, THE COUNCIL MAY IMPOSE CONDITIONS OR SEEK PLANNING OBLIGATIONS TO ENSURE THAT ADEQUATE ARCHAEOLOGICAL RECORDS ARE PREPARED BEFORE DEVELOPMENT COMMENCES.

- 7.77 **Reason:** In Cornwall, all known sites are included in the Cornwall and Isles of Scilly Sites and Monuments Record (SMR), and graded according to importance. Scheduled Ancient Monuments, by definition sites of national importance, are graded 'S'; other sites of similar quality or significance, but which are not yet scheduled, are graded as 'A' sites; sites of county or local importance are graded as 'B' sites, and sites of minor importance are graded as 'C'. Only a small number of sites are protected as Scheduled Ancient Monuments under the 1979 Ancient Monuments and Archaeological Areas Act. The District Council recognises the requirement, under Article 15 of the Town and Country Planning General Development Order, 1995, to consult English Heritage on developments likely to affect the site or setting of a Scheduled Ancient Monument. The majority of sites in the SMR have no statutory protection and must rely on the sympathetic application of planning and management policies for their survival and protection. The desirability of preserving archaeological sites and their settings will be a material consideration in the determination of planning applications whether those sites are scheduled or unscheduled. Planning Policy Guidance Note 16 'Archaeology and Planning' contains relevant policy and technical evidence. Policy CL19 does not apply to sites of county, local or minor importance.
- 7.78 **Comment:** Where there is reason to believe that significant archaeological remains exist on a development site, but where their extent and importance are uncertain, the District Council will normally require the developer to arrange for a desk assessment or rapid field evaluation to be carried out to furnish the information on which to base a planning decision. With the detailed information from careful evaluation, potential conflicts between the proposals of the developer and the need to conserve archaeological features can often be reduced by careful re-sitting or redesign of buildings and structures and by alternative foundation design.
- 7.79 If preservation *in situ* is not possible, then archaeological investigation and recording may be a necessary alternative. The Local Planning Authority will secure provision for archaeological investigation and recording either through conditions, a planning agreement under Section 106 of the TCPA, 1990, or similar powers. The Local Planning Authority may refuse planning permission in cases where developers do not seek to protect or accommodate archaeological remains. It is recommended that developers should hold early discussions with the Local Planning Authority and the County Archaeologist on the possible archaeological implications of proposed development.
- 7.80 Archaeological and historic sites make a fundamental contribution to the character and local distinctiveness of the county, enhancing peoples understanding and enjoyment of their environment and the District Council will encourage measures to ensure their long term conservation. This can be achieved by good management practices incorporated into countryside and urban strategies and other non-statutory documents, and, where resources permit, by acquisition by the District Council of the most valuable or vulnerable sites, or by

encouraging and assisting private owners of such sites, to maintain them in good condition, and to ensure the adoption of appropriate management regimes.

- 7.81 The District council may also seek to enter into management agreements or partnerships with private owners in order to secure the sympathetic management and public presentation of important sites within the District. English Heritage has indicated its willingness to assist with such plans in the document 'Ancient Monuments in the Countryside', and the District Council will encourage the wider adoption of such measures.

INDUSTRIAL HERITAGE

- 7.82 The dramatic scenery of the Tamar Valley has always attracted visitors, but it is only in the last 25 years that the historical and industrial importance of the area has been generally recognised. With increasing efforts in research, interpretation and restoration, a remarkable industrial and social history has emerged, which in itself attracts a volume of visitors that would have astonished the area's nineteenth century inhabitants. The restored port, study and recreation centre of Morwellham receives many thousands of visitors a year and much of the economic benefit is recycled back into the local economy.
- 7.83 The study of the physical remains of the area's industrial past is important in its own right, for the most significant features and structures are thereby identified. When followed by protection and interpretation, substantial benefits for recreation, education and the economy can result.
- 7.84 Happily many of the surviving industrial structures are now protected from demolition through their status as listed buildings. They remain in poor condition however, and are unprotected from the elements. Whilst the engine houses and chimneys are among the most memorable features of Cornwall, and particularly of this Local Plan area, other structures such as arsenic flues, kilns, quays, and associated buildings may be equally important to the industrial or social historian. The climate takes a toll though, and each year sees their condition deteriorate and their number decline. The Council therefore supports a programme of protection works in the area, similar for that already in operation in the Minions area. However, the funds available are limited, and such developments are heavily dependant on grants from other bodies. The programme has the following objectives:-
- (i) The preservation and protection of a valued part of the District's industrial heritage by means primarily of sensitive and carefully exercised physical work directed mainly at preventing further decay by the weather and removal of material by man.
 - (ii) The preservation and protection of physical features by legal powers.
 - (iii) The formation and publication of an industrial heritage and archaeological trail centred on the River Tamer and Kit Hill, with a view to promoting increased tourism at a scale suited to this sensitive landscape together with increased awareness of the District's history for local people and others.
 - (iv) Promotion of this "policy" in a manner which is to the advantage of the people of the area with particular regard to the use of local contractors, employees and local materials, existing hotel, guesthouses and "B&B" accommodation, and to the local facilities.

- 7.85 Consultation with and the co-operation of landowners, occupiers, Parish Councils, statutory bodies, societies with special interests, and individuals with a keen and knowledgeable interest in the area is regarded as particularly important, especially if these are able to take an active part in the project. The proposals and projects are overseen by members of the Tamar Valley AONB Forum, which includes members of the District Council and representatives of involved bodies.
- 7.86 Some structures, whether listed or not, may be threatened by development pressures that would result in loss or damage to the feature itself or its setting. In considering planning applications affecting industrial remains, the District Council will employ Local Plan Policies CL19 and EV3 and will use a wider definition of archaeology that includes those features of industrial or social significance for the area.
- 7.87 As part of its effort to protect and increase awareness of these archaeological remains, the District Council supports the creation of a ‘Tamar Trail’ and other recreational footpaths. These will link historic and recreational features with local transport facilities and with the wider countryside. This initiative is described more fully in the Recreational and Leisure Chapter.

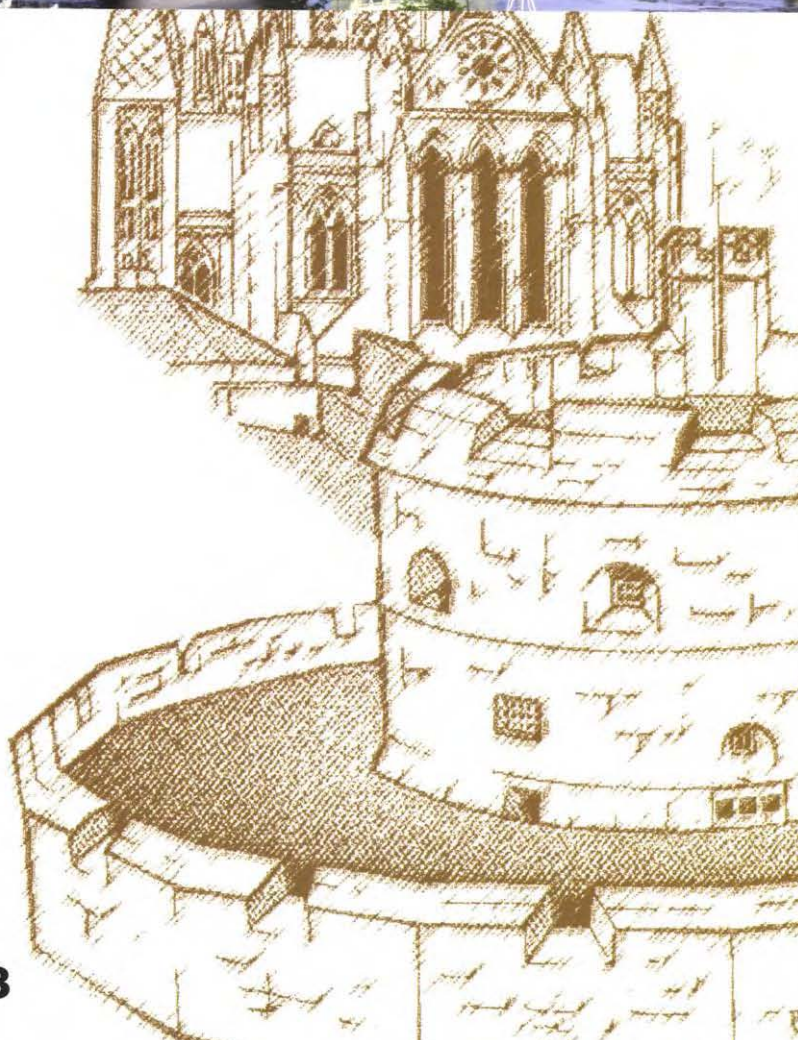
HISTORIC PARKS AND GARDENS

POLICY CL21 PROPOSALS FOR DEVELOPMENT AFFECTING THE HISTORIC PARKS AND GARDENS LISTED BY ENGLISH HERITAGE AND SHOWN ON THE PROPOSALS MAP WILL NOT BE APPROVED UNLESS ALL THE FOLLOWING CRITERIA CAN BE SATISFIED:

- (i) **THAT THE IMPORTANT HISTORIC AND ARCHITECTURAL FEATURES, LAYOUT AND ORNAMENTATION OF THE GARDEN ARE PRESERVED;**
 - (ii) **THAT THE CHARACTER OF THE PARKLAND SETTING IS PRESERVED OR ENHANCED AND**
 - (iii) **THAT TREES AND WOODLAND THAT CONTRIBUTE TOWARDS THE CHARACTER OF THE HISTORIC GARDEN ARE RETAINED.**
- 7.88 **Reason:** The informal parklands created around large country houses during the 18th and 19th centuries are historic landscapes in their own right. It is important that such estates and gardens are protected and sympathetically managed for the benefit of future generations.
- 7.89 English Heritage has compiled a register of parks, gardens and other land of special historic interest so as to encourage their protection, conservation and enjoyment. Although such a designation has no statutory force, it identifies those gardens which are of national importance as an essential part of our heritage.

CARRICK

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WRITTEN STATEMENT



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of the building on which they are set and not be so large as to be visually intrusive, and always respect and be sympathetic to the architectural integrity of the building and locality. The lettering size, design materials and colour should be sympathetic to the character of their surroundings.

4.11.2 In areas of particular sensitivity such as Conservation Areas and The Area of Outstanding Natural Beauty (AONB) internally illuminated signs can have a particularly detrimental impact upon the amenities and character of the area. These signs cause concern due to the use of materials such as Perspex which are usually incongruent when seen in relation to the attractive facades on traditional buildings. Their appearance is also unattractively bulbous due to the accommodation of fluorescent tubes, all of which contribute towards the detrimental impact on the overall amenities of the area.

4.11.3 Further detailed guidance on signs and shopfronts within Conservation Areas is provided in Carrick's Shopfront Design Guide and Signs Policy for Truro and Falmouth Conservation Areas which are published separately as supplementary planning guidance. The specific Conservation Area statements will also provide additional assistance in the assessment of each area's specific character.

POLICY 4R

WITHIN AREAS OF SPECIAL CONTROL OF ADVERTISEMENTS, THE AREA OF OUTSTANDING NATURAL BEAUTY, CONSERVATION AREAS AND ON LISTED BUILDINGS SIGNS SHOULD RESPECT THE ARCHITECTURAL INTEGRITY AND FEATURES OF THE BUILDINGS AND THE CHARACTER OF THE LOCALITY AND BE LOCATED SO AS NOT TO BE A CAUSE OF CONFUSION OR DANGER TO THE TRAVELLING PUBLIC.

4.12 Scheduled Ancient Monuments

4.12.1 Every proposal which affects such a site, or any proposal for works or modifications to the site, must be referred to the Secretary of State for the Environment for Scheduled Monument Consent. This is in addition to a requirement that planning consent be obtained from the District Planning Authority for any work for which planning consent would normally be required. The District Planning will take the effect of any development on the setting of an Ancient Monument into account in determining Planning Applications.

4.12.2 Similar considerations will be taken into account for sites identified as of national importance (i.e. Grade A sites within the Cornwall Archaeological Unit's Sites & Monuments record). While scheduled ancient monuments are identified on the Proposals Map care should be taken to ensure the CAU are consulted and their sites and monuments record consulted as new sites of importance are identified on a regular basis.

POLICY 4S

WHERE NATIONALLY IMPORTANT ARCHAEOLOGICAL REMAINS, WHETHER SCHEDULED OR NOT, ARE AFFECTED BY PROPOSED DEVELOPMENT, THERE WILL BE A PRESUMPTION

AGAINST PROPOSALS WHICH WOULD INVOLVE SIGNIFICANT ALTERATION OR CAUSE DAMAGE, OR WHICH WOULD HAVE A SIGNIFICANT IMPACT ON THE SETTING OF VISIBLE REMAINS.

4.13 Archaeology and Planning

4.13.1 Where it is evident that a proposal is likely to affect an archaeological site, the needs of archaeology and planning can usually be reconciled by the District Planning Authority and the Cornwall Archaeological Unit (CAU). The District Planning Authority may need to request detailed information about the proposed development scheme, and also ensure that they are fully informed about the nature and importance of the archaeological site and its setting.

4.13.2 Normally, it will be possible for the CAU to make an assessment of the impact of development on an archaeological site on the basis of readily available information, but where the extent, the character or potential of a site is uncertain, it is reasonable for the District Planning Authority to request the applicant to arrange for an archaeological evaluation to be carried out before a decision is reached. Evaluation will vary from development to development, but will normally be a rapid and inexpensive operation involving ground or building survey, geophysical survey and/or small scale trenching. Evaluations of this kind help to define the nature and extent of archaeological remains in the area of the proposed development, and thus indicate the weight which should be attached to their preservation. They also provide useful information for identifying potential options for minimising or avoiding damage, and allow informed and reasonable planning decisions to be made.

4.13.3 The District Planning Authority will request developers to provide this information as part of their application for sites where there is good reason to believe that there are remains of archaeological importance likely to be disturbed.

4.13.4 If an applicant is not prepared to provide for an acceptable evaluation to be carried out, the District Planning Authority may consider using its powers under the provisions of Article 4 of the Town & Country Planning (Applications) Regulations 1988, to direct them to do so, and in some cases a formal Environmental Assessment may be necessary (as prescribed in DoE Circular 15/88).

4.13.5 Archaeological evaluations should be carried out only by suitably qualified practitioners. The CAU can arrange for evaluations to be carried out for an applicant, or alternatively, the Institute of Field Archaeologists will advise on other suitable organisations and consultants.

4.13.6 Once the District Planning Authority have sufficient information, there are a range of options for the determination of the planning application and the Authority will seek where possible to ensure that potential conflicts with developers are resolved.

4.13.7 The developer should demonstrate that there is provision for an acceptable programme of recording work if a decision is reached allowing a development to proceed on a site of archaeological or historic importance.

4.13.8 It should be emphasised however, that the preservation in situ of important archaeological remains is always to be preferred

and this should be the primary objective of all negotiations. If preservation in situ is not feasible, an archaeological excavation for the purpose of preservation by record may be an acceptable alternative. This should always be seen as a second best option.

4.13.9 Agreements can take different forms, for example, under Section 106 of the Town & Country Planning Act 1990 or along the lines of the British Archaeologist's and Developer's Code of Practice, or conditions on the planning consent. Agreements may cover provision for detailed ground or building surveys, excavation in advance of development or the carrying out of a watching brief as the development proceeds. The extent of the developer's commitment and the limits to the archaeologist's involvement should be set out clearly, thereby reducing any uncertainty over the financial implications and the possibility of delays.

POLICY 4T

WHERE PROPOSED DEVELOPMENT IS LIKELY TO SIGNIFICANTLY AFFECT SITES OF LOCAL ARCHAEOLOGICAL IMPORTANCE, THEY SHOULD BE PROTECTED IN SITU, UNLESS THE SIGNIFICANCE OF THE REMAINS IS NOT SUFFICIENT, WHEN WEIGHED AGAINST THE NEED FOR DEVELOPMENT, TO JUSTIFY THEIR PHYSICAL PRESERVATION. WHERE RETENTION OF REMAINS IS NOT POSSIBLE, THE DISTRICT PLANNING AUTHORITY MAY IMPOSE CONDITIONS OR SEEK PLANNING OBLIGATIONS TO ENSURE THAT ADEQUATE ARCHAEOLOGICAL RECORDS ARE PREPARED BEFORE DEVELOPMENT COMMENCES.

4.13.10 The District Planning Authority recognise the social, economic, cultural and educational value of archaeological and historic sites and the contribution that these make to the character and appearance of the landscape. Proposals to conserve, manage and improve archaeological sites will be supported and encouraged, and emphasis will be given to promoting the understanding and appreciation of these sites.

4.13.11 If and when resources become available, management plans will be prepared for all archaeological sites in Carrick District Council's ownership, and also for the important heritage areas of Glasney (Penryn), Pendennis Headland (Falmouth) and the numerous engine houses throughout the District.

POLICY 4U

PLANNING PERMISSION WILL BE GRANTED FOR PROPOSALS WHICH THROUGH MANAGEMENT AND INTERPRETATION ENCOURAGE AND DEVELOP THE CULTURAL, RECREATION, EDUCATIONAL AND TOURIST POTENTIAL OF ARCHAEOLOGICAL AND HISTORIC SITES AND MONUMENTS, SUBJECT TO ALL OF THE FOLLOWING CRITERIA BEING MET:-

i] NO ADVERSE IMPACT UPON THE CHARACTER OR SETTING OF THE SITE;

ii] A SAFE MEANS OF ACCESS CAN BE PROVIDED AND THE APPROACH ROADS CAN REASONABLY ACCOMMODATE THE ADDITIONAL TRAFFIC;
iii] PARKING CAN BE PROVIDED IN ACCORDANCE WITH APPROVED STANDARDS AS SET OUT IN POLICY 5EA.

4.14 Historic Settlements

4.14.1 In most Cornish towns few of the medieval buildings or other features remain, above ground and in use. There are in fact few details of urban life in Cornwall in this era. What information does exist is retained in the street patterns, layout and underground in the archaeological remains within the area.

4.14.2 When through the redevelopment of sites, access to such remains become available, it is obviously important that the opportunity is taken to survey and study them before the development proceeds. The areas identified are those most likely to contain such remains being the cores of the District's main medieval settlements. In considering whether such excavation is appropriate, the Planning Authority will consult with the Cornwall Archaeological Unit to assess the likely significance of the particular site.

4.14.3 All developments should respect the historic form and character of the settlement. For example, the historic street pattern should wherever possible be retained, which can be threatened by the larger scale of more modern developments. Where remains of particular significance are found proposals will be considered against the appropriate policies in this Chapter.

4.14.4 The towns included were drawn from the Council for British Archaeology's publication, "The Erosion of History - Archaeology & Planning in Towns", edited by Carolyn Heighway (CBA 1972), and then included within "The Historic Town of Cornwall - An Archaeological Survey" by Peter Sheppard (1980). A number of yardsticks were used to define each town's significance in the medieval era, the possession of charters, jury representation, taxation returns, parliamentary representation and of course the actual physical characteristics. The general guide was to include only those settlements (with the exception of Falmouth) that can be shown to have possessed urban or borough status by the end of the Middle Ages, taken in this context to be the end of the 16th Century. These were therefore the most important settlements in the medieval time and therefore the most likely urban areas to contain significant archaeological remains from that era. The defined areas include the early street patterns and the presumed medieval town areas, based on the best available evidence.

POLICY 4V

IN CONSIDERING PROPOSALS FOR DEVELOPMENT WITHIN THE HISTORIC SETTLEMENTS OF TRURO, FALMOUTH, PENRYN, ST.MAWES, TREGONY AND MITCHELL, THE DISTRICT PLANNING AUTHORITY WILL REQUIRE IN APPROPRIATE CASES FOR PROVISION TO BE MADE FOR ARCHAEOLOGICAL EXCAVATION/RECORDING BEFORE DEVELOPMENT COMMENCES.

WRITTEN STATEMENT

**KERRIER DISTRICT LOCAL PLAN
1996 – 2011
(Revised Deposit Draft 2002)**

**The Local Plan for the District of Kerrier
in the County of Cornwall**

**An Delynyans Tythyak rak an Randyr a Gerrier,
y'n Conteth a Gernow**

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OBJECTIVES

4.1

- (a) to maintain the local character, distinctiveness and appearance of the built environment, attractive traditional qualities and architectural features of settlements and buildings new and old and to preserve and enhance the archaeological and historical heritage;
- (b) to improve public access to and enhance the appreciation of the historical and archaeological heritage and in particular the interpretation of the mining heritage as part of the local culture and particular character and individuality of the area;
- (c) to conserve the landscape setting of historic buildings and open areas essential to the character of built-up areas;
- (d) to protect Listed Buildings, scheduled Ancient Monuments and other sites of archaeological and historic importance;
- (e) to identify areas of sufficient character to merit designation as Conservation Areas;
- (f) to preserve and enhance the character of designated Conservation Areas;
- (g) to conserve OALS and smaller open spaces within settlements that are significant to the amenity and character of the built environment and minimise the spread of development into the open countryside;
- (h) to encourage the use of traditional styles and building materials within areas of visual or historical importance, the coastal areas and as part of the conservation of the diversity and distinctive local character and appearance of the area;
- (i) to ensure that proposals for development harmonise with their surroundings and do not detract from its qualities, detract from its amenities or harm the natural or historic environment;
- (j) to encourage the re-use, refurbishment and rehabilitation of unused buildings and sites, areas of poor appearance, neglected buildings and deteriorating surroundings;
- (k) to secure the improvement of the environment of town and village centres through the encouragement of the vitality and viability of the shopping centres;
- (l) to secure the enhancement of the environment of the town centres through schemes of improvement associated with the management of traffic to benefit the pedestrian environment and reduce extraneous traffic congestion, pollution and conflict;
- (m) to retain traditional features on shopfronts in areas of acknowledged visual importance and to maintain the architectural integrity of the building within which they are located;
- (n) to provide for a consistently high standard of advertisements and signs throughout Kerrier District and an enhancement of standards for areas of acknowledged visual importance and character;
- (o) to design to reduce crime, vandalism, noise nuisance and unnecessary illumination; and
- (p) to encourage energy efficiency in design, layout and use of materials.

HISTORIC HERITAGE

Archaeology

4.2 Kerrier has a particularly rich endowment of archaeological remains. Sites of archaeological and historic importance and interest range from settlements dating back 6,000 years to prehistoric ceremonial and burial complexes, Medieval crosses, holy wells and Church sites founded by early Christian Saints.

4.3 The mining and quarrying remains of the industrial revolution of the last 200 years are a heritage that is of international importance because of its limited distribution. The prehistoric landscape and remains are also particularly well preserved. Having an extensive coastline Kerrier also has a specifically maritime heritage.

4.4 Archaeological remains are in many instances a unique and irreplaceable resource that is vulnerable to destruction from new development. They form part of Kerrier's cultural heritage. They provide a record of the past and have a wider role in the community for education, recreational and leisure interests.

4.5 The Cornwall County Archaeologist maintains the County Archaeological Sites and Monuments record. This identifies and holds information on sites of historic and archaeological interest. A small proportion of sites enjoy statutory protection as scheduled Ancient Monuments or Listed Buildings but the majority of sites have no such protection. It is important to preserve and enhance the wealth of archaeological heritage besides those remains of national importance with statutory protection.

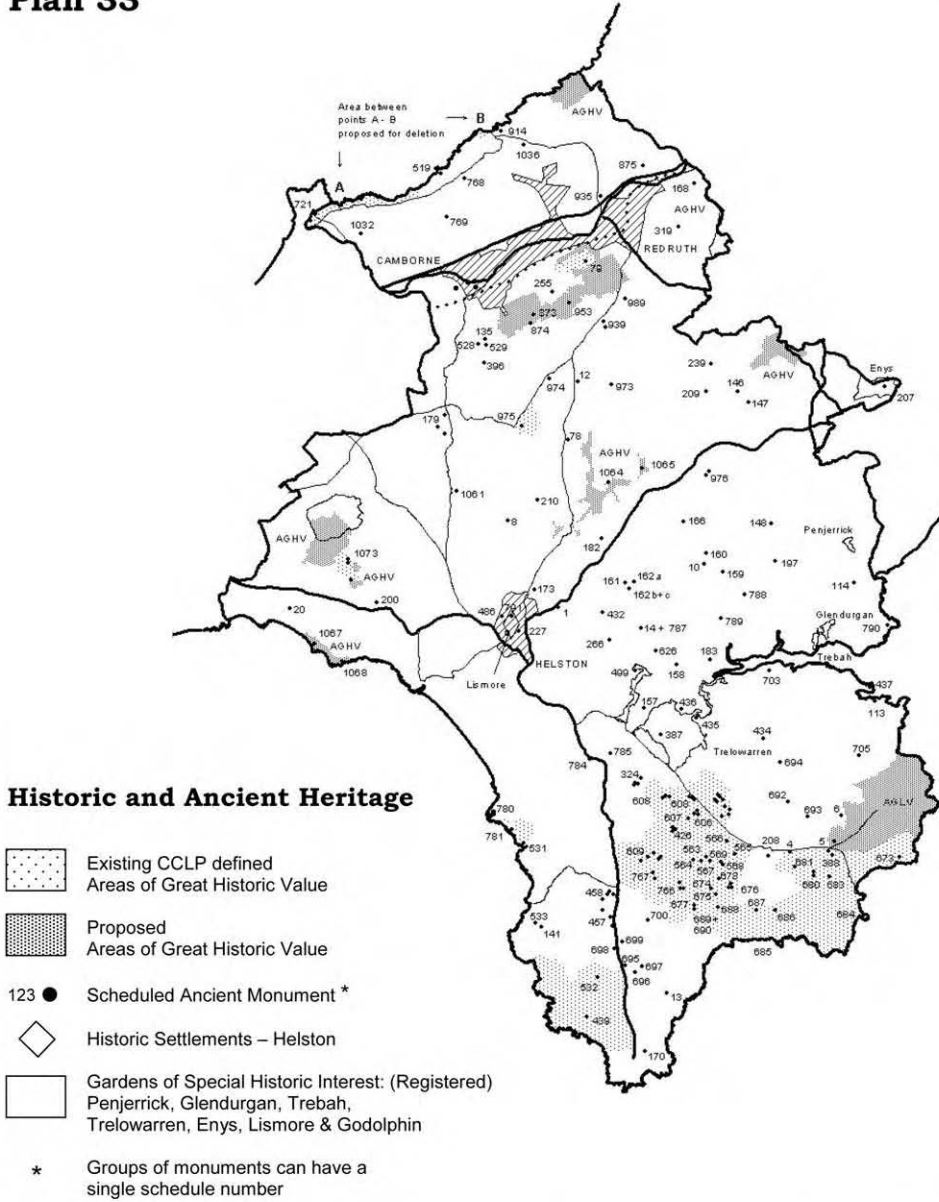
4.6 In the consideration of development proposals likely to affect archaeological sites, the guidance of the Cornwall County Archaeologist will be taken into account. Proposals which would harm archaeological or historic sites or their setting are unlikely to be approved. The preservation in situ of important archaeological remains is nearly always to be preferred.

4.7 Where it appears likely that a development proposal would affect archaeological remains, it is essential that sufficient information be provided by the applicant to enable the application to be assessed in relation to its effect on the archaeological heritage. Detailed information on both the siting and design of the proposal and the extent, nature and importance of the archaeological remains may be required. It may be necessary for the applicant to commission an archaeological assessment or field evaluation to supplement available information. This will need to define the amount and extent of the archaeological remains and identify those which are of significance to enable the impact of the proposals to be properly assessed.

4.8 In some cases it may be appropriate for development to proceed following an archaeological evaluation. This may be dependent upon amendment to the layout, siting and design of the proposal to minimise harm or to preserve or enhance remains of value. If preservation on site is accepted as impossible or unnecessary, when the importance of the site and remains is weighed against the community benefits of the development, then archaeological investigation, excavation and recording before and during development may be an appropriate alternative. Planning permissions may be granted subject to planning conditions or where an agreement is necessary an Obligation under Section 106 of the Town and Country Planning Act 1990 to secure this.

4.9 Archaeological and historical remains are part of Kerrier District's character and its attraction. They have cultural and economic value as well as contributing to the character and appearance of the landscape. Non-statutory sites are of importance to the understanding and appreciation of the local heritage. Proposals to manage, conserve and enhance archaeological sites or to improve public access and

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 Chief Planning and Development Officer

interpretation will be encouraged and supported to develop their educational and recreational potential providing there is no harm to their character or setting. An important constraint will be the provision of adequate and safe access and parking.

4.10 The acquisition of the most important or most vulnerable sites will be supported as part of a wider scheme of interpretation of Kerrier's heritage. Kerrier District Council may also enter into management agreements with other authorities and organisations to provide for the responsible ownership and sympathetic management of important sites. The interpretation of archaeological and historic sites and structures should form part of a scheme for the management, acquisition and conservation of the historic heritage. Emphasis will be given to the promotion of the understanding and appreciation of the cultural heritage.

POLICY B.EN1: HISTORIC HERITAGE – ARCHAEOLOGY

DEVELOPMENT THAT WOULD SIGNIFICANTLY HARM SITES, BUILDINGS AND OTHER REMAINS OF ARCHAEOLOGICAL AND HISTORIC IMPORTANCE, OR THEIR SETTING, WILL NOT BE PERMITTED UNLESS THERE IS A NEED FOR THE DEVELOPMENT AND THE BENEFITS FOR THE COMMUNITY OUTWEIGH THE ARCHAEOLOGICAL IMPORTANCE. WHERE IT AFFECTS ARCHAEOLOGY THAT IS FOUND TO BE OF NATIONAL IMPORTANCE, DEVELOPMENT WILL ONLY BE PERMITTED IF THE REMAINS CAN BE PRESERVED IN-SITU WITHOUT SIGNIFICANT HARM TO THEM AND TO THEIR SETTING; WHERE IT AFFECTS OTHER SITES AND ON-SITE PRESERVATION IS IMPRACTICABLE OR UNNECESSARY, THE DEVELOPMENT SHOULD INCLUDE EXCAVATION AND RECORDING OF SIGNIFICANT REMAINS AND A PLANNING OBLIGATION TO SECURE THIS WILL BE SOUGHT.

Scheduled Ancient Monuments

4.11 There were 149 Ancient Monuments in Kerrier District at the beginning of the Plan period. They range from prehistoric settlement sites and burial mounds to Celtic crosses, castles and mine engine houses. Such scheduled sites or monuments are of national importance and are of great archaeological value. The large number of sites together with their state of preservation gives Kerrier District a record of the past that is of national importance. There is a particularly dense concentration of Scheduled Bronze-Age burial mounds on the Lizard Downs. English Heritage is reviewing the Schedule of Ancient Monuments to ensure that it is representative of the best and most important sites in the country which is likely to result in an increase in the number in Kerrier District.

4.12 Scheduled Ancient Monuments are protected by law as sites of national importance. They are designated by the Secretary of State on the recommendation of English Heritage (the Historic Buildings and Monuments Commission, England). English Heritage has a statutory duty to secure the preservation of Ancient Monuments and historic buildings and to promote public knowledge and enjoyment of the country's heritage.

4.13 The statutory procedures for designation of Ancient Monuments are completely separate to the Local Plan process. Policies relating to their protection are included within the CSP. Land owners are notified by English Heritage of scheduling within their ownership and of the legal penalties for harming them. Sites are identified on the Proposals Map.

4.14 Proposals for development of scheduled sites require consultation with English Heritage. In addition to planning permission any proposals for works affecting a scheduled Ancient Monument must be submitted to the Secretary of State in order to secure Scheduled Monument Consent. The consent of the Secretary of State is required before any works are carried out which would have the effect of demolishing, destroying, damaging, removing, repairing, altering, adding to, flooding or covering up the monument. In considering planning applications the effect of any proposals on the setting of an Ancient Monument will be taken into account. The desirability of preserving an Ancient Monument and its setting is a material consideration.

POLICY B.EN2: HISTORIC HERITAGE - SCHEDULED ANCIENT MONUMENTS

DEVELOPMENT THAT WOULD SIGNIFICANTLY HARM A SCHEDULED ANCIENT MONUMENT, ITS SETTING OR ARCHAEOLOGICAL INTEREST WILL NOT BE PERMITTED.

Areas of Great Historic Value

4.15 In parts of Kerrier the extent of survival and the density of archaeological and historic sites is such that the historic landscape merits recognition. Some parts of Kerrier were designated in 1981 by the CSP as AGHVs. The precise boundaries of these designations were defined in the CCLP in 1985.

4.16 Areas are designated where the landscape has changed little from previous historical periods so that ancient historical landscapes of countryside importance have been preserved. Within these areas it is possible to view the archaeological remains in their original settings and to appreciate the relationship of individual sites to each other.

4.17 It is important to protect the overall character of the landscape from significant changes. In some cases there are concentrations of Scheduled Ancient Monuments. It is also likely that many unrecorded sites exist beneath the ground. The designation of the AGHVs also reflects the need to protect Ancient Monuments within the setting of the historical landscape.

4.18 In considering proposals for development, the importance of protecting archaeological and historic sites and features and their setting will be taken into account as well as the need to conserve the historic character of the area. This will be given particular priority within the AGHVs. The views of the Cornwall County Archaeologist will be taken into account in respect of proposals likely to affect known historic and archaeological sites or where there is a likelihood of such remains.

4.19 The designated AGHVs were identified to protect prehistoric sites that had survived relatively undisturbed within areas of moorland. Further investigation by the Cornwall County Archaeologist has identified additional areas of historical landscape representing particular historic periods or activities which merit protection. Kerrier has an important and varied industrial archaeological heritage of international significance, being at the forefront of the industrial revolution. An assessment of

Medieval and earlier landscapes by Cornwall County Council has included well-preserved examples unaffected by modern farming practices. The designated AGHVs, including those added following review of the CSP, are described below.

- (a) Carn Brea (B534): Carn Brea hill is an important local landmark and a Conservation Area. It is of great historic value because it is one of very few examples of a defended Stone Age settlement in the United Kingdom and is one of the most important archaeological sites in Cornwall. Settlement dates from 6,000 years ago on the tors and, in the Iron Age, in the saddle between them. It is also a Cornwall Wildlife Trust Nature Conservation Site of particular interest for its upland slime ponds. A management plan has been prepared by Kerrier District Council, who has owned much of the site (51 ha) since 1984, to facilitate management, protect and enhance the area although large sections of moorland and some residential properties remain in private ownership. The CSP proposes an extension to this AGHV to the south to include the Great Flat Lode and this is described later.
- (b) Godrevy to Portreath (B535): The coastal strip from the Penwith boundary to Portreath is known to contain archaeological remains including burial mounds and settlement sites. Some are buried by sand and preserved beneath the unploughed coastal downs. The CSP has excluded the narrow coastal rough land belt to the north, which is mostly within Kerrier District, leaving an area adjoining Kerrier District's boundary at Godrevy Towans.
- (c) Gunwalloe, Church Cove and the Towans (B536): There are several Bronze Age burial mounds, an Iron Age cliff castle, an early Medieval manor and early Christian Church site in this area amongst the sand dunes and cliff top downs. The sand blanket has protected these sites.
- (d) Crowan Beacon (B537): The hilltop of Crowan Beacon is surmounted by a large Bronze Age burial cairn and on the hill slopes below can be seen the remains of a well preserved prehistoric field system.
- (e) Godolphin and Tregonning Hills (B538): These prominent landmarks have archaeological sites surviving in the moorland. Tregonning Hill, which is a Conservation Area, has on its summit the remains of an Iron Age hill fort, Castle Pencaire, and on the northern lower slopes, 2 Rounds linked by a Medieval field system. The CSP has proposed substantial extensions to the AGHV and these are shown on the Proposals Map of the KDLP. These comprise the saddle between the 2 summits where there are the remains of the mining landscapes of Great Work Mine and a south-easterly extension. This includes the industrial site of a former brickworks. Godolphin House is not within the AGHV but forms part of its setting.
- (f) The Lizard Peninsula (B539): The south-west, central and south-eastern parts of the Lizard Peninsula are areas of heathland where the landscape has remained little altered for centuries. A range of archaeological and historic sites have survived within their contemporary landscape setting providing evidence of occupation up to 10,000 years ago. Extensive and well preserved settlements and field systems of the Bronze Age survive in moorland areas and along the coast. This is also one of the few areas to produce evidence of salt working in the Roman period. It is possible to see the remains of settlements and field systems in the historic landscape. The CSP proposes to extend this area in the south-eastern Lizard area where there are ancient field systems, settlements and ancient tracks that connect them around St Keverne.
- 4.20 In addition to the deletions and extensions to the AGHVs defined in the CCLP, the following areas are also now proposed as AGHVs. This is to extend coverage to include areas of historic industrial importance. They are examples of the distinctive historic industrial and mining landscapes of the area. Where there are areas containing large numbers of historic mine buildings, mining remains, associated industrial buildings and transport systems, they are considered to be of historic value and worthy of protection. These are proposed in the CSP. They are shown as proposals on the Proposals Map to determine the detailed boundaries.
- (g) Porkellis and Medlyn Moors (B541): The upper valley of the Cober around Porkellis and Medlyn Moors has a variety of remains from the mining industry. It has a wide range of industrial structures including mine buildings, chimneys and former engine houses running down the valley. The majority of tin produced in Cornwall was until the 18th Century extracted by stream-working. The Wendron/Porkellis/Cober Valley area contains some of the best and most extensive remains of this technology in West Cornwall.
- (h) Kennall Valley (B542): In the north-east of Kerrier District the deeply incised valley of the Kennall River contains a succession of historic sites from Stithians to the east of Ponsanooth village. The Kennall River and its many water races and leats provided motive power for a remarkable number of industries including corn mills, paper mills and a sawmill. The main concentration of sites lies in the woods to the west of Ponsanooth. The historic area overlaps into Carrick District at Perran Wharf and Foundry, one of Cornwall's historic iron foundries and mineral harbours. Within Kerrier District the most important industry on the Kennall Valley was the gunpowder factory. The valley contains a well-preserved collection of 19th Century water powered mills used for the manufacture and storage of gunpowder. Gunpowder was an essential component of the hard rock mining and quarrying industry.
- The industrial remains also include those of Wheal Magdalene and Roscrow, United Mines and to the east is Cosawes Gunpowder Works and Quarry. Within the village of Ponsanooth are many historic structures including a brew house, clothing factory, corn and paper mills and institutions related to the 19th Century industrial community such as Chapels and school buildings. Nearby are the disused Brunel Viaduct piers. Within the designated area are the remains of Medieval settlements at Trebarveth and Kennall Farm. There are also a number of mills to the south and west of Stithians outside the proposed area.
- (i) The Great Flat Lode (B534): The Great Flat Lode Mining Landscape proposed AGHV extends the designated Carn Brea AGHV. The Great Flat Lode to the south of Carn Brea is the heart of the historic mining area. It has the most dense concentration of upstanding mining remains in Cornwall, including remains of an extensive tramway network linking various sites. They represent the range and diversity of historic mining structures and processes. It contains the former Basset Mines and 22 former engine houses. There are 3 of the most complete and impressive complexes of mine buildings at West Basset Stamps, Marriots and King Edward Mine. The importance of the Great Flat Lode cannot be overstated in terms of industrial archaeology and the remains are of international importance.
- (j) Rinsey and Trewavas Head (B543): This area contains the remains of mine workings, including 2 spectacular former coastal mine engine houses which are scheduled Ancient Monuments. The mine workings extend below the sea.
- (k) St Day/Gwennap Central Mining District (B544): This area lies mostly within Carrick District and only its western edge overlaps into Kerrier. The area reflects the importance of industrial history. It includes former mines, mining landscapes and field systems for miners' smallholdings. It forms part of the Mineral Tramways Area.
- (l) St Agnes to Perranporth (B545): This area overlaps onto the north coast of Kerrier adjoining Kerrier District's boundary at Nancekuke.

This is an extension to the existing designation in Carrick and includes industrial sites and the military airfield on Nancekuke Common, reflecting the importance of the mining landscape.

POLICY B.EN3: HISTORIC HERITAGE - AREAS OF GREAT HISTORIC VALUE

DEVELOPMENT WITHIN THE AREAS OF GREAT HISTORIC VALUE THAT WOULD SIGNIFICANTLY HARM THEIR HISTORIC CHARACTER OR THE PRESERVATION OF ARCHAEOLOGICAL OR HISTORIC REMAINS AND THEIR SETTING WILL NOT BE PERMITTED.

PROPOSALS B534/B545: AREAS OF GREAT HISTORIC VALUE

Proposal number	Site location	Proposal
B534	Carn Brea and the Great Flat Lode	Carn Brea AGHV (and extension to area designated in CCLP to include the Great Flat Lode)
B535	Godrevy to Portreath	AGHV (adjoining Penwith District at Godrevy Towans)
B536	Gunwalloe, Church Cove and the Towans	AGHV
B537	Crowan Beacon	AGHV
B538	Godolphin and Tregonning Hills	AGHV (with proposed extensions to area designated in CCLP)
B539	The Lizard Peninsula	AGHV with an East Lizard extension to area designated in CCLP
B541	Porkellis and Medlyn Moors	AGHV (new proposal)
B542	Kennall Valley	AGHV (new proposal)
B543	Rinsey and Trewavas Head	AGHV (new proposal)
B544	St Day/ Gwennap Central Mining District	AGHV (new proposal)
B545	St Agnes to Perranporth	AGHV (new proposal in Kerrier District extending designation in Carrick into Kerrier District)

Industrial Archaeology and Mining History

4.21 From 1750 to 1870 the Camborne-Redruth area of Kerrier District was the copper and tin mining centre of the world. Mining activities extended throughout Kerrier District, including the Lizard Peninsula, and reference should be made to the illustrative plans within the chapter on the Natural Environment. The rapid growth in mineral production and the related engineering and technological developments put Kerrier at the forefront of the industrial revolution. This has had a profound effect on the landscape and settlements of Kerrier, which are a testament to its heritage and social history.

4.22 The high pressure steam engine which was developed locally at the beginning of the 19th Century by Richard Trevithick (1771-1833) made deep mining possible. There were several hundred mines and by 1850 over 800 steam engines were working in the area. The need to import prodigious amounts of coal to fuel these engines led to the development of purpose-built ports such as Portreath. The ports were connected to the mines by mineral tramways and later railways.

4.23 The rapid decline of the metalliferous mining industry left a legacy of a unique concentration of former mining and industrial buildings. Many buildings were just left as they were abandoned in the countryside and have survived because they were made of granite and attracted no alternative use. Many former mine sites with engine houses, chimneys or mine buildings remain and there are a variety of other features associated with the culture of the period. It is a coherent historical and industrial landscape of the industrial revolution in metalliferous mining and processing techniques.

4.24 There are more than 70 former mine engine houses in Kerrier District and these are prominent landmarks and a daily reminder of the industrial past and cultural and historic heritage of the area. The development of the mining industrial revolution in this remote rural part of 18th Century Cornwall created a whole new working class social order, settlement pattern and heritage of mining artefacts and buildings.

4.25 Associated closely with it was the spread of non-conformism, particularly in religion, and many Methodist Chapels remain. New urban areas and villages of granite, terraced miners' cottages sprang up and these remain with the mining buildings as a testament to the heritage, economic and social history of Kerrier District.

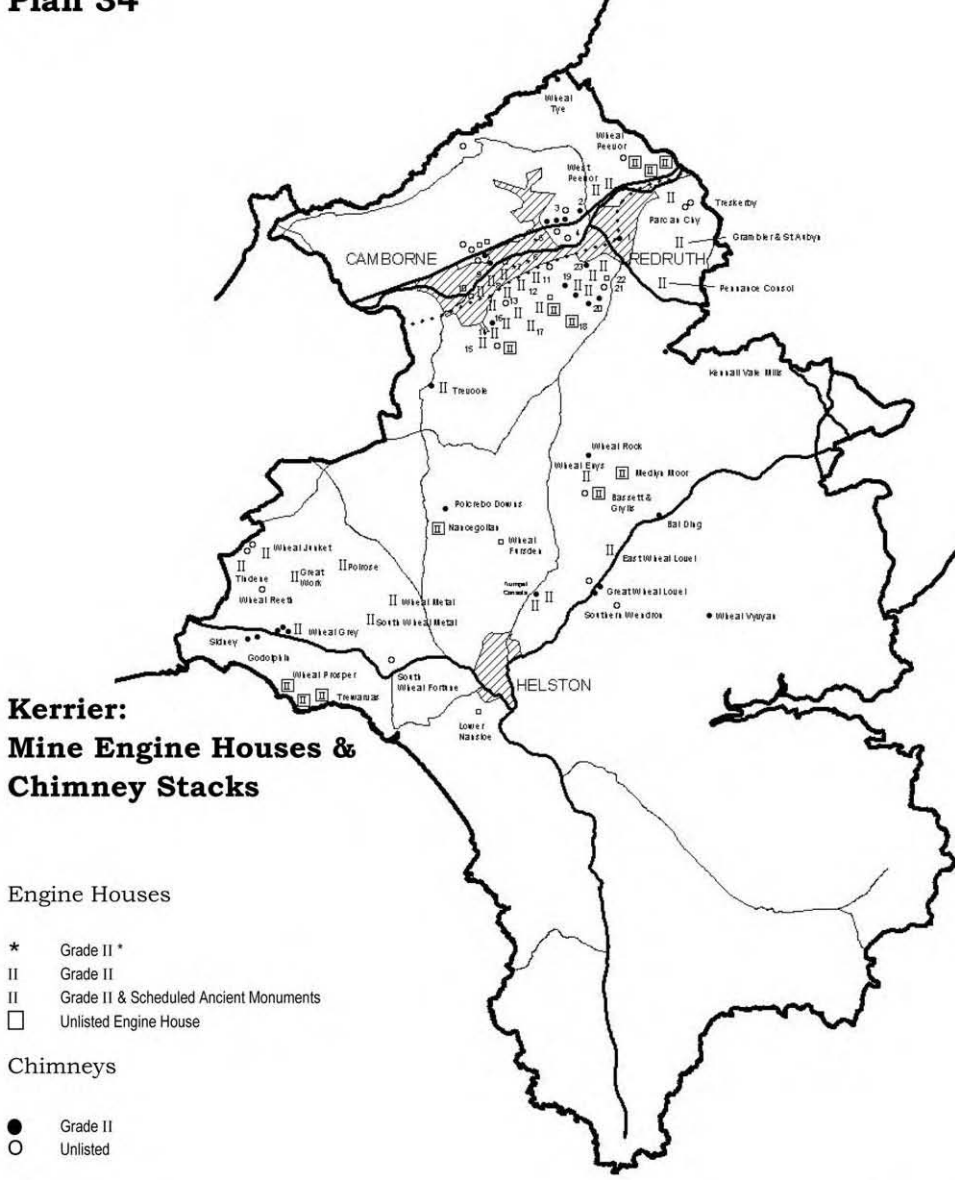
4.26 The conservation, enhancement and display to present and future generations of what is one of the most important historic mining landscapes and collections of mining and engineering artefacts in the world is actively supported by Kerrier District Council. In 1989 the Cornwall County Archaeologist carried out an archaeological assessment of the industrial landscape from coast to coast across the northern part of Kerrier District.

4.27 This evaluation of the potential for recreation and interpretation based on the use of the disused mineral tramways became the basis of the Mineral Tramways Project. It involves the establishment of a comprehensive network of footpaths, the conservation of mine complexes and buildings, the provision of access facilities and mining interpretation centres.

4.28 The re-opening of tram routes as footways has commenced with the Poldice Plateway from St Day to Portreath and more recently with the opening up of routeways in the Great Flat Lode area. In 1990 a co-ordinated environmental improvement and heritage development strategy was commissioned from consultants. Following this the Trevithick Trust was established.

4.29 The mining heritage of the area is unique in the United Kingdom and internationally. The Cornish mining revolution, methods and equipment spread throughout the world. The mining remains are more dramatic, significant and of an earlier date than others already recognised. As the implementation of the Mineral Tramways proceed,

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Chief Planning and Development Officer

and the management and preservation of sites is set in place, it is proposed to apply for the inclusion of Kerrier District's mining sites as part of a wider application for inclusion on the UNESCO list of World Heritage Sites.

4.30 The purpose of the World Heritage List is to identify and recognise sites of cultural and natural heritage so that conservation and protection along with the preservation and enjoyment of the heritage can be secured for present and future generations. Inclusion within the list secures no statutory planning protection but highlights the international importance of the preservation of the natural archaeological, historical and cultural heritage of the site, its surroundings and approaches.

4.31 Many engine houses and mine buildings already have statutory protection but some do not. Proposals to convert mine buildings to other uses other than in connection with the interpretation of the mining heritage are unlikely to be acceptable because the alterations necessary to the structure and appearance would detract significantly from their historical character and would harm their settings.

4.32 Any proposals affecting mining remains or in the vicinity of historic sites that would threaten the preservation of remains in their setting or the character of the setting and would therefore be significantly detrimental to the heritage qualities important to potential World Heritage status are unlikely to be approved. In considering proposals affecting the mining heritage, the guidance of the Cornwall County Archaeologist and local amenity groups with expertise in mining history will be taken into account.

POLICY B.EN4: HISTORIC HERITAGE - MINING REMAINS

DEVELOPMENT LIKELY TO SIGNIFICANTLY HARM INDUSTRIAL ARCHAEOLOGY, MINING HERITAGE, HISTORICAL, INDUSTRIAL AND MINING BUILDINGS AND SITES, INCLUDING FORMER MINERAL RAILWAYS, TRAMWAYS, ENGINE HOUSES AND CHIMNEYS, WILL NOT BE PERMITTED UNLESS THE IMPORTANCE OF THE ARCHAEOLOGY IS OUTWEIGHED BY THE BENEFIT OF THE DEVELOPMENT TO THE COMMUNITY.

POLICY B.EN5: HISTORIC HERITAGE - CONSERVATION AND ENHANCEMENT OF MINING REMAINS

DEVELOPMENT FOR THE CONSERVATION, INTERPRETATION AND DISPLAY OF INDUSTRIAL ARCHAEOLOGICAL SITES AND BUILDINGS WILL BE PERMITTED WHERE:

- (i) **THERE IS NO SIGNIFICANT HARM TO THE CHARACTER AND APPEARANCE OF THE LANDSCAPE, BUILT ENVIRONMENT OR THE QUALITY OF THE NATURAL ENVIRONMENT;**
- (ii) **THERE IS NO SIGNIFICANT HARM TO THE CHARACTER, APPEARANCE, HISTORIC, CULTURAL AND HERITAGE VALUE OF THE BUILDINGS AND REMAINS THEMSELVES, THEIR SETTING OR TO OTHER NEARBY HERITAGE FEATURES;**
- (iii) **THERE IS NO SIGNIFICANT HARM TO THE RESIDENTIAL AMENITIES OF OCCUPIERS OF NEARBY PROPERTY;**
- (iv) **THERE IS SAFE PARKING IN ACCORDANCE WITH THE COUNCIL'S GUIDELINES AND THE ACCESS AND APPROACH ROADS CAN PROVIDE SAFELY FOR THE LEVEL AND TYPE OF TRAFFIC LIKELY TO BE GENERATED; AND**
- (v) **THERE IS A SCHEME OF DIRECTIONAL OR INTERPRETATIONAL SIGNAGE, OR EXTERIOR ILLUMINATION, FORMING PART OF THE PLANNING APPLICATION THAT IS COMPATIBLE WITH THE CONSERVATION OF THE SITE AND ITS SETTING WHERE THERE IS A REQUIREMENT FOR SIGNAGE OR ILLUMINATION.**

Historic Settlements

4.33 Helston is designated an historic settlement in the CSP. Historic settlements were defined on the basis that they had achieved borough status by the end of the Medieval period and are likely to have archaeological significance. Helston achieved borough status 2 centuries before the end of the Medieval period. The boundary of the historic settlement is shown on the Proposals Map, having originally been defined in the CCLP, and strategic policy guidance is provided in the CSP.

4.34 In historic towns there is likely to be considerable archaeological interest in features below ground and floor levels, as well as historical significance in the buildings. This can yield information on the origins and development of the early settlement. The central street plan and plot boundaries often fossilise the Medieval form of the settlement and pattern of streets and plots. Helston is one of the oldest Cornish towns and is an ancient market town with a royal charter from 1201. Its central area is designated a Conservation Area.

North Cornwall District Local Plan

Part 1 - General Policies



NORTH CORNWALL DISTRICT COUNCIL



unless it is demonstrated that the site is safe or that any problems have been adequately dealt with.

5.82 Certain substances when processed or stored in significant quantities can be a potential hazard to people in the vicinity in the event of explosion or escape. These operations are designated as notifiable hazardous installations. The siting of such installations is subject to planning controls aimed at keeping them separated from housing and other land uses for safety reasons. It is also necessary to ensure that hazardous development does not unnecessarily 'blight' suitable development land nearby. The Council will seek the advice of the Health and Safety Executive about the suitability of any development defined as a hazardous installation, or any development within the vicinity of an existing hazardous installation, to assess the level of risk to the surrounding population.

5.83 Coastal erosion is occurring at various locations and the Council has carried out coastal protection works at New Polzeath, Crooklets, Constantine Bay and Trevone. However, works of this nature are expensive and the Council wish to avoid allowing new development which could result in the need to pay for further protection works particularly where they affect key natural assets and natural coastal processes. The overall management strategy for the coastal defence of North Cornwall is set out in the Land's End to Hartland Point Shoreline Management Plan (July 1999).

5.84 The Council will require sufficient information to enable a sound planning decision to be made in relation to any development which may be a risk to public health and safety. The Council will therefore require a detailed technical appraisal of the site, together with its relationship to the surrounding area, and appropriate remedial, preventative or precautionary measures to remove or reduce potential problems in developing the site.

5.85 To overcome any potential problems with the development of a site, the Council may use conditions or planning obligations. For example, a planning condition or obligation may be used to limit the hours of operation, require lorry drivers to use or avoid particular routes, ensure the decontamination of the soil or the removal of chemicals and, where appropriate, secure the

reinstatement of the land to the standards required for the agreed after use.

The Historic Environment

Introduction

5.86 North Cornwall contains a variety of attractive settlements, numerous fine historic buildings and a wealth of archaeological and historic sites. Together these contribute greatly to the overall character of the District and its distinctive sense of place. These sites are also important for the better understanding of the County's social, economic and architectural history.

5.87 Listed buildings are statutorily protected by the Planning (Listed Buildings and Conservation Areas) Act 1990. Under this legislation the Secretary of State for Culture, Media and Sport has the power to list buildings of special architectural or historic interest. The Council, therefore, is not directly responsible for the inclusion of any specific building on the list, but is charged with the responsibility for ensuring that the special character of a listed building is duly considered when determining any proposals which might affect the building or its setting.

5.88 Having recently been resurveyed, there are now approximately 3,250 listed buildings within North Cornwall which include churches, crosses, bridges, milestones, houses and cottages. The fixtures within the buildings and occasionally objects and structures in the grounds of the building also form part of the listing.

5.89 Conservation areas are described in the Planning (Listed Buildings and Conservation Areas) Act 1990 as "*areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance*". They depend upon more than just the quality of individual buildings but focus on the various constituent parts of a place, including the historic layout of property plots and thoroughfares; the particular mix of uses; the characteristic materials; appropriate scaling and detailing of modern buildings; the quality of advertisements, shopfronts and street furniture; and views into the area, along streets and between buildings. A list of all the existing conservation areas in the District is contained in Appendix 3.

5.90 Cornwall has a wealth of archaeological and historic sites ranging from prehistoric settlements and burial sites, stone circles and hillforts through to medieval crosses, holy wells and castles to the mines, harbours and chapels of the last 200 years. Centuries of human activity have created today's environment, the pattern of hedges and lanes, the farms villages and towns, and also the moorland and heaths, the ancient woodlands, the historic parks and gardens.

5.91 Cornwall's industrial heritage is of international importance. Outstanding too are the relict landscapes of the uplands, complete prehistoric settlements, field systems and ceremonial monuments dating back over 3000 years. Another special feature is the strong continuity from late prehistoric times, scarcely interrupted by Romans or Saxons, leaving the legacy of the Cornish language and placenames, and a pattern of settlement already ancient by the time of the Domesday survey.

5.92 Whilst the whole of the District is of historic importance, there are specific areas, sites and structures which merit special protection. These include Scheduled Ancient Monuments, Historic Parks and Gardens and Historic Battlefields which are of national importance and Areas of Great Historic Value and Historic Settlements which are identified in the Structure Plan and are of at least County significance.

Listed Buildings

POLICY ENV12:

1. Development proposals involving the internal or external alteration, or extension, or change of use of a listed building or structure will only be permitted where they would not adversely affect its special architectural or historic interest, or its setting.

2. The demolition or partial demolition of a listed building will not be permitted unless:

- (a) all reasonable efforts have been made to sustain existing uses or find viable new uses, and these efforts have failed; or**
- (b) the proposed redevelopment would produce substantial benefits for the**

community which would decisively outweigh the loss resulting from demolition; or

- (c) it involves the removal of later, modern additions which are of no historic or architectural interest and where there is an overall improvement to the listed building or its setting.**

The demolition of any Grade I or Grade II* building will be wholly exceptional and require the strongest justification.

3. Where the demolition of a listed building is permitted to make way for new development, the Council will impose a condition ensuring that demolition does not take place until a contract for carrying out the works of redevelopment has been made and planning permission for those works has been granted.

4. Development proposals for the erection of a new building or other structure, or the use of land, will not be permitted where this would adversely affect the character or appearance of a listed building or its setting.

5.93 Government advice in PPG15, 'Historic Buildings and Conservation Areas', requires that local authorities have special regard to the desirability of preserving listed buildings and their settings. This does not mean that listed buildings cannot be altered or extended. However alterations and extensions to listed buildings need to be carefully handled. Alterations and extensions should avoid disturbing valuable historic features such as timber framing and must keep the character of the original building generally undisturbed. All new work should be sympathetic in scale, colour, materials, texture, form and detail with the existing building. Annex C to PPG15 provides more comprehensive guidance on the suitability of alterations to listed buildings. The Council will be guided by this advice in considering the acceptability of applications for listed building consent and owners are urged to ensure that they, or their professional advisors, are conversant with the relevant information before making an application.

5.94 As well as alterations and extensions, smaller modern additions can also have a damaging effect on listed buildings. Satellite television dishes, and replacement windows and doors using modern materials, often conflict with the character of the building and are unacceptable.

5.95 The best use of an historic building will usually be the use for which it was originally designed. However, patterns of economic activity inevitably change over time and not all original uses remain viable or even appropriate. For many such buildings, the only way that their survival can be ensured is to allow their conversion for a suitable new use. However, unsympathetic conversions can lead to the loss of the very features and character which make the building of particular interest. The aim therefore should be to identify the optimum viable use that is compatible with the fabric, interior and setting of the historic building. A flexible approach to car parking and other planning considerations could also help to ensure the preservation of the building.

5.96 English Heritage have issued a policy statement on the 'Conversion of Historic Farm Buildings' in which they note that residential conversions are frequently destructive to the character and historic importance of such buildings. Such a development proposal would not comply with Policy ENV12 and would therefore not receive listed building consent.

5.97 Government advice states that it is in practice almost inconceivable that consent to demolish a Grade I or Grade II* building would ever be granted. Indeed PPG 15 makes clear that consent should not be given for the total or substantial demolition of any listed building without convincing evidence that real efforts have been made to sustain existing uses or find viable new uses, and these efforts have failed; that preservation in some form of charitable or community ownership is not possible or suitable; or that redevelopment would produce substantial benefits which would decisively outweigh the loss resulting from demolition. Proposals resulting in the complete or partial demolition of a listed building must address the following considerations:

- the condition of the building, the cost of repairing and maintaining it in relation to its importance and to the value derived from its continued use;

- the adequacy of efforts to retain the building in use; and
- the merits of alternative proposals for the site.

5.98 Most historic buildings remain capable of a beneficial use. With a little imagination there are few buildings that cannot be sympathetically adapted to modern needs. Arguments for demolition based on the dilapidated condition of a building are generally the result of neglect of normal maintenance procedures and seldom stem from any inherent structural problem. The owner of a listed building has an obligation to ensure that the building is maintained in a sound condition. In addition, the Council has the power to serve a Repairs Notice on any owner who deliberately neglects a listed building.

5.99 There are occasions, however, where structures of no architectural or historic merit are covered by the listing of an historic building. In these circumstances, demolition may achieve a visual improvement or contribute to enhancing the character of the main historic building.

5.100 Where demolition or alteration is proposed the Council will require the applicant to provide an accurate, detailed survey of the building or structure which, together with before and after plans, will form the basis for determining the application. A copy of the survey should be deposited in an appropriate County archive, normally the County Record Office or the Cornwall Archaeological Unit.

5.101 Following the guidance in PPG15, the Council consults various bodies and organisations such as the Ancient Monuments Society, the Georgian Group and English Heritage when considering proposals that involve the partial or complete demolition of a listed building. Where listed building consent for demolition is to be granted, the Secretary of State for Culture, Media and Sport is notified for formal ratification. In the rare instances that demolition is considered acceptable, a condition will be imposed to ensure that demolition does not take place until a contract for the carrying out of works of redevelopment has been made and planning permission for those works has been granted.

5.102 The setting of a listed building is a vital part of its character especially if a garden or grounds

have been laid out to complement its design or function. The Council will therefore consider carefully any proposals for development that might have an influence upon a listed building. Outline planning applications will not be acceptable in these situations and submission of details showing the design, siting and materials of proposals is required. Although the setting of a building may be limited to ancillary land, it may also include land some distance away depending on the specific character of each site. In many attractive streets and settlements, the setting of individual listed buildings owes its character to the harmony produced by a particular grouping of buildings and to the quality of the spaces between them. Proposals for development in such areas require careful appraisal, even when the development would affect a building or space that itself is neither listed or immediately adjacent to a listed building.

Conservation Areas

POLICY ENV13:

- 1. In considering development proposals in conservation areas, the Council will give priority to the preservation or enhancement of the character or appearance of the area.**
- 2. The demolition or partial demolition of a building which makes a contribution to the character or appearance of a conservation area will not be permitted unless:**
 - (a) all reasonable efforts have been made to sustain existing uses or find viable new uses, and these efforts have failed; or**
 - (b) the proposed redevelopment would produce substantial benefits for the community which would decisively outweigh the loss resulting from demolition; or**
 - (c) it involves the removal of later, modern additions which are of no historic or architectural interest and where there is an overall improvement to the building or its setting.**
- 3. Where the impact of demolition would harm the appearance of the conservation area, the Council will impose a condition**

ensuring that demolition does not take place until a contract for the carrying out of works of redevelopment has been made and planning permission for those works has been granted.

4. Development proposals within, or outside but affecting, a conservation area will only be permitted where:

- (a) they respect the areas special architectural and historic interest and the siting, scale, form, proportions, colour and materials of any new or altered buildings or advertisements are in keeping with the character or appearance of the area; and**
- (b) they do not result in the loss of open spaces, including garden areas, which by their openness, make a valuable contribution to the character or appearance of the area, or allow important views into or out of the conservation area; and**
- (c) they do not create additional traffic, noise or other nuisance that would adversely affect the character or appearance of the area.**

5. Development proposals in a Conservation Area will not be permitted where they would result in the loss of trees, hedgerows or other features which are important to the character or appearance of the area. Any new tree planting or other landscaping work, including surfacing and means of enclosure, should be in keeping with the character or appearance of the area.

5.103 In conservation areas, the emphasis is on controlled and positive management of change rather than the prevention of all new development. The area must remain alive whilst ensuring that any new development enhances local character. Designation gives additional control over demolition and minor development and the protection of trees.

5.104 In considering applications for demolition, account will be taken of the part played in the architectural or historic interest of the area by the building and the wider effects of its demolition on the character of the surrounding area. Buildings

which make a positive contribution to the character or appearance of a conservation area should be retained. Proposals to demolish such buildings will be assessed against the same broad criteria as proposals to demolish a listed building as set out in paragraph 5.97. Where demolition is considered acceptable, a condition may be imposed to ensure that a contract for carrying out the works of redevelopment has been made and planning permission for these works has been granted. This action will avoid the creation of unsightly vacant sites by preventing demolition taking place far in advance of redevelopment.

5.105 New development should not necessarily imitate earlier styles but must reflect the special architectural and visual qualities of the area so that it makes a positive contribution or leaves its character and appearance unharmed. New development must therefore respect its historic context in volume, scale, form, materials and quality. Materials should be appropriate to the location and sympathetic to existing buildings. Siting and layout should normally follow the established pattern of development. Changes of use to land or buildings should also respect the character of an area. For example, development should not generate levels of traffic, parking, noise, or environmental problems which would be detrimental to the character and appearance of the area. All these considerations will also apply to development proposals adjacent to or affecting the setting of a conservation area. As with listed buildings the setting of a conservation area is important to its character and integrity.

5.106 The variety of spaces in a conservation area, whether they are gardens, roads or harbours may be particularly important to its character since they are often emphasised by narrow entrances to streets, varied building lines and dense terraced housing. Spaces also allow areas to be viewed and this is the single most important method of appreciating physical character. Important spaces and views in conservation areas will therefore be protected. Similarly existing trees, hedgerows and other notable natural and man-made features which contribute to the character of the area will also be protected.

5.107 To ensure that proposals comply with the above policy, it is important to consider the more detailed aspects of development. Outline planning

applications are not acceptable and submission of details showing the design, siting and materials of proposals is required.

5.108 Sympathetic landscaping, both hard and soft, should be used to create or improve the quality of spaces within a conservation area where appropriate to the context. Planting schemes, hard surfacing and street furniture should be designed to complement their surroundings with use made of features appropriate to the locality rather than nationally uniform styles and plant species. The distinction between footway and carriageway generally should be retained and enhancement proposals should always be informed by historic research to determine the traditional types of materials for paving. Every effort should be made to retain historic, or re-introduce, traditional surfaces. Environmental improvements can also be achieved through the removal of negative factors, such as obtrusive hoardings and unsightly poles and overhead wires. Sensitive environmental enhancement schemes have been implemented or are planned for a number of the conservation areas in the District as indicated in Part 2 of the Plan.

5.109 Conservation area statements have been prepared for 18 of the District's 29 areas and have been adopted as supplementary planning guidance. These define the special character of each area and register the most important considerations in their preservation or enhancement. Other practical advice on the maintenance of properties and good design is available in the North Cornwall Design Guide which will be treated as supplementary planning guidance. Financial assistance may be available from English Heritage, the Heritage Lottery Fund and the District Council for the repair and restoration of specific buildings or areas through either area-based regeneration initiatives or a grant from the Historic Buildings Fund.

Archaeology and Historic Resources

Sites of Archaeological or Historic Interest

POLICY ENV14:

1. Development proposals affecting nationally important archaeological remains, whether scheduled or not, and their settings, will not be permitted unless:

- (a) there will be no significant damage to, or adverse effect on, a site or its setting; and
- (b) the development can be controlled through the use of conditions or planning obligations to ensure the remains are preserved in-situ.

2. Development proposals which adversely affect locally important archaeological sites or remains identified as a result of a prior archaeological investigation will only be permitted where:

- (a) physical preservation in-situ is not feasible in conjunction with the proposed development and the importance of the development clearly outweighs the case for preservation of the remains; and
- (b) satisfactory arrangements are made for the investigation and recording of the remains before or during development.

3. In Areas of Great Historic Value, Historic Settlements and all other locations where there is evidence to suggest that significant remains may exist on the site of a proposed development the extent and importance of which are unknown, applicants will be requested to carry out an archaeological evaluation of the proposal before the planning application is determined. The Areas of Great Historic Value and Historic Settlements are defined on the Proposals Map.

5.110 All known archaeological sites are included in the Cornwall and Isles of Scilly Sites and Monuments Record (SMR) and graded according to importance. Scheduled Ancient Monuments are of national importance and graded 'S'. Other sites of similar quality or significance, but which are not yet scheduled, are graded as 'A' sites. Sites of county or local importance are graded 'B' and sites of minor importance 'C'. Only around 425 of the 10,150 sites are scheduled monuments with the remaining relying on planning policies for their protection. English Heritage recognise this is unrepresentative of the resource and a large number of sites are therefore likely to be scheduled during the plan period.

5.111 Scheduled Ancient Monuments are afforded specific protection by the need to obtain Scheduled Monument Consent for any work affecting them. This is separate from, and additional to, the need to obtain planning permission. The Scheduled Ancient Monuments in North Cornwall include burial grounds, stone circles, ancient villages, castles, crosses, bridges and mine engine houses.

5.112 The greatest concentration of monuments are found on Bodmin Moor where, apart from low key agricultural operations and piecemeal mineral workings, the area has remained relatively undisturbed for many centuries and prehistoric and medieval landscapes have survived relatively intact. On Bodmin Moor, uniquely, it is possible to see entire settlements with their field systems and areas for grazing and funerary and ceremonial monuments. It is also possible to study the relationship between settlements and to consider ways in which large tracts of the uplands were organised and exploited in the prehistoric and medieval period. Only in a very few upland areas in the west of Britain is this possible and the archaeology of Bodmin Moor is of the greatest significance.

5.113 PPG16, 'Archaeology and Planning' establishes a presumption in favour of physically preserving nationally important archaeological remains, whether scheduled or not, and their settings. Development proposals which alter or damage a Scheduled Ancient Monument or a grade 'A' site will not be permitted. A proposal will be considered to have an adverse impact upon the setting of a nationally important archaeological site, only when the development physically interferes with its surroundings, resulting in detracting of its archaeological or historical context. Therefore, development proposals will be permitted where such sites and their setting are not harmed and the remains can be preserved in situ.

5.114 Locally important sites also merit protection. However there may be cases where the benefits of allowing a development outweigh the importance of preserving archaeological remains. Where physical preservation in situ is not possible, the developer will be required to submit a written scheme for archaeological investigation and recording work to the satisfaction of the Council, who will liaise closely with the County Archaeologist. This work will normally be carried

out before the development commences. The Council may refuse planning permission in cases where developers do not seek to record, protect or accommodate archaeological remains.

Areas of Great Historic Value

5.115 Structure Plan Policy ENV2 and Proposal ENVB identifies Areas of Great Historic Value (AGHVs) where it is possible to study the relationship of sites to each other and to view the complexes in their original landscape settings. As well as the numerous recorded sites, these are areas of high archaeological potential which might also be expected to contain significant traces of other unrecorded sites and features buried beneath the present ground level. The boundaries of these areas were defined in the Countryside Local Plan and are now carried forward in this Local Plan. In addition, following reconsideration of the criteria for selection, the Cornwall Archaeological Unit have identified further AGHVs which have been incorporated into the Local Plan. The Bodmin Moor AGHV has been extended while additional areas have been designated at Kit Hill and along the coast between Trebarwith and Boscastle and around the Camel Estuary.

5.116 In considering development proposals in AGHVs, it will therefore be necessary to consider the archaeological potential of the affected area as well as the impact on any known sites. Large scale developments in AGHVs should normally be preceded by an archaeological assessment and evaluation.

Historic Settlements

5.117 Structure Plan Policy ENV3 and Proposal ENVC draws attention to the archaeological significance of the following 10 settlements in the District which developed as important centres in the medieval period and retain many features and much of their character from that time:

Bodmin	Padstow
Boscastle	Stratton
Camelford	Tintagel
Kilkhampton	Wadebridge
Launceston (including St Stephen by Launceston and Newport)	Week St Mary

The boundaries of these areas were defined in the Countryside Local Plan and are now carried forward in this Local Plan.

5.118 The significance of Historic Settlements lies in the features that may be found below ground and because of this the Cornwall Archaeological Unit will be consulted on all proposals which involve building or engineering works below existing ground level. Although the fabric of towns will, in most cases, be largely post-medieval, the street plan and plot boundaries often fossilise the medieval pattern of streets and burgage plots. To retain the character of the settlements, new development should recognise this fact and incorporate and reflect the historic layout wherever possible.

5.119 In considering proposals within Historic Settlements, particular regard should be paid to the impact of the development on the buried layers of a site and the fabric of the historic buildings. This is rarely known in advance, and is difficult to predict with certainty. Policy ENV14 sets the framework for prior archaeological evaluation to assess the impact of development proposals. This information can then be used to suggest ways in which the impact of a development could be minimised, and to indicate the level of additional recording which may be necessary if the development proceeds.

5.120 Where there is reason to believe that significant archaeological remains exist on sites proposed for development, particularly within AGHVs and Historic Settlements, but where their extent and importance are uncertain, the Council will request the developer to make provision for a desk assessment or rapid field evaluation to be carried out to provide the information on which to base a planning decision. With the detailed information from careful evaluation, potential conflicts between the proposals of the developer and the need to conserve archaeological features can often be reduced by careful re-siting or re-design of buildings and structures and by alternative foundation design.

The Archaeological Landscape

POLICY ENV15:

Development proposals will not be permitted where they would adversely

affect the character, appearance or setting of Areas of Great Historic Value, Historic Parks and Gardens and Historic Battlefields.

5.121 Within AGHVs, Historic Parks and Gardens and Historic Battlefields particular care should be taken to safeguard the character and distinctiveness of the landscape itself, which may be little changed from medieval or prehistoric times.

5.122 Historic Parks and Gardens and Historic Battlefields, which are non-statutory designations registered by English Heritage, are an essential part of the nation's heritage. There are currently six Historic Parks and Gardens in the District, these being found at Lanhydrock, Pencarrow, Lamellan, Prideaux Place, Werrington Park and Penheale Manor. The site of the civil war battle of Stratton is included in the Historic Battlefield Register.

Implementation and Monitoring

5.123 As this chapter is primarily concerned with the protection of the District's natural and man-made resources, the preceding policies will be implemented primarily through the development control function of the Council and will be reflected in the Council's decisions on individual planning applications.

5.124 The North Cornwall Heritage Coast and Countryside Service has pursued numerous initiatives designed to look after the environmental resources of the area and increase public appreciation and enjoyment of the area's qualities. The work of this Service together with the activities of the other statutory and non-statutory bodies involved with countryside management in the District will continue to be an essential complement to planning policies.

5.125 Furthermore the Council's initiatives in supporting conservation through area-based regeneration initiatives, Historic Building Grants and environmental schemes are all important means of achieving environmental objectives.

5.126 To properly monitor the effectiveness of all policies, a state of the environment report will be produced as a baseline for monitoring, and policy

performance measures established wherever possible. It will be necessary to monitor the extent, character and condition of nationally and locally designated landscapes, habitats, and historic or archaeological features as well as the wider environment outside designated areas. The county-wide landscape assessment undertaken on behalf of the former Countryside Commission provides an important starting point for this work and specific attention will be paid to monitoring:

- the loss of greenfield land to development;
- development proposals that affect designated areas;
- changing patterns of land use;
- the condition of designated sites and buildings;
- the take-up and effects of environmental grants;
- loss of hedges to agriculture and development; and
- the restoration and re-use of derelict or semi-derelict land for development purposes

PENWITH LOCAL PLAN



POLICIES

PENWITH DISTRICT COUNCIL

6. COAST AND COUNTRYSIDE

- POLICY CC-1:** DEVELOPMENT WILL NOT BE PERMITTED WHERE IT WOULD SIGNIFICANTLY HARM THE LANDSCAPE CHARACTER, AMENITY, NATURE CONSERVATION, ARCHAEOLOGICAL, HISTORIC OR GEOLOGICAL VALUES OF THE COAST AND COUNTRYSIDE OF PENWITH.
- POLICY CC-2:** PROPOSALS WHICH MAINTAIN, ENHANCE AND FACILITATE THE ENJOYMENT AND UNDERSTANDING OF LANDSCAPE CHARACTER, AMENITY, NATURE CONSERVATION, ARCHAEOLOGICAL, HISTORIC AND GEOLOGICAL VALUES IN THE COAST AND COUNTRYSIDE WILL BE PERMITTED.
- POLICY CC-3:** PROPOSALS FOR DEVELOPMENT CONFLICTING WITH THE OBJECTIVE TO CONSERVE AND ENHANCE THE AREA OF OUTSTANDING NATURAL BEAUTY WILL NOT BE PERMITTED.
- POLICY CC-4:** (prev. CC-5) PROPOSALS FOR DEVELOPMENT CONFLICTING WITH THE OBJECTIVE TO CONSERVE AND ENHANCE THE NATURAL BEAUTY OF THE HERITAGE COAST WILL NOT BE PERMITTED.
- POLICY CC-5:** (prev. CC-6) DEVELOPMENT WILL NOT BE PERMITTED WHERE IT WOULD CAUSE SIGNIFICANT HARM TO THE CHARACTER AND AMENITY OF THE AREAS OF GREAT LANDSCAPE VALUE.
- POLICY CC-6:** (prev. CC-(i)) PROPOSALS FOR DEVELOPMENT WHICH WOULD SIGNIFICANTLY HARM THE INTEGRITY OF A DESIGNATED OR CANDIDATE SPECIAL AREA OF CONSERVATION, OR A DESIGNATED OR PROPOSED SPECIAL PROTECTION AREA, OR WHICH WOULD CONFLICT WITH THE CONSERVATION OBJECTIVES FOR SUCH A SITE WILL NOT BE PERMITTED.
- POLICY CC-7:** PROPOSALS FOR DEVELOPMENT WHICH WOULD SIGNIFICANTLY HARM THE NATURE CONSERVATION VALUE OR GEOLOGICAL INTEREST OF A SITE OF SPECIAL SCIENTIFIC INTEREST WILL NOT BE PERMITTED.
- POLICY CC-8:** DEVELOPMENT WILL NOT BE PERMITTED WHERE IT WOULD SIGNIFICANTLY HARM THE NATURE CONSERVATION OR GEOLOGICAL INTEREST OF AREAS OF GREAT SCIENTIFIC VALUE, COUNTY WILDLIFE SITES, COUNTY GEOLOGICAL SITES, ANCIENT WOODLAND SITES AND LOCAL NATURE RESERVES. WHERE DEVELOPMENT IS PERMITTED ANY IMPACT ON SUCH VALUES MUST BE MINIMISED AND CONDITIONS WILL BE IMPOSED, OR A PLANNING OBLIGATION SOUGHT, TO ENSURE THAT MITIGATING MEASURES ARE UNDERTAKEN.

POLICY CC-9: PROPOSALS FOR DEVELOPMENT WHICH WOULD CAUSE SIGNIFICANT HARM TO A PROTECTED SPECIES OR ITS HABITAT WILL NOT BE PERMITTED.

POLICY CC-10: PROPOSALS FOR DEVELOPMENT WHICH WOULD HAVE A SIGNIFICANT ADVERSE EFFECT ON THE INTEGRITY OR CONTINUITY OF LANDSCAPE FEATURES AND HABITATS OF MAJOR IMPORTANCE FOR WILD FLORA AND FAUNA WILL NOT BE PERMITTED.

WHERE DEVELOPMENT WHICH WOULD HAVE A MORE LIMITED ADVERSE EFFECT IS PERMITTED, DAMAGE TO NATURE CONSERVATION VALUES MUST BE MINIMISED AND, WHERE APPROPRIATE, A PLANNING OBLIGATION WILL BE SOUGHT TO ENSURE THAT COMPENSATORY MEASURES ARE UNDERTAKEN TO RETAIN THE CONTINUITY OR INTEGRITY OF THE FEATURES OR HABITATS.

POLICY CC-11: THE CREATION AND MANAGEMENT OF LANDSCAPE FEATURES AND HABITATS WHICH ARE OF MAJOR IMPORTANCE FOR WILD FLORA AND FAUNA WILL BE ENCOURAGED BY:-

- (i) MANAGEMENT AGREEMENTS WITH LANDOWNERS AND OCCUPIERS; AND
- (ii) ESTABLISHING LOCAL NATURE RESERVES.

POLICY CC-12: PROPOSALS FOR DEVELOPMENT WHICH WOULD RESULT IN THE LOSS OR DAMAGE TO TREES, WOODLAND, HEDGEROWS AND CORNISH HEDGES WHICH MAKE A SIGNIFICANT CONTRIBUTION TO THE CHARACTER OF THE LANDSCAPE AND NATURE CONSERVATION WILL NOT BE PERMITTED.

POLICY CC-13: TREE PLANTING AND HEDGEROW SCHEMES WHICH ARE IN KEEPING WITH THE CHARACTER OF THE LANDSCAPE WILL BE ACCEPTABLE SUBJECT TO:-

- (i) THE USE OF NATIVE SPECIES WHERE APPROPRIATE; AND
- (ii) APPROPRIATE AFTERCARE AND MANAGEMENT MEASURES.

POLICY CC-14: PROPOSALS FOR DEVELOPMENT WHICH WOULD HAVE A SIGNIFICANT ADVERSE EFFECT ON THE SHORELINE OR ADJACENT COASTAL WATERS IN TERMS OF ITS LANDSCAPE CHARACTER, AMENITY, NATURE CONSERVATION, ARCHAEOLOGICAL, HISTORIC AND GEOLOGICAL VALUES WILL NOT BE PERMITTED.

POLICY CC-15: PROPOSALS FOR DEVELOPMENT WHICH WOULD DAMAGE SCHEDULED ANCIENT MONUMENTS AND OTHER NATIONALLY IMPORTANT ARCHAEOLOGICAL REMAINS, OR THEIR SETTING, WILL NOT BE PERMITTED.

POLICY CC-16: PROPOSALS FOR DEVELOPMENT WITHIN THE AREAS OF GREAT HISTORIC VALUE AND THOSE AFFECTING ARCHAEOLOGICAL REMAINS OF COUNTY IMPORTANCE WILL NOT BE PERMITTED WHERE IT WOULD HARM:-

- (i) THE HISTORIC CHARACTER OF THE LANDSCAPE; OR
- (ii) THE VALUE, CHARACTER OR SETTING OF THE REMAINS.

POLICY CC-17: PROPOSALS FOR DEVELOPMENT WHICH WOULD ADVERSELY AFFECT HISTORIC PARKS AND GARDENS, OR THEIR SETTING, WILL NOT BE PERMITTED.

POLICY CC-18: PROPOSALS FOR THE RECLAMATION OF DERELICT LAND AND THE IMPROVEMENT OF UNSIGHTLY LAND OUTSIDE TOWNS AND VILLAGES WILL NOT BE PERMITTED UNLESS:-

- (i) THE PROPOSED USE IS COMPATIBLE WITH THE LOCATION OF THE SITE AND ITS SURROUNDINGS, OR
- (ii) THE SCHEME IS INTENDED TO REDUCE SAFETY HAZARDS; AND
- (iii) FEATURES OF LANDSCAPE CHARACTER, NATURE CONSERVATION, ARCHAEOLOGICAL, HISTORIC AND GEOLOGICAL VALUE ARE SAFEGUARDED.

WHERE IT IS LIKELY THAT THE SITE CONTAINS CONTAMINATED OR TOXIC MATERIALS PRIOR SITE INVESTIGATIONS WILL BE REQUIRED TO DETERMINE THE EXTENT OF CONTAMINATION AND, WHERE NECESSARY, MEASURES TO AVOID POLLUTION DURING AND AFTER IMPLEMENTATION WILL BE SECURED THROUGH THE USE OF CONDITIONS.

Restormel Borough Council



Local Plan 2001 - 2011

Written Statement

EARTH SCIENCE SITES**Policy 23**

Developments will not be permitted that would cause harm to the features or characteristics of Regionally Important Geological/Geomorphological Sites unless the benefits of the development outweigh the harm. In the instance of the loss of a geological exposure the provision of compensatory exposure of features of equivalent value will be taken into account.

5.81 Earth Science sites include features of geological or geomorphological importance. Cornwall, with its mining heritage, is particularly rich in such features and has always attracted the interest of geologists and geomorphologists, as well as producing some notable experts in the field itself.

5.82 Statutory protection for such sites is provided by the SSSI designation under the auspices of English Nature and in this Plan by Policy 15 which protects all SSSIs. In Restormel, these SSSIs are Carn Grey, St Mewan Beacon, Tregargus Quarries, Wheal Martyn, Trelavour Downs, Luxulyan Quarry and Roche Rock. As well as being worthy of protection in their own right these sites often form the focus for education trips for both local schools as well as schools and colleges throughout the United Kingdom together with the many amateur enthusiasts who holiday in the County. As such earth science sites form an important part of our heritage and provide an underdeveloped tourism asset.

5.83 A recent initiative has been the formation of RIGS groups nationally under the leadership of English Nature. RIGS stands for Regionally Important Geological or Geomorphological Sites and is intended to draw attention to and protect sites of local importance which are outside the national statutory protection scheme. The appropriate analogy is with biological SSSIs and SINCS. The importance of RIGS is recognised in *PPG 9.

5.84 A Cornwall RIGS group has recently been formed, (who can be contacted through the Cornwall Wildlife Trust) which has started to define sites of local importance. Although there are no rigidly imposed national criteria and procedures in selecting RIGS, some broad themes are becoming widely accepted and used. These themes are the value of the site for education, scientific research and study, and its historical and aesthetic importance. The RIGS in Restormel have been identified on this basis. The Borough Council recognises this important work and the above policy seeks to provide an appropriate level of protection from inappropriate development unless mitigating measures can be incorporated or an overriding need for the development exists. The Council will consult with the RIGS group as part of the planning process. Proposals for the interpretation of all earth science sites will be supported under Policy 12. The Earth Science SSSIs and RIGS are identified in the appropriate Town or Parish Chapters and a description of each site is included in Appendix G of the Background Papers document.

5.85 Some of the earth science sites identified in Restormel are working china clay pits or quarries where the geological exposures have actually been created through the mining taking place. Normal working practices are not incompatible with the designations although clearly it will be important to retain the exposures in any alternative uses if the pit or quarry closes.

5.86 As research continues, it is likely that further RIGS will be identified particularly geomorphological examples. The above policy will apply to any new sites.

ARCHAEOLOGY**INTRODUCTION**

5.87 Today's archaeological landscape is the product of human activity over thousands of years. It ranges through settlements and remains of every period, including the camps of early hunter-gatherers dating to before 7,000BC, prehistoric and medieval sites and the remains of 19th and 20th century activities.

5.88 The importance of preservation of archaeological sites and monuments is accepted at national level as set out in Government Circular 8/87 and *PPG 16 (1990).

5.89 Circular 8/87 observed, in para 49 that:

"The great majority of scheduled ancient monuments are archaeological sites or monuments whose importance resides in their buried archaeological deposits as well as any standing remains and they are located frequently in agricultural land in the countryside."

5.90 The preservation of all manner of archaeological sites and their settings is advocated in paragraph 52.

5.91 Where application is made for planning permission to carry out development which would affect an ancient monument whether scheduled or unscheduled, the desirability of preserving the monument and its setting is of course a material consideration.

5.92 The Planning Policy Guidance Note on Archaeology (*PPG 16) expands on circular 8/87. para 6

"Archaeological remains should be seen as a finite, and non-renewable resource, in many cases highly fragile and vulnerable to damage and destruction They are part of our sense of national identity and are valuable for both their own sake and for their role in education, leisure and tourism."

para 14

"..... the key to the future of the great majority of archaeological sites and historic landscapes lies with local authorities, acting within the framework set by central government as well as with the owners of the site themselves. Appropriate planning policies in development plans and their implementation through development control will be especially important"

5.93 All manner of ancient monuments may be further secured in the public interest through acquisition by the Local Authority under Section 11 of the Ancient Monuments and Archaeological Areas Act 1979. Section 17 of this Act permits local authorities to enter into agreements with the occupiers of ancient monuments, or with other interested parties in order to make provision for, amongst other things:

- the maintenance and preservation of the monument and its amenities;
- public access to the monument or land and the provision of facilities and information or other services for the use of the public in that connection

5.94 Following on from *PPG 16, English Heritage have produced guidelines for archaeological policies in Development Plans. This Plan takes these guidelines fully into account. It also takes account of the views expressed when the draft Newquay Plan was published in July 1991 and the consultation responses to the Plan itself.

5.95 National guidance is reflected in the Cornwall Structure Plan where policy ENV2 seeks to prevent development which will adversely affect sites of archaeological importance

5.96 The emerging Replacement Structure Plan similarly reflects the need to protect the historic environment in policies ENV7, ENV8, ENV9 and ENV10.

5.97 Policies 24 - 27 following provide more detailed control over sites of archaeological interest and encourage more positive action to manage sites with archaeological objectives in mind, including the proper identification, protection and investigation of archaeological sites. Detailed policies for specific sites are set out in the relevant area sections of this Plan.

5.98 The dividing line between archaeology and building conservation area/listed building policy is not clear cut and therefore this section needs to be read closely with the Building Conservation section.

AREAS OF GREAT HISTORIC VALUE

Policy 24

(1) Developments will not be permitted that would cause harm to the features and characteristics of Areas of Great Historic Value unless the benefits of the development outweigh the harm.

(2) The following parts of the plan area are identified as Areas of Great Historic Value:

- (1) Pentire Pt West
- (2) Pentire Pt East
- (3) Land above Watgate Bay, Trevelgue Head and Lusty Glaze
- (4) St Breock Downs (Rosenannon)
- (5) Helman Tor
- (6) St Stephens Beacon
- (7) Hensbarrow Downs
- (8) Gover Valley
- (9) Goonabarn/Tregargus Valley
- (10) Trethowel Valley
- (11) St Dennis Consols and Gothers
- (12) Carn Grey
- (13) Treskilling, Lestoon and Tretharrup
- (14) Bodwen, Higher Menadue and Lower Menadue
- (15) Trerice Bridge
- (16) Ressuga Castle
- (17) Castle-An-Dinas/Belowda/Goss Moor
- (18) Luxulyan Valley.

5.99 Areas of Great Historic Value (AGHVs) are areas where there are important groupings of archaeological remains and important remnants of historic landscapes where inter relations between sites can be studied. In recent years the AGHVs have been systematically reviewed with new areas added and some deleted. Areas (1) to (5) were originally

defined in the Countryside Local Plan and are transferred to this plan with only minor amendments as a result of a review undertaken for the new Structure Plan.

5.100 A sixth area has been deleted as a result of recommendations from the same review. This area, Dodman Point is not considered to constitute an historic area, but a single archaeological site which will be adequately protected by other policies.

5.101 Sites (6) to (15) were identified by the Cornwall Archaeological Unit (CAU) in its study "The Archaeology of the China Clay Area" and first identified for planning purposes in the Interim Minerals Plan Sites (17) and (18) were recommended for inclusion in the Restormel Local Plan by the CAU at the consultation stage of this plan. Subsequently sites (6) to (15) and (17) and (18) have been identified for inclusion in the new structure plan. Site (16) has been identified separately by the Borough Council.

5.102 The AGHVs cover the whole period of human settlement and consequent impact on the landscape of Cornwall ranging from the Neolithic period up to the twentieth century.

5.103 Areas (1) to (4) identified above are notable for their Bronze Age cemetery remains as well as two cliff castles at Pentire Point and Trevelgue.

5.104 The Helman Tor area (5) contains settlement remains from the Neolithic period and the Iron Age as well as extensive tin streaming remains.

5.105 Areas (6) to (15) within the China Clay area cover the full range of prehistoric and medieval sites as well as industrial remains which chart the more recent history of the area including early china works technology, china stone workings, tin streaming and mining.

5.106 Resugga Castle (16) is the site of a hillfort.

5.107 The Castle-an-Dinas, Belowda, Goss Moor areas covers a multi-period landscape of exceptional diversity with some sites which are the best examples of their type in the County. These include Castle-an-Dinas and St Dennis hillforts, Bronze Age burial mounds, medieval settlements and field systems as well as tin streaming and other mining activities.

5.108 The Luxulyan Valley boasts an industrial past which belies the valley's sylvan appearance today. As a key access route to the Hensbarrow mining area from the port of Par, it is crossed by a complex network of paths, trackways, leats, tramways and railways as well as containing numerous China Clay dries, quarries and other mining remains.

5.109 The English Heritage discussion papers on Historic Landscape provide for wide ranging definitions which may be confusing in terms of overlaps with other designations. In order to avoid confusion it is considered that archaeology should appear in the definition somewhere, or the current AGLVs should be extended in scope. Historic Archaeological knowledge is a growing area of study and surveys in the future may reveal that in some cases boundaries need to be revised. There may also be other areas which will need to be added.

5.110 Policy 24 recognises that the AGLVs are of countywide importance and seeks to protect them from inappropriate development unless it is suitably mitigated or the benefits of the development outweigh the harm. The Council will support initiatives to interpret these landscapes under Policy 12. Proposals for enhancement will be particularly supported.

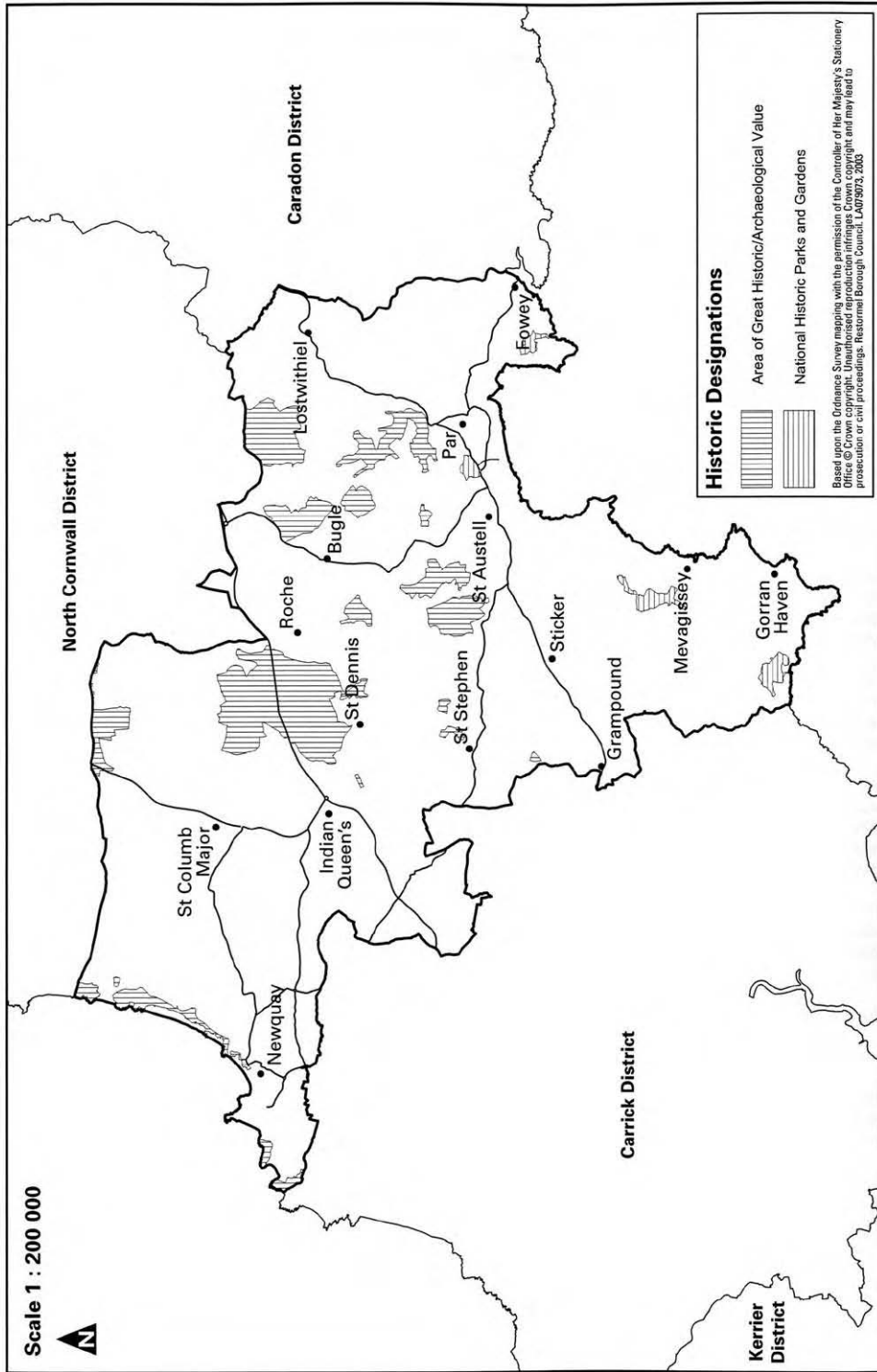
ARCHAEOLOGICAL SITES

Scheduled Ancient Monuments

Policy 25
Development proposals which would damage scheduled ancient monuments or other archaeological remains of national importance or their settings will not be permitted.

Local Archaeological Sites

Policy 26
Development proposals which adversely affect locally important archaeological sites held on the county sites and monuments record or identified as a result of a prior archaeological investigation will only be permitted where:
(1) physical preservation in-situ is not feasible and the importance of the development outweighs the case for preservation of the remains; and
(2) satisfactory arrangements are made for the excavation and recording of the remains before or during development.



ARCHAEOLOGICAL ASSESSMENTS**Policy 27**

Where there is evidence to suggest that significant remains may exist on the site of a proposed development the extent and importance of which are unknown, an archaeological assessment will be carried out prior to the granting of planning permission.

5.111 The Local Plan area is rich in archaeological remains, 120 sites are currently considered by the Department of National Heritage to be of National Importance and are protected as Scheduled Ancient Monuments. Works to these require the consent of the Secretary of State at the Department of Culture, Media and Sports in addition to appropriate local planning consent. Advice on such matters, and on archaeology in general should be sought from the Historic Buildings and Monuments Commission for England (English Heritage).

5.112 In addition to the Scheduled Ancient Monuments, a large number of archaeological sites have been identified by the County Sites and Monuments Record (SMR). This record is being continuously updated and enlarged as a result of historical research, fieldwork, aerial photography and substantiated reports from the general public.

5.113 In 1984 the Government acknowledged that the Schedule of Ancient Monuments no longer coincided with the consensus of informed opinion as to the monuments which were of most archaeological and historical interest. The fact that nationally only 2% of known sites and monuments were scheduled was considered to indicate the need for a nation wide review of the archaeological resource. In 1986 the Historic Buildings and Monuments Commission for England began work on the Monuments Protection Programme (MPP) which seeks to review and evaluate existing information (largely drawn from the County Sites and Monuments Records) so that those monuments which are of National Importance can be identified and scheduling or other means of protection can be recommended. Moreover, the MPP will also provide an assessment of monuments which fall outside the definition of being Nationally Important, but can be identified as being of regional or local importance. In general, any sites to which local plan policies apply ought to be identified on the proposals map. The draft English Heritage guidance referred to above suggests this would create difficulties because the general body of information is not static: new sites are continually being discovered and known ones re-assessed. In many cases an exact boundary cannot be defined or would be artificial. The guidance concludes that it is neither necessary or desirable to define all individual important archaeological sites on the proposals map. It is also true that the sheer numbers of sites would in some areas swamp other plan detail.

5.114 The proposals map therefore only shows the current scheduled sites and the AGHV (Policy 24). The full updated SMR will be taken into account in applying the policies in this Plan. The computerisation of the Sites and Monuments record is complete and a list of all the known sites to which policies will apply can be inspected at the Planning Department offices.

5.115 A series of up-to-date constraint maps have been drawn up to assist with the development control process based on the SMR and these maps can be inspected at the Planning Department Offices.

5.116 The Planning Authority supports the Cornwall County Council and its Archaeological Unit in their efforts to record, interpret and preserve the County's historic landscape and has contributed to the costs of providing the new detailed constraint maps.

5.117 Where proposals are submitted affecting a site which has been identified as having archaeological value, the County Archaeological Officer will be involved from the early stages of negotiations with applicants to ensure proper implementation of these policies.

5.118 Policy 27 will enable the Borough Council to make properly informed decisions on proposals which may affect sites of interest. For well researched known sites an assessment will be relatively straightforward and probably based on existing information. For sites with archaeological potential, small scale surveys, trial trenching etc. may be necessary. A geophysical survey can be an important method of evaluating potential sites.

5.119 In some cases, a formal Environmental Assessment under the 1988 regulations may be necessary (Circular 15/88).

5.120 The CAU or the Institute of Field Archaeologists can advise on suitable organisations and consultants to carry out necessary work.

5.121 Policies 25 and 26 sets out the Council's commitment to retaining archaeological sites and preventing development that would harm them.

5.122 The preservation in-situ of important archaeological remains is always to be preferred and this should be the primary objective of all negotiations. If preservation in-situ is not feasible an archaeological excavation for the purpose of preservation by record may be an acceptable alternative. This should always be seen as very much a second best option.

5. ENVIRONMENT AND CONSERVATION

5.123 Where the development is permitted on any site considered to be of potential archaeological value, Policy 26(2) requires the developer to make appropriate and satisfactory arrangements for archaeologists to excavate and record the remains before or during development. This could involve investigation and observation prior to and during the work and the recording of any archaeological deposits, features or finds which might be revealed during the course of the development. The need for such archaeological investigation and recording should not normally cause delay or hindrance to the work of the developer or his contractor but in the complex and important cases developers should build extra time into the development programme.

5.124 Under Policy 12 the Council will support the active management of archaeological sites for educational and tourism purposes. There is an intrinsic cultural value in archaeological sites and the potential contribution of such sites to public understanding can be enhanced through such management. In the long term the preservation of such sites will make good economic sense. The implementation of this policy could be linked in with the policies for open space and footpath networks set out in the recreation section of this Plan and provide through management plans an effective vehicle for integration with other environmental and economic interests (e.g. nature conservation, industrial heritage).

5.125 The Council will set a good example with its own land holdings and where financially possible, promote such management plans and agreements, particularly through joint arrangements and private sponsorship.

HISTORIC SETTLEMENTS

5.126 The nationally accepted definition of a Historic settlement is a town which has achieved Borough status before 1600. In Restormel the following Historic settlements have been identified:

- Fowey
- Grampound
- Lostwithiel
- St Columb Major

5.127 The Local Plan does not contain a separate policy for historic towns. All are protected by the section on Building conservation which together with Policy 20 above will make sure that development proposals take into account Historic Towns status.

5.128 The CAU has recently reviewed the Historic settlements of Cornwall and suggested additional settlements which although not conforming with the National definition above are worthy of recognition for their historic importance. The CAU recommends that these settlements should be designated as Conservation areas. In this plan they have been identified as Areas of Local Architectural or Historic Value. (see paragraph 5.162)

THE COASTLINE

INTRODUCTION

5.129 The latest Government guidance on Coastal Planning is contained in *PPG 20 which replaces circular 12/72. The coastline of Restormel is diverse, reflecting a variety of geological and geomorphological backgrounds with a tapestry of wildlife habitats and historic activities.

5.130 *PPG 20 states that it is the role of the planning system to reconcile development requirements with the need to protect, conserve and where appropriate, improve the landscape, environmental quality, wildlife habitats and recreational opportunities of the coast.

5.131 The Countryside Service, operated by the County Council, in partnership with the Districts and other bodies, provides an important focus for the management and protection of the coast.

5.132 This section which defines a Coastal Zone together with policy which protects the heritage coast and relevant policies in the Recreation Chapter, provide for the strategic planning of the coast. In addition a variety of other general policies will be important in protecting the Borough's heritage. General Policies 3 and 6 as well as policies contained in the sections on nature conservation and archaeology, will all be relevant reflecting the diversity of features of importance. Specific policies and proposals are set out in the area chapters.

THE COASTAL ZONE**Policy 28**

Proposals for development within the Coastal Zone identified on the proposals map will only be permitted where:

- a) A coastal location is operationally necessary and no alternative locations exist within a development envelope adjacent to the coast.
- b) The proposal does not prejudice policies for the conservation of the countryside or introduce an unacceptably intensive use in a generally quiet area.
- c) The proposal is consistent with Policies 3 and 9.
- d) The proposal maintains existing or provides new public access to the coast.

5.133 The designation of a Coastal Zone is increasingly being seen as an important tool for protecting the coastline. PPG 20 states that undeveloped coast will "seldom be the most appropriate location" for new development. "Few developments require a coastal location. Given both the physical and policy constraints in most parts of the undeveloped coast, it should not be expected to accommodate new development that could be located inland or in existing developed areas."

5.134 The Regional Planning Guidance for the south west (RPG 10) similarly recognises the importance of protecting the coast. As advised in PPG 20, Local Plans should define Coastal Zones and, within these zones, should not normally provide for development which does not require a coastal location. Where there is an identifiable need for development on the coast, plans should identify areas where such development would be generally acceptable, with priority being given to redevelopment or re-use of land on the developed coast. Sensitive areas of coastline can be protected by providing for tourism and recreation development in other locations with capacity to absorb them.

5.135 In line with this guidance the Restormel Local Plan identifies a Coastal Zone. The zone does not include the AONB, where existing policy guidance is considered sufficient protection, neither does it include areas covered by the development envelopes of settlements. In the main the Coastal Zone includes the inter tidal zone, cliffs, estuaries and areas of adjacent land linked to the coast in landscape and nature conservation terms.

5.136 Policy 28 will permit development within the Coastal Zone only where a coastal location is operationally necessary. In practice all such developments should be preferably located within a development envelope adjacent to the coast. Where this is not possible a location close to a key settlement with a development envelope will be required by clause (c) which cross refers to the Plan's locational policies. The types of development which would require a coastal location will be very limited with access to the sea being a prime operational factor. Clause (b) cross refers to the policies in the plan regarding conservation. Much of the Coastal Zone is covered by SINC designations and local landscape designations.

5.137 PPG 20 highlights the importance of maintaining and providing public access to the coast. Clause (d) will apply to all developments permitted within the Coastal Zone.

HISTORIC PARKS AND GARDENS

5.138 The contribution made to our landscape by historic parks and gardens is increasingly being recognised. Parks and gardens are part of the man-made heritage of the countryside and in some respects can be of archaeological interest. There will also clearly be an overlap with nature conservation policy, particularly in some of the more extensive landscaped parks.

5.139 The definition of what constitutes a park or garden of historic interest is complex. Basically these are parks, gardens, designed grounds, designed ornamental landscapes and places of recreation which illustrate the history of parks and gardens, etc; or illustrate the art of gardening and ornamental landscaping, or they are associated with a particular designer or illustrative of a particular style. Generally, it is agreed that history in this respect pre-dates 1939.

HISTORIC PARKS AND GARDENS OF NATIONAL IMPORTANCE**Policy 29**

(1) Historic Parks and Gardens of National Importance will be preserved and development proposals which would harm them will not be permitted.

Historic Park/Gardens of National Importance:

- (A) Caerhays
- (B) Heligan
- (C) Menabilly
- (D) Tregrehan

5.140 In 1987 English Heritage published a register of parks and gardens of special historic interest with gradings analogous to those used for listed buildings. Three sites in the Borough were listed and graded as follows to reflect their importance compared with gardens and parks in England as a whole. The three sites chosen were Caerhays

Castle (II*), Menabilly (II) and Tregrehan (II*). In 1992 Heligan (II) was added to the list.

5.141 Historic parks and gardens can be broadly divided into three categories:

- Early formal garden remains (Elizabethan-Georgian).
- Landscape Parks and Gardens (1740 - 1824).
- Landscape, Woodland and formal Gardens (post 1824).

5.142 Every garden is unique and the above categories only outline the broad characteristics which form the basis for greater study. In addition such sites will often reflect a long history of occupation which will see a wealth of archaeological, historical and botanical features worthy of conservation. Such sites may therefore, be protected by a variety of designations such as TPOs, listing of buildings and AONB, etc. The national list of historic parks and gardens does not confer any statutory protection, however, *PPG 15 states that local planning authorities should protect recognised parks and gardens in preparing development plans and determining planning applications.

5.143 Policy 29 is intended to protect nationally important historic parks and gardens from insensitive development. Interpretation facilities will be supported under Policy 12. The Council will, in addition encourage management initiatives appropriate to the intrinsic features of the parkland or garden.

5.144 The nationally important Lanhydrock Gardens are situated on the Borough boundary and, although the Gardens are within the North Cornwall District area, the Council will apply the Local Plan policies to any development likely to affect the setting of the Gardens.

LOCAL HISTORIC PARKS AND GARDENS

Policy 30

Proposals for development affecting the following Historic Parks and Gardens of Local Importance should have regard to the conservation of the character of the park/garden.

Historic Parks/Gardens of Local Importance:

- (A) Castle - Lostwithiel
- (B) Prideaux House
- (C) Trewiddle
- (D) Garlenick
- (E) Restormel Castle/Manor
- (F) Trewan - St Columb
- (G) Carnanton - St Mawgan
- (H) Fowey Hall
- (I) Menacuddle
- (J) Nanswhyden - St Columb
- (K) Pelyn
- (L) Penans -St Creed
- (M) Place - Fowey
- (N) Polcarne - St Austell
- (O) Porthpean House
- (P) Trenythen House
- (Q) Trenarren
- (R) Duporth
- (S) Penrice
- (T) Kilmarth

5.145 As well as the nationally important gardens the plan also identifies historic parks and gardens of local importance. The majority of these have been identified from advice provided from the Cornwall Gardens Trust, which was formed in 1988 to preserve and restore gardens of historic value, and who are in the process of identifying gardens of historic interest.

5.146 Extensive research is still needed to assess the appropriate boundaries of the gardens listed here and to define their history and characteristics. The list does not include gardens which have been largely overtaken by development such as Treverrick.

5.147 There are, however, probably other gardens of interest not on this list. Views on the nature and extent of the gardens identified in Policy 30 will clearly be of great help in reviewing this Plan. The Council will apply Policy 30 to any other gardens that can be shown to be of local importance.

BUILDING CONSERVATION

INTRODUCTION

5.148 The conservation of buildings, the spaces between them, and their relationship with the landscape, are all part

of the wider conservation framework of this Plan. Finding new uses for buildings must take into account their listed status, and any relevant industrial or other archaeological investigations. These issues need to be considered together when reading the Plan.

5.149 National policy guidance relating to building conservation is set out in *PPG 15. Paragraph 2.8 in particular explains that local plans should contain policies and proposals for maintaining and enhancing conservation areas and controlling development in them.

5.150 The key structure plan policy on building conservation is Policy ENV3 which covers Listed Buildings, Conservation Areas and Historic Settlements.

POLICIES

CONSERVATION AREAS

Policy 31

(1) Development including redevelopment in Conservation Areas will only be permitted where it preserves or enhances the character and appearance of such areas.

(2) Demolition or partial demolition of buildings in a Conservation Area will only be permitted where a building is beyond repair or it would not harm the character or appearance of the area.

5.151 There are fourteen Conservation Areas in the Borough: and they are listed together with their dates of designation below. Conservation area studies have been produced for St Columb Major, St Mawgan and Crantock. These identify the features which contribute to the special character of the area and suggest policies and proposals for preserving or enhancing their character. Where still relevant such policies and proposals have been incorporated in the Town and Parish chapters of this Plan.

5.152 The Conservation Areas in their order of designation are:

Charlestown	1967	(Extended 1990)
Fowey	1967	(Extended 1981)
St Austell	1968	(Extended 1976)
Lostwithiel	1969	
Gorran Haven	1972	
St Columb Minor	1972	
Mevagissey	1973	
Grampound	1974	
Tywardreath	1974	
St Columb Major	1976	
Crantock	1976	
St Mawgan	1976	
Polkerris	1976	
Pentewan	1977	

5.153 *PPG 15 recognises that areas appropriate for designation as Conservation Areas will be found in almost every town and many villages. It is the character of the areas rather than the individual buildings that the 1990 Act seeks to preserve or enhance. The emphasis is on control, rather than preservation, in order to allow the area to remain alive and prosperous but at the same time to ensure that any new development respects its special architectural and visual quality. The Government attaches great importance to those designations which represent a shift of emphasis from negative control to positive planning. It is now recognised that mere preservation and the complete prohibition of new development, or redevelopment, may result in areas of decay and stagnation. The purpose of this policy is therefore to positively express the statutory requirement.

5.154 The fact that neither the 1990 Act nor *PPG 15 provide a definition of a Conservation Area, in the same degree of detail as that for listed buildings, gives local authorities a considerable degree of freedom to develop their own policies for their designation and enhancement. This is one of the few areas in the planning system where a Local Authority can develop an individual policy approach, provided that it conforms with the principles contained within the Act. If not developed carefully, however, this could present a problem in that when looked at nationally or regionally there could be obvious differences between neighbouring authorities in both the type of area designated and the matter in which the question of enhancement is handled. Although minor differences are part and parcel of a democratic system, extreme variations could be disadvantageous.

5.155 The definition of "character" and "enhance" could be interpreted differently when related to developments affecting Conservation Areas. The traditional view is that new buildings should be sympathetic in design and materials when considered in relation to the specific character of the traditional architecture of their setting.

5.156 *PPG 15 makes it quite clear that new development can take place within a Conservation Area provided that it accords with its special architectural, historic and visual qualities. There will be a number of unlisted buildings within

a Conservation Area which have an important function in creating the character of the area, e.g. closing a view or acting as a foil to a listed building. In such cases it will require a very high quality building to preserve or enhance the character. There will be, however, also many buildings of a much lower quality, or those which do not fit in with the general character of the area, where it will be much easier to provide a replacement building which preserves and endeavours to enhance its character. While control over the demolition of buildings in Conservation Areas is obviously essential, properly planned development and redevelopment is equally necessary in order to maintain the viability and vitality which are so important to their future character.

5.157 Occasionally, a new design in Conservation Areas can be an enhancement by virtue of the contrast created between the existing architectural pattern and the new scheme. Areas now designated as Conservation Areas have evolved over many hundreds of years with the introduction of new, and often contrasting buildings, which are now recognised as being of architectural interest, enlivening the area by illuminating the contrast of material styles. Where such contrasting genuinely enhances the locality such development can be welcomed. Giving an appropriate role to the enhancement criterion will ensure a more flexible appropriate assessment of any proposal in a Conservation Area. This will allow development to take place that avoids duplication or replication or a mixture of historical styles or pastiche, and provides a delicate balance to be achieved between the old and new.

5.158 Local character encapsulates not only scale, form, colour and texture but also smell, taste, sound and the seasonal variation of a Conservation Area, leading to security and an understanding of its status.

5.159 Detailed policies and proposals for individual conservation areas are set out in the relevant Town and Parish Chapters. Local policy statements setting out the architectural and historic character will be drawn up for each of the Authority's 14 Conservation Areas in due course.

AREAS OF LOCAL ARCHITECTURAL AND HISTORIC VALUE

Policy 32
Proposals for development within the Local Areas of Architectural and Historic Value should have particular regard to the conservation of local character.

5.160 There are many areas in the Borough which, while not necessarily of the quality meriting Conservation Area status, do have a character that is worthy of maintaining and enhancing. These areas are covered by the above policy and in some cases by Policy 35 which relates to the "non-cramming" provisions of PPG 3 and the need to retain urban open space. Some of these areas may be of such a quality as to be a high priority for future conservation and designation and the Council is instituting a separate exercise to examine and appraise this potential. Clearly, Policy 6 is of general application and policies relating to design are applicable. An analogy can be made with the Government's approach to nature conservation where the same policy attitudes need to be addressed in the countryside as a whole and in locally important areas not just in relation to nationally based designations.

5.161 The proposed areas of local value relate to Conservation Areas in the same way that SINC's relate to SSSIs. In some cases it will be appropriate for them to be put forward as Conservation areas following additional research and assessment. Likewise there will be, as time progresses, additional buildings considered suitable for listing.

5.162 The Areas of Local Architectural or Historic Value proposed in this Plan are:

- 1 St Austell (extension to existing Conservation Area)
- 2 Newquay
- 3 Crantock (extension to existing Conservation Area)
- 4 St Wenn
- 5 Tregonetha
- 6 St Dennis
- 7 Lanlivery
- 8 Luxulyan
- 9 Carthew
- 10 St Stephen
- 11 Coombe
- 12 St Ewe
- 13 Portholland
- 14 Gorran Churchtown
- 15 Nanpean
- 16 Rosenannon
- 17 Roche
- 18 Golant

5.163 Areas 1 to 14 were identified by the Borough Council from survey work undertaken for the Local Plan. Areas 15-18 have been proposed following a review of the historic settlements of the County undertaken by the CAU. This review identified settlements which, although not conforming to the national definition of an Historic Town, nevertheless represent aspects of the distinctive history and character of the county. Included in this category are Ports and

Harbours, many of them of Medieval date which represent the legacy of Cornish fishing, maritime industries and trade, and those settlements which emerged with the industrial revolution, most of which are of recent foundations, but which nevertheless exhibit the vernacular tradition in their architecture and the use of strictly local building materials. In addition to the areas 15-18 proposed above the CAU review also endorsed the importance of Luxulyan, St Stephen, St Dennis and Lanlivery, which had been previously identified by the Borough. The Areas of Local Architectural or Historic Value are proposed in the relevant Town or Parish Chapters.

LISTED BUILDINGS

Policy 33

Development which conflicts with the preservation or enhancement of listed buildings, their settings and features will not be permitted.

5.164 Listed Buildings are judged according to a set of national criteria approved by the Government's Inspectors in the Historic Buildings and Monuments Commission (better known as English Heritage). They are responsible for seeing that the standards are applied nationally in the course of the survey of the buildings and for supervision of the listing fieldwork. Very broadly, the following types of buildings (including other structures) are eligible for listing:

- All buildings built before 1700 which survive in anything like their original condition.
- Most buildings from 1700 to 1840, although selection is necessary.
- Between 1840 and 1924; only buildings of definite quality and character the selection of which is designed to include the works of principal architects.
- Post 1924: The recognition of the importance of more recent buildings, particularly those of the Modern Movement has seen examples of inter and post war listings. St Austell Library for instance has recently been listed after a review of Cornish examples.

5.165 In choosing buildings particular attention is paid to:

- Special value within certain types, either for architectural or planning reasons or as illustrating social economic history (e.g. industrial buildings, railway stations, schools, hospitals, theatres, town halls, markets, exchanges and almshouses).
- Technological innovation or virtuosity (e.g. prefabrication, cast iron or the early use of concrete).
- Association with well-known persons or events.
- Group value as in examples of town planning (e.g. squares, terraces or model villages).

5.166 The buildings are classified in grades to show their relative importance. This does not, however, mean that a Grade I building is more preservable than a Grade II, since the grading was originally intended for grant allocation purposes only. The classification is as follows:

- Grade I These are listed buildings of exceptional interest (only about 2% of listed buildings are in this grade).
- Grade II* These are particularly important buildings or more than special interest (some 4%).
- Grade II These are buildings of special interest which warrant every effort being made to secure their preservation.

5.167 A listed building must not be demolished, extended or altered in any way that affects its character without having been granted listed building consent, in addition to any planning permission required. There is a presumption in favour of preserving listed buildings and consent for their partial or total demolition is rarely given and then only in exceptional circumstances.

5.168 The Council has to be satisfied that every effort has been made to continue the present use of the building or to find a suitable alternative location. Alterations or new uses are likely to devalue the special architectural or historic interest of the building and the Council has to be satisfied that the works proposed are necessary. Every effort should be made to enhance or conserve the special character.

CONVERSION AND CHANGE OF THE USE OF BUILDINGS

Policy 34

(1) The following policies will apply to the change of use of buildings.

(2) Within the development envelopes defined in Policy 3 proposals will be permitted.

(3) Outside the development envelopes defined in Policy 3, proposals including those for community uses will be permitted subject to the following criteria:

- (A) Where a community use is proposed, no suitable site or building can be found within a village.
- (B) The form, bulk and general design of the building is in keeping with its surroundings and the proposal does not prejudice policies for the conservation of the countryside or introduce an unacceptably intensive use into a generally quiet area.
- (C) The building is not structurally unsound, derelict, or has not been constructed with a view to early conversion to another use and is capable of conversion without the need for major extension or rebuilding.

(4) Where buildings are outside the development envelopes defined in Policy 3 and not clearly within the built

West Devon Borough Local Plan Review

Second Deposit – April 2002

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Tel. 01822-813600
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2.32 The future of the AONB will be managed by the development of a management plan. The management plan officer AONB Partnership has been working in consultation with the local community and statutory consultees to provide a plan which will implement the objectives of the AONB designation. ~~Once this document is complete it will sit alongside the West Devon Borough Local plan as supplementary planning guidance. The Management Plan which was published during 2000 does not replace statutory development plans, instead it sits alongside them as a complementary, localised strategy, providing a framework of management measures and positive actions that are specific to the Tamar Valley AONB.~~

Policy NE12

In the Tamar Valley AONB the conservation and enhancement of the landscape and its natural features, flora and fauna, natural beauty, wildlife and cultural heritage, will be given priority over other considerations in the determination of development proposals:

- (i) development will not be permitted where it would cause unacceptable harm to the natural beauty, wildlife and cultural heritage of the Area of Outstanding Natural Beauty
- (ii) where development is permitted, its siting and design must reflect the traditional character of buildings and/or distinctive landscape pattern of the area.

NB paragraph 2.33 has moved to after 2.29.

~~2.33 The AONB has been designated for its landscape types. These include the estuary landscape, middle valleys, the granite ridge and the upper Tamar. The landscape within the AONB, like any other landscape will be placed under pressure for change. The main sources of this being; the rural economy including diversification; land ownership and management; tourism; industrial archaeology and pressure from development. Possible threats to the area include recreation pressure, marina development and the effects of increased traffic.~~

2.34 Whilst not truly part of the coast, the tidal waterfronts in West Devon are becoming more popular for water based activities. The increasing congestion and rising costs on the lower Tamar have lead to pressure moving up stream. The AONB Management Plan Officer and the Tamar Valley Countryside Service have been working with landowners and those who live in the AONB to encourage sustainable transport policies, promote low key informal tourism and recreation which will help residents and visitors understand, enjoy and care for the Tamar Valley.

New Para

2.34A The importance of the Tamar Valley in terms of its historical and cultural heritage is forming part of a bid for World Heritage status for the Cornish

Mining Heritage Site. Whilst the boundaries of the site are yet to be defined, it will have implications for planning in West Devon if the site is designated. As well as recognising the unique role of Cornish Mining in shaping modern industrial society, World Heritage Status will bring tangible socio-economic benefits to the area it covers as well as the areas around it. If the Site Bid is accepted and World Heritage Status is granted, Supplementary Planning Guidance will be prepared to reflect relevant details within the management plan for the site.

Policy NE13

~~The Local Planning Authority will not permit any proposals that may result in increased recreational or other use of the waterfront and estuarine areas, where the proposal would in itself, or in conjunction with other developments, lead to increased pressures or detrimental impact on a designated site, including a SSSI, SPA, cSAC, or other statutorily recognised wildlife or nature conservation sites.~~

NB paragraph 2.35 and Policy NE14 have been moved to after paragraph 2.29

~~2.35 Other important landscapes~~

~~The landscape of the Borough is generally of an outstanding quality. Over 40% of the Borough is covered by specific landscape designations, which recognise the quality and importance of the landscape. Although the Borough Council is not the Local Planning Authority for the Dartmoor National Park, its boundaries are shown on the proposals map. Development on the fringes or edges of the Park may have an impact on it and its setting. In considering proposals for development on sites adjoining or close to the boundary of the National Park the likely impact on the Park itself will be carefully assessed in order to protect its setting and important view points within it.~~

~~Policy NE14~~

~~Applications for development on or close to the edge of the Dartmoor National Park will be permitted where the proposal will have no significant adverse effects on the setting of the Park's landscape or on important viewpoints within the park.~~

2.36 Areas of Great Landscape Value

PPG7 makes it clear that landscape character should play a greater role in the control of development in the countryside. In order to address this issue the Borough Council commissioned consultants to undertake a landscape appraisal of the 3 landscape areas which have in the past been designated as Areas of Great Landscape Value. In line with the advice given in PPG7 this has provided an opportunity for the Council to rigorously examine these important landscape areas with a view to designating an AGLV. Three areas outside of the AONB were examined. These included a small area south of Tavistock, an area around Spreyton in the east of the Borough and the River Lyd and Lew Valleys.

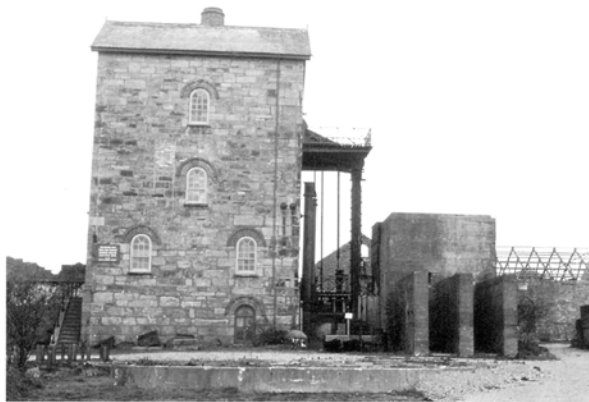
Cornwall Heritage & Culture Strategy

*Towlenn rag Ertach ha
Gonisygeth yn Kernow*



*Cornwall County Council, Caradon District Council, Carrick District Council, Kerrier District Council,
North Cornwall District Council, Penwith District Council, Restormel Borough Council*

- Public access to the record via the internet or directly is completely inadequate. Poor public transport inhibits sustainable access to sites.
- There is only limited engagement of local communities in the debate over why and how the heritage should be managed. The result is a top down "experts" view of the key issues and their resolution.
- Cornwall has amongst the highest density of designated sites in the UK and the lowest GDP through which to manage them.
- Local authority responsibility for the historic environment is fragmented both between County and Districts and within different departments. There is no overall coherence and no county wide "one stop" shop for advice and information.



Cornish Engine, Pool

- There is a danger of over provision of heritage facilities with limited control of their quality in terms of access and interpretation. Marketing of the historic heritage is fragmented across a range of agencies. The capacity to build strategically on Cornwall's distinctiveness in defined areas is compromised.
- Promotion of countryside sites means more car journeys in rural areas. Access for all may threaten site erosion through visitor pressure. Tension between the desire to attract more people at the same time as protecting what they have come to look at.
- The Strategy must mediate the innate tensions between encouraging economic development and retaining regional distinctiveness.
- The case still needs to be made in Cornwall that conservation of the built environment is an important part of urban regeneration.
- There are alternative views of our past from a range of perspectives: Cornish/English, resident/visitor, local/national etc. which need to be acknowledged and celebrated. Most agree that the temptation to "fossilise" Cornwall as a heritage theme park should be resisted.
- The effect of climate change is a developing issue of major concern
- Important to see historic sites, buildings, monuments and gardens as part of a heritage continuum incorporating museums and archives

Three year objectives

3.1.13 The following three year objectives are proposed in response:

- Dramatic improvement in the presentation of the historic heritage (for both locals and visitors) to broaden and deepen the experience.
- Significantly greater community involvement and local ownership of heritage issues.
- Improved accessibility to all types of historic databases through the internet for students and members of the public.
- Data sets for the natural environment and historic heritage would benefit from integration.
- Wider role for Cornish heritage studies in schools and through life long learning initiatives including the new Cornish University.
- Developing closer links across the cultural sectors especially between nature conservation, the historic heritage and the arts.
- Planned approach to resolution of particular problems (e.g. Bodmin Gaol, Bodmin Hospital, Bodmin Barracks, Perran Foundry, Nonconformist Chapels and Buildings at Risk)
- A programme of research to determine the medium and long term trends affecting the future management of the historic environment.
- Submit the bid for Cornish mining as a World Heritage Site.



Hendra Chapel



Miner's Terrace Lanner

PART THREE

Part Three argues that Cornwall is uniquely well placed to benefit from an ambitious Heritage and Culture Strategy. It then proposes shared priorities and common opportunities which bind together the different sectoral perspectives described in Section Two into a single strategic framework.

5. Cornwall: A Distinctive Cultural Identity

What is so special about the heritage and culture of Cornwall?

5.1 The economic, socio-demographic and geographic factors outlined in Appendix B combine to produce particular challenges and opportunities. A highly distinctive Cornish culture comprises its language, its landscape embracing its geology and geomorphology, its Celtic identity and its political history, its patterns of settlement and land holding, its maritime tradition, its industrial heritage (and its post-industrial economic decline), its non-conformist tradition and its continuing capacity to inspire and nurture creativity lies at the heart of the Strategy. Surrounded by the sea on three sides, and by the tidal River Tamar for most of its boundary with Devon, these physical characteristics of Cornwall have deeply affected the culture of its people. No other county has such a recognisable cultural identity. For local authorities and public sector agencies the task of the Strategy is to define these points of distinction and link them with the European, national and regional policy imperatives outlined in Appendix A.

5.2 On the one hand the notion that "Cornishness" has a distinctive strength feeds directly into the wider planning framework with its emphasis on regional identity. On the other hand a reluctance (in some quarters) to accept the South West as a meaningful regional proposition requires some kind of mediation within the strategy. The challenge for the Strategy is to discover how best to balance these two positions. They are not mutually exclusive. If it wishes to gain maximum access to resources, Cornwall needs to insist that it is perfectly possible to be a proudly independent "region within a region" (with its own unique cultural heritage) while remaining a part of the wider South West. Indeed Cornwall's cultural distinctiveness is one of the region's greatest and most sustainable assets.

5.3 The strategy therefore confidently asserts the centrality of Cornish cultural identity to its economic and social regeneration. The natural environment and the historic heritage interpreted and mediated through best contemporary cultural practice lies at the heart of sustainable development in Cornwall. It is the natural terrain for Objective 1 funded initiatives. As an integrating principle the broad definition of "culture" used within the strategy reinforces the tourism proposition and opens up the possibilities of new jobs across the "creative industries". It enables communities to make sense of their collective pasts and to approach the future with confidence secure in the knowledge that it is based on innate Cornish strengths.

6. Shared Priorities and Common Opportunities: Cross-sectoral Partnership

6.1 The sectors brought together within the strategy function like intersecting Olympic rings. Each makes its own distinctive contribution to a chain which adds strength to these individual components. Throughout Part Two of this strategy a series of shared concerns, priorities and opportunities emerge. They bind together the range of separate perspectives into the common proposition which drives the Strategy. The most important of these cross-sectoral themes are:

- the desire to develop and enhance an integrated approach to partnership working across the heritage and cultural sectors.
- the need to define and develop that which is distinctive in Cornwall's cultural identity.

- the strength of the many voluntary and specialist interest groups and the need for local authorities to work with these groups.
 - the desire to develop the tools for sectoral advocacy through which to make the case for enhanced investment from a range of sources
 - the need for detailed research base to demonstrate the nature and extent of the social and economic benefit of public investment in the heritage and cultural sectors.
 - the desire to develop an integrated approach to ICT to enhance access to sectoral data in a common form.
 - the need for a strategic framework in which to make sense of the wide range of free standing initiatives across all sectors.
 - the legacy of the fragmented approach across the heritage and cultural sectors which has historically characterised their development in Cornwall.
 - the tension between "flagship" initiatives providing high quality Cornwall-wide facilities and dispersed provision taking smaller scale services out into local communities
 - the need for an independent cultural agency through which to mediate and enhance the public, private and voluntary sector contributions to the framework for partnership.
 - the relationship between capital funding and revenue sustainability through which to unlock the potential of existing assets.
 - the difficulty of securing local match funding for all projects.
 - the desire to develop a high quality Cornwall "brand" through which to promote a strategic marketing approach to include the heritage and cultural sectors.
 - the common commitment to access, to combating social exclusion and to the targeting of services at those parts of the community which have not traditionally benefited from public investment in these areas.
 - an understanding of the central role of both formal and informal education in the work of the heritage and cultural sectors
 - the desire to engage the active interest and involvement of local communities in their own heritage and culture.
 - the need to address the issues of staff training and professional development.
- 6.2 These emerging themes suggest a number of potential initiatives to which the Strategy might address itself. Those with the greatest critical mass of support are:
- A detailed investigation of the need for some form of "Cultural Development Agency" working to a clear, time dated brief through which to address the primary problems of fragmentation, lack of coordination, low levels of investment and lack of strategic leadership. It is well understood that such an agency must be able to demonstrate clear "added value" to existing structures and should on no account become simply another layer of administrative bureaucracy.
 - The development of a capital strategy covering the full range of heritage and cultural activity in which to prioritise and make sense of the range of projects competing for limited public resources.

7. Implementation of the Strategy

7.1 The next stage in the implementation of the Strategy is the preparation of Sectoral Plans for:

Landscape, Countryside and Coast

Biodiversity: Species and Habitats

Sites, Monuments, Buildings and Gardens

Museums

Archives and Historic Libraries

Contemporary Arts and the Creative Industries

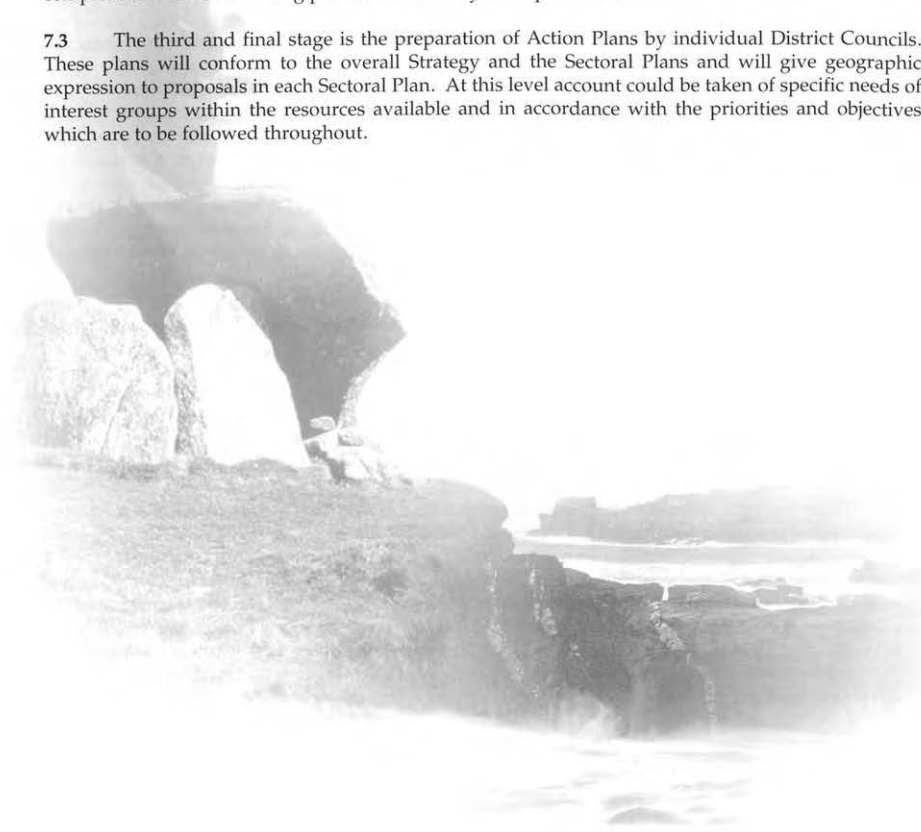
Leisure, Recreation and Sport

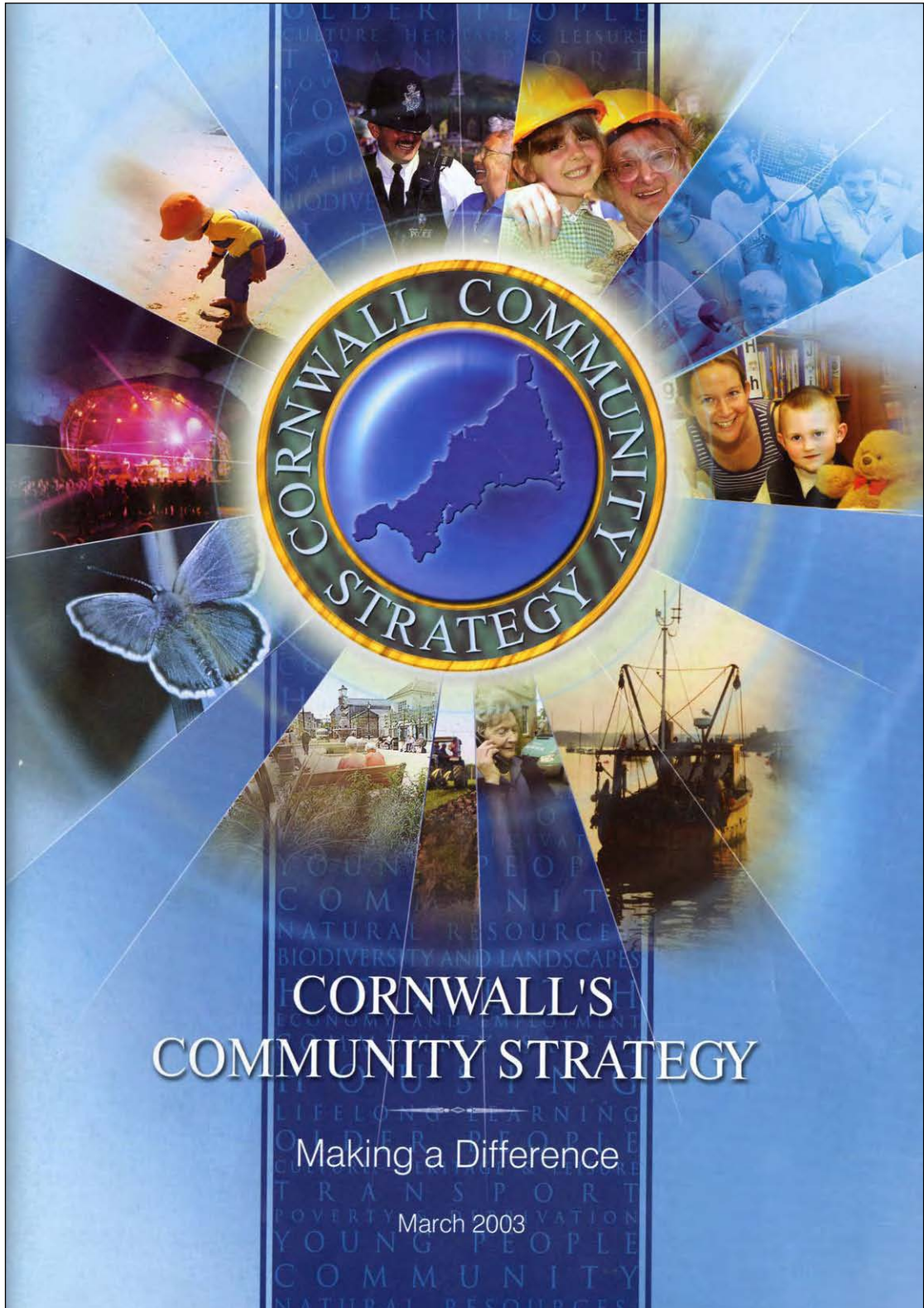
Public Libraries

Tourism

7.2 The Plans will demonstrate how the three year objectives proposed in the Strategy will be achieved and will identify cross-sectoral links and responsibilities. In some cases, (e.g. biodiversity, public libraries), sectoral plans or development plans have already been prepared. In other cases, (e.g. archives) such plans are well advanced. In every case the consultation processes which have been developed during the preparation of the Strategy should be maintained and should assist in the completion of the outstanding plans in a relatively short period of time.

7.3 The third and final stage is the preparation of Action Plans by individual District Councils. These plans will conform to the overall Strategy and the Sectoral Plans and will give geographic expression to proposals in each Sectoral Plan. At this level account could be taken of specific needs of interest groups within the resources available and in accordance with the priorities and objectives which are to be followed throughout.





Section 3: The Vision for Cornwall

The long term vision for Cornwall is:

***"Cornwall - a strong sustainable community
for one and all"***

In more detail, the vision is for:

Cornwall as a special place and a strong sustainable community - its distinctive physical and cultural qualities protected and enhanced, recognised in the United Kingdom and Europe and providing the basis for a sustainable quality of life and environment for its people, reflected in a County:

- with an ecologically sound, aesthetically pleasing and pollution free environment;
- within which individual communities are able to feel safe, flourish, retain their distinctiveness and contribute to the "way of life" of their people;
- with a strong and sustainable economy, able to employ all residents seeking jobs in fulfilling work, based on development which does not compromise its natural strengths and resources;
- where all sectors of the population are suitably housed;
- with a commitment to promote health, tackle preventable disease and provide high quality support and care to those in need;
- where all the population has access to a wide range of services and community facilities, including the best in education and training, and can share in the attractions and qualities of the County; and
- where access is provided for people and goods by an appropriate, effective and more energy efficient and environmentally friendly transport system.

	ACTIONS	INDICATORS & TARGETS	POTENTIAL DELIVERY PARTNERS
USE OF NATURAL RESOURCES (cont)			
Develop and demonstrate innovative and prudent use of natural resources	<ul style="list-style-type: none"> Develop renewable energy resources whilst minimising any local impacts and maximising economic benefits 	<ul style="list-style-type: none"> Local contribution to be determined towards regional target of 11% -15 % of electricity generation from renewables by 2010 	<ul style="list-style-type: none"> Cornwall Sustainable Energy Partnership Cornwall County Council (Planning) District Councils (Planning)
	<ul style="list-style-type: none"> Advisory programme to improve business resource use 	<ul style="list-style-type: none"> Increase efficiency of resource use in businesses 	<ul style="list-style-type: none"> Cornwall Sustainable Energy Partnership
	<ul style="list-style-type: none"> Environmental awards for businesses 	<ul style="list-style-type: none"> First annual awards June 2003 	<ul style="list-style-type: none"> Local Agenda 21 officers
HERITAGE			
Protect and celebrate heritage and the historic landscape	<ul style="list-style-type: none"> World Heritage site application and management plan prepared Communication Action Plan Implement management plan 	<ul style="list-style-type: none"> Submission of application and management plan by 2004 World Heritage Site status for Mining achieved by 2006 Communication Action Plan prepared by 2004 	<ul style="list-style-type: none"> World Heritage Site partnership Cornwall County Council (Environment & Heritage) English Heritage National Trust Country Landowners and Business Association
	<ul style="list-style-type: none"> Develop museums and archive projects associated with the World Heritage Site application 	<ul style="list-style-type: none"> Submission of projects associated with World Heritage Site by 2004 	<ul style="list-style-type: none"> Heritage Kernow (Cornwall Archaeological Unit, South West Museums Council, English Heritage, Cornwall County Council - Environment & Heritage, Libraries)
	<ul style="list-style-type: none"> Provide heritage information through ICT across Cornwall Widen use of Heritage information 	<ul style="list-style-type: none"> Online information available through a web portal by 2004 Provide content for all People's Network Points 	<ul style="list-style-type: none"> Cornwall County Council (Libraries/ Environment and Heritage) Heritage Kernow
	<ul style="list-style-type: none"> Development of a sustainable partnership for heritage Promote conservation - led urban regeneration schemes Promote heritage within agri-environment schemes Positive resolution to grade 1 & 2 buildings at risk 	<ul style="list-style-type: none"> Heritage Kernow established by end 2003 4 conservation - led urban schemes developed by 2007 23% of grade 1 & 2 buildings at risk removed from the 1999 register by 2004 Increased economic benefits from heritage 	<ul style="list-style-type: none"> Cornwall County Council (Environment & Heritage) English Heritage Department of the Environment, Food and Rural Affairs (DEFRA) National Trust Community groups Town Councils District Councils

Key: QoFL = Quality of Life Indicators; PSA = Public Service Agreement Targets

ACTIONS	INDICATORS & TARGETS	POTENTIAL DELIVERY PARTNERS
HERITAGE (cont)		
Protect and celebrate heritage and the historic landscape	<ul style="list-style-type: none"> Review heritage statutory designations in key industrial and urban areas Provision of advice on protection and management of key heritage sites 	<ul style="list-style-type: none"> 18 urban settlements surveyed Partnership established between Cornwall County Council and English Heritage by 2004 (Monuments Protection Programme)
		Cornwall County Council (Environment & Heritage) English Heritage District Councils
BIODIVERSITY AND LANDSCAPE		
Protect and enhance the natural, semi-natural habitats, landscape and their species	<p>HEADLINE ACTION: Enhance biodiversity of Wildlife Sites</p> <ul style="list-style-type: none"> Implement a Wildlife Sites System which reviews sites and provides advice on improvement Establish a Wildlife Sites Partnership Increase local community awareness of economic, social and environmental values of County Wildlife Sites 	<ul style="list-style-type: none"> Establish a Wildlife Sites Partnership by end 2003 Enhance biodiversity by 100 more County wildlife Sites (40%) are in favourable conditions (PSA) Reassess County Wildlife Sites every 10 years
	<ul style="list-style-type: none"> Area of Outstanding Natural Beauty (AONB) partnership set up AONB management plan prepared Improve communication about the AONB Monitoring and review of Sites of Special Scientific Interest (SSSIs) Favourable management by landowners 	<ul style="list-style-type: none"> AONB Management Plan prepared in partnership by end of 2004 Consultation / promotion carried out by end of 2003 75% of SSSI's in favourable condition by 2010 (from 49% - QoFL)
		<p>Cornwall Wildlife Trust ERCCIS (Environmental Records Centre for Cornwall and the Isles of Scilly) English Nature National Trust and landowners Woodland Trust RSPB Local Biodiversity Action Plan partnership Cornwall County Council (Highways) Environment Agency</p> <p>Cornwall County Council (Environment) District Councils AONB partnership</p> <p>English Nature Cornwall Wildlife Trust National Trust and landowners ERCCIS Cornwall County Council (Fire brigade)</p>

Key: QoFL = Quality of Life Indicators; PSA = Public Service Agreement Targets

A Community

Strategy

for Devon



Devon Strategic Partnership

Devon's Landscape Character



Bideford

With its myriad of villages, hamlets and scattered farmsteads, Devon's countryside is the location for a wide range of activities such as agriculture, forestry, leisure and tourism. In addition Devon countryside contains important areas of natural mineral deposits. The Community Strategy recognises the importance of managing the creative and dynamic resources of the countryside in a way that conserves and enhances its value.

Devon is made up of landscapes (and coastlines) of varied and often outstanding character, spreading across over 30 different landscape 'zones'. Over 50% of its land is recognised as being of special quality for both cultural and natural heritage values. Having said this, the very size of Devon means that there are extensive areas of landscape that are locally rather than regionally or nationally distinctive. Whilst quite properly landscape quality can serve as a constraint on change, the notion that there is no room for future change in the Devon landscape is a misinformed one. (The essential change that will be brought about by the emerging new agricultural policy is one case in point).

The successful implementation of the Community Strategy needs to be taken forward with a recognition of the key strategic landscape and conservation designations in Devon. These include:



Cliffs near Beer

- The Jurassic Coast World Heritage Site
- The proposed Cornish Mining World Heritage Site (that will extend into West Devon)
- Designated European Conservation Areas
- Dartmoor and (part of) Exmoor National Parks
- Five Areas of Outstanding Natural Beauty (Blackdown Hills, East Devon, South Devon, North Devon and Tamar Valley)
- Sites of Special Scientific Interest and other designated natural areas
- Areas of Great Landscape Value
- Urban conservation areas, listed historic buildings and recorded archaeological sites



Dartmoor



Braunton Burrows

Tamar Valley
Area of Outstanding Natural Beauty



Management Plan

2004 - 2009

A Vision for the Tamar Valley AONB

A short vision statement has been developed by the Tamar Valley AONB Partnership to encapsulate its aspirations:

To ensure that by working together the Tamar Valley Area of Outstanding Natural Beauty will be managed in a way that conserves and enhances its unique cultural identity and outstanding natural beauty for the benefit of all the people who live, work and visit the area, now and in the future.

The AONB Partnership has chosen and adopted this short statement to represent the work it has been doing for the last four years towards conserving the Tamar Valley landscape. The Tamar Valley AONB is a hugely important landscape for many reasons which are outlined on

the following pages. The measure of success of this Plan will be whether, in five years' time, demonstrable strides have been made towards fulfilling this vision.

Why another Plan?

The Tamar Valley AONB's first Management Plan was adopted in 2000. This Plan was widely recognised and accepted and helped the Tamar Valley AONB move forward a comprehensive programme of activity between 2000 and 2004. This has included the consolidation and expansion of the AONB Service as well as some major projects and programmes of work. This Management Plan and Action Plan was originally to last until 2005, however a number of factors have necessitated a need to produce a new Plan ahead of this original deadline.

The immediate issue has been the Countryside and Rights of Way (CROW) Act 2000. This legislation has been the most important step forward for AONBs since the National Parks and Access to the Countryside Act which created them in 1949. Part IV of the CROW Act consolidates earlier legislation and particularly re-emphasises that, in landscape and planning terms, AONBs have parity with National Parks.

The Act has also given AONBs some important new provisions that:

- ▶ require 'relevant authorities' (such as public bodies) to 'have regard' to the purpose of conserving and enhancing the natural beauty of the AONB.
- ▶ require AONB Local Authorities or Conservation Boards to prepare and publish an AONB Management Plan and to review it at intervals in line with the CROW Act clauses (in not less than five year intervals).

This Plan formulates local authority policy and action in relation to the management of the Tamar Valley AONB as required under Section 89 of the CROW Act 2000. It fulfills the joint responsibilities for the seven local authorities who have partnered its development and will continue to support its implementation. The local authorities are:

Caradon District Council
Cornwall County Council
Devon County Council
North Cornwall District Council
Plymouth City Council
South Hams District Council
West Devon Borough Council

Issue - The World Heritage Site for Cornwall & West Devon Mining Landscape **Ap5**

Background

The World Heritage Site (WHS) for Cornwall and West Devon Mining Landscape has been evolving for several years. If successful, it will bring recognition for the global impacts of the deep mining technology developed across Cornwall and West Devon in the 19th century. This includes both the technical and social aspects.

The Tamar Valley is one of the ten physical areas put forward as being of key importance. The defined bid area in the Tamar Valley runs within, and alongside, the AONB mostly from Tavistock (in Devon) across to Kit Hill (in Cornwall). Within the Tamar Valley there are the remains of over 100 mines and their associated infrastructure. Since many remains lie on the valley sides and have become covered in woodland, they are rather different to those elsewhere; the inaccessibility helping to conserve these areas. However, there is also a large legacy of dereliction and contamination which offers future challenges.

So far, the AONB has played a full part in the development of the bids and definition of the area and it is envisaged that partnership working will continue during the implementation of the WHS's 10 year Management Plan.

Inscription (the equivalent of designation) is likely to happen in 2006 and this has many implications for the Tamar Valley AONB within areas such as marketing, visitor management, protection, management and consolidation of the physical remains.

Objective Ap5 - The WHS and the AONB are complementary and work together to safeguard the mining heritage in harmony with the broader landscape, environmental, social and economic needs of the area.

Policy Ap5 - Support the inscription and implementation of the Management Plan of the WHS for Cornwall and West Devon Mining. Seek to ensure that the two designations work hand in hand to conserve the Tamar Valley AONB landscape.

How will the AONB Partnership approach this issue?

- ▶ Continue to play a full part on the WHS Partnership.
- ▶ Ensure a good fit between WHS and AONB policies and action plans.
- ▶ Plan for the management of the impact of the inscription and promotion across the Tamar Valley including ensuring joint marketing and branding.
- ▶ Work closely with Tavistock, Callington and other local communities to gain maximum benefits for the area.
- ▶ Help secure regeneration funding for key sites, including Morwellham Quay.

The basis for projects and issues for this section can be found in the separate Consultation Report (for local issues and projects) and in the References / Bibliography under the following items: 4, 6, 7, 8, 9, 15, 16, 17, 18, 19, 23, 24, 46, 62, 72, 77, 78, 94




Cornwall's Area
of Outstanding
Natural Beauty



A Management Plan for
the Cornwall Area of
Outstanding Natural
Beauty
2004 - 2009

Cornwall AONB Partnership

- Caradon District Council · Carrick District Council · Kerrier District Council ·
· North Cornwall District Council · Penwith District Council ·
 - Restormel Borough Council · Cornwall County Council · Countryside Agency ·
 - National Trust · Cornwall Association of Local Councils · Cornwall Enterprise ·
· DEFRA · Environment Agency · Government Office for the South West ·
· National Farmers Union / Country Land and Business Association ·
- 

- 5.5.3 The sustainable management of Marine sites is also critical to the maintenance of the key landscape features of the AONB. Harbours and inshore fisheries do much to contribute to the character of the AONB. Voluntary No Take Zones have been shown to provide the conditions for more sustainable management of inshore shellfish stocks of crab and lobster. Voluntary Marine Conservation Areas have been established and help raise public awareness of the management issues of the coastal waters.

Policy BL 4

Extend the principle of sustainable fisheries initiatives to AONB inshore waters in an effort to maintain sustainable populations of marine species.

Strategic context

Cornwall and Scilly Fishing Industry Task Force Strategy 2000 - 2010

Sustainability objective -Reduce pressure on those fish stocks currently over exploited by adopting new technologies and forms of fisheries management.

5.6 Cultural landscapes

- 5.6.1 The cultural landscape can be regarded as the human habitat, extensively adapted by successive generations over thousands of years. It is made up of the natural environment and the result of human activity - buildings, roads, the layout of the land. The European Landscape Convention, launched in October 2000 by the Council of Europe, defines landscape as 'an area, as perceived by people, whose character is the result of action and interaction of natural and/or human factors.'
- 5.6.2 Cornwall, and its AONB in particular, has among the highest densities of archaeological monuments in Europe, and much of the visual interest in the AONB is created by its buildings, especially the wonderfully varied vernacular housing and farm buildings. It is particularly important that this special variety is both conserved and interpreted because this AONB has a landscape that is in most cases both ancient and still readable.

Policy CL 1

Improve the recording, interpretation and understanding of all aspects of the AONB's historic environment to ensure local communities and visitors enjoy a rich experience of the sense of place. Remove physical, cultural and social barriers that inhibit access to and understanding of the heritage within the AONB.

- 5.6.3 Being a landscape with clearly visible time-depth, the AONB also contains much evidence of more recent episodes of land use, such as mining, that have in turn added another rich dimension to both the human and natural habitat. The bid currently in preparation to establish a Cornish Mining Landscape World Heritage Site will, if successful, confirm the international importance of this layer of the historic landscape and provide a focus for its continuing celebration and good management. Other sites should be appropriately managed or the AONB will be at risk of diluting the qualities that make it special.



Policy CL 2

Ensure appropriate management of sites, structures and landscapes designated for their international, national, regional or local importance in the historic environment.

- 5.6.4 Recognising that the whole of the landscape is historic, and so all of it can be recorded, interpreted and celebrated, Cornwall County Council, in conjunction with English Heritage, produced a detailed historic landscape characterisation (HLC) of the whole of Cornwall, as part of the 1994 Landscape Assessment. This includes guidelines for the protection, enhancement and appropriate management of the score or so HLC Types identified. HLC allows the historic environment to be treated in a similar way to the 'landscape scale' approach to habitats and wildlife outlined above.

Policy CL 3

Continue to develop a landscape approach to management of the historic environment, using Historic Landscape Characterisation (HLC) as a key tool, and integrating fully with natural environment, landscape and other initiatives.

- 5.6.5 A recent initiative undertaken on the Bodmin Moor part of the AONB involved the preparation of a pilot Historic Environment Action Plan (HEAP), organised along the same general lines as Biodiversity Action Plans. HEAPs identify key components of a HLC Type, develop statements of significance, consider key forces for change and then develop achievable objectives and targets intended to achieve historic environment management that is fully integrated with all other interests (natural environment, landscape, agriculture, community, economy etc).

Policy CL 4

Identify, promote, deliver and monitor Historic Environment Action Plans (HEAPs) for key HLC Types and key building and site types within the AONB.

Strategic context

Cornwall Heritage and Culture Strategy 2000

"Cornwall's historic heritage is a non-renewable finite resource. The management of change requires a sensitive but rigorous planning environment based on knowledge of heritage assets"



Appendix 4

A VISION FOR THE CORNWALL AONB LANDSCAPE

An internationally important landscape valued for embodying the special character of Cornwall, underpinning the local economy and everyone's quality of life.

It is nurtured by effective partnership, sufficient resources and only sustainable development.

"An internationally important landscape" - Landscape is "an area perceived by people whose character is the result of the action and interaction of natural and/or human factors" (European Landscape Convention, Council of Europe 2000). The intrinsic importance of parts of Cornwall is reflected in the AONB designation - classified as a Category V landscape by the IUCN, The World Conservation Union. The Cornwall AONB includes a candidate World Heritage Site - the Cornwall Mining Landscape - and extensive Special Areas of Conservation, biodiversity reserves of European importance.

"valued for embodying the special character of Cornwall" - Cornwall's "end of the land" remoteness, although lessened by modern communications, has helped retain more of its distinctiveness than in many other parts of the country.

Some features of Cornwall are particularly valued and are special to the AONB. The exceptionally long coastline emphasises Cornwall's remote, peninsula character; the wildness of the cliffs and moors represents an increasingly rare and valued quality in a densely populated island like Britain.

"underpinning the local economy" - the AONB landscape of coast and moor is the "fairest face" of Cornwall and is widely accepted as being the reason why most visitors choose to come here, making tourism the largest single industry and contributing over 25% of the economy's value. The landscape certainly earns its keep.

The quality of life in Cornwall attracts and retains some entrepreneurs whose businesses can cope with Cornwall's comparative isolation.

"and everyone's quality of life" - five million visitors enjoy the Cornish landscape each year; in July and August it can feel overcrowded. But, for 10 months of the year Cornwall's half million population can enjoy it as they please, largely free of charge. Social deprivation of various sorts is a real issue for some people in Cornwall but nearly everyone has access to a satisfying landscape.

"nurtured by effective partnership" - what ever is needed to properly look after the AONB for the long term can only be achieved by real partnership working which effectively involves all stakeholders - owners and occupiers of the landscape; local, regional and central government; voluntary organisations; statutory agencies.

Perhaps the greatest challenge is to effectively engage communities in what is necessary for the long term care of their local, but nationally important, landscape.

"sufficient resources" - the landscape needs constant and informed management if its distinctive qualities are to be retained. This means finding sufficient resources for wherever and whenever they are needed.

For example, land owners and occupiers need adequate incentives through agri-environment and cross compliance schemes to provide sympathetic management of the landscape; Planning Authorities need sufficient, skilled staff to administer the land use planning system effectively; conservation organisations need enough resources to implement their management plans.

Not least, the AONB Unit needs long term, realistic financial commitment from the partners so it can service the Partnership and play its part in achieving the ambitions of the Management Plan.

"only sustainable development" -sustainability is often said to be about passing on to the next generation at least as rich and diverse a resource as this generation inherited. It requires giving equal weight to social, economic and environmental elements of a situation, supported by well constructed, criteria-based planning policies, consistently interpreted and adhered to.

Decisions on what to do - or not do - need to produce long term, continuing benefits for the common good rather than short term gains for a particular interest group, even if such short term gains may seem more spectacular at the time.

Since an AONB landscape is of at least national importance, a particular challenge is that the interests of the nation as a whole will need to be taken into account as much as local considerations - and sometimes determine the outcome.



TOWARDS 2015

SHAPING TOMORROW'S TOURISM

CONSULTATION

*South West
England*

OUR VISION FOR 2015

BY 2015, THE SOUTH WEST OF ENGLAND WILL BE INTERNATIONALLY RECOGNISED AS A 'MODEL' TOURISM DESTINATION, CREATING A UNIQUE BALANCE BETWEEN ITS ENVIRONMENT, COMMUNITIES, INDUSTRY AND VISITOR SATISFACTION, ACHIEVING LONG-TERM ECONOMIC AND SOCIAL BENEFIT FOR THE REGION.

WHY DO WE NEED A NEW STRATEGIC APPROACH?

What will happen if we do not make this kind of significant change and just continue as we are?

Analysis shows that visitor numbers will grow – but not in a way that benefits the region. There will be:

- more new jobs – but they will be seasonal and of lower quality;
- more visitors in parts of the region at times of the year which are already at capacity;
- more traffic congestion and negative impact on local communities;
- more harm to the environment;
- loss of higher quality businesses;
- an industry which loses the support of the local community.

On the other hand, by adopting this new strategic approach and taking into account the wider implications, tourism will:

- have a positive impact on the environment;
- improve the quality of life of local people;
- take advantage of our competitive edge;
- provide a long-term and sustainable industry.

WHAT ARE THE OPPORTUNITIES?

There are many challenges to be faced in the coming decade in order to achieve this vision by 2015, but we have the opportunity to:

- adapt to the changing nature of **customer behaviour** and motivations;
- continue to respond to the **changing needs** of customers in terms of quality and service requirements;
- react effectively to the **increasing competition** as tourism grows elsewhere;
- target actions and responses so that we **act responsibly** to the predicted national market trends for the next ten years. These are:
 - the potential of up to 20% growth in domestic tourism spend, with almost all this growth in the desirable off-peak and off-season periods;
 - the potential of up to 19% growth in overseas tourism spend, of which a suggested 10% increase is achievable and sustainable for the region;
 - a further 20% growth in spend by day visitors and those visiting friends and relatives;
 - the potential increase in tourism income of up to £1.6 billion per year in South West England by 2015 as a result of the above, of which a suggested £1.25 billion can be achieved through responsible management.
- overcome the **pressures that tourism** puts on the South West's key assets – our unique environment, communities and culture;
- increase the ways in which tourism can drive improvements in the quality of life of the region and minimise any negative effects for local communities;
- resolve the **skills shortages** and mismatches to enable the industry to meet the quality challenge and ensure we match consumer and workforce needs;
- improve the **quality of employment** in the industry and ensure that it is rewarding and that there are effective career structures;
- resolve the **over-complexity** within the publicly funded organisations and local government that support the sector, by revising and significantly improving the focus and co-ordination of tourism planning and support arrangements;
- be able to **respond quickly** and effectively to the impact of external factors and crises affecting tourism and the uncertainty they bring;
- finally, but most importantly, engage with the industry in a dynamic partnership for action and delivery.

THE THREE KEY STRATEGIC AIMS

TO MEET THE CHALLENGES AND DELIVER THE VISION, THREE KEY STRATEGIC AIMS HAVE BEEN IDENTIFIED THAT FORM THE FOCAL POINTS FOR FUTURE ACTION. THIS CONSULTATION NOW CONCENTRATES ON EACH OF THESE AIMS AND HOW THEY CAN BE TRANSLATED INTO PRACTICE.

1 DRIVING UP QUALITY

Driving up quality and the competitiveness of businesses in South West England to increase value and respond to the changing demands of our existing and new visitors.

Quality is, of course, subjective. However, quality in tourism must always be focussed on **giving customers more than they expect**. Overall visitor satisfaction is based on the total experience and it is only through delivering quality across the board that we can satisfy our visitors, keep our businesses competitive and continue to be a leading UK destination.

WE CAN ONLY COMPETE ON QUALITY AND 'VALUE FOR TIME' – WE ARE NOT AND DO NOT WANT TO BE A 'CHEAP' DESTINATION.

QUALITY COMPONENTS



2 DELIVERING TRULY SUSTAINABLE TOURISM

Delivering truly sustainable tourism in order that tourism can continue to be a key sector of the South West economy for decades to come.

Sustainable tourism is about the interaction between the needs of the visitor, industry, community and environment. Because we want tourism to be a leading industry for the region for the long-term, it is vital that we preserve our assets. This principle applies across the whole of the industry. The relationship between the key factors is expressed below:



HOW WILL THE AIMS BE DELIVERED?

FOLLOWING THE CONSULTATION AND FINAL AGREEMENT ON THE NEW APPROACH, DETAILED DELIVERY PLANS WILL NEED TO BE PRODUCED AT REGIONAL, CLUSTER AND DESTINATION LEVELS. HOWEVER, OUTLINED BELOW ARE INDICATIVE PRIORITY ACTIONS IDENTIFIED DURING THE PROCESS SO FAR TO DELIVER EACH OF THE THREE STRATEGIC AIMS.

1 DRIVING UP QUALITY

i) IMPROVE QUALITY OF CUSTOMER EXPERIENCE THROUGH THE CREATION OF 'BRAND CLUSTERS'

Increasingly - and especially for short breaks - people are less interested in a destination for its own sake and more interested in the experience they are likely to have. Brand clusters provide the opportunity to target customers more effectively as well as grow sectors of the industry by encouraging **cross-regional collaboration between complementary businesses**.

Following research, ten brand clusters have been identified as key areas of opportunity for tourism in South West England. The brand clusters would involve all those businesses serving a particular market i.e. accommodation, attractions, entertainment, food and drink and retail. What is common to each brand cluster is the sort of experience or activity the visitor wishes to enjoy.

The top South West brand clusters identified through research as having greatest potential for the region are:

- **Easy Pre-School**
- **History and Heritage**
- **It's Adventure!**
- **Close to Nature**
- **Discovery**
- **Sheer Indulgence**
- **Romance**
- **Chill Out**
- **Traditional Beach Holiday**
- **It's Cool!**

The Annex summarises the key characteristics of each cluster emerging from industry workshops - further detail about each brand cluster can be found at www.towards2015.co.uk

South West England has already, or could, develop a significant competitive edge for each of these clusters if both promotion and product development can be effectively co-ordinated.

As well as for the domestic market, each of the clusters will also be evaluated in-terms of their potential for the overseas market.

Business Tourism is a further specific cluster within the overall plan to which the same principles apply - research is currently being undertaken to evaluate its potential.

ii) GAIN IMPROVED MARKET INTELLIGENCE TO DEVELOP A GREATER UNDERSTANDING OF OUR MARKETS, VISITORS AND BUSINESS COMPETITIVENESS, BY:

- using cluster networks to **share market intelligence**, commission joint market research and forecast changing demands to increase competitiveness;
- facilitating database sharing between complementary businesses for effective collaborative marketing.

iii) IMPROVE MARKETING AND PROMOTION, BY:

- continuing regional image and marketing campaigns, **highlighting the experiences** typified by the brand clusters to promote new enquiries and stimulate repeat visits;
- using media for advertising and PR that is very **precisely targeted and raises the profile of South West England as a high quality, distinctive region**;
- providing an opportunity for niche businesses to promote themselves as part of a cluster e.g. hot air balloons, classic car hire, specialist attractions.

iv) IMPROVE PRODUCT QUALITY, BY:

- identifying product development needs for each **brand cluster**;
- identifying the opportunities and threats facing each brand cluster and take co-ordinated action accordingly;
- **improving quality of accommodation** through achieving 100% participation in National Quality Assurance Standards (NQAS) revised framework for any business promoted in the South West using public funds;
- developing more distinctive accommodation to meet the needs of the new experience-driven brand clusters;
- improving service standards and moving from customer service to a culture of customer delight;
- **improving quality of the facilities and the public realm, through** development and improvement programmes for each cluster and Destination Management Partnership (DMP). These could include new capital projects, public transport developments, upgraded facilities such as toilets and showers, cycling and walking facilities.

Cornwall Tourism Forum



Final Draft Action Plan, The Way Forward

Prepared by

David Lang, Director



Final Draft October 2004

6.6 Planning

Planning has a major influence on tourism development both in terms of new projects and improvements to existing projects. The partnership would like to encourage more effective communication between the District planning and tourism departments.

The partnership will work with the County and Districts to ensure the protection and enhancement of the 'core' assets of environment, heritage and culture. The creation of Local Development Frameworks will enable the partnership to influence a more consistent county wide approach to planning that reflects the needs of tourism and which will enable the industry to improve its contribution to the greater prosperity of Cornwall, especially in areas where employment is dependant on tourism.

Local Plans will need to set out clear parameters for development on the basis of the County Structure Plan. New development can and will need to play a part when particular needs or requirements would not otherwise be met. Development for accommodation needs will seldom be justified in the countryside or locations where permanent residential use would be unacceptable, other than the conversion of redundant buildings that merit conservation.

Development should seek, in the first instance, to improve existing tourism and recreation sites and infrastructure in sustainable locations. Major development should be in, or related to, towns and proposals that support the Plan's regeneration priorities.

6.7 CUC

There is a real need to secure intellectual property within the county for the future. However, in spite of the fact that tourism is a key economic driver CUC does not have any plans to offer tourism related degree or higher qualification courses to raise the standard of entrants to the sector by professional qualification.

Discussions with CUC and Cornwall College suggest that there is not a demand for degree courses for tourism in Cornwall although there are numerous foundation degree courses offered in hospitality and tourism as well as many vocational training courses.

The profile and perception of the industry as a career for young people is low and CTF will want to work more closely with the learning institutions to discuss issues from both the industry and academic points of view and agree a way forward to raise the profile and satisfy the needs of all parties.

6.8 World Heritage Site Status

The bid to seek World Heritage Site (WHS) status is well advanced (to be submitted to Government in autumn 2004, UNESCO in February 2005 for a decision in June 2006). CTF supports the project in principle but will want to consider the proposals in more detail as they become known.

Visitors to mining heritage and related facilities form a significant part of the 6.7 million trips every year motivated by conserved landscapes.

The World Heritage Site bid covers 19,600 hectares over 10 former mining areas distributed across Cornwall and West Devon. It has established policies for sympathetic, sustainable landscape management and development, thus contributing to the preservation of a key tourism asset.

Cornwall tourism staff have been actively involved in drafting the recently adopted WHS Marketing Strategy. It is consistent with CTF's strategies for:

- Raising the county's international profile
- Achieving year round operation
- Sustainable visitor management
- Product and service improvement

The WHS Office will continue to work with tourism and marketing agencies in order to ensure that its marketing activities contribute to wider strategic priorities.

6.9 South West Coast Path National Trail (SWCPNT)

Research has revealed that the environment is a principal source of attraction for most visitors to the region with over 80% of holiday trips to Cornwall motivated by conserved landscape. Published findings have concluded that tourism in Cornwall is underpinned by the quality of the environment.

In excess of 300 miles (approx. 45%) of the 630 mile long Path runs through Cornwall and a recent report indicates that:

- The economic impact of the trail to the region is circa £300m p.a.
- More than 27% of visitors are drawn to the area purely because of the SWCPNT
- These visitors alone spend around £136 m p.a.
- Residents of the 4 counties skirted by the route take some 23m walks each year spending £116 m
- Visiting friends and relations (VFR) bring in a further £48m p.a.
- 8% of the Path is suitable for cyclists and horse riders

The SWCPNT is managed for the Countryside Agency by local authorities; Devon, Cornwall and Dorset, the Exmoor National Park Authority and Torbay Borough Council. Plymouth City Council also took over responsibility for a section in 1998 when it became a unitary authority. In addition 3 regions of the National Trust are involved in managing the Path – their properties occupy a third of the coastline. Private landowners and farmers also play an important part.

The Path is therefore a crucial part of the county's economy and is the longest and best used trail of all UK national trails. Importantly, Cornwall should develop currently untapped opportunities to create a stronger network of circular walks linking the coast path and inland communities and their associated facilities, as a means of increasing visitor spend in rural towns and villages.

The annual maintenance cost of the Path in Cornwall is £290k and in view of its importance to tourism the partnership recommends that the promotion and marketing of the Coast Path in Cornwall should be considered as a part of the Destination Marketing Campaign. Recognition and promotion should also be given to the Cornwall and Tamar Valley areas of outstanding natural beauty.



Sustainable tourism

What's all that about then...?



coast

Cornwall Sustainable Tourism Project

the coast project

- dedicated staff driving forward sustainable tourism
- working with industry, communities and policy-makers, at local, regional and national levels
- free support to new and existing initiatives
- free membership of the network
- free training, information and advice

contact

Unit 8a, Penstraze Business Centre, Penstraze, Truro, Cornwall TR4 8HY Telephone 01872 562057

info@coastproject.co.uk

www.coastproject.co.uk

access > community engagement
 > disability > energy > construction
 > culture > education and training > equality of opportunity > habitat > heritage > job creation > local economy > local produce > marine environment > transport > waste > water

Sustainable tourism is about all these things in balance.

Tourism is right at the heart of Cornwall's future. By getting the balance right, together we can ensure tourism benefits Cornwall year-round, county-wide and long-term.

This leaflet is available in audio and large print format on request.

The coast project is a not-for-private-profit company limited by guarantee.



Designed by Gendal Design, Falmouth. Written by Jez Pines. Printed in Cornwall on recycled paper made from 100% post-consumer waste using vegetable oil based inks.

www.coastproject.co.uk

the people

- fancy opening your doors to a wider range of people?
- want to earn year-round?
- as a resident, would you like to have more say?
- do you want to work where you love to live?

the economy

- think you're too small a business to get support?
- keen to work with other local businesses?
- want to cut your hotel's fuel costs?
- need help with Disability Discrimination Act requirements?
- wish you could show more local produce on your menu?

the environment

- need help developing an environmental policy?
- want your B&B to recycle? Want visitors to recycle?
- keen to encourage visitors out of their cars and into buses, bikes, trains, boats or boots?
- want to help our visitors care for our wildlife?

...something fluffy? Give me a break, I've got a living to make here.

Well...

If you agree that Cornwall's beauty is what brings so many people here you might also think that keeping it beautiful's not a bad idea.

If you think it's a bit steep that Cornwall keeps only half the money tourism makes, you might agree something could be done to make that fraction bigger.

If you ever wondered who makes the decisions in Cornwall's biggest industry, you might quite like the opportunity to have your own say.

And you're already thinking about sustainable tourism.

it's about the people, economy and environment
it's about the triple bottom line

The coast project's core belief is that sustainable tourism is not just about the Cornish economy or the Cornish environment or even just about Cornish people; it's about all three in combination.

The coast project can help you to keep all three balls in the air.

Here's how...



About the CoaST Project Network

Tourism is the biggest single employer in Cornwall, representing over 24% of the county's annual GDP and creating work for one out of five Cornish inhabitants.

Unsurprisingly therefore, the Cornish community relies enormously on the tourism industry, which in turn relies almost entirely on its principle asset: the Cornish physical environment.

The physical environment embraces the natural, historical, cultural and industrial heritage past and present; the host communities who live and work across the county; and the myriad businesses, groups, local industries, support services and infrastructure which serve both the tourists, and the tourism industry operators. In short, food, transport, accommodation, procurement, energy, waste, wildlife, natural environment, retail, people, lifestyles and every other area of our lives have input into and are affected by this one industry. The CoaST Project's

objective is to drive forward the sustainable development of these issues via dedicated staff operating across the county.

The CoaST Project aspires to maximise community engagement and opportunity, social, environmental and economic sustainability, and the desire to work from the ground up from within the sector. The over-arching and driving aim of this initiative is to encourage existing, and catalyse an increase in, sustainable behaviour via, and in partnership with, the tourism industry.

The initial stages of the project will:

- ◆ Draw together the work of many organisations within the county which are strategic players in the promotion and development of sustainable tourism.
- ◆ Identify existing sustainable tourism activity within the tourism industry and explore opportunities to expand this activity.
- ◆ Promote the concept of sustainable tourism to potential visitors to the county.
- ◆ Develop a centre of excellence for sustainable tourism in Cornwall.

Aims of the CoaST Project

The CoaST Project aims to provide:

The improvement of industry performance

- ◆ A growing network of tourism operators showing some level of sustainable practice
- ◆ A means of ensuring information and support on sustainable practices via one conduit
- ◆ The development of skills and knowledge within the industry
- ◆ Practical examples and advice regarding sustainable tourism
- ◆ A forum for the development of cutting edge resource-efficient technologies

Local community benefit

- ◆ A means of engaging local communities in the development of tourism in their area
- ◆ Community development via services on a dedicated site
- ◆ Local economic regeneration of local producers/suppliers of sustainable goods and services
- ◆ Local year-round long term jobs and models for their replication across the industry and the county

Training and education

- ◆ Environmental education
- ◆ New opportunities to learn
- ◆ Links with Cornish providers of tourism courses

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The CoaST Project: Cornwall Sustainable Tourism Project - it's about the triple bottom line



DEVON COUNTY COUNCIL

Tourism - Everybody's Business

Devon County Council's
Role and Action Programme

www.devon.gov.uk

March 2003

16. Encourage Good Environmental Practice

In addition to raising awareness, it is important to provide practical help and guidance to small businesses on the actions they can take to reduce their impact. The Green Audit Kit approach, together with the Green Accreditation Scheme, piloted in South Hams, can offer marketing, financial and other benefits for participating businesses as well as offering a more sustainable approach to tourism. The David Bellamy Awards of the British Holiday and Home Park Association are very appropriate for caravan and holiday parks and should be encouraged.

A number of Visitor Payback schemes have been piloted in Devon with varying degrees of success.

Schemes such as "On the Right Tracks" in South Hams do provide an additional means of contributing to environmental upkeep, in this case Green Lanes, but they should not be seen as an alternative to more established forms of funding. Visitors are generally receptive to these schemes.

The objectives are:

- To make the tourism industry more environmentally aware;
- To promote Devon as a destination for eco-tourism;
- To enhance the quality of the environment and to achieve the highest possible environmental standards;
- To increase the resources available for conservation and enhancement projects including contributions from visitors.

The five year priorities for action are:

- Ensure a wider take-up of environmental schemes across the whole industry in the County and appropriate training is available;
- Encourage waste minimisation and examine the opportunities to provide appropriate recycling facilities for small tourism businesses;
- Develop and promote additional visitor payback schemes and codes of responsible behaviour;
- With EnCam (formerly Tidy Britain Group) encourage District and Unitary Councils and South West Water to maintain and improve beach facilities and bathing water quality;
- Develop marketing initiatives promoting Devon as a destination for eco-tourism based on the natural and built heritage of the County;
- Encourage farmers and landowners to benefit from land management schemes such as stewardship and Environmentally Sensitive Areas.

17. Develop Opportunities for Cultural Tourism

Local distinctiveness is the key to many tourism destinations and is the reason why tourists visit them. These qualities are an essential component of the tourism product and its economic competitiveness. County Record Offices, libraries, archives and museums are a key resource in the contribution that they make towards local distinctiveness.

The objectives are:

- To maintain the character and distinctiveness of Devon's cultural heritage;
- To increase the range of opportunities for tourist activities throughout the year.

The five year priorities for action are:

- Develop the tourism and economic potential arising from the UNESCO designated Dorset and East Devon Coast World Heritage Site, the Braunton Burrows Biosphere Reserve and the bid for World Heritage Status for Cornwall and West Devon Mining Landscape;
- Ensure the Local Cultural Strategy pays due regard to the role of tourism within the cultural resource;
- Encourage and support the local distinctiveness of Devon including the built environment;
- Ensure that the cultural characteristics of the strategic route network are enhanced and interpreted;
- With adjoining counties, develop the tourist potential of canals in the sub-region through appropriate marketing initiatives;
- Develop events and festivals;
- Develop and support museums and other heritage attractions;
- Investigate the opportunities to provide for leisure learning linked to the heritage sector;
- Create linkages for tourism with local cultural strategies.

<p>15. Conserve the Resource</p> <ul style="list-style-type: none"> • Maintain and develop effective Structure Plan policies to protect the landscape and special character of Devon. • Ensure appropriate tourism is developed within the County's National Parks and Areas of Outstanding Natural Beauty taking account of the special characteristics of their landscapes. • Work with environmental agencies and conservation groups to plan for visitor activity. • Use strategic route networks as catalysts for environmental enhancement including landscape, nature conservation and traditional buildings. • Progress the Devon Building Centre as a visitor attraction promoting Devon's traditional building skills and materials • Establish visitor management plans for areas under pressure. • Develop counter-attractions to relieve the pressure on over-visited sites. 	<p>6. Contribute on walking and cycling to the transport strategy for Dorset and East Devon Coast World Heritage Site.</p> <p>7. Progress bridleway, UCR and quiet lane route development to create strategic horse-riding routes providing a safe and varied experience and to offer opportunities for tourism businesses and farms diversifying to provide horse holidays.</p> <p>8. Produce Walking and Cycling brochures incorporating updates and additions to the Devon networks, together with appropriate promotion of Devon as a walking and cycling destination.</p> <p>9. Audit, update and improve information and interpretation for the strategic walking and cycling networks to include information on access, accommodation, cycle hire and repair, public transport and places of refreshments. 03/04 priority routes are upgrades to Ruby Trails, Tarka, and Two Moors Way and Erme-Plym Trail which together are to be promoted as Devon's Coast to Coast.</p> <p>10. Ensure that information on appropriate new routes and product are available to Tourist Information Centres and are included and integrated within the development of the tourism portal web site — including developing linkages to tourism and other SMEs to maximise economic benefit.</p>	<p>Environment (SP/C+A)</p> <p>Environment (C+A)</p> <p>Environment (C+A)</p> <p>Environment (C+A)</p> <p>Chief Executive's (ERS)</p>	<p>Core</p> <p>£130,000 capital (with 14.3)</p> <p>£10,000</p> <p>£30,000</p> <p>Core</p>
GOAL: LOOKING AFTER DEVON'S ENVIRONMENT, CULTURE AND HERITAGE			
<ul style="list-style-type: none"> 1. Provide the appropriate strategic planning framework through the First Alteration of the Devon County Structure Plan First Review to enable tourism to contribute to the quality of life in Devon. 2. Contribute to the development of sustainable tourism within National Parks through participation in the Dartmoor Partnership and the Exmoor Area Tourism Advisory Group. 3. Through Management Plans for the five Areas of Outstanding Natural Beauty of North Devon, East Devon, Blackdown Hills, South Devon and Tamar Valley, ensure that appropriate tourism is developed within these Areas to bring economic benefits to rural communities; taking account of the special characteristics of their landscapes. 4. Manage Stover and the Grand Western Canal Country Parks and other countryside sites for local residents and visitors. Key activities to include progressing the package 	<p>Examination in Public – June 2003</p> <p>Dartmoor Tourism Conference 2003</p>	<p>Environment (SP)</p> <p>Environment (C+A)/ Chief Executive's (ERS)</p> <p>Environment (LSO/C+A)</p> <p>Environment (LSO/C+A)</p>	<p>Core</p> <p>Core</p> <p>Core</p> <p>£67,500 capital +</p>

<ul style="list-style-type: none"> Work with holiday parks to minimise their impact on the landscape, through appropriate landscaping schemes. 	<p>of measures for future management and interpretation / education at Stover in particular the construction of an aerial walkway and development of a poetry trail.</p> <ol style="list-style-type: none"> Contribute to tourism and recreation policies within Estuary Management Plans. Ensure that landscape and wildlife information is contained within the Devon portal web site for tourism. Assess the feasibility of Roadford as a location for the Devon Building Centre in partnership with complementary schemes by South West Lakes Trust and the Earth House Foundation. 	<p>Environment (C+A) Environment (C+A) Environment (HE)</p>	<p>£5,500 revenue Core Core Core</p>
<p>16. Encourage Good Environmental Practice</p> <ul style="list-style-type: none"> Ensure a wider take-up of environmental schemes across the whole industry in the County and that appropriate training is available. Encourage waste minimisation and examine the opportunities to provide appropriate re-cycling facilities for small tourism businesses. Develop and promote additional visitor payback schemes and codes of responsible behaviour. Encouragement with Encams (former Tidy Britain Group) to improve beach facilities and bathing water quality. Develop marketing initiatives promoting Devon as a destination for eco-tourism based on the natural and built heritage of the County. Encourage farmers and landowners to benefit from land management schemes such as Stewardship and Environmentally Sensitive Areas. 	<ol style="list-style-type: none"> Continue partnership to progress second phase of South Hams Sustainable Tourism Initiative in particular the green accreditation scheme, the promotion of the South Devon Green Club, the visitor payback "On the Right Tracks" initiative and the tourism businesses re-cycling initiative. Establish a mechanism to disseminate best practice to other projects focusing on protected areas of National Parks, AONB World Heritage Site and the Biosphere Reserve. Expand the Devon Cycle Mark Scheme from the pilot on the West Country Way to the rest of the National Cycle Network routes in Devon. Support and contribute to Devon Wildlife Trust's Green Gateway scheme to assist farmers and land managers to develop tourism in an environmentally sensitive manner. Promote awareness to the tourism industry of Sustainability South West's "Charter for Sustainable Construction" in the South West. 	<p>Environment (C+A) Environment (C+A) Environment (SP)/Chief Executive's (ERS) Environment (C+A) Chief Executive's (ERS)</p>	<p>£5,000 Core Core Core Core</p>
<p>17. Develop Opportunities for Cultural Tourism</p> <ul style="list-style-type: none"> Develop the tourism and economic potential arising from the UNESCO designated Dorset and East Devon Coast World Heritage Site, the Braunton Burrows Biosphere Reserve and the bid for World Heritage status for Cornwall and West Devon Mining Landscape. Ensure the Local Cultural Strategy pays due regard to the role of tourism within the cultural resource. Encourage and support the local distinctiveness of Devon including the built environment. Ensure that the cultural characteristics of the strategic route network are enhanced and interpreted. 	<ol style="list-style-type: none"> Develop the tourism opportunities of the Dorset and East Devon World Heritage Site. Key activities include: <ul style="list-style-type: none"> Contribution to Visitor Manager and Earth Sciences Manager posts and work programmes. Take forward the Development Plan for the Site including production and implementation of strategies for Marketing, Interpretation, Communications, Transportation and Education. Produce appropriate marketing, information and interpretation literature and facilities. Contribute towards the East Devon "Celebration of the Coast", May 2003 	<p>Environment (C+A)</p>	<p>£125,000 + £30,000 capital</p>

<ul style="list-style-type: none"> • With adjoining counties, develop the tourist potential of canals in the sub-region through appropriate marketing initiatives. • Develop events and festivals. • Develop and support museums and other heritage attractions. • Investigate the opportunities to provide for leisure learning linked to the heritage sector. • Create linkages for tourism with local cultural strategies. 	<p>See also actions under 10.3 and 12.1</p> <ol style="list-style-type: none"> 2. Start to develop tourism related actions for the Braunton Burrows Biosphere Reserve, namely: <ul style="list-style-type: none"> • Create an image and identity for the site • Develop and implement a marketing plan based on a sustainable tourism theme • Research and develop the business partners project • Develop and implement a plan of interpretation improvements • Infrastructure development eg. visitor centres and sustainable tourism transport, including a cycle ferry. 3. Continue to assist with the Cornwall and West Devon Mining Landscape World Heritage Site bid and develop the tourism opportunities through: <ul style="list-style-type: none"> • Progressing the Economic Impact Assessment Study • Contribute to the Marketing and Interpretation Panel • Develop access and interpretation projects in the Tamar Valley (Devon Great Consuls) 4. Ensure that the cultural tourism product is integrated into activity related to the development of events and festivals and the Devon brand. 5. Review contribution made by the arts sector to tourism and identify opportunities for development. 6. Assist in securing funds for museums to undertake marketing audit to identify key recommendations which will provide a county-wide approach to marketing Devon museums. 7. Work towards appointing a part-time post to co-ordinate and market events to residents and tourists in Museums Month in May. 8. Create a 'Marketing Menu for Museums' for local businesses and sponsorship to fund by identifying key projects that provide sustainable growth and branding image of Devon. 9. Develop a dedicated Environmental web-site explaining, interpreting and celebrating Devon's landscape, both in its entirety and by the distinctive characteristics which go to make up the individual character zones. To be linked to the Access web-site. 10. Support museums, art galleries and activity centres for local residents and visitors including development of appropriate skills by working with the Tourism Skills Network South West, Devon Co-ordinator. 		<p>Environment (LSO/C+A)/Chief Executive's (ERS)</p> <p>Environment (C+A)</p> <p>Chief Executive's (ERS)</p> <p>EALS (AS)</p> <p>EALS (MS)</p> <p>EALS (MS)</p> <p>EALS (MS)</p> <p>Chief Executive's (ERS) / Environment (C+A)</p> <p>EALS (MS)</p>	<p>£30,000</p> <p>Core</p> <p>LTP</p> <p>Core See 2.4</p> <p>Core</p> <p>Core</p> <p>Core</p> <p>Core</p> <p>Core</p> <p>See 3.3</p> <p>Core</p>
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<p>18. Involve Local Communities in Tourism</p> <ul style="list-style-type: none"> • Ensure that tourism issues are recognised in the preparation of Community Strategies. • Consult with local communities on significant tourism issues. • Encourage the links between tourism and community enhancement. • Raise awareness of importance of tourism for the well-being of communities. 	<p>11. Continue to use the strategic route network to promote cultural resources including historical aspects, landscape and local distinctiveness eg. Templar Way, Granite Way.</p> <p>12. Assess the potential of cultural tourism to contribute to local cultural strategies for Devon Strategic Partnership.</p> <p>13. Assist in developing a strategic view of marketing the canals of the West Country.</p>	<p>Establish Task Group</p>	<p>Environment (C+A / SP)</p> <p>Chief Executive's</p> <p>Environment (C+A)</p>	<p>Core</p> <p>Core</p> <p>Core</p>
<p>1. Continue to work and liaise with district / unitary tourism officers through the Devon Tourism Officers Forum and with the private sector on an ad hoc basis until such time as a new Devon Partnership may be formed</p> <p>2. Establish a Corporate Tourism Forum within the County Council to ensure co-ordination of activities. Membership to include County Community Strategy Officers and Transport Co-ordination Service.</p> <p>3. Investigate the practicality of establishing a consultative forum with representative tourism SMEs to provide intelligence and inform future strategy.</p> <p>4. Liaise with Devon Museums' Marketing Sub-Group to identify and apply for funding to take schools and other community groups to museums free of charge eg. Culture Club Bus.</p> <p>5. Support the Devon Strategic Partnership's priority for cultural tourism.</p> <p>6. Raise residents awareness of the importance of tourism through appropriate media articles.</p>	<p>Establish task group</p>	<p>Chief Executive's (ERS)</p> <p>Chief Executive's (ERS)</p> <p>Chief Executive's (ERS)</p> <p>EALS (MS)</p> <p>Chief Executive's</p> <p>Chief Executive's (CIS)</p>	<p>Core</p> <p>Core</p> <p>Core</p> <p>Core</p> <p>Core</p> <p>Core</p>	

- Chief Executive's (ERS)
- Chief Executive's (CIS)
- Environment (HE)
- Environment (C+A)
- Environment (TCS)
- Environment (SP)
- Environment (NM)
- Environment (LSO)
- EALS (MS)
- EALS (AS)
- Economy and Regeneration Service
- Communication and Information Service
- Historic Environment
- Countryside and Access
- Transport Co-ordination Service
- Spatial Planning
- Network Management
- Local Service Officer
- Education, Arts and Libraries (Museum Service)
- Education, Arts and Libraries (Arts Service)



ECONOMIC FORUM
CORNWALL AND ISLES OF SCILLY ECONOMIC FORUM

Strategy for achieving sustainable prosperity for Cornwall and the Isles of Scilly



CORNWALL AND ISLES OF SCILLY FACTS AND FIGURES IN 2003 IN SUMMARY

- Cornwall and Isles of Scilly have the longest coastline of any county in England (697 km)
- Cornwall and Isles of Scilly have a unique distinct culture and a high quality environment.
- Cornwall's infrastructure is seen by many as being the main constraint on future economic development
- Traditional industries are experiencing decline and are going through a period of restructure and diversification
- Gross Domestic Product is 65% of UK average in comparison to 91% for the South West (1998)
- Cornwall and Isles of Scilly population (2001) is 501,267, with a projected increase to 540,100 by 2021
- In January 2003, unemployment was 3.1% in Cornwall
- 37% of Cornwall's population is economically inactive
- Average weekly earnings within Cornwall are 28% below the UK average. £277 in comparison to £387 respectively.
- Cornwall has 18,414 businesses-70% of which employ less than 5 persons. 0.4% of Cornwall's businesses employ more than 200 people
- 38% of employees are employed in businesses employing 15-199 persons
- Between 1994 and 2001 Cornwall has experienced a loss of 1665 (-8.8%) VAT registered businesses which accounts for more than half the South West total. The UK grew by 2.9% in the same period.
- 35% of businesses have a turnover of less than £500,000

More details can be found at the end of this document

VISION

STRATEGY AND ACTION OVERALL VISION

'To achieve sustainable prosperity for Cornwall and Isles of Scilly'

BUSINESS

'..by encouraging a vibrant, productive and innovative business sector.'

SECTOR DEVELOPMENT

'..by restructuring older industries and developing emerging and distinctive clusters.'

INFRASTRUCTURE

'..through internal and external transport connections and the development of employment space, ICT infrastructure, utilities and key strategic investments'.

LEARNING AND SKILLS

'..by improving the knowledge, skills and potential of the people of Cornwall and providing equal access for all to prosperity'.

COMMUNITIES

'..by encouraging and supporting the regeneration of communities'.

DISTINCTIVE CORNWALL

'..through sustaining and enhancing Cornwall's distinctive environment, heritage, culture and image'.





ECONOMIC FORUM

CORNWALL AND ISLES OF SCILLY ECONOMIC FORUM

DISTINCTIVE CORNWALL

VISION

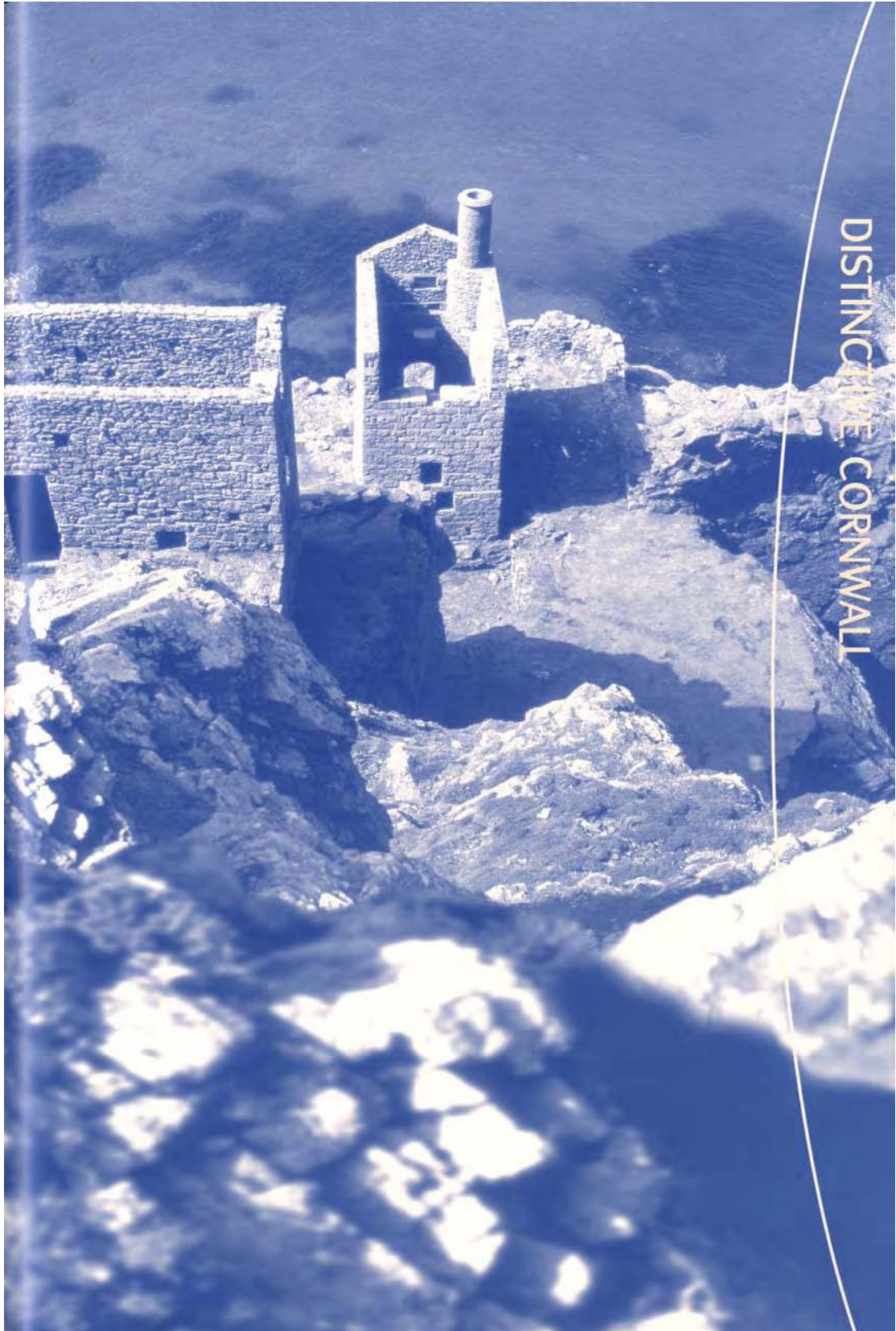
'To achieve sustainable prosperity through sustaining and enhancing Cornwall's distinctive natural environment, heritage, culture and image'.

INTRODUCTION

The following sections aim to capture those elements of Cornwall that define the place and indirectly the people and either directly or indirectly support the economic aims of this strategy.

SECTIONS

Culture
Natural Environment
Heritage
Image and Brand



HERITAGE

Primary Priority:

Achieve World Heritage Site status for Cornish mining

Background Information

Cornwall has a unique heritage of national significance, key components of which include:

- Ritual and farming landscapes of prehistoric & medieval origin. 60% of Cornwall has patterns of settlement, field boundaries and roads and tracks that are medieval or earlier in origin
- mining and other industrial landscapes (of recognised international significance). 10% of the Cornish landscape was directly or indirectly affected by historic mining activity
- Historic towns and villages. There are currently 138 designated Conservation Areas covering Cornwall's towns and villages: this figure will increase as a result of the Cornwall Industrial Settlements Initiative.
maritime ports and harbours
- Historic communications sites including Marconi's first radio transmissions and Goonhilly Satellite receiving station
historic houses and gardens
- Museums, archives and heritage centres. Cornwall and Scilly have 1,582 designated Scheduled Monuments, 36 Registered Historic Parks & Gardens covering 3562 hectares, and 12,581 Listed Buildings. Marketed heritage tourist attractions include 49 museums, 6 castles, 2 prehistoric villages, 10 mining sites, 16 historic houses and 54 historic gardens.

This rich heritage is a unique asset which provides Cornwall with a valuable resource for tourism and recreation, and a focus for urban and rural regeneration. The heritage currently contributes to the Cornish economy in the following ways.

- Heritage tourism: 81% of visitor trips to Cornwall are motivated by conserved landscapes, contributing £18.6 million to the region's GDP.
- Heritage-led town regeneration schemes: between 1998 and 2001 £2.6 million was committed to Heritage schemes in 9 of Cornwall's historic towns, levering in an additional £12 million to the Cornish economy, giving a total of £14.6 million invested in the heritage of these towns.
- Conservation management: nationally the historic environment generates 5% of the UK's GDP and 7.6% of the UK's employment. In Cornwall the total employment linked to the National Trust amounts to 3,340 jobs, providing some £27 million in wages and salaries to Cornish residents (1999).
- Wider socio-economic benefits: a high quality physical environment and strong sense of place create a positive and confident climate for investment and growth, and can address social exclusion through the creation of jobs, community facilities and public realm improvements.

Strengths:

- An outstanding and distinctive historic environment which acts as a catalyst for private and public sector funding
- The large number of sites and areas that are designated as being of special interest by a range of heritage organisations
- The extent and variety of tourist heritage attractions and museums

Weaknesses:

- The common perception that historic buildings and sites are not economically viable assets
- Inconsistent quality of modern design and new development
- Fragmented marketing of the sector and lack of coherent baseline data reinforcing its wider economic value

HERITAGE

Opportunities:

- Raise professional and vocational skills levels within the sector
- Raise the profile of high quality design in successful regeneration
- Achieve World Heritage Site status for Cornish mining
- Improve physical and intellectual access to heritage information and advice, and attractions and sites

Threats:

- Insensitive new design and development diminishing the character and distinctiveness of the historic environment
- Specialist professional and vocational skills shortage in the sector

Section Rationale

To capitalise on the social and economic benefits afforded by the distinctive heritage of Cornwall by encouraging its sustainable use and development

Objectives

- Achieve World Heritage Site status in order to enhance opportunities for conservation funding, image and profile, international tourism and other regeneration initiatives within former mining communities
- Encourage regeneration strategies, development plans and planning decisions that reflect the positive economic potential of the heritage and ensure that all schemes are based on a thorough understanding of the opportunities presented by the historic environment
- Promote quality in new design as advocated by Commission for Architecture and the Built Environment (CABE)
- Develop a coordinated research and information strategy (e.g. economic impact studies)
- Remove physical, cultural and social barriers which inhibit access and understanding of Cornwall's heritage
- Audit and evaluation of historic farm buildings to inform local authorities and rural diversification funding programmes
- Encourage capacity building and improved communications within the sector, and capitalise on the opportunities presented by ICT, e.g. access to information and advice, strategic marketing and interpretation
- Increase the provision and uptake of learning and skills e.g. traditional building skills and professional development

Links to Other Elements

Distinctiveness sections, Business sections, Communities sections

Links to Other Strategies

Cornwall Heritage and Culture Strategy; Cornwall's Community Strategy; Regional Economic Strategy, Rural Economic Strategy for Cornwall & Isles of Scilly

Priorities:

- Achieve World Heritage Site status for Cornish mining
- Develop and capitalise on the opportunities presented by ICT e.g. access to information and advice; strategic marketing and interpretation
- Increase the skills capacity within the sector, e.g. traditional building skills professional development

Delivery:

Heritage Task Force
English Heritage
Trevithick Trust
South West RDA

Cornwall County Council
National Trust
Cornwall Heritage Trust
Rural Cornwall and Isles of Silly Partnership

World Heritage Site Partnership
Royal Cornwall Museum
Local Authorities
Objective One



Covering

Camborne

Pool

Redruth

Retail Therapy

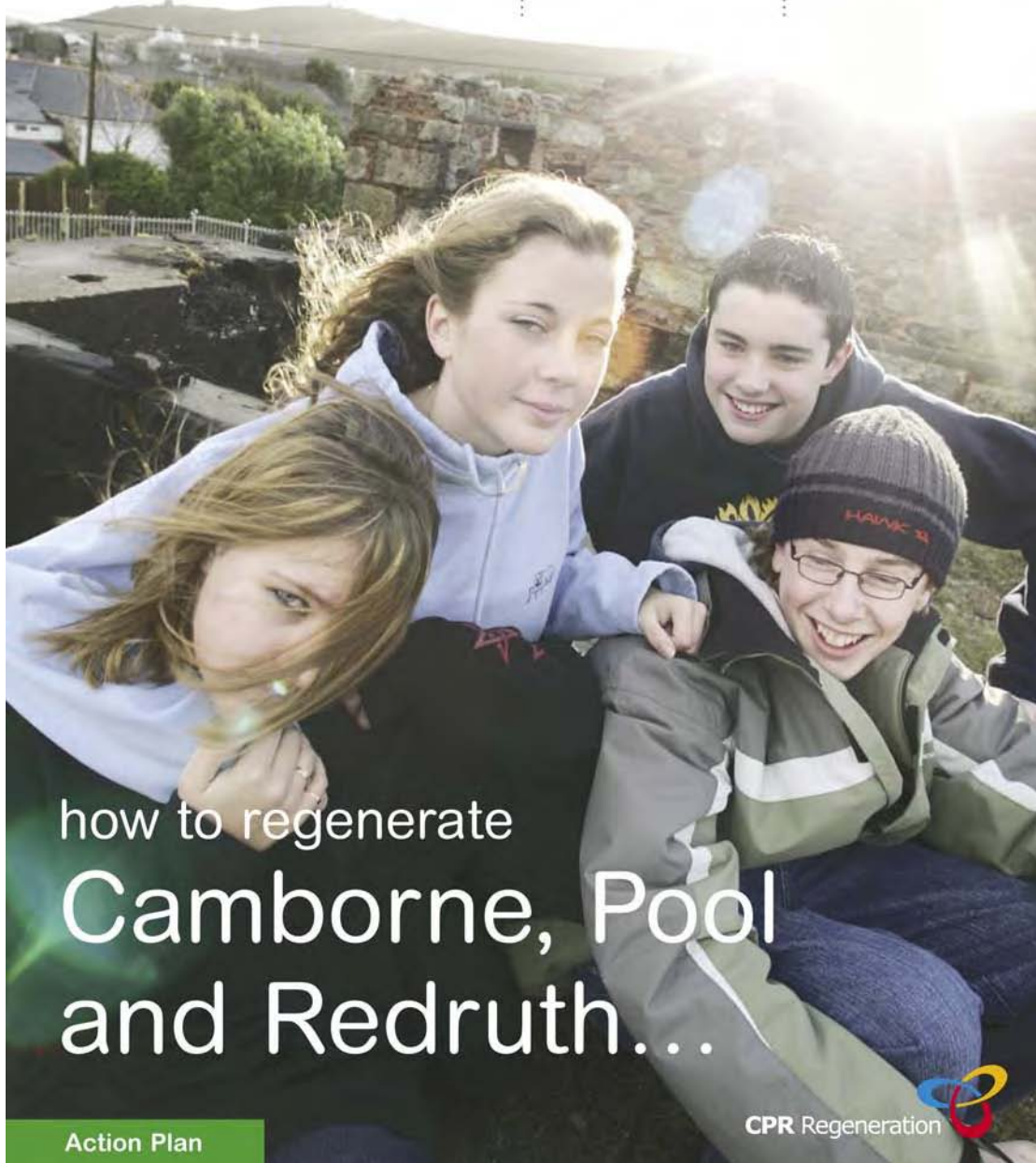
New jobs;
new housing

Working Together

CPR's new
place to work,
learn and play

Creative Industries

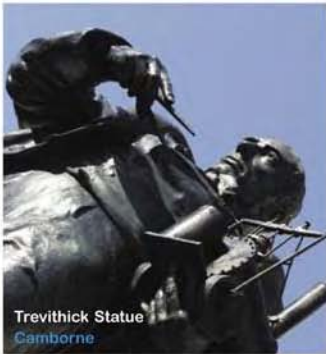
Creating jobs; a
new focus for the
visitor economy



how to regenerate
**Camborne, Pool
and Redruth...**

Action Plan

CPR Regeneration



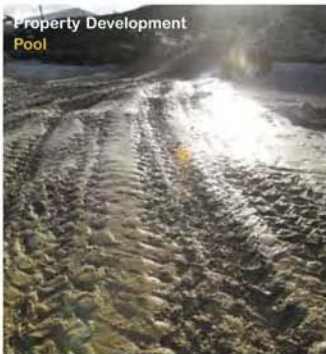
Trevithick Statue
Camborne



Property development
Redruth



Trelowarren Street
Camborne



Property Development
Pool



Cornwall College
Pool



Spirit
Pool



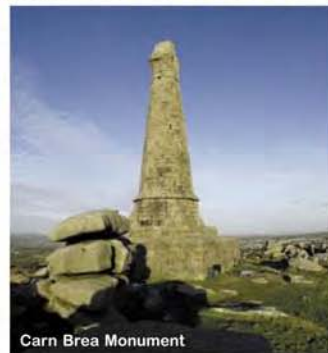
Green Room
Redruth



Big W
Pool



Avers Garage
Redruth



Carn Brea Monument

The action plan

An Action Plan means what it says. The Urban Regeneration Company (URC) is a new tool invented to bring change and make things happen. There's a lot about to happen.

The Action Plan tells you what we are doing now and the projects we are going to focus on over the next three to five years. Much of this work will be about getting physical projects on site to show the signs of real change. It is equally important that we start now to prepare the way for longer-term opportunities. Other projects are coming forward but this is our current focus. Although there are no quick fixes for this area and we are embarking on a 10 year programme of investment and regeneration, we will be judged on the implementation of this Action Plan and what we have delivered in that time. The bar is set high because the people of our communities expect it.

The challenge however is not just to us. It is to our delivery partners as well. The URC has an in-house team working with delivery partners in the Regional Development Agency, English Partnerships, Kerrier District Council and Cornwall County Council. Government Office for the South West is also a partner and we get strong support from the Objective One team for Cornwall. All have their part to play in regenerating Camborne Pool Redruth. All are working inside the "big tent" of the URC to collaborate, sort out problems, and speed up delivery on the ground. It's a new way of working for this area.

Other partners in both the public and private sectors will play key roles in turning our plans into bricks and mortar and real job, training and business opportunities. While the URC has a special focus on developing land and property opportunities, we believe that real progress for this area comes with linking skills, business and community development with physical regeneration and transport investment. A team effort that will for example mean local

labour and training schemes on land and property being developed by the URC. It will also mean business opportunities for enterprise in the sub region as we intend to build local and sub regional capacity wherever possible. This is a serious effort at joined up thinking – and doing.

The URC has a new emphasis on housing as this is clearly an issue of serious concern locally and within West Cornwall. There is simply not enough quality housing for local communities to buy. Getting on the property ladder has become very difficult in an area where incomes are low yet house prices remain high. The URC, through its partners, is buying land to build housing of a high quality and in some numbers. Our commitment is this: we believe regeneration requires a balanced community in which more people with more money spend more of it locally. For us affordable housing will mean an emphasis on housing to buy at sub-market prices. There are well established means of doing that. And to ensure this housing is affordable in the long term we will pioneer mechanisms which enable such housing to be recycled to be affordable for successive generations of local inhabitants.

Any housing we construct will be the best designed in Cornwall. Our commitment to high quality architecture and urban design is one of the key characteristics of this URC. We will create model developments to set the standard in Cornwall. We also intend doing so in a way which will be both modern and Cornish.

The final component is transport. Regeneration requires transport investment. It means using the new Trevithick Urban Buses to link residential areas with new job and training opportunities. It means



CPR Regeneration Business Plan

For Directors and Partners

December 2003

1. Introduction

- 1.1 This is the first business plan of CPRR regeneration (CPRR) and has been prepared for the use of its Directors and Partners in clarifying the way forward for the Company for the first two years from November 2003 onwards.
- 1.2 The Directors approved a summary budget for the Company in March 2003 in anticipation of a more comprehensive business plan in due course and inception work on the preparation of this plan has taken place since then. This is the result of that work.
- 1.3 The Company recognises that its operational funding is supported by public agencies and its revenue plan has been prepared to reflect the obligations and operating practices which flow from that relationship. Equally CPRR is a small body working to bring forward the regeneration ambitions of its Directors and Partners and appreciates the degree of understanding and flexibility with which they have dealt with it in its first months of full operation.
- 1.4 This business plan reflects the start up stage of the Company but aims also to set down a clear format which future plans will also follow. It provides:
- A statement of the vision for the area
 - The strategic objectives which state what actions in economic and social terms will secure the regeneration of the area
 - The policy and planning context against which the Partners have been asked to support the CPRR and this area
 - The social and economic baseline and the development starting point for the Company
 - Our approach to planning the early stages of regeneration
 - Key programmes and projects and their fit with the strategy
 - The role of the Company in securing regeneration
 - Delivery and management arrangements
 - Finance and funding

2. Company Objectives and Constitution

Company Objectives and Constitution

- 2.1 The Company was incorporated on November 11 2002 and was registered in England and Wales with Company Registration Number 4586515. It is a company limited by guarantee and has no share capital. It has 12 members who are also directors. The Memorandum of Association and the Articles of Association¹ reflect the aims of the Company Founders to secure regeneration in Camborne Pool and Redruth as the "Urban Regeneration Area" and to meet the pressing demands of structural changes in the existing economy of the URA. The Articles of Association (as recently amended in draft) indicate that there are 4 Principal or Founding Members (SWRDA, EP, Cornwall County Council and Kerrier District Council). The Chief Executive is also a Director. The remaining members are drawn from the business and voluntary sector.

The Directors of the Company are –

¹ The Mem & Arts are provided as an Annex to the Business Plan.

Barbara Ellenbroek	Redruth Town Councillor
Beverley Warne	Station Manager, Pirate FM
Candy Atherton MP	Labour MP for Falmouth and Camborne
John Woodward	Councillor for Kerrier District Council
Colin Molton	Director of Development, South West RDA
David Brewer	Chairman, Managing Director, Brewer and Bunney, & Chairman, Cornwall Chamber of Commerce and Industry
David Warburton	Head of Sustainable Communities, English Partnerships
Dr Alan Stanhope	Chief Executive, Cornwall College
Pam Lyne	Executive Member, Cornwall County Council
Richard Leonard	Retired Bank Manager
Steve Hindley	Chief Executive, Midas Group Ltd
Dr Tim Williams	Chief Executive, CPR Regeneration

- 2.2 Together with the Mem and Arts a draft Members Agreement has been drawn up and is in the process of being finalised. This lays down in detail the arrangements for the procuring of the Masterplan, the Business Plan and the Implementation Plan and the steps to be taken to ensure that the Company operates within the terms of these plans. At the present time discussions are continuing with EP regarding details within the draft Members Agreement. It is agreed by the parties that flexibility around day to day operations will be retained by the CEO and the importance of promoting the strategy while observing commercial confidentiality is recognised. There is a vacancy for one director.

The Company Vision and Mission

- 2.3 The vision for the CPR is for a superb quality of life with excellent employment prospects in a greatly improved environment where a growing number choose to make their homes.
- 2.4 Preliminary scoping work carried out by the URC team in the last year underlines that the area is a superb candidate for regeneration action. The Partners have identified around ten elements which qualify it for priority consideration. In summary CPR is a strategic employment centre which is centrally located in Cornwall and has the potential to become the economic engine of the County. It has large tranches of brown land for development of businesses and new homes and the environment has significant (if latent) qualities. The area has the potential to become a place where people live, work and play. The area is of sufficient scale to attract investment from a variety of sources. The projects under consideration reveal their strong Cornish character and the resonance they have with the Cornish identity and its future in sunrise industrial sectors. There is a major public service commitment to the area with an experienced strategic planning team now preparing the Implementation Plan and with substantial funds available in the next 10 years to pump prime the process of regeneration.
- 2.5 The CPR mission has recently been stated as
- "To re-establish Camborne, Pool and Redruth as a place of innovation, quality and wealth that will be the engine of change for Cornwall in the 21st Century".
- 2.6 The area of operation of CPR is as laid out in the UFP wherein a core area of operation is designated as in Figure 3.1 of the UFP and in which most of the activity of the URC will take place. The adjoining areas which makes of the remainder of the 4 wards in which the Company operates are designated as areas of influence.

Strategic Objectives

- 2.7 The Urban Framework Plan by Llewelyn-Davies and others in 2001 laid out at some length what the regeneration objectives were. With the passage of time and the development work which has taken place in the last year behind us a review of these has more recently taken place and a short version of the strategic objectives has now been provided as follows:
1. Establish Camborne Pool and Redruth as a new economic driver for Cornwall based upon a strengthened and diversified business base and infrastructure and by facilitating the development of sustainable sectors for incoming businesses.

2. Provide a new offer of Camborne Pool and Redruth heritage and tourist strengths to consolidate the environmental qualities inherent in the area as a complement to its known coastal appeal and to redress environmental degradation holding back investment.
3. Advance the long term prospects for the area and Cornwall and strengthen communities through strategic interventions in the housing market on key sites as a key strand in the urban renaissance and design uplift of the area to be developed in tandem with an increase in income levels in the area.
4. Exploit the town centres and the urban character of Camborne, Pool and Redruth as dynamic assets. Through intensification, raising design standards in the townscape and public realm, and promotion of mixed use, business and leisure uses will be consolidated and the appeal of local centres to the community and visitors strengthened.
5. Investigate the opportunities and set a strategy to develop the asset base in central brownfield sites as the bedrock for a prosperous community, demonstrating exemplary urban design practice and fully respecting its Cornish character.
6. Improve the social infrastructure to support key developments in such a manner as to secure benefits for local people and build the local project skills base.
7. Secure appropriate transport investment to facilitate the delivery of the strategic objectives of the URC.
8. Work in partnership with other agencies and business, training, environmental and cultural interests to sustain the impact of developments and redress long term deprivation suffered by our communities.

Company Roles and Responsibilities

- 2.8 URCs, while being designated by the Secretary of State are not provided with ring-fenced funds for carrying on their work but are deemed to be facilitating organisations. Their influence comes from their designation and from the willingness of the partners who made the bid for URC status to come forward with the resources to enable the URC to successfully go about the regeneration of its area.
- 2.9 For this to happen in practice calls for leadership, clear strategic thinking, negotiation skills of a high order and willingness to act rapidly to take advantage of opportunities as they emerge. Therefore the skill sets of both staff and Board Members are crucial to the success of the URC.
- 2.10 CPRR is fortunate in having partners who already recognise the priority which the area should be given and are prepared to engage in a serious way in identifying possible projects which they may be prepared to support. This is crucial to the well being of the partnership which the URC represents and is critical in maintaining the momentum of the organisation and the motivation of the staff.
- 2.11 At the same time it is now becoming clear from the market analysis and assessments² carried out in the last year by CPRR that the level of market failure affecting the CPR area is quite profound. These assessments point the way to the strategy which is required for regeneration (dealt with in Section 5 below). One indirect but immediate effect of this is the lack of experience in development activity among local institutions. It cannot be taken for granted therefore that the URC can leave to others the complex and sometimes subtle task of engendering development activity or of creating new markets where little market activity currently exists. There have already been occasions where the URC itself has become directly involved in championing and sponsoring projects. For this to continue the funding which the URC currently enjoys but which is limited to its running costs and to scheme-related studies will be quite insufficient for such an interventionist role.
- 2.12 Indeed the Company has already started down this road by taking on specific project development work. The latest management accounts indicate that the Company has either committed to or plans to commit £290,000 towards feasibility studies or other development plans for specific projects. This is a direct development role, significantly in excess of a facilitating role. But it has been justified as part of the process of kick-starting action. However to maintain this approach funds for such activities must be secured separately from the existing revenue resources budgeted for the URC. This case is further explored in Section 3.24 below.

² Baseline Study and Market Demand Analysis – R Tym & Partners, Economists
Supply and Demand Studies (May and July 2003) – Thomas Lister, Chartered Surveyors

Strategic Objective 1 - The Powerhouse for Economic Activity

- 4.15 CPR aims to transform the area into the Cornwall's Powerhouse – containing all sectors of business relevant to a sustainable urban economy. Yet CPR's economy is weak and without a resurgence in its business base the longer term economic regeneration of the area will remain unfulfilled. That deficiency is predicated first upon a weakness in businesses at the front end of their life cycle – knowledge based, business services and support services relevant to Cornwall's image which together can reinforce the business base of an area and serve the wider economy. As well as securing a foothold in these sectors it is essential to achieve growth in the chosen sectors. The second element of that weakness is in the supply of business premises and the engagement of the private sector in developing business sites and premises. This applies not only to new businesses coming into the area but also (and critically) to scale-up premises required for existing businesses which wish to grow. However without a strong business development strategy any sites-based programme will be greatly at risk and growth very difficult to achieve. The rolling out of this strategy will therefore necessitate an integration of both physical development activity and business development programmes.
- 4.16 The strategic programmes which would support this objective include Trevenson Rd Business Quarter, Redruth Cultural Quarter and the Industrial Space Provision programme. Projects include the preparation of development briefs and other forms of intervention in **Redruth Hospital development; Treleigh Industrial estate; Trevenson Road development; Cardrew units; Barncoose industrial development; the Omega project; and a cross cutting business development and growth programme.**²⁴

Strategic Objective 2 – Developing Our Heritage and Tourism Assets

- 4.17 The area suffers from a poor image which is caused in part from the appearance and existing fabric of its industrial heritage. The soft environment and landscape around the ex-tin mines presents a second class appearance to the area. The public realm in the town centres has suffered from under-investment. The area adjoins some of the best surfing beaches in the UK. These are assets which when developed and improved distinguish the area from any other part of Cornwall and indeed nationally. Taken with the proximity of the core area to the coastline for mainstream tourism, CPR offers environmental and heritage assets which would draw in tourists and underpin the local pride in the sub-region. To turn around the heritage prospects for CPR will require a sustained programme of works on the environment, including planning briefs, structured landscaping, site layout designs, soft landscaping works, visitor attraction development, interpretation studies and plans, strategic site enhancements and public realm improvements.
- 4.18 This strategy can be secured through the strategic programmes on Redruth Cultural Quarter, Major Projects and through Key Studies. The appropriate project proposals include **Redruth HERS scheme; Carn Brae development; Pool Masterplan; the reclamation programme; and the open space development programme.**

Strategic Objective 3 – Facilitating Housing and Urban Renaissance

- 4.19 If the area is to be renewed housing will play a key part in that process. The socio-economic assessment reveals that housing represents a major challenge for the area and the market for new house building is slack. Many of the houses in the town centres are in principle suitable for starter homes but require significant maintenance and improvements to bring them up to standard. Much of the social housing (some 15% of the stock) is in (4) distressed areas and residents suffer from severe social difficulties. The area is not deemed to have substantial quality housing stock. A draft housing strategy has been prepared such is the importance of this programme area.
- 4.20 This represents a major challenge to the URC as good quality design is an intended benchmark of its capital investment. Action will be needed to lay out a housing strategy, prepare urban design guidance and ensure it is effective in the delivery of quality projects, consider innovative ways of securing housing investment, and work with national and regional partners to work up a programme of action. The demand study by RTP suggests that a target of some 370 units p.a. could be aimed for as distinct from the 200 currently being achieved under present plans. The strategic programmes to support this strategy include the Masterplans, Infrastructure Projects and the Major Projects. These can be facilitated through the **Pool Masterplan and by mixed use developments in projects including the Redruth Hospital, Compair development, Trevu Road development and the re-use of the Robinson Shaft.**

²⁴ More details of these and other projects are provided in tabular form in the Delivery Section below.

Strategic Objective 4 - Achieving High Quality in Camborne and Redruth Town Centres

- 4.21 Although the town centres have been the subject of action in the past (such as in traffic calming measures and selective public realm works) lack of investment has held back improvements. Taken together with a retailing performance in the town centres which is unlikely on its own to attract further retail investment²⁵ it is necessary to introduce integrated plans which provide a contextual regeneration strategy for the town centres. The highest quality of design will be critical in maximising the benefit from these projects. The URC will have a pivotal role in establishing new standards for urban design.
- 4.22 This has been the subject of initial study by the Executive Team. The supporting Strategic programmes are Redruth Retail Improvement, Camborne Retail Improvements, and Redruth Cultural Quarter. The following projects would support a town centre revival strategy: **Public realm improvements in Camborne and Redruth; Redruth hospital; Redruth West end improvements; Compair development; Camborne Bus Station; Cultural Industries in Redruth.**

Strategic Objective 5 – Developing the Central Development Sites

- 4.23 If CPR is to become the "Cornwall Powerhouse" it will need to offer a substantial development quarter for the region to operate within thereby bringing both focus and scale to the ambitions of the Partners. The central area at Pool although suffering from topological difficulties in part provides an area where significant development can occur. A masterplan for the Pool area has been commissioned which will identify the desired mix of uses and will also take account of the relationship between the proposed uses and the immediate environs and the wider CPR area.
- 4.24 A major element of the central area vision rests in the ambitions for sports development. This part of Cornwall is immediately adjacent to major tourism draws and the development of leisure facilities in the Pool/Tolgus area could well be combined with renewal programmes for existing sports and leisure facilities. The re-branding of the area as a regional and national sporting venue combines well with the urban renaissance theme in housing and business development. In effect there is an ambitious programme in all sectors of development. The strategic programmes here are the Infrastructure Projects, the Trevenson Road Business Quarter, Major Projects and the Pool Masterplan. These will be underscored by best-practice urban design principles to ensure they achieve quality and integrate with wider regeneration plans. The projects which provide for such developments are currently being considered but would include **the Urban Neighbourhood; the ICT Enabled Site; the Leisure attraction; Tolgus/Pool sports programmes; the Heritage attraction; and the Regeneration Centre.**

Strategic Objective 6 - Securing Benefits for Local People

- 4.25 Evaluations of previous regeneration initiatives including UDCs have highlighted the need to ensure that investment led regeneration should be matched with people-based regeneration so that genuine community benefits are achieved in the area they targeted.²⁶ In the course of drawing up the UFP it was clear that this was a key element in local aspirations for CPR. The URC is determined to secure these benefits and has already taken action to ensure that where not already present skills of regeneration planning are transferred to local people.
- 4.26 This can be achieved through processes and also through the introduction of new institutions locally. So far the URC has identified a number of institutions which will raise the capacity of local people and local businesses. Through the strategic programmes of key studies and major projects these will be supported and the key projects will include **the Heritage Centre, the Regeneration Centre, the Leisure attraction and the IT-enabled Centre.**
- 4.27 The process of local capacity gain can be achieved through **securing local supply where possible, through local labour schemes, through empowerment programmes in housing and through well designed exit strategies.**

Strategic Objective 7 - Improving Transport and Access

- 4.28 The recently completed transport study by Halcrow indicates that while there are certain pressures on the existing road transport system locally, by and large the network has the capacity to cope with the traffic movements within the area. Public transport (bus services) serve the area along the A3047 with

²⁵ Socio-economic Analysis and Demand Study – RTP.

²⁶ "A Study of UDC Boundaries in Thurrock" – ODPM June 2003.

some 6 buses each way per hour and away from the A3047 services are very infrequent (often 1 bus per hour).

- 4.29 However the potential to develop the area is significantly limited by the existing road capacity. The main concern relates to the potential impact of travel demand arising from the proposed developments which are envisaged in the strategy. The transport study is now seeking to evaluate these effects and what improvements may be required as a consequence. This exercise is therefore predicated upon **initial decisions on key projects** which can then be evaluated from a transport perspective. The strategic programmes of infrastructure projects and key studies will support these interventions.

Strategic Objective 8 - Sustaining Impact through Partnership

- 4.30 Partnership working with public agencies is not straightforward. Public bodies frequently express their funding and monitoring requirements in different ways. It is therefore incumbent upon the Executive Team to seek resolution of potential difficulties ahead and this process has occurred in CPR as in other regeneration schemes. Very often any potential difficulties can be addressed at Board level, such as the matter of the funding of project development input.
- 4.31 The Board is anxious to work as a unified and coherent team and has established a Board and Board Advisory Group Structure to help co-ordinate its work in the key areas of development, finance and the community. It is recognised at this stage that CPR is focussing on how to address market failures in the economy as they impact upon capital development and the balance of the economy in this part of Cornwall.
- 4.32 CPR wishes to work closely with all its partners – both on the Board and elsewhere in the community. It recognises that it is **through partnership that the regeneration process can be sustained and for that reason sees its partners as strategic allies in its endeavours**. Like other Partnerships there are areas of programme activity which ordinarily are carried out by others – such as community development and training. It is important that in these matters the Board considers the issues and makes its view known to the parties concerned. In some instances it may well be that the agency concerned may wish CPR to carry out its programme as an agent in which case discussion on staffing and facilities may need to be considered. Relocation of assets into the CPR area and the transfer of seconded are appropriate measures to be taken by partners.
- 4.33 The Partnership will wish to leave a sound legacy and a sound institutional structure at the end of the day when its work is done. **Consideration therefore needs to be given to the Forward Strategy for CPR.**

5. Programmes Projects and Priorities

- 5.1 The purpose of the URC in assessing projects is to bring forward in an accelerated timescale a wide range of strategically consistent projects which *taken together within the URC strategy* substantially redress the social and economic disadvantages of the area and kick start the regeneration of CPR. These are offered by the URC to the funding partners to agree to on the back of our assessment and strategic sign-off.**

Background to Project Planning

- 5.2 The projects which have been identified for inclusion in the first business plan are those which are seen to be the springboard for comprehensive regeneration action and the also to serve where appropriate as the cornerstone projects of the scheme. Many of the projects under active consideration were identified as part of the extensive process of consultation during the development of the Urban Framework Plan. They have also been developed by the Executive Team, Partners and the Board at each meeting in the course of the last year. A special brainstorming session was held more recently by the Board during which the approach to project prioritisation was more fully explored.
- 5.3 The project planning exercise has enabled us to group projects under a set of strategic programmes and to identify the broad intervention being suggested to meet the strategic objectives as follows -

Table 1- Strategic Programmes

- 1.0 Camborne Retail Improvement
- 2.0 East Camborne Regeneration area
- 3.0 Industrial space provision

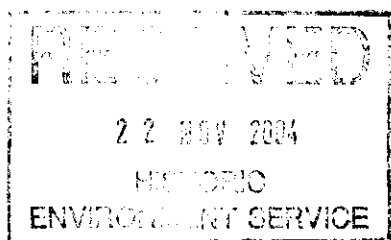
Nomination Document Annex

Letters of support quoted in the Nomination Document text

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18 November 2004

Dear Ms Boden

Cornwall and West Devon Mining Landscape

Many thanks for your letter of 16 November. I am delighted to support the nomination of the Cornwall and West Devon Mining Landscape to the World heritage List. It is many years since I was last in the area, but I treasure the memory of my first sight of the abandoned engine houses. Later, when I began studying industrial archaeology more assiduously I realized their tremendous significance as monuments of our great industrial history.

I studied the excerpts from your draft nomination dossier with something of a professional eye, having dealt with several hundreds of these during my period as ICOMOS World Heritage Coordinator. I must congratulate you on the way you have fulfilled the requirements of the World Heritage Committee. If in due course you prepare a CD-ROM version of the full dossier, I should much welcome a copy, for teaching purposes.

You will find attached my formal letter of support, which I hope will be of use to you. I wish you every success in your bid; my only regret is that I shall not have the privilege of presenting it to the World Heritage Committee, as I did for so many industrial heritage sites in the past.

Yours sincerely

(Professor) Henry Cleere

Deborah Boden
Cornish Mining World Heritage Site Bid Co-ordinator
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18 November 2004

Cornwall and West Devon Mining Landscape

I wish to record my strong support for the nomination by the Government of the United Kingdom of the Cornwall and West Devon Mining Landscape to the UNESCO World Heritage List.

The contribution of the United Kingdom to the Industrial Revolution, and consequently to the world's industrial heritage, is universally acknowledged to be of immense significance. This has already been recognized by the inscription of five UK industrial properties (Blaenavon, Derwent Valley Mills, Ironbridge Gorge, New Lanark, and Saltaire) on the List. It might be argued that this constitutes adequate recognition of the State Party's industrial heritage. This would, however, disregard the exceptional contribution of the miners of south-western England to the development of mining technology all over the world. It can be demonstrated that in the 19th and early 20th centuries Cornish mining (and miners) spread widely over the planet, exploiting its resources of tin, copper, and arsenic by making use of the revolutionary technology of steam-driven deep shaft mining that had been developed in the south-west of England.

The remains of this industry, now completely abandoned, have created an industrial cultural landscape that is of the highest quality, both aesthetically and in terms of technological history. The State Party, through its central and regional policies, has applied commendable protection and conservation policies in order to preserve this exceptional landscape for and on behalf of present and future generations.



Honorary Professor of Heritage Management, Institute of Archaeology, University College London

ICOMOS World Heritage Coordinator 1992–2002



ENGLISH HERITAGE

from the Chairman
Sir Neil Cossons OBE

Mr Nicholas Johnson
Historic Environment Manager
Cornwall County Council
Kennall Building
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Cornwall
TR1 3AY

29 November 2004

**CORNWALL AND WEST DEVON MINING LANDSCAPE WORLD HERITAGE
SITE NOMINATION**

Thank you for your letter of 12 November. I am delighted to write in support of the nomination of the Cornwall and West Devon Mining Landscape as a World Heritage Site.

Industrialisation shaped and made possible modern global society. It is a key theme of the United Kingdom's approach to World Heritage Site nominations because it was here that this process began. Industrialisation is one of the Britain's most significant and lasting contributions to global society. This needs to be appropriately marked in the World Heritage List. The industrial sites selected for inclusion in the 1999 Tentative List were carefully chosen because they were fundamental to the development of modern society as outstanding places representative of the origins and development of industrialization, of processing and manufacture, developments in transport and virtuosity in civil engineering.

I was closely involved in the development of the Tentative List as a member of the expert committee set up by English Heritage at the request of the Department for Culture Media and Sport to advise on the content of the List. I also chaired English Heritage's Industrial Archaeology Advisory Panel which provided specialist input to the process.

cont/...2

I strongly supported the inclusion of Cornish Mining on the List. As, for a time, the world's greatest producer of tin and copper, the area provided essential raw materials for the industrialisation of the world. In doing so, it developed a distinctive and technologically advanced approach to deep mining for metals which was then exported around the world and was fundamental to the shaping of modern mining technology and organisation. Because of the steep decline of the industry in the twentieth century, the landscape which the industry created survives exceptionally well, preserving evidence not just of the mines and their ancillary structures but of the whole society and social structure of the mining industry.

The Nomination has succeeded in capturing in a comprehensible and manageable form the complex physical remains of this industry, its landscape and society. It clearly demonstrates the outstanding universal value of this place to the world as a whole, both as a source of materials and as the birthplace of a technology which has spread all round the world, leaving distinctive Cornish landscapes and customs in places as far apart as Mexico and South Australia.

I am struck too by the broad partnership which has developed and supported this bid, demonstrating a wide level of commitment and involvement across all parts of society, both in Cornwall and Devon. I welcome the way in which it is planned to conserve the site in order to use it sustainably for the benefit of local and wider communities and to communicate the significance of this great industry and landscape for the people of Cornwall, visitors to Cornwall and also much more widely through virtual access.

I am pleased too that English Heritage has been able to assist the Cornish Mining Partnership in achieving a Nomination of such high standards. I believe that this Nomination clearly demonstrates the outstanding universal value of the Cornish and West Devon Mining Landscape and proves the case for its inscription on the World Heritage List. I look forward to the success of this Nomination as the next landmark in this process.

Yours sincerely
Neil Cossons

SIR NEIL COSSONS

**DBM**Deutsches Bergbau-Museum
Bochum

Deutsches Bergbau-Museum

DMT-Forschungsinstitut für
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Durchwahl: 0234/ 5877115
NEU E-Mail: christoph.bartels@bergbaumuseum.de
Datum: 29.11.2004

Dear Mrs. Boden

Cornwall and West Devon Mining Landscape World Heritage Site Bid

The bid to recognise the international significance of the metalliferous mining industry in Cornwall and West Devon and inscribe this region in the UNESCO list of World Heritage Sites is fully supported by the German Mining Museum Bochum. This district has clearly been one of the internationally most important regions of mining non-ferrous metals in history. Especially during the 18th and 19th centuries in the process of industrialisation it did play a role of global importance for this branch of mining. Cornish miners and mining technology became most influential in these developments. Cornish tin was exported all over the globe. Copper, arsenic and other metals were of high importance for the industrial development of the United Kingdom. The landscape of Cornwall and West Devon did fundamentally change under the influence of (early) industrialisation and exposes the typical structures since.

The heritage of this landscape is manifold, highly diverse and at once concentrated in a not too widespread region. There are sites of high quality with original ensembles of buildings and technology in often excellent state of preservation. None of the World Heritage Sites listed up to now includes a district of tin and arsenic production. Thus an

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inscription of the Cornwall and Western Devon mining district could fill a gap of the international list of World Heritage Sites. This would be of high importance in respect of the under-representation of industrial and especially of mining landscapes. Furthermore, an inscription would support the efforts of the European Union to protect and develop cultural landscapes in the European countries and regions.

Best wishes and greetings

Yours sincerely

ppa.



(Prof. Dr. Rainer Slotta)

i.A.



(Dr. Christoph Bartels)



THE NEWCOMEN SOCIETY

FOR THE STUDY OF THE HISTORY OF ENGINEERING AND TECHNOLOGY

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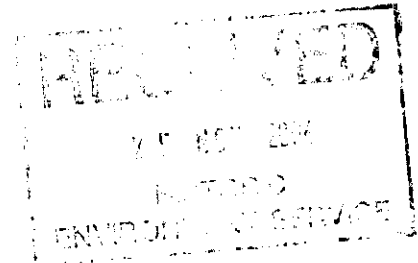
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Deborah Boden,
Cornish Mining World Heritage Site Co-ordinator,
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Planning, Transportation and Estates,
Cornwall County Council,
Kennall Building,
Old County Hall,
Cornwall,
TR1 3AY.



23 November 2004

Dear Ms Boden,

Many thanks for your letter of 16 November about the inscription of the mining industry in Cornwall and Devon as a World Heritage Site.

As President of the Newcomen Society I am delighted to support your nomination. The Newcomen Society is the leading society for the history of technology and engineering in this country. The Society is named after Thomas Newcomen (1664-1729), a Devon man, who invented the first practical steam engine in the early eighteenth century. So wide spread did it become in Cornwall for the draining of mines, that it is frequently referred to as the Cornish engine. Thus mining in Cornwall played a major part in developing one of the chief prime movers in the process of industrialisation in the eighteenth and nineteenth centuries. Personally I can't think of many things that have more universal significance and is thus eminently suitable as contribution towards your case for World Heritage Site status.

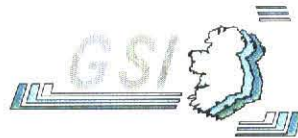
You might be interested to know that the Newcomen Society owns the world's third oldest surviving engine which is located in Dartmouth, the birthplace of Newcomen.

I wish you application well and look forward to hearing of its successful outcome.

Yours sincerely

Dr Frank A.J.L. James
President

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Ms. Deborah Boden, WHS Site Coordinator,
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Re: **EUROPAMINES**

October 8, 2004

Dear Deborah and Simon,

I wish to thank you both very much indeed for the time you gave on Friday, September 24 to brief the Europamines representatives, Antonio Perez and myself, on the philosophy, objectives and current schedule for seeking nomination of *Cornish Mining* as an UNESCO World Heritage Site.

We were extremely impressed, if not a little awed, by the sheer magnitude and professionalism of the effort, which we unreservedly welcome and support. Your initiative has a particular relevance to both Antonio and myself, as representatives of the international mining heritage community with a direct connection to the international diaspora of Cornish peoples and their mining technologies, skills and cultural traditions during the 19th Century – in our cases, to Spain and Ireland. But the international dimension is even greater as your initiative could be pivotal to creating a truly global site – to reflect the international, 19th Century diaspora of Cornish peoples, their culture, traditions, technology and skills. Such potential is very exciting, and one which Europamines would like to support and assist in whatever way it can.

Both of us individually, as well as the Europamines Network, look forward to providing whatever tangible support, or assistance we may offer to you to advance your efforts to achieve your objectives.

Thanks again and with our very best wishes to you and your entire *Cornish Mining* team,

A handwritten signature in blue ink, appearing to be 'JH', with a long horizontal line extending to the right.

John H. Morris,
Europamines Project Lead Partner

PS. I'd be very grateful if you could forward to me a CD copy of your Powerpoint presentation.

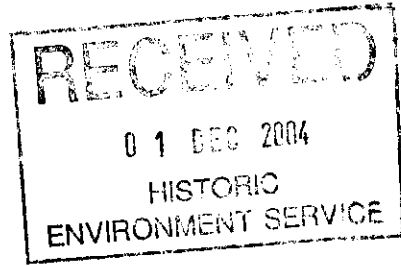




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01.23.03/11711

26 November 2004

Dear Mrs Boden

**CORNWALL AND WEST DEVON MINING LANDSCAPE WORLD HERITAGE
SITE BID**

Thank you for your letter dated 16 November seeking English Nature's support for the nomination of the *Cornwall and West Devon Mining Landscape* as a World Heritage Site. I am pleased to suggest you use the paragraph below:

English Nature is pleased to provide our full support for this proposal. This world-renowned landscape has important geological and biological diversity, inextricably linked to its industrial mining heritage. Natural and cultural features are intimately interwoven with community and economy here, so an integrated approach to landscape management will be vital to ensure the sustainable development of this remarkable area.

We wish you every success with your WHS bid and look forward to continuing our work with the Partnership.

Yours sincerely



Cornwall and West Devon Mining Landscape

World Heritage Site
Management Plan
2005-2010



Celebrating Cornish Mining Heritage

Cornwall and West Devon Mining Landscape

An Tirwel Balweyth
Kernow ha
Dewnens West

Cornwall and West Devon Mining Landscape World Heritage Site Management Plan

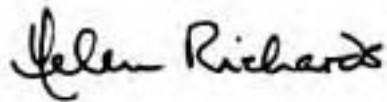
Foreword

I very much welcome the opportunity to commend this Management Plan to you. As Chairman of the World Heritage Site Bid Partnership I am able to confirm that the Bid process has been carried out with the full approval and support of the relevant national and regional statutory agencies, all the local authorities and specialist interest groups, and most importantly with support of the local community.

The World Heritage Site Bid Partnership is a large and inclusive group and consists of 135 individuals representing 75 organisations. The Partnership, Officer Working Group and specialist Panels have held 49 meetings since September 2000 when the Bid process began. The wider public have been kept abreast of the Bid through many and varied media stories and through the Bid website (www.cornish-mining.org.uk), and in addition the Bid team have led, or given 80 walks and talks as part of an extensive programme of outreach. It is therefore all the more encouraging that the latest public opinion poll in Cornwall found that 87% of the public support the protection of the mining heritage.

The Partnership would like to thank the sponsoring organisations which made this Bid project possible and the Bid team for the quality and clarity of the Bid documents. For all of those who have put together and supported the Bid it has been an extraordinary learning experience. The story of Cornish Mining, and the part it played in the industrialisation of the world is both an heroic and at times painful story. However, with international recognition come responsibilities of care and education. This Management Plan explains very clearly what those responsibilities are, and how we, as local authorities, statutory agencies and others will ensure that the mining heritage which we have now defined and valued is both conserved and presented to the wider world.

Contained within the mining landscape is a story of enormous interest and value. It is the resolve of the Partnership that, through this Management Plan, this unique resource will be passed to future generations in good heart.



Mrs Helen Richards, County Councillor
Chairman The Cornwall and West Devon Mining Landscape Partnership
Environment and Heritage Portfolio, Cornwall County Council





Dunstanville Memorial, Carn Brea (A5)

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Executive Summary

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'From Under the Sea'. Botallack Mine by James Clarke Hook (1819-1907). In 1863, the iron hoisting-chain broke and nine miners were killed as the wheeled skip plunged down the shaft. Accidents were an accepted part of everyday life for mining families. Courtesy Manchester City Art Galleries.

Executive Summary

World Heritage Sites are inscribed by the UNESCO World Heritage Committee under the 1972 Convention for the Protection of the World Cultural and Natural Heritage for their "Outstanding Universal Value". The Cornwall and West Devon mining landscape was formed by the cultural tradition of non ferrous hard-rock mining that contributed to the development of the Industrial Revolution in Britain and pioneered its transfer overseas.

The Site is being nominated in recognition of this unique contribution to the development of the modern industrialised world, the enduring technological and social consequences and the exceptional survival of distinctive structures and landforms.

The Cornish Mining World Heritage Site nomination comprises 10 distinct areas stretching from Botallack in the west to Tavistock in the east. Together these represent the best surviving examples of the former mining districts, ancillary industries and associated settlements. The Nomination Document sets out the case for the outstanding universal value of the Cornish Mining landscape, which is summarised as follows:

Outstanding Universal Value

The Cornwall and West Devon Mining Landscape was transformed during the period 1700-1914 by early industrial development that made a key contribution to the evolution of an industrialised economy and society in the United Kingdom, and throughout the world. Its outstanding survival, in a coherent series of highly distinctive cultural landscapes, is testimony to this achievement.

The function of the Management Plan

This is a strategic document providing a framework of policies and actions to ensure consistent management of a multi-area serial World Heritage Site, in the care of a large number of owners and managers. Given the distributed nature of the Site, this plan focuses on agreed policy principles which can be applied in different Areas to take account of local circumstances whilst ensuring a unified approach to dealing with the identified management issues. It covers the period 2005-10, during which time, in June 2006, the Nomination will be considered by the World Heritage Committee of UNESCO. The first two years of the plan are therefore geared towards developing management strategies and initiatives which will take full effect in the years following inscription.

This Management Plan is focussed on managing those historic components (see page 15) within the proposed World Heritage Site that demonstrate its Outstanding Universal Value, defined within the Statement of Significance (pages 9-12). The Plan will work in harmony with other strategic community, development, environmental and economic plans to ensure that the benefits of World Heritage Site inscription are integrated with wider social and economic regeneration targets

This Management Plan has been produced in consultation with key stakeholders on the World Heritage Site Bid Officer Working Group, and approved by the wider World Heritage Site Bid Partnership to ensure it can be effectively supported and implemented by the wide range of organisations and communities that have a responsibility for and interest in the Site. The spirit of the Management Plan is captured in the Vision.

Our Vision for the World Heritage Site

We believe that by protecting, conserving and enhancing the outstanding universal value of the Cornwall and West Devon Mining Landscape World Heritage Site it will reinforce cultural distinctiveness, and become a significant driver for economic regeneration and social inclusion.

Our mission in this plan

To achieve this vision the Management Plan for the Cornwall and West Devon Mining Landscape World Heritage Site will pursue the following mission:

- *conserving* the outstanding universal value;
- recognising that this is a distinctive *living landscape* which continues to evolve;
- promoting a *sustainable* approach that integrates conservation with regeneration, and the needs of communities with visitors;
- promoting *equality* of opportunity to access and enjoyment;
- building and maintaining strong *partnerships* between the community, local, regional, national and international organisations.

Our Aims for the next 30 years and beyond

The management of the Cornwall and West Devon Mining Landscape World Heritage Site requires a long-term view steered by the following aims.

- To protect, conserve and enhance the historical authenticity, integrity and historic character of the Site for current and future generations.
- To promote opportunities within the Site for heritage-led regeneration.
- To communicate the distinctiveness of Cornish mining culture and identity.
- To promote public access to sites, collections and information.
- To undertake and facilitate research to increase knowledge and understanding.
- To interpret and present the history and significance of Cornish mining to the highest quality.
- To promote educational use of the Site.
- To optimise the contribution of the Site to the local economy.

Management Issues

The Management Plan assesses the opportunities and threats that the Site faces and which must be addressed to achieve the Vision. These include the balance of new development and regeneration; of integrating biodiversity, geodiversity, archaeology and other interests; and of optimising tourism and enjoyment for a wide range of people. These opportunities and threats have been distilled into 17 Issues discussed in detail in section 4.3.

These Issues, and the Policies put in place to address them, have been grouped into five themes (see Appendix A) within which the key messages are as follows:

Protection

Although the United Kingdom is party to the World Heritage Convention, Sites do not have direct statutory protection within the United Kingdom. Cornwall and West Devon contain many statutory designations, both European and United Kingdom derived, for natural, historic and landscape importance. Some of these designations incidentally include parts of the proposed Cornish Mining World Heritage Site and provide some indirect protection. Other designations have been specifically applied to protect historic mining sites and broader built landscapes. However there are weaknesses in existing protection, notably for historic waste dumps, while an ongoing review of Conservation Areas is addressing former mining settlements. Some protected sites are considered 'at risk' from neglect.

An established framework of legislation and planning policy exists within which the management of the proposed World Heritage Site and its setting will take place. This Management Plan establishes a strategic framework for the Site but its conservation and management can not take place in isolation. The protection of the Site needs to be

embedded in a range of strategic plans and programmes. These influence economic activity, for example development and regeneration, tourism and farming, as well as education and community life. The World Heritage Site Office has begun integrating the Site into many existing agreed plans, and opportunities are being taken as they arise with new plans to include provision for the Site and its setting in the most appropriate way.

Responsibility for identifying the potential dangers to the Site and preparing contingency plans lies with individual owners and managers. The Partnership will need to be proactive in encouraging owners and managers to undertake risk assessment and relate these to its own strategic and operational risk assessment.

Conservation & Enhancement

All development should be sustainable, including changes to the countryside and use of mineral resources. Whilst not all regeneration and development within the Site will be heritage-led, real opportunities exist for heritage to inform, and provide the catalyst for, regeneration initiatives, particularly in historic mining settlements. The benefits of this approach have been illustrated by government, English Heritage and CABE.

Whilst a considerable number of historic relict mine buildings have been consolidated over the last 15 years there are still a large number of important buildings that require remedial work. Whilst an impressive amount of public and private money has been invested (over £22m between 1998 and 2003), demand for funding exceeds availability and therefore future spending will have to be prioritised.

Although capital funding has been successfully acquired over the last 15 years for consolidation works and creating public access, there is now an issue over the long term maintenance of conserved mine sites and the public multi-use trails created along mineral tramways and railways. Local authorities are currently working in partnership to maximise resources and prioritise their application, and the World Heritage Site Management Plan will establish a useful frame of reference for assessing order of priority in this context.

In addition to a high degree of physical survival, this is one of the best documented nominated sites in the United Kingdom. There are considerable local and national records relating to the Site held within district councils, county councils and national agencies. This includes the Historic Environment Records (HER) for Cornwall and Devon which store and provide access to systematically organised information in a given area, through the application of electronic databases and GIS (Geographic Information System). The portable heritage is an integral part of the Site and a source of evidence for its Outstanding Universal Value. Mineral collections and archives relating to the Site are of international importance. The Partnership should engage with governing bodies of such collections and appropriate regional agencies to encourage and support their management to agreed national standards. These standards include identifying appropriate conservation, documentation and access arrangements.

Presentation and Marketing

In recent years high priority has been placed on sustainable physical access to the mining landscape asset. Access initiatives that enhance the positive characteristics of the landscape whilst protecting from harm include the ongoing development of the network of paths and cycle tracks including the Mineral Tramways, which provide sustainable transport options within and between some areas of the Site. The World Heritage Site Bid Partnership is committed to maintaining the authenticity of the Cornwall and West Devon mining cultural landscape and recognises the importance of sustainable access in achieving this. At the same time, access must be equally available to all, regardless of physical ability or income. Physical access to mining heritage therefore needs pro-active management, as tourism in Cornwall and West Devon is a major driver in regeneration strategies, with significant growth targets for the period 2000 – 2010 already in place.

The Site requires a strategic overview and a co-ordinated approach to interpretation within the range of visitor facilities. The marketing strategy outlines an interpretation framework that involves establishing the full range of World Heritage Site messages to be communicated, proposed key sites to address these, and a network of local centres and on-site interpretation focussing on more specific elements at the broad range of mining heritage assets. There is potential for much greater use of the Site in teaching both existing National Curriculum subjects such as local history, geography and technology and specially developed study schemes, such as Cornwall County Council's "Sense of Place" initiative. The Site also has relevance for further and higher education audiences. The international significance of the Site to the study of mineralogy and geology is reflected in field trips for academic study by Universities and colleges. Within the context of marketing and interpretation of the Site overall, a strategic approach to developing the educational role of the Site is a priority.

There are already a great number of organisations, companies and individuals involved in the marketing of mining heritage-related land, attractions and cultural assets within the Site. It is vital that these facilities work together to ensure that the full range of values and significances of the Site are communicated to target audiences, to a quality that is consistent with World Heritage status and in line with the mission principles, particularly equality and sustainability. The World Heritage Site marketing strategy will deliver greater co-ordination of marketing, interpretation and education by incorporating promotional activity into a strategic approach to sustainable visitor management.

One of the poorest regions in the United Kingdom, Cornwall is benefiting from Objective One funding from the European Union, while West Devon is in receipt of Objective Two funding. An Economic Impact Assessment was commissioned by the Bid Partnership in 2003 to assess the potential economic benefits arising from World Heritage Site inscription. The existing economic activity derived from the conservation and interpretation of mining heritage and the potential impact resulting from Inscription as a World Heritage Site were broadly considered to be tourism and building/conservation industry related, although other positive social benefits were indicated. In addition to financial impacts, many agencies involved in the redevelopment of economically disadvantaged areas acknowledge that physical regeneration needs to be accompanied by investment in social enterprises if the renaissance of a community is to be truly effective. Rebuilt spaces need a renewed "spirit of place" if the benefits from investment are to be sustained. As a cultural landscape, the World Heritage Site can contribute to the social impacts of regeneration through its interpretation, education and outreach initiatives. The Partnership needs to investigate further the social benefits of Inscription and how these might be measured.

Outreach

Successful management of the Site will depend on the ongoing support and involvement of local communities in debating World Heritage Site policies and their implementation. An outreach strategy will be developed alongside the marketing and interpretation strategies to guide the development of community involvement in the Site. The latter identified local people both as key target audiences for interpretation and education initiatives and as partners in their delivery. It is therefore important that their input is secured as these strategies are further developed.

There is a significant research interest in Cornish Mining which generates much of the understanding of and knowledge about the nominated Site. Research is fundamental to the management of the Site, as knowledge underpins effective decision making. A research programme, covering all aspects of managing the Site, will be devised and implemented during the period covered by this Management Plan. Further research will bring benefits for the management of the physical resource within the Site. There is also a particularly strong demand for the outputs of research into the social history of Cornish mining and the personal stories of those involved in the industry. It will be important to forge closer links with the Combined Universities in Cornwall and work with academics at the Institute of Cornish Studies and staff at the Cornwall and Devon Local Education Authorities to develop this, and other, aspects of the research programme.

The industrialisation of Cornish Mining had profound social and cultural consequences. By the mid-nineteenth century Cornwall and West Devon had spawned a proud and assertive regional identity, associated most closely with the mining region. This took on a wider global significance in the wake of mass migration across the United Kingdom and overseas. This Plan contains a range of measures to protect and enhance those landscapes which are the physical manifestation of Cornish Mining culture. However the less material cultural elements are vulnerable to the globalisation and homogenisation of culture in the twenty-first century. Protection of these cultural traditions will require wider recognition and appreciation of their value and relevance to contemporary culture. Providing opportunities for people to participate in and help define their unique culture will help to ensure that it thrives.

The impact of Cornish Mining on the landscape is an international phenomenon. There are currently 175 places worldwide with known Cornish Mining connections. These represent an exciting opportunity for the proposed Cornish Mining World Heritage Site both to contribute to the understanding of the diversity of cultures and to celebrate our cultural connections and shared inheritance. In recent years informal links have been made with Cornish mining communities overseas, primarily through projects funded by the European Union. However, recognition of the World Heritage value of the Cornish Mining landscape will provide additional motivation and political justification for proactively building a closer working partnership with Cornish Mining site managers and communities across the world. During the lifespan of the Management Plan the Partnership will pursue joint projects to celebrate shared cultural identity, and exchange information and research to inform greater advocacy for the increased protection of mining landscapes as places to be cherished.

Administration

With over 19,000 hectares within its boundaries and a wide range of stakeholders who have an interest in the management of the Site, there is a need for a management structure that encompasses all these interests whilst ensuring a consistent, co-ordinated approach. Monitoring achievement of the Management Plan aims is a key responsibility of the Partnership and the executive body that it will appoint to oversee decision making and review implementation of the Plan. One of the priorities for action is, therefore, to develop a useful and comprehensive set of monitoring indicators to measure progress.

A World Heritage Site Office was established in 2003 to complete the bidding process and co-ordinate delivery of the Management Plan actions. It comprises a Co-ordinator and Research Officer, Planning and Agri Environment Advice, Historic Environment Record and administrative support. It has a budget of £200,000 in 2004/5 with which to pursue the shared strategic initiatives outlined above. One of its early priorities will be an assessment of the overall resource requirements of managing the Site in line with the agreed Aims and policies, to inform a long term financial plan.

Conclusion

Implementation of the Management Plan will maximise the opportunities presented by inscription as a World Heritage Site and seek to mitigate the threats to its Outstanding Universal Value. It will do this by pursuing the Strategic Actions (section 5.2) that have been identified for 2005-10. In the period before potential inscription by UNESCO the immediate priorities focus on developing strategies and initiatives to achieve the longer term aims, including an assessment of the long term financial requirements and a review of the governance arrangements that were established for the Bid. This will provide a strong base from which to implement the remainder of the Plan and monitor the achievements resulting both from those joint initiatives undertaken by the Partnership and the implementation of the Policies by the stakeholders.



1 Purpose

Part One. Purpose of the Management Plan

This section establishes long term vision and aims for the proposed World Heritage Site, sets out the purpose of this Management Plan and provides historic context for the World Heritage Site Bid.

1.1 Vision and Aims

Our Vision for the World Heritage Site

We believe that by protecting, conserving and enhancing the outstanding universal value of the Cornwall and West Devon Mining Landscape World Heritage Site it will reinforce cultural distinctiveness, and become a significant driver for economic regeneration and social inclusion.

Our Mission in this Management Plan

To deliver this vision we will manage the Site in accordance with the following cross-cutting themes:

- conservation of the outstanding universal value
- recognise that this is a distinctive living landscape which continues to evolve
- promote a sustainable approach that integrates conservation with regeneration, and the needs of communities with visitors
- promote equality of opportunity to access and enjoyment
- build and maintain strong partnerships between the community, local, regional, national and international organisations.

Our Aims for the next 30 years and beyond

We recognise that the management of the Site requires a long-term view steered by the following aims:

- To protect, conserve and enhance the historical authenticity, integrity and historic character of the Site for current and future generations
- To communicate the distinctiveness of Cornish mining culture and identity
- To promote opportunities within the Site for heritage-led regeneration

- To promote public access to sites, collections and information
- To undertake and facilitate research to increase knowledge and understanding
- To interpret and present the history and significance of Cornish mining to the highest quality
- To promote educational use of the Site
- To optimise the contribution of the Site to the local economy.

1.2 Need for and purpose of the Management Plan

UNESCO and the United Kingdom government require a Management Plan to be produced for all United Kingdom World Heritage Sites. In the past the Management Plan has been produced post-Inscription but it is now necessary to demonstrate that adequate arrangements are in place to safeguard the conservation, promotion and development of the Site as part of the nomination process.

The Cornwall and West Devon Mining Landscape nominated Site is a complex and large (serial nomination) cultural landscape encompassing 10 discrete but complimentary areas. It is vital that viable management arrangements can be demonstrated. Although the UNESCO World Heritage Committee will not assess the Nomination until 2005 and Inscription cannot take place until 2006, the process of management has already started. For this reason the Management Plan has a life cycle of 2005 to 2010. The structure and content of this Management Plan builds on the example of existing plans.

This Management Plan has been produced in consultation with key stakeholders on the World Heritage Site Bid Officer Working Group on behalf of the wider World Heritage Site Bid Partnership to ensure it can be effectively supported and implemented. It is important to achieve consensus across the wide range of organisations and communities (its stakeholders) that have a responsibility for and interest in the Site in order to ensure that it can be managed in a co-ordinated and consistent way.

This Management Plan is aimed at managing those components within the Site that demonstrate its outstanding universal value, defined within the Statement of Significance.

This Management Plan will work in harmony with other strategic community, development, environmental and economic plans. As well as articulating a Vision and Aims for the proposed World Heritage Site as a whole, this Management Plan has been written with the following objectives:

- To acknowledge the issues facing the management of the Site
- To provide policies for the management of the historic landscape, monuments, and collections associated with the Site, to enable the outstanding universal value to be protected, conserved and enhanced
- To set out means for promoting the Site by raising public awareness, and increasing both interest and understanding, through educational and leisure use.
- To establish a prioritised programme of action in pursuit of these aims within the current life cycle of the Plan.

1.3 The development of the World Heritage Site Nomination

The survey and conservation of historic mine sites and related landscapes has been taking place for many years, and with it a growing recognition of the significance of Cornish mining. In putting this Management Plan in context it is necessary to document briefly the important steps that have allowed this Nomination to reach maturity.

Over many decades students of the mining history of the Cornubian Orefield have carried out historical research and surveys of many mine sites, and in some instances carried out archaeological excavations. There is an extensive corpus of published and unpublished historical research available in learned journals and public and private archives. Programmes of large scale field surveys of both mining landscapes and whole mine sites began in the 1980s. They happened as a result of the following developments:

Availability of public funds (Derelict Land Grants) to remediate and make safe abandoned mining land.

Archaeological surveys in advance of works helped ensure that the historic remains were conserved and made safely accessible. Traditionally the purpose of these remedial works was to remove the historic

remains in order that the sites could be used for agriculture, forestry, housing and commercial development. This approach changed radically in the mid-1980s with funds being directed towards conservation and access. Over 100 surveys have been carried out since then and the conservation work carried out on these mine sites provide vital and attractive proof of management competence and good intent.

Availability of national employment creation schemes (Manpower Services Commission). Large scale survey projects using public funds became possible outside the usual heritage budgets, for example the Caradon Mining District and Luxulyan valley were surveyed in 1987-8. The direct results were that a Countryside Service was established in the Caradon Mines Area and in due course the Luxulyan Valley became a Local Authority Country Park.

Estate Surveys. The National Trust in Cornwall began the systematic archaeological survey of their extensive holdings. This began with Wheal Coates in 1985 and developed into the survey of the St Just Mining District. The acquisition, for permanent preservation, of the St Just mining coast became the Cornwall Region's Centenary Project in 1995. The whole of the Cornwall County Council-owned Kit Hill Country Park was surveyed on being gifted by HRH The Duke of Cornwall to celebrate the birth of Prince William.

English Heritage supported the total **landscape survey** (for management) of Bodmin Moor and northern West Penwith (with the National Trust). The extensive mining remains (including the early remains of tin stream works) were recorded as part of these large projects.

By 1988 it was clear that in order to encourage the continuing flow of public investment in mine site surveys and conservation works it was necessary to demonstrate that such sites could become part of a new recreational resource that would benefit the local economy. A project (The Mineral Tramways Project) outlining the potential recreational and conservation value of historic mineral tramways and railways and their associated mine sites was developed in 1988-9. This led to an assessment of the economic potential of developing historic mining remains in the Camborne – Redruth area. From this emerged an increase in the conservation of mine sites by the newly created Kerrier Groundwork Trust and the foundation of the Trevithick Trust. The latter organisation soon put together a portfolio of mining heritage attractions in the west of Cornwall.

Since 1990, a large number of mine sites with their mine buildings have been conserved and made available to the public throughout Cornwall and West Devon. The Cornish mining industry was included on the United Kingdom Tentative List of World Heritage Sites published in 1999. This was a significant step in gaining credibility for the international significance but did not provide any means of actually preparing or submitting a nomination to UNESCO.

In 1999 Cornwall became an European Union Objective One Area and the Single Programming Document was produced which included the World Heritage Site Bid as a priority because of the contribution to local distinctiveness and economic benefits it would bring. This was a major step because it allowed access to funds to produce a nomination. An application was made for funding from the Objective One Office and other partners and approved. In 2001 a Bid team, hosted by Cornwall County Council's Historic Environment Service began work on mapping and drafting a Nomination Document and Management Plan for a Cornwall and West Devon Mining Landscape World Heritage Site.

In the later 1990s Historic Landscape Characterisation was evolving as a method of recognising time depth in the current landscape as an aid in understanding why the landscape today looks as it does. This approach was pioneered in Cornwall and has since been applied in Devon, and from this work emerged the understanding that the significance of Cornish mining was demonstrated by more than discrete sites. The legacy also included mining settlements, associated industries, the parks and gardens of the mineral lords and entrepreneurs as well as swathes of miners smallholdings taken out of moorland as the nascent industrial population began to grow from c1800. This is clearly an organically evolved and continuing cultural landscape as defined by the UNESCO World Heritage Committee. Concurrent with this understanding of the landscape, English Heritage's Monument Protection Programme began to assess mine sites for statutory protection as Scheduled Monuments and Listed Buildings.

Since 1985 we have seen significant changes nationally in archaeological theory, practice and heritage management, in part influenced by the work on Cornwall's historic landscape and mining heritage, which include:

- Greater appreciation and protection of industrial archaeological remains
- Development of landscape archaeology and characterisation
- Evolving national and international policy on understanding and protecting cultural landscapes.

This Nomination is built upon strong foundations of almost 20 years momentum, experience, commitment and development. The submission of the World Heritage Site nomination in 2005 marks a point in time at which methods, policy and funding have combined to facilitate this momentous step forward.

A great many thanks are due to those organisations and individuals who have contributed to the funding of the bid and the establishment of a World Heritage Site Office, and for their considerable time, knowledge and support towards the preparation of documentation for the bid and the long-term future of the Site.



2 Description

Part Two. Description of the World Heritage Site

The following section is taken from the Nomination Document and identifies the location of the nominated Site and describes the physical surviving remains within each of the Areas that comprise the Site. The Statement of Significance presents the case for outstanding universal value and underpins the formation of policies later in Section 5.

2.1 Identification of the World Heritage Site

Country : UNITED KINGDOM

Region: CORNWALL, DEVON

Name of Property: CORNWALL AND WEST DEVON MINING LANDSCAPE
POPULARLY KNOWN AS CORNISH MINING

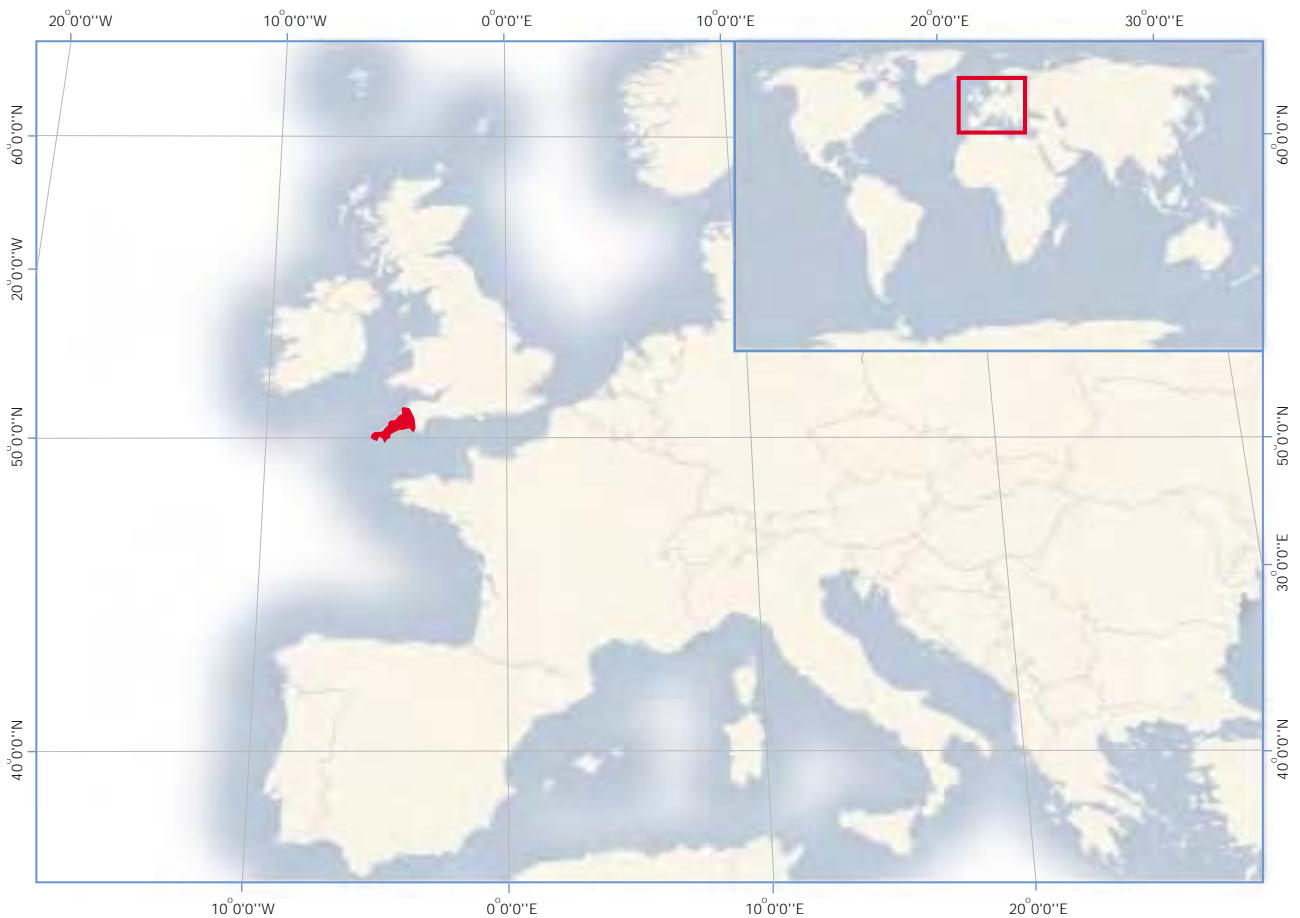


Figure 1. The Site collectively comprises the most authentic and historically significant surviving components of the Cornwall and West Devon Mining Landscape of the period from 1700 to 1914. This cultural landscape is the embodiment of the profoundly important process of pioneer metal mining industrialisation and innovation that took place here and whose influence and effect spread throughout the mining world in the nineteenth century.

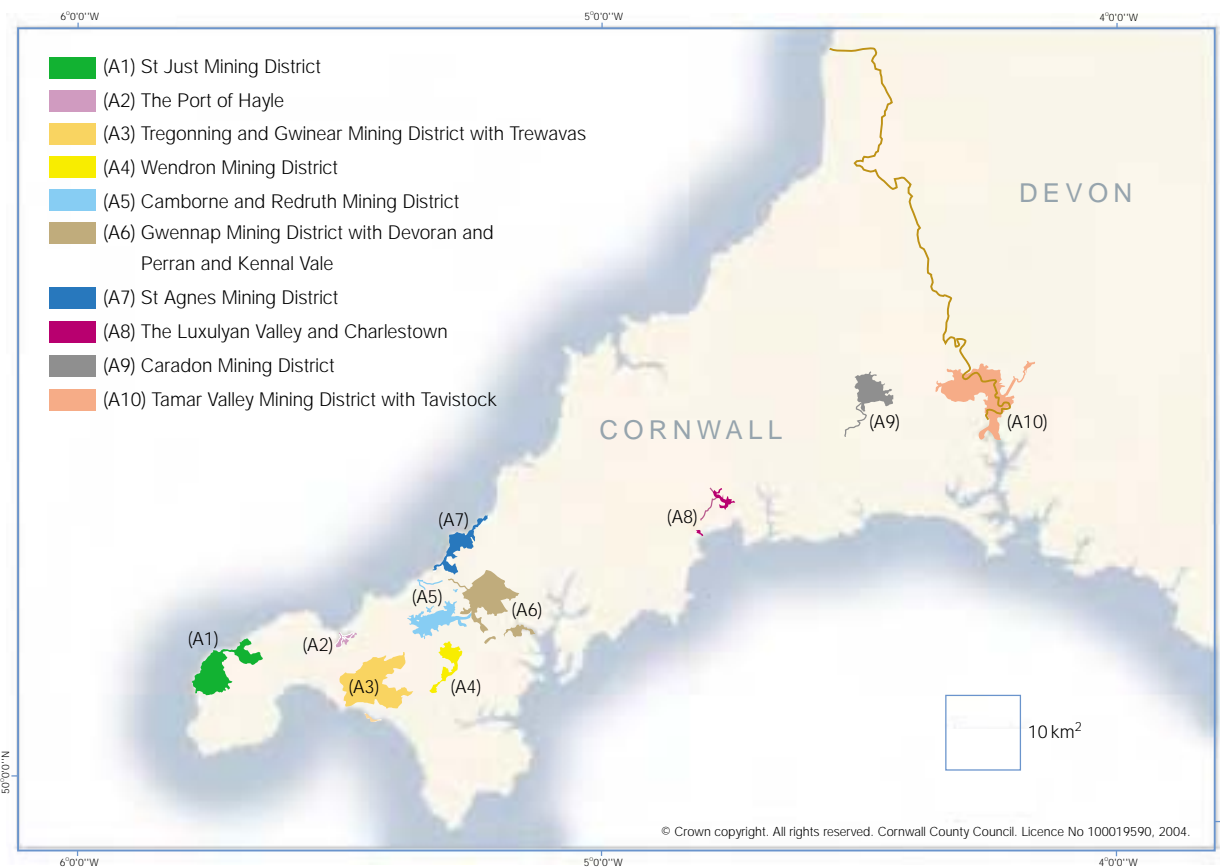


Figure 2. The Site comprises 10 Areas that represent landscapes of former mining districts, ancillary industrial concentrations and associated settlements. Collectively these Areas form a cultural landscape that, whilst having never been spatially continuous, shares a common identity. The Site does not extend below Mean Low Water Mark (as defined by the United Kingdom Ordnance Survey) as this is the legal limit of statutory planning responsibilities of local authorities.

Underground remains

The underground workings of the Cornish mining industry are significant and the upper levels of many mines remain above the water-table with many still being drained by adit levels. These comparatively near-surface networks comprise, by the nature of lode mining, some of the earliest worked portions of the respective mineral deposits and may contain important archaeology and mineralogical exposure. Where these have been identified they have been included within the Site. Principal points of underground access have been identified by survey and their significances recorded. Many of these have been secured for safety in a manner which preserves access.

Designation	Number	Area (ha)	Percentage
Area of Outstanding Natural Beauty	2	7369	37.4%
Conservation Area	28	1461	7.4%
Scheduled Monument	148	241	1.2%
Listed Buildings*	358	n/a	not applicable
Total			38.2%**

Table 1. Legal Protection

*Buildings recorded as being related to Cornish mining in the listing description
 ** Area of the Site covered by a form of designation

Ref. No.	Name	County	Co-ordinates of centre point	National Grid Reference (centre)	Nominated area (ha)
A1	St Just Mining District	Cornwall	50° 08' 53" N 05° 39' 21" W	SW 37766, 33810	2671
A2	The Port of Hayle	Cornwall	50° 11' 07" N 05° 25' 49" W	SW 55854, 37272	207
A3	Tregonning and Gwinear Mining Districts (A3i) with Trewavas (A3ii)	Cornwall	50° 08' 10" N 05° 23' 01" W	SW 58946, 32088	4436
			50° 05' 35" N 05° 21' 48" W	SW 59453, 26931	48
A4	Wendron Mining District	Cornwall	50° 09' 58" N 05° 12' 47" W	SW 70504, 33700	810
A5	Camborne and Redruth Mining District (A5i) with Wheal Peevor (A5ii) and Portreath Harbour (A5iii)	Cornwall	50° 13' 12" N 05° 15' 18" W	SW 67402, 40164	1403
A6	Gwennap Mining District (A6i) with Devoran and Perran (A6ii) and Kennall Vale (A6iii)	Cornwall	50° 14' 50" N 05° 09' 39" W	SW 74390, 42591	2712
			50° 12' 15" N 05° 05' 39" W	SW 79225, 38511	296
			50° 11' 35" N 05° 09' 12" W	SW 74950, 37405	37
A7	St Agnes Mining District	Cornwall	50° 18' 28" N 05° 12' 48" W	SW 71607, 50353	1225
A8	The Luxulyan Valley (A8i) and Charlestown (A8ii)	Cornwall	50° 21' 39" N 04° 45' 00" W	SX 06703, 56498	240
			50° 19' 58" N 04° 45' 30" W	SX 03700, 51812	34
A9	Caradon Mining District	Cornwall	50° 30' 42" N 04° 26' 41" W	SX 29076, 69132	1436
A10	Tamar Valley Mining District (A10i) with Tavistock (A10ii)	Cornwall	50° 31' 13" N 04° 13' 34" W	SX 44096, 69421	4087
		and Devon	50° 32' 54" N 04° 08' 54" W	SX 47657, 73546	77

Table 2. Geographical co-ordinates of the Site.

2.2 Statement of Significance

The Significance of the Cornwall and West Devon Mining Landscape

Introduction

The Cornwall and West Devon Mining Landscape is an embodiment of the profoundly important process of non-ferrous metal mining, its industrialisation, and its social and economic consequences. This transformed the landscape between 1700 and 1914 and contributed substantially to the development of the Industrial Revolution in the rest of Britain. Cornwall pioneered the transfer of the British industrial revolution overseas and thus played a key role in the growth of a global capitalist economy.

Not only did the region dominate the world's output of copper, tin and arsenic, but the overall technological, social and economic contribution made by Cornish mining was crucial to the development of modern industrial society. The Cornish mining industry also played a leading role in the diffusion of both metal mining and steam technology around the globe.

The rapid industrialisation of the Cornish mining landscape required unprecedented levels of technological innovation in the use of power, transport and processing techniques, and in major social changes too, including a massive population increase. As the rich lodes were exploited in innovative ways, much of the landscape was re-written to create thriving and prosperous settlements scattered throughout Cornwall and West Devon. The substantial remains of this early industrial landscape are an extraordinary testimony to the manner in which every level of society helped to pioneer new methods of harnessing mineral wealth.

Why were these industrial metals needed?

Tin was used in pewter ware and solder, and to make the tin plate on which the canning industry was built. It was alloyed with copper to make bronze for industrial applications, including machine bearings and ship's propellers.

Copper was used to sheath the hulls of British ships and to provide coinage. The sugar and dyeing industries used it to make hollow-ware boilers, vats and piping. It is also the principal constituent of brass and so provided crucial fittings for steam engines, gun cartridges and brass trading goods. Cornish copper formed the basis of the Bristol and then of the Birmingham brass industries. These were the largest producers in the world at that time.

Arsenic was used extensively in the nineteenth century, for example in the dyes and pigments of the Lancashire cotton industry. Demand grew during the last quarter of the century when it became a popular insecticide. It helped to control Colorado Beetle which had devastated potato, tobacco and other crops across America.

Productivity - one of the world's most important non-ferrous mining regions

Cornwall and Devon contained Europe's principal tin deposits and satisfied substantial demand over four millennia. The region's ancient mining industry was founded on the expertise gained in the working of tin and other metal ores by the Celtic Britons and the organisation of the medieval Stannaries. During the nineteenth century, half of Cornwall's output came from the Camborne and Redruth Mining District and until the late 1870s Cornwall and West Devon produced more tin than any country in the world.

Larger-scale tin smelting began during the early eighteenth century following the introduction of reverberatory furnace technology. (Ultimately this replaced the blowing houses that had been in operation since the medieval period). Virtually all the ore from Cornwall and Devon was smelted within the region until the twentieth century.

Copper production from West Cornwall during the first three decades of the nineteenth century amounted to two-thirds of the world's supply. During the 1850s, Devon Great Consols in West Devon became the largest single producer in Western Europe.

Copper smelting ceased within the nominated Site in 1819. Swansea in South Wales then became the global centre for the trade, much of it under the control of Cornish entrepreneurs. During the second half of the nineteenth century copper became the essential metal of the electrical and communications industries.

Arsenic production in Britain began as a by-product of tin and copper mining in West Cornwall during the early nineteenth century. In the 1870s Devon Great Consols, and a few other mines in West Devon and East Cornwall, produced half the world's supply.

All arsenic ores from within the nominated Site were refined in the region.

Technical aspects of ore-processing ('dressing') were pioneered within the nominated Site and imported techniques were improved. They enabled ores to be mined which had previously been considered unworkable. The diffusion of such technology to mines overseas proved to be of international significance.

The impact of mining on the Cornwall and West Devon landscape during the period 1700-1914 was large-scale and the speed at which the industry was abandoned resulted in an unparalleled relict primary mining landscape. It features more than 3,000 shafts, numerous waste tips and over 200 engine houses, together with the widespread remains of tin and arsenic processing.

Industrial infrastructure

Transport was crucial. Supplies had to be brought in and minerals - particularly copper ore - had to be moved out from the mines to the new purpose-built mineral ports. A high-capacity transport network developed during the early nineteenth century to meet this demand.

Remains of this network occur right across the nominated Site. There is an internationally significant group of late eighteenth- and early nineteenth-century industrial ports, together with the tramways, railways and canals which connected them to the mines.

Ancillary industries developed in the towns and ports to service the mines. Tin smelting became highly capitalised and in the nineteenth century foundries and engineering works produced the steam engines, rock drills and other mining equipment (particularly steam-driven machinery) which pushed out the technological barriers, enabling mines to be dug deeper, made larger and process their ore efficiently. The impact of these developments was felt throughout the mining world.

There are substantial remains of these ancillary industries within the nominated Site. Important concentrations occur in the new industrial towns of Hayle, Charlestown and Camborne, in Tavistock, Redruth and in the Kennall Valley on the edge of the Gwennap Mining District.

Innovation and Export

The Cornish mining industry was characterised by prolific innovation, sustained by an influx of capital, attracted to what had become a crucible of industrial development. The near-vertical metalliferous vein deposits could be exploited only by deep-shaft mining. Local pioneers invented the Newcomen atmospheric steam engine and first applied it to a metal mine, probably between 1710 and 1714, in West Cornwall. The expense of shipping coal to the

Cornish mining region from Bristol and South Wales stimulated the need for energy efficiency. Newcomen's engines were vastly improved by Cornish engineers during the second half of the eighteenth century.

During the last quarter of the eighteenth century, large-scale copper mining attracted Boulton & Watt to Cornwall; a region that became their principal market. Their patent expired in 1800 and Cornish engineers went on to develop high-pressure steam pumping technology which resulted in the Cornish beam engine and boiler, the most efficient equipment of its kind at that time anywhere in the world. It also led to the development of steam as a method of motive power by pioneers elsewhere whose experiments eventually resulted in the mass movement of goods and people.

Cornish mining expertise and products began to be exported throughout the world during the second decade of the nineteenth century, wherever mining operators sought the latest technology and working practices. (Often these mines were developed with the help of British capital too). The core of the export trade consisted of steam engines, the engineers needed to install and operate them, mining equipment and the miners needed to superintend mining operations.

One globally successful export was the Cornish safety fuse which was used for blasting. This too was pioneered on the Site. It made a significant technological contribution to the industry as well as saving countless miners' lives. The Cornish mining industry as a whole made a very specific contribution to metal mining throughout the world, particularly during the nineteenth century.

Cornish engine houses, which are among the most distinctive industrial buildings in the world, survive in Spain, Mexico, South Africa and Australia. They are striking evidence of this world-wide impact. As to the Cornish engine houses on the nominated Site, they are not only iconic, they represent the largest concentration of such technological monuments anywhere in the world.

Industrial society

Cornwall was one of Europe's earliest industrial regions, with a complex and dispersed industrial society. It was unusual in that it never developed a dominant large town or city containing the political, economic and institutional elite, around which the county might have cohered. Instead, ownership and control was spread among the small towns throughout the Cornish countryside. Landowners and merchants diversified their portfolios across mining, banking and smelting enterprises. So capital was dispersed, with no direct social control.

The owning class exercised their power through agents and stewards. Mine agents, more usually known in Cornwall as 'captains', imposed workplace discipline and social leadership. This was often reinforced by their position as lay preachers in the Methodist chapels which dominated the Cornish religious landscape after the Revivals of 1799 and 1814.

This social structure enabled mining communities to be relatively independent. In addition, the practice of leasing out smallholdings on unenclosed land in the mining districts enabled a proportion of miners to build their cottages, rear pigs and grow vegetables. This decreased their dependence on both market and mine and helped to maintain the economic role of the family unit. It also led to more egalitarian relations between men and women within the household. Yet despite the scattered and independent nature of small mining communities in the eighteenth century, they tended to be grouped geographically in quite dense concentrations according to the location of particular mineral resources.

The copper industry was exceptional in that its growth rate exceeded every other major national industrial sector. Eighteenth-century Copper mining was principally confined to a small area between Hayle and Gwennap. This became Cornwall's core industrial district, bounded by the towns of Truro, Penzance and Falmouth. In cultural terms, this small area was extraordinarily dynamic and innovative. Two newspapers were established in Truro within a decade: the *Royal Cornwall Gazette* in 1800 and the *West Briton* (which still exists under the same name) in 1810.

Shortly afterwards a number of literary institutes were established. The most significant were the Royal Geological Society in Penzance (1814), the Royal Institution of Cornwall in Truro (1818) and the Royal Cornwall Polytechnic Society in Falmouth (1833); all three continue to contribute to Cornwall's rich cultural life. Mineralogy and geology, and their practical application to the mining and mineral processing industries, were studied extensively throughout the nominated Site. The ferment of engineering and scientific endeavour associated with the development, by deep mining, of one of the world's most mineralogically diverse orefields stimulated the ground-breaking efforts of Cornish scientists whose contributions helped to lay the foundations of geological, chemical and physical science.

The cultural identity of Cornwall and West Devon was transformed by mining and its infrastructure during the course of the nineteenth century, aided by the extension of copper mining to the St Austell district in the 1810s, to east Cornwall in the 1830s and renewed activity across the Tamar to Tavistock in the 1840s. By the time of the 1861 census more than 38,000 men, women and children were employed directly in Cornwall's mining industry, almost a quarter of the entire workforce. At its peak around half of all families in Cornwall were dependent on the extractive industries while even more were affected by the rise and fall of the mining economy.

Global migration

Cornwall was locked into the global economy at an early stage. As a leader in mining expertise its miners were in demand in other, newer mining regions. By the 1820s Cornish miners were being recruited for mines in Latin America. Within a generation a flourishing culture of emigration had been created and links with North America and Australia forged. During the fall in world copper prices in the late 1860s and the crisis decade of the 1870s, when tin prices were also in recession, the Cornish had a ready-made option. They left. Indeed, Cornwall became one of Europe's major emigration regions with perhaps over 200,000 people leaving in the century after 1830. Although not all emigrants were miners, it was to mining communities overseas that Cornish traditions were most obviously transferred, replicating their familiar Cornish mining landscapes. This gave the Cornish Mining industrial region a global significance, exporting its culture, as well as its mining expertise and its copper and tin, world-wide.

Outstanding Universal Value

The Cornwall and West Devon Mining Landscape was transformed during the period 1700-1914 by early industrial development that made a key contribution to the evolution of an industrialised economy and society in the United Kingdom, and throughout the world.

Its outstanding survival, in a coherent series of highly distinctive cultural landscapes, is testimony to this achievement.

2.3 Site Description

The Cornwall and West Devon Mining Landscape World Heritage Site is a series of Areas made up of distinctive and recurring patterns of buildings, monuments and sites: the 'components'. Together they represent a unified cultural landscape. These components are determined by, and are central to, the understanding of the Cornish mining industry in the period 1700-1914.

Geology and the formation of the metallogenic province known as the Cornubian Orefield

Simplified geological history

The geological history of the geo-cultural region in which the Site is located begins nearly 400 million years ago (Ma). Sand and mud settled on the floor of a Devonian sea, and molten rock formed submarine lavas and intrusions within the sediments. Around 320 Ma, during Carboniferous times, continents collided and caused a major earth-movement. This subjected the earlier rock formations to folding, faulting and cleavage on a general axis with an east-north-east to west-south-west trend. It is this alignment that accounts both for the orientation of the granite emplacement and the main tin and copper lodes. Mudstones became slates, which together with

subordinate bands of sandstones have long been known collectively by the Cornish term 'killas'. Between 300-270 Ma, during the late Carboniferous and Permian periods, continental collision generated considerable heat and pressure which melted the crust to form granite, a coarse crystalline igneous rock formed deep in the earth. Separate granite masses intruded into the rocks above them between 290-270 Ma. They merged to form an elongate body of granite, known to geologists as a batholith. The intense heat also caused water to circulate within the granite, producing the main tin, copper and tungsten mineralisation around 270 Ma. Around 250 Ma, during the late Permian, a mountain chain was created during a period of considerable uplift. The rocks which once covered the granite were then gradually removed by deep weathering and erosion, exposing the tops of the granite domes. Around 236

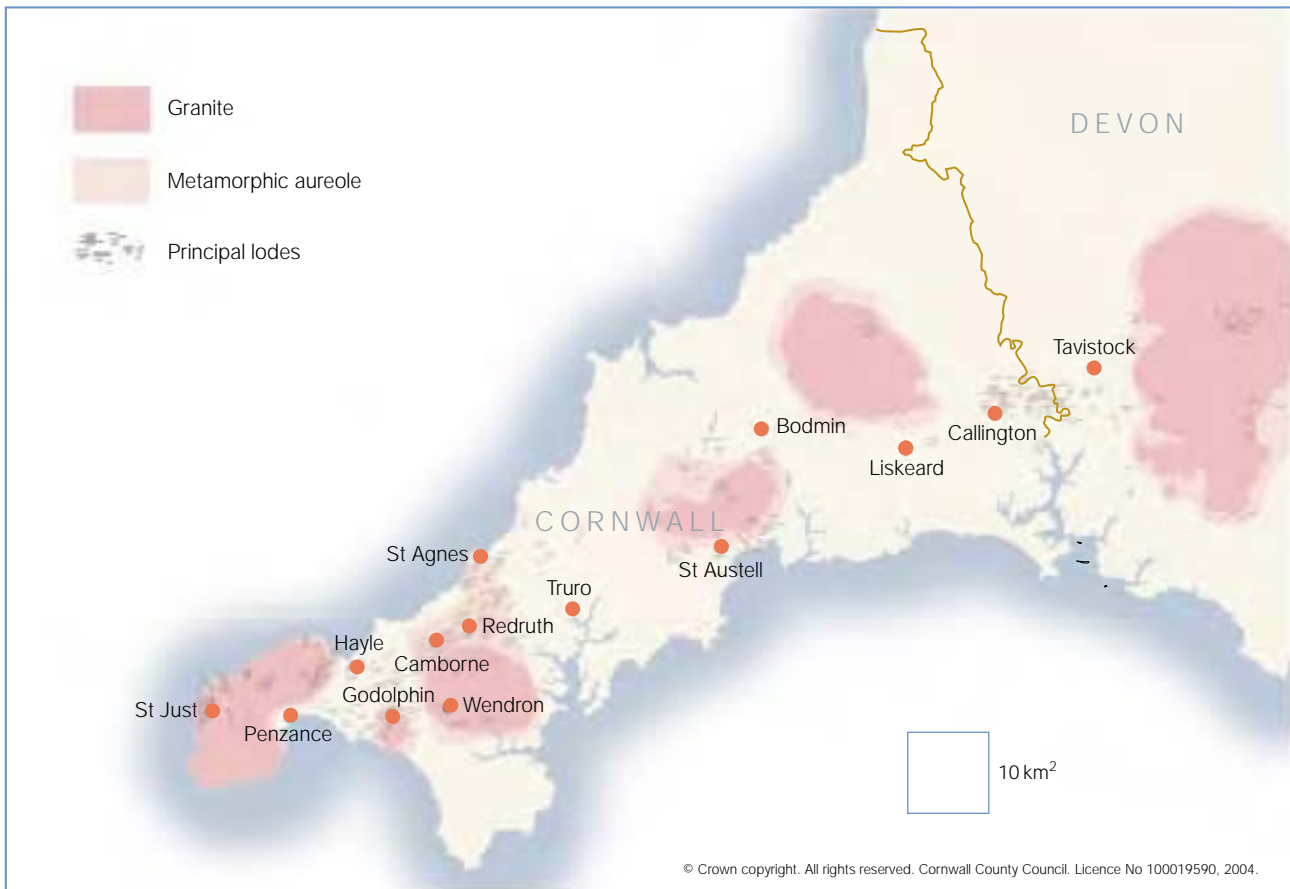


Figure 3. The Cornubian Orefield. The spatial relationship between granite outcrops, mineralisation and the mining districts.

Ma, during the Triassic, the cross-course lead-silver-zinc mineralisation formed in a north-south structural orientation. This alignment, perpendicular to the main tin and copper mineralisation, was due to changes in geological stress regimes.

Within the past 4 million years, marine erosion created a relatively flat surface (the 130-metre planation surface), as well as wave-cut platforms and raised beaches. It is likely that tin placer deposits were formed within the same period, and went on being formed until relatively recent times. The sea level fell during the Ice Ages of the past 1 million years, (ending around 10,000 years ago) and rose in recent times by about 15 metres. River valleys (known as 'rias') were cut and subsequently flooded by these events, including the River Tamar and the Fal estuary.

Mineralisation

The most economically important mineral veins, or lodes as they are known in Devon and Cornwall, were formed at a time shortly after the intrusion of the granite.

Residual heat from the granite (together with radioactive related heat) raised the temperature within the surrounding rocks and caused water to circulate in the fractures by means of convection. The water dissolved metal salts which were distributed in small amounts throughout the rock that surrounded the fractures.

Repeated circulation led to metal concentration and as the water cooled it deposited metallic ore minerals along fractures and faults. Higher temperature minerals, such as those bearing tin and tungsten formed earliest and tended to occur within or closer to the granite, and lower temperature minerals such as lead and zinc formed later and tended to occur furthest from the granite.

Mineralogical diversity was a major factor in the economy of Cornish Mining. Fifteen different metals were produced and a great variety of minerals occurred along with the main ore minerals being worked in the Cornubian Orefield. Many of these are of international interest to scientists and mineral collectors.

The pattern of the various components that make up the Cornish mining landscape was dictated by the location

of the different metal ores and the periods in which they were worked.

The principal metal ores usually occurred in structurally similar deposits. The underground mining methods used to gain access to these was by sinking shafts, driving tunnels (levels) along the lodes and excavating the payable parts of the lodes (by stoping).

Consequently the archaeology of underground extraction (shafts, levels and stopes) is common to most mines whether they were worked for copper, tin, arsenic or lead, although there is some variation for metals such as iron and manganese which occur in different types of mineral deposits.

Geographical setting

The geographical setting of the Site is dominated by its underlying geology and by the sea. Much of the area is a gently sloping plateau of metamorphosed rock underlain and punctuated by granite intrusions. The granite forms a central spine - 240-300m above sea level in the west to over 400m in the east - which manifests itself at the surface by rough upland. The land is incised by a number of river valleys. To the east the natural boundary of the River Tamar forms the border between the administrative counties of Cornwall and Devon. The Site extends at this point beyond the Tamar Valley Mining District to the west Devon town of Tavistock.

Botallack Mine (A1).
Extensive archaeology
of tin-dressing and
arsenic-refining spans
the period 1700-1914.



General description of principal components that define Cornish mining landscapes.

The survival of such integrated coherent cultural landscapes within the Site is outstanding. It is testimony to the culture which created them.

Component selection criteria

Primary criteria








- a significant component of the Cornwall and West Devon Mining Landscape of the period 1700-1914.
- 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.
- authenticity of remains: structures or sites that have been largely or wholly reconstructed will not normally be eligible for inclusion.

Secondary criteria

- 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.
- documentation: if there is historical documentation that supports the connection with Cornish Mining.
- association: where a number of Cornish Mining components survive within the same landscape, there is a higher likelihood that those sites and landscape will be included.

Categories of Components

The Site is rich in the principal components that impart the singular character of the Cornish mining landscape. These components have been grouped under the following categories.

- | | | |
|----|---|---|
| C1 | mine sites, including ore dressing sites |  |
| C2 | mine transport |  |
| C3 | ancillary industries |  |
| C4 | mining settlements and social infrastructure |  |
| C5 | miners' smallholdings |  |
| C6 | great houses, estates and gardens |  |
| C7 | mineralogical (and other related) sites of particular scientific importance |  |

C1 Mine sites, including ore dressing sites

The location of mineral resources and the natural topography are the principal factors that dictate the location of former mining and ore-processing (dressing) activities.

pumping engine in the nineteenth century. The engine houses that once contained these engines stand close to the principal shafts and are the distinctive outward visible manifestation of the industrial archaeology of steam power.

Mining (primary extraction)

The typical sub-vertical inclination of Cornish lodes limited output to what could be achieved by the drainage technology available at the time. (It was limited too by mining methods and ore-processing technology). Steam pumps were introduced in the early eighteenth century and this technology culminated in the development of the Cornish high-pressure steam-

Ore processing (dressing) and its expression in the landscape

The surface structures associated with ore-dressing is the best indicator of the particular metal produced by a particular mine. Tin ore was initially crushed and concentrated at the mine. During the eighteenth century much of this was done by hand and water-powered stamps (crushers). From the early nineteenth century it

became a mechanically-intensive process that required increasingly larger areas of land with a suitable gradient and a water supply (water and gravity separation methods give rise to 'stepped' structural remains). The product (black tin) was smelted locally until the twentieth century (the last Cornish smelter closed in 1931). Copper ores were commonly sorted and crushed by hand, though copper crushers became more widespread during the nineteenth century on larger mines. Huge tonnages were then sent for smelting - mostly by sea to South Wales. This led to the development of a massive infrastructure of railways and ports. Arsenic was refined either at the mine or in special refineries built in the arsenic-producing districts. The form of ore-processing determined the nature and extent of built structures. Innovation often led to new structures though these did not necessarily wholly replace earlier technological elements. For example, small-scale tin streaming co-existed with large-scale, capital-intensive, steam-powered tin mining and ore-processing (in fact secondary tin streaming, recovering the fine tin lost from the mills of the still operational mines, continued until late in the twentieth century). Nevertheless the period when they were in operation naturally had an impact upon the degree of their survival. The archaeology of late-eighteenth and early-nineteenth century copper ore tramways, railways, canals and ports, together with the monumental archaeology of nineteenth- and early twentieth-century tin and arsenic processing has resulted in an outstanding integrated landscape.

C2 Mine transport

Transport infrastructure was a crucial component of the Cornish mining industry. The region is peninsular; nowhere in the nominated Site is much more than 20 kilometres from the sea. Proximity to the coast counterbalanced the industry's geographically peripheral position in the far south-west of Britain.

Supplies, such as coal and timber, had to be imported and minerals - particularly copper ore - had to be moved from the mines to the new purpose-built quays, harbours and ports. From here, fleets of schooners shipped the region's copper ore to the smelters in South Wales and brought back the coal needed to fire the mines' steam engines. Timber was brought in from Scandinavia and Canada. A substantially intact group of late eighteenth- and early nineteenth-century industrial harbours survives on rivers, in estuaries and on the coastline within the nominated Site. During the eighteenth and early nineteenth centuries, a large network of mule tracks developed as a direct

consequence of the growing import and export of coal and copper ore. These tracks were not built but simply brought into existence by the constant use of mule trains. They were engineered or metalled only where conditions were particularly difficult, such as along a cliff-side, across marshy terrain or down a steep slope to some creek-side quay.

There are also a number of pedestrian tracks between nearby settlements and the mines, and at surface level in the mines themselves (particularly the larger ones). Steep 'adit pathways' cut into the face of the cliffs are ubiquitous in coastal mining districts. Some tracks survive as recreational footpaths or as tarmac public roads. Many mule tracks were abandoned by the industry when they were replaced by higher-capacity mineral tramways, railways and (occasionally) canals. The aim was to capture as much trade as possible from the mines and to provide a link with the nearest port, though in each case the route was governed by topography and its length by economic limitations. Remains of this early nineteenth-century development occur right across the nominated Site. They include extensive tramway and railway track-beds and bridges. Two canals also survive in good condition, including their watercourses, towpaths for the horses, embankments, cuttings and in one case an exceptional tunnel and its associated air shafts.

C3 Ancillary industries

The mines created a demand which led to the establishment of local ancillary industries. There were: smelters (tin, copper and silver-lead); foundries and engineering works (to make steam engines, rock drills and other mining equipment); gunpowder, explosives and fuse works (to manufacture safety fuse for blasting). Tin ore was smelted locally. An exceptional reverberatory tin smelting site (together with silver-lead smelters) survives within the nominated Site. Several other smelters survive outside it.

There are substantial remains of a number of foundries and engineering works within the nominated Site, all characterised by distinctive industrial architecture. This is an internationally significant group, symbolic of the importance of nineteenth century iron-founding, particularly in the creation of steam pumping engines and other mining equipment.

A single well-preserved water-powered gunpowder works is included within the nominated Site. All its important buildings survive and clearly demonstrate the manufacturing process. There are several fuse works within the nominated Site, together with the partial remains of an explosives works.

Following the decline of Cornish mining, some of these ancillary industries continued to thrive in the export market. Their extended life (and sometimes adaptive re-use) has, in several cases, helped to preserve their original structures.

C4 Mining settlements and social infrastructure

Large-scale industrial development in the mining industry created employment opportunities which led to rapid population growth and the consequent emergence of new settlement patterns. Housing was built to accommodate an entirely new industrial population. It was built within existing market towns and villages in the mining districts, as well as in the ports, and in other settlements where the ancillary industries were situated. But entirely new villages and towns were developed too. Urban expansion accounted for more than 2,500 hectares. A new type of industrial housing was introduced to the region - rows of terraces - and these stood alongside the institutes and other public buildings which reflected the new-found confidence and industrial prowess. A number of these industrial settlements – from towns to small villages - are included within the nominated Site.

Methodist chapels were a conspicuous component of these developments. They remain a highly visible manifestation of nineteenth-century industrial society and both their character and distribution are often closely related to the development of mining in the region. The nineteenth century also saw the building of new Church of England churches in the mining areas, such as those at Charlestown and St Day. The magnificent architecture of Truro Cathedral, built at the end of the nineteenth and beginning of the twentieth century, relates very substantially to the prosperity derived from tin mining and to the benevolence of a prominent mineral lord.

C5 Miners' smallholdings

Miners' small farms developed in the mining districts on formerly unenclosed heathland. More than 50,000 hectares were enclosed during the eighteenth and nineteenth centuries. The smallholdings, usually no bigger than 2 hectares, consisted principally of self-built cottages on holdings leased from the landowner, together with a pig-and-potato subsistence husbandry that brought a degree of self-sufficiency to the miner. Some have been amalgamated into larger farms but the survival of large areas of small fields, with their

associated hedge banks and scattered cottages, is a reminder of the historical and cultural significance of the smallholding within the mining landscape.

C6 Great houses, estates and gardens

Great houses and estates were created and embellished by revenue from the mining industry. Good examples of these houses and parkland which once belonged to mineral lords, or to the industrial nouveau riche, still survive. There is also an internationally important group of gardens that were developed during the nineteenth and early twentieth century although most of them are outside the nominated Site. They were financed by industrial wealth. Several of the families involved with the mining industry became notable horticulturalists. Villas and architecturally-embellished town houses were built within the burgeoning towns of the region, indicating the increasing sophistication of this new entrepreneurial class.

C7 Mineralogical (and other related) sites of particular scientific importance

Mineralogy, geology, and their practical application to the mining and mineral processing industries, were both studied extensively throughout the nominated Site. The development by deep mining of one of the world's most mineralogically diverse orefields resulted in numerous important discoveries from the mid-eighteenth century onwards. These inspired some of the earliest British geological and mineralogical literature, together with internationally important mineral collections, such as the Rashleigh Collection now in the Royal Cornwall Museum (Truro). They are notable manifestations of a crucial and formative contribution to science.

Key mineralogical sites include the discovery sites of new species, the sources of world-class specimens and important exposures. They are all important components of the mining districts included within the nominated Site. In addition there are sites of great ecological value which owe their existence to mining activity. They represent habitats for nationally and internationally important species.

Historic landscape characterisation

The method of historic landscape characterisation has been used to assist in the initial selection of the Areas and their boundaries. For over a decade the present-day landscape has been the subject of a holistic approach of historical and geographical enquiry involving extensive research and fieldwork. This has enabled initial classification by mapping at 1:50,000 scale that captures both historic character and time-depth. Historic Landscape Characterisation (Cornwall Archaeological Unit, 1994/1998) forms the primary mapping base onto which has been plotted the secondary, more refined and larger scale mapping (at 1:25,000 scale) of industrial monuments and sites (components) which define the particular and characteristic elements of the Cornish and West Devon mining landscape.

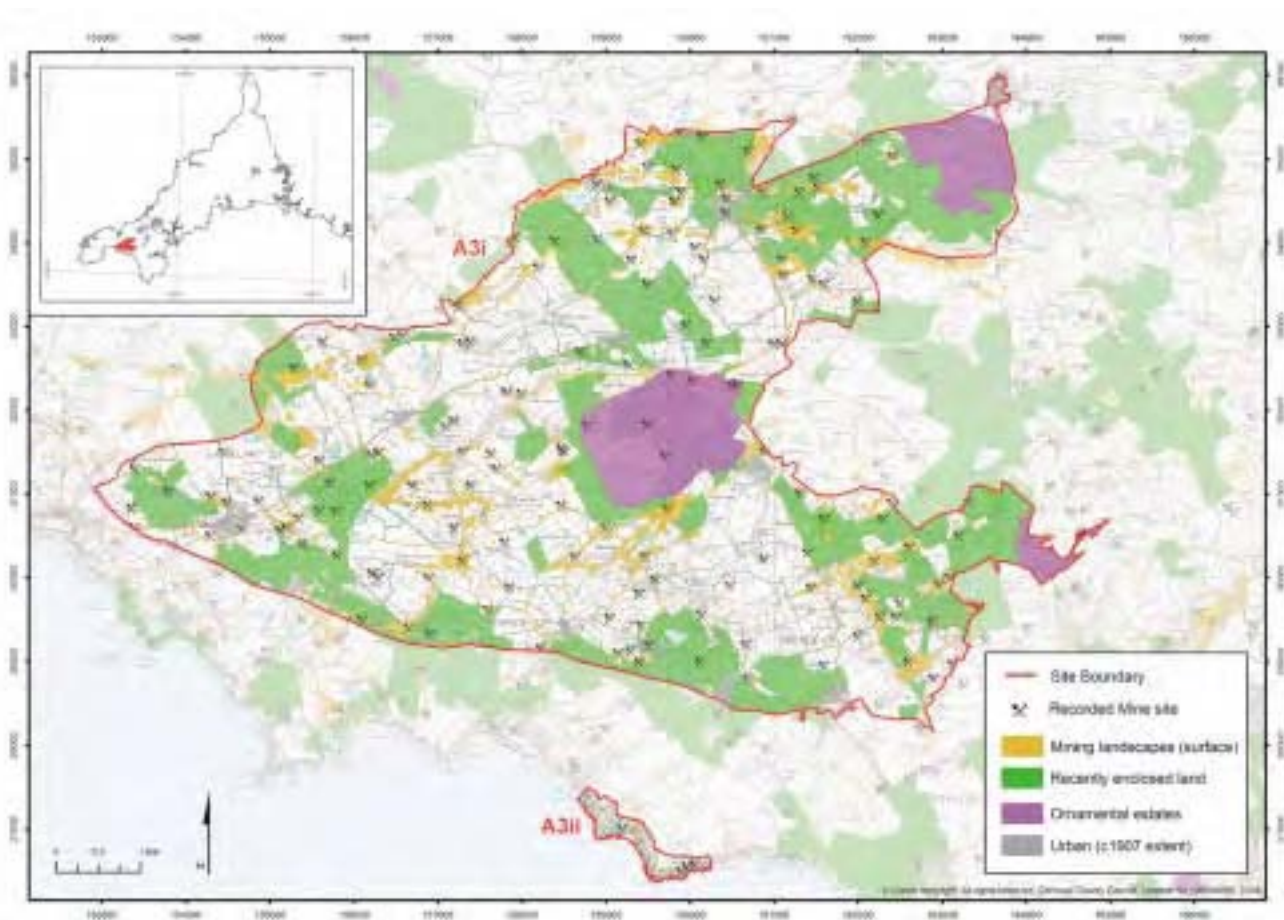


Figure 4. An example of historic landscape characterisation applied to the Tregonning and Gwinear Mining District.

The majority of the principal mine sites in this ancient mining district lie within a well-defined spectacular and rugged coastal belt 6 km long by approximately 2 km wide.



Cape Cornwall. The ornate stack (1850s, Listed Grade II) of Cape Cornwall Mine, which crowns the summit of England's only cape, is one of a number of mining structures that serve as prominent sea-marks along this rugged stretch of coastline; the white building was the mine's count house. Priest's Cove was St Just's harbour for centuries.

The town of St. Just, in the south of the Area, gives the district its name. It is the only large settlement. It is a small, substantially-planned, industrial town built to serve the local mines such as St Just United, Balleswidden, Boscean, Wheal Owles, Botallack and Levant. To its north, there are a number of dispersed mining hamlets (late eighteenth and early nineteenth century) and clusters of miners' smallholdings, often created on former moorland.

The district is unique in that the majority of its lodes strike at right angles to the coastline. This lode trend

is also at right angles to the direction of most tin and copper lodes in the rest of the Site and is a phenomenon related to the area's geological history. Cliffs recede in deep, steep-sided, narrow incised clefts, locally called 'zawns'. These indicate perpendicular weaknesses in the lode (and fault) structures which are perhaps more highly concentrated in their coastal exposure here than anywhere else in the world. It is likely that this was one of the first areas within the Cornubian Orefield where underground mining for tin was tried. Extensive evidence survives of open-works

(included within the term 'gunnises'). These are amongst the earliest and rarest surviving group of surface hard-rock mining features in the region. There are no rivers, and few streams, but water was captured, transported along leats and used to power pumps and dressing equipment on numerous mines, both large and small. Perhaps the most distinctive feature of the Area however, one intimately tied to its structural geology and the orientation of its lodes, was the development of a group of world-famous pioneer submarine mines.

In the case of Levant Mine, workings extended horizontally up to 1.5km from the shore at a depth of over 600m below the sea-bed.



Wheal Hermon.
Ancient linear open-works
on tin lodes cut the cliffs.



Levant Mine (whim engine house 1840, pumping engine house 1835, Listed Grade II). Levant produced £200,000 worth of high-grade copper-ore in the first ten years of working. One hundred years later it was the last of the larger copper mines to close, having also been rich in tin.

The mineral processing sites in the Area illustrate the full range of technological development in this branch of mining. Numerous small-scale tin-dressing floors demonstrate the evolution of technology introduced during the post-Medieval period. At the Botallack and Levant mines, large-scale tin-dressing floors show how steam power was used in ore-processing and the scale on which it was applied. There are

extensive remains of a tin mill preserved at Geevor Mine which shows how twentieth-century technology was incorporated into the industry. The surviving arsenic works within the Area indicate the technological developments that occurred within this important branch of the mining industry.



Botallack Mine. Remains of early-twentieth century tin-dressing floor (foreground) with those of arsenic refining behind (1906, Scheduled Monument).



Porthledden House (1907-09). In the early twentieth century Cape Cornwall was owned by Captain Francis Oats. From a boy who worked underground at Baleswidden Mine at the age of 12, he became Chairman of De Beers in South Africa and member of the Cape Legislature Assembly. Porthledden was built as his family home and the entire area was transformed into an extensive garden landscape.



Wheal Cock. Dumps contain important mineral species and are designated as a Site of Special Scientific Interest.

The Area is very important in terms of mineralogical significance. Twenty-five per cent of the first British species occurrences - both historically, *and* in recent decades - came from Cornwall. Existing mine dumps and in situ exposures are internationally important for future research.

Mining clifftop of Botallack group - Levant mines

Botallack Mine

The Crowns engine houses are precariously sited on a promontory just above the sea.



Botallack Mine, Crowns engine houses (lower pumping house 1835, higher whim house 1862, Listed Grade II).

Their dramatic setting has inspired generations of writers, artists and photographers. There is great technical interest in the inclined Boscawen Diagonal Shaft (sunk 1858-62) that runs out under the Ocean bed to a distance of 800m from the cliffs.



Botallack Mine. The recently (2004) consolidated remains of a Brunton calciner (1906, Scheduled Monument).

At the top of the cliff-slope there are the remains of one of the finest surviving arsenic-refining works in Britain with remarkable extant flues and a large double bayed labyrinth. The chimney stack dates from an earlier working (it was associated with a stamps engine). The tin-dressing floors that survive in the surrounding landscape show the evolution of mineral-processing technologies from small-scale eighteenth century earthworks to the conspicuous concrete remains dating from 1906.



Botallack Mine, Count-house (Listed Grade II). A count-house ('account house') was the mine's office and they were the scene of customary count-house dinners for adventurers and mine management when the accounts were presented. Miners also received their pay from here.

Levant Mine

Submarine workings were extended up to 1.5km from the cliffs to a depth of over 600m below the sea-bed. The engine houses are next to the principal extraction shaft (Skip Shaft). The smaller (restored) engine house contains an all-indoor beam-whim, the oldest surviving Cornish engine (1840) still in its original house. Remarkably it has been brought back to work under steam by a dedicated team of volunteers. The larger pumping engine house which served the Engine Shaft dates from 1835. Nearby are two examples of circular gunpowder magazines.

Geevor Mine

Geevor Mine is a large preserved twentieth century tin mine, and is the principal visitor facility within the district. The site occupies a shallow sloping valley which meets the sea at Trewellard Zawn. It is dominated by the tall Victory Shaft steel headgear (1954) which forms a prominent land and seamark.



Geevor Mine.

As well as retaining a very high proportion of its machinery, the site also incorporates eighteenth century underground workings, mid-nineteenth century mine structures and a well-preserved Brunton calciner (1912, Scheduled Monument), all of which are embedded in a tin mill complex whose development spans most of the twentieth century.

Kenidjack Valley

Streams are rare in the district and their value to industry is exemplified in the Kenidjack Valley which contains a remarkable concentration of industrial remains.

Where the valley meets the sea, Porthledden Cove is dominated by views to Cape Cornwall but in the valley itself the river course has been repeatedly moved and numerous manmade watercourses (leat systems) skirt the hillsides.



Kenidjack Valley. The entire valley bears extensive evidence of mining. The Kenidjack stream once powered up to fifty waterwheels. When steam engines were installed lower down the valley, two out of five only operated during periods of prolonged dry weather.



Kenidjack arsenic works. These works contained a furnace that was the precursor to the Brunton calciner. Most of the surrounding walled structures contained waterwheel-driven crushing mills.



Boswedden Mine (Wheal Call). In 1837 the Wheal Call 'Great Wheel' was the second largest in Britain at 65 feet diameter (19.8 m). The extant masonry wheel pit in the lower Kenidjack Valley above was enlarged around 1865 to accommodate a waterwheel of 52 feet (15.8 m).

St. Just town

St Just town is a striking example of a nineteenth century mining settlement which expanded from an earlier medieval village. Its features are distinctive. Market Square and Bank Square (with its clock tower) are surrounded by hotels, public houses and shops. Streets of terraced houses are characterised by ranks of nearly identical single-fronted cottages with cut-granite facades. These contrast with interspersed miners' cottages from an earlier period, with lower elevations and smaller windows set in rubble-stone walls.



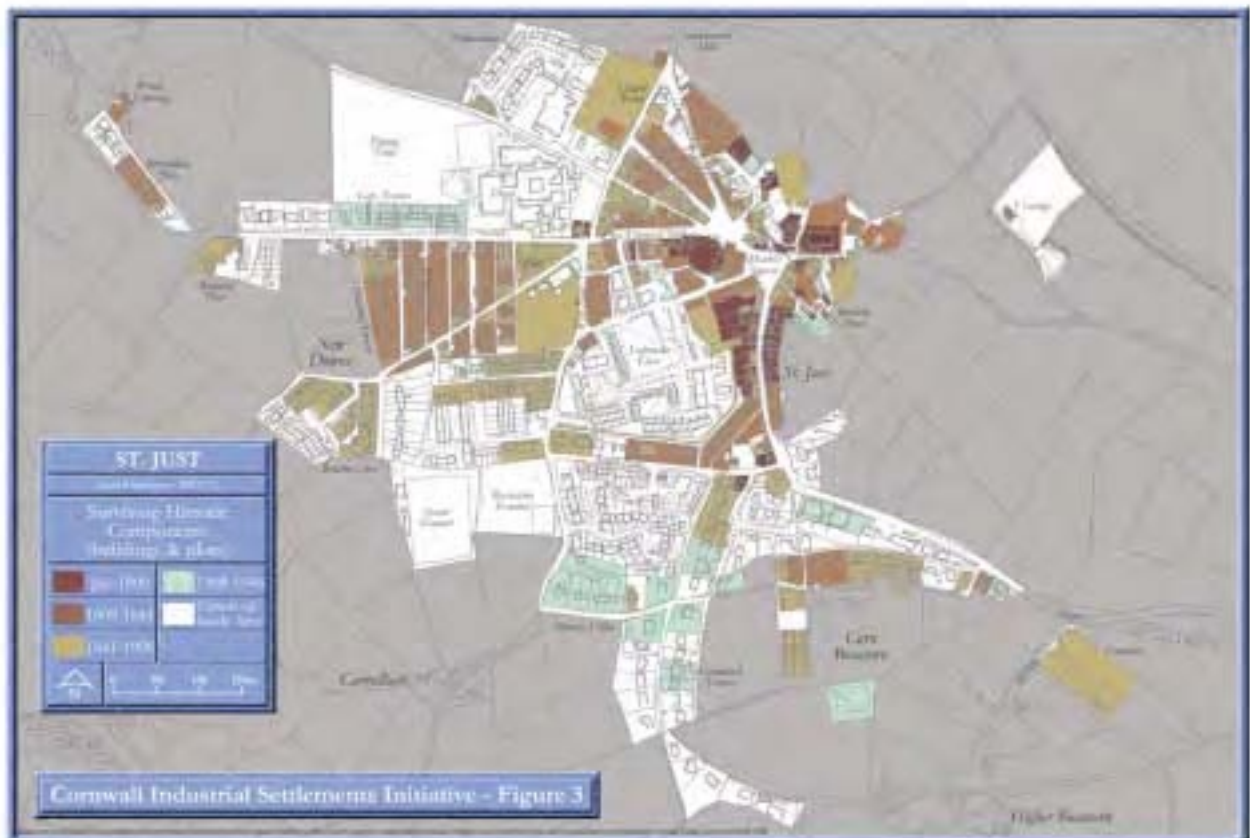
The distinctive circular open space (medieval in origin) was once famous for hand-drilling competitions. It is surrounded by late eighteenth and nineteenth century development.



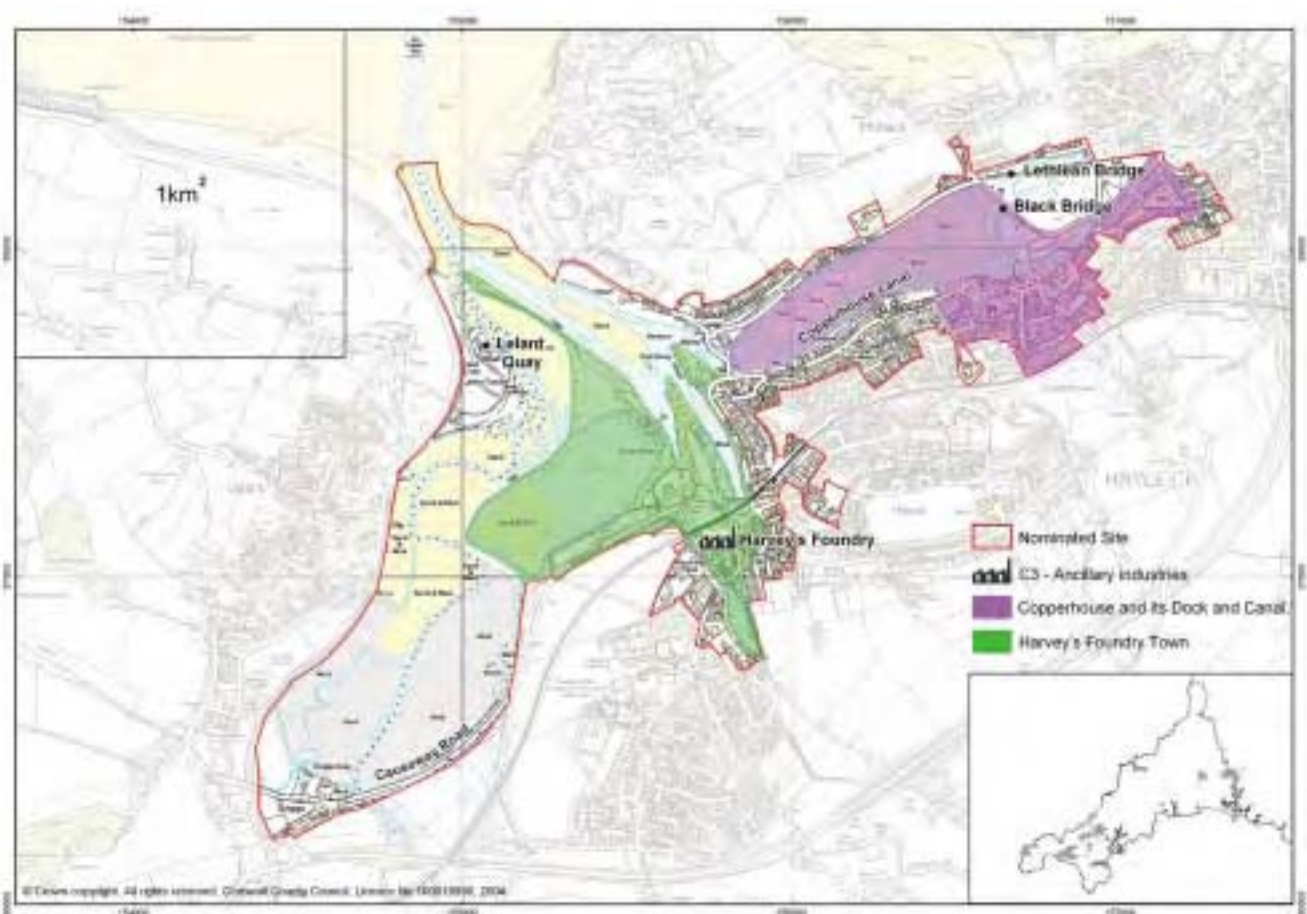
The Star Inn (Listed Grade II) and terraces.



St Just Wesleyan Chapel (1833, Listed Grade II*). This is one of the largest chapels in the nominated Site, with a capacity of well over 1,000 people.



A2 The Port of Hayle



Principal sites, The Port of Hayle.

The Port of Hayle was a product of the Industrial Revolution during the late eighteenth and the nineteenth centuries. It played a distinguished role in Cornish economic and social history. The Area includes the principal surviving historic fabric of the largest fully integrated mining port and steam engine manufacturing centre anywhere in Britain.



From the point of view of traffic between Cornwall and south Wales, Hayle's geographical location on the north Cornish coast was highly strategic. The extensive quays and wharves survive largely intact. They clearly define the character of the broad open shape of one of Europe's most outstanding estuarine settings.

There are no mines inside the Area boundary but it is within 15km of the richest copper and tin mining hinterland of the Old World (A5, A6, A3). Both the land and sea transport infrastructure needed in order to develop such a major industrial complex survives in a coherent form. Prodigious amounts of coal, timber and other materials for the mines were imported through Hayle. Hundreds of thousands of tonnes of bulky copper ore were exported for smelting. The mule trains that originally carried the ore were replaced by dedicated local railways. These were never intended to be part of the regional or national networks. Notable remains of the Hayle Railway (1834) still survive. The scale of the landforms constructed during the development of the port is impressive. They range from the great harbour spit of Middle Weir (1819), the Copperhouse Canal (1769/87) and the sluicing pools (1789) to the Causeway road (1824-5), one of Cornwall's earliest road engineering monuments.

Harvey's and Copperhouse

A complex set of social and industrial relationships was established in Hayle through the rivalry between two of the largest iron foundries in south-west Britain: Harvey & Company, and the Cornwall Copper Company. From 1758 until 1819 the latter firm operated the largest, most successful and long-lived copper smelter of its time outside South Wales. From the 1820s until 1867 the copper smelter site was used by the company as an iron foundry known as the Copperhouse Foundry (trading as Sandys, Carne and Vivian). These two industrial giants directly steered development within the port of Hayle towards two geographically distinct urban areas; Harvey & Co at Foundry beside the railway line and its rival beside the estuary at Copperhouse.

Key industrial and public buildings survive in Hayle, together with good examples of housing that reflect the social divide of industrial labour. High-density terraced housing of the work-force contrasts with the villas and mansions of the managerial class.

Harvey's Foundry Town

Extensive quays and wharves survive at Penpol together with the tidal catchment pool at Carnsew, built to keep the sea-channel clear of sand.



Hayle (Foundry Town), showing the foundry site (bottom left), the railway (crossing lower centre) and the foundry's quays (left).



White Hart Hotel (1838, Grade II*). This stands in Foundry Square opposite the site of the former Hayle Railway terminus of 1834.

Around 25 historic structures connected with Harvey's Foundry survive in a relatively coherent group. This is where the largest steam engines in the world were produced and the greatest number of mine steam engines exported throughout the world.

The surrounding urban fabric, principally deriving from industrial growth instigated by this single family-owned business, is of considerable historical significance.



Former Harvey's quay (Lelant church in the distance).



Harvey's Foundry (late-nineteenth century, Listed Grade II).



The former White Hart public house, now the Masonic Hall (Listed Grade II). This was the home of Jane Trevithick, wife of the engineer Richard Trevithick.

Copperhouse and its Dock & Canal



High-density industrial terraced housing survives around the former copper smelter/foundry site.

Scoria (copper smelting slag) building blocks, once offered free to workers, distinguish the architecture of 'Copperhouse vernacular' though their use in domestic housing is commonly concealed by distinctive period render.

Copperhouse Pool is part of the maritime industrial infrastructure which kept the Copperhouse Canal (1769/87) free of sand and so navigable. Black Road and Black Bridge were constructed to provide a road crossing from Copperhouse to Phillack Churchtown and later to the northern copper quays.

Other notable features in the vicinity include the oldest surviving railway bridge (standard gauge) in Cornwall at Lethlean (Scheduled Monument, 1837) and a railway swing bridge, with machinery still intact, crossing the Copperhouse Canal.



Copperhouse Canal and Pool.

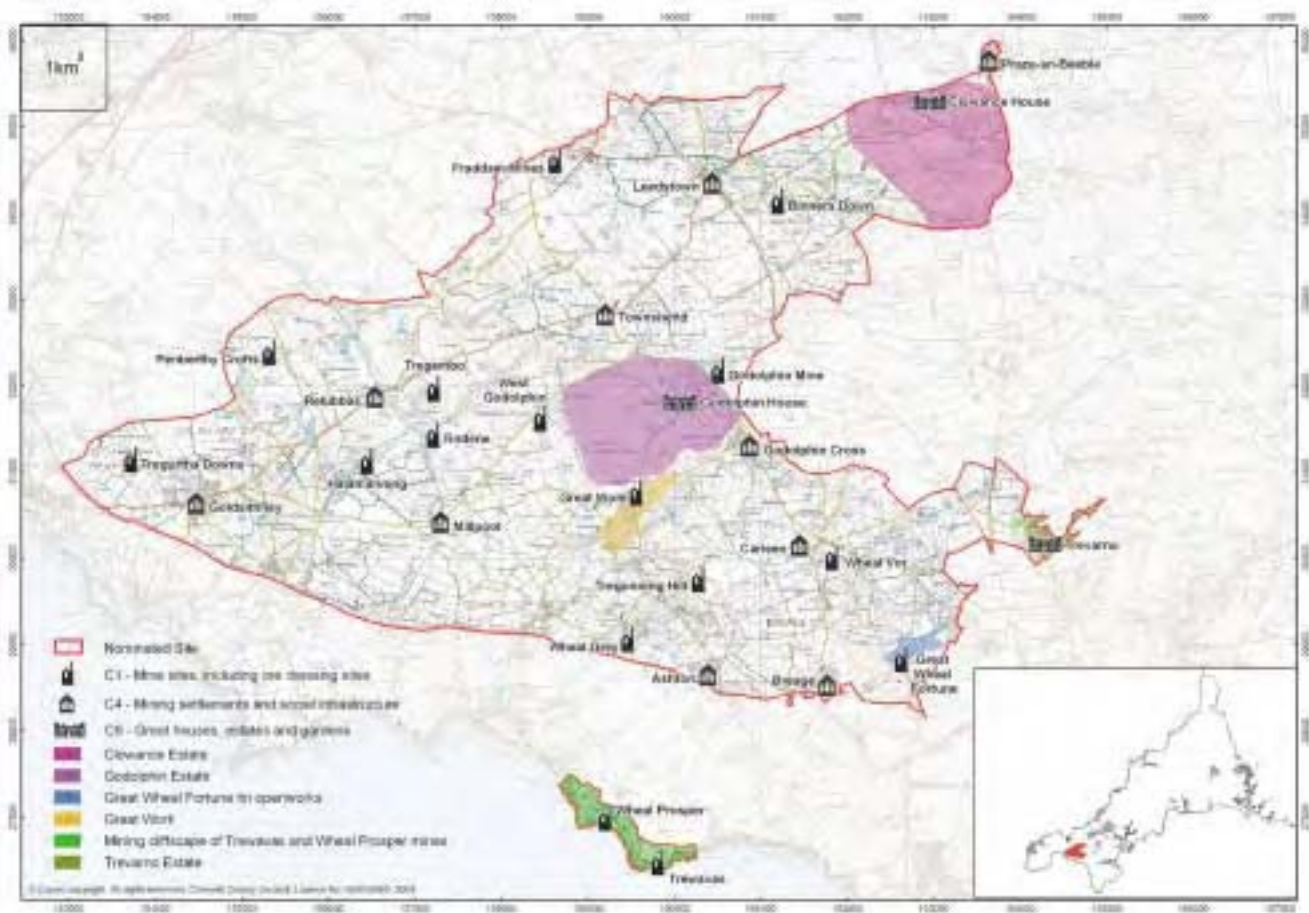


Black Road embankment and Black Bridge (1811, Scheduled Monument). The extensive use of scoria blocks is apparent.



Railway swing bridge (1877, Listed Grade II).

A3(i) The Tregonning and Gwinear Mining District



Principal sites, Tregonning and Gwinear Mining District.

The granite cone of Godolphin Hill and the long ridge of Tregonning Hill with the engine house and chimney stack of Great Work mine prominently visible in the saddle between them, dominate the southern part of this ancient mining district. Some of the richest and, at times, the deepest tin and copper mines in the Region occur within this Area.



Tregonning Hill and Great Work Mine (Leeds' Shaft, 1850s, Listed Grade II). Great Work was a very rich tin mine with one of the longest recorded histories – over 400 years - of any Cornish mine.

To the north the landscape is a mixture of gently rising downland on which a patchwork of smallholdings and new farms has been created, interspersed with long-established farms and parkland associated with the great mining estates of Godolphin and Clowance. Most miners' cottages are dispersed in a landscape of small fields or set in small groups, though larger settlements of highway villages with fine industrial

terraced cottages exist, notably at Praze-an-Beeble and Leedstown. Small groups of miners' cottages set within substantial blocks of early nineteenth century miners' smallholdings flank the A394 road through the southern part of the mining district.



Praze-an-Beeble. Distinctive terraced housing with cut-granite facades. Red brick arches, at intervals, mark traditional passageways (known as opes) leading to premises behind.



Wheal Grey, Ashton (Listed Grade II). This small tin mine was possibly the source, in 1746, of china clay discovered by William Cookworthy and John Nancarrow (a miner from Godolphin). This laid the foundation of the British porcelain industry.

A number of engine houses form landmarks in the Area and the sheer density of mine shafts in the landscape is particularly impressive. Some mark the site of some of the earliest steam engines on metal mines in the world.



Godolphin

The ancient tin and copper mines around Godolphin Hill lie within the former bounds of the Godolphin family estate. Godolphin House itself (seventeenth century, Grade I) is one of Cornwall's most architecturally important houses. Sir Francis Godolphin (Lord of Godolphin from 1575 to 1608) was a mines adventurer. He earned a national reputation for pioneering new methods of tin mining and processing in his mines, a tradition which endured there until the middle of the eighteenth century. From 1786 the estate was owned by the Duke of Leeds and his successors.



Godolphin Mine Count House (Listed Grade II). This serves as a Warden's base and an education centre for the National Trust.

Miners' smallholdings around Tregonning Hill (lower centre).



West Godolphin Mine (Listed Grade II).

Great Wheal Fortune



Great Wheal Fortune.
Steep-sided open-works.

The most extensive example of open-cast tin mining within the Site survives at Great Wheal Fortune. Developed on a network of tin-bearing veinlets ('stockwork') known as the Conqueror Branches, its two 'quarries' retain considerable geological and mineralogical significance. They are also valuable conservation sites.



West Wheal Metal (Listed Grade II).
Unusual ornamentation in the brickwork
of the chimney stack.

Wheal Vor



Wheal Vor (Wheal Metal, Listed Grade II). Wheal Vor was an ancient mine associated with the Godolphin family and was the site of the first Newcomen engine in Cornwall, installed during the second decade of the eighteenth century. It was the richest tin mine in Cornwall at its peak in the 1830s. It employed 1,100 persons and was one of the few mines to possess its own smelter.



Trevarno House.
Formerly the home of the Wallis mining family, Trevarno later became the home of the Bickford-Smiths (safety-fuse manufacturers).

Tregurtha Downs Mine (1882, Listed Grade II), Goldsithney. The massive engine house at St Aubyn's Shaft contained an 80-inch pumping engine that had a working life not untypical for Cornish engines:

The engine was originally commissioned from the Copperhouse Foundry (Hayle) in 1853 for Great Wheal Alfred in Gwinear. It was subsequently moved to nearby Crenver and Wheal Abraham in 1864 and then to Tregurtha Downs in 1882 where it worked until 1897. It was purchased by South Crofty Mine in 1902 and erected at Robinson's Shaft. The engine is now in the care of the National Trust.



Trewavas (A3ii)

Mining cliffscape of Trewavas and Wheal Prosper mines.

The detached coastal enclave in the south of the Area contains some important remains that mark the sites of old undersea copper mines.



Wheal Trewavas (1838, Scheduled Monument, Listed Grade II). The cliff-side engine houses, shafts and capstan platform are amongst the most spectacular in their situation.



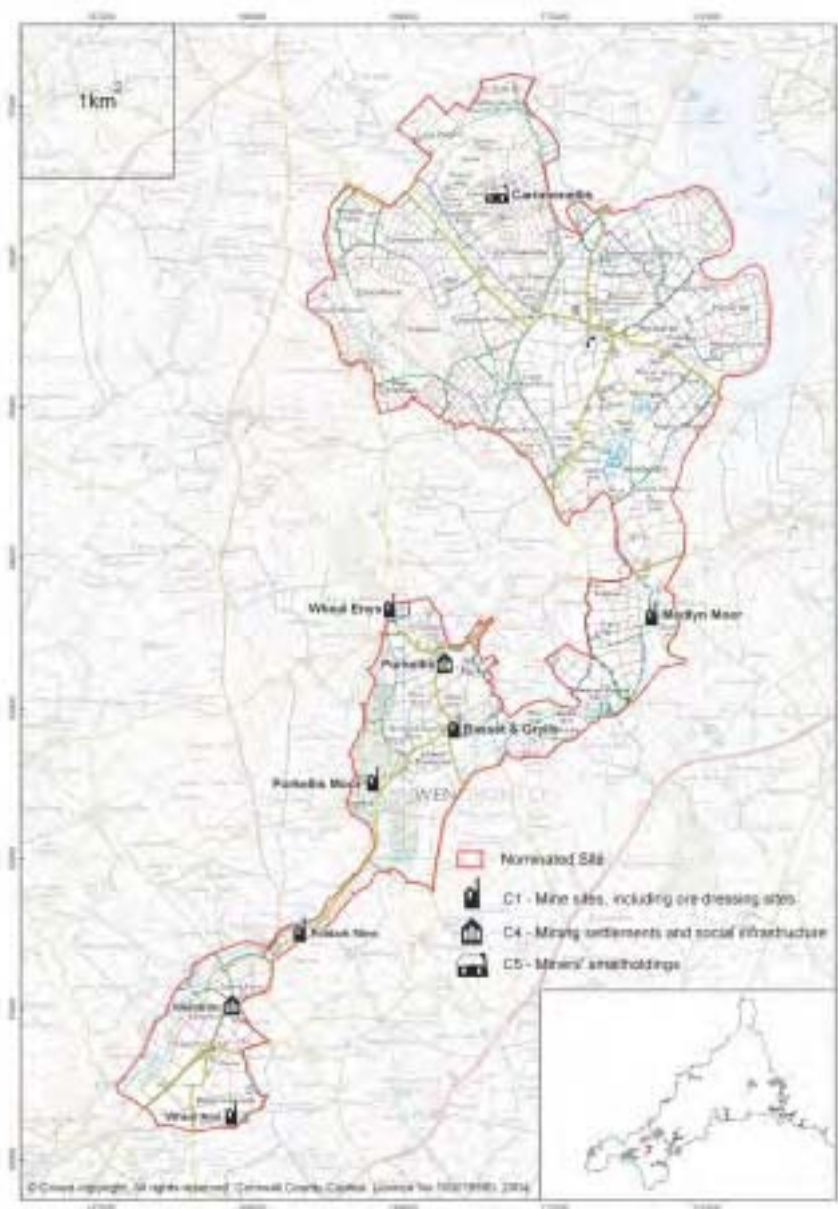
Wheal Prosper (1860, Scheduled Monument, Listed Grade II). The cliff-slope engine house was acquired by the National Trust in 1969 and consolidated during 1970/71.

Wheal Trewavas. The unstable condition of structures means that they are presently at risk. Efforts are being directed towards their consolidation in the near future.



A4

Wendron Mining District



Principal sites, Wendron Mining District.

The sparsely populated upland area of Carnmenellis (265m OD) contains the most extensive and best-preserved evidence for miners' smallholdings in Cornwall. The relationship between mining and the development of these small farms which emerged in the late eighteenth century is clearer here than anywhere else in the Site. They occupy a significant proportion of the Area.



Miners' smallholdings near Carnmenellis.

Engine houses are located at Basset & Grylls Mine (1858), Wheal Enys (1852), Medlyn Moor Mine and Trumpet Consols. There are also the remains of tin dressing floors at several sites.



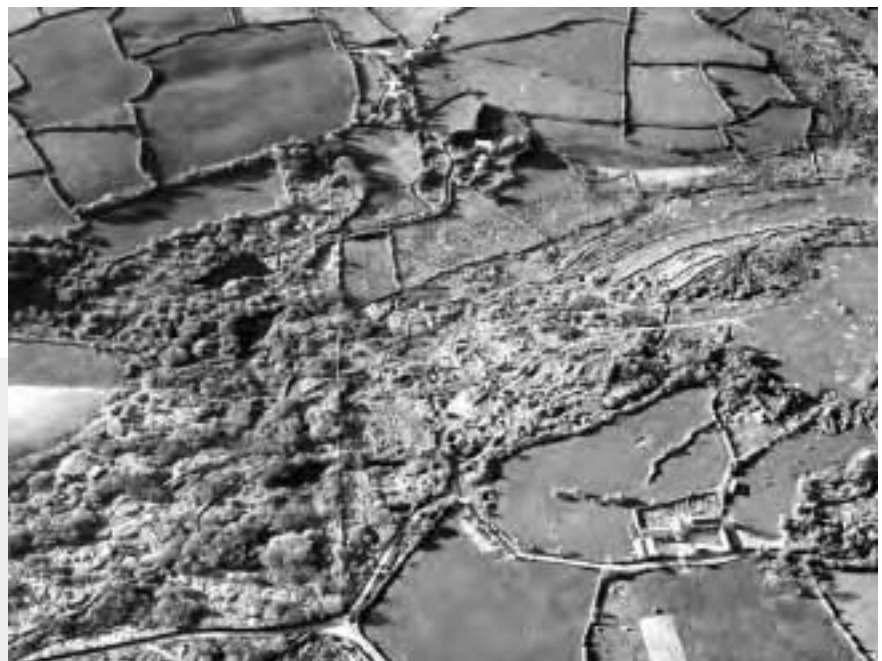
Basset & Grylls Mine (also known as Porkellis United). The pumping engine house at Tyacke's Shaft was built following the tragic flooding of an older section of the mine when water and fine-grained tin 'slimes' collapsed into the workings.



Porkellis chapels (1814 Listed Grade II, 1866 Listed Grade II*). The early nineteenth century chapel at Porkellis was converted into a schoolroom when the larger 1866 chapel was built alongside, using dressed granite from a demolished engine house. It has hardly been modified since its construction, which is rare, and it contains a central row of box pews with rows of benches on each side which were the free seats.



Miners' smallholdings (represented by a patchwork of small fields), and moorland (lower centre) that occupies former tin-streaming areas.



Porkellis Moor. Mining here was in granite 'country', relatively shallow and principally for tin. It was mostly restricted to the area around Porkellis and Wendron. There is good evidence for alluvial tin mining in the valley basins. Flooded pits (hatches), industrial watercourses (leats) and waterwheel pits are prominent features.

Wheal Ann

Wheal Ann is one of the two landmark engine houses of Trumpet Consols. Together they establish the mining landscape when entering the district from Helston to the south-west.



Trumpet Consols (Listed Grade II).

'Poldark Mine'

Former eighteenth century underground workings have been made accessible to the public at a tin mine formally known as Wheal Roots. The site, named after the popular novels and television series, also contains the Greensplatt beam engine re-sited from the china-clay district.



Poldark Mine.
A 'gunnis' showing where the tin lode has been removed during the eighteenth century.



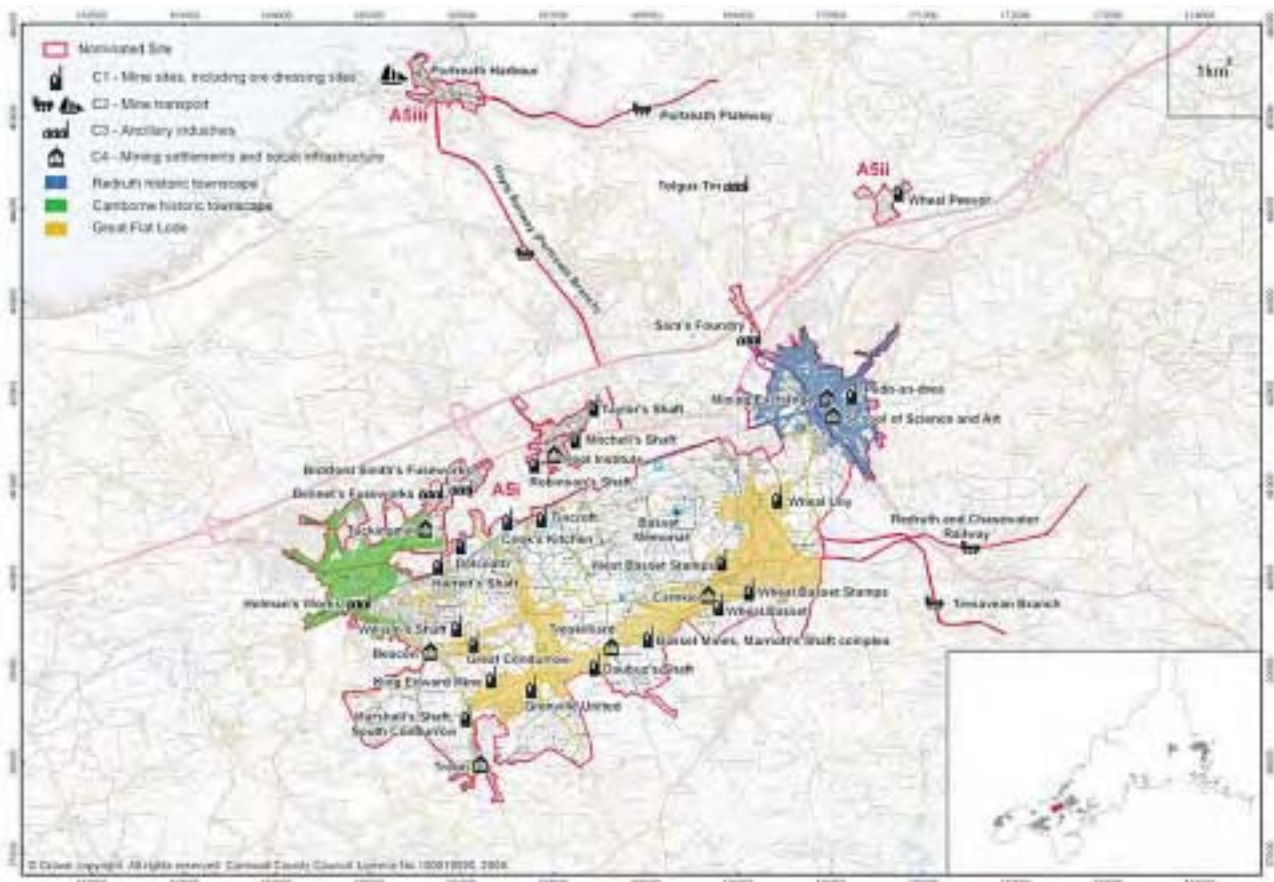
Wheal Ann (Listed Grade II).

The engine house at Wheal Ann, constructed during the early nineteenth century, may have contained a modified Watt engine. It is unusual too because of the light construction of the bob wall which confirms the use of a wooden beam or 'bob'. Cast iron bobs were ubiquitous during the remainder of the nineteenth century, so this would have been amongst the last in Cornwall of its kind.



Wheal Enys (1852). A sympathetic conversion of the stamps engine house.

A5(i) The Camborne and Redruth Mining District



Principal sites, Camborne and Redruth Mining District.

The steep granite ridge of Carn Brea (250m OD) dominates the area. Its associated mineral resources brought fabulous wealth to the district, the mineral lodes being exploited by some of the richest, and deepest, eighteenth-century copper mines and nineteenth-century tin mines in the world.



View across Carn Brea to Carnkie and mines on the Great Flat Lode.

The mining towns of Camborne and Redruth are now connected by an almost continuous ribbon development of mining settlements and modern light industry occupying the sites of former mines. 'Islands' of historic mining structures survive.



Dunstanville Memorial (1836, Listed Grade II). Carn Brea is crowned by a 30m tall granite obelisk (1836); a highly-visible public memorial to Sir Francis Basset, Lord de Dunstanville, the principal mineral owner of the district. Much of the surrounding landscape was developed under the controlling influence of the Basset family and other mineral 'lords' in the Area.



Union Street, Camborne. Uniform row of industrial terraced housing,

Beam engines

An unparalleled feature of this Area is the three Cornish beam engines that survive in their authentic metal mine context. One whim engine has been restored to working motion and the other two pumping engines have the capability of working under steam.

East Pool & Agar Mine

A 30-inch cylinder beam winding engine (1887, Holman's Foundry, Camborne) survives at Mitchell's shaft, East Pool Mine, and is open to the public. It was saved from being scrapped in 1941, taken over by the National Trust in 1967 and set back in motion again in 1975.



East Pool & Agar Mine (Listed Grade II*). Interior of Taylor's engine house.

South Crofty Mine (Robinson's Section)

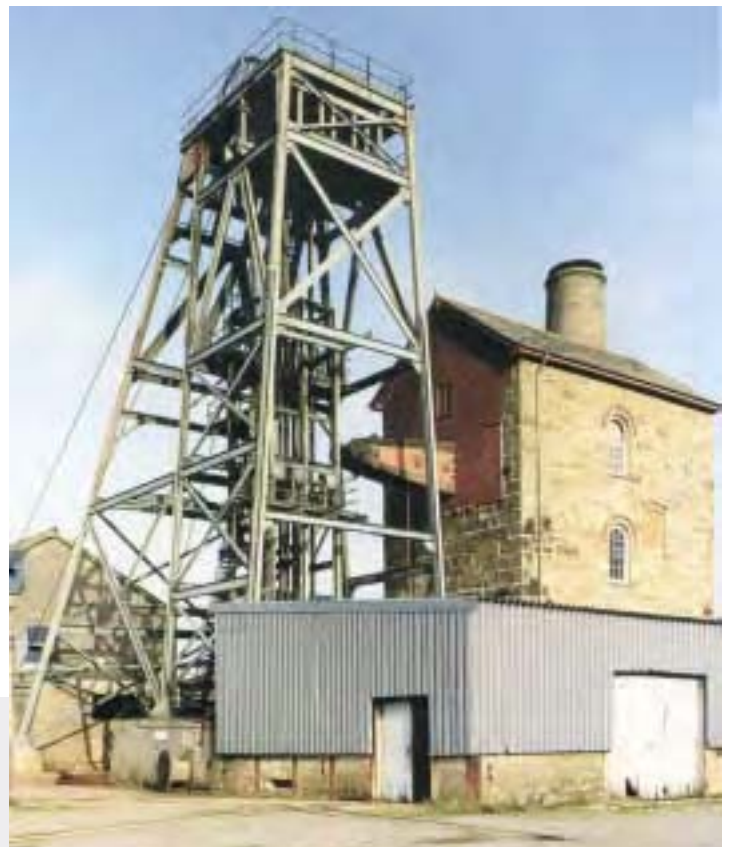
Nearby at Robinson's Shaft of South Crofty Mine is an 80-inch cylinder pumping engine (1854, Copperhouse Foundry, Hayle), the last to work on a Cornish mine, only stopping in 1955.



The Taylor's Shaft complex (1920s, Scheduled Monument, Listed Grade II*) at East Pool & Agar Mine during restoration in 1999.

Taylor's Shaft pumping engine survives as part of a 1920s single-phase complex which includes a winder house, compressor house, two boiler houses (one includes foundations for Cornish boilers), flues, capstan house, the miners' dry, an office and the primary crushing- and ore-loading stations. It is currently an interpretation centre for the region's industrial past.

South Crofty Mine, Robinson's Section (Scheduled Monument, Listed Grade II*). The Robinson's engine is in the care of the National Trust, and the surrounding site is owned by Kerrier District Council.



Redruth townscape

Throughout the eighteenth and nineteenth centuries Redruth was west Cornwall's principal market town and the acknowledged capital of the Cornish mining industry.



The Mining Exchange (1880, Listed Grade II). Mining business and ticketing (or bidding) for copper and tin took place in this building.

Belmont House (1837). This building replaced the eighteenth century home of Dr William Pryce (1735-1790) who was a mine surgeon and author of *Mineralogia Cornubiensis* (published in 1778). Belmont became a traditional residence for doctors, including the Pryce family.



The Coffee Tavern (Listed Grade II) and Town clock (Listed Grade II).



Redruth possesses some fine Victorian urban architecture. There were also a number of houses built for the professional classes, many of whom were engaged in the mining industry, or its ancillaries.



Murdoch House (c1660, Listed Grade II*). Mining engineer William Murdoch (1754-1839) lived here whilst he worked on local mines as an engine erector for Boulton & Watt of Birmingham. He made a small working model of the world's first steam locomotive in 1784 and also invented gas lighting in this house in 1792.



Chylowen', Plain-an-Gwarry. James Watt (1736-1819), of Boulton & Watt engineers, rented this cottage during the 1780s when consulting with William Murdoch on mine pumping engines.



The School of Science & Art (1883) stands next to the Robert Hunt Museum (1890) in Clinton Road. It was built as a memorial to its founder by the Miners' Association of Devon and Cornwall. The Redruth School of Mines was based here and extra-mural classes continued until the 1950s.

Clinton Road is lined with impressive late Victorian and Edwardian villas built on former mining ground at a time when Redruth miners were prospering in South Africa.



St Andrew's Church (1883) and number 1 Clinton Road. Both of these buildings were designed by Redruth-born architect James Hicks whose distinctive designs are a feature of Victorian Redruth.



Plain-an-Gwarry Chapel (1883, Listed Grade II). Designed by James Hicks and built for the Primitive Methodists.

Pedn-an-Drea Mine (1824, Listed Grade II), Redruth. The survival of this telescoped chimney (although much reduced from its original height of over 42m) is important in that it represents a Cornish design that was once commonplace. The engine that this stack served only worked for three years; it thereafter served only as a landmark.



Wesleyan Centenary Chapel (1839).

Camborne townscape

Camborne contains the best example in the Area of large-scale urbanisation associated with the Industrial Revolution in metal mining and engineering.



Camborne is the prime example of speculatively-built industrial housing in Cornwall. The townscape is dominated by classic industrial cottage rows, robustly built and remaining substantially unaltered.

It is a town forged by industry and characterised by relict zones of key enterprises, such as the world-famous Holman's Foundry & Rock Drill Works, and classic industrial building types of cottage rows, pubs and chapels. Fine public buildings characterise the townscape, such as the Market House and Town Hall (1867), the Literary Institute (1842) and the J Passmore Edwards Library (1895). There is also a Masonic Hall (1899) in Cross Street. The impressive Wesleyan Centenary Chapel (1839), in Centenary Street, was built to commemorate the centenary of Charles Wesley's conversion in 1738.



Trevithick statue (Listed Grade II). The bronze statue stands in front of the Passmore Edwards Library, Camborne, and shows Richard Trevithick holding a model of his road locomotive which made its first run 'up Camborne Hill' on Christmas Eve, 1801. This was the first full-sized locomotive in the world.



Holman Brothers Rock Drill Works (late-nineteenth century).

Town clock tower erected by John Francis Basset, 1868.



Bickford's Fuseworks and Tuckingmill Factory Row

The miners' "Safety Fuze" (1831) was an innovation with global significance.



Bickford-Smith's safety fuse factory, (front range Listed Grade II). The jute spinning mill.

Fuse manufacture was concentrated at the Tuckingmill factory in the triangle formed by Pendarves Street and Chapel Road. Much of this complex survives including the imposing granite façade and the model terraced workers' housing.

The Great Flat Lode

Along the strike of the Great Flat Lode – is to be found the finest surviving assemblage of engine houses along a single mineralised structure anywhere in the world.



View along the surface of the Great Flat Lode (named for its unusually shallow inclination of around 45 degrees).

For 4 km the landscape between and beyond the high hills of Carn Brea and Carnkie Hill is characterised by 24 engine houses (demonstrating a range of pumping, winding and stamping functions), tin dressing floors, extensive tramway beds, mining settlements and the site of the largest tin smelter in Cornwall.

Basset Mines, Marriott's Shaft complex (circa 1900, Scheduled Monument)



Basset Mines, Marriott's Shaft complex (1900, Scheduled Monument, Listed Grade II).

This unusual group represents an outstanding survival. It includes the pumping engine house which contained an inverted vertical beam engine (unique to Cornwall) with compound 40-inch and 80-inch cylinders, the houses for winding, compressor and crusher engines, and the miners' dry or changing house.

West Basset

A stamps engine house (which had a rear secondary beam for pumping water for dressing) stands above one of the finest surviving nineteenth century tin dressing floors in the world.

West Basset Mine, New Stamps (1875, Listed Grade II). The stamps were made by the Tuckingmill Foundry and remains of the dressing floors show three different phases - settling and buddling (1875), additional buddle floor (1892), and the installation of Frue vanners (1906).



Wheal Basset



Wheal Basset.

The stamps engine house (1868) of Wheal Basset was unusual in that it contained two separate beam engines, side by side. It stands above a prominent Frue vanner house (1908) and Brunton calciner (1897). The count house survives nearby as a private dwelling.

King Edward Mine (Listed Grade II*)

This site is a complete training mine developed from 1897 on an existing mine (South Condurrow) for the world-famous Camborne School of Mines. King Edward Mine contains, as a working museum, a remarkable collection of late nineteenth and early twentieth-century tin processing equipment, and all the facilities – including underground workings – that students and their lecturers would require.



King Edward Mine (Complex Listed Grade II*)



Dolcoath Mine, New East Shaft Whim. One of the four surviving Cornish engine houses of this historic mine.

Dolcoath Mine, Williams Shaft (1902, Listed Grade II). Its 3,000 ft (917m) working level was the deepest of any metal mine in Britain. The engine house contained a unique traversing winding engine manufactured by Holman's of Camborne.



Wheal Peevor (A5ii)

The rare survival at Wheal Peevor of a triple arrangement (from left to right) of stamps, pumping and winding engine houses, together with their associated dressing floors is clearly visible from the nearby A30 trunk road.



Wheal Peevor (1875, Scheduled Monument, Listed Grade II).

Portreath Harbour (A5iii)

This mining port dates from 1760. The massive granite- built basins were added later, the outer basin in 1800 and the inner basin in 1846.

The Portreath Tramroad (1809) and the Portreath branch of the Hayle Railway (1838) linked the mines in A5 and A6 with the port. The Hayle railway is marked by a major piece of railway engineering, the Portreath Incline.

Portreath Harbour (Listed Grade II). This was constructed by the Bassets of Tehidy, one of the most influential mining families in Cornwall at that time.



Gwennap was once described as the "richest square mile in the Old World". The widespread and devastating landscape impact of copper mining may be seen together with remains of the network of railways that linked the mines to the ports.



Poldice Mine, St Day.

Extensive tracts of mining 'wasteland' survive (at Poldice, United and the Consolidated Mines in the southern part of the Area) despite widespread removal of waste dump material for aerodrome construction during the Second World War.

The desolate, largely heathland landscape, considerably modified by mining, is carpeted with waste rock (deads), dotted with islands of consolidated building remains, and with shafts surrounded by distinctive Cornish mine hedges.



Consolidated Mines. This unusual structure is the base of a clock tower at this mine which produced over 12% of Britain's copper from 1823 to 1835.



Miners' terrace, Chacewater main street.

The central and northern sections of this Area are notable for their well-preserved landscape of smallholdings, interspersed with small mining settlements together with the mines which they served. St Day, Carharrack and Chacewater are particularly fine examples of mining villages. Scorrier House, Tregullow and Burncoose are examples of the grand houses and estates built by mining industrialists.

Wheal Busy

Wheal Busy is close to the mining hamlet of Chacewater. It is remarkable for its range of structures, its technological association with Newcomen engines and the first Cornish Watt engine, and the character of its surviving mining landscape. The impressive engine house (1858), with its rare intact adjoining boiler house (for three Lancashire boilers), dominates the site.



Carnon Stream Mine (1823, Listed Grade II). The remains of this creek-side engine house mark the unique Carnon Stream Mine that worked tin gravels in the river bed from shafts sunk within artificial islands out in the river itself.



Wheal Busy (Listed Grade II). Rural terraced miners' cottages at this mine where a succession of ten big pumping engines worked – Newcomen, Watt and a range of Cornish engines – from 1725 to 1929.



Brunton calciner, Wheal Busy.

At the lower end of the important and once heavily industrialised Carnon Valley is the southern terminus of the Redruth & Chacewater Railway (1824) and the important copper mining port of Devoran which dates from the late 1820s and 1830s. It was built by John Taylor. Though its wooden wharf has largely disappeared, there are the remains of ore-storage bins, granite mooring-bollards and various former port buildings, now in private use.

Clifford Amalgamated Mines

Cusvey Mine. The engine house and stack date from the 1820s and are amongst the earliest that survive in the nominated Site.



Poldice Plateway (1809). The bed of Cornwall's first plateway survives with many of its granite sett stones still in situ.



Wheal Clifford powder magazine (Listed Grade II). This example is one of only a few survivals in the nominated Site of this important type of mining structure.

Gwennap Pit



Gwennap Pit (Listed Grade II*). It was used eighteen times by John Wesley (1703-1791); by the 1780s he was preaching to crowds of 20,000. Its stepped amphitheatre form dates from a remodelling in 1806.

A depression caused by mining subsidence was subsequently used as an open air preaching pit. It dates from the mid-eighteenth century. It is located in what was the greatest copper mining district of the eighteenth and early nineteenth centuries, one of the most densely populated areas at the time.

The Kennall Valley (A6ii and A6iii)

The Kennall Valley, which is situated to the south of the Area, has historical links with the port of Devoran. It is steep-sided and wooded and contains two concentrations of exceptional mining-related industrial monuments. It also contains the remains of one of Cornwall's former great houses..



Carclew House (Listed Grade II), Perran-ar-Worthal. Once the home of mining magnate Sir Charles Lemon, Bart. (1784-1868), the house suffered from a disastrous fire in 1934.

The Kennall Vale Works (Scheduled Monument), originally a subsidiary of the Fox family's Perran Foundry Company, was built to a substantial and technologically advanced design in 1812 and expanded by 1835.

Perran Foundry (A6ii) (Listed Grade II*)

The Perran Foundry and Wharf stand on the level valley floor at the navigable limit of an inlet leading to the River Fal. The foundry was one of the three largest in Cornwall and is considered one of the most important surviving industrial monuments of its period in southern Britain.



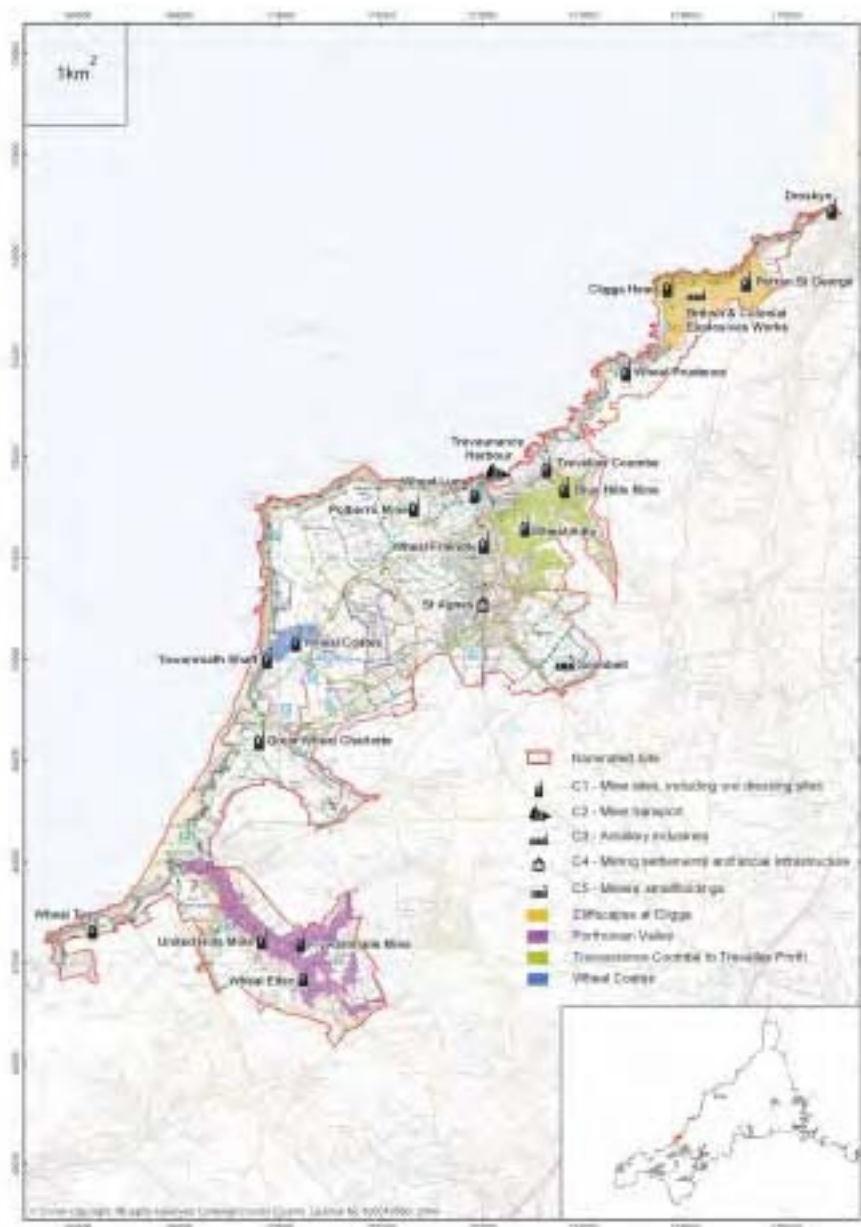
Perran Foundry (Listed Grade II*). The earliest surviving structures on the site date from 1791. These were extended around 1830, others date from 1860-65, part of a period of development which ran from 1858-1879.

Kennall Vale Gunpowder Works (A6iii)

It is set in a beautiful wooded valley containing the river Kennall and is one of the best-preserved gunpowder works in southwest Britain.



A7 The St Agnes Mining District



Principal sites, St Agnes Mining District.

St. Agnes, like St. Just, exemplifies a coastal mining tradition which is of enormous antiquity in Cornwall. It probably includes some sites worked in prehistoric times.



Well-preserved field patterns indicating the sites of former smallholdings can be seen around Goonbell (centre right) and Mount Hawke.

St Agnes village



Stippy Stappy (Listed Grade II). A traditional stepped terrace of cottages originally built for ships' captains sailing from Trevaunance Harbour.

Much of St Agnes was developed during the eighteenth and nineteenth centuries as a result of tin and copper mining in and around the village. Along the main street are good examples of nineteenth century terraced houses and the Miners' and Mechanics' Institute.



The 100m-high cliffs to the north are cut by late seventeenth- and early eighteenth-century examples of cross-cutting adit systems that drained the exceptionally rich Polberro group of mines.



The flat-topped, heath-covered St Agnes Beacon is underlain by the granite that is responsible for the mineral wealth of this district.

Most of the mining activity was confined to the coast but huge areas of downland formerly stretching almost all the way to Truro and Redruth were taken under the plough to feed the rapidly-expanding and increasingly urban population of the Cornish mid-west.

Miners' and Mechanics' Institute (1893, Listed Grade II). One of four workers' institutes in Cornwall that was donated by J Passmore Edwards.



United Hills Mine, John's Shaft (1861, Listed Grade II) on the skyline above Tywarnhayle Valley.

Wheal Coates

The site is notable for its trio of engine houses for winding pumping and stamping. All three stand in a cliff-side setting. Wheal Coates is in the care of The National Trust, which has consolidated all the built structures. These buildings date from the 1870s. In addition there is a wide range of mining archaeology surviving amongst the heathland, including an early and well-preserved open-working on a tin lode and an unusual double-bayed reverberatory calciner.



Wheal Coates, Towanroath Shaft (1872, Listed Grade II). The pumping engine house of this tin and copper mine is pictured. Its deeper levels ran out beneath the sea.

In the vicinity of nearby Beacon Cottage there are the remains of pits where candle clay was worked. This was supplied to the mining industry to fix candles onto the miners' felt hats.

Tywarnhayle Valley

This steep-sided valley takes its rust-coloured appearance from the thousands of tonnes of waste rock from copper mining which was tipped down its sides. An engine house with a castellated chimney stack at Wheal Ellen (1866) survives on the valley floor. Further seawards at Tywarnhayle Mine, the engine house is one of the very few to survive which was built for a wooden beam; it was at this shaft that electrically-driven centrifugal pumps were first used in Cornwall in 1906. This was also the first site of experimental froth flotation in the early twentieth century. This major innovation had a world-wide impact on mineral processing.

From 1908 until recently the underground levels in the hillside were used as a training mine for the Royal School of Mines, Imperial College, London.



Tywarnhayle Mine, (1826, Listed Grade II)

Trevaunance Coombe to Trevellas Porth

Immediately to the north of St Agnes are some fine engine houses overlooking Trevaunance Coombe, a valley whose steep sides carpeted with waste rock dumps make up a distinctive landform.

At the head of the valley is the engine house of Gooninnis Mine (1899) with its castellated chimney, whilst to the west are those of Wheal Friendly (pre 1879) and Polberro Mine (by 1864) and to the east Wheal Kitty (1910).



Wheal Kitty, Sarah's Shaft (1910, Listed Grade II)

Tin-dressing floors at Wheal Kitty demonstrate ore-processing technology from both the nineteenth and twentieth centuries.

Trevaunance Cove contains the remains of several harbours. They represent attempts to establish ports on the north Cornish coast, closer to South Wales. Each one was destroyed by the sea. The cliffs are riddled with ancient mine workings. Above them stand former harbour buildings and an ancient open-work on a tin lode at Wheal Luna.



Trevaunance Point. Several harbours were built in an effort to establish a link between St Agnes and South Wales, the source of engine coal and the destination for local copper ore.



Blue Hills Mine, Blue Burrow Shaft (1860s, Listed Grade II).

Blue Hills Mine in Trevellas Coombe is marked by an engine house and chimney surrounded by shafts and waste rock tips in a steep-sided valley leading down to the sea at Trevellas Porth. Nearby is Blue Hills Tin Streams, a site which shows how tin streaming continued alongside hard rock mining. Visitors may see the waterwheel driven Cornish stamps together with tin-dressing.

Cliffscapes at Cligga

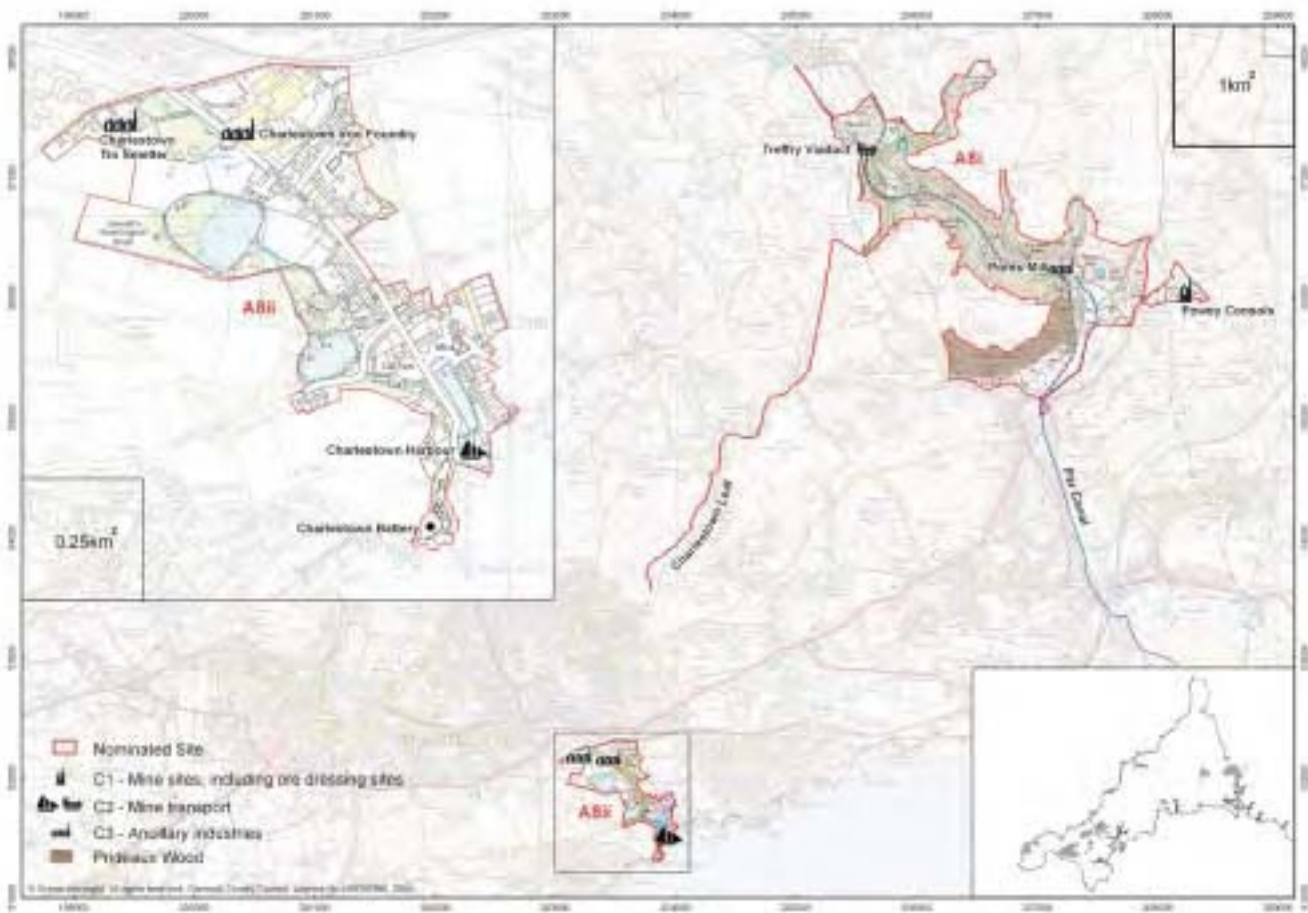
The high and frequently sheer cliffs between St Agnes and Perranporth have been extensively worked by small, and in many cases, ancient mines. The finest example of cliff-side tin-tungsten sheeted-vein workings to be seen anywhere is at Cligga Head. Its in situ mineralogy is of international significance.

Cligga Head. Countless generations of miners exploited numerous near-vertical (and almost parallel) tin-bearing veins in these cliffs.



British & Colonial Explosives Company works (1891).

A8(i) The Luxulyan Valley



Principal sites, The Luxulyan Valley.

This Area contains an extraordinary concentration of early nineteenth-century industrial remains. They are unique in south-west Britain, in that they represent the physical manifestation of one man's enterprise – that of Joseph Treffry.



Treffry Viaduct & Aqueduct (1842, Scheduled Monument). This is the earliest granite construction of its kind in the region and stands 27m over the river with a span of 200m.



The granite sleepers of the 1835 industrial tramway also acted as lintels for the Carmears Leat that flowed immediately beneath.

The Luxulyan Valley has steep boulder-strewn slopes surrounding the fast-flowing River Par. The thickly-wooded terrain was once an important resource for making the charcoal that was needed in large quantities for smelting tin from rich alluvial deposits on the moors to the north-west. Charcoal-burning platforms are to be found at nearby Prideaux.

Treffry was one of the greatest single mines adventurer in Cornwall at the time. He used the profits from Fowey Consols (Cornwall's fourth largest copper mine), together with financial backing from a fellow investor, to realise his industrial empire.



Fowey Consols, Austen's engine house (1834, Listed Grade II). The landmark engine house contained the most efficient Cornish beam pumping engine ever made (William West).



The Par Canal (c1835) at the lower end of the valley was created by Treffry to take copper ore from the base of the Fowey Consols inclined plane railway to the new industrial port he built at Par. The River Par was moved to facilitate its construction and operation.

The Fowey Consols leat (1820s) is the earliest civil engineering construction built by Treffry in the Luxulyan Valley. It supplied the Fowey Consols waterwheels and the largest concentration of water power on a nineteenth century copper mine.

A8 (ii) Charlestown

Charlestown, designed by the foremost civil engineer of the day - John Smeaton FRS (1724-92) - is one of the finest examples of late eighteenth- and early nineteenth-century industrial harbour works in Britain. It is also the best preserved china-clay and copper ore port of its period anywhere in the world.



Charlestown was built for Charles Rashleigh (1747-1825), one of three local industrialists who each created a mineral harbour along this stretch of coastline in St Austell Bay. It also represents a rare example of a mineral port with its own defences since its approaches are overlooked by the Charlestown Battery (late eighteenth century); a crenellated walled enclosure survives.

The evidence for several phases of expansion and building is particularly well preserved.

The settlement is in the form of a ribbon that follows Charlestown Road (late eighteenth century) down to the sea. Charlestown Iron Foundry (1825) and the site of Charlestown House tin smelter (1834) lie higher up the hill to the east and west of Charlestown Road.



Charlestown Harbour. Inner basin (1798, extended in 1871, Listed Grade II*)



Terraced housing (pre-1842, Listed Grade II), Quay Road.

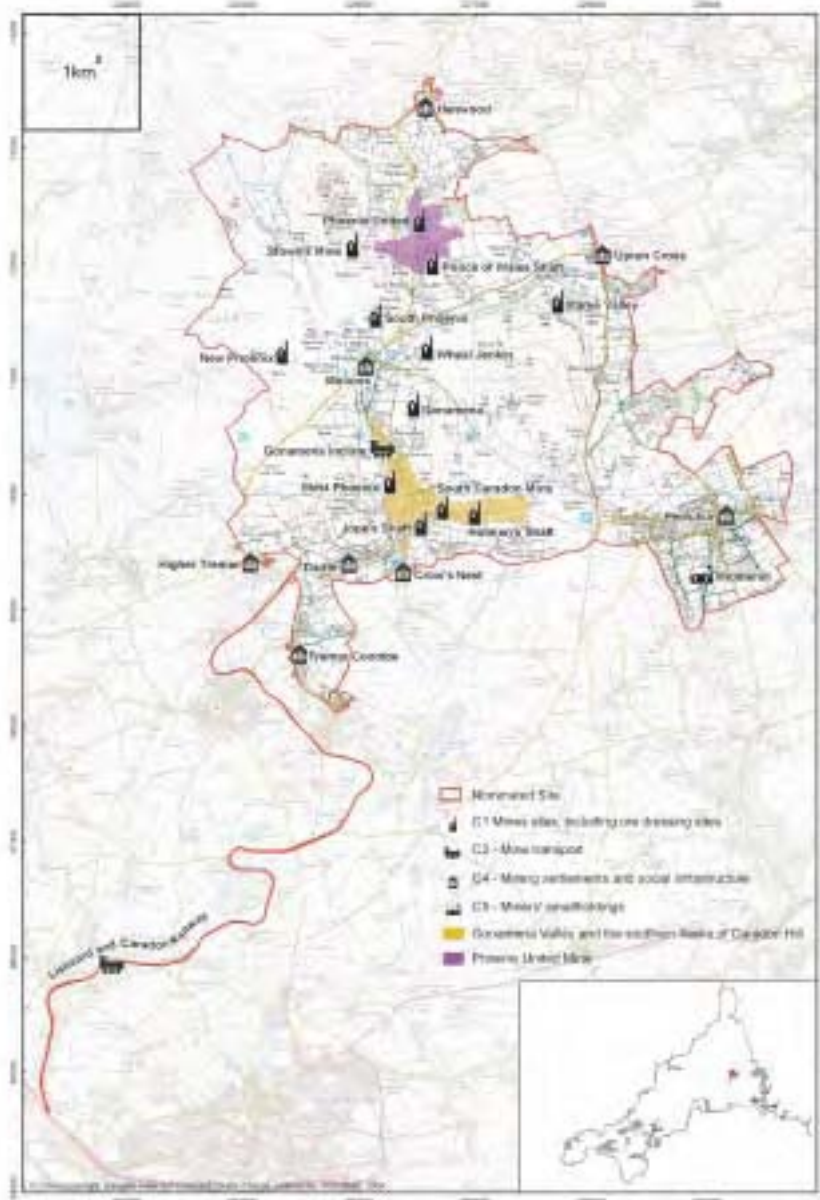


Charlestown Foundry established by J & R Michell in 1827. By the 1850s it was producing complete engines. The foundry had the distinction of casting the last pumping engine to be made in Cornwall in 1911.



Copper-ore floor. Cobbled yards for both copper-ore and coal are a distinctive feature of Charlestown.

A9 The Caradon Mining District



Principal sites, Caradon Mining District.

Located in the south-eastern corner of Bodmin Moor, the setting for this Area is characterised entirely by open, exposed, granite moorland, mostly above 300m OD. Nowhere else within the Site are such extensive mining remains found that date from such a limited period of operation (1840-90). They reflect a good example of a 'boom to bust' Cornish copper mining landscape.



South Caradon Mine. The remains of two pumping engine houses, side-by-side, represent an unusual example within the nominated Site.

The elevated moorland to the north of Caradon Hill - Craddock Moor and Rillaton Moor - is also rich in mining archaeology. There are no major river valleys in the Area though several important water-courses, such as the Seaton, have their source on this high ground. New settlements of terraced cottages, chapels and schools grew up around the mines. Minions is an example of a mining settlement on moorland, unconstrained in its development.



Minions.

The granite dome of Caradon Hill (404m OD) dominates the Area. Engine houses, chimney stacks and thousands of tonnes of waste rock tips encircle the hill. So does the bed of the Liskeard and Caradon Railway, built to link the mines with the copper-ore port of Looe.



Liskeard and Caradon Railway bridge (Listed Grade II) and embankment at South Caradon Mine. The Seaton Stream in foreground.

Other mining settlements may be seen at Darite, Tremarcombe, Upton Cross, Higher Tremar, Pensilva and Crow's Nest. There are also good examples of villages that expanded due to the mining boom, such as St. Cleer and Henwood. Numerous blocks of smallholdings created from open moorland can also be seen.

As the nineteenth century mines were single phase and, on closure, the sites reverted to rough grazing land, all aspects of mining activity are well represented within this Area.

Gonamena Valley and the southern flanks of Caradon Hill

Although there is exceptional evidence for tin-streaming at Gonamena, it was the extraordinary copper riches found at South Caradon Mine that were responsible for the rapid development of the Caradon Mining District. Over a period of fifty years its copper output ranked third in Cornwall.



South Caradon Mine (Scheduled Monument). The horse-drawn tramway track-bed passes through a tunnel beneath dumps and past the engine houses at Rule's and Holman's shafts.

Wheal Jenkin - Marke Valley



South Caradon Mine. The bright blue copper-stained adit level where, in 1836, the first strike of rich copper was made which sparked the mining boom.

Engine houses, such as the one at Jope's Shaft (1862; subsequently the site of the last man-engine to be built in Cornwall in 1872) and at Holman's Shaft (1875), form distinctive landmarks. The massive waste tips on both sides of the Seaton valley (West and South Caradon Mine) and on the southern flanks of Caradon Hill are a striking testament to the scale of operations beneath the moorland landscape. The mine's well-preserved cobbled dressing floor can still be seen in the valley floor.



Wheal Jenkin (1886, Scheduled Monument, Listed Grade II), Bellingham's Shaft pumping engine house.



Wheal Jenkin. Remains of the stamps engine house and chimney.



South Phoenix Mine (Listed Grade II). Houseman's engine house was once converted into a mine office.



Marke Valley Mine (1876, Scheduled Monument, Listed Grade II). Whim engine house that served Salisbury Shaft.

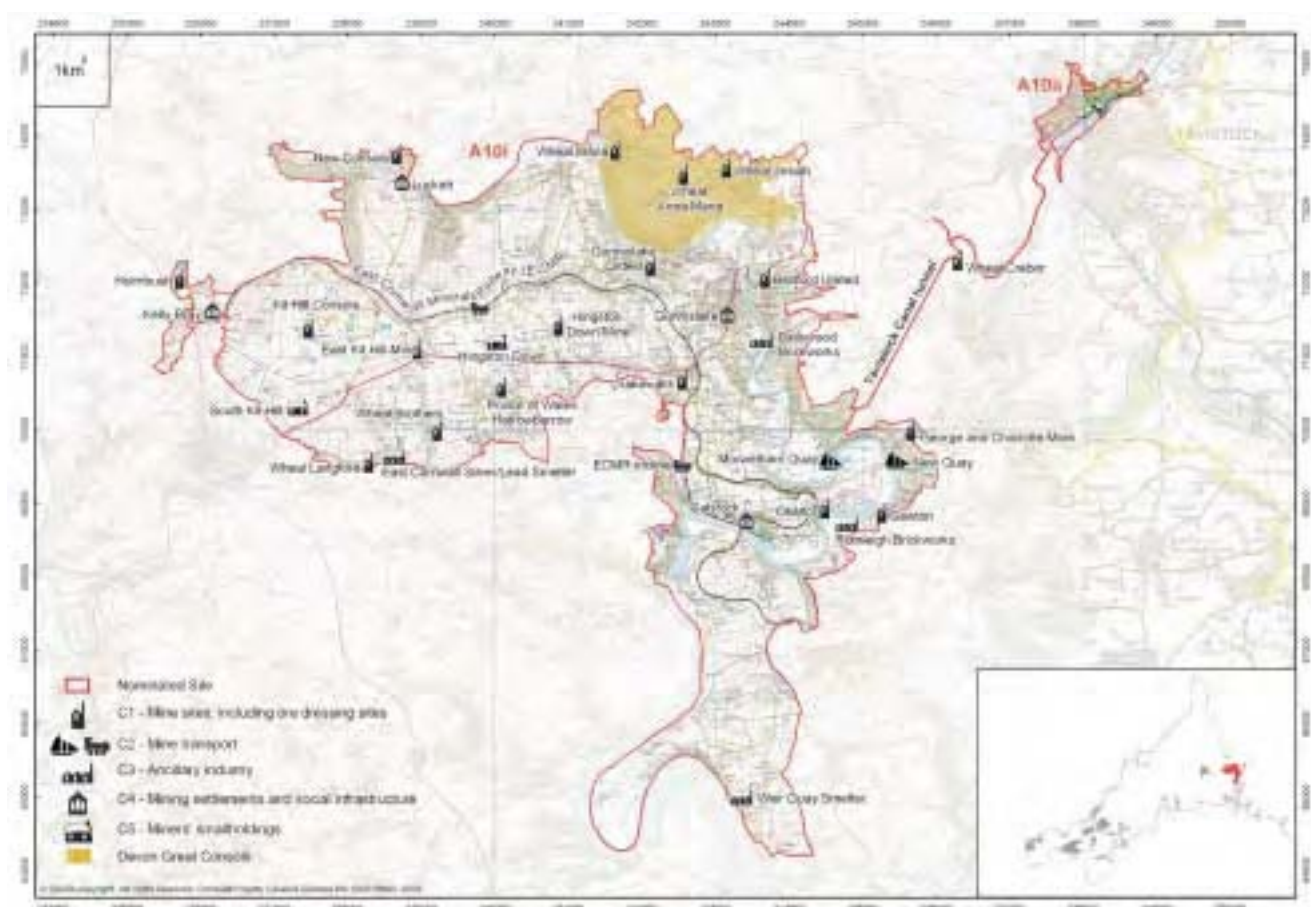
Phoenix United Mine

Both copper and tin were mined here, but it was tin that extended the life of this mine for some 15 years beyond that of South Caradon, and tin that explains its later, and most impressive, archaeology.

Phoenix Mine, Prince of Wales Shaft, (1907, Listed Grade II). The outstanding engine house was built for the last big pumping engine made in Cornwall (by Holman's Foundry, Camborne). It is a distinctive landmark within the Area and is a monument to spectacular failure and misplaced optimism. The adjacent single-phase group of buildings includes the remains of the boiler house, compressor house, winding-engine house and mill.



A10 The Tamar Valley Mining District



Principal sites, Tamar Valley Mining District.

The rounded granite summit of Kit Hill (333m OD) dominates the western part of the Area whilst high ground creates a distinctive landform running eastwards along the upland ridge of Hingston Down. At Gunnislake, on the western bank of the River Tamar, the granite ridge descends steeply to the river.



Miners' smallholdings (represented by the landscape of small fields, centre) are in stark contrast to larger fields (right) to the east of the River Tamar where land formerly belonged to the Bedford and Edgumbe Estates.



Gunnislake Clitters Mine (Scheduled Monument, Listed Grade II). Some mines are located in the Tamar Valley itself and here the topography imparts an unusual character, some having been worked beneath the river bed. This engine house pumped river water for dressing purposes.

The Tamar Valley forms the principal central landform of the district. Whilst the river flows from north to south, its great loops and bends follow a highly sinuous and changing course, and its sides are often steep and frequently wooded. To the east the landscape is rolling cultivated countryside that descends to the ancient market town of Tavistock, which nestles beneath the high granite uplands of Dartmoor.



Kit Hill Consols (1856, Listed Grade II). The ornate chimney stack - a prominent landmark - on the summit of Kit Hill.

The mines of this district exploited an important concentration of tin, copper and arsenic lodes most of which run parallel with the east-west axis of the granite and which were worked almost continuously from Callington to Tavistock.

Important silver-lead deposits have been mined in the Bere Alston peninsula. These are amongst the earliest documented mines (late thirteenth century) in southwest Britain and extensive surface and shallow-extraction mining features remain. There are notable survivals of several engine houses and a silver-lead smelter (1836, Tamar Smelting Company) at Weir Quay. They date from renewed mining activity during the nineteenth century.



Tamar Tin Smelting House, (Union Smelter, 1849, Listed Grade II), Weir Quay. This is the best survival of a reverberatory tin smelter in the nominated Site.

The natural highway for most of the traffic within the Area was the Tamar. The quays that lined its banks proved inadequate to deal with the volume of industrial traffic created during the nineteenth century, and both Calstock (Cornwall), and Morwellham (Devon) were developed as industrial ports with rail links to their mining hinterlands.



The East Cornwall Mineral Railway (commenced 1863), linked Calstock with Callington and connected a number of mines, an arsenic refinery, granite quarries, and brick, tile and fireclay works via an incline-plane railway to nearly 0.5km of quays at Calstock. Here the mining village and port developed as a huddle of terraced roads and houses whose layout was constrained by the steep topography.

From Gunnislake to Kelly Bray, near Callington, much of the railway track bed is still discernible. So are the remains of the industries the East Cornwall Mineral Railway once served.

For many mines the Tamar was also their principal power source, and it was ingeniously harnessed. The Area is consequently richly endowed with waterwheel pits. Those examples at Wheal Brothers and Wheal Benny are amongst its most spectacular.

Morwellham – a Tamar mining port



Morwellham (Listed Grade II). This was the busiest inland river port west of Exeter, taking vessels up to 300 tonnes. During the mid-nineteenth century it became the greatest copper ore port in the world due to the extraordinary output of Devon Great Consols which was discovered in 1844.

Morwellham is strategically sited at the centre of the Tamar Valley Mining District. It is some 3km below the tidal limit near Gunnislake and 32 km from Plymouth. The port occupies the floodplain of a wide meander and is backed by sharply rising and thickly wooded valley sides which rise to over 180m.

It was connected to Tavistock (6.5km away) via the Tavistock Canal completed in 1817. Morwellham was also connected to Devon Great Consols by a standard gauge mineral railway (and incline-plane) in 1859.

Calstock on the west bank of the River Tamar. The Tamar Valley Branch Line from Plymouth is carried over the river at a height of 39m by the magnificent concrete Calstock viaduct (1907, Listed Grade II *).



The Morwellham and Tamar Valley Trust (established 1969) have restored much of Morwellham as a museum of living history. Cottages, a school and a Wesleyan Chapel (1859) are amongst the buildings that have been restored.

Much of this transport infrastructure is represented by substantial archaeological remains. Between the slate-fronted former harbour master's house and the Ship Inn are the iron rails (1817) on slate sleepers that linked the canal incline with the old copper ore quays. Copper ore chutes survive in the rear retaining wall.



Morwellham, Devon Great Consols Copper Dock.

Beyond the mine is New Quay (extended to supplement the Devon Great Consols copper ore quay at Morwellham during the 1840s).

Devon Great Consols

The largest copper mine in the Site is Devon Great Consols. It covers 67 hectares and is now mostly occupied by a conifer plantation.



Wheal Josiah Cottages (1854, Listed Grade II) built by the company for key personnel.

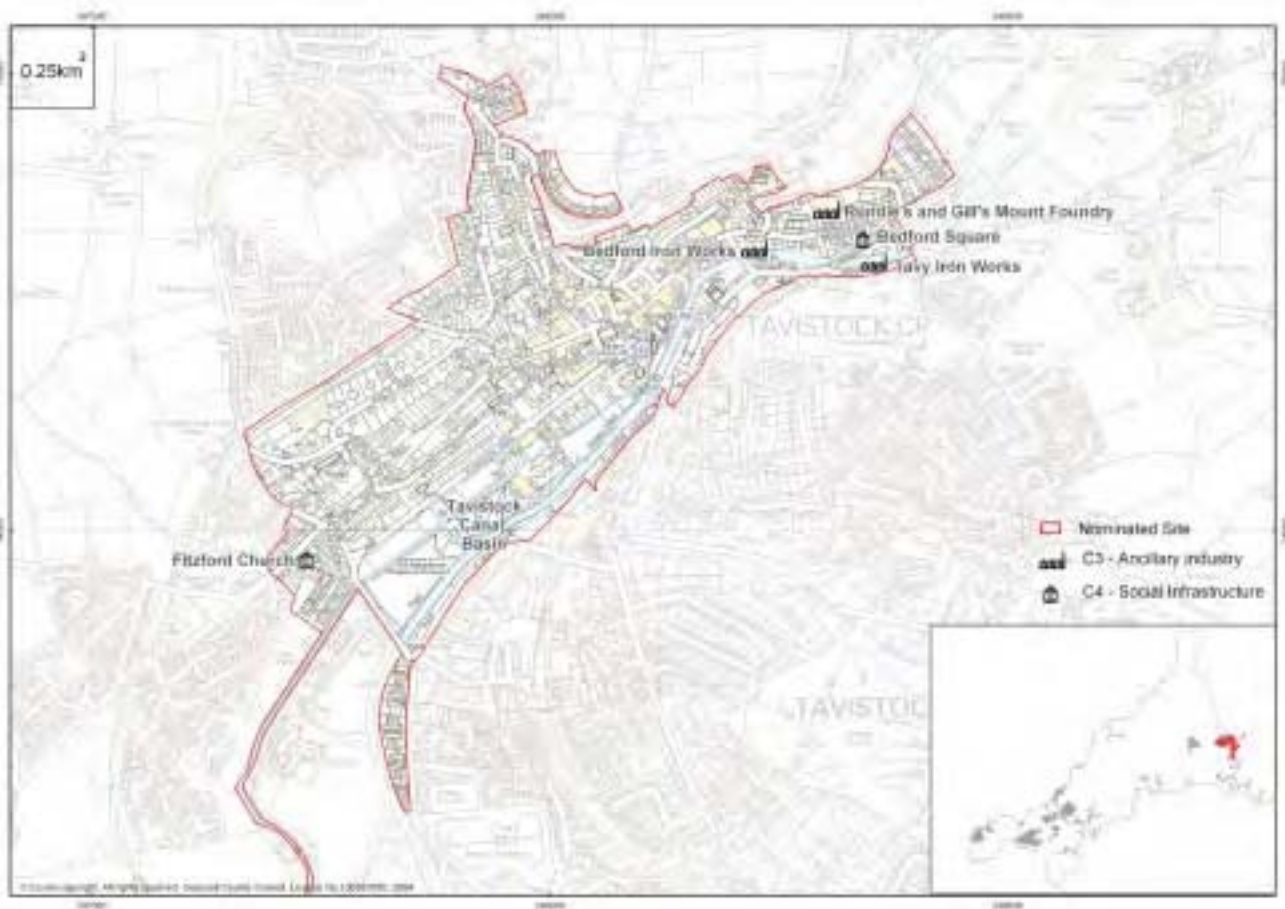


Devon Great Consols, Captains' house. A self-contained community lived in company-built housing on the mine.

Devon Great Consols (Wheal Josiah). Immense burrows and remains of arsenic refining dominate large areas of the valley sides; 742,400 tons of copper ore was produced between 1845 and 1903. This was the highest recorded production of copper-ore of any mine within the nominated Site. The mine's arsenic output dominated the world's supply.



A10ii Tavistock



Principal sites, Tavistock.

Tavistock is a medieval stannary town, re-modelled during the nineteenth century using the profits of copper mining, notably from Devon Great Consols (A10i) and Wheal Friendship (Mary Tavy). It includes a number of impressive contemporary public buildings and model housing for workers as well as the inland terminus of an important mineral canal.



The rolling cultivated countryside to the east of the Tamar Valley contains comparatively large farms. There are almost no settlements. There are no former land plots for the owner-occupied miners' cottages and smallholdings, so common in many of the mining districts in Cornwall.

The historic core of Tavistock is on the level plain north of the river Tavy. Nineteenth century expansion took the form of terraced developments on the hill behind.



Imposing architecture facing Bedford Square.

Tavistock's buildings, many built using the distinctive greenish-grey Hurdwick Stone, includes early financial institutions such as the Tavistock Bank (1791) in Market Street and the Tavistock Savings Bank (1816).



The bronze statue of Francis Russell (1788-1861), the seventh Duke of Bedford. It is said that both the metal and stone used in its construction had been raised on the Bedford Estate.

Both in architecture and plan Tavistock exudes confidence. Landmarks include: the Bedford Hotel (remodelled 1822-29); Plymouth Road (1822) lined on the north by elegant villas; the Corn Market building (1835) in West Street; the Guildhall (1848); the Pannier Market (1860); the Town Hall (1860) which faces Bedford Square; and the enormous Fitzford Church (1867).

Bedford Cottages

High-quality industrial housing – that comprise a number of different designs – form a distinctive industrial aspect to Tavistock and some of the surrounding hamlets. Most were two-up two-down, and had outbuildings for wood and ashes and a pigsty.



Part of Mount Foundry (1866, Listed Grade II, top right) with Bedford Cottages in the foreground. This was the first iron foundry established in the town. In 1805 they advertised *the newly invented machine for crushing copper-ore needs no other recommendation of its utility than an enquiry at Crowndale or Friendship Mines*. In 1810 the foundry began to manufacture ore-barges, made of iron, for the Tavistock Canal.



Bedford Cottages. Following the discovery, in 1844, of the immensely rich copper lode at Devon Great Consols, there was a large influx of workers to the Tavistock district. In response to a serious shortage of housing and gross overcrowding (which became a local scandal) 268 'model' industrial workers' cottages were built in and around Tavistock (between 1845 and 1866) by Francis the 7th Duke of Bedford.

Iron foundries

Substantial remains of three nineteenth century iron foundries are located within the urban core of Tavistock. Mount Foundry (1805, later Tavistock Iron Works) is extensive and includes foundry buildings and associated workers' housing.

Largely intact buildings of the Tavy Iron Foundry (1850) survive on both banks of the river Tavy near Stannary Bridge.

Bedford Iron Works (Nicholls, Williams & Mathews' 1842) still stands in Bannawell Street.

The Tavy Iron Works (1869) on the west bank of the river Tavy. The roof (bottom left) is of Gill's 'Lower Foundry' and was on the site of Isaac & Bray's Foundry (1800-1804) which was used for tin smelting around 1815.



Tavistock Canal (built 1803-17)

The link between Tavistock, its mining hinterland and the Tamar port of Morwellham is via the Tavistock Canal, one of the finest surviving examples of a canal constructed primarily for mineral traffic. Old warehouses, cottages and an ore storage floor (now a car park) mark the site of Tavistock Old Wharf whilst nearby the sluice intake from the river Tavy still functions.

The Canal emerges from the tunnel at an elevation of 72 metres above Morwellham. The terminal basin (now dry), together with an associated canal keeper's cottage, survives next to the head of the former waterwheel-powered incline plane railway which allowed ore to be transported to the quay below. The bed of the incline plane, and a number of associated features remain.



Lock gate, Tavistock Canal. To provide a current, the canal was to drop *roughly one foot per mile*.

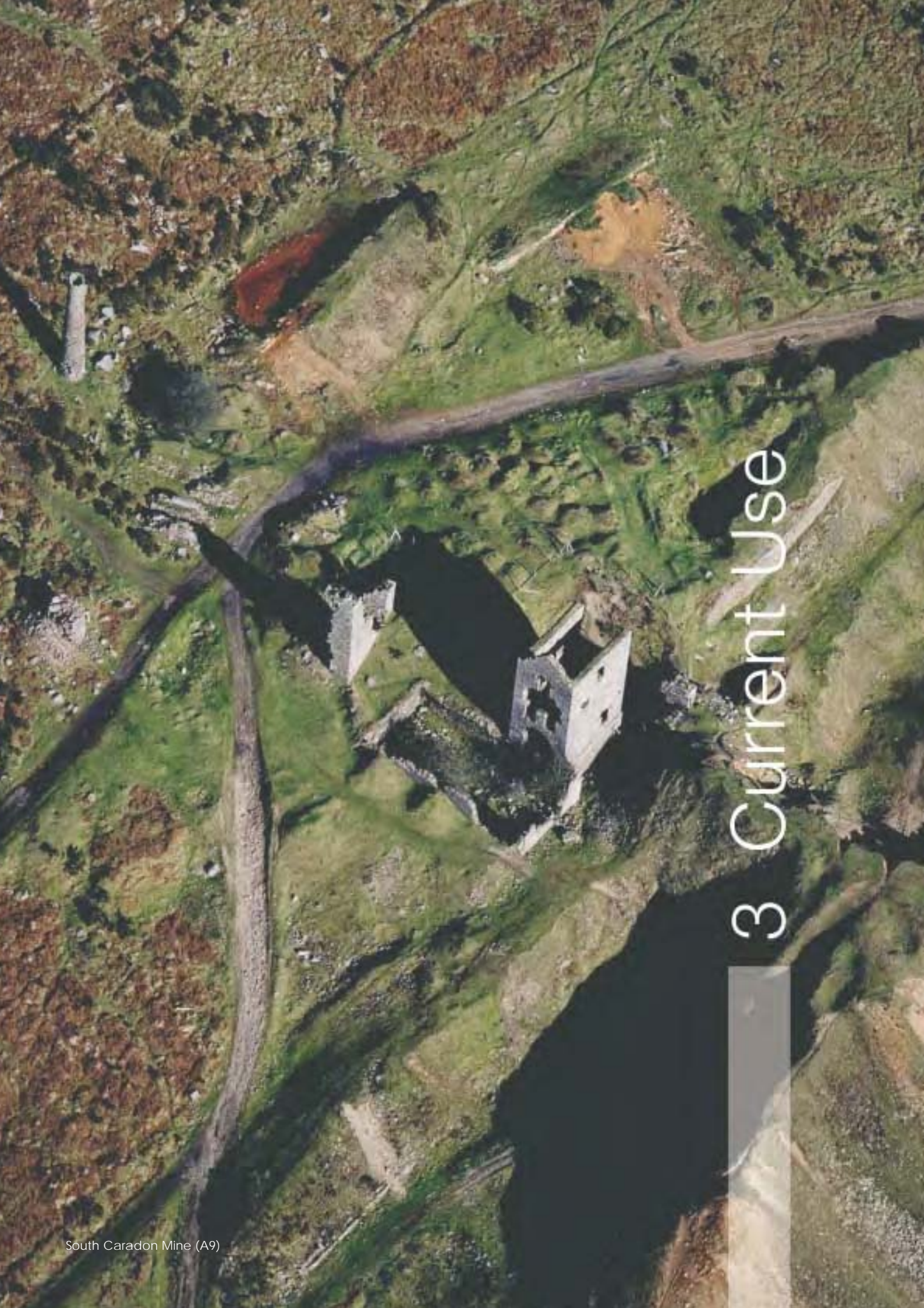
The canal, 7.2km long and just over 5m wide by 1m deep, remains in good order and still carries water along almost its entire course. It crosses the river Lumburn near Crowndale on a stone aqueduct, then narrows to 2m wide as it passes through a 2.4km long tunnel.



Tavistock Canal tunnel, southern portal (1803, Listed Grade II). Not a single fatal accident occurred during the entire construction of the Tavistock Canal.



Tavistock Canal. The canal is a fitting memorial to the brilliance of mining engineer John Taylor (1779-1863) who managed important copper and lead mines at Wheal Friendship and Wheal Betsy in the Mary Tavy mining district north of Tavistock.



3 Current Use

Part Three: Current management and use of the Site

This section describes the current position of the Site, the protection, stakeholder interest, strategic plans and visitor facilities. This section establishes the baseline from which the issues emerge, and which are discussed later in Section 4.

3.1 Stakeholders in the Site

The size of the Site means that there are a wide range of people and organisations with an interest in it, which we collectively identify as stakeholders. There are many organisations with a statutory responsibility for land, assets or functions within the Site. There are also agencies, groups and individuals with interests spanning economy, tourism, conservation, education and research interest in the Site. There are also a large number of public and private bodies and private individuals who own land or assets within the Site. This range of stakeholders are represented on the Bid Partnership, and should be represented within the post-Inscription management body (see Part 6 for further details).

3.2 Land ownership in the Site

The Site extends across 19808 hectares and with it a variety of ownerships both public and private, large and small scale. A proportion (8.4%) of the Site is in the ownership of local authorities and the National Trust (see table 3 below). A proportion (8.6%) of the Site is owned and managed by large estates (including the Duchy of Cornwall, the Tregothnan Estate, the St. Levan Estate, the Bolitho Estate, the Godolphin Estate, the Bradford Estate, the Williams Estate and the Clowance Estate), and a series of trusts and charities including the RSPB, Cornwall Wildlife Trust, Woodland Trust and Cornwall Heritage Trust. Collectively these organisations own many of the significant components within the Site (see table 4).

By far the largest ownership (83%) within the Site is made up of small scale private ownership. The Management Plan will need to ensure that all owners within the Site have access to information, can participate and benefit. Publicly accountable bodies should set exemplary standards and a commitment to conservation, sustainable development and public access.

Land owner	Area (ha)
Carrick District Council	75
Caradon District Council	8
Cornwall County Council	354
Devon County Council	2
Kerrier District Council	89
National Trust	1055
North Cornwall District Council	0
Penwith District Council	11
Restormel Borough Council	88
Tavistock Town Council	5
West Devon Borough Council	2
Total	1671 (8.4 % of nominated Site)

Table 3. Size of land ownership within the World Heritage Site by publicly accountable bodies.

World Heritage nominated Area	Owners/Managers of key components
St Just (A1)	Cornwall County Council - Geevor Mine National Trust - most of the key coastal mining sites within this area including Botallack, manage a large proportion of the Levant Mine site on behalf of Cornwall County Council.
Port of Hayle (A2)	Royal Society for the Protection of Birds - wildlife reserves in West Cornwall covering Carnsew Pool and Copperhouse Pool Cornwall Trust for nature Conservation - manage the Harvey's casting sand pits at St. Erth Penwith District Council – Harveys Foundry
Tregonning and Gwinear with Trewavas (A3)	Kerrier District Council - Binner Downs South Mine National Trust - own Godolphin Hill, Godolphin Mine Count House, and Wheal Prosper and two small agricultural properties at Trenow and Venton Farm.
Wendron (A4)	National Trust - Porkellis Moor
Camborne-Redruth (A5)	Kerrier District Council - substantial portions of the Red River from Roskear to Gwithian, and former mining land at West Wheal Seton, Roskear, Tolvaddon, Cooks Kitchen, Dolcoath, South Condurrow, West Basset and Newton Moor, the Basset Mines, Seleggan, Carn Brea, Tresavean, South Crofty and Tolskithy and leases parts of Grenville United, Wheal Uny and Buller Downs. National Trust - Trevithick's Cottage, Mitchell's Whim, the Taylor's Shaft site and Robinson's pumping engine.
Gwennap, Devoran, Perran & Kennal Vale (A6)	Kerrier District Council – parts of Carn Marth Tregothnan Estate – Wheal Busy Cornwall Wildlife Trust – Kennal Vale Gunpowder works
St Agnes (A7)	Carrick District Council - Wheal Kitty, the lower part of Trevelas Coombe, St. Agnes Head, parts of Poldice and West Poldice, Cligga Head and Point Mills, Bissoe, as well as a number of unrelated development plots and industrial estates. It also leases part of Killifreth Mine. National Trust - own Wheal Coates and Chapel Porth, St. Agnes Head, St. Agnes Beacon, and Wheal Prudence
Luxulyan Valley with Charlestown (A8)	Cornwall County Council & Restormel District Council – Luxulyan Valley Cornwall Heritage Trust - own and manage the Treffry Viaduct
Caradon (A9)	Caradon District Council - Prince of Wales Shaft site, Phoenix United and Houseman's engine house, South Phoenix
Tamar Valley with Tavistock(A10)	Cornwall County Council – Kit Hill, Drakewalls Mine Duchy of Cornwall – Drakewalls Mine, Prince of Wales Mine, Gunnislake Clitters Mine Caradon District Council - an area on Hingston Downs and the course of the leat running from Higher Sherwell to Drakewalls. National Trust - Cotehele Estate Morwellham & Tamar Valley Trust - Morwellham Quay Devon County Council – parts of Tavistock South West Water – Tavistock Canal Tavistock Town Council – parts of Tavistock

Table 4. Ownership or management body for some of the significant components in the World Heritage Site.

3.3 Statutory and non-statutory protection

The United Kingdom is party to the World Heritage Convention, although World Heritage Sites do not have statutory protection within the United Kingdom.

Cornwall and West Devon contain many statutory designations of European and United Kingdom origin for natural, historic and landscape importance. Some of these designations incidentally include parts of the Cornish Mining nominated Site and may provide some indirect protection. Other designations have been specifically applied to protect historic mining sites and broader built landscapes. Designation maps are included in Appendix G.

AONB

Cornwall Area of Outstanding Natural Beauty was designated in 1959 with additional areas added in 1985 and covers 12 distinct areas comprising 958 sq km. The Tamar Valley Area of Outstanding Natural Beauty was designated in 1995 and is split into two areas (Tamar-Tavy area and the Lynher area) covering 190 sq km.

Scheduled Monuments

Under the Ancient Monuments & Archaeological Areas Act 1979, 148 Scheduled Monuments have been designated within the World Heritage Site ranging in time from prehistory to the Second World War. At the commencement of the World Heritage Site Bid a commitment was made by the English Heritage Monuments Protection Programme to prioritise the scheduling of mine sites and mine related structures within the proposed Bid areas in Cornwall and West Devon. A shortlist of local sites has been compiled which targets those of greatest national importance that are most under threat from neglect or development pressures. Twenty sites have been considered since May 2003, and scheduling proposals recently submitted include the Robinson's Shaft complex at South Crofty, Geevor Mine in Pendeen, the East Pool Whim and Taylor's Shaft engines at Pool, and the New Sump Shaft complex at Dolcoath in Pengegon. Others that have been deferred pending the completion of site consolidation works include the Botallack Mine and calciner, and the Kenidjack East Works.

Listed buildings

There are 358 Listed Buildings designated under the Planning (Listed Buildings & Conservation Areas) Act 1990, within the Site that are recorded within the listing description to have been directly linked to mining or an

associated industry or activity. However, there are approximately 2000 listed buildings in total within the Site.

Register of Parks & Gardens

The national Register of Parks & Gardens of Special Historic Interest maintained by English Heritage includes three gardens within the Site at Godolphin, Carclew and Cotehele.

Conservation Areas

33 Conservation Areas have been designated locally under the Planning (Listed Buildings & Conservation Areas) Act 1990 principally around historic mining settlements to protect and conserve their special character and interest. The Cornwall Industrial Settlements Initiative has resulted in proposals for additional and amended Conservation Areas within 29 mining settlements, which are being implemented as resources allow.

There are several designations for the natural environment within the Site which include Sites of Special Scientific Interest (SSSI), European Special Area of Conservation (SAC), candidate SAC, Wildlife Trust sites, National Nature Reserves, Local Nature Reserves, Heritage Coast and County Geological Sites (formerly Regionally Important Geological Sites (RIGS)). These designations range in importance from European, national and local, and provide differing levels of protection, both direct and indirect, to the Site. Two of these are particularly relevant:

SSSI

There are 26 Sites of Special Scientific Interest (SSSI) within the nominated Site whose special interest leading to designation is based on their mineralogical value. For example there are two SSSIs within the Tamar Valley Bid area whose special interest is based on the minerals which are to be found on the old spoil dumps. Where SSSIs have been designated in relation to the historic mining landscape their statutory protection contributes directly to the Site.

County Geological Sites

County Geological Sites (CGS), formerly known as Regionally Important Geological Sites (RIGS), are places of geological or geomorphological interest (excluding sites of national importance designated SSSIs), that are considered worthy of protection for their

education, research, historical or aesthetic importance. These sites display evidence for the earth's formation and transformation through rocks, minerals, fossils and landforms. Few areas within the United Kingdom contain a comparable wealth of geological heritage as Cornwall and West Devon. CGS/RIGS are selected by the Cornwall and Devon RIGS Groups. There are 23 CGS within the Site in Cornwall, and the recent geodiversity audit of the Tamar and Tavy rivers has proposed eight CGS within the Site in West Devon. Protection for CGS comes through policies in both the Cornwall and Devon Mineral Local Plans and other local plans.

3.4 Legislative framework

An established framework of legislation and planning policy exists within which the management of the Site will take place. This framework stems from European Union, United Kingdom central, regional and local government. Supporting the statutory system are conventions, codes of practice and guidance. Some of these protective measures are administered by United Kingdom central government and some by local authorities. A glossary of planning terms is included in Appendix C.

International

The World Heritage Convention (adopted by UNESCO in 1972) was ratified by the United Kingdom in 1984. The Convention provides for the identification, protection, conservation and presentation of cultural and natural sites of outstanding universal value, and requires a World Heritage List to be established under the management of an inter-governmental World Heritage Committee. Under the terms of the Convention the United Kingdom makes an annual contribution to the UNESCO's World Heritage Fund which helps to protect World Heritage Sites in danger, usually in the Third World or war-affected countries. Implementation of the World Heritage Convention is overseen by UNESCO's World Heritage Committee. The United Kingdom Government was successful in gaining election to the World Heritage Committee in October 2001, for the first time, for a four year term. The Department for Culture, Media and Sport is responsible for the United Kingdom's general compliance with the Convention, and for nominating sites in England.

The Valetta Convention. In order to better understand and protect the common historic heritage of Europe, the member States of the Council of Europe and the other

States party to the European Cultural Convention signatory drew up the Valetta Convention (The European Convention on the protection of the archaeological heritage (revised)) in 1992. The convention consists of 18 Articles which define the common archaeological heritage, set out measures for its protection, guarantee the scientific significance of archaeological research work, provide for public financial support for archaeological research, encourage the dissemination of the results of that research, promote awareness of the importance of the historic heritage, seek to prevent the illicit circulation of artefacts and encourage international co-operation and scientific assistance. The Convention stresses the agreement of the member states that the archaeological heritage was both essential to a knowledge of the history of mankind and at the same time increasingly at risk. It identified a need for the protection of the archaeological heritage to be reflected in town and country planning and cultural development policies.

The Nara Document on Authenticity builds on the Charter of Venice, 1964 and recognises that in a world undergoing increasing globalisation and homogenisation the search for cultural identity can sometimes be pursued through aggressive nationalism and the suppression of the cultures of minorities. All cultures and societies are rooted in tangible and intangible expression which constitute their heritage and these should be respected. It is essential that authenticity is achieved in conservation practice to illuminate the collective memory of humanity.

European Union Directive on the management of waste from the extractive industries. In 2003 the European Commission adopted a proposal for an European Union Directive on the management of waste from the extractive industries (i.e. mining and quarrying). The proposal seeks to prevent or reduce, as far as possible, any adverse effects on the environment, and any resultant risks to human health, brought about as a result of the management of waste from the extractive industries. One element of this Directive may be the need to compile an inventory of sites, although the Directive appears to be directed to new mining sites rather than past or historic sites provided there is no danger to health. Concerns about the possible effects of the Directive on the historic environment have been raised by English Heritage with representatives in the United Kingdom government who are currently assessing its impact.

Strategic Environmental Assessment (EU Directive 2001/42). The objective of the SEA Directive is to provide for a high level of protection of the environment and to contribute to the integration of environmental considerations into the preparation and adoption of plans and programmes with a view to promoting sustainable development. The Directive requires environmental assessments to be carried out for a range of plans and programmes likely to have significant effects on the environment whose formal preparation began after 21 July 2004. While this Management Plan is not subject to SEA, some of the agreed plans and strategies referred to in Section 3.5 will be subject to SEA when they are reviewed or completed.

National Legislation

The Ancient Monuments & Archaeological Areas Act 1979 provides the statutory framework under which a schedule of archaeological and historical monuments deemed to be of national importance is established and maintained, as well as the basis for protecting these sites and controlling works to them through a formal system of Scheduled Monument Consent. English Heritage are the agency who deliver advice to the Department of Culture, Media and Sport on the inclusion of sites on the schedule and the granting of consents.

The Planning (Listed Buildings and Conservation Areas) Act 1990

Listed Buildings: under this legislation the government maintains a list of buildings of special architectural or historic interest, and operates a Listed Building Consent process to control works which affect them.

Conservation Areas: under this legislation local authorities can designate areas of historical or architectural importance. This is mostly used in urban areas. The legislation places a duty on local planning authorities to identify the special qualities and formulate proposals for the conservation and enhancement of Conservation Areas, often called Conservation Statements.

The Town and Country Planning Act 1990 1990 require authorities to have regard to environmental considerations, including those relating to the historic, natural and cultural heritage in preparing their Development Plan policies and proposals (**Planning & Compensation Act 1990**). **The Planning and Compulsory Purchase Act 2004** resulted from the United Kingdom government's Planning Green Paper 2001 and modernises the development plan system by introducing Regional Spatial Strategies, Local

Development Frameworks and abolishing Structure Plans. Local Development Frameworks will relate to Local Community Strategies and contain the core spatial strategy. They will be supported by a portfolio of documents including Area Action Plans for those areas with significant regeneration or conservation needs, and non-statutory Supplementary Planning Documents.

The Town and Country Planning (General Permitted Development) Order 1995 (GPDO): permitted development rights allow certain types of minor and uncontentious development to proceed without the need for a planning application, since planning permission for them is deemed to be granted. Under the GPDO, Article 4 Directions can be issued by the local planning authority to restrict some permitted development rights, and are typically used to control minor alterations in Conservation Areas. Article 7 Directions allow the mineral planning authority to remove permitted development rights for removal of mineral working deposits where it is on land within an AONB or site of archaeological interest, however the payment of compensation hampers the use of this power. The United Kingdom government (ODPM) has recently commissioned a study (Nathaniel Lichfield 2003) into the effectiveness of the GPDO.

Town and Country Planning (Environmental Impact Assessment) Regulations 1999 Environmental Impact Assessment (EIA) is a procedure that must be followed for certain types of development before they are granted development consent. The requirement for EIA comes from a European Directive and the procedure requires the developer to compile an Environmental Statement (ES) describing the likely significant effects of the development on the environment and proposed mitigation measures. The need for an ES, or whether the proposed development is deemed to fall within the Schedules triggering ES, is determined by a Screening Opinion sought from the Local Planning Authority or other competent authority. The content is agreed under a Scoping Opinion sought from the Local Planning Authority. It is common for the impact on historic environment to be examined by an ES. The ES must be circulated to statutory consultation bodies and made available to the public for comment. Its contents, together with any comments, must be taken into account by the competent authority before it may grant consent.

The Environment Act 1995 introduced new requirements for an initial review and updating of old mineral planning permissions and the periodic review of all mineral permissions thereafter. It has long been recognised that mineral working is different from other

forms of development, that the operation of the site can significantly change its impact over its lifetime and the standards of society can also change. Mineral Planning Guidance 14 (MPG14) gives advice to mineral planning authorities and the minerals industry on the statutory procedures to be followed and the approach to be adopted to the preparation and consideration of updated planning conditions in the review process.

Hedgerow Regulations 1997

The Hedgerows Regulations 1997 were made under section 97 of the Environment Act 1995 and introduced new arrangements for local planning authorities in England and Wales to protect important hedgerows in the countryside, by controlling their removal through a system of notification. The Regulations set out the criteria that must be used by the local planning authority in determining which hedgerows are important. The criteria relate to the value of hedgerows from an archaeological, historical, landscape, amenity or wildlife perspective. They exclude hedgerows that are less than 30 years old. If a hedgerow is at least 30 years old and qualifies under any one of the criteria, then it is important.

The National Parks and Access to the Countryside Act 1949 established procedure for the creation of Areas of Outstanding Natural Beauty (AONB). This was strengthened by **The Countryside and Rights of Way Act (CROW) 2000**, which intended to facilitate greater public access to the countryside, including placing a duty on local authorities to produce management plans for AONBs and the local authority's duty to establish an independent Local Access Forum that will advise the council on its Rights of Way Improvement Plans.

The Wildlife and Countryside Act (Amended)1991 includes provision for the notification of SSSIs by reason of their flora, fauna or geological features.

Disability Discrimination Act 1995

The Disability Discrimination Act (DDA) aims to end the discrimination which many disabled people face. This Act gives disabled people rights in the areas of employment, access to goods, facilities and services, and buying or renting land or property. Part III of the DDA gives disabled people important rights of access to everyday services that others take for granted. Since October 1999, service providers have had to consider making reasonable adjustments to the way they deliver their services so that disabled people can use them. The final stage of the duties, which means service providers may have to consider making reasonable

permanent physical adjustments to their premises, came into force in October 2004.

National Guidance

Guidance on government planning policy is contained in a series of Planning Policy Guidance Notes, now being superseded by Planning Policy Statements. These include PPS7 Sustainable Development in Rural Areas, PPS11 Regional Spatial Strategies, PPS12 Local Development Frameworks and PPS22 Renewable Energy. The two most closely associated with the historic environment are PPG 15 and PPG16.

PPG 15 This guidance provides a full statement of UK government policies for the identification and protection of historic buildings, conservation areas, and other elements of the historic environment, and explains the role played by the planning system in their protection and treatment as a material consideration in development proposals. Local planning authorities should ensure that they have appropriately qualified specialist advice available. In paragraph 6.3.5 local planning authorities are encouraged to work with owners and managers of World Heritage Sites and other agencies, to ensure that comprehensive management plans are in place.

PPG15 specifically refers to World Heritage Sites and the spatial planning process in paragraphs 2.2.2-3 as follows:

2.2.2 ...No additional statutory controls follow from the inclusion of a site in the World Heritage list. Inclusion does, however, highlight the outstanding international importance of the site as a key material consideration to be taken into account by local planning authorities in determining planning and listed building applications, and by the Secretary of State in determining cases on appeal of following call-in.

2.2.3 Each local authority concerned, taking account of World Heritage Site designation and other relevant statutory designations, should formulate specific planning policies for protecting these sites and include these policies in their development plans. Policies should reflect the fact that all these sites have been designated for their outstanding universal value, and they should place great weight on the need to protect them for the benefit of future generations as well as our own. Development proposals affecting these sites or their setting may be compatible with this objective, but should always be carefully scrutinised for their likely effect on the site or its setting in the longer term. Significant development proposals affecting World Heritage Sites will generally require formal environmental assessment, to ensure that their immediate impact and their implications for the longer term are fully evaluated.

PPG 16 This guidance for planning authorities in England, property owners, developers, archaeologists, amenity societies and the general public sets out the UK government's policy on archaeological remains on land, and how they should be a material consideration in the planning system. PPG16 establishes the policy of preservation in situ of nationally important archaeological remains and the applies the principle of polluter pays where archaeological remains will be destroyed by new development. It gives advice on the handling of archaeological remains and discoveries under the development plan and development control systems including the use of planning conditions, the requirement for developers to provide adequate information on the impact of proposals on archaeological remains, and to arrange for recording and publication in mitigation.

Register of Parks & Gardens of Special Historic

Interest: Parks and Gardens included within this national register maintained by English Heritage are not subject to additional statutory controls. However PPG15 guides planning authorities to take account of the need to protect registered parks and gardens when preparing development plans and in determining planning applications. The Register acts as guidance to local authorities on those parks and gardens deemed to be of national importance and most needy of protection.

National Reviews

The Historic Environment: A Force for Our Future 2001. This document represents the United Kingdom Government's response to English Heritage's report **Power of Place** and gives a clear commitment on the importance of the historic environment. Covering the areas of education, social inclusion, planning, conservation, regeneration and tourism, this document sets out the agenda and 54 action points for Government, English Heritage and the wider historic environment sector. This document is a guide to the United Kingdom government's position and an indication of the roles that the historic environment should play in the future. It also sets out a proposal to review heritage protection.

Protecting the Historic Environment; making the system work better 2003. In July 2003 the government published a consultation paper **Protecting the Historic Environment; making the system work better**. This paper proposes changes requiring primary legislation to bring together the disparate mechanisms for protection

under one single combined Register. This will include World Heritage Sites which currently have no statutory basis in the United Kingdom, at a stroke bringing a new level of protection to the Site. Following the consultation in June 2004 the government issued *Review of Heritage Protection; The Way Forward* outlining a series of short term and long term measures to bring about change. The World Heritage Site Office and Partnership will need to be aware of any new legislation over the next 5 years and the implications for our Vision & Aims of increasing protection.

Sustainable Communities. The United Kingdom government launched the Communities Plan (Sustainable Communities: Building for the future) in 2003. The Plan sets out a long-term programme of action for delivering sustainable communities in both urban and rural areas. The Plan includes not just a significant increase in resources and major reforms of housing and planning, but a new approach to how we build and what we build. The plan of action aims to focus the attention and co-ordinate the efforts of all levels of Government and stakeholders in bringing about development that meets the economic, social and environmental needs of future generations as well as succeeding now. The Plan to consists of several key elements: addressing the housing shortage; decent homes; liveability; and protecting the countryside. Housing and the local environment are vitally important. But communities are more than just housing. It is part of the Government's wider drive to raise the quality of life in our communities through increasing prosperity, reducing inequalities, more employment, better public services, better health and education, tackling crime and anti-social behaviour.

The Role of Historic Buildings in Urban Regeneration. This report by United Kingdom government committee in 2004 examined evidence on the role that the historic environment plays in providing a catalyst for improvements to towns and cities, reinforcing a sense of community, making a contribution to the local economy. The report encourages local authorities to incorporate a clear role for historic buildings in their regeneration strategies, and allow new uses for historic buildings where the original use is no longer relevant or viable. The report also identifies that there is a significant shortage of conservation officers especially those with an understanding of regeneration and funding issues and this skills deficit has not been addressed. The system of grants and tax incentives is confusing and can be a disincentive to reusing historic buildings.

3.5 Agreed plans and strategies

There are a range of agreed plans which relate to the Site directly or indirectly listed in table 5 below. These range from strategic planning documents at regional, county and local level, through to overarching strategies guiding community, economy, tourism, transport or heritage, and business plans, management plans and conservation plans for specific agencies, landscapes or projects. All of these strategies are of relevance to the World Heritage Site Vision & Aims.

The World Heritage Site Office has been successful at integrating the Site into many existing agreed plans, and opportunities are being taken as they arise with new plans to include provision for the Site in the most appropriate way. Explanation of the status and content of some of these plans is provided below.

Title	
Regional Planning Guidance for the South West (RPG10)	Government Office South West 2001
Our Environment Our Future – The Regional Strategy for the South West	South West Regional Assembly 2004
A Strategy for the Historic Environment in the South West	English Heritage 2004
Cornwall Structure Plan	Adopted 2004
Devon Structure Plan 2001-2016	Adopted 2004
Design Statement for Cornwall	2002, proposed SPG
Cornwall Minerals Local Plan	Adopted 1998
Devon Minerals Local Plan	Adopted 2004
Caradon Local Plan	Adopted 1999, Deposit Draft 2003
Carrick Local Plan	Adopted 1998
Kerrier Local Plan 1996-2001	Deposit Draft
North Cornwall Local Plan	Adopted 1999 Issues & Options Study 2003
Penwith Local Plan	Adopted 2004
Restormel Local Plan 2001-2011	Adopted 2002 Issues & Options study 2003
West Devon Local Plan	Modifications Stage due for adoption 2005
Cornwall Local Transport Plan 2001-2006	Cornwall CC
Devon Local Transport Plan 2001-2006	Devon CC 2000
Cornwall Heritage & Culture Strategy (and subsequent Action Plans)	Cornwall County Council, Royal Cornwall Museum, South West Arts, South West Museums Council, District Councils 2001
Cornwall's Community Strategy	Cornwall Strategic Partnership 2003
Devon's Community Strategy	Devon Strategic Partnership Draft 2004
The Human Habitat, Devon's Historic Environment; Devon County Council's Role & Action Programme for the Historic Environment	Devon CC 2003
Tamar Valley AONB Management Plan 2004-2009	Tamar Valley AONB Partnership 2004
Cornwall AONB Management Plan 2004-2009	Cornwall AONB Partnership 2004
Cornwall Tourism Strategy	Cornwall & Isles of Scilly Economic Forum 2000
Cornwall Tourism Forum Draft Business Plan & Strategy	Draft 2004
Cornwall Sustainable Tourism (COAST) Business Plan	2004
Tourism – Everybody's Business: Devon County Councils Tourism Role & Action Programme	Devon CC 2003
Economic Strategy & Action	Cornwall & Isles of Scilly Economic Forum 2003
Cornwall County Council's Economic Development & Regeneration Strategic Plan 2003 - 2008	2003
Camborne-Pool-Redruth Urban Regeneration Company Business Plan	2003

Table 5. Agreed plans and strategies.

Strategic Action Plan for the Tamar Community	Tamar Community Futures & Market
Futures Area	Towns Initiative 2003 Futures Area
Harvey's Foundry Action Plan	Penwith District Council
Perran Foundry Conservation Statement 2002	Cornwall County Council & Carrick District Council
Mineral Tramways Strategy 1998-2004	Mineral Tramways Partnership 2000
Godolphin Estate Conservation Plan	National Trust 1999
Geevor Tin Mine Conservation Plan	Geevor Partnership 2002
Kit Hill Management Plan	Cornwall County Council 1997
Luxulyan Valley Management Plan	Cornwall County Council & Restormel BC 1996
National Trust management plans (for all its properties)	National Trust
Tamar Valley Mines Heritage Project Conservation Plan, Business Plan, Audience Development & Training Plan	Tamar Valley AONB Service 2004
Duchy Review	Duchy of Cornwall 2004
Mineral Tramways Heritage Project Conservation Plan	Mineral Tramways Partnership; to be commissioned May 2004
Cornwall Biodiversity Initiative Action Plans,	Cornwall Biodiversity Initiative Partnership 1998
The Nature of Devon; a biodiversity action plan	Devon Biodiversity Partnership 1998
A better future for biodiversity, Devon County Council's Role Action Programme	Devon County Council 2003
The essence of Devon's landscape; Devon County Council's Role & Action Programme	Devon County Council 2004
Cornwall Geodiversity Audit & Action Plan 2004-05	Cornwall Wildlife Trust & Cornwall RIGS Group
Geodiversity Audit and interpretative review of the mining districts of the Tamar and Tavy rivers in West Devon	Devon County Council & Kevin Page 2004

Table 5. (continued).

Regional Planning Guidance for the South West RPG10 2001. This sets out the broad development strategy for the period to 2016 and beyond. It gives the regional background for local authority development plans and local transport plans in the region, and for other strategies and programmes such as the Regional Economic Strategy prepared by the South West Regional Development Agency.

RPG10 Policy EN 3: The Historic Environment
Local authorities and other agencies in their plans, policies and proposals should:

- *afford the highest level of protection to historic and archaeological areas, sites and monuments of international, national and regional importance;*
- *indicate that new development should preserve or enhance historic buildings and conservation areas and important archaeological features and their settings, having regard to the advice in PPG15 and PPG16;*
- *indicate that policies and programmes should work towards rescuing buildings and monuments at risk;*

- *encourage the restoration and appropriate re-use of buildings of historic and architectural value and take a particularly active role in bringing about their restoration where this would help bring about urban regeneration;*
- *take account of the landscape context and setting of buildings and settlements; of building materials; and of the patterns of fields, hedgerows and walls that distinguish one area from another.*

The Planning & Compulsory Purchase Act 2004 increases the importance of Regional Planning. The RPG will become part of the development plan rather than setting out guidance and will be known as the Regional Spatial Strategy. The new RSS will also contain more detailed proposals, as it will replace the Structure Plans now prepared by County Councils. The responsibility for reviewing the RPG and preparing the new RSS is with the South West Regional Assembly, the Regional Planning Body for the South West. The Government Office for the South West acts on behalf for the First Secretary of State to make sure that the new RSS is prepared by the Assembly in a way that adequately reflects regional concerns and national planning policy before it is finally published by the First Secretary of State.

The Cornwall Structure Plan 2004 makes provision for landscape character, archaeology and historic environment, biodiversity and geodiversity. Policy 2 includes the proposed World Heritage Site within the context of sites of international and national importance. The Plan also proposes the landscape character assessment method.

Policy 2 Character Areas, Design & Environmental Protection

The quality, character, diversity and local distinctiveness of the natural and built environment of Cornwall will be protected and enhanced. Throughout Cornwall, development must respect local character and:

- *retain important elements of the local landscape, including natural and semi-natural habitats, hedges, trees, and other natural and historic features that add to its distinctiveness;*
- *contribute to the regeneration, restoration, enhancement or conservation of the area;*
- *positively relate to townscape and landscape character through siting, design, use of local materials and landscaping;*
- *create safe, aesthetically pleasing and understandable places;*
- *consider, where appropriate, a mix of uses that create vibrant and active places, including tenure, size and densities.*

Local plans should define Character Areas to inform planning decisions taking into account Regional and County-wide landscape assessments.

The conservation and enhancement of sites, areas, or interests, of recognised international or national importance for their landscape, nature conservation, archaeological or historic importance, including the proposed World Heritage Site, should be given priority in the consideration of development proposals.

Within Areas of Great Landscape Value and other areas or sites of county-wide significance for their biodiversity, geodiversity or historic interest, development proposals will be required to respect those interests.

The Devon Structure Plan 2001-2016 Adopted in 2004 has equivalent policies to the Cornwall Structure Plan. There are no provisions for World Heritage Sites specifically but the Adopted Plan includes a policy for the protection of important archaeological sites:

Devon Structure Plan Policy CO8

"Internationally, nationally and regionally important archaeological sites and their settings, whether Ancient Scheduled Monuments or unscheduled, will be preserved...".

The Explanatory Memorandum specifically refers to the Bid for a Cornwall and West Devon Mining Landscape World Heritage Site under the Historic Landscape Character heading.

Cornwall Minerals Local Plan Adopted 1998 covers the period to 2011 with the primary aim to ensure the stable long term production of the mining and quarrying industry in order to provide for an adequate supply of minerals to meet the needs of society in a sustainable and environmentally acceptable manner and within a framework for the safeguarding of the minerals resources of the Counties. The Plan includes policies for protection of AONBs, archaeological sites of national and county significance, and RIGS. Example of this policy provision is given below:

Cornwall Mineral Plan Policy E4

Mineral development which would have a significant adverse impact on a nationally important historic site or its setting will not be permitted except where:-

- a) the need for the development would be in the public interest; and*
- b) provision can be made for prior recording of the site; or*
- c) the physical preservation of the remains can be ensured.*

Cornwall Mineral Plan Policy E5

Minerals development which would have a significant adverse effect on the historic landscape of Areas of Great Historic Value or would otherwise adversely affect a site of historic value will not be permitted unless the benefits of the development outweigh the impacts of the proposal on the historic value of the area or sites and having taken account of measures to mitigate the impacts.

Cornwall Mineral Plan Policy E9

In sites of county wide importance for wildlife or Regionally Important Geological/Geomorphological Sites, applications for minerals development will be given careful consideration and will not be permitted unless the benefits of the development would outweigh the detrimental effects of the proposal on the value of the site having taken into account measures to mitigate the impacts.

Devon Minerals Local Plan Adopted 2004 contains specific policy and supporting text for World Heritage Site's with the Dorset and East Devon Jurassic Coast World Heritage Site and World Heritage Site falling within Devon, together with policy for protection of AONB, archaeological sites and RIGS.

Devon Minerals Plan Policy MP 1 International Designations:

Proposals for mineral development which are likely to harm the integrity and conservation objectives of World Heritage Sites, Ramsar Sites, Special Areas of Conservation or Special Protection Areas (including candidate SACs and potential SPAs) will not be permitted.

Devon Waste Local Plan (First Deposit Draft 2003) similarly refers to World Heritage Sites in the Explanatory Memorandum attached to Policy WP2 though without specific reference in Policy text.

Cornwall Local Transport Plan 2001-2006 and Devon Local Transport Plan 2001-2006. The LTP provides a process for drawing up transport strategies which cover all modes of transport and links them together as part of a comprehensive and integrated five year plan, providing local authorities with discretion to allocate resources to tackle local priorities and needs.

Local Plans: all existing local plans are compliant with the guidance in PPG15 & 16 for the historic environment. Most plans contain reference to mining heritage. Opportunities have been taken as they arise through the plan review process to accommodate the proposed World Heritage Site in the development of new plans. Local plans are now being replaced with Local Development Frameworks. The World Heritage Site Office will assist local authorities in preparing supporting text and consistent policies on the Site and its setting as and when new opportunities arise, following the lead of the Cornwall Structure Plan 2004.

Caradon Local Plan adopted 1999. Deposit Draft 2003 is only reviewing some policies and there was not an opportunity at this stage to review supporting text on industrial archaeology by making reference to the World Heritage Site and supporting it with a specific policy on its protection. The World Heritage Site Office has made comments outside of the legal consultation process on the emergence of the World Heritage Site Bid since the Adopted 1999 Plan.

Carrick Local Plan adopted 1998. Early in the review process in 2003 the World Heritage Site Office was given the opportunity to comment on Rural Site Concept Plans which examine housing allocation within settlements included in the Site, and have indicated preferred areas for housing expansion which maintains the historic character and integrity of the Site, particularly at St Agnes.

Kerrier Local Plan 1996-2001 Revised Deposit Draft. Although the Deposit Draft has good supporting text on industrial archaeology and mining history, policy B.ENV.4 Historic Heritage – Mining Remains could be strengthened by specific reference to the proposed World Heritage Site. There is also the need for cross-compliance with proposals for derelict land in policy ENV.23.

North Cornwall Local Plan Adopted 1999. The World Heritage Site Office responded to consultation on the Issues & Options Report 2003 produced as the first phase of the plan review. The World Heritage Site Office recommended that any new local plan or Local Development Framework contain specific policies and supporting text on the protection of the Site and its setting.

Penwith Local Plan adopted 2004. The supporting text refers to the rich industrial mining remains and the consideration of a World Heritage Site. There is an opportunity to update this supporting text before publication in late 2004. The Plan contains specific policies on the regeneration of Harvey's Foundry and the harbour at Hayle. There are good policies on the control of pvc-u and non-traditional materials being used in Conservation Areas subject to Article 4 directions.

Restormel Local Plan 2001-2011. Issues & Options Study 2003 identified the Cornish Mining World Heritage Site Bid as an emerging environmental issue and the need to provide protection through the Local Plan.

West Devon Local Plan – Inspectors report received, due to agree Modifications and Adopt Spring 2005. The Plan contains good supporting text introducing the proposed World Heritage Site into the development plan but without a specific policy at this stage. However this establishes the basis for inserting a policy in any subsequent review likely to result from the creation of Local Development Framework.

The **Tamar Valley AONB Management Plan 2004-2009** developed by the Tamar Valley AONB Partnership through extensive consultation provides a framework for the management of the natural, historic, built, social and economic environment of the AONB and will replace the existing Plan 2000-2005. The mining legacy is referred to throughout as an influence on the landscape and the proposed World Heritage Site a consideration.

Cornwall AONB Management Plan 2004-2009. Since its designation, some elements of the Cornwall AONB's special character have been lost; others are under pressure from a variety of forces for change. The Management Plan addresses how best to bring back lost quality and guide how best to protect and enhance the AONB in the future. It will be an important tool that will facilitate working between different organisations, decision makers and stakeholders to ensure that the Cornwall AONB continues to be an area where quality of life is nurtured and enhanced for all. The mining legacy is referred to as an influence on the landscape and a consideration in its management.

A Design Statement for Cornwall 2002 set out to prepare a quality statement of good design principles for Objective One development proposals, and forms two documents. The first is a visionary design statement to inspire good sustainable design but not act as a pattern book. The second is a report on issues to be addressed to achieve the quality advocated.

Cornwall Heritage and Culture Strategy 2001 by Cornwall County Council, the six District Councils, South West Arts and the South West Museums Council. This five year strategic plan covers the natural environment, the historic heritage and contemporary arts and leisure, examining the current situation in each of the three areas, identifying priority issues and needs, and setting out key objectives and initiatives in order to build on the strengths of a varied and distinctive Cornish cultural identity to provide artistic, social and economic benefits; to develop and sustain best professional practice across the county's cultural and heritage sectors; to develop and sustain an active culture of engaged participation in environmental issues, the historic heritage and the contemporary arts and to maximise the economic benefit from investment. This Strategy will be reviewed in 2005.

The Human Habitat, Devon's Historic Environment: One of Devon's six Strategic Goals is 'to look after Devon's environment, culture and heritage'. **Devon County Council's Role and Action Programme**

contains a wide range of policies and commitments relating to all aspects of the historic environment, including notably the objective 'to support the Cornwall and West Devon Mining Landscape World Heritage Site bid and the implementation of its Management Plan after inscription' and the commitment to maintain the county Historic Environment Record and to provide advisory, survey and development control advice.

Community Strategies: the Government has given Local Authorities the legal responsibility to produce Community Strategies. However, each strategy must be developed in co-operation with other public sector agencies, local businesses and voluntary organisations as well as ensuring that the community themselves are part of the process. In Cornwall, district and county Local Strategic Partnerships bring together all these organisations and are committed to joint working. There has also been wide consultation with communities to ensure that **the process is as inclusive as possible.**

Cornwall's Community Strategy, Cornwall County Council 2003, is a joint approach for dealing with the needs of Cornwall's communities. It brings together the various strategies and initiatives that are already in place in order to improve the quality of life for all people in Cornwall and ensure that services are delivered in an economic and efficient way. It also gives an opportunity for new ways of working and innovative solutions. Cornwall's Community Strategy outlines a Vision for Cornwall as being "Cornwall - a strong sustainable community for one and all". Culture and Heritage is one of four key issues are being taken forward by the Cornwall Community Strategy. The final draft of **Devon's Community Strategy** was produced by the Devon Strategic Partnership in June 2004.

Towards 2015;– Shaping Tomorrow's Tourism, Draft Regional Strategy

The draft strategy, published in March 2004, has been prepared on behalf of South West of England Regional Development Agency (SWERDA) by South West Tourism (SWT); it builds on the previous regional strategy framework and is seeking to:

- provide a shared vision for the development of tourism in the region,
- identify key tourism priorities
- agree roles for the various delivery agencies and
- provide a framework for the regional funding of tourism in the region.

The draft strategy has the following vision statement:

"By 2015, the South West of England will be internationally recognised as a 'model' tourism destination, creating a unique balance between the environment, communities, industry and visitor satisfaction, achieving long-term economic and social benefit for the region"

It identifies the new priorities for tourism as:

- Value of tourism over volume
- Quality of jobs over quantity of jobs
- Focussing on the quality of experience and
- An emphasis on high quality across the range of holidays taken in the region.

These priorities translate into the following three key strategic aims:

- Driving up quality
- Delivering truly sustainable tourism
- Creating superior destination management arrangements

The draft strategy provides indicative priority actions for the above strategic aims. These actions are more statements of what needs to be done, rather than how these elements will or can be delivered.

Key elements for the Site include the recognition of 'history and heritage' as one of ten key brand clusters, the drive towards improving quality, the need to develop an experience-led marketing approach as opposed to a destination focus, basing marketing on what visitors enjoy doing as opposed to where they go, and the importance of a sustainable approach to tourism. The Destination Management approach recognises Cornwall as one destination; however, the situation is more complicated in Devon and a number of solutions are currently being debated.

Cornwall Tourist Board, Cornwall Tourism Strategy: a 3D Vision – Delivering a Distinctive Difference.

With a mission to improve the economic performance of tourism so that it provides a sustainable contribution to the prosperity of Cornwall through the maintenance of a strong customer focus, the delivery of quality standards and the recognition of its role in the community, to support the heritage, culture and the contemporary life of the region year round. The CTB's stated goal is for the Cornish Tourism industry to contribute to the sustainable development of Cornwall being fully rooted in the community, and reinforcing the natural, historic and cultural identity; develop higher value jobs with greater remuneration and career prospects attractive to young people and all those looking for a future in the industry. This will continue to generate improvements in

professional standards; develop appropriate sustainable product to meet changing market needs without damaging core strengths particularly respecting coast and countryside; retain earned wealth in Cornwall to bring economic benefit to the industry and host community.

The Cornwall Tourism Forum is a public private partnership set up to achieve a step-change in Cornwall's Tourism industry and was established with Objective 1 funding as a result of the **Objective 1 Tourism Proposal 2001**. The **Cornwall Tourism Forum, Draft Business Plan & Strategy 2004** identifies the contribution of the Site to wider strategic priorities.

Cornwall Sustainable Tourism Project (COAST)

In Cornwall, tourism is the biggest single employer, representing over 24% of the county's annual GDP – some five times the national average - creating work for one out of five Cornish inhabitants. In GDP terms tourism is larger than agriculture, banking and construction combined. As such, the Cornish community relies enormously on the tourism industry. In turn, the Cornish tourism industry relies almost entirely on its principle asset: the Cornish physical environment. The aim of CoaST is to encourage existing, and catalyse an increase in, sustainable behaviour via the tourism sector in Cornwall. Thus the CoaST Project's purpose is to:

- Address issues of economic stability, environmental degradation, resource efficiency, accessibility and community involvement within the host community of Cornwall.
- Support the tourism industry in becoming more sustainable in their business practices and the products and services they provide.
- Help educate the wider community of visitors from across the United Kingdom about sustainable living.
- Provide a mechanism for the public, private and community sector to work together to further sustainability in tourism in Cornwall.

The Site objectives for sustainable tourism and visitor use within the Site are shared with COAST's mission.

Tourism – Everybody's Business: Devon County Councils Tourism Role & Action Programme. Devon County Council has a series of Role and Action Programmes to take forward the delivery of the Strategic

Plan over a five-year agendas and their action programmes are reviewed on an annual basis. The planning, development and marketing of tourism are responsibilities shared by many organisations in which Devon County Council has an important role to play. This role is set out in "Everybody's Business" on which key partners and stakeholders were consulted during the draft stage of preparation. It was adopted by the Executive in January 2003.

The strategic objective for tourism is to maximise the economic benefits whilst balancing the need to adopt a sustainable approach, to ensure that the natural, historic and cultural environment is enhanced and protected.

The **vision** for tourism in Devon is of an activity which:

- Generates jobs and creates business opportunities
- Diversifies and supports the local economy
- Adds to the variety of local life and widens opportunities for culture and recreation
- Offers a rewarding experience for the visitor and creates a positive image of Devon
- Contributes to the maintenance and enhancement of the environmental quality and distinctive character of Devon.

The 18 policy areas, under which actions are grouped within the Programme, relate to the relevant goals of the Strategic Plan:

- Achieving a prosperous Devon
- Improving travel and communication in Devon
- Looking after Devon's environment, culture and heritage

A number of actions are detailed under the policies in the annual Action Programme. The implementation of these policies and actions contribute positively to the conservation and enhancement of Devon's natural environment. Additionally many of the actions will contribute significantly to the achievement of associated objectives relating to education and life-long learning, quality of life and social inclusion.

One major policy area is to "Develop Opportunities for Cultural Tourism" and a key action is:

Develop the tourism and economic potential arising from the UNESCO designated Dorset and East Devon Coast World Heritage Site, the Braunton Burrows Biosphere Reserve and the bid for World Heritage status for Cornwall and West Devon Mining Landscape

Devon County Council gives a high priority to these international UNESCO designations, recognising the economic benefits that can be derived from appropriate sustainable tourist activity. This is exemplified by the sustainable tourism work that is being undertaken along the Dorset and East Devon Coast (the Jurassic Coast) which is widely acknowledged as a good practice example.

Economic Strategy & Action Cornwall & Isles of Scilly Economic Forum 2003. Achieving World Heritage Site Inscription is identified as the top Heritage priority, although outside the top 10 economic priorities for Cornwall as a whole. Within **Cornwall County Council's Economic Development & Regeneration Strategy 2003-08** the proposed World Heritage Site is identified as a corporate priority under the theme of Distinctiveness.

Camborne-Pool-Redruth Urban Regeneration Company Business Plan 2003 follows on from the Camborne-Pool-Redruth Urban Framework Plan 2001 which provided set out the underlying principles and strategic direction needed to create a high quality urban place. The Business Plan sets out a vision which is compatible with that of the World Heritage Site Management Plan, with acknowledgment of the mining heritage, strong distinctive character and potential tourist strengths. This will be followed by masterplans for Pool and Tuckingmill.

Conservation Plans are required as a condition of application for grant aid from the Heritage Lottery Fund (HLF) in accordance with national guidelines in order to demonstrate that all factors affecting or likely to affect a site for which grant application has been made are fully understood and that policies, plans and other mechanisms are in place to ensure the appropriate management of the site. Conservation management plans must include a detailed assessment of historic importance, an evaluation of vulnerability and a structured framework for future management. A number of plans have already been produced and are listed in table 5.

3.6 Management responsibilities

The Cornwall and West Devon Mining Landscape World Heritage Site Bid Partnership is comprised of representatives from 73 organisations that own, manage or have an operating interest in land and/or property within the Site Areas. The Partnership's remit is to steer production of the Nomination Document and Management Plan by:

- acting as the first level of consultation with key stakeholders
- considering recommendations from the Area Panels and Officer Working Group
- receiving progress reports from the World Heritage Site Bid team and steering their activities
- scrutinising Bid documentation prior to wider consultation

The Partnership established 6 Area Panels based on the relevant District Council administrative areas in Cornwall

and West Devon to advise it on appropriate boundaries for the individual Bid areas. The Officer Working Group is comprised of staff from the local authorities and other key organisations including the National Trust, Cornwall and Tamar Valley AONBs and English Heritage, to oversee production of the Bid documentation on its behalf (see Appendix B).

Administrative and treasury functions are provided by Cornwall County Council, which co-ordinates the activities of the Partnership and employed the World Heritage Site Bid team, and is establishing the World Heritage Site Office. Should World Heritage Site Inscription be awarded, the composition and remit of the Bid Partnership will be reviewed and developed to create the management structure most appropriate for the effective implementation, monitoring and evaluation of the Management Plan. This is discussed further as an Issue in Section 4.3.1 and Part 6.

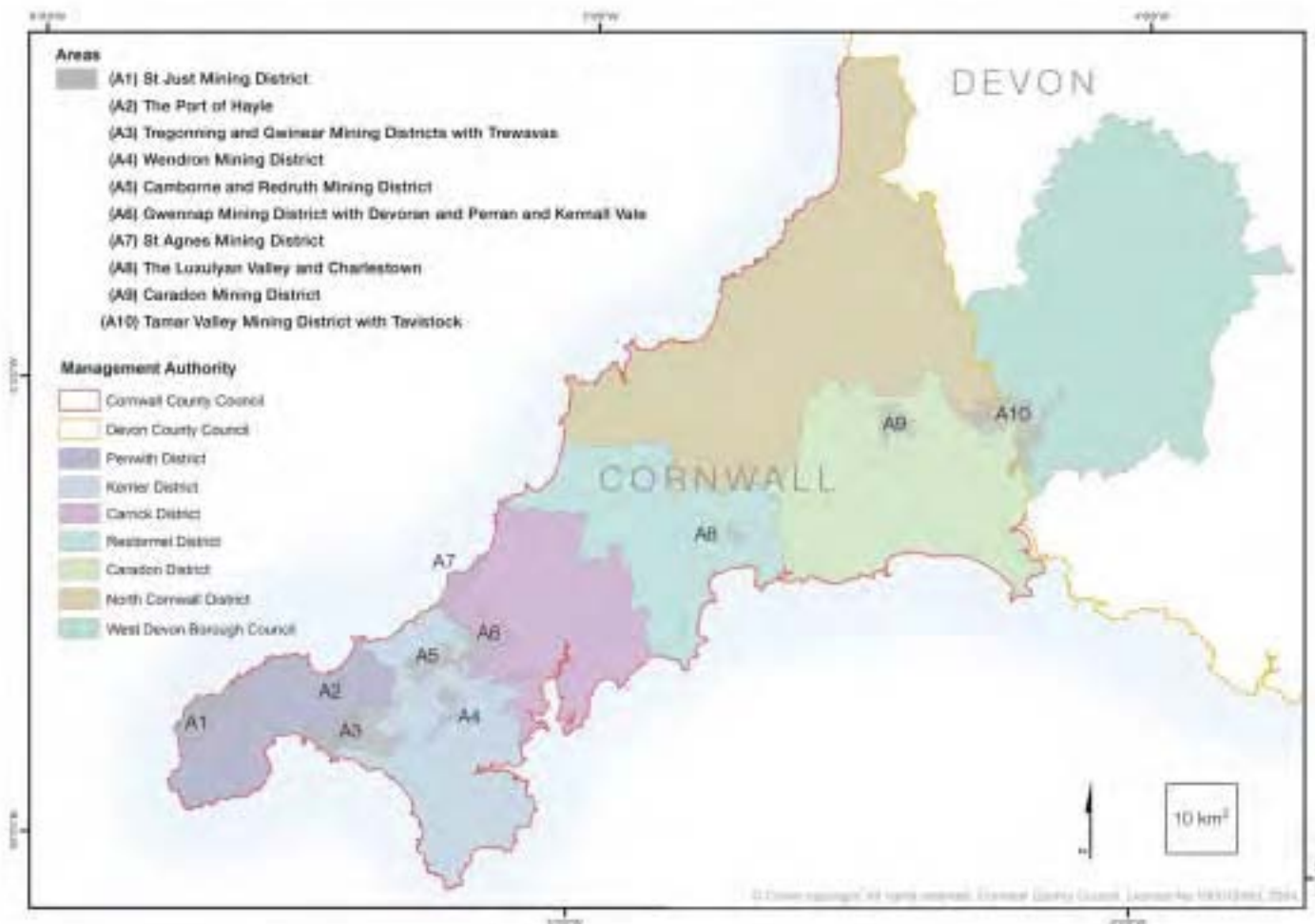


Figure 5. The Site Management Authorities.

3.7 Present state of Conservation

The conservation of the historic remains of mining in Cornwall and West Devon has been undertaken since the 1930s and this represents one of the longest histories of industrial heritage conservation in the world.

Early days - 1930s and 1940s

In 1933 the Newcomen Society for the History of Science and Technology (UK), visited Cornwall and suggested that a Cornish Mining Museum should be established. At this stage the Cornish Engines Preservation Committee was formed to preserve the indoor beam winding engine, or whim, at Levant Mine in west Cornwall. A survey of engines and mine buildings in danger was compiled over the next 9 years and in response the Cornish Engines Preservation Society was formed in 1944. Over the next twenty years the Society acquired and handed over to the National Trust:

- Richard Trevithick's Cottage at Penponds
- Levant Whim (now restored to steam)
- Robinson's pumping engine
- Taylor's pumping engine
- Mitchell's Whim (worked by compressed air)

In 1969 the Society amalgamated with The Cornish Water Wheel Preservation Society and together they became The Trevithick Society - named after the great Cornish engineer Richard Trevithick, developer of high pressure steam and pioneer in its application as the foundation of our industrialised mechanical world. This Society has carried on the work of its illustrious predecessor, carrying out surveys, publishing an academic journal, rescuing and preserving artefacts and documents, and most recently building a working replica of the world's first steam road locomotive built by Trevithick in 1801.

1950s and 1960s

The 1950s and 1960s was a very busy time for preserving Cornish engines in Cornwall. Five beam engines have been preserved from the St Austell china clay district

- Goonvean – in situ
- Parkandillick – in situ
- Carpalla – National Science Museum London, in store
- Rostowrack – Re-erected in the Holman Museum in 1953. Currently in storage at King Edward Mine.

- Greensplat – Re-erected at Poldark Mine, Wendron

A number of other Cornish Engines manufactured in Cornwall are preserved elsewhere in the United Kingdom and world wide

- Kew Bridge Pumping Station, London, UK (2 engines)
- Crofton Pumping Station, Kennet and Avon Canal, UK (2 engines)
- Fresnillo, Mexico (2 engines)
- Cruquius Pumping Station, Haarlem, Netherlands
- Llanishen Engine, Cardiff Docks, UK
- Sandfields Pumping Engine, Lichfield, UK
- Prestongrange Colliery, Scotland, UK
- Dorothea Slate Quarry, Caernarvon, Wales, UK
- O'okiep, Cape Province, South Africa (2 engines)

The National Science Museum in London has also preserved the world's first stationary agricultural engine built by Trevithick in 1812 for Sir Christopher Hawkins of Trewithen near Grampound. It worked until 1877 and the engine and the barn are still extant. The Ironbridge Gorge Museum has built a working replica of Trevithick's first railway engine and the first railway in the world (The Pennydarren Tramroad) built by Trevithick and opened on 21 February 1804 is celebrated at Merther Tydfil, South Wales. A £2 commemorative coin has been issued in 2004 by The Royal Mint to celebrate the achievement of this giant of the Industrial Revolution.

In the late 1960s Tolgus Tin, Wendron Forge (later Poldark) and Morwhelham Quay (West Devon) were opened as open air industrial museums in Cornwall and west Devon at the same time as other famous sites elsewhere in England including Ironbridge, Beamish and The Black Country Museum. This active preservation movement was and continues to be backed up and reinforced by the existence of substantial mining and related archives and artefacts deposited in:

- Cornwall Record Office
- Cornish Studies Library
- Royal Institution of Cornwall

Other substantial collections also exist in Cornwall and Devon and elsewhere in the UK, now beginning to be interlinked via the national archives A2A (Access to Archives) internet site

1970s and 1980s

In the 1970s and 1980s the emphasis on preservation began to spread to the wider mining landscape and engine houses in particular. Plans by the National Trust, in the early 1970s, to move Robinson's engine from Pool back to its original location in the great engine house at Tregurtha Downs near Marazion came to nothing. This did help to highlight the increasingly parlous state of many engine houses that had often been empty for over a century. One solution was to convert them to dwellings and a number had already been converted long before - Wheal Lushington, Porthtowan; Princess of Wales, Kit Hill; Silver Valley, Ladock; Terras Mine, St Stephens in Brannel, and Wheal Andrew, Twelveheads. Those at Houseman's, Minions and Wheal Enys, Porkellis were later to be abandoned as dwellings. The trend of conversion to dwellings has continued with 2 conversions at Danescombe Mine, Calstock by the Landmark Trust in the 1970s and in the 1980s and 1990s at Wheal Rose, Scorrier, Northwood, St Neot, Tregurtha Downs and Wheal Rodney at Goldsithney; Wheal Langford, Harrowbarrow and most recently at Okel Tor Mine, Calstock. In 1976, while Geevor Tin Mines Ltd. was mining, a museum and tourist amenity was set up actively promoting heritage tourism including underground visits, with some success, until 1990.

The massive programme of consolidation works to engine houses to preserve them as monuments began modestly with works by the National Trust at Wheal Coates and Basset and Grylls Porkellis and in the early 1980s at The Crowns, Botallack by the Botallack Trust (The Carn Brea Mining Society). The Historic Environment Service (formerly Cornwall Archaeological Unit), Cornwall County Council began recording mine sites in 1986 at Wheal Coates, and this was followed by large survey projects in 1987/88 using government employment schemes at Minions (Caradon Mines) and Luxulyan Valley. Both these surveys indicated that historic mine buildings in these areas were in serious danger of collapse.

In the 1980s government funds began to be available to remediate abandoned mining land to bring it back to beneficial re use. Until 1988 Local Authorities used these public funds to clear away the mining remains as at United Mines (1982-3) where important early remains of The Consolidated Mines were removed in advance of tree planting. The works at Tresavean Mine (1989), Lanner precipitated a deliberate shift in attitude and

policy away from the removal of mining remains towards wholesale in situ conservation and the encouragement of public access for recreation. In 1989 Groundwork Kerrier (Kerrier Groundwork Trust) was established as part of a national initiative to encourage environmental improvements in areas of industrial decline. This developing new approach to the use of public funds dealing with contaminated derelict land is encapsulated in the seminal Mineral Tramways Report begun in 1987 and accepted by Kerrier District Council as a priority project in 1988 and published in 1990. This project proposed that the mine sites of the areas of the Camborne- Redruth and Gwennap Mining Districts were a vital part of Cornwall's heritage and should be conserved using public money. These sites would be linked to mining heritage centres by a series of multi use trails using the old mineral railways that used to take copper ore from the mines inland to the ports of Hayle, Devoran and Portreath. For the first time it was proposed that large numbers of mine sites deserved preservation as monuments in their own right.

1990 to the present

Since 1990 an extraordinary number of mine sites have been conserved and opened up for safe public access. Two further large scale surveys have resulted in large major programmes of conservation works. The St Just Survey (1992) prompted the National Trust to seek to acquire the 7 kms of mining coast between Pendeen Watch and Gribba Point. All mine buildings acquired have already or will shortly be consolidated. The assessment of the Tamar Valley mines in 1998 as part of the Cornwall Land Reclamation Strategy 1997 has also resulted in the start of a campaign of conservation and public access works. The major works campaigns since 1990 have therefore involved the following areas:

- St Just Mining District.
- Mineral Tramways. The Camborne- Redruth and Gwennap mining Districts
- Luxulyan Valley
- Tamar Valley mines, including west Devon

Other significant works have also been carried out in:

- St Agnes Mining District
- Caradon Mining District
- Godolphin mining area.

This sustained campaign, carried out over the past 14 years by local authorities and the National Trust has resulted in making safe and accessible over 700 hectares of historic mine sites, and the consolidation and repair of nearly 100 engine houses, 40 chimneys,

16 arsenic calciners, and well over 100 other significant other mine buildings. This is the largest mining heritage conservation campaign in the United Kingdom.

One of the principle recommendations of the 1990 Mineral Tramways report was that by bringing together existing mining heritage centres and several proposed new ones a new dispersed Museum of Cornish mining could be created along the lines of that developed at Ironbridge a decade before. A consultants report that examined the economic potential of the Mineral Tramways Project (Roger Tym & Partners,1990) confirmed the attractiveness of conserving, consolidating and promoting the mining heritage of the area and

recommended that a new mining trust should be created to develop and manage mining heritage centres as well as mine sites in the countryside. In 1993 the Trevithick Trust was formed to develop the idea of a dispersed museum of Cornish Mining. Over the last decade the Trust has been responsible for helping to create mining heritage centres at Geevor Mine, Cornish Mines and Engines at Pool, King Edward Mine at Troon as well as developing Tolgus Tin.

The prospects for the mining heritage of Cornwall and West Devon have changed dramatically over the last decade. The table below illustrates the capital funding spent on conservation in the last five years.

World Heritage Site Bid Area/Project	Lead Agency	Timescale	Cost £
St Just Mining District			
Ballowal & Wheal Edward	Cornwall County Council & the National Trust	1998-1999	97,000
Geevor Tin Mine	Cornwall County Council	1998-2003	295,000
West Penwith Mining Heritage Coast	Cornwall County Council & the National Trust	1998-2000	640,952
Wheal Owles	Cornwall County Council & the National Trust	1999	272,000
The Port of Hayle			
Harvey's Foundry Phase I	Penwith District Council	2001-2003	1,840,000
Tregonning & Gwinear Mining Districts with Trewavas			
Godolphin Estate	The National Trust	1998-2002	1,931,960
Godolphin House and Garden	Private Owner		
Camborne & Redruth Mining Districts			
Alma Place, Redruth	Kerrier District Council	1998-2001	2,608,302
Camborne & Redruth Public Realm	Kerrier District Council	1998-2003	1,363,779
Cornwall's Industrial Discovery Centre	Kerrier District Council and Trevithick Trust	1998-2001	1,800,000
King Edward Mine	Kerrier District Council and Trevithick Trust	2001-2002	261,303
Mineral Tramways Great Flat Lode	Kerrier District Council	1998-2003	1,785,027
Tuckingmill Valley Park Phases I & II	Kerrier District Council	2000-2003	1,922,000
Gwennap Mining District with Devoran, Perran and Kennal Vale			
Mineral Tramways Coast-to-Coast Trail	Cornwall County Council	1999-2001	912,000
Mining Villages Project	Kerrier District Council	1998-2001	724,677
Poldice Valley	Carrick District Council	1999-2001	563,000
United Downs	Cornwall County Council	1999-2000	307,806
St Agnes Mining District			
St Agnes Environmental Enhancements	Cornwall County Council	1999-2002	651,834
Luxulyan Valley & Charlestown			
Luxulyan Valley	Cornwall County Council	1998-1999	268,171
Caradon Mining District			
Caradon Mines	Caradon District Council	1998-2002	238,000
Tamar Valley Mining District with Tavistock			
Danescombe Valley	Cornwall County Council	1998-2000	172,000
Tamar Valley Regeneration	Cornwall County Council	1998-2002	3,493,676
General			
Cornwall & Scilly Urban Survey	Cornwall County Council	2002-2003	50,000
Cornwall Industrial Settlements Initiative	Cornwall County Council	2002-2003	108,000
		TOTAL	22,266,487

Notes

1. The cost of each project is the total cost of all expenditure within the World Heritage Site Bid Area. This is less than the total project cost for those that include expenditure outside the World Heritage Site Bid Area.

2. Only projects costing over £50,000 have been included.

Table 6. Conservation projects completed in the Site 1998-2003.



A Guide to Conserving Mine Buildings 1996. In recognition of the growing need to provide guidance on appropriate conservation methodologies for engine houses and other associated mine buildings in Cornwall, this report, commissioned by the Cornwall Industrial Heritage Partnership, was intended to set out good practice at a time when there was considerable variability in approach to such works.

Conservation Value of Mine Sites 1996. Produced by specialists in a wide range of disciplines, this report provides an explanation of the many different reasons why old mining sites are of importance, and why it is essential to take a holistic approach to their conservation and management.



A Manual for the Nature Conservation Management of Metalliferous Mine Sites in Cornwall 2001.

Produced by Cornwall Environmental Consultants Ltd, former mining land holds a wide range of habitats and species and, in totality, probably provides the largest and most extensive area of semi-natural vegetation in Cornwall. The nature conservation practices associated with remedial works to mine sites have seen great progress in recent years. This manual provides recommendations and guidance for ecological and mineralogical conservation and, where necessary, pushes forward current thinking and practices for the benefit of nature conservation.

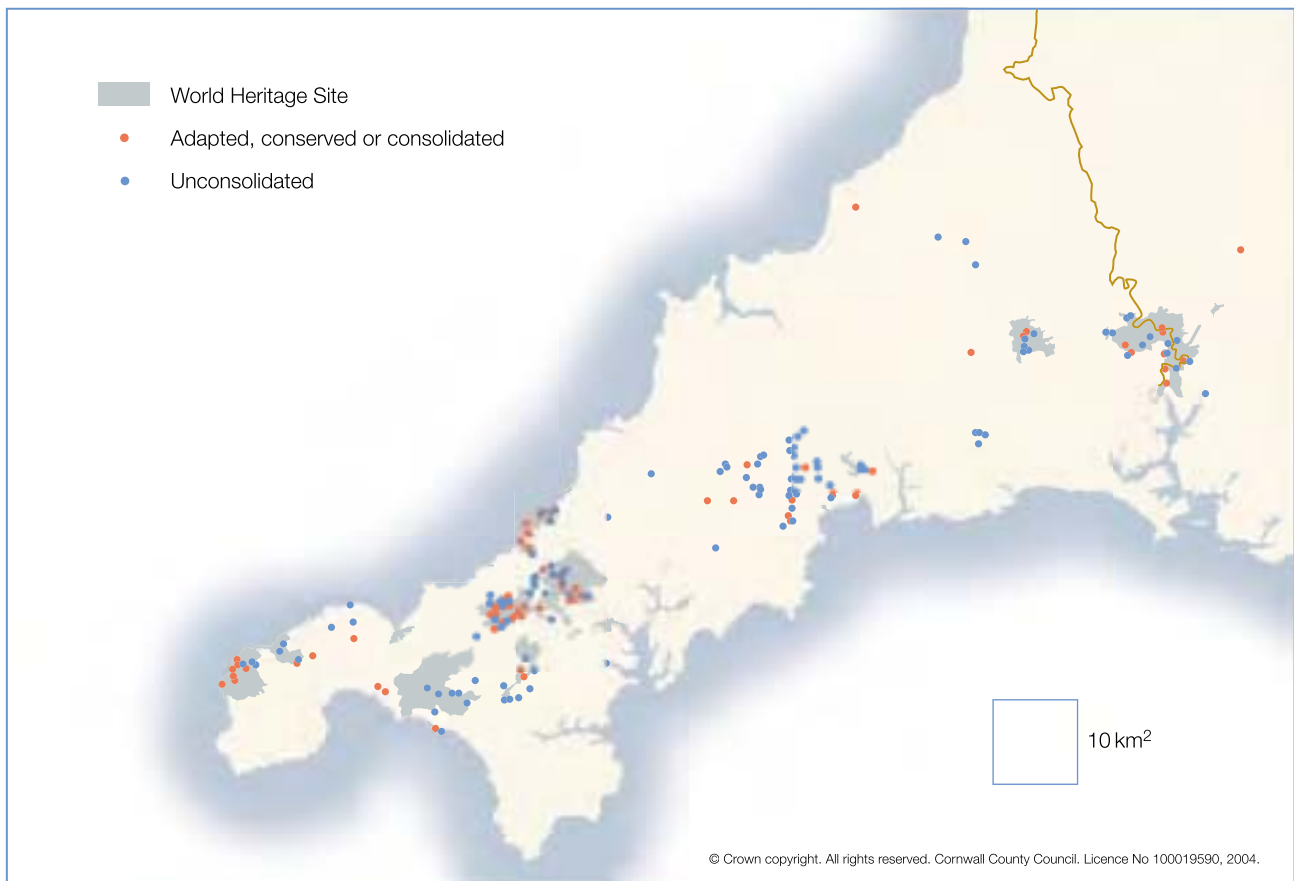


Figure 6. Current state of engine house conservation.

Area based Conservation.

St. Just Mining District

A very substantial proportion of the coastal landscape within which the majority of mines were sited has been acquired by the National Trust since 1995, appropriate management regimes set in place and extensive consolidation works undertaken. Of the 126 engine houses constructed within or immediately adjacent to the Site Area, 32 survive to some degree and 19 of these have already been conserved or adapted for other purposes. Of the remainder, seven do not require significant works, two are proposed for consolidation using agri-environmental grants and one as part of a village enhancement scheme, leaving four requiring consolidation. Other mine structures within the area have, in general, received rather less remedial attention to date, though substantial safety and consolidation programmes have already been undertaken at Geevor Mine and Levant.

The underground remains and historic mine buildings at Geevor and the preserved engine at Levant are now managed as heritage centres. A small number of mine sites not in National Trust or Cornwall County Council



Levant Mine beam engine.

ownership need attention. Many of the sites within this area are under consideration for statutory protection; although the form that this is likely to take has yet to be determined, it is likely that a substantial number of the former mining sites within the area will be scheduled and the surviving structures listed. The conservation area for St. Just/Tregeseal has been redrawn to include significant areas of worker housing, whilst new conservation areas and additional listing have been proposed and implemented for the mining villages examined as part of the Cornwall Industrial Settlements Initiative (CISI).



Conservation work undertaken at the Levant Mine Man Engine tunnel won a prestigious Silver Award at the National Civic Pride Awards 2004, organised by The Green Organisation. The Silver Award was presented to the Environment and Heritage Service of Cornwall County Council based on its outstanding contribution towards protecting, preserving and enhancing the built environment.

Port of Hayle

Despite the demolition of much of Copperhouse Foundry and elements of Harvey's Foundry, much of Hayle's harbour infrastructure survives, together with key industrial and public buildings, and a good range of workers' housing, villas and early shop fronts. The statutory and other protection at present in place does not adequately reflect the importance of the town and its industries, the only industrial structures to be scheduled being the black bridge and railway bridge in Copperhouse. There are 129 Listed buildings within the Site Area, though the listing is judged to be in need of review. English Heritage are carrying out a review of Scheduling and Listing within the Hayle harbour area.

Foundry is within a Conservation Area, however the local authority is presently considering the extension of this to include important elements of the historic town following the publication of the Hayle Historical Assessment in 2000.

Tregonning and Gwinear Mining Districts with Trewavas

This is not now a district characterised by extensive structural remains, much of its mining activity having taken place during the 18th and early 19th centuries, the abandonment of many of its important copper mines having taken place by the 1840s. The sites of 232 beam engine installations have been recorded within the Site Area with 10 others immediately abutting its boundary. Most of the engine houses were demolished in the early 20th century, but of the remainder three have been conserved, whilst 11 survive and require remedial attention. This landscape has tremendous archaeological potential particularly relating to the 18th century phase of Newcomen atmospheric engines.



Wheal Enys, Porkellis. Whilst residential use is not always appropriate, this conversion has been done sympathetically.

Despite the loss of such a large proportion of its industrial buildings, both the mining and rural landscapes of this Site Area are well-preserved, and contain a good mixture of miners' settlements – both dispersed and aggregated - three important country houses and their associated estates – Clowance,

Godolphin and Trevarno - and extensive evidence for miners smallholdings during the late 18th and early 19th centuries. The whole of this landscape is peppered with preserved shafts whose alignments indicate the underlying lode structures, as well as some well-preserved copper mining sites typical of the late 18th and early 19th centuries whose survival is rare elsewhere in Cornwall.

Wendron District

The smallholding landscape is remarkably intact. The Area is recorded as having had 35 beam engines. One of these (at Porkellis) has been consolidated (by the National Trust), two others have been converted to dwellings; and those at White Alice and Trumpet Consols require consolidation. The remainder have been demolished. CISI recommends a Conservation Area at Porkellis, the underground remains at Poldark Mines are exceptionally well preserved. The chapel at Porkellis is on the national Buildings at Risk Register.

Poldark Mine.



Camborne and Redruth Mining District

The survival of sites to the south of Carn Brea making up the Great Flat Lode landscape is good, and more engine houses can be seen from vistas within the southern part of this area than anywhere else in Cornwall. To the north of Carn Brea, survival has been more patchy given development pressure on former mining land during the

Cornwall Centre, Redruth. It is important that the local distinctiveness and character of historic mining settlements is retained where appropriate through heritage-led regeneration and high quality design.

last half century, and little remains to be seen of some once very important mines. A large number of conservation projects

have taken place within this Site Area during the past decade, with the result that the majority of its standing mine structures have now been consolidated.

Research has indicated the sites of 314 beam engine installations within the Bid Area, of which 41 survive, 35 having been

consolidated. The Marriott's Shaft site is a Scheduled Monument, as are the Grenville

United engine houses; many of the engine houses and buildings associated with the industrialisation period within this area are already Listed Buildings and it is expected that the English Heritage Monuments Protection Programme (now Heritage Protection Department) will result in the statutory protection of all important sites and structures within this area. Redruth, Tuckingmill and Carn Brea are covered by Conservation Areas and historic mining settlements have now been assessed through CISI and CSUS and new or amended Conservation Areas are being proposed.

The exceptionally well preserved Scheduled mine complex at Wheel Peevor will be consolidated in 2004-05 and linked to the Mineral Tramways trails. An important mining era fire damaged public building was converted in 2001 to the Cornwall Centre (Cornish Studies Library). The conservation of the important complex of mine buildings at Robinsons Shaft are being considered for adaptive re-use by the Urban Regeneration Company. Portreath harbour and its associated railways are in the care of local authorities. The condition of the harbour and its breakwater requires monitoring.



Camborne - street paving. Granite paving slabs are a distinctive element of the urban fabric in towns across Cornwall and west Devon.



Gwennap Mining District with Kennall Vale, Perran Foundry and Devoran

Kennall Vale.



The heyday for many of the mines within this area, which were worked primarily for copper, spanned the last part of the 18th century and the first decades of the 19th. As a result, some important sites within this area have now left few above-ground traces, having been the subject of later dump reworking or reclamation. In addition, although many pioneering engines were amongst the 160 recorded as having been erected within the Site Area, only 26 engine houses survive to any significant degree. Of these, eight have been consolidated or adapted, whilst the remaining 18 await conservation works, many of which are part of the second phase Mineral Tramways Project. The majority of these structures are neither listed nor scheduled, the exception being those at Wheal Busy, which are Scheduled Monuments, but all important mine sites will be protected by the Heritage Protection Department of English Heritage (formerly MPP). The course of the Redruth & Chacewater Railway is well-preserved, whilst St. Day, Chacewater and Carharrack still retain much of their original settlement character. Kennall Vale represents the best-preserved gunpowder works in South-west Britain. The quality of survival of the site is excellent, the buildings being mostly of sturdy construction and the site not subjected to other uses following its abandonment, though the consolidation of these buildings will be required. The site is a scheduled monument and is under beneficial management by the Cornwall Wildlife Trust.

Perran Foundry was established in 1791 by the Fox family and was the second major iron foundry established in Cornwall after Harvey's at Hayle. The works was re-modelled in 1860 and every building from this period survives unaltered. All the buildings are Listed and an iron footbridge is Scheduled. However the site has been abandoned since 1988 and all

buildings require urgent works to prevent structural collapse, which the local authority is investigating while also attempting to seek a new use for the site. The state of conservation in Devoran is good with part of the original quays being preserved by a local amenity society.

St Agnes Mining District

The coastal location of many of the mine sites within this Area have limited pressure for their redevelopment for other uses and survival is exceptional. Wheal Coates, which incorporates a good range of evidence for the development of mining technologies over many centuries, is particularly well-preserved, and has been conserved by the National Trust. Other important sites – particularly those on the cliffs between St. Agnes and Perranporth - await conservation and appropriate management. Underground access is particularly good within this area, and has revealed important details about the working of these sites over long periods of time, as well as access to important geological exposures. The area contains the sites of 114 recorded engine houses of which 13 have been consolidated or adapted for other uses. Five remain unconsolidated and should be high priorities for attention. All important mine sites will be protected by the Heritage Protection Department of English Heritage.

Luxulyan Valley and Charlestown

Although Fowey Consols has suffered considerably from dump removal and buildings demolition, the site still includes significant structures requiring conservation notably Austen's Engine House which stands prominently on the horizon clad in ivy. Within the Luxulyan Valley, site preservation is very good and some necessary conservation works have already been undertaken. At present, only the viaduct itself is statutorily protected as a Scheduled Monument, and the valley is managed as a public park.

Charlestown has, until recently, been managed as a single estate since its creation, resulting in the exceptional preservation of so much of the built environment from the 18th and 19th centuries. This includes not only the houses themselves, but the domestic and industrial infrastructure which surrounds them: the earth closets and wash houses, little yards and gardens, alleyways and lanes, and around the harbour itself bollards,

Fowey Consols (A8i). Austen's engine house.



cobbles, steps and mooring rings. Nowhere else in Cornwall is it possible to step so immediately into the ambience of an early 19th century working port. As a result, Charlestown embodies some of the most vital aspects of social and economic change in Cornwall during the period 1790 to 1850.

Caradon Mining District

With so little pressure for redevelopment or re-use, sites within the Caradon Hill mining district have by and large, escaped clearance and demolition. The sites of 59 engine houses are recorded within the district, of which three have recently been consolidated, one further having been converted into an interpretation centre. A large number - 34 - have not been consolidated, though this large number includes several which are relatively stable low ruins whose consolidation is a low priority. A large scale conservation project to consolidate a large number of these is currently awaiting approval from funders. Almost the whole of the World Heritage Site Area is a Conservation Area, though at present statutory protection of these industrial sites is low but this will be addressed through the Heritage Protection Department of English Heritage. Proposals are being discussed to incorporate as much as possible of the well-preserved route of the Liskeard and Caradon Railway from Moorswater to South Caradon into a footpath or multi-use trail.

Tamar Valley and Tavistock

Within this area, mine sites have survived well within marginal land, most particularly the upland areas of Hingston Down and Kit Hill, within often wooded valley slopes and within land controlled and managed by large estates. Some of these sites are amongst the finest to be found anywhere within the Site, and a number have already been the subject of extensive conservation projects, as has the port of Morwellham, which has been

developed into a mining heritage site. Within Calstock, a village enhancement scheme has preserved parts of the copper ore floors on the quays. The area is recorded as having contained 80 engine houses, of which 16 have been consolidated; 22 have been identified as requiring conservation works. Many of these 22 are part of large conservation projects awaiting approval from funders. The Heritage Protection Department will ensure the statutory protection of important mine sites. Calstock and Luccombe are partly covered by Conservation Areas and all industrial settlements have been assessed by CISI. The whole of the historic core of Tavistock is a Conservation Area, and contains a large number of Listed Buildings, and is regarded as an outstanding example of an estate-owned planned town, including 268 Bedford Cottages providing worker's housing. Of the three major foundries within the town, one has been converted to residential use, one is currently being converted for residential use, the other is in use as a store.



Gunnislake Clitters Mine (A10i).

3.8 Extent of existing records and documentation

This is one of the best documented nominated Sites in the United Kingdom. There are considerable local and national records relating to the Site held within district councils, county councils and national agencies. The addresses where inventory records and archives are held is contained in Appendix D.

National Monuments Record (NMR)

The NMR is the national archaeological and historic buildings archive and is maintained by English Heritage. It is based at the National Monuments Record Centre in Swindon, United Kingdom where it has public search rooms and its catalogues and contents are available online via www.english-heritage.org.uk. Of particular importance is the large national collection of aerial photographs dating from the beginning of the 20th century.

The Cornwall and Devon HERs are comprised of the following elements:



Screen-shot of Cornwall HER database.

Historic Environment Records (HER) for Cornwall and Devon

The historic environment includes all aspects of our surroundings that have been built, formed or influenced by human activities from earliest to most recent times – it is the human habitat. A Historic Environment Record (HER) stores and provides access to systematically organised information about these surroundings in a given area, through the application of electronic databases, GIS (Geographic Information System) and paper archives. It is maintained and updated for public benefit (with the likelihood of becoming a statutory database in the near future) in accordance with national and international standards and guidance. Historic Environment Records make information accessible to all in order to:

- advance knowledge and understanding of the historic environment
- guide its care and conservation
- contribute to the decision-making development of public policies and on land-use planning and management
- contribute to environmental improvement and economic regeneration
- contribute to education and social inclusion
- encourage participation in the exploration, appreciation and enjoyment of the historic environment

- **Geographic Information System (GIS):** The GIS is an electronic map system that allows us to view digital maps, both modern and historic, against which archaeological and historical information can be plotted. It also allows the collection, collation, interpretation and presentation of archaeological and historical data through the query and analysis of the spatial elements of that information.
- **Sites, Monuments and Buildings database (SMR);** this electronic database holds thousands of records of sites, structures, buildings, artefacts, finds and significant place-names throughout Cornwall and Devon ranging from early prehistory through to the late 20th century. The SMR data is linked to the Geographic Information System.
- **Plans and Surveys;** HERs also hold a variety of paper and film-based archaeological plans and surveys.
- **Event record -** All archaeological and historic building interventions and activities (excavations, surveys assessments, watching briefs etc) are recorded in the HER. Reports on these interventions are held within the HER.
- **Protective Designations –** details of national and local statutory and non-statutory protection for sites, monuments, buildings and areas are held in HERs.
- **Images –** ground and aerial colour and black and white photographs are a significant historic resource and the HERs incorporate archives of thousands of photographic images. In particular these record conservation works to mine sites over the past 20 years in Cornwall and West Devon. Both Cornwall and Devon County Councils have longstanding programmes of specialist archaeological aerial photography whose results form part of the HERs.

The World Heritage Site Bid has undertaken extensive desk-based research work, augmented with corroborative fieldwork; identifying, documenting and mapping thousands of mining related features and landscapes across Cornwall and West Devon in support of the Nomination. This has been done through close liaison with the HERs of both Cornwall and Devon counties. The project results have been deposited and incorporated into the HERs for wider dissemination and use in addition to being added to the Cornish Mining website (www.cornish-mining.org.uk).

County Records Offices (Cornwall and Devon)

The County Records Offices provide high quality archive services for Cornwall and Devon. Their main purpose is to ensure that the historical records relating to the people, places and organisations of Cornwall and Devon are preserved for the future and made available for public consultation. The offices are staffed by teams of professional archivists and conservators who can offer advice on the archives and their storage and care. Electronic catalogues to the collections are now available online via the national Public Record Office website (www.a2a.org.uk) and the two local websites (www.cornwall.gov.uk www.devon.gov.uk).

The Offices hold a wide range of documents dating from the 12th to the 21st centuries. This includes thousands of maps, plans, photographs, parchment documents and volumes which contain information on local families and their estates, businesses, schools and villages, together with evidence for maritime and mining activities. Of particular importance are the Mining Records held in the two Offices deposited by law on the closure of a mine. They constitute an historical resource of international significance.

Historic Landscape Characterisation

Cornwall pioneered the methodology for Historic Landscape Characterisation (HLC), undertaking the first countywide characterisation nationally in 1994 as part of a general Cornwall Landscape Assessment (1994). The 'Cornwall Method' is set out in Historic Landscape Assessment, Presenting a Method (1998). The Devon HLC was started in 2001 and will be completed in 2004. This is a later generation HLC and has been built up in a series of chronological layers of landscape use on a GIS base. HLC is now accepted throughout the UK as a standard method of identifying the historic character of any area. The World Heritage Site Bid has benefited from this work and analysis of HLC has informed the

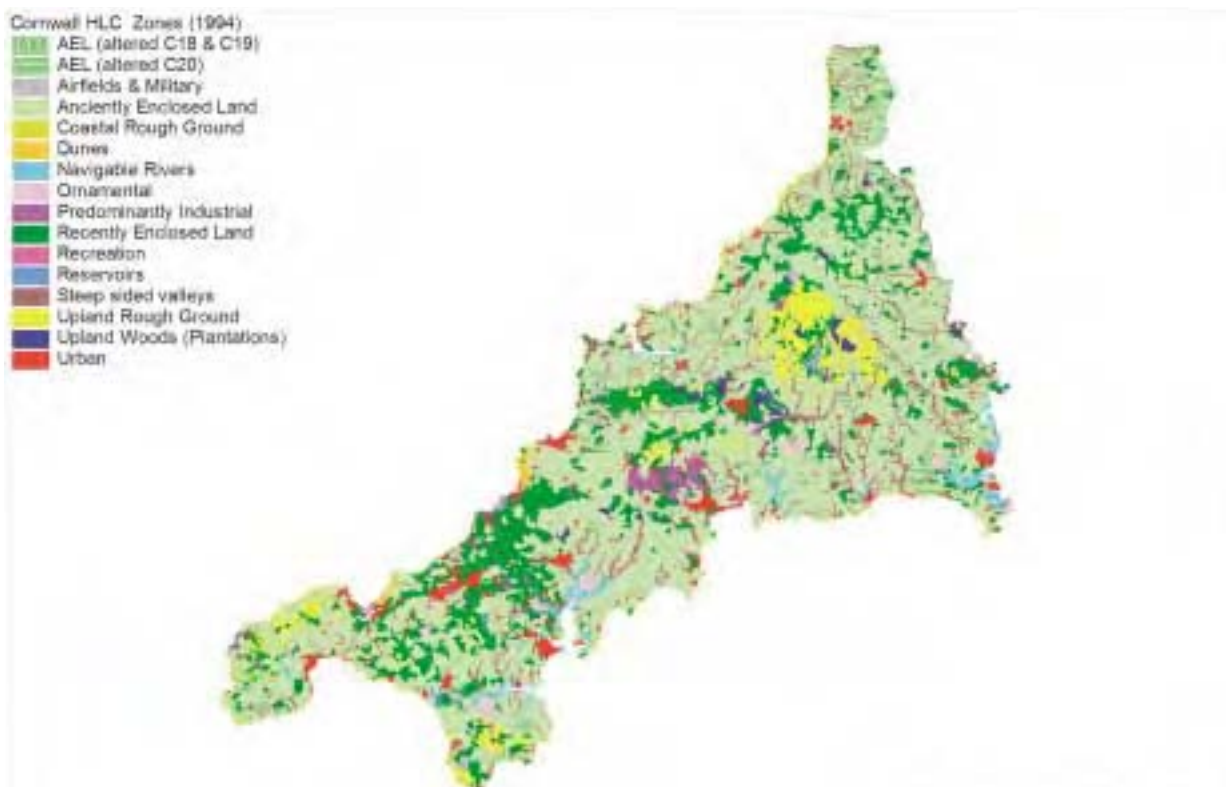


Figure 7. Historic Landscape Characterisation (HLC) map for Cornwall



preparation of the Nomination Document and particularly the area boundaries.

Characterisation is fundamental to our understanding and interpretation of the historic environment. It sees the present-day landscape as the product of continuing human intervention, different phases of which inform the dominant landscape character in different areas, which can be distinguished by systematic analysis. This process allows parcels to be assigned, using a number of systematic sources (mainly maps), to defined HLC Types. To create a smaller-scale and simplified characterisation of a whole county, the Types mapping can be simplified, generalised and, to some extent, reinterpreted, to produce a map of Historic Landscape Character Zones as shown below for Cornwall. HLC provides a tool both for the definition and explanation (in historical terms) of present day landscape character, and for the provision of systematic advice on landuse change that will be in sympathy with the historic character of the area.

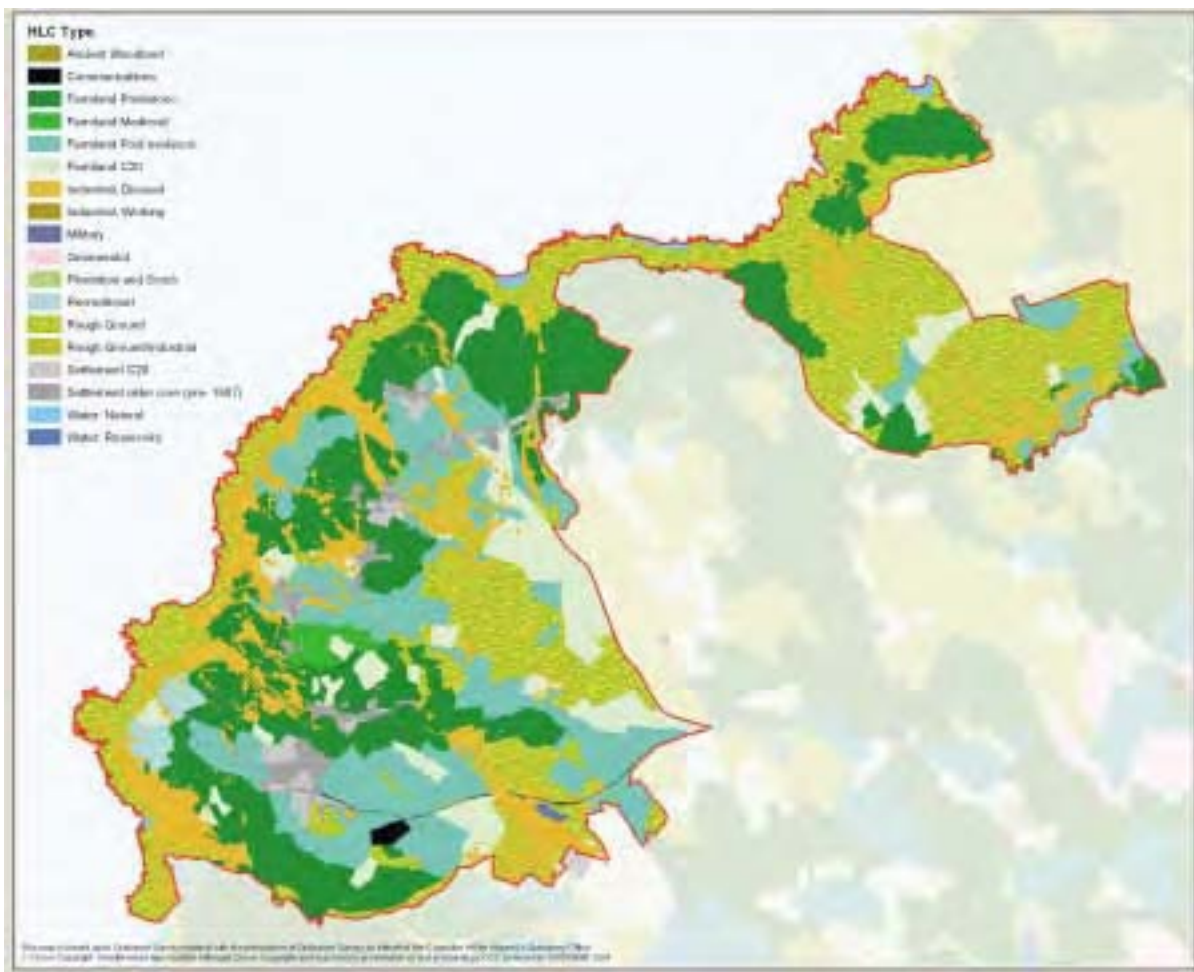


Figure 8. An example of historic landscape characterisation applied to the St Just Mining District.

Scheduled Monuments

The United Kingdom government maintains the Schedule of Monuments. Copies of the Monument Descriptions and maps are distributed by English Heritage to local authorities including Cornwall and Devon County Councils. Within Cornwall the map polygons are digitised and added to the GIS and the Monument Descriptions are added to the Historic Environment Record and the same work is in progress in Devon.



public access will be made available in future. This detailed list augments and enhances existing electronic and paper information currently held, maintained and shared by and between Local Authorities.



Register of Parks & Gardens of Special Historic Interest

This national register is maintained by English Heritage but copies are circulated to local authorities including Cornwall and Devon County Councils. Entries on the register are added to the Historic Environment Record and mapped on the GIS.

Listed Buildings (Images of England or LB Online)

The United Kingdom government maintains a List of Buildings of Special Architectural or Historic Interest (see 4c). English Heritage has recently sought to improve access to this information by launching the publicly accessible Images of England website at (<http://www.imagesofengland.org.uk>). This resource provides a searchable Listed buildings database, offering full extracts from the List description, and a photograph of each building providing a snapshot in time of England's historic buildings. In addition English Heritage have recently created the Listed Buildings Online website (<http://lbonline.english-heritage.org.uk>), which provides a copy of the detailed List specifically to Local Planning Authorities, National Amenity Societies, and other authorised government agencies; although

Cornwall Industrial Settlements Initiative (CISI)

CISI is the subject of a Conservation Area Programme between English Heritage (with the Heritage Lottery Fund), Cornwall County Council and the 6 districts in Cornwall. It is intended to assess the character and significance of 112 industrial settlements, including villages, ports and towns associated with Cornwall's nineteenth century industrial revolution based on metalliferous mining, quarrying and china-clay. The historic importance and distinctive character of these settlements has previously been undervalued and their

existing status does not adequately represent the industrial history of Cornwall. CISI aims at redressing this by producing a short report on each settlement's history, character, and importance. This is followed by recommendations for improved protection through listing and conservation areas. The CISI report could become the basis of Conservation Area Statements and the use of Article 4 directions. Subsequent revision to the project has reduced the number of settlements and prioritised those that fall within the Site.

Site Area	CISI name (settlement no.see fig)
A1 St Just Mining District	St Just (1) Nancherrow-Tregeseal (2) Botallack-Truthwall (3) Carnyorth (4) Trewellard (5) Pendeen (6) Bojewyan (7)
A2 The Port of Hayle	Not CISI (see Hayle Historical Assessment 2002)
A3 Tregonning and Gwinear Mining Districts	Praze an Beeble (8)
A5 Camborne and Redruth Mining District	Troon (9) Beacon (10) Camborne (11) Tuckingmill and Roskear (12) Pool (13) Redruth (14) Portreath (15)
A6 Gwennap Mining District with Devoran and Perran and Kennal Vale	St Day (16) Chacewater (17) Perranarworthal (18) Devoran (19)
A7 St Agnes Mining District	St Agnes (20)
A8 The Luxulyan Valley and Charlestown	Not CISI (see Charlestown Survey 1998)
A9 Caradon Mining District	Tremar Coombe (21) Darite (22) Crow's Nest (23) Pensilva (24) Minions (25) Henwood (26)
A10 Tamar Valley Mining District with Tavistock	Gunnislake (27) Drakewalls - Albaston (28) Calstock (29) Kelly Bray (30)

Table 7. CISI reports within the World Heritage Site.

(reports available on www.historic-cornwall.gov.uk/cisi)

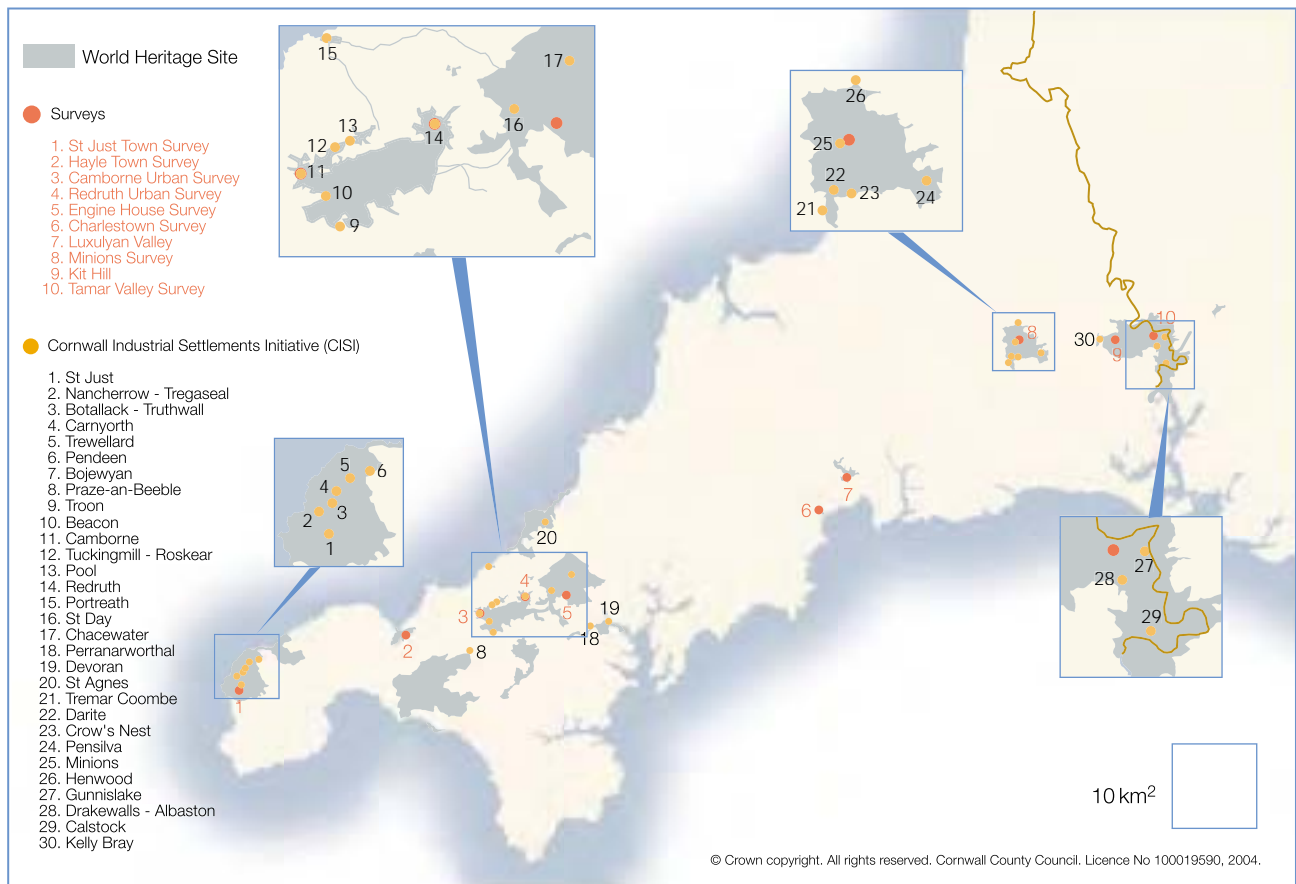


Figure 9. Surveyed areas within the World Heritage Site.

Below are selected examples (out of a total of 249 reports) of significant area and site based surveys that have been undertaken within the Site. Copies of these reports are held with the appropriate Historic Environment Record. A comprehensive list of all the Events that have taken place within the Site is available from the Cornwall and Devon Historic Environment Records, and is included in Appendix E.

Area Based Surveys

- Kit Hill 1988**
- Luxulyan Valley 1988**
- St Just Survey 1992**
- Minions Survey 1993**
- Hayle Town Survey 1995**
- Godolphin Assessment 1997**
- Charlestown Survey 1998**
- Tamar Valley Survey 1998**
- Hayle Historical Assessment 2002**
- Camborne Urban Survey 2004**
- Redruth Urban Survey 2004**

Site Based

- Wheal Coates, St Agnes 1986**
- Gawton Mine and Arsenic Works 1988**
- Perran Foundry 1990**
- Geevor Mine 1993**
- Devon Great Consols 2002/Bedford United 2003**



Section 3.9 Public access – physical and intellectual

Access to the Site includes both physical and intellectual elements. Physical access includes aspects such as directional signage, transport links, site orientation and ancillary facilities, for example toilets, car parking. Intellectual access involves site information, interpretation, publications, education and outreach services. Intellectual access is currently provided via museums and archive/ library centres websites, publications, leaflets and walk or trail guides and outdoor interpretation panels. Although acknowledged as integral elements of public access, physical and intellectual aspects will be discussed separately, as the former primarily involves movement of people to and around the Site, whilst the latter focuses on what they experience or learn about the site – whether as part of an actual visit or not.

3.9.1. Physical access

Conserved landscapes in Cornwall and West Devon attract large numbers of visitors. Studies estimate that of the 6.7 million visits to the area each year, 82% are motivated by conserved landscapes*. This is reflected in the levels of use of the Cornish mining landscape, as an integral part of this wider region. The variety of recreational opportunities available also contributes to its attractiveness to a wide spectrum of users.

The different mining landscape components offer different levels and types of access. Whilst the Site includes multiple private ownerships, a substantial proportion of the landscape available to the public - country parks, footpaths, trails, cycle tracks, mine sites, museums and similar visitor attractions - is in the ownership or management of public and charitable bodies.

For visitors within Cornwall and West Devon, although there is no motorway, road communications consist of partially dualled A roads which link the major urban centres. Rural road communications are acknowledged to cause some difficulty, particularly in the peak tourist season, when narrow country lanes become congested. Limited public transport links, both road and rail based, are an issue that needs to be addressed by the World Heritage Site Visitor Management Plan.

In recent years high priority has been placed on sustainable physical access to the mining landscape asset. Access initiatives that enhance the positive

characteristics of the landscape whilst protecting from harm include the ongoing development of the network of paths and cycle tracks including the Mineral Tramways, providing sustainable transport options within and between some areas of the Site. The World Heritage Site Bid Partnership has joined the Cornwall Sustainable Tourism Project (COAST) and through the Marketing Strategy will continue to develop sustainable transport opportunities for visitors to the Site.

A high proportion of visitors are from outside immediate area, reflecting the region's role as a major tourism destination. Transport connections to Cornwall and West Devon from Southern England and Europe are improving. Newquay, Plymouth and Exeter airports are well placed to serve both domestic and international travellers with regular internal flights to London (Stansted and Gatwick), Belfast, Bristol, Cardiff, Edinburgh, Glasgow, Manchester and Newcastle. Exeter also has direct international departures to several airports in Spain and Faro, Portugal, whilst Plymouth has connections to Brussels via Cardiff. In addition, Plymouth has sailings to Roscoff and Santander, bringing European travellers to within 16 km of one of the key Site Areas identified for tourism development within the Site.

** National Trust visitor survey 1999*

Section 3.9.2 Intellectual Access - Interpretation and Education

There are currently 54 museums, heritage centres and other mining landscape related visitor facilities such as country parks and interpreted trails within or adjacent to the Site. Of these, 10 attractions recorded a combined visitor total of over 460,000 in 2003. The highest concentration is in the Central Mining area (Camborne/Pool/Redruth), with nine mining related interpretation facilities. The most significant roles in presentation and promotion of the Site are performed by the National Trust, managing six of these attractions and Cornwall County Council with six.

Mining Heritage visitor facilities within the Site Areas can be broadly categorised as follows:

- Heritage centres/ museums interpreting multiple aspects of Site history and significance, providing a range of visitor facilities including education services
- Mine sites interpreted and operating as a visitor attraction and providing a range of visitor facilities, including education services
- Mine sites, accessible and with basic interpretation, but no visitor facilities
- Mine landscapes with basic interpretation, served by trails and footpaths
- Mineral and mine owners houses and gardens
- Mining towns and villages with basic interpretation trails
- Libraries and archives with mining related material and collections
- Tourism Information Centres

The main visitor facilities by Site Area are outlined below.

A1 St. Just Mining District

Geevor Tin Mine (Pendeen Community Heritage).

The largest preserved 20th century tin mine in the world. The site is dominated by the tall Victory Shaft steel headgear forming a prominent landmark. Geevor lies in an AONB, on the route of the South West Coast Path. The Penwith Heritage Coast – a National Heritage Coast - stretches some 33 miles around the Land's End peninsula from just south of Penzance to St. Ives. Contained within the site are a complete and authentic range of structures which comprise a Cornish tin mine, archaeological features from the Mesolithic until the late 20th century that demonstrate the historic development of mining practices and a range of equipment demonstrating processes involved in the industry and including some very rare survivals. Underground access to mine workings covering an extensive period of time is also available.

Development proposals are the subject of a current Heritage Lottery Fund bid and include:

- Visitor access for a new underground tour;
- Restoration of surface buildings and structures;
- Ecological conservation;
- Expanding educational provision;
- New museum.

Levant Mine and Steam Engine (National Trust)

A restored engine house, perched on the cliff edge, contains the oldest survival of a Cornish steam engine (1840) still in situ, brought back to working order by volunteers. Man Engine Shaft has recently been made safe and the top section can be accessed via the spiral granite staircase and tunnel that leads to the scene of one of Cornwall's worst mining disasters when 31 miners were killed in the shaft due to mechanical failure.

Botallack Count House (National Trust).

A conserved count-house owned by the National Trust and used as their warden's base, and as an interpretation point for this stretch of mining coast (free). The adjacent arsenic works has now been conserved and interpretation will be updated. The site is used by the community and so public access is on an ad hoc basis. It does not feature strongly in National Trust promotions.

Visitor facilities just outside the Area

Wayside Folk Museum, Zennor (Private).

Interesting collection related to local social history, including mining.

Rosevale Mine (Private).

A privately owned mine of 19th and early 20th century workings which have been restored and preserved by a group of mining enthusiasts, representing an important example of a typical smaller mine. Guided tours are provided on a pre-arranged basis; the tours are aimed at those wishing to acquire a more detailed understanding and appreciation of the history, methodology and environment of hard rock mining, and as such provide an important service to a specialist niche market.

Penlee House Art Gallery and Museum (Penzance Town Council).

Refurbished in 1997 as the home of the historic collections of Penzance Town Council and Penwith district Council. Displays include mining history and photographic archive.

Royal Cornwall Geological Museum, Penzance (Royal Geological Society of Cornwall).

2,000 visitors per annum in the past. Now closed.

A2 Port of Hayle

There is no existing visitor attraction within the Site boundary, but proposals exist to develop Harvey's Foundry. Around 25 historic structures of the great Harvey's Foundry survive in a relatively coherent group. This is where the largest steam engines in the world were produced and the greatest number of mine steam engines exported, globally. There is no formal visitor access or facilities at present.

This complex is currently the focus of a major, three-phase conservation project by a local partnership established to develop proposals for the regeneration of the area. Some refurbishment and new build has been completed in Phase 1. A local records archive will be provided for the records from Harvey's Foundry which have survived intact. Phase 3 (2005-8) will include the main public uses e.g. a heritage centre, backpackers' hostel and an open square.

A3 Tregonning and Gwinear Mining Districts

Godolphin House (Private) and Estate (National Trust).

Godolphin House is one of the most charming and architecturally important houses in Cornwall. Grade I mansion (in final phase of restoration) with Elizabethan stables surrounded by formal gardens (about to be restored). Sir Francis Godolphin (Lord of Godolphin from 1575-1608) was a mines adventurer and established an exceptional tradition of pioneering mining and tin processing technology.

The National Trust bought the Estate in 2000 (550 acres) and the conservation of the important pumping engine house (1829) and separate tiered mine chimney stack at Leeds' Shaft of Great Work mine is now complete. The fine count-house of Godolphin copper mine has also been conserved and serves as their warden's base and education centre amidst deeply disturbed ground of pits, waste dumps, leats, pools and shafts. The historic landscape includes Godolphin Hill, from which there are wonderful views over west Cornwall, and more than 400 recorded archaeological features ranging from Bronze Age enclosures to dramatic 19th-century mine buildings.

Trevarno Estate and National Museum of Gardening (Private).

House, gardens and large garden centre originally funded by mining wealth. No specific mining theme picked out at present.

Visitor facilities just outside the Area

Helston Folk Museum (Kerrier District Council).

Excellent social history collection, including mining heritage. 10-15,000 visitors per annum.

A4 Wendron Mining District

Poldark Mine and Heritage Complex (Private).

The mine was originally worked sometime between 1720 and 1780. In 1856 it became part of the Wendron Consols Mine and is shown on the surface plan of that mine as 'old men's workings' meaning that it was at that date considered a very old mine. Because of the unusual way in which Wheal Roots Lode had been worked there is little doubt that it had been discovered by tin streamers in the bed of the River Cober and was from there mined into the hillside.

The site is a multi-faceted family leisure attraction. Access to the site is free but there is an admission charge for the underground mine tour. Contained within the site is a mixture of buildings and structures which house. The physical appearance of the site disguises the genuine heritage qualities of the museum and underground experience

The museum gives an overview of: the early history of tin extraction in Cornwall; the rediscovery and exploration of the mine; the early history of the use of explosives in Cornwall; the history and development of steam engines in the County; the Cornish overseas. The museum is being refurbished with new exhibitions and Poldark is developing as the interpretation centre for the Wendron area.

The guided underground tour of the mine takes approximately one hour. Up to 30 visitors are taken on a tour. About two thirds of all site visitors (85,000 per annum) take the mine tour for which a charge is made.

A5 Camborne and Redruth Mining District

The Mineral Tramways Heritage Project is an-going scheme to make accessible an extensive integrated network of multi-use trails, based on the old tramways, centred on Camborne and Redruth. The two existing trails were completed some time ago:

- The 12km Great Flat Lode Trail around Carn Brea which explores the greatest concentration of historic mine buildings anywhere in the world with sweeping views of the historic landscape;
- The Coast to Coast Trail from Portreath to Devoran.

The new project will involve the creation of a further 28km of multi-use trails (the Tolgus Trail, Portreath Branch trail, Redruth and Chasewater Railway trail etc), connecting with the existing network to provide a 60km integrated network linking mine sites, attractions, settlements, visitor facilities and public transport

Cornwall's Industrial Discovery Centre, Pool, (National Trust).

The present-day concentration of three surviving Cornish beam engines in their authentic metal mine context is unparalleled. One engine has been restored to working motion and the other two pumping engines have the capability to work again.

A 30-inch cylinder beam winding engine survives at Mitchell's Shaft of **East Pool Mine** on the main road and is open to the public. It was saved from being scrapped in 1941, was taken over by the National Trust in 1967 and set back in motion (by electric motor) again in 1975. There is a car park and small interpretation centre. Across the main road is **Taylor's Shaft**, part of the same East Pool Mine. This site has been refurbished to turn it into the Cornwall Industrial Discovery Centre. The complex comprises a winder house, compressor house, two boiler houses, capstan house, miners' dry, office and primary crushing and ore-loading stations. This is an important interpretation centre for the whole of the Site but the site is hidden behind the supermarket car park and the surroundings leave much to be desired as a major visitor destination.

King Edward Mine, Troon, Camborne.

This was a training site for the world-famous Camborne School of Mines. There is a mine and tin-processing plant, a drawing office and remains of other surface buildings contemporary with the turn of the 19th Century. There is no public underground access. It contains a working museum with a collection of late 19th/early 20th century tin processing equipment. The site only opened last year to visitors. For many years volunteers have been restoring the Mill, which still contains the last working Californian stamps

in Britain, together with working examples of round frames, rag frames and a Cornish buddle.

Camborne Museum (Town Council).

A small room above the library with traditional displays on mining and Trevithick. Open all year for a short time each day.

Camborne School of Mines and Geological Museum (Exeter University).

Currently closed to public. Used to attract c10,000 visitors per annum. Contains National Trust's 'Norris' collection of minerals.

Redruth Museum (Redruth Old Cornwall Society).

A small local museum in two rooms on the first floor of the old Barclays Bank building. Open three days a week. Small collection of mining models, artefacts, documents, photos and minerals.

Murdoch House is where mining engineer William Murdoch (1754-1839) lived whilst he worked on local mines. He invented gas lighting in this house in 1792 supplied by the world's first gas pipeline. Open one morning a week for community use. Murdoch House hosts the Cornish Global Migration Project and the Redruth Story Group (an interpretative initiative).

The Cornwall Centre is the home of the Cornish Studies Library. This contains a good collection of mining and related historical and contemporary publications including a complete set of The Mining Journal one of the best primary resources for historical research into the industry. Interpretive panels on mining heritage and Cornish emigration.

Wheal Peevor

Wheal Peevor is a rare survival of a classic triple arrangement of winding, pumping and stamps engine houses (circa 1875), visible from the A30 trunk road. Restoration work is in progress and it will be linked with the Mineral Tramways project

Visitor facilities just outside the Area

South Crofty Mine, Camborne (Private).

South Crofty mine was Europe's last working tin mine, closing in 1998 when the pumps were turned off and the mine allowed to flood. Since late 2003, refurbishment of the New Cook's Kitchen sett, the first stage of

re-opening of the modern mine, has provided the opportunity for visitors to go underground. The pre-booked tours last for 70 minutes. Once fully operational the underground tours will expand and include a variety of underground routes and activities, on surface the tour may include an operating processing plant, site tramway, heritage centre and mining complex

Tolgus Tin.

Now forming part of the Cornish Gold Centre on the Portreath road near Redruth, this site is the largest and most complete of only two tin tailings works that now survive in Cornwall. (Working waterwheel and tin stamps.) Tolgus Tin contains much original equipment and machinery that is being gradually restored to working condition to explain the process of streaming for tin in Cornwall. Good wheelchair access and suitable for visually impaired. Visitor numbers dropped significantly in 2003. The site is owned by Cornish Goldsmiths, a major retail outlet attracting c300,000 visitors per annum to an adjacent site.

Trevithick's Cottage.

Richard Trevithick's childhood residence, owned by the National Trust. An attractive thatched cottage, close to Camborne in the village of Penponds, with a 'Trevithick' room full of memorabilia. Open on Wednesday afternoons between April and October. Donations accepted. Managed by the National Trust.

A6 Gwennap Mining District with Devoran and Perran and Kennall Vale

Museum of Cornish Methodism, Gwennap Pit.

Gwennap Pit is an open-air preaching pit that dates from the mid-eighteenth century. It was used 18 times by John Wesley and by the 1780's he was preaching to crowds of 20,000. Its stepped amphitheatre form dates from 1806. Open all year but the visitor centre is open Spring BH to end of September, 6 days/week. 15,000 visitors per annum to Pit. Free entry.

St Day Church. Work started in September 1999 to stabilise this derelict ruin so that it could be used for open-air concerts and events. The first phase has been completed (Nov 2000). It could also become a centre for the interpretation of the Mineral Tramways routes around the St. Day area. Resources are now being sought.

The Historic Churchyards Project aims to create a resource within the five villages of Lanner, Stithians, Gwennap, St Day and Carharrack where the churches contain records of the traditional mining community. The project involves enhancing and interpreting the churchyards (supporting the genealogy market) and the creation of 17km of trails to link them and the Minerals Tramway project.

Visitor facilities just outside the Area

Royal Cornwall Museum, Truro (Royal Institution of Cornwall).

County museum and art gallery with room devoted to mining and a world famous mineral collection of over 10,000 specimens, including the 18th century Rashleigh collection. Subsidiary themes include ecology, local history, engineering, social history. Fully accessible. 119,000 visitors in 2003 (large proportion free entry), including over 6000 in educational groups.

Cornwall Record Office, Truro (Cornwall County Council).

Main public archive in Cornwall, holding substantial collections of mine plans, related industry records and accounts and correspondence, for example the Boulton and Watt archive. Major local history resource and focus for genealogists tracing ancestors. Education and outreach services. Free access.

A7 St Agnes Mining District

Blue Hills Tin Stream Works.

Reputed to be the last remaining tin producing centre in Cornwall and the United Kingdom. A tour encompasses the production process - from mining through smelting to the finished dressed tin. This is a traditional working site with waterwheel, Cornish tin stamps, buddle, shaking table, the furnace, production of ingots and jewellery. It is possible to handle tin stones, watch them being crushed and processed. Retail outlet. Set in magnificent coastal location but with difficult road access.

St Agnes Museum.

A local history museum featuring various artefacts and exhibits detailing the area's mining and seafaring heritage.

A8 The Luxulyan Valley and Charlestown

Shipwreck Centre, Charlestown. This well-known and well established museum is housed in an old 'clay dry' built on top of the tunnels formerly used to transport the clay to the harbour. The museum is focused on wrecks but has a collection of minerals and artefacts from Cornish mining.

The Luxulyan Valley Project involves refurbishment of the leat system running through the valley and the renovation and re-use of a former china stone works

Visitor facilities just outside the area

Wheal Martyn Museum, Carthew.

A 10.5 hectare site covering two former 19th century china clay works. The story of clay mining is told from 1800 to present day with various trails. The historic trail takes the visitor through the old clay works. The Nature Trail goes through man-made and natural habitats and to a viewpoint over current workings. Facilities include: trails, exhibitions, audio-visual show, children's adventure trail and picnic areas

A9 Caradon Mining District

Minions Heritage Centre. Set within the restored old Houseman's engine house, the centre has an interpretive display on mining in the local area. Evocative site with parking. There are proposals to restore two upper levels, re-focus interpretation on Minions and community involvement.

The Caradon Hill Heritage Project is a proposed package of mine site conservation, village improvements and major landscape enhancements linked to access improvements and an interpretation, education and marketing programme as follows:

- Conservation and safety works to 87 structures at 9 mine sites;
- Conservation of key landscape features in 9 different areas;
- Enhancement of the village centres of Minions, Upton Cross, Pensilva and St Cleer;
- An integrated trails network of 52km including 8.8 km of multi-use trail around Caradon Hill following the track of the Liskeard & Caradon railway
- An interpretation and education programme

The East Cornwall Regeneration Project (proposed)

involves conservation and access works in the Tamar Valley and Kit Hill areas. It involves:

- Conservation work to 73 structures at 11 mines and 4 quays, including Cotehele;
- Access improvements to mine sites including creation of 23km of the Copper Mining Trail (a 36km trail from Liskeard to Calstock via the Caradon Hill, Kit Hill and Gunnislake) linking the mine sites;
- Village enhancements to 5 villages;
- Marketing and interpretation.

Visitor facilities just outside the Area

Liskeard Town Museum.

A new, attractive local museum focusing on social history but with a small subsidiary theme of mining and mineralogy (exhibition of minerals, artefacts and narrative on mining adventurers and displays on how miners worked and lived). Around 10,000 visitors per annum. Open all year.

A10 Tamar Valley Mining District with Tavistock

Morwellham Quay with George & Charlotte Mine (The Morwellham and Tamar Valley Trust).

Since 1970 the Morwellham and Tamar Valley Trust have managed the site as an open-air museum of living history. The docks and harbour were cleared of silt, the quays and buildings of the undergrowth which obscured them. Warehouses, workshops and houses were restored to their mid-19th century appearance and used to interpret the history and development of the port. In the late 1970s the George and Charlotte mine, a small 18th and 19th century copper mine, situated 400 metres from the village, was made accessible to visitors via an electric tramway. Live, costumed interpreters are used to interpret the houses and workshops and to help visitors delve more deeply into the domestic and working lives of former inhabitants of the village. Events are an important part of the interpretation. The Trust seeks to re-position Morwellham as a flagship cultural tourist destination in the southwest.

The Tamar Valley Mining Heritage Project currently being developed by the Tamar Valley AONB has secured funding from SWDRA, together with indications of funds from GOSW and the Heritage Lottery. A sum of £1,000,000 is budgeted to be spent at Morwellham.

In addition to the heritage investment at Morwellham the project will make accessible the mine sites across the area that have little or no official access via new trails, making sites and buildings safe and interpreting the remains.

Kit Hill Country Park (Cornwall County Council).

110,000 visitors per annum. This is a major landmark and an outdoor recreation area in an area of old mines. Some on-site interpretation panels, leaflets, talks, walks and an archaeological book are provided. Parking available, with great views (including Devon Great Consols). No current plans. Needs better links with adjoining areas. Open all year.

Cotehele Quay.

At the Quay there are interesting old buildings housing an art and craft gallery and an outstation of the National Maritime Museum. The restored Tamar sailing barge Shamrock is moored alongside. A network of footpaths throughout the estate provides a variety of riverside and woodland walks with a high nature conservation and industrial archaeology interest.

Tavistock Museum (Town Council/Local History Society).

Small local history museum with subsidiary themes on mining and canal history i.e. small exhibit of mining equipment, photographs, minerals and exhibits relating to Tavistock Canal. Opened August 2003. 850 visitors to date. Open all year, three days a week. Free entry.

Interpretation

Within the range of visitor facilities discussed above, the most frequently presented key themes relevant to the outstanding universal significance of the World Heritage Site include the development of mining and related technological innovations and transport systems, together with discussion of the social impacts as part of local history displays.

Methods of presentation include exhibitions, displays and interpreted trails, with a wide range of books, guides and leaflets available from the attractions themselves and other distribution points within Cornwall and Devon, such as Tourist Information Centres. Guided walks are available at some of the parks and country trails, and there are 45 guided walks publications covering sites and trails within the Site currently in print.

A number of websites exist to provide information about mining and allied sites, projects and societies, or to promote visitor facilities, whilst others are under construction or have been proposed. Existing web sites include the Cornish Mining World Heritage Site Bid (www.cornish-mining.org.uk). This provides information relating to the development of the Bid to raise awareness of its existence and aims. It is intended that this website will be maintained and expanded should Inscription be achieved. CHAIN (www.chain.org.uk) (the Cornwall Heritage Access Information Network) is an umbrella website for museums and galleries in Cornwall, promoting and enabling on-line access to the collections held by the member museums. The National Trust has developed their website giving access to information about their sites and related services, such as education, as have the majority of single site operators. Some information is also available via the Cornwall Tourist Board and other visitor-oriented websites, including CATA and DATA (The Cornwall Association of Tourist Attractions and its Devon equivalent).



The web site of the Cornwall and West Devon Mining Landscape World Heritage Site. The web site is a vital tool in disseminating information relating the inscribed site

Education

Properly marketed and interpreted, the Site has a huge potential contribution to make to formal and informal education. As a result education audiences are recognised as key segments to be targetted in the marketing and interpretation strategies. However, given the relative ease with which education audiences can be reached and detailed information about their needs gathered, compared with other categories of user, information about current educational use of the Site is limited.

Existing education services within and about the Site are provided primarily by the main visitor attractions and museums. The National Trust and Cornwall County Council provide education services to school parties at their attractions within the nominated Site, as do a number of the other local authority and charitable trust managed museums and heritage centres.

There is potential for much greater use of the Site in teaching both existing National Curriculum subjects such as local history, geography and technology and specially developed study schemes, such as Cornwall County Council's "Sense of Place" initiative. Teachers also require support and teaching resources for use in the classroom. Recent research to establish education priorities for museums in the South West discovered a need for greater access to education resources to teach local history from teachers from pupils in the 5 to 16 age range. In Cornwall half of the Key Stage 3 teachers consulted were interested in resources to provide an overview of Cornish industry, with one commenting that they want to be able to "teach [about] mining in an interesting way" (Local History report for the South West Museums Hub, Nicky Boyd, Nov 2003). However, education services will need to be developed in the context of a strategic overview that avoids unnecessary duplication.

The Site also has relevance for further and higher education audiences. The international significance of the Site to the study of mineralogy and geology is reflected in field trips for academic study by Universities and colleges. In addition there are enquiries from students to the four geology and mineralogy collections held in The Royal Cornwall, Plymouth, Royal Geological Society of Cornwall and Camborne School of Mines Museums.

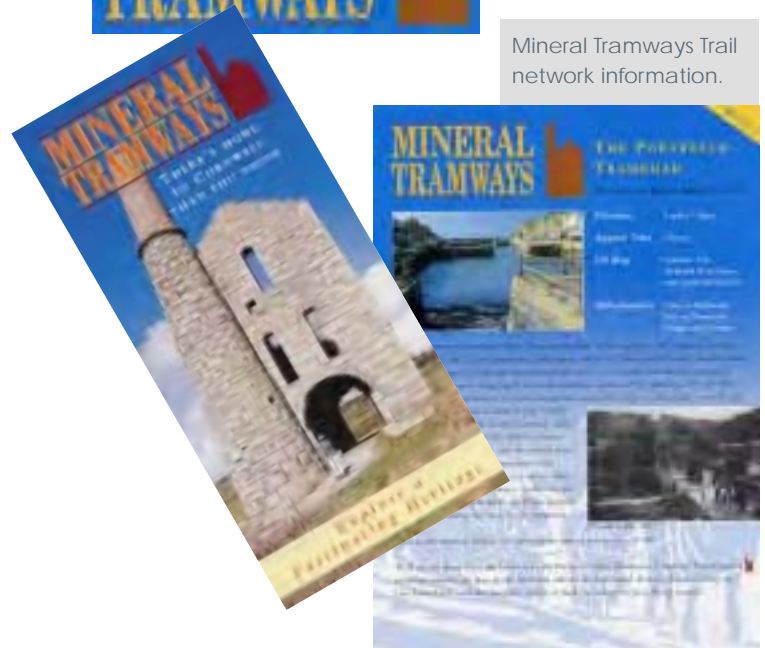
3.10 Marketing

Even now, before the Site's formal nomination to UNESCO, there are already a great number of organisations, companies and individuals involved in the marketing of mining heritage-related land, attractions and cultural assets within the Site.

In addition, there are key organisations whose activities at a national level are of direct relevance to the Site. The World Heritage Site marketing strategy sits within the context of existing national, regional and local marketing priorities. Analysis of these indicates that key tourism policy objectives primarily focus around



Mineral Tramways Trail network information.



generating more visits outside the traditional high season from higher spending market segments to increase the value of tourism to the economy without a comparable increase in numbers. Recent research has highlighted the importance of the conserved landscape and high quality cultural attractions to these markets (Cornwall and Scilly Objective One Single Programming Document).

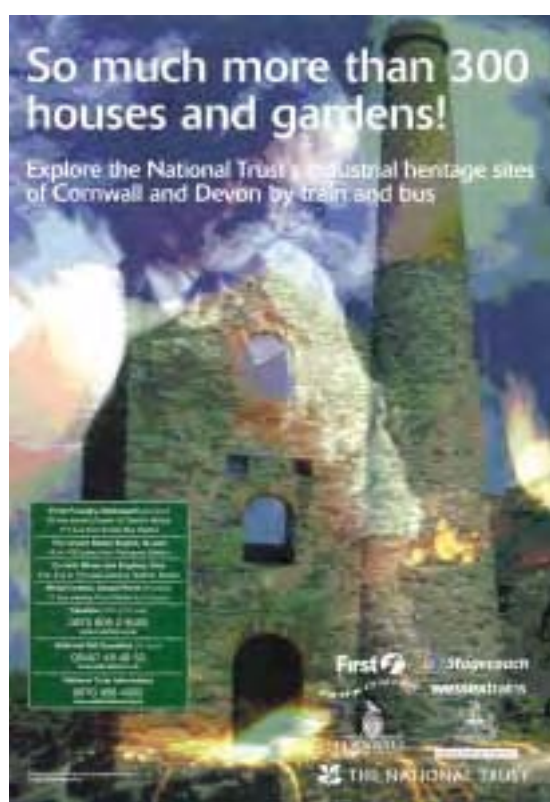


Interpretation panel at Great Work Mine.

The Site could therefore make a significant contribution to strategic priorities aimed at the economic and environmental integration of the tourism industry. An Economic Impact Assessment (EIA) was commissioned by the Bid Partnership in 2003 to:

- establish the current volume and value of mining heritage motivated tourism
- predict the effect of World Heritage Site Inscription on tourism

It is estimated that in 2001 there were 870,000 visitors to a range of mining heritage attractions facilities within the region. However, the survey of mining heritage attractions and facilities conducted in 2003 found that 460,000 visitors were accounted for by 10 main attractions. These visitors are a sub-set of the estimated 6.7 million trips every year motivated by conserved landscapes.



Promoting Industrial Heritage.

In estimating the potential impact on visitor numbers of Inscription as a World Heritage Site, the EIA identified that the ten World Heritage Site nominated Areas fell into five broad categories. These differentiated between those areas with the capacity to benefit from increased visitor activity throughout the year, those where any growth should be targeted outside the summer high season, areas where infrastructure development was needed before the area could support greater visitor activity, and those which were not well placed to seek growth in visitor numbers, either because they were

already at capacity or due to a lack of facilities. The EIA recommended differentiating between these elements of the Site and the World Heritage Site Marketing Strategy will therefore reflect these variations in capacity for growth, and promotional activity will be targeted accordingly.

The EIA report concluded that, given the context of regional tourism targets for growth between 1999 and 2010 (40%), there was potential for a 10% increase in mining heritage related visits by 2007/8, subject to the implementation of a 3 year, £500,000 marketing strategy commencing in 2004. Discussions are underway with existing tourism and marketing agencies in Cornwall and West Devon and the visitor attractions listed above to identify funding opportunities for the marketing strategy priorities identified in section 4.3.11.

3.11 The academic interest in Cornish Mining history

For well over a century Cornish mining history during the industrial revolution has attracted significant attention from academics, professional historians, industrial archaeologists and keen amateurs, resulting in a vast edifice of work that covers many of the aspects that constitute a complex and multi-faceted subject. There has been a plethora of publications on the history of individual mines (most notably the works of Hamilton Jenkin and Noall) and industrial archaeology. Several noteworthy books of historic mining photographs have appeared (see Trounson-Bullen), while numerous works covering Cornish mining technology and transport, smelting and ore processing, financial organisation and mineral production figures have been published (see the bibliography).

This scholarship has helped to ensure that Cornwall is acknowledged as one of the regions in the vanguard of the British industrial revolution, as evidenced by The International Committee for the Conservation of the Industrial Heritage (TICCIH) 2000 international conference that was held in the United Kingdom. This commenced in London and included three regional tours to visit monuments and sites of technological interest, one of which came to Cornwall. The National Association of Mining History Organisations (NAMHO) 2000 conference, held in Cornwall, and was jointly hosted by Carn Brea Mining Society and Camborne

School of Mines. It included papers across a wide range of historic mining subjects and programme of various field trips (conference papers and proceedings were published by the Cornwall Archaeological Unit). The 34th annual conference of the Underwater Mining Institute, to be held at the Royal School of Mines London in 2005 will feature an optional field trip to Cornwall that will visit several areas in the Site. Yet, there are far fewer works that deal with the social history of Cornish mining, few are comparative and most lack a theoretical underpinning. Social history addresses such issues as community responses to rapid industrialisation and de-industrialisation, gender and family relations during the industrial revolution, religion, politics, education, miners' health and welfare, cultural life, regional identity, and migration. Although the issue of migration has received rather more attention, most notably in Payton's *Cornish Overseas*, only a handful of papers exploring social history have been published in academic journals. Several doctoral theses have been produced that cover aspects of social history: see for example Rule (1971), Burke (1981), Luker (1987) Deacon (2001) and Schwartz (2003), but none have as yet been published into a book therefore making this scholarship largely unknown to the general public. There is no definitive reference work covering the sociology of Cornish mining. Entitled *Mining, Communities, and Culture*, the Cornish History Network's annual conference of 2001 highlighted the need to conduct more research on mining social history. Institute of Cornish Studies (ICS) academics, Drs Deacon and Schwartz, at the South West Family History Societies' Conference *Westward Ho! Movement and Migration from South West England* held at Exeter University in 2003, stressed the need for comparative and multi-scalar research of mobility in nineteenth century mining communities across Cornwall. The international Interskola Conference of 2005, being hosted by Cornwall, has decided to devote a day to mining and its influence upon educational development. It includes papers by academics at the Camborne School of Mines, ICS and visits to important industrial archaeological sites in the Site.

On-going and planned research projects

The ICS (which is part funded by Cornwall County Council) leads the way on research projects related to Cornish mining. It is home to the Cornwall Audio-Visual Archive (CAVA), the Cornish History Network (CHN) and

the Cornish Communities Programme (CCP). Dr Garry Tregidga set up the CHN in 1999 and CAVA in 2000, for the study and documentation of the oral and visual culture of Cornwall (<http://www.cava-studies.org/>). Headed by Drs Deacon and Schwartz, the CCP (<http://latis.ex.ac.uk/cornishcom/>) is seeking academic funding for a project entitled *Contrasting migrations: migration and community in 19th century Cornwall* that focuses on cohorts from three occupationally contrasting communities (farming, mining and maritime/urban) in the modern Carrick District. The research aims to explore whether people from mining communities were more mobile than those from non-mining ones. The project team are looking to establish closer links with the Historic Environment Service that has a unique spatial dataset (GIS), as landscape variables probably played more of a role in the migration decision than has hitherto been acknowledged.

The Geography Department of Exeter University is currently host to a two-year Leverhulme funded project, *Geographies of Religion: The role of Methodism in Cornish cultures, c.1830-1930*, directed by Drs Catherine Brace and David Harvey. The Victoria County History Project: Cornwall includes some research related to mining communities in the Penwith area. The ICS is planning to develop a new MA module that focuses on community studies; coverage of the nineteenth century and twentieth century will invariably have a strong mining dimension. But much more could be done to promote the study of Cornwall and West Devon as a region at the forefront of the British industrial revolution in local primary and secondary schools. The ICS is keen to participate in moves to promote this.

Section 3.12 Existing community and cultural links

The Site includes an estimated 81,535 residents, 26,531 of these are within the Camborne-Pool-Redruth area. The number, density and demographic characteristics vary greatly between Areas, notably the urban centres and more sparsely populated rural landscape components. Population and employment growth rate differences are likely to be perpetuated, with the Urban Regeneration Company in Camborne-Pool-Redruth specifically charged with major redevelopment in this area and the creation of substantial growth in employment and housing, whilst other Areas include a large proportion of landscapes subject to rigorous development control.

Given this variety, there are going to be concomitant differences in perspective on the effects of World Heritage Site Inscription. These need to be understood and taken into account as the Management Plan is developed. Priority issues for discussion will vary between and within communities, but are likely to include

- development control
- economic benefits
- public access

Successful management of the Site will depend on ongoing support and the involvement of local communities in debating Site policies in relation to such issues. Public consultation is an opportunity to secure understanding of and support for the core Site management principles.

The World Heritage Site Bid has been developed through active engagement with a wide range of interests. The Bid Partnership composition includes local authority councillors, representatives of major landowners, special interest groups and businesses within the Site. Area panels made up of local representatives were consulted on selection of Site Area boundaries, and technical panels of specialist interests on management plan policies, such as the marketing strategy. The process of drafting the Bid has therefore given an insight into the variety of views and perspectives likely to be expressed.

The World Heritage Site Partnership aim to use Inscription to both influence and support relevant community aspirations. To do this it needs to better understand the composition of these communities and the variety of interests to be considered. Communication and consultation strategies were implemented as part of the Bid development process, and these included press coverage, research into existing community strategies and questionnaires to Parishes within Site boundaries and the Cornwall Peoples Panel. The consultation strategy needs to be integrated into the management plan and further developed to ensure greater engagement with communities as the plan is implemented and reviewed. In addition to public consultation with local people to guide Site management policy and planning, communities can be actively involved in implementing interpretation and education objectives. For an industry in operation until so recently, opportunities exist to work with those employed by or linked with it to preserve non-

material culture and help to strengthen understanding of Cornish mining's cultural inheritance. Extending this through outreach projects with different sectors within communities can contribute to building community identity and civic pride.

3.13 Economic conditions affecting the World Heritage Site

Cornwall is a rural and maritime area with a population of 500,000, the lowest population density of any county in the south west of England. There is no single dominant urban centre and two thirds of the population live outside urban centres. This dispersed settlement pattern reflects the economic history of farming, fishing and mining. Small businesses are a significant part of the economy as are the self-employed. Today China Clay is the only significant remaining part of the mining and quarrying and engineering history still economically viable. Over the last century Cornwall established itself as a major tourist destination and is maintaining its market share. Agriculture and fishing remains important industries despite suffering severe difficulties.

Cornwall has the lowest Gross Domestic Product (GDP) per capita in England at 67% of the EU average (65% of United Kingdom average) manifested in low wages (28% below United Kingdom average), high employment in low skilled professions and seasonal employment in service industries.

Cornwall's population has seen sustained growth since 1981 by 20% largely through inward migration of working age people outweighing outward migration of younger people 18-30. Although in the past Cornwall has had some of the highest unemployment rates in the south west in 2001 this stood at 3.1%, the national average.

The geographic position of Cornwall presents constraints to the infrastructure with transport a key issue in reducing competitiveness, and ports and harbours requiring investment to modernise. The distinctive physical environment is embedded in socio-economic development.

The district of West Devon has a population of 48,000 with about a third of people living in the main centres of Tavistock and Okehampton, the rest living in small communities spread widely across the borough. The large area and small population make the district one of the most sparsely populated in the country. West Devon is an attractive place to live and visit and the high quality

of the built and natural environment is important for the tourist economy of the area. Over 40 per cent of the district falls within Dartmoor National Park. West Devon is ranked 161 out of 354 councils based on United Kingdom government indices of multiple deprivation. Average earnings are nearly 30 per cent lower than the average for the region. As a result, affordable housing and better paid jobs are key issues for the community as they are for Cornwall.

Largely through low GDP, Cornwall is benefiting from Objective One funding from the European Union, while West Devon has Objective Two funding. The Objective 2 Programme in West Devon aims to regenerate the economy by providing part-funding for projects which contribute to neighbourhood renewal, business development or provide a better future for traditional economies, particularly tourism.

The Objective One Single Programming Document for Cornwall is guiding the investment of £300 million in strategic and specific projects to kick start the economy. Cornwall is benefiting from an upturn with projects such as the Combined Universities new campus at Tremough, Peninsula Medical School at Treliske, the Eden Project, Falmouth Maritime Museum, infrastructure works to the main railway line and broadband internet access. The Camborne-Pool-Redruth area has been identified for major regeneration and an Urban Regeneration Company (URC) has been set up to deliver this. The URC launched their Action Plan in 2004. However, latest evidence suggests that despite this recent investment and growth Cornwall remains somewhat behind the United Kingdom average GDP and European Union funding is likely to continue into a second phase even with expansion of the European Union member states.

3.14 Current economic contribution of the World Heritage Site & mining heritage

In October 2002 the World Heritage Site Bid Partnership commissioned consultants to undertake an Economic Impact Assessment of the potential economic contributions arising from World Heritage Site Inscription. It also aimed to provide a basis for measuring the economic outputs of associated activities and projects running parallel with and subsequent to the World Heritage Site Bid.

The study involved consultation with a wide range of organisations, under the direction of a steering group which comprised County Council Officers and staff from Cornwall Enterprise, South West Regional Development Agency, Government Office South West, Cornwall Tourist Board, Heritage Lottery Fund, the National Trust, Trevithick Trust and English Heritage. The key elements of the study were;

The Baseline – establishing the current situation in Cornwall and West Devon in terms of the volume and value of mining heritage motivated tourism, the use of mining heritage attractions/facilities, the extent of mining conservation activity in the area, and the socio-economic profile of the Site mining areas.

Predicting change – the future economic impact resulting from changes brought about by World Heritage Site Inscription.

The main findings were:

The Baseline – the mining areas within the Site differ in size, population and economic characteristics, with differing opportunities to develop visitor activity as a result of Inscription. Overall, the report summarised the position in 2001 as;

- Within the study area, there were 739,000 staying visitors and 1,913,000 day visitors for whom mining heritage is very or quite important in planning their visit. They form a sub-set of the 6.7 million staying trips to Cornwall and Devon motivated by conserved landscape.
- 870,000 visits per year to the mining heritage and mining heritage related facilities identified for the study, but this number does not include visitors enjoying informal use of other sites in the wider study area, eg conserved mining remains on the South West Coast Path.
- The combined visitor expenditure related to mining heritage is estimated at £118.7 million, supporting 2,672 full-time equivalent (fte) direct jobs in visitor facing businesses and 1,226 fte indirect jobs.
- Forty seven mining conservation businesses were identified with an estimated 119.6 fte jobs directly supported.

However, the figures for visitor numbers for some sites reported to the consultants undertaking the study were acknowledged to be only estimates. With regard to non-charging attractions and sites, e.g. mining landscapes in country parks, it was difficult to establish exact figures.

Predicting change – in assessing the likely economic impacts the consultants considered a wide range of evidence, including regional tourism strategies and tourism marketing organisations, other United Kingdom World Heritage Sites, reports from national heritage bodies (e.g. English Heritage, the National Trust, Department of Culture, Media and Sport (DCMS) on the economic contribution of the heritage sector, and mining heritage attraction operators. Their review of this evidence led them to conclude that World Heritage Site Inscription, if appropriately marketed, could produce the following key impacts;

- by 2007/8 there could be an overall 10% increase in visitors motivated by conserved mining heritage - an additional 73,900 staying trips and 191,300 day trips. This estimate was based on a hypothetical PR/marketing campaign of £500,000 over 3 years (2004-2007) being implemented.
- Total spend by these visitors could increase by £5.47m to £124,204,121 by 2010 (current prices).
- This spend will support increased employment, which could rise by 122 to 2,794 fte direct jobs by 2010. Indirect jobs supported could increase by 65 to 2,794.
- Increased interest in mining heritage will create a climate suitable for investment in mining heritage attractions and facilities, which could in turn add a further 8% to 10% to visitor numbers, reaching 947,452 by 2010.
- Based on the number of planned and anticipated mining heritage conservation projects reported to the consultants (33) over the period to 2010, they estimate a substantial increase in fte direct jobs supported, to 214, and in indirect fte jobs to 116. However, the extent to which this potential is realised is dependent on a range of factors, not least that not all of the projects may advance to development.

- The report also referred to the impact of the uplift in activity described above upon civic pride amongst residents. This can in turn impact upon the amount of expenditure on property maintenance, and influence the nature of renovation, encouraging more use of traditional materials and techniques.

The report concluded that a key component of the impact of World Heritage Site Inscription is marketing. The scale and quality of marketing activity can have a very significant impact on the quantity and nature of the impacts achieved. The scale of impact of Inscription could range from small to substantial, depending on the marketing effort which surrounds Inscription.

In calculating their growth estimates, the consultants worked on a notional £500,000 marketing campaign, delivered over 3 years, based on spending proposals reported by some of the key organisations consulted. Whilst some of this could be drawn from the co-ordinated application of existing marketing budgets, to achieve the growth estimates reported, additional investment for marketing the World Heritage Site will be needed. Potential sources for this include the Cornwall Tourist Board new campaigns funding, and Objective One, through a 3 year Cultural Marketing Strategy bid currently being compiled by Cornwall Arts Marketing.

The draft marketing strategy was informed by the economic impact assessment and builds on its conclusions. However, the recommended priorities for co-ordinated marketing also take into account existing marketing activity and the views and priorities of the heritage attractions within the Site. The actual targets for marketing activity to be set as the marketing strategy is developed will need to consider these potential impacts in the context of conclusions on what is actually desirable in terms of growth in usage of the Site. Local communities should be involved in this debate, and area marketing plans cross referenced with agreed community strategies and action plans where these exist.



4 Key Issues

Part Four. Key Management Issues

This Management Plan must set out mechanisms for the protection, conservation and enhancement of the outstanding universal value of the proposed World Heritage Site. This section first identifies the Opportunities and Threats which flow from consideration of the current position described in Section 3. and then goes on to identify the main Issues which these give rise to, and the Strategic Policies proposed to deal with these.

The purpose of this Management Plan is to ensure that, by applying the policies set out in section 5.1, a positive outcome is achieved in response to the Opportunities and Threats, which are summarised in table 8.

4.1 Opportunities

Regeneration and development:

The United Kingdom government's wider regeneration and sustainable communities agendas will build successful, thriving and inclusive communities. A thriving economy is more able to support the ongoing costs of caring for the Site. The implementation of the policies in this Management Plan will ensure that regeneration and development within the Site will both protect and enhance its values whilst improving local economic circumstances. The key is for the Partnership to work with regeneration and development agencies to influence the application of resources and design of new schemes.

The regeneration of Camborne-Pool-Redruth is a regional strategic priority and an Urban Regeneration Company has been established to drive this forward guided by an Urban Framework Plan. CPR-Regeneration is a major opportunity to attract public and private investment in Camborne, Pool and Redruth, making it a focus for unprecedented change and growth since the heydays of active mining. English Heritage have commissioned an historic character survey to inform redevelopment in this area. The URC Business Plan and Urban Framework Plan recognise the importance of local distinctiveness, high quality design and the strong heritage in shaping a sustainable future for this area, and these aims are consistent with those of the Site.



Heritage-led regeneration.

Not all regeneration and development will be heritage-led. However there are real opportunities for heritage to inform, and provide the catalyst for, regeneration within the Site. The benefits were outlined by United Kingdom government in its recent report *The Role of Historic Buildings in Urban Regeneration* which stated that *"the historic environment has an important part to play in regeneration schemes helping to create vibrant interesting areas, boosting local economies and restoring local confidence"* (ODPM, 2004)

The reuse of historic buildings can be more environmentally sustainable than, and their environmental performance can be as good as, new-build projects. Sympathetic re-use of historic buildings can help to fill needs in housing, commercial and leisure space, for example the recent conversion of the dilapidated Chapel of Ease at Redruth to affordable housing, and the business park developed by Carrick District Council at Wheal Kitty which includes conversion of the engine house to office space alongside new-build business units.

UK heritage protection review (Protecting the Historic Environment; making the system work better)

The United Kingdom government heritage protection review could lead to statutory status for World Heritage Sites in England. This would provide additional protection through increased influence in the planning system and new consent procedures, but also additional responsibilities to implement and monitor Management Plans.

International links

The Site provides an ideal opportunity to develop links with Cornish Mining communities world wide, to

Wheal Kitty, St Agnes. The conservation of the Grade II Listed Sara's Shaft engine house is taking place along side modern business development of a design and scale appropriate to the site's historic character.



San Francisco Engine House,
Linares, Spain.

strengthen cultural links and contribute to the conservation of related Cornish mining sites and landscapes. The outstanding universal value will be strengthened by developing such links.

The legacy of the pre-eminence of Cornish mining between 1700-1914 lives on. The international mining, environmental and heritage sectors offer the World Heritage Site Partnership the opportunity to both share its considerable collective expertise in mining heritage conservation and to develop new joint initiatives. This will be achieved through engaging in partnerships, forums, and projects set up to exchange information and promote new ideas. The management of Cornwall & West Devon's mining landscape could become an exemplar of heritage management in historic mining sites, industrial World Heritage Sites and of regeneration of former mining land and communities.

Tourism

Heritage and culture tourism is a key growth sector. Tourism provides opportunities to enhance understanding between the visitor and the host community, and promote respect for different cultures. With appropriate marketing, World Heritage Site Inscription will result in increased visitor usage. This needs to be seen in the context of existing targets for growth of the tourism sector in the region generally, as the Site could make a significant contribution not only to the economic benefits derived from this growth, but also to strategies to manage the impact of tourism on the environment.

Geodiversity

Inscription of the World Heritage Site will provide an opportunity to increase the understanding of the relationship between the rich geology and mineralogy of Cornwall and West Devon, and the development of Cornish Mining. Opportunities for closer collaboration and promotion of the multiple values of the Site include ongoing controlled mineral collecting, the possibility of designating Earth heritage sites, scientific studies and wider educational and visitor access.

Integrated Environmental Management

The recent United Kingdom Government Review of Rural Delivery that highlighted a lack of integration, the current review of the Environmental Stewardship Scheme and increased requirements by Government to address biodiversity issues all provide an opportunity for beneficial management of the Site in the future. Management of ecological features will directly contribute to the management and preservation of historic features within the Site. A significant element of the ecological interest of the Site exists because of the previous historical development, the boundary features associated with miners small holdings are an important biodiversity habitat and internationally significant lower plants occur on many former mine sites for example. It is therefore imperative to fully integrate ecological and archaeological objectives in order to ensure that management mechanisms such as Wildlife Enhancement Schemes and agri-environment programmes that are available for these type of features, can be accessed to assist with the delivery of management of the Site.

Research

Understanding the asset is vital to the management of the Site. Opportunities for conducting more research into Cornish mining history and the surviving landscape exist, both as Site initiated projects and through working in partnership with research focussed organisations such as the Combined Universities in Cornwall and the Institute of Cornish Studies. The research programme should cover all aspects of managing the World Heritage Site, including the state of preservation and conservation of the mining landscape, the social history of mining communities, scientific value, the use of mining heritage facilities, and the economic and social impacts of implementation of the Management Plan.

Education

Learning initiatives provide opportunities for communicating the outstanding universal value of the Site to a wide range of audiences, at all stages and levels of education, both in the United Kingdom and internationally. They also provide an outlet for much of the research already gathered and to be undertaken in future, and opportunities for a wide range of people to contribute to these. Cornish Mining offers excellent scope for developing both subject specialist and cross curricular learning packages working with the formal education sectors, linking geology and natural history with the study of human activity and its impacts. It also appeals to self directed and informal learners wishing to increase their knowledge of local history, family history and the natural environment.

Partnership working and Management Plan

The Inscription of this proposed World Heritage Site and the adoption of this Management Plan by the partners provides a real opportunity to establish a formal and common agreement of the importance of mining heritage and its contribution to the local economy and cultural distinctiveness, and to achieve a coordinated approach to its management and conservation.

Multiple funding sources

Cornwall and West Devon have been successful at obtaining funding from all levels to carry our remediation, consolidation and enhancement works over the last 15 years. Inscription as a World Heritage Site will help perpetuate that success in attracting funding for conservation and enhancement from a range of sources due to the importance and prestige associated with an internationally important Site.

Cultural distinctiveness

The will bring international recognition for the distinctive Cornish Mining culture that is present within the Site and recognisable across the world. This will help reinforce the pride of former mining communities and protect and promote cultural traditions.

Size of the Site

10 areas spanning almost 20,000 hectares, and over 81,000 residents equates to a wide area of potential benefits and generates substantial critical mass. This

means that implementation of the Management Plan can have positive economic and social impacts across a high proportion of the population in Cornwall and West Devon.

Through careful monitoring there is an opportunity for the contribution that mining heritage makes to the local economy to be properly identified and quantified, demonstrating the benefits of heritage-led regeneration and cultural tourism which are often seen as intangible.

4.2 Threats

Inappropriate Development

There is a wide regeneration agenda in Cornwall and West Devon and desire to create sustainable communities in line with United Kingdom government policy. The Site is a living cultural landscape in which evolution, growth and decline will inevitably occur.

There is a determined agenda for social and economic change across Cornwall and West Devon and this will bring direct pressures on some areas of the Site, particularly in urban centres such as Hayle and Camborne-Pool-Redruth, which have been identified for major development.

There is substantial housing pressure in Cornwall & West Devon as a result of a growing incoming population (retirement and second-homes) and household growth causing a serious shortage of affordable housing. New housing is vital for sustained economic and social regeneration, and is more likely to be constructed on brownfield sites within the existing urban envelopes and on the periphery of urban and major village settlements. For example, St Agnes is a major settlement within Carrick District targeted for growth, and Hayle has been identified for a large proportion of housing allocation in Penwith District Local Plan.

There is growing demand for industrial and commercial space predominantly from Small to Medium sized Enterprises. Initiatives aimed at adding value to goods in Cornwall & West Devon, fostering start-up companies and expand niche markets all require new and expanded business parks. Ports and harbours are subject to pressures for new facilities to improve and extend commercial and leisure use, most typically in the form of marinas to service the potential leisure and tourism industry.

World Heritage Site Inscription is seen as a tool for both encouraging and enabling sensitive development. While there is without doubt development pressure, much of this will be positive regeneration of former mining land and mining communities. Inappropriate development of poor quality design and materials will be damaging to Cornwall and West Devon as a whole, not just the Site. Development that is poorly planned and short-term will not achieve the objectives set out by the United Kingdom government in their Sustainable Communities Plan.

Unsympathetic conversion of historic buildings: the majority of former mining structures within the Site are either by nature or location unsuitable for adaptive re-use and will be conserved as monuments. However some of the housing, business and commercial growth could include conversion of historic buildings, which might vary from increased use of upper storeys over shops in historic towns, conversion of former industrial premises (engineering works and factories) to offices and homes. Inappropriate conversion resulting in loss of character poses a threat which needs to be balanced with the benefits of losing historic buildings altogether through neglect.

Lack of maintenance and neglect of historic fabric: a serious threat across such a large Site arises from simple neglect of historic structures particularly those that have no economic use. Buildings that are unused and do not receive maintenance quickly become susceptible to the elements and decay can be surprisingly rapid.



Robinson's Shaft complex, South Crofty Mine, Pool. The effects of neglect and vandalism are readily apparent at this mine site which was decommissioned in 1996. It is hoped that regeneration efforts will secure funding to conserve this important part of Pool's industrial history.

Vandalism within the winder driver's cabin, Robinson's Shaft Complex.



Inappropriate alterations to historic built fabric: non-availability or the higher costs associated with the use of traditional building materials, combined with locally depressed economies can result in the widespread use of inappropriate materials, finishes and detailing in works undertaken to many private dwellings. In some areas this can lead to a significant loss of urban historic character. The new Part L of the Building Regulations aims to improve energy efficiency in buildings but in the interpretation the special interests of historic buildings need to be recognised and balanced to avoid erosion of historic character.

Resumption of mining and mineral processing

There is no presumption in principle against mining in the Site provided that the outstanding universal value is conserved or enhanced. A resumption of mining could add to the evolving cultural landscape of the Site. There are currently no active mines in the Site, however in the event of a significant upturn in tin prices, there might be an interest in the reopening and the re-prospection of mines. Proposals for resumption of mining in Cornwall and West Devon would need to satisfy the normal environmental and planning requirements. The Minerals Local Plans (emerging Mineral Development Frameworks) safeguard access to mineral reserves and balance mineral and commercial interests with environmental and conservation concerns. There are currently proposals for the resumption of mining activity at South Crofty Tin Mine which, although outside the Site, may affect its setting.

Removal of secondary minerals (mineral working deposits)

Removal of secondary minerals from waste dumps is permitted under the Town and Country Planning (General Permitted Development) Order 1995 (GPDO) unless the mineral planning authority issues an Article 7



Mine spoil heap removal at Wheal Uny, Redruth.

Direction to remove these rights and trigger a planning application. If planning permission is refused then the mineral planning authority is liable for compensation.

The imposition of the Aggregates Tax has created renewed interest in old mineral dumps because they are exempt from the Tax which is directed at primary aggregates. Removal of mine and quarry waste is actively encouraged by the Aggregates Tax to deter the working of new deposits where there are existing stockpiles of material that could be used. At the same time the historical value of old mineral dumps is being recognised and the Site includes many such sites.

Visitor pressures

Potential pressures deriving from visitor access to sites within the Site include:

- the visual and environmental impact of new or expanded facilities
- * Authenticity of experience – marketing plans must balance authenticity in interpreting mining heritage with contemporary environmental concerns. A range of interpretation and presentation techniques will need to be employed to convey the authentic experience whilst protecting the present atmosphere of some sites.
- Traffic management – the South West region generally, but Cornwall and Devon in particular, experiences severe traffic flow problems in July and August. World Heritage Site status, if granted, will be used to support shoulder month initiatives linked to the tourism markets for landscape, heritage and cultural appreciation, and in so doing contribute to strategies to spread visitor numbers more

evenly throughout the year. Marketing plans will include active promotion of rail, bus and cycle access to sites.

- Reduction in rail services and cuts to the network need to be viewed as a threat in this context.
- Closure of Newquay airport and /or reduction in the provision of regional air services would limit the transport options available to overseas visitors and increase travel time to such an extent that it could become unattractive as a destination.
- Protection of wildlife – Interpretation and visitor access should not result in the loss of significant habitats or other threats to species diversity.
- Protection of geodiversity - visitor access should not result in damage to sites of mineralogical interest.

In addition to road traffic pressures, agencies concerned with the care of Cornwall and West Devon's natural assets, including the County Councils, the National Trust and the Cornwall and Tamar Valley Areas of Outstanding Natural Beauty, have identified erosion of footpaths as a key concern. Measures to deal with this are already in place as part of their respective management plans. World Heritage Site Inscription would help to secure public support for these by highlighting the historical significance of the Site Areas and justifying action taken to conserve them.

Agriculture and forestry

Outside the towns and villages, the majority of the land in the Site is currently used for agriculture and forestry. Much of the area where mining remains survive well is now open moorland predominantly used for grazing, while other parts of the Site are enclosed farmland. Recent changes to the farming industry may mean a gradual reduction in stocking rates in areas of grazing, which could lead to scrub growth obscuring and damaging historic features. The introduction of energy crops could pose a threat to the landscape by obscuring and damaging historic mine sites and changing its historic character. Woodland Grant Schemes which promote planting of new woodland can potentially change the character of the landscape. This would be particularly damaging in areas of miners smallholdings which have historically been cleared for agriculture. Whilst it is important to acknowledge that some aspects

of these types of land use can be damaging to archaeological features, appropriate land management can provide a mechanism for protection and maintenance of some of the historic remains within the Site. Sensitive delivery of agri-environment and woodland management schemes is therefore imperative to ensure that agriculture and forestry do not present a threat.

Biodiversity

The biodiversity interest of the area is inextricably linked with its mining past; habitats and species have adapted, and continue to adapt, to the particular ecological opportunities present. The disturbance and metalliferous contamination of former mined land has resulted in environmental conditions that favour restricted and specialised habitats and species, in particular heathland and bare ground. Many of these habitats are designated, for example national Sites of Special Scientific Interest or local Wildlife Sites, and contain species of international conservation value, for example petalwort.

The biological composition and character of the majority of these habitats is in transition, very slowly succeeding towards a climax vegetational succession (scrub woodland). The primary aim of all management for biodiversity is to retain a representative mosaic of characteristic habitats and, at a minimum, sustain existing populations of rare and scarce species. In some cases, existing environmental factors, for example substrate chemistry and exposure, maintain these habitats and species, but the majority require active management, usually grazing, to maintain their character and quality.

It is important that biodiversity conservation practice complements the outstanding universal value of the Site. The cultural integrity and value of the area is dependent upon the development of an integrated policy and management framework, based upon management at the landscape scale. Within this, if it is done well, there are significant opportunities to provide real and sustainable gains for agriculture, archaeology and biodiversity, which will ensure the continuing quality of the Site.

Natural disaster

Cornwall and West Devon are not prone to earthquakes, volcanic activity, devastating forest fires, massive flooding or tidal waves although extreme weather conditions are increasing as a result of global warming. Sea level rise resulting from global warming is unlikely to directly impact the Site in the short term, although increased coastal erosion, salt weathering and the environmental effects of changing weather patterns are resulting in localised flooding and damage, and this may need to be taken into account. Equally the United Kingdom Shoreline Management Plans may need to make better provision for heritage issues particularly in respect of the proposed World Heritage Site.



Portreath Harbour breakwater. Coastal defences require regular monitoring and consolidation to maintain their stability.

Incidences of mining subsidence within hard rock mining areas are rare, and are generally confined to poorly-secured mine shafts or ground instability resulting from near-surface mine workings. Although there are recorded instances of such events damaging or destroying historical mine structures, such events are rare and not considered to pose a significant risk to components of the Site. The majority of the sites for which public access is proposed have been subjected to geotechnical survey to determine the public risk from mine subsidence and remediation measures undertaken to the small number of features considered likely to pose such dangers.

Contamination

The Site contains some of the most polluted land in the United Kingdom. The responsibilities of the Environment Agency together with European Union legislation controlling acceptable levels of heavy metals within watercourses or groundwater may result in pressure to tackle contamination pathways between mine waste disposal areas, mine drainage systems and hydrological systems which provide sources of drinking water for humans or animals, or which discharge into the marine environment. De-contamination could cause some disturbance to mine sites within the Site.

Fire

The majority of surviving mine structures are constructed of stone, but a small number of particularly important sites incorporate timber buildings (e.g. Geevor, King Edward Mine, Robinson's Shaft), retain important floor, roof and other detailing or machinery (Levant whim, Mitchell's, Taylor's and Robinson's engine houses) or incorporate historically important original timber roof elements (e.g. Perran Foundry, Wheal Busy



Fire damage at Harvey's Foundry, Hayle.

Smithy). All are vulnerable to fire, as has been demonstrated by the destruction by arson of the early 20th century steam winder house at Robinson's Shaft.

Theft, disposal or damage to artefacts and archives

A number of important artefacts and collections of archive material which document and illustrate the Site

are held in private collections. There is a thriving market for such items, which may be vulnerable to sale, disposal into collections without public access or theft. Private archives and collections are also inherently far more vulnerable to accidental damage than those in appropriately housed, conserved and protected public collections.

Mineral collection

With the cessation of active mining, the supply of minerals for research has been significantly curtailed. The stock of existing mine dumps and accessible underground sites are, by definition, a finite and non-replaceable resource. Minerals from such sites are also gathered for private collections or for sale, which can cause depletion and disturbance. In extreme cases mechanical excavators and power tools have been used, in part to supply an international trade, now dominated by Internet sites. However the conservation and study of mineral sites by organisations with an interest in responsible recreational and scientific collecting (for example the Russell Society, English Nature and RIGS groups) helps promote good practice and self-policing of sites which are discussed in Issue 15.



Abandoned car within the Poldice Valley. Fly-tipping is a concern at many former mine sites.

Positives	Opportunities & Threats	Negatives
<ul style="list-style-type: none"> • Good design and sustainable communities will protect and enhance the Site • A thriving economy can support the cost of caring for Site assets • CPR Regeneration a major opportunity for investment and regeneration in the mining community • Heritage-led regeneration provides a catalyst for change, maintains sense of place, and reuse of historic buildings is environmentally sustainable • Using traditional materials will boost and support training in traditional skills like lime mortar, scantle slate roofing, joinery etc. 	<p>Regeneration and Development</p>	<ul style="list-style-type: none"> • Inappropriate development resulting from pressure for new houses, industrial and commercial space, and leisure facilities, could dilute historic character • Unsympathetic conversion & re-use of historic buildings leads to loss of character, historic fabric and authenticity • Inappropriate alterations to historic buildings equals incremental erosion of detail, loss of character and authenticity. • Neglect/lack of maintenance leads to buildings at risk, demolition, vandalism, arson, low esteem for communities.
<ul style="list-style-type: none"> • Opportunity through legislation to give statutory status to World Heritage Sites in UK, increasing obligation on authorities to conserve and maintain the Site 	<p>Heritage Protection Review</p>	
<ul style="list-style-type: none"> • Strengthen cultural identities between Cornish Mining landscapes and communities worldwide and create greater respect among peoples 	<p>International links</p>	
<ul style="list-style-type: none"> • Maintain a living cultural tradition • Value in having a vibrant culture, sense of place, pride and self-esteem within former mining communities. 	<p>Cultural distinctiveness</p>	<ul style="list-style-type: none"> • Loss of authenticity through poor understanding, globalisation and homogenisation
<ul style="list-style-type: none"> • economic benefits • enhanced cultural understanding and respect 	<p>Tourism</p>	<ul style="list-style-type: none"> • Visitor pressure leading to detrimental visual and environmental impact • loss of authenticity
<ul style="list-style-type: none"> • evolution of the cultural landscape and traditions 	<p>Resumption of mining</p>	<ul style="list-style-type: none"> • loss of historic fabric and landscape components has an adverse affect on outstanding universal value
	<p>Removal of secondary mine waste</p>	<ul style="list-style-type: none"> • loss of landscape component • loss of mineral specimen reserves and opportunities for scientific and recreational uses
<ul style="list-style-type: none"> • Self-regulating collection, monitoring condition of waste dumps, scientific and recreational enjoyment, and greater links between geodiversity and cultural elements of Cornish Mining. 	<p>Mineral Collecting</p>	<ul style="list-style-type: none"> • Uncontrolled collecting causes depletion of mineral reserves and lost opportunities for scientific and recreation uses

Table 8. Summary of Opportunities and Threats

<ul style="list-style-type: none"> • Knowledge and evidence to inform the management of the Site • Improved content and quality of interpretation and education programmes • Supports the case for outstanding universal value 	Research	
<ul style="list-style-type: none"> • Cross-curricular and multidisciplinary learning opportunities • Communicating the values of the site to all age groups will lead to more understanding and support for the Site 	Education	
<ul style="list-style-type: none"> • Integrated Environmental Management will ensure the multiple values of the Site are conserved. 	Agriculture and forestry	<ul style="list-style-type: none"> • Afforestation, removal of hedgerows, undergrazing, management regimes that have an adverse affect on the Cornish Mining landscape.
<ul style="list-style-type: none"> • Increased knowledge and value given to Earth heritage sites, enhancing the value of the Site and giving more protection to mineralogical and geological interests. 	Biodiversity and geodiversity	<ul style="list-style-type: none"> • Conflicts arising from lack of joint working, poor appreciation of value of biodiversity and geodiversity to the Cornish Mining landscape.
<ul style="list-style-type: none"> • Formalised joint-working to agreed aims and agenda guided by the Management Plan will ensure efficient use of resources and greater success and conserving Site assets. 	Partnership	
<ul style="list-style-type: none"> • World Heritage Site status will enable continued success at attracting funding 	Funding	
<ul style="list-style-type: none"> • High critical mass means effects will affect significant portion of total land area in Cornwall and West Devon, and large percentage of population • Economic effects will be tangible and quantifiable 	Size of the Site	<ul style="list-style-type: none"> • Amount of resources required to implement the Management Plan consistently
<ul style="list-style-type: none"> • Clean up of polluted areas improving the environment 	Contamination	<ul style="list-style-type: none"> • Remediation works damaging landscape components and underground workings
<ul style="list-style-type: none"> • Risk assessment provides opportunity to manage this threat 	Theft or damage to artefacts and collections	<ul style="list-style-type: none"> • Loss of artefacts or collections leads to reduced knowledge and opportunities for research and education
<ul style="list-style-type: none"> • Risk assessment provides opportunity to manage this threat 	Natural disaster	<ul style="list-style-type: none"> • Loss of landscape components has an adverse affect on the value of the Site
<ul style="list-style-type: none"> • Risk assessment provides opportunity to manage this threat 	Fire	<ul style="list-style-type: none"> • loss of key components especially buildings has an adverse affect on the value of the Site

Table 8. (continued)

4.3 Identification and assessment of key management Issues

The threats and opportunities have been formed into 17 issues that affect the Site, each of which is described and assessed below with Strategic Policies proposed to address each Issue.

4.3.1 Issue 1 Consistent, co-ordinated management

The Site is a serial nomination covering 19,808 hectares and includes within its boundaries multiple public and private ownerships and management regimes, as set out in sections 3.2 and 3.6. In addition, there are a wide range of stakeholders, including public authorities, specialist groups and individuals who have an interest in the management of the Site. This multiple responsibility for achieving the aims of the Management Plan has many advantages, but requires a management structure that encompasses all these interests whilst ensuring a consistent, co-ordinated approach.

The Cornwall and West Devon World Heritage Site Bid Partnership, with a total membership of 75 organisations, brought a wide range of these interests together for the purposes of compiling and approving the Bid documentation. Its remit (outlined in 3.6) was therefore primarily focussed on overseeing management up to the point of submission of the nomination. Once this has been achieved, the Partnership needs to undertake an appraisal of appropriate post Inscription management structures and arrangements, with a view to implementing these should Inscription be achieved. The Bid documents were prepared by a team operating as the World Heritage Site Office, co-ordinating research, consultation and production on behalf of the Partnership, under guidance from an Officer Working Group of senior staff from the key owning and operating organisations (see Appendix B). This delegation of executive functions ensured input from a range of expertise and delivery of the documents within the required timescale. For a body of interest as wide as the World Heritage Site Partnership (or its successor body), will need to represent, it will need to continue to delegate implementation, monitoring and review of the Management Plan to a smaller body with executive powers. Composition of this body should also be considered as part of the appraisal of management arrangements.

The terms of reference for the appraisal should include:

- Representation for the main owning, operating or managing bodies within the Site
- Inclusion of the full range of stakeholder interests, including those outside the Area boundaries who may be affected by Management Plan policies
- Identification of appropriate models for a constitution for the management body
- Recommendations on composition and remit of an executive board to direct the work of the Partnership and report back to it (or its successor body).
- Recommendations on effective co-ordination, delivery and reporting mechanisms to be overseen by the executive
- Ensuring wide public participation in the implementation and review of the Management Plan

Further detail on the management and monitoring of the Site is contained in Section 6.

Issue 1 Consistent coordinated management.

Policy 1a The World Heritage Site Management Plan will be delivered through an accountable and effective partnership with clear responsibilities, in order to achieve the Vision & Aims.

Policy 1b The partnership will monitor and manage the state of the proposed World Heritage Site.

4.3.2 Issue 2 Resources to implement the Management Plan

The Management Plan sets out a framework of policy principles and individual actions that were identified as the necessary first steps in steering the development of the Site towards the established Vision over the next five years. Implementation of these policies and actions will inevitably require investment of resources. Just as the responsibility for implementation rests with a range of organisations, so the sources of funding and other resources are varied.

The World Heritage Site Partnership (or successor) will continue to need a World Heritage Site Office, with the necessary range of skills to co-ordinate the implementation and monitoring of the Management Plan on its behalf. Ongoing commitments in the form of a base budget of £200,000, the permanent posts of a World Heritage Site Co-ordinator and Research Officer, and access to specialist planning and conservation advice, Information and Communication Technology and project development staff resources have already been secured. Resources and skills required to implement specific initiatives within the plan will be identified via a financial needs assessment (see Action 4).

In relation to conservation and development of specific sites, responsibility for provision of the necessary funds usually lies with the owning or managing organisation, or a partnership/ consortium formed by them. Many of these are dependent upon outside funding, such as the grants available from the Heritage Lottery Fund or Objective One and Objective Two. European Union funding is likely to be continued after 2006 in Cornwall beyond the current programme (see section 3.13) making it one of the few remaining Objective One assisted areas in the United Kingdom.

The role of the World Heritage Site Partnership, or its successor body, is to support implementation of these conservation projects by identifying, within the context of the Management Plan, how they contribute to the achievement of the vision and aims. However, given that overall funding aspirations are likely to outstrip the amount of financial support available, a priority for the Partnership will be to assess the total funding requirements and, in liaison with the relevant organisations, develop a long-term financial plan within a strategic overview of relevance to the Site.

Planning policies and development control functions are the responsibility of individual local authorities, and in some cases implementation of these will necessitate additional investment, for example to ensure the provision of advice, or monitoring functions. Where this is the case the Partnership, or its successor body, will work with the authorities to encourage provision of the required resource.

In addition to the site or function specific resource requirements, however, the Management Plan includes

a number of Area-wide strategic actions and initiatives that need to be resourced centrally, as Partnership projects. Many of these will also involve entering into partnership with other organisations, such as tourism agencies and education authorities, in pursuit of shared objectives. The resources for these wider strategic actions will be met by a combination of annual revenue budget provision from local authorities, grants from government agencies, charitable bodies or sponsors and earned income. Whilst the Partnership can establish a preferred priority order for implementation of such actions, delivery will inevitably depend to some extent on the provision of resources by outside organisations. Annual and medium term budget plans for the resourcing of such central actions are needed, to guide fundraising efforts.

In addition to funding, there are considerable human resources and assistance in kind currently being committed to the Partnership in preparation of the Bid documentation. An appropriate post Inscription management structure and arrangements will help to secure this for the lifespan of the Management Plan, with continued access to specialist advice and expertise as a contribution to the aims of the World Heritage Site.

Issue 2 Resources

Policy 2 The World Heritage Site Partnership will collectively and individually, identify and secure resources to implement the Management Plan.

4.3.3 Issue 3 Risk preparedness and disaster management

Risk is the threat that an event or action will adversely affect the ability to achieve objectives. In the case of the Site, risks are present in the physical Site itself and in the implementation of the Management Plan.

The World Heritage Site Office needs to undertake a risk assessment of its own strategic and operational functions relating to the Management Plan. The World Heritage Site Office will use the Cornwall County Council risk management cycle contained in its Risk Management Strategy and will be guided by the Cornwall County Council Emergency Planning Officer on the carrying out of this assessment and the implementation of its recommendations. Action Plans

for those risks identified which will be passed to the Cornwall County Council Strategic Risk Management Group for inclusion in the corporate risk framework. Some of the risks to the Site itself have been identified as Threats in section 4.2 of this Management Plan. In order to assess the significance of all risks and to mitigate them it is necessary for a risk assessment to be carried out using adopted procedures. Responsibility for risk assessment lies with individual owners and managers. The World Heritage Site Office will need to be proactive in encouraging owners and managers to undertake risk assessment and relate these to its own strategic and operational risk assessment.

Risk management begins with identifying risks, evaluating their potential consequences and determining the most effective methods of managing or responding to them. This might include producing Fire Action Plans for significant historic buildings particularly those containing machinery or timber roofs, and providing data on aspects of the Site to the fire service to inform their response to incidents. It may also involve checking Disaster Plans for archive and museum collections are in place (e.g. Cornwall Record Office, The Cornwall Centre, Courtney Library).

Cornwall County Council's Emergency Planning Officer coordinates emergency planning across the six districts in Cornwall. The World Heritage Site Office will liaise with the Emergency Planning Officer on integrating the Site into the existing Crisis Management Teams and reporting mechanisms at the appropriate level, so that in the event of an incident the World Heritage Site Office is involved in decisions which may affect the outstanding universal value. A similar process will be applied in West Devon.

Issue 3 Risk preparedness

Policy 3 The risks to the Site and its management should be regularly assessed and actions taken to ameliorate these risks.

4.3.4 Issue 4 Embedding a strategic framework for the Site.

This Management Plan establishes a strategic framework for the Site but the conservation and management of the Site can not take place in isolation. The conservation of the Site needs to be embedded in a range of strategic plans and programmes. These influence economic activity, for example development and regeneration, tourism and farming, renewable energy, transport, as well as education and community life. These plans and programmes are listed in 3.5 of this Management Plan.

The need to embed World Heritage Sites in policy and guidance begins at a national level in government planning guidance on a range of areas including the historic environment and sustainable energy. Central to this is strengthening the emphasis on World Heritage Sites currently contained in PPG15. There is also a need to ensure that reviews, such as the Haskins report on the management of the countryside, which cross-cut policy areas do not affect the conservation of World Heritage Sites.

Regional plans are increasingly important with central government moves towards regionalisation. Examples include the South West Environmental Strategy, and the emergent Regional Spatial Strategies brought about by the Planning and Compulsory Purchase Act 2004.

At a local level Community Strategies are now at the heart of local government. The Planning and Compulsory Purchase Act 2004 has introduced new Local Development Frameworks (LDF) to replace Local Plans and Structure Plans. LDFs must relate their core strategies to the objectives in Community Strategies. LDFs can include Area Action Plans for those areas with special conservation or regeneration needs and this could include several areas within the World Heritage Site (see Glossary of planning terms in Appendix C). For example, at Hayle and Pool, where large redevelopment is a possibility these will be a need for special attention to be paid to the outstanding universal values of the Site in bringing forward proposals. In particular, development on the quays at Hayle harbour should integrate with Harveys Foundry and take into account the historic character of the townscape. Regeneration of Camborne-Pool-Redruth should create a sustainable community and add new distinctive design whilst complementing the existing historic fabric and character of the area.

Minerals Development Frameworks will be prepared to replace the Cornwall and Devon Minerals Local Plans, under the provisions of the reform in the Planning and Compulsory Purchase Act 2004. These will help to shape the future development of mining and quarrying within the Counties and its impact upon the people, the broader environment and the historic landscape. The provision of local and traditional building materials is an important consideration: the draft Cornwall Minerals Development Scheme anticipates the preparation of a Supplementary Planning Document to give guidance on the sources and use of local building stone and slate, which will be complementary to the conservation of the universal values of the Site.

Following the Countryside and Rights of Way Act 2000, local authorities are required to produce and update management plans for Areas of Outstanding Natural Beauty within their boundaries. The Cornwall and Tamar Valley AONBs are important designations for the management of 37% of the Site and their management plans need to recognise the contribution the Cornish Mining landscape makes to the character of the AONBs.

The outstanding universal value of the Site is described in the Statement of Significance. Not everything within the Site is of equal importance to the outstanding universal value, and there may be things which positively detract from it. Historic landscape characterisation is one method of assessing the significance of components and places, and statutory designations convey hierarchical importance. Guidance is needed to strategic policy makers, developers and decision makers on how to assess relative value and impact within the Site. Actions are needed to issue guidance notes and ensure that ongoing advice is available from the World Heritage Site Office and Partnership members, which will include a regular liaison group to discuss both consistent implementation across the site and area-based issues.

Issue 4 Strategic framework

Policy 4a The partnership will ensure that all relevant strategic documents and programmes have regard for the Site and its Vision & Aims.

Policy 4b All relevant strategic planning documents should make provision for the protection, conservation and enhancement of the Site and its setting.

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

4.3.5 Issue 5 Increasing the protection

There is no additional statutory protection in the United Kingdom resulting from Inscription of a World Heritage Site. Since the 1970s there has been a continual review of statutory protection for mining and mining related sites, monuments, buildings and settlements. Additional statutory protection is needed. Previous listing surveys have not always recognised vernacular and industrial buildings on their merits. It is clear that there is still a need to review the statutory protection of urban buildings in particular since these were last reviewed in the 1980s.

The Monuments Protection Programme has been reviewing all mine sites in Cornwall and West Devon and is increasing the number of Scheduled sites considerably. The Heritage Protection Review will result in the introduction of a single unified list that brings together Scheduled Monuments, listed buildings, conservation areas, registered parks & gardens, and World Heritage Sites (now carried out by the Heritage Protection Department of English Heritage)



Botallack Mine, St Just (A1). Arsenic calciners and chimney (Scheduled Monument).

Protection of historic areas has always been weak within the current statutory legislation. Locally as a result of the Cornwall Industrial Settlements Initiative (CISI) there is a need to review area protection for a number of historic mining settlements through creation of new or extended Conservation Areas. There is also a need to ensure that there are adequate resources locally to carry through the management of Conservation Areas, and for a comprehensive programme of Conservation Area Appraisals within the Site. Nationally resources for local authority conservation staff are inadequate to meet the demands of this type of work.

The waste dumps from mines are not only important structural evidence of the historic mining process but they are also repositories for mineral specimens and important flora and fauna that have adapted to live on these sites. At present there are permitted development rights under the Town and Country Planning (General Permitted Development) Order 1995 (GPDO) for the removal of material from mineral working deposits such as mine waste dumps. The most important dumps may be afforded statutory protection as SSSIs or Scheduled Monuments but there is a need to afford greater protection to dump sites in the World Heritage Site. At present the GPDO allows these rights to be removed in specified circumstances but local authorities are liable for compensation claims from owners. Therefore changes to the GPDO are required. Cornwall County Council has written to ODPM to raise this issue of conflict between the provisions of the GPDO and the historical value of old mineral dumps. The United Kingdom government's recent review (Nathaniel Lichfield 2003) of the GPDO may result in changes. Lobbying for the issue of compensation or addition of World Heritage Sites to the list of exclusions should continue until achieved.

In 2004 the English Heritage national Buildings at Risk register identified 10 buildings within the World Heritage Site. One, at Botallack in the care of the National Trust, has since been conserved and is no longer at risk. There are existing powers available to local authorities to serve urgent works or repairs notices, leading ultimately to compulsory purchase. However traditionally local authorities have been reluctant to use these powers because of a lack of resources. Buildings at Risk need to be examined within the Site particularly those that are grade II and excluded from the national register.



Perran Foundry Perranarworthal. Five buildings within this important foundry complex are included on the English Heritage Buildings At Risk register.

District	Building Grade	Action
Carrick	Warehouse, Perran Foundry	II* Urgent Works Notices drafted
Carrick	Dry sand shop, Perran Foundry	II* Urgent Works Notices drafted
Carrick	Engineers Shop, Perran Foundry	II* Urgent Works Notices drafted
Carrick	New Pattern Shop, Perran Foundry	II* Urgent Works Notices drafted
Kerrier	Blowing House, Godolphin Cross	I
Kerrier	Engine House and Mine Complex, Wheel Peevor	II HLF Stage 1 approval
Kerrier	Sara's Foundry, Tolgus Place	II*
Kerrier	Wesleyan Chapel, Porkellis	II*
Restormel	Charlestown Methodist Church	II*

Table 9. The nine buildings at risk identified on the English Heritage national register 2004

Better design guidance, a programme of traditional skills training, and more investment in traditional materials (slate, stone, lime mortars, wooden windows) are required to reverse a trend of inappropriate materials and poor quality workmanship. Article 4 Directions could be used to control minor alterations which result in this incremental loss of character, however there are resource implications for local planning authorities in drafting Directions and approving subsequent applications.

Issue 5 Increasing protection

Policy 5a The review of statutory protection within the Site will continue through national designations.

Policy 5b Local designations and protection systems will continue to be reviewed throughout the Site.

Policy 5c Local authorities and other agencies should make full use of the powers available to them for the protection and conservation of the Site.

Policy 5d There is a presumption against the removal of historic mine waste within the Site.



Wheal Peevor, Radnor, is an outstanding example of a mid to late 19th century tin mine which retains the three engine houses; these photos show wall cracks above the cylinder door of the winder engine house, and wing wall instability within the winder engine house. This complex is on the Building at Risk register but a Stage One grant from the Heritage Lottery Fund has recently paid for initial site surveys to support funding bids for full consolidation.

4.3.6 Issue 6 Protecting the visual setting and historical context of the Site

The setting of the Site is those sites, monuments, buildings and landscape components which provide additional historical context, and a physical space in which events could affect the visual appreciation of the Site.

The proper conservation of the Site and its setting will be achieved through policies in strategic planning documents (including the Development Plans), a suite of existing strategic documents for landscape conservation and the measures contained in existing statutory designations. The issue is in ensuring that strategic plans and programmes take account of the setting of the Site as well as the Site itself. A further issue will be the weight given to the setting of the Site in decision making alongside wider considerations.

The Site comprises 10 discrete but inter-visible landscapes all of which encompass significant components. This is an evolving cultural landscape, with the process of change driven by mining technology and economy from 1700 and continuing to the present day and into the future, following a period of decline and now regeneration, with new sympathetic additions and changes to the landscape having a place. There is little potential for events outside the Site to have an adverse impact on its outstanding universal value in the majority of rural areas although there are some urban areas where there is a higher potential for adverse impact.

Protecting the visual setting of the Site

The setting of the Site includes a physical space in which events could adversely affect the visual appreciation or understanding of the Site. However this space cannot be defined by the simple fact of visibility into or from the Site. The extent of impact on the visual setting has to be determined on a case by case basis taking into account wider considerations and applying weight and judgement. Historic landscape characterisation is a vital tool in determining the appropriateness of development or land-use change. Physical distance, scale, mass and materials may also be factors to take into account. This approach is

already used when assessing the impact on the setting of statutorily designated sites such as Scheduled Monuments, Listed Buildings and Conservation Areas.

Protecting important related historic sites outside of the World Heritage Site (the historical context).

The Site includes the most important surviving components of the wider total historic mining landscape in Cornwall and West Devon. There are inevitably some sites that form a part of this wider historic mining landscape that lie outside the Site. These are important components of the total extent of landscape impact brought about by mining-led industrialisation between 1700 and 1914. They have been excluded from the Site because they do not meet the selection criteria or are geographically isolated from the significant concentrations of components included in the Site. For example the area at Mary Tavy and Peter Tavy which includes the former mines developed by John Taylor, and which is now within the Dartmoor National Park. Known sites have been mapped as part of the Bid project and are included in the Cornwall and Devon Historic Environment Records. A few examples of these sites are:

- East Wheal Rose Engine House, St Newlyn East, the largest lead mine in Cornwall
- Parkandillick Engine House and former mining engine from St Agnes.
- Wheal Betsy Engine House, Dartmoor
- Falmouth Polytechnic, example of early scientific institution



Lanhydrock House, near Bodmin, the ancestral home of the Robartes family dating from the 17th century. The house was rebuilt in 1881 following a fire which destroyed a large part of the building. The revenue used to fund the reconstruction is purported to have been only one year's income from the family's mining investments.

- Lanhydrock House, garden and park, owned by an important mineral lord
- Lamb & Flag smelting house, Crowlas, surviving reverberatory tin smelter

Mining continued after 1914 until 1998 when South Crofty Tin Mine closed. There are elements of the post-1914 mining industry which have important iconic value and should be conserved. Prominent amongst these are the modern headframes. For example the head-frame at South Crofty should be retained as an important prominent landmark and iconic symbol of Cornish mining within the visual setting of the Site.

Issue 6 Protecting the setting

Policy 6 Developments outside the Site that will adversely affect its outstanding universal value will be resisted.

4.3.7 Issue 7 Achieving sustainable development and heritage-led regeneration

Section 4.1 and 4.2 of this Management Plan described the agenda for development and economic regeneration. One issue that arises from this is the need to ensure that development is sustainable. An important element of sustainability is the need to retain local distinctiveness and character.



24 Foundry Square, Hayle, before renovation works. This building was the main office of the Harvey's Foundry that manufactured steam engines and mining machinery which was used across the globe.

Not all regeneration and development will be heritage-led. However there are real opportunities for heritage to inform, and provide the catalyst for, regeneration within the Site particularly in historic mining settlements.



24 Foundry Square after the completion of renovation works. Regeneration efforts have successfully consolidated this important historic building and returned it to use.

English Heritage has provided guidance and encouragement in recent publications Conservation-led regeneration (EH 1998) and The Heritage Dividend (EH 1999). The benefits of this approach were outlined by the United Kingdom government in its recent report *The Role of Historic Buildings in Urban Regeneration* which stated that *the historic environment has an important part to play in regeneration schemes helping to create vibrant interesting areas, boosting local economies and restoring local confidence* (ODPM, 2004)

There is no presumption against new development within the Site but it should be of high quality, respectful of historic character and not weaken the outstanding universal value. The Commission for Architecture and the Built Environment (CABE) has provided examples in *Building in Context* (CABE, EH, 2001) illustrating how new contemporary design can integrate with historic fabric. The reuse of historic buildings can be more environmentally sustainable than, and their environmental performance can be as good as, new-build projects. Reuse of redundant historic buildings can help tackle pressure for new business and residential space. The issue is to persuade developers, agencies and communities that historic buildings are



Harvey's Foundry Phase One start-up units. A modern high quality design which respects the historic foundry setting.



Foundry Farm buildings, Hayle. Part of the Harvey's Foundry complex, these significant industrial buildings await consolidation in Phase II of a regeneration programme led by Penwith District Council.



Hayle Harbour. Development on the harbour, once a focus of industrial activity in Hayle, should respect the historic character of the town.

viable both economically and environmentally. Too often there is a presumption in favour of demolishing historic buildings to create a blank canvas site, as this is often seen as a way of creating easier 'design and build' solutions and increasing profitability. However this path leads to the erosion of local distinctiveness and character. There are currently nine buildings on the national Buildings at Risk register (see Issue 5) and there is a need to assess how many other significant historic buildings both listed and without statutory protection that are 'at risk' and could be re-used successfully. There is a need to provide incentive or assistance to developers and agencies actively to progress re-use of these buildings where appropriate. The tax system needs to favour the reuse of historic buildings rather than deter it. At present for example the imposition of Value Added Tax (VAT) on the repair of historic buildings, while new-build projects are exempt, is a disincentive. Development Briefs can be a useful tool in steering development on difficult sites by establishing what could be acceptable and providing ideas for developers and communities to explore. Design guides can provide useful reference, provided they are not prescriptive, for materials and details that make up local distinctiveness and character.

Agri-environment

Section 3.3 of this Management Plan identified the concentration of designations for biodiversity and landscape quality in Cornwall and West Devon. Agri-environment schemes could promote change to the landscape which might have an adverse affect on the



Mine shaft safety enclosure at Tresavean Mine, Lanner, designed to permit access for bats which roost in the underground workings. Measures to make provision for protected species such as bats, barn owls and badgers, should be carried out in sympathy with the historic environment.

historic character of the landscape, for example reduced grazing on open moorland that contains historic remains can result in the growth of scrub and the loss of both its visual impact and its archaeological integrity while afforestation schemes could adversely affect the landscape of miners' smallholdings. There are various ways in which agricultural regimes that impact upon the historic environment in the Bid area are subject to controls and positive incentives. All forestry work that receives public subsidy through the Woodland Grant Scheme is subject to consultation for impact on the historic environment, and no work that may be damaging to known archaeological sites is grant aided. The hedgerows within miners' smallholdings are an important part of the rural landscape and here the 1997 Hedgerow Regulations are an important method of exerting some control on their removal, although not all traditional field boundaries or Cornish hedges fall within the remit of the Regulations.

In 2005 a newly developed agri-environment scheme, Environmental Stewardship, will come into operation. A specific aim of this scheme is to protect and prevent loss of landscape character and historic environment features. The scheme will operate at two levels, Entry Level Stewardship (ELS) and Higher Level Stewardship (HLS). Entry Level Stewardship will be available to all eligible landowners and provides a base level payment for implementing a range of the 50 management options available. These options include management of



In advance of consolidation works at Phoenix Mine in the Minions area, rare Cornish path moss which had adapted to live on mine waste was discovered and this had to be taken into account in the consolidation scheme. Temporary fencing was urgently erected to protect these internationally important bryophytes from human and animal damage. However the fencing is out of character with the surrounding landscape and affects the contextual and visual relationship of archaeological mining features by bisecting a reservoir pond and trackways.

boundary features, traditional buildings and other archaeological features as well as a general requirement to avoid damage to archaeological features. Higher Level Stewardship offers a good opportunity for management of the Site landscape. The National Priorities for the scheme include *those elements of World Heritage Sites that require HLS to maintain historic features or their setting*. This provides the opportunity for fully integrated management of miners' smallholdings, former mine buildings and structures (including adits, shafts and other underground workings) where they occur within agricultural holdings and other associated features. Of particular significance is the opportunity for landowners to receive payment for management of habitats such as heathland and sites which support species of international, national or local conservation importance such as bryophytes. As well as management of ecological and archaeological features, provision for access is included in the scheme. This will also provide benefits in enabling and managing increased access to historical features associated with the Site.

Mining and mine waste

The Site is a mining landscape. Mineral Development Plans safeguard access to mineral reserves. Proposals for resumption of mining should be examined on a case by case basis and there is no presumption in principle against mining in the Site provided the outstanding

universal value is conserved or enhanced. A resumption of mining may represent a continuation of the evolving Cornish Mining cultural landscape. However it may also adversely affect those relict components of the 1700 to 1914 mining landscape which are within the Site and contribute to its outstanding universal value.

The position on mining in the Cornwall and West Devon Mining Landscape Site differs from that sometimes taken elsewhere in the world where mining may be viewed as wholly incompatible with the outstanding universal values of World Heritage Sites. The recent landmark pledge from International Council on Mining and Metals (ICMM) to recognise existing natural World Heritage Sites as 'no-go' areas is recognition of this. The pledge includes an undertaking not to explore or mine in World Heritage Sites and a commitment to take all possible steps to ensure that operations are not incompatible with the outstanding universal values of natural World Heritage Sites.

The exploitation of secondary mine waste is a separate area of concern (see Issue 5 and Issue 14). Historic mine dumps are an important component of the Cornish Mining landscape which is currently under protected. Not only are they a visually important landscape component, but they also bear witness to the processes of mineral working itself. These dumps are at present sometimes treated as a resource for hardcore aggregate, and also as economics and technology allow, a source for re-processing to extract minerals. More research on identifying and protecting the most important mine dumps is required.

Issue 7 Sustainable development

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 7c There should be a presumption in favour of retaining and re-using historic buildings which are important components of the Site.

Policy 7d Proposals for the resumption of mining will be supported where they do not adversely affect the outstanding universal value of the Site.

Policy 7e Landscape, nature conservation and agri-environment management regimes should have regard for the authenticity and values of the Site.

4.3.8 Issue 8 Greater conservation and maintenance of key sites and components.

Whilst a considerable number of relict historic mine buildings have been consolidated over the last 15 years there are still a large number of important buildings that require consolidation and conservation. A considerable amount of public and private money has been spent over the last 15 years (see table 6) and further public funding will be required. However demand for funding outstrips availability and therefore funding will have to be prioritised.

Local authority projects bidding for Heritage Lottery Fund grants have been prioritised. This creates a useful precedent for evaluating the merits of projects and a similar approach will have to be used for Site projects involving public monies.

While capital funding has been successfully acquired over the last 15 years for consolidation works and creating of public access, there is now an issue over the long term maintenance of conserved mine sites and the public multi-use trails created along mineral tramways and railways. Without adequately resourced maintenance these facilities can become overgrown, subject to dog fouling, litter and minor vandalism to interpretation signs. At the moment local authorities are working in partnership to maximise resources. However, the newly launched national Land Restoration Trust is likely to provide a means of gathering together all local authority owned mine sites under a common management agreement which includes agreed standards and maintenance regimes.

The conservation of mine sites must be done to high standards using appropriate materials and techniques to maintain the authenticity of the Site. In the recent past it has taken a great deal of effort to persuade

mine site owners that they should use traditional materials (e.g. lime mortars instead of cementitious mortars) when consolidating historic buildings. Now all works to mine buildings using public funds are carried out to the highest conservation standards. Recent confirmation of this has come in conservation awards at Levant and Gunnislake Clitters.

Access to underground workings is vulnerable to insensitive conservation and remediation works. Sensitive shaft treatment is required, avoiding plugging or capping in most cases, and ongoing maintenance to avoid shaft collapse, to ensure that underground access is available for education, research and leisure use. The remediation methods such as walling and fencing to secure these potentially hazardous features whilst conserving the local mining landscape and retaining underground access. Guidance is needed on best practice to ensure a consistent standard across the Site.

Consistent high standards of conservation are not yet universally applied in mining settlements. Whilst very few mining rows and terraces have been demolished within the Site the majority have been subject to

The Riverside Engine House at Gunnislake Clitters Mine within the Tamar Valley. The high quality restoration of the Riverside Engine House won a prestigious award for preservation from the Cornish Buildings Group in 2001. The Riverside Engine House during restoration.



Inappropriate mine shaft treatment at Wheal Peevor Mine, Radnor. The mine shaft at this site has been capped and an unattractive plastic pipe installed to vent air from the void below.



The Riverside Engine House after the completion of works.

inappropriate replacement of windows and doors and in some cases the use of non-slate roofing. Increased car ownership has resulted in the loss of front boundary walls and rear outhouses to provide parking spaces. The use of mass-produced upvc windows and doors of non-traditional designs has resulted in a loss of historic character. It is the intention of this Management Plan to ensure that through incentives inappropriate materials are removed when opportunity arises. Incentives are also a means of preventing the loss of surviving authentic details. There needs to be policies which will prevent further losses of historic character and schemes which encourage replacement of inappropriate details. More information on choice of materials, design and environmental impact needs to be made available to owners within the Site.

The access tunnel to Man-Engine Shaft showing some of the one hundred alcoves used for the storage of miners' belongings while underground.



The completed renovation of the Man Engine tunnel and steps at Levant Mine.



The Brunton arsenic calciner with its associated flues, condensing chambers and chimney at Botallack was built circa 1908. The site is designated a Scheduled Monument. Unfortunately the scrapping of its ironwork in 1914 started a chain of deterioration and in recent decades the flue and chamber roofs suffered progressive collapse and the site was included on English Heritage's Buildings At Risk Register in 2002 and 2003. The site was recently acquired by the National Trust. Funding was received from Objective 1 together with a grant from English Heritage to undertake extensive conservation works in 2004, project managed by Cornwall County Council. These works have enabled the site to be made safe and secure: over 175 tonnes of contaminated material (arsenic) have been removed from the site; its walls and roofs, together with the chimney have been stabilised by re-pointing and limited rebuilding, whilst the interpretation of the site has been greatly enhanced through the full reconstruction of a pair of the condensing chambers. As a result the site is no longer 'at risk'.

Traditional skills necessary for the authentic conservation of historic buildings, such as scantle slate roofing, use of lime mortars, and Cornish hedging, are in short supply. This is recognised in the Objective One Single Programming Document and initiatives are being developed to encourage training and business incubation to fill this gap. This is a national problem which English Heritage and United Kingdom government's Sector Skills Council for the construction sector (CITB-Construction Skills) have begun to address by creating the National Heritage Training Group. The Heritage Lottery Fund has announced a £4 million Training Bursary Scheme to keep alive essential traditional heritage skills, in response to their survey Sustaining our Living Heritage (HLF 2002) which highlighted a significant decline. Locally, the Cornwall Sustainable Buildings Trust (CSBT) exists to minimise the impacts of construction on the Cornish and Global Environments by raising awareness, and delivers training in traditional and sustainable building skills.

Machinery associated with the mining industry is often found in situ, although it is part of the Cornish Mining cultural tradition that machinery is moved from location to location as need arises, typically when the economic fortunes of one mine or industry decline. It is sometimes the case that ownership of portable machinery is different to ownership of the building or land on which it lies which can cause difficulties in securing its conservation or long-term future. Moveable machinery has an important role in the authenticity of the Site and it will be important to assess the survival and condition of this asset.

Issue 8 Conservation of key components

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.

Policy 8c Traditional materials and skills should be encouraged in the maintenance of the authentic historic fabric within the Site.

Policy 8d 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.

Policy 8e Resources available for conservation of the Site should be prioritised to address the Vision & Aims.

Policy 8f Key moveable components should be preserved in situ unless relocation will conserve or enhance the outstanding universal value of the Site.

4.3.9 Issue 9 Curation of archives, collections and data

The portable heritage is an integral part of the Site and a source of evidence for its outstanding universal significance. Mineral collections and archives within the Site, and those outside relating to it, are of international importance, reflecting the Site's unique geological composition and significance as the site of discovery of many rare and "type", or first known occurrence, specimens. Social history collections and archives and archaeological material similarly contribute greatly to our understanding of the mining industry and its cultural significances. Archaeological data held in Historic Environment Records is important to the management of the Site.

The interoperability of data sources and indexes would bring benefits to the user and should be encouraged. The use of the Internet to access data and indexes would broaden access opportunities.

The Partnership should engage with governing bodies of such collections and appropriate regional agencies to encourage and support their management to agreed national standards. These standards include identifying appropriate conservation, documentation and access arrangements. The museums and archives are key elements of the Partnership's marketing, interpretation, education and outreach strategies and encouraging the delivery of high quality services contributes to their recognition as World Heritage assets.

Issue 9 Curation of archives, collections and data

Policy 9 Archives, collections and data concerning the Site should be curated, catalogued and conserved and made accessible to all.

4.3.10 Issue 10 Achieving sustainable physical access

Public access to the Site includes both physical and intellectual elements, as outlined in 3.9, both of which are equally important to the quality of visitor experience. However, to assist their discussion within the context of the Management Plan the issues related to them will be discussed separately.

In respect of physical access, the World Heritage Site Bid Partnership is committed to maintaining the authenticity of the Cornwall and West Devon mining cultural landscape and recognises the importance of sustainable approaches in achieving this. At the same time, access must be equally available to all, regardless of physical ability or income. With the Disability Discrimination Act coming into full effect from October 2004, the World Heritage Site Partnership acknowledges the need to audit the full range of public access opportunities and assess the standards of service provided during the lifespan of the Management Plan.



The Poldice Plateway following works to enable it's use as part of the Mineral Tramways Trail network.

Physical access to mining heritage therefore needs pro-active management, as tourism in Cornwall and West Devon is a major driver in regeneration strategies, with significant growth targets for the period 2000 – 2010 already in place. Integrating these principles, so that World Heritage Site Inscription would deliver a sustainable increase in usage of the Site, requires a better understanding of how current transport links to and within the Site are being used and the impact of visitor activity on the conservation and outstanding universal value of the Site itself.



Part of the Mineral Tramways multi-use trails.



Granite way-marker on the Mineral Tramways Trail.

Predicting and managing demand

The Economic Impact Assessment conducted in 2003 estimated that, with appropriate marketing, Inscription could deliver an increase in visitors to mining heritage facilities. The Partnership needs to establish desired levels of visitor usage of the Site, within the context of the target of an overall 20% increase in the number of tourism days spent in the region by 2010, established by the Objective One Tourism Task Force in 2001. The report also concluded that the capacity to accommodate increased usage varied amongst Bid areas. The marketing strategy for the Site will therefore differentiate between the areas, and product development and promotion targets will be set according to local circumstances and capacity for growth. Liaison with transport planning authorities is required to ensure that these variations are reflected in local transport plans.

Visitor Movement to and within the Site

In respect of moving visitors to and within Cornwall and West Devon, local transport strategies are key to prioritising resources.

The Cornwall Local Transport Plan 2001-2006 aims to reduce the adverse effect of transport, contribute to an efficient local economy and promote accessibility to work, facilities and services for all people, especially those without a car. The Devon Local Transport Plan 2001-2006 has 'centre of excellence' status by the Government and tourism is one of its nine objectives. It has similar objectives, including specifically enhanced access to cultural destinations and the integration of tourism and public transport to give visitors a wider range of transport choices.

Road and rail transport and existing facilities were significant factors in identifying the Site Areas suitable for promoting increased visitor usage. Both the Tamar Valley and Central areas are served by major A roads, rail services, and contain a range of existing attractions and associated infrastructure.

Developing car free access to visitor attractions and facilities within the region is a strategic priority of tourism agencies and local authorities in both Devon and Cornwall. Walking and cycling trails have been developed such as the Mineral Tramway routes and the Tamar Valley Discovery Trail providing sustainable transport options within and between some areas of the Site, combined with interpretation of aspects of its Universal Significance. The Marketing strategy includes promotion of such local interpreted trails as a method of increasing both sustainable access to and understanding of the mining landscape.

Recent policies pursued by local authorities and tourism agencies in Cornwall and West Devon are designed to extend the region's visitor season from the traditional peak months of July and August, when traffic congestion is sometimes severe, into the "shoulder" months of Spring and Autumn, when there is capacity to accommodate more visitors. Implementation of the Management Plan will support shoulder month initiatives linked to the tourism markets for landscape, heritage and cultural appreciation, and in so doing contribute to

strategies to spread visitor numbers more evenly throughout the year. Area marketing plans will be required to include active promotion of rail, bus, walking and cycle access to sites.

The World Heritage Site Bid Partnership has joined the Cornwall Sustainable Tourism Project (COAST) as an associate member and through the Marketing Strategy will continue to develop sustainable transport opportunities for visitors to the Site (see 4.3.11). Priorities for the Management Plan include

- Commissioning a sustainable transport strategy for the Site
- Ensuring Local Transport Plan Reviews take account of the Site
- Encouraging environmental impact assessments for visitor attraction or facility development proposals
- Facilitating access audits and adoption of access strategies by visitor attractions and facilities

Issue 10 Sustainable physical access

Policy 10 The Partnership should promote access to the Site that is sustainable to the environment and consistent with the values of the Site.

4.3.11 Issue 11 Increasing intellectual access - Interpretation and Education

The Site is currently well served by a range of visitor attractions that focus on the history, development and impact of hard rock mining in Cornwall and West Devon. Although owned and managed by a range of governing bodies, the process of developing the World Heritage Site Bid has already encouraged a degree of co-ordination through the creation of a Marketing and Interpretation advisory panel which has agreed a range of shared policy priorities, as expressed in the marketing strategy adopted as part of the Management Plan.

Interpretation facilities – development priorities

The Site comprises a series of landscapes areas that contain a distinctive and recurring pattern of buildings, monuments and sites, some of which offer specific visitor facilities.

There are currently 54 mining landscape related visitor facilities across Cornwall and West Devon. There is a wide range in size and scope of facility, with some attractions offering a more comprehensive interpretation of mining heritage, others specialising in a particular aspect or feature.

In addition to the development plans of these individual attractions referred to in section 3.10, the Site requires a strategic overview of interpretation development needs

Co-ordinating Interpretation

The Site has multiple significances and themes to be presented. Whilst some of these are currently addressed in existing interpretation, the process of compiling the Nomination has established more clearly the full range of values that the Site represents, and it is clear that not all of these are communicated to visitors at present. Communicating the full significance of the Site serves the interests of other activities in the Management Plan, as by increasing awareness and understanding of its importance wider support for conservation and sensitive regeneration initiatives is achieved. For these reasons a co-ordinated approach to interpretation is needed. The marketing strategy outlines an interpretation framework that involves establishing the full range of World Heritage Site messages to be communicated, proposed "Key Sites" to address these (in addition to local themes), and a network of local centres and on-site interpretation focussing on more specific elements at the broad range of mining heritage assets. This outline approach needs to be developed



Williams' Shaft interpretation board, Dolcoath Mine, Camborne. Visitor interpretation material has been added to the site to compliment the recent consolidation of the shaft-head buildings.

Interpretation framework

The approach to Site interpretation needs to recognise and respond to the variety inherent within the Bid Areas, the range of themes and stories to be explored and the different interpretation tools and techniques available. This will require the development of an interpretation framework that reflect the variety inherent within the Site product to be marketed and the interests of different target audiences. Within the overall, principle focussed Site area-wide interpretation strategy, subsidiary plans will include

1. The concept of World Heritage Site "landscape areas", which characterises the Site mining landscape "product" in terms of the 10 varied, iconic landscape areas (urban and rural) that are central to the outstanding universal value. In tourism terms, these Areas involve powerful, promotable images e.g.:

- Wild and rugged north coast (St Just and St Agnes);
- Southern valleys (Tamar, Luxulyan, Perran);
- Urban centres (Hayle, Camborne/Redruth and Tavistock);
- Moorland (Caradon Hill)
- Rural areas (Wendron, Gwennap, Tregonning and Gwinear).

Within the Areas, there are a wide range of mining related stories and themes to interpret, and each Area should have its own interpretation strategy. This will include interpretation that links to their mining landscape characteristics, the relevant outstanding Universal significances and demonstrate the relationships between the visitor interpretation facilities within the area.

2. Key sites, acting as a comprehensive overview of the range of the Site themes, will need to take a strategic approach to their wider interpretation role, and how this relates to their individual site interpretation plan

3. Site preview points - These are places where greater awareness of the Site could be encouraged, including both urban centres such within the Site itself, such as Tavistock, and those outside such as St Austell and Plymouth and stopping off points on main transport routes. They would play two important roles - as promotional tools by providing information points, and in visitor management through the provision of visitor facilities, although not directly providing extensive or detailed interpretation.

4. Local interpretation facilities, which tell a local story, present a specific theme or exhibit a specific collection. These focus on local distinctiveness and will need to have their own interpretive plans as well as being integrated into Bid area plans

Given the number and variety of attractions in the latter category, most of them could have a wider role as part of a network of 'badged' local facilities to which the visitor can be signposted should they want more detailed information on the local area or on a special theme.

Developing intellectual access facilities – Key sites

Intellectual access facilities need to serve both the dedicated enthusiast and the casual visitor. They should also be focal points for a formal education services related to the Site. Given the scale of the Site and the wide geographic distribution of visitors across Cornwall and West Devon, there needs to be more than one centre. Key sites are needed to interpret the range of cultural values and significances represented by the Site and to act as a signpost to other attractions and facilities within the Cornwall and West Devon Mining Landscape, and therefore need to be strategically placed.

In order to help define appropriate Key sites, it will be very important that these centres meet certain criteria. They need to be of a quality that underlines the importance of World Heritage Site status and meets recognised national standards of service and customer care. Criteria should include:

- authenticity of experience (including above ground interpretation and underground mine visit)

- capacity to serve substantially increased visitor numbers without detriment to the site
- relevance to a range of the mining landscape components and multiple significances
- significant existing educational usage, with potential for growth
- range of quality ancillary facilities such as café, shop

It would also be desirable to have centres in:

- Different landscape areas (at least three) to provide variety; and
- the west, east and centre of the Site to be accessible to the maximum number of people.

Bearing in mind these criteria, two candidate Key sites have already been identified, at Geevor Tin Mine in the St Just Bid area (West Cornwall), and Morwellham Quay in the Tamar Valley (East Cornwall/West Devon). Both attractions are currently drafting substantial development



Geevor Mine, west Penwith. Following the closure of the mine in 1990, this site has been renovated and opened to the public as a successful heritage attraction.





Morwellham Quay within the Tamar Valley. This heritage attraction was an important copper ore export site serving the productive mines on the Devon bank of the Tamar Valley.



plans and funding applications to address improvements in access, interpretation and conservation to nationally recognised standards.

The central Cornwall Bid areas contain a number of potential key site candidates, although currently without the full range of advantages listed above.



The Robinson's Shaft complex at Pool which is a potential key visitor site.

can then be matched to opportunities afforded through the Site, and educational initiatives developed as part of the interpretation of the Site. The development of an Education Strategy is therefore a key action in this plan.

This strategy should focus upon the UNESCO principles of using World Heritage Site status to support learning about:

- Local cultural identity
- The value of other cultures
- Places to be cherished

The Management Plan includes an options appraisal of each of these, with a view to identifying a further candidate for development.

Education services

Under the terms of the UNESCO convention, management authorities of World Heritage Sites undertake a responsibility to provide education services. Existing education provision relevant to the Site is focussed primarily on the main visitor attractions and museums, whose definition of education includes a wide range of learning audiences, both formal i.e. taught courses and curricula, and informal, such as family learning and holiday activities.

Within the context of marketing and interpretation of the Site overall, a strategic approach to developing the educational role of the Site is a priority. Research is required to establish education audiences' needs, which

and seek to integrate these with the services developed to meet identified educational needs.

Issue 11 Increasing intellectual access

Policy 11a The Site should be interpreted and presented as a distinctive, evolving, living landscape.

Policy 11b Visitors should be encouraged to explore and learn about the physical, social and cultural aspects of the Cornwall and West Devon mining heritage.

Policy 11c The values and significance of the Site should be communicated to a wide range of educational audiences.

4.3.12. Issue 12 Co-ordinated marketing

The Marketing and Interpretation Panel steered the creation of the marketing strategy, which aims to deliver greater co-ordination of marketing, interpretation and education. This identified that in order to achieve a consistent approach to these aspects of management the Partnership should pursue the following roles:

- World Heritage Site marketing planning, including shared research, monitoring and facilitating production of local area marketing and interpretation plans.
- Public relations.
- Marketing and strategic product development for education groups.
- Branding issues.
- Website development.
- Interpretation strategy.
- World Heritage Site-specific training (e.g. awareness raising amongst front-line staff).
- Shared promotional tools (e.g. World Heritage Site official guide and leaflet).
- Establishing partnerships with organisations for marketing campaigns to specific market segments identified as priorities.

Devising appropriate interpretation and education strategies requires an understanding of current and potential audiences and visiting patterns. In order to assess the level of knowledge of existing users, a survey of mining heritage attraction and facility operators was undertaken as part of the research to inform the marketing strategy. This revealed that, although most recorded visitor numbers, few of the respondents regularly collected visitor profiling information and fewer conducted qualitative research, making it difficult to assess current or potential audience needs. As a result the outline marketing strategy adopted by the World Heritage Site Bid Partnership includes commissioning collective audience research to underpin further marketing and interpretation initiatives.

Marketing priorities

Visitors to the mining heritage and related facilities are part of the estimated 6.7 million trips every year motivated by conserved landscapes.

The survey of mining heritage attractions and interpreted landscapes within the Site revealed that in 2003 10 of these achieved a combined visitor total of over 460,000.

The Economic Impact Assessment conducted in 2003 concluded that, given the context of regional tourism targets for overall growth between 1999 and 2010, there was potential for a 10% increase in mining heritage related visits by 2007/8, subject to the implementation of a 3 year, £500,000 promotional campaign. However, before any campaign can commence the World Heritage Site Bid Partnership needs to agree the target audiences, desired level of increase (as opposed to potential), and where and how this should be targeted, to incorporate promotional activity into a strategic approach to sustainable visitor management.

Visitor Management Priorities

The marketing strategy adopted in April 2004 has identified the following priorities in relation to target audiences:

- Local residents
- Cultural tourists
- Ancestral tourists descended from migrant miners
- Education and Lifelong Learning

This mix of audiences best fits the strategic aims of pursuing sustainable growth outside high season and generating economic benefits whilst also ensuring that the social and cultural values of the Site contribute to present day community development strategies.

In estimating the potential impact on visitor numbers of Inscription as a World Heritage Site, the Economic Impact Assessment of 2003 identified that the ten World Heritage Site areas fell into five broad categories. These differentiated between those areas with the capacity to benefit from increased visitor activity throughout the year, those where any growth should be targeted

outside the summer high season, areas where infrastructure development was needed before the area could support greater visitor activity, and those which were not well placed to seek growth in visitor numbers, either because they were already at capacity or due to a lack of facilities. Key principles for these plans will be to extend visiting patterns across the year, and not to increase visitor numbers in peak season.

During the lifespan of the Management Plan the World Heritage Site Bid Partnership will work with owners, operators and agencies concerned with the management of visitor facilities within the World Heritage Site areas to define individual area marketing and interpretation plans that take into account their particular circumstances, including capacity for growth, and set appropriate actions and targets. In some areas this will involve substituting greater access to information about some sites (eg through publications and websites), instead of promoting further physical access to them. Community involvement and support will also be crucial to successful local marketing plans.

Issue 12 Co-ordinated marketing

Policy 12 The marketing and interpretation of the Site should be coordinated to ensure a consistent, responsible use of the World Heritage Site Inscription.

4.3.13 Issue 13 Monitoring and measuring the economic outputs

The existing economic activity derived from the conservation and interpretation of mining heritage and the potential impact resulting from Inscription as a World Heritage Site was the subject of an Economic Impact Assessment conducted in 2003, the results of which are summarised in section 3.13. These impacts were broadly considered to be tourism and building/conservation industry related, although other positive social benefits were touched upon.

As discussed in section 4.3.11, in implementing the World Heritage Site Marketing Strategy the Partnership needs to agree desirable growth targets for the tourism sector and develop its detailed marketing plans

accordingly, within the scope of its agreed role and strategic approach. This includes working with tourism agencies on campaigns aimed at shared target audiences.

Once these targets are established, the Partnership should establish an agreed monitoring methodology and measures, in discussion with Government Office South West and Objective One, who are developing a public product impact model relevant to the scope of the World Heritage Site Management Plan.

However, in addition to financial impacts, many agencies involved in the redevelopment of economically disadvantaged areas acknowledge that physical regeneration needs to be accompanied by investment in social enterprises if the renaissance of a community is to be truly effective. Rebuilt spaces need a renewed "spirit of place" if the benefits from investment are to be sustained. As a cultural landscape, the World Heritage Site Management Plan can contribute to the social impacts of regeneration through its interpretation, education and outreach initiatives. The Partnership needs to investigate further the social benefits of Inscription and how these might be measured.

Issue 13 Measuring economic outputs

Policy 13a The economic impacts of the Site should be monitored and quantified.

Policy 13b The economic benefits of the Site should be promoted to support wider cases for sustainable heritage-led regeneration and cultural tourism.

4.3.14 Issue 14 Increasing community involvement and social inclusion

Successful management of the Site, and the dissemination of the economic and social benefits to be derived from it, will depend on the ongoing support and involvement of local communities in debating Site policies and their implementation. Public consultation is an opportunity to secure understanding of and support for the core Site management principles. It is also a vehicle for enabling communities to influence the future management of the Site in line with Community Strategies which address social inclusion. Existing

consultation arrangements are described in section 3.12, but the proposed appraisal of appropriate post Inscription management structures and arrangements will include consideration of how community involvement can be fully integrated into management of the Site. Creating a system that enables local people to inform and influence the Management Plan will be key to its success.

The World Heritage Site Partnership aim to use Inscription to both influence and support relevant community aspirations.

To do this it needs to better understand the composition of these communities and the variety of interests to be considered. Communication and consultation strategies were implemented as part of the Bid development process, and these included press coverage, research into existing community strategies and questionnaires to Parishes within Site Bid boundaries and the Cornwall Peoples Panel. The consultation strategy needs to be further developed and integrated into the management plan to ensure greater engagement with communities as the plan is implemented and reviewed. In addition to public consultation with local people to guide World

Heritage Site management policy and planning, communities will be actively involved in implementing agreed strategies, such as conservation, interpretation and education projects. For an industry in operation until so recently, opportunities exist to work with those employed by or linked with it to preserve non-material culture and help to strengthen understanding of Cornish mining's cultural inheritance. Extending this through outreach projects with different groups within communities can contribute to building community identity and civic pride.

An outreach strategy will be developed alongside the marketing and interpretation strategies to guide the development of community involvement in the Site. The latter identified local people both as key target audiences for interpretation and education initiatives and as partners in their delivery. It is therefore important that their views are sought and responded to as these strategies are further developed.

It will also be necessary to balance the economic benefits derived from World Heritage Site status with the desire for socially inclusive access to it.

Issue 14 Community involvement and social inclusion

Policy 14a The communities within and outside the Site should be engaged in the enjoyment, benefits and management of the Site.

Policy 14b Enjoyment of the Site should be available to all regardless of ability or income.



The Member of Parliament for Falmouth and Camborne, Candy Atherton, is seen here unveiling the interpretation board for Poldice Mine which forms part of the Mineral Tramways Trail network.

4.3.15 Issue 15 Developing knowledge

As previously identified in 3.11 of this Management Plan there is a significant research interest in Cornish mining which underpins much of our understanding and knowledge about the Site. Research is fundamental to the management of the Site, as with greater knowledge comes improved ability to manage. There has been far from enough disseminated research into the social history of Cornish mining to address such issues as community responses to rapid industrialisation and de-industrialisation, gender and family relations during the industrial revolution, religion, politics, education, miners' health and welfare, cultural life, regional identity, and migration.



Crowds gather at the opening ceremony of the Mineral Tramways Trail network.

There are gaps in the counties Historic Environment Records regarding the remains of historic mining and mining related industries. Given the importance of HERs (see Issue 9) to the management of the Site, these gaps should be filled. The internationally significant collection of historic mine plans in the county record offices need to be examined (particularly important for the underground above-adit part of the Site). There are mine sites which require survey and their significance assessed, and historical documentation which has not been examined in relation to physical survival.

There are many gains from ongoing and increased research into Cornish mining:

Improved visitor centres

Cornish mining history and heritage must be presented sympathetically and from a positive vantage point. Local people, in conjunction with former mining industry employees, local authority personnel, relevant organisations and academic experts should collaborate to promote community and local ownership of mining heritage. This must be represented as a proud and living culture that has survived the dislocation of industrial decline and adapted to new circumstances across modern Cornwall and West Devon. The issue will be involving the correct people at grass roots level: those with a proven track record in publications/academia/employment in mining or local authorities in order to ensure factually correct, sympathetic and positive interpretations into visitor centres and future publications.

Ancestral tourism

Cornwall and West Devon was a 19th century emigration region comparable with any in Europe. Today over 6 million people of Cornish descent are believed to reside worldwide. Increasing numbers are engaged in genealogy that presents an opportunity to promote heritage tourism. The Historic Churchyards Project based around the four churchyards of St Day, Lanner, Stithians and Gwennap plans to target those visitors from overseas with an interest in tracing their family history and mining heritage. Yet there is not a centre devoted to the history of Cornish migration anywhere in the World Heritage Site, although there have been projects such as the Cornish Global Migration Programme, based in Murdoch

House, and the Cornish-American Connection Project. This would be a huge asset to such tourism and play an important educational role. The Cornwall Family History Society <http://www.cornwallfhs.com/> is among the most active and well resourced in the UK. Links with the CFHS, the ICS (which has considerable expertise in this area) and Historic Cornwall could be forged to devise ways to promote ancestral tourism through genealogy. It is important to forge closer links with the Combined Universities in Cornwall. Consultation between, and joint projects with, Historic Cornwall and staff at the ICS should be encouraged.

Education

Postgraduates with degrees in Cornish Studies should benefit from the opportunity brought about by increased funding for research projects. Information packs for teachers in local schools can be produced to help them to interpret the national curriculum using examples drawn from the experience of industrialisation and de-industrialisation in Cornwall and West Devon. It will be important to work with academics at the ICS and staff at the Cornwall and Devon Local Education Authorities to promote greater awareness in schools and colleges of the role of Cornwall as a region at the forefront of British industrialisation and de-industrialisation.

Greater research could help increase our understanding of the relationship between miners and miners smallholdings, of how smallholdings evolved to terraces, and how the financing of the industry occurred. Further research will also bring benefits for the management of the physical resource within the Site. The identification and survey of Cornish mining landscapes and Cornish mining culture overseas will create links with communities and organisations and strengthen the interest in the Site. With the current cessation of mining in the Site access to mineral specimens for study

The Minister of Culture of the State of Hidalgo, Mexico with signatories to an agreement to work towards closer cultural links and twinning between the State and State capital of Pachuca and the District of Kerrier and towns of Camborne and Redruth.



or recreation is now restricted to waste dumps on the surface and underground above adit level. The World Heritage Site Office will need to work with national and local groups, for example the Russell Society, on codes of conduct for mineral collecting within the Site, and local groups, for example Plymouth Caving Group, who regularly access underground, to promote safe and responsible collecting in order to conserve the outstanding universal value. Responsible collecting can provide an informal 'policing' of mineral dump sites, with user-interest in reporting damage to authorities. It is also necessary to record in more detail the access points to the underground parts of the Site and the significant mineral specimen occurrences underground.

Issue 15 Developing knowledge

Policy 15 Research into Cornish mining and its worldwide linkages should be facilitated and encouraged, published and disseminated.

4.3.16 Issue 16 Re-affirming cultural distinctiveness

All cultures and societies are rooted in the particular forms and means of tangible and intangible expression which constitute their heritage, and these should be respected. (Nara Document on Authenticity, World Heritage Centre 1994). The Cornish Mining World Heritage Site cultural landscape is the product of the interaction between people and the physical environment which they inhabit. The wealth of physical remains and other cultural expression together form an exceptional human testimony to the living cultural tradition of Cornish Mining.

As described in the Statement of Significance, the cultural identity of Cornwall and West Devon was transformed by mining and its infrastructure during the course of the 19th century. By the time of the 1861 census more than 38,000 men women and children were employed directly in Cornwall's mining industry, almost a quarter of the entire workforce. At its peak possibly half of all families in the area were dependent on the extractive industries.

The industrialisation of Cornish mining had profound social and cultural consequences. By the mid 19th century Cornwall had spawned a proud and assertive regional identity, associated most closely with the mining districts. This took on a wider global significance in the wake of mass migration across the United Kingdom and overseas.

Cornish Mining's cultural traditions include the administrative systems derived from the Stannaries, religion in the form of Methodism, and from the 1840s cultural expressions such as literature in the Cornish dialect, distinctive musical forms and sports such as Cornish wrestling. Food associated with mining communities includes pasties and saffron buns. The Cornish mining communities also adopted cultural activities enjoyed in other industrial areas such as male voice choirs, brass and silver bands, and these were assimilated into a distinctively Cornish Mining culture.



John Harris, copper miner and Cornish poet.



'St Just' by 20th century Cornish artist Peter Lanyon, who came from a family with close mining associations. It has been said that when other artists of the famous St Ives School looked at the Cornish cliffs they saw the cliffs, but that Lanyon saw the men working inside. Courtesy Andrew Lanyon.

What had been a singular regional culture based on mining, gained global significance in the 19th century when up to a quarter of a million from Cornwall and West Devon migrated overseas. In America and Australia in particular it was the Cornish who often established the culture of the mining frontiers. Cornish mining terms became commonplace. The Cornish wage system of tribute and tutt work was applied as was the cost book system of mine finance. Cornish folk traditions were adopted, chapels built, choirs formed and pasties baked. The trans-national aspect was cemented by family links, constant transcontinental migration and by the return of so called Cousin Jacks to Cornwall.

It blossomed from the 1880s to the start of the Great War 1914, receding with the collapse of international metal mining after 1919.

These Cornish Mining communities have bequeathed a vibrant cultural heritage through to the present. Social and family history is intertwined with the living tradition of music, sport, art and literature. This heritage continues to colour contemporary identities even though the mining industry itself has contracted or evolved.

This Management Plan contains a range of measures to protect and enhance the physical remains of Cornish Mining landscapes. However, other less material cultural elements are vulnerable to the globalisation and homogenisation of culture in the 21st century. Whilst cultural diffusion is central to the evolution of humanity, the globalisation of the late 20th century has accelerated its speed, breadth and the depth to which it penetrates to a point where cultural diversity is under threat. As the Nara document states,

The protection and enhancement of cultural and heritage diversity in our world should be actively promoted as an essential aspect of human development.

The United Kingdom government's recent recognition of the Cornish language is an example of this. However protection of Cornish Mining cultural traditions will require wider recognition and appreciation of their value and relevance to contemporary culture. Providing opportunities for people to participate in and help define their unique culture will help to ensure that it thrives. The international nature of Cornish Mining culture will provide opportunities to promote positive cultural understanding by linking communities across the world (see Issue 17).

Issue 16 Re-affirming cultural distinctiveness

Policy 16 The distinctiveness of Cornish Mining culture should be celebrated, promoted and propagated.

4.3.17 Issue 17 Strengthening international Cornish Mining links

The impact of Cornish mining on the landscape is an international phenomenon. There are currently 175 places worldwide with known Cornish mining

connections. These represent an exciting opportunity for the Cornish Mining Site both to contribute to the understanding of the diversity of cultures and to celebrate our cultural connections and shared inheritance. However, more work needs to be done to define survival of both the physical and cultural aspects of Cornish Mining worldwide. Areas where there is good physical survival of the Cornish Mining landscapes and cultural traditions include South Australia (Burra Burra), Mexico (Pachuca), South Africa (O'okiep) and Spain (Linares).

The World Heritage Site Partnership members have, partly through putting together the Bid, combined their extensive experience in the heritage management and remediation of mining landscapes. The Partners are less experienced in identifying and promoting the cultural heritage, but implementation of this Management Plan will enable them to address this issue.

In recent years informal links have been made with Cornish mining communities overseas, primarily through projects funded by the European Union, which have recognised the important cultural heritage of mining. The World Heritage Site Office has engaged with a number of projects linking mining landscapes, communities and their cultural heritage. These include Europamines, MINET2, European Routes of Industrial Heritage, MINEU, and the Post-Mining Alliance.

However, the recognition of the World Heritage value of the Cornish Mining landscape provides additional motivation and political justification for proactively building closer working partnership with Cornish Mining site managers and communities across the world. This could take the form of sharing expertise in heritage-management and conservation, embarking upon joint projects to celebrate shared cultural identity, and exchange of information and research to inform greater advocacy for the increased protection of Cornish Mining landscapes as places to be cherished.

Issue 17 Strengthening international Cornish Mining links

Policy 17a The Partnership will promote best practice in heritage management, heritage-led regeneration and sustainable remediation of Cornish Mining landscapes worldwide.

Policy 17b The Partnership will actively facilitate the exchange of ideas, experiences and the stories of Cornish Mining communities worldwide.



5 Policies and Actions

Part Five: Policies and Actions 2005-2010

5.1 Strategic Policies 2005-10

At the beginning of this Management Plan we set out a Vision for the future of the World Heritage Site and our Aims in carrying forward this Vision over the long term, accepted as a 30 year period from 2005 -2035, to conserve the outstanding universal values.

Our Vision for the World Heritage Site

We believe that by protecting, conserving and enhancing the outstanding universal value of the Cornwall and West Devon Mining Landscape World Heritage Site it will reinforce cultural distinctiveness, and become a significant driver for economic regeneration and social inclusion.

Based on the exploration of Issues affecting the Site (Section 4) a series of strategic policies have emerged in order to address these specific issues and our wider Vision over the first five years from 2005-10. These policies are listed below (see also the matrix in Appendix A).

These Strategic Policies will be used to guide and influence the World Heritage Site Office, Partnership and stakeholders. These policies are a means of measuring actions, a statement of the view of the World Heritage Site Office and Partnership, and a tool to lobby and persuade all those who may affect the World Heritage Site.

Issue 1 Consistent coordinated management.

Policy 1a The World Heritage Site Management Plan will be delivered through an accountable and effective partnership with clear responsibilities, in order to achieve the Vision & Aims.

Policy 1b The partnership will monitor and manage the state of the Site.

Issue 2 Resources

Policy 2 The World Heritage Site Partnership will collectively and individually, identify and secure resources to implement the Management Plan.

Issue 3 Risk preparedness

Policy 3 The risks to the Site and its management should be regularly assessed and actions taken to ameliorate these risks.

Issue 4 Strategic framework

Policy 4a The partnership will ensure that all relevant strategic documents and programmes have regard for the Site and its Vision & Aims.

Policy 4b All relevant strategic planning documents should make provision for the protection, conservation and enhancement of the Site and its setting.

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

Issue 5 Increasing protection

Policy 5a The review of statutory protection within the Site will continue through national designations.

Policy 5b Local designations and protection systems will continue to be reviewed throughout the Site.

Policy 5c Local authorities and other agencies should make full use of the powers available to them for the protection and conservation of the Site.

Policy 5d There is a presumption against the removal of historic mine waste within the Site.

Issue 6 Protecting the setting

Policy 6 Developments outside the Site that will adversely affect its outstanding universal value will be resisted.

Issue 7 Sustainable development

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 7c There should be a presumption in favour of retaining and re-using historic buildings which are important components of the Site

Policy 7d Proposals for the resumption of mining will be supported where they do not adversely affect the outstanding universal value of the Site.

Policy 7e Landscape, nature conservation and agri-environment management regimes should have regard for the authenticity and values of the Site.

Issue 8 Conservation and maintenance of key components

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.

Policy 8c Traditional materials and skills should be encouraged in the maintenance of the authentic historic fabric within the Site.

Policy 8d 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.

Policy 8e Resources available for conservation of the Site should be prioritised to address the Vision & Aims.

Policy 8f Key moveable components should be preserved in situ unless relocation will conserve or enhance the outstanding universal value of the Site.

Issue 9 Archives, collections and data

Policy 9 Archives, collections and data concerning the Site should be curated, catalogued and conserved and made accessible to all.

Issue 10 Sustainable physical access

Policy 10 The Partnership should promote access to the Site that is sustainable to the environment and consistent with the values of the Site.

Issue 11 Increasing intellectual access

Policy 11a The Site should be interpreted and presented as a distinctive, evolving, living landscape.

Policy 11b Visitors should be encouraged to explore and learn about the physical, social and cultural aspects of the Cornwall and West Devon mining heritage.

Policy 11c The values and significance of the Site should be communicated to a wide range of educational audiences.

Issue 12 Coordinated marketing

Policy 12 The marketing and interpretation of the Site should be coordinated to ensure a consistent, responsible use of the World Heritage Site Inscription.

Issue 13 Measuring economic outputs

Policy 13a The economic impacts of the Site should be monitored and quantified.

Policy 13b The economic benefits of the Site should be promoted to support wider cases for sustainable heritage-led regeneration and cultural tourism.

Issue 14 Community involvement and social inclusion

Policy 14a The communities within and outside the Site should be engaged in the enjoyment, benefits and management of the Site.

Policy 14b Enjoyment of the Site should be available to all regardless of ability or income.

Issue 15 Developing knowledge

Policy 15 Research into Cornish Mining and its worldwide linkages should be facilitated and encouraged, published and disseminated.

Issue 16 Cultural distinctiveness

Policy 16 The distinctiveness of Cornish Mining culture should be celebrated, promoted and propagated.

Issue 17 International links

Policy 17a The Partnership will promote best practice in heritage management, heritage-led regeneration and sustainable remediation of Cornish mining landscapes worldwide.

Policy 17b The Partnership will actively facilitate the exchange of ideas, experiences and the stories of Cornish mining communities worldwide.

5.2 Strategic Actions 2005-10

The strategic policies have generated the following strategic actions to be achieved during the life of the Plan 2005-10 either as one off projects or in many cases ongoing and continuous action. The Partnership has a collective role in implementing these actions and in the success of the Management Plan in general. However, the table below assigns lead agency(ies) who will be pivotal in driving forward progress with each action. A timetable has also been assigned to identify those actions which should be carried out prior to Inscription, post-Inscription or are continuous. Progress on these Actions will be provided annually and will contribute toward the monitoring of the implementation of the Management Plan.

These strategic actions have a one to many relationship with the strategic policies; each action can often relate to more than one policy and in turn more than one issue. The matrix in Appendix A illustrates the relationship of issues, policies and actions.

Strategic Action	Description	Lead Agency	Timetable
A. Post-Inscription management	<ul style="list-style-type: none"> Establish appropriate post – Inscription management arrangements and implement by the date of Inscription by the World Heritage Committee. <ul style="list-style-type: none"> Review management structure and arrangements for Site Establish monitoring, evaluation and reporting systems 	WHS Office	2005
B. Monitoring Indicators	<ul style="list-style-type: none"> To develop a set of monitoring indicators for the World Heritage Site <ul style="list-style-type: none"> To shadow progress with the State of the Historic Environment Report, and other national, regional and local indicators for the environment Adopt a recognised methodology for measuring economic outputs and social outcomes and integrate into monitoring and performance evaluation. To establish appropriate targets against which performance will be evaluated. 	WHS Office	2005- 2006
	<ul style="list-style-type: none"> To implement an agreed set of monitoring indicators in conjunction with the monitoring and reporting systems covered in Action 1. 	Partnership	2006 - 2010
C. Risk Assessment	<ul style="list-style-type: none"> To develop a risk assessment method in accordance with Cornwall County Council's procedures under the guidance of the Emergency Planning Officer. 	WHS Office	2005
	<ul style="list-style-type: none"> To carry out risk assessment of the Site and its management structure. 	Partnership	2006 - 2010
	<ul style="list-style-type: none"> To implement actions arising from the risk assessment. 	Partnership	2006 - 2010
	<ul style="list-style-type: none"> To review the risk assessment at appropriate intervals. 	Partnership	2006 - 2010

Table 10. Strategic actions

<p>D. Financial assessment & plan</p>	<ul style="list-style-type: none"> • Assess the financial implications of the Management Plan and the long term needs of the Site. <ul style="list-style-type: none"> • To undertake study of Site revenue and capital funding requirements and draft a financial plan and budget assessment. 	<p>WHS Office</p>	<p>2005 - 2006</p>
<p>E. Data & Documentation</p>	<ul style="list-style-type: none"> • To encourage the curation of archives, collections and data relevant to the Site by: <ul style="list-style-type: none"> • Auditing relevant archives • working with governing bodies, SWMLAC and other regional and local agencies to support achievement of nationally recognised standards in collections care and access for relevant archives and collections. • ensuring that data is deposited with county HERs to agreed standards and support HERs in developing their standards and status. 	<p>WHS Office & Local Authorities & MLA & EH</p>	<p>2005- 2010</p>
	<ul style="list-style-type: none"> • To encourage the creation of new data, documentation and access to information about the Site by: <ul style="list-style-type: none"> • maintaining and developing GIS-based information on the Site (<i>e.g. identify and map significant mine waste sites by working with RIGS and mineral collectors</i>). • maintaining and develop access to information about the Site through the internet • promoting the interoperability of archives and data sources. 	<p>WHS Office & Local Authorities & MLA & EH</p>	<p>2005 - 2010</p>
<p>F. Strategic plans & policies</p>	<ul style="list-style-type: none"> • To influence strategic plans to ensure that the Site is a cross-cutting theme in all relevant documents, and that policies provide for the protection and enhancement of the Site. 	<p>WHS Office & LAs & Government Agencies</p>	<p>2005 - 2010</p>
	<ul style="list-style-type: none"> • To influence the drafting of new Regional Spatial Strategies and Local Development Frameworks as they emerge to include specific policies for the protection and enhancement of the Site and its setting. 	<p>WHS Office & LAs & Government Agencies</p>	<p>2005 - 2010</p>
	<ul style="list-style-type: none"> • To seek protection for important secondary mineral dumps through the Mineral Development Frameworks. 	<p>DCC & CCC & WHS Office</p>	<p>2005 - 2010</p>
	<ul style="list-style-type: none"> • To ensure that natural and historic environment plans and policies work in harmony to protect and conserve the multiple values of the Site. 	<p>WHS Office & English Nature & English Heritage</p>	<p>2005 - 2010</p>

Table 10. (continued)

	<ul style="list-style-type: none"> • To seek the protection of the setting of the Site through policies and to monitor any impact to the setting caused by development during the life of this Management Plan. 	WHS Office & LAs	2005 - 2010
	<ul style="list-style-type: none"> • To consider area based policies and actions with planning authorities 	WHS Office & LAs	2006 - 2007
	<ul style="list-style-type: none"> • To facilitate the production of Development Briefs and Design Guides to inform distinctive sustainable development, either directly or through funding support. 	WHS Office & LAs	2005 - 2010
G. Development Advice	<ul style="list-style-type: none"> • To ensure that professional advice is available for developers, local authorities and other agencies on development proposals including mineral operations that may affect the Site and its setting. 	WHS Office & LAs & EH	2005 - 2010
	<ul style="list-style-type: none"> • To ensure that professional advice is available for developers, local authorities and other agencies on changes to the countryside and rural land management that may affect the Site and its setting. 	WHS Office & LAs & EH & EN & DEFRA	2005 - 2010
	<ul style="list-style-type: none"> • Define and identify good examples of sustainable heritage-led regeneration. 	WHS Office & LAs	2005 - 2010
	<ul style="list-style-type: none"> • Promote the re-use of historic buildings and help identify suitable sites. 	WHS Office & LAs	2005 - 2010
	<ul style="list-style-type: none"> • Promote the use of authentic materials and the replacement of non-authentic materials (e.g. upvc fascias, windows and doors) through financial or other incentives 	LAs	2005 - 2010
	<ul style="list-style-type: none"> • Support improvements in supply of traditional local materials. 	LAs	2005 - 2010
	<ul style="list-style-type: none"> • Encourage and support training and skills initiatives. 	LAs & EH	2005 - 2010
	<ul style="list-style-type: none"> • Provide guidance on assessing value and impact on the Site 	WHS Office	2005 - 2010
H. Increasing Protection	<ul style="list-style-type: none"> • To review progress with scheduling and listing, and to respond to the outcome of the UK government heritage designation review. 	EH & LAs & WHS Office	2005 - 2010
	<ul style="list-style-type: none"> • To implement the recommendations of CISI for new or amended Conservation Areas. 	LAs	2005 - 2008
	<ul style="list-style-type: none"> • To produce up to date Conservation Area Appraisals or Statements to be produced. 	LAs	2005 - 2010
	<ul style="list-style-type: none"> • To use Article 4 Directions where appropriate to conserve authentic materials and character of the Site. 	LAs	2005 - 2010
	<ul style="list-style-type: none"> • To liaise with English Nature, the AONB Partnerships, National Trust, DEFRA and other agencies over the relationship between protection of the Site and natural environment designations. 	WHS Office	2005 - 2010
	<ul style="list-style-type: none"> • To lobby government for changes to the GPDO for the protection of secondary minerals, and to facilitate use of Article 7 Directions to prevent loss of important mineral dumps. 	WHS Office & DCC & CCC & EH & EN	2005 - 2006

Table 10. (continued)

	<ul style="list-style-type: none"> To use enforcement powers, including Urgent Works Notices, Repairs Notices, Compulsory Purchase where appropriate to protect and conserve the World Heritage Site. 	LAs	2005 - 2010
I. Land Management	<ul style="list-style-type: none"> To review resources and requirements for ongoing maintenance, conservation and access of mine sites in public and private ownership. 	WHS Office & LAs & Duchy & Tregothnan & National Trust	2006 - 2010
	<ul style="list-style-type: none"> To work with the Land Restoration Trust in commissioning a feasibility study to explore future management options. 	LAs	2005
	<ul style="list-style-type: none"> To encourage a Local Authority Partnership/Forum on land management to achieve most efficient use of resources. 	WHS Office & CCC	2005 - 2010
	<ul style="list-style-type: none"> To identify and promote best practice in conservation of mine sites, shafts, adits, contaminated land and buildings, and provide guidance. 	WHS Office & LAs	2005 - 2010
	<ul style="list-style-type: none"> To establish criteria for prioritising resources (<i>which might include sites which contribute most to the outstanding universal value, provide most public amenity, and are most 'at risk'</i>) and implement these criteria. 	WHS Office	2005 - 2006
J. Transport & access	<ul style="list-style-type: none"> To ensure that sustainable access to the Site is recognised in local transport plans and Rights of Way plans. 	WHS Office & LAs	2005 - 2010
	<ul style="list-style-type: none"> To ensure that public access to conserved mine sites is continually maintained. 	DCC & CCC	2005 - 2010
	<ul style="list-style-type: none"> Commission access audits of all Site visitor attractions/facilities and produce action plans in accordance with the recommendations of the Marketing Strategy Action 12. 	DWHS Office & owners & managers	2005 - 2010
	<ul style="list-style-type: none"> Promote local walking and cycling trails in accordance with the Outreach & Inclusion Action 13 	WHS Office & LAs	2005 - 2010
K. 'At Risk' Surveys	<ul style="list-style-type: none"> To review existing surveys of assets within the Site (<i>including national and local buildings at risk registers</i>). 	WHS Office	2005
	<ul style="list-style-type: none"> To carry out new surveys to fill gaps in our knowledge to assess the extent of the resource, its condition and trends, in order to establish priorities for further action (<i>which might include using enforcement powers to serve urgent works notices, to grant fund conservation works, to facilitate redevelopment – see Action 8</i>). 	LAs & EH	2006 - 2010
	<ul style="list-style-type: none"> To carry out an audit of in situ mining machinery to assess its survival and condition. 	WHS Office	2006 - 2010

L. Conservation Projects	<ul style="list-style-type: none"> • To promote and support the preparation, submission, implementation and monitoring of conservation projects which benefit the Vision & Aims of the Site. These projects include: <ul style="list-style-type: none"> • townscape enhancement schemes • site and area based conservation works with interpretation and public access gains 	WHS Office	2005 - 2010
M. Implement marketing strategy	<ul style="list-style-type: none"> • Commission a comprehensive Site image and branding study • Develop a detailed interpretation strategy and framework for delivery • Produce a Site Official Guide and leaflet • Commission an options appraisal for a Key Centre interpretation/access facility in the central area • Evaluate the establishment of a Site Marketing Partnership • Agree and roll out quantitative market research/audience profiling • Establish marketing plans for each area • Work with partners to develop marketing campaigns for target audiences. 	<p>WHS Office</p> <p>WHS Office</p> <p>WHS Office</p> <p>WHS Office</p> <p>WHS Office</p> <p>WHS Office</p> <p>WHS Office</p> <p>WHS Office & DACOM & DTB & CTB</p>	<p>2005</p> <p>2005</p> <p>2006</p> <p>2005 - 2010</p> <p>2005</p> <p>2005</p> <p>2006 -2007</p> <p>2006 - 2010</p>
N Outreach & inclusion	<ul style="list-style-type: none"> • Develop an outreach strategy that includes: <ul style="list-style-type: none"> • Development of projects that encourage the local population to visit attractions • Animation of the story of Cornish mining through live interpreters, miners' guided tours, audio visual, events • Creation of an events fund for community events that celebrate aspects of Cornish mining • Develop ongoing community consultation as an integral element of performance monitoring and evaluation • Develop and implement the Communication Plan 	<p>WHS Office & LEAs & GOSW & LAs</p> <p>WHS Office</p> <p>WHS Office</p>	<p>2005 - 2006</p> <p>2005 - 2010</p> <p>2005 - 2010</p>

Table 10. (continued)

O. Education strategy	• Audit of existing education provision and audience needs.	WHS Office	2005
	• Commission a Site Education Strategy and strategic learning support products.	WHS Office	2005 - 2006
P. Visitor Interpretation Projects	• To promote and support the preparation, submission, implementation and monitoring of visitor interpretation projects which benefit the Vision & Aims of the Site.	WHS Office	2005 - 2010
Q. Research	• To define a research programme that addresses gaps in our knowledge about the Site.	WHS Office	2005 - 2010
	• To promote, facilitate and undertake further historical research into Cornish mining and its international significance	Partnership	2005 - 2010
R. Advocacy	• To promote the work of the Partnership to audiences locally, nationally and internationally.	Partnership	2005 - 2010
	• To ensure that views are presented and voiced in discussions which may affect Cornish Mining landscapes worldwide by taking an appropriate role in partnerships, organisations and initiatives which promote sustainable heritage management of mining landscapes worldwide.	Partnership	2005 - 2010

Table 10. (continued)



Implementation

6

Part Six: Implementing the Plan

This section outlines the arrangements for ensuring that the policies and strategic actions described in Section 5 will be delivered, and describes how the Management Plan will be implemented in the immediate future, notwithstanding the outcome of the governance appraisal referred to in Section 4.3.1.

6.1 Overseeing the plan

6.1.1 Cornwall and West Devon Mining Landscape World Heritage Site Bid Partnership

The governance arrangements for the Site are an essential element in the effective implementation of the Management Plan. As was described in Sections 3 and 4, the Bid Partnership was established with the specific remit of steering production of the bid documentation, and its role, post inscription, requires review. However, the Partnership will need to establish some interim reporting arrangements and management mechanisms for those actions due to be delivered or initiated within the first year of the Management Plan, 2005-06, as inscription is not due until summer 2006, i.e. in the Management Plan's second year.

Responsibility for implementing many of the policies and strategic actions lies with individual Partnership members, such as local authorities, government agencies the National Trust and other key owners, including private estates and individuals. However, some of the strategic actions and initiatives will require it to directly manage or play the role of lead organisation. The Partnership's immediate organisational function, once the policies and priorities for appropriate care and management of the Site have been agreed in the form of the Management Plan, needs to be sufficiently flexible to accommodate the following different roles:

- Monitoring and measuring implementation of those policies and actions set out in Section 5.1 and 5.2 which its constituent members, and others, are responsible for implementing – e.g. delivery of planning advice on development proposals affecting the Site or its setting.

- Direct delivery of some strategic projects affecting the whole or a majority of the World Heritage Site, e.g. commissioning surveys, strategies, or production of the Site Guidebook
- Agreeing relevant performance indicators and targets, where appropriate, and with regard to availability of resources
- Agreeing an annual forward workplan and programme budget for the World Heritage Site Office
- Receiving an annual report on Management Plan progress
- Oversee and receive an appraisal on the options for post inscription governance and management structure, and agree new arrangements.

6.1.2 Cornwall and West Devon Mining Landscape World Heritage Site Bid Officer Working Group

Given the size of the Partnership, the interim arrangements will need to continue to include the capacity to delegate some management and monitoring functions to executive groups. At present the primary such executive arm is the Officer Working Group, to which overseeing production of the Bid documents was delegated. The group comprises officers from the local authorities, government agencies and key owners of Site assets such as the National Trust (see Appendix B). Whether it should continue in the long term, and if so in what form, will be addressed in the governance review. However, as the body which guided production of the Management Plan, the Office Working Group represents a wide range of skills and experience which will be useful in driving forward delivery of the Management Plan, and it should continue in the interim, reporting to and submitting recommendations for the consideration of the Partnership.

6.2 Co-ordinating the Management Plan

6.2.1 Area Panels

These were originally established to liaise with the bid project team over the application of the agreed selection criteria locally, and draw up appropriate boundaries for the individual bid Areas. This having been achieved, the continuing role of these panels requires further consideration. Whilst some of the Site policies and strategic actions will in some circumstances need to be applied with particular local circumstances in mind, e.g. the marketing strategy, this will require consultation with subject or sector specialist not currently represented on Area Panels as presently constituted. They may overlap with Technical Panels, and potentially be a source of confusion or duplication of effort.

However, it is recognised that the structures created for implementing and monitoring the Management Plan should include opportunities for participation at individual bid Area level. Area Working Parties, with a suitable range of representation and the remit to discuss strategic actions in the local context, are an option that will be explored as part of the governance appraisal.

6.2.2 Thematic Panels

These were established to provide specialist expertise on specific aspects of the nomination. They included:

- Marketing and Interpretation panel
- Technical panel

As part of the interim arrangements, they will continue to have a role in advising the Partnership. For example, the Partnership has delegated detailed development of the marketing strategy to the Marketing and Interpretation Panel. The Technical Panel may similarly have a role in advising on future research priorities.

6.3 Implementing the Management Plan

6.3.1 The World Heritage Site Office

The recently established World Heritage Site Office is responsible to the Partnership for delivery of the Bid documents and implementation of the Management Plan on its behalf. Its core management functions are to

co-ordinate action, monitoring and evaluation across the Site and to report results back to the Partnership.

In order to do this, its roles will include:

- Establish and implement the agreed reporting arrangements
- Liaise with all relevant interests, groups or individuals
- Project manage the Partnership's strategic initiatives
- Administer Partnership and other relevant meetings
- To compile an annual workplan and budget for Partnership approval
- To produce an annual report on progress in implementing the annual workplan, and implications for the Management Plan
- Strategic review of the Management Plan

The World Heritage Site Office staffing consists of a full-time World Heritage Site Co-ordinator and Research Officer, plus part-time Historic Environment Record, mapping and administrative staff, and access to specialist planning and conservation advice.

6.3.2 Resources to deliver the Management Plan

The process of creating the Cornwall and West Devon Mining Landscape World Heritage Site Bid was joint funded by Objective One (ERDF), all the local authorities within the World Heritage Site Bid areas, the National Trust, English Heritage and the Tamar Valley AONB. Resources for delivering the Management Plan will similarly be drawn from a range of partners, both in respect of the policies and actions for which they are the responsible body and as contributors to the Partnership's strategic initiatives.

The World Heritage Site Office has an annual revenue budget of £200,000 to implement those joint initiatives. All of the funding bodies have multiple responsibilities and delivery of the Management Plan will depend to some extent on how closely the World Heritage Site actions support other organisational priorities. As partners in the Bid and signatories to the Management Plan the funding bodies will have already acknowledged that Inscription as a World Heritage Site meets a fundamental organisational goal(s), and the Partnership

(and its successor body) will act as the forum for agreeing future shared investment priorities.

6.4 Monitoring & Evaluation

Monitoring is a key responsibility of the Partnership and emergent executive body discussed in section 4.3.1 Issue 1 and earlier in section 6. One of the key actions over the life of the Management Plan is to develop a useful and comprehensive set of monitoring indicators to assist with this. Monitoring indicators will fall into two categories:

- Measuring the implementation of objectives, primarily through quantitative indicators (see below)
- Measuring the impact of this implementation, (i.e. outcomes) which requires a more qualitative analysis, often through evaluation studies which interpret the quantitative data in the context of our stated Vision, Mission and Aims.

For some straightforward short timescale objectives both types of measurement will be reported annually. For longer term objectives or initiatives the qualitative performance measuring and reporting intervals may have to be longer, perhaps as part of the 5 yearly World Heritage Site Management Plan review. The process for collecting qualitative data could be based on a system of annual returns, where the World Heritage Site Office circulate pre-agreed forms to the Partners and key agencies, which are returned and then analysed by the World Heritage Site Office and published in an annual report to the Partnership. In relation to visitors and users of the Site, the Marketing Strategy will establish current baseline performance information which we can then use to set targets and compare subsequent performance figures against. District councils, Government Office for South West and the Objective One Office have considerable experience in developing local indicators which the World Heritage Site Office will need to examine, including the Public Product Impact Model.

The State of the Historic Environment Report (SHER) 2003 produced by English Heritage provides a list of suggested indicators which will be subject to wider consultation in 2004. The World Heritage Site Office will follow the consultation process carefully and look to

utilise common indicators where possible. Suggested quantitative indicators for the Site are:

- Users - number of school visits to mining attractions, mineral tramway visitors, website hits, press enquiries, representative range of users in comparison with resident population, patterns of use.
- Enhancement – number of mine sites/buildings/streetscapes conserved, new webpages created, new educational material produced and the quality of design in line with CABE/IHBC/EH/ALGAO indicators.
- Economics - public funds invested in relation to private finance invested, income from tourism as % of GDP, employment generated and sustained.
- Protection - number of designations (Scheduled Monuments, Conservation Areas, Conservation Area Appraisals, Article 4s) created, number of Development Plans and other strategic document (local transport plan, community strategy) with World Heritage Site policies.
- Condition - number of buildings/monuments at risk, number of conservation area consents/enforcement cases, number of planning applications and other development proposals receiving World Heritage Site Office advice, proportion of smallholdings in beneficial agricultural management
- Skills - number of qualified staff involved in the Site, number of training opportunities provided.
- Awareness - increase in awareness of the Site through annual survey.

6.5 Reviewing the Plan

Progress and performance with this Management Plan will be reviewed annually using the indicators and co-ordinating mechanisms discussed earlier in Section 6. This Management Plan has a five year life and will need to be reviewed altogether in 2010. This process will involve public consultation and lead to the adoption of a new or amended Plan for a further five year cycle.

Part Seven: Appendices

- A Issues, Policies & Actions Matrix**
- B Officer Working Group members**
- C Glossary of planning terms**
- D Address where inventory, records and archives are held**
- E List of recording and survey Events**
- F Contact Information**
- G Statutory Designation Maps**

Appendix A Issues, Policies & Actions Matrix

VISION	
<p>We believe that by protecting, conserving and enhancing the outstanding universal value of the Cornwall and West Devon Mining Landscape World Heritage Site it will reinforce cultural distinctiveness, and become a significant driver for economic regeneration and social inclusion.</p>	
AIMS	
<ul style="list-style-type: none"> • To protect, conserve and enhance the historical authenticity, integrity and historic character of the Site for current and future generations. • To communicate the distinctiveness of Cornish mining culture and identity. • To promote opportunities within the Site for heritage-led regeneration • To promote public access to sites, collections and information • To undertake and facilitate research to increase knowledge and understanding • To interpret and present the history and significance of Cornish mining to the highest quality • To promote educational use of the Site within the National Curriculum and through life long learning • To optimise the contribution of the Site to the local economy 	

THEME	ISSUES	POLICIES	ACTIONS
Administration	Issue 1 Consistent coordinated management.	<p>Policy 1a The World Heritage Site Management Plan will be delivered through an accountable and effective partnership with clear responsibilities, in order to achieve the Vision & Aims.</p> <p>Policy 1b The partnership will monitor and manage the state of the Site.</p>	<p>A. Post-Inscription management arrangements</p> <p>B. Monitoring indicators</p>
	Issue 2 Resources	Policy 2 The World Heritage Site Partnership will collectively and individually, identify and secure resources to implement the Management Plan.	D. Financial audit and plan
	Issue 3 Risk preparedness	Policy 3 The risks to the Site and its management should be regularly assessed and actions taken to ameliorate these risks.	C. Risk assessment

Protection	<p>Issue 4 Strategic framework</p>	<p>Policy 4a The partnership will ensure that all relevant strategic documents and programmes have regard for the Site and its Vision & Aims.</p> <p>Policy 4b All relevant strategic planning documents should make provision for the protection, conservation and enhancement of the Site and its setting.</p> <p>Policy 4c Planning authorities should ensure that new development protects, conserves and enhances the Site and its setting.</p>	<p>F. Strategic plans & policies J. Transport & access R. Advocacy</p> <p>F. Strategic plans & policies</p> <p>G. Development advice</p>
	<p>Issue 5 Increasing protection</p>	<p>Policy 5a The review of statutory protection within the Site will continue through national designations.</p> <p>Policy 5b Local designations and protection systems will continue to be reviewed through out the Site.</p> <p>Policy 5c Local authorities and other agencies should make full use of the powers available to them for the protection and conservation of the Site.</p> <p>Policy 5d There is a presumption against the removal of historic mine waste within the Site.</p>	<p>H. Increasing protection</p> <p>H. Increasing protection</p> <p>K. At risk surveys H. Increasing protection</p> <p>H. Increasing protection</p>
	<p>Issue 6 Protecting the setting</p>	<p>Policy 6 Developments outside the Site that will adversely affect its outstanding universal value will be resisted.</p>	<p>F. Strategic plans & policies G. Development Advice</p>

Conservation & Enhancement	<p>Issue 7 Sustainable development</p>	<p>Policy 7a Sustainable heritage-led regeneration will be encouraged and supported.</p> <p>Policy 7b New development should add to the quality and distinctiveness of the Site by being of high quality design and respectful of setting.</p> <p>Policy 7c There should be a presumption in favour of retaining and re-using historic buildings which are important components of the Site.</p> <p>Policy 7d Proposals for the resumption of mining will be supported where they do not adversely affect the outstanding universal value of the Site.</p> <p>Policy 7e Landscape, nature conservation and agri-environment management regimes should have regard for the authenticity and values of the Site.</p>	<p>F. Strategic plans & policies</p> <p>G. Development advice</p>
	<p>Issue 8 Conservation & maintenance of key components</p>	<p>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.</p> <p>Policy 8b The historic character and distinctiveness of the Cornwall and West Devon mining landscape should be maintained.</p> <p>Policy 8c Traditional materials and skills should be encouraged in the maintenance of the authentic historic fabric within the Site.</p> <p>Policy 8d 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>C. Risk assessment I. Land management J. Transport & access K. At risk surveys L. Conservation projects F. Strategic plans & policies G. Development advice L. Conservation projects</p> <p>G. Development advice L. Conservation projects</p> <p>G. Development advice L. Conservation projects</p>
		<p>Policy 8e Resources available for conservation of the Site should be prioritised to address the Vision & Aims.</p> <p>Policy 8f Key moveable components should be preserved in situ unless relocation will conserve or enhance the outstanding universal value of the Site.</p>	<p>C. Risk assessment I. Land management K. At risk surveys L. Conservation projects</p> <p>K. At risk surveys</p>
	<p>Issue 9 Archives, collections & data</p>	<p>Policy 9 Archives, collections and data concerning the Site should be curated, catalogued and conserved and made accessible to all.</p>	<p>E. Data & documentation</p>

Presentation & Marketing	Issue 10 Sustainable physical access	Policy 10 The Partnership should promote access to the Site that is sustainable to the environment and consistent with the values of the Site.	F. Strategic plans & policies I. Land management M. Implement marketing strategy J. Transport & access
	Issue 11 Increasing intellectual access	Policy 11a The Site should be interpreted and presented as a distinctive, evolving, living landscape.	M. Implement marketing strategy P. Visitor interpretation projects O. Education strategy Q. Research
		Policy 11b Visitors should be encouraged to explore and learn about the physical, social and cultural aspects of the Cornwall and West Devon mining heritage	M. Implement marketing strategy P. Visitor interpretation projects O. Education strategy Q. Research
		Policy 11c The values and significance of the Site should be communicated to a wide range of educational audiences.	O. Education Strategy
Issue 12 Coordinated marketing	Policy 12 The marketing and interpretation of the Site should be coordinated to ensure a consistent, responsible use of the Site Inscription.	M. Implement marketing strategy	
Issue 13 Measuring economic outputs	Policy 13a The economic impacts of the Site should be monitored and quantified.	A. Post-Inscription management arrangements B. Monitoring indicators	
	Policy 13b The economic benefits of the Site should be promoted to support wider cases for sustainable heritage-led regeneration and cultural tourism.		

Outreach	<p>Issue 14 Community involvement & social inclusion</p>	<p>Policy 14a The communities within and outside the Site should be engaged in the enjoyment, benefits and management of the Site.</p> <p>Policy 14b Enjoyment of the Site should be available to all regardless of ability or income.</p>	<p>A. Post-Inscription management arrangements B. Monitoring indicators N. Outreach & inclusion</p> <p>J. Transport & access R. Advocacy M. Implement marketing strategy N. Outreach & inclusion</p>
	<p>Issue 15 Developing knowledge</p>	<p>Policy 15 Research into Cornish Mining and its worldwide linkages should be facilitated and encouraged, published and disseminated.</p>	<p>E. Data & documentation Q. Research</p>
	<p>Issue 16 Cultural distinctiveness</p>	<p>Policy 16 The distinctiveness of Cornish Mining culture should be celebrated, promoted and propagated</p>	<p>M. Implement marketing strategy N. Outreach & inclusion</p>
	<p>Issue 17 International links</p>	<p>Policy 17a The Partnership will promote best practice in heritage management, heritage-led regeneration and sustainable remediation of Cornish mining landscapes worldwide.</p> <p>Policy 17b The Partnership will actively facilitate the exchange of ideas, experiences and the stories of Cornish mining communities worldwide.</p>	<p>R. Advocacy</p>

Appendix B Officer Working Group

Organisation	Name	Position	Contact details
World Heritage Site Office, Cornwall County Council	Deborah Boden	WHS Coordinator	dboden@cornwall.gov. uk01872 322586
Camborne School of Mines	Andrew Wetherelt	Mining Lecturer	awethere@csm.ex.ac.uk 01209 714866
Caradon District Council	David Moore	Conservation Officer	dmoore@caradon.gov.uk 01579 341461
Carrick District Council	Alyson Cooper	Conservation Officer	acooper@carrick.gov.uk 01872 224570
Cornwall AONB	Paul Walton	Cornwall AONB Officer	pwalton@cornwall.gov.uk 01872 323998
Cornwall County Council	Mike Hawkey	Head of Environment & Heritage	mhawkey@cornwall.gov.uk 01872 322607
Cornwall County Council	Nicholas Johnson	Historic Environment Manager	njohnson@cornwall.gov.uk 01872 323604
Cornwall County Council	Simon Thorpe	Historic Environment Advice Officer (World Heritage)	sthorpe@cornwall.gov.uk 01872 322586
Cornwall County Council	Ainsley Cocks	WHS Research Officer	acocks@cornwall.gov.uk 01872 322585
Cornwall County Council	Ann Pattison	Senior Planner	apattison@cornwall.gov.uk 01872 322639
Cornwall County Council	Richard Walton	Land Manager	rwalton@cornwall.gov.uk 01872 322188
Cornwall County Council	Jeremy Williams	WHS Project Officer	jwilliams@cornwall.gov.uk 01872 323608
CPR Urban Regeneration Company Ltd	Martin Miles	Special Projects Officer	mm@cprregeneration.co.uk 01209 722099
DCMS	Peter Marsden	Senior Policy Advisor (World Heritage)	peter.marsden@culture gsi.gov.uk 020. 7211 2341
Devon County Council	David Andrew	Assistant Environment Director	david.andrew@devon.gov.uk 01392 382175
Devon County Council	Lesley Garlick	Planner, Environment Directorate	Lesley.garlick@devon.gov.uk 01392 382474

Devon County Council	Frances Griffith	County Archaeologist	frances.griffith@devon.gov.uk 01392 382266
English Heritage	Dr Christopher Young	Head of World Heritage and International Policy	chris.young@english-heritage.org.uk 020 7973 3848
English Heritage	Nick Molyneux	Inspector of Historic Buildings	nicholas.molyneux@english-heritage.org.uk 0121 625 6857
English Heritage	Ian Morrison	Inspector for Ancient Monuments	ian.morrison@english-heritage.org.uk 0117 975 0726
English Nature	Jeremy Clitherow	Senior Conservation Officer	cornwall@english-nature.org.uk 01872 262550
ICOMOS UK	Susan Denyer	Secretary	susandenyer@icomos-uk.org 0207 566 0031
Institute of Cornish Studies (University of Exeter)	Professor Philip Payton	Director	p.j.payton@exeter.ac.uk 01872 263457
Kerrier District Council	Jon Pender	Head of Service – Planning	jon.pender@kerrier.gov.uk 01209 614000
National Trust	Andrew Davey	Area Manager	andrew.davey@nationaltrust.org.uk 01208 265272
North Cornwall District Council	Sarah Cawrse	Conservation Officer	sarah.cawrse@ncdc.gov.uk 01208 265603
Penwith District Council	Katie Hooper	Conservation Officer	katie.hooper@penwith.gov.uk 01736 336799
Restormel Borough Council	Philip Mason	Head of Planning & Building Control	rthompson@restormel.gov.uk 01726 223300
Restormel Borough Council	Malcolm Pinch	Planning Policy Officer	mpinch@restormel.gov.uk 01726 223463
South West Regional Development Agency	Carol Wilson	Environment Manager	carol.wilson@southwestrda.org.uk 01752 251071
Tamar Valley AONB	Tim Selman	AONB Manager	tselman@tamarvalley.org.uk 01579 351083
West Devon Borough Council	Stephen Gill	Borough Planning Officer	sgill@westdevon.gov.uk 01822 813600
West Devon Borough Council	Nils White	Historic Buildings Officer	nwhite@westdevon.gov.uk 01822 813704

Appendix C Glossary of Planning Terms

Area Action Plan (AAP)

These are Development Plan Documents (see below) which should be used to provide the planning framework for areas where significant change or conservation is needed. A key feature is the focus on implementation. They can be used in many ways such as: help deliver planned growth areas; stimulate regeneration; protect areas sensitive to change; resolve conflicting objectives in areas subject to development pressures; or focus the delivery of area based regeneration initiative.

Community Strategy

District, County and Unitary authorities have a duty to prepare community strategies under the Local Government Act 2000 in conjunction with other public, private and community sector organisations. Community Strategies should promote the economic, social and environmental well being of their areas and contribute to the achievement of sustainable development.

The intention is that Local Development Frameworks (see below) will provide the spatial expression to those elements of the Community Strategy that relate to the use and development of land.

Core Strategy

This sets out the key elements of the planning framework for the area. It should comprise a vision and strategic objectives for the area, along with a spatial strategy, a number of core policies and a monitoring and implementation framework. Once adopted, all other Development Plan Documents must be in conformity with it.

Development Plan Document (DPD)

The relevant plan-making authority prepares Development Plan Documents. They are spatial planning documents and subject to independent examination. There will be a right for those making representations seeking change to be heard at an independent examination. The Development Plan Documents which local planning authorities must prepare include the following elements: Core Strategy; Site specific allocations of land; Area Action Plans (where needed); and Proposals Map (with inset maps, where necessary).

Issues & Options Report

To encourage people in the local community to become involved at an early stage in the Local Development Framework process, by inviting responses to a range of key issues affecting development and land use.

Local Development Framework (LDF)

This is the term given to the portfolio of Local Development Documents (see below) which will provide the framework for delivering the spatial planning strategy for the area.

Local Development Document (LDD)

Local Development Documents are those documents that together make up the Local Development Framework. They comprise of Development Plan Documents (see above), Supplementary Planning Documents (see below) and the Statement of Community Involvement (see below).

Local Development Scheme (LDS)

This is the project plan for a three period for the production of all documents which it is intended will comprise the Local Development Framework. It identifies each Local Development Document (see above) stating which are to be Development Plan Documents (see above) and which are to be Supplementary Planning Documents (see below), and establishes a timetable for preparing each.

Local Plan - "Old style", lower tier development plan conforming to the strategic policies of the "old style" Structure Plan

Local Strategic Partnership (LSP)

Non statutory, non-executive body bringing together representatives of the public, private and voluntary sectors. The LSP is responsible for preparing and monitoring the implementation of the Community Strategy.

Minerals Consultation Areas - Areas containing important mineral resources can be identified by Mineral Planning Authorities under Schedule 1 of the Town and County Planning Act 1990. District Councils must consult the County Council about applications for planning permission for non-mineral development in these areas. The aim is to ensure that important mineral resources are not unduly sterilised by permitting surface development.

Minerals Development Document (MDD) - Any document included in the MDS

Minerals Development Framework (MDF) - The suite of minerals DPDs and SPDs produced by Cornwall County Council for Cornwall

Minerals Development Scheme (MDS) - Document setting out what documents the Council intends to include within its MDF and the programme for production.

Minerals Local Plan (MLP) - The "old style" development plan for minerals

Minerals Planning Guidance Notes - A series of guidance notes about the government's minerals policies produced by the Office of the Deputy Prime Minister (or its predecessor departments).

Preferred Options Report

This will set out policy issues, including alternative approaches where appropriate, for all the main subject areas, including possible site allocations.

Proposals Map

The function of the Proposals Map is to illustrate the policies and proposals in the Development Plan Documents (see above). It will be an Ordnance Survey based map at a scale which allows the policies and proposals to be illustrated clearly in map form.

Regional Spatial Strategy (RSS) - Document produced at the regional level which will set the context for LDFs and form part of the statutory plan

Statement of Community Involvement (SCI)

This will set out the standards which the plan-making authority intend to achieve in relation to involving the community in the preparation, alteration and continuing review of all Local Development Documents (see above) and in significant development control decisions, and also how the local planning authority intends to achieve those standards. The Statement of Community Involvement will not be a Development Plan Document (see above) but will be subject to independent examination. A consultation statement showing how the local planning authority has complied with its statement of community involvement will be required for all Local Development Documents (see above).

Supplementary Planning Documents (SPD)

Non statutory planning guidance to supplement the policies and proposals in development plan documents. They will not form part of the development plan or be subject to independent examination.

Strategic Environmental Assessment (SEA) - A formal process which analyses and evaluates the environmental effects of a plan or programme.

Structure Plan - "Old style" strategic plan produced by shire counties

Sustainability Appraisal (SA) - A formal process which analyses and evaluates the environmental, social and economic impacts of a plan or programme.

Supplementary Planning Guidance (SPG) - "Old style" planning guidance adopted by Council

Appendix D Address where inventory, records and archives are held

Collections of historical records that relate to the Cornwall and West Devon Mining Landscape

National Monuments Record Centre

Kemble Drive
Swindon SN2 2GZ
United Kingdom
Tel: +44 (0)1793 414600

The National Monuments Record Centre holds a large collection of historic photographs dating from 1840 arranged by county parish. The NMR also holds the national database of all Listed Buildings.

Birmingham City Archives – The Boulton & Watt Collection

*Floor 7, Central Library, Chamberlain Square
Birmingham B3 3HQ*

*Tel: +44 (0)121 303 4217
Fax: +44 (0)121 464 1176
E-mail: archives@birmingham.gov.uk
Web: <http://www.birmingham.gov.uk>*

The Boulton and Watt Collection is the archive of the steam engineering partnership of Matthew Boulton and James Watt which dates from 1774 until the end of the 19th century.

The archive constitutes approximately 550 volumes of books, order books and account books, and approximately 29,000 engine drawings and correspondence in the form of some 20,000 letters from clients. The collection and the associated James Watt and Matthew Boulton Papers comprise a unique historical resource for historians of the late 18th and early 19th centuries.

The National Archives (Public Record Office)

*Ruskin Avenue, Kew, Richmond
Surrey TW9 4DU
United Kingdom*

*Tel: +44 (0)20 8876 3444
Fax: +44 (0)20 8392 5286
E-mail: enquiry@nationalarchives.gov.uk
Web: <http://www.nationalarchives.gov.uk/> and*

*<http://www.pro.gov.uk/default.htm>
On line catalogue: <http://catalogue.pro.gov.uk/>*

The National Archives holds one of the largest archival collections in the world which spans 1000 years of British history, from the Domesday Book to recently released government papers. The collection is available to view at the Public Record Office at Kew and certain documents can be accessed via the internet. The National Archives also advises people on the location of non-public records and manuscripts relating to British history (see below).

Access to Archives (A2A)

The Access to Archives database contains catalogues from archives across England which are not held by the Public Record Office.

Web: <http://www.a2a.org.uk/>

The Duchy of Cornwall Archive

*Duchy of Cornwall
10 Buckingham Gate
London SW1E 6LA
Tel: +44 (0)20 78347346*

The Duchy of Cornwall Archive contains records relating to its significant landholdings in Cornwall and Devon. Access is by appointment only.

Cornwall Record Office

*Old County Hall, Truro
Cornwall TR1 3AY
United Kingdom
Tel: +44 (0)1872 323129
E-mail: cro@cornwall.gov.uk
Web: <http://www.cornwall.gov.uk/cro/default.htm>*

The Cornwall Record Office holds a wide range of documents dating from the 12th to the 20th centuries, including thousands of maps, plans, photographs and manuscript documents. These contain information on local families and their estates, businesses, schools and villages, economic and administrative activity. In particular the office specialises in records of Cornwall's mining heritage – including the Health and Safety Executives' abandoned mine plans and Thomas Wilson's correspondence with Boulton & Watt. Further information and advice is available.

The Cornwall Centre

*Alma Place,, Redruth
Cornwall TR15 2AT
United Kingdom*

*Tel: +44 (0)1209 216760
Fax: +44 (0)1209 210283
E-mail: cornishstudies.library@cornwall.gov.uk
Web: <http://www.chycor.co.uk/general/red-lib/>*

The Cornwall Centre holds an extensive collection of Cornwall related fiction and non-fiction books (c.21,000), newspapers and periodicals, journals, magazines and newsletters. The Centre also has a major collection of maps, and Cornwall's largest public collection of photographic images (c.155,000) which are stored in a purpose built archive repository.

Genealogical studies are an important role of the Centre which holds a substantial collection of Parish Registers and Cornwall's largest public collection of Cornish Census Returns.

Introductory information is also available to visitors concerning heritage sites and attractions in and around the Redruth area and throughout Cornwall.

The Courtney Library, Cornish History Archive and Royal Cornwall Museum

*The Royal Institution of Cornwall
River Street, Truro
TR1 2SJ Cornwall
United Kingdom*

*Tel: +44 (0)1872 272205
Fax: +44 (0)1872 240514
E-mail: RIC@royal-cornwall-museum.freemove.co.uk
Web: <http://www.cornwall-online.co.uk/ric/>*

The collection of the Courtney Library includes works on history, archaeology, geology, mining and religion in Cornwall, with particular attention given to the social and cultural history of the area.

The extensive reference collection contains approximately 30,000 books and an important range of Cornish trade directories, guidebooks and Methodist history records, in addition to Public Record Office publications. A collection of national, regional, and Cornish journals and newsletters is also held.

The Trounson-Bullen Collection

*Warleggan
33 Wellington Road, Camborne
Cornwall TR14 7LH
United Kingdom*

Tel: +44 (0)1209 714245

The Trounson-Bullen Collection contains the most comprehensive archive of mining and ancillary industrial images in Cornwall, which cover a date range from the mid 19th to the end of the 20th century. Further more, this collection forms only a part of a much larger private archive of maps, reports, letters, books etc.

The Trevithick Society Collection

*The Trevithick Society
PO Box No. 62, Camborne
Cornwall TR14 7ZN
United Kingdom*

*E-mail: curator@trevithick-society.org.uk
Web: <http://www.trevithick-society.org.uk/>*

The collection includes a full size working replica of Trevithick's steam road locomotive of 1801, c. 50,000 images and a wide variety of documents, publications, and artefacts which relate to the industrial heritage of Cornwall.

Geevor Mine Archive

*Geevor Tin Mine
Pendeen, Penzance
Cornwall TR19 7EW
United Kingdom*

*Tel: +44 (0)1736 788662
Fax: +44 (0)1736 786059
E-mail: pch@geevor.com
Web: <http://www.geevor.com>*

Geevor has an extensive archive of documents which relate to the operation of the mine between 1911 and its closure in 1990. The collection is open to the public for reference as part of the heritage attraction which is operated by the Pendeen Community Heritage group.

Devon Record Office

*Devon Studies Centre
Castle Street, Exeter*

*Devon EX4 3PU
United Kingdom*

*Tel: +44 (0)1392 384253
Fax: +44 (0)1392 384256
E-mail: devrec@devon.gov.uk
Web: http://www.devon.gov.uk/record_office.htm*

The Devon Record Office at Exeter houses many forms of historical records relating to the County of Devon and contains historic maps and documentation relating to the district councils, the city of Exeter, religious records and information relating to families and estates. Public records and a substantial number of parish and other documents are available on microfiche, and datasets of place and personal names are held in addition to an index of Wills.

Westcountry Studies Library

*Devon Studies Centre
Castle Street, Exeter
Devon EX4 3PQ
United Kingdom*

*Tel: +44 (0)1392 384216
E-mail: exeloc@devon.gov.uk
Web: <http://www.devon.gov.uk/library/locstudy/wsl.html>*

Situated in the Devon Studies Centre the Westcountry Studies Library is the main local studies library in Devon. A collection of more than 60,000 books, periodicals, newspapers and maps is available in addition to some 50,000 prints, drawings and photographs dating from the late 18th century to the present

Plymouth and West Devon Record Office

*Unit 3 Clare Place, Coxside
Plymouth, Devon PL4 0JW
United Kingdom*

*Tel: +44 (0)1752 305940.
E-mail: pwdro@plymouth.gov.uk*

Plymouth Record Office holds a wide range of documents dating from the 12th to the 20th centuries, containing information on the City of Plymouth and the West Devon area. It holds a quantity of records relating to mining activity in both Cornwall (including Gunnislake, Calstock) and the West Devon area (including setts, plans and minute books). Further information and advice is available.

Plymouth Central Local Studies Library

*Central Library
Drake Circus, Plymouth
Devon PL4 8AL
United Kingdom*

*Tel: +44 (0)1752 305909
E-mail: localstudies@plymouth.gov.uk
Web: http://www.pgfl.plymouth.gov.uk/libraries/local_studies.asp*

The Central Local Studies Library contains approximately 35,000 books and an extensive collection of maps, illustrations, newspapers, periodicals, and a sound and vision archive. Genealogical indexes are held in addition to six 19th century Census Enumerators' returns for Plymouth, to aid the family history researcher.

Plymouth City Museum and Art Gallery

*Drake Circus, Plymouth
Devon PL4 8AJ
United Kingdom*

*Tel: +44 (0)1752 304 774
Fax: +44 (0)1752 304 775
E-mail: enquiry@plymouthmuseum.gov.uk
Web: <http://www.plymouthmuseum.gov.uk/>*

Genealogical Societies in Cornwall and West Devon

Cornwall Family History Society

*5 Victoria Square, Truro
Cornwall TR1 2RD
United Kingdom*

*Tel: +44 (0)1872 264044
E-mail: LarryP@cornwallfhs.com
Web: <http://www.cornwallfhs.com/>*

Devon Family History Society

*Devon Family History Society
PO Box 9, Exeter
Devon, EX2 6YP
United Kingdom
Tel: +44 (0)1395 275538
E-mail: enquiries@devonfhs.org.uk
Web: <http://www.devonfhs.org.uk/>*

Appendix E List of recording and survey Events

Site Name	Report Title	Client	Contractor
Ballowall Barrow	Ballowall Barrow at Carn Gluze, St. Just-In-Penwith, Cornwall: a new survey and re-assessment	English Heritage	Cornwall Archaeological Unit
Ballowall DLG	Shaft Safety Works at Ballowall, St Just	Cornwall County Council	Cornwall Archaeological Unit
Ballowall Phase II	Phase II Shaft Safety Works at Ballowall, St. Just in Penwith	Cornwall County Council	Cornwall Archaeological Unit
Binner Downs DLG	Shaft Capping, Binner Downs - Mitigation Report	Kerrier District Council	Cornwall Archaeological Unit
Bissoe Arsenic Works	Bissoe Arsenic Refinery - An Archaeological Mitigation Survey	Carrick District Council	Cornwall Archaeological Unit
Blackman Landfill Site	No report	County Environmental Services	Cornwall Archaeological Unit
Blackman Landfill Site, United Downs	Archaeological Assessment of Proposed Landfill Site at United Downs, Redruth, Cornwall (Report 95.18, 1995)	County Environmental Services	Exeter Archaeology
Bosigran Counthouse	Rosemergy to Carn Galver Count House Electricity Cable, Watching Brief	Climbers' Club	Cornwall Archaeological Unit
Botalack Mine Complex	Structural Assessment Report Botalack Mine Complex, St Just in Penwith, Penzance, Cornwall, June 2001	Cornwall County Council	The John Knevitt Practice
Breage Regeneration	Breage Regeneration, Mineshaft Capping, Archaeological and Historical Assessment (Sept 2000)	Kerrier District Council	South West Archaeology
Calstock Limestone	Calstock Lime Kiln - An Archaeological Evaluation	Mr and Mrs A Hollow and Mr R Clinkard	Cornwall Archaeological Unit
Calstock Quay Contract 2 LRF	Calstock Ore Quay, Cornwall. Mitigation recording during Urban Regeneration funded	Cornwall County Council	Cornwall Archaeological Unit
Cape Cornwall	Cape Cornwall: An Archaeological Assessment	The National Trust	Cornwall Archaeological Unit
Cape Cornwall Mine Complex	St Just Heritage Area Regeneration Project, Stage 1 Structural Assessment Report for Cape Cornwall Mine Complex (April 2003, No J-852)	Cornwall County Council	Highgate Consulting Engineers
Caradon Hill, LRF Assessment	Minions LRF Phase 2, An Archaeological Assessment	Caradon DC	Cornwall Archaeological Unit
Carn Brea South	Carn Brea South (Report 1676/2, June 1997)	Kerrier District Council	Frederick Sherrill Ltd
Carn Brea: Contract 10	Carn Brea South Contract 10 An Archaeological Evaluation	Kerrier District Council	Cornwall Archaeological Unit
Carn Praunter Processing Works	Carn Praunter Processing Works, St Just, Penzance, Cornwall. Structural Assessment Report, June 2001	Cornwall County Council	The John Knevitt Practice
Carn Praunter Mine Complex	St Just Heritage Area Regeneration Project, Stage 1 Structural Assessment Report for Carn Praunter mine Complex. (Aug 2003, No J-852-D)	Cornwall County Council	Highgate Consulting Engineers
Chapel Road, Tuckingmill DLG	Tuckingmill (Chapel Road): Archaeological Assessment	Kerrier District Council	Cornwall Archaeological Unit
Chapel Road, Tuckingmill, Camborne	An Ecological Survey of Chapel Road (August 1992)	Kerrier District Council	Environmental Consultants (CTNC)
Charlestown Coalyard	Charlestown Coal Yard, Cornwall.	Vickery Holman Ltd	Cornwall Archaeological Unit
Charlestown Historical Assessment	Charlestown - Historical and Archaeological Assessment	Restormel Borough Council & English Heritage	Cornwall Archaeological Unit
CM World Heritage Bid: Devon Great Consols	Devon Great Consols, Archaeological Assessment	West Devon Borough Council	Cornwall Archaeological Unit
Contract 10, DLG Assessment	Shaft Capping Contract 10 (South Carn Brea)	Kerrier District Council	Cornwall Archaeological Unit
Contract 11 DLG WB	Contract 11 Shaft Capping Programme: Mitigation Recording	Kerrier District Council	Cornwall Archaeological Unit
Contract 12 DLG Assessment	Shaft Capping Contract 12: Archaeological Assessment	Kerrier District Council	Cornwall Archaeological Unit
Contract 12 LRF	Dudhanse Lane, Pool, Cornwall. An Archaeological watching brief	Kerrier District Council	Cornwall Archaeological Unit
Contract 12 LRF WB	Contract 12 Shaft Capping Programme: Mitigation Recording	Kerrier District Council	Cornwall Archaeological Unit
Contract 13 DLG Assessment	Shaft Capping Contract 13: Archaeological Assessment	Kerrier District Council	Cornwall Archaeological Unit
Contract 8, DLG Watching Brief	Shaft capping Contract 8: Mitigation recording	Kerrier District Council	Cornwall Archaeological Unit
Contract 8, DLG Evaluation	Junction Shaft and Plantation Shaft - South Condurow Mine. An Archaeological	Kerrier District Council	Cornwall Archaeological Unit

Site Name	Report Title	Client	Contractor
Contract 9(A), DLG Assessment	Shaft Capping Contract 9(A)	Kerrier District Council	Cornwall Archaeological Unit
Contract 9B, Evaluation at Wheal Vor, Carleen	Pearce's Shaft, Wheal Vor	Kerrier District Council	Cornwall Archaeological Unit
Cornish Engines, Cornwall	Cornish Engines, Cornwall (undated)	The National Trust	The National Trust
Cot Valley Mine Complex	St Just Heritage Area Regeneration Project, Stage 1 Structural Assessment Report for Cot Valley Mine Complex (April 2003, No J-452)	Cornwall County Council	Highgate Consulting Engineers
Danescombe & Cotehele Quay LRF	Danescombe Valley, Archaeological Assessment and Mitigation Recording	Cornwall County Council	Cornwall Archaeological Unit
Devon Great Consols	Bedford United Mine, Archaeological Assessment	Cornwall County Council	Cornwall Archaeological Unit
Devoran Quay	Devoran Quay - Narabo Quay, Devoran; Cornwall	Cornwall County Council	Cornwall Archaeological Unit
Ding Dong/Greenburrow	Greenburrow / Ding Dong (Information File)		Cornwall Archaeological Unit
DLG - Boscam Park	Boscam Parc, Results of an Archaeological watching brief	Kerrier District Council	Cornwall Archaeological Unit
DLG Areas 1-18 (Binner Downs area 18)	Binner Downs; Archaeological Assessment	Kerrier District Council	Cornwall Archaeological Unit
DLG Areas 1-18 (Daubuz' Shaft area 14)	Daubuz' Shaft South Frances Archaeological Assessment	Kerrier District Council	Cornwall Archaeological Unit
DLG Areas 1-18 (Dolcoath Road area 1)	Dolcoath Road; Archaeological Assessment	Kerrier District Council	Cornwall Archaeological Unit
DLG Areas 1-18 (Dolcoath Stamps area 4)	Dolcoath Stamps (Chapel Road) Archaeological Assessment	Kerrier District Council	Cornwall Archaeological Unit
DLG Areas 1-18 (East Basset Stamps area 11)	East Basset Stamps; Archaeological Assessment	Kerrier District Council	Cornwall Archaeological Unit
DLG Areas 1-18 (Higher Carnkie area 13)	Higher Carnkie ((Flat Lode Area 4); Archaeological Assessment	Kerrier District Council	Cornwall Archaeological Unit
DLG Areas 1-18 (Old Dolcoath Tailings area 2)	Old Dolcoath Tailings Archaeological Assessment	Kerrier District Council	Cornwall Archaeological Unit
DLG Areas 1-18 (Seleggan area 15)	Seleggan Archaeological Assessment	Kerrier District Council	Cornwall Archaeological Unit
DLG Areas 1-18 (South Crofty area 3)	South Crofty and Cooks Kitchen; Archaeological Assessment	Kerrier District Council	Cornwall Archaeological Unit
DLG Areas 1-18 (South Wheal Frances area 10)	South Wheal Frances; Archaeological Assessment (Marriott's and Pascoe's shafts)	Kerrier District Council	Cornwall Archaeological Unit
DLG Areas 1-18 (Taylor's Shaft area 7)	Taylor's Shaft, EPAL; Archaeological Assessment	Kerrier District Council	Cornwall Archaeological Unit
DLG Areas 1-18 (West Basset Stamps area 12)	West Basset Stamps, Carnkie - Archaeological Assessment	Kerrier District Council	Cornwall Archaeological Unit
DLG Areas 1-18 (Wheal Harriet Shaft area 3)	Wheal Harriet Shaft, Dolcoath; Archaeological Assessment	Kerrier District Council	Cornwall Archaeological Unit
DLG Areas 1-18 (Wheal Plenty area 19)	Wheal Plenty (North Briggan) Archaeological Assessment	Kerrier District Council	Cornwall Archaeological Unit
DLG Areas 1-18 (William's Shaft area 5)	Williams' Shaft; Archaeological Assessment	Kerrier District Council	Cornwall Archaeological Unit
DLG Areas 1-18: WAAF Site	WAAF Site, Bridge, Portneath; Archaeological Assessment	Kerrier District Council	Cornwall Archaeological Unit
DLG Areas 1-18: Wheal Harriet, Camborne	Wheal Harriet; Archaeological Assessment	Kerrier District Council	Cornwall Archaeological Unit
DLG Boscam Park	Boscam Parc; An Archaeological Assessment (Watching Brief report 1998 box 2)	Cornwall County Council	Cornwall Archaeological Unit
DLG Contract 11 Assessment	Shaft Capping Contract 11; Archaeological Assessment	Kerrier District Council	Cornwall Archaeological Unit

Site Name	Report Title	Client	Contractor
DLG Contract 11, Wheal Buller	Wheal Buller, Additional Archaeological Survey of Davey's Shaft and Whitford's Shaft	Kerrier District Council	Cornwall Archaeological Unit
DLG Contract 7 Assessment	Shaft Capping Contract 7: Archaeological Assessment	Kerrier District Council	Cornwall Archaeological Unit
DLG Contract 7 Watching briefs	Shaft Capping Contract 7: Mitigation Recording	Kerrier District Council	Cornwall Archaeological Unit
DLG Contract 8	Shaft Capping Contract 8: Archaeological Assessment	Kerrier District Council	Cornwall Archaeological Unit
DLG Contracts 3 & 4	Kerrier Shaft Capping Contracts 3 & 4	Kerrier District Council	Cornwall Archaeological Unit
DLG Contracts 5 & 6	Shaft Capping Contracts 5 & 6: Archaeological Assessment	Kerrier District Council	Cornwall Archaeological Unit
DLG Contracts 5 & 6	Shaft Capping Contracts 5 and 6: Evaluation and Mitigation	Kerrier District Council	Cornwall Archaeological Unit
DLG Marriott's WB	Marriott's Shaft Basset Mines, Carnkie: Results of an Archaeological Watching Brief	Kerrier District Council	Cornwall Archaeological Unit
DLG Seleggan Eval	Seleggan: Archaeological Evaluation	Kerrier District Council	Cornwall Archaeological Unit
DLG Shaft Capping Contract 9B	Shaft Capping Contract 9B, An Archaeological Watching Brief during LRF Works	Kerrier District Council	Cornwall Archaeological Unit
DLG Shaft Capping Contract 9B	Shaft Capping Contract 9(B) Additional Shafts, Archaeological Assessment	Kerrier District Council	Cornwall Archaeological Unit
DLG shaft Capping Contract 9B	Shaft Capping Contract 9(B), Archaeological Assessment	Kerrier District Council	Cornwall Archaeological Unit
DLG Wheal Tye	Wheal Tye, Archaeological Assessment	Kerrier District Council	Cornwall Archaeological Unit
Dolcoath, Chapel Road Geo-Technical Investigation	Dolcoath, Chapel Road, Cornwall, Geotechnical Site Investigation, Archaeological Watching Brief	Kerrier District Council	Cornwall Archaeological Unit
Drakewalls DLG Assessment	Drakewalls Mine: archaeological assessment, Derelict Land Grant scheme	Cornwall County Council	Cornwall Archaeological Unit
Drakewalls DLG Phase 3	Drakewalls Mine Mitigation Report, Watching Brief During LRF Works (Phase 3)	Cornwall County Council	Cornwall Archaeological Unit
Drakewalls DLG WB	Drakewalls Mine: an archaeological watching brief during Derelict Land Grants works	Cornwall County Council	Cornwall Archaeological Unit
Drakewalls DLG, Phase 2	Drakewalls Mine Mitigation Report; an Archaeological WB during LRF works (Phase 2)	Cornwall County Council	Cornwall Archaeological Unit
Duchy Minerals	Duchy Minerals Survey: Phoenix United, New Consols, Prince of Wales, Gurnislake	Duchy of Cornwall	Cornwall Archaeological Unit
Duchy of Cornwall Mine Sites	Duchy of Cornwall Industrial Sites: a survey	Duchy of Cornwall	Cornwall Archaeological Unit
East Basset Stamps	Ecological Survey of East Basset Stamps (July 1992)	Kerrier District Council	Environmental Consultants (CTNC)
East Basset Stamps DLG	East Basset: An Archaeological watching brief during DLG works	Kerrier District Council	Cornwall Archaeological Unit
East Basset Stamps, Carnkie, Cornwall	East Basset Stamps, near Carnkie, Cornwall (Report 1587B/2, June 1993)	Kerrier District Council	Frederick Sherrell
Engine House Assessment	Engine House Assessment: Mineral Tramways Project	Cornwall County Council	Cornwall Archaeological Unit
Engine House Assessment	Mineral Tramways Project Engine House Assessment	Kerrier Groundwork Trust	Cornwall Archaeological Unit
Engine Houses in St Agnes, Devon	Engine Houses in St Agnes, Cornwall: An Archaeological Survey, Vol 1	Carrick District Council	Cornwall Archaeological Unit
Gawton Mine and Quay, Devon	Gawton Mine, Devon	Tamar Valley Countryside Service	Cornwall Archaeological Unit
Gawton Mine, Devon	Gawton Mine and Arsenic Works. The Field Survey 1988, Report No 89.02, April 1989 (Site part of World Heritage Site)	English Heritage & Devon County Council	Exeter Archaeology
Geevor and Levant	Geevor and Levant: An Assessment of their Surface Archaeology for Cornwall County Council	Cornwall County Council	Cornwall Archaeological Unit
Geevor and Levant further assessment	Geevor and Levant: A consideration of the Archaeological Potential of Geevor and Levant Mines, West Penwith	Cornwall County Council	Cornwall Archaeological Unit
Geevor HLF bid	No report	Cornwall County Council	Cornwall Archaeological Unit
Geevor Mine	Geevor Mine, Specifications of essential maintenance work (January 1999)	Cornwall County Council	The Maintenance Consultancy
Geevor Mine	Schedule of essential maintenance works to buildings 8 & 12 at Geevor Mine, Pendeen (BJAKT/B1004488, May 2001)	Cornwall County Council	Stratton & Holborow
Geevor Mine	Specification for essential maintenance works to buildings 8 & 12 at Geevor Mine, Pendeen (BJAKT/B1004488, May 2001)	Cornwall County Council	Stratton & Holborow
Geevor Mine WB	Geevor DLG Works, 1994	Cornwall County Council	Cornwall Archaeological Unit

Site Name	Report Title	Client	Contractor
Geevor Tin Mine	Geevor Tin Mine, Part I: Conservation Plan Part II: Development Studies (Nov 2002)	Cornwall Enterprise & CCC	PLB Consulting Ltd
Geevor Tin Mine	An Ecological Survey and Management Recommendations for the Geevor Tin Mine Site	Cornwall County Council	Environmental Consultants (CTNC) Ltd
Geevor Tin Mine	Report on ground penetrating radar survey at Geevor Tin Mine for Cornwall County Council Highways Laboratory (1993)	Cornwall County Council	Northumbrian Surveys
Geevor Tin Mine Site	A General Plan for Revegetation of the Geevor Tin Mine Site (Oct 1993)	Cornwall County Council	Environmental Consultants
Godolphin	Godolphin, Breage - Archaeological and Historical Assessment	English Heritage	Cornwall Archaeological Unit
Godolphin Blowing House Cottage	Blowing House Stamps, Godolphin, Breage: Watching Brief	Mr & Mrs Portch	Cornwall Archaeological Unit
Godolphin Estate	The Godolphin Estate, Phase I: The restoration and environmental enhancement of derelict land (June 1995)	The National Trust	
Godolphin Mines	An Archaeological and Historical Assessment of Godolphin, Breage	The National Trust	Cornwall Archaeological Unit
Godolphin Shaft - Assessment	Godolphin and Great Work, Cornwall: Archaeological Assessment	Kerrier District Council	Cornwall Archaeological Unit
Godolphin, recording and research	Godolphin - archaeological Research and Recording	National Trust	Cornwall Archaeological Unit
Great Work (Boscreege) DLG	Shaft Capping Boscreege: archaeological assessment	Kerrier District Council	Cornwall Archaeological Unit
Gunnislake Clitters, Tamar Valley	Gunnislake Clitters - Archaeological Assessment	Cornwall County Council	Cornwall Archaeological Unit
Gunpowder Mills of Kennal Vale	The Gunpowder Mills of Kennal Vale. A History and Site Survey with an Assessment	Business Location Services Ltd	IHC Consultants
Hallenbeagle Mine, Scorrier	An Archaeological Assessment of the Hallenbeagle Mine, Scorrier (2001)	Elliott Build	Cornwall Archaeological Unit
Harbour Motors, Charlestown	Harbour Motors, Charlestown, Cornwall - An Archaeological Watching Brief	Cornwall County Council	Cornwall Archaeological Unit
Harveys Evaluation	Foundry Square, Hayle: archaeological and historical evaluation 1995	Gordon Lewis Associates Ltd	Cornwall Archaeological Unit
Harvey's Foundry	Harvey's Foundry Business Plan. Contribution by Cornwall Archaeological Unit to an Action Plan in production by Gordon Lewis Associates Ltd	Cornwall County Council	Cornwall Archaeological Unit
Harvey's Foundry LRF	Harvey's Foundry, Hayle, Cornwall: an archaeological assessment	Slide Treglown Architects	Cornwall Archaeological Unit
Harvey's Foundry, Hayle	Harvey's Foundry Hayle, Cornwall - Blocked Opening in Pattern Shop	Ironbridge Institute	Cornwall Archaeological Unit
Harvey's Foundry, Hayle	Harvey's of Hayle. The Foundry Stables. An Archaeological Assessment, Nov 1995	Cornwall County Council	Cornwall Archaeological Unit
Harvey's Foundry, Hayle LRF WB	Harvey's Foundry, Hayle, Cornwall: historic buildings survey and archaeological	Cornwall County Council	Historic Environment Service, Cornwall County Council
Hayle Causeway Bridge	Hayle Causeway Bridge, Cornwall	Environment Agency	Wessex Archaeology
Hayle Estuary	Hayle Estuary, Historic Audit (September 1999, Ref 4309 1.2)	Downie & Partners & Mowlam Construction	Cornwall Archaeological Unit
Hayle Foundry Assessment	Foundry Square, Hayle	Hayle Civic Trust	Cornwall Archaeological Unit
Hayle Historic Audit	Hayle Town Survey and Historic Audit	English Heritage	Cornwall Archaeological Unit
Hayle Historic Survey	Hayle Historical Assessment Cornwall	English Heritage	Cornwall Archaeological Unit
Hayle Historic Survey	Hayle Historical Assessment Cornwall, Inventory	Environment Agency	Foundation and Exploration Services Ltd
Hayle Tidal Barrier	Hayle Tidal Barrier, Hayle, Cornwall (Contract B4902, March/April 2000)	Kerrier District Council	Cornwall Archaeological Unit
Higher Carnkie	Shaft Capping Higher Carnkie (Flat Lode Area 4)	Kerrier District Council	Frederick Sherrell
Higher Carnkie, Carnkie	Higher Carnkie, Cornwall (Report No 1597D/2, Feb 1994)	English Partnerships	Cornwall Archaeological Unit
Holmbush Mine	Holmbush Mine - Archaeological Assessment	The National Trust	Cornwall Archaeological Unit
Keridjack, NT Survey	Keridjack, St Just	Cornwall Trust for Nature Conservation	Cornwall Archaeological Unit
Kernal Vale (CTNC)	Kernal Vale Structures Report Building Survey (Working Copy)	Cornwall Trust for Nature Conservation	Cornwall Archaeological Unit
Kernal Vale CTNC	Kernal Vale Gubpowder Co, Kennal Vale, Ponsanooth: an archaeological and historical study (2 volumes)	Cornwall Trust for Nature Conservation	Cornwall Archaeological Unit

Site Name	Report Title	Client	Contractor
Kit Hill	Kit Hill, Archaeological Survey (September 1988)		Cornwall Archaeological Unit
Kit Hill Buildings	Kit Hill, mitigation recording, archaeological recording during building consolidation and safety works	Cornwall County Council	Cornwall Archaeological Unit
Kit Hill Survey	The Archaeology of Kit Hill	None	Cornwall Archaeological Unit
Letcha Shaft Safety Works	Letcha Farm, St Just in Penwith: Shaft Safety and Amenity Works	The National Trust	Cornwall Archaeological Unit
Levant Calciners	Levant Calciners	Cornwall County Council	Cornwall Archaeological Unit
Levant LRF assessment	Forthcoming	The National Trust	Cornwall Archaeological Unit
Levant Man-Engine Tunnel and Shaft	Project Outline for the Works on Levant Man-Engine Tunnel and Shaft (March 2003)	The National Trust	
Luckett ETS WB	Luckett: an archaeological record of pipe trenching for the provision of a sewer system and treatment works	South West Water	Cornwall Archaeological Unit
Luxulyan Valley	Luxulyan Valley, Walking the Tramway Trail	Cornwall County Council	Cornwall Archaeological Unit
Luxulyan Valley	Luxulyan Valley Report Ecological Survey ((August 1987-88)	English Heritage	Luxulyan Valley Project
Luxulyan Valley Management Plan	Luxulyan Valley Management Plan	Restormel Borough Council	
Luxulyan Valley Survey	The Luxulyan Valley: an archaeological and historical survey	Cornwall County Council	Cornwall Archaeological Unit
Malvern Farm, Carnkie	Shaft Capping Malvern Farm: Mitigation Report	Kerrier District Council	Cornwall Archaeological Unit
Marriotts Shaft	Marriotts Shaft, Carnkie, Cornwall (1587A) year unk)	Kerrier District Council	Frederick Sherrell, Consulting Engineering Geologists
Marriott's Shaft	Marriott's Shaft area (first phase), near Carnkie, Cornwall (Report 1587A/2, Sept 1992)	Kerrier District Council	Frederick Sherrell
Marriotts Shaft	Ecological Survey of Marriotts Shaft (June 1992)	Kerrier District Council	Environmental Consultants (CTNC)
Marriott's Shaft	Marriott's Shaft area (second phase), near Carnkie, Cornwall (Report No 1587A/3, March 1993)	Kerrier District Council	Frederick Sherrell
Marriott's Shaft, Carnkie	Marriott's Shaft area, near Carnkie, Camborne (Report No 1587A, June 1992)	Kerrier District Council	Frederick Sherrell
Marshall's Shaft, Troon	Marshall's Shaft, South Loundarrow Mine, Troon, Archaeological Assessment	Kerrier District Council	Cornwall Archaeological Unit
Marshall's Shaft, Geotechnical	Marshall's Shaft - An Archaeological Watching Brief (carried out during geotechnical trenching)	Kerrier District Council	Cornwall Archaeological Unit
Mine Leats, Brea, Camborne	Mine Leats, Brea, Camborne (Report No 1585L, March 1992)	Kerrier District Council	Frederick Sherrell
Mine Leats, Brea, Camborne	Mine Leats, Brea, Camborne (Report No 1585L, March 1992)	Kerrier District Council	Frederick Sherrell
Mineral Tramways Project	Mineral Tramways Projects	English Heritage, Carrier & Kerriok CC	Cornwall Archaeological Unit
Mines in the Kit Hill and Callington Area	All that remains - A survey of the mines in the Kithill and Callington Areas		
Minions Survey	Minions: an archaeological survey of the Caradon Mining District	Cornwall County Council	Cornwall Archaeological Unit
Minions Survey	The Minions Survey (Volume 1)	English Heritage & Caradon County Council	Cornwall Archaeological Unit
Minions Survey	The Minions Survey (Volume 2)	English Heritage & Caradon County Council	Cornwall Archaeological Unit
Minions, DLG Assessment Morwelham and New Quay	Minions Shaft Treatment, Proposed Shaft Treatment at Minions Morwelham and Newquay, Devon	Caradon District Council	Cornwall Archaeological Unit
New Roskear Shaft, Camborne Newton Moor	New Roskear Shaft, Camborne, Archaeological Assessment An Ecological Survey of Newton Moor (October 1992)	The Tamar Valley Countryside Service Brownfield Investments Kerrier District Council	Cornwall Archaeological Unit Peninsula Projects Environmental Consultants (CTNC)
Newton Moor, Treskillard	Newton Moor, near Treskillard, Cornwall (Report No 1587E, Nov 1992)	Kerrier District Council	Frederick Sherrell

Site Name	Report Title	Client	Contractor
Newton Moor, Treskillard - DLG Watching Brief	Shaft Capping Newton Moor - A Mitigation Report (Daubuz' Shaft, Treskillard): An Archaeological Watching Brief	Kerrier District Council	Cornwall Archaeological Unit
Okel Tor Mine LRF Assessment	Okel Tor Works: archaeological assessment, Land Reclamation Fund scheme	Cornwall County Council	Cornwall Archaeological Unit
Old Gunnislake Mine	Old Gunnislake Mine. Summary Report for Caradon District Council, December 1992	Caradon District Council	John Grimes Partnership
Perran Foundry	Perran Foundry Perranarworthal, Cornwall, Conservation Statement	CCC and Carrick District Council	Cornwall Archaeological Unit
Perran Foundry	Perran foundry: a new interpretation centre?	Cornwall County Council	Cornwall Archaeological Unit
Perran Foundry	Perran Foundry: an assessment of the historic site and buildings at Perran Foundry, Perran Wharf, Mylor	Cornwall County Council	Cornwall Archaeological Unit
Perran Foundry	Perran Foundry, 1990 Site Evaluation	Carrick DC & Devington Ltd	Cornwall Archaeological Unit
Perran Foundry, Perranarworthal, Cornwall	Perran Foundry, Perranarworthal, Cornwall, A late 18th Century Iron Foundry and Steam Engine Manufactory (2002)		English Heritage
Phoenix Mine	History of the Phoenix Mine (1986)		
Poldice Tramway, Portreath Pumping Station	Bridge Pumping Station Generator, Near Portreath, Cornwall; Archaeological Evaluation	South West Water	Cornwall Archaeological Unit
Poldice Valley - DLG Assessment	Poldice Valley; Archaeological Assessment		
Poldice, Triplets LRF Assessment	Triplets Site, Poldice, Cornwall: Archaeological Assessment	Carrick District Council	Cornwall Archaeological Unit
Porkellis Moor	Porkellis (South): An Archaeological Survey. A synoptic survey for the National Trust	Cornwall County Council	Cornwall Archaeological Unit
Portreath Harbour	Portreath Harbour Project	The National Trust	Cornwall Archaeological Unit
Portreath Plateway, watching brief	Portreath Tramroad, Cornwall, Archaeological Watching Brief during trail route surfacing and improvements	Kerrier District Council	Portreath Harbour Association
Portreath to Poldice Mineral	Portreath to Poldice Mineral Tramway; Archaeological and Historical Assessment	Cornwall County Council	Cornwall Archaeological Unit
Portreath Tramroad Phase 1	Stage 2 Geotechnical Mining Report Portreath Tramroad Phase 1 (Oct 2000)	Cornwall County Council	South West Mining Services Ltd
Prideaux Wood, Luxulyan	Prideaux Wood - An Archaeological Assessment	Cornwall Trust for Nature Conservation	Cornwall Archaeological Unit
Prince of Wales Engine House, Phoenix Mine, Minion	Prince of Wales Engine House, Phoenix Mine, Minions (1988)		
Pumping Engines of the St Agnes Mines	Pumping Engines on the St Agnes Mines (1993)		
Red River Assessment	The Red River Trail: an Archaeological Assessment		
Redmoor Mine, Kelly Bray	Archaeological Assessment and Site Investigation results at Redmoor Mine, Kelly Bray, Callington	Cornwall County Council	Cornwall Archaeological Unit
Redruth, Alma Place	Alma Place, Redruth (The Cornwall Centre) - Archaeological and Historic Building Recording	Hayes Valley Trust, Cornwall	Cornwall Archaeological Unit
Robinson's Shaft, Pool	Robinson's Shaft, South Wheel Croft: An Archaeological Assessment	Charville Estates (Redruth) Ltd	Cornwall Archaeological Unit
Sarah's Shaft, Wheal Kitty, ST Agnes	Sarah's Shaft, Wheal Kitty, St Agnes. Project File	Kerrier District Council	Cornwall Archaeological Unit
Shaft Capping Contract 13B	Mine Shaft Capping Contract 13B. Archaeological and Historical Assessment	Carrick District Council	Cornwall Archaeological Unit
Shaft Capping DLG Contract 9A Watching Brief	Shaft Capping Contract 9A	Kerrier District Council	South West Archaeology
SM Management: Kennall Vale Leat	Kennall Vale Gunpowder Works, Cornwall. Repair work to leat	Kerrier District Council	Cornwall Archaeological Unit
SM Management: Porthmoina	Porthmoina Stamps - Repairs to the Spalling Floors - Scheduled Monuments 712.	English Heritage, Cornish Wildlife Trust	Cornwall Archaeological Unit
South Condurow Stamps	No report	National Trust	Cornwall Archaeological Unit
South Crofty	South Crofty Tin Mine, Cam Brea, Cornwall. A Process Record 1999	Kerrier District Council	Cornwall Archaeological Unit
		English Heritage	Alan Stoyel

Site Name	Report Title	Client	Contractor
South Croft & Cooks Kitchen DLG	Shaft Capping - South Croft and Cooks Kitchen: Mitigation Report - An Archaeological Watching Brief during Land Reclamation Works	Kerrier District Council	Cornwall Archaeological Unit
South Croft and Cook's Kitchen Mines, Pool Redruth	Shaft Capping and Mine Safety Works on Parts of South Croft and Cook's Kitchen Mines, Pool, Redruth	Kerrier District Council	Cornwall Archaeological Unit
South Dolcoath Road LRF WB	Dolcoath Road, Cornwall. Landscaping Project: Archaeological watching brief	Kerrier District Council	Cornwall Archaeological Unit
St Agnes Beacon	The National Trust Archaeological Survey: St Agnes Beacon, Cornwall (undated)	The National Trust	The National Trust
St Agnes Engine Houses	Engine Houses in St Agnes, Cornwall, Vol 2	English Heritage & Carrick District Council	Cornwall Archaeological Unit
St Agnes Head	St Agnes Head: An Archaeological Survey	English Heritage & Carrick District Council	Cornwall Archaeological Unit
St Just Town Survey	St Just Town Survey and Historic Audit	Penwith District Council	Cornwall Archaeological Unit
SL Agnes, Trevaunance LRF Assessment	Trevaunance Cove, St. Agnes, Cornwall: Archaeological Assessment Survey	Cornwall County Council	Cornwall Archaeological Unit
St Austell, NE Distributor Road	An Archaeological Assessment of the St. Austell North-east Distributor Road	Cornwall County Council	Cornwall Archaeological Unit
St Just Mining Survey (Industrial)	St. Just: An Archaeological Survey of the Mining District	Penwith Peninsula Project	Cornwall Archaeological Unit
Stoke Climsland - Luckett	New Consols Mine, Luckett (Info File)	Stoke Climsland Parish	Cornwall Archaeological Unit
Taylor's Shaft	An assessment of shaft head structures adjoining Taylor's 90" engine house, Pool, Redruth, Cornwall	Cornwall County Council	Cornwall Archaeological Unit
Taylor's Shaft, Pool	Taylor's Shaft, Pool, Cornwall (Report 1585D, Sept 1992)	Kerrier District Council	Friederick Sherrill
Taylor's Shaft, Pool	Taylor's Shaft, Pool, Cornwall (Report 1585D, Feb 1993)	Kerrier District Council	Friederick Sherrill
Tolgarrick Road DLG	Shaft Capping Tolgarrick Road, Tuckingmill: DLG Scheme, Archaeological Assessment	Kerrier District Council	Cornwall Archaeological Unit
Tolgarrick Road, Camborne	Stage 1 Study Report: The Geological, Mining and Contamination Setting of a Site at Tolgarrick Road, Camborne (April 1995)	Kerrier District Council	Jay Mineral Services Ltd & Wardell Armstrong
Tolgarrick Road, Tuckingmill, Add. LRF	Tolgarrick Road, Tuckingmill - Additional Archaeological Assessment	Kerrier District Council	Cornwall Archaeological Unit
Tresavean Mine	Tresavean Mine, Lanner: Archaeological report	Kerrier District Council	Cornwall Archaeological Unit
Trevellas, St Agnes	Trevellas, St. Agnes, Cornwall; An Archaeological Survey	Carrick District Council	Cornwall Archaeological Unit
Trewavas	Target Trewavas	Cornwall County Council	Corn Brea Mining Society
Tywarnhale Mine	John's Engine House & Taylor's Engine House & Chimney, Tywarnhale Mine - Safety Works (Nov 1999)	Cornwall County Council	The John Knevitt Practice Ltd
Tywarnhale Mine	Outline Proposals for John's Engine House & Taylor's Engine House & Chimney (Sept 1998)	Cornwall County Council	The John Knevitt Practice Ltd
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Tywarnhale Mine, LRF Shafts	Tywarnhale Min. Watching Brief during Engine House consolidation, shaft capping and adit works	Imperial College	Cornwall Archaeological Unit
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Unity Wood	Unity Wood. Site appraisal and management proposals	Mineral Tramways Project	Kerrier Groundwork Trust
West Basset Stamps	West Basset Stamps. Ecological assessments and management recommendations (Jan 1997)	Kerrier District Council	Environmental Consultants (CTNC)

Site Name	Report Title	Client	Contractor
West Basset Stamps	West Basset Stamps, Breeding bird survey (April 1997)	Kerrier District Council	Environmental Consultants (CTNC)
West Basset Stamps	An Ecological Survey of West Basset Stamps (Sept 1992)	Kerrier District Council	Environmental Consultants (CTNC)
West Basset Stamps	West Basset Stamps, (Report No 1587C, Sept 1997)	Kerrier District Council	Frederick Sherrell
West Basset Stamps, Camkie	Camkie, Cornwall (Report No 1587C, July 1992)	Kerrier District Council	Frederick Sherrell
Wheal Busy	Wheal Busy: The Archaeological Impact, Part 1	Cornwall County Council	Cornwall Archaeological Unit
Wheal Charlotte, Bob Wall	Wheal Charlotte Engine House Survey (Info File & GRH/142/1)	National Trust	Cornwall Archaeological Unit
Wheal Coates, St Agnes	Wheal Coates, St. Agnes; An Archaeological Survey for the National Trust	The National Trust	Cornwall Archaeological Unit
Wheal Edward	Wheal Edward, St. Just; Tip Removal and Shaft Safety Works: An Archaeological Watching Brief	The National Trust	Cornwall Archaeological Unit
Wheal Grenville DLG Eval	Wheal Grenville (Fortescue Boiler House) Evaluation Report	Kerrier District Council	Cornwall Archaeological Unit
Wheal Grenville, Camborne	Wheal Grenville, Camborne, Cornwall (Report No 1565M, Jan 1992)	Kerrier District Council	Frederick Sherrell
Wheal Harriet Shaft Winder	Wheal Harriet Winder, Lower Pengogen, Dolcoath, Cornwall: Archaeological Recording	Kerrier District Council	Cornwall Archaeological Unit
Wheal Harriet Shaft, Dolcoath	Wheal Harriet Shaft Dolcoath - Archaeological recording during site investigation works	Kerrier District Council	Cornwall Archaeological Unit
Wheal Henry Engine House	Wheal Henry Engine House, Pollice Valley, Cornwall	Cornwall County Council	Cornwall Archaeological Unit
Wheal Maid Landfill	Wheal Maid, an Archaeological Assessment	County Environmental Services	Cornwall Archaeological Unit
Wheal Owles DLG	Wheal Owles, St. Just United and Botallack: An archaeological watching brief	Cornwall County Council	Cornwall Archaeological Unit
Wheal Peevor	Wheal Peevor Mine, Cornwall, Archaeological Assessment	Kerrier District Council	Historic Environment Service, Cornwall County Council
Wheal Tye DLG Works	Wheal Tye DLG Works: Watching Brief Report	Kerrier District Council	Cornwall Archaeological Unit
Wheal Tye DLG Works Watching Brief	Wheal Tye DLG Works Watching Brief Report	Kerrier District Council	Cornwall Archaeological Unit
Wheal Uny	ADAS Report on Ecological Survey of Wheal Uny, Redruth (Nov 1991)	Kerrier District Council	ADAS
Wheal Uny	Wheal Uny, Redruth (Report No 1535, Feb 1991)	Kerrier District Council	Frederick Sherrell
Wheal Uny DLG	Wheal Uny, Redruth: Archaeological Assessment	Kerrier District Council	Cornwall Archaeological Unit
Wheal Uny DLG WB	Shaft Capping Wheal Uny: Mitigation report	Kerrier District Council	Cornwall Archaeological Unit
Wheal Uny, Redruth	Wheal Uny, Redruth (1535/ year unkl)	Kerrier District Council	Frederick Sherrell, Consulting Engineering Geologists
Wheal Uny, Redruth	Bariger Survey at Wheal Uny (EC/ 034, September 1993)	Kerrier District Council	Environmental Consultants (CTNC)
William's Shaft, Camborne	William's Shaft, Camborne, Cornwall (Report No 1565J, Jan 1992)	Kerrier District Council	Frederick Sherrell
William's Shaft, Camborne	William's Shaft, Camborne, Cornwall (Report No 1565J/2, March 1992)	Kerrier District Council	Frederick Sherrell

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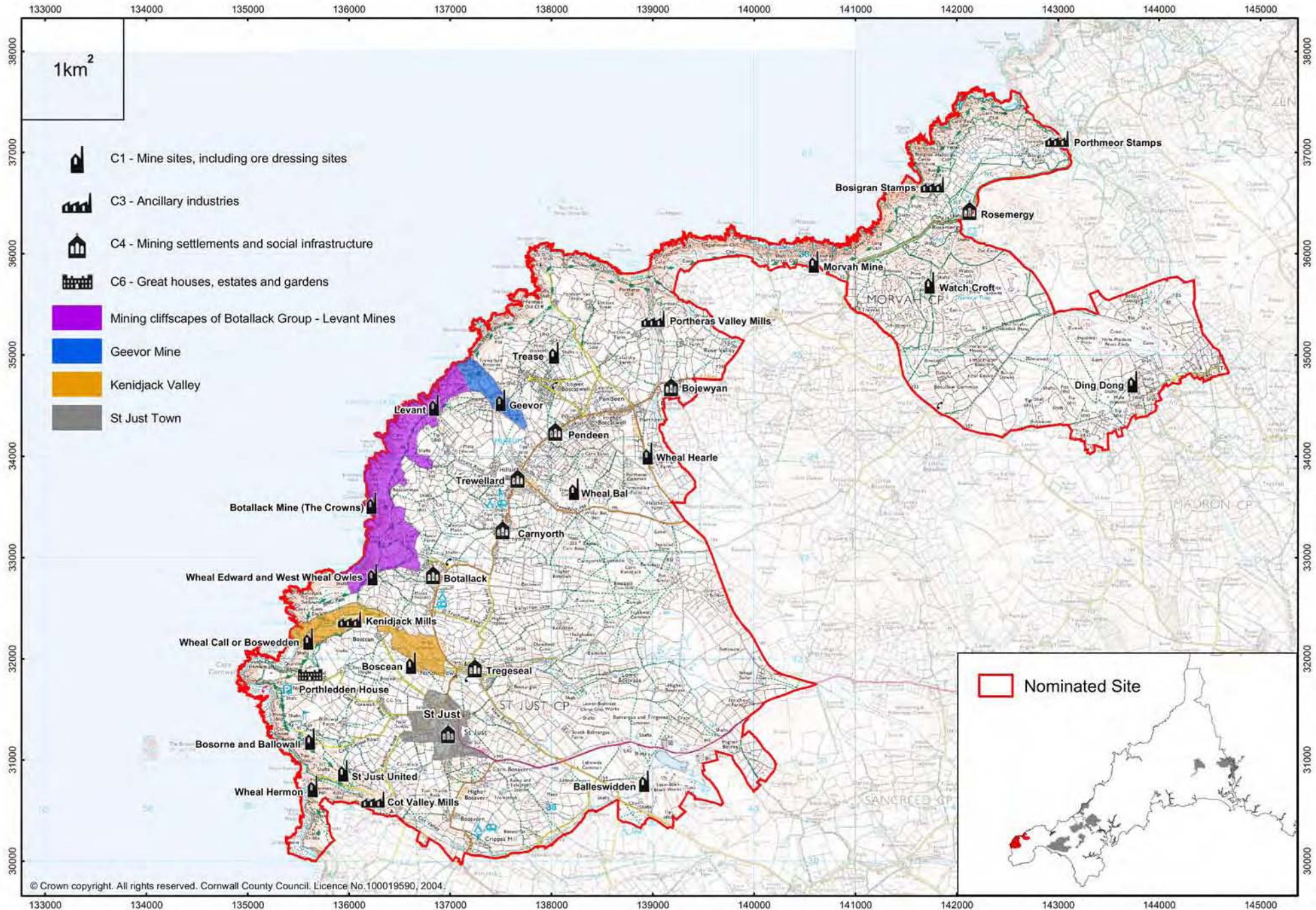
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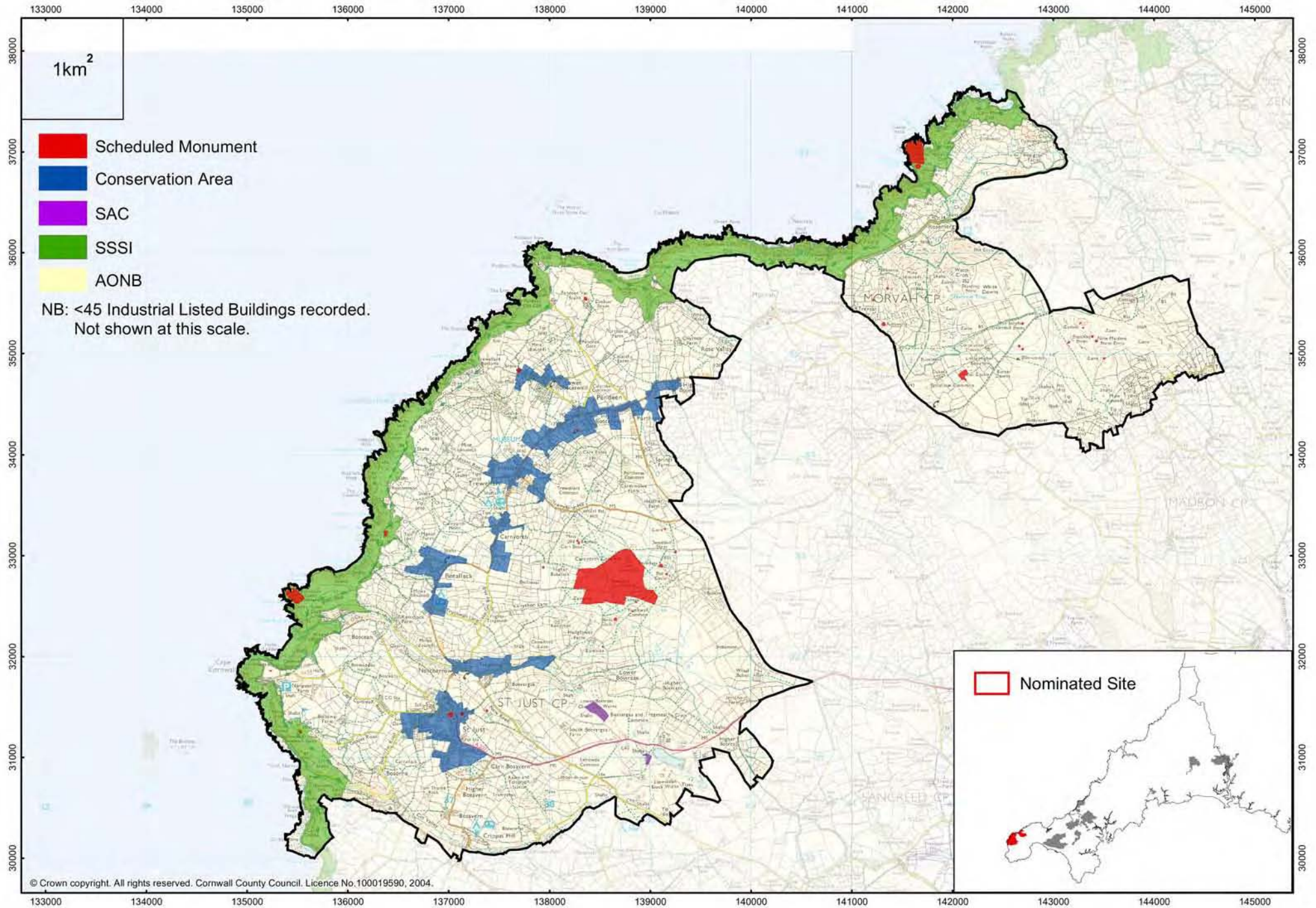
Exhibitionists

www.cornishmining.org.uk

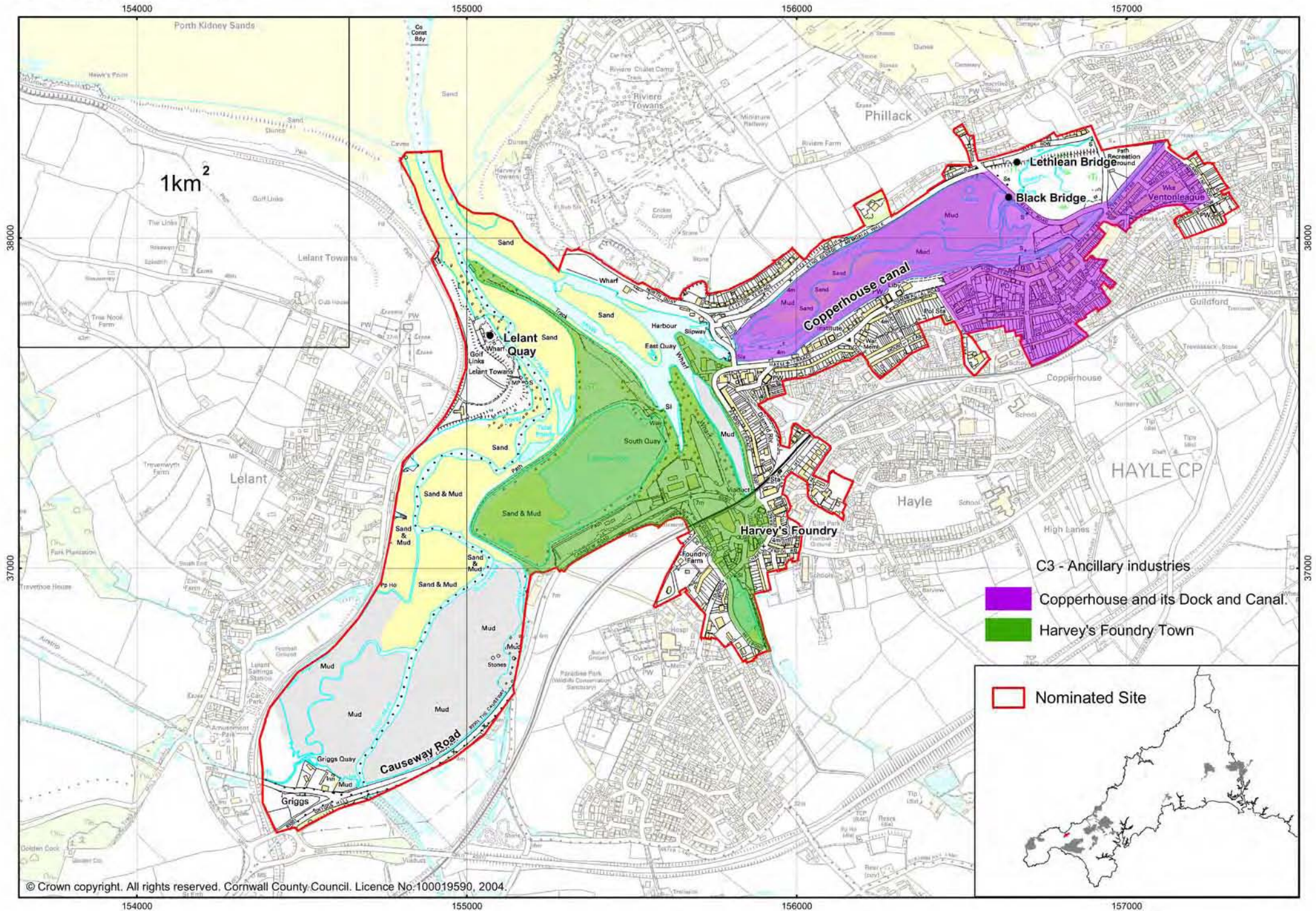
A1 St Just Mining District - Principal Sites



A1 St Just Mining District - Statutory Designations



A2 Port of Hayle - Principal Sites



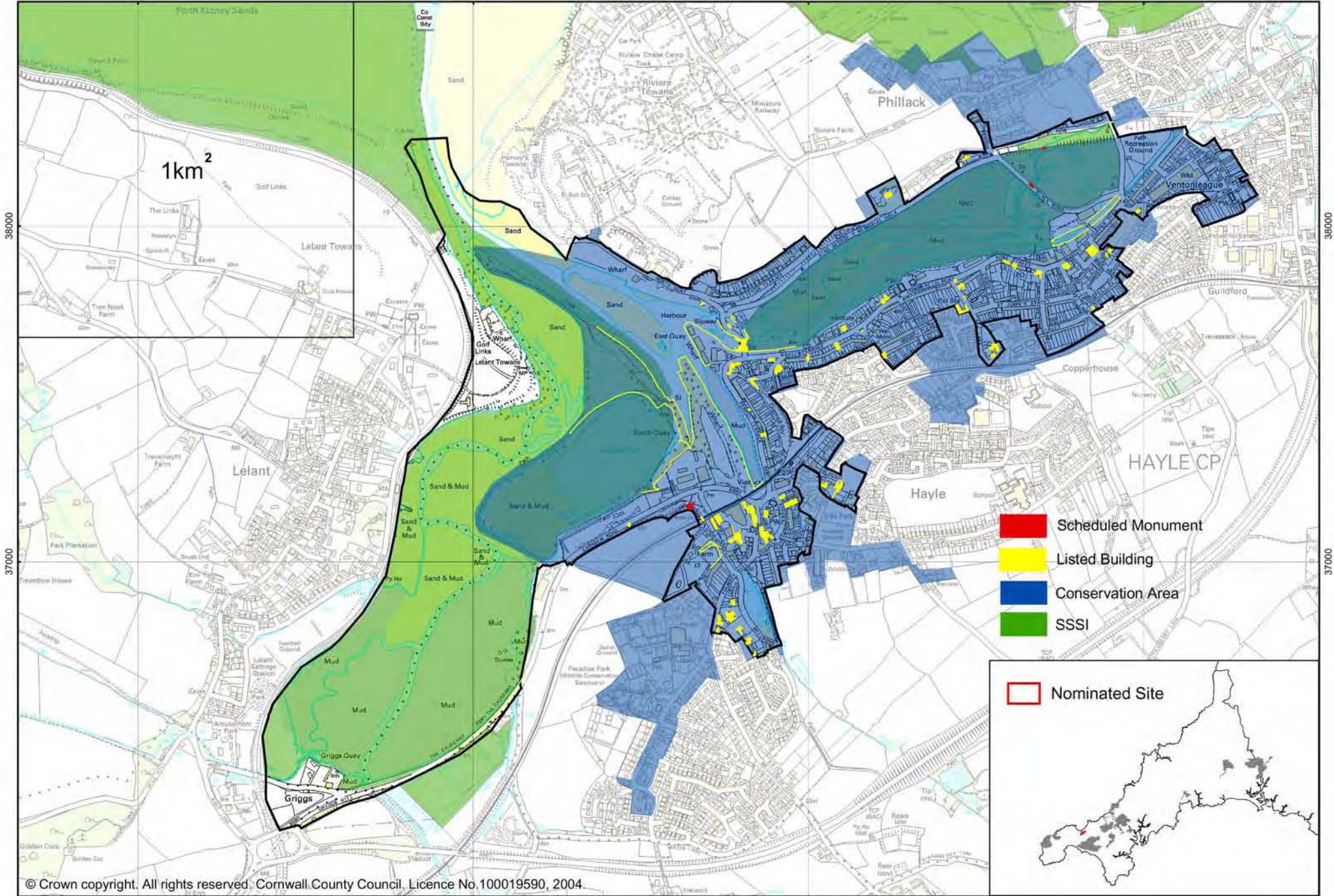
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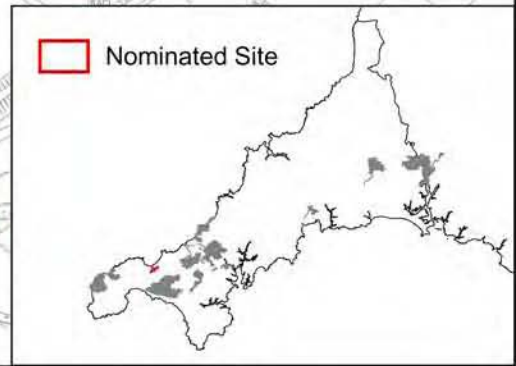
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- Scheduled Monument
- Listed Building
- Conservation Area
- SSSI

Nominated Site



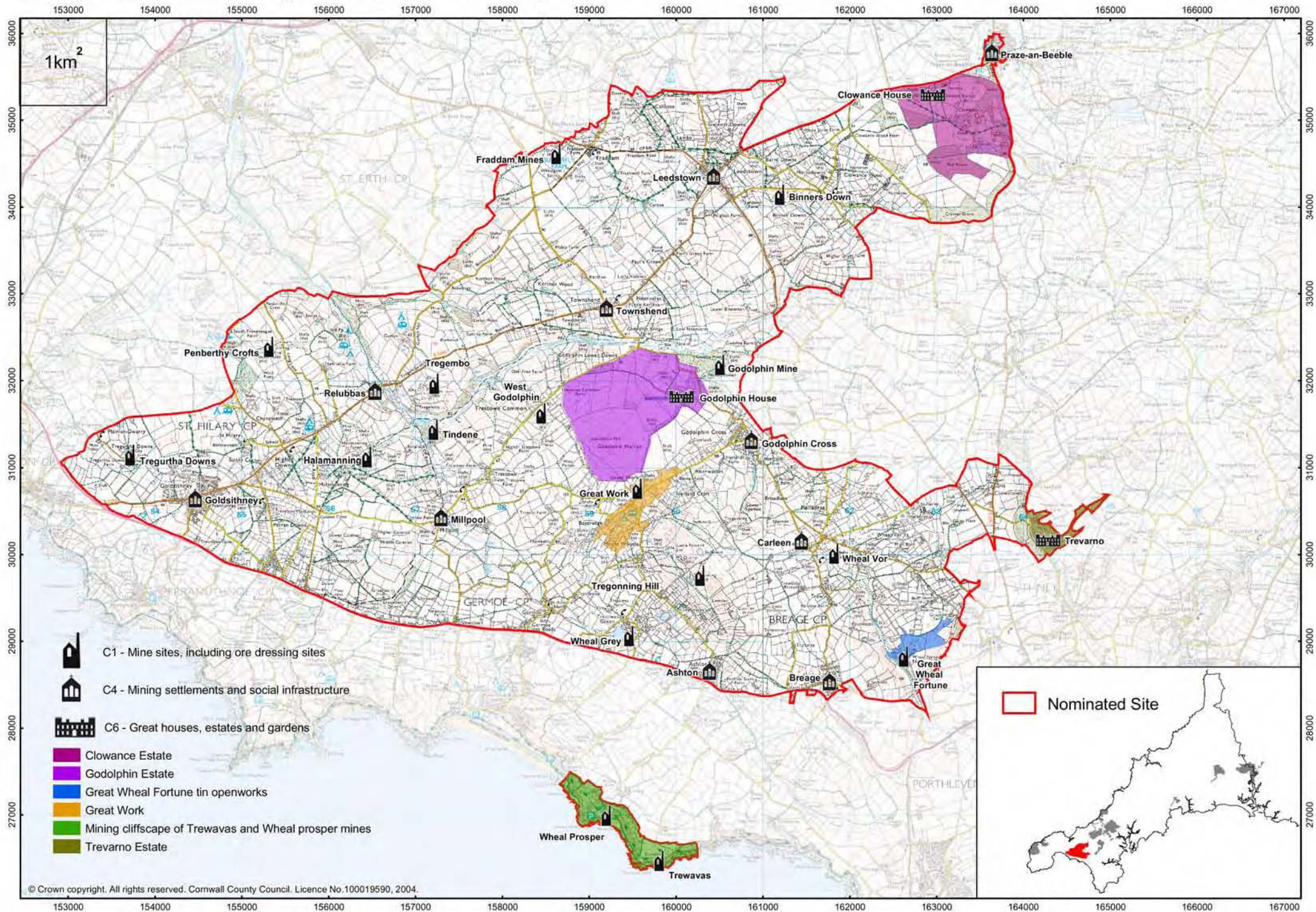
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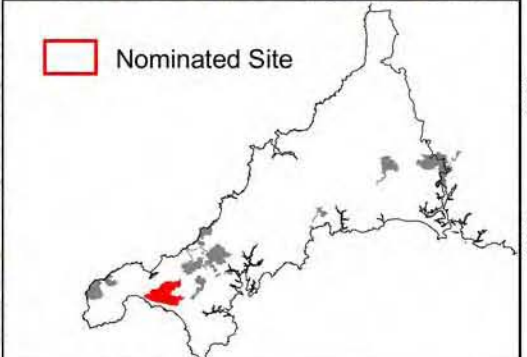
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A3 Tregonning and Gwinear Mining Districts with Trewavas - Principal Sites

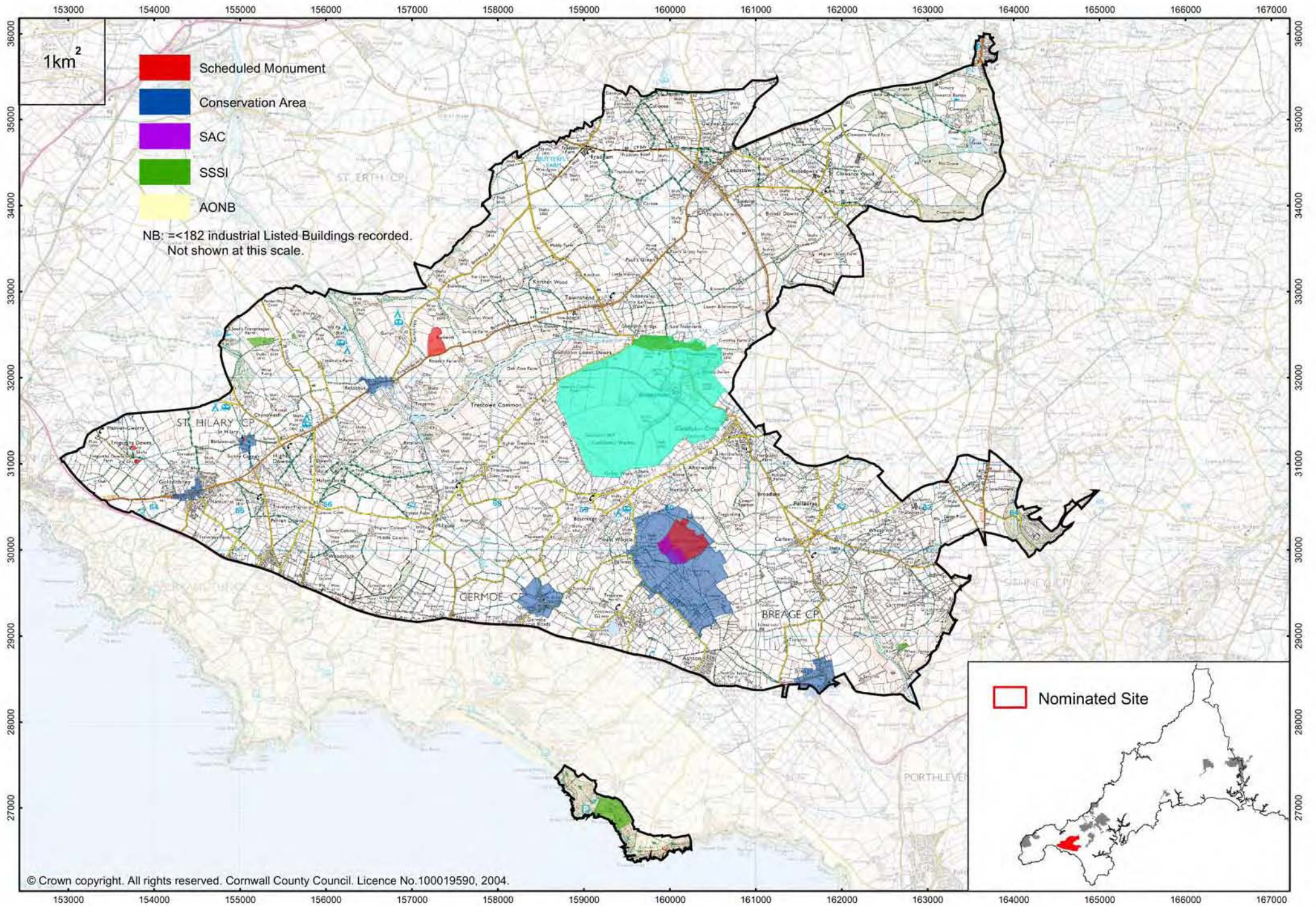


-  C1 - Mine sites, including ore dressing sites
-  C4 - Mining settlements and social infrastructure
-  C6 - Great houses, estates and gardens
-  Clowance Estate
-  Godolphin Estate
-  Great Wheal Fortune tin openworks
-  Great Work
-  Mining cliffscape of Trewavas and Wheal prosper mines
-  Trewarno Estate

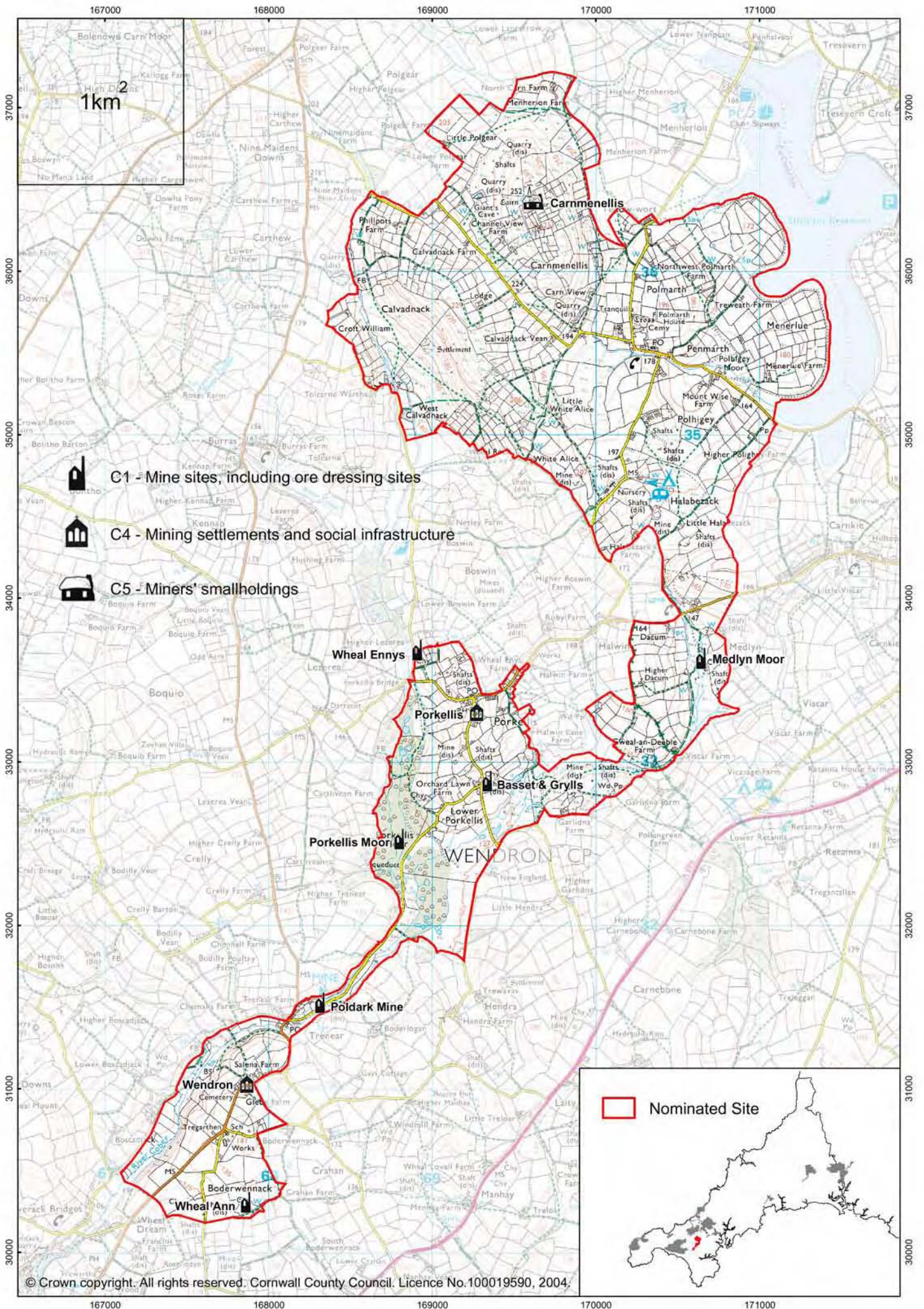


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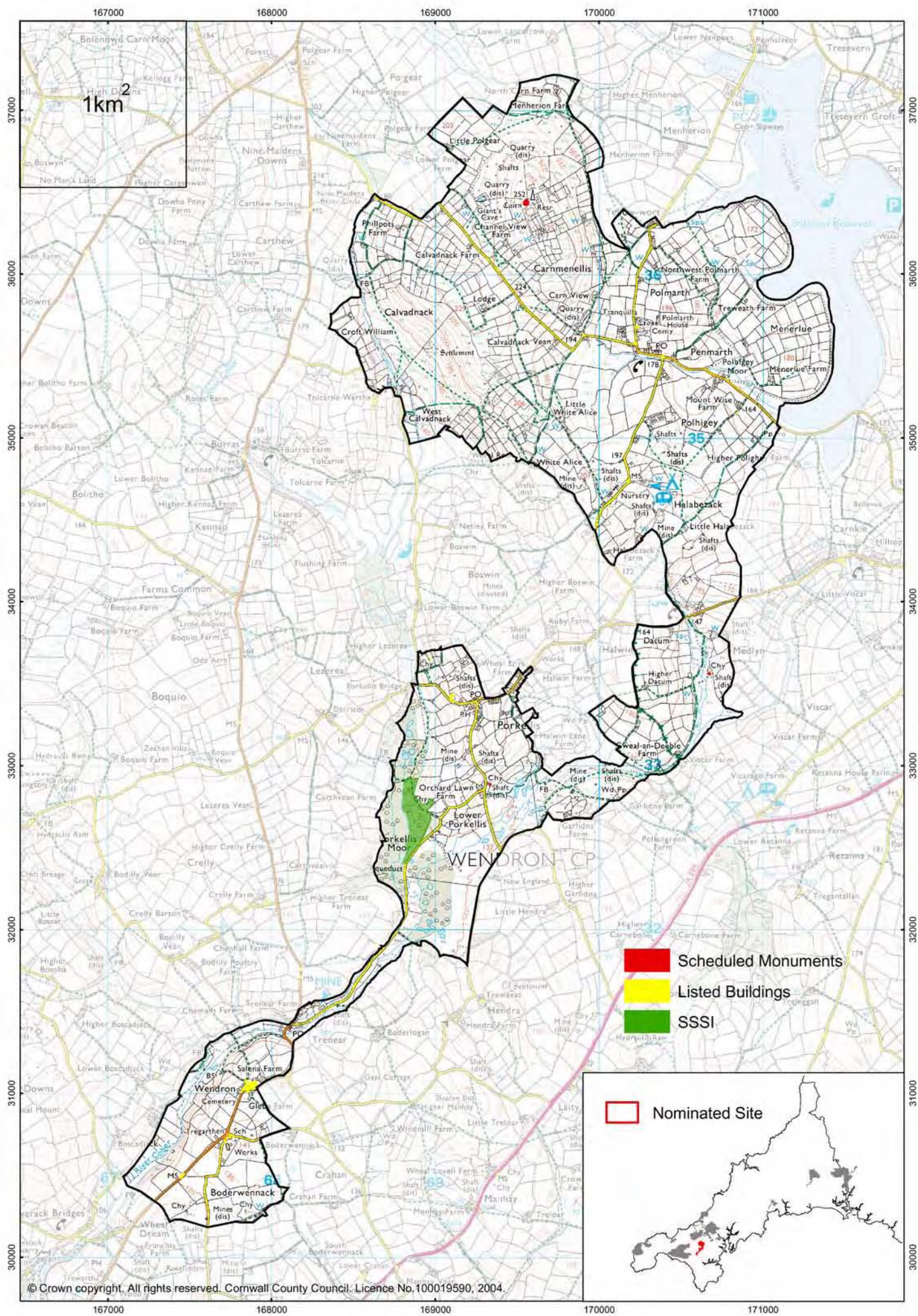
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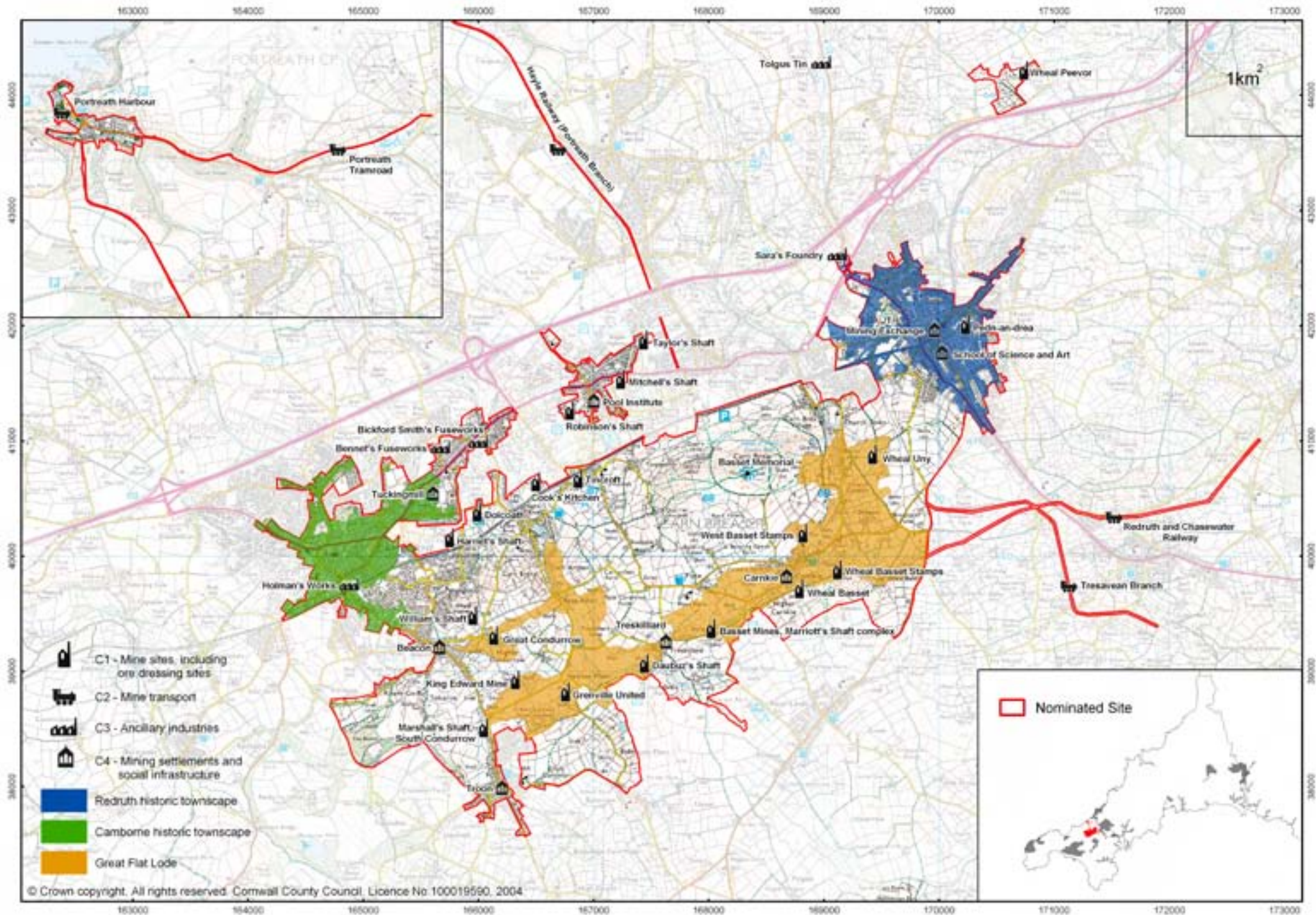
A4 Wendron Mining District - Principal Sites



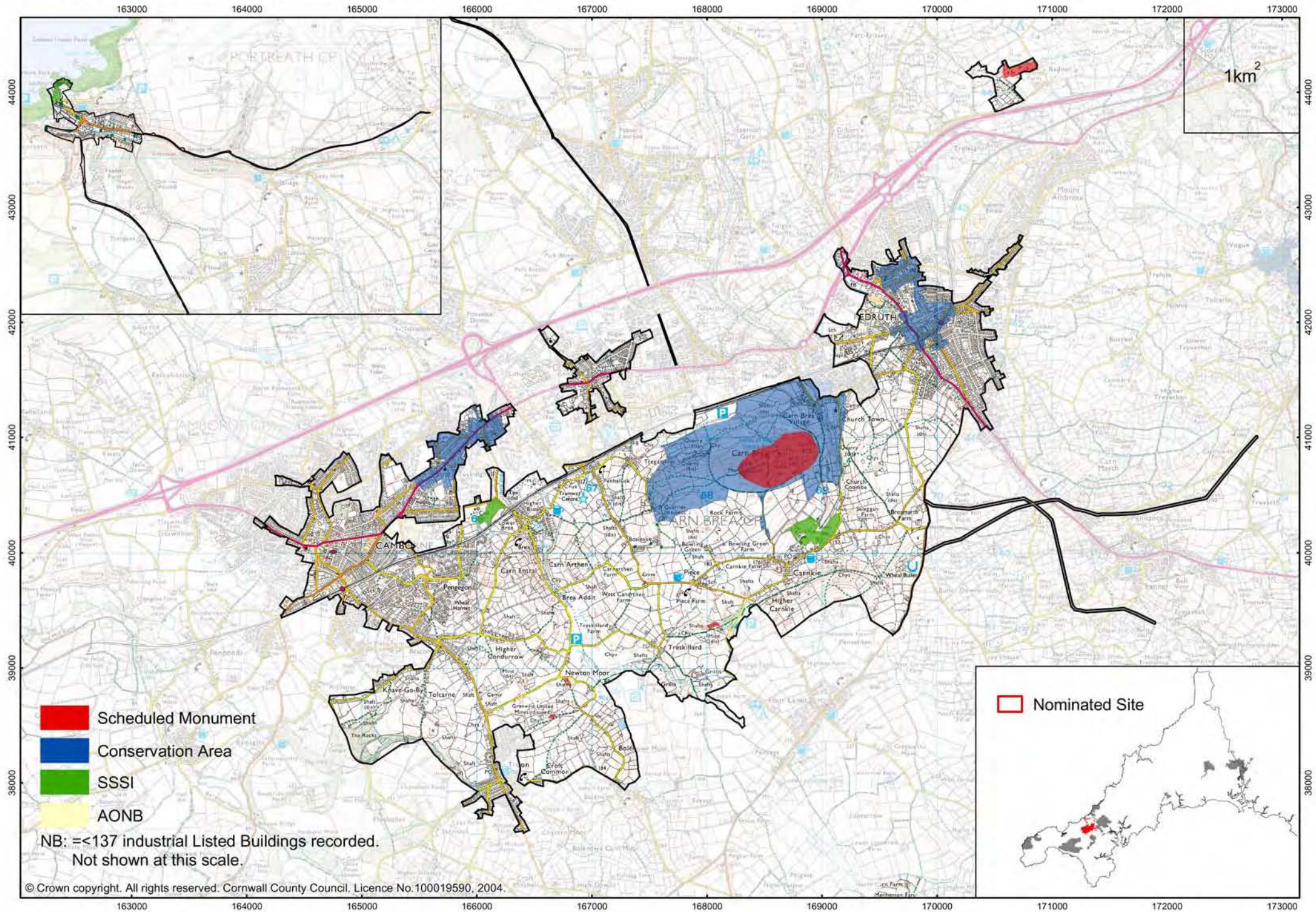
A4 Wendron Mining District - Statutory Designations



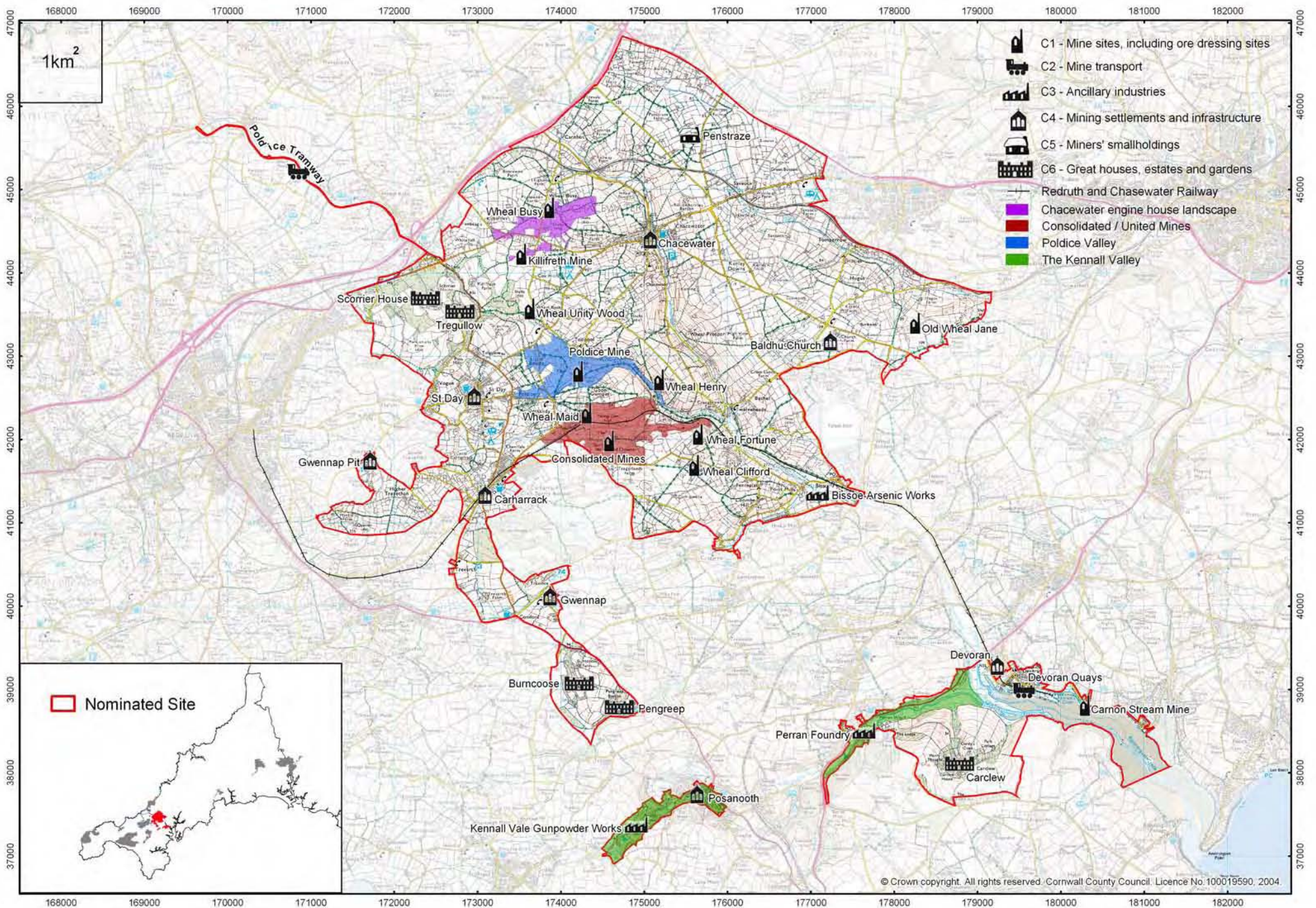
A5 Camborne and Redruth Mining District - Principal Sites



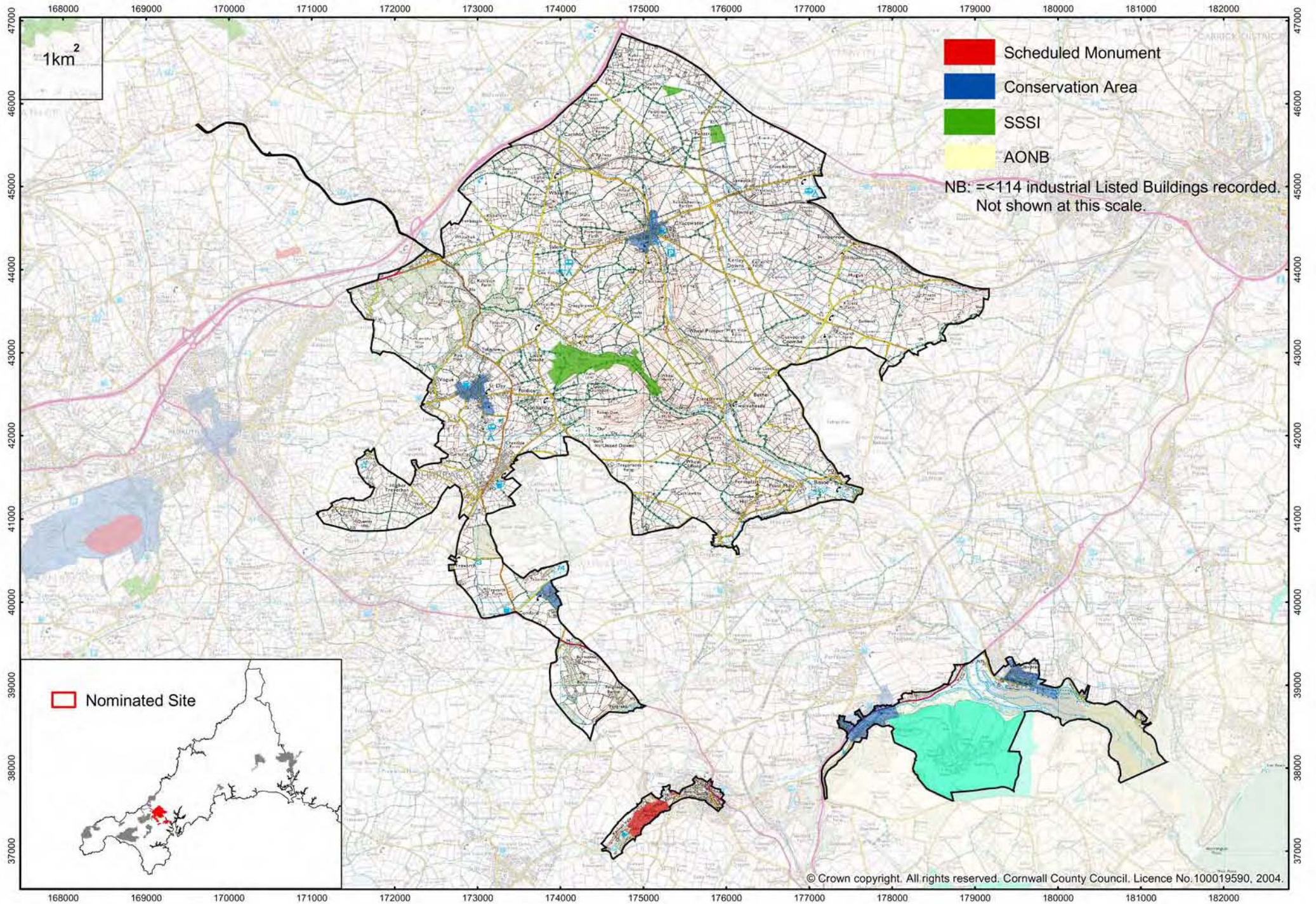
A5 Camborne and Redruth Mining District - Statutory Designations



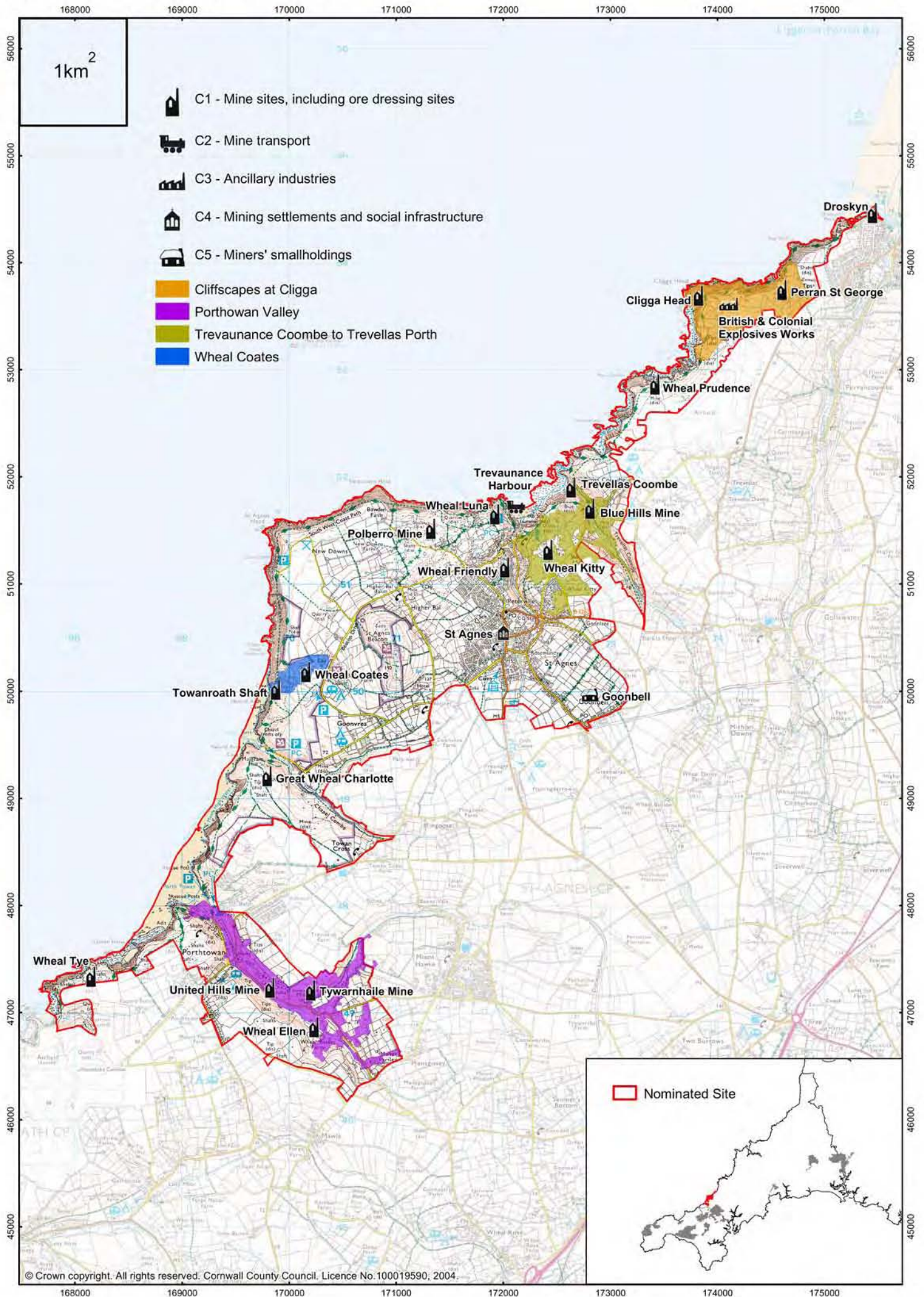
A6 Gwennap Mining District with Devoran and Perran and Kennall Vale



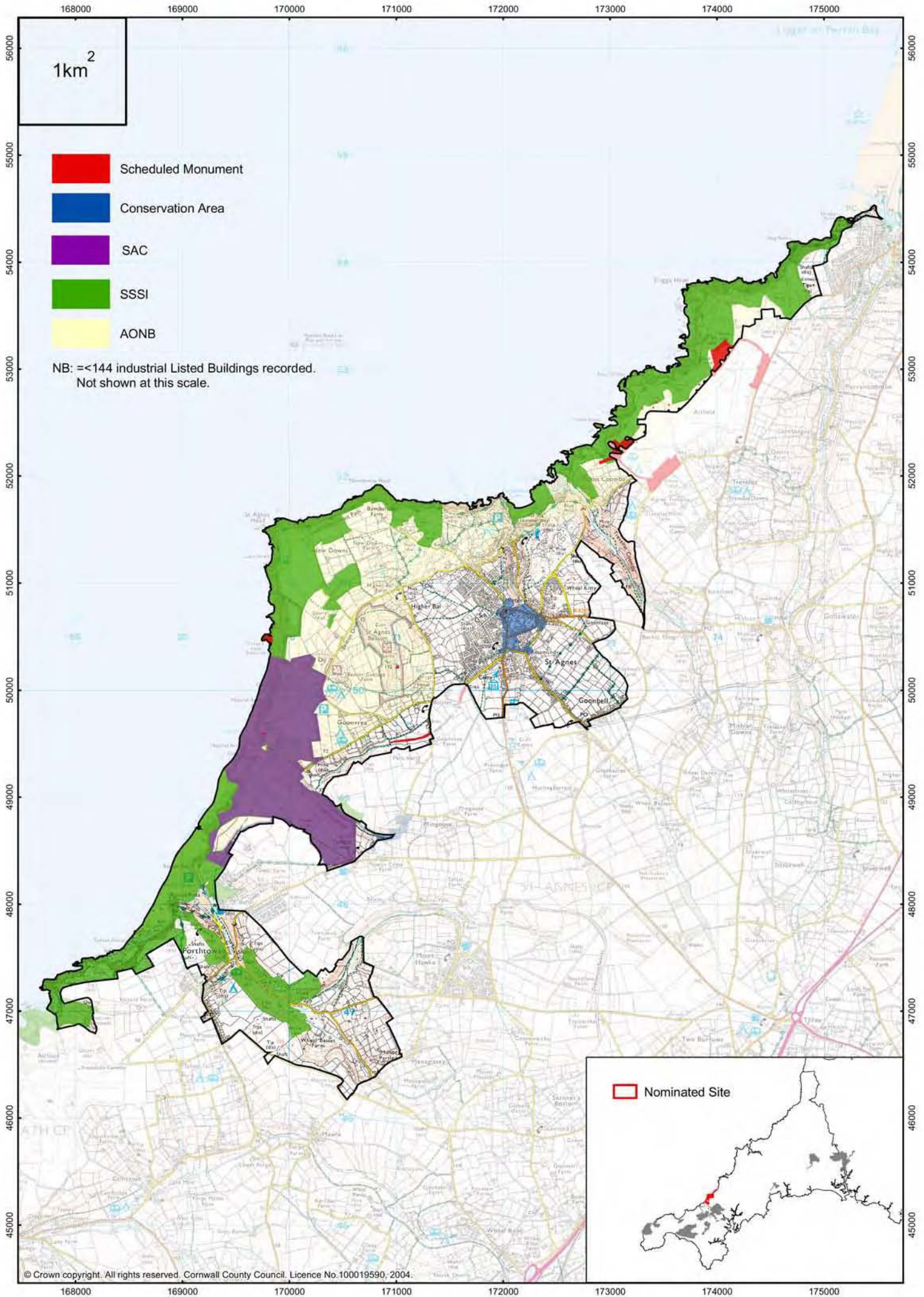
A6 Gwennap Mining District with Devoran and Perran and Kennall Vale - Statutory Designations



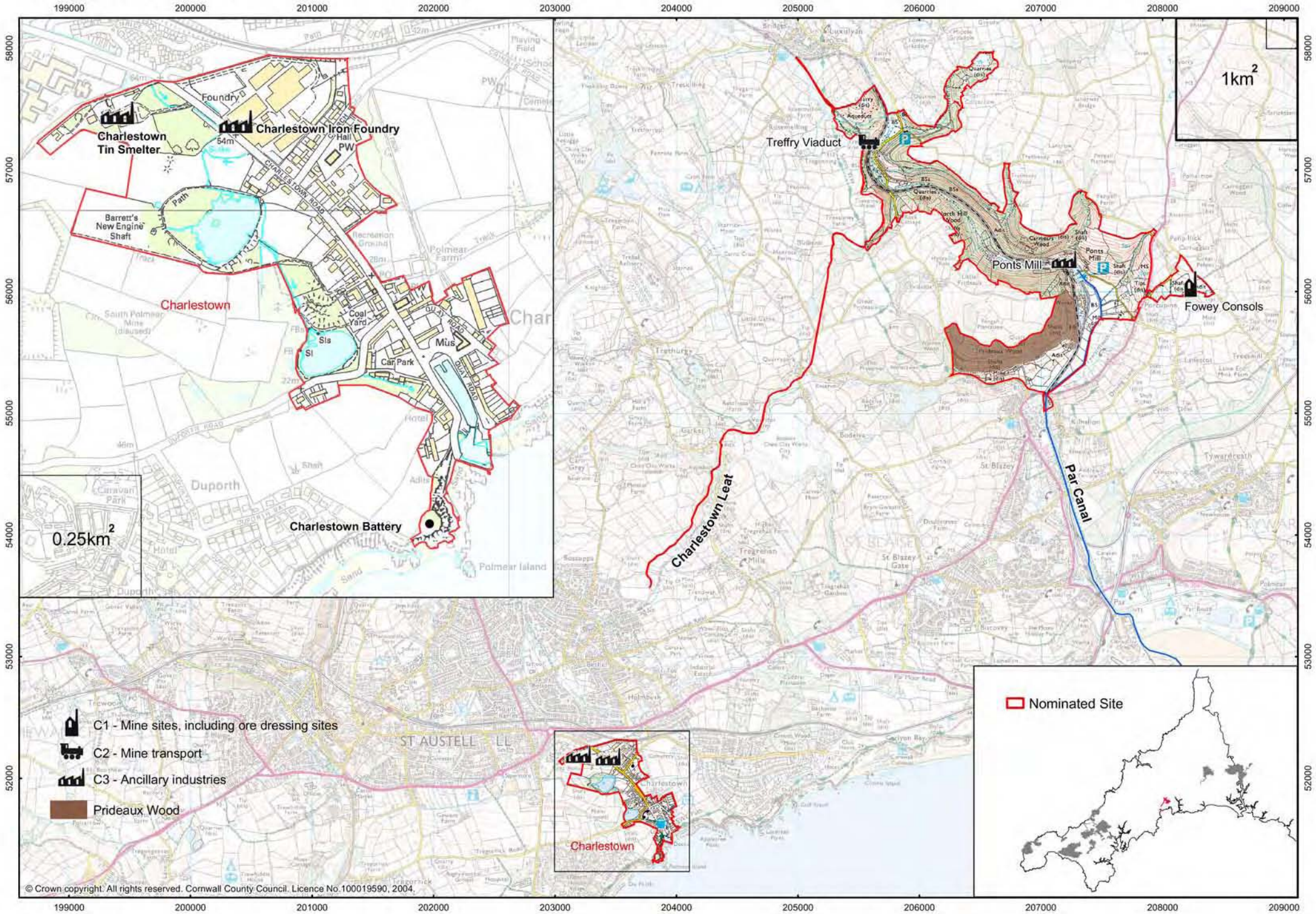
A7 St Agnes Mining District - Principal Sites



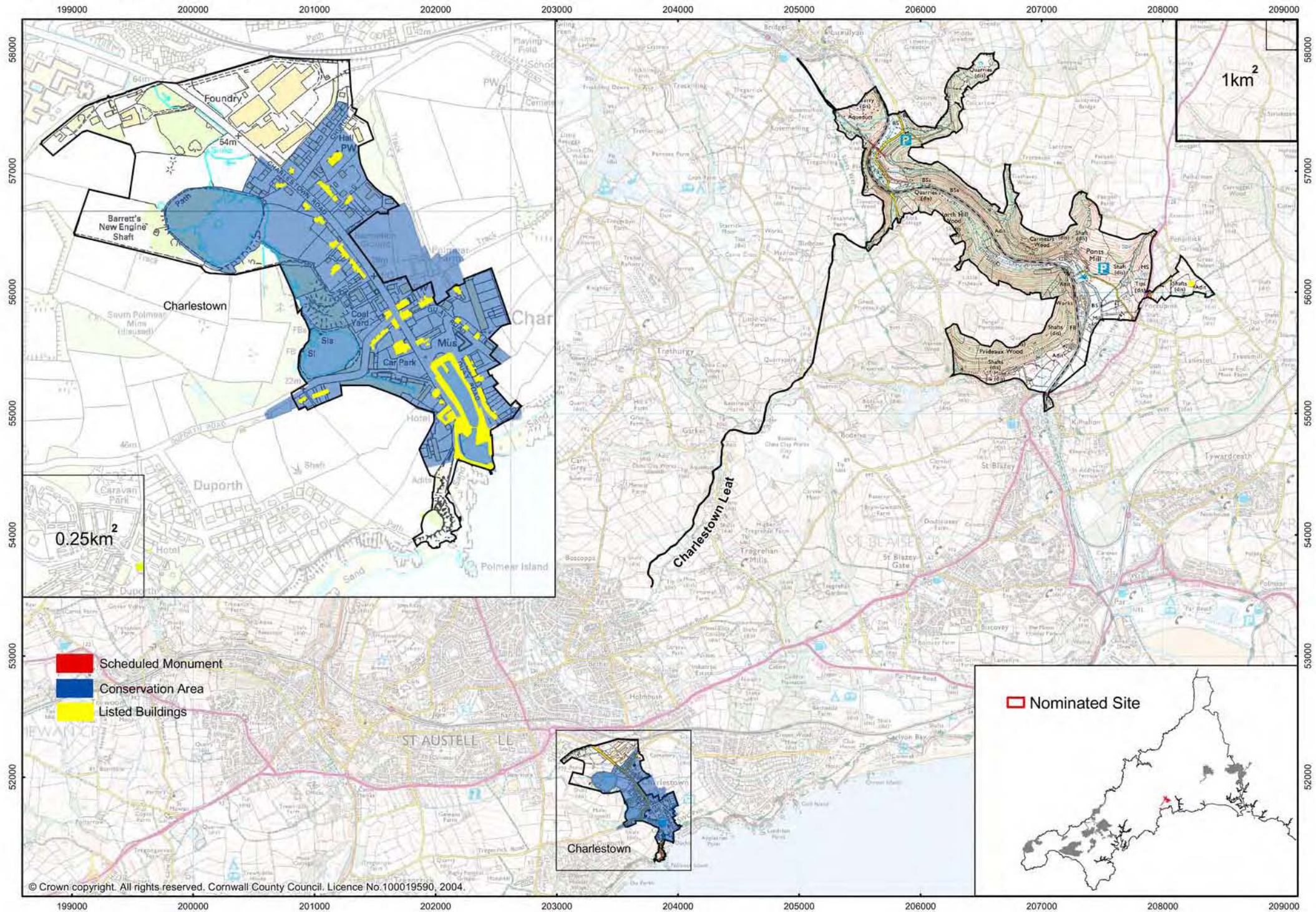
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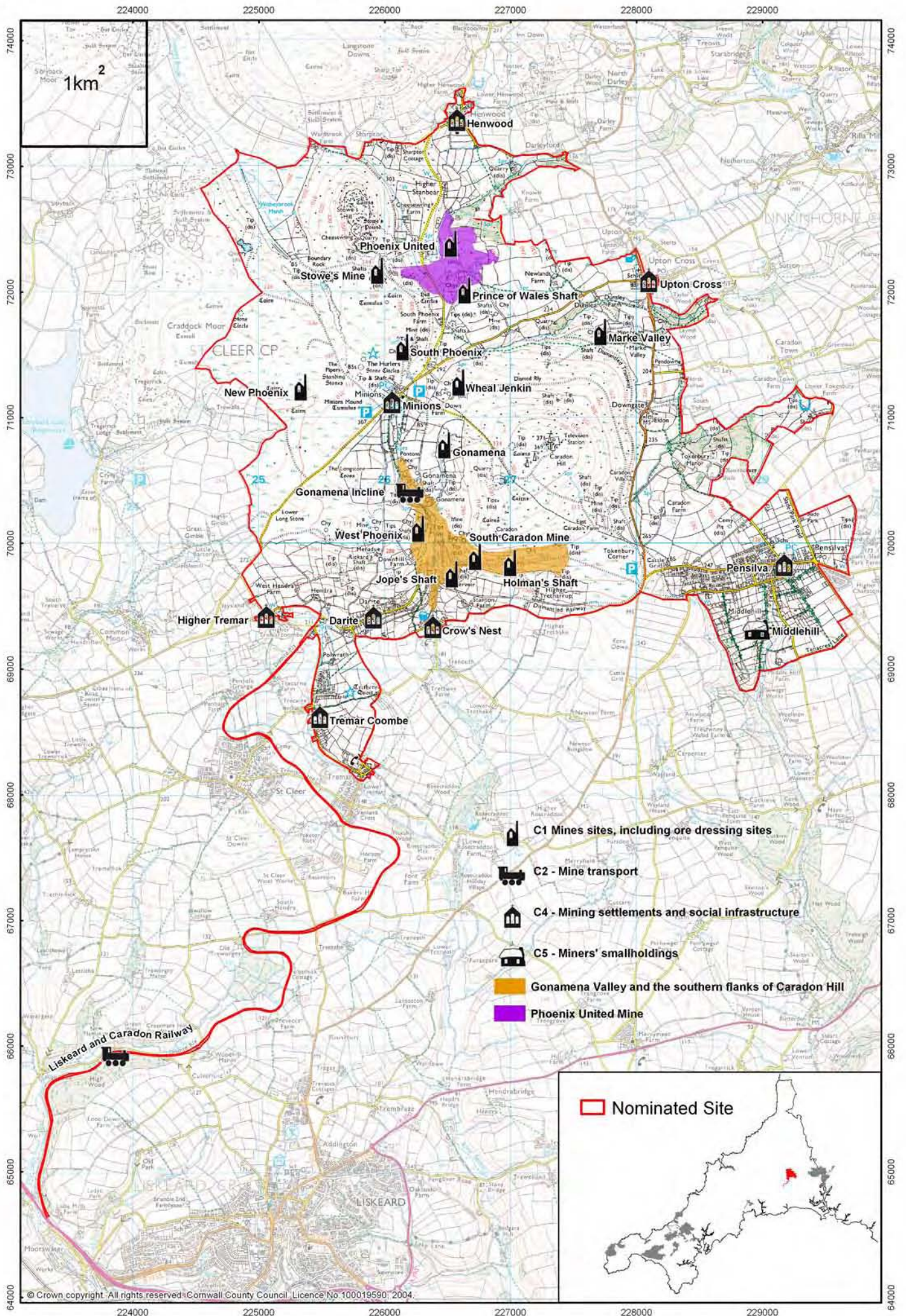
A8 Luxulyan Valley and Charlestown - Principal Sites



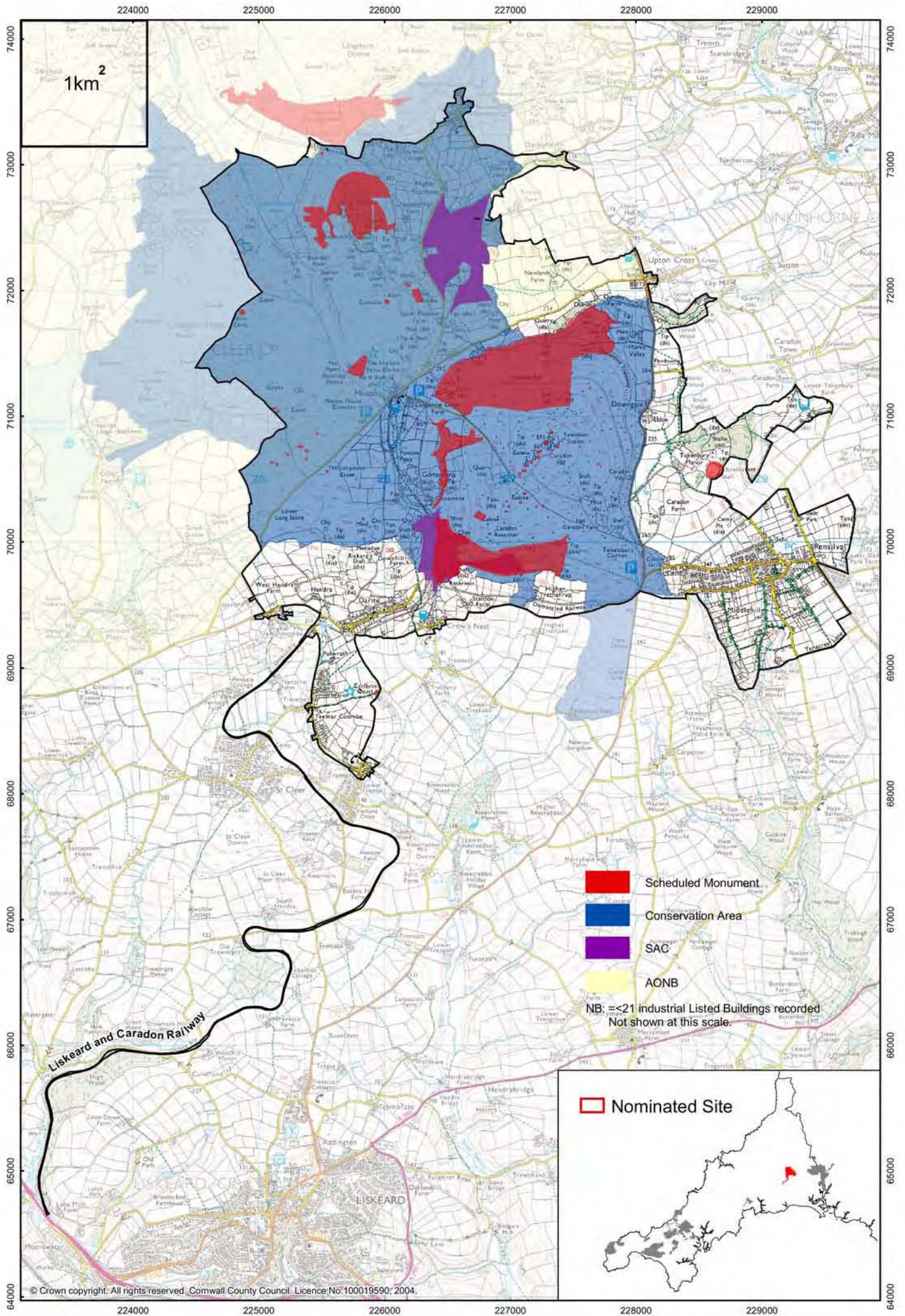
A8 Luxulyan Valley and Charlestown - Statutory Designations



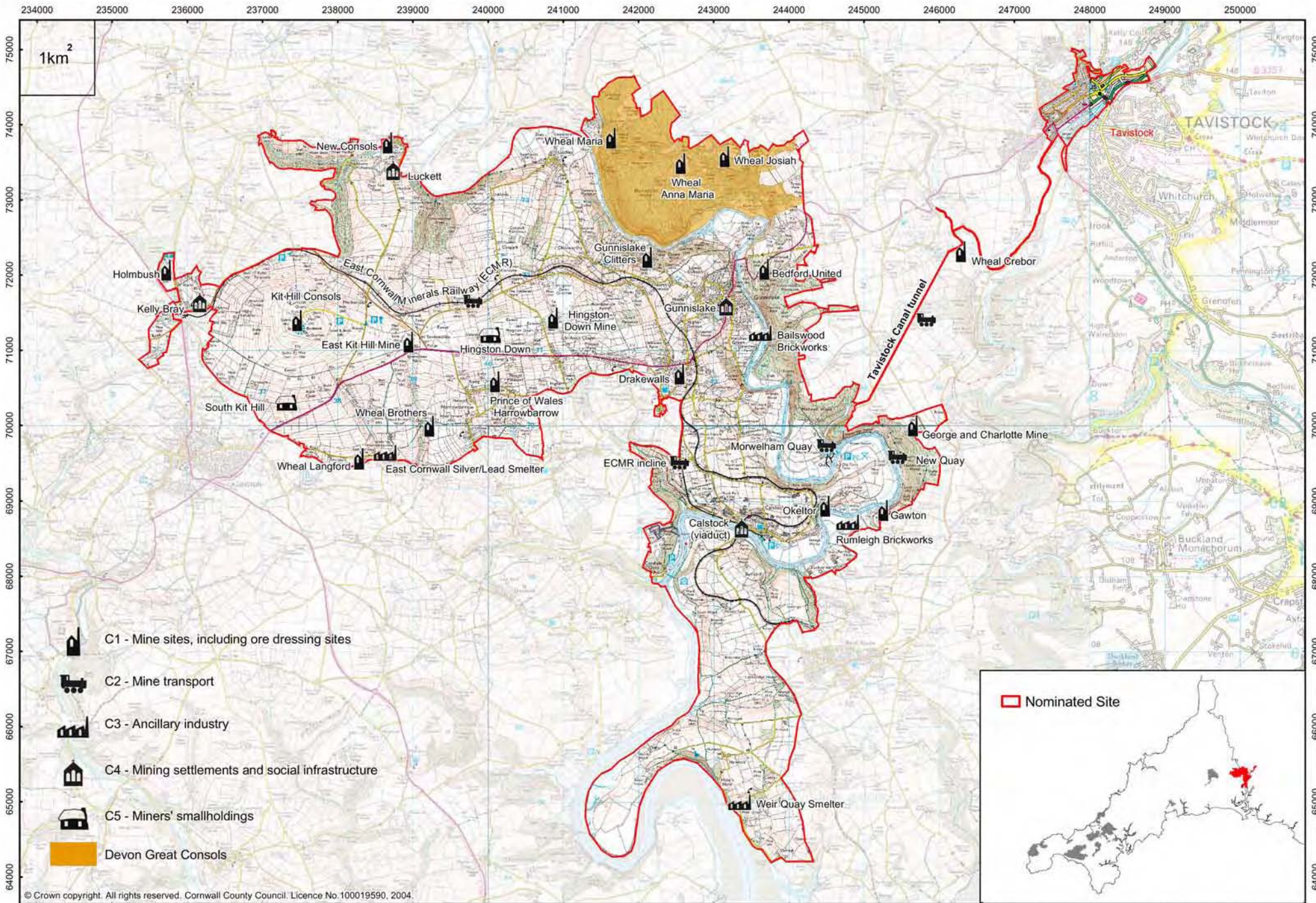
A9 Caradon Mining District - Principal Sites



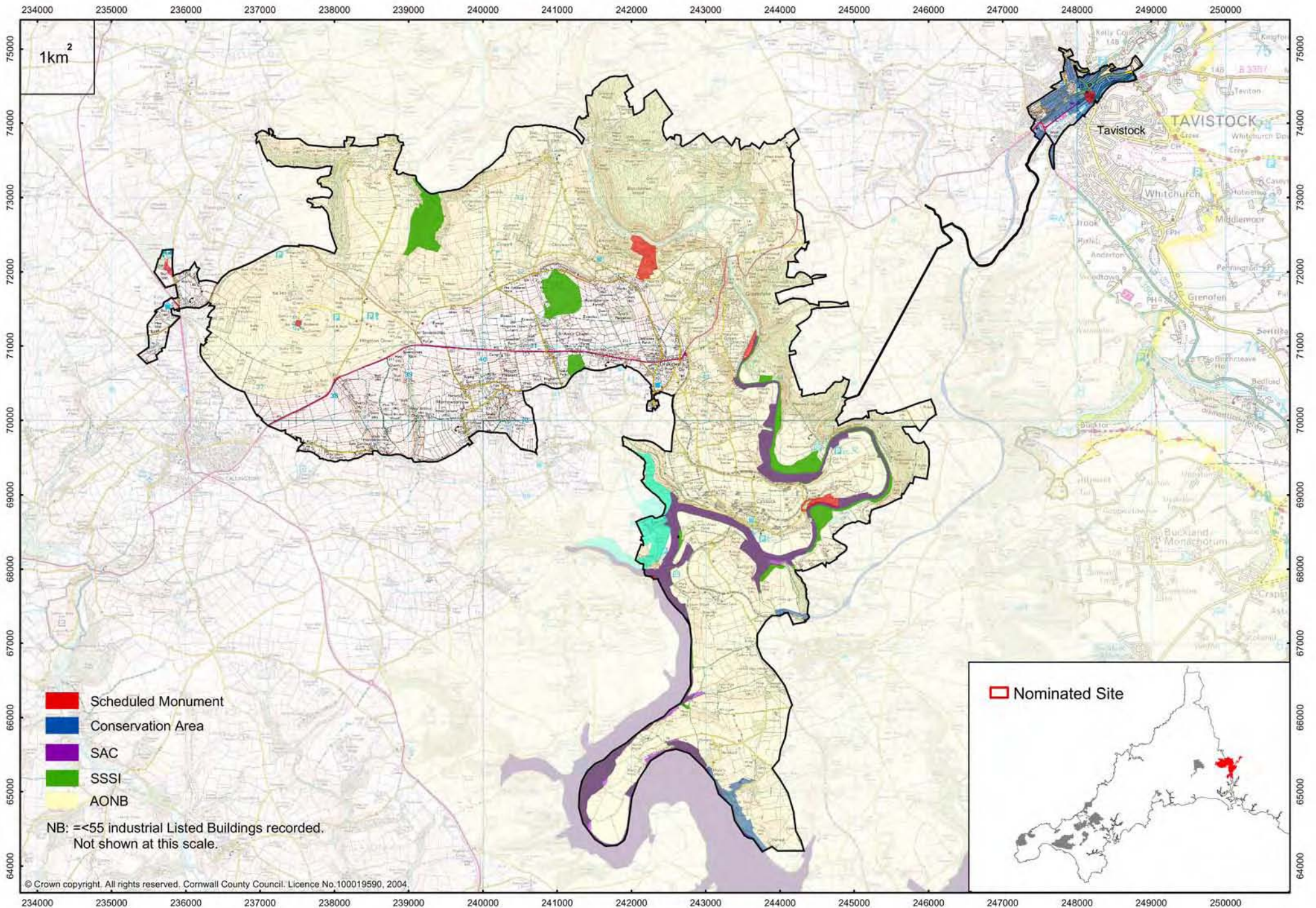
A9 Caradon Mining District - Statutory Designations



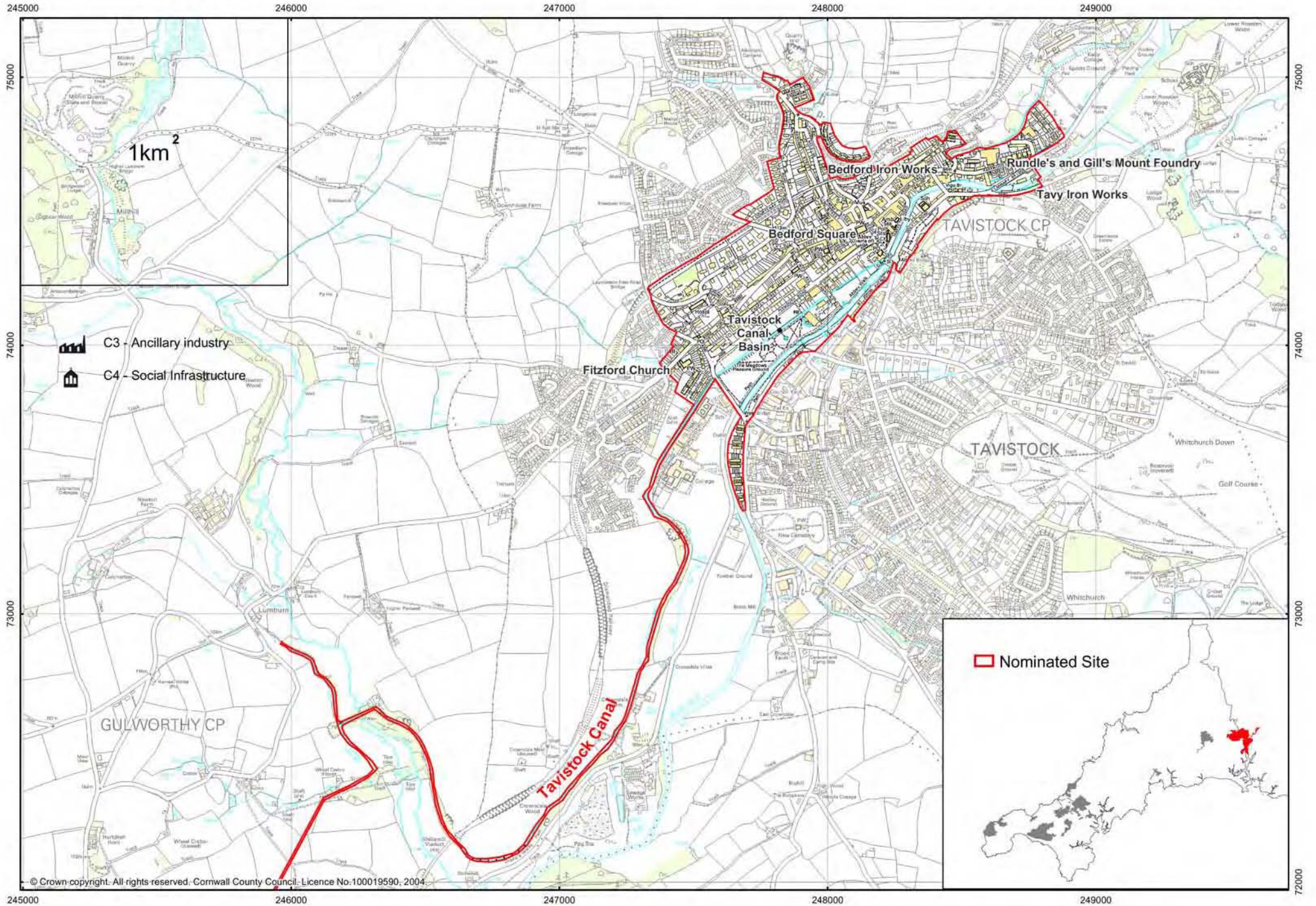
A10 Tamar Valley Mining District with Tavistock - Principal Sites



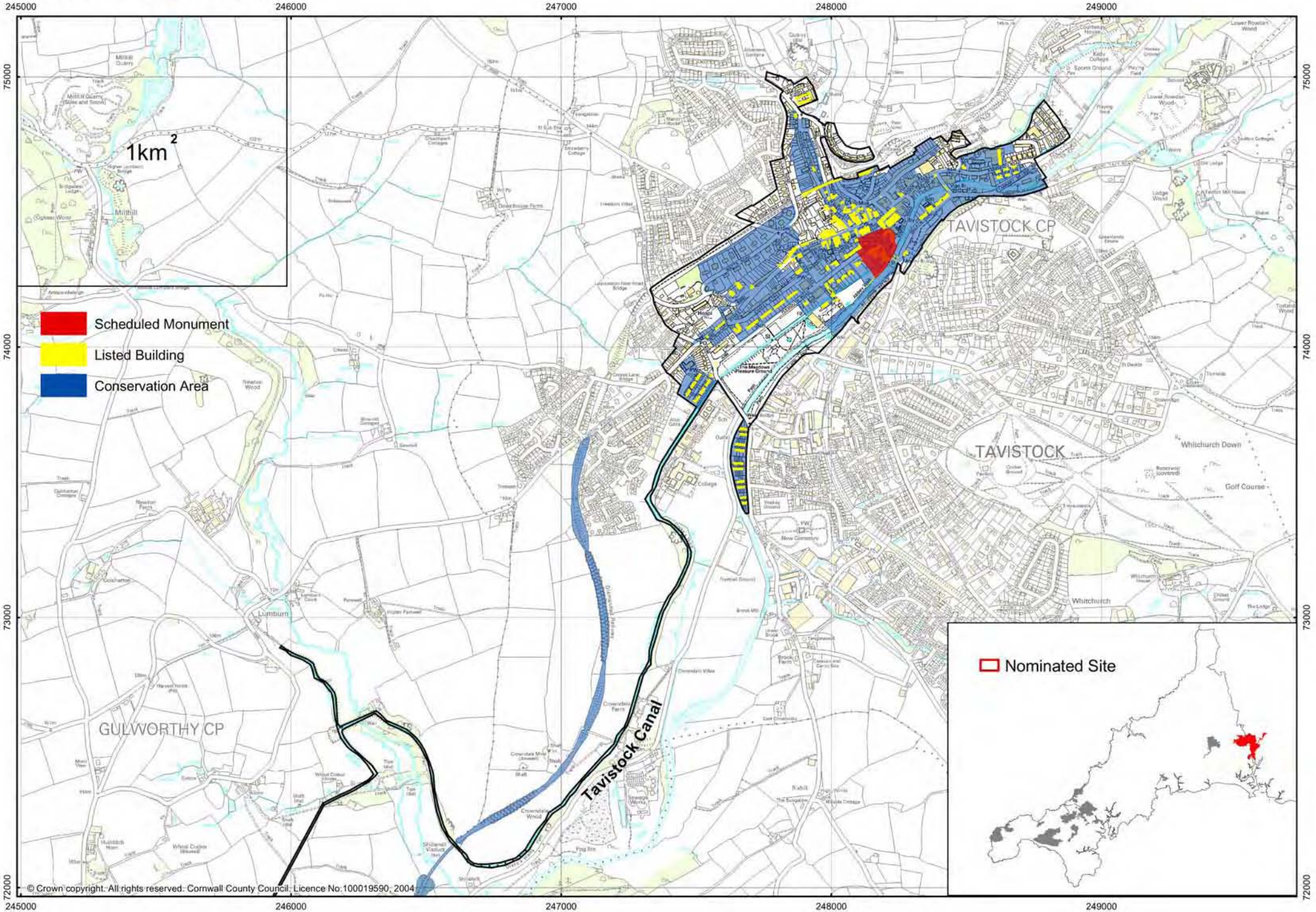
A10 Tamar Valley Mining District with Tavistock - Statutory Designations



A10 Tavistock - Principal Sites

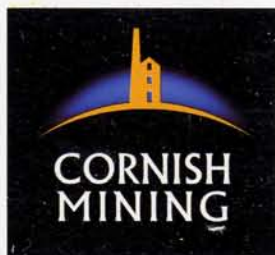


A10 Tavistock - Statutory Designations



ACKNOWLEDGMENTS

This Management Plan could not have been produced without the considerable contribution made by all of the organisations and individuals of the World Heritage Site Bid Partnership, the Area Panels, Technical Panels, the Officer Working Group, the Marketing and Interpretation Panel, the Economic Assessment Steering Group, and the many individuals in Cornwall, Devon, the United Kingdom and Overseas who have given their generous help and support.



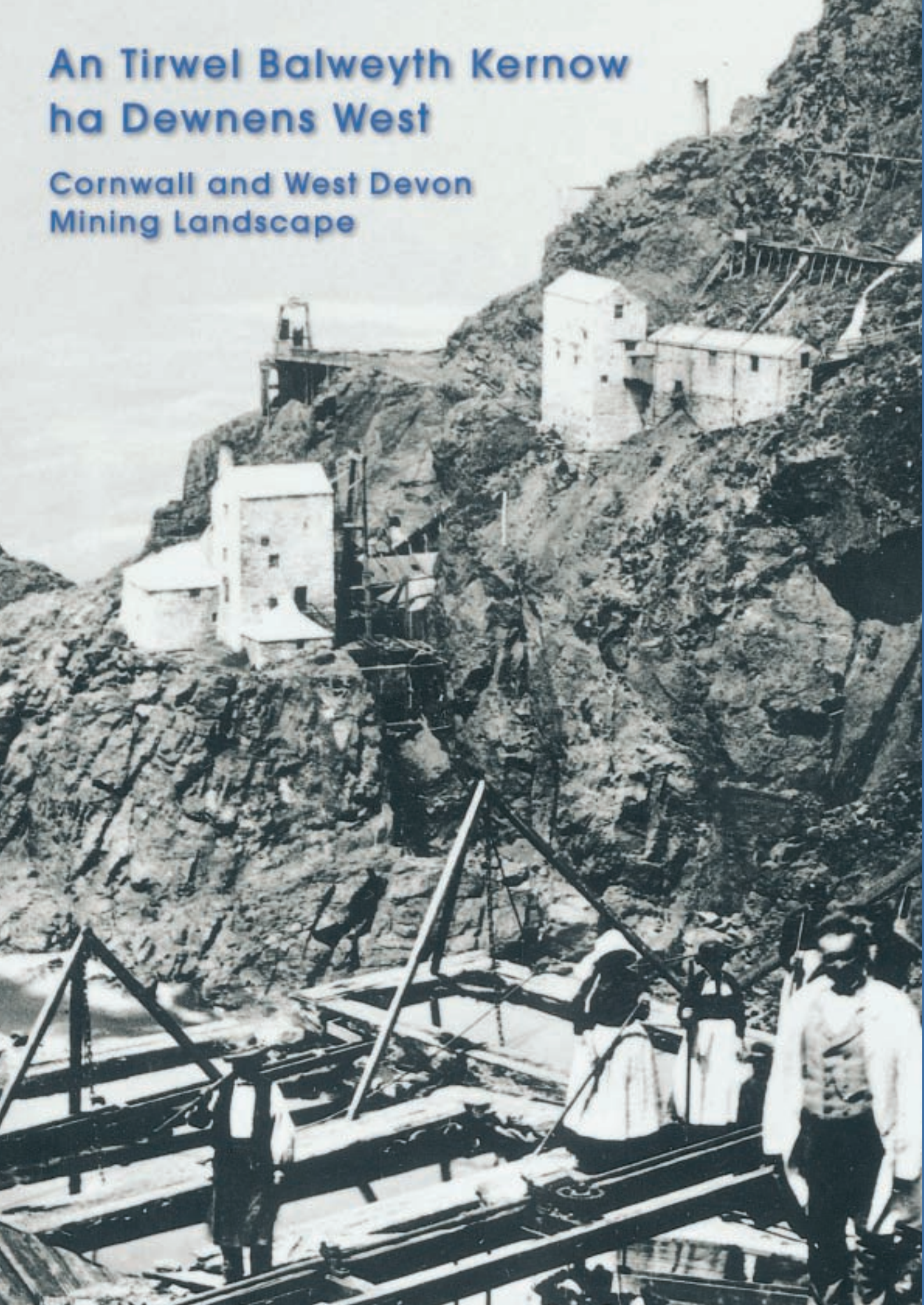
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An Tirwel Balweyth Kernow ha Dewnens West

Cornwall and West Devon
Mining Landscape



Cornwall Enterprise

**CORNISH MINING WORLD HERITAGE SITE BID
ECONOMIC IMPACT ASSESSMENT**

Final Report

June 2003



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SUMMARY

Introduction

This study assesses the economic impact of the proposed Cornwall and West Devon Mining World Heritage Site (WHS), which consists of nine specific hard rock mining areas from the Tamar Valley in the east to St Just in the west. Cornwall and West Devon are on the UK Government's WHS tentative list and it is planned that the area will be inscribed in 2005/6.

The key elements of the study are:

- **The Baseline.** This establishes the current situation in Cornwall and West Devon in terms of the volume and value of tourism primarily motivated to make a trip to the area because of mining heritage. It also establishes the extent of mining conservation activity in the area, and provides a set of socio-economic profiles of the mining areas making up the WHS bid.
- **Predicting Change.** The future economic impact will stem from the changes to the current situation brought about by WHS inscription.

The study also includes an assessment of the use of mining heritage attractions and facilities.

Note that this study represents the first phase of a wider piece of research. Other elements still in place at the time of writing include further exploration of the relationship between visitor holiday planning and mining heritage.

Findings

Baseline

The mining areas differ considerably in size, population and economic characteristics, and with differing opportunities to develop any further visitor activity as a result of WHS status. Particular opportunities are identified for the Tamar Valley along with the urban areas of Tavistock and particularly Camborne and Redruth to receive more day and staying visitors throughout the year. Some of the other areas are either near capacity in tourism terms (particularly in the peak season) or are without the infrastructure necessary to properly develop opportunities.

There are an estimated annual 739,000 staying visitors and 1,913,000 day visitors for whom mining heritage is very or quite important in planning their visit. These figures should be seen in the context of the estimated 6.7 million staying trips every year to Devon & Cornwall (78% of the overall total number of visitors to the area) motivated by conserved landscape. They may also be seen in the context of the estimated 1.5 million annual visits to museums in Devon and Cornwall and the 870,000 visits per year to the identified mining heritage facilities in the study area (with the 870,000 forming 6.6% of the total leisure day and holiday staying visitor numbers to the study area). It is likely that the number of visitors considering mining heritage very or quite important is larger than those visiting the identified mining heritage sites because of informal or formal use of other sites in the wider study area – for example the wider network of mining remains evident on the South West Coast Path.

Of the £904,653,000 total expenditure by staying and day visitors to Cornwall and West Devon, it is estimated that £54.2 million (6% of the total) is by visitors who considered mining heritage to be very important in planning

their trip. In addition, £64.5 million (7% of the total) is drawn from visitors who considered mining heritage quite important in planning their trip. The combined visitor expenditure related to mining heritage is estimated at £118.7 million. Visitors considering the mining heritage distinctiveness of the area in their holiday planning are part of the wider group of visitors motivated by conserved landscapes. The visitor expenditure is estimated to directly support 2,672 FTE jobs in visitor facing businesses, and a further 1,226 FTE "indirect" jobs through multiplier effects.

Forty seven mining conservation businesses were identified with an estimated 119.6 FTE jobs directly supported through conservation of mining heritage assets. This compares fairly closely with an estimate of 96 FTE jobs supported per year on average through 29 identified mining heritage conservation projects.

Predicting Change

Regional tourism forecasts have a target 40% increase in visitors from 1999 to 2010, although at the time of writing new forecasts are being prepared. Visitor activity growth as a result of WHS status will be part of the tourism development needed to realise this target. There are a growing number of additional short holidays, and consumers increasingly looking for distinctiveness and authenticity, which offers opportunities for heritage facilities. However, in addition to mining heritage, there are other high profile attractions in the study area looking to draw new visitors.

Other WHS destinations have had varied impacts from inscription, with impacts dependent on existing visitor profile and importantly, the weight of resources used for marketing. Partnerships within the Cornwall and West Devon Mining Landscape WHS have begun plans for marketing; with a likely campaign spend of up to £500,000 over three years (although this is still in discussion). This activity will commence in the year preceding inscription although the main effort will be used to support inscription and the immediately following period. This investment is in addition to the tourism capital projects, infrastructure projects and other product and people investment required to deliver the experience to visitors once in the area.

The review of the evidence from other WHS destinations, tourism and economic development professionals in the area and the likely impact of the marketing campaign indicates that there will be a 10% increase in the 739,000 staying visits and 1,913,000 day visits currently related to mining heritage. This will include the impacts of extra trips to visit mining heritage attractions and facilities as well as others motivated to visit because of the increased attractiveness of the area through its WHS status. This increase is likely to peak in 2007 (at the culmination of the supporting marketing campaign).

The visitor activity relating to mining heritage will have a less seasonal pattern than traditional holiday tourism. Subject to the marketing messages, it is likely that the most apparent benefits will be those places with a less developed tourism profile, such as Camborne-Pool-Redruth, Tavistock and the Tamar Valley. In addition, the overall situation will be blurred by the impact of other landmark developments, changing trends in the pattern of tourism and a host of other possibilities outside the influence of the agencies concerned with WHS status (such as terrorism, economies, exchange rates etc.).

The combined visitor expenditure will rise as a result of the increased visitor numbers generated through WHS inscription and associated marketing support; from £118.7 million in 2000 to £120.8 million in 2005 and £124.2 million in 2010. The employment directly supported in visitor facing businesses through this expenditure will rise from 2,672 FTE jobs in 2000 to 2,716 FTE jobs in 2005 and 2,794 FTE jobs in 2010. When multiplier effects are included, the FTE jobs supported rises from 3,898 in 2000 to 3,962 in 2005 and 4,075 in 2010.

Proposed expenditure by 33 future mining heritage conservation projects in Cornwall and West Devon totals £59.4 million. This is estimated to directly support an average of 214 temporary jobs per year to 2010, amounting to 330 FTE jobs per year when multiplier employment is included.

The table below indicates the forecast change in total employment (i.e. direct and indirect) from 2000 to 2010.

Direct and Indirect FTE jobs supported through mining heritage in Cornwall and West Devon

Activity	2000	2005	2010
Mining Heritage Related Tourism	3,898	3,962	4,075
Mining Heritage Conservation	185	330	330
Total	4,083	4,292	4,405

It is possible to express the employment estimates in terms of jobs safeguarded and jobs created. In total, 4,083 FTE jobs are safeguarded (i.e. the baseline) and 209 FTE jobs are created by 2005 and 322 FTE jobs created by 2010. The jobs created arise through the estimated increases in employment supported as a result of increased visitor and mining heritage conservation activity.

Wider Impacts

In addition to the economic outputs forming the core of this study, it is apparent that there are a number of other impacts from the WHS bid. These will include:

- Social and community benefits through improved civic pride, leading to a virtuous circle of increased private investment
- Environmental benefits through multiple reuse of brownfield sites
- Complimentary fit with other tourism and leisure provision
- Branding of the area as internationally significant, with likely wider inward investment benefits
- Benefits from the use of the WHS brand in marketing by public and private sector
- Providing a theme and structure to a fragmented set of attractions and other facilities enabling cohesive and effective joint action
- Local business opportunities prompted through economic reuse of converted historic buildings

- Generation of intellectual capital in Cornwall and West Devon, building capacity in the area and providing export opportunities
- Direct employment within the WHS Implementation Project

The study has uncovered no evidence that the conservation of mining heritage has constrained economic development in the study area.

Further details on the methodology and findings can be found in the main body of the study, with supporting evidence in the appendices.

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1 INTRODUCTION

1.1 Atlantic Consultants were commissioned by Cornwall Enterprise in September 2002 to undertake a study of the Economic Impact of the proposed World Heritage Site (WHS) inscription for Cornish Mining Heritage.

1.2 The study has been directed by a steering group comprising

- Jeanette Ratcliffe, World Heritage Site Bid Project
- Nicholas Johnson, Cornwall County Council Historic Environment Service
- Steve Crummay, Cornwall County Council Environmental Programmes Service
- Georgina McLaren, Cornwall Enterprise
- Carol Wilson, South West Regional Development Agency
- Garry Elderbrand, Government Office For the South West
- Carol Proctor, Heritage Lottery Fund
- Deborah Smith, Cornwall Tourist Board
- Lesley Garlick, Devon County Council
- Bernice Keith, The National Trust
- Jan Clarke, Trevithick Trust
- David Stuart, English Heritage

Objectives

1.3 The brief sets out the objectives for the study. The single main purpose is to quantify the potential economic impact for Cornwall and West Devon having their historic mining landscapes inscribed a World Heritage Site, with the full range of economic benefits identified. Within the overall objective, the study:

- Establishes baseline data relating to the current benefits from mining heritage
- Establishes the likely impact of inscription
- Estimates the corresponding change in economic benefits.

- 1.4 The study operates on two geographical levels:
- Across the whole of Cornwall and West Devon (the 'wider' area likely to be affected by WHS inscription)
 - Separately for each of the nine identified mining areas (defined to district/ward level)
- 1.5 In addition to the changes simply brought about by inscription as a World Heritage Site, the study includes estimates of the impact from the planned related projects, such as projects aimed at consolidating/enhancing the physical remains of mining and related sites, as well as improving public access and interpretation.
- 1.6 Note that this study represents the first phase of a wider piece of research. Other elements still in place at the time of writing include further exploration of the relationship between visitor holiday planning and mining heritage, through a larger scale visitor survey during the spring, summer and early autumn 2003. It is proposed that some of the findings detailed in this study are revisited following the availability of this new survey information.

World Heritage Sites

- 1.7 The WHS list is a product of the *Convention Concerning the Protection of the World Cultural and National Heritage*, signed by more than 170 countries. These sites are distinct from sites with national accolades in that they are recognised as having international interest and constitute a world heritage which the international community as a whole has an obligation to protect. Nominations come from prospective site's own countries, with the World Heritage Committee meeting annually to assess them. The assessment includes consideration of independent evaluations from the International Council on Monuments and Sites, and the World Conservation Union.
- 1.8 There are 730 sites inscribed on the World Heritage List by the UNESCO World Heritage Committee. The majority of these are cultural, with the remainder natural or mixed sites. Cultural heritage refers to monuments, groups of buildings and sites with historical, aesthetic, archaeological, scientific, ethnological or anthropological value – such as the Cornish and West Devon mining sites
- 1.9 Within the UK there are 24 World Heritage Sites in total, three of which are in the South West – Stonehenge/Avebury and Associated Sites, City of Bath, and the Dorset and East Devon Coast. Industrial Heritage is common to a number of the UK's World Heritage Sites, such as the Derwent Valley Mills, the Blaenavon Industrial Landscape and the Ironbridge Gorge.

Cornwall and West Devon Mining World Heritage Site Bid

- 1.10 In recognition of the high value it places on Cornwall and West Devon's mining heritage, in 1999 the UK Government included it in its Tentative List of 25 sites that it would like to see submitted to UNESCO for World Heritage Site status over the following 5-10 years.

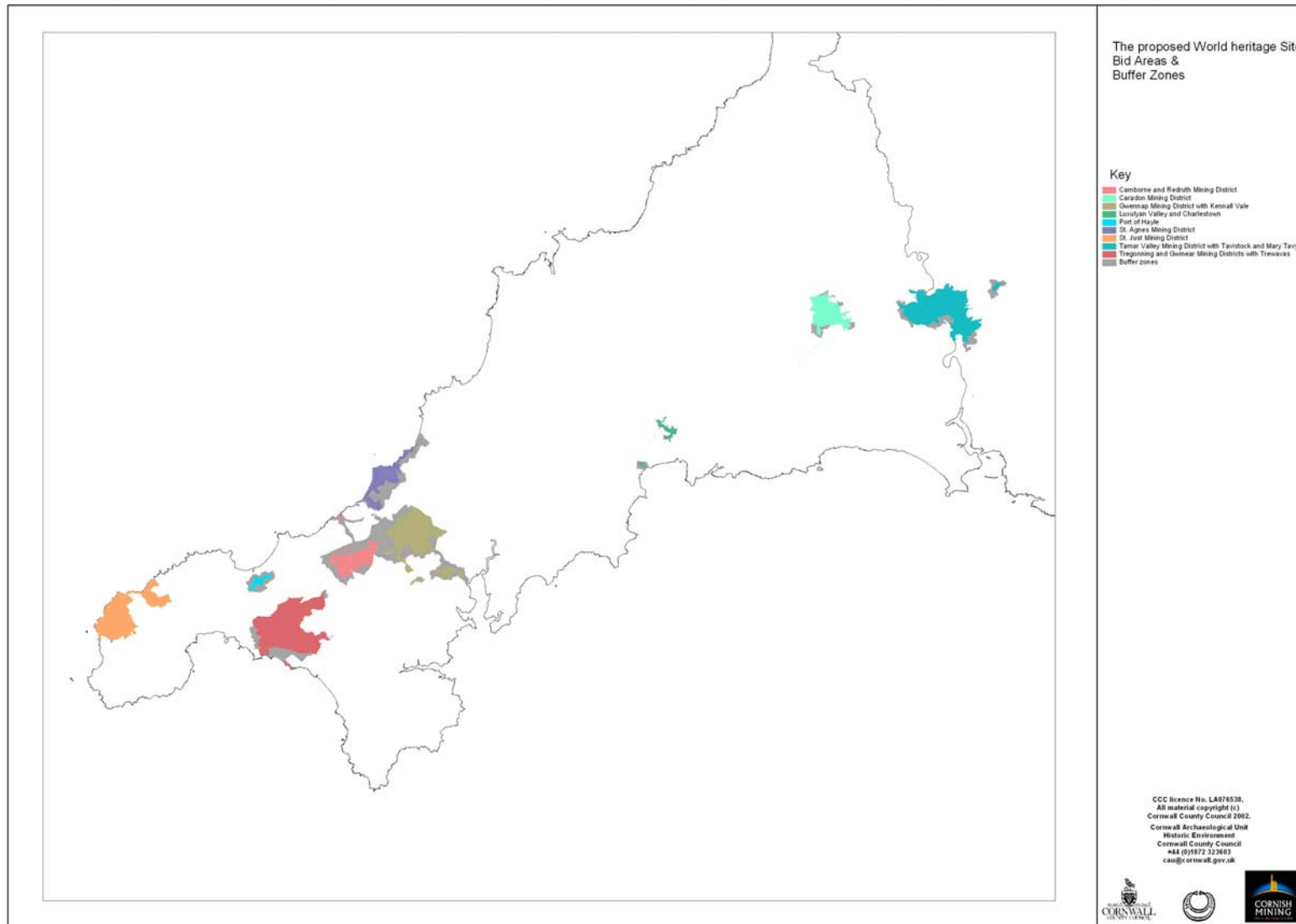
- 1.11 The term Cornish Mining is used in this context to denote the physical remains of hard-rock mining in Cornwall and the area of West Devon that historically formed part of the Tamar Valley mining area.
- 1.12 The case for WHS status (as presented in the Tentative List) is based on the following five characteristics.
- The suite of minerals in the Cornubian ore field, with 440 species out of a worldwide total of some 3,300.
 - The part played by Cornish miners, adventurers, and engineers between 1800 and 1860 in the development of steam technology and mining technology throughout the world, including Trevithick's steam engines, the use of coal gas for lighting, Davy's safety lamp and Bickford's mining safety fuse.
 - The survival of the mining landscape and its associated industrial concerns, urban development, rural settlements and miner's small holdings, great houses, parks and gardens, mineral railways and mineral ports.
 - The comprehensive character of the statutory protection, conservation and long term management measures covering this wider historic mining landscape now in place and presently in progress.
 - The existence of a well documented Cornish mining diaspora of mining sites (physically similar to mine sites in the region) and Cornish people. This is particularly well represented today in South Australia, and the United States of America. In addition there are particularly well preserved mining sites in Mexico, the Virgin Islands and Spain.
- 1.13 The Cornish Mining World Heritage Site Bid Partnership has the responsibility for putting together the bid for Cornish Mining on behalf of the UK Government. The Bid project, which is being delivered by Cornwall Archaeological Unit (part of the Historic Environment Service of Cornwall County Council) on behalf of the Partnership, represents the detailed process of compiling the Cornish Mining WHS Bid. The end result will be the nomination of the Cornwall and West Devon Mining Landscape for World Heritage Site Status.
- 1.14 The Cornish Mining WHS Bid project is a technical study that involves the creation of an electronic database of mining and mining-related remains and the preparation of the two Bid documents required by UNESCO - a Nomination Document (which provides the justification for why the site should be inscribed) and a Management Plan (which sets out its current and future management). It also includes a baseline study of the economic benefits accruing from the proposed World Heritage Site – which is the subject of this study.
- 1.15 In addition to the production of paper reports, the project results are being disseminated via a dedicated web site and by providing copies of the GIS mapping generated to project partners.

- 1.16 The project commenced in April 2001 and the nomination documents will be deposited with the Secretary of State for Media, Culture and Sport, for submission to UNESCO by 1st February 2004. This would allow it to be considered for inscription by the World Heritage Committee in June 2005.
- 1.17 Project progress is monitored by an Officer Working Group (made up of officers from the organisations providing the matched funding for the project, and from a number of other organisations that have a key role in the WHS Bid process), and by the Cornish Mining WHS Bid Partnership (comprised of representatives from the wider range of organisations that have an interest/involvement in the bid process). The project is also informed by Technical and Area Panels made up of experts in mining history, conservation, planning and economic regeneration.
- 1.18 The Cornish Mining WHS Bid is being funded by the Cornwall and Isles of Scilly Objective One Programme, with matched funding from English Heritage, The National Trust, Tamar Valley AONB, all local authorities in Cornwall and West Devon and the South West Regional Development Agency.
- 1.19 As an Objective One project it contributes to the objectives set out under Priority 5 (Regional Distinctiveness) in the Single Programming Document and Programme Complement. It contributes directly to Measure 5.2 (Enhancing and Developing the Public Product) as a 'feasibility and technical study to develop a strategic approach to public product investment'. The WHS Bid is also contributing to the Programme's three cross-cutting themes of Environment, Equal Opportunities and Information Society.
- 1.20 The Cornish Mining WHS bid is a serial nomination comprised of separate areas centred on the main mining districts. Following research into the history and significance of Cornish Mining and GIS mapping of its total landscape impact across the whole of Cornwall and West Devon, initial draft boundaries were defined. During the course of this study these boundaries have been adjusted and at the time of writing there is continued debate about which areas will eventually form the eventual bid.
- 1.21 These boundaries are currently being refined through discussion with Area Panels (comprised of local authority planning, conservation and economic regeneration officers, elected members, major landowners, statutory agencies, and local mining experts), English Heritage and ICOMOS UK (the UK arm of the International Council on Monuments and Sites – UNESCO's official advisor on World Heritage Sites).
- 1.22 The areas forming the WHS bid are:
- St Just Mining District
 - Port of Hayle
 - Tregonning and Gwinear, with Trewavas
 - Camborne and Redruth Mining District
 - Gwennap Mining District, with Kennall Vale

- St Agnes Mining District
- Luxulyan Valley and Charlestown
- Caradon Mining District
- Tamar Valley with Tavistock and Mary Tavy

1.23 Please note that there is discussion about whether Mary Tavy should be part of the bid and in addition, the Carnmenellis and Porkellis area has been part of the discussion and may be included. The profile and socio economic analysis therefore includes both these two mining areas.

1.24 During the course of this study the definition of the WHS bid areas has continued to evolve and therefore some of the profile and socio-economic information considers a number of sub areas which together form the nine mining areas and the one potential mining area noted above.



2 METHODOLOGY

Introduction

2.1 This section sets out the methodology used for the three key stages of the study:

- Establishment of the baseline
- Predicting the likely future direct effects of WHS inscription
- Modelling the indirect effects

2.2 This section therefore provides a foundation for further sections of this study

Study Approach

2.3 The whole study is set in the context of WHS milestone dates - 2000 (when the bid was launched), 2005 (the likely date for inscription) and 2010 (a reasonable period after inscription, when the effects - both "outputs" and "impacts" - should be apparent).

2.4 A key part of the methodology is the assessment that most key economic outputs and impacts resulting from WHS inscription are likely to arise through two key sectors:

- "tourism" spend, by visitors to the Study Area motivated in some way by interest or the attractions of mining heritage
- "conservation" spend through projects and agencies seeking to protect and enhance the sites, buildings, structures, etc. which form the mining heritage within the WHS Areas

These sectors of spend will contribute to the overall scale of the Cornwall and West Devon economy, to the turnover of businesses within the area, and to employment of local residents. To these can be added some other spend, as discussed below.

2.5 The scale of spend through visitor activity is likely to be by far the largest single economic impact of mining heritage and WHS inscription. The study has therefore devoted significant effort to scoping and developing the methodology for assessing this impact and the changes which may occur as a result of WHS inscription.

2.6 It is important to acknowledge that the mining heritage of Cornwall and West Devon which is encapsulated in the WHS bid forms an essential part of the overall environment, history and cultural distinctiveness of the area. It is impossible to divide that heritage and the physical evidence of it from the other facets of the environmental quality and attractiveness of the Cornwall and West Devon. Nonetheless it is apparently true that at least some visitors to Cornwall are not significantly motivated by heritage, landscape or cultural issues. The study therefore does not start from a position that all visitors – and the economic impacts which flow from them – can be attributed in some way to mining heritage. The critical challenge for this methodology is to find an approach which fairly represents the significance

of mining heritage to the economy of the area; then to assess the specific value, or the increase in value of mining heritage, which will arise as a result of WHS inscription.

2.7 The methodology is developed in three parts:

- Baseline – in which the current economic value of mining heritage to the economy of Cornwall and West Devon is assessed; and other relevant factors are quantified
- Predicting Change – in which the direct impacts of WHS inscription are assessed through a range of research methods, to quantify the change in the economy which will result from inscription
- Indirect Impacts – in which the impacts which will arise as a result of direct impacts are discussed and a methodology included.

Baseline

2.8 The first part of the study is an assessment of the current situation in Cornwall and West Devon, with particular reference to the overall visitor activity relating to mining heritage, and to mining heritage conservation projects.

2.9 The focus of the work is an assessment of the proportion of total visitors to the Study Area who are primarily motivated by mining heritage. This is developed by comparison of the total numbers and spend of all holiday visitors with data from a survey investigating visitor interest in mining heritage.

2.10 The level of visitor interest in mining heritage attractions and facilities is also explored. The role of this element of the study is to assess the scale and distribution of visitors actually using mining heritage sites. The numbers derived can be compared with the above figures for overall numbers of visitors whose visits to the area may be interested in mining heritage.

Predicting Change

2.11 The future economic impact of the Cornwall and West Devon Mining Landscape World Heritage Site inscription may be considered as expressed in the following formula:

Economic Impact = Existing activity x Spend x Change in activity resulting from WHS Status
Within this relationship, the *Existing Activity* and *Spend* is established in the Baseline.

- 2.12 The *Change resulting from WHS Status is estimated by combining several perspectives:*
- i) through the analysis of the available evidence from other WHS sites and the changes they have experienced;
 - ii) from the views of tourism and economic development professionals within key agencies (who have been involved in developing and implementing relevant initiatives and assessing impacts); and
 - iii) an understanding of the product development and marketing plans to exploit future WHS status.

Other Considerations

- 2.13 As noted above, it is apparent that mining heritage is an integral part of the distinctiveness of Cornwall and West Devon, and is part of the total environment of the area. *Valuing Our Environment* (National Trust 1998) noted the importance of the conserved landscape in motivating visits to the region (with 78% of visits motivated by conserved landscape, defined as the managed rural environment). In Cornwall and West Devon, mining remains are very much part of the conserved landscape and therefore on this basis, the visits motivated by mining heritage will form some part of the 78% of all visits to the area motivated by conserved landscape (although clearly the landscape motivation will include a range of scenery types from wilderness to the results from human activity). However, this methodology seeks to discriminate further in assessing the specific contribution which mining heritage makes to visitor interest in the area.
- 2.14 The Regional Tourism Forecasts (2001, South West Tourism) predict a target 40% increase in the volume of staying trips between 1999 and 2010, although these forecasts are being reviewed at the time of writing). These forecasts indicate that for this increase to take place there will need to be substantial product and marketing development across the area, and in many different facilities and activities. The tourism benefits estimated in this study to arise because of WHS inscription will be part of the necessary growth needed to meet the target forecasts, rather than being *in addition* to these forecasts. We should not expect mining heritage to achieve all of that 40% increase or even to benefit from a fixed proportion of it. Mining heritage and WHS inscription will need to play its part in achieving that target; and we must estimate the scale of its impact through other methods.
- 2.15 As indicated above, part of the study investigates new mining heritage projects, which will increase the capacity and range of opportunities for mining heritage tourism in Cornwall and West Devon. This will have a direct impact on activity at a local level, although it will not necessarily have a direct relationship with overall numbers of visitors motivated by mining heritage to the wider Cornwall and West Devon study area. We need to assess the impacts at both scales, and to compare the two.

Baseline

- 2.16 The brief directs that the baseline have the following contents:
- Socio-economic Profiles

- Economic Contribution of Visitors
- Mining Heritage Conservation

Socio-economic Profiles

- 2.17 The specific mining areas making up the WHS bid are not drawn around standard administrative areas, but instead are based around the distribution of significant mining remains. This has had to be reconciled with the availability of the data required to provide the statistical basis for the socio-economic profile. The principle followed is that the impacts of inscription will extend into the wider area. This principle reflects the approach of the conservation generated WHS 'buffer' zones around the core areas.
- 2.18 Therefore an exercise has been undertaken as part of this study to fit the specific mining areas into the mosaic of administrative "wards" for which statistical data are available. Wards are the smallest geographical area for which the majority of the relevant official, reliable, comparable and replicable data is available. Therefore if a mining area extends into any part of a ward then the ward is included – unless the incursion of the mining area is minimal, such as less than five buildings. The wards used for each of the mining areas are noted in the relevant profile.
- 2.19 Alongside the quantitative description of each area developed through ward data, a qualitative assessment was undertaken, through site visits and surveys. This process was used to confirm the characteristics of the settlements within the area and the existence of particular attractions, facilities and businesses in the area. It provides a basis on which to assess the ability of each of the areas to absorb extra visitor activity and to assess economic change over time.
- 2.20 Note that this section of the work includes the Carnmenellis and Porkellis area, and the Mary Tavy sub-area. These areas are currently under discussion and it is not yet clear whether they will be part of the bid or not.
- 2.21 Area profiles are provided in the Appendix to this report.

Economic Contribution of Visitors

- 2.22 There are two elements to this sub-section. The first deals with visitor use of the wider Cornwall and West Devon study area, and the second looks at the use of mining heritage attractions and facilities. While almost all of the mining heritage attractions and facilities are within the specific areas, they are complemented by some other facilities, most notably the principal archives and records offices. These are included within this assessment. While both of these elements form important components of the study, in assessing the economic impacts the visitor use of mining heritage attractions and facilities has been judged to be a sub-set of the mining heritage use of the wider Cornwall and West Devon study area. This principle is important in terms of avoiding double counting.

Visitor use of the Study Area

- 2.23 Information on the use of the wider Cornwall and West Devon study area was obtained from published sources, particularly the *Economic Impact of Tourism in Cornwall 1998*, *Economic Impact of Tourism in West Devon 1996*.
- 2.24 The mining areas cover only part of Cornwall and West Devon. Substantial amounts of the accommodation stock and other visitor facilities will be outside the individual areas. Therefore while the assets within the identified mining heritage areas may be used to motivate new trips to the sub-region, much of the economic benefit will accrue to locations in the wider study area.
- 2.25 When considering the mining heritage visitor use of the wider study area, business trips, visits to friends and relatives and 'other' trips are excluded from the total of staying visitors (from *Economic Impact of Tourism in Cornwall 1998*, *Economic Impact of Tourism in West Devon 1996*). The day visitor estimates from these studies are all leisure visits, and so are included.
- 2.26 Pilot survey work has been used to assess the importance of mining heritage in the planning of leisure trips to the Cornwall and West Devon study area. A separately commissioned survey was undertaken by Cornwall Enterprise at 17 visitor attractions across the study area, specifically to inform this study. The attractions included a variety of sites, and the analysis separately considered mining heritage and general interest visitor sites in order to form views about 'typical visitors' (i.e. those at general interest sites) and those whose presence at mining attractions already indicated some pre-disposition towards mining heritage. A self completion questionnaire was distributed to visitors entering the attraction, with encouragement from the front of house staff to complete and return it. The topics covered included awareness of mining heritage and the importance of mining heritage in planning the holiday/day trip.
- 2.27 It is important to recognise that the survey was a relatively small scale exercise which has a significant influence on the final estimates prepared and results of the survey should be verified or tested if possible. Further and larger scale survey work is planned for 2003 to test the pilot findings. Nonetheless, the pilot survey work is the only evidence currently available to provide a view on the importance of mining heritage. This study also considers other approaches to estimating visitor numbers and economic impacts to provide alternative perspectives on these issues.
- 2.28 The survey work indicates that 8% of the visitors to general interest attractions considered mining heritage to be very important in planning their trip. A further 19% considered mining heritage to be quite important. There was almost no difference between day and staying visitors amongst "typical" visitors.
- 2.29 The timing of the pilot survey work raises questions about its application to year round estimates of the volume and value of visitors. The Cornwall Holiday Survey 2001 and other evidence indicates that peak season visitors (June, July and August) are more interested in beaches and weather, and less interested in other visitor activities. The pilot survey work was undertaken solely in the autumn 2002, when visitors are less likely to reflect the peak season interest in beaches and weather. The pilot survey is therefore likely to over represent interest in mining heritage. It is therefore considered that the pilot survey overestimates the proportion of visitors across the whole year who are interested in mining heritage.

- 2.30 Therefore the proportion judged to be primarily motivated by mining heritage is adjusted downwards. The Cornwall Holiday Survey identifies differences between peak and shoulder season scores for natural environment and for interests/hobbies. This suggests that the adjustment should be to reduce the estimated importance of mining heritage importance to three quarters of the survey findings. This gives an adjusted proportion of 6% of leisure visitors to Cornwall and West Devon considering mining heritage to be very important in planning their trip, and 14 % considering it to be quite important.
- 2.31 As this study seeks to provide a quantitative economic assessment of the effect of mining heritage, the outputs of this pilot survey need to be used to judge what proportion of the overall leisure visitor spend in the study area should be considered to be related to mining heritage. The approach taken in this study has been to include all the trip expenditure by those who consider mining heritage to have been very important in planning their trip (i.e. all of the expenditure by the 6%). For those who considered mining heritage to be quite important, it is clear that there is a significant effect from mining heritage in the trip planning process and therefore half of the spend by this group will be included (i.e. half of the expenditure by the 14%).
- 2.32 The study process has revealed other information which may be used to corroborate the pilot survey work (the basis for these figures is discussed in section 4 of the report). The total estimated staying visitors to the wider study area totals 3.6 million holiday trips, plus an estimated 9.4 million day visits from home – a total of 13 million. The total estimated visitor use of the identified mining attractions and facilities is 867,482, which forms 6.6% of the total visitor numbers. This is the same order of magnitude as the 6% who indicated that mining heritage is very important in planning their visit. Within this there may be issues about the different propensity of day and staying visitors to use local attractions. Nonetheless, on a broad scale, this evidence does provide some substantiation of the scale of mining heritage in influencing visitor behaviour.

Visitor Use of Mining Heritage Attractions and Facilities

- 2.33 Information on the use of mining heritage attractions and facilities, along with information on the profile of visitors was sought through a process of research using contact with 17 of the facilities and review of published sources (particularly the Survey of Visits to Attractions, South West Tourism).
- 2.34 Visitor "type" has an impact on the amount of average expenditure (on and off site) per visit. Most of the visitor facilities have not been able to provide indications of the type of visitors received. Where information exists, this has been used. Where it is unavailable the average profile of visitors to National Trust properties in the South West has been used; 70% staying visitors and 30% day visitors (*Valuing Our Environment*, National Trust 1999). This has been used in preference to the breakdown of staying and day visits to the overall study area, which indicates that 32% of visitors will be staying away from home, with the rest day visits from home (Economic Impact of Tourism in Cornwall 1998, Economic Impact of Tourism in West Devon 1996). While the latter breakdown will adequately represent the pattern of all visits to the overall study area, it is felt that day visitors from home are less likely to visit attractions and therefore the National Trust study is more useful in this part of the study.

- 2.35 Visitor expenditure will take place both on and off the site of a mining heritage facility. In practice a significant amount of off-site expenditure would have taken place irrespective of the existence of mining heritage attractions. The pilot survey work commissioned separately by the WHS Bid Project indicates that 14% of those at mining heritage attractions considered mining history very important in planning their visit and 31% considered mining history fairly important. The approach taken here is to apportion daily spend based on the assessment of mining heritage importance. The 14% considering mining heritage very important in planning their trip have all their spend included, and the 31% considering mining heritage quite important have half their spend included. Thus 30% (i.e. $14\% + (31\%/2)$) of the on and off site daily spend associated with mining heritage attractions is actually driven by mining heritage.
- 2.36 Not all the attractions and facilities identified have an exclusive mining heritage role. While most of the facilities identified as part of this exercise are unambiguously mining heritage facilities, some have a broader appeal. In assessing the mining heritage impact, the whole annual visitor number for the full mining heritage attractions have been used, while half the numbers visiting the broader facilities have been used. This is based on the relatively high awareness of mining heritage (as noted in the survey work) against the variety of reasons to visit facilities. The exception to this approach is for visits to archives and records offices, where consultations indicate that 10% of use relates to mining heritage, and the estimated 67% of trail use by day visitors from home tasks (*Economic Impact of the Overall Mineral Tramways Strategy*, Groundwork Kerrier 1996). Judgements on whether facilities are wholly or partially mining heritage have been made through the consultation process.

Mining Heritage Conservation

- 2.37 The Baseline includes three elements relating to Mining Heritage Conservation:
- Mining Heritage Projects
 - Mining Heritage Contractors
 - Other Businesses Supported
- 2.38 There is a degree of overlap between the elements listed here. In particular the information on the employment supported through expenditure on mining heritage conservation projects is essentially another view on the employment by mining heritage contractors. This approach was taken specifically to give the opportunity to compare the findings from each of these approaches. Additionally, the employment in some of the other businesses supported is likely to be supported through visitor expenditure, and so while it is useful to identify, to avoid double counting it cannot be added back into the overall totals.

Mining Heritage Projects

- 2.39 There have been a number of projects seeking to conserve mining landscape remains and to improve access and conservation. Many of these have been undertaken by a limited number of bodies, particularly Local Authorities, the National Trust and the Trevithick Trust, but also other organisations.

- 2.40 Data on previous projects was collected through contact with lead officers and through records. Some of the projects were able to indicate the temporary construction jobs supported. For those that were not able to provide this information, cost data has been combined with estimates of the labour cost content of the tasks (*Economic Impact of the Overall Mineral Tramways Strategy*, Groundwork Kerrier 1996), and the average wage rates for the construction industry in the region, £16,214.64 p.a. (2000 *New Earnings Survey*) in order to arrive at estimates of employment supported.
- 2.41 The *Economic Impact of the Overall Mineral Tramways Strategy* used evidence from mining heritage projects to determine the labour cost content of different types of project, and these assessments have been used to estimate the payment to labour. In addition, those projects which include an element of property acquisition have had the costs amended.

Mining Heritage Contractors

- 2.42 Mining heritage contractors have been defined as being on the tender lists for mining heritage conservation projects in Cornwall and West Devon. An overall list was compiled from the tender list of a number of consultees, and these firms were then contacted to find out the necessary data.

Other Businesses Supported

- 2.43 A limited exercise has been undertaken through observation, consultation and some business contact to identify other businesses supported by mining heritage. This has included café's, specialist publishers and walking tour operators.

Predicting the Likely Future Direct Effects of WHS Inscription

- 2.44 A range of information has been gathered to inform a review on which to base prediction of the effects of WHS inscription:
- Review of studies covering tourism trends and forecasts
 - Review of other projects and studies around the theme of heritage, environment and mining heritage
 - Review of the other five WHS sites in the UK specifically based on industrial heritage, as well as two other relevant UK WHS sites. This has offered useful evidence, despite the very varied circumstances of the different sites
 - A series of consultations with tourism and economic development professionals in key agencies. While consultees were not able to call upon much direct WHS experience, together the consultations were able to draw upon experience of a wide range of relevant initiatives and impact assessments
- 2.45 It is clear that a key component of the impact of WHS status is marketing. As with other visitor market "products", the scale and quality of marketing activity can have a very significant impact on the quantity

and nature of impacts achieved. The scale of impact of WHS inscription could range from very small to very substantial, depending on the marketing effort which surrounds inscription. Unfortunately for this study, consideration of a strategy for marketing the WHS is at a very early stage, so a view has been taken as to the likely effect of marketing on visitor numbers, based on the current marketing plans and ambitions.

Economic Impact

2.46 Estimating economic impacts needs to include two broad areas:

- Direct Impacts
- Indirect Impacts

2.47 *Direct Impacts* arise directly as a result of the volume and value of visitor activity and mining heritage conservation activity. Spend into the local economy from these activities will result in turnover and jobs in businesses, such as hotels, attractions, shops etc., and in construction companies. While some of the information needed to assess these impacts can be collected through straightforward counts of actual activity, other elements can be very difficult/expensive to collect at the local level.

2.48 *Indirect Impacts* relate to the expenditure of those businesses and employees which are affected by "direct" impacts. These businesses and employees spend a proportion of their increased income in the local economy, which in turn adds to turnover and employment – "indirect" impacts on the local economy. An injection of expenditure into an economy will re-circulate a number of times until it 'leaks' out through import of goods or services. This re-circulation is often known as a 'multiplier effect', with the scale of this multiplier effect a function of the self-sufficiency of the economy concerned. At a local level, leakages will be affected by the type of location (with more leakages from rural areas than urban areas) and by the geographical size of the area (with more leakages from smaller areas than larger areas).

Processes

2.49 During the course of the study a number of processes have been reviewed to assess their usefulness in estimating Indirect Impacts:

- South West Input Output Model, from Plymouth Business School
- Input Output modelling of the Devon and Cornwall economies by Owen Nankivell
- Cambridge Economic Impact of Tourism Model
- A series of one-off studies investigating economic impact either using combinations of locally-sourced information and published information, or through one of the other modelling processes (such as the STEAM tourism model – see below).

- 2.50 The **South West Input Output Model** originally used 1995 data from a variety of published sources, backed up by a programme of primary survey work exploring the links between different parts of the region's economy. Since that time further development work has been undertaken (using data for 1999 and with the tourism spending vectors now considerably developed) and the model is now used as a major element of the Regional Observatory Business Economy Module, providing regional accounts under the name **econD**. The regional accounts are based upon 123 industries, although the overall package is still in development. However, the model behind the regional accounts can be used to provide information down to a Devon and Cornwall level, which can, for example, be used to assess the impact of different scenarios. It has been used for scenario assessments such as the impact of Foot and Mouth Disease, and to assess the impact of particular activities, such as the museum sector in the South West.
- 2.51 The **Input-Output modelling of the Devon and Cornwall economies** by Owen Nankivell is based on estimates from published information, treating Local Authority districts as separate 'countries'. Within the South West, the process started in Torbay and has now been undertaken for all Districts in Devon for a set of dates from 1991 to 2001. The County figure is based upon an aggregate of the district figures. The modelling is based upon 90 industries, and has also been used for scenario assessments such as the impact of FMD. Following the work in Devon, the approach is being extended to cover districts in Cornwall on behalf of the County Council, with Caradon and North Cornwall the first districts planned.
- 2.52 The **Cambridge Economic Impact of Tourism Model** uses regional and sub-regional published data on tourism supply and demand to construct relationships that can be applied to specific geographic areas. Estimates of visitor expenditure are distributed to different sectors of the economy and then a labour content analysis is undertaken (using data from a variety of published and unpublished studies) to generate employment supported, and linkage and multiplier effects. The format of the model allows easy incorporation of available local research data. Within the area covered by this study, all the Local Authority districts have had applications of the model between 1996 and 1998, and a new round of applications covering all the districts in the South west is currently being undertaken. There is a particular version of the model known as 'Prime', which can be used to assess the impact of new attraction development, although this requires prior work on estimating likely visitor numbers. The model is not designed to encompass initial expenditure through non-tourist sectors, such as mining heritage conservation or construction.
- 2.53 **One-off** and other studies have taken a tailor-made approach to typically assess the impact of a particular activity on an area. These have normally used a combination of locally gathered and published information to provide estimates. There has also been use of the Scarborough Tourism Economic Activity Monitor (STEAM) elsewhere in the South West, which models the impact of tourism activity in broadly the same way as the Cambridge Model, but is more heavily reliant on local data and is able to provide ongoing estimates throughout the year. While there has been minor use of this approach in the South West, it has a higher profile in Wales and some other UK destinations.

2.54 All of the modelling processes discussed in this section have something to offer in the context of this study:

- The Input Output models map the whole economy in terms of sectors, which allow a good contextual overview in which to place any specific sector. Additionally, because the whole economy is modelled, a more complete picture of the impacts can be built up. However it should be noted that the validity of impact estimates provided by Input Output models is dependent very heavily on the quality of data which is used to construct the model. These data must reflect the specific nature of the particular local economy being studied and should normally be developed through extensive primary surveys. A model cannot be simply adapted from one area to another, or from between different sizes of area within the same region.
- Both the Plymouth Business School and the Owen Nankivell Input Output approaches provide this wider view of the economy. As noted above, the Plymouth Business School methodology is based upon primary survey work in the South West, and this may be seen as advantageous. However, the Owen Nankivell approach is able to provide results to a Local Authority District/Unitary Authority area, which is also advantageous (although it is understood that local approximations can be made on the Plymouth model outputs). There is no available evidence from any formal comparative exercise between the two approaches, although discussion relating to different findings from both models during assessments of the impact of FMD indicated that the single major factor behind disparities was the difference in the starting assumptions about FMD, rather than necessarily model methodology.
- Neither of the two Input Output model findings are currently fully in the public domain, although the Plymouth Business School information can be accessed in part through the Regional Observatory Business Economy Module, and the extent of this access is planned to grow.
- The Cambridge Economic Impact of Tourism and STEAM models are able to estimate the volume and value of tourism, and then track the likely effects through local economies, down to local authority level. It is able to adjust findings in the light of local survey work and the methodology is relatively transparent. Furthermore, the process is regularly applied with the results in the public domain, giving access to updated figures. However, the model is not able to encompass the impact of mining heritage conservation work.
- There will always be a place for specific tailor made studies. Even with adjustments, models work best at describing average situations, and most situations are not average. Models use data from locations deemed comparable and apply this data, and this will run the risk of inaccuracy. Establishing a locally rooted information gathering process provides confidence to the users of the information and allows the incorporation of qualitative as well as quantitative information. However there can sometimes be methodological problems with local surveys, and the potential for a lack of contextual information. Additionally, tailor made studies can be more expensive.

- 2.55 This study has used information from the Cambridge Model applications in Cornwall and West Devon, as well as data from other sources (primarily the *Economic Impact of the Overall Mineral Tramways Strategy, Groundwork Kerrier 1996*) to provide a view of the impact from mining heritage conservation.
- 2.56 The current and any future applications of the Cambridge Model will provide a resource assessing the economic impact of WHS-related tourism activity. The continued Input Output work from both Plymouth Business School and Owen Nankivell will also provide a resource in the future, with the proviso that there is a need for more access to the information.
- 2.57 Consultations undertaken as part of this study indicate that there are wider issues around modelling the impact of projects, both tourism and heritage conservation/regeneration activity. European Union and other funding programmes require increasing amounts of evidence on the likely economic outputs and it is understood that a lack of such evidence will continue to hold projects back. Within these arguments it is apparent that fund administrators are responding properly to their obligations to be accountable, and to ensure that the money generates the planned impacts. Additionally, the lack of evidence does not particularly relate to the modelling of indirect effects, but instead relates to a lack of evidence from previous projects elsewhere.
- 2.58 There is clearly need for a greater level of monitoring of projects, to identify the impacts arising and to understand the specific factors that have a local bearing on the impact. It is understood that funding approval of projects is increasingly dependent on building in monitoring of impacts, and that this will be the major source of information in the future.
- 2.59 Some projects, particularly those to do with public product, continue to produce relatively little information about economic impact. This will be particularly so for the mining heritage projects that used to be funded under the Land Reclamation Programme. An option here would be to fund some innovative projects specifically as pilots, to gain suitable impact information.
- 2.60 Having considered the alternatives discussed in this section it was decided to use a multiplier approach for this study. Multipliers were sourced primarily from the Cambridge Model tourism studies and the Henley Centre construction multiplier used in the Mineral Tramways report. This approach was on the basis of availability, and fit with the data and the rest of the methodology.

Project Indicators and Outputs

- 2.61 The fourth part of the study establishes a framework for assessing future projects, in the *Measuring and Monitoring Economic Impact Framework* section. This is based on establishing desired indicators and reviewing the key funding agency priorities.
- 2.62 The consultation process included an assessment of indicators of successful progress for a World Heritage Site related project

Further Research

- 2.63 The pilot survey has provided some unique study-area wide information, which has been invaluable in preparing this report. However, some of the findings warrant further testing across a larger sample, to include the peak holiday season as well as the autumn shoulder season. Further work of this nature might use a larger sample to identify differences between those particularly interested in mining heritage in its own right, those who have relatively little predisposition towards mining heritage but are open to using facilities, and those who are averse. In particular, further research of the characteristics and attitudes of the middle group might provide information on the relationship between mining heritage and other destination elements that attract visitors. This further research might usefully include focus group research to explore the understanding and role of mining heritage in prompting visits and in altering behaviour once on holiday.
- 2.64 In considering further research it is recommended that consideration is given to building on existing research vehicles, such as the Cornwall Holiday Survey which already has a substantial sample size. It is also recommended that consideration is given to joint working with other WHS sites across the UK in order to explore awareness and motivation issues relating to WHS inscription. It is also suggested that as part of a wider monitoring process, the role of WHS inscription is tested when firms invest in new projects in Cornwall.
- 2.65 It is also recommended that further monitoring is undertaken of temporary employment supported through mining heritage conservation/construction projects. Although there is some evidence available, estimates of the cost per FTE job year vary and it would be very helpful to consolidate these estimates.

3 BASELINE DATA – SOCIO-ECONOMIC PROFILES

Introduction

- 3.1 This section of the study sets out part of the baseline from which the impact of WHS inscription can be measured. It is anticipated that WHS inscription and the activity surrounding the designation will have an impact on the economy, primarily through increased visitor and conservation activity. These baselines therefore map out the current situation in terms of the overall economic 'health' of the designated areas and the specific activity relating to the tourism and conservation activity.
- 3.2 These are discussed in detail below.

Geography

- 3.3 The boundaries of the nine mining areas and one potential mining noted in the introduction to this study have been based upon an assessment of the mining activity historically undertaken in an area, and the conservation value of the evidence remaining. These defined mining areas are therefore of varying size and may include a number of settlements of different sizes – and have boundaries relating to historic features rather than defined by physical or administrative boundaries.
- 3.4 An exercise has been undertaken to match these areas with wards in Cornwall. In most cases the boundaries are not co-terminus. Unless a particular ward only includes a very small part of a mining area, any ward wholly or part included in a mining area is included.
- 3.5 A list of the wards used and a detailed set of data is in the appendix to this report.
- 3.6 As well as the wards relating to the individual mining areas, there is also a profile of the overall Cornwall and West Devon study area.

Socio-Economic Profiles

- 3.7 A socio-economic profile has been prepared for each of the specific mining areas. This provides a picture of the local economy and community as a baseline for assessing the impact of future change.
- 3.8 The descriptive elements of the profiles have been drawn from a number of sources, including the Cornish Mining Landscape Nomination Working Draft, ONS, NOMIS and other publications. These sources have also been supplemented by a programme of site visits, which has also been the origin of information on visitor businesses in the areas.
- 3.9 The population of the Mining Heritage Areas varies significantly. Camborne and Redruth is by far the largest of the Areas (46,100) and is home to almost 10% of the Cornish population. In contrast Mary Tavy (part of the Tamar Valley mining area) is occupied by only 1,600 people and comprises only 1 ward. The predominantly rural nature of many of the Areas means that even when the Mining Area itself is comprised of 5 or more wards, the total population within these Areas remains relatively low.

- 3.10 The Index of Multiple Deprivation (IMD) is an indicator of the relative deprivation of a ward and takes into account measures such as income, employment, health, access and child poverty. It is not possible to amalgamate the results from individual wards to produce a ranking for the mining areas and therefore the rankings are retained at ward level.
- 3.11 Camborne and Redruth has significantly poorer ranked wards than those in other mining areas. Of the 7 wards in Camborne Redruth, 4 are within the worst 10% of wards nationally. Illogan South is the lowest ranked ward of all the Mining Areas and is the second most deprived ward in the whole of Cornwall.
- 3.12 The highest ranked wards are Feock (Gwennap Mining District) and several other wards within West Devon (Tamar Valley). Feock is ranked within the top 30% of wards nationally and contrasts significantly with other wards in the same mining area, in particular St Day & Lanner and Chacewater. On the whole, the West Devon mining area wards rank higher than the Cornish ones.
- 3.13 The average gross weekly pay in Cornwall is just over £250. Four Mining Areas have average earnings in excess of this figure of which Minions is the most notable, with average pay over 30% higher than that in Cornwall as a whole. On the other hand both the Carmenellis and St Just areas have average pay significantly lower than the Cornish average, 44% and 22% lower respectively.
- 3.14 The average pay in Cornwall increased by 8% between 1999 and 2000 although much higher rates of increase are evident in Hayle and Luxylan Valley/Charlestown where rates increased by 15% and 16%. Caradon, Tamar Valley, Tavistock and Camborne and Redruth all had much lower rates of increase (all between 1% and 2% only). The average pay in West Devon actually decreased between 1999 and 2000 by 5%.
- 3.15 Economic activity rates in Cornwall were 77% in 1991 with West Devon benefiting from slightly higher rates of 79%. Both Tavistock and Mary Tavy offer the highest economic activity rates within the Mining Areas (80%) whereas the lowest rates are recorded in Tregonning and Camborne and Redruth area (74% and 75% respectively).
- 3.16 Unemployment rates in Cornwall decreased by 36% (January) and 30% (June) between 1997 and 2000. Even larger decreases have occurred in Tavistock and Mary Tavy (48% and 56% respectively) though significant reductions have occurred across all Mining Areas. The largest numbers of unemployed (in 2000) were in Camborne and Redruth mining area (1380 claimants) and Hayle (556 claimants) and notably, total unemployment in West Devon is lower than in each of these individual Mining Areas. June unemployment figures are consistently lower than those in January indicating a tendency for increased employment opportunities within the summer months, a common feature within both Cornish and Devon settlements.
- 3.17 In line with population densities in the Mining Areas, Camborne and Redruth also has the largest number of jobs in absolute terms - 15,412, almost 10% of Cornwall's total and over double that offered in Gwennap and Luxylan Valley/Charlestown, the next largest mining areas.

- 3.18 As expected in Cornwall the industrial structure across the Mining Areas indicates the importance of employment opportunities within the distribution, hotels and restaurants sector. In Cornwall this sector accounts for almost a third of jobs and this proportion is exceeded significantly in St Just and St Agnes.
- 3.19 The public administration, education and health sector also accounts for significant proportions of employment across the Mining Areas. In Cornwall this sector accounts for just over 30% of employees, though Hayle, Carmenellis and particularly Gwennap have significantly higher proportions of employees within this sector. Tamar Valley, St Just and Luxylan Valley /Charlestown all have significant proportions of employees within the manufacturing sectors.
- 3.20 The total number of businesses within the Mining Areas varies from between 54 in Mary Tavy (part of Tamar Valley) to 1363 in Camborne Redruth. Whilst the spread of businesses across the industrial sectors is similar to that of the employee structure, it is evident that there are much higher proportions of businesses in the distribution, hotels and restaurants sector and much lower proportions within the public administration sector, indicating that within this sector, a limited number of businesses provide a relatively high number of jobs.
- 3.21 The majority of businesses in Cornwall (70%) have less than 4 employees and in West Devon this proportion increases to 73%. This trend is mirrored across the Mining Areas with Tregonning and Mary Tavy comprised of increased proportions of small businesses whereas Camborne and Redruth and Luxylan Valley/Charlestown have slightly higher proportions of larger businesses.
- 3.22 Across Cornwall, almost 50% of employment is undertaken by males of which 80% is full time employment. Of the employment opportunities undertaken by females in the County, 56% are part time. Proportions in West Devon are roughly similar to those in Cornwall but a number of the mining areas indicate much higher proportions of part time work of which the majority is undertaken by females (St Agnes Tavistock – part of the Tamar Valley). As a general rule, much higher proportions of males are employed full time whereas higher proportions of females work on a part time basis.
- 3.23 It is apparent that property prices across Cornwall and West Devon have increased significantly over the last few years. In July-September 2000 the average property price in Cornwall was £93,461 and in West Devon £107,490. Kennall Vale (part of Gwennap) had the highest average property price in 2000, with property almost 15% higher than the Cornish average. Both Gwennap and Mary Tavy (part of Tamar Valley) also had significantly higher property prices.
- 3.24 Though Camborne and Redruth offered the lowest average house prices across the Mining Areas (20% lower than the Cornish average) St Just, Carmenellis, Luxylan Valley/Charlestown, Caradon and the Tamar Valley all offered average house prices lower than the average across Cornwall.
- 3.25 Dramatic increases in house prices across the mining areas are however apparent over the period July-September 2000 to July-September 2002. The average increase across Cornwall was 47% however St Just, Hayle and Caradon have recorded increases of in excess of 60%. Interestingly, those mining areas with the highest average property prices in 2000 were those which recorded the smallest increases over the period 2000-2002, with Gwennap showed increases significantly lower than the

Cornish average. Hayle and Tregonning showed the highest house prices in 2002 with prices over 16% higher than the average in Cornwall.

- 3.26 The highest proportion of employees in Cornwall are categorised as managers/professionals in agricultural services within the occupational structure. Clerical occupations, other skilled trades and other elementary occupations are also more commonly represented. This pattern also arises across the Mining Areas and West Devon although there are some notable differences. Mary Tavy (part of Tamar Vally), St Just and Tregonning have significantly higher proportions of employees categorised as managers/professionals in agricultural services whereas Camborne and Redruth has higher proportions of employees within clerical occupations. Other skilled trades also account for proportions higher than the Cornish average in Hayle, Carmenellis and Luxylan Valley/Charlestown.
- 3.27 The site visits indicate that some of the mining areas are well placed to attract and benefit from extra visitors, with well establish visitor infrastructure and enterprises ready to meet visitor needs. Many of the areas have facilities over and above industrial heritage attractions, demonstrating the opportunities to link World Heritage Site opportunities to the other strands of tourism in Cornwall and West Devon.
- 3.28 However, some of the mining areas are less well placed to attract or benefit from visitor expenditure. In visitor management terms, decisions will need to be made about whether these areas should be used to attract visitors to less used parts of Cornwall and West Devon. This will need to be part of a wider debate and will need to include some consideration of whether the necessary skills and entrepreneurship are present to take advantage of visitors in these areas.

Area Profiles

- 3.29 Site visits were conducted in parallel with statistical research to assess the volume and type of visitor-facing businesses. This exercise was undertaken to provide the basis for an assessment of the capability of each of the mining areas to accommodate additional visitor activity and derive some economic benefit. The exercise also serves to record, in broad terms, the visible number of businesses in the mining area pre-WHS inscription. Note that the areas described are the mining areas and their associated wards, rather than the tighter mining area boundaries forming the WHS bid.
- 3.30 The details for each of the mining areas can be found in the appendix to this report.

St Just Mining District

- 3.31 The wider St Just mining area stretches from Lands End to Towednack, and includes St Just, Tregeseal, Pendeen, Zennor, Crowlas and Canonstown. There are a large number of small settlements with visitor-facing businesses, although St Just provides a wide range of services. Access to the beaches and rugged coastal scenery is the main reason for visits, although St Just is developing an important role for studios and art galleries. The mining area includes Geevor Mine, Botallack, Levant Beam Engine, etc.
- 3.32 While there are facilities set up to accommodate visitor activity, including substantial mining heritage facilities, it is understood that there is little capacity to take extra visitors in the peak season. While

there is capacity for additional off-peak visitors, this would need changes in the opening patterns of businesses during the low season. Following the decline in the tourism boom in the 1980's, local evidence suggests that there is latent capacity for increased bed and breakfast provision in the area. This is relatively simple to provide should visitor numbers increase markedly, and should be the priority before new accommodation.

Port of Hayle

- 3.33 The wider Hayle mining area includes significant established holiday areas, with a good set of visitor facing businesses. There are also significant residential populations in Hayle and Lelant.
- 3.34 Again, while there is capacity for additional off-peak visitors, this would need changes in the opening patterns of businesses during the low season. While there is capacity for additional off-peak visitors, changes in the seasonal pattern of visiting would need to be matched by changes in the seasonal business opening patterns.

Tregonning and Gwinear Mining District with Trewavas

- 3.35 The Tregonning and Gwinear mining area is predominantly rural, with a number of small settlements. There is a significant variety of visitor businesses in the area, mainly around the coast.
- 3.36 Again, while there is capacity for additional off-peak visitors, this would need changes in the opening patterns of businesses during the low season. There are fewer seasonal capacity issues for the rural part of the mining area, although here there are fewer opportunities to benefit from visitor activity.

Carmenellis and Porkellis

- 3.37 The Carmenellis mining area has little in the way of major settlements, and few visitor facilities. The major visitor attraction is the Poldark Mine. With the exception of the Mine and its attendant restaurant and other outlets, there are relatively few existing businesses set up to exploit the benefits of any visitor activity generated through WHS inscription.

Camborne and Redruth Mining District

- 3.38 The Camborne Pool Redruth area is Cornwall's largest conurbation. Both Camborne and Redruth have sizeable town centres with a wide range of shops and services. There are also a number of attractions within the area, many of which are mining heritage related (Cornish Mines and Engines, etc.). While there is serviced and self-catering accommodation stock in the area, the conurbation is less directly reliant on tourism than many other parts of Cornwall.
- 3.39 The foundation of existing businesses in the area, combined with relatively little tourism activity and a wealth of mining heritage, indicates that the Camborne Redruth mining area is well-placed to exploit any benefits from WHS inscription. This is particularly the case given the recent creation of the Camborne Pool Redruth Urban Regeneration Company, which will address sites that have great potential for

mining heritage related activities. The large resident population suggests that there are particular opportunities to stimulate day visits from home.

Gwennap Mining District with Kennall Vale

- 3.40 The Gwennap mining area sits between Truro, Falmouth and Redruth. While there are no major conurbations within the mining area, there are popular access points to the Mineral Tramways trails, Gwennap Pit, and Trelissick Gardens. The area includes or is adjacent to major transport routes.
- 3.41 Within the numerous small settlements that make up the mining area there is a variety of visitor facing businesses that would be able to exploit the benefits of any changes in visitor activity as a result of WHS inscription. In particular, the Mineral Tramways network of trails is seen as being well placed to accommodate more visitors, as well as dispersing them across the area. The proximity to Falmouth offers opportunities to tap into existing staying visitors, and there are substantial nearby resident populations with day visit potential.
- 3.42 The Kennall Vale mining area is relatively small and rural. As a result there are few opportunities to exploit any changes in visitors as a result of WHS inscription.

St Agnes Mining District

- 3.43 The St Agnes mining area stretches along the north coast from Porhtowan to Perranporth as well as inland to Mount Hawke, St Agnes and the A30/A390 at Three Burrows. The area is a well-established visitor destination, particularly along the coastal strip. Mining heritage is very apparent over much of the area, with landmarks such as Wheal Cotes on the South West Coast Path.
- 3.44 Again, while there is capacity for additional off-peak visitors around the coast, changes in the seasonal pattern of visiting would need to be matched by changes in the seasonal business opening patterns. There are fewer seasonal capacity issues for the rural part of the mining area, although here there are fewer opportunities to benefit from visitor activity.

Luxylan Valley/Charlestown

- 3.45 The Luxylan Valley/Charlestown mining area is mainly rural, although of course Charlestown and the nearby Carlyon Bay are coastal, with a significant tourism focus.
- 3.46 In addition to the hard rock mining which is central to the WHS bid, this mining area is adjacent to a substantial amount of china clay mining. There are initiatives seeking to exploit the china clay mining heritage, and the interpretation of the proposed WHS. There are also initiatives seeking to increase the visitor use of the Luxylan valley, at least partly linked to mining heritage.
- 3.47 The success of the Eden project to the North East of this mining area has introduced considerable pressure on the visitor facilities near St Austell. Furthermore, it is understood that additional facilities are planned at the Eden Project, which will continue the pressure on facilities. Therefore while there

may be some opportunities to build on WHS inscription, this will need to be considered in the context of the significant existing tourism-related activity.

Caradon Mining District

- 3.48 The Caradon mining area is located to the north and north east of Liskeard, with a rural character. The settlements are generally small and there are relatively few visitor facing businesses. There is some room to accommodate additional visitor activity, with the A38 and A390 facilitating easy access, although the small number of visitor facing businesses limits the economic benefits.

Tamar Valley Mining District, with Tavistock and Mary Tavy

- 3.49 The Tamar Valley has a relatively well-established and growing rural tourism profile, strongly linked to the river ferry services from Plymouth and around Calstock, and the Tamar Valley railway line. Morwellham Quay and Cotehele are the main visitor landmarks. The recently formed Tamar Valley Tourism Association, combined with the Tamar Valley AONB have been active in growing tourism in the area.
- 3.50 Callington is the largest settlement in the Tamar Valley and offers a variety of visitor-facing businesses.
- 3.51 It is understood that there is room to accommodate more visitor activity throughout most of the year, although the best utilisation of resources will be through growing activity out of the main season. The day visit market from Plymouth presents significant opportunities, although the relatively poor road access can hamper car-borne visitors.
- 3.52 Tavistock offers a good variety of visitor facing businesses, as well as a reasonable accommodation stock. It is understood that the town's mining heritage is currently under-exploited and that visitors are generally seeking a rural tourism experience. The town is well placed to capitalise on further visitor activity through most of the year, although again the best utilisation of resources will be through growing activity out of the main season.
- 3.53 The Mary Tavy mining area is relatively small with a small population and limited visitor facilities. It is understood that the main focus for visitors to the area is access to Dartmoor. The lack of access or interpretation of the mining remains does not encourage visits.
- 3.54 There are planned initiatives to redevelop the SW Lakes power station in Mary Tavy, which would include an interpretation centre. While there are few facilities to exploit any additional visitor activity, there are considerable visitor facilities in the nearby Tavistock mining area. It is likely that benefits will accrue from considering the two areas together for marketing and visitor management purposes.

Discussion and Summary

Socio-Economic Profiles

- 3.55 The mining areas differ significantly in terms of size, population, deprivation, employment and property prices.
- Camborne and Redruth have significantly poorer wards than other mining areas, with some of the Gwennap Chacewater and West Devon wards considerable more affluent. Generally, West Devon wards are more affluent than Cornish wards
 - Unemployment in Cornwall decreased in between 1997 and 2000, with the largest decreases evident in Tavistock and Mary Tavy
 - There is a dominance of employment across the distribution, hotels and restaurants sector. Public administration organisations are typically larger than the private sector businesses in terms of number of employees
 - Property prices have increased significantly over the last few years, with prices higher in West Devon than Cornwall
- 3.56 The profiles indicate that some of the mining areas are in particular need of regeneration, with the need generally greater in Cornwall than in West Devon, and the greatest need in Camborne and Redruth. Despite the falls in unemployment and the rise in the value of housing assets, the need for regeneration is still apparent and warrants the investigation of the potential opportunities afforded by WHS inscription.
- 3.57 The ability of areas to capitalise on economic opportunities is dependent on a complex mix of factors. This mix will include structural funds, effective partnerships, business advice and the ability of individuals and organisations to spot opportunities and exploit them. Many of these factors are in place across Cornwall and West Devon; however it is impossible to accurately assess future outcomes.

Area Profiles

- 3.58 The mining areas can be split into five broad categories in terms of their capacity to benefit from changes in visitor activity as a result of WHS inscription:
- Some, such as St Just, Hayle and St Agnes, are well established destinations with comprehensive visitor facilities, linked to seasonal visiting patterns mainly by staying visitors. These destinations would benefit from increased visitor activity out of season only
 - Others, such as the Tamar Valley have a small but well-established tourism product relying on both staying visitors and day visitors from home. There are opportunities to increase visitor activity throughout the year, although benefits will be maximised through off-peak increases

- There are some mining areas, such as Carnmenellis, Kennall Vale (part of Gwennap) and Caradon, which are not well placed to exploit visitor opportunities because of a lack of facilities
- The mining areas around St Austell (Luxylan Valley/Charlestown) are already subject to visitor pressure throughout much of the year, partly as a result of the Eden Project
- The more urban areas of Tavistock and particularly Camborne and Redruth are well placed to receive more staying and day visitors throughout much of the year

3.59 In addition to the suitability of the mining areas to capitalise on visitor opportunities, the existing distribution of other tourism facilities, particularly accommodation stock, will have an impact on the locations within Cornwall and West Devon benefiting from visitor expenditure. Much of Cornwall's accommodation stock is in locations outside the mining areas, particularly Newquay, North Cornwall and the Cornish Riviera (central south coast of Cornwall). Therefore, visitors staying away from home in Cornwall and Devon intending to visit mining heritage are likely to stay in areas able to offer accommodation.

4 BASELINE - ECONOMIC CONTRIBUTION OF VISITORS

Introduction

- 4.1 This section of the study sets out the second part of the baseline from which the impact of WHS inscription can be measured. It is anticipated that WHS inscription and the activity surrounding it will have an impact on the volume and value of visitor activity. This section therefore collects and assesses the available information in order to form a baseline from which future levels of activity can be measured
- 4.2 The economic contribution of visitors will be a function of the visitor use of the wider study area. However, this chapter additionally looks at the visitor use of mining heritage facilities, which provides a locally based view of the impact of mining heritage.

Visitor Use of the Wider Study Area

- 4.3 The wider study area includes the whole of Cornwall and West Devon. Information on the volume and value of tourism, and the employment supported by visitor expenditure, is available from the *Economic Impact of Tourism in Cornwall* (West Country Tourist Board, 1998) and the *Economic Impact of Tourism In West Devon* (West Country Tourist Board, 1996). It is understood that these studies are being updated at the time of writing. While Plymouth is outside the study area, it offers a range of accommodation and other visitor facilities close to the WHS mining areas. It is also an important destination for day visits from home and from holiday accommodation outside the city. It is likely that the city will both benefit from increased levels of visitor activity resulting from the WHS, and that improvements to the tourism product in the city will add to the overall attractiveness of the area as a place to visit.
- 4.4 It is estimated (*Economic Impact of Tourism in Cornwall 1998, Economic Impact of Tourism in West Devon 1996*) that the overall number of staying visitors to the study area is 4,349,000, of which 92% are UK resident visitors and 84% are holiday trips.

Staying Trips in Cornwall and West Devon

Trip/visitor type	UK	Overseas	Total
Holidays	3,349,000	294,000	3,644,000
Business	168,000	23,000	190,000
Visits to friends/relatives	397,000	74,000	437,000
Other	70,000	10,000	79,000
Total	3,983,000	366,000	4,349,000

Source: Economic Impact of Tourism in Cornwall 1998, Economic Impact of Tourism in West Devon 1996

- 4.5 The staying visitors spent 22.8 million nights in Cornwall and West Devon. 87% of these nights were UK residents visitors (a smaller proportion than the corresponding trips because of the longer length of stay by overseas visitors). 89% of the nights were holiday nights (again higher than the proportion of holiday trips, because holidays tend to be relatively long in duration).

Visitor nights in Cornwall and West Devon

Trip/visitor type	UK	Overseas	Total
Holidays	18,059,000	2,156,000	20,215,000
Business	427,000	121,000	548,000
Visits to friends/relatives	1,160,000	407,000	1,567,000
Other	253,000	206,000	459,000
Total	19,898,000	2,890,000	22,788,000

Source: Economic Impact of Tourism in Cornwall 1998, Economic Impact of Tourism in West Devon 1996

- 4.6 The staying visitors spent an estimated £860 million in Cornwall and West Devon.

Visitor expenditure in Cornwall and West Devon

Trip/visitor type	UK	Overseas	Total
Holidays	£695,086,000	£75,789,000	£770,876,000
Business	£25,822,000	£9,469,000	£35,291,000
Visits to friends/relatives	£28,233,000	£9,500,000	£37,734,000
Other	£9,584,000	£6,089,000	£15,675,000
Total	£758,728,000	£100,848,000	£859,576,000

Source: Economic Impact of Tourism in Cornwall 1998, Economic Impact of Tourism in West Devon 1996

- 4.7 As well as information on the volume and value of staying visitors, the studies provide estimates of the volume and value of non-local day visitors from home. These day trips involve a round trip of at least three hours away from home. The estimated 9 million day trips taken from home in Cornwall and West Devon spent £133.8 million.

Non-local Day Trips from home in Cornwall and West Devon

Day Trips (Non-local)	Trips	Spend
Coastal	2,975,000	£39,320,000
Town/City	2,448,000	£37,923,000
Countryside	4,029,000	£56,534,000
Total	9,452,000	£133,777,000

Source: Economic Impact of Tourism in Cornwall 1998, Economic Impact of Tourism in West Devon 1996

- 4.8 The combined staying and day visitor expenditure is estimated to total £993.3 million. Although the day visitors from home make up 68% of the trips, they account for 13% of the expenditure.
- 4.9 The total visitor expenditure is estimated to directly support 22,269 Full Time Equivalent jobs (FTE's). Linkage and multiplier effects then support a further 10,223 FTE's across a wide range of the area's economy, bringing the total estimated employment supported by visitor activity to 32,291.

Employment Supported by Visitor Expenditure in Cornwall and West Devon

Sector	Full Time Equivalent Jobs
Shops	2,140
Restaurants and pubs	7,024
Attractions and Entertainment	1,770
Garages and Transport	1,442
Accommodation	9,892
Direct FTE	22,269
Linkage & Multiplier FTE	10,223
Total Direct and Indirect FTE	32,491

Source: Economic Impact of Tourism in Cornwall 1998, Economic Impact of Tourism in West Devon 1996

- 4.10 The FTE's can also be expressed as estimates of actual jobs, by taking account of the likely proportions of part time, seasonal and casual labour in the different industry sectors. It is estimated that the combined staying and day visitor expenditure of £993.3 million directly supports almost 33,000 jobs and through linkage and multiplier effects indirectly supports a further 11,650 jobs – totalling 44,570 actual jobs.

Actual Employment Supported by Visitor Expenditure in Cornwall and West Devon

Direct Actual Jobs	32,917
Indirect Actual Jobs	11,654
Total Actual Jobs	44,570

Source: Economic Impact of Tourism in Cornwall 1998, Economic Impact of Tourism in West Devon 1996

Mining Heritage Visitor Use of the Wider Study Area

- 4.11 Pilot survey work undertaken concurrently with this study is able to explore the importance of mining heritage in motivating trips to Cornwall and West Devon. The survey had an overall sample of 567 completed visitor interviews both at mining heritage sites and at attractions with a general appeal. 46% of the sample was collected from locations either unconnected with mining or without an exclusive mining connection, and this section of the survey can be used to form a view of the importance of mining heritage to the wider visitor population. Note that while the survey is useful in forming an initial view, the sample is limited and the work was undertaken in the autumn shoulder season. Geographically, the sampling points were spread around Cornwall and West Devon.
- 4.12 One principle behind this section of the analysis is that trips motivated by mining heritage are leisure trips rather than trips for other purposes (such as trips for business or to visit friends and relatives). Therefore the starting point is the estimated 3,644,000 staying visitors spending 20,215,000 nights and £770,876,000 in Cornwall and West Devon. All of the 9,452,000 day visits from home spending £133,777,000 are leisure visits.

- 4.13 The survey work indicated that the main reasons for visiting the Cornwall and West Devon study area were that visitors had been before (indicated by 53%), the scenery (50%), plenty to see and do (38%), accommodation (19%) and atmosphere (19%).
- 4.14 96% of staying visitors and 100% of day visitors were aware that Cornwall has a history of mining. The major association was tin/tin mining (35% of all visitors).
- 4.15 The survey also asked about the importance of mining history in planning their visit.

Importance of Mining History	Staying Visitors	Day Visitors	All Visitors
Very Important	8%	9%	8%
Fairly Important	19%	19%	19%
Not Important	64%	63%	64%
Unsure/Don't Know	8%	9%	9%
Based on the 260 responses at general attractions in Cornwall and West Devon			

- 4.16 Overall 8% of visitors felt that mining heritage was very important in planning their visit and 19% said that it was quite important. There was almost no difference between day visitors from home and staying visitors.
- 4.17 By contrast the same question asked of visitors who were at mining heritage attractions showed that 14% of visitors felt that mining heritage was very important in planning their visit and 31% said that it was quite important. Unsurprisingly this indicates that there is a section of the market who are particularly interested in mining heritage and that this is a small subsection of the overall market. However, the majority of visitors to mining heritage attractions are not part of this special interest group and this indicates that there is a broad appeal about mining heritage sites.
- 4.18 In considering this proportion of the total number of visitors motivated by mining heritage it is useful to consider other evidence regarding visitor motivations.
- The *Cornwall Holiday Survey 2000-2001* (Cornwall Tourist Board) indicates that visitors are primarily motivated by the quality of the natural environment (75% of visitors). It does note that peak season visitors are less likely to put emphasis on scenery and other factors, and more likely to emphasise beaches and weather, which is important in the context of the off peak timing of the pilot study. Peak season visitor interest in scenery stood at 90% of the low season rating in terms of a reason for visiting, and peak season "Interest/hobby" reasons to visit stood at 63% of the low season equivalent. The study also noted that more affluent visitors are more likely to be interested in historic sites
 - *Valuing Our Environment* (National Trust 1999) indicated that 78% of all holiday trips are motivated by conserved landscape. 6.7 million staying trips in Devon and Cornwall were motivated by conserved landscapes (defined as the managed rural environment, to include fields, woods, moors, villages and coastline)

- *Towards 2020 – A Tourism Strategy for the South West* (South West Tourism 1999) notes the importance of countryside and heritage in motivating visits
- *The Economic Contribution of Museums in the South West* (South West Museums Council 2000) indicates that the museum sector in Devon and Cornwall received 1.5 million visits. The study estimated that of the day visits to museums, 60% of the trip expenditure was motivated principally by the museum visit. For visitors staying away from home who visited museums, 5% of the whole trip expenditure was principally motivated by museums.

- 4.19 In this context it is arguable that mining history is in essence part of the conserved landscape/scenery, although this is particularly true of the iconic engine houses and less evident for other parts of the mining heritage. Therefore the findings from the survey work are broadly compatible with the other available evidence.
- 4.20 The Cornwall Holiday Survey indicates that peak season visitors are more interested in beaches and weather, and less interested in other visitor activities. This finding fits with existing views about the types of trips taken at different times of the year in the South West. The pilot survey work was undertaken solely in the autumn 2002, and because it is known that peak season visitors are more beach motivated, the pilot survey is therefore likely to over represent interest in mining heritage. For the purposes of this study it has therefore been assumed that the pilot survey does overestimate the proportion of general visitors who are interested in mining heritage, and correspondingly, the proportion judged to be primarily motivated by mining heritage is adjusted. While there is no direct basis for the adjustment, the Cornwall Holiday Survey differences between peak and shoulder season scores for natural environment and for interests/hobbies (see above) suggests that the adjustment should be to reduce the proportion motivated by mining heritage to three quarters of the survey findings.
- 4.21 On the basis of the seasonal evidence from the Cornwall Holiday Survey (see the *Methodology* section earlier in this report) it is considered that the pilot survey work overestimates the importance of mining heritage in planning visits. The Cornwall Holiday Survey identifies differences between peak and shoulder season scores for natural environment and for interests/hobbies. This suggests that the adjustment should be to reduce the estimated importance of mining heritage importance to three quarters of the survey findings. This gives an adjusted proportion of 6% of leisure visitors to Cornwall and West Devon considering mining heritage to be very important in planning their trip, and 14% considering it to be quite important.
- 4.22 Consideration of the survey work noted above and review of some of the survey work noted in the review of other evidence (in particular the English Heritage work establishing a link between heritage and the wider landscape) suggests that the 6% of visitors considering mining heritage to be very important and the 14% considering it to be quite important are essentially a subset of the 78% of leisure visitors to the South West who are motivated by the conserved landscape.
- 4.23 The approach taken in this study has been to include all the trip expenditure by those who consider mining heritage to have been very important in planning their trip (i.e. all of the expenditure by the 6%),

and half of the spend by those considering mining heritage to be quite important in planning their trip (i.e. half of the expenditure by the 14%).

- 4.24 Applying this principle gives an expenditure of £119 million visitor expenditure related to mining heritage, made up as follows.

Trip Type	Overall Volume and Value of Holiday Trips to Cornwall and West Devon	Spend By Visitors Considering Mining Heritage Very Important	Spend By Visitors Considering Mining Heritage Quite Important	Total Visitor Spend Related to Mining Heritage
Staying Visitor Spend	£770,876,000	£46,253,000	£54,925,000	£101,177,000
Day Visitor Spend	£133,777,000	£8,027,000	£9,532,000	£17,558,000
Total Spend	£904,653,000	£54,279,000	£64,457,000	£118,736,000

- 4.25 Overall there are 3,644,000 staying visitors spending 20,215,000 nights in the study area, plus 9,452,000 day visits from home to the area. The 6% of visitors considering mining heritage very important will total 219,000 staying visitors and their 1,213,000 nights. There are 567,000 day visits by visitors to whom mining heritage is very important. In addition, 14% of visitors consider mining heritage quite important will total 520,000 staying visitors and their 2,880,000 nights, plus 1,346,000 day visits.

- 4.26 Visits to mining heritage attractions and facilities will essentially be a sub-set of the 478,000 staying visitors and 1.2 million day trips motivated by mining heritage. The difference between the trips to the mining heritage areas and the numbers visiting facilities is likely to be accounted for by visiting patterns that do not include the facilities and attractions listed in this report (e.g. along parts of the South West Coast Path, or to Camborne or Redruth), or to those who consider the wider impact of mining upon the landscape to be an important contribution to the character of the area.

- 4.27 The spend distribution of these visits can be broken down using the proportions from the *Economic Impact of Tourism in Cornwall* 1998 and the *Economic Impact of Tourism in West Devon* 1996.

Spend Category	Mining Heritage Staying Visitors Spend Distribution	Mining Heritage Day Visitors Spend Distribution	Total Mining Heritage Visitor Spend
Shops	£13,153,000	£3,160,000	£16,313,000
Restaurants and pubs	£24,283,000	£9,130,000	£33,413,000
Attractions and Entertainment	£7,082,000	£2,107,000	£9,189,000
Garages and Transport	£16,188,000	£3,160,000	£19,348,000
Accommodation	£40,471,000	£0	£40,471,000
Total	£101,177,000	£17,558,000	£118,735,000

Employment supported by Mining Heritage Visits to Cornwall and West Devon

- 4.28 Using figures from the *Economic Impact of Tourism in Cornwall* 1998 and the *Economic Impact of Tourism in West Devon* 1996 it is possible to use the spend estimates above to arrive at estimates of employment directly supported. Taken together, the studies suggest that the following expenditure is required in each sector to directly support a FTE job:

Spend Category	Visitor Spend
Shops	£69,513
Restaurants and pubs	£39,013
Attractions and Entertainment	£40,103
Garages and Transport	£110,530
Accommodation	£34,383
Total	£44,603

Source: Economic Impact of Tourism in Cornwall 1998, Economic Impact of Tourism in West Devon 1996

- 4.29 Using this information it is estimated that 2,672 FTE jobs are supported by mining heritage related visitor expenditure in Cornwall and West Devon.

Spend Category	FTE jobs directly supported
Shops	235
Restaurants and pubs	856
Attractions and Entertainment	229
Garages and Transport	175
Accommodation	1,177
Total	2,672

- 4.30 The 2,672 FTE jobs supported by mining heritage related visitor expenditure forms 12% of the estimated 22,269 FTE jobs supported by all visitor spending in Cornwall and West Devon.

Use of Mining Heritage Facilities

- 4.31 Information on the use of Mining Heritage facilities has been collected from South West Tourism and from contact with the range of facilities throughout the area.
- 4.32 The approach taken for this section of the study has been to estimate the value to the economy in Cornwall through combining the facility visitor figures with published expenditure figures.
- 4.33 Estimates have had to be made on the visitor profiles to many of the attractions and facilities. Unless there is evidence to the contrary it has been assumed that 70% of the total are visitors staying away from home and 30% are day visitors (see *Methodology* section earlier in this report). The particular

exception to this has been the use of archives/records offices, where it is understood that up to 10% of the usage is by visitors staying away from home.

- 4.34 It is recognised that some visitor expenditure away from the attraction/facility would have taken place irrespective of the existence of the attraction/facility. Figures have been adjusted so that 30% of the daily spend is attributed to mining heritage (see *Methodology* section earlier in this report).
- 4.35 Some of the facilities identified have a wider appeal than mining heritage. The figures for the attractions and facilities judged through the consultation process as only partly mining heritage are discounted by 50% (again, see *Methodology* section earlier in this report).
- 4.36 The analysis below follows these principles. In terms of the way that the adjustments discussed above are presented, the gross figures are presented initially, with the calculations and adjusted figures shown subsequently.

Visitor numbers to existing attractions

- 4.37 The overall number of visits to mining heritage attractions and facilities in Cornwall and West Devon is 809,787. 409,779 of the visits are to attractions with an entrance charge, 350,074 are to attractions/facilities without an entrance charge and 49,934 are to public archives and records offices. These overall figures will represent an underestimate as not all facilities were able to supply information. The table below indicate the visitor numbers for each attraction/facility.
- 4.38 The table below also indicates the extent to which each attraction/facility is linked to mining heritage. This assessment of embeddedness is then used to adjust the overall visitor numbers in order to arrive at an estimate of the volume of mining heritage visits (as opposed to visits for different reasons to these attractions/facilities).
- Of the 409,779 visits to attractions/facilities with an entrance charge, 303,331 are judged to be mining heritage related
 - Of the 350,074 visits to attractions/facilities without an entrance charge, 284,074 are judged to be mining heritage related
 - Of the 49,934 visits to archives/records offices, 4,993 are judged to be mining heritage related
- 4.39 Overall, it is estimated that there are 592,398 *mining heritage visits* to attractions and facilities.

Figures are for 2000 unless stated otherwise.

Attraction	Unadjusted Visitor Numbers	Notes	Mining Heritage Element
Charging			
Blue Hills		Not Available	Wholly
Botallack Count House		Not Available	Wholly
Camborne Museum		Not Available	Partly
Cornish Mines and Engines	16719		Wholly
Cotehele	75027		Partly
Geevor	21694	Figure is for 12 months from October 2000 to September 2001	Wholly
Godolphin House	5006		Partly
Helston Folk Museum	14000		Partly
King Edward Mine	1709	Figure is for 2002.	Wholly
Levant	13561		Wholly
Morwellham Quay	46000		Wholly
Penlee Museum	36942	Figure for 1999.	Partly
Poldark	85500	Figure is for 2001, when the current owners took over the site.	Wholly
Royal Cornwall Museum	62671	The figure rose in the following year to 97,000, largely due to Eden. Figures for 2002 around 85,000	Partly
St Agnes Museum	4750		Partly
St Ives Museum	14500		Partly
Tolgus Tin	11500	Figure for 2001.	Wholly
Trevarno		Not Available	Partly
Trevithick's Cottage	200	Only open Wednesday afternoons.	Wholly
Zennor Wayside Museum		Not Available	Partly
Sub-Total	409779		

Source: Survey of Visits to Attraction 2000 (South West Tourism 2001) Personal contacts.

Non-charging Facilities	Unadjusted Visitor Numbers	Notes	Mining Heritage Element
Camborne Town Trail		5,000 copies of the leaflet guide printed in 1997. None since.	Partly
CSM Geological Museum	6500		Wholly
Gwennap Pit	20000		Partly
Houseman's Engine House	15370		Wholly
Kit Hill Country Park	110000		Partly
Mineral Tramways (Great Flat Lode)	194204	Total composed through: Marriot's = 108249, Cowlin's Mill = 18478, Taylor's = 67476	Wholly
Redruth Town Trail			Wholly
Rosevale Mine, Zennor	2000	Figure is estimate for 2000, the last year the mine was open to the public.	Wholly
Tamar Valley Discovery Trail	2000	Figure is for those estimated to have walked the whole trail.	Partly
Sub-total	350074		

Principle Public Archives and Records	Unadjusted Visitor Numbers	Notes	Mining Heritage Element
Plymouth Record Office		Not Available	Partly
West Country Studies Library and Devon Record Office	57695	Includes 30,398 postal and telephone enquiries but excludes 1,483,109 website enquiries	Partly
Cornwall Record Office		Not Available	Partly
Cornwall Centre, Redruth	49934	Figure is for the 12 months from October 2001, when the Centre opened at its present site. Also known as the Cornish Studies Library.	Partly
West Country Studies Library		Not Available	Partly
Courtney Library		Not Available	Partly
Historic Environment Record, Cornwall County Council		Not Available	Partly
Historic Environment Record, Devon County Council		Not Available	Partly
Sub Total	107629		

Source: Survey of Visits to Attraction 2000 (South West Tourism 2001) Personal contacts.

Type	Visitor Numbers
Charging Attraction	409779
Non-charging Attraction	350074
Public Archives and Records	107629
Total	867482
Number estimated to be mining heritage visits	598168

Visitor Type

- 4.40 The profile of visitors to attractions will have an impact on the overall spending related to the trip, with the split between day and staying visitor making the most impact. As noted in the discussion above, the visitor profile has been estimated using figures supplied by attractions/facilities and by use of comparable survey work.
- 4.41 Of the 598,168 mining heritage visits to attractions/facilities, 319,684 are estimated to be by visitors staying away from home and 278,484 by day visits from home.

Type	Total Mining Heritage Visitor Numbers	Visitors staying away from Home	Day Visits from Home
Charging Attractions	303,331	212,332	90,999
Non-charging Attractions	284,074	106,276	177,798
Archives/Records Offices	10,763	1,076	9,687
Total	598,168	319,684	278,484

- 4.42 By way of comparison, the top ten visitor attractions in the South West are:

Attraction	Visitor Numbers 2001	Entrance Arrangements
Eden Project	1,700,000	Paid
Roman Baths, Bath	864,989	Paid
Stonehenge, Amesbury	677,378	Paid
Bristol Zoo Gardens, Clifton	640,317	Paid
Arnolfini Gallery, Bristol	544,847	Free
Lynton and Lynmouth Cliff Railway	524,331	Paid
Crealy Adventure Park, Clyst St Mary	500,000	Paid
Exeter Cathedral	450,000	Free
Paignton Zoo	399,586	Paid
Woodlands Leisure Park, Blackawton	374,165	Paid

Source: Facts of Tourism 2001, South West Tourism. Note that there are at least two visitor attractions with comparable figures where publication is not authorised

- 4.43 If the mining heritage attractions and facilities were treated as one entity, then the gross number of visits to mining heritage attractions and facilities (i.e. 867,482) would rank them third in the South West, after the Eden Project and the Roman Baths in Bath. Even taking just those estimated to be motivated by mining heritage (i.e. 598,198), then they would be ranked 5th.

Expenditure

- 4.44 The average spend per day for staying visitors in Cornwall and West Devon in 2000 was £40.84 (UKTS 2000, IPS 2000) and the average spend per day trip in the South West was £19.56 (Day Visits Survey 1998).
- 4.45 Using these figures, the expenditure associated with the 319,684 staying visitor mining heritage attraction visits was £13,055,000, and the expenditure associated with the 278,484 day visitor mining heritage attraction visits was £5,447,000. This gives a total of £18,502,000 gross visitor expenditure.
- 4.46 Not all of the £18,502,000 will be at the attractions or facilities. The *Economic Impact of Tourism in Cornwall* and the *Economic Impact of Tourism in West Devon* studies indicate that visitor spend is distributed as per the table below:

Spend Category	% Spend Distribution for Staying Visitors	% Spend Distribution for Day Visitors
Shops	13%	18%
Restaurants and pubs	24%	52%
Attractions and Entertainment	7%	12%
Garages and Transport	16%	18%
Accommodation	41%	0%

Source: Economic Impact of Tourism in Cornwall 1998, Economic Impact of Tourism in West Devon 1996

- 4.47 Assuming that these spend distributions represent the spending pattern of mining heritage visits to attractions/facilities, then the £18.5 million expenditure will be distributed as follows:

Spend Category	Spend Distribution for Staying Visitors	Spend Distribution for Day Visitors
Shops	£1,697,000	£980,000
Restaurants and pubs	£3,133,000	£2,832,000
Attractions and Entertainment	£914,000	£654,000
Garages and Transport	£1,958,000	£980,000
Accommodation	£5,353,000	£0
Total Expenditure	£13,055,000	£5,447,000
<i>Total Expenditure excluding Attractions</i>	<i>£12,141,000</i>	<i>£4,792,000</i>

- 4.48 In practice a significant amount of the off site expenditure (i.e. not at attractions/entertainment) would have taken place irrespective of mining heritage attractions visits. As discussed in the *Methodology* section earlier in this report, the pilot survey work undertaken concurrently with this study provides the

basis for adjusting the gross off site visitor spend, with an estimated 30% of the gross off site visitor spend actually driven by mining heritage.

- 4.49 As noted in the table above, the total off site expenditure (i.e. excluding spend on attractions) for staying visitors is £12.1 million, and the total off site expenditure for day visitors is £4.8 million. Incorporating the 30% adjustment reduces these values to £3.6 million and £1.4 million respectively. The on site expenditure can then be added back to these adjusted off site expenditure totals, bringing the mining heritage attributed expenditure by staying visitors to £4.6 million and the mining heritage attributed expenditure by day visitors to £2.1 million, with a combined total of £6.6 million. The table below details these calculations.

Spend Category	Mining Heritage Attributed Attraction Spend Distribution for Staying Visitors	Mining Heritage Attributed Attraction Spend Distribution for Day Visitors	Mining Heritage Attributed Attraction Spend Total
Shops	£509,100	£294,000	£803,100
Restaurants and pubs	£939,900	£849,600	£1,789,500
Attractions and Entertainment	£914,000	£654,000	£1,568,000
Garages and Transport	£587,400	£294,000	£881,400
Accommodation	£1,605,900	£0	£1,605,900
Total	£4,556,300	£2,091,600	£6,647,900

Discussion and Summary

Visitor Use of the Wider Study Area

- 4.50 It is estimated that the overall number of staying visitors to Cornwall and West Devon is 4,349,000, of which 3,644,000 are holiday trips. There are an estimated 9,452,000 leisure day visits from home, and the combined expenditure is £933.3 million.
- 4.51 96% of staying visitors and 100% of day visitors are aware that Cornwall has a history of mining. The major association is tin/tin mining (35% of all visitors). It is estimated that 6% of visitors every year feel that mining heritage is very important in planning their visit and 14% that it was quite important. There is almost no difference in motivation between day visitors from home and staying visitors.
- 4.52 It is estimated that the staying visit expenditure related to mining heritage in Cornwall and West Devon totals £101.2 million and the day visit expenditure related to mining heritage is £17.6 million. The combined visitor expenditure is £118.7 million.
- 4.53 The estimated visitors to the wider study area have a relationship both with the mining heritage visits to attractions, and also to the visits motivated by conserved landscape (explored more fully in other studies). In essence, the trips related to mining heritage will mainly be a sub-set of the larger 78% who

are motivated by conserved landscape. In turn, the 598,168 mining heritage visits to attractions and facilities will essentially be a sub-set of the day and staying visits related to mining heritage.

- 4.54 Overall, it is apparent that mining heritage has a wider appeal in motivating trips to Cornwall and West Devon beyond prompting trips to attractions, and this is related to a wider interest in conserved landscapes.

Use of Mining Heritage Attractions and Facilities

- 4.55 The overall number of visits to mining heritage attractions and facilities in Cornwall and West Devon is estimated to be 867,482 in 2000. Some of the mining heritage attractions and facilities provide non-mining heritage reasons for visiting and taking this into account, it is estimated that 598,168 mining heritage attraction visits were made in 2000.
- 4.56 It is estimated that 319,684 of the 598,168 visits are by visitors staying away from home and 278,484 are day visits from home. Taking into account spend which would have taken place irrespective of the mining heritage attraction, it is estimated that the on and off site visitor expenditure related to mining heritage facilities was £6.6 million. It is estimated that 27% was on accommodation, 24% in restaurants, pubs and cafes, 24% on attractions and entertainment, 13% on garages /transport and 12% in shops.
- 4.57 If the mining heritage attractions and facilities were treated as one entity, then the gross number of visits to mining heritage attractions and facilities would rank them third in the South West, after the Eden Project and the Roman Baths in Bath.
- 4.58 This analysis indicates that mining heritage attractions and facilities already play a significant role in generating economic expenditure through on and off site visitor expenditure. This impact is across a number of different sectors of the economy in addition to the core visitor-orientated facilities.

5 MINING HERITAGE CONSERVATION

Introduction

- 5.1 This section of the study sets out the third part of the baseline from which the impact of WHS inscription can be measured. It is anticipated that WHS inscription and the activity surrounding the designation will have an impact on the mining heritage activity.
- 5.2 There are three elements to the mining heritage conservation element of this section of the report:
- Mining heritage projects
 - Mining heritage contractors
 - Other businesses supported

Mining Heritage Projects

- 5.3 In advance of WHS inscription there have been a number of significant projects undertaken conserving and improving access to mining heritage in Cornwall and West Devon. Many of these projects are the result of the Land Reclamation programme, which sought to remediate contaminated land. Although this programme would have happened irrespective of the WHS bid, the style and execution of projects has been strongly orientated towards the preservation of mining heritage as awareness of the importance of the resource has grown.
- 5.4 The study has identified 29 mining heritage conservation projects 1994 -2004 (listed in the appendix to this report). There is evidence available for some of the projects on the temporary employment supported during the construction/conservation phase of the project.
- 5.5 For those projects without evidence available estimates of the number of FTE jobs/year have been generated based on the cost of the project. These costs have been combined with estimates of the labour cost content of the tasks (*Economic Impact of the Overall Mineral Tramways Strategy*, Groundwork Kerrier 1996), and the average wage rates for the construction industry in the region, £16,214.64 p.a. (2000 *New Earnings Survey ONS*) in order to arrive at estimates of employment supported. The *Economic Impact of the Overall Mineral Tramways Strategy* used evidence from mining heritage projects to determine the labour cost content of different types of project, and these assessments have been used to estimate the payment to labour. In addition, those projects which include an element of property acquisition have had the costs amended.

Project Type	Labour Cost Content
Building Conservation	90% labour
Shaft Capping	40% labour
Landscaping	60% labour
General Combined Schemes of Work	40% labour

Source: Kerrier District Council in *Economic Impact of the Overall Mineral Tramways Strategy*, Groundwork Kerrier 1996

- 5.6 The 29 projects have a total cost of £32,092,000. It is estimated that this expenditure supported 864 FTE job years, giving an average of just over £37,000 of overall expenditure to support a mining heritage construction job.

Mining Heritage Contractors

- 5.7 A potential direct economic impact of WHS status is considered to be growth in the conservation of mining heritage assets. To some degree this includes shafts and adits, but mostly the assets are above ground in the form of mining buildings and the landscapes immediately around them.
- 5.8 Businesses in the area rely on various agencies' spend on conservation projects. The starting point for this part of the study has therefore been the tender lists of partners, including Cornwall County Council and the National Trust.
- 5.9 Consultations indicate that heritage conservation has already had an impact on building the capacity of businesses in the study area. For example, it is estimated that the number of building firms specialising in lime mortar repairs has changed from one to three or four over the last five years, and that traditional stone roofing, stone working and Cornish hedging skills are kept alive through the more stringent requirements for buildings or areas with heritage designations. In addition, the requirement to use traditional materials for such work has helped to support other businesses, such as Delabole Slate.
- 5.10 In addition to standard applications of traditional building skills, conservation work around mining heritage sites has required the use of skills relating to dealing with ivy and the construction of bat shafts.
- 5.11 The majority of businesses consulted had heard of the WHS bid. Some made similar points concerning the capacity of the sector to absorb more work should additional conservation projects be developed. There is a belief that a number of individuals who had worked on some of the more technical tasks during the slight boom in such projects in the late eighties to late nineties have gone on to do other building work since, but in effect represent a latent reservoir of specialist skills that can quite easily be tapped.
- 5.12 Forty two businesses have provided data for this part of the study. A further five could not be contacted. They were asked: number of employees; percentage of staff time spent carrying out mining-related work in Cornwall and West Devon; percentage outside those areas; and what additional skills or training they required to do the work, if any. The data is provided as an appendix to this report.

- 5.13 The data shows that the conservation of mining heritage assets in Cornwall and West Devon supported at least 119.6 full time equivalent jobs in 2000, 119 of which are actually based in those areas.
- 5.14 This skills base relies upon work being made available in local areas, but it further supports work being exported beyond Cornwall and West Devon. The conservation of mining heritage assets has been carried out by firms based in Cornwall and west Devon elsewhere in the UK and in Ireland, Greece, Romania and South Africa. This export of skills outside the WHS bid area supports at least 22 full time equivalent jobs in 2000. In addition, one company based in Cornwall carries out the majority of its work elsewhere in the UK, which supports a further 49 full time equivalent jobs.
- 5.15 These businesses are involved in such task as shaft capping, stabilising chimneys, engine houses and other buildings, landscape work around buildings, and the exploration and mapping of underground assets.

Other Businesses Supported

- 5.16 The conservation of mining heritage indirectly supports many jobs, in particular throughout the tourism sector. However, certain businesses derive their income wholly or partly as a direct result of conserved mining assets existing. These include cafes (at Geevor and Poldark), publishers of guides to mines and mine remains, and specialist walking tour operators.
- 5.17 It has only proved possible to contact a proportion of businesses in these sectors. However, discussions held with representatives of all three areas suggest the following:

Sector	FTE jobs supported by mining conservation in 2000
Cafes and restaurants	6
Specialist publishers	3
Walking tour operators	3.5
Total	12.5

- 5.18 This suggests a minimum of 12.5 FTE's directly supported by mining heritage in these sectors.

Discussion and Summary

Mining Heritage Conservation

- 5.19 Expenditure on mining heritage conservation projects 1996-2004 has supported 864 FTE job years, an average of 96 jobs per year over the nine years.
- 5.20 The conservation of mining heritage in Cornwall and West Devon currently supports 131.5 full time equivalent jobs in the area, of which the majority (119.6) are in construction related companies. In addition to this figure, the presence of specialist conservation skills in the area means that a number of

firms that are located here can export this knowledge beyond the broad WHS bid area – work that supports a further 71 full time equivalent jobs.

Mining Heritage Baseline

- 5.21 By combining the estimates of jobs supported by visitor activity and through mining heritage conservation, it is possible to arrive at a baseline estimate.
- 2,672 FTE's are supported in Cornwall and West Devon through mining heritage generated visitor expenditure
 - Cornwall and West Devon mining heritage conservation work supports 119.6 FTE's
 - Export mining heritage conservation work supports 71 FTE's
- 5.22 This gives a baseline employment estimate of 2,862.6 FTE jobs supported in Cornwall and West Devon.

6 REVIEW OF EVIDENCE

Introduction

6.1 This section of the study reviews the following evidence

- Tourism trends and forecasts for the region and sub-region, in order to gain an understanding of the key characteristics of tourism in the region, the impact of recent changes and the way that the industry is likely to change in the future
- A review of other projects and studies around the theme of heritage, environment and mining heritage. The bulk of the studies are rooted in the South West of England, but where relevant, information from other locations has been included
- A review of the other five industrial heritage WHS sites in the UK, as well as two other UK WHS sites of relevance. Typically this review has been based around documentary evidence and consultation
- A review of the proposed marketing and product development activity for the Cornwall and West Devon Mining WHS
- A series of consultations with key organisations with an interest in or developmental role for mining heritage in Cornwall and West Devon

6.2 The section then considers the available evidence on the impact of WHS listing.

Tourism trends and forecasts

6.3 The period from 1989 to 2001 (United Kingdom Tourism Survey and International Passenger Survey) saw substantial increases in the volume of staying trips to both Cornwall and Devon and across the South West. However the volume of nights spent in Devon and in Cornwall has changed very little, indicating that the length of stay has fallen from an average of 7 to 4.8 nights in Cornwall, and from 5.9 to 4.1 nights in Devon.

6.4 While the percentage of staying visitors coming from overseas was 8% in 2000 in the region, both Cornwall and Devon typically have a lower proportion - 6%, and over the years, the percentage of visitors from overseas is generally lower in Cornwall than in Devon. The length of stay for visitors from overseas is greater than average, 7.7 nights in Cornwall in 2000, and 8.4 in Devon. The length of stay for visitors from overseas has not demonstrated the same changes as the length of stay for visitors from within the UK.

6.5 Regionally, tourism trips demonstrate a seasonal pattern, with 36% of the annual total of UK resident trips and 40% of the annual total of overseas trips being taken between July to September. Given that

the regional tourism profile is predominantly holiday makers (72% of UK resident trips), it is likely that similar season patterns are evident in Cornwall and West Devon.

Seasonality of Tourism in the West Country

% of trips	2001	2000	1999	1998	1997	1989
UK Resident Visitors						
January-March	16	15	14	14	14	15
April-June	24	27	26	27	27	26
July-September	36	39	38	38	38	43
October-December	25	19	22	21	22	16
Overseas Visitors						
January-March	15	14	15	13	15	13
April-June	30	29	27	26	24	23
July-September	40	40	42	44	44	47
October-December	16	17	16	17	17	17

Source: United Kingdom Tourism Survey and International Passenger Survey

- 6.6 However, it is apparent that over time the seasonal peak of visitors in the third quarter of the year is gradually being diminished, from 43% of UK resident trips in 1989 to 36% in 2001, and from 47% of overseas trips in 1989 to 40% in 2001.
- 6.7 As well as the capital and interpretation projects being undertaken in Cornwall and West Devon in support of the WHS nomination, there are other significant projects outside the mining heritage sphere that could have an impact on the volume of visitors:
- The development of the third biome at the Eden Project
 - The opening of the National Maritime Museum, Cornwall, in Falmouth
 - The potential Phase 2 development at the Tate Gallery, St Ives
- 6.8 In relation to these and any other visitor-related developments, there are both positive and negative effects on the likely volume of visits to the sites making up the proposed WHS area. New, high profile, facilities are likely to displace visitors from other sites in the area. Conversely, however, new regionally significant facilities may serve to grow the overall visitor market in the sub-region and provide a larger pool of visitors in the area from which to attract patronage for the WHS. The Tate Gallery, St Ives and particularly the Eden Project have demonstrated that they have attracted new visitors to the region and it is likely that the National Maritime Museum, Cornwall will also have some impact in this respect.
- 6.9 The English Tourism Council's *Perspectives on English Tourism*, 2000 reviews changes in the volume and pattern of tourism in England during the 1990's:
- There has been a movement towards 1-3 night trips at the cost of longer trips (for domestic trips, an increase of 61% from 1990 to 1999), leading to a 'little and often' pattern of holidays. In 1990 31% of domestic trips were 'secondary' holidays, by 1999 this had increase to 60%. Competition from

near-Europe is strong in this sector, partly fuelled by low cost air travel. The South West continues to have a disproportionate amount of longer holiday trips however.

- Towns and cities have been increasing their share of trips
- Although the volume of tourism in the UK has grown over the 1990's (an increase in domestic trips of 59% and nights by 27%), the increase in discretionary income and the large rise in UK residents taking trips overseas suggest that UK performance is not strong. Trips by overseas residents have also demonstrated steady growth, although this market has been affected by the relatively strong pound and concerns about terrorism.
- Consumers are increasingly looking for value for time as well as value for money. This is reflected in a desire for distinctiveness and authenticity. There will be a new focus on nostalgia, roots, other cultures and identities, and interactive experiences becoming more important than passive ones. Visiting heritage sites accounted for 20% of activities carried out on a holiday trip to the South West.
- Forecasts indicate that discretionary income will rise, with the rich likely to benefit the most. The top end of the market is most likely to take an additional weekend in Britain, but those on lower incomes may well decide to spend additional income going abroad.
- There has been an increase in the volume of leisure day visits. Nationally, 73% of day trips are to urban destinations.
- Currently there is almost a third fewer people aged 60+ than there are young adults aged 20-39. By 2020 the groups will be about equal and by 2030 it is predicted that older people will outnumber young adults by 20%.
- Families with younger children are more likely to have domestic holidays while those with older children increasingly go on trips abroad. This relates to logistical problems taking small children abroad and the ever more sophisticated holiday demands from older children.

6.10 South West Tourism's *Regional Tourism Forecasts 1999-2010* provide information on past and expected changes in tourism in the South West:

- UK resident 4 plus night trips to the South West have grown from around seven million in 1989 to over 8 million in 1999 – a growth of about 17%. However at the same time, 1-3 night trips grow from just under 3 million to 5 million – a growth of 76%. UK resident secondary holidays have increased their proportion from 40% in 1989 to 50% in 1999.
- Between 1989 and 1999 UK resident trips to Cornwall increased by 30%, nights by 9 % and spend (at 1999 prices) by 11%. Devon saw a 25% increase in the number of trips, a 2% increase in nights and a fall of 2% in spend.

- Visitors from overseas are dominated by the USA, Canada, France, Germany, Netherlands and Australia. Between 1989 and 1999 increases mainly came from Germany and the Netherlands. Cornwall had an increase in visitors from overseas of 30% and Devon an increase of 10%.
- The forecasts suggest that between 1999 and 2010 the overall number of UK resident trips to the region will move from 19.1million to 26.8 million (+40%). Within this, 1-3 night holiday trips will change from 5.1 million to 9.4 million (+84%) and 4+ night holiday trips from 8.3 million to 8.5 million (+2%).
- The predicted changes in the number of trips will result in nights spent by domestic tourists in the region changing from 75.7 million in 1999 to 102.3 million in 2010 (+35%). Correspondingly, spend will change from £2,879 million in 1999 to £3,583 million in 2010 (+24%).
- Trips to the region by overseas residents are predicted to grow from 1.6 million in 1999 to 2.0 million in 2010 (+25%). Nights are predicted to grow from 11.9 million to 14.8 million (+24%) and spend from £500 million to £743.9 million (+49%).
- The report notes that the changes between 1989 and 1999 encompass significant public and private sector investment in the tourism industry (e.g. Objective 5b and 2 programmes, lottery funds etc.). Therefore the changes have been a result of the changes in demand and the changes in supply and the relationship between them. Furthermore, the forecasts rely on similar levels of investment in the supply of facilities. As a result, the forecasts could already include an allowance for high profile well-funded initiatives – such as WHS status.

Review of Other Studies

Attitudes to Heritage

- 6.11 Research carried out by MORI for English Heritage in 2000 investigated British 'Attitudes towards the Heritage'. The research reported:
- People are likely to consider the wider environment (such as the countryside and landscapes) to be part of the heritage or historic environment.
 - The things which most people spontaneously relate to both heritage and the 'historic environment' are historic buildings and palaces.
 - The value placed on heritage is divided along lines of social class, geography and ethnicity. People in the AB social classes, and South East and North East residents, are much more likely to think the heritage plays a valuable role. 38% of white people, 30% of black people and 25% of Asians say that heritage plays a valuable role in the cultural life of the country.
 - The survey reinforces the growing trend for a need for meaning in British society. As traditional institutions hold less significance in the life of the country, people look in new directions to help

define where they personally fit in. In a rapidly changing society heritage and the historic environment represent something constant and reliable.

- Recommendations included ensuring the industry recognised the need to operate as a commercial visitor attraction, with different marketing targeted to different groups.

Regeneration Impacts

- 6.12 English Heritage's *Conservation-led Regeneration* (1998) indicates that pump priming heritage investment can lever substantial additional funding. It notes that from 1994 to 1998 the £50.8 million English Heritage Conservation Area Partnerships funding had generated an overall investment of £300 million in sustainable regeneration.

English Heritage's *The Heritage Dividend* (1999) assesses the results of English Heritage regeneration from 1994 to 1999. Using data from 31 Conservation Area Partnership schemes and two Buildings at risk programmes it indicates that across the 31 case studies the £4 million English Heritage funding levered £12 million private sector investment and £7 million further public sector investment. Qualitative benefits include the increased business and community confidence from converting derelict buildings into contemporary economic use, and the way in which this sends out powerful signals to other property owners and potential investors. Schemes included the Conservation Area Partnership scheme in Redruth. This included the West End Stores scheme, the Alma Place scheme and the restoration of Market Yard. The regeneration of the former Post Office in Alma Yard includes the Cornish Heritage Resource and Information Centre. Quality of work featured highly in this scheme. Heritage can act as a major catalyst to sustainable urban regeneration, for example through English Heritage and Heritage Lottery Fund conservation area based schemes, such as Townscape Heritage Initiatives (THI) and Heritage Economic Regeneration Schemes (HERS), and the restoration and re-use of individual historic buildings.

- For every £10,000 of heritage investment in such heritage-led regeneration schemes, £46,000 is levered in from private-sector and public sources.
- Together this investment creates one new job; safeguards one job; improves one dwelling; improves 41 sq. metres of commercial floorspace, and results in 103 sq. metres of environmental improvements.
- Between 1998 and 2002 £2.6 million has been committed to THI and HERS schemes in Liskeard, Redruth, Falmouth, Hayle, Camelford, Penryn, Bodmin, Looe and Helston; leveraging in an additional £12 million to the Cornish economy.
- In 2001/2 English Heritage offered grants totalling over £1.6 million for the repair of individual historic buildings in the South West region.
- Nationally, rental values for listed office buildings rose by 6.5% in 2001 compared with 3.8% for unlisted offices.

- 6.13 *Power of Place* (English Heritage, 2000) looks at the future of England's historic environment. It notes that historic designations, such as listing, often adds to the value of private houses, despite the extra responsibilities. In 1998 the investment return on listed office property was 11.9% compared to 11.4% for unlisted property. There are also less tangible benefits from business location in historic buildings in terms of associated value.
- 6.14 *Valuing Our Environment* (National Trust 1998) included an assessment of the way that conservation organisation expenditure generated economic activity. In particular, it noted that 59% of the purchase of goods and services in Cornwall was from within the County and a further 20% was from elsewhere in the South West Region. The study estimated that one job will be generated per:
- £50,000 turnover in the construction sector, reflecting the mix between suppliers of materials where turnover-job ratio is likely to be lower and specialist craftsmen employed on a contract basis where the ratio will be higher
 - £25,000 turnover in the services sector, reflecting the relatively high proportion of turnover represented by wages in that sector
 - £100,000 of turnover in the supply sector reflecting the warehouse distribution function of many suppliers
 - £100,000 turnover in the other spend sector
- 6.15 Of the jobs supported by the National Trust expenditure in Cornwall, 63% were in the county, and a further 17% were in the South West. The study estimated a ratio of one Full Time Equivalent job per 1.14 actual jobs.
- 6.16 The study estimated that 61% of the day trips by holiday makers were pre-planned prior to coming on holiday and 92% of trips by day visitors were pre-planned.
- 6.17 *Mines and Quarries: Industrial Heritage Tourism* (Universities of Wales and Barcelona, 1996) notes that the typical size of installations makes maintenance costly, with the degraded environment in the local areas discouraging other activities or investment, and that the location of these facilities is often peripheral to tourist circuits. This will discourage investors in mining heritage projects. The document also suggests however, that tourism can help as a catalyst for entrepreneurship. The document considers the role of mining heritage in locations normally associated with other forms of tourism – in this case, Spain. It notes that Spain has neglected alternatives to its main sun/sea/sand (and some winter sports) because of a narrow definition of heritage and an unawareness of the potential of mining and industrial tourism. The document also notes that industrial heritage attractions have the greatest chance of success if they are part of a wider range of tourist attractions in the locality.
- 6.18 *The Impact of Visitor Centres in Rural Areas* (Countryside Agency 2000) indicated that establishing visitor centres in rural areas can provide economic benefits. A systematic calculation of the local economic benefits (based on the eight visitor centres studied) suggest around 11 Full Time Equivalent jobs created. Additionally, such centres are often seen as providing a focus for the area, an additional

attraction, and a point of communication. Some centres stimulate additional enterprises on site or in the neighbourhood. Centres potentially have a strong influence on visitor behaviour, encouraging people to go to places they might not have otherwise, or generating repeat visits. However, long term viability is a weakness.

- 6.19 *The Economic Impact of Recreation and Tourism in the English Countryside* (Countryside Agency 1998) indicated that total visitor spend on trips to rural areas in England (including staying visitors from within the UK and overseas, plus day visitors from home) was £11,545 million. £2,111 million of this was in the South West, split 26% UK resident staying visitor, 4 % overseas resident visitor and 70% day visitor from home. Some of this spend (especially transport spend) will take place at the trip origin, and so the estimated spend actually in rural areas in England is estimated to be £10,626 million, split 14% on accommodation, 12% on retail, 43% on catering, 18% on attractions and 13% on transport. The spend is estimated to directly support 290,000 jobs, with another 49,600 supported through linkage and multiplier effects. The South West takes 56,810 of the directly supported jobs and 9,550 of the linkage and multiplier jobs.
- 6.20 *The Economic Contribution of Museums in the South West* (South West Museums Council 1999) estimated that:
- Each FTE job in museums supports around 1.43 FTE's throughout the South West Economy
 - Each £1 million of output from South West museums supports around £0.74 million of output elsewhere in the South West economy.
 - Each £1 million of GDP from South West museums generates a total of £1.61 million of GDP throughout the South West.
 - The employment multiplier for the museum sector as a whole is slightly larger than those for retail distribution and for hotels and catering, but is comparable with that for education.
- 6.21 *Creative Industries Exports: Our Hidden Potential* (DCMS 1999) looks at how Government assistance on export promotion can serve the needs of the UK's creative industries. It found that:
- The main markets for the export of heritage conservation services are the emerging countries, covering Eastern Europe, Asia and the Middle East, which wish to develop heritage resources and require technical skills, institutional development and training. There is a small market in the less developed countries where donor agencies do put some funding into key heritage projects. By contrast developed countries such as Western Europe and the USA have an established heritage focus and therefore international collaboration is more common than commercial interest in heritage development services.
 - The fragmentation of the heritage conservation sector in the UK is seen to be a weakness, although bodies such as the Museums and Galleries Commission, the Museums Association, ICOMOS UK and the British Consultants Bureau fulfil some of these functions. Additionally, responsibility for this sector is split between British Trade International and the British Council and there is no clear

channel for the gathering of information on market opportunities. There is also a lack of authoritative and usable databases about the UK resource in heritage services (although the Museums and Galleries Yearbook fulfils this role for part of the sector). While there are opportunities to be involved in trade missions overseas, there is a need for the UK resource to take more advantage.

- 6.22 *The Historic Environment: A Force for Our Future* (DCMS, 2001) states government policy for the historic environment. It notes that the Building Skills Action Group in partnership with English Heritage and the Construction Industry Training Board aims to promote practical training in traditional construction skills. English Heritage will co-ordinate work to ensure that there is a coherent approach to meeting skills requirements.

Local Projects

- 6.23 The Mineral Tramways Portreath to Devoran multi-use trail was developed between spring 2000 and autumn 2001. Research undertaken on behalf of the Cornwall County Council Environmental Projects Team amongst local businesses in October 2001 indicated that:

- 66% of businesses indicated that visitor numbers on the trail affected their business, and those that had not seen an impact expected more business in the future, particularly with improved marketing. Although none of the businesses contacted had yet taken on extra staff, there was evidence of extra small scale investment as a result of the trail, with 20% of the businesses contacted having taken action and 40% planning action.
- Businesses indicated that better marketing of the trail was important.
- Many businesses were confident that there would be increased turnover created by the trail in the future, although most were reluctant to make substantial investments until there was further evidence of impacts.

- 6.24 During 1995-2001 the village of Porthowan underwent a range of improvements and environmental enhancements, at a cost of £1.1 million (of which £500,000 was social housing development). Work included conservation of historic buildings at Tywanhayle Mine and the use of traditional materials. Impacts included:

- A rise in the number of businesses from 6 to 10.
- At least seven new Full Time Equivalent and two new part time jobs created.

- 6.25 The Economic Impact of the Overall Mineral Tramways Strategy was researched in 1996. The study looked at 55 Mineral Tramways sites schemes, some of which had been undertaken already, and others which were planned. Over £6.3 million had been spent and a further £2.8 million committed for the future.

- The most tangible direct output at the time was the temporary construction and related employment created as a result of the physical improvements to the area (180.9 directly supported FTE's and 97.7 indirectly supported FTE's). There was also the permanent direct employment created or safeguarded in the attractions, visitor centres and in Groundwork Kerrier (6.5 directly supported FTE's and 3.25 indirectly supported FTE's).
 - The report also identified a further 128.2 direct, indirect and induced Full Time Equivalent jobs as a result of associated construction projects. It also identified 34 expected temporary FTE jobs, 246 new permanent FTE jobs and 150 safeguarded FTE jobs associated with environmental improvements and visitor facilities.
 - Survey work indicated that the majority (67%) of Mineral Tramways users were locals, most of which had used the route/site before.
 - The study concluded that economic benefits from visitor activity were curtailed by a lack of awareness and co-ordinated marketing activity, which held back growth in visitor numbers. As a result there was relatively little associated commercial development at that time.
- 6.26 The Station Road Footway Project has recently been undertaken to link the village of Perranwell with the Mineral Tramways Coast to Coast Trail. This link enables walkers to access the village's post office and stores, pubs, garage and B&B, as well as access to the railway station. Total project cost is £59,000. It is estimated that the footpath will bring an extra 5,700 visitors to the village's business premises and increase sales by an average of 14%, leading to an estimated 2 full time and 5 part time jobs. Importantly, the project benefits from active support from the businesses affected and from the Devon and Cornwall Rail Partnership. Through the latter the project will be promoted in the Truro to Falmouth Line Leisure Guide, the Summer/Winter Timetable and the 'Rail-Ale Trail' and 'Walks from the Railway' leaflets (distributed through stations across the South West and South East of England).
- 6.27 Bissoe Tramways Cycle Hire is on the Coast to Coast Mineral Tramways Trail. Discussions indicate that business is seasonal, with 70% of volume occurring during the school summer holiday period. School half terms and Easter are also busy. As well as independent groups, the business receives group business – for example groups from Exeter College outdoor instructors courses and Army units. It is believed that there is a reasonable awareness of the importance of mining heritage amongst businesses, backed up by relatively substantial numbers of books about the mining trails and by mineral samples. The books and samples are aimed at the general rather than specialist market and give some insight into the potentially wide appeal of mining heritage. Business has continued to grow in 2002, with numbers of bike hires 40% up on 2001 and a peak of 1995 bike hires in August 2002.
- 6.28 A 1997 study of the Camel Trail (as quoted in the *Spanning the Century Business Plan* Cornwall County Council 1998) counted 285,000 people using the Wadebridge to Padstow section of the Trail, of whom 70% were from outside Devon or Cornwall. The average daily spend per person was £12.91, giving a total expenditure of £2,582,000. This expenditure was estimated to support 44 jobs. The study included evidence from a number of individual businesses on employment supported through visitor activity and expenditure, and these included bike hire shops, wildlife shops, tea rooms, pubs, other

catering businesses. The business plan noted that a key constraint to usage was overcrowding on some sections.

- 6.29 A 1993 survey for the Minions Area Heritage Project noted that the most common factors that attracted visitors were ancient sites (29%), peace and quiet (28%) and scenery/landscape (23%). The survey report felt that few people were aware of the significance of mining remains (9%).

Other World Heritage Sites

- 6.30 Of the 24 inscribed sites in the UK, there are five which have a particular relevance to industrial heritage:

- Ironbridge Gorge – Located near Telford, Ironbridge Gorge contains the elements of progress developed in an 18th century industrial region. The WHS contains a number of museums as well as the iron bridge itself.
- Blaenavon Industrial Landscape - Located in the Welsh Valleys, Blaenavon includes coal and ore mines, quarries, a primitive railway system, furnaces, the homes of the workers, and the community social infrastructure.
- Derwent Valley Mills – Located in central England, the site contains a series of 18th and 19th century cotton mills and an industrial landscape of historical and technological interest. The workers' housing associated with this and the other mills remain intact and illustrate the socio-economic development of the area.
- New Lanark - New Lanark is a small 18th century village set in a sublime Scottish landscape where the philanthropist and Utopian idealist Robert Owen moulded a model industrial community in the early 19th century. The imposing cotton mill buildings, the spacious and well-designed workers' housing, and the dignified educational institute and school still testify to Owen's humanism.
- Saltaire – Located in West Yorkshire, Saltaire is a complete and well-preserved industrial village of the second half of the 19th century. Including textile mills, public buildings and workers' housing, the urban plan survives intact, providing a view of Victorian philanthropic paternalism.

- 6.31 In addition, the Dorset and East Devon Coast World Heritage Site is of interest because of its geographical proximity, and also because of its linear nature crossing political and administrative boundaries; and Hadrian's Wall because of its dispersal across political/administrative boundaries.

Ironbridge Gorge

- 6.32 The Ironbridge Gorge Management Plan aims to provide objectives for the management of the WHS landscape, outline a sustainable approach, increase public awareness and establish a prioritised programme of action.

- There are between 250,000 to 300,000 visitors to the Ironbridge Museums per year, and other visitors to the WHS increase this to a total of about 600,000.
 - Across the whole of Telford and Wrekin, there were approximately 2.6 million visitors in 1998/9, spending £76 million. This expenditure directly supported 1,930 jobs and indirectly supported 620 jobs. 18% of the direct jobs were in the accommodation sector, 33% in catering, 28% in retail, 17% in leisure attractions and 4% in transport. While not all the visitor activity in the district is within the WHS, Ironbridge Gorge is the main visitor attraction and is deemed responsible for generating a significant proportion of the area's tourism income.
 - Approximately 55,000 school children a year undertake part of the formal education through the extensive schools programmes of the Museum Trust. The Ironbridge Institute, part of the University of Birmingham, undertakes post-graduate training courses in Industrial Archaeology and Heritage Management.
 - 85% of visitors arrive by car and most of the remainder by hired coach. The main visitor season is between Easter and the end of October. The seasonal pattern of visits is increasingly evenly spread over these months, partly in response to the Museums Trust marketing strategies.
 - There has been a steady increase in visitors taking short breaks in the area, often with cultural tourism as the main objective. This has been at the expense of the main holiday family visit. This change has also been reflected in the increased proportion of visitors who are over 50. School and other educational party visitors have remained steady at about 20% of the total museum visitors. Visitors staying away from home consistently make up 50% of those visiting museums.
 - Overseas visitors account for 8% of visitors. For visitors from the UK, all social groups are well represented (and much less skewed towards the A and B socio-economic groups than, for instance, visitors to National Trust properties).
 - There is widespread use of the footpaths and cycleways, including regular use by those living in and around the area.
 - The Ironbridge Tourist Information Centre deals with about 50,000 enquiries a year. Visits to www.ironbridge.org.uk are currently 300,000 per year.
 - Public and private agencies concerned with tourism have worked together through an effective marketing partnership which involves different types of accommodation and the various visitor attractions. The partnership aims to progressively increase the proportion of visitors staying in the area (to provide more economic benefits), although there is a recognition that the majority of tourism earnings are from day visitors. The historic role of Ironbridge Gorge as the 'birthplace of industry' presents significant marketing and promotional potential.
- 6.33 Recent visitor research on behalf of the Ironbridge Gorge Museum Trust indicates that 69% of visitors were unaware of the area's WHS status. It also indicated that visitors viewed WHS status as offering

protection to the site (like listing a building), and that it would encourage tourists to visit, particularly from overseas. Additionally, visitors thought that the status would enable the area to access funding.

- 6.34 Discussion indicates that WHS inscription did not produce a step change in the volume or type of visits, partly because Ironbridge had already built a reputation as a centre for industrial heritage. It is understood that the managing organisations did not immediately exploit the WHS status for marketing, and indeed even after 16 years, the WHS 'tag' is still not always used in marketing or promotional activities and there remains work yet to be undertaken in signing the boundaries of the WHS site. During the 1980's visitor numbers increased year on year, and that it is not possible to specify what part of this growth was due to the WHS status and what is due to other factors (such as Ironbridge's existing reputation, and underlying wider changes in the pattern of tourism).
- 6.35 However, WHS status has had some specific impacts:
- The introduction of a WHS Co-ordinator post in the Local Authority and the protection of other Local Authority funding on the site.
 - Significant role in securing funding from the Regional Development Agency
 - Production of the Management Plan, which sets out a co-ordinated set of actions to conserve and utilise the WHS site as well as providing an effective bidding support document to secure funds from ERDF, HLF and English Heritage programmes. WHS status has helped to secure ERDF-based funding of between £4m-£5m, of which approximately 30% is from the EU.
 - The WHS is affected by flooding and land instability issues, which will have significant costs to undertake the necessary work. The UK government is being lobbied to help protect the site and funds have been received through the SSA to undertake research on this issue and undertake some immediate remedial road repairs. It is understood that WHS status has afforded a priority which might otherwise not been gained
 - Support for the Birmingham 2008 City of Culture bid, which draws upon the cultural assets in the wider area as well as within the City
- 6.36 Discussion also indicates that awareness of WHS sites is generally low in the UK and that DCMS and the Local Authority World Heritage Forum is seeking to address this issue. The management plan includes elements to raise awareness of the local population.

Blaenavon Industrial Landscape

- 6.37 Blaenavon was inscribed as a WHS in 2001 and includes the town of Blaenavon itself as well as the Big Pit Museum and a number of archaeological sites.
- 6.38 Studies have been undertaken into the economic impact of the Big Pit Museum and of the likely impacts of the wider Blaenavon regeneration scheme (which includes a matrix of projects situated in and around the town):

- The estimates for the Big Pit Museum are based on projected visitor figures for 2004-5 of 125,000 visitors (management responsibility for the museum has recently passed to the National Galleries and Museums of Wales and it is understood that the resulting free admission has seen visitor numbers move from 83,000 in 2000 to an expected 102,000 in 2001). The museum is estimated to spend £1.1 million (£1998), of which £1.03 million will occur in Wales. Using an input-output framework it is estimated that £759,000 of output is supported by suppliers to the facility and associated multiplier effects. In addition to the estimated 50 employees at the site, another 13 Full Time Equivalent Jobs (FTE's) are supported through expenditure with suppliers and the associated multiplier effects. The modelling suggests that £20,600 worth of output will support a job directly, and that £56,100 of indirect output will support a job.
- In addition to the facility spend through Big Pit, there will be the impact of off-site expenditure by visitors. The process includes the balance of the daily spend by staying and day visitors (as drawn from national surveys), and based on the 125,000 visitors (split 60:40 day:staying), totals £675,000. Taking account of the elements of this spend comprising taxes or leakages, the net initial output demanded through off-site visitor spend will amount to £430,000 (64% of the original). Multiplier effects will then add £200,000 to this total (47% of the original). The off-site visitor expenditure will directly support 13 FTE's, and will then also support another 3.5 FTE's through multiplier effects. The modelling suggests that £33,000 of net off-site expenditure/output (or £52,000 of gross off-site expenditure) is required to support a FTE, and that £57,000 of multiplier output is required to support a FTE.
- Overall, the combined Big Pit facility spend and off-site visitor spend generated output of £2,389,000 brought £823,000 income to Welsh residents, supported 79.5 FTE's and added £930,000 GDP.
- The matrix of WHS projects in and around Blaenavon includes projected 2001-4 construction expenditure of £19.42 million. It is estimated that £15.5 million will be within Wales (80%) and that multiplier effects will add another £8.8 million (57% of the spend within Wales). The direct labour content of the development activity supports 410 person years (or, put another way, about 100 persons per year). Indirectly, an additional 170 person years will be supported, mainly in the Construction, Retail & Wholesale and Finance & Business sectors. The modelling suggests that £38,000 of net construction expenditure (or £47,000 of gross construction expenditure) per annum is required to directly support a FTE, and that £52,000 of multiplier expenditure is required to support a FTE.
- Post 2004 development through to 2010 is estimated at £1.75 million per annum, leading to a further £1.05 million per annum indirect spend. This will equate to 65 FTE's per annum.
- Visitor number predictions for the elements making up the matrix of WHS projects are based upon the opportunity to provide an integrated visitor experience, the reduced Big Pit entrance price and the marketing opportunities afforded by WHS inscription.

Estimated visitor numbers Blaenavon Industrial Landscape

Location/Year	2000 (actual)	2001	2002	2003	2004	2005-10
Big Pit – Casual Visitors	35,300	42,900	52,300	61,700	71,100	73,000
Big Pit – Educational Groups	38,400	45,700	54,800	64,000	73,200	75,000
Big Pit - Other Groups	4,300	5,000	5,700	6,500	7,300	7,500
Other Blaenavon	5,000	8,000	11,800	15,500	19,300	20,000
Total	83,000	101,500	124,600	147,700	170,900	175,500

Note: Attendance at Big Pit does not preclude attendance at other locations

Source: Blaenavon Economic Impact Study, Welsh Economy Research Unit 2001

- The output attributable to the operation of the various facilities and to the visitor expenditure is estimated to total £4.18 million. An estimated output multiplier of 1.4 gives a total direct and indirect output of £5.85 million.
- Direct and indirect employment supported through the operation of the various facilities and through visitor expenditure totals 151 FTE's. Of these, 118 will be within Blaenavon itself. The report identifies that there will be some constraints in making the most of the economic opportunities because of a relative lack of accommodation and recreation businesses.

- 6.39 Discussions indicate that since inscription there has been increased visitor activity and evidence of new visitor facilities opening – such as higher quality cafes in Blaenavon, and increased interest in setting up accommodation enterprises. However some of these changes are likely to be as the result of the National Galleries and Museums of Wales taking management responsibility for Big Pit (which it is understood would have happened irrespective of WHS status), and the subsequent reduced admission price. While there have been some changes, progress is described as slow. Much of the site is on moorland, with poor access, unsafe structures and a lack of interpretation.
- 6.40 Given the lack of access to part of the site and a relative lack of facilities for visitors there has been relatively little marketing of the area as a WHS. A group is being established to look at marketing issues such as branding and logos, although it is understood that there are few resources allocated yet for marketing. Overall it is anticipated that there will be a gradual rise in visitor numbers as a result of WHS, with tourism seen as the tool to halt the area's spiralling decline.
- 6.41 There has also been evidence of a rise in property prices, and this has been linked to WHS status. A Welsh Assembly funded housing repair scheme in operation in Blaenavon now includes conservation considerations. Quality of repairs has increased, and includes the use of natural roofing slate and replacement of chimneys.
- 6.42 The Blaenavon Economic Impact Study also covers discussion about some of the issues about exploiting industrial heritage with disadvantaged communities. It suggests that:

- Industrial heritage sites are often expensive to make suitable for visitor access (both in terms of physical suitability and interpretation requirements) and can require a high direct labour component for health and safety reasons.
- The environmental damage often associated with industrial heritage sites means that it can be difficult to attract new activities to adjacent areas, leaving economic success of redeveloped sites dependent only on the long term visitor numbers.
- Industrial heritage sites are often distant from extant tourist circuits and that decline may have reduced transport and other infrastructure.
- Tourism-led development at some industrial heritage sites can represent the only or last possible solution and some of the factors (such as the social structures and value systems) required to successfully exploit the physical industrial remains may have diminished.
- Maximising local impact will include using local suppliers wherever possible, and consideration should be given to splitting large contracts into a number of smaller ones. This can allow the use of preferred suppliers if the contract is below the tender threshold, and avoids smaller local companies from not bidding for complex large projects. Additionally, town centre regeneration should improve the visitor offer, particularly in terms of retail and catering, and should consider the improvement of extant properties as well as new development. Marketing should include the complementary role of the WHS experience with other elements of the tourism product.

6.43 Commenting upon the use of WHS status as a vehicle for regenerating Blaenavon, *Is Conservation of Industrial Heritage a Road to Local Economic Development?* (Welsh Economic Research Unit 2001) indicated that a central problem in this location is an under-developed supply side. In particular, few in the local community possess the skills or financial resources to fully contribute to a regeneration process based upon tourism.

Derwent Valley Mills

6.44 Derwent Valley Mills were inscribed as a WHS in 2001 and includes a landscape of industrial buildings, related housing and canal, road and railway architecture. The majority of the buildings are currently in use.

6.45 A survey at three of the locations within the WHS (Cromford Mill, Derwent Valley Visitor Centre and Derby Industrial Museum provides information about visitors and their trips:

- 68% were on a day trip from home, mainly from within the region. 89% of holiday visitors were from within the UK. Different interview locations had different visitor profiles.
- An interest in history/heritage was the most common motivation for the trip (32% of visitors), followed by "Something to do" (19%), "Interest in/enjoy visiting the local area" (15%), "A day out" (12%) and "Children wanted to go" (11%).

- Visits to more than one of the centres on that trip varied between 25% and 4% of visitors depending on the interview site (note that most visitors are on day rather than staying trips). Between 20% to 51% of visitors (depending on the interview location) had visited other mill sites on the WHS in the past, and up to 22% of visitors were likely to visit other mill sites on the WHS in the next 12 months.
- 43% of visitors were aware of the WHS status. 26% had found out from newspapers, 16% from general knowledge and 14% from friends and relatives. While locals were most likely to have found out about WHS status from newspapers (32%), holiday visitors were most likely to have found about through leaflets (24%) or from friends/relatives (21%).

6.46 The Derwent Valley Mills World Heritage Site Management Plan Consultation Draft (July 2000, revised May 2002) indicates that:

- WHS inscription is predicted to lead to an increase to the numbers of visitors in the area. It is anticipated that Cromford Mill will increase from 100,000 visitors to up to 150,000 visitors per year, and North Mill from a projected 8,000 in the mid term to 30,000 in the long term. However, Museum Development Plans will be formulated on the basis of relatively modest growth in visitor numbers.
- For the site to maximise economic impact, visitors must be encouraged to use shopping streets as well as key sites.
- Some parts of the WHS are constrained by a lack of the necessary visitor infrastructure and service culture to utilise the opportunities afforded by tourism.

6.47 Discussions indicate that development of visitor baselines is still in progress, and the development of a marketing plan for existing and future tourism audiences is still in progress, with no real WHS marketing yet. The WHS site runs through five Local Authority boundaries and therefore while there is some visitor information, most is not WHS specific. Transportation and access issues need to be resolved before attempts are made to increase visitor numbers, with parts of the site lacking in the necessary parking etc.

6.48 Current thinking about marketing the WHS is that it will build on the existing work being undertaken in Derbyshire, rather than attempting to work independently.

6.49 Discussions also indicate that WHS status is proving useful in cementing funding bids, and that this is partly because the WHS partnership is seen to co-ordinate the key organisations concerned with the site, irrespective of geographical or subject boundaries. It is understood that funders such as the Regional Development Agency are supportive of WHS-related projects and that the introduction of a HERS scheme is in part due to WHS status. WHS status has also raised the profile of the area's tourism product in other strategy documents.

New Lanark

- 6.50 While New Lanark was inscribed as a WHS in 2001, it was first nominated in 1986. Discussions indicate that much of the marketing since 1986 has capitalised on the site's status as a WHS nominee and therefore the impact of inscription itself is lessened. Nonetheless, it is believed that inscription added 10% to the site's visitor numbers, providing static levels of use while other destinations in Scotland saw use fall.
- 6.51 While it is believed that WHS status has had an impact on the level of use of the site, this impact is believed to be subordinate to the other factors affecting the overall volume and type of tourism in Scotland.
- 6.52 WHS status has ensured that there is a Local Authority WHS Management Committee, and funding for the WHS Co-ordinator. This and other funding for the site is now assured, which is in contrast to the less certain funding position prior to inscription. In comparison to tourism's role in the Cornish economy, other parts of the economy are the chief concern in Lanarkshire.
- 6.53 WHS status has also brought together key partners, although given New Lanark's discrete site this is less of an issue than some of the more dispersed sites.
- 6.54 Visitor numbers rose to approximately 30,000 in 1980 from essentially nil in 1970. Following nomination there were 150,000 paying visitors by 1990, which has now stabilised to approximately 120,000 1997-2001, plus a stable 390,000 non-paying visitors.
- 6.55 From two Bed and Breakfasts in the area initially, there are now around 20, plus a 38 bedroom hotel on site.
- 6.56 The main visitor season is April to September. In summer 60% of the visitors are from outside Scotland, and this drops to 25% from outside Scotland in the winter.
- 6.57 Visitors spend directly supports 140 jobs on the WHS, plus an estimated addition indirect 100 in the village in other businesses.
- 6.58 Discussion indicates that the marketing of the WHS centres on New Lanark's role as a historical site beside water in the countryside. The 'industrial heritage' label is not thought to be the most appropriate for the general market.
- 6.59 The 1993 New Lanark Heritage Village Economic Assessment indicates that:
- Economic output was over £5 million and every £1,000 increase in activity in New Lanark increases the Lanarkshire output by £1,227.
 - That the trading activities of the New Lanark Conservation Trust are the key economic generators and that 52 additional jobs are sustained

Saltaire

- 6.60 Saltaire was inscribed in 2001 and provides an example of a Victorian industrial village. The buildings making up the site are essentially already in economic or residential use. Some of the economic use is visitor orientated.
- 6.61 The Saltaire Draft Management Plan 2000 indicates that:
- Considerable conservation-led regeneration took place before WHS status was achieved, recognised through a variety of accolades.
 - WHS status is likely to increase the number of visitors to Saltaire, and that the site has the capacity to handle increases as long as sustainable transport is used.
 - Marketing should encompass both Saltaire as an independent visitor destination as well as part of a wider range of reasons to visit the region. The Management Plan includes making linkages with other related local attractions.
 - Proposals include projects improving public access to buildings, and schemes encouraging residents to offer Bed and Breakfast accommodation.
 - Renewed prosperity has encouraged residents to maintain the character and appearance of their houses, and pride and economic well-being is also reflected in the investment in restoring public buildings. However, much of this predates WHS inscription.
- 6.62 English Heritage's *Conservation-led Regeneration* (1998) indicates that £350,000 from English Heritage and Bradford Metropolitan Council was put towards £1 million of works to the 19th century mill and model industrial village. This led directly to the regeneration of the mill and the revival of the village, creating 1,800 new jobs.

Dorset and East Devon Coast

- 6.63 The Strategic Report on Development Potential (2002) indicates that:
- The effective, co-ordinated management of the attractors, infrastructure and services is key in maximising economic development potential. However, on its own, the WHS offers no development potential, although it is a key component in the wider *World Heritage Coast* (WHC), which provides the services and infrastructure.
 - It is viewed as critically important to develop a brand identity that integrates the WHS and the WHC. The report also makes much of the role of spatial development, with gateway towns providing dispersed nodes of tourism development.
 - There is potential for developing specialist out of season breaks to combat visitor seasonality issues.

- There is a need to develop local food and drink supply to support the overall WHC brand as one of several measures to be developed.
- WHS status is likely to have value in non-tourism business development.
- The report identifies market sectors according to volume and level of engagement with WHS. The international scientific community, school groups and special interest groups are all identified as having the most interaction with the WHS, but with a low volume. The highest volume segments are general holiday makers, walkers/other outdoor activities, shoppers and day trippers, most with relatively little interaction with the WHS.

6.64 A series of workshops were held in eight of the gateway towns for the WHS. Attendees were across a variety of sectors, with the single largest group being accommodation operators.

- 43% of people felt that WHS status would be “very relevant” to them and only 3% felt that it would have no relevance. Over half felt that WHS status would bring increased opportunities for marketing (58%), off peak business (58%), overseas business (56%) and special interest breaks (51%).
- 82% of those attending wanted further workshop opportunities associated with opportunities presented by WHS status.
- The workshop identified the value of a high profile visitor centre, particularly if it represented an outpost of a national museum (in the way the Tate St Ives was part of the larger Tate network), but only if it did not infringe upon the operation of existing interpretation centres.
- The workshop also identified the need for local, national and international marketing, with WHS status being used to reinforce local and sub-regional brands, along with out of season and special interest tourism.
- The cruise ship market was seen as one possible source of new visitors.
- Opportunities were identified to link accommodation, walking, boat trips and buses with co-ordinated ticketing and timetabling.
- The Dorset part of the WHS already receives 200,000 educational visits per year.
- The site is already at capacity during the summer.

6.65 Consultation indicates that although it is difficult to establish firm estimates of increased visitor numbers at this stage, there have been significant visitor number increases at some of the sites, and that there has been an increase in out of season visits. While most of the increases have been moderate, some reported increases have been up to 33%, although it is not possible to determine what part of any increase is down to the WHS site as opposed to other motivations.

- 6.66 The consultation also indicates that there is recognition of the importance of branding and marketing in building the positive impacts from WHS inscription.
- 6.67 Current marketing activity includes a Jurassic Coast Mini Guide available in English, Dutch, German or French, available direct from the WHS team or through a variety of intermediaries. Other initiatives include the branding of a Wessex Train, the 2003 introduction of the X35 Jurassic Coast Bus service, and the development of a marketing strategy due to be in place to guide 2004 activity.

Hadrian's Wall

- 6.68 Hadrian's Wall was inscribed as a WHS in 1987. While the site has no real connection with industrial archaeology, the Wall runs across a substantial area, crossing many local authority boundaries.
- 6.69 The Hadrian's Wall World Heritage Site Management Plan 2002—2007 indicates that:
- It is estimated that 1.25 million visits are made to the WHS in a normal year, of which about 540,000 are to staffed sites. Figures have been generally static over the last decade, although there has been a slight overall downward trend over the last two or three years. Visitor numbers peaked in 1973 and have since fluctuated.
 - The estimated value of tourism within the Hadrian's Wall corridor is £105.6 million for visitors staying away from home, and £29 million for day visitors from home. The 6,000 jobs supported by this expenditure make up 7% of all jobs in the Wall corridor. There are at least 580 accommodation businesses in the Wall corridor plus the attractions of the site, cafes, restaurants and other visitor facilities.
 - As well as the interest in the WHS itself, the Wall and its setting accommodates other recreational activities such as walking, cycling, fishing, climbing and nature studies. The WHS includes the Hadrian's Wall Path National Trail.
 - The Hadrian's Wall Tourism Partnership co-ordinates the monitoring of visitors and marketing, and has worked to develop an agreed brand, which has been tested with visitors. Marketing has been used as a visitor management tool to distribute visitors to less sensitive parts of the Wall. The partnership has also agreed a hierarchy of information and orientation points, and has promoted stronger links with local services and businesses.
 - The establishment of the Hadrian's Wall Tourism Partnership has meant that national and internationally co-ordinated marketing campaigns have taken place. The marketing priorities are to target UK and international visitors which will increase the value of tourism in the area, generate shoulder season visits and spread trips across the region. Initiatives have included print, PR, exhibitions, direct mail, web site development and other marketing tools. Examples include the "Where to stay for walkers" publication.
 - The Hadrian's Wall Bus Service has been developed as an alternative to the use of the private car. Through the use of special liveries, the service has also been used to promote the site.

- There are various proposals for active development of individual sites and for the whole WHS. It is believed that while many of these projects would have happened in any case, the existence of the overall strategy has inspired others and has been a major comfort to external funders (such as HLF).
 - Opening of new visitor sites along Hadrian's Wall can lead to displacement from existing sites rather than simply adding to the overall level of visitors. Many visitors to the area will be motivated by the combination of varied quality attractions rather than by a single site, and visitors staying in accommodation some distance from the Wall are likely to include a visit. Conversely, visitors primarily drawn by Hadrian's Wall will seek variety by visiting other attractions in the region.
- 6.70 Discussions indicate that WHS inscription has had little direct impact on visitor numbers. The area already had a strong reputation in national and international markets, and there was no significant changes in visitor numbers as a result of WHS inscription. The lack of effect is likely to be also attributable to the low-key approach to inscription in 1987. Nonetheless, as competition has grown, WHS status has provided a quality endorsement for visitors and it is believed that it has helped to maintain levels of use.
- 6.71 Discussion also indicates that WHS has helped access funding, with a contribution to the higher profile for Hadrian's Wall as an asset in the region's economic and cultural strategies. As the economy has changed and tourism has become more important, Hadrian's Wall and other visitor facilities in the region have been seen as vital.
- 6.72 It is understood that a central theme of the marketing strategy has been to convert day visitors to staying visitors rather than necessarily aim to increase overall visitor numbers. Through this strategy the visitor economic contribution has been increased.

Marketing Development

Activity

- 6.73 A WHS Marketing and Interpretation Panel has been established to provide strategic direction and a co-ordinated approach to marketing and the way that the mining heritage is interpreted. Membership is composed of public and private sector representatives as well as NGO's (such as the Trevithick Trust and the National Trust). The group has only recently been formed and thinking is at an early stage.
- There is explicit agreement between the partners on the need to co-operate, both in marketing and establishing a coherent common interpretation approach. However, it is apparent that before any system of hub and satellite mining attractions can be established, there needs to be further work on establishing the relationships between the different mining heritage attractions. In particular, decisions on the venues to be used as the pivotal visitor centres need to be agreed within the partnership

- There is agreement within the Panel about the need to set and maintain high levels of quality. Locations within the WHS need to meet or exceed minimum quality standards in order that the visitor expectations of the WHS are not jeopardised
 - The Panel has yet to address the issue of the desired number of extra visitors through exploiting the potential of WHS inscription, and the resources they can bring to realise any such ambitions. Work yet to be undertaken in this area includes consideration of the desired timescale for increased visitor numbers, and any preparation timetable (such as assembling funding bids)
 - There is recognition that marketing opportunities will be best exploited by building programmes with existing initiatives. The Cornwall Association of Tourist Attractions (CATA) is identified as a potential partner, as well as the Devon Association of Tourism Attractions (DATA) and the Devon and Cornwall Overseas Marketing Consortium.
 - A mobile exhibition is being considered, which may be used in a variety of venues in Cornwall and West Devon as well as further afield. Linked marketing with other high quality attractions in Cornwall and West Devon is also being considered, as well as a website, handbook and integrated leaflets and information boards. The WHS is a reflection of the wider Cornish culture and there may be links yet to be exploited. Opportunities have also been identified for linked activities with other initiatives outside the area, such as with other World Heritage Sites, and European industrial heritage and cultural initiatives
 - Other issues being considered by the Panel include the integration of the interpretation of sites, the diversity of markets to be catered for, the need to share market intelligence and a need to work around the varying levels of ownership, accessibility and visitor infrastructure around the WHS sites
- 6.74 The work of the Marketing and Information Panel is still at an early stage and it may be necessary to build a wider engagement to maximise the WHS potential,
- 6.75 The Cornwall Tourist Board has a budget for new projects, currently around £50,000 per year. Typically this funding is used for initiatives such as 'Getting Married in Cornwall'. Discussions indicate that this level of funding is likely to be too small to exploit the potential afforded by WHS inscription, but that debate about the necessary budgets will be predicated by an assessment of the extra visitor numbers required. Furthermore, the assessment of extra visitors required will at least partly arise from the planned impacts from the capital projects already undertaken or planned (e.g. through the Land Reclamation programme). In essence, there is a place for marketing investment to support the substantial public expenditure on mining heritage product development.
- 6.76 The Dehwelans project relates to the concept of 'homecoming' for Cornish emigrants and their descendents, and is strongly linked to mining heritage. The project builds upon existing networks in Australia and the USA. In the USA the Cornish American Heritage Society meets every two years in different cities, while in Australia, Kernewek Lownder has a big commercial festival based around three towns in South Australia. Much of the basis for the international links relates to mining and the emigration of miners. The pilot Dehwelans project took place in May 2002, on a small scale and without the benefit of public funding. Around 250 visitors from overseas, plus some local visitors and some

from the rest of the UK took part in the event, which was centred around Pendennis Castle. Most of the non-local visitors stayed for two weeks. 63% said that Dehwelans was the main reason for their trip, 61% were from the USA, 68% stayed in hotels and 95% said that they would return to Cornwall. It is estimated that the event put £200,000 into the Cornish economy at a time of year when there was capacity for extra visitors. The event timing also encompassed the added attractions of the Padstow Hobby Hoss, Helston Flora Day, Trevithick Day and the Du Maurier Festival. Constraints included a lack of credit card facilities for the 'Made in Cornwall' market and the lack of travel/accommodation packages. Dehwelans is planned to happen every two years.

- 6.77 The future for Dehwelans includes building the visitor numbers for 2004 through a £200,000 programme part funded through Objective One. The programme will include product development as well as marketing and will increase the involvement with Cornish groups, and the involvement with local SME's. Target numbers are 500 visitors from overseas in 2004, with a future target of 750. It is estimated the WHS status for Cornish Mining will further increase the attractiveness of participating in Dehwelans and could increase numbers by as much as 10%.
- 6.78 Cornwall Arts Marketing has commenced a new cultural marketing campaign for Cornwall. This encompasses a broad definition of culture, to include heritage, landscape, food, sport and art. The campaign pitches the notion of real culture and distinctiveness, which will include mining and engineering. It sets out to attract two target markets. The first of these markets is the 30-50 year olds seeking a contemporary experience, with aspirations towards visiting as a 'traveller' rather than a 'tourist'. The second market is slightly older (40-60), looking to escape back to 'reality' from city lives and seeking genuine experiences. The campaign target is to generate £500,000 extra business for the Cornish economy in 2003. The campaign started in November 2002 and includes direct mail, print and exhibitions.
- 6.79 Devon County Council is currently developing the Devon brand key values and messages. The components of this work include a communications and marketing strategy, including the development of strong motivational messages and images, and development of a new searchable tourism web portal site that will use a single Devon database of visitor information that will be backed up by a call centre Holiday Line service. Both the web portal and the call centre will have the capacity to deliver bookings as well as information. The focus of the marketing strategy is to develop new business, particularly out of season, and thus contribute to a sustainable tourism economy. Correspondingly, the marketing messages will be themed around 'rural', 'moorland', 'heritage and culture', all featured alongside the coast and County's resorts. The themes will also develop product links, particularly food and drink, events and festivals, arts and crafts, culture and heritage, access to the countryside (particularly walking and cycling) golf, youth activities and gardens. Discussions to establish a formally constituted public/private sector tourism partnership for Devon are at their early stages. There will need to be consideration about how the WHS will engage with that process.
- 6.80 Within West Devon there are no firm plans relating to marketing WHS status. However work is starting specific to Tavistock's heritage, which includes the Abbey as well as the industrial heritage. The work will set out what the opportunities are and how they can be exploited, and from this a marketing strategy will be developed, with activity part funded through Objective Two and the Regional Development

Agency. It is anticipated that industrial heritage marketing in West Devon will be a part of any such work in Cornwall, and that there will be some marketing programme for WHS inscription in 2005. WHS status is seen as a way of overcoming the access problems which are seen to constrain the growth of tourism in the district. Key markets are seen as older upmarket couples and families with young children, and it is considered that the accommodation stock in the district is adequate to cope with extra demand through most of the year. The Dartmoor Tourist Association will have a role to play in bringing visitors to the WHS, and will need to be formally brought into the Marketing and Interpretation process.

- 6.81 Overall, while marketing planning is at an early stage, the level of commitment and enthusiasm evident amongst the key partners indicates that there is a real likelihood of some kind of marketing project related to WHS status.
- 6.82 Discussions indicate that potential WHS visitors will be split into the minority who are specifically interested in mining heritage and a much larger group. The larger less involved market will need a broader set of reasons to visit than the specialist group, and it is felt that motivations related to high quality landscapes will be key.
- 6.83 The majority of marketing Cornwall and Devon is done by the private sector, not through public budgets. Therefore a key audience for the marketing strategy is not only potential visitors but all the other people who can 'sell the message on'. Marketing techniques such as press and public relations activity are particularly relevant.
- 6.84 As well as co-ordinating signposting links between the sites, the WHS as a whole needs to have internal co-ordination of its *historical periods* and its *message* in order to avoid duplication.

Planned Marketing of the WHS

- 6.85 Monitoring exercises on previous destination campaigns in Cornwall provide some indication of the sorts of impact that campaigns have.
- 6.86 The Inspirational Cornwall Campaign had a media spend of £1.2 million over four years. This generated 81,000 responses and 21,000 holidays (totalling 67,000 visitors). Of these, 3,200 visitors were considered genuine 'new' visits, using fairly strict criteria on what constitutes an additional visit. An average of 95 FTE jobs per year were directly supported through visitor spend, and 35 FTE jobs through linkage and multiplier effects.
- 6.87 The Devon and Cornwall Overseas Marketing Consortium (DACOM) 1999 to 2001 campaigns had a media cost of £1.1 million over the three years. It is estimated that this expenditure resulted in 251,000 visitors over the three years, of which between 10% and 12% were considered additional (i.e. some 27,610 visitors).
- 6.88 Both the Inspirational Cornwall and the DACOM campaigns used messages about the best of what the County has to offer as a motivational prompt for visitors, which included heritage in a broad sense as well as climate, scenery and activities.

- 6.89 The current Cornwall Tourist Board campaign 2003 to 2005 has a £1.75 million above the line expenditure over three years. This will include mining heritage elements as part of the wider set of reasons to visit the county.
- 6.90 The consultations indicate the potentially huge economic benefits from WHS inscription, with a strong hook to hang a marketing message on. This could extend the impact of any given marketing spend in terms of generation of new visitors.
- 6.91 The consultations also indicate that there are an increasing number of World Heritage sites in the UK (and internationally) and that with every successive new WHS, the impact is diluted. This is then compounded by evidence discussed above about the low awareness of WHS. There is also some concern about the relative attractiveness of industrial heritage in comparison to some other types of WHS, and how industrial heritage may need more interpretation to bring it to life and appeal to visitors.
- 6.92 Early discussions indicate that it is likely that the key partners, along with anticipated support from funding organisations and the private sector, would be able to assemble new campaign spend of around £500,000 over three years. Note that this is still subject to a number of steps before agreement and any kind of firm commitment is reached. It is likely that some of this sum would be new money, although it will have to be combined with the balance from re-worked existing budgets. It is apparent from consultations that any new marketing activity relating to mining heritage would need to be integrated with other marketing initiatives.
- 6.93 The process is at too early a stage to determine what balance of any new funds would be directed towards overseas as opposed to domestic markets, and what proportion may be directed towards local residents.

Consultations

- 6.94 The consultations have indicated that the prime objectives that are expected to be met via the achievement of WHS status vary considerably, from physical improvements to educational achievements and enhancements in community pride.
- 6.95 The future WHS inscription has already had an impact on the scale and timing of capital expenditure on mining heritage projects. As well as the recognition of the innate worth and the likely economic benefits, WHS provides a cohesion and co-ordination.
- 6.96 Benefits from WHS status will include rises in property prices and inward investment, as a likely result of the increased desirability of the area as a place to live and work in. It is considered that as well as the higher profile of the area through marketing of the WHS, civic pride impacts will increase investment in vernacular housing stock, contributing towards a virtuous circle.
- 6.97 The impact of WHS inscription will depend on co-ordination of new effort, including product development and marketing.
- 6.98 WHS status will provide impetus to build off-season visits dispersed around Cornwall and West Devon.
- 6.99 The market for 'Mining Heritage Product' includes those who are primarily seeking access to the countryside for walking, cycling and field studies.
- 6.100 As well as visitors staying away from home, it is anticipated that WHS status will attract additional day trips from home and educational visits.
- 6.101 There is a significant minority of consultees with high expectations relating to WHS status in terms of its overall impact on visitor numbers (10 to 25 or even 35%). However, the majority of consultees have relatively low expectations about what WHS status will bring (2 to 5% by 2005, 5% to 10% by 2010 is typical). However, the impact of WHS status could be limited by lack of marketing or its poor co-ordination.
- 6.102 There are potential links between the hard rock mining covered by the WHS bid and the other mining in Cornwall and West Devon– particularly China Clay mining. There are also potential links to other reasons to visit the area, in order to provide opportunities for the mix of activities and experiences commonly required by visitors.
- 6.103 Some of the specific mining heritage areas are not well placed to attract or capitalise on visitors, while others already have an existing infrastructure.
- 6.104 Many of those who may use mining heritage attractions or facilities may well be accommodated in the wider study area, such as Newquay or North Cornwall. The success of ventures such as the Eden Project may mean that the additional WHS uplift in visitor numbers for some areas will either be dwarfed or not able to be accommodated because of the existing visitor activity. However, other, less well-

visited areas could see a substantial proportional increase in visits. In particular, it is anticipated that the towns are likely to be the main recipients of the increase visitor activity.

Discussion and Summary

Tourism Trends

- 6.105 The pattern of tourism to Devon and Cornwall has continued to change, with fewer main long holidays and more, shorter, additional holidays and short breaks. While the volume of staying tourism trips to the region has seen substantial increases between 1989 and 2001, there have been continued falls in the length of stay. Tourism trips continue to demonstrate a seasonal pattern, although it is apparent that the strength of the pattern has continued to diminish.
- 6.106 Despite the growing additional holiday and short break markets, these are now being targeted by destinations elsewhere in the UK (particularly cities) and by short haul overseas locations. The growth in low cost air travel has further fuelled demand for additional holidays abroad. However families with younger children are more likely to holiday in the UK while families with older children are more likely to go abroad.
- 6.107 Consumers are increasingly looking for value for time as well as value for money, and this is reflected in a desire for distinctiveness and authenticity. This is a trend that should benefit heritage destinations.
- 6.108 Forecasts indicate that the fastest holiday growth will be in short breaks, with no major change in longer holidays. The previous growth in the volume and value of holidays has been during a period of substantial investment in the tourism product, with Section 4 grants, Lottery and EU Objective 5b, 2 and 1 funding, and the indications are that similar high profile schemes will be needed to realise the forecasts.

Mining Heritage

- 6.109 Mining heritage is not the only factor that will have an influence on visitor behaviour. The Eden Project and the National Maritime Museum are both high profile attractions, and Eden has a proven ability to attract visitors to the region. Although the number of visitors to the area has continued to grow, in order to gain increased visitor use of mining heritage facilities there will have to be some combination of:
- Increased propensity to visit attractions by day and staying visitors
 - Displacement of visitors from existing and any other new facilities
 - Increased visitors to the region, attracted either to see mining heritage facilities or possibly drawn by other parts of the holiday product
- 6.110 The British public generally values heritage, and the wider environment is considered to be part of this heritage. However there is a need for heritage facilities to be commercially orientated in order to be successful, and industrial heritage attractions have the greatest chance of success if they are part of a wider range of tourist attractions.

- 6.111 There is a substantial amount of evidence that conservation and regeneration are mutually beneficial, with heritage regeneration projects attracting at least as good returns as other investments. Furthermore, heritage investment can lever in substantial additional funding and typically heritage led regeneration stipulates high quality standards for the work undertaken. There are export opportunities for companies with specialist conservation skills, but this is constrained by a lack of information on market opportunities.
- 6.112 The provision of heritage orientated visitor trails leads to tangible economic benefits for existing local businesses, although the most immediate impact was in terms of the employment supported by the construction and conservation works. However, the majority of trail users are locals rather than visitors staying away from home, and the main constraint on use was lack of marketing activity and awareness, although some very popular facilities were constrained by overcrowding. Most indications are that the use of walking and cycling trails will increase, although the rate of increase is dependent upon the marketing resources employed.

Other WHS Sites

- 6.113 Most other industrial heritage sites are very different from the proposed Cornwall and West Devon mining heritage WHS site because of the size and distribution of the sites. Most of the others are single well-defined sites, with development characteristics more akin to a single large visitor attraction. Compared to the other WHS sites considered as part of this study, visitor numbers to the areas and facilities making up the Cornwall and West Devon WHS site are already larger.
- 6.114 Discussion indicates that inscription does not necessarily produce a step change in the volume or value of visitors although this will depend on the marketing used as well as the sites existing role as a visitor destination – if the area is already well visited then proportionately the difference will be small. Many of the industrial heritage WHS sites reported low levels of awareness of WHS status and a lack of understanding about what the status might mean. Other issues include:
- Visitor patterns to industrial heritage sites are seasonal, although seasonality is reducing
 - There is a relatively good cross section of visitors across the socio-economic groups
 - Industrial heritage WHS sites play a part in formal education from school age to higher education
 - Specific benefits included cross authority strategies, which were often of use in attracting funding
 - There is some evidence of increases in property prices linked to WHS status, and higher standards for property renovation
 - Commercial exploitation of the opportunities from visitor activity may be constrained by a lack of entrepreneurship in deprived communities, leading to an under-developed supply side
 - Most visitor businesses felt that WHS status would bring benefits

- Development of new visitor sites in a WHS would often displace visits from other sites in the same area
- 6.115 Markets can be split between the low volume scientific community, school groups and special interest groups on the one hand, and the higher volume general visitor market on the other. The 'Industrial Heritage' label is not necessarily the most appropriate for the wider visitor market.

Cornwall and West Devon WHS Marketing

- 6.116 There are already a number of marketing initiatives setting out to attract new visitors to the study area, and to ensure existing visitors continue to re-visit. Some of these initiatives, such as Dehwelans, have illustrated the potentially substantial rewards from using the overseas links stemming from the migration of miners from the study area.
- 6.117 The process of moving towards WHS status for Cornwall and West Devon has built further partnership approaches to cross authority and organisation co-operation, and to destination marketing. Much of this is led through the Marketing and Interpretation Panel.
- 6.118 Issues still to be resolved at the time of writing include:
- Setting formal goals for the wider impacts of WHS inscription
 - Establishing budgets and plans to realise goals
 - Establishing the details of the relationship between the different facilities making up the proposed WHS
- 6.119 Previous domestic campaigns of about £1.2 million have generated about 70,000 visitors over three years, and overseas campaigns of £1.2 million have generated 251,000 visitors over three years.
- 6.120 There are early indications that there might be new campaign spend of up to £500,000 to market the mining heritage WHS. If this follows the pattern established by the campaigns noted above then there will be some 70,000 staying visits generated, of which about 7,000 will be genuinely new visits.
- 6.121 There are arguments that WHS status, backed up by the quality of the visitor offer, will increase the value of any new spend in generating visitors. This might, for instance, be through increased effectiveness of PR campaigns, thereby generating interest from target markets. There are also arguments about the competition faced by the Cornwall and West Devon WHS from other destinations.
- 6.122 It is apparent that any new marketing spend relating to the WHS will be integrated with other destination marketing activity in Cornwall, West Devon and the South West..

7 FUTURE ECONOMIC IMPACT

Introduction

- 7.1 This section reviews the evidence from the previous sections and builds an assessment of the likely future economic impact. Within this assessment it is considered that the impact is strongly dependent on the marketing effort used to exploit the WHS status.
- 7.2 The section has an assessment of findings followed by a set of estimates of the impact of WHS status.

Assessment of Findings

- 7.3 The previous sections have reviewed a substantial amount of evidence from a variety of sources, including other UK industrial heritage World Heritage Sites. This evidence indicates that:
- There are significant expectations of the impact of WHS status from tourism and other development professionals within Cornwall and West Devon, with the majority of predictions through the consultations of a growth of between 2% to 5% growth to 2005 and 5% to 10% by 2010. These predictions are typically made on the foundation of professional experience in tourism and economic development
 - Evidence from other WHS sites demonstrate a positive effect from WHS status, although this varies considerably from site to site. However, where indications on the impact were available, these range from predicted increases of around 50% in 5-10 years (but from a small base), a reported increase of 10% on inscription (again from a relatively small base) through to no real impact or only small increases over time (particularly from the larger sites). While the situations of the other sites are very diverse, there is a pattern of some of the largest annual percentage increases being for sites with relatively small visitor numbers to start with. Those sites with an established visitor profile saw a smaller proportional impact. Cornwall and West Devon are established visitor destinations and therefore would expect to see a smaller proportional increase. The other WHS sites do also provide indications that the largest gains are as a result of the most marketing and product development effort. Consideration of the information from the different sites and their circumstances forms the view that the process of inscription will have a small but significant short term effect and that there is the potential for steady growth in the longer term. This view supports the predicted 2%-5% growth to 2005 and 5% to 10% by 2010
 - The overall number of trips to the study area is forecast to increase whether or not WHS inscription is achieved, with the majority of the increases being shorter trips. The pattern of seasonality to the region has been changing, and it seems that the changing pattern of visits (i.e. more additional holidays) will continue this trend. Consultations indicate that the type of visitor motivated to visit because of WHS status is more likely to have a flatter seasonal pattern than the main holiday market, and some of the evidence from other WHS destinations confirms this. Consideration of the evidence suggests that WHS status will add weight to the more even spread of visits across the

year, but that the outdoor nature of some of the elements (particularly the trails) will still be relatively seasonal

- The South West Tourism target forecasts note that previous growth is based upon substantial product and marketing investment, and that for these forecasts to be realised, there will have to be continued investment. The visitor activity benefits from the WHS will be part of the tourism development activity necessary to realise the target forecasts.
- While there is optimism about the impact of WHS inscription on visitor numbers, there is recognition that this will require positive co-ordinated action to exploit the opportunities. The main issues relate to the relationship between the different elements of the WHS (which could result in displacement effects) and establishing targets and budgets for any marketing activity
- There is a recognition that the WHS 'offer' to visitors will be in the context of the rest of what Cornwall and West Devon have for visitors. Linked to this, some of the motivations for using WHS facilities will relate to visitors pursuing non-mining heritage experiences, such as access to the countryside
- Evidence from the Cornwall and West Devon WHS Bid and from other WHS destinations shows an increased amount of partnership working. This partnership working elsewhere has led to more effective use of available resources and an enhanced ability to source funding. It is likely that this effect will also be apparent in Cornwall and West Devon
- Discussions to date indicate that a campaign totalling £0.5 million over three years could be assembled by some of the key partners in addition to other ongoing or separate new initiatives. While a substantial investment, in comparison to the impact of previous campaigns this will not by itself provide the marketing effort required to deliver the target visitor figures to Cornwall and West Devon. Previous campaigns give a spend of £7.17 to generate a visit (with expenditure of £2.3 million generating 321,000 visits), and if this type of ratio is relevant here, then the £0.5 million will generate just under 70,000 visits. The previous campaign experience noted that around 10% of the visits generated were additional visits over and above that which may happen anyway. It is possible, however, that the interest in the WHS will generate travel writer interest, in effect extending any campaign, and that the better partnership working already noted will have a positive impact on marketing campaigns
- The evidence shows that investment in facilities (whether public or private) will build at least a local impact

Visits to Mining Heritage Attractions and Facilities

- 7.4 Consideration of the evidence collected on likely visitor impact suggests that there will be particular positive impact in terms of the use of mining heritage attractions. Partnership working and the likely extra marketing resources will raise the profile both within Cornwall and elsewhere. The pattern of visits to attractions will typically see the effects of new developments quickly, with visitor usage then tailing off. The gradient of the decline will depend on the extent of continued development.

- 7.5 The proposed mining heritage projects are likely to have a significant local impact on visitor numbers. The developments at Morwellham and linked public product could provide a step change in visits to West Devon, boosted by any potential projects exploiting Tavistock's mining heritage. Likewise, the proposed developments at Geevor could see visitor numbers continue to rise and the potential future project at Robinson's shaft could have a significant impact on visitors to Camborne/Pool/Redruth. The range of mining remains consolidation projects, and their associated access and interpretation work will all provide visitor benefits, although the current understanding is that these will provide incremental rather than step change impacts
- 7.6 There is also the issue of displacement. Some of the planned attraction and other visitor facility development is likely to gain visitor usage at the expense of existing provision. The consultation process has indicated that consultees are aware of the danger of displacement. The problem extends into the relationship between mining heritage facilities and other leisure facilities as well as between mining heritage facilities
- 7.7 The extent of displacement will also depend on whether visitors are drawn from other types of facility or from mining heritage attractions. This will be dependent on the extent of the investment by other types of visitor facility. It will also depend on whether the forecast increase in the overall number of visitors to the region materialises, thereby bringing a bigger pool of potential visitors

Estimates of Impact of WHS inscription

Visits to Cornwall and West Devon

- 7.8 In considering the likely impact of inscription on the overall visits to Cornwall and West Devon the key impacts are:
- That there will be a marketing campaign of around £500,000 media spend over three years backed up by appropriate PR work, aimed at generating new visits by staying visitors and day visitors. This is in addition to the tourism capital projects, infrastructure projects and other product and people investment required to deliver the experience to visitors once in the area
 - The evidence from other WHS sites and tourism and economic development professionals that there will be positive effects of up to 10% increase in visitor numbers to Cornwall and West Devon. This will include the impacts of extra visits to mining heritage attractions and facilities as well as others motivated to visit because of the increased attractiveness of the area through its WHS status
 - That there will be a flatter seasonal pattern of visiting by people motivated by the WHS status
 - That established destination areas will see proportionately less benefit than those places with a less developed tourism profile
- 7.9 In addition, the situation will be blurred by the impact of other landmark developments, changing trends in the pattern of tourism and a host of other possibilities outside the influence of the agencies concerned with WHS status (such as terrorism, economies, exchange rates etc.).

- 7.10 Furthermore, it is apparent that overall the impact of WHS inscription will be to build a less seasonal pattern of visits, although this will be more apparent amongst some visitor types (e.g. older couples) than others (e.g. families with school age children).
- 7.11 Balancing these considerations it is predicted that there will be an increase in the number of visits to Cornwall and West Devon as a result of WHS inscription. Consideration of the available evidence above from the consultations, studies and other WHS destinations forms that view that the number of visits to Cornwall and West Devon related to mining heritage will increase by 10%. Additionally, this increase will begin to commence in 2004 (assuming that the WHS marketing campaign begins then) and peak some three years after inscription.
- 7.12 Earlier sections of this report discuss how the evidence from the pilot survey work can be used to estimate what proportion of the total staying and day visitor expenditure is related to mining heritage. This exercise can be applied to visitor numbers in order to make use of the predicted changes in visitor numbers arrived at through the case study and consultation exercise. When estimating the expenditure related to mining heritage earlier on in the study, all of the expenditure was included from the 6% who considered mining heritage important in planning their trip, along with half of the expenditure from the 14% who considered mining heritage quite important.
- 7.13 Overall there are 3,644,000 staying visitors spending 20,215,000 nights in the study area, plus 9,452,000 day visits from home. 6% of visitors considering mining heritage very important will total 219,000 staying visitors and their 1,213,000 nights, plus 567,000 day visits. In addition, 14% considering mining heritage quite important will total 520,000 staying visitors and their 2,880,000 nights, plus 1,346,000 day visits. This gives a total of 739,000 staying visitors; 4,093,000 nights; and 1,913,000 day visits by people for whom mining heritage is important or very important.
- 7.14 It is not considered realistic to assume any significant WHS related increase amongst the wider visitor population at this juncture. Note that this forecast may have to be revised if further primary research is able to further explore general attitudes to Cornwall and West Devon Mining Heritage.
- 7.15 The forecast target 40% regional increase in visitors will include WHS status for mining heritage in Cornwall and West Devon. Therefore the 10% forecast increase in visits related to mining heritage will be part of the larger regional forecast increases.
- 7.16 There are currently 3,644,000 staying trips to Cornwall and West Devon, and 9,452,000 day trips from home. It is forecast that by 2010 there will be 813,000 staying trips and 2,104,000 trips from home related to mining heritage. The table below shows how the 10% increase is expected to be built up over the period, with the expected peak in 2007.

Year	Staying Trips Base	Addition al WHS Staying Trips	Total Staying Trips	Day Trips Base	Addition al WHS Day Trips	Total Day Trips
2000	739,000	0	739,000	1,913,000	0	1,913,000
2001	739,000	0	739,000	1,913,000	0	1,913,000
2002	739,000	0	739,000	1,913,000	0	1,913,000
2003	739,000	7,390	746,390	1,913,000	19,130	1,932,130
2004	739,000	18,475	757,475	1,913,000	47,825	1,960,825
2005	739,000	36,950	775,950	1,913,000	95,650	2,008,650
2006	739,000	59,120	798,120	1,913,000	153,040	2,066,040
2007	739,000	73,900	812,900	1,913,000	191,300	2,104,300
2008	739,000	73,900	812,900	1,913,000	191,300	2,104,300
2009	739,000	59,120	798,120	1,913,000	153,040	2,066,040
2010	739,000	59,120	798,120	1,913,000	153,040	2,066,040

- 7.17 This estimates suggests that from a base of 793,000 mining heritage related staying visits to Cornwall and West Devon in 2000, there will be growth peaking to around 812,900 in 2007, and then falling back to around 798,120 in 2010. In the same way, from a base of 1,913,000 mining heritage related day visits to Cornwall and West Devon in 2000, there will be growth peaking to around 2,104,300 mining heritage day visits in 2007 (i.e. a 10% increase), and then falling back to around 2,066,040 in 2010 (i.e. 8% increase over 2000 baseline). These changes will be due to WHS inscription, and will play a part in fulfilling the overall regional tourism growth forecasts.
- 7.18 Currently, the seasonal pattern of visits to the region sees 36% of the total annual volume of UK resident visits and 40% of overseas visits in July, August and September. The anticipated extra staying visits related to mining heritage (about 74,000 in 2007-2008) will have a less seasonal pattern than main long holiday trips. However, compared to the overall 3,644,000 staying trips to the study area, any difference in mining heritage seasonal patterns will be obscured.
- 7.19 Using the relationships discussed earlier in the report, it is possible to estimate the value of the day and staying trips. The value of mining heritage related trips at constant prices will increase to £105.2 million by staying visitors and £19 million by day visitors, giving a total of £124.2 million. Note the expenditure estimates include all the spend from those considering mining heritage very important in planning their trip and part of the expenditure from those considering mining heritage quite important.

Visitors/Year	2000	2005	2010
Staying Visitor Trips	739,000	775,950	798,120
Value of staying visitors	£101,177,475	£102,317,864	£105,241,231
Day Visitor Trips	1,913,000	2,008,650	2,066,040
Value of day visitors	£17,558,231	£18,436,143	£18,962,890
Total Spend	£118,735,706	£120,754,006	£124,204,121

- 7.20 This spend will support increase employment. Using the relationships in the *Economic Impact of Tourism in Cornwall 1998* and the *Economic Impact of Tourism in West Devon 1996* it is estimated that the FTE employment supported by mining heritage related trips will rise from 2,672 in 2000 to 2,716 in 2005 and 2,794 in 2010.

FTE's directly supported/Year	2000	2005	2010
Shops	235	239	246
Restaurants and pubs	856	875	900
Attractions and Entertainment	229	234	240
Garages and Transport	175	178	183
Accommodation	1,177	1,190	1,224
Total	2,672	2,716	2,794

Visits to Mining Heritage Attractions and Facilities

- 7.21 Visits to mining heritage attractions and facilities form a picture of mining heritage on the ground.
- 7.22 Consideration of the evidence (from consultations, other studies and other WHS destinations) forms the view that there will be an increase of around 10% in the numbers of visits to mining heritage attractions and facilities. It is believed that this will be most apparent during the period just after inscription (say 2005 to 2007), with some of this initial gain at the cost of other attractions in Cornwall and West Devon. It is then believed that some of this gain will diminish, and that the scale of this secondary change will depend on the investment by the facilities themselves and also the resources used to build mining heritage and general leisure visits to the area.
- 7.23 It is believed that the benefit of the increase will not necessarily be distributed evenly around the mining heritage attractions and facilities. Instead it is most likely that some attractions – particularly those used as gateways – will have a disproportionate share.
- 7.24 Visitors will be attracted both to new development at existing mining heritage attractions and facilities and (potentially) to entirely new facilities. What is not known is how many of the proposed projects will come to fruition, and importantly, whether existing facilities will maintain their visitor numbers. On balance, it is likely that the interest in mining heritage will create a climate suitable for new investment in facilities. If new investment in product development proceeds, this could add another 8% to 10% to visitor numbers on top of the 10% increase discussed above. This may be more evenly spread than the effect due to the actual process of inscription, because the new investment will come on stream at different times.

- 7.25 Earlier chapters indicate that there are 809,787 visits to the mining attractions and facilities. Using this base it is possible to work some of the predictions above into forecast figures.

Year	Base visitor numbers	Impact of Capital Investment	Impact of WHS Inscription	Total
2000	809,787	0	0	809,787
2001	809,787	48,152	0	857,939
2002	809,787	51,015	0	860,802
2003	809,787	54,048	0	863,835
2004	809,787	57,262	40,489	907,538
2005	809,787	60,667	80,979	951,433
2006	809,787	64,274	80,979	955,040
2007	809,787	68,096	80,979	958,862
2008	809,787	72,145	64,783	946,715
2009	809,787	76,435	56,685	942,907
2010	809,787	80,980	56,685	947,452

- 7.26 This estimates suggests that from a base of 809,787 visits to mining heritage attractions and facilities in 2000, there will be growth peaking to around 959,000 in 2007, and then falling back to around 947,000 in 2010.
- 7.27 Note that the estimates are based upon the overall levels of use of the mining heritage attractions and facilities. As discussed earlier in the report, some of this use may be motivated by other factors, such as access to the countryside etc.
- 7.28 These estimates of growth are considered to form part of the growth in visits to the wider Cornwall and West Devon study area discussed below.

Assessment of Future Mining Heritage Conservation Impacts

- 7.29 There are 33 future mining heritage projects identified in Cornwall and West Devon, listed in the appendix to this report. These projects range from well-developed bids through to early ideas which could be subject to substantial modification. There is evidence available for some of the future projects on the likely employment impacts during the construction phase of the project, while other projects have much less information, and estimates have had to be made using the likely cost of the project..
- 7.30 For those projects without evidence available, estimates of FTE jobs have been made by estimating the labour cost content of the project (using the methodology established in the *Economic Impact of the Overall Mineral Tramways Strategy*, Groundwork Kerrier 1996, described in more detail in the Mining Heritage Conservation sub-section of the Baseline) and combining this with the average wage for the construction industry in the region (£16,214.64 p.a., New Earnings Survey 2000).
- 7.31 The identified projects have an estimated cost of £59.4 million. It is estimated that this expenditure will support 1,710 FTE job years, derived through a combination of project estimates and labour-cost

content estimation. Across the projects considered, this gives an average expenditure of £32,133 per FTE job year for the projects, which is less than the estimated £37,000 per FTE job year for the completed projects discussed earlier in this report. It may be that the estimates for the proposed projects are optimistic although the overall figure will combine a range of projects, all with different labour cost content. It is recommended that further monitoring of temporary employment supported through mining heritage conservation/construction projects is undertaken.

- 7.32 It is likely that these projects will span a considerable period of time, although given the difficulty in gauging the likely start date for even some of the firm proposals, it has not been possible to assemble a robust timeline for the employment impacts.
- 7.33 Some of the future projects still at an early stage have a substantial individual predicted construction employment estimate. However, some of the projects with large forecast construction employment are at an early stage of planning and may be realised in a different manner or possibly not at all. Even if the projects do go ahead as planned it will be many years before some of them are put into operation.
- 7.34 For the purposes of the study it has been assumed that the estimates of future jobs will be relatively evenly distributed across the period from the time of writing to 2010. If the estimated 1,710 jobs are spread over the eight year period, then this will be an average of 214 construction FTE jobs per year supported by mining heritage conservation. In essence, the likely succession of mining heritage conservation projects will go some way towards providing continuous employment for at least some of the FTE jobs.
- 7.35 This estimate is substantially higher than the current estimates for employment supported by mining heritage conservation (currently 119.6 FTE's, with an average of 96 FTE's over the period 1996-2004).
- 7.36 In terms of the time periods covered by the study, the estimates of employment directly supported by mining heritage conservation projects are:

Year	FTE Employment Supported by Mining Heritage Conservation
2000	119.6
2005	214
2010	214

- 7.37 The extent to which these estimates will be realised is dependent upon a range of factors and these estimates should be used with caution.

Assessment of Other Future Impacts

- 7.38 As well as any activity amongst potential visitors from outside the study area, WHS awareness can also change the behaviour of local residents. Benefits can include building a sense of civic pride, which in turn can have an impact on the amount of expenditure on property maintenance, and the style in which renovation projects are undertaken (e.g. used of premium traditional materials). Facilities forming part of the WHS may also generate new day visits and associated expenditure, although there is a chance of

another activity being displaced. Once again however, any such benefits will be more secure or larger if there is effective marketing activity.

- 7.39 In addition to the capacity building evident in the mining heritage conservation sector, the process of putting together the WHS bid has also brought together skills.

Assessment of Economic Impact

- 7.40 The evidence reviewed as part of this study provides the information required to estimate the indirect employment effects of the FTE employment supported through mining heritage visitor activity in Cornwall and West Devon, and through temporary conservation/construction expenditure on mining heritage projects

Employment Supported through Mining Heritage Visitor Activity

- 7.41 The *Economic Impact of Tourism in Cornwall 1998* and the *Economic Impact of Tourism in West Devon 1996* indicates that the FTE employment multiplier co-efficients are as follows:

Multiplier employment	Multiplier Co-efficient
Shops	37%
Restaurants and pubs	44%
Attractions and Entertainment	39%
Garages and Transport	22%
Accommodation	54%

Source: *Economic Impact of Tourism in Cornwall 1998*, *Economic Impact of Tourism in West Devon 1996*

- 7.42 These co-efficients represent the proportion of the directly supported FTE employment estimated to be supported through linkage and multiplier effects (see the *Methodology* section earlier in this report).
- 7.43 Using the co-efficients above, the direct, indirect and total FTE jobs supported through mining heritage tourism activity in Cornwall and West Devon are estimated as follows:

Visitor Activity FTE's indirectly supported/Year	2000	2005	2010
Direct	2,672	2,716	2,794
Indirect	1,226	1,246	1,281
Total	3,898	3,962	4,075

- 7.44 Direct and indirect employment supported by visitor expenditure is predicted to rise from 3,898 in 2000 to 4,075 in 2010.
- 7.45 The combination of different spend levels in different sectors of the Cornwall and West Devon Economy indicates a FTE employment multiplier of 46%; i.e. for every one FTE supported by visitor expenditure, 46% of another FTE will be supported.

Employment Supported through Mining Heritage Conservation Projects

- 7.46 The *Economic Impact of the Overall Mineral Tramways Strategy*, Groundwork Kerrier 1996 utilised a local multiplier co-efficient from the Henley Centre for Forecasting for construction work of 54%.
- 7.47 Using this co-efficient with the estimates of FTE employment supported through mining heritage conservation projects provides estimates of indirectly supported FTE employment.

Mining Heritage Conservation FTE's indirectly supported/Year	2000	2005	2010
Direct	120	214	214
Indirect	65	116	116
Total	185	330	330

- 7.48 Direct and indirect employment supported by mining heritage conservation is predicted to rise from 185 in 2000 to 330 in 2010.

Employment Safeguarded and Created

- 7.49 It is possible to express the employment estimates detailed above in terms of whether the WHS project is safeguarding existing jobs or creating new ones.
- 7.50 It is clear that there is already established visitor interest in mining heritage and that this is based around the access and interpretation of sites in the study area. Given the conservation basis of the WHS project, it can be inferred that through ensuring that this conservation and access to the sites is protected, the current level of employment is safeguarded. This amounts to 2,672 FTE jobs directly supported by visitor expenditure and 120 FTE jobs directly supported through mining heritage conservation.
- 7.51 Including multiplier effects brings the jobs safeguarded to 3,898 through visitor expenditure and 185 through mining heritage conservation expenditure – a total of 4,083 FTE jobs safeguarded.
- 7.52 The forecast changes in visitor expenditure and in mining heritage conservation expenditure will generate new employment. The extra employment over and above the jobs safeguarded discussed above will be 44 FTE jobs directly created by changed levels of visitor activity by 2005 and 94 FTE jobs directly created through changed mining heritage conservation activity by 2005 – a total of 138 FTE jobs directly created.
- 7.53 By 2010 the direct FTE jobs directly created over and above the 2000 baseline by changed levels of visitor activity will total 122. The mining heritage conservation direct FTE jobs directly created over and above the 2000 baseline will total 94, giving a combined total of 214 FTE jobs directly created.
- 7.54 Both the employment safeguarded and the employment created will generate multiplier effects. Including these multiplier effects, total employment relating to visitor activity will be 3,898 FTE jobs

safeguarded over the whole 2000 – 2010 period, plus 64 FTE jobs created by 2005 and 177 FTE jobs created by 2010.

- 7.55 In the same way, total employment relating to mining heritage conservation activity will be 185 FTE jobs safeguarded over the whole 2000 – 2010 period, plus 145 FTE jobs created by 2005-2010.
- 7.56 In total, 4,083 jobs are safeguarded and 209 jobs are created by 2005 and 322 FTE jobs created by 2010.

Summary

Mining Heritage Visitor Activity

- 7.57 Regional tourism forecasts (South West Tourism) suggest a target 40% increase in the overall number of visitors between 1999 to 2010, irrespective of type of visitor or motivation.
- 7.58 Through consideration of the evidence it is apparent that product development and particularly marketing (to raise awareness and motivate new visits) is key in determining the scale of the impact of the Mining Heritage WHS.
- 7.59 The evidence and the understanding of the product development and marketing plans suggests that there will be a peak increase of 10% in the number of mining heritage related visits to Cornwall and West Devon. This peak is expected in 2007 (following a three year marketing campaign) and will then settle to a likely 8% over the current total by 2010.
- 7.60 In numerical terms the current estimates are that there are 478,275 staying visits and 1,240,575 day visits to Cornwall and West Devon related to mining heritage.
- 7.61 By 2005 the mining heritage related trips will rise to 502,189 staying visits and 1,302,604 day visits, and by 2010 it is expected to total 516,537 staying visits and 1,339,821 day visits. These increases resulting from Mining Heritage WHS status will be part of the wider tourism development needed to realise the overall regional tourism targets.
- 7.62 It is estimated that the FTE employment directly supported through tourism activity is 2,672 FTE jobs in 2000, rising to 2,716 in 2005 and 2,794 in 2010.
- 7.63 A part of the overall visitor use of mining heritage in Cornwall and West Devon will be the use of related attractions and facilities. Overall numbers at the identified mining heritage facilities are forecast to grow from a base of 809,787 in 2000 to 951,433 at WHS inscription in 2005, and to 947,452 in 2010.

Mining Heritage Conservation Activity

- 7.64 A total of 33 future mining heritage projects have been identified in Cornwall and West Devon, with a total estimated spend of £59.4 million.
- 7.65 It is likely that these projects will directly support an average of temporary 214 FTE jobs per year.

- 7.66 Overall it is estimated that at the 2000 baseline, mining heritage visitor and conservation activity directly and indirectly supported 185 FTE jobs. This rises to 330 in 2005, continued through to 2010.

Overall Employment

- 7.67 Combining the direct and indirectly supported FTE employment sees mining heritage supporting 4,083 FTE jobs in 2000, 4,292 FTE jobs at WHS inscription in 2005 and 4,405 FTE jobs in 2010.

Activity	2000	2005	2010
Mining Heritage Related Tourism	3,898	3,962	4,075
Mining Heritage Conservation	185	330	330
Total	4,083	4,292	4,405

- 7.68 4,083 jobs are safeguarded and 209 jobs are created by 2005 and 322 FTE jobs created by 2010.

8 MEASURING AND MONITORING ECONOMIC IMPACT FRAMEWORK

Introduction

- 8.1 This section of the report assembles a methodology for assessing WHS related projects. It is anticipated that once WHS inscription is in place there will be a Management Team, and this methodology will be for use by that team. It will also help promoters of individual projects and those developing the marketing strategy for WHS in focussing attention on those issues which are most important in securing impacts from WHS inscription and related project spend. It will also assist funding bodies to assess the value of projects.
- 8.2 The methodology builds upon the earlier sections of this report. In particular, it highlights monitoring indicators identified through the consultation process and the review of funding organisation priorities

Project Indicators and Outputs.

- 8.3 A number of consultees were asked what they considered would make indicators of successful progress under a World Heritage Site banner. The following table compares the suggestions with the target outputs for the main funders.

Indicator	Comments Received during Consultations	Objective One	Objective Two	Heritage Lottery Fund	South West RDA
Visitor numbers	A very common suggestion. However, the majority of consultees suggest that in fact visitor numbers is a less important indicator than visitor spend or annual distribution of visitors. Electronic counters at non-paying sites were recommended.				✓
Average visitor spend	There is a widely identified need to attract high-spending visitors, and a belief that 'intellectual'-based activities such as heritage will assist in this aim.	✓5.1 ✓5.2	✓3.1 ✓3.2 ✓3.4		
Turnover of businesses relying on mining heritage related activities	As both an indicator of visitor spend and an indicator of business growth potential. A number of consultees suggested providing an index of turnover and other statistics, drawn from a range of businesses that would be happy to provide data.	✓5.1 ✓5.2	✓3.1 ✓3.2 ✓3.4		
Annual distribution of visitors	As an indicator of the increased viability of tourism-related businesses. However, it was also noted that there is a limit to the number of visitors that can be accommodated.				
Visitor overnight stays	Increasing visitor spend is strongly connected to ensuring that visitors stay overnight. Some commented that as well as aiming to get more day visitors to stay one night, there should be a target for increased number of 2 and 3-night stays.				
Levels of financial investment in public product	Public spend, and leveraged private spend, as an indicator of commitment to the resource. However, it was noted that such investment is essentially short-term spend rather than sustainable economic development.				✓ - leveraged private finance
Speed of application process	As an indicator of the overall quality of the Bid.				

Indicator	Comments	Objective One	Objective Two	Heritage Lottery Fund	South West RDA
Awareness raised locally about WHS status	Particularly as a measure of local pride and therefore confidence in the local economy.			Relevant	
Awareness internationally	As a result of the need to measure the reach into target populations abroad.				
School-level learning outputs, e.g. number of units or courses undertaken	As a measure of the need to tie heritage into knowledge-based capital. It would be important to ensure that any educational outputs were related to the curriculum and indeed to the future generally.			Relevant	
Number of buildings at risk	As an indicator of the condition of the resource itself.			Relevant	
Number of buildings involved in WHS-related conservation projects	Ditto	✓5.2	✓3.1 ✓3.2	Relevant	
Adaptive re-use of buildings	Not just for tourism use – there is an understanding from the WH community that buildings should remain part of the economic life of the locality	✓5.2	✓3.1 ✓3.2	Relevant	
Rental prices of restored buildings					
Brownfield sites regenerated			✓3.1 ✓3.2		✓
Direct, indirect and induced FTE jobs created		✓5.1 ✓5.2	✓3.1 ✓3.2 ✓3.4		✓

Indicator	Comments	Objective One	Objective Two	Heritage Lottery Fund	South West RDA
Existing direct, indirect and induced FTE jobs safeguarded		✓5.1 ✓5.2	✓3.1 ✓3.2 ✓3.4		✓
Number of accommodation providers advertising themselves as being within or close to a WHS.			✓3.1	Relevant	
Tour guides advertising WHS-related tours	As a measure of the degree to which the marketing and use of the WHS areas is co-ordinated. This is a prime concern for many.				
Increased use of joint marketing efforts	Again, co-ordination of effort is regarded as a key requirement for success.	✓5.1	✓3.1 ✓3.4	Relevant	
Number of businesses exporting conservation skills abroad.					
Improving attractions	There was a very widely perceived need to raise the quality of the visitor experience at a number of key sites and attractions.		✓3.2	Relevant	

8.4 In terms of the Objective One Programme, discussions with Government Office for the South West indicate that elements of the work under the World Heritage Site mainly fall under Measures 5.1 (To develop and promote Cornwall and Scilly based on its distinctiveness and encourage the growth of arts, culture and heritage activity thus securing economic advantage for the region) and Measure 5.2 (To maintain and increase the economic benefits derived from the coastal and inland heritage, the buildings and structures of historic value and the natural environment with emphasis on access for visitor and resident alike). However, discussions also indicated that some activities may also fall within the following measures:

- Measure 1.2 – To facilitate company growth and expansion through the provision of appropriate financial support
- Measure 2.4 – To remove infrastructure barriers that act a a constraint to the realisation of the full beneficial impact of projects and plans
- Measure 4.8 – To regenerate rural, coastal and island communities affected by long-term decline of primary key sectors through increased local services and community facilities

8.5 In addition to the above, The South West RDA, and the Objective One and Objective Two Programmes, have additional measure-level target outputs that projects should seek to achieve. These are as follows:

Target	Objective One	Objective Two	South West RDA
Centres enhanced/ establishing centres of excellence	✓5.1	✓3.1 ✓3.2	
Assisting SMEs	✓5.1	✓3.1	
Business start-ups			✓
Ports improved	✓5.2		
Environmental improvements		✓3.1 ✓3.2	✓
Footpath and cycleway improvements		✓3.1 ✓3.2	✓
Projects contributing to improved air quality		✓3.1 ✓3.2	
Projects using recycled materials		✓3.1 ✓3.2	
Projects contributing to the energy efficiency of economic activity		✓3.1 ✓3.2	
Businesses marketing environmental aspects of their activities		✓3.4	

- 8.6 All funding regimes have other key criteria for projects to fulfil. These overarching requirements are summarised in the table below.

Fund	Requirement	Notes
Heritage Lottery Fund	All HLF funded projects must increase opportunities for learning about heritage and open up heritage resources and sites to the widest possible audiences. Projects must also satisfy one of two other criteria: broad and integrated community involvement; and the environmentally sustainable conservation and enhancement of heritage.	
Local Heritage Initiative	Targeted at enabling local groups engage in interpretation and conservation work. Can grant between £3,000 and £25,000.	In 2001, the Local Heritage Initiative funded 'Trevithick Day' in Camborne, the Luxulyan Valley Local Heritage Project, and the restoration of a lime kiln in Bampton, Devon.
Landscape Partnerships	Aimed at partnerships representing a range of heritage and community interests. Will support efforts to tackle the needs of landscapes. Areas must have a strong landscape identity, recognised by the communities which live, work and visit there. Must include aspects of built and natural heritage. Envisaged as an integral part of rural regeneration.	Available in early 2003 - the HLF hope to support around ten projects a year via Landscape Partnerships.
Your Heritage	For projects between £5,000 and £50,000.	
Heritage Grants	For projects of £50,000 or more	Project Planning Grants are also available to meet early planning costs of projects that may then lead to a Heritage Grant application. These can be between £5,000 and £50,000, and can be used to produce access and management plans, and employ a project officer.

Fund	Requirement	Notes
Objective One		
Measure 5.1 – Securing the benefits from the arts, cultural and heritage industries	<p>The objective of this measure is to encourage the growth in arts, cultural and heritage activity. This can include: strategy development; branding; promotion and marketing; and specialist R&D facilities and services. The measure criteria are:</p> <ul style="list-style-type: none"> • The provision of substantive support, clearly able to generate significant benefits for the SME • The extent to which support is directly channelled to the SME • The contribution from the private sector • The inclusion of on-going client management support. 	Capital and revenue
Measure 5.2 – Enhancing and developing the public product	<p>This measure is about increasing the economic benefits derived from heritage, (including the natural environment). It can involve: land reclamation; restoration and consolidation of historic buildings, structures and sites; feasibility and technical studies; enhancing interpretation and access facilities associated with the historic environment; enhancement ,refurbishment and re-use of vernacular buildings including mine buildings, for business use including tourism. The measure criteria are:</p> <ul style="list-style-type: none"> • The extent to which the project involves infrastructure/facilities closely linked to the distinctive assets of Cornwall • The degree of market failure • The potential number of visitors • Linkages to revenue support activities. 	Capital Note – there is considerable competition for funds under this measure, which is heavily subscribed.
Cross cutting theme – Environmental Sustainability	The theme aims to ensure the environment makes a positive contribution to the aims of the programme	The conservation of mining heritage has involved the remediation of derelict land and economic reuse of brownfield sites
Cross cutting theme – Information Society	The theme aims to increase the use of electronic information by all groups	Though establishing web-based information about mining heritage, the WHS project is contributing to this theme

Fund	Requirement	Notes
Objective Two		
Measure 3.1 - Regenerating the rural economy	<p>This measure is about helping rural economies respond to the decline in traditional sectors by developing co-ordinated action to support sustainable alternatives. This includes: feasibility studies; actions to develop crafts/heritage; environmental improvements to specific sites where linked to an economic regeneration plan. Projects under 3.1 must:</p> <ul style="list-style-type: none"> • Increase the competitiveness and sustainability of local rural services • Demonstrate capacity to maintain or develop basis rural services • Support opportunities in rural areas for young people • Support the multiple use of local assets • Complement existing provision. 	Capital and revenue

Fund	Requirement	Notes
Measure 3.2 – Investing in the rural tourism product	<p>This measure is about improving the tourism product and thus increasing the economic benefits that derive from tourism. It includes activities that involve: converting buildings and infrastructure for tourism; enhancing visitor attractions based on heritage; upgrading visitor information and interpretation facilities; developing recreational routes; and reclaiming land and addressing dereliction. Projects under this measure will be scored against the following criteria:</p> <ul style="list-style-type: none"> • Increase the economic/employment benefits from tourism in rural areas with emphasis on out of season all year round business • Demonstrate capacity to increase quality and duration of employment in rural areas • Demonstrate capacity to increase tourism spend from outside the Objective 2 Programme area • Demonstrate ability to enhance visitor experience in the locality • Demonstrate ability to sustain the local economy, its culture, community and environment • Demonstrate ongoing viability for re-investment / operation • Complement and enhance existing provision, avoid duplication. <p>The Tourism Working Group selection criteria are:</p> <ul style="list-style-type: none"> • Achieving a faster growth in tourism spend, thereby increasing the proportion of GDP arising from tourism and the number and quality of jobs supported by tourism; • Providing opportunities for new entrants and tourism related businesses across the region; • Increasing overall tourism trips and days through making tourism activity less seasonal, with significant increases in the shoulder months; • Increasing the number of overseas visitors; • Increase tourism in cities, towns, resorts and rural areas; • Focusing support and capacity building in economically deprived areas hardest hit by Foot and Mouth Crisis; • Enhancing the distinctive character and quality of the South West tourism product its destinations, accommodation, attractions, access and service attitude; <p>Supporting the creation of higher quality jobs.</p>	<p>Capital, or revenue associated with a capital project. Measure 3.2 is under heavy pressure and has a set of iterative deadlines for expressions of interest.</p> <p>Target Products are</p> <ul style="list-style-type: none"> • New or refurbished high quality tourism related businesses, facilities and initiatives relevant to market needs in cities, towns, resorts and rural areas; • Businesses operating on an annual, rather than seasonal basis; • Businesses based on local culture and heritage; • Businesses which markedly enhance the quality of the overall "SW tourism" product, in particular attitude to service. <p>Target Markets</p> <ul style="list-style-type: none"> • Those who wish to visit either cities, towns, resorts or rural areas; • High spending tourists e.g., (Social Class AB, from London/South East and overseas); • Tourists in the 45+ age group and families with young children; • Tourists who wish to participate in cultural activities; and • Those tourists willing/able to visit out of season or in the 'shoulder' months.

Fund	Requirement	Notes
Measure 3.4 – Promotion and development of the regional distinctiveness of the area	<p>This measure aims to increase the competitiveness of tourism businesses and identify and target new markets to increase the number of visitors. This can involve: promotional campaigns (particularly in conjunction with Objective 1); and bespoke marketing for regional heritage.</p> <ul style="list-style-type: none"> • Increase competitiveness of tourism businesses, increase visitor numbers and spend especially out of season / all year • Demonstrate capacity to attract additional visitors to the Objective 2 Programme area • Complement the Cornwall Objective 1 Programme and other regional initiatives • Demonstrate partnership working to create the critical mass for effective action • Demonstrate wider linkages to the local economy / community – not just tourism – develop regional distinctiveness • Provide evidence / research on market demand / potential • Demonstrate links to investment in visitor attractions and facilities. 	<p>Revenue</p> <p>As per measure 3.2</p>
SWRDA		
Regional outcomes	<p>SWRDA has specific targets in the following areas, and projects should help SWRDA achieve as many of them as possible:</p> <ul style="list-style-type: none"> • Economic growth • Reducing the number of income support and jobseekers 'allowance claimants, and unemployed claimants, in the most deprived wards • Ensuring that the rate of growth in the population of urban areas remains on its current trend • Reducing the productivity gap between the least well performing rural areas and the SW median • Supporting the regeneration of market and coastal towns • Building housing on previously developed land • Maintaining the region's employment rate above the national average • Ensuring that there is a skilled and qualified workforce. 	
Annual milestones	In addition to the targets above, SWRDA has some more specific annual targets, in the areas listed	

	<p>below. Again projects should identify their contributions to as many as possible:</p> <ul style="list-style-type: none"> • Creating job opportunities • Creating learning opportunities • Developing brownfield land • Business start-ups • Securing private finance that benefits deprived wards specifically, and the region generally. • Supporting housing units • Developing workspace • Securing additional visitor spend 	
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- 8.7 The above tables indicate that the desired outputs of the WHS Bid Partnership could meet the required outputs of major funders in a number of areas. There are a number of monitorable outputs that do not directly relate to the needs of funders. Whilst all of these are worthy in their own right, some will be easier and more cost-effective than others to realise.
- 8.8 There a number of outputs that do not directly relate to the needs of funders. Whilst all of these are worthy and some are relatively straightforward to monitor, others may be more difficult to realise e.g. measures relating to civic pride.
- 8.9 Some could be captured using well targeted and refined surveys of visitors carried out at relevant sites, including: annual distribution of visitors; number of foreign visitors; visitor overnight stays. Plans for such surveys should be drawn up as soon as possible if this is the desired route. However, some other desired outputs including the level of international awareness, the number of tour guides advertising WHS-related activity and the number of businesses exporting relevant skills abroad, would require more specifically tailored work to be captured, and a judgement over cost-effectiveness would have to be made in due course.

Other Indicators

- 8.10 In addition to the monitoring indicators explored through the consultation process and the relationship between WHS projects and funding regimes, there are a number of other potential outputs which have emerged through this study that should be considered as part of any framework for assessing projects.
- 8.11 These would include:
- Social and community benefits – in the same way that other regeneration programmes will typically have social and community benefits, WHS projects can also be assessed against their contribution to the social and community objectives. Consultations indicate that the investment in regeneration projects will have positive effects on civic pride, leading to a virtuous circle of increased private investment, reduced vandalism etc.

- Environmental benefits – maximum benefit is accrued from projects that are able to provide benefits across a set of indicators. The use of mining heritage remains for leisure and commuting walking and cycleways (Mineral Tramways) provides good examples of this sort of project.
- Fit within the hierarchy of WHS attractions and facilities – discussion earlier in the report notes the importance of the relationships between the different elements of the mining heritage attractions and facilities, and how this is presented to visitors. Consideration of this relationship is important in new facility development
- Fit with other leisure facilities in Cornwall and West Devon – while mining heritage can be considered as a discrete entity, physically and particularly in the eyes of visitors, it exists in the context of a variety of other leisure opportunities. This juxtaposition can have a significant impact on the usage and viability of projects
- Viability – the ability of projects to meet their costs through revenue generation will be a key consideration. While the funding programmes will often consider capital costs, there is much less enthusiasm for meeting ongoing revenue spend. Therefore projects which are able to build economic re-use of mining heritage remains should be considered more of a priority than those requiring some kind of long term support, unless there are compelling reasons otherwise. Therefore, generating new employment or residential uses of mining heritage should be considered
- Contribution to the conservation of mining heritage assets in Cornwall and West Devon – while many of the benefits of WHS inscription may stem from the visitor impacts, the central rationale for inscription revolves around the mining remains. Any framework for assessing projects must therefore include an evaluation of the contribution towards conserving the core of the WHS
- Branding of Cornwall as an area of international significance - by branding Cornwall as an area of international significance in terms of its historic environment and culture, World Heritage Site status is expected to bring about a change in how the region is perceived by both local people and visitors. This will be particularly true of the deprived former mining areas that have suffered most from decay and unemployment. WHS status will help to instil a sense of pride of place amongst inhabitants of these areas (and the region as whole), making them more attractive places in which to live, work and invest. As has been the case with other World Heritage Sites, inscription is expected to act as an attractor to inward investment by companies looking for attractive/prestigious locations in which to site their businesses e.g. Toyota inward investment in Derby influenced by Derwent Valley WHS inscription).
- Heritage and Green Tourism - World Heritage Site status will provide the following opportunities for heritage and green tourism:
 - It will allow Cornwall to be badged as an area of international importance in terms of historic mining remains, and will enable the World Heritage Site emblem to be used in promotional media for the region.

- It will provide the mechanism for the cohesive and integrated marketing of these assets, both through promotional and interpretative literature and other media, and by creating physical links (eg via cycle routes along disused mineral tramway routes).
- It will increase the number of visitors attracted to Cornwall for its distinctive environment and culture, particularly in terms of overseas visitors who will view WHS status as a mark of quality.
- The potential for marketing the WHS overseas is considerable. Countries which have the focus of Cornish immigration could be specifically targeted (a 'Cousin Jack' marketing strategy).
- As an international heritage destination the WHS will attract visitors likely to have comparatively high disposable incomes, which will increase the value of the Cornish tourist industry.
- In addition, the World Heritage Site will enhance opportunities for extending the tourist season into the spring and autumn. Visits to historic mining sites can take place at any time of year (indeed many sites are better seen in early spring or late autumn when reduced vegetation cover offers increased visibility).
- Local Business Opportunities - New businesses will be set up (and existing ones expanded) in association with the World Heritage Site. Examples of these are as follows.
 - Specialist conservation, building, design, engineering services connected with improving safety and access and consolidating historic structures on mine sites, and the conversion of historic buildings within former mining settlements.
 - Conservation and other services associated with on-going site maintenance within the World Heritage Site.
 - Companies producing specialist materials/fittings/equipment etc required for the consolidation and maintenance of the WHS.
 - Office/retail/workshop based industries located within converted historic buildings.
 - Leisure and retail-related businesses, eg bike-hire businesses connected to the trails created along former mineral tramways, outdoor clothing companies, crofty-type jewellery and other crafts, art-based activities, cafes and restaurants etc.
 - Publishing companies involved in producing interpretative/promotional literature associated with the World Heritage Site.
- Intellectual Capital - As a result of compiling the nomination for WHS status and managing and promoting the WHS assets, Cornwall will develop a wide range of high quality specialist skills and expertise. There will be considerable potential for using this intellectual capital to generate additional income for the region. Some examples are given below.
 - Selling the methods and techniques applied in Cornwall to other parts of Britain and other countries.
 - Providing advice and training in specific methods and techniques (eg engine house consolidation) to individuals/organisations in Cornwall, Britain and overseas countries with similar remains and/or undertaking similar work/projects (this has particular relevance for those parts of the world that have surviving 'Cornish Mining' remains, eg western USA, southern Australia, Mexico, Ireland, Spain, Virgin Islands).

- Providing the professional staff and skilled crafts people to carry out conservation and other work historic mine sites overseas.
- Providing specialist study tours for visiting organisations (eg schools, universities, societies, businesses).
- Film and television productions.
- WHS Implementation Project - In line with other UK World Heritage Sites, implementation of the Cornish WHS Management Plan (once the site has been inscribed) will be overseen by a WHS Implementation Officer, supported by other project staff. This will create/safeguard a small number of highly skilled jobs in the region.

Project Monitoring Framework

8.12 Consideration of the factors above suggests that a framework for assessing WHS projects should include:

- Conservation of the resource
- Visitor spend
- Visitor seasonality
- Jobs created and safeguarded
- Impact on dependant business turnover
- Funding leverage
- Impact on civic pride
- Integration with education objectives
- Economic reuse of sites
- Strategic fit with other mining heritage provision
- Strategic fit with other leisure provision

8.13 All of the considerations above should be in the context of strategic fit with the WHS management plan.

8.14 It is recommended that the future WHS Management Team consider the suggested elements and prepare an application, scoring and appraisal system based on the agreed indicators. The requirements of the funding agencies will be a key issue and it will be helpful to projects, the Management Team and funding agencies if the scoring and appraisal system complements the agencies systems. It is recommended that a dialogue is maintained.

**CORNWALL AND WEST
DEVON MINING
LANDSCAPE WORLD
HERITAGE SITE BID
OUTLINE MARKETING STRATEGY**

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1 INTRODUCTION

In December 2003, The Tourism Company was commissioned by the Cornwall and West Devon Mining Landscape World Heritage Site (WHS) Project to develop a marketing strategy to inform and be an integral element of the Management Plan for the proposed WHS.

The brief identified that, at this stage, the marketing strategy elements of the Management Plan:

“are only required to identify the overall policies and principal aims for the effective and sustainable development of the WHS”.

Detailed objectives and actions can be defined at a later stage. *“The purpose of this strategy is to establish what these overarching, high level principle aims should be and to identify a consistent, integrated approach to achieving these aims, in part by identifying shared issues for all (or the majority) of the 10 bid areas.”*

The brief also detailed a number of objectives for the strategy. These are:

- Establish current marketing activity and spend within the site areas and what results this produces.
- Compare existing activity against the potential for sustainable growth / improvement but within the context of the WHS Vision and Aims. More specifically, this would involve:
 - auditing existing visitor attractions;
 - assessing existing audiences/performance against capacity and potential for growth;
 - identifying priorities for the marketing strategy which balances conservation with optimum usage;
 - investigating the Cornish mining brand.

1.1 Work programme

The production of this strategy has been guided by the Strategy Steering Group and by members of the WHS Bid Project’s Marketing and Interpretation Panel. The work programme has involved:

- Site visits to all 10 bid areas and to all the accessible mining heritage-related visitor attractions identified by the client.
- A review of research related to cultural tourism, industrial heritage, mining heritage, World Heritage Sites and general activity holidays.
- A postal/ email questionnaire sent to mining related visitor attractions throughout Cornwall. The questionnaire covered areas such as existing marketing activity, visitor numbers and trends and development plans.

- Face to face and/or telephone interviews with representatives involved in the promotion and management of visitor attractions, landscape areas and destinations in the WHS.
- A review of best practice in relation to industrial heritage and WH marketing.
- A market segmentation exercise.
- A stakeholder workshop held in Truro that focused on the potential market, product definition and marketing principles and opportunities.
- Strategy preparation in the light of comments made at the workshop with further research and analysis.

1.2 Structure of the report

This report has three main sections. It starts by looking at the potential market; existing visitors to Cornwall and the industrial heritage market in the UK and locally. In the light of this market, we then review the WHS attractions and identify the relevant product for the strategy and consider how the heritage is currently being promoted. Finally, we turn to the strategic aims, objectives including target markets and overall approach and some suggestions for the subsequent tactical approach.

Full details of the product, target markets and comparative information on other WH Sites are presented as appendices in a separate volume. An executive summary is also available.

2 MARKET ASSESSMENT

This chapter provides an overview of key markets within which the proposed WHS operates. It looks at both geographically relevant markets (i.e. Cornwall and West Devon)¹ and at markets where the theme of the bid area is relevant (i.e. industrial heritage and mining tourism). The chapter is split into three main sections. These are:

- A market overview of tourism in Cornwall.
- An examination of the market for industrial heritage.
- An assessment of the industrial heritage market in Cornwall.

The aim of the chapter is to place the WHS bid in context of existing tourism marketing patterns. The information also provides a valuable pointer as to which market segments should be targeted for further assessment in the segmentation exercise.

2.1 Tourism in Cornwall & West Devon

Tourism is a major contributor to the economies of Cornwall and West Devon. In 2001 the sector was estimated to generate 24% of the Cornwall's GDP and employ 15% of the workforce². In West Devon in the same year the main tourism sectors were estimated to account for 11.3% of the area's GDP³. In terms of their positions within the South West region, the table below shows the strength of Cornwall and Devon relative to other areas⁴.

Table 1 Tourism share within South West region

County / Area	% of trips in SW
Devon	30%
Cornwall	19%
Somerset	12%
Dorset	17%
Former Avon	10%
Wiltshire	7%
Gloucestershire	7%

Source: UKTS and IPS 2001, taken from *State of South West Tourism, The Tourism Company* (commissioned by South West Tourism), July 2003. Percentages are rounded up.

¹ It should be noted that in the following section some of the statistics quoted relate to Devon rather than the district of West Devon. This is because the full range of national tourism statistics available at a county level is not readily available at District level. Where this is the case, figures and commentary on the County have been used in their place.

² Cornwall Tourism Strategy, A 3D Vision – Delivering Distinctive Difference, Cornwall Tourism Focus Group, 2000

³ The West Devon Economy 1991-2001, West Devon Borough Council, 2003

⁴ SW England is the regional market leader in holiday tourism; it receives 19% of all domestic holiday trips, 25% of nights and 23% of spend

As the table shows, Devon as a whole accounts for 30% of the region's tourism whilst Cornwall accounts for 19%. Figures from Devon County Council⁵ show that West Devon accounts for 3.3% of the County's tourism and from this we can estimate that West Devon accounts for around 1% of SW tourism.

Visitor figures show that in 2001, Cornwall attracted 5 million visits generating approximately £1.35 billion of spend. West Devon attracted 340,000 staying visitors⁶.

Some key characteristics⁷ of tourism in Cornwall are:

- High level of dependence on holiday visitors, especially long holidays (long holidays account for 2/3 of domestic nights and spending).
- Tourism in Cornwall is highly seasonal, with 64% of holidays by UK residents taken in the 3rd quarter (July, Aug & Sept). This figure compares with 60% for the same period in the South West and 42% in the whole of the UK.
- The short holiday sector is relatively small, reflecting the relative isolation of the county from centres of population (25% of trips compared with regional average of 37%).
- Spend per night (£43) is average for the South West region.
- 70% of visitors are in ABC1 socio-economic groups.
- Low levels of business and overseas tourism (4% compared with 10% average for the SW region).
- Visiting friends and relatives (VFR) accounts for 21% of trips, higher than the regional average of 19%.
- It is worth noting that despite an overall downward trend, the average trip duration and spend per trip is still relatively high (4.8 nights and £206 spend). This reflects the dominance of the long holiday sector.
- The proportion of new visitors to Cornwall remains strong⁸.

Some characteristics of tourism in Devon are:

- Better balance than Cornwall between long and short holidays (long hols 42%, short hols 34%).
- Low levels of overseas tourism (5%).
- VFR is less important than in Cornwall (14% as compared with 21%) and below the regional average.
- Spend per trip is £167, lower than Cornwall and lower than the SW average of £173.

The existing tourism profiles of Cornwall and West Devon have led to key stakeholders identifying a number of regional and local tourism priorities. Key amongst these is the need to address the issue of seasonality by stimulating more

⁵ Devon Tourism Trends 2002, Devon County Council,

⁶ State of Tourism South West, The Tourism Company (commissioned by South West Tourism), July 2003

⁷ various sources including State of Tourism South West (see above) and Cornwall Tourism Strategy, a 3D Vision, Cornwall Tourism Focus Group, 2000

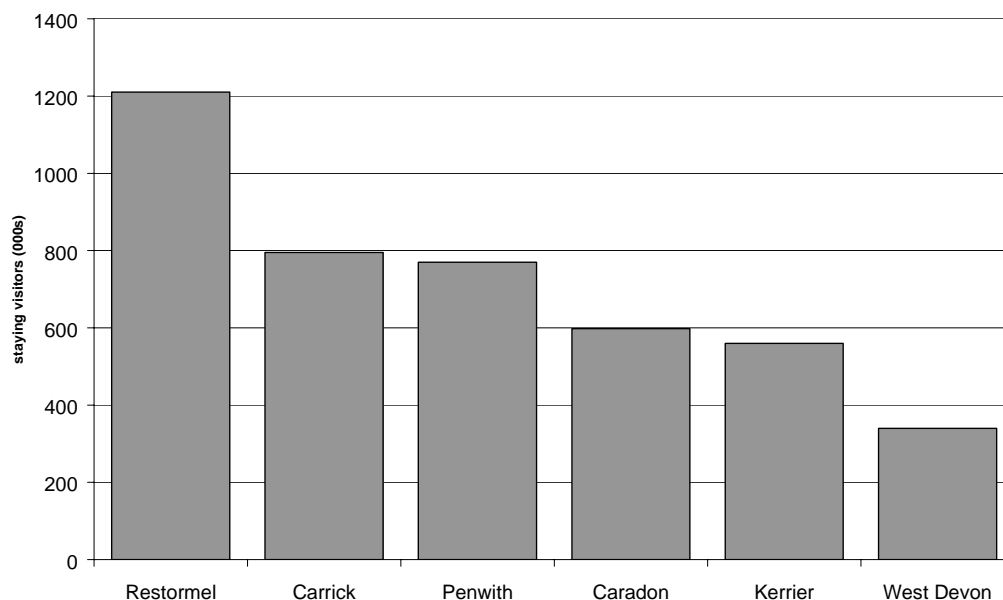
⁸ Cornwall Visitor Survey 2002 – 2003, Cornwall Tourist Board

visits in the shoulder months. There is also a consensus that new products and offerings need to be developed, and that marketing approaches need to be consistent and embrace more fully principles of market segmentation. Within such an approach, high value customers are sought as too are campaigns and products that emphasise local distinctiveness.

To be effective, the WHS Marketing Strategy needs to address itself to this agenda and contribute towards the re-profiling of the tourism markets in Cornwall and West Devon. These issues will be explored in more detail later in this report.

2.1.1. Visitors by District

Not all parts of the WHS attract similar amounts of staying visitors. The table below shows some of the differences between areas.



Source: State of Tourism South West, South West Tourism, 2003

We can see from the graph above that the WHS area is characterised by considerable differences in visitor numbers.

Restormel is the top destination, attracting around 1.2m visitors per year. This constitutes just over a fifth of the total number of staying visitors for Cornwall. West Devon attracts the least staying visitors. There are a number of factors that may explain this spread of visitor figures. These include the available accommodation stock in each area, accessibility to main markets and the range of attractions in each area.

2.1.2. Staying visitor profile

The latest survey of visitors to Cornwall⁹ provides the following profile:

- Nearly half of all visitor groups come from the South East of the UK.
- Almost half are couples, but families outnumber them, in the peak season.
- A majority of groups contain an adult aged 35-54.
- Almost $\frac{3}{4}$ of visits last 7 nights or less.

2.1.3. Perceptions and the reasons for visit

In order to assess the strategic fit of the mining heritage with existing visitor profiles, it is useful to look at the perceptions of Cornwall and Devon and the motives behind why people visit the area.

Perceptions

Some insight into how Cornwall and Devon are perceived by potential visitors can be gained from focus groups commissioned as part of South West Tourism's market intelligence report.¹⁰

There was a positive view of the two counties and a good awareness of what the area has to offer but significant difference between lifestage groups in terms of what they were looking for:

- *Pre-family*: Limited knowledge of the area, but had positive memories of childhood holidays. Some appeal for longer breaks but not as a holiday due to weather. Interest focuses on lively resorts and nightlife such as Newquay and Torquay.
- *Family*: Considered too far for breaks but good for family holidays with plenty to interest the children and good scenery for the adults. The coast is the key element in the appeal and the ability to move from north to south coast increases the range of possibilities.
- *Post-family*: Attractive for longer breaks and some wee long holidays but abroad is preferred destination because of guaranteed weather. Cornwall is too far for short breaks. The area is valued for its scenic beauty, coasts and gardens. Cornwall is known for its rugged coast, Devon is softer countryside.

Reasons for visit

The annual Cornwall Visitor Survey has been conducted since 1987 and provides some useful information on the reasons why Cornwall was selected as a destination. The table below shows the ten most cited reasons for choosing the County. Also included in the table are the results of a specially commissioned Cornwall Visitor Survey that gained responses from visitors to the proposed WHS area.

⁹ *Ibid*

¹⁰ *see ref 6*

Table 2 Why respondents chose Cornwall

Reason	Cornwall visitor Survey 2002/2003	WHS / Cornwall Visitor Survey (May - Oct 03)
Regular visitor	16%	19%
Favourite Destination	15%	16%
Friends and family	11%	12%
Eden Project	11%	10%
Scenery/countryside/landscape	9%	9%
Beaches / seas / coast	7%	7%
Never been before	7%	6%
Gardens	6%	7%
Sunshine / weather / climate	4%	4%
Occasional visitor	3%	-
Beautiful / unspoilt /clean	-	4%

Source: Cornwall Visitor Survey 2002 – 2003, Cornwall Tourist Board; World Heritage Site / Cornwall Visitor Survey May – Oct 2003, Cornwall Tourist Board

We can see that familiarity and the quality of the natural environment are the main appeals of Cornwall. Gardens and the high profile of the Eden Project are also influencing people's choice of Cornwall as a destination. The importance of those visiting friends and family, is also clearly seen.

Confirmation of the over-riding importance of Cornwall's natural assets is contained in a report carried out by the National Trust in 1999 that showed that 81% of all holiday trips to Cornwall are motivated by conserved landscape.¹¹

It is worth noting here that heritage or historic aspects do not feature in the vast majority of respondents' reasons for choosing Cornwall. More information about industrial heritage's profile in the decision making process is included later in this chapter.

2.1.4. Day visitors / resident population

National estimates of the day visits market are derived from the UK Day Visits Survey. The latest available figures relate to 1998 and show that there were some 6 billion leisure day trips made in the UK with an associated spend of £71bn. In its *enjoyEngland* strategy¹², VisitBritain estimates that day visits represent 60% of total visitor spend in England. Other aspects of the market identified in the same report include:

- The segment is important in generating seasonal spread.
- The majority of day visits are in, or to, towns and cities (72%).
- The countryside is the next most visited location (22%) where walking is the most popular activity.

¹¹ Cornwall AONB Management Plan

¹² *enjoyEngland*: The Strategy, England Domestic Tourism Marketing 2003/4 to 2005/6, England Marketing Advisory Board, Sept 2003

At a local level there is some limited data¹³. From this we know that:

- Non-local day trips generated 9.5m trips in 1998 and were worth almost £134m in associated spend.
- The pattern of trips varies from the national trend in that the countryside is the most popular location for day trips (43%), with coasts attracting 31% and towns and cities 25%.

The differing day visit pattern may reflect the fact that most staying visitors are located on the coast and are therefore heading inland more than the national average. The low showing for towns and cities may reflect the relative lack of major urban conurbations in the area.

Residents also make up a proportion of the Cornwall and West Devon day visits market. Although exact figures are hard to come by there is evidence of the importance of locals to certain attractions in the area. For instance, it was found that 67% of users of the Mineral Tramways (a series of multi-user trails that follow the route of old mineral railways) were locals¹⁴.

In addition, a recent economic assessment of the South West Coast Path estimated Cornwall residents' use of the South West Coast Path to be worth about £27m annually.

2.1.5. Activities undertaken whilst in Cornwall

One possible objective for the WHS is that it can be used to influence the visit and spend patterns of existing visitors. In order to do this effectively there is a need to understand the existing interests of day and staying visitors. The table below lists some of the main activities.

Table 3 Activities engaged on whilst visiting Cornwall

Rank	Activity	%
1	Gardens	65%
2	Beach	61%
3	Try local food / drink	58%
4	Coast walks	56%
5	Explore historic towns	54%
6	Historic houses	47%
7	Museums / galleries	45%
8	Restaurants	41%
9	Country walks	41%
10	Shopping	37%
11	Buy local arts / crafts	35%
12	Mining heritage	26%

Source: World Heritage Site – Cornwall Visitor Survey May to Oct 2003

¹³ Economic Impact of Tourism in Cornwall 1998, Economic Impact of Tourism in West Devon 1996, quoted in *Cornish Mining WHS Bid Economic Impact Assessment*, Cornwall Enterprise, June 2003

¹⁴ *Economic Impact of the Mineral Tramways*, 1996, quoted in *Cornish Mining World Heritage Site Bid Economic Assessment*, Atlantic Consultants, June 2003

We can see from the table that:

- Gardens, beaches and coastal walks are each popular for more than half of all visitors to the County.
- The majority of visitors are looking for locally distinctive experiences and in particular the chance to sample local food and drink.
- Historic houses and towns constitute part of the itinerary for around half of visitors although mining heritage is an activity for less than half this amount (26%).

2.2 The market for industrial heritage

Industrial heritage is part of the much wider heritage market, a diverse market that covers everything from historic houses and gardens to places of worship and destinations associated with famous people. In 2002, around 63 million visits were made to sites that could be considered to be formal historic visitor attractions in England.¹⁵ This represents over one quarter of all tourist visits. Of these:

- 16.5 million visits were recorded to historic houses.
- 10 million visits to gardens, many with a heritage dimension.
- 13 million people visited places of worship.
- 9 million to heritage/visitor centres.
- 7 million to castles/forts.

Industrial heritage sites tend to be classed under the heritage / visitor centres category so it is clear from the statistics above that although they generate a sizeable number of visits, industrial heritage sites are less popular than many other parts of the heritage sector.

Specific market information on industrial heritage is thin on the ground, with one of the few exceptions being research commissioned by English Heritage in 1998¹⁶. This offered the following observations on the market for industrial heritage based on a survey of 300 sites across the UK.

- Visits to industrial heritage sites included in the survey increased by 21% between 1990 and 1997, rising from just under 3.7 million to more than 4.4 million visits per annum.
- Much of the growth was the result of more sites opening to the public.
- Only a very small number of sites attracted more than 50,000 visitors p.a.
- 50% of all industrial heritage sites had fewer than 5,000 visitors.
- The average number of visitors was just over 19,000.

¹⁵ These figures are based on a 50% response rate to the survey, and actual figures are likely to be considerably higher. *Survey of Visits to Visitor Attractions*, 2002.

¹⁶ *The Market for industrial Heritage Sites*, Insights, Jan 2000

- 22% of sites had funding applications outstanding at the time of the research.

Their assessment concluded that the market for industrial heritage was mature with little potential for substantial growth. Increased competition resulting from the opening of more sites meant that individual attractions would need to fight harder to maintain market share.

2.2.1. Visitor profile at industrial heritage attractions

A survey by Scottish Tourist Board¹⁷ in 1996 found that:

- Most visits to industrial heritage attractions in Scotland are day trips by the resident population.
- Tourists visiting friends and relatives show a particular interest in Scottish industrial heritage attractions.
- Scotland's industrial heritage attractions appear to appeal to a wider range of people when compared with other, more traditional heritage attractions and with more modern facilities such as science centres and theme parks.
- Most industrial heritage sites and museums in Scotland have a high proportion of repeat visits and a strong educational role.
- Scottish industrial heritage attractions do not appear to achieve high penetration into the overseas market.
- Groups account for at least 20% of visitors (and up to 30% if school parties are taken into account).

2.2.2. Market segmentation

A number of studies have sought to segment the heritage market by using a method based upon the level of interest people have in the subject. The research by English Heritage, quoted in the previous section, utilised this approach in its analysis of the relative importance of the various market segments for industrial heritage attractions. The results are summarised in the following table.

Table 4 Importance of different market segments to industrial heritage sites

Market segment	Of little or no importance	Quite important	Very important
Tourists and day-trippers with little or no interest in industrial heritage	28%	46%	26%
Tourists and day-trippers keen to learn more about industrial heritage	16%	23%	61%
Enthusiasts / interest groups already well-briefed on the site and its history	19%	26%	55%
Foreign/overseas visitors	35%	42%	23%
Education groups	24%	19%	57%

Source: *The Market for Industrial Heritage in the UK, Insights*, Jan 2000, ETC

¹⁷ quoted in 16

We can see that there are three main markets for industrial heritage:

- Tourists and day-trippers keen to learn more about industrial heritage
- Enthusiasts and special interest groups
- Education groups

2.3 The market for mining heritage assets and attractions in Cornwall and West Devon

This section looks at the market for mining heritage within Cornwall and West Devon. It draws together information from visitor surveys undertaken at a County level along with existing user surveys from individual attractions. Also included here are the results from a survey of mining heritage attractions commissioned specially as part of the marketing strategy development process.

The section is split into two main parts. The first part looks at information relating to mining heritage assets in general terms whilst the second part focuses on visitor attractions.

2.3.1. The market for mining heritage assets in Cornwall and West Devon

The WHS Management Plan illustrates the diverse nature of mining heritage in the area. Although one could define all aspects as attractions, there are many that are not visitor attractions in the formal sense of a clearly defined, paid admission site. Examples include many of the engine houses in the area that have been preserved as ruins, workers cottages that are still in residential use and entrances to mine shafts. Given this broad product definition, it is useful to make comments regarding the market at this level.

Results from the Cornwall Visitor Survey show that mining heritage is not currently a major influence on destination choice. Only 1.9% of visitors cited mining heritage as a reason why they chose Cornwall as a destination. Adopting a different methodology, the WHS Economic Impact Assessment estimated that 6% of visitors considered mining heritage to be very important in planning their trip with an additional 7% stating it to be fairly important. As this report will explore in more detail, this current level of performance reflects the limited marketing resources available to heritage attractions and their subsequent low profile in the marketplace.

Mining heritage's influence is far greater once people are in the area. For instance just over a quarter of visitors (26%) stated that mining heritage was to form one of their activities whilst visiting the area¹⁸.

It would appear that visitors' patterns of behaviour towards mining heritage are not due to a lack of awareness. Over 91% are aware of the area's historic links to mining¹⁹. The following table looks at the specific aspects with which visitors are most aware.

¹⁸ WHS Cornwall Visitor Survey May – Oct 2003, Cornwall Enterprise, 2003

¹⁹ *Ibid*

Table 5 Aspects of mining heritage (excluding visitor attractions) that respondents are aware of

Aspect aware of	%
Tin mining / tin	45%
China clay/clay mines	20%
Gold mines / gold	6%
Redruth and Camborne	5%
Copper mines / copper	4%
Slate	3%
St Austell	3%
Ruins / chimneys /mine shafts	3%

Source: WHS Cornwall Visitor Survey May – Oct 2003, Cornwall Enterprise, 2003. Note: figures exclude awareness of specific visitor attractions.

The table shows visitors knowledge of mining relates mostly to the raw materials that were mined in the area. There is far less awareness of the specific areas that are most associated with the industry. Awareness of the physical remains of mining stands at 3% of visitors.

Figures such as those above suggest that there is a need for greater efforts to be made in developing people’s very general knowledge of the area’s association with mining. Effective interpretation at a local level and a comprehensive framework at a WHS level are two ways in which this might be addressed.

2.3.2. The market for mining heritage-related visitor attractions in Cornwall and West Devon

This section looks at the current visitor numbers at mining heritage-related attractions in the WHS area and also assesses what the potential might be for the market.

The size of the local market depends to a large extent on how the sector is defined. The WHS Economic Impact Assessment²⁰ defines a set of specific mining attractions and a further set of attractions that have an appeal wider than mining heritage. Using this definition and assigning only a proportion of total visits to the attractions with wider appeal produces an estimate of 598,168 mining heritage visits. The visit figure is derived from the following amount of mining heritage visits:

- 51% to attractions with an entrance charge.
- 47% to free attractions.
- 2% to public archives and records offices.

The survey of mining heritage attractions conducted as part of the preparation for this strategy found the following characteristics:

- Average visitor numbers were 27,000 p.a. Numbers were higher at attractions whose appeal can be defined as being wider than mining heritage. Garden and historic homes with mining connections fall into this category.
- Visitor numbers are stable except where there has been a major change in opening hours in which case increases of up to 30% are reported.

²⁰ Cornish Mining World Heritage Site Bid Economic Impact Assessment, Cornwall Enterprise, 2003

- Education groups account for 9% of visitor numbers.

In addition to the overall market size, the WHS marketing strategy needs to take account of the relative importance to mining heritage attractions of visitor markets as compared with day visits by locals. Looking at the available data it is clear that there is a range of surveys that provide very different results.

- The WHS Economic Impact Assessment referred to above estimates that 53% are visitors staying away from home and 47% day visits from home.
- The survey of mining heritage attractions commissioned as part of this strategy's development²¹ found that visitors constituted 75% of the total visits with residents / locals accounting for 25%.
- A survey of visitors to Geevor Tin Mine found that 9% were local and 91% visitors.²²

Despite the variance in the findings, it is clear that mining heritage attractions in the WHS (a major holiday area) are more reliant on visitors than is the case for industrial heritage attractions at a national level where local residents are more important.

The potential market

The previous section offered insights into the current market for mining heritage attractions. In this section we look at the potential for the market. One method of assessing the potential market for mining attractions in the area is to look at levels of awareness. The table below sets out this information, together with information on the percentage of visitors planning to visit these attractions.

Table 6 Awareness of and likelihood of visit to mining heritage-related attractions

Visitor attraction	% aware	% planning to visit
Poldark Mine	15%	1.5%
Geevor Tin Mine	13%	2.2%
Wheal Martyn	4.3%	3.7%
Levant Mine	4.4%	0.7%
Tolgus Tin	1.3%	0.1%
Morwellham Quay	0.5%	0.2%
Blue Hills Tin Mine	0.3%	-
Cornish Mines and Engines	0.3%	0.2%
Tramways	0.3%	-
King Edwards Mine	0.2	-
Crofty Mine	0.2	-
Kit Hill	0.2	-
Godolphin	0.1	-

Source: WHS Cornwall Visitor Survey May – Oct 2003, Cornwall Enterprise, 2003. Survey conducted at a mix of 16 visitor attractions. It should be noted that the survey from which the figures are drawn involved sampling at visitor attractions so it is likely to over represent the awareness and visit likelihood compared with visitors in general.

²¹ postal / email questionnaire sent to approximately 40 mining heritage related attractions during Feb and March 2004.

²² Geevor Visitor Survey, 2003

The table shows that less than one fifth of visitors are aware of Poldark Mine, the highest ranking mining heritage attraction. Geevor Tin Mine is the second most cited attraction, but beyond these two, awareness is very low. This suggests more should be done to raise awareness of mining attractions and especially amongst those already visiting specific attractions. However this needs to be balanced against the already referred to low levels of marketing resources currently available to individual sites.

As one would expect, the figures for those visitors actually planning to visit to a specific attraction are lower than those aware the attraction. This is because awareness of a particular site does not automatically translate into attendance. However, rather than focus on the conversion of awareness to actual visit, the first marketing priority should be to raise the levels of awareness amongst visitors and local day visitors.

2.4 Market assessment – some conclusions

It is clear from the information presented that Cornwall and West Devon are very popular holiday areas but with a high reliance on the family long holiday market. This market is both very seasonal and set to decline in importance. The overall popularity of the area disguises quite considerable differences in the numbers of staying visitors attracted to each district. This suggests that the WHS marketing strategy could be used to develop tourism in areas where there is capacity and infrastructure for additional numbers of visitors. This approach is supported by the Economic Impact Assessment undertaken for the WHS²³. The Marketing Strategy should also seek to address the seasonality issue and other regional and local tourism priorities and thus contribute towards a re-profiling of the tourism markets in the WHS.

The evidence from existing tourism markets in Cornwall and West Devon suggests that the vast majority of visitors are currently not drawn to the area primarily as a result of heritage in general or industrial heritage specifically. Instead, the primary motivators of visits are the area's natural environment and the value placed on gardens and garden attractions such as The Eden Project.

There is evidence to show that mining heritage is part of the itinerary for about a quarter of visitors once they are in the area. There are opportunities to widen its appeal as other types of 'heritage' attractions such as historic homes, towns and museums and galleries are more frequently part of visitor's itineraries than mining heritage. The WHS's comprehensive definition of the mining landscape – incorporating country houses and gardens built with mining profits, urban settlements, social infrastructure and transport networks – provides a clear rationale for this.

Although awareness of the area's association with mining is high, there is low awareness of individual attractions amongst visitors, resulting from low investment in marketing. Despite this, mining heritage attractions in the area are heavily reliant on tourists rather than locals for their custom, a fact that distinguishes them from the national trend amongst industrial heritage attractions. This indicates that in order to sustain long-term viability, it is essential to increase investment in marketing.

Although less important for attractions, local residents appear to engage more frequently with the broader mining heritage assets discussed in this chapter. This is

²³ see ref 20

particularly through the use of trails and paths such as the SWCP and the Mineral Tramways routes.

If mining heritage attractions are to be sustainable in the long run and the benefit of the WHS be maximised, visitor markets cannot be ignored. As such there is a need, in addition to increased investment, to improve cross-marketing at attractions and a need to package mining heritage as a key element in the promotion of the destination as a whole. Attractions should also be seen in the context of the surrounding environment and with a number of key issues addressed:

- Ease of access – road and transport links, parking.
- Other complimentary activities or attractions nearby.
- Provision of places to eat, drink and shop.
- Proximity to accommodation.

3 THE MINING HERITAGE VISITOR PRODUCT

In this section we consider the scale and scope of the mining heritage product and review the appropriate level of product to be promoted. We focus on the strengths of the Landscape Areas before turning to the role of local attractions as interpretation centres and the concept of “Key Sites” for the WHS.

3.1 Defining the product

The Cornwall Mining Heritage 'product' is described in detail in Appendix I. From a marketing perspective, the product can be viewed at two levels:

1. There are approximately 40 identified sites of potential interest to visitors. Within this group is a wide mix of visitor attractions, sites or facilities in terms of scale, breadth, interpretation, quality and relevance to the WHS. The list includes:
 - Mine sites;
 - Heritage centres/museums;
 - Archives;
 - Mining related houses, gardens;
 - Mining towns and villages; and
 - Mine sites set in landscape.

They may also be categorised by scale and relevance to visitors (Table 7).

Table 7 Category of attraction

Major relevant attractions in WHS	Other major attractions, less relevant or outside WHS	Minor relevant attractions in WHS	Minor relevant attractions outside WHS	Potential attractions and other resources
1. Morwellham 2. Geevor/ Levant Mines 3. Cornwall's Industrial Discovery Centre 4. Poldark Mine 5. Godolphin House & Estate	6. Royal Cornwall Mus. 7. Tolgus Tin 8. Shipwreck Museum 9. Penlee Museum 10. Trevarno Estate 11. Wheal Martyn 12. Cotehele	13. King Edward Mine 14. Minions Heritage C 15. St Agnes Museum 16. Blue Hills Tin 17. Camborne Museum 18. Redruth Museum 19. Murdoch House 20. Trevithick Cottage 21. Cornwall Centre 22. Cornwall Records Off. 23. Waterfront Inn 24. Gwennap Pit/Museum of Methodism 25. Botallack Count House 26. Liskeard Museum 27. Tavistock Museum 28. Callington Museum	29. Rosevale Mine 30. Wayside Folk Museum 31. Helston Folk Museum	32. S Crofty Mine 33. Robinsons Shaft 34. Perran Fdy 35. Harvey's Fdy 36. St Days H.C. 37. Wheal P'vor 38. Camborne Sch. of Mines 39. Royal Cornwall Geological Museum

2. The product can also be defined in terms of the 10 varied, iconic Landscape Areas (urban and rural) that are central to the proposed Inscription. See Appendix I for more detailed reviews of the Landscape Areas. In tourism terms, these Areas involve powerful, promotable images e.g.:

- Wild and rugged Atlantic coast (St Just and St Agnes);
- Southern valleys (Tamar, Luxulyan, Perran);
- Urban centres (Hayle and Camborne/Redruth);
- Moorland (Caradon Hill); and
- Restored rural areas (Wendron, Gwennap, Tregonning and Gwinnear).

Within the Landscape Area, there is a wide range of mining related stories and themes to interpret. See Appendix I.

3.2 Interpreting the product – WHS universal values and themes

Any assessment of the WHS product needs to also take account of the way in which the product is currently interpreted. This is because within the WHS, as elsewhere, interpretation often provides 'intellectual' access to stories and themes connected to the cultural landscape. As has already been stated, interpretation can take many forms, from the on-site panels to guided walks, events and first person narration. Whatever its form, interpretation provides a way to make visible the social and political histories connected with mining that are not so apparent purely from the physical archaeological remains within the WHS.

It lies outside the brief of this study to develop a comprehensive interpretation strategy. However, the following section summarises the current approach being taken to interpretation themes whilst Chapter 7 includes a proposed framework within which detailed interpretation could be developed both at a local site level and across the WHS.

Current approaches within the WHS are varied. Appendix 1 includes a detailed assessment of all 10 Landscape Areas and the major attractions, sites and facilities within these. The commentary highlights many of the ways in which interpretation contributes to an understanding of a particular site. In order to draw some conclusions from the existing approach to interpretation it is useful to look at the themes covered at major attractions and public archives. Two sources are used for this purpose. The first is presented in Table 8 . This summarises an analysis carried out by the WHS team that lists the most commonly cited main themes at a broad range of attractions (see Appendix II for full list).

The second derives from a survey conducted as part of the background to this strategy²⁴ of a similar range of attractions, but which asked staff at the attraction to indicate what they felt was their main theme and which were subsidiary themes.

²⁴ see ref 21

Table 8 List of the top 5 interpretative themes/ methods within the WHS

Theme
1. Local history (local museums)
2. Archives
3. Mining history (sole or main focus)
4. Social history / People
5. Underground experience

Source: Analysis by WHS Team, (included as Appendix II)

Table 9 Ranking of interpretative themes at selected attractions within the WHS

Theme	Rank	
	Main	Subsidiary
Mining history	1 st	7 th (=)
Underground Access	5 th (=)	12 th
Ecology	10 th (=)	1 st (=)
Geology	7 th (=)	3 rd (=)
Local history	5 th (=)	1 st (=)
Maritime	10 th (=)	10 th (=)
Engineering	7 th (=)	5 th (=)
Folk Museum	10 th (=)	7 th (=)
Archive / library	7 th (=)	5 th (=)
Mineralogy	4 th	7 th (=)
Social history	3 rd	3 rd (=)
Others	2 nd	10 th (=)

Source: WHS Attractions survey (see Ref 21)

Table 8 shows that local history museums are more numerous within the WHS than attractions that concentrate purely on mining heritage. In terms of interpretative approach, most of the local museum sites provide a limited overview of Cornwall and West Devon's mining history with some focus on local artefacts and stories where appropriate. This overview is part of a broader sweep of interpretation which looks at other local industries and social aspects of the area. The WHS also benefits from a number of archives. Some of these relate to the history of specific sites (e.g. Geevor Mine archive) or to more general Cornish themes and /or genealogy (e.g. Cornwall Centre).

Mining heritage as the sole or main focus is a feature of a smaller number of specific mining heritage attractions. Some include a guided underground mine experience (or in the case of Poldark Mine, unguided at peak times). The oral interpretation is broad in scope but covers areas such as the working conditions of miners, geology, processing methods, the rise and decline of the industry, emigration and past and current end uses of the extracted material.

The social history of mining is covered at sites other than those with an underground mine experience. In these cases miners' working conditions and the emigration of miners are commonly-used themes.

Table 9 shows similar trends but has some useful additional information regarding subsidiary themes presented at attractions. There are a number of cross-cutting themes that feature strongly. Green issues (ecology) and social and local history are amongst these whilst the area's distinctive geology features at several sites. The fact

that mining history ranks only seventh as a subsidiary theme suggests that it is currently being dealt with at specialist mining heritage attractions rather than receiving extensive coverage at other non-mining attractions.

3.3 The mining heritage visitor product – some conclusions

In terms of the WHS and its promotion, the core product is the collection of 10 distinct Landscape Areas, interpreted on-site, at local centres and through local activities to add value to the inherent natural resource. Site visits suggest that the quality of interpretation and visitor experience is variable and that on-going management and maintenance is required at some locations to address these issues.

There are a variety of themes that are currently used to interpret the WHS. However, the analysis in this Chapter also suggests there is a tendency for mining heritage to be the main theme at a relatively small number of mining attractions but not be taken on as a subsidiary theme at attractions that have a broader remit than just mining heritage. Chapter 7 outlines an interpretative framework that could be used to develop a comprehensive interpretation strategy which addresses this and other issues.

4 CURRENT MARKETING

The marketing of the Cornish Mining Heritage WHS will not take place within a vacuum. Even now, before the Site's formal nomination, there are already a great number of organisations, companies and individuals involved in the marketing of mining heritage-related land, attractions and cultural assets within the WHS. In addition, there are key organisations whose activities at a national level are of direct relevance to the WHS.

This section addresses the need to place the marketing strategy within the context of existing marketing activity. It does this by looking at the marketing and promotion currently being undertaken and at key strategic documents that have, or will have, an influence on the WHS.

4.1 International

World Heritage Sites

Of the 754 sites on the UNESCO World Heritage List, there are currently 33 that are industrial heritage sites²⁵ (see Appendix III for a full list). Of these there are 10 sites that have direct or indirect links to the mining industries. These are either mine sites or places that have developed as a result of their proximity to mines or from the profits derived from mining.

The sites represent a broad spectrum of mining activities and commodities, from coal and salt to gold and silver. Appendix III illustrates that most of the mining WH sites are very different in product terms to this WHS. The reasons include the fact that many relate to medieval mine workings or are linked to towns with a strong medieval history. Only a handful of the sites, including the Zollverein Coal Mine Industrial Complex in Essen, Germany; the Blaenavon Industrial Landscape in Wales and the copper mines of Røros in Norway offer extensive workings from more recent times. Even these more modern mine workings tend to be concentrated in a geographical area rather than dispersed throughout a series of non-continuous areas as is the case with the Cornwall and West Devon Mining Landscape WHS.

These factors mean that whilst some useful pointers in marketing can be derived from these other WH sites, addressing the unique characteristics of this WHS requires a tailor-made approach rather than one derived from elsewhere.

Another aspect worthy of note here is that there has been little research into the effect on visitor numbers that derives from gaining WHS status. UNESCO, themselves, allude to this fact in the introduction to their handbook on managing tourism at World Heritage Sites²⁶. One of the few international studies, commissioned by the Australian Heritage Commission²⁷, found that baseline data prior to inscription was often too vague or incomplete in order to allow meaningful comparison.

²⁵ UNESCO

²⁶ Managing Tourism at World Heritage Sites, UNESCO, 2002

²⁷ *World Heritage Icon Value: Contribution of World Heritage Branding to Nature Tourism*, Australian Heritage Commission, Australia, 2002

However anecdotal evidence from the WHS Economic Assessment and from The Tourism Company's work on other WH Sites around the world suggests that the visitor impact of gaining WHS status is marginal. Where visitor benefits do derive is from improvements in collaborative working arrangements and long term quality improvements brought about by the need to actively manage WH Sites.

UNESCO's view of tourism and its associated marketing at WH Sites addresses both the positive aspects and negative aspects that can be encountered. In its handbook on tourism, UNESCO says that "while tourism can contribute to protection and restoration efforts, the right balance between economic gain and undesirable impacts can be elusive."²⁸

As such, UNESCO argues strongly for a sustainable model of tourism development and one in which stakeholders are widely involved. They emphasise the need for tourism policies to be drawn up within the context of wider management objectives but reject simplistic arguments such as increases in visitor numbers automatically result in negative impacts. In proposing a practical way of developing tourism, UNESCO suggests the adoption of the International Cultural Tourism Charter which contains the following six principles:

- Since domestic and international tourism is among the foremost vehicles for cultural exchange, conservation should provide responsible and well managed opportunities for members of the host community and visitors to experience and understand that community's heritage and culture at first hand.
- The relationship between heritage places and tourism is dynamic and may involve conflicting values. It should be managed in a sustainable way for present and future generations.
- Tourism and conservation activities should benefit the host community.
- Conservation and Tourism Planning for Heritage Places should ensure that the Visitor Experience would be worthwhile, satisfying and enjoyable.
- Host communities and indigenous peoples should be involved in planning for conservation and tourism.
- Tourism promotion programmes should protect and enhance Natural and Cultural Heritage characteristics.

The development of aims, objectives and principles for the Outline Marketing Strategy need to address the principles listed above.

4.2 National

Department for Culture Media and Sport (DCMS)

DCMS is responsible for the UK's general compliance with the World Heritage Convention and for nominating potential WH sites in England. The Department is

²⁸ See ref 27

also working with individual site managers of existing WHS regarding the development of Management Plans.

In addition to their pivotal role in the nomination process and championing of best practice, the Department has also recently started to address what it calls:

“the minimal public awareness or appreciation of what World Heritage Site status means at a national level.”

Central to this agenda is the development of a series of communication initiatives that will be delivered directly by the Department or in partnership with organisations such as VisitBritain, local authorities and site managers. The initiatives include the development of a WHS website “portal”, events such as cycle rides between WH sites, the production of a WHS map and the placement of advertorials.

Although at this stage the initiatives cover a 12 month period running up to the end of 2004, it is possible that this series of initiatives signals a more proactive engagement by the Department in the promotion of World Heritage Sites. This is a position that is likely to be of benefit to the Cornwall & West Devon bid as and when it receives inscription.

VisitBritain

VisitBritain has recently launched a new domestic marketing strategy. Entitled *enjoyEngland*, the document contains a range of recommendations including:

- The five markets segments to be developed are leisure breaks (holidays of 1- 3 nights), business tourism, visiting friends and relatives, longer stays (4 nights or more) and day visits.
- England needs to be promoted as a series of niche products (i.e. by themes, activities or experiences) that come together to make up the overall proposition that is England.
- A compelling products and destinations brand strategy for England will prioritise the most appealing product themes and activities / interests which are identified to be the main drivers of domestic travel.
- From consultations undertaken as part of the strategy development, heritage, family and culture are identified as the most important consumer themes. Walking, cycling and eating are identified as the most important activities to be marketed.

The consumer themes and activities identified as showing most promise for the VisitBritain campaign fit well with the fundamental values of the WHS and suggest that the WHS can dovetail neatly with campaigns promoted at a national level.

4.3 Regional

South West Tourism

The South West Regional Development Agency and South West Tourism have recently launched the outline plans for their 10 Year Action Plan for Tourism. The document provides a framework within which those with a stake in the region's tourism industry can plan and implement their own policies and activities.

Already some of the key approaches to be taken have been launched. One of the key concepts is 'brand clusters' where accommodation, attractions, eating places and landscapes are combined to sell an experience rather than a destination. Amongst the clusters identified are:

- *History and Heritage*;
- *Close to Nature* (natural environment);
- *Discovery* (learning new skills and learning through experience); and
- *It's Adventure* (outdoor activities).

These destination clusters are targeted at a range of psychographic market segments that were originally developed by VisitBritain and which have been further developed for implementation locally by South West Tourism. Five out of the original eight segments identified at a national level have been highlighted as the most likely to visit the South West. These are: Cosmopolitans, Followers, High Street and Traditionals. Based on UKTS data, these five segments account for 77.7% of the current market value of short break holidays in the region.²⁹

It is apparent that the WHS proposition fits comfortably within all four brand clusters. Detailed assessment of the psychographic profiles also reveals that there is also a good match between the WH Site's features and the interest profiles of three of the five psychographic segments. More information on this segmentation process and the WH Sites strategic fit with it is included in Chapter 6 and Appendix III.

4.4 Local

This section provides a brief overview of the tourism activity undertaken by public and private sector bodies within the WHS bid areas. An understanding of their work is essential if the Marketing Strategy is to be compatible with wider objectives employed by these key stakeholders. It is also important to assess the way in which mining heritage is currently communicated within existing marketing activity.

Cornwall and Devon County Councils

The WHS bid areas fall within the administrative boundaries of two county councils - Cornwall and Devon.

29 South West Tourism Ten Year Plan: A Brand Architecture Based on Psychographic Segmentation Values, SWT and SWERDA, 2003

County-level tourism marketing in Cornwall is undertaken by Cornwall Tourist Board, a division of the Cornwall Enterprise, the Council's Economic Development Service.

The Tourist Board's activities are guided by a tourism strategy and by an annual marketing strategy. The tourism strategy, *Cornwall Tourism Strategy, A 3D Vision – Delivering Distinctive Difference*, was developed under the auspices of the Economic Development and Tourism Forum of Cornwall and the Isles of Scilly. On an annual basis, Cornwall Tourist Board's objectives are defined by the Cornwall County Council Contract with Cornwall Enterprise and the Cornwall Enterprise Corporate Plan. These objectives along with associated activity are set out in an annual marketing strategy. The objectives and activity for 2003 / 4 are:

- Reduce Seasonality.
 - Destination Marketing: Awareness raising in new markets , All Seasons Campaign, Gardens Campaign, Overseas Campaigns
- Develop Cornwall Brand.
 - Adopt new approach to all promotional style and focus on up-beat messages e.g. exhilaration.
- Target Promotions at High Spend Segments / Increase Penetration of New Markets / Retain peak season business levels
 - Target Segment Campaigns: Gardens, Weddings, World Heritage Site, Newquay Airport, Destination South West Cruise Calls, support with Public Relations.
- Provide information / convert to business
 - Marketing Services, Travel Trade and PR.

The Board undertakes a wide range of tourism marketing including accommodation quality schemes, travel trade promotions, websites, advertising and printed publicity.

The main destination guide, *Cornwall 2004*, is a 140 page destination guide covering the whole of the County and which is split into 5 geographical areas and one activity based section. (350,000 copies). Other items of print produced include Holiday Parks Guide (100,000 copies), Walking and Cycling (10,000 copies), Getting Married in Cornwall (12,000 copies) and Gardens (250,000 copies). CTB also produces a Travel Trade guide.

Web developments include the CTB website (www.cornwalltouristboard.co.uk). This is organised in a more thematic way than the printed guide and covers such aspects as arts and crafts, heritage and landscapes. The website also includes a password-protected travel trade section. CTB also runs a website to support its weddings campaign (www.getmarriedincornwall.co.uk).

Other marketing initiatives include promotion of Newquay Airport, PR activity, financial support for Cornwall Arts Marketing and ongoing consumer research including the annual Cornwall Visitor Survey. CTB has also actively engaged with the WHS process by commissioning WHS-orientated research and assisting with marketing development.

Devon County Council, unlike Cornwall, produces a range of activity / thematic guides rather than a destination guide. Guides include ones on walking, cycling and gardens. Devon County Council also works on a range of campaigns that are focused around the sustainable tourism agenda and opportunities to attract visitors out of season. These include the *Discover Devon* campaign and the proposed *Discover Devon Naturally* campaign, for which European funding is currently being sought.

Despite a relatively small proportion of visitors to Devon and Cornwall being from abroad, overseas visitors are increasingly being targeted, not least because they are high spenders and due to the availability of EU funding. The county councils in Devon and Cornwall have secured Objective 1 / 2 funding for overseas activity channelled through the overseas marketing consortium Devon and Cornwall Overseas Marketing (DACOM). Amongst the opportunities being pursued are a Cornwall-only campaign aimed at niche markets and a Devon campaign looking at the development of new markets.

Representation of mining heritage within existing marketing activities

County level tourism marketing features only limited reference to mining heritage. It is when mentioning West Cornwall that most is made of the mining heritage.

Mining heritage is only relevant in a relatively small part of West Devon and so has less profile in the tourism marketing of Devon County Council than in Cornwall. However, there is some limited reference to the mining-heritage related attraction Morwellham Quay.

Discussion with representatives from the two County Councils/CTB suggests that more work is needed on how best to ensure that imagery relating to mining heritage conveys the appropriate message of the area when used within wider-appeal destination guides and general holiday marketing.

The new overseas campaigns currently coming on stream that are part-funded by the EU (and which are featured later in this chapter under the heading *Consortia, partnerships and associations*) are seen as a way in which mining heritage can be included more fully in a targeted campaign.

District and borough councils

The WHS Bid Areas come under the jurisdiction of seven District / Borough Councils. Within Cornwall these are Penwith, Kerrier, Carrick, Restormel, Caradon and North Cornwall District Council. Within Devon, this includes West Devon Borough Council.

Only Caradon District and West Devon Borough Councils have published tourism strategies. Given this lack of strategic documents it is necessary to look at the tourism marketing activities of the local authorities in order to deduce their strategic priorities.

Generally it would appear that resources are devoted to supporting the main summer holiday markets but with a growing emphasis placed on initiatives designed to increase visits in the shoulder months and out of peak season.

Printed destination guides form the most important tool for many authorities. Caradon District Council produces a 60 page guide, *South East Cornwall 2004*. Restormel Borough Council produces two guides - *People Love Newquay Cornwall* and *Official Cornish Riviera Guide*. There is also a CD Rom version of the Newquay brochure.

A number of other councils have decided to pool their resources and work collaboratively. The main example is a West Cornwall campaign managed and funded by Carrick, Penwith and Kerrier District Councils. The campaign is promoted through a *Go West* destination brochure distributed nationally and through an associated website (*go-cornwall.com*). There is also a French language guide to the area that is promoted mainly in Brittany.

Specific campaigns aimed at increasing visits out of season include *King Harry's Cornwall*. This is supported by Carrick District Council as well as Cornwall County Council and numerous private partners and is managed by a private company. A large proportion of its funding comes from Objective 1 from the European Union. The initiative includes a website, visitor information packs and the promotion of special offers. West Devon Borough Council operates a grant scheme that aims to develop community tourism initiatives by funding at least three events per year to attract tourism in the shoulder months.

Representation of mining heritage within existing marketing activities

A review of the publications reveals that mining heritage does receive limited though not extensive coverage within existing marketing. It is perhaps not surprising that coverage appears to be greatest in marketing specifically related to the West of Cornwall, an area where mining heritage, in the form of iconic engine houses and other mining artefacts, is most visible to the visitor. For instance, the *Go West* guide contains a double page spread and a map detailing historical aspects including mining heritage. Images as well as text are used.

Perhaps due to the greater 'space' available on websites as compared with publications, these have a greater amount of content devoted to mining heritage. This tends to be linked to sections on heritage and typically features a general description and information about specific mining-related attractions. For instance, the website for the Cornish Riviera (www.cornish-riviera.org.uk) includes the St Austell Bay Heritage Trail which promotes attractions such as the Luxulyan Valley, Charleston Shipwreck Centre and Wheal Martyn.

The pattern of coverage would suggest that mining heritage is considered a specialist interest and not yet reached a position where it constitutes part of the imagery that is used to communicate Cornwall to potential visitors. Discussion with local authority tourism officers suggests that the use of mining heritage within destination guides and other tourism publications can be difficult because it conveys messages that are not central to Cornwall's product offering of beaches, sunshine, gardens, activities and landscape. There is also a feeling that mining heritage is not a major draw for visitors.

The audit of existing marketing did uncover some examples of innovative marketing techniques being used to promote the area's industrial heritage. Restormel Borough Council and Wheal Martyn run a number of half-day conducted tours/ guided walks that enable visitors to use their own car to tour areas such as the Luxulyan Valley, and Charlestown. These tours explain the industrial history of the area and allow visitors to access areas that normally would not be open to the public.

Protected landscape bodies

Over a third of the land area of the WHS falls within two Areas of Outstanding Natural Beauty (AONBs) – Cornwall AONB and Tamar Valley AONB.

Cornwall AONB consists of 12 separate parts of the County covering an area of 958 sq km. The AONB is managed by the Cornwall AONB Partnership which is made up of 7 local authorities, the Countryside Agency, National Trust, Government Office of the South West and the Cornwall Tourist Board.

The Partnership recently consulted on its draft Management Plan. The document contains a number of Tourism Priorities and Action Points.

- Develop a sustainable approach to the management of the tourism industry in Cornwall. (*Make use of the AONB as a demonstration area of sustainable tourism projects*).
- Identify pressure points requiring enhanced visitor and landscape management. (*Prepare landscape enhancement plans for selected areas to use as bidding documents to appropriate funding bodies*).
- Increase the level of investment into maintaining the landscape quality of the AONB by continued research into the Public Product and its future funding mechanisms (*Support the Objective One research into the economic impact model for the public product*).

The Tamar Valley AONB is located on the border of Devon and Cornwall and includes the lower valleys of three rivers, the Tamar, Tavy and Lynher, joining together at Plymouth Sound. The AONB covers an area of 190 sq km. A recent audit of the AONB identified over 600 archaeological sites with mining connections.

The AONB is managed by a Partnership and supported by the Tamar Valley AONB Service. The Partnership has recently produced its Management Plan covering the period 2003 to 2009. The Plan contains a number of points within its action plan that relate directly to tourism. These include:

- Develop and implement a targeted and strategic approach to public interpretation.
- Develop a programme of work across the AONB that uses public art to interpret the landscape.
- Produce education materials for all ages which help develop understanding about the AONB landscape. Work with schools, colleges and further education in and around the AONB on complementary programmes.
- Develop work to reinforce the AONB designation via careful use of the logo and interpretation.
- Develop themed trails.
- Support the development of the World Heritage Site and the implementation of the management plan.

- Work within Woodmeet / Tamar Valley Tourist Association to develop a marketing strategy for the Tamar.
- Produce visitor management strategy for the AONB which identifies key entry points, information areas, car parks and ways which visitors can support and interact with the landscape.

In addition to provisions made in the Management Plan, the AONB Service is currently engaged in a range of marketing initiatives. These include:

- A website that includes a range of days out information sheets. Two of these, *Days out... with Industrial Archaeology* & *Days Out with Historic Interest* make considerable reference to mining heritage.
- A Tamar Valley Festival held in July 2003. (Currently there are no plans to repeat the event during 2004).
- A joint bid with Morwellham Quay to the Heritage Lottery Fund to improve access routes around Morwellham Quay and Devon Great Consols.
- The development of a TAMAR Valley AONB brand which has also been adopted by the Valley's Tourism Association (see below) and the 'Marketing the Tamar Valley' project.

An interesting development has been AONB Service's facilitation of the development of the Tamar Valley Tourism Association (TAVATA). This was set up in 2001 with four main aims - to promote the Tamar Valley as a tourism area, share good practice, promote higher standards in provision of goods and services and promote 'sustainable tourism' in the area. Members include accommodation providers, pubs, local visitor attractions, local craftsmen and local food producers.

TAVATA has recently established its own website and produced a leaflet to advertise the Valley. The Association and the AONB Service have also been involved in establishing a project called 'Marketing the Tamar Valley', which aims to increase co-operative working and marketing, improve use of local products and services and to research the feasibility of generic branding for the area.

Consortia, partnerships and associations

There are a number of bodies that operate at a county or cross-county level. Of these, four have particular relevance to the WHS due to the markets they are targeting and the members they represent. The bodies are Devon and Cornwall Overseas Marketing (DACOM), Cornwall Association of Tourist Attractions (CATA), Cornwall Tourism Forum (CTF) and Cornwall Commercial Tourism Federation (CCTF).

Devon and Cornwall Overseas Marketing

Devon and Cornwall Overseas Marketing was set up in 1995 by the two county councils and 16 district/unitary authorities. It aims to target key overseas visitors. Core markets for DACOM are the car driving / touring, independent, long-stay central European visitor (German, Swiss, Benelux). Recently secured funding worth £2m across both counties over 3 years from the EU through Objective1&2 will be used by

DACOM to maintain and enhance activity in core markets but also focus on other important markets such as Scandinavia, North America and the Far East.

Activities already underway include:

- 160,000 copies of the new Cornwall and Devon Holiday Planner printed in four languages, along with a Caravan, Camping and Holiday Park map and three themed maps on Arts and Crafts, Gardens and Activities.
- Distribution of print via 11 top consumer holiday shows in Germany, the Netherlands, Belgium, Denmark, Sweden, Austria and Norway.
- Promotion of print by VisitBritain at their offices around the world and by the Britain Your Way E-newsletter targeting Sweden, Finland and Norway.

Other plans for the campaign include:

- Creation of a new searchable and bookable website that will offer itinerary and information searches to help potential visitors plan their stay.
- Development of a thematic approach to its marketing with the focus on attractions such as gardens, arts, crafts and literature, walking, cycling, watersports and other outdoor activities, heritage and culture.
- Working closely with VisitBritain in order to link to their marketing campaigns in Europe. This will include, in 2004, a gardens theme to celebrate the 250th anniversary of the Royal Horticultural Society and in 2005 a coastal and maritime celebration called SeaBritain.

Cornwall Association of Tourist Attractions

Cornwall Association of Tourist Attractions (CATA) is a consortium of visitor attractions. Amongst the tourism marketing activities it undertakes are a website and two publications – an attractions map and a guide to attractions open in the Winter. A number of mining-related sites are featured including Cornish Mines and Engines, Poldark Mine, Geevor Mine, Royal Cornwall Museum, Wheal Martyn, Charlestown Shipwreck Museum, Cotehele and Trevarno. The attractions map is distributed throughout Cornwall and is well established. For instance, it was recently found to be used by 74% of visitors at the 17 attractions taking part in the 2003 Cornwall Visitor Survey.

Cornwall Tourism Forum

Cornwall Tourism Forum was set up in 2002 with the primary aim of ensuring that the public and private sectors in Cornwall work effectively together. The Forum is a partnership of the public sector, including the Cornwall Tourist Board and tourism functions of the District Councils as well as private sector delegates nominated by the Cornwall Commercial Tourism Federation.

The Forum is currently developing a business plan for tourism in Cornwall for the next five years. Recommendations largely endorse existing objectives and tactics contained in the Cornwall Tourist Board Marketing Strategy. However, the plan also has a number of additional elements included. The recommendations include:

- Structural changes to the way tourism is managed, with proposals for the CTF to become the lead body for tourism in Cornwall.
- Development of a County-wide festivals programme.

- Replacing the three databases that currently store and disseminate accommodation information (SWT, CTB, TIC) with a single integrated database that will enable tourism businesses (especially accommodation providers) to input details only once.
- Using the database to develop a Cornwall web portal.
- Allocating public funds to the promotion and marketing of the South West Coast Path.

In addition to the proposal above, the Forum has already mounted a destination campaign aimed at attracting visits during the shoulder months. The campaign develops the theme 'Cornwall – Pure Exhilaration' and uses direct mail and adverts in a range of national consumer publications. These promotions are designed to send people to a free telephone number or a web site (www.cornwall-breaks.com) in order to order a brochure. The marketing materials aim to attract older affluent tourists.

Cornwall Commercial Tourism Federation (CCFT)

The CCFT is the private sector's voice on the CTF. The Federation is an umbrella body for associations across the County. Membership currently represents approx. 90% of trade associations and 30% of the accommodation providers across the County. Much of the Federation's work is channelled through the CTF. For instance the Federation supports the destination marketing campaign run by CTF and backs the web portal development. The organisation also employs a Private Sector Development Manager and produces a bi-monthly newsletter that features tourism developments within Cornwall.

Other organisations

Aside from these organisations, there is a wide range of tourism associations and forums working at a sub-county level. These tend to be made up of a mixture of private sector tourism businesses covering accommodation, attractions and selected retail establishments. Associations can be categorised into two types:

- Geographical areas that are not sector specific. (e.g. Tamar Valley Tourism Association, Heart of Cornwall Tourism Association, Lizard Peninsula Tourism Association)
- Geographical areas that are sector specific. (e.g. St Ives Hotel Association, Falmouth and District Hotels Association)

The work of these associations/forums is diverse but usually includes the production of printed leaflets, provision of on-site interpretation and, increasingly, the development of websites.

By their very nature, the work of local tourism associations is responsive to the tourism assets available in the particular area. As such, there is evidence that where mining heritage is present in the area, tourism associations are making reference to it (e.g. Tamar Valley Tourism Association's website has editorial on the 'fascinating mining heritage' with downloadable 'Days Out' Information sheets on industrial archaeology). However the limited budget often available to these bodies means they lack the resources to develop high profile campaigns.

Mining heritage visitor attractions

Chapter 3 sought to define mining heritage visitor attractions, highlighting a list of 40 sites of potential interest to visitors. This section summarises the marketing activity of a broad cross-section of these sites and looks at them from two main perspectives - the work of bodies that run, own or manage more than one site and those bodies/companies that run an individual attraction.

Organisations running more than one attraction

The National Trust owns and promotes a number of the mining heritage attractions in Cornwall. Cotehele, Godolphin (Estate) and Bottallack Count House are run directly by the NT, whilst Levant Steam Engine and Cornish Mines and Engines have been managed on behalf of the NT by the Trevithick Trust (TT). In addition to its visitor attractions, the NT is also a major landowner within the WHS.

Current marketing of the mining heritage sites is largely done through marketing channels such as NT guidebooks and website. A specific poster campaign to encourage visits to industrial heritage sites within the NT's portfolio has been mounted in association with Wessex Trains. The posters, located at train stations in the County, feature an image of an engine house and remind people that the NT has a wide range of industrial heritage properties.

Consultations with the National Trust suggest that they consider WHS status as a good PR opportunity. The NT is also keen to develop marketing campaigns in partnership with other mining heritage attractions, seeing this as more feasible than the NT developing a specific campaign for its mining heritage attractions.

The Trevithick Trust has been managing a number of mining heritage properties on behalf of the National Trust; Cornish Mines and Engines (NT owned), Levant Steam Engine (NT owned), Tolgus Tin and King Edward Mine. The main promotional tools used to promote the Trust's properties are the 'The Real Cornwall' leaflet and the website (www.trevithicktrust.com). Consultation with the Trust indicates that the future role and scope of the Trust is currently being debated with key stakeholders.

Marketing at individual mining heritage attractions

There is a wide range of mining heritage attractions. Rather than present here the marketing activity being undertaken for each individual attraction, it is felt more productive to present an analysis that relates to a wide range of attractions. Adopting this approach enables trends and themes to be identified more easily.

The analysis derives from the marketing findings of a specially commissioned survey of mining heritage attractions in Cornwall and West Devon³⁰.

- The survey shows that resources for marketing were very tight. The average spend per year was £15,000 with amounts ranging from £150 to £30,000.
- Leaflets and the securing of editorial coverage in newspapers and on TV were the most commonly employed marketing tactics used by nearly all

30 A postal / email questionnaire was sent to around 40 mining heritage attractions in Cornwall and West Devon. The response rate was relatively low so the results should be treated with some caution.

attractions. Websites and adverts in local newspapers were also common tactics but fewer sites used posters as a means of promoting themselves.

- Word of mouth was considered the most effective marketing method, with leaflets and editorial coverage also seen as delivering good results. For certain attractions, road signs were seen as the most effective marketing tool.
- Mining attractions were producing a range of resources to attract and cater for education groups. Most resources were directed at primary and secondary schools rather than further or higher education with activity packs and teachers' notes the most popular provision made by attractions.

In addition to individual marketing activity, a considerable number of the attractions were participating in the group campaigns and research run by Cornwall Association of Tourist Attractions (as referred to in the previous section). A number of the sites also participated in the annual Cornwall Visitor Survey undertaken by Cornwall Enterprise.

At attractions there was some level of monitoring and audience research being undertaken although a lack of financial and staffing resources means that visitor surveys are not conducted as often as managers would wish. This lack of data needs to be addressed in the Outline Marketing Strategy and in the area marketing plans. Lack of knowledge about existing and potential audiences is a major barrier to improving marketing performance.

WHS Bid Project Team

The Cornwall and West Devon Mining Landscape WHS Bid team is currently engaged in a wide range of responsibilities connected with the development of the Management Plan for the Site and for the process of seeking WHS nomination. Up to this point marketing has covered three main facets:

- Website (www.cornish-mining.org.uk). This is a clear and easy to use website that provides a good level of high quality information about the 10 bid areas. The content of the site is focused on the provision of background information rather than the promotion of the WH Site as a destination. The site also does not appear to be functioning as a way of people finding out the latest progress towards nomination. For instance, most areas of the site are up to date but the news page has not been updated for some time.
- Brand Development. The Project Team has developed a logo to raise the awareness of the WHS Bid. The logo features the stylised image of an engine house within the landscape. The logo appears on the WHS website and has also been incorporated onto a number of individual attractions' publicity.
- Public Relations: Various press releases have been issued in order to raise the profile of the WHS process, particularly amongst the local population. A Communication Plan was drafted in November 2003 to correlate PR activity with the identified audiences. The Team has also made a number of talks and presentations to local groups.

4.5 Current marketing – some conclusions

It is clear from the marketing activity featured in this chapter that the marketing strategy for the WHS must seek to dovetail where possible with existing initiatives. Seeking to characterise this activity, there appears to be three different approaches to marketing mining heritage based upon the type of mining heritage product being promoted and whether or not the targets of the campaign are already in the area.

Individual mining attractions are actively promoting their sites through a range of media but have to contend with limited marketing budgets. These constraints mean that efforts are focused on targeting people once they are in the area. There is some collaborative working through organisations such as CATA but not much evidence of cross-marketing between attractions.

Promotion of the wider mining heritage product (including assets that lie within the landscape) is more patchy. The audit of guides and leaflets included as Appendix II shows that the area is well catered for in terms of books aimed at those wanting a detailed knowledge of the area, but with only a few examples of free leaflets or guides aimed at visitors or locals with a more casual interest. Ownership of this wider group of mining heritage assets is more complex with some held by local authorities and others managed by partnerships. Both types of body tend to have very broad remits that are not purely related to tourism or promotion and relatively small promotional budgets. However, it is apparent that many of these bodies have an important part to play (and expertise) in balancing tourism needs against the wider needs of the environment, community and economy. They also represent a significant amount of the mining assets that make up the WHS.

In marketing campaigns aimed at potential visitors prior to their trip to the area, mining heritage receives only limited coverage. This treatment reflects a number of facts, i) that mining heritage is not currently seen a major factor in destination choice, ii) there are uncertainties among tourism officers as to how to communicate mining heritage as part of the overall product offering. This is especially the case given recent moves by those involved in destination campaigns to get away from picturing Cornwall and West Devon as “sleepy” destinations and present them in what is described as a more up-beat and contemporary manner.

There is also evidence that tourism organisations have not been fully integrated within the WHS Bid process. There would seem to be an opportunity and need for more partnership working between the custodians of mining heritage and those involved with promotion and tourism development. The work of Cornwall Tourism Forum with its emphasis on partnership working may provide a suitable mechanism for bringing interested parties together.

5 TOWARDS A STRATEGY

In this section, we turn to the development of the strategic marketing strategy. We consider the strengths and weaknesses and identify an overall aim and specific objectives.

5.1 Strengths, weaknesses, opportunities & threats (SWOT)

A number of key issues emerged from the research and stakeholder workshop. These may best be summarised in the form of the SWOT analysis which is presented in the following two tables.

Table 10 Strengths and weaknesses analysis of Cornwall & West Devon Mining Heritage

Strengths	Weaknesses
Large visitor market	Distance from main SE source market
Significant local market	Local communications
Attractive landscapes	Large, disjointed area
Iconic images	Its "Industrial Heritage"; bleak associations, minority 'anorak' interest
Links to natural environment	"Seen one, seen them all" syndrome
Heritage significance	Some bleak locations/environmental degradation
Authentic, distinctive, original product	Inconsistent quality; mixed bag of attractions
Rich stories	Some attractions in difficulty
Cultural heritage is still alive; music, poetry, art, social history	No large icon attraction
Good range and distribution of attractions	Limited on-site interpretation
Underground experiences	Few related events accessible by public
A range of local museums	Low key promotion in destination campaigns
Community involvement in heritage	Not unique as WHS
Visible product	Diverse ownership and management
Accessible physically	Seasonality of appeal and attractions
	Low awareness of WH Sites

Table 11 Opportunities and threats analysis of Cornwall & West Devon Mining Heritage

Opportunities	Threats
Rising profile of Cornwall	Lack of definition for WHS
Growing interest in industrial heritage?	Lack of co-ordination
TV programmes on industrial heritage Growing interest in environ. improvement	Lack of Involvement (public sector)
Growth in outdoor activity/access to the countryside	Lack of funding
Ongoing environ. Improvement programmes	Lack of investment in quality
Linking industrial heritage with arts/culture	Competition from other industrial heritage areas
The captive market of visitors already there	Competition from other attractions in Cornwall
Potential overseas market (Diaspora)	Sustainability
Merchandise potential (i.e. making things out of tin)	Relies on interpretation which is not always good
Good links with ed. And life-long learning	
Growing the local market	
Potentially exciting product with opportunities to animate	
Modern connections with modern life (where would be without tin)	

The SWOT shows that a key strength of the WHS is that it is located in what is already a popular holiday area. It is also fortunate to have a high quality landscape and strong cultural identity to which mining heritage makes an important contribution. Further positive aspects include the fact that there is considerable investment being made in delivering landscape improvements to areas where mining heritage is a prominent feature.

Some of the key challenges that need to be addressed include the perceived image of industrial heritage as being a minority interest and one that is inconsistent with the messages being communicated through destination campaigns. There also needs to be an acknowledgement that the quality of some of the mining heritage attractions is inconsistent and that some are in a poor financial state. Looking at the current weaknesses of the visitor markets in the area, the key issue is seasonality and the relative distance of the area from the South East market that generates many of the visits to other parts of the SW.

There are also wider issues relating to the nature of the WHS itself. The fact that it covers such a large area and is not one continuous area but is instead made up of 10 areas means that it could suffer from a lack of definition and difficulties in co-ordinating the many stakeholders.

5.2 Aims and objectives

The situational analysis considered in the context of the current marketing environment for the WHS leads to the following conclusions with regard to the vision, aims and objectives of the WHS Outline Marketing Strategy.

The Vision defined for the strategy is:

“to promote the WHS as a distinctive, evolving, living pattern of relict landscapes, encouraging visitors to explore and learn about the physical, social and cultural aspects of the Cornish and West Devon mining heritage.”

Under this general aim, the strategy involves a number of more strategic aims:

- **To increase physical and intellectual access to mining heritage.** The marketing approach should offer the opportunity to promote as wide a range of physical mining heritage assets as possible. The approach should provide appropriate physical and intellectual interpretation of and access to ruined engine houses as much as it does to mining heritage-related visitor attractions. This will bring greater benefits to a wider area and range of communities.
- **To promote the social, cultural and scientific aspects of mining heritage.** It is easy to think about the WHS in terms of the physical legacy of mining heritage remains, but the underlying, unique, geology of the area - the reason for the development of the industry – also needs to be integrated into interpretation and promotion activities. Cherishing and promoting the social, political and cultural aspects of the Site offers opportunities to reach out to diverse communities, including those who have felt excluded from traditional ways of presenting and interpreting heritage.
- **To ensure a co-ordinated approach to interpretation.** It will be important to provide consistent, co-ordinated and high quality interpretation including ‘intellectual access’ to the whole Cornish mining story via the proposed “Key Sites” and to offer locally distinctive stories through promotion of visits to the individual mining-heritage related attractions.
- **To enhance the experience and realise the appeal of the Cornish mining heritage.** Many visitors already enjoy the cultural landscape and the mining related attractions. This strategy must seek to inform and promote the full range of opportunities for these local residents and tourists. Some sites and areas are still unmanaged and/or require maintenance. Promotion must be explicit about the nature and state of the attraction.

5.3 Key principles

Earlier in this report we highlighted the fact that UNESCO’s guidance on tourism in WH Sites stresses that any marketing development takes into account the wider management responsibilities associated with the WHS. For this reason, the outline strategy does not simply seek increases in visitor numbers. Instead the plan is balanced around the following key principles which, in turn, have been integrated into the Site’s Nomination Document.

- **Preserve authenticity and distinctiveness.** Marketing should support the wider objective of preserving the authenticity of the WHS. Product

development Interpretation should reflect the on-going requirement to conserve the Site and seek to communicate the methods and benefits of the approach. The need for enhancement of the visitor experience within the WHS should always be balanced against the needs for the Site's integrity to be retained.

- **To encourage the sustainable development of tourism.** Some of the 10 Landscape Areas or parts of them are more sensitive to the impact of additional visitors than others. This is a function of access and/or site constraints. The emphasis should be on promoting access to the countryside via sustainable means of transport where possible. For sensitive sites, the marketing strategy should focus on promotion to existing users, encouraging them to visit at alternative times and by alternative means of transport rather than seeking additional visitors.
- **To widen the appeal of the mining heritage.** Local residents and industrial heritage enthusiasts will seek out and explore the heritage and many of these will come notwithstanding any marketing strategy. The second objective is to encourage a more diverse and inclusive group of visitors - to convert the uninitiated (locals and visitors) - so that more people are able to appreciate the heritage value of the WHS.
- **To ensure equality of access.** The WHS has an important part to play in ensuring that everyone is able to appreciate and enjoy the WHS. Management and marketing of the WHS should ensure that there is equality of access regardless of ability across all aspects of the WHS. Access should also be seen in terms of active engagement with communities and individuals who suffer from social exclusion.
- **To seek increased economic benefit from visitors not necessarily increased numbers.** The cultural landscape with integral mining heritage can be used to increase the economic benefit derived from visitors. This in can and should aim to benefit the local community and to help sustain the mining related landscapes and individual attractions. However, as the EIA for the site highlighted, environmental sensitivities meant that in some Landscape Areas it is not desirable to seek an overall increase in visitor numbers.
- **To provide a marketing strategy that is flexible and usable for all interested parties.** It is important that the marketing strategy offers an approach that can applied by a wide range of private and public stakeholders. Key to achieving this concept is scalability. This means that a local accommodation provider with one mining heritage asset near to them should be just as able to use the marketing approach as a District Council or County Council with many hundreds of assets within their administrative boundary.

6 SEGMENTING THE MARKET

Cornish mining heritage and potential WHS status will have a diverse appeal so it is important to refine the marketing approach through targeting specific types of consumer who would be most interested in what the WHS offers and/or those to whom the WHS wishes to reach.

Market segmentation is based on the recognition that various market segments behave differently with respect to travel and tourism. In the light of the strategic objectives, the aim is to focus on the most important segments in terms of scale/value and ease of reaching that market. There is a wide range of ways to segment the market e.g.:

- Socio-demographic segmentation is widely used as demographics are easily measured and classified. This is segmentation based on income, race, age, nationality, religion, gender, education, etc.
- Psychographic segments are based on aspects such as attitudes, interests and motivations.
- Usage segmentation refers to the frequency, regularity or type of usage (e.g. day visitors, long holidays).
- Activities (e.g. shopping, outdoor activities, nightlife, events).

The potential segments are described in detail in Appendix IV. This chapter presents a list of prioritised market segments that are drawn from all four major types of segmentation listed above.

6.1 Target market prioritisation

The identification of priority segments has been achieved by 'scoring' segments according to a number of criteria. These include a review of existing data on visitor patterns in the region and by reference to relevant market information for each segment. Another facet of the evaluation of market segments has been the extent to which they satisfy the range of strategic objectives. The 10 WHS Landscape Areas have a complex range of aims and objectives that result from the plethora of organisations, businesses, bodies and individuals that possess a stake in these areas. In addition, there are the over-arching aims and objectives developed as part of the bid for WHS status.

In attempting to prioritise the target markets, an attempt has been made to synthesise market-based assessments with a values-based rating based upon a number of criteria that are listed below.

- Spend per head: Figures for average spend per head per night have been calculated using a variety of statistical sources (e.g. UKTS, MINTEL, Cornwall Visitor Survey, Market reports). These figures have been converted to a rating scale to allow comparison with other measures.

- Total volume: Some of the segments represent small niches whilst others are mainstream, high volume markets. Niches will score lower on this measure than high volume markets. (Volume relates to overall spending values)
- Competition: The extent to which there is extensive competition to attract a particular segment. A rating of 1 would indicate lots of competitors, whilst 5 would reflect a more specialised market with fewer competitors.
- Attitudes: This refers to segments that already are, or can be encouraged to, respect the need to preserve and protect the assets that are included in the WHS bid areas.
- Social Inclusion: This rates the propensity of segments to offer the potential to increase the economic prosperity of the WHS bid areas and in particular those areas that currently suffer from social deprivation.
- Stakeholder priority: The extent to which the segment is a priority of stakeholders in the WHS area. This score is largely the result of a market prioritisation conducted at a stakeholders' workshop held during the preparation of this strategy.
- Sustainability: A key facet of marketing plan is to develop forms of tourism that are sustainable, both in terms of their impact on the environment but in terms of securing the future viability of a broad range of businesses and organisations.
- Re-profiling Visitor Trends: Some segments can help address some of the key strategic challenges facing tourism in Cornwall and West Devon (such as the current high level of seasonality and high reliance on the long holiday market).

Each segment is scored from 1 to 5 with 1 being the lowest rating and 5 being the highest. The average rating across all the criteria is then calculated.

Table 12 Segment matrix

	Spend per head per night	Relative scores for segments								
		Spend per head	Total volume	Competition	Attitudes	Social / Inclusion	Sustainability	Stakeholder priority	Re-profiling	Average
Day visitors / local residents	£22	2	4	3	3	5	3	3	4	3.4
VFR	£33	3	2	2	4	4	4	4	4	3.4
Domestic long holidays	£35	3	5	4	2	4	3	1	1	2.9
Family lifestage										
Pre-family holidays and breaks	£57	5	2	1	1	2	1	2	2	2.0
Family holidays and breaks	£36	3	4	2	1	3	2	1	1	2.1
Post-family holidays and breaks	£38	3	4	3	4	2	3	2	3	3.0
Overseas Markets										
Germany, France & Ireland	£39	3	1	2	2	1	2	3	3	2.1
Activity and special interest breaks										
Mining enthusiasts	na	3	1	4	5	1	3	1	2	2.5
Culture / Heritage Tourists ¹	£49	4	3	2	4	2	4	5	4	3.5
Cycling ²	£38	3	1	3	3	2	3	5	3	2.9
Walking ³	£46	4	3	3	3	3	5	5	4	3.8
Ancestral Tourists (UK & Overseas)	£45	4	1	4	4	2	3	5	4	3.4
Educational Groups										
Primary and secondary	£18 est.	1	2	2	4	3	4	4	4	3.0
Further and Higher	£20	1	1	3	4	2	4	4	4	2.9
Lifelong learning	£35 est.	3	1	3	4	2	4	3	4	3.0
Psychographic Segments⁴										
Traditionals	£37 est.	3	3	4	3	3	3	-	3	3.1
Cosmopolitans	£45 est.	4	3	1	1	2	2	-	2	2.1
Discoverers	£37 est .	3	2	2	3	3	3	-	3	2.7

Notes: 1. Spend figures for heritage / culture tourists relate to holidays where visits to heritage attractions are part of a holiday rather than the main purpose; 2: Spend figures relate to holiday cycling (i.e. cycling whilst on holiday) rather than a holiday where cycling is the main purpose; 3. Spend relates to those walking whilst on holiday; 4. Spend figures for psychographic segments have been estimated by comparing the share of the long and holiday market information for each segment with the total market within the South West.

Taking into account the scores for each segment contained in the matrix above, the segments have been prioritised under two broad headings; primary and secondary. Primary segments should be seen as management priorities for the period 2005 – 2010. Secondary segments should be addressed over a longer time-frame.

Primary market segments

These represent the segments that offer the best strategic match between market potential and their relationship to the proposed WHS.

Culture and heritage tourists

The visitor profile of cultural / heritage tourists fits well with the aim of attracting high spending visitors out of the main peak season. The segment analysis (Appendix IV) highlights the fact that many culture / heritage tourists are from the ABC1 socio-economic groups. In terms of further refining the market to target, the older element of this segment (55+ empty nesters) is more attractive than the 35-44 year old sub-segment as they have no children at home and so are free to travel outside of the main peak season.

In motivational terms, cultural or heritage tourists are likely to be responsive to the qualities and themes conveyed within the proposed WHS. Few cultural tourists will have anything other than a cursory knowledge of Cornish Mining, but they are likely to possess a desire to find out more about the subject. It should be stressed that even within this positively disposed segment, industrial heritage in Cornwall does not have the same level of awareness as other cultural aspects such as historic houses and gardens.

The Arts (and contemporary crafts) also have an important role to play as other areas of the UK have had success in using art to link raw materials with their extraction. For instance, the Portland area of Weymouth, famous for its Portland stone quarrying, runs sculpture workshops within the quarry setting. A similar approach within the Bid Areas could be developed with artists using tin and copper.

Walkers

The WHS product is the landscape and access to it. Cornwall and West Devon has a wide range of fine short and long distance footpaths and trails, some of which have a national and international profile (e.g. South West Coast Path). The density and geographical spread of mining heritage assets within the bid areas means that there is a public right of way near to most.

In terms of market size, walking is the most popular activity to undertake whilst on holiday in the UK. Four fifths of holiday-makers have walked whilst on holidays or short breaks in the last three years whilst figures from UKTS shows that 24% of trips included walking of more than 2 miles as part of the holiday. Its importance in Cornwall is even greater with The Cornwall Visitor Survey showing that over half of all visitors plan to do a coastal walk whilst on holiday and just under 40% are looking to walk in the countryside.

As the main purpose of a holiday, walking ranks as the most popular activity holiday in the UK. Overall, 5% of all holiday trips have walking as their main purpose. This equates to around 5.1m trips and spend of £868m³¹.

Given these factors, the development of walking is considered a high priority.

³¹ See ref 6

Ancestral tourists

Ancestral tourism is enjoying rapid growth worldwide and is particularly strong in other parts of the UK such as Scotland and Ireland. The segment assessment outlines the fact that ancestral tourism is still in its infancy in England. However, the WHS Bid Areas are in a position to be at the forefront of the development of this tourism segment in England due to a number of factors:

- There is a growing awareness and appreciation of ‘Cornishness’ as exemplified by the success of events such as Dehwelan and the activities of CERES.
- The large size of the Cornish Mining Diaspora (6 million around the world).
- The Bid Areas have a strong portfolio of family and mining archives.
- Some attractions within the bid areas have already started to look at building on this market (e.g. the feasibility study for an emigration centre at Morwellham Quay).
- A recent national report into heritage tourism identified regional indigenous communities in general and Cornish communities specifically as neglected and underdeveloped aspects of the heritage market.³²

These strategic advantages combine well with a number of the strategic objectives outlined in the Cornwall Tourism Strategy. Specifically, the overseas element of this market segment is a good example of a high spending overseas market and one where the special nature of Cornwall and mining as an activity in which their ancestors were engaged will be valued. The following specific markets have been targeted:

Overseas – USA

The US represents the largest single overseas market in the South West and Cornwall and is one of the priority target markets for overseas marketing consortium, DACOM.

Overseas visitors – Australia

Australia accounts for 7% of all overseas visitors to the South West region. This makes it a smaller overseas market than the USA, Germany, France and Ireland. However its importance relates to the fact that 40% have strong family ties and are visiting friends and relatives. There is also a good meshing between the older Australian’s interest in culture and heritage and the mining heritage offering which forms the basis of this strategy.

UK-based ancestral tourists

There are a large number of people of Cornish descent living in the UK. The North East of England is one area that has been highlighted as having a high concentration. Experience from Scotland suggests domestic ancestral tourists should

³² Heritage Tourism in the UK – A Glance at Things to Come, Insights. , English Tourism Council, May 2002

not be overlooked. For instance a recent report found that 90% of ancestral tourist visits to Scotland in 2001 were from the UK.³³

Day visitors/local residents

The market segment assessment highlights the relatively low numbers of the local resident population visiting mining heritage attractions. This contrasts with the national picture for such sites that shows that residents make up ½ of all visitors. Although this may be to do with the scale of the visitor market in relation to the host community, there are considerable advantages to stimulating the day visit market amongst the local population. Amongst these are:

- The local population is already a heavy user of assets that allow more informal access to the countryside and mining heritage (e.g. walks and trails).
- They constitute a year-round market and act as hosts for the large VFR market that is attracted to the area. Any increase in engagement with the host population is likely to have a positive knock-on effect to the VFR market.
- Encouraging more local people to engage with mining heritage (particularly those with recent or past links with the industry) provides a chance to use tourism to address issues around social inclusion.
- Promotion to the local population acknowledges the importance of, and provides a primary function for, the social and political aspects of mining heritage (e.g. oral history, events, poetry, art, reminiscence).

Visiting friends and relatives

This segment is defined as residents of the UK staying overnight where their prime reason for visiting is to spend time with friends and relatives (VFR). The segment has a number of attributes that make it an attractive proposition. These include the fact that VFR:

- Visits occur more evenly across the year than holiday trips.
- Are looking for interesting places to visit. Hosts will often search out less congested areas and places off the beaten track in order to get an insider's view.
- The majority of VFRs are from ABC1 socio-economic groups.
- There is a fairly evenly spread across the age groups but some skew towards younger age groups.

Locally, estimates for the importance of the VFR segment range from between 11%³⁴ and 21%³⁵ of tourism trips in Cornwall. Forecasted growth in the South West is expected to be in the order of 71% between 2001 and 2011³⁶.

³³ *Ancestral Tourism in Scotland*, Ancestral Tourism Industry Group, 2003

³⁴ see ref 8

³⁵ see ref 6

³⁶ *Ibid.*

Education and Lifelong Learning

The seeking of WHS status for Cornwall and West Devon's mining heritage obviously reflects what is already regarded as a world-class range of assets relating to mining heritage. These assets and the social history that surrounds them provide the opportunity to tell the story of this important industry in a myriad of ways.

Educational groups from primary and secondary schools are likely to be a responsive audience for these stories. The themes associated with Cornish mining can easily be linked into subjects included in the National Curriculum. For instance, pupils being taught History at Key Stage 2 (ages 7-11) are required to study local history whilst Key Stage 3 includes the study of British History between 1750 and 1900.

At a local level there is a particular opportunity to link up with Cornwall Local Education Authority's *Sense of Place* initiative. This aims to give Cornish school children a strong sense of their local culture and heritage. A number of cross-curriculum units have been developed, one of which is called Tin and explores the impact on the industrial revolution on Cornish tin mining communities.

Other reasons for identifying educational groups as a priority market include the fact that:

- It provides a good fit with the Vision and Aims set out for the proposed WHS in its Management Plan.
- Local educational groups are already a feature at mining related attractions in the area but it would seem from national statistics that there is scope for the development of this market at a local and regional level.

In addressing the education market, it is proposed that an education strategy be developed that identifies the needs of primary and secondary school markets. and develops distinct approaches to meeting these.

The mining heritage assets that comprise the 10 bid Areas, also provide opportunities to the growing further and adult education sectors in the region. The scope and variety of the WHS themes relate to a wide range of academic subjects, including history, geology, arts and engineering, as well as links to more vocational courses, such as tourism or heritage management. These factors already build upon the world-wide reputation the area's mining heritage enjoys amongst courses relating to mining, industrial history and regional studies.

In addition to the formal adult education sector, mining heritage assets can also be a valuable resource for those seeking more informal, self directed learning opportunities, for example through the exploration of local and family history. Raising awareness of these assets could contribute to greater use of them by local residents. This segment overlaps with the cultural and heritage tourist segment. What distinguishes it from the latter is the manner in which the learning is gained.- lifelong learning tends to involve an educational establishment of one sort or another. As is the case with the Further and Higher Education segment, the Combined Universities in Cornwall project offers some scope to develop this area.

Developing these educational markets is also consistent with the Management Plan aims for deriving economic benefits for local communities from the proposed WHS. Together with the formal schools-based audiences, the education strategy should address how to develop the lifelong learning opportunities through partnerships with existing providers.

Traditionals

This is one of the five psychographic segments identified as being significant for the South West by South West Tourism.

The *Traditionals* segment is a mainstream market whose members value good service and are willing to pay for it. They make up 12.7% of the short break markets and take more than 50% of their short breaks in England. *Traditionals* tend to be the older members of the mass market. Around half are aged 45-65. A third are post-family, and a further 40% are retired.

They are considered a primary target for a number of reasons. Firstly, Devon and Cornwall are amongst the most popular destinations for this group. Secondly, they are also likely to respond favourably to a heritage-orientated campaign as they enjoy visiting attractions, museums, galleries, gardens, churches and historic sites.

Domestic long holidays / Family holidays and breaks

Domestic long holidays / family holidays and breaks are two broad segments that have been combined here as one target market. This decision has been made because there is a very considerable overlap between the two, with families dominating the domestic long holiday market.

These segments combined form a very large market and are the mainstay of Cornwall and West Devon during the peak season. Domestic long holidays account for 48% of all holiday trips during the year, whilst family holidays account for 40%. In terms of nights and spend the impact of long holidays is even greater, accounting for 70% and 66% respectively.

Although forecasts indicate a decline, the sheer scale of these two segments means that even if only a small percentage of these markets can be encouraged to engage with mining heritage, it will greatly assist in meeting objectives. In addition, we have seen that local mining heritage attractions are heavily reliant on tourists and as such they cannot afford to turn their back on this market.

Identifying this segment as a priority market will also be useful when the WHS wishes to engage with stakeholders from the wider tourism sector including private sector operators and tourism officers at a local authority level. This is because a considerable amount of current marketing resources is targeted at this group of visitors.

Looking at long holidays by lifestage it is the post-family long holiday market that shows most potential for growth out of season (see below).

Lifestage (post-family holidays and breaks)

The post-family holiday and short breaks segment was identified above as one of the parts of the 'general' holiday market that looks set to offer growth outside of the main peak season. For this reason it is an attractive market for the Bid Areas, especially given the highly seasonal nature of the Cornwall holiday market.

The segment is already favourably disposed towards Cornwall and Devon and values the counties for their distinctiveness. Many of the main requirements -scenery,

gardens, good food and drink and the presence of serviced accommodation, can easily be catered for.

Priorities for the first five years (2005-10)

Additional resources and strategic alliances will be needed to develop specific campaigns and promotional activities geared towards these primary target audiences. It may not be possible to address all of the above primary target audiences within the next five years. In view of their particularly strong association with the broader cultural, social and economic aims for the proposed WHS, the priority target markets should be

Cultural/heritage tourists

Ancestral tourists

Walkers

Local residents

Education and lifelong learning

Secondary market segments

Mining / industrial heritage “enthusiasts”

This segment can broadly be defined by a high level of interest in mining heritage and broken down into the following groups³⁷.

- Tourists whose every holiday is focused on mining/ industrial heritage.
- Tourists who take holidays where experiencing mining heritage / industrial heritage, in its broadest sense, is always the main purpose of every holiday they take.
- Tourists for whom mining heritage/industrial heritage is the main motivation of some of their holidays; at other times they will take other types of holiday.

Looking at the ‘enthusiasts’ market, it is hard to come by figures that give an idea of the market size. What evidence there is suggests that this is a minority interest. For instance, UKTS shows that for 3% of UK visitors, visiting heritage sites was the main purpose of their visit. Visiting artistic or heritage exhibits was the main purpose of a holiday for 2% of visitors³⁸. This definition of heritage and art covers a much wider range of attractions than industrial and mining heritage so it is likely that the figure for these interests would be lower.

³⁷ see ref 32

³⁸ United Kingdom Tourism Survey, 2002.

For industrial attractions, it is clear that the enthusiasts provide a more important market than for general visits to an area. However it is considered that industrial heritage enthusiasts will be drawn to the area and specific attractions anyway due to their knowledge of what is on offer. As such the segment is identified as a secondary segment to which no active promotion is planned within this strategy framework.

Cycling

Cycling is an attractive market but a smaller one than walking, which is listed as a priority market segment.

Figures from UKTS³⁹ show that 1m cycling holidays (where the primary purpose of a holiday is cycling) were taken in 2002 generating £174m. Holiday cycling (where cycling is an activity on a more general type of holiday) accounted for 6.1m trips that generated £1,215m. At a local level, information on the demand for cycling is limited. However, the Cornwall Visitor Survey⁴⁰ indicated that 5.9% of visitors were looking to cycle whilst on holiday.

The main markets within the WHS are considered to be holiday cyclists and cycling day visits (where people travel from home). Families are the main market for holiday cycling and the main demand in terms of routes is for traffic-free paths. Commonly used routes are disused railway lines, forest roads and rights of way such as byways or green lanes.

Chapter 3 highlighted a range of initiatives that have led to, or will lead to the development of off and on-road cycle routes and multi-user trails. In addition, we have already identified that holiday cycling is largely stimulated by the demand for off-road trails. These factors, coupled with the product approach being advocated in this strategy, provide a strong argument for the active development of this market.

Overseas visitors – Germany, Ireland, France

The German, French and Irish markets show some growth potential and represent good candidates for general development. It is felt however that the theme of the WHS offers little in the way of promotional opportunities that warrant active promotion. As with other segments identified as secondary, there is an opportunity to engage this audience in the need to preserve the essential qualities of the WHS. This is a message that will particularly resonate in the 'eco-aware' Germany market.

Lifestage (pre-family holidays and breaks)

The pre-family lifestage consists of the under 35 year olds with no children. It is a group that is highly likely to holiday abroad (75%). In the South West, the segment accounts for 15% of the holiday market although it is relatively more important in the short break market where it accounts for 22% of all short breaks taken. This compares with long holidays (4+ nights) where it only accounts for 6%.

Within Cornwall it is lively centres such as Torquay and Newquay that are likely to see greatest numbers from pre-family lifestage. The scenery, which is a draw for many visitors to Cornwall and West Devon is appreciated but not the main draw for this segment.

³⁹ United Kingdom Tourism Survey, 2002

⁴⁰ see ref 8

Cosmopolitans

This is one of the five psychographic segments identified as important for the region by South West Tourism. *Cosmopolitans* are strong, active confident individuals, who do what they want rather than follow any particular fashion. Life for this group is full and active, yet peace and relaxation is still valued in the right circumstances. They make up 21.6% of the short break market making it the most active group.

They are considered a secondary market rather than primary because their motivations are less clearly aligned with the natural and cultural assets of the WHS. For instance, this segment favours cities as a destination for a short break. In addition over a quarter are pre-family, a group that we have already learnt look for lively rather than scenic locations.

However, balancing these traits, a further 38% are post family and a quarter is from AB socio-economic groups. They also enjoy activity holidays or a holiday with a theme or a chance to get 'off the beaten track'. Seeking a holiday that has a low impact on the environment is also attractive.

Discoverers

As was the case with *Cosmopolitans* (see above), *Discoverers* is one of the psychographic segments derived by South West Tourism.

Many of the attributes of this segment offer promise for the WHS marketing strategy. They make up 13.8% of the short break market and 11.3% of the long holiday market. This group is more likely than most to holiday off the beaten track, and express some interest in activity holidays or those with a theme. They are less likely than the norm to go to familiar destinations. They are three times more likely to stay in England for a weekend away rather than go abroad. However the segment's potential is limited by their relative disinterest in arts and culture. As such, campaigns drawn up for the WHS would have to work hard to 'engage' this segment.

6.2 Summary of market segment priorities

The table below presents a summary of the market segments to be targeted in this Marketing Strategy.

Table 13 Summary of Market Segment Prioritisation

Primary Markets	Secondary Markets
Culture and heritage tourists	Industrial heritage / mining enthusiasts
Walkers	Cycling
Ancestral tourists (overseas & UK)	Further and higher education groups
Day visitors/ local residents	Life-long learners
Education and Lifelong Learning audiences	Overseas visitors (Germany, France, Ireland)
Visiting Friends and relatives	Pre-family holidays and breaks
Traditionals	Cosmopolitans
Domestic long holidays / family holidays and breaks	Discoverers
Post-family holidays and breaks	

6.3 Segmenting the market – some conclusions

Although the WHS Management Plan has a life-span of 30 years, the Nomination document acknowledges that there are a series of management priorities for the next 5 years that relate to the nomination process and establishment of the WHS.

In order to reflect this dual strategic horizon, It is envisaged that secondary markets will be developed throughout the life-span of the Management Plan (30 years) but that the priority over the next 5 years will be the primary segments identified in this chapter, with a particular focus on the first five priority target audience groups.

The next chapter looks in detail at the strategic and specific approach that should be adopted to reach these priority audiences. However, it is clear that in general terms addressing such a broad range of targets will only be possible through the adoption of co-ordinated working and by maximising the use of existing tourism campaigns. It is also clear that activities other than marketing such as outreach work will play an important part in reaching markets such as local residents, VFRs and the education markets.

7 THE OUTLINE MARKETING PLAN: KEY PRINCIPLES

This section is split into four sections. The first part looks at the key strategic approach to marketing within the WHS. The second part develops an over-arching interpretative framework to assist in presenting the WHS to its various target audiences. The third section deals with the marketing approach for primary market segments whilst the fourth section examines some of the key marketing issues that relate to all segments including the branding of the proposed WHS.

7.1 The landscape as the Cornish mining heritage product

In relation to the visitor markets reviewed, the promotion of the specific mining heritage sites as a group or consortium of attractions will have appeal to the industrial heritage market and some other closely defined groups.

The main opportunity, however, is going to be in focusing on the external qualities of this cultural landscape as a product, where the industrial heritage and its effective interpretation adds value to the inherent natural resource of the countryside. Mining heritage should be marketed and interpreted as a cultural activity with a range of landscape settings and impacts. We see a number of benefits to pursuing this approach:

- It will enable the WHS to capitalise on the much larger market of visitors already in Cornwall and West Devon, a large proportion of whom have a general interest in exploring the countryside – as well as those with more specific sightseeing interests.
- The inherent qualities of the 10 Landscape Areas already represent specific attractions. The countryside is already an important draw for visitors to Cornwall and Devon. Many of the Landscape Areas overlap Areas of Outstanding Natural Beauty including St Just, Tamar Valley, Bodmin Moor, St Agnes and a number of sites are located on the South West Coast Path, including parts of Heritage Coast. (Most industrial heritage sites are relatively robust and can withstand any likely increase in visitor numbers. Some specific parts of these Landscape Areas however may prove sensitive to the impact of additional visitors and may need to be downplayed in promotion.)
- It not only appeals to a much wider audience, albeit indirectly, but also represents the best opportunity to inform visitors and local residents uncommitted to the value of the mining heritage; a key objective for the WHS.
- The model is based free access to the majority of the WHS. As such, it encourages access by all sectors of the population including local residents and those groups who traditionally suffer from social exclusion.
- The model encourages access via sustainable modes of transport such as walking and cycling. It achieves this not through coercion but by ensuring that the quality of the visitor experience is highest when accessed via these means.

- It works at different levels and for a variety of participants. Access to the interpreted mining landscape can be developed at an Area level but also at the level of a local community or individual attraction. Visitors to a small village could follow a local trail or attend a local event and discover something of the local heritage. A good example is presented at Cotehele where visitors may well have come to visit the house and/or gardens but on taking one of the walks will come across interesting mining heritage.

Key to the success of using the landscape as the mining heritage product will be the quality of interpretation of the mining heritage to those visitors in the countryside.

As has already been stated, it lies outside the brief of this study to develop a comprehensive interpretation strategy. However it is appropriate that the Outline Marketing Strategy offers a framework within which a detailed interpretation strategy can be formulated.

7.2 Interpretative Framework

The interpretative framework for the WHS comprises three main elements. Taken together, these provide the ‘intellectual access’ referred to in Chapter 3.

- On-site interpretation within the landscape
- A network of local centres
- “Key Site” centres

7.2.1. On-site interpretation within the landscape

There are thousands of mining related archaeological remains within the proposed WHS. In order to open up access to these and other assets, the focus should be on first class, site-sensitive (often low key) on-site interpretation - e.g. signposting, waymarked trails and routes for all means of transport with related self-guided and guided trails, information points, public art etc that adds something, informative and qualitative, to the countryside experience⁴¹.

In the same context, local social, cultural and artistic events and other informal activities will have an important part to play. These often represent the best way for visitors to understand the role of the local community and the social heritage of the WHS.

Interpretation of the mining heritage, for and by the local community, is crucial for many sectors of local society and is already quite extensive in Cornwall, if not promoted to visitors⁴². There are often important local sensitivities to respect but the WHS gives an opportunity to assist local groups and to help sustain local activities by drawing a larger audience and, where appropriate, it can provide a rare experience for visitors to the area. This resource will need to be carefully integrated into the detailed interpretation strategy, subject to consultation with local groups.

⁴¹ Appendix II shows the extent of existing self-guided trails and outdoor site interpretation.

⁴² There are many local groups associated with local mining heritage e.g. Carn Brea Mining Society, John Harris Society. There are close associations between local arts and the mining heritage.

7.2.2. A network of local centres

The attractions have an important role to play in adding this qualitative value as centres of interpretation and further information for those with a deeper – or stimulated – interest in the WHS mining heritage. The on-site information has an important role to play in directing visitors to these facilities.

Local centres, therefore, will tell a local story, present a specific theme or exhibit a specific collection. They will focus on local distinctiveness and will need to be integrated into local interpretative plans as well as having their own interpretative plans. Interpretation planning toolkits could be provided for selected centres which might include common stories related to mining in the WHS.

Given the number and variety of attractions, we envisage most of them having a role as part of a network of ‘badged’ local facilities to which the visitor can be signposted should they want more detailed information on the local area or on a special theme. Some of the identified centres such as Trevarno Gardens, the Shipwreck Centre and Wheal Martyn where the WHS mining theme is subsidiary may need to be promoted in a different way.

Ideally, this network will involve a wide variety of facilities, arts and heritage events and other local activities, extending beyond the 40 visitor attractions identified and incorporating local events and activities (see above) A specific objective should be to encourage active, personal interpretation enabling visitors to interact with local people where possible.

Given the variety of potential facilities and interpretative foci, quality will be important and is currently variable but it will be difficult and probably inappropriate to set a large number of fixed criteria for involvement at this stage. Indeed there may be some value in having a flexible, transient list of centres. An onerous ‘entry-level’ could discourage local involvement. It is recommended that applications be invited from mining related facilities, events, groups etc and that these be considered on an individual basis. The emphasis should be on reaching basic standards that ensure the WHS is interpreted in an appropriate way. If required help should be provided to assist applicants in reaching quality standards. Badging would be part of this assessment and reinforce the Cornish Mining ‘brand’.

7.2.3. “Key Site” centres

Within this network of local centres, there should be ‘intellectual’ centres to which visitors can be directed should they want to gain a comprehensive overview of the over-arching WHS story and/or to explore any mining heritage issue in more detail. This facility would serve both the dedicated enthusiast and the newly ‘converted’. They would also be focal points for a formal education service related to the WHS.

Given the scale of the WHS and the wide geographic distribution of visitors across Cornwall and West Devon, there needs to be more than one centre. In order to help define appropriate centres and to make sure they provide an appropriate service, it will be very important that these centres do meet certain criteria.

A WHS “Key Site” will need to:

- Be open all year;
- Be authentic;

- Be attractions in their own right, i.e. of sufficient scale for a 2-3 hour visit with inherent appeal;
- Interpret the local area AND have high quality interpretation of the Cornish Mining heritage on a county-wide basis;
- Have suitable education facilities;
- Act as an orientation centre to the rest of the WHS ie advising visitors on how to access different parts of the site;
- Be well located in relation to the Landscape Areas (with links into it);
- Be accessible for visitors (including by public transport);
- Have a range of visitor facilities including good catering, retailing, toilets, parking etc;
- Have high quality in service terms; ideally accredited by VAQAS or similar;
- Have sufficient capacity to take additional visitors;
- Have long-term support from owners/trustees and commitment to the WHS concept; and
- Have an adequate marketing programme of its own.
- Agree to co-operation and cross-marketing in pursuit of effective implementation of the WHS marketing strategy.

It would also be desirable to have centres in:

- Different Landscape Areas to provide variety; and
- Located in the west, east and centre of the WHS to be accessible to the maximum number of people.

Bearing in mind these criteria, it is recommended that Geevor Mine is developed as the Key Site for the west of the WHS and Morwellham Quay as the Key Site for the east. A third Key Site should ideally be in the Camborne / Redruth area to reflect the fact that this has traditionally been the focus of mining. However, cases can be made for a number of sites in this central area:

- The Discovery Centre is in Camborne and already has excellent interpretation but its poor surroundings create a problem
- Robinson's Shaft is also well located with major development plans but is still in planning stage;
- Poldark Mine is the best known mining attraction and offers an underground experience and good interpretation but is set within a leisure attraction which has significant elements unrelated to mining; and
- Godolphin House and Estate could offer a quite different form of gateway, focusing on the social aspects of the mining heritage.

In addition, there is a strong argument for involving the Royal Cornwall Museum as a Key Site. Unfortunately it is not in the WHS, but Truro is the focus for many visitors who will naturally turn to the major museum in the Region for an understanding of any aspect of the county’s heritage.

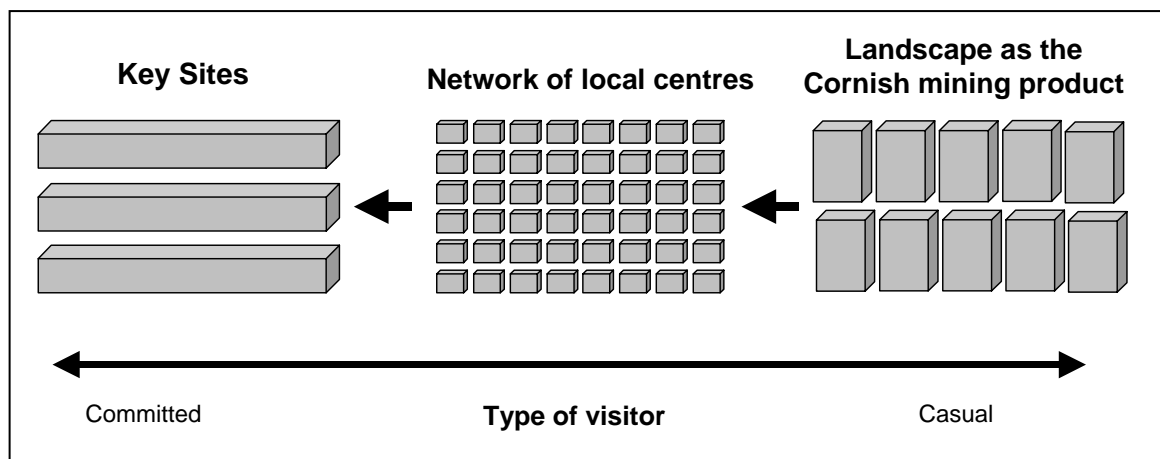
The choice of the central Key Site(s) should be the subject of a further option appraisal.

Once selected, the “Key Sites” will need to prepare co-ordinated interpretation strategies. Much of the interpretation will be common across the Key Sites, which will facilitate implementation. However, each will have its own strengths which will need to be capitalised upon along with the presentation of local stories.

7.2.4. Summary of interpretative framework

The interpretative framework set out in this section provides a coherent way in which to present the WHS to a wide range of target audiences. The diagram below represents a visual summary of the approach and shows which facets are likely to appeal to which type of visitor.

Diagram 1 Summary of Interpretative Framework



7.2.5 “Preview” facilities

In addition to developing a framework for the detailed interpretation of the various mining heritage related themes and stories, opportunities to raise awareness about the WHS and its interpretation facilities for potential visitors, and information on how to access these, will be needed. This “preview” role could be performed by a range of different facilities, eg tourist information centres, roadside services, bus and train stations, in a range of locations, -both within and outside the proposed WHS.- placed on the main transport routes and/ or urban centres in the Cornwall and West Devon region. They will perform an important promotional and visitor management function, in addition to supporting the interpretation framework.

7.3 Marketing approach to market segments

The following section is split into two main parts. The first outlines approaches to reaching specific segments that are most effective and efficient, whilst the second part details the specific marketing approach for each of the individual segments highlighted as primary market segments.

7.3.1. Strategic approach to addressing market segments

The approach advocated for reaching specific target markets has two basic priorities:

- Partnership working to enhance or refocus existing tourism campaigns rather than the development of new, specific campaigns.
- Promotion to visitors within the County rather than prior to visit.

The rationale for this approach is anchored in pragmatism. There are insufficient resources to allow the active promotion of the WHS Bid Areas to all market segments. The development of new specific marketing campaigns is focused on those segments that promise most return and where there is little marketing currently undertaken.

Partnership working to enhance or refocus existing tourism campaigns is an acknowledgement that marketing of the WHS needs to be placed within the wider context of the on-going tourism marketing that takes place at a parish, district, county, regional, national and International level.

7.3.2. Specific approach to addressing market segments

The following section provides the specific approach for each of the individual segments highlighted as primary market segments. The marketing approach advocated for secondary market segments is included as Appendix V.

Each market segment also contains suggested marketing objectives. It lies outside the scope and remit of this plan to develop a range of costed and fully evaluated tactics however we feel that it would be useful to also include in each segment some suggested tactical approaches.

The marketing tactics should not be seen as exhaustive but merely an indication of how marketing to each segment could be translated into practical campaigns. Initiatives included here could be 'fleshed out' during the next stage of marketing development. Some comment on how the strategy and the tactics suggested below should be implemented is included in Chapter 8.

Culture and heritage tourists

The two main marketing objectives for this segment are to raise the awareness of the mining heritage and to widen its appeal. These are pre-requirements because mining heritage will vie for the attention of heritage and cultural tourists along with attractions that traditionally have higher levels of awareness and visits (e.g. gardens and historic properties).

There is a need for the marketing approach to this segment to reinforce the relevance of mining heritage. There is also a need for the marketing approach to

differentiate between the place-centred heritage tourism and cultural tourism that covers a wider range of aspects such as poetry and art. Amongst the approaches that are suggested are:

- Encourage organisations producing destination guides to feature relevant images and text about mining heritage.
- Work with organisations such as the National Trust to raise the profile of mining heritage sites within its property portfolio.
- Promotion of local walking and cycling trails.
- Develop programme of walks and cycle rides led by experts that uncover aspects of the mining heritage.
- Use the social, artistic and political aspects of mining heritage to engage with this segment in a broader cultural context.
- Co-ordinate, develop and promote craft and sculpture-based use of tin and copper. Craft workshops, contemporary art fairs, travelling exhibitions are all ways to link raw materials with their extraction.
- Develop and promote arts events that explore mining heritage (e.g. art, drama, theatre and film).
- Focus on people and key individuals involved in the industry.
- Interpretation should not be afraid to tell the 'hard' side of the Cornish mining story (e.g. hard working conditions, poverty, the decline) but should also celebrate other aspects (e.g. what ex-miners in the local community now do, the powerful physical and social legacy).
- Improve and promote mining-related interpretation and facilities at historic home and garden visitor attractions that have links to the mining industry (e.g. Godolphin House, Trevarno Gardens, Cotehele House & Quay). A special "roving" programme of guided tours at these attractions that uncovers the mining links might also be worth investigating.
- Commission an official guide to the WHS. Consideration should be given to working with a commercial publisher in order to secure good distribution in shops and TICs.

Walking

Marketing programmes should seek to focus on those wishing to walk whilst on holiday. This is a far larger market (24% of visitors) than those on walking holidays (5%). Key to effective development of the market is to integrate the promotion of trails and footpaths with tourism promotion at a district and borough level. Possible tactics to be pursued include:

- Inclusion of photos of people walking past engine houses for use in destination guides.
- Inclusion of mining heritage in existing walking leaflets.
- Re-branding of local footpaths to mining heritage theme.

- Development of area guides that feature both public rights of way and mining heritage.
- Provision of design templates and mapping service for local parish council interested in developing guides that promote walking access to mining heritage.

Ancestral tourism

The majority of stakeholders in the area lack the resources to tackle the overseas aspects of the ancestral tourism market on their own. As such, there is a need to work with agencies that already target those overseas markets that have large numbers of people from Cornish mining descent.

Possible ways of working include:

- Work with DACOM on developing ancestral tourism campaigns to the USA and Australian markets.
- Work with CTB to develop an ancestral tourist component of their Objective 1 -funded marketing campaign.
- Develop a web-based portal to local family records resources.
- Identify geographical concentrations of those with Cornish ancestry in USA and Australia in order to improve targeting of campaigns.
- Develop a web-based campaign and search engine campaign to ensure that those seeking information on tracing their roots in Cornwall are encouraged to visit Cornwall.
- Work with archives and family record centres to develop tourism services such as accommodation packages with local providers of B&B and hotel accommodation.
- Form partnerships with organisations in Cornwall (e.g. the Cornish Migration Project at the Institute for Cornish Studies), the US and Australia already involved in promoting Cornish links and tracing family roots.
- Link ancestral tourism with the VFR campaign, i.e. hosts inviting US and Australian relatives to stay.

Day visitors/local residents

Possible tactics for this market segment include:

- Promotion of local walking and cycling trails.
- Animation of the story of Cornish mining through live interpreters, miners' guided tours, audio visual, events.
- Support and active participation in local community events which have mining as a theme.

- Active participation of mining-heritage attractions in the national Heritage Open Day initiative.
- Creation of an events fund for community events that celebrate aspects of mining.
- Active development, along with others such as Cornwall Arts Marketing, of projects that encourage the local population to visit attractions (e.g. Be a local tourist).

Visiting friends and relatives

Marketing efforts should concentrate on the hosts resident in Cornwall and West Devon. The objective is to encourage hosts to actively invite friends and relatives to visit outside the main season. A secondary objective should be to increase the spend derived from this segment by communicating the benefits of VFRs staying in tourist accommodation rather than their host's home.

Most of the marketing appeals should be made to the host who then acts as an intermediary for potential VFRs. Mining heritage should be promoted as one of the aspects that makes Cornwall and West Devon distinctive. To work, the campaign needs to depict a Cornwall and West Devon that the local population would recognise and not necessarily the traditional tourist image. Other elements that could be promoted alongside mining heritage include local food and drink and events such as Dehwelans. Possible tactics include:

- Information packs providing special offers and Cornish days out (including mining heritage) that are requested by the host but circulated to friends and relatives.
- Providing email and web-based content to local hosts suitable for forwarding by email to their US & Australian relatives.
- Campaigns that encourage VFR to use tourist accommodation rather than host's home. (Possible benefits of staying elsewhere include hosts' home not being big enough or letting someone else make the breakfast).
- Marketing messages should emphasise that visiting out of season is a great way to have Cornwall to yourself.

Traditionals

We know from the market segment assessment that this group enjoy visiting attractions, museums and galleries as enjoy theatre and arts events. Possible methods of promoting to this group include:

- Campaigns centred on special offers and discounts are effective to this group.
- Marketing messages should promote mining heritage as part of the distinctive nature of Cornwall and West Devon and remind that visiting out of season is a good way to avoid the hordes and enjoy the mild climate.
- Traditional promotional media will be more effective than internet-based campaigns.

- Encouraging those producing promotional print aimed at out of season market to use mining heritage as one of its “Cornish” themes.

Education and Lifelong Learning

Chapter 6 identified the primary and secondary schools markets and the further and adult education sectors as being worthy of development. The chapter also suggested it would be useful to develop separate marketing for primary and secondary schools due to their differing visit patterns and information needs. This approach is endorsed in the medium term but in the short term there are some issues that can productively worked on across the two sectors.

Marketing to primary and secondary schools should initially concentrate on stimulation of the local schools market for day visits. Key to the success of this is the need for attractions within the bid areas to work collaboratively to reach this market. Given limited resources available at individual attractions, consideration should be given to WHS Project staff taking a lead role in encouraging collaborative marketing.

In the medium term the aims should be to develop two parallel but distinct approaches – one aimed at stimulating the residential school visit market amongst secondary schools with the other looking to further develop the primary day visit market.

We believe that consideration should be given to commissioning an education strategy that looks at information needs of all the learning audiences and linkages with LEA and other education sector initiatives. The strategy should also address the marketing and product development required to develop the learning sectors. In order to implement the resultant strategy there may be a requirement for staff resources at attractions to be supplemented by a person with Site-wide remit and role.

Domestic long holidays / family holidays and breaks

The key to success with these segments is widening the appeal of mining heritage. Marketing to this segment should concentrate on using mining heritage, along with other local aspects which are seen by visitors as quintessentially Cornish, to promote the area’s distinctiveness in destination marketing. A parallel objective is to raise awareness of opportunities to ‘access’ once within the area and to point towards sites and locations and resources (including the 3 Gateways) that that explain the nature of the WHS, how it relates to the area’s distinctive natural and cultural settings and how and why the WHS requires preservation. There is also a need to encourage visits to the area’s mining heritage attractions.

The following is offered as a suggested approach:

- Assist Tourism Officers / Tourism Associations/ Cornwall Tourist Board in the inclusion of mining heritage in destination marketing that aims to convey the distinctive facets of Cornwall and West Devon by providing text and images for inclusion in destination print.
- Commission and distribute imagery to Tourism Officers for use in destination print which shows people/ family groups cycling/walking through the landscape with mining heritage as part of this experience.
- Ensure Tourist Information Centres are stocked with information about opportunities to walk and cycle within the mining heritage landscape.

- Encourage accommodation providers, cycle hire firms and TICs to promote holiday cycling (see separate section) using Mineral Tramways and other rights of way that link with mining heritage.
- Ensure on-site interpretation enables intellectual access to the more casual visitor as well as those seeking more detailed knowledge.

Road and pedestrian signage have an important part to play in raising awareness of the WHS.

Post-family holidays and breaks

Marketing should focus on the promotion of 3-6 day short breaks out of peak season. Active promotion should concentrate on partnership working with existing Destination Management Organisations (DMOs) in order to develop a range of product offerings that are attractive to this segment. Some suggested approaches are detailed below:

- Promotion of local walking and cycling trails.
- Work with cycle hire companies to develop themed tours (see cycling segment for more information).
- Link the availability of good walking routes in stunning scenery and good quality walking information with the physical legacy of mining.
- Emphasise the quality of the mining heritage legacy by reference to the 'hoped-for' WH status.
- Promote mining heritage along with other aspects that help make the area distinctive. (i.e. sell it as a Real Cornwall experience at a time of year when you can virtually have the place to yourself).
- Tourist Information networks are the key outlet for the distribution of guided walks leaflets and information once this segment are located in the area. Training and awareness raising amongst TIC of mining heritage also has a part to play.
- Work with the South West Coast Path team and other footpath management bodies on signage of mining heritage on official maps, publications and websites.
- Encourage a greater number of mining-heritage attractions to remain open during the shoulder months.

Access to mining heritage in an informal way (i.e. walking past some relic and reading an interpretation board) is as important to this market as established visitor attractions.

7.4 General marketing issues

The previous section highlighted a number of market segments, many of whom maybe visitors for whom mining heritage and the WHS are not major motivators of visits. Despite this possible indifference, the WHS designation places upon stakeholders the responsibility to raise awareness of the WHS and the need to protect it amongst these potential audiences. There is also the opportunity to widen the appeal of mining heritage in order to engage with these more general markets.

This section provides a commentary and offers recommendations that relate to meeting these objectives through a number of marketing methods.

7.4.1. Branding

Branding is a term often used to describe a visual mark or logo. However, branding covers much more than this. It is the feelings, impressions and perceptions that people have about a product, service, destination or concept. Another way to view brand is like the personality of an individual - there are many elements that make up a destination's brand, but each of the elements is not the brand in itself.

This section is not a comprehensive look at all aspects of the WHS brand. Instead it develops summary strategies in three areas that are considered to significantly contribute towards the WHS brand. These are:

- The visual strategy (including the logo)
- The image strategy
- Website strategy

Visual strategy

The physical characteristics of the WHS provide a number of challenges to the creation of a 'sense of place' and by default, a consistent brand.

Among these are the fact that the WHS covers such a large area and that fact that it consists of many thousands of individual mining heritage assets spread across 10 non-continuous areas within Cornwall and West Devon. Put simply, it could be very easy for visitors to not realise that they are in a WHS at all.

This fact means that the physical representation of the WHS through such aspects as publicity, signage and interpretation boards has a more important than usual part to play in conveying consistent and visible messages about the WHS. An important part of ensuring that visitors are aware of the WHS is to develop a comprehensive visual identity strategy. Although it lies outside the scope of this strategy to fully develop this aspect, listed below are some of its requirements. The strategy:

- Is more than just a logo. It is about the tone of voice or personality that should be adopted on interpretation panels and in leaflets.
- Should provide ways in which the UNESCO emblem can be incorporated into the current logo and/or linked to it in a consistent manner.
- Should look at whether the existing colours used in the logo (particularly black) are appropriate to be used on all occasions. If not, then recommendations to alternatives should be offered.
- Should include clear but comprehensive guidelines for applying key aspects of the WHS visual identity. This is important as much of the marketing of the WHS will be done by people other than the WHS Project Team. As such, the guidelines should include such aspects as:
 - Use of the current WHS logo

- WHS colour-palette. The colour palette is a range of colours and tones that can be used in marketing materials and publicity that relates to the WHS. Partners and those engaged in the wider promotion of the WHS through existing tourism marketing should be encouraged (where possible) to use this palette when communicating information about the WHS.
- WHS fonts. The selection of a series of fonts to be used on WHS promotional materials on interpretation boards etc.
- How the WHS visual identity will work with and not dominate other brands. As has been stated elsewhere, the marketing of the WHS has to take place within the context of a wide range of marketing undertaken at a national , regional and local level. The visual strategy for the WHS should be able to work alongside other logos and within others brand guidelines. It is recommended that any design brief for the visual strategy makes it explicit that the brand will need to be applied as a stand alone brand on certain items (e.g. an official guide) and as a form of endorsement in others

Image strategy

Visual imagery in the form of photographs will play an important part in building the brand values of the WHS areas. Their use in destination brochures and in publicity leaflets is integral to how the WHS is perceived. Consultation undertaken as part of the strategy development revealed that some Tourism Officers are unsure how mining heritage can be used in destination print that is aimed at general segments such as the domestic long holiday market.

There is a need to develop a strategy in which images of the WHS support the Site's brand. It is envisaged that the WHS team should commission a number of photographs that fulfil the twin concepts of mining heritage within the landscape setting and access being provided to the mining heritage. These images should be made available to those already promoting the area. Some possible images include pictures of:

- Family groups cycling / walking through sunny landscapes that includes mining heritage (e.g. Mineral Tramway near to an engine house).
- Evocative landscapes under moody skies that include mining heritage.
- Events / live interpretation that bring mining heritage to life.
- Groups waiting to take an underground mine tour.
- Dramatic (and preferably outdoor) art events that have a mining theme.
- Pictures of contemporary craft objects made from tin.

Web Strategy

The WHS is currently promoted through one official website (www.cornish-mining.org.uk). This provides a good range of high quality information about the WHS areas.

It is recommended that the web strategy for the WHS is as follows:

- Retain the information-based role of the current website. It should be seen as a web-based equivalent of an 'Official Guide'.

- The website should contain a section that promotes the Landscape Areas as destinations. This will highlight the Landscape Areas' beauty as much as it does the Areas' mining heritage. This section should provide links to specific mining heritage attractions, accommodation providers and tourism guides.
- Consideration should be given to developing an area on the website where tourism enterprises, tourism officers and other stakeholders can access copies of the WHS brand guidelines and copies of images commissioned for the WHS. Access can be monitored by use of passwords or creating a signing in screen to capture basic information on those that seek to use the brand / images.
- In the short term, the main website should provide a higher profile for regularly updated information about the process of securing nomination (and eventual inscription) as a WHS. This should be designed as much for a local audience as a visitor audience. An email update facility should be developed to allow people to sign up for regular news on the progress towards WHS status.
- Where segment-specific promotional tactics are developed to reach specific markets (e.g. ancestral tourism), separate sister sites should be set up (with different web addresses) rather than attempting to add these sites to the main website. This will allow more promotion-based content to be included. The general WHS website should act as a portal or gateway to any sister sites created.

Print strategy

A number of specific suggestions for print has been made in relation to campaigns aimed at specific market segments. In addition to these we would recommend that consideration is given to producing two general items:

- An 'official guide' to the WHS area. The guide should be produced prior to official nomination and used as a method of raising awareness about the plans to seek WHS status. We consider it to be most practical to develop the guide in partnership with a publisher who can secure a high level of distribution in retail outlets throughout the area.
- A free leaflet promoting the WHS. The leaflet should follow the suggested model outlined in Chapter 3 and focus on experiencing the Landscape Areas and seeing mining heritage as part of this experience. (e.g. The Tamar Valley would be described and within that walks/trails such as the Tamar Way would be promoted along with what mining heritage you can see along its length. Attractions such as Morwellham Quay and Cotehele would be covered).

7.4.2. Training

There is a fair level of awareness of the WHS bid within tourism businesses and those engaging directly with tourists (e.g. TIC staff). However there appears to be a significant amount of people that know little of the process. Awareness-raising through the provision of training may provide a practical method of ensuring those engaged with the public and visitors on a day to day basis, are fully aware of the nature of the WHS. Options include:

- Lectures / talks on the evolving history of mining in the area.
- Familiarisation trips to Landscape Areas and mining heritage attractions.

The courses should target sectors such as tourism businesses, TIC staff and librarians whilst the emphasis should be on creating a half-day entertaining & informative course.

8 IMPLEMENTATION & MONITORING

The purpose of this marketing strategy is to provide the over-arching themes and methods of approach that will guide the marketing of the WHS over the long-term. It lies outside the scope of this report to provide detailed notes regarding the tactical implementation of marketing strategy. However this chapter offers a number of pointers as to what we see as the key issues relating to implementation.

8.1 Roles

There are a large number of stakeholders within the WHS. This section seeks to clarify some of the roles that key stakeholders may wish to take on in implementing marketing strategy. This section should not be seen as a comprehensive list or a prioritisation of the listed stakeholders over those not named. The suggestions also need to be taken in light of the current review of tourism development and delivery that is being co-ordinated by the Cornwall Tourism Forum. Their proposals include a new lead body for tourism in the County and new roles for a number of agencies including Cornwall Tourist Board. However it is as yet unclear whether/how these suggestions will be taken forward.

8.1.1. WHS Project Team

It is not appropriate or efficient for the WHS Project team to implement all aspects of marketing strategy. Resources should be concentrated in areas where a WHS-wide approach is required and where there is little marketing activity currently taking place. Possible areas include:

- WHS marketing planning including shared research, monitoring, facilitating production of area-marketing and interpretation plans
- Public relations
- Marketing and strategic product development for education groups
- Branding issues
- Website development
- Interpretation strategy development
- Training - Awareness-raising training regarding the WHS for those within the interpretation framework and for those in the wider tourism industry
- Establish partnerships with organisations for marketing campaigns to specific segments identified in this strategy where there is currently little existing tourism marketing activity (e.g. ancestral tourism)

It should be noted that it is not envisaged that there will a “one size fits all” method of the Project Team implementing marketing strategy. It might involve working as the sole body on certain aspects whilst on others leading a consortium or partnership. In some cases it may simply involved bringing interested parties together. We also see

a role for the WHS Project Team commissioning other bodies / companies to deliver aspects of the marketing.

8.1.2. Marketing and Interpretation (M&I) Panel

The M& I Panel, or a sub-group of the Panel, should take the responsibility for monitoring the implementation of marketing strategy within the WHS. In taking on this role membership of the Panel should be widened to include representation from district level Tourism Officers.

8.1.3. Cornwall Tourist Board (CTB)

CTB has a very important part to play in the promotion of the WHS. It has already funded some of the initial research into the WHS (including a special WHS version of the Cornwall Visitor Survey). It is also a major player in tourism marketing with good links to the private and local authority sectors. CTB is engaged in a considerable amount of tourism marketing and is looking to develop a series of new EU-funded campaigns through its membership of DACOM. We consider that active engagement and partnership working with CTB is a pre-requisite to ensure that WHS marketing is integrated with and profiled within area-wide campaigns.

8.1.4. Cornwall Arts Marketing (CAM)

CAM has a proven track record of implementing major Objective One funding projects across the area and has extensive experience of working with the arts and heritage sectors. CAM is also in on-going dialogue with the WHS Project Team over collaboration and joint funding of projects that may see three heritage facilitators being put in place across Cornwall in order to assist in with marketing and training within the heritage attractions sector. The WHS Project Team should pursue partnership working with CAM and consider the organisation as a possible delivery agency for aspects of marketing strategy.

8.1.5. Cornwall & Tamar Valley AONBs

AONBs are custodians of a large number of the mining heritage-related archaeological remains within the WHS. They also have valuable experience of interpreting these remains within a landscape setting.

In addition, the contents of their respective AONB Management Plans demonstrate that the WHS is already an important consideration. It is important that the WHS continues and further enhances its high degree of partnership with AONB managers and their wider partnerships. These partnerships should also form an important plank in any consultation relating to the development of specific initiatives and proposals.

8.1.6. Countryside teams and mining heritage attractions

A number of different agencies are working as land managers within the WHS. These include private landowners, trusts and charities, government agencies and local authority countryside and environment teams. Their work covers aspects such as landscape enhancement, product development, access improvements, environmental improvement and interpretation.

Closely allied to the work of those with land management responsibility are the various mining heritage attractions. These attractions, some private and some in public ownership, are also engaged in the conservation and enhancement of mining heritage.

There is a need for mining heritage attractions and those with responsibility for the 'countryside' to work collaboratively in order to reach a number of key markets. A good number of the mining heritage attractions are already members of CATA but an additional affiliation of mining heritage attractions and countryside agencies would enable a clear focus on the needs of mining heritage. The affiliation could be set up as a sub-group of CATA rather than creating a new organisational tier. Priorities should include the production of a mining heritage leaflet and work to jointly market to the domestic long holiday and education markets.

8.2 Monitoring

Baseline information about the performance of mining heritage attractions within the WHS has already been gathered as part of the Site's Economic Impact Assessment. There is a need to ensure that there is a regular flow of data about the WHS in order to assess to what extent the marketing objectives within this plan are being met. The following represent suggestions as to areas where monitoring can be developed:

- Further research into awareness levels of the WHS amongst residents and visitors. This should be a long-term study conducted at regular intervals in the run up and subsequent to securing WHS status.
- Extend the existing research into the part mining heritage plays in people's decision to visit an area. It is considered important that the research methodology seeks to survey all visitor markets and not just those that visit attractions. There should also be clarification of whether mining heritage influenced a decision to visit an area that day, or the decision to choose Cornwall and West Devon as a destination.
- Instigate attitudinal research that asks visitors to what extent visitors are interested in the WHS and/or mining heritage.
- Agree a set of standard visitor data that attractions should provide to the WHS Project Team in return for being part of the WHS brand.
- Need to establish a system to monitor visitor numbers within the WHS. The system should be set up prior to inscription so that the impact of inscription and the associated marketing can be assessed. The sites for monitoring should include visitor attractions but also locations within the landscape which capture the more informal accessing of mining heritage assets within the WHS. This monitoring would offer an example of best practice for other prospective WH Sites around the world.

8.3 Implementation

Building on the strategic aims identified in Chapter 5 and with the priority target markets and respective roles in mind, the following section summarises the strategic marketing objectives to be pursued by the WHS Partnership during the period 2005 –

2010. The section also includes the time-frame in which each action is expected to be delivered.

8.3.1. Summary of strategic marketing objectives

- Commission a comprehensive image and branding study. The physical variety within the WHS provides a number of challenges to the creation of a 'sense of place' and by default, a consistent brand. The physical representation of the WHS through such aspects as publicity, signage and interpretation boards has a key part to play in conveying consistent and visible messages about the WHS. An important part of ensuring that visitors are aware of the WHS is to develop a comprehensive image and branding study.
- Develop a detailed interpretation strategy. The strategic approach outlines an interpretation framework that involves the proposed Gateway Centres, the network of local centres and on-site interpretation at the broad range of mining heritage assets. A more detailed interpretation strategy needs to be developed for the WHS.
- Establish marketing plans for each area. This outline strategy is concerned with developing a strategic marketing approach that can be applied across all 10 Landscape Areas and by a wide range of stakeholders. However, there may be a need to develop Area-specific tactical marketing plans (where appropriate) which take forward this strategic approach to build a local campaign.
- Produce a WHS Official Guide and leaflet. This guide should be produced prior to official nomination and used as a method of raising awareness about the plans to seek WHS status. A free leaflet should also be produced and focus on promoting the Landscape Areas and presenting the mining heritage as part of this physical experience.
- Evaluate the establishment of a WHS Mining Heritage Consortium. The strategic approach recommends the development of a network of local centres that act as communicators of local, specific stories / themes within the WHS. The formation of a consortium whose membership is derived from the network of local centres is recommended.
- Commission an option appraisal on central gateway candidates. The strategic marketing approach identified two of the three gateways proposed for the WHS. The location of a central gateway needs a thorough option appraisal.
- Commission an audit of existing education provision and commission education strategy. The strategy should look at existing facilities and initiatives within the WHS and address the marketing and product development resources that are required to develop the education and lifelong learning sectors.
- Agree and roll out quantitative market research / audience profiling. There is a need to extend current research initiatives to assess whether WHS marketing objectives are being met. This will involve members of the network of local centres. The market research should also include regular and comprehensive monitoring of visitor numbers within the WHS.

- Agree and roll out a qualitative research programme. Attitudes towards the WHS amongst visitors and residents and the part mining heritage plays in people's decisions to visit the area should be looked at as part of a programme of qualitative research. .
- Promotion to cultural and heritage tourists. The two main marketing objectives for this segment are to raise the awareness of the mining heritage and to widen its appeal. Amongst the approaches that are suggested are:
 - Encourage organisations producing guides to feature relevant images and text about mining heritage.
 - Develop programme of walks and cycle rides led by experts that uncover aspects of the mining heritage.
 - Use the social, artistic and political aspects of mining heritage to engage with this segment in a broader cultural context.
 - Improve and promote mining-related interpretation and facilities at historic home and garden visitor attractions that have links to the mining industry.
- Promotion to walkers. Marketing programmes should seek to focus on those wishing to walk whilst on holiday rather than those coming for a specific walking holiday. Possible tactics to be pursued include:
 - Inclusion of mining heritage in existing walking leaflets.
 - Re-branding of local footpaths to mining heritage theme.
 - Development of area guides that feature both public rights of way and mining heritage.
 - Provision of design templates and mapping service for parish/district/borough/county councils interested in developing guides that promote walking access to mining heritage.
- Promotion to ancestral tourists. The majority of stakeholders in the area lack the resources to tackle the overseas aspects of the ancestral tourism market on their own. As such, there is a need to work with agencies that already target those overseas markets. Possible ways of working include:
 - Work with DACOM on developing ancestral tourism campaigns to the USA and Australian markets.
 - Work with CTB to develop an ancestral tourist component of their Objective 1 marketing campaign.
 - Work with archives and family record centres and local accommodation to create accessible, inclusive packages.
 - Form partnerships with organisations in Cornwall, the US and Australia already involved in promoting Cornish links and tracing family roots.
 - Link ancestral tourism with the VFR campaign, i.e. Cornish hosts inviting US and Australian relatives to stay.
- Promotion to day visitors / local residents. Outreach work as well as promotion has a part to play here. Some possible tactics for this market segment include:

- Promotion of local walking and cycling trails.
 - Animation of the story of Cornish mining through live interpreters, miners' guided tours, audio visual, events.
 - Support and encourage active participation in local community events which have mining as a theme.
 - Creation of an events fund for community events that celebrate aspects of mining.
 - Active development of projects that encourage the local population to visit attractions.
- Promotion to those visiting friends and relatives (VFR). In particular, the objective is to encourage hosts to actively invite friends and relatives to visit outside the main season. Possible tactics include:
 - Information packs providing special offers and Cornish days that are requested by the host but circulated to friends and relatives.
 - Providing email and web-based content to local hosts suitable for forwarding by email to their US & Australian relatives.
 - Campaigns that suggest tourist accommodation as an alternative to the host's home.
 - Promotion to education sectors. Key to the success of this is the need for attractions within the bid areas to work collaboratively to reach this market.
 - Promotion to 'Traditionals'. Possible methods of promoting to this group include:
 - Campaigns centred on special offers and discounts.
 - Marketing messages promoting mining heritage as part of the distinctive nature of Cornwall and West Devon.
 - Use of traditional promotional media (e.g. brochures) rather than internet-based campaigns.
 - Encouraging those producing promotional print aimed at out of season market to use mining heritage as one of its "Cornish" themes.
 - Promotion to domestic long holiday & post-family holiday and breaks markets. Partnership working with the private sector and with those mounting the area's current destination campaigns is likely to be fruitful.

8.3.2. Implementation Timetable

There are certain tasks that require action prior to the commencement of other, related tasks. For instance, it makes sense to evaluate the establishment of a WHS mining heritage consortium prior to commissioning marketing plans for each of the Landscape Areas.

The following timetable provides some detail about the sequencing of tasks. The timeframe is split into 5 years, with each year further split into two, six-month blocks.

It should be stressed that the timetable should be seen as indicative rather than 'set in stone'.

Table 14 Timetable for Strategic Marketing Objectives for WHS Partnership

Strategic Marketing Objectives for WHS Partnership	Year				
	1	2	3	4	5
Evaluate the est. of a WHS Mining Heritage Consoritum	■				
Establish marketing plans for each area.		■	■		
Commission a comprehensive image and branding study.		■			
Develop a detailed interpretation strategy.		■			
Commission an option appraisal. On central Key Site		■			
Produce a WHS Official Guide and leaflet.			■	■	■
Audit existing ed. provision and commission ed. strategies			■	■	
Agree and roll out quant. MR / audience profiling.			■	■	■
Agree and roll out a qualitative research programme.			■	■	■
Promotion to cultural and heritage tourists.			■	■	■
Promotion to walkers.			■	■	■
Promotion to ancestral tourists.			■	■	■
Promotion to day visitors / local residents.			■	■	■
Promotion to those visiting friends and relatives (VFR).			■	■	■
Promotion to primary and secondary schools.			■	■	■
Promotion to Traditionals			■	■	■
Promotion to Domestic Long Holiday & Post-family markets			■	■	■

**CORNWALL AND WEST
DEVON MINING
LANDSCAPE WORLD
HERITAGE SITE BID
OUTLINE MARKETING STRATEGY
APPENDICES**

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APPENDIX I: CORNWALL MINING WHS; THE EXISTING PRODUCT

Background

Cornwall and west Devon comprised Britain's most important non-ferrous metal mining region producing all its tin, and the majority of its copper and arsenic. Deep copper mining was pioneered in Cornwall during the eighteenth century and by the early nineteenth century it was the most important hard-rock tin and copper mining region in the world. The nature and depth of mining and water drainage and a host of other difficulties were overcome by prolific innovation and engineering achievement, which proved to be of world significance. The inventive genius of a number of individuals was aided by a competent local industrial culture; local foundries became the source of the largest steam engines ever built and Cornish engineering excelled in pumps, winding and other technologies.

During the eighteenth century Cornwall's economy and society was fundamentally restructured as medieval mining traditions were displaced by privately capitalised large-scale organisation. Rapid growth, particularly in copper mining, made Cornwall one of the earliest counties in the nation to industrialise.

By 1830, in terms of scale, output and value, Cornish copper mines surpassed any commercial enterprise in Europe. At this time Gwennap parish was producing over one third of the world's copper and the Consolidated mines was the largest industrial complex known, employing over 3,000 men, women and children.

Environmentally, economically and socially, this relatively small region was utterly transformed. Landscape impact by mining, mineral processing, transport infrastructure and associated settlement was immense. Employment growth in the mines, smelters, railways and ports stimulated economic expansion and population growth. Over forty significant mining settlements emerged, towns and villages of terraced 'industrial' housing and rows of cottages. Huge areas of rough ground were taken into smallholdings and large new farms were created from much of the remaining open land. The industrial middle classes built grand houses and large estates to rival those of the old established land-owning gentry who had become super-wealthy through mining royalties and mining-related ventures. New institutions heralded the beginnings of formal education and progress towards mining science.

The social effects of Cornish mining industrialisation were profound. By the mid-eighteenth century around a quarter of the population was dependant upon mining. A Cornish mining culture was forged by industrial prowess and Methodist faith. Labour – men, women and children – identified with mining districts characterised by different mineral deposits, various ancillary industries and the religion of Methodism. A strong and distinctive Cornish identity evolved.

The world market price for copper had collapsed by 1870 leading to the most significant migration in the life of the Cornish people that, for its size, was one of the most influential migrations in modern world history. From 1840 to 1900 perhaps as many as half a million left - around half went overseas. Today it is estimated that there are up to six million Cornish people worldwide.

Tin mining survived in Cornwall until the close of the twentieth century. The headgears of South Crofty, Geevor and Mount Wellington stand testimony to a current generation of miners, and an enduring identity.

The visitor product

The Cornwall and West Devon Mining Landscape World Heritage Site comprises a series of diverse landscapes areas that contain a distinctive and recurring pattern of buildings, monuments and sites, some of which now offer specific visitor facilities. This distinction is helpful in considering visitor interest, which can be considered at two levels:

- The unique rural – and urban - landscapes created in large part by the impact of mining and a particular way of life. Within these areas, there is a range of physical 'components' that effectively create these 'Cornish' mining landscapes:
- the numerous mine shafts and engine houses¹;
- old railways and tram roads, industrial harbours and quays;
- mineral processing works, foundries and smelting houses, explosives manufactories and fuse works;
- the housing, chapels, technical institutes, schools and other facilities; and the extensively remodelled houses and estates of landowners, investors and entrepreneurs;
- The opportunity to investigate the stories related to the physical, technical and social mining heritage at a number of visitor facilities.

Much of this product is in the process of enhancement through environmental improvement and specific conservation programmes e.g.:

- Wider regeneration projects at St Just, Camborne / Redruth, Caradon Hill and the Tamar Valley; and;
- Building conservation projects at Harvey's Foundry, Botallack, Perran Foundry etc.

Similarly, there are various related initiatives to improve access in intellectual terms, through interpretation on site and within specific attractions.

General description of the product

The Cornish mining WHS landscape is defined by the geology and the sea. A sloping plateau of rock is incised by river valleys and punctuated by a series of granite uplands conspicuous as a broken central spine through the County. This is

1 Numerous authentic examples of the vernacular Cornish beam engine house are located within the nominated Site. Settings vary from dramatic sea cliffs to wild open moorland and the heart of village communities. The Cornish engine house, like the Iron Bridge in Shropshire, has become Cornwall's symbol of cultural identity.

surrounded on three sides by coastline. In the east, the river Tamar forms a natural (and political) boundary².

The 10 Landscape Areas are summarised below in terms of visitor appeal; the cultural landscape and the specific opportunities to understand the relevant story(ies). The latter are enumerated according to the Inscription Document prepared for the WHS.

A1 St. Just Mining District

The majority of the mine sites lie within a 6 km long spectacular and rugged coastal belt. The coastal zone exemplifies arguably one of the most aesthetic contexts of the Cornish engine house and 12 survive in good condition. Those at Botallack Mine, for example, are precariously sited on a promontory just above the sea and their dramatic setting has inspired generations of writers, artists and photographers.

St Just is a fine example of a small planned industrial town built to serve the local mines with fine terraces of industrial housing and an exceptional Wesleyan chapel. Bank Square is surrounded by several nineteenth century hotels. Porthledden House is a fine mansion built by Captain Francis Oats, a local miner who became Chairman of De Beers in South Africa. Elsewhere there are a number of good examples of dispersed mining hamlets and clusters of miners' smallholdings.

The St Just Heritage Area Regeneration Scheme involves an on-going programme of environmental improvements in the local area.

Visitor facilities within the Area

7. Geevor Tin Mine (Pendeen Community Heritage). The largest preserved 20th century tin mine in the world. The site is dominated by the tall Victory Shaft steel headgear forming a prominent landmark above three square miles of workings down to a depth of 650m and 1.5km out to sea. Geevor lies in an AONB, on the route of the South West Coast Path. The Penwith Heritage Coast – a National Heritage Coast - stretches some 33 miles around the Land's End peninsula from just south of Penzance to St. Ives.

Contained within the site are:

- A complete and authentic range of structures which comprise a Cornish tin mine;
- Archaeological features from the Mesolithic until the late 20th century that demonstrate the historic development of mining practices;
- A wide range of equipment demonstrating all processes involved in the industry and including some very rare survivals;
- Underground access for visitors;
- The Geevor Archive which provides key information on the structure and working, the businesses and their employees;

² The WHS site extends beyond the Tamar Valley to the west Devon town of Tavistock.

- An Oral History Project has been running which is recording and making available more of the human stories of Geevor through the interviewing of a wide range of people associated with the mine and the village of Pendeen;
- A Local History Room which is well used by local people and volunteers to explore all aspects of local history;
- The museum consists of a series of gallery spaces: the orientation room which provides an introduction to tin mining in Cornwall and at Geevor; two galleries which contain a number of models, as well as artefacts and documents; a mineral gallery; a room where a film on Geevor is presented; two galleries which are used for temporary exhibitions; and finally, the mine model room with a huge three dimensional scale model of the underground workings in the area;
- Interpretation panels;
- Guided/self-guided tour of processing mill; picking belt, shaking tables, tube, ball and regrind mills, drier, magnetic separator;
- Guided tour underground.

Site	Seasonal opening	CATA member	Admission (adult)	Education service	Countryside access/views	Parking	Catering	Toilets	Retail	Visitor No.s 2003
7.	All year	●	£6.50	●	●	●	●	●	●	32000

Current proposals are the subject of a current HLF bid and include:

- Visitor access for a new underground tour;
- Restoration of surface buildings and structures;
- Ecological conservation;
- Expanding educational provision;
- New museum.

16. Levant Mine and Steam Engine (National Trust). A restored engine house, perched on the cliff edge, contains the oldest survival of a Cornish steam engine (1840) still in situ, brought back to working order by volunteers. Man Engine Shaft has recently been made safe and the top section can be accessed via the emotive spiral granite staircase and tunnel that leads to the scene of one of Cornwall's worst mining disasters when 31 miners were killed in the shaft due to mechanical failure.

Site	Seasonal opening	CATA member	Admission (adult)	Education service	Countryside access/views	Parking	Catering	Toilets	Retail	Visitor No.s 2003
16	March -Oct Varies		£4.00	●	●	●			●	15000

2. Botallack Count House (National Trust). A conserved count-house owned by the National Trust and used as their warden's base, and as an interpretation point for this stretch of mining coast (free). The adjacent calciner is currently being conserved and interpretation will be updated. The site is used by the community and so public access is on an ad hoc basis. It does not feature strongly in National Trust promotions.

Visitor facilities just outside the Area

34. Wayside Folk Museum, Zennor (Private). Interesting collection related to local social history, including mining.

Site	Seasonal opening	CATA member	Admission (adult)	Education service	Countryside access/views	Parking	Catering	Toilets	Retail	Visitor No.s 2003
34	April- Oct 6 days		£?		●			●	●	N/a

24. Rosevale Mine (Private). No information.

19. Penlee House Art Gallery and Museum (Penzance Town Council).

Refurbished in 1997 as the home of the historic collections of Penzance Town Council and Penwith district Council. Displays include mining history and photographic archive.

Site	Seasonal opening	CATA member	Admission (adult)	Education service	Countryside access/views	Parking	Catering	Toilets	Retail	Visitor No.s 2003
19	All year		£2	●	●	●	●	●	●	37000

Royal Cornwall Geological Museum, Penzance (Royal Geological Society of Cornwall). 2,000 visitors in the past. Now closed.

A2 Port of Hayle

The Port of Hayle holds a distinguished place in Cornish economic and social history. The Area comprises the principal surviving historic fabric of the largest integrated mining port and steam engine manufacturing centre, anywhere.

Hayle was dominated by two of the largest iron foundries in South-West Britain, Harvey's and Copperhouse. Key industrial and public buildings survive, together with good examples of housing that reflect the social divide of industrial labour (high density workers' terraced housing) and management (villas and mansions). Other notable features in the vicinity include the oldest surviving railway bridge in Cornwall at Lethlean and a railway swing bridge, with machinery still intact, crossing Copperhouse Canal.

The scale of the built heritage is impressive including the great harbour spit of Middle Weir, Copperhouse Canal and sluicing pools and the Causeway road, one of Cornwall's greatest road engineering monuments. The extensive quays and wharves survive largely intact and accentuate the character of broad open space created by one of the most outstanding estuarine settings in Europe.

Visitor facilities within the Area

11. Harvey's Foundry. Around 25 historic structures of the great Harvey's Foundry survive in a relatively coherent group. This is where the largest steam engines in the world were produced and the greatest number of mine steam engines exported, globally. There is no formal visitor access or facilities at present.

This complex is currently the focus of a major, three-phase conservation project by a local partnership established to develop proposals for the regeneration of the area. Some refurbishment and new build has been completed in Phase 1. A local records archive will be provided for the records from Harvey's Foundry which have survived intact. Phase 3 (2005-8) will include the main public uses e.g. a heritage centre, backpackers' hostel and an open square.

A3 Tregonning and Gwinear Mining Districts

The granite cone of Godolphin Hill and the long ridge of Tregonning Hill dominate the southern part of this ancient mining district, with the engine house and chimney stack of Great Work mine visibly prominent. Some of the richest and, at times, the deepest tin and copper mines occur within this Area. To the north, the landscape is a mixture of gently rising downland on which a patchwork of smallholdings and new farms has been created. These are interspersed with long-established farms and land associated with the great mining estates of Godolphin and Clowance. Most miners' cottages are dispersed in a landscape of small fields or set in small groups, though larger settlements of highway villages with fine industrial terraced cottages exist notably at Praise-an-Beeble and Leedstown. A number of engine houses form landmarks in the Area and the sheer density of mine shafts in the landscape is impressive. Some mark the site of some of the earliest steam engines, on metal

mines, in the world. (The finest and most extensive example of open-cast tin mining within the nominated Site survives at Great Wheal Fortune.)

The Trewavas coastal enclave in the south of the Area contains some important remains that mark the sites of old undersea copper mines. The cliff-slope engine house of Wheal Prosper was acquired by the National Trust and consolidated in 1971. The dramatic cliff-side engine houses, shafts and impressive capstan platform of Wheal Trewavas are amongst the most spectacular in their situation, anywhere. Many engine houses in this attractive coastal area are unstable and are at risk and efforts are presently being directed towards their consolidation in the near future. Public access is difficult via a narrow lane leading to a small car park.

Visitor facilities within the Area

9. Godolphin House (Private) and Estate (National Trust). Godolphin Hall is one of the most charming and architecturally important houses in Cornwall. Grade I mansion (in final phase of restoration) with Elizabethan stables surrounded by formal gardens (about to be restored). Sir Francis Godolphin (Lord of Godolphin from 1575-1608) was a mines adventurer and established an exceptional tradition of pioneering mining and tin processing technology.

The National Trust bought the Estate in 2000 (550 acres) and the conservation of the important pumping engine house (1829) and separate tiered mine chimney stack at Leeds' Shaft of Great Work mine is now complete. The fine count-house of Godolphin copper mine has also been conserved and serves as their warden's base and education centre amidst deeply disturbed ground of pits, waste dumps, leats, pools and shafts. The historic landscape includes Godolphin Hill, from which there are wonderful views over west Cornwall, and more than 400 recorded archaeological features ranging from Bronze Age enclosures to dramatic 19th-century mine buildings.

Site	Seasonal opening	CATA member	Admission (adult)	Education service	Countryside access/views	Parking	Catering	Toilets	Retail	Visitor No.s 2003
9	Easter-Sept Estate All year		£5 Free to estate	●	●	●	In house	In house	In house	N/a

31. Trevarno Estate and National Museum of Gardening (Private). House, gardens and large garden centre originally funded by mining wealth. No specific mining theme picked out at present.

Site	Seasonal opening	CATA member	Admission (adult)	Education service	Countryside access/views	Parking	Catering	Toilets	Retail	Visitor No.s 2003
31	All year	●	£4.75	●	●	●	●	●	●	48000

Visitor facilities just outside the Area

12. Helston Folk Museum (Kerrier District Council). Excellent social history collection, including mining heritage. 10-15,000 visitors p.a.

Site	Seasonal opening	CATA member	Admission (adult)	Education service	Countryside access/views	Parking	Catering	Toilets	Retail	Visitor No.s 2003
12	All year		£2.00					●	●	15000

A4 Wendron Mining District

The sparsely populated upland area of Carnmenellis contains the most extensive and best-preserved evidence for miners' smallholding intakes in Cornwall. Mining was in granite 'country', relatively shallow and principally for tin. It was mostly restricted to the area around Porkellis and Wendron where there is good evidence for extensive alluvial tin mining in the form of flooded pits, industrial watercourses and waterwheel pits. Shaft mine sites complement these and some fine engine houses are scattered within and surrounding the settlements. This is one of Cornwall's oldest mining areas where tin was worked from prehistoric times until the twentieth century. The early nineteenth century chapel at Porkellis was converted into a school room when the 1866 chapel was built alongside. It contains one of the most complete internal survivals of a large rural chapel in Cornwall.

Visitor facilities within the Area

21. Poldark Mine and Heritage Complex (Private). The mine was originally worked sometime between 1720 and 1780. In 1856 it became part of the Wendron Consols Mine and is shown on the surface plan of that mine as '*old men's workings*' meaning that it was at that date considered a very old mine. Because of the unusual way in which Wheal Roots Lode had been worked there is little doubt that it had been discovered by tin streamers in the bed of the River Cober and was from there mined into the hillside.

The site is a multi-faceted family leisure attraction. Access to the site is free but there is an admission charge for the underground mine tour. Contained within the site is a mixture of buildings and structures which house:

- Amusements, children's play areas etc;
- A restaurant;
- Shops and craft workshops;
- Various industrial machines; and
- Workshops / interactive activities including pottery painting, pottery throwing, candle making, tin and gold panning, dousing;
- A museum; and
- Access to the mine.

The physical appearance of the site disguises the genuine heritage qualities of the museum and underground experience.

- The museum gives an overview of: the early history of tin extraction in Cornwall; the rediscovery and exploration of the mine; the early history of the use of explosives in Cornwall; the history and development of steam engines in the County; the Cornish overseas. The museum is being refurbished with new exhibitions and Poldark is developing as the interpretation centre for the Wendron area.
- The guided underground tour of the mine takes approximately one hour. Up to 30 visitors are taken on a tour. About two thirds of all site visitors (85,000) take the mine tour for which a charge is made.

Cornwall Wildlife Trust manages a woodland garden area on the site designed to encourage wildlife.

Site	Seasonal opening	CATA member	Admission (adult)	Education service	Countryside access/views	Parking	Catering	Toilets	Retail	Visitor No.s 2003
21	April-Oct	●	£5.95*	●		●	●	●	●	56000*

* Charge and visitor numbers for mine tour.

The owners are considering all year opening.

A5 Camborne and Redruth Mining District

The steep granite ridge of Carn Brea dominates the area as a reminder that it brought the district unbelievable mineral wealth with some of the richest, and deepest, eighteenth century copper mines and nineteenth century tin mines in the world. It is crowned by a 30m tall granite obelisk as a public memorial to Sir Francis

Basset, the principal mineral owner of the district. Much of the surrounding landscape was developed within an historic landscape to the designs of the Basset family and other mineral 'lords'.

The mining towns of Camborne and Redruth, connected by continuous ribbon development of settlement and modern light industry, comprise a major area in the north. To the south is a greener landscape with dispersed mining villages and farms, and one of the most compact and best-preserved engine house landscapes anywhere.

Throughout the eighteenth and nineteenth centuries Redruth was west Cornwall's principal market town and capital of the Cornish mining industry. It possesses some of the most splendid Victorian urban architecture in the region, particularly in and around Fore Street and Penryn Street. In Wesley Street there is an imposing pair of buildings dedicated to Methodism - the Redruth Wesley Chapel and the Wesley Memorial Hall. The fine landmark chimney of Pedn-an-Drea mine, one of Cornwall's highest chimneys at 44 metres, serves as a cultural icon to Redruth.

Camborne contains the best example of large-scale urbanisation associated with the Industrial Revolution in metal mining and engineering. It is a town forged by industry and the industrial architecture of the world-famous Holman's Foundry & Rock Drill Works, alongside terraces of high density industrial housing and some fine public buildings such as the Centenary Wesleyan Chapel. To the west, are the larger houses and villas of the managerial classes. Near the railway station is the bronze statue of Richard Trevithick, Camborne's most famous son.

Along the strike of the Great Flat Lode there is the finest surviving assemblage of engine houses along a single mineralised fault anywhere. The landscape between and beyond the high hills of Carn Brea is characterised by engine houses, tin dressing floors, extensive tramway beds, mining settlements and the site of the largest tin smelter in Cornwall. The mining heritage here is exceptionally rich in built remains. A number of engine houses are particularly fine examples that demonstrate a range of pumping, winding and stamping functions. Some form landmarks either singly or in pairs but together, from certain viewpoints, they form one of the most impressive views of nineteenth and early twentieth century metal mining.

Portreath Harbour dates from 1760 and was built by the Basset family principally to import coal and export copper ore. The Portreath Tramroad linked immensely rich mines such as Poldice and North Downs with the harbour and in 1838 the Portreath branch of the Hayle Railway was opened. The latter is famously marked by a major piece of railway engineering - the Portreath Incline.

The Mineral Tramways Heritage Project is an-going scheme to make accessible an extensive integrated network of multi-use trails, based on the old tramways, centred on Camborne and Redruth. The two existing trails were completed some time ago:

- The 10.5km Great Flat Lode Trail around Carn Brea which explores the greatest concentration of historic mine buildings anywhere in the world with sweeping views of the historic landscape; and
- The 17.5km Coast to Coast Trail from Portreath to Devoran.

The new project will involve:

- The creation of a further 28km of multi-use trails (the Tolgus Trail, Portreath Branch trail, Redruth and Chasewater Railway trail etc),

connecting with the existing to provide a 60km integrated network linking mine sites, attractions, settlements, visitor facilities and public transport;

- Conservation of 14 mine sites;
- Village enhancements in 13 villages with links to trails; and
- Marketing, interpretation and education programmes.

Visitor facilities within the Area

35. Cornwall's Industrial Discovery Centre, Pool, (National Trust). The present-day concentration of three surviving Cornish beam engines in their authentic metal mine context is unparalleled. One engine has been restored to working motion and the other two pumping engines have the capability to work again.

- A 30-inch cylinder beam winding engine survives at Michell's shaft of **East Pool Mine** on the main road and is open to the public. It was saved from being scrapped in 1941, was taken over by The National Trust in 1967 and set back in motion (by electric motor) again in 1975. There is a car park and small interpretation centre.
- Across the main road is **Taylor's Shaft**, part of the same East Pool Mine. This site has been refurbished to turn it into the Cornwall Industrial Discovery Centre. The exhibition includes an AV display in the boiler house and a walk through the exposed brick boiler flue and chimney. There is a fine 90-inch cylinder pumping engine. This survives as part of a 'modern' (1920's) single-phase complex that additionally comprises a winder house, compressor house, two boiler houses, capstan house, miners' dry, office and primary crushing and ore-loading stations. This is an important interpretation centre for the whole WHS but the site is hidden behind the supermarket car park and the surroundings leave much to be desired as a major visitor destination.

Site	Seasonal opening	CATA member	Admission (adult)	Education service	Countryside access/views	Parking	Catering	Toilets	Retail	Visitor No.s 2003
35	April-Oct 6 days	●	£5.00	●	●	●	●	●	●	16000

23. Robinson's Shaft, South Crofty (National Trust). Robinson's Shaft is a collection of derelict but substantially complete mine buildings (1903-6) with engine house and an 80-inch cylinder pumping engine, the last to stop work on a Cornish mine in 1955. The complex formed the core of South Crofty Mine for the majority of its existence. There is no existing access to the site. The Urban Regeneration Company has phased plans to create a "working heritage" mixed use site involving the creation of a unique and innovative geology/exploration themed visitor attraction

for Cornwall. Key aims would be to interpret the geology of Cornwall and hard rock mining and act as a gateway to other related sites. Interpretation would include:

- Mining, exploration, surveying and engineering;
- Social history linking people, landscape and culture; and
- Rocks, minerals and crystals, a potential home for the Cornwall School of Mining and Penzance Geological Museum collections.

South Crofty Mine, Camborne (Private). South Crofty mine was Europe's last working tin mine, closing in 1998 when the pumps were turned off and the mine allowed to flood. Since late 2003, the Cook's Kitchen sett has been opened for visitors as a 'temporary' measure, pending possible re-opening of the modern mine. The pre-booked underground tours lasts for 70 minutes costing £5-7.50 per adult. There are no dedicated visitor facilities. There are proposals to open other workings should the mine re-open.

14. King Edward Mine, Troon, Camborne. This was a training site for the world-famous Camborne School of Mines. There is a miniature mine with a miniature processing plant, a lecture theatre and the remains of all the other surface buildings of a mine at the turn of the 19th Century but no underground access. It contains a working museum with a collection of late 19th/early 20th century tin processing equipment. The site only opened last year to visitors and visitor numbers have been disappointing.

For many years volunteers have been restoring the Mill, which still contains the last working Californian stamps in Britain, together with working examples of round frames, rag frames and a Cornish buddle.

Site	Seasonal opening	CATA member	Admission (adult)	Education service	Countryside access/views	Parking	Catering	Toilets	Retail	Visitor No.s 2003
14	April-Sept		£3.00	●	●	●		●	●	834

3. Camborne Museum (Town Council). A small room above the library with traditional displays on mining and Trevithick. Open all year for a short time each day.

4. Camborne School of Mines and Geological Museum (Exeter University). Recently closed to public. Used to attract c10,000 visitors. Contains National Trust's 'Norris' collection of minerals.

22. Redruth Museum (Redruth Old Cornwall Society). A small local museum in 2 rooms above Barclays Bank. Open three days a week. Small collection of mining models, artefacts, documents, photos and minerals.

36. Murdoch House in Cross Street, Redruth is where mining engineer William Murdoch (1754-1839) lived whilst he worked on local mines. He invented gas lighting in this house in 1792 supplied by the world's first gas pipeline. Open one morning a week for community use. No exhibition or interpretation.

5. The Cornwall Centre is the home of the Cornish Studies Library. This contains a good collection of mining and related historical and contemporary publications including a complete set of The Mining Journal one of the best primary resources for historical research into the industry. Interpretive panels on mining heritage and Cornish emigration.

Visitor facilities just outside the Area

30. Tolgus Tin. Now forming part of the Cornish Gold Centre on the Portreath road near Redruth, this site is the largest and most complete of only two tin tailings works that now survive in Cornwall. (Working waterwheel and tin stamps.) Tolgus Tin contains much original equipment and machinery that is being gradually restored to working condition to explain the process of streaming for tin in Cornwall. Good wheelchair access and suitable for visually impaired. Visitor numbers dropped significantly in 2003. The site is leased by The Trevithick Trust from Cornish Goldsmiths, a major retail outlet attracting c300,000 visitors to an adjacent site.

Site	Seasonal opening	CATA member	Admission (adult)	Education service	Countryside access/views	Parking	Catering	Toilets	Retail	Visitor No.s 2003
30	Feb-Dec		£2.50	●		●	●	●	●	10000

32. Trevithick's Cottage. Richard Trevithick's childhood residence, owned by The National Trust and administered by The Trevithick Trust. An attractive thatched cottage, close to Camborne in the village of Penponds, with a 'Trevithick' room full of memorabilia. Managed by Trevithick Trust on behalf of the National Trust but only open on Wednesday afternoons between April and October. Donations accepted.

33. Waterfront Inn, Portreath. A harbourside pub with excellent collection of photographs and interpretive panels telling the story of the harbour and associated transport of copper and tin ore through the port, making use of the tramways.

Wheal Peevor. Wheal Peevor is a rare survival of a classic triple arrangement of winding, pumping and stamps engine houses (*circa* 1875), visible from the A30 trunk road. Restoration work is in progress and it will be linked with the Mineral Tramways project.

A6 Gwennap Mining District with Devoran and Perran and Kennall Vale

The widespread effect of copper mining can be appreciated best in this area which includes Gwennap, the "richest square mile to be found anywhere on earth". The desolate landscape is carpeted with waste rock with islands of building remains or shafts. Amongst several prominent engine houses, the example at Wheal Henry may well be the oldest still standing in Cornwall.

The central and northern sections of this Area are notable for their well-preserved landscape of smallholdings interspersed with small mining settlements and the mines that they served. St Day and Chacewater are particularly fine examples of mining villages and the groups of well-preserved engine houses are striking features of this landscape. Scorrier House, Tregulow and Burncoose are fine examples of grand houses and estates built for mining industrialists. These predominantly belonged to one family - the Williams', one of the greatest mining dynasties in the Old World.

In the lower end of the important and heavily industrialised Carnon Valley is the terminus of the Redruth & Chacewater Railway and the important copper mining port of Devoran.

Annexed to the southern part of the Area, and with historical linkages to the port of Devoran, is the attractive steeply wooded Kennall Valley that contains two concentrations of exceptional mining ancillary industrial monuments, Perran Foundry and Kennal Gunpowder Works.

The Historic Churchyards Project aims to create a resource within the five villages of Lanner, Stithians, Gwennap, St Day and Carharrack where the churches contain records of the traditional mining community. The project involves enhancing and interpreting the churchyards (supporting the genealogy market) and the creation of 17km of trails to link them and the Mineral Tramways Trails.

Visitor facilities within the Area

10. Museum of Cornish Methodism, Gwennap Pit. Gwennap Pit is an open-air preaching pit that dates from the mid-eighteenth century. It was used 18 times by John Wesley and by the 1780's he was preaching to crowds of 20,000. Its stepped amphitheatre form dates from 1806. Open all year but the visitor centre is open Spring BH to end of September, 6 days/week. 15,000 visitors to Pit. Free entry.

28. St Day's Church. Work started in September 1999 to stabilise this derelict ruin so that it could be used for open-air concerts and events. The first phase has been completed (Nov 2000). It could also become a centre for the interpretation of the Mineral Tramways routes around the St. Day area. Resources are now being sought.

20. Perran Foundry. The foundry and wharf is situated at the uppermost tidal point an inlet off the river Fal with associated inn (Norway Inn), managers housing and workers' cottages (Foundry Terrace).

The foundry, one of the three largest in Cornwall, remains almost intact but is in a state of decay. It is one of the most important industrial monuments in southern Britain and - of its date and type - in the world. Amongst a number of fine foundry buildings, is an ornate cast-iron bridge, each side having been remarkably cast in a single section. Perran Foundry was capable of manufacturing very large items, but the particular importance of the site stems from its prominence in the development of beam engine technology in the first half of the 19th century. Its engines were exported all over the world.

The current owners anticipated development for residential and business uses, with some of the original buildings retained as a heritage centre. Enabling planning permission for this scheme, to allow for conservation of the foundry buildings, has now expired and fresh discussions about the foundry's future have been initiated. There is no visitor access or facilities at present.

Please note: The Mineral Tramways Heritage Project also has a presence in this area as well as the Camborne and Redruth Mining District (section A5). This includes five of the sites and much of the Redruth & Chasewater Railway Trail.

Visitor facilities just outside the Area

25. Royal Cornwall Museum, Truro (Royal Institution of Cornwall). County museum and art gallery with room devoted to mining and a world famous mineral collection of over 10,000 specimens, including the 18th century Rashleigh collection. Subsidiary themes include ecology, local history, engineering, social history. Fully accessible. 119,000 visitors in 2003 (large proportion free entry), including over 6000 in educational groups.

Site	Seasonal opening	CATA member	Admission (adult)	Education service	Countryside access/views	Parking	Catering	Toilets	Retail	Visitor No.s 2003
25	All year	●	£4.00	●			●	●	●	119000

A7 St Agnes Mining District

St. Agnes, like St. Just, exemplifies the coastal mining tradition. St. Agnes Beacon overlooks the mining village of St. Agnes with its fine Miners and Mechanics Institute and a landscape of tin and copper mining. Engine houses form landmarks for miles around, on cliff tops and valley sides and within the very heart of the village.

Wheal Coates is dominated by a fine survival of a winding, stamps and pumping engine house trio on the cliff-slope in one of the most aesthetic settings in the Cornish mining landscape. The lower engine house at Towanroath shaft, overlooks the surfing beach below, and is a widely-used contemporary Cornish icon. Apart from these buildings, there is a wide range of mining archaeology in attractive heathland.

Immediately to the north of St Agnes some fine engine houses overlook Trevaunance Coombe, a valley with steep sides carpeted with waste rock dumps that form a ubiquitous landscape feature. Trevaunance Cove contains the remains of several harbours, each destroyed by the sea. The cliffs are riddled with mine workings and above is Trevaunance House, once the manor house of the Tonkin family.

The high and often sheer cliffs eastward to Perranporth have been extensively worked by small, and in many cases, ancient mines.

Visitor facilities within the Area

1. Blue Hills Tin Stream Works. Reputed to be the last remaining tin producing centre in Cornwall and the UK. A tour encompasses the production process - from mining through smelting to the finished dressed tin. This is a traditional working site

with waterwheel, Cornish tin stamps, buddle, shaking table, the furnace, production of ingots and jewellery. It is possible to handle tin stones, watch them being crushed and processed. Retail outlet. Set in magnificent coastal location but with difficult road access.

Site	Seasonal opening	CATA member	Admission (adult)	Education service	Countryside access/views	Parking	Catering	Toilets	Retail	Visitor No.s 2003
1	All year		£4.00		●	●		●	●	N/a

27. St Agnes Museum. A local history museum featuring various artefacts and exhibits detailing the area's mining and seafaring heritage. Free entry.

A8 The Luxulyan Valley

The Luxulyan Valley is exceptionally attractive with steep boulder-strewn slopes surrounding the fast-flowing River Par. This Area contains an extraordinary concentration of early nineteenth century industrial remains that were the realisation of one man's vision and enterprise – that of Joseph Treffry, perhaps the greatest single mines adventurer in Cornwall.

The industrial archaeology of transport dominates. The Treffry Viaduct & Aqueduct is 27m high above the river and has a span of 200m. It carried the 1835 tramway and the aqueduct carried water to work an inclined plane for the tramway. The fine stone-faced Fowey Consols leat is the earliest civil engineering construction built by Treffry in the Valley and provided the water supply to the Fowey Consols waterwheels. The Par Canal was also constructed by Treffry to take copper ore from the base of the Fowey Consols inclined plane railway to the port he constructed at Par.

The Luxulyan Valley Project involves refurbishment of the leat system running through the valley and the renovation and re-use of a former China Stone works.

Charlestown was designed by John Smeaton, the foremost civil engineer of the day and is one of the finest examples of late eighteenth and early nineteenth century industrial harbour works in Britain. The Georgian port has remained relatively unchanged. It represents a rare example of a mineral port specifically built with its own defences.

Visitor facilities within the Area

26. Shipwreck Centre, Charlestown. This well-known and well established museum is housed in an old 'clay dry' built on top of the tunnels formerly used to transport the clay to the harbour. The museum is focused on wrecks but has a collection of minerals and artefacts from Cornwall mining.

Site	Seasonal opening	CATA member	Admission (adult)	Education service	Countryside access/views	Parking	Catering	Toilets	Retail	Visitor No.s 2003
26	March -Nov	●	£4.95	●			●	●	●	N/a

Visitor facilities just outside the Area

Wheal Martyn Museum, Carthew. A 26 acre site covering two former 19th century china clay works. The story of clay mining is told from 1800 to present day with various trails. The historic trail takes the visitor through the old clay works. The Nature Trail goes through man-made and natural habitats and to a viewpoint over current workings. Facilities include; trails, exhibitions, AV show, children's adventure trail and picnic areas.

Site	Seasonal opening	CATA member	Admission (adult)	Education service	Countryside access/views	Parking	Catering	Toilets	Retail	Visitor No.s 2003
	All Year	●	£5.00	●	●	●	●	●	●	29000

A9 Caradon Mining District

Located in the south-eastern corner of Bodmin Moor, this area is characterised by open and exposed granite high moorland landscape, mostly above 300m OD. The granite dome of Caradon Hill (404m OD) dominates the Area and engine houses, chimney stacks and waste rock tips encircle the hill.

Although there is exceptional evidence for tin streaming at Gonamena, it was the extraordinary copper riches of South Caradon Mine that were responsible for the rapid development of the Caradon Mining District. Over a period of fifty years its copper output ranked third in Cornwall.

Minions is a fine example of a mining settlement that sprang up from nothing, unconstrained in its development. On higher ground, there are well-preserved ancient open-workings on a tin lode at Stowe's mine, near to which a small shaft connects with some of the most impressive underground mining caverns (stopes) accessible in Cornwall. "Phoenix" is a mine that ranks of international significance in terms of mineralogy.

The Caradon Hill Heritage Project is a package of mine site conservation, village improvements and major landscape enhancements linked to access improvements and an interpretation, education and marketing programme i.e.:

- Conservation and safety works to 87 structures at 9 mine sites;
- Conservation of key landscape features in 9 different areas;
- Enhancement of the village centres of Minions, Upton Cross, Pensilva and St Cleer;
- An integrated trails network of 52km including 8.8 km of multi-use trail around Caradon Hill following the track of the Liskeard & Caradon railway;
- An interpretation and education programme.

Visitor facilities within the Area

13. Minions Heritage Centre. Set within the restored old Houseman's engine house, the centre has an interpretive display on mining in the local area. Evocative site with parking. There are proposals to restore two upper levels, re-focus interpretation on the mining heritage of the Caradon Hill area and community involvement.

Visitor facilities just outside the Area

17. Liskeard Town Museum. A new, attractive local museum focusing on social history but with a small subsidiary theme of mining and mineralogy (exhibition of minerals, artefacts and narrative on mining adventurers and displays on how miners worked and lived). C10,000 visitors per annum. Open all year.

A10 Tamar Valley Mining District with Tavistock

The granite dome of Kit Hill (333m OD), crowned by a landmark ornamental mine chimney, dominates the western part of the Area. The mining landscape on the Cornish side of the Tamar has much in common with other areas of the county where mines and smallholdings developed in open moorland. Cottages are typical of mining vernacular, clustered together in rows and small hamlets.

The steeply wooded Tamar Valley forms the principal central landform of the district. Whilst generally running from north to south, its great loops form a sinuous, changing course. The landscape further to the east is rolling cultivated countryside that descends to Tavistock in the foothills of the high granite uplands of Dartmoor.

The mines of this district exploited an important concentration of tin, copper and arsenic lodes whose outcrops mostly run parallel with the east-west axis of the granite and were worked from Callington to Tavistock. Many are located in the Tamar Valley, some being worked beneath the river bed.

For all local mines their natural highway was the Tamar. The quays that lined its banks proved inadequate to deal with the volume of traffic created during the 19th century, and both Calstock (Cornwall) and Morwellham (Devon) were developed as industrial ports with rail links to their mining hinterland. The East Cornwall Mineral Railway, linked Calstock with Callington. Its route connected a number of mines, arsenic works, granite quarries, and brick, tile and fireclay works via an incline plane

railway with nearly 0.5km of quays at Calstock. Here the mining village developed into a huddle of steeply terraced roads and houses constrained by the steep topography.

For many mines, the Tamar was the principal power source, ingeniously harnessed in a manner virtually unsurpassed in British metal mining. The Area is consequently richly endowed with waterwheel pits, perhaps more so than any other. The examples at Wheal Brothers and Wheal Benny are spectacular.

Morwellham is strategically sited in the centre of the southern edge of the Tamar Valley Mining District at the river Tamar's highest navigable point. It is 3km below the tidal limit near Gunnislake. It occupies the floodplain of a wide meander and is backed by sharply rising and thickly wooded valley sides that rise to over 180m.

Mining connections date back to medieval times and as a tin coinage 'town' was the last to operate in Devon in 1838, the year that coinage was abolished. During the early nineteenth century it was connected to Tavistock (6.5km away) by the Tavistock Canal (completed 1817) and shipped all of the ore from Wheal Friendship, Crowndale Mine and others. It was the busiest inland river port west of Exeter, taking vessels up to 300 tons. In the mid-nineteenth century it was the greatest copper ore port in the world due to the extraordinary output of Devon Great Consols to which it was connected by a mineral railway and incline plane in 1859. By the middle of the nineteenth century the population had trebled (to over 200 people) and the Duke of Bedford built twenty model cottages, a school and the Wesleyan Chapel (1859).

Devon Great Consols is the largest copper mine in the nominated Site and is now mostly in forestry. Virtually all of the mine buildings were removed by the Duke of Bedford when the mine closed in 1903, but much still remains both above and below ground. The dwellings that survived are scattered managers' houses and the fine Wheal Josiah Cottages. The most obvious landscape features are the immense spoil heaps, coloured red, black and ochre, utterly dominating the valley slopes as a major landform. The mineral railway bed and several bridges remain together with tramway routes, shaft sites and some exceptional reservoirs.

Rolling cultivated countryside to the east of the Tamar Valley Mining District was mostly vested in two great historic families: the Edgcombe family and the Russell family, later the dukes of Bedford. The latter benefited from one of the largest royal land grants in English history in 1539, and became the third largest landowner in Britain. This land ownership has impacted on the landscape. Farms tend to be large and there are few settlements.

Tavistock is centred on former abbey lands on the level plain north of the river Tavy. Later owned by the Dukes of Bedford, it was one of four principal markets of the internationally significant medieval Dartmoor tin industry and became a Stannary 'coinage' town in 1281. The mining industry led to population growth and development during the nineteenth century. Slums were swept away and fine Victorian public buildings replaced them. The townscape today reflects the extreme wealth that mining can bring. Both in architecture and plan Tavistock exudes confidence. Much of the mining workforce were housed in several hundred model cottages built within the town, at the mines, at Gulworthy and at Morwellham.

There is substantial survival of the three nineteenth century iron foundries in Tavistock. The remains of Rundle's and Gill's Mount Foundry in Parkham Road are extensive and outstanding, including associated workers' cottages.

The link between Tavistock and its mining hinterland and the Tamar port of Morwellham is by the Tavistock Canal, one of the finest surviving examples anywhere of a mineral canal constructed to carry copper and lead. Old warehouses, cottages and an ore storage floor (now a car park) mark the Tavistock Old Wharf. The canal, 7.2km long, remains in water, in very good order for its entire course through attractive landscape. It crosses the river Lumburn near Crowndale by a stone aqueduct and before it reaches Morwellham it narrows to 2m wide as it passes through a 2.4km long tunnel. Above Morwellham is the basin (now dry) and canal keeper's cottage at the head of the waterwheel-powered incline plane railway which connected with the quay below.

The East Cornwall Regeneration Project involves conservation and access works in the Tamar Valley and Kit Hill areas. It involves:

- Conservation work to 73 structures at 11 mines and 4 quays, including Cotehele;
- Access improvements to mine sites including creation of 23km of the Copper Mining Trail (a 36km trail from Liskeard to Calstock via the Caradon Hill, Kit Hill and Gunnislake) linking the mine sites;
- Village enhancements to 5 villages;
- Marketing and interpretation.

Visitor facilities within the Area

18 and 8. Morwellham Quay with George & Charlotte Mine (The Morwellham and Tamar Valley Trust). Since 1970 the Morwellham and Tamar Valley Trust have managed the site as an open-air museum of living history. The docks and harbour were cleared of silt, the quays and buildings of the undergrowth which obscured them. Warehouses, workshops and houses were restored to their mid-19th century appearance and used to interpret the history and development of the port. In the late 1970s the George and Charlotte mine, a small 18th and 19th century copper mine, situated 400 metres from the village, was made accessible to visitors via an electric tramway. A son et lumiere presentation underground introduced viewers to the harsh realities of working life for miners. Shortly afterwards live, costumed interpreters were introduced to people the houses and workshops and to help visitors delve more deeply into the domestic and working lives of former inhabitants of the village. Events are an important part of the interpretation.

By the mid and late 1980s the site was visited annually by over 150,000 people. However insufficient funds were set aside to fund significant new investment. The result of this, coupled with increasing competition from new attractions, was that visitation to the site fell throughout the 1990s reaching a low point in 2001. The last two years have seen a modest recovery, with the site being visited by 50,000 people annually, of which a significant proportion (30%) are organised educational groups. Current visitor research indicates that of the remaining visitors 35% are return visitors to the site.

The Trust seeks to re-position Morwellham as a flagship cultural tourist destination in the southwest. This would be achieved by:

- Extending and enhancing the industrial and archaeological heritage aspects of the site;

- Integrating Morwellham's waterfront with other improvements for visitor access to the AONB in the Tamar Valley;
- Making the displays more accessible through better interpretation of the social and economic context and through educational activities.
- Upgrading the tourist facilities and traffic circulation areas to improve visitor comfort.

To achieve the above Morwellham will require a major programme of revenue and capital expenditure. The areas to be included within this would be:

- Archive and conservation research to underpin the development strategy;
- Heritage buildings: refurbishment of existing buildings and rehabilitation of new areas not yet restored;
- Improved visitor facilities: cafeteria, gift shop, toilet and washroom facilities, and extension of disabled access;
- Displays in museums to be re-designed to interpret the geography, geology and mineralogy of the whole area as well as providing a more vibrant, interactive visitor experience. Restoration of manganese mill, improved access and interpretation of inclined planes, interpretation of lime kilns;
- Infrastructure: access roads, car-parking, riverfront, ferryboat access;
- Information technology: multimedia approach to interpretation of the archaeological and social records;
- Refurbishment and interpretation of the Managers House as an early 19th century house and offices;
- The school room/United Free Methodist Meeting Room be restored to its 1906 appearance as a venue for: temporary exhibitions; small conferences and team-building exercises; the celebration of civil weddings;
- A new audio-visual interpretation is put in the mine, which uses the actual testimonies of 19th century miners;
- Restore the Devon Great Consols Dock and Quays, Higher and Lower Copper Quays and the Canal Dock and Quay to the appearance shown on the 1906 photograph;
- A new interactive play area themed on waterpower;
- Marketing: a re-launch and business development programme over three years;
- A field studies centre in the former malt-house will build upon and extend Morwellham's existing, highly successful, educational programmes for primary, secondary and higher education and for courses in the management of the landscape. This building will also provide space for a new retail outlet specialising in Tamar Valley produce and for Morwellham's archive and library;

- The Tamar Valley Mines Heritage Project currently being developed by the Tamar Valley ANOB has secured funding from SWDRA. A sum of £1,000,000 is budgeted to be spent at the attraction.

The Tamar Valley Mines Heritage Project estimates that there will be additional 55,000-day visitors and 7,000 additional staying visitors. It is not unrealistic to expect that 35% of these visitors will visit Morwellham when the extra investment has been injected into the site, together with increased marketing.

Site	Seasonal opening	CATA member	Admission (adult)	Education service	Countryside access/views	Parking	Catering	Toilets	Retail	Visitor No.s 2003
8 & 18	All year		£6.00	●	●	●	●	●	●	50000

15. Kit Hill Country Park (Cornwall County Council). 110,000 visitors per annum. This is a major landmark and an outdoor recreation area in an area of old mines. Some on-site interpretation panels, leaflets, talks, walks and an archaeological book are provided. Parking available, with great views (including Devon Great Consols). No current plans. Needs better links with adjoining areas. Open all year.

6. Cotehele Quay. The house at Cotehele was mainly built between 1485 and 1627 and was a home of the Edgcumbe family for centuries. Its granite and slatestone walls contain intimate chambers adorned with tapestries, original furniture and armour. Outside, the formal gardens overlook the richly planted valley garden below, with medieval dovecote, stewpond and Victorian summer house, and 18th-century tower above. At the Quay there are interesting old buildings housing an art and craft gallery. The Quay also contains an outstation of the National Maritime Museum which includes considerable interpretative display on the local area's mining heritage. The restored Tamar sailing barge *Shamrock* is moored alongside. A network of footpaths throughout the estate provides a variety of riverside and woodland walks with a high nature conservation and industrial archaeology interest.

Site	Seasonal opening	CATA member	Admission (adult)	Education service	Countryside access/views	Parking	Catering	Toilets	Retail	Visitor No.s 2003
6	Apr-Oct 6 days Garden all year	●	£6.60	●	●	●	●	●	●	86000

29. Tavistock Museum (Town Council/Local History Society). Small local history museum with subsidiary themes on mining and canal history i.e. small exhibit of

mining equipment, photographs, minerals and exhibits relating to Tavistock Canal. Opened August 2003. 850 visitors to date. Open all year, three days a week. Free entry.

Visitor facilities just outside the Area

Callington Museum. This has interpretative displays on the area's mining heritage, focusing on Kit Hill.

Site	Seasonal opening	CATA member	Admission (adult)	Education service	Countryside access/views	Parking	Catering	Toilets	Retail	Visitor No.s 2003
	Open Fri, Sat & Sun mid Apr – end Oct		Free						●	

APPENDIX II: ATTRACTIONS, OUTDOOR SITE INTERPRETATION, SELF-GUIDED WALKS, PUBLICATIONS

Mining Heritage Visitor Attractions & Public Archives

Attraction / Archive	Operator	Themes	Status	WHS Bid Area
Blue Hills Tin Stream Works	Colin and Mark Wills	Water-powered tin dressing	Existing	St Agnes Mining District
Botallack Count House Workshop	The National Trust	Local mining, ecology	Existing	St Just Mining District
Callington Museum	Callington Local History Group	Local history museum	Existing	
Camborne Museum	Camborne Town Council	Local history museum	Existing	Camborne and Redruth Mining District
Charlestown Shipwreck & Heritage Centre	Private	Mining port, maritime	Existing	The Luxulyan Valley and Charlestown
Cornwall Centre - Cornish Studies Library	Cornwall County Council	Mining history, Local Studies Library and similar resources	Existing	Camborne and Redruth Mining District
Cornwall Record Office	Cornwall County Council	Mining, local history	Existing	
Cornwall's Industrial Discovery Centre, Cornish Mines & Engines	Trevithick Trust	Mining, engineering	Existing	Camborne and Redruth Mining District
Cotehele Quay	The National Trust	Tamar Valley history, including mining	Existing	Tamar Valley Mining District with Tavistock
Geevor Tin Mine	Pendeen Community Heritage	Mining, and tin dressing	Existing	St Just Mining District

Attraction / Archive	Operator	Themes	Status	WHS Bid Area
George and Charlotte Mine	Morwellham and Tamar Valley Trust	Underground tram trip to mine	Existing	Tamar Valley Mining District with Tavistock
Godolphin House and Garden	Private	Mine owner's house, social history of mining	Existing	Tregonning and Gwinear Mining Districts with Trewavas
Gwennap Pit and Gwennap Pit Visitor Centre	Methodist Church	Methodist preaching pit and associated small visitor centre	Existing	Gwennap Mining District with Devoran and Perran and Kennall Vale
Harvey's Foundry Phase 3	Penwith District Council	Engineering, history of Hayle, social history	Proposed	The Port of Hayle
Helston Folk Museum	Kerrier District Council	Folk museum, including mining	Existing	
King Edward Mine	Trevithick Trust	Mining, ore dressing	Existing	Camborne and Redruth Mining District
Levant Steam Engine	The National Trust	Conserved steam engine, History of Levant Mine	Existing	St Just Mining District
Liskeard Town Museum	Liskeard Town Council	Small local history museum	Existing	
Minions Heritage Centre, Houseman's engine house	Caradon District Council	Local themes including mining	Existing	Caradon Mining District
Morwellham Quay	Morwellham and Tamar Valley Trust	Recreated Victorian mining port	Existing	Tamar Valley Mining District with Tavistock
Murdoch House	Independent	William Murdoch, social history of mining	Proposed	Camborne and Redruth Mining District
Penlee House Art Gallery & Museum	Penzance Town Council	Photographic archive	Existing	
Perran Foundry	Private	Engineering	Proposed	Gwennap Mining District with Devoran and Perran and Kennall Vale

Attraction / Archive	Operator	Themes	Status	WHS Bid Area
Poldark Mine & Heritage Complex	Private	Underground access, mining	Existing	Wendron Mining District
Redruth Museum	Old Cornwall Society	History of Redruth and District	Existing	Camborne and Redruth Mining District
Robinson's Shaft	Kerrier District Council / The National Trust	Mining, social history	Proposed	Camborne and Redruth Mining District
Rosevale Mine	Private	Underground access to small conserved mine	Existing	
Royal Cornwall Museum	Royal Institution of Cornwall	Cornish mineral collection, Cornish history including mining	Existing	
South Crofty Mine	Baseresult Holdings Ltd	Underground tour of Cook's Kitchen mine sett	Existing	Camborne and Redruth Mining District (part)
St Agnes Museum	St. Agnes Museum Trust	Local history museum, including mining	Existing	St Agnes Mining District
St Day Church	Trevithick Trust	Mining and related social history of Gwennap area	Existing	Gwennap Mining District with Devoran and Perran and Kennall Vale
Tamar Valley Visitor Centre	Tamar Valley AONB Service Centre	Mining, what to see and do	Proposed	Tamar Valley Mining District with Tavistock
Tavistock Museum, Mining gallery	Tavistock Town Council	Proposed adjunct to museum to cover local mining	Proposed	Tamar Valley Mining District with Tavistock
Tolgus Tin	Trevithick Trust	Water-powered tin dressing works	Existing	
Trevarno Estate & Gardens	Private	Country house associated with William Bickford	Existing	Tregonning and Gwinear Mining Districts with Trewavas
Trevithick's Cottage	Trevithick Trust	Childhood home of Richard Trevithick	Existing	

Attraction / Archive	Operator	Themes	Status	WHS Bid Area
Waterfront Inn, Portreath	Private	Portreath and its tramroads	Existing	
Wayside Folk Museum, Zennor	Private	Local history and folklore	Existing	

Self Guided Circular Walks Featuring Mining Heritage Interpretation

Site name/Route	Author, Title, Publisher, Date of Publication	Status	WHS Bid Area	Category
Botallack to Bosweden	K. Brown & B. Acton, Exploring Cornish Mines Vol. 1, Landfall Publications, 3rd edition, 2002	In print	St Just Mining District	Book
Carn Galver Walk	West Penwith: St Ives to Pendeen, Coast of Cornwall No. 10, The National Trust, 2nd edition, 1999	In print	St Just Mining District	Booklet
Ding Dong Mine	K. Brown & B. Acton, Exploring Cornish Mines Vol. 2, Landfall Publications, 2nd edition, 2000	In print	St Just Mining District	Book
Geevor & Levant	K. Brown & B. Acton, Exploring Cornish Mines Vol. 3, Landfall Publications, 1997	In print	St Just Mining District	Book
St Just United & Cape Cornwall	K. Brown & B. Acton, Exploring Cornish Mines Vol. 5, Landfall Publications, 2001	In print	St Just Mining District	Book
Harvey's Foundry Millponds, Hayle	The Millponds of Hayle, Cornwall County Council, 2002	In print	The Port of Hayle	Free leaflet
Ashton & Germoe	Six Walks Through the Ancient Parishes of Breage and Germoe, Kerrier District Council, 2002	In print	Tregonning and Gwinear Mining Districts with Trewavas	Book
Breage & Carleen	Six Walks Through the Ancient Parishes of Breage and Germoe, Kerrier District Council, 2002	In print	Tregonning and Gwinear Mining Districts with Trewavas	Book

Site name/Route	Author, Title, Publisher, Date of Publication	Status	WHS Bid Area	Category
Godolphin Estate Walks	L. Luck, Godolphin Estate, The National Trust, 2003	In print	Tregonning and Gwinear Mining Districts with Trewavas	Booklet
Godolphin Warren	Six Walks Through the Ancient Parishes of Breage and Germoe, Kerrier District Council, 2002	In print	Tregonning and Gwinear Mining Districts with Trewavas	Book
Rinsey Cove (Trewavas Cliff)	Six Walks Through the Ancient Parishes of Breage and Germoe, Kerrier District Council, 2002	In print	Tregonning and Gwinear Mining Districts with Trewavas	Book
Tregonning Hill	Six Walks Through the Ancient Parishes of Breage and Germoe, Kerrier District Council, 2002	In print	Tregonning and Gwinear Mining Districts with Trewavas	Book
Wheal Prosper & Wheal Trewavas	K. Brown & B. Acton, Exploring Cornish Mines Vol. 2, Landfall Publications, 2nd edition, 2000	In print	Tregonning and Gwinear Mining Districts with Trewavas	Book
Wheal Vor, Wheal Fortune & Wheal Metal	K. Brown & B. Acton, Exploring Cornish Mines Vol. 4, Landfall Publications, 1999	In print	Tregonning and Gwinear Mining Districts with Trewavas	Book
Mines of Wendron Parish	K. Brown & B. Acton, Exploring Cornish Mines Vol. 3, Landfall Publications, 1997	In print	Wendron Mining District	Book
Carn Brea Mines & East Pool	K. Brown & B. Acton, Exploring Cornish Mines Vol. 2, Landfall Publications, 2nd edition, 2000	In print	Camborne and Redruth Mining District	Book
Great Flat Lode Trail	Great Flat Lode Trail, Cornwall County Council, 2001	In print	Camborne and Redruth Mining District	Free leaflet
Great Flat Lode Trail, and 10 circular walks	B. Acton, Exploring Cornwall's Tramway Trails, Vol. 1, Landfall Publications, 2nd edition, 2000	In print	Camborne and Redruth Mining District	Book
The Grenvilles & Condurrows	K. Brown & B. Acton, Exploring Cornish Mines Vol. 2, Landfall Publications, 2nd edition, 2000	In print	Camborne and Redruth Mining District	Book

Site name/Route	Author, Title, Publisher, Date of Publication	Status	WHS Bid Area	Category
Redruth Churchtown Trail	Redruth Churchtown Trail, Redruth Regeneration Project, 2000	In print	Camborne and Redruth Mining District	Free leaflet
Redruth Plain-an-Gwarry Trail	Redruth Plain-an-Gwarry Trail, Redruth Regeneration Project, 2000	In print	Camborne and Redruth Mining District	Free leaflet
Redruth Town Trail	Redruth Town Trail, Redruth Regeneration Project, 2000	In print	Camborne and Redruth Mining District	Free leaflet
Tincroft & Cook's Kitchen	K. Brown & B. Acton, Exploring Cornish Mines Vol. 2, Landfall Publications, 2nd edition, 2000	In print	Camborne and Redruth Mining District	Book
Wheal Peevor	K. Brown & B. Acton, Exploring Cornish Mines Vol. 5, Landfall Publications, 2001	In print	Camborne and Redruth Mining District	Book
Carharrack Village Trail	The Mining Villages: Gwennap Mining Area, Kerrier District Council, 2001	In print	Gwennap Mining District with Devoran, Perran and Kennall Vale	Book
Coast-to-Coast Trail	Coast-to-Coast Trail, Cornwall County Council, 2001	In print	Gwennap Mining District with Devoran, Perran and Kennall Vale	Free leaflet
Coast-to-Coast Trail, and 15 circular walks	B. Acton, Exploring Cornwall's Tramway Trails, Vol. 2, Landfall Publications, 2nd edition, 2000	In print	Gwennap Mining District with Devoran, Perran and Kennall Vale	Book
Consolidated & United Mines	K. Brown & B. Acton, Exploring Cornish Mines Vol. 1, Landfall Publications, 3rd edition, 2002	In print	Gwennap Mining District with Devoran, Perran and Kennall Vale	Book

Site name/Route	Author, Title, Publisher, Date of Publication	Status	WHS Bid Area	Category
St Day Town Trail and Outer Trail	The Mining Villages: Gwennap Mining Area, Kerrier District Council, 2001	In print	Gwennap Mining District with Devoran, Perran and Kennall Vale	Book
Wheal Busy, Killifreth & Wheal Unity Wood	K. Brown & B. Acton, Exploring Cornish Mines Vol. 2, Landfall Publications, 2nd edition, 2000	In print	Gwennap Mining District with Devoran, Perran and Kennall Vale	Book
St Agnes, Porthtowan and Perranporth areas	B. Acton, Around St Agnes & Perranporth, Landfall Walks Books No. 2, Landfall Publications, 1994	In print	St Agnes Mining District	Book
Trevaunance Mines & former mining port	The Trevaunance Trail, Cornwall County Council, 1998	In print	St Agnes Mining District	Free leaflet
West Kitty, Polberro & Trevaunance Mines	K. Brown & B. Acton, Exploring Cornish Mines Vol. 3, Landfall Publications, 1997	In print	St Agnes Mining District	Book
Wheal Coates & the Charlottes	K. Brown & B. Acton, Exploring Cornish Mines Vol. 4, Landfall Publications, 1999	In print	St Agnes Mining District	Book
Luxulyan Valley	The Luxulyan Valley, The Friends of Luxulyan Valley, 2001	In print	The Luxulyan Valley and Charlestown	Book
Caradon Moor	P. Stanier, The Minions Moor, The St Ives Printing & Publishing Company, 2nd edition, 1996	In print	Caradon Mining District	Book
Craddock Moor	P. Stanier, The Minions Moor, The St Ives Printing & Publishing Company, 2nd edition, 1996	In print	Caradon Mining District	Book
Cheesewring Moor	P. Stanier, The Minions Moor, The St Ives Printing & Publishing Company, 2nd edition, 1996	In print	Caradon Mining District	Book
The Phoenix Mines	K. Brown & B. Acton, Exploring Cornish Mines Vol. 4, Landfall Publications, 1999	In print	Caradon Mining District	Book
South & East Caradon Mines	K. Brown & B. Acton, Exploring Cornish Mines Vol. 3, Landfall Publications, 1997	In print	Caradon Mining District	Book

Site name/Route	Author, Title, Publisher, Date of Publication	Status	WHS Bid Area	Category
Wheal Jenkin & Marke Valley Mine	K. Brown & B. Acton, Exploring Cornish Mines Vol. 3, Landfall Publications, 1997	In print	Caradon Mining District	Book
The Mines of Lockett Village	K. Brown & B. Acton, Exploring Cornish Mines Vol. 5, Landfall Publications, 2001	In print	Tamar Valley Mining District with Tavistock	Book
The Danescombe Valley	L. Luck, Cotehele Estate, The National Trust, 1994	In print	Tamar Valley Mining District with Tavistock	Booklet
Okel Tor Mine	K. Brown & B. Acton, Exploring Cornish Mines Vol. 5, Landfall Publications, 2001	In print	Tamar Valley Mining District with Tavistock	Book
Morwellham Quay	Morwellham Quay Trail Guide, Morwellham & Tamar Valley Trust, undated	In print	Tamar Valley Mining District with Tavistock	Booklet

Note: This is a sample of interpretative publications in print which together embrace self-guided walks in each of the WHS Bid areas.

Outdoor Site Interpretation Panels

Site	Owner	Category	Status
Great Work Mine	The National Trust	Mine site	Existing
Godolphin Estate	The National Trust	Mining	Existing
Dolcoath Mine, Williams Shaft	Kerrier District Council	Mine site	Existing
Old Cowlin's Mill	Kerrier District Council	Mining, railway, Great Flat Lode area	Existing
South Wheal Frances	Kerrier District Council	Mine site, engine houses, miners' dry	Existing
Wheal Basset Stamps	Kerrier District Council	Stamps for crushing tin, vanner house and tin dressing	Existing
Seleggan Tin Smelting Works	Kerrier District Council	Tin smelting works	Existing
Portreath	Cornwall County Council	Mining port, Portreath tramroad, mineral railway, inclined plane	Existing
Wheal Rose	Cornwall County Council	Mining, social history, Portreath tramroad	Existing

Site	Owner	Category	Status
Unity Wood	Cornwall County Council	Mine site, Unity safety fuse works	Existing
Wheal Busy	Cornwall County Council	Mine site, the Hornblowers	Existing
Poldice Valley	Cornwall County Council	Mine site, arsenic works, County Adit	Existing
Twelveheads	Cornwall County Council	Mining, tin stamps, County Adit	Existing
Bissoe	Cornwall County Council	Wheal Jane, arsenic works, tin dressing	Existing
Carnon Viaduct	Cornwall County Council	Mining, tin streaming	Existing
Devoran	Cornwall County Council	Mining port, mineral railway	Existing
Kennall Vale	Cornwall Wildlife Trust	Gunpowder works	Existing
Wheal Coates	The National Trust	Mine site	Existing
Luxulyan Valley	Cornwall County Council / Restormel Borough Council	Tramroads, including viaduct, inclined plane, wheelpit, leats	Existing
Minions	Caradon District Council	Mine sites	Existing
Drakewalls Mine	Cornwall County Council	Mine site	Existing
Gunnislake Clitters Mine	Cornwall County Council	Mine site	Existing
Okel Tor Mine	Cornwall County Council	Mine Site	Existing
Cotehele Estate	The National Trust	Cotehele Quay (mining port)	Existing
Morwellham Quay	Morwellham and Tamar Valley Trust	Mining port	Existing

APPENDIX III: INDUSTRIAL & MINING- RELATED WORLD HERITAGE SITES

Industrial World Heritage Sites

The Cornwall and West Devon Mining Landscape WHS bid is on the UK Government's Tentative List for inscription as an industrial heritage WHS.

Of the 754 sites on the World Heritage List, there are currently 33 that are industrial heritage sites³. The first such site to be included on the list was the Wieliczka Salt Mine in Poland in 1978. The table below provides the full list of sites.

Table 1 World Heritage Sites inscribed on the World Heritage List for their 'industrial heritage' value.

Country	Site Description	Year of inscription
Austria	Hallstatt-Dachstein Salzkammergut Cultural Landscape	1997
	Semmering Railway	1998
Belgium	The Four Lifts on the Canal du Centre and their Environs, La Louvière and Le Roeulx (Hainault)	1998
	The Neolithic Flint Mines at Spiennes (Mons)	2000
Bolivia	City of Potosi	1987
Brazil	Historic Town of Ouro Preto	1980
China	Mount Qincheng and the Dujiangyan Irrigation System	2000
Czech Republic	Kutná Hora: Historical Town Centre with the Church of St Barbara and the Cathedral of Our Lady at Sedlec	1995
Finland	Verla Groundwood and Board Mill	1996
France	Royal Saltworks of Arc-et-Senans	1982
	Pont du Gard (Roman Aqueduct)	1985
	Canal du Midi	1996
Germany	Mines of Rammelsberg and Historic Town of Goslar	1992
	Völklingen Ironworks	1994
	Zollverein Coal Mine Industrial Complex in Essen	2001
India	Darjeeling Himalayan Railway	1999
Italy	Crespi d'Adda	1995
Mexico	Historic Town of Guanajuato and Adjacent Mines	1988
	Historic Centre of Zacatecas	1993
Netherlands	Mill Network at Kinderdijk-Elshout	1997
	Ir.D.F. Woudagemaal (D.F. Wouda Steam Pumping Station)	1998
Norway	Røros	1980
Poland	Wieliczka Salt Mine	1978
Slovakia	Banska Stiavnica	1993
Spain	Old Town of Segovia and its Aqueduct	1985
	Las Médulas	1997
Sweden	Engelsberg Ironworks	1993

³ UNESCO website

Country	Site Description	Year of inscription
	Mining Area of the Great Copper Mountain in Falun	2001
UK	Ironbridge Gorge	1986
	Blaenavon Industrial Landscape	2000
	New Lanark	2001
	Saltaire	2001
	Derwent Valley Mills	2001

Source: UNESCO.

As the table above shows, Britain is home to 5 industrial heritage WH sites – New Lanark, Ironbridge, Saltaire, Blaenavon Industrial Landscape and Derwent Valley Mills.

Mining-related World Heritage Sites

The World Heritage Site list contains 10 sites that have direct or indirect links to the mining industries. These are either mine sites or places that have developed as a result of their proximity to mines or from the profits derived from mining. The sites represent a broad spectrum of mining activities and commodities, from coal and salt to gold and silver. It is perhaps best to compare Cornwall's bid with other mining sites

Descriptions of Mining-related World Heritage Sites

Neolithic Flint Mines at Spiennes (Mons) (Belgium, 2000)

The Neolithic flint mines at Spiennes, covering more than 100 ha, are the largest and earliest concentration of ancient mines in Europe. They are also remarkable for the diversity of technological solutions used for extraction and for the fact that they are directly linked to a settlement of the same period

Historic Town of Ouro Preto (Brazil, 1980)

Founded at the end of the 17th century, Ouro Preto (Black Gold) was the focal point of the gold rush and Brazil's golden age in the 18th century. With the exhaustion of the gold mines in the 19th century, the city's influence declined but many churches, bridges and fountains remain as a testimony to its past prosperity and the exceptional talent of the Baroque sculptor Aleijadinho

Kutná Hora : the Historical Town Centre with the Church of St Barbara and the Cathedral of Our Lady at Sedlec (Czech Republic, 1995)

Kutná Hora developed as a result of the exploitation of the silver mines. In the 14th century it became a royal city endowed with monuments that symbolized its prosperity. The Church of St Barbara, a jewel of the late Gothic period, and the Cathedral of Our Lady at Sedlec, which was restored in line with the Baroque taste of the early 18th century, were to influence the architecture of central Europe. These masterpieces today form part of a well-preserved medieval urban fabric with some particularly fine private dwellings.

Mines of Rammelsberg and Historic Town of Goslar (Germany, 1992)

Situated near the Rammelsberg mines, Goslar held an important place in the Hanseatic League because of the rich Rammelsberg metallic ore deposits. From the 10th to the 12th century it was one of the seats of the Holy Roman Empire of the German Nation. Its well-preserved medieval historic centre has some 1,500 half-timbered houses dating from the 15th to the 19th century.

The Zollverein Coal Mine Industrial Complex in Essen (Germany, 2001)

The Zollverein industrial landscape in Land Nordrhein-Westfalen consists of the complete infrastructure of a historical coal-mining site, with some 20th-century buildings of outstanding architectural merit. It constitutes remarkable material evidence of the evolution and decline of an essential industry over the past 150 years.

Historic Town of Guanajuato and Adjacent Mines (Mexico, 1988)

Founded by the Spanish in the early 16th century, Guanajuato became the world's leading silver-extraction centre in the 18th century. This past can be seen in its 'subterranean streets' and the 'Boca del Infierno', a mineshaft that plunges a breathtaking 600 m. The town's fine Baroque and neoclassical buildings, resulting from the prosperity of the mines, have influenced buildings throughout central Mexico. The churches of La Compañía and La Valenciana are considered to be among the most beautiful examples of Baroque architecture in Central and South America. Guanajuato was also witness to events which changed the history of the country.

Røros (Norway, 1980)

The history of Røros, which stands in a mountainous setting, is linked to the copper mines: they were developed in the 17th century and exploited for 333 years until 1977. Completely rebuilt after its destruction by Swedish troops in 1679, the city has some 80 wooden houses, most of them standing around courtyards. Many retain their dark pitch-log facades, giving the town a medieval appearance.

Wieliczka Salt Mine (Poland, 1978)

This deposit of rock salt in Wieliczka-Bochnia has been mined since the 13th century. Spread over nine levels, it has 300 km of galleries with works of art, altars, and statues sculpted in the salt, making a fascinating pilgrimage into the past of a major industrial undertaking.

Ironbridge Gorge (England, 1986)

Ironbridge is known throughout the world as the symbol of the Industrial Revolution. It contains all the elements of progress that contributed to the rapid development of this industrial region in the 18th century, from the mines themselves to the railway lines. Nearby, the blast furnace of Coalbrookdale, built in 1708, is a reminder of the discovery of coke. The bridge at Ironbridge, the world's first bridge constructed of iron, had a considerable influence on developments in the fields of technology and architecture.

Blaenavon Industrial Landscape (Wales, 2000)

The area around Blaenavon is evidence of the pre-eminence of South Wales as the world's major producer of iron and coal in the 19th century. All the necessary elements can still be seen - coal and ore mines, quarries, a primitive railway system, furnaces, workers' homes, and the social infrastructure of their community.

APPENDIX IV: MARKET SEGMENT PROFILES

The following section presents a detailed assessment of a number of market segments.

The segments are grouped according to the method used to segment the market. Four broad categories are used, a summary of each appears below.

- Usage segmentation refers to the frequency, regularity or type of usage (e.g. day visitors, long holidays)
- Socio- demographic segmentation is widely used as demographics are easily measured and classified. This is segmentation based on income, race, age, nationality, religion, gender, education, etc.
- Psychographic segments are based on aspects such as attitudes, interests and motivations.
- Activities (e.g. shopping, outdoor activities, nightlife, events)

Usage-based market segments

Day visitors

Day visits is a huge and diverse market and one that is quite difficult to define. It includes leisure visits from home of more than 3 hours not taken on a regular basis but some tourism statistics also include visits made by staying visits made to neighbouring areas.

National estimates of the market are derived from the UK Day Visits Survey. The latest available figures relate to 1998 and show that there were some 6 billion leisure day trips made in the UK with an associated spend of £71bn. In its *enjoyEngland* strategy⁴, VisitBritain estimates that day visits represent 60% of total visitor spend in England. Other aspects of the market identified in the same report include:

- The segment is important in generating seasonal spread
- The majority of day visits are in, or to, towns and cities (72%)
- The countryside is the next most visited location (22%) where walking is the most popular activity

Estimating the market size for Cornwall and West Devon is difficult due to lack of data but we know that the South West region had 148 million day trips in 2001⁵. The segment is also very important for attractions in the region- 1/2 of all visits to tourist attractions are made by day visitors or locals.

⁴ *enjoyEngland: The Strategy, England Domestic Tourism Marketing 2003/4 to 2005/6*, England Marketing Advisory Board, Sept 2003

⁵ State of Tourism South West, The Tourism Company (commissioned by South West Tourism), July 2003

The local market information that is available suggests that day visitors make up only a small percentage of visits (around 2%) but may echo national trends and be more important for urban centres in the area and for certain attractions. Specific findings drawn from local surveys include:

- 2.2% of visits in Cornwall are day trips from home⁶
- 67% of visitors to Falmouth were day visitors. Of these 6% were locals and 61% visiting for the day from nearby holiday bases outside Falmouth⁷
- 30% of visitors to attractions in the Tamar Valley were day visitors⁸

Evidence of the importance of locals undertaking day visits to certain attractions in the area is available in a couple of cases. For instance, it was found that 67% of users of the Mineral Tramways (a series of multi-user trails that follow the route of old mineral railways) were locals⁹. Cornwall residents' use of the South West Coast Path is estimated to be worth about £27m annually.

It is unclear from the figures above whether the lower than average numbers of day visitors drawn from the local population in Cornwall suggest there is growth potential in this market. An alternative interpretation is that the finding backs up the comment made in the recent State of South West Tourism report which stated that

“Cornwall and Devon are too far from centres of population to do well from the day visitor market.”

Domestic long holidays

These are UK residents taking holidays in the UK of 7 nights or more.

National statistics relating to this segment use a slightly different definition of long holidays. They see long holidays as being made up of two lengths of holiday – those of 4-7 nights duration and those of 8 or more nights. The figures show that long holidays of between 4 and 7 nights accounts for 46m trips (20% of all trips) whilst holidays of 8 or more nights account for 30m trips (13% of all trips)¹⁰.

The segment accounts for 24% of all holiday trips in the South West but is even more important in Cornwall where it accounts for double that amount (48%). In terms of nights and spend its impact is even greater, accounting for 70% and 66% respectively.

The long holiday market is the mainstay of Cornwall and West Devon during the peak season, but its importance is likely to decline over time. Market forces such as the continued increase in holidays taken abroad means that over time the sector will become less important. Looking at long holidays by lifestage it is the post-family long holiday market that shows most potential for growth out of season.

6 Cornwall Visitor Survey 2002 – 2003, Cornwall Tourist Board

7 Falmouth Visitor Survey, 2002, Carrick District Council

8 World Heritage Site - Tamar Valley Visitor Survey (Cornwall Visitor Survey) May – Oct 2003, Cornwall Tourist Board, 2003

9 Economic Impact of the Mineral Tramways, 1996, quoted in Cornish Mining World Heritage Site Bid Economic Assessment, Atlantic Consultants, June 2003

10 The UK Tourist, VisitBritain, June 2003

Domestic short breaks

For the purposes of this strategy we define short breaks as UK residents staying away from home on holidays of 1-6 nights. This is based upon research conducted for South West Tourism¹¹ that indicated that people considered any holiday of less than a week as a break.

At a UK level, this segment generated 84m holiday trips and with spend of £12bn. The segment is the most important type of holiday, responsible for 83% of all holiday trips and 71% of all holiday spending.

In the South West, 12.8m short breaks were taken in 2001, generating spend of £1.9bn. Short breaks, as a percentage of total holiday trips, are at a lower level in the South West than is the case nationally. For instance, short breaks make up 76% of all holiday trips and 63% of spend. Forecast for the sector in the South West suggest that 1-3 night holidays will increase by 58% in the period 2001 – 2006 whilst 4-6 night holidays are also expected to increase, although not at such a fast rate.

Key characteristics of this segment include:

- Two thirds of breaks are taken by those without children
- 62% are ABC1 making its profile slightly more upmarket than holidays
- Average length of stay is 2.9 nights
- 25% come from South West, 45% from London, West Midlands and South East
- 41% stay at seaside, 33% in urban centres and 26% in countryside
- Short break takers are strongly motivated by discounts and special offers although there is also scope for development of niche products aimed at higher spenders
- Short break takers like a good range of places to visit and wide choice
- Breaks are booked with short lead times and are often spontaneous. This is particularly the case where children are not included in the group
- Cornwall is less likely than other parts of the SW to benefit from this segment, particularly for short 2/3 night breaks

Visiting friends and relatives

This segment is defined as residents of the UK staying overnight where their prime reason for visiting is to spend time with friends and relatives (VFR).

At a national level, VisitBritain sees the market as displaying significant growth, attributed in part by more people undertaking higher education away from home. They also see VFR as a way of spreading tourism across the country, encouraging visitors to see parts of England that they might not otherwise visit, and also occur more evenly across the year than holiday trips.

¹¹ see ref 5

Locally, estimates for the importance of the VFR segment range from between 11%¹² and 21%¹³ of tourism trips in Cornwall. Forecasted growth in the South West is expected to be in the order of 71% between 2001 and 2011¹⁴.

Amongst the characteristics of this segment are:

- Low spend due to use of relative's / friends' accommodation (9%) but statistics do not count spending undertaken by the host. Estimates suggest this could double the spend figures.
- Even spread of trip across year but with a peak at Christmas
- Looking for interesting places to visit. Hosts will often search out less congested areas and places off the beaten track in order to get an insider's view.
- The majority of VFR are from ABC1 socio-economic groups
- Fairly evenly spread across the age groups but some skew towards younger age groups

Overseas visitors

The selection of target markets for overseas visitors featured here reflect the priority markets identified for DACOM, the main body involved in overseas marketing in the area.

The reason for this approach is that the large budgets required to communicate with non-domestic markets and the relatively small amounts of money available to individual organisations means collaborative working is highly desirable. It therefore makes sense to align potential overseas work with the priorities of those already actively engaged in overseas promotion. The one exception to this approach is the section devoted to ancestral tourism. This potential market is identified as a niche overseas market that has direct relevance to the nature of the WHS bid and is therefore treated as a special case to assess in detail.

In terms of overall importance, Cornwall and Devon attract relatively low numbers of overseas visitors. In 2002, approximately 4% of visitors to Cornwall and 6% of Devon visitors were from overseas. This compares with a regional average of 7% for the South West. The segment is more important in terms of spend than trips with overseas visitors to Cornwall generating 5% of total spend and 9% in Devon.

The USA is the largest market (17% of all overseas visits), followed by France (15%), Germany (12%) Ireland (8%) and Australia (7%). A brief assessment of the interests and characteristics of each market is listed below

USA

- Single biggest market for the SW (17% of all overseas visits)
- The population of the USA is 280m and 18% of adults hold passports.

¹² see ref 6

¹³ see ref 5

¹⁴ see ref 5

- Highly seasonal due to limited holidays in the US
- Around half of US travellers visiting Britain are over 45.
- History, heritage, arts and culture are major motivators
- Searching for quaint villages and an 'English' experience
- Have poor level of knowledge of the UK
- The downturn in travel from the US following the terrorist attacks on September 2001 is still evident in current visitor patterns but the medium and long term prospects appear good with a 33% increase predicted between 2001 and 2011.¹⁵

France

- Accounts for 15% of overseas visitors to the South West.
- Strength of the Euro has had an impact on this market with UK visits by the French down by 25% on 1996 figures. However SW appears resilient with static figures during this same period.
- Cornwall and the SW are better placed than many UK regions due to the proximity of ports of entry and ferry services.
- Keen on cultural activities, visiting heritage sites. museums and historic houses
- Older groups are looking for soft adventure, activities, culture and heritage. They have an interest in countryside and touring.
- Forecasts predict a 29% increase in the period 2001 to 2011

Germany

- Accounts for 12% of SW overseas visits
- Visits to the UK fell by 50% and to the SW by 30% between 1996 and 2001
- Expansion in the market dependent on airports (2/3 come by air)
- 61% come in the 6 summer months
- Green issues are important for this market
- Interested in scenery and striking landscape
- A survey of German ecotourists¹⁶ indicated that ½ wanted to walk as part of their holiday and wanted good quality information

Ireland

- Accounts for 8% of overseas visits to the SW

¹⁵ see ref 5

¹⁶ Using Cultural and Natural Heritage to Develop Sustainable Tourism, World Tourism Organisation

- Strong historic and social links with the UK
- VFR makes up 1/3 of trips to UK
- Enjoy informal and friendly atmosphere
- Drawn by countryside and coast
- Ancestral tourism may offer opportunities

Australia

- Accounts for 7% of visits to the South West
- Average length of stay is 9 days
- Many Australians have strong family links with UK (40% are VFR)
- Older market interested in heritage and cultural interest, younger market looking for budget accommodation and active holidays and good nightlife

Education groups

Consultation carried out in the preparation of this plan highlighted the need to divide the broad education market in order to allow better targeting. Three main markets were highlighted:

- Higher and further education groups
- Primary / secondary schools
- Lifelong learning

It is thought useful to further divide the market into day visits and residential visits. The two markets are roughly the same size in terms of number of trips, but the associated spend with regard to residential visits is likely to be larger than for day visits.

Higher and further education

These are day visits and residential visits organised by colleges and universities. In a national survey into school trips¹⁷, Cornwall accounts for 3% of all higher education residential trips whilst Devon accounts for 13%. Devon is also the destination for 11% of residential further education trips with Cornwall not featuring in this market as a major destination.

In terms of residential visits, both the further and higher education markets are relatively loyal to tried and tested locations. The most preferred accommodation type amongst higher education groups are hotels whilst further education groups favour study field centres and youth hostels.

The availability and cost of group accommodation, the natural resources of the location, the cost of travel to the destination and the availability of special deals are of the highest importance.

¹⁷ *Education Market Assessment*, Isle of Wight Tourism, 1998

The day market is made up establishments more local to the area and it is apparent that the low overall population in the area means that numbers of local further and higher education establishments will not be as high as areas with higher populations.

Primary and secondary school groups

Primary schools organise more day visits than secondary schools. Primary schools are also much more likely to organise a day visit than a residential one. The National Foundation for Education Research¹⁸ suggests that:

- Primary schools organise an average of 6 day trips a year compared with less than 1 residential trip. Primary schools travel an average of 28 miles for a day trip and 66 miles for a residential visit
- Secondary schools organise an average of 11 day trips per year and around 5 residential trips per year

The survey of mining related visitor attractions suggests that about 9% of their visitors are educational groups. Conversations with individual sites suggest that the bulk are from local primary and secondary schools. There is little evidence that mining heritage is currently attracting large numbers of school groups from outside the local area.

In terms of catering for an increase in this market, accommodation for school groups needs to be able to cope with large numbers of children i.e. being able to take a whole year group as opposed to small groups as this can cause havoc back at school trying to provide teacher cover. With younger children, exclusive use of accommodation is often required for safety reasons.

Lifelong learning

In the UK Government's Green Paper *The Learning Age: a renaissance for a new Britain*, lifelong learning is defined as:

“the continuous development of the skills, knowledge and understanding that are essential for employability and fulfilment”.

Another definition is provided by Resource, the Council for Museums, Archives and Libraries, which defines lifelong learning as:

“a belief in the value of learning at all stages of life, for a variety of internally and externally motivated needs”

As one would expect, such a wide-ranging definitions this leads to a wide range of contexts in which life-long learning can take place.

It can include both structured and informal education provided by primary, secondary, further and higher institutions. It can also be provided through distance learning or more informal means. There is also a considerable overlap in this more informal

¹⁸ quoted in *The Schools Visits Market*, Insights, ETB, 1993

arena with cultural and heritage tourists whose motives include learning and education.

Socio-demographic segments

The following segments are included in this section

- Family lifestyle (pre-family, family, post-family / empty nesters)
- Ancestral tourists

Family lifestyle

Lifestyle segmentation combines information about age, presence of children and working status into a single segmentation factor.

The method is based on research evidence that shows that people in each lifestyle exhibit very different behavioural patterns and that this is greatly influenced by individual familial circumstances.

Family lifestyle is typically split into four main categories. These are Pre-family, Family, Empty Nesters and Post families. Similarities in behaviour patterns between Empty Nesters and Post Families means that these can effectively be treated as one group

Pre-family

This group consists of the under 35 year olds with no children. In terms of holidaying patterns, this group is highly likely to holiday abroad (75%).

In terms of UK holidays taken by this lifestyle segment, it is estimated that they represent 13% of the market¹⁹. In the South West, the segment accounts for a similar percentage (15%) although it is relatively more important in the short break market where it accounts for 22% of all short breaks taken. This compares with long holidays (4+ nights) where it only accounts for 6%.

Within Cornwall it is lively centres such as Torquay and Newquay which are likely to see greatest numbers from this group. The scenery, which is a draw for many visitors to Cornwall and West Devon is appreciated but not the main draw for this segment. There may be limited opportunities to develop packages within the WHS bid area around active outdoor activities such as cycling.

Family

The family lifestyle consists of UK families with dependent children aged under 16 taking family breaks and holidays in the UK.

¹⁹ *Pre-family holidays in the UK*, MINTEL, December 2002

Market estimates suggest that 32 million family holidays were taken in the UK in 2002, and that this generated spend of £4 bn²⁰.

A recent report into the family market highlights some of the distinctive characteristics of family holidays²¹. Compared to holidays as a whole, family holidays are:

- Longer: 47% are 4+ nights as compared with 37% of all holidays
- More likely to be taken at the seaside
- More likely to be taken in the peak season: 34% are taken in July and August
- More likely to be a main than secondary holiday
- Less likely to be an activity holiday

The age of children has a bearing on holidaying behaviour so it is useful to sub-divide the segment into those with pre-school children (portable and not constrained by school holidays), those with children of primary school age and those with teenagers who are likely to be more independent and demanding.

Within the SW region, family holidays are a key market accounting for over 40% of holidays. The segment's importance is also reflected in a higher than average market share of the UK market (17%) and its position as the second most popular UK region (behind Wales) amongst this group²². Within the South West Cornwall and Devon are the most popular destinations. Forecasts predict that the family market will grow less fast than holiday-taking as a whole.

Focus group research commissioned by South West Tourism provides some insight into the perceptions of this segment towards Devon and Cornwall²³.

- Too far for breaks but good for family holidays
- Plenty to do and interest the children and good scenery for the adults
- Perceived to have better weather than the rest of the UK
- The coast is a key attraction
- A good range and variety of accommodation but some concerns about quality and price.

Post-family/ Empty Nesters

These are UK residents aged 55 and over staying overnight for 1 or more nights in UK. The segment consists of couples and singles on holiday without children.

The categorisation is broad and is broken down in the South West Tourism report²⁴ into three further sub-segments based on age/lifecycle and activity levels.

²⁰ see ref 5

²¹ Meet the Family- Family Holidays in the UK, Insights, BTA, 2004

²² see ref 5

²³ *Ibid.*

²⁴ *Ibid.*

- Empty Nesters (55-65) – couples without dependent children who are still in work, are healthy and active
- Newly retired (65-75) – those with occupational pensions have the time, inclination and resources to travel
- Over 75s – ill-health and the loss of partners begin to affect holiday taking with fewer holidays taken.

The UK market is considerable, accounting for 28m holiday trips in the UK with spend of £5,274m.²⁵ This equates to 28% of all UK holiday trips in 2001.

In the South West, the post-family group took 5.6m holidays with a spend of £1 bn. This makes up 33% of holiday trips in the South West²⁶. Long term prospects for this segment in the region look good, with forecasts indicating that the segment will grow faster than holidaytaking as a whole.

Some key characteristics of this segment include:

- They looking to take holidays and breaks outside of school holidays
- They want active breaks and enjoy attractive scenery, walking, places of interest, gardens, historic properties, towns, villages and good food.
- Serviced accommodation (e.g. hotels and guesthouses) is particularly sought after
- They see Devon and Cornwall as attractive for longer breaks and some week-long holidays
- Cornwall is considered too far for short breaks
- The area is seen as distinctive and different from home, valued for its scenic beauty and gardens

Ancestral tourists

It is estimated that there may be 6 million people worldwide with Cornish ancestry.²⁷ Although it is hard to offer a precise figure, a good proportion of these may originally be descended from Cornish Miners. Part of the reason for this is the fact that up to 2/3 of the mining population of Cornwall and West Devon emigrated overseas in search of work. Whilst some will have returned, a great deal settled overseas.

The success of events such as the annual *Dehwelans* festival celebrating Cornishness and requests for family records in the area suggests that there is considerable interest in tracing Cornish ancestry. The question is, to what extent can this interest be considered a viable tourism market segment.

Since the late 1960s genealogy has become a leisure pursuit. However a more recent phenomena has been the growth of what is called ancestral or genealogical tourism. This is where a visit to a particular country / destination is motivated by a desire to trace a family connection with an area.

²⁵ *Ibid*

²⁶ *Ibid*.

²⁷ *Morwellham Quay Emigration Centre Study*, EKOS Consulting, November 2003

Genealogical tourism is already well established in Scotland and Ireland where 79,000 people visited for this purpose²⁸. In England it is still in its infancy. Despite this lack of development, a recent report²⁹ identified some of the benefits of this type of visitor.

- They are not necessarily attracted to major tourist centres, as it is their ancestors came from all over Britain
- They often visit archives in places which have little tourist trade
- Family history can take place at any time of the year

The economic importance of the segment is considerable. Research into ancestral tourism in Scotland³⁰ reveals:

- Visitors undertaking genealogy activities spend at least 10% more per day than the average tourist to Scotland
- Average spending by overseas ancestral tourists is £45 per day, while UK ancestral visitors spend £52
- Overall, ancestral tourists are estimated to account for just less than 2% of all holiday trips to Scotland, but almost 5% of total expenditure

Further information on the potential benefits of the market can be gained by looking at the use of archives in the UK³¹:

- For 87% of users, visiting the archive was their main purpose for visiting an area
- 12% of users intended to stay more than a day in the area

There is no information on the numbers of ancestral tourists at a local level but it is perhaps worth noting that the main overseas markets for Cornwall and Devon is the USA, one of the main places that Cornish Miners emigrated to. The Australian market, although only 7% of the overseas market in the South West, is another market with strong ancestral connections.

Activity-based segments

The following activity-based segments have been selected based upon their relevance and attractiveness to the product and themes being offered by the WHS bid areas. Four main segments are identified:

- Walking
- Cycling

²⁸ *Ancestral Tourism*, Insights, Mar 2003

²⁹ *Ibid.*

³⁰ *Ancestral Tourism in Scotland*, Ancestral Tourism Industry Group, 2003

³¹ figures derived from *National Survey of Visitors to British Archives* (Feb 2001)

- Culture & heritage
- Mining/ industrial heritage enthusiasts

Walking

There is a range of definitions regarding what constitutes walking in tourism terms, but one of the most widely used definitions is that it is recreational walking where the walk is the end in itself and not simply a means of getting from A to B.

In terms of market size, walking is the most popular form of activity holiday in the UK. Overall, 5% of all holiday trips have walking as their main purpose. This equates to around 5.1m trips and spend of £868m³².

As well as those for whom walking is the main purpose of a holiday, walking is also the most popular activity to undertake whilst on holiday in the UK. Four fifths of holiday-makers have walked whilst on holidays or short breaks in the last three years whilst figures from UKTS shows that 24% of trips included walking of more than 2 miles as part of the holiday.

The Cornwall Visitor Survey shows that over half of all visitors plan to do a coastal walk whilst on holiday with just under 40% looking to walk in the countryside. A survey of visitors to Falmouth³³ also shows the importance of walking. One fifth of respondents intended to go walking during their visit and for around a quarter of respondents the intention to walk had been a factor in their decision to visit. A survey of visitors to attractions in the WHS area³⁴ indicated that 55% were planning a coast walk whilst 41% were planning a countryside walk.

Cornwall and West Devon are fortunate to have a great many fine walks which attract a wide range of walkers. Perhaps the most high profile is the South West Coast Path (SWCP), a 630 mile National Trail which includes the Cornwall and Devon coasts. An economic impact assessment of the Path showed that a section of trail running through the Lizard Peninsula generated over £7m per year in accommodation-related tourism revenues. The same survey also found that accommodation providers estimate that over one third of their annual visitor numbers was directly attributable to the proximity of the South West Coast Path.

Walking has already been identified as the most popular activity within the VFR segment but its importance is underlined by the fact that 7.9% of walks on the South West Coast Path in Cornwall were done by VFR groups. It is estimated that this contributes around £7m direct spending per year.

In addition to the VFR market, it should not be forgotten that residents are also an important market to consider. As has already been outlined in *the Day Visitors* section, Cornwall residents are estimated to spend about £27m annually walking along the SWCP.

In terms of the profile of walkers, the following observations are considered useful:

³² see ref 5

³³ see ref 7

³⁴ WHS Cornwall Visitor Survey May – Oct 2003, Cornwall Enterprise, 2003

- Walking in general is significant to all ages and lifestage groups, appealing to young and old alike.
- Most walking holidays are DIY holidays, where people have arranged their own accommodation, planned their own routes and made their own travel arrangements.
- Packaged walking holidays appeal primarily to singles or couples and are most popular with the 45 – 54 age group.
- Walking (more than 2 miles) is marginally more important amongst long holiday takers (37% participate) than short holiday takers (22%), both as an activity and as a purpose of visit.
- Walking holidays are slightly less seasonal than general holidays and particularly popular in June and September.
- It is relatively up-market with two thirds of walkers from ABC1 socio-economic groups.
- Over 55s are already well disposed to walking. The 45-54 year old age bracket is also increasing in size

Cycling

Cycling charity Sustrans defines cycle tourism as recreational visits, either overnight or day visits away from home, which involve leisure cycling as a fundamental and significant part of the visit.

A distinction needs to be made between those on holidays where the primary purpose is cycling, (i.e. cycle tourists) and where cycling is an activity on a more general type of holiday. (i.e. holiday cycling). A third category, cycling day visits, refers to people travelling from home.

Figures from UKTS show that 1m cycling holidays were taken in 2002 generating £174m. Holiday cycling accounted for 6.1m trips that generated £1,215m.

At a local level, information on the demand for cycling is limited. However, the Cornwall Visitor Survey³⁵ indicated that 5.9% of visitors were looking to cycle whilst on holiday.

Families are the main market for holiday cycling. In general, holiday cycling is likely to be undertaken by people who have not spent a great deal of their bikes. Holiday cycling is dominated by demand for traffic-free paths. Commonly used routes are disused railway lines, forest roads and rights of way such as byways or green lanes.

Other characteristics of the sub-segment³⁶ are:

- Low fitness levels
- Varying ages
- Low levels of technical ability

³⁵ see ref 6

³⁶ Draft Dyfi Valley Cycling Review, Strategy and Action Plan, 2002,2006, Ecodevfi, 2002

- Limited outdoor skills
- Want easy trails with gentle climbs and descents
- Short rides between 1 and 2 hours

Market forecasts for holiday cycling are promising. It is already a sizeable market and one that is likely to grow. Sustrans' assessment for the sector is:

- There is undoubtedly a sizeable potential market for holiday cycling which can be further developed given improved provision and promotion of suitable leisure cycling routes in holiday areas.
- Many UK holidaymakers already cycle while on holiday and there is evidence that many more would like to. There is potential to encourage UK holidaymakers to use bikes much more as their primary means of transport during their holiday (if not their means of access in the first place).

Culture & heritage tourists

Cultural tourists and heritage tourists are often grouped together and it is fair to say that both share many similarities. However there are some differences in terms of the product offering and the market's response to it. For this reason the following section attempts to address the distinction between the two terms.

Heritage tourism is place-based, creating a sense of place rooted in specifics of the local land, its people and their artefacts, stories and traditions. Cultural tourism, meanwhile, embraces the same kinds of experience with less emphasis on place. It can include 'intellectual access' to artefacts, activities, ideas as well as places that authentically represent the stories and people of the past and present.³⁷

As an example, seeing the work of a great artist in his home and studio is an example of heritage, while viewing those same works in a travelling exhibit is cultural tourism.

As the above definition shows the heritage and cultural tourism markets are very diverse and their boundaries blurred. Attractions can encompass social history, popular culture, arts, crafts and music, food and drink. They can range from large, internationally renowned sites and buildings to small museums and visitor centres, as well as historic towns and cities and elements of the natural environment.

In 2002, around 63 million visits were made to sites that could be considered to be formal historic visitor attractions in England. This represents over one quarter of all tourist visits. Of these:

- 16.5 million visits were recorded to historic houses.
- 10 million visits to gardens, many with a heritage dimension.
- 9 million to heritage/visitor centres.

³⁷ taken from article on *Group Travel Leader* (US) website (<http://www.grouptraveller.com/roundups/6-00/cultural.html>)

In 2002, 29.5 million staying visitors to England (29% of domestic tourists) visited heritage sites (castles, monuments, churches etc) whilst 22 million (22% of domestic tourists) visited artistic/heritage exhibits.

At a local level little information on the market is available. One of the few reports is the Economic Impact Assessment³⁸ commissioned for the WHS bid which estimates that:

- 6.6% of leisure day and staying visitors considered mining heritage to be very or quite important in planning their visit.
- £52.2 million is spent by visitors who considered mining heritage to be very important with a further £64.5m generated by those considering it quite important.

A larger, more recent study conducted as part of the Cornwall Visitor Survey paints a more mixed picture of the market. For instance 1.9% of the respondents indicated that Industrial heritage and history was a reason why they chose Cornwall but 26.2% said that they would undertake some activity connected with mining heritage during their stay. The survey also asked for the importance of mining heritage in planning the visit. 5% stated it to be very important whilst 16% thought it to be fairly important. It was not important for 71% of the sample.

The picture emerging in this case is of a very small enthusiasts market but a larger market of visitors who are wanting and willing to learn more about mining heritage.

Trends in the market at a national level are promising. Visits to heritage attractions have increased by 5.8% since 2000 whilst the market looks set to enjoy continued growth due to increases in the key visiting age groups and socio-economic groups. There is also an increasing trend towards 'discerning hedonism', leading to a trend towards self-development, learning new skills, attending classes and interest in the arts. The popularity of TV programmes on topics like archaeology, restoration and history also point to a growing interest in this area.

As has been mentioned, the profile of cultural and heritage tourists is similar. Key characteristics include:

- Large percentage drawn from ABC1 socio-economic groups.
- 35-44 with children or 55 year plus empty nesters.
- Women more commonly visit performing arts and artistic/heritage exhibits than men
- Around half of all visitors to formal heritage sites are local and day visitors; a quarter to a third are domestic tourists, and the remainder overseas visitors
- A survey by the British Arts Festivals Association found that local festivals are predominantly attended by local residents, only 8% travelling further than 50 miles

³⁸ *Cornish Mining World Heritage Site Bid Economic Impact Assessment*, Cornwall Enterprise, 2003

- England's heritage and culture are seen as key motivating factors for overseas tourists to Britain

A survey by the World Tourism Organisation³⁹ highlighted some of the prime motivators for cultural and heritage tourists:

- Physical well being and health
- Discovery, intellectual stimulation and education
- Enjoyment of unspoilt nature and beautiful scenery
- Contact with people from different backgrounds and cultures in a more
- A more personalised and intimate setting than would be found in the mass tourism destinations
- Adventure and excitement

A useful way to further segment this market is to look at it in terms of level of tourist interest in heritage / culture. At one end of the spectrum are 'enthusiasts' (dealt with in the proceeding section) whilst at the other are tourists who have no interest or are antagonistic towards heritage and culture. Culture/ Heritage tourists can be seen as members of the following three groups:

- Tourists for whom experiencing heritage, in the broadest sense of the term, is a main motivator for some of their holidays, while they take other forms of holiday at other times
- Tourists who take other types of holiday – beach, activity etc, but who will occasionally take excursions to heritage sites or events if they are famous or free
- Tourists who take day trips where the main focus of their trip is sometimes heritage based.

Mining / industrial heritage “enthusiasts”

This is a very difficult market to define, but can be considered to be part of the wider heritage / cultural tourism segment. It can broadly be defined by a high level of interest in mining heritage and broken down into the following groups⁴⁰.

- Tourists whose every holiday is focused on mining/ industrial heritage
- Tourists who take holidays where experiencing mining heritage / industrial heritage, in its broadest sense, is always the main purpose of every holiday they take
- Tourists for whom mining heritage/industrial heritage is the main motivation of some of their holidays; at other times they will take other types of holiday

These description clearly show that segmentation of this type is a continuum and that at less intense levels of interest, the enthusiast market merges with the wider, more

³⁹ see ref 16

⁴⁰ *Heritage Tourism in the UK – A Glance at Things to Come*, Insights. , English Tourism Council, May 2002

casual interest of cultural / heritage tourists. Whilst this point or merger is not clearly defined, consultation with stakeholders in the WHS bid area suggests that differing marketing approaches to these segments may be required. For this reason heritage / cultural tourists are treated as a separate segment for the purposes of this strategy.

Looking at the 'enthusiasts' market, it is hard to come by figures that give an idea of the market size. What evidence there is suggests that this is a minority interest. For instance, UKTS shows that for 3% of UK visitors, visiting heritage sites was the main purpose of their visit. Visiting artistic or heritage exhibits was the main purpose of a holiday for 2% of visitors.⁴¹ This definition of heritage and art covers a much wider range of attractions than industrial and mining heritage so it is likely that the figure for these interests would be lower.

For industrial attractions, it is clear that the enthusiasts provide a more important market than for general visits to an area. A national study of industrial heritage sites commissioned by English Heritage in 1998⁴² suggests that enthusiasts make up an important part of the market for industrial heritage attractions. For instance enthusiasts were considered very important to 55% of industrial heritage attractions, with 26% of attractions stated them to be quite important and 19% seeing them as not important at all.

Psychographic Segments

This segmentation method divides the market into segments based on psychographic values. This includes looking at mental processes within an individual rather than assessing some outward characteristic such as age. Examples include such aspects as motivations, outlook and attitudes.

The segments included here have recently been adopted by VisitBritain and have been the subject of further refinement for local implementation in the South West region by South West Tourism.

Eight psychographic profiles were developed to define UK holiday markets:

- *Style Hounds, Followers, Cosmopolitans, Traditionals, High Street, Habituals, Discoverers and Functionals.*

Of these eight, three are considered to be of most relevance to this Marketing Strategy in terms of their interests and motivations chiming with the main product offering contained within the WHS bid areas. These segments are *Traditionals*, *Cosmopolitans* and *Discoverers*.

Traditionals

The *Traditionals* segment is a main-stream market whose members value good service and are willing to pay for it. They make up 12.7% of the short break markets and take more than 50% of their short breaks in England. York, the Lakes, Devon, Devon, Cornwall and the Isle of Wight are all popular options. The *Traditionals* segment are likely to enjoy visiting attractions on offer when on holiday. They prefer

⁴¹ UKTS, 2002.

⁴² *The Market for industrial Heritage Sites*, Insights, Jan 2000

traditional attractions, museums, galleries, gardens, churches and historic sites. In the evening they enjoy visiting the theatre or arts events.

Cosmopolitans

Cosmopolitans are strong, active confident individuals, who do what they want rather than follow any particular fashion. Life for this group is full and active, yet peace and relaxation is still valued in the right circumstances. They make up 21.6% of the short break market making it the most active group. For a short break, favoured options include city breaks but also more scenic locations. They are a young segment. Over 40% are aged under 35 (a quarter aged 16-25). Over a quarter of the group are pre-family, a third with family and a further 38% post family. Pre-dominantly C1 people, a quarter are from AB socio-economic groups. They enjoy activity holidays or a holiday with a theme or a chance to get 'off the beaten track'. Seeking a holiday that has a low impact on the environment is also attractive.

Discoverers

Discoverers are independent of mind. They are the group least likely to be worried about what others might think. They are little influenced by style or brand unless it represents values they are seeking. They value good service, enjoy intellectual challenges but arts and culture are not really an important part of who they are. Discoverers make up 13.8% of the short break market and 11.3% of the long holiday market. This group are more likely than most to holiday off the beaten track, and express some interest in activity holidays or those with a theme. They are less likely than the norm to go to familiar destinations. They are three times more likely to stay in England for a weekend away rather than go abroad.

APPENDIX V: MARKETING APPROACH TO SECONDARY MARKET SEGMENTS

Mining / industrial heritage “enthusiasts”

We know that this segment is one of the most important for the industrial heritage attractions in the area but also know that they will be drawn to the area and specific attractions due to their knowledge of what is on offer. However, whilst an area-wide campaign is not considered a priority for this group, collaborative work by individual attractions may be of some benefit.

Cycling

The recommended marketing approach for cycling follows a similar pattern to that of walking. The focus should be on stimulating Holiday Cycling, i.e. those people wanting to cycle as part of their holiday. Tactics are similar to those suggested for walking but could also include:

- Promoting cycling trails.
- Working with private sector to develop cycle hire facilities near to trails/routes that pass near to mining heritage.
- Working with public transport operators to ensure cycle hire facilities are near bus / rail routes (in order to encourage alternatives to car-borne holiday cyclists).
- Signposting of mining heritage attractions and sites from existing routes.

Education (further and higher education)

Development of this segment relies largely on the prevalence of certain themes within the curriculum of further and higher education establishments. Courses that have strong links with mining or Cornish studies are the most likely to visit the Bid Areas. The market locally is strong, with the Combined Universities in Cornwall Project providing a number of marketing opportunities. Further afield there needs to be a co-ordinated approach to presenting resources to leaders of courses with mining, regional studies, industrial history and extraction themes. Possible approaches are:

- Education-based website offering resources and research relating to the needs of the further and higher education sectors.
- Directory of experts / tour guides that can be called upon to host talks, walks or visits. This is particularly useful in opening up ‘intellectual access’ to the widest range of mining heritage assets and not just those that are established attractions.
- A list of mining heritage sites not open to the public but where access can be arranged for accompanied education groups.

- Link with those engaged in education marketing within the Jurassic Coast WHS in Dorset and East Devon to develop joint marketing initiatives themed around geology.
- Work actively with relevant departments at the new Combined Universities in Cornwall campus at Tremough, near Falmouth for the inclusion of mining heritage in formal and informal syllabuses.

Education (lifelong learning)

The main objective should be to develop a bridge between providers of relevant informal and short courses and those engaged in tourism promotion. There may be a need to broaden the appeal of mining heritage by developing courses that have an artistic and/or practical bias.

- Work with the University of Exeter in Cornwall's Department of Life-long learning to develop appropriate short and modular courses that include industrial heritage or the artistic and social history of Cornish mining.
- Work with the Institute of Cornish Studies to develop courses and promotions that are aimed at attracting lifelong learners from inside and outside the Bid Areas.
- Develop working holiday programmes centred around landscape / mining conservation work.
- Develop practical courses that teach some of the basic skills involved in restoring and maintaining mining heritage.
- Work with craft and art organisations to offer residential courses based around producing artworks working with tin.
- Encourage and actively support the local Open University to develop courses and resource material relating to mining heritage.
- Develop web-based content that promotes life-long learning opportunities relating to the proposed WHS area.
- Promote life-long learning opportunities to the local resident population.

Overseas visitors – Germany, Ireland, France

As the market segmentation chapter pointed out, the theme of the WHS offers little in the way of promotional opportunities that warrant active promotion to these overseas segments. The main opportunity is to engage this audience in the need to preserve the essential qualities of the WHS. This is a message that will particularly resonate in the 'eco-aware' Germany market. The tactics are similar to those suggested for the domestic long holiday market, i.e.:

- Ensure Tourist Information Centres are stocked with information about opportunities to walk and cycle within the mining heritage landscape.

- Encourage accommodation providers, cycle hire firms and TICs to promote holiday cycling (see separate section) using Mineral Tramways and other rights of way that link with mining heritage.
- Ensure on-site interpretation enables intellectual access to the more casual visitor as well as those seeking more detailed knowledge.
- Road and pedestrian signage have an important part to play in raising awareness of the WHS.

Lifestage (pre-family holidays and breaks)

It is recommended that no specific marketing activity is targeted at this group. Many of the proposals included within the domestic long holiday market are applicable to this market.

Cosmopolitans / Discoverers

The market segmentation process saw these two psychographic segments as secondary markets because their motivations are less clearly aligned with the natural and cultural assets of the WHS. It is envisaged therefore that these groups will be reached through the marketing methods outlined for other secondary segments and in the methods contained in Chapter 7 under the heading *General marketing issues*.

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**ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979
1979 CHAPTER 46**

Royal Assent [4 April 1979]

Ancient Monuments and Archaeological Areas Act 1979, Ch. 46, Long Title (Eng.)

Long Title

An Act to consolidate and amend the law relating to ancient monuments; to make provision for the investigation, preservation and recording of matters of archaeological or historical interest and (in connection therewith) for the regulation of operations or activities affecting such matters; to provide for the recovery of grants under section 10 of the Town and Country Planning (Amendment) Act 1972 or under section 4 of the Historic Buildings and Ancient Monuments Act 1953 in certain circumstances, and to provide for grants by the Secretary of State to the Architectural Heritage Fund

2 of 152 DOCUMENTS

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**ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979
1979 CHAPTER 46**

Royal Assent [4 April 1979]

**Ancient Monuments and Archaeological Areas Act 1979, Ch. 46, Enactment Clause
(Eng.)**

Enactment Clause

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:-

3 of 152 DOCUMENTS

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ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979
1979 CHAPTER 46

PART I ANCIENT MONUMENTS
Protection of scheduled monuments
Royal Assent [4 April 1979]

Ancient Monuments and Archaeological Areas Act 1979, Ch. 46, s. 1 (Eng.)

1 Schedule of monuments

(1) The Secretary of State shall compile and maintain for the purposes of this Act (in such form as he thinks fit) a schedule of monuments (referred to below in this Act as "the Schedule").

(2) The Secretary of State shall on first compiling the Schedule include therein--

(a) any monument included in the list last published before the commencement of this Act under section 12 of the Ancient Monuments Consolidation and Amendment Act 1913; and

(b) any monument in respect of which the Secretary of State has before the commencement of this Act served notice on any person in accordance with section 6 (1) of the Ancient Monuments Act 1931 of his intention to include it in a list to be published under section 12.

(3) Subject to subsection (4) below, the Secretary of State may on first compiling the Schedule or at any time thereafter include therein any monument which appears to him to be of national importance.

[The Secretary of State shall consult the Historic Buildings and Monuments Commission for England (in this Act referred to as "the Commission") before he includes in the Schedule a monument situated in England].

(4) The power of the Secretary of State under subsection (3) above to include any monument in the Schedule does not apply to any structure which is occupied as a dwelling house by any person other than a person employed as the caretaker thereof or his family.

(5) The Secretary of State may--

(a) exclude any monument from the Schedule; or

1979 CHAPTER 46

(b) amend the entry in the Schedule relating to any monument (whether by excluding anything previously included as part of the monument or adding anything not previously so included, or otherwise).

[In the case of a monument situated in England, the Secretary of State shall consult with the Commission before he makes an exclusion or amendment.]

(6) As soon as may be after--

- (a) including any monument in the Schedule under subsection (3) above;
- (b) amending the entry in the Schedule relating to any monument; or
- (c) excluding any monument from the Schedule;

the Secretary of Stateshall [(subject to sub-section (6A) below)] inform the owner and (if the owner is not the occupier) the occupier of the monument, and any local authority in whose area the monument is situated, of the action taken and, in a case falling within paragraph (a) or (b) above, shall also send to him or them a copy of the entry or (as the case may be) of the amended entry in the Schedule relating to that monument.

[(6A) Subsection (6) above shall not apply as regards a monument situated in England but, as soon as may be after acting as mentioned in paragraph (a), (b) or (c) of that subsection as regards such a monument, the Secretary of State shall inform the Commission of the action taken and, in a case falling within paragraph (a) or (b) of that subsection, shall also send to the Commission a copy of the entry or (as the case may be) of the amended entry in the Schedule relating to that monument.]

(7) [Subject to subsection (7A) below] the Secretary of State shall from time to time publish a list of all the monuments which are for the time being included in the Schedule, whether as a single list or in sections containing the monuments situated in particular areas; but in the case of a list published in sections, all sections of the list need not be published simultaneously.

[(7A) Subsection (7) above shall not apply as regards monuments situated in England, but the Secretary of State shall from time to time supply the Commission with a list of all the monuments which are so situated and are for the time being included in the Schedule, whether as a single list or in sections containing the monuments situated in particular areas; but in the case of a list supplied in sections, all sections of the list need not be supplied simultaneously.]

(8) The Secretary of State may from time to time publish amendments of any list published under subsection (7) above, and any such list (as amended) shall be evidence of the inclusion in the Schedule for the time being--

(a) of the monuments listed; and

(b) of any matters purporting to be produced in the list from the entries in the Schedule relating to the monuments listed.

[(8A) The Secretary of State shall from time to time supply the Commission

with amendments of any list supplied under subsection (7A) above.]

(9) An entry in the Schedule recording the inclusion therein of a monument situated in England and Wales shall be a local land charge.

(10) It shall be competent to record in the Register of Sasines--

(a) a certified copy of the entry or (as the case may be) the amended entry in the Schedule relating to any monument in Scotland which is heritable; and

(b) where any such monument is excluded from the Schedule and a certified copy of the entry in the Schedule relating to it has previously been so recorded under paragraph (a) above, a certificate issued by or on behalf of the Secretary of State stating that it has been so excluded.

(11) In this Act "scheduled monument" means any monument which is for the time being included in the Schedule.

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 65(2).

Appointment

Appointment (in relation to England and Wales): 9 October 1981: see SI 1981/1300, art 2.

Appointment (in relation to Scotland): 30 November 1981: see SI 1981/1466, art 2.

Derivation

This section derived from the Ancient Monuments Consolidation and Amendment Act 1913, s 12.

Amendment

Sub-ss (3), (5), (6), (7): words in square brackets inserted by the National Heritage Act 1983, s 33, Sch 4, para 25.

Sub-ss (6A), (7A), (8A): inserted by the National Heritage Act 1983, s 33, Sch 4, para 25.

Modification

Modified, in relation to any monument in a National Park for which a National Park authority is the local planning authority or any area the whole or any part of which is comprised in such a Park, by the Environment Act 1995, s 70, Sch 9, para 10.

Transfer of Functions

Functions of the Secretary of State, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales, by the National Assembly for Wales (Transfer of Functions) Order 1999, SI 1999/672, art 2, Sch 1.

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**PART I ANCIENT MONUMENTS
Protection of scheduled monuments
Royal Assent [4 April 1979]**

Ancient Monuments and Archaeological Areas Act 1979, Ch. 46, s. 1A (Eng.)

[1A Commission's functions as to informing and publishing]

[(1) As soon as may be after the Commission--

(a) have been informed as mentioned in section 1(6A) of this Act, and

(b) in a case falling within section 1(6)(a) or (b) of this Act, have received a copy of the entry or (as the case may be) of the amended entry from the Secretary of State,

the Commission shall inform the owner and (if the owner is not the occupier) the occupier of the monument, and any local authority in whose area the monument is situated, of the inclusion, amendment or exclusion and, in a case falling within section 1(6)(a) or (b), shall also send to him or them a copy of the entry or (as the case may be) of the amended entry in the Schedule relating to that monument.

(2) As soon as may be after the Commission receive a list or a section in pursuance of section 1(7A) of this Act, they shall publish the list or section (as the case may be).

(3) The Commission shall from time to time publish amendments of any list published under subsection (2) above, and any such list (as amended) shall be evidence of the inclusion in the Schedule for the time being--

(a) of the monuments listed; and

(b) of any matters purporting to be reproduced in the list from the entries in the Schedule relating to monuments listed.]

NOTES:

Amendment

Inserted by the National Heritage Act 1983, s 33, Sch 4, para 26.

Modification

Modified, in relation to any monument in a National Park for which a National Park authority is the local planning authority or any area the whole or any part of which is comprised in such a Park, by the Environment Act 1995, s 70, Sch 9, para 10.

Transfer of Functions

Functions of the Secretary of State, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales, by the National Assembly for Wales (Transfer of Functions) Order 1999, SI 1999/672, art 2, Sch 1.

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PART I ANCIENT MONUMENTS
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Royal Assent [4 April 1979]

Ancient Monuments and Archaeological Areas Act 1979, Ch. 46, s. 2 (Eng.)

2 Control of works affecting scheduled monuments

(1) If any person executes or causes or permits to be executed any works to which this section applies he shall be guilty of an offence unless the works are authorised under this Part of this Act.

(2) This section applies to any of the following works, that is to say--

(a) any works resulting in the demolition or destruction of or any damage to a scheduled monument;

(b) any works for the purpose of removing or repairing a scheduled monument or any part of it or of making any alterations or additions thereto; and

(c) any flooding or tipping operations on land in, on or under which there is a scheduled monument.

(3) Without prejudice to any other authority to execute works conferred under this Part of this Act, works to which this section applies are authorised under this Part of this Act if--

(a) the Secretary of State has granted written consent (referred to below in this Act as "scheduled monument consent") for the execution of the works; and

(b) the works are executed in accordance with the terms of the consent and of any conditions attached to the consent.

(4) Scheduled monument consent may be granted either unconditionally or subject to conditions (whether with respect to the manner in which or the persons by whom the works or any of the works are to be executed or otherwise).

(5) Without prejudice to the generality of subsection (4) above, a condition attached to a scheduled monument consent may require that

[(a) a person authorised by the Commission (in a case where the monument in

question is situated in England), or

(b) the Secretary of State or a person authorised by the Secretary of State (in any other case)]

be afforded an opportunity, before any works to which the consent relates are begun, to examine the monument and its site and carry out such excavations therein as appear to the Secretary of State to be desirable for the purpose of archaeological investigation.

(6) Without prejudice to subsection (1) above, if a person executing or causing or permitting to be executed any works to which a scheduled monument consent relates fails to comply with any condition attached to the consent he shall be guilty of an offence, unless he proves that he took all reasonable precautions and exercised all due diligence to avoid contravening the condition.

(7) In any proceedings for an offence under this section in relation to works within subsection (2)(a) above it shall be a defence for the accused to prove that he took all reasonable precautions and exercised all due diligence to avoid or prevent damage to the monument.

(8) In any proceedings for an offence under this section in relation to works within subsection (2)(a) or (c) above it shall be a defence for the accused to prove that he did not know and had no reason to believe that the monument was within the area affected by the works or (as the case may be) that it was a scheduled monument.

(9) In any proceedings for an offence under this section it shall be a defence to prove that the works were urgently necessary in the interests of safety or health and that notice in writing of the need for the works was given to the Secretary of State as soon as reasonably practicable.

(10) A person guilty of an offence under this section shall be liable--

(a) on summary conviction or, in Scotland, on conviction before a court of summary jurisdiction, to a fine not exceeding the statutory maximum; or

(b) on conviction on indictment to a fine.

(11) Part I of Schedule 1 to this Act shall have effect with respect to applications for, and the effect of, scheduled monument consent.

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 65(2).

Appointment

Appointment (in relation to England and Wales): 9 October 1981: see SI 1981/1300, art 2.

Appointment (in relation to Scotland): 30 November 1981: see SI 1981/1466, art 2.

Amendment

Sub-s (5): words in square brackets substituted by the National Heritage Act 1983, s 33, Sch 4, para 27.

Transfer of Functions

Functions of the Secretary of State, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales, by the National Assembly for Wales (Transfer of Functions) Order 1999, SI 1999/672, art 2, Sch 1.

Subordinate Legislation

Ancient Monuments (Class Consents) Order 1994, SI 1994/1381.

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**PART I ANCIENT MONUMENTS
Protection of scheduled monuments
Royal Assent [4 April 1979]**

Ancient Monuments and Archaeological Areas Act 1979, Ch. 46, s. 3 (Eng.)

3 Grant of scheduled monument consent by order of the Secretary of State

(1) The Secretary of State may by order grant scheduled monument consent for the execution of works of any class or description specified in the order, and any such consent may apply to scheduled monuments of any class or description so specified.

[Before granting consent in relation to monuments of a class or description which includes monuments situated in England, the Secretary of State shall consult with the Commission in relation to the monuments so situated.]

(2) Any conditions attached by virtue of section 2 of this Act to a scheduled monument consent granted by an order under this section shall apply in such class or description of cases as may be specified in the order.

(3) The Secretary of State may direct that scheduled monument consent granted by an order under this section shall not apply to any scheduled monument specified in the direction, and may withdraw any direction given under this subsection.

[Before making a direction in relation to a monument situated in England, or withdrawing such a direction, the Secretary of State shall consult with the Commission.]

(4) A direction under subsection (3) above shall not take effect until notice of it has been served on the occupier or (if there is no occupier) on the owner of the monument in question.

(5) References below in this Act to a scheduled monument consent do not include references to a scheduled monument consent granted by an order under this section unless the contrary intention is expressed.

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 65(2).

Appointment

Appointment (in relation to Scotland): 30 November 1981: see SI 1981/1466, art 2.

Appointment (in relation to England and Wales): 9 October 1981: see SI 1981/1300, art 2.

Amendment

Sub-ss (1), (3): words in square brackets inserted by the National Heritage Act 1983, s 33, Sch 4, para 28.

Transfer of Functions

Functions of the Secretary of State, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales, by the National Assembly for Wales (Transfer of Functions) Order 1999, SI 1999/672, art 2, Sch 1.

Subordinate Legislation

Ancient Monuments (Class Consents) Order 1994, SI 1994/1381.

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Protection of scheduled monuments
Royal Assent [4 April 1979]**

Ancient Monuments and Archaeological Areas Act 1979, Ch. 46, s. 4 (Eng.)

4 Duration, modification and revocation of scheduled monument consent

(1) Subject to subsection (2) below, if no works to which a scheduled monument consent relates are executed or started within the period of five years beginning with the date on which the consent was granted, or such longer or shorter period as may be specified for the purposes of this subsection in the consent, the consent shall cease to have effect at the end of that period (unless previously revoked in accordance with the following provisions of this section).

(2) Subsection (1) above does not apply to a scheduled monument consent which provides that it shall cease to have effect at the end of a period specified therein.

(3) If it appears to the Secretary of State to be expedient to do so, he may by a direction given under this section modify or revoke a scheduled monument consent to any extent he considers expedient.

[Where a direction would (if given) affect a monument situated in England, the Secretary of State shall consult with the Commission before he gives such a direction.]

(4) Without prejudice to the generality of the power conferred by subsection (3) above to modify a scheduled monument consent, it extends to specifying a period, or altering any period specified, for the purposes of subsection (1) above, and to including a provision to the effect mentioned in subsection (2) above, or altering any period specified for the purposes of any such provision.

(5) Part II of Schedule 1 to this Act shall have effect with respect to directions under this section modifying or revoking a scheduled monument consent.

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 65(2).

Appointment

Appointment (in relation to England and Wales): 9 October 1981: see SI 1981/1300, art 2.

Appointment (in relation to Scotland): 30 November 1981: see SI 1981/1466, art 2.

Amendment

Sub-s (3): words in square brackets inserted by the National Heritage Act 1983, s 33, Sch 4, para 29.

Transfer of Functions

Functions of the Secretary of State, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales, by the National Assembly for Wales (Transfer of Functions) Order 1999, SI 1999/672, art 2, Sch 1.

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Royal Assent [4 April 1979]**

Ancient Monuments and Archaeological Areas Act 1979, Ch. 46, s. 5 (Eng.)

5 Execution of works for preservation of a scheduled monument by Secretary of State in cases of urgency

(1) If it appears to the Secretary of State that any works are urgently necessary for the preservation of a scheduled monument he may enter the site of the monument and execute those works, after giving the owner and (if the owner is not the occupier) the occupier of the monument not less than seven days' notice in writing of his intention to do so.

(2) Where the Secretary of State executes works under this section for repairing any damage to a scheduled monument--

(a) any compensation order previously made in respect of that damage under [section 130 of the Powers of Criminal Courts (Sentencing) Act 2000] (compensation orders against convicted persons) in favour of any other person shall be enforceable (so far as not already complied with) as if it had been made in favour of the Secretary of State; and

(b) any such order subsequently made in respect of that damage shall be made in favour of the Secretary of State.

[(3) If it appears to the Secretary of State that any works are urgently necessary for the preservation of a scheduled monument situated in England, he may (instead of acting as mentioned in subsection (1) above) authorise the Commission to enter the site of the monument and execute such works as are specified in the authorisation.

(4) In that case, the Commission may enter the site and execute the works after giving the owner and (if the owner is not the occupier) the occupier of the monument not less than seven days' notice in writing of their intention to do so.

(5) Where the Secretary of State gives an authorisation under subsection (3) above, subsection (2) above shall have effect with the substitution of "Commission" for "Secretary of State" (in each place) and of "execute" for

"executes".]

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 65(2).

Appointment

Appointment (in relation to England and Wales): 9 October 1981: see SI 1981/1300, art 2.

Appointment (in relation to Scotland): 30 November 1981: see SI 1981/1466, art 2.

Amendment

Sub-s (2): in para (a) words "section 130 of the Powers of Criminal Courts (Sentencing) Act 2000" in square brackets substituted by the Powers of Criminal Courts (Sentencing) Act 2000, s 165(1), Sch 9, para 58.

Date in force: 25 August 2000: see the Powers of Criminal Courts (Sentencing) Act 2000, s 168(1).

Sub-ss (3)-(5): inserted by the National Heritage Act 1983, s 33, Sch 4, para 30.

Transfer of Functions

Functions of the Secretary of State, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales, by the National Assembly for Wales (Transfer of Functions) Order 1999, SI 1999/672, art 2, Sch 1.

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Protection of scheduled monuments
Royal Assent [4 April 1979]**

Ancient Monuments and Archaeological Areas Act 1979, Ch. 46, s. 6 (Eng.)

6 Powers of entry for inspection of scheduled monuments, etc

(1) Any person duly authorised in writing by the Secretary of State may at any reasonable time enter any land for the purpose of inspecting any scheduled monument in, on or under the land with a view to ascertaining its condition and--

(a) whether any works affecting the monument are being carried out in contravention of section 2(1) of this Act; or

(b) whether it has been or is likely to be damaged (by any such works or otherwise).

(2) Any person duly authorised in writing by the Secretary of State may at any reasonable time enter any land for the purpose of inspecting any scheduled monument in, on or under the land in connection with--

(a) any application for scheduled monument consent for works affecting that monument; or

(b) any proposal by the Secretary of State to modify or revoke a scheduled monument consent for any such works.

(3) Any person duly authorised in writing by the Secretary of State may at any reasonable time enter any land for the purpose of--

(a) observing the execution on the land of any works to which a scheduled monument consent relates; and

(b) inspecting the condition of the land and the scheduled monument in question after the completion of any such works;

so as to ensure that the works in question are to have been executed in accordance with the terms of the consent and of any conditions attached to the consent.

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(4) Any person duly authorised in writing by the Secretary of State may at any reasonable time enter any land on which any works to which a scheduled consent relates are being carried out for the purpose of--

(a) inspecting the land (including any buildings or other structures on the land) with a view to recording any matters of archaeological or historical interest; and

(b) observing the execution of those works with a view to examining and recording any objects or other material of archaeological or historical interest, and recording any matters of archaeological or historical interest, discovered during the course of those works.

(5) Any person duly authorised in writing by the Secretary of State may enter any land in, on or under which a scheduled monument is situated, with the consent of the owner and (if the owner is not the occupier) of the occupier of the land, for the purpose of erecting and maintaining on or near the site of the monument such notice boards and marker posts as appear to the Secretary of State to be desirable with a view to preserving the monument from accidental or deliberate damage.

[This subsection does not apply to land in England.]

(6) References in this section to scheduled monument consent include references to consent granted by order under section 3 of this Act.

NOTES:**Initial Commencement*****To be appointed***

To be appointed: see s 65(2).

Appointment

Appointment (in relation to Scotland): 30 November 1981: see SI 1981/1466, art 2.

Appointment (in relation to England and Wales): 9 October 1981: see SI 1981/1300, art 2.

Derivation

This section derived from the Ancient Monuments Act 1931, s 9(1).

Amendment

Sub-s (5): words in square brackets inserted by the National Heritage Act 1983, s 33, Sch 4, para 31.

Transfer of Functions

Functions of the Secretary of State, so far as exercisable in relation to

Wales, transferred to the National Assembly for Wales, by the National Assembly for Wales (Transfer of Functions) Order 1999, SI 1999/672, art 2, Sch 1.

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Royal Assent [4 April 1979]**

Ancient Monuments and Archaeological Areas Act 1979, Ch. 46, s. 6A (Eng.)

[6A Commission's powers of entry in relation to scheduled monuments]

[(1) Any person duly authorised in writing by the Commission may at any reasonable time enter any land in England for the purpose of inspecting any scheduled monument in, on or under the land with a view to ascertaining whether any works affecting the monument have been or are being carried out in contravention of section 2(1) of this Act and so to enabling the Commission to decide whether to institute proceedings in England for an offence under section 2(1).

(2) Any person duly authorised in writing by the Commission may at any reasonable time enter any land in England for the purpose of--

(a) observing the execution on the land of any works to which a scheduled monument consent relates; and

(b) inspecting the condition of the land and the scheduled monument in question after the completion of any such works,

with a view to ascertaining whether the works in question are or have been executed in accordance with the terms of the consent and of any conditions attached to the consent, and so to enabling the Commission to decide whether to institute proceedings in England for an offence under section 2(1) or (6) of this Act.

(3) Any person duly authorised in writing by the Commission may at any reasonable time enter any land in England for the purpose of inspecting any scheduled monument in, on or under the land in connection with any consultation made in respect of the monument under section 4(3) of this Act or paragraph 3(3)(c) of Schedule 1 to this Act.

(4) Any person duly authorised in writing by the Commission may enter any land which is in England and in, on or under which a scheduled monument is situated, with the consent of the owner and (if the owner is not the occupier) of the occupier of the land, for the purpose of erecting and maintaining on or

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near the site of the monument such notice boards and marker posts as appear to the Commission to be desirable with a view to preserving the monument from accidental or deliberate damage.

(5) References in this section to scheduled monument consent include references to consent granted by order under section 3 of this Act.]

NOTES:**Amendment**

Inserted by the National Heritage Act 1983, s 33, Sch 4, para 32.

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Royal Assent [4 April 1979]**

Ancient Monuments and Archaeological Areas Act 1979, Ch. 46, s. 7 (Eng.)

7 Compensation for refusal of scheduled monument consent

(1) Subject to the following provisions of this section, where a person who has an interest in the whole or any part of a monument incurs expenditure or otherwise sustains any loss or damage in consequence of the refusal, or the granting subject to conditions, of a scheduled monument consent in relation to any works of a description mentioned in subsection (2) below, the Secretary of State [or (where the monument in question is situated in England) the Commission] shall pay to that person compensation in respect of that expenditure, loss or damage.

References in this section and in section 8 of this Act to compensation being paid in respect of any works are references to compensation being paid in respect of any expenditure incurred or other loss or damage sustained in consequence of the refusal, or the granting subject to conditions, of a scheduled monument consent in relation to those works.

(2) The following are works in respect of which compensation is payable under this section--

(a) works which are reasonably necessary for carrying out any development for which planning permission had been granted (otherwise than by a general development order) before the time when the monument in question became a scheduled monument and was still effective at the date of the application for scheduled monument consent;

(b) works which do not constitute development, or constitute development such that planning permission is granted therefor by a general development order; and

(c) works which are reasonably necessary for the continuation of any use of the monument for any purpose for which it was in use immediately before the date of the application for scheduled monument consent.

For the purpose of paragraph (c) above, any use in contravention of any legal restrictions for the time being applying to the use of the monument shall be

disregarded.

(3) The compensation payable under this section in respect of any works within subsection (2)(a) above shall be limited to compensation in respect of any expenditure incurred or other loss or damage sustained by virtue of the fact that, in consequence of the Secretary of State's decision, any development for which the planning permission in question was granted could not be carried out without contravening section 2(1) of this Act.

(4) A person shall not be entitled to compensation under this section by virtue of subsection (2)(b) above if the works in question or any of them would or might result in the total or partial demolition or destruction of the monument, unless those works consist solely of operations involved in or incidental to the use of the site of the monument for the purposes of agriculture or forestry (including afforestation).

(5) In a case where scheduled monument consent is granted subject to conditions, a person shall not be entitled to compensation under this section by virtue of subsection (2)(c) above unless compliance with those conditions would in effect make it impossible to use the monument for the purpose there mentioned.

(6) In calculating, for the purposes of this section, the amount of any loss or damage consisting of depreciation of the value of an interest in land--

(a) it shall be assumed that any subsequent application for scheduled monument consent in relation to works of a like description would be determined in the same way; but

(b) in the case of a refusal of scheduled monument consent, the Secretary of State, on refusing that consent, undertook to grant such consent for some other works affecting the monument in the event of an application being made in that behalf, regard shall be had to that undertaking.

(7) References in this section to a general development order are references to a development order made as a general order applicable (subject to such exceptions as may be specified therein) to all land.

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 65(2).

Appointment

Appointment (in relation to England and Wales): 9 October 1981: see SI 1981/1300, art 2.

Appointment (in relation to Scotland): 30 November 1981: see SI 1981/1466, art 2.

Amendment

Sub-s (1): words in square brackets inserted by the National Heritage Act 1983, s 33, Sch 4, para 33.

Transfer of Functions

Functions of the Secretary of State, so far as exercisable in relation toWales, transferred to the National Assembly for Wales, by the National Assembly for Wales (Transfer of Functions) Order 1999, SI 1999/672, art 2, Sch 1.

See Further

See further, in relation to interest payable on any award of compensation: the Planning and Compensation Act 1991, s 80, Sch 18, Part I.

See further, in relation to the form of a claim for compensation: the Ancient Monuments (Claims for Compensation) (England) Regulations 1991, SI 1991/2512, reg 2.

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Ancient Monuments and Archaeological Areas Act 1979, Ch. 46, s. 8 (Eng.)

8 Recovery of compensation under section 7 on subsequent grant of consent

(1) Subject to the following provisions of this section, this section applies--

(a) in a case where compensation under section 7 of this Act was paid in consequence of the refusal of a scheduled monument consent, if the Secretary of State subsequently grants scheduled monument consent for the execution of all or any of the works in respect of which the compensation was paid; and

(b) in a case where compensation under that section was paid in consequence of the granting of a scheduled monument consent subject to conditions, if the Secretary of State subsequently so modifies that consent that those conditions, or any of them, cease to apply to the execution of all or any of the works in respect of which the compensation was paid or grant a new consent in respect of all or any of those works free from those conditions, or any of them.

(2) This section does not apply in any case unless--

(a) the compensation paid exceeded £20; and

[(b) the requirement mentioned in subsection (2A) below is fulfilled].

[(2A) The requirement is that--

(a) where the monument in question is situated in England, the Commission have caused notice of the payment of compensation to be deposited with the council of each district or London borough in which the monument is situated or (where it is situated in the City of London, the Inner Temple or the Middle Temple) with the Common Council of the City of London;

(b) where the monument in question is situated in Scotland, the Secretary of State has caused such notice to be deposited with the local authority of each area in which the monument is situated;

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(c) where the monument in question is situated in Wales, the Secretary of State has caused such notice to be deposited with the council of each [county or county borough] in which the monument is situated.]

(3) In granting or modifying a scheduled monument consent in a case to which this section applies the Secretary of State may do so on terms that no works in respect of which the compensation was paid are to be executed in pursuance of the consent until the recoverable amount has been repaid to the Secretary of State or secured to his satisfaction [or (as the case may be) has been repaid to the Commission or secured to their satisfaction].

Subject to subsection (4) below, in this subsection "the recoverable amount" means such amount (being an amount representing the whole of the compensation previously paid or such part thereof as the Secretary of State thinks fit) as the Secretary of State may specify in giving notice of his decision on the application for scheduled monument consent or (as the case may be) in the direction modifying the consent.

(4) Where a person who has an interest in the whole or any part of a monument is aggrieved by the amount specified by the Secretary of State as the recoverable amount for the purpose of subsection (3) above, he may require the determination of that amount to be referred to the Lands Tribunal or (in the case of a monument situated in Scotland) to the Lands Tribunal for Scotland; and in any such case the recoverable amount for the purposes of that subsection shall be such amount (being an amount representing the whole or any part of the compensation previously paid) as that Tribunal may determine to be just in the circumstances of the case.

(5) A notice deposited under subsection (2)(b) above shall specify the decision which gave rise to the right to compensation, the monument affected by the decision, and the amount of the compensation.

(6) A notice so deposited in the case of a monument situated in England and Wales shall be a local land charge; and for the purposes of the Local Land Charges Act 1975 the council with whom any such notice is deposited shall be treated as the originating authority as respects the charge thereby constituted.

(7) . . .

NOTES:**Initial Commencement*****To be appointed***

To be appointed: see s 65(2).

Appointment

Appointment (in relation to England and Wales): 9 October 1981: see SI 1981/1300, art 2.

Appointment (in relation to Scotland): 30 November 1981: see SI 1981/1466, art 2.

Amendment

Sub-s (2): para (b) substituted by the National Heritage Act 1983, s 33, Sch 4, para 34(2).

Sub-s (2A): inserted by the National Heritage Act 1983, s 33, Sch 4, para 34(3); in para (c) words in square brackets substituted by the Local Government (Wales) Act 1994, s 66(6), Sch 16, para 56(1).

Sub-s (3): words in square brackets inserted by the National Heritage Act 1983, s 33, Sch 4, para 34(4).

Modification

Modified, in relation to any monument in a National Park for which a National Park authority is the local planning authority or any area the whole or any part of which is comprised in such a Park, by the Environment Act 1995, s 70, Sch 9, para 10.

Transfer of Functions

Functions of the Secretary of State, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales, by the National Assembly for Wales (Transfer of Functions) Order 1999, SI 1999/672, art 2, Sch 1.

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*** THIS DOCUMENT IS CURRENT THROUGH 26 NOVEMBER, 2004 ***

**ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979
1979 CHAPTER 46**

**PART I ANCIENT MONUMENTS
Protection of scheduled monuments
Royal Assent [4 April 1979]**

Ancient Monuments and Archaeological Areas Act 1979, Ch. 46, s. 9 (Eng.)

9 Compensation where works affecting a scheduled monument cease to be authorised

(1) Subject to the following provisions of this section, where any works affecting a scheduled monument which were previously authorised under this Part of this Act cease to be so, then, if any person who has an interest in the whole or any part of the monument--

(a) has incurred expenditure in carrying out works which are rendered abortive by the fact that any further works have ceased to be so authorised; or

(b) has otherwise sustained loss or damage which is directly attributable to that fact;

the Secretary of State [or (where the monument in question is situated in England) the Commission] shall pay to that person compensation in respect of that expenditure, loss or damage.

(2) Subsection (1) above only applies where the works cease to be authorised under this Part of this Act--

(a) by virtue of the fact that a scheduled monument consent granted by order under section 3 of this Act ceases to apply to any scheduled monument (whether by virtue of variation or revocation of the order or by virtue of a direction under subsection (3) of that section); or

(b) by virtue of the modification or revocation of a scheduled monument consent by a direction given under section 4 of this Act; or

(c) in accordance with paragraph 8 of Schedule 1 to this Act, by virtue of the service of a notice of proposed modification or revocation of a scheduled monument consent under paragraph 5 of that Schedule.

(3) A person shall not be entitled to compensation under this section in a case falling within subsection (2)(a) above unless, on an application for scheduled monument consent for the works in question, consent is refused, or is

granted subject to conditions other than those which previously applied under the order.

(4) For the purposes of this section, any expenditure incurred in the preparation of plans for the purposes of any works, or upon other similar matters preparatory thereto, shall be taken to be included in the expenditure incurred in carrying out those works.

(5) Subject to subsection (4) above, no compensation shall be paid under this section in respect of any work carried out before the grant of the scheduled monument consent in question, or in respect of any other loss or damage (not being loss or damage consisting of depreciation of the value of an interest in land) arising out of anything done or omitted to be done before the grant of that consent.

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 65(2).

Appointment

Appointment (in relation to England and Wales): 9 October 1981: see SI 1981/1300, art 2.

Appointment (in relation to Scotland): 30 November 1981: see SI 1981/1466, art 2.

Amendment

Sub-s (1): words in square brackets inserted by the National Heritage Act 1983, s 33, Sch 4, para 35.

Transfer of Functions

Functions of the Secretary of State, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales, by the National Assembly for Wales (Transfer of Functions) Order 1999, SI 1999/672, art 2, Sch 1.

See Further

See further, in relation to the form of a claim for compensation: the Ancient Monuments (Claims for Compensation) (England) Regulations 1991, SI 1991/2512, reg 2.

See further, in relation to interest payable on any award of compensation: the Planning and Compensation Act 1991, s 80, Sch 18, Part I.

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**ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979
1979 CHAPTER 46**

**PART I ANCIENT MONUMENTS
Acquisition of ancient monuments
Royal Assent [4 April 1979]**

Ancient Monuments and Archaeological Areas Act 1979, Ch. 46, s. 10 (Eng.)

10 Compulsory acquisition of ancient monument

(1) The Secretary of State may acquire compulsorily any ancient monument for the purpose of securing its preservation[; but, where the monument in question is situated in England, he shall consult with the Commission before making a compulsory purchase order.]

(2) [The Acquisition of Land Act 1981] shall apply to any compulsory acquisition by the Secretary of State under this section of an ancient monument situated in England and Wales . . .

(3) The Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 shall apply to any compulsory acquisition by the Secretary of State under this section of an ancient monument situated in Scotland as it applies to a compulsory acquisition by another Minister or by the Secretary of State under section 58 of the National Health Service (Scotland) Act 1972 in a case falling within section 1(1) of the said Act of 1947.

(4) For the purpose of assessing compensation in respect of any compulsory acquisition under this section of a monument which, immediately before the date of the compulsory purchase order, was scheduled, it shall be assumed that scheduled monument consent would not be granted for any works which would or might result in the demolition, destruction or removal of the monument or any part of it.

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 65(2).

Appointment

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Appointment (in relation to England and Wales): 9 October 1981: see SI 1981/1300, art 2.

Appointment (in relation to Scotland): 30 November 1981: see SI 1981/1466, art 2.

Amendment

Sub-s (1): words in square brackets inserted by the National Heritage Act 1983, s 33, Sch 4, para 36.

Sub-s (2): words in square brackets substituted, and words omitted repealed, by the Acquisition of Land Act 1981, s 34, Sch 4, para 1, Sch 6, Part I.

Transfer of Functions

Functions of the Secretary of State, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales, by the National Assembly for Wales (Transfer of Functions) Order 1999, SI 1999/672, art 2, Sch 1.

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**ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979
1979 CHAPTER 46**

**PART I ANCIENT MONUMENTS
Acquisition of ancient monuments
Royal Assent [4 April 1979]**

Ancient Monuments and Archaeological Areas Act 1979, Ch. 46, s. 11 (Eng.)

11 Acquisition by agreement or gift of ancient monuments

(1) The Secretary of State may acquire by agreement any ancient monument [but, where the monument in question is situated in England, he shall consult with the Commission before doing so.]

[(1A) With the consent of the Secretary of State, the Commission may acquire by agreement any ancient monument situated in England.]

(2) Any local authority may acquire by agreement any ancient monument situated in or in the vicinity of their area.

(3) The Secretary of State or any local authority may accept a gift (whether by deed or will) of any ancient monument[; but, where the monument in question is situated in England, the Secretary of State shall consult with the Commission before accepting].

[(3A) With the consent of the Secretary of State, the Commission may accept a gift (whether by deed or will) of any ancient monument situated in England.]

(4) The provisions of Part I of the Compulsory Purchase Act 1965 (so far as applicable) other than sections 4 to 8, section 10 and section 31, shall apply in relation to any acquisition under subsection (1) or (2) above of an ancient monument situated in England and Wales.

(5), (6) . . .

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 65(2).

Appointment

Appointment (in relation to England and Wales): 9 October 1981: see SI 1981/1300, art 2.

Appointment (in relation to Scotland): 30 November 1981: see SI 1981/1466, art 2.

Derivation

This section derived from the Ancient Monuments Consolidation and Amendment Act 1913, ss 1, 2.

Amendment

Sub-ss (1), (3): words in square brackets inserted by the National Heritage Act 1983, s 33, Sch 4, para 37.

Sub-ss (1A), (3A): inserted by the National Heritage Act 1983, s 33, Sch 4, para 37.

Sub-ss (5), (6): apply to Scotland only.

Modification

Modified, in relation to any monument in a National Park for which a National Park authority is the local planning authority or any area the whole or any part of which is comprised in such a Park, by the Environment Act 1995, s 70, Sch 9, para 10.

Transfer of Functions

Functions of the Secretary of State, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales, by the National Assembly for Wales (Transfer of Functions) Order 1999, SI 1999/672, art 2, Sch 1.

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**ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979
1979 CHAPTER 46**

**PART I ANCIENT MONUMENTS
Guardianship of ancient monuments
Royal Assent [4 April 1979]**

Ancient Monuments and Archaeological Areas Act 1979, Ch. 46, s. 12 (Eng.)

12 Power to place ancient monument under guardianship

(1) Subject to subsection (4) below, a person who has--

(a) an interest of any description mentioned in subsection (3) below in an ancient monument situated in England and Wales; or

(b) any heritable interest in an ancient monument situated in Scotland;

may, with the consent of the Secretary of State, constitute him by deed guardian of the monument.

[Where the monument in question is situated in England, the Secretary of State shall consult with the Commission before he so consents.]

[(1A) Subject to subsection (4) below, a person who has an interest of any description mentioned in subsection (3) below in an ancient monument situated in England may, with the consent of the Commission, given after obtaining the consent of the Secretary of State, constitute the Commission by deed guardian of the monument.]

(2) Subject to subsection (4) below, a person who has any such interest in an ancient monument may with the consent of any local authority in or in the vicinity of whose area the monument is situated constitute that authority by deed guardians of the monument.

(3) The interests in an ancient monument situated in England and Wales which qualify a person to establish guardianship of the monument under subsection (1) [or (1A)] or (2) above are the following--

(a) an estate in fee simple absolute in possession;

(b) a leasehold estate or interest in possession, being an estate or interest for a term of years of which not less than forty-five are unexpired or (as the case may be) renewable for a term of not less than forty-five years; and

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(c) an interest in possession for his own life or the life of another, or for lives (whether or not including his own), under any existing or future [trust of land] under which the estate or interest for the time being subject to the trust falls within paragraph (a) or (b) above.

(4) A person who is not the occupier of an ancient monument may not establish guardianship of the monument under this section unless the occupier is also a party to the deed executed for the purposes of subsection (1) [or (1A)] or (2) above.

(5) Any person who has an interest in an ancient monument may be a party to any such deed in addition to the person establishing the guardianship of the monument and (where the latter is not the occupier) the occupier.

(6) In relation to any monument of which the Secretary of State [or the Commission] or any local authority have been constituted the guardians under this Act, references below in this Act to the guardianship deed are references to the deed executed for the purposes of subsection (1) or [(1A) or (2) above (as the case may be)].

(7) A guardianship deed relating to any ancient monument situated in England and Wales shall be a local land charge.

(8) A guardianship deed relating to any ancient monument situated in Scotland may be recorded in the Register Sasines.

(9) Every person deriving title to any ancient monument from, through or under any person who has executed a guardianship deed shall be bound by the guardianship deed unless--

(a) in the case of a monument in England and Wales, he derives title by virtue of any disposition made by the person who executed the deed before the date of the deed; or

(b) in the case of a monument in Scotland, he is a person who in good faith and for value acquired right (whether [title has been completed] or not) to his interest in the monument before the date of the deed.

(10) The Secretary of State [or the Commission] or a local authority shall not consent to become guardians of any structure which is occupied as a dwelling house by any person other than a person employed as the caretaker thereof or his family.

(11) Except as provided by this Act, any person who has any estate or interest in a monument under guardianship shall have the same right and title to, and estate or interest in, the monument in all respects as if the Secretary of State or [the Commission or the local authority in question (as the case may be)] had not become guardians of the monument.

NOTES:**Initial Commencement**

To be appointed

To be appointed: see s 65(2).

Appointment

Appointment (in relation to England and Wales): 9 October 1981: see SI 1981/1300, art 2.

Appointment (in relation to Scotland): 30 November 1981: see SI 1981/1466, art 2.

Derivation

This section derived from the Ancient Monuments Consolidation and Amendment Act 1913, s 3.

Amendment

Sub-s (1): words in square brackets inserted by the National Heritage Act 1983, s 33, Sch 4, para 38(2).

Sub-s (1A): inserted by the National Heritage Act 1983, s 33, Sch 4, para 38(3).

Sub-s (3): first words in square brackets inserted by the National Heritage Act 1983, s 33, Sch 4, para 38(4); words in square brackets in para (c) substituted by the Trusts of Land and Appointment of Trustees Act 1996, s 25(1), Sch 3, para 17(a), for savings in relation to entailed interests created before the commencement of that Act, and savings consequential upon the abolition of the doctrine of conversion, see s 25(4), (5) thereof.

Sub-ss (4), (10): words in square brackets inserted by the National Heritage Act 1983, s 33, Sch 4, para 38(4), (6).

Sub-s (6): first words in square brackets inserted, and final words in square brackets substituted, by the National Heritage Act 1983, s 33, Sch 4, para 38(5).

Sub-s (9): in para (b) words "title has been completed" in square brackets substituted by the Abolition of Feudal Tenure etc (Scotland) Act 2000, s 76(1), Sch 12, Pt 1, para 40(1), (2).

Date in force: this amendment came into force on 28 November 2004 (being the day appointed under the Abolition of Feudal Tenure etc (Scotland) Act 2000, s 71): see SSI 2003/456, art 2 and the Abolition of Feudal Tenure etc (Scotland) Act 2000, ss 71, 77(2).

Sub-s (11): words in square brackets substituted by the National Heritage Act 1983, s 33, Sch 4, para 38(7).

Modification

Modified, in relation to any monument in a National Park for which a National Park authority is the local planning authority or any area the whole or any part of which is comprised in such a Park, by the Environment Act 1995, s 70, Sch 9,

para 10.

Transfer of Functions

Functions of the Secretary of State, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales, by the National Assembly for Wales (Transfer of Functions) Order 1999, SI 1999/672, art 2, Sch 1.

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**ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979
1979 CHAPTER 46**

**PART I ANCIENT MONUMENTS
Guardianship of ancient monuments
Royal Assent [4 April 1979]**

Ancient Monuments and Archaeological Areas Act 1979, Ch. 46, s. 13 (Eng.)

13 Effect of guardianship

(1) The Secretary of State [and the Commission] and any local authority shall be under a duty to maintain any monument which is under their guardianship by virtue of this Act.

(2) The Secretary of State [and the Commission] and any local authority shall have full control and management of any monument which is under their guardianship by virtue of this Act.

(3) With a view to fulfilling their duty under subsection (1) above to maintain a monument of which they are the guardians, the Secretary of State [or the Commission] or any local authority shall have power to do all such things as may be necessary for the maintenance of the monument and for the exercise by them of proper control and management with respect to the monument.

(4) Without prejudice to the generality of the preceding provisions of this section, the Secretary of State [or the Commission] or any local authority shall have power--

(a) to make any examination of a monument which is under their guardianship by virtue of this Act;

(b) to open up any such monument or make excavations therein for the purpose of examination or otherwise; and

(c) to remove the whole or any part of any such monument to another place for the purpose of preserving it.

(5) The Secretary of State [or the Commission] or any local authority may at any reasonable time enter the site of a monument which is under their guardianship by virtue of this Act for the purpose of exercising any of their powers under this section in relation to the monument (and may authorise any other person to exercise any of those powers on their behalf).

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(6) Subsections (2) to (4) above are subject to any provision to the contrary in the guardianship deed.

(7) In this Part of this Act "maintenance" includes fencing, repairing, and covering in, of a monument and the doing of any other act or thing which may be required for the purpose of repairing the monument or protecting it from decay or injury, and "maintain" shall be construed accordingly.

NOTES:**Initial Commencement*****To be appointed***

To be appointed: see s 65(2).

Appointment

Appointment (in relation to Scotland): 30 November 1981: see SI 1981/1466, art 2.

Appointment (in relation to England and Wales): 9 October 1981: see SI 1981/1300, art 2.

Derivation

This section derived from the Ancient Monuments Consolidation and Amendment Act 1913, s 4.

Amendment

Sub-ss (1)-(5): words in square brackets inserted by the National Heritage Act 1983, s 33, Sch 4, para 39.

Modification

Modified, in relation to any monument in a National Park for which a National Park authority is the local planning authority or any area the whole or any part of which is comprised in such a Park, by the Environment Act 1995, s 70, Sch 9, para 10.

Transfer of Functions

Functions of the Secretary of State, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales, by the National Assembly for Wales (Transfer of Functions) Order 1999, SI 1999/672, art 2, Sch 1.

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1979 CHAPTER 46**

**PART I ANCIENT MONUMENTS
Guardianship of ancient monuments
Royal Assent [4 April 1979]**

Ancient Monuments and Archaeological Areas Act 1979, Ch. 46, s. 14 (Eng.)

14 Termination of guardianship

(1) Subject to the following provisions of this section, where the Secretary of State [or the Commission] or a local authority have become guardians of any monument under this Act, they may by agreement made with the persons who are for the time being immediately affected by the operation of the guardianship deed--

- (a) exclude any part of the monument from guardianship; or
- (b) renounce guardianship of the monument;

but except as provided above the monument shall remain under guardianship (unless it is acquired by its guardians) until an occupier of the monument who is entitled to terminate the guardianship gives notice in writing to that effect to the guardians of the monument.

An occupier of a monument is entitled to terminate the guardianship of the monument if--

- (a) he has any interest in the monument which would qualify him to establish guardianship of the monument under section 12 of this Act; and
- (b) he is not bound by the guardianship deed.

(2) A local authority shall consult with the Secretary of State before entering into any agreement under this section.

[Where the monument in question is situated in England, the Secretary of State shall consult with the Commission before entering into any such agreement.]

The Commission shall consult with the Secretary of State before entering into any such agreement.]

(3) Neither the Secretary of State [nor the Commission] nor a local authority may enter into any such agreement unless he or they are satisfied with respect

to the part of the monument or (as the case may be) with respect to the whole of the monument in question--

(a) that satisfactory arrangements have been made for ensuring its preservation after termination of the guardianship; or

(b) that it is no longer practicable to preserve it (whether because of the cost of preserving it or otherwise).

(4) An agreement under this section must be made under seal in the case of a monument situated in England and Wales.

(5) Where in the case of a monument situated in Scotland the guardianship deed has been recorded in the Register of Sasines in accordance with section 12 of this Act an agreement under this section relating to that monument may also be so recorded.

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 65(2).

Appointment

Appointment (in relation to England and Wales): 9 October 1981: see SI 1981/1300, art 2.

Appointment (in relation to Scotland): 30 November 1981: see SI 1981/1466, art 2.

Amendment

Sub-ss (1)-(3): words in square brackets inserted by the National Heritage Act 1983, s 33, Sch 4, para 40.

Modification

Modified, in relation to any monument in a National Park for which a National Park authority is the local planning authority or any area the whole or any part of which is comprised in such a Park, by the Environment Act 1995, s 70, Sch 9, para 10.

Transfer of Functions

Functions of the Secretary of State, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales, by the National Assembly for Wales (Transfer of Functions) Order 1999, SI 1999/672, art 2, Sch 1.

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**ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979
1979 CHAPTER 46**

PART I ANCIENT MONUMENTS

Acquisition and guardianship of land in the vicinity of an ancient monument, etc

Royal Assent [4 April 1979]

Ancient Monuments and Archaeological Areas Act 1979, Ch. 46, s. 15 (Eng.)

15 Acquisition and guardianship of land in the vicinity of an ancient monument

(1) References in sections 10 to 12 of this Act to an ancient monument shall include references to any land adjoining or in the vicinity of an ancient monument which appears to the Secretary of State [or the Commission] or a local authority to be reasonably required for any of the following purposes, that is to say--

- (a) the maintenance of the monument or its amenities;
- (b) providing or facilitating access to the monument;
- (c) the exercise of proper control or management with respect to the monument;
- (d) the storage of equipment or materials for the purpose mentioned in paragraph (a) above; and
- (e) the provision of facilities and services for the public for or in connection with affording public access to the monument;

(and one of those purposes shall accordingly be sufficient to support the compulsory acquisition of any such land under section 10(1) of this Act, instead of the purpose there mentioned).

[Land may be acquired, or taken into guardianship, by the Commission by virtue of this section only if the land is situated in England.]

(2) Land may be acquired or taken into guardianship by virtue of this section for any of the purposes relating to an ancient monument mentioned in subsection (1) above either at the same time as the monument or subsequently.

(3) The Secretary of State [and the Commission] and any local authority shall have full control and management of any land which is under their guardianship

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by virtue of this Act after being taken into guardianship by virtue of this section for a purpose relating to any ancient monument, and shall have power to do all such things as may be necessary--

(a) for the exercise by them of proper control and management with respect to the land; and

(b) for the use of the land for any of the purposes relating to the monument mentioned in subsection (1) above.

(4) The Secretary of State [and the Commission] and any local authority may at any reasonable time enter any land which is under their guardianship by virtue of this Act for the purpose of exercising their power under subsection (3) above (and may authorise any other person to do so, and to exercise that power, on their behalf).

(5) Section 14(1) and (2) of this Act shall apply in relation to any land taken into guardianship by virtue of this section for any purpose relating to an ancient monument as they apply in relation to a monument, but, apart from any termination of guardianship by virtue of that section, any such land shall also cease to be under guardianship if the monument in question ceases to be under guardianship otherwise than by virtue of being acquired by its guardians or ceases to exist.

(6) References below in this Act, in relation to any monument of which the Secretary of State [or the Commission] or a local authority are the owners or guardians by virtue of this Act, to land associated with that monument (or to associated land) are references to any land acquired or taken into guardianship by virtue of this section for a purpose relating to that monument, or appropriated for any such purpose under a power conferred by any other enactment.

NOTES:**Initial Commencement*****To be appointed***

To be appointed: see s 65(2).

Appointment

Appointment (in relation to Scotland): 30 November 1981: see SI 1981/1466, art 2.

Appointment (in relation to England and Wales): 9 October 1981: see SI 1981/1300, art 2.

Amendment

Sub-ss (1), (3), (4), (6): words in square brackets inserted by the National Heritage Act 1983, s 33, Sch 4, para 42.

Modification

Modified, in relation to any monument in a National Park for which a National Park authority is the local planning authority or any area the whole or any part of which is comprised in such a Park, by the Environment Act 1995, s 70, Sch 9, para 10.

Transfer of Functions

Functions of the Secretary of State, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales, by the National Assembly for Wales (Transfer of Functions) Order 1999, SI 1999/672, art 2, Sch 1.

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**ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979
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PART I ANCIENT MONUMENTS

Acquisition and guardianship of land in the vicinity of an ancient monument, etc

Royal Assent [4 April 1979]

Ancient Monuments and Archaeological Areas Act 1979, Ch. 46, s. 16 (Eng.)

16 Acquisition of easements and other similar rights over land in the vicinity of an ancient monument

(1) The Secretary of State may acquire, by agreement or compulsorily, over land adjoining or in the vicinity of any monument which is under his ownership by virtue of this Act, any easement which appears to him to be necessary--

(a) for any of the purposes relating to that monument mentioned in section 15(1) of this Act; or

(b) for the use of any land associated with that monument for any of those purposes.

[Where the land in question is situated in England, the Secretary of State shall consult with the Commission before entering into the agreement or making the compulsory purchase order (as the case may be).]

[(1A) The Commission may by agreement acquire over land which is situated in England, and which adjoins or is in the vicinity of any monument under their ownership by virtue of this Act, any such easement as the Secretary of State may acquire by virtue of subsection (1) above.]

(2) A local authority may by agreement acquire over land adjoining or in the vicinity of any monument which is under their ownership by virtue of this Act any such easement as the Secretary of State may acquire by virtue of subsection (1) above.

(3) The power of acquiring an easement under subsection (1) [or (1A)] or (2) above shall include power to acquire any such easement by the grant of a new right.

(4) The Secretary of State [or the Commission] or any local authority may acquire, for the benefit of any monument or land under his or their guardianship by virtue of this Act, a right of any description which he or they would be

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authorised to acquire under any of the preceding provisions of this section if the monument or land was under his or their ownership by virtue of this Act, and those provisions shall apply accordingly in any such case.

(5) Any right to which subsection (4) above applies--

(a) shall be treated for the purposes of its acquisition under this section and in all other respects as if it were a legal easement; and

(b) may be enforced by the guardians for the time being of the monument or land for whose benefit it was acquired as if they were the absolute owner in possession of that monument or land.

(6) Any right to which subsection (4) above applies which is acquired by agreement under this section for a purpose relating to any monument under guardianship, or for the use of any land associated with any such monument for any purpose relating to that monument--

(a) subject to any provision to the contrary in the agreement under which it was acquired, may be revoked by the grantor; and

(b) may be revoked by any successor in title of the grantor as respects any of the land over which it is exercisable in which he has an interest;

if the monument ceases to be under guardianship otherwise than by virtue of being acquired by its guardians or ceases to exist.

(7) References above in this section to an easement or (as the case may be) to a legal easement shall be construed in relation to land in Scotland as references to a servitude.

(8) Any right to which subsection (4) above applies--

(a) shall be a local land charge, if it relates to land in England and Wales; and

(b) may be recorded in the Register of Sasines, if it relates to land in Scotland.

(9) [The Acquisition of Land Act 1981] shall apply to any compulsory acquisition by the Secretary of State under this section of any easement over land in England and Wales . . .

(10) The Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 shall apply to any compulsory acquisition by the Secretary of State under this section of any servitude over land in Scotland as it applies to a compulsory acquisition by another Minister or by the Secretary of State under section 58 of the National Health Service (Scotland) Act 1972 in a case falling within section 1(1) of the said Act of 1947.

(11) The provisions of Part I of the Compulsory Purchase Act 1965 (so far as applicable) other than sections 4 to 8, section 10 and section 31, shall apply in relation to any acquisition by agreement under this section of any easement over land in England and Wales.

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(12) For the purposes of any acquisition by agreement under this section of any servitude over land in Scotland--

(a) the Lands Clauses Acts (with the exception of the provisions excluded by subsection (13) below) and sections 6 and 70 to 78 of the Railways Clauses Consolidation (Scotland) Act 1845 (as originally enacted and not as amended by section 15 of the Mines (Working Facilities and Support) Act 1923) shall be incorporated with this section; and

(b) in construing those Acts for the purposes of this section, this section shall be deemed to be the special Act and the Secretary of State or the local authority acquiring the servitude shall be deemed to be the promoter of the undertaking or company (as the case may require).

(13) The provisions of the Lands Clauses Acts excluded from being incorporated with this section are--

(a) those which relate to the acquisition of land otherwise than by agreement;

(b) those which relate to access to the special Act; and

(c) sections 120 to 125 of the Lands Clauses Consolidation (Scotland) Act 1845.

NOTES:**Initial Commencement*****To be appointed***

To be appointed: see s 65(2).

Appointment

Appointment (in relation to England and Wales): 9 October 1981: see SI 1981/1300, art 2.

Appointment (in relation to Scotland): 30 November 1981: see SI 1981/1466, art 2.

Amendment

Sub-ss (1), (3), (4): words in square brackets inserted by the National Heritage Act 1983, s 33, Sch 4, para 42.

Sub-s (1A): inserted by the National Heritage Act 1983, s 33, Sch 4, para 42.

Sub-s (9): words omitted repealed, and words in square brackets substituted, by the Acquisition of Land Act 1981, s 34, Sch 4, para 1, Sch 6, Part I.

Modification

Modified, in relation to any monument in a National Park for which a National

Park authority is the local planning authority or any area the whole or any part of which is comprised in such a Park, by the Environment Act 1995, s 70, Sch 9, para 10.

Transfer of Functions

Functions of the Secretary of State, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales, by the National Assembly for Wales (Transfer of Functions) Order 1999, SI 1999/672, art 2, Sch 1.

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*** THIS DOCUMENT IS CURRENT THROUGH 26 NOVEMBER, 2004 ***

**ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979
1979 CHAPTER 46**

**PART I ANCIENT MONUMENTS
Agreements concerning ancient monuments etc
Royal Assent [4 April 1979]**

Ancient Monuments and Archaeological Areas Act 1979, Ch. 46, s. 17 (Eng.)

17 Agreement concerning ancient monuments and land in their vicinity

(1) The Secretary of State may enter into an agreement under this section with the occupier of an ancient monument or of any land adjoining or in the vicinity of an ancient monument.

[(1A) The Commission may enter into an agreement under this section with the occupier of an ancient monument situated in England or of any land so situated which adjoins or is in the vicinity of an ancient monument so situated.]

(2) A local authority may enter into an agreement under this section with the occupier of any ancient monument situated in or in the vicinity of their area or with the occupier of any land adjoining or in the vicinity of any such ancient monument.

(3) Any person who has an interest in an ancient monument or in any land adjoining or in the vicinity of an ancient monument may be a party to an agreement under this section in addition to the occupier.

(4) An agreement under this section may make provision for all or any of the following matters with respect to the monument or land in question, that is to say--

(a) the maintenance and preservation of the monument and its amenities;

(b) the carrying out of any such work, or the doing of any such other thing, in relation to the monument or land as may be specified in the agreement;

(c) public access to the monument or land and the provision of facilities and information or other services for the use of the public in that connection;

(d) restricting the use of the monument or land;

(e) prohibiting in relation to the monument or land the doing of any such thing as may be specified in the agreement; and

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(f) the making by the Secretary of State or [the Commission or the local authority (as the case may be)] of payments in such manner, of such amounts and on such terms as may be so specified (and whether for or towards the cost of any work provided for under the agreement or in consideration of any restriction, prohibition or obligation accepted by any other party thereto);

and may contain such incidental and consequential provisions as appear to the Secretary of State or [the Commission or the local authority (as the case may be)] to be necessary or expedient.

(5) Where an agreement under this section expressly provides that the agreement as a whole or any restriction, prohibition or obligation arising thereunder is to be binding on the successors of any party to the agreement (but not otherwise), then, as respects any monument or land in England and Wales, every person deriving title to the monument or land in question from, through or under that party shall be bound by the agreement, or (as the case may be) by that restriction, prohibition or obligation, unless he derives title by virtue of any disposition made by that party before the date of the agreement.

(6) An agreement under this section relating to any monument or land in Scotland and containing any such provision as is mentioned in subsection (5) above may be recorded in the Register of Sasines, and that subsection shall apply to any such agreement which is so recorded or (as the case may be) to any restriction, prohibition or obligation to which that provision relates. (7) Neither--

(a) section 84 of the Law of Property Act 1925 (power of Lands Tribunal to discharge or modify restrictive covenants); nor (b) sections 1 and 2 of the Conveyancing and Feudal Reform (Scotland) Act 1970 (power of Lands Tribunal for Scotland to vary or discharge land obligations);

shall apply to an agreement under this section.

[(7) Section 84 of the Law of Property Act 1925 (c 20) (power of Lands Tribunal to discharge or modify restrictive covenant) shall not apply to an agreement under this section.]

(8) Nothing in any agreement under this section to which the Secretary of State is a party shall be construed as operating as a scheduled monument consent.

[(9) References to an ancient monument in subsection (1A) above, and in subsection (3) above so far as it applies for the purposes of subsection (1A), shall be construed as if the reference in section 61(12)(b) of this Act to the Secretary of State were to the Commission.]

[(10) References in this section to an ancient monument situated in England include any such monument situated in, on or under the seabed within the seaward limits of the United Kingdom territorial waters adjacent to England; and an order under section 33(10) of the National Heritage Act 1983 (orders determining limits of waters adjacent to England) applies for the purposes of this subsection as it applies for the purposes of section 33(9) of that Act.]

NOTES:

Initial Commencement***To be appointed***

To be appointed: see s 65(2).

Appointment

Appointment (in relation to England and Wales): 9 October 1981: see SI 1981/1300, art 2.

Appointment (in relation to Scotland): 30 November 1981: see SI 1981/1466, art 2.

Amendment

Sub-ss (1A), (9): inserted by the National Heritage Act 1983, s 33, Sch 4, para 43.

Sub-s (4): words in square brackets substituted by the National Heritage Act 1983, s 33, Sch 4, para 43.

Sub-s (7): substituted by the Title Conditions (Scotland) Act 2003, s 128(1), Sch 14, para 8.

Date in force: this amendment shall come into force on the day appointed under the Abolition of Feudal Tenure etc (Scotland) Act 2000, s 71: see ss 122(1), 129(2).

Sub-s (10): inserted by the National Heritage Act 2002, s 2(2).

Date in force: 1 July 2002: see the National Heritage Act 2002, s 8(2).

Modification

Modified, in relation to any monument in a National Park for which a National Park authority is the local planning authority or any area the whole or any part of which is comprised in such a Park, by the Environment Act 1995, s 70, Sch 9, para 10.

Transfer of Functions

Functions of the Secretary of State, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales, by the National Assembly for Wales (Transfer of Functions) Order 1999, SI 1999/672, art 2, Sch 1.

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*** THIS DOCUMENT IS CURRENT THROUGH 26 NOVEMBER, 2004 ***

**ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979
1979 CHAPTER 46**

**PART I ANCIENT MONUMENTS
Powers of limited owners
Royal Assent [4 April 1979]**

Ancient Monuments and Archaeological Areas Act 1979, Ch. 46, s. 18 (Eng.)

18 Powers of limited owners for purposes of sections 12, 16 and 17

(1) Subject to section 12 of this Act, a person may establish guardianship of any land under subsection (1) [or (1A)] or (2) of that section or join in executing a guardianship deed for the purposes of that section notwithstanding that he is a limited owner of the land.

(2) A person may--

(a) grant any easement, servitude or other right over land which the Secretary of State [or the Commission] or any local authority are authorised to acquire under section 16 of this Act; or

(b) enter into an agreement under section 17 of this Act with respect to any land;

notwithstanding that he is a limited owner of the land.

(3) For the purposes of this section--

(a) a body corporate or corporation sole is a limited owner of any land in which it has an interest, and

(b) any other persons are limited owners of land in which they have an interest only if they hold that interest in one or other of the capacities mentioned in subsection (4) below.

(4) The capacities referred to in subsection (3)(b) above are the following--

(a) as tenant for life or statutory owner within the meaning of the Settled Land Act 1925;

[(b) as trustees of land;]

(c) as liferenter . . . in possession (in Scotland); and

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(d) as trustees for charities or as commissioners or trustees for ecclesiastical, collegiate or other public purposes.

(5) The Trusts (Scotland) Act 1921 shall have effect as if among the powers conferred on trustees by section 4 of that Act (general powers of trustees) there were included a power to do any of the following acts in relation to the trust estate or any part of it, that is to say--

(a) to execute a guardianship deed;

(b) to grant any servitude or other right which the Secretary of State or any local authority are authorised to acquire under section 16 of this Act; and

(c) to enter into an agreement under section 17 of this Act.

(6) Subject to subsection (7) below, where a person who is a limited owner of any land by virtue of holding an interest in the land in any of the capacities mentioned in subsection (4) above executes a guardianship deed in relation to the land the guardianship deed shall bind every successive owner of any estate or interest in the land.

(7) Where the land to which a guardianship deed relates is at the date of the deed subject to any incumbrance not capable of being overreached by the limited owner in exercise of powers of sale or management conferred on him by law or under any settlement or other instrument, the deed shall not bind the incumbrancer.

(8) Subject to subsection (9) below, where an agreement under section 17 of this Act to which a limited owner is a party expressly provides that the agreement as a whole or any restriction, prohibition or obligation arising thereunder is to be binding on his successors (but not otherwise), subsections (6) and (7) above shall apply to the agreement or (as the case may be) to the restriction, prohibition or obligation in question as they apply to a guardianship deed.

(9) Subsection (8) above does not apply to an agreement relating to any land in Scotland unless it is recorded in the Register of Sasines.

NOTES:**Initial Commencement*****To be appointed***

To be appointed: see s 65(2).

Appointment

Appointment (in relation to England and Wales): 9 October 1981: see SI 1981/1300, art 2.

Appointment (in relation to Scotland): 30 November 1981: see SI 1981/1466, art 2.

Amendment

Sub-ss (1), (2): words in square brackets inserted by the National Heritage Act 1983, s 33, Sch 4, para 44.

Sub-s (4): para (b) substituted by the Trusts of Land and Appointment of Trustees Act 1996, s 25(1), Sch 3, para 17(b), for savings in relation to entailed interests created before the commencement of that Act, and savings consequential upon the abolition of the doctrine of conversion, see s 25(4), (5) thereof.

Sub-s (4): in para (c) words omitted repealed by the Abolition of Feudal Tenure etc (Scotland) Act 2000, s 76(1), (2), Sch 12, Pt 1, para 40(1), (3), Sch 13, Pt I.

Date in force: this repeal came into force on 28 November 2004 (being the day appointed under the Abolition of Feudal Tenure etc (Scotland) Act 2000, s 71): see SSI 2003/456, art 2 and the Abolition of Feudal Tenure etc (Scotland) Act 2000, ss 71, 77(2).

Modification

Modified, in relation to any monument in a National Park for which a National Park authority is the local planning authority or any area the whole or any part of which is comprised in such a Park, by the Environment Act 1995, s 70, Sch 9, para 10.

Transfer of Functions

Functions of the Secretary of State, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales, by the National Assembly for Wales (Transfer of Functions) Order 1999, SI 1999/672, art 2, Sch 1.

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*** THIS DOCUMENT IS CURRENT THROUGH 26 NOVEMBER, 2004 ***

**ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979
1979 CHAPTER 46**

**PART I ANCIENT MONUMENTS
Public access to monuments under public control
Royal Assent [4 April 1979]**

Ancient Monuments and Archaeological Areas Act 1979, Ch. 46, s. 19 (Eng.)

19 Public access to monuments under public control

(1) Subject to the following provisions of this section, the public shall have access to any monument under the ownership or guardianship of the Secretary of State [or the Commission] or any local authority by virtue of this Act.

(2) The Secretary of State [and the Commission] and any local authority may nevertheless control the times of normal public access to any monument under their ownership or guardianship by virtue of this Act and may also, if they consider it necessary or expedient to do so in the interests of safety or for the maintenance or preservation of the monument, entirely exclude the public from access to any such monument or to any part of it, for such period as they think fit:

Provided that--

(a) the power of a local authority under this subsection to control the times of normal public access to any monument shall only be exercisable by regulations under this section; and

(b) the power of a local authority under this subsection entirely to exclude the public from access to any monument with a view to its preservation shall only be exercisable with the consent of the Secretary of State.

(3) The Secretary of State and any local authority may by regulations under [this subsection] regulate public access to any monument, or to all or any of the monuments, under their ownership or guardianship by virtue of this Act and any such regulations made by the Secretary of State may also apply to any monument, or to all or any of the monuments, under his control or management for any other reason.

[The Secretary of State shall consult with the Commission before he makes any regulations under this subsection in relation only to monuments situated in England.]

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(4) Without prejudice to the generality of subsection (3) above, regulations made by the Secretary of State or a local authority under [that subsection] may prescribe the times when the public are to have access to monuments to which the regulations apply and may make such provision as appears to the Secretary of State or to the local authority in question to be necessary for--

(a) the preservation of any such monument and its amenities or of any property of the Secretary of State or local authority; and

(b) prohibiting or regulating any act or thing which would tend to injure or disfigure any such monument or its amenities or to disturb the public in their enjoyment of it;

and may prescribe charges for the admission of the public to any such monument or to any class or description of monuments to which the regulations apply.

[(4A) The Secretary of State may by regulations under this subsection make such provision as appears to him necessary for prohibiting or regulating any act or thing which would tend to injure or disfigure any monument under the ownership or guardianship of the Commission by virtue of this Act or the monument's amenities or to disturb the public in their enjoyment of it.

(4B) The Secretary of State shall consult with the Commission before he makes any regulations under subsection (4A) above.]

(5) Without prejudice to subsections (3) and (4) above, the Secretary of State [and the Commission] and any local authority shall have power to make such charges as they may from time to time determine for the admission of the public to any monument under their ownership or guardianship by virtue of this Act or (in the case of the Secretary of State) to any monument otherwise under his control or management.

(6) Notwithstanding subsection (1) above, any person authorised in that behalf by the Secretary of State [or by the Commission] or by a local authority may refuse admission--

(a) to any monument under the ownership or guardianship of the Secretary of State or [the Commission or that local authority (as the case may be)] by virtue of this Act; or

(b) (in the case of the Secretary of State) to any monument otherwise under his control or management;

to any person he has reasonable cause to believe is likely to do anything which would tend to injure or disfigure the monument or its amenities or to disturb the public in their enjoyment of it.

(7) If any person contravenes or fails to comply with any provision of any regulations under this section, he shall be liable on summary conviction or, in Scotland, on conviction before a court of summary jurisdiction, to a fine not exceeding [level 3 on the standard scale].

(8) Regulations made by a local authority under this section shall not take

effect unless they are submitted to and confirmed by the Secretary of State, and the Secretary of State may confirm any such regulations either with or without modifications.

(9) In relation to any monument under guardianship, subsection (1) above is subject to any provision to the contrary in the guardianship deed.

NOTES:**Initial Commencement*****To be appointed***

To be appointed: see s 65(2).

Appointment

Appointment (in relation to England and Wales): 9 October 1981: see SI 1981/1300, art 2.

Appointment (in relation to Scotland): 30 November 1981: see SI 1981/1466, art 2.

Derivation

This section derived from the Ancient Monuments Consolidation and Amendment Act 1913, s 13.

Amendment

Sub-ss (1)-(4), (5), (6): words in square brackets substituted or inserted by the National Heritage Act 1983, s 33, Sch 4, para 45.

Sub-ss (4A), (4B): inserted by the National Heritage Act 1983, s 33, Sch 4, para 45.

Sub-s (7): words in square brackets substituted by virtue of the Criminal Justice Act 1982, ss 38, 46.

Modification

Modified, in relation to any monument in a National Park for which a National Park authority is the local planning authority or any area the whole or any part of which is comprised in such a Park, by the Environment Act 1995, s 70, Sch 9, para 10.

Transfer of Functions

Functions of the Secretary of State, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales, by the National Assembly for Wales (Transfer of Functions) Order 1999, SI 1999/672, art 2, Sch 1.

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**ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979
1979 CHAPTER 46**

**PART I ANCIENT MONUMENTS
Public access to monuments under public control
Royal Assent [4 April 1979]**

Ancient Monuments and Archaeological Areas Act 1979, Ch. 46, s. 20 (Eng.)

20 Provision of facilities for the public in connection with ancient monuments

(1) The Secretary of State [and the Commission] and any local authority may provide such facilities and information or other services for the public for or in connection with affording public access--

(a) to any monument under their ownership or guardianship by virtue of this Act; or

(b) (in the case of the Secretary of State) to any monument otherwise under his control or management;

as appear to them to be necessary or desirable.

(2) Facilities and information or other services for the public may be provided under this section in or on the monument itself or on any land associated with the monument.

(3) The Secretary of State [and the Commission] and any local authority shall have power to make such charges as they may from time to time determine for the use of any facility or service provided by them for the public under this section.

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 65(2).

Appointment

Appointment (in relation to England and Wales): 9 October 1981: see SI 1981/1300, art 2.

Appointment (in relation to Scotland): 30 November 1981: see SI 1981/1466, art 2.

Amendment

Sub-ss (1), (3): words in square brackets inserted by the National Heritage Act 1983, s 33, Sch 4, para 46.

Modification

Modified, in relation to any monument in a National Park for which a National Park authority is the local planning authority or any area the whole or any part of which is comprised in such a Park, by the Environment Act 1995, s 70, Sch 9, para 10.

Transfer of Functions

Functions of the Secretary of State, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales, by the National Assembly for Wales (Transfer of Functions) Order 1999, SI 1999/672, art 2, Sch 1.

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**ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979
1979 CHAPTER 46**

**PART I ANCIENT MONUMENTS
Transfer of ownership and guardianship of ancient monuments
Royal Assent [4 April 1979]**

Ancient Monuments and Archaeological Areas Act 1979, Ch. 46, s. 21 (Eng.)

21 Transfer of ancient monuments between local authorities and Secretary of State

(1) Subject to subsection (2) below, the Secretary of State [and the Commission] and any local authority may, in respect of any monument of which they are the owners or guardians by virtue of this Act or any land associated with any such monument, enter into and carry into effect any agreements for the transfer--

- (a) from the Secretary of State to the local authority;
- (b) from the local authority to the Secretary of State; or
- (c) from the local authority to another local authority; [or
- (d) from the Secretary of State to the Commission; or
- (e) from the Commission to the Secretary of State; or
- (f) from the Commission to the local authority; or
- (g) from the local authority to the Commission;]

of that monument or land or (as the case may be) of the guardianship of that monument or land.

(2) Where the Secretary of State [or the Commission] or the local authority in question are guardians of a monument or associated land, they may not enter into an agreement under this section with respect to that monument or land without the consent of the persons who are for the time being immediately affected by the operation of the guardianship deed.

[(3) The Commission may not enter into an agreement under subsection (1) above in respect of a monument or land not situated in England.

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(4) The Secretary of State may not enter into an agreement mentioned in subsection (1)(a) or (b) above in respect of a monument or land situated in England without consulting the Commission.

(5) The Commission may not enter into an agreement mentioned in subsection (1)(f) above without consulting the Secretary of State.

(6) The Commission may not enter into an agreement mentioned in subsection (1)(g) above without the consent of the Secretary of State.]

NOTES:**Initial Commencement*****To be appointed***

To be appointed: see s 65(2).

Appointment

Appointment (in relation to England and Wales): 9 October 1981: see SI 1981/1300, art 2.

Appointment (in relation to Scotland): 30 November 1981: see SI 1981/1466, art 2.

Derivation

This section derived from the Ancient Monuments Consolidation and Amendment Act 1913, s 10.

Amendment

Sub-ss (1), (2): words in square brackets inserted by the National Heritage Act 1983, s 33, Sch 4, para 47.

Sub-ss (3)-(6): inserted by the National Heritage Act 1983, s 33, Sch 4, para 47.

Modification

Modified, in relation to any monument in a National Park for which a National Park authority is the local planning authority or any area the whole or any part of which is comprised in such a Park, by the Environment Act 1995, s 70, Sch 9, para 10.

Transfer of Functions

Functions of the Secretary of State, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales, by the National Assembly for Wales (Transfer of Functions) Order 1999, SI 1999/672, art 2, Sch 1.

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**ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979
1979 CHAPTER 46**

**PART I ANCIENT MONUMENTS
Ancient Monuments Boards
Royal Assent [4 April 1979]**

Ancient Monuments and Archaeological Areas Act 1979, Ch. 46, s. 22 (Eng.)

22 Ancient Monuments Boards

(1) The advisory boards constituted under section 15 of the Ancient Monuments Consolidation and Amendment Act 1913 shall continue to exist under the names by which they were respectively known immediately before the commencement of this Act, that is to say--

- (a) . . .
 - (b) . . .
 - (c) the Ancient Monuments Board for Wales.
- (2) . . .
- (3) . . .

(4) The Ancient Monuments Board for Wales shall consist of members representing the following bodies, that is to say--

- The Royal Commission on Ancient and Historical Monuments (Wales)
 - The National Museum of Wales
 - The Cambrian Archaeological Association
 - The Royal Institute of British Architects
- and of such other members as the Secretary of State may appoint.

(5) References in this Act and in any other enactment to the Ancient Monuments Board shall be construed--

- (a) . . .

(b) . . .

(c) in relation to Wales, as references to the Ancient Monuments Board for Wales.

(6) It shall be the function of the Ancient Monuments Board to advise the Secretary of State with respect to the exercise of his functions under this Act, whether generally or in relation to any particular case or classes of case.

(7) Without prejudice to the generality of subsection (6) above the Ancient Monuments Board may advise the Secretary of State with respect to any of the following, that is to say--

(a) the inclusion of any monument in the Schedule under section 1(3) of this Act;

(b) the exclusion of any monument from the Schedule;

(c) the amendment of the entry in the Schedule relating to any monument;

(d) the termination of guardianship by an agreement under section 14 of this Act; and

(e) the disposal (in accordance with section 30 of this Act) of any land acquired under section 10, 11 or 21 of this Act.

(8) The Secretary of State may by regulations under this section amend subsection (2), (3) or (4) above.

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 65(2).

Appointment

Appointment (in relation to England and Wales): 9 October 1981: see SI 1981/1300, art 2.

Appointment (in relation to Scotland): 30 November 1981: see SI 1981/1466, art 2.

Derivation

This section derived from the Ancient Monuments Consolidation and Amendment Act 1913, s 15, Sch 1, and the Historic Buildings and Ancient Monuments Act 1953, s 16.

Amendment

Sub-s (1): para (a) repealed by the National Heritage Act 1983, s 40, Sch 6.

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Sub-s (1): para (b) repealed by the Public Appointments and Public Bodies etc (Scotland) Act 2003, s 17, Sch 4, para 6(a)(i).

Date in force: 31 May 2003: see SSI 2003/219, art 2(1)(c).

Sub-s (2): repealed by the National Heritage Act 1983, s 40, Sch 6.

Sub-s (3): repealed by the Public Appointments and Public Bodies etc (Scotland) Act 2003, s 17, Sch 4, para 6(a)(ii).

Date in force: 31 May 2003: see SSI 2003/219, art 2(1)(c).

Sub-s (5): para (a) repealed by the National Heritage Act 1983, s 40, Sch 6.

Sub-s (5): para (b) repealed by the Public Appointments and Public Bodies etc (Scotland) Act 2003, s 17, Sch 4, para 6(a)(iii).

Date in force: 31 May 2003: see SSI 2003/219, art 2(1)(c).

Transfer of Functions

Functions of the Secretary of State, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales, by the National Assembly for Wales (Transfer of Functions) Order 1999, SI 1999/672, art 2, Sch 1.

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**ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979
1979 CHAPTER 46**

PART I ANCIENT MONUMENTS
Ancient Monuments Boards
Royal Assent [4 April 1979]

Ancient Monuments and Archaeological Areas Act 1979, Ch. 46, s. 23 (Eng.)

23 Annual reports of Ancient Monuments Boards

.The Ancient Monuments Board for Wales shall . . . , before such date in every year as the Secretary of State may fix, send to the Secretary of State a report on the discharge by [it] of [its] functions during the previous year, and the Secretary of State shall lay a copy of each such report before each House of Parliament.

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 65(2).

Appointment

Appointment (in relation to England and Wales): 9 October 1981: see SI 1981/1300, art 2.

Appointment (in relation to Scotland): 30 November 1981: see SI 1981/1466, art 2.

Derivation

This section derived from the Historic Buildings and Ancient Monuments Act 1953, s 17.

Amendment

First words omitted repealed by the National Heritage Act 1983, s 40, Sch 6.

Second words omitted repealed by the Public Appointments and Public Bodies etc (Scotland) Act 2003, s 17, Sch 4, para 6(b)(i).

1979 CHAPTER 46

Date in force: 31 May 2003: see SSI 2003/219, art 2(1)(c).

Final word omitted repealed by the Public Appointments and Public Bodies etc (Scotland) Act 2003, s 17, Sch 4, para 6(b)(ii).

Date in force: 31 May 2003: see SSI 2003/219, art 2(1)(c).

Words "it" and "its" in square brackets substituted by the Public Appointments and Public Bodies etc (Scotland) Act 2003, s 17, Sch 4, para 6(b)(iii).

Date in force: 31 May 2003: see SSI 2003/219, art 2(1)(c).

Transfer of Functions

Functions of the Secretary of State, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales, by the National Assembly for Wales (Transfer of Functions) Order 1999, SI 1999/672, art 2, Sch 1.

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**ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979
1979 CHAPTER 46**

**PART I ANCIENT MONUMENTS
Miscellaneous and supplemental
Royal Assent [4 April 1979]**

Ancient Monuments and Archaeological Areas Act 1979, Ch. 46, s. 24 (Eng.)

24 Expenditure by Secretary of State or local authority on acquisition and preservation of ancient monuments, etc

(1) [Subject to subsection (3A) below] the Secretary of State may defray or contribute towards the cost of the acquisition by any person of any ancient monument.

(2) [Subject to subsection (3A) below] the Secretary of State may undertake, or assist in, or defray or contribute towards the cost of the removal of any ancient monument or of any part of any such monument to another place for the purpose of preserving it, and may at the request of the owner undertake, or assist in, or defray or contribute towards the cost of the preservation, maintenance and management of any ancient monument.

(3) [Subject to subsection (3A) below] the Secretary of State may contribute towards the cost of the provision of facilities or services for the public by a local authority under section 20 of this Act.

[(3A) As respects a monument situated in England, subsections (1) to (3) above shall apply as if "Commission" were substituted for "Secretary of State".]

[(3AA) The reference in subsection (3A) above to a monument situated in England includes any monument situated in, on or under the seabed within the seaward limits of the United Kingdom territorial waters adjacent to England; and an order under section 33(10) of the National Heritage Act 1983 (orders determining limits of waters adjacent to England) applies for the purposes of this subsection as it applies for the purposes of section 33(9) of that Act.]

[(3B) References to an ancient monument in subsections (1) and (2) above, as amended by subsection (3A) above, shall be construed as if the reference in section 61(12)(b) of this Act to the Secretary of State were to the Commission.]

(4) Any local authority may at the request of the owner undertake, or assist in, or defray or contribute towards the cost of the preservation, maintenance and management of any ancient monument situated in or in the vicinity of their

area.

(5) No expenses shall be incurred by the Secretary of State [or the Commission] or any local authority under this section in connection with any monument which is occupied as a dwelling house by any person other than a person employed as the caretaker thereof or his family.

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 65(2).

Appointment

Appointment (in relation to England and Wales): 9 October 1981: see SI 1981/1300, art 2.

Appointment (in relation to Scotland): 30 November 1981: see SI 1981/1466, art 2.

Amendment

Sub-ss (1)-(3), (5): words in square brackets inserted by the National Heritage Act 1983, s 33, Sch 4, para 48.

Sub-s (3A): inserted by the National Heritage Act 1983, s 33, Sch 4, para 48.

Sub-s (3AA): inserted by the National Heritage Act 2002, s 2(3).

Date in force: 1 July 2002: see the National Heritage Act 2002, s 8(2).

Sub-s (3B): inserted by the National Heritage Act 1983, s 33, Sch 4, para 48.

Modification

Modified, in relation to any monument in a National Park for which a National Park authority is the local planning authority or any area the whole or any part of which is comprised in such a Park, by the Environment Act 1995, s 70, Sch 9, para 10.

Transfer of Functions

Functions of the Secretary of State, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales, by the National Assembly for Wales (Transfer of Functions) Order 1999, SI 1999/672, art 2, Sch 1.

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1979 CHAPTER 46

PART I ANCIENT MONUMENTS
Miscellaneous and supplemental
Royal Assent [4 April 1979]

Ancient Monuments and Archaeological Areas Act 1979, Ch. 46, s. 25 (Eng.)

25 Advice and superintendence by Secretary of State

(1) [Subject to subsection (3A) below] the Secretary of State may give advice with reference to the treatment of any ancient monument.

(2) [Subject to subsection (3A) below] the Secretary of State may also, if in his opinion it is advisable, superintend any work in connection with any ancient monument if invited to do so by the owner, and shall superintend any such work, whether required to do so by the owner or not, in connection with any scheduled monument, if in his opinion it is advisable.

(3) [Subject to subsection (3A) below] the Secretary of State may make a charge for giving advice and superintendence under this section or may give it free of charge, as he thinks fit.

[(3A) As respects a monument situated in England, subsections (1) to (3) above shall apply as if "Commission" were substituted for "Secretary of State", "their" for "his" (in each place) and "they think" for "he thinks".

(3B) References to an ancient monument in subsections (1) and (2) above, as amended by subsection (3A) above, shall be construed as if the reference in section 61(12)(b) of this Act to the Secretary of State were to the Commission.]

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 65(2).

Appointment

Appointment (in relation to England and Wales): 9 October 1981: see SI 1981/1300, art 2.

1979 CHAPTER 46

Appointment (in relation to Scotland): 30 November 1981: see SI 1981/1466, art 2.

Derivation

This section derived from the Ancient Monuments Consolidation and Amendment Act 1913, s 17.

Amendment

Sub-ss (3A), (3B): inserted by the National Heritage Act 1983, s 33, Sch 4, para 49.

Sub-ss (1)-(3): words in square brackets inserted by the National Heritage Act 1983, s 33, Sch 4, para 49.

Transfer of Functions

Functions of the Secretary of State, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales, by the National Assembly for Wales (Transfer of Functions) Order 1999, SI 1999/672, art 2, Sch 1.

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Ancient Monuments and Archaeological Areas Act 1979, Ch. 46, s. 26 (Eng.)

26 Power of entry on land believed to contain an ancient monument

(1) A person duly authorised in writing by the Secretary of State may at any reasonable time enter any land in, on or under which the Secretary of State knows or has reason to believe there is an ancient monument for the purpose of inspecting the land (including any building or other structure on the land) with a view to recording any matters of archaeological or historical interest.

(2) Subject to subsection (3) below, a person entering any land in exercise of the power conferred by subsection (1) above may carry out excavations in the land for the purpose of archaeological investigation.

(3) No excavation shall be made in exercise of the power conferred by subsection (2) above except with the consent of every person whose consent to the making of the excavation would be required apart from this section.

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 65(2).

Appointment

Appointment (in relation to England and Wales): 9 October 1981: see SI 1981/1300, art 2.

Appointment (in relation to Scotland): 30 November 1981: see SI 1981/1466, art 2.

Derivation

This section derived from the Ancient Monuments Act 1931, s 9.

Transfer of Functions

Functions of the Secretary of State, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales, by the National Assembly for Wales (Transfer of Functions) Order 1999, SI 1999/672, art 2, Sch 1.

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Royal Assent [4 April 1979]**

Ancient Monuments and Archaeological Areas Act 1979, Ch. 46, s. 27 (Eng.)

27 General provisions as to compensation for depreciation under Part I

(1) For the purpose of assessing any compensation to which this section applies, the rules set out in section 5 of the Land Compensation Act 1961 or, in relation to land in Scotland, the rules set out in section 12 of the Land Compensation (Scotland) Act 1963 shall, so far as applicable and subject to any necessary modifications, have effect as they have effect for the purpose of assessing compensation for the compulsory acquisition of an interest in land.

(2) This section applies to any compensation payable under section 7 or 9 of this Act in respect of any loss or damage consisting of depreciation of the value of an interest in land.

(3) Where an interest in land is subject to a mortgage--

(a) any compensation to which this section applies, which is payable in respect of depreciation of the value of that interest, shall be assessed as if the interest were not subject to the mortgage;

(b) a claim for any such compensation may be made by any mortgagee of the interest, but without prejudice to the making of a claim by the person entitled to the interest;

(c) no compensation to which this section applies shall be payable in respect of the interest of the mortgagee (as distinct from the interest which is subject to the mortgage); and

(d) any compensation to which this section applies which is payable in respect of the interest which is subject to the mortgage shall be paid to the mortgagee, or, if there is more than one mortgagee, to the first mortgagee, and shall in either case be applied by him as if it were proceeds of sale.

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 65(2).

Appointment

Appointment (in relation to England and Wales): 9 October 1981: see SI 1981/1300, art 2.

Appointment (in relation to Scotland): 30 November 1981: see SI 1981/1466, art 2.

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Royal Assent [4 April 1979]**

Ancient Monuments and Archaeological Areas Act 1979, Ch. 46, s. 28 (Eng.)

28 Offence of damaging certain ancient monuments

(1) A person who without lawful excuse destroys or damages any protected monument--

(a) knowing that it is a protected monument; and

(b) intending to destroy or damage the monument or being reckless as to whether the monument would be destroyed or damaged;

shall be guilty of an offence.

(2) This section applies to anything done by or under the authority of the owner of the monument, other than an act for the execution of excepted works, as it applies to anything done by any other person.

In this subsection "excepted works" means works for which scheduled monument consent has been given under this Act (including any consent granted by order under section 3).

(3) In this section "protected monument" means any scheduled monument and any monument under the ownership or guardianship of the Secretary of State [or the Commission] or a local authority by virtue of this Act.

(4) A person guilty of an offence under this section shall be liable--

(a) on summary conviction, to a fine not exceeding the statutory maximum or to imprisonment for a term not exceeding six months or both; or

(b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or both.

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 65(2).

Appointment

Appointment (in relation to England and Wales): 9 October 1981: see SI 1981/1300, art 2.

Appointment (in relation to Scotland): 30 November 1981: see SI 1981/1466, art 2.

Derivation

This section derived from the Ancient Monuments Consolidation and Amendment Act 1913, s 14.

Amendment

Sub-s (3): words in square brackets inserted by the National Heritage Act 1983, s 33, Sch 4, para 50.

Modification

Modified, in relation to any monument in a National Park for which a National Park authority is the local planning authority or any area the whole or any part of which is comprised in such a Park, by the Environment Act 1995, s 70, Sch 9, para 10.

Transfer of Functions

Functions of the Secretary of State, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales, by the National Assembly for Wales (Transfer of Functions) Order 1999, SI 1999/672, art 2, Sch 1.

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Royal Assent [4 April 1979]**

Ancient Monuments and Archaeological Areas Act 1979, Ch. 46, s. 29 (Eng.)

29 Compensation orders for damage to monuments under guardianship in England and Wales

Where the owner or any other person is convicted of an offence involving damage to a monument situated in England and Wales which was at the time of the offence under the guardianship of the Secretary of State [or the Commission] or any local authority by virtue of this Act, any compensation order made under [section 130 of the Powers of Criminal Courts (Sentencing) Act 2000] (compensation orders against convicted persons) in respect of that damage shall be made in favour of the Secretary of State or [the Commission or the local authority in question (as the case may require)].

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 65(2).

Appointment

Appointment (in relation to England and Wales): 9 October 1981: see SI 1981/1300, art 2.

Appointment (in relation to Scotland): 30 November 1981: see SI 1981/1466, art 2.

Amendment

Words "or the Commission" in square brackets inserted by the National Heritage Act 1983, s 33, Sch 4, para 51.

Words "section 130 of the Powers of Criminal Courts (Sentencing) Act 2000" in square brackets substituted by the Powers of Criminal Courts (Sentencing) Act

2000, s 165(1), Sch 9, para 59.

Date in force: 25 August 2000: see the Powers of Criminal Courts (Sentencing) Act 2000, s 168(1).

Words "the Commission or the local authority in question (as the case may require)" in square brackets substituted by the National Heritage Act 1983, s 33, Sch 4, para 51.

Modification

Modified, in relation to any monument in a National Park for which a National Park authority is the local planning authority or any area the whole or any part of which is comprised in such a Park, by the Environment Act 1995, s 70, Sch 9, para 10.

Transfer of Functions

Functions of the Secretary of State, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales, by the National Assembly for Wales (Transfer of Functions) Order 1999, SI 1999/672, art 2, Sch 1.

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Miscellaneous and supplemental
Royal Assent [4 April 1979]**

Ancient Monuments and Archaeological Areas Act 1979, Ch. 46, s. 30 (Eng.)

30 Disposal of land acquired under Part I

(1) Subject to the following provisions of this section, the Secretary of State [or the Commission] or any local authority may dispose of any land acquired by them under section 10, 11 or 21 of this Act.

[(1A) The Secretary of State shall consult with the Commission before disposing of any land situated in England under this section.

(1B) The Commission shall consult with the Secretary of State before disposing of any land under this section.]

(2) A local authority shall consult with the Secretary of State before disposing of any land under this section.

(3) Subject to subsection (4) below, where the land in question is or includes a monument, the Secretary of State or [the Commission or the local authority (as the case may be)] may only dispose of it on such terms as will in their opinion ensure the preservation of the monument.

(4) Subsection (3) above does not apply in any case where the Secretary of State or [the Commission or the local authority (as the case may be)] are satisfied that it is no longer practicable to preserve the monument (whether because of the cost of preserving it or otherwise).

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 65(2).

Appointment

1979 CHAPTER 46

Appointment (in relation to England and Wales): 9 October 1981: see SI 1981/1300, art 2.

Appointment (in relation to Scotland): 30 November 1981: see SI 1981/1466, art 2.

Amendment

Sub-ss (1), (3), (4): words in square brackets substituted or inserted by the National Heritage Act 1983, s 33, Sch 4, para 52.

Sub-ss (1A), (1B): inserted by the National Heritage Act 1983, s 33, Sch 4, para 52.

Modification

Modified, in relation to any monument in a National Park for which a National Park authority is the local planning authority or any area the whole or any part of which is comprised in such a Park, by the Environment Act 1995, s 70, Sch 9, para 10.

Transfer of Functions

Functions of the Secretary of State, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales, by the National Assembly for Wales (Transfer of Functions) Order 1999, SI 1999/672, art 2, Sch 1.

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Royal Assent [4 April 1979]**

Ancient Monuments and Archaeological Areas Act 1979, Ch. 46, s. 31 (Eng.)

31 Voluntary contributions towards expenditure under Part I

The Secretary of State or any local authority may receive voluntary contributions for or towards the cost of any expenditure incurred by them under this Part of this Act (whether in relation to any particular monument or land or otherwise).

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 65(2).

Appointment

Appointment (in relation to England and Wales): 9 October 1981: see SI 1981/1300, art 2.

Appointment (in relation to Scotland): 30 November 1981: see SI 1981/1466, art 2.

Derivation

This section derived from the Ancient Monuments Consolidation and Amendment Act 1913, s 9.

Modification

Modified, in relation to any monument in a National Park for which a National Park authority is the local planning authority or any area the whole or any part of which is comprised in such a Park, by the Environment Act 1995, s 70, Sch 9, para 10.

Transfer of Functions

Functions of the Secretary of State, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales, by the National Assembly for Wales (Transfer of Functions) Order 1999, SI 1999/672, art 2, Sch 1.

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1979 CHAPTER 46**

**PART I ANCIENT MONUMENTS
Miscellaneous and supplemental
Royal Assent [4 April 1979]**

Ancient Monuments and Archaeological Areas Act 1979, Ch. 46, s. 32 (Eng.)

32 Interpretation of Part I

(1) In this Part of this Act "maintenance" and "maintain" have the meanings given by section 13(7) of this Act, and expressions to which a meaning is given for the purposes of [the Town and Country Planning Act 1990 or the Planning (Listed Buildings and Conservation Areas) Act 1990] or (as regards Scotland) for the purposes of [the Town and Country Planning (Scotland) Act 1997 or the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997] have the same meaning as in [the said Acts of 1990] or (as the case may require) as in [the said Acts of 1997].

(2) References in this Part of this Act to a monument, in relation to the acquisition or transfer of any monument (whether under a power conferred by this Part of this Act or otherwise), include references to any interest in or right over the monument.

(3) For the purposes of this Part of this Act the Secretary of State [or the Commission] or a local authority are the owners of a monument by virtue of this Act if the Secretary of State or [the Commission or the local authority (as the case may be)] have acquired it under section 10, 11 or 21 of this Act.

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 65(2).

Appointment

Appointment (in relation to England and Wales): 9 October 1981: see SI 1981/1300, art 2.

Appointment (in relation to Scotland): 30 November 1981: see SI 1981/1466,

art 2.

Amendment

Sub-s (1): first and third words in square brackets substituted by the Planning (Consequential Provisions) Act 1990, s 4, Sch 2, para 43(1); second and fourth words in square brackets substituted by the Planning (Consequential Provisions) (Scotland) Act 1997, s 4, Sch 2, para 29(1).

Sub-s (3): first words in square brackets inserted, and second words in square brackets substituted, by the National Heritage Act 1983, s 33, Sch 4, para 53.

Modification

Modified, in relation to any monument in a National Park for which a National Park authority is the local planning authority or any area the whole or any part of which is comprised in such a Park, by the Environment Act 1995, s 70, Sch 9, para 10.

Transfer of Functions

Functions of the Secretary of State, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales, by the National Assembly for Wales (Transfer of Functions) Order 1999, SI 1999/672, art 2, Sch 1.

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1979 CHAPTER 46**

PART II ARCHAEOLOGICAL AREAS
Royal Assent [4 April 1979]

Ancient Monuments and Archaeological Areas Act 1979, Ch. 46, s. 33 (Eng.)

33 Designation of areas of archaeological importance

(1) The Secretary of State may from time to time by order designate as an area of archaeological importance any area which appears to him to merit treatment as such for the purposes of this Act[; but, where the area in question is situated in England, he shall consult with the Commission before doing so.]

(2) A local authority may from time to time by order designate as an area of archaeological importance any area within the area of that local authority which appears to them to merit treatment as such for the purposes of this Act[; but, where the area in question is situated in England, the authority shall first notify the Commission of their intention to do so.]

[(2A) The Commission may from time to time by order designate as an area of archaeological importance any area in Greater London which appears to them to merit treatment as such for the purposes of this Act.]

(3) An order under this section designating an area as an area of archaeological importance (whether by the Secretary of State or by a local authority [or by the Commission]) is referred to below in this Act as a designation order.

(4) The Secretary of State may at any time by order vary or revoke a designation order, but his power to vary such an order is confined to reducing the area designated by the order.

[The Secretary of State shall consult with the Commission before varying or revoking an order relating to an area situated in England.]

(5) A designation order relating to an area in England and Wales shall be a local land charge.

(6) Schedule 2 to this Act shall have effect with respect to the making, and with respect to the variation and revocation, of designation orders.

NOTES:

Initial Commencement***To be appointed***

To be appointed: see s 65(2).

Appointment

Appointment (in relation to England and Wales): 14 April 1982: see SI 1982/362, art 2.

Amendment

Sub-ss (1), (2), (4): words in square brackets inserted by the National Heritage Act 1983, s 33, Sch 4, para 54.

Sub-s (2A): inserted by the Local Government Act 1985, s 6, Sch 2, para 2.

Sub-s (3): words in square brackets inserted by the Local Government Act 1985, s 6, Sch 2, para 2.

Modification

Modified, in relation to any monument in a National Park for which a National Park authority is the local planning authority or any area the whole or any part of which is comprised in such a Park, by the Environment Act 1995, s 70, Sch 9, para 10.

Transfer of Functions

Functions of the Secretary of State, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales, by the National Assembly for Wales (Transfer of Functions) Order 1999, SI 1999/672, art 2, Sch 1.

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1979 CHAPTER 46**

PART II ARCHAEOLOGICAL AREAS
Royal Assent [4 April 1979]

Ancient Monuments and Archaeological Areas Act 1979, Ch. 46, s. 34 (Eng.)

34 Investigating authorities for areas of archaeological importance

(1) The Secretary of State may at any time appoint any person whom he considers to be competent to undertake archaeological investigations to exercise in relation to any area of archaeological importance the functions conferred by the following provisions of this Part of this Act on the investigating authority for an area of archaeological importance, and any such appointment shall be on such terms and for such period as the Secretary of State thinks fit.

[The Secretary of State shall consult with the Commission before making an appointment under this subsection in relation to an area situated in England.]

(2) A person's appointment as investigating authority may be cancelled at any time by the Secretary of State [; but, where the appointment was made in relation to an area situated in England, he shall consult with the Commission before cancelling the appointment.]

(3) On appointing or cancelling the appointment of any person as investigating authority for an area of archaeological importance, the Secretary of State shall notify each local authority in whose area the area of archaeological importance in question is wholly or partly situated [; and, if the area is wholly or partly situated in Greater London, he shall also notify the Commission].

(4) Where there is for the time being no person holding appointment under this section as the investigating authority for an area of archaeological importance, the functions of the investigating authority for that area under this Part of this Act shall be exercisable by the [Commission (in the case of an area situated in England) or the Secretary of State (in any other case)].

(5) A person duly authorised in writing by any person by whom the functions of an investigating authority under this Part of this Act are for the time being exercisable may act on his behalf in the exercise of those functions.

NOTES:

Initial Commencement***To be appointed***

To be appointed: see s 65(2).

Appointment

Appointment (in relation to England and Wales): 14 April 1982: see SI 1982/362, art 2.

Amendment

Sub-ss (1), (2), (4): words in square brackets substituted or inserted by the National Heritage Act 1983, s 33, Sch 4, para 55.

Sub-s (3): words in square brackets inserted by the Local Government Act 1985, s 6, Sch 2, para 2.

Modification

Modified, in relation to any monument in a National Park for which a National Park authority is the local planning authority or any area the whole or any part of which is comprised in such a Park, by the Environment Act 1995, s 70, Sch 9, para 10.

Transfer of Functions

Functions of the Secretary of State, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales, by the National Assembly for Wales (Transfer of Functions) Order 1999, SI 1999/672, art 2, Sch 1.

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PART II ARCHAEOLOGICAL AREAS
Royal Assent [4 April 1979]

Ancient Monuments and Archaeological Areas Act 1979, Ch. 46, s. 35 (Eng.)

35 Notice required of operations in areas of archaeological importance

(1) Subject to section 37 of this Act, if any person carries out, or causes or permits to be carried out, on land in an area of archaeological importance any operations to which this section applies--

(a) without having first served a notice relating to those operations which complies with subsections (4) and (5) below; or

(b) within six weeks of serving such a notice;

he shall be guilty of an offence.

(2) Subject to section 37 of this Act, this section applies to any of the following operations, that is to say--

(a) operations which disturb the ground;

(b) flooding operations; and

(c) tipping operations.

(3) In this Part of this Act the person carrying out or proposing to carry out any operations is referred to, in relation to those operations, as "the developer", and a notice complying with subsections (4) and (5) below is referred to as an "operations notice".

(4) A notice required for the purposes of this section--

(a) shall specify the operations to which it relates, the site on which they are to be carried out, the date on which it is proposed to begin them and, where the operations are to be carried out after clearance of the site, the developer's estimated date for completion of the clearance operations;

(b) shall be accompanied by a certificate in the prescribed form which satisfies the requirements of section 36 of this Act; and

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(c) shall be in the prescribed form.

(5) A notice required for the purposes of this section shall be served by the developer--

(a) in the case of land in England . . . , on the district council or London borough council or (as the case may be) on each district council or London borough council in whose area the site of the operations is wholly or partly situated;

[(aa) in the case of land in Wales, on the council of each county or county borough in which the site of the operations is wholly or partly situated;]

(b) in the case of land in Scotland, on the local authority or (as the case may be) on each local authority in whose area the site of the operations is wholly or partly situated; or

(c) in a case where the developer is any such council or local authority, on the Secretary of State.

(6) Regulations made by the Secretary of State may prescribe the steps to be taken by any council or local authority on whom an operations notice is served in accordance with subsection (5) above.

(7) Where an operations notice is served with respect to operations which are to be carried out after clearance of any site, the developer shall notify the investigating authority for the area of archaeological importance in question of the clearance of the site immediately on completion of the clearance operations.

(8) If in a case falling within subsection (7) above the developer carries out or causes or permits to be carried out, any of the operations to which the operations notice relates without having first notified the investigating authority of the clearance of the site in accordance with that subsection, this section shall have effect in relation to those operations as if the operations notice had not been served.

(9) A person guilty of an offence under this section shall be liable--

(a) on summary conviction or, in Scotland, on conviction before a court of summary jurisdiction, to a fine not exceeding the statutory maximum; or

(b) on a conviction on indictment to a fine.

(10) Without prejudice to section 222 of the Local Government Act 1972, any such council as is mentioned in subsection (5)(a) above may institute proceedings for an offence under this section in respect of operations on any site situated partly in their area notwithstanding that the operations are confined to a part of the site outside their area; and if it appears to any such council or, in Scotland, to any local authority--

(a) that any operations are being, or are about to be, carried out in contravention of this section on any site situated wholly or partly in their area; and

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(b) that the site contains or is likely to contain anything of archaeological or historical interest which will be disturbed, damaged, destroyed or removed without proper archaeological investigation if operations are carried out on the site without regard for the provisions of this Part of this Act;

that council or local authority may take proceedings in the High Court or, in Scotland, in any court of competent jurisdiction for the purpose of securing an injunction or interdict prohibiting those operations from being carried out in contravention of this section.

[(11) This section shall have effect, in relation to any land within the Broads (as defined by the Norfolk and Suffolk Broads Act 1988), as if the Broads Authority were the district council (to the exclusion of the authority which is otherwise the district council for the area in question) and the Broads were its local authority area.]

NOTES:**Initial Commencement*****To be appointed***

To be appointed: see s 65(2).

Appointment

Appointment (in relation to England and Wales): 14 April 1982: see SI 1982/362, art 2.

Amendment

Sub-s (5): in para (a) words omitted repealed, and para (aa) inserted, by the Local Government (Wales) Act 1994, s 66(6), (8), Sch 16, para 56(2), Sch 18.

Sub-s (11): inserted by the Norfolk and Suffolk Broads Act 1988, s 2(5), (6), Sch 3, Part I.

Modification

Modified, in relation to any monument in a National Park for which a National Park authority is the local planning authority or any area the whole or any part of which is comprised in such a Park, by the Environment Act 1995, s 70, Sch 9, para 10.

Transfer of Functions

Functions of the Secretary of State, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales, by the National Assembly for Wales (Transfer of Functions) Order 1999, SI 1999/672, art 2, Sch 1.

Subordinate Legislation

Operations in Areas of Archaeological Importance (Forms of Notice etc) Regulations 1984, SI 1984/1285 (made under sub-ss (4)(b), (c), (6)).

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**ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979
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PART II ARCHAEOLOGICAL AREAS
Royal Assent [4 April 1979]

Ancient Monuments and Archaeological Areas Act 1979, Ch. 46, s. 36 (Eng.)

36 Certificate to accompany operations notice under section 35

(1) A person is qualified to issue a certificate for the purposes of section 35(4)(b) of this Act if he either--

(a) has an interest in the site of the operations which (apart from any restrictions imposed by law) entitles him to carry out the operations in question; or

(b) has a right to enter on and take possession of that site under section 11(1) or (2) of the Compulsory Purchase Act 1965 (powers of entry on land subject to compulsory purchase) or, in the case of a site in Scotland, under paragraph (3) (1) of Schedule 2 to the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947.

(2) Statutory undertakers are qualified to issue a certificate for the purposes of section 35(4)(b) of this Act if they are entitled by or under any enactment to carry out the operations in question.

(3) Any such certificate--

(a) shall be signed by or on behalf of a person or persons qualified in accordance with subsection (1) or (2) above to issue it;

(b) shall state that the person issuing the certificate has an interest within paragraph (a) or (as the case may be) a right within paragraph (b) of subsection (1) above or, in the case of a certificate issued by statutory undertakers, shall state that it is so issued and specify the enactment by or under which they are entitled to carry out the operations in question; and

(c) if the person issuing the certificate is not the developer, shall state that he has authorised the developer to carry out the operations.

(4) If any person issues a certificate which purports to comply with the requirements of this section and which contains a statement which he knows to be false or misleading in a material particular, or recklessly issues a certificate

which purports to comply with those requirements and which contains a statement which is false or misleading in a material particular, he shall be guilty of an offence and liable on summary conviction or, in Scotland, on conviction before a court of summary jurisdiction, to a fine not exceeding [level 3 on the standard scale].

NOTES:**Initial Commencement***To be appointed*

To be appointed: see s 65(2).

Appointment

Appointment (in relation to England and Wales): 14 April 1982: see SI 1982/362, art 2.

Amendment

Sub-s (4): words in square brackets substituted by virtue of the Criminal Justice Act 1982, s 46.

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ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979
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PART II ARCHAEOLOGICAL AREAS
Royal Assent [4 April 1979]

Ancient Monuments and Archaeological Areas Act 1979, Ch. 46, s. 37 (Eng.)

37 Exemptions from offence under section 35

(1) Section 35 of this Act does not apply to any operations carried out with the consent of the investigating authority for the area of archaeological importance in question.

(2) The Secretary of State may by order direct that section 35 shall not apply to the carrying out, or to the carrying out by any class or description of persons specified in the order, of operations of any class or description so specified; and an exemption conferred by an order under this subsection may be either unconditional or subject to any conditions specified in the order.

(3) The Secretary of State may direct that any exemption conferred by an order under subsection (2) above shall not apply to the carrying out on any land specified in the direction, or to the carrying out on any land so specified by any class or description of persons so specified, of operations of any class or description so specified, and may withdraw any direction given under this subsection.

[The Secretary of State shall consult with the Commission before giving or withdrawing a direction under this subsection in relation to land situated in England.]

(4) A direction under subsection (3) above shall not take effect until notice of it has been served on the occupier or (if there is no occupier) on the owner of the land in question.

(5) In any proceedings for an offence under section 35 consisting in carrying out, or causing or permitting to be carried out, any operations which disturb the ground, it shall be a defence for the accused to prove that he took all reasonable precautions and exercised all due diligence to avoid or prevent disturbance of the ground.

(6) In any proceedings for an offence under section 35 it shall be a defence for the accused to prove either--

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(a) that he did not know and had no reason to believe that the site of the operations was within an area of archaeological importance;

(b) that the operations were urgently necessary in the interests of safety or health and that notice in writing of the need for the operations was given to the Secretary of State as soon as reasonably practicable.

NOTES:**Initial Commencement***To be appointed*

To be appointed: see s 65(2).

Appointment

Appointment (in relation to England and Wales): 14 April 1982: see SI 1982/362, art 2.

Amendment

Sub-s (3): words in square brackets inserted by the National Heritage Act 1983, s 33, Sch 4, para 56.

Transfer of Functions

Functions of the Secretary of State, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales, by the National Assembly for Wales (Transfer of Functions) Order 1999, SI 1999/672, art 2, Sch 1.

Subordinate Legislation

Areas of Archaeological Importance (Notification of Operations) (Exemption) Order 1984, SI 1984/1286 (made under sub-s (2)).

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**ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979
1979 CHAPTER 46**

PART II ARCHAEOLOGICAL AREAS
Royal Assent [4 April 1979]

Ancient Monuments and Archaeological Areas Act 1979, Ch. 46, s. 38 (Eng.)

38 Powers of investigating authority to enter and excavate site of operations covered by an operations notice

(1) Where an operations notice is served with respect to any operations, the investigating authority for the area of archaeological importance in which the site of operations is situated shall thereupon have a right to enter, at any reasonable time, the site and any land giving access to the site, for either or both of the following purposes, that is to say--

(a) for the purpose of inspecting the site (including any buildings or other structures on the site) with a view to recording any matters of archaeological or historical interest and determining whether it would be desirable to carry out any excavations in the site; and

(b) for the purpose of observing any operations carried out on the site with a view to examining and recording any objects or other material of archaeological or historical interest, and recording any matters of archaeological or historical interest, discovered during the course of those operations.

(2) Where--

(a) an operations notice is served with respect to any operations; and

(b) the investigating authority for the area of archaeological importance in which the site of the operations is situated serves notice in accordance with subsection (3) below of its intention to excavate the site;

the investigating authority shall have a right to carry out excavations in the site for the purpose of archaeological investigation at any time during the period allowed for excavation in accordance with subsection (4) below.

(3) The investigating authority shall only have a right to excavate the site of any operations in accordance with subsection (2) above if before the end of the period of four weeks beginning with the date of service of the operations notice the authority--

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(a) serves notice in the prescribed form of its intention to excavate on the developer; and

(b) serves a copy of that notice on any council (in England and Wales) or local authority (in Scotland) served with the operations notice and also (unless the functions of the investigating authority are for the time being exercisable by the Secretary of State) on the Secretary of State [and

(c) where the site in question is situated in England, serves a copy of that notice on the Commission (unless the investigating authority is for the time being the Commission).]

(4) The period allowed for excavation under subsection (2) above is the period of four months and two weeks beginning--

(a) with the date immediately following the end of the period of six weeks beginning with the date of service of the operations notice; or

(b) where the operations specified in the operations notice are to be carried out after clearance of the site, with the date of receipt of the notification of clearance of the site required under section 35(7) of this Act or with the date first mentioned in paragraph (a) above (whichever last occurs); or

(c) with any earlier date agreed between the investigating authority and the developer.

(5) Where--

(a) the investigating authority has served notice of its intention to excavate the site in accordance with subsection (3) above; and

(b) the period of six weeks beginning with the date of service of the operations notice has expired;

the investigating authority shall have a right to carry out excavations in the site for the purpose of archaeological investigation notwithstanding that the period allowed for excavation in accordance with subsection (4) above has not yet begun, but only if the authority does not thereby obstruct the execution on the site by the developer of clearance operations or any other operations to which section 35 of this Act does not apply.

(6) The investigating authority may at any reasonable time enter the site and any land giving access to the site for the purpose of exercising a right to excavate the site in accordance with subsection (2) or (5) above.

(7) If operations to which the operations notice relates are carried out on the site at a time when the investigating authority has a right to excavate the site in accordance with subsection (2) or (5) above section 35 of this Act shall have effect in relation to those operations as if the operations notice had not been served (subject, however, to any exemption or defence conferred by or under section 37 of this Act).

(8) The Secretary of State may at any time direct--

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(a) that an investigating authority shall comply with any conditions specified in the direction in exercising any of its powers under the preceding provisions of this section in relation to any site; or

(b) that any such power shall cease to be exercisable by an investigating authority in relation to the whole or any part of any site;

and may vary or revoke any direction given under paragraph (a) above.

[The Secretary of State shall consult with the Commission before giving, varying or revoking a direction under this subsection in relation to a site situated in England.]

(9) On giving a direction under subsection (8) above the Secretary of State shall serve a copy of the direction on each of the following persons, that is to say--

(a) the investigating authority;

(b) any council (in England and Wales) or local authority (in Scotland) served with the operations notice in question;

(c) the developer; and

(d) any person other than the developer by whom the certificate accompanying the operations notice in accordance with section 35(4)(b) of this Act was issued;

and on varying or revoking any such direction the Secretary of State shall notify the same persons (giving particulars of the effect of any variation).

[(10) On giving a direction under subsection (8) above in relation to a site situated in England the Secretary of State shall send a copy of the direction to the Commission (if the investigating authority is not the Commission).

(11) On varying or revoking a direction given under subsection (8) above in relation to a site situated in England the Secretary of State shall notify the Commission (giving particulars of the effect of any variation) if the investigating authority is not the Commission.]

NOTES:**Initial Commencement*****To be appointed***

To be appointed: see s 65(2).

Appointment

Appointment (in relation to England and Wales): 14 April 1982: see SI 1982/362, art 2.

Amendment

Sub-ss (3), (8): words in square brackets inserted by the National Heritage Act 1983, s 33, Sch 4, para 57.

Sub-ss (10), (11): inserted by the National Heritage Act 1983, s 33, Sch 4, para 57.

Modification

Modified, in relation to any monument in a National Park for which a National Park authority is the local planning authority or any area the whole or any part of which is comprised in such a Park, by the Environment Act 1995, s 70, Sch 9, para 10.

Transfer of Functions

Functions of the Secretary of State, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales, by the National Assembly for Wales (Transfer of Functions) Order 1999, SI 1999/672, art 2, Sch 1.

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ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979
1979 CHAPTER 46

PART II ARCHAEOLOGICAL AREAS
Royal Assent [4 April 1979]

Ancient Monuments and Archaeological Areas Act 1979, Ch. 46, s. 39 (Eng.)

**39 Power of investigating authority to investigate in advance of operations
notice any site which may be acquired compulsorily**

(1) If an authority possessing compulsory purchase powers notifies the investigating authority for any area of archaeological importance that it proposes to carry out, or to authorise someone else to carry out, on any site in the area, any operations of a description mentioned in section 35(2) of this Act (other than exempt operations), the investigating authority shall thereupon have a right to enter, at any reasonable time, the site and any land giving access to the site, for the purpose mentioned in section 38(1)(a) of this Act.

In this subsection "exempt operations" means operations excluded from the application of section 35 by an order under section 37 of this Act.

(2) The right of an investigating authority to enter any site by virtue of subsection (1) above shall cease at the end of the period of one month beginning with the day on which it is first exercised.

(3) Section 38(8) of this Act shall apply in relation to the power of entry under this section as it applies in relation to the powers of an investigating authority under that section.

(4) Section 38(9) of this Act shall not apply in relation to a direction under section 38(8) with respect to the exercise of the power of entry under this section, but on giving any such direction the Secretary of State shall serve a copy of the direction on each of the following persons, that is to say--

(a) the investigating authority;

(b) the authority possessing compulsory purchase powers; and

(c) the owner and (if the owner is not the occupier) the occupier of the site in question; [and

(d) where the site in question is situated in England, the Commission (if the investigating authority is not the Commission);]

and on varying or revoking any such direction the Secretary of State shall notify the same persons (giving particulars of the effect of any variation).

(5) In this section "authority possessing compulsory purchase powers" means any person or body of persons who could be or have been authorised to acquire an interest in land compulsorily.

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 65(2).

Appointment

Appointment (in relation to England and Wales): 14 April 1982: see SI 1982/362, art 2.

Amendment

Sub-s (4): words in square brackets inserted by the National Heritage Act 1983, s 33, Sch 4, para 58.

Transfer of Functions

Functions of the Secretary of State, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales, by the National Assembly for Wales (Transfer of Functions) Order 1999, SI 1999/672, art 2, Sch 1.

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**ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979
1979 CHAPTER 46**

PART II ARCHAEOLOGICAL AREAS
Royal Assent [4 April 1979]

Ancient Monuments and Archaeological Areas Act 1979, Ch. 46, s. 40 (Eng.)

40 Other powers of entry on site of operations covered by an operations notice

Where an operations notice is served with respect to any operations--

(a) any person duly authorised in writing by the Secretary of State may at any reasonable time enter the site of the operations for the purpose of inspecting the site (including any building or other structure on the site) and recording any matters of archaeological or historical interest observed in the course of that inspection and

(b) any person duly authorised in writing by the Royal Commission on Historical Monuments may at any reasonable time enter the site for the purpose of inspecting any building or other structure on the site and recording any matters of archaeological or historical interest observed in the course of that inspection.

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 65(2).

Appointment

Appointment (in relation to England and Wales): 14 April 1982: see SI 1982/362, art 2.

Transfer of Functions

Functions of the Secretary of State, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales, by the National Assembly for Wales (Transfer of Functions) Order 1999, SI 1999/672, art 2, Sch 1.

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ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979
1979 CHAPTER 46

PART II ARCHAEOLOGICAL AREAS
Royal Assent [4 April 1979]

Ancient Monuments and Archaeological Areas Act 1979, Ch. 46, s. 41 (Eng.)

41 Interpretation of Part II

(1) In this Part of this Act--

(a) "the developer" and "operations notice" have the meanings respectively given by section 35(3) of this Act;

(b) references to a London borough council include references to the Common Council of the City of London;

(c) references to operations on any land include references to operations in, under or over the land in question;

(d) references to the clearance of any site are references to the demolition and removal of any existing building or other structure on the site and the removal of any other materials thereon so as to clear the surface of the land (but do not include the levelling of the surface or the removal of materials from below the surface); and

(e) references to clearance operations are references to operations undertaken for the purpose of or in connection with the clearance of any site.

(2) For the purposes of this Part of this Act, the investigating authority for an area of archaeological importance is the person for the time being holding appointment as such under section 34 of this Act or (if there is no such person) the [Commission (in a case where the area is situated in England) or the Secretary of State (in any other case)].

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 65(2).

Appointment

Appointment (in relation to England and Wales): 14 April 1982: see SI 1982/362, art 2.

Amendment

Sub-s (2): words in square brackets substituted by the National Heritage Act 1983, s 33, Sch 4, para 59.

Transfer of Functions

Functions of the Secretary of State, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales, by the National Assembly for Wales (Transfer of Functions) Order 1999, SI 1999/672, art 2, Sch 1.

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**ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979
1979 CHAPTER 46**

**PART III MISCELLANEOUS AND SUPPLEMENTAL
Restrictions on use of metal detectors
Royal Assent [4 April 1979]**

Ancient Monuments and Archaeological Areas Act 1979, Ch. 46, s. 42 (Eng.)

42 Restrictions on use of metal detectors

(1) If a person uses a metal detector in a protected place without the written consent of the [Commission (in the case of a place situated in England) or of the Secretary of State (in any other case)] he shall be guilty of an offence and liable on summary conviction or, in Scotland, on conviction before a court of summary jurisdiction, to a fine not exceeding [level 3 on the standard scale].

(2) In this section--

"metal detector" means any device designed or adapted for detecting or locating any metal or mineral in the ground; and

"protected place" means any place which is either--

(a) the site of a scheduled monument or of any monument under the ownership or guardianship of the Secretary of State [or the Commission] or a local authority by virtue of this Act; or

(b) situated in an area of archaeological importance.

(3) If a person without [written consent] removes any object of archaeological or historical interest which he has discovered by the use of a metal detector in a protected place he shall be guilty of an offence and liable on summary conviction to a fine not exceeding the statutory maximum or on conviction on indictment to a fine.

[The reference in this subsection to written consent is to that of the Commission (where the place in question is situated in England) or of the Secretary of State (in any other case).]

(4) A consent granted by the Secretary of State [or the Commission] for the purposes of this section may be granted either unconditionally or subject to conditions.

(5) If any person--

(a) in using a metal detector in a protected place in accordance with any consent granted by the Secretary of State [or the Commission] for the purposes of this section; or

(b) in removing or otherwise dealing with any object which he has discovered by the use of a metal detector in a protected place in accordance with any such consent;

fails to comply with any condition attached to the consent, he shall be guilty of an offence and liable, in a case falling within paragraph (a) above, to the penalty provided by subsection (1) above, and in a case falling within paragraph (b) above, to the penalty provided by subsection (3) above.

(6) In any proceedings for an offence under subsection (1) above, it shall be a defence for the accused to prove that he used the metal detector for a purpose other than detecting or locating objects of archaeological or historical interest.

(7) In any proceedings for an offence under subsection (1) or (3) above, it shall be a defence for the accused to prove that he had taken all reasonable precautions to find out whether the place where he used the metal detector was a protected place and did not believe that it was.

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 65(2).

Appointment

Appointment (in relation to England and Wales, except in so far as it relates to Pt II): 9 October 1981: see SI 1981/1300, art 2.

Appointment (in relation to Scotland): 30 November 1981: see SI 1981/1466, art 2.

Appointment (in relation to England and Wales, in so far as it relates to Pt II): 14 April 1982: see SI 1982/362, art 2.

Amendment

Sub-s (1): first words in square brackets substituted by the National Heritage Act 1983, s 33, Sch 4, para 60; second words in square brackets substituted by virtue of the Criminal Justice Act 1982, s 46.

Sub-ss (2)-(5): words in square brackets substituted or inserted by the National Heritage Act 1983, s 33, Sch 4, para 60.

Transfer of Functions

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Functions of the Secretary of State, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales, by the National Assembly for Wales (Transfer of Functions) Order 1999, SI 1999/672, art 2, Sch 1.

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**ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979
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PART III MISCELLANEOUS AND SUPPLEMENTAL

Powers of entry

Royal Assent [4 April 1979]

Ancient Monuments and Archaeological Areas Act 1979, Ch. 46, s. 43 (Eng.)

43 Power of entry for survey and valuations

(1) Any person authorised under this section may at any reasonable time enter any land for the purpose of surveying it, or estimating its value, in connection with any proposal to acquire that or any other land under this Act or in connection with any claim for compensation under this Act in respect of any such acquisition or for any damage to that or any other land.

(2) A person is authorised under this section if he is an officer of the Valuation Office of the Inland Revenue Department or a person duly authorised in writing by the Secretary of State or other authority proposing to make the acquisition which is the occasion of the survey or valuation or (as the case may be) from whom in accordance with this Act compensation in respect of the damage is recoverable.

(3) Subject to section 44(9) of this Act, the power to survey land conferred by this section shall be construed as including power to search and bore for the purposes of ascertaining the nature of the subsoil or the presence of minerals therein.

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 65(2).

Appointment

Appointment (in relation to England and Wales, except in so far as it relates to Pt II): 9 October 1981: see SI 1981/1300, art 2.

Appointment (in relation to Scotland): 30 November 1981: see SI 1981/1466, art 2.

Appointment (in relation to England and Wales, in so far as it relates to Pt II): 14 April 1982: see SI 1982/362, art 2.

Transfer of Functions

Functions of the Secretary of State, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales, by the National Assembly for Wales (Transfer of Functions) Order 1999, SI 1999/672, art 2, Sch 1.

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**ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979
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**PART III MISCELLANEOUS AND SUPPLEMENTAL
Powers of entry**

Royal Assent [4 April 1979]

Ancient Monuments and Archaeological Areas Act 1979, Ch. 46, s. 44 (Eng.)

44 Supplementary provisions with respect to powers of entry

(1) A person may not in the exercise of any power of entry under this Act, other than that conferred by section 43, enter any building or part of a building occupied as a dwelling house without the consent of the occupier.

(2) Subject to the following provisions of this subsection, a person may not in the exercise of any power of entry under this Act demand admission as of right to any land which is occupied unless prior notice of the intended entry has been given to the occupier--

(a) where the purpose of the entry is to carry out any works on the land (other than excavations in exercise of the power under section 26 or 38 of this Act), not less than fourteen days before the day on which admission is demanded; or

(b) in any other case, not less than twenty-four hours before admission is demanded.

This subsection does not apply in relation to the power of entry under section 5 of this Act.

(3) A person seeking to enter any land in exercise of any power of entry under this Act shall, if so required by or on behalf of the owner or occupier thereof, produce evidence of his authority before entering.

(4) Any power of entry under this Act shall be construed as including power for any person entering any land in exercise of the power of entry to take with him any assistance or equipment reasonably required for the purpose to which his entry relates and to do there anything reasonably necessary for carrying out that purpose.

(5) Without prejudice to subsection (4) above, where a person enters any land in exercise of any power of entry under this Act for the purpose of carrying out any archaeological investigation or examination of the land, he may take and

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remove such samples of any description as appear to him to be reasonably required for the purpose of archaeological analysis.

(6) Subject to subsection (7) below, where any works are being carried out on any land in relation to which any power of entry under this Act is exercisable, a person acting in the exercise of that power shall comply with any reasonable requirements or conditions imposed by the person by whom the works are being carried out for the purpose of preventing interference with or delay to the works.

(7) Any requirements or conditions imposed by a person by whom any works are being carried out shall not be regarded as reasonable for the purposes of subsection (6) above if compliance therewith would in effect frustrate the exercise of the power or the purpose of the entry; and that subsection does not apply where the works in question are being carried out in contravention of section 2(1) or (6) or 35 of this Act.

(8) Any person who intentionally obstructs a person acting in the exercise of any power of entry under this Act shall be guilty of an offence and liable on summary conviction or, in Scotland, on conviction before a court of summary jurisdiction, to a fine not exceeding [level 3 on the standard scale].

(9) Where under section 43 of this Act a person proposes to carry out any works authorised by virtue of subsection (3) of that section--

(a) he shall not carry out those works unless notice of his intention to do so was included in the notice required by subsection (2)(a) above; and

(b) if the land in question is held by statutory undertakers, and those undertakers object to the proposed works on the grounds that the carrying out thereof would be seriously detrimental to the carrying on of their undertaking, the works shall not be carried out except with the authority of the Secretary of State.

NOTES:**Initial Commencement*****To be appointed***

To be appointed: see s 65(2).

Appointment

Appointment (in relation to Scotland): 30 November 1981: see SI 1981/1466, art 2.

Appointment (in relation to England and Wales, in so far as it relates to Pt II): 14 April 1982: see SI 1982/362, art 2.

Appointment (in relation to England and Wales, except in so far as it relates to Pt II): 9 October 1981: see SI 1981/1300, art 2.

Amendment

Sub-s (8): words in square brackets substituted by virtue of the Criminal Justice Act 1982, s 46.

Transfer of Functions

Functions of the Secretary of State, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales, by the National Assembly for Wales (Transfer of Functions) Order 1999, SI 1999/672, art 2, Sch 1.

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1979 CHAPTER 46**

**PART III MISCELLANEOUS AND SUPPLEMENTAL
Financial provisions**

Royal Assent [4 April 1979]

Ancient Monuments and Archaeological Areas Act 1979, Ch. 46, s. 45 (Eng.)

45 Expenditure on archaeological investigation

(1) The Secretary of State may undertake, or assist in, or defray or contribute towards the cost of, an archaeological investigation of any land [(other than land in England)] which he considers may contain an ancient monument or anything else of archaeological or historical interest.

[(1A) The Commission may undertake, or assist in, or defray or contribute towards the cost of, an archaeological investigation of any land in England which they consider may contain an ancient monument or anything else of archaeological or historical interest; and the reference to an ancient monument in this subsection shall be construed as if the reference in section 61(12)(b) of this Act to the Secretary of State were to the Commission.]

(2) Any local authority may undertake, or assist in, or defray or contribute towards the cost of, an archaeological investigation of any land in or in the vicinity of their area, being land which they consider may contain an ancient monument or anything else of archaeological or historical interest.

(3) The Secretary of State [or the Commission] or any local authority may publish the results of any archaeological investigation undertaken, assisted, or wholly or partly financed by them under this section in such manner and form as they think fit.

(4) Without prejudice to the application, by virtue of section 53 of this Act, of any other provision of this Act to land which is not within Great Britain, the powers conferred by this section shall be exercisable in relation to any such land which forms part of the sea bed within the seaward limits of United Kingdom territorial waters adjacent to the coast of Great Britain [(or, as regards the powers mentioned in subsection (1A) above, England)].

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 65(2).

Appointment

Appointment (in relation to England and Wales, except in so far as it relates to Pt II): 9 October 1981: see SI 1981/1300, art 2.

Appointment (in relation to Scotland): 30 November 1981: see SI 1981/1466, art 2.

Appointment (in relation to England and Wales, in so far as it relates to Pt II): 14 April 1982: see SI 1982/362, art 2.

Amendment

Sub-ss (1), (3), (4): words in square brackets inserted by the National Heritage Act 1983, s 33, Sch 4, para 61.

Sub-s (1A): inserted by the National Heritage Act 1983, s 33, Sch 4, para 61.

Modification

Modification: sub-ss (2), (3) have effect as if a National Park authority were a local authority for the purposes of this Act and as if the relevant Park were the authority's area, by virtue of the Environment Act 1995, s 70, Sch 9, para 10(3).

Transfer of Functions

Functions of the Secretary of State, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales, by the National Assembly for Wales (Transfer of Functions) Order 1999, SI 1999/672, art 2, Sch 1.

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**PART III MISCELLANEOUS AND SUPPLEMENTAL
Financial provisions**

Royal Assent [4 April 1979]

Ancient Monuments and Archaeological Areas Act 1979, Ch. 46, s. 46 (Eng.)

46 Compensation for damage caused by exercise of certain powers under this Act

(1) Subject to subsection (2) below, where, in the exercise in relation to any land of any power to which this section applies, any damage has been caused to that land or to any chattels on that land, any person interested in that land or those chattels may recover compensation in respect of that damage from the Secretary of State [or the Commission] or other authority by or on whose behalf the power was exercised.

(2) Where any such damage is caused in the exercise of any such power by or on behalf of any person for the time being holding appointment as the investigating authority for an area of archaeological importance under section 34 of this Act, compensation shall be recoverable in accordance with this section from the [Commission (if the area in question is situated in England) or from the Secretary of State (in any other case)].

(3) This section applies to any power to enter, or to do anything, on any land under any of the following sections of this Act, that is to say, sections 6, [6A,] 26, 38, 39, 40 and 43.

(4) References in subsection (1) above to chattels shall be construed in relation to Scotland as references to moveables.

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 65(2).

Appointment

Appointment (in relation to England and Wales, except in so far as it relates to Pt II): 9 October 1981: see SI 1981/1300, art 2.

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Appointment (in relation to Scotland): 30 November 1981: see SI 1981/1466, art 2.

Appointment (in relation to England and Wales, in so far as it relates to Pt II): 14 April 1982: see SI 1982/362, art 2.

Amendment

Sub-ss (1)-(3): words in square brackets substituted or inserted by the National Heritage Act 1983, s 33, Sch 4, para 62.

Transfer of Functions

Functions of the Secretary of State, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales, by the National Assembly for Wales (Transfer of Functions) Order 1999, SI 1999/672, art 2, Sch 1.

See Further

See further, in relation to interest payable on any award of compensation: the Planning and Compensation Act 1991, s 80, Sch 18, Part I.

See further, in relation to the form of a claim for compensation: the Ancient Monuments (Claims for Compensation) (England) Regulations 1991, SI 1991/2512, reg 2.

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**PART III MISCELLANEOUS AND SUPPLEMENTAL
Financial provisions**

Royal Assent [4 April 1979]

Ancient Monuments and Archaeological Areas Act 1979, Ch. 46, s. 47 (Eng.)

47 General provisions with respect to claims for compensation under this Act

(1) Any claim for compensation under this Act shall be made within the time and in the manner prescribed.

(2) Any question of disputed compensation under this Act shall be referred to and determined by the Lands Tribunal or (in the case of any land situated in Scotland) by the Lands Tribunal for Scotland.

(3) In relation to the determination of any such question, the provisions of sections 2 and 4 of the Land Compensation Act 1961 or (as the case may be) of sections 9 and 11 of the Land Compensation (Scotland) Act 1963 shall apply, but the references in section 4 of the Act of 1961 and section 11 of the Act of 1963 to the acquiring authority shall be construed as references to the authority by whom the compensation claimed is payable under this Act.

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 65(2).

Appointment

Appointment (in relation to England and Wales, except in so far as it relates to Pt II): 9 October 1981: see SI 1981/1300, art 2.

Appointment (in relation to Scotland): 30 November 1981: see SI 1981/1466, art 2.

Appointment (in relation to England and Wales, in so far as it relates to Pt II): 14 April 1982: see SI 1982/362, art 2.

Subordinate Legislation

Ancient Monuments (Claims for Compensation) (England) Regulations 1991, SI 1991/2512.

Ancient Monuments (Claims for Compensation) (Wales) Regulations 1991, SI 1991/2647.

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**PART III MISCELLANEOUS AND SUPPLEMENTAL
Financial provisions**

Royal Assent [4 April 1979]

Ancient Monuments and Archaeological Areas Act 1979, Ch. 46, s. 48 (Eng.)

48 Recovery of grants for expenditure in conservation areas and on historic buildings

(1) . . .

(2) . . .

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 65(2).

Appointment

Appointment (in relation to England and Wales): 16 July 1979: see SI 1979/786, art 2.

Appointment (in relation to Scotland): 30 November 1981: see SI 1981/1466, art 2.

Amendment

Sub-s (1): repealed by the Planning (Consequential Provisions) (Scotland) Act 1997, s 3, Sch 1, Pt I.

Sub-s (2): inserts the Historic Buildings and Ancient Monuments Act 1953, s 4A.

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**PART III MISCELLANEOUS AND SUPPLEMENTAL
Financial provisions**

Royal Assent [4 April 1979]

Ancient Monuments and Archaeological Areas Act 1979, Ch. 46, s. 49 (Eng.)

49 Grants to the Architectural Heritage Fund

(1) The Secretary of State may make grants to the [Architectural Heritage Fund].

[(1A) The Commission may make grants to the Architectural Heritage Fund for the purpose of enabling it to perform its functions in, or in relation to, England.]

(2) A grant under this section may be made subject to such conditions as the Secretary of State [or the Commission (as the case may be)] may think fit to impose.

[(3) In this section "the Architectural Heritage Fund" means the institution registered under that name under [the Charities Act 1993].]

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 65(2).

Appointment

Appointment (in relation to England and Wales): 16 July 1979: see SI 1979/786, art 2.

Appointment (in relation to Scotland): 30 November 1981: see SI 1981/1466, art 2.

Amendment

Sub-s (1): words in square brackets substituted by the National Heritage Act

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1983, s 33, Sch 4, para 63(2).

Sub-s (1A): inserted by the National Heritage Act 1983, s 33, Sch 4, para 63(3).

Sub-s (2): words in square brackets inserted by the National Heritage Act 1983, s 33, Sch 4, para 63(4).

Sub-s (3): inserted by the National Heritage Act 1983, s 33, Sch 4, para 63(5); words in square brackets substituted by the Charities Act 1993, s 98(1), Sch 6, para 30.

Transfer of Functions

Functions of the Secretary of State, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales, by the National Assembly for Wales (Transfer of Functions) Order 1999, SI 1999/672, art 2, Sch 1.

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PART III MISCELLANEOUS AND SUPPLEMENTAL
Application to special cases
Royal Assent [4 April 1979]

Ancient Monuments and Archaeological Areas Act 1979, Ch. 46, s. 50 (Eng.)

50 Application to Crown land

(1) Notwithstanding any interest of the Crown in Crown land, but subject to the following provisions of this section--

(a) a monument which for the time being is Crown land may be included in the Schedule; and

(b) any restrictions or powers imposed or conferred by any of the provisions of this Act shall apply and be exercisable in relation to Crown land and in relation to anything done on Crown land otherwise than by or on behalf of the Crown, but not so as to affect any interest of the Crown therein.

(2) Except with the consent of the appropriate authority--

(a) no power under this Act to enter, or to do anything, on any land shall be exercisable in relation to land which for the time being is Crown land; and

(b) no interest in land which for the time being is Crown land shall be acquired compulsorily under Part I of this Act.

(3) In relation to any operations proposed to be carried out on Crown land otherwise than by or on behalf of the Crown, an operations notice served under section 35 of this Act shall not be effective for the purposes of that section unless it is accompanied by a certificate from the appropriate authority in the prescribed form consenting to the exercise in relation to that land in connection with those operations of the powers conferred by sections 38 and 40 of this Act.

(4) In this section "Crown land" means land in which there is a Crown interest or a Duchy interest; "Crown interest" means an interest belonging to Her Majesty in right of the Crown, or belonging to a Government department, or held in trust for Her Majesty for the purposes of a Government department, and includes any estate or interest held in right of the Prince and Steward of Scotland; "Duchy interest" means an interest belonging to Her Majesty in right

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of the Duchy of Lancaster, or belonging to the Duchy of Cornwall; and for the purposes of this section "the appropriate authority", in relation to any land--

(a) in the case of land belonging to Her Majesty in right of the Crown and forming part of the Crown Estate, means the Crown Estate Commissioners, and, in relation to any other land belonging to Her Majesty in right of the Crown, means the Government department having the management of that land;

(b) in relation to land belonging to Her Majesty in right of the Duchy of Lancaster, means the Chancellor of the Duchy;

(c) in relation to land belonging to the Duchy of Cornwall, means such person as the Duke of Cornwall, or the possessor for the time being of the Duchy of Cornwall, appoints;

(d) in the case of land belonging to a Government department or held in trust for Her Majesty for the purposes of a Government department, means that department;

and, if any question arises as to what authority is the appropriate authority in relation to any land, that question shall be referred to the Treasury, whose decision shall be final.

In this subsection "Government department" includes any Minister of the Crown.

NOTES:**Initial Commencement*****To be appointed***

To be appointed: see s 65(2).

Appointment

Appointment (in relation to Scotland): 30 November 1981: see SI 1981/1466, art 2.

Appointment (in relation to England and Wales, in so far as it relates to Pt II): 14 April 1982: see SI 1982/362, art 2.

Appointment (in relation to England and Wales, except in so far as it relates to Pt II): 9 October 1981: see SI 1981/1300, art 2.

See Further

See further, in relation to the definitions "Crown land", "Crown interest" and "appropriate authority": the Parliamentary Corporate Bodies (Crown Immunities etc) Order 1992, SI 1992/1732, art 3.

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**PART III MISCELLANEOUS AND SUPPLEMENTAL
Application to special cases
Royal Assent [4 April 1979]**

Ancient Monuments and Archaeological Areas Act 1979, Ch. 46, s. 51 (Eng.)

51 Ecclesiastical property

(1) Without prejudice to the provisions of the Acquisition of Land (Authorisation Procedure) Act 1946 with respect to notices served under that Act, where under any of the provisions of this Act a notice is required to be served on an owner of land, and the land is ecclesiastical property, a like notice shall be served on the Church Commissioners.

(2) Where the fee simple of any ecclesiastical property is in abeyance, the fee simple shall for the purposes of this Act be treated as being vested in the Church Commissioners.

(3) Any sum which under section 7, 9 or 46 of this Act is payable in relation to land which is ecclesiastical property, and apart from this subsection would be payable to an incumbent, shall be paid to the Church Commissioners, to be applied for the purposes for which the proceeds of a sale by agreement of the land would be applicable under any enactment or Measure authorising, or disposing of the proceeds of, such a sale.

(4) Where any sum is recoverable under section 8 of this Act in respect of land which is ecclesiastical property the Church Commissioners may apply any money or securities held by them in the payment of that sum.

(5) In this section "ecclesiastical property" means land belonging to an ecclesiastical benefice of the Church of England, or being or forming part of a church subject to the jurisdiction of a bishop of any diocese of the Church of England or the site of such a church, or being or forming part of a burial ground subject to such jurisdiction.

NOTES:

Initial Commencement

To be appointed

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To be appointed: see s 65(2).

Appointment

Appointment (in relation to England and Wales, in so far as it relates to Pt II): 14 April 1982: see SI 1982/362, art 2.

Appointment (in relation to England and Wales, except in so far as it relates to Pt II): 9 October 1981: see SI 1981/1300, art 2..

Appointment (in relation to Scotland): 30 November 1981: see SI 1981/1466, art 2.

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**PART III MISCELLANEOUS AND SUPPLEMENTAL
Application to special cases
Royal Assent [4 April 1979]**

Ancient Monuments and Archaeological Areas Act 1979, Ch. 46, s. 52 (Eng.)

52 Application to the Isles of Scilly

The Secretary of State may, after consultation with the Council of the Isles of Scilly, by order provide for the application to those Isles of the provisions of this Act--

(a) as if those Isles were a district and the Council of the Isles were the council of that district; and

(b) in other respects subject to such modifications as may be specified in the order.

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 65(2).

Appointment

Appointment (in relation to England and Wales, except in so far as it relates to Pt II): 9 October 1981: see SI 1981/1300, art 2.

Appointment (in relation to Scotland): 30 November 1981: see SI 1981/1466, art 2.

Appointment (in relation to England and Wales, in so far as it relates to Pt II): 14 April 1982: see SI 1982/362, art 2.

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Application to special cases
Royal Assent [4 April 1979]**

Ancient Monuments and Archaeological Areas Act 1979, Ch. 46, s. 52A (Eng.)

[52A The Broads]

[Parts I and II and section 45(2) and (3) of this Act shall apply, in relation to the Broads (as defined by the Norfolk and Suffolk Broads Act 1988), as if the Broads Authority were a local authority.]

NOTES:

Amendment

Inserted by the Norfolk and Suffolk Broads Act 1988, s 2(5), (6), Sch 3, Part I.

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Application to special cases
Royal Assent [4 April 1979]

Ancient Monuments and Archaeological Areas Act 1979, Ch. 46, s. 53 (Eng.)

53 Monuments in territorial waters

(1) A monument situated in, on or under the sea bed within the seaward limits of United Kingdom territorial waters adjacent to the coast of Great Britain (referred to below in this section as a monument in territorial waters) may be included in the Schedule under section 1(3) of this Act, and the remaining provisions of this Act shall extend accordingly to any such monument which is a scheduled monument (but not otherwise).

(2) The entry in the Schedule relating to any monument in territorial waters shall describe the monument as lying off the coast of England, or of Scotland, or of Wales; and any such monument shall be treated for the purposes of this Act as situated in the country specified for the purposes of this subsection in the entry relating to the monument in the Schedule.

(3) In relation to any monument in territorial waters which is under the ownership or guardianship of the Secretary of State [or the Commission] or any local authority by virtue of this Act, references in this Act to land associated with the monument (or to associated land) include references to any part of the sea bed occupied by the Secretary of State [or by the Commission] or by a local authority for any such purpose relating to the monument as is mentioned in section 15(1) of this Act.

(4) Without prejudice to any jurisdiction exercisable apart from this subsection, proceedings for any offence under this Act committed in United Kingdom territorial waters adjacent to the coast of Great Britain may be taken, and the offence may for all incidental purposes be treated as having been committed, in any place in Great Britain.

(5) It is hereby declared that, notwithstanding that by virtue of this section this Act may affect individuals or bodies corporate outside the United Kingdom, it applies to any individual whether or not he is a British subject, and to any body corporate whether or not incorporated under the law of any part of the United Kingdom.

(6) A constable shall on any monument in territorial waters have all the powers, protection and privileges which he has in the area for which he acts as constable.

(7) References in this section to the sea bed do not include the seashore or any other land which, though covered (intermittently or permanently) by the sea, is within Great Britain.

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 65(2).

Appointment

Appointment (in relation to England and Wales, except in so far as it relates to Pt II): 9 October 1981: see SI 1981/1300, art 2.

Appointment (in relation to Scotland): 30 November 1981: see SI 1981/1466, art 2.

Appointment (in relation to England and Wales, in so far as it relates to Pt II): 14 April 1982: see SI 1982/362, art 2.

Amendment

Sub-s (3): words in square brackets inserted by the National Heritage Act 1983, s 33, Sch 4, para 64.

Transfer of Functions

Functions of the Secretary of State, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales, by the National Assembly for Wales (Transfer of Functions) Order 1999, SI 1999/672, art 2, Sch 1.

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**PART III MISCELLANEOUS AND SUPPLEMENTAL
Supplemental**

Royal Assent [4 April 1979]

Ancient Monuments and Archaeological Areas Act 1979, Ch. 46, s. 54 (Eng.)

54 Treatment and preservation of finds

(1) Where a person enters any land in exercise of any power of entry under this Act for any of the following purposes, that is to say--

(a) to carry out any excavations in the land or any operations affecting any ancient monument situated in, on or under the land;

(b) to observe any operations on the land in exercise of the power under section 6(3)(a) or (4)(b) [or 6A(2)(a)] of this Act; or

(c) to carry out any archaeological examination of the land;

he may take temporary custody of any object of archaeological or historical interest discovered during the course of those excavations or operations or (as the case may be) during the course of that examination, and remove it from its site for the purpose of examining, testing, treating, recording or preserving it.

(2) The Secretary of State or other authority by or on whose behalf the power of entry was exercised may not retain the object without the consent of the owner beyond such period as may be reasonably required for the purpose of examining and recording it and carrying out any test or treatment which appears to the Secretary of State or to that other authority to be desirable for the purpose of archaeological investigation or analysis or with a view to restoring or preserving the object.

(3) Nothing in this section shall affect any right of the Crown [under the Treasure Act 1996].

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 65(2).

Appointment

Appointment (in relation to England and Wales, except in so far as it relates to Pt II): 9 October 1981: see SI 1981/1300, art 2.

Appointment (in relation to Scotland): 30 November 1981: see SI 1981/1466, art 2.

Appointment (in relation to England and Wales, in so far as it relates to Pt II): 14 April 1982: see SI 1982/362, art 2.

Amendment

Sub-s (3): words in square brackets substituted by the Treasure Act 1996, s 14(2), (4).

Sub-s (1): words in square brackets inserted by the National Heritage Act 1983, s 33, Sch 4, para 65.

Transfer of Functions

Functions of the Secretary of State, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales, by the National Assembly for Wales (Transfer of Functions) Order 1999, SI 1999/672, art 2, Sch 1.

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Supplemental**

Royal Assent [4 April 1979]

Ancient Monuments and Archaeological Areas Act 1979, Ch. 46, s. 55 (Eng.)

55 Proceedings for questioning validity of certain orders, etc

(1) If any person--

(a) is aggrieved by any order to which this section applies and desires to question the validity of that order, on the grounds that it is not within the powers of this Act, or that any of the relevant requirements have not been complied with in relation to it; or

(b) is aggrieved by any action on the part of the Secretary of State to which this section applies and desires to question the validity of that action, on the grounds that it is not within the powers of this Act, or that any of the relevant requirements have not been complied with in relation to it;

he may, within six weeks from the relevant date, make an application under this section to the High Court or (in Scotland) to the Court of Session.

(2) This section applies to any designation order and to any order under section 33(4) of this Act varying or revoking a designation order.

(3) This section applies to action on the part of the Secretary of State of either of the following descriptions, that is to say--

(a) any decision of the Secretary of State on an application for scheduled monument consent; and

(b) the giving by the Secretary of State of any direction under section 4 of this Act modifying or revoking a scheduled monument consent.

(4) In subsection (1) above "the relevant date" means--

(a) in relation to an order, the date on which notice of the making of the order is published (or, as the case may be, first published) in accordance with Schedule 2 to this Act; and

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(b) in relation to any action on the part of the Secretary of State, the date on which that action is taken.

(5) On any application under this section the High Court or (in Scotland) the Court of Session--

(a) may by interim order suspend the operation of the order or action, the validity whereof is questioned by the application, until the final determination of the proceedings;

(b) if satisfied that the order or action in question is not within the powers of this Act, or that the interests of the applicant have been substantially prejudiced by a failure to comply with any of the relevant requirements in relation thereto, may quash that order or action in whole or in part.

(6) In this section "the relevant requirements" means--

(a) in relation to any order to which this section applies, any requirements of this Act or of any regulations made under this Act which are applicable to that order; and

(b) in relation to any action to which this section applies, any requirements of this Act or of the Tribunals and Inquiries Act [1992] or of any regulations or rules made under this Act or under that Act which are applicable to that action.

(7) Except as provided by this section, the validity of any order or action to which this section applies shall not be questioned in any legal proceedings whatsoever; but nothing in this section shall affect the exercise of any jurisdiction of any court in respect of any refusal or failure on the part of the Secretary of State to take a decision on an application for scheduled monument consent.

NOTES:**Initial Commencement*****To be appointed***

To be appointed: see s 65(2).

Appointment

Appointment (in relation to England and Wales, except in so far as it relates to Pt II): 9 October 1981: see SI 1981/1300, art 2.

Appointment (in relation to Scotland): 30 November 1981: see SI 1981/1466, art 2.

Appointment (in relation to England and Wales, in so far as it relates to Pt II): 14 April 1982: see SI 1982/362, art 2.

Derivation

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This section derived from the Historic Buildings and Ancient Monuments Act 1953, Schedule, para 5.

Amendment

Sub-s (6): words in square brackets substituted by the Tribunals and Inquiries Act 1992, s 18(1), Sch 3, para 12.

Transfer of Functions

Functions of the Secretary of State, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales, by the National Assembly for Wales (Transfer of Functions) Order 1999, SI 1999/672, art 2, Sch 1.

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**ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979
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**PART III MISCELLANEOUS AND SUPPLEMENTAL
Supplemental**

Royal Assent [4 April 1979]

Ancient Monuments and Archaeological Areas Act 1979, Ch. 46, s. 56 (Eng.)

56 Service of documents

(1) Any notice or other document required or authorised to be served under this Act may be served either--

(a) by delivering it to the person on whom it is to be served; or

(b) by leaving it at the usual or last known place of abode of that person or, in a case where an address for service has been given by that person, at that address; or

(c) by sending it in a pre-paid registered letter, or by the recorded delivery service, addressed to that person at his usual or last known place of abode or, in a case where an address for service has been given by that person, at that address; or

(d) in the case of an incorporated company or body, by delivering it to the secretary or clerk of the company or body at their registered or principal office, or sending it in a pre-paid registered letter, or by the recorded delivery service, addressed to the secretary or clerk of the company or body at that office.

(2) Where any such notice or document is required or authorised to be served on any person as being the owner or occupier of any monument or other land--

(a) it may be addressed to the "owner" or (as the case may require) to the "occupier" of that monument or land (describing it) without further name or description; and

(b) if the usual or last known place of abode of the person in question cannot be found, it may be served by being affixed conspicuously to the monument or to some object on the site of the monument or (as the case may be) on the land.

NOTES:

Initial Commencement***To be appointed***

To be appointed: see s 65(2).

Appointment

Appointment (in relation to England and Wales, except in so far as it relates to Pt II): 9 October 1981: see SI 1981/1300, art 2.

Appointment (in relation to Scotland): 30 November 1981: see SI 1981/1466, art 2.

Appointment (in relation to England and Wales, in so far as it relates to Pt II): 14 April 1982: see SI 1982/362, art 2.

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**PART III MISCELLANEOUS AND SUPPLEMENTAL
Supplemental**

Royal Assent [4 April 1979]

Ancient Monuments and Archaeological Areas Act 1979, Ch. 46, s. 57 (Eng.)

57 Power to require information as to interests in land

(1) For the purpose of enabling the Secretary of State [or the Commission] or a local authority to exercise any function under this Act, the Secretary of State [or the Commission] or the local authority may require the occupier of any land and any person who, either directly or indirectly, receives rent in respect of any land to state in writing the nature of his interest therein, and the name and address of any other person known to him as having an interest therein, whether as a freeholder, owner . . . mortgagee, lessee, or otherwise.

(2) Any person who, having been required under this section to give any information, fails without reasonable excuse to give that information, shall be guilty of an offence and liable on summary conviction or, in Scotland, on conviction before a court of summary jurisdiction, to a fine not exceeding [level 3 on the standard scale].

(3) Any person who, having been so required to give any information, knowingly makes any mis-statement in respect of it, shall be guilty of an offence and liable--

(a) on summary conviction or, in Scotland, on conviction before a court of summary jurisdiction, to a fine not exceeding the statutory maximum; or

(b) on conviction on indictment to a fine.

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 65(2).

Appointment

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Appointment (in relation to England and Wales, except in so far as it relates to Pt II): 9 October 1981: see SI 1981/1300, art 2.

Appointment (in relation to Scotland): 30 November 1981: see SI 1981/1466, art 2.

Appointment (in relation to England and Wales, in so far as it relates to Pt II): 14 April 1982: see SI 1982/362, art 2.

Amendment

Sub-s (1): words "or the Commission" in square brackets in both places they occur inserted by the National Heritage Act 1983, s 33, Sch 4, para 66.

Sub-s (1): words omitted repealed by the Abolition of Feudal Tenure etc (Scotland) Act 2000, s 76(1), (2), Sch 12, para 40(1), (4), Sch 13.

Date in force: this repeal came into force on 28 November 2004 (being the day appointed under the Abolition of Feudal Tenure etc (Scotland) Act 2000, s 71): see SSI 2003/456, art 2 and the Abolition of Feudal Tenure etc (Scotland) Act 2000, ss 71, 77(2).

Sub-s (2): words in square brackets substituted by virtue of the Criminal Justice Act 1982, s 46.

Transfer of Functions

Functions of the Secretary of State, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales, by the National Assembly for Wales (Transfer of Functions) Order 1999, SI 1999/672, art 2, Sch 1.

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**PART III MISCELLANEOUS AND SUPPLEMENTAL
Supplemental**

Royal Assent [4 April 1979]

Ancient Monuments and Archaeological Areas Act 1979, Ch. 46, s. 58 (Eng.)

58 Offences by corporations

(1) Where an offence under this Act which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence and be liable to be proceeded against accordingly.

(2) In subsection (1) above the expression "director", in relation to any body corporate established by or under an enactment for the purpose of carrying on under national ownership an industry or part of an industry or undertaking, being a body corporate whose affairs are managed by the members thereof, means a member of that body corporate.

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 65(2).

Appointment

Appointment (in relation to England and Wales, except in so far as it relates to Pt II): 9 October 1981: see SI 1981/1300, art 2.

Appointment (in relation to Scotland): 30 November 1981: see SI 1981/1466, art 2.

Appointment (in relation to England and Wales, in so far as it relates to Pt II): 14 April 1982: see SI 1982/362, art 2.

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**PART III MISCELLANEOUS AND SUPPLEMENTAL
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Royal Assent [4 April 1979]

Ancient Monuments and Archaeological Areas Act 1979, Ch. 46, s. 59 (Eng.)

59 Prosecution of offences: Scotland

Notwithstanding anything in [section 136 of the Criminal Procedure (Scotland) Act 1995], summary proceedings in Scotland for an offence under this Act may be commenced at any time within one year from the date on which evidence sufficient in the opinion of the prosecutor to warrant proceedings came to his knowledge; and a certificate purporting to be signed by the prosecutor stating that date shall be conclusive.

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 65(2).

Appointment

Appointment: 30 November 1981: see SI 1981/1466, art 2.

Amendment

Words in square brackets substituted by the Criminal Procedure (Consequential Provisions) (Scotland) Act 1995, s 5, Sch 4, para 24(2).

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**PART III MISCELLANEOUS AND SUPPLEMENTAL
Supplemental**

Royal Assent [4 April 1979]

Ancient Monuments and Archaeological Areas Act 1979, Ch. 46, s. 60 (Eng.)

60 Regulations and orders

(1) Any order or regulations made under this Act may make different provision for different cases to which the order or (as the case may be) the regulations apply.

(2) Any power of the Secretary of State to make regulations under this Act, and the power to make orders under sections 3, 37, 52, 61 and 65 of this Act shall be exercisable by statutory instrument; and any statutory instrument containing any such regulations or order, other than one containing regulations under section 19 of this Act, shall be subject to annulment in pursuance of a resolution of either House of Parliament.

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 65(2).

Appointment

Appointment (in relation to England and Wales, except in so far as it relates to Pt II): 9 October 1981: see SI 1981/1300, art 2.

Appointment (in relation to Scotland): 30 November 1981: see SI 1981/1466, art 2.

Appointment (in relation to England and Wales, in so far as it relates to Pt II): 14 April 1982: see SI 1982/362, art 2.

Transfer of Functions

Functions of the Secretary of State, so far as exercisable in relation to

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Wales, transferred to the National Assembly for Wales, by the National Assembly for Wales (Transfer of Functions) Order 1999, SI 1999/672, art 2, Sch 1.

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PART III MISCELLANEOUS AND SUPPLEMENTAL
Supplemental

Royal Assent [4 April 1979]

Ancient Monuments and Archaeological Areas Act 1979, Ch. 46, s. 61 (Eng.)

61 Interpretation

(1) In this Act--

"ancient monument" has the meaning given by subsection (12) below;

"area of archaeological importance" means an area designated as such under section 33 of this Act;

["the Commission" means the Historic Buildings and Monuments Commission for England;]

"designation order" means an order under that section;

"enactment" includes an enactment in any local or private Act of Parliament, and an order, rule, regulation, byelaw or scheme made under an Act of Parliament;

"flooding operations" means covering land with water or any other liquid or partially liquid substance;

"functions" includes powers and duties;

"guardianship deed" has the meaning given by section 12(6) of this Act;

"land" means--

(a) in England and Wales, any corporeal hereditament;

(b) in Scotland, any heritable property;

including a building or a monument and, in relation to any acquisition of land, includes any interest in or right over land;

"local authority" means--

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(a) in England . . . , the council of a county or district, . . . the council of a London borough, and the Common Council of the City of London;

[(aa) in Wales, the council of a county or county borough;] and

(b) in Scotland, the planning authority within the meaning of Part IX of the Local Government (Scotland) Act 1973;

"monument" has the meaning given by subsection (7) below;

"owner", in relation to any land in England and Wales means (except for the purposes of paragraph 2(1) of Schedule 1 to this Act and any regulations made for the purposes of that paragraph) a person, other than a mortgagee not in possession, who, whether in his own right or as trustee for any other person, is entitled to receive the rack rent of the land, or where the land is not let at a rack rent, would be so entitled if it were so let;

"possession" includes receipt of rents and profits or the right to receive rents and profits (if any);

"prescribed" means prescribed by regulations made by the Secretary of State;

"the Schedule" has the meaning given by section 1(1) of this Act;

"scheduled monument" has the meaning given by section 1(11) of this Act and references to "scheduled monument consent" shall be construed in accordance with section 2(3) and 3(5) of this Act;

. . .

"tipping operations" means tipping soil or spoil or depositing building or other materials or matter (including waste materials or refuse) on any land; and

["universal postal service provider" means a universal service provider within the meaning of the Postal Services Act 2000; and references to the provision of a universal postal service shall be construed in accordance with that Act;]

"works" includes operations of any description and, in particular (but without prejudice to the generality of the preceding provision) flooding or tipping operations and any operations undertaken for purposes of agriculture (within the meaning of [the Town and Country Planning Act 1990] or, as regards Scotland, [the Town and Country Planning (Scotland) Act 1997]) or forestry (including afforestation).

(2) In this Act "statutory undertakers" means--

(a) persons authorised by any enactment to carry on any railway, light railway, tramway, road transport, water transport, canal, inland navigation, dock, harbour, pier or lighthouse undertaking, or any undertaking for the supply of . . . , . . . [or hydraulic power];

(b) . . . the Civil Aviation Authority, . . . [a universal postal service provider in connection with the provision of a universal postal service] and any

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other authority, body or undertakers which by virtue of any enactment are to be treated as statutory undertakers for any of the purposes of [the Town and Country Planning Act 1990] or of [the Town and Country Planning (Scotland) Act 1997]; and

(c) any other authority, body or undertakers specified in an order made by the Secretary of State under this paragraph.

[(2A) The undertaking of a universal postal service provider so far as relating to the provision of a universal postal service shall be taken to be his statutory undertaking for the purposes of this Act; and references in this Act to his undertaking shall be construed accordingly.]

(3) For the purposes of sections 14(1) and 21(2) of this Act and paragraph 6(1)(b) and (2)(b) of Schedule 3 to this Act a person shall be taken to be immediately affected by the operation of a guardianship deed relating to any land if he is bound by that deed and is in possession or occupation of the land.

(4) For the purposes of this Act "archaeological investigation" means any investigation of any land, objects or other material for the purpose of obtaining and recording any information of archaeological or historical interest and (without prejudice to the generality of the preceding provision) includes in the case of an archaeological investigation of anyland--

(a) any investigation for the purpose of discovering and revealing and (where appropriate) recovering and removing any objects or other material of archaeological or historical interest situated in, on or under the land; and

(b) examining, testing, treating, recording and preserving any such objects or material discovered during the course of any excavations or inspections carried out for the purposes of any such investigation.

(5) For the purposes of this Act, an archaeological examination of any land means any examination or inspection of the land (including any buildings or other structures thereon) for the purpose of obtaining and recording any information of archaeological or historical interest.

(6) In this Act references to land associated with any monument (or to associated land) shall be construed in accordance with section 15(6) of this Act.

(7) "Monument" means (subject to subsection (8) below)--

(a) any building, structure or work, whether above or below the surface of the land, and any cave or excavation;

(b) any site comprising the remains of any such building, structure or work or of any cave or excavation; and

(c) any site comprising, or comprising the remains of, any vehicle, vessel, aircraft or other movable structure or part thereof which neither constitutes nor forms part of any work which is a monument within paragraph (a) above;

and any machinery attached to a monument shall be regarded as part of the

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monument if it could not be detached without being dismantled.

(8) Subsection (7)(a) above does not apply to any ecclesiastical building for the time being used for ecclesiastical purposes, and subsection (7)(c) above does not apply--

(a) to a site comprising any object or its remains unless the situation of that object or its remains in that particular site is a matter of public interest;

(b) to a site comprising, or comprising the remains of, any vessel which is protected by an order under section 1 of the Protection of Wrecks Act 1973 designating an area round the site as a restricted area.

(9) For the purposes of this Act, the site of a monument includes not only the land in or on which it is situated but also any land comprising or adjoining it which appears to the Secretary of State [or the Commission] or a local authority, in the exercise in relation to that monument of any of their functions under this Act, to be essential for the monument's support and preservation.

(10) References in this Act to a monument include references--

(a) to the site of the monument in question; and

(b) to a group of monuments or any part of a monument or group of monuments.

(11) References in this Act to the site of a monument--

(a) are references to the monument itself where it consists of a site; and

(b) in any other case include references to the monument itself.

(12) "Ancient monument" means--

(a) any scheduled monument, and

(b) any other monument which in the opinion of the Secretary of State is of public interest by reason of the historic, architectural, traditional, artistic or archaeological interest attaching to it.

(13) In this section "remains" includes any trace or sign of the previous existence of the thing in question.

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 65(2).

Appointment

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Appointment (in relation to England and Wales, except in so far as it relates to Pt II): 9 October 1981: see SI 1981/1300, art 2.

Appointment (in relation to Scotland): 30 November 1981: see SI 1981/1466, art 2.

Appointment (in relation to England and Wales, in so far as it relates to Pt II): 14 April 1982: see SI 1982/362, art 2.

Amendment

Sub-s (1): definition "the Commission" inserted by the National Heritage Act 1983, s 33, Sch 4, para 67.

Sub-s (1): in definition "local authority" in para (a) first words omitted repealed by the Local Government (Wales) Act 1994, s 66(6), (8), Sch 16, para 56(3), Sch 18.

Sub-s (1): in definition "local authority" in para (a) second words omitted repealed by the Local Government Act 1985, s 102, Sch 17.

Sub-s (1): in definition "local authority" para (aa) inserted by the Local Government (Wales) Act 1994, s 66(6), (8), Sch 16, para 56(3), Sch 18.

Sub-s (1): definition "the statutory maximum" (omitted) repealed by the Statute Law (Repeals) Act 1993.

Sub-s (1): definition "universal postal service provider" inserted by SI 2001/1149, art 3(1), Sch 1, para 45(1), (2).

Date in force: 26 March 2001: see SI 2001/1149, art 1(2).

Sub-s (1): in definition "works" words "the Town and Country Planning Act 1990" in square brackets substituted by the Planning (Consequential Provisions) Act 1990, s 4, Sch 2, para 43(2).

Sub-s (1): in definition "works" words "the Town and Country Planning (Scotland) Act 1997" in square brackets substituted by the Planning (Consequential Provisions) (Scotland) Act 1997, s 4, Sch 2, para 23(2).

Sub-s (2): in para (a) first word omitted repealed by the Electricity Act 1989, s 112(4), Sch 18.

Sub-s (2): in para (a) second word omitted repealed by the Gas Act 1986, s 67(4), Sch 9, Pt I.

Sub-s (2): in para (a) words "or hydraulic power" in square brackets substituted by the Water Act 1989, s 190, Sch 25, para 58.

Sub-s (2): in para (b) first words omitted repealed by the Airports Act 1986, s 83(5), Sch 6, Pt I.

Sub-s (2): in para (b) second words omitted repealed by the Coal Industry Act 1994, s 67, Sch 9, para 22, Sch 11, Pt II.

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Sub-s (2): in para (b) words "a universal postal service provider in connection with the provision of a universal postal service" in square brackets substituted by SI 2001/1149, art 3(1), Sch 1, para 45(1), (3).

Date in force: 26 March 2001: see SI 2001/1149, art 1(2).

Sub-s (2): in para (b) words "the Town and Country Planning Act 1990" in square brackets substituted by the Planning (Consequential Provisions) Act 1990, s 4, Sch 2, para 43(2).

Sub-s (2): in para (b) words "the Town and Country Planning (Scotland) Act 1997" in square brackets substituted by the Planning (Consequential Provisions) (Scotland) Act 1997, s 4, Sch 2, para 23(2).

Sub-s (2A): inserted by SI 2001/1149, art 3(1), Sch 1, para 45(1), (4).

Date in force: 26 March 2001: see SI 2001/1149, art 1(2).

Sub-s (9): words in square brackets inserted by the National Heritage Act 1983, s 33, Sch 4, para 67.

Modification

This Act (except Part II) has effect, in relation to Scotland, as if references to a local authority and the authority's area included references to a National Park authority and the National Park, by virtue of the National Parks (Scotland) Act 2000, s 36, Sch 5, para 7.

Transfer of Functions

Functions of the Secretary of State, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales, by the National Assembly for Wales (Transfer of Functions) Order 1999, SI 1999/672, art 2, Sch 1.

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**ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979
1979 CHAPTER 46**

**PART III MISCELLANEOUS AND SUPPLEMENTAL
Supplemental**

Royal Assent [4 April 1979]

Ancient Monuments and Archaeological Areas Act 1979, Ch. 46, s. 62 (Eng.)

62 Special provision for Scotland

(1) . . .

(2) . . .

(3) . . .

(4) In this Act, in relation to any land in Scotland, "occupier" means an occupier with an interest in that land which is heritable and, if there is no such occupier, the owner thereof shall be deemed to be the occupier.

(5) In relation to land in Scotland, any reference in this Act--

(a) to a mortgage shall be construed as a reference to a heritable security;

(b) to a mortgagee shall be construed as a reference to a creditor in a heritable security; and

(c) to a first mortgagee shall be construed as a reference to a creditor in a heritable security which ranks prior to any other heritable security over the same land.

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 65(2).

Appointment

Appointment: 30 November 1981: see SI 1981/1466, art 2.

Amendment

Sub-ss (1)-(3): repealed by the Statute Law (Repeals) Act 1981, Sch 1, Pt IV.

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**PART III MISCELLANEOUS AND SUPPLEMENTAL
Supplemental**

Royal Assent [4 April 1979]

Ancient Monuments and Archaeological Areas Act 1979, Ch. 46, s. 63 (Eng.)

63 . . .

. . .

NOTES:

Amendment

Repealed by the Statute Law (Repeals) Act 1981, s 1, Sch 1, Pt IV.

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**PART III MISCELLANEOUS AND SUPPLEMENTAL
Supplemental**

Royal Assent [4 April 1979]

Ancient Monuments and Archaeological Areas Act 1979, Ch. 46, s. 64 (Eng.)

64 Transitional provisions, consequential amendments and repeals

(1) Schedule 3 to this Act shall have effect for the purposes of the transition to the provisions of this Act from the law previously in force.

(2) The enactments specified in Schedule 4 to this Act shall have effect subject to the amendments specified in that Schedule, being amendments consequential on the provisions of this Act.

(3) The enactments specified in Schedule 5 to this Act are hereby repealed to the extent specified in the third column of that Schedule.

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 65(2).

Appointment

Appointment (in relation to England and Wales, except in so far as it relates to Pt II): 9 October 1981: see SI 1981/1300, art 2.

Appointment (in relation to Scotland): 30 November 1981: see SI 1981/1466, art 2.

Appointment (in relation to England and Wales, in so far as it relates to Pt II): 14 April 1982: see SI 1982/362, art 2.

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**ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979
1979 CHAPTER 46**

**PART III MISCELLANEOUS AND SUPPLEMENTAL
Supplemental**

Royal Assent [4 April 1979]

Ancient Monuments and Archaeological Areas Act 1979, Ch. 46, s. 65 (Eng.)

65 Short title, commencement and extent

(1) This Act may be cited as the Ancient Monuments and Archaeological Areas Act 1979.

(2) This Act shall come into force on such day as may be appointed by order of the Secretary of State, and different days may be appointed for different purposes; and a reference in any provision of this Act to the commencement of this Act is a reference to the day appointed for the coming into force of that provision.

(3) This Act does not extend to Northern Ireland.

NOTES:

Initial Commencement

Royal Assent

Royal Assent: 4 April 1979: (no specific commencement provision).

Subordinate Legislation

Ancient Monuments and Archaeological Areas Act 1979 (Commencement No 1) Order 1979, SI 1979/786 (made under sub-s (2)).

Ancient Monuments and Archaeological Areas Act 1979 (Commencement No 2) Order 1981, SI 1981/1300 (made under sub-s (2)).

Ancient Monuments and Archaeological Areas Act 1979 (Commencement No 3) Order 1981, SI 1981/1466 (made under sub-s (2)).

Ancient Monuments and Archaeological Areas Act 1979 (Commencement No 4) Order 1982, SI 1982/362 (made under sub-s (2)).

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**ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979
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**SCHEDULE 1 CONTROL OF WORKS AFFECTING SCHEDULED MONUMENTS
Sections 2, 4**

Royal Assent [4 April 1979]

**Ancient Monuments and Archaeological Areas Act 1979, Ch. 46, Sch. 1, Pt. I
(Eng.)**

Part I Applications for Scheduled Monument Consent

1

(1) Provision may be made by regulations under this Act with respect to the form and manner in which applications for scheduled monument consent are to be made, the particulars to be included therein and the information to be provided by applicants or (as the case may be) by the Secretary of State in connection therewith.

(2) Any scheduled monument consent (including scheduled monument consent granted by order under section 3 of this Act) shall (except so far as it otherwise provides) enure for the benefit of the monument and of all persons for the time being interested therein.

2

(1) The Secretary of State may refuse to entertain an application for scheduled monument consent unless it is accompanied by one or other of the following certificates signed by or on behalf of the applicant, that is to say--

(a) a certificate stating that, at the beginning of the period of twenty-one days ending with the application, no person other than the applicant was the owner of the monument;

(b) a certificate stating that the applicant has given the requisite notice of the application to all the persons other than the applicant who, at the beginning of that period, were owners of the monument;

(c) a certificate stating that the applicant is unable to issue a certificate in accordance with either of the preceding paragraphs, that he has given the requisite notice of the application to such one or more of the persons mentioned in paragraph (b) above as are specified in the certificate, that he has taken such steps as are reasonably open to him to ascertain the names and addresses of

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the remainder of those persons and that he has been unable to do so;

(d) a certificate stating that the applicant is unable to issue a certificate in accordance with paragraph (a) above, that he has taken such steps as are reasonably open to him to ascertain the names and addresses of the persons mentioned in paragraph (b) above and that he has been unable to do so.

(2) Any certificate issued for the purposes of sub-paragraph (1) above--

(a) shall contain such further particulars of the matters to which the certificate relates as may be prescribed by regulations made for the purposes of this paragraph; and

(b) shall be in such form as may be so prescribed,

and any reference in that sub-paragraph to the requisite notice is a reference to a notice in the form so prescribed.

(3) Regulations made for the purposes of this paragraph may make provision as to who, in the case of any monument, is to be treated as the owner for those purposes.

(4) If any person issues a certificate which purports to comply with the requirements of this paragraph and which contains a statement which he knows to be false or misleading in a material particular, or recklessly issues a certificate which purports to comply with those requirements and which contains a statement which is false or misleading in a material particular, he shall be guilty of an offence and liable on summary conviction or, in Scotland, on conviction before a court of summary jurisdiction, to a fine not exceeding [level 3 on the standard scale].

[2A

As soon as practicable after receiving an application for scheduled monument consent in relation to a monument situated in England, the Secretary of State shall send a copy of the application to the Commission.]

3

(1) The Secretary of State may grant scheduled monument consent in respect of all or any part of the works to which an application for scheduled monument consent relates.

(2) Before determining whether or not to grant scheduled monument consent on any application therefor, the Secretary of State shall either--

(a) cause a public local inquiry to be held; or

(b) afford to the applicant, and to any other person to whom it appears to the Secretary of State expedient to afford it, an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose.

(3) Before determining whether or not to grant scheduled monument consent on

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any application therefor the Secretary of State--

(a) shall in every case consider any representations made by any person with respect to that application before the time when he considers his decision thereon (whether in consequence of any notice given to that person in accordance with any requirements of regulations made by virtue of paragraph 2 above or of any publicity given to the application by the Secretary of State, or otherwise); and

(b) shall also, if any inquiry or hearing has been held in accordance with sub-paragraph (2) above, consider the report of the person who held it [and

(c) shall, if the monument in question is situated in England, consult with the Commission].

(4) The Secretary of State shall serve notice of his decision with respect to the application on the applicant and on every person who has made representations to him with respect to the application.

4

(1) Subsections (2) to (5) of section 250 of the Local Government Act 1972 (evidence and costs at local inquiries) shall apply to a public local inquiry held in pursuance of paragraph 3(2) above in relation to a monument situated in England and Wales as they apply where a Minister or the Secretary of State causes an inquiry to be held under subsection (1) of that section.

(2) Subsections (2) to (8) of section 210 of the Local Government (Scotland) Act 1973 (evidence and expenses at local inquiries) shall apply to a public local inquiry held in pursuance of paragraph 3(2) above in relation to a monument situated in Scotland as they apply where a Minister or the Secretary of State causes an inquiry to be held under subsection (1) of that section.

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 65(2).

Appointment

Appointment (in relation to England and Wales): 9 October 1981: see SI 1981/1300, art 2.

Appointment (in relation to Scotland): 30 November 1981: see SI 1981/1466, art 2.

Amendment

Para 2: in sub-para (4) words in square brackets substituted by virtue of the Criminal Justice Act 1982, s 46.

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Para 2A: inserted by the National Heritage Act 1983, s 33, Sch 4, para 68.

Para 3: words in square brackets inserted by the National Heritage Act 1983, s 33, Sch 4, para 68.

Modification

Modified, in relation to cases where scheduled monument consent is required for the purposes of proposals included in an application made under the Planning (Listed Buildings and Conservation Areas) Act 1990, s 6, by the Transport and Works Applications (Listed Buildings, Conservation Areas and Ancient Monuments Procedure) Regulations 1992, SI 1992/3138, reg 4(2), Sch 2, para 1.

Transfer of Functions

Functions of the Secretary of State, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales, by the National Assembly for Wales (Transfer of Functions) Order 1999, SI 1999/672, art 2, Sch 1.

See Further

See further: the Water Act 1989, s 190, Sch 25, para 1, and the Electricity Act 1989, s 112(1), Sch 16, para 1(1).

Subordinate Legislation

Ancient Monuments (Application for Scheduled Monument Consent) Regulations 1981, SI 1981/1301 (made under paras 1(1), 2(1), (2), 3).

Ancient Monuments (Applications for Scheduled Monument Consent) (Welsh Forms and Particulars) Regulations 2001, SI 2001/1438 (made under paras 1(1), 2(1), (2)).

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*** THIS DOCUMENT IS CURRENT THROUGH 26 NOVEMBER, 2004 ***

**ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979
1979 CHAPTER 46**

**SCHEDULE 1 CONTROL OF WORKS AFFECTING SCHEDULED MONUMENTS
Sections 2, 4**

Royal Assent [4 April 1979]

**Ancient Monuments and Archaeological Areas Act 1979, Ch. 46, Sch. 1, Pt. II
(Eng.)**

Part II Modification and Revocation of Scheduled Monument Consent

5

(1) Before giving a direction under section 4 of this Act modifying or revoking a scheduled monument consent the Secretary of State shall serve a notice of proposed modification or revocation on--

(a) the owner of the monument and (if the owner is not the occupier) the occupier of the monument, and

(b) any other person who in the opinion of the Secretary of State would be affected by the proposed modification or revocation.

[(1A) Where the monument in question is situated in England, the Secretary of State shall consult with the Commission before serving a notice under this paragraph, and on serving such a notice he shall send a copy of it to the Commission.]

(2) A notice under this paragraph shall--

(a) contain a draft of the proposed modification or revocation and a brief statement of the reasons therefor; and

(b) specify the time allowed by sub-paragraph (5) below for making objections to the proposed modification or revocation and the manner in which any such objections can be made.

(3) Where the effect of a proposed modification (or any part of it) would be to exclude any works from the scope of the scheduled monument consent in question or in any manner to affect the execution of any of the works to which the consent relates, the notice under this paragraph relating to that proposed modification shall indicate that the works affected must not be executed after the receipt of the notice or (as the case may require) must not be so executed

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in a manner specified in the notice.

(4) A notice of proposed revocation under this paragraph shall indicate that the works to which the scheduled monument consent in question relates must not be executed after receipt of the notice.

(5) A person served with a notice under this paragraph may make an objection to the proposed modification or revocation at any time before the end of the period of twenty-eight days beginning with the date on which the notice was served.

6

(1) If no objection to a proposed modification or revocation is duly made by a person served with notice thereof in accordance with paragraph 5 above, or if all objections so made are withdrawn, the Secretary of State may give a direction under section 4 of this Act modifying or revoking the scheduled monument consent in question in accordance with the notice.

(2) If any objection duly made as mentioned in sub-paragraph (1) above is not withdrawn, then, before giving a direction under section 4 of this Act with respect to the proposed modification or revocation, the Secretary of State shall either--

(a) cause a public local inquiry to be held; or

(b) afford to any such person an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose.

(3) If any person by whom an objection has been made avails himself of the opportunity of being heard, the Secretary of State shall afford to each other person served with notice of the proposed modification or revocation in accordance with paragraph 5 above, and to any other person to whom it appears to the Secretary of State expedient to afford it, an opportunity of being heard on the same occasion.

(4) Before determining in a case within sub-paragraph (2) above whether to give a direction under section 4 of this Act modifying or revoking the scheduled monument consent in accordance with the notice, the Secretary of State--

(a) shall in every case consider any objections duly made as mentioned in sub-paragraph (1) above and not withdrawn; and

(b) shall also, if any inquiry or hearing has been held in accordance with sub-paragraph (2) above, consider the report of the person who held it.

(5) After considering any objections and report he is required to consider in accordance with sub-paragraph (4) above the Secretary of State may give a direction under section 4 of this Act modifying or revoking the scheduled monument consent either in accordance with the notice or with any variation appearing to him to be appropriate.

7

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As soon as may be after giving a direction under section 4 of this Act the Secretary of State shall send a copy of the direction to each person served with notice of its proposed effect in accordance with paragraph 5 above and to any other person afforded an opportunity of being heard in accordance with paragraph 6(3) above.

8

(1) Where in accordance with sub-paragraph (3) of paragraph 5 above a notice under that paragraph indicates that any works specified in the notice must not be executed after receipt of the notice, the works so specified shall not be regarded as authorised under Part I of this Act at any time after the relevant service date.

(2) Where in accordance with that sub-paragraph a notice under that paragraph indicates that any works specified in the notice must not be executed after receipt of the notice in a manner so specified, the works so specified shall not be regarded as authorised under Part I of this Act if executed in that manner at any time after the relevant service date.

(3) Where in accordance with sub-paragraph (4) of paragraph 5 above a notice under that paragraph indicates that the works to which the scheduled monument consent relates must not be executed after receipt of the notice, those works shall not be regarded as authorised under Part I of this Act at any time after the relevant service date.

(4) The preceding provisions of this paragraph shall cease to apply in relation to any works affected by a notice under paragraph 5 above--

(a) if within the period of twenty-one months beginning with the relevant service date the Secretary of State gives a direction with respect to the modification or revocation proposed by that notice in accordance with paragraph 6 above, on the date when he gives that direction;

(b) if within that period the Secretary of State serves notice on the occupier or (if there is no occupier) on the owner of the monument that he has determined not to give such a direction, on the date when he serves that notice; and

(c) in any other case, at the end of that period.

(5) In this paragraph "the relevant service date" means, in relation to a notice under paragraph 5 above with respect to works affecting any monument, the date on which that notice was served on the occupier or (if there is no occupier) on the owner of the monument.

9

(1) Subject to sub-paragraph (2) below, subsections (2) to (5) of section 250 of the Local Government Act 1972 (evidence and costs at local inquiries) shall apply to a public inquiry held in pursuance of paragraph 6(2) above as they apply where a Minister or the Secretary of State causes an inquiry to be held under sub-section (1) of that section.

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(2) Subsection (4) of that section (costs of the Minister causing the inquiry to be held to be defrayed by such local authority or party to the inquiry as the Minister may direct) shall not apply except in so far as the Secretary of State is of opinion, having regard to the object and result of the inquiry, that his costs should be defrayed by any party thereto.

(3) In the application of this paragraph to Scotland, insub-paragraph (1) for the words " subsections (2) to (5) of section 250 of the Local Government Act 1972 (evidence and costs at local inquiries)" there shall be substituted the words " subsections (2) to (8) of section 210 of the Local Government (Scotland) Act 1973 (evidence and expenses at local inquiries)", and in sub-paragraph (2) for the words " subsection (4) of that section (costs" there shall be substituted the words " subsection (7) of that section (expenses".

NOTES:**Initial Commencement*****To be appointed***

To be appointed: see s 65(2).

Appointment

Appointment (in relation to England and Wales): 9 October 1981: see SI 1981/1300, art 2.

Appointment (in relation to Scotland): 30 November 1981: see SI 1981/1466, art 2.

Amendment

Para 5: sub-para (1A) inserted by the National Heritage Act 1983, s 33, Sch 4, para 68.

Modification

Modified, in relation to any monument in a National Park for which a National Park authority is the local planning authority or any area the whole or any part of which is comprised in such a Park, by the Environment Act 1995, s 70, Sch 9, para 10.

Transfer of Functions

Functions of the Secretary of State, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales, by the National Assembly for Wales (Transfer of Functions) Order 1999, SI 1999/672, art 2, Sch 1.

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**ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979
1979 CHAPTER 46**

SCHEDULE 2 DESIGNATION ORDERS

Section 33

Royal Assent [4 April 1979]

Ancient Monuments and Archaeological Areas Act 1979, Ch. 46, Sch. 2 (Eng.)

SCHEDULE 2 Designation Orders

Designation orders by the Secretary of State

1

(1) A designation order made by the Secretary of State shall describe by reference to a map the area affected.

(2) The map shall be to such a scale, and the order in such form, as the Secretary of State considers appropriate.

2

Before making a designation order the Secretary of State shall--

(a) consult each of the local authorities concerned; and

[(aa) consult with the Commission (if the area which would be designated by the order is situated in England); and]

(b) publish notice of his proposal to make the order;

in accordance with paragraph 3 below.

3

(1) The [consultations required by sub-paragraphs (a) and (aa)] of paragraph 2 above shall precede the publication of the notice required by sub-paragraph (b) of that paragraph.

(2) The notice required by paragraph 2(b) above--

(a) shall be published in two successive weeks in the London Gazette and in one or more local newspapers circulating in the locality in which the area affected is situated;

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(b) shall state that the Secretary of State proposes to make the order, describing the area affected and the effect of the order; and

(c) shall indicate where (in accordance with paragraphs 4 and 5 below) a copy of the draft order and of the map to which it refers may be inspected.

4

Copies of the draft order and of the map to which it refers--

(a) shall be deposited with each of the local authorities concerned on or before the date on which notice of the Secretary of State's proposal to make the order is first published in accordance with paragraph 3(2)(a) above; and

[(aa) shall be sent to the Commission (if the area which would be designated by the order is situated in England); and]

(b) shall be kept available for public inspection by each of those authorities, free of charge, at reasonable hours and at a convenient place, until the Secretary of State makes the order or notifies the local authority in question that he has determined not to make it.

5

Copies of the draft order and of the map to which it refers shall similarly be kept available by the Secretary of State, until he makes the order or determines not to make it.

6

The Secretary of State may make the order, either without modifications or with such modification only as consists in reducing the area affected, at anytime after the end of the period of six weeks beginning with the date on which notice of his proposal to make the order is first published in accordance with paragraph 3(2)(a) above.

7

On making the order, the Secretary of State shall--

(a) publish notice in two successive weeks in the London Gazette and in one or more local newspapers circulating in the locality in which the area affected is situated, stating that the order has been made and describing the area affected and the effect of the order; and

(b) deposit a copy of the order and of the map to which it refers with each local authority concerned [and

(c) send to the Commission a copy of the order and of the map to which it refers (if the area designated is situated in England).]
Designation orders by a local authority

8

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(1) A designation order made by a local authority shall describe by reference to a map the area affected.

(2) The map shall be to such a scale, and the order in such form as may be prescribed.

9

Before making a designation order a local authority shall--

(a) consult any other local authority concerned; and

(b) publish notice of their proposal to make the order;

in accordance with paragraph 10 below.

[9A

Before making a designation order a local authority shall notify the Commission of their proposal to make the order, if the area which would be designated by the order is situated in England.]

10

(1) The consultation required by sub-paragraph (a) of paragraph 9 above shall precede the publication of the notice required by sub-paragraph (b) of that paragraph.

(2) The notice required by paragraph 9(b) above shall be in the prescribed form and shall otherwise comply with paragraph 3(2) above (with the necessary modifications).

11

Copies of the draft order and of the map to which it refers--

(a) shall be deposited with each of the local authorities concerned (other than the local authority proposing to make the order) on or before the date on which notice of the proposal to make the order is first published in accordance with paragraph 3(2)(a) above as applied by paragraph 10 above; and

(b) shall be kept available for public inspection by each of the local authorities concerned, free of charge at reasonable hours and at a convenient place, until the local authority proposing to make the order either make it or determine not to make it and, in the case of any other local authority concerned, notify that local authority of their determination.

12

The local authority may make the order, either without modifications or with such modification only as consists in reducing the area affected, and submit it to the Secretary of State for confirmation, at any time after the end of the period of six weeks beginning with the date on which notice of their proposal to make the order is first published in accordance with paragraph 3(2)(a) above as

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applied by paragraph 10 above.

13

A designation order made by a local authority shall not take effect unless it is confirmed by the Secretary of State, and the Secretary of State may confirm any such order either without modifications or with such modification only as consists in reducing the area affected.

14

If the Secretary of State confirms the order the local authority shall on being notified that the order has been confirmed--

(a) publish notice of the making of the order in the manner and form prescribed; and

(b) deposit a copy of the order and of the map to which it refers with any other local authority concerned [and

(c) send to the Commission a copy of the order and of the map to which it refers, if the area designated by the order is situated in England.]

15

The Secretary of State may by regulations prescribe the procedure to be followed by a local authority in submitting a designation order for confirmation by the Secretary of State.

[Designation orders by the Commission

15A

Paragraphs 8, 9, 10 to 13, 14(a) and (b) and 15 above shall have effect in relation to a designation order made by the Commission as if--

(a) in paragraphs 8(1), 12, 13 and 15 the references to a local authority were a reference to the Commission;

(b) in paragraphs 9 and 14 the first reference to a local authority were a reference to the Commission, and the word "other" were omitted; and

(c) in paragraph 11--

(i) in sub-paragraph (a) the words in brackets were omitted; and

(ii) in sub-paragraph (b) the reference to the local authority proposing to make the order were a reference to the Commission, and the word "other" were omitted.]

Operation of designation orders

16

(1) A designation order made by the Secretary of State shall not come into operation until the end of the period of six months beginning with the date on

which it is made.

(2) A designation order made by a local authority and confirmed by the Secretary of State shall not come into operation until the end of the period of six months beginning with the date on which it is confirmed.

Variation and revocation of designation orders

17

(1) An order varying or revoking a designation order shall describe by reference to a map the area affected by the designation order and (in the case of an order varying a designation order) the reduction of that area made by the order.

(2) The map shall be to such a scale, and the order in such form, as the Secretary of State considers appropriate.

18

Before and on making an order varying or revoking a designation order the Secretary of State shall follow the procedure laid down for the making by him of a designation order, and paragraphs 2 to 7 above shall accordingly apply in any such case (taking references to the area as references to the area affected by the designation order).

19

In relation to a designation order relating to an area in Scotland, references in this Schedule to the London Gazette shall be construed as references to the Edinburgh Gazette.

Interpretation

20

(1) In this Schedule "the area affected" means, in relation to a designation order, the area to which the order for the time being relates.

(2) For the purposes of this Schedule a local authority is a local authority concerned in relation to a designation order (or in relation to an order varying or revoking a designation order) if the area affected by the designation order, or any part of that area, is within the area of that local authority.

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 65(2).

Appointment

Appointment (in relation to England and Wales): 14 April 1982: see SI 1982/362, art 2.

Amendment

Paras 2-4, 7, 14: words in square brackets substituted or inserted by the National Heritage Act 1983, s 33, Sch 4, para 69.

Para 9A: inserted by the National Heritage Act 1983, s 33, Sch 4, para 69.

Para 15A: inserted by the Local Government Act 1985, s 6, Sch 2, para 2.

Modification

Modified, in relation to any monument in a National Park for which a National Park authority is the local planning authority or any area the whole or any part of which is comprised in such a Park, by the Environment Act 1995, s 70, Sch 9, para 10.

Transfer of Functions

Functions of the Secretary of State, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales, by the National Assembly for Wales (Transfer of Functions) Order 1999, SI 1999/672, art 2, Sch 1.

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ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979
1979 CHAPTER 46

SCHEDULE 3 TRANSITIONAL PROVISIONS

Section 64(1)

Royal Assent [4 April 1979]

Ancient Monuments and Archaeological Areas Act 1979, Ch. 46, Sch. 3 (Eng.)

SCHEDULE 3 Transitional Provisions

1

(1) Where an interim preservation notice is in force with respect to any monument immediately before the commencement of this Act, sections 10(3)(a) and (c) and 12(1), (2)(b), (3)(b) and (4) of the Historic Buildings and Ancient Monuments Act 1953 shall continue to apply to the notice and monument respectively as if this Act had not been passed, unless and until the monument is included in the Schedule under section 1 (3) of this Act.

(2) So long as by virtue of sub-paragraph (1) above section 12(1) of the Historic Buildings and Ancient Monuments Act 1953 continues to apply after the commencement of this Act to any monument which is under guardianship by virtue of this Act, section 28 of this Act shall have effect in relation to that monument as if for the reference in subsection (2) of that section to a scheduled monument consent there were substituted a reference to the consent of the Secretary of State under section 12(1).

2

(1) Subject to sub-paragraph (2) below, where a guardianship order made under section 12(5) of the Historic Buildings and Ancient Monuments Act 1953 is in force immediately before the commencement of this Act that order shall continue in force notwithstanding the repeal by this Act of section 12(5), and the provisions of this Act shall apply while the order is in force as if the Secretary of State had been constituted guardian of the monument by a deed not containing any restriction not contained in the order and executed by all the persons who, at the time when the order was made, were able by deed to constitute the Secretary of State guardian of the monument.

(2) A guardianship order continued in force by this paragraph may be revoked at any time by the Secretary of State.

3

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(1) Where within the period of three months immediately preceding the commencement of this Act a person has given notice in accordance with section 6(2) of the Ancient Monuments Act 1931 of his intention to execute or permit to be executed any such work in relation to a monument as is there mentioned the notice shall have effect for the purposes of this Act as an application for scheduled monument consent for the execution of that work.

(2) Where--

(a) a monument becomes a scheduled monument under this Act; and

(b) before it is included in the Schedule any person has applied for the consent of the Secretary of State for the execution of any works affecting the monument which would otherwise be prohibited by section 12(1) of the Historic Buildings and Ancient Monuments Act 1953 (consent required for certain works in relation to a monument subject to an interim preservation notice or preservation order);

then, in a case where the Secretary of State's decision on the application has not been notified to the person in question before the monument is included in the Schedule, the application shall have effect for the purposes of this Act as an application for scheduled monument consent for the execution of those works.

(3) The Secretary of State shall consider and determine any application for scheduled monument consent which has effect as such by virtue of this paragraph notwithstanding that any requirements of regulations made by virtue of paragraph 1 or any requirements of paragraph 2 of Schedule 1 to this Act are not satisfied in relation to that application.

4

(1) Subject to the following provisions of this paragraph, where a person has given notice as mentioned in paragraph 3(1) above with respect to any work more than three months before the commencement of this Act, the notice shall have effect for the purposes of this Act as if it were a scheduled monument consent for the execution of that work granted by the Secretary of State under section 2 of this Act on the date of the commencement of this Act (and it may be modified or revoked by the Secretary of State under section 4 of this Act accordingly).

(2) This paragraph does not apply in any case where an interim preservation notice or a preservation order is in force with respect to the monument in question immediately before the commencement of this Act.

(3) A scheduled monument consent which has effect as such by virtue of this paragraph shall not cease to have effect by virtue of section 4(1) of this Act if any of the work to which it relates has been executed or started before the commencement of this Act.

5

(1) Subject to sub-paragraph (2) below, where--

(a) a monument becomes a scheduled monument under this Act; and

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(b) before it is included in the Schedule the Secretary of State has granted consent for the execution of any works affecting the monument under section 12(1) of the Historic Buildings and Ancient Monuments Act 1953;

that consent shall have effect for the purposes of this Act as if it were a scheduled monument consent for the execution of those works granted by the Secretary of State under section 2 of this Act on the date when the monument became a scheduled monument (and it may be modified or revoked by the Secretary of State under section 4 of this Act accordingly).

(2) A scheduled monument consent which has effect as such by virtue of this paragraph shall not cease to have effect by virtue of section 4(1) of this Act if any of the works to which it relates have been executed or started before the monument becomes a scheduled monument.

6

(1) Section 13(2) of this Act shall not apply to any monument of which the Secretary of State or a local authority have been constituted guardians before the commencement of this Act, except where either--

(a) the guardianship deed provided for control and management of the monument by the guardians; or

(b) the persons for the time being immediately affected by the operation of the guardianship deed have consented to the exercise of control and management of the monument by the guardians.

(2) Section 19(1) of this Act shall not apply to any monument of which the Secretary of State or a local authority had been constituted guardians before 15th August 1913 (being the date of commencement of the Ancient Monuments Consolidation and Amendment Act 1913), except where either--

(a) the guardianship deed provided for public access to the monument; or

(b) the persons for the time being immediately affected by the operation of the guardianship deed have consented to the public having access to the monument.

(3) Where any land adjoining or adjacent to a monument (in addition to its site) was acquired or taken into guardianship before the commencement of this Act under any enactment repealed by this Act, it shall be regarded for the purposes of this Act as having been acquired or taken into guardianship for a purpose relating to that monument by virtue of section 15 of this Act.

7

Notwithstanding the repeal by this Act of the Field Monuments Act 1972, the provisions of that Act shall continue to apply in relation to any acknowledgement payment agreement within the meaning of that Act which is in force immediately before the commencement of this Act.

8

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Any reference in any document (including an enactment) to an enactment repealed by this Act shall be construed as or (as the case may be) as including a reference to the corresponding enactment in this Act.

9

Nothing in the preceding provisions of this Schedule shall be construed as prejudicing the effect of section 16 or 17 of the Interpretation Act 1978 (effect of repeals).

10

In this Schedule--

"interim preservation notice" means a notice served under section 10(1) of the Historic Buildings and Ancient Monuments Act 1953; and

"preservation order" means an order made under section 11(1) of that Act.

NOTES:**Initial Commencement*****To be appointed***

To be appointed: see s 65(2).

Appointment

Appointment (in relation to England and Wales, except in so far as it relates to Pt II): 9 October 1981: see SI 1981/1300, art 2.

Appointment (in relation to Scotland): 30 November 1981: see SI 1981/1466, art 2.

Appointment (in relation to England and Wales, in so far as it relates to Pt II): 14 April 1982: see SI 1982/362, art 2.

Transfer of Functions

Functions of the Secretary of State, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales, by the National Assembly for Wales (Transfer of Functions) Order 1999, SI 1999/672, art 2, Sch 1.

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**ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979
1979 CHAPTER 46**

SCHEDULE 4 CONSEQUENTIAL AMENDMENTS

Section 64(2)

Royal Assent [4 April 1979]

Ancient Monuments and Archaeological Areas Act 1979, Ch. 46, Sch. 4 (Eng.)

SCHEDULE 4 Consequential Amendments

1-16

...

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 65(2).

Appointment

Appointment (in relation to Scotland): 30 November 1981: see SI 1981/1466, art 2.

Appointment (in relation to England and Wales, except in so far as it relates to Pt II): 9 October 1981: see SI 1981/1300, art 2.

Appointment (in relation to England and Wales, in so far as it relates to Pt II): 14 April 1982: see SI 1982/362, art 2.

Amendment

Para 1: repealed by the Electricity Act 1989, s 112(4), Sch 18.

Para 2: amends the Coast Protection Act 1949, s 47.

Para 3: amends the Historic Buildings and Ancient Monuments Act 1953, ss 5(2)(b), 8(1)(c), (4).

Para 4: repealed by the Coal Mining Subsidence Act 1991, s 53(2), Sch 8.

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Para 5: amends the Land Powers (Defence) Act 1958, s 6(4)(b).

Para 6: amends the Building (Scotland) Act 1959, s 17(2).

Para 6: repealed by the Building (Scotland) Act 2003, s 58, Sch 6, para 13.

Date in force: 1 May 2005: see SSI 2004/404, art 2(1).

Para 7: amends the Flood Prevention (Scotland) Act 1961, s 3(3)(a).

Para 8: amends the Faculty Jurisdiction Measure 1964, s 2(5) (repealed).

Para 9: amends the Mines (Working Facilities and Support) Act 1966, s 7(8).

Para 10: repealed by the Local Government Finance Act 1988, s 149, Sch 13, Pt I.

Para 11: repealed by the Planning (Consequential Provisions) Act 1990, s 3, Sch 1, Pt I

Para 12: repealed by the Planning (Consequential Provisions) (Scotland) Act 1997, s 3, Sch 1, Pt I.

Para 13: substitutes the Local Government Act 1972, s 131(2)(f).

Para 14: amends the Local Government (Scotland) Act 1973, s 182(1).

Para 15: repealed by the Inheritance Tax Act 1984, s 277, Sch 9.

Para 16: repealed by the Water Consolidation (Consequential Provisions) Act 1991, s 3(1), Sch 3, Pt I.

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**ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979
 1979 CHAPTER 46**

SCHEDULE 5 ENACTMENTS REPEALED

Section 64(3)

Royal Assent [4 April 1979]

Ancient Monuments and Archaeological Areas Act 1979, Ch. 46, Sch. 5 (Eng.)

SCHEDULE 5 Enactments Repealed

Offence	Value involved	How measured
1. Offences under section 1 of the Criminal Damage Act 1971 (destroying or damaging property), excluding any offence committed by destroying or damaging property by fire.	As regards property alleged to have been destroyed, its value.	What the property would probably have cost to buy in the open market at the material time.
	As regards property alleged to have been damaged, the value of the alleged damage.	(a) If immediately after the material time the damage was capable of repair-- (i) what would probably then have been the market price for the repair of the damage, or (ii) what the property alleged to have been damaged would probably have cost to buy in the open market at the material time,

2. The following offences, namely--

- (a) aiding, abetting, counselling or procuring the commission of any offence mentioned in paragraph 1 above;
- (b) attempting to commit any offence so mentioned; and
- (c) inciting another to commit any offence so mentioned.

[3. Offences under section 12A of the Theft Act 1968 (aggravated vehicle-taking) where no allegation is made under subsection (1)(b) other than of damage, whether to the vehicle or other property or both.

The value indicated in paragraph 1 above for the offence alleged to have been aided, abetted, counselled or procured, or attempted or incited.

The total value of the damage alleged to have been caused.

whichever is the less;
or
(b) if immediately after the material time the damage was beyond repair, what the said property would probably have cost to buy in the open market at the material time.

As for the corresponding entry in paragraph 1 above.

(1) In the case of damage to any property other than the vehicle involved in the offence, as for the corresponding entry in paragraph 1 above, substituting a reference to the time of the accident concerned for any reference to the material time.

(2) In the case of damage to the vehicle involved in the offence--

(a) if immediately after the vehicle was recovered the damage was capable of repair--

(i) what would probably then have been the market price for the repair of the damage, or

(ii) what the vehicle would probably have cost to buy in the open market immediately before it was unlawfully taken, whichever is the less; or

(b) if immediately after the vehicle was recovered the damage was beyond repair, what the vehicle would probably have cost to buy in the open market immediately before it was unlawfully taken.]

NOTES:**Initial Commencement*****To be appointed***

To be appointed: see s 155(7).

Appointment

Appointment: 6 July 1981: see SI 1981/457, art 2.

Derivation

This Schedule derived from the Criminal Law Act 1977, Sch 4.

Amendment

Para 3: inserted by the Aggravated Vehicle-Taking Act 1992, s 2(1).

Extent

This Schedule does not extend to Scotland: see s 155(6).

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**ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979
1979 CHAPTER 46**

**SCHEDULE 3 CORPORATIONS
Section 46
Royal Assent [4 April 1979]**

Ancient Monuments and Archaeological Areas Act 1979, Ch. 46, Sch. 3 (Eng.)

SCHEDULE 3 Corporations

1

(1) A magistrates' court may commit a corporation for trial by an order in writing empowering the prosecutor to prefer a bill of indictment in respect of the offence named in the order.

(2) An order under this paragraph shall not prohibit the inclusion in the bill of indictment of counts that under section 2 of the Administration of Justice (Miscellaneous Provisions) Act 1933 may be included in the bill in substitution for, or in addition to, counts charging the offence named in the order.

2

A representative may on behalf of a corporation--

[(a) make before examining justices such representations as could be made by an accused who is not a corporation;]

(b) consent to the corporation being tried summarily;

(c) enter a plea of guilty or not guilty on the trial by a magistrates' court of an information.

3

(1) Where a representative appears, any requirement of this Act that anything shall be done in the presence of the accused, or shall be read or said to the accused, shall be construed as a requirement that that thing shall be done in the presence of the representative or read or said to the representative.

(2) Where a representative does not appear, any such requirement, and any requirement that the consent of the accused shall be obtained for summary trial,

shall not apply.

4

(1) Notification or intimation for the purposes of subsections (2) and (3) of section 12 above may be given on behalf of a corporation by a director or the secretary of the corporation; and those subsections shall apply in relation to a notification or intimation purporting to be so given as they apply to a notification or intimation purporting to be given by an individual accused.

(2) In this paragraph "director", in relation to a corporation which is established by or under any enactment for the purpose of carrying on under national ownership any industry or part of an industry or undertaking and whose affairs are managed by the members thereof, means a member of that corporation.

5

. . .

6

Subject to the preceding provisions of this Schedule, the provisions of this Act relating to the inquiry into, and trial of, [trial of] indictable offences shall apply to a corporation as they apply to an adult.

7

Where a corporation and an individual who has attained the age of 17 are jointly charged before a magistrates' court with an offence triable either way, the court shall not try either of the accused summarily unless each of them consents to be so tried.

8

Subsection (6) of section 33 of the Criminal Justice Act 1925 shall apply to a representative for the purposes of this Schedule as it applies to a representative for the purposes of that section.

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 155(7).

Appointment

Appointment: 6 July 1981: see SI 1981/457, art 2.

Derivation

Paras 1, 3, 5-7 derived from the Magistrates' Courts Act 1952, Sch 2, paras 1, 2, 4, 5, 7-9; paras 2, 8 derived from the Magistrates' Courts Act 1952, Sch

2, paras 3, 10, and the Criminal Justice Act 1967, s 29(1), (2); para 4 derived from the Criminal Justice Act 1967, ss 29(3), 36(1).

Amendment

Para 2: sub-para (a) substituted, in relation to alleged offences into which no criminal procedure has begun before 1 April 1997, by the Criminal Procedure and Investigations Act 1996, s 47, Sch 1, para 13 (see SI 1997/682 and SI 1997/683).

Para 2: sub-para (a) repealed by the Criminal Justice Act 2003, ss 41, 332, Sch 3, Pt 2, para 51(1), (13)(a), Sch 37, Pt 4.

Date in force: to be appointed: see the Criminal Justice Act 2003, s 336(3).

Para 5: repealed by the Criminal Justice Act 1991, ss 25(2), 101(2), Sch 13.

Para 6: words "inquiry into, and trial of," in italics repealed and subsequent words in square brackets substituted by the Criminal Justice Act 2003, s 41, Sch 3, Pt 2, para 51(1), (13)(b).

Date in force: to be appointed: see the Criminal Justice Act 2003, s 336(3).

Modification

Modified by the Building Societies Act 1986, s 124, Sch 21, paras 10, 11.

Extent

This Schedule does not extend to Scotland: see s 155(6).

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ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979
1979 CHAPTER 46

SCHEDULE 4 MAXIMUM PERIODS OF IMPRISONMENT IN DEFAULT OF PAYMENT
Section 76

Royal Assent [4 April 1979]

Ancient Monuments and Archaeological Areas Act 1979, Ch. 46, Sch. 4 (Eng.)

SCHEDULE 4 Maximum Periods of Imprisonment in Default of Payment

1

Subject to the following provisions of this Schedule, the periods set out in the second column of the following Table shall be the maximum periods applicable respectively to the amounts set out opposite thereto, being amounts due at the time the imprisonment [or detention] is imposed.

Table	
[[An amount not exceeding £200	7 days
An amount exceeding £200 but not exceeding £500	14 days
An amount exceeding £500 but not exceeding £1,000	28 days
An amount exceeding £1,000 but not exceeding £2,500	45 days
An amount exceeding £2,500 but not exceeding £5,000	3
	months]
An amount exceeding £5,000 but not exceeding £10,000	6 months
An amount exceeding [£10,000]	12
	months]

2

(1) Where the amount due at the time imprisonment [or detention] is imposed is so much of a sum adjudged to be paid by a summary conviction as remains due after part payment, then, subject to sub-paragraph (2) below, the maximum period applicable to the amount shall be the period applicable to the whole sum reduced by such number of days as bears to the total number of days therein the same proportion as the part paid bears to the whole sum.

(2) In calculating the reduction required under sub-paragraph (1) above any fraction of a day shall be left out of account and the maximum period shall not be reduced to less than [seven days].

3

The maximum period applicable to a sum of any amount enforceable as a civil debt shall be 6 weeks.

NOTES:**Initial Commencement***To be appointed*

To be appointed: see s 155(7).

Appointment

Appointment: 6 July 1981: see SI 1981/457, art 2.

Derivation

This Schedule derived from the Magistrates' Courts Act 1952, Sch 3, paras 1, 2, 4.

Amendment

Para 1: first words in square brackets inserted by the Criminal Justice Act 1982, s 77, Sch 14, para 59; table substituted by the Criminal Justice Act 1988, s 60(1), entries relating to amounts not exceeding £5,000 substituted by the Criminal Justice Act 1991, s 23(1), in entry relating to amount exceeding £10,000, sum in square brackets substituted by SI 1984/447, art 2(2), Sch 2.

Para 2: words in square brackets in sub-para (1) inserted by the Criminal Justice Act 1982, s 77, Sch 14, para 59; words in square brackets in sub-para (2) substituted by the Criminal Justice Act 1991, s 100, Sch 11, para 28.

Extent

This Schedule does not extend to Scotland: see s 155(6).

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**ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979
1979 CHAPTER 46**

SCHEDULE 5 TRANSFER OF REMAND HEARINGS

Section 130

Royal Assent [4 April 1979]

Ancient Monuments and Archaeological Areas Act 1979, Ch. 46, Sch. 5 (Eng.)

SCHEDULE 5 Transfer of Remand Hearings

1

A court which, on adjourning a case, makes an order under section 130(1) of this Act is not required at that time to fix the time and place at which the case is to be resumed but shall do so as soon as practicable after the order ceases to be in force.

2

Where an order under subsection (1) of section 130 of this Act is made in the course of proceedings which, for the purposes of section 8 of this Act, are committal proceedings, proceedings relating to the accused before the alternate court are also committal proceedings for those purposes.

3

A court making an order under subsection (1) of section 130 of this Act or remanding the accused under subsection (4) shall at once notify [the terms of the order or remand to the court before which the accused is to be brought for the hearing on any application for a subsequent remand or, as the case may be, before which any such application is to be made without his being brought before it].

4

A person to whom an order under section 130(1) of this Act applies shall, if released on bail, be bailed to appear before the court which made the order.

5

Section 130 of this Act and this Schedule have effect notwithstanding anything in sections 5, 10 or 18(4) [10, 17C, 18(4) or 24C] of this Act.

NOTES:**Initial Commencement***To be appointed*

To be appointed: see s 155(7).

Appointment

Appointment: 6 July 1981: see SI 1981/457, art 2.

Derivation

This Schedule derived from the Criminal Law Act 1977, Sch 8.

Amendment

Para 2: repealed by the Criminal Justice Act 2003, ss 41, 332, Sch 3, Pt 2, para 51(1), (14)(a), Sch 37, Pt 4.

Date in force: to be appointed: see the Criminal Justice Act 2003, s 336(3).

Para 3: words in square brackets substituted by the Criminal Justice Act 1982, s 59, Sch 9, para 7.

Para 5: words "5, 10 or 18(4)" in italics repealed and subsequent words in square brackets substituted by the Criminal Justice Act 2003, s 41, Sch 3, Pt 2, para 51(1), (14)(b).

Date in force: to be appointed: see the Criminal Justice Act 2003, s 336(3).

Extent

This Schedule does not extend to Scotland: see s 155(6).

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**ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979
1979 CHAPTER 46**

SCHEDULE 6 FEES

Section 137

Royal Assent [4 April 1979]

**Ancient Monuments and Archaeological Areas Act 1979, Ch. 46, Sch. 6, Pt. I
(Eng.)**

[Part I Fees to be taken by [Justices' Chief Executives]]

£

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Please refer to the table in the online document.

Nothing in this Part shall be construed as authorising the collection of any fee from any person in respect of any stage in binding over proceedings. For the purpose of this Part, "binding over proceedings" means any proceedings instituted (whether by way of complaint under section 115 of this Act or otherwise) with a view to obtaining from a magistrates' court an order requiring a person to enter into a recognizance to keep the peace or to be of good behaviour.]

NOTES:

Amendment

Repealed by the Courts Act 2003, s 109(1), (3), Sch 8, para 254, Sch 10.

Date in force: to be appointed: see the Courts Act 2003, s 110(1).

Amendment

Repealed by the Courts Act 2003, s 109(1), (3), Sch 8, para 254, Sch 10.

Date in force: to be appointed: see the Courts Act 2003, s 110(1).

Amendment

Substituted by virtue of SI 1993 No 1889, art 2, Schedule.

Repealed by the Courts Act 2003, s 109(1), (3), Sch 8, para 254, Sch 10.

Date in force: to be appointed: see the Courts Act 2003, s 110(1).

Words "Justices' Chief Executives" in square brackets substituted by the Access to Justice Act 1999, s 90(1), Sch 13, paras 95, 117.

Date in force: 1 April 2001: see SI 2001/916, art 2(a)(ii).

Derivation

This Part, as originally enacted, derived from the Magistrates' Courts Act 1952, Sch 4, Part I.

Amendment

Substituted by virtue of SI 1993/1889, art 2, Schedule.

In the entry relating to "Family Proceedings" words "section 30 of the Human Fertilisation and Embryology Act 1990," in square brackets inserted by SI 1994/3250, art 2.

In entry relating to "Family Proceedings" words "Part XA" in square brackets substituted by the Care Standards Act 2000, s 116, Sch 4, para 7.

Date in force (in relation to England): 2 July 2001: see SI 2001/2041, art 2(1)(d)(i).

Date in force (in relation to Wales): 1 April 2002: see SI 2002/920, art 3(3)(d); for transitional provisions see arts 2, 3(2), (4), (6)-(10), Schs 1-3 thereto.

In para 1(a) of the Note at the end, words from "receiving services funded" to "Community Legal Service" in square brackets substituted by the Access to Justice Act 1999, s 24, Sch 4, paras 15, 20.

Date in force: 1 April 2000 (with savings in relation to existing cases): see SI 2000/774, arts 2(a)(ii), 5.

In para 1(a) of the "Note" at the end words "working families' tax credit" in square brackets substituted by the Tax Credits Act 1999, s 1(2), Sch 1, paras 1(a), 6(a).

Date in force: 5 October 1999: see the Tax Credits Act 1999, s 20(2).

In para 1(a) of the "Note" at the end, words from "or of an income" to "Act 1995)" in square brackets inserted by the Jobseekers Act 1995, s 41(4), Sch 2, para 4.

Extent

Derivation

This Part, as originally enacted, derived from the Magistrates' Courts Act 1952, Sch 4, Part I.

Amendment

Substituted by virtue of SI 1993/1889, art 2, Schedule.

Repealed by the Courts Act 2003, s 109(1), (3), Sch 8, para 254, Sch 10.

Date in force: to be appointed: see the Courts Act 2003, s 110(1).

In the entry relating to "Family Proceedings" words "section 30 of the Human Fertilisation and Embryology Act 1990," in square brackets inserted by SI 1994/3250, art 2.

In entry relating to "Family Proceedings" words "the Adoption Act 1976, except under section 21 of that Act" in italics repealed and subsequent words in square brackets substituted by the Adoption and Children Act 2002, s 139(1), Sch 3, paras 36, 40(a).

Date in force: to be appointed: see the Adoption and Children Act 2002, s 148(1), (2).

In entry relating to "Family Proceedings" in para (c) words "section 21 of the Adoption Act 1976" in italics repealed and subsequent words in square brackets substituted by the Adoption and Children Act 2002, s 139(1), Sch 3, paras 36, 40(b); for transitional provisions see s 139(2), Sch 4, para 7(1)(b) thereto.

Date in force: to be appointed: see the Adoption and Children Act 2002, s 148(1), (2).

In entry relating to "Family Proceedings" words "Part XA" in square brackets substituted by the Care Standards Act 2000, s 116, Sch 4, para 7.

Date in force (in relation to England): 2 July 2001: see SI 2001/2041, art 2(1)(d)(i).

Date in force (in relation to Wales): 1 April 2002: see SI 2002/920, art 3(3)(d); for transitional provisions see arts 2, 3(2), (4), (6)-(10), Schs 1-3 thereto.

In para 1(a) of the "Note" at the end words from "receiving services funded" to "Community Legal Service" in square brackets substituted by the Access to Justice Act 1999, s 24, Sch 4, paras 15, 20.

Date in force: 1 April 2000 (with savings in relation to existing cases): see SI 2000/774, arts 2(a)(ii), 5.

In para 1(a) of the "Note" at the end words in square brackets ending with the words "(payable under the Jobseekers Act 1995)" inserted by the Jobseekers

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Act 1995, s 41(4), Sch 2, para 4.

In para 1(a) of the "Note" at the end words "under section 124 of the Social Security Contributions and Benefits Act 1992," in square brackets substituted by the Tax Credits Act 2002, s 47, Sch 3, para 2(a).

Date in force: 6 April 2003: see SI 2003/962, art 2(1), (3)(b), (d)(i); for savings and transitional provisions see arts 3-5 thereof.

In para 1(a) of the "Note" at the end words ", of guarantee state pension credit (under section 1(3)(a) of the State Pension Credit Act 2002)" in square brackets inserted by the State Pension Credit Act 2002, s 14, Sch 2, Pt 3, para 25.

Date in force (for the purpose only of exercising any power to make regulations or orders): 2 July 2002: see SI 2002/1691, art 2(1).

Date in force (for remaining purposes): 6 October 2003: see SI 2003/1766, art 2(a).

In para 1(a) of the "Note" at the end words from ", of any element" to "working tax credit" in square brackets inserted by the Tax Credits Act 2002, s 47, Sch 3, para 2(b).

Date in force: 6 April 2003: see SI 2003/962, art 2(1), (3)(b), (d)(i); for savings and transitional provisions see arts 3-5 thereof.

Extent

This Part does not extend to Scotland: see s 155(6).

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**ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979
1979 CHAPTER 46**

SCHEDULE 6 FEES

Section 137

Royal Assent [4 April 1979]

**Ancient Monuments and Archaeological Areas Act 1979, Ch. 46, Sch. 6, Pt. II
(Eng.)**

Part II Matters in respect of which no Fees are Chargeable

1

Any summons, warrant, notice or order issued, given or made under sections 83(1) or (2), 88, 89 or 136 of this Act, or section 104 of the General Rate Act 1967, or under any rule made for the purposes of those provisions.

2

Any criminal matter, but this paragraph shall not prevent the charging of a fee for supplying, for use in connection with a matter which is not a criminal matter, a copy of a document prepared for use in connection with a criminal matter.

NOTES:

Amendment

Repealed by the Courts Act 2003, s 109(1), (3), Sch 8, para 254, Sch 10.

Date in force: to be appointed: see the Courts Act 2003, s 110(1).

Initial Commencement

To be appointed

To be appointed: see s 155(7).

Appointment

Appointment: 6 July 1981: see SI 1981/457, art 2.

Derivation

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This Part derived from the Magistrates' Courts Act 1952, Sch 4, Part II, and the Criminal Justice Act 1967, s 94.

Amendment

Repealed by the Courts Act 2003, s 109(1), (3), Sch 8, para 254, Sch 10.

Date in force: to be appointed: see the Courts Act 2003, s 110(1).

Extent

This Part does not extend to Scotland: see s 155(6).

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**ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979
1979 CHAPTER 46**

SCHEDULE 6 FEES

Section 137

Royal Assent [4 April 1979]

**Ancient Monuments and Archaeological Areas Act 1979, Ch. 46, Sch. 6, Pt. III
(Eng.)**

Part III Matters to which Part I does not apply

1, 2

...

3

Licences under [section 1 of the Cinemas Act 1985].

4

. . .

5

Matters in respect of which fees are authorised to be charged by section 29 of the Licensing Act 1964.

NOTES:

Amendment

Repealed by the Courts Act 2003, s 109(1), (3), Sch 8, para 254, Sch 10.

Date in force: to be appointed: see the Courts Act 2003, s 110(1).

Initial Commencement

To be appointed

To be appointed: see s 155(7).

Appointment

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Appointment: 6 July 1981: see SI 1981/457, art 2.

Derivation

This Part derived from the Magistrates' Courts Act 1952, Sch 4, Part III.

Amendment

Repealed by the Courts Act 2003, s 109(1), (3), Sch 8, para 254, Sch 10.

Date in force: to be appointed: see the Courts Act 2003, s 110(1).

Para 1: repealed by the Billiards (Abolition of Restrictions) Act 1987, s 1, Schedule.

Para 2: repealed by the Local Government (Miscellaneous Provisions) Act 1982, s 47, Sch 7, Part I.

Para 3: repealed by the Licensing Act 2003, ss 198(1), 199, Sch 6, para 75, Sch 7.

Date in force: to be appointed: see the Licensing Act 2003, s 201(2).

Para 3: words "section 1 of the Cinemas Act 1985" in square brackets substituted by the Cinemas Act 1985, s 24(1), Sch 2, para 12.

Para 4: repealed by the Pilotage Act 1987, s 32(5), Sch 3.

Para 5: repealed by the Licensing Act 2003, ss 198(1), 199, Sch 6, para 75, Sch 7.

Date in force: to be appointed: see the Licensing Act 2003, s 201(2).

Extent

This Part does not extend to Scotland: see s 155(6).

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ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979
1979 CHAPTER 46

[SCHEDULE 6A FINES THAT MAY BE ALTERED UNDER SECTION 143]

Section 143

Royal Assent [4 April 1979]

Ancient Monuments and Archaeological Areas Act 1979, Ch. 46, Sch. 6A (Eng.)

[SCHEDULE 6A Fines that may be altered under section 143]

[Enactment	Maximum fine
. . .	
.
.
ATTACHMENT OF EARNINGS ACT 1971(c 32)	
Section 23(3) (judge's fine)	£250
. . .	
.
MAGISTRATES' COURTS ACT 1980 (c.43)	
Section 63(3)(a) (disobedience of orders other than payment of money)	£5,000
Section 97(4) (refusal to give evidence etc)	£2,500
CONTEMPT OF COURT ACT 1981(c 49)	
Section 12(2) (contempt in face of magistrates' court)	£2,500
Section 14(2) (contempt in an inferior court)	£2,500
...	
.
COUNTY COURTS ACT 1984 (c 28)	
Section 55(2) (neglect or refusal to give evidence)	£1,000
Section 118(1) (contempt in face of court)	£2,500
CORONERS ACT 1988 (c 13)	
Sections 10(1) and (2) and 21(5) (refusal to give evidence etc)	£1,000
...	
.
[POWERS OF CRIMINAL COURTS (SENTENCING) ACT 2000 (c 6)	
Section 123(3) (failure to comply with suspended sentence supervision order)	£1,000
In Schedule 3, paragraphs 4(1) and 5(1) (failure to comply with certain community orders)	£1,000

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In Schedule 5, paragraph 2(1) (failure to comply £1,000 with attendance centre order or attendance centre rules)

In Schedule 7, paragraph 2(2) (failure to comply £1,000] with supervision order)

NOTES:**Amendment**

Inserted by the Criminal Justice Act 1982, s 48, Sch 5.

Substituted by the Criminal Justice Act 1991, s 17(3), Sch 4, Part IV.

Amendment

Inserted by the Criminal Justice Act 1982, s 48, Sch 5.

Substituted by the Criminal Justice Act 1991, s 17(3), Sch 4, Part IV.

Entry relating to the "Children and Young Persons Act 1969" (omitted) repealed by the Powers of Criminal Courts (Sentencing) Act 2000, s 165(1), (4), Sch 9, para 80(1)(a), Sch 12, Pt I.

Date in force: 25 August 2000: see the Powers of Criminal Courts (Sentencing) Act 2000, s 168(1).

Entry relating to the "Powers of Criminal Courts Act 1973" (omitted) repealed by the Powers of Criminal Courts (Sentencing) Act 2000, s 165(1), (4), Sch 9, para 80(1)(b), Sch 12, Pt I.

Date in force: 25 August 2000: see the Powers of Criminal Courts (Sentencing) Act 2000, s 168(1).

Entry relating to the "Criminal Justice Act 1982" (omitted) repealed by the Powers of Criminal Courts (Sentencing) Act 2000, s 165(1), (4), Sch 9, para 80(1)(c), Sch 12, Pt I.

Date in force: 25 August 2000: see the Powers of Criminal Courts (Sentencing) Act 2000, s 168(1).

Entry relating to the "Criminal Justice Act 1991" (omitted) repealed by the Powers of Criminal Courts (Sentencing) Act 2000, s 165(1), (4), Sch 9, para 80(1)(d), Sch 12, Pt I.

Date in force: 25 August 2000: see the Powers of Criminal Courts (Sentencing) Act 2000, s 168(1).

Entry relating to the "Powers of Criminal Courts (Sentencing) Act 2000" inserted by the Powers of Criminal Courts (Sentencing) Act 2000, s 165(1), Sch 9, para 80(2).

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Date in force: 25 August 2000: see the Powers of Criminal Courts (Sentencing) Act 2000, s 168(1).

In entry relating to the "Powers of Criminal Courts (Sentencing) Act 2000", entry relating to "*Section 123(3)*" in italics repealed by the Criminal Justice Act 2003, s 332, Sch 37, Pt 7.

Date in force: to be appointed: see the Criminal Justice Act 2003, s 336(3).

In the entry relating to the "Powers of Criminal Courts (Sentencing) Act 2000", the entry relating to "Schedule 3" repealed by the Criminal Justice and Court Services Act 2000, ss 74, 75, Sch 7, Pt II, paras 58, 69, Sch 8.

Date in force: to be appointed: see the Criminal Justice and Court Services Act 2000, s 80(1).

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**ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979
1979 CHAPTER 46**

SCHEDULE 7 CONSEQUENTIAL AMENDMENTS

Section 154

Royal Assent [4 April 1979]

Ancient Monuments and Archaeological Areas Act 1979, Ch. 46, Sch. 7 (Eng.)

SCHEDULE 7 Consequential Amendments

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Criminal Justice Act 1925 (15 & 16 Geo 5 c 86)

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Children and Young Persons Act 1933 (23 & 24 Geo 5 c 12)

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Criminal Justice Act 1948 (11 & 12 Geo 6 c 58)

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Maintenance Orders Act 1950 (14 Geo 6 c 37)

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Pharmacy Act 1954 (2 & 3 Eliz 2 c 61)

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Mines and Quarries Act 1954 (2 & 3 Eliz 2 c 70)

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Army Act 1955 (3 & 4 Eliz 2 c 18)

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Air Force Act 1955 (3 & 4 Eliz 2 c 19)

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Magistrates' Courts (Appeals from Binding Over Orders) Act 1956 (4 & 5 Eliz 2 c 44)

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Sexual Offences Act 1956 (4 & 5 Eliz 2 c 69)

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Maintenance Orders Act 1958 (6 & 7 Eliz 2 c 39)

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Street Offences Act 1959 (7 & 8 Eliz 2 c 57)

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Administration of Justice Act 1960 (8 & 9 Eliz 2 c 65)

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Plant Varieties and Seeds Act 1964 (c 14)

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Licensing Act 1964 (c 26)

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Administration of Justice Act 1964 (c 42)

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Gas Act 1965 (c 36)

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Criminal Procedure (Attendance of Witnesses) Act 1965 (c 69)

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Criminal Justice Act 1967 (c 80)

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Criminal Appeal Act 1968 (c 19)

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Firearms Act 1968 (c 27)

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Trade Descriptions Act 1968 (c 29)

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Medicines Act 1968 (c 67)

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Children and Young Persons Act 1969 (c 54)

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Merchant Shipping Act 1970 (c 36)

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Courts Act 1971 (c 23)

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Attachment of Earnings Act 1971 (c 32)

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Misuse of Drugs Act 1971 (c 38)

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Fire Precautions Act 1971 (c 40)

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Immigration Act 1971 (c 77)

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Maintenance Orders (Reciprocal Enforcement) Act 1972 (c 18)

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Civil Evidence Act 1972 (c 30)

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Criminal Justice Act 1972 (c 71)

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Fair Trading Act 1973 (c 41)

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Powers of Criminal Courts Act 1973 (c 62)

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Slaughterhouses Act 1974 (c 3)

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Control of Pollution Act 1974 (c 40)

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Friendly Societies Act 1974 (c 46)

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Solicitors Act 1974 (c 47)

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Rehabilitation of Offenders Act 1974 (c 53)

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Criminal Procedure (Scotland) Act 1975 (c 21)

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Restrictive Trade Practices Act 1976 (c 34)

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Adoption Act 1976 (c 36)

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Bail Act 1976 (c 63)

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Sexual Offences (Amendment) Act 1976 (c 82)

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Criminal Law Act 1977 (c 45)

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Domestic Proceedings and Magistrates' Courts Act 1978 (c 22)
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Interpretation Act 1978 (c 30)
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Protection of Children Act 1978 (c 37)
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Customs and Excise Management Act 1979 (c 2)
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Alcoholid Liquor Duties Act 1979 (c 4)

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Hydrocarbon Oil Duties Act 1979 (c 5)

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Agricultural Statistics Act 1979 (c 13)

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Merchant Shipping Act 1979 (c 39)

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Isle of Man Act 1979 (c 58)

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Reserve Forces Act 1980 (c 9)

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NOTES:

Initial Commencement

To be appointed

To be appointed: see s 155(7).

Appointment

Appointment: 6 July 1981: see SI 1981/457, art 2.

Amendment

Paras 1, 3, 35, 37, 168, 183, 185, 190, 203, 205, 206: repealed by the Statute Law (Repeals) Act 1993.

Para 2: repealed by the Criminal Procedure and Investigations Act 1996, s 80,

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Sch 5(10).

Para 4: repealed by the Police and Criminal Evidence Act 1984, s 119(2), Sch 7, Pt V.

Para 5: repealed by the Courts Act 2003, s 109(3), Sch 10.

Date in force: 1 September 2004 (except in relation to the operation of this section in relation to rules of court other than Criminal Procedure Rules during the period between that date and the coming into force of the first Criminal Procedure Rules made under the Courts Act 2003, s 69): see SI 2004/2066, arts 2(d)(iv), 3.

Para 6: amends the Children and Young Persons Act 1933, s 46(1A).

Para 7: amends the Criminal Justice Act 1948, s 27(3).

Para 8: amends the Maintenance Orders Act 1950, s 25(1).

Para 8: repealed by the Courts Act 2003, s 109(3), Sch 10.

Date in force: to be appointed: see the Courts Act 2003, s 110(1).

Para 9: repealed by SI 1996/3097, art 3(1)(c).

Para 10: amends the Pharmacy Act 1954, s 21.

Para 11: amends the Mines and Quarries Act 1954, s 153(a).

Para 12: amends the Army Act 1955, ss 187(4), 215(9).

Para 13: amends the Air Force Act 1955, ss 187(4), 213(9).

Paras 14, 15: repealed by the Food Act 1984, s 134, Sch 11.

Para 16: amends the Magistrates' Courts (Appeals from Binding Over Orders) Act 1956, s 1(1).

Para 17: amends the Sexual Offences Act 1956, s 37(7).

Para 18: repealed by the Sexual Offences Act 2003, ss 139, 140, Sch 6, para 26(1), (3), Sch 7.

Date in force: 1 May 2004: see SI 2004/874, art 2.

Para 19: repealed by the Dentists Act 1983, s 33(2), Sch 3, Pt I.

Paras 20, 21, 25, 26, 43, 61, 62, 69, 70, 80, 88, 89, 94, 95, 139, 162, 187, 202, 207: spent.

Para 22: repealed by the Housing (Consequential Provisions) Act 1985, s 3, Sch 1, Pt I.

Paras 23, 24: amend the Maintenance Orders Act 1958, s 18, 21(1).

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Paras 27, 85: repealed by the Access to Justice Act 1999, s 106, Sch 15, Pt V(1).

Para 28: repealed by the County Courts Act 1984, s 148(3), Sch 4.

Para 29: repealed by the Highways Act 1980, s 343(3), Sch 25.

Para 30: amends the Street Offences Act 1959, s 2(2).

Paras 31, 32: repealed by the Mental Health Act 1983, s 148, Sch 6.

Paras 33, 34: repealed by the Mental Health (Amendment) Act 1982, s 65(2), Sch 4, Pt I.

Para 36: amends the Administration of Justice Act 1960, s 13(5).

Paras 38-42: repealed by the Criminal Justice Act 1982, s 78, Sch 16.

Para 44: amends the Plant Varieties and Seeds Act 1964, s 28(1), (2).

Paras 45-48, 50: amend the Licensing Act 1964, ss 22(4), 28(2), 48(3), 192(2), Sch 6, Pt III.

Paras 45-48: repealed by the Licensing Act 2003, s 199, Sch 7.

Date in force: to be appointed: see the Licensing Act 2003, s 201(2).

Para 49: repealed by the Licensing Act 1988, s 19(2), Sch 4.

Para 50: repealed by the Licensing Act 2003, s 199, Sch 7.

Date in force: to be appointed: see the Licensing Act 2003, s 201(2).

Para 51: amends the Administration of Justice Act 1964, s 38(1).

Para 52: repealed by SI 1981/1675, art 170(3), Sch 7.

Para 53: repealed by the Transport Act 2000, s 274, Sch 31, Pt II.

Date in force (in relation to England): 1 May 2002: see SI 2002/1014, art 2(1), Schedule, Pt 1.

Date in force (in relation to Wales): 14 August 2002: see SI 2002/2024, art 2(b).

Para 54: amends the Gas Act 1965, s 21(4).

Paras 55, 191-197: repealed by the Justices of the Peace Act 1997, s 73(3), Sch 6, Pt I.

Para 56: amends the Criminal Procedure (Attendance of Witnesses) Act 1965, s 8.

Paras 57-60: repealed by the Local Government Finance Act 1988, s 149, Sch

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13, Pt I.

Para 63: repealed by the Criminal Procedure and Investigations Act 1996, s 80, Sch 5(11).

Para 64: repealed by the Criminal Procedure and Investigations Act 1996, s 80, Sch 5(9).

Paras 65-68: amend the Criminal Justice Act 1967, ss 32(3)(b), 36(2), 56, 62(7).

Para 71: amends the Criminal Appeal Act 1968, s 1.

Paras 72, 73: amend the Firearms Act 1968, s 51(4), Sch 6, Pt II, para 3.

Para 73: repealed by the Criminal Justice Act 2003, s 332, Sch 37, Pt 4.

Date in force: to be appointed: see the Criminal Justice Act 2003, s 336(3).

Para 74: amends the Trade Descriptions Act 1968, ss 19(2), 40(1)(a).

Para 75: repealed by the Civil Evidence Act 1995, s 15(2), Sch 2.

Para 76: amends the Medicines Act 1968, s 125(1).

Para 77: amends the Sea Fisheries Act 1968, s 12(3).

Paras 78, 83, 91, 92, 110, 116, 117, 138, 157, 158, 165, 166, 199-201: repealed by the Children Act 1989, s 108(7), Sch 15.

Paras 79, 84: repealed by the Criminal Justice Act 1982, s 78, Sch 16.

Paras 81, 82, 86, 87: amend the Children and Young Persons Act 1969, ss 16(2), 18(2), Sch 4, para 5(1), Sch 5, para 55.

Para 90: amends the Merchant Shipping Act 1970, s 56(2), (7).

Para 93: repealed by the Vehicle Excise and Registration Act 1994, s 65, Sch 5, Pt I.

Para 96: amends the Courts Act 1971, s 52(5).

Para 97: amends the Attachment of Earnings Act 1971, s 3.

Para 97: repealed in part by the Maintenance Enforcement Act 1991, s 11(2), Sch 3.

Paras 98-101: amend the Attachment of Earnings Act 1971, ss 8(3), 17(3)(e), 19, 25.

Para 101: sub-para (a) repealed by the Courts Act 2003, s 109(3), Sch 10.

Date in force: 1 September 2004 (except in relation to the operation of this Schedule in relation to rules of court other than Criminal Procedure Rules

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during the period between that date and the coming into force of the first Criminal Procedure Rules made under the Courts Act 2003, s 69): see SI 2004/2066, arts 2(d)(iv), 3.

Para 102: amends the Misuse of Drugs Act 1971, s 25(4).

Para 103: amends the Fire Precautions Act 1971, s 26(1).

Para 104: amends the Immigration Act 1971, s 6(2).

Paras 105-107, 109: amend the Maintenance Orders (Reciprocal Enforcement) Act 1972, ss 14, 18(1), 21(1), 38.

Paras 106, 107: repealed by the Courts Act 2003, s 109(3), Sch 10.

Date in force: to be appointed: see the Courts Act 2003, s 110(1).

Para 108: repealed by the Maintenance Orders (Reciprocal Enforcement) Act 1992, s 2(2), Sch 3.

Paras 111, 112: repealed by the Road Traffic (Consequential Provisions) Act 1988, s 3, Sch 1.

Para 113: amends the Civil Evidence Act 1972, s 2(8).

Para 113: repealed by the Courts Act 2003, s 109(3), Sch 10.

Date in force: to be appointed: see the Courts Act 2003, s 110(1).

Paras 114, 115: amend the Criminal Justice Act 1972, ss 46, 49(1).

Para 118: amends the Fair Trading Act 1973, s 129(2), (4).

Paras 119, 121-123: amend the Powers of Criminal Courts Act 1973, ss 1(6), 42, 44(1), 57(1).

Para 120: amends the Powers of Criminal Courts Act 1973, s 32.

Para 120: repealed in part by the Criminal Justice Act 1982, s 78, Sch 16, and the Crime and Disorder Act 1998, s 120(2), Sch 10.

Paras 124, 125: amend the Slaughterhouses Act 1974, ss 6(2), 38(6), 43(3).

Paras 126-129: repealed by the Legal Aid Act 1988, s 45(2), (3), Sch 6.

Para 130: amends the Control of Pollution Act 1974, s 87(3).

Para 131: amends the Friendly Societies Act 1974, s 102.

Para 131: repealed by the Courts Act 2003, s 109(3), Sch 10.

Date in force: to be appointed: see the Courts Act 2003, s 110(1).

Para 132: amends the Solicitors Act 1974, ss 26, 42(2), 44(4).

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Para 133: repealed by the Insurance Companies Act 1982, s 99(3), Sch 6.

Para 134: amends the Rehabilitation of Offenders Act 1974, s 6(6)(a).

Para 135: repealed by the Social Security (Consequential Provisions) Act 1992, s 8(1), Sch 1.

Paras 136, 137: amend the Criminal Procedure (Scotland) Act 1975, ss 397, 403.

Para 140: amends the Restrictive Trade Practices Act 1976, ss 39(2), 41(5), (7).

Paras 141, 142: repealed by SI 2004/2035, art 3, Schedule, para 10.

Date in force: 1 September 2004: see SI 2004/2035, art 2(1); for effect see art 2(2) thereof.

Paras 143-146: amend the Bail Act 1976, ss 2(1)(c), 3(9), 4(7), Sch 1, Pt I, para 8(3).

Para 147: repealed by the Water Consolidation (Consequential Provisions) Act 1991, s 3(1), Sch 3, Pt I.

Para 148: amends the Sexual Offences (Amendment) Act 1976, s 3(3).

Para 148: repealed by the Youth Justice and Criminal Evidence Act 1999, s 67(3), Sch 6.

Date in force: to be appointed: see the Youth Justice and Criminal Evidence Act 1999, s 68(3).

Paras 149-155: amend the Criminal Law Act 1977, ss 28(8), 38(1), 64(2), 65(2), Sch 5, para 1, Sch 14, para 1.

Para 151: repealed by the Courts Act 2003, s 109(3), Sch 10.

Date in force: 1 September 2004 (except in relation to the operation of this Schedule in relation to rules of court other than Criminal Procedure Rules during the period between that date and the coming into force of the first Criminal Procedure Rules made under the Courts Act 2003, s 69): see SI 2004/2066, arts 2(d)(iv), 3.

Para 156: repealed by the Aviation Security Act 1982, s 40, Sch 3.

Para 159: amends the Domestic Proceedings and Magistrates' Courts Act 1978, s 16(8).

Para 159: repealed by the Family Law Act 1996, s 66(3), Sch 10.

Date in force: to be appointed: see the Family Law Act 1996, s 67(3).

Paras 160, 161, 163, 164: amend the Domestic Proceedings and Magistrates' Courts Act 1978, ss 22, 23, 30(1), 32(2).

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Para 169: amends the Interpretation Act 1978, Sch 1.

Para 170: amends the Theft Act 1978, s 4(3)(b).

Para 171: amends the Protection of Children Act 1978, s 6(3)(b).

Paras 172, 173: repealed by the Consumer Protection Act 1987, s 48(3), Sch 5.

Para 174: repealed by the Employment Act 1989, s 29(4), Sch 7, Pt II.

Para 175: repealed by the Employment Rights Act 1996, s 242, Sch 3, Pt I.

Paras 176-178: amend the Customs and Excise Management Act 1979, ss 147(2), 151, 171(2)(a).

Para 179: amends the Customs and Excise Duties (General Reliefs) Act 1979, s 15(3)(a).

Para 180: amends the Alcoholic Liquor Duties Act 1979, s 4(1).

Para 181: amends the Hydrocarbon Oil Duties Act 1979, s 27(1).

Para 182: amends the Agricultural Statistics Act 1979, s 6(1).

Para 184: repealed by the Banking Act 1987, s 108(2), Sch 7, Pt I.

Para 186: amends the Merchant Shipping Act 1979, s 42(4).

Paras 188, 189: repealed by the Weights and Measures Act 1985, s 98(1), Sch 13, Pt I.

Para 198: amends the Isle of Man Act 1979, s 5.

Para 204: amends the Reserve Forces Act 1980, Sch 5, para 2(4).

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ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979
1979 CHAPTER 46

SCHEDULE 8 TRANSITIONAL PROVISIONS AND SAVINGS

Section 154

Royal Assent [4 April 1979]

Ancient Monuments and Archaeological Areas Act 1979, Ch. 46, Sch. 8 (Eng.)

SCHEDULE 8 Transitional Provisions and Savings

Interpretation

1

In this Schedule references to the old enactments are to enactments repealed or amended by this Act and references to the appointed day are to the day on which this Act comes into force.

Proceedings commenced before appointed day

2

(1) Where proceedings were commenced before the appointed day, the old enactments relating to the proceedings continue to apply and nothing in this Act affects those enactments.

(2) Without prejudice to the generality of sub-paragraph (1) above, the old enactments relating to proceedings which continue in force by virtue of it include any provision of those enactments which creates an offence, which relates to civil or criminal procedure, which relates to the punishment for an offence, or which relates to enforcing, appealing against, questioning, varying or rescinding anything ordered or done in the proceedings.

Offences committed before appointed day

3

(1) This paragraph applies where proceedings are commenced under this Act in relation to an offence committed before the appointed day.

(2) Nothing in this Act renders a person liable to punishment by way of fine or imprisonment for the offence which differs from the punishment to which he would have been liable if this Act had not been passed and proceedings for the offence had been commenced under the old enactments.

(3) Nothing in this Act renders a person liable to pay compensation under a

1979 CHAPTER 46

compensation order in respect of the offence which differs from the compensation he would have been liable to pay if this Act had not been passed and proceedings for the offence had been commenced under the old enactments.

(4) The provisions of this Act corresponding to the old enactments relating to punishment and compensation are to be construed accordingly.

Other matters: general

4

Paragraphs 5 and 6 below have effect subject to paragraphs 2 and 3 above.

5

Without prejudice to any express amendment made by this Act, a reference in an enactment or other document, whether express or implied, to an enactment repealed by this Act shall, unless the context otherwise requires, be construed as, or as including, a reference to this Act or to the corresponding provision of this Act.

6

Where a period of time specified in an enactment repealed by this Act is current at the commencement of this Act, this Act shall have effect as if the corresponding provision of it had been in force when that period began to run. Saving for transitionals in orders

7

(1) This paragraph applies where any provision of an old enactment--

(a) was brought into force by order which made transitional provision in connection with the provision brought into force, or

(b) fell to be brought into force by order which could have made transitional provision in connection with the provision brought into force, if this Act had not been passed.

(2) In that case, an order under section 155(7) of this Act may make corresponding transitional provision in connection with any provision of this Act corresponding to that of the old enactment.

Savings of amendments

8

Notwithstanding the repeal by this Act of the Magistrates' Courts Act 1952, the amendments made in other enactments ("the amended enactments") by that Act shall, to the extent that they had effect immediately before the coming into force of this Act, continue to have effect subject to any amendment of any of the amended enactments by this Act.

Savings for Local Government Act 1972

9

The provisions of this Act shall have effect without prejudice to the exercise of any power conferred by section 67 of the Local Government Act 1972 (consequential and transitional arrangements relating to Part IV), section 252 of that Act (general power to adapt Acts and instruments) or section 254 of that Act (consequential and supplementary provision); and any such power which, if this Act had not been passed, would have been exercisable in relation to an enactment repealed by this Act shall be exercisable in the like manner and to the like extent in relation to the corresponding provision (if any) of this Act. Scottish saving

10

(1) This paragraph applies to Schedule 7B to the Criminal Procedure (Scotland) Act 1975, which was inserted by paragraph 12 of Schedule 11 to the Criminal Law Act 1977 and takes the same form as Schedule 5 to that Act (subject to certain modifications specified in that paragraph).

(2) Schedule 7B is not affected by--

(a) the repeal by Schedule 9 to this Act of paragraph 1(2)(a) and (b) of Schedule 5;

(b) the amendments made to paragraph 1 of Schedule 5 by Schedule 7 to this Act.

NOTES:**Initial Commencement*****To be appointed***

To be appointed: see s 155(7).

Appointment

Appointment: 6 July 1981: see SI 1981/457, art 2.

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ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979
1979 CHAPTER 46

SCHEDULE 9 REPEALS

Section 154

Royal Assent [4 April 1979]

Ancient Monuments and Archaeological Areas Act 1979, Ch. 46, Sch. 9 (Eng.)

SCHEDULE 9 Repeals

Chapter	Short Title	Extent of repeal
12, 13 & 14 Geo 6 c 101	Justices of the Peace Act 1949	Section 15(1), (2), (3), (7), (8) and (9).
15 & 16 Geo 6 & 1 Eliz 2 c 55	Magistrates' Courts Act 1952	The whole Act.
5 & 6 Eliz 2 c 29	Magistrates' Courts Act 1957	The whole Act.
6 & 7 Eliz 2 c 39	Maintenance Orders Act 1958	Section 16.
7 & 8 Eliz 2 c 72	Mental Health Act 1959	Section 20(6). In Schedule 7, in Part I, the entry relating to the Magistrates' Courts Act 1952.
7 & 8 Eliz 2 c 73	Legitimacy Act 1959	Section 5(2).
9 & 10 Eliz 2 c 39	Criminal Justice Act 1961	In section 1(5) the words "and subsections (2) and (3) of section twenty-eight of the Magistrates' Courts Act 1952". Section 8(3). In section 41(4), the words "section twenty-eight of the Magistrates' Courts Act 1952". In Schedule 4, the entries relating to sections 28 and 126 of the Magistrates' Courts Act 1952.

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		In Schedule 6, the text of the Magistrates' Courts Act 1952, section 28.
1963 c 37	Children and Young Persons Act 1963	Section 27.
1964 c 42	Administration of Justice Act 1964	Section 11.
In Schedule 3, paragraphs 20(2) and 22(3) and (5).		
1965 c 69	Criminal Procedure (Attendance of Witnesses) Act 1965	In Schedule 2, in Part I, the entry relating to the Magistrates' Courts Act 1952.
1967 c 80	Criminal Justice Act 1967	Sections 1 to 6.
		Section 19.
		In section 20, the words "or section 28 or 29 of the Magistrates' Courts Act 1952 (committal for sentence)".
		Section 24.
		Section 26.
		Sections 28 to 30.
		In section 33, the words from the beginning to "that section and".
		In section 36(1), the definitions of "broadcast" and "publish".
		Sections 44, 44A and 45.
		In section 50, the words from the beginning to "Part of that Act".
		Section 56(4).
		In section 89(1), the words "2 or".
		In section 90(1) the words "an order under section 44(8) or".
		Section 94.
		In section 106(2)(b), the figure "3".
		In Schedule 6, paragraphs 9 to 13 and 17 to 20.

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1968 c 69	Justices of the Peace Act 1968	In Schedule 3, paragraph 8.
1969 c 54	Children and Young Persons Act 1969	Section 6.
Section 10(3).		Section 61. In Schedule 4, paragraph 4.
1970 c 31	Administration of Justice Act 1970	Section 12.
In section 28(1), the definitions of "the Act of 1952" and "magistrates' court maintenance order".		Section 30(1) and (2) as respects section 12. Section 41(6). Section 42. Section 50. In section 51, subsection (1), and in subsection (3) the definition of "the Act of 1952".
1971 c 23	Courts Act 1971	Section 7(1). In Schedule 8, paragraph 34, in paragraph 48(b) in the words "56(4) (6)" the word "(4)", and paragraph 52. In Schedule 9, in Part I, the entry relating to the Magistrates' Courts Act 1952.
1972 c 18	Maintenance Orders (Reciprocal Enforcement) Act 1972	Section 22(2)(b).
1972 c 70	Local Government Act 1972	In Schedule 27, paragraph 16.
1972 c 71	Criminal Justice Act 1972	Section 41. Sections 44 and 45. Section 50. In Schedule 5, the entries relating to the Magistrates' Courts Act 1952 and the entry relating to section 6(1) of the Children and Young Persons Act 1969.

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1973 c 14	Costs in Criminal Cases Act 1973	In Schedule 1, paragraph 1.
1973 c 29	Guardianship Act 1973	Section 9(2)(b).
1973 c 38	Social Security Act 1973	In Schedule 27, in paragraph 85, the words "and 12(2)(b)" and "(in each place)".
1973 c 62	Powers of Criminal Courts Act 1973	Section 35(5).
In Schedule 5, paragraphs 4, 5, 7, 16 and 34.		
1974 c 4	Legal Aid Act 1974	In Schedule 4, paragraph 3.
1975 c 21	Criminal Procedure (Scotland) Act 1975	Section 326(2).
In section 463(1)(b), the words "326(2)".		
1976 c 63	Bail Act 1976	In Schedule 2, paragraphs 14 to 29 and 35.
1977 c 45	Criminal Law 1977	Section 14. In section 15, in subsection (1), paragraph (b) and the word "and" immediately preceding it, and, in subsection (3), paragraph (a). Section 16. Sections 18 to 27. In section 28, subsections (1) to (7) and in subsection (8) the words from "and subsection (2) above" to the end. Section 29. Section 30(4). Section 32(2). Sections 34 and 35. In section 36, subsections (2) to (8) and in subsection (9) the definitions of "guardian" and "the statutory restrictions upon the imprisonment of young offenders". Sections 41 and 42. Section 45. In section 58, subsections (1), (4) and (6).

Sections 59 to 61.

In section 63(2), in the entry relating to section 65(4) and Schedule 12 so far as they relate to the Criminal Justice Act 1967, the words "3 and".

In section 65(10)(e) the words from "and the provisions" to "all such places (except Scotland)".

Schedule 2.

Schedule 3.

Schedule 4.

In Schedule 5, paragraph 1(2)(a) and (b).

In Schedule 7, paragraph 1.

Schedule 8.

In Schedule 12, the entries relating to the Magistrates' Courts Act 1952, the entries relating to sections 3, 24, 44(5) and 44A of the Criminal Justice Act 1967, and paragraphs 2 and 3 of the entries relating to the Criminal Justice Act 1972.

In Schedule 14, paragraph 2, in paragraph 3(1) the words "or 2", paragraph 4, and in paragraph 5 the words "(other than section 29 or any provision mentioned in paragraph 4 above)".

1978 c 22

Domestic Proceedings and Magistrates' Courts Act 1978

In Schedule 1, in paragraph 5 the words "or in any of sections 79 to 82", paragraph 6 and paragraph 7.

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1978 c 37	Protection of Children Act 1978	In Schedule 2, paragraphs 15 and 21. Section 2(2).
1979 c 55	Justices of the Peace Act 1979	In Schedule 2, paragraphs 7 to 9 and paragraph 14.
1980 c 5	Child Care Act 1980	In Schedule 5, paragraph 5.
1980 c 11	Protection of Trading Interests Act 1980	In section 8(5), the words from "together with" to the end.

NOTES:**Amendment**

Repealed by the Statute Law (Repeals) Act 2004.

Date in force: 22 July 2004: (no specific commencement provision).

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**ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979
1979 CHAPTER 46**

SCHEDULE 9 . . .

. . .

Royal Assent [4 April 1979]

Ancient Monuments and Archaeological Areas Act 1979, Ch. 46, Sch. 9 (Eng.)

SCHEDULE 9 . . .

. . .

NOTES:

Amendment

Repealed by the Statute Law (Repeals) Act 2004.

Date in force: 22 July 2004: (no specific commencement provision).

Amendment

Repealed by the Statute Law (Repeals) Act 2004.

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Amendment

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ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979
1979 CHAPTER 46

SCHEDULE 10 . . .

. . .

Royal Assent [4 April 1979]

Ancient Monuments and Archaeological Areas Act 1979, Ch. 46, Sch. 10, Pt. I
(Eng.)

Part I . . .

. . .

NOTES:

Amendment

Repealed by the Statute Law (Repeals) Act 2004.

Date in force: 22 July 2004: (no specific commencement provision).

Amendment

Repealed by the Statute Law (Repeals) Act 2004.

Date in force: 22 July 2004: (no specific commencement provision).

Amendment

Repealed by the Education Reform Act 1988, ss 160(3), 237(2), Sch 13, Pt II.

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ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979
1979 CHAPTER 46

SCHEDULE 10 . . .

. . .

Royal Assent [4 April 1979]

Ancient Monuments and Archaeological Areas Act 1979, Ch. 46, Sch. 10, Pt. II
(Eng.)

Part II . . .

. . .

NOTES:

Amendment

Repealed by the Statute Law (Repeals) Act 2004.

Date in force: 22 July 2004: (no specific commencement provision).

Amendment

Repealed by the Statute Law (Repeals) Act 2004.

Date in force: 22 July 2004: (no specific commencement provision).

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**ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979
1979 CHAPTER 46**

SCHEDULE 10 . . .

. . .

Royal Assent [4 April 1979]

**Ancient Monuments and Archaeological Areas Act 1979, Ch. 46, Sch. 10, Pt. III
(Eng.)**

Part III . . .

. . .

NOTES:

Amendment

Repealed by the Statute Law (Repeals) Act 2004.

Date in force: 22 July 2004: (no specific commencement provision).

Amendment

Repealed by the Statute Law (Repeals) Act 2004.

Date in force: 22 July 2004: (no specific commencement provision).

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**ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979
1979 CHAPTER 46**

SCHEDULE 11 . . .

. . .

Royal Assent [4 April 1979]

**Ancient Monuments and Archaeological Areas Act 1979, Ch. 46, Sch. 11, Pt. I
(Eng.)**

Part I . . .

. . .

NOTES:

Amendment

Repealed by the Local Government Finance Act 1982, s 38, Sch 6, Pt III.

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1979 CHAPTER 46**

SCHEDULE 11 . . .

. . .

Royal Assent [4 April 1979]

**Ancient Monuments and Archaeological Areas Act 1979, Ch. 46, Sch. 11, Pt. II
(Eng.)**

Part II . . .

. . .

NOTES:

Amendment

Repealed by the Local Government Finance Act 1982, s 38, Sch 6, Pt III.

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1979 CHAPTER 46**

SCHEDULE 12 . . .

. . .

Royal Assent [4 April 1979]

Ancient Monuments and Archaeological Areas Act 1979, Ch. 46, Sch. 12 (Eng.)

SCHEDULE 12 . . .

. . .

NOTES:

Amendment

Repealed by the Local Government and Housing Act 1989, s 194(2), Sch 12, Pt I.

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**ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979
1979 CHAPTER 46**

SCHEDULE 13 . . .

. . .

Royal Assent [4 April 1979]

**Ancient Monuments and Archaeological Areas Act 1979, Ch. 46, Sch. 13, Pt. I
(Eng.)**

Part I . . .

. . .

NOTES:

Amendment

Repealed in part by the Local Government Act 1985, s 102(2), Sch 17, and remainder repealed by the London Regional Transport Act 1984, s 71(3), Sch 7.

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ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979
1979 CHAPTER 46

SCHEDULE 13 . . .

. . .

Royal Assent [4 April 1979]

Ancient Monuments and Archaeological Areas Act 1979, Ch. 46, Sch. 13, Pt. II
(Eng.)

Part II . . .

. . .

NOTES:

Amendment

Repealed by the London Regional Transport Act 1984, s 71(3), Sch 7.

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1979 CHAPTER 46**

SCHEDULE 14 . . .

. . .

Royal Assent [4 April 1979]

Ancient Monuments and Archaeological Areas Act 1979, Ch. 46, Sch. 14 (Eng.)

SCHEDULE 14 . . .

. . .

NOTES:

Amendment

Repealed by the Planning (Consequential Provisions) Act 1990, s 3, Sch 1, Pt I.

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**ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979
1979 CHAPTER 46**

SCHEDULE 15 . . .

. . .

Royal Assent [4 April 1979]

Ancient Monuments and Archaeological Areas Act 1979, Ch. 46, Sch. 15 (Eng.)

SCHEDULE 15 . . .

. . .

NOTES:

Amendment

Repealed in part by the Housing and Planning Act 1986, s 49(2), Sch12, Pt III, in part by the Planning (Consequential Provisions) Act 1990, s 3, Sch 1, Pt I, in part by the Water Act 1989, s 190(3), Sch 27, Pt I, and remainder repealed by the Local Government Act 1985, s 102(2), Sch 17.

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**ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979
1979 CHAPTER 46**

SCHEDULE 16 BODIES TO WHOM PART X APPLIES

Section 93

Royal Assent [4 April 1979]

Ancient Monuments and Archaeological Areas Act 1979, Ch. 46, Sch. 16 (Eng.)

SCHEDULE 16 Bodies to whom Part X applies

1

A county council.

[1A

A county borough council.]

2

A district council.

3

...

4

A London borough council.

5

The Common Council of the City of London.

[5A

. . .

5B

A joint authority established by Part IV of the Local Government Act 1985.]

[5BB

The London Fire and Emergency Planning Authority.]

[5C

A police authority established under [section 3 of the Police Act 1996].]

[5CC

The Metropolitan Police Authority.]

[5D

. . .]

6

The Commission for the New Towns.

7

A development corporation established under the [New Towns Act 1981].

8

An urban development corporation established under this Act.

[8A

A housing action trust established under Part III of the Housing Act 1988.]

9

The Housing Corporation.

[9A

. . .]

10

. . .

11

The Civil Aviation Authority.

12

British Shipbuilders.

13

. . .

[14

The Coal Authority.]

15

The British Broadcasting Corporation.

16

...

17

. . .

[17A

The [Environment Agency].]

18

Statutory undertakers.

In paragraph 18 above "statutory undertakers" means persons authorised by any enactment to carry on any railway, light railway, road transport, water transport, canal, inland navigation, dock or harbour undertaking, or any undertaking for the supply of ... , . . . [or hydraulic power]:

Provided that where any persons carry on a business to the main purpose of which any such undertaking is merely ancillary those persons shall not be treated as statutory undertakers for the purposes of paragraph 18 above.

NOTES:**Initial Commencement*****Royal Assent***

Royal Assent: 13 November 1980: (no specific commencement provision).

Amendment

Para 1A: inserted by the Local Government (Wales) Act 1994, s 66(6), Sch 16, para 59(5).

Para 3: repealed by the Local Government Act 1985, s 102, Sch 17.

Para 5A: inserted by the Local Government Act 1985, s 84, Sch 14, para 59; repealed by the Education Reform Act 1988, s 237, Sch 13, Part I.

Para 5B: inserted by the Local Government Act 1985, s 84, Sch 14, para 59.

Para 5BB: inserted by the Greater London Authority Act 1999, s 328, Sch 29,

Pt I, para 33.

Date in force: 3 July 2000: see SI 2000/1094, art 4(h).

Para 5C: inserted by the Police and Magistrates' Courts Act 1994, s 43, Sch 4, Part I, para 22; words in square brackets substituted by the Police Act 1996, s 103, Sch 7, para 1(2)(p).

Para 5CC: inserted by the Greater London Authority Act 1999, s 325, Sch 27, para 44(2).

Date in force: 3 July 2000: see SI 2000/1648, art 2, Schedule.

Para 5D: inserted by the Police Act 1997, s 88, Sch 6, para 16.

Date in force: 1 April 1998: see SI 1998/354, art 2(2)(az).

Para 5D: repealed by the Criminal Justice and Police Act 2001, ss 128(1), 137, Sch 6, Pt 2, para 38, Sch 7, Pt 5(1).

Date in force: 1 April 2002: see SI 2002/344, art 3(j), (k), (m).

Para 7: words in square brackets substituted by the New Towns Act 1981, s 81, Sch 12, para 28.

Para 8A: inserted by the Housing Act 1988, s 140, Sch 17, Part I, para 28.

Para 9A: inserted by the Housing Act 1988, s 140, Sch 17, Part II, para 104.

Para 9A: repealed by the Government of Wales Act 1998, s 152, Sch 18, Pt VI.

Date in force: 1 November 1998: see SI 1998/2244, art 5.

Para 10: repealed by the Airports Act 1986, s 83(5), Sch 6, Part I.

Para 13: repealed by the British Steel Act 1988, s 16(3), Sch 2, Part I.

Para 14: substituted by the Coal Industry Act 1994, s 67, Sch 9, para 25(2).

Para 16: repealed by the Broadcasting Act 1990, s 203(3), Sch 21.

Para 17: repealed by SI 2001/1149, art 3(2), Sch 2.

Date in force: 26 March 2001: see SI 2001/1149, art 1(2).

Para 17A: inserted by the Water Act 1989, s 190, Sch 25, para 61; words in square brackets substituted by SI 1995/593, reg 2, Sch 1.

In definition of "statutory undertakers" first words omitted repealed by the Electricity Act 1989, s 112(4), Sch 18, second words omitted repealed by the Gas Act 1986, s 67(4), Sch 9, Part I, words in square brackets substituted by the Water Act 1989, s 190, Sch 25, para 61.

Modification

1979 CHAPTER 46

Modified by the Waste Regulation and Disposal (Authorities) Order 1985, SI 1985/1884, art 10, Sch 3.

See Further

See further, for provision whereby the body corporate known as the Residuary Body for Wales is to be included among the bodies specified in this Schedule: the Local Government (Wales) Act 1994, Sch 13, para 25(a).

Extent

This Schedule does not extend to Scotland: see ss 95(2), 100(2).

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**ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979
1979 CHAPTER 46**

SCHEDULE 17 COMMUNITY LAND ACT

Section 101

Royal Assent [4 April 1979]

**Ancient Monuments and Archaeological Areas Act 1979, Ch. 46, Sch. 17, Pt. I
(Eng.)**

Part I Preliminary

1

(1) In this Schedule "the 1975 Act" means the Community Land Act 1975.

(2) In this Schedule references to sections, Schedules and Parts are to those of the 1975 Act (unless the contrary is indicated).

(3) In this Schedule "the 1971 Act" means the Town and Country Planning Act 1971 and "the Scottish Act of 1972" means the Town and Country Planning (Scotland) Act 1972.

NOTES:

Initial Commencement

Royal Assent

Royal Assent: 13 November 1980: (no specific commencement provision).

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ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979
1979 CHAPTER 46

SCHEDULE 17 COMMUNITY LAND ACT

Section 101

Royal Assent [4 April 1979]

Ancient Monuments and Archaeological Areas Act 1979, Ch. 46, Sch. 17, Pt. II
(Eng.)

Part II Repeals

2

Subject to the following provisions of this Schedule, the 1975 Act shall be repealed on the passing of this Act.

3

(1) The following provisions of the 1975 Act shall be repealed on the appointed day:--

section 1 (authorities),

section 2 (joint boards),

in section 6, in subsection (1) the definitions of enactment, local authority and new town authority, and sub-section (6),

section 7 and Schedule 2 (appointed days etc),

section 26 (compensation payable in transaction between certain authorities),

section 40 (grants to authorities who buy or rent Crown land),

section 43 (accounts and records),

section 44 (community land surplus accounts), (except in subsection (3)) the words from "or (b)" to the end,

section 51 (power to obtain information),

section 52 (service of documents),

section 53 (orders),
section 54 (directions and consents),
section 55 (local inquiries),
section 56 (offences by corporations),
section 57 (finance),
section 58 (extent etc).

(2) In sub-paragraph (1) above "the appointed day" means, in relation to any provision of the 1975 Act, the day appointed for its repeal by an order of the Secretary of State made by statutory instrument.

(3) Different days may be so appointed in relation to different provisions of the 1975 Act or for different purposes in relation to any such provision.

NOTES:

Initial Commencement

Royal Assent

Royal Assent: 13 November 1980: (no specific commencement provision).

Appointed Day

Appointed day: 1 June 1983: see SI 1983/673.

Subordinate Legislation

Community Land Act 1975 (Appointed Day for Repeal) Order 1983, SI 1983/673 (made under para 3).

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ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979
1979 CHAPTER 46

SCHEDULE 17 COMMUNITY LAND ACT

Section 101

Royal Assent [4 April 1979]

Ancient Monuments and Archaeological Areas Act 1979, Ch. 46, Sch. 17, Pt. III
(Eng.)

Part III Provisions Re-enacted Etc

4

. . .

5

Each provision of the 1975 Act mentioned in column 1 below is re-enacted (in certain cases with modifications) in the corresponding provision of this Act mentioned in column 2--

1975 ACT	THIS ACT
Section 37 (acquisition and disposal of land by the Crown)	Section 122
Section 38 (acquisition of land by Crown in Northern Ireland)	Section 123
.
Section 47 (certification of appropriate alternative development)	Section 121
In Schedule 10 (minor and consequential amendments)--	
paragraph 2	Schedule 33, paragraph 1
paragraph 3	Schedule 33, paragraph 3
paragraph 4(1) to (3) and (5)	Schedule 33, paragraph 5
paragraph 5(1) to (3) and (5)	Schedule 33, paragraph 7
paragraph 6(1)(a)	Schedule 15, paragraph 2
paragraph 7(1)(a)	Section 92(1)
paragraph 8(2)	Schedule 33, paragraph 13

NOTES:**Initial Commencement*****Royal Assent***

Royal Assent: 13 November 1980: (no specific commencement provision).

Amendment

Para 4: repealed by the Government of Wales Act 1998, s 152, Sch 18, Pt V.

Date in force: 1 October 1998: see SI 1998/2244, art 4.

Para 5: words omitted repealed by the Acquisition of Land Act 1981, s 34, Sch 6, Part I.

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ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979
1979 CHAPTER 46

SCHEDULE 17 COMMUNITY LAND ACT

Section 101

Royal Assent [4 April 1979]

Ancient Monuments and Archaeological Areas Act 1979, Ch. 46, Sch. 17, Pt. IV
(Eng.)

Part IV Savings and Supplementary

General

6

This Part of this Schedule contains savings and supplementary provisions in respect of certain provisions of the 1975 Act repealed by this Act.
Offences

7

No repeal by section 101 above and this Schedule affects liability for any offence committed before the repeal takes effect.
Suspension of planning permission

8

(1) Sub-paragraphs (2) to (5) below shall have effect in consequence of the repeal by this Act of section 22.

(2) Where planning permission has been suspended under section 19 or 20--

(a) no enforcement notice under Part V of the 1971 Act or under Part V of the Scottish Act of 1972 may be served after the passing of this Act if it could not have been served before then apart from section 22(1);

(b) if such a notice has been served before the passing of this Act and it could not have been served apart from section 22(1), the notice shall be disregarded (subject to paragraph 7 above, which has the effect of saving liability for an offence committed before the repeal of section 22(1)).

(3) Where planning permission has been suspended under section 19 or 20, in determining, after the passing of this Act, the value of any land for the purpose of compensation, section 22(2) and (3) shall be ignored.

1979 CHAPTER 46

(4) Where--

(a) planning permission has been suspended under section 19 or 20, and

(b) by virtue of section 22(6) the right to serve a blight notice has arisen in respect of an interest in any land ("the blighted land"), and

(c) a notice has been served in respect of the interest before the passing of this Act,

then, notwithstanding the repeal of section 22, section 192(1) of the 1971 Act (and in Scotland section 181(1) of the Scottish Act of 1972) shall continue to have effect as if the land specified therein included the blighted land.

(5) Where planning permission has been suspended under section 19 or 20 and a time limit is accordingly extended under section 22(7), the period of the extension shall expire on the ending of the suspension by virtue of this Act (if it has not expired before then).

. . .

9

. . .

Land

10

(1) This paragraph applies where a compulsory purchase order has been made, or a binding contract has been entered into to acquire land, before the passing of this Act.

(2) In that case, section 15 shall continue to apply as it applied immediately before the passing of this Act, which shall for this purpose be treated as not having been passed.

11

(1) Where, immediately before the passing of this Act, an authority holds land for the purposes of Part III, the land shall on the passing of this Act be treated as follows.

(2) Land held by the council of a county, district or London borough, the Common Council of the City of London, the Greater London Council or the Council of the Isles of Scilly shall be treated as if it had been acquired by the council concerned for planning purposes (within the meaning of section 133(1) of the 1971 Act).

(3) Land held by a regional, general or district planning authority shall be treated as if it had been acquired by the authority concerned for planning purposes (within the meaning of section 122(1) of the Scottish Act of 1972).

(4) Land held by a new town authority (that is, a development corporation as defined in section 2 of the New Towns Act 1965, or in section 2 of the New Towns (Scotland) Act 1968) shall be treated as if it had been acquired by the

1979 CHAPTER 46

authority under that Act.

(5) Land held by the Peak Park Joint Planning Board or the Lake District Special Planning Board shall be treated as if it had been acquired by the Board concerned under section 119 of this Act.

General duties of authorities

12

(1) Sub-paragraphs (2) and (3) below shall have effect in consequence of the repeal of section 17 and Schedule 6.

(2) In exercising any function after the passing of this Act an authority need not have regard to the matters specified in section 17 and Schedule 6.

(3) In disposing, or agreeing to dispose, of an interest in land after the passing of this Act, an authority need not have regard to an application (whenever made) under paragraph 2 of Schedule 6.
Planning permission for relevant development

13

(1) Sub-paragraphs (2) to (8) below shall have effect in consequence of the repeal by this Act of sections 19 and 20 and Schedule 7.

(2) Where an election is made under section 19(2) before the passing of this Act, an authority on whom the notice is served need not--

(a) send a copy to any other authority under section 19(2), or

(b) serve a notice under paragraph 4 of Schedule 7 (notice about intention to acquire).

(3) Where an application is made before the passing of this Act for planning permission to which section 20 applied immediately before the passing of this Act, an authority need not serve a notice under paragraph 5 of Schedule 7.

(4) An authority who have before the passing of this Act abandoned their power to purchase land (as mentioned in section 19(5) or 20(2)) are not prevented by section 19(5) or 20(2) from acquiring the land under the 1971 Act or under the Scottish Act of 1972 in pursuance of a compulsory purchase order.

(5) Planning permission suspended before the passing of this Act by virtue of section 19(6) or 20(3) shall on the passing of this Act no longer be suspended.

(6) Any notice served under paragraph 4 or 5 of Schedule 7 before the passing of this Act shall cease to be a local land charge on the passing of this Act; and where any such notice has been registered as a local land charge the registration shall, without prejudice to any rules made under the Local Land Charges Act 1975, be cancelled accordingly.

(7) No authority is under a duty to serve a notice under paragraph 6 of Schedule 7 after the passing of this Act.

1979 CHAPTER 46

(8) After the passing of this Act, no copy of an application or notification (in each case, whenever made) need be sent under Part III of Schedule 7 (transmission of information).

Disposal notification areas

14

Any saving having effect immediately before the passing of this Act by virtue of paragraph 7 of Schedule 8 shall continue to have effect notwithstanding the repeal of that paragraph by this Act.

Direction to dispose of land

15

The repeal by this Act of section 45 does not affect a direction made under that section before the passing of this Act.

NOTES:**Initial Commencement*****Royal Assent***

Royal Assent: 13 November 1980: (no specific commencement provision).

Amendment

Para 9: repealed by the Government of Wales Act 1998, s 152, Sch 18, Pt V.

Date in force: 1 October 1998: see SI 1998/2244, art 4.

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**ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979
1979 CHAPTER 46**

SCHEDULE 18 . . .

. . .

Royal Assent [4 April 1979]

Ancient Monuments and Archaeological Areas Act 1979, Ch. 46, Sch. 18 (Eng.)

SCHEDULE 18 . . .

. . .

NOTES:

Amendment

Repealed by the Government of Wales Act 1998, s 152, Sch 18, Pt V.

Date in force: 1 October 1998: see SI 1998/2244, art 4.

Amendment

Repealed by the Government of Wales Act 1998, s 152, Sch 18, Pt V.

Date in force: 1 October 1998: see SI 1998/2244, art 4.

Amendment

Repealed by the Government of Wales Act 1998, s 152, Sch 18, Pt V.

Date in force: 1 October 1998: see SI 1998/2244, art 4.

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1979 CHAPTER 46**

SCHEDULE 19 . . .

. . .

Royal Assent [4 April 1979]

Ancient Monuments and Archaeological Areas Act 1979, Ch. 46, Sch. 19 (Eng.)

SCHEDULE 19 . . .

. . .

NOTES:

Amendment

Repealed by the Government of Wales Act 1998, s 152, Sch 18, Pt V.

Date in force: 1 October 1998: see SI 1998/2244, art 4.

Amendment

Repealed by the Government of Wales Act 1998, s 152, Sch 18, Pt V.

Date in force: 1 October 1998: see SI 1998/2244, art 4.

Amendment

Repealed by the Government of Wales Act 1998, s 152, Sch 18, Pt V.

Date in force: 1 October 1998: see SI 1998/2244, art 4.

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1979 CHAPTER 46

SCHEDULE 20 . . .

. . .

Royal Assent [4 April 1979]

Ancient Monuments and Archaeological Areas Act 1979, Ch. 46, Sch. 20, Pt. I
(Eng.)

Part I . . .

. . .

NOTES:

Amendment

Repealed by the Government of Wales Act 1998, s 152, Sch 18, Pt V.

Date in force: 1 October 1998: see SI 1998/2244, art 4.

Amendment

Repealed by the Government of Wales Act 1998, s 152, Sch 18, Pt V.

Date in force: 1 October 1998: see SI 1998/2244, art 4.

Amendment

Repealed by the Government of Wales Act 1998, s 152, Sch 18, Pt V.

Date in force: 1 October 1998: see SI 1998/2244, art 4.

Amendment

Repealed by the Government of Wales Act 1998, s 152, Sch 18, Pt V.

Date in force: 1 October 1998: see SI 1998/2244, art 4.

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1979 CHAPTER 46

SCHEDULE 20 . . .

. . .

Royal Assent [4 April 1979]

Ancient Monuments and Archaeological Areas Act 1979, Ch. 46, Sch. 20, Pt. II
(Eng.)

Part II . . .

. . .

NOTES:

Amendment

Repealed by the Government of Wales Act 1998, s 152, Sch 18, Pt V.

Date in force: 1 October 1998: see SI 1998/2244, art 4.

Amendment

Repealed by the Government of Wales Act 1998, s 152, Sch 18, Pt V.

Date in force: 1 October 1998: see SI 1998/2244, art 4.

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**ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979
1979 CHAPTER 46**

SCHEDULE 20 . . .

. . .

Royal Assent [4 April 1979]

**Ancient Monuments and Archaeological Areas Act 1979, Ch. 46, Sch. 20, Pt. III
(Eng.)**

Part III . . .

. . .

NOTES:

Amendment

Repealed by the Government of Wales Act 1998, s 152, Sch 18, Pt V.

Date in force: 1 October 1998: see SI 1998/2244, art 4.

Amendment

Repealed by the Government of Wales Act 1998, s 152, Sch 18, Pt V.

Date in force: 1 October 1998: see SI 1998/2244, art 4.

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1979 CHAPTER 46**

SCHEDULE 21 . . .

. . .

Royal Assent [4 April 1979]

Ancient Monuments and Archaeological Areas Act 1979, Ch. 46, Sch. 21 (Eng.)

SCHEDULE 21 . . .

. . .

NOTES:

Amendment

Repealed by the Government of Wales Act 1998, s 152, Sch 18, Pt V.

Date in force: 1 October 1998: see SI 1998/2244, art 4.

Amendment

Repealed by the Government of Wales Act 1998, s 152, Sch 18, Pt V.

Date in force: 1 October 1998: see SI 1998/2244, art 4.

Amendment

Repealed by the Government of Wales Act 1998, s 152, Sch 18, Pt V.

Date in force: 1 October 1998: see SI 1998/2244, art 4.

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**ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979
1979 CHAPTER 46**

SCHEDULE 22 . . .

. . .

Royal Assent [4 April 1979]

Ancient Monuments and Archaeological Areas Act 1979, Ch. 46, Sch. 22 (Eng.)

SCHEDULE 22 . . .

. . .

NOTES:

Amendment

Repealed by the Government of Wales Act 1998, s 152, Sch 18, Pt V.

Date in force: 1 October 1998: see SI 1998/2244, art 4.

Amendment

Repealed by the Government of Wales Act 1998, s 152, Sch 18, Pt V.

Date in force: 1 October 1998: see SI 1998/2244, art 4.

Amendment

Repealed by the Government of Wales Act 1998, s 152, Sch 18, Pt V.

Date in force: 1 October 1998: see SI 1998/2244, art 4.

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ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979
1979 CHAPTER 46

SCHEDULE 23 LAND: MISCELLANEOUS AMENDMENTS

Section 118

Royal Assent [4 April 1979]

Ancient Monuments and Archaeological Areas Act 1979, Ch. 46, Sch. 23, Pt. I
(Eng.)

Part I . . .

. . .

NOTES:

Amendment

Repealed by the Acquisition of Land Act 1981, s 34(3), Sch 6, Pt I.

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**ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979
1979 CHAPTER 46**

SCHEDULE 23 LAND: MISCELLANEOUS AMENDMENTS

Section 118

Royal Assent [4 April 1979]

**Ancient Monuments and Archaeological Areas Act 1979, Ch. 46, Sch. 23, Pt. II
(Eng.)**

Part II Amendments of National Parks and Access to the Countryside Act 1949

. . .

NOTES:

Initial Commencement

Royal Assent

Royal Assent: 13 November 1980: (no specific commencement provision).

Amendment

This Part amends the National Parks and Access to the Countryside Act 1949, s 77.

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**ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979
1979 CHAPTER 46**

SCHEDULE 23 LAND: MISCELLANEOUS AMENDMENTS

Section 118

Royal Assent [4 April 1979]

**Ancient Monuments and Archaeological Areas Act 1979, Ch. 46, Sch. 23, Pt. III
(Eng.)**

Part III Amendments of Town and Country Planning Act 1959

. . .

NOTES:

Initial Commencement

Royal Assent

Royal Assent: 13 November 1980: (no specific commencement provision).

Amendment

This Part amends the Town and Country Planning Act 1959, ss 23, 26, and repeals ss 26(3), 30(5) of that Act.

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**ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979
1979 CHAPTER 46**

SCHEDULE 23 LAND: MISCELLANEOUS AMENDMENTS

Section 118

Royal Assent [4 April 1979]

**Ancient Monuments and Archaeological Areas Act 1979, Ch. 46, Sch. 23, Pt. IV
(Eng.)**

Part IV . . .

. . .

NOTES:

Amendment

Repealed by the Planning (Consequential Provisions) Act 1990, s 3, Sch 1, Pt I.

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ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979
1979 CHAPTER 46

SCHEDULE 23 LAND: MISCELLANEOUS AMENDMENTS

Section 118

Royal Assent [4 April 1979]

Ancient Monuments and Archaeological Areas Act 1979, Ch. 46, Sch. 23, Pt. V
(Eng.)

Part V Amendments of Local Government Act 1972

. . .

NOTES:

Initial Commencement

Royal Assent

Royal Assent: 13 November 1980: (no specific commencement provision).

Definition

This Part amends the Local Government Act 1972, ss 122, 123, 126, 127, 270(1), and repeals s 123A of that Act.

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**ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979
1979 CHAPTER 46**

SCHEDULE 23 LAND: MISCELLANEOUS AMENDMENTS

Section 118

Royal Assent [4 April 1979]

**Ancient Monuments and Archaeological Areas Act 1979, Ch. 46, Sch. 23, Pt. VI
(Eng.)**

Part VI Amendment of Local Government (Scotland) Act 1973

. . .

NOTES:

Initial Commencement

Royal Assent

Royal Assent: 13 November 1980: (no specific commencement provision).

Amendment

This Part repeals the Local Government (Scotland) Act 1973, s 74A.

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**ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979
1979 CHAPTER 46**

SCHEDULE 24 LAND COMPENSATION ACTS AS AMENDED

Section 121

Royal Assent [4 April 1979]

**Ancient Monuments and Archaeological Areas Act 1979, Ch. 46, Sch. 24, Pt. I
(Eng.)**

Part I Section 17 of Land Compensation Act 1961

. . .

NOTES:

Initial Commencement

Royal Assent

Royal Assent: 13 November 1980: (no specific commencement provision).

Amendment

This Part sets out the Land Compensation Act 1961, s 17, as amended.

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**ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979
1979 CHAPTER 46**

SCHEDULE 24 LAND COMPENSATION ACTS AS AMENDED

Section 121

Royal Assent [4 April 1979]

**Ancient Monuments and Archaeological Areas Act 1979, Ch. 46, Sch. 24, Pt. II
(Eng.)**

Part II Section 25 of Land Compensation (Scotland) Act 1963

. . .

NOTES:

Initial Commencement

Royal Assent

Royal Assent: 13 November 1980: (no specific commencement provision).

Amendment

This Part sets out the Land Compensation (Scotland) Act 1963, s 25, as amended.

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ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979
1979 CHAPTER 46

SCHEDULE 25 NEW TOWNS
Section 133
Royal Assent [4 April 1979]

Ancient Monuments and Archaeological Areas Act 1979, Ch. 46, Sch. 25, Pt. I
(Eng.)

Part I . . .

. . .

NOTES:

Amendment

Repealed by the New Towns Act 1981, s 81, Sch 13.

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**ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979
1979 CHAPTER 46**

SCHEDULE 25 NEW TOWNS
Section 133
Royal Assent [4 April 1979]

**Ancient Monuments and Archaeological Areas Act 1979, Ch. 46, Sch. 25, Pt. II
(Eng.)**

Part II Amendment of New Towns (Scotland) Act 1968

. . .

NOTES:

Initial Commencement

Royal Assent

Royal Assent: 13 November 1980: (no specific commencement provision).

Amendment

This Part amends the New Towns (Scotland) Act 1968, s 18(4).

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**ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979
1979 CHAPTER 46**

**SCHEDULE 25 NEW TOWNS
Section 133
Royal Assent [4 April 1979]**

**Ancient Monuments and Archaeological Areas Act 1979, Ch. 46, Sch. 25, Pt. III
(Eng.)**

Part III Amendment of Land Compensation Act 1961

8

(1) . . .

(2) This paragraph does not apply where a notice to treat has been served before this paragraph comes into force.

NOTES:

Initial Commencement

Royal Assent

Royal Assent: 13 November 1980: (no specific commencement provision).

Amendment

Sub-para (1): inserts the Land Compensation Act 1961, Sch 1, para 9.

Extent

This Part does not extend to Scotland: see s 133(4).

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**ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979
1979 CHAPTER 46**

SCHEDULE 25 NEW TOWNS
Section 133
Royal Assent [4 April 1979]

**Ancient Monuments and Archaeological Areas Act 1979, Ch. 46, Sch. 25, Pt. IV
(Eng.)**

Part IV Amendments of Land Compensation (Scotland) Act 1963

. . .

NOTES:

Initial Commencement

Royal Assent

Royal Assent: 13 November 1980: (no specific commencement provision).

Amendment

This Part amends the Land Compensation (Scotland) Act 1963, Sch 1.

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**ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979
1979 CHAPTER 46**

SCHEDULE 26 URBAN DEVELOPMENT CORPORATIONS

Section 135

Royal Assent [4 April 1979]

Ancient Monuments and Archaeological Areas Act 1979, Ch. 46, Sch. 26 (Eng.)

SCHEDULE 26 Urban Development Corporations

Members

1

An urban development corporation (in this Schedule referred to as a "corporation") shall consist of a chairman, a deputy chairman and such number of other members (not less than five but not exceeding 11) as the Secretary of State may by order under section 135 above prescribe.

2

(1) The members of a corporation shall be appointed by the Secretary of State.

(2) In appointing members of the corporation the Secretary of State shall have regard to the desirability of securing the services of people having special knowledge of the locality in which the urban development area is or will be situated.

(3) In relation to the possible appointment of people falling within sub-paragraph (2) above, the Secretary of State shall consult such local authorities as appear to him to be concerned with the regeneration of the urban development area.

(4) The Secretary of State shall appoint two of the members to be respectively chairman and deputy chairman of the corporation.

3

Subject to the following provisions of this Schedule, a member of the corporation, and the chairman and deputy chairman of the corporation, shall hold and vacate office as such in accordance with the terms of the instrument by which they are respectively appointed.

1979 CHAPTER 46

4

If the chairman or deputy chairman ceases to be a member of the corporation, he shall also cease to be chairman or deputy chairman, as the case may be.

5

Any member of the corporation may, by notice in writing addressed to the Secretary of State, resign his membership; and the chairman or deputy chairman may, by the like notice, resign his office as such.

6

If the Secretary of State is satisfied that a member of the corporation (including the chairman or deputy chairman)--

(a) has become bankrupt or made an arrangement with his creditors (or in Scotland has had his estate sequestrated or has made a trust deed for the behoof of his creditors or a composition contract), or

(b) is incapacitated by physical or mental illness, or

(c) has been absent from meetings of the corporation for a period longer than 3 consecutive months without the permission of the corporation, or

(d) is otherwise unable or unfit to discharge the functions of a member, or is unsuitable to continue as a member,

the Secretary of State may remove him from his office.

7

A member of the corporation who ceases to be a member or ceases to be chairman or deputy chairman shall be eligible for reappointment.
Remuneration

8

The corporation may pay to each member such remuneration and allowances as the Secretary of State may determine with the consent of the Minister for the Civil Service.

9

The corporation may pay or make provision for paying, to or in respect of any member, such sums by way of pensions, allowances and gratuities as the Secretary of State may determine with the consent of the Minister for the Civil Service.

10

Where a person ceases to be a member otherwise than on the expiry of his term of office and it appears to the Secretary of State that there are special circumstances which make it right for him to receive compensation, the corporation may make to him payment of such amount as the Secretary of State may

1979 CHAPTER 46

determine with the consent of the Minister for the Civil Service.
Staff

11

(1) A corporation may, with the approval of the Secretary of State, appoint such officers and servants as the corporation may determine.

(2) References in paragraph 12 below to employees of a corporation are to persons appointed in pursuance of this paragraph.

12

(1) Employees of a corporation shall be appointed at such remuneration and on such other terms and conditions as the corporation may determine.

(2) A corporation may pay such pensions, allowances or gratuities as it may determine to or in respect of any of its employees, make such payments as it may determine towards the provision of pensions, allowances or gratuities to or in respect of any of its employees or provide and maintain such schemes as it may determine (whether contributory or not) for the payment of pensions, allowances or gratuities to or in respect of any of its employees.

(3) The reference in sub-paragraph (2) above to pensions, allowances or gratuities to or in respect of any of a corporation's employees includes a reference to pensions, allowances or gratuities by way of compensation to or in respect of any of the corporation's employees who suffer loss of office or employment or loss or diminution of emoluments.

(4) If an employee of a corporation becomes a member and was by reference to his employment by the corporation a participant in a pension scheme maintained by the corporation for the benefit of any of its employees, the corporation may determine that his service as a member shall be treated for the purposes of the scheme as service as an employee of the corporation whether or not any benefits are to be payable to or in respect of him by virtue of paragraph 9 above.

(5) A determination of the corporation for the purposes of this paragraph is ineffective unless made with the approval of the Secretary of State given with the consent of the Minister for the Civil Service.

Meetings and proceedings

13

The quorum of the corporation and the arrangements relating to its meetings shall, subject to any directions given by the Secretary of State, be such as the corporation may determine.

14

The validity of any proceeding of the corporation shall not be affected by any vacancy among its members or by any defect in the appointment of any of its members.

[Delegation of planning functions

1979 CHAPTER 46

14A

(1) This paragraph applies in relation to any function conferred on the corporation by virtue of an order under section 149 above.

(2) The corporation may appoint committees and such committees may appoint sub-committees.

(3) Anything which is authorised or required to be done by the corporation--

(a) may be done by any member of the corporation or of its staff who is authorised for the purpose either generally or specifically;

(b) may be done by a committee or sub-committee which is so authorised.

(4) The corporation may--

(a) determine the quorum of a committee or sub-committee;

(b) make such arrangements as it thinks appropriate relating to the meetings and procedure of a committee or sub-committee.

(5) Anything done for the purposes of sub-paragraph (4) is subject to directions given by the Secretary of State.

(6) The validity of anything done by a committee or sub-committee is not affected by--

(a) any vacancy among its members;

(b) any defect in the appointment of any of its members.

(7) This paragraph does not extend to Scotland.

14B

(1) This paragraph has effect in relation to the membership of committees and sub-committees appointed under paragraph 14A.

(2) A committee may consist of--

(a) such members of the corporation as it appoints;

(b) such other persons as the corporation (with the consent of the Secretary of State) appoints.

(3) A sub-committee of a committee may consist of--

(a) such members of the committee as it appoints;

(b) such persons who are members of another committee of the corporation (whether or not they are members of the corporation) as the committee appoints;

(c) such other persons as the corporation (with the consent of the Secretary

of State) appoints.

(4) The membership of a committee or sub-committee--

(a) must always include at least one person who is a member of the corporation;

(b) must not include any person who is a member of the staff of the corporation.]
Instruments, etc

15

The fixing of the seal of the corporation shall be authenticated by the signature of the chairman or of some other member authorised either generally or specially by the corporation to act for that purpose.

16

Any contract or instrument which, if made or executed by a person not being a body corporate, would not be required to be under seal may be made or executed on behalf of the corporation by any person generally or specially authorised by it to act for that purpose.

17

Any document purporting to be a document duly executed under the seal of the corporation shall be received in evidence and shall, unless the contrary is proved, be deemed to be so executed.
House of Commons disqualification

18

. . .

NOTES:

Initial Commencement

Royal Assent

Royal Assent: 13 November 1980: (no specific commencement provision).

Amendment

Paras 8, 9, 10, 12: words in italics repealed, in relation to England and Wales, by the Housing Act 1996, ss 222, 227, Sch 18, para 22(1)(b), Sch 19, Part XIII.

Paras 14A, 14B: inserted by the Planning and Compulsory Purchase Act 2004, s 118(2), Sch 7, para 10(1), (7).

Date in force: 13 July 2004 (except in relation to compulsory purchase orders of which notice under the Acquisition of Land Act 1981, s 11, or as the case may

be, Sch 1, para 2 is published before that date): see the Planning and Compulsory Purchase Act 2004, s 121(6), Sch 7, para 10(6).

Para 18: amends the House of Commons Disqualification Act 1975, Sch 1, Part III.

Transfer of Functions

Functions of the Secretary of State, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales, by the National Assembly for Wales (Transfer of Functions) Order 1999, SI 1999/672, art 2, Sch 1.

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**ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979
1979 CHAPTER 46**

**SCHEDULE 27 VESTING OF LAND IN URBAN DEVELOPMENT CORPORATIONS
Section 141**

Royal Assent [4 April 1979]

**Ancient Monuments and Archaeological Areas Act 1979, Ch. 46, Sch. 27, Pt. I
(Eng.)**

Part I Modification of Enactments: England and Wales

1-8

. . .

9

The Land Compensation Act 1961 shall have effect in relation to orders under section 141 above subject to the modifications specified in paragraphs 10 to 14 below.

10

References to the date of service of a notice to treat shall be treated as references to the date on which an order under that section comes into force.

11

Section 17(2) shall be treated as if for the words "the authority proposing to acquire it have served a notice to treat in respect thereof, or an agreement has been made for the sale thereof to that authority" there were substituted the words "an order under section 141 of the Local Government, Planning and Land Act 1980 vesting the land in which the interest subsists in an urban development corporation has come into force, or an agreement has been made for the sale of the interest to such a corporation".

12

In section 22--

(a) subsection (2) shall be treated as if at the end of paragraph (c) there were added the words "or (d) where an order has been made under section 141 of the Local Government, Planning and Land Act 1980 vesting the land in which the

interest subsists in an urban development corporation."; and

(b) subsection (3) shall be treated as if in paragraph (a) the words "or (d)" were inserted after the words "paragraph (b)".

13

Any reference to a notice to treat in section 39(2) shall be treated as a reference to an order under section 141 above.

14

. . .

NOTES:

Initial Commencement

Royal Assent

Royal Assent: 13 November 1980: (no specific commencement provision).

Amendment

Paras 1-8: repealed by the Compulsory Purchase (Vesting Declarations) Act 1981, s 16(3), Sch 5.

Para 14: repealed by the Housing (Consequential Provisions) Act 1985, s 3, Sch 1, Part I.

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**ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979
1979 CHAPTER 46**

SCHEDULE 27 VESTING OF LAND IN URBAN DEVELOPMENT CORPORATIONS

Section 141

Royal Assent [4 April 1979]

**Ancient Monuments and Archaeological Areas Act 1979, Ch. 46, Sch. 27, Pt. II
(Eng.)**

Part II Modification of Enactments: Scotland

15

Paragraphs 6 to 13 and 16 to 39 of [Schedule 15 to the Town and Country Planning (Scotland) Act 1997] shall have effect in relation to orders under section 41 above, subject to the modifications specified in paragraphs 16 to 20 below.

16

Any reference to a general vesting declaration shall be treated as a reference to an order under that section.

17

The references in paragraphs 6 and 7 to the end of the period specified in a general vesting declaration shall be treated as references to the date on which such an order comes into force and the reference in paragraph 9 to the acquiring authority having made a general vesting declaration shall be treated as a reference to such an order having come into force.

18

In paragraph 6--

(a) the reference to every person on whom, under section 17 of the Lands Clauses Consolidation (Scotland) Act 1845, the acquiring authority could have served a notice to treat, shall be treated as a reference to every person whose interest in the land to which such an order relates is vested by the order in the urban development corporation; and

(b) Paragraph (a) shall be omitted.

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19

The reference in paragraph 20(2) to the date on which the notice required by paragraph 4 is served on any person shall be treated as a reference to the date on which such an order comes into force.

20

In paragraph 29--

(a) sub-paragraph (1)(a) shall be omitted; and

(b) the reference in sub-paragraph (1)(b) to the date on which a person first had knowledge of the execution of the general vesting declaration shall be treated as a reference to the date on which an order under section 141 above came into force.

21

The Land Compensation (Scotland) Act 1963 shall have effect in relation to orders under section 141 above subject to the modifications specified in paragraphs 22 to 26 below.

22

References to the date of service of a notice to treat shall be treated as references to the date on which an order under that section comes into force.

23

Section 25(2) shall be treated as if for the words "the authority proposing to acquire it have served a notice to treat in respect thereof, or an agreement has been made for the sale thereof to that authority" there were substituted the words "an order under section 141 of the Local Government, Planning and Land Act 1980 vesting the land in which the interest subsists in an urban development corporation has come into force, or an agreement has been made for the sale of the interest to such a corporation."

24

In section 30--

(a) subsection (2) shall be treated as if at the end of paragraph (c) there were added the words

"or

(d) where an order has been made under section 141 of the Local Government, Planning and Land Act 1980 vesting the land in which the interest subsists in an urban development corporation."; and

(b) subsection (3) shall be treated as if in paragraph (a) the words "or (2)(d)" were inserted after the words " sub-section (2)(b)".

25

Any reference to a notice to treat in section 45(2) shall be treated as a reference to an order under section 141 above.

26

In Schedule 2, paragraph 1(2)(a) shall be treated as if the words "or the coming into force of an order under section 141 of the Local Government, Planning and Land Act 1980 for the vesting of the land in an urban development corporation" were inserted after the word "land".

NOTES:**Initial Commencement*****Royal Assent***

Royal Assent: 13 November 1980: (no specific commencement provision).

Amendment

Para 15: words in square brackets substituted by the Planning (Consequential Provisions) (Scotland) Act 1997, s 4, Sch 2, para 31(9).

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**ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979
1979 CHAPTER 46**

**SCHEDULE 28 URBAN DEVELOPMENT CORPORATIONS: LAND
Section 144**

Royal Assent [4 April 1979]

**Ancient Monuments and Archaeological Areas Act 1979, Ch. 46, Sch. 28, Pt. I
(Eng.)**

Part I Modifications of [1981] and 1947 Acts

1

. . . The 1947 Act shall apply in relation to the compulsory acquisition of land under section 142 or 143 above with the modifications made by the following provisions of this Part of this Schedule [. . .].

2

(1) Where a compulsory purchase order authorising the acquisition of any land is submitted to the Secretary of State in accordance with Part I of Schedule 1 then, if the Secretary of State--

(a) is satisfied that the order ought to be confirmed so far as it relates to part of the land comprised therein, but

(b) has not for the time being determined whether it ought to be confirmed so far as it relates to any other such land,

he may confirm the order so far as it relates to the land mentioned in paragraph (a) above, and give directions postponing the consideration of the order, so far as it relates to any other land specified in the directions, until such time as may be so specified.

(2) Where the Secretary of State gives directions under sub-paragraph (1) above, the notices required by paragraph 6 of Schedule 1 to be published and served shall include a statement of the effect of the directions.

3

. . .

NOTES:

Amendment

Reference to "1981" in square brackets substituted by virtue of the Acquisition of Land Act 1981, s 34, Sch 4, para 30.

Initial Commencement**Royal Assent**

Royal Assent: 13 November 1980: (no specific commencement provision).

Amendment

Part heading: year in square brackets substituted by virtue of the Acquisition of Land Act 1981, s 34, Sch 4, para 30.

Para 1: words omitted repealed by the Planning and Compulsory Purchase Act 2004, ss 118(2), 120, Sch 7, para 10(1), (5), Sch 9.

Date in force: 31 October 2004 (except in relation to compulsory purchase orders of which notice under the Acquisition of Land Act 1981, s 11, or as the case may be, Sch 1, para 2 is published before that date): see SI 2004/2593, art 2(d), (e)(iii) and the Planning and Compulsory Purchase Act 2004, Sch 7, para 10(1), (6).

Para 1: words omitted inserted by the Acquisition of Land Act 1981, s 34, Sch 4, para 30.

Para 1: words omitted repealed by the Planning and Compulsory Purchase Act 2004, ss 118(2), 120, Sch 7, para 10(1), (5), Sch 9.

Date in force: 31 October 2004 (except in relation to compulsory purchase orders of which notice under the Acquisition of Land Act 1981, s 11, or as the case may be, Sch 1, para 2 is published before that date): see SI 2004/2593, art 2(d), (e)(iii) and the Planning and Compulsory Purchase Act 2004, Sch 7, para 10(1), (6).

Para 3: repealed by the Acquisition of Land Act 1981, s 34, Sch 4, para 30, Sch 6, Part I.

Transfer of Functions

Functions of the Secretary of State, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales, by the National Assembly for Wales (Transfer of Functions) Order 1999, SI 1999/672, art 2, Sch 1.

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ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979
1979 CHAPTER 46

SCHEDULE 28 URBAN DEVELOPMENT CORPORATIONS: LAND

Section 144

Royal Assent [4 April 1979]

Ancient Monuments and Archaeological Areas Act 1979, Ch. 46, Sch. 28, Pt. II
(Eng.)

Part II Acquisition of Land by Agreement

4

(1) The provisions of Part I of the Compulsory Purchase Act 1965 (so far as applicable), other than section 31, shall apply in relation to the acquisition of land by agreement under section 142 above; and in the said Part I as so applied "land" shall have the meaning given by the Interpretation Act 1978.

(2) For the purpose of the acquisition by agreement of land in Scotland under section 142 of this Act, the Lands Clauses Acts (except the provisions relating to the purchase of land otherwise than by agreement and the provisions relating to access to the special Act, and except sections 120 to 125 of the Lands Clauses Consolidation (Scotland) Act 1845) and sections 6 and 70 of the Railways Clauses Consolidation (Scotland) Act 1845 and sections 71 to 78 of that Act, as originally enacted and not as amended for certain purposes by section 15 of the Mines (Working Facilities and Support) Act 1932 shall be incorporated with section 142 of this Act, and in construing those Acts for the purpose of that section, that section shall be deemed to be the special Act, and the urban development corporation to be promoters of the undertaking or company, as the case may require; and in those Acts as so incorporated "land" shall have the meaning given by the Interpretation Act 1978.

NOTES:

Initial Commencement

Royal Assent

Royal Assent: 13 November 1980: (no specific commencement provision).

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ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979
1979 CHAPTER 46

SCHEDULE 28 URBAN DEVELOPMENT CORPORATIONS: LAND
Section 144

Royal Assent [4 April 1979]

Ancient Monuments and Archaeological Areas Act 1979, Ch. 46, Sch. 28, Pt. III
(Eng.)

Part III Land: Supplementary

Extinguishment of rights over land

5

(1) Subject to this paragraph, on an order under section 141 above coming into force or the completion by an urban development corporation or local highway authority of a compulsory acquisition of land under this Part of this Act, all private rights of way and rights of laying down, erecting, continuing or maintaining any apparatus on, under or over the land shall be extinguished, and any such apparatus shall vest in the corporation or (as the case may be) authority.

(2) Sub-paragraph (1) above does not apply to any right vested in, or apparatus belonging to, statutory undertakers for the purpose of carrying on their undertaking [or to any right conferred by or in accordance with [the electronic communications code] on the operator of [an electronic communications code network] or to any [electronic communications apparatus] kept installed for the purposes of any [such network]].

(3) In respect of any right or apparatus not falling within sub-paragraph (2) above, sub-paragraph (1) above shall have effect subject--

(a) to any direction given by the Secretary of State before the coming into force of the order (or, as the case may be, by the corporation before the completion of the acquisition) that sub-paragraph (1) above shall not apply to any right or apparatus specified in the direction, and

(b) to any agreement which may be made (whether before or after the coming into force of the order or completion of the acquisition) between the Secretary of State (or corporation) and the person in or to whom the right or apparatus in question is vested or belongs.

(4) Any person who suffers loss by the extinguishment of a right or the

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vesting of any apparatus under this paragraph shall be entitled to compensation from the corporation.

(5) Any compensation payable under this paragraph shall be determined in accordance with the Land Compensation Act 1961 or the Land Compensation (Scotland) Act 1963.

Power to override easements

6

(1) The erection, construction or carrying out, or maintenance, of any building or work on land which has been vested in or acquired by an urban development corporation or local highway authority for the purposes of this Part of this Act, whether done by the corporation or authority or by any other person, is authorised by virtue of this paragraph if it is done in accordance with planning permission, notwithstanding that it involves interference with an interest or right to which this paragraph applies, or involves a breach of a restriction as to the user of land arising by virtue of a contract.

(2) Nothing in sub-paragraph (1) above shall authorise interference with any right of way or right of laying down, erecting, continuing or maintaining apparatus on, under or over land, being a right vested in or belonging to statutory undertakers for the purpose of the carrying on of their undertaking [or a right conferred by or in accordance with [the electronic communications code] on the operator of [an electronic communications code network]].

(3) This paragraph applies to the following interests and rights, that is to say, any easement, servitude, liberty, privilege, right or advantage annexed to land and adversely affecting other land, including any natural right to support.

(4) In respect of any interference or breach in pursuance of sub-paragraph (1) above, compensation shall be payable under section 7 or 10 of the Compulsory Purchase Act 1965 (or section 61 of the Lands Clauses Consolidation (Scotland) Act 1845 and section 6 of the Railways Clauses Consolidation (Scotland) Act 1845), to be assessed in the same manner and subject to the same rules as in the case of other compensation under those sections in respect of injurious affection where the compensation is to be estimated in connection with a purchase by an urban development corporation or local highway authority or the injury arises from the execution of works on land acquired by such a corporation or authority.

(5) Where a person other than the urban development corporation or local highway authority by or in whom the land in question was acquired or vested is liable to pay compensation by virtue of sub-paragraph (4) above, and fails to discharge that liability, the liability shall (subject to sub-paragraph (6) below) be enforceable against the corporation or authority.

(6) Nothing in sub-paragraph (5) above shall be construed as affecting any agreement between that corporation or authority and any other person for indemnifying the corporation or authority against any liability under that sub-paragraph.

(7) Nothing in this paragraph shall be construed as authorising any act or omission on the part of any person which is actionable at the suit (or in

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Scotland at the instance) of any person on any grounds other than such an interference or breach as is mentioned in sub-paragraph (1) above.

(8) Nothing in this paragraph shall be construed as authorising any act or omission on the part of an urban development corporation or local highway authority, or of any body corporate, in contravention of any limitation imposed by law on its capacity by virtue of the constitution of the corporation, authority or body.

Consecrated land and burial grounds

7

(1) Any consecrated land, whether including a building or not, which has been vested in or acquired by an urban development corporation or local highway authority for the purposes of this Part of this Act may (subject to the following provisions of this paragraph) be used by the corporation or authority, or by any other person, in any manner in accordance with planning permission, notwithstanding any obligation or restriction imposed under ecclesiastical law or otherwise in respect of consecrated land.

(2) Sub-paragraph (1) above does not apply to land which consists or forms part of a burial ground.

(3) Any use of consecrated land authorised by sub-paragraph (1) above, and the use of any land, not being consecrated land, vested or acquired as mentioned in that sub-paragraph which at the time of acquisition included a church or other building used or formerly used for religious worship or the site thereof, shall be subject to compliance with the prescribed requirements with respect to the removal and reinterment of any human remains, and the disposal of monuments and fixtures and furnishings; and, in the case of consecrated land, shall be subject to such provisions as may be prescribed for prohibiting or restricting the use of the land, either absolutely or until the prescribed consent has been obtained, so long as any church or other building used or formerly used for religious worship, or any part thereof, remains on the land.

(4) Any regulations made for the purposes of sub-paragraph (3) above--

(a) shall contain such provisions as appear to the Secretary of State to be requisite for securing that any use of land which is subject to compliance with the regulations shall, as nearly as may be, be subject to the like control as is imposed by law in the case of a similar use authorised by an enactment not contained in this Act or by a Measure, or as it would be proper to impose on a disposal of the land in question otherwise than in pursuance of an enactment or Measure;

(b) shall contain requirements relating to the disposal of any such land as is mentioned in sub-paragraph (3) above such as appear to the Secretary of State requisite for securing that the provisions of that sub-paragraph shall be complied with in relation to the use of the land; and

(c) may contain such incidental and consequential provisions (including provision as to the closing of registers) as appear to the Secretary of State to be expedient for the purposes of the regulations.

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(5) Any land consisting of a burial ground or part of a burial ground, which has been vested in or acquired by an urban development corporation or local highway authority for the purposes of this Part of this Act may be used by the corporation or authority in any manner in accordance with planning permission, notwithstanding anything in any enactment relating to burial grounds or any obligation or restriction imposed under ecclesiastical law or otherwise in respect of burial grounds.

(6) Sub-paragraph (5) above shall not have effect in respect of any land which has been used for the burial of the dead until the prescribed requirements with respect to the removal and reinterment of human remains, and the disposal of monuments, in or upon the land have been complied with.

(7) Provision shall be made by any regulations made for the purposes of sub-paragraph (3) above and sub-paragraph (6) above--

(a) for requiring the persons in whom the land is vested to publish notice of their intention to carry out the removal and reinterment of any human remains or the disposal of any monuments;

(b) for enabling the personal representatives or relatives of any deceased person themselves to undertake the removal and reinterment of the remains of the deceased, and the disposal of any monument commemorating the deceased, and for requiring the persons in whom the land is vested to defray the expenses of such removal, reinterment and disposal, not exceeding such amount as may be prescribed;

(c) for requiring compliance with such reasonable conditions (if any) as may be imposed, in the case of consecrated land, by the bishop of the diocese, with respect to the manner of removal, and the place and manner of reinterment of any human remains, and the disposal of any monuments, and with any directions given in any case by the Secretary of State with respect to the removal and reinterment of any human remains.

(8) Subject to the provisions of any such regulations, no faculty shall be required for the removal and reinterment in accordance with the regulations of any human remains, or for the removal or disposal of any monuments, and the provisions of section 25 of the Burial Act 1857 (which prohibits the removal of human remains without the licence of the Secretary of State except in certain cases) shall not apply to a removal carried out in accordance with the regulations.

(9) Any power conferred by this paragraph to use land in a manner therein mentioned shall be construed as a power so to use the land, whether it involves the erection, construction or carrying out of any building or work, or the maintenance of any building or work, or not.

(10) Nothing in this paragraph shall be construed as authorising any act or omission on the part of any person which is actionable at the suit of any person on any grounds other than contravention of any such obligation, restriction or enactment as is mentioned in sub-paragraph (1) or sub-paragraph (5) above.

(11) Sub-paragraph (8) of paragraph 6 above shall apply in relation to this paragraph as it applies in relation to that.

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(12) In this paragraph "burial ground" includes any churchyard, cemetery or other ground, whether consecrated or not, which has at any time been set apart for the purposes of interment, and "monument" includes a tombstone or other memorial.

(13) In this paragraph "prescribed" means prescribed by regulations made by the Secretary of State.

(14) The power to make regulations under this paragraph shall be exercisable by statutory instrument; and any statutory instrument containing regulations made under this paragraph shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(15) This paragraph shall not apply to Scotland.
Churches and burial grounds in Scotland

8

[Section 197 of the 1997 Act] shall have effect in relation to land in Scotland which is required by an urban development corporation or a local highway authority for the purposes of this Part of this Act as it has in relation to land acquired by a planning authority as mentioned in subsection (1) of that section.

Open spaces

9

(1) Any land being, or forming part of, a common, open space or fuel or field garden allotment, which has been vested in or acquired by an urban development corporation or local highway authority for the purposes of this Part of this Act may be used by the corporation or authority, or by any other person, in any manner in accordance with planning permission, notwithstanding anything in any enactment relating to land of that kind, or in any enactment by which the land is specially regulated.

(2) Nothing in this paragraph shall be construed as authorising any act or omission on the part of any person which is actionable at the suit (or in Scotland at the instance) of any person on any grounds other than contravention of any such enactment as is mentioned in sub-paragraph (1) above.

(3) Sub-section (8) of paragraph 6 above shall apply in relation to this paragraph as it applies in relation to that.

(4) In the application of this paragraph to Scotland, the words "or fuel or field garden allotment" shall be omitted.

Displacement of persons

10

If the Secretary of State certifies that possession of a house which has been vested in or acquired by an urban development corporation or local highway authority for the purposes of this Part of this Act and is for the time being held by that corporation or authority for the purposes for which it was acquired, is immediately required for those purposes, nothing in the Rent

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(Agriculture) Act 1976 or the Rent Act 1977 [or the Housing Act 1988] or the Rent (Scotland) Acts 1971 to 1975 [or the Rent (Scotland) Act 1984] [or the Housing (Scotland) Act 1988] shall prevent that corporation or authority from obtaining possession of the house.

Extinguishment of public rights of way

11

(1) Where any land has been vested in or acquired by an urban development corporation or local highway authority for the purposes of this Part of this Act and is for the time being held by that corporation or authority for those purposes, the Secretary of State may by order extinguish any public right of way over the land.

(2) Where the Secretary of State proposes to make an order under this paragraph, he shall publish in such manner as appears to him to be requisite a notice--

(a) stating the effect of the order, and

(b) specifying the time (not being less than 28 days from the publication of the notice) within which, and the manner in which, objections to the proposal may be made,

and shall serve a like notice--

(i) on the district planning authority [or, in Wales, the local planning authority] (or in Scotland the planning authority [within the meaning of section 1 of the 1997 Act]) in whose area the land is situated, and

(ii) on the relevant highway authority.

In this sub-paragraph "the relevant highway authority" means any authority which is a highway authority in relation to the right of way proposed to be extinguished by the order, other than an authority which has applied for the order to be made.

(3) Where an objection to a proposal to make an order under this paragraph is duly made and is not withdrawn, the provisions of paragraph 12 below shall have effect in relation to the proposal.

(4) For the purposes of this paragraph an objection to such a proposal shall not be treated as duly made unless--

(a) it is made within the time and in the manner specified in the notice required by this paragraph, and

(b) a statement in writing of the grounds of the objection is comprised in or submitted with the objection.

(5) Where it is proposed to make an order under this paragraph extinguishing a public right of way over a road on land acquired for the purposes of this Act by an urban development corporation, and compensation in respect of restrictions imposed under section 1 or section 2 of the Restriction of Ribbon Development

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Act 1935 in respect of that road has been paid by the highway authority (or, in the case of a trunk road, by the authority which, when the compensation was paid, was the authority for the purposes of section 4 of the Trunk Roads Act 1936), the order may provide for the payment by the urban development corporation to that authority, in respect of the compensation so paid, of such sums as the Secretary of State, with the consent of the Treasury, may determine.

(6) Where the Secretary of State is satisfied that the construction or improvement of a road is or will be needed in consequence of the extinguishment under this paragraph of a public right of way, section 143 above shall apply as it applies where the Secretary of State is satisfied that the construction or improvement of a road is needed as mentioned in subsection (1) of that section.

(7) Where the Secretary of State makes an order under this paragraph on the application of an urban development corporation or local highway authority, he shall send a copy of it to [the universal service provider (within the meaning of the Postal Services Act 2000) who provides a universal postal service (within the meaning of that Act) for the area in which the land is situated].

12

(1) In this paragraph any reference to making a final decision, in relation to an order, is a reference to deciding whether to make the order or what modification, if any, ought to be made.

(2) Unless the Secretary of State decides apart from the objection not to make the order, or decides to make a modification which is agreed to by the objector as meeting the objection, the Secretary of State shall, before making a final decision, consider the grounds of the objection as set out in the statement comprised in or submitted with the objection, and may, if he thinks fit, require the objector to submit within a specified period a further statement in writing as to any of the matters to which the objection relates.

(3) In so far as the Secretary of State, after considering the grounds of the objection as set out in the original statement and in any such further statement, is satisfied that the objection relates to a matter which can be dealt with in the assessment of compensation, the Secretary of State may treat the objection as irrelevant for the purpose of making a final decision.

(4) If, after considering the grounds of the objection as set out in the original statement and in any such further statement, the Secretary of State is satisfied that, for the purpose of making a final decision, he is sufficiently informed as to the matters to which the objection relates, or if, where a further statement has been required, it is not submitted within the specified period, the Secretary of State may make a final decision without further investigation as to those matters.

(5) Subject to sub-paragraphs (3) and (4) above, the Secretary of State, before making a final decision, shall afford to the objector an opportunity of appearing before, and being heard by, a person appointed for the purpose by the Secretary of State; and if the objector avails himself of that opportunity, the Secretary of State shall afford an opportunity of appearing and being heard on the same occasion to the statutory undertakers, urban development corporation or other person, if any, on whose representation the order is proposed to be made,

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and to any other persons to whom it appears to the Secretary of State to be expedient to afford such an opportunity.

(6) Notwithstanding anything in the preceding provisions of this paragraph, if it appears to the Secretary of State that the matters to which the objection relates are such as to require investigation by public local inquiry before he makes a final decision, he shall cause such an inquiry to be held; and where he determines to cause such an inquiry to be held, any of the requirements of those provisions to which effect has not been given at the time of that determination shall be dispensed with.

Telegraphic lines

[13

(1) Where an order under paragraph 11 above extinguishing a public right of way is made on the application of an urban development corporation or local highway authority, and at the time of the publication of the notice required by sub-paragraph (2) of that paragraph any [electronic communications apparatus] was kept installed for the purposes of [an electronic communications code network] under, in, on, over, along or across the land over which the right of way subsisted--

(a) the power of the operator of [the network] to remove the apparatus shall, notwithstanding the making of the order, be exercisable at any time not later than the end of the period of three months from the date on which the right of way is extinguished and shall be exercisable in respect of the whole or any part of the apparatus after the end of that period if before the end of that period the operator of [the network] has given notice to the corporation or authority of his intention to remove the apparatus or that part of it, as the case may be;

(b) the operator of [the network] may by notice given in that behalf to the corporation or authority not later than the end of the said period of three months abandon the [electronic communications apparatus] or any part of it;

(c) subject to paragraph (b), the operator of [the network] shall be deemed at the end of that period to have abandoned any part of the apparatus which he has then neither removed nor given notice of his intention to remove;

(d) the operator of [the network] shall be entitled to recover from the corporation or authority the expense of providing, in substitution for the apparatus and any other [electronic communications apparatus] connected with it which is rendered useless in consequence of the removal or abandonment of the first-mentioned apparatus, any [electronic communications apparatus] in such other place as the operator may require;

(e) where under the preceding provisions of this sub-paragraph the operator of [the network] has abandoned the whole or any part of any [electronic communications apparatus], that apparatus or that part of it shall vest in the corporation or authority and shall be deemed, with its abandonment, to cease to be kept installed for the purposes of [an electronic communications code network].

(2) As soon as practicable after the making of an order under paragraph 11 above extinguishing a public right of way in circumstances in which

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sub-paragraph (1) above applies in relation to the operator of [an electronic communications code network], the Secretary of State shall give notice to the operator of the making of the order.]

Statutory undertakers

14

(1) Where any land has been acquired by an urban development corporation under section 142 above and--

(a) there subsists over that land a right vested in or belonging to statutory undertakers for the purpose of the carrying on of their undertaking, being a right of way or a right of laying down, erecting, continuing or maintaining apparatus on, under or over that land; or

(b) there is on, under or over the land apparatus vested in or belonging to statutory undertakers for the purpose of the carrying on of their undertaking,

the corporation, if satisfied that the extinguishment of the right or, as the case may be, the removal of the apparatus, is necessary for the purpose of carrying out any development, may serve on the statutory undertakers a notice stating that, at the end of the period of 28 days from the date of service of the notice or such longer period as may be specified therein, the right will be extinguished or requiring that, before the end of that period, the apparatus shall be removed.

(2) The statutory undertakers on whom a notice is served under sub-paragraph (1) above may, before the end of the period of 28 days from the service of the notice, serve a counter-notice on the corporation stating that they object to all or any provisions of the notice and specifying the grounds of their objection.

(3) If no counter-notice is served under sub-paragraph (2) above--

(a) any right to which the notice relates shall be extinguished at the end of the period specified in that behalf in the notice; and

(b) if, at the end of the period so specified in relation to any apparatus, any requirement of the notice as to the removal of the apparatus has not been complied with, the corporation may remove the apparatus and dispose of it in any way it may think fit.

(4) If a counter-notice is served under sub-paragraph (2) above on a corporation, the corporation may either withdraw the notice (without prejudice to the service of a further notice) or may apply to the Secretary of State and the appropriate Minister for an order under this paragraph embodying the provisions of the notice with or without modification.

(5) Where by virtue of this paragraph any right vested in or belonging to statutory undertakers is extinguished, or any requirement is imposed on statutory undertakers, those undertakers shall be entitled to compensation from the corporation.

(6) [Sections 280 and 282 of the 1990 Act] or as the case may be [sections

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233 and 235 of the 1997 Act] (measure of compensation for statutory undertakers) shall apply to compensation under sub-paragraph (5) above as they apply to compensation under [section 279(2) of the 1990 Act] , or as the case may be [section 232(2) of the 1997 Act].

[(7) Except in a case in which paragraph 13 above has effect--

(a) the reference in paragraph (a) of sub-paragraph (1) above to a right vested in or belonging to statutory undertakers for the purpose of the carrying on of their undertaking shall include a reference to a right conferred by or in accordance with [the electronic communications code] on the operator of [an electronic communications code network]; and

(b) the reference in paragraph (b) of that sub-paragraph to apparatus vested in or belonging to statutory undertakers for the purpose of the carrying on of their undertaking shall include a reference to [electronic communications apparatus] kept installed for the purposes of any [such network];

and for the purposes of this sub-paragraph, in this paragraph (except the said paragraphs (a) and (b)) and in paragraph 15 below, references to statutory undertakers shall have effect as references to the operator of any [such network] and references to the appropriate Minister shall have effect as references to the Secretary of State for Trade and Industry.]

15

(1) Before making an order under paragraph 14(4) above the Ministers proposing to make the order--

(a) shall afford to the statutory undertakers on whom notice was served under paragraph 14(1) above an opportunity of objecting to the application for the order; and

(b) if any objection is made, shall consider the objection and afford to those statutory undertakers and to the corporation on whom the counter-notice was served, an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State and the appropriate Minister for the purpose,

and may then, if they think fit, make the order in accordance with the application either with or without modification.

(2) Where an order is made under paragraph 14(4) above--

(a) any right to which the order relates shall be extinguished at the end of the period specified in that behalf in the order; and

(b) if, at the end of the period so specified in relation to any apparatus, any requirement of the order as to the removal of the apparatus has not been complied with, the corporation may remove the apparatus and dispose of it in any way it may think fit.

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(1) Subject to this paragraph, where any land has been acquired by an urban development corporation under section 142 above and--

(a) there is on, under or over the land apparatus vested in or belonging to statutory undertakers; and

(b) the undertakers claim that development to be carried out on the land is such as to require, on technical or other grounds connected with the carrying on of their undertaking, the removal or re-siting of the apparatus affected by the development,

the undertakers may serve on the corporation a notice claiming the right to enter on the land and carry out such works for the removal or re-siting of the apparatus or any part of it as may be specified in the notice.

(2) Where, after the land has been acquired as mentioned in sub-paragraph (1) above, development of the land is begun to be carried out, no notice under this paragraph shall be served later than 21 days after the beginning of the development.

(3) Where a notice is served under this paragraph, the corporation on which it is served may, before the end of the period of 28 days from the date of service, serve on the statutory undertakers a counter-notice stating that it objects to all or any of the provisions of the notice and specifying the grounds of its objection.

(4) If no counter-notice is served under sub-paragraph (3) above, the statutory undertakers shall, after the end of the said period of 28 days, have the rights claimed in their notice.

(5) If a counter-notice is served under sub-paragraph (3) above, the statutory undertakers who served the notice under this paragraph may either withdraw it or may apply to the Secretary of State and the appropriate Minister for an order under this paragraph conferring on the undertakers the rights claimed in the notice or such modified rights as the Secretary of State and the appropriate Minister think it expedient to confer on them.

(6) Where by virtue of this paragraph or an order of Ministers made under it, statutory undertakers have the right to execute works for the removal or re-siting of apparatus, they may arrange with the corporation for the works to be carried out by the corporation, under the superintendence of the undertakers, instead of by the undertakers themselves.

(7) Where works are carried out for the removal or re-siting of statutory undertakers' apparatus, being works which the undertakers have the right to carry out by virtue of this paragraph or an order of Ministers made under it, the undertakers shall be entitled to compensation from the corporation.

(8) [Sections 280 and 282 of the 1990 Act], or as the case may be [sections 233 and 235 of the 1997 Act] (measure of compensation for statutory undertakers) shall apply to compensation under sub-paragraph (7) above as they apply to compensation under [section 279(4) of the 1990 Act], or, as the case may be, [section 232(4) of the 1997 Act].

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[(9) In sub-paragraph (1)(a) above, the reference to apparatus vested in or belonging to statutory undertakers shall include a reference to [electroniccommunications apparatus] kept installed for the purposes of [an electronic communications code network]; and for the purposes of this sub-paragraph, in this paragraph references (except in the said sub-paragraph (1)(a)) to statutory undertakers shall have effect as references to the operator of any [such network] and references to the appropriate Minister shall have effect as references to the Secretary of State for Trade and Industry.]

17

(1) The powers conferred by this paragraph shall be exercisable where, on a representation made by statutory undertakers, it appears to the Secretary of State and the appropriate Minister to be expedient that the powers and duties of those undertakers should be extended or modified, in order--

(a) to secure the provision for an urban development area of services which would not otherwise be provided, or which would not otherwise be satisfactorily provided, or

(b) to facilitate an adjustment of the carrying on of the undertaking necessitated by any of the acts and events mentioned in sub-paragraph (2) below.

(2) The said acts and events are--

(a) the acquisition under this Part of this Act of any land in which an interest was held, or which was used, for the purpose of the carrying on of the undertaking of the statutory undertakers in question;

(b) the extinguishment of a right or the imposition of any requirements by virtue of paragraph 14 above.

(3) The powers conferred by this paragraph shall also be exercisable where, on a representation made by an urban development corporation, it appears to the Secretary of State and the appropriate Minister to be expedient that the powers and duties of statutory undertakers should be extended or modified, in order to secure the provision of new services, or the extension of existing services, for the purposes of an urban development area under this Part of this Act.

(4) Where the powers conferred by this paragraph are exercisable, the Secretary of State and the appropriate Minister may, if they think fit, by order provide for such extension or modification of the powers and duties of the statutory undertakers as appears to them to be requisite in order to secure the provision of the services in question, as mentioned in sub-paragraph (1)(a) or (3) above, or to secure the adjustment in question, as mentioned in sub-paragraph (1)(b) above, as the case may be.

(5) Without prejudice to the generality of sub-paragraph (4) above, an order under this paragraph may make provision--

(a) for empowering the statutory undertakers to acquire (whether compulsorily or by agreement) any land specified in the order, and to erect or construct any buildings or works so specified;

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(b) for applying, in relation to the acquisition of any such land or the construction of any such works, enactments relating to the acquisition of land and the construction of works;

(c) where it has been represented that the making of the order is expedient for the purposes mentioned in sub-paragraph (1)(a) or (3) above, for giving effect to such financial arrangements between the urban development corporation and the statutory undertakers as they may agree, or as, in default of agreement, may be determined to be equitable in such manner and by such tribunal as may be specified in the order;

(d) for such incidental and supplemental matters as appear to the Secretary of State and the appropriate Minister to be expedient for the purposes of the order.

18

(1) As soon as may be after making such a representation as is mentioned in sub-paragraph (1) or (3) of paragraph 17 above--

(a) the statutory undertakers, in a case falling within sub-paragraph (1); or

(b) the urban development corporation, in a case falling within sub-paragraph (3),

shall publish, in such form and manner as may be directed by the Secretary of State and the appropriate Minister, a notice giving such particulars as may be so directed of the matters to which representation relates, and specifying the time within which, and the manner in which, objections to the making of an order on the representation may be made, and shall also, if it is so directed by the Secretary of State and the appropriate Minister, serve a like notice on such persons, or persons of such classes, as may be so directed.

(2) Orders under paragraph 17 above shall be subject to special parliamentary procedure.

19

(1) Where, on a representation made by statutory undertakers, the appropriate Minister is satisfied that the fulfilment of any obligations incurred by those undertakers in connection with the carrying on of their undertaking has been rendered impracticable by an act or event to which this sub-paragraph applies, the appropriate Minister may, if he thinks fit, by order direct that the statutory undertakers shall be relieved of the fulfilment of that obligation, either absolutely or to such extent as maybe specified in the order.

(2) Sub-paragraph (1) above applies to the following acts and events:--

(a) the compulsory acquisition under this Part of this Act of any land in which an interest was held, or which was used, for the purpose of the carrying on of the undertaking of the statutory undertakers;

(b) the extinguishment of a right or the imposition of any requirement by virtue of paragraph 14 above.

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(3) As soon as may be after making a representation to the appropriate Minister under sub-paragraph (1) above, the appropriate statutory undertakers shall, as may be directed by the appropriate Minister, either publish (in such form and manner as may be so directed) a notice giving such particulars as may be so directed of the matters to which the representation relates, and specifying the time within which, and the manner in which, objections to the making of an order on the representation may be made, or serve such a notice on such persons, or persons of such classes, as may be so directed, or both publish and serve such notices.

(4) If any objection to the making of an order under this paragraph is duly made and is not withdrawn before the order is made, the order shall be subject to special parliamentary procedure.

(5) Immediately after an order is made under this paragraph by the appropriate Minister, he shall publish a notice stating that the order has been made and naming a place where a copy of it may be seen at all reasonable hours, and shall serve a like notice--

(a) on any person who duly made an objection to the order and has sent to the appropriate Minister a request in writing to serve him with the notice required by this sub-paragraph, specifying an address for service; and

(b) on such other persons (if any) as the appropriate Minister thinks fit.

(6) Subject to the following provisions of this paragraph, an order under this paragraph shall become operative on the date on which the notice required by sub-paragraph (5) above is first published.

(7) Where in accordance with sub-paragraph (4) above the order is subject to special parliamentary procedure, sub-paragraph (6) above shall not apply.

(8) If any person aggrieved by an order under this paragraph wishes to question the validity of the order on the ground that it is not within the powers conferred by this paragraph, or that any requirement of this paragraph has not been complied with in relation to the order, he may, within six weeks from the date on which the notice required by sub-paragraph (5) above is first published, make an application to the High Court (or in Scotland the Court of Session) under this paragraph.

(9) On any application under sub-paragraph (8) above the High Court (or the Court of Session)--

(a) may by interim order wholly or in part suspend the operation of the order, either generally or in so far as it affects any property of the applicant, until the final determination of the proceedings;

(b) if satisfied that the order is wholly or to any extent outside the powers conferred by this paragraph, or that the interests of the applicant have been substantially prejudiced by the failure to comply with any requirement of this paragraph, may wholly or in part quash the order, either generally or in so far as it affects any property of the applicant.

(10) Subject to sub-paragraph (8) above, the validity of an order under this

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paragraph shall not be questioned in any legal proceedings whatsoever, either before or after the order has been made.

20

(1) For the purposes of paragraphs 17 and 19 above, an objection to the making of an order thereunder shall not be treated as duly made unless--

(a) the objection is made within the time and in the manner specified in the notice required by paragraph 18 or (as the case may be) 19 above; and

(b) a statement in writing of the grounds of the objection is comprised in or submitted with the objection.

(2) Where an objection to the making of such an order is duly made in accordance with sub-paragraph (1) above and is not withdrawn, the following provisions of this paragraph shall have effect in relation thereto; but, in the application of those provisions to an order under paragraph 17 above, any reference to the appropriate Minister shall be construed as a reference to the Secretary of State and the appropriate Minister.

(3) Unless the appropriate Minister decides apart from the objection not to make the order, or decides to make a modification which is agreed to by the objector as meeting the objection, the appropriate Minister, before making a final decision, shall consider the grounds of the objection as set out in the statement, and may, if he thinks fit, require the objector to submit within a specified period a further statement in writing as to any of the matters to which the objection relates.

(4) In so far as the appropriate Minister, after considering the grounds of the objection as set out in the original statement and in any such further statement, is satisfied that the objection relates to a matter which can be dealt with in the assessment of compensation, the appropriate Minister may treat the objection as irrelevant for the purpose of making a final decision.

(5) If, after considering the grounds of the objection as set out in the original statement and in any such further statement, the appropriate Minister is satisfied that, for the purpose of making a final decision, he is sufficiently informed as to the matters to which the objection relates, or if, where a further statement has been required, it is not submitted within the specified period, the appropriate Minister may make a final decision without further investigation as to those matters.

(6) Subject to sub-paragraphs (4) and (5) above, the appropriate Minister, before making a final decision, shall afford to the objector an opportunity of appearing before, and being heard by, a person appointed for the purpose by the appropriate Minister; and if the objector avails himself of that opportunity, the appropriate Minister shall afford an opportunity of appearing and being heard on the same occasion to the statutory undertakers, local authority or Minister on whose representation the order is proposed to be made, and to any other persons to whom it appears to the appropriate Minister to be expedient to afford such an opportunity.

(7) Notwithstanding anything in the preceding provisions of this paragraph,

if it appears to the appropriate Minister that the matters to which the objection relates are such as to require investigation by public local inquiry before he makes a final decision, he shall cause such an inquiry to be held; and where he determines to cause such an inquiry to be held, any of the requirements of those provisions to which effect has not been given at the time of that determination shall be dispensed with.

(8) In this paragraph any reference to making a final decision, in relation to an order, is a reference to deciding whether to make the order or what modification (if any) ought to be made.

NOTES:

Initial Commencement

Royal Assent

Royal Assent: 13 November 1980: (no specific commencement provision).

Amendment

Para 5: in sub-para (2) words in square brackets beginning with the words "or to any" inserted by the Telecommunications Act 1984, s 109, Sch 4, para 75.

Para 5: in sub-para (2) words "the electronic communications code" in square brackets substituted by the Communications Act 2003, s 406(1), Sch 17, para 52(1), (2)(a).

Date in force (for the purpose only of enabling the networks and services functions and the spectrum functions to be carried out by the Director General of Telecommunications and the Secretary of State respectively, during the transitional period (as provided for by the Communications Act 2003, s 408(6)): 25 July 2003-29 December 2003: see SI 2003/1900, arts 2(1), 3(1), Sch 1 and the Communications Act 2003, ss 406(6), 408, Sch 18, para 2.

Date in force (for the purpose of conferring the networks and services functions and the spectrum functions on OFCOM): 29 December 2003: by virtue of SI 2003/3142, art 3(2).

Para 5: in sub-para (2) words "an electronic communications code network" in square brackets substituted by the Communications Act 2003, s 406(1), Sch 17, para 52(1), (2)(b).

Date in force (for the purpose only of enabling the networks and services functions and the spectrum functions to be carried out by the Director General of Telecommunications and the Secretary of State respectively, during the transitional period (as provided for by the Communications Act 2003, s 408(6)): 25 July 2003-29 December 2003: see SI 2003/1900, arts 2(1), 3(1), Sch 1 and the Communications Act 2003, ss 406(6), 408, Sch 18, para 2.

Date in force (for the purpose of conferring the networks and services functions and the spectrum functions on OFCOM): 29 December 2003: by virtue of SI 2003/3142, art 3(2).

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Para 5: in sub-para (2) words "electronic communications apparatus" in square brackets substituted by the Communications Act 2003, s 406(1), Sch 17, para 52(1), (2)(c).

Date in force (for the purpose only of enabling the networks and services functions and the spectrum functions to be carried out by the Director General of Telecommunications and the Secretary of State respectively, during the transitional period (as provided for by the Communications Act 2003, s 408(6)): 25 July 2003-29 December 2003: see SI 2003/1900, arts 2(1), 3(1), Sch 1 and the Communications Act 2003, ss 406(6), 408, Sch 18, para 2.

Date in force (for the purpose of conferring the networks and services functions and the spectrum functions on OFCOM): 29 December 2003: by virtue of SI 2003/3142, art 3(2).

Para 5: in sub-para (2) words "such network" in square brackets substituted by the Communications Act 2003, s 406(1), Sch 17, para 52(1), (2)(d).

Date in force (for the purpose only of enabling the networks and services functions and the spectrum functions to be carried out by the Director General of Telecommunications and the Secretary of State respectively, during the transitional period (as provided for by the Communications Act 2003, s 408(6)): 25 July 2003-29 December 2003: see SI 2003/1900, arts 2(1), 3(1), Sch 1 and the Communications Act 2003, ss 406(6), 408, Sch 18, para 2.

Date in force (for the purpose of conferring the networks and services functions and the spectrum functions on OFCOM): 29 December 2003: by virtue of SI 2003/3142, art 3(2).

Para 6: in sub-para (2) words in square brackets beginning with the words "or a right" inserted by the Telecommunications Act 1984, s 109, Sch 4, para 75.

Para 6: in sub-para (2) words "the electronic communications code" in square brackets substituted by the Communications Act 2003, s 406(1), Sch 17, para 52(1), (2)(a).

Date in force (for the purpose only of enabling the networks and services functions and the spectrum functions to be carried out by the Director General of Telecommunications and the Secretary of State respectively, during the transitional period (as provided for by the Communications Act 2003, s 408(6)): 25 July 2003-29 December 2003: see SI 2003/1900, arts 2(1), 3(1), Sch 1 and the Communications Act 2003, ss 406(6), 408, Sch 18, para 2.

Date in force (for the purpose of conferring the networks and services functions and the spectrum functions on OFCOM): 29 December 2003: by virtue of SI 2003/3142, art 3(2).

Para 6: in sub-para (2) words "an electronic communications code network" in square brackets substituted by the Communications Act 2003, s 406(1), Sch 17, para 52(1), (2)(b).

Date in force (for the purpose only of enabling the networks and services functions and the spectrum functions to be carried out by the Director General of Telecommunications and the Secretary of State respectively, during the

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transitional period (as provided for by the Communications Act 2003, s 408(6)): 25 July 2003-29 December 2003: see SI 2003/1900, arts 2(1), 3(1), Sch 1 and the Communications Act 2003, ss 406(6), 408, Sch 18, para 2.

Date in force (for the purpose of conferring the networks and services functions and the spectrum functions on OFCOM): 29 December 2003: by virtue of SI 2003/3142, art 3(2).

Para 8: words "Section 197 of the 1997 Act" in square brackets substituted by the Planning (Consequential Provisions) (Scotland) Act 1997, s 4, Sch 2, para 31(10)(a).

Para 10: words "or the Housing Act 1988" in square brackets inserted by the Housing Act 1988, s 140, Sch 17, Pt I.

Para 10: words "or the Rent (Scotland) Act 1984" in square brackets inserted by the Rent (Scotland) Act 1984, s 117(1), Sch 8, Pt II.

Para 10: words "or the Housing (Scotland) Act 1988" in square brackets inserted by the Housing (Scotland) Act 1988, s 72, Sch 9, para 2.

Para 11: in sub-para (2)(i) words "or, in Wales, the local planning authority" in square brackets inserted by the Local Government (Wales) Act 1994, s 20(4), Sch 6, para 16(2).

Para 11: in sub-para (2)(i) words "within the meaning of section 1 of the 1997 Act" in square brackets substituted by the Planning (Consequential Provisions) (Scotland) Act 1997, s 4, Sch 2, para 31(10)(b).

Para 11: in sub-para (7) words from "the universal service" to "land is situated" in square brackets substituted by SI 2001/1149, art 3(1), Sch 1, para 48(1), (6).

Date in force: 26 March 2001: see SI 2001/1149, art 1(2).

Para 13: substituted by the Telecommunications Act 1984, s 109, Sch 4, para 75.

Para 13: in sub-para (1) words "electronic communications apparatus" in square brackets in each place they occur substituted by the Communications Act 2003, s 406(1), Sch 17, para 52(1), (2)(c).

Date in force (for the purpose only of enabling the networks and services functions and the spectrum functions to be carried out by the Director General of Telecommunications and the Secretary of State respectively, during the transitional period (as provided for by the Communications Act 2003, s 408(6)): 25 July 2003-29 December 2003: see SI 2003/1900, arts 2(1), 3(1), Sch 1 and the Communications Act 2003, ss 406(6), 408, Sch 18, para 2.

Date in force (for the purpose of conferring the networks and services functions and the spectrum functions on OFCOM): 29 December 2003: by virtue of SI 2003/3142, art 3(2).

Para 13: in sub-para (1) words "an electronic communications code network" in

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square brackets in both places they occur substituted by the Communications Act 2003, s 406(1), Sch 17, para 52(1), (2)(b).

Date in force (for the purpose only of enabling the networks and services functions and the spectrum functions to be carried out by the Director General of Telecommunications and the Secretary of State respectively, during the transitional period (as provided for by the Communications Act 2003, s 408(6)): 25 July 2003-29 December 2003: see SI 2003/1900, arts 2(1), 3(1), Sch 1 and the Communications Act 2003, ss 406(6), 408, Sch 18, para 2.

Date in force (for the purpose of conferring the networks and services functions and the spectrum functions on OFCOM): 29 December 2003: by virtue of SI 2003/3142, art 3(2).

Para 13: in sub-para (1) words "the network" in square brackets in each place they occur substituted by the Communications Act 2003, s 406(1), Sch 17, para 52(1), (2)(d).

Date in force (for the purpose only of enabling the networks and services functions and the spectrum functions to be carried out by the Director General of Telecommunications and the Secretary of State respectively, during the transitional period (as provided for by the Communications Act 2003, s 408(6)): 25 July 2003-29 December 2003: see SI 2003/1900, arts 2(1), 3(1), Sch 1 and the Communications Act 2003, ss 406(6), 408, Sch 18, para 2.

Date in force (for the purpose of conferring the networks and services functions and the spectrum functions on OFCOM): 29 December 2003: by virtue of SI 2003/3142, art 3(2).

Para 13: in sub-para (2) words "an electronic communications code network" in square brackets substituted by the Communications Act 2003, s 406(1), Sch 17, para 52(1), (2)(b).

Date in force (for the purpose only of enabling the networks and services functions and the spectrum functions to be carried out by the Director General of Telecommunications and the Secretary of State respectively, during the transitional period (as provided for by the Communications Act 2003, s 408(6)): 25 July 2003-29 December 2003: see SI 2003/1900, arts 2(1), 3(1), Sch 1 and the Communications Act 2003, ss 406(6), 408, Sch 18, para 2.

Date in force (for the purpose of conferring the networks and services functions and the spectrum functions on OFCOM): 29 December 2003: by virtue of SI 2003/3142, art 3(2).

Para 14: in sub-para (6) words "Sections 280 and 282 of the 1990 Act" and "section 279(2) of the 1990 Act" in square brackets substituted by the Planning (Consequential Provisions) Act 1990, s 4, Sch 2, para 44(11)(a).

Para 14: in sub-para (6) words "sections 233 and 235 of the 1997 Act" and "section 232(2) of the 1997 Act" in square brackets substituted by the Planning (Consequential Provisions) (Scotland) Act 1997, s 4, Sch 2, para 31(10)(c).

Para 14: sub-para (7) substituted, for sub-paras (7), (8) as originally enacted, by the Telecommunications Act 1984, s 109, Sch 4, para 75.

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Para 14: in sub-para (7)(a) words "the electronic communications code" in square brackets substituted by the Communications Act 2003, s 406(1), Sch 17, para 52(1), (2)(a).

Date in force (for the purpose only of enabling the networks and services functions and the spectrum functions to be carried out by the Director General of Telecommunications and the Secretary of State respectively, during the transitional period (as provided for by the Communications Act 2003, s 408(6)): 25 July 2003-29 December 2003: see SI 2003/1900, arts 2(1), 3(1), Sch 1 and the Communications Act 2003, ss 406(6), 408, Sch 18, para 2.

Date in force (for the purpose of conferring the networks and services functions and the spectrum functions on OFCOM): 29 December 2003: by virtue of SI 2003/3142, art 3(2).

Para 14: in sub-para (7)(a) words "an electronic communications code network" in square brackets substituted by the Communications Act 2003, s 406(1), Sch 17, para 52(1), (2)(b).

Date in force (for the purpose only of enabling the networks and services functions and the spectrum functions to be carried out by the Director General of Telecommunications and the Secretary of State respectively, during the transitional period (as provided for by the Communications Act 2003, s 408(6)): 25 July 2003-29 December 2003: see SI 2003/1900, arts 2(1), 3(1), Sch 1 and the Communications Act 2003, ss 406(6), 408, Sch 18, para 2.

Date in force (for the purpose of conferring the networks and services functions and the spectrum functions on OFCOM): 29 December 2003: by virtue of SI 2003/3142, art 3(2).

Para 14: in sub-para (7)(b) words "electronic communications apparatus" in square brackets substituted by the Communications Act 2003, s 406(1), Sch 17, para 52(1), (2)(c).

Date in force (for the purpose only of enabling the networks and services functions and the spectrum functions to be carried out by the Director General of Telecommunications and the Secretary of State respectively, during the transitional period (as provided for by the Communications Act 2003, s 408(6)): 25 July 2003-29 December 2003: see SI 2003/1900, arts 2(1), 3(1), Sch 1 and the Communications Act 2003, ss 406(6), 408, Sch 18, para 2.

Date in force (for the purpose of conferring the networks and services functions and the spectrum functions on OFCOM): 29 December 2003: by virtue of SI 2003/3142, art 3(2).

Para 14: in sub-para (7) words "such network" in square brackets in both places they occur substituted by the Communications Act 2003, s 406(1), Sch 17, para 52(1), (2)(d).

Date in force (for the purpose only of enabling the networks and services functions and the spectrum functions to be carried out by the Director General of Telecommunications and the Secretary of State respectively, during the transitional period (as provided for by the Communications Act 2003, s 408(6)): 25 July 2003-29 December 2003: see SI 2003/1900, arts 2(1), 3(1), Sch 1 and the

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Communications Act 2003, ss 406(6), 408, Sch 18, para 2.

Date in force (for the purpose of conferring the networks and services functions and the spectrum functions on OFCOM): 29 December 2003: by virtue of SI 2003/3142, art 3(2).

Para 16: in sub-para (8) words "Sections 280 and 282 of the 1990 Act" and "section 279(4) of the 1990 Act" in square brackets substituted by the Planning (Consequential Provisions) Act 1990, s 4, Sch 2, para 44(11)(b).

Para 16: in sub-para (8) words "sections 233 and 235 of the 1997 Act" and "section 232(4) of the 1997 Act" in square brackets substituted by the Planning (Consequential Provisions) (Scotland) Act 1997, s 4, Sch 2, para 31(10)(d).

Para 16: sub-para (9) inserted by the Telecommunications Act 1984, s 109, Sch 4, para 75.

Para 16: in sub-para (9) words "electronic communications apparatus" in square brackets substituted by the Communications Act 2003, s 406(1), Sch 17, para 52(1), (2)(c).

Date in force (for the purpose only of enabling the networks and services functions and the spectrum functions to be carried out by the Director General of Telecommunications and the Secretary of State respectively, during the transitional period (as provided for by the Communications Act 2003, s 408(6)): 25 July 2003-29 December 2003: see SI 2003/1900, arts 2(1), 3(1), Sch 1 and the Communications Act 2003, ss 406(6), 408, Sch 18, para 2.

Date in force (for the purpose of conferring the networks and services functions and the spectrum functions on OFCOM): 29 December 2003: by virtue of SI 2003/3142, art 3(2).

Para 16: in sub-para (9) words "an electronic communications code network" in square brackets substituted by the Communications Act 2003, s 406(1), Sch 17, para 52(1), (2)(b).

Date in force (for the purpose only of enabling the networks and services functions and the spectrum functions to be carried out by the Director General of Telecommunications and the Secretary of State respectively, during the transitional period (as provided for by the Communications Act 2003, s 408(6)): 25 July 2003-29 December 2003: see SI 2003/1900, arts 2(1), 3(1), Sch 1 and the Communications Act 2003, ss 406(6), 408, Sch 18, para 2.

Date in force (for the purpose of conferring the networks and services functions and the spectrum functions on OFCOM): 29 December 2003: by virtue of SI 2003/3142, art 3(2).

Para 16: in sub-para (9) words "such network" in square brackets substituted by the Communications Act 2003, s 406(1), Sch 17, para 52(1), (2)(d).

Date in force (for the purpose only of enabling the networks and services functions and the spectrum functions to be carried out by the Director General of Telecommunications and the Secretary of State respectively, during the transitional period (as provided for by the Communications Act 2003, s 408(6)):

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25 July 2003–29 December 2003: see SI 2003/1900, arts 2(1), 3(1), Sch 1 and the Communications Act 2003, ss 406(6), 408, Sch 18, para 2.

Date in force (for the purpose of conferring the networks and services functions and the spectrum functions on OFCOM): 29 December 2003: by virtue of SI 2003/3142, art 3(2).

Transfer of Functions

See further in relation to the transfer of functions under this Schedule to the National Assembly for Wales, by the National Assembly for Wales (Transfer of Functions) Order 1999, SI 1999/672, art 2, Sch 1.

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ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979
1979 CHAPTER 46

SCHEDULE 28 URBAN DEVELOPMENT CORPORATIONS: LAND
Section 144

Royal Assent [4 April 1979]

Ancient Monuments and Archaeological Areas Act 1979, Ch. 46, Sch. 28, Pt. IV
(Eng.)

Part IV Acquisition of Rights

General

21

(1) . . . the Compulsory Purchase Act 1965 shall have effect with modifications necessary to make them apply to the compulsory purchase of rights by virtue of section 142(4) above as they apply to the compulsory purchase of land so that, in appropriate contexts, references in those Acts to land are read as referring, or as including references, to the rights or to land over which the rights are or are to be exercisable, according to the requirements of the particular context.

(2) Without prejudice to the generality of sub-paragraph (1) above, in relation to the purchase of rights in pursuance of section 142(4) above--

(a) . . .

(b) Part I of the said Act of 1965 (which relates to compulsory purchases under the 1946 Act) shall have effect with the modifications specified in paragraph 23 below; and

(c) the enactments relating to compensation for the compulsory purchase of land shall apply with the necessary modifications as they apply to such compensation.

22

. . .

Adaptation of Part I of 1965 Act

23

(1) In the Compulsory Purchase Act 1965 (hereafter in this Part of this

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Schedule referred to as "the Act") for section 7 (which relates to compensation) there shall be substituted the following--

7

(1) In assessing the compensation to be paid by the acquiring authority under this Act regard shall be had not only to the extent, if any, to which the value of the land over which the right is purchased is depreciated by the purchase but also to the damage, if any, to be sustained by the owner of the land by reason of injurious affection of other land of the owner by the exercise of the right.

(2) The modifications subject to which subsection (1) of section 44 of the Land Compensation Act 1973 is to have effect, as applied by subsection (2) of that section to compensation for injurious affection under this section, are that for the words "land is acquired or taken" there shall be substituted the words "a right over land is purchased" and for the words "acquired or taken from him" there shall be substituted the words "over which the right is exercisable".

(2) For section 8 of the Act (which relates to cases in which a vendor cannot be required to sell part only of a building or garden) there shall be substituted the following--

8

(1) Where in consequence of the service on a person in pursuance of section 5 of this Act of a notice to treat in respect of a right over land consisting of a house, building or manufactory or of a park or garden belonging to a house (hereafter in this subsection referred to as "the relevant land")--

(a) a question of disputed compensation in respect of the purchase of the right would apart from this section fall to be determined by the Lands Tribunal (hereafter in this section referred to as "the Tribunal"); and

(b) before the Tribunal has determined that question the person satisfies the Tribunal that he has an interest which he is able and willing to sell in the whole of the relevant land and--

(i) where that land consists of a house, building or manufactory, that the right cannot be purchased without material detriment to that land, or

(ii) where that land consists of such a park or garden, that the right cannot be purchased without seriously affecting the amenity or convenience of the house to which that land belongs,

the compulsory purchase order to which the notice to treat relates shall, in relation to that person, cease to authorise the purchase of the right and be deemed to authorise the purchase of that person's interest in the whole of the relevant land including, where the land consists of such a park or garden, the house to which it belongs, and the notice shall be deemed to have been served in respect of that interest on such date as the Tribunal directs.

(2) Any question as to the extent of the land in which a compulsory purchase order is deemed to authorise the purchase of an interest by virtue of the preceding subsection shall be determined by the Tribunal.

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(3) Where in consequence of a determination of the Tribunal that it is satisfied as mentioned in subsection (1) of this section a compulsory purchase order is deemed by virtue of that subsection to authorise the purchase of an interest in land, the acquiring authority may, at any time within the period of six weeks beginning with the date of the determination, withdraw the notice to treat in consequence of which the determination was made; but nothing in this subsection prejudices any other power of the authority to withdraw the notice.

(4) The modifications subject to which subsection (1) of section 58 of the Land Compensation Act 1973 is to have effect, as applied by subsection (2) of that section to the duty of the Tribunal in determining whether it is satisfied as mentioned in subsection (1) of this section, are that at the beginning of paragraphs (a) and (b) there shall be inserted the words "a right over", for the word "severance" there shall be substituted the words "right on the whole of the house, building or manufactory or of the house and the park or garden" and for the words "part proposed" and "part is" there shall be substituted respectively the words "right proposed" and "right is".

(3) The following provisions of the Act (which state the effect of a deed poll executed in various circumstances where there is no conveyance by persons with interests in the land), namely--

section 9(4) (failure of owners to convey);

paragraph 10(3) of Schedule 1 (owners under incapacity);

paragraph 2(3) of Schedule 2 (absent and untraced owners); and

paragraphs 2(3) and 7(2) of Schedule 4 (common land),

shall be so modified as to secure that, as against persons with interests in the land which are expressed to be overridden by the deed, the right which is to be purchased compulsorily is vested absolutely in the acquiring authority.

(4) Section 11 of the Act (powers of entry) shall be so modified as to secure that, as from the date on which the acquiring authority has served notice to treat in respect of any right, it has power, exercisable in the like circumstances and subject to the like conditions, to enter for the purpose of exercising that right (which shall be deemed for this purpose to have been created on the date of service of the notice); and sections 12 (penalty for unauthorised entry) and 13 (entry on sheriff's warrant in the event of obstruction) of the Act shall be modified correspondingly.

(5) Section 20 of the Act (compensation for short-term tenants) shall apply with the modifications necessary to secure that persons with such interests as are mentioned in that section are compensated in a manner corresponding to that in which they would be compensated on a compulsory acquisition of the interests but taking into account only the extent (if any) of such interference with such interests as is actually caused, or likely to be caused, by the exercise of the right in question.

(6) Section 22 of the Act (protection of acquiring authority's possession of land where by inadvertence an interest in the land has not been purchased) shall be so modified as to enable the acquiring authority, in circumstances

corresponding to those referred to in that section, to continue to be entitled to exercise the right in question, subject to compliance with that section as respects compensation.

NOTES:

Initial Commencement

Royal Assent

Royal Assent: 13 November 1980: (no specific commencement provision).

Amendment

Para 21: words omitted repealed by the Acquisition of Land Act 1981, s 34, Sch 6, Part I.

Para 22: repealed by the Acquisition of Land Act 1981, s 34, Sch 6, Part I.

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ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979
1979 CHAPTER 46

SCHEDULE 29 PLANNING FUNCTIONS OF URBAN DEVELOPMENT CORPORATIONS--ENGLAND AND WALES

Section 149

Royal Assent [4 April 1979]

Ancient Monuments and Archaeological Areas Act 1979, Ch. 46, Sch. 29, Pt. I
(Eng.)

[Part I Enactments Referred to in Section 149(3)(a)]

[Sections [171C,] 172, 173, [173A,] 178, 183, 184, [187A, 187B,] 188, [196A to 196C,] 197, 198, 199, 201, 206, 207, 209, 211, 213 to 215, 219, 220, . . . 224 [and 324(1)(b), (c), (7)] of the 1990 Act.

Sections 3, 4, 8, 10, 11, 13 to 16, 20, 23 to 25, 38, 42, [44A,] 47, 48, 50, 53, 54, 60, 69 to 72, 74, 75 . . . 82[, 88 and 88A] of the Planning (Listed Buildings and Conservation Areas) Act 1990.]

NOTES:

Amendment

Substituted by the Planning (Consequential Provisions) Act 1990, s 4, Sch 2, para 44(12).

Initial Commencement

Royal Assent

Royal Assent: 13 November 1980: (no specific commencement provision).

Amendment

Substituted by the Planning (Consequential Provisions) Act 1990, s 4, Sch 2, para 44(12).

In entry relating to the 1990 Act: words in square brackets inserted by, and word omitted repealed by virtue of, the Planning and Compensation Act 1991, s 32, Sch 7, para 5.

In entry relating to the Planning (Listed Buildings and Conservation Areas)

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Act 1990: words in square brackets inserted by, and word omitted repealed by virtue of, the Planning and Compensation Act 1991, s 25, Sch 3, para 17.

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**ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979
1979 CHAPTER 46**

**SCHEDULE 29 PLANNING FUNCTIONS OF URBAN DEVELOPMENT CORPORATIONS--ENGLAND AND
WALES**

Section 149

Royal Assent [4 April 1979]

**Ancient Monuments and Archaeological Areas Act 1979, Ch. 46, Sch. 29, Pt. II
(Eng.)**

Part II Enactments Referred to in Section 149(3)(b)

An order made by virtue of section 149(3)(b) may make the following modifications in relation to the urban development corporation specified in the order and to land in that corporation's area:--

[1

Section 139 of the 1990 Act shall have effect as if after the word "undertakers" there were inserted--

(a) in paragraph (b) of subsection (1), the words "or an urban development corporation";

(b) in paragraph (c) of that subsection, the words "or any urban development corporation"; and

(c) in subsection (3), the words "or urban development corporation".

2

Section 140(2)(d) of that Act shall have effect as if after the word "undertakers" there were inserted the words "or an urban development corporation".

3

Section 141(4) of that Act shall have effect as if after the word "undertakers" there were inserted the words "or an urban development corporation".

4

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Section 143(1)(b) of that Act shall have effect as if--

(a) after the word "undertakers" in the first place where it occurs, there were inserted the words "or an urban development corporation"; and

(b) after that word, in the second place where it occurs, there were inserted the words "or that corporation".

5

The definition of "relevant provisions" in section 148 of that Act shall have effect as if after the word "undertaking" there were added the words "or, in the case of an urban development corporation, section 142 of the Local Government, Planning and Land Act 1980."

6

Section 249 of that Act shall have effect as if--

(a) in subsection (1) after the word "applies" there were inserted the words "subject to subsection (1A)"; and

(b) the following subsection were inserted after that subsection--

"(1A) Any reference in this section and in section 250 to a local planning authority is to be construed as including a reference to an urban development corporation."

7

Section 251 of that Act shall have effect as if--

(a) in subsection (1), for the word "Where" there were substituted the words "Subject to subsection (1A), where"; and

(b) the following subsection were inserted after that subsection--

"(1A) Where any land has been acquired by an urban development corporation or has vested in such a corporation and is for the time being held by them for the purpose of regenerating their area, the Secretary of State may by order extinguish any public right of way over the land if he is satisfied that an alternative right of way has been or will be provided or that the provision of an alternative right of way is not required."

8

Section 258 of that Act shall have effect as if--

(a) in subsection (1), for the word "Where" there were substituted the words "Subject to subsection (1A), where"; and

(b) the following subsection were inserted after that subsection--

"(1A) Where any land has been acquired by an urban development corporation or

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has vested in such a corporation and is for the time being held by them for the purpose of regenerating their area, then, subject to section 259, the urban development corporation may by order extinguish any public right of way over the land being a footpath or bridleway, if they are satisfied that an alternative right of way has been or will be provided or that the provision of an alternative right of way is not required."

9

Section 330 of that Act shall have effect as if--

(a) after the words "local authority" in the first place where they occur in subsection (1), there were inserted the words "or an urban development corporation"; and

(b) after those words, in the second place where they occur in subsection (1) and in subsection (3), there were inserted the words "or corporation".

10

Section 33 of the Planning (Listed Buildings and Conservation Areas) Act 1990 shall have effect as if--

(a) in subsection (1)(b) after the word "undertakers" there were inserted the words "or an urban development corporation";

(b) in subsection (1)(c), after the word "undertakers" there were inserted the words "or an urban development corporation";

(c) in subsection (3), after the word "undertakers" there were inserted the words "or corporation".

11

Section 34(2)(d) of that Act shall have effect as if after the word "undertakers" there were inserted the words "or an urban development corporation".

12

Section 35(6) of that Act shall have effect as if after the word "undertakers" there were inserted the words "or an urban development corporation".

13

Section 36(4) of that Act shall have effect as if after the word "undertakers" in the first place where it occurs there were inserted the words "or an urban development corporation" and in the second place where it occurs there were inserted the words "or that corporation".

14

Section 91(2) of that Act shall have effect as if the words "urban

development corporation" were inserted at the appropriate place.]

NOTES:

Initial Commencement

Royal Assent

Royal Assent: 13 November 1980: (no specific commencement provision).

Amendment

Paras 1-14: substituted, for paras 1-9 as originally enacted, by the Planning (Consequential Provisions) Act 1990, s 4, Sch 2, para 44(13).

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ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979
1979 CHAPTER 46

SCHEDULE 30 PLANNING FUNCTIONS OF URBAN DEVELOPMENT CORPORATIONS--SCOTLAND
Section 149

Royal Assent [4 April 1979]

Ancient Monuments and Archaeological Areas Act 1979, Ch. 46, Sch. 30, Pt. I
(Eng.)

Part I Enactments Referred to in Section 149(8)(a)

[Sections 125, 127 to 129, 135, 140, 141, 147, 159 to 161, 163, 167, 168, 170, 172, 174, 175, 179, 182 and 186 of the 1997 Act.]

Sections 3, 4, 7, 9, 12 to 14, 20 to 24, 34, 38, 42, 43, 45, 48(1), 49, 61 to 64, 66, 73(2) to (4) and 77 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.]

NOTES:

Initial Commencement

Royal Assent

Royal Assent: 13 November 1980: (no specific commencement provision).

Amendment

Text substituted by the Planning (Consequential Provisions) (Scotland) Act 1997, s 4, Sch 2, para 31(11).

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**ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979
1979 CHAPTER 46**

**SCHEDULE 30 PLANNING FUNCTIONS OF URBAN DEVELOPMENT CORPORATIONS--SCOTLAND
Section 149**

Royal Assent [4 April 1979]

**Ancient Monuments and Archaeological Areas Act 1979, Ch. 46, Sch. 30, Pt. II
(Eng.)**

Part II Enactments Referred to in Section 149(8)(b)

An order made by virtue of section 149(7)(b) may make the following modifications in relation to the urban development corporation specified in the order and to land in that corporation's area:--

[1

Section 90 of the 1997 Act shall have effect as if after "undertakers" there were inserted--

- (a) in subsection (1)(b), "or an urban development corporation",
- (b) in subsection (1)(c), "or any urban development corporation"; and
- (c) in subsection (3), "or urban development corporation".

2

Section 91(2)(c) of that Act shall have effect as if, after "undertakers", there were inserted "or an urban development corporation".

3

Section 92(4) of that Act shall have effect as if, after "undertakers" in the first and second places where it occurs, there were inserted respectively "or an urban development corporation" and "or that corporation".

4

Section 94(1)(b) of that Act shall have effect as if, after "undertakers" in the first and second places where it occurs, there were inserted respectively "or an urban development corporation" and "or that corporation".

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5

The definition of "relevant provisions" in section 99 of that Act shall have effect as if, after "undertaking", there were added "or, in the case of an urban development corporation, section 142 of the Local Government Planning and Land Act 1980".

6

Section 203 of that Act shall have effect as if--

(a) in subsection (1), after "applies" there were inserted "subject to subsection (1A)", and

(b) the following subsection were inserted after that subsection--

"(1A) Any reference in this section and in section 203 to a competent authority is to be construed as including a reference to an urban development corporation.".

7

Section 205 of that Act shall have effect as if, after "authorities", there were inserted "and, in an urban development area, the urban development corporation".

8

Section 206 of that Act shall have effect as if--

(a) in subsection (1), for "Where" there were substituted "Subject to subsection (1A), where"; and

(b) the following subsection were inserted after that subsection--

"(1A) Where any land has been acquired by an urban development corporation or has vested in such a corporation and is for the time being held by them for the purpose of regenerating their area--

(a) the Secretary of State may by order extinguish any public right of way over the land if he is satisfied that an alternative right of way has been or will be provided or that the provision of an alternative right of way is not required;

(b) subject to paragraphs 4 and 5 of Schedule 16 to this Act, the urban development corporation may by order extinguish any such right over the land, being a footpath or bridleway, if they are so satisfied."

9

Section 272 of that Act shall have effect as if, in subsection (1), after "local authority" there were inserted "or an urban development corporation".

10

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Section 29 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 shall have effect as if--

(a) in subsection (1)(b) and (c), after "undertakers" there were inserted "or an urban development corporation"; and

(b) in subsection (3), after "undertakers" there were inserted "or corporation".

11

Section 30 of that Act shall have effect as if--

(a) in subsection (2)(c), after "undertakers" there were inserted "or an urban development corporation"; and

(b) in each of subsections (3), (4) and (5) after "undertakers" there were inserted "or corporation".

12

Section 31(6) of that Act shall have effect as if after "undertakers" there were inserted "or an urban development corporation".

13

Section 32(4) of that Act shall have effect as if after "undertakers" in the first and second places where it occurs there were inserted respectively "or an urban development corporation" and "or that corporation".

14

Section 81(2) of that Act shall have effect as if "urban development corporation" were inserted in the appropriate place.]

NOTES:**Initial Commencement*****Royal Assent***

Royal Assent: 13 November 1980: (no specific commencement provision).

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**ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979
1979 CHAPTER 46**

**SCHEDULE 31 URBAN DEVELOPMENT CORPORATIONS: FINANCE ETC
Section 164**

Royal Assent [4 April 1979]

**Ancient Monuments and Archaeological Areas Act 1979, Ch. 46, Sch. 31, Pt. I
(Eng.)**

Part I Preliminary

1

(1) References in this Schedule to a corporation are to an urban development corporation.

(2) The financial year of a corporation shall begin with 1 April and references to a financial year in relation to a corporation shall be construed accordingly.

NOTES:

Initial Commencement

Royal Assent

Royal Assent: 13 November 1980: (no specific commencement provision).

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**ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979
1979 CHAPTER 46**

SCHEDULE 31 URBAN DEVELOPMENT CORPORATIONS: FINANCE ETC

Section 164

Royal Assent [4 April 1979]

**Ancient Monuments and Archaeological Areas Act 1979, Ch. 46, Sch. 31, Pt. II
(Eng.)**

Part II Finance

Financial duties

2

(1) After consultation with a corporation, the Secretary of State may, with the Treasury's approval, determine the financial duties of the corporation, and different determinations may be made in relation to different corporations or for different functions and activities of the same corporation.

(2) The Secretary of State shall give the corporation notice of every determination, and a determination may--

(a) relate to a period beginning before the date on which it is made;

(b) contain incidental or supplementary provisions;

(c) be varied by a subsequent determination.

Government grants

3

(1) The Secretary of State may (out of money provided by Parliament and with the Treasury's consent) pay to a corporation, in respect of the exercise of its functions and in respect of its administrative expenses, such sums as he may (with the Treasury's approval) determine.

(2) The payment may be made on such terms as the Secretary of State (with the Treasury's approval) provides.

Borrowing

4

(1) A corporation may borrow temporarily, by way of overdraft or otherwise,

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such sums as it may require for meeting its obligations and discharging its functions--

(a) in sterling from the Secretary of State, or

(b) with the consent of the Secretary of State, or in accordance with any general authority given by the Secretary of State, either in sterling or in a currency other than sterling from a person other than the Secretary of State.

(2) A corporation may borrow otherwise than by way of temporary loan such sums as the corporation may require--

(a) in sterling from the Secretary of State, or

(b) with the consent of the Secretary of State, in a currency other than sterling from a person other than the Secretary of State.

(3) The Secretary of State may lend to a corporation any sums it has power to borrow from him under sub-paragraph (1) or (2) above.

(4) The Treasury may issue to the Secretary of State out of the National Loans Fund any sums necessary to enable him to make loans under sub-paragraph (3) above.

(5) Loans made under sub-paragraph (3) above shall be repaid to the Secretary of State at such times and by such methods, and interest on the loans shall be paid to him at such times and at such rates, as he may determine.

(6) All sums received by the Secretary of State under sub-paragraph (5) above shall be paid into the National Loans Fund.

(7) References in this paragraph to the Secretary of State are references to him acting with the Treasury's approval.

Guarantees

5

(1) The Treasury may guarantee, in such manner and on such conditions as they think fit, the repayment of the principal of [the payment of interest on and the discharge of any other financial obligation in connection with] any sums which a corporation borrows from a person or body other than the Secretary of State.

(2) Immediately after a guarantee is given under this paragraph, the Treasury shall lay a statement of the guarantee before each House of Parliament; and where any sum is issued for fulfilling a guarantee so given, the Treasury shall lay before each House of Parliament a statement relating to that sum, as soon as possible after the end of each financial year, beginning with that in which the sum is issued and ending with that in which all liability in respect of the principal of the sum and in respect of interest on it is finally discharged.

(3) Any sums required by the Treasury for fulfilling a guarantee under this paragraph shall be charged on and issued out of the Consolidated Fund.

(4) If any sums are issued in fulfilment of a guarantee given under this

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paragraph, the corporation shall make to the Treasury, at such times and in such manner as the Treasury may from time to time direct, payments of such amounts as the Treasury so direct in or towards repayment of the sums so issued and payments of interest, at such rates as the Treasury so direct, on what is outstanding for the time being in respect of sums so issued.

(5) Any sums received by the Treasury in pursuance of sub-paragraph (4) above shall be paid into the Consolidated Fund.

Assumed debt

6

(1) On any acquisition to which this paragraph applies, a corporation shall assume a debt to the Secretary of State of such amount as may be notified to the corporation in writing by him, with the Treasury's approval.

(2) This paragraph applies to any acquisition by the corporation of property held--

(a) by or on behalf of the Crown, or

(b) by a company all of whose shares are held by or on behalf of the Crown or by a wholly owned subsidiary of such a company.

(3) Subject to sub-paragraph (4) below, the amount to be notified is the aggregate of the following:--

(a) the consideration given when the property was first brought into public ownership, and

(b) the costs and expenses of and incidental to its being brought into public ownership.

(4) If it appears to the Secretary of State that there has been such a change in circumstances since the property was first brought into public ownership that its true value would not be reflected by reference to the consideration mentioned in sub-paragraph (3) above, the Secretary of State, with the Treasury's approval, shall determine the amount to be notified.

(5) The rate of interest payable on the debt assumed by a corporation under this paragraph, and the date from which interest is to begin to accrue, the arrangements for paying off the principal, and the other terms of the debt shall be such as the Secretary of State, with the Treasury's approval, may from time to time determine.

(6) Different rates and dates may be determined under sub-paragraph (5) above with respect to different portions of the debt.

(7) Any sums received by the Secretary of State under sub-paragraph (5) above shall be paid into the National Loans Fund.

Surplus funds

7

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(1) Where it appears to the Secretary of State, after consultation with the Treasury and the corporation, that a corporation has a surplus, whether on capital or on revenue account, after making allowance by way of transfer to reserve or otherwise for its future requirements, the corporation shall, if the Secretary of State with the approval of the Treasury and after consultation with the corporation so directs, pay to the Secretary of State such sum not exceeding the amount of that surplus as may be specified in the direction.

(2) Any sum received by the Secretary of State under this paragraph shall, subject to sub-paragraph (4) below, be paid into the Consolidated Fund.

(3) The whole or part of any payment made to the Secretary of State by a corporation under sub-paragraph (1) above shall, if the Secretary of State with the Treasury's approval so determines, be treated as made by way of repayment of such part of the principal of loans under paragraph 4(3) above, and as made in respect of the repayments due at such times, as may be so determined.

(4) Any sum treated under sub-paragraph (3) above as a repayment of a loan shall be paid by the Secretary of State into the National Loans Fund.
Financial limits

[8

(1) The aggregate amount of the sums mentioned in sub-paragraph (2) below shall not exceed £30 million or such greater sum not exceeding £100 million as the Secretary of State may by order made by statutory instrument specify.

(2) The sums are--

(a) sums borrowed by all corporations under paragraph 4 above minus repayments made in respect of those sums; and

(b) sums issued by the Treasury in fulfilment of guarantees under paragraph 5 above of debts of all corporations.

(3) No order under sub-paragraph (1) above shall have effect until approved by a resolution of the House of Commons.]
Grants and loans: accounts

9

(1) The Secretary of State shall prepare in respect of each financial year an account--

(a) of the sums paid to corporations under paragraph 3 above,

(b) of the sums issued to him under paragraph 4(4) above and the sums received by him under paragraph 4(5) above and of the disposal by him of those sums, and

(c) of the sums paid into the Consolidated Fund or National Loans Fund under paragraph 7 above.

(2) The Secretary of State shall send the account to the Comptroller and

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Auditor General before the end of the month of November next following the end of that year.

(3) The Comptroller and Auditor General shall examine, certify and report on the account and lay copies of it and of his report before each House of Parliament.

(4) The form of the account and the manner of preparing it shall be such as the Treasury may direct.

NOTES:**Initial Commencement*****Royal Assent***

Royal Assent: 13 November 1980: (no specific commencement provision).

Amendment

Para 5: words in square brackets in sub-para (1) substituted by the Miscellaneous Financial Provisions Act 1983, s 4(1), Sch 2.

Para 8: substituted by the Urban Development Corporations (Financial Limits) Act 1987, s 1.

Modification

Modification: para 9 modified, in relation to the statement of account prepared for financial years beginning in and after 1999, by the National Assembly for Wales (Transfer of Functions) Order 1999, SI 1999/672, art 2, Sch 1.

Transfer of Functions

Functions of the Secretary of State referred to in para 8(1) above, so far as exercisable in relation to Wales, shall be exercisable only with the agreement of the National Assembly for Wales: see the National Assembly for Wales (Transfer of Functions) Order 1999, SI 1999/672, art 5, Sch 2.

See further in relation to the transfer of functions under this Schedule to the National Assembly for Wales, by the National Assembly for Wales (Transfer of Functions) Order 1999, SI 1999/672, art 2, Sch 1.

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**ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979
1979 CHAPTER 46**

**SCHEDULE 31 URBAN DEVELOPMENT CORPORATIONS: FINANCE ETC
Section 164**

Royal Assent [4 April 1979]

**Ancient Monuments and Archaeological Areas Act 1979, Ch. 46, Sch. 31, Pt. III
(Eng.)**

Part III General Accounts etc

Accounts

10

(1) A corporation shall keep proper accounts and other records in relation to them.

(2) The accounts and records shall show, in respect of the financial year to which they relate, a true and fair view of the corporation's activities.

(3) A corporation shall prepare in respect of each financial year a statement of accounts complying with any requirement which the Secretary of State has (with the Treasury's consent) notified in writing to the corporation relating to--

(a) the information to be contained in the statement;

(b) the manner in which the information is to be presented; and

(c) the methods and principles according to which the statement is to be prepared.

(4) Subject to any requirement notified to the corporation under sub-paragraph (3) above, in preparing any statement of accounts in accordance with that sub-paragraph the corporation shall follow, with respect to each of the matters specified in paragraphs (a) to (c) of that sub-paragraph, such course as may for the time being be approved by the Secretary of State with the Treasury's consent.

Audit

11

(1) The corporation's accounts and statements of accounts shall be audited by

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an auditor to be appointed annually by the Secretary of State in relation to the corporation.

[(2) A person shall not be appointed under sub-paragraph (1) unless he is eligible for appointment as a company auditor under section 25 of the Companies Act 1989.]

(3) A person shall not be qualified for appointment under sub-paragraph (1) above if the person is--

(a) a member, officer or servant of the corporation[; or]

(b) a partner of, or employed by, a member, officer or servant of the corporation, or

[(c) a body corporate of which a member, officer or servant of the corporation is a director or officer.]

Transmission to Secretary of State

12

As soon as the accounts and statement of accounts of the corporation for any financial year have been audited, the corporation shall send to the Secretary of State a copy of the statement, together with a copy of any report made by the auditor on the statement or on the accounts.

Reports

13

(1) As soon as possible after the end of each financial year, a corporation shall make to the Secretary of State a report dealing generally with the corporation's operations during the year, and shall include in the report a copy of its audited statement of accounts for that year.

(2) Without prejudice to the generality of sub-paragraph (1) above, a report under this paragraph shall deal with the operation during the year of the corporation's arrangements for consultation about the exercise of its powers with local authorities the whole or any part of whose area is included in the urban development area.

(3) The Secretary of State shall lay a copy of the report before each House of Parliament.

Information

14

Without prejudice to paragraph 13 above, a corporation shall provide the Secretary of State with such information relating to its undertaking as he may require, and for that purpose shall permit any person authorised by the Secretary of State to inspect and make copies of the accounts, books, documents or papers of the corporation and shall afford such explanation of them as that person or the Secretary of State may reasonably require.

NOTES:

Initial Commencement**Royal Assent**

Royal Assent: 13 November 1980: (no specific commencement provision).

Amendment

Para 11: sub-para (2) substituted, in sub-para (3) first word in square brackets inserted and final words in square brackets substituted, by SI 1991/1997, reg 2, Schedule, para 37.

Transfer of Functions

Functions of the Secretary of State, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales, by the National Assembly for Wales (Transfer of Functions) Order 1999, SI 1999/672, art 2, Sch 1.

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**ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979
1979 CHAPTER 46**

SCHEDULE 32 ENTERPRISE ZONES

Section 179

Royal Assent [4 April 1979]

**Ancient Monuments and Archaeological Areas Act 1979, Ch. 46, Sch. 32, Pt. I
(Eng.)**

Part I Designation of Zones

Invitation to prepare scheme

1

(1) The bodies which may be invited to prepare a scheme under this Schedule are, in relation to England and Wales:--

(a) a district council;

[(aa) the council of a Welsh county or county borough;]

(b) a London borough council;

(c) a new town corporation;

(d) an urban development corporation.

(2) The bodies which may be invited to prepare a scheme under this Schedule are, in relation to Scotland:--

(a) a district or general planning authority within the meaning of section 172(4) of the 1973 Act;

(b) a new town corporation;

(c) an urban development corporation.

(3) The Secretary of State may invite any of the bodies to prepare a scheme relating to the development of an area falling within the district [county, county borough], borough, district or general planning authority area, new town area or urban development area (as the case may be) and send the scheme to him in accordance with this Schedule.

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(4) The invitation shall be made with a view to the designation as an enterprise zone of the area for which the scheme may be prepared.

(5) The invitation--

(a) shall specify the area for which the scheme may be prepared;

(b) may contain directions as to the drawing up of the scheme (in particular, as to its form or content or any consultations to be made).

(6) The invitation may specify an area in which publicity is to be given under paragraph 2(2)(b) below.

(7) In this paragraph--

"new town area" means an area designated as the site of a new town by an order under section 1 of the [New Towns Act 1981] or section 1 of the New Towns (Scotland) Act 1968;

"new town corporation" means a development corporation established under either of those Acts;

"urban development area" means an area designated as such under this Act;

"urban development corporation" means a corporation established as such under this Act.

Preparation of draft scheme

2

(1) A body which receives an invitation may prepare a scheme in draft in accordance with the terms of the invitation.

(2) If it prepares a scheme under sub-paragraph (1) above, it shall take such steps as will in its opinion secure--

(a) that--

(i) if the area for which the scheme is to be prepared is within Greater London, adequate publicity is given to its provisions in Greater London;

(ii) if the area for which the scheme is to be prepared is in England . . . but outside Greater London, adequate publicity is given to its provisions in the county in which the area is situated;

[(iia) if the area for which the scheme is to be prepared is in Wales, adequate publicity is given to its provisions in the county or county borough in which the area is situated;] and

(iii) if the area for which the scheme is to be prepared is in Scotland, adequate publicity is given to its provisions in the region in which the area is situated; and

(b) that adequate publicity is also given to the provisions of the scheme in

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any area specified under paragraph 1(6) above;

(c) that persons who may be expected to want to make representations to the body with respect to the provisions are made aware that they are entitled to do so; and

(d) that such persons are given an adequate opportunity of making such representations within a period specified by the body (the specified period).

(3) The body shall consider any representation--

(a) which is made to it within the specified period, and

(b) which is made on the ground that all or part of the development specified in the scheme should not be granted planning permission in accordance with the terms of the scheme.

Adoption of scheme

3

(1) After the expiry of the specified period or, if any representations falling within paragraph 2(3) above have been made, after considering them, the body may adopt the scheme by resolution.

(2) The scheme adopted may be the scheme prepared in draft or, subject to sub-paragraph (3) below, that scheme as modified to take account of any such representation or any matter arising out of the representation.

(3) A scheme may not be modified in any way inconsistent with the Secretary of State's invitation under paragraph 1 above.

(4) As soon as practicable after adopting a scheme under this Schedule, the body shall--

(a) send a copy of the scheme to the Secretary of State,

(b) deposit a copy of the scheme at its principal office, and

(c) publish an advertisement in accordance with sub-paragraphs (7) and (8) below.

(5) Any member of the public may inspect the copy so deposited, and make copies of or extracts from it, at any reasonable time without payment.

(6) The body shall make available copies of the scheme, at a reasonable cost, to any member of the public.

(7) The advertisement shall contain--

(a) a statement that the scheme has been adopted;

(b) a statement that a copy of the scheme can be inspected without payment;

(c) a statement of the address where and times when it can be inspected; and

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(d) a statement that, if the Secretary of State makes an order designating the area to which the scheme relates as an enterprise zone, the order will have effect to grant planning permission in accordance with the scheme.

(8) The advertisement shall be published--

(a) in the London Gazette or, if the scheme relates to an area in Scotland, the Edinburgh Gazette; and

(b) on at least two occasions, in a newspaper circulating in the area to which the scheme relates.

Questioning scheme's validity

4

(1) If a person is aggrieved by a scheme adopted by a body under this Schedule and he wishes to question its validity on the ground that it is not within the powers conferred by this Schedule, or that any requirement of this Schedule has not been complied with, he may within the period of six weeks commencing with the first publication (whether in the London or Edinburgh Gazette or otherwise) under paragraph 3(8) above make an application under this paragraph to the High Court or, if the scheme relates to an area in Scotland, the Court of Session.

(2) On such an application the High Court or the Court of Session, if satisfied--

(a) that the scheme is wholly or to any extent outside the powers conferred by this Schedule, or

(b) that the interests of the applicant would be substantially prejudiced by the failure to comply with any requirement of this Schedule if an order were made under this Schedule designating the area to which the scheme relates as an enterprise zone,

may order that the Secretary of State shall not make an order under this Schedule designating the area as an enterprise zone in pursuance of the scheme, but (in a case where sub-paragraph (b) above applies) may further order that, if steps are taken to comply with the requirement concerned, an order may be made designating the area.

(3) No order made by the Court under sub-paragraph (2) above prejudices the making of an order under this Schedule designating the area as an enterprise zone in pursuance of another scheme (so long as this Schedule is complied with).

(4) Except as provided by this paragraph, the validity of a scheme adopted under this Schedule shall not be questioned in any legal proceedings whatsoever.

Designation of enterprise zone

5

(1) If a body adopts a scheme under this Schedule, the Secretary of State may (if he thinks it expedient to do so) by order designate the area to which the scheme relates as an enterprise zone.

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(2) No order may be made until--

(a) the expiry of the period of six weeks commencing with the first publication (whether in the London or Edinburgh Gazette or otherwise) under paragraph 3(8) above, or

(b) if an application in relation to the scheme is made under paragraph 4(1) above, the time at which any proceedings arising out of the application are disposed of,

whichever is the later.

(3) The power to make the order shall be exercisable--

(a) by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament, and

(b) only with the Treasury's consent.

(4) The order shall--

(a) specify the date of the designation taking effect (the effective date);

(b) specify the period for which the area is to remain an enterprise zone;

(c) define the boundaries of the zone by means of a plan or map;

(d) designate as the enterprise zone authority the body which was invited to prepare the scheme.

(5) The power to amend orders conferred by section 14 of the Interpretation Act 1978 does not include power to amend an order made under this paragraph.

(6) The power to revoke orders conferred by that section does not include power to revoke an order made under this paragraph before the expiry of the period mentioned in sub-paragraph (4)(b) above.

(7), (8) . . .

(9) In the following provisions of this Schedule references to a scheme are, in relation to an area designated as an enterprise zone under this paragraph, to the scheme adopted for the area under paragraph 3(1) above.

Publicity of designation

6

(1) As soon as practicable after the making of an order under paragraph 5 above, the body which adopted the scheme shall publish an advertisement in accordance with sub-paragraphs (2) and (3) below.

(2) The advertisement shall contain--

(a) a statement that the order has been made and will have effect to make the area an enterprise zone; and

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(b) a statement that a copy of the scheme can be inspected without payment and a statement of the address where and times when it can be inspected.

(3) The advertisement shall be published--

(a) in the London Gazette or, if the scheme relates to an area in Scotland, the Edinburgh Gazette; and

(b) on at least two occasions, in a newspaper circulating in the area to which the scheme relates.

Right of entry

7

(1) Any person duly authorised in writing by a body which has been invited to prepare a scheme under this Schedule may at any reasonable time enter any land in the area to which the scheme relates (or could relate) for the purpose of surveying the land in connection with the preparation or adoption of a scheme under this Schedule.

(2) In relation to England and Wales, [subsection (8) of section 324 and section 325 of the 1990 Act] (giving of notice, compensation for damage, etc) shall apply in relation to sub-paragraph (1) above as they apply in relation [to section 324].

(3) In relation to Scotland, [subsection (6) of section 269 and section 270 of the 1997 Act] (giving of notice, compensation for damage, etc) shall apply in relation to sub-paragraph (1) above as they apply in relation [to section 269].
Acts referred to in Part I

8

In this Part of this Schedule--

"[1990] Act" means the Town and Country Planning Act [1990];

"[1997] Act" means the Town and Country Planning (Scotland) Act [1997];

"1973 Act" means the Local Government (Scotland) Act 1973.

NOTES:**Initial Commencement*****Royal Assent***

Royal Assent: 13 November 1980: (no specific commencement provision).

Amendment

Para 1: in sub-paras(1), (3) words in square brackets inserted by the Local Government (Wales) Act 1994, s 66(6), Sch 16, para 59(9); in sub-para (7) words in square brackets substituted by the New Towns Act 1981, s 81, Sch 12, para 28.

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Para 2: in sub-para (2) words omitted repealed, and para (ia) inserted, by the Local Government (Wales) Act 1994, s 66(6), (8), Sch 16, para 59(9), Sch 18.

Para 5: sub-para (7) repealed by the Planning (Consequential Provisions) Act 1990, s 3, Sch 1, Part I; sub-para (8) repealed by the Planning (Consequential Provisions) (Scotland) Act 1997, s 3, Sch 1, Part I.

Paras 7, 8: first and second words in square brackets substituted by the Planning (Consequential Provisions) Act 1990, s 4, Sch 2, para 44(14)(a), (b); third and final words in square brackets substituted by the Planning (Consequential Provisions) (Scotland) Act 1997, s 4, Sch 2, para 31(13)(a), (b).

Transfer of Functions

See further in relation to the transfer of functions under this Schedule to the National Assembly for Wales, by the National Assembly for Wales (Transfer of Functions) Order 1999, SI 1999/672, art 2, Sch 1.

Subordinate Legislation

Sunderland (Castletown and Doxford Park) Enterprise Zones (Designation) Order 1990, SI 1990/794 (made under para 5).

Sunderland (Hylton Riverside and Southwick) Enterprise Zone (Designation) Order 1990, SI 1990/795 (made under para 5).

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**ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979
1979 CHAPTER 46**

**SCHEDULE 32 ENTERPRISE ZONES
Section 179**

Royal Assent [4 April 1979]

**Ancient Monuments and Archaeological Areas Act 1979, Ch. 46, Sch. 32, Pt. II
(Eng.)**

Part II Modification of Scheme, Etc

Modification of scheme

9

(1) Where an order has been made under paragraph 5 above, the Secretary of State may invite the enterprise zone authority to prepare modifications to the scheme.

(2) The invitation may contain directions as to the drawing up of the modifications (in particular, as to their form or content or any consultations to be made).

10

(1) The enterprise zone authority may prepare modifications to a scheme in draft in accordance with the terms of the invitation.

(2) Paragraphs 2(2) and (3), 3 and 4 above shall apply in relation to modifications to a scheme as they apply in relation to a scheme.

11

(1) If an enterprise zone authority adopts modifications to a scheme, the Secretary of State may (if he thinks it expedient to do so) notify the authority of his approval of them.

(2) No such notification may be given until--

(a) the expiry of the period of six weeks commencing with the first publication (whether in the London or Edinburgh Gazette or otherwise) under paragraph 3(8) above (as applied by paragraph 10 above); or

(b) if an application in relation to the scheme is made under paragraph 4(1)

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above (as so applied), the time at which any proceedings arising out of the application are disposed of,

whichever is the later.

(3) The notification shall specify the date of the modifications taking effect (the effective date of modification).

12

(1) As soon as practicable after the date of the notification, the enterprise zone authority shall publish an advertisement in accordance with sub-paragraphs (2) and (3) below.

(2) The advertisement shall contain--

(a) a statement that the Secretary of State has notified the authority of his approval of the modifications; and

(b) a statement that a copy of the modifications can be inspected without payment; and

(c) a statement of the address where and times when they can be inspected.

(3) The advertisement shall be published--

(a) in the London Gazette or, if the scheme relates to an enterprise zone in Scotland, the Edinburgh Gazette; and

(b) on at least two occasions, in a newspaper circulating in the enterprise zone.

13

The power to modify a scheme under the preceding provisions of this Part of this Schedule includes power wholly to replace a scheme.

14

In the following provisions of this Schedule references to a modified scheme are references to a scheme modified under this Part of this Schedule.
Modification of orders by Secretary of State

15

(1) Subject to sub-paragraph (3) below, the Secretary of State may (if he thinks it expedient to do so) by order modify any order made under paragraph 5 above.

(2) Without prejudice to the generality of sub-paragraph (1) above, an order under this paragraph--

(a) may extend the period for which the zone is to remain an enterprise zone; and

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(b) . . .

(3) The power conferred by sub-paragraph (1) above does not include--

(a) power to alter the boundaries of an enterprise zone;

(b) power to designate a different enterprise zone authority for the zone; or

(c) power to reduce the period for which the zone is to remain an enterprise zone.

(4) The power to make an order under this paragraph shall be exercisable--

(a) by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament, and

(b) only with the Treasury's consent.

(5) The power to amend orders conferred by section 14 of the Interpretation Act 1978 does not include power to amend an order made under this paragraph.

(6) The power to revoke orders conferred by that section does not include power to revoke any order made under this paragraph which extends the period for which a zone is to remain an enterprise zone before the expiry of the extended period.

Change of enterprise zone authority

16

(1) This paragraph applies where--

(a) the body designated as an enterprise zone authority is a new town corporation or an urban development corporation; and

(b) the Secretary of State intends to make an order dissolving that body under section 41 of the New Towns Act 1965 or section 36 of the New Towns (Scotland) Act 1968 or under section 166 above.

(2) Where this paragraph applies, the Secretary of State may by order made by statutory instrument designate as the enterprise zone authority for the zone any body which he could have invited to prepare a scheme for the area comprised in the zone under paragraph 1 above.

(3) An order under this paragraph shall specify the date on which the body is to become the enterprise zone authority.

NOTES:

Initial Commencement

Royal Assent

Royal Assent: 13 November 1980: (no specific commencement provision).

Amendment

Para 15: sub-para (2)(b) repealed in part by the Planning (Consequential Provisions) Act 1990, s 3, Sch 1, Part I, remainder repealed by the Planning (Consequential Provisions) (Scotland) Act 1997, s 3, Sch 1, Part I.

Transfer of Functions

See further in relation to the transfer of functions under this Schedule to the National Assembly for Wales, by the National Assembly for Wales (Transfer of Functions) Order 1999, SI 1999/672, art 2, Sch 1.

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**ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979
1979 CHAPTER 46**

SCHEDULE 32 ENTERPRISE ZONES

Section 179

Royal Assent [4 April 1979]

**Ancient Monuments and Archaeological Areas Act 1979, Ch. 46, Sch. 32, Pt. III
(Eng.)**

Part III Planning

17-25

. . .

Interpretation

26

(1) In this Part of this Schedule--

"planning enactment" means any provision of [the 1990 Act, the Planning (Listed Buildings and Conservation Areas) Act 1990, the Planning (Hazardous Substances) Act 1990] or of [the 1997 Act, the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 or the Planning (Hazardous Substances) (Scotland) Act 1997] or of any instrument made under either of them;

["the 1990 Act" means the Town and Country Planning Act 1990];

["the 1997 Act" means the Town and Country Planning (Scotland) Act 1997].

[(1A) . . .]

(2) Any expression used in this Part of this Schedule and to which a meaning is assigned--

(a) in relation to England and Wales, by the [1990] Act; or

(b) in relation to Scotland, by the [1997] Act,

has, in relation to England and Wales or, as the case may be, in relation to Scotland, the meaning so assigned to it.

NOTES:

Initial Commencement**Royal Assent**

Royal Assent: 13 November 1980: (no specific commencement provision).

Amendment

Paras 17-19, 21-25: repealed by the Planning (Consequential Provisions) (Scotland) Act 1997, s 3, Sch 1, Part I.

Para 20: repealed in part by the Planning (Consequential Provisions) Act 1990, s 3, Sch 1, Part I, remainder repealed by the Planning (Consequential Provisions) (Scotland) Act 1997, s 3, Sch 1, Part I.

Para 26: in sub-para (1) first and third words in square brackets substituted by the Planning (Consequential Provisions) Act 1990, s 4, Sch 2, para 44(14)(f), second and final words in square brackets substituted by the Planning (Consequential Provisions) (Scotland) Act 1997, s 4, Sch 2, para 31(13)(c)(i), (ii); sub-para (1A) inserted by the Housing and Planning Act 1986, s 54(2), repealed by the Planning (Consequential Provisions) (Scotland) Act 1997, s 3, Sch 1, Part I; in sub-para (2) first words in square brackets substituted by the Planning (Consequential Provisions) Act 1990, s 4, Sch 2, para 44(14)(f), final words in square brackets substituted by the Planning (Consequential Provisions) (Scotland) Act 1997, s 4, Sch 2, para 31(13)(c)(iii).

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ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979
1979 CHAPTER 46

SCHEDULE 32 ENTERPRISE ZONES

Section 179

Royal Assent [4 April 1979]

Ancient Monuments and Archaeological Areas Act 1979, Ch. 46, Sch. 32, Pt. IV
(Eng.)

Part IV . . .

...

NOTES:

Amendment

Repealed, with savings, by SI 1990/776, art 3, Sch 1.

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**ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979
1979 CHAPTER 46**

SCHEDULE 32 ENTERPRISE ZONES

Section 179

Royal Assent [4 April 1979]

**Ancient Monuments and Archaeological Areas Act 1979, Ch. 46, Sch. 32, Pt. V
(Eng.)**

Part V Rates--Scotland

...

NOTES:

Amendment

This Part of this Schedule applies to Scotland only.

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**ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979
1979 CHAPTER 46**

**SCHEDULE 33 MINOR AND CONSEQUENTIAL AMENDMENTS
Section 193**

Royal Assent [4 April 1979]

Ancient Monuments and Archaeological Areas Act 1979, Ch. 46, Sch. 33 (Eng.)

SCHEDULE 33 Minor and Consequential Amendments

Commissioners of Works Act 1894 (c 23)

1

(1) Section 1 of the Commissioners of Works Act 1894 shall continue to be amended as mentioned in this paragraph, notwithstanding the repeal by this Act of paragraph 2 of Schedule 10 to the Community Land Act 1975.

(2), (3) . . .

(4) This paragraph shall have effect only in relation to agreements entered into after 12 December 1975.
Agricultural Land (Utilisation) Act 1931 (c 41)

2

. . .

Lands Tribunal Act 1949 (c 42)

3

(1) Section 3 of the Lands Tribunal Act 1949 shall continue to be amended as mentioned in this paragraph, notwithstanding the repeal by this Act of paragraph 3 of Schedule 10 to the Community Land Act 1975.

(2), (3) . . .

Landlord and Tenant Act 1954 (c 56)

4

. . .

Land Compensation Act 1961 (c 33)

5

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(1) Sections 2(2), 15(5) and 19(3) of the Land Compensation Act 1961 shall continue to be amended as mentioned in this paragraph notwithstanding the repeal by this Act of paragraph 4(1) to (3) and (5) of Schedule 10 to the Community Land Act 1975.

(2)-(4) . . .

(5) Sub-paragraphs (3) and (4) above shall have effect only in relation to applications, or certificates issued in pursuance of applications made after 12 December 1975.

6-12

. . .
Local Government Act 1972 (c 70)

13

(1) Paragraph 55 of Schedule 16 to the Local Government Act 1972 shall continue to be amended as mentioned in this paragraph, notwithstanding the repeal by this Act of paragraph 8(2) of Schedule 10 to the Community Land Act 1975.

(2) . . .

This sub-paragraph shall have effect only in relation to applications made after 12 December 1975.
Housing Act 1980 (c 51)

14

. . .

NOTES:**Initial Commencement*****Royal Assent***

This Act received Royal Assent on 13 November 1980: the individual paragraphs of this Schedule make provision as to their own effect.

Amendment

Para 1: sub-paras (2), (3) amend the Commissioners of Works Act 1894, s 1.

Para 2: amends the Agricultural Land (Utilisation) Act 1931, s 12.

Para 3: sub-paras (2), (3) amend the Lands Tribunal Act 1949, s 3.

Para 4: amends the Landlord and Tenant Act 1954, s 37.

Para 5: sub-paras (2)-(4) amend the Land Compensation Act 1961, ss 2(2), 15(5), 19(3).

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Paras 6, 8: repealed by the Housing (Consequential Provisions) Act 1985, s 3, Sch 1, Part I.

Para 7: amends the Land Compensation (Scotland) Act 1963, ss 9(2), 23(5), 27(5), Sch 2.

Paras 9-11: repealed by SI 1990/776, art 3(1), Sch 1.

Para 12: repealed by the Planning (Consequential Provisions) Act 1990, s 3 Sch 1, Part I.

Para 13: words omitted from sub-para (2) amend the Local Government Act 1972, Sch 16, para 55.

Para 14: amends the Housing Act 1980, Sch 5.

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ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979
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SCHEDULE , PT. I

Section 194

Royal Assent [4 April 1979]

Ancient Monuments and Archaeological Areas Act 1979, Ch. 46, Sch., Pt. I (Eng.)

Part I Repeals Consequential on Section 1(1)--Various Controls

Chapter	Short title	Extent of repeal
12, 13 & 14 Geo 6 c 55	Prevention of Damage by Pests Act 1949	Section 2(2). Section 12(1). In section 21(1) the words "to give general directions under section twelve of this Act and".
14 & 15 Geo 6 c 63	Rag Flock and Other Filling Materials Act 1951	Section 6(5) and (6). Section 7(5) and (6). Section 15(5). Section 27.
4 & 5 Eliz 2 c 16	Food and Drugs Act 1955	Section 99(2). In section 109, in subsection (2) the words "Subject to the next following subsection," and subsection (3).
1970 c 40	Agriculture Act 1970	Section 67(7). Section 80(2), (3) and (4). Section 86(8).
1972 c 70	Local Government Act 1972	Section 138(2).
1974 c 3	Slaughterhouses Act 1974	Section 2(6) and (7). In section 12(1) the words "and shall if so required by the Minister".

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In 16(1)(a) the words
"and shall if so required
by the Minister".

Chapter	Short title	Extent of repeal
4 & 5 Eliz 2 c 52	Clean Air Act 1956	<p>Section 4.</p> <p>In section 6, subsection (3), and in subsection (5) the words "under subsection (3) or".</p> <p>In section 11, in subsection (1) the words "confirmed by the Minister", in subsection (5) the words "and confirmed" (in both places where they occur) and in subsection (6) the words "confirmation and".</p> <p>In section 12(2) the words "and confirmed".</p> <p>In section 31(6), the words from "or", in the second place where it occurs, to the end in their application to England and Wales.</p>
1964 c 56	Housing Act 1964	<p>Section 35(4).</p> <p>In section 95, in subsection (2), the words "as confirmed" and the words "then, if the order is confirmed," and subsection (2A).</p>
1968 c 62	Clean Air Act 1968	<p>Section 4(3).</p> <p>Section 6(3).</p> <p>In section 10, subsections (1) to (4).</p> <p>In section 12(1) the words "14 or".</p>
1974 c 40	Control of Pollution Act 1974	<p>Section 14(3).</p> <p>In section 2, in subsection (2), the words from "but provision may be made by regulations" to the end, in subsection (3)(a)(vi) the words "and such other persons as are prescribed", and subsection (7).</p>

In section 5, in subsection (1) the words "and include such information as is prescribed", in subsection (2) the words from "but provision may be made by regulations" to the end, in subsection (4)(a) the words "and to any other prescribed person", in subsection (4)(b) the words "or person" (in each place where they occur), in subsection (5)(a) the words "and (iii) any other prescribed person", and in subsection (5)(b) the words "or person" (in each place where they occur).

In section 6, in subsection (1) the words "as to the conditions which are or are not to be specified in a disposal licence, and", and in subsection (2) the words "Subject to regulations made in pursuance of the preceding subsection".

In section 11, in subsection (3), paragraph (b) and in paragraph (c) the words "and to any other prescribed person" in subsection (4)(a) the words "and to any other prescribed person", and, in subsection (6), paragraph (b) and the word "and" immediately preceding it.

In section 23, subsection (3), and, in subsection (4), the word "also".

In section 28(1) the words "in the prescribed form".

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In section 63, in subsection (1) the words "confirmed by the Secretary of State", in subsection (3) the words "and confirmed" (in both places where they occur), and in subsection (4) the words "confirmation and".
Section 73(2)(a).
in section 79(5) the words "or with the consent of the Secretary of State".

In Schedule 3, paragraph 22

Chapter	Short Title	Extent of Repeal
39 & 40 Vict c 56	Commons Act 1876	Section 8.
62 & 63 Vict c 30	Commons Act 1899	In section 2, the second sentence. In section 12 the words "and subject to the approval of the Local Government Board"
12, 13 & 14 Geo 6 c 97	National Parks and Access to the Countryside Act 1949	Section 37. In section 61(3), paragraph (b) of the proviso. Section 62(4). Section 79. In section 80(3) the words "made with the approval of the Minister".
1968 c 41	Countryside Act 1968	Section 17.
1978 c 3	Refuse Disposal (Amenity) Act 1978	In section 3(2) the words "in the prescribed manner" and "in the prescribed manner and". Section 4(4). In section 6(2) the words "in the prescribed manner" and the words "in the prescribed manner and".
Chapter	Short title	Extent of Repeal

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14 Geo 6 c 28	Shops Act 1950	In section 8(1) the words "and confirmed by the Secretary of State in manner provided by this Act". In section 9, in subsection (2), the words from "and the order" to the end, and subsection (3). Section 10.
1963 c 31	Weights and Measures Act 1963	In section 5(1A) the words "with the approval of the Secretary of State". In section 39, subsections(3), (4) and (5). In section 41(2) the words from "and notice" to the end. Section 26(3) and (4).
1968 c 29	Trade Descriptions Act 1968	
1974 c 39	Consumer Credit Act 1974	Section 161(4), (5) and (6).
1979 c 38	Estate Agents Act 1979	Section 26(5), (6), (7) and (8).
1979 c 45	Weights and Measures Act 1979	In section 1(8)(a) the words from "and for the payment" to the end. In section 4(3) the words from "to the investigation of a complaint" to "are not being properly discharged", the words "in sections 38(1)" and the words "39(3) the references".
Chapter	Short Title	Extent of Repeal
8 Edw 7 c 36	Small Holdings and Allotments Act 1908	In section 28(3) the words "Rules under this section" to the end. In section 32(2) the words "and which is approved by the Local Government Board". In the proviso to section 47(1) the words from "but, if the tenant feels aggrieved" to the end.

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		In section 49(2) the words "with the consent of, and subject to regulations made by, the Local Government Board".
		Section 54.
		Section 59.
9 & 10 Geo 5 c 59	Land Settlement (Facilities) Act 1919	In section 22(1) the words from "with the consent" to "may impose".
12 & 13 Geo 5 c 51	Allotments Act 1922	Section 20.
15 & 16 Geo 5 c 61	Allotments Act 1925	Section 13.

Chapter	Short Title	Extent of Repeal
26 Geo 5 & 1 Edw 8 c 49	Public Health 1936	In section 291(3), the proviso.
5 & 6 Eliz 2 c 56	Housing Act 1957	Section 10(6).
9 & 10 Eliz 2 c 65	Housing Act 1961	Section 18(8).
1964 c 75	Public Libraries and Museums Act 1964	In section 8(2), the words "not exceeding such amount as may be specified in that behalf by the Secretary of State".
1966 c 42	Local Government Act 1966	In Schedule 3, in Part II, paragraphs 7, 15 and 32.
1966 c 51	Local Government (Scotland) Act 1966	In Schedule 4, in Part II, paragraphs 13 and 22.
1968 c 54	Theatres Act 1968	In Schedule 1, in paragraph 3, sub-paragraphs (2) and (3).
1972 c 70	Local Government Act 1972	Section 171.
1972 c xl	Greater London Council (General Powers) Act 1972	Section 19(6)(c).
1973 c 60	Breeding of Dogs Act 1973	Section 1(3).
1973 c 65	Local Government (Scotland) Act 1973	In section 121(1) the words "section 10(2) of the Coast Protection Act 1949" and "section 23(5) of the Mines and Quarries (Tips) Act 1969".
1974 c 44	Housing Act 1974	Section 76(6).
Chapter	Short Title	Extent of Repeal

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12, 13 and 14 Geo 6 c 97	National Parks and Access to the Countryside Act 1949	In section 53, in subsection (1), the words "with the approval of the Minister" in paragraph (b) and at the end of that paragraph the words "as the Minister may either generally or in any particular case direct", and subsections (3) and (4).
7 & 8 Eliz 2 c 25	Highways Act 1959	In section 30, in subsections (2) and (3) and in subsection (4), the words "Subject to the provisions of subsections (2) of this section." Section 59(6). In section 73(1) the proviso. Sections 95 and 96. In section 108(10), the words "and any question arising under this subsection whether the withholding of a consent is unreasonable shall be determined by the Minister". In section 126, subsection (2), in subsection (3) the words "or by the Minister of Housing and Local Government under the last foregoing subsection", and in subsection (4), the words "or subsection (2)". Section 181(5). In section 211(2) the proviso. In section 233, in subsection (2), the words from "but" to the end and in subsection (5) the words "subject to the approval of the Minister". Section 246(2). Section 264(5). Section 280(2), (3) and (4). Section 288.

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		In Schedule 24, paragraph 12(4).
9 & 10 Eliz 2 c 63	Highways (Miscellaneous Provisions) Act 1961	Section 16(4).
1966 c 42	Local Government Act 1966	Section 29(3).
1968 c 41	Countryside Act 1968	In section 29(4) the words "and the highway authority shall before refusing to make an order under subsection (2) of this section consult the Minister of Agriculture, Fisheries and Food".
1968 c 73	Transport Act 1968	Section 120.
1971 c 41	Highways Act 1971	Section 85.
Chapter	Short Title	Extent of Repeal
1967 c 76	Road Traffic Regulation Act 1967	Section 1(9). in section 9(5) the words "made by the Greater London Council". Section 17. Section 26(5). Section 84B(1)(g). In section 84D, in subsection (2)(d), the words "section 26(5) or " and subsection (3). Section 113(2).
1968 c 41	Countryside Act 1968	Section 32(9).
1972 c 70	Local Government Act 1972	In Schedule 19, paragraph 11.
1973 c 65	Local Government (Scotland) Act 1973	In Schedule 14, paragraph 63.
Chapter	Short Title	Extent of Repeal
1967 c 9	General Rate Act 1967	In section 492), the words "of seven days". Section 5(1)(g). In section 19(6), the definition of "house". Section 20(5). In section 30(1), the word "(2)". Section 48(4). Section 50(2).

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		In Schedule 1, in paragraph 1(2), the words "and no reduction shall be made under section 48 of this Act in respect of any rates so payable". Schedule 2.
		In Schedule 10, paragraph 2, in paragraph 5(c) the words from "(apart" to "this Act)" and in paragraph 6 the words "in accordance with paragraph 1(a) of this Schedule".
1969 c 19	Decimal Currency Act 1969	In Schedule 2, paragraph 28(3).
1973 c xxx	Greater London Council (General Powers) Act 1973	Section 26.
1974 c 7	Local Government Act 1974	In Schedule 7, paragraph 4.
1975 c 5	General Rate Act 1975	The whole Act.
1976 c 15	Rating (Caravan Sites) Act 1976	In section 1(4) the words "in determining whether the hereditament is a mixed hereditament."

Chapter**Short Title****Extent of Repeal**

1971 c 78	Town and Country Planning Act 1971	In section 6, in subsection (2), the words "and shall, if directed to do so by the Secretary of State," and in subsection (5), the words "and, for the Secretary of State to direct them to institute,". In section 7, in subsection (2), the words "during such period as the Secretary of State may direct" and the words from "and" to the end, and subsection (5). In section 10C(2), the words "Subject to regulations under this section,".
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In section 11, in subsection (3)(b), the words "or as the Secretary of State may in any particular case direct", in subsection (5), the words "or as may in any particular case be specified in directions given by the Secretary of State;", subsection (6), and in subsection (10), the words "the preceding provisions of".

In section 12, in subsection (1)(a), the words "to any relevant matter arising out of a survey carried out under section 6 or 11 of this Act and", in subsection (2), the words "and at such other places as may be prescribed" and in subsection (3), the words "containing such particulars, if any, as may be prescribed".

Section 50.

In section 55(2), the word "only" and in paragraph (a), the words "(in this Act referred to as "listed building consent")".

Section 56(2).

In section 60(5), paragraph (c) and in paragraph (d), the words "the Secretary of State or".

In section 61, in subsection (2)(b), the words from "or" to the end of the paragraph and subsection (3).

In section 277, subsections (3) and (5)(a) and (b).

In section 277A, subsection (3) and in subsection (4), the words "or to an individual building so specified".

		Section 277B(3). In Schedule 3, in paragraph 4, the word "58". In Schedule 4, in paragraph 1, the words from "or" to the end, in paragraph 2, the words from "and" to the end, paragraph 6, in paragraph 11, in sub-paragraph (2)(b), the words ", or as the Secretary of State may direct", and in sub-paragraph (3), the words ", or as may in any particular case be specified in directions given by the Secretary of State", and in paragraph 12, in sub-paragraph (2), the words "and at such other places as may be prescribed" and in sub-paragraph (3), the word "such" and the words ", if any, as may be prescribed". In Schedule 11, paragraph 3, paragraph 12(1)(b) and the word "and" immediately preceding it and in paragraph 12(3), the words from "and the notice" to the end. In Schedule 16, in paragraph 15(2), the words from "unless" to the end, in paragraph 25, in sub-paragraph (1), the words "Subject to sub-paragraph (2) below," and sub-paragraph (2), and paragraph 32(d). In Schedule 17, paragraph 6(b).
1972 c 70	Local Government Act 1972	
1978 c 50	Inner Urban Areas Act 1978	Section 12.
Chapter	Short Title	Extent of Repeal

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1961 c 33	Land Compensation Act 1961	In Schedule 2, paragraph 2(1)(i) and the word "or" immediately preceding it.
1963 c 51	Land Compensation (Scotland) Act 1963	In Schedule 2, paragraph 1(1)(g) and the word "or" immediately preceding it.
1971 c 78	Town and Country Planning Act 1971	Section 34(1A).
1972 c 52	Town and Country Planning (Scotland) Act 1972	In section 31(2) the words "and with respect to resolutions and notifications under Schedule 8 to the Community Land Act 1975. Section 31(2A).
1974 c 7	Local Government Act 1974	In section 25(1)(aa) the words form "and" to the end.
1975 c 24	House of Commons Disqualification Act 1975	In Part II of Schedule 1, the entry relating to a Financial Hardship Tribunal within the meaning of section 27(1) of the Community Land Act 1975.
1975 c 30	Local Government (Scotland) Act 1975	Section 23(1)(aa).
1975 c 77	Community Land Act 1975	The whole Act.
1976 c 75	Development of Rural Wales Act 1976	In Schedule 7, paragraph 16.
1977 c 42	Rent Act 1977	In Schedule 23, paragraph 71.

Chapter	Short Title	Extent of Repeal
1973 c 26	Land Compensation Act 1973	Section 14. In section 19, in subsection (1) the definition of "claim period" and in subsection (3) the words from "but, if it does" onwards. Section 32(8).
1973 c 56	Land Compensation (Scotland) Act 1973	Section 12. In section 17, in subsection (1) the definition of "claim period" and in subsection (3) the words from "but, if it does" onwards.

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Section 29(8).

Chapter	Short Title	Extent of Repeal
9 & 10 Geo 6 c 49	Acquisition of Land (Authorisation Procedure) Act 1946	In Schedule 1, in paragraph 3(1), the words in head (b) from "except" to "case", head (c) and the proviso, and in paragraph 7A, the words "the confirming authority and to" and the words "or affixing of notices".
12, 13, & 14 Geo 6 c 97	National Parks and Access to the Countryside Act 1949	Section 77(4).
7 & 8 Eliz 2 c 53	Town and Country Planning Act 1959	In section 23(3), the words following paragraph (ii). In section 26, in subsection (3) and in subsection (5) the words following paragraph (ii). Section 30(5). Section 119(2).
1971 c 78	Town and Country Planning Act 1971	In section 121(1) the words "open space". Section 122(2)(a) and (3). Section 123(2)(a) and (b), (3) to (6).
1972 c 70	Local Government Act 1972	In section 122, in subsection (2), the words "open space" in paragraph (a) and the words following paragraph (b), and subsections (3), (5) and (6). Section 123(3), (4) and (5). Section 123A. In section 126, in subsection (4), the words "open space" in paragraph (a) and the words following paragraph (b), and subsections (5) and (7).
1973 c 65	Local Government (Scotland) Act 1973	Section 74A.

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Chapter	Short Title	Extent of Repeal
15 & 16 Geo 6 & 1 Eliz 2 c 54	Town Development Act 1952	In section 4(1), the words "county or". Section 7(c). In the second paragraph of section 8(1), paragraph (c). In section 10(3), the words "county or". Section 11.
1972 c 70	Local Government Act 1972	Section 185(2) and (3). In Schedule 18, paragraph 1 and in paragraph 4 the words from "the", in the first place where it occurs, to "and".
Chapter	Short Title	Extent of Repeal
1964 c 26	Licensing Act 1964	In section 112(1), in paragraph (a), sub-paragraph (ii) and the word "or" immediately preceding it and, in paragraph (b), sub-paragraph (ii) and the word "or" immediately preceding it. In section 112(5) the words "or licensed premises".
Chapter	Short Title	Extent of Repeal
38 & 39 Vict c 55 15 & 16 Geo 6 & 1 Eliz 2 c 31	Public Health Act 1875 Cremation Act 1952	Section 172. In section 1, in subsection (1) the words from "unless" to "nor" and the words "to be in accordance with such plans" and subsections (2) and (3).
7 & 8 Eliz 2 c 25	Highways Act 1959	In section 127(c) the words "or a gipsy".
4 & 5 Eliz 2 c 52 1963 c 33	Clean Air Act 1956 London Government Act 1963	Section 23. Section 73(2).

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		In Schedule 2, in paragraph 28(1), the words "with the approval of the Treasury".
1966 c 42	Local Government Act 1966	In section 9(3), the words "to a local authority".
1968 c 52	Caravan Sites Act 1968	In section 6(2), the words from "and the Minister" to the end. Section 6(3) and (4).
1970 c 42	Local Authority Social Services Act 1970	In section 13, in subsection (1), the words "and regulations" in subsection (3), the words "or regulations under section 6(3) thereof", and in subsection (5), the words "or regulations".
		In section 15(2), the word "(3)".
1972 c 70	Local Government Act 1972	Section 144(3).
		Section 174(3).
		In section 190, in subsection (1) the words from "and for the words" to the end, and subsections (2) and (3).
1973 c 37	Water Act 1973	In Schedule 3, paragraph 11(2).
1973 c 65	Local Government (Scotland) Act 1973	Section 46(2).
1974 c 7	Local Government Act 1974	Section 1(8).
		In Schedule 1, paragraphs 1 to 5 and 10.
1976 c 70	Land Drainage Act 1976	Section 65(8).
1978 c 50	Inner Urban Areas Act 1978	Section 14.
1978 c xiii	Greater London Council (General Powers) Act 1978	Section 8.

TABLE

	£
A heavy draft horse	715
A vanner, mule or jennet	495
An ass	220

(4) Subsection (3) above shall not apply in the case of any horse where the inspector is satisfied--

(a) that it is intended to use the horse as a performing animal; or

(b) that the horse is registered in the stud book of a society for the encouragement of horse-breeding recognised by the Ministers, and is intended to be used for breeding or exhibition; or

(c) that the horse is a foal at foot accompanying such a horse as is referred to in paragraph (b) above.

Export of horses defined as ponies

41 Restriction on export of ponies

(1) It is an offence against this Act to ship or attempt to ship any pony in any vessel or aircraft from any port or aerodrome in Great Britain to any port or aerodrome outside the British Islands unless--

(a) the appropriate Minister is satisfied that the pony is intended for breeding, riding or exhibition and--

(i) it is not of less value than £300, or

(ii) in the case of a pony not exceeding 122 centimetres in height other than a pony of the Shetland breed not exceeding 107 centimetres in height, it is not of less value than £220, or

(iii) in the case of such a pony of the Shetland breed, it is not of less value than £145, or

(iv) such other value in any of those cases as may be prescribed by order of the Ministers; and

(b) immediately before shipment the pony has been individually inspected by a veterinary inspector and has been certified in writing by the inspector to be capable of being conveyed to the port or aerodrome to which it is to be shipped, and disembarked, without unnecessary suffering.

(2) Without prejudice to paragraph (b) of subsection (1) above, a veterinary inspector shall not certify a pony to be capable of being conveyed and disembarked as described in that subsection if--

(a) being a mare, it is in his opinion heavy in foal, showing fullness of udder or too old to travel; or

(b) being a foal, it is in his opinion too young to travel.

42 Restriction on export of registered ponies

It is an offence against this Act to ship or attempt to ship a registered pony in any vessel or aircraft from any port or aerodrome in Great Britain to any port or aerodrome outside the British Islands unless there has first been obtained from the secretary of a society in whose stud book the pony is

registered a certificate ("the export certificate") that the pony is registered with that society.

For the purposes of this section the expression "registered pony" means a pony registered in--

- (a) the Arab Horse Society Stud Book,
- (b) the National Pony Society Stud Book,
- (c) The British Palomino Society Stud Book, or
- (d) the British Spotted Horse and Pony Society Stud Book,

or in the stud book of any of the following native breed societies, namely, English Connemara, Dales, Dartmoor, Exmoor, Fell, Highland, New Forest, Shetland and Welsh.

43 Regulation of export of ponies

The Ministers shall by order make such provision as they think necessary or expedient for the following purposes--

(a) for prohibiting the export of ponies by sea or air from any place in Great Britain to any place outside the British Islands unless such ponies are rested immediately before being loaded in the vessel or aircraft in which they are to be carried;

(b) for regulating and prescribing the premises at which and the periods during which ponies are to be so rested;

(c) for prescribing and regulating the cleansing and supervision of such premises and the provision at them of clean and sufficient bedding and adequate supplies of fodder and water.

Other provisions as to export of horses

44 Slaughter on examination or inspection

If any horse examined under section 40(1) above or inspected under section 41(1) above is found by the veterinary inspector--

- (a) to be in such a physical condition that it is cruel to keep it alive, or
- (b) to be permanently incapable of being worked without suffering,

the inspector shall forthwith slaughter it (or cause it to be slaughtered) with a mechanically operated instrument suitable and sufficient for the purpose, and no compensation shall be made to the owner of that animal.

45 Marking of horses certified for export

(1) A veterinary inspector may, for the purposes of identification, mark a horse certified by him under section 40(1) above or section 41(1) above in such manner as the Ministers may by order prescribe.

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(2) A person who, with a view to evading the provisions of section 40 above or section 41 above, marks a horse--

(a) with the prescribed mark, or

(b) with any mark so nearly resembling it as to be calculated to deceive,

is guilty of an offence against this Act.

46 Slaughter of injured horses

(1) If any horse shipped from any port in Great Britain to any port outside the British Islands has a limb broken or is otherwise seriously injured while on board so as to be incapable of being disembarked without cruelty--

(a) the master of the vessel shall forthwith cause the animal to be slaughtered; and

(b) every vessel on which a horse is so shipped shall carry a proper killing instrument, to be approved by the Ministers for that purpose.

(2) It is the duty of the owner and master of every such vessel to see that the vessel is provided with such an instrument, and the master, if so required by an inspector, shall produce the instrument for his inspection.

47 Exemption of thoroughbreds in transit

Sections 40 and 41 and 46 above shall not apply in the case of shipment of any thoroughbred horse certified in writing by a steward or the secretary of the Jockey Club--

(a) to have arrived in Great Britain not more than one month before the date of shipment for the purpose of being run in a race; or

(b) to be shipped for the purpose of being run in a race; or

(c) to be shipped in order to be used for breeding purposes.

48 Certificates

Where--

(a) a certificate is given under section 40(1), section 41(1) or section 47 above, or

(b) an export certificate is given under section 42 above,

that certificate shall be delivered at the time of shipment to the master of the vessel or the pilot of the aircraft on which the animal is shipped, who shall--

(i) on demand produce the certificate to any constable or any inspector or other officer of the appropriate Minister or the local authority; and

(ii) allow such constable, inspector or other officer to take a copy of or extract from the certificate.

49 Enforcement and interpretation

(1) An inspector may enter any vessel or aircraft for the purpose of ascertaining whether the provisions--

(a) of sections 40 to 42 and 44 to 48 above (in this section described as "the relevant sections"), or

(b) of any order under this Act relating to the exportation or shipment of horses,

are being complied with.

(2) Every local authority shall, if and so far as the Ministers by order so direct, execute and enforce the relevant sections.

(3) If--

(a) a person does anything or omits to do anything in contravention of the provisions of the relevant sections, or

(b) the master of a vessel or the pilot of an aircraft permits a horse to be shipped in a vessel or aircraft in contravention of those provisions,

he shall be guilty of an offence against this Act, and the provisions of this Act relating to offences and legal proceedings shall apply accordingly as if the expression "animal" in those provisions included horses.

(4) In this section and the relevant sections--

[(a) "master", "owner" and "port" have the same meanings as in the Merchant Shipping Act 1995, and "vessel" has the same meaning as "ship" in the Merchant Shipping Act 1995; and]

(b) "pilot of an aircraft" includes any other person having the command or charge of the aircraft.

NOTES:

Initial Commencement

Specified date

Specified date: 11 July 1981: see s 97(3).

Derivation

This section derived from the Diseases of Animals Act 1950, s 37(1), (2), (3), (4), (4A), the Agriculture (Miscellaneous Provisions) Act 1954, s 11(1), the Ponies Act 1969, s 1, and SI 1978/1748, art 3(1).

Transfer of Functions

Functions of the Ministers, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales, by the National Assembly for Wales (Transfer of Functions) Order 1999, SI 1999/672, art 2, Sch 1.

Initial Commencement***Specified date***

Specified date: 11 July 1981: see s 97(3).

Derivation

This section derived from the Diseases of Animals Act 1950, s 37(4A), the Agriculture (Miscellaneous Provisions) Act 1954, s 11(1), the Ponies Act 1969, s 1, SI 1978/1748, art 3(2), and SI 1981/8, regs 2, 3.

Transfer of Functions

Functions of the Ministers and the appropriate Minister, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales, by the National Assembly for Wales (Transfer of Functions) Order 1999, SI 1999/672, art 2, Sch 1.

Initial Commencement***Specified date***

Specified date: 11 July 1981: see s 97(3).

Derivation

This section derived from the Diseases of Animals Act 1950, s 40A(1), (3), the Agriculture (Miscellaneous Provisions) Act 1954, s 11(1), and the Ponies Act 1969, s 3(1).

Initial Commencement***Specified date***

Specified date: 11 July 1981: see s 97(3).

Derivation

This section derived from the Ponies Act 1969, s 2(1).

Transfer of Functions

Functions of the Ministers, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales, by the National Assembly for Wales (Transfer of Functions) Order 1999, SI 1999/672, art 2, Sch 1.

Initial Commencement

Specified date

Specified date: 11 July 1981: see s 97(3).

Derivation

This section derived from the Diseases of Animals Act 1950, s 37(5), and the Ponies Act 1969, s 1.

Initial Commencement***Specified date***

Specified date: 11 July 1981: see s 97(3).

Derivation

This section derived from the Diseases of Animals Act 1950, s 38.

Transfer of Functions

Functions of the Ministers, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales, by the National Assembly for Wales (Transfer of Functions) Order 1999, SI 1999/672, art 2, Sch 1.

Initial Commencement***Specified date***

Specified date: 11 July 1981: see s 97(3).

Derivation

This section derived from the Diseases of Animals Act 1950, s 39.

Transfer of Functions

Functions of the Ministers, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales, by the National Assembly for Wales (Transfer of Functions) Order 1999, SI 1999/672, art 2, Sch 1.

Initial Commencement***Specified date***

Specified date: 11 July 1981: see s 97(3).

Derivation

This section derived from the Diseases of Animals Act 1950, s 40.

Initial Commencement***Specified date***

Specified date: 11 July 1981: see s 97(3).

Derivation

This section derived from the Diseases of Animals Act 1950, ss 37(7), 40, 40A(2), and the Ponies Act 1969, s 3.

Transfer of Functions

Functions of the appropriate Minister, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales, by the National Assembly for Wales (Transfer of Functions) Order 1999, SI 1999/672, art 2, Sch 1.

Initial Commencement***Specified date***

Specified date: 11 July 1981: see s 97(3).

Derivation

This section derived from the Diseases of Animals Act 1950, s 41, the Agriculture (Miscellaneous Provisions) Act 1954, s 11(1), Sch 2, para 1(3), and the Ponies Act 1969, s 3.

Amendment

Sub-s (4): para (a) substituted by the Merchant Shipping Act 1995, s 314(2), Sch 13, para 58(a).

Transfer of Functions

Functions of the Ministers, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales, by the National Assembly for Wales (Transfer of Functions) Order 1999, SI 1999/672, art 2, Sch 1.

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**ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979
1979 CHAPTER 46**

**SCHEDULE , PT. IV
Section 194
Royal Assent [4 April 1979]**

Ancient Monuments and Archaeological Areas Act 1979, Ch. 46, Sch., Pt. IV (Eng.)

Part IV Local Authorities

50 Local Authorities for purposes of this Act

(1) In this Act "local authority" has the meaning given by subsections (2) and (3) below, but subject to subsection (4) below [and to section 13(3) above].

(2) In the application of this Act to England and Wales "local authority" means--

(a) as respects a London borough, the borough council,

[(b) as respects a non-metropolitan county, the county council,

[(bb) as respects a county borough, the county borough council,]

(c) as respects a metropolitan district, the district council,]

and the Common Council of the City of London shall be the local authority--

(i) for the City of London, and

(ii) in and for the whole of Greater London for the purpose of the provisions of this Act relating to imported animals.

(3) In the application of this Act to Scotland "local authority" means a [council constituted under section 2 of the Local Government etc (Scotland) Act 1994].

(4) Where the district or part of a district of a local authority is or comprises, or is comprised in--

(a) a port or part of a port, or

(b) an aerodrome or part of an aerodrome,

the appropriate Minister may, if he thinks fit, in relation to either paragraph (a) or paragraph (b) above by order make any body, other than the local authority under subsection (2) or subsection (3) above, the local authority for the purposes of the provisions of this Act relating to imported animals.

(5) A local authority shall execute and enforce this Act and every order of the Minister so far as they are to be executed and enforced by local authorities.

51 Local authorities and their districts

(1) The provisions of this Act conferring powers on, or otherwise relating to, a local authority, or their inspectors or officers shall, unless otherwise expressed, be read as having reference to the district of the local authority.

(2) The powers so conferred shall, unless it is otherwise expressed, be exercisable and shall operate within and in relation to that district only.

52 Inspectors and other officers

(1) Every local authority shall appoint as many inspectors and other officers as the local authority think necessary for the execution and enforcement of this Act.

(2) Every local authority shall assign to those inspectors and officers such duties, and salaries or allowances, and may delegate to any of them such authorities and discretion, as to the local authority seem fit, and may at any time revoke any appointment so made.

53 Borrowing powers

(1) A local authority may borrow for the purposes of this Act.

(2) In Scotland the power conferred by this section shall only be exercisable where the expenditure of the local authority under this Act requiring to be met out of rates in any financial year exceeds or would exceed the produce of a rate of 2 1/2p. in the pound on the rateable valuation of the authority's area.

54 Provision of wharves, etc

(1) A local authority may provide, erect and fit up wharves, stations, lairs, sheds and other places for the landing, reception, keeping, sale, slaughter or disposal of imported or other animals, carcasses, fodder, litter, dung and other things.

(2) There shall be incorporated with this Act the Markets and Fairs Clauses Act 1847, except sections 6 to 9, and 52 to 59.

(3) A wharf or other place provided by a local authority under this section shall be a market within that Act, and this Act shall be the special Act; and

(a) the prescribed limits shall be the limits of lands acquired or appropriated for the purposes of this section;

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(b) byelaws shall be approved by the appropriate Minister, which approval shall be sufficient without any other approval or allowance where--

- (i) notice of application for approval has been given, and
 - (ii) the proposed byelaws have been published before application,
- as required by that Act of 1847.

(4) A local authority may charge for the use of a wharf or other place provided by them under this section such sums as may be imposed by byelaws, and those sums shall be deemed tolls authorised by the special Act.

(5) All sums so received by a local authority in England or Wales--

- (a) shall be carried to a separate account; and
- (b) shall be applied in payment of interest and repayment of principal in respect of money borrowed by them under this Act; and
- (c) subject to paragraph (b), shall be applied towards the discharge of their expenses under this Act.

(6) The local authority shall make such periodical returns to the appropriate Minister as he may require of their expenditure and receipts in respect of the wharf or other place.

55 Power to acquire land

(1) A local authority may--

- (a) purchase land by agreement, or
- (b) if so authorised by the Minister or the appropriate Minister, purchase land compulsorily, or
- (c) by agreement take land on lease or at a rent,

for the following purposes--

- (i) for wharves or other places; or
- (ii) for use for burial of carcases, in cases where there is not any ground suitable in that behalf in the possession or occupation of the owner of the animal, or any common or unenclosed land suitable and approved by the Minister or the appropriate Minister in that behalf; or
- (iii) for any other purpose of this Act.

(2) The powers conferred by this section may be exercised by a local authority in England or Wales with respect to land within or without their district, [and the Acquisition of Land Act 1981 shall apply to a compulsory purchase under the section by such a local authority].

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(3) References in . . . the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 to enactments in force immediately before the respective commencements of those Acts shall include references to this section.

This subsection is without prejudice to paragraph (a) of section 17(2) of the Interpretation Act 1978 as regards references in an Act to an enactment repealed and re-enacted.

56 Public facilities for sheep dipping

(1) A local authority may provide, fit up and maintain portable dipping tanks or dipping places, and afford their use, and the use of all necessary connected appliances and materials, to the public upon such terms and conditions as the local authority may think fit.

(2) Any sums received by a local authority in England or Wales for such use shall be applied by them towards the discharge of their expenses under this Act.

(3) No dipping place shall be used for the purposes of this section if such use would injuriously affect the water in any stream, reservoir, aqueduct, well, pond or place constructed or used for the supply of water for drinking or other domestic purposes.

57 Burial of carcases washed ashore

(1) Where a carcase washed ashore is buried or destroyed under the direction of a receiver of wreck with authority from the Secretary of State the expenses of such burial or destruction shall be expenses of the local authority.

(2) Those expenses shall be paid by the local authority to the receiver on demand, and in default of payment shall be recoverable with costs by the receiver from the local authority.

(3) Where a local authority has incurred any expenses under this section on account of the burial or destruction of the carcase of any animal which, or the carcase of which, was thrown or washed from any vessel, the owner of the vessel shall be liable to repay such expenses to the local authority.

58 Regulations

(1) A regulation of a local authority may be proved--

(a) by the production of a newspaper purporting to contain the regulation as an advertisement; or

(b) by the production of a copy of the regulation purporting to be certified by the clerk of the local authority as a true copy.

(2) A regulation so proved shall be taken to have been duly made, unless and until the contrary is proved.

(3) A regulation of a local authority authorised by this Act or by an order of the Minister shall alone be deemed for the purposes of this Act a regulation of a local authority.

59 Default

(1) Wherea local authority fail to execute or enforce any of the provisions of this Act, or of an order of the Minister, the appropriate Minister may by order empower a person named in that order--

- (a) to execute and enforce those provisions; or
- (b) to procure their execution and enforcement.

(2) The expenses incurred under any such order or in respect of any such default by or on behalf of the appropriate Minister shall be expenses of the local authority, and

(a) the treasurer or other proper officer of the local authority shall pay the amount of such expenses to the appropriate Minister on demand; and

(b) in default of payment a person appointed by the appropriate Minister to sue in that behalf may recover the amount of such expenses from the local authority.

(3) For the purposes of this section an order of the Minister shall be conclusive in respect of any default, amount of expenses, or other matter stated or appearing in it.

(4) The provisions of this section are without prejudice to the right or power of the appropriate Minister, or any other authority or any person, to take any other proceedings for requiring a local authority to execute or enforce any of the provisions of this Act or of an order of the Minister.

NOTES:**Initial Commencement*****Specified date***

Specified date: 11 July 1981: see s 97(3).

Derivation

This section derived from the Diseases of Animals Act 1950, s 59, the Agriculture (Miscellaneous Provisions) Act 1954, s 11(1), and the London Government Act 1963, s 54, Sch 13, para 1.

Amendment

Sub-s (1): words in square brackets inserted by the Environmental Protection Act 1990, s 151(2).

Sub-s (2): paras (b), (c) substituted, for para (b) as originally enacted, by the Local Government Act 1985, s 16, Sch 8, para 18; para (bb) inserted by the Local Government (Wales) Act 1994, s 66(6), Sch 16, para 61.

Sub-s (3): words in square brackets substituted by the Local Government etc

(Scotland) Act 1994, s 180(1), Sch 13, para 122.

Transfer of Functions

Functions of the appropriate Minister, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales, by the National Assembly for Wales (Transfer of Functions) Order 1999, SI 1999/672, art 2, Sch 1.

Initial Commencement***Specified date***

Specified date: 11 July 1981: see s 97(3).

Derivation

This section derived from the Diseases of Animals Act 1950, s 67.

Initial Commencement***Specified date***

Specified date: 11 July 1981: see s 97(3).

Derivation

This section derived from the Diseases of Animals Act 1950, s 64.

Initial Commencement***Specified date***

Specified date: 11 July 1981: see s 97(3).

Derivation

This section derived from the Diseases of Animals Act 1950, s 70.

Initial Commencement***Specified date***

Specified date: 11 July 1981: see s 97(3).

Derivation

This section derived from the Diseases of Animals Act 1950, s 61.

Transfer of Functions

Functions of the appropriate Minister, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales, by the National Assembly for Wales (Transfer of Functions) Order 1999, SI 1999/672, art 2, Sch 1.

Initial Commencement***Specified date***

Specified date: 11 July 1981: see s 97(3).

Derivation

This section derived from the Diseases of Animals Act 1950, s 62.

Amendment

Sub-ss (2), (3): words in square brackets substituted and words omitted repealed by the Acquisition of Land Act 1981, s 34, Sch 4, para 32, Sch 6.

Transfer of Functions

Functions of the appropriate Minister, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales, by the National Assembly for Wales (Transfer of Functions) Order 1999, SI 1999/672, art 2, Sch 1.

Initial Commencement***Specified date***

Specified date: 11 July 1981: see s 97(3).

Derivation

This section derived from the Diseases of Animals Act 1950, s 43.

Initial Commencement***Specified date***

Specified date: 11 July 1981: see s 97(3).

Derivation

This section derived from the Diseases of Animals Act 1950, s 75.

Initial Commencement***Specified date***

Specified date: 11 July 1981: see s 97(3).

Derivation

This section derived from the Diseases of Animals Act 1950, s 66.

Initial Commencement***Specified date***

Specified date: 11 July 1981: see s 97(3).

Derivation

This section derived from the Diseases of Animals Act 1950, s 63.

Transfer of Functions

Functions of the appropriate Minister, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales, by the National Assembly for Wales (Transfer of Functions) Order 1999, SI 1999/672, art 2, Sch 1.

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ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979
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SCHEDULE , PT. V

Section 194

Royal Assent [4 April 1979]

Ancient Monuments and Archaeological Areas Act 1979, Ch. 46, Sch., Pt. V (Eng.)

Part V Enforcement, Offences and Proceedings

Enforcement

60 Duties and authorities of constables

(1) The police force of each police area shall execute and enforce this Act and every order of the Minister [but subject, in the case of orders under section 13, to any provision made under subsection (3) of that section].

(2) Where a person is seen or found committing, or is reasonably suspected of being engaged in committing, an offence against this Act, a constable may, without warrant, stop and detain him.

(3) . . .

(4) The constable may, whether so stopping or detaining . . . the person or not--

(a) stop, detain and examine any animal, vehicle, boat or thing to which the offence or suspected offence relates; and

(b) require it to be forthwith taken back to or into any place or district from which or out of which it was unlawfully removed and execute and enforce that requisition.

(5) If a person obstructs or impedes or assists in obstructing or impeding [an officer other than a constable [inspector]] in the execution--

(a) of this Act, or

(b) of an order of the Minister, or

(c) of a regulation of a local authority,

the . . . officer [inspector or a constable] may without warrant apprehend

the offender.

(6) A person apprehended under this section--

(a) shall be taken with all practicable speed before a justice, or, in Scotland, a sheriff or district court; and

(b) shall not be detained without a warrant longer than is necessary for that purpose.

(7) All enactments relating to the release of persons on bail by an officer of police or a constable shall apply in the case of a person apprehended under this section.

(8) The foregoing provisions of this section respecting a constable extend and apply to any person called by a constable to his assistance.

(9) A constable shall forthwith make a report in writing to his superior officer of every case in which he stops any person, animal, vehicle, boat, or thing under this section, and of his proceedings in consequence.

(10) Nothing in this section shall take away or abridge any power or authority that a constable would have had if this section had not been enacted.

61 Powers of arrest as to rabies

(1) Without prejudice to the powers of arrest conferred by section 60 above or otherwise, a constable may arrest without warrant any person whom he, with reasonable cause, suspects to be in the act of committing or to have committed an offence to which this section applies.

(2) The offences to which this section applies are offences against this Act consisting of--

(a) the landing or attempted landing of any animal [or importation or attempted importation through the tunnel system as defined in the Channel Tunnel Act 1987 of any animal] in contravention of an order made under this Act and expressed to be made for the purpose of preventing the introduction of rabies into Great Britain; or

(b) the failure by the person having the charge or control of any vessel or boat to discharge any obligation imposed on him in that capacity by such an order; or

(c) the movement, in contravention of an order under section 17 or section 23 above, of any animal into, within or out of a place or area declared to be infected with rabies.

62 Entry and search under s 61

(1) For the purpose of arresting a person under the power conferred by section 61 above a constable may enter (if need be, by force) and search any vessel, boat, aircraft or vehicle of any other description in which that person is or in which the constable, with reasonable cause, suspects him to be.

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(2) For the purpose of exercising any power to seize an animal or cause an animal to be seized, and--

(a) where that power is conferred on constables by an order made under this Act, and

(b) where that power is expressed to be made for the purpose of preventing the introduction of rabies into Great Britain,

a constable may enter (if need be, by force) and search any vessel, boat, aircraft or vehicle of any other description in which there is, or in which he, with reasonable cause, suspects that there is, an animal to which that power applies.

[62A Slaughter: power of entry]

[(1) An inspector may at any time enter any premises for the purpose of--

(a) ascertaining whether a power conferred by or under this Act to cause an animal to be slaughtered should be exercised, or (b) doing anything in pursuance of the exercise of that power.

(2) In this section and sections 62B and 62C premises includes any land, building or other place.]

[62B Slaughter: warrants]

[(1) If a justice of the peace is satisfied on sworn information in writing that the first condition is satisfied and that the second or third condition is satisfied he may issue a warrant authorising an inspector to enter any premises, if necessary using reasonable force, for the purpose mentioned in section 62A. (2) The information must include--

(a) a statement as to whether any representations have been made by the occupier of the land or premises to an inspector concerning the purpose for which the warrant is sought; (b) a summary of any such representations.

(3) The first condition is that there are reasonable grounds for an inspector to enter the premises for that purpose. (4) The second condition is that each of the following applies to the occupier of the premises--

(a) he has been informed of the decision to seek entry to the premises and of the reasons for that decision; (b) he has failed to allow entry to the premises on being requested to do so by an inspector; (c) he has been informed of the decision to apply for the warrant.

(5) The third condition is that--

(a) the premises are unoccupied or the occupier is absent and (in either case) notice of intention to apply for the warrant has been left in a conspicuous place on the premises, or (b) an application for admission to the premises or the giving of notice of intention to apply for the warrant would defeat the object of entering the premises.

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(6) A warrant issued under this section remains in force for one month starting with the date of its approval by the justice of the peace, which date shall be clearly visible on the warrant.(7) A warrant issued under this section must be executed only at a reasonable hour unless the inspector thinks that the case is one of urgency.(8) In relation to any premises to which entry is obtained by virtue of a warrant under this section the Secretary of State must retain for a period of not less than 12 months beginning with the day after entry--

(a) a copy of the warrant;(b) a copy of any record of the steps taken to effect entry to the premises and the actions taken on the premises by the inspector and any other person entering the premises with him.]

[62C Slaughter: supplementary]

[(1) This section applies to an inspector who enters any premises by virtue of section 62A or under a warrant issued under section 62B.(2) The inspector may take with him--

(a) such other persons as he thinks necessary to give him such assistance as he thinks necessary;(b) such equipment as he thinks necessary.

(3) The inspector may require any person on the premises who falls within subsection (4) to give him such assistance as he may reasonably require for the purpose mentioned in section 62A.(4) The following persons fall within this subsection--

(a) the occupier of the premises;(b) a person appearing to the inspector to have charge of animals on the premises;(c) a person appearing to the inspector to be under the direction or control of a person mentioned in paragraph (a) or (b).

(5) If the inspector enters any premises by virtue of a warrant issued under section 62B he must at the time of entry--

(a) serve a copy of the warrant on the occupier of the premises, or (if the occupier is not on the premises)(b) leave a copy of the warrant in a conspicuous place on the premises.

(6) If the inspector enters any unoccupied premises he must leave them as effectively secured against entry as he found them.]

[62D Tests and samples: power of entry]

[(1) A veterinary inspector may at any time enter any premises for the purpose of ascertaining--

(a) whether disease anti-bodies exist in animals on the premises;(b) whether any animal on the premises or which was kept there at any time is, or was at that time, infected with disease;(c) whether any causative agent of disease is present on the premises.

(2) Disease is foot-and-mouth disease and such other disease as the Secretary of State may by order specify.(3) No order may be made under subsection (2)

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unless a draft of the order has been laid before Parliament and approved by a resolution of each House.(4) Causative agent includes any virus, bacterium and any other organism or infectious substance which may cause or transmit disease.(5) In this section and sections 62E and 62F premises includes any land, building or other place.]

[62E Tests and samples: warrants]

[(1) If a justice of the peace is satisfied on sworn information in writing that the first condition is satisfied and that the second or third condition is satisfied he may issue a warrant authorising a veterinary inspector to enter any premises, if necessary using reasonable force, for the purpose mentioned in section 62D.(2) The information must include--

(a) a statement as to whether any representations have been made by the occupier of the land or premises to an inspector concerning the purpose for which the warrant is sought;(b) a summary of any such representations.

(3) The first condition is that there are reasonable grounds for a veterinary inspector to enter the premises for that purpose.(4) The second condition is that each of the following applies to the occupier of the premises--

(a) he has been informed of the decision to seek entry to the premises and of the reasons for that decision;(b) he has failed to allow entry to the premises on being requested to do so by an inspector;(c) he has been informed of the decision to apply for the warrant.

(5) The third condition is that--

(a) the premises are unoccupied or the occupier is absent and (in either case) notice of intention to apply for the warrant has been left in a conspicuous place on the premises, or(b) an application for admission to the premises or the giving of notice of intention to apply for the warrant would defeat the object of entering the premises.

(6) A warrant issued under this section remains in force for one month starting with the date of its approval by the justice of the peace, which date shall be clearly visible on the warrant.(7) A warrant issued under this section must be executed only at a reasonable hour unless the inspector thinks that the case is one of urgency.(8) In relation to any premises to which entry is obtained by virtue of a warrant under this section the Secretary of State must retain for a period of not less than 12 months beginning with the day after entry--

(a) a copy of the warrant;(b) a copy of any record of the steps taken to effect entry to the premises and the actions taken on the premises by the inspector and any other person entering the premises with him.]

[62F Tests and samples: supplementary]

[(1) This section applies to a veterinary inspector who enters any premises by virtue of section 62D or under a warrant issued under section 62E.(2) The inspector may take with him--

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(a) such other persons as he thinks necessary to give him such assistance as he thinks necessary;(b) such equipment as he thinks necessary.

(3) The inspector may take such samples (including samples from any animal on the premises) and carry out such tests as he thinks are necessary for the purpose mentioned in section 62D(1).(4) The inspector may require any person on the premises who falls within subsection (5) to give him such assistance as he may reasonably require for the purpose mentioned in section 62D(1).(5) The following persons fall within this subsection--

(a) the occupier of the premises;(b) a person appearing to the inspector to have charge of animals on the premises;(c) a person appearing to the inspector to be under the direction or control of a person mentioned in paragraph (a) or (b).

(6) If the inspector enters any unoccupied premises he must leave them as effectively secured against entry as he found them.(7) If the inspector enters any premises by virtue of a warrant issued under section 62E he must at the time of entry--

(a) serve a copy of the warrant on the occupier of the premises, or (if the occupier is not on the premises)(b) leave a copy of the warrant in a conspicuous place on the premises.

(8) A person commits an offence if--

(a) he is required to give assistance under subsection (4), and(b) he fails to give it.]

63 General powers of inspectors

(1) An inspector has--

(a) for the purposes of this Act, but

(b) with the exception of the powers conferred by sections 61 and 62 above,

all the powers which a constable has, under this Act or otherwise, in the place where the inspector is acting.

(2) An inspector may at any time enter any land or shed to which this Act applies, or other building or place where he has reasonable grounds for supposing--

(a) that disease exists or has within 56 days existed; or

(b) that the carcass of a diseased or suspected animal is or has been kept, or has been buried, destroyed, or otherwise disposed of; or

(c) that there is to be found any pen, place, vehicle, or thing in respect of which any person has on any occasion failed to comply with the provisions of this Act, or of an order of the Minister, or of a regulation of a local authority; or

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(d) that this Act or an order of the Minister or a regulation of a local authority has not been or is not being complied with.

(3) An inspector may at any time enter any pen, vehicle, vessel, boat or aircraft in which or [in respect of which] he has reasonable grounds for supposing that this Act or an order of the Minister or a regulation of a local authority has not been or is not being complied with.

(4) An inspector entering as authorised by the foregoing provisions of this section shall, if required by the owner, or occupier, or person in charge of the land, building, place, pen, vehicle, vessel, boat or aircraft state in writing his reasons for entering.

(5) For the purpose of ascertaining whether the provisions of any order under section 10 above or the conditions of any licence issued in accordance with any such order are being complied with, an inspector may at any time enter--

(a) any vessel, boat, aircraft or vehicle of any other description which is for the time being within the limits of a port, within the meaning of the Customs and Excise Management Act 1979, or at a customs and excise airport, within the meaning of that Act; or

(b) any vessel, boat or aircraft which does not fall within paragraph (a) above but which he has reasonable ground for supposing has recently been brought into Great Britain.

(6) Without prejudice to subsection (5) above, an inspector may at any time enter--

(a) any land, building or other place, or

(b) any vessel, boat, aircraft or vehicle of any other description,

on or in which he has reasonable grounds for supposing that there is being or has been kept any animal or other thing which has been imported and the importation of which is for the time being prohibited or regulated by an order under section 10; and in this subsection "animals" and "imported" have the same meaning as in that section.

(7) A certificate of a veterinary inspector to the effect that an animal is or was affected with a disease specified in the certificate shall, for the purposes of this Act, be conclusive evidence in all courts of justice of the matter certified.

(8) An inspector of the Minister has all the powers of an inspector throughout Great Britain or that part for which he is appointed.

(9) In addition to the powers conferred by this section upon inspectors, an inspector of the Minister may at any time, [enter any land, building or other place, on or in which he has reasonable grounds for supposing that animals are or have been kept, for the purpose of ascertaining whether any disease exists there or has within 56 days existed there.

This subsection does not have effect in relation to poultry].

64 Powers of inspectors as to poultry

(1) An inspector of the Ministry and, if so authorised by an order of the Minister, an inspector of a local authority, may at any time enter any pen, shed, land or other place in which he has reasonable grounds for supposing that poultry are or have been kept, for the purpose of ascertaining whether disease exists or has existed in or on them.

(2) For the purpose of enforcing any order for protecting poultry from unnecessary suffering, an inspector may examine--

(a) poultry in any circumstances to which the order relates, and

(b) any receptacle or vehicle used for their conveyance or exposure for sale,

and he may enter any premises, vessel or aircraft in which he has reasonable ground for supposing that there are poultry--

(i) exposed for sale; or

(ii) in course of conveyance; or

(iii) packed for conveyance or exposure for sale.

[64A Powers of inspectors relating to Community obligations]

[In addition to the powers conferred by sections 63 and 64, an inspector (on producing, if required to do so, some duly authenticated document showing his authority) may at all reasonable hours--

(a) enter--

(i) any land, building, or other place, or

(ii) any vessel, boat, aircraft, hovercraft or vehicle of any other description,

for the purpose of ascertaining whether the provisions of any order made under this Act in implementation of any Community obligation have been or are being complied with, and

(b) carry out such inspections (including inspection of documents) as may be necessary for that purpose.]

65 Power to detain vessels and aircraft

(1) Where an inspector of the Minister is satisfied that this Act or an order of the Minister or a regulation of a local authority has not been or is not being complied with on board a vessel in port, then, on the inspector's representation in writing to that effect, stating particulars of non-compliance, the vessel may be detained until the appropriate Minister otherwise directs.

(2) The officer detaining the vessel shall forthwith deliver to the master or person in charge of the vessel a copy of the representation.

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(3) Section [284 of the Merchant Shipping Act 1995] shall apply in the case of such detention as if it were authorised or ordered under that Act.

(4) In relation to aircraft the Ministers may--

(a) by an order under this Act adapt that section of the [1995 Act] as applied in the case of the detention of a vessel under this section; or

(b) make such other provision instead of it as they think expedient.

[65A Inspection of vehicles]

[(1) If each of the conditions in subsection (2) is satisfied, an inspector may stop, detain and inspect any vehicle to ascertain whether the provisions of any of the following are being complied with--

(a) this Act;(b) an order made under this Act;(c) a regulation of a local authority made in pursuance of such an order.

(2) The conditions are--

(a) that the vehicle is in a designated area in a designated period;(b) that the inspector is accompanied by a constable in uniform.

(3) In subsection (2) "designated" means designated by an order made by the Secretary of State.(4) A vehicle includes--

(a) a trailer, semi-trailer or other thing which is designed or adapted to be towed by another vehicle;(b) anything on a vehicle;(c) a detachable part of a vehicle;(d) a container or other structure designed or adapted to be carried by or on a vehicle.]

66 Refusal and obstruction

A person is guilty of an offence against this Act who, without lawful authority or excuse, proof of which shall lie on him--

(a) refuses to an inspector or other officer, acting in execution of this Act, or of an order of the Minister, or of a regulation of a local authority, admission to any land, building, place, pen, vessel, boat, aircraft or vehicle of any other description which the inspector or officer is entitled to enter or examine; or

(b) obstructs or impedes him in so entering or examining; or

(c) otherwise in any respect obstructs or impedes an inspector or constable or other officer in the execution of his duty, or assists in any such obstructing or impeding.

[66A Refusal and obstruction of inspector]

[(1) A person commits an offence if without lawful authority or excuse (proof of which shall lie on him) he--

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(a) refuses admission to any premises to a person acting under section 62A above, (b) obstructs or impedes him in so acting, or (c) assists in any such obstruction or impeding.

(2) A person commits an offence if--

(a) he is required to give assistance under section 62C(3), and (b) he fails to give it.]

Offences as to licences, declarations, certificates and instruments

67 Issue of false licences etc

A person is guilty of an offence against this Act--

(a) who grants or issues a licence, certificate or instrument made or issued, or purporting to be made or issued under or for any purpose of this Act, or of an order of the Minister, or of a regulation of a local authority, which is false in any date or other material particular, unless he shows to the court's satisfaction that he did not know of that falsity, and that he could not with reasonable diligence have obtained knowledge of it; or

(b) who grants or issues such a licence, certificate or instrument not having, and knowing that he has not, lawful authority to grant or issue it.

68 Issue of licences etc in blank

A person is guilty of an offence against this Act--

(a) who, with intent unlawfully to evade or defeat this Act, or an order of the Minister, or a regulation of a local authority, grants or issues an instrument being in form a licence, certificate or instrument made or issued under this Act, or such an order or regulation, for permitting or regulating the movement of a particular animal, or the doing of any other particular thing, but being issued in blank, that is to say, not being before its issue so filled up as to specify any particular animal or thing;

(b) who uses or offers or attempts to use for any purpose of this Act, or such an order or regulation, an instrument so issued in blank, unless he shows to the court's satisfaction that he did not know of it having been so issued in blank, and that he could not with reasonable diligence have obtained knowledge of it.

69 Falsely obtaining licences etc

A person is guilty of an offence against this Act--

(a) who for the purpose of obtaining a licence, certificate or instrument makes a declaration or statement false in any material particular, or

(b) who obtains or endeavours to obtain a licence, certificate or instrument by means of a false pretence,

unless he shows to the court's satisfaction that he did not know of that falsity, and that he could not with reasonable diligence have obtained knowledge

of it.

70 . . .

. . .

71 Other offences as to licences

A person is guilty of an offence against this Act--

(a) who, with intent unlawfully to evade this Act, or an order of the Minister, or a regulation of a local authority, does anything for which a licence is requisite under this Act, or such an order or regulation, without having obtained a licence; or

(b) who, where a licence is so requisite, having obtained a licence, with the like intent does the thing licensed after the licence has expired; or

(c) who uses or offers or attempts to use as such a licence--

(i) an instrument not being a complete licence, or

(ii) an instrument untruly purporting or appearing to be a licence,

unless he shows to the court's satisfaction that he did not know of that incompleteness or untruth, and that he could not with reasonable diligence have obtained knowledge of it.

Offences generally

[71A Prosecutions: time limit]

[(1) Despite anything in section 127(1) of the Magistrates' Courts Act 1980 an information relating to an offence under this Act which is triable by a magistrates' court in England and Wales may be so tried if it is laid at any time--

(a) within the period of three years starting with the date of the commission of the offence, and

(b) within the period of six months starting with the day on which evidence which the prosecutor thinks is sufficient to justify the proceedings comes to his knowledge.

(2) A certificate by the prosecutor as to the date on which such evidence came to his knowledge is conclusive evidence of that fact.]

72 Offences made and declared by and under this Act

A person is guilty of an offence against this Act who, without lawful authority or excuse, proof of which shall lie on him--

(a) does or omits anything the doing or omission of which is declared by this Act or by an order of the Minister to be an offence by that person against this Act; or

(b) does anything which by this Act or such an order is made or declared to be not lawful.

73 General offences

A person is guilty of an offence against this Act who, without lawful authority or excuse, proof of which shall lie on him--

(a) does anything in contravention of this Act, or of an order of the Minister, or of a regulation of a local authority; or

(b) fails to give, produce, observe or do any notice, licence, rule or thing which by this Act or such an order or regulation he is required to give, produce, observe or do.

Further provisions as to punishment of offences

74 Liability under the customs and excise Acts

A person who--

(a) lands or ships or attempts to land or ship [or brings or attempts to bring through the tunnel system as defined in the Channel Tunnel Act 1987] an animal or thing, and

(b) by so doing is in contravention of this Act or of an order of the Minister,

is liable under and according to the customs and excise Acts to the penalties imposed on persons importing or exporting or attempting to import or export goods the importation or exportation of which is prohibited.

This section is without prejudice to any proceeding under this Act against such a person for an offence against this Act.

75 Punishment of summary offences not otherwise provided for [75 Penalties for certain summary offences]

(1) A person guilty of an offence against this Act for which a penalty is not provided by any other provision of this Act shall be liable on summary conviction--

(a) to a fine not exceeding [level 5 on the standard scale]; or (b) if the offence is committed with respect to more than 10 animals, to a fine not exceeding [level 3 on the standard scale] for each animal; or (c) where the offence is committed in relation to carcasses, fodder, litter, dung or other thing (exclusive of animals), to a fine not exceeding [level 3 on the standard scale] in respect of every 508 kilogrammes in weight thereof after the first 508 kilogrammes in addition to the first fine not exceeding [level 5 on the standard scale].

(2) An order--

(a) made under this Act, and (b) expressed to be made for the purpose of preventing the introduction or spreading of rabies into or within Great Britain,

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may direct that paragraph (a) of subsection (1) above shall have effect in relation to any summary offence against this Act the existence of which is attributable to the provisions of that order as if for "£400" there were substituted "£1,000".

(3) That paragraph (a) of subsection (1) shall have effect as provided by subsection (2) above in relation to any summary offence the existence of which is attributable to the provisions of either of the following orders--

(a) Rabies (Importation of Dogs, Cats and Other Mammals) Order 1974;
and (b) Rabies (Control) Order 1974.

(4) A person convicted of an offence under any of the following provisions of this Act--

section 15(7), paragraph (a) of section 35(4), section 66, section 72,
and section 73,

is liable in the court's discretion on a further conviction for a second or subsequent offence against the same provision to imprisonment for any term not exceeding one month in lieu of the fine to which he is liable under subsection (1) above.

(5) A person convicted of an offence under any of the following provisions of this Act--

section 8(2), paragraph (b) of section 35(4), section 67, section 68, section 69, section 70, and section 71,

is liable in the court's discretion to imprisonment for any term not exceeding 2 months in lieu of the fine to which he is liable under subsection (1) above.

(6) Nothing in this section applies in relation to an offence punishable under section 4 above.

[(1) This section applies to any offence under this Act for which no penalty is specified. (2) A person guilty of an offence to which this section applies is liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding level 5 on the standard scale or to both.]

76 Certain importation offences triable either summarily or on indictment

(1) Where--

(a) an offence against this Act which is declared to be such by an order under section 10 above, and

(b) that order is expressed to be made for the purpose of preventing the introduction of rabies into Great Britain,

that offence may be tried either summarily or on indictment.

(2) For an offence triable under subsection (1) above a person shall be

liable--

(a) on summary conviction to a fine not exceeding the statutory maximum;

(b) on conviction on indictment to a fine or to imprisonment for a term not exceeding 12 months or to both.

(3) Where an order under section 10 declares that this subsection applies to an offence which consists of--

(a) a contravention of, or failure to comply with, any provision of that order, or

(b) a failure to observe any conditions to which a licence issued in accordance with that order is subject,

that offence may be tried either summarily or on indictment, and a person convicted of such an offence shall be liable as provided in paragraphs (a) and (b) of subsection (2) above.

(4) . . .

Proceedings

77 Money recoverable summarily

Any money by this Act or an order of the Minister made recoverable summarily may be so recovered as a civil debt, and in England and Wales this shall be in accordance with the Magistrates' Courts Act 1980.

. . .

78 Appeal

If any person thinks himself aggrieved--

(a) by the dismissal of a complaint by, or

(b) by any determination or adjudication of,

a magistrates' court in England or Wales under this Act, he may appeal to the Crown Court.

Nothing in this section applies in relation to an offence punishable under section 4 above.

79 Evidence and procedure

(1) In any proceeding under this Act no proof shall be required of the appointment or handwriting of an inspector or other officer of the Minister or of the clerk or an inspector or other officer of a local authority.

(2) Where the owner or person in charge of an animal is charged with an offence against this Act relative to disease or to any illness of the animal, he shall be presumed to have known of the existence of the disease or illness

unless and until he shows to the court's satisfaction that--

- (a) he had not knowledge of the existence of that disease or illness, and
 - (b) he could not with reasonable diligence have obtained that knowledge.
- (3) Where a person--

(a) is charged with an offence against this Act in not having duly cleansed or disinfected any place, vessel, aircraft, vehicle or thing belonging to him or under his charge, and

- (b) a presumption against him on the part of the prosecution is raised,

it shall lie on him to prove the due cleansing and disinfection mentioned in paragraph (a).

(4) Every offence against this Act shall be deemed to have been committed, and every cause of complaint or matter for summary proceeding under this Act or an order of the Minister or regulation of a local authority shall be deemed to have arisen, either in any place--

- (a) where it actually was committed or arose; or

(b) where the person charged or complained of or proceeded against happens to be at the time of the institution or commencement of the charge, complaint or proceeding.

(5) Nothing in subsections (2) to (4) above applies in relation to an offence under section 4 above.

NOTES:

Initial Commencement

Specified date

Specified date: 11 July 1981: see s 97(3).

Derivation

This section derived from the Diseases of Animals Act 1950, s 71, and the Bail Act 1976, s 12, Sch 2, para 13.

Amendment

Sub-s (1): words in square brackets inserted by the Environmental Protection Act 1990, s 151(3).

Sub-s (3): repealed by the Police and Criminal Evidence Act 1984, s 119, Sch 7, Part I.

Sub-s (4): words omitted repealed by the Police and Criminal Evidence Act 1984, s 119, Sch 7, Part I.

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Sub-s (5): words "an officer other than a constable" in square brackets substituted by the Police and Criminal Evidence Act 1984, s 119, Sch 6, para 24.

Sub-s (5): words "officer other than a constable" in italics repealed and subsequent word in square brackets substituted, in relation to England and Wales, by the Animal Health Act 2002, s 11(a).

Date in force: 14 January 2003: see SI 2002/3044, art 2(a).

Sub-s (5): words omitted repealed by the Police and Criminal Evidence Act 1984, s 119, Sch 7, Pt I.

Sub-s (5): word "officer" in italics repealed and subsequent words in square brackets substituted, in relation to England and Wales, by the Animal Health Act 2002, s 11(b).

Date in force: 14 January 2003: see SI 2002/3044, art 2(a).

Initial Commencement***Specified date***

Specified date: 11 July 1981: see s 97(3).

Derivation

This section derived from the Rabies Act 1974, s 5A(1), (2), and the Criminal Law Act 1977, s 55(2).

Amendment

Sub-s (2): words in square brackets inserted by SI 1990/2371, art 2(1), Sch 1.

Initial Commencement***Specified date***

Specified date: 11 July 1981: see s 97(3).

Derivation

This section derived from the Rabies Act 1974, s 5B(1), (2), and the Criminal Law Act 1977, s 55(2).

Amendment

Inserted, in relation to England and Wales, by the Animal Health Act 2002, s 8(1).

Date in force: 14 January 2003: see SI 2002/3044, art 2(a).

Amendment

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Inserted, in relation to England and Wales, by the Animal Health Act 2002, s 8(1).

Date in force: 14 January 2003: see SI 2002/3044, art 2(a).

Amendment

Inserted, in relation to England and Wales, by the Animal Health Act 2002, s 8(1).

Date in force: 14 January 2003: see SI 2002/3044, art 2(a).

Amendment

Inserted, in relation to England and Wales, by the Animal Health Act 2002, s 9.

Date in force: 14 January 2003: see SI 2002/3044, art 2(a).

Subordinate Legislation

Avian Influenza and Newcastle Disease (England and Wales) Order 2003, SI 2003/1734 (made under sub-s (2)).

Amendment

Inserted, in relation to England and Wales, by the Animal Health Act 2002, s 9.

Date in force: 14 January 2003: see SI 2002/3044, art 2(a).

Amendment

Inserted, in relation to England and Wales, by the Animal Health Act 2002, s 9.

Date in force: 14 January 2003: see SI 2002/3044, art 2(a).

Initial Commencement***Specified date***

Specified date: 11 July 1981: see s 97(3).

Derivation

Sub-s (1) derived from the Diseases of Animals Act 1950, s 73(1), the Rabies Act 1974, s 5A(3), and the Criminal Law Act 1977, s 55(2); sub-ss (2), (5)-(8) derived from the Diseases of Animals Act 1950, s 73(2), (4A), (4B), (5), (6), the Diseases of Animals Act 1975, s 2(1), and the Customs and Excise Management Act 1979, s 177(1), Sch 4, Part I; sub-ss (3), (4) derived from the Diseases of Animals Act 1950, s 73(3), (4), and the Agriculture (Miscellaneous Provisions) Act 1954, s 11(1).

Amendment

Sub-ss (3), (9): words in square brackets substituted by the Animal Health and Welfare Act 1984, ss 2(1), 16(1), Sch 1, para 4.

Initial Commencement***Specified date***

Specified date: 11 July 1981: see s 97(3).

Derivation

Sub-s (1) derived from the Diseases of Animals Act 1950, s 51; sub-s (2) derived from the Diseases of Animals Act 1950, s 50(3), and the Agriculture (Miscellaneous Provisions) Act 1954, s 11(1).

Amendment

Inserted by SI 1992/3293, reg 2.

Initial Commencement***Specified date***

Specified date: 11 July 1981: see s 97(3).

Derivation

Sub-s (1)-(3) derived from the Diseases of Animals Act 1950, s 74; sub-s (4) derived from the Agriculture (Miscellaneous Provisions) Act 1954, s 11(1), Sch 2, para 4.

Amendment

Sub-ss (3), (4): words in square brackets substituted by the Merchant Shipping Act 1995, s 314(2), Sch 13, para 58(b).

Amendment

Inserted, in relation to England and Wales, by the Animal Health Act 2002, s 10.

Date in force: 14 January 2003: see SI 2002/3044, art 2(a).

Initial Commencement***Specified date***

Specified date: 11 July 1981: see s 97(3).

Derivation

This section derived from the Diseases of Animals Act 1950, s 78(1)(vi), and

the Diseases of Animals Act 1975, s 2(2).

Amendment

Inserted, in relation to England and Wales, by the Animal Health Act 2002, s 8(2).

Date in force: 14 January 2003: see SI 2002/3044, art 2(a).

Initial Commencement

Specified date

Specified date: 11 July 1981: see s 97(3).

Derivation

This section derived from the Diseases of Animals Act 1950, s 78(2)(vii).

Initial Commencement

Specified date

Specified date: 11 July 1981: see s 97(3).

Derivation

This section derived from the Diseases of Animals Act 1950, s 78(2)(viii), (ix).

Initial Commencement

Specified date

Specified date: 11 July 1981: see s 97(3).

Derivation

This section derived from the Diseases of Animals Act 1950, s 78(2)(v), (vi).

Amendment

Repealed by the Criminal Justice Act 1982, s 78, Sch 16.

Initial Commencement

Specified date

Specified date: 11 July 1981: see s 97(3).

Derivation

This section derived from the Diseases of Animals Act 1950, 78(2)(i)-(iii).

Amendment

Inserted by the Animal Health Act 2002, s 14.

Date in force: 14 January 2003: see SI 2002/3044, art 2(a).

Initial Commencement***Specified date***

Specified date: 11 July 1981: see s 97(3).

Derivation

This section derived from the Diseases of Animals Act 1950, s 78(1)(iv), (v).

Subordinate Legislation

Infectious Diseases of Horses Order 1987, SI 1987/790.

Zoonoses Order 1988, SI 1988/2264.

Zoonoses Order 1989, SI 1989/285.

Tuberculosis (Deer) Order 1989, SI 1989/878.

Movement of Animals (Records) (Amendment) Order 1989, SI 1989/879.

Movement of Animals (Records) (Amendment) (No 2) Order 1989, SI 1989/2053.

Welfare of Horses at Markets (and Other Places of Sale) Order 1990, SI 1990/2627.

Welfare of Animals at Markets Order 1990, SI 1990/2628.

Movement of Animals (Restrictions) (Amendment) Order 1991, SI 1991/1251.

Anthrax Order 1991, SI 1991/2814.

Poultry Laying Flocks (Testing and Registration etc) (Revocation) Order 1993, SI 1993/357.

Marek's Disease (Restriction on Vaccination) (Revocation) Order 1994, SI 1994/472.

Specified Diseases (Notification) Order 1996, SI 1996/2628.

Welfare of Animals (Transport) Order 1997, SI 1997/1480.

Horse Passports Order 1997, SI 1997/2789.

Welfare of Animals (Staging Points) Order 1998, SI 1998/2537.

Welfare of Animals (Transport) (Amendment) Order 1999, SI 1999/1622.

Rendering (Fluid Treatment) (England) Order 2001, SI 2001/1515.

Initial Commencement***Specified date***

Specified date: 11 July 1981: see s 97(3).

Derivation

This section derived from the Diseases of Animals Act 1950, s 78(1)(i), (iii).

Initial Commencement***Specified date***

Specified date: 11 July 1981: see s 97(3).

Derivation

This section derived from the Diseases of Animals Act 1950, s 82, and the Customs and Excise Act 1952, s 320(1), Sch 12, Part I.

Amendment

Words in square brackets inserted by SI 1990/2371, art 2(1), Sch 1.

Initial Commencement***Specified date***

Specified date: 11 July 1981: see s 97(3).

Derivation

Sub-ss (1), (4)-(6) derived from the Diseases of Animals Act 1950, s 79, the Criminal Justice Act 1967, s 92, Sch 3, Part I, the Agriculture Act 1970, s 105, and SI 1981/8, reg 2; sub-ss (2), (3) derived from the Rabies Act 1974, s 6A(1), (2), and the Criminal Law Act 1977, s 55(3).

Amendment

Substituted, in relation to England and Wales, by the Animal Health Act 2002, s 13.

Date in force: 14 January 2003: see SI 2002/3044, art 2(a).

Sub-s (1): maximum fines increased and converted to levels on the standard scale by the Criminal Justice Act 1982, ss 37, 38, 46.

Initial Commencement***Specified date***

Specified date: 11 July 1981: see s 97(3).

Derivation

Sub-s (1) derived from the Diseases of Animals Act 1950, s 80, and the Rabies Act 1974, s 6; sub-s (2) derived from the Rabies Act 1974, s 6, and the Magistrates' Courts Act 1980, s 32(2); sub-s (3) derived from the Diseases of Animals Act 1950, s 80, the Diseases of Animals Act 1975, s 3, and the Magistrates' Courts Act 1980, s 32(2); sub-s (4) derived from the Magistrates' Courts Act 1980, s 32(2), (9).

Amendment

Sub-s (4): repealed by the Statute Law (Repeals) Act 1993.

Subordinate Legislation

Specified Risk Material Order 1997, SI 1997/2964 (made under sub-s (3)).

Specified Risk Material (Amendment) (England) (No 3) Order 2000, SI 2000/3377 (made under sub-s (3)).

Specified Risk Material (Amendment) (Wales) Regulations 2001, SI 2001/2732 (made under sub-s (3)).

Initial Commencement***Specified date***

Specified date: 11 July 1981: see s 97(3).

Derivation

This section derived from the Diseases of Animals Act 1950, s 80.

Amendment

Words omitted repealed by the Statute Law (Repeals) Act 2004.

Date in force: 22 July 2004: (no specific commencement provision).

Initial Commencement***Specified date***

Specified date: 11 July 1981: see s 97(3).

Derivation

This section derived from the Diseases of Animals Act 1950, s 81, and the Courts Act 1971, s 56(2), Sch 9, Part I.

Initial Commencement

Specified date

Specified date: 11 July 1981: see s 97(3).

Derivation

Sub-ss (1), (2), (4), (5) derived from the Diseases of Animals Act 1950, ss 77(1), 83(1), (3), (5); sub-s (3) derived from the Diseases of Animals Act 1950, s 83(2), and the Agriculture (Miscellaneous Provisions) Act 1954, s 11(1).

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ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979
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SCHEDULE , PT. VI
Section 194
Royal Assent [4 April 1979]

Ancient Monuments and Archaeological Areas Act 1979, Ch. 46, Sch., Pt. VI (Eng.)

Part VI Supplemental

Reports and Information

80 Yearly return to Parliament

(1) The Ministers shall make and lay before both Houses of Parliament not later than 31st March a yearly return stating the proceedings and expenditure under this Act of the Ministers, and, as far as reasonably may be, of all local authorities, in the year ending the previous 31st December.

(2) The return shall also--

(a) show the number of imported animals landed and found diseased in that year, specifying separately the different kinds of disease, and the ports and aerodromes of exportation and landing, and the mode of disposal of the animals; and

(b) contain such other information respecting the operation of this Act as the Ministers think fit.

81 Reports to Minister

Every local authority and their inspectors and officers shall give to the appropriate Minister such notices, reports, returns and information as he requires.

82 Information from Agricultural Marketing Boards

Every board administering a scheme under the Agricultural Marketing Act 1958 shall give to the appropriate Minister such information as he may reasonably require for the purposes of his functions under this Act.
Notices, fees, and exemption from stamp duty

83 Form and service of instruments

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(1) Every notice under this Act or under any order or regulation made under this Act must be in writing.

(2) The Ministers may make such orders as they think fit for prescribing and regulating the form and mode of service or delivery of notices and other instruments.

(3) Any notice or other instrument under this Act or under an order of the Minister or a regulation of a local authority may be served on the person to be affected by it, either--

(a) by its delivery to him personally; or

(b) by the leaving of it for him at his last known place of abode or business; or

(c) by the sending of it through the post in a letter addressed to him at his last known place of abode or business.

(4) A notice or other instrument--

(a) to be served on the occupier of any building, land or place, may, except when sent by post, be addressed to him by the designation of the occupier of that building, land or place, without naming or further describing him; and

(b) where it is to be served on the several occupiers of several buildings, lands or places, may, except when sent by post, be addressed to them collectively by the designation of the occupiers of those several buildings, lands or places, without further naming or describing them, but separate copies of it being served on them severally.

84 Fees

(1) The Ministers may by order made with the Treasury's approval prescribe fees to be paid with respect to such business transacted or to be transacted under this Act as may be specified in the Order.

A statutory instrument containing an order under this subsection shall be subject to annulment in pursuance of a resolution of the Commons House of Parliament.

(2) Where--

(a) an order under subsection (1) above provides for the payment of a fee before the transaction of the business with respect to which it is payable, and

(b) the business is not transacted or not wholly transacted,

the Minister to whom the fee was paid may, if he thinks fit, repay the whole or part of the fee.

(3) Where--

(a) an order under subsection (1) provides for any fee to be paid on the

making of an application in a case where previously a fee was payable only if the application was granted, then,

(b) as respects anything done in pursuance of an application made before the coming into operation of the order, the same fee shall be payable as before the coming into operation of the order and shall be so payable at the time at which it would then have been payable.

85 Exemption from stamp duty

No stamp duty shall be payable on any appointment, certificate, declaration, licence or thing under this Act, or an order of the Minister, or a regulation of a local authority.

Interpretation, functions, and orders etc

86 Ministers and their functions

(1) In this Act--

(a) "the Minister" means, in relation to the whole of Great Britain, the Minister of Agriculture, Fisheries and Food, and "Ministry" shall be construed accordingly,

(b) "the appropriate Minister" means, in relation to England, the Minister of Agriculture, Fisheries and Food, and in relation to Scotland or to Wales, the Secretary of State,

(c) "the Ministers" means, in relation to the whole of Great Britain, the Minister of Agriculture, Fisheries and Food, the Secretary of State for Scotland and the Secretary of State for Wales, acting jointly,

but in the case of any function under the following provisions of this Act--

(i) section 21, so far as it is applicable in relation to brucellosis, tuberculosis, dourine or infestation with maggot of the warble fly,

(ii) any other provision so far as it is applicable in relation to brucellosis, brucellosis melitensis, tuberculosis or infestation of cattle with the maggot of the warble fly,

that function, notwithstanding that it is expressed to be exercisable by the Minister or the Ministers, shall be exercisable only by the appropriate Minister.

(2) The powers and duties conferred and imposed by this Act on the Minister shall be executed and discharged by the Minister in manner provided by . . . this Act.

87 Meaning of "animals" and "poultry"

(1) In this Act, unless the context otherwise requires, "animals" means--

(a) cattle, sheep and goats, and

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(b) all other ruminating animals and swine,

subject to subsections (2) and (3) below.

(2) The Ministers may by order for all or any of the purposes of this Act extend the definition of "animals" in subsection (1) above so that it shall for those or any of those purposes comprise--

(a) any kind of mammal except man; and

(b) any kind of four-footed beast which is not a mammal.

(3) The Ministers may by order for all or any of the purposes of this Act (except so far as it relates to disease) extend the definition of "animals" in subsection (1) so that it shall for those or any of those purposes comprise--

(a) fish, reptiles, crustaceans, or

(b) other cold-blooded creatures of any species,

not being creatures in respect of which an order can be made under subsection (2) above.

(4) In this Act, subject to subsection (5) below and unless the context otherwise requires, "poultry" means birds of the following species--

(a) domestic fowls, turkeys, geese, ducks, guinea-fowls and pigeons, and

(b) pheasants and partridges,

and subject to the provisions mentioned below, this Act has effect in relation to poultry as it has effect in relation to animals.

The provisions of this Act referred to above are sections [15(5), 32(4) and 63(9)].

(5) The Ministers may by order for all or any of the purposes of this Act, in so far as it applies to poultry--

(a) extend the definition of "poultry" in subsection (4) above so that it shall for those or any of those purposes comprise any other species of bird; or

(b) restrict that definition so that it shall for those or any of those purposes exclude any of the species of bird mentioned in paragraph (b) of subsection (4).

88 Meaning of "disease"

(1) In this Act, unless the context otherwise requires, "disease" means cattle plague, pleuro-pneumonia, foot-and-mouth disease, sheep-pox, sheep scab, or swine fever, subject to subsection (2) below.

(2) The Ministers may by order for all or any of the purposes of this Act extend the definition of "disease" in subsection (1) above so that it shall for

those or any of those purposes comprise any other disease of animals.

(3) In this Act, in so far as it applies to poultry, and unless the context otherwise requires, "disease" means--

(a) fowl pest in any of its forms, including Newcastle disease and fowl plague; and

(b) fowl cholera, infectious bronchitis, infectious laryngotracheitis, pullorum disease, fowl typhoid, fowl pox and fowl paralysis,

subject to subsection (4) below.

(4) The Ministers may by order for all or any of the purposes of this Act--

(a) extend the definition of "disease" in subsection (3) above so that it shall for those or any of those purposes comprise any other disease of birds; or

(b) restrict that definition so that it shall for those or any of those purposes exclude any of the diseases mentioned in paragraph (b) of subsection (3).

89 Other interpretation provisions

(1) In this Act, unless the context otherwise requires--

"aerodrome" means any area of land or water designed, equipped, set apart or commonly used for affording facilities for the landing and departure of aircraft;

"carcase" means the carcase of an animal and includes part of a carcase, and the meat, bones, hide, skin, hooves, offal or other part of an animal, separately or otherwise, or any portion thereof;

"cattle" means bulls, cows, steers, heifers, and calves;

"cattle plague" means rinderpest or the disease commonly called cattle plague;

"the customs and excise Acts" has the meaning given by the Customs and Excise Management Act 1979;

"diseased" means affected with disease;

"district", when used with reference to a local authority, means the area for which the local authority exercises powers under this Act;

"export quarantine station" has the meaning given by section 12(1) above;

"fodder" means hay or other substance commonly used for food of animals;

"horse" includes ass and mule;

"imported" means brought to Great Britain from a country out of Great

Britain;

"inspector" means a person appointed to be an inspector for the purposes of this Act by the Minister or by a local authority, and, when used in relation to an officer of the Ministry, includes a veterinary inspector;

"justice" means justice of the peace;

"litter" means straw or other substance commonly used for bedding or otherwise for or about animals;

"local authority" has the meaning given by section 50 above;

"order of the Minister" means an order under this Act of the Minister, the appropriate Minister, or the Ministers, as the case may be;

"pleuro-pneumonia" means contagious pleuro-pneumonia of cattle;

"pony" means any horse not more than 147 centimetres in height, except a foal travelling with its dam if the dam is over 147 centimetres;

"suspected" means suspected of being diseased;

"swine-fever" means the disease known as typhoid fever of swine, soldier purples, red disease, hog cholera or swine-plague;

"veterinary inspector" means a veterinary inspector appointed by the Minister.

(2) In the computation of time for the purposes of this Act, a period reckoned by days from the happening of an event or the doing of an act or thing shall be deemed to be exclusive of the day on which the event happened or the act or thing is done.

90 Application to hovercraft

The enactments and instruments with respect to which provision may be made by Order in Council in pursuance of section 1(1)(h) of the Hovercraft Act 1968 include this Act and any instrument made or having effect as if made under it.

This section is without prejudice to section 17 of the Interpretation Act 1978 (repeal and re-enactment).

91 Orders etc

(1) The Minister, the appropriate Minister or the Ministers, as the case may be, shall publish in the London Gazette and the Edinburgh Gazette a notice of any order of the Minister stating--

- (a) that the order has been made; and
- (b) where copies of the order may be obtained.

(2) Every local authority shall at their own expense publish every order of

the Minister, and every licence or other instrument sent to them by the Minister, the appropriate Minister, or the Ministers--

(a) in such manner as he or they shall direct; and

(b) subject to and in the absence of any direction, by advertisement in a newspaper circulating in the district of the local authority.

(3) The validity or effect of an order of the Minister, or licence or other instrument issued by the Minister, the appropriate Minister or the Ministers shall not be affected by want of or defect or irregularity in its publication.

(4) Subsections (1) to (3) above do not apply to an order made under section 32 above.

(5) A power conferred by this Act to make an order of the Minister, other than by--

(a) section 14(2),

(b) section 59(1),

shall be exercisable by statutory instrument.

(6) An order of the Minister made under either of the provisions referred to in paragraphs (a) and (b) of subsection (5) above may be altered or revoked by a subsequent order made in the like manner and subject to the like conditions, but section 14(b) of the Interpretation Act 1978 shall not apply to an order made by the Ministers under section 34(7) above providing that section 34(6) shall cease to have effect.

Scotland and Northern Ireland

92 General application to Scotland

(1) The provisions of this section have effect for the purposes of the application of this Act to Scotland.

(2) An offence against this Act may be prosecuted in the district court, and, when so prosecuted, the provisions in relation to sentences contained in [section 7(6) of the Criminal Procedure (Scotland) Act 1995] shall apply to such a prosecution as they apply to prosecutions of common law offences.

(3) In the event of refusal or delay on the part of any person in complying with the order of a local authority, the local authority may give information of the refusal or delay to the procurator-fiscal of the district, who may apply to the sheriff for a warrant to carry such order into effect, and such warrant may be executed by the officers of the court in common form.

(4) Notwithstanding anything in any other Act, and except in relation to section 4 above, such part not exceeding one half of every fine recovered under this Act as the court before which it is recovered thinks fit shall be paid to the person who proceeds for it.

(5) Nothing in subsections (3) and (4) above applies to proceedings under the

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customs and excise Acts.

(6) Notwithstanding the repeal by this Act of section 17 of the Diseases of Animals Act 1935, Part I of the Ministry of Agriculture and Fisheries Act 1919 shall be deemed always to have extended to Scotland.

93 Communications to and from Northern Ireland

In order to secure uniformity of action--

(a) every order of the Minister shall with all practicable speed be communicated to the Department of Agriculture for Northern Ireland; and

(b) every order made by that Department under the enactments in Northern Ireland relating to diseases of animals shall with all practicable speed be communicated to the Minister.

Miscellaneous provisions as to operation

94 Transitional

(1) . . .

(2) For the purpose of determining the punishment which may be imposed on a person in respect of the commission by him of an offence under any provision of this Act, an offence committed by that person under the corresponding enactment repealed by this Act shall be deemed to have been committed under that provision.

95 Savings

(1) Any order made or having effect as if made--

(a) under any provision of sections 24 to 33 of the Diseases of Animals Act 1950,

(b) before the coming into operation of section 1 of the Diseases of Animals Act 1975,

continues in operation as if that section had not come into operation, except that it may be varied or revoked as if it had been made under section 10 above.

(2) In the case of an order made or having effect as if made--

(a) partly under any provision of those sections of that Act of 1950, and

(b) partly under any other enactment (whether or not contained in that Act),

subsection (1) above has effect to the extent that the order was made or had effect as if made under any of those sections.

(3) The Conveyance of Live Poultry Order 1919, made under the Poultry Act 1911, has effect as if it had been made under sections 7(2), 37(1) and 64(2) above.

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(4) Without prejudice to section 17 of the Interpretation Act 1978 (repeal and re-enactment), the power conferred by virtue of sections 135(2) and 136(3) of the Medicines Act 1968 to bring into operation Schedule 6 to that Act (enactments of Parliament of United Kingdom repealed) has effect as if that Schedule included references to section 5(2) above and Schedule 1 to this Act.

(5) Any officer or servant employed by the Minister for the purpose of the execution of the enactments relating to diseases of animals who was appointed before the commencement of Part IV of the Agriculture Act 1937 (1st April 1938) shall be deemed to have been appointed under section 5 of the Board of Agriculture Act 1889.

(6) Nothing in this Act affects sections 40(2) and 42(2) of the Northern Ireland Constitution Act 1973 as those subsections have effect in relation to section 88 of the Diseases of Animals Act 1950.

(7) In so far as any provision of--

- (a) paragraph (a) of section 35(4) above,
- (b) paragraph (a)(ii) of section 41(1) above,
- (c) paragraph (c) of section 75(1) above, and
- (d) section 89(1) above,

specifies an amount expressed in metric units which is derived from the exercise of the power to make regulations under section 7 of the Agriculture (Miscellaneous Provisions) Act 1976 that provision may be varied as if it were contained in regulations so made.

96 Consequential amendments and repeals

(1) The enactments specified in Schedule 5 to this Act have effect subject to the amendments specified in that Schedule being amendments consequential on the provisions of this Act.

(2) The enactments specified in Schedule 6 to this Act (which include certain obsolete or unnecessary enactments) are repealed to the extent specified in the third column of that Schedule.

97 Short title, extent, and commencement

(1) This Act may be cited as the Animal Health Act 1981.

(2) Sections 93 and 95(6) above apply to Northern Ireland, and Schedule 6 to this Act, so far as it repeals provisions of the Diseases of Animals Act 1950 which applied to Northern Ireland, but apart from those provisions this Act does not extend to Northern Ireland.

(3) This Act shall come into force on the expiry of the period of one month beginning on the date of its passing.

NOTES:

Initial Commencement***Specified date***

Specified date: 11 July 1981: see s 97(3).

Derivation

Sub-s (1) derived from the Diseases of Animals Act 1950, s 58; sub-s (2) derived from the Diseases of Animals Act 1950, s 58, and the Agriculture (Miscellaneous Provisions) Act 1954, s 11(1).

Transfer of Functions

Functions of the Ministers, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales, by the National Assembly for Wales (Transfer of Functions) Order 1999, SI 1999/672, art 2, Sch 1.

Initial Commencement***Specified date***

Specified date: 11 July 1981: see s 97(3).

Derivation

This section derived from the Diseases of Animals Act 1950, s 65.

Transfer of Functions

Functions of the appropriate Minister, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales, by the National Assembly for Wales (Transfer of Functions) Order 1999, SI 1999/672, art 2, Sch 1.

Initial Commencement***Specified date***

Specified date: 11 July 1981: see s 97(3).

Derivation

This section derived from the Diseases of Animals Act 1950, s 72(1).

Transfer of Functions

Functions of the appropriate Minister, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales, by the National Assembly for Wales (Transfer of Functions) Order 1999, SI 1999/672, art 2, Sch 1.

Initial Commencement***Specified date***

Specified date: 11 July 1981: see s 97(3).

Derivation

This section derived from the Diseases of Animals Act 1950, s 77(2)-(5).

Transfer of Functions

Functions of the Ministers, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales, by the National Assembly for Wales (Transfer of Functions) Order 1999, SI 1999/672, art 2, Sch 1.

Subordinate Legislation

UK

Aujeszky's Disease Order 1983, SI 1983/344 (made under sub-s (2)).

Foot-and-Mouth Disease Order 1983, SI 1983/1950 (made under sub-s (2)).

Tuberculosis (England and Wales) Order 1984, SI 1984/1943 (made under sub-s (2)).

Swine Fever (Amendment) Order 1991, SI 1991/1030 (made under sub-s (2)).

Movement of Animals (Restrictions) (Amendment) Order 1991, SI 1991/1251 (made under sub-s (2)).

Anthrax Order 1991, SI 1991/2814 (made under sub-s (2)).

Sheep Scab (Revocation) Order 1992, SI 1992/1361 (made under sub-s (2)).

Blue Eared Pig Disease (Revocation) Order 1992, SI 1992/2764 (made under sub-s (2)).

Spongiform Encephalopathy (Miscellaneous Amendments) Order 1994, SI 1994/2627 (made under sub-s (2)).

Pigs (Records, Identification and Movement) Order 1995, SI 1995/11 (made under sub-s (2)).

Animal Health Orders (Divisional Veterinary Manager Amendment) Order 1995, SI 1995/2922 (made under sub-s (2)).

Sheep Scab Order 1997, SI 1997/968 (made under sub-s (2)).

Welfare of Animals (Transport) Order 1997, SI 1997/1480 (made under sub-s (2)).

Specified Risk Material Order 1997, SI 1997/2964 (made under sub-s (2)).

Welfare of Animals (Transport) (Electronic Route Plans Pilot Schemes) (England) Order 2000, SI 2000/646 (made under sub-s (2)).

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Specified Risk Material (Amendment) (England) (No 3) Order 2000, SI 2000/3377 (made under sub-s (2)).

Foot-and-Mouth Disease (Amendment) (England) Order 2001, SI 2001/571 (made under sub-s (2)).

Foot-and-Mouth Disease (Amendment) (Wales) Order 2001, SI 2001/572 (made under sub-s (2)).

Foot-and-Mouth Disease (Amendment) (Wales) (No 2) Order 2001, SI 2001/658 (made under sub-s (2)).

Foot-and-Mouth Disease (Amendment) (England) (No 2) Order 2001, SI 2001/680 (made under sub-s (2)).

Foot-and-Mouth Disease (Amendment) (England) (No 4) Order 2001, SI 2001/1078 (made under sub-s (2)).

Foot-And-Mouth Disease (Amendment) (Wales) (No 4) (Amendment) Order 2001, SI 2001/1234 (made under sub-s (2)).

Foot-and-Mouth Disease (Amendment) (England) (No 4) (Amendment) Order 2001, SI 2001/1241 (made under sub-s (2)).

Foot-and-Mouth Disease (Amendment) (England) (No 7) Order 2001, SI 2001/1862 (made under sub-s (2)).

Foot-and-Mouth Disease (Amendment) (Wales) (No 7) Order 2001, SI 2001/1874 (made under sub-s (2)).

Specified Risk Material (Amendment) (Wales) Regulations 2001, SI 2001/2732 (made under sub-s (2)).

Foot-and-Mouth Disease (Amendment) (Wales) (No 9) Order 2001, SI 2001/2813 (made under sub-s (2)).

Foot-and-Mouth Disease (Amendment) (England) (No 10) Order 2001, SI 2001/2814 (made under sub-s (2)).

Disease Control (Interim Measures) (England) (No 2) Order 2002, SI 2002/2152 (made under sub-s (2)).

Movement of Animals (Restrictions) (England) Order 2002. SI 2002/3229 (made under sub-s (2)).

Disease Control (Interim Measures) (England) (No 2) (Amendment) Order 2003, SI 2003/30 (made under sub-s (2)).

Bluetongue Order 2003, SI 2003/130 (made under sub-s (2)).

Disease Control (Interim Measures) (England) Order 2003, SI 2003/254.

Bluetongue (Wales) Order 2003, SI 2003/326 (made under sub-s (2)).

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Movement of Animals (Restrictions) (Wales) Order 2003, SI 2003/399 (made under sub-s (2)).

Diseases of Poultry (England) Order 2003, SI 2003/1078 (made under sub-s (2)).

Diseases of Poultry (Wales) Order 2003, SI 2003/1079 (made under sub-s (2)).

Disease Control (England) Order 2003, SI 2003/1729.

Disease Control (Wales) Order 2003, SI 2003/1966.

Classical Swine Fever (England) Order 2003, SI 2003/2329 (made under sub-s (2)).

Classical Swine Fever (Wales) Order 2003, SI 2003/2456 (made under sub-s (2)).

African Swine Fever (England) Order 2003, SI 2003/2913 (made under sub-s (2)).

African Swine Fever (Wales) Order 2003, SI 2003/3273 (made under sub-s (2)).

Animal Gatherings (England) Order 2004, SI 2004/1202.

Animal Gatherings (Wales) Order 2004, SI 2004/1803.

Scotland

Foot-and-Mouth Disease (Amendment) (Scotland) Order 2001, SSI 2001/52 (made under sub-s (2)).

Specified Risk Material Amendment (Scotland) Order 2001, SSI 2001/287 (made under sub-s (2)).

Disease Control (Interim Measures) (Scotland) Order 2002, SSI 2002/34 (made under sub-s (2)).

Pigs (Records, Identification and Movement) (Scotland) Amendment Order 2002, SSI 2002/540 (made under sub-s (2)).

Bluetongue (Scotland) Order 2003, SSI 2003/91 (made under sub-s (2)).

Classical Swine Fever (Scotland) Order 2003, SSI 2003/426 (made under sub-s (2)).

African Swine Fever (Scotland) Order 2003, SSI 2003/586 (made under sub-s (2)).

Initial Commencement***Specified date***

Specified date: 11 July 1981: see s 97(3).

Derivation

This section derived from the Agriculture (Miscellaneous Provisions) Act 1963, s 16(1), (3), (5), (6).

Transfer of Functions

Functions of the Ministers, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales, by the National Assembly for Wales (Transfer of Functions) Order 1999, SI 1999/672, art 2, Sch 1.

Subordinate Legislation***UK***

Diseases of Animals (Fees for the Testing of Disinfectants) Order 1991, SI 1991/1168 (made under sub-s (1)).

Poultry Breeding Flocks, Hatcheries and Processed Animal Protein (Fees) Order 1993, SI 1993/1998 (made under sub-s (1)).

Poultry Breeding Flocks, Hatcheries and Animal By-Products (Fees) (England) Order 2002, SI 2002/2875 (made under sub-s (1)).

Scotland

Poultry Breeding Flocks, Hatcheries and Animal By Products (Fees) (Scotland) Order 2002, SSI 2002/529 (made under sub-s (1)).

Initial Commencement***Specified date***

Specified date: 11 July 1981: see s 97(3).

Derivation

This section derived from the Diseases of Animals Act 1950, s 76.

Initial Commencement***Specified date***

Specified date: 11 July 1981: see s 97(3).

Derivation

Sub-s (1) derived from the Diseases of Animals Act 1950, s 84(4), the Agriculture (Miscellaneous Provisions) Act 1963, s 13(8), the Agriculture Act 1967, s 66(3), the Agriculture (Miscellaneous Provisions) Act 1972, s 1(8), the Rabies Act 1974, s 7, and the Agriculture (Miscellaneous Provisions) Act 1976, s 9(11); sub-s (2) derived from the Diseases of Animals Act 1950, s 57.

Amendment

Sub-s (2): words omitted repealed by SI 2002/794, art 5(2), Sch 2.

Date in force: 27 March 2002: see SI 2002/794, art 1(2).

Transfer of Functions

Functions of the Ministers and the appropriate Minister, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales, by the National Assembly for Wales (Transfer of Functions) Order 1999, SI 1999/672, art 2, Sch 1.

Subordinate Legislation

Warble Fly (England and Wales) (Amendment) Order 1987, SI 1987/1601 (made under sub-s (1)).

Horses (Landing from Northern Ireland and the Republic of Ireland) (Revocation) Order 1989, SI 1989/23 (made under sub-s (1)).

Warble Fly (England and Wales) (Amendment) Order 1989, SI 1989/244 (made under sub-s (1)).

Zoonoses Order 1989, SI 1989/285 (made under sub-s (1)).

Tuberculosis (Deer) Order 1989, SI 1989/878 (made under sub-s (1)).

Tuberculosis (Deer) Notice of Intended Slaughter and Compensation Order 1989, SI 1989/1316 (made under sub-s (1)).

Movement of Animals (Records) (Amendment) (No 2) Order 1989, SI 1989/2053 (made under sub-s (1)).

Export of Sheep (Prohibition) Order 1991, SI 1991/58.

Initial Commencement***Specified date***

Specified date: 11 July 1981: see s 97(3).

Derivation

Sub-ss (1)-(3), (5) derived from the Diseases of Animals Act 1950, s 84(1), (2), and the Agriculture (Miscellaneous Provisions) Act 1972, s 2(1); sub-s (4) derived from the Diseases of Animals Act 1950, ss 45, 84(2), the Agriculture Act 1967, s 66(2), and the Agriculture (Miscellaneous Provisions) Act 1972, s 1(7).

Amendment

Sub-s (4): words in square brackets substituted by the Animal Health and Welfare Act 1984, s 2(2).

Transfer of Functions

Functions of the Ministers, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales, by the National Assembly for Wales (Transfer of Functions) Order 1999, SI 1999/672, art 2, Sch 1.

See Further

Sub-ss (1), (4): see further, in relation to the extension of definitions "animals" and "poultry" for the purposes of the Transport of Animals (Cleansing and Disinfection) (Wales) (No 3) Order 2003, SI 2003/1968: see the Transport of Animals (Cleansing and Disinfection) (Wales) (No 3) Order 2003, SI 2003/1968, art 1(2)(a), (b).

Subordinate Legislation**UK**

Importation of Animal Pathogens Order 1980, SI 1980/1212.

Importation of Animal Products and Poultry Products (Amendment) Order 1982, SI 1982/948 (made under sub-s (5)(a)).

Aujeszky's Disease Order 1983, SI 1983/344 (made under sub-s (2)).

Foot-and-Mouth Disease Order 1983, SI 1983/1950 (made under sub-ss (2), (5)).

Tuberculosis (England and Wales) Order 1984, SI 1984/1943 (made under sub-s (2)).

Infectious Diseases of Horses Order 1987, SI 1987/790 (made under sub-s (2)).

Zoonoses Order 1989, SI 1989/285 (made under sub-ss (2), (5)(a)).

Welfare of Horses at Markets (and Other Places of Sale) Order 1990, SI 1990/2627 (made under sub-s (2)).

Welfare of Animals at Markets Order 1990, SI 1990/2628 (made under sub-ss (2), (4)).

Movement of Animals (Restrictions) (Amendment) Order 1991, SI 1991/1251 (made under sub-s (2)).

Anthrax Order 1991, SI 1991/2814 (made under sub-ss (2), (5)).

Specified Diseases (Notification and Slaughter) Order 1992, SI 1992/3159 (made under sub-s (2)).

Foot-and-Mouth Disease (Amendment) (No 2) Order 1993, SI 1993/3119 (made under sub-s (2)).

Spongiform Encephalopathy (Miscellaneous Amendments) Order 1994, SI 1994/2627 (made under sub-ss (2), (5)).

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Importation of Animal Products and Poultry Products (Amendment) Order 1994, SI 1994/2920 (made under sub-s (5)(a)).

Specified Diseases (Notification) Order 1996, SI 1996/2628 (made under sub-ss (2), (5)).

Enzootic Bovine Leukosis Order 1997, SI 1997/757 (made under sub-s (2)).

Brucellosis Order 1997, SI 1997/758 (made under sub-s (2)).

Welfare of Animals (Transport) Order 1997, SI 1997/1480 (made under sub-ss (2), (3), (5)(a)).

Specified Animal Pathogens Order 1998, SI 1998/463 (made under sub-ss (2), (5)).

Welfare of Animals (Transport) (Electronic Route Plans Pilot Schemes) (England) Order 2000, SI 2000/646 (made under sub-s (2)).

Transport of Animals (Cleansing and Disinfection (England) (No 2) Order 2000, SI 2000/1618 (made under sub-ss (2), (5)).

Brucellosis (England) Order 2000, SI 2000/2055 (made under sub-s (2)).

Enzootic Bovine Leukosis (England) Order 2000, SI 2000/2056 (made under sub-s (2)).

Foot-and-Mouth Disease (Amendment) (Wales) (No 9) Order 2001, SI 2001/2813 (made under sub-s (2)).

Foot-and-Mouth Disease (Amendment) (England) (No 10) Order 2001, SI 2001/2814 (made under sub-s (2)).

Disease Control (Interim Measures) (England) (No 2) Order 2002, SI 2002/2152 (made under sub-s (2)).

Movement of Animals (Restrictions) (England) Order 2002, SI 2002/3229 (made under sub-ss (2), (5)).

Movement of Animals (Restrictions) (Wales) Order 2003, SI 2003/399 (made under sub-ss (2), (5)).

Diseases of Poultry (England) Order 2003, SI 2003/1078 (made under sub-s (5)(a)).

Diseases of Poultry (Wales) Order 2003, SI 2003/1079 (made under sub-s (5)(a)).

Transport of Animals (Cleansing and Disinfection) (England) (No 3) Order 2003, SI 2003/1724 (made under sub-ss (2), (5)).

Transport of Animals (Cleansing and Disinfection) (Wales) (No 3) Order 2003, SI 2003/1968 (made under sub-ss (2), (5)).

Scotland

Movement of Animals (Restrictions) (Scotland) Order 2003, SSI 2003/353 (made under sub-s (2)).

Diseases of Poultry (Scotland) Order 2003, SSI 2003/354 (made under sub-s (5)(a)).

Initial Commencement**Specified date**

Specified date: 11 July 1981: see s 97(3).

Derivation

This section derived from the Diseases of Animals Act 1950, s 84(3).

Transfer of Functions

Functions of the Ministers, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales, by the National Assembly for Wales (Transfer of Functions) Order 1999, SI 1999/672, art 2, Sch 1.

See Further

Sub-ss (1), (3): see further, in relation to the extension of definition "disease" for the purposes of the Transport of Animals (Cleansing and Disinfection) (Wales) (No 3) Order 2003, SI 2003/1968: see the Transport of Animals (Cleansing and Disinfection) (Wales) (No 3) Order 2003, SI 2003/1968, art 1(2)(c), (d).

Subordinate Legislation**UK**

Importation of Animal Pathogens Order 1980, SI 1980/1212.

Warble Fly (England and Wales) Order 1982, SI 1982/234 (made under sub-s (2)).

Importation of Animal Products and Poultry Products (Amendment) Order 1982, SI 1982/948 (made under sub-ss (2), (4)(a)).

Aujeszky's Disease Order 1983, SI 1983/344 (made under sub-s (2)).

Tuberculosis (England and Wales) Order 1984, SI 1984/1943 (made under sub-s (2)).

Warble Fly (Ascertainment of Infestation) (England and Wales) Order 1985, SI 1985/1766 (made under sub-s (2)).

Infectious Diseases of Horses Order 1987, SI 1987/790 (made under sub-s (2)).

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Zoonoses Order 1988, SI 1988/2264 (made under sub-s (2)).

Movement of Animals (Restrictions) (Amendment) Order 1991, SI 1991/1251 (made under sub-s (2)).

Anthrax Order 1991, SI 1991/2814 (made under sub-s (2)).

Specified Diseases (Notification and Slaughter) Order 1992, SI 1992/3159 (made under sub-s (2)).

Marek's Disease (Restriction on Vaccination) (Revocation) Order 1994, SI 1994/472 (made under sub-s (4)(a)).

Spongiform Encephalopathy (Miscellaneous Amendments) Order 1994, SI 1994/2627 (made under sub-ss (2), (4)).

Equine Viral Arteritis Order 1995, SI 1995/1755 (made under sub-s (2)).

Specified Diseases (Notification) Order 1996, SI 1996/2628 (made under sub-ss (2), (4)).

Specified Animal Pathogens Order 1998, SI 1998/463 (made under sub-ss (2), (4)).

Movement of Animals (Restrictions) (England) Order 2002, SI 2002/3229 (made under sub-ss (2), (4)).

Bluetongue Order 2003, SI 2003/130 (made under sub-s (2)).

Bluetongue (Wales) Order 2003, SI 2003/326 (made under sub-s (2)).

Movement of Animals (Restrictions) (Wales) Order 2003, SI 2003/399 (made under sub-ss (2), (4)).

Diseases of Poultry (England) Order 2003, SI 2003/1078 (made under sub-s (4)).

Diseases of Poultry (Wales) Order 2003, SI 2003/1079 (made under sub-s (4)).

Transport of Animals (Cleansing and Disinfection) (England) (No 3) Order 2003, SI 2003/1724 (made under sub-ss (2), (4)).

Transport of Animals (Cleansing and Disinfection) (Wales) (No 3) Order 2003, SI 2003/1968 (made under sub-ss (2), (4)).

Scotland

Bluetongue (Scotland) Order 2003, SSI 2003/91 (made under sub-s (2)).

Movement of Animals (Restrictions) (Scotland) Order 2003, SSI 2003/353 (made under sub-s (2)).

Diseases of Poultry (Scotland) Order 2003, SSI 2003/354 (made under sub-s (4)).

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African Swine Fever (Scotland) Order 2003, SSI 2003/586 (made under sub-s (2)).

Initial Commencement*Specified date*

Specified date: 11 July 1981: see s 97(3).

Derivation

This section derived from the Diseases of Animals Act 1950, s 84(4), (5), the Agriculture (Miscellaneous Provisions) Act 1954, s 11(3), the Ponies Act 1969, s 1(c), the Customs and Excise Management Act 1979, s 1(1), and SI 1981/8, reg 2.

Transfer of Functions

Functions of the Ministers, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales, by the National Assembly for Wales (Transfer of Functions) Order 1999, SI 1999/672, art 2, Sch 1.

Initial Commencement*Specified date*

Specified date: 11 July 1981: see s 97(3).

Derivation

This section derived from the Hovercraft Act 1968, s 1(1)(h), the Agriculture (Miscellaneous Provisions) Act 1972, s 2(2), and the Hovercraft (Application of Enactments) Order 1972, SI 1972/971.

Initial Commencement*Specified date*

Specified date: 11 July 1981: see s 97(3).

Derivation

This section derived from the Diseases of Animals Act 1950, s 85(3)-(7), and the Agriculture (Miscellaneous Provisions) Act 1963, s 16(5).

Transfer of Functions

Functions of the Ministers and the appropriate Minister, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales, by the National Assembly for Wales (Transfer of Functions) Order 1999, SI 1999/672, art 2, Sch 1.

Initial Commencement*Specified date*

Specified date: 11 July 1981: see s 97(3).

Amendment

Sub-s (2): words "section 7(6) of the Criminal Procedure (Scotland) Act 1995" in squarebrackets substituted by the Criminal Procedure (Consequential Provisions) (Scotland) Act 1995, s 5, Sch 4, para 35.

Initial Commencement***Specified date***

Specified date: 11 July 1981: see s 97(3).

Derivation

This section derived from the Diseases of Animals Act 1950, s 87.

Initial Commencement***Specified date***

Specified date: 11 July 1981: see s 97(3).

Amendment

Sub-s (1): repealed by the Statute Law (Repeals) Act 2004.

Date in force: 22 July 2004: (no specific commencement provision).

Initial Commencement***Specified date***

Specified date: 11 July 1981: see s 97(3).

Derivation

Sub-ss (1), (2) derived from the Diseases of Animals Act 1975, s 4(1), (2); sub-ss (3), (5) derived from the Diseases of Animals Act 1950, ss 50(4), 90; sub-s (4) derived from the Medicines Act 1968, ss 135(2), 136(3); sub-s (6) derived from the Northern Ireland Constitution Act 1973, ss 40(2), 42(2); sub-s (7) derived from the Agriculture (Miscellaneous Provisions) Act 1976, s 7, Sch 3.

Subordinate Legislation

Rabies (Importation of Dogs, Cats and Other Mammals) (Amendment) Order 1984, SI 1984/1182 (made under sub-s (1)).

Rabies (Importation of Dogs, Cats and Other Mammals) (Amendment) Order 1986, SI 1986/2062 (made under sub-s (1)).

Rabies (Importation of Dogs, Cats and Other Mammals) (England) (Amendment)

Order 2004, SI 2004/2364 (made under sub-s (1)).

Initial Commencement

Specified date

Specified date: 11 July 1981: see s 97(3).

Initial Commencement

Specified date

Specified date: 11 July 1981: see sub-s (3) above.

Derivation

Sub-s (2) derived from the Diseases of Animals Act 1950, s 91(2).

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ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979
1979 CHAPTER 46

SCHEDULE 1 REGULATION OF MANUFACTURE OF AND OTHER MATTERS CONNECTED WITH
VETERINARY THERAPEUTIC SUBSTANCES

Section 5(2)

Royal Assent [4 April 1979]

Ancient Monuments and Archaeological Areas Act 1979, Ch. 46, Sch. 1 (Eng.)

SCHEDULE 1 Regulation of Manufacture of and Other Matters Connected with
Veterinary Therapeutic Substances

Substances to which this Schedule applies

1

(1) Subject to the provisions of sub-paragraph (2) below, this Schedule applies--

(a) to the therapeutic substances specified in paragraph 5 below; and (b) to any other therapeutic substances capable of being used for veterinary purposes which may from time to time be added to that paragraph as being substances the purity or potency of which cannot be adequately tested by chemical means.

(2) In the case of any substance mentioned in sub-paragraph (1) above which is a substance to which the Therapeutic Substances Act 1956 applies, this Schedule applies to that substance in so far only as the substance is excluded from the operation of that Act, as being intended to be used solely for veterinary purposes, by regulations made under that Act.

Power to make orders as to substances to which this Schedule applies

2

(1) The Ministers may make orders for the following purposes--

(a) for adding to paragraph 5 below any therapeutic substance capable of being used for veterinary purposes, the purity or potency of which cannot be adequately tested by chemical means; (b) for prohibiting, except under a licence for the purpose issued by the appropriate Minister and in accordance with any conditions subject to which the licence is issued, the manufacture for sale or the importation into Great Britain of any such substance to which this Schedule applies as may be specified in the order; (c) for prescribing the standard of strength, quality and purity of any substance in respect of which an order made for the purpose last mentioned is in force; (d) for prescribing the tests to be

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used for determining whether the standard prescribed as mentioned above has been attained;(e) for prescribing units of standardisation;(f) for prescribing the form of licences and of applications for them, and of notices to be given in connection with them;(g) for prescribing the conditions subject to which licences may be issued, including, in the case of a licence to manufacture conditions that the manufacture shall be carried on only upon the premises specified in the licence and that the licensee shall allow any inspector authorised by the Minister in that behalf to enter any premises where the manufacture is carried on, and to inspect the premises and plant and the process of manufacture and the means employed for standardising and testing the manufactured substance and to take samples of it;(h) for prescribing any other matter which under this Schedule is to be prescribed.

(2) The Ministers may make orders as respects any such substance to which this Schedule applies as may be specified in the order--

(a) requiring that, if advertised or sold as a proprietary medicine or contained in such medicine, such accepted scientific name or name descriptive of the true nature or origin of the substance as may be prescribed shall appear on the label;(b) requiring that the date of the manufacture shall be stated in the prescribed manner on all vessels or other packages in which the substance is sold or offered for sale, and prohibiting the sale of the substance after the expiry of the prescribed period from the date of manufacture;(c) prohibiting the sale or the offering for sale or the importation of the substance otherwise than in a vessel or other container of such character as may be prescribed, and requiring that the prescribed label or other description shall be affixed to such vessel or container.

Licences to manufacture

3

(1) The following provisions shall have effect with respect to licences to manufacture for sale a substance the manufacture of which otherwise than under a licence is prohibited by an order--

(a) the licence shall be issued subject to such conditions as may be prescribed, may extend to all such substances or to such one or more of them as may be specified in the licence, shall continue in force for such period as may be prescribed, but may from time to time be renewed for a like period;(b) an applicant for a licence or the renewal of a licence must satisfy the appropriate Minister that the conditions under which the substance is to be manufactured by him and the premises in which it is to be manufactured are such as to comply with any order in force for the purposes of paragraph 2 above, and an applicant who so satisfies the appropriate Minister shall be entitled to the grant or renewal of the licence;(c) the appropriate Minister may revoke a licence or suspend it for such period as he thinks fit, if in his opinion the licensee has failed to comply with the conditions subject to which the licence was issued or with any such order as is mentioned above as to the prescribed standards of strength, quality and purity, and such revocation or suspension may apply to all the substances to which the licence extends or to some one or more of them.

(2) A person who is aggrieved by the revocation or suspension of his licence may, subject to rules of court, appeal to the court, whose decision shall be final.(3) Nothing in any order prohibiting or regulating the manufacture for

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sale of any substance to which this Schedule applies shall apply to the preparation by a registered veterinary surgeon or practitioner--

(a) for the treatment of any animal under his care, or (b) for and at the request of another such surgeon or practitioner, of any such substance, if it is specially prepared with reference to the condition and for the treatment of an individual animal or bird.

(4) In this paragraph--

"the court" means, as respects England and Wales, the High Court and, as respects Scotland, the Court of Session, and "registered" means, in relation to a veterinary surgeon, registered in pursuance of the Veterinary Surgeons Act 1966 in the register of veterinary surgeons and, in relation to a veterinary practitioner registered in pursuance of that Act in the Supplementary Veterinary Register.

Licences to import

4

The issue of a licence to import a substance the importation of which otherwise than under a licence is prohibited by an order shall be subject to such conditions, including conditions as to the strength, quality and purity of the substance and as to the suspension or revocation of the licence, as may be prescribed.

Therapeutic substances to which this Schedule applies

5

The therapeutic substances mentioned in paragraph 1(1)(a) above are--(1) The substances commonly known as vaccines, sera, toxins, antitoxins and antigens.(2) The substance commonly known as salvarsan (Dioxy-diamino-arseno-benzol-di-hydrochloride), and analogous substances used for the specific treatment of infective disease.(3) Extract of the pituitary body.

Offences under this Schedule

6

A person who--

(a) contravenes or fails to comply with any condition subject to which any such licence as is mentioned in this Schedule is issued, (b) sells or offers for sale or has in his possession for sale any substance to which this Schedule applies knowing it to have been manufactured or imported in contravention of an order in force for any of the purposes of paragraph 2 above, (c) contravenes or fails to comply with the provisions of any such order as is mentioned above,

is liable on summary conviction to a fine not exceeding £50 or, in the case of a second or subsequent conviction, to such a fine or to imprisonment for a term not exceeding 2 months, and in either case to forfeit any goods in connection with which the offence was committed, and without prejudice, if the offender is the holder of a licence, to the power of the appropriate Minister to revoke or suspend the licence.

NOTES:**Amendment**

Repealed by virtue of the Medicines Act 1968, s 135(2), Sch 6.

Date in force: to be appointed: see the Medicines Act 1968, s 136(3).

Amendment

Repealed by virtue of the Medicines Act 1968, s 135(2), Sch 6.

Date in force: to be appointed: see the Medicines Act 1968, s 136(3).

Initial Commencement***Specified date***

Specified date: 11 July 1981: see s 97(3).

Derivation

Paras 1, 2, 4-6 derived from the Diseases of Animals Act 1950, ss 52, 53, 55, 56, Sch 3; para 3(1)-(3) derived from the Diseases of Animals Act 1950, s 54(1), (2); para 3(4) derived from the Diseases of Animals Act 1950, s 54(3), and the Welsh Language Act 1967, s 4.

Amendment

Repealed by virtue of the Medicines Act 1968, s 135(2), Sch 6 (for further information, see below).

Date in force: to be appointed: see the Medicines Act 1968, s 136(3).

Para 6: enhanced penalty on a subsequent conviction now abolished and maximum penalty on any conviction now a fine not exceeding level 3 on the standard scale or imprisonment for a term not exceeding 2 months by virtue of the Criminal Justice Act 1982, ss 35, 37, 38, 46.

Para 6: words "or to imprisonment for a term not exceeding 2 months," repealed, in relation to England and Wales, by the Criminal Justice Act 2003, s 332, Sch 37, Pt 9.

Date in force: to be appointed: see the Criminal Justice Act 2003, s 336(3).

Para 6: words "in either case" repealed, in relation to England and Wales, by the Criminal Justice Act 2003, s 332, Sch 37, Pt 9.

Date in force: to be appointed: see the Criminal Justice Act 2003, s 336(3).

Transfer of Functions

Functions of the Ministers and the appropriate Minister, so far as exercisable in relation to Wales, transferred to the National Assembly for

Wales, by the National Assembly for Wales (Transfer of Functions) Order 1999, SI 1999/672, art 2, Sch 1.

See Further

The Medicines Act 1968, s 135(2), Sch 6, prospectively repealed the Diseases of Animals Act 1950, Pt II, Sch 3. The 1950 Act was subsequently partially consolidated into this Act, but the prospective repeal by the Medicines Act 1968 of sub-s (2), applies to this section by virtue of s 95(4) above.

See further, in relation to summary offences no longer punishable with imprisonment: the Criminal Justice Act 2003, s 280(1), Sch 25, para 76.

Subordinate Legislation

Diseases of Animals (Therapeutic Substances) (Revocation) Order 1993, SI 1993/1331.

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**ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979
1979 CHAPTER 46**

**SCHEDULE 2 SPECIFIC MATTERS WITH RESPECT TO WHICH PROVISION MAY BE MADE IN
ORDERS UNDER SECTION 10**

Section 10

Royal Assent [4 April 1979]

Ancient Monuments and Archaeological Areas Act 1979, Ch. 46, Sch. 2 (Eng.)

**SCHEDULE 2 Specific Matters with Respect to Which Provision may be made in
Orders under Section 10**

1

The conditions to be observed before, during and after importation.

2

Exemptions from provisions of the order by means of licences, whether general or specific and whether conditional or unconditional, issued in accordance with the order.

3

The prohibition of the importation of animals or other things save at such ports, aerodromes and other places of entry as may be designated.

4

Landing and quarantine of animals and other things.

[4A

The premises at which animals and other things are to be kept in quarantine in pursuance of the order and the welfare of the animals kept in such premises.]

5

Seizure, detention and treatment of animals and other things.

6

Slaughter of animals and destruction of other things.

7

Cleansing and disinfection.

8

Marking, testing and use of animals and other things.

9

Movement of persons and of animals and other things.

10

Recovery of costs.

11

Inspection.

12

Entitlement to compensation and the determination, subject to the Treasury's approval, of the amount of compensation payable in any case.

NOTES:

Initial Commencement

Specified date

Specified date: 11 July 1981: see s 97(3).

Derivation

This Schedule derived from the Diseases of Animals Act 1950, Sch 1, and the Diseases of Animals Act 1975, s 1(2), Sch 1.

Amendment

Para 4A: inserted by the Animal Health (Amendment) Act 1998, s 1.

Date in force: 21 July 1998: see the Animal Health (Amendment) Act 1998, s 2(2).

Subordinate Legislation

UK

Specified Risk Material Order 1997, SI 1997/2964 (made under paras 1-11).

Specified Risk Material (Amendment) (Wales) Regulations 2001, SI 2001/2732.

Scotland

Specified Risk Material Amendment (Scotland) Order 2001, SSI 2001/287.

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**ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979
1979 CHAPTER 46**

[SCHEDULE 2A SPECIFIED DISEASES]

[Section 28A]

Royal Assent [4 April 1979]

Ancient Monuments and Archaeological Areas Act 1979, Ch. 46, Sch. 2A (Eng.)

[SCHEDULE 2A Specified Diseases]

[Foot-and-mouth diseaseSwine vesicular diseasePeste des petits ruminantsLumpy skin diseaseBluetongueAfrican horse sicknessClassical swine feverNewcastle diseaseVesicular stomatitisRinderpestContagious bovine pleuropneumoniaRift Valley feverSheep pox and goat poxAfrican swine feverHighly pathogenic avian influenza.]

NOTES:

Amendment

Inserted, in relation to England and Wales, by the Animal Health Act 2002, s 12(2).

Date in force: 14 January 2003: see SI 2002/3044, art 2(a).

Amendment

Inserted, in relation to England and Wales, by the Animal Health Act 2002, s 12(2).

Date in force: 14 January 2003: see SI 2002/3044, art 2(a).

Amendment

Inserted, in relation to England and Wales, by the Animal Health Act 2002, s 12(2).

Date in force: 14 January 2003: see SI 2002/3044, art 2(a).

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ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979
1979 CHAPTER 46

SCHEDULE 3 POWER TO SLAUGHTER IN RELATION TO CERTAIN DISEASES

Section 31

Royal Assent [4 April 1979]

Ancient Monuments and Archaeological Areas Act 1979, Ch. 46, Sch. 3 (Eng.)

SCHEDULE 3 Power to Slaughter in Relation to Certain Diseases

Cattle plague

1

(1) The Minister shall cause to be slaughtered all animals affected with cattle plague.

(2) Where an animal is or has been in the same shed, stable, herd or flock as, or in contact with, an animal affected with cattle plague, the Minister may, if he is satisfied that the slaughter of the animal is necessary for preventing the spreading of cattle plague, cause the animal to be slaughtered.

(3) The Minister may, if he thinks fit, in any case cause to be slaughtered--

(a) any animals suspected of being affected with cattle plague, or being in a place infected with cattle plague;

(b) any animals being in such parts of an area infected with cattle plague as are not comprised in a place infected with cattle plague (but in this last-mentioned case subject to such regulations as the Treasury by statutory instrument think fit to make).

(4) The Minister shall for animals slaughtered under this paragraph pay compensation as follows--

(a) where the animal slaughtered was affected with cattle plague, the compensation shall be one half of its value immediately before it became so affected, but so that the compensation does not in any such case exceed £20; and

(b) in every other case the compensation shall be the value of the animal immediately before it was slaughtered, but so that the compensation does not in any case exceed £40.

Pleuro-pneumonia

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2

(1) The Minister shall cause to be slaughtered all cattle affected with pleuro-pneumonia.

(2) The Minister may, if he thinks fit, in any case cause to be slaughtered--

(a) any cattle suspected of being affected with pleuro-pneumonia; and

(b) any cattle which are or which have been in the same field, shed, or other place, or in the same herd or otherwise in contact with cattle affected with pleuro-pneumonia, or which appear to the Minister to have been in any way exposed to the infection of pleuro-pneumonia.

(3) The Minister shall for cattle slaughtered under this paragraph pay compensation as follows--

(a) where the animal slaughtered was affected with pleuro-pneumonia, the compensation shall be three-fourths of the value of the animal immediately before it became so affected, but so that the compensation does not in any such case exceed £30; and

(b) in every other case the compensation shall be the value of the animal immediately before it was slaughtered, but so that the compensation does not in any case exceed £40.

(4) Where the Minister has decided that any head of cattle is to be slaughtered under this paragraph, the Minister shall, if the owner of such head of cattle by notice in writing so requires cause the same to be slaughtered within 21 days after the receipt of the notice.

Foot-and-mouth disease

3

(1) The Minister may, if he thinks fit, in any case cause to be slaughtered--

(a) any animals affected with foot-and-mouth disease, or suspected of being so affected; and

(b) any animals which are or have been in the same field, shed, or other place, or in the same herd or flock, or otherwise in contact with animals affected with foot-and-mouth disease, or which appear to the Minister to have been in any way exposed to the infection of foot-and-mouth disease;

[(c) any animals the Secretary of State thinks should be slaughtered with a view to preventing the spread of foot-and-mouth disease].

[(1A) The Secretary of State may exercise the power under sub-paragraph (1)(c) whether or not animals--

(a) are affected with foot-and-mouth disease or suspected of being so affected;(b) are or have been in contact with animals so affected;(c) have been exposed to the infection of foot-and-mouth disease;(d) have been treated with vaccine against foot-and-mouth disease.]

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(2) The Minister shall for animals slaughtered under this paragraph pay compensation as follows--

(a) where the animal slaughtered was affected with foot-and-mouth disease the compensation shall be the value of the animal immediately before it became so affected;

(b) in every other case the compensation shall be the value of the animal immediately before it was slaughtered.

Swine-fever

4

(1) The Minister may, if he thinks fit, in any case cause to be slaughtered--

(a) any swine affected with swine-fever, or suspected of being so affected; and

(b) any swine which are or have been in the same field, pig-sty, shed, or other place, or in the same herd, or otherwise in contact with swine affected with swine-fever, or which appear to the Minister to have been in any way exposed to the infection of swine-fever.

(2) The Minister shall for animals slaughtered under this paragraph pay compensation as follows--

(a) where the animal slaughtered was affected with swine-fever, the compensation shall be one half of the value of the animal immediately before it became so affected;

(b) in every other case the compensation shall be the value of the animal immediately before it was slaughtered.

Diseases of poultry

5

(1) The Minister may, if he thinks fit, cause to be slaughtered--

(a) any diseased or suspected poultry; or

(b) any poultry which are or have been in the same field, pen, shed or other place as, or otherwise in contact with, diseased poultry or which appear to the Minister to have been in any way exposed to the infection of disease;

[(c) any poultry the Secretary of State thinks should be slaughtered with a view to preventing the spread of avian influenza or Newcastle disease].

[(1A) The Secretary of State may exercise the power under sub-paragraph (1)(c) whether or not poultry--

(a) are affected with avian influenza or Newcastle disease or suspected of being so affected;(b) are or have been in contact with poultry so affected;(c) have been exposed to the infection of avian influenza or Newcastle disease;(d) have been treated with vaccine against avian influenza or Newcastle

disease.]

(2) The Minister shall for poultry, other than diseased poultry, slaughtered under this paragraph pay compensation, which shall be the value of the bird immediately before it was slaughtered.

(3) The Minister may by order prescribe the payment of compensation in accordance with a scale approved by the Treasury for diseased poultry slaughtered under this paragraph, being poultry affected with any disease other than fowl pest in any of its forms, including Newcastle disease and fowl plague.

NOTES:

Initial Commencement

Specified date

Specified date: 11 July 1981: see s 97(3).

Derivation

This Schedule derived from the Diseases of Animals Act 1950, ss 13-16, 48(1)-(3).

Amendment

Para 3: in sub-para (1)(a) word "and" in italics repealed, in relation to England and Wales, by the Animal Health Act 2002, s 1(1), (2).

Date in force: 14 January 2003: see SI 2002/3044, art 2(a).

Para 3: sub-para (1)(c) inserted, in relation to England and Wales, by the Animal Health Act 2002, s 1(1), (2).

Date in force: 14 January 2003: see SI 2002/3044, art 2(a).

Para 3: sub-para (1A) inserted, in relation to England and Wales, by the Animal Health Act 2002, s 1(1), (3).

Date in force: 14 January 2003: see SI 2002/3044, art 2(a).

Para 5: in sub-para (1)(a) word "or" in italics repealed, in relation to England and Wales, by SI 2003/1734, art 4(1), (2).

Date in force: 11 July 2003: see SI 2003/1734, art 1.

Para 5: sub-para (1)(c) inserted, in relation to England and Wales, by SI 2003/1734, art 4(1), (3).

Date in force: 11 July 2003: see SI 2003/1734, art 1.

Para 5: sub-para (1A) inserted, in relation to England and Wales, by SI 2003/1734, art 4(1), (4).

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Date in force: 11 July 2003: see SI 2003/1734, art 1.

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ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979
1979 CHAPTER 46

SCHEDULE 4 ADDITIONAL PROVISIONS AS TO FOOD AND WATER AT RAILWAY STATIONS
Section 38(2)

Royal Assent [4 April 1979]

Ancient Monuments and Archaeological Areas Act 1979, Ch. 46, Sch. 4 (Eng.)

SCHEDULE 4 Additional Provisions as to Food and Water at Railway Stations

1

The food and water, or either of them, provided under section 38(2) above shall be supplied to the animal by the body carrying the animal on the request--

- (a) of the consignor; or
- (b) of any person in charge of the animal.

2

As regards water, if, in the case of any animal, such a request is not made, so that the animal remains without a supply of water for 24 consecutive hours--

- (a) the consignor and the person in charge of the animal shall each be guilty of an offence against this Act; and
- (b) it shall lie on the person charged to prove such a request and the time within which the animal had a supply of water.

3

The Ministers may, if they think fit, by order prescribe any other period, not less than 12 hours instead of the period of 24 hours mentioned above, either generally, or in respect of any particular kind of animals.

4

The body supplying food or water under section 38(2) may make in respect of that supply such reasonable charges (if any) as the Ministers by order approve, in addition to such charges as they are for the time being authorised to make in respect of the carriage of animals.

5

The amount of those additional charges accrued due in respect of any animal shall be a debt from the consignor and from the consignee of the animal to the body concerned, and shall be recoverable by the body concerned, with costs, by proceedings in any court of competent jurisdiction.

6

The body concerned shall have a lien for the amount of that debt on the animal in respect of which the debt accrued due, and on any other animal at any time consigned by or to the same consignor or consignee to be carried by that body.

NOTES:**Initial Commencement*****Specified date***

Specified date: 11 July 1981: see s 97(3).

Derivation

This Schedule derived from the Diseases of Animals Act 1950, s 22(2)-(4).

Transfer of Functions

Functions of the Ministers, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales, by the National Assembly for Wales (Transfer of Functions) Order 1999, SI 1999/672, art 2, Sch 1.

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ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979
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SCHEDULE 5 CONSEQUENTIAL AMENDMENTS

Section 96

Royal Assent [4 April 1979]

Ancient Monuments and Archaeological Areas Act 1979, Ch. 46, Sch. 5 (Eng.)

SCHEDULE 5 Consequential Amendments

. . .

NOTES:

Initial Commencement

Specified date

Specified date: 11 July 1981: see s 97(3).

Amendment

This Schedule contains amendments only.

Repealed in part by the Wildlife and Countryside Act 1981, s 73(1), Sch 17, Pt II and the Food Act 1984, s 134.

Repealed in part by the Statute Law (Repeals) Act 2004.

Date in force: 22 July 2004: (no specific commencement provision).

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ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979
1979 CHAPTER 46

SCHEDULE 6 REPEALS**Section 96**

Royal Assent [4 April 1979]

Ancient Monuments and Archaeological Areas Act 1979, Ch. 46, Sch. 6 (Eng.)**SCHEDULE 6 Repeals**

Chapter	Short title	Extent of repeal
25 & 26 Geo 5 c 31	Diseases of Animals Act 1935	The whole Act
14 Geo 6 c 36	Diseases of Animals Act 1950	The whole Act
2 & 3 Eliz 2 c 39	Agriculture (Miscellaneous Provisions) Act 1954	Section 11 Schedule 2
4 & 5 Eliz 2 c 46	Administration of Justice Act 1956	Section 49(2)
10 & 11 Eliz 2 c 46	Transport Act 1962	In Part I of Schedule 2, the entry relating to the Diseases of Animals Act 1950
1963 c 11	Agriculture (Miscellaneous Provisions) Act 1963	Sections 13 and 14 Section 16(1) In section 16(3), the words -- (a) "the Minister to whom the fee was paid, or as the case may be,"; and (b) "he or"
1963 c 33	London Government Act 1963	In section 54(4), the words "The Diseases of Animals Act 1950" In Part I of Schedule 13, paragraph 1
1967 c 22	Agriculture Act 1967	Section 66
1967 c 80	Criminal Justice Act 1967	In Part I of Schedule 3, the entry relating to the Diseases of Animals Act 1950

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1968 c 67	Medicines Act 1968	In Schedule 6, the entry relating to Part II of and Schedule 3 to the Diseases of Animals Act 1950
1969 c 28	Ponies Act 1969	The whole Act
1970 c 40	Agriculture Act 1970	Section 105(2) to (5) Section 106(3)
1971 c 23	Courts Act 1971	In Part I of Schedule 9, the entry relating to the Diseases of Animals Act 1950
1972 c 62	Agriculture (Miscellaneous Provisions) Act 1972	Sections 1 to 3
1972 c 68	European Communities Act 1972	In Schedule 4, paragraph 7
1973 c 65	Local Government (Scotland) Act 1973	Section 144(1), (2)
1974 c 7	Local Government Act 1974	In Schedule 6, paragraph 7
1974 c 17	Rabies Act 1974	The whole Act
1975 c 40	Diseases of Animals Act 1975	The whole Act
1976 c 55	Agriculture (Miscellaneous Provisions) Act 1976	In Schedule 3, the reference to the Diseases of Animals Act 1950
1976 c 63	Bail Act 1976	In Schedule 2, paragraph 13
1977 c 45	Criminal Law Act 1977	Section 55(1) to (3)
1979 c 2	Customs and Excise Management Act 1979	In Part I of the Table of textual amendments in paragraph 12 of Schedule 4, the entry relating to the Diseases of Animals Act 1950

NOTES:**Initial Commencement*****Specified date***

Specified date: 11 July 1981: see s 97(3).

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HEDGEROWS REGULATIONS 1997
1997 No 1160

Made 24 March 1997
Coming into force 1 June 1997

Hedgerows Regulations 1997, SI 1160, Preamble

Preamble

The Secretary of State for the Environment and the Minister of Agriculture, Fisheries and Food, acting jointly as respects England, and the Secretary of State for Wales, as respects Wales, in exercise of the powers conferred by section 97 of the Environment Act 1995, and of all other powers enabling them in that behalf, having undertaken the consultations required by section 97(6) of that Act, hereby make the following Regulations, a draft of which has been laid before, and has been approved by resolution of, both Houses of Parliament:

Classification:
COUNTRYSIDE

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HEDGEROWS REGULATIONS 1997
1997 No 1160

Made 24 March 1997
Coming into force 1 June 1997

Hedgerows Regulations 1997, SI 1160, s. 1

1 Citation and commencement

These Regulations may be cited as the Hedgerows Regulations 1997 and shall come into force on 1st June 1997.

Classification:
COUNTRYSIDE

NOTES:

Initial Commencement

Specified date

Specified date: 1 June 1997: see above.

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*** THIS DOCUMENT IS CURRENT THROUGH 3 NOVEMBER, 2004 ***

HEDGEROWS REGULATIONS 1997
1997 No 1160

Made 24 March 1997
Coming into force 1 June 1997

Hedgerows Regulations 1997, SI 1160, s. 2

2 Interpretation

(1) In these Regulations--

"the 1990 Act" means the Town and Country Planning Act 1990;

"the 1995 Act" means the Environment Act 1995;

"agriculture" includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purposes of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes, and "agricultural" shall be construed accordingly;

"agricultural holding" has the same meaning as in the Agricultural Holdings Act 1986;

"common land" has the same meaning as in the Commons Registration Act 1965, and references to common land include town or village green within the meaning of that Act;

"farm business tenancy" has the same meaning as in the Agricultural Tenancies Act 1995;

"gap", in relation to a hedgerow, means any opening (whether or not it is filled);

"hedgerow removal notice" means a notice under regulation 5(1)(a);

"hedgerow retention notice" means a notice referred to in regulation 5(2);

"local planning authority", except in paragraph 5(b)(ii) of Part II of Schedule 1, means--

(a) as regards land within a National Park, the National Park Authority for that Park,

(b) as regards land within the Broads, within the meaning of the Norfolk and Suffolk Broads Act 1988, the Broads Authority,

(c) as regards the Isles of Scilly, the Council of the Isles of Scilly,

(d) as regards any other land in England, the district planning authority within the meaning of the 1990 Act,

(e) as regards any other land in Wales, the county council or county borough council;

"notice" means notice in writing;

"owner"--

(a) in relation to a hedgerow growing on any land which comprises part of an agricultural holding or which is subject to a farm business tenancy, means the person who owns the freehold of the land or the tenant;

(b) in relation to a hedgerow growing on any other land, means the person who owns the freehold of the land,

and "owns the freehold" means is entitled, otherwise than as a mortgagee not in possession, to dispose of the fee simple;

"protected land" means--

(a) land managed as a nature reserve in pursuance of section 21 (establishment of nature reserves by local authorities) of the National Parks and Access to the Countryside Act 1949,

(b) land in relation to which a notification under section 28 (areas of special scientific interest) of the Wildlife and Countryside Act 1981 is in force;

"relevant utility operator", in relation to any hedgerow, means--

(a) any person who holds a licence granted under section 6 of the Electricity Act 1989 (power to grant licences for the generation, transmission or supply of electricity) and who wishes to remove or, as the case may be, removes the hedgerow in question for the purpose of carrying out any activity authorised by that licence;

(b) any person who holds a licence granted or treated as granted under section 7 of the Gas Act 1986 (power to grant licences for the conveyance of gas through pipes) and who wishes to remove or, as the case may be, removes the hedgerow in question for the purpose of carrying out any activity authorised by that licence;

[(c) any person to whom the electronic communications code is applied by a direction under section 106 of the Communications Act 2003 and who wishes to

remove or, as the case may be, removes the hedgerow in question in pursuance of a right conferred by the electronic communications code;]

(d) a sewerage undertaker or a water undertaker which wishes to remove or, as the case may be, removes the hedgerow in question for the purpose of carrying out its functions, within the meaning of the Water Industry Act 1991.

(2) In these Regulations a reference to a numbered regulation or Schedule is to the regulation in, or Schedule to, these Regulations which is so numbered and a reference in a regulation or Schedule to a numbered paragraph, or in a paragraph to a numbered sub-paragraph, is to a paragraph or sub-paragraph of that regulation, Schedule or paragraph.

(3) Part I of Schedule 1 shall have effect for the purposes of interpretation of that Schedule, and Schedules 2 and 3 shall have effect for the purposes of that Part.

Classification:

COUNTRYSIDE

NOTES:

Initial Commencement

Specified date

Specified date: 1 June 1997: see reg 1.

Amendment

Para (1): in definition "relevant utility operator" para (c) substituted by SI 2003/2155, art 3(1), Sch 1, Pt 5, para 39.

Date in force: 17 September 2003: see SI 2003/2155, art 1(1).

Modification

Supply of electricity: the Utilities Act 2000, s 31(2) provides that references to the supply of electricity shall have effect, after the commencement of that section, as references to the supply of electricity, the distribution of electricity, or both the supply and distribution of electricity, according to the nature of the activities to which they referred before that time. See also, s 31(3) of that Act as to the construction of references to the holder of a licence under the Electricity Act 1989, s 6.

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HEDGEROWS REGULATIONS 1997
1997 No 1160

Made 24 March 1997
Coming into force 1 June 1997

Hedgerows Regulations 1997, SI 1160, s. 3

3 Application of Regulations

(1) Subject to paragraph (3), these Regulations apply to any hedgerow growing in, or adjacent to, any common land, protected land, or land used for agriculture, forestry or the breeding or keeping of horses, ponies or donkeys, if--

(a) it has a continuous length of, or exceeding, 20 metres; or

(b) it has a continuous length of less than 20 metres and, at each end, meets (whether by intersection or junction) another hedgerow.

(2) Subject to paragraph (3), a hedgerow is also one to which these Regulations apply if it is a stretch of hedgerow forming part of a hedgerow such as is described in paragraph (1).

(3) These Regulations do not apply to any hedgerow within the curtilage of, or marking a boundary of the curtilage of, a dwelling-house.

(4) A hedgerow which meets (whether by intersection or junction) another hedgerow is to be treated as ending at the point of intersection or junction.

(5) For the purposes of ascertaining the length of any hedgerow--

(a) any gap resulting from a contravention of these Regulations; and

(b) any gap not exceeding 20 metres,

shall be treated as part of the hedgerow.

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Specified date: 1 June 1997: see reg 1.

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HEDGEROWS REGULATIONS 1997
1997 No 1160

Made 24 March 1997
Coming into force 1 June 1997

Hedgerows Regulations 1997, SI 1160, s. 4

4 Criteria for determining "important" hedgerows

For the purposes of section 97 (hedgerows) of the Environment Act 1995 and these Regulations, a hedgerow is "important" if it, or the hedgerow of which it is a stretch,--

- (a) has existed for 30 years or more; and
- (b) satisfies at least one of the criteria listed in Part II of Schedule 1.

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HEDGEROWS REGULATIONS 1997
1997 No 1160

Made 24 March 1997
Coming into force 1 June 1997

Hedgerows Regulations 1997, SI 1160, s. 5

5 Removal of hedgerows

(1) Subject to the exceptions specified in regulation 6, the removal of a hedgerow to which these Regulations apply is prohibited unless--

(a) the local planning authority in whose area the hedgerow is situated or, where it is situated in the area of more than one such authority, the local planning authority in whose area the greater part of the hedgerow is situated, have received from an owner of the hedgerow (subject to paragraph (10)) notice in the form set out in Schedule 4, or a form substantially to the same effect, of his proposal to remove the hedgerow ("hedgerow removal notice") together with the plan and evidence mentioned in the form set out in Schedule 4; and

(b)

(i) the authority have given to the person who gave the hedgerow removal notice written notice stating that the hedgerow may be removed; or

(ii) the period specified in paragraph (6) has expired without the authority having given to that person a hedgerow retention notice stating that the work may not be carried out; and

(c) the removal is carried out in accordance with the proposal specified in the hedgerow removal notice; and

(d) the hedgerow is removed within the period of two years beginning with the date of service of the hedgerow removal notice.

(2) A local planning authority which has received a hedgerow removal notice shall, consistently with paragraph (5) and within the period specified in paragraph (6), decide whether or not to give notice to that person stating that the work or, where the hedgerow removal notice refers to more than one hedgerow, so much of the work as may be specified by the authority in their notice, may not be carried out ("hedgerow retention notice").

(3) Where a hedgerow in respect of which the local planning authority has

received a hedgerow removal notice is situated in a parish in England for which there is a parish council, or in a community in Wales for which there is a community council, that authority shall consult that council (or, where there is more than one such council, each of them) on the proposal to remove that hedgerow.

(4) The consultation referred to in paragraph (3) shall be completed before the period specified in paragraph (6) expires and before the giving of a notice under paragraph (1)(b)(i) or a hedgerow retention notice.

(5) A local planning authority--

(a) shall not give a hedgerow retention notice in respect of a hedgerow which is not an "important" hedgerow;

(b) shall give such a notice, within the period specified in paragraph (6), in respect of an "important" hedgerow unless satisfied, having regard in particular to the reasons given for its proposed removal in the hedgerow removal notice, that there are circumstances which justify the hedgerow's removal.

(6) The period referred to in paragraphs (1)(b)(ii), (2), (4) and (5)(b) is that of 42 days beginning with the date on which the hedgerow removal notice is received by the local planning authority or such longer period as may be agreed between the person who gave the notice and the authority.

(7) A hedgerow retention notice shall, except where regulation 8(4) applies, specify each criterion (of those listed in Schedule 1) which applies to the hedgerow to which the notice relates.

(8) A hedgerow retention notice may be withdrawn at any time by the local planning authority by giving written notice of the withdrawal to the person to whom the hedgerow retention notice was given.

(9) Where a hedgerow retention notice has been given stating that work relating to a hedgerow may not be carried out, and that notice has not been withdrawn, removal of the hedgerow consisting of or including any such work is prohibited.

(10) Where a hedgerow is or is to be removed by or on behalf of a relevant utility operator from land of which it is not the owner, paragraph (1)(a) shall apply as though the reference to the owner were instead a reference to the relevant utility operator.

Classification:

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Specified date: 1 June 1997: see reg 1.

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HEDGEROWS REGULATIONS 1997
1997 No 1160

Made 24 March 1997
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Hedgerows Regulations 1997, SI 1160, s. 6

6 Permitted work

(1) The removal of any hedgerow to which these Regulations apply is permitted if it is required--

(a) for making a new opening in substitution for an existing opening which gives access to land, but subject to paragraph (2);

(b) for obtaining temporary access to any land in order to give assistance in an emergency;

(c) for obtaining access to land where another means of access is not available or is available only at disproportionate cost;

(d) for the purposes of national defence;

(e) for carrying out development for which planning permission has been granted or is deemed to have been granted, except development for which permission is granted by article 3 of the Town and Country Planning General Permitted Development Order 1995 in respect of development of any of the descriptions contained in Schedule 2 to that Order other than Parts 11 (development under local or private Acts or orders) and 30 (tollroad facilities);

(f) for carrying out, pursuant to, or under, the Land Drainage Act 1991, the Water Resources Act 1991 or the Environment Act 1995, work for the purpose of flood defence or land drainage;

(g) for preventing the spread of, or ensuring the eradication of--

(i) any plant pest, within the meaning of the Plant Health (Great Britain) Order 1993, in respect of which any action is being, or is to be, taken under Article 22 or 23 of that Order, or

(ii) any tree pest, within the meaning of the Plant Health (Forestry) (Great Britain) Order 1993, in respect of which any action is being, or is to be, taken

under Article 21 or 22 of that Order;

(h) for the carrying out by the Secretary of State of his functions in respect of any highway for which he is the highway authority or in relation to which, by virtue of section 4(2) of the Highways Act 1980, he has the same powers under that Act as the local highway authority;

(i) for carrying out any felling, lopping or cutting back required or permitted as a consequence of any notice given or order made under paragraph 9 of Schedule 4 to the Electricity Act 1989 (felling, lopping or cutting back to prevent obstruction of or interference with electric lines and plant or to prevent danger); or

(j) for the proper management of the hedgerow.

(2) Where the removal of a hedgerow to which these Regulations apply is permitted by these Regulations only by paragraph (1)(a), the person removing it shall fill the existing opening by planting a hedge within 8 months of the making of the new opening.

(3) The fact that work is permitted under these Regulations does not affect any prohibition or restriction imposed by or under any other enactment or by any agreement.

Classification:

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1997 No 1160

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Hedgerows Regulations 1997, SI 1160, s. 7

7 Offences

(1) A person who intentionally or recklessly removes, or causes or permits another person to remove, a hedgerow in contravention of regulation 5(1) or (9) is guilty of an offence.

(2) A person who contravenes or fails to comply with regulation 6(2) is guilty of an offence.

(3) Hedgerows to which these Regulations apply are prescribed for the purposes of section 97(4)(d) of the 1995 Act (which relates to offences triable either way).

(4) A person guilty of an offence under paragraph (1) shall be liable--

(a) on summary conviction, to a fine not exceeding the statutory maximum; or

(b) on conviction on indictment, to a fine.

(5) A person guilty of an offence under paragraph (2) shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(6) In determining the amount of any fine to be imposed on a person convicted of an offence under paragraph (1) or (2), the court shall in particular have regard to any financial benefit which has accrued or appears likely to accrue to him in consequence of the offence.

(7) Section 331 (offences by corporations) of the 1990 Act shall apply in relation to offences under paragraph (1) or (2) committed by a body corporate as it applies in relation to offences under that Act committed by a body corporate.

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Hedgerows Regulations 1997, SI 1160, s. 8

8 Replacement of hedgerows

(1) Subject to regulation 15, where it appears to the local planning authority that a hedgerow has been removed in contravention of regulation 5(1) or (9), the authority may (whether or not proceedings are instituted under regulation 7), give a notice to the owner, requiring him to plant another hedgerow or, where the hedgerow has been removed by or on behalf of a relevant utility operator, give a notice to that operator requiring it to plant another hedgerow.

(2) A notice under paragraph (1) shall specify the species and position of the shrubs, or trees and shrubs, to be planted and the period within which the planting is to be carried out.

(3) Subsections (1), (2) and (6) of section 209 (execution and cost of works required by s 207 notice) of the 1990 Act shall apply, with the necessary modifications, to shrubs and trees whose planting is required by a notice under paragraph (1) as if they were trees whose planting was required by a notice under subsection (1) of section 207 (enforcement of duties as to replacement of trees) of that Act.

(4) A hedgerow planted in compliance with a notice under paragraph (1) or by virtue of paragraph (3) shall be treated--

(a) for the purposes of these Regulations;

(b) for the period of 30 years beginning with the date of substantial completion of the planting,

as if it were an "important" hedgerow within the meaning of regulation 4.

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Hedgerows Regulations 1997, SI 1160, s. 9

9 Appeals

(1) Subject to regulation 15, a person to whom a hedgerow retention notice or a notice under regulation 8(1) is given may, by notice given within 28 days from the date on which the notice was given to him, or such longer period as the Secretary of State may allow, appeal to the Secretary of State.

(2) The notice of appeal shall state the grounds for the appeal and the appellant shall serve a copy of it on the local planning authority which gave the hedgerow retention notice or notice under regulation 8(1).

(3) In determining the appeal the Secretary of State--

(a) may allow or dismiss it, either as to the whole or as to part;

(b) shall give any directions necessary to give effect to his determination, including directions for quashing or modifying any notice,

and he shall notify the appellant and the local planning authority of his determination of the appeal.

(4) Before determining the appeal, the Secretary of State shall afford to the appellant and the local planning authority an opportunity, if they so wish, of appearing before, and being heard by, a person appointed by the Secretary of State for the purpose.

(5) The Secretary of State may cause a local inquiry to be held in connection with an appeal and subsections (2) to (5) of section 250 of the Local Government Act 1972 (local inquiries: evidence and costs) shall apply to any such inquiry.

(6) The Secretary of State shall have the same powers to appoint a person to exercise functions in connection with appeals under this regulation as he is given by section 114 of the 1995 Act in relation to his functions specified in that section; and the provisions of Schedule 20 to that Act shall apply with respect to any such appointment as it applies to appointments under that section.

(7) The Secretary of State and any person appointed by him for any purpose of this regulation shall, except where the appeal is disposed of on the basis of written representations and other documents, have the same power to make orders under section 250(5) of the Local Government Act 1972 (orders with respect to costs of the parties) in relation to proceedings on an appeal under this regulation which do not give rise to an inquiry as he has in relation to an inquiry and section 322A (orders as to costs: supplementary) of the 1990 Act shall apply to proceedings on an appeal under this regulation as if they were proceedings under that Act.

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Hedgerows Regulations 1997, SI 1160, s. 10

10 Records

Each local planning authority shall compile and keep available for public inspection free of charge at all reasonable hours and at a convenient place a record containing a copy of--

- (a) every hedgerow removal notice received by them;
- (b) every hedgerow retention notice issued by them;
- (c) every notice given by them under regulation 5(1)(b)(i);
- (d) every determination notified to them under regulation 9(3).

Classification:
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11 Injunctions

(1) Where a local planning authority consider it necessary or expedient for an actual or apprehended offence under these Regulations to be restrained by injunction, they may apply to the court for an injunction, whether or not they have exercised or are proposing to exercise any of their other powers under these Regulations.

(2) On an application under paragraph (1) the court may grant such an injunction as the court thinks appropriate for the purpose of restraining the offence.

(3) In this regulation "the court" means the High Court or the county court.

Classification:
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Hedgerows Regulations 1997, SI 1160, s. 12

12 Rights to enter without a warrant

(1) Any person duly authorised in writing by a local planning authority may enter any land for the purpose of--

(a) surveying it in connection with any hedgerow removal notice received by the authority;

(b) ascertaining whether an offence under regulation 7 has been committed;

(c) determining whether a notice should be given under regulation 8,

if there are reasonable grounds for entering for the purpose in question.

(2) Any person duly authorised in writing by the Secretary of State may enter any land for the purpose of surveying it in connection with any appeal made under regulation 9, if there are reasonable grounds for entering for that purpose.

(3) Any right to enter by virtue of paragraph (1) or (2) shall be exercised at a reasonable hour.

(4) No right to enter by virtue of paragraph (1)(a) or (2) shall be exercised in relation to land which--

(a) adjoins that in respect of which a hedgerow removal notice has been given or an appeal made; and

(b) is occupied by a person other than the person who gave the hedgerow removal notice or made the appeal,

unless at least 24 hours' notice of the intended entry has been given to the occupier of that adjoining land.

(5) In a case to which regulation 5(10) applies, no right to enter any land by virtue of paragraph (1)(a) or (2) shall be exercised unless at least 24

hours' notice of the intended entry has been given to the occupier of the land.

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1997 No 1160

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Hedgerows Regulations 1997, SI 1160, s. 13

13 Right to enter under warrant

(1) If it is shown to the satisfaction of a justice of the peace on sworn information in writing--

(a) that there are reasonable grounds for entering any land for any of the purposes mentioned in regulation 12(1) or (2); and

(b) that--

(i) admission to the land has been refused, or a refusal is reasonably apprehended; or

(ii) the case is one of urgency,

the justice may issue a warrant authorising any person duly authorised in writing by a local planning authority or, as the case may be, the Secretary of State to enter the land.

(2) For the purposes of paragraph (1)(b)(i) admission to land shall be regarded as having been refused if no reply is received to a request for admission within a reasonable period.

(3) A warrant authorises entry on one occasion only and that entry must be--

(a) within one month from the date of the issue of the warrant; and

(b) at a reasonable hour, unless the case is one of urgency.

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Hedgerows Regulations 1997, SI 1160, s. 14

14 Rights of entry: supplementary provisions

(1) Any power conferred by virtue of regulation 12 or 13 to enter land ("a right of entry") shall be construed as including power to take samples from any hedgerow on the land and samples of the soil.

(2) A person authorised to enter land in the exercise of a right of entry--

(a) shall, if so required, produce evidence of his authority and state the purpose of his entry before so entering;

(b) may take with him such other persons as may be necessary; and

(c) on leaving the land shall, if the occupier is not then present, leave it as effectively secured against trespassers as he found it.

(3) Any person who wilfully obstructs a person acting in the exercise of a right of entry shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(4) If any damage is caused to land or chattels in the exercise of a right of entry, compensation may be recovered by any person suffering the damage from the authority who gave the written authority for the entry or, as the case may be, the Secretary of State.

(5) Any question of disputed compensation under this regulation shall be referred to and determined by the Lands Tribunal.

(6) In relation to the determination of any such question, the provisions of sections 2 and 4 of the Land Compensation Act 1961 shall apply subject to any necessary modifications.

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Hedgerows Regulations 1997, SI 1160, s. 15

15 Local planning authorities as owners of hedgerows

(1) This regulation applies where a local planning authority are the owners (whether alone or jointly with others) of a hedgerow to which these Regulations apply.

(2) Notwithstanding anything in section 101 (arrangements for the discharge of functions by local authorities) of the Local Government Act 1972, a hedgerow removal notice given in a case to which this regulation applies may not be considered--

(a) by a committee or sub-committee of the authority concerned if that committee or sub-committee is responsible (wholly or partly) for the management of the land in which is situated the hedgerow to which the notice relates; or

(b) by an officer of the authority concerned if his responsibilities include any aspect of the management of the land in which is situated the hedgerow to which the notice relates.

(3) Regulations 8 and 9 do not apply in a case to which this regulation applies.

Classification:

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Specified date: 1 June 1997: see reg 1.

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16 Application of other provisions of the 1990 Act

(1) Subsections (1), (3) and (6) of section 318 (ecclesiastical property) of the 1990 Act shall apply--

(a) to notices required to be served under these Regulations on an owner of land as if those notices were notices required to be served on an owner of land under a provision of the 1990 Act; and

(b) to compensation payable under regulation 14 of these Regulations as if that compensation were compensation payable under Part IV of the 1990 Act.

(2) Subsections (1), (2) and (4) of section 329 (service of notices) of the 1990 Act shall apply to notices under these Regulations as if those notices were notices required or authorised to be given or served under that Act.

Classification:
COUNTRYSIDE

NOTES:

Initial Commencement

Specified date

Specified date: 1 June 1997: see reg 1.

Signature

John Selwyn Gummer

Secretary of State for the Environment

23rd March 1997 *Tim Boswell*

1997 No 1160

Parliamentary Secretary,

Ministry of Agriculture, Fisheries and Food

24th March 1997 *William Hague*

Secretary of State for Wales

21st March 1997

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*** THIS DOCUMENT IS CURRENT THROUGH 3 NOVEMBER, 2004 ***

HEDGEROWS REGULATIONS 1997
1997 No 1160

SCHEDULE 1 ADDITIONAL CRITERIA FOR DETERMINING "IMPORTANT" HEDGEROWS
Regulations 2(3) and 4

Made 24 March 1997
Coming into force 1 June 1997

Hedgerows Regulations 1997, SI 1160, Sch. 1, Pt. I

Part I Interpretation

In this Schedule--

"building" includes structure;

"Record Office" means--

(a) a place appointed under section 4 of the Public Records Act 1958 (place of deposit of public records),

(b) a place at which documents are held pursuant to a transfer under section 144A(4) of the Law of Property Act 1922 or under section 36(2) of the Tithe Act 1936, including each of those provisions as applied by section 7(1) of the Local Government (Records) Act 1962, or

(c) a place at which documents are made available for inspection by a local authority pursuant to section 1 of the Local Government (Records) Act 1962;

"relevant date" means the date on which these Regulations are made;

"Sites and Monuments Record" means a record of archaeological features and sites adopted--

(a) by resolution of a local authority within the meaning of the Local Government Act 1972, or

(b) in Greater London, by the Historic Buildings and Monuments Commission;

"standard tree"--

(a) in the case of a multi-stemmed tree, means a tree which, when measured at a point 1.3 metres from natural ground level, has at least two stems whose diameters are at least 15 centimetres;

(b) in the case of a single-stemmed tree, means a tree which, when measured at a point 1.3 metres from natural ground level, has a stem whose diameter is at least 20 centimetres;

"woodland species" means the species listed in Schedule 2; and

"woody species" means the species and sub-species listed in Schedule 3, and any hybrid, that is to say, any individual plant resulting from a cross between parents of any species or sub-species so listed, but does not include any cultivar; and

references to the documents in paragraph 6(3)(b) and (4) are to those documents as at the relevant date, without taking account of any subsequent revisions, supplements or modifications.

Classification:

COUNTRYSIDE

NOTES:

Initial Commencement

Specified date

Specified date: 1 June 1997: see reg 1.

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*** THIS DOCUMENT IS CURRENT THROUGH 3 NOVEMBER, 2004 ***

HEDGEROWS REGULATIONS 1997
1997 No 1160

SCHEDULE 1 ADDITIONAL CRITERIA FOR DETERMINING "IMPORTANT" HEDGEROWS
Regulations 2(3) and 4

Made 24 March 1997
Coming into force 1 June 1997

Hedgerows Regulations 1997, SI 1160, Sch. 1, Pt. II

Part II Criteria

Archaeology and history

1

The hedgerow marks the boundary, or part of the boundary, of at least one historic parish or township; and for this purpose "historic" means existing before 1850.

2

The hedgerow incorporates an archaeological feature which is--

(a) included in the schedule of monuments compiled by the Secretary of State under section 1 (schedule of monuments) of the Ancient Monuments and Archaeological Areas Act 1979; or

(b) recorded at the relevant date in a Sites and Monuments Record.

3

The hedgerow--

(a) is situated wholly or partly within an archaeological site included or recorded as mentioned in paragraph 2 or on land adjacent to and associated with such a site; and

(b) is associated with any monument or feature on that site.

4

The hedgerow--

(a) marks the boundary of a pre-1600 AD estate or manor recorded at the relevant date in a Sites and Monuments Record or in a document held at that date at a Record Office; or

(b) is visibly related to any building or other feature of such an estate or manor.

5

The hedgerow--

(a) is recorded in a document held at the relevant date at a Record Office as an integral part of a field system pre-dating the Inclosure Acts; or

(b) is part of, or visibly related to, any building or other feature associated with such a system, and that system--

(i) is substantially complete; or

(ii) is of a pattern which is recorded in a document prepared before the relevant date by a local planning authority, within the meaning of the 1990 Act, for the purposes of development control within the authority's area, as a key landscape characteristic.

Wildlife and landscape

6

(1) The hedgerow--

(a) contains species listed or categorised as mentioned in sub-paragraph (3); or

(b) is referred to in a record held immediately before the relevant date by a biological record centre maintained by, or on behalf of, a local authority within the meaning of the Local Government Act 1972, and in a form recognised by [English Nature], the Countryside Council for Wales or the Joint Nature Conservation Committee, as having contained any such species--

(i) in the case of animals and birds, subject to sub-paragraph (2), within the period of five years immediately before the relevant date;

(ii) in the case of plants, subject to sub-paragraph (2), within the period of ten years immediately before the relevant date.

(2) Where more than one record referable to the period of five or, as the case may be, ten years before the relevant date is held by a particular biological record centre, and the more (or most) recent record does not satisfy the criterion specified in sub-paragraph (1)(b), the criterion is not satisfied (notwithstanding that an earlier record satisfies it).

(3) The species referred to in sub-paragraph (1) are those--

(a) listed in Part I (protection at all times) of Schedule 1 (birds which are

protected by special penalties), Schedule 5 (animals which are protected) or Schedule 8 (plants which are protected) to the Wildlife and Countryside Act 1981;

(b) categorised as a declining breeder (category 3) in "Red Data Birds in Britain" Batten LA, Bibby CJ, Clement P, Elliott GD and Porter RF (Eds), published in 1990 for the Nature Conservancy Council and the Royal Society for the Protection of Birds (ISBN 0 85661 056 9); or

(c) categorised as "endangered", "extinct", "rare" or "vulnerable" in Britain in a document mentioned in sub-paragraph (4).

(4) The documents referred to in sub-paragraph (3)(c) are--

(a) of the books known as the British Red Data Books:

1 "Vascular Plants" Perring FH and Farrell L, 2nd Edition, published in 1983 for the Royal Society for Nature Conservation (ISBN 0 902484 04 4);

2 "Insects" Shirt DB (Ed), published in 1987 for the Nature Conservancy Council (ISBN 0 86139 380 5); and

3 "Invertebrates other than insects" Bratton JH (Ed), published in 1991 for the Joint Nature Conservation Committee (ISBN 1 873701 00 4); and

(b) of the books known as the Red Data Books of Britain and Ireland:

"Stoneworts" Stewart NF and Church JM, published in 1992 for the Joint Nature Conservation Committee (ISBN 1 873701 24 1).

7

(1) Subject to sub-paragraph (2), the hedgerow includes--

(a) at least 7 woody species;

(b) at least 6 woody species, and has associated with it at least 3 of the features specified in sub-paragraph (4);

(c) at least 6 woody species, including one of the following--

black-poplar tree (*Populus nigra* ssp *betulifolia*);

large-leaved lime (*Tilia platyphyllos*);

small-leaved lime (*Tilia cordata*);

wild service-tree (*Sorbus torminalis*); or

(d) at least 5 woody species, and has associated with it at least 4 of the features specified in sub-paragraph (4),

and the number of woody species in a hedgerow shall be ascertained in accordance with sub-paragraph (3).

(2) Where the hedgerow in question is situated wholly or partly in the county (as constituted on 1st April 1997) of the City of Kingston upon Hull, Cumbria, Darlington, Durham, East Riding of Yorkshire, Hartlepool, Lancashire, Middlesbrough, North East Lincolnshire, North Lincolnshire, Northumberland, North Yorkshire, Redcar and Cleveland, Stockton-on-Tees, Tyne and Wear, West Yorkshire or York, the number of woody species mentioned in paragraphs (a) to (d) of sub-paragraph (1) is to be treated as reduced by one.

(3) For the purposes of sub-paragraph (1) (and those of paragraph 8(b))--

(a) where the length of the hedgerow does not exceed 30 metres, count the number of woody species present in the hedgerow;

(b) where the length of the hedgerow exceeds 30 metres, but does not exceed 100 metres, count the number of woody species present in the central stretch of 30 metres;

(c) where the length of the hedgerow exceeds 100 metres, but does not exceed 200 metres, count the number of woody species present in the central stretch of 30 metres within each half of the hedgerow and divide the aggregate by two;

(d) where the length of the hedgerow exceeds 200 metres, count the number of woody species present in the central stretch of 30 metres within each third of the hedgerow and divide the aggregate by three.

(4) The features referred to in sub-paragraph (1)(b) and (d) (which include those referred to in paragraph 8(b)) are--

(a) a bank or wall which supports the hedgerow along at least one half of its length;

(b) gaps which in aggregate do not exceed 10% of the length of the hedgerow;

(c) where the length of the hedgerow does not exceed 50 metres, at least one standard tree;

(d) where the length of the hedgerow exceeds 50 metres but does not exceed 100 metres, at least 2 standard trees;

(e) where the length of the hedgerow exceeds 100 metres, such number of standard trees (within any part of its length) as would when averaged over its total length amount to at least one for each 50 metres;

(f) at least 3 woodland species within one metre, in any direction, of the outermost edges of the hedgerow;

(g) a ditch along at least one half of the length of the hedgerow;

(h) connections scoring 4 points or more in accordance with sub-paragraph (5);

(i) a parallel hedge within 15 metres of the hedgerow.

(5) For the purposes of sub-paragraph (4)(h) a connection with another

hedgerow scores one point and a connection with a pond or a woodland in which the majority of trees are broad-leaved trees scores 2 points; and a hedgerow is connected with something not only if it meets it but also if it has a point within 10 metres of it and would meet it if the line of the hedgerow continued.

8

The hedgerow--

(a) is adjacent to a bridleway or footpath, within the meaning of the Highways Act 1980, a road used as a public path, within the meaning of section 54 (duty to reclassify roads used as public paths) of the Wildlife and Countryside Act 1981, or a byway open to all traffic, within the meaning of Part III of the Wildlife and Countryside Act 1981, and

(b) includes at least 4 woody species, ascertained in accordance with paragraph 7(3) and at least 2 of the features specified in paragraph 7(4)(a) to (g).

Classification:

COUNTRYSIDE

NOTES:**Initial Commencement*****Specified date***

Specified date: 1 June 1997: see reg 1.

Amendment

Para 6: in sub-para (1)(b) words "English Nature" in square brackets substituted by virtue of the Countryside and Rights of Way Act 2000, s 73(2).

Date in force: 30 January 2001: see the Countryside and Rights of Way Act 2000, s 103(2).

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*** THIS DOCUMENT IS CURRENT THROUGH 3 NOVEMBER, 2004 ***

HEDGEROWS REGULATIONS 1997
1997 No 1160

SCHEDULE 2 WOODLAND SPECIES
Regulation 2(3) and Schedule 1, Part I
 Made 24 March 1997
 Coming into force 1 June 1997

Hedgerows Regulations 1997, SI 1160, Sch. 2

SCHEDULE 2 Woodland Species

Barren strawberry (<i>Potentilla sterilis</i>)	Nettle-leaved bell-flower (<i>Campanula trachelium</i>)
Bluebell (<i>Hyacinthoides non-scriptus</i>)	Oxlip (<i>Primula elatior</i>)
Broad buckler fern (<i>Dryopteris dilatata</i>)	Pignut (<i>Conopodium majus</i>)s
Broad-leaved helleborine (<i>Epipactis helleborine</i>)	Primrose (<i>Primula vulgaris</i>)
Bugle (<i>Ajuga reptans</i>)	Ramsons (<i>Allium ursinum</i>)
Common cow-wheat (<i>Melampyrum pratense</i>)	Sanicle (<i>Sanicula europaea</i>)
Common dog violet (<i>Viola riviniana</i>)	Scaly male-fern (<i>Dryopteris affinis</i>)
Common polypody (<i>Polypodium vulgare</i>)	Small cow-wheat (<i>Melampyrum sylvaticum</i>)
Dog's mercury (<i>Mercurialis perennis</i>)	Soft shield fern (<i>Polystichum setiferum</i>)
Early dog violet (<i>Viola reichenbachiana</i>)	Sweet violet (<i>Viola odorata</i>)
Early purple orchid (<i>Orchis mascula</i>)	Toothwort (<i>Lathraea squamaria</i>)
Enchanter's nightshade (<i>Circaea lutetiana</i>)	Tormentil (<i>Potentilla erecta</i>)
Giant fescue (<i>Festuca gigantea</i>)	Wild strawberry (<i>Fragaria vesca</i>)
Goldilocks buttercup (<i>Ranunculus auricomus</i>)	Wood anemone (<i>Anemone nemorosa</i>)
Great bell-flower (<i>Campanula latifolia</i>)	Wood avens/Herb bennet (<i>Geum urbanum</i>)
Greater wood-rush (<i>Luzula sylvatica</i>)	Wood false-brome (<i>Brachypodium sylvaticum</i>)
Hairy brome (<i>Bromus ramosus</i>)	Wood horsetail (<i>Equisetum sylvaticum</i>)
Hairy woodrush (<i>Luzula pilosa</i>)	Wood meadow-grass (<i>Poa nemoralis</i>)
Hard fern (<i>Blechnum spicant</i>)	Wood melick (<i>Melica uniflora</i>)

1997 No 1160

Hard shield fern (<i>Polystichum aculeatum</i>)	Wood millet (<i>Millium effusum</i>)
Hart's tongue (<i>Asplenium scolopendrium</i>)	Wood sage (<i>Teucrium scorodonia</i>)
Heath bedstraw (<i>Galium saxatile</i>)	Wood sedge (<i>Carex sylvatica</i>)
Herb paris (<i>Paris quadrifolia</i>)	Wood sorrel (<i>Oxalis acetosella</i>)
Herb-robert (<i>Geranium robertianum</i>)	Wood speedwell (<i>Veronica montana</i>)
Lady fern (<i>Athyrium filix-femina</i>)	Wood spurge (<i>Euphorbia amygdaloides</i>)
Lords-and-ladies (<i>Arum maculatum</i>)	Woodruff (<i>Galium odoratum</i>)
Male fern (<i>Dryopteris filix-mas</i>)	Yellow archangel (<i>Lamium galeobdolon</i>)
Moschatel (<i>Adoxa moschatellina</i>)	Yellow pimpernel (<i>Lysimachia nemorum</i>)
Narrow buckler-fern (<i>Dryopteris carthusiana</i>)	

Classification:

COUNTRYSIDE**NOTES:****Initial Commencement*****Specified date***

Specified date: 1 June 1997: see reg 1.

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*** THIS DOCUMENT IS CURRENT THROUGH 3 NOVEMBER, 2004 ***

HEDGEROWS REGULATIONS 1997
1997 No 1160

SCHEDULE 3 WOODY SPECIES
Regulation 2(3) and Schedule 1, Part I
 Made 24 March 1997
 Coming into force 1 June 1997

Hedgerows Regulations 1997, SI 1160, Sch. 3

SCHEDULE 3 Woody Species

Alder (<i>Alnus glutinosa</i>)	Hawthorn, midland (<i>Crataegus laevigata</i>)
Apple, crab (<i>Malus sylvestris</i>)	Hazel (<i>Corylus avellana</i>)
Ash (<i>Fraxinus excelsior</i>)	Holly (<i>Ilex aquilifolium</i>)
Aspen (<i>Populus tremula</i>)	Hornbeam (<i>Carpinus betulus</i>)
Beech (<i>Fagus sylvatica</i>)	Juniper, common (<i>Juniperus communis</i>)
Birch, downy (<i>Betula pubescens</i>)	Lime, large-leaved (<i>Tilia platyphyllos</i>)
Birch, silver (<i>Betula pendula</i>)	Lime, small-leaved (<i>Tilia cordata</i>)
Black-poplar (<i>Populus nigra</i> sub-species <i>betulifolia</i>)	Maple, field (<i>Acer campestre</i>)
Blackthorn (<i>Prunus spinosa</i>)	Mezereon (<i>Daphne mezereum</i>)
Box (<i>Buxus sempervirens</i>)	Oak, pedunculate (<i>Quercus robur</i>)
Broom (<i>Cytisus scoparius</i>)	Oak, sessile (<i>Quercus petraea</i>)
Buckthorn (<i>Rhamnus cathartica</i>)	Osier (<i>Salix viminalis</i>)
Buckthorn, alder (<i>Frangula alnus</i>)	Pear, Plymouth (<i>Pyrus cordata</i>)
Butcher's-broom (<i>Ruscus aculeatus</i>)	Pear, wild (<i>Pyrus pyraeaster</i>)
Cherry, bird (<i>Prunus padus</i>)	Poplar, grey (<i>Populus x canescens</i>)
Cherry, wild (<i>Prunus avium</i>)	Poplar, white (<i>Populus alba</i>)
Cotoneaster, wild (<i>Cotoneaster integerrimus</i>)	Privet, wild (<i>Ligustrum vulgare</i>)
Currant, downy (<i>Ribes spicatum</i>)	Rose (<i>Rosa species</i>)
Currant, mountain (<i>Ribes alpinum</i>)	Rowan (<i>Sorbus aucuparia</i>)
Dogwood (<i>Cornus sanguinea</i>)	Sea-buckthorn (<i>Hippophae rhamnoides</i>)
Elder (<i>Sambucus nigra</i>)	Service-tree, wild (<i>Sorbus torminalis</i>)
Elm (<i>Ulmus species</i>)	Spindle (<i>Euonymus europaeus</i>)
Gooseberry (<i>Ribes uva-crispa</i>)	Spurge-laurel (<i>Daphne laureola</i>)
Gorse (<i>Ulex europaeus</i>)	Walnut (<i>Juglans regia</i>)
Gorse, dwarf (<i>Ulex minor</i>)	Wayfaring-tree (<i>Viburnum lantana</i>)

1997 No 1160

Gorse, western (*Ulex gallii*)
Guelder rose (*Viburnum opulus*)

Whitebeam (*Sorbus species*)
Willow (*Salix species*)

Hawthorn (*Crataegus monogyna*)

Yew (*Taxus baccata*)

Classification:

COUNTRYSIDE

NOTES:

Initial Commencement

Specified date

Specified date: 1 June 1997: see reg 1.

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*** THIS DOCUMENT IS CURRENT THROUGH 3 NOVEMBER, 2004 ***

**HEDGEROWS REGULATIONS 1997
1997 No 1160**

SCHEDULE 4 FORM OF HEDGEROW REMOVAL NOTICE

Regulation 5(1)
Made 24 March 1997
Coming into force 1 June 1997

Hedgerows Regulations 1997, SI 1160, Sch. 4

SCHEDULE 4 Form of Hedgerow Removal Notice

The Environment Act 1995

The Hedgerows Regulations 1997

To: (Name and address of local planning
authority).....
.....
.....
.....
.....

From: (Name and address of person giving the notice)
.....
.....
.....
.....
.....

1

I give you notice under regulation 5(1)(a) of the above Regulations that I propose to remove the (stretch(es) of) hedgerow(s) indicated on the attached plan. (If possible, please provide a plan to a scale of 1:2500. A different scale can be used so long as it shows clearly the location and length of the hedgerow or hedgerows that you wish to remove.)

2

The reasons why I propose to remove it/them are the following:--

3

Of the (stretch(es) of) hedgerow(s) indicated, those marked with an "X" were planted less than 30 years ago. Evidence of the date of planting is attached.

4

I am/We are the owner(s) of the freehold of the land concerned.OR (please delete as appropriate)

I am/We are the tenant(s) of the agricultural holding concerned.OR (please delete as appropriate)

I am/We are the tenant(s) under the farm business tenancy concernedOR (please delete as appropriate)

I am/act for the utility operator concerned.

.....

(Signature of person giving notice)

(Date)

Classification:
COUNTRYSIDE

NOTES:

Initial Commencement

Specified date

Specified date: 1 June 1997: see reg 1.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision for the protection of important hedgerows in England and Wales.To facilitate the protection of those hedgerows, the Regulations apply to a wider class of hedgerows, described in regulation 3 (in particular to hedgerows which are 20 metres or more long or which meet another hedgerow at each end and which, in each case, are on or adjacent to land used for certain specified purposes).

Before removing any hedgerow, including a stretch of hedgerow, to which these Regulations apply the owner (or in certain cases a relevant utility operator) must notify the local planning authority (regulation 5). The hedgerow may then not be removed if the local planning authority serves a hedgerow retention notice, which may be done only if the hedgerow is important according to the criteria set out in regulation 4 and Schedules 1 to 3. The requirement for the owner (or utility operator) to notify the local planning authority does not apply to the permitted work described in regulation 6.

There are provisions for criminal offences (regulation 7), replacement of hedgerows removed in contravention of the regulations (regulation 8), appeals against hedgerow retention and other notices (regulation 9), record-keeping by the local planning authority (regulation 10), enforcement by injunction (regulation 11) and rights of entry (regulations 12 to 14). There are also provisions for hedgerows owned by the local planning authority (regulation 15) and ecclesiastical property (regulation 16(1)). Some of these further provisions apply provisions of planning legislation and others make provision comparable to that to be found in the planning legislation in connection with appeals or with the preservation of trees.

The criterion for determining important hedgerows set out in paragraph 6 of Part II of Schedule 1 refers to publications known as Red Data Books. Copies of those publications are available from specialist bookshops and are available for inspection between the hours of 9 am and 5 pm Monday to Friday at the offices of the Department of the Environment, Eland House, Bressenden Place, London SW1 and of the Welsh Office at Cathay's Park, Cardiff.

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*** THIS DOCUMENT IS CURRENT THROUGH 3 NOVEMBER, 2004 ***

**TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) (ENGLAND AND WALES)
REGULATIONS 1999
1999 No 293**

*Made 10 February 1999
Laid before Parliament 19 February 1999
Coming into force 14 March 1999*

**Town and Country Planning (Environmental Impact Assessment) (England and Wales)
Regulations 1999, SI 293, Preamble**

Preamble

The Secretary of State for the Environment, Transport and the Regions, as respects England, and the Secretary of State for Wales, as respects Wales, being designated Ministers for the purposes of section 2(2) of the European Communities Act 1972 in relation to measures relating to the requirement for an assessment of the impact on the environment of projects likely to have significant effects on the environment, in exercise of the powers conferred by that section and section 71A of the Town and Country Planning Act 1990 and of all other powers enabling them in that behalf, and having taken into account the selection criteria in Annex III to Council Directive 85/337/EEC as amended by Council Directive 97/11/EC hereby make the following Regulations:--

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*** THIS DOCUMENT IS CURRENT THROUGH 3 NOVEMBER, 2004 ***

**TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) (ENGLAND AND WALES)
REGULATIONS 1999
1999 No 293**

PART I GENERAL
*Made 10 February 1999
Laid before Parliament 19 February 1999
Coming into force 14 March 1999*

**Town and Country Planning (Environmental Impact Assessment) (England and Wales)
Regulations 1999, SI 293, s. 1**

1 Citation, commencement and application

(1) These Regulations may be cited as the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 and shall come into force on 14th March 1999.

(2) Subject to paragraph (3), these Regulations shall apply throughout England and Wales.

(3) Paragraphs (2) and (5)(a) of regulation 14 shall not apply to the Isles of Scilly and, in relation to the Isles of Scilly, the reference in paragraph (6) of that regulation to paragraph (5) of that regulation shall be construed as a reference to paragraph (5)(b).

NOTES:

Initial Commencement

Specified date

Specified date: 14 March 1999: see para (1) above.

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*** THIS DOCUMENT IS CURRENT THROUGH 3 NOVEMBER, 2004 ***

**TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) (ENGLAND AND WALES)
REGULATIONS 1999
1999 No 293**

PART I GENERAL
*Made 10 February 1999
Laid before Parliament 19 February 1999
Coming into force 14 March 1999*

**Town and Country Planning (Environmental Impact Assessment) (England and Wales)
Regulations 1999, SI 293, s. 2**

2 Interpretation

(1) In these Regulations--

"the Act" means the Town and Country Planning Act 1990 and references to sections are references to sections of that Act;

["the 1991 Act" means the Planning and Compensation Act 1991;]

["the 1995 Act" means the Environment Act 1995;]

"the consultation bodies" means--

(a) any body which the relevant planning authority is required to consult, or would, if an application for planning permission for the development in question were before them, be required to consult by virtue of article 10 (consultations before the grant of permission) of the Order or of any direction under that article; and

(b) the following bodies if not referred to in sub-paragraph (a)--

(i) any principal council for the area where the land is situated, if not the relevant planning authority;

(ii) where the land is situated in England, the Countryside Commission and [English Nature];

(iii) where the land is situated in Wales, the Countryside Council for Wales; and

(iv) the Environment Agency;

"the Directive" means Council Directive 85/337/EEC;

["EEA State" means a State party to the Agreement on the European Economic Area;]

"EIA application" means an application for planning permission for EIA development;

"EIA development" means development which is either--

(a) Schedule 1 development; or

(b) Schedule 2 development likely to have significant effects on the environment by virtue of factors such as its nature, size or location;

"environmental information" means the environmental statement, including any further information, any representations made by any body required by these Regulations to be invited to make representations, and any representations duly made by any other person about the environmental effects of the development;

"environmental statement" means a statement--

(a) that includes such of the information referred to in Part I of Schedule 4 as is reasonably required to assess the environmental effects of the development and which the applicant can, having regard in particular to current knowledge and methods of assessment, reasonably be required to compile, but

(b) that includes at least the information referred to in Part II of Schedule 4;

"exempt development" means development which comprises or forms part of a project serving national defence purposes or in respect of which the Secretary of State has made a direction under regulation 4(4);

"further information" has the meaning given in regulation 19(1);

"General Regulations" means the Town and Country Planning General Regulations 1992;

"inspector" means a person appointed by the Secretary of State pursuant to Schedule 6 to the Act to determine an appeal;

"the land" means the land on which the development would be carried out or, in relation to development already carried out, has been carried out;

"the Order" means the Town and Country Planning (General Development Procedure) Order 1995;

"principal council" has the meaning given by sub-section (1) of section 270 (general provisions as to interpretation) of the Local Government Act 1972;

"register" means a register kept pursuant to section 69 (registers of applications etc) and "appropriate register" means the register on which particulars of an application for planning permission for the relevant

development have been placed or would fall to be placed if such an application were made;

["relevant mineral planning authority" means the body to whom it falls, fell, or would, but for a direction under paragraph--

- (a) 7 of Schedule 2 to the 1991 Act;
- (b) 13 of Schedule 13 to the 1995 Act; or
- (c) 8 of Schedule 14 to the 1995 Act,

fall to determine the ROMP application in question;]

"relevant planning authority" means the body to whom it falls, fell, or would, but for a direction under section 77 (reference of applications to Secretary of State), fall to determine an application for planning permission for the development in question;

["ROMP application" means an application to a relevant mineral planning authority to determine the conditions to which a planning permission is to be subject under paragraph--

- (a) 2(2) of Schedule 2 to the 1991 Act (registration of old mining permissions);
- (b) 9(1) of Schedule 13 to the 1995 Act (review of old mineral planning permissions); or
- (c) 6(1) of Schedule 14 to the 1995 Act (periodic review of mineral planning permissions);]

["ROMP development" means development which has yet to be carried out and which is authorised by a planning permission in respect of which a ROMP application has been or is to be made;]

"Schedule 1 application" and "Schedule 2 application" mean an application for planning permission for Schedule 1 development and Schedule 2 development respectively;

"Schedule 1 development" means development, other than exempt development, of a description mentioned in Schedule 1;

"Schedule 2 development" means development, other than exempt development, of a description mentioned in Column 1 of the table in Schedule 2 where--

- (a) any part of that development is to be carried out in a sensitive area; or
- (b) any applicable threshold or criterion in the corresponding part of Column 2 of that table is respectively exceeded or met in relation to that development;

"scoping direction" and "scoping opinion" have the meanings given in regulation 10;

"screening direction" means a direction made by the Secretary of State as to whether development is EIA development;

"screening opinion" means a written statement of the opinion of the relevant planning authority as to whether development is EIA development;

"sensitive area" means any of the following--

(a) land notified under sub-section (1) of section 28 (areas of special scientific interest) of the Wildlife and Countryside Act 1981;

(b) land to which sub-section (3) of section 29 (nature conservation orders) of the Wildlife and Countryside Act 1981 applies;

(c) an area to which paragraph (u)(ii) in the table in article 10 of the Order applies;

(d) a National Park within the meaning of the National Parks and Access to the Countryside Act 1949;

(e) the Broads;

(f) a property appearing on the World Heritage List kept under article 11(2) of the 1972 UNESCO Convention for the Protection of the World Cultural and Natural Heritage;

(g) a scheduled monument within the meaning of the Ancient Monuments and Archaeological Areas Act 1979;

(h) an area of outstanding natural beauty designated as such by an order made by the Countryside Commission, as respects England, or the Countryside Council for Wales, as respects Wales, under section 87 (designation of areas of outstanding natural beauty) of the National Parks and Access to the Countryside Act 1949 as confirmed by the Secretary of State;

(i) a European site within the meaning of regulation 10 of the Conservation (Natural Habitats etc) Regulations 1994.

(2) Subject to paragraph (3), expressions used both in these Regulations and in the Act have the same meaning for the purposes of these Regulations as they have for the purposes of the Act.

(3) Expressions used both in these Regulations and in the Directive (whether or not also used in the Act) have the same meaning for the purposes of these Regulations as they have for the purposes of the Directive.

(4) In these Regulations any reference to a Council Directive is a reference to that Directive as amended at the date these Regulations were made.

(5) In these Regulations references to the Secretary of State shall not be construed as references to an inspector.

[(6) In its application to Wales, these Regulations shall have effect, with any necessary amendments, as if each reference to "the Secretary of State" were

a reference to "the National Assembly for Wales".]

NOTES:

Initial Commencement

Specified date

Specified date: 14 March 1999: see reg 1(1).

Amendment

Para (1): definition "the 1991 Act" inserted by SI 2000/2867, reg 2(1), (2)(a).

Date in force: 15 November 2000: see SI 2000/2867, reg 1(1).

Para (1): definition "the 1995 Act" inserted by SI 2000/2867, reg 2(1), (2)(a).

Date in force: 15 November 2000: see SI 2000/2867, reg 1(1).

Para (1): in definition "the consultation bodies" in para (b)(ii) words "English Nature" in square brackets substituted by virtue of the Countryside and Rights of Way Act 2000, s 73(2).

Date in force: 30 January 2001: see the Countryside and Rights of Way Act 2000, s 103(2).

Para (1): definition "EEA State" inserted by SI 2000/2867, reg 2(1), (2)(b).

Date in force: 15 November 2000: see SI 2000/2867, reg 1(1).

Para (1): definition "relevant mineral planning authority" inserted by SI 2000/2867, reg 2(1), (2)(c).

Date in force: 15 November 2000: see SI 2000/2867, reg 1(1).

Para (1): definition "ROMP application" inserted by SI 2000/2867, reg 2(1), (2)(d).

Date in force: 15 November 2000: see SI 2000/2867, reg 1(1).

Para (1): definition "ROMP development" inserted by SI 2000/2867, reg 2(1), (2)(d).

Date in force: 15 November 2000: see SI 2000/2867, reg 1(1).

Para (6): inserted by SI 2000/2867, reg 2(1), (2)(e).

Date in force: 15 November 2000: see SI 2000/2867, reg 1(1).

Transfer of Functions

Functions of the Secretary of State, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales, by the National Assembly for Wales (Transfer of Functions) Order 1999, SI 1999/672, art 2, Sch 1.

Miscellaneous

Area of outstanding natural beauty: such areas were originally designated as such under the National Parks and Access to the Countryside Act 1949, s 87. That section is repealed by the Countryside and Rights of Way Act 2000, s 102, Sch 16, Pt IV and replaced by s 82 of that Act. Section 93 of, and Sch 15, Pt II to, the 2000 Act provides that any reference in any instrument or document (whenever made) to designation as an area of outstanding natural beauty under s 87 of the 1949 Act (or to an order under that section) is, in relation to any time after the commencement of s 82 of the 2000 Act, to be taken to be a reference to designation as such an area under the said s 82 (or to an order under that section).

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*** THIS DOCUMENT IS CURRENT THROUGH 3 NOVEMBER, 2004 ***

**TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) (ENGLAND AND WALES)
REGULATIONS 1999
1999 No 293**

PART I GENERAL
*Made 10 February 1999
Laid before Parliament 19 February 1999
Coming into force 14 March 1999*

**Town and Country Planning (Environmental Impact Assessment) (England and Wales)
Regulations 1999, SI 293, s. 3**

**3 Prohibition on granting planning permission without consideration of
environmental information**

(1) This regulation applies--

(a) to every EIA application received by the authority with whom it is lodged on or after the commencement of these Regulations; and

(b) to every EIA application lodged by an authority pursuant to regulation 3 or 4 (applications for planning permission) of the General Regulations on or after that date;

and for the purposes of this paragraph, the date of receipt of an application by an authority shall be determined in accordance with paragraph (3) of article 20 (time periods for decision) of the Order.

(2) The relevant planning authority or the Secretary of State or an inspector shall not grant planning permission pursuant to an application to which this regulation applies unless they have first taken the environmental information into consideration, and they shall state in their decision that they have done so.

NOTES:

Initial Commencement

Specified date

Specified date: 14 March 1999: see reg 1(1).

Transfer of Functions

Functions of the Secretary of State, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales, by the National Assembly for Wales (Transfer of Functions) Order 1999, SI 1999/672, art 2, Sch 1.

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**TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) (ENGLAND AND WALES)
REGULATIONS 1999
1999 No 293**

PART II SCREENING
*Made 10 February 1999
Laid before Parliament 19 February 1999
Coming into force 14 March 1999*

**Town and Country Planning (Environmental Impact Assessment) (England and Wales)
Regulations 1999, SI 293, s. 4**

4 General provisions relating to screening

(1) Subject to paragraphs (3) and (4), the occurrence of an event mentioned in paragraph (2) shall determine for the purpose of these Regulations that development is EIA development.

(2) The events referred to in paragraph (1) are--

(a) the submission by the applicant or appellant in relation to that development of a statement referred to by the applicant or appellant as an environmental statement for the purposes of these Regulations; or

(b) the adoption by the relevant planning authority of a screening opinion to the effect that the development is EIA development.

(3) A direction of the Secretary of State shall determine for the purpose of these Regulations whether development is or is not EIA development.

(4) The Secretary of State may direct that particular proposed development is exempted from the application of these Regulations in accordance with Article 2(3) of the Directive (but without prejudice to Article 7 of the Directive) and shall send a copy of any such direction to the relevant planning authority.

(5) Where a local planning authority or the Secretary of State has to decide under these Regulations whether Schedule 2 development is EIA development the authority or Secretary of State shall take into account in making that decision such of the selection criteria set out in Schedule 3 as are relevant to the development.

(6) Where--

(a) a local planning authority adopt a screening opinion; or

(b) the Secretary of State makes a screening direction under these Regulations;

to the effect that development is EIA development--

(i) that opinion or direction shall be accompanied by a written statement giving clearly and precisely the full reasons for that conclusion; and

(ii) the authority or the Secretary of State, as the case may be, shall send a copy of the opinion or direction and a copy of the written statement required by sub-paragraph (i) to the person who proposes to carry out, or who has carried out, the development in question.

(7) The Secretary of State may make a screening direction irrespective of whether he has received a request to do so.

(8) The Secretary of State may direct that particular development of a description mentioned in Column 1 of the table in Schedule 2 is EIA development in spite of the fact that none of the conditions contained in sub-paragraphs (a) and (b) of the definition of "Schedule 2 development" is satisfied in relation to that development.

(9) The Secretary of State shall send a copy of any screening direction to the relevant planning authority.

NOTES:

Initial Commencement

Specified date

Specified date: 14 March 1999: see reg 1(1).

Transfer of Functions

Functions of the Secretary of State, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales, by the National Assembly for Wales (Transfer of Functions) Order 1999, SI 1999/672, art 2, Sch 1.

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**TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) (ENGLAND AND WALES)
REGULATIONS 1999
1999 No 293**

PART II SCREENING
*Made 10 February 1999
Laid before Parliament 19 February 1999
Coming into force 14 March 1999*

**Town and Country Planning (Environmental Impact Assessment) (England and Wales)
Regulations 1999, SI 293, s. 5**

5 Requests for screening opinions of the local planning authority

(1) A person who is minded to carry out development may request the relevant planning authority to adopt a screening opinion.

(2) A request for a screening opinion shall be accompanied by--

(a) a plan sufficient to identify the land;

(b) a brief description of the nature and purpose of the development and of its possible effects on the environment; and

(c) such other information or representations as the person making the request may wish to provide or make.

(3) An authority receiving a request for a screening opinion shall, if they consider that they have not been provided with sufficient information to adopt an opinion, notify in writing the person making the request of the points on which they require additional information.

(4) An authority shall adopt a screening opinion within three weeks beginning with the date of receipt of a request made pursuant to paragraph (1) or such longer period as may be agreed in writing with the person making the request.

(5) An authority which adopts a screening opinion pursuant to paragraph (4) shall forthwith send a copy to the person who made the request.

(6) Where an authority--

(a) fail to adopt a screening opinion within the relevant period mentioned in paragraph (4); or

(b) adopt an opinion to the effect that the development is EIA development;

the person who requested the opinion may request the Secretary of State to make a screening direction.

(7) The person may make a request pursuant to paragraph (6) even if the authority has not received additional information which is sought under paragraph (3).

NOTES:

Initial Commencement

Specified date

Specified date: 14 March 1999: see reg 1(1).

Transfer of Functions

Functions of the Secretary of State, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales, by the National Assembly for Wales (Transfer of Functions) Order 1999, SI 1999/672, art 2, Sch 1.

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**TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) (ENGLAND AND WALES)
REGULATIONS 1999
1999 No 293**

PART II SCREENING
*Made 10 February 1999
Laid before Parliament 19 February 1999
Coming into force 14 March 1999*

**Town and Country Planning (Environmental Impact Assessment) (England and Wales)
Regulations 1999, SI 293, s. 6**

6 Requests for screening directions of the Secretary of State

(1) A person who pursuant to regulation 5(6) requests the Secretary of State to make a screening direction shall submit with his request--

(a) a copy of his request to the relevant planning authority under regulation 5(1) and the documents which accompanied it;

(b) a copy of any notification under regulation 5(3) which he has received and of any response;

(c) a copy of any screening opinion he has received from the authority and of any accompanying statement of reasons; and

(d) any representations that he wishes to make.

(2) When a person makes a request pursuant to regulation 5(6) he shall send to the relevant planning authority a copy of that request and of any representations he makes to the Secretary of State.

(3) The Secretary of State shall, if he considers that he has not been provided with sufficient information to make a screening direction, notify in writing the person making the request pursuant to regulation 5(6) of the points on which he requires additional information, and may request the relevant planning authority to provide such information as they can on any of those points.

(4) The Secretary of State shall make a screening direction within three weeks beginning with the date of receipt of a request pursuant to regulation 5(6) or such longer period as he may reasonably require.

(5) The Secretary of State shall send a copy of any screening direction made

pursuant to paragraph (4) forthwith to the person who made the request.

NOTES:

Initial Commencement

Specified date

Specified date: 14 March 1999: see reg 1(1).

Transfer of Functions

Functions of the Secretary of State, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales, by the National Assembly for Wales (Transfer of Functions) Order 1999, SI 1999/672, art 2, Sch 1.

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**TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) (ENGLAND AND WALES)
REGULATIONS 1999
1999 No 293**

PART III PROCEDURES CONCERNING APPLICATIONS FOR PLANNING PERMISSION
*Made 10 February 1999
Laid before Parliament 19 February 1999
Coming into force 14 March 1999*

**Town and Country Planning (Environmental Impact Assessment) (England and Wales)
Regulations 1999, SI 293, s. 7**

7 Application made to a local planning authority without an environmental statement

(1) Where it appears to the relevant planning authority that--

(a) an application for planning permission which is before them for determination is a Schedule 1 application or Schedule 2 application; and

(b) the development in question has not been the subject of a screening opinion or screening direction; and

(c) the application is not accompanied by a statement referred to by the applicant as an environmental statement for the purposes of these Regulations,

paragraphs (3) and (4) of regulation 5 shall apply as if the receipt or lodging of the application were a request made under regulation 5(1).

(2) Where an EIA application which is before a local planning authority for determination is not accompanied by a statement referred to by the applicant as an environmental statement for the purposes of these Regulations, the authority shall notify the applicant in writing that the submission of an environmental statement is required.

(3) An authority shall notify the applicant in accordance with paragraph (2) within three weeks beginning with the date of receipt of the application or such longer period as may be agreed in writing with the applicant; but where the Secretary of State, after the expiry of that period of three weeks or of any longer period so agreed, makes a screening direction to the effect that the development is EIA development, the authority shall so notify the applicant within seven days beginning with the date the authority received a copy of that screening direction.

(4) An applicant receiving a notification pursuant to paragraph (2) may, within three weeks beginning with the date of the notification, write to the authority stating--

(a) that he accepts their view and is providing an environmental statement; or

(b) unless the Secretary of State has made a screening direction in respect of the development, that he is writing to the Secretary of State to request a screening direction.

(5) If the applicant does not write to the authority in accordance with paragraph (4), the permission sought shall, unless the Secretary of State has made a screening direction to the effect that the development is not EIA development, be deemed to be refused at the end of the relevant three week period, and the deemed refusal--

(a) shall be treated as a decision of the authority for the purposes of paragraph (4)(c) of article 25 (register of applications) of the Order; but

(b) shall not give rise to an appeal to the Secretary of State by virtue of section 78 (right to appeal against planning decisions and failure to take such decisions).

(6) An authority which has given a notification in accordance with paragraph (2) shall, unless the Secretary of State makes a screening direction to the effect that the development is not EIA development, determine the relevant application only by refusing planning permission if the applicant does not submit an environmental statement and comply with regulation 14(5).

(7) A person who requests a screening direction pursuant to sub-paragraph (4)(b) shall send to the Secretary of State with his request copies of--

(a) his application for planning permission;

(b) all documents sent to the authority as part of the application; and

(c) all correspondence between the applicant and the authority relating to the proposed development,

and paragraphs (2) to (5) of regulation 6 shall apply to a request under this regulation as they apply to a request made pursuant to regulation 5(6).

NOTES:

Initial Commencement

Specified date

Specified date: 14 March 1999: see reg 1(1).

Transfer of Functions

Functions of the Secretary of State, so far as exercisable in relation to

Wales, transferred to the National Assembly for Wales, by the National Assembly for Wales (Transfer of Functions) Order 1999, SI 1999/672, art 2, Sch 1.

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**TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) (ENGLAND AND WALES)
REGULATIONS 1999
1999 No 293**

PART III PROCEDURES CONCERNING APPLICATIONS FOR PLANNING PERMISSION
*Made 10 February 1999
Laid before Parliament 19 February 1999
Coming into force 14 March 1999*

**Town and Country Planning (Environmental Impact Assessment) (England and Wales)
Regulations 1999, SI 293, s. 8**

8 Application referred to the Secretary of State without an environmental statement

(1) Where it appears to the Secretary of State that an application for planning permission which has been referred to him for determination--

(a) is a Schedule 1 application or Schedule 2 application; and

(b) the development in question has not been the subject of a screening opinion or screening direction; and

(c) the application is not accompanied by a statement referred to by the applicant as an environmental statement for the purposes of these Regulations,

paragraphs (3) and (4) of regulation 6 shall apply as if the referral of the application were a request made by the applicant pursuant to regulation 5(6).

(2) Where it appears to the Secretary of State that an application which has been referred to him for determination is an EIA application and is not accompanied by a statement referred to by the applicant as an environmental statement for the purposes of these Regulations, he shall notify the applicant in writing that the submission of an environmental statement is required and shall send a copy of that notification to the relevant planning authority.

(3) The Secretary of State shall notify the applicant in accordance with paragraph (2) within three weeks beginning with the date he received the application or such longer period as he may reasonably require.

(4) An applicant who receives a notification under paragraph (2) may within three weeks beginning with the date of the notification write to the Secretary of State stating that he proposes to provide an environmental statement.

(5) If the applicant does not write in accordance with paragraph (4), the Secretary of State shall be under no duty to deal with the application; and at the end of the three week period he shall inform the applicant in writing that no further action is being taken on the application.

(6) Where the Secretary of State has given a notification under paragraph (2), he shall determine the relevant application only by refusing planning permission if the applicant does not submit an environmental statement and comply with regulation 14(5).

NOTES:

Initial Commencement

Specified date

Specified date: 14 March 1999: see reg 1(1).

Transfer of Functions

Functions of the Secretary of State, sofar as exercisable in relation to Wales, transferred to the National Assembly for Wales, by the National Assembly for Wales (Transfer of Functions) Order 1999, SI 1999/672, art 2, Sch 1.

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**TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) (ENGLAND AND WALES)
REGULATIONS 1999
1999 No 293**

PART III PROCEDURES CONCERNING APPLICATIONS FOR PLANNING PERMISSION
*Made 10 February 1999
Laid before Parliament 19 February 1999
Coming into force 14 March 1999*

**Town and Country Planning (Environmental Impact Assessment) (England and Wales)
Regulations 1999, SI 293, s. 9**

9 Appeal to the Secretary of State without an environmental statement

(1) Where on consideration of an appeal under section 78 (right to appeal against planning decisions and failure to take such decisions) it appears to the Secretary of State that--

(a) the relevant application is a Schedule 1 application or Schedule 2 application; and

(b) the development in question has not been the subject of a screening opinion or screening direction; and

(c) the relevant application is not accompanied by a statement referred to by the appellant as an environmental statement for the purposes of these Regulations,

paragraphs (3) and (4) of regulation 6 shall apply as if the appeal were a request made by the appellant pursuant to regulation 5(6).

(2) Where an inspector is dealing with an appeal and a question arises as to whether the relevant application is an EIA application and it appears to the inspector that it may be such an application, the inspector shall refer that question to the Secretary of State and shall not determine the appeal, except by refusing planning permission, before he receives a screening direction.

(3) Paragraphs (3) and (4) of regulation 6 shall apply to a question referred under paragraph (2) as if the referral of that question were a request made by the appellant pursuant to regulation 5(6).

(4) Where it appears to the Secretary of State that the relevant application is an EIA application and is not accompanied by a statement referred to by the appellant as an environmental statement for the purposes of these Regulations,

he shall notify the appellant in writing that the submission of an environmental statement is required and shall send a copy of that notification to the relevant planning authority.

(5) An appellant who receives a notification under paragraph (4) may within three weeks beginning with the date of the notification write to the Secretary of State stating that he proposes to provide an environmental statement.

(6) If the appellant does not write in accordance with paragraph (5), the Secretary of State or, where relevant, the inspector shall be under no duty to deal with the appeal; and at the end of the three week period he shall inform the appellant that no further action is being taken on the appeal.

(7) Where the Secretary of State has given a notification under paragraph (4), the Secretary of State or, where relevant, the inspector shall determine the appeal only by refusing planning permission if the appellant does not submit an environmental statement and comply with regulation 14(5).

NOTES:

Initial Commencement

Specified date

Specified date: 14 March 1999: see reg 1(1).

Transfer of Functions

Functions of the Secretary of State, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales, by the National Assembly for Wales (Transfer of Functions) Order 1999, SI 1999/672, art 2, Sch 1.

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**TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) (ENGLAND AND WALES)
REGULATIONS 1999
1999 No 293**

PART IV PREPARATION OF ENVIRONMENTAL STATEMENTS

Made 10 February 1999

Laid before Parliament 19 February 1999

Coming into force 14 March 1999

**Town and Country Planning (Environmental Impact Assessment) (England and Wales)
Regulations 1999, SI 293, s. 10**

10 Scoping opinions of the local planning authority

(1) A person who is minded to make an EIA application may ask the relevant planning authority to state in writing their opinion as to the information to be provided in the environmental statement (a "scoping opinion").

(2) A request under paragraph (1) shall include--

(a) a plan sufficient to identify the land;

(b) a brief description of the nature and purpose of the development and of its possible effects on the environment; and

(c) such other information or representations as the person making the request may wish to provide or make.

(3) An authority receiving a request under paragraph (1) shall, if they consider that they have not been provided with sufficient information to adopt a scoping opinion, notify the person making the request of the points on which they require additional information.

(4) An authority shall not adopt a scoping opinion in response to a request under paragraph (1) until they have consulted the person who made the request and the consultation bodies, but shall, subject to paragraph (5), within five weeks beginning with the date of receipt of that request or such longer period as may be agreed in writing with the person making the request, adopt a scoping opinion and send a copy to the person who made the request.

(5) Where a person has, at the same time as making a request for a screening opinion under regulation 5(1), asked the authority for an opinion under paragraph (1) above, and the authority have adopted a screening opinion to the effect that the development is EIA development, the authority shall, within five

weeks beginning with the date on which that screening opinion was adopted or such longer period as may be agreed in writing with the person making the request, adopt a scoping opinion and send a copy to the person who made the request.

(6) Before adopting a scoping opinion the authority shall take into account--

(a) the specific characteristics of the particular development;

(b) the specific characteristics of development of the type concerned; and

(c) the environmental features likely to be affected by the development.

(7) Where an authority fail to adopt a scoping opinion within the relevant period mentioned in paragraph (4) or (5), the person who requested the opinion may under regulation 11(1) ask the Secretary of State to make a direction as to the information to be provided in the environmental statement (a "scoping direction").

(8) Paragraph (7) applies notwithstanding that the authority may not have received additional information which they have sought under paragraph (3).

(9) An authority which has adopted a scoping opinion in response to a request under paragraph (1) shall not be precluded from requiring of the person who made the request additional information in connection with any statement that may be submitted by that person as an environmental statement in connection with an application for planning permission for the same development as was referred to in the request.

NOTES:

Initial Commencement

Specified date

Specified date: 14 March 1999: see reg 1(1).

Transfer of Functions

Functions of the Secretary of State, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales, by the National Assembly for Wales (Transfer of Functions) Order 1999, SI 1999/672, art 2, Sch 1.

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**TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) (ENGLAND AND WALES)
REGULATIONS 1999
1999 No 293**

PART IV PREPARATION OF ENVIRONMENTAL STATEMENTS

*Made 10 February 1999
Laid before Parliament 19 February 1999
Coming into force 14 March 1999*

**Town and Country Planning (Environmental Impact Assessment) (England and Wales)
Regulations 1999, SI 293, s. 11**

11 Scoping directions of the Secretary of State

(1) A request made under this paragraph pursuant to regulation 10(7) shall include--

(a) a copy of the relevant request to the relevant planning authority under regulation 10(1);

(b) a copy of any relevant notification under regulation 10(3) and of any response;

(c) a copy of any relevant screening opinion received by the person making the request and of any accompanying statement of reasons; and

(d) any representations that the person making the request wishes to make.

(2) When a person makes a request under paragraph (1) he shall send to the relevant planning authority a copy of that request, but that copy need not include the matters mentioned in sub-paragraphs (a) to (c) of that paragraph.

(3) The Secretary of State shall notify in writing the person making the request of any points on which he considers the information provided pursuant to paragraph (1) is insufficient to enable him to make a scoping direction; and may request the relevant planning authority to provide such information as they can on any of those points.

(4) The Secretary of State shall not make a scoping direction in response to a request under paragraph (1) until he has consulted the person making the request and the consultation bodies, but shall, within five weeks beginning with the date of receipt of that request or such longer period as he may reasonably require, make a direction and send a copy to the person who made the request and to the relevant planning authority.

(5) Before making a scoping direction the Secretary of State shall take into account the matters specified in regulation 10(6).

(6) Where the Secretary of State has made a scoping direction in response to a request under paragraph (1) neither he nor the relevant planning authority shall be precluded from requiring of the person who made the request additional information in connection with any statement that may be submitted by that person as an environmental statement in connection with an application for planning permission for the same development as was referred to in the request.

NOTES:

Initial Commencement

Specified date

Specified date: 14 March 1999: see reg 1(1).

Transfer of Functions

Functions of the Secretary of State, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales, by the National Assembly for Wales (Transfer of Functions) Order 1999, SI 1999/672, art 2, Sch 1.

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**TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) (ENGLAND AND WALES)
REGULATIONS 1999
1999 No 293**

PART IV PREPARATION OF ENVIRONMENTAL STATEMENTS

Made 10 February 1999

Laid before Parliament 19 February 1999

Coming into force 14 March 1999

**Town and Country Planning (Environmental Impact Assessment) (England and Wales)
Regulations 1999, SI 293, s. 12**

12 Procedure to facilitate preparation of environmental statements

(1) Any person who intends to submit an environmental statement to the relevant planning authority or the Secretary of State under these Regulations may give notice in writing to that authority or the Secretary of State under this paragraph.

(2) A notice under paragraph (1) shall include the information necessary to identify the land and the nature and purpose of the development, and shall indicate the main environmental consequences to which the person giving the notice proposes to refer in his environmental statement.

(3) The recipient of--

(a) such notice as is mentioned in paragraph (1); or

(b) a written statement made pursuant to regulation 7(4)(a), or 8(4) or 9(5)

shall--

(i) notify the consultation bodies in writing of the name and address of the person who intends to submit an environmental statement and of the duty imposed on the consultation bodies by paragraph (4) to make information available to that person; and

(ii) inform in writing the person who intends to submit an environmental statement of the names and addresses of the bodies so notified.

(4) Subject to paragraph (5), the relevant planning authority and any body notified in accordance with paragraph (3) shall, if requested by the person who intends to submit an environmental statement enter into consultation with that person to determine whether the [authority or] body has in its possession any

information which he or they consider relevant to the preparation of the environmental statement and, if they have, the [authority or] body shall make that information available to that person.

(5) Paragraph (4) shall not require the disclosure of information which is capable of being treated as confidential, or must be so treated, under regulation 4 of the Environmental Information Regulations 1992.

(6) A reasonable charge reflecting the cost of making the relevant information available may be made by [an authority or body], which makes information available in accordance with paragraph (4).

NOTES:

Initial Commencement

Specified date

Specified date: 14 March 1999: see reg 1(1).

Amendment

Para (4): words "authority or" in square brackets in both places they occur inserted by SI 2000/2867, reg 2(1), (3)(a).

Date in force: 15 November 2000: see SI 2000/2867, reg 1(1).

Para (6): words "an authority or body" in square brackets substituted by SI 2000/2867, reg 2(1), (3)(b).

Date in force: 15 November 2000: see SI 2000/2867, reg 1(1).

Transfer of Functions

Functions of the Secretary of State, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales, by the National Assembly for Wales (Transfer of Functions) Order 1999, SI 1999/672, art 2, Sch 1.

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**TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) (ENGLAND AND WALES)
REGULATIONS 1999
1999 No 293**

PART V PUBLICITY AND PROCEDURES ON SUBMISSION OF ENVIRONMENTAL STATEMENTS

*Made 10 February 1999
Laid before Parliament 19 February 1999
Coming into force 14 March 1999*

**Town and Country Planning (Environmental Impact Assessment) (England and Wales)
Regulations 1999, SI 293, s. 13**

13 Procedure where an environmental statement is submitted to a local planning authority

(1) When an applicant making an EIA application submits to the relevant planning authority a statement which he refers to as an environmental statement for the purposes of these Regulations he shall provide the authority with three additional copies of the statement for transmission to the Secretary of State and, if at the same time he serves a copy of the statement on any other body, he shall--

(a) serve with it a copy of the application and any plan submitted with the application (unless he has already served these documents on the body in question);

(b) inform the body that representations may be made to the relevant planning authority; and

(c) inform the authority of the name of every body whom he has so served and of the date of service.

(2) When a relevant planning authority receive in connection with an EIA application such a statement as is first mentioned in paragraph (1) the authority shall--

(a) send to the Secretary of State, within 14 days of receipt of the statement, three copies of the statement and a copy of the relevant application and of any documents submitted with the application;

(b) inform the applicant of the number of copies required to enable the authority to comply with sub-paragraph (c) below; and

(c) forward to any consultation body which has not received a copy direct

from the applicant a copy of the statement and inform any such consultation body that they may make representations.

(3) The applicant shall send the copies required for the purposes of paragraph (2)(c) to the relevant planning authority.

(4) The relevant planning authority shall not determine the application until the expiry of 14 days from the last date on which a copy of the statement was served in accordance with this regulation.

NOTES:

Initial Commencement

Specified date

Specified date: 14 March 1999: see reg 1(1).

Transfer of Functions

Functions of the Secretary of State, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales, by the National Assembly for Wales (Transfer of Functions) Order 1999, SI 1999/672, art 2, Sch 1.

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**TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) (ENGLAND AND WALES)
REGULATIONS 1999
1999 No 293**

PART V PUBLICITY AND PROCEDURES ON SUBMISSION OF ENVIRONMENTAL STATEMENTS

*Made 10 February 1999
Laid before Parliament 19 February 1999
Coming into force 14 March 1999*

**Town and Country Planning (Environmental Impact Assessment) (England and Wales)
Regulations 1999, SI 293, s. 14**

14 Publicity where an environmental statement is submitted after the planning application

(1) Where an application for planning permission has been made without a statement which the applicant refers to as an environmental statement for the purposes of these Regulations and the applicant proposes to submit such a statement, he shall, before submitting it, comply with paragraphs (2) to (4).

(2) The applicant shall publish in a local newspaper circulating in the locality in which the land is situated a notice stating--

(a) his name and that he is the applicant for planning permission and the name and address of the relevant planning authority;

(b) the date on which the application was made and, if it be the case, that it has been referred to the Secretary of State for determination or is the subject of an appeal to him;

(c) the address or location and the nature of the proposed development;

(d) that a copy of the application and of any plan and other documents submitted with it together with a copy of the environmental statement may be inspected by members of the public at all reasonable hours;

(e) an address in the locality in which the land is situated at which those documents may be inspected, and the latest date on which they will be available for inspection (being a date not less than 21 days later than the date on which the notice is published);

(f) an address (whether or not the same as that given under sub-paragraph (e)) in the locality in which the land is situated at which copies of the statement may be obtained;

(g) that copies may be obtained there so long as stocks last;

(h) if a charge is to be made for a copy, the amount of the charge;

(i) that any person wishing to make representations about the application should make them in writing, before the date named in accordance with sub-paragraph (e), to the relevant planning authority or (in the case of an application referred to the Secretary of State or an appeal) to the Secretary of State; and

(j) in the case of an application referred to the Secretary of State or an appeal, the address to which representations should be sent.

(3) The applicant shall, unless he has not, and was not reasonably able to acquire, such rights as would enable him to do so, post on the land a notice containing the information specified in paragraph (2), except that the date named as the latest date on which the documents will be available for inspection shall be not less than 21 days later than the date on which the notice is first posted.

(4) The notice mentioned in paragraph (3) must--

(a) be left in position for not less than seven days in the 28 days immediately preceding the date of the submission of the statement; and

(b) be affixed firmly to some object on the land and sited and displayed in such a way as to be easily visible to, and readable by, members of the public without going on to the land.

(5) The statement, when submitted, shall be accompanied by--

(a) a copy of the notice mentioned in paragraph (2) certified by or on behalf of the applicant as having been published in a named newspaper on a date specified in the certificate; and

(b) a certificate by or on behalf of the applicant which states either--

(i) that he has posted a notice on the land in compliance with this regulation and when he did so, and that the notice was left in position for not less than seven days in the 28 days immediately preceding the date of the submission of the statement, or that, without any fault or intention on his part, it was removed, obscured or defaced before seven days had elapsed and he took reasonable steps for its protection or replacement, specifying the steps taken; or

(ii) that the applicant was unable to comply with paragraphs (3) and (4) above because he did not have the necessary rights to do so; that he has taken such reasonable steps as are open to him to acquire those rights; and has been unable to do so, specifying the steps taken.

(6) Where an applicant indicates that he proposes to provide such a statement and in such circumstances as are mentioned in paragraph (1), the relevant planning authority, the Secretary of State or the inspector, as the case may be, shall (unless disposed to refuse the permission sought) suspend consideration of

the application or appeal until receipt of the statement and the other documents mentioned in paragraph (5); and shall not determine it during the period of 21 days beginning with the date of receipt of the statement and the other documents so mentioned.

(7) If any person issues a certificate which purports to comply with the requirements of paragraph (5)(b) and which contains a statement which he knows to be false or misleading in a material particular, or recklessly issues a certificate which purports to comply with those requirements and which contains a statement which is false or misleading in a material particular, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(8) Where it is proposed to submit an environmental statement in connection with an appeal, this regulation applies with the substitution, except in paragraph (2)(a), of references to the appellant for references to the applicant.

NOTES:

Initial Commencement

Specified date

Specified date: 14 March 1999: see reg 1(1).

Transfer of Functions

Functions of the Secretary of State, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales, by the National Assembly for Wales (Transfer of Functions) Order 1999, SI 1999/672, art 2, Sch 1.

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**TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) (ENGLAND AND WALES)
REGULATIONS 1999
1999 No 293**

PART V PUBLICITY AND PROCEDURES ON SUBMISSION OF ENVIRONMENTAL STATEMENTS

*Made 10 February 1999
Laid before Parliament 19 February 1999
Coming into force 14 March 1999*

**Town and Country Planning (Environmental Impact Assessment) (England and Wales)
Regulations 1999, SI 293, s. 15**

**15 Provision of copies of environmental statements and further information for
the Secretary of State on referral or appeal**

Where an applicant for planning permission has submitted to the relevant planning authority in connection with his application a statement which he refers to as an environmental statement for the purposes of these Regulations, or further information, and--

(a) the application is referred to the Secretary of State under section 77 (reference of applications to Secretary of State); or

(b) the applicant appeals under section 78 (right to appeal against planning decisions and failure to take such decisions),

the applicant shall supply the Secretary of State with three copies of the statement and, where relevant, the further information unless, in the case of a referred application, the relevant planning authority have done so when referring the application to him.

NOTES:

Initial Commencement

Specified date

Specified date: 14 March 1999: see reg 1(1).

Transfer of Functions

Functions of the Secretary of State, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales, by the National Assembly for Wales (Transfer of Functions) Order 1999, SI 1999/672, art 2, Sch 1.

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REGULATIONS 1999
1999 No 293**

PART V PUBLICITY AND PROCEDURES ON SUBMISSION OF ENVIRONMENTAL STATEMENTS

*Made 10 February 1999
Laid before Parliament 19 February 1999
Coming into force 14 March 1999*

**Town and Country Planning (Environmental Impact Assessment) (England and Wales)
Regulations 1999, SI 293, s. 16**

16 Procedure where an environmental statement is submitted to the Secretary of State

(1) This regulation applies where an applicant submits to the Secretary of State, in relation to an EIA application which is before the Secretary of State or an inspector for determination or is the subject of an appeal to the Secretary of State, a statement which the applicant or appellant refers to as an environmental statement for the purposes of these Regulations.

(2) The applicant or appellant shall submit four copies of the statement to the Secretary of State who shall send one copy to the relevant planning authority.

(3) If at the same time as he submits a statement to the Secretary of State the applicant or appellant serves a copy of it on any other body, he shall comply with regulations 13(1)(a) and 13(1)(b) as if the reference in regulation 13(1)(b) to the relevant planning authority were a reference to the Secretary of State, and inform the Secretary of State of the matters mentioned in regulation 13(1)(c).

(4) The Secretary of State shall comply with regulation 13(2) (except sub-paragraph (a) of that regulation) and the applicant or appellant with regulation 13(3) as if--

(a) references in those provisions to the relevant planning authority were references to the Secretary of State; and,

(b) in the case of an appeal, references to the applicant were references to the appellant;

and the Secretary of State or the inspector shall comply with regulation 13(4) as if it referred to him instead of to the relevant planning authority.

NOTES:**Initial Commencement*****Specified date***

Specified date: 14 March 1999: see reg 1(1).

Transfer of Functions

Functions of the Secretary of State, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales, by the National Assembly for Wales (Transfer of Functions) Order 1999, SI 1999/672, art 2, Sch 1.

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REGULATIONS 1999
1999 No 293**

PART V PUBLICITY AND PROCEDURES ON SUBMISSION OF ENVIRONMENTAL STATEMENTS
*Made 10 February 1999
Laid before Parliament 19 February 1999
Coming into force 14 March 1999*

**Town and Country Planning (Environmental Impact Assessment) (England and Wales)
Regulations 1999, SI 293, s. 17**

17 Availability of copies of environmental statements

An applicant for planning permission or an appellant who submits in connection with his application or appeal a statement which he refers to as an environmental statement for the purposes of these Regulations shall ensure that a reasonable number of copies of the statement are available at the address named in the notices published or posted pursuant to article 8 of the Order or regulation 14 as the address at which such copies may be obtained.

NOTES:

Initial Commencement

Specified date

Specified date: 14 March 1999: see reg 1(1).

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REGULATIONS 1999
1999 No 293**

PART V PUBLICITY AND PROCEDURES ON SUBMISSION OF ENVIRONMENTAL STATEMENTS
*Made 10 February 1999
Laid before Parliament 19 February 1999
Coming into force 14 March 1999*

**Town and Country Planning (Environmental Impact Assessment) (England and Wales)
Regulations 1999, SI 293, s. 18**

18 Charges for copies of environmental statements

A reasonable charge reflecting printing and distribution costs may be made to a member of the public for a copy of a statement made available in accordance with regulation 17.

NOTES:

Initial Commencement

Specified date

Specified date: 14 March 1999: see reg 1(1).

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REGULATIONS 1999
1999 No 293**

PART V PUBLICITY AND PROCEDURES ON SUBMISSION OF ENVIRONMENTAL STATEMENTS

Made 10 February 1999

Laid before Parliament 19 February 1999

Coming into force 14 March 1999

**Town and Country Planning (Environmental Impact Assessment) (England and Wales)
Regulations 1999, SI 293, s. 19**

19 Further information and evidence respecting environmental statements

(1) Where the relevant planning authority, the Secretary of State or an inspector is dealing with an application or appeal in relation to which the applicant or appellant has submitted a statement which he refers to as an environmental statement for the purposes of these Regulations, and is of the opinion that the statement should contain additional information in order to be an environmental statement, they or he shall notify the applicant or appellant in writing accordingly, and the applicant or appellant shall provide that additional information; and such information provided by the applicant or appellant is referred to in these Regulations as "further information".

(2) Paragraphs (3) to (9) shall apply in relation to further information, except in so far as the further information is provided for the purposes of an inquiry held under the Act and the request for that information made pursuant to paragraph (1) stated that it was to be provided for such purposes.

(3) The recipient of further information pursuant to paragraph (1) shall publish in a local newspaper circulating in the locality in which the land is situated a notice stating--

(a) the name of the applicant for planning permission or the appellant (as the case may be) and the name and address of the relevant planning authority;

(b) the date on which the application was made and, if it be the case, that it has been referred to the Secretary of State for determination or is the subject of an appeal to him;

(c) the address or location and the nature of the proposed development;

(d) that further information is available in relation to an environmental statement which has already been provided;

(e) that a copy of the further information may be inspected by members of the public at all reasonable hours;

(f) an address in the locality in which the land is situated at which the further information may be inspected and the latest date on which it will be available for inspection (being a date not less than 21 days later than the date on which the notice is published);

(g) an address (whether or not the same as that given pursuant to sub-paragraph (f)) in the locality in which the land is situated at which copies of the further information may be obtained;

(h) that copies may be obtained there so long as stocks last;

(i) if a charge is to be made for a copy, the amount of the charge;

(j) that any person wishing to make representations about the further information should make them in writing, before the date specified in accordance with sub-paragraph (f), to the relevant planning authority, the Secretary of State or the inspector (as the case may be); and

(k) the address to which representations should be sent.

(4) The recipient of the further information shall send a copy of it to each person to whom, in accordance with these Regulations, the statement to which it relates was sent.

(5) Where the recipient of the further information is the relevant planning authority they shall send to the Secretary of State three copies of the further information.

(6) The recipient of the further information may by notice in writing require the applicant or appellant to provide such number of copies of the further information as is specified in the notice (being the number required for the purposes of paragraph (4) or (5)).

(7) Where information is requested under paragraph (1), the relevant planning authority, the Secretary of State or the inspector, as the case may be, shall suspend determination of the application or appeal, and shall not determine it before the expiry of 14 days after the date on which the further information was sent to all persons to whom the statement to which it relates was sent or the expiry of 21 days after the date that notice of it was published in a local newspaper, whichever is the later.

(8) The applicant or appellant who provides further information in accordance with paragraph (1) shall ensure that a reasonable number of copies of the information is available at the address named in the notice published pursuant to paragraph (3) as the address at which such copies may be obtained.

(9) A reasonable charge reflecting printing and distribution costs may be made to a member of the public for a copy of the further information made available in accordance with paragraph (8).

(10) The relevant planning authority or the Secretary of State or an

inspector may in writing require an applicant or appellant to produce such evidence as they may reasonably call for to verify any information in his environmental statement.

NOTES:

Initial Commencement

Specified date

Specified date: 14 March 1999: see reg 1(1).

Transfer of Functions

Functions of the Secretary of State, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales, by the National Assembly for Wales (Transfer of Functions) Order 1999, SI 1999/672, art 2, Sch 1.

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**TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) (ENGLAND AND WALES)
REGULATIONS 1999
1999 No 293**

PART VI AVAILABILITY OF DIRECTIONS ETC AND NOTIFICATION OF DECISIONS
*Made 10 February 1999
Laid before Parliament 19 February 1999
Coming into force 14 March 1999*

**Town and Country Planning (Environmental Impact Assessment) (England and Wales)
Regulations 1999, SI 293, s. 20**

20 Availability of opinions, directions etc for inspection

(1) Where particulars of a planning application are placed on Part I of the register, the relevant planning authority shall take steps to secure that there is also placed on that Part a copy of any relevant--

- (a) screening opinion;
- (b) screening direction;
- (c) scoping opinion;
- (d) scoping direction;
- (e) notification given under regulation 7(2), 8(2) or 9(4);
- (f) direction under regulation 4(4);
- (g) environmental statement, including any further information;
- (h) statement of reasons accompanying any of the above.

(2) Where the relevant planning authority adopt a screening opinion or scoping opinion, or receive a request under regulation 10(1) or 11(2), a copy of a screening direction, scoping direction, or direction under regulation 4(4) before an application is made for planning permission for the development in question, the authority shall take steps to secure that a copy of the opinion, request, or direction and any accompanying statement of reasons is made available for public inspection at all reasonable hours at the place where the appropriate register (or relevant section of that register) is kept. Copies of those documents shall remain so available for a period of two years.

NOTES:

Initial Commencement

Specified date

Specified date: 14 March 1999: see reg 1(1).

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REGULATIONS 1999
1999 No 293**

PART VI AVAILABILITY OF DIRECTIONS ETC AND NOTIFICATION OF DECISIONS

Made 10 February 1999

Laid before Parliament 19 February 1999

Coming into force 14 March 1999

**Town and Country Planning (Environmental Impact Assessment) (England and Wales)
Regulations 1999, SI 293, s. 21**

21 Duties to inform the public and the Secretary of State of final decisions

(1) Where an EIA application is determined by a local planning authority, the authority shall--

(a) in writing, inform the Secretary of State of the decision;

(b) inform the public of the decision, by publishing a notice in a newspaper circulating in the locality in which the land is situated, or by such other means as are reasonable in the circumstances; and

(c) make available for public inspection at the place where the appropriate register (or relevant section of that register) is kept a statement containing--

(i) the content of the decision and any conditions attached thereto;

(ii) the main reasons and considerations on which the decision is based; and

(iii) a description, where necessary, of the main measures to avoid, reduce and, if possible, offset the major adverse effects of the development.

(2) Where an EIA application is determined by the Secretary of State or an inspector, the Secretary of State shall--

(a) notify the relevant planning authority of the decision; and

(b) provide the authority with such a statement as is mentioned in sub-paragraph (1)(c).

(3) The relevant planning authority shall, as soon as reasonably practicable after receipt of a notification under sub-paragraph (2)(a), comply with sub-paragraphs (b) and (c) of paragraph (1) in relation to the decision so

notified as if it were a decision of the authority.

NOTES:

Initial Commencement

Specified date

Specified date: 14 March 1999: see reg 1(1).

Transfer of Functions

Functions of the Secretary of State, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales, by the National Assembly for Wales (Transfer of Functions) Order 1999, SI 1999/672, art 2, Sch 1.

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REGULATIONS 1999
1999 No 293**

PART VII SPECIAL CASES
*Made 10 February 1999
Laid before Parliament 19 February 1999
Coming into force 14 March 1999*

**Town and Country Planning (Environmental Impact Assessment) (England and Wales)
Regulations 1999, SI 293, s. 22**

22 Development by a local planning authority

(1) Where the relevant planning authority is also (or would be) the applicant (whether alone or jointly with any other person), these Regulations shall apply to a Schedule 1 application or Schedule 2 application (or proposed application) subject to the following modifications--

(a) subject to sub-paragraph (b) of this paragraph and to paragraphs (2) and (3) below, regulations 5 and 6 shall not apply;

(b) paragraphs (2) to (7) of regulation 7 shall not apply, and paragraph 7(1) shall apply as if the reference to paragraph (3) of regulation 5 were omitted;

(c) regulations 10 and 11 shall not apply;

(d) paragraphs (1) to (3) of regulation 12 shall not apply, and regulation 12(4) shall apply to any consultation body from whom the relevant planning authority requests assistance as it applies to a body notified in accordance with regulation 12(3);

(e) save for the purposes of regulations 16(3) and (4), regulation 13 shall apply as if--

(i) for paragraph (1), there were substituted;

"(1) When a relevant planning authority making an EIA application lodge a statement which they refer to as an environmental statement for the purposes of these Regulations, they shall--

(a) serve a copy of that statement, the relevant application and any plan submitted with it on each consultation body;

(b) inform each consultation body that representations may be made to the relevant planning authority; and

(c) send to the Secretary of State within 14 days of lodging the statement three copies of the statement and a copy of the relevant application and of any documents submitted with the application."

(ii) paragraphs (2) and (3) were omitted;

(f) regulation 16 shall apply as if paragraph (2) were omitted.

(2) An authority which is minded to make a planning application in relation to which it would be the relevant planning authority may adopt a screening opinion or request the Secretary of State in writing to make a screening direction, and paragraphs (3) and (4) of regulation 6 shall apply to such a request as they apply to a request made pursuant to regulation 5(6).

(3) A relevant planning authority which proposes to carry out development which they consider may be--

(a) development of a description specified in Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 other than development of a description specified in article 3(12) of that Order; or

(b) development for which permission would be granted but for regulation 23(1),

may adopt a screening opinion or request the Secretary of State to make a screening direction, and paragraphs (3) and (4) of regulation 6 shall apply to such a request as they apply to a request made pursuant to regulation 5(6).

(4) A request under paragraph (2) or (3) shall be accompanied by--

(a) a plan sufficient to identify the land;

(b) a brief description of the nature and purpose of the development and of its possible effects on the environment; and

(c) such other information or representations as the authority may wish to provide or make.

(5) An authority making a request under paragraph (2) or (3) shall send to the Secretary of State any additional information he may request in writing to enable him to make a direction.

NOTES:

Initial Commencement

Specified date

Specified date: 14 March 1999: see reg 1(1).

Transfer of Functions

Functions of the Secretary of State, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales, by the National Assembly for Wales (Transfer of Functions) Order 1999, SI 1999/672, art 2, Sch 1.

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REGULATIONS 1999
1999 No 293**

PART VII SPECIAL CASES
*Made 10 February 1999
Laid before Parliament 19 February 1999
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**Town and Country Planning (Environmental Impact Assessment) (England and Wales)
Regulations 1999, SI 293, s. 23**

**23 Restriction of grant of permission by old simplified planning zone schemes or
enterprise zone orders**

(1) Any:

- (a) adoption or approval of a simplified planning zone scheme;
- (b) order designating an enterprise zone; or
- (c) approval of a modified scheme in relation to an enterprise zone,

which has effect immediately before the commencement of these Regulations to grant planning permission shall, on and after that date, cease to have effect to grant planning permission for Schedule 1 development, and cease to have effect to grant planning permission for Schedule 2 development unless either:

- (i) the relevant planning authority has adopted a screening opinion; or
- (ii) the Secretary of State has made a screening direction,

to the effect that the particular proposed development is not EIA development.

(2) Paragraph (1) shall not affect the completion of any development begun before the commencement of these Regulations.

NOTES:

Initial Commencement

Specified date

Specified date: 14 March 1999: see reg 1(1).

Transfer of Functions

Functions of the Secretary of State, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales, by the National Assembly for Wales (Transfer of Functions) Order 1999, SI 1999/672, art 2, Sch 1.

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**TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) (ENGLAND AND WALES)
REGULATIONS 1999
1999 No 293**

PART VII SPECIAL CASES
*Made 10 February 1999
Laid before Parliament 19 February 1999
Coming into force 14 March 1999*

**Town and Country Planning (Environmental Impact Assessment) (England and Wales)
Regulations 1999, SI 293, s. 24**

**24 Restriction of grant of permission by new simplified planning zone schemes or
enterprise zone orders**

No:

- (a) adoption or approval of a simplified planning zone scheme;
- (b) order designating an enterprise zone made; or
- (c) modified scheme in relation to an enterprise zone approved,

after the commencement of these Regulations shall:

- (i) grant planning permission for EIA development; or

(ii) grant planning permission for Schedule 2 development unless that grant is made subject to the prior adoption of a screening opinion or prior making of a screening direction that the particular proposed development is not EIA development.

NOTES:

Initial Commencement

Specified date

Specified date: 14 March 1999: see reg 1(1).

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REGULATIONS 1999
1999 No 293**

PART VII SPECIAL CASES
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**Town and Country Planning (Environmental Impact Assessment) (England and Wales)
Regulations 1999, SI 293, s. 25**

25 Unauthorised development

Prohibition on the grant of planning permission for unauthorised EIA development

(1) The Secretary of State shall not grant planning permission under sub-section (1) of section 177 (grant or modification of planning permission on appeals against enforcement notices) in respect of EIA development which is the subject of an enforcement notice under section 172 (issue of enforcement notice) ("unauthorised EIA development") unless he has first taken the environmental information into consideration, and he shall state in his decision that he has done so. *Screening opinions of the local planning authority*

(2) Where it appears to the local planning authority by whom or on whose behalf an enforcement notice is to be issued that the matters constituting the breach of planning control comprise or include Schedule 1 development or Schedule 2 development they shall, before the enforcement notice is issued, adopt a screening opinion.

(3) Where it appears to the local planning authority by whom or on whose behalf an enforcement notice is to be issued that the matters constituting the breach of planning control comprise or include EIA development they shall serve with a copy of the enforcement notice a notice ("regulation 25 notice") which shall--

(a) include the screening opinion required by paragraph (2) and the written statement required by regulation 4(6); and

(b) require a person who gives notice of an appeal under section 174 to submit to the Secretary of State with the notice four copies of an environmental statement relating to that EIA development.

(4) The authority by whom a regulation 25 notice has been served shall send a copy of it to--

(a) the Secretary of State; and

(b) the consultation bodies.

(5) Where an authority provide the Secretary of State with a copy of a regulation 25 notice they shall also provide him with a list of the other persons to whom a copy of the notice has been or is to be sent. *Screening directions of the Secretary of State*

(6) Any person on whom a regulation 25 notice is served may apply to the Secretary of State for a screening direction and the following shall apply--

(a) an application under this paragraph shall be accompanied by--

(i) a copy of the regulation 25 notice;

(ii) a copy of the enforcement notice which accompanied it; and

(iii) such other information or representations as the applicant may wish to provide or make;

(b) the applicant shall send to the authority by whom the regulation 25 notice was served, at such time as he applies to the Secretary of State, a copy of the application under this paragraph and of any information or representations provided or made in accordance with sub-paragraph (a)(iii);

(c) if the Secretary of State considers that the information provided in accordance with sub-paragraph (a) is insufficient to enable him to make a direction, he shall notify the applicant and the authority of the matters in respect of which he requires additional information; and the information so requested shall be provided by the applicant within such reasonable period as may be specified in the notice;

(d) the Secretary of State shall send a copy of his direction to the applicant;

(e) without prejudice to sub-paragraph (d), where the Secretary of State directs that the matters which are alleged to constitute the breach of planning control do not comprise or include EIA development, he shall send a copy of the direction to every person to whom a copy of the regulation 25 notice was sent.

Provision of information

(7) The relevant planning authority and any person, other than the Secretary of State, to whom a copy of the regulation 25 notice has been sent ("the consultee") shall, if requested by the person on whom the regulation 25 notice was served, enter into consultation with that person to determine whether the consultee has in his possession any information which that person or the consultee consider relevant to the preparation of an environmental statement and, if they have, the consultee shall make any such information available to that person.

(8) The provisions of regulations 12(5) and 12(6) shall apply to information under paragraph (7) as they apply to any information falling within regulation 12(4). *Appeal to the Secretary of State without a screening opinion or screening direction*

(9) Where on consideration of an appeal under section 174 it appears to the Secretary of State that the matters which are alleged to constitute the breach of planning control comprise or include Schedule 1 development or Schedule 2 development and, in either case, no screening opinion has been adopted and no screening direction has been made in respect of that development, the Secretary of State shall, before any notice is served pursuant to paragraph (12), make such a screening direction.

(10) If the Secretary of State considers that he has not been provided with sufficient information to make a screening direction he shall notify the applicant and the authority by whom the regulation 25 notice was served of the matters in respect of which he requires additional information; and the information so requested shall be provided by the applicant within such reasonable period as may be specified in the notice.

(11) If an appellant to whom notice has been given under paragraph (10) fails to comply with the requirements of that notice:

(a) the application which is deemed to have been made by virtue of the appeal made under section 174 ("the deemed application"); and

(b) the appeal in so far as it is brought under the ground mentioned in section 174(2)(a) ("the ground (a) appeal"),

shall lapse at the end of the period specified in the notice.

Appeal to the Secretary of State without an environmental statement

(12) Where the Secretary of State is considering an appeal under section 174 and the matters which are alleged to constitute the breach of planning control comprise or include unauthorised EIA development, and the documents submitted to him for the purposes of the appeal do not include a statement referred to by the appellant as an environmental statement for the purposes of these Regulations, the following procedure shall apply--

(a) the Secretary of State shall, subject to sub-paragraph (b), within the period of three weeks beginning with the day on which he receives the appeal, or such longer period as he may reasonably require, notify the appellant in writing of the requirements of sub-paragraph (c) below;

(b) notice need not be given under sub-paragraph (a) where the appellant has submitted a statement which he refers to as an environmental statement for the purposes of these Regulations to the Secretary of State for the purposes of an appeal under section 78 (right to appeal against planning decisions and failure to take such decisions) which--

(i) relates to the development to which the appeal under section 174 relates; and

(ii) is to be determined at the same time as that appeal under section 174;

and that statement, any further information, and the representations (if any) made in relation to it shall be treated as the environmental statement and representations for the purpose of paragraph (1) of this regulation;

(c) the requirements of this sub-paragraph are that the appellant shall, within the period specified in the notice or such longer period as the Secretary of State may allow, submit to the Secretary of State four copies of an environmental statement relating to the unauthorised EIA development in question;

(d) the Secretary of State shall send to the relevant planning authority a copy of any notice sent to the appellant under sub-paragraph (a);

(e) if an appellant to whom notice has been given under sub-paragraph (a) fails to comply with the requirements of sub-paragraph (c), the deemed application and the ground (a) appeal (if any) shall lapse at the end of the period specified or allowed (as the case may be);

(f) as soon as reasonably practicable after the occurrence of the event mentioned in sub-paragraph (e), the Secretary of State shall notify the appellant and the local planning authority in writing that the deemed application and the ground (a) appeal (if any) have lapsed.

Procedure where an environmental statement is submitted to the Secretary of State

(13) Where the Secretary of State receives (otherwise than as mentioned in paragraph (12)(b)) in connection with an enforcement appeal a statement which the appellant refers to as an environmental statement for the purposes of these Regulations he shall--

(a) send a copy of that statement to the relevant planning authority, advise the authority that the statement will be taken into consideration in determining the deemed application and the ground (a) appeal (if any), and inform them that they may make representations; and

(b) notify the persons to whom a copy of the relevant regulation 25 notice was sent that the statement will be taken into consideration in determining the deemed application and the ground (a) appeal (if any), and inform them that they may make representations and that, if they wish to receive a copy of the statement or any part of it, they must notify the Secretary of State of their requirements within seven days of the receipt of the Secretary of State's notice; and

(c) respond to requirements notified in accordance with sub-paragraph (b) by providing a copy of the statement or of the part requested (as the case may be).

Further information and evidence respecting environmental statements

(14) Regulations 19(1) and 19(10) shall apply to statements provided in accordance with this regulation with the following modifications--

(a) where the Secretary of State notifies the appellant under regulation 19(1), the appellant shall provide the further information within such period as the Secretary of State may specify in the notice or such longer period as the Secretary of State may allow;

(b) if an appellant to whom a notice has been given under sub-paragraph (a) fails to provide the further information within the period specified or allowed (as the case may be), the deemed application and the ground (a) appeal (if any) shall lapse at the end of that period.

(15) Paragraph (13) shall apply in relation to further information received by the Secretary of State in accordance with paragraph (14) as it applies to such a statement as is referred to in that paragraph. *Publicity for environmental statements or further information*

(16) Where an authority receive a copy of a statement or further information by virtue of paragraph (13)(a) they shall publish in a local newspaper circulating in the locality in which the land is situated a notice stating--

(a) the name of the appellant and that he has appealed to the Secretary of State against the enforcement notice;

(b) the address or location of the land to which the notice relates and the nature of the development;

(c) that a copy of the statement or further information may be inspected by members of the public at all reasonable hours;

(d) an address in the locality in which the land is situated at which the statement or further information may be inspected, and the latest date on which it will be available for inspection (being a date not less than 21 days later than the date on which the notice is published);

(e) that any person wishing to make representations about any matter dealt with in the statement or further information should make them in writing, no later than 14 days after the date named in accordance with sub-paragraph (d), to the Secretary of State; and

(f) the address to which any such representations should be sent.

(17) The authority shall as soon as practicable after publication of a notice in accordance with paragraph (16) send to the Secretary of State a copy of the notice certified by or on behalf of the authority as having been published in a named newspaper on a date specified in the certificate.

(18) Where the Secretary of State receives a certificate under paragraph (17) he shall not determine the deemed application or the ground (a) appeal in respect of the development to which the certificate relates until the expiry of 14 days from the date stated in the published notice as the last date on which the statement or further information was available for inspection. *Public inspection of documents*

(19) The relevant planning authority shall make available for public inspection at all reasonable hours at the place where the appropriate register

(or relevant part of that register) is kept a copy of--

(a) every regulation 25 notice given by the authority;

(b) every notice received by the authority under paragraph (12)(d); and

(c) every statement and all further information received by the authority under paragraph (13)(a);

and copies of those documents shall remain so available for a period of two years or until they are entered in Part II of the register in accordance with paragraph (20), whichever is the sooner.

(20) Where particulars of any planning permission granted by the Secretary of State under section 177 are entered in Part II of the register the relevant planning authority shall take steps to secure that that Part also contains a copy of any of the documents referred to in paragraph (19) as are relevant to the development for which planning permission has been granted.

(21) The provisions of regulations 21(2) and 21(3) apply to a deemed application and a grant of planning permission under section 177 as they apply to an application for and grant of planning permission under Part III of the Act.

NOTES:

Initial Commencement

Specified date

Specified date: 14 March 1999: see reg 1(1).

Transfer of Functions

Functions of the Secretary of State, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales, by the National Assembly for Wales (Transfer of Functions) Order 1999, SI 1999/672, art 2, Sch 1.

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**Town and Country Planning (Environmental Impact Assessment) (England and Wales)
Regulations 1999, SI 293, s. 26**

26 Unauthorised development with significant transboundary effects

(1) Regulation 27 shall apply to unauthorised EIA development as if--

(a) for regulation 27(1)(a) there were substituted--

"(a) on consideration of an appeal under section 174 the Secretary of State is of the opinion that the matters which are alleged to constitute the breach of planning control comprise or include EIA development and that the development has or is likely to have significant effects on the environment in another [EEA State]; or"

(b) in regulation 27(3)(a) the words "a copy of the application concerned" were replaced by the words "a description of the development concerned";

(c) in regulation 27(3)(b) the words "to which that application relates" were omitted; and

(d) in regulation 27(6) the word "application" was replaced by the word "appeal".

NOTES:

Initial Commencement

Specified date

Specified date: 14 March 1999: see reg 1(1).

Amendment

Para (1): in substituted sub-para (a) words "EEA State" in square brackets

substituted by SI 2000/2867, reg 2(1), (4).

Date in force: 15 November 2000: see SI 2000/2867, reg 1(1).

Transfer of Functions

Functions of the Secretary of State, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales, by the National Assembly for Wales (Transfer of Functions) Order 1999, SI 1999/672, art 2, Sch 1.

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**Town and Country Planning (Environmental Impact Assessment) (England and Wales)
Regulations 1999, SI 293, s. 26A**

[26A ROMP Applications]

[General application of the Regulations to ROMP applications]

(1) These Regulations shall apply to--

(a) a ROMP application as they apply to an application for planning permission;

(b) ROMP development as they apply to development in respect of which an application for planning permission is, has been or is to be made;

(c) a relevant mineral planning authority as they apply to a relevant planning authority;

(d) a person making a ROMP application as they apply to an applicant for planning permission; and

(e) the determination of a ROMP application as they apply to the granting of a planning permission,

subject to the modifications and additions set out below.

Modification of provisions on prohibition of granting planning permission

(2) In regulation 3(1) (prohibition on granting planning permission without consideration of environmental information)--

(a) in paragraph (a) for the words "these Regulations" substitute "the Town and Country Planning (Environmental Impact Assessment) (England and Wales) (Amendment) Regulations 2000";

(b) in paragraph (b) for the words "3 or 4 (applications for planning permission)" substitute "11 (other consents)";

(c) for the words "determined in accordance with paragraph (3) of article 20 (time periods for decision) of the Order" substitute "the date on which a ROMP application has been made which complies with the provisions of paragraphs 2(3) to (5) and 4 (1) of Schedule 2 to the 1991 Act, 9(2) of Schedule 13 to the 1995 Act, or 6(2) of Schedule 14 to the 1995 Act".

Modification of provisions on application to local planning authority without an environmental statement

(3) In regulation 7(4) (application made to a local planning authority without an environmental statement)--

(a) for the word "three" substitute "six"; and

(b) after "the notification" insert ", or within such other period as may be agreed with the authority in writing,".

Disapplication of Regulations and modification of provisions on application referred to or appealed to the Secretary of State without an environmental statement

(4) Regulations 7(5) and (6), 8(5) and (6), 9(6) and (7), 22, and 32 shall not apply.

(5) In regulation 8(4) (application referred to the Secretary of State without an environmental statement) and 9(5) (appeal to the Secretary of State without an environmental statement)--

(a) for the word "three" substitute "six";

(b) after "the notification" insert ", or within such other period as may be agreed with the Secretary of State in writing,".

Substitution of references to section 78 right of appeal and modification of provisions on appeal to the Secretary of State without an environmental statement

(6) In regulations 9(1) and 15(b), for the references to "section 78 (right to appeal against planning decisions and failure to take such decisions)" substitute--

"paragraph 5(2) of Schedule 2 to the 1991 Act, paragraph 11(1) of Schedule 13 to the 1995 Act or paragraph 9(1) of Schedule 14 to the 1995 Act (right of appeal)".

(7) In regulation 9(2) (appeal to the Secretary of State without an environmental statement) omit the words ", except by refusing planning permission,". *Modification of provisions on preparation, publicity and procedures on submission of environmental statements*

(8) In regulations 10(9) and 11(6) for the words "an application for planning

permission for" substitute "a ROMP application which relates to another planning permission which authorises".

(9) In regulation 13 (procedure where an environmental statement is submitted to a local planning authority) after paragraph (3) insert--

"(3A) Where an applicant submits an environmental statement to the authority in accordance with paragraph (1), the provisions of article 8 of and Schedule 3 to the Order (publicity for applications for planning permission) shall apply to a ROMP application under paragraph--

(a) 2(2) of Schedule 2 to the 1991 Act; and

(b) 6(1) of Schedule 14 to the 1995 Act,

as they apply to a planning application falling within paragraph 8(2) of the Order except that for the references in the notice in Schedule 3 to the Order to "planning permission" there shall be substituted "determination of the conditions to which a planning permission is to be subject" and that notice shall refer to the relevant provisions of the 1991 or 1995 Act pursuant to which the application is made."

(10) In regulation 14 (publicity where an environmental statement is submitted after the planning application)--

(a) in paragraph (2)(a) for the words "and that he is the applicant for planning permission" substitute--

", that he has applied for determination of the conditions to which a planning permission is to be subject, the relevant provisions of the 1991 or 1995 Act pursuant to which the application is made";

(b) in paragraph (6) for the words--

(i) "(unless disposed to refuse the permission sought) suspend consideration of the application or appeal until receipt of the statement and the other documents mentioned in paragraph (5)" substitute--

"suspend consideration of the application or appeal until the date specified by the authority or the Secretary of State for submission of the environmental statement and compliance with paragraph (5)";

(ii) "so mentioned" substitute "mentioned in paragraph (5)".

(11) In regulation 15 (provision of copies of environmental statements and further information for the Secretary of State on referral or appeal), in paragraph (a) for "section 77" substitute "paragraph 7(1) of Schedule 2 to the 1991 Act, paragraph 13(1) of Schedule 13 to the 1995 Act or paragraph 8(1) of Schedule 14 to the 1995 Act".

(12) In regulation 17 (availability of copies of environmental statements) after the words "the Order" insert "(as applied by regulation 13(3A) or by paragraph 9(5) of Schedule 13 to the 1995 Act),".

(13) In regulation 19 (further information and evidence respecting environmental statements)--

(a) in paragraph (3) for the words "applicant for planning permission or the appellant (as the case may be)" substitute--

"person who has applied for or who has appealed in relation to the determination of the conditions to which the planning permission is to be subject, the relevant provisions of the 1991 or 1995 Act pursuant to which the application is made";

(b) in paragraph (7) after the words "application or appeal" insert "until the date specified by them or him for submission of the further information".

Modification of provisions on application to the High Court and giving of directions

(14) For regulation 30 (application to the High Court) substitute--

30

For the purposes of Part XII of the Act (validity of certain decisions), the reference in section 288, as applied by paragraph 9(3) of Schedule 2 to the 1991 Act, paragraph 16(4) of Schedule 13 to the 1995 Act or paragraph 9(4) of Schedule 14 to the 1995 Act, to action of the Secretary of State which is not within the powers of the Act shall be taken to extend to the determination of a ROMP application by the Secretary of State in contravention of regulation 3."

(15) The direction making power substituted by regulation 35(8) shall apply to ROMP development as it applies to development in respect of which a planning application is made.*Suspension of minerals development*

(16) Where the authority, the Secretary of State or an inspector notifies the applicant or appellant, as the case may be, that--

(a) the submission of an environmental statement is required under regulation 7(2), 8(2) or 9(4) then such notification shall specify the period within which the environmental statement and compliance with regulation 14(5) is required; or

(b) a statement should contain additional information under regulation 19(1) then such notification shall specify the period within which that information is to be provided.

(17) Subject to paragraph (18), the planning permission to which the ROMP application relates shall not authorise any minerals development (unless the Secretary of State has made a screening direction to the effect that the ROMP development is not EIA development) if the applicant or the appellant does not--

(a) write to the authority or Secretary of State within the six week or other period agreed pursuant to regulations 7(4), 8(4) or 9(5);

(b) submit an environmental statement and comply with regulation 14(5) within the period specified by the authority or the Secretary of State in accordance with paragraph (16) or within such extended period as is agreed in writing; or

(c) provide additional information within the period specified by the authority, the Secretary of State or an inspector in accordance with paragraph (16) or within such extended period as is agreed in writing.

(18) Where paragraph (17) applies, the planning permission shall not authorise any minerals development from the end of--

(a) the relevant six week or other period agreed in writing as referred to in paragraph (17)(a);

(b) the period specified or agreed in writing as referred to in paragraphs (17)(b) and (c),

("suspension of minerals development") until the applicant has complied with all of the provisions referred to in paragraph (17) which are relevant to the application or appeal in question.

(19) Particulars of the suspension of minerals development and the date when that suspension ends must be entered in the appropriate part of the register as soon as reasonably practicable.

(20) Paragraph (17) shall not affect any minerals development carried out under the planning permission before the date of suspension of minerals development.

(21) For the purposes of paragraphs (17) to (20) "minerals development" means development consisting of the winning and working of minerals, or involving the depositing of mineral waste. *Determination of conditions and right of appeal on non-determination*

(22) Where it falls to--

(a) a mineral planning authority to determine a Schedule 1 or a Schedule 2 application, paragraph 2(6)(b) of Schedule 2 to the 1991 Act, paragraph 9(9) of Schedule 13 to the 1995 Act or paragraph 6(8) of Schedule 14 to the 1995 Act shall not have effect to treat the authority as having determined the conditions to which any relevant planning permission is to be subject unless either the mineral planning authority has adopted a screening opinion or the Secretary of State has made a screening direction to the effect that the ROMP development in question is not EIA development;

(b) a mineral planning authority or the Secretary of State to determine a Schedule 1 or a Schedule 2 application--

(i) section 69 (register of applications, etc), and any provisions of the Order made by virtue of that section, shall have effect with any necessary amendments as if references to applications for planning permission included ROMP applications under paragraph 9(1) of Schedule 13 to the 1995 Act and paragraph 6(1) of Schedule 14 to the 1995 Act; and

(ii) where the relevant mineral planning authority is not the authority required to keep the register, the relevant mineral planning authority must provide the authority required to keep it with such information and documents as that authority requires to comply with section 69 as applied by sub-paragraph

(i), with regulation 20 as applied by paragraph (1), and with paragraph (19).

(23) Where it falls to the mineral planning authority or the Secretary of State to determine an EIA application which is made under paragraph 2(2) of Schedule 2 to the 1991 Act, paragraph 4(4) of that Schedule shall not apply.

(24) Where it falls to the mineral planning authority to determine an EIA application, the authority shall give written notice of their determination of the ROMP application within 16 weeks beginning with the date of receipt by the authority of the ROMP application or such extended period as may be agreed in writing between the applicant and the authority.

(25) For the purposes of paragraph (24) a ROMP application is not received by the authority until--

(a) a document referred to by the applicant as an environmental statement for the purposes of these Regulations;

(b) any documents required to accompany that statement; and

(c) any additional information which the authority has notified the applicant that the environmental statement should contain,

has been received by the authority.

(26) Where paragraph (22)(a) applies--

(a) paragraph 5(2) of Schedule 2 to the 1991 Act, paragraph 11(1) of Schedule 13 to the 1995 Act and paragraph 9(1) of Schedule 14 to the 1995 Act (right of appeal) shall have effect as if there were also a right of appeal to the Secretary of State where the mineral planning authority have not given written notice of their determination of the ROMP application in accordance with paragraph (24); and

(b) paragraph 5(5) of Schedule 2 to the 1991 Act, paragraph 11(2) of Schedule 13 to the 1995 Act and paragraph 9(2) of Schedule 14 to the 1995 Act (right of appeal) shall have effect as if they also provided for notice of appeal to be made within six months from the expiry of the 16 week or other period agreed pursuant to paragraph (24).

(27) In determining for the purposes of paragraphs--

(a) 2(6)(b) of Schedule 2 to the 1991 Act, 9(9) of Schedule 13 to the 1995 Act and 6(8) of Schedule 14 to the 1995 Act (determination of conditions); or

(b) paragraph 5(5) of Schedule 2 to the 1991 Act, paragraph 11(2) of Schedule 13 to the 1995 Act and paragraph 9(2) of Schedule 14 to the 1995 Act (right of appeal) as applied by paragraph (26)(b),

the time which has elapsed without the mineral planning authority giving the applicant written notice of their determination in a case where the authority have notified an applicant in accordance with regulation 7(2) that the submission of an environmental statement is required and the Secretary of State has given a screening direction in relation to the ROMP development in question

no account shall be taken of any period before the issue of the direction.

ROMP application by a mineral planning authority

(28) Where a mineral planning authority proposes to make or makes a ROMP application to the Secretary of State under regulation 11 (other consents) of the General Regulations which is a Schedule 1 or a Schedule 2 application (or proposed application), these Regulations shall apply to that application or proposed application as they apply to a ROMP application referred to the Secretary of State under paragraph 7(1) of Schedule 2 to the 1991 Act, paragraph 13(1) of Schedule 13 to the 1995 Act or paragraph 8(1) of Schedule 14 to the 1995 Act (reference of applications to the Secretary of State) subject to the following modifications--

(a) subject to paragraph (29) below, regulations 5, 6, 7, 9, 10, 11, 13 (save for the purposes of regulations 16(3) and (4)) 15 and 21(1) shall not apply;

(b) in regulation 4 (general provisions relating to screening)--

(i) in paragraph (4), omit the words "and shall send a copy of such direction to the relevant planning authority";

(ii) paragraph (9) shall be omitted;

(c) in regulation 8(2) (application referred to the Secretary of State without an environmental statement), omit the words "and shall send a copy of that notification to the relevant planning authority";

(d) in regulation 12 (procedure to facilitate preparation of environmental statements)--

(i) in sub-paragraph (3)(b) for the words "7(4)(a), or 8(4) or 9(5)" substitute "8(4)";

(ii) in paragraph (4) omit the words "the relevant planning authority and";

(e) in regulation 14(2) (publicity where an environmental statement is submitted after the planning application)--

(i) in sub-paragraph (a) omit the words "and the name and address of the relevant planning authority";

(ii) for sub-paragraph (b) substitute--

"(b) the date on which the application was made and that it has been made to the Secretary of State under regulation 11 of the General Regulations;"

(f) in regulation 16 (procedure where an environmental statement is submitted to the Secretary of State), in paragraph (2) omit the words "who shall send one copy to the relevant planning authority";

(g) in regulation 19(3) (further information and evidence respecting environmental statements)--

(i) in sub-paragraph (a) omit the words "and the name and address of the relevant planning authority";

(ii) for sub-paragraph (b) substitute--

"(b) the date on which the application was made and that it has been made to the Secretary of State under regulation 11 of the General Regulations;" ;

(h) regulations 20 (availability of opinions, directions etc for inspection) and 21(2) (duties to inform the public and the Secretary of State of final decisions) shall apply as if the references to a "relevant planning authority" were references to a mineral planning authority.

(29) A mineral planning authority which is minded to make a ROMP application to the Secretary of State under regulation 11 of the General Regulations may request the Secretary of State in writing to make a screening direction, and paragraphs (3) and (4) of regulation 6 shall apply to such a request as they apply to a request made pursuant to regulation 5(6) except that in paragraph (3) the words ", and may request the relevant planning authority to provide such information as they can on any of those points" shall be omitted.

(30) A request under paragraph (29) shall be accompanied by--

(a) a plan sufficient to identify the land;

(b) a brief description of the nature and purpose of the ROMP development and of its possible effects on the environment; and

(c) such other information as the authority may wish to provide or make.

(31) An authority making a request under paragraph (29) shall send to the Secretary of State any additional information he may request in writing to enable him to make a direction.]

NOTES:

Amendment

Inserted by SI 2000/2867, reg 2(1), (5).

Date in force: 15 November 2000: see SI 2000/2867, reg 1(1).

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**TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) (ENGLAND AND WALES)
REGULATIONS 1999
1999 No 293**

PART VIII DEVELOPMENT WITH SIGNIFICANT TRANSBOUNDARY EFFECTS
*Made 10 February 1999
Laid before Parliament 19 February 1999
Coming into force 14 March 1999*

**Town and Country Planning (Environmental Impact Assessment) (England and Wales)
Regulations 1999, SI 293, s. 27**

**27 Development in England and Wales likely to have significant effects in
another [EEA State] "Application to the High Court**

(1) Where--

(a) it comes to the attention of the Secretary of State that development proposed to be carried out in England or Wales is the subject of an EIA application and is likely to have significant effects on the environment in another [EEA State]; or

(b) another [EEA State] likely to be significantly affected by such development so requests,

the Secretary of State shall--

(i) send to the [EEA State] as soon as possible and no later than their date of publication in The London Gazette referred to in sub-paragraph (ii) below, the particulars mentioned in paragraph (2) and, if he thinks fit, the information referred to in paragraph (3); and

(ii) publish the information in sub-paragraph (i) above in a notice placed in The London Gazette indicating the address where additional information is available; and

(iii) give the [EEA State] a reasonable time in which to indicate whether it wishes to participate in the procedure for which these Regulations provide.

(2) The particulars referred to in paragraph (1)(i) are--

(a) a description of the development, together with any available information on its possible significant effect on the environment in another Member State; and

(b) information on the nature of the decision which may be taken.

(3) Where a [EEA State] indicates, in accordance with paragraph (1)(iii), that it wishes to participate in the procedure for which these Regulations provide, the Secretary of State shall as soon as possible send to that [EEA State] the following information--

(a) a copy of the application concerned;

(b) a copy of the environmental statement in respect of the development to which that application relates; and

(c) relevant information regarding the procedure under these Regulations,

but only to the extent that such information has not been provided to the [EEA State] earlier in accordance with paragraph (1)(i).

(4) The Secretary of State, insofar as he is concerned, shall also--

(a) arrange for the particulars and information referred to in paragraphs (2) and (3) to be made available, within a reasonable time, to the authorities referred to in Article 6(1) of the Directive and the public concerned in the territory of the [EEA State] likely to be significantly affected; and

(b) ensure that those authorities and the public concerned are given an opportunity, before planning permission for the development is granted, to forward to the Secretary of State, within a reasonable time, their opinion on the information supplied.

(5) The Secretary of State shall in accordance with Article 7(4) of the Directive--

(a) enter into consultations with the [EEA State] concerned regarding, inter alia, the potential significant effects of the development on the environment of that [EEA State] and the measures envisaged to reduce or eliminate such effects; and

(b) determine in agreement with the other [EEA State] a reasonable period of time for the duration of the consultation period.

(6) Where a [EEA State] has been consulted in accordance with paragraph (5), on the determination of the application concerned the Secretary of State shall inform the [EEA State] of the decision and shall forward to it a statement of--

(a) the content of the decision and any conditions attached thereto;

(b) the main reasons and considerations on which the decision is based; and

(c) a description, where necessary, of the main measures to avoid, reduce and, if possible, offset the major adverse effects of the development.

NOTES:

Initial Commencement

Specified date

Specified date: 14 March 1999: see reg 1(1).

Amendment

Section heading: words "EEA State" in square brackets substituted by SI 2000/2867, reg 2(1), (4).

Date in force: 15 November 2000: see SI 2000/2867, reg 1(1).

Para (1): in sub-para (a) words "EEA State" in square brackets substituted by SI 2000/2867, reg 2(1), (4).

Date in force: 15 November 2000: see SI 2000/2867, reg 1(1).

Para (1): in sub-para (b) words "EEA State" in square brackets in each place they occur substituted by SI 2000/2867, reg 2(1), (4).

Date in force: 15 November 2000: see SI 2000/2867, reg 1(1).

Para (3): words "EEA State" in square brackets in each place they occur substituted by SI 2000/2867, reg 2(1), (4).

Date in force: 15 November 2000: see SI 2000/2867, reg 1(1).

Para (4): in sub-para (a) words "EEA State" in square brackets substituted by SI 2000/2867, reg 2(1), (4).

Date in force: 15 November 2000: see SI 2000/2867, reg 1(1).

Para (5): in sub-para (a) words "EAA State" in square brackets in both places they occur substituted by SI 2000/2867, reg 2(1), (4).

Date in force: 15 November 2000: see SI 2000/2867, reg 1(1).

Para (5): in sub-para (b) words "EEA State" in square brackets substituted by SI 2000/2867, reg 2(1), (4).

Date in force: 15 November 2000: see SI 2000/2867, reg 1(1).

Para (6): words "Member State" in square brackets in both places they occur substituted by SI 2000/2867, reg 2(1), (4).

Date in force: 15 November 2000: see SI 2000/2867, reg 1(1).

Transfer of Functions

Functions of the Secretary of State, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales, by the National Assembly for Wales (Transfer of Functions) Order 1999, SI 1999/672, art 2, Sch 1.

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**TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) (ENGLAND AND WALES)
REGULATIONS 1999
1999 No 293**

PART VIII DEVELOPMENT WITH SIGNIFICANT TRANSBOUNDARY EFFECTS
*Made 10 February 1999
Laid before Parliament 19 February 1999
Coming into force 14 March 1999*

**Town and Country Planning (Environmental Impact Assessment) (England and Wales)
Regulations 1999, SI 293, s. 28**

28 Projects in another [EEA State] likely to have significant transboundary effects

(1) Where the Secretary of State receives from another [EEA State] pursuant to Article 7(2) of the Directive information which that [EEA State] has gathered from the developer of a proposed project in that [EEA State] which is likely to have significant effects on the environment in England and Wales, the Secretary of State shall, in accordance with Article 7(4) of the Directive:

(a) enter into consultations with that [EEA State] regarding, inter alia, the potential significant effects of the proposed project on the environment in England and Wales and the measures envisaged to reduce or eliminate such effects; and

(b) determine in agreement with that [EEA State] a reasonable period, before development consent for the project is granted, during which members of the public in England and Wales may submit to the competent authority in that [EEA State] representations pursuant to Article 7(3)(b) of the Directive.

(2) The Secretary of State, insofar as he is concerned, shall also--

(a) arrange for the information referred to in paragraph (1) to be made available, within a reasonable time, both to the authorities in England and Wales which he considers are likely to be concerned by the project by reason of their specific environmental responsibilities, and to the public concerned in England and Wales; and

(b) ensure that those authorities and the public concerned in England and Wales are given an opportunity, before development consent for the project is granted, to forward to the competent authority in the relevant [EEA State], within a reasonable time, their opinion on the information supplied.

NOTES:**Initial Commencement*****Specified date***

Specified date: 14 March 1999: see reg 1(1).

Amendment

Section heading: words "EEA State" in square brackets substituted by SI 2000/2867, reg 2(1), (4).

Date in force: 15 November 2000: see SI 2000/2867, reg 1(1).

Para (1): words "EEA State" in square brackets in each place they occur substituted by SI 2000/2867, reg 2(1), (4).

Date in force: 15 November 2000: see SI 2000/2867, reg 1(1).

Para (1): in sub-para (a) words "EEA State" in square brackets substituted by SI 2000/2867, reg 2(1), (4).

Date in force: 15 November 2000: see SI 2000/2867, reg 1(1).

Para (1): in sub-para (b) words "EEA State" in square brackets in both places they occur substituted by SI 2000/2867, reg 2(1), (4).

Date in force: 15 November 2000: see SI 2000/2867, reg 1(1).

Para (2): in sub-para (b) words "EEA State" in square brackets substituted by SI 2000/2867, reg 2(1), (4).

Date in force: 15 November 2000: see SI 2000/2867, reg 1(1).

Transfer of Functions

Functions of the Secretary of State, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales, by the National Assembly for Wales (Transfer of Functions) Order 1999, SI 1999/672, art 2, Sch 1.

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REGULATIONS 1999
1999 No 293**

PART IX MISCELLANEOUS
*Made 10 February 1999
Laid before Parliament 19 February 1999
Coming into force 14 March 1999*

**Town and Country Planning (Environmental Impact Assessment) (England and Wales)
Regulations 1999, SI 293, s. 29**

29 Service of notices etc

Any notice or other document to be sent, served or given under these Regulations may be served or given in a manner specified in section 329 (service of notices).

NOTES:

Initial Commencement

Specified date

Specified date: 14 March 1999: see reg 1(1).

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1999 No 293**

PART IX MISCELLANEOUS
*Made 10 February 1999
Laid before Parliament 19 February 1999
Coming into force 14 March 1999*

**Town and Country Planning (Environmental Impact Assessment) (England and Wales)
Regulations 1999, SI 293, s. 30**

30 Application to the High Court

For the purposes of Part XII of the Act (validity of certain decisions), the reference in section 288 to action of the Secretary of State which is not within the powers of the Act shall be taken to extend to a grant of planning permission by the Secretary of State in contravention of regulations 3 or 25(1).

NOTES:

Initial Commencement

Specified date

Specified date: 14 March 1999: see reg 1(1).

Transfer of Functions

Functions of the Secretary of State, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales, by the National Assembly for Wales (Transfer of Functions) Order 1999, SI 1999/672, art 2, Sch 1.

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REGULATIONS 1999
1999 No 293**

PART IX MISCELLANEOUS
*Made 10 February 1999
Laid before Parliament 19 February 1999
Coming into force 14 March 1999*

**Town and Country Planning (Environmental Impact Assessment) (England and Wales)
Regulations 1999, SI 293, s. 31**

31 Hazardous waste and material change of use

A change in the use of land or buildings to a use for a purpose mentioned in paragraph 9 of Schedule 1 involves a material change in the use of that land or those buildings for the purposes of paragraph (1) of section 55 (meaning of "development" and "new development").

NOTES:

Initial Commencement

Specified date

Specified date: 14 March 1999: see reg 1(1).

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REGULATIONS 1999
1999 No 293**

PART IX MISCELLANEOUS
*Made 10 February 1999
Laid before Parliament 19 February 1999
Coming into force 14 March 1999*

**Town and Country Planning (Environmental Impact Assessment) (England and Wales)
Regulations 1999, SI 293, s. 32**

32 Extension of the period for an authority's decision on a planning application

(1) In determining for the purposes of section 78 (right to appeal against planning decisions and failure to take such decisions) the time which has elapsed without the relevant planning authority giving notice to the applicant of their decision in a case where--

(a) the authority have notified an applicant in accordance with regulation 7(2) that the submission of an environmental statement is required; and

(b) the Secretary of State has given a screening direction in relation to the development in question,

no account shall be taken of any period before the issue of the direction.

(2) Where it falls to an authority to determine an EIA application, article 20 (time periods for decision) of the Order shall have effect as if--

(a) for the reference in paragraph (2)(a) of that article to a period of 8 weeks there were substituted a reference to a period of 16 weeks;

(b) after paragraph (3)(b) of that article there were inserted--

"(ba) the environmental statement required to be submitted in respect of the application has been submitted, together with the documents required to accompany that statement; and".

NOTES:

Initial Commencement

Specified date

Specified date: 14 March 1999: see reg 1(1).

Transfer of Functions

Functions of the Secretary of State, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales, by the National Assembly for Wales (Transfer of Functions) Order 1999, SI 1999/672, art 2, Sch 1.

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REGULATIONS 1999
1999 No 293**

PART IX MISCELLANEOUS
*Made 10 February 1999
Laid before Parliament 19 February 1999
Coming into force 14 March 1999*

**Town and Country Planning (Environmental Impact Assessment) (England and Wales)
Regulations 1999, SI 293, s. 33**

**33 Extension of the power to provide in a development order for the giving of
directions as respects the manner in which planning applications are dealt with**

The provisions enabling the Secretary of State to give directions which may be included in a development order by virtue of section 60 (permission granted by development order) shall include provisions enabling him to direct that development which is both of a description mentioned in Column 1 of the table in Schedule 2, and of a class described in the direction is EIA development for the purposes of these Regulations.

NOTES:

Initial Commencement

Specified date

Specified date: 14 March 1999: see reg 1(1).

Transfer of Functions

Functions of the Secretary of State, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales, by the National Assembly for Wales (Transfer of Functions) Order 1999, SI 1999/672, art 2, Sch 1.

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REGULATIONS 1999
1999 No 293**

PART IX MISCELLANEOUS
*Made 10 February 1999
Laid before Parliament 19 February 1999
Coming into force 14 March 1999*

**Town and Country Planning (Environmental Impact Assessment) (England and Wales)
Regulations 1999, SI 293, s. 34**

34 Revocation of Statutory Instruments and transitional provisions

(1) The instruments in Schedule 5 are hereby revoked to the extent shown in that Schedule.

(2) Nothing in paragraph (1) shall affect the continued application of the Instruments revoked by that paragraph to any application lodged or received by an authority before the commencement of these Regulations, to any appeal in relation to such an application, or to any matter in relation to which a local planning authority has before that date issued an enforcement notice under section 172; and these Regulations shall not apply to any such application, appeal, or matter.

NOTES:

Initial Commencement

Specified date

Specified date: 14 March 1999: see reg 1(1).

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**TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) (ENGLAND AND WALES)
REGULATIONS 1999
1999 No 293**

PART IX MISCELLANEOUS
*Made 10 February 1999
Laid before Parliament 19 February 1999
Coming into force 14 March 1999*

**Town and Country Planning (Environmental Impact Assessment) (England and Wales)
Regulations 1999, SI 293, s. 35**

35 Miscellaneous and consequential amendments

(1) In section 55(2)(b) of the Act after the words "improvement of the road" there are inserted the words "but, in the case of any such works which are not exclusively for the maintenance of the road, not including any works which may have significant adverse effects on the environment".

(2) In Article 3(6) (Use Classes) of the Town and Country Planning (Use Classes) Order 1987, after sub-paragraph (i) there are inserted the words:

"(j) as a waste disposal installation for the incineration, chemical treatment (as defined in Annex IIA to Directive 75/442/EEC under heading D9), or landfill of waste to which Directive 91/689/EEC applies."

(3) For paragraphs (10) and (11) of article 3 (permitted development) of the Town and Country Planning (General Permitted Development) Order 1995 there is substituted--

"(10) Subject to paragraph (12), Schedule 1 development or Schedule 2 development within the meaning of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 ("the EIA Regulations") is not permitted by this Order unless:

(a) the local planning authority has adopted a screening opinion under regulation 5 of those Regulations that the development is not EIA development;

(b) the Secretary of State has made a screening direction under regulation 4(7) or 6(4) of those Regulations that the development is not EIA development;
or

(c) the Secretary of State has given a direction under regulation 4(4) of those Regulations that the development is exempted from the application of those

Regulations.

(11) Where:

(a) the local planning authority has adopted a screening opinion pursuant to regulation 5 of the EIA Regulations that development is EIA development and the Secretary of State has in relation to that development neither made a screening direction to the contrary under regulation 4(7) or 6(4) of those Regulations nor directed under regulation 4(4) of those Regulations that the development is exempted from the application of those Regulations; or

(b) the Secretary of State has directed that development is EIA development, that development shall be treated, for the purposes of paragraph (10), as development which is not permitted by this Order."

(4) For the words "3rd June 1995" in articles 3(12)(e) and 3(12)(f) of the Town and Country Planning (General Permitted Development) Order 1995 there are substituted the words "14th March 1999".

(5) For Class A of Part 13 in Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 there is substituted--

"A

The carrying out by a local highway authority--

(a) on land within the boundaries of a road, of any works required for the maintenance or improvement of the road, where such works involve development by virtue of section 55(2)(b) of the Act; or

(b) on land outside but adjoining the boundary of an existing highway of works required for or incidental to the maintenance or improvement of the highway."

(6) In sub-paragraph (a) of article 8(2) of the Order for the words "the subject of an E.A. Schedule 1 or E.A. Schedule 2 application" there are substituted the words "an EIA application".

(7) In article 8(7) of the Order for the definitions of "E.A. Schedule 1 application" and "E.A. Schedule 2 application" there is substituted--

"EIA application" has the meaning given in regulation 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999, and "environmental statement" means a statement which the applicant refers to as an environmental statement for the purposes of those Regulations".

(8) For article 14(2) of the Order there is substituted--

"(2) The Secretary of State may give directions that development which is both of a description set out in Column 1 of the table in Schedule 2 to the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999, and of a class described in the direction is EIA development

for the purposes of those Regulations."

NOTES:

Initial Commencement

Specified date

Specified date: 14 March 1999: see reg 1(1).

Transfer of Functions

Functions of the Secretary of State, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales, by the National Assembly for Wales (Transfer of Functions) Order 1999, SI 1999/672, art 2, Sch 1.

Signature

Signed by authority of the Secretary of State for the Environment, Transport and the Regions *Richard G Caborn*

Minister of State

Department of the Environment, Transport and the Regions

10th February 1999 *Alun Michael*

Secretary of State for Wales

10th February 1999

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**TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) (ENGLAND AND WALES)
REGULATIONS 1999
1999 No 293**

**SCHEDULE 1 DESCRIPTIONS OF DEVELOPMENT FOR THE PURPOSES OF THE DEFINITION OF
"SCHEDULE 1 DEVELOPMENT"**

Regulation 2(1)
*Made 10 February 1999
Laid before Parliament 19 February 1999
Coming into force 14 March 1999*

**Town and Country Planning (Environmental Impact Assessment) (England and Wales)
Regulations 1999, SI 293, Sch. 1**

**SCHEDULE 1 Descriptions of Development for the Purposes of the Definition of
"Schedule 1 Development"**

Interpretation

In this Schedule--

"airport" means an airport which complies with the definition in the 1944 Chicago Convention setting up the International Civil Aviation Organisation (Annex 14);

"express road" means a road which complies with the definition in the European Agreement on Main International Traffic Arteries of 15 November 1975;

"nuclear power station" and "other nuclear reactor" do not include an installation from the site of which all nuclear fuel and other radioactive contaminated materials have been permanently removed; and development for the purpose of dismantling or decommissioning a nuclear power station or other nuclear reactor shall not be treated as development of the description mentioned in paragraph 2(b) of this Schedule.

Descriptions of development

The carrying out of development to provide any of the following--

1

Crude-oil refineries (excluding undertakings manufacturing only lubricants from crude oil) and installations for the gasification and liquefaction of 500 tonnes or more of coal or bituminous shale per day.

2

(a) Thermal power stations and other combustion installations with a heat output of 300 megawatts or more; and

(b) Nuclear power stations and other nuclear reactors (except research installations for the production and conversion of fissionable and fertile materials, whose maximum power does not exceed 1 kilowatt continuous thermal load).

3

(a) Installations for the reprocessing of irradiated nuclear fuel.

(b) Installations designed--

(i) for the production or enrichment of nuclear fuel,

(ii) for the processing of irradiated nuclear fuel or high-level radioactive waste,

(iii) for the final disposal of irradiated nuclear fuel,

(iv) solely for the final disposal of radioactive waste,

(v) solely for the storage (planned for more than 10 years) of irradiated nuclear fuels or radioactive waste in a different site than the production site.

4

(a) Integrated works for the initial smelting of cast-iron and steel;

(b) Installations for the production of non-ferrous crude metals from ore, concentrates or secondary raw materials by metallurgical, chemical or electrolytic processes.

5

Installations for the extraction of asbestos and for the processing and transformation of asbestos and products containing asbestos--

(a) for asbestos-cement products, with an annual production of more than 20,000 tonnes of finished products;

(b) for friction material, with an annual production of more than 50 tonnes of finished products; and

(c) for other uses of asbestos, utilisation of more than 200 tonnes per year.

6

Integrated chemical installations, that is to say, installations for the manufacture on an industrial scale of substances using chemical conversion processes, in which several units are juxtaposed and are functionally linked to

one another and which are--

- (a) for the production of basic organic chemicals;
- (b) for the production of basic inorganic chemicals;
- (c) for the production of phosphorous-, nitrogen- or potassium-based fertilisers (simple or compound fertilisers);
- (d) for the production of basic plant health products and of biocides;
- (e) for the production of basic pharmaceutical products using a chemical or biological process;
- (f) for the production of explosives.

7

- (a) Construction of lines for long-distance railway traffic and of airports with a basic runway length of 2,100 metres or more;
- (b) Construction of motorways and express roads;
- (c) Construction of a new road of four or more lanes, or realignment and/or widening of an existing road of two lanes or less so as to provide four or more lanes, where such new road, or realigned and/or widened section of road would be 10 kilometres or more in a continuous length.

8

- (a) Inland waterways and ports for inland-waterway traffic which permit the passage of vessels of over 1,350 tonnes;
- (b) Trading ports, piers for loading and unloading connected to land and outside ports (excluding ferry piers) which can take vessels of over 1,350 tonnes.

9

Waste disposal installations for the incineration, chemical treatment (as defined in Annex IIA to Council Directive 75/442/EEC under heading D9), or landfill of hazardous waste (that is to say, waste to which Council Directive 91/689/EEC applies).

10

Waste disposal installations for the incineration or chemical treatment (as defined in Annex IIA to Council Directive 75/442/EEC under heading D9) of non-hazardous waste with a capacity exceeding 100 tonnes per day.

11

Groundwater abstraction or artificial groundwater recharge schemes where the annual volume of water abstracted or recharged is equivalent to or exceeds 10

million cubic metres.

12

(a) Works for the transfer of water resources, other than piped drinking water, between river basins where the transfer aims at preventing possible shortages of water and where the amount of water transferred exceeds 100 million cubic metres per year;

(b) In all other cases, works for the transfer of water resources, other than piped drinking water, between river basins where the multi-annual average flow of the basin of abstraction exceeds 2,000 million cubic metres per year and where the amount of water transferred exceeds 5% of this flow.

13

Waste water treatment plants with a capacity exceeding 150,000 population equivalent as defined in Article 2 point (6) of Council Directive 91/271/EEC.

14

Extraction of petroleum and natural gas for commercial purposes where the amount extracted exceeds 500 tonnes per day in the case of petroleum and 500,000 cubic metres per day in the case of gas.

15

Dams and other installations designed for the holding back or permanent storage of water, where a new or additional amount of water held back or stored exceeds 10 million cubic metres.

16

Pipelines for the transport of gas, oil or chemicals with a diameter of more than 800 millimetres and a length of more than 40 kilometres.

17

Installations for the intensive rearing of poultry or pigs with more than--

(a) 85,000 places for broilers or 60,000 places for hens;

(b) 3,000 places for production pigs (over 30 kg); or

(c) 900 places for sows.

18

Industrial plants for--

(a) the production of pulp from timber or similar fibrous materials;

(b) the production of paper and board with a production capacity exceeding 200 tonnes per day.

19

Quarries and open-cast mining where the surface of the site exceeds 25 hectares, or peat extraction where the surface of the site exceeds 150 hectares.

20

Installations for storage of petroleum, petrochemical or chemical products with a capacity of 200,000 tonnes or more.

NOTES:

Initial Commencement

Specified date

Specified date: 14 March 1999: see reg 1(1).

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**TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) (ENGLAND AND WALES)
 REGULATIONS 1999
 1999 No 293**

**SCHEDULE 2 DESCRIPTIONS OF DEVELOPMENT AND APPLICABLE THRESHOLDS AND CRITERIA
 FOR THE PURPOSES OF THE DEFINITION OF "SCHEDULE 2 DEVELOPMENT"**

Regulation 2(1)
 Made 10 February 1999
 Laid before Parliament 19 February 1999
 Coming into force 14 March 1999

**Town and Country Planning (Environmental Impact Assessment) (England and Wales)
 Regulations 1999, SI 293, Sch. 2**

**SCHEDULE 2 Descriptions of Development and Applicable Thresholds and Criteria
 for the Purposes of the Definition of "Schedule 2 Development"**

1

In the table below--

"area of the works" includes any area occupied by apparatus, equipment, machinery, materials, plant, spoil heaps or other facilities or stores required for construction or installation;

"controlled waters" has the same meaning as in the Water Resources Act 1991;

"floorspace" means the floorspace in a building or buildings.

2

The table below sets out the descriptions of development and applicable thresholds and criteria for the purpose of classifying development as Schedule 2 development.

TABLE	
<i>Column 1</i>	<i>Column 2</i>
<i>Description of development</i>	<i>Applicable thresholds and criteria</i>

The carrying out of development to provide any of the following--

- 1 *Agriculture and aquaculture*

- | | | |
|-----|--|--|
| (a) | Projects for the use of uncultivated land or semi-natural areas for intensive agricultural purposes; | The area of the development exceeds 0.5 hectare. |
| (b) | Water management projects for agriculture, including irrigation and land drainage projects; | The area of the works exceeds 1 hectare. |
| (c) | Intensive livestock installations (unless included in Schedule 1); | The area of new floorspace exceeds 500 square metres. |
| (d) | Intensive fish farming; | The installation resulting from the development is designed to produce more than 10 tonnes of dead weight fish per year. |
| (e) | Reclamation of land from the sea. | All development. |

2 *Extractive industry*

- | | | |
|-----|--|---|
| (a) | Quarries, open cast mining and peat extraction (unless included in Schedule 1); | All development except the construction of buildings or other ancillary structures where the new floorspace does not exceed 1,000 square metres. |
| (b) | Underground mining; | |
| (c) | Extraction of minerals by fluvial dredging; | All development. |
| (d) | Deep drillings, in particular-- | (i) In relation to any type of drilling, the area of the works exceeds 1 hectare; or |
| | (i) geothermal drilling; | (ii) in relation to geothermal drilling and drilling for the storage of nuclear waste material, the drilling is within 100 metres of any controlled waters. |
| | (ii) drilling for the storage of nuclear waste material; | |
| | (iii) drilling for water supplies; | |
| | with the exception of drillings for investigating the stability of the soil. | |
| (e) | Surface industrial installations for the extraction of coal, petroleum, natural gas and ores, as well as bituminous shale. | The area of the development exceeds 0.5 hectare. |

3 *Energy industry*

- (a) Industrial installations for the production of electricity, steam and hot water (unless included in Schedule 1); The area of the development exceeds 0.5 hectare.
- (b) Industrial installations for carrying gas, steam and hot water; The area of the works exceeds 1 hectare.
- (c) Surface storage of natural gas; (i) The area of any new building, deposit or structure exceeds 500 square metres; or
(ii) a new building, deposit or structure is to be sited within 100 metres of any controlled waters.
- (d) Underground storage of combustible gases; (i) The area of any new building, deposit or structure exceeds 500 square metres; or
(ii) a new building, deposit or structure is to be sited within 100 metres of any controlled waters.
- (e) Surface storage of fossil fuels; (i) The area of any new building, deposit or structure exceeds 500 square metres; or
(ii) a new building, deposit or structure is to be sited within 100 metres of any controlled waters.
- (f) Industrial briquetting of coal and lignite; The area of new floorspace exceeds 1,000 square metres.
- (g) Installations for the processing and storage of radioactive waste (unless included in Schedule 1); (i) The area of new floorspace exceeds 1,000 square metres; or
(ii) the installation resulting from the development will require an authorisation or the variation of an authorisation under the Radioactive Substances Act 1993.
- (h) Installations for hydroelectric energy production; The installation is designed to produce more than 0.5 megawatts.
- (i) Installations for the harnessing of wind power for energy production (wind farms). (i) The development involves the installation of more than 2 turbines; or
(ii) the hub height of any turbine or height of any other structure exceeds 15 metres.

4 *Production and processing of metals*

- (a) Installations for the production of pig iron or steel (primary or secondary fusion) including continuous casting; The area of new floorspace exceeds 1,000 square metres.
- (b) Installations for the processing of ferrous metals-- (i) hot-rolling mills; (ii) smitheries with hammers; (iii) application of protective fused metal coats. The area of new floorspace exceeds 1,000 square metres.
- (c) Ferrous metal foundries; The area of new floorspace exceeds 1,000 square metres.
- (d) Installations for the smelting, including the alloyage, of non-ferrous metals, excluding precious metals, including recovered products (refining, foundry casting, etc); The area of new floorspace exceeds 1,000 square metres.
- (e) Installations for surface treatment of metals and plastic materials using an electrolytic or chemical process; The area of new floorspace exceeds 1,000 square metres.
- (f) Manufacture and assembly of motor vehicles and manufacture of motor-vehicle engines; The area of new floorspace exceeds 1,000 square metres.
- (g) Shipyards; The area of new floorspace exceeds 1,000 square metres.
- (h) Installations for the construction and repair of aircraft; The area of new floorspace exceeds 1,000 square metres.
- (i) Manufacture of railway equipment; The area of new floorspace exceeds 1,000 square metres.
- (j) Swaging by explosives; The area of new floorspace exceeds 1,000 square metres.
- (k) Installations for the roasting and sintering of metallic ores. The area of new floorspace exceeds 1,000 square metres.
- 5 Mineral industry**
- (a) Coke ovens (dry coal distillation); The area of new floorspace exceeds 1,000 square metres.
- (b) Installations for the manufacture of cement; The area of new floorspace exceeds 1,000 square metres.
- (c) Installations for the production of asbestos and the manufacture of asbestos-based products (unless included in Schedule 1); The area of new floorspace exceeds 1,000 square metres.

- (d) Installations for the manufacture of glass including glass fibre; The area of new floorspace exceeds 1,000 square metres.
- (e) Installations for smelting mineral substances including the production of mineral fibres; The area of new floorspace exceeds 1,000 square metres.
- (f) Manufacture of ceramic products by burning, in particular roofing tiles, bricks, refractory bricks, tiles, stonewear or porcelain. The area of new floorspace exceeds 1,000 square metres.
- 6** *Chemical industry (unless included in Schedule 1)*
- (a) Treatment of intermediate products and production of chemicals; The area of new floorspace exceeds 1,000 square metres.
- (b) Production of pesticides and pharmaceutical products, paint and varnishes, elastomers and peroxides; The area of new floorspace exceeds 1,000 square metres.
- (c) Storage facilities for petroleum, petrochemical and chemical products. (i) The area of any new building or structure exceeds 0.05 hectare; or (ii) more than 200 tonnes of petroleum, petrochemical or chemical products is to be stored at any one time.
- 7** *Food industry*
- (a) Manufacture of vegetable and animal oils and fats; The area of new floorspace exceeds 1,000 square metres.
- (b) Packing and canning of animal and vegetable products; The area of new floorspace exceeds 1,000 square metres.
- (c) Manufacture of dairy products; The area of new floorspace exceeds 1,000 square metres.
- (d) Brewing and malting; The area of new floorspace exceeds 1,000 square metres.
- (e) Confectionery and syrup manufacture; The area of new floorspace exceeds 1,000 square metres.
- (f) Installations for the slaughter of animals; The area of new floorspace exceeds 1,000 square metres.
- (g) Industrial starch manufacturing installations; The area of new floorspace exceeds 1,000 square metres.
- (h) Fish-meal and fish-oil factories; The area of new floorspace exceeds 1,000 square metres.
- (i) Sugar factories. The area of new floorspace exceeds 1,000 square metres.

- 8** *Textile, leather, wood and paper industries*
- (a) Industrial plants for the production of paper and board (unless included in Schedule 1); The area of new floorspace exceeds 1,000 square metres.
- (b) Plants for the pre-treatment (operations such as washing, bleaching, mercerisation) or dyeing of fibres or textiles; The area of new floorspace exceeds 1,000 square metres.
- (c) Plants for the tanning of hides and skins; The area of new floorspace exceeds 1,000 square metres.
- (d) Cellulose-processing and production installations. The area of new floorspace exceeds 1,000 square metres.
- 9** *Rubber industry*
- Manufacture and treatment of elastomer-based products. The area of new floorspace exceeds 1,000 square metres.
- 10** *Infrastructure projects*
- (a) Industrial estate development projects; The area of the development exceeds 0.5 hectare.
- (b) Urban development projects, including the construction of shopping centres and car parks, sports stadiums, leisure centres and multiplex cinemas; The area of the development exceeds 0.5 hectare.
- (c) Construction of intermodal transshipment facilities and of intermodal terminals (unless included in Schedule 1); The area of the development exceeds 0.5 hectare.
- (d) Construction of railways (unless included in Schedule 1); The area of the works exceeds 1 hectare.
- (e) Construction of airfields (unless included in Schedule 1);
- (i) The development involves an extension to a runway; or
- (ii) the area of the works exceeds 1 hectare.
- (f) Construction of roads (unless included in Schedule 1); The area of the works exceeds 1 hectare.
- (g) Construction of harbours and port installations including fishing harbours (unless included in Schedule 1); The area of the works exceeds 1 hectare.
- (h) Inland-waterway construction not included in Schedule 1, canalisation and flood-relief works; The area of the works exceeds 1 hectare
- (i) Dams and other installations designed to hold water or store it on a long-term basis (unless included in Schedule 1); The area of the works exceeds 1 hectare.

- (j) Tramways, elevated and underground railways, suspended lines or similar lines of a particular type, used exclusively or mainly for passenger transport; The area of the works exceeds 1 hectare
- (k) Oil and gas pipeline installations (unless included in Schedule 1); (i) The area of the works exceeds 1 hectare; or,
(ii) in the case of a gas pipeline, the installation has a design operating pressure exceeding 7 bar gauge.
- (l) Installations of long-distance aqueducts; (i) The area of the works exceeds 1 hectare; or,
(ii) in the case of a gas pipeline, the installation has a design operating pressure exceeding 7 bar gauge.
- (m) Coastal work to combat erosion and maritime works capable of altering the coast through the construction, for example, of dykes, moles, jetties and other sea defence works, excluding the maintenance and reconstruction of such works; All development.
- (n) Groundwater abstraction and artificial groundwater recharge schemes not included in Schedule 1; The area of the works exceeds 1 hectare.
- (o) Works for the transfer of water resources between river basins not included in Schedule 1; The area of the works exceeds 1 hectare.
- (p) Motorway service areas. The area of the development exceeds 0.5 hectare.
- 11 Other projects**
- (a) Permanent racing and test tracks for motorised vehicles; The area of the development exceeds 1 hectare.
- (b) Installations for the disposal of waste (unless included in Schedule 1); (i) The disposal is by incineration; or
(ii) the area of the development exceeds 0.5 hectare; or
(iii) the installation is to be sited within 100 metres of any controlled waters.
- (c) Waste-water treatment plants (unless included in Schedule 1); The area of the development exceeds 1,000 square metres.

- | | | |
|--------------------------------------|--|--|
| (d) | Sludge-deposition sites; | (i) The area of deposit or storage exceeds 0.5 hectare; or
(ii) a deposit is to be made or scrap stored within 100 metres of any controlled waters. |
| (e) | Storage of scrap iron, including scrap vehicles; | (i) The area of deposit or storage exceeds 0.5 hectare; or
(ii) a deposit is to be made or scrap stored within 100 metres of any controlled waters. |
| (f) | Test benches for engines, turbines or reactors; | The area of new floorspace exceeds 1,000 square metres. |
| (g) | Installations for the manufacture of artificial mineral fibres; | The area of new floorspace exceeds 1,000 square metres. |
| (h) | Installations for the recovery or destruction of explosive substances; | The area of new floorspace exceeds 1,000 square metres. |
| (i) | Knackers' yards. | The area of new floorspace exceeds 1,000 square metres. |
| 12 <i>Tourism and leisure</i> | | |
| (a) | Ski-runs, ski-lifts and cable-cars and associated developments; | (i) The area of the works exceeds 1 hectare; or

(ii) the height of any building or other structure exceeds 15 metres. |
| (b) | Marinas; | The area of the enclosed water surface exceeds 1,000 square metres. |
| (c) | Holiday villages and hotel complexes outside urban areas and associated developments; | The area of the development exceeds 0.5 hectare. |
| (d) | Theme parks; | The area of the development exceeds 0.5 hectare. |
| (e) | Permanent camp sites and caravan sites; | The area of the development exceeds 1 hectare. |
| (f) | Golf courses and associated developments. | The area of the development exceeds 1 hectare. |
| 13 | | |
| (a) | Any change to or extension of development of a description listed in Schedule 1 or in paragraphs 1 to 12 of Column 1 of this table, where that development is already authorised, executed or in the process of being executed, and the change or extension may have significant adverse effects on the environment; | (i) In relation to development of a description mentioned in Column 1 of this table, the thresholds and criteria in the corresponding part of Column 2 of this table applied to the change or extension (and not to the development as changed or extended). |

(ii) In relation to development of a description mentioned in a paragraph in Schedule 1 indicated below, the thresholds and criteria in Column 2 of the paragraph of this table indicated below applied to the change or extension (and not to the development as changed or extended):

<i>Paragraph in Schedule 1</i>	<i>Paragraph of this table</i>
1	6(a)
2(a)	3(a)
2(b)	3(g)
3	3(g)
4	4
5	5
6	6(a)
7(a)	10(d) (in relation to railways) or 10(e) (in relation to airports)
7(b) and (c)	10(f)
8(a)	10(h)
8(b)	10(g)
9	11(b)
10	11(b)
11	10(n)
12	10(o)
13	11(c)
14	2(e)
15	10(i)
16	10(k)
17	1(c)
18	8(a)
19	2(a)
20	6(c).

- (b) Development of a description mentioned in Schedule 1 undertaken exclusively or mainly for the development and testing of new methods or products and not used for more than two years. All development.

NOTES:

Initial Commencement

Specified date

Specified date: 14 March 1999: see reg 1(1).

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**TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) (ENGLAND AND WALES)
REGULATIONS 1999
1999 No 293**

SCHEDULE 3 SELECTION CRITERIA FOR SCREENING SCHEDULE 2 DEVELOPMENT

Regulation 4(5)
*Made 10 February 1999
Laid before Parliament 19 February 1999
Coming into force 14 March 1999*

**Town and Country Planning (Environmental Impact Assessment) (England and Wales)
Regulations 1999, SI 293, Sch. 3**

SCHEDULE 3 Selection Criteria for Screening Schedule 2 Development

Characteristics of development

1

The characteristics of development must be considered having regard, in particular, to--

- (a) the size of the development;
- (b) the cumulation with other development;
- (c) the use of natural resources;
- (d) the production of waste;
- (e) pollution and nuisances;
- (f) the risk of accidents, having regard in particular to substances or technologies used.

Location of development

2

The environmental sensitivity of geographical areas likely to be affected by development must be considered, having regard, in particular, to--

- (a) the existing land use;

(b) the relative abundance, quality and regenerative capacity of natural resources in the area;

(c) the absorption capacity of the natural environment, paying particular attention to the following areas--

(i) wetlands;

(ii) coastal zones;

(iii) mountain and forest areas;

(iv) nature reserves and parks;

(v) areas classified or protected under Member States' legislation; areas designated by Member States pursuant to Council Directive 79/409/EEC on the conservation of wild birds and Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora;

(vi) areas in which the environmental quality standards laid down in Community legislation have already been exceeded;

(vii) densely populated areas;

(viii) landscapes of historical, cultural or archaeological significance.

Characteristics of the potential impact

3

The potential significant effects of development must be considered in relation to criteria set out under paragraphs 1 and 2 above, and having regard in particular to--

(a) the extent of the impact (geographical area and size of the affected population);

(b) the transfrontier nature of the impact;

(c) the magnitude and complexity of the impact;

(d) the probability of the impact;

(e) the duration, frequency and reversibility of the impact.

NOTES:

Initial Commencement

Specified date

Specified date: 14 March 1999: see reg 1(1).

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**TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) (ENGLAND AND WALES)
REGULATIONS 1999
1999 No 293**

SCHEDULE 4 INFORMATION FOR INCLUSION IN ENVIRONMENTAL STATEMENTS

Regulation 2(1)

Made 10 February 1999

Laid before Parliament 19 February 1999

Coming into force 14 March 1999

**Town and Country Planning (Environmental Impact Assessment) (England and Wales)
Regulations 1999, SI 293, Sch. 4, Pt. I**

Part I

1

Description of the development, including in particular--

(a) a description of the physical characteristics of the whole development and the land-use requirements during the construction and operational phases;

(b) a description of the main characteristics of the production processes, for instance, nature and quantity of the materials used;

(c) an estimate, by type and quantity, of expected residues and emissions (water, air and soil pollution, noise, vibration, light, heat, radiation, etc) resulting from the operation of the proposed development.

2

An outline of the main alternatives studied by the applicant or appellant and an indication of the main reasons for his choice, taking into account the environmental effects.

3

A description of the aspects of the environment likely to be significantly affected by the development, including, in particular, population, fauna, flora, soil, water, air, climatic factors, material assets, including the architectural and archaeological heritage, landscape and the inter-relationship between the above factors.

4

A description of the likely significant effects of the development on the environment, which should cover the direct effects and any indirect, secondary, cumulative, short, medium and long-term, permanent and temporary, positive and negative effects of the development, resulting from:

(a) the existence of the development;

(b) the use of natural resources;

(c) the emission of pollutants, the creation of nuisances and the elimination of waste,

and the description by the applicant of the forecasting methods used to assess the effects on the environment.

5

A description of the measures envisaged to prevent, reduce and where possible offset any significant adverse effects on the environment.

6

A non-technical summary of the information provided under paragraphs 1 to 5 of this Part.

7

An indication of any difficulties (technical deficiencies or lack of know-how) encountered by the applicant in compiling the required information.

NOTES:

Initial Commencement

Specified date

Specified date: 14 March 1999: see reg 1(1).

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**TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) (ENGLAND AND WALES)
REGULATIONS 1999
1999 No 293**

SCHEDULE 4 INFORMATION FOR INCLUSION IN ENVIRONMENTAL STATEMENTS

Regulation 2(1)

Made 10 February 1999

Laid before Parliament 19 February 1999

Coming into force 14 March 1999

**Town and Country Planning (Environmental Impact Assessment) (England and Wales)
Regulations 1999, SI 293, Sch. 4, Pt. II**

Part II

1

A description of the development comprising information on the site, design and size of the development.

2

A description of the measures envisaged in order to avoid, reduce and, if possible, remedy significant adverse effects.

3

The data required to identify and assess the main effects which the development is likely to have on the environment.

4

An outline of the main alternatives studied by the applicant or appellant and an indication of the main reasons for his choice, taking into account the environmental effects.

5

A non-technical summary of the information provided under paragraphs 1 to 4 of this Part.

NOTES:

Initial Commencement

Specified date

Specified date: 14 March 1999: see reg 1(1).

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**TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) (ENGLAND AND WALES)
 REGULATIONS 1999
 1999 No 293**

SCHEDULE 5 STATUTORY INSTRUMENTS REVOKED

Regulation 34(1)

Made 10 February 1999

Laid before Parliament 19 February 1999

Coming into force 14 March 1999

**Town and Country Planning (Environmental Impact Assessment) (England and Wales)
 Regulations 1999, SI 293, Sch. 5**

SCHEDULE 5 Statutory Instruments Revoked

<i>Title of Instrument</i>	<i>Reference</i>	<i>Extent of revocation</i>
The Town and Country Planning (Assessment of Environmental Effects) Regulations 1988	SI 1988/1199	The whole of the Regulations
The Town and Country Planning (Assessment of Environmental Effects) (Amendment) Regulations 1990	SI 1990/367	The whole of the Regulations
The Town and Country Planning (Assessment of Environmental Effects) (Amendment) Regulations 1992	SI 1992/1494	The whole of the Regulations
The Town and Country Planning (Simplified Planning Zones) Regulations 1992	SI 1992/2414	Regulation 22
The Town and Country Planning (Assessment of Environmental Effects) (Amendment) Regulations 1994	SI 1994/677	The whole of the Regulations
The Town and Country Planning (Environmental Assessment and Permitted Development) Regulations 1995	SI 1995/417	The whole of the Regulations
The Town and Country Planning (General Permitted Development) Order 1995	SI 1995/418	Sub-paragraphs (a) and (c) of article 3(12)

The Town and Country Planning (Environmental Assessment and Unauthorised Development) Regulations 1995	SI 1995/2258	The whole of the Regulations
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NOTES:**Initial Commencement*****Specified date***

Specified date: 14 March 1999: see reg 1(1).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations implement, in relation to town and country planning in England and Wales, Council Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment (OJ No L 175, 5.7.1985, p 40), as amended by Council Directive 97/11/EC (OJ No L 73, 14.3.1997, p 5).

The Regulations revoke and re-enact, with amendments, the Town and Country Planning (Assessment of Environmental Effects) Regulations 1988 (and later instruments amending them) and the Town and Country Planning (Environmental Assessment and Unauthorised Development) Regulations 1995. They revoke the Town and Country Planning (Environmental Assessment and Permitted Development) Regulations 1995 and regulation 22 of the Town and Country Planning (Simplified Planning Zones) Regulations 1992, and enact provisions with similar effect.

The main changes made by Directive 97/11/EC, which these Regulations implement, are as follows. The number of categories of project subject to environmental impact assessment (EIA) is increased. An individual determination on whether EIA is required must be made in respect of every project in Annex II to the Directive (Schedule 2 to these Regulations) which exceeds thresholds established by a Member State. Advice on the content of an environmental statement must be given to a developer who requests it before submitting an application. Competent authorities must give reasons for their decision on granting or refusing development consent. The Directive establishes detailed procedures for consulting other Member States on projects which are likely to have significant environmental effects in their territories.

The Regulations impose procedural requirements in relation to the consideration of applications for planning permission under the Town and Country Planning Act 1990 and in relation to enforcement of planning control, and restrict the grant of permission by simplified planning zone schemes, enterprise zones and the Town and Country Planning (General Permitted Development) Order 1995.

All development in Schedule 1 requires EIA. Development in Column 1 of the table in Schedule 2 which is either to be carried out in a sensitive area or satisfies a threshold or criterion in Column 2 of that table ("Schedule 2 development") requires EIA if it is likely to have significant effects on the

environment. Development which requires EIA is referred to in these Regulations as "EIA development".

Regulation 3 prohibits the grant of planning permission for EIA development unless the local planning authority, the Secretary of State or an inspector have first taken account of the environmental information (defined in regulation 2) which is before them. The prohibition applies where an application is received by or lodged by the local planning authority on or after 14th March 1999.

Regulations 4 to 9 set out procedures for determining whether development is EIA development ("screening"). They require a "screening opinion" of the local planning authority or a "screening direction" of the Secretary of State in relation to all Schedule 2 development. Such an opinion or direction must be made by reference to the criteria in Schedule 3. Where the authority or the Secretary of State determine that development is EIA development, they must notify the applicant (or appellant) that he is required to submit an environmental statement.

Regulations 10 and 11 enable a person to seek an opinion from the local planning authority ("a scoping opinion") or the Secretary of State (a "scoping direction") on the information to be included in an environmental statement. The types of information which may be required are set out in Schedule 4. The local planning authority or the Secretary of State must consult bodies with environmental responsibilities ("the consultation bodies" defined in regulation 2(1)) before adopting a scoping opinion or scoping direction. Regulation 12 requires consultation bodies, if requested, to assist the preparation of an environmental statement by making information available to the applicant.

Regulation 13 requires the local planning authority to notify the consultation bodies of applications for planning permission which are accompanied by an environmental statement. Regulation 16 contains equivalent provisions where an environmental statement is submitted to the Secretary of State in relation to an appeal or called in application. Regulation 14 provides for publicity for applications for planning permission where an environmental statement is submitted after a planning application. Regulations 15, 17 and 18 are concerned with the provision of copies of an environmental statement.

Regulation 19 contains procedures for the provision by the applicant of information additional to that contained in the environmental statement.

Regulation 20 provides for documents to be placed on the planning register or otherwise made available to the public.

Regulation 21 requires local planning authorities and the Secretary of State to provide information about decisions taken following the consideration of environmental information in accordance with these Regulations.

Regulation 22 modifies the earlier provisions of these Regulations in relation to applications for planning permission by a local planning authority.

Regulations 23 and 24 restrict the grant of planning permission by simplified planning zone schemes or enterprise zone orders.

Regulation 25 establishes procedures for EIA in relation to the enforcement

of planning control.

Regulations 26 to 28 implement Article 7 of the Directive by providing for consultation between Member States where development is likely to have significant effects on the environment in another Member State.

Regulation 29 provides for the service of notices under the Regulations. Regulation 30 provides that a grant of permission in contravention of regulation 3 or 25(1) shall be treated, for the purpose of section 288 of the Town and Country Planning Act 1990, as an act which is not within the powers of that Act. Regulation 31 provides that beginning specified operations to dispose of hazardous waste constitutes "development" under section 55 of the 1990 Act. Regulation 32 extends the time allowed to a local planning authority to consider an application for planning permission for EIA development. Regulation 33 extends, in relation to EIA, the statutory power to provide in a development order for the giving of directions.

Regulation 34 and Schedule 5 contain revocations and transitional provisions.

Regulation 35 provides for miscellaneous and consequential amendments. Regulation 35(3) provides for a person who is minded to undertake development which would otherwise be permitted development to seek an opinion from the local planning authority as to whether the development is EIA development.

A Regulatory Impact Appraisal has been prepared in relation to these Regulations. It has been placed in the Library of each House of Parliament and copies may be obtained from PD5A Division, Department of the Environment, Transport and the Regions, Eland House, Bressenden Place, London SW1E 5DU (Telephone 0171-890 3893) or Planning Division, Welsh Office, Cathays Park, Cardiff CF1 3NQ (Telephone 01222-823882).

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**COUNTRYSIDE AND RIGHTS OF WAY ACT 2000
2000 CHAPTER 37**

Royal Assent [30 November 2000]

Countryside and Rights of Way Act 2000, Ch. 37, Long Title (Eng.)

Long Title

An Act to make new provision for public access to the countryside; to amend the law relating to public rights of way; to enable traffic regulation orders to be made for the purpose of conserving an area's natural beauty; to make provision with respect to the driving of mechanically propelled vehicles elsewhere than on roads; to amend the law relating to nature conservation and the protection of wildlife; to make further provision with respect to areas of outstanding natural beauty; and for connected purposes.

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**COUNTRYSIDE AND RIGHTS OF WAY ACT 2000
2000 CHAPTER 37**

Royal Assent [30 November 2000]

Countryside and Rights of Way Act 2000, Ch. 37, Enactment Clause (Eng.)

Enactment Clause

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:--

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COUNTRYSIDE AND RIGHTS OF WAY ACT 2000
2000 CHAPTER 37

PART I ACCESS TO THE COUNTRYSIDE
General

Royal Assent [30 November 2000]

Countryside and Rights of Way Act 2000, Ch. 37, s. 1 (Eng.)

1 Principal definitions for Part I

(1) In this Part "access land" means any land which--

(a) is shown as open country on a map in conclusive form issued by the appropriate countryside body for the purposes of this Part,

(b) is shown on such a map as registered common land,

(c) is registered common land in any area outside Inner London for which no such map relating to registered common land has been issued,

(d) is situated more than 600 metres above sea level in any area for which no such map relating to open country has been issued, or

(e) is dedicated for the purposes of this Part under section 16,

but does not (in any of those cases) include excepted land or land which is treated by section 15(1) as being accessible to the public apart from this Act.

(2) In this Part--

"access authority"--

(a) in relation to land in a National Park, means the National Park authority, and

(b) in relation to any other land, means the local highway authority in whose area the land is situated;

"the appropriate countryside body" means--

(a) in relation to England, the Countryside Agency, and

(b) in relation to Wales, the Countryside Council for Wales;

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"excepted land" means land which is for the time being of any of the descriptions specified in Part I of Schedule 1, those descriptions having effect subject to Part II of that Schedule;

"mountain" includes, subject to the following definition, any land situated more than 600 metres above sea level;

"mountain, moor, heath or down" does not include land which appears to the appropriate countryside body to consist of improved or semi-improved grassland;

"open country" means land which--

(a) appears to the appropriate countryside body to consist wholly or predominantly of mountain, moor, heath or down, and

(b) is not registered common land.

(3) In this Part "registered common land" means--

(a) land which is registered as common land under the Commons Registration Act 1965 (in this section referred to as "the 1965 Act") and whose registration under that Act has become final, or

(b) subject to subsection (4), land which fell within paragraph (a) on the day on which this Act is passed or at any time after that day but has subsequently ceased to be registered as common land under the 1965 Act on the register of common land in which it was included being amended by reason of the land having ceased to be common land within the meaning of that Act.

(4) Subsection (3)(b) does not apply where--

(a) the amendment of the register of common land was made in pursuance of an application made before the day on which this Act is passed, or

(b) the land ceased to be common land by reason of the exercise of--

(i) any power of compulsory purchase, of appropriation or of sale which is conferred by an enactment,

(ii) any power so conferred under which land may be made common land within the meaning of the 1965 Act in substitution for other land.

NOTES:**Initial Commencement*****Specified date***

Specified date: 30 January 2001: see s 103(2).

Extent

This section does not extend to Scotland: see s 104(4).

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COUNTRYSIDE AND RIGHTS OF WAY ACT 2000
2000 CHAPTER 37

PART I ACCESS TO THE COUNTRYSIDE
General

Royal Assent [30 November 2000]

Countryside and Rights of Way Act 2000, Ch. 37, s. 2 (Eng.)

2 Rights of public in relation to access land

(1) Any person is entitled by virtue of this subsection to enter and remain on any access land for the purposes of open-air recreation, if and so long as--

(a) he does so without breaking or damaging any wall, fence, hedge, stile or gate, and

(b) he observes the general restrictions in Schedule 2 and any other restrictions imposed in relation to the land under Chapter II.

(2) Subsection (1) has effect subject to subsections (3) and (4) and to the provisions of Chapter II.

(3) Subsection (1) does not entitle a person to enter or be on any land, or do anything on any land, in contravention of any prohibition contained in or having effect under any enactment, other than an enactment contained in a local or private Act.

(4) If a person becomes a trespasser on any access land by failing to comply with--

(a) subsection (1)(a),

(b) the general restrictions in Schedule 2, or

(c) any other restrictions imposed in relation to the land under Chapter II,

he may not, within 72 hours after leaving that land, exercise his right under subsection (1) to enter that land again or to enter other land in the same ownership.

(5) In this section "owner", in relation to any land which is subject to a farm business tenancy within the meaning of the Agricultural Tenancies Act 1995 or a tenancy to which the Agricultural Holdings Act 1986 applies, means the

tenant under that tenancy, and "ownership" shall be construed accordingly.

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 103(3).

Appointment

Appointment (in relation to England, for certain purposes): 19 September 2004: see SI 2004/2173, art 2(1)(a), (2).

Appointment (in relation to England, for certain purposes): 14 December 2004: see SI 2004/3088, art 2.

Extent

This section does not extend to Scotland: see s 104(4).

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COUNTRYSIDE AND RIGHTS OF WAY ACT 2000
2000 CHAPTER 37

PART I ACCESS TO THE COUNTRYSIDE
General

Royal Assent [30 November 2000]

Countryside and Rights of Way Act 2000, Ch. 37, s. 3 (Eng.)

3 Power to extend to coastal land

(1) The Secretary of State (as respects England) or the National Assembly for Wales (as respects Wales) may by order amend the definition of "open country" in section 1(2) so as to include a reference to coastal land or to coastal land of any description.

(2) An order under this section may--

(a) make consequential amendments of other provisions of this Part, and

(b) modify the provisions of this Part in their application to land which is open country merely because it is coastal land.

(3) In this section "coastal land" means--

(a) the foreshore, and

(b) land adjacent to the foreshore (including in particular any cliff, bank, barrier, dune, beach or flat which is adjacent to the foreshore).

NOTES:

Initial Commencement

Specified date

Specified date: 30 January 2001: see s 103(2).

Extent

This section does not extend to Scotland: see s 104(4).

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COUNTRYSIDE AND RIGHTS OF WAY ACT 2000
2000 CHAPTER 37

PART I ACCESS TO THE COUNTRYSIDE
Maps

Royal Assent [30 November 2000]

Countryside and Rights of Way Act 2000, Ch. 37, s. 4 (Eng.)

4 Duty to prepare maps

(1) It shall be the duty of the Countryside Agency to prepare, in respect of England outside Inner London, maps which together show--

- (a) all registered common land, and
- (b) all open country.

(2) It shall be the duty of the Countryside Council for Wales to prepare, in respect of Wales, maps which together show--

- (a) all registered common land, and
- (b) all open country.

(3) Subsections (1) and (2) have effect subject to the following provisions of this section and to the provisions of sections 5 to 9.

(4) A map prepared under this section must distinguish between open country and registered common land, but need not distinguish between different categories of open country.

(5) In preparing a map under this section, the appropriate countryside body--

(a) may determine not to show as open country areas of open country which are so small that the body consider that their inclusion would serve no useful purpose, and

(b) may determine that any boundary of an area of open country is to be treated as coinciding with a particular physical feature (whether the effect is to include other land as open country or to exclude part of an area of open country).

NOTES:

Initial Commencement

Specified date

Specified date: 30 January 2001: see s 103(2).

Extent

This section does not extend to Scotland: see s 104(4).

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COUNTRYSIDE AND RIGHTS OF WAY ACT 2000
2000 CHAPTER 37

PART I ACCESS TO THE COUNTRYSIDE
Maps

Royal Assent [30 November 2000]

Countryside and Rights of Way Act 2000, Ch. 37, s. 5 (Eng.)

5 Publication of draft maps

The appropriate countryside body shall--

- (a) issue in draft form any map prepared by them under section 4,
- (b) consider any representations received by them within the prescribed period with respect to the showing of, or the failure to show, any area of land on the map as registered common land or as open country,
- (c) confirm the map with or without modifications,
- (d) if the map has been confirmed without modifications, issue it in provisional form, and
- (e) if the map has been confirmed with modifications, prepare a map incorporating the modifications, and issue that map in provisional form.

NOTES:

Initial Commencement

Specified date

Specified date: 30 January 2001: see s 103(2).

Subordinate Legislation

Access to the Countryside (Maps in Draft Form) (England) Regulations 2001, SI 2001/3301 (made under para (b)).

Extent

This section does not extend to Scotland: see s 104(4).

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**COUNTRYSIDE AND RIGHTS OF WAY ACT 2000
2000 CHAPTER 37**

**PART I ACCESS TO THE COUNTRYSIDE
Maps**

Royal Assent [30 November 2000]

Countryside and Rights of Way Act 2000, Ch. 37, s. 6 (Eng.)

6 Appeal against map after confirmation

(1) Any person having an interest in any land may appeal--

(a) in the case of land in England, to the Secretary of State, or

(b) in the case of land in Wales, to the National Assembly for Wales,

against the showing of that land on a map in provisional form as registered common land or as open country.

(2) An appeal relating to the showing of any land as registered common land may be brought only on the ground that the land is not registered common land.

(3) An appeal relating to the showing of any land as open country may be brought only on the ground that--

(a) the land does not consist wholly or predominantly of mountain, moor, heath or down, and

(b) to the extent that the appropriate countryside body have exercised their discretion under section 4(5)(b) to treat land which is not open country as forming part of an area of open country, the body ought not to have done so.

(4) On an appeal under this section, the Secretary of State or the National Assembly for Wales may--

(a) approve the whole or part of the map which is the subject of the appeal, with or without modifications, or

(b) require the appropriate countryside body to prepare under section 4 a new map relating to all or part of the area covered by the map which is the subject of the appeal.

NOTES:

Initial Commencement

Specified date

Specified date: 30 January 2001: see s 103(2).

Extent

This section does not extend to Scotland: see s 104(4).

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**COUNTRYSIDE AND RIGHTS OF WAY ACT 2000
2000 CHAPTER 37**

**PART I ACCESS TO THE COUNTRYSIDE
Maps**

Royal Assent [30 November 2000]

Countryside and Rights of Way Act 2000, Ch. 37, s. 7 (Eng.)

7 Appeal procedure

(1) Before determining an appeal under section 6, the Secretary of State or the National Assembly for Wales may, if he or it thinks fit--

- (a) cause the appeal to take, or continue in, the form of a hearing, or
- (b) cause a local inquiry to be held;

and the appeal authority shall act as mentioned in paragraph (a) or (b) if a request is made by either party to the appeal to be heard with respect to the appeal.

(2) Subsections (2) to (5) of section 250 of the Local Government Act 1972 (local inquiries: evidence and costs) apply to a hearing or local inquiry held under this section as they apply to a local inquiry held under that section, but as if--

(a) references in that section to the person appointed to hold the inquiry were references to the Secretary of State or the National Assembly for Wales, and

(b) references in that section to the Minister causing an inquiry to be held were references to the Secretary of State or the Assembly.

(3) Where--

(a) for the purposes of an appeal under section 6, the Secretary of State or the National Assembly for Wales is required by subsection (1)--

- (i) to cause the appeal to take, or continue in, the form of a hearing, or
- (ii) to cause a local inquiry to be held, and
- (b) the inquiry or hearing does not take place, and

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(c) if it had taken place, the Secretary of State or the Assembly or a person appointed by the Secretary of State or the Assembly would have had power to make an order under section 250(5) of the Local Government Act 1972 requiring any party to pay the costs of the other party,

the power to make such an order may be exercised, in relation to costs incurred for the purposes of the inquiry or hearing, as if it had taken place.

(4) This section has effect subject to section 8.

NOTES:**Initial Commencement*****Specified date***

Specified date: 30 January 2001: see s 103(2).

Extent

This section does not extend to Scotland: see s 104(4).

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COUNTRYSIDE AND RIGHTS OF WAY ACT 2000
2000 CHAPTER 37

PART I ACCESS TO THE COUNTRYSIDE
Maps

Royal Assent [30 November 2000]

Countryside and Rights of Way Act 2000, Ch. 37, s. 8 (Eng.)

8 Power of Secretary of State or Assembly to delegate functions relating to appeals

(1) The Secretary of State or the National Assembly for Wales may--

(a) appoint any person to exercise on his or its behalf, with or without payment, the function of determining--

(i) an appeal under section 6, or

(ii) any matter involved in such an appeal, or

(b) refer any matter involved in such an appeal to such person as the Secretary of State or the Assembly may appoint for the purpose, with or without payment.

(2) Schedule 3 has effect with respect to appointments under subsection (1)(a).

NOTES:

Initial Commencement

Specified date

Specified date: 30 January 2001: see s 103(2).

Extent

This section does not extend to Scotland: see s 104(4).

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COUNTRYSIDE AND RIGHTS OF WAY ACT 2000
2000 CHAPTER 37

PART I ACCESS TO THE COUNTRYSIDE
Maps

Royal Assent [30 November 2000]

Countryside and Rights of Way Act 2000, Ch. 37, s. 9 (Eng.)

9 Maps in conclusive form

(1) Where--

(a) the time within which any appeal under section 6 may be brought in relation to a map in provisional form has expired and no appeal has been brought, or

(b) every appeal brought under that section in relation to a map has--

(i) been determined by the map or part of it being approved without modifications, or

(ii) been withdrawn,

the appropriate countryside body shall issue the map (or the part or parts of it that have been approved without modifications) as a map in conclusive form.

(2) Where--

(a) every appeal brought under section 6 in relation to a map in provisional form has been determined or withdrawn, and

(b) on one or more appeals, the map or any part of it has been approved with modifications,

the appropriate countryside body shall prepare a map which covers the area covered by the map in provisional form (or the part or parts of the map in provisional form that have been approved with or without modifications) and incorporates the modifications, and shall issue it as a map in conclusive form.

(3) Where either of the conditions in subsection (1)(a) and (b) is satisfied in relation to any part of a map in provisional form, the Secretary of State (as respects England) or the National Assembly for Wales (as respects Wales) may direct the relevant countryside body to issue that part of the map as a map in

conclusive form.

(4) Where on an appeal under section 6 part of a map in provisional form has been approved with modifications but the condition in subsection (2)(a) is not yet satisfied, the Secretary of State (as respects England) or the National Assembly for Wales (as respects Wales) may direct the relevant countryside body to issue a map which covers the area covered by that part of the map in provisional form and incorporates the modifications, and to issue it as a map in conclusive form.

(5) Where a map in conclusive form has been issued in compliance with a direction under subsection(3) or (4), subsections (1) and (2) shall have effect as if any reference to the map in provisional form were a reference to the part not affected by the direction.

(6) A document purporting to be certified on behalf of the appropriate countryside body to be a copy of or of any part of a map in conclusive form issued by that body for the purposes of this Part shall be receivable in evidence and shall be deemed, unless the contrary is shown, to be such a copy.

NOTES:

Initial Commencement

Specified date

Specified date: 30 January 2001: see s 103(2).

Extent

This section does not extend to Scotland: see s 104(4).

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**COUNTRYSIDE AND RIGHTS OF WAY ACT 2000
2000 CHAPTER 37**

**PART I ACCESS TO THE COUNTRYSIDE
Maps**

Royal Assent [30 November 2000]

Countryside and Rights of Way Act 2000, Ch. 37, s. 10 (Eng.)

10 Review of maps

(1) Where the appropriate countryside body have issued a map in conclusive form in respect of any area, it shall be the duty of the body from time to time, on a review under this section, to consider--

(a) whether any land shown on that map as open country or registered common land is open country or registered common land at the time of the review, and

(b) whether any land in that area which is not so shown ought to be so shown.

(2) A review under this section must be undertaken--

(a) in the case of the first review, not more than ten years after the issue of the map in conclusive form, and

(b) in the case of subsequent reviews, not more than ten years after the previous review.

(3) Regulations may amend paragraphs (a) and (b) of subsection (2) by substituting for the period for the time being specified in either of those paragraphs such other period as may be specified in the regulations.

NOTES:

Initial Commencement

Specified date

Specified date: 30 January 2001: see s 103(2).

Extent

This section does not extend to Scotland: see s 104(4).

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**COUNTRYSIDE AND RIGHTS OF WAY ACT 2000
2000 CHAPTER 37**

**PART I ACCESS TO THE COUNTRYSIDE
Maps**

Royal Assent [30 November 2000]

Countryside and Rights of Way Act 2000, Ch. 37, s. 11 (Eng.)

11 Regulations relating to maps

(1) Regulations may make provision supplementing the provisions of sections 4 to 10.

(2) Regulations under this section may in particular make provision with respect to--

(a) the scale on which maps are to be prepared,

(b) the manner and form in which they are to be prepared and issued,

(c) consultation with access authorities, local access forums and other persons on maps in draft form,

(d) the steps to be taken for informing the public of the issue of maps in draft form, provisional form or conclusive form,

(e) the manner in which maps in draft form, provisional form or conclusive form are to be published or to be made available for inspection,

(f) the period within which and the manner in which representations on a map in draft form may be made to the appropriate countryside body,

(g) the confirmation of a map under section 5(c),

(h) the period within which and manner in which appeals under section 6 are to be brought,

(i) the advertising of such an appeal,

(j) the manner in which such appeals are to be considered,

(k) the procedure to be followed on a review under section 10, including the issue of maps in draft form, provisional form and conclusive form on a review,

and

(1) the correction by the appropriate countryside body of minor errors or omissions in maps.

(3) Regulations made by virtue of subsection (2)(b) or (e) may authorise or require a map to be prepared, issued, published or made available for inspection in electronic form, but must require any map in electronic form to be capable of being reproduced in printed form.

(4) Regulations made by virtue of subsection (2)(k) may provide for any of the provisions of this Chapter relating to appeals to apply (with or without modifications) in relation to an appeal against a map issued in provisional form on a review.

NOTES:

Initial Commencement

Specified date

Specified date: 30 January 2001: see s 103(2).

Subordinate Legislation

Access to the Countryside (Maps in Draft Form) (England) Regulations 2001, SI 2001/3301 (made under sub-ss (1)-(3)).

Countryside Access (Draft Maps) (Wales) Regulations 2001, SI 2001/4001.

Access to the Countryside (Provisional and Conclusive Maps) (England) Regulations 2002, SI 2002/1710 (made under sub-ss (1)-(3)).

Countryside Access (Appeals Procedures) (Wales) Regulations 2002, SI 2002/1794.

Access to the Countryside (Provisional and Conclusive Maps) (England) (Amendment) Regulations 2003, SI 2003/32 (made under sub-ss (1), (2)).

Countryside Access (Exclusion or Restriction of Access) (Wales) Regulations 2003, SI 2003/142.

Access to the Countryside (Correction of Provisional and Conclusive Maps) (England) Regulations 2003, SI 2003/1591 (made under sub-ss (1), (2)(h), (1)).

Extent

This section does not extend to Scotland: see s 104(4).

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**COUNTRYSIDE AND RIGHTS OF WAY ACT 2000
2000 CHAPTER 37**

**PART I ACCESS TO THE COUNTRYSIDE
Rights and liabilities of owners and occupiers
Royal Assent [30 November 2000]**

Countryside and Rights of Way Act 2000, Ch. 37, s. 12 (Eng.)

12 Effect of right of access on rights and liabilities of owners

(1) The operation of section 2(1) in relation to any access land does not increase the liability, under any enactment not contained in this Act or under any rule of law, of a person interested in the access land or any adjoining land in respect of the state of the land or of things done or omitted to be done on the land.

(2) Any restriction arising under a covenant or otherwise as to the use of any access land shall have effect subject to the provisions of this Part, and any liability of a person interested in any access land in respect of such a restriction is limited accordingly.

(3) For the purposes of any enactment or rule of law as to the circumstances in which the dedication of a highway or the grant of an easement may be presumed, or may be established by prescription, the use by the public or by any person of a way across land in the exercise of the right conferred by section 2(1) is to be disregarded.

(4) The use of any land by the inhabitants of any locality for the purposes of open-air recreation in the exercise of the right conferred by section 2(1) is to be disregarded in determining whether the land has become a town or village green.

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 103(3).

Appointment

Appointment (in relation to England): 19 September 2004: see SI 2004/2173,

art 2(1)(b).

Extent

This section does not extend to Scotland: see s 104(4).

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COUNTRYSIDE AND RIGHTS OF WAY ACT 2000
2000 CHAPTER 37

PART I ACCESS TO THE COUNTRYSIDE
Rights and liabilities of owners and occupiers
Royal Assent [30 November 2000]

Countryside and Rights of Way Act 2000, Ch. 37, s. 13 (Eng.)

13 Occupiers' liability

(1) In section 1 of the Occupiers' Liability Act 1957 (liability in tort: preliminary), for subsection (4) there is substituted--

"(4) A person entering any premises in exercise of rights conferred by virtue of--

(a) section 2(1) of the Countryside and Rights of Way Act 2000, or

(b) an access agreement or order under the National Parks and Access to the Countryside Act 1949,

is not, for the purposes of this Act, a visitor of the occupier of the premises."

(2) In section 1 of the Occupiers' Liability Act 1984 (duty of occupier to persons other than his visitors), after subsection (6) there is inserted--

"(6A) At any time when the right conferred by section 2(1) of the Countryside and Rights of Way Act 2000 is exercisable in relation to land which is access land for the purposes of Part I of that Act, an occupier of the land owes (subject to subsection (6C) below) no duty by virtue of this section to any person in respect of--

(a) a risk resulting from the existence of any natural feature of the landscape, or any river, stream, ditch or pond whether or not a natural feature, or

(b) a risk of that person suffering injury when passing over, under or through any wall, fence or gate, except by proper use of the gate or of a stile.

(6B) For the purposes of subsection (6A) above, any plant, shrub or tree, of whatever origin, is to be regarded as a natural feature of the landscape.

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(6C) Subsection (6A) does not prevent an occupier from owing a duty by virtue of this section in respect of any risk where the danger concerned is due to anything done by the occupier--

- (a) with the intention of creating that risk, or
 - (b) being reckless as to whether that risk is created."
- (3) After section 1 of that Act there is inserted--

"1A Special considerations relating to access land

In determining whether any, and if so what, duty is owed by virtue of section 1 by an occupier of land at any time when the right conferred by section 2(1) of the Countryside and Rights of Way Act 2000 is exercisable in relation to the land, regard is to be had, in particular, to--

- (a) the fact that the existence of that right ought not to place an undue burden (whether financial or otherwise) on the occupier,
- (b) the importance of maintaining the character of the countryside, including features of historic, traditional or archaeological interest, and
- (c) any relevant guidance given under section 20 of that Act."

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 103(3).

Appointment

Appointment (in relation to England): 19 September 2004: see SI 2004/2173, art 2(1)(c).

Extent

This section does not extend to Scotland: see s 104(4).

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**COUNTRYSIDE AND RIGHTS OF WAY ACT 2000
2000 CHAPTER 37**

**PART I ACCESS TO THE COUNTRYSIDE
Rights and liabilities of owners and occupiers
Royal Assent [30 November 2000]**

Countryside and Rights of Way Act 2000, Ch. 37, s. 14 (Eng.)

14 Offence of displaying on access land notices deterring public use

- (1) If any person places or maintains--
- (a) on or near any access land, or
 - (b) on or near a way leading to any access land,

a notice containing any false or misleading information likely to deter the public from exercising the right conferred by section 2(1), he is liable on summary conviction to a fine not exceeding level 1 on the standard scale.

(2) The court before whom a person is convicted of an offence under subsection (1) may, in addition to or in substitution for the imposition of a fine, order him to remove the notice in respect of which he is convicted within such period, not being less than four days, as may be specified in the order.

(3) A person who fails to comply with an order under subsection (2) is guilty of a further offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 103(3).

Appointment

Appointment (in relation to England): 19 September 2004: see SI 2004/2173, art 2(1)(d).

Extent

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This section does not extend to Scotland: see s 104(4).

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**COUNTRYSIDE AND RIGHTS OF WAY ACT 2000
2000 CHAPTER 37**

**PART I ACCESS TO THE COUNTRYSIDE
Access under other enactments or by dedication
Royal Assent [30 November 2000]**

Countryside and Rights of Way Act 2000, Ch. 37, s. 15 (Eng.)

15 Rights of access under other enactments

(1) For the purposes of section 1(1), land is to be treated as being accessible to the public apart from this Act at any time if, but only if, at that time--

(a) section 193 of the Law of Property Act 1925 (rights of the public over commons and waste lands) applies to it,

(b) by virtue of a local or private Act or a scheme made under Part I of the Commons Act 1899 (as read with subsection (2)), members of the public have a right of access to it at all times for the purposes of open-air recreation (however described),

(c) an access agreement or access order under Part V of the National Parks and Access to the Countryside Act 1949 is in force with respect to it, or

(d) the public have access to it under subsection (1) of section 19 of the Ancient Monuments and Archaeological Areas Act 1979 (public access to monuments under public control) or would have access to it under that subsection but for any provision of subsections (2) to (9) of that section.

(2) Where a local or private Act or a scheme made under Part I of the Commons Act 1899 confers on the inhabitants of a particular district or neighbourhood (however described) a right of access to any land for the purposes of open-air recreation (however described), the right of access exercisable by those inhabitants in relation to that land is by virtue of this subsection exercisable by members of the public generally.

NOTES:

Initial Commencement

Specified date

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Specified date: 30 January 2001: see s 103(2).

Extent

This section does not extend to Scotland: see s 104(4).

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COUNTRYSIDE AND RIGHTS OF WAY ACT 2000
2000 CHAPTER 37

PART I ACCESS TO THE COUNTRYSIDE
Access under other enactments or by dedication
Royal Assent [30 November 2000]

Countryside and Rights of Way Act 2000, Ch. 37, s. 16 (Eng.)

16 Dedication of land as access land

(1) Subject to the provisions of this section, a person who, in respect of any land, holds--

(a) the fee simple absolute in possession, or

(b) a legal term of years absolute of which not less than 90 years remain unexpired,

may, by taking such steps as may be prescribed, dedicate the land for the purposes of this Part, whether or not it would be access land apart from this section.

(2) Where any person other than the person making the dedication holds--

(a) any leasehold interest in any of the land to be dedicated, or

(b) such other interest in any of that land as may be prescribed,

the dedication must be made jointly with that other person, in such manner as may be prescribed, or with his consent, given in such manner as may be prescribed.

(3) In relation to a dedication under this section by virtue of subsection (1)(b), the reference in subsection (2)(a) to a leasehold interest does not include a reference to a leasehold interest superior to that of the person making the dedication.

(4) A dedication made under this section by virtue of subsection (1)(b) shall have effect only for the remainder of the term held by the person making the dedication.

(5) Schedule 2 to the Forestry Act 1967 (power for tenant for life and others to enter into forestry dedication covenants) applies to dedications under this

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section as it applies to forestry dedication covenants.

(6) Regulations may--

(a) prescribe the form of any instrument to be used for the purposes of this section,

(b) enable a dedication under this section to include provision removing or relaxing any of the general restrictions in Schedule 2 in relation to any of the land to which the dedication relates,

(c) enable a dedication previously made under this section to be amended by the persons by whom a dedication could be made, so as to remove or relax any of those restrictions in relation to any of the land to which the dedication relates, and

(d) require any dedication under this section, or any amendment of such a dedication by virtue of paragraph (c), to be notified to the appropriate countryside body and to the access authority.

(7) A dedication under this section is irrevocable and, subject to subsection (4), binds successive owners and occupiers of, and other persons interested in, the land to which it relates, but nothing in this section prevents any land from becoming excepted land.

(8) A dedication under this section is a local land charge.

NOTES:**Initial Commencement*****Specified date***

Specified date: 30 January 2001: see s 103(2).

Subordinate Legislation

Countryside Access (Dedication of Land as Access Land) (Wales) Regulations 2003, SI 2003/135.

Access to the Countryside (Dedication of Land) (England) Regulations 2003, SI 2003/2004 (made under sub-ss (1), (2), (6)).

Extent

This section does not extend to Scotland: see s 104(4).

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COUNTRYSIDE AND RIGHTS OF WAY ACT 2000
2000 CHAPTER 37

PART I ACCESS TO THE COUNTRYSIDE
Miscellaneous provisions relating to right of access
Royal Assent [30 November 2000]

Countryside and Rights of Way Act 2000, Ch. 37, s. 17 (Eng.)

17 Byelaws

(1) An access authority may, as respects access land in their area, make byelaws--

(a) for the preservation of order,

(b) for the prevention of damage to the land or anything on or in it, and

(c) for securing that persons exercising the right conferred by section 2(1) so behave themselves as to avoid undue interference with the enjoyment of the land by other persons.

(2) Byelaws under this section may relate to all the access land in the area of the access authority or only to particular land.

(3) Before making byelaws under this section, the access authority shall consult--

(a) the appropriate countryside body, and

(b) any local access forum established for an area to which the byelaws relate.

(4) Byelaws under this section shall not interfere--

(a) with the exercise of any public right of way,

(b) with any authority having under any enactment functions relating to the land to which the byelaws apply, or

[(c) with the provision of an electronic communications code network or the exercise of any right conferred by or in accordance with the electronic communications code on the operator of any such network].

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(5) Sections 236 to 238 of the Local Government Act 1972 (which relate to the procedure for making byelaws, authorise byelaws to impose fines not exceeding level 2 on the standard scale, and provide for the proof of byelaws in legal proceedings) apply to all byelaws under this section whether or not the authority making them is a local authority within the meaning of that Act.

(6) The confirming authority in relation to byelaws made under this section is--

(a) as respects England, the Secretary of State, and

(b) as respects Wales, the National Assembly for Wales.

(7) Byelaws under this section relating to any land--

(a) may not be made unless the land is access land or the access authority are satisfied that it is likely to become access land, and

(b) may not be confirmed unless the land is access land.

(8) Any access authority having power under this section to make byelaws also have power to enforce byelaws made by them; and any county council or district or parish council may enforce byelaws made under this section by another authority as respects land in the area of the council.

NOTES:**Initial Commencement*****Specified date***

Specified date: 30 January 2001: see s 103(2).

Amendment

Sub-s (4): para (c) substituted by the Communications Act 2003, s 406(1), Sch 17, para 165(1), (2).

Date in force (for the purpose only of enabling the networks and services functions and the spectrum functions to be carried out by the Director General of Telecommunications and the Secretary of State respectively, during the transitional period (as provided for by the Communications Act 2003, s 408(6)): 25 July 2003-29 December 2003: see SI 2003/1900, arts 2(1), 3(1), Sch 1 and the Communications Act 2003, ss 406(6), 408, Sch 18, para 2.

Date in force (for the purpose of conferring the networks and services functions and the spectrum functions on OFCOM): 29 December 2003: by virtue of SI 2003/3142, art 3(2).

Extent

This section does not extend to Scotland: see s 104(4).

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COUNTRYSIDE AND RIGHTS OF WAY ACT 2000
2000 CHAPTER 37

PART I ACCESS TO THE COUNTRYSIDE
Miscellaneous provisions relating to right of access
Royal Assent [30 November 2000]

Countryside and Rights of Way Act 2000, Ch. 37, s. 18 (Eng.)

18 Wardens

(1) An access authority or a district council may appoint such number of persons as may appear to the authority making the appointment to be necessary or expedient, to act as wardens as respects access land in their area.

(2) As respects access land in an area for which there is a local access forum, an access authority shall, before they first exercise the power under subsection (1) and thereafter from time to time, consult the local access forum about the exercise of that power.

(3) Wardens may be appointed under subsection (1) for the following purposes--

(a) to secure compliance with byelaws under section 17 and with the general restrictions in Schedule 2 and any other restrictions imposed under Chapter II,

(b) to enforce any exclusion imposed under Chapter II,

(c) in relation to the right conferred by section 2(1), to advise and assist the public and persons interested in access land,

(d) to perform such other duties (if any) in relation to access land as the authority appointing them may determine.

(4) For the purpose of exercising any function conferred on him by or under this section, a warden appointed under subsection (1) may enter upon any access land.

(5) A warden appointed under subsection (1) shall, if so required, produce evidence of his authority before entering any access land in the exercise of the power conferred by subsection (4), and shall also produce evidence of his authority while he remains on the access land, if so required by any person.

(6) Except as provided by subsection (4), this section does not authorise a

warden appointed under subsection (1), on land in which any person other than the authority who appointed him has an interest, to do anything which apart from this section would be actionable at that person's suit by virtue of that interest.

NOTES:**Initial Commencement***To be appointed*

To be appointed: see s 103(3).

Appointment

Appointment (in relation to Wales): 21 June 2004: see SI 2004/1489, art 2(a).

Appointment (in relation to England): 19 September 2004: see SI 2004/2173, art 2(1)(e).

Extent

This section does not extend to Scotland: see s 104(4).

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COUNTRYSIDE AND RIGHTS OF WAY ACT 2000
2000 CHAPTER 37

PART I ACCESS TO THE COUNTRYSIDE
Miscellaneous provisions relating to right of access
Royal Assent [30 November 2000]

Countryside and Rights of Way Act 2000, Ch. 37, s. 19 (Eng.)

19 Notices indicating boundaries, etc

(1) An access authority may erect and maintain--

(a) notices indicating the boundaries of access land and excepted land, and

(b) notices informing the public of--

(i) the effect of the general restrictions in Schedule 2,

(ii) the exclusion or restriction under Chapter II of access by virtue of section 2(1) to any land, and

(iii) any other matters relating to access land or to access by virtue of section 2(1) which the access authority consider appropriate.

(2) In subsection (1)(b)(ii), the reference to the exclusion or restriction of access by virtue of section 2(1) is to be interpreted in accordance with section 21(2) and (3).

(3) Before erecting a notice on any land under subsection (1) the access authority shall, if reasonably practicable, consult the owner or occupier of the land.

(4) An access authority may also, as respects any access land in their area, defray or contribute towards, or undertake to defray or contribute towards, expenditure incurred or to be incurred in relation to the land by any person in displaying such notices as are mentioned in subsection (1)(a) and (b).

NOTES:

Initial Commencement

Specified date

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Specified date: 30 January 2001: see s 103(2).

Extent

This section does not extend to Scotland: see s 104(4).

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COUNTRYSIDE AND RIGHTS OF WAY ACT 2000
2000 CHAPTER 37

PART I ACCESS TO THE COUNTRYSIDE
Miscellaneous provisions relating to right of access
Royal Assent [30 November 2000]

Countryside and Rights of Way Act 2000, Ch. 37, s. 20 (Eng.)

20 Codes of conduct and other information

(1) In relation to England, it shall be the duty of the Countryside Agency to issue, and from time to time revise, a code of conduct for the guidance of persons exercising the right conferred by section 2(1) and of persons interested in access land, and to take such other steps as appear to them expedient for securing--

(a) that the public are informed of the situation and extent of, and means of access to, access land, and

(b) that the public and persons interested in access land are informed of their respective rights and obligations--

(i) under this Part, and

(ii) with regard to public rights of way on, and nature conservation in relation to, access land.

(2) In relation to Wales, it shall be the duty of the Countryside Council for Wales to issue, and from time to time revise, a code of conduct for the guidance of persons exercising the right conferred by section 2(1) and of persons interested in access land, and to take such other steps as appear to them expedient for securing the results mentioned in paragraphs (a) and (b) of subsection (1).

(3) A code of conduct issued by the Countryside Agency or the Countryside Council for Wales may include provisions in pursuance of subsection (1) or (2) and in pursuance of section 86(1) of the National Parks and Access to the Countryside Act 1949.

(4) The powers conferred by subsections (1) and (2) include power to contribute towards expenses incurred by other persons.

NOTES:

Initial Commencement***To be appointed***

To be appointed: see s 103(3).

Appointment

Appointment (in relation to Wales): 21 June 2004: see SI 2004/1489, art 2(b).

Appointment (in relation to England): 19 September 2004: see SI 2004/2173, art 2(1)(f).

Extent

This section does not extend to Scotland: see s 104(4).

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COUNTRYSIDE AND RIGHTS OF WAY ACT 2000
2000 CHAPTER 37

CHAPTER II EXCLUSION OR RESTRICTION OF ACCESS
Royal Assent [30 November 2000]

Countryside and Rights of Way Act 2000, Ch. 37, s. 21 (Eng.)

21 Interpretation of Chapter II

(1) References in this Chapter to the exclusion or restriction of access to any land by virtue of section 2(1) are to be interpreted in accordance with subsections (2) and (3).

(2) A person excludes access by virtue of subsection (1) of section 2 to any land where he excludes the application of that subsection in relation to that land.

(3) A person restricts access by virtue of subsection (1) of section 2 to any land where he provides that the right conferred by that subsection--

(a) is exercisable only along specified routes or ways,

(b) is exercisable only after entering the land at a specified place or places,

(c) is exercisable only by persons who do not take dogs on the land, or

(d) is exercisable only by persons who satisfy any other specified conditions.

(4) In this Chapter, except section 23(1), "owner", in relation to land which is subject to a farm business tenancy within the meaning of the Agricultural Tenancies Act 1995 or a tenancy to which the Agricultural Holdings Act 1986 applies, means the tenant under that tenancy.

(5) Subject to subsection (6), in this Chapter "the relevant authority"--

(a) in relation to any land in a National Park, means the National Park authority, and

(b) in relation to any other land, means the appropriate countryside body.

(6) Where--

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(a) it appears to the Forestry Commissioners that any land which is dedicated for the purposes of this Part under section 16 consists wholly or predominantly of woodland, and

(b) the Forestry Commissioners give to the body who are apart from this subsection the relevant authority for the purposes of this Chapter in relation to the land a notice stating that the Forestry Commissioners are to be the relevant authority for those purposes as from a date specified in the notice,

the Forestry Commissioners shall as from that date become the relevant authority in relation to that land for those purposes, but subject to subsection (7).

(7) Where it appears to the Forestry Commissioners that any land in relation to which they are by virtue of subsection (6) the relevant authority for the purposes of this Chapter has ceased to consist wholly or predominantly of woodland, the Forestry Commissioners may, by giving notice to the body who would apart from subsection (6) be the relevant authority, revoke the notice under subsection (6) as from a date specified in the notice under this subsection.

NOTES:**Initial Commencement*****Specified date***

Specified date: 30 January 2001: see s 103(2).

Extent

This section does not extend to Scotland: see s 104(4).

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COUNTRYSIDE AND RIGHTS OF WAY ACT 2000
2000 CHAPTER 37

CHAPTER II EXCLUSION OR RESTRICTION OF ACCESS
Royal Assent [30 November 2000]

Countryside and Rights of Way Act 2000, Ch. 37, s. 22 (Eng.)

22 Exclusion or restriction at discretion of owner and others

(1) Subject to subsections (2) and (6), an entitled person may, by giving notice to the relevant authority in accordance with regulations under section 32(1)(a), exclude or restrict access by virtue of section 2(1) to any land on one or more days specified in the notice.

(2) The number of days on which any entitled person excludes or restricts under this section access by virtue of section 2(1) to any land must not in any calendar year exceed the relevant maximum.

(3) In this section "entitled person", in relation to any land, means--

(a) the owner of the land, and

(b) any other person having an interest in the land and falling within a prescribed description.

(4) Subject to subsection (5), in this section "the relevant maximum" means twenty-eight.

(5) If regulations are made under subsection (3)(b), the regulations must provide that, in cases where there are two or more entitled persons having different interests in the land, the relevant maximum in relation to each of them is to be determined in accordance with the regulations, but so that the number of days on which access by virtue of section 2(1) to any land may be excluded or restricted under this section in any calendar year does not exceed twenty-eight.

(6) An entitled person may not under this section exclude or restrict access by virtue of section 2(1) to any land on--

(a) Christmas Day or Good Friday, or

(b) any day which is a bank holiday under the Banking and Financial Dealings Act 1971 in England and Wales.

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(7) An entitled person may not under this section exclude or restrict access by virtue of section 2(1) to any land--

(a) on more than four days in any calendar year which are either Saturday or Sunday,

(b) on any Saturday in the period beginning with 1st June and ending with 11th August in any year,

(c) on any Sunday in the period beginning with 1st June and ending with 30th September in any year.

(8) Regulations may provide that any exclusion or restriction under subsection (1) of access by virtue of section 2(1) to any land must relate to an area of land the boundaries of which are determined in accordance with the regulations.

NOTES:**Initial Commencement*****Specified date***

Specified date: 30 January 2001: see s 103(2).

Extent

This section does not extend to Scotland: see s 104(4).

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COUNTRYSIDE AND RIGHTS OF WAY ACT 2000
2000 CHAPTER 37

CHAPTER II EXCLUSION OR RESTRICTION OF ACCESS
Royal Assent [30 November 2000]

Countryside and Rights of Way Act 2000, Ch. 37, s. 23 (Eng.)

23 Restrictions on dogs at discretion of owner

(1) The owner of any land consisting of moor managed for the breeding and shooting of grouse may, so far as appears to him to be necessary in connection with the management of the land for that purpose, by taking such steps as may be prescribed, provide that, during a specified period, the right conferred by section 2(1) is exercisable only by persons who do not take dogs on the land.

(2) The owner of any land may, so far as appears to him to be necessary in connection with lambing, by taking such steps as may be prescribed, provide that during a specified period the right conferred by section 2(1) is exercisable only by persons who do not take dogs into any field or enclosure on the land in which there are sheep.

(3) In subsection (2) "field or enclosure" means a field or enclosure of not more than 15 hectares.

(4) As respects any land--

(a) any period specified under subsection (1) may not be more than five years,

(b) not more than one period may be specified under subsection (2) in any calendar year, and that period may not be more than six weeks.

(5) A restriction imposed under subsection (1) or (2) does not prevent a blind person from taking with him a trained guide dog, or a deaf person from taking with him a trained hearing dog.

NOTES:

Initial Commencement

Specified date

Specified date: 30 January 2001: see s 103(2).

Subordinate Legislation

Access to the Countryside (Exclusions and Restrictions) (England) Regulations 2003, SI 2003/2713 (made under sub-ss (1), (2)).

Extent

This section does not extend to Scotland: see s 104(4).

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COUNTRYSIDE AND RIGHTS OF WAY ACT 2000
2000 CHAPTER 37

CHAPTER II EXCLUSION OR RESTRICTION OF ACCESS
Royal Assent [30 November 2000]

Countryside and Rights of Way Act 2000, Ch. 37, s. 24 (Eng.)

24 Land management

(1) The relevant authority may by direction, on an application made by a person interested in any land, exclude or restrict access to that land by virtue of section 2(1) during a specified period, if the authority are satisfied that the exclusion or restriction under this section of access by virtue of section 2(1) to the extent provided by the direction is necessary for the purposes of the management of the land by the applicant.

(2) The reference in subsection (1) to a specified period includes a reference to--

(a) a specified period in every calendar year, or

(b) a period which is to be--

(i) determined by the applicant in accordance with the direction, and

(ii) notified by him to the relevant authority in accordance with regulations under section 32(1)(d).

(3) In determining whether to any extent the exclusion or restriction under this section of access by virtue of section 2(1) during any period is necessary for the purposes of land management, the relevant authority shall have regard to--

(a) the existence of the right conferred by section 22,

(b) the extent to which the applicant has exercised or proposes to exercise that right, and

(c) the purposes for which he has exercised or proposes to exercise it.

(4) Where an application under this section relates to land which is not access land at the time when the application is made, the relevant authority shall not give a direction under this section unless they are satisfied that it

is likely that the land will be access land during all or part of the period to which the application relates.

NOTES:

Initial Commencement

Specified date

Specified date: 30 January 2001: see s 103(2).

Extent

This section does not extend to Scotland: see s 104(4).

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COUNTRYSIDE AND RIGHTS OF WAY ACT 2000
2000 CHAPTER 37

CHAPTER II EXCLUSION OR RESTRICTION OF ACCESS
Royal Assent [30 November 2000]

Countryside and Rights of Way Act 2000, Ch. 37, s. 25 (Eng.)

25 Avoidance of risk of fire or of danger to the public

(1) The relevant authority may by direction exclude or restrict access by virtue of section 2(1) in relation to any land during a specified period if the authority are satisfied--

(a) that, by reason of any exceptional conditions of weather or any exceptional change in the condition of the land, the exclusion or restriction under this section of access to the land by virtue of section 2(1) to the extent provided by the direction is necessary for the purpose of fire prevention, or

(b) that, by reason of anything done, or proposed to be done, on the land or on adjacent land, the exclusion or restriction under this section of access to the land by virtue of section 2(1) to the extent provided by the direction is necessary for the purpose of avoiding danger to the public.

(2) The reference in subsection (1) to a specified period includes a reference to--

(a) a specified period in every calendar year, and

(b) a period which is to be--

(i) determined by a specified person in accordance with the direction, and

(ii) notified by him to the relevant authority in accordance with regulations under section 32(1)(d).

(3) The relevant authority may exercise their powers under subsection (1) on the application of any person interested in the land, or without any such application having been made.

(4) In determining on an application made by a person interested in the land whether the condition in subsection (1)(a) or (b) is satisfied, the relevant authority shall have regard to--

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(a) the existence of the right conferred by section 22,

(b) the extent to which the applicant has exercised or proposes to exercise that right, and

(c) the purposes for which he has exercised or proposes to exercise it.

(5) Where an application under this section relates to land which is not access land at the time when the application is made, the relevant authority shall not give a direction under this section unless they are satisfied that it is likely that the land will be access land during all or part of the period to which the application relates.

NOTES:**Initial Commencement*****Specified date***

Specified date: 30 January 2001: see s 103(2).

Extent

This section does not extend to Scotland: see s 104(4).

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COUNTRYSIDE AND RIGHTS OF WAY ACT 2000
2000 CHAPTER 37

CHAPTER II EXCLUSION OR RESTRICTION OF ACCESS
Royal Assent [30 November 2000]

Countryside and Rights of Way Act 2000, Ch. 37, s. 26 (Eng.)

26 Nature conservation and heritage preservation

(1) The relevant authority may by direction exclude or restrict access by virtue of section 2(1) to any land during any period if they are satisfied that the exclusion or restriction of access by virtue of section 2(1) to the extent provided by the direction is necessary for either of the purposes specified in subsection (3).

(2) A direction under subsection (1) may be expressed to have effect--

(a) during a period specified in the direction,

(b) during a specified period in every calendar year, or

(c) during a period which is to be--

(i) determined by a specified person in accordance with the direction, and

(ii) notified by him to the relevant authority in accordance with regulations under section 32(1)(d), or

(d) indefinitely.

(3) The purposes referred to in subsection (1) are--

(a) the purpose of conserving flora, fauna or geological or physiographical features of the land in question;

(b) the purpose of preserving--

(i) any scheduled monument as defined by section 1(11) of the Ancient Monuments and Archaeological Areas Act 1979, or

(ii) any other structure, work, site, garden or area which is of historic, architectural, traditional, artistic or archaeological interest.

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(4) In considering whether to give a direction under this section, the relevant authority shall have regard to any advice given to them by the relevant advisory body.

(5) Subsection (4) does not apply where the direction is given by the Countryside Council for Wales for the purpose specified in subsection (3)(a) or revokes a direction given by them for that purpose.

(6) In this section "the relevant advisory body"--

(a) in relation to a direction which is to be given for the purpose specified in subsection (3)(a) or which revokes a direction given for that purpose, means--

(i) in the case of land in England, English Nature, and

(ii) in the case of land in Wales in respect of which the Countryside Council for Wales are not the relevant authority, the Countryside Council for Wales, and

(b) in relation to a direction which is to be given for the purpose specified in subsection (3)(b) or which revokes a direction given for that purpose, means--

(i) in the case of land in England, the Historic Buildings and Monuments Commission for England, and

(ii) in the case of land in Wales, the National Assembly for Wales.

NOTES:**Initial Commencement*****Specified date***

Specified date: 30 January 2001: see s 103(2).

Extent

This section does not extend to Scotland: see s 104(4).

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COUNTRYSIDE AND RIGHTS OF WAY ACT 2000
2000 CHAPTER 37

CHAPTER II EXCLUSION OR RESTRICTION OF ACCESS
Royal Assent [30 November 2000]

Countryside and Rights of Way Act 2000, Ch. 37, s. 27 (Eng.)

27 Directions by relevant authority: general

(1) Before giving a direction under section 24, 25 or 26 in relation to land in an area for which there is a local access forum so as to exclude or restrict access to the land--

(a) indefinitely, or

(b) during a period which exceeds, or may exceed, six months,

the relevant authority shall consult the local access forum.

(2) Any direction under section 24, 25 or 26 may be revoked or varied by a subsequent direction under that provision.

(3) Where a direction given under section 24, 25 or 26 in relation to any land by the relevant authority excludes or restricts access to the land--

(a) indefinitely,

(b) for part of every year or of each of six or more consecutive calendar years, or

(c) for a specified period of more than five years,

the authority shall review the direction not later than the fifth anniversary of the relevant date.

(4) In subsection (3) "the relevant date", in relation to a direction, means--

(a) the day on which the direction was given, or

(b) where it has already been reviewed, the day on which it was last reviewed.

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(5) Before revoking or varying a direction under section 24 or 25 which was given on the application of a person interested in the land to which the direction relates ("the original applicant"), the relevant authority shall--

(a) where the original applicant still holds the interest in the land which he held when he applied for the direction and it is reasonably practicable to consult him, consult the original applicant, and

(b) where the original applicant does not hold that interest, consult any person who holds that interest and with whom consultation is reasonably practicable.

(6) Before revoking or varying a direction under section 26, the relevant authority shall consult the relevant advisory body as defined by section 26(6), unless the direction falls within section 26(5).

NOTES:**Initial Commencement*****Specified date***

Specified date: 30 January 2001: see s 103(2).

Extent

This section does not extend to Scotland: see s 104(4).

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COUNTRYSIDE AND RIGHTS OF WAY ACT 2000
2000 CHAPTER 37

CHAPTER II EXCLUSION OR RESTRICTION OF ACCESS
Royal Assent [30 November 2000]

Countryside and Rights of Way Act 2000, Ch. 37, s. 28 (Eng.)

28 Defence or national security

(1) The Secretary of State may by direction exclude or restrict access by virtue of section 2(1) to any land during any period if he is satisfied that the exclusion or restriction of such access to the extent provided by the direction is necessary for the purposes of defence or national security.

(2) A direction under subsection (1) may be expressed to have effect--

(a) during a period specified in the direction,

(b) during a specified period in every calendar year,

(c) during a period which is to be--

(i) determined in accordance with the direction by a person authorised by the Secretary of State, and

(ii) notified by that person to the relevant authority in accordance with regulations under section 32(1)(c), or

(d) indefinitely.

(3) Any direction given by the Secretary of State under this section may be revoked or varied by a subsequent direction.

(4) Where a direction given under this section in relation to any land excludes or restricts access to the land--

(a) indefinitely,

(b) for part of every year or of each of six or more consecutive calendar years, or

(c) for a specified period of more than five years,

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the Secretary of State shall review the direction not later than the fifth anniversary of the relevant date.

(5) In subsection (4) "the relevant date", in relation to a direction, means--

(a) the day on which the direction was given, or

(b) where it has previously been reviewed, the day on which it was last reviewed.

(6) If in any calendar year the Secretary of State reviews a defence direction, he shall--

(a) prepare a report on all reviews of defence directions which he has undertaken during that year, and

(b) lay a copy of the report before each House of Parliament.

(7) In subsection (6) "defence direction" means a direction given under this section for the purposes of defence.

NOTES:**Initial Commencement*****Specified date***

Specified date: 30 January 2001: see s 103(2).

Extent

This section does not extend to Scotland: see s 104(4).

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COUNTRYSIDE AND RIGHTS OF WAY ACT 2000
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CHAPTER II EXCLUSION OR RESTRICTION OF ACCESS
Royal Assent [30 November 2000]

Countryside and Rights of Way Act 2000, Ch. 37, s. 29 (Eng.)

29 Reference by relevant advisory body

(1) Subsections (2) and (3) apply where--

(a) the relevant advisory body has given advice under section 26(4) or on being consulted under section 27(6), but

(b) in any respect, the relevant authority decide not to act in accordance with that advice.

(2) The relevant advisory body may refer the decision--

(a) in the case of land in England, to the [Secretary of State], or

(b) in the case of land in Wales, to the National Assembly for Wales.

(3) On a reference under this section the [Secretary of State] or the National Assembly for Wales may, if he or it thinks fit--

(a) cancel any direction given by the relevant authority, or

(b) require the relevant authority to give such direction under section 26 as the [Secretary of State] or, as the case may be, the Assembly, think fit.

(4) Sections 7 and 8 (and Schedule 3) have effect in relation to a reference under this section as they have effect in relation to an appeal under section 6
. . . .

(5) In this section--

. . . .

"the relevant advisory body" has the same meaning as in section 26, except that it does not include the National Assembly for Wales.

NOTES:

Initial Commencement***Specified date***

Specified date: 30 January 2001: see s 103(2).

Amendment

Sub-s (2): in para (a) words "Secretary of State" in square brackets substituted by SI 2002/794, art 5(1), Sch 1, para 43(1), (2).

Date in force: 27 March 2002: see SI 2002/794, art 1(2).

Sub-s (3): words "Secretary of State" in square brackets in both places they occur substituted by SI 2002/794, art 5(1), Sch 1, para 43(1), (3).

Date in force: 27 March 2002: see SI 2002/794, art 1(2).

Sub-s (4): words omitted repealed by SI 2002/794, art 5(2), Sch 2.

Date in force: 27 March 2002: see SI 2002/794, art 1(2).

Sub-s (5): definition "the appropriate Minister" (omitted) repealed by SI 2002/794, art 5(2), Sch 2.

Date in force: 27 March 2002: see SI 2002/794, art 1(2).

Extent

This section does not extend to Scotland: see s 104(4).

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COUNTRYSIDE AND RIGHTS OF WAY ACT 2000
2000 CHAPTER 37

CHAPTER II EXCLUSION OR RESTRICTION OF ACCESS
Royal Assent [30 November 2000]

Countryside and Rights of Way Act 2000, Ch. 37, s. 30 (Eng.)

30 Appeal by person interested in land

(1) Subsections (2) and (3) apply where--

(a) a person interested in any land (in this section referred to as "the applicant")--

(i) has applied for a direction under section 24 or 25, or

(ii) has made representations on being consulted under section 27(5), but

(b) in any respect, the relevant authority decide not to act in accordance with the application or the representations.

(2) The relevant authority shall inform the applicant of their reasons for not acting in accordance with the application or representations.

(3) The applicant may appeal against the decision--

(a) in the case of land in England, to the [Secretary of State], or

(b) in the case of land in Wales, to the National Assembly for Wales.

(4) On appeal under this section the [Secretary of State] or the National Assembly for Wales may, if he or it thinks fit--

(a) cancel any direction given by the relevant authority, or

(b) require the relevant authority to give such direction under section 24 or 25 as the [Secretary of State] or, as the case may be, the Assembly, think fit.

(5) Sections 7 and 8 (and Schedule 3) have effect in relation to an appeal under this section as they have effect in relation to an appeal under section 6

(6)

NOTES:**Initial Commencement*****Specified date***

Specified date: 30 January 2001: see s 103(2).

Amendment

Sub-s (3): in para (a) words "Secretary of State" in square brackets substituted by SI 2002/794, art 5(1), Sch 1, para 44(1), (2).

Date in force: 27 March 2002: see SI 2002/794, art 1(2).

Sub-s (4): words "Secretary of State" in square brackets in both places they occur substituted by SI 2002/794, art 5(1), Sch 1, para 44(1), (3).

Date in force: 27 March 2002: see SI 2002/794, art 1(2).

Sub-s (5): words omitted repealed by SI 2002/794, art 5(2), Sch 2.

Date in force: 27 March 2002: see SI 2002/794, art 1(2).

Sub-s (6): repealed by SI 2002/794, art 5(2), Sch 2.

Date in force: 27 March 2002: see SI 2002/794, art 1(2).

Extent

This section does not extend to Scotland: see s 104(4).

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COUNTRYSIDE AND RIGHTS OF WAY ACT 2000
2000 CHAPTER 37

CHAPTER II EXCLUSION OR RESTRICTION OF ACCESS
Royal Assent [30 November 2000]

Countryside and Rights of Way Act 2000, Ch. 37, s. 31 (Eng.)

31 Exclusion or restriction of access in case of emergency

(1) Regulations may make provision enabling the relevant authority, where the authority are satisfied that an emergency has arisen which makes the exclusion or restriction of access by virtue of section 2(1) necessary for any of the purposes specified in section 24(1), 25(1) or 26(3), by direction to exclude or restrict such access in respect of any land for a period not exceeding three months.

(2) Regulations under this section may provide for any of the preceding provisions of this Chapter to apply in relation to a direction given under the regulations with such modifications as may be prescribed.

NOTES:

Initial Commencement

Specified date

Specified date: 30 January 2001: see s 103(2).

Extent

This section does not extend to Scotland: see s 104(4).

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COUNTRYSIDE AND RIGHTS OF WAY ACT 2000
2000 CHAPTER 37

CHAPTER II EXCLUSION OR RESTRICTION OF ACCESS
Royal Assent [30 November 2000]

Countryside and Rights of Way Act 2000, Ch. 37, s. 32 (Eng.)

32 Regulations relating to exclusion or restriction of access

(1) Regulations may make provision--

(a) as to the giving of notice under section 22(1),

(b) as to the steps to be taken under section 23(1) and (2),

(c) as to the procedure on any application to the relevant authority under section 24 or 25, including the period within which any such application must be made,

(d) as to the giving of notice for the purposes of section 24(2)(b)(ii), 25(2)(b)(ii), 26(2)(c)(ii) or 28(2)(c)(ii),

(e) prescribing the form of any notice or application referred to in paragraphs (a) to (d),

(f) restricting the cases in which a person who is interested in any land only as the holder of rights of common may make an application under section 24 or 25 in respect of the land,

(g) as to requirements to be met by relevant authorities or the Secretary of State in relation to consultation (whether or not required by the preceding provisions of this Chapter),

(h) as to the giving of directions by relevant authorities or the Secretary of State,

(i) as to notification by relevant authorities or the Secretary of State of decisions under this Chapter,

(j) as to steps to be taken by persons interested in land, by relevant authorities, by the bodies specified in section 26(6) or by the Secretary of State for informing the public about the exclusion or restriction under this Chapter of access by virtue of section 2(1), including the display of

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notices on or near the land to which the exclusion or restriction relates,

(k) as to the carrying out of reviews by relevant authorities under section 27(3) or by the Secretary of State under section 28(4),

(l) as to the period within which and manner in which appeals under section 30 are to be brought,

(m) as to the advertising of such an appeal, and

(n) as to the manner in which such appeals are to be considered.

(2) Regulations made under subsection (1)(k) may provide for any of the provisions of this Chapter relating to appeals to apply (with or without modifications) on a review under section 27.

NOTES:**Initial Commencement*****Specified date***

Specified date: 30 January 2001: see s 103(2).

Subordinate Legislation

Countryside Access (Appeals Procedures) (Wales) Regulations 2002, SI 2002/1794.

Countryside Access (Exclusion or Restriction of Access) (Wales) Regulations 2003, SI 2003/142.

Access to the Countryside (Exclusions and Restrictions) (England) Regulations 2003, SI 2003/2713.

Extent

This section does not extend to Scotland: see s 104(4).

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COUNTRYSIDE AND RIGHTS OF WAY ACT 2000
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CHAPTER II EXCLUSION OR RESTRICTION OF ACCESS
Royal Assent [30 November 2000]

Countryside and Rights of Way Act 2000, Ch. 37, s. 33 (Eng.)

33 Guidance by countryside bodies to National Park authorities

(1) Subject to subsection (3), the Countryside Agency may issue guidance--

(a) to National Park authorities in England with respect to the discharge by National Park authorities of their functions under this Chapter, and

(b) to the Forestry Commissioners with respect to the discharge by the Forestry Commissioners of any functions conferred on them by virtue of section 21(6) in relation to land in England.

(2) Subject to subsection (3), the Countryside Council for Wales may issue guidance--

(a) to National Park authorities in Wales with respect to the discharge by National Park authorities of their functions under this Chapter, and

(b) to the Forestry Commissioners with respect to the discharge by the Forestry Commissioners of any functions conferred on them by virtue of section 21(6) in relation to land in Wales.

(3) The Countryside Agency or the Countryside Council for Wales may not issue any guidance under this section unless the guidance has been approved--

(a) in the case of the Countryside Agency, by the Secretary of State, and

(b) in the case of the Countryside Council for Wales, by the National Assembly for Wales.

(4) Where the Countryside Agency or the Countryside Council for Wales issue any guidance under this section, they shall arrange for the guidance to be published in such manner as they consider appropriate.

(5) A National Park authority or the Forestry Commissioners shall have regard to any guidance issued to them under this section.

NOTES:

Initial Commencement

Specified date

Specified date: 30 January 2001: see s 103(2).

Extent

This section does not extend to Scotland: see s 104(4).

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**COUNTRYSIDE AND RIGHTS OF WAY ACT 2000
2000 CHAPTER 37**

CHAPTER III MEANS OF ACCESS
Royal Assent [30 November 2000]

Countryside and Rights of Way Act 2000, Ch. 37, s. 34 (Eng.)

34 Interpretation of Chapter III

In this Chapter--

"access land" does not include any land in relation to which the application of section 2(1) has been excluded under any provision of Chapter II either indefinitely or for a specified period of which at least six months remain unexpired;

"means of access", in relation to land, means--

(a) any opening in a wall, fence or hedge bounding the land (or part of the land), with or without a gate, stile or other works for regulating passage through the opening,

(b) any stairs or steps for enabling persons to enter on the land (or part of the land), or

(c) any bridge, stepping stone or other works for crossing a watercourse, ditch or bog on the land or adjoining the boundary of the land.

NOTES:

Initial Commencement

Specified date

Specified date: 30 January 2001: see s 103(2).

Extent

This section does not extend to Scotland: see s 104(4).

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COUNTRYSIDE AND RIGHTS OF WAY ACT 2000
2000 CHAPTER 37

CHAPTER III MEANS OF ACCESS
Royal Assent [30 November 2000]

Countryside and Rights of Way Act 2000, Ch. 37, s. 35 (Eng.)

35 Agreements with respect to means of access

(1) Where, in respect of any access land, it appears to the access authority that--

- (a) the opening-up, improvement or repair of any means of access to the land,
- (b) the construction of any new means of access to the land,
- (c) the maintenance of any means of access to the land, or
- (d) the imposition of restrictions--

(i) on the destruction, removal, alteration or stopping-up of any means of access to the land, or

(ii) on the doing of any thing whereby the use of any such means of access to the land by the public would be impeded,

is necessary for giving the public reasonable access to that land in exercise of the right conferred by section 2(1), the access authority may enter into an agreement with the owner or occupier of the land as to the carrying out of the works or the imposition of the restrictions.

(2) An agreement under this section may provide--

(a) for the carrying out of works by the owner or occupier or by the access authority, and

(b) for the making of payments by the access authority--

(i) as a contribution towards, or for the purpose of defraying, costs incurred by the owner or occupier in carrying out any works for which the agreement provides, or

(ii) in consideration of the imposition of any restriction.

NOTES:

Initial Commencement

Specified date

Specified date: 30 January 2001: see s 103(2).

Extent

This section does not extend to Scotland: see s 104(4).

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**COUNTRYSIDE AND RIGHTS OF WAY ACT 2000
2000 CHAPTER 37**

CHAPTER III MEANS OF ACCESS
Royal Assent [30 November 2000]

Countryside and Rights of Way Act 2000, Ch. 37, s. 36 (Eng.)

36 Failure to comply with agreement

(1) If the owner or occupier of any access land fails to carry out within the required time any works which he is required by an agreement under section 35 to carry out, the access authority, after giving not less than twenty-one days' notice of their intention to do so, may take all necessary steps for carrying out those works.

(2) In subsection (1) "the required time" means the time specified in, or determined in accordance with, the agreement as that within which the works must be carried out or, if there is no such time, means a reasonable time.

(3) If the owner or occupier of any access land fails to observe any restriction which he is required by an agreement under section 35 to observe, the access authority may give him a notice requiring him within a specified period of not less than twenty-one days to carry out such works as may be specified in the notice, for the purpose of remedying the failure to observe the restriction.

(4) A notice under subsection (3) must contain particulars of the right of appeal conferred by section 38.

(5) If the person to whom a notice under subsection (3) is given fails to comply with the notice, the access authority may take all necessary steps for carrying out any works specified in the notice.

(6) Where the access authority carry out any works by virtue of subsection (1), the authority may recover the amount of any expenses reasonably incurred by them in carrying out the works, reduced by their contribution under the agreement, from the person by whom under the agreement the cost (apart from the authority's contribution) of carrying out the works would fall to be borne.

(7) Where the access authority carry out any works by virtue of subsection (5), the authority may recover the amount of any expenses reasonably incurred by them in carrying out the works from the person to whom the notice under subsection (3) was given.

NOTES:

Initial Commencement

Specified date

Specified date: 30 January 2001: see s 103(2).

Extent

This section does not extend to Scotland: see s 104(4).

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**COUNTRYSIDE AND RIGHTS OF WAY ACT 2000
2000 CHAPTER 37**

CHAPTER III MEANS OF ACCESS
Royal Assent [30 November 2000]

Countryside and Rights of Way Act 2000, Ch. 37, s. 37 (Eng.)

37 Provision of access by access authority in absence of agreement

(1) Where, in respect of any access land--

(a) it appears to the access authority that--

(i) the opening-up, improvement or repair of any means of access to the land,

(ii) the construction of any new means of access to the land, or

(iii) the maintenance of any means of access to the land,

is necessary for giving the public reasonable access to that land, or to other access land, in pursuance of the right conferred by section 2(1), and

(b) the access authority are satisfied that they are unable to conclude on reasonable terms an agreement under section 35 with the owner or occupier of the land for the carrying out of the works,

the access authority may, subject to subsection (3), give the owner or occupier a notice stating that, after the end of a specified period of not less than twenty-one days, the authority intend to take all necessary steps for carrying out the works specified in the notice for the opening-up, improvement, repair, construction or maintenance of the means of access.

(2) A notice under subsection (1) must contain particulars of the right of appeal conferred by section 38.

(3) Where a notice under subsection (1) is given to any person as the owner or occupier of any land, the access authority shall give a copy of the notice to every other owner or occupier of the land.

(4) An access authority exercising the power conferred by subsection (1) in relation to the provision of a means of access shall have regard to the requirements of efficient management of the land in deciding where the means of access is to be provided.

(5) If, at the end of the period specified in a notice under subsection (1), any of the works specified in the notice have not been carried out, the access authority may take all necessary steps for carrying out those works.

NOTES:

Initial Commencement

Specified date

Specified date: 30 January 2001: see s 103(2).

Extent

This section does not extend to Scotland: see s 104(4).

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COUNTRYSIDE AND RIGHTS OF WAY ACT 2000
2000 CHAPTER 37

CHAPTER III MEANS OF ACCESS
Royal Assent [30 November 2000]

Countryside and Rights of Way Act 2000, Ch. 37, s. 38 (Eng.)

38 Appeals relating to notices

(1) Where a notice under section 36(3) or 37(1) has been given to a person in respect of any land, he or any other owner or occupier of the land may appeal against the notice--

- (a) in the case of land in England, to the Secretary of State, and
- (b) in the case of land in Wales, to the National Assembly for Wales.

(2) An appeal against a notice under section 36(3) may be brought on any of the following grounds--

- (a) that the notice requires the carrying out of any works which are not necessary for remedying a breach of the agreement,
- (b) that any of the works have already been carried out, and
- (c) that the period specified in the notice as that before the end of which the works must be carried out is too short.

(3) An appeal against a notice under section 37(1) may be brought on any of the following grounds--

- (a) that the notice requires the carrying out of any works which are not necessary for giving the public reasonable access to the access land in question,
- (b) in the case of works to provide a means of access, that the means of access should be provided elsewhere, or that a different means of access should be provided, and
- (c) that any of the works have already been carried out.

(4) On an appeal under this section, the Secretary of State or the National Assembly for Wales may--

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(a) confirm the notice with or without modifications, or

(b) cancel the notice.

(5) Sections 7 and 8 (and Schedule 3) have effect in relation to an appeal under this section as they have effect in relation to an appeal under section 6.

(6) Regulations may make provision as to--

(a) the period within which and manner in which appeals under this section are to be brought,

(b) the advertising of such an appeal, and

(c) the manner in which such appeals are to be considered.

(7) Where an appeal has been brought under this section against a notice under section 36(3) or 37(1), the access authority may not exercise their powers under section 36(5) or section 37(5) (as the case may be) pending the determination or withdrawal of the appeal.

NOTES:**Initial Commencement*****Specified date***

Specified date: 30 January 2001: see s 103(2).

Subordinate Legislation

Countryside Access (Appeals Procedures) (Wales) Regulations 2002, SI 2002/1794 (made under sub-s (6)).

Access to the Countryside (Means of Access, Appeals) (England) Regulations 2004, SI 2004/3305 (made under sub-s (6)).

Extent

This section does not extend to Scotland: see s 104(4).

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**COUNTRYSIDE AND RIGHTS OF WAY ACT 2000
2000 CHAPTER 37**

CHAPTER III MEANS OF ACCESS
Royal Assent [30 November 2000]

Countryside and Rights of Way Act 2000, Ch. 37, s. 39 (Eng.)

39 Order to remove obstruction

(1) Where at any time two or more access notices relating to a means of access have been given to any person within the preceding thirty-six months, a magistrates' court may, on the application of the access authority, order that person--

(a) within such time as may be specified in the order, to take such steps as may be so specified to remove any obstruction of that means of access, and

(b) not to obstruct that means of access at any time when the right conferred by section 2(1) is exercisable.

(2) If a person ("the person in default") fails to comply with an order under this section--

(a) he is liable on summary conviction to a fine not exceeding level 3 on the standard scale, and

(b) the access authority may remove any obstruction of the means of access and recover from the person in default the costs reasonably incurred by them in doing so.

(3) In this section "access notice" means a notice under section 36(3) or 37(1) in respect of which the period specified in the notice has expired, other than a notice in respect of which an appeal is pending or which has been cancelled on appeal.

NOTES:

Initial Commencement

Specified date

Specified date: 30 January 2001: see s 103(2).

Extent

This section does not extend to Scotland: see s 104(4).

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COUNTRYSIDE AND RIGHTS OF WAY ACT 2000
2000 CHAPTER 37

CHAPTER IV GENERAL
Royal Assent [30 November 2000]

Countryside and Rights of Way Act 2000, Ch. 37, s. 40 (Eng.)

40 Powers of entry for purposes of Part I

(1) A person who is authorised by the appropriate countryside body to do so may enter any land--

(a) for the purpose of surveying it in connection with the preparation of any map under this Part or the review of any map issued under this Part,

(b) for the purpose of determining whether any power conferred on the appropriate countryside body by Chapter II should be exercised in relation to the land,

(c) for the purpose of ascertaining whether members of the public are being permitted to exercise the right conferred by section 2(1),

(d) in connection with an appeal under any provision of this Part, or

(e) for the purpose of determining whether to apply to the Secretary of State or the National Assembly for Wales under section 58.

(2) A person who is authorised by a local highway authority to do so may enter any land--

(a) for the purpose of determining whether the local highway authority should enter into an agreement under section 35, give a notice under section 36(1) or (3) or section 37(1) or carry out works under section 36(1) or (5), section 37(5) or section 39(2)(b),

(b) for the purpose of ascertaining whether an offence under section 14 or 39 has been or is being committed, or

(c) for the purposes of erecting or maintaining notices under section 19(1).

(3) A person who is authorised by a National Park authority to do so may enter any land--

2000 CHAPTER 37

(a) for the purpose of enabling the authority to determine whether to exercise any power under Chapter II of this Act in relation to the land,

(b) for the purpose of determining whether members of the public are being permitted to exercise the right conferred by section 2(1),

(c) in connection with an appeal under any provision of this Part,

(d) for the purpose of determining whether the authority should enter into an agreement under section 35, give a notice under section 36(1) or (3) or section 37(1) or carry out works under section 36(1) or (5), section 37(5) or section 39(2)(b),

(e) for the purpose of ascertaining whether an offence under section 14 or 39 has been or is being committed, or

(f) for the purposes of erecting or maintaining notices under section 19(1).

(4) A person who is authorised by the Forestry Commissioners to do so may enter any land--

(a) for the purpose of determining whether any power conferred on the Forestry Commissioners by Chapter II should be exercised in relation to the land, or

(b) in connection with an appeal under any provision of this Part.

(5) A person acting in the exercise of a power conferred by this section may--

(a) use a vehicle to enter the land;

(b) take a constable with him if he reasonably believes he is likely to be obstructed;

(c) take with him equipment and materials needed for the purpose for which he is exercising the power of entry;

(d) take samples of the land and of anything on it.

(6) If in the exercise of a power conferred by this section a person enters land which is unoccupied or from which the occupier is temporarily absent, he must on his departure leave it as effectively secured against unauthorised entry as he found it.

(7) A person authorised under this section to enter upon any land--

(a) shall, if so required, produce evidence of his authority before entering, and

(b) shall produce such evidence if required to do so at any time while he remains on the land.

(8) A person shall not under this section demand admission as of right to any

occupied land, other than access land, unless--

(a) at least twenty-four hours' notice of the intended entry has been given to the occupier, or

(b) it is not reasonably practicable to give such notice, or

(c) the entry is for the purpose specified in subsection (2)(b) and (3)(e).

(9) The rights conferred by this section are not exercisable in relation to a dwelling.

(10) A person who intentionally obstructs a person acting in the exercise of his powers under this section is guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.

NOTES:

Initial Commencement

Specified date

Specified date: 30 January 2001: see s 103(2).

Extent

This section does not extend to Scotland: see s 104(4).

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COUNTRYSIDE AND RIGHTS OF WAY ACT 2000
2000 CHAPTER 37

CHAPTER IV GENERAL
Royal Assent [30 November 2000]

Countryside and Rights of Way Act 2000, Ch. 37, s. 41 (Eng.)

41 Compensation relating to powers under s 40

(1) It is the duty of a body by which an authorisation may be given under section 40 to compensate any person who has sustained damage as a result of--

(a) the exercise of a power conferred by that section by a person authorised by that body to do so, or

(b) the failure of a person so authorised to perform the duty imposed on him by subsection (6) of that section,

except where the damage is attributable to the fault of the person who sustained it.

(2) Any dispute as to a person's entitlement to compensation under this section or as to its amount shall be referred to an arbitrator to be appointed, in default of agreement--

(a) as respects entry on land in England, by the Secretary of State, and

(b) as respects entry on land in Wales, by the National Assembly for Wales.

NOTES:

Initial Commencement

Specified date

Specified date: 30 January 2001: see s 103(2).

Extent

This section does not extend to Scotland: see s 104(4).

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COUNTRYSIDE AND RIGHTS OF WAY ACT 2000
2000 CHAPTER 37

CHAPTER IV GENERAL
Royal Assent [30 November 2000]

Countryside and Rights of Way Act 2000, Ch. 37, s. 42 (Eng.)

42 References to public places in existing enactments

(1) This section applies to any enactment which--

(a) is contained in an Act passed before or in the same Session as this Act,
and

(b) relates to things done, or omitted to be done, in public places or places
to which the public have access.

(2) Regulations may provide that, in determining for the purposes of any
specified enactment to which this section applies whether a place is a public
place or a place to which the public have access, the right conferred by section
2(1), or access by virtue of that right, is to be disregarded, either generally
or in prescribed cases.

NOTES:

Initial Commencement

Specified date

Specified date: 30 January 2001: see s 103(2).

Extent

This section does not extend to Scotland: see s 104(4).

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**COUNTRYSIDE AND RIGHTS OF WAY ACT 2000
2000 CHAPTER 37**

CHAPTER IV GENERAL
Royal Assent [30 November 2000]

Countryside and Rights of Way Act 2000, Ch. 37, s. 43 (Eng.)

43 Crown application of Part I

(1) This Part binds the Crown.

(2) No contravention by the Crown of any provision of this Part shall make the Crown criminally liable; but the High Court may declare unlawful any act or omission of the Crown which constitutes such a contravention.

(3) The provisions of this Part apply to persons in the public service of the Crown as they apply to other persons.

NOTES:

Initial Commencement

Specified date

Specified date: 30 January 2001: see s 103(2).

Extent

This section does not extend to Scotland: see s 104(4).

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COUNTRYSIDE AND RIGHTS OF WAY ACT 2000
2000 CHAPTER 37

CHAPTER IV GENERAL
Royal Assent [30 November 2000]

Countryside and Rights of Way Act 2000, Ch. 37, s. 44 (Eng.)

44 Orders and regulations under Part I

(1) Any power to make an order or regulations which is conferred by this Part on the Secretary of State or the National Assembly for Wales is exercisable by statutory instrument.

(2) Any power to make an order or regulations which is conferred by this Part on the Secretary of State or the National Assembly for Wales includes power--

(a) to make different provision for different cases, and

(b) to make such incidental, supplementary, consequential or transitional provision as the person making the order or regulations considers necessary or expedient.

(3) No order under section 3 or regulations under paragraph 3 of Schedule 2 shall be made by the Secretary of State unless a draft has been laid before, and approved by a resolution of, each House of Parliament.

(4) Any statutory instrument containing regulations made by the Secretary of State under any other provision of this Part shall be subject to annulment in pursuance of a resolution of either House of Parliament.

NOTES:

Initial Commencement

Specified date

Specified date: 30 January 2001: see s 103(2).

Extent

This section does not extend to Scotland: see s 104(4).

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COUNTRYSIDE AND RIGHTS OF WAY ACT 2000
2000 CHAPTER 37

CHAPTER IV GENERAL
Royal Assent [30 November 2000]

Countryside and Rights of Way Act 2000, Ch. 37, s. 45 (Eng.)

45 Interpretation of Part I

(1) In this Part, unless a contrary intention appears--

"access authority" has the meaning given by section 1(2);

"access land" has the meaning given by section 1(1);

"the appropriate countryside body" has the meaning given by section 1(2);

"excepted land" has the meaning given by section 1(2);

"Inner London" means the area comprising the inner London boroughs, the City of London, the Inner Temple and the Middle Temple;

"interest", in relation to land, includes any estate in land and any right over land, whether the right is exercisable by virtue of the ownership of an estate or interest in land or by virtue of a licence or agreement, and in particular includes rights of common and sportingrights, and references to a person interested in land shall be construed accordingly;

"livestock" means cattle, sheep, goats, swine, horses or poultry, and for the purposes of this definition "cattle" means bulls, cows, oxen, heifers or calves, "horses" include asses and mules, and "poultry" means domestic fowls, turkeys, geese or ducks;

"local highway authority" has the same meaning as in the Highways Act 1980;

"local or private Act" includes an Act confirming a provisional order;

"mountain" has the meaning given by section 1(2);

"open country" has the meaning given by section 1(2);

"owner", in relation to any land, means, subject to subsection (2), any person, other than a mortgagee not in possession, who, whether in his own right

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or as trustee for another person, is entitled to receive the rack rent of the land, or, where the land is not let at a rack rent, would be so entitled if it were so let;

"prescribed" means prescribed by regulations;

"registered common land" has the meaning given by section 1(3);

"regulations" means regulations made by the Secretary of State (as respects England) or by the National Assembly for Wales (as respects Wales);

"rights of common" has the same meaning as in the Commons Registration Act 1965;

. . . .

(2) In relation to any land which is subject to a farm business tenancy within the meaning of the Agricultural Tenancies Act 1995 or a tenancy to which the Agricultural Holdings Act 1986 applies, the definition of "owner" in subsection (1) does not apply where it is excluded by section 2(5) or 21(4) or by paragraph 7(4) of Schedule 2.

(3) For the purposes of this Part, the Broads are to be treated as a National Park and the Broads Authority as a National Park authority.

(4) In subsection (3) "the Broads" has the same meaning as in the Norfolk and Suffolk Broads Act 1988.

NOTES:

Initial Commencement

Specified date

Specified date: 30 January 2001: see s 103(2).

Amendment

Sub-s (1): definition "'telecommunications code" and "telecommunications code system"' (omitted) repealed by the Communications Act 2003, s 406(7), Sch 19(1).

Date in force (for the purpose only of enabling the networks and services functions and the spectrum functions to be carried out by the Director General of Telecommunications and the Secretary of State respectively, during the transitional period (as provided for by the Communications Act 2003, s 408(6)): 25 July 2003-29 December 2003: see SI 2003/1900, arts 2(1), 3(1), Sch 1 and the Communications Act 2003, ss 406(6), 408, Sch 18, para 2.

Date in force (for the purpose of conferring the networks and services functions and the spectrum functions on OFCOM): 29 December 2003: by virtue of SI 2003/3142, art 3(2).

Extent

This section does not extend to Scotland: see s 104(4).

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2000 CHAPTER 37

CHAPTER IV GENERAL
Royal Assent [30 November 2000]

Countryside and Rights of Way Act 2000, Ch. 37, s. 46 (Eng.)

46 Repeal of previous legislation, and amendments relating to Part I

(1) The following provisions (which are superseded by the provisions of this Part) shall cease to have effect--

(a) in section 193 of the Law of Property Act 1925, subsection (2) (power by deed to declare land subject to that section), and

(b) sections 61 to 63 of the National Parks and Access to the Countryside Act 1949 (which relate to reviews of access requirements and the preparation of maps).

(2) No access agreement or access order under Part V of the National Parks and Access to the Countryside Act 1949 (access to open country) may be made after the commencement of this section in relation to land which is open country or registered common land for the purposes of this Part.

(3) Schedule 4 (which contains minor and consequential amendments relating to access to the countryside) has effect.

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 103(3).

Appointment

Sub-s (1)(a): Appointment (in relation to Wales): 21 June 2004: see SI 2004/1489, art 2(c).

Sub-s (1)(b): Appointment (in relation to England): 1 April 2001: see SI 2001/114, art 2(2)(a).

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Sub-s (1)(b): Appointment (in relation to Wales): 1 May 2001: see SI 2001/1410, art 2(a).

Sub-s (3): Appointment (in relation to England, for certain purposes): 1 April 2001: see SI 2001/114, art 2(2)(b).

Sub-s (3): Appointment (in relation to Wales, for certain purposes): 1 May 2001: see SI 2001/1410, art 2(b).

Sub-s (3): Appointment (in relation to England, for remaining purposes): 19 September 2004: see SI 2004/2173, art 2(1)(g), (i).

Extent

This section does not extend to Scotland: see s 104(4).

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**COUNTRYSIDE AND RIGHTS OF WAY ACT 2000
2000 CHAPTER 37**

**PART II PUBLIC RIGHTS OF WAY AND ROAD TRAFFIC
Public rights of way and definitive maps and statements
Royal Assent [30 November 2000]**

Countryside and Rights of Way Act 2000, Ch. 37, s. 47 (Eng.)

47 Redesignation of roads used as public paths

(1) In the Wildlife and Countryside Act 1981 (in this Act referred to as "the 1981 Act"), section 54 (duty to reclassify roads used as public paths) shall cease to have effect.

(2) Every way which, immediately before the commencement of this section, is shown in any definitive map and statement as a road used as a public path shall be treated instead as shown as a restricted byway; and the expression "road used as a public path" shall not be used in any definitive map and statement to describe any way.

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 103(3).

Extent

This section does not extend to Scotland: see s 104(4).

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COUNTRYSIDE AND RIGHTS OF WAY ACT 2000
2000 CHAPTER 37

PART II PUBLIC RIGHTS OF WAY AND ROAD TRAFFIC
Public rights of way and definitive maps and statements
Royal Assent [30 November 2000]

Countryside and Rights of Way Act 2000, Ch. 37, s. 48 (Eng.)

48 Restricted byway rights

(1) Subject to subsections (2) and (3), the public shall have restricted byway rights over any way which, immediately before the commencement of section 47, is shown in a definitive map and statement as a road used as a public path.

(2) Subsection (1) has effect subject to the operation of any enactment or instrument (whether coming into operation before or after the commencement of section 47), and to the effect of any event otherwise within section 53(3)(a) of the 1981 Act, whereby a highway--

- (a) is authorised to be stopped up, diverted, widened or extended, or
- (b) becomes a public path;

and subsection (1) applies accordingly to any way as so diverted, widened or extended.

(3) Subsection (1) does not apply to any way, or part of a way, over which immediately before the commencement of section 47 there was no public right of way.

(4) In this Part--

"restricted byway rights" means--

- (a) a right of way on foot,
 - (b) a right of way on horseback or leading a horse, and
 - (c) a right of way for vehicles other than mechanically propelled vehicles;
- and

"restricted byway" means a highway over which the public have restricted byway rights, with or without a right to drive animals of any description along

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the highway, but no other rights of way.

(5) A highway at the side of a river, canal or other inland navigation is not excluded from the definition of "restricted byway" in subsection (4) merely because the public have a right to use the highway for purposes of navigation, if the highway would fall within that definition if the public had no such right over it.

(6) Subsection (1) is without prejudice to any question whether the public have over any way, in addition to restricted byway rights, a right of way for mechanically propelled vehicles or any other right.

(7) In subsections (4) and (6) "mechanically propelled vehicle" does not include a vehicle falling within paragraph (c) of section 189(1) of the Road Traffic Act 1988.

(8) Every surveying authority shall take such steps as they consider expedient for bringing to the attention of the public the effect of section 47(2) and this section.

(9) The powers conferred by section 103(5) must be so exercised as to secure that nothing in section 47 or this section affects the operation of section 53 or 54 of, or Schedule 14 or 15 to, the 1981 Act in relation to--

(a) a relevant order made before the commencement of section 47, or

(b) an application made before that commencement for a relevant order.

(10) In subsection (9) "relevant order" means an order which relates to a way shown in a definitive map and statement as a road used as a public path and which--

(a) is made under section 53 of the 1981 Act and contains modifications relating to that way by virtue of subsection (3)(c)(ii) of that section, or

(b) is made under section 54 of the 1981 Act.

(11) Where--

(a) by virtue of an order under subsection (3) of section 103 ("the commencement order") containing such provision as is mentioned in subsection (5) of that section, an order under Part III of the 1981 Act ("the Part III order") takes effect, after the commencement of section 47, in relation to any way which, immediately before that commencement, was shown in a definitive map and statement as a road used as a public path,

(b) the commencement order does not prevent subsection (1) from having effect on that commencement in relation to that way, and

(c) if the Part III order had taken effect before that commencement, that way would not have fallen within subsection (1),

all rights over that way which exist only by virtue of subsection (1) shall be extinguished when the Part III order takes effect.

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 103(3).

Extent

This section does not extend to Scotland: see s 104(4).

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2000 CHAPTER 37

PART II PUBLIC RIGHTS OF WAY AND ROAD TRAFFIC
Public rights of way and definitive maps and statements
Royal Assent [30 November 2000]

Countryside and Rights of Way Act 2000, Ch. 37, s. 48 (Eng.)

48 Restricted byway rights

(1) Subject to subsections (2) and (3), the public shall have restricted byway rights over any way which, immediately before the commencement of section 47, is shown in a definitive map and statement as a road used as a public path.

(2) Subsection (1) has effect subject to the operation of any enactment or instrument (whether coming into operation before or after the commencement of section 47), and to the effect of any event otherwise within section 53(3)(a) of the 1981 Act, whereby a highway--

- (a) is authorised to be stopped up, diverted, widened or extended, or
- (b) becomes a public path;

and subsection (1) applies accordingly to any way as so diverted, widened or extended.

(3) Subsection (1) does not apply to any way, or part of a way, over which immediately before the commencement of section 47 there was no public right of way.

(4) In this Part--

"restricted byway rights" means--

- (a) a right of way on foot,
 - (b) a right of way on horseback or leading a horse, and
 - (c) a right of way for vehicles other than mechanically propelled vehicles;
- and

"restricted byway" means a highway over which the public have restricted byway rights, with or without a right to drive animals of any description along

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the highway, but no other rights of way.

(5) A highway at the side of a river, canal or other inland navigation is not excluded from the definition of "restricted byway" in subsection (4) merely because the public have a right to use the highway for purposes of navigation, if the highway would fall within that definition if the public had no such right over it.

(6) Subsection (1) is without prejudice to any question whether the public have over any way, in addition to restricted byway rights, a right of way for mechanically propelled vehicles or any other right.

(7) In subsections (4) and (6) "mechanically propelled vehicle" does not include a vehicle falling within paragraph (c) of section 189(1) of the Road Traffic Act 1988.

(8) Every surveying authority shall take such steps as they consider expedient for bringing to the attention of the public the effect of section 47(2) and this section.

(9) The powers conferred by section 103(5) must be so exercised as to secure that nothing in section 47 or this section affects the operation of section 53 or 54 of, or Schedule 14 or 15 to, the 1981 Act in relation to--

(a) a relevant order made before the commencement of section 47, or

(b) an application made before that commencement for a relevant order.

(10) In subsection (9) "relevant order" means an order which relates to a way shown in a definitive map and statement as a road used as a public path and which--

(a) is made under section 53 of the 1981 Act and contains modifications relating to that way by virtue of subsection (3)(c)(ii) of that section, or

(b) is made under section 54 of the 1981 Act.

(11) Where--

(a) by virtue of an order under subsection (3) of section 103 ("the commencement order") containing such provision as is mentioned in subsection (5) of that section, an order under Part III of the 1981 Act ("the Part III order") takes effect, after the commencement of section 47, in relation to any way which, immediately before that commencement, was shown in a definitive map and statement as a road used as a public path,

(b) the commencement order does not prevent subsection (1) from having effect on that commencement in relation to that way, and

(c) if the Part III order had taken effect before that commencement, that way would not have fallen within subsection (1),

all rights over that way which exist only by virtue of subsection (1) shall be extinguished when the Part III order takes effect.

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 103(3).

Extent

This section does not extend to Scotland: see s 104(4).

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PART II PUBLIC RIGHTS OF WAY AND ROAD TRAFFIC
Public rights of way and definitive maps and statements
Royal Assent [30 November 2000]

Countryside and Rights of Way Act 2000, Ch. 37, s. 49 (Eng.)

49 Provisions supplementary to ss 47 and 48

(1) Every way over which the public have restricted byway rights by virtue of subsection (1) of section 48 (whether or not they also have a right of way for mechanically propelled vehicles or any other right) shall, as from the commencement of that section, be a highway maintainable at the public expense.

(2) As from the commencement of that section, any liability, under a special enactment (within the meaning of the Highways Act 1980) or by reason of tenure, enclosure or prescription, to maintain, otherwise than as a highway maintainable at the public expense, a restricted byway to which subsection (1) applies is extinguished.

(3) Every way which, in pursuance of--

(a) paragraph 9 of Part III of Schedule 3 to the Countryside Act 1968, or

(b) any order made under section 54(1) of the 1981 Act before the coming into force of section 47,

is shown in any definitive map and statement as a byway open to all traffic, a bridleway or a footpath, shall continue to be maintainable at the public expense.

(4) Nothing in subsections (1) and (3) or in section 48(1) obliges a highway authority to provide on any way a metalled carriage-way or a carriage-way which is by any other means provided with a surface suitable for cycles or other vehicles.

(5) Nothing in section 48, or in section 53 of the 1981 Act, limits the operation of orders under the Road Traffic Regulation Act 1984 or the operation of any byelaws.

(6) Section 67 of the 1981 Act (application to the Crown) has effect as if this section and sections 47, 48 and 50 were contained in Part III of that Act.

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 103(3).

Extent

This section does not extend to Scotland: see s 104(4).

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COUNTRYSIDE AND RIGHTS OF WAY ACT 2000
2000 CHAPTER 37

PART II PUBLIC RIGHTS OF WAY AND ROAD TRAFFIC
Public rights of way and definitive maps and statements
Royal Assent [30 November 2000]

Countryside and Rights of Way Act 2000, Ch. 37, s. 50 (Eng.)

50 Private rights over restricted byways

(1) Restricted byway rights over any way by virtue of subsection (1) of section 48 are subject to any condition or limitation to which public rights of way over that way were subject immediately before the commencement of that section.

(2) Any owner or lessee of premises adjoining or adjacent to a relevant highway shall, so far as is necessary for the reasonable enjoyment and occupation of the premises, have a right of way for vehicular and all other kinds of traffic over the relevant highway.

(3) In subsection (2), in its application to the owner of any premises, "relevant highway" means so much of any highway maintainable at the public expense by virtue of section 49(1) as was, immediately before it became so maintainable, owned by the person who then owned the premises.

(4) In subsection (2), in its application to the lessee of any premises, "relevant highway" means so much of any highway maintainable at the public expense by virtue of section 49(1) as was, immediately before it became so maintainable, included in the lease on which the premises are held.

(5) In this section--

"lease" and "lessee" have the same meaning as in the 1980 Act;

"owner", in relation to any premises, means a person, other than a mortgagee not in possession, who is for the time being entitled to dispose of the fee simple of the premises, whether in possession or in reversion, and "owned" shall be construed accordingly; and

"premises" has the same meaning as in the 1980 Act.

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 103(3).

Extent

This section does not extend to Scotland: see s 104(4).

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2000 CHAPTER 37**

PART II PUBLIC RIGHTS OF WAY AND ROAD TRAFFIC
Public rights of way and definitive maps and statements
Royal Assent [30 November 2000]

Countryside and Rights of Way Act 2000, Ch. 37, s. 51 (Eng.)

51 Amendments relating to definitive maps and statements and restricted byways

Schedule 5 to this Act (which contains amendments relating to definitive maps and statements and restricted byways) has effect.

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 103(3).

Extent

This section does not extend to Scotland: see s 104(4).

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PART II PUBLIC RIGHTS OF WAY AND ROAD TRAFFIC
Public rights of way and definitive maps and statements
Royal Assent [30 November 2000]

Countryside and Rights of Way Act 2000, Ch. 37, s. 52 (Eng.)

52 Restricted byways: power to amend existing legislation

(1) The Secretary of State may by regulations--

(a) provide for any relevant provision which relates--

(i) to highways or highways of a particular description,

(ii) to things done on or in connection with highways or highways of a particular description, or

(iii) to the creation, stopping up or diversion of highways or highways of a particular description,

not to apply, or to apply with or without modification, in relation to restricted byways or to ways shown in a definitive map and statement as restricted byways, and

(b) make in any relevant provision such amendments, repeals or revocations as appear to him appropriate in consequence of the coming into force of sections 47 to 50 or provision made by virtue of paragraph (a) or subsection (6)(a).

(2) In this section--

"relevant provision" means a provision contained--

(a) in an Act passed before or in the same Session as this Act, or

(b) in any subordinate legislation made before the passing of this Act;

"relevant Welsh provision" means a provision contained--

(a) in a local or private Act passed before or in the same Session as this Act and relating only to areas in Wales, or

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(b) in any subordinate legislation which was made before the passing of this Act and which the National Assembly for Wales has power to amend or revoke as respects Wales.

(3) In exercising the power to make regulations under subsection (1), the Secretary of State--

(a) may not make provision which has effect in relation to Wales unless he has consulted the National Assembly for Wales, and

(b) may not without the consent of the National Assembly for Wales make any provision which (otherwise than merely by virtue of the amendment or repeal of a provision contained in an Act) amends or revokes subordinate legislation made by the Assembly.

(4) The National Assembly for Wales may submit to the Secretary of State proposals for the exercise by the Secretary of State of the power conferred by subsection (1).

(5) The powers conferred by subsection (1) may be exercised in relation to a relevant provision even though the provision is amended or inserted by this Act.

(6) As respects Wales, the National Assembly for Wales may by regulations--

(a) provide for any relevant Welsh provision which relates--

(i) to highways or highways of a particular description,

(ii) to things done on or in connection with highways or highways of a particular description, or

(iii) to the creation, stopping up or diversion of highways or highways of a particular description,

not to apply, or to apply with or without modification, in relation to restricted byways or to ways shown in a definitive map and statement as restricted byways, and

(b) make in any relevant Welsh provision such amendments, repeals or revocations as appear to the Assembly appropriate in consequence of the coming into force of sections 47 to 50 or provision made by virtue of subsection (1)(a) or paragraph (a).

(7) Regulations under this section shall be made by statutory instrument, but no such regulations shall be made by the Secretary of State unless a draft of the instrument containing them has been laid before, and approved by a resolution of, each House of Parliament.

(8) Where the Secretary of State lays before Parliament the draft of an instrument containing regulations under subsection (1) in respect of which consultation with the National Assembly for Wales is required by subsection (3)(a), he shall also lay before each House of Parliament a document giving details of the consultation and setting out any representations received from the Assembly.

NOTES:

Initial Commencement

Specified date

Specified date: 30 January 2001: see s 103(2).

Extent

This section does not extend to Scotland: see s 104(4).

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COUNTRYSIDE AND RIGHTS OF WAY ACT 2000
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PART II PUBLIC RIGHTS OF WAY AND ROAD TRAFFIC
Public rights of way and definitive maps and statements
Royal Assent [30 November 2000]

Countryside and Rights of Way Act 2000, Ch. 37, s. 53 (Eng.)

53 Extinguishment of unrecorded rights of way

(1) Subsection (2) applies to a highway if--

(a) it was on 1st January 1949 a footpath or a bridleway, is on the cut-off date (in either case) a footpath or a bridleway, and between those dates has not been a highway of any other description,

(b) it is not on the cut-off date shown in a definitive map and statement as a highway of any description, and

(c) it is not on the cut-off date an excepted highway, as defined by section 54(1).

(2) All public rights of way over a highway to which this subsection applies shall be extinguished immediately after the cut-off date.

(3) Where a public right of way created before 1949--

(a) falls within subsection (4) on the cut-off date, and

(b) is not on that date an excepted right of way, as defined by section 54(5),

that right of way shall be extinguished immediately after the cut-off date.

(4) A public right of way falls within this subsection if it is--

(a) a public right of way on horseback, leading a horse or for vehicles over a bridleway, restricted byway or byway open to all traffic which is shown in a definitive map and statement as a footpath;

(b) a right for the public to drive animals of any description along a bridleway, restricted byway or byway open to all traffic which is shown in a definitive map and statement as a footpath;

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(c) a public right of way for vehicles over a restricted byway or byway open to all traffic which is shown in a definitive map and statement as a bridleway; or

(d) a public right of way for mechanically propelled vehicles over a byway open to all traffic which is shown in a definitive map and statement as a restricted byway.

(5) Where by virtue of subsection (3) a highway ceases to be a bridleway, the right of way created over it by section 30 of the Countryside Act 1968 (riding of pedal cycles on bridleways) is also extinguished.

(6) In determining--

(a) for the purposes of subsection (1) whether any part of a highway was on 1st January 1949 a footpath or bridleway, or

(b) for the purposes of subsection (3) whether a public right of way over any part of a highway was created before 1st January 1949,

any diversion, widening or extension of the highway on or after that date (and not later than the cut-off date) is to be treated as having occurred before 1st January 1949.

(7) Where a way shown on the cut-off date in a definitive map and statement has at any time been diverted, widened or extended, it is to be treated for the purposes of subsections (1) to (5) as shown as so diverted, widened or extended, whether or not it is so shown.

(8) In this section--

"cut-off date" has the meaning given in section 56, and

"mechanically propelled vehicle" does not include a vehicle falling within paragraph (c) of section 189(1) of the Road Traffic Act 1988.

NOTES:**Initial Commencement*****To be appointed***

To be appointed: see s 103(3).

Extent

This section does not extend to Scotland: see s 104(4).

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COUNTRYSIDE AND RIGHTS OF WAY ACT 2000
2000 CHAPTER 37

PART II PUBLIC RIGHTS OF WAY AND ROAD TRAFFIC
Public rights of way and definitive maps and statements
Royal Assent [30 November 2000]

Countryside and Rights of Way Act 2000, Ch. 37, s. 54 (Eng.)

54 Excepted highways and rights of way

(1) A footpath or bridleway is an excepted highway for the purposes of section 53(1) if--

(a) it is a footpath or bridleway which satisfies either of the conditions in subsections (2) and (3),

(b) it is, or is part of, a footpath or bridleway any part of which is in an area which, immediately before 1st April 1965, formed part of the administrative county of London,

(c) it is a footpath or bridleway--

(i) at the side of (whether or not contiguous with) a carriageway constituting or comprised in another highway, or

(ii) between two carriageways comprised in the same highway (whether or not the footpath or bridleway is contiguous with either carriageway),

(d) it is a footpath or bridleway of such other description as may be specified in regulations made (as respects England) by the Secretary of State or (as respects Wales) by the National Assembly for Wales, or

(e) it is a footpath or bridleway so specified.

(2) A footpath or bridleway ("the relevant highway") satisfies the first condition if--

(a) it became a footpath or bridleway on or after 1st January 1949 by the diversion, widening or extension of a footpath or, as the case may be, of a bridleway by virtue of an event within section 53(3)(a) of the 1981 Act,

(b) it became a footpath on or after 1st January 1949 by the stopping up of a bridleway,

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(c) it was on 1st January 1949 a footpath and is on the cut-off date a bridleway,

(d) it is so much of a footpath or bridleway as on or after 1st January 1949 has been stopped up as respects part only of its width, or

(e) it is so much of a footpath or bridleway as passes over a bridge or through a tunnel,

and it communicates with a retained highway, either directly or by means of one or more footpaths or bridleways each of which forms part of the same highway as the relevant highway and each of which either falls within any of paragraphs (a) to (e) or satisfies the condition in subsection (3).

(3) A footpath or bridleway satisfies the second condition if--

(a) it extends from a footpath or bridleway ("the relevant highway") which--

(i) falls within any of paragraphs (a) to (e) of subsection (2), or

(ii) is an excepted highway by virtue of subsection (1)(c),

to, but not beyond, a retained highway, and

(b) it forms part of the same highway as the relevant highway.

(4) A retained highway for the purposes of subsections (2) and (3) is any highway over which, otherwise than by virtue of subsection (1)(a), section 53(2) does not extinguish rights of way.

(5) A public right of way is an excepted right of way for the purposes of section 53(3) if--

(a) it subsists over land over which there subsists on the cut-off date any public right of way created on or after 1st January 1949 otherwise than by virtue of section 30 of the Countryside Act 1968 (riding of pedal cycles on bridleways),

(b) it subsists over the whole or part of a way any part of which is in an area which, immediately before 1st April 1965, formed part of the administrative county of London,

(c) it is a public right of way of such other description as may be specified in regulations made (as respects England) by the Secretary of State or (as respects Wales) by the National Assembly for Wales, or

(d) it subsists over land so specified.

(6) Regulations under subsection (1)(d) or (e) or (5)(c) or (d) shall be made by statutory instrument, and a statutory instrument containing such regulations made by the Secretary of State shall be subject to annulment in pursuance of a resolution of either House of Parliament.

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 103(3).

Extent

This section does not extend to Scotland: see s 104(4).

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COUNTRYSIDE AND RIGHTS OF WAY ACT 2000
2000 CHAPTER 37

PART II PUBLIC RIGHTS OF WAY AND ROAD TRAFFIC
Public rights of way and definitive maps and statements
Royal Assent [30 November 2000]

Countryside and Rights of Way Act 2000, Ch. 37, s. 55 (Eng.)

55 Bridleway rights over ways shown as bridleways

(1) Subject to subsections (2) and (3), the public shall, as from the day after the cut-off date, have a right of way on horseback or leading a horse over any way which--

(a) was immediately before 1st January 1949 either a footpath or a bridleway, and

(b) is, throughout the period beginning with the commencement of this section and ending with the cut-off date,

a footpath which is shown in a definitive map and statement as a bridleway.

(2) Subsection (1) has effect subject to the operation of any enactment or instrument (whether coming into operation before or after the cut-off date), and to the effect of any event otherwise within section 53(3)(a) of the 1981 Act, whereby a highway is authorised to be stopped up, diverted, widened or extended; and subsection (1) applies accordingly to any way as so diverted, widened or extended.

(3) Subsection (1) does not apply in relation to any way which is, or is part of, a footpath any part of which is in an area which, immediately before 1st April 1965, formed part of the administrative county of London.

(4) Any right of way over a way by virtue of subsection (1) is subject to any condition or limitation to which the public right of way on foot over that way was subject on the cut-off date.

(5) Where--

(a) by virtue of regulations under section 56(2) an order under Part III of the 1981 Act takes effect after the cut-off date in relation to any footpath which, at the cut-off date was shown in a definitive map and statement as a bridleway,

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(b) the regulations do not prevent subsection (1) from having effect after the cut-off date in relation to that footpath, and

(c) if the order had taken effect before that date, that footpath would not have fallen within subsection (1),

all rights over that way which exist only by virtue of subsection (1) shall be extinguished when the order takes effect.

(6) In this section "cut-off date" has the meaning given in section 56.

NOTES:**Initial Commencement*****To be appointed***

To be appointed: see s 103(3).

Extent

This section does not extend to Scotland: see s 104(4).

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COUNTRYSIDE AND RIGHTS OF WAY ACT 2000
2000 CHAPTER 37

PART II PUBLIC RIGHTS OF WAY AND ROAD TRAFFIC
Public rights of way and definitive maps and statements
Royal Assent [30 November 2000]

Countryside and Rights of Way Act 2000, Ch. 37, s. 56 (Eng.)

56 Cut-off date for extinguishment etc

(1) The cut-off date for the purposes of sections 53 and 55 is, subject to regulations under subsection (2), 1st January 2026.

(2) The Secretary of State (as respects England) or the National Assembly for Wales (as respects Wales) may make regulations--

(a) substituting as the cut-off date for the purposes of those sections a date later than the date specified in subsection (1) or for the time being substituted under this paragraph;

(b) containing such transitional provisions or savings as appear to the Secretary of State or the National Assembly for Wales (as the case may be) to be necessary or expedient in connection with the operation of those sections, including in particular their operation in relation to any way as respects which--

(i) on the cut-off date an application for an order under section 53(2) of the 1981 Act is pending,

(ii) on that date an order under Part III of that Act has been made but not confirmed, or

(iii) after that date such an order or any provision of such an order is to any extent quashed.

(3) Regulations under subsection (2)(a)--

(a) may specify different dates for different areas; but

(b) may not specify a date later than 1st January 2031, except as respects an area within subsection (4).

(4) An area is within this subsection if it is in--

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(a) the Isles of Scilly, or

(b) an area which, at any time before the repeal by section 73 of the 1981 Act of sections 27 to 34 of the National Parks and Access to the Countryside Act 1949--

(i) was excluded from the operation of those sections by virtue of any provision of the 1949 Act, or

(ii) would have been so excluded but for a resolution having effect under section 35(2) of that Act.

(5) Where by virtue of regulations under subsection (2) there are different cut-off dates for areas into which different parts of any highway extend, the cut-off date in relation to that highway is the later or latest of those dates.

(6) Regulations under this section shall be made by statutory instrument, and a statutory instrument containing such regulations made by the Secretary of State shall be subject to annulment in pursuance of a resolution of either House of Parliament.

NOTES:**Initial Commencement*****To be appointed***

To be appointed: see s 103(3).

Extent

This section does not extend to Scotland: see s 104(4).

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**COUNTRYSIDE AND RIGHTS OF WAY ACT 2000
2000 CHAPTER 37**

**PART II PUBLIC RIGHTS OF WAY AND ROAD TRAFFIC
Creation, stopping up and diversion of highways
Royal Assent [30 November 2000]**

Countryside and Rights of Way Act 2000, Ch. 37, s. 57 (Eng.)

57 Creation, stopping up and diversion of highways

The Highways Act 1980 (in this Act referred to as "the 1980 Act") has effect subject to the amendments in Part I of Schedule 6 (which relate to the creation, stopping up and diversion of highways); and Part II of that Schedule (which contains consequential amendments of other Acts) has effect.

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 103(3).

Appointment

Appointment (in relation to England, for certain purposes): 12 February 2003: see SI 2003/272, art 2(a).

Appointment (in relation to England, for certain purposes): 30 January 2001: see SI 2001/114, art 2(1)(a).

Appointment (in relation to Wales, for certain purposes): 1 May 2001: see SI 2001/1410, art 2(c).

Extent

This section does not extend to Scotland: see s 104(4).

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COUNTRYSIDE AND RIGHTS OF WAY ACT 2000
2000 CHAPTER 37

PART II PUBLIC RIGHTS OF WAY AND ROAD TRAFFIC
Creation, stopping up and diversion of highways
Royal Assent [30 November 2000]

Countryside and Rights of Way Act 2000, Ch. 37, s. 58 (Eng.)

58 Application for path creation order for purposes of Part I

(1) An application for the making of a public path creation order under section 26(2) of the 1980 Act for the purpose of enabling the public to obtain access to any access land (within the meaning of Part I) or of facilitating such access, may be made--

(a) by the Countryside Agency to the Secretary of State, or

(b) by the Countryside Council for Wales to the National Assembly for Wales.

(2) Before making a request under subsection (1), the body making the request shall have regard to any rights of way improvement plan prepared by any local highway authority whose area includes land over which the proposed footpath or bridleway would be created.

NOTES:

Initial Commencement

Specified date

Specified date: 30 January 2001: see s 103(2).

Extent

This section does not extend to Scotland: see s 104(4).

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COUNTRYSIDE AND RIGHTS OF WAY ACT 2000
2000 CHAPTER 37

PART II PUBLIC RIGHTS OF WAY AND ROAD TRAFFIC
Creation, stopping up and diversion of highways
Royal Assent [30 November 2000]

Countryside and Rights of Way Act 2000, Ch. 37, s. 59 (Eng.)

59 Effect of Part I on powers to stop up or divert highways

(1) This section applies to any power to stop up or divert a highway of any description or to make or confirm an order authorising the stopping up or diversion of a highway of any description; and in the following provisions of this section--

- (a) "the relevant authority" means the person exercising the power, and
- (b) "the existing highway" means the highway to be stopped up or diverted.

(2) Where the relevant authority is required (expressly or by implication) to consider--

- (a) whether the existing highway is unnecessary, or is needed for public use,
- (b) whether an alternative highway should be provided, or
- (c) whether any public right of way should be reserved,

the relevant authority, in considering that question, is not to regard the fact that any land is access land in respect of which the right conferred by section 2(1) is exercisable as reducing the need for the existing highway, for the provision of an alternative highway or for the reservation of a public right of way.

(3) Where--

(a) the existing highway is situated on, or in the vicinity of, any access land, and

(b) the relevant authority is required (expressly or by implication) to consider the extent (if any) to which the existing highway would, apart from the exercise of the power, be likely to be used by the public,

the relevant authority, in considering that question, is to have regard, in particular, to the extent to which the highway would be likely to be used by the public at any time when the right conferred by section 2(1) is not exercisable in relation to the access land.

(4) In this section "access land" has the same meaning as in Part I.

NOTES:

Initial Commencement

Specified date

Specified date: 30 January 2001: see s 103(2).

Extent

This section does not extend to Scotland: see s 104(4).

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COUNTRYSIDE AND RIGHTS OF WAY ACT 2000
2000 CHAPTER 37

PART II PUBLIC RIGHTS OF WAY AND ROAD TRAFFIC

Rights of way improvement plans

Royal Assent [30 November 2000]

Countryside and Rights of Way Act 2000, Ch. 37, s. 60 (Eng.)

60 Rights of way improvement plans

(1) Every local highway authority other than an inner London authority shall, within five years after the commencement of this section, prepare and publish a plan, to be known as a rights of way improvement plan, containing--

(a) the authority's assessment of the matters specified in subsection (2),

(b) a statement of the action they propose to take for the management of local rights of way, and for securing an improved network of local rights of way, with particular regard to the matters dealt with in the assessment, and

(c) such other material as the Secretary of State (as respects England) or the National Assembly for Wales (as respects Wales) may direct.

(2) The matters referred to in subsection (1)(a) are--

(a) the extent to which local rights of way meet the present and likely future needs of the public,

(b) the opportunities provided by local rights of way (and in particular by those within paragraph (a) of the definition in subsection (5)) for exercise and other forms of open-air recreation and the enjoyment of the authority's area,

(c) the accessibility of local rights of way to blind or partially sighted persons and others with mobility problems, and

(d) such other matters relating to local rights of way as the Secretary of State (as respects England) or the National Assembly for Wales (as respects Wales) may direct.

(3) An authority by whom a rights of way improvement plan is published shall, not more than ten years after first publishing it and subsequently at intervals of not more than ten years--

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(a) make a new assessment of the matters specified in subsection (2), and

(b) review the plan and decide whether to amend it.

(4) On such a review the authority shall--

(a) if they decide to amend the plan, publish it as amended, and

(b) if they decide to make no amendments to it, publish a report of their decision and of their reasons for it.

(5) In this section--

"cycle track"--

(a) means a way over which the public have the following, but no other, rights of way, that is to say, a right of way on pedal cycles (other than pedal cycles which are motor vehicles within the meaning of the Road Traffic Act 1988) with or without a right of way on foot; but

(b) does not include a way in or by the side of a highway consisting of or comprising a made-up carriageway (within the meaning of the 1980 Act);

"inner London authority" means Transport for London, the council of an inner London borough or the Common Council of the City of London;

"local highway authority" has the same meaning as in the 1980 Act;

"local rights of way" in relation to a local highway authority, means--

(a) the footpaths, cycle tracks, bridleways and restricted byways within the authority's area, and

(b) the ways within the authority's area which are shown in a definitive map and statement as restricted byways or byways open to all traffic.

(6) In subsection (5) the definition of "local rights of way" has effect until the commencement of section 47 with the substitution for the references to restricted byways and to ways shown in a definitive map and statement as restricted byways of a reference to ways shown in a definitive map and statement as roads used as public paths.

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 103(3).

Appointment

Appointment (in relation to England): 21 November 2002: see SI 2002/2833, art 2.

Appointment (in relation to Wales): 1 November 2002: see SI 2002/2615, art 2.

Extent

This section does not extend to Scotland: see s 104(4).

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COUNTRYSIDE AND RIGHTS OF WAY ACT 2000
2000 CHAPTER 37

PART II PUBLIC RIGHTS OF WAY AND ROAD TRAFFIC
Rights of way improvement plans
Royal Assent [30 November 2000]

Countryside and Rights of Way Act 2000, Ch. 37, s. 61 (Eng.)

61 Rights of way improvement plans: supplemental

(1) Before preparing or reviewing a rights of way improvement plan, and in particular in making any assessment under section 60(1)(a) or (3)(a), a local highway authority shall consult--

- (a) each local highway authority whose area adjoins their area;
- (b) each district council, and each parish or community council, whose area is within their area;
- (c) the National Park authority for a National Park any part of which is within their area;
- (d) where any part of the Broads is within their area, the Broads Authority;
- (e) any local access forum established for their area or any part of it;
- (f) the Countryside Agency or the Countryside Council for Wales (as appropriate);
- (g) such persons as the Secretary of State (as respects England) or the National Assembly for Wales (as respects Wales) may by regulations prescribe in relation to the local highway authority's area; and
- (h) such other persons as the local highway authority may consider appropriate.

(2) In preparing or amending a rights of way improvement plan, a local highway authority shall--

- (a) publish a draft of the plan or of the plan as amended,
- (b) publish, in two or more local newspapers circulating in their area, notice of how a copy of the draft can be inspected or obtained and how

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representations on it can be made to them, and

(c) consider any representations made in accordance with the notice.

(3) As regards their rights of way improvement plan, any draft plan on which representations may be made and any report under section 60(4)(b), a local highway authority shall--

(a) keep a copy available for inspection free of charge at all reasonable times at their principal offices, and

(b) supply a copy to any person who requests one, either free of charge or on payment of a reasonable charge determined by the authority.

(4) Local highway authorities shall, in carrying out their functions under section 60 and this section, have regard to such guidance as may from time to time be given to them by the Secretary of State (as respects England) or the National Assembly for Wales (as respects Wales).

(5) A local highway authority may make arrangements with--

(a) any district council whose area is within their area, or

(b) the National Park authority for a National Park any part of which is within their area,

for the functions of the local highway authority under section 60 and this section so far as relating to the area of that council or to the part of the Park within the local highway authority's area, to be discharged jointly by the local highway authority and by that council or National Park authority.

(6) Regulations under subsection (1)(g) shall be made by statutory instrument, and a statutory instrument containing such regulations made by the Secretary of State shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(7) In this section--

"local highway authority" has the same meaning as in the 1980 Act;

"the Broads" has the same meaning as in the Norfolk and Suffolk Broads Act 1988.

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 103(3).

Appointment

Appointment (in relation to Wales): 1 November 2002: see SI 2002/2615, art 2.

Appointment (in relation to England): 21 November 2002: see SI 2002/2833, art 2.

Extent

This section does not extend to Scotland: see s 104(4).

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COUNTRYSIDE AND RIGHTS OF WAY ACT 2000
2000 CHAPTER 37

PART II PUBLIC RIGHTS OF WAY AND ROAD TRAFFIC
Rights of way improvement plans
Royal Assent [30 November 2000]

Countryside and Rights of Way Act 2000, Ch. 37, s. 62 (Eng.)

62 Application of ss 60 and 61 to inner London

(1) The council of an inner London borough or the Common Council of the City of London may by resolution adopt sections 60 and 61 as respects their area or any part of it which is specified in the resolution.

(2) On the passing by any authority of a resolution under subsection (1), sections 60 and 61 shall, as respects their area or the part of it specified in the resolution, apply in relation to that authority--

(a) as they apply in relation to a local highway authority other than an inner London authority, but

(b) with the substitution for the reference in subsection (1) of section 60 to the commencement of that section of a reference to the date on which the resolution comes into operation.

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 103(3).

Appointment

Appointment: 21 November 2002: see SI 2002/2833, art 2.

Extent

This section does not extend to Scotland: see s 104(4).

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**COUNTRYSIDE AND RIGHTS OF WAY ACT 2000
2000 CHAPTER 37**

**PART II PUBLIC RIGHTS OF WAY AND ROAD TRAFFIC
Removal of obstructions from highways
Royal Assent [30 November 2000]**

Countryside and Rights of Way Act 2000, Ch. 37, s. 63 (Eng.)

63 Enforcement of duty to prevent obstructions

(1) After section 130 of the 1980 Act there is inserted--

"130A Notices to enforce duty regarding public paths

(1) Any person who alleges, as respects any highway for which a local highway authority other than an inner London authority are the highway authority--

(a) that the highway falls within subsection (2) below, and

(b) that it is obstructed by an obstruction to which this section applies,

may serve on the highway authority notice requesting them to secure the removal of the obstruction from the highway.

(2) A highway is within this subsection if it is--

(a) a footpath, bridleway, or restricted byway, or

(b) a way shown in a definitive map and statement as a restricted byway or a byway open to all traffic.

(3) Subject to subsection (4) below, this section applies to an obstruction of the highway if the obstruction is without lawful authority and either--

(a) the powers conferred by section 143, 149 or 154 below are exercisable in respect of it, or

(b) it is of a description prescribed by regulations made by the Secretary of State and the authority have power (otherwise than under any of those sections) to secure its removal.

(4) This section does not apply to an obstruction if--

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(a) it is or forms part of--

(i) a building (whether temporary or permanent) or works for the construction of a building, or

(ii) any other structure (including a tent, caravan, vehicle or other temporary or movable structure) which is designed, adapted or used for human habitation,

(b) an order may be made in respect of it under section 56 above, or

(c) the presence of any person constitutes the obstruction.

(5) A person serving a notice under subsection (1) above must include in the notice the name and address, if known to him, of any person who it appears to him may be for the time being responsible for the obstruction.

(6) A highway authority on whom a notice under subsection (1) above is served shall, within one month from the date of service of the notice, serve--

(a) on every person whose name and address is, pursuant to subsection (5) above, included in the notice and, so far as reasonably practicable, on every other person who it appears to them may be for the time being responsible for the obstruction, a notice informing that person that a notice under subsection (1) above has been served in relation to the obstruction and stating what, if any, action the authority propose to take, and

(b) on the person who served the notice under subsection (1) above, a notice containing the name and address of each person on whom notice is served under paragraph (a) above and stating what, if any, action the authority propose to take in relation to the obstruction.

(7) For the purposes of this section the persons for the time being responsible for an obstruction include the owner and any other person who for the time being--

(a) has possession or control of it, or

(b) may be required to remove it.

(8) A notice under subsection (1) or (6) above shall be in such form and contain such information as may be prescribed by regulations made by the Secretary of State.

(9) In this section "inner London authority" means Transport for London, the council of an inner London borough or the Common Council of the City of London.

(10) Subsection (2) above has effect until the commencement of section 47 of the Countryside and Rights of Way Act 2000 with the substitution for thereferences to a restricted byway and to a way shown in a definitive map and statement as a restricted byway of a reference to a way shown in a definitive map and statement as a road used as a public path.

130B Orders following notice under section 130A

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(1) Where a notice under section 130A(1) above has been served on a highway authority in relation to any obstruction, the person who served it, if not satisfied that the obstruction has been removed, may apply to a magistrates' court in accordance with section 130C below for an order under this section.

(2) An order under this section is an order requiring the highway authority to take, within such reasonable period as may be fixed by the order, such steps as may be specified in the order for securing the removal of the obstruction.

(3) An order under this section shall not take effect--

(a) until the end of the period of twenty-one days from the day on which the order is made; or

(b) if an appeal is brought in respect of the order within that period (whether by way of appeal to the Crown Court or by way of case stated for the opinion of the High Court), until the final determination or withdrawal of the appeal.

(4) Subject to subsection (5) below, the court may make an order under this section if it is satisfied--

(a) that the obstruction is one to which section 130A above applies or, in a case falling within subsection (4)(a)(ii) of that section, is one to which that section would apply but for the obstruction having become used for human habitation since service of the notice relating to it under subsection (1) of that section,

(b) that the way obstructed is a highway within subsection (2) of that section, and

(c) that the obstruction significantly interferes with the exercise of public rights of way over that way.

(5) No order shall be made under this section if the highway authority satisfy the court--

(a) that the fact that the way obstructed is a highway within section 130A(2) above is seriously disputed,

(b) on any other grounds, that they have no duty under section 130(3) above to secure the removal of the obstruction, or

(c) that, under arrangements which have been made by the authority, its removal will be secured within a reasonable time, having regard to the number and seriousness of obstructions in respect of which they have such a duty.

(6) A highway authority against whom an order is made under this section shall, as soon as practicable after the making of the order, cause notice of the order and of the right to appeal against it to be displayed in such manner and at such places on the highway concerned as may be prescribed by regulations made by the Secretary of State, and the notice shall be in such form and contain such information as may be so prescribed.

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(7) An order under this section may be varied on the application of the highway authority to whom it relates.

130C Section 130B: procedure

(1) A person proposing to make an application under section 130B above shall before making the application serve notice of his intention to do so on the highway authority concerned.

(2) A notice under subsection (1) above shall be in such form and contain such information as may be prescribed by regulations made by the Secretary of State.

(3) The notice may not be served before the end of two months beginning with the date of service on the highway authority of the notice under section 130A(1) above ("the request notice").

(4) An application in respect of which notice has been served under subsection (1) above may be made at any time--

(a) after the end of five days beginning with the date of service of that notice, and

(b) before the end of six months beginning with the date of service on the highway authority of the request notice.

(5) On making the application the applicant must give notice to the court of the names and addresses of which notice was given to the applicant under section 130A(6)(b) above.

(6) On the hearing of the application any person who is, within the meaning of section 130A above, a person for the time being responsible for the obstruction to which the application relates has a right to be heard as respects the matters mentioned in section 130B(4) above.

(7) Notice of the hearing, of the right to be heard under subsection (6) above and of the right to appeal against a decision on the application shall be given by the court to each person whose name and address is notified to the court under subsection (5) above.

130D Section 130B: costs

Where an application under section 130B above is dismissed by virtue of paragraph (a), (b) or (c) of subsection (5) of that section, the court, in determining whether and if so how to exercise its power under section 64(1) of the Magistrates' Courts Act 1980 (costs), shall have particular regard to any failure by the highway authority to give the applicant appropriate notice of, and information about, the grounds relied on by the authority under that paragraph."

(2) In section 317 of the 1980 Act (appeals to the Crown Court from decisions of magistrates' courts) after subsection (2) there is inserted--

"(3) Any person who, in relation to the decision of a magistrates' court on

an application under section 130B above, does not fall within subsection (1) above but--

(a) is, within the meaning of section 130A above, a person for the time being responsible for the obstruction to which the application related, or

(b) when the application was heard, was such a person and was, or claimed to be, heard on the application,

may appeal to the Crown Court against the decision on any ground relating to the matters mentioned in section 130B(4) above."

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 103(3).

Appointment

Appointment (in relation to England): 13 February 2004: see SI 2004/292, art 2(a).

Appointment (in relation to Wales): 1 April 2004: see SI 2004/315, art 2(a).

Extent

This section does not extend to Scotland: see s 104(4).

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COUNTRYSIDE AND RIGHTS OF WAY ACT 2000
2000 CHAPTER 37

PART II PUBLIC RIGHTS OF WAY AND ROAD TRAFFIC
Removal of obstructions from highways
Royal Assent [30 November 2000]

Countryside and Rights of Way Act 2000, Ch. 37, s. 64 (Eng.)

64 Power to order offender to remove obstruction

(1) After section 137 of the 1980 Act (penalty for wilful obstruction) there is inserted--

"137ZA Power to order offender to remove obstruction

(1) Where a person is convicted of an offence under section 137 above in respect of the obstruction of a highway and it appears to the court that--

(a) the obstruction is continuing, and

(b) it is in that person's power to remove the cause of the obstruction,

the court may, in addition to or instead of imposing any punishment, order him to take, within such reasonable period as may be fixed by the order, such steps as may be specified in the order for removing the cause of the obstruction.

(2) The time fixed by an order under subsection (1) above may be extended or further extended by order of the court on an application made before the end of the time as originally fixed or as extended under this subsection, as the case may be.

(3) If a person fails without reasonable excuse to comply with an order under subsection (1) above, he is guilty of an offence and liable to a fine not exceeding level 5 on the standard scale; and if the offence is continued after conviction he is guilty of a further offence and liable to a fine not exceeding one-twentieth of that level for each day on which the offence is so continued.

(4) Where, after a person is convicted of an offence under subsection (3) above, the highway authority for the highway concerned exercise any power to remove the cause of the obstruction, they may recover from that person the amount of any expenses reasonably incurred by them in, or in connection with, doing so.

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(5) A person against whom an order is made under subsection (1) above is not liable under section 137 above in respect of the obstruction concerned--

(a) during the period fixed under that subsection or any extension under subsection (2) above, or

(b) during any period fixed under section 311(1) below by a court before whom he is convicted of an offence under subsection (3) above in respect of the order."

(2) Subsection (1) does not have effect in relation to any offence under section 137 of the 1980 Act committed before the commencement of this section.

NOTES:**Initial Commencement*****Specified date***

Specified date: 30 January 2001: see s 103(2).

Extent

This section does not extend to Scotland: see s 104(4).

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COUNTRYSIDE AND RIGHTS OF WAY ACT 2000
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PART II PUBLIC RIGHTS OF WAY AND ROAD TRAFFIC
Removal of obstructions from highways
Royal Assent [30 November 2000]

Countryside and Rights of Way Act 2000, Ch. 37, s. 65 (Eng.)

65 Overhanging vegetation obstructing horse-riders

In section 154 of the 1980 Act (cutting or felling etc trees etc that overhang or are a danger to roads or footpaths) in subsection (1) after "public lamp," there is inserted "or overhangs a highway so as to endanger or obstruct the passage of horse-riders,".

NOTES:

Initial Commencement

Specified date

Specified date: 30 January 2001: see s 103(2).

Extent

This section does not extend to Scotland: see s 104(4).

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COUNTRYSIDE AND RIGHTS OF WAY ACT 2000
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PART II PUBLIC RIGHTS OF WAY AND ROAD TRAFFIC
Miscellaneous

Royal Assent [30 November 2000]

Countryside and Rights of Way Act 2000, Ch. 37, s. 66 (Eng.)

66 Making of traffic regulation orders for purposes of conserving natural beauty, etc

(1) In section 22 of the Road Traffic Regulation Act 1984 (traffic regulation for special areas in the countryside), in subsection (1)(a)--

(a) the words "(other than Greater London)" are omitted,

(b) at the end of paragraph (vi), the word "or" is omitted, and

(c) before the word "and" at the end of paragraph (vii) there is inserted--

"or

(viii) a site of special scientific interest (within the meaning of the Wildlife and Countryside Act 1981);".

(2) In subsection (2) of that section, for "the paragraphs of subsection (1) of that section" there is substituted "paragraphs (a) to (g) of subsection (1) of that section and referred to in section 6(1)(b) of this Act".

(3) After subsection (4) of that section there is inserted--

"(5) In subsection (2) above the reference to conserving the natural beauty of an area shall be construed as including a reference to conserving its flora, fauna and geological and physiographical features.".

(4) After that section there is inserted--

"22A Traffic regulation on certain roads for purpose of conserving natural beauty

(1) This section applies to roads other than--

(a) roads to which section 22 of this Act applies,

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(b) special roads, or

(c) any road which is a trunk road, a classified road, a GLA road, a cycle track, a bridleway or a footpath, as those expressions are defined by section 329 of the Highways Act 1980.

(2) This Act shall have effect as respects roads to which this section applies as if, in relation to the making of provision with respect to vehicular traffic, the list of purposes for which a traffic regulation order under section 1 of this Act may be made, as set out in paragraphs (a) to (g) of subsection (1) of that section and referred to in section 6(1)(b) of this Act, included the purpose of conserving or enhancing the natural beauty of the area.

(3) In subsection (2) above the reference to conserving the natural beauty of an area shall be construed as including a reference to conserving its flora, fauna and geological and physiographical features."

NOTES:**Initial Commencement*****Specified date***

Specified date: 30 January 2001: see s 103(2).

Extent

This section does not extend to Scotland: see s 104(4).

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**COUNTRYSIDE AND RIGHTS OF WAY ACT 2000
2000 CHAPTER 37**

**PART II PUBLIC RIGHTS OF WAY AND ROAD TRAFFIC
Miscellaneous**

Royal Assent [30 November 2000]

Countryside and Rights of Way Act 2000, Ch. 37, s. 67 (Eng.)

67 Prohibition on driving mechanically propelled vehicles elsewhere than on roads

Schedule 7 (which makes amendments relating to the driving of mechanically propelled vehicles elsewhere than on roads) has effect.

NOTES:

Initial Commencement

Specified date

Specified date: 30 January 2001: see s 103(2).

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COUNTRYSIDE AND RIGHTS OF WAY ACT 2000
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PART II PUBLIC RIGHTS OF WAY AND ROAD TRAFFIC
Miscellaneous

Royal Assent [30 November 2000]

Countryside and Rights of Way Act 2000, Ch. 37, s. 68 (Eng.)

68 Vehicular access across common land etc

(1) This section applies to a way which the owner or occupier (from time to time) of any premises has used as a means of access for vehicles to the premises, if that use of the way--

(a) was an offence under an enactment applying to the land crossed by the way, but

(b) would otherwise have been sufficient to create on or after the prescribed date, and to keep in existence, an easement giving a right of way for vehicles.

(2) Regulations may provide, as respects a way to which this section applies, for the creation in accordance with the regulations, on the application of the owner of the premises concerned and on compliance by him with prescribed requirements, of an easement subsisting at law for the benefit of the premises and giving a right of way for vehicles over that way.

(3) An easement created in accordance with the regulations is subject to any enactment or rule of law which would apply to such an easement granted by the owner of the land.

(4) The regulations may in particular--

(a) require that, where an application is made after the relevant use of the way has ceased, it is to be made within a specified time,

(b) specify grounds on which objections may be made and the procedure to apply to the making of objections,

(c) require any matter to be referred to and determined by the Lands Tribunal, and make provision as to procedure and costs,

(d) make provision as to the payment of any amount by the owner of the premises concerned to any person or into court and as to the time when any

payment is to be made,

(e) provide for the determination of any such amount,

(f) make provision as to the date on which any easement is created,

(g) specify any limitation to which the easement is subject,

(h) provide for the easement to include any specified right incidental to the right of way,

(i) make different provision for different circumstances.

(5) In this section--

"enactment" includes an enactment in a local or private Act and a byelaw, regulation or other provision having effect under an enactment;

"owner", in relation to any premises, means--

(a) a person, other than a mortgagee not in possession, who is for the time being entitled to dispose of the fee simple of the premises, whether in possession or in reversion, or

(b) a tenant under a long lease, within the meaning of the Landlord and Tenant Act 1987;

"prescribed" means prescribed by regulations;

"regulations" means regulations made, as respects England, by the Secretary of State and, as respects Wales, by the National Assembly for Wales.

(6) Regulations under this section shall be made by statutory instrument, and no such regulations shall be made by the Secretary of State unless a draft has been laid before, and approved by a resolution of, each House of Parliament.

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 103(3).

Appointment

Appointment (in relation to England): 1 April 2001: see SI 2001/114, art 2(2)(c).

Appointment (in relation to Wales): 1 May 2001: see SI 2001/1410, art 2(d).

Subordinate Legislation

Vehicular Access Across Common and Other Land (England) Regulations 2002, SI

2002/1711.

Vehicular Access Across Common and Other Land (Wales) Regulations 2004, SI 2004/248.

Extent

This section does not extend to Scotland: see s 104(4).

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COUNTRYSIDE AND RIGHTS OF WAY ACT 2000
2000 CHAPTER 37

PART II PUBLIC RIGHTS OF WAY AND ROAD TRAFFIC
Miscellaneous

Royal Assent [30 November 2000]

Countryside and Rights of Way Act 2000, Ch. 37, s. 69 (Eng.)

69 Erection or improvement of stiles, etc

(1) In section 147 of the 1980 Act (power to authorise erection of stiles etc on footpath or bridleway) after subsection (2) there is inserted--

"(2A) In exercising their powers under subsection (2) above a competent authority shall have regard to the needs of persons with mobility problems.

(2B) The Secretary of State may issue guidance to competent authorities as to matters to be taken into account for the purposes of subsection (2) above; and in exercising their powers under subsection (2) above competent authorities shall have regard to any such guidance issued to them."

(2) In subsection (5) of that section, at the end there is inserted "or for the breeding or keeping of horses."

(3) After that section there is inserted--

"147ZA Agreements relating to improvements for benefit of persons with mobility problems

(1) With respect to any relevant structure, a competent authority may enter into an agreement with the owner, lessee or occupier of the land on which the structure is situated which provides--

(a) for the carrying out by the owner, lessee or occupier of any qualifying works and the payment by the competent authority of the whole or any part of the costs incurred by him in carrying out those works, or

(b) for the carrying out by the competent authority of any qualifying works at their own expense or subject to the payment by the owner, lessee or occupier of the whole or any part of the costs incurred in carrying out those works.

(2) In this section--

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(a) "competent authority" has the same meaning as in section 147 above,

(b) "relevant structure" means a stile, gate or other structure which--

(i) is authorised by a condition or limitation subject to which the public right of way over the footpath or bridleway was created, or

(ii) is authorised under section 147 above,

but does not include a structure to which an agreement falling within section 146(5)(b) above relates, and

(c) "qualifying works", in relation to a relevant structure, means works for replacing or improving the structure which will result in a structure that is safer or more convenient for persons with mobility problems.

(3) An agreement under this section may include such conditions as the competent authority think fit.

(4) Those conditions may in particular include conditions expressed to have enduring effect--

(a) for the maintenance of the structure as replaced or improved, and

(b) for enabling the public right of way to be exercised without undue inconvenience to the public.

(5) Where an agreement under this section has been entered into in relation to any structure--

(a) the public right of way is to be deemed to be subject to a condition that the structure as replaced or improved may be erected and maintained in accordance with the agreement so long as any conditions included by virtue of subsection (4) above are complied with,

(b) in a case falling within subsection (2)(b)(i) above, as from the effective date the previous condition or limitation relating to the relevant structure shall cease to have effect, and

(c) in a case falling within subsection (2)(b)(ii) above, as from the effective date the previous authorisation under section 147 above shall cease to have effect in relation to the relevant structure.

(6) In subsection (5) above "the effective date" means--

(a) the first anniversary of the day on which the agreement was entered into, or

(b) such earlier date as may be specified for the purposes of this subsection in the agreement.

(7) For the purposes of section 143 above, any stile, gate or other structure replaced or improved in pursuance of an agreement under this section is to be deemed to be erected under this section only if any conditions included by

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virtue of subsection (4) above are complied with.

(8) A competent authority may not enter into an agreement under this section except with the consent of every owner, lessee or occupier of the land on which the relevant structure is situated who is not a party to the agreement.

(9) The Secretary of State may issue guidance to competent authorities as to matters to be taken into account for the purposes of this section; and in exercising their powers under this section competent authorities shall have regard to any such guidance issued to them."

(4) In section 146 of the 1980 Act (duty to maintain stiles etc on footpaths and bridleways) in subsection (5), before the word "or" at the end of paragraph (a) there is inserted--

"(aa) if any conditions for the maintenance of the structure imposed by virtue of subsection (4) of section 147ZA below are for the time being in force under that section,".

(5) In section 344 of the 1980 Act (application to Isles of Scilly) in subsection (2)(a) after "147," there is inserted "147ZA,".

NOTES:**Initial Commencement*****To be appointed***

To be appointed: see s 103(3).

Extent

This section does not extend to Scotland: see s 104(4).

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COUNTRYSIDE AND RIGHTS OF WAY ACT 2000
2000 CHAPTER 37

PART II PUBLIC RIGHTS OF WAY AND ROAD TRAFFIC
Miscellaneous

Royal Assent [30 November 2000]

Countryside and Rights of Way Act 2000, Ch. 37, s. 70 (Eng.)

70 Minor amendments

(1) In section 66(3) of the 1980 Act (works for safeguarding persons using footpaths)--

(a) after "footpath" there is inserted "or bridleway", and

(b) after "barriers," there is inserted "posts,".

(2) In section 134 of that Act, subsection (5) (which limits the persons who may bring proceedings for failure to restore a public path disturbed by ploughing etc) is omitted.

(3) In section 300 of that Act (right of local authorities to use vehicles and appliances on footways and bridleways), in subsection (1) after "verges," there is inserted "for preventing or removing obstructions to them or otherwise preventing or abating nuisances or other interferences with them,".

(4) In section 21(2)(b) of the Road Traffic Act 1988 (defence to charge of driving or parking on cycle track for highway authority vehicles), after "verges" there is inserted ", or the preventing or removing of obstructions to the cycle track or the preventing or abating in any other way of nuisances or other interferences with the cycle track,".

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 103(3).

Appointment

Sub-s (1): Appointment (in relation to England): 13 February 2004: see SI

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2004/292, art 2(b).

Sub-s (1): Appointment (in relation to Wales): 1 April 2004: see SI 2004/315, art 2(b).

Sub-s (2): Appointment (in relation to England): 1 April 2001 (in relation to an offence under the Highways Act 1980, s 134 committed on or after that date): see SI 2001/114, arts 2(2)(d), 3.

Sub-s (2): Appointment (in relation to Wales): 1 May 2001 (in relation to an offence under the Highways Act 1980, s 134 committed on or after that date): see SI 2001/1410, arts 2(e), 3.

Sub-s (3): Appointment (in relation to England): 13 February 2004: see SI 2004/292, art 2(c).

Sub-s (3): Appointment (in relation to Wales): 1 April 2004: see SI 2004/315, art 2(b).

Sub-s (4): Appointment (in relation to England): 1 April 2001: see SI 2001/114, art 2(2)(d).

Sub-s (4): Appointment (in relation to Wales): 1 May 2001: see SI 2001/1410, art 2(e).

Extent

This section does not extend to Scotland: see s 104(4).

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COUNTRYSIDE AND RIGHTS OF WAY ACT 2000
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PART II PUBLIC RIGHTS OF WAY AND ROAD TRAFFIC
Miscellaneous

Royal Assent [30 November 2000]

Countryside and Rights of Way Act 2000, Ch. 37, s. 71 (Eng.)

71 Reports on functions relating to rights of way

(1) The Secretary of State (as respects England) or the National Assembly for Wales (as respects Wales) may make regulations requiring local highway authorities of a description specified in the regulations to publish reports on the performance of any of their functions so far as relating to local rights of way (whether or not those functions are conferred on them as highway authorities).

(2) Subsection (1) is without prejudice to section 230 of the Local Government Act 1972 (reports and returns).

(3) Regulations under subsection (1) may prescribe the information to be given in such reports and how and when reports are to be published.

(4) Regulations under subsection (1) shall be made by statutory instrument, and a statutory instrument containing such regulations made by the Secretary of State shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(5) In this section--

"local highway authority" has the same meaning as in the 1980 Act, except that it does not include Transport for London; and

"local rights of way" has the same meaning as in section 60.

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 103(3).

Extent

This section does not extend to Scotland: see s 104(4).

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COUNTRYSIDE AND RIGHTS OF WAY ACT 2000
2000 CHAPTER 37

PART II PUBLIC RIGHTS OF WAY AND ROAD TRAFFIC
Miscellaneous

Royal Assent [30 November 2000]

Countryside and Rights of Way Act 2000, Ch. 37, s. 72 (Eng.)

72 Interpretation of Part II

(1) In this Part, unless a contrary intention appears--

(a) "restricted byway" and "restricted byway rights" have the meaning given by section 48(4);

(b) expressions which are defined for the purposes of Part III of the 1981 Act by section 66(1) of that Act have the same meaning as in that Part.

(2) In this Part any reference to a highway includes a reference to part of a highway.

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 103(3).

Appointment

Appointment (in relation to England): 30 January 2001: see SI 2001/114, art 2(1)(b).

Appointment (in relation to Wales): 1 May 2001: see SI 2001/1410, art 2(f).

Extent

This section does not extend to Scotland: see s 104(4).

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**COUNTRYSIDE AND RIGHTS OF WAY ACT 2000
2000 CHAPTER 37**

**PART III NATURE CONSERVATION AND WILDLIFE PROTECTION
The Nature Conservancy Council for England
Royal Assent [30 November 2000]**

Countryside and Rights of Way Act 2000, Ch. 37, s. 73 (Eng.)

73 The Nature Conservancy Council for England: change of name

(1) The Nature Conservancy Council for England shall be known instead as English Nature.

(2) For any reference to the Nature Conservancy Council for England--

(a) in any provision of a local Act or subordinate legislation, or

(b) in any other instrument or document,

there is substituted, as respects any time after the commencement of subsection (1), a reference to English Nature.

(3) Any reference to English Nature in this Act (apart from this section), or in any instrument under this Act, shall be construed, in relation to any time before the commencement of subsection (1), as a reference to the Nature Conservancy Council for England.

(4) Schedule 8 (which makes amendments consequential on subsection (1)) has effect.

NOTES:

Initial Commencement

Specified date

Specified date: 30 January 2001: see s 103(2).

Extent

This section does not extend to Scotland: see s 104(4).

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COUNTRYSIDE AND RIGHTS OF WAY ACT 2000
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PART III NATURE CONSERVATION AND WILDLIFE PROTECTION
Biological diversity

Royal Assent [30 November 2000]

Countryside and Rights of Way Act 2000, Ch. 37, s. 74 (Eng.)

74 Conservation of biological diversity

(1) It is the duty of--

(a) any Minister of the Crown (within the meaning of the Ministers of the Crown Act 1975),

(b) any Government department, and

(c) the National Assembly for Wales,

in carrying out his or its functions, to have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biological diversity in accordance with the Convention.

(2) The Secretary of State, as respects England, and the National Assembly for Wales, as respects Wales, shall each publish a list of, or lists which together comprise, the living organisms and types of habitat which in the opinion of the Secretary of State or the Assembly (as the case may be) are of principal importance for the purpose mentioned in subsection (1).

(3) Without prejudice to subsection (1), it is the duty of a listing authority to take, or to promote the taking by others of, such steps as appear to the authority to be reasonably practicable to further the conservation of the living organisms and types of habitat included in any list published by the authority under this section.

(4) Before publishing the list or lists required by subsection (2) the listing authority shall consult the appropriate conservation body as to the living organisms or types of habitat to be included in the list or lists.

(5) Each listing authority shall, in consultation with the appropriate conservation body--

(a) keep under review any list published by the authority under this section,

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(b) make such revisions of any such list as appear to the authority to be appropriate, and

(c) publish any list so revised.

(6) A duty under this section to publish a list is a duty to publish it in such manner as the listing authority thinks fit.

(7) In this section--

"appropriate conservation body" means--

(a) as respects England, English Nature,

(b) as respects Wales, the Countryside Council for Wales;

"biological diversity" has the same meaning as in the Convention;

"conservation" in relation to a living organism or type of habitat, includes the restoration or enhancement of a population or habitat;

"the Convention" means the United Nations Environmental Programme Convention on Biological Diversity of 1992;

"habitat" has the same meaning as in the Convention;

"listing authority"--

(a) in relation to a list which the Secretary of State is required to publish under this section, means the Secretary of State;

(b) in relation to a list which the National Assembly for Wales is required to publish under this section, means the National Assembly for Wales.

NOTES:

Initial Commencement

Specified date

Specified date: 30 January 2001: see s 103(2).

Extent

This section does not extend to Scotland: see s 104(4).

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*** THIS DOCUMENT IS CURRENT THROUGH 26 NOVEMBER, 2004 ***

COUNTRYSIDE AND RIGHTS OF WAY ACT 2000
2000 CHAPTER 37

PART III NATURE CONSERVATION AND WILDLIFE PROTECTION
Sites of special scientific interest
Royal Assent [30 November 2000]

Countryside and Rights of Way Act 2000, Ch. 37, s. 75 (Eng.)

75 Sites of special scientific interest

(1) Schedule 9 (which makes amendments of the 1981 Act to change the law relating to sites of special scientific interest, including provision as to offences) has effect.

(2) A notification under section 23 of the National Parks and Access to the Countryside Act 1949 (notification to local planning authorities of areas of special scientific interest) which by virtue of section 28(13) of the 1981 Act as originally enacted had effect as if given under section 28(1)(a) of that Act, shall cease to have effect.

(3) In section 15(2) of the Countryside Act 1968 (which provides for agreements between the Nature Conservancy Council and those with interests in land which is included in an area of special scientific interest, or is adjacent to such land), for "adjacent" there is substituted "other".

(4) After section 15 of the Countryside Act 1968 there is inserted--

"15A Compulsory purchase

(1) The Nature Conservancy Council may in circumstances set out in subsection (2) acquire compulsorily all or any part of the land referred to in section 15(2).

(2) The circumstances are--

(a) that the Nature Conservancy Council are satisfied that they are unable to conclude, on reasonable terms, such an agreement as is referred to in section 15(2), or

(b) that they have entered into such an agreement, but they are satisfied it has been breached in such a way that the flora, fauna or geological or physiographical features referred to there are not being conserved satisfactorily.

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(3) A dispute about whether or not there has been a breach of the agreement for the purposes of subsection (2)(b) shall be determined by an arbitrator appointed by the Lord Chancellor.

(4) Where the Nature Conservancy Council have acquired land compulsorily under this section, they may--

(a) themselves take steps to conserve the flora, fauna or geological or physiographical features in question, or

(b) dispose of the land on terms designed to secure that those flora, fauna or features are satisfactorily conserved.

(5) In this section, "Nature Conservancy Council" means English Nature as respects land in England, and the Council as respects land in Wales."

NOTES:**Initial Commencement*****Specified date***

Specified date: 30 January 2001: see s 103(2).

Extent

This section does not extend to Scotland: see s 104(4).

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**COUNTRYSIDE AND RIGHTS OF WAY ACT 2000
2000 CHAPTER 37**

**PART III NATURE CONSERVATION AND WILDLIFE PROTECTION
Sites of special scientific interest
Royal Assent [30 November 2000]**

Countryside and Rights of Way Act 2000, Ch. 37, s. 76 (Eng.)

**76 Consequential amendments, transitional provisions and savings relating to s
75**

(1) Schedule 10 (which makes amendments of the 1981 Act consequential upon the substitution or repeal as respects England and Wales of certain sections in that Act, and also makes other consequential amendments) has effect.

(2) Schedule 11 (which makes transitional provisions and savings relating to the coming into force of section 75) has effect.

NOTES:

Initial Commencement

Specified date

Specified date: 30 January 2001: see s 103(2).

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COUNTRYSIDE AND RIGHTS OF WAY ACT 2000
2000 CHAPTER 37

PART III NATURE CONSERVATION AND WILDLIFE PROTECTION
Ramsar sites

Royal Assent [30 November 2000]

Countryside and Rights of Way Act 2000, Ch. 37, s. 77 (Eng.)

77 Ramsar sites

After section 37 of the 1981 Act there is inserted--

"37A Ramsar sites

(1) Where a wetland in Great Britain has been designated under paragraph 1 of article 2 of the Ramsar Convention for inclusion in the list of wetlands of international importance referred to in that article, the Secretary of State shall--

- (a) notify English Nature if all or part of the wetland is in England;
- (b) notify the Countryside Council for Wales if it is in Wales; or
- (c) notify both of them if it is partly in England and partly in Wales.

(2) Subject to subsection (3), upon receipt of a notification under subsection (1), each body notified shall, in turn, notify--

- (a) the local planning authority in whose area the wetland is situated;
- (b) every owner and occupier of any of that wetland;
- (c) the Environment Agency; and

(d) every relevant undertaker (within the meaning of section 4(1) of the Water Industry Act 1991) and every internal drainage board (within the meaning of section 61C(1) of the Land Drainage Act 1991) whose works, operations or activities may affect the wetland.

(3) English Nature and the Countryside Council for Wales may agree that in a case where the Secretary of State notifies both of them under subsection (1)(c), any notice under subsection (2) is to be sent by one or the other of them (and not both), so as to avoid duplicate notices under that subsection.

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(4) Subject to subsection (5), the "Ramsar Convention" is the Convention on Wetlands of International Importance especially as Waterfowl Habitat signed at Ramsar on 2nd February 1971, as amended by--

(a) the Protocol known as the Paris Protocol done at Paris on 3rd December 1982; and

(b) the amendments known as the Regina Amendments adopted at the Extraordinary Conference of the Contracting Parties held at Regina, Saskatchewan, Canada, between 28th May and 3rd June 1987.

(5) If the Ramsar Convention is further amended after the passing of the Countryside and Rights of Way Act 2000, the reference to the Ramsar Convention in subsection (1) is to be taken after the entry into force of the further amendments as referring to that Convention as further amended (and the reference to paragraph 1 of article 2 is, if necessary, to be taken as referring to the appropriate successor provision)."

NOTES:**Initial Commencement*****Specified date***

Specified date: 30 January 2001: see s 103(2).

Extent

This section does not extend to Scotland: see s 104(4).

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**COUNTRYSIDE AND RIGHTS OF WAY ACT 2000
2000 CHAPTER 37**

PART III NATURE CONSERVATION AND WILDLIFE PROTECTION

Limestone pavement orders
Royal Assent [30 November 2000]

Countryside and Rights of Way Act 2000, Ch. 37, s. 78 (Eng.)

78 Limestone pavement orders: offence

(1) In section 34(4) of the 1981 Act (which provides for an offence in connection with land designated by a limestone pavement order), for "the statutory maximum" there is substituted "£20,000".

(2) Subsection (1) does not have effect in relation to any offence committed before the commencement of this section.

NOTES:

Initial Commencement

Specified date

Specified date: 30 January 2001: see s 103(2).

Extent

This section does not extend to Scotland: see s 104(4).

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COUNTRYSIDE AND RIGHTS OF WAY ACT 2000
2000 CHAPTER 37

PART III NATURE CONSERVATION AND WILDLIFE PROTECTION

Payments under certain agreements

Royal Assent [30 November 2000]

Countryside and Rights of Way Act 2000, Ch. 37, s. 79 (Eng.)

79 Payments under agreements under s 16 of 1949 Act or s 15 of 1968 Act

In section 50 of the 1981 Act (which makes provision relating to payments under section 16 of the National Parks and Access to the Countryside Act 1949 or section 15 of the Countryside Act 1968), in subsection (1)(a), for sub-paragraphs (i) and (ii) and the preceding word "to" there is substituted "to any person; or".

NOTES:

Initial Commencement

Specified date

Specified date: 30 January 2001: see s 103(2).

Extent

This section does not extend to Scotland: see s 104(4).

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COUNTRYSIDE AND RIGHTS OF WAY ACT 2000
2000 CHAPTER 37

PART III NATURE CONSERVATION AND WILDLIFE PROTECTION

Powers of entry

Royal Assent [30 November 2000]

Countryside and Rights of Way Act 2000, Ch. 37, s. 80 (Eng.)

80 Powers of entry

(1) Section 51 of the 1981 Act (powers of entry) is amended as follows.

(2) In subsection (1), for paragraphs (a) to (d) there is substituted--

"(a) to determine whether the land should be notified under section 28(1);

(b) to assess the condition of the flora, fauna, or geological or physiographical features by reason of which land which has been notified under section 28(1) is of special interest;

(c) to determine whether or not to offer to enter into an agreement under section 16 of the 1949 Act or section 15 of the 1968 Act in relation to the land;

(d) to ascertain whether a condition to which a consent referred to in section 28E(3)(a) was subject has been complied with in relation to the land;

(e) to ascertain whether an offence under section 28P or under byelaws made by virtue of section 28R is being, or has been, committed on or in relation to the land;

(f) to formulate a management scheme for the land or determine whether a management scheme (or a proposed management scheme) for the land should be modified;

(g) to prepare a management notice for the land;

(h) to ascertain whether the terms of an agreement under section 16 of the 1949 Act or section 15 of the 1968 Act in relation to the land, or the terms of a managementscheme or the requirements of a management notice in relation to the land, have been complied with;

(i) to determine whether or not to offer to make a payment under section 28M

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in relation to the land;

(j) to determine any question in relation to the acquisition of the land by agreement or compulsorily;

(k) to determine any question in relation to compensation under section 20(3) of the 1949 Act as applied by section 28R of this Act;

(l) to ascertain whether an order should be made in relation to the land under section 34 or if an offence under that section is being, or has been, committed on the land;

(m) to ascertain whether an order should be made in relation to the land under section 42 or if an offence under that section is being, or has been, committed on the land;".

(3) After subsection (1) there is inserted--

"(1A) The power conferred by subsection (1) to enter land for any purpose includes power to enter for the same purpose any land other than that referred to in subsection (1).

(1B) More than one person may be authorised for the time being under subsection (1) to enter any land."

(4) In subsection (2)--

(a) in paragraph (a), for "paragraphs (a) and (b)" there is substituted "paragraphs (a) to (k)";

(b) in paragraph (b), for "paragraph (c)" there is substituted "paragraph (1)"; and

(c) in paragraph (c), for "paragraph (d)" there is substituted "paragraph (m)".

(5) For subsection (3)(b) there is substituted--

"(b) the purpose of the entry is to ascertain if an offence under section 28P, 34 or 42 is being, or has been, committed on or (as the case may be) in relation to that land."

(6) After subsection (3) there is inserted--

"(3A) A person acting in the exercise of a power conferred by subsection (1) may--

(a) use a vehicle or a boat to enter the land;

(b) take a constable with him if he reasonably believes he is likely to be obstructed;

(c) take with him equipment and materials needed for the purpose for which he is exercising the power of entry;

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(d) take samples of the land and of anything on it.

(3B) If in the exercise of a power conferred by subsection (1) a person enters land which is unoccupied or from which the occupier is temporarily absent, he must on his departure leave it as effectively secured against unauthorised entry as he found it."

(7) After subsection (4) there is inserted--

"(5) It is the duty of a relevant authority to compensate any person who has sustained damage as a result of--

(a) the exercise of a power conferred by subsection (1) by a person authorised to do so by that relevant authority, or

(b) the failure of a person so authorised to perform the duty imposed on him by subsection (3B),

except where the damage is attributable to the fault of the person who sustained it; and any dispute as to a person's entitlement to compensation under this subsection or as to its amount shall be referred to an arbitrator to be appointed, in default of agreement, by the Secretary of State".

NOTES:**Initial Commencement*****Specified date***

Specified date: 30 January 2001: see s 103(2).

Extent

This section does not extend to Scotland: see s 104(4).

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COUNTRYSIDE AND RIGHTS OF WAY ACT 2000
2000 CHAPTER 37

PART III NATURE CONSERVATION AND WILDLIFE PROTECTION
Enforcement of wildlife legislation
Royal Assent [30 November 2000]

Countryside and Rights of Way Act 2000, Ch. 37, s. 81 (Eng.)

81 Enforcement of wildlife legislation

(1) Schedule 12 to this Act (which contains amendments relating to offences and enforcement powers under Part I of the 1981 Act) has effect.

(2) . . .

(3) . . .

NOTES:

Initial Commencement

Royal Assent

Sub-ss (2), (3): Royal Assent: 30 November 2000: see s 103(1).

Specified date

Sub-s (1): Specified date: 30 January 2001: see s 103(2).

Amendment

Sub-ss (2), (3): repealed by the Criminal Justice Act 2003, s 332, Sch 37, Pt 9.

Date in force: 20 November 2003: see the Criminal Justice Act 2003, s 336(1).

Extent

This section does not extend to Scotland: see s 104(4).

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COUNTRYSIDE AND RIGHTS OF WAY ACT 2000
2000 CHAPTER 37

PART IV AREAS OF OUTSTANDING NATURAL BEAUTY
Royal Assent [30 November 2000]

Countryside and Rights of Way Act 2000, Ch. 37, s. 82 (Eng.)

82 Designation of areas

(1) Where it appears to the Countryside Agency (in this Part referred to as "the Agency") that an area which is in England but not in a National Park is of such outstanding natural beauty that it is desirable that the provisions of this Part relating to areas designated under this section should apply to it, the Agency may, for the purpose of conserving and enhancing the natural beauty of the area, by order designate the area for the purposes of this Part as an area of outstanding natural beauty.

(2) Where it appears to the Countryside Council for Wales (in this Part referred to as "the Council") that an area which is in Wales but not in a National Park is of such outstanding natural beauty that it is desirable that the provisions of this Part relating to areas designated under this section should apply to it, the Council may, for the purpose of conserving and enhancing the natural beauty of the area, by order designate the area for the purposes of this Part as an area of outstanding natural beauty.

(3) In this Part "area of outstanding natural beauty" means an area designated under this section as an area of outstanding natural beauty.

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 103(3).

Appointment

Appointment (in relation to England): 1 April 2001: see SI 2001/114, art 2(2)(e).

Appointment (in relation to Wales): 1 May 2001: see SI 2001/1410, art 2(g).

Extent

This section does not extend to Scotland: see s 104(4).

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COUNTRYSIDE AND RIGHTS OF WAY ACT 2000
2000 CHAPTER 37

PART IV AREAS OF OUTSTANDING NATURAL BEAUTY
Royal Assent [30 November 2000]

Countryside and Rights of Way Act 2000, Ch. 37, s. 83 (Eng.)

83 Procedure for designation orders

(1) Where the Agency or the Council propose to make an order under section 82, the Agency or the Council shall consult every local authority whose area includes any part of the area to which the proposed order is to relate.

(2) Before making the order, the Agency or the Council shall then publish, in the London Gazette and in one or more newspapers circulating in the area of every such local authority, notice that they propose to make the order, indicating the effect of the order and stating the time within which and manner in which representations with respect to the proposed order may be made to the Agency or the Council (as the case may be), and shall consider any representations duly made.

(3) An order under section 82 shall not come into operation unless and until confirmed--

(a) in the case of an order made by the Agency, by the Secretary of State, or

(b) in the case of an order made by the Council, by the National Assembly for Wales,

and, in submitting any such order to the Secretary of State or the Assembly, the Agency or Council shall forward to the Secretary of State or the Assembly any representations made by a local authority consulted under subsection (1) or made by any other person under subsection (2), other than representations to which effect is given by the order as submitted to the Secretary of State or the Assembly.

(4) The Secretary of State or the National Assembly for Wales may confirm an order submitted to him or it under this section either as submitted or with such modifications as the Secretary of State or the Assembly thinks expedient.

(5) Before refusing to confirm an order under section 82, or determining to confirm it with modifications, the Secretary of State shall consult the Agency and every local authority whose area includes any land to which the order as

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submitted, or as proposed to be modified, relates.

(6) Before refusing to confirm an order under section 82, or determining to confirm it with modifications, the National Assembly for Wales shall consult the Council and every local authority whose area includes any land to which the order as submitted, or as proposed to be modified, relates.

(7) An order under section 82 may be revoked or varied by a subsequent order under that section.

(8) Without prejudice to the powers of the Agency or the Council to vary an order under section 82, the Secretary of State (as respects England) or the National Assembly for Wales (as respects Wales) may by order vary any order under that section made by the Agency or the Council; and subsection (1) applies to any order under section 82 made by the Secretary of State or the Assembly by virtue of this subsection with the substitution for references to the Agency of references to the Secretary of State and for references to the Council of references to the Assembly.

(9) It is the duty of the Agency and the Council to secure that copies of any order under section 82 relating to England or, as the case may be, to Wales, are available for inspection by the public at all reasonable times--

(a) at the office of the Agency or, as the case may be, the Council,

(b) at the offices of each local authority whose area includes any part of the area to which the order relates, and

(c) at such other place or places in or near that area as the Agency or, as the case may be, the Council may determine.

NOTES:**Initial Commencement*****To be appointed***

To be appointed: see s 103(3).

Appointment

Appointment (in relation to England): 1 April 2001: see SI 2001/114, art 2(2)(e).

Appointment (in relation to Wales): 1 May 2001: see SI 2001/1410, art 2(g).

Extent

This section does not extend to Scotland: see s 104(4).

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2000 CHAPTER 37

PART IV AREAS OF OUTSTANDING NATURAL BEAUTY
Royal Assent [30 November 2000]

Countryside and Rights of Way Act 2000, Ch. 37, s. 84 (Eng.)

84 Functions of certain bodies in relation to areas of outstanding natural beauty

(1) The following provisions of the National Parks and Access to the Countryside Act 1949 (in this Part referred to as "the 1949 Act")--

(a) section 6(4)(e) (duty of Agency or Council to give advice in connection with development matters),

(b) section 9 (consultation in connection with development plan),

(c) section 64(5) (consultation in connection with access agreements), and

(d) section 65(5) and (5A) (consultation in connection with access orders),

apply in relation to areas of outstanding natural beauty as they apply in relation to National Parks.

(2) In section 6(4)(e) of the 1949 Act as it applies by virtue of subsection (1), "appropriate planning authority" means a local planning authority whose area consists of or includes the whole or any part of an area of outstanding natural beauty and includes a local authority, not being a local planning authority, by whom any powers of a local planning authority as respects an area of outstanding natural beauty are exercisable, whether under the 1949 Act or otherwise.

(3) Section 4A of the 1949 Act (which confers on the Council functions under Part II of that Act corresponding to those exercisable as respects England by the Agency) applies to the provisions mentioned in subsection (1)(a) and (b) for the purposes of their application to areas of outstanding natural beauty as that section applies for the purposes of Part II of the 1949 Act.

(4) A local planning authority whose area consists of or includes the whole or any part of an area of outstanding natural beauty has power, subject to subsections (5) and (6), to take all such action as appears to them expedient for the accomplishment of the purpose of conserving and enhancing the natural

beauty of the area of outstanding natural beauty or so much of it as is included in their area.

(5) Nothing in this Part is to be taken to limit the generality of subsection (4); but in so far as the provisions of this Part or of the 1949 Act confer specific powers falling within that subsection those powers are to be exercised in accordance with those provisions and subject to any limitations expressed or implied in them.

(6) Without prejudice to the powers conferred by this Part, subsection (4) has effect only for the purpose of removing any limitation imposed by law on the capacity of a local planning authority by virtue of its constitution, and does not authorise any act or omission on the part of such an authority which apart from that subsection would be actionable at the suit of any person on any ground other than such a limitation.

(7) In this section "local planning authority" has the same meaning as in the Town and Country Planning Act 1990.

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 103(3).

Appointment

Appointment (in relation to England): 1 April 2001: see SI 2001/114, art 2(2)(e).

Appointment (in relation to Wales): 1 May 2001: see SI 2001/1410, art 2(g).

Extent

This section does not extend to Scotland: see s 104(4).

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2000 CHAPTER 37

PART IV AREAS OF OUTSTANDING NATURAL BEAUTY
Royal Assent [30 November 2000]

Countryside and Rights of Way Act 2000, Ch. 37, s. 85 (Eng.)

85 General duty of public bodies etc

(1) In exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty, a relevant authority shall have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.

(2) The following are relevant authorities for the purposes of this section--

- (a) any Minister of the Crown,
- (b) any public body,
- (c) any statutory undertaker,
- (d) any person holding public office.

(3) In subsection (2)--

"public body" includes

(a) a county council, county borough council, district council, parish council or community council;

(b) a joint planning board within the meaning of section 2 of the Town and Country Planning Act 1990;

(c) a joint committee appointed under section 102(1)(b) of the Local Government Act 1972;

"public office" means--

- (a) an office under Her Majesty;
- (b) an office created or continued in existence by a public general Act; or

(c) an office the remuneration in respect of which is paid out of money provided by Parliament.

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 103(3).

Appointment

Appointment (in relation to England): 1 April 2001: see SI 2001/114, art 2(2)(e).

Appointment (in relation to Wales): 1 May 2001: see SI 2001/1410, art 2(g).

Extent

This section does not extend to Scotland: see s 104(4).

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COUNTRYSIDE AND RIGHTS OF WAY ACT 2000
2000 CHAPTER 37

PART IV AREAS OF OUTSTANDING NATURAL BEAUTY
Royal Assent [30 November 2000]

Countryside and Rights of Way Act 2000, Ch. 37, s. 86 (Eng.)

86 Establishment of conservation boards

(1) The Secretary of State (as respects England) or the National Assembly for Wales (as respects Wales) may--

(a) in the case of any existing area of outstanding natural beauty, or

(b) in connection with the designation of any area as an area of outstanding natural beauty,

by order establish a board (in this Part referred to as "a conservation board") to carry out in relation to that area the functions conferred on such a board by or under this Part.

(2) Schedule 13 (which relates to the constitution of conservation boards) has effect.

(3) Where the Secretary of State or the National Assembly for Wales considers it expedient for either of the purposes mentioned in section 87(1), an order under subsection (1) may--

(a) provide for the transfer to the conservation board to which the order relates of any of the functions of local authorities, so far as relating to the area of outstanding natural beauty in question, or

(b) provide for any function of a local authority, so far as relating to the area of outstanding natural beauty in question, to be exercisable concurrently by the local authority and by the conservation board.

(4) Subsection (3) does not apply to functions of a local authority under Part II, III, VII or XIII of the Town and Country Planning Act 1990 [or under Part 2 or 6 of the Planning and Compulsory Purchase Act 2004].

(5) An order under subsection (1) may make further provision as to the constitution and administration of the conservation board to which it relates, including provision with respect to--

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- (a) the appointment of members,
- (b) the removal and disqualification of members,
- (c) the conduct of members,
- (d) proceedings of the board,
- (e) the appointment of staff,
- (f) consultation with other public bodies,
- (g) records and documents of the board,
- (h) the provision of information by the board, and
- (i) complaints of maladministration.

(6) Before making an order under subsection (1) in relation to an area of outstanding natural beauty in England, the Secretary of State shall consult--

(a) the Agency, and

(b) every local authority whose area consists of or includes the whole or part of the area of outstanding natural beauty,

and shall not make the order unless satisfied that the majority of those local authorities consent.

(7) Before making an order under subsection (1) in relation to an area of outstanding natural beauty in Wales, the National Assembly for Wales shall consult--

(a) the Council, and

(b) every local authority whose area consists of or includes the whole or part of the area of outstanding natural beauty,

and shall not make the order unless satisfied that the majority of those local authorities consent.

(8) An order under subsection (1) which amends or revokes a previous order under that subsection establishing a conservation board--

(a) may be made only after consultation with the conservation board to which it relates (as well as the consultation required by subsection (6) or (7)), and

(b) in the case of an order revoking a previous order, may provide for the winding up of the board.

(9) Subject to any order under subsection (10), where there is a variation of the area of an area of outstanding natural beauty for which there is or is to be a conservation board, the area of outstanding natural beauty for which that board is or is to be the conservation board shall be taken, as from the time

when the variation takes effect, to be that area as varied.

(10) Where provision is made for the variation of the area of an area of outstanding natural beauty for which there is or is to be a conservation board, the Secretary of State (as respects England) or the National Assembly for Wales (as respects Wales) may by order make such transitional provision as he or it thinks fit with respect to--

(a) any functions which, in relation to any area that becomes part of the area of outstanding natural beauty, are by virtue of the variation to become functions of that conservation board; and

(b) any functions which, in relation to any area that ceases to be part of the area of outstanding natural beauty, are by virtue of the variation to become functions of a person other than that conservation board.

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 103(3).

Appointment

Appointment (in relation to England): 1 April 2001: see SI 2001/114, art 2(2)(e).

Appointment (in relation to Wales): 1 May 2001: see SI 2001/1410, art 2(g).

Amendment

Sub-s (4): reference to "II," in italics repealed by the Planning and Compulsory Purchase Act 2004, ss 118(2), 120, Sch 7, para 23(a), Sch 9.

Date in force (in relation to England): 28 September 2004: see SI 2004/2202, arts 2(i), (k), 3(c), (d), Sch 1, Pt 1.

Date in force (in relation to Wales): to be appointed: see the Planning and Compulsory Purchase Act 2004, s 121(1), (2)(f), (g).

Sub-s (4): words "or under Part 2 or 6 of the Planning and Compulsory Purchase Act 2004" in square brackets inserted by the Planning and Compulsory Purchase Act 2004, s 118(2), Sch 7, para 23(b).

Date in force (in relation to England): 28 September 2004: see SI 2004/2202, arts 2(i), 3(c)

Date in force (in relation to Wales): to be appointed: see the Planning and Compulsory Purchase Act 2004, s 121(1), (2)(f), (g).

Extent

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This section does not extend to Scotland: see s 104(4).

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COUNTRYSIDE AND RIGHTS OF WAY ACT 2000
2000 CHAPTER 37

PART IV AREAS OF OUTSTANDING NATURAL BEAUTY
Royal Assent [30 November 2000]

Countryside and Rights of Way Act 2000, Ch. 37, s. 87 (Eng.)

87 General purposes and powers

(1) It is the duty of a conservation board, in the exercise of their functions, to have regard to--

(a) the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty, and

(b) the purpose of increasing the understanding and enjoyment by the public of the special qualities of the area of outstanding natural beauty,

but if it appears to the board that there is a conflict between those purposes, they are to attach greater weight to the purpose mentioned in paragraph (a).

(2) A conservation board, while having regard to the purposes mentioned in subsection (1), shall seek to foster the economic and social well-being of local communities within the area of outstanding natural beauty, but without incurring significant expenditure in doing so, and shall for that purpose co-operate with local authorities and public bodies whose functions include the promotion of economic or social development within the area of outstanding natural beauty.

(3) Sections 37 and 38 of the Countryside Act 1968 (general duties as to the protection of interests of the countryside and the avoidance of pollution) apply to conservation boards as they apply to local authorities.

(4) The powers of a conservation board include power to do anything which, in the opinion of the board, is calculated to facilitate, or is conducive or incidental to--

(a) the accomplishment of the purposes mentioned in subsection (1), or

(b) the carrying out of any functions conferred on it by virtue of any other provision of this Part or by virtue of any enactment not contained in this Part.

(5) The powers conferred on a conservation board by subsection (4) do not

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include--

(a) power to do anything in contravention of any restriction imposed by virtue of this Part in relation to any express power of the board, or

(b) power to raise money (whether by borrowing or otherwise) in a manner which is not authorised apart from that subsection,

but the things that may be done in exercise of those powers are not to be treated as excluding anything by reason only that it involves the expenditure, borrowing or lending of money or the acquisition or disposal of any property or rights.

(6) Schedule 14 (which relates to the supplemental and incidental powers of conservation boards) has effect.

(7) An order under section 86(1) may--

(a) make further provision with respect to the supplemental and incidental powers of the conservation board to which it relates or the limits on those powers, including provision relating to the borrowing of money, and

(b) provide for any enactment which relates to or limits the supplemental or incidental powers or duties of local authorities or relates to the conduct of, or transactions by, local authorities to apply in relation to the conservation board with such modifications as may be specified in the order.

NOTES:**Initial Commencement*****To be appointed***

To be appointed: see s 103(3).

Appointment

Appointment (in relation to England): 1 April 2001: see SI 2001/114, art 2(2)(e).

Appointment (in relation to Wales): 1 May 2001: see SI 2001/1410, art 2(g).

Extent

This section does not extend to Scotland: see s 104(4).

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COUNTRYSIDE AND RIGHTS OF WAY ACT 2000
2000 CHAPTER 37

PART IV AREAS OF OUTSTANDING NATURAL BEAUTY
Royal Assent [30 November 2000]

Countryside and Rights of Way Act 2000, Ch. 37, s. 88 (Eng.)

88 Orders establishing conservation boards

(1) Any power of the Secretary of State or the National Assembly for Wales to make an order under section 86(1) or (10) is exercisable by statutory instrument.

(2) No order shall be made under section 86(1) by the Secretary of State unless a draft of the order has been laid before, and approved by a resolution of, each House of Parliament.

(3) A statutory instrument containing an order made under section 86(10) by the Secretary of State shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(4) If a draft of an order made under section 86(1) by the Secretary of State would, apart from this section, be treated for the purposes of the Standing Orders of either House of Parliament as a hybrid instrument, it shall proceed in that House as if it were not such an instrument.

(5) The power of the Secretary of State or the National Assembly for Wales to make an order under section 86(1) or (10) includes power to make such incidental, supplemental, consequential and transitional provision as the person making the order thinks necessary or expedient.

(6) The power of the Secretary of State or the National Assembly for Wales by an order under section 86(1) or (10) to make incidental, supplemental, consequential or transitional provision includes power for any incidental, supplemental, consequential or, as the case may be, transitional purpose--

- (a) to apply with or without modifications,
- (b) to extend, exclude or modify, or
- (c) to repeal or revoke with or without savings,

any enactment or any instrument made under any enactment.

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(7) The provision that may be made for incidental, supplemental, consequential or transitional purposes in the case of any order under section 86(1) or (10) which--

(a) establishes a conservation board or provides for the winding up of such a board, or

(b) otherwise has the effect of transferring functions from one person to another or of providing for functions to become exercisable concurrently by two or more persons or to cease to be so exercisable,

includes provision for the transfer of property, rights and liabilities from one person to another.

(8) The power of the Secretary of State or the National Assembly for Wales under section 86(1) or (10) to provide by order for the transfer of any property, rights or liabilities, or to make transitional provision in connection with any such transfer or with any order by which functions become or cease to be exercisable by any conservation board, includes, in particular, power to provide--

(a) for the management and custody of any transferred property (whether real or personal);

(b) for any liabilities transferred to include liabilities under any enactment;

(c) for legal proceedings commenced by or against any person to be continued by or against a person to whom property, rights or liabilities are transferred or, as the case may be, any board or other authority by whom any functions are to become exercisable;

(d) for the transfer of staff, compensation for loss of office, pensions and other staffing matters; and

(e) for treating any person to whom a transfer of property, rights or liabilities is made or, as the case may be, by whom any functions are to become exercisable as, for some or all purposes, the same person in law as the person from whom the transfer is made or the authority by whom the functions have previously been exercisable.

(9) The power of the Secretary of State or the National Assembly for Wales to make an order under section 86(1) or (10) includes power to make different provision for different cases, including different provision for different areas or localities and for different boards.

(10) In this section "enactment" includes an enactment contained in an Act passed after this Act.

NOTES:**Initial Commencement**

To be appointed

To be appointed: see s 103(3).

Appointment

Appointment (in relation to England): 1 April 2001: see SI 2001/114, art 2(2)(e).

Appointment (in relation to Wales): 1 May 2001: see SI 2001/1410, art 2(g).

Extent

This section does not extend to Scotland: see s 104(4).

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COUNTRYSIDE AND RIGHTS OF WAY ACT 2000
2000 CHAPTER 37

PART IV AREAS OF OUTSTANDING NATURAL BEAUTY
Royal Assent [30 November 2000]

Countryside and Rights of Way Act 2000, Ch. 37, s. 89 (Eng.)

89 Management plans

(1) Every conservation board shall, within two years after the date on which they are established, prepare and publish a plan which formulates their policy for the management of their area of outstanding natural beauty and for the carrying out of their functions in relation to it.

(2) Subject to subsection (3), the relevant local authority in respect of an area of outstanding natural beauty shall, before the end of the period of three years beginning with whichever is the later of--

(a) the commencement of this section, or

(b) the date on which the area is designated as an area of outstanding natural beauty,

prepare and publish a plan which formulates their policy for the management of the area of outstanding natural beauty and for the carrying out of their functions in relation to it.

(3) Subsection (2) does not apply where, before the end of the period mentioned in that subsection, a conservation board has been established for the area of outstanding natural beauty.

(4) A plan prepared under subsection (1) or (2) is to be known as an area of outstanding natural beauty management plan.

(5) A conservation board or relevant local authority may, instead of preparing a plan under subsection (1) or (2),--

(a) review any plan for the management of the area of outstanding natural beauty which has been prepared before the commencement of this section--

(i) by a local authority, or

(ii) by a joint committee established by two or more local authorities, and

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(b) adopt the plan as reviewed as their area of outstanding natural beauty management plan, and

(c) publish it under subsection (1) or (2) within the time required by that subsection.

(6) A conservation board may, within six months of the date on which they are established, adopt an area of outstanding natural beauty management plan prepared for their area of outstanding natural beauty by the relevant local authority as their area of outstanding natural beauty management plan, and publish it under subsection (1).

(7) Subject to subsection (8), a conservation board shall review their area of outstanding natural beauty management plan before the end of the period of five years beginning with the date on which it was published and, after the first review, at intervals of not more than five years.

(8) Where a conservation board have adopted a plan under subsection (6), the first review must take place before the end of the period of three years beginning with the date on which the plan was published.

(9) Where an area of outstanding natural beauty management plan has been prepared under subsection (2), the relevant local authority shall review the plan before the end of the period of five years beginning with the date on which it was published and, after the first review, at intervals of not more than five years, but this subsection does not apply where a conservation board has been established for the area of outstanding natural beauty.

(10) Where a conservation board or relevant local authority review any plan under this section, they shall--

(a) determine on that review whether it would be expedient to amend the plan and what (if any) amendments would be appropriate,

(b) make any amendments that they consider appropriate, and

(c) publish a report on the review specifying any amendments made.

(11) In this section "relevant local authority" means--

(a) in the case of an area of outstanding natural beauty which is wholly comprised in one principal area, the local authority for that area, and

(b) in any other case, the local authorities for all the principal areas wholly or partly comprised in the area of outstanding natural beauty, acting jointly.

NOTES:**Initial Commencement*****To be appointed***

To be appointed: see s 103(3).

Appointment

Appointment (in relation to England): 1 April 2001: see SI 2001/114, art 2(2)(e).

Appointment (in relation to Wales): 1 May 2001: see SI 2001/1410, art 2(g).

Extent

This section does not extend to Scotland: see s 104(4).

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COUNTRYSIDE AND RIGHTS OF WAY ACT 2000
2000 CHAPTER 37

PART IV AREAS OF OUTSTANDING NATURAL BEAUTY
Royal Assent [30 November 2000]

Countryside and Rights of Way Act 2000, Ch. 37, s. 90 (Eng.)

90 Supplementary provisions relating to management plans

(1) A conservation board or relevant local authority which is proposing to publish, adopt or review any plan under section 89 shall--

(a) give notice of the proposal--

(i) if the area of outstanding natural beauty is in England, to the Agency and English Nature,

(ii) if the area of outstanding natural beauty is in Wales, to the Council, and

(iii) in the case of a conservation board, to every local authority whose area is wholly or partly comprised in the area of outstanding natural beauty,

(b) send a copy of the plan, together (where appropriate) with any proposed amendments of the plan, to every body to which notice of the proposal is required to be given by paragraph (a), and

(c) take into consideration any observations made by any such body.

(2) A conservation board or relevant local authority shall send to the Secretary of State or the National Assembly for Wales a copy of every plan, notice or report which they are required to publish under section 89.

(3) In this section "relevant local authority" has the same meaning as in section 89.

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 103(3).

Appointment

Appointment (in relation to England): 1 April 2001: see SI 2001/114, art 2(2)(e).

Appointment (in relation to Wales): 1 May 2001: see SI 2001/1410, art 2(g).

Extent

This section does not extend to Scotland: see s 104(4).

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COUNTRYSIDE AND RIGHTS OF WAY ACT 2000
2000 CHAPTER 37

PART IV AREAS OF OUTSTANDING NATURAL BEAUTY
Royal Assent [30 November 2000]

Countryside and Rights of Way Act 2000, Ch. 37, s. 91 (Eng.)

91 Grants to conservation boards

(1) The Secretary of State (as respects England) or the National Assembly for Wales (as respects Wales) may make grants to a conservation board, of such amounts and on such terms and conditions as the Secretary of State or the Assembly thinks fit.

(2) Before determining the amount of any grant which he proposes to make to a conservation board under this section, or the purpose for which the grant is to be made, the Secretary of State shall consult the Agency.

(3) Before determining the amount of any grant which it proposes to make to a conservation board under this section, or the purpose for which the grant is to be made, the National Assembly for Wales shall consult the Council.

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 103(3).

Appointment

Appointment (in relation to England): 1 April 2001: see SI 2001/114, art 2(2)(e).

Appointment (in relation to Wales): 1 May 2001: see SI 2001/1410, art 2(g).

Extent

This section does not extend to Scotland: see s 104(4).

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2000 CHAPTER 37

PART IV AREAS OF OUTSTANDING NATURAL BEAUTY
Royal Assent [30 November 2000]

Countryside and Rights of Way Act 2000, Ch. 37, s. 92 (Eng.)

92 Interpretation of Part IV and supplementary provision

(1) In this Part, unless a contrary intention appears--

"the 1949 Act" means the National Parks and Access to the Countryside Act 1949;

"the Agency" means the Countryside Agency;

"area of outstanding natural beauty" has the meaning given by section 82(3);

"conservation board" has the meaning given by section 86(1);

"the Council" means the Countryside Council for Wales;

"liability", in relation to the transfer of liabilities from one person to another, does not include criminal liability;

"local authority" means a principal council within the meaning of the Local Government Act 1972;

"principal area" has the same meaning as in the Local Government Act 1972.

(2) Any reference in this Part to the conservation of the natural beauty of an area includes a reference to the conservation of its flora, fauna and geological and physiographical features.

(3) This Part does not apply in relation to any of the lands mentioned in section 112(1) of the 1949 Act (Epping Forest and Burnham Beeches).

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 103(3).

Appointment

Appointment (in relation to England): 1 April 2001: see SI 2001/114, art 2(2)(e).

Appointment (in relation to Wales): 1 May 2001: see SI 2001/1410, art 2(g).

Extent

This section does not extend to Scotland: see s 104(4).

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2000 CHAPTER 37

PART IV AREAS OF OUTSTANDING NATURAL BEAUTY
Royal Assent [30 November 2000]

Countryside and Rights of Way Act 2000, Ch. 37, s. 93 (Eng.)

93 Consequential amendments and transitional provisions

Schedule 15 (which contains consequential amendments and transitional provisions relating to areas of outstanding natural beauty) has effect.

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 103(3).

Appointment

Appointment (in relation to Wales): 1 May 2001: see SI 2001/1410, art 2(g).

Appointment (in relation to England): 1 April 2001: see SI 2001/114, art 2(2)(e).

Extent

This section does not extend to Scotland: see s 104(4).

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**COUNTRYSIDE AND RIGHTS OF WAY ACT 2000
2000 CHAPTER 37**

PART V MISCELLANEOUS AND SUPPLEMENTARY

Local access forums

Royal Assent [30 November 2000]

Countryside and Rights of Way Act 2000, Ch. 37, s. 94 (Eng.)

94 Local access forums

(1) The appointing authority for any area shall in accordance with regulations establish for that area, or for each part of it, an advisory body to be known as a local access forum.

(2) For the purposes of this section--

(a) the local highway authority is the appointing authority for their area, except any part of it in a National Park, and

(b) the National Park authority for a National Park is the appointing authority for the National Park.

(3) A local access forum consists of members appointed by the appointing authority in accordance with regulations.

(4) It is the function of a local access forum, as respects the area for which it is established, to advise--

(a) the appointing authority,

(b) any body exercising functions under Part I in relation to land in that area,

(c) if the appointing authority is a National Park authority, the local highway authority for any part of that area, and

(d) such other bodies as may be prescribed,

as to the improvement of public access to land in that area for the purposes of open-air recreation and the enjoyment of the area, and as to such other matters as may be prescribed.

(5) The bodies mentioned in paragraphs (a) to (d) of subsection (4) shall

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have regard, in carrying out their functions, to any relevant advice given to them by a local access forum under that subsection or any other provision of this Act.

(6) In carrying out its functions, a local access forum shall have regard to--

(a) the needs of land management,

(b) the desirability of conserving the natural beauty of the area for which it is established, including the flora, fauna and geological and physiographical features of the area, and

(c) guidance given from time to time by the Secretary of State (as respects England) or the National Assembly for Wales (as respects Wales).

(7) Subsection (1) does not apply to the council of a London borough or to any part of their area unless the council so resolve.

(8) The Secretary of State, as respects England, or the National Assembly for Wales, as respects Wales, if satisfied that no local access forum is required for any area or part of any area, may direct that subsection (1) is not to apply in relation to that area or part.

(9) Before giving a direction under subsection (8) as respects an area or part of an area, the Secretary of State or the National Assembly for Wales must consult the appointing authority for the area and the appropriate countryside body.

(10) In this section--

"appropriate countryside body" has the same meaning as in Part I;

"local highway authority" has the same meaning as in the 1980 Act;

"prescribed" means prescribed by regulations;

"regulations" means regulations made, as respects England, by the Secretary of State, and, as respects Wales, by the National Assembly for Wales.

NOTES:

Initial Commencement

Specified date

Specified date: 30 January 2001: see s 103(2).

Subordinate Legislation

Countryside Access (Local Access Forums) (Wales) Regulations 2001, SI 2001/4002.

Local Access Forums (England) Regulations 2002, SI 2002/1836 (made under

sub-ss (1), (3)).

Access to the Countryside (Exclusions and Restrictions) (England) Regulations 2003, SI 2003/2713.

Extent

This section does not extend to Scotland: see s 104(4).

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COUNTRYSIDE AND RIGHTS OF WAY ACT 2000
2000 CHAPTER 37

PART V MISCELLANEOUS AND SUPPLEMENTARY

Local access forums

Royal Assent [30 November 2000]

Countryside and Rights of Way Act 2000, Ch. 37, s. 95 (Eng.)

95 Local access forums: supplementary

(1) Regulations under section 94 may in particular include provision--

(a) as to the appointment as members of a local access forum of persons appearing to the appointing authority to be representative of persons of any specified description or of any specified body;

(b) as to the establishment by appointing authorities of joint local access forums.

(2) The regulations must provide for the appointment of persons appearing to the appointing authority to be representative of--

(a) users of local rights of way or the right conferred by section 2(1);

(b) owners and occupiers of access land or land over which local rights of way subsist;

(c) any other interests especially relevant to the authority's area.

(3) In subsection (2)--

"access land" has the same meaning as in Part I;

"local rights of way" has the meaning given by section 60(5), but as if the references there to a local highway authority and their area were references to an appointing authority and their area.

(4) The Secretary of State and the National Assembly for Wales, in making regulations under section 94 containing such provision as is mentioned in subsection (2), must have regard to the desirability of maintaining a reasonable balance between the number of members of any local access forum appointed in accordance with paragraph (a) and in accordance with paragraph (b) of subsection (2).

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(5) Regulations under section 94 may include such supplementary or incidental provision as appears to the Secretary of State or National Assembly for Wales (as the case may be) to be necessary or expedient.

(6) For the purposes of section 94, the Broads are to be treated as a National Park and the Broads Authority as a National Park authority.

(7) In subsection (6) "the Broads" has the same meaning as in the Norfolk and Suffolk Broads Act 1988.

(8) Regulations under section 94 shall be made by statutory instrument, and a statutory instrument containing such regulations made by the Secretary of State shall be subject to annulment in pursuance of a resolution of either House of Parliament.

NOTES:**Initial Commencement*****Specified date***

Specified date: 30 January 2001: see s 103(2).

Subordinate Legislation

Countryside Access (Local Access Forums) (Wales) Regulations 2001, SI 2001/4002.

Local Access Forums (England) Regulations 2002, SI 2002/1836 (made under sub-ss (1), (2), (5)).

Extent

This section does not extend to Scotland: see s 104(4).

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COUNTRYSIDE AND RIGHTS OF WAY ACT 2000
2000 CHAPTER 37

PART V MISCELLANEOUS AND SUPPLEMENTARY

Management agreements

Royal Assent [30 November 2000]

Countryside and Rights of Way Act 2000, Ch. 37, s. 96 (Eng.)

96 Management agreements

In section 39 of the 1981 Act (management agreements with owners and occupiers of land)--

(a) in subsection (1) the words "both in the countryside and" are omitted, and

(b) at the end of subsection (5) (authorities which may enter into management agreements) there is inserted--

"(d) as respects any land in England, the Countryside Agency;

(e) as respects any land in Wales, the Countryside Council for Wales;

(f) as respects land in any area of outstanding natural beauty designated under section 82 of the Countryside and Rights of Way Act 2000 for which a conservation board has been established under section 86 of that Act, that board."

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 103(3).

Appointment

Appointment (in relation to England): 1 April 2001: see SI 2001/114, art 2(2)(f).

Appointment (in relation to Wales): 1 May 2001: see SI 2001/1410, art 2(h).

Extent

This section does not extend to Scotland: see s 104(4).

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**COUNTRYSIDE AND RIGHTS OF WAY ACT 2000
2000 CHAPTER 37**

**PART V MISCELLANEOUS AND SUPPLEMENTARY
Norfolk and Suffolk Broads**

Royal Assent [30 November 2000]

Countryside and Rights of Way Act 2000, Ch. 37, s. 97 (Eng.)

97 Duty of public bodies etc regarding the Broads

In Part IV of the Norfolk and Suffolk Broads Act 1988, before section 18 there is inserted--

"17A General duty of public bodies etc

(1) In exercising or performing any functions in relation to, or so as to affect, land in the Broads, a relevant authority shall have regard to the purposes of--

- (a) conserving and enhancing the natural beauty of the Broads;
- (b) promoting the enjoyment of the Broads by the public; and
- (c) protecting the interests of navigation.

(2) The following are relevant authorities for the purposes of this section--

- (a) any Minister of the Crown,
- (b) any public body,
- (c) any statutory undertaker,
- (d) any person holding public office.

(3) In subsection (2)--

"public body" includes

- (a) a county council, district council or parish council;

(b) a joint planning board within the meaning of section 2 of the Town and Country Planning Act 1990;

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(c) a joint committee appointed under section 102(1)(b) of the Local Government Act 1972;

"public office" means--

(a) an office under Her Majesty;

(b) an office created or continued in existence by a public general Act; or

(c) an office the remuneration in respect of which is paid out of money provided by Parliament."

NOTES:**Initial Commencement*****To be appointed***

To be appointed: see s 103(3).

Appointment

Appointment: 1 April 2001: see SI 2001/114, art 2(2)(g).

Extent

This section does not extend to Scotland: see s 104(4).

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**COUNTRYSIDE AND RIGHTS OF WAY ACT 2000
2000 CHAPTER 37**

PART V MISCELLANEOUS AND SUPPLEMENTARY

Town and village greens

Royal Assent [30 November 2000]

Countryside and Rights of Way Act 2000, Ch. 37, s. 98 (Eng.)

98 Registration of town and village greens

(1) Section 22 of the Commons Registration Act 1965 (interpretation) is amended as follows.

(2) In subsection (1), in the definition of "town or village green" for the words after "lawful sports and pastimes" there is substituted "or which falls within subsection (1A) of this section."

(3) After that subsection there is inserted--

"(1A) Land falls within this subsection if it is land on which for not less than twenty years a significant number of the inhabitants of any locality, or of any neighbourhood within a locality, have indulged in lawful sports and pastimes as of right, and either--

(a) continue to do so, or

(b) have ceased to do so for not more than such period as may be prescribed, or determined in accordance with prescribed provisions.

(1B) If regulations made for the purposes of paragraph (b) of subsection (1A) of this section provide for the period mentioned in that paragraph to come to an end unless prescribed steps are taken, the regulations may also require registration authorities to make available in accordance with the regulations, on payment of any prescribed fee, information relating to the taking of any such steps."

NOTES:

Initial Commencement

Specified date

Specified date: 30 January 2001: see s 103(2).

Extent

This section does not extend to Scotland: see s 104(4).

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**COUNTRYSIDE AND RIGHTS OF WAY ACT 2000
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**PART V MISCELLANEOUS AND SUPPLEMENTARY
Supplementary**

Royal Assent [30 November 2000]

Countryside and Rights of Way Act 2000, Ch. 37, s. 99 (Eng.)

99 Wales

(1) In Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999--

(a) the reference to the 1980 Act is to be treated as referring to that Act as amended by this Act, and

(b) the reference to the 1981 Act is to be treated as referring to that Act as amended by this Act.

(2) In that Schedule, at the end of the list of Public General Acts there is inserted--

"**Countryside and Rights of Way Act 2000 (c 37) Schedule 11.**"

(3) Subsection (1), and the amendment made by subsection (2), do not affect the power to make further Orders varying or omitting the references mentioned in subsection (1) or the provision inserted by subsection (2).

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 103(3).

Appointment

Appointment: 30 January 2001: see SI 2001/203, art 2.

Extent

This section does not extend to Scotland: see s 104(4).

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COUNTRYSIDE AND RIGHTS OF WAY ACT 2000
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PART V MISCELLANEOUS AND SUPPLEMENTARY
Supplementary

Royal Assent [30 November 2000]

Countryside and Rights of Way Act 2000, Ch. 37, s. 100 (Eng.)

100 Isles of Scilly

(1) Subject to the provisions of any order under this section, the following provisions of this Act do not apply in relation to the Isles of Scilly--

(a) Part I; and

(b) sections 58 to 61 and 71.

(2) The Secretary of State may by order made by statutory instrument provide for the application of any of the provisions mentioned in subsection (1) in relation to the Isles of Scilly, subject to such modifications as may be specified in the order.

(3) Part IV applies in relation to the Isles of Scilly subject to such modifications as may be specified in an order made by the Secretary of State by statutory instrument.

(4) Before making an order under subsection (2) or (3), the Secretary of State shall consult the Council of the Isles of Scilly.

(5) In section 344 of the 1980 Act (application to the Isles of Scilly)--

(a) in subsection (2)(a) for "121" there is substituted "121E, 130A to 130D", and

(b) before "146" there is inserted "137ZA(4)".

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 103(3).

Appointment

Sub-ss (1), (2), (4), (5)(b): Appointment: 30 January 2001: see SI 2001/114, art 2(1)(c).

Sub-s (3): Appointment: 1 April 2001: see SI 2001/114, art 2(2)(h).

Extent

This section does not extend to Scotland: see s 104(4).

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**COUNTRYSIDE AND RIGHTS OF WAY ACT 2000
2000 CHAPTER 37**

**PART V MISCELLANEOUS AND SUPPLEMENTARY
Supplementary**

Royal Assent [30 November 2000]

Countryside and Rights of Way Act 2000, Ch. 37, s. 101 (Eng.)

101 Expenses

There shall be paid out of money provided by Parliament--

(a) any increase attributable to this Act in the sums required by the Secretary of State for making grants to the Countryside Agency or English Nature,

(b) any administrative expenses of a Minister of the Crown which are attributable to this Act,

(c) any other expenditure of a Minister of the Crown or government department which is attributable to this Act,

(d) any increase attributable to this Act in the sums which under any other enactment are payable out of money so provided.

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 103(3).

Extent

This section does not extend to Scotland: see s 104(4).

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**COUNTRYSIDE AND RIGHTS OF WAY ACT 2000
2000 CHAPTER 37**

**PART V MISCELLANEOUS AND SUPPLEMENTARY
Supplementary**

Royal Assent [30 November 2000]

Countryside and Rights of Way Act 2000, Ch. 37, s. 102 (Eng.)

102 Repeals

The enactments mentioned in Schedule 16 are repealed to the extent specified.

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 103(3).

Appointment

Appointment (in relation to England, for certain purposes): 30 January 2001: see SI 2001/114, art 2(1)(d).

Appointment (in relation to England, for certain purposes): 1 April 2001: see SI 2001/114, art 2(2)(i).

Appointment (in relation to Wales, for certain purposes): 1 May 2001: see SI 2001/1410, art 2(i).

Extent

This section does not extend to Scotland: see s 104(4).

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COUNTRYSIDE AND RIGHTS OF WAY ACT 2000
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PART V MISCELLANEOUS AND SUPPLEMENTARY
Supplementary

Royal Assent [30 November 2000]

Countryside and Rights of Way Act 2000, Ch. 37, s. 103 (Eng.)

103 Commencement

(1) The following provisions of this Act come into force on the day on which this Act is passed--

section 81(2) and (3),

this section, and

section 104.

(2) The following provisions of this Act come into force at the end of the period of two months beginning with the day on which this Act is passed--

section 1 and Schedule 1,

sections 3 to 11 and Schedule 3,

sections 15 to 17,

section 19,

Chapters II and III of Part I,

sections 40 to 45,

section 52,

sections 58 and 59,

sections 64 to 67 and Schedule 7 (apart from paragraphs 6 and 7 of that Schedule),

Part III (apart from section 81(2) and (3)), and Schedules 8, 9, 10, 11 and 12 and Parts III and IV of Schedule 16,

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sections 94 and 95, and

section 98.

(3) The remaining provisions of this Act come into force on such day as the Secretary of State (as respects England) or the National Assembly for Wales (as respects Wales) may by order made by statutory instrument appoint.

(4) Different days may be appointed under subsection (3) for different purposes or different areas.

(5) An order under subsection (3) may contain such transitional provisions or savings (including provisions modifying the effect of any enactment) as appear to the Secretary of State or the National Assembly for Wales (as the case may be) to be necessary or expedient in connection with any provision brought into force by the order.

NOTES:**Initial Commencement****Royal Assent**

Royal Assent: 30 November 2000: see sub-s (1) above.

Subordinate Legislation

Countryside and Rights of Way Act 2000 (Commencement No 1) Order 2001, SI 2001/114 (made under sub-ss (3)-(5)).

Countryside and Rights of Way Act 2000 (Commencement No 1) (Wales) Order 2001, SI 2001/203 (made under sub-s (3)).

Countryside and Rights of Way Act 2000 (Commencement No 2) (Wales) Order 2001, SI 2001/1410 (made under sub-ss (3)-(5)).

Countryside and Rights of Way Act 2000 (Commencement No 3) (Wales) Order 2002, SI 2002/2615 (made under sub-ss (3), (4)).

Countryside and Rights of Way Act 2000 (Commencement No 4) Order 2004, SI 2004/292 (made under sub-ss (3)-(5)).

Countryside and Rights of Way Act 2000 (Commencement No 4) (Wales) Order 2004, SI 2004/315 (made under sub-ss (3), (4)).

Countryside and Rights of Way Act 2000 (Commencement No 5) (Wales) Order 2004, SI 2004/1489 (made under sub-ss (3)-(5)).

Countryside and Rights of Way Act 2000 (Commencement No 5) Order 2004, SI 2004/2173 (made under sub-ss (3), (4)).

Countryside and Rights of Way Act 2000 (Commencement No 6) Order 2004, SI 2004/3088 (made under sub-ss (3), (4)).

Extent

This section does not extend to Scotland: see s 104(4).

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COUNTRYSIDE AND RIGHTS OF WAY ACT 2000
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PART V MISCELLANEOUS AND SUPPLEMENTARY
Supplementary

Royal Assent [30 November 2000]

Countryside and Rights of Way Act 2000, Ch. 37, s. 104 (Eng.)

104 Interpretation, short title and extent

(1) In this Act--

"the 1980 Act" means the Highways Act 1980;

"the 1981 Act" means the Wildlife and Countryside Act 1981;

"local access forum" means a local access forum established under section 94.

(2) Any reference in this Act, or in any enactment amended by this Act, to the commencement of any provision of this Act is, in relation to any area, a reference to the commencement of that provision in relation to that area.

(3) This Act may be cited as the Countryside and Rights of Way Act 2000.

(4) Subject to the following provisions of this section, this Act extends to England and Wales only.

(5) The following provisions extend also to Scotland--

sections 67 and 76;

in Schedule 7, paragraphs 3 and 5 to 7;

in Schedule 10, paragraph 2.

(6) Paragraph 1 of Schedule 10 extends to Scotland only.

(7) The provisions of Schedule 8 and of so much of Part III of Schedule 16 as relates to the enactments referred to in paragraphs 2 and 3 of Schedule 8 have the same extent as the enactments which they amend or repeal.

NOTES:

Initial Commencement

Royal Assent

Royal Assent: 30 November 2000: see s 103(1).

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COUNTRYSIDE AND RIGHTS OF WAY ACT 2000
2000 CHAPTER 37

SCHEDULE 1 EXCEPTED LAND FOR PURPOSES OF PART I
Section 1(2)

Royal Assent [30 November 2000]

Countryside and Rights of Way Act 2000, Ch. 37, Sch. 1, Pt. I (Eng.)

Part I Excepted Land

1

Land on which the soil is being, or has at any time within the previous twelve months been, disturbed by any ploughing or drilling undertaken for the purposes of planting or sowing crops or trees.

2

Land covered by buildings or the curtilage of such land.

3

Land within 20 metres of a dwelling.

4

Land used as a park or garden.

5

Land used for the getting of minerals by surface working (including quarrying).

6

Land used for the purposes of a railway (including a light railway) or tramway.

7

Land used for the purposes of a golf course, racecourse or aerodrome.

8

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Land which does not fall within any of the preceding paragraphs and is covered by works used for the purposes of a statutory undertaking or [an electronic communications code network], or the curtilage of any such land.

9

Land as respects which development which will result in the land becoming land falling within any of paragraphs 2 to 8 is in the course of being carried out.

10

Land within 20 metres of a building which is used for housing livestock, not being a temporary or moveable structure.

11

Land covered by pens in use for the temporary reception or detention of livestock.

12

Land habitually used for the training of racehorses.

13

Land the use of which is regulated by byelaws under section 14 of the Military Lands Act 1892 or section 2 of the Military Lands Act 1900.

NOTES:**Initial Commencement*****Specified date***

Specified date: 30 January 2001: see s 103(2).

Amendment

Para 8: words "an electronic communications code network" in square brackets substituted by the Communications Act 2003, s 406(1), Sch 17, para 165(1), (3).

Date in force (for the purpose only of enabling the networks and services functions and the spectrum functions to be carried out by the Director General of Telecommunications and the Secretary of State respectively, during the transitional period (as provided for by the Communications Act 2003, s 408(6)): 25 July 2003-29 December 2003: see SI 2003/1900, arts 2(1), 3(1), Sch 1 and the Communications Act 2003, ss 406(6), 408, Sch 18, para 2.

Date in force (for the purpose of conferring the networks and services functions and the spectrum functions on OFCOM): 29 December 2003: by virtue of SI 2003/3142, art 3(2).

Extent

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This Part does not extend to Scotland: see s 104(4).

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COUNTRYSIDE AND RIGHTS OF WAY ACT 2000
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SCHEDULE 1 EXCEPTED LAND FOR PURPOSES OF PART I
Section 1(2)

Royal Assent [30 November 2000]

Countryside and Rights of Way Act 2000, Ch. 37, Sch. 1, Pt. II (Eng.)

Part II Supplementary Provisions

14

In this Schedule--

"building" includes any structure or erection and any part of a building as so defined, but does not include any fence or wall, or anything which is a means of access as defined by section 34; and for this purpose "structure" includes any tent, caravan or other temporary or moveable structure;

"development" and "minerals" have the same meaning as in the Town and Country Planning Act 1990;

"ploughing" and "drilling" include respectively agricultural or forestry operations similar to ploughing and agricultural or forestry operations similar to drilling;

"statutory undertaker" means--

(a) a person authorised by any enactment to carry on any railway, light railway, tramway, road transport, water transport, canal, inland navigation, dock, harbour, pier or lighthouse undertaking or any undertaking for the supply of hydraulic power,

(b) any public gas transporter, within the meaning of Part I of the Gas Act 1986,

(c) any water or sewerage undertaker,

(d) any holder of a licence under section 6(1) of the Electricity Act 1989,
or

(e) the Environment Agency, [a universal service provider (within the meaning of the Postal Services Act 2000) in connection with the provision of a universal

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postal service (within the meaning of that Act)][, the Civil Aviation Authority or a person who holds a licence under Chapter I of Part I of the Transport Act 2000 (to the extent that the person is carrying out activities authorised by the licence)];

"statutory undertaking" means--

(a) the undertaking of a statutory undertaker [(which, in the case of a universal service provider (within the meaning of the Postal Services Act 2000), means his undertaking so far as relating to the provision of a universal postal service (within the meaning of that Act) [and, in the case of a person who holds a licence under Chapter I of Part I of the Transport Act 2000, means that person's undertaking as licence holder]]], or

(b) an airport to which Part V of the Airports Act 1986 applies.

15

(1) Land is not to be treated as excepted land by reason of any development carried out on the land, if the carrying out of the development requires planning permission under Part III of the Town and Country Planning Act 1990 and that permission has not been granted.

(2) Sub-paragraph (1) does not apply where the development is treated by section 191(2) of the Town and Country Planning Act 1990 as being lawful for the purposes of that Act.

16

The land which is excepted land by virtue of paragraph 10 does not include--

(a) any means of access, as defined by section 34, or

(b) any way leading to such a means of access,

if the means of access is necessary for giving the public reasonable access to access land.

17

Land which is habitually used for the training of racehorses is not to be treated by virtue of paragraph 11 as excepted land except--

(a) between dawn and midday on any day, and

(b) at any other time when it is in use for that purpose.

NOTES:**Initial Commencement*****Specified date***

Specified date: 30 January 2001: see s 103(2).

Amendment

Para 14: in definition "statutory undertaker" in para (e) words from "a universal service provider" to "of that Act)" in square brackets substituted by SI 2001/1149, art 3(1), Sch 1, para 136(1), (2).

Date in force: 26 March 2001: see SI 2001/1149, art 1(2).

Para 14: in definition "statutory undertaker" in para (e) words from ", the Civil Aviation Authority" to "by the licence)" in square brackets substituted by SI 2001/4050, art 2, Schedule, Pt II, para 9(a).

Date in force: 21 December 2001: see SI 2001/4050, art 1.

Para 14: in definition "statutory undertaking" in para (a) words in square brackets beginning with the words "(which, in the case of a universal service provider" inserted by SI 2001/1149, art 3(1), Sch 1, para 136(1), (3).

Date in force: 26 March 2001: see SI 2001/1149, art 1(2).

Para 14: in definition "statutory undertaking" in para (a) words from "and, in the" to "as licence holder" in square brackets inserted by SI 2001/4050, art 2, Schedule, Pt II, para 9(b).

Date in force: 21 December 2001: see SI 2001/4050, art 1.

Modification

Public gas transporter: the Utilities Act 2000, s 76(7) provides that a reference to a public gas transporter shall have effect as a reference to a gas transporter.

Extent

This Part does not extend to Scotland: see s 104(4).

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COUNTRYSIDE AND RIGHTS OF WAY ACT 2000
2000 CHAPTER 37

SCHEDULE 2 RESTRICTIONS TO BE OBSERVED BY PERSONS EXERCISING RIGHT OF ACCESS
Section 2

Royal Assent [30 November 2000]

Countryside and Rights of Way Act 2000, Ch. 37, Sch. 2 (Eng.)

SCHEDULE 2 Restrictions to be Observed by Persons Exercising Right of Access

General restrictions

1

Section 2(1) does not entitle a person to be on any land if, in or on that land, he--

- (a) drives or rides any vehicle other than an invalid carriage as defined by section 20(2) of the Chronically Sick and Disabled Persons Act 1970,
- (b) uses a vessel or sailboard on any non-tidal water,
- (c) has with him any animal other than a dog,
- (d) commits any criminal offence,
- (e) lights or tends a fire or does any act which is likely to cause a fire,
- (f) intentionally or recklessly takes, kills, injures or disturbs any animal, bird or fish,
- (g) intentionally or recklessly takes, damages or destroys any eggs or nests,
- (h) feeds any livestock,
- (i) bathes in any non-tidal water,
- (j) engages in any operations of or connected with hunting, shooting, fishing, trapping, snaring, taking or destroying of animals, birds or fish or has with him any engine, instrument or apparatus used for hunting, shooting, fishing, trapping, snaring, taking or destroying animals, birds or fish,
- (k) uses or has with him any metal detector,

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(l) intentionally removes, damages or destroys any plant, shrub, tree or root or any part of a plant, shrub, tree or root,

(m) obstructs the flow of any drain or watercourse, or opens, shuts or otherwise interferes with any sluice-gate or other apparatus,

(n) without reasonable excuse, interferes with any fence, barrier or other device designed to prevent accidents to people or to enclose livestock,

(o) neglects to shut any gate or to fasten it where any means of doing so is provided, except where it is reasonable to assume that a gate is intended to be left open,

(p) affixes or writes any advertisement, bill, placard or notice,

(q) in relation to any lawful activity which persons are engaging in or are about to engage in on that or adjoining land, does anything which is intended by him to have the effect--

(i) of intimidating those persons so as to deter them or any of them from engaging in that activity,

(ii) of obstructing that activity, or

(iii) of disrupting that activity,

(r) without reasonable excuse, does anything which (whether or not intended by him to have the effect mentioned in paragraph (q)) disturbs, annoys or obstructs any persons engaged in a lawful activity on the land,

(s) engages in any organised games, or in camping, hang-gliding or para-gliding, or

(t) engages in any activity which is organised or undertaken (whether by him or another) for any commercial purpose.

2

(1) In paragraph 1(k), "metal detector" means any device designed or adapted for detecting or locating any metal or mineral in the ground.

(2) For the purposes of paragraph 1(q) and (r), activity on any occasion on the part of a person or persons on land is "lawful" if he or they may engage in the activity on the land on that occasion without committing an offence or trespassing on the land.

3

Regulations may amend paragraphs 1 and 2.

4

During the period beginning with 1st March and ending with 31st July in each year, section 2(1) does not entitle a person to be on any land if he takes, or

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allows to enter or remain, any dog which is not on a short lead.

5

Whatever the time of year, section 2(1) does not entitle a person to be on any land if he takes, or allows to enter or remain, any dog which is not on a short lead and which is in the vicinity of livestock.

6

In paragraphs 4 and 5, "short lead" means a lead of fixed length and of not more than two metres.

Removal or relaxation of restrictions

7

(1) The relevant authority may by direction, with the consent of the owner of any land, remove or relax any of the restrictions imposed by paragraphs 1, 4 and 5 in relation to that land, either indefinitely or during a specified period.

(2) In sub-paragraph (1), the reference to a specified period includes references--

(a) to a specified period in every calendar year, or

(b) to a period which is to be determined by the owner of the land in accordance with the direction and notified by him to the relevant authority in accordance with regulations.

(3) Regulations may make provision as to--

(a) the giving or revocation of directions under this paragraph,

(b) the variation of any direction given under this paragraph by a subsequent direction so given,

(c) the giving or revocation of consent for the purposes of sub-paragraph (1), and

(d) the steps to be taken by the relevant authority or the owner for informing the public about any direction under this paragraph or its revocation.

(4) In this paragraph--

"the relevant authority" has the meaning given by section 21;

"owner", in relation to any land which is subject to a farm business tenancy within the meaning of the Agricultural Tenancies Act 1995 or a tenancy to which the Agricultural Holdings Act 1986 applies, means the tenant under that tenancy.
Dedicated land

8

In relation to land to which a dedication under section 16 relates (whether

or not it would be access land apart from the dedication), the provisions of this Schedule have effect subject to the terms of the dedication.

NOTES:**Initial Commencement***To be appointed*

To be appointed: see s 103(3).

Appointment

Appointment (in relation to England): 19 September 2004: see SI 2004/2173, art 2(1)(h).

Extent

This Schedule does not extend to Scotland: see s 104(4).

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**COUNTRYSIDE AND RIGHTS OF WAY ACT 2000
2000 CHAPTER 37**

**SCHEDULE 3 DELEGATION OF APPELLATE FUNCTIONS
Section 8(2)**

Royal Assent [30 November 2000]

Countryside and Rights of Way Act 2000, Ch. 37, Sch. 3 (Eng.)

SCHEDULE 3 Delegation of Appellate Functions

Interpretation

1

In this Schedule--

"appointed person" means a person appointed under section 8(1)(a);

"the appointing authority" means--

(a) the Secretary of State, in relation to an appointment made by him, or

(b) the National Assembly for Wales, in relation to an appointment made by it;

"appointment", in the case of any appointed person, means appointment under section 8(1)(a).

Appointments

2

An appointment under section 8(1)(a) must be in writing and--

(a) may relate to any particular appeal or matter specified in the appointment or to appeals or matters of a description so specified,

(b) may provide for any function to which it relates to be exercisable by the appointed person either unconditionally or subject to the fulfilment of such conditions as may be specified in the appointment, and

(c) may, by notice in writing given to the appointed person, be revoked at any time by the appointing authority in respect of any appeal or matter which has not been determined by the appointed person before that time.

Powers of appointed person

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3

Subject to the provisions of this Schedule, an appointed person shall, in relation to any appeal or matter to which his appointment relates, have the same powers and duties as the appointing authority, other than--

(a) any function of making regulations;

(b) any function of holding an inquiry or other hearing or of causing an inquiry or other hearing to be held; or

(c) any function of appointing a person for the purpose--

(i) of enabling persons to appear before and be heard by the person so appointed; or

(ii) of referring any question or matter to that person.

Holding of local inquiries and other hearings by appointed persons

4

(1) If either of the parties to an appeal or matter expresses a wish to appear before and be heard by the appointed person, the appointed person shall give both of them an opportunity of appearing and being heard.

(2) Whether or not a party to an appeal or matter has asked for an opportunity to appear and be heard, the appointed person--

(a) may hold a local inquiry or other hearing in connection with the appeal or matter, and

(b) shall, if the appointing authority so directs, hold a local inquiry in connection with the appeal or matter.

(3) Where an appointed person holds a local inquiry or other hearing by virtue of this Schedule, an assessor may be appointed by the appointing authority to sit with the appointed person at the inquiry or hearing and advise him on any matters arising, notwithstanding that the appointed person is to determine the appeal or matter.

(4) Subject to paragraph 5, the costs of a local inquiry held under this Schedule shall be defrayed by the appointing authority.

Local inquiries under this Schedule: evidence and costs

5

Subsections (2) to (5) of section 250 of the Local Government Act 1972 (local inquiries: evidence and costs) shall apply to local inquiries or other hearings held under this Schedule by an appointed person as they apply to inquiries caused to be held under that section by a Minister, but as if--

(a) in subsection (2) (evidence) the reference to the person appointed to hold the inquiry were a reference to the appointed person,

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(b) in subsection (4) (recovery of costs of holding the inquiry)--

(i) references to the Minister causing the inquiry to be held were references to the appointing authority, and

(ii) references to a local authority included references to the appropriate countryside body, and

(c) in subsection (5) (orders as to the costs of the parties) the reference to the Minister causing the inquiry to be held were a reference to the appointed person or the appointing authority.

Revocation of appointments and making of new appointments

6

(1) Where under paragraph 2(c) the appointment of the appointed person is revoked in respect of any appeal or matter, the appointing authority shall, unless he proposes to determine the appeal or matter himself, appoint another person under section 8(1)(a) to determine the appeal or matter instead.

(2) Where such a new appointment is made, the consideration of the appeal or matter, or any hearing in connection with it, shall be begun afresh.

(3) Nothing in sub-paragraph (2) shall require any person to be given an opportunity of making fresh representations or modifying or withdrawing any representations already made.

Certain acts and omissions of appointed person to be treated as those of appointing authority

7

(1) Anything done or omitted to be done by an appointed person in, or in connection with, the exercise or purported exercise of any function to which the appointment relates shall be treated for all purposes as done or omitted to be done by the appointing authority.

(2) Sub-paragraph (1) does not apply--

(a) for the purposes of so much of any contract made between the appointing authority and the appointed person as relates to the exercise of the function, or

(b) for the purposes of any criminal proceedings brought in respect of anything done or omitted to be done as mentioned in that sub-paragraph.

NOTES:**Initial Commencement*****Specified date***

Specified date: 30 January 2001: see s 103(2).

Extent

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This Schedule does not extend to Scotland: see s 104(4).

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COUNTRYSIDE AND RIGHTS OF WAY ACT 2000
2000 CHAPTER 37

SCHEDULE 4 MINOR AND CONSEQUENTIAL AMENDMENTS RELATING TO PART I
Section 46(3)

Royal Assent [30 November 2000]

Countryside and Rights of Way Act 2000, Ch. 37, Sch. 4 (Eng.)

SCHEDULE 4 Minor and Consequential Amendments Relating to Part I

Law of Property Act 1925 (c 20)

1

In section 193(1) of the Law of Property Act 1925 (rights of public over commons and waste lands), in paragraph (b) of the proviso, after "injuriously affected," there is inserted "for conserving flora, fauna or geological or physiographical features of the land,".

Forestry Act 1967 (c 10)

2

In section 9 of the Forestry Act 1967 (requirement of licence for felling), in the definition of "public open space" in subsection (6), after "1949" there is inserted "or Part I of the Countryside and Rights of Way Act 2000)".

Agriculture Act 1967 (c 22)

3

In section 52 of the Agriculture Act 1967 (control of afforestation), in the definition of "public open space" in subsection (15), after "1949" there is inserted "or Part I of the Countryside and Rights of Way Act 2000)".

Countryside Act 1968 (c 41)

4

In section 2(6) of the Countryside Act 1968 (Countryside Agency and Countryside Council for Wales to make recommendations to public bodies in relation to byelaws) for "and the Act of 1949" there is substituted ", the Act of 1949 and Part I of the Countryside and Rights of Way Act 2000".

Local Government Act 1974 (c 7)

5

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In section 9 of the Local Government Act 1974 (grants and loans by Countryside Agency and Countryside Council for Wales), for "or the National Parks and Access to the Countryside Act 1949" there is substituted ", the National Parks and Access to the Countryside Act 1949 or the Countryside and Rights of Way Act 2000".
Wildlife and Countryside Act 1981 (c 69)

6

In paragraph 13(1) of Schedule 13 to the Wildlife and Countryside Act 1981 (Countryside Agency's annual report on the discharge of their functions) after "1968 Act" there is inserted ", the Countryside and Rights of Way Act 2000".

NOTES:**Initial Commencement*****To be appointed***

To be appointed: see s 103(3).

Appointment

Paras 1, 4-6: Appointment (in relation to England): 1 April 2001: see SI 2001/114, art 2(2)(j).

Paras 1, 4-6: Appointment (in relation to Wales): 1 May 2001: see SI 2001/1410, art 2(j).

Paras 2, 3: Appointment (in relation to England): 19 September 2004: see SI 2004/2173, art 2(1)(g), (i).

Extent

This Schedule does not extend to Scotland: see s 104(4).

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COUNTRYSIDE AND RIGHTS OF WAY ACT 2000
2000 CHAPTER 37

SCHEDULE , PT. I
Section 51

Royal Assent [30 November 2000]

Countryside and Rights of Way Act 2000, Ch. 37, Sch., Pt. I (Eng.)

Part I Amendments of Part III of Wildlife and Countryside Act 1981

1

(1) Section 53 of the 1981 Act is amended as follows.

(2) In subsection (1) (meaning of "definitive map and statement") after "subject to section 57(3)" there is inserted "and 57A(1)".

(3) In subsection (3)(a)(iii), after "public path" there is inserted "or a restricted byway".

(4) In subsection (3)(c)(i) for "a right of way to which this Part applies" there is substituted "a right of way such that the land over which the right subsists is a public path or, subject to section 54A, a byway open to all traffic".

(5) In subsection (4), after "public path" there is inserted ", restricted byway".

(6) After subsection (4) there is inserted--

"(4A) Subsection (4B) applies to evidence which, when considered with all other relevant evidence available to the surveying authority, shows as respects a way shown in a definitive map and statement as a restricted byway that the public have, and had immediately before the commencement of section 47 of the Countryside and Rights of Way Act 2000, a right of way for vehicular and all other kinds of traffic over that way.

(4B) For the purposes of subsection (3)(c)(ii), such evidence is evidence which, when so considered, shows that the way concerned ought, subject to section 54A, to be shown in the definitive map and statement as a byway open to all traffic."

(7) After subsection (5) there is inserted--

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"(5A) Evidence to which subsection (4B) applies on the commencement of section 47 of the Countryside and Rights of Way Act 2000 shall for the purposes of subsection (5) and any application made under it be treated as not having been discovered by the surveying authority before the commencement of that section."

2

After section 53 of that Act there is inserted--

"53A Power to include modifications in other orders

(1) This section applies to any order--

(a) which is of a description prescribed by regulations made by the Secretary of State,

(b) whose coming into operation would, as regards any definitive map and statement, be an event within section 53(3)(a),

(c) which is made by the surveying authority, and

(d) which does not affect land outside the authority's area.

(2) The authority may include in the order such provision as it would be required to make under section 53(2)(b) in consequence of the coming into operation of the other provisions of the order.

(3) An authority which has included any provision in an order by virtue of subsection (2)--

(a) may at any time before the order comes into operation, and

(b) shall, if the order becomes subject to special parliamentary procedure,

withdraw the order and substitute for it an order otherwise identical but omitting any provision so included.

(4) Anything done for the purposes of any enactment in relation to an order withdrawn under subsection (3) shall be treated for those purposes as done in relation to the substituted order.

(5) No requirement for the confirmation of an order applies to provisions included in the order by virtue of subsection (2), but any power to modify an order includes power to make consequential modifications to any provision so included.

(6) Provisions included in an order by virtue of subsection (2) shall take effect on the date specified under section 56(3A) as the relevant date.

(7) Where any enactment provides for questioning the validity of an order on any grounds, the validity of any provision included by virtue of subsection (2) may be questioned in the same way on the grounds--

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(a) that it is not within the powers of this Part, or

(b) that any requirement of this Part or of regulations made under it has not been complied with.

(8) Subject to subsections (5) to (7), the Secretary of State may by regulations provide that any procedural requirement as to the making or coming into operation of an order to which this section applies shall not apply, or shall apply with modifications prescribed by the regulations, to so much of the order as contains provision included by virtue of subsection (2).

(9) Regulations under this section shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

53B Register of applications under section 53

(1) Every surveying authority shall keep, in such manner as may be prescribed, a register containing such information as may be prescribed with respect to applications under section 53(5).

(2) The register shall contain such information as may be prescribed with respect to the manner in which such applications have been dealt with.

(3) Regulations may make provision for the register to be kept in two or more parts, each part containing such information relating to applications under section 53(5) as may be prescribed.

(4) Regulations may make provision--

(a) for a specified part of the register to contain copies of applications and of the maps submitted with them, and

(b) for the entry relating to any application, and everything relating to it, to be removed from any part of the register when--

(i) the application (including any appeal to the Secretary of State) has been finally disposed of, and

(ii) if an order is made, a decision has been made to confirm or not to confirm the order,

(without prejudice to the inclusion of any different entry relating to it in another part of the register).

(5) Every register kept under this section shall be available for inspection free of charge at all reasonable hours.

(6) In this section--

"prescribed" means prescribed by regulations;

"regulations" means regulations made by the Secretary of State by statutory instrument;

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and a statutory instrument containing regulations under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament."

3

(1) Until the coming into force of section 47(1) of this Act, section 54 of the 1981 Act (duty to reclassify roads used as public paths) has effect as follows.

(2) In subsection (2)--

(a) for the words from the beginning to "by" there is substituted "Where the particulars relating to any road used as a public path have been reviewed under subsection (1)(a), the definitive map and statement shall be modified so as to show that way by", and

(b) the words from "and shall not" to the end are omitted.

(3) In subsection (3), for the words "A road used as a public path" there is substituted "Such a way".

(4) After subsection (5) there is inserted--

"(5A) No order under this Part modifying a definitive map and statement, and no provision included by virtue of section 53A(2) in any order, shall use the expression "road used as a public path" to describe any way not already shown as such in the map and statement."

4

After section 54 of that Act there is inserted--

"54A BOATS not to be added to definitive maps

(1) No order under this Part shall, after the cut-off date, modify a definitive map and statement so as to show as a byway open to all traffic any way not shown in the map and statement as a highway of any description.

(2) In this section "the cut-off date" means, subject to regulations under subsection (3), 1st January 2026.

(3) The Secretary of State may make regulations--

(a) substituting as the cut-off date a date later than the date specified in subsection (2) or for the time being substituted under this paragraph;

(b) containing such transitional provisions or savings as appear to the Secretary of State to be necessary or expedient in connection with the operation of subsection (1), including in particular its operation in relation to--

(i) an order under section 53(2) for which on the cut-off date an application is pending,

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(ii) an order under this Part which on that date has been made but not confirmed,

(iii) an order under section 55 made after that date, or

(iv) an order under this Part relating to any way as respects which such an order, or any provision of such an order, has after that date been to any extent quashed.

(4) Regulations under subsection (3)(a)--

(a) may specify different dates for different areas; but

(b) may not specify a date later than 1st January 2031, except as respects an area within subsection (5).

(5) An area is within this subsection if it is in--

(a) the Isles of Scilly, or

(b) an area which, at any time before the repeal by section 73 of this Act of sections 27 to 34 of the 1949 Act--

(i) was excluded from the operation of those sections by virtue of any provision of the 1949 Act, or

(ii) would have been so excluded but for a resolution having effect under section 35(2) of that Act.

(6) Where by virtue of regulations under subsection (3) there are different cut-off dates for areas into which different parts of any way extend, the cut-off date in relation to that way is the later or latest of those dates.

(7) Where it appears to the Secretary of State that any provision of this Part can by virtue of subsection (1) have no further application he may by order make such amendments or repeals in this Part as appear to him to be, in consequence, necessary or expedient.

(8) An order or regulations under this section shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament."

5

In section 55 of that Act (no further surveys or reviews under the National Parks and Access to the Countryside Act 1949), after subsection (6) there is inserted--

"(7) Every way which--

(a) in pursuance of an order under subsection (5) is shown in a definitive map and statement as a byway open to all traffic, a bridleway or a footpath, and

(b) before the making of the order, was shown in the map and statement under

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review as a road used as a public path,

shall be a highway maintainable at the public expense.

(8) Subsection (7) does not oblige a highway authority to provide, on a way shown in a definitive map and statement as a byway open to all traffic, a metalled carriage-way or a carriage-way which is by any other means provided with a surface suitable for the passage of vehicles."

6

(1) Section 56 of that Act (effect of definitive map and statement) is amended as follows.

(2) In subsection (1)(d)--

(a) for "road used as a public path" there is substituted "restricted byway",

(b) after "the map shall" there is inserted ", subject to subsection (2A)", and

(c) after "leading a horse" there is inserted "together with a right of way for vehicles other than mechanically propelled vehicles".

(3) After subsection (1) there is inserted--

"(1A) In subsection (1)(d) "mechanically propelled vehicle" does not include an electrically assisted pedal cycle of a class prescribed for the purposes of section 189(1)(c) of the Road Traffic Act 1988."

(4) In subsection (2)--

(a) in paragraph (a)--

(i) after "this Part" there is inserted "or an order to which section 53A applies which includes provision made by virtue of subsection (2) of that section", and

(ii) after "means" there is inserted ", subject to subsection (2A)," and

(b) in paragraph (b), after " (3)" there is inserted "or (3A)".

(5) After that subsection there is inserted--

"(2A) In the case of a map prepared before the date of the coming into force of section 47 of the Countryside and Rights of Way Act 2000--

(a) subsection (1)(d) and (e) have effect subject to the operation of any enactment or instrument, and to any other event, whereby a way shown on the map as a restricted byway has, on or before that date--

(i) been authorised to be stopped up, diverted or widened, or

(ii) become a public path, and

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(b) subsection (2)(a) has effect in relation to any way so shown with the substitution of that date for the date mentioned there."

(6) After subsection (3) there is inserted--

"(3A) Every order to which section 53A applies which includes provision made by virtue of subsection (2) of that section shall specify, as the relevant date for the purposes of the order, such date as the authority may in accordance with regulations made by the Secretary of State determine."

(7) After subsection (4) there is inserted--

"(4A) Regulations under this section shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament."

(8) Subsection (5) is omitted.

7

(1) Section 57 of that Act (supplementary provisions as to definitive maps and statements) is amended as follows.

(2) In subsection (1), the words "on such scale as may be so prescribed," are omitted.

(3) In subsection (2), for "section 55(3)" there is substituted "subsection (1) or any other provision of this Part".

(4) In subsection (3) after "for the purposes of the foregoing provisions of this Part" there is inserted ", and for the purposes of section 57A(1),".

(5) After that subsection there is inserted--

"(3A) Where as respects any definitive map and statement the requirements of section 53(2), and of section 55 so far as it applies, have been complied with, the map and statement are to be regarded for the purposes of subsection (3) as having been modified in accordance with the foregoing provisions of this Part whether or not, as respects the map and statement, the requirements of section 54 have been complied with."

(6) After subsection (6) there is inserted--

"(6A) In subsection (1), the reference to an order under the foregoing provisions of this Part includes a reference to so much of an order to which section 53A applies as contains provision made by virtue of subsection (2) of that section; and subsections (5) and (6) apply to--

(a) orders to which section 53A applies modifying the map and statement, and

(b) such documents relating to them as may be prescribed by regulations made by the Secretary of State,

as those subsections apply to orders under this Part modifying the map and

statement.

(6B) Regulations under paragraph (b) of subsection (6A) may require any document to be prepared by a surveying authority for the purposes of that paragraph, and any such document shall be in such form as may be prescribed by the regulations.

(6C) Regulations made by the Secretary of State may require any surveying authority--

(a) to keep such other documents as may be prescribed by the regulations available for inspection at such times and places and in such manner as may be so prescribed, or

(b) to provide to any other surveying authority any document so prescribed which that authority is, by regulations under paragraph (a), required to keep available for inspection."

8

After section 57 of that Act there is inserted--

"57A Consolidation of definitive maps and statements

(1) Where--

(a) different definitive maps and statements relate to different parts of a surveying authority's area,

(b) as respects so much of each definitive map and statement as relates to that area the requirements of section 53(2), and of section 55 so far as it applies, have been complied with, and

(c) there is no part of that area to which no definitive map and statement relate,

the authority may, if it appears to them expedient to do so, prepare a map and statement comprising copies of so much of each definitive map and statement as relates to the authority's area; and where they do so the map and statement so prepared and not, so far as copied, the earlier maps and statements shall be regarded for the purposes of sections 53 to 56 and 57(2) and (3) as the definitive map and statement for the area to which they relate.

(2) The power conferred by subsection (1) is not exercisable by a surveying authority if the definitive map and statement relating to any part of the authority's area is a map and statement in respect of which a review under section 33 of the 1949 Act was begun before the commencement date but has been neither abandoned in pursuance of a direction under section 55(1) nor completed.

(3) References in subsection (1) to a definitive map and statement are, in the case of a map and statement modified in accordance with any of the foregoing provisions of this Part, references to the map and statement as modified.

(4) The statement prepared under subsection (1) shall specify, as the

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relevant date for the purposes of the map, such date, not being earlier than six months before the preparation of the map and statement, as the authority may determine.

(5) Every surveying authority shall take such steps as they consider expedient for bringing to the attention of the public the preparation by them of any map and statement under subsection (1)."

9

In section 66(1) of that Act (interpretation of Part III) after the definition of "public path" there is inserted--

"restricted byway" has the same meaning as in Part II of the Countryside and Rights of Way Act 2000;".

10

In Schedule 14 to that Act (applications for certain orders under Part III), in paragraph 4(2) at the end there is inserted " (which may include a direction as to the time within which an order is to be made)"

11

(1) Schedule 15 to that Act (procedure in connection with certain orders) is amended as follows.

(2) In paragraph 3, in sub-paragraph (1)(c) after "order" there is inserted ", which must include particulars of the grounds relied on,".

(3) In sub-paragraph (9) of that paragraph--

(a) after "sub-paragraph" there is inserted "(1)(c) or", and

(b) after "limiting" there is inserted "the grounds which may be relied on or".

(4) In paragraph 7, in sub-paragraph (2) after "shall" there is inserted ", subject to sub-paragraph (2A),".

(5) After sub-paragraph (2) of that paragraph there is inserted--

"(2A) The Secretary of State may, but need not, act as mentioned in sub-paragraph (2)(a) or (b) if, in his opinion, no representation or objection which has been duly made and not withdrawn relates to an issue which would be relevant in determining whether or not to confirm the order, either with or without modifications."

(6) In sub-paragraph (3) of that paragraph, for "the person appointed to hold the inquiry" there is substituted "any person appointed to hold an inquiry".

(7) In paragraph 8--

(a) in sub-paragraph (2)(a) after "the proposal" there is inserted ", which

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must include particulars of the grounds relied on,"

(b) for sub-paragraph (2)(b) and (c) there is substituted--

"(b) if any representation or objection duly made is not withdrawn (but subject to sub-paragraph (3)), hold a local inquiry or afford any person by whom any such representation or objection has been made an opportunity of being heard by a person appointed by the Secretary of State for the purpose; and

(c) consider the report of any person appointed to hold an inquiry or to hear representations or objections.

(3) The Secretary of State may, but need not, act as mentioned in sub-paragraph (2)(b) if, in his opinion, no representation or objection which has been duly made and not withdrawn relates to an issue which would be relevant in determining whether or not to confirm the order in accordance with his proposal.

(4) Sub-paragraph (2)(a) shall not be construed as limiting the grounds which may be relied on at any local inquiry or hearing held under this paragraph."

(8) Paragraph 9 is omitted and after paragraph 10 there is inserted--
"Hearings and local inquiries

10A

(1) Subject to sub-paragraph (2), subsections (2) to (5) of section 250 of the Local Government Act 1972 (giving of evidence at, and defraying of costs of, inquiries) shall apply in relation to any hearing or local inquiry held under paragraph 7 or 8 as they apply in relation to a local inquiry which a Minister causes to be held under subsection (1) of that section.

(2) In its application to a hearing or inquiry held under paragraph 7 or 8 by a person appointed under paragraph 10(1), subsection (5) of that section shall have effect as if the reference to the Minister causing the inquiry to be held were a reference to the person so appointed or the Secretary of State.

(3) Section 322A of the Town and Country Planning Act 1990 (orders as to costs where no hearing or inquiry takes place) shall apply in relation to a hearing or local inquiry under paragraph 7 or 8 as it applies in relation to a hearing or local inquiry for the purposes referred to in that section."

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 103(3).

Appointment

Paras 8, 10: Appointment (in relation to England): 13 February 2004: see SI 2004/292, art 2(d)(i), (ii).

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Para 11: Appointment (in relation to England): 13 February 2004: see SI 2004/292, art 2(1)(d)(iii); for transitional provisions see art 3(1) thereof.

Extent

This Part does not extend to Scotland: see s 104(4).

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COUNTRYSIDE AND RIGHTS OF WAY ACT 2000
2000 CHAPTER 37

SCHEDULE , PT. I

Section 51

Royal Assent [30 November 2000]

Countryside and Rights of Way Act 2000, Ch. 37, Sch., Pt. II (Eng.)

Part II Amendments of other Acts

National Parks and Access to the Countryside Act 1949 (c 97)

12

(1) Section 51 of the National Parks and Access to the Countryside Act 1949 (general provisions as to long-distance routes) is amended as follows.

(2) In subsection (2)(a), for the words from "any public path" to the end there is substituted "any highway along which the route passes and which is a public path, a restricted byway or a way shown in a definitive map and statement as a restricted byway or byway open to all traffic;".

(3) In subsection (5), for the words from "existing public paths" to "route passes" there is substituted "existing highways falling within paragraph (a) of that subsection".

(4) After that subsection there is inserted--

"(6) In this section--

"definitive map and statement" has the same meaning as in Part III of the Wildlife and Countryside Act 1981; and

"restricted byway" has the same meaning as in Part II of the Countryside and Rights of Way Act 2000."

13

(1) Section 57 of that Act (penalty for displaying on footpaths notices deterring public use) is amended as follows.

(2) In subsection (1), for "road used as a public path" there is substituted "restricted byway".

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(3) In subsection (3), for "or road used as a public path" there is substituted "restricted byway or byway open to all traffic".

(4) After that subsection there is inserted--

"(4) In this section--

"byway open to all traffic" has the same meaning as in Part III of the Wildlife and Countryside Act 1981;

"restricted byway" has the same meaning as in Part II of the Countryside and Rights of Way Act 2000."
Countryside Act 1968 (c 41)

14

In section 41(11) of the Countryside Act 1968 (power to make byelaws and related provision about wardens)--

(a) for "road used as a public path" there is substituted "restricted byway", and

(b) after "27(6) of the Act of 1949" there is inserted "and section 48(4) of the Countryside and Rights of Way Act 2000".
Highways Act 1980 (c 66)

15

In section 116 of the 1980 Act (power of magistrates' court to authorise stopping up or diversion of highway) in subsection (4), for "or bridleway" there is substituted ", bridleway or restricted byway".

16

In section 329 of the 1980 Act (interpretation)--

(a) in subsection (1) after the definition of "reconstruction" there is inserted--

"restricted byway" has the same meaning as in Part II of the Countryside and Rights of Way Act 2000;",

(b) in subsection (2) for "either "bridleway" or "footpath" there is substituted " "bridleway", "footpath" or "restricted byway".
Criminal Justice and Public Order Act 1994 (c 33)

17

In section 61 of the Criminal Justice and Public Order Act 1994 (power to remove trespassers on land), in paragraph (b)(i) of the definition of "land" in subsection (9) for the words from "it falls" to "public path)" there is substituted "it is a footpath, bridleway or byway open to all traffic within the meaning of Part III of the Wildlife and Countryside Act 1981, is a restricted byway within the meaning of Part II of the Countryside and Rights of Way Act

2000".

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 103(3).

Extent

This Part does not extend to Scotland: see s 104(4).

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COUNTRYSIDE AND RIGHTS OF WAY ACT 2000
2000 CHAPTER 37

SCHEDULE , PT. I
Section 57

Royal Assent [30 November 2000]

Countryside and Rights of Way Act 2000, Ch. 37, Sch., Pt. I (Eng.)

Part I Amendments of Highways Act 1980

1

In section 26 of the 1980 Act (compulsory powers for creation of footpaths and bridleways) after subsection (3) there is inserted--

"(3A) The considerations to which--

(a) the Secretary of State is to have regard in determining whether or not to confirm or make a public path creation order, and

(b) a local authority are to have regard in determining whether or not to confirm such an order as an unopposed order,

include any material provision of a rights of way improvement plan prepared by any local highway authority whose area includes land over which the proposed footpath or bridleway would be created."

2

For section 29 of the 1980 Act there is substituted--

"29 Duty to have regard to agriculture, forestry and nature conservation

(1) In the exercise of their functions under this Part of this Act relating to the making of public path creation agreements and public path creation orders it shall be the duty of councils to have due regard to--

(a) the needs of agriculture and forestry, and

(b) the desirability of conserving flora, fauna and geological and physiographical features.

(2) In this section, "agriculture" includes the breeding or keeping of

horses."

3

In section 31 of the 1980 Act (dedication of way as highway presumed after public use for 20 years), in subsection (6), in each of paragraphs (i) and (ii) for "six" there is substituted "ten".

4

After section 31 of the 1980 Act there is inserted--

"31A Register of maps, statements and declarations

(1) The appropriate council shall keep, in such manner as may be prescribed, a register containing such information as may be prescribed with respect to maps and statements deposited and declarations lodged with that council under section 31(6) above.

(2) Regulations may make provision for the register to be kept in two or more parts, each part containing such information as may be prescribed with respect to such maps, statements and declarations.

(3) Regulations may make provision as to circumstances in which an entry relating to a map, statement or declaration, or anything relating to it, is to be removed from the register or from any part of it.

(4) Every register kept under this section shall be available for inspection free of charge at all reasonable hours.

(5) In this section--

"appropriate council" has the same meaning as in section 31(6) above;

"prescribed" means prescribed by regulations;

"regulations" means regulations made by the Secretary of State."

5

In section 36 of the 1980 Act (highways maintainable at public expense) in subsection (2), after paragraph (e) there is inserted--

"(f) a highway, being a footpath, a bridleway, a restricted byway or a way over which the public have a right of way for vehicular and all other kinds of traffic, created in consequence of a special diversion order or an SSSI diversion order."

6

In section 118 of the 1980 Act (stopping up of footpaths and bridleways) after subsection (6) there is inserted--

"(6A) The considerations to which--

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(a) the Secretary of State is to have regard in determining whether or not to confirm a public path extinguishment order, and

(b) a council are to have regard in determining whether or not to confirm such an order as an unopposed order,

include any material provision of a rights of way improvement plan prepared by any local highway authority whose area includes land over which the order would extinguish a public right of way."

7

After section 118 of the 1980 Act there is inserted--

"118ZA Application for a public path extinguishment order

(1) The owner, lessee or occupier of any land used for agriculture, forestry or the breeding or keeping of horses may apply to a council for the area in which the land is situated for the making of a public path extinguishment order in relation to any footpath or bridleway which crosses the land.

(2) An application under this section shall be in such form as may be prescribed and shall be accompanied by a map, on such scale as may be prescribed, showing the land over which it is proposed that the public right of way should be extinguished, and by such other information as may be prescribed.

(3) Regulations may provide--

(a) that a prescribed charge is payable on the making of an application under this section, and

(b) that further prescribed charges are payable by the applicant if the council make a public path extinguishment order on the application.

(4) An application under this section is not to be taken to be received by the council until the requirements of regulations under section 121A below have been satisfied in relation to it.

(5) A council which receives an application under this section shall determine the application as soon as reasonably practicable.

(6) Before determining to make a public path extinguishment order on an application under this section, the council may require the applicant to enter into an agreement with them to defray, or to make such contribution as may be specified in the agreement towards, any compensation which may become payable under section 28 above as applied by section 121(2) below.

(7) Where--

(a) an application under this section has been made to a council, and

(b) the council have not determined the application within four months of receiving it,

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the Secretary of State may, at the request of the applicant and after consulting the council, by direction require the council to determine the application before the end of such period as may be specified in the direction.

(8) As soon as practicable after determining an application under this section, the council shall--

(a) give to the applicant notice in writing of their decision and the reasons for it, and

(b) give a copy of the notice to such other persons as may be prescribed.

(9) The council to whom an application under this section has been made may make a public path extinguishment order on the application only if the land over which the public right of way is to be extinguished by the order is that shown for the purposes of subsection (2) above on the map accompanying the application.

(10) Any reference in this Act to the map accompanying an application under this section includes a reference to any revised map submitted by the applicant in prescribed circumstances in substitution for that map.

(11) This section has effect subject to the provisions of sections 121A and 121C below.

(12) In this section--

"prescribed" means prescribed by regulations;

"regulations" means regulations made by the Secretary of State."

8

After section 118A of the 1980 Act there is inserted--

"118B Stopping up of certain highways for purposes of crime prevention, etc

(1) This section applies where it appears to a council--

(a) that, as respects any relevant highway for which they are the highway authority and which is in an area designated by the Secretary of State by order for the purposes of this section, the conditions in subsection (3) below are satisfied and it is expedient, for the purpose of preventing or reducing crime which would otherwise disrupt the life of the community, that the highway should be stopped up, or

(b) that, as respects any relevant highway for which they are the highway authority and which crosses land occupied for the purposes of a school, it is expedient, for the purpose of protecting the pupils or staff from--

(i) violence or the threat of violence,

(ii) harassment,

(iii) alarm or distress arising from unlawful activity, or

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(iv) any other risk to their health or safety arising from such activity, that the highway should be stopped up.

(2) In subsection (1) above "relevant highway" means--

(a) any footpath, bridleway or restricted byway,

(b) any highway which is shown in a definitive map and statement as a footpath, a bridleway, or a restricted byway, but over which the public have a right of way for vehicular and all other kinds of traffic, or

(c) any highway which is shown in a definitive map and statement as a byway open to all traffic,

but does not include a highway that is a trunk road or a special road.

(3) The conditions referred to in subsection (1)(a) above are--

(a) that premises adjoining or adjacent to the highway are affected by high levels of crime, and

(b) that the existence of the highway is facilitating the persistent commission of criminal offences.

(4) Where this section applies, the council may by order made by them and submitted to and confirmed by the Secretary of State, or confirmed as an unopposed order, extinguish the public right of way over the highway.

(5) An order under subsection (4) above is in this Act referred to as a "special extinguishment order".

(6) Before making a special extinguishment order, the council shall consult the police authority for the area in which the highway lies.

(7) The Secretary of State shall not confirm a special extinguishment order made by virtue of subsection (1)(a) above, and a council shall not confirm such an order as an unopposed order, unless he or, as the case may be, they are satisfied that the conditions in subsection (3) above are satisfied, that the stopping up of the highway is expedient as mentioned in subsection (1)(a) above and that it is expedient to confirm the order having regard to all the circumstances, and in particular to--

(a) whether and, if so, to what extent the order is consistent with any strategy for the reduction of crime and disorder prepared under section 6 of the Crime and Disorder Act 1998,

(b) the availability of a reasonably convenient alternative route or, if no reasonably convenient alternative route is available, whether it would be reasonably practicable to divert the highway under section 119B below rather than stopping it up, and

(c) the effect which the extinguishment of the right of way would have as respects land served by the highway, account being taken of the provisions as to

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compensation contained in section 28 above as applied by section 121(2) below.

(8) The Secretary of State shall not confirm a special extinguishment order made by virtue of subsection (1)(b) above, and a council shall not confirm such an order as an unopposed order unless he or, as the case may be, they are satisfied that the stopping up of the highway is expedient as mentioned in subsection (1)(b) above and that it is expedient to confirm the order having regard to all the circumstances, and in particular to--

(a) any other measures that have been or could be taken for improving or maintaining the security of the school,

(b) whether it is likely that the coming into operation of the order will result in a substantial improvement in that security,

(c) the availability of a reasonably convenient alternative route or, if no reasonably convenient alternative route is available, whether it would be reasonably practicable to divert the highway under section 119B below rather than stopping it up, and

(d) the effect which the extinguishment of the right of way would have as respects land served by the highway, account being taken of the provisions as to compensation contained in section 28 above as applied by section 121(2) below.

(9) A special extinguishment order shall be in such form as may be prescribed by regulations made by the Secretary of State and shall contain a map, on such scale as may be prescribed, defining the land over which the public right of way is thereby extinguished.

(10) Schedule 6 to this Act has effect as to the making, confirmation, validity and date of operation of special extinguishment orders.

118C Application by proprietor of school for special extinguishment order

(1) The proprietor of a school may apply to a council for the making by virtue of section 118B(1)(b) above of a special extinguishment order in relation to any highway for which the council are the highway authority and which--

(a) crosses land occupied for the purposes of the school, and

(b) is a relevant highway as defined by section 118B(2) above.

(2) Subsections (2) to (11) of section 118ZA above shall apply to applications under this section as they apply to applications under that section, with the substitution for references to a public path extinguishment order of references to a special extinguishment order; and regulations made under that section by virtue of this subsection may make different provision for the purposes of this section and for the purposes of that section."

9

(1) Section 119 of the 1980 Act (diversion of footpaths and bridleways) is amended as follows.

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(2) In subsection (1)(b), for "so specified" there is substituted "specified in the order or determined".

(3) For subsection (3), there is substituted--

"(3) Where it appears to the council that work requires to be done to bring the new site of the footpath or bridleway into a fit condition for use by the public, the council shall--

(a) specify a date under subsection (1)(a) above, and

(b) provide that so much of the order as extinguishes (in accordance with subsection (1)(b) above) a public right of way is not to come into force until the local highway authority for the new path or way certify that the work has been carried out."

(4) In subsection (5)--

(a) after "diversion order" there is inserted "on an application under section 119ZA below or", and

(b) for "him" there is substituted "the person who made the application or representations".

(5) After subsection (6) there is inserted--

"(6A) The considerations to which--

(a) the Secretary of State is to have regard in determining whether or not to confirm a public path diversion order, and

(b) a council are to have regard in determining whether or not to confirm such an order as an unopposed order,

include any material provision of a rights of way improvement plan prepared by any local highway authority whose area includes land over which the order would create or extinguish a public right of way."

10

After section 119 of the 1980 Act there is inserted--

"119ZA Application for a public path diversion order

(1) Subject to subsection (2) below, the owner, lessee or occupier of any land used for agriculture, forestry or the breeding or keeping of horses may apply to a council for the area in which the land is situated for the making of a public path diversion order in relation to any footpath or bridleway which crosses the land, on the ground that in his interests it is expedient that the order should be made.

(2) No application may be made under this section for an order which would create a new footpath or bridleway communicating with--

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(a) a classified road,

(b) a special road,

(c) a GLA road, or

(d) any highway not falling within paragraph (a) or (b) above for which the Minister is the highway authority,

unless the application is made with the consent of the highway authority for the way falling within paragraph (a), (b), (c) or (d) above.

(3) No application under this section may propose the creation of a new right of way over land covered by works used by any statutory undertakers for the purposes of their undertaking or the curtilage of such land, unless the application is made with the consent of the statutory undertakers; and in this subsection "statutory undertaker" and "statutory undertaking" have the same meaning as in Schedule 6 to this Act.

(4) An application under this section shall be in such form as may be prescribed and shall be accompanied by a map, on such scale as may be prescribed--

(a) showing the existing site of so much of the line of the path or way as it is proposed to divert and the new site to which it is proposed to be diverted,

(b) indicating whether it is proposed to create a new right of way over the whole of the new site or whether some of it is already comprised in a footpath or bridleway, and

(c) where some part of the new site is already so comprised, defining that part,

and by such other information as may be prescribed.

(5) Regulations may provide--

(a) that a prescribed charge is payable on the making of an application under this section, and

(b) that further prescribed charges are payable by the applicant if the council make a public path diversion order on the application.

(6) An application under this section is not to be taken to be received by the council until the requirements of regulations under section 121A below have been satisfied in relation to it.

(7) A council which receives an application under this section shall determine the application as soon as reasonably practicable.

(8) Where--

(a) an application under this section has been made to a council, and

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(b) the council have not determined the application within four months of receiving it,

the Secretary of State may, at the request of the applicant and after consulting the council, by direction require the council to determine the application before the end of such period as may be specified in the direction.

(9) As soon as practicable after determining an application under this section, the council shall--

(a) give to the applicant notice in writing of their decision and the reasons for it, and

(b) give a copy of the notice to such other persons as may be prescribed.

(10) The council to whom an application under this section has been made may make a public path diversion order on the application only if--

(a) the land over which the public right of way is to be extinguished by the order, and

(b) the new site to which the path or way is to be diverted,

are those shown for the purposes of subsection (4) above on the map accompanying the application.

(11) Any reference in this Act to the map accompanying an application under this section includes a reference to any revised map submitted by the applicant in prescribed circumstances in substitution for that map.

(12) This section has effect subject to the provisions of sections 121A and 121C below.

(13) In this section--

"prescribed" means prescribed by regulations;

"regulations" means regulations made by the Secretary of State."

11

(1) Section 119A (diversion of footpaths and bridleways crossing railways) is amended as follows.

(2) In subsection (2)(b), for "so specified" there is substituted "specified in the order or determined under subsection (7) below".

(3) For subsection (7) there is substituted--

"(7) Where it appears to the council that work requires to be done to bring the new site of the footpath or bridleway into a fit condition for use by the public, the council shall--

(a) specify a date under subsection (2)(a) above, and

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(b) provide that so much of the order as extinguishes (in accordance with subsection (2)(b) above) a public right of way is not to come into force until the local highway authority for the new path or way certify that the work has been carried out."

12

After section 119A of the 1980 Act there is inserted--

"119B Diversion of certain highways for purposes of crime prevention, etc

(1) This section applies where it appears to a council--

(a) that, as respects any relevant highway for which they are the highway authority and which is in an area designated by the Secretary of State by order under section 118B(1)(a) above, the conditions in subsection (3) below are satisfied and it is expedient, for the purpose of preventing or reducing crime which would otherwise disrupt the life of the community, that the line of the highway, or part of that line should be diverted (whether on to land of the same or another owner, lessee or occupier), or

(b) that, as respects any relevant highway for which they are the highway authority and which crosses land occupied for the purposes of a school, it is expedient, for the purpose of protecting the pupils or staff from--

- (i) violence or the threat of violence,
- (ii) harassment,
- (iii) alarm or distress arising from unlawful activity, or
- (iv) any other risk to their health or safety arising from such activity,

that the line of the highway, or part of that line, should be diverted (whether on to land of the same or another owner, lessee or occupier).

(2) In subsection (1) above "relevant highway" means--

(a) any footpath, bridleway or restricted byway,

(b) any highway which is shown in a definitive map and statement as a footpath, a bridleway, or a restricted byway, but over which the public have a right of way for vehicular and all other kinds of traffic, or

(c) any highway which is shown in a definitive map and statement as a byway open to all traffic,

but does not include a highway that is a trunk road or a special road.

(3) The conditions referred to in subsection (1)(a) above are--

(a) that premises adjoining or adjacent to the highway are affected by high levels of crime, and

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(b) that the existence of the highway is facilitating the persistent commission of criminal offences.

(4) Where this section applies, the council may by order made by them and submitted to and confirmed by the Secretary of State, or confirmed as an unopposed order--

(a) create, as from such date as may be specified in the order, any such--

(i) new footpath, bridleway or restricted byway, or

(ii) in a case falling within subsection (2)(b) or (c) above, new highway over which the public have a right of way for vehicular and all other kinds of traffic,

as appears to the council requisite for effecting the diversion, and

(b) extinguish, as from such date as may be specified in the order or determined in accordance with the provisions of subsection (8) below, the public right of way over so much of the highway as appears to the council to be requisite for the purpose mentioned in paragraph (a) or (b) of subsection (1) above.

(5) An order under subsection (4) above is in this Act referred to as a "special diversion order".

(6) Before making a special diversion order, the council shall consult the police authority for the area in which the highway is situated.

(7) A special diversion order shall not alter a point of termination of the highway--

(a) if that point is not on a highway, or

(b) (where it is on a highway) otherwise than to another point which is on the same highway, or a highway connected with it.

(8) Where it appears to the council that work requires to be done to bring the new site of the highway into a fit condition for use by the public, the council shall--

(a) specify a date under subsection (4)(a) above, and

(b) provide that so much of the order as extinguishes (in accordance with subsection (4)(b) above) a public right of way is not to come into force until the local highway authority for the new highway certify that the work has been carried out.

(9) A right of way created by a special diversion order may be either unconditional or (whether or not the right of way extinguished by the order was subject to limitations or conditions of any description) subject to such limitations or conditions as may be specified in the order.

(10) The Secretary of State shall not confirm a special diversion order made

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by virtue of subsection (1)(a) above, and a council shall not confirm such an order as an unopposed order unless he or, as the case may be, they are satisfied that the conditions in subsection (3) above are satisfied, that the diversion of the highway is expedient as mentioned in subsection (1)(a) above and that it is expedient to confirm the order having regard to all the circumstances, and in particular to--

(a) whether and, if so, to what extent the order is consistent with any strategy for the reduction of crime and disorder prepared under section 6 of the Crime and Disorder Act 1998,

(b) the effect which the coming into operation of the order would have as respects land served by the existing public right of way, and

(c) the effect which any new public right of way created by the order would have as respects the land over which the right is so created and any land held with it,

so, however, that for the purposes of paragraphs (b) and (c) above the Secretary of State or, as the case may be, the council shall take into account the provisions as to compensation contained in section 28 above as applied by section 121(2) below.

(11) The Secretary of State shall not confirm a special diversion order made by virtue of subsection (1)(b) above, and a council shall not confirm such an order as an unopposed order unless he or, as the case may be, they are satisfied that the diversion of the highway is expedient as mentioned in subsection (1)(b) above and that it is expedient to confirm the order having regard to all the circumstances, and in particular to--

(a) any other measures that have been or could be taken for improving or maintaining the security of the school,

(b) whether it is likely that the coming into operation of the order will result in a substantial improvement in that security,

(c) the effect which the coming into operation of the order would have as respects land served by the existing public right of way, and

(d) the effect which any new public right of way created by the order would have as respects the land over which the right is so created and any land held with it,

so, however, that for the purposes of paragraphs (c) and (d) above the Secretary of State or, as the case may be, the council shall take into account the provisions as to compensation contained in section 28 above as applied by section 121(2) below.

(12) A special diversion order shall be in such form as may be prescribed by regulations made by the Secretary of State and shall contain a map, on such scale as may be so prescribed--

(a) showing the existing site of so much of the line of the highway as is to be diverted by the order and the new site to which it is to be diverted,

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(b) indicating whether a new right of way is created by the order over the whole of the new site or whether some part of it is already comprised in a highway, and

(c) where some part of the new site is already so comprised, defining that part.

(13) Schedule 6 to this Act has effect as to the making, confirmation, validity and date of operation of special diversion orders.

(14) Section 27 above (making up of new footpaths and bridleways) applies to a highway created by a special diversion order with the substitution--

(a) for references to a footpath or bridleway of references to a footpath, a bridleway, a restricted byway or a highway over which the public have a right of way for vehicular and all other kinds of traffic,

(b) for references to a public path creation order of references to a special diversion order, and

(c) for references to section 26(2) above of references to section 120(3) below.

(15) Neither section 27 nor section 36 above is to be regarded as obliging a highway authority to provide on any highway created by a special diversion order a metalled carriage-way.

119C Application by proprietor of school for special diversion order

(1) The proprietor of a school may apply to a council for the making by virtue of section 119B(1)(b) above of a special diversion order in relation to any highway for which the council are the highway authority and which--

(a) crosses land occupied for the purposes of the school, and

(b) is a relevant highway as defined by section 119B(2) above.

(2) No application may be made under this section for an order which would create a new highway communicating with--

(a) a classified road,

(b) a special road,

(c) a GLA road, or

(d) any highway not falling within paragraph (a) or (b) above for which the Minister is the highway authority,

unless the application is made with the consent of the highway authority for the way falling within paragraph (a), (b), (c) or (d) above.

(3) Before determining to make a special diversion order on an application under this section, the council may require the applicant to enter into an

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agreement with them to defray, or to make such contribution as may be specified in the agreement towards--

(a) any compensation which may become payable under section 28 above as applied by section 121(2) below, or

(b) to the extent that the council are the highway authority for the highway in question, any expenses which they may incur in bringing the new site of the highway into fit condition for use by the public, or

(c) to the extent that the council are not the highway authority, any expenses which may become recoverable from them by the highway authority under the provisions of section 27(2) above as applied by section 119B(14) above.

(4) Subsections (3) to (12) of section 119ZA above shall apply to applications under this section as they apply to applications under that section, with the substitution--

(a) for references to a public path diversion order of references to a special diversion order, and

(b) for references to a footpath or bridleway of references to a highway,

and regulations made under that section by virtue of this subsection may make different provision for the purposes of this section and for the purposes of that section.

119D Diversion of certain highways for protection of sites of special scientific interest

(1) Subsection (3) below applies where, on an application made in accordance with this section by the appropriate conservation body, it appears to a council, as respects any relevant highway for which they are the highway authority and which is in, forms part of, or is adjacent to or contiguous with, a site of special scientific interest--

(a) that public use of the highway is causing, or that continued public use of the highway is likely to cause, significant damage to the flora, fauna or geological or physiographical features by reason of which the site of special scientific interest is of special interest, and

(b) that it is expedient that the line of the highway, or part of that line should be diverted (whether on to land of the same or another owner, lessee or occupier) for the purpose of preventing such damage.

(2) In subsection (1) "relevant highway" means--

(a) a footpath, bridleway or restricted byway,

(b) a highway which is shown in a definitive map and statement as a footpath, a bridleway or a restricted byway but over which the public have a right of way for vehicular and all other kinds of traffic, or

(c) any highway which is shown in a definitive map and statement as a byway

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open to all traffic,

but does not include any highway that is a trunk road or special road.

(3) Where this subsection applies, the council may, by order made by them and submitted to and confirmed by the Secretary of State, or confirmed as an unopposed order,--

(a) create, as from such date as may be specified in the order, any such--

(i) new footpath, bridleway or restricted byway, or

(ii) in a case falling within subsection (2)(b) or (c) above, new highway over which the public have a right of way for vehicular and all other kinds of traffic,

as appears to the council requisite for effecting the diversion, and

(b) extinguish, as from such date as may be specified in the order or determined in accordance with the provisions of subsection (6) below, the public right of way over so much of the way as appears to the council to be requisite for the purpose mentioned in subsection (1)(b) above.

(4) An order under this section is referred to in this Act as an "SSSI diversion order".

(5) An SSSI diversion order shall not alter a point of termination of the highway--

(a) if that point is not on a highway, or

(b) (where it is on a highway) otherwise than to another point which is on the same highway, or a highway connected with it.

(6) Where it appears to the council that work requires to be done to bring the new site of the highway into a fit condition for use by the public, the council shall--

(a) specify a date under subsection (3)(a) above, and

(b) provide that so much of the order as extinguishes (in accordance with subsection (3)(b) above) a public right of way is not to come into force until the local highway authority for the new highway certify that the work has been carried out.

(7) A right of way created by an SSSI diversion order may be either unconditional or (whether or not the right of way extinguished by the order was subject to limitations or conditions of any description) subject to such limitations or conditions as may be specified in the order.

(8) Before determining to make an SSSI diversion order, the council may require the appropriate conservation body to enter into an agreement with them to defray, or to make such contribution as may be specified in the agreement towards,--

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(a) any compensation which may become payable under section 28 above as applied by section 121(2) below,

(b) to the extent that the council are the highway authority for the highway, any expenses which they may incur in bringing the new site of the highway into fit condition for use for the public, or

(c) to the extent that the council are not the highway authority, any expenses which may become recoverable from them by the highway authority under the provisions of section 27(2) above as applied by section 119E(6) below.

(9) The Secretary of State shall not confirm an SSSI diversion order, and a council shall not confirm such an order as an unopposed order, unless he, or as the case may be, they are satisfied that the conditions in subsection (1)(a) and (b) are satisfied, and that it is expedient to confirm the order having regard to the effect which--

(a) the diversion would have on public enjoyment of the right of way as a whole;

(b) the coming into operation of the order would have as respects other land served by the existing public right of way; and

(c) any new public right of way created by the order would have as respects the land over which the right is so created and any land held with it,

so, however, that for the purposes of paragraphs (b) and (c) above the Secretary of State or, as the case may be, the council shall take into account the provisions as to compensation referred to in subsection (8)(a) above.

(10) Schedule 6 to this Act has effect as to the making, confirmation, validity and date of operation of SSSI diversion orders.

(11) This section has effect subject to section 119E below.

(12) In this section--

"the appropriate conservation body" means--

(a) as respects England, English Nature, and

(b) as respects Wales, the Countryside Council for Wales;

"site of special scientific interest" has the same meaning as in the Wildlife and Countryside Act 1981.

119E Provisions supplementary to section 119D

(1) An application under section 119D above shall be in such form as may be prescribed and shall be accompanied by--

(a) a map, on such scale as may be prescribed,--

(i) showing the existing site of so much of the line of the highway as would

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be diverted if the order were made and the new site to which it would be diverted,

(ii) indicating whether a new right of way would be created by the order over the whole of the new site or whether some of it is already comprised in a highway, and

(iii) where some part of the new site is already so comprised, defining that part,

(b) by an assessment in the prescribed form of the effects of public use of the right of way on the site of special scientific interest, and

(c) by such other information as may be prescribed.

(2) At least fourteen days before making an application under section 119D above, the appropriate conservation body shall give a notice in the prescribed form of their intention to do so--

(a) to any owner, lessee or occupier of land over which the proposed order would create or extinguish a public right of way;

(b) to such other persons as may be prescribed; and

(c) in the case of English Nature, to the Countryside Agency.

(3) A council, in determining whether it is expedient to make or confirm an SSSI diversion order, and the Secretary of State, in determining whether to confirm such an order, shall, in particular, have regard to the following questions--

(a) whether the council would be able to prevent damage of the kind referred to in section 119D(1) above by making a traffic regulation order, and

(b) if so, whether the making of a traffic regulation order would cause less inconvenience to the public than that which would be caused by the diversion of the highway.

(4) The Secretary of State, in determining whether it is expedient to make an SSSI diversion order under section 120(3) below in a case where by virtue of section 22(4) of the Road Traffic Regulation Act 1984 he has power to make a traffic regulation order shall, in particular, have regard to the following questions--

(a) whether he would be able to prevent damage of the kind referred to in section 119D(1) above by making a traffic regulation order, and

(b) if so, whether the making of a traffic regulation order would cause less inconvenience to the public than that which would be caused by the diversion of the highway.

(5) An SSSI diversion order shall be in such form as may be prescribed and shall contain a map, on such scale as may be prescribed,--

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(a) showing the existing site of so much of the line of the highway as is to be diverted by the order and the new site to which it is to be diverted,

(b) indicating whether a new right of way is created by the order over the whole of the new site or whether some part of it is already comprised in a highway, and

(c) where some part of the new site is already so comprised, defining that part.

(6) Section 27 above (making up of new footpaths and bridleways) applies to a highway created by an SSSI diversion order with the substitution--

(a) for references to a footpath or bridleway of references to a footpath, a bridleway, a restricted byway or a highway over which the public have a right of way for vehicular and all other kinds of traffic,

(b) for references to a public path creation order, of references to an SSSI diversion order, and

(c) for references to section 26(2) above, of references to section 120(3) below.

(7) Neither section 27 nor section 36 above is to be regarded as obliging a highway authority to provide on any highway created by an SSSI diversion order a metalled carriage-way.

(8) In this section--

"the appropriate conservation body" has the same meaning as in section 119D above;

"prescribed" means prescribed by regulations made by the Secretary of State;

"site of special scientific interest" has the same meaning as in the Wildlife and Countryside Act 1981;

"traffic regulation order" means an order under section 1 or 6 of the Road Traffic Regulation Act 1984."

13

(1) Section 120 of the 1980 Act (exercise of powers of making public path extinguishment and diversion orders) is amended as follows.

(2) In subsection (1), for "to 119A" there is substituted ", 118A, 119 and 119A".

(3) After that subsection there is inserted--

"(1A) Where a council are the highway authority for only part of a highway, the powers conferred on the council by sections 118B, 119B and 119D above are exercisable with respect to the whole of the highway, but subject to subsection (2) and only with the consent of every other council which is a highway authority

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for any other part with respect to which the powers are exercised."

(4) In subsection (2)--

(a) for "to 119A" there is substituted "to 119D", and

(b) for "footpath or bridleway", wherever occurring, there is substituted "highway".

(5) In subsection (3)--

(a) after "or diverted" there is inserted "or where it appears to the Secretary of State as respects a relevant highway as defined by section 118B(2), 119B(2) or 119D(2) that it is expedient as mentioned in section 118B(1)(a) or (b), 119B(1)(a) or (b) or 119D(1)(b) that the highway should be stopped up or diverted",

(b) in paragraph (a), for "a rail crossing diversion order or a public path diversion order" there is substituted "a special extinguishment order, a public path diversion order, a rail crossing diversion order, a special diversion order or an SSSI diversion order",

(c) in paragraph (b), for "to 119A" there is substituted "to 119D",

(d) for "(subject to subsection (3A) below)" there is substituted "(subject to the following provisions of this section)", and

(e) at the end there is inserted "and, in the case of an SSSI diversion order, with the appropriate conservation body".

(6) After subsection (3) there is inserted--

"(3ZA) Where an appeal to the Secretary of State is brought under section 121D(1) below, paragraph (a) of subsection (3) above does not apply, and the power conferred on him by that subsection may be exercised without consultation with the appropriate authority."

(7) After subsection (3A) there is inserted--

"(3B) Unless an appeal to the Secretary of State is brought under section 121D(1) below, the power conferred on the Secretary of State by subsection (3) above to make a special extinguishment order or a special diversion order is exercisable only after consultation with the police authority in whose area the highway lies.

(3C) The power conferred on the Secretary of State by subsection (3) above to make an SSSI diversion order may be exercised even though the appropriate conservation body has not made an application under section 119D above to the council who are the highway authority for the highway.

(3D) Where--

(a) the appropriate conservation body has made an application under section 119D above to a council in respect of a highway for which the council are the

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highway authority, and

(b) the council have neither confirmed the order nor submitted it to the Secretary of State for confirmation within 6 months of receiving the application,

the power conferred on the Secretary of State by subsection (3) above to make an SSSI diversion order may be exercised without consultation with the council."

(8) In subsection (4)--

(a) for "or a rail crossing diversion order" there is substituted ", a rail crossing diversion order, a special diversion order or an SSSI diversion order", and

(b) for "path or way" there is substituted "highway".

(9) For subsection (5) there is substituted--

"(5) The Secretary of State may, before determining--

(a) under subsection (3) above, to make a public path diversion order,

(b) under subsection (3) above, to make a public path extinguishment order, special extinguishment order, public path diversion order or special diversion order on an appeal under section 121D(1)(a) below,

(c) to confirm a public path extinguishment order, special extinguishment order, public path diversion order or special diversion order in respect of which an appeal under section 121D(1)(b) or (c) below has been brought, or

(d) under subsection (3) above, to make a rail crossing diversion order on the representations of the operator of the railway concerned,

require the appropriate person to enter into such agreement as he may specify with such council as he may specify for that person to defray, or to make such contribution as may be specified in the agreement towards, any such compensation or expenses as are specified in paragraphs (a), (b) and (c) of section 119(5), or as the case may be, section 118ZA(6), 119A(8) or 119C(3) above.

(6) In subsection (5) above "the appropriate person" means--

(a) in a case falling within paragraph (a) of that subsection--

(i) where an appeal under section 121D(1)(a) below has been brought, the appellant, or

(ii) in any other case, the person on whose representations the Secretary of State is acting,

(b) in a case falling within paragraph (b) or (c) of that subsection, the appellant, and

(c) in a case falling within paragraph (d) of that subsection, the operator

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of the railway concerned."

(10) After subsection (6) there is inserted--

"(7) Where under subsection (3) above the Secretary of State decides to make an SSSI diversion order he may require the appropriate conservation body to enter into an agreement with such council as he may specify for the body to defray, or to make such contribution as may be specified in the agreement towards, any such compensation or expenses as are specified in paragraphs (a), (b) and (c) of section 119D(8) above.

(8) In this section "the appropriate conservation body" has the same meaning as in section 119D above."

14

(1) Section 121 of the 1980 Act (supplementary provisions as to public path extinguishment and diversion orders) is amended as follows.

(2) In subsection (1)--

(a) after "rail crossing extinguishment order," there is inserted "a special extinguishment order",

(b) for "or a rail crossing diversion order", wherever occurring, there is substituted ", a rail crossing diversion order, a special diversion order or an SSSI diversion order", and

(c) for "path or way", wherever occurring, there is substituted "highway".

(3) In subsection (2)--

(a) after "rail crossing extinguishment orders," there is inserted "special extinguishment orders",

(b) for "and rail crossing diversion orders" there is substituted ", rail crossing diversion orders, special diversion orders and SSSI diversion orders", and

(c) for the words from "but" onwards there is substituted--

"but as if--

(a) the references in it to section 26(2) above were references to section 120(3) above, and

(b) in relation to special extinguishment orders, special diversion orders and SSSI diversion orders, the reference in section 28(4) to a footpath or bridleway included a reference to a restricted byway or a highway over which the public have a right of way for vehicular and all other kinds of traffic."

(4) In subsection (3)--

(a) for "(protection for agriculture and forestry)" there is substituted

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"(duty to have regard to agriculture, forestry and natureconservation)",

(b) after "rail crossing extinguishment orders," there is inserted "special extinguishment orders", and

(c) for "and rail crossing diversion orders" there is substituted ", rail crossing diversion orders, special diversion orders and SSSI diversion orders".

(5) In subsection (4)--

(a) after "rail crossing extinguishment order," there is inserted "a special extinguishment order", and

(b) for "or a rail crossing diversion order" there is substituted ", a rail crossing diversion order, a special diversion order or an SSSI diversion order".

(6) After subsection (5) there is inserted--

"(5A) Before making a determination under subsection (5) above the appropriate Minister may, if he thinks fit, give any person an opportunity to be heard on the question, and he must either give such an opportunity or cause a local inquiry to be held if a request to be heard with respect to the question to be determined is made--

(a) by the statutory undertakers,

(b) in the case of an order made on an application under section 118ZA, 118C, 119ZA or 119C above, by the person who made the application, and

(c) in the case of an order to be made on an appeal under section 121D(1)(a) below, by the appellant.

(5B) The appropriate Minister may appoint any person to exercise on his behalf, with or without payment, the function of determining a question falling to be determined under subsection (5) above.

(5C) Schedule 12ZA to this Act shall have effect with respect to appointments under subsection (5B) above; and subsection (5A) above has effect subject to the provisions of that Schedule.

(5D) Subsections (2) to (5) of section 250 of the Local Government Act 1972 (giving of evidence at, and defraying of costs of, inquiries) shall apply in relation to hearings or local inquiries which the appropriate Minister causes to be held under subsection (5A) above as they apply (by virtue of section 302(1) of this Act) to local inquiries which the Secretary of State causes to be held under this Act.

(5E) Section 322A of the Town and Country Planning Act 1990 (orders as to costs where no hearing or inquiry takes place) applies in relation to a hearing or inquiry under subsection (5A) above as it applies in relation to a hearing or local inquiry for the purposes referred to in that section, but as if references to the Secretary of State were references to the appropriate Minister."

(7) In subsection (6), for "subsection (5)" there is substituted "subsections

(5) to (5E)".

15

After section 121 of the 1980 Act there is inserted--

"121A Regulations with respect to applications for orders

(1) The Secretary of State may by regulations make provision as respects applications under section 118ZA, 118C, 119ZA or 119C above--

(a) requiring the applicant to issue a certificate as to the interests in, or rights in or over, the land to which the application relates and the purpose for which the land is used,

(b) requiring the applicant to give notice of the application to such persons as may be prescribed,

(c) requiring the applicant to certify that any requirement of regulations under this section has been complied with or to provide evidence that any such requirement has been complied with,

(d) as to the publicising of any application,

(e) as to the form, content and service of such notices and certificates, and

(f) as to the remission or refunding in prescribed circumstances of the whole or part of any prescribed charge.

(2) If any person--

(a) issues a certificate which purports to comply with any requirement imposed by virtue of subsection (1) above and contains a statement which he knows to be false or misleading in a material particular; or

(b) recklessly issues a certificate which purports to comply with any such requirement and contains a statement which is false or misleading in a material particular,

he shall be guilty of an offence.

(3) A person guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(4) Notwithstanding section 127 of the Magistrates' Courts Act 1980 (limitation of time for taking proceedings) summary proceedings for an offence under this section may be instituted at any time within three years after the commission of the offence.

121B Register of applications

(1) Every council shall keep, in such manner as may be prescribed, a register containing such information as may be prescribed with respect to applications under section 118ZA, 118C, 119ZA or 119C above.

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(2) The register shall contain such information as may be prescribed with respect to the manner in which such applications have been dealt with.

(3) Regulations may make provision for the register to be kept in two or more parts, each part containing such information relating to applications under section 118ZA, 118C, 119ZA or 119C above as may be prescribed.

(4) Regulations may make provision--

(a) for a specified part of the register to contain copies of applications and of the maps submitted with them, and

(b) for the entry relating to any application, and everything relating to it, to be removed from any part of the register when the application (including any appeal to the Secretary of State) has been finally disposed of (without prejudice to the inclusion of any different entry relating to it in another part of the register).

(5) Every register kept under this section shall be available for inspection by the public free of charge at all reasonable hours.

(6) In this section--

"prescribed" means prescribed by regulations;

"regulations" means regulations made by the Secretary of State.

121C Cases where council may decline to determine applications

(1) A council may decline to determine an application under section 118ZA, 118C, 119ZA or 119C above if, within the period of three years ending with the date on which the application is received, the Secretary of State--

(a) has refused to make an order on an appeal under section 121D(1)(a) below in respect of a similar application, or

(b) has refused to confirm an order which is similar to the order requested.

(2) Before declining under subsection (1) above to determine an application under section 118C or 119C above, the council shall consider whether since the previous decision of the Secretary of State was made the risks referred to in subsection (1)(b)(i) to (iv) of section 118B or of section 119B have substantially increased.

(3) A council may decline to determine an application under section 118ZA, 118C, 119ZA or 119C above if--

(a) in respect of an application previously made to them under that section which is similar to the current application or relates to any of the land to which the current application relates, the council have not yet determined whether to make a public path extinguishment order, special extinguishment order, public path diversion order or special diversion order, or

(b) the council have made a similar order or an order which relates to any of

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the land to which the current application relates but no final decision as to the confirmation of the order has been taken.

(4) For the purposes of this section an application or order is similar to a later application or order only if they are, in the opinion of the council determining the later application, the same or substantially the same, but an application or order may be the same or substantially the same as a later application or order even though it is made to or by a different council.

121D Right of appeal to Secretary of State in respect of applications for orders

(1) Subject to the provisions of this section, where, in relation to an application made under section 118ZA, 118C, 119ZA or 119C above, the council to which the application was made--

(a) refuse to make an order on the application,

(b) refuse to confirm as an unopposed order an order made on the application, or

(c) refuse to submit to the Secretary of State an order which is made on the application and against which any representation or objection has been duly made and not withdrawn,

the applicant may, by giving notice to the Secretary of State, appeal to the Secretary of State.

(2) Subsection (1)(a) above does not confer any right to appeal to the Secretary of State where--

(a) the council have no power to make the order requested without the consent of another person and that consent has not been given, or

(b) the reason, or one of the reasons, for the refusal to make the order is that the applicant has refused to enter into an agreement required by the council--

(i) in the case of a public path extinguishment order, under subsection (6) of section 118ZA above,

(ii) in the case of a special extinguishment order, under that subsection as applied by section 118C(2) above,

(iii) in the case of a public path diversion order, under section 119(5) above,

(iv) in the case of a special diversion order, under section 119C(3) above.

(3) Paragraph (b) of subsection (1) above does not confer any right to appeal to the Secretary of State in a case where the council has no power to confirm the order without the consent of another person and that consent has not been given; and paragraph (c) of that subsection does not confer any right to appeal to the Secretary of State in a case where, if the order had been unopposed, the

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council would have had no power to confirm it without the consent of another person and that consent has not been given.

121E Determination of appeals

(1) Where an appeal to the Secretary of State is brought under section 121D(1)(a) above, the Secretary of State shall--

(a) prepare a draft of a public path extinguishment order, special extinguishment order, public path diversion order or special diversion order under section 120(3) above giving effect to the application and containing such other provisions as, after consultation with such persons as he thinks fit, the Secretary of State may determine,

(b) give notice of the draft order in accordance with paragraph 1(2) of Schedule 6 to this Act, and

(c) subject to subsection (6) below and to paragraph 2 of that Schedule, determine whether to make the order (with or without modifications) under section 120(3) above.

(2) Where an appeal to the Secretary of State is brought under section 121D(1)(b) or (c) above, the order made on the application shall be treated as having been submitted to him for confirmation (with or without modifications).

(3) Where an appeal to the Secretary of State is brought under section 121D(1) above, the Secretary of State may not make or confirm a public path diversion order or special diversion order if it appears to him that--

(a) work is necessary to bring the new highway created by the order into a fit condition for use by the public,

(b) if the order were made, the work could not be carried out by the highway authority without--

(i) the consent of another person, or

(ii) any authorisation (however described) which is required by or under any enactment, and

(c) the consent or authorisation has not been obtained.

(4) Where an appeal to the Secretary of State is brought under section 121D(1) above, the Secretary of State may not--

(a) make a public path diversion order or special diversion order so as to create a public right of way over land covered by works used for the purposes of a statutory undertaking or the curtilage of such land, or

(b) modify such an order so as to create such a public right of way,

unless the statutory undertaker has consented to the making or modification of the order.

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(5) In subsection (4) above "statutory undertaker" and "statutory undertaking" have the same meaning as in Schedule 6 to this Act.

(6) Subsection (1)(c) above does not apply where any consent required by section 121(4) above has not been obtained.

(7) The Secretary of State may by regulations make further provision with respect to appeals under section 121D(1) above.

(8) Regulations under subsection (7) above may, in particular, make provision--

(a) as to the manner in which, and time within which, notice of an appeal is to be given,

(b) as to the provision of information to the Secretary of State by the council to which the application to which the appeal relates was made,

(c) for the payment by the applicant of any expenses incurred by the Secretary of State--

(i) in preparing a draft order,

(ii) in giving any notice required by subsection (1)(b) above or Schedule 6 to this Act,

(d) requiring the production by the council to whom the application was made of any certificates required by regulations under section 121A(1)(a) above,

(e) requiring the applicant to give notice of the appeal to such persons as may be prescribed,

(f) requiring the applicant to certify that any requirement of regulations under this section has been complied with or to provide evidence that any such requirement has been complied with,

(g) as to the publicising of any appeal,

(h) as to the form, content and service of such notices and certificates,

(i) modifying the provisions of Schedule 6 to this Act in their application to the procedure on appeals under section 121D(1) above, and

(j) as to the remission or refunding in prescribed circumstances of any prescribed charge.

(9) The Secretary of State may by regulations provide that section 28 above, as applied by section 121(2) above, is to have effect in cases where a public path extinguishment order, special extinguishment order, public path diversion order or special diversion order is made under section 120(3) above on an appeal under section 121D(1)(a) above, as if the reference to such one of the authorities referred to as may be nominated by the Secretary of State were a reference to such one of those authorities as may be specified in or determined in accordance with, the regulations.

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(10) Subsections (2) to (4) of section 121A above shall apply in relation to any certificate purporting to comply with a requirement imposed by virtue of this section as they apply to a certificate purporting to comply with a requirement imposed by virtue of subsection (1) of that section.

(11) For the purposes of this section--

(a) a draft public path extinguishment order or special extinguishment order gives effect to an application under section 118ZA or 118C above only if the land over which the public right of way is to be extinguished by the order is that shown for the purposes of subsection (2) of section 118ZA above (or that subsection as applied by section 118C(2) above) on the map accompanying the application, and

(b) a draft public path diversion order or draft special diversion order gives effect to an application made to a council under section 119ZA or 119C above only if--

(i) the land over which the public right of way is to be extinguished by the order, and

(ii) the new site to which the highway is to be diverted,

are those shown for the purposes of subsection (4) of section 119ZA above (or that subsection as applied by section 119C(4) above) on the map accompanying the application.

(12) In this section "prescribed" means prescribed by regulations made by the Secretary of State."

16

After section 135 of the 1980 Act there is inserted--

"135A Temporary diversion for dangerous works

(1) Where works of a prescribed description are likely to cause danger to users of a footpath or bridleway which passes over any land, the occupier of the land may, subject to the provisions of this section, temporarily divert--

(a) so much of the footpath or bridleway as passes over that land, and

(b) so far as is requisite for effecting that diversion, so much of the footpath or bridleway as passes over other land occupied by him.

(2) A person may not under this section divert any part of a footpath or bridleway if--

(a) the period or periods for which that part has been diverted under this section, and

(b) the period or periods for which any other part of the same footpath or bridleway passing over land occupied by him has been diverted under this section,

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amount in aggregate to more than fourteen days in any one calendar year.

(3) Where a person diverts a footpath or bridleway under this section--

(a) he shall do so in a manner which is reasonably convenient for the exercise of the public right of way, and

(b) where the diversion is by means of a temporary footpath or bridleway, he shall so indicate the line of the temporary footpath or bridleway on the ground to not less than the minimum width that it is apparent to members of the public wishing to use it.

(4) This section does not authorise a person--

(a) to divert a footpath or bridleway on to land not occupied by him without the consent of the occupier of that land and of any other person whose consent is needed to obtain access to it,

(b) to divert a footpath onto a highway other than a footpath or bridleway, or

(c) to divert a bridleway onto a highway other than a bridleway.

(5) The person by whom a footpath or bridleway is diverted under this section shall--

(a) at least fourteen days before the commencement of the diversion, give notice of the diversion in accordance with subsection (6) below,

(b) at least seven days before the commencement of the diversion, publish notice of the diversion in a local newspaper circulating in the area in which the footpath or bridleway is situated, and

(c) display such notices as may be prescribed at such places, in such manner and at such times before or during the diversion as may be prescribed.

(6) Notice under subsection (5)(a) above shall be given--

(a) to the highway authority for the footpath or bridleway,

(b) if the footpath or bridleway is on or contiguous with access land in England, to the Countryside Agency, and

(c) if the footpath or bridleway is on or contiguous with access land in Wales, to the Countryside Council for Wales.

(7) A notice under subsection (5)(a), (b) or (c) above shall be in such form and contain such information as may be prescribed.

(8) If a person--

(a) in a notice which purports to comply with the requirements of subsection (5)(a) or (b) above, makes a statement which he knows to be false in a material particular,

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(b) by a notice displayed on or near a footpath or bridleway, falsely purports to be authorised under this section to divert the footpath or bridleway, or

(c) in diverting a footpath or bridleway under this section, fails to comply with subsection (3) above,

he shall be guilty of an offence and liable to a fine not exceeding level 3 on the standard scale.

(9) In this section--

"access land" has the same meaning as in Part I of the Countryside and Rights of Way Act 2000;

"minimum width" in relation to a temporary footpath or bridleway, means the minimum width, within the meaning of Schedule 12A to this Act, of the footpath or bridleway diverted;

"prescribed" means prescribed by regulations made by the Secretary of State.

135B Temporary diversion for dangerous works: supplementary

(1) The person by whom a footpath or bridleway is diverted under section 135A above shall, before the diversion ceases to be authorised by that section, make good any damage to the footpath or bridleway resulting from the works mentioned in subsection (1) of that section, and remove from the footpath or bridleway any obstruction resulting from those works.

(2) Any person who fails to comply with the duty imposed on him by subsection (1) above is guilty of an offence and liable to a fine not exceeding level 3 on the standard scale.

(3) The highway authority may make good any damage, or remove any obstruction, in respect of which any person has failed to comply with that duty and recover from that person the amount of any expenses reasonably incurred by them in or in connection with doing so.

(4) Paragraph 3(1) of Schedule 12A to this Act does not apply in relation to any disturbance of the surface of a footpath or bridleway which subsection (1) above requires any person to make good; but paragraphs 7 and 8 of that Schedule apply for the purposes of subsection (3) above as if--

(a) references to the authority were references to the highway authority,

(b) references to the work were references to work carried out under subsection (3) above in relation to a footpath or bridleway, and

(c) references to the relevant land were references to the land over which the footpath or bridleway passes.

(5) The diversion of a footpath or bridleway under section 135A above does not--

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(a) affect the liability of any person for anything done in relation to the path or way otherwise than for the purposes of or in consequence of the works mentioned in subsection (1) of that section, or

(b) authorise any interference with the apparatus or works of any statutory undertakers.

(6) Without prejudice to section 130 (protection of public rights of way) above, it is the duty of the highway authority to enforce the provisions of section 135A and this section."

17

In section 293 of the 1980 Act (powers of entry for purposes connected with certain orders relating to footpaths and bridleways), in subsection (1)--

(a) after "rail crossing extinguishment order," there is inserted "a special extinguishment order", and

(b) for "or a rail crossing diversion order" there is substituted ", a rail crossing diversion order, a special diversion order or an SSSI diversion order".

18

In section 325 of the 1980 Act (regulations, schemes and orders)--

(a) in subsection (1)(d), for "118, 119," there is substituted "118, 118A, 118B(4), 119, 119A, 119B(4), 119D", and

(b) in subsection (2)(b), after "17" there is inserted "or 118B(1)(a)".

19

In section 326 of the 1980 Act (revocation and variation of schemes and orders) in subsection (5), for "a public path diversion order" there is substituted "a rail crossing extinguishment order, a special extinguishment order, a public path diversion order, a rail crossing diversion order, a special diversion order or an SSSI diversion order".

20

In section 329(1) of the 1980 Act (interpretation)--

(a) after the definition of "cycle track" there is inserted--

"definitive map and statement" has the same meaning as in Part III of the Wildlife and Countryside Act 1981;",

(b) after the definition of "proposed highway" there is inserted--

"proprietor", in relation to a school, has the same meaning as in the Education Act 1996;",

(c) after the definition of "road-ferry" there is inserted--

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"school" has the same meaning as in the Education Act 1996;",

(d) after the definition of "service area" there is inserted--

"special diversion order" means an order under section 119B(4) above;",

(e) after the definition of "special enactment" there is inserted--

"special extinguishment order" means an order under section 118B(4) above;",
and

(f) after the definition of "special road authority" there is inserted--

"SSSI diversion order" means an order under section 119D above;".

21

In section 334 of the 1980 Act (savings relating to telecommunications apparatus) in subsection (2), for "and a public path diversion order" there is substituted", a special extinguishment order, a public path diversion order, a special diversion order and an SSSI diversion order".

22

In section 344 of the 1980 Act (application to Isles of Scilly) in subsection (2)(a) after "135," there is inserted "135A, 135B,".

23

(1) Schedule 6 to the 1980 Act (provisions as to making, confirmation, validity and date of operation of certain orders relating to footpaths and bridleways), including that Schedule as applied by section 32(2) of the Acquisition of Land Act 1981, is amended as follows.

(2) In paragraph 1(1) and (2)--

(a) after "rail crossing extinguishment order," there is inserted "a special extinguishment order", and

(b) for "or a rail crossing diversion order" there is substituted ", a rail crossing diversion order, a special diversion order or an SSSI diversion order".

(3) In paragraph 1(3A)--

(a) after "rail crossing extinguishment orders," there is inserted "special extinguishment orders", and

(b) for "and rail crossing diversion orders" there is substituted ", rail crossing diversion orders, special diversion orders and SSSI diversion orders".

(4) In paragraph 1(3B)--

(a) after "draft rail crossing extinguishment orders," there is inserted "draft special extinguishment orders", and

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(b) for "and draft rail crossing diversion orders" there is substituted ", draft rail crossing diversion orders, draft special diversion orders and draft SSSI diversion orders".

(5) In paragraph 2--

(a) in sub-paragraph (1), at the beginning of paragraph (a) there is inserted "subject to sub-paragraph (2A)",

(b) in sub-paragraphs (2) and (3), for "or a public path diversion order," there is substituted ", a public path diversion order, a special diversion order or an SSSI diversion order", and

(c) after sub-paragraph (2) there is inserted--

"(2A) Before making or confirming an order on an appeal under section 121D(1) of this Act, the Secretary of State shall--

(a) if requested by the authority who made an order to which the appeal relates to cause a local inquiry to be held, cause such an inquiry to be held, and

(b) if a request to be heard with respect to the question to be determined is made by the appellant, either afford to the appellant an opportunity of being heard by a person appointed by the Secretary of State for the purpose or cause a local inquiry to be held,

whether or not he would be required to do so apart from this sub-paragraph."

(6) After paragraph 2 there is inserted--

"2ZA

(1) Where a public path extinguishment order, a special extinguishment order, a public path diversion order or a special diversion order is made by an authority other than the Secretary of State on an application under section 118ZA, 118C, 119ZA or 119C of this Act, that authority shall, as soon as reasonably practicable after the expiry of the time for representations, determine--

(a) whether, in the case of an unopposed order, to confirm it under paragraph 2(1)(b) above, or

(b) whether to submit the order to the Secretary of State.

(2) The authority making a determination required by sub-paragraph (1) above shall, as soon as practicable after making it, give to the applicant notice in writing of their determination and the reasons for it and give a copy of the notice to such other persons as may be prescribed.

(3) Where--

(a) an authority other than the Secretary of State have made a public path extinguishment order, a special extinguishment order, a public path diversion

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order or a special diversion order on an application under section 118ZA, 118C, 119ZA or 119C of this Act, and

(b) at the end of the period of two months beginning with the expiry of the time for representations, that authority have not determined--

(i) whether, in the case of an unopposed order, to confirm it under paragraph 2(1)(b) above, or

(ii) whether to submit the order to the Secretary of State,

the Secretary of State may, at the request of the person on whose application the order was made, by direction require the authority to determine that question before the end of such period as may be specified in the direction.

(4) In this paragraph "the time for representations" means the time specified by the authority in accordance with paragraph 1(1)(c) above.

2ZB

Where, in relation to any public path extinguishment order, special extinguishment order, public path diversion order or special diversion order which was made by an authority other than the Secretary of State on an application under section 118ZA, 118C, 119ZA or 119C of this Act, no representations or objections are duly made or any representations or objections so made are withdrawn, that authority may not submit the order to the Secretary of State for confirmation with any modification of the map contained in the order."

(7) In paragraph 2A(1), for the words from the beginning to "shall" there is substituted--

"The following decisions--

(a) a decision of the Secretary of State under paragraph 2 above as respects an order made by an authority other than the Secretary of State including any related decision under section 120(5) of this Act, and

(b) a decision of the Secretary of State under section 121E(1)(c) of this Act, including any related decision under section 120(5) of this Act, shall".

(8) After paragraph 2A there is inserted--

"2B

(1) Subject to sub-paragraph (2), subsections (2) to (5) of section 250 of the Local Government Act 1972 (giving of evidence at, and defraying of costs of, inquiries) apply to a hearing which the Secretary of State causes to be held under paragraph 2 above as they apply (by virtue of section 302(1) of this Act) to a local inquiry which he causes to be held under this Act.

(2) In its application to a hearing or local inquiry held under paragraph 2 above by a person appointed under paragraph 2A(1) above, subsection (5) of section 250 of that Act shall have effect as if the reference to the Minister

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causing the inquiry to be held were a reference to the person so appointed or the Secretary of State.

(3) Section 322A of the Town and Country Planning Act 1990 (orders as to costs where no hearing or inquiry takes place) applies in relation to a hearing or inquiry under paragraph 2 above as it applies in relation to a hearing or local inquiry for the purposes referred to in that section."

(9) In paragraph 3(2)--

(a) for "or a rail crossing extinguishment order" there is substituted ", a rail crossing extinguishment order or a special extinguishment order", and

(b) for "or a rail crossing diversion order" there is substituted ", a rail crossing diversion order, a special diversion order or an SSSI diversion order".

(10) At the end of paragraph 4(3) there is inserted "other than any person on whom notice of the decision is required to be served under paragraph 2ZA(2) above".

24

After Schedule 12 to the 1980 Act there is inserted--

"SCHEDULE 12ZA

Delegation Of Function Of Making Determination

Interpretation

1

In this Schedule--

"appointed person" means a person appointed under section 121(5B) of this Act;

"appropriate Minister" has the same meaning as in section 121(5) of this Act;

"appointment", in the case of any appointed person, means appointment under section 121(5B) of this Act.

Appointments

2

An appointment under section 121(5B) of this Act must be in writing and--

(a) may relate to a particular question specified in the appointment or to questions of a description so specified,

(b) may provide for any function to which it relates to be exercisable by the appointed person either unconditionally or subject to the fulfilment of such conditions as may be specified in the appointment, and

(c) may, by notice in writing given to the appointed person, be revoked at

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any time by the appropriate Minister in respect of any question which has not been determined by the appointed person before that time.

Powers of appointed person

3

Subject to the provisions of this Schedule, an appointed person shall, in relation to the determination of any question to which his appointment relates, have the same powers and duties as the appropriate Minister, other than--

(a) any function of holding an inquiry or other hearing or of causing an inquiry or other hearing to be held; or

(b) any function of appointing a person for the purpose--

(i) of enabling persons to appear before and be heard by the person so appointed; or

(ii) of referring any question or matter to that person.

Holding of inquiries and other hearings by appointed persons

4

(1) If either of the following persons--

(a) the statutory undertakers to which the question relates, and

(b) in the case of an order to be made on an application under section 118ZA, 118C, 119ZA or 119C of this Act, the person who made the application,

express a wish to appear before and be heard by the appointed person, the appointed person shall give them an opportunity of appearing and being heard.

(2) Whether or not sub-paragraph (1) above applies, the appointed person--

(a) may hold an inquiry or other hearing in connection with the determination of the question, and

(b) shall, if the appropriate Minister so directs, hold an inquiry in connection with that determination.

(3) Where an appointed person holds an inquiry or other hearing by virtue of this Schedule, an assessor may be appointed by the appropriate Minister to sit with the appointed person at the inquiry or hearing and advise him on any matters arising, notwithstanding that the appointed person is to determine the question.

(4) Subject to paragraph 7 below, the costs of an inquiry or other hearing held under this Schedule shall be defrayed by the appropriate Minister.

Revocation of appointments and making of new appointments

5

(1) Where under paragraph 2(c) above the appointment of the appointed person

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is revoked in respect of any question, the appropriate Minister shall, unless he proposes to determine the question himself, appoint another person under section 121(5B) of this Act to determine the question instead.

(2) Where such a new appointment is made, the consideration of the question, or any hearing in connection with it, shall be begun afresh.

(3) Nothing in sub-paragraph (2) above shall require any person to be given an opportunity of making fresh representations or modifying or withdrawing any representations already made.

Certain acts and omissions of appointed person to be treated as those of appropriate Minister

6

(1) Anything done or omitted to be done by an appointed person in, or in connection with, the exercise or purported exercise of any function to which the appointment relates shall be treated for all purposes as done or omitted to be done by the appropriate Minister.

(2) Sub-paragraph (1) above does not apply--

(a) for the purposes of so much of any contract made between the appropriate Minister and the appointed person as relates to the exercise of the function, or

(b) for the purposes of any criminal proceedings brought in respect of anything done or omitted to be done as mentioned in that sub-paragraph.

Local inquiries and hearings: evidence and costs

7

Subsections (2) to (5) of section 250 of the Local Government Act 1972 (local inquiries: evidence and costs) shall apply to local inquiries or other hearings held under this Schedule by an appointed person as they apply to inquiries caused to be held under that section by a Minister, but as if--

(a) in subsection (2) (evidence) the reference to the person appointed to hold the inquiry were a reference to the appointed person,

(b) in subsection (4) (recovery of costs of holding inquiry) references to the Minister causing the inquiry to be held were references to the appropriate Minister, and

(c) in subsection (5) (orders as to the costs of the parties) the reference to the Minister causing the inquiry to be held were a reference to the appointed person or the appropriate Minister."

NOTES:**Initial Commencement*****To be appointed***

To be appointed: see s 103(3).

Appointment

Paras 1, 2: Appointment (in relation to England): 12 February 2003: see SI 2003/272, art 2(b), (c).

Para 1: Appointment (in relation to Wales): 1 April 2004: see SI 2004/315, art 2(c).

Para 3: Appointment (in relation to England): 13 February 2004: see SI 2004/292, art 2(e); for transitional provisions see art 3(2) thereof.

Para 5: Appointment (in relation to England, for certain purposes): 12 February 2003: see SI 2003/272, art 2(d).

Para 6: Appointment (in relation to England): 12 February 2003: see SI 2003/272, art 2(b).

Para 6: Appointment (in relation to Wales): 1 April 2004: see SI 2004/315, art 2(c).

Para 8: Appointment (in relation to England, for certain purposes): 12 February 2003: see SI 2003/272, art 2(e).

Para 9(1)-(3), (5): Appointment (in relation to England): 12 February 2003: see SI 2003/272, art 2(b), (f).

Para 9(5): Appointment (in relation to Wales): 1 April 2004: see SI 2004/315, art 2(c).

Para 11: Appointment (in relation to England): 12 February 2003: see SI 2003/272, art 2(g).

Para 12: Appointment (in relation to England, for certain purposes): 12 February 2003: see SI 2003/272, art 2(h).

Para 13(1)-(5), (7)-(9): Appointment (in relation to England, for certain purposes): 12 February 2003: see SI 2003/272, art 2(i).

Para 14: Appointment (in relation to England, for certain purposes): 12 February 2003: see SI 2003/272, art 2(j).

Para 17(a): Appointment (in relation to England): 12 February 2003: see SI 2003/272, art 2(k)(i).

Para 17(b): Appointment (in relation to England, for certain purposes): 12 February 2003: see SI 2003/272, art 2(k)(ii).

Paras 18(a), 19: Appointment (in relation to Wales, for certain purposes): 1 May 2001: see SI 2001/1410, art 2(k), (l).

Paras 18(a), 19: Appointment (in relation to England, for certain purposes): 30 January 2001: see SI 2001/114, art 2(1)(e), (f).

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Para 18(a): Appointment (in relation to England, for certain purposes): 12 February 2003: see SI 2003/272, art 2(1)(i).

Para 18(b): Appointment (in relation to England): 12 February 2003: see SI 2003/272, art 2(1)(ii).

Para 19: Appointment (in relation to England, for certain purposes): 12 February 2003: see SI 2003/272, art 2(m).

Para 20: Appointment (in relation to England): 12 February 2003: see SI 2003/272, art 2(n).

Para 21: Appointment (in relation to England, for certain purposes): 12 February 2003: see SI 2003/272, art 2(n).

Para 23(1)-(4), (5)(b), (7): Appointment (in relation to England, for certain purposes): 12 February 2003: see SI 2003/272, art 2(p).

Para 24: Appointment (in relation to England, for certain purposes): 12 February 2003: see SI 2003/272, art 2(q).

Extent

This Part does not extend to Scotland: see s 104(4).

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COUNTRYSIDE AND RIGHTS OF WAY ACT 2000
2000 CHAPTER 37

SCHEDULE , PT. I

Section 57

Royal Assent [30 November 2000]

Countryside and Rights of Way Act 2000, Ch. 37, Sch., Pt. II (Eng.)

Part II Consequential Amendments of Other Acts

Norfolk and Suffolk Broads Act 1988 (c 4)

25

In Schedule 3 to the Norfolk and Suffolk Broads Act 1988 (functions of Broads Authority), in paragraph 47 (footpaths and bridleways)--

(a) for "118 to 121" there is substituted "118 to 121E", and

(b) after "footpaths etc)" there is inserted ", except sections 118B and 119B of that Act (stopping up and diversion for purposes of crime prevention, etc)",
Environment Act 1995 (c 25)

26

In Schedule 9 to the Environment Act 1995 (miscellaneous functions of National Park authorities), in paragraph 11 (footpaths and bridleways) for paragraph (c) there is substituted--

"(c) sections 118 to 121E (stopping up and diversion of public paths, etc), except sections 118B and 119B (stopping up and diversion for purposes of crime prevention, etc), and".

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 103(3).

Appointment

Appointment (in relation to England): 12 February 2003: see SI 2003/272, art

2(r), (s).

Extent

This Part does not extend to Scotland: see s 104(4).

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COUNTRYSIDE AND RIGHTS OF WAY ACT 2000
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SCHEDULE 7
Section 67

Royal Assent [30 November 2000]

Countryside and Rights of Way Act 2000, Ch. 37, Sch. 7 (Eng.)

SCHEDULE 7 Driving of Mechanically Propelled Vehicles Elsewhere than on Roads

National Parks and Access to the Countryside Act 1949 (c 97)

1

In section 51(1) of the National Parks and Access to the Countryside Act 1949 (general provisions as to long-distance routes), for "not being a motor vehicle" there is substituted "not being a mechanically propelled vehicle".
Countryside Act 1968 (c 41)

2

(1) Section 30 of the Countryside Act 1968 (riding of pedal cycles on bridleways) is amended as follows.

(2) In subsection (1), for "not being a motor vehicle" there is substituted "not being a mechanically propelled vehicle".

(3) For subsection (5) there is substituted--

"(5) In this section "mechanically propelled vehicle" does not include a vehicle falling within paragraph (c) of section 189(1) of the Road Traffic Act 1988."

Chronically Sick and Disabled Persons Act 1970 (c 44)

3

In section 20 of the Chronically Sick and Disabled Persons Act 1970 (use of invalid carriages on highways), in subsection (1)(b) after "sections 1 to 4," there is inserted "21, 34,".
Road Traffic Act 1988 (c 52)

4

(1) Section 21 of the Road Traffic Act 1988 (prohibition of driving or

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parking on cycle tracks) is amended as follows.

(2) In subsection (1), for "motor" there is substituted "mechanically propelled".

(3) In subsection (3), after paragraph (a) there is inserted--

"(aa) in subsection (1) "mechanically propelled vehicle" does not include a vehicle falling within paragraph (a), (b) or (c) of section 189(1) of this Act,".

5

For section 34 of that Act there is substituted--

"34 Prohibition of driving mechanically propelled vehicles elsewhere than on roads

(1) Subject to the provisions of this section, if without lawful authority a person drives a mechanically propelled vehicle--

(a) on to or upon any common land, moorland or land of any other description, not being land forming part of a road, or

(b) on any road being a footpath, bridleway or restricted byway,

he is guilty of an offence.

(2) For the purposes of subsection (1)(b) above, a way shown in a definitive map and statement as a footpath, bridleway or restricted byway is, without prejudice to section 56(1) of the Wildlife and Countryside Act 1981, to be taken to be a way of the kind shown, unless (subject to section 34A of this Act) the contrary is proved.

(3) It is not an offence under this section to drive a mechanically propelled vehicle on any land within fifteen yards of a road, being a road on which a motor vehicle may lawfully be driven, for the purpose only of parking the vehicle on that land.

(4) A person shall not be convicted of an offence under this section with respect to a vehicle if he proves to the satisfaction of the court that it was driven in contravention of this section for the purpose of saving life or extinguishing fire or meeting any other like emergency.

(5) It is hereby declared that nothing in this section prejudices the operation of--

(a) section 193 of the Law of Property Act 1925 (rights of the public over commons and waste lands), or

(b) any byelaws applying to any land,

or affects the law of trespass to land or any right or remedy to which a person may by law be entitled in respect of any such trespass or in particular

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confers a right to park a vehicle on any land.

(6) Subsection (2) above and section 34A of this Act do not extend to Scotland.

(7) In this section--

"definitive map and statement" has the same meaning as in Part III of the Wildlife and Countryside Act 1981;

"mechanically propelled vehicle" does not include a vehicle falling within paragraph (a), (b) or (c) of section 189(1) of this Act; and

"restricted byway" means a way over which the public have restricted byway rights within the meaning of Part II of the Countryside and Rights of Way Act 2000, with or without a right to drive animals of any description along the way, but no other rights of way."

6

After that section there is inserted--

"34A Exceptions to presumption in section 34(2)

(1) Where a person is charged with an offence under section 34 of this Act in respect of the driving of any vehicle, it is open to that person to prove under subsection (2) of that section that a way shown in a definitive map and statement as a footpath, bridleway or restricted byway is not a way of the kind shown only--

(a) if he proves to the satisfaction of the court--

(i) that he was a person interested in any land and that the driving of the vehicle by him was reasonably necessary to obtain access to the land,

(ii) that the driving of the vehicle by him was reasonably necessary to obtain access to any land, and was for the purpose of obtaining access to the land as a lawful visitor, or

(iii) that the driving of the vehicle by him was reasonably necessary for the purposes of any business, trade or profession; or

(b) in such circumstances as may be prescribed by regulations made by the Secretary of State (and paragraph (a) above is without prejudice to this paragraph).

(2) In subsection (1) above--

"interest", in relation to land, includes any estate in land and any right over land, whether the right is exercisable by virtue of the ownership of an estate or interest in land or by virtue of a licence or agreement, and in particular includes rights of common and sporting rights, and the reference to a person interested in land shall be construed accordingly;

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"lawful visitor", in relation to land, includes any person who enters the land for any purpose in the exercise of a right conferred by law."

7

In section 195 of that Act--

(a) in subsection (3), after "that section)" there is inserted "34A", and

(b) in subsection (4), after "14" there is inserted ", 34A".
Road Traffic Offenders Act 1988 (c 53)

8

In Schedule 2 to the Road Traffic Offenders Act 1988 (prosecution and punishment of offences), in the second column of the entry in Part I relating to section 34 of the Road Traffic Act 1988, for "motor" there is substituted "mechanically propelled".

9

In Schedule 3 to that Act (fixed penalty offences), in the second column of the entry relating to section 34 of the Road Traffic Act 1988, for "motor" there is substituted "mechanically propelled".

NOTES:**Initial Commencement*****Specified date***

Paras 1-5, 8, 9: Specified date: 30 January 2001: see s 103(2).

To be appointed

Paras 6, 7: To be appointed: see s 103(3).

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COUNTRYSIDE AND RIGHTS OF WAY ACT 2000
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SCHEDULE 8 AMENDMENTS CONSEQUENTIAL ON CHANGE OF NAME OF NATURE CONSERVANCY
COUNCIL FOR ENGLAND

Section 73(4)

Royal Assent [30 November 2000]

Countryside and Rights of Way Act 2000, Ch. 37, Sch. 8 (Eng.)

SCHEDULE 8 Amendments Consequential on Change of Name of Nature Conservancy
Council for England

1

In each provision specified in relation to each of the Acts set out below, for "the Nature Conservancy Council for England" or, as the case may be, "Nature Conservancy Council for England" there is substituted "English Nature"--

(a) the National Parks and Access to the Countryside Act 1949: section 15A (meaning of "Nature Conservancy Council");

(b) the Sea Fisheries Regulation Act 1966: in section 5A (byelaws under section 5 for marine environmental purposes), subsection (3)(a);

(c) the Countryside Act 1968--

(i) in section 15 (areas of special scientific interest), subsection (6A), and

(ii) section 37 (protection for interests in countryside);

(d) the Conservation of Seals Act 1970: in section 10 (power to grant licences to kill or take seals), subsection (5);

(e) the Import of Live Fish (England and Wales) Act 1980: in section 1 (power to limit the import etc of fish and fish eggs), subsection (2);

(f) the Highways Act 1980: in section 105B (procedure relating to environmental impact assessments), in subsection (8), paragraph (b) of the definition of "the consultation bodies";

(g) the Animal Health Act 1981: in section 21 (destruction of wild life on infection other than rabies), subsection (9);

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- (h) the Wildlife and Countryside Act 1981--
- (i) in section 27 (interpretation of Part I), subsection (3A),
- (ii) in section 27A (construction of references to Nature Conservancy Council), paragraph (a), and
- (iii) in section 52 (interpretation of Part II), subsection (1);
- (i) the Inheritance Tax Act 1984: Schedule 3 (bodies receiving gifts for national purposes etc);
- (j) the Agriculture Act 1986: in section 18 (designation and management of environmentally sensitive areas), subsection (2)(a);
- (k) the Channel Tunnel Act 1987--
- (i) in Schedule 2, Part II (regulation of scheduled works), paragraph 5(3), and
- (ii) in Schedule 3 (planning permission), paragraph 17(4)(a);
- (l) the Norfolk and Suffolk Broads Act 1988--
- (i) in section 1 (the Broads Authority), subsection (3)(b),
- (ii) in section 4 (conservation of areas of natural beauty), subsections (3)(a) and (5)(a),
- (iii) in section 5 (notification of certain operations within the Broads), subsection (4), and
- (iv) in Schedule 3 (functions of Broads Authority), paragraph 33(1)(c);
- (m) the Electricity Act 1989: in Schedule 9 (preservation of amenities and fisheries), paragraph 2(2)(a);
- (n) the Environmental Protection Act 1990--
- (i) in section 36 (grant of waste management licences), subsection (7), and
- (ii) in section 128 (creation and constitution of the Nature Conservancy Council for England and the Countryside Council for Wales), subsections (1) and (2)(a);
- (o) the Deer Act 1991: in section 8 (licences for exemptions from sections 2 to 4 of the Act), subsections (1) and (4);
- (p) the Water Industry Act 1991--
- (i) in section 4 (environmental duties with respect to sites of special interest), subsections (1) and (4),
- (ii) in section 5 (codes of practice with respect to environmental and

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recreational duties), subsection (4)(b), and

(iii) in section 156 (restrictions on disposals of land), subsection (4)(c)(i);

(q) the Land Drainage Act 1991--

(i) in section 61C (duties with respect to sites of special scientific interest), subsections (1) and (4), and

(ii) in section 61E (codes of practice), subsection (4)(b);

(r) the Transport and Works Act 1992: in section 6 (applications for orders relating to railways, tramways, inland waterways, etc), subsection (7)(e);

(s) the Protection of Badgers Act 1992: in section 10 (licences to do otherwise prohibited acts relating to badgers), subsection (4)(a);

(t) the Environment Act 1995--

(i) in section 8 (environmental duties with respect to sites of special interest), subsections (1) and (4),

(ii) in section 9 (codes of practice with respect to environmental and recreational duties), subsection (3)(b),

(iii) in section 66 (national park management plans), subsection (7)(a), and

(iv) in section 99 (consultation required before making or modifying certain subordinate legislation for England), subsection (2)(c);

(u) the Channel Tunnel Rail Link Act 1996--

(i) in Schedule 6 (planning conditions), paragraph 27(4), and

(ii) in Schedule 14 (overhead lines: consent), paragraph 7(4); and

(v) the Greater London Authority Act 1999: in section 352 (the Mayor's biodiversity action plan), subsection (3)(a).

2

In the following enactments, the entry for the Nature Conservancy Council for England is omitted, and in the appropriate place there is inserted "English Nature"--

(a) the Public Records Act 1958: in Schedule 1 (definition of public records), Part II of the Table in paragraph 3;

(b) the Superannuation Act 1965: in section 39 (meaning of "public office"), paragraph 7 of subsection (1); and

(c) the Parliamentary Commissioner Act 1967: Schedule 2 (departments etc subject to investigation).

3

In Part III of Schedule 1 to the House of Commons Disqualification Act 1975 (which sets out offices the holders of which are disqualified from membership of the House of Commons), the entry for "Any member of the Nature Conservancy Council for England or the Countryside Council for Wales in receipt of remuneration" is omitted, and in the appropriate places there are inserted the following two entries--

"Any member of the Countryside Council for Wales in receipt of remuneration."

"Any member of English Nature in receipt of remuneration."

NOTES:**Initial Commencement*****Specified date***

Specified date: 30 January 2001: see s 103(2).

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COUNTRYSIDE AND RIGHTS OF WAY ACT 2000
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SCHEDULE 9

Section 75(1)

Royal Assent [30 November 2000]

Countryside and Rights of Way Act 2000, Ch. 37, Sch. 9 (Eng.)

SCHEDULE 9 Sites of Special Scientific Interest

1

For section 28 of the 1981 Act (areas of special scientific interest) there is substituted--

"28 Sites of special scientific interest

(1) Where the Nature Conservancy Council are of the opinion that any area of land is of special interest by reason of any of its flora, fauna, or geological or physiographical features, it shall be the duty of the Council to notify that fact--

(a) to the local planning authority in whose area the land is situated;

(b) to every owner and occupier of any of that land; and

(c) to the Secretary of State.

(2) The Council shall also publish a notification of that fact in at least one local newspaper circulating in the area in which the land is situated.

(3) A notification under subsection (1) shall specify the time (not being less than three months from the date of the giving of the notification) within which, and the manner in which, representations or objections with respect to it may be made; and the Council shall consider any representation or objection duly made.

(4) A notification under subsection (1)(b) shall also specify--

(a) the flora, fauna, or geological or physiographical features by reason of which the land is of special interest, and

(b) any operations appearing to the Council to be likely to damage that flora

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or fauna or those features,

and shall contain a statement of the Council's views about the management of the land (including any views the Council may have about the conservation and enhancement of that flora or fauna or those features).

(5) Where a notification under subsection (1) has been given, the Council may within the period of nine months beginning with the date on which the notification was served on the Secretary of State either--

(a) give notice to the persons mentioned in subsection (1) withdrawing the notification; or

(b) give notice to those persons confirming the notification (with or without modifications).

(6) A notification shall cease to have effect--

(a) on the giving of notice of its withdrawal under subsection (5)(a) to any of the persons mentioned in subsection (1); or

(b) if not withdrawn or confirmed by notice under subsection (5) within the period of nine months referred to there, at the end of that period.

(7) The Council's power under subsection (5)(b) to confirm a notification under subsection (1) with modifications shall not be exercised so as to add to the operations specified in the notification or extend the area to which it applies.

(8) As from the time when there is served on the owner or occupier of any land which has been notified under subsection (1)(b) a notice under subsection (5)(b) confirming the notification with modifications, the notification shall have effect in its modified form in relation to so much (if any) of that land as remains subject to it.

(9) A notification under subsection (1)(b) of land in England and Wales shall be a local land charge.

(10) For the purposes of this section and sections 28A to 28D, "local planning authority", in relation to land within the Broads, includes the Broads Authority.

28A Variation of notification under section 28

(1) At any time after notice has been given under section 28(5)(b) confirming a notification (with or without modifications), the Nature Conservancy Council may by notice vary the matters specified or stated in the confirmed notification (whether by adding to them, changing them, or removing matter from them).

(2) The area of land cannot be varied under this section.

(3) The Council shall give notice setting out the variation to--

(a) the local planning authority in whose area the land is situated,

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(b) every owner and occupier of any of the land who in the opinion of the Council may be affected by the variation, and

(c) the Secretary of State,

and after service of a notice under paragraph (b) the notification under section 28(1)(b) shall have effect in its varied form.

(4) Section 28(3) shall apply to such a notice as it applies to a notification under section 28(1).

(5) Where a notice under subsection (3) has been given, the Council may within the period of nine months beginning with the date the last of the owners and occupiers referred to in subsection (3)(b) was served with the notice either--

(a) give notice to the persons mentioned in subsection (3) withdrawing the notice; or

(b) give notice to them confirming the notice (with or without modifications).

(6) A notice under subsection (3) shall cease to have effect--

(a) on the giving of notice of its withdrawal under subsection (5)(a) to any of the persons mentioned in subsection (3); or

(b) if not withdrawn or confirmed by notice under subsection (5) within the period of nine months referred to in that subsection, at the end of that period.

(7) As from the time when there is served on the owner or occupier of any land a notice under subsection (5)(b) confirming a notice of variation with modifications, the notification under section 28(1)(b) shall have effect as so varied.

(8) A local land charge existing by virtue of section 28(9) shall be varied in accordance with a notice under subsection (3) or (5)(b).

28B Notification of additional land

(1) Where the Nature Conservancy Council are of the opinion that if land adjacent to a site of special scientific interest ("the extra land") were combined with the site of special scientific interest ("the SSSI"), the combined area of land would be of special interest by reason of any of its flora, fauna, or geological or physiographical features, the Council may decide to notify that fact.

(2) If they do so decide, the persons whom they must notify are--

(a) the local planning authority in whose area the extra land is situated;

(b) every owner and occupier of any of that extra land; and

(c) the Secretary of State.

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(3) No such notification may be given until after notice has been given under section 28(5)(b) confirming (with or without modifications) the notification under section 28(1) relating to the SSSI.

(4) Subsections (2) and (3) of section 28 shall apply for the purposes of this section as they apply for the purposes of that section.

(5) A notification under subsection (2)(b) shall also specify--

(a) the area of land constituting the SSSI;

(b) what (as at the date of the notification under subsection (2)(b)) is specified or contained in the notification under section 28(1)(b) relating to the SSSI by virtue of section 28(4); and

(c) the reasons why the Council is of the opinion referred to in subsection (1).

(6) In addition, the notification under subsection (2)(b) shall include a statement--

(a) saying whether or not anything among the matters specified in the notification by virtue of subsection (5)(c) is particularly relevant to the extra land; and

(b) if any such thing is of particular relevance, specifying which.

(7) Subsections (5) to (7) of section 28 apply in relation to a notification under subsection (2) of this section as they apply in relation to a notification under subsection (1) of that section, as if references to "subsection (1)" in section 28(5) to (7) were references to subsection (2) of this section.

(8) As from the time when a notification under subsection (2)(b) is served on the owner or occupier of any land, the notification under section 28(1)(b) shall have effect as if it included the notification under subsection (2)(b).

(9) As from the time when there is served on the owner or occupier of any land which has been notified under subsection (2)(b) a notice under section 28(5)(b) (as applied by subsection (7) of this section) confirming the notification under subsection (2)(b) with modifications, the notification under section 28(1)(b) (as extended by virtue of subsection (8) of this section) shall have effect in its modified form.

(10) A local land charge existing by virtue of section 28(9) shall be varied in accordance with a notification under subsection (2) or under section 28(5)(b) as applied by subsection (7) of this section.

28C Enlargement of SSSI

(1) Where the Nature Conservancy Council are of the opinion that any area of land which includes, but also extends beyond, a site of special scientific interest ("the SSSI") is of special interest by reason of any of its flora, fauna, or geological or physiographical features, the Council may decide to notify that fact.

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(2) If they do so decide, the persons whom they must notify are--

(a) the local planning authority in whose area the land (including the SSSI) is situated;

(b) every owner and occupier of any of that land (including the SSSI); and

(c) the Secretary of State.

(3) Subsections (2) to (8) of section 28 apply to a notification under subsection (2) of this section as they apply to a notification under subsection (1) of that section, as if references to "subsection (1)" and "subsection (1)(b)" in section 28(2) to (8) were references to subsection (2) and subsection (2)(b) of this section respectively.

(4) No notification may be given under subsection (2) until after notice has been given under section 28(5)(b) (or section 28(5)(b) as applied by subsection (3)) confirming (with or without modifications) the notification under section 28(1) (or subsection (2)) relating to the SSSI.

(5) As from the time when a notification under subsection (2) is served on the owner or occupier of any land included in the SSSI, the notification in relation to that land which had effect immediately before the service of the notification under subsection (2) shall cease to have effect.

(6) A notification under subsection (2)(b) of land in England and Wales shall be a local land charge; and, to the extent that any such land was the subject of a local land charge by virtue of section 28(9), that local land charge shall be discharged.

(7) A notice under section 28E(1)(a) and a consent under section 28E(3)(a) given before a notification under subsection (2)(b) continue to have effect.

(8) The enlargement of a site of special scientific interest under this section does not affect anything done under section 28J to 28L.

(9) Any reference to--

(a) a notification under section 28(1) (or any of its paragraphs) shall be construed as including the corresponding notification under subsection (2);

(b) a notification under section 28(5)(b) shall be construed as including a notification under that provision as applied by subsection (3); and

(c) a local land charge existing by virtue of section 28(9) shall be treated as including one existing by virtue of subsection (6).

28D Denotification

(1) Where the Nature Conservancy Council are of the opinion that all or part of a site of special scientific interest is no longer of special interest by reason of any of the matters mentioned in section 28(1), they may decide to notify that fact.

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(2) If they do so decide, the persons whom they must notify are--

(a) the local planning authority in whose area the land which the Council no longer consider to be of special interest is situated;

(b) every owner and occupier of any of that land;

(c) the Secretary of State;

(d) the Environment Agency; and

(e) every relevant undertaker (within the meaning of section 4(1) of the Water Industry Act 1991) and every internal drainage board (within the meaning of section 61C(1) of the Land Drainage Act 1991) whose works, operations or activities may affect the land.

(3) The Council shall also publish a notification of that fact in at least one local newspaper circulating in the area in which the land referred to in subsection (2)(a) is situated.

(4) Section 28(3) shall apply to a notification under subsection (2) or (3) as it applies to a notification under section 28(1).

(5) Where a notification under subsection (2) has been given, the Council may within the period of nine months beginning with the date on which the notification was served on the Secretary of State either--

(a) give notice to the persons mentioned in subsection (2) withdrawing the notification, or

(b) give notice to those persons confirming the notification, or confirming it in relation to an area of land specified in the notice which is smaller than that specified in the notification under subsection (2),

but if they do neither the notification shall cease to have effect.

(6) A notification under subsection (2) shall have effect in relation to any land as from the time a notice under subsection (5)(b) is served on its owner or occupier, and from that time a notification under section 28(1)(b) in relation to that land shall cease to have effect.

(7) A local land charge existing by virtue of section 28(9) shall be discharged in relation to land which is the subject of a notice under subsection (5)(b).

28E Duties in relation to sites of special scientific interest

(1) The owner or occupier of any land included in a site of special scientific interest shall not while the notification under section 28(1)(b) remains in force carry out, or cause or permit to be carried out, on that land any operation specified in the notification unless--

(a) one of them has, after service of the notification, given the Nature Conservancy Council notice of a proposal to carry out the operation specifying

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its nature and the land on which it is proposed to carry it out; and

(b) one of the conditions specified in subsection (3) is fulfilled.

(2) Subsection (1) does not apply to an owner or occupier being an authority to which section 28G applies acting in the exercise of its functions.

(3) The conditions are--

(a) that the operation is carried out with the Council's written consent;

(b) that the operation is carried out in accordance with the terms of an agreement under section 16 of the 1949 Act or section 15 of the 1968 Act;

(c) that the operation is carried out in accordance with a management scheme under section 28J or a management notice under section 28K.

(4) A consent under subsection (3)(a) may be given--

(a) subject to conditions, and

(b) for a limited period,

as specified in the consent.

(5) If the Council do not consent, they shall give notice saying so to the person who gave the notice under subsection (1).

(6) The Council may, by notice given to every owner and occupier of any of the land included in the site of special scientific interest, or the part of it to which the consent relates--

(a) withdraw the consent; or

(b) modify it (or further modify it) in any way.

(7) The following--

(a) a consent under subsection (3)(a) granting consent subject to conditions or for a limited period, and

(b) a notice under subsection (5) or (6),

must include a notice of the Council's reasons for imposing the conditions, for the limitation of the period, for refusing consent, or for withdrawing or modifying the consent, and also a notice of the matters set out in subsection (8).

(8) The matters referred to in subsection (7) are--

(a) the rights of appeal under section 28F;

(b) the effect of subsection (9); and

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(c) in the case of a notice under subsection (6), the effect of section 28M.

(9) A withdrawal or modification of a consent is not to take effect until--

(a) the expiry of the period for appealing against it; or

(b) if an appeal is brought, its withdrawal or final determination.

(10) The Council shall have power to enforce the provisions of this section.

28F Appeals in connection with consents

(1) The following persons--

(a) an owner or occupier who has been refused a consent under section 28E(3)(a),

(b) an owner or occupier who has been granted such a consent but who is aggrieved by conditions attached to it, or by the fact that it is for a limited period, or by the length of that period,

(c) an owner or occupier who is aggrieved by the modification of a consent;

(d) an owner or occupier who is aggrieved by the withdrawal of a consent,

may by notice appeal to the Secretary of State against the relevant decision.

(2) If the Nature Conservancy Council neither give consent nor refuse it within the period of four months beginning with the date on which the notice referred to in section 28E(1)(a) was sent, the person who gave that notice may for the purposes of subsection (1) treat the Council as having refused consent (and his appeal is to be determined on that basis).

(3) Notice of an appeal must reach the Secretary of State--

(a) except in a case falling within subsection (2), within the period of two months beginning with the date of the notice giving consent or the notice under section 28E(5) or (6), or

(b) in a case falling within subsection (2), within the period of two months beginning immediately after the expiry of the four-month period referred to there,

or, in either case, within such longer period as is agreed in writing between the Council and the appellant.

(4) Before determining an appeal, the Secretary of State may, if he thinks fit--

(a) cause the appeal to take, or continue in, the form of a hearing (which may be held wholly or partly in private if the appellant so requests and the person hearing the appeal agrees), or

(b) cause a local inquiry to be held,

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and he must act as mentioned in paragraph (a) or (b) if either party to the appeal asks to be heard in connection with the appeal.

(5) On determining an appeal against a decision, the Secretary of State may--

(a) affirm the decision,

(b) where the decision was a refusal of consent, direct the Council to give consent,

(c) where the decision was as to the terms of a consent (whether the original or a modified one), quash all or any of those terms,

(d) where the decision was a withdrawal or modification of consent, quash the decision,

and where he exercises any of the powers in paragraphs (b), (c) or (d) he may give directions to the Council as to the terms on which they are to give consent.

(6) The Secretary of State may by regulations made by statutory instrument make provision about appeals under this section, and in particular about--

(a) notices of appeal and supporting documentation required, and

(b) how appeals are to be brought and considered,

and any such regulations may make different provision for different cases and circumstances.

(7) A statutory instrument containing regulations under subsection (6) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(8) The Secretary of State may appoint any person to exercise on his behalf, with or without payment, his function of determining an appeal under this section or any matter involved in such an appeal.

(9) Schedule 10A shall have effect with respect to appointments under subsection (8).

(10) Subsections (2) to (5) of section 250 of the Local Government Act 1972 (local inquiries: evidence and costs) apply in relation to hearings or local inquiries under this section as they apply in relation to local inquiries under that section, but as if the reference there--

(a) to the person appointed to hold the inquiry were a reference to the Secretary of State or to the person appointed to conduct the hearing or hold the inquiry under this section; and

(b) to the Minister causing an inquiry to be held were to the Secretary of State.

(11) Section 322A of the Town and Country Planning Act 1990 (orders as to

costs where no hearing or inquiry takes place) applies in relation to a hearing or local inquiry under this section as it applies in relation to a hearing or local inquiry referred to in that section.

28G Statutory undertakers, etc: general duty

(1) An authority to which this section applies (referred to in this section and in sections 28H and 28I as "a section 28G authority") shall have the duty set out in subsection (2) in exercising its functions so far as their exercise is likely to affect the flora, fauna or geological or physiographical features by reason of which a site of special scientific interest is of special interest.

(2) The duty is to take reasonable steps, consistent with the proper exercise of the authority's functions, to further the conservation and enhancement of the flora, fauna or geological or physiographical features by reason of which the site is of special scientific interest.

(3) The following are section 28G authorities--

(a) a Minister of the Crown (within the meaning of the Ministers of the Crown Act 1975) or a Government department;

(b) the National Assembly for Wales;

(c) a local authority;

(d) a person holding an office--

(i) under the Crown,

(ii) created or continued in existence by a public general Act of Parliament, or

(iii) the remuneration in respect of which is paid out of money provided by Parliament;

(e) a statutory undertaker (meaning the persons referred to in section 262(1), (3) and (6) of the Town and Country Planning Act 1990); and

(f) any other public body of any description.

28H Statutory undertakers, etc: duty in relation to carrying out operations

(1) A section 28G authority shall give notice to the Nature Conservancy Council before carrying out, in the exercise of its functions, operations likely to damage any of the flora, fauna or geological or physiographical features by reason of which a site of special scientific interest is of special interest.

(2) Subsection (1) applies even if the operations would not take place on land included in a site of special scientific interest.

(3) In response to the notice referred to in subsection (1), the Council may send a notice--

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(a) saying that they do not assent to the proposed operations, or

(b) assenting to them (with or without conditions),

but if they do not send a notice under paragraph (b) within the period of 28 days beginning with the date of the notice under subsection (1) they shall be treated as having declined to assent.

(4) If the Council do not assent, or if the authority proposes to carry out the operations otherwise than in accordance with the terms of the Council's assent, the authority--

(a) shall not carry out the operations unless the condition set out in subsection (5) is satisfied, and

(b) shall comply with the requirements set out in subsection (6) when carrying them out.

(5) The condition is that the authority has, after the expiry of the period of 28 days beginning with the date of the notice under subsection (1), notified the Council of--

(a) the date on which it proposes to start the operations (which must be after the expiry of the period of 28 days beginning with the date of the notification under this paragraph), and

(b) how (if at all) it has taken account of any written advice it received from the Council, before the date of the notification under this paragraph, in response to the notice under subsection (1).

(6) The requirements are--

(a) that the authority carry out the operations in such a way as to give rise to as little damage as is reasonably practicable in all the circumstances to the flora, fauna or geological or physiographical features by reason of which the site is of special interest (taking account, in particular, of any such advice as is referred to in subsection (5)(b)); and

(b) that the authority restore the site to its former condition, so far as is reasonably practicable, if any such damage does occur.

28I Statutory undertakers, etc: duty in relation to authorising operations

(1) This section applies where the permission of a section 28G authority is needed before operations may be carried out.

(2) Before permitting the carrying out of operations likely to damage any of the flora, fauna or geological or physiographical features by reason of which a site of special scientific interest is of special interest, a section 28G authority shall give notice of the proposed operations to the Nature Conservancy Council.

(3) Subsection (2) applies even if the operations would not take place on land included in a site of special scientific interest.

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(4) The authority shall wait until the expiry of the period of 28 days beginning with the date of the notice under subsection (2) before deciding whether to give its permission, unless the Nature Conservancy Council have notified the authority that it need not wait until then.

(5) The authority shall take any advice received from the Council into account--

(a) in deciding whether or not to permit the proposed operations, and

(b) if it does decide to do so, in deciding what (if any) conditions are to be attached to the permission.

(6) If the Council advise against permitting the operations, or advise that certain conditions should be attached, but the section 28G authority does not follow that advice, the authority--

(a) shall give notice of the permission, and of its terms, to the Council, the notice to include a statement of how (if at all) the authority has taken account of the Council's advice, and

(b) shall not grant a permission which would allow the operations to start before the end of the period of 21 days beginning with the date of that notice.

(7) In this section "permission", in relation to any operations, includes authorisation, consent, and any other type of permission (and "permit" and "permitting" are to be construed accordingly).

28J Management schemes

(1) The Nature Conservancy Council may formulate a management scheme for all or part of a site of special scientific interest.

(2) A management scheme is a scheme for--

(a) conserving the flora, fauna, or geological or physiographical features by reason of which the land (or the part of it to which the scheme relates) is of special interest; or

(b) restoring them; or

(c) both.

(3) The Council shall serve notice of a proposed management scheme on every owner and occupier of any of the land (or the part of it to which the scheme would relate); but it may be served on them only after they have been consulted about the proposed management scheme.

(4) The notice may be served with the notification referred to in section 28(1)(b) or afterwards.

(5) The owners and occupiers upon whom the notice must be served (referred to in this section as "the relevant owners and occupiers") are--

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(a) if it is served with the notification under section 28(1)(b), or later but before the notification referred to in section 28(5)(b), the owners and occupiers referred to in section 28(1)(b);

(b) if it is served with the notification under section 28(5)(b) or later, the owners and occupiers of such of the land as remains subject to the notification.

(6) The notice of a proposed management scheme must include a copy of the proposed scheme.

(7) The notice must specify the time (not being less than three months from the date of the giving of the notice) within which, and the manner in which, representations or objections with respect to the proposed management scheme may be made; and the Council shall consider any representation or objection duly made.

(8) Where a notice under subsection (3) has been given, the Council may within the period of nine months beginning with the date on which the notice was served on the last of the relevant owners and occupiers either--

(a) give notice to the relevant owners and occupiers withdrawing the notice, or

(b) give notice to them confirming the management scheme (with or without modifications),

and if notice under paragraph (b) is given, the management scheme shall have effect from the time the notice is served on all of the relevant owners or occupiers.

(9) A notice under subsection (3) shall cease to have effect--

(a) on the giving of a notice of withdrawal under subsection (8)(a) to any of the relevant owners and occupiers; or

(b) if not withdrawn or confirmed by notice under subsection (8) within the period of nine months referred to there, at the end of that period.

(10) The Council's power under subsection (8)(b) to confirm a management scheme with modifications shall not be exercised so as to make complying with it more onerous.

(11) The Council may at any time cancel or propose the modification of a management scheme.

(12) In relation to--

(a) the cancellation of a management scheme, subsections (3) to (5) apply, and

(b) a proposal to modify a management scheme, subsections (3) to (10) apply, as they apply in relation to a proposal for a management scheme.

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(13) An agreement under section 16 of the 1949 Act or section 15 of the 1968 Act relating to a site of special scientific interest may provide for any matter for which a management scheme relating to that site provides (or could provide).

28K Management notices

(1) Where it appears to the Nature Conservancy Council that--

(a) an owner or occupier of land is not giving effect to a provision of a management scheme, and

(b) as a result any flora, fauna or geological or physiographical features by reason of which the land is of special interest are being inadequately conserved or restored,

they may if they think fit serve a notice on him (a "management notice").

(2) They may not serve a management notice unless they are satisfied that they are unable to conclude, on reasonable terms, an agreement with the owner or occupier as to the management of the land in accordance with the management scheme.

(3) A management notice is a notice requiring the owner or occupier to--

(a) carry out such work on the land, and

(b) do such other things with respect to it,

as are specified in the notice, and to do so before the dates or within the periods so specified.

(4) The work and other things specified in the notice must appear to the Council to be measures which it is reasonable to require in order to ensure that the land is managed in accordance with the management scheme.

(5) The management notice must explain the effect of subsection (7) and (8) and of sections 28L and 28M(2) to (4).

(6) A copy of the management notice must be served on every other owner and occupier of the land.

(7) If any of the work or other things required by a management notice have not been done within the period or by the date specified in it, the Council may--

(a) enter the land, and any other land, and carry out the work, or do the other things; and

(b) recover from the owner or occupier upon whom the notice was served any expenses reasonably incurred by them in carrying out the work or doing the other things.

(8) If an appeal is brought against the management notice, and upon the final determination of the appeal the notice is affirmed (with or without

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modifications), subsection (7) applies as if the references there to the management notice were to the notice as affirmed.

28L Appeals against management notices

(1) A person who is served with a management notice may appeal against its requirements to the Secretary of State; and a management notice does not take effect until--

(a) the expiry of the period for appealing against it; or

(b) if an appeal is brought, its withdrawal or final determination.

(2) An appeal may be on the ground that some other owner or occupier of the land should take all or any of the measures specified in the management notice, or should pay all or part of their cost.

(3) Where the grounds of appeal are, or include, that mentioned in subsection (2), the appellant must serve a copy of his notice of appeal on each other person referred to.

(4) Before determining an appeal, the Secretary of State may, if he thinks fit--

(a) cause the appeal to take, or continue in, the form of a hearing (which may be held wholly or partly in private if the appellant so requests and the person hearing the appeal agrees), or

(b) cause a local inquiry to be held,

and he must act as mentioned in paragraph (a) or (b) if either party to the appeal (or, in a case falling within subsection (2), any of the other persons mentioned there) asks to be heard in connection with the appeal.

(5) On determining the appeal, the Secretary of State may quash or affirm the management notice; and if he affirms it, he may do so either in its original form or with such modifications as he thinks fit.

(6) In particular, on determining an appeal whose grounds are, or include, those mentioned in subsection (2), the Secretary of State may--

(a) vary the management notice so as to impose its requirements (or some of them) upon any such other person as is referred to in the grounds; or

(b) determine that a payment is to be made by any such other person to the appellant.

(7) In exercising his powers under subsection (6), the Secretary of State must take into account, as between the appellant and any of the other people referred to in subsection (2)--

(a) their relative interests in the land (considering both the nature of the interests and the rights and obligations arising under or by virtue of them);

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(b) their relative responsibility for the state of the land which gives rise to the requirements of the management notice; and

(c) the relative degree of benefit to be derived from carrying out the requirements of the management notice.

(8) The Secretary of State may by regulations made by statutory instrument make provision about appeals under this section, and in particular about--

(a) the period within which and the manner in which appeals are to be brought, and

(b) the manner in which they are to be considered,

and any such regulations may make different provision for different cases or circumstances.

(9) A statutory instrument containing regulations under subsection (8) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(10) The Secretary of State may appoint any person to exercise on his behalf, with or without payment, his function of determining an appeal under this section or any matter involved in such an appeal.

(11) Schedule 10A shall have effect with respect to appointments under subsection (10).

(12) Subsections (2) to (5) of section 250 of the Local Government Act 1972 (local inquiries: evidence and costs) apply in relation to hearings or local inquiries under this section as they apply in relation to local inquiries under that section, but as if the reference there--

(a) to the person appointed to hold the inquiry were a reference to the Secretary of State or to the person appointed to conduct the hearing or hold the inquiry under this section; and

(b) to the Minister causing an inquiry to be held were to the Secretary of State.

(13) Section 322A of the Town and Country Planning Act 1990 (orders as to costs where no hearing or inquiry takes place) applies in relation to a hearing or local inquiry under this section as it applies in relation to a hearing or local inquiry referred to in that section.

28M Payments

(1) Where the Council, under section 28E(6), modify or withdraw a consent, they shall make a payment to any owner or occupier of the land who suffers loss because of the modification or withdrawal.

(2) The Council may, if they think fit, make one or more payments to any owner or occupier of land in relation to which a management scheme under section 28J is in force.

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(3) The amount of a payment under this section is to be determined by the Council in accordance with guidance given and published by the Ministers.

(4) Section 50(3) applies to the determination of the amount of payments under this section as it applies to the determination of the amount of payments under that section.

28N Compulsory purchase

(1) The Nature Conservancy Council may in circumstances set out in subsection (2) acquire compulsorily all or any part of a site of special scientific interest.

(2) The circumstances are--

(a) that the Council are satisfied that they are unable to conclude, on reasonable terms, an agreement with the owner or occupier as to the management of the land; or

(b) that the Council have entered into such an agreement, but they are satisfied that it has been breached in such a way that the land is not being managed satisfactorily.

(3) A dispute about whether or not there has been a breach of the agreement for the purposes of subsection (2)(b) is to be determined by an arbitrator appointed by the Lord Chancellor.

(4) Where the Council have acquired land compulsorily under this section, they may--

(a) manage it themselves; or

(b) dispose of it, or of any interest in it, on terms designed to secure that the land is managed satisfactorily.

(5) Section 103 of the 1949 Act (general provisions as to acquisition of land) applies for the purposes of this section as it applies for the purposes of that Act.

28P Offences

(1) A person who, without reasonable excuse, contravenes section 28E(1) is guilty of an offence and is liable on summary conviction to a fine not exceeding £20,000 or on conviction on indictment to a fine.

(2) A section 28G authority which, in the exercise of its functions, carries out an operation which damages any of the flora, fauna or geological or physiographical features by reason of which a site of special scientific interest is of special interest--

(a) without first complying with section 28H(1), or

(b) (if it has complied with section 28H(1)) without first complying with section 28H(4)(a),

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is, unless there was a reasonable excuse for carrying out the operation without complying, guilty of an offence and is liable on summary conviction to a fine not exceeding £20,000 or on conviction on indictment to a fine.

(3) A section 28G authority acting in the exercise of its functions which, having complied with section 28H(1), fails without reasonable excuse to comply with section 28H(4)(b) is guilty of an offence and is liable on summary conviction to a fine not exceeding £20,000 or on conviction on indictment to a fine.

(4) For the purposes of subsections (1), (2) and (3), it is a reasonable excuse in any event for a person to carry out an operation (or to fail to comply with a requirement to send a notice about it) if--

(a) subject to subsection (5), the operation in question was authorised by a planning permission granted on an application under Part III of the Town and Country Planning Act 1990 or permitted by a section 28G authority which has acted in accordance with section 28I; or

(b) the operation in question was an emergency operation particulars of which (including details of the emergency) were notified to the Nature Conservancy Council as soon as practicable after the commencement of the operation.

(5) If an operation needs both a planning permission and the permission of a section 28G authority, subsection (4)(a) does not provide reasonable excuse unless both have been obtained.

(6) A person (other than a section 28G authority acting in the exercise of its functions) who without reasonable excuse--

(a) intentionally or recklessly destroys or damages any of the flora, fauna, or geological or physiographical features by reason of which land is of special interest, or intentionally or recklessly disturbs any of those fauna, and

(b) knew that what he destroyed, damaged or disturbed was within a site of special scientific interest,

is guilty of an offence and is liable on summary conviction to a fine not exceeding £20,000 or on conviction on indictment to a fine.

(7) It is a reasonable excuse in any event for a person to do what is mentioned in subsection (6) if--

(a) paragraph (a) or (b) of subsection (4) is satisfied in relation to what was done (reading references there to an operation as references to the destruction, damage or disturbance referred to in subsection (6)), and

(b) where appropriate, subsection (5) is also satisfied, reading the reference there to an operation in the same way.

(8) A person who without reasonable excuse fails to comply with a requirement of a management notice is guilty of an offence and is liable on summary conviction to a fine not exceeding the statutory maximum or on conviction on indictment to a fine.

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(9) In determining the amount of any fine to be imposed on a person convicted of an offence under this section, the court shall in particular have regard to any financial benefit which has accrued or appears likely to accrue to him in consequence of the offence.

(10) Proceedings in England and Wales for an offence under this section shall not, without the consent of the Director of Public Prosecutions, be taken by a person other than the Council.

(11) In this section, "a section 28G authority" means an authority to which section 28G applies.

28Q Change of owner or occupier

(1) This section applies where the owner of land included in a site of special scientific interest--

(a) disposes of any interest of his in the land; or

(b) becomes aware that it is occupied by an additional or a different occupier.

(2) If this section applies, the owner shall send a notice to the Nature Conservancy Council before the end of the period of 28 days beginning with the date on which he disposed of the interest or became aware of the change in occupation.

(3) The notice is to specify the land concerned and--

(a) in a subsection (1)(a) case, the date on which the owner disposed of the interest in the land, and the name and address of the person to whom he disposed of the interest; or

(b) in a subsection (1)(b) case, the date on which the change of occupation took place (or, if the owner does not know the exact date, an indication of when to the best of the owner's knowledge it took place), and, as far as the owner knows them, the name and address of the additional or different occupier.

(4) A person who fails without reasonable excuse to comply with the requirements of this section is guilty of an offence and is liable on summary conviction to a fine not exceeding level 1 on the standard scale.

(5) For the purposes of subsection (1), an owner "disposes of" an interest in land if he disposes of it by way of sale, exchange or lease, or by way of the creation of any easement, right or privilege, or in any other way except by way of mortgage.

28R Byelaws

(1) The Nature Conservancy Council may make byelaws for the protection of a site of special scientific interest.

(2) The following provisions of the 1949 Act apply in relation to byelaws under this section as they apply in relation to byelaws under section 20 of that

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Act--

(a) subsections (2) and (3) of section 20 (reading references there to nature reserves as references to sites of special scientific interest); and

(b) sections 106 and 107."

2

Section 29 (special protection for certain areas of special scientific interest) and section 30 (compensation where an order is made under section 29) of the 1981 Act shall cease to have effect.

3

(1) Section 31 of the 1981 Act (restoration where order under section 29 is contravened) is amended as follows.

(2) For subsection (1) there is substituted--

"(1) Where--

(a) the operation in respect of which a person is convicted of an offence under section 28P(1), (2) or (3) has destroyed or damaged any of the flora, fauna or geological or physiographical features by reason of which a site of special scientific interest is of special interest, or

(b) a person is convicted of an offence under section 28P(6),

the court by which he is convicted, in addition to dealing with him in any other way, may make an order requiring him to carry out, within such period as may be specified in the order, such operations (whether on land included in the site of special scientific interest or not) as may be so specified for the purpose of restoring the site of special scientific interest to its former condition."

(3) For the sidenote, there is substituted "Restoration following offence under section 28P."

4

In section 32 (duties of agriculture Ministers with respect to areas of special scientific interest), in subsection (1), for "land notified under section 28(1)" there is substituted "land included in a site of special scientific interest".

5

(1) Section 52 of the 1981 Act (interpretation of Part II) is amended as follows.

(2) In subsection (1), after the definition of "the Nature Conservancy Councils" there is inserted--

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"notice" and "notification" mean notice or notification in writing;

"site of special scientific interest" means an area of land which has been notified under section 28(1)(b);".

(3) In subsection (2), after "district planning authority" there is inserted "and, in sections 28 to 28D, shall also be construed in accordance with section 28(10);".

(4) After subsection (2) there is inserted--

"(2A) Where a notification under section 28(1)(b) has been--

(a) modified under section 28(5)(b),

(b) varied under section 28A(3), or

(c) varied with modifications under section 28A(5)(b),

(d) extended under section 28B(2), or

(e) extended with modifications by virtue of section 28B(7),

a reference to such a notification (however expressed) is (unless the context otherwise requires) a reference to the notification as thus altered.

(2B) References to a notification under section 28(1) or 28(5)(b), or to a local land charge existing by virtue of section 28(9), shall be construed in accordance with section 28C(9).

(2C) For the purposes of this Part, in relation to land in England and Wales which is common land, "occupier" includes the commoners or any of them; and

(a) "common land" means common land as defined in section 22 of the Commons Registration Act 1965; and

(b) "commoner" means a person with rights of common as defined in that section."

6

In section 67 of the 1981 Act (application to Crown), after subsection (1) there is inserted--

"(1A) An interest in Crown land, other than one held by or on behalf of the Crown, may be acquired under section 28N, but only with the consent of the appropriate authority.

(1B) Byelaws made by virtue of section 28R may apply to Crown land if the appropriate authority consents."

7

In the 1981 Act, after Schedule 10 there is inserted the following Schedule--

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"SCHEDULE 10A**Delegation of Appellate Functions**

Interpretation

1

In this Schedule--

"appointed person" means a person appointed under section 28F(8) or 28L(10); and

"appointment", in the case of any appointed person, means appointment under either of those provisions.

Appointments

2

An appointment under section 28F(8) or 28L(10) must be in writing and--

(a) may relate to any particular appeal or matter specified in the appointment or to appeals or matters of a description so specified;

(b) may provide for any function to which it relates to be exercisable by the appointed person either unconditionally or subject to the fulfilment of such conditions as may be specified in the appointment; and

(c) may, by notice in writing given to the appointed person, be revoked at any time by the Secretary of State in respect of any appeal or matter which has not been determined by the appointed person before that time.

Powers of appointed person

3

Subject to the provisions of this Schedule, an appointed person shall, in relation to any appeal or matter to which his appointment relates, have the same powers and duties as the Secretary of State, other than--

(a) any function of making regulations;

(b) any function of holding an inquiry or other hearing or of causing an inquiry or other hearing to be held; or

(c) any function of appointing a person for the purpose--

(i) of enabling persons to appear before and be heard by the person so appointed, or

(ii) of referring any question or matter to that person.

Holding of local inquiries and other hearings by appointed persons

4

(1) If either of the parties to an appeal or matter expresses a wish to

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appear before and be heard by the appointed person, the appointed person shall give both of them an opportunity of appearing and being heard.

(2) Whether or not a party to an appeal or matter has asked for an opportunity to appear and be heard, the appointed person--

(a) may hold a local inquiry or other hearing in connection with the appeal or matter, and

(b) shall, if the Secretary of State so directs, hold a local inquiry in connection with the appeal or matter.

(3) Where an appointed person holds a local inquiry or other hearing by virtue of this Schedule, an assessor may be appointed by the Secretary of State to sit with the appointed person at the inquiry or hearing and advise him on any matters arising, notwithstanding that the appointed person is to determine the appeal or matter.

(4) Subject to section 28F(10) or 28L(12), the costs of a local inquiry held under this Schedule shall be defrayed by the Secretary of State.
Revocation of appointments and making of new appointments

5

(1) Where under paragraph 2(c) the appointment of the appointed person is revoked in respect of any appeal or matter, the Secretary of State shall, unless he proposes to determine the appeal or matter himself, appoint another person under section 28F(8) or 28L(10) to determine the appeal or matter instead.

(2) Where such a new appointment is made, the consideration of the appeal or matter, or any hearing in connection with it, shall be begun afresh.

(3) Nothing in sub-paragraph (2) shall require any person to be given an opportunity of making fresh representations or modifying or withdrawing any representations already made.

Certain acts and omissions of appointed persons to be treated as those of the Secretary of State

6

(1) Anything done or omitted to be done by an appointed person in, or in connection with, the exercise or purported exercise of any function to which the appointment relates shall be treated for all purposes as done or omitted to be done by the Secretary of State.

(2) Sub-paragraph (1) shall not apply--

(a) for the purposes of so much of any contract made between the Secretary of State and the appointed person as relates to the exercise of the function; or

(b) for the purposes of any criminal proceedings brought in respect of anything done or omitted to be done as mentioned in that sub-paragraph."

NOTES:

Initial Commencement

Specified date

Specified date: 30 January 2001: see s 103(2).

Extent

This Schedule does not extend to Scotland: see s 104(4).

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COUNTRYSIDE AND RIGHTS OF WAY ACT 2000
2000 CHAPTER 37

SCHEDULE 10 CONSEQUENTIAL AMENDMENTS RELATING TO SITES OF SPECIAL SCIENTIFIC INTEREST

Section 76(1)

Royal Assent [30 November 2000]

Countryside and Rights of Way Act 2000, Ch. 37, Sch. 10, Pt. I (Eng.)

Part I Amendments of Wildlife and Countryside Act 1981

1

(1) The 1981 Act is amended as follows.

(2) In section 28 (areas of special scientific interest)--

(a) in subsection (8)(a), "Part III of the Town and Country Planning Act 1990 or" is omitted; and

(b) subsections (10) and (11) are omitted.

(3) In section 29 (special protection for certain areas of special scientific interest), in subsection (9)(a), "Part III of the Town and Country Planning Act 1990 or" is omitted.

(4) In section 30 (compensation where order is made under section 29)--

(a) in subsection (4)(c), "section 10 of the Land Compensation Act 1973 (mortgages, trusts for sale and settlements) or" is omitted;

(b) in subsection (5), "section 5 of the Land Compensation Act 1961 or" is omitted;

(c) in subsection (7), "section 32 of the Land Compensation Act 1961 or" is omitted;

(d) in subsection (8), "the Lands Tribunal or" is omitted; and

(e) in subsection (9), "sections 2 and 4 of the Land Compensation Act 1961 or" is omitted.

2

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In section 74 of the 1981 Act (short title, commencement and extent), after subsection (5) there is inserted--

"(5A) Sections 29 and 30 extend to Scotland only."

NOTES:**Initial Commencement***Specified date*

Specified date: 30 January 2001: see s 103(2).

Extent

Para 1 applies to Scotland only: see s 104(6).

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COUNTRYSIDE AND RIGHTS OF WAY ACT 2000
2000 CHAPTER 37

SCHEDULE 10 CONSEQUENTIAL AMENDMENTS RELATING TO SITES OF SPECIAL SCIENTIFIC INTEREST

Section 76(1)

Royal Assent [30 November 2000]

Countryside and Rights of Way Act 2000, Ch. 37, Sch. 10, Pt. II (Eng.)

Part II Other Amendments

Harbours Act 1964 (c 40)

3

In Schedule 3 to the Harbours Act 1964 (procedure for making harbour revision and empowerment orders), in paragraph 1 (interpretation), for paragraph (a) of the definition of "sensitive area" there is substituted--

"(a) land within a site of special scientific interest (within the meaning of the Wildlife and Countryside Act 1981);".
Conservation of Seals Act 1970 (c 30)

4

In section 10 of the Conservation of Seals Act 1970 (power to grant licences to kill or take seals), in subsection (4), for paragraph (b) there is substituted--

"(b) is a site of special scientific interest (within the meaning of the Wildlife and Countryside Act 1981); or".
Highways Act 1980 (c 66)

5

In section 105A of the Highways Act 1980 (environmental impact assessments), in subsection (6), for paragraph (a) there is substituted--

"(a) a site of special scientific interest (within the meaning of the Wildlife and Countryside Act 1981);".
Channel Tunnel Act 1987 (c 53)

6

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In section 9 of the Channel Tunnel Act 1987 (planning permission), for subsection (7) there is substituted--

"(7) Section 28I of the Wildlife and Countryside Act 1981 (statutory undertakers: duty in relation to authorising operations) shall not apply in relation to any operation which is connected with the carrying out of any works authorised to be carried out by this Act and which is carried out within the limits of land to be acquired for any of those works, and neither shall the following--

(a) section 28E(1) (prohibition of operations on land forming part of a site of special scientific interest), in relation to an owner or occupier other than an authority to which section 28G of that Act applies;

(b) sections 28G(2) (general duty of statutory undertakers) and 28H (duty of statutory undertakers when carrying out operations), in relation to such an authority."

Town and Country Planning Act 1990 (c 8)

7

In section 87 of the Town and Country Planning Act 1990 (exclusion of certain descriptions of land or development from a simplified planning zone), in subsection (1), for paragraph (f) there is substituted--

"(f) land within a site of special scientific interest (within the meaning of the Wildlife and Countryside Act 1981).".
Environmental Protection Act 1990 (c 43)

8

In section 36 of the Environmental Protection Act 1990 (grant of waste management licences), in subsection (7), for "land which has been notified under section 28(1) of the Wildlife and Countryside Act 1981 (protection for certain areas)" there is substituted "within a site of special scientific interest (within the meaning of the Wildlife and Countryside Act 1981)".
Water Industry Act 1991 (c 56)

9

In section 156 of the Water Industry Act 1991 (restriction on disposals of land), in subsection (8), for paragraph (b) in the definition of "area of outstanding natural beauty or special scientific interest" there is substituted--

"(b) is a site of special scientific interest within the meaning of the Wildlife and Countryside Act 1981;".
Environment Act 1995 (c 25)

10

In Schedule 13 to the Environment Act 1995 (review of old mineral planning permissions), for paragraph 2(4)(b) there is substituted--

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"(b) a site of special scientific interest (within the meaning of the Wildlife and Countryside Act 1981);".
Channel Tunnel Rail Link Act 1996 (c 61)

11

In Schedule 10 to the Channel Tunnel Rail Link Act 1996 (disapplication and modification of miscellaneous controls), for paragraph 6 and the heading preceding it there is substituted--
"Sites of special scientific interest

6

Section 28I of the Wildlife and Countryside Act 1981 (statutory undertakers: duty in relation to authorising operations) shall not apply to any operation carried out for the purposes of or in connection with the exercise of any of the powers conferred by this Part of this Act with respect to works, and neither shall the following--

(a) section 28E(1) (prohibition of operations on land forming part of a site of special scientific interest), in relation to an owner or occupier other than an authority to which section 28G of that Act applies;

(b) sections 28G(2) (general duty of statutory undertakers) and 28H (duty of statutory undertakers when carrying out operations), in relation to such an authority."

NOTES:**Initial Commencement*****Specified date***

Specified date: 30 January 2001: see s 103(2).

Extent

This Part does not extend to Scotland: see s 104(4).

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COUNTRYSIDE AND RIGHTS OF WAY ACT 2000
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**SCHEDULE 11 TRANSITIONAL PROVISIONS AND SAVINGS RELATING TO SITES OF SPECIAL
SCIENTIFIC INTEREST**

Section 76(2)

Royal Assent [30 November 2000]

Countryside and Rights of Way Act 2000, Ch. 37, Sch. 11 (Eng.)

**SCHEDULE 11 Transitional Provisions and Savings Relating to Sites of Special
Scientific Interest**

Interpretation

1

(1) In this Schedule--

"the Nature Conservancy Council" has the meaning given by section 27A of the 1981 Act and "stop notice" has the meaning given by paragraph 9(3) of this Schedule;

"old section 28" means section 28 of the 1981 Act as it had effect before its substitution by section 75(1) of and Schedule 9 to this Act;

"new section 28" means section 28 of the 1981 Act as substituted by section 75(1) of and Schedule 9 to this Act; and

"the substitution date" means the date on which new section 28 is substituted for old section 28,

and references to other sections are to those sections in the 1981 Act unless otherwise specified.

(2) Nothing in this Schedule prejudices the application of section 16 (general savings) or 17 (repeal and re-enactment) of the Interpretation Act 1978 to any case not provided for in this Schedule.

Notifications given under old section 28

2

Except as mentioned in paragraphs 4 and 5, a notification under old section 28(1)(a), (b) or (c) (including one having effect in modified form by virtue of old section 28(4C)) has effect from the substitution date as if it were a

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notification under new section 28(1)(a), (b) or (c) respectively.

3

A notice under old section 28(4A)(a) or (b) has effect from the substitution date as if it were a notice under new section 28(5)(a) or (b) respectively.
Modification of operation of new section 28

4

New section 28(2) does not apply to a notification taking effect as mentioned in paragraph 2.

5

The words following paragraph (b) in new section 28(4) do not apply to a notification taking effect as mentioned in paragraph 2, but instead paragraph 6 applies.

6

(1) The Nature Conservancy Council shall, within the period of five years beginning with the substitution date, give a notice to every owner and occupier of any land which is the subject of--

(a) a notification under old section 28(4A)(b), or

(b) a notice under new section 28(5)(b) following a notification under old section 28(1),

containing a statement of the Council's views about the matters referred to in the words following paragraph (b) in new section 28(4).

(2) The notice shall specify the date (not being less than three months from the date of the giving of the notice) on or before which, and the manner in which, representations or objections with respect to it may be made; and the Council shall consider any representation or objection duly made.

(3) Within the period of two months beginning immediately after the date referred to in sub-paragraph (2), the Council shall give a notice to every owner and occupier of the land confirming the statement referred to in sub-paragraph (1) or containing a revised statement.

Modification of operation of section 28A

7

(1) This paragraph applies to a notification under old section 28(1) given--

(a) before the commencement of the Wildlife and Countryside (Amendment) Act 1985; or

(b) after the commencement of that Act but preceded by a notice under section 28(2) as originally enacted, given during the six months immediately preceding that commencement.

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(2) In relation to a notification to which this paragraph applies, the reference in section 28A(1) to--

(a) notice given under section 28(5)(b) confirming a notification with or without modifications, and

(b) the confirmed notification,

shall be construed as a reference to the notification under old section 28(1).

Modification of operation of section 28E

8

(1) Except as provided in paragraph 9--

(a) a notice given under old section 28(5)(a) has effect from the substitution date as if it were a notice given under section 28E(1)(a); and

(b) a consent given under old section 28(6)(a) has effect from that date as if it were a consent under section 28E(3)(a).

(2) In relation to such a consent, section 28E has effect as if for subsections (7) and (8) there were substituted--

"(7) A notice under subsection (6) must include a notice of--

(a) the Council's reasons for withdrawing or modifying the consent;

(b) the rights of appeal under section 28F;

(c) the effect of subsection (9); and

(d) the effect of section 28M."

9

(1) Subject to paragraph 10, this paragraph applies where--

(a) a notice has been given under old section 28(5)(a) before the substitution date;

(b) on the substitution date neither of the conditions set out in old section 28(6)(a) and (b) is fulfilled; and

(c) on the substitution date four months have expired since the notice under old section 28(5)(a) was given,

but even if those conditions are fulfilled, this paragraph does not apply in relation to operations specified in a notice under section 29(4)(a) on any land if immediately before the substitution date an order under section 29 was in effect in relation to that land.

(2) Where this paragraph applies, but subject to sub-paragraph (7), the

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prohibition in section 28E(1) on carrying out, or causing or permitting to be carried out, an operation does not apply in relation to an operation specified in the notice under old section 28(5)(a).

(3) Where this paragraph applies, the Nature Conservancy Council may, on or after the substitution date, give a notice (a "stop notice") to every owner and occupier of the land to which the stop notice is to apply.

(4) A stop notice is to specify--

(a) the date on which it is to take effect;

(b) the operations to which it applies; and

(c) the land to which it applies,

and must contain a notice of the right of the person to whom the stop notice is given to appeal against it in accordance with paragraph 11, and a notice of the effect of sub-paragraph (8).

(5) The date on which a stop notice is to take effect may not be sooner than the end of the period of three days beginning with the date the stop notice is given, unless the Council consider that there are special reasons which justify a shorter period, and a statement of those reasons is included with the stop notice.

(6) The operations to which a stop notice may apply are all or any of the operations specified in the notice under old section 28(5)(a).

(7) From the date on which the stop notice takes effect, sub-paragraph (2) of this paragraph ceases to apply in relation to the operations specified in the stop notice on the land to which the stop notice applies.

(8) Where the Council give a stop notice, they shall make a payment to any owner or occupier of the land who suffers loss because of it.

(9) The amount of a payment under sub-paragraph (8) is to be determined by the Council in accordance with guidance given and published by the Ministers (within the meaning of section 50).

(10) Section 50(3) applies to the determination of the amount of a payment under sub-paragraph (8) as it applies to the determination of the amount of payments under that section.

(11) This paragraph ceases to apply, in relation to any operation specified in the notice referred to in sub-paragraph (1)(a) except an operation to which a stop notice applies, if the operation has not begun before the end of the period of--

(a) three years beginning with the substitution date; or

(b) in a case falling within paragraph 10(2) or (3), three years beginning immediately after the expiry of the period of one month or longer referred to there.

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10

(1) An agreement under old section 28(6A) in effect immediately before the substitution date has effect from the substitution date as an agreement that paragraph 9 is not to apply in relation to the operation which is the subject of the agreement; and, accordingly, paragraph 9 does not apply in relation to that operation (as regards both the owner and the occupier of the land).

(2) Where a notice has been given under old section 28(6B) before the substitution date, paragraph 9 has effect, in relation to the operation in question, as if for the period mentioned in paragraph 9(1)(c) there were substituted the period of one month from the giving of the notice or (if a longer period is specified in the notice) that longer period.

(3) If after an agreement has taken effect as mentioned in sub-paragraph (1) the relevant person (whether a party to the agreement or not) gives the Nature Conservancy Council written notice that he wishes to terminate the agreement, then as from the giving of the notice paragraph 9 has effect, in relation to the operation in question (as regards both the owner and the occupier of the land), as if for the period mentioned in paragraph 9(1)(c) there were substituted the period of one month from the giving of the notice or (if a longer period is specified in the notice) that longer period.

(4) In sub-paragraph (3), "relevant person" has the same meaning as in old section 28(6C).

11

(1) A person to whom a stop notice is given may by notice appeal against it to the Secretary of State, but meanwhile it remains in effect.

(2) Section 28F(3) to (11) shall apply in relation to such an appeal as they apply in relation to an appeal against a decision to withdraw a consent (see section 28F(1)(d)), but with the following modifications--

(a) as if, in section 28F(3), for paragraphs (a) and (b) and the following words "or, in either case," there were substituted "within the period of two months beginning with the date of the stop notice, or"; and

(b) as if, for section 28F(5), there were substituted--

"(5) On determining the appeal, the Secretary of State may quash or affirm the stop notice; and if he affirms it, he may do so either in its original form or with the removal from it of such operations as he thinks fit, or in relation to such reduced area of land as he thinks fit."

12

(1) The Nature Conservancy Council may, by notice given to every owner and occupier of land to which a stop notice applies, vary a stop notice by removing any operation to which it applies or reducing the area of land to which it applies.

(2) Where after giving a stop notice--

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(a) the Council consent to an operation to which the stop notice applies;

(b) an operation to which it applies becomes one which may be carried out under the terms of an agreement under section 16 of the National Parks and Access to the Countryside Act 1949 or section 15 of the Countryside Act 1968; or

(c) an operation to which it applies becomes one which may be carried out in accordance with a management scheme under section 28J or a management notice under section 28K,

the stop notice shall be deemed to be varied accordingly by the removal from the stop notice of the operation in question in relation to the land to which the consent, agreement or management scheme or notice relates.

Modification of operation of section 28F

13

(1) Section 28F(1)(a) does not apply to a refusal of a consent under old section 28(6)(a).

(2) Section 28F(1)(b) does not apply to consents taking effect as mentioned in paragraph 8(1)(b).

Modification of operation of section 28H

14

Section 28H does not apply in relation to operations which have already begun on the date section 28H comes into force.

Section 29

15

Paragraphs 16 and 17 apply where, immediately before the coming into force of paragraph 2 of Schedule 9 to this Act, there is in effect an order applying section 29(3) to any land ("the relevant land").

16

(1) If the relevant land is not included in a site of special scientific interest, section 28E applies to it as if it were (and accordingly section 28P(1) applies also); and references in section 28E to a notification under section 28(1)(b) shall be construed as references to an order under section 29.

(2) Whether or not the relevant land is included in a site of special scientific interest, a notice given under section 29(4)(a) has effect as if it were a notice given under section 28E(1)(a), except as provided in paragraph 17.

(3) Whether or not the relevant land is included in a site of special scientific interest, a consent given under section 29(5)(a) has effect as if it were a consent given under section 28E(3)(a), and in relation to such a consent section 28E has effect as if for subsections (7) and (8) there were substituted--

"(7) A notice under subsection (6) must include a notice of--

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- (a) the Council's reasons for withdrawing or modifying the consent;
- (b) the rights of appeal under section 28F;
- (c) the effect of subsection (9); and
- (d) the effect of section 28M."

17

- (1) This paragraph applies where--

(a) a notice has been given under section 29(4)(a) before the repeal of section 29 by paragraph 2 of Schedule 9 to this Act;

(b) on the date on which paragraph 2 of Schedule 9 to this Act comes into force, neither of the conditions set out in section 29(5)(a) and (b) is fulfilled; and

(c) on that date the period mentioned in paragraph (c) of section 29(5) (or in that paragraph as it has effect by virtue of section 29(6) or (7)) has expired.

(2) Where this paragraph applies, but subject to paragraph 9(7) as it has effect by virtue of sub-paragraph (3) of this paragraph, the prohibition in section 28E(1) on carrying out, or causing or permitting to be carried out, an operation does not apply in relation to an operation specified in the notice under section 29(4)(a).

(3) Paragraphs 9(3) to (11) and 11 of this Schedule apply also in relation to this paragraph, but as if--

(a) in those provisions references to a notice under old section 28(5)(a) were to a notice under section 29(4)(a); and

(b) the reference to "sub-paragraph (2)" in paragraph 9(7) were to sub-paragraph (2) of this paragraph.

18

- (1) This paragraph applies where--

(a) as a result of the coming into force of paragraph 2 of Schedule 9 to this Act, a local inquiry or a hearing (as mentioned in paragraph 4(1)(a) and (b) respectively of Schedule 11 to the 1981 Act) comes to an end, and

(b) an owner or occupier of land in relation to which an order under section 29 has been made has incurred expense in connection with opposing the order at the local inquiry or hearing.

(2) If this paragraph applies, the Nature Conservancy Council shall (subject to sub-paragraph (3)) pay a person's expenses referred to in paragraph (1)(b) to the extent that they are reasonable.

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(3) The Council need not pay any such expenses unless the person--

(a) applies to the Council for such a payment; and

(b) satisfies the Council that he has incurred the expenses.

Compensation and grants

19

(1) Despite its repeal by paragraph 2 of Schedule 9 to this Act, section 30 (compensation where order made under section 29) continues to apply in connection with an order made under section 29 before the coming into force of that paragraph.

(2) After the repeal of section 29 by that paragraph, section 32 (duties of agriculture Ministers with respect to areas of special scientific interest) continues to apply, in relation to an application under that section relating to land to which section 29(3) applied immediately before its repeal, as if that land were included in a site of special scientific interest.

Offences and restoration orders

20

(1) Section 28P does not have effect in relation to an offence committed before the substitution date, but old section 28 or, as the case may be, section 29, has effect instead.

(2) In relation to an offence under section 29, section 31 as it had effect before the coming into force of paragraph 3 of Schedule 9 to this Act shall continue to apply.

Powers of entry

21

Section 51 (powers of entry) has effect on and after the substitution date as if, in subsection (1), after paragraph (m) there were inserted--

"(n) to determine whether or not to give or vary a stop notice;" ,

and as if, in subsection (2)(a), after "paragraphs (a) to (k)" there were inserted "and paragraph (n)".

Service of notices

22

Section 70A (service of notices) applies in relation to notices given under this Schedule as it applies in relation to notices and other documents required or authorised to be served or given under the 1981 Act.

NOTES:**Initial Commencement**

Specified date

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Specified date: 30 January 2001: see s 103(2).

Subordinate Legislation

Wildlife and Countryside (Sites of Special Scientific Interest, Appeals) (Wales) Regulations 2002, SI 2002/1772 (made under paras 11(2), 17(3)).

Extent

This Schedule does not extend to Scotland: see s 104(4).

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COUNTRYSIDE AND RIGHTS OF WAY ACT 2000
2000 CHAPTER 37

SCHEDULE 12

Section 81(1)

Royal Assent [30 November 2000]

Countryside and Rights of Way Act 2000, Ch. 37, Sch. 12 (Eng.)

SCHEDULE 12 Amendments Relating to Part I of Wildlife and Countryside Act 1981

1

In section 1(5) of the 1981 Act (offence of intentional disturbance of wild birds) after "intentionally" there is inserted "or recklessly".

2

In section 3 of that Act (areas of special protection) in subsection (1)(c) for "the offender shall be liable to a special penalty" there is substituted "the offence shall be treated as falling within section 7(3A)".

3

In section 6 of that Act (sale etc of live or dead wild birds, eggs etc), in subsection (2) the words from "who is not" to "Secretary of State" are omitted.

4

(1) In section 7 of that Act (registration etc of certain captive birds), in subsection (3)(a), for "for which a special penalty is provided" there is substituted "which falls within subsection (3A)".

(2) After subsection (3) of that section there is inserted--

"(3A) The offences falling within this subsection are--

(a) any offence under section 1(1) or (2) in respect of--

(i) a bird included in Schedule 1 or any part of, or anything derived from, such a bird,

(ii) the nest of such a bird, or

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(iii) an egg of such a bird or any part of such an egg;

(b) any offence under section 1(5) or 5;

(c) any offence under section 6 in respect of--

(i) a bird included in Schedule 1 or any part of, or anything derived from, such a bird, or

(ii) an egg of such a bird or any part of such an egg

(d) any offence under section 8."

5

In section 9 of that Act (protection of certain wild animals)--

(a) in subsection (4) after "intentionally" there is inserted "or recklessly", and

(b) after that subsection there is inserted--

"(4A) Subject to the provisions of this Part, if any person intentionally or recklessly disturbs any wild animal included in Schedule 5 as--

(a) a dolphin or whale (cetacea), or

(b) a basking shark (cetorhinus maximus),

he shall be guilty of an offence."

6

In section 16(3) of that Act (power to grant licences) for "and (4)" there is substituted ", (4) and (4A)".

7

In section 19 of that Act (enforcement of Part I), in subsection (3) for the words from "suspecting that" to "has been committed" there is substituted "suspecting that an offence under this Part has been committed".

8

After that section there is inserted--

"19ZA Enforcement: wildlife inspectors

(1) In this Part, "wildlife inspector" means a person authorised in writing by the Secretary of State under this subsection.

(2) An authorisation under subsection (1) is subject to any conditions or limitations specified in it.

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(3) A wildlife inspector may, at any reasonable time and (if required to do so) upon producing evidence that he is authorised--

(a) enter and inspect any premises for the purpose of ascertaining whether an offence under section 6, 9(5) or 13(2) is being, or has been, committed on those premises;

(b) enter and inspect any premises where he has reasonable cause to believe that any birds included in Schedule 4 are kept, for the purpose of ascertaining whether an offence under section 7 is being, or has been, committed on those premises;

(c) enter any premises for the purpose of ascertaining whether an offence under section 14 is being, or has been, committed on those premises;

(d) enter and inspect any premises for the purpose of verifying any statement or representation which has been made by an occupier, or any document or information which has been furnished by him, and which he made or furnished--

(i) for the purposes of obtaining (whether for himself or another) a relevant registration or licence, or

(ii) in connection with a relevant registration or licence held by him.

(4) In subsection (3)--

(a) paragraphs (a) and (b) do not confer power to enter a dwelling except for purposes connected with--

(i) a relevant registration or licence held by an occupier of the dwelling, or

(ii) an application by an occupier of the dwelling for a relevant registration or licence; and

(b) paragraph (c) does not confer any power to enter a dwelling.

(5) A wildlife inspector may, for the purpose of ascertaining whether an offence under section 6, 7, 9(5), 13(2) or 14 is being, or has been, committed in respect of any specimen, require any person who has the specimen in his possession or control to make it available for examination by the inspector.

(6) Any person who has in his possession or control any live bird or other animal shall give any wildlife inspector acting in the exercise of powers conferred by this section such assistance as the inspector may reasonably require for the purpose of examining the bird or other animal.

(7) Any person who--

(a) intentionally obstructs a wildlife inspector acting in the exercise of powers conferred by subsection (3) or (5), or

(b) fails without reasonable excuse to give any assistance reasonably required under subsection (6),

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shall be guilty of an offence.

(8) Any person who, with intent to deceive, falsely pretends to be a wildlife inspector shall be guilty of an offence.

(9) In this section--

"relevant registration or licence" means--

(a) a registration in accordance with regulations under section 7(1), or

(b) a licence under section 16 authorising anything which would otherwise be an offence under section 6, 7, 9(5), 13(2) or 14; and

"specimen" means any bird, other animal or plant or any part of, or anything derived from, a bird, other animal or plant.

19ZB Power to take samples

(1) A constable who suspects with reasonable cause that a specimen found by him in the exercise of powers conferred by section 19 is one in respect of which an offence under this Part is being or has been committed may require the taking from it of a sample of blood or tissue in order to determine its identity or ancestry.

(2) A constable who suspects with reasonable cause that an offence under this Part is being or has been committed in respect of any specimen ("the relevant specimen") may require any person to make available for the taking of a sample of blood or tissue any specimen (other than the relevant specimen) in that person's possession or control which is alleged to be, or which the constable suspects with reasonable cause to be, a specimen a sample from which will tend to establish the identity or ancestry of the relevant specimen.

(3) A wildlife inspector may, for the purpose of ascertaining whether an offence under section 6, 7, 9(5), 13(2) or 14 is being or has been committed, require the taking of a sample of blood or tissue from a specimen found by him in the exercise of powers conferred by section 19ZA(3)(a) to (c) in order to determine its identity or ancestry.

(4) A wildlife inspector may, for the purpose of ascertaining whether an offence under section 6, 7, 9(5), 13(2) or 14 is being or has been committed in respect of any specimen ("the relevant specimen"), require any person to make available for the taking of a sample of blood or tissue any specimen (other than the relevant specimen) in that person's possession or control which is alleged to be, or which the wildlife inspector suspects with reasonable cause to be, a specimen a sample from which will tend to establish the identity or ancestry of the relevant specimen.

(5) No sample from a live bird, other animal or plant shall be taken pursuant to a requirement under this section unless the person taking it is satisfied on reasonable grounds that taking the sample will not cause lasting harm to the specimen.

(6) No sample from a live bird or other animal shall be taken pursuant to

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such a requirement except by a veterinary surgeon.

(7) Where a sample from a live bird or other animal is to be taken pursuant to such a requirement, any person who has possession or control of the specimen shall give the person taking the sample such assistance as he may reasonably require for that purpose.

(8) A constable entering premises under section 19(2), and any wildlife inspector entering premises under section 19ZA(3), may take with him a veterinary surgeon if he has reasonable grounds for believing that such a person will be required for the exercise on the premises of powers under subsections (1) to (4).

(9) Any person who--

(a) intentionally obstructs a wildlife inspector acting in the exercise of the power conferred by subsection (3),

(b) fails without reasonable excuse to make available any specimen in accordance with a requirement under subsection (2) or (4), or

(c) fails without reasonable excuse to give any assistance reasonably required under subsection (7),

shall be guilty of an offence.

(10) In this section--

(a) "specimen" has the same meaning as in section 19ZA, and

(b) in relation to a specimen which is a part of, or is derived from, a bird, other animal or plant, references to determining its identity or ancestry are to determining the identity or ancestry of the bird, other animal or plant."

9

(1) In section 20 of that Act (time limit for summary prosecution of certain offences under Part I)--

(a) subsection (1) is omitted, and

(b) in subsection (2) for "an offence to which this section applies" there is substituted "an offence under this Part".

(2) Sub-paragraph (1) does not have effect in relation to any offence committed before the commencement of this paragraph.

10

(1) Section 21 of that Act (penalties, forfeitures etc for offences under Part I) is amended as follows.

(2) For subsections (1) to (3) there is substituted--

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"(1) Subject to subsection (5), a person guilty of an offence under any of sections 1 to 13 or section 17 shall be liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding level 5 on the standard scale, or to both."

(3) In subsection (4)--

(a) in paragraph (a) for the words from "to a fine" to the end there is substituted "to imprisonment for a term not exceeding six months or to a fine not exceeding the statutory maximum, or to both", and

(b) in paragraph (b) for "to a fine" there is substituted "to imprisonment for a term not exceeding two years or to a fine, or to both".

(4) After subsection (4) there is inserted--

"(4A) Except in a case falling within subsection (4B), a person guilty of an offence under section 19ZA(7) shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(4B) A person guilty of an offence under subsection (7) of section 19ZA in relation to a wildlife inspector acting in the exercise of the power conferred by subsection (3)(c) of that section shall be liable--

(a) on summary conviction, to a fine not exceeding the statutory maximum;

(b) on conviction on indictment, to a fine.

(4C) A person guilty of an offence under section 19ZA(8) shall be liable--

(a) on summary conviction, to imprisonment for a term not exceeding six months or a fine not exceeding the statutory maximum, or to both;

(b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine, or to both.

(4D) A person guilty of an offence under section 19ZB(9) shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale."

(5) In subsection (5) the words ", (2) or (3)" are omitted.

(6) Sub-paragraphs (1) to (5) and the repeal by this Act of provisions of the 1981 Act relating to special penalties do not have effect in relation to any offence committed before the commencement of this paragraph.

11

In section 24 of that Act (functions of the Nature Conservancy Councils), in subsection (4) for paragraph (c) there is substituted--

"(c) any wildlife inspector,".

12

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In section 27 of that Act (interpretation of Part I), in subsection (1) after the definition of "wild plant" there is inserted--

"wildlife inspector" has the meaning given by section 19ZA(1)."

13

. . .

NOTES:**Initial Commencement***Specified date*

Specified date: 30 January 2001: see s 103(2).

Amendment

Para 13: repealed by the Police Reform Act 2002, s 107(2), Sch 8.

Date in force: 1 October 2002: see SI 2002/2306, art 2(g)(i), (iii)(h).

Extent

This Schedule does not extend to Scotland: see s 104(4).

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COUNTRYSIDE AND RIGHTS OF WAY ACT 2000
2000 CHAPTER 37

SCHEDULE 13 AREAS OF OUTSTANDING NATURAL BEAUTY: CONSERVATION BOARDS
Section 86(2)

Royal Assent [30 November 2000]

Countryside and Rights of Way Act 2000, Ch. 37, Sch. 13 (Eng.)

SCHEDULE 13 Areas of Outstanding Natural Beauty: Conservation Boards

Interpretation

1

In this Schedule--

"an English conservation board" means a conservation board for an area of outstanding natural beauty in England;

"the relevant order", in relation to a conservation board, means--

(a) the order under section 86 establishing that board,

(b) any order under that section relating to that board, or

(c) any order made in relation to that board in exercise of the power to amend an order under that section.

Status and constitution of conservation boards

2

A conservation board shall be a body corporate.

3

(1) A conservation board shall consist of--

(a) such number of local authority members as may be specified in the relevant order,

(b) such number of members to be appointed by the Secretary of State or the National Assembly for Wales as may be so specified, and

(c) in the case of an English conservation board, such number of parish

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members as may be so specified.

(2) The numbers specified in the relevant order for any conservation board in relation to the membership of the board must be such that--

(a) the number of local authority members is at least 40 per cent of the total number of members, and

(b) in the case of an English conservation board, the number of parish members is at least 20 per cent of the total number of members.
Local authority members

4

(1) The local authority members of a conservation board shall be appointed in accordance with the provisions of the relevant order.

(2) The relevant order must provide either--

(a) for the local authority members to be appointed by such of the local authorities for areas wholly or partly comprised in the area of outstanding natural beauty as may be specified in or determined under the order ("the relevant councils"), or

(b) for the local authority members to be appointed by such of the relevant councils as may be determined in accordance with a scheme contained in the relevant order.

(3) A person shall not be appointed as a local authority member of a conservation board unless he is a member of a local authority the area of which is wholly or partly comprised in the relevant area of outstanding natural beauty; and, in appointing local authority members of a conservation board, a local authority shall have regard to the desirability of appointing members of the authority who represent wards, or (in Wales) electoral divisions, situated wholly or partly within the relevant area of outstanding natural beauty.

(4) Subject to the following provisions of this Schedule and to the provisions of the relevant order, where a person who qualifies for his appointment by virtue of his membership of any local authority is appointed as a local authority member of a conservation board--

(a) he shall hold office from the time of his appointment until he ceases to be a member of that authority; but

(b) his appointment may, before any such cessation, be terminated for the purposes of, and in accordance with, sections 15 to 17 of the Local Government and Housing Act 1989 (political balance).

(5) Sub-paragraph (4)(a) shall have effect so as to terminate the term of office of a person who, on retiring from any local authority, immediately becomes such a member again as a newly elected councillor; but a person who so becomes a member again shall be eligible for re-appointment to the conservation board.

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(6) The appointment of any person as a local authority member of a conservation board may provide that he is not to be treated for the purposes of sub-paragraph (4) as qualifying for his appointment by virtue of his membership of any local authority other than that specified in the appointment.

(7) In paragraph 2(1) of Schedule 1 to the Local Government and Housing Act 1989 (bodies to which appointments have to be made taking account of political balance), after paragraph (ba) there is inserted--

"(bb) a conservation board established by order under section 86 of the Countryside and Rights of Way Act 2000;"
Parish members

5

(1) The parish members of an English conservation board shall be appointed in accordance with the provisions of the relevant order, by--

(a) the parish councils for parishes the whole or any part of which is comprised in the relevant area of outstanding natural beauty, and

(b) the parish meetings of any of those parishes which do not have separate parish councils.

(2) A person shall not be appointed as a parish member of an English conservation board unless he is--

(a) a member of the parish council for a parish the whole or any part of which is comprised in the relevant area of outstanding natural beauty, or

(b) the chairman of the parish meeting of a parish--

(i) which does not have a separate parish council, and

(ii) the whole or any part of which is comprised in the relevant area of outstanding natural beauty.

(3) Subject to the following provisions of this Schedule and to the provisions of the relevant order, where a person who qualifies for his appointment by virtue of his membership of a parish council is appointed as a parish member of an English conservation board, he shall hold office from the time of his appointment until he ceases to be a member of that parish council.

(4) Subject to the following provisions of this Schedule and to the provisions of the relevant order, where a person who qualifies for his appointment by virtue of his being the chairman of a parish meeting is appointed as a parish member of an English conservation board, he shall hold office from the time of his appointment until he ceases to be the chairman of that parish meeting.

(5) Sub-paragraph (3) or (4) shall not have effect so as to terminate the term of office of a person who retires from a parish council, or ceases to be the chairman of a parish meeting, until such time as may be determined by the Secretary of State or the National Assembly for Wales in accordance with the

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relevant order.

(6) A person who--

(a) on retiring from a parish council, or

(b) on ceasing to be the chairman of a parish meeting,

becomes a member of the parish council again as a newly elected councillor or, as the case may be, is elected to succeed himself as chairman of any parish meeting is eligible for re-appointment to the conservation board at the time mentioned in sub-paragraph (5).

Members appointed by the Secretary of State or the National Assembly for Wales

6

(1) Before appointing any person as a member of a conservation board, the Secretary of State shall consult the Agency.

(2) Before appointing any person as a member of a conservation board, the National Assembly for Wales shall consult the Council.

(3) Subject to the following provisions of this Schedule and to the provisions of the relevant order, a person appointed as a member of a conservation board by the Secretary of State or the National Assembly for Wales--

(a) shall hold office for such period of not less than one year nor more than three years as may be specified in the terms of his appointment; but

(b) on ceasing to hold office shall be eligible for re-appointment.

(4) The term of office of a person appointed by the Secretary of State or the National Assembly for Wales to fill such a vacancy in the membership of a conservation board as occurs where a person appointed by the Secretary of State or the Assembly ceases to be a member of the board before the end of his term of office may be for a period of less than one year if it is made to expire with the time when the term of office of the person in respect of whom the vacancy has arisen would have expired.

(5) Subject to the provisions of this Schedule and of the relevant order, a member of a conservation board appointed by the Secretary of State or the National Assembly for Wales shall hold office in accordance with the terms of his appointment.

Chairman and deputy chairman

7

(1) The members of a conservation board shall elect, from amongst their members, both a chairman and a deputy chairman of the board.

(2) Subject to sub-paragraphs (3) and (4), the chairman and deputy chairman of a conservation board shall be elected for a period not exceeding one year; but a person so elected shall, on ceasing to hold office at the end of his term

of office as chairman or deputy chairman, be eligible for re-election.

(3) A person shall cease to hold office as chairman or deputy chairman of a conservation board if he ceases to be a member of the board.

(4) Where a vacancy occurs in the office of chairman or deputy chairman of a conservation board, it shall be the duty of the members of that board to secure that the vacancy is filled as soon as possible.

Audit

8

In Schedule 2 to the Audit Commission Act 1998 (accounts subject to audit) in paragraph 1 after paragraph (j) there is inserted--

"(jj) a conservation board established by order under section 86 of the Countryside and Rights of Way Act 2000;"

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 103(3).

Appointment

Appointment (in relation to England): 1 April 2001: see SI 2001/114, art 2(2)(e).

Appointment (in relation to Wales): 1 May 2001: see SI 2001/1410, art 2(g).

Extent

This Schedule does not extend to Scotland: see s 104(4).

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COUNTRYSIDE AND RIGHTS OF WAY ACT 2000
2000 CHAPTER 37

SCHEDULE 14 SUPPLEMENTAL POWERS OF CONSERVATION BOARDS
Section 87(6)

Royal Assent [30 November 2000]

Countryside and Rights of Way Act 2000, Ch. 37, Sch. 14 (Eng.)

SCHEDULE 14 Supplemental Powers of Conservation Boards

Interpretation

1

In this Schedule--

"common", "disposal" and "open space" have the same meaning as in the Town and Country Planning Act 1990;

"relevant order" has the same meaning as in Schedule 13.
Power to acquire land

2

(1) For the purposes of any of their functions under this or any other enactment, a conservation board may acquire by agreement any land, whether situated inside or outside their area of outstanding natural beauty.

(2) The reference in sub-paragraph (1) to acquisition by agreement is a reference to acquisition for money or money's worth as purchaser or lessee.
Power to dispose of land

3

Subject to paragraphs 4 to 6 and to the provisions of the relevant order, a conservation board may dispose, in any manner they wish, of land which is held by them but no longer required by them for the purposes of their functions.

4

(1) Except with the consent of the Secretary of State (as respects England) or the National Assembly for Wales (as respects Wales), a conservation board may not--

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(a) dispose under paragraph 3 of land which consists of or forms part of a common, or formerly consisted of or formed part of a common, and is managed by a local authority in accordance with a local Act,

(b) dispose under paragraph 3 of land, otherwise than by way of a short tenancy, for a consideration less than the best that can reasonably be obtained.

(2) For the purposes of this paragraph a disposal of land is a disposal by way of a short tenancy if it consists--

(a) of the grant of a term not exceeding seven years, or

(b) of the assignment of a term which at the date of the assignment has not more than seven years to run.

5

A conservation board may not dispose under paragraph 3 of any land consisting of or forming part of an open space unless before disposing of the land they cause notice of their intention to do so, specifying the land in question, to be advertised in two consecutive weeks in a newspaper circulating in the area in which the land is situated, and consider any objections to the proposed disposal which may be made to them.

6

Section 128 of the Local Government Act 1972 (consents to land transactions by local authorities) applies in relation to a conservation board as if a conservation board were a principal council and as if paragraphs 3 to 5 were contained in Part VII of that Act.)

Provisions as to charges

7

In section 152(2) of the Local Government and Housing Act 1989 (provisions as to charges), after paragraph (ja) there is inserted--

"(jb) a conservation board established by order under section 86 of the Countryside and Rights of Way Act 2000;"

and section 151 of that Act (power to amend existing provisions as to charges) shall have effect as if references to an existing provision included references to any such provision as applied by or under Part IV of this Act.

NOTES:**Initial Commencement*****To be appointed***

To be appointed: see s 103(3).

Appointment

Appointment (in relation to England): 1 April 2001: see SI 2001/114, art 2(2)(e).

Appointment (in relation to Wales): 1 May 2001: see SI 2001/1410, art 2(g).

Extent

This Schedule does not extend to Scotland: see s 104(4).

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COUNTRYSIDE AND RIGHTS OF WAY ACT 2000
2000 CHAPTER 37

**SCHEDULE 15 AREAS OF OUTSTANDING NATURAL BEAUTY: CONSEQUENTIAL AMENDMENTS AND
TRANSITIONAL PROVISIONS**

Section 93

Royal Assent [30 November 2000]

Countryside and Rights of Way Act 2000, Ch. 37, Sch. 15, Pt. I (Eng.)

Part I Consequential Amendments

National Parks and Access to the Countryside Act 1949 (c 97)

1

In section 1 of the National Parks and Access to the Countryside Act 1949 (the Countryside Agency and the Countryside Council for Wales), in subsection (2)(a) after "National Parks or" there is inserted "under the Countryside and Rights of Way Act 2000".

2

In section 112(2) of that Act (provisions not applying to Epping Forest and Burnham Beeches), for "eighty-seven" there is substituted "eighty-nine".

3

In section 114(1) of that Act (interpretation), for the definition of "area of outstanding natural beauty" there is substituted--

"area of outstanding natural beauty" means an area designated under section 82 of the Countryside and Rights of Way Act 2000;".
Harbours Act 1964 (c 40)

4

In Schedule 3 to the Harbours Act 1964, in paragraph 1, in paragraph (i) of the definition of "sensitive area" for "section 87 of the National Parks and Access to the Countryside Act 1949" there is substituted "section 82 of the Countryside and Rights of Way Act 2000".
Highways Act 1980 (c 66)

5

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In section 105A of the 1980 Act (environmental impact assessments), in subsection (6), for paragraph (e) there is substituted--

"(e) an area of outstanding beauty designated as such under section 82 of the Countryside and Rights of Way Act 2000".
Derelict Land Act 1982 (c 42)

6

In section 1 of the Derelict Land Act 1982 (powers of Secretary of State), in subsection (11), in the definition of "area of outstanding natural beauty" for "section 87 of the National Parks and Access to the Countryside Act 1949" there is substituted "section 82 of the Countryside and Rights of Way Act 2000".
Road Traffic Regulation Act 1984 (c 27)

7

In section 22 of the Road Traffic Regulation Act 1984 (traffic regulation for special areas in the countryside), at the end of subsection (1)(a)(ii) there is inserted "designated as such under section 82 of the Countryside and Rights of Way Act 2000".
Housing Act 1985 (c 68)

8

In section 37 of the Housing Act 1985 (restriction on disposal of dwelling-houses in National Parks, etc), in subsection (1)(b) for "section 87 of the National Parks and Access to the Countryside Act 1949" there is substituted "section 82 of the Countryside and Rights of Way Act 2000".

9

In section 157 of that Act (restriction on disposal of dwelling-houses in National Parks, etc), in subsection (1)(b) for "section 87 of the National Parks and Access to the Countryside Act 1949" there is substituted "section 82 of the Countryside and Rights of Way Act 2000".
Town and Country Planning Act 1990 (c 8)

10

In section 87 of the Town and Country Planning Act 1990 (exclusion of certain descriptions of land or development from a simplified planning zone), in subsection (1)(d) for "section 87 of the National Parks and Access to the Countryside Act 1949" there is substituted "section 82 of the Countryside and Rights of Way Act 2000".
Environmental Protection Act 1990 (c 43)

11

In section 130 of the Environmental Protection Act 1990 (countryside functions of Countryside Council for Wales), in subsection (2)(a) after "National Parks or" there is inserted "under the Countryside and Rights of Way Act 2000".
Water Industry Act 1991 (c 56)

12

In section 156 of the Water Industry Act 1991 (restriction on disposals of land), in subsection (8), in paragraph (a) of the definition of "area of outstanding natural beauty or special scientific interest", for "for the purposes of the National Parks and Access to the Countryside Act 1949" there is substituted "under section 82 of the Countryside and Rights of Way Act 2000".
Environment Act 1995 (c 25)

13

In Schedule 13 to the Environment Act 1995 (review of old mineral planning permissions), in paragraph 2(4)(c) for "section 87 of the National Parks and Access to the Countryside Act 1949" there is substituted "section 82 of the Countryside and Rights of Way Act 2000".
Housing Act 1996 (c 52)

14

In section 13 of the Housing Act 1996 (restriction on disposal of houses in National Parks, etc), in subsection (1)(b) for "section 87 of the National Parks and Access to the Countryside Act 1949" there is substituted "section 82 of the Countryside and Rights of Way Act 2000".

NOTES:**Initial Commencement*****To be appointed***

To be appointed: see s 103(3).

Appointment

Appointment (in relation to England): 1 April 2001: see SI 2001/114, art 2(2)(e).

Appointment (in relation to Wales): 1 May 2001: see SI 2001/1410, art 2(g).

Extent

This Part does not extend to Scotland: see s 104(4).

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COUNTRYSIDE AND RIGHTS OF WAY ACT 2000
2000 CHAPTER 37

**SCHEDULE 15 AREAS OF OUTSTANDING NATURAL BEAUTY: CONSEQUENTIAL AMENDMENTS AND
TRANSITIONAL PROVISIONS**

Section 93

Royal Assent [30 November 2000]

Countryside and Rights of Way Act 2000, Ch. 37, Sch. 15, Pt. II (Eng.)

Part II Transitional Provisions

15

In this Part "commencement" means the commencement of section 82.

16

Any order under section 87 of the 1949 Act (designation of areas of outstanding natural beauty) which is in force immediately before commencement is to be taken to have been made under section 82 in accordance with the provisions of Part IV of this Act, and may be amended or revoked by an order under that section.

17

Any reference in any instrument or document (whenever made) to designation as an area of outstanding natural beauty under section 87 of the 1949 Act or to an order under that section is, in relation to any time after commencement, to be taken to be a reference to designation as such an area under section 82 or to an order under that section.

18

Anything done before commencement in connection with a proposed order under section 87 of the 1949 Act is, as from commencement, to be taken to have been done in connection with a proposed order under section 82.

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 103(3).

Appointment

Appointment (in relation to England): 1 April 2001: see SI 2001/114, art 2(2)(e).

Appointment (in relation to Wales): 1 May 2001: see SI 2001/1410, art 2(g).

Extent

This Part does not extend to Scotland: see s 104(4).

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COUNTRYSIDE AND RIGHTS OF WAY ACT 2000
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SCHEDULE 16 REPEALS

Section 102

Royal Assent [30 November 2000]

Countryside and Rights of Way Act 2000, Ch. 37, Sch. 16, Pt. I (Eng.)

Part I Access to the Countryside

Chapter	Short title	Extent of repeal
1925 c 20	The Law of Property Act 1925	Section 193(2).
1949 c 97	The National Parks and Access to the Countryside Act 1949	Sections 61 to 63. In section 111A(3)(a), the words "61 to 63,".
1972 c 70	The Local Government Act 1972	In Schedule 17, paragraphs 35 and 35A.
1980 c 65	The Local Government, Planning and Land Act 1980	In Schedule 3, paragraph 6.
1985 c 51	The Local Government Act 1985	In Schedule 3, paragraph 5(9).
1990 c 43	The Environmental Protection Act 1990	In Schedule 8, in paragraph 1(8), the words "62(1) and".
1994 c 19	The Local Government (Wales) Act 1994	In Schedule 6, paragraph 13.

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 103(3).

Appointment

Appointment (in relation to England, in part): 1 April 2001: see SI 2001/114, art 2(2)(k).

Appointment (in relation to Wales, in part): 1 May 2001: see SI 2001/1410, art 2(m).

Appointment (in relation to Wales, in part): 21 June 2004: see SI 2004/1489, art 2(c).

Extent

This Part does not extend to Scotland: see s 104(4).

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COUNTRYSIDE AND RIGHTS OF WAY ACT 2000
2000 CHAPTER 37

SCHEDULE 16 REPEALS

Section 102

Royal Assent [30 November 2000]

Countryside and Rights of Way Act 2000, Ch. 37, Sch. 16, Pt. II (Eng.)

Part II Public Rights of Way and Road Traffic

Chapter	Short title	Extent of repeal
1980 c 66	The Highways Act 1980	Section 134(5).
1981 c 69	The Wildlife and Countryside Act 1981	Section 54. Section 56(5). In section 57(1), the words "on such scale as may be so prescribed,". In Schedule 15, paragraph 9.
1984 c 27	The Road Traffic Regulation Act 1984	In section 22(1)(a), the words "(other than Greater London)" and, at the end of paragraph (vi), the word "or".
1992 c 42	The Transport and Works Act 1992	In Schedule 2, paragraphs 5(2), (4)(a), (d) and (e), (6) and (7), 6(2)(b) and 10(4)(a).

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 103(3).

Appointment

Appointment (in relation to England, in part): 30 January 2001: see SI 2001/114, art 2(1)(g).

Appointment (in relation to England, in part): 1 April 2001 (subject to

transitional provisions): see SI 2001/114, arts 2(2)(1), 3.

Appointment (in relation to Wales, in part): 1 May 2001 (subject to transitional provisions with regard to the repeal of the Highways Act 1980, s 134(5)): see SI 2001/1410, arts 2(n), (o), 3.

Extent

This Part does not extend to Scotland: see s 104(4).

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COUNTRYSIDE AND RIGHTS OF WAY ACT 2000
2000 CHAPTER 37

SCHEDULE 16 REPEALS

Section 102

Royal Assent [30 November 2000]

Countryside and Rights of Way Act 2000, Ch. 37, Sch. 16, Pt. III (Eng.)

Part III Sites of Special Scientific Interest

Chapter	Short title	Extent of repeal
1958 c 51	The Public Records Act 1958	In Schedule 1, in Part II of the Table in paragraph 3, the entry relating to the Nature Conservancy Council for England.
1964 c 40	The Harbours Act 1964	In Schedule 3, in the definition of sensitive area, paragraph (b).
1965 c 74	The Superannuation Act 1965	In section 39(1), in paragraph 7, the words "The Nature Conservancy Council for England."
1967 c 13	The Parliamentary Commissioner Act 1967	In Schedule 2, the entry "Nature Conservancy Council for England".
1970 c 30	The Conservation of Seals Act 1970	Section 10(4)(c) and the following word "or".
1975 c 24	The House of Commons Disqualification Act 1975	In Schedule 1, in Part III, the entry "Any member of the Nature Conservancy Council for England or the Countryside Council for Wales in receipt of remuneration."
1980 c 66	The Highways Act 1980	Section 105A(6)(c).
1981 c 69	The Wildlife and Countryside Act 1981	Sections 29 and 30. In section 32(1), the words "or land to which section 29(3) applies". In section 67(2), the word "29,". In Schedule 11, in each of paragraphs 7(2) and 8, the words "29 or".
1985 c 31	The Wildlife and Countryside (Amendment) Act 1985	Section 2.

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1985 c 59	The Wildlife and Countryside (Service of Notices) Act 1985	Section 1(2).
1988 c 4	The Norfolk and Suffolk Broads Act 1988	In Schedule 3, paragraph 31(1).
1990 c 43	The Environmental Protection Act 1990	In Schedule 9, paragraph 11(9) to (11).
1996 c 47	The Trusts of Land and Appointment of Trustees Act 1996	In Schedule 3, paragraph 20 and the heading preceding it.

NOTES:**Initial Commencement*****Specified date***

Specified date: 30 January 2001: see s 103(2).

Miscellaneous

Note: this Part is brought into force by s 103(2) of this Act. However, the Countryside and Rights of Way Act 2000 (Commencement No 1) Order 2001 (SI 2001/114) purports to bring this Part into force in relation to England on 30 January 2001, and the Countryside and Rights of Way Act 2000 (Commencement No 2) (Wales) Order 2001 (SI 2001/1410) purports to bring this Part into force in relation to Wales on 1 May 2001.

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COUNTRYSIDE AND RIGHTS OF WAY ACT 2000
2000 CHAPTER 37

SCHEDULE 16 REPEALS

Section 102

Royal Assent [30 November 2000]

Countryside and Rights of Way Act 2000, Ch. 37, Sch. 16, Pt. IV (Eng.)

Part IV Wildlife

Chapter	Short title	Extent of repeal
1981 c 69	The Wildlife and Countryside Act 1981	In section 1, subsection (4) and, in subsection (5), the words "and liable to a special penalty". In section 5(1), the words "and be liable to a special penalty". In section 6, in subsection (2) the words from "who is not" to "Secretary of State", and subsections (4) and (7) to (10). In section 7, in subsection (1) the words "and be liable to a special penalty", and subsections (6) and (7). In section 8, in subsections (1) and (3) the words "and be liable to a special penalty". Section 14(5) and (6). In section 17 the words "6(2) or". Section 20(1). In section 21(5) the words ", (2) or (3)".
1997 c 55	The Birds (Registration Charges) Act 1997	Section 1(1).

NOTES:

Initial Commencement

Specified date

2000 CHAPTER 37

Specified date: 30 January 2001: see s 103(2).

Miscellaneous

Note: this Part is brought into force by s 103(2) of this Act. However, the Countryside and Rights of Way Act 2000 (Commencement No 1) Order 2001 (SI 2001/114) purports to bring this Part into force in relation to England on 30 January 2001, and the Countryside and Rights of Way Act 2000 (Commencement No 2) (Wales) Order 2001 (SI 2001/1410) purports to bring this Part into force in relation to Wales on 1 May 2001.

Extent

This Part does not extend to Scotland: see s 104(4).

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COUNTRYSIDE AND RIGHTS OF WAY ACT 2000
2000 CHAPTER 37

SCHEDULE 16 REPEALS

Section 102

Royal Assent [30 November 2000]

Countryside and Rights of Way Act 2000, Ch. 37, Sch. 16, Pt. V (Eng.)

Part V Areas of outstanding natural beauty

Chapter	Short title	Extent of repeal
1949 c 97	The National Parks and Access to the Countryside Act 1949	Sections 87 and 88.
1990 c 43	The Environmental Protection Act 1990	In Schedule 8, paragraph 1(12).
1995 c 25	The Environment Act 1995	In Schedule 10, paragraph 2(7).

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 103(3).

Appointment

Appointment (in relation to England): 1 April 2001: see SI 2001/114, art 2(2)(m).

Appointment (in relation to Wales): 1 May 2001: see SI 2001/1410, art 2(q).

Extent

This Part does not extend to Scotland: see s 104(4).

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COUNTRYSIDE AND RIGHTS OF WAY ACT 2000
2000 CHAPTER 37

SCHEDULE 16 REPEALS

Section 102

Royal Assent [30 November 2000]

Countryside and Rights of Way Act 2000, Ch. 37, Sch. 16, Pt. VI (Eng.)

Part VI Other

Chapter	Short title	Extent of repeal
1981 c 69	The Wildlife and Countryside Act 1981	In section 39(1), the words "both in the countryside and".

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 103(3).

Appointment

Appointment (in relation to England): 1 April 2001: see SI 2001/114, art 2(2)(m).

Appointment (in relation to Wales): 1 May 2001: see SI 2001/1410, art 2(q).

Extent

This Part does not extend to Scotland: see s 104(4).

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**PLANNING AND COMPULSORY PURCHASE ACT 2004
2004 CHAPTER 5**

Royal Assent [13 May 2004]

Planning and Compulsory Purchase Act 2004, Ch. 5, Long Title (Eng.)

Long Title

An Act to make provision relating to spatial development and town and country planning; and the compulsory acquisition of land.

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**PLANNING AND COMPULSORY PURCHASE ACT 2004
2004 CHAPTER 5**

Royal Assent [13 May 2004]

Planning and Compulsory Purchase Act 2004, Ch. 5, Enactment Clause (Eng.)

Enactment Clause

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:--

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**PLANNING AND COMPULSORY PURCHASE ACT 2004
2004 CHAPTER 5**

**PART 1 REGIONAL FUNCTIONS
Spatial strategy
Royal Assent [13 May 2004]**

Planning and Compulsory Purchase Act 2004, Ch. 5, s. 1 (Eng.)

1 Regional Spatial Strategy

(1) For each region there is to be a regional spatial strategy (in this Part referred to as the "RSS").

(2) The RSS must set out the Secretary of State's policies (however expressed) in relation to the development and use of land within the region.

(3) In subsection (2) the references to a region include references to any area within a region which includes the area or part of the area of more than one local planning authority.

(4) If to any extent a policy set out in the RSS conflicts with any other statement or information in the RSS the conflict must be resolved in favour of the policy.

(5) With effect from the appointed day the RSS for a region is so much of the regional planning guidance relating to the region as the Secretary of State prescribes.

(6) The appointed day is the day appointed for the commencement of this section.

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 121(1).

Appointment

Appointment (for the purpose of making, or making provision by means of, subordinate legislation): 6 August 2004: see SI 2004/2097, art 2.

2004 CHAPTER 5

Appointment (in relation to England for remaining purposes): 28 September 2004: see SI 2004/2202, art 2(a).

Subordinate Legislation

Town and Country Planning (Initial Regional Spatial Strategy) (England) Regulations 2004, SI 2004/2206 (made under sub-s (5)).

Extent

This section does not extend to Scotland: see s 124(1).

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**PLANNING AND COMPULSORY PURCHASE ACT 2004
2004 CHAPTER 5**

PART 1 REGIONAL FUNCTIONS

Planning bodies

Royal Assent [13 May 2004]

Planning and Compulsory Purchase Act 2004, Ch. 5, s. 2 (Eng.)

2 Regional planning bodies

(1) The Secretary of State may give a direction recognising a body to which subsection (2) applies as the regional planning body for a region (in this Part referred to as the "RPB").

(2) This subsection applies to a body (whether or not incorporated) which satisfies such criteria as are prescribed.

(3) The Secretary of State must not give a direction under subsection (1) in relation to a body unless not less than 60% of the persons who are members of the body fall within subsection (4).

(4) A person falls within this subsection if he is a member of any of the following councils or authorities and any part of the area of the council or authority (as the case may be) falls within the region to which the direction (if given) will relate--

- (a) a district council;
- (b) a county council;
- (c) a metropolitan district council;
- (d) a National Park authority;
- (e) the Broads authority.

(5) The Secretary of State may give a direction withdrawing recognition of a body.

(6) Subsection (7) applies if the Secretary of State--

- (a) does not give a direction under subsection (1) recognising a body, or

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(b) gives a direction under subsection (5) withdrawing recognition of a body and does not give a direction under subsection (1) recognising any other body.

(7) In such a case the Secretary of State may exercise such of the functions of the RPB as he thinks appropriate.

(8) A change in the membership of a body which is not incorporated does not (by itself) affect the validity of the recognition of the body.

NOTES:**Initial Commencement*****To be appointed***

To be appointed: see s 121(1).

Appointment

Appointment (for the purpose of making, or making provision by means of, subordinate legislation): 6 August 2004: see SI 2004/2097, art 2.

Appointment (in relation to England for remaining purposes): 28 September 2004: see SI 2004/2202, art 2(a).

Subordinate Legislation

Town and Country Planning (Regional Planning) (England) Regulations 2004, SI 2004/2203 (made under sub-s (2)).

Extent

This section does not extend to Scotland: see s 124(1).

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**PLANNING AND COMPULSORY PURCHASE ACT 2004
2004 CHAPTER 5**

**PART 1 REGIONAL FUNCTIONS
Planning bodies
Royal Assent [13 May 2004]**

Planning and Compulsory Purchase Act 2004, Ch. 5, s. 3 (Eng.)

3 RPB: general functions

- (1) The RPB must keep under review the RSS.
- (2) The RPB must keep under review the matters which may be expected to affect--
 - (a) development in its region or any part of the region;
 - (b) the planning of that development.
- (3) The RPB must--
 - (a) monitor the implementation of the RSS throughout the region;
 - (b) consider whether the implementation is achieving the purposes of the RSS.
- (4) The RPB must for each year prepare a report on the implementation of the RSS in the region.
- (5) The report--
 - (a) must be in respect of such period of 12 months as is prescribed;
 - (b) must be in such form and contain such information as is prescribed;
 - (c) must be submitted to the Secretary of State on such date as is prescribed.
- (6) The RPB must give advice to any other body or person if it thinks that to do so will help to achieve implementation of the RSS.

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 121(1).

Appointment

Appointment (for the purpose of making, or making provision by means of, subordinate legislation): 6 August 2004: see SI 2004/2097, art 2.

Appointment (in relation to England for remaining purposes): 28 September 2004: see SI 2004/2202, art 2(a).

Subordinate Legislation

Town and Country Planning (Regional Planning) (England) Regulations 2004, SI 2004/2203 (made under sub-s (5)).

Extent

This section does not extend to Scotland: see s 124(1).

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**PLANNING AND COMPULSORY PURCHASE ACT 2004
2004 CHAPTER 5**

**PART 1 REGIONAL FUNCTIONS
Planning bodies
Royal Assent [13 May 2004]**

Planning and Compulsory Purchase Act 2004, Ch. 5, s. 4 (Eng.)

4 Assistance from certain local authorities

(1) For the purpose of the exercise of its functions under sections 3(1) and (3)(a) and 5(1) the RPB must seek the advice of each authority in its region which is an authority falling within subsection (4).

(2) The authority must give the RPB advice as to the exercise of the function to the extent that the exercise of the function is capable of affecting (directly or indirectly) the exercise by the authority of any function it has.

(3) The advice mentioned in subsection (1) includes advice relating to the inclusion in the RSS of specific policies relating to any part of the region.

(4) Each of the following authorities fall within this subsection if their area or any part of their area is in the RPB's region--

- (a) a county council;
- (b) a metropolitan district council;
- (c) a district council for an area for which there is no county council;
- (d) a National Park authority.

(5) The RPB may make arrangements with an authority falling within subsection (4) or with any district council the whole or part of whose area is in the region for the discharge by the authority or council of a function of the RPB.

(6) The RPB may reimburse an authority or council which exercises functions by virtue of such arrangements for any expenditure incurred by the authority or council in doing so.

(7) Subsection (5) does not apply to a function of the RPB under section 5(8).

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(8) Any arrangements made for the purposes of subsection (5) must be taken to be arrangements between local authorities for the purposes of section 101 of the Local Government Act 1972 (c 70).

(9) Nothing in this section affects any power which a body which is recognised as an RPB has apart from this section.

NOTES:**Initial Commencement***To be appointed*

To be appointed: see s 121(1).

Appointment

Appointment (in relation to England): 28 September 2004: see SI 2004/2202, art 2(a).

Extent

This section does not extend to Scotland: see s 124(1).

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**PLANNING AND COMPULSORY PURCHASE ACT 2004
2004 CHAPTER 5**

**PART 1 REGIONAL FUNCTIONS
RSS revision
Royal Assent [13 May 2004]**

Planning and Compulsory Purchase Act 2004, Ch. 5, s. 5 (Eng.)

5 RSS: revision

- (1) The RPB must prepare a draft revision of the RSS--
 - (a) when it appears to it necessary or expedient to do so;
 - (b) at such time as is prescribed;
 - (c) if it is directed to do so under section 10(1).
- (2) But the RPB must give notice to the Secretary of State of its intention to prepare a draft revision under subsection (1)(a).
- (3) In preparing a draft revision the RPB must have regard to--
 - (a) national policies and advice contained in guidance issued by the Secretary of State;
 - (b) the RSS for each adjoining region;
 - (c) the spatial development strategy if any part of its region adjoins Greater London;
 - (d) the Wales Spatial Plan if any part of its region adjoins Wales;
 - (e) the resources likely to be available for implementation of the RSS;
 - (f) the desirability of making different provision in relation to different parts of the region;
 - (g) such other matters as are prescribed.
- (4) In preparing a draft revision the RPB must also--
 - (a) carry out an appraisal of the sustainability of the proposals in the

draft, and

(b) prepare a report of the findings of the appraisal.

(5) If the RPB decides to make different provision for different parts of the region the detailed proposals for such different provision must first be made by an authority which falls within section 4(4).

(6) But if the RPB and the authority agree, the detailed proposals may first be made--

(a) by a district council which is not such an authority, or

(b) by the RPB.

(7) The Secretary of State may by regulations make provision as to--

(a) the subject matter of a draft revision prepared in pursuance of subsection (1)(b);

(b) any further documents which must be prepared by the RPB in connection with the preparation of a draft revision;

(c) the form and content of any draft, report or other document prepared under this section.

(8) When the RPB has prepared a draft revision, the report to be prepared under subsection (4)(b) and any other document to be prepared in pursuance of subsection (7)(b) it must--

(a) publish the draft revision, report and other document;

(b) submit them to the Secretary of State.

(9) But the RPB may withdraw a draft revision at any time before it submits the draft to the Secretary of State under subsection (8)(b).

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 121(1).

Appointment

Appointment (for the purpose of making, or making provision by means of, subordinate legislation): 6 August 2004: see SI 2004/2097, art 2.

Appointment (in relation to England for remaining purposes): 28 September 2004: see SI 2004/2202, art 2(a).

Subordinate Legislation

2004 CHAPTER 5

Town and Country Planning (Regional Planning) (England) Regulations 2004, SI 2004/2203 (made under sub-ss (3)(g), (7)(b), (c)).

Extent

This section does not extend to Scotland: see s 124(1).

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**PLANNING AND COMPULSORY PURCHASE ACT 2004
2004 CHAPTER 5**

**PART 1 REGIONAL FUNCTIONS
RSS revision
Royal Assent [13 May 2004]**

Planning and Compulsory Purchase Act 2004, Ch. 5, s. 6 (Eng.)

6 RSS: community involvement

(1) For the purposes of the exercise of its functions under section 5, the RPB must prepare and publish a statement of its policies as to the involvement of persons who appear to the RPB to have an interest in the exercise of those functions.

(2) The RPB must keep the policies under review and from time to time must--

(a) revise the statement;

(b) publish the revised statement.

(3) The RPB must comply with the statement or revised statement (as the case may be) in the exercise of its functions under section 5.

(4) The documents mentioned in section 5(7)(b) and (c) include the statement and revised statement.

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 121(1).

Appointment

Appointment (in relation to England): 28 September 2004: see SI 2004/2202, art 2(a).

Extent

This section does not extend to Scotland: see s 124(1).

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**PLANNING AND COMPULSORY PURCHASE ACT 2004
2004 CHAPTER 5**

**PART 1 REGIONAL FUNCTIONS
RSS revision
Royal Assent [13 May 2004]**

Planning and Compulsory Purchase Act 2004, Ch. 5, s. 7 (Eng.)

7 RSS: Secretary of State's functions

(1) This section applies when the Secretary of State receives a draft revision of the RSS.

(2) Any person may make representations on the draft.

(3) The Secretary of State may arrange for an examination in public to be held into the draft.

(4) In deciding whether an examination in public is held the Secretary of State must have regard to--

(a) the extent of the revisions proposed by the draft;

(b) the extent and nature of the consultation on the draft before it was published;

(c) the level of interest shown in the draft;

(d) such other matters as he thinks appropriate.

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 121(1).

Appointment

Appointment (in relation to England): 28 September 2004: see SI 2004/2202, art 2(a).

Extent

This section does not extend to Scotland: see s 124(1).

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**PLANNING AND COMPULSORY PURCHASE ACT 2004
2004 CHAPTER 5**

**PART 1 REGIONAL FUNCTIONS
RSS revision
Royal Assent [13 May 2004]**

Planning and Compulsory Purchase Act 2004, Ch. 5, s. 8 (Eng.)

8 RSS: examination in public

(1) This section applies if the Secretary of State decides that an examination in public is to be held of a draft revision of the RSS.

(2) The examination must be held before a person appointed by the Secretary of State.

(3) No person has a right to be heard at an examination in public.

(4) The Secretary of State may, after consultation with the Lord Chancellor, make regulations with respect to the procedure to be followed at an examination in public.

(5) The person appointed under subsection (2) must make a report of the examination to the Secretary of State.

(6) The Secretary of State may by regulations make provision as to the procedure to be followed in connection with the recommendations of the person appointed under subsection (2).

(7) An examination in public--

(a) is a statutory inquiry for the purposes of section 1(1)(c) of the Tribunals and Inquiries Act 1992 (c 53) (report on administrative procedures);

(b) is not a statutory inquiry for any other purpose of that Act.

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 121(1).

Appointment

Appointment (for the purpose of making, or making provision by means of, subordinate legislation): 6 August 2004: see SI 2004/2097, art 2.

Appointment (in relation to England for remaining purposes): 28 September 2004: see SI 2004/2202, art 2(a).

Extent

This section does not extend to Scotland: see s 124(1).

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**PLANNING AND COMPULSORY PURCHASE ACT 2004
2004 CHAPTER 5**

**PART 1 REGIONAL FUNCTIONS
RSS revision
Royal Assent [13 May 2004]**

Planning and Compulsory Purchase Act 2004, Ch. 5, s. 9 (Eng.)

9 RSS: further procedure

(1) If no examination in public is held the Secretary of State must consider any representations made on the draft revision of the RSS under section 7(2).

(2) If an examination in public is held the Secretary of State must consider--

(a) the report of the person appointed to hold the examination;

(b) any representations which are not considered by the person appointed to hold the examination.

(3) If after proceeding under subsection (1) or (2) the Secretary of State proposes to make any changes to the draft he must publish--

(a) the changes he proposes to make;

(b) his reasons for doing so.

(4) Any person may make representations on the proposed changes.

(5) The Secretary of State must consider any such representations.

(6) The Secretary of State must then publish--

(a) the revision of the RSS incorporating such changes as he thinks fit;

(b) his reasons for making the changes.

(7) But the Secretary of State may withdraw a draft revision of an RSS at any time before he publishes the revision of the RSS under subsection (6).

NOTES:

Initial Commencement***To be appointed***

To be appointed: see s 121(1).

Appointment

Appointment (in relation to England): 28 September 2004: see SI 2004/2202, art 2(a).

Extent

This section does not extend to Scotland: see s 124(1).

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**PLANNING AND COMPULSORY PURCHASE ACT 2004
2004 CHAPTER 5**

**PART 1 REGIONAL FUNCTIONS
RSS revision
Royal Assent [13 May 2004]**

Planning and Compulsory Purchase Act 2004, Ch. 5, s. 10 (Eng.)

10 Secretary of State: additional powers

(1) If the Secretary of State thinks it is necessary or expedient to do so he may direct an RPB to prepare a draft revision of the RSS.

(2) Such a direction may require the RPB to prepare the draft revision--

(a) in relation to such aspects of the RSS as are specified;

(b) in accordance with such timetable as is specified.

(3) The Secretary of State may prepare a draft revision of the RSS if the RPB fails to comply with--

(a) a direction under subsection (1),

(b) section 5(1)(b), or

(c) regulations under section 5(7) or 11.

(4) If the Secretary of State prepares a draft revision under subsection (3)--

(a) section 7 applies as it does if the Secretary of State receives a draft revision from the RPB, and

(b) sections 8 and 9 apply.

(5) If the Secretary of State thinks it necessary or expedient to do so he may at any time revoke--

(a) an RSS;

(b) such parts of an RSS as he thinks appropriate.

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(6) The Secretary of State may by regulations make provision as to the procedure to be followed for the purposes of subsection (3).

(7) Subsection (8) applies if--

(a) any step has been taken in connection with the preparation of any part of regional planning guidance, and

(b) the Secretary of State thinks that the step corresponds to a step which must be taken under this Part in connection with the preparation and publication of a revision of the RSS.

(8) The Secretary of State may by order provide for the part of the regional planning guidance to have effect as a revision of the RSS.

NOTES:**Initial Commencement*****To be appointed***

To be appointed: see s 121(1).

Appointment

Appointment (for the purpose of making, or making provision by means of, subordinate legislation): 6 August 2004: see SI 2004/2097, art 2.

Appointment (in relation to England for remaining purposes): 28 September 2004: see SI 2004/2202, art 2(a).

Subordinate Legislation

Town and Country Planning (Regional Planning Guidance as Revision of Regional Spatial Strategy) Order 2004, SI 2004/2208 (made under sub-s (8)).

Extent

This section does not extend to Scotland: see s 124(1).

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**PLANNING AND COMPULSORY PURCHASE ACT 2004
2004 CHAPTER 5**

**PART 1 REGIONAL FUNCTIONS
Supplementary
Royal Assent [13 May 2004]**

Planning and Compulsory Purchase Act 2004, Ch. 5, s. 11 (Eng.)

11 Regulations

(1) The Secretary of State may by regulations make provision in connection with the exercise by any person of functions under this Part.

(2) The regulations may in particular make provision as to--

(a) the procedure to be followed for the purposes of section 5;

(b) the procedure to be followed by the RPB in connection with its functions under section 6;

(c) requirements about the giving of notice and publicity;

(d) requirements about inspection by the public of a draft revision or any other document;

(e) the nature and extent of consultation with and participation by the public in anything done under this Part;

(f) the making of representations about any matter to be included in an RSS;

(g) consideration of any such representations;

(h) the remuneration and allowances payable to a person appointed to carry out an examination in public under section 8;

(i) the determination of the time at which anything must be done for the purposes of this Part;

(j) the manner of publication of any draft, report or other document published under this Part;

(k) monitoring the exercise by RPBs of their functions under this Part;

(1) the making of reasonable charges for the provision of copies of documents required by or under this Part.

NOTES:**Initial Commencement*****To be appointed***

To be appointed: see s 121(1).

Appointment

Appointment (for the purpose of making, or making provision by means of, subordinate legislation): 6 August 2004: see SI 2004/2097, art 2.

Appointment (in relation to England for remaining purposes): 28 September 2004: see SI 2004/2202, art 2(a).

Subordinate Legislation

Town and Country Planning (Regional Planning) (England) Regulations 2004, SI 2004/2203.

Town and Country Planning (Regional Spatial Strategies) (Examinations in Public) (Remuneration and Allowances) (England) Regulations 2004, SI 2004/2209 (made under sub-s (2)(h)).

Extent

This section does not extend to Scotland: see s 124(1).

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**PLANNING AND COMPULSORY PURCHASE ACT 2004
2004 CHAPTER 5**

**PART 1 REGIONAL FUNCTIONS
Supplementary
Royal Assent [13 May 2004]**

Planning and Compulsory Purchase Act 2004, Ch. 5, s. 12 (Eng.)

12 Supplementary

(1) A region is a region (except London) specified in Schedule 1 to the Regional Development Agencies Act 1998 (c 45).

(2) But the Secretary of State may by order direct that if the area of a National Park falls within more than one region it is treated as falling wholly within such region as is specified in the order.

(3) Regional planning guidance for a region is a document issued by the Secretary of State setting out his policies (however expressed) in relation to the development and use of land within the region.

(4) The Secretary of State is the Secretary of State for the time being having general responsibility for policy in relation to the development and use of land.

(5) Subsection (4) does not apply for the purposes of section 5(3)(a).

(6) References to a revision or draft revision of an RSS include references to a revision or draft revision--

(a) of any part of an RSS;

(b) of the RSS as it relates to any part of a region.

(7) This section has effect for the purposes of this Part.

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 121(1).

Appointment

Appointment (for the purpose of making, or making provision by means of, subordinate legislation): 6 August 2004: see SI 2004/2097, art 2.

Appointment (in relation to England for remaining purposes): 28 September 2004: see SI 2004/2202, art 2(a).

Subordinate Legislation

Town and Country Planning (Regions) (National Parks) (England) Order 2004, SI 2004/2207 (made under sub-s (2)).

Extent

This section does not extend to Scotland: see s 124(1).

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**PLANNING AND COMPULSORY PURCHASE ACT 2004
2004 CHAPTER 5**

PART 2 LOCAL DEVELOPMENT

Survey

Royal Assent [13 May 2004]

Planning and Compulsory Purchase Act 2004, Ch. 5, s. 13 (Eng.)

13 Survey of area

(1) The local planning authority must keep under review the matters which may be expected to affect the development of their area or the planning of its development.

(2) These matters include--

(a) the principal physical, economic, social and environmental characteristics of the area of the authority;

(b) the principal purposes for which land is used in the area;

(c) the size, composition and distribution of the population of the area;

(d) the communications, transport system and traffic of the area;

(e) any other considerations which may be expected to affect those matters;

(f) such other matters as may be prescribed or as the Secretary of State (in a particular case) may direct.

(3) The matters also include--

(a) any changes which the authority think may occur in relation to any other matter;

(b) the effect such changes are likely to have on the development of the authority's area or on the planning of such development.

(4) The local planning authority may also keep under review and examine the matters mentioned in subsections (2) and (3) in relation to any neighbouring area to the extent that those matters may be expected to affect the area of the authority.

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(5) In exercising a function under subsection (4) a local planning authority must consult with the local planning authority for the neighbouring area in question.

(6) If a neighbouring area is in Wales references to the local planning authority for that area must be construed in accordance with Part 6.

NOTES:**Initial Commencement*****To be appointed***

To be appointed: see s 121(1).

Appointment

Appointment (for the purpose of making, or making provision by means of, subordinate legislation): 6 August 2004: see SI 2004/2097, art 2.

Appointment (in relation to England for remaining purposes): 28 September 2004: see SI 2004/2202, art 2(b); for transitional provisions see SI 2004/2205, reg 6.

Subordinate Legislation

Town and Country Planning (Local Development) (England) Regulations 2004, SI 2004/2204 (made under sub-s (2)(f)).

Extent

This section does not extend to Scotland: see s 124(1).

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**PLANNING AND COMPULSORY PURCHASE ACT 2004
2004 CHAPTER 5**

PART 2 LOCAL DEVELOPMENT

Survey

Royal Assent [13 May 2004]

Planning and Compulsory Purchase Act 2004, Ch. 5, s. 14 (Eng.)

14 Survey of area: county councils

(1) A county council in respect of so much of their area for which there is a district council must keep under review the matters which may be expected to affect development of that area or the planning of its development in so far as the development relates to a county matter.

(2) Subsections (2) to (6) of section 13 apply for the purposes of subsection (1) as they apply for the purposes of that section; and references to the local planning authority must be construed as references to the county council.

(3) The Secretary of State may by regulations require or (in a particular case) may direct a county council to keep under review in relation to so much of their area as is mentioned in subsection (1) such of the matters mentioned in section 13(1) to (4) as he prescribes or directs (as the case may be).

(4) For the purposes of subsection (3)--

(a) it is immaterial whether any development relates to a county matter;

(b) if a matter which is prescribed or in respect of which the Secretary of State gives a direction falls within section 13(4) the county council must consult the local planning authority for the area in question.

(5) The county council must make available the results of their review under subsection (3) to such persons as the Secretary of State prescribes or directs (as the case may be).

(6) References to a county matter must be construed in accordance with paragraph 1 of Schedule 1 to the principal Act (ignoring sub-paragraph (1)(i)).

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 121(1).

Appointment

Appointment (for the purpose of making, or making provision by means of, subordinate legislation): 6 August 2004: see SI 2004/2097, art 2.

Appointment (in relation to England for remaining purposes): 28 September 2004: see SI 2004/2202, art 2(b); for transitional provisions see SI 2004/2205, reg 6.

Subordinate Legislation

Town and Country Planning (Local Development) (England) Regulations 2004, SI 2004/2204 (made under sub-ss (3), (5)).

Extent

This section does not extend to Scotland: see s 124(1).

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**PLANNING AND COMPULSORY PURCHASE ACT 2004
2004 CHAPTER 5**

**PART 2 LOCAL DEVELOPMENT
Development schemes
Royal Assent [13 May 2004]**

Planning and Compulsory Purchase Act 2004, Ch. 5, s. 15 (Eng.)

15 Local development scheme

(1) The local planning authority must prepare and maintain a scheme to be known as their local development scheme.

(2) The scheme must specify--

(a) the documents which are to be local development documents;

(b) the subject matter and geographical area to which each document is to relate;

(c) which documents are to be development plan documents;

(d) which documents (if any) are to be prepared jointly with one or more other local planning authorities;

(e) any matter or area in respect of which the authority have agreed (or propose to agree) to the constitution of a joint committee under section 29;

(f) the timetable for the preparation and revision of the documents;

(g) such other matters as are prescribed.

(3) The local planning authority must--

(a) prepare the scheme in accordance with such other requirements as are prescribed;

(b) submit the scheme to the Secretary of State at such time as is prescribed or as the Secretary of State (in a particular case) directs;

(c) at that time send a copy of the scheme to the RPB or (if the authority are a London borough) to the Mayor of London.

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(4) The Secretary of State may direct the local planning authority to make such amendments to the scheme as he thinks appropriate.

(5) Such a direction must contain the Secretary of State's reasons for giving it.

(6) The local planning authority must comply with a direction given under subsection (4).

(7) The Secretary of State may make regulations as to the following matters--

(a) publicity about the scheme;

(b) making the scheme available for inspection by the public;

(c) requirements to be met for the purpose of bringing the scheme into effect.

(8) The local planning authority must revise their local development scheme--

(a) at such time as they consider appropriate;

(b) when directed to do so by the Secretary of State.

(9) Subsections (2) to (7) apply to the revision of a scheme as they apply to the preparation of the scheme.

NOTES:**Initial Commencement*****To be appointed***

To be appointed: see s 121(1).

Appointment

Appointment (for the purpose of making, or making provision by means of, subordinate legislation): 6 August 2004: see SI 2004/2097, art 2.

Appointment (in relation to England for remaining purposes): 28 September 2004: see SI 2004/2202, art 2(b); for transitional provisions see SI 2004/2205, reg 6.

Subordinate Legislation

Town and Country Planning (Local Development) (England) Regulations 2004, SI 2004/2204 (made under sub-ss (2)(g), (3), (7)).

Extent

This section does not extend to Scotland: see s 124(1).

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**PLANNING AND COMPULSORY PURCHASE ACT 2004
2004 CHAPTER 5**

**PART 2 LOCAL DEVELOPMENT
Development schemes
Royal Assent [13 May 2004]**

Planning and Compulsory Purchase Act 2004, Ch. 5, s. 16 (Eng.)

16 Minerals and waste development scheme

(1) A county council in respect of any part of their area for which there is a district council must prepare and maintain a scheme to be known as their minerals and waste development scheme.

(2) Section 15 (ignoring subsections (1) and (2)(e)) applies in relation to a minerals and waste development scheme as it applies in relation to a local development scheme.

(3) This Part applies to a minerals and waste development scheme as it applies to a local development scheme and for that purpose--

(a) references to a local development scheme include references to a minerals and waste development scheme;

(b) references to a local planning authority include references to a county council.

(4) But subsection (3) does not apply to--

(a) section 17(3);

(b) section 24(1)(b), (4) and (7);

(c) the references in section 24(5) to subsection (4) and the Mayor;

(d) sections 29 to 31.

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 121(1).

Appointment

Appointment (for the purpose of making, or making provision by means of, subordinate legislation): 6 August 2004: see SI 2004/2097, art 2.

Appointment (in relation to England for remaining purposes): 28 September 2004: see SI 2004/2202, art 2(b); for transitional provisions see SI 2004/2205, reg 6.

Extent

This section does not extend to Scotland: see s 124(1).

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**PLANNING AND COMPULSORY PURCHASE ACT 2004
2004 CHAPTER 5**

PART 2 LOCAL DEVELOPMENT

Documents

Royal Assent [13 May 2004]

Planning and Compulsory Purchase Act 2004, Ch. 5, s. 17 (Eng.)

17 Local development documents

(1) Documents which must be specified in the local development scheme as local development documents are--

(a) documents of such descriptions as are prescribed;

(b) the local planning authority's statement of community involvement.

(2) The local planning authority may also specify in the scheme such other documents as they think are appropriate.

(3) The local development documents must (taken as a whole) set out the authority's policies (however expressed) relating to the development and use of land in their area.

(4) In the case of the documents which are included in a minerals and waste development scheme they must also (taken as a whole) set out the authority's policies (however expressed) in relation to development which is a county matter within the meaning of paragraph 1 of Schedule 1 to the principal Act (ignoring sub-paragraph (1)(i)).

(5) If to any extent a policy set out in a local development document conflicts with any other statement or information in the document the conflict must be resolved in favour of the policy.

(6) The authority must keep under review their local development documents having regard to the results of any review carried out under section 13 or 14.

(7) Regulations under this section may prescribe--

(a) which descriptions of local development documents are development plan documents;

(b) the form and content of the local development documents;

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(c) the time at which any step in the preparation of any such document must be taken.

(8) A document is a local development document only in so far as it or any part of it--

(a) is adopted by resolution of the local planning authority as a local development document;

(b) is approved by the Secretary of State under section 21 or 27.

NOTES:**Initial Commencement*****To be appointed***

To be appointed: see s 121(1).

Appointment

Appointment (for the purpose of making, or making provision by means of, subordinate legislation): 6 August 2004: see SI 2004/2097, art 2.

Appointment (in relation to England for remaining purposes): 28 September 2004: see SI 2004/2202, art 2(b); for transitional provisions see SI 2004/2205, reg 6.

Subordinate Legislation

Town and Country Planning (Local Development) (England) Regulations 2004, SI 2004/2204 (made under sub-ss (1)(a), (7)).

Extent

This section does not extend to Scotland: see s 124(1).

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2004 CHAPTER 5**

PART 2 LOCAL DEVELOPMENT

Documents

Royal Assent [13 May 2004]

Planning and Compulsory Purchase Act 2004, Ch. 5, s. 18 (Eng.)

18 Statement of community involvement

(1) The local planning authority must prepare a statement of community involvement.

(2) The statement of community involvement is a statement of the authority's policy as to the involvement in the exercise of the authority's functions under sections 19, 26 and 28 of this Act and Part 3 of the principal Act of persons who appear to the authority to have an interest in matters relating to development in their area.

(3) For the purposes of sections 19(2) and 24 the statement of community involvement is not a local development document.

(4) Section 20 applies to the statement of community involvement as if it were a development plan document.

(5) But in section 20(5)(a)--

(a) the reference to section 19 must be construed as if it does not include a reference to subsection (2) of that section;

(b) the reference to section 24(1) must be ignored.

(6) In the following provisions of this Part references to a development plan document include references to the statement of community involvement--

(a) section 22;

(b) section 23(2) to (5).

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 121(1).

Appointment

Appointment (in relation to England): 28 September 2004: see SI 2004/2202, art 2(b); for transitional provisions see SI 2004/2205, reg 6.

Extent

This section does not extend to Scotland: see s 124(1).

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2004 CHAPTER 5**

PART 2 LOCAL DEVELOPMENT

Documents

Royal Assent [13 May 2004]

Planning and Compulsory Purchase Act 2004, Ch. 5, s. 19 (Eng.)

19 Preparation of local development documents

(1) Local development documents must be prepared in accordance with the local development scheme.

(2) In preparing a local development document the local planning authority must have regard to--

(a) national policies and advice contained in guidance issued by the Secretary of State;

(b) the RSS for the region in which the area of the authority is situated, if the area is outside Greater London;

(c) the spatial development strategy if the authority are a London borough or if any part of the authority's area adjoins Greater London;

(d) the RSS for any region which adjoins the area of the authority;

(e) the Wales Spatial Plan if any part of the authority's area adjoins Wales;

(f) the community strategy prepared by the authority;

(g) the community strategy for any other authority whose area comprises any part of the area of the local planning authority;

(h) any other local development document which has been adopted by the authority;

(i) the resources likely to be available for implementing the proposals in the document;

(j) such other matters as the Secretary of State prescribes.

(3) In preparing the other local development documents the authority must

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also comply with their statement of community involvement.

(4) But subsection (3) does not apply at any time before the authority have adopted their statement of community involvement.

(5) The local planning authority must also--

(a) carry out an appraisal of the sustainability of the proposals in each document;

(b) prepare a report of the findings of the appraisal.

(6) The Secretary of State may by regulations make provision--

(a) as to any further documents which must be prepared by the authority in connection with the preparation of a local development document;

(b) as to the form and content of such documents.

(7) The community strategy is the strategy prepared by an authority under section 4 of the Local Government Act 2000 (c 22).

NOTES:**Initial Commencement*****To be appointed***

To be appointed: see s 121(1).

Appointment

Appointment (for the purpose of making, or making provision by means of, subordinate legislation): 6 August 2004: see SI 2004/2097, art 2.

Appointment (in relation to England for remaining purposes): 28 September 2004: see SI 2004/2202, art 2(b); for transitional provisions see SI 2004/2205, reg 6.

Subordinate Legislation

Town and Country Planning (Local Development) (England) Regulations 2004, SI 2004/2204 (made under sub-s (2)(j)).

Extent

This section does not extend to Scotland: see s 124(1).

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2004 CHAPTER 5**

PART 2 LOCAL DEVELOPMENT

Documents

Royal Assent [13 May 2004]

Planning and Compulsory Purchase Act 2004, Ch. 5, s. 20 (Eng.)

20 Independent examination

(1) The local planning authority must submit every development plan document to the Secretary of State for independent examination.

(2) But the authority must not submit such a document unless--

(a) they have complied with any relevant requirements contained in regulations under this Part, and

(b) they think the document is ready for independent examination.

(3) The authority must also send to the Secretary of State (in addition to the development plan document) such other documents (or copies of documents) and such information as is prescribed.

(4) The examination must be carried out by a person appointed by the Secretary of State.

(5) The purpose of an independent examination is to determine in respect of the development plan document--

(a) whether it satisfies the requirements of sections 19 and 24(1), regulations under section 17(7) and any regulations under section 36 relating to the preparation of development plan documents;

(b) whether it is sound.

(6) Any person who makes representations seeking to change a development plan document must (if he so requests) be given the opportunity to appear before and be heard by the person carrying out the examination.

(7) The person appointed to carry out the examination must--

(a) make recommendations;

(b) give reasons for the recommendations.

(8) The local planning authority must publish the recommendations and the reasons.

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 121(1).

Appointment

Appointment (for the purpose of making, or making provision by means of, subordinate legislation): 6 August 2004: see SI 2004/2097, art 2.

Appointment (in relation to England for remaining purposes): 28 September 2004: see SI 2004/2202, art 2(b); for transitional provisions see SI 2004/2205, reg 6.

Subordinate Legislation

Town and Country Planning (Local Development) (England) Regulations 2004, SI 2004/2204 (made under sub-s (3)).

Extent

This section does not extend to Scotland: see s 124(1).

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2004 CHAPTER 5**

PART 2 LOCAL DEVELOPMENT

Documents

Royal Assent [13 May 2004]

Planning and Compulsory Purchase Act 2004, Ch. 5, s. 21 (Eng.)

21 Intervention by Secretary of State

(1) If the Secretary of State thinks that a local development document is unsatisfactory--

(a) he may at any time before the document is adopted under section 23 direct the local planning authority to modify the document in accordance with the direction;

(b) if he gives such a direction he must state his reasons for doing so.

(2) The authority--

(a) must comply with the direction;

(b) must not adopt the document unless the Secretary of State gives notice that he is satisfied that they have complied with the direction.

(3) But subsection (2) does not apply if the Secretary of State withdraws the direction.

(4) At any time before a development plan document is adopted by a local planning authority the Secretary of State may direct that the document (or any part of it) is submitted to him for his approval.

(5) The following paragraphs apply if the Secretary of State gives a direction under subsection (4)--

(a) the authority must not take any step in connection with the adoption of the document until the Secretary of State gives his decision;

(b) if the direction is given before the authority have submitted the document under section 20(1) the Secretary of State must hold an independent examination and section 20(4) to (7) applies accordingly;

2004 CHAPTER 5

(c) if the direction is given after the authority have submitted the document but before the person appointed to carry out the examination has made his recommendations he must make his recommendations to the Secretary of State;

(d) the document has no effect unless it or (if the direction relates to only part of a document) the part has been approved by the Secretary of State.

(6) The Secretary of State must publish the recommendations made to him by virtue of subsection (5)(b) or (c) and the reasons of the person making the recommendations.

(7) In considering a document or part of a document submitted under subsection (4) the Secretary of State may take account of any matter which he thinks is relevant.

(8) It is immaterial whether any such matter was taken account of by the authority.

(9) In relation to a document or part of a document submitted to him under subsection (4) the Secretary of State--

(a) may approve, approve subject to specified modifications or reject the document or part;

(b) must give reasons for his decision under paragraph (a).

(10) In the exercise of any function under this section the Secretary of State must have regard to the local development scheme.

NOTES:**Initial Commencement*****To be appointed***

To be appointed: see s 121(1).

Appointment

Appointment (for the purpose of making, or making provision by means of, subordinate legislation): 6 August 2004: see SI 2004/2097, art 2.

Appointment (in relation to England for remaining purposes): 28 September 2004: see SI 2004/2202, art 2(b); for transitional provisions see SI 2004/2205, reg 6.

Extent

This section does not extend to Scotland: see s 124(1).

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2004 CHAPTER 5**

PART 2 LOCAL DEVELOPMENT

Documents

Royal Assent [13 May 2004]

Planning and Compulsory Purchase Act 2004, Ch. 5, s. 22 (Eng.)

22 Withdrawal of local development documents

(1) A local planning authority may at any time before a local development document is adopted under section 23 withdraw the document.

(2) But subsection (1) does not apply to a development plan document at any time after the document has been submitted for independent examination under section 20 unless--

(a) the person carrying out the examination recommends that the document is withdrawn and that recommendation is not overruled by a direction given by the Secretary of State, or

(b) the Secretary of State directs that the document must be withdrawn.

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 121(1).

Appointment

Appointment (for the purpose of making, or making provision by means of, subordinate legislation): 6 August 2004: see SI 2004/2097, art 2.

Appointment (in relation to England for remaining purposes): 28 September 2004: see SI 2004/2202, art 2(b); for transitional provisions see SI 2004/2205, reg 6.

Extent

This section does not extend to Scotland: see s 124(1).

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2004 CHAPTER 5**

PART 2 LOCAL DEVELOPMENT

Documents

Royal Assent [13 May 2004]

Planning and Compulsory Purchase Act 2004, Ch. 5, s. 23 (Eng.)

23 Adoption of local development documents

(1) The local planning authority may adopt a local development document (other than a development plan document) either as originally prepared or as modified to take account of--

- (a) any representations made in relation to the document;
- (b) any other matter they think is relevant.

(2) The authority may adopt a development plan document as originally prepared if the person appointed to carry out the independent examination of the document recommends that the document as originally prepared is adopted.

(3) The authority may adopt a development plan document with modifications if the person appointed to carry out the independent examination of the document recommends the modifications.

(4) The authority must not adopt a development plan document unless they do so in accordance with subsection (2) or (3).

(5) A document is adopted for the purposes of this section if it is adopted by resolution of the authority.

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 121(1).

Appointment

Appointment (in relation to England): 28 September 2004: see SI 2004/2202,

art 2(b); for transitional provisions see SI 2004/2205, reg 6.

Extent

This section does not extend to Scotland: see s 124(1).

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2004 CHAPTER 5**

**PART 2 LOCAL DEVELOPMENT
Documents
Royal Assent [13 May 2004]**

Planning and Compulsory Purchase Act 2004, Ch. 5, s. 24 (Eng.)

24 Conformity with regional strategy

(1) The local development documents must be in general conformity with--

(a) the RSS (if the area of the local planning authority is in a region other than London);

(b) the spatial development strategy (if the local planning authority are a London borough).

(2) A local planning authority whose area is in a region other than London--

(a) must request the opinion in writing of the RPB as to the general conformity of a development plan document with the RSS;

(b) may request the opinion in writing of the RPB as to the general conformity of any other local development document with the RSS.

(3) Not later than the end of the period prescribed for the purposes of this section the RPB must send its opinion to--

(a) the Secretary of State;

(b) the local planning authority.

(4) A local planning authority which are a London borough--

(a) must request the opinion in writing of the Mayor of London as to the general conformity of a development plan document with the spatial development strategy;

(b) may request the opinion in writing of the Mayor as to the general conformity of any other local development document with the spatial development strategy.

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(5) Whether or not the local planning authority make a request mentioned in subsection (2) or (4) the RPB or the Mayor (as the case may be) may give an opinion as to the general conformity of a local development document with the RSS or the spatial development strategy (as the case may be).

(6) If in the opinion of the RPB a document is not in general conformity with the RSS the RPB must be taken to have made representations seeking a change to the document.

(7) If in the opinion of the Mayor a document is not in general conformity with the spatial development strategy the Mayor must be taken to have made representations seeking a change to the document.

(8) But the Secretary of State may in any case direct that subsection (6) must be ignored.

(9) If at any time no body is recognised as the RPB under section 2 the functions of the RPB under this section must be exercised by the Secretary of State and subsections (3)(a), (6) and (8) of this section must be ignored.

NOTES:**Initial Commencement*****To be appointed***

To be appointed: see s 121(1).

Appointment

Appointment (for the purpose of making, or making provision by means of, subordinate legislation): 6 August 2004: see SI 2004/2097, art 2.

Appointment (in relation to England for remaining purposes): 28 September 2004: see SI 2004/2202, art 2(b); for transitional provisions see SI 2004/2205, reg 6.

Subordinate Legislation

Town and Country Planning (Local Development) (England) Regulations 2004, SI 2004/2204 (made under sub-s (3)).

Extent

This section does not extend to Scotland: see s 124(1).

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**PLANNING AND COMPULSORY PURCHASE ACT 2004
2004 CHAPTER 5**

**PART 2 LOCAL DEVELOPMENT
Documents
Royal Assent [13 May 2004]**

Planning and Compulsory Purchase Act 2004, Ch. 5, s. 25 (Eng.)

25 Revocation of local development documents

The Secretary of State--

(a) may at any time revoke a local development document at the request of the local planning authority;

(b) may prescribe descriptions of local development document which may be revoked by the authority themselves.

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 121(1).

Appointment

Appointment (for the purpose of making, or making provision by means of, subordinate legislation): 6 August 2004: see SI 2004/2097, art 2.

Appointment (in relation to England for remaining purposes): 28 September 2004: see SI 2004/2202, art 2(b); for transitional provisions see SI 2004/2205, reg 6.

Extent

This section does not extend to Scotland: see s 124(1).

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**PLANNING AND COMPULSORY PURCHASE ACT 2004
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PART 2 LOCAL DEVELOPMENT

Documents

Royal Assent [13 May 2004]

Planning and Compulsory Purchase Act 2004, Ch. 5, s. 26 (Eng.)

26 Revision of local development documents

(1) The local planning authority may at any time prepare a revision of a local development document.

(2) The authority must prepare a revision of a local development document--

(a) if the Secretary of State directs them to do so, and

(b) in accordance with such timetable as he directs.

(3) This Part applies to the revision of a local development document as it applies to the preparation of the document.

(4) Subsection (5) applies if any part of the area of the local planning authority is an area to which an enterprise zone scheme relates.

(5) As soon as practicable after the occurrence of a relevant event--

(a) the authority must review every local development document in the light of the enterprise zone scheme;

(b) if they think that any modifications of the document are required in consequence of the scheme they must prepare a revised document containing the modifications.

(6) The following are relevant events--

(a) the making of an order under paragraph 5 of Schedule 32 to the Local Government, Planning and Land Act 1980 (c 65) (designation of enterprise zone);

(b) the giving of notification under paragraph 11(1) of that Schedule (approval of modification of enterprise zone scheme).

(7) References to an enterprise zone and an enterprise zone scheme must be

construed in accordance with that Act.

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 121(1).

Appointment

Appointment (for the purpose of making, or making provision by means of, subordinate legislation): 6 August 2004: see SI 2004/2097, art 2.

Appointment (in relation to England for remaining purposes): 28 September 2004: see SI 2004/2202, art 2(b); for transitional provisions see SI 2004/2205, reg 6.

Extent

This section does not extend to Scotland: see s 124(1).

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Documents

Royal Assent [13 May 2004]

Planning and Compulsory Purchase Act 2004, Ch. 5, s. 27 (Eng.)

27 Secretary of State's default power

(1) This section applies if the Secretary of State thinks that a local planning authority are failing or omitting to do anything it is necessary for them to do in connection with the preparation, revision or adoption of a development plan document.

(2) The Secretary of State must hold an independent examination and section 20(4) to (7) applies accordingly.

(3) The Secretary of State must publish the recommendations and reasons of the person appointed to hold the examination.

(4) The Secretary of State may--

(a) prepare or revise (as the case may be) the document, and

(b) approve the document as a local development document.

(5) The Secretary of State must give reasons for anything he does in pursuance of subsection (4).

(6) The authority must reimburse the Secretary of State for any expenditure he incurs in connection with anything--

(a) which is done by him under subsection (4), and

(b) which the authority failed or omitted to do as mentioned in subsection (1).

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 121(1).

Appointment

Appointment (in relation to England): 28 September 2004: see SI 2004/2202, art 2(b); for transitional provisions see SI 2004/2205, reg 6.

Extent

This section does not extend to Scotland: see s 124(1).

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Documents

Royal Assent [13 May 2004]

Planning and Compulsory Purchase Act 2004, Ch. 5, s. 28 (Eng.)

28 Joint local development documents

(1) Two or more local planning authorities may agree to prepare one or more joint local development documents.

(2) This Part applies for the purposes of any step which may be or is required to be taken in relation to a joint local development document as it applies for the purposes of any step which may be or is required to be taken in relation to a local development document.

(3) For the purposes of subsection (2) anything which must be done by or in relation to a local planning authority in connection with a local development document must be done by or in relation to each of the authorities mentioned in subsection (1) in connection with a joint local development document.

(4) Any requirement of this Part in relation to the RSS is a requirement in relation to the RSS for the region in which each authority mentioned in subsection (1) is situated.

(5) If the authorities mentioned in subsection (1) include one or more London boroughs the requirements of this Part in relation to the spatial development strategy also apply.

(6) Subsections (7) to (9) apply if a local planning authority withdraw from an agreement mentioned in subsection (1).

(7) Any step taken in relation to the document must be treated as a step taken by--

(a) an authority which were a party to the agreement for the purposes of any corresponding document prepared by them;

(b) two or more other authorities who were parties to the agreement for the purposes of any corresponding joint local development document.

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(8) Any independent examination of a local development document to which the agreement relates must be suspended.

(9) If before the end of the period prescribed for the purposes of this subsection an authority which were a party to the agreement request the Secretary of State to do so he may direct that--

(a) the examination is resumed in relation to the corresponding document;

(b) any step taken for the purposes of the suspended examination has effect for the purposes of the resumed examination.

(10) A joint local development document is a local development document prepared jointly by two or more local planning authorities.

(11) The Secretary of State may by regulations make provision as to what is a corresponding document.

NOTES:**Initial Commencement*****To be appointed***

To be appointed: see s 121(1).

Appointment

Appointment (for the purpose of making, or making provision by means of, subordinate legislation): 6 August 2004: see SI 2004/2097, art 2.

Appointment (in relation to England for remaining purposes): 28 September 2004: see SI 2004/2202, art 2(b); for transitional provisions see SI 2004/2205, reg 6.

Subordinate Legislation

Town and Country Planning (Local Development) (England) Regulations 2004, SI 2004/2204 (made under sub-ss (9), (11)).

Extent

This section does not extend to Scotland: see s 124(1).

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**PLANNING AND COMPULSORY PURCHASE ACT 2004
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**PART 2 LOCAL DEVELOPMENT
Joint committees
Royal Assent [13 May 2004]**

Planning and Compulsory Purchase Act 2004, Ch. 5, s. 29 (Eng.)

29 Joint committees

(1) This section applies if one or more local planning authorities agree with one or more county councils in relation to any area of such a council for which there is also a district council to establish a joint committee to be, for the purposes of this Part, the local planning authority--

- (a) for the area specified in the agreement;
- (b) in respect of such matters as are so specified.

(2) The Secretary of State may by order constitute a joint committee to be the local planning authority--

- (a) for the area;
- (b) in respect of those matters.

(3) Such an order--

(a) must specify the authority or authorities and county council or councils (the constituent authorities) which are to constitute the joint committee;

(b) may make provision as to such other matters as the Secretary of State thinks are necessary or expedient to facilitate the exercise by the joint committee of its functions.

(4) Provision under subsection (3)(b)--

(a) may include provision corresponding to provisions relating to joint committees in Part 6 of the Local Government Act 1972 (c 70);

(b) may apply (with or without modifications) such enactments relating to local authorities as the Secretary of State thinks appropriate.

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(5) If an order under this section is annulled in pursuance of a resolution of either House of Parliament--

(a) with effect from the date of the resolution the joint committee ceases to be the local planning authority as mentioned in subsection (2);

(b) anything which the joint committee (as the local planning authority) was required to do for the purposes of this Part must be done for their area by each local planning authority which were a constituent authority of the joint committee;

(c) each of those local planning authorities must revise their local development scheme accordingly.

(6) Nothing in this section or section 30 confers on a local planning authority constituted by virtue of an order under this section any function in relation to section 13 or 14.

(7) The policies adopted by the joint committee in the exercise of its functions under this Part must be taken for the purposes of the planning Acts to be the policies of each of the constituent authorities which are a local planning authority.

(8) Subsection (9) applies to any function--

(a) which is conferred on a local planning authority (within the meaning of the principal Act) under or by virtue of the planning Acts, and

(b) which relates to the authority's local development scheme or local development documents.

(9) If the authority is a constituent authority of a joint committee references to the authority's local development scheme or local development documents must be construed as including references to the scheme or documents of the joint committee.

(10) For the purposes of subsection (4) a local authority is any of the following--

(a) a county council;

(b) a district council;

(c) a London borough council.

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 121(1).

Appointment

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Appointment (for the purpose of making, or making provision by means of, subordinate legislation): 6 August 2004: see SI 2004/2097, art 2.

Appointment (in relation to England for remaining purposes): 28 September 2004: see SI 2004/2202, art 2(b); for transitional provisions see SI 2004/2205, reg 6.

Extent

This section does not extend to Scotland: see s 124(1).

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**PLANNING AND COMPULSORY PURCHASE ACT 2004
2004 CHAPTER 5**

**PART 2 LOCAL DEVELOPMENT
Joint committees
Royal Assent [13 May 2004]**

Planning and Compulsory Purchase Act 2004, Ch. 5, s. 30 (Eng.)

30 Joint committees: additional functions

(1) This section applies if the constituent authorities to a joint committee agree that the joint committee is to be, for the purposes of this Part, the local planning authority for any area or matter which is not the subject of--

- (a) an order under section 29, or
- (b) an earlier agreement under this section.

(2) Each of the constituent authorities and the joint committee must revise their local development scheme in accordance with the agreement.

(3) With effect from the date when the last such revision takes effect the joint committee is, for the purposes of this Part, the local planning authority for the area or matter mentioned in subsection (1).

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 121(1).

Appointment

Appointment (in relation to England): 28 September 2004: see SI 2004/2202, art 2(b); for transitional provisions see SI 2004/2205, reg 6.

Extent

This section does not extend to Scotland: see s 124(1).

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**PLANNING AND COMPULSORY PURCHASE ACT 2004
2004 CHAPTER 5**

**PART 2 LOCAL DEVELOPMENT
Joint committees
Royal Assent [13 May 2004]**

Planning and Compulsory Purchase Act 2004, Ch. 5, s. 31 (Eng.)

31 Dissolution of joint committee

(1) This section applies if a constituent authority requests the Secretary of State to revoke an order constituting a joint committee as the local planning authority for any area or in respect of any matter.

(2) The Secretary of State may revoke the order.

(3) Any step taken by the joint committee in relation to a local development scheme or a local development document must be treated for the purposes of any corresponding scheme or document as a step taken by a successor authority.

(4) A successor authority is--

(a) a local planning authority which were a constituent authority of the joint committee;

(b) a joint committee constituted by order under section 29 for an area which does not include an area which was not part of the area of the joint committee mentioned in subsection (1).

(5) If the revocation takes effect at any time when an independent examination is being carried out in relation to a local development document the examination must be suspended.

(6) But if before the end of the period prescribed for the purposes of this subsection a successor authority falling within subsection (4)(a) requests the Secretary of State to do so he may direct that--

(a) the examination is resumed in relation to the corresponding document;

(b) any step taken for the purposes of the suspended examination has effect for the purposes of the resumed examination.

(7) The Secretary of State may by regulations make provision as to what is a

corresponding scheme or document.

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 121(1).

Appointment

Appointment (for the purpose of making, or making provision by means of, subordinate legislation): 6 August 2004: see SI 2004/2097, art 2.

Appointment (in relation to England for remaining purposes): 28 September 2004: see SI 2004/2202, art 2(b); for transitional provisions see SI 2004/2205, reg 6.

Subordinate Legislation

Town and Country Planning (Local Development) (England) Regulations 2004, SI 2004/2204 (made under sub-ss (6), (7)).

Extent

This section does not extend to Scotland: see s 124(1).

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**PLANNING AND COMPULSORY PURCHASE ACT 2004
2004 CHAPTER 5**

**PART 2 LOCAL DEVELOPMENT
Miscellaneous
Royal Assent [13 May 2004]**

Planning and Compulsory Purchase Act 2004, Ch. 5, s. 32 (Eng.)

32 Exclusion of certain representations

(1) This section applies to any representation or objection in respect of anything which is done or is proposed to be done in pursuance of--

(a) an order or scheme under section 10, 14, 16, 18, 106(1) or (3) or 108(1) of the Highways Act 1980 (c 66);

(b) an order or scheme under section 7, 9, 11, 13 or 20 of the Highways Act 1959 (c 25), section 3 of the Highways (Miscellaneous Provisions) Act 1961 (c 63) or section 1 or 10 of the Highways Act 1971 (c 41) (which provisions were replaced by the provisions mentioned in paragraph (a));

(c) an order under section 1 of the New Towns Act 1981 (c 64).

(2) If the Secretary of State or a local planning authority thinks that a representation made in relation to a local development document is in substance a representation or objection to which this section applies he or they (as the case may be) may disregard it.

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 121(1).

Appointment

Appointment (in relation to England): 28 September 2004: see SI 2004/2202, art 2(b); for transitional provisions see SI 2004/2205, reg 6.

Extent

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This section does not extend to Scotland: see s 124(1).

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**PLANNING AND COMPULSORY PURCHASE ACT 2004
2004 CHAPTER 5**

**PART 2 LOCAL DEVELOPMENT
Miscellaneous
Royal Assent [13 May 2004]**

Planning and Compulsory Purchase Act 2004, Ch. 5, s. 33 (Eng.)

33 Urban development corporations

The Secretary of State may direct that this Part does not apply to the area of an urban development corporation.

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 121(1).

Appointment

Appointment (in relation to England): 28 September 2004: see SI 2004/2202, art 2(b); for transitional provisions see SI 2004/2205, reg 6.

Extent

This section does not extend to Scotland: see s 124(1).

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**PLANNING AND COMPULSORY PURCHASE ACT 2004
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**PART 2 LOCAL DEVELOPMENT
Miscellaneous
Royal Assent [13 May 2004]**

Planning and Compulsory Purchase Act 2004, Ch. 5, s. 34 (Eng.)

34 Guidance

In the exercise of any function conferred under or by virtue of this Part the local planning authority must have regard to any guidance issued by the Secretary of State.

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 121(1).

Appointment

Appointment (in relation to England): 28 September 2004: see SI 2004/2202, art 2(b); for transitional provisions see SI 2004/2205, reg 6.

Extent

This section does not extend to Scotland: see s 124(1).

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**PART 2 LOCAL DEVELOPMENT
Miscellaneous
Royal Assent [13 May 2004]**

Planning and Compulsory Purchase Act 2004, Ch. 5, s. 35 (Eng.)

35 Annual monitoring report

(1) Every local planning authority must make an annual report to the Secretary of State.

(2) The annual report must contain such information as is prescribed as to--

(a) the implementation of the local development scheme;

(b) the extent to which the policies set out in the local development documents are being achieved.

(3) The annual report must--

(a) be in respect of such period of 12 months as is prescribed;

(b) be made at such time as is prescribed;

(c) be in such form as is prescribed;

(d) contain such other matter as is prescribed.

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 121(1).

Appointment

Appointment (for the purpose of making, or making provision by means of, subordinate legislation): 6 August 2004: see SI 2004/2097, art 2.

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Appointment (in relation to England for remaining purposes): 28 September 2004: see SI 2004/2202, art 2(b); for transitional provisions see SI 2004/2205, reg 6.

Subordinate Legislation

Town and Country Planning (Local Development) (England) Regulations 2004, SI 2004/2204 (made under sub-ss (2), (3)).

Extent

This section does not extend to Scotland: see s 124(1).

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**PLANNING AND COMPULSORY PURCHASE ACT 2004
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PART 2 LOCAL DEVELOPMENT

General

Royal Assent [13 May 2004]

Planning and Compulsory Purchase Act 2004, Ch. 5, s. 36 (Eng.)

36 Regulations

(1) The Secretary of State may by regulations make provision in connection with the exercise by any person of functions under this Part.

(2) The regulations may in particular make provision as to--

(a) the procedure to be followed by the local planning authority in carrying out the appraisal under section 19;

(b) the procedure to be followed in the preparation of local development documents;

(c) requirements about the giving of notice and publicity;

(d) requirements about inspection by the public of a local development document or any other document;

(e) the nature and extent of consultation with and participation by the public in anything done under this Part;

(f) the making of representations about any matter to be included in a local development document;

(g) consideration of any such representations;

(h) the remuneration and allowances payable to a person appointed to carry out an independent examination under section 20;

(i) the determination of the time at which anything must be done for the purposes of this Part;

(j) the manner of publication of any draft, report or other document published under this Part;

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(k) monitoring the exercise by local planning authorities of their functions under this Part;

(l) the making of reasonable charges for the provision of copies of documents required by or under this Part.

NOTES:**Initial Commencement***To be appointed*

To be appointed: see s 121(1).

Appointment

Appointment: 6 August 2004: see SI 2004/2097, art 2.

Subordinate Legislation

Town and Country Planning (Local Development) (England) Regulations 2004, SI 2004/2204.

Extent

This section does not extend to Scotland: see s 124(1).

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PART 2 LOCAL DEVELOPMENT

General

Royal Assent [13 May 2004]

Planning and Compulsory Purchase Act 2004, Ch. 5, s. 37 (Eng.)

37 Interpretation

- (1) Local development scheme must be construed in accordance with section 15.
- (2) Local development document must be construed in accordance with section 17.
- (3) A development plan document is a document which--
 - (a) is a local development document, and
 - (b) forms part of the development plan.
- (4) Local planning authorities are--
 - (a) district councils;
 - (b) London borough councils;
 - (c) metropolitan district councils;
 - (d) county councils in relation to any area in England for which there is no district council;
 - (e) the Broads Authority.
- (5) A National Park authority is the local planning authority for the whole of its area and subsection (4) must be construed subject to that.
- (6) RSS and RPB must be construed in accordance with Part 1.
- (7) This section applies for the purposes of this Part.

NOTES:

Initial Commencement***To be appointed***

To be appointed: see s 121(1).

Appointment

Appointment (in relation to England): 28 September 2004: see SI 2004/2202, art 2(b); for transitional provisions see SI 2004/2205, reg 6.

Extent

This section does not extend to Scotland: see s 124(1).

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**PLANNING AND COMPULSORY PURCHASE ACT 2004
2004 CHAPTER 5**

**PART 3 DEVELOPMENT
Development plan
Royal Assent [13 May 2004]**

Planning and Compulsory Purchase Act 2004, Ch. 5, s. 38 (Eng.)

38 Development plan

(1) A reference to the development plan in any enactment mentioned in subsection (7) must be construed in accordance with subsections (2) to (5).

(2) For the purposes of any area in Greater London the development plan is--

(a) the spatial development strategy, and

(b) the development plan documents (taken as a whole) which have been adopted or approved in relation to that area.

(3) For the purposes of any other area in England the development plan is--

(a) the regional spatial strategy for the region in which the area is situated, and

(b) the development plan documents (taken as a whole) which have been adopted or approved in relation to that area.

(4) For the purposes of any area in Wales the development plan is the local development plan adopted or approved in relation to that area.

(5) If to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published (as the case may be).

(6) If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.

(7) The enactments are--

(a) this Act;

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- (b) the planning Acts;
- (c) any other enactment relating to town and country planning;
- (d) the Land Compensation Act 1961 (c 33);
- (e) the Highways Act 1980 (c 66).

(8) In subsection (5) references to a development plan include a development plan for the purposes of paragraph 1 of Schedule 8.

NOTES:**Initial Commencement*****To be appointed***

To be appointed: see s 121(1), (2)(a).

Appointment

Appointment (in relation to England): 28 September 2004: see SI 2004/2202, art 2(c).

Extent

This section does not extend to Scotland: see s 124(1).

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**PLANNING AND COMPULSORY PURCHASE ACT 2004
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**PART 3 DEVELOPMENT
Sustainable development
Royal Assent [13 May 2004]**

Planning and Compulsory Purchase Act 2004, Ch. 5, s. 39 (Eng.)

39 Sustainable development

(1) This section applies to any person who or body which exercises any function--

(a) under Part 1 in relation to a regional spatial strategy;

(b) under Part 2 in relation to local development documents;

(c) under Part 6 in relation to the Wales Spatial Plan or a local development plan.

(2) The person or body must exercise the function with the objective of contributing to the achievement of sustainable development.

(3) For the purposes of subsection (2) the person or body must have regard to national policies and advice contained in guidance issued by--

(a) the Secretary of State for the purposes of subsection (1)(a) and (b);

(b) the National Assembly for Wales for the purposes of subsection (1)(c).

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 121(1), (2)(a).

Appointment

Appointment (in relation to England): 28 September 2004: see SI 2004/2202, art 2(d).

Extent

This section does not extend to Scotland: see s 124(1).

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*** THIS DOCUMENT IS CURRENT THROUGH 26 NOVEMBER, 2004 ***

**PLANNING AND COMPULSORY PURCHASE ACT 2004
2004 CHAPTER 5**

**PART 4 DEVELOPMENT CONTROL
Local development orders
Royal Assent [13 May 2004]**

Planning and Compulsory Purchase Act 2004, Ch. 5, s. 40 (Eng.)

40 Local development orders

(1) In the principal Act after section 61 (supplementary provision about development orders) there are inserted the following sections--
"Local development orders

61A Local development orders

(1) A local planning authority may by order (a local development order) make provision to implement policies--

(a) in one or more development plan documents (within the meaning of Part 2 of the Planning and Compulsory Purchase Act 2004);

(b) in a local development plan (within the meaning of Part 6 of that Act).

(2) A local development order may grant planning permission--

(a) for development specified in the order;

(b) for development of any class so specified.

(3) A local development order may relate to--

(a) all land in the area of the relevant authority;

(b) any part of that land;

(c) a site specified in the order.

(4) A local development order may make different provision for different descriptions of land.

(5) But a development order may specify any area or class of development in respect of which a local development order must not be made.

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(6) A local planning authority may revoke a local development order at any time.

(7) Schedule 4A makes provision in connection with local development orders.

61B Intervention by Secretary of State or National Assembly

(1) At any time before a local development order is adopted by a local planning authority the appropriate authority may direct that the order (or any part of it) is submitted to it for its approval.

(2) If the appropriate authority gives a direction under subsection (1)--

(a) the authority must not take any step in connection with the adoption of the order until the appropriate authority gives its decision;

(b) the order has no effect unless it (or, if the direction relates to only part of an order, the part) has been approved by the appropriate authority.

(3) In considering an order or part of an order submitted under subsection (1) the appropriate authority may take account of any matter which it thinks is relevant.

(4) It is immaterial whether any such matter was taken account of by the local planning authority.

(5) The appropriate authority--

(a) may approve or reject an order or part of an order submitted to it under subsection (1);

(b) must give reasons for its decision under paragraph (a).

(6) If the appropriate authority thinks that a local development order is unsatisfactory--

(a) it may at any time before the order is adopted by the local planning authority direct them to modify it in accordance with the direction;

(b) if it gives such a direction it must state its reasons for doing so.

(7) The local planning authority--

(a) must comply with the direction;

(b) must not adopt the order unless the appropriate authority gives notice that it is satisfied that they have complied with the direction.

(8) The appropriate authority--

(a) may at any time by order revoke a local development order if it thinks it is expedient to do so;

(b) must, if it revokes a local development order, state its reasons for

doing so.

(9) Subsections (3) to (6) of section 100 apply to an order under subsection (8) above as they apply to an order under subsection (1) of that section and for that purpose references to the Secretary of State must be construed as references to the appropriate authority.

(10) The appropriate authority is--

(a) the Secretary of State in relation to England;

(b) the National Assembly for Wales in relation to Wales.

61C Permission granted by local development order

(1) Planning permission granted by a local development order may be granted--

(a) unconditionally, or

(b) subject to such conditions or limitations as are specified in the order.

(2) If the permission is granted for development of a specified description the order may enable the local planning authority to direct that the permission does not apply in relation to--

(a) development in a particular area, or

(b) any particular development."

(2) In each of the following provisions of the principal Act in each place where it occurs after "development order" there is inserted "or a local development order"--

(a) section 56(5)(a) (definition of material development);

(b) section 57(3) (extent of permission granted by development order);

(c) section 58(1)(a) (grant of planning permission by development order);

(d) section 77(1) (certain applications to be referred to the Secretary of State);

(e) section 78(1)(c) (right of appeal in relation to certain planning decisions);

(f) section 88(9) (grant of planning permission in enterprise zone);

(g) section 91(4)(a) (no limit to duration of planning permission granted by development order);

(h) section 108 (compensation for refusal of planning permission formerly granted by development order);

(i) section 109(6) (apportionment of compensation for depreciation);

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(j) section 253(2)(c) (cases in which certain procedures may be carried out in anticipation of planning permission);

(k) section 264(5)(b) (land treated not as operational land);

(l) section 279(1)(a)(i) (compensation for certain decisions and orders).

(3) Section 333 of the principal Act (regulations and orders) is amended as follows--

(a) in subsection (4) after "55(2)(f)," there is inserted "61A(5)";

(b) in subsection (5)(b) after "28," there is inserted "61A(5) (unless it is made by the National Assembly for Wales),".

(4) Schedule 1 further amends the principal Act.

NOTES:**Initial Commencement*****To be appointed***

To be appointed: see s 121(1), (2)(b).

Appointment

Appointment (for the purpose of making, or making provision by means of, subordinate legislation): 6 August 2004: see SI 2004/2097, art 2.

Extent

This section does not extend to Scotland: see s 124(1).

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*** THIS DOCUMENT IS CURRENT THROUGH 26 NOVEMBER, 2004 ***

**PLANNING AND COMPULSORY PURCHASE ACT 2004
2004 CHAPTER 5**

**PART 4 DEVELOPMENT CONTROL
Revision of development orders
Royal Assent [13 May 2004]**

Planning and Compulsory Purchase Act 2004, Ch. 5, s. 41 (Eng.)

41 Effect of revision or revocation of development order on incomplete development

In the principal Act after section 61C (planning permission granted by local development orders) (inserted by section 40 of this Act) there is inserted the following section--

"61D Effect of revision or revocation of development order on incomplete development

(1) A development order or local development order may include provision permitting the completion of development if--

(a) planning permission is granted by the order in respect of the development, and

(b) the planning permission is withdrawn at a time after the development is started but before it is completed.

(2) Planning permission granted by a development order is withdrawn--

(a) if the order is revoked;

(b) if the order is amended so that it ceases to grant planning permission in respect of the development or materially changes any condition or limitation to which the grant of permission is subject;

(c) by the issue of a direction under powers conferred by the order.

(3) Planning permission granted by a local development order is withdrawn--

(a) if the order is revoked under section 61A(6) or 61B(8);

(b) if the order is revised in pursuance of paragraph 2 of Schedule 4A so that it ceases to grant planning permission in respect of the development or

materially changes any condition or limitation to which the grant of permission is subject;

(c) by the issue of a direction under powers conferred by the order.

(4) The power under this section to include provision in a development order or a local development order may be exercised differently for different purposes."

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 121(1), (2)(b).

Appointment

Appointment (for the purpose of making, or making provision by means of, subordinate legislation): 6 August 2004: see SI 2004/2097, art 2.

Extent

This section does not extend to Scotland: see s 124(1).

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**PLANNING AND COMPULSORY PURCHASE ACT 2004
2004 CHAPTER 5**

**PART 4 DEVELOPMENT CONTROL
Applications
Royal Assent [13 May 2004]**

Planning and Compulsory Purchase Act 2004, Ch. 5, s. 42 (Eng.)

42 Applications for planning permission and certain consents

(1) In the principal Act for section 62 (form and content of applications for planning permission) there is substituted the following section--

"62 Applications for planning permission

(1) A development order may make provision as to applications for planning permission made to a local planning authority.

(2) Provision referred to in subsection (1) includes provision as to--

- (a) the form and manner in which the application must be made;
- (b) particulars of such matters as are to be included in the application;
- (c) documents or other materials as are to accompany the application.

(3) The local planning authority may require that an application for planning permission must include--

- (a) such particulars as they think necessary;
- (b) such evidence in support of anything in or relating to the application as they think necessary.

(4) But a requirement under subsection (3) must not be inconsistent with provision made under subsection (1).

(5) A development order must require that an application for planning permission of such description as is specified in the order must be accompanied by such of the following as is so specified--

- (a) a statement about the design principles and concepts that have been applied to the development;

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(b) a statement about how issues relating to access to the development have been dealt with.

(6) The form and content of a statement mentioned in subsection (5) is such as is required by the development order."

(2) In section 73 of the principal Act (determination of applications to develop land without compliance with conditions previously attached) subsection (3) is omitted.

(3) In section 198 of that Act (tree preservation orders) after subsection (7) there is inserted--

"(8) In relation to an application for consent under a tree preservation order the appropriate authority may by regulations make provision as to--

- (a) the form and manner in which the application must be made;
- (b) particulars of such matters as are to be included in the application;
- (c) the documents or other materials as are to accompany the application.

(9) The appropriate authority is--

- (a) the Secretary of State in relation to England;
- (b) the National Assembly for Wales in relation to Wales,

and in the case of regulations made by the National Assembly for Wales section 333(3) must be ignored."

(4) In section 220 of that Act (regulations controlling display of advertisements) after subsection (2) there is inserted the following subsection--

"(2A) The regulations may also make provision as to--

- (a) the form and manner in which an application for consent must be made;
- (b) particulars of such matters as are to be included in the application;
- (c) any documents or other materials which must accompany the application."

(5) In the principal Act before section 328 (settled land and land of universities and colleges) there is inserted the following section--

"327A Applications: compliance with requirements

(1) This section applies to any application in respect of which this Act or any provision made under it imposes a requirement as to--

- (a) the form or manner in which the application must be made;
- (b) the form or content of any document or other matter which accompanies the

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application.

(2) The local planning authority must not entertain such an application if it fails to comply with the requirement."

(6) In section 10(2) of the listed buildings Act (applications for listed buildings consent) the words from "shall be made" to "require and" are omitted.

(7) In section 10(3) of that Act for paragraph (a) there are substituted the following paragraphs--

"(a) the form and manner in which such applications are to be made;

(aa) particulars of such matters as are to be included in such applications;

(ab) the documents or other materials as are to accompany such applications;".

(8) In section 10 of that Act after subsection (3) there are inserted the following subsections--

"(4) The regulations must require that an application for listed building consent of such description as is prescribed must be accompanied by such of the following as is prescribed--

(a) a statement about the design principles and concepts that have been applied to the works;

(b) a statement about how issues relating to access to the building have been dealt with.

(5) The form and content of a statement mentioned in subsection (4) is such as is prescribed."

(9) In section 79(1) of that Act (application of certain provisions of the principal Act) after the entry relating to section 323 there is inserted--

"section 327A (compliance with requirements relating to applications),".

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 121(1), (2)(b).

Appointment

Appointment (for the purpose of making, or making provision by means of, subordinate legislation): 6 August 2004: see SI 2004/2097, art 2.

Extent

This section does not extend to Scotland: see s 124(1).

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**PLANNING AND COMPULSORY PURCHASE ACT 2004
2004 CHAPTER 5**

**PART 4 DEVELOPMENT CONTROL
Applications
Royal Assent [13 May 2004]**

Planning and Compulsory Purchase Act 2004, Ch. 5, s. 43 (Eng.)

43 Power to decline to determine applications

(1) For section 70A of the principal Act (power of local planning authority to decline to determine application) there are substituted the following sections--

"70A Power to decline to determine subsequent application

(1) A local planning authority may decline to determine a relevant application if--

(a) any of the conditions in subsections (2) to (4) is satisfied, and

(b) the authority think there has been no significant change in the relevant considerations since the relevant event.

(2) The condition is that in the period of two years ending with the date on which the application mentioned in subsection (1) is received the Secretary of State has refused a similar application referred to him under section 76A or 77.

(3) The condition is that in that period the Secretary of State has dismissed an appeal--

(a) against the refusal of a similar application, or

(b) under section 78(2) in respect of a similar application.

(4) The condition is that--

(a) in that period the local planning authority have refused more than one similar application, and

(b) there has been no appeal to the Secretary of State against any such refusal.

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(5) A relevant application is--

- (a) an application for planning permission for the development of any land;
- (b) an application for approval in pursuance of section 60(2).

(6) The relevant considerations are--

- (a) the development plan so far as material to the application;
- (b) any other material considerations.

(7) The relevant event is--

(a) for the purposes of subsections (2) and (4) the refusal of the similar application;

(b) for the purposes of subsection (3) the dismissal of the appeal.

(8) An application for planning permission is similar to another application if (and only if) the local planning authority think that the development and the land to which the applications relate are the same or substantially the same.

70B Power to decline to determine overlapping application

(1) A local planning authority may decline to determine an application for planning permission for the development of any land which is made at a time when any of the conditions in subsections (2) to (4) applies in relation to a similar application.

(2) The condition is that a similar application is under consideration by the local planning authority and the determination period for that application has not expired.

(3) The condition is that a similar application is under consideration by the Secretary of State in pursuance of section 76A or 77 or on an appeal under section 78 and the Secretary of State has not issued his decision.

(4) The condition is that a similar application--

- (a) has been granted by the local planning authority,
- (b) has been refused by them, or
- (c) has not been determined by them within the determination period,

and the time within which an appeal could be made to the Secretary of State under section 78 has not expired.

(5) An application for planning permission is similar to another application if (and only if) the local planning authority think that the development and the land to which the applications relate are the same or substantially the same.

(6) The determination period is--

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(a) the period prescribed by the development order for the determination of the application, or

(b) such longer period as the applicant and the authority have agreed for the determination of the application."

(2) In section 78(2)(aa) of that Act after "70A" there is inserted "or 70B".

(3) After section 81 of the listed buildings Act (authorities with functions under the Act) there are inserted the following sections--
"Power to decline to determine application

81A Power to decline to determine subsequent application

(1) A local planning authority may decline to determine an application for a relevant consent if--

(a) one or more of the conditions in subsections (2) to (4) is satisfied, and

(b) the authority think there has been no significant change in any material considerations since the relevant event.

(2) The condition is that in the period of two years ending with the date on which the application mentioned in subsection (1) is received the Secretary of State has refused a similar application referred to him under section 12.

(3) The condition is that in that period the Secretary of State has dismissed an appeal--

(a) against the refusal of a similar application, or

(b) under section 20(2) in respect of a similar application.

(4) The condition is that--

(a) in that period the local planning authority have refused more than one similar application, and

(b) there has been no appeal to the Secretary of State against any such refusal.

(5) Relevant consent is--

(a) listed building consent, or

(b) conservation area consent.

(6) The relevant event is--

(a) for the purposes of subsections (2) and (4) the refusal of the similar application;

(b) for the purposes of subsection (3) the dismissal of the appeal.

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(7) An application for relevant consent is similar to another application if (and only if) the local planning authority think that the building and works to which the applications relate are the same or substantially the same.

(8) For the purposes of an application for conservation area consent a reference to a provision of this Act is a reference to that provision as excepted or modified by regulations under section 74.

81B Power to decline to determine overlapping application

(1) A local planning authority may decline to determine an application for a relevant consent which is made at a time when any of the conditions in subsections (2) to (4) applies in relation to a similar application.

(2) The condition is that a similar application is under consideration by the local planning authority and the determination period for that application has not expired.

(3) The condition is that a similar application is under consideration by the Secretary of State in pursuance of section 12 or on an appeal under section 20 and the Secretary of State has not issued his decision.

(4) The condition is that a similar application--

(a) has been granted by the local planning authority,

(b) has been refused by them, or

(c) has not been determined by them within the determination period,

and the time within which an appeal could be made to the Secretary of State under section 20 has not expired.

(5) Relevant consent is--

(a) listed building consent, or

(b) conservation area consent.

(6) An application for relevant consent is similar to another application if (and only if) the local planning authority think that the building and works to which the applications relate are the same or substantially the same.

(7) The determination period is--

(a) the period prescribed for the determination of the application, or

(b) such longer period as the applicant and the authority have agreed for the determination of the application.

(8) For the purposes of an application for conservation area consent a reference to a provision of this Act is a reference to that provision as excepted or modified by regulations under section 74."

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(4) Section 20(2) of that Act (appeals) is amended as follows--

(a) for "neither" there is substituted "done none of the following";

(b) after paragraph (a) for "nor" there is substituted--

"(aa) given notice to the applicant that they have exercised their power under section 81A or 81B to decline to determine the application;".

(5) This section has effect only in relation to applications made under the principal Act or the listed buildings Act which are received by the local planning authority after this section comes into force.

NOTES:**Initial Commencement*****To be appointed***

To be appointed: see s 121(1), (2)(b).

Extent

This section does not extend to Scotland: see s 124(1).

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*** THIS DOCUMENT IS CURRENT THROUGH 26 NOVEMBER, 2004 ***

**PLANNING AND COMPULSORY PURCHASE ACT 2004
2004 CHAPTER 5**

**PART 4 DEVELOPMENT CONTROL
Major infrastructure projects
Royal Assent [13 May 2004]**

Planning and Compulsory Purchase Act 2004, Ch. 5, s. 44 (Eng.)

44 Major infrastructure projects

In the principal Act the following sections are inserted before section 77 (Reference of applications to the Secretary of State)--

"76A Major infrastructure projects

(1) This section applies to--

(a) an application for planning permission;

(b) an application for the approval of a local planning authority required under a development order,

if the Secretary of State thinks that the development to which the application relates is of national or regional importance.

(2) The Secretary of State may direct that the application must be referred to him instead of being dealt with by the local planning authority.

(3) If the Secretary of State gives a direction under subsection (2) he may also direct that any application--

(a) under or for the purposes of the planning Acts, and

(b) which he thinks is connected with the application mentioned in subsection (1),

must also be referred to him instead of being dealt with by the local planning authority.

(4) If the Secretary of State gives a direction under this section--

(a) the application must be referred to him;

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(b) he must appoint an inspector to consider the application.

(5) If the Secretary of State gives a direction under subsection (2) the applicant must prepare an economic impact report which must--

(a) be in such form and contain such matter as is prescribed by development order;

(b) be submitted to the Secretary of State in accordance with such provision as is so prescribed.

(6) For the purposes of subsection (5) the Secretary of State may, by development order, prescribe such requirements as to publicity and notice as he thinks appropriate.

(7) A direction under this section or section 76B may be varied or revoked by a subsequent direction.

(8) The decision of the Secretary of State on any application referred to him under this section is final.

(9) Regional relates to a region listed in Schedule 1 to the Regional Development Agencies Act 1998 (c 45).

(10) The following provisions of this Act apply (with any necessary modifications) to an application referred to the Secretary of State under this section as they apply to an application which falls to be determined by a local planning authority--

(a) section 70;

(b) section 72(1) and (5);

(c) section 73;

(d) section 73A.

(11) A development order may apply (with or without modifications) any requirements imposed by the order by virtue of section 65 or 71 to an application referred to the Secretary of State under this section.

(12) This section does not apply to an application which relates to the development of land in Wales.

76B Major infrastructure projects: inspectors

(1) This section applies if the Secretary of State appoints an inspector under section 76A(4)(b) (the lead inspector).

(2) The Secretary of State may direct the lead inspector--

(a) to consider such matters relating to the application as are prescribed;

(b) to make recommendations to the Secretary of State on those matters.

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(3) After considering any recommendations of the lead inspector the Secretary of State may--

(a) appoint such number of additional inspectors as he thinks appropriate;

(b) direct that each of the additional inspectors must consider such matters relating to the application as the lead inspector decides.

(4) An additional inspector must--

(a) comply with such directions as to procedural matters as the lead inspector gives;

(b) report to the lead inspector on the matters he is appointed to consider.

(5) A copy of directions given as mentioned in subsection (4)(a) must be given to--

(a) the person who made the application;

(b) the local planning authority;

(c) any other person who requests it.

(6) If the Secretary of State does not act under subsection (3) he must direct the lead inspector to consider the application on his own.

(7) In every case the lead inspector must report to the Secretary of State on--

(a) his consideration of the application;

(b) the consideration of the additional inspectors (if any) of the matters mentioned in subsection (3)(b).

(8) The function of the lead inspector in pursuance of subsection (2)--

(a) may be exercised from time to time;

(b) includes making recommendations as to the number of additional inspectors required from time to time.

(9) The power of the Secretary of State under subsection (3) to appoint an additional inspector includes power to revoke such an appointment."

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 121(1).

Appointment

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Appointment (for the purpose of making, or making provision by means of, subordinate legislation): 6 August 2004: see SI 2004/2097, art 2.

Extent

This section does not extend to Scotland: see s 124(1).

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**PLANNING AND COMPULSORY PURCHASE ACT 2004
2004 CHAPTER 5**

**PART 4 DEVELOPMENT CONTROL
Simplified planning zones
Royal Assent [13 May 2004]**

Planning and Compulsory Purchase Act 2004, Ch. 5, s. 45 (Eng.)

45 Simplified planning zones

(1) In section 83 of the principal Act (making simplified planning zone schemes) subsection (1) is omitted.

(2) Before section 83(2) of that Act there are inserted the following subsections--

"(1A) This section applies if--

(a) the regional spatial strategy for the region in which the area of a local planning authority in England is situated identifies the need for a simplified planning zone in that area (or any part of it);

(b) the criteria prescribed by the National Assembly for Wales for the need for a simplified planning zone are satisfied in relation to the area (or any part of the area) of a local planning authority in Wales.

(1B) The local planning authority must consider the question for which part or parts of their area a simplified planning zone scheme is desirable.

(1C) The local planning authority must keep under review the question mentioned in subsection (1B)."

(3) For section 83(2) of that Act there are substituted the following subsections--

"(2) A local planning authority must make a simplified planning zone scheme for all or any part of their area--

(a) if as a result of the consideration mentioned in subsection (1B) or the review mentioned in subsection (1C) they decide that it is desirable to do so;

(b) if they are directed to do so by the Secretary of State or the National Assembly for Wales (as the case may be).

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(2A) A local planning authority may at any time--

(a) alter a scheme adopted by them;

(b) with the consent of the Secretary of State alter a scheme made or altered by him under paragraph 12 of Schedule 7 or approved by him under paragraph 11 of that Schedule;

(c) with the consent of the National Assembly for Wales alter a scheme made or altered by it under paragraph 12 of Schedule 7 or approved by it under paragraph 11 of that Schedule.

(2B) A simplified planning zone scheme for an area in England must be in conformity with the regional spatial strategy."

(4) In section 83 of that Act after subsection (3) there is inserted the following subsection--

"(4) In this section and in Schedule 7--

(a) a reference to the regional spatial strategy must be construed in relation to any area in Greater London as a reference to the spatial development strategy;

(b) a reference to a region must be construed in relation to such an area as a reference to Greater London."

(5) In section 85(1) of that Act (duration of simplified planning zone scheme) for the words from "period" to the end there is substituted "specified period".

(6) After section 85(1) of that Act there is inserted the following subsection--

"(1A) The specified period is the period not exceeding 10 years--

(a) beginning with the date when the scheme is adopted or approved, and

(b) which is specified in the scheme."

(7) In Schedule 7 of that Act in paragraph 2 (notification of proposal to make scheme) for "decide under section 83(2) to make or" there is substituted "are required under section 83(2) to make or decide under section 83(2A) to".

(8) In Schedule 7 of that Act paragraphs 3 and 4 are omitted.

(9) In Schedule 7 of that Act in paragraph 12 (default powers of Secretary of State) for sub-paragraph (1) there are substituted the following sub-paragraphs--

"(1) This paragraph applies if each of the following conditions is satisfied.

(1A) The first condition is that--

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(a) the regional spatial strategy for the region in which the area of a local planning authority is situated identifies the need for a simplified planning zone in any part of their area, or

(b) the criteria prescribed by the National Assembly for Wales for the need for a simplified planning zone are satisfied in relation to the area of a local planning authority in Wales.

(1B) The second condition is that the Secretary of State or the National Assembly for Wales (as the case may be) is satisfied after holding a local inquiry or other hearing that the authority are not taking within a reasonable period the steps required by this Schedule for the adoption of proposals for the making or alteration of a scheme.

(1C) The Secretary of State or the National Assembly for Wales (as the case may be) may make or alter the scheme."

NOTES:**Initial Commencement*****To be appointed***

To be appointed: see s 121(1), (2)(b).

Extent

This section does not extend to Scotland: see s 124(1).

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**PLANNING AND COMPULSORY PURCHASE ACT 2004
2004 CHAPTER 5**

**PART 4 DEVELOPMENT CONTROL
Planning contribution
Royal Assent [13 May 2004]**

Planning and Compulsory Purchase Act 2004, Ch. 5, s. 46 (Eng.)

46 Planning contribution

(1) The Secretary of State may, by regulations, make provision for the making of a planning contribution in relation to the development or use of land in the area of a local planning authority.

(2) The contribution may be made--

(a) by the prescribed means,

(b) by compliance with the relevant requirements, or

(c) by a combination of such means and compliance.

(3) The regulations may require the local planning authority to include in a development plan document (or in such other document as is prescribed)--

(a) a statement of the developments or uses or descriptions of development or use in relation to which they will consider accepting a planning contribution;

(b) a statement of the matters relating to development or use in relation to which they will not consider accepting a contribution by the prescribed means;

(c) the purposes to which receipts from payments made in respect of contributions are (in whole or in part) to be put;

(d) the criteria by reference to which the value of a contribution made by the prescribed means is to be determined.

(4) The regulations may make provision as to circumstances in which--

(a) except in the case of a contribution to which subsection (3)(b) applies, the person making the contribution (the contributor) must state the form in which he will make the contribution;

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(b) the contribution may not be made by compliance with the relevant requirements if it is made by the prescribed means;

(c) the contribution may not be made by the prescribed means if it is made by compliance with the relevant requirements;

(d) a contribution must not be made.

(5) The prescribed means are--

(a) the payment of a sum the amount and terms of payment of which are determined in accordance with criteria published by the local planning authority for the purposes of subsection (3)(d),

(b) the provision of a benefit in kind the value of which is so determined, or

(c) a combination of such payment and provision.

(6) The relevant requirements are such requirements relating to the development or use as are--

(a) prescribed for the purposes of this section, and

(b) included as part of the terms of the contribution,

and may include a requirement to make a payment of a sum.

(7) Development plan document must be construed in accordance with section 37(3).

NOTES:**Initial Commencement*****To be appointed***

To be appointed: see s 121(1), (2)(b).

Appointment

Appointment (for the purpose of making, or making provision by means of, subordinate legislation): 6 August 2004: see SI 2004/2097, art 2.

Extent

This section does not extend to Scotland: see s 124(1).

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**PLANNING AND COMPULSORY PURCHASE ACT 2004
2004 CHAPTER 5**

PART 4 DEVELOPMENT CONTROL

**Planning contribution
Royal Assent [13 May 2004]**

Planning and Compulsory Purchase Act 2004, Ch. 5, s. 47 (Eng.)

47 Planning contribution: regulations

(1) This section applies for the purpose of regulations made under section 46.

(2) Maximum and minimum amounts may be prescribed in relation to a payment falling within section 46(5)(a).

(3) Provision may be made to enable periodic adjustment of the criteria mentioned in section 46(3)(d).

(4) The local planning authority may be required to publish an annual report containing such information in relation to the planning contribution as is prescribed.

(5) If a document is prescribed for the purposes of section 46(3) the regulations may prescribe--

(a) the procedure for its preparation and the time at which it must be published;

(b) the circumstances in which and the procedure by which the Secretary of State may take steps in relation to the preparation of the document.

(6) Provision may be made for the enforcement by the local planning authority of the terms of a planning contribution including provision--

(a) for a person obstructing the taking of such steps as are prescribed to be guilty of an offence punishable by a fine not exceeding level 3 on the standard scale;

(b) for a person deriving title to the land from the contributor to be bound by the terms of the contribution;

(c) for a condition to be attached to any planning permission relating to the

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land requiring the contribution to be made before any development is started;

(d) for the enforcement of a planning contribution in respect of land which is Crown land within the meaning of section 293(1) of the principal Act.

(7) The regulations may--

(a) require the local planning authority to apply receipts from planning contributions made by the prescribed means only to purposes mentioned in section 46(3)(c);

(b) make provision for setting out in writing the terms of the planning contribution;

(c) make provision in relation to the modification or discharge of a planning contribution.

(8) The regulations may--

(a) make different provision in relation to the areas of different local planning authorities or different descriptions of local planning authority;

(b) exclude their application (in whole or in part) in relation to the area of one or more local planning authorities or descriptions of local planning authority.

NOTES:**Initial Commencement*****To be appointed***

To be appointed: see s 121(1), (2)(b).

Appointment

Appointment (for the purpose of making, or making provision by means of, subordinate legislation): 6 August 2004: see SI 2004/2097, art 2.

Extent

This section does not extend to Scotland: see s 124(1).

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**PLANNING AND COMPULSORY PURCHASE ACT 2004
2004 CHAPTER 5**

**PART 4 DEVELOPMENT CONTROL
Planning contribution
Royal Assent [13 May 2004]**

Planning and Compulsory Purchase Act 2004, Ch. 5, s. 48 (Eng.)

48 Planning contribution: Wales

In relation to land in Wales, sections 46 and 47 apply subject to the following modifications--

(a) references to the Secretary of State must be construed as references to the National Assembly for Wales;

(b) the reference to a development plan document must be construed as a reference to a local development plan (within the meaning of section 62).

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 121(1), (2)(b).

Appointment

Appointment (for the purpose of making, or making provision by means of, subordinate legislation): 6 August 2004: see SI 2004/2097, art 2.

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**PLANNING AND COMPULSORY PURCHASE ACT 2004
2004 CHAPTER 5**

**PART 4 DEVELOPMENT CONTROL
Miscellaneous
Royal Assent [13 May 2004]**

Planning and Compulsory Purchase Act 2004, Ch. 5, s. 49 (Eng.)

49 Development to include certain internal operations

(1) In the principal Act in section 55 (meaning of development) after subsection (2) there are inserted the following subsections--

"(2A) The Secretary of State may in a development order specify any circumstances or description of circumstances in which subsection (2) does not apply to operations mentioned in paragraph (a) of that subsection which have the effect of increasing the gross floor space of the building by such amount or percentage amount as is so specified.

(2B) The development order may make different provision for different purposes."

(2) This subsection applies if--

(a) section 55(2) of the principal Act is disapplied in respect of any operations by virtue of a development order under section 55(2A) of that Act,

(b) at the date the development order comes into force a certificate under section 192 of the principal Act (certificate of lawfulness of proposed use or development) is in force in respect of the operations, and

(c) before that date no such operations have been begun.

(3) If subsection (2) applies the certificate under section 192 of the principal Act is of no effect.

(4) A development order made for the purposes of section 55(2A) of the principal Act does not affect any operations begun before it is made.

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 121(1), (2)(b).

Appointment

Appointment (for the purpose of making, or making provision by means of, subordinate legislation): 6 August 2004: see SI 2004/2097, art 2.

Extent

This section does not extend to Scotland: see s 124(1).

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2004 CHAPTER 5**

**PART 4 DEVELOPMENT CONTROL
Miscellaneous
Royal Assent [13 May 2004]**

Planning and Compulsory Purchase Act 2004, Ch. 5, s. 50 (Eng.)

50 Appeal made: functions of local planning authority

(1) In the principal Act after section 78 (right to appeal) there is inserted the following section--

"78A Appeal made: functions of local planning authorities

(1) This section applies if a person who has made an application mentioned in section 78(1)(a) appeals to the Secretary of State under section 78(2).

(2) At any time before the end of the additional period the local planning authority may give the notice referred to in section 78(2).

(3) If the local planning authority give notice as mentioned in subsection (2) that their decision is to refuse the application--

(a) the appeal must be treated as an appeal under section 78(1) against the refusal;

(b) the Secretary of State must give the person making the appeal an opportunity to revise the grounds of the appeal;

(c) the Secretary of State must give such a person an opportunity to change any option the person has chosen relating to the procedure for the appeal.

(4) If the local planning authority give notice as mentioned in subsection (2) that their decision is to grant the application subject to conditions the Secretary of State must give the person making the appeal the opportunity--

(a) to proceed with the appeal as an appeal under section 78(1) against the grant of the application subject to conditions;

(b) to revise the grounds of the appeal;

(c) to change any option the person has chosen relating to the procedure for

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the appeal.

(5) The Secretary of State must not issue his decision on the appeal before the end of the additional period.

(6) The additional period is the period prescribed by development order for the purposes of this section and which starts on the day on which the person appeals under section 78(2)."

(2) In the listed buildings Act after section 20 (right to appeal) there is inserted the following section--

"20A Appeal made: functions of local planning authorities

(1) This section applies if a person who has made an application mentioned in section 20(1)(a) appeals to the Secretary of State under section 20(2).

(2) At any time before the end of the additional period the local planning authority may give the notice referred to in section 20(2).

(3) If the local planning authority give notice as mentioned in subsection (2) that their decision is to refuse the application--

(a) the appeal must be treated as an appeal under section 20(1) against the refusal;

(b) the Secretary of State must give the person making the appeal an opportunity to revise the grounds of the appeal;

(c) the Secretary of State must give such a person an opportunity to change any option the person has chosen relating to the procedure for the appeal.

(4) If the local planning authority give notice as mentioned in subsection (2) that their decision is to grant the application subject to conditions the Secretary of State must give the person making the appeal the opportunity--

(a) to proceed with the appeal as an appeal under section 20(1) against the grant of the application subject to conditions;

(b) to revise the grounds of the appeal;

(c) to change any option the person has chosen relating to the procedure for the appeal.

(5) The Secretary of State must not issue his decision on the appeal before the end of the additional period.

(6) The additional period is the period prescribed for the purposes of this section and which starts on the day on which the person appeals under section 20(2)."

(3) This section has effect only in relation to relevant applications which are received by the local planning authority after the commencement of this section.

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(4) The following are relevant applications--

(a) an application mentioned in section 78(1)(a) of the principal Act;

(b) an application mentioned in section 20(1)(a) of the listed buildings Act;

(c) an application mentioned in section 20(1)(a) of the listed buildings Act as given effect by section 74(3) of that Act (application of certain provisions to the control of demolition in conservation areas).

NOTES:**Initial Commencement*****To be appointed***

To be appointed: see s 121(1), (2)(b).

Appointment

Appointment (for the purpose of making, or making provision by means of, subordinate legislation): 6 August 2004: see SI 2004/2097, art 2.

Extent

This section does not extend to Scotland: see s 124(1).

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PART 4 DEVELOPMENT CONTROL
Miscellaneous
Royal Assent [13 May 2004]

Planning and Compulsory Purchase Act 2004, Ch. 5, s. 51 (Eng.)

51 Duration of permission and consent

(1) Section 91 of the principal Act (limit on duration of planning permission) is amended as follows--

(a) in subsections (1)(a) and (3) for the words "five years" there is substituted "three years";

(b) after subsection (3) there are inserted the following subsections--

"(3A) Subsection (3B) applies if any proceedings are begun to challenge the validity of a grant of planning permission or of a deemed grant of planning permission.

(3B) The period before the end of which the development to which the planning permission relates is required to be begun in pursuance of subsection (1) or (3) must be taken to be extended by one year.

(3C) Nothing in this section prevents the development being begun from the time the permission is granted or deemed to be granted."

(2) In section 92 of that Act (outline planning permission)--

(a) in subsection (2)(b) sub-paragraph (i) is omitted;

(b) in subsection (2)(b) in sub-paragraph (ii) the words "if later" are omitted;

(c) in subsection (4) "five years" is omitted.

(3) In section 73 of the principal Act (applications to develop land without compliance with existing conditions) after subsection (4) there is inserted the following subsection--

"(5) Planning permission must not be granted under this section to the extent

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that it has effect to change a condition subject to which a previous planning permission was granted by extending the time within which--

(a) a development must be started;

(b) an application for approval of reserved matters (within the meaning of section 92) must be made."

(4) Section 18 of the listed buildings Act (limit of duration of listed buildings consent) is amended as follows--

(a) in subsections (1)(a) and (2) for the words "five years" there is substituted "three years";

(b) after subsection (2) there are inserted the following subsections--

"(2A) Subsection (2B) applies if any proceedings are begun to challenge the validity of a grant of listed building consent or of a deemed grant of listed building consent.

(2B) The period before the end of which the works to which the consent relates are required to be begun in pursuance of subsection (1) or (2) must be taken to be extended by one year.

(2C) Nothing in this section prevents the works being begun from the time the consent is granted."

(5) In section 19 of that Act (variation or discharge of conditions) after subsection (4) there is inserted the following subsection--

"(5) But a variation or discharge of conditions under this section must not--

(a) vary a condition subject to which a consent was granted by extending the time within which the works must be started;

(b) discharge such a condition."

(6) This section has effect only in relation to applications made under the principal Act or the listed buildings Act which are received by the local planning authority after the commencement of the section.

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 121(1), (2)(b).

Extent

This section does not extend to Scotland: see s 124(1).

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**PLANNING AND COMPULSORY PURCHASE ACT 2004
2004 CHAPTER 5**

**PART 4 DEVELOPMENT CONTROL
Miscellaneous**

Royal Assent [13 May 2004]

Planning and Compulsory Purchase Act 2004, Ch. 5, s. 52 (Eng.)

52 Temporary stop notice

After section 171D of the principal Act (penalties for non-compliance with planning contravention notice) there are inserted the following sections--
"Temporary stop notices

171E Temporary stop notice

(1) This section applies if the local planning authority think--

(a) that there has been a breach of planning control in relation to any land,
and

(b) that it is expedient that the activity (or any part of the activity)
which amounts to the breach is stopped immediately.

(2) The authority may issue a temporary stop notice.

(3) The notice must be in writing and must--

(a) specify the activity which the authority think amounts to the breach;

(b) prohibit the carrying on of the activity (or of so much of the activity
as is specified in the notice);

(c) set out the authority's reasons for issuing the notice.

(4) A temporary stop notice may be served on any of the following--

(a) the person who the authority think is carrying on the activity;

(b) a person who the authority think is an occupier of the land;

(c) a person who the authority think has an interest in the land.

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(5) The authority must display on the land--

(a) a copy of the notice;

(b) a statement of the effect of the notice and of section 171G.

(6) A temporary stop notice has effect from the time a copy of it is first displayed in pursuance of subsection (5).

(7) A temporary stop notice ceases to have effect--

(a) at the end of the period of 28 days starting on the day the copy notice is so displayed,

(b) at the end of such shorter period starting on that day as is specified in the notice, or

(c) if it is withdrawn by the local planning authority.

171F Temporary stop notice: restrictions

(1) A temporary stop notice does not prohibit--

(a) the use of a building as a dwelling house;

(b) the carrying out of an activity of such description or in such circumstances as is prescribed.

(2) A temporary stop notice does not prohibit the carrying out of any activity which has been carried out (whether or not continuously) for a period of four years ending with the day on which the copy of the notice is first displayed as mentioned in section 171E(6).

(3) Subsection (2) does not prevent a temporary stop notice prohibiting--

(a) activity consisting of or incidental to building, engineering, mining or other operations, or

(b) the deposit of refuse or waste materials.

(4) For the purposes of subsection (2) any period during which the activity is authorised by planning permission must be ignored.

(5) A second or subsequent temporary stop notice must not be issued in respect of the same activity unless the local planning authority has first taken some other enforcement action in relation to the breach of planning control which is constituted by the activity.

(6) In subsection (5) enforcement action includes obtaining the grant of an injunction under section 187B.

171G Temporary stop notice: offences

(1) A person commits an offence if he contravenes a temporary stop notice--

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(a) which has been served on him, or

(b) a copy of which has been displayed in accordance with section 171E(5).

(2) Contravention of a temporary stop notice includes causing or permitting the contravention of the notice.

(3) An offence under this section may be charged by reference to a day or a longer period of time.

(4) A person may be convicted of more than one such offence in relation to the same temporary stop notice by reference to different days or periods of time.

(5) A person does not commit an offence under this section if he proves--

(a) that the temporary stop notice was not served on him, and

(b) that he did not know, and could not reasonably have been expected to know, of its existence.

(6) A person convicted of an offence under this section is liable--

(a) on summary conviction, to a fine not exceeding £20,000;

(b) on conviction on indictment, to a fine.

(7) In determining the amount of the fine the court must have regard in particular to any financial benefit which has accrued or has appeared to accrue to the person convicted in consequence of the offence.

171H Temporary stop notice: compensation

(1) This section applies if and only if a temporary stop notice is issued and at least one of the following paragraphs applies--

(a) the activity which is specified in the notice is authorised by planning permission or a development order or local development order;

(b) a certificate in respect of the activity is issued under section 191 or granted under that section by virtue of section 195;

(c) the authority withdraws the notice.

(2) Subsection (1)(a) does not apply if the planning permission is granted on or after the date on which a copy of the notice is first displayed as mentioned in section 171E(6).

(3) Subsection (1)(c) does not apply if the notice is withdrawn following the grant of planning permission as mentioned in subsection (2).

(4) A person who at the time the notice is served has an interest in the land to which the notice relates is entitled to be compensated by the local planning authority in respect of any loss or damage directly attributable to the

prohibition effected by the notice.

(5) Subsections (3) to (7) of section 186 apply to compensation payable under this section as they apply to compensation payable under that section; and for that purpose references in those subsections to a stop notice must be taken to be references to a temporary stop notice."

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 121(1), (2)(b).

Appointment

Appointment (for the purpose of making, or making provision by means of, subordinate legislation): 6 August 2004: see SI 2004/2097, art 2.

Extent

This section does not extend to Scotland: see s 124(1).

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**PLANNING AND COMPULSORY PURCHASE ACT 2004
2004 CHAPTER 5**

**PART 4 DEVELOPMENT CONTROL
Miscellaneous
Royal Assent [13 May 2004]**

Planning and Compulsory Purchase Act 2004, Ch. 5, s. 53 (Eng.)

53 Fees and charges

(1) Section 303 (fees for planning applications, etc) of the principal Act is amended as follows.

(2) The following subsections are substituted for subsections (1) and (2)--

"(1) The appropriate authority may by regulations make provision for the payment of a charge or fee to a local planning authority in respect of--

(a) the performance by the local planning authority of any function they have;

(b) anything done by them which is calculated to facilitate or is conducive or incidental to the performance of any such function.

(2) The regulations may prescribe--

(a) the person by whom the charge or fee is payable;

(b) provision as to the calculation of the charge or fee (including the person by whom it is to be calculated);

(c) circumstances in which no charge or fee is to be paid;

(d) circumstances in which a charge or fee is to be transferred from one local planning authority to another.

(2A) The appropriate authority is--

(a) the Secretary of State in relation to England;

(b) the National Assembly for Wales in relation to Wales,

and in the case of regulations made by the National Assembly for Wales

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section 333(3) must be ignored."

(3) In subsection (4) after the first "prescribed" there is inserted "charge or".

(4) After subsection (5) there are inserted the following subsections--

"(5A) If the local planning authority calculate the amount of fees or charges in pursuance of provision made by regulations under subsection (1) the authority must secure that, taking one financial year with another, the income from the fees or charges does not exceed the cost of the performance of the function or doing of the thing (as the case may be).

(5B) A financial year is the period of 12 months beginning with 1 April."

(5) Subsection (6) is omitted.

NOTES:**Initial Commencement*****To be appointed***

To be appointed: see s 121(1), (2)(b).

Appointment

Appointment (for the purpose of making, or making provision by means of, subordinate legislation): 6 August 2004: see SI 2004/2097, art 2.

Sub-s (5): Appointment (in relation to England for remaining purposes): 28 September 2004: by virtue of SI 2004/2202, arts 2(k), 3(d), Sch 1, Pt 1.

Extent

This section does not extend to Scotland: see s 124(1).

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2004 CHAPTER 5**

**PART 4 DEVELOPMENT CONTROL
Miscellaneous
Royal Assent [13 May 2004]**

Planning and Compulsory Purchase Act 2004, Ch. 5, s. 54 (Eng.)

54 Duty to respond to consultation

(1) This section applies to a prescribed requirement to consult any person or body (the consultee) which exercises functions for the purposes of any enactment.

(2) A prescribed requirement to consult is a requirement--

(a) with which the appropriate authority or a local planning authority must comply before granting any permission, approval or consent under or by virtue of the planning Acts;

(b) which is prescribed for the purposes of this subsection.

(3) At any time before an application is made for any permission, approval or consent mentioned in subsection (2) any person may in relation to a proposed development consult the consultee on any matter in respect of which the appropriate authority is or the local planning authority are required to consult the consultee.

(4) The consultee must give a substantive response to any consultation mentioned in subsection (2) or by virtue of subsection (3) before the end of--

(a) the period prescribed for the purposes of this subsection, or

(b) such other period as is agreed in writing between the consultee and the appropriate authority or the local planning authority (as the case may be).

(5) The appropriate authority may also prescribe--

(a) the procedure to be followed for the purposes of this section;

(b) the information to be provided to the consultee for the purposes of the consultation;

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(c) the requirements of a substantive response.

(6) Anything prescribed for the purposes of subsections (1) to (5) must be prescribed by development order.

(7) A development order may--

(a) require consultees to give the appropriate authority a report as to their compliance with subsection (4);

(b) prescribe the form and content of the report;

(c) prescribe the times at which the report is to be made.

(8) The appropriate authority is--

(a) the Secretary of State in relation to England;

(b) the National Assembly for Wales in relation to Wales.

NOTES:**Initial Commencement*****To be appointed***

To be appointed: see s 121(1), (2)(b).

Appointment

Appointment (for the purpose of making, or making provision by means of, subordinate legislation): 6 August 2004: see SI 2004/2097, art 2.

Extent

This section does not extend to Scotland: see s 124(1).

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**PLANNING AND COMPULSORY PURCHASE ACT 2004
2004 CHAPTER 5**

**PART 4 DEVELOPMENT CONTROL
Miscellaneous
Royal Assent [13 May 2004]**

Planning and Compulsory Purchase Act 2004, Ch. 5, s. 55 (Eng.)

55 Time in which Secretary of State to take decisions

(1) Schedule 2 contains provisions about the time in which the Secretary of State must take certain decisions.

(2) But Schedule 2 does not apply in relation to any decision taken in the exercise of a function in relation to Wales if the function is exercisable in relation to Wales by the National Assembly for Wales by virtue of an order under section 22 of the Government of Wales Act 1998 (c 38).

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 121(1).

Extent

This section does not extend to Scotland: see s 124(1).

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**PLANNING AND COMPULSORY PURCHASE ACT 2004
2004 CHAPTER 5**

PART 5 CORRECTION OF ERRORS
Royal Assent [13 May 2004]

Planning and Compulsory Purchase Act 2004, Ch. 5, s. 56 (Eng.)

56 Correction of errors in decisions

(1) This section applies if the Secretary of State or an inspector issues a decision document which contains a correctable error.

(2) The Secretary of State or the inspector (as the case may be) may correct the error--

(a) if he is requested to do so in writing by any person;

(b) if he sends a statement in writing to the applicant which explains the error and states that he is considering making the correction.

(3) But the Secretary of State or inspector must not correct the error unless--

(a) not later than the end of the relevant period he receives a request mentioned in subsection (2)(a) or sends a statement mentioned in subsection (2)(b),

(b) he informs the local planning authority of that fact, and

(c) he obtains the appropriate consent.

(4) The relevant period--

(a) is the period within which an application or appeal may be made to the High Court in respect of the decision recorded in the decision document;

(b) does not include any time by which such a period may be extended by the High Court.

(5) It is immaterial whether any such application or appeal is made.

(6) The appropriate consent is--

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(a) the consent in writing of the applicant;

(b) if the applicant is not the owner of the land in respect of which the decision was made, the consent in writing of both the applicant and the owner.

(7) But consent is not appropriate consent if it is given subject to a condition.

NOTES:**Initial Commencement***To be appointed*

To be appointed: see s 121(1), (2)(c).

Appointment

Appointment: 28 September 2004: see SI 2004/2202, art 3(a).

Extent

This section does not extend to Scotland: see s 124(1).

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**PLANNING AND COMPULSORY PURCHASE ACT 2004
2004 CHAPTER 5**

**PART 5 CORRECTION OF ERRORS
Royal Assent [13 May 2004]**

Planning and Compulsory Purchase Act 2004, Ch. 5, s. 57 (Eng.)

57 Correction notice

(1) If paragraph (a) or (b) of section 56(2) applies the Secretary of State or the inspector must as soon as practicable after making any correction or deciding not to make any correction issue a notice in writing (a correction notice) which--

- (a) specifies the correction of the error, or
- (b) gives notice of his decision not to correct such an error.

(2) The Secretary of State or the inspector (as the case may be) must give the correction notice to--

- (a) the applicant;
- (b) if the applicant is not the owner of the land in respect of which the original decision was made, the owner;
- (c) the local planning authority for the area in which the land in respect of which the decision was made is situated;
- (d) if the correction was requested by any other person, that person.

(3) The Secretary of State may by order specify any other person or description of persons to whom the correction notice must be given.

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 121(1), (2)(c).

Appointment

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Appointment (for the purpose of making, or making provision by means of, subordinate legislation): 6 August 2004: see SI 2004/2097, art 2.

Appointment (for remaining purposes): 1 September 2004: see SI 2004/2202, art 3(a).

Extent

This section does not extend to Scotland: see s 124(1).

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**PLANNING AND COMPULSORY PURCHASE ACT 2004
2004 CHAPTER 5**

PART 5 CORRECTION OF ERRORS
Royal Assent [13 May 2004]

Planning and Compulsory Purchase Act 2004, Ch. 5, s. 58 (Eng.)

58 Effect of correction

(1) If a correction is made in pursuance of section 56--

(a) the original decision is taken not to have been made;

(b) the decision is taken for all purposes to have been made on the date the correction notice is issued.

(2) If a correction is not made--

(a) the original decision continues to have full force and effect;

(b) nothing in this Part affects anything done in pursuance of or in respect of the decision.

(3) Section 288 of the principal Act (proceedings for questioning the validity of certain decisions) applies to the correction notice as if it were an action on the part of the Secretary of State to which that section applies, if the decision document in respect of which the correction notice is given records a decision mentioned in--

(a) paragraph (a) of section 59(4) below, or

(b) paragraph (b) of that section, if it is a decision mentioned in section 177 of the principal Act (grant or modification of planning permission on appeal against enforcement notice).

(4) Section 289 of the principal Act (appeals to the High Court relating to enforcement notices and notices under section 207 of that Act) applies to the correction notice as if it were a decision of the Secretary of State mentioned in--

(a) subsection (1) of that section, if the decision document in respect of which the correction notice is given records a decision mentioned in paragraph (b) of section 59(4) below (not being a decision mentioned in section 177 of the

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principal Act), or

(b) subsection (2) of that section, if the decision document in respect of which the correction notice is given records a decision mentioned in paragraph (c) of section 59(4) below.

(5) Section 63 of the listed buildings Act (proceedings for questioning the validity of certain decisions) applies to the correction notice as if it were a decision of the Secretary of State to which that section applies, if the decision document in respect of which the correction notice is given records a decision mentioned in any of paragraphs (d) to (f) of section 59(4) below.

(6) Section 22 of the hazardous substances Act (proceedings for questioning the validity of certain decisions) applies to the correction notice as if it were a decision of the Secretary of State under section 20 or 21 of that Act, if the decision document in respect of which the correction notice is given records a decision mentioned in paragraph (g) of section 59(4) below.

(7) If the decision document in respect of which the correction notice is given records a decision mentioned in paragraph (h) of section 59(4) the Secretary of State must by order make provision for questioning the validity of the notice which corresponds to the provisions of the planning Acts mentioned in subsections (3) to (6) above.

(8) Except to the extent provided for by virtue of this section a correction notice must not be questioned in any legal proceedings.

NOTES:**Initial Commencement*****To be appointed***

To be appointed: see s 121(1), (2)(c).

Appointment

Appointment: 28 September 2004: see SI 2004/2202, art 3(a).

Extent

This section does not extend to Scotland: see s 124(1).

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**PLANNING AND COMPULSORY PURCHASE ACT 2004
2004 CHAPTER 5**

PART 5 CORRECTION OF ERRORS
Royal Assent [13 May 2004]

Planning and Compulsory Purchase Act 2004, Ch. 5, s. 59 (Eng.)

59 Supplementary

(1) This section applies for the purposes of this Part.

(2) An inspector is a person appointed under any of the planning Acts to determine appeals instead of the Secretary of State.

(3) In the case of a decision document issued by an inspector any other inspector may act under this Part.

(4) A decision document is a document which records any of the following decisions--

(a) a decision of any description which constitutes action on the part of the Secretary of State under section 284(3) of the principal Act (decisions which are not to be questioned in legal proceedings);

(b) a decision in proceedings on an appeal under Part 7 of that Act (enforcement notices);

(c) a decision in proceedings on an appeal under section 208 of that Act (appeals against enforcement notices relating to trees);

(d) a decision mentioned in section 62(2) of the listed buildings Act (decisions which are not to be questioned in legal proceedings);

(e) a decision on an appeal under section 39 of that Act (appeals against listed building enforcement notices);

(f) a decision relating to conservation area consent within the meaning of section 74(1) of that Act (consent required for demolition of certain buildings);

(g) a decision under section 20 or 21 of the hazardous substances Act (certain applications referred to and appeals determined by the Secretary of State);

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(h) a decision under any of the planning Acts which is of a description specified by the Secretary of State by order.

(5) A correctable error is an error--

(a) which is contained in any part of the decision document which records the decision, but

(b) which is not part of any reasons given for the decision.

(6) The applicant is--

(a) in the case of a decision made on an application under any of the planning Acts, the person who made the application;

(b) in the case of a decision made on an appeal under any of those Acts, the appellant.

(7) The owner in relation to land is a person who--

(a) is the estate owner in respect of the fee simple;

(b) is entitled to a tenancy granted or extended for a term of years simple of which not less than seven years remain unexpired;

(c) is entitled to an interest in any mineral prescribed by a development order, in the case of such applications under the principal Act as are so prescribed.

(8) Error includes omission.

(9) For the purposes of the exercise of any function under this Part in relation to Wales references to the Secretary of State must be construed as references to the National Assembly for Wales.

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 121(1), (2)(c).

Appointment

Appointment (for the purpose of making, or making provision by means of, subordinate legislation): 6 August 2004: see SI 2004/2097, art 2.

Appointment (for remaining purposes): 1 September 2004: see SI 2004/2202, art 3(a).

Extent

This section does not extend to Scotland: see s 124(1).

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**PLANNING AND COMPULSORY PURCHASE ACT 2004
2004 CHAPTER 5**

PART 6 WALES
Spatial plan
Royal Assent [13 May 2004]

Planning and Compulsory Purchase Act 2004, Ch. 5, s. 60 (Eng.)

60 Wales Spatial Plan

(1) There must be a spatial plan for Wales to be known as the "Wales Spatial Plan".

(2) The Wales Spatial Plan must set out such of the policies (however expressed) of the National Assembly for Wales as it thinks appropriate in relation to the development and use of land in Wales.

(3) The Assembly must--

(a) prepare and publish the Plan;

(b) keep under review the Plan;

(c) consider from time to time whether it should be revised.

(4) If the Assembly revises the Plan, it must publish (as it considers appropriate)--

(a) the whole Plan as revised, or

(b) the revised parts.

(5) The Assembly must consult such persons or bodies as it considers appropriate in preparing or revising the Plan.

(6) The Plan and any revision of it must be approved by the Assembly.

(7) The Assembly must not delegate its function under subsection (6).

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 121(5).

Appointment

Appointment: 14 July 2004: see SI 2004/1814, art 2; for transitional provision in relation to any step taken by the National Assembly for the preparation of the Wales Spatial plan before that date see art 3 thereof.

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**PLANNING AND COMPULSORY PURCHASE ACT 2004
2004 CHAPTER 5**

PART 6 WALES

Survey

Royal Assent [13 May 2004]

Planning and Compulsory Purchase Act 2004, Ch. 5, s. 61 (Eng.)

61 Survey

(1) The local planning authority must keep under review the matters which may be expected to affect the development of their area or the planning of its development.

(2) These matters include--

(a) the principal physical, economic, social and environmental characteristics of the area of the authority;

(b) the principal purposes for which land is used in the area;

(c) the size, composition and distribution of the population of the area;

(d) the communications, transport system and traffic of the area;

(e) any other considerations which may be expected to affect those matters;

(f) such other matters as may be prescribed or as the Assembly in a particular case may direct.

(3) These matters also include--

(a) any changes which the authority think may occur in relation to any other matter;

(b) the effect such changes are likely to have on the development of the authority's area or on the planning of such development.

(4) The local planning authority may also keep under review and examine the matters mentioned in subsections (2) and (3) in relation to any neighbouring area to the extent that those matters may be expected to affect the area of the authority.

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(5) In exercising a function under subsection (4) a local planning authority must consult the local planning authority for the neighbouring area in question.

(6) If a neighbouring area is in England references to the local planning authority for that area must be construed in accordance with Part 2.

NOTES:**Initial Commencement*****To be appointed***

To be appointed: see s 121(5).

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**PLANNING AND COMPULSORY PURCHASE ACT 2004
2004 CHAPTER 5**

PART 6 WALES

Plans

Royal Assent [13 May 2004]

Planning and Compulsory Purchase Act 2004, Ch. 5, s. 62 (Eng.)

62 Local development plan

(1) The local planning authority must prepare a plan for their area to be known as a local development plan.

(2) The plan must set out--

(a) the authority's objectives in relation to the development and use of land in their area;

(b) their general policies for the implementation of those objectives.

(3) The plan may also set out specific policies in relation to any part of the area of the authority.

(4) Regulations under this section may prescribe the form and content of the plan.

(5) In preparing a local development plan the authority must have regard to--

(a) current national policies;

(b) the Wales Spatial Plan;

(c) the RSS for any region which adjoins the area of the authority;

(d) the community strategy prepared by the authority;

(e) the community strategy for any other authority whose area comprises any part of the area of the local planning authority;

(f) the resources likely to be available for implementing the plan;

(g) such other matters as the Assembly prescribes.

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(6) The authority must also--

(a) carry out an appraisal of the sustainability of the plan;

(b) prepare a report of the findings of the appraisal.

(7) The community strategy is the strategy prepared by an authority under section 4 of the Local Government Act 2000 (c 22).

(8) A plan is a local development plan only in so far as it--

(a) is adopted by resolution of the local planning authority as a local development plan;

(b) is approved by the Assembly under section 65 or 71.

NOTES:**Initial Commencement*****To be appointed***

To be appointed: see s 121(5).

Appointment

Sub-ss (4), (5)(g): Appointment: 1 August 2004: see SI 2004/1813, art 2(a).

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PART 6 WALES

Plans

Royal Assent [13 May 2004]

Planning and Compulsory Purchase Act 2004, Ch. 5, s. 63 (Eng.)

63 Preparation requirements

(1) A local development plan must be prepared in accordance with--

(a) the local planning authority's community involvement scheme;

(b) the timetable for the preparation and adoption of the authority's local development plan.

(2) The authority's community involvement scheme is a statement of the authority's policy as to the involvement in the exercise of the authority's functions under this Part of the persons to which subsection (3) applies.

(3) The persons mentioned in subsection (2)--

(a) must include such persons as the Assembly prescribes;

(b) may include such other persons as appear to the authority to have an interest in matters relating to development in the area of the authority.

(4) The authority and the Assembly must attempt to agree the terms of the documents mentioned in paragraphs (a) and (b) of subsection (1).

(5) But to the extent that the Assembly and the authority cannot agree the terms the Assembly may direct that the documents must be in the terms specified in the direction.

(6) The authority must comply with the direction.

(7) The Assembly may prescribe--

(a) the procedure in respect of the preparation of the documents mentioned in paragraphs (a) and (b) of subsection (1);

(b) the form and content of the documents;

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(c) the time at which any step in the preparation of the documents must be taken;

(d) publicity about the documents;

(e) making the documents available for inspection by the public;

(f) circumstances in which the requirements of the documents need not be complied with.

NOTES:**Initial Commencement*****To be appointed***

To be appointed: see s 121(5).

Appointment

Sub-ss (3)(a), (7): Appointment: 1 August 2004: see SI 2004/1813, art 2(b).

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**PLANNING AND COMPULSORY PURCHASE ACT 2004
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PART 6 WALES

Plans

Royal Assent [13 May 2004]

Planning and Compulsory Purchase Act 2004, Ch. 5, s. 64 (Eng.)

64 Independent examination

(1) The local planning authority must submit their local development plan to the Assembly for independent examination.

(2) But the authority must not submit a plan unless--

(a) they have complied with any relevant requirements contained in regulations under this Part, and

(b) they think the plan is ready for independent examination.

(3) The authority must also send to the Assembly (in addition to the local development plan) such other documents (or copies of documents) and such information as is prescribed.

(4) The examination must be carried out by a person appointed by the Assembly.

(5) The purpose of the independent examination is to determine in respect of a local development plan--

(a) whether it satisfies the requirements of sections 62 and 63 and of regulations under section 77;

(b) whether it is sound.

(6) Any person who makes representations seeking to change a local development plan must (if he so requests) be given the opportunity to appear before and be heard by the person carrying out the examination.

(7) The person appointed to carry out the examination must--

(a) make recommendations;

(b) give reasons for the recommendations.

(8) The local planning authority must publish the recommendations and the reasons.

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 121(5).

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PART 6 WALES

Plans

Royal Assent [13 May 2004]

Planning and Compulsory Purchase Act 2004, Ch. 5, s. 65 (Eng.)

65 Intervention by Assembly

(1) If the Assembly thinks that a local development plan is unsatisfactory--

(a) it may at any time before the plan is adopted by the local planning authority direct them to modify the plan in accordance with the direction;

(b) if it gives such a direction it must state its reasons for doing so.

(2) The authority--

(a) must comply with the direction;

(b) must not adopt the plan unless the Assembly gives notice that it is satisfied that they have complied with the direction.

(3) But subsection (2) does not apply if the Assembly withdraws the direction.

(4) At any time before a local development plan is adopted by a local planning authority the Assembly may direct that the plan is submitted to it for its approval.

(5) The following paragraphs apply if the Assembly gives a direction under subsection (4)--

(a) the authority must not take any step in connection with the adoption of the plan until the Assembly gives its decision;

(b) if the direction is given before the authority have submitted the plan under section 64(1) the Assembly must hold an independent examination and section 64(4) to (7) applies accordingly;

(c) if the direction is given after the authority have submitted the plan the person appointed to carry out the examination must make his recommendations to

the Assembly;

(d) the plan has no effect unless it has been approved by the Assembly.

(6) The Assembly must publish the recommendations made to it by virtue of subsection (5)(b) or (c) and the reasons of the person making the recommendations.

(7) In considering a plan submitted under subsection (4) the Assembly may take account of any matter which it thinks is relevant.

(8) It is immaterial whether any such matter was taken account of by the authority.

(9) The Assembly--

(a) may approve, approve subject to specified modifications or reject a plan submitted to it under subsection (4);

(b) must give reasons for its decision under paragraph (a).

(10) In the exercise of any function under this section the Assembly must have regard to the documents mentioned in paragraphs (a) and (b) of section 63(1).

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 121(5).

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2004 CHAPTER 5**

PART 6 WALES

Plans

Royal Assent [13 May 2004]

Planning and Compulsory Purchase Act 2004, Ch. 5, s. 66 (Eng.)

66 Withdrawal of local development plan

(1) A local planning authority may at any time before a local development plan is adopted under section 67 withdraw the plan.

(2) But subsection (1) does not apply to a local development plan at any time after the plan has been submitted for independent examination under section 64 unless--

(a) the person carrying out the examination recommends that the plan is withdrawn and that recommendation is not overruled by a direction given by the Assembly, or

(b) the Assembly directs that the plan must be withdrawn.

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 121(5).

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PART 6 WALES

Plans

Royal Assent [13 May 2004]

Planning and Compulsory Purchase Act 2004, Ch. 5, s. 67 (Eng.)

67 Adoption of local development plan

(1) The local planning authority may adopt a local development plan as originally prepared if the person appointed to carry out the independent examination of the plan recommends that the plan as originally prepared is adopted.

(2) The authority may adopt a local development plan with modifications if the person appointed to carry out the independent examination of the plan recommends the modifications.

(3) A plan is adopted for the purposes of this section if it is adopted by resolution of the authority.

(4) But the authority must not adopt a local development plan if the Assembly directs them not to do so.

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 121(5).

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PART 6 WALES

Plans

Royal Assent [13 May 2004]

Planning and Compulsory Purchase Act 2004, Ch. 5, s. 68 (Eng.)

68 Revocation of local development plan

The Assembly may at any time revoke a local development plan at the request of the local planning authority.

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 121(5).

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PART 6 WALES

Plans

Royal Assent [13 May 2004]

Planning and Compulsory Purchase Act 2004, Ch. 5, s. 69 (Eng.)

69 Review of local development plan

(1) A local planning authority must carry out a review of their local development plan at such times as the Assembly prescribes.

(2) The authority must report to the Assembly on the findings of their review.

(3) A review must--

(a) be in such form as is prescribed;

(b) be published in accordance with such requirements as are prescribed.

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 121(5).

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PART 6 WALES

Plans

Royal Assent [13 May 2004]

Planning and Compulsory Purchase Act 2004, Ch. 5, s. 70 (Eng.)

70 Revision of local development plan

(1) The local planning authority may at any time prepare a revision of a local development plan.

(2) The authority must prepare a revision of a local development plan--

(a) if the Assembly directs them to do so;

(b) if, following a review under section 69, they think that the plan should be revised.

(3) This Part applies to the revision of a local development plan as it applies to the preparation of the plan.

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 121(5).

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PART 6 WALES

Plans

Royal Assent [13 May 2004]

Planning and Compulsory Purchase Act 2004, Ch. 5, s. 71 (Eng.)

71 Assembly's default power

(1) This section applies if the Assembly thinks that a local planning authority are failing or omitting to do anything it is necessary for them to do in connection with the preparation, revision or adoption of a local development plan.

(2) The Assembly must hold an independent examination and section 64(4) to (7) applies accordingly.

(3) The Assembly must publish the recommendations and reasons of the person appointed to hold the examination.

(4) The Assembly may--

(a) prepare or revise (as the case may be) the plan, and

(b) approve the plan as a local development plan.

(5) The Assembly must give reasons for anything it does in pursuance of subsection (4).

(6) The authority must reimburse the Assembly for any expenditure it incurs in connection with anything--

(a) which is done by it under subsection (4), and

(b) which the authority failed or omitted to do as mentioned in subsection (1).

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 121(5).

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2004 CHAPTER 5**

PART 6 WALES

Plans

Royal Assent [13 May 2004]

Planning and Compulsory Purchase Act 2004, Ch. 5, s. 72 (Eng.)

72 Joint local development plans

(1) Two or more local planning authorities may agree to prepare a joint local development plan.

(2) This Part applies for the purposes of the preparation, revision, adoption, withdrawal and revocation of a joint local development plan as it applies for the purposes of the preparation, revision, adoption, withdrawal and revocation of a local development plan.

(3) For the purposes of subsection (2) anything which must be done by or in relation to a local planning authority in connection with a local development plan must be done by or in relation to each of the authorities mentioned in subsection (1) in connection with a joint local development plan.

(4) Subsections (5) to (7) apply if a local planning authority withdraw from an agreement mentioned in subsection (1).

(5) Any step taken in relation to the plan must be treated as a step taken by--

(a) an authority which was a party to the agreement for the purposes of any corresponding plan prepared by them;

(b) two or more other authorities who were parties to the agreement for the purposes of any corresponding joint local development plan.

(6) Any independent examination of a local development plan to which the agreement relates must be suspended.

(7) If before the end of the period prescribed for the purposes of this subsection an authority which was a party to the agreement requests the Assembly to do so it may direct that--

(a) the examination is resumed in relation to the corresponding plan;

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(b) any step taken for the purposes of the suspended examination has effect for the purposes of the resumed examination.

(8) A joint local development plan is a local development plan prepared jointly by two or more local planning authorities.

NOTES:**Initial Commencement**

To be appointed

To be appointed: see s 121(5).

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**PLANNING AND COMPULSORY PURCHASE ACT 2004
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**PART 6 WALES
Miscellaneous**

Royal Assent [13 May 2004]

Planning and Compulsory Purchase Act 2004, Ch. 5, s. 73 (Eng.)

73 Exclusion of certain representations

(1) This section applies to any representation or objection in respect of anything which is done or is proposed to be done in pursuance of--

(a) an order or scheme under section 10, 14, 16, 18, 106(1) or (3) or 108(1) of the Highways Act 1980 (c 66);

(b) an order or scheme under section 7, 9, 11, 13 or 20 of the Highways Act 1959 (c 25), section 3 of the Highways (Miscellaneous Provisions) Act 1961 (c63) or section 1 or 10 of the Highways Act 1971 (c 41) (which provisions were replaced by the provisions mentioned in paragraph (a));

(c) an order under section 1 of the New Towns Act 1981 (c 64).

(2) If the Assembly or a local planning authority thinks that a representation made in relation to a local development plan is in substance a representation or objection to which this section applies it or they (as the case may be) may disregard it.

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 121(5).

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**PART 6 WALES
Miscellaneous**
Royal Assent [13 May 2004]

Planning and Compulsory Purchase Act 2004, Ch. 5, s. 74 (Eng.)

74 Urban development corporations

The Assembly may direct that this Part (except section 60) does not apply to the area of an urban development corporation.

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 121(5).

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2004 CHAPTER 5**

**PART 6 WALES
Miscellaneous**
Royal Assent [13 May 2004]

Planning and Compulsory Purchase Act 2004, Ch. 5, s. 75 (Eng.)

75 Guidance

In the exercise of any function conferred under or by virtue of this Part the local planning authority must have regard to any guidance issued by the Assembly.

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 121(5).

Appointment

Appointment: 1 August 2004: see SI 2004/1813, art 2(c).

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**PLANNING AND COMPULSORY PURCHASE ACT 2004
2004 CHAPTER 5**

**PART 6 WALES
Miscellaneous**
Royal Assent [13 May 2004]

Planning and Compulsory Purchase Act 2004, Ch. 5, s. 76 (Eng.)

76 Annual monitoring report

(1) Every local planning authority must make an annual report to the Assembly.

(2) The annual report must contain such information as is prescribed as to the extent to which the objectives set out in the local development plan are being achieved.

(3) The annual report must--

(a) be made at such time as is prescribed;

(b) be in such form as is prescribed;

(c) contain such other matter as is prescribed.

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 121(5).

Appointment

Sub-ss (2), (3): Appointment (for the purpose of empowering the National Assembly to make regulations): 1 August 2004: see SI 2004/1813, art 2(d).

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**PLANNING AND COMPULSORY PURCHASE ACT 2004
2004 CHAPTER 5**

PART 6 WALES

General

Royal Assent [13 May 2004]

Planning and Compulsory Purchase Act 2004, Ch. 5, s. 77 (Eng.)

77 Regulations

(1) The Assembly may by regulations make provision in connection with the exercise of functions conferred by this Part on any person.

(2) The regulations may in particular make provision as to--

(a) the procedure to be followed by the local planning authority in carrying out the appraisal under section 62(6);

(b) the procedure to be followed in the preparation of local development plans;

(c) requirements about the giving of notice and publicity;

(d) requirements about inspection by the public of a plan or any other document;

(e) the nature and extent of consultation with and participation by the public in anything done under this Part;

(f) the making of representations about any matter to be included in a local development plan;

(g) consideration of any such representations;

(h) the remuneration and allowances payable to the person appointed to carry out an independent examination under section 64;

(i) the time at which anything must be done for the purposes of this Part;

(j) the manner of publication of any draft, report or other document published under this Part;

(k) monitoring the exercise by local planning authorities of their functions

under this Part.

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 121(5).

Appointment

Appointment: 1 August 2004: see SI 2004/1813, art 2(e).

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**PLANNING AND COMPULSORY PURCHASE ACT 2004
2004 CHAPTER 5**

PART 6 WALES

General

Royal Assent [13 May 2004]

Planning and Compulsory Purchase Act 2004, Ch. 5, s. 78 (Eng.)

78 Interpretation

- (1) Local development plan must be construed in accordance with section 62.
- (2) Local planning authorities are--
 - (a) county councils in Wales;
 - (b) county borough councils.
- (3) A National Park authority is the local planning authority for the whole of its area and subsection (2) must be construed subject to that.
- (4) The Assembly is the National Assembly for Wales.
- (5) RSS must be construed in accordance with Part 1.
- (6) This section applies for the purposes of this Part.

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 121(5).

Appointment

Appointment: 1 August 2004: see SI 2004/1813, art 2(f).

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**PLANNING AND COMPULSORY PURCHASE ACT 2004
2004 CHAPTER 5**

PART 7 CROWN APPLICATION OF PLANNING ACTS

Crown application
Royal Assent [13 May 2004]

Planning and Compulsory Purchase Act 2004, Ch. 5, s. 79 (Eng.)

79 Crown application of planning Acts

(1) In Part 13 of the principal Act before section 293 (preliminary definitions for Part 13) there is inserted the following section--

"292A Application to the Crown

(1) This Act binds the Crown.

(2) But subsection (1) is subject to express provision made by this Part."

(2) In the listed buildings Act after section 82 there is inserted the following section--

"82A Application to the Crown

(1) This Act (except the provisions specified in subsection (2)) binds the Crown.

(2) These are the provisions--

(a) section 9;

(b) section 11(6);

(c) section 21(7);

(d) section 42(1), (5) and (6);

(e) section 43;

(f) section 44A;

(g) section 54;

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- (h) section 55;
- (i) section 59;
- (j) section 88A.

(3) But subsection (2)(a) does not have effect to prohibit the doing of anything by or on behalf of the Crown which falls within the circumstances described in section 9(3)(a) to (d) and the doing of that thing does not contravene section 7."

(3) In the hazardous substances Act after section 30 there are inserted the following sections--

"30A Application to the Crown

(1) This Act (except the provisions specified in subsection (2)) binds the Crown.

(2) The provisions are--

- (a) section 8(6);
- (b) section 23;
- (c) section 26AA;
- (d) section 36A;
- (e) section 36B(2)."

30B Crown application: transitional

(1) This section applies if at any time during the establishment period a hazardous substance was present on, over or under Crown land.

(2) The appropriate authority must make a claim in the prescribed form before the end of the transitional period.

(3) The claim must contain the prescribed information as to--

- (a) the presence of the substance during the establishment period;
- (b) how and where the substance was kept and used.

(4) Unless subsection (5) or (7) applies, the hazardous substances authority is deemed to have granted the hazardous substances consent claimed in pursuance of subsection (2).

(5) This subsection applies if the hazardous substances authority think that a claim does not comply with subsection (3).

(6) If subsection (5) applies, the hazardous substances authority must, before the end of the period of two weeks starting with the date they received

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the claim--

(a) notify the claimant that they think the claim is invalid;

(b) give their reasons.

(7) This subsection applies if at no time during the establishment period was the aggregate quantity of the substance equal to or greater than the controlled quantity.

(8) Hazardous substances consent which is deemed to be granted under this section is subject--

(a) to the condition that the maximum aggregate quantity of the substance that may be present for the purposes of this subsection at any one time must not exceed the established quantity;

(b) to such other conditions (if any) as are prescribed for the purposes of this section and are applicable in the case of the consent.

(9) A substance is present for the purposes of subsection (8)(a) if--

(a) it is on, over or under land to which the claim for consent relates,

(b) it is on, over or under other land which is within 500 metres of it and is controlled by the Crown, or

(c) it is in or on a structure controlled by the Crown any part of which is within 500 metres of it,

and in calculating whether the established quantity is exceeded a quantity of a substance which falls within more than one of paragraphs (a) to (c) must be counted only once.

(10) The establishment period is the period of 12 months ending on the day before the date of commencement of section 79(3) of the Planning and Compulsory Purchase Act 2004.

(11) The transitional period is the period of six months starting on the date of commencement of that section.

(12) The established quantity in relation to any land is the maximum quantity which was present on, over or under the land at any one time within the establishment period."

(4) Schedule 3 amends the planning Acts in relation to the application of those Acts to the Crown.

NOTES:

Initial Commencement

To be appointed

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To be appointed: see s 121(1), (2)(d), (g).

Appointment

Appointment (for the purpose of making, or making provision by means of, subordinate legislation): 6 August 2004: see SI 2004/2097, art 2.

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**PLANNING AND COMPULSORY PURCHASE ACT 2004
2004 CHAPTER 5**

**PART 7 CROWN APPLICATION OF PLANNING ACTS
National security
Royal Assent [13 May 2004]**

Planning and Compulsory Purchase Act 2004, Ch. 5, s. 80 (Eng.)

80 Special provision relating to national security

(1) In section 321 of the principal Act (planning inquiries to be held in public subject to certain exceptions) after subsection (4) there are inserted the following subsections--

"(5) If the Secretary of State is considering giving a direction under subsection (3) the Attorney General may appoint a person to represent the interests of any person who will be prevented from hearing or inspecting any evidence at a local inquiry if the direction is given.

(6) If before the Secretary of State gives a direction under subsection (3) no person is appointed under subsection (5), the Attorney General may at any time appoint a person as mentioned in subsection (5) for the purposes of the inquiry.

(7) The Lord Chancellor may by rules make provision--

(a) as to the procedure to be followed by the Secretary of State before he gives a direction under subsection (3) in a case where a person has been appointed under subsection (5);

(b) as to the functions of a person appointed under subsection (5) or (6).

(8) Rules made under subsection (7) must be contained in a statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

(9) If a person is appointed under subsection (5) or (6) (the appointed representative) the Secretary of State may direct any person who he thinks is interested in the inquiry in relation to a matter mentioned in subsection (4) (the responsible person) to pay the fees and expenses of the appointed representative.

(10) If the appointed representative and the responsible person are unable to

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agree the amount of the fees and expenses, the amount must be determined by the Secretary of State.

(11) The Secretary of State must cause the amount agreed between the appointed representative and the responsible person or determined by him to be certified.

(12) An amount so certified is recoverable from the responsible person as a civil debt."

(2) After section 321 of the principal Act (planning inquiries to be held in public subject to certain exceptions) there is inserted the following section--

"321A Appointed representative: no inquiry

(1) This section applies if--

- (a) a person is appointed under subsection (5) or (6) of section 321, but
- (b) no inquiry is held as mentioned in subsection (1) of that section.

(2) Subsections (9) to (12) of section 321 apply in respect of the fees and expenses of the person appointed as if the inquiry had been held.

(3) For the purposes of subsection (2) the responsible person is the person to whom the Secretary of State thinks he would have given a direction under section 321(9) if an inquiry had been held.

(4) This section does not affect section 322A."

(3) In Schedule 3 to the listed buildings Act (determination of certain appeals by person appointed by the Secretary of State) after paragraph 6 there is inserted the following paragraph--

"6A

(1) If the Secretary of State is considering giving a direction under paragraph 6(6) the Attorney General may appoint a person to represent the interests of any person who will be prevented from hearing or inspecting any evidence at a local inquiry if the direction is given.

(2) If before the Secretary of State gives a direction under paragraph 6(6) no person is appointed under sub-paragraph (1), the Attorney General may at any time appoint a person as mentioned in sub-paragraph (1) for the purposes of the inquiry.

(3) The Lord Chancellor may by rules make provision--

(a) as to the procedure to be followed by the Secretary of State before he gives a direction under paragraph 6(6) in a case where a person has been appointed under sub-paragraph (1);

(b) as to the functions of a person appointed under sub-paragraph (1) or (2).

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(4) If a person is appointed under sub-paragraph (1) or (2) (the appointed representative) the Secretary of State may direct any person who he thinks is interested in the inquiry in relation to a matter mentioned in paragraph 6(7) (the responsible person) to pay the fees and expenses of the appointed representative.

(5) If the appointed representative and the responsible person are unable to agree the amount of the fees and expenses, the amount must be determined by the Secretary of State.

(6) The Secretary of State must cause the amount agreed between the appointed representative and the responsible person or determined by him to be certified.

(7) An amount so certified is recoverable from the responsible person as a civil debt.

(8) Rules made under sub-paragraph (3) must be contained in a statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

(9) Sub-paragraph (10) applies if--

(a) a person is appointed under sub-paragraph (1) or (2), but

(b) no inquiry is held as mentioned in paragraph 6(1).

(10) Sub-paragraphs (4) to (7) above apply in respect of the fees and expenses of the person appointed as if the inquiry had been held.

(11) For the purposes of sub-paragraph (10) the responsible person is the person to whom the Secretary of State thinks he would have given a direction under sub-paragraph (4) if an inquiry had been held.

(12) Sub-paragraphs (9) to (11) do not affect paragraph 6(8)."

(4) In the Schedule to the hazardous substances Act (determination of certain appeals by person appointed by the Secretary of State) after paragraph 6 there is inserted the following paragraph--

"6A

(1) If the Secretary of State is considering giving a direction under paragraph 6(6) the Attorney General may appoint a person to represent the interests of any person who will be prevented from hearing or inspecting any evidence at a local inquiry if the direction is given.

(2) If before the Secretary of State gives a direction under paragraph 6(6) no person is appointed under sub-paragraph (1), the Attorney General may at any time appoint a person as mentioned in sub-paragraph (1) for the purposes of the inquiry.

(3) The Lord Chancellor may by rules make provision--

(a) as to the procedure to be followed by the Secretary of State before he

gives a direction under paragraph 6(6) in a case where a person has been appointed under sub-paragraph (1);

(b) as to the functions of a person appointed under sub-paragraph (1) or (2).

(4) If a person is appointed under sub-paragraph (1) or (2) (the appointed representative) the Secretary of State may direct any person who he thinks is interested in the inquiry in relation to a matter mentioned in paragraph 6(7) (the responsible person) to pay the fees and expenses of the appointed representative.

(5) If the appointed representative and the responsible person are unable to agree the amount of the fees and expenses, the amount must be determined by the Secretary of State.

(6) The Secretary of State must cause the amount agreed between the appointed representative and the responsible person or determined by him to be certified.

(7) An amount so certified is recoverable from the responsible person as a civil debt.

(8) Rules made under sub-paragraph (3) must be contained in a statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

(9) Sub-paragraph (10) applies if--

(a) a person is appointed under sub-paragraph (1) or (2), but

(b) no inquiry is held as mentioned in paragraph 6(1).

(10) Sub-paragraphs (4) to (7) above apply in respect of the fees and expenses of the person appointed as if the inquiry had been held.

(11) For the purposes of sub-paragraph (10) the responsible person is the person to whom the Secretary of State thinks he would have given a direction under sub-paragraph (4) if an inquiry had been held.

(12) Sub-paragraphs (9) to (11) do not affect paragraph 6(8)."

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 121(1), (2)(d).

Appointment

Appointment (for the purpose of making, or making provision by means of, subordinate legislation): 6 August 2004: see SI 2004/2097, art 2.

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**PLANNING AND COMPULSORY PURCHASE ACT 2004
2004 CHAPTER 5**

PART 7 CROWN APPLICATION OF PLANNING ACTS

National security
Royal Assent [13 May 2004]

Planning and Compulsory Purchase Act 2004, Ch. 5, s. 81 (Eng.)

81 Special provision relating to national security: Wales

(1) After section 321A of the principal Act (inserted by section 80 above) there is inserted the following section--

"321B Special provision in relation to planning inquiries: Wales

(1) This section applies if the matter in respect of which a local inquiry to which section 321 applies is to be held relates to Wales.

(2) The references in section 321(5) and (6) to the Attorney General must be read as references to the Counsel General to the National Assembly for Wales.

(3) The Assembly may by regulations make provision as mentioned in section 321(7) in connection with a local inquiry to which this section applies.

(4) If the Assembly acts under subsection (3) rules made by the Lord Chancellor under section 321(7) do not have effect in relation to the inquiry.

(5) The Counsel General to the National Assembly for Wales is the person appointed by the Assembly to be its chief legal adviser (whether or not he is known by that title).

(6) Section 333(3) does not apply to regulations made under subsection (4)."

(2) In Schedule 3 to the listed buildings Act (determination of certain appeals by person appointed by the Secretary of State), after paragraph 7 there is inserted the following paragraph--

"Local inquiries: Wales

8

(1) This paragraph applies in relation to a local inquiry held in pursuance of this Schedule if the matter in respect of which the inquiry is to be held relates to Wales.

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(2) The references in paragraph 6A(1) and (2) to the Attorney General must be read as references to the Counsel General to the National Assembly for Wales.

(3) The Assembly may by regulations make provision as mentioned in paragraph 6A(3) in connection with a local inquiry to which this section applies.

(4) If the Assembly acts under sub-paragraph (3) rules made by the Lord Chancellor under paragraph 6A(3) do not have effect in relation to the inquiry.

(5) The Counsel General to the National Assembly for Wales is the person appointed by the Assembly to be its chief legal adviser (whether or not he is known by that title).

(6) Section 93(3) does not apply to regulations made under this paragraph."

(3) In the Schedule to the hazardous substances Act, after paragraph 7 there is inserted the following paragraph--
"Local inquiries: Wales

8

(1) This paragraph applies in relation to a local inquiry held in pursuance of this Schedule if the matter in respect of which the inquiry is to be held relates to Wales.

(2) The references in paragraph 6A(1) and (2) to the Attorney General must be read as references to the Counsel General to the National Assembly for Wales.

(3) The Assembly may by regulations make provision as mentioned in paragraph 6A(3) in connection with a local inquiry to which this section applies.

(4) If the Assembly acts under sub-paragraph (3) rules made by the Lord Chancellor under paragraph 6A(3) do not have effect in relation to the inquiry.

(5) The Counsel General to the National Assembly for Wales is the person appointed by the Assembly to be its chief legal adviser (whether or not he is known by that title).

(6) Section 40(3) does not apply to regulations made under this paragraph."

NOTES:**Initial Commencement*****To be appointed***

To be appointed: see s 121(1), (2)(d).

Appointment

Appointment (for the purpose of making, or making provision by means of, subordinate legislation): 6 August 2004: see SI 2004/2097, art 2.

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**PLANNING AND COMPULSORY PURCHASE ACT 2004
2004 CHAPTER 5**

**PART 7 CROWN APPLICATION OF PLANNING ACTS
Urgent development and works
Royal Assent [13 May 2004]**

Planning and Compulsory Purchase Act 2004, Ch. 5, s. 82 (Eng.)

82 Urgent Crown development

(1) Before section 294 of the principal Act (special enforcement notices in relation to development on Crown land) there is inserted the following section--

"293A Urgent Crown development: application

(1) This section applies to a development if the appropriate authority certifies--

(a) that the development is of national importance, and

(b) that it is necessary that the development is carried out as a matter of urgency.

(2) The appropriate authority may, instead of making an application for planning permission to the local planning authority in accordance with Part 3, make an application for planning permission to the Secretary of State under this section.

(3) If the appropriate authority proposes to make the application to the Secretary of State it must publish in one or more newspapers circulating in the locality of the proposed development a notice--

(a) describing the proposed development, and

(b) stating that the authority proposes to make the application to the Secretary of State.

(4) For the purposes of an application under this section the appropriate authority must provide to the Secretary of State--

(a) any matter required to be provided by an applicant for planning permission in pursuance of regulations made under section 71A;

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(b) a statement of the authority's grounds for making the application.

(5) If the appropriate authority makes an application under this section subsections (6) to (9) below apply.

(6) The Secretary of State may require the authority to provide him with such further information as he thinks necessary to enable him to determine the application.

(7) As soon as practicable after he is provided with any document or other matter in pursuance of subsection (4) or (6) the Secretary of State must make a copy of the document or other matter available for inspection by the public in the locality of the proposed development.

(8) The Secretary of State must in accordance with such requirements as are contained in a development order publish notice of the application and of the fact that such documents and other material are available for inspection.

(9) The Secretary of State must consult--

(a) the local planning authority for the area to which the proposed development relates, and

(b) such other persons as are specified or described in a development order, about the application.

(10) Subsection (7) does not apply to the extent that the document or other matter is subject to a direction under section 321(3) (matters related to national security).

(11) Subsections (4) to (7) of section 77 apply to an application under this section as they apply to an application in respect of which a direction under section 77 has effect."

(2) In section 284 of the principal Act (validity of certain matters) in subsection (3) at the end there is inserted the following paragraph--

"(i) any decision on an application for planning permission under section 293A."

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 121(1), (2)(d).

Appointment

Appointment (for the purpose of making, or making provision by means of, subordinate legislation): 6 August 2004: see SI 2004/2097, art 2.

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**PLANNING AND COMPULSORY PURCHASE ACT 2004
2004 CHAPTER 5**

**PART 7 CROWN APPLICATION OF PLANNING ACTS
Urgent development and works
Royal Assent [13 May 2004]**

Planning and Compulsory Purchase Act 2004, Ch. 5, s. 83 (Eng.)

83 Urgent works relating to Crown land

(1) After section 82A of the listed buildings Act (inserted by section 79(2)) there is inserted the following section--

"82B Urgent works relating to Crown land: application

(1) This section applies to any works proposed to be executed in connection with any building which is on Crown land if the appropriate authority certifies--

(a) that the works are of national importance, and

(b) that it is necessary that the works are carried out as a matter of urgency.

(2) The appropriate authority may, instead of making an application for consent to the local planning authority in accordance with this Act, make an application for consent to the Secretary of State under this section.

(3) If the appropriate authority proposes to make the application to the Secretary of State it must publish in one or more newspapers circulating in the locality of the building a notice--

(a) describing the proposed works, and

(b) stating that the authority proposes to make the application to the Secretary of State.

(4) For the purposes of an application under this section the appropriate authority must provide to the Secretary of State a statement of the authority's grounds for making the application.

(5) If the appropriate authority makes an application under this section subsections (6) to (9) below apply.

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(6) The Secretary of State may require the authority to provide him with such further information as he thinks necessary to enable him to determine the application.

(7) As soon as practicable after he is provided with any document or other matter in pursuance of subsection (4) or (6) the Secretary of State must make a copy of the document or other matter available for inspection by the public in the locality of the proposed development.

(8) The Secretary of State must in accordance with such requirements as may be prescribed publish notice of the application and of the fact that such documents and other material are available for inspection.

(9) The Secretary of State must consult--

(a) the local planning authority for the area to which the proposed development relates, and

(b) such other persons as may be prescribed,

about the application.

(10) Subsection (7) does not apply to the extent that the document or other matter is subject to a direction under paragraph 6(6) of Schedule 3 (matters related to national security).

(11) Subsections (4) and (5) of section 12 apply to an application under this section as they apply to an application in respect of which a direction under section 12 has effect."

(2) In section 62 of the listed buildings Act (validity of certain matters) in subsection (2) at the end there is inserted the following paragraph--

"(d) any decision on an application for listed building consent under section 82B."

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 121(1), (2)(d).

Appointment

Appointment (for the purpose of making, or making provision by means of, subordinate legislation): 6 August 2004: see SI 2004/2097, art 2.

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**PLANNING AND COMPULSORY PURCHASE ACT 2004
2004 CHAPTER 5**

PART 7 CROWN APPLICATION OF PLANNING ACTS

Enforcement

Royal Assent [13 May 2004]

Planning and Compulsory Purchase Act 2004, Ch. 5, s. 84 (Eng.)

84 Enforcement in relation to Crown land

(1) Section 296 of the principal Act (exercise of powers in relation to Crown land) is omitted.

(2) After section 296 there are inserted the following sections--

"296A Enforcement in relation to the Crown

(1) No act or omission done or suffered by or on behalf of the Crown constitutes an offence under this Act.

(2) A local planning authority must not take any step for the purposes of enforcement in relation to Crown land unless it has the consent of the appropriate authority.

(3) The appropriate authority may give consent under subsection (2) subject to such conditions as it thinks appropriate.

(4) A step taken for the purposes of enforcement is anything done in connection with the enforcement of anything required to be done or prohibited by or under this Act.

(5) A step taken for the purposes of enforcement includes--

- (a) entering land;
- (b) bringing proceedings;
- (c) the making of an application.

(6) A step taken for the purposes of enforcement does not include--

- (a) service of a notice;

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(b) the making of an order (other than by a court).

296B References to an interest in land

(1) Subsection (2) applies to the extent that an interest in land is a Crown interest or a Duchy interest.

(2) Anything which requires or is permitted to be done by or in relation to the owner of the interest in land must be done by or in relation to the appropriate authority.

(3) An interest in land includes an interest only as occupier of the land."

(3) After section 82C of the listed buildings Act (inserted by Schedule 3) there are inserted the following sections--

"82D Enforcement in relation to the Crown

(1) No act or omission done or suffered by or on behalf of the Crown constitutes an offence under this Act.

(2) A local planning authority must not take any step for the purposes of enforcement in relation to Crown land unless it has the consent of the appropriate authority.

(3) The appropriate authority may give consent under subsection (2) subject to such conditions as it thinks appropriate.

(4) A step taken for the purposes of enforcement is anything done in connection with the enforcement of anything required to be done or prohibited by or under this Act.

(5) A step taken for the purposes of enforcement includes--

- (a) entering land;
- (b) bringing proceedings;
- (c) the making of an application.

(6) A step taken for the purposes of enforcement does not include--

- (a) service of a notice;
- (b) the making of an order (other than by a court).

82E References to an interest in land

(1) Subsection (2) applies to the extent that an interest in land is a Crown interest or a Duchy interest.

(2) Anything which requires or is permitted to be done by or in relation to the owner of the interest in land must be done by or in relation to the appropriate authority.

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(3) An interest in land includes an interest only as occupier of the land."

(4) After section 30B of the hazardous substances Act (inserted by section 79(3)) there are inserted the following sections--

"30C Enforcement in relation to the Crown

(1) No act or omission done or suffered by or on behalf of the Crown constitutes an offence under this Act.

(2) A local planning authority must not take any step for the purposes of enforcement in relation to Crown land unless it has the consent of the appropriate authority.

(3) The appropriate authority may give consent under subsection (2) subject to such conditions as it thinks appropriate.

(4) A step taken for the purposes of enforcement is anything done in connection with the enforcement of anything required to be done or prohibited by or under this Act.

(5) A step taken for the purposes of enforcement includes--

- (a) entering land;
- (b) bringing proceedings;
- (c) the making of an application.

(6) A step taken for the purposes of enforcement does not include--

- (a) service of a notice;
- (b) the making of an order (other than by a court).

30D References to an interest in land

(1) Subsection (2) applies to the extent that an interest in land is a Crown interest or a Duchy interest.

(2) Anything which requires or is permitted to be done by or in relation to the owner of the interest in land must be done by or in relation to the appropriate authority.

(3) An interest in land includes an interest only as occupier of the land."

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 121(1), (2)(d).

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**PLANNING AND COMPULSORY PURCHASE ACT 2004
2004 CHAPTER 5**

PART 7 CROWN APPLICATION OF PLANNING ACTS

Trees

Royal Assent [13 May 2004]

Planning and Compulsory Purchase Act 2004, Ch. 5, s. 85 (Eng.)

85 Tree preservation orders: Forestry Commissioners

For section 200 of the principal Act (Orders affecting land where Forestry Commissioners interested) there is substituted the following section--

"200 Tree preservation orders: Forestry Commissioners

(1) A tree preservation order does not have effect in respect of anything done--

(a) by or on behalf of the Forestry Commissioners on land placed at their disposal in pursuance of the Forestry Act 1967 or otherwise under their management or supervision;

(b) by or on behalf of any other person in accordance with a relevant plan which is for the time being in force.

(2) A relevant plan is a plan of operations or other working plan approved by the Forestry Commissioners under--

(a) a forestry dedication covenant within the meaning of section 5 of the Forestry Act 1967, or

(b) conditions of a grant or loan made under section 1 of the Forestry Act 1979.

(3) A reference to a provision of the Forestry Act 1967 or the Forestry Act 1979 includes a reference to a corresponding provision replaced by that provision or any earlier corresponding provision."

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 121(1), (2)(d).

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**PLANNING AND COMPULSORY PURCHASE ACT 2004
2004 CHAPTER 5**

**PART 7 CROWN APPLICATION OF PLANNING ACTS
Trees**

Royal Assent [13 May 2004]

Planning and Compulsory Purchase Act 2004, Ch. 5, s. 86 (Eng.)

86 Trees in conservation areas: acts of Crown

After section 211(4) of the principal Act (preservation of trees in conservation areas) there are inserted the following subsections--

"(5) An emanation of the Crown must not, in relation to a tree to which this section applies, do an act mentioned in subsection (1) above unless--

- (a) the first condition is satisfied, and
- (b) either the second or third condition is satisfied.

(6) The first condition is that the emanation serves notice of an intention to do the act (with sufficient particulars to identify the tree) on the local planning authority in whose area the tree is situated.

(7) The second condition is that the act is done with the consent of the authority.

(8) The third condition is that the act is done--

(a) after the end of the period of six weeks starting with the date of the notice, and

(b) before the end of the period of two years starting with that date."

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 121(1), (2)(d).

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**PLANNING AND COMPULSORY PURCHASE ACT 2004
2004 CHAPTER 5**

PART 7 CROWN APPLICATION OF PLANNING ACTS

Miscellaneous

Royal Assent [13 May 2004]

Planning and Compulsory Purchase Act 2004, Ch. 5, s. 87 (Eng.)

87 Old mining permissions

(1) Subsection (2) applies if--

(a) an old mining permission relates to land which is Crown land, and

(b) the permission has not been registered in pursuance of Schedule 2 to the Planning and Compensation Act 1991.

(2) Section 22 of and Schedule 2 to that Act apply to the old mining permission subject to the following modifications--

(a) in section 22(3) for "May 1, 1991" there is substituted "the date of commencement of section 87(2) of the Planning and Compulsory Purchase Act 2004";

(b) in paragraph 1(3) of Schedule 2 for "the day on which this Schedule comes into force" there is substituted "the date of commencement of section 87(2) of the Planning and Compulsory Purchase Act 2004".

(3) Old mining permission must be construed in accordance with section 22 of the Planning and Compensation Act 1991.

(4) Crown land must be construed in accordance with Part 13 of the principal Act.

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 121(1), (2)(d).

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**PLANNING AND COMPULSORY PURCHASE ACT 2004
2004 CHAPTER 5**

**PART 7 CROWN APPLICATION OF PLANNING ACTS
Miscellaneous**

Royal Assent [13 May 2004]

Planning and Compulsory Purchase Act 2004, Ch. 5, s. 88 (Eng.)

88 Subordinate legislation

(1) The Secretary of State may by order provide that relevant subordinate legislation applies to the Crown.

(2) The order may modify such subordinate legislation to the extent that the Secretary of State thinks appropriate for the purposes of its application to the Crown.

(3) Relevant subordinate legislation is an instrument which--

(a) is made under or (wholly or in part) for the purposes of any of the planning Acts,

(b) is made before the commencement of section 79 of this Act, and

(c) is specified in the order.

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 121(1), (2)(d).

Appointment

Appointment: 6 August 2004: see SI 2004/2097, art 2.

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**PLANNING AND COMPULSORY PURCHASE ACT 2004
2004 CHAPTER 5**

**PART 7 CROWN APPLICATION OF PLANNING ACTS
Miscellaneous**

Royal Assent [13 May 2004]

Planning and Compulsory Purchase Act 2004, Ch. 5, s. 89 (Eng.)

89 Crown application: transitional

Schedule 4 (which makes transitional provisions in consequence of the application to the Crown of the planning Acts) has effect.

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 121(1), (2)(d), (g).

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**PLANNING AND COMPULSORY PURCHASE ACT 2004
2004 CHAPTER 5**

**CHAPTER 2 SCOTLAND
Crown application
Royal Assent [13 May 2004]**

Planning and Compulsory Purchase Act 2004, Ch. 5, s. 90 (Eng.)

90 Crown application of Scottish planning Acts

(1) In Part 12 of the Town and Country Planning (Scotland) Act 1997, before section 242 (preliminary definitions for Part 12) there is inserted the following section--

"241A Application to the Crown

(1) This Act binds the Crown.

(2) But subsection (1) is subject to express provision made by this Part."

(2) In the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, after section 73 (application of Act to land and works of planning authorities) there is inserted the following section--

"73A Application to the Crown

(1) This Act (except the provisions specified in subsection (2)) binds the Crown.

(2) These are the provisions--

(a) section 8,

(b) section 10(3),

(c) section 19(7),

(d) section 38(1) and (8),

(e) section 39,

(f) section 49,

(g) section 50,

(h) section 53,

(i) section 77.

(3) But subsection (2)(a) does not have effect to prohibit the doing of anything by or on behalf of the Crown which falls within the circumstances described in section 8(3)(a) to (d) and the doing of that thing does not contravene section 6."

(3) In the Planning (Hazardous Substances) (Scotland) Act 1997, after section 30 (application of Act to planning authorities) there is inserted the following section--

"30A Application to the Crown

(1) This Act (except the provisions specified in subsection (2)) binds the Crown.

(2) The provisions are--

(a) section 6(3),

(b) section 21,

(c) section 25,

(d) section 34,

(e) section 35(2)."

(4) Schedule 5 amends the Scottish planning Acts in relation to the application of those Acts to the Crown.

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 121(4)(a).

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**PLANNING AND COMPULSORY PURCHASE ACT 2004
2004 CHAPTER 5**

**CHAPTER 2 SCOTLAND
National security
Royal Assent [13 May 2004]**

Planning and Compulsory Purchase Act 2004, Ch. 5, s. 91 (Eng.)

**91 Special provision for certain circumstances where disclosure of information
as to national security may occur: Scotland**

(1) In the Town and Country Planning (Scotland) Act 1997 (c 8), there is inserted after section 265 (local inquiries) the following section--

"265A Planning inquiries to be held in public subject to certain exceptions

(1) This section applies in relation to the holding of inquiries under section 265(1), paragraph 6 of Schedule 4, paragraph 5 of Schedule 6 or paragraph 8 of Schedule 7.

(2) Subject to subsection (3), at any such inquiry oral evidence shall be heard in public and documentary evidence shall be open to public inspection.

(3) If the Secretary of State is, or after consultation with the Secretary of State the Scottish Ministers are, satisfied in the case of any such inquiry--

(a) that giving evidence of a particular description or, as the case maybe, making it available for inspection would be likely to result in the disclosure of information as to any of the matters mentioned in subsection (4), and

(b) that the public disclosure of that information would be contrary to the national interest,

he or as the case may be they may direct that evidence of the description indicated in the direction shall only be heard or, as the case may be, open to inspection at that inquiry by such persons, or persons of such descriptions, as may be specified in the direction.

(4) The matters referred to in subsection (3)(a) are--

(a) national security, and

(b) the measures taken, or to be taken, to ensure the security of any

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premises or property.

(5) The Lord Advocate may appoint a person to represent the interests of any person who--

(a) if a direction is given under subsection (3), will be prevented from hearing or inspecting any evidence at any such inquiry; or

(b) is so prevented by such a direction given before any appointment is made by virtue of paragraph (a).

(6) By rules--

(a) the Secretary of State may make provision as to the procedure to be followed by him before he gives a direction under subsection (3) in a case where a person has been appointed under subsection (5) and as to the functions of a person appointed under subsection (5),

(b) the Scottish Ministers may make provision as to the procedure to be followed by them before they give such a direction in such a case and as to such functions.

(7) If a person (the representative) is appointed--

(a) under paragraph (a) of subsection (5) and either no direction in relation to the evidence in question has been given under subsection (3) or any such direction so given has been given by the Secretary of State, the Secretary of State may direct any person who he thinks,

(b) under paragraph (a) of subsection (5) and such a direction has been given under subsection (3) by the Scottish Ministers, the Scottish Ministers may direct any person who they think,

(c) under paragraph (b) of subsection (5) and the direction referred to in that paragraph was given by the Secretary of State, the Secretary of State may direct any person who he thinks,

(d) under paragraph (b) of that subsection and the direction so referred to was given by the Scottish Ministers, the Scottish Ministers may direct any person who they think,

is interested in the inquiry, or prospective inquiry, in relation to a matter mentioned in subsection (4) (the responsible person) to pay remuneration or allowances to, and to reimburse any expenses incurred by, the representative.

(8) If the representative and the responsible person are unable to agree an amount payable by virtue of--

(a) paragraph (a) or (c) of subsection (7), the amount must be determined by the Secretary of State,

(b) paragraph (b) or (d) of that subsection, the amount must be determined by the Scottish Ministers.

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(9) The Secretary of State must cause an amount payable by virtue of paragraph (a) or (c) of subsection (7) (whether determined under subsection (8) or agreed between the representative and the responsible person) to be certified.

(10) The Scottish Ministers must cause an amount payable by virtue of paragraph (b) or (d) of subsection (7) (whether so determined or so agreed) to be certified.

(11) An amount certified under subsection (9) or (10) is recoverable from the responsible person as a debt.

(12) Subsections (7) to (11) apply even if the inquiry does not take place.

(13) The power to make rules under--

(a) paragraph (a) of subsection (6) must be exercised by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament,

(b) paragraph (b) of that subsection must be exercised by statutory instrument subject to annulment in pursuance of a resolution of the Scottish Parliament."

(2) In Schedule 3 to the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (determination of certain appeals by person appointed by the Scottish Ministers), in paragraph 6, after sub-paragraph (6) there is inserted the following sub-paragraph--

"(7) Subsections (2) to (13) of section 265A of the principal Act apply to the holding of an inquiry under this paragraph as they apply to the holding of an inquiry under section 265 of that Act."

(3) In the Schedule to the Planning (Hazardous Substances) (Scotland) Act 1997 (determination of certain appeals by person appointed by Scottish Ministers), in paragraph 6, after sub-paragraph (6) there is inserted the following sub-paragraph--

"(7) Subsections (2) to (13) of section 265A of the principal Act apply to the holding of an inquiry under this paragraph as they apply to the holding of an inquiry under section 265 of that Act."

NOTES:**Initial Commencement*****To be appointed***

To be appointed: see s 121(1), (3).

Appointment

Appointment (for the purpose of making, or making provision by means of, subordinate legislation): 6 August 2004: see SI 2004/2097, art 2.

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**PLANNING AND COMPULSORY PURCHASE ACT 2004
2004 CHAPTER 5**

**CHAPTER 2 SCOTLAND
Urgent development and works
Royal Assent [13 May 2004]**

Planning and Compulsory Purchase Act 2004, Ch. 5, s. 92 (Eng.)

92 Urgent Crown development: Scotland

(1) In the Town and Country Planning (Scotland) Act 1997 (c 8), before section 243 (control of development on Crown land: special enforcement notices) there is inserted the following section--

"242A Urgent Crown development: application

(1) This section applies to a development if the appropriate authority certifies--

(a) that the development is of national importance, and

(b) that it is necessary that the development is carried out as a matter of urgency.

(2) The appropriate authority may, instead of making an application for planning permission to the planning authority in accordance with Part 3, make an application for planning permission to the Scottish Ministers under this section.

(3) If the appropriate authority proposes to make the application to the Scottish Ministers, it must publish in one or more newspapers circulating in the locality of the proposed development a notice--

(a) describing the proposed development, and

(b) stating that the authority proposes to make the application to the Scottish Ministers.

(4) For the purposes of an application under this section the appropriate authority must provide to the Scottish Ministers--

(a) any matter required to be provided by an applicant for planning permission in pursuance of regulations made under section 40,

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(b) a statement of the authority's grounds for making the application.

(5) If the appropriate authority makes an application under this section subsections (6) to (11) below apply.

(6) The Scottish Ministers may require the authority to provide them with such further information as they think necessary to enable them to determine the application.

(7) As soon as practicable after they are provided with any document or other matter in pursuance of subsection (4) or (6) the Scottish Ministers must make a copy of the document or other matter available for inspection by the public in the locality of the proposed development.

(8) The Scottish Ministers must in accordance with such requirements as they may specify in a development order publish notice of the application and of the fact that such documents and other material are available for inspection.

(9) The Scottish Ministers must consult--

(a) the planning authority, and

(b) such other persons as may be so specified,

about the application.

(10) Subsection (7) above does not apply to the extent that the document or other matter is subject to any direction given under section 265A(3) of this Act.

(11) Subsections (4) to (7) of section 46 apply to an application under this section as they apply to an application in respect of which a direction under section 46 has effect."

(2) In section 237 of that Act, (validity of certain matters) in subsection (3) at the end there is added the following paragraph--

"(i) any decision on an application for planning permission under section 242A."

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 121(4)(a).

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**PLANNING AND COMPULSORY PURCHASE ACT 2004
2004 CHAPTER 5**

**CHAPTER 2 SCOTLAND
Urgent development and works
Royal Assent [13 May 2004]**

Planning and Compulsory Purchase Act 2004, Ch. 5, s. 93 (Eng.)

93 Urgent works relating to Crown land: Scotland

(1) In the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (c 9), after section 73A (inserted by section 90(2)) there is inserted the following section--

"73B Urgent works relating to Crown land: application

(1) This section applies to any works proposed to be executed in connection with any building which is on Crown land if the appropriate authority certifies--

(a) that the works are of national importance, and

(b) that it is necessary that the works are carried out as a matter of urgency.

(2) The appropriate authority may, instead of making an application for consent to the planning authority in accordance with this Act, make an application for consent to the Scottish Ministers under this section.

(3) If the appropriate authority proposes to make the application to the Scottish Ministers it must publish in one or more newspapers circulating in the locality of the building a notice--

(a) describing the proposed works, and

(b) stating that the authority proposes to make the application to the Scottish Ministers.

(4) For the purposes of an application under this section the appropriate authority must provide to the Scottish Ministers a statement of the authority's grounds for making the application.

(5) If the appropriate authority makes an application under this section

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subsections (6) to (11) below apply.

(6) The Scottish Ministers may require the authority to provide them with such further information as they think necessary to enable them to determine the application.

(7) As soon as practicable after they are provided with any document or other matter in pursuance of subsection (4) or (6) the Scottish Ministers must make a copy of the document or other matter available for inspection by the public in the locality of the proposed development.

(8) The Scottish Ministers must in accordance with such requirements as may be prescribed publish notice of the application and of the fact that such documents and other material are available for inspection.

(9) Subsection (7) above does not apply to the extent that the document or other matter is subject to any direction given under section 265A(3) of the principal Act.

(10) The Scottish Ministers must consult--

(a) the planning authority, and

(b) such other persons as may be prescribed,

about the application.

(11) Subsections (4) and (5) of section 11 apply to an application under this section as they apply to an application in respect of which a direction under section 11 has effect."

(2) In section 57 of that Act (validity of certain matters), in subsection (2) at the end there is added the following paragraph--

"(d) any decision on an application for listed building consent under section 73B."

NOTES:**Initial Commencement*****To be appointed***

To be appointed: see s 121(4)(a).

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**PLANNING AND COMPULSORY PURCHASE ACT 2004
2004 CHAPTER 5**

**CHAPTER 2 SCOTLAND
Enforcement
Royal Assent [13 May 2004]**

Planning and Compulsory Purchase Act 2004, Ch. 5, s. 94 (Eng.)

94 Enforcement in relation to Crown land: Scotland

(1) In the Town and Country Planning (Scotland) Act 1997 (c 8), section 245 (exercise of powers in relation to Crown land) is omitted.

(2) After section 245 there is inserted the following section--

"245A Enforcement in relation to the Crown

(1) No act or omission done or suffered by or on behalf of the Crown constitutes an offence under this Act; but the Court of Session may, on the application of a public authority or office-holder responsible for the enforcement of anything required to be done, or prohibited, by or under this Act, declare unlawful any act or omission so done or suffered.

(2) A planning authority must not take any step for the purposes of enforcement in relation to Crown land unless it has the consent of the appropriate authority.

(3) The appropriate authority may give consent under subsection (2) subject to such conditions as it thinks appropriate.

(4) A step taken for the purposes of enforcement is anything done in connection with the enforcement of anything required to be done or prohibited by or under this Act.

(5) A step taken for the purposes of enforcement includes--

- (a) entering land,
- (b) initiating proceedings,
- (c) the making of an application.

(6) A step taken for the purposes of enforcement does not include--

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(a) service of a notice,

(b) the making of an order (other than a court order)."

(3) In the Town and Country Planning (Scotland) Act 1997 (c 8), after section 245A (inserted by subsection (2) above) there is inserted the following section--

"245B References to an interest in land

(1) Subsection (2) applies to the extent that an interest in land is a Crown interest.

(2) Anything which requires or is permitted to be done by or in relation to the owner of the interest in land must be done by or in relation to the appropriate authority.

(3) An interest in land includes an interest only as occupier of the land."

(4) In the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (c 9) after section 73C (inserted by Schedule 5) there are inserted the following sections--

"73D Enforcement in relation to the Crown

(1) No act or omission done or suffered by or on behalf of the Crown constitutes an offence under this Act; but the Court of Session may on the application of a public authority or office-holder responsible for the enforcement of anything required to be done, or prohibited, by or under this Act, declare unlawful any act or omission so done or suffered.

(2) A planning authority must not take any step for the purposes of enforcement in relation to Crown land unless it has the consent of the appropriate authority.

(3) The appropriate authority may give consent under subsection (2) subject to such conditions as it thinks appropriate.

(4) A step taken for the purposes of enforcement is anything done in connection with the enforcement of anything required to be done or prohibited by or under this Act.

(5) A step taken for the purposes of enforcement includes--

(a) entering land,

(b) initiating proceedings,

(c) the making of an application.

(6) A step taken for the purposes of enforcement does not include--

(a) service of a notice,

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(b) the making of an order (other than a court order).

73E Reference to an interest in land

(1) Subsection (2) applies to the extent that an interest in land is a Crown interest.

(2) Anything which requires or is permitted to be done by or in relation to the owner of the interest in land must be done by or in relation to the appropriate authority.

(3) An interest in land includes an interest only as occupier of the land."

(5) In the Planning (Hazardous Substances) (Scotland) Act 1997, after section 30A (inserted by section 90(3)) there are inserted the following sections--

"30B Enforcement in relation to the Crown

(1) No act or omission done or suffered by or on behalf of the Crown constitutes an offence under this Act; but the Court of Session may, on the application of a public authority or office-holder responsible for the enforcement of anything required to be done, or prohibited, by or under this Act, declare unlawful any act or omission so done or suffered.

(2) A planning authority must not take any step for the purposes of enforcement in relation to Crown land unless it has the consent of the appropriate authority.

(3) The appropriate authority may give consent under subsection (2) subject to such conditions as it thinks appropriate.

(4) A step taken for the purposes of enforcement is anything done in connection with the enforcement of anything required to be done or prohibited by or under this Act.

(5) A step taken for the purposes of enforcement includes--

- (a) entering land,
- (b) initiating proceedings,
- (c) the making of an application.

(6) A step taken for the purposes of enforcement does not include--

- (a) service of a notice,
- (b) the making of an order (other than a court order).

30C Reference to an interest in land

(1) Subsection (2) applies to the extent that an interest in land is a Crown interest.

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(2) Anything which requires or is permitted to be done by or in relation to the owner of the interest in land must be done by or in relation to the appropriate authority.

(3) An interest in land includes an interest only as occupier of the land."

NOTES:**Initial Commencement*****To be appointed***

To be appointed: see s 121(4)(a).

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**PLANNING AND COMPULSORY PURCHASE ACT 2004
2004 CHAPTER 5**

CHAPTER 2 SCOTLAND

Trees

Royal Assent [13 May 2004]

Planning and Compulsory Purchase Act 2004, Ch. 5, s. 95 (Eng.)

95 Tree preservation orders: Scotland

For section 162 of the Town and Country Planning (Scotland) Act 1997 (Orders affecting land where Forestry Commissioners interested) there is substituted the following section--

"162 Tree preservation: Forestry Commissioners

(1) A tree preservation order does not have effect in respect of anything done--

(a) by or on behalf of the Forestry Commissioners on land placed at their disposal in pursuance of the Forestry Act 1967 or otherwise under their management or supervision;

(b) by or on behalf of any other person in accordance with a relevant plan which is for the time being in force.

(2) A relevant plan is a plan of operations or other working plan approved by the Forestry Commissioners under--

(a) a forestry dedication agreement within the meaning of section 5 of the Forestry Act 1967, or

(b) conditions of a grant or loan made under section 1 of the Forestry Act 1979.

(3) A reference to a provision of the Forestry Act 1967 or the Forestry Act 1979 includes a reference to a corresponding provision replaced by that provision or any earlier corresponding provision."

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 121(4)(a).

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2004 CHAPTER 5**

CHAPTER 2 SCOTLAND

Trees

Royal Assent [13 May 2004]

Planning and Compulsory Purchase Act 2004, Ch. 5, s. 96 (Eng.)

96 Trees in conservation areas in Scotland: acts of Crown

In the Town and Country Planning (Scotland) Act 1997 (c 8), after section 172(4) (preservation of trees in conservation areas) there are inserted the following subsections--

"(5) An emanation of the Crown must not, in relation to a tree to which this section applies, do an act mentioned in subsection (1) above unless--

(a) the first condition is satisfied, and

(b) either the second or third condition is satisfied.

(6) The first condition is that the emanation serves notice of an intention to do the act (with sufficient particulars to identify the tree) on the planning authority in whose area the tree is situated.

(7) The second condition is that the act is done with the consent of the authority.

(8) The third condition is that the act is done--

(a) after the end of the period of six weeks starting with the date of the notice, and

(b) before the end of the period of two years starting with that date."

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 121(4)(a).

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**PLANNING AND COMPULSORY PURCHASE ACT 2004
2004 CHAPTER 5**

**CHAPTER 2 SCOTLAND
Miscellaneous
Royal Assent [13 May 2004]**

Planning and Compulsory Purchase Act 2004, Ch. 5, s. 97 (Eng.)

97 Old mining permissions: Scotland

(1) Subsection (2) applies if--

(a) an old mining permission relates to land which is Crown land, and

(b) the permission has not been registered in pursuance of Part 2 of Schedule 8 to the Town and Country Planning (Scotland) Act 1997.

(2) Paragraph 10 of that Schedule and that Part apply to the old mining permission subject to the following modifications--

(a) in sub-paragraph (3) of that paragraph, for "16th May 1991" there is substituted "the date of commencement of section 97(2) of the Planning and Compulsory Purchase Act 2004",

(b) in paragraph 13(3) of that Part, for "24 January 1992" there is substituted "the date of commencement of section 97(2) of the Planning and Compulsory Purchase Act 2004".

(3) "Old mining permission" must be construed in accordance with paragraph 10 and Part 2 of that Schedule.

(4) "Crown land" must be construed in accordance with Part 12 of the Town and Country Planning (Scotland) Act 1997.

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 121(4)(a).

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**PLANNING AND COMPULSORY PURCHASE ACT 2004
2004 CHAPTER 5**

**CHAPTER 2 SCOTLAND
Miscellaneous
Royal Assent [13 May 2004]**

Planning and Compulsory Purchase Act 2004, Ch. 5, s. 98 (Eng.)

98 Subordinate legislation: Scotland

(1) The Scottish Ministers may by order provide that relevant subordinate legislation applies to the Crown.

(2) The order may modify such subordinate legislation to the extent that the Scottish Ministers think appropriate for the purposes of its application to the Crown.

(3) Relevant subordinate legislation is an instrument which--

(a) is made under or (wholly or in part) for the purposes of any of the Scottish planning Acts,

(b) is made before the commencement of section 90 of this Act, and

(c) is specified in the order.

(4) In subsection (3), "instrument" includes an instrument made under an Act of the Scottish Parliament.

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 121(4)(a).

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**PLANNING AND COMPULSORY PURCHASE ACT 2004
2004 CHAPTER 5**

**PART 8 COMPULSORY PURCHASE
Acquisition of land for development
Royal Assent [13 May 2004]**

Planning and Compulsory Purchase Act 2004, Ch. 5, s. 99 (Eng.)

99 Compulsory acquisition of land for development etc

(1) Section 226 of the principal Act (compulsory acquisition of land for development and other planning purposes) is amended as follows.

(2) In subsection (1)--

(a) the first "which" is omitted;

(b) for paragraph (a) there is substituted the following paragraph--

"(a) if the authority think that the acquisition will facilitate the carrying out of development, re-development or improvement on or in relation to the land,";

(c) in paragraph (b) at the beginning there is inserted "which".

(3) After subsection (1) there is inserted the following subsection--

"(1A) But a local authority must not exercise the power under paragraph (a) of subsection (1) unless they think that the development, re-development or improvement is likely to contribute to the achievement of any one or more of the following objects--

(a) the promotion or improvement of the economic well-being of their area;

(b) the promotion or improvement of the social well-being of their area;

(c) the promotion or improvement of the environmental well-being of their area."

(4) Subsection (2) is omitted.

(5) Nothing in this section affects a compulsory purchase order made before the commencement of this section.

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 121(1), (2)(e).

Appointment

Appointment: 31 October 2004: see SI 2004/2593, art 2(a).

Extent

This section does not extend to Scotland: see s 124(1).

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**PLANNING AND COMPULSORY PURCHASE ACT 2004
2004 CHAPTER 5**

**PART 8 COMPULSORY PURCHASE
Authorisation of compulsory acquisition
Royal Assent [13 May 2004]**

Planning and Compulsory Purchase Act 2004, Ch. 5, s. 100 (Eng.)

100 Procedure for authorisation by authority other than a Minister

(1) The Acquisition of Land Act 1981 (c 67) (the "1981 Act") is amended as follows.

(2) In section 6 (service of documents), in subsection (4)--

(a) after "lessee" in each place there is inserted ", tenant";

(b) after "lessee" there is inserted ", "tenant"".

(3) In section 7 (interpretation), after subsection (2) there is added--

"(3) But an instrument containing regulations made for the purposes of section 13A or paragraph 4A of Schedule 1 is subject to annulment in pursuance of a resolution of either House of Parliament."

(4) In section 11 (notices in newspapers), after subsection (2) there is added--

"(3) In addition, the acquiring authority shall affix a notice in the prescribed form to a conspicuous object or objects on or near the land comprised in the order.

(4) The notice under subsection (3) must--

(a) be addressed to persons occupying or having an interest in the land, and

(b) set out each of the matters mentioned in subsection (2) (but reading the reference there to first publication of the notice as a reference to the day when the notice under subsection (3) is first affixed)."

(5) In section 12 (notices to owners, lessees and occupiers)--

(a) in subsection (1), for the words from "owner" to "order" (where it first

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appears) there is substituted "qualifying person";

(b) for subsection (2) there is substituted--

"(2) A person is a qualifying person, in relation to land comprised in an order, if--

(a) he is an owner, lessee, tenant (whatever the tenancy period) or occupier of the land, or

(b) he falls within subsection (2A).

(2A) A person falls within this subsection if he is--

(a) a person to whom the acquiring authority would, if proceeding under section 5(1) of the Compulsory Purchase Act 1965, be required to give a notice to treat, or

(b) a person the acquiring authority thinks is likely to be entitled to make a relevant claim if the order is confirmed and the compulsory purchase takes place, so far as he is known to the acquiring authority after making diligent inquiry.

(2B) A relevant claim is a claim for compensation under section 10 of the Compulsory Purchase Act 1965 (compensation for injurious affection)."

(6) For section 13 (confirmation of compulsory purchase order) there are substituted the following sections--

"13 Confirmation of order: no objections

(1) The confirming authority may confirm a compulsory purchase order with or without modifications if it is satisfied--

(a) that the notice requirements have been complied with, and

(b) that one of the conditions in subsection (2) is satisfied.

(2) The conditions are--

(a) no relevant objection is made;

(b) every relevant objection made is either withdrawn or disregarded.

(3) The confirming authority may require every person who makes a relevant objection to state the grounds of the objection in writing.

(4) If the confirming authority is satisfied that an objection relates exclusively to matters which can be dealt with by the tribunal by whom the compensation is to be assessed it may disregard the objection.

(5) The notice requirements are the requirements under sections 11 and 12 to publish, affix and serve notices in connection with the compulsory purchase order.

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(6) A relevant objection is an objection by a person who is a qualifying person for the purposes of section 12(2), but if such a person qualifies only by virtue of section 12(2A)(b) and the confirming authority thinks that he is not likely to be entitled to make a relevant claim his objection is not a relevant objection.

(7) Disregarded means disregarded under subsection (4) or under any other power to disregard a relevant objection contained in the enactment providing for the compulsory purchase.

13A Confirmation of order: remaining objections

(1) This section applies to the confirmation of a compulsory purchase order if a relevant objection is made which is neither--

(a) withdrawn, nor

(b) disregarded,

(a remaining objection).

(2) The confirming authority may proceed under the written representations procedure--

(a) if the order is not subject to special parliamentary procedure,

(b) in the case of an order to which section 16 applies, if a certificate has been given under subsection (2) of that section, and

(c) if every person who has made a remaining objection consents in the prescribed manner.

(3) If subsection (2) does not apply or if the confirming authority decides not to proceed under that subsection, it must either--

(a) cause a public local inquiry to be held, or

(b) give every person who has made a remaining objection an opportunity of appearing before and being heard by a person appointed by the confirming authority for the purpose.

(4) If a person who has made a remaining objection takes the opportunity to appear before a person appointed under subsection (3)(b) the confirming authority must give the acquiring authority and any other person it thinks appropriate the opportunity to be heard at the same time.

(5) The confirming authority may confirm the order with or without modifications if it has considered the objection and either--

(a) it has followed the written representations procedure, or

(b) in a case which falls within subsection (3), if an inquiry was held or a person was appointed under subsection (3)(b), it has considered the report of the person who held the inquiry or who was so appointed.

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(6) The written representations procedure is such procedure as is prescribed for the purposes of this section including provision affording an opportunity to--

- (a) every person who has made a remaining objection,
 - (b) the acquiring authority, and
 - (c) any other person the confirming authority thinks appropriate,
- to make written representations as to whether the order should be confirmed.

(7) Relevant objection and disregarded must be construed in accordance with section 13.

13B Written representations procedure: supplementary

(1) This section applies where the confirming authority decides under section 13A to follow the written representations procedure.

(2) The confirming authority may make orders as to the costs of the parties to the written representations procedure, and as to which party must pay the costs.

(3) An order under subsection (2) may be made a rule of the High Court on the application of any party named in the order.

(4) The costs incurred by the confirming authority in connection with the written representations procedure must be paid by the acquiring authority, if the confirming authority so directs.

(5) The confirming authority may certify the amount of its costs, and any amount so certified and directed to be paid by the acquiring authority is recoverable summarily by the confirming authority as a civil debt.

(6) Section 42(2) of the Housing and Planning Act 1986 (recovery of Minister's costs in connection with inquiries) applies to the written representations procedure as if the procedure is an inquiry specified in section 42(1) of that Act.

(7) Regulations under section 13A(6) may make provision as to the giving of reasons for decisions taken in cases where the written representations procedure is followed.

13C Confirmation in stages

(1) The confirming authority may confirm an order (with or without modifications) so far as it relates to part of the land comprised in the order (the "relevant part") if each of the conditions in subsection (2) is met.

(2) The conditions are--

(a) the confirming authority is satisfied that the order ought to be confirmed so far as it relates to the relevant part but has not for the time

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being determined whether the order ought to be confirmed so far as it relates to the remaining part;

(b) the confirming authority is satisfied that the notice requirements have been complied with.

(3) If there is a remaining objection in respect of the order, the confirming authority may only act under subsection (1) after complying with section 13A(2) or (3) (as the case may be).

(4) But it may act under subsection (1) without complying with those provisions if it is satisfied that all remaining objections relate solely to the remaining part of the land.

(5) If the confirming authority acts under subsection (1)--

(a) it must give a direction postponing consideration of the order, so far as it relates to the remaining part, until such time as may be specified by or under the direction;

(b) the order so far as it relates to each part of the land must be treated as a separate order.

(6) The notices to be published, affixed and served under section 15 must include a statement as to the effect of the direction given under subsection (5)(a).

(7) Notice requirements must be construed in accordance with section 13.

(8) Remaining objection must be construed in accordance with section 13A."

(7) For section 15 there is substituted--

"15 Notices after confirmation of order

(1) After the order has been confirmed, the acquiring authority must--

(a) serve a confirmation notice and a copy of the order as confirmed on each person on whom a notice was required to be served under section 12, and

(b) affix a confirmation notice to a conspicuous object or objects on or near the land comprised in the order.

(2) The notice under subsection (1)(b) must--

(a) be addressed to persons occupying or having an interest in the land;

(b) so far as practicable, be kept in place by the acquiring authority until the expiry of a period of six weeks beginning with the date when the order becomes operative.

(3) The acquiring authority must also publish a confirmation notice in one or more local newspapers circulating in the locality in which the land comprised in the order is situated.

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(4) A confirmation notice is a notice--

(a) describing the land;

(b) stating that the order has been confirmed;

(c) (except in the case of a notice under subsection (1)(a)) naming a place where a copy of the order as confirmed and of the map referred to there may be inspected at all reasonable hours;

(d) that a person aggrieved by the order may apply to the High Court as mentioned in section 23.

(5) A confirmation notice must be in the prescribed form."

(8) The amendments made by this section do not apply to orders of which notice under section 11 of the 1981 Act has been published before commencement of this section.

NOTES:**Initial Commencement*****To be appointed***

To be appointed: see s 121(1), (2)(e).

Appointment

Appointment (for the purpose of making, or making provision by means of, subordinate legislation): 6 August 2004: see SI 2004/2097, art 2.

Appointment (for remaining purposes): 31 October 2004: see SI 2004/2593, art 2(a).

Extent

This section does not extend to Scotland: see s 124(1).

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**PLANNING AND COMPULSORY PURCHASE ACT 2004
2004 CHAPTER 5**

**PART 8 COMPULSORY PURCHASE
Authorisation of compulsory acquisition
Royal Assent [13 May 2004]**

Planning and Compulsory Purchase Act 2004, Ch. 5, s. 101 (Eng.)

101 Procedure for authorisation by a Minister

(1) Schedule 1 to the Acquisition of Land Act 1981 (c 67) (the "1981 Act") is amended as follows.

(2) In paragraph 2 (notices in newspapers), after sub-paragraph (2) there is added--

"(3) In addition, the Minister shall affix a notice in the prescribed form to a conspicuous object or objects on or near the land comprised in the draft order.

(4) The notice under sub-paragraph (3) must--

(a) be addressed to persons occupying or having an interest in the land, and

(b) set out each of the matters mentioned in sub-paragraph (2) (but reading the reference there to first publication of the notice as a reference to the day when the notice under sub-paragraph (3) is first affixed)."

(3) In paragraph 3 (notices to owners, lessees and occupiers)--

(a) in sub-paragraph (1), for the words from "owner" to "order" (where it first appears) there is substituted "qualifying person";

(b) for sub-paragraph (2) there is substituted--

"(2) A person is a qualifying person, in relation to land comprised in a draft order, if--

(a) he is an owner, lessee, tenant (whatever the tenancy period) or occupier of any such land, or

(b) he falls within sub-paragraph (2A).

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(2A) A person falls within this sub-paragraph if he is--

(a) a person to whom the Minister would, if proceeding under section 5(1) of the Compulsory Purchase Act 1965, be required to give a notice to treat, or

(b) a person the Minister thinks is likely to be entitled to make a relevant claim if the order is made and the compulsory purchase takes place, so far as he is known to the Minister after making diligent inquiry.

(2B) A relevant claim is a claim for compensation under section 10 of the Compulsory Purchase Act 1965 (compensation for injurious affection)."

(4) For paragraph 4 there are substituted the following paragraphs--

"4

(1) The Minister may make a compulsory purchase order with or without modifications if he is satisfied--

(a) that the notice requirements have been complied with, and

(b) that one of the conditions in sub-paragraph (2) is satisfied.

(2) The conditions are--

(a) no relevant objection is made;

(b) every relevant objection made is either withdrawn or disregarded.

(3) The appropriate authority may require every person who makes a relevant objection to state the grounds of the objection in writing.

(4) If the appropriate authority is satisfied that an objection relates exclusively to matters which can be dealt with by the tribunal by whom the compensation is to be assessed it may disregard the objection.

(5) The notice requirements are the requirements under paragraphs 2 and 3 to publish, affix and serve notices in connection with the compulsory purchase order.

(6) A relevant objection is an objection by a person who is a qualifying person for the purposes of paragraph 3(2), but if such a person qualifies only by virtue of paragraph 3(2A)(b) and the Minister thinks that he is not likely to be entitled to make a relevant claim his objection is not a relevant objection.

(7) Disregarded means disregarded under sub-paragraph (4) or under any other power to disregard a relevant objection contained in the enactment providing for the compulsory purchase.

(8) The appropriate authority is--

(a) in the case of an order proposed to be made in the exercise of highway land acquisition powers, the Minister and the planning Minister acting jointly,

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(b) in any other case, the Minister.

(9) Highway land acquisition powers must be construed in accordance with the Highways Act 1980.

(10) The planning Minister is the Secretary of State for the time being having general responsibility in planning matters.

4A

(1) This paragraph applies to the making of a compulsory purchase order if a relevant objection is made which is neither--

(a) withdrawn, nor

(b) disregarded,

(a remaining objection).

(2) The appropriate authority may proceed under the written representations procedure--

(a) if the order is not subject to special parliamentary procedure;

(b) in the case of an order to which section 16 applies, if a certificate has been given under subsection (2) of that section, and

(c) if every person who has made a remaining objection consents in the prescribed manner.

(3) If sub-paragraph (2) does not apply or if the appropriate authority decides not to proceed under that sub-paragraph, it must either--

(a) cause a public local inquiry to be held, or

(b) give every person who has made a remaining objection an opportunity of appearing before and being heard by a person appointed by the appropriate authority for the purpose.

(4) If a person who has made a remaining objection takes the opportunity to appear before a person appointed under sub-paragraph (3)(b) the appropriate authority must give any other person it thinks appropriate the opportunity to be heard at the same time.

(5) The Minister may make the order with or without modifications if--

(a) the appropriate authority has considered the objection, and

(b) one of the conditions in sub-paragraph (6) is satisfied.

(6) The conditions are--

(a) the appropriate authority has followed the written representations procedure;

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(b) in a case which falls within sub-paragraph (3), if an inquiry was held or a person was appointed under sub-paragraph (3)(b), the appropriate authority has considered the report of the person who held the inquiry or who was so appointed.

(7) The written representations procedure is such procedure as is prescribed for the purposes of this paragraph including provision affording an opportunity to--

(a) every person who has made a remaining objection, and

(b) any other person the appropriate authority thinks appropriate,

to make written representations as to whether the order should be made.

(8) Regulations under sub-paragraph (7) may make provision as to the giving of reasons for decisions taken in cases where the written representations procedure is followed.

(9) Expressions used in this paragraph and in paragraph 4 must be construed in accordance with paragraph 4.

4B

(1) The Minister may make an order (with or without modifications) so far as it relates to part of the land comprised in the draft order (the "relevant part") if each of the conditions in sub-paragraph (2) is met.

(2) The conditions are--

(a) the Minister or, if there is a remaining objection in respect of the order, the appropriate authority is satisfied that the order ought to be made so far as it relates to the relevant part but has not for the time being determined whether the order ought to be made so far as it relates to the remaining part;

(b) the Minister is satisfied that the notice requirements have been complied with.

(3) If there is a remaining objection in respect of the order, the Minister may only act under sub-paragraph (1) after the appropriate authority has complied with paragraph 4A(2) or (3) (as the case may be).

(4) But he may act under sub-paragraph (1) without the appropriate authority having complied with those provisions if he is satisfied that all remaining objections relate solely to the remaining part of the land.

(5) If the Minister acts under sub-paragraph (1)--

(a) he must give a direction postponing consideration of the order, so far as it relates to the remaining part, until such time as may be specified by or under the direction;

(b) the order so far as it relates to each part of the land must be treated as a separate order.

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(6) The notices to be published, affixed and served under paragraph 6 must include a statement as to the effect of the direction given under sub-paragraph (5)(a).

(7) Expressions used in this paragraph and in paragraph 4 or 4A must be construed in accordance with paragraph 4 or 4A (as the case may be)."

(5) For paragraph 6 there is substituted--

"6

(1) After the order has been made, the Minister must--

(a) serve a making notice, and a copy of the order as made, on each person on whom a notice was required to be served under paragraph 3, and

(b) affix a making notice to a conspicuous object or objects on or near the land comprised in the order.

(2) The notice under sub-paragraph (1)(b) must--

(a) be addressed to persons occupying or having an interest in the land;

(b) so far as practicable, be kept in place by the acquiring authority until the expiry of a period of six weeks beginning with the date when the order becomes operative.

(3) The Minister must also publish a making notice in one or more local newspapers circulating in the locality in which the land comprised in the order is situated.

(4) A making notice is a notice--

(a) describing the land;

(b) stating that the order has been made;

(c) (except in the case of a notice under sub-paragraph (1)(a)) naming a place where a copy of the order as made and of the map referred to there may be inspected at all reasonable hours;

(d) that a person aggrieved by the order may apply to the High Court as mentioned in section 23.

(5) A making notice must be in the prescribed form."

(6) The amendments made by this section do not apply to orders of which notice under paragraph 2 of Schedule 1 to the 1981 Act has been published before commencement of this section.

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 121(1), (2)(e).

Appointment

Appointment (for the purpose of making, or making provision by means of, subordinate legislation): 6 August 2004: see SI 2004/2097, art 2.

Appointment (for remaining purposes): 31 October 2004: see SI 2004/2593, art 2(a).

Extent

This section does not extend to Scotland: see s 124(1).

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**PLANNING AND COMPULSORY PURCHASE ACT 2004
2004 CHAPTER 5**

**PART 8 COMPULSORY PURCHASE
Authorisation of compulsory acquisition
Royal Assent [13 May 2004]**

Planning and Compulsory Purchase Act 2004, Ch. 5, s. 102 (Eng.)

102 Confirmation by acquiring authority

(1) The Acquisition of Land Act 1981 (c 67) (the "1981 Act") is amended as follows.

(2) After section 14 there is inserted--

"14A Confirmation by acquiring authority

(1) The power to confirm an order may be exercised by the acquiring authority (instead of the confirming authority) if--

(a) the confirming authority has notified the acquiring authority to that effect, and

(b) the notice has not been revoked.

(2) But this section does not apply to an order in respect of land--

(a) falling within section 16(1) or paragraph 3(1) of Schedule 3, or

(b) forming part of a common, open space or fuel or field garden allotment for the purposes of section 19.

(3) The confirming authority may give notice under subsection (1) if it is satisfied--

(a) that the notice requirements have been complied with,

(b) that no objection has been made in relation to the proposed confirmation or that all objections have been withdrawn, and

(c) that the order is capable of being confirmed without modification.

(4) An objection is an objection made by any person (whether or not a person

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mentioned in section 12(2)), including an objection which is disregarded.

(5) The power to confirm an order under subsection (1) does not include any power--

(a) to confirm the order with modifications, or

(b) to confirm only a part of the order.

(6) The acquiring authority must notify the confirming authority as soon as reasonably practicable after it has determined whether or not to confirm the order.

(7) The confirming authority may revoke a notice given by it under subsection (1).

(8) But a notice may not be revoked if the determination has already been made and notified by the acquiring authority under subsection (6).

(9) An order confirmed by the acquiring authority under subsection (1) is to have the same effect as if it were confirmed by the confirming authority.

(10) Notices under this section must be in writing.

(11) Notice requirements and disregarded must be construed in accordance with section 13."

(3) The amendments made by this section do not apply to orders of which notice has been published under section 11 of the 1981 Act before commencement of this section.

NOTES:**Initial Commencement*****To be appointed***

To be appointed: see s 121(1), (2)(e).

Appointment

Appointment: 31 October 2004: see SI 2004/2593, art 2(a).

Extent

This section does not extend to Scotland: see s 124(1).

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**PLANNING AND COMPULSORY PURCHASE ACT 2004
2004 CHAPTER 5**

**PART 8 COMPULSORY PURCHASE
Valuation date**

Royal Assent [13 May 2004]

Planning and Compulsory Purchase Act 2004, Ch. 5, s. 103 (Eng.)

103 Assessment of compensation: valuation date

(1) The Land Compensation Act 1961 (c 33) is amended as follows.

(2) After section 5 there is inserted--

"5A Relevant valuation date

(1) If the value of land is to be assessed in accordance with rule (2) in section 5, the valuation must be made as at the relevant valuation date.

(2) No adjustment is to be made to the valuation in respect of anything which happens after the relevant valuation date.

(3) If the land is the subject of a notice to treat, the relevant valuation date is the earlier of--

(a) the date when the acquiring authority enters on and takes possession of the land, and

(b) the date when the assessment is made.

(4) If the land is the subject of a general vesting declaration, the relevant valuation date is the earlier of--

(a) the vesting date, and

(b) the date when the assessment is made,

and "general vesting declaration" and "vesting date" have the meanings given in section 2 of the Compulsory Purchase (Vesting Declarations) Act 1981.

(5) If the acquiring authority enters on and takes possession of part of the land--

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(a) specified in a notice of entry, or

(b) in respect of which a payment into court has been made,

the authority is deemed, for the purposes of subsection (3)(a), to have entered on and taken possession of the whole of that land on that date.

(6) Subsection (5) also applies for the purposes of calculating interest under the following enactments--

(a) section 11(1) of the Compulsory Purchase Act 1965;

(b) paragraph 3 of Schedule 3 to that Act;

(c) section 85 of the Lands Clauses Consolidation Act 1845;

(d) section 52A of the Land Compensation Act 1973,

and references there to the date or time of entry are to be construed accordingly.

(7) An assessment by the Lands Tribunal is treated as being made on the date certified by the Tribunal as--

(a) the last hearing date before it makes its determination, or

(b) in a case to be determined without an oral hearing, the last date for making written submissions before it makes its determination.

(8) Nothing in this section affects--

(a) any express provision in any other enactment which requires the valuation of land subject to compulsory acquisition to be made at a particular date;

(b) the valuation of land for purposes other than the compulsory acquisition of that land (even if the valuation is to be made in accordance with the rules in section 5).

(9) In this section--

(a) a notice of entry is a notice under section 11(1) of the Compulsory Purchase Act 1965;

(b) a payment into court is a payment into court under Schedule 3 to that Act or under section 85 of the Lands Clauses Consolidation Act 1845."

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 121(1), (2)(e).

Appointment

Appointment: 31 October 2004: see SI 2004/2593, art 2(a).

Extent

This section does not extend to Scotland: see s 124(1).

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**PLANNING AND COMPULSORY PURCHASE ACT 2004
2004 CHAPTER 5**

**PART 8 COMPULSORY PURCHASE
Advance payments
Royal Assent [13 May 2004]**

Planning and Compulsory Purchase Act 2004, Ch. 5, s. 104 (Eng.)

104 Compensation: advance payments to mortgagees

(1) The Land Compensation Act 1973 is amended as follows.

(2) In section 52 (right to advance payment of compensation)--

(a) after subsection (1) there are inserted the following subsections--

"(1A) If the acquiring authority have taken possession of part of the land--

(a) specified in a notice of entry, or

(b) in respect of which a payment into court has been made,

the compensation mentioned in subsection (1) is the compensation payable for the compulsory acquisition of the interest in the whole of the land.

(1B) Notice of entry and payment into court must be construed in accordance with section 5A of the Land Compensation Act 1961.",

(b) for subsection (6) there is substituted the following subsection--

"(6) If the land is subject to a mortgage sections 52ZA and 52ZB apply."

(3) After section 52 of that Act there are inserted the following sections--

"52ZA Advance payments: land subject to mortgage

(1) This section applies if--

(a) an acquiring authority take possession of land,

(b) a request is made in accordance with section 52(2) for an advance payment, and

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(c) the land is subject to a mortgage the principal of which does not exceed 90% of the relevant amount.

(2) The advance payment made to the claimant must be reduced by the amount the acquiring authority think will be required by them to secure the release of the interest of the mortgagee (or all the mortgagees if there is more than one).

(3) The acquiring authority must pay to the mortgagee the amount the acquiring authority think will be required by them to secure the release of the mortgagee's interest, if--

(a) the claimant so requests, and

(b) the mortgagee consents to the making of the payment.

(4) If there is more than one mortgagee--

(a) subsection (3) applies to each mortgagee individually, but

(b) payment must not be made to a mortgagee before the interest of each mortgagee whose interest has priority to his interest is released.

(5) The amount of the advance payment made to the claimant under section 52 and the amount of the payments made to mortgagees under this section must not in aggregate exceed 90% of the relevant amount.

(6) Subsection (7) applies if--

(a) the acquiring authority estimated the compensation,

(b) it appears to the acquiring authority that their estimate was too low and they revise the estimate, and

(c) a request is made by the claimant in accordance with section 52(2).

(7) The provisions of subsections (2) to (5) must be re-applied on the basis of the revised estimate.

52ZB Advance payments: land subject to mortgage exceeding 90% threshold

(1) This section applies if--

(a) an acquiring authority take possession of land,

(b) a request is made in accordance with section 52(2) for an advance payment, and

(c) the land is subject to a mortgage the principal of which exceeds 90% of the relevant amount.

(2) No advance payment is to be made to the claimant.

(3) But the acquiring authority must pay to the mortgagee the amount found under subsection (4), if--

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- (a) the claimant so requests, and
- (b) the mortgagee consents to the making of the payment.

(4) The amount is whichever is the lesser of--

- (a) 90% of the value of the land;
- (b) the principal of the mortgagee's mortgage.

(5) The value of the land is the value--

(a) agreed by the claimant and the acquiring authority, or (failing such agreement)

(b) estimated by the acquiring authority.

(6) For the purposes of subsection (5) the value of the land is to be calculated in accordance with rule 2 of section 5 of the Land Compensation Act 1961 (market value), whether or not compensation is or is likely to be assessed in due course in accordance with rule 5 of that section (equivalent re-instatement).

(7) If there is more than one mortgagee, payment must not be made to a mortgagee until the interest of each mortgagee whose interest has priority to his interest is released.

(8) But the total payments under subsection (3) must not in any event exceed 90% of the value of the land.

(9) Subsection (10) applies if--

(a) the acquiring authority estimated the compensation,

(b) it appears to the acquiring authority that their estimate was too low and they revise the estimate,

(c) the condition in section 52ZA(1)(b) would have been satisfied if the revised estimate had been used instead of their estimate, and

(d) a request is made by the claimant in accordance with section 52(2).

(10) The provisions of section 52ZA(2) to (5) must be applied on the basis of the revised estimate.

(11) If--

(a) the acquiring authority estimated the value of the land,

(b) it appears to the acquiring authority that their estimate was too low and they revise the estimate, and

(c) a request is made by the claimant in writing,

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any balance found to be due to a mortgagee on the basis of the revised estimate is payable in accordance with this section.

52ZC Land subject to mortgage: supplementary

(1) This section applies for the purposes of sections 52ZA and 52ZB.

(2) The claimant must provide the acquiring authority with such information as they may require to enable them to give effect to those sections.

(3) A request under section 52ZA(3) or 52ZB(3) must be made in writing and must be accompanied by the written consent of the mortgagee.

(4) Subsections (4) and (8) to (9) of section 52 apply to a payment which may be or is made under section 52ZA or 52ZB as they apply to a payment which may be or is made under section 52.

(5) The relevant amount is the amount of the compensation agreed or estimated as mentioned in section 52(3).

(6) If the land is subject to more than one mortgage, the reference in sections 52ZA(1)(c) and 52ZB(1)(c) to the principal is to the aggregate of the principals of all of the mortgagees.

(7) A payment made to a mortgagee under section 52ZA or 52ZB--

(a) must be applied by the mortgagee in or towards the discharge of the principal, interest and costs and any other money due under the mortgage;

(b) must be taken to be a payment on account of compensation and treated for the purposes of section 52(10) as if it were an advance payment made under section 52;

(c) must be taken, with effect from the date of the payment, to reduce by the amount of the payment the amount in respect of which interest accrues for the purposes of section 11(1) of the Compulsory Purchase Act 1965, any bond under Schedule 3 to that Act or section 85 of the Lands Clauses Compensation Act 1845;

(d) must be taken into account for the purposes of determining any payments (or payments into court) which may be made for the purposes of sections 14 to 16 of the Compulsory Purchase Act 1965.

(8) If the amount, or aggregate amount, of any payments under--

(a) sections 52 and 52ZA, or

(b) section 52ZB,

on the basis of the acquiring authority's estimate of the compensation exceed the compensation as finally determined or agreed, the excess must be repaid by the claimant.

(9) No payment must be made to a mortgagee--

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(a) if any of the circumstances mentioned in subsection (10) applies, or

(b) if the compulsory acquisition is only of a right over land.

(10) The circumstances are--

(a) payment has been made under section 14(2) of the Compulsory Purchase Act 1965;

(b) a notice under section 14(3) of that Act has been given;

(c) there is an agreement under section 15(1) or 16(1) of that Act or the matter has been referred to the Lands Tribunal under that section.

(11) The claimant in relation to settled land for the purposes of the Settled Land Act 1925 is the persons entitled to give a discharge for capital money."

(4) In section 52A (right to interest where advance payment made) for subsection (2) there is substituted--

"(2) If the authority make a payment under section 52(1) to any person on account of the compensation--

(a) they must at the same time make a payment to that person of accrued interest, for the period beginning with the date of entry, on the amount of the compensation agreed or estimated under section 52(3) (the total amount), and

(b) the difference between the paid amount and the total amount is an unpaid balance for the purposes of this section.

(2A) The paid amount is--

(a) the amount of the payment under section 52(1), or

(b) if the land is subject to a mortgage, the aggregate of that amount and the amount of any payment made under section 52ZA(3)."

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 121(1), (2)(e).

Appointment

Appointment: 31 October 2004: see SI 2004/2593, art 2(a).

Extent

This section does not extend to Scotland: see s 124(1).

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*** THIS DOCUMENT IS CURRENT THROUGH 26 NOVEMBER, 2004 ***

**PLANNING AND COMPULSORY PURCHASE ACT 2004
2004 CHAPTER 5**

**PART 8 COMPULSORY PURCHASE
Information
Royal Assent [13 May 2004]**

Planning and Compulsory Purchase Act 2004, Ch. 5, s. 105 (Eng.)

105 Power to require information

(1) The Acquisition of Land Act 1981 (c 67) is amended as follows.

(2) After section 5 (local inquiries) there is inserted--

"5A Power to require information

(1) This section applies to information about land in relation to which an acquiring authority is entitled to exercise a power of compulsory purchase.

(2) The acquiring authority may serve a notice on a person mentioned in subsection (4) requiring him to give to the authority in writing the following information--

(a) the name and address of any person he believes to be an owner, lessee, tenant (whatever the tenancy period) or occupier of the land;

(b) the name and address of any person he believes to have an interest in the land.

(3) The power in subsection (2) is exercisable for the purpose of enabling the acquiring authority to acquire the land.

(4) The persons are--

(a) the occupier of the land;

(b) any person who has an interest in the land either as freeholder, mortgagee or lessee;

(c) any person who directly or indirectly receives rent for the land;

(d) any person who, in pursuance of an agreement between himself and a person interested in the land, is authorised to manage the land or to arrange for the

letting of it.

(5) The notice must specify the period within which the information must be given to the acquiring authority (being a period of not less than 14 days beginning with the day on which the notice is served).

(6) The notice must also specify or describe--

(a) the land,

(b) the compulsory purchase power, and

(c) the enactment which confers the power.

(7) The notice must be in writing.

(8) Section 6(4) does not apply to notices to be served under this section.

5B Offences relating to information

(1) A person commits an offence if he fails without reasonable excuse to comply with a notice served on him under section 5A.

(2) A person commits an offence if, in response to a notice served on him under section 5A--

(a) he gives information which is false in a material particular, and

(b) when he does so, he knows or ought reasonably to know that the information is false.

(3) If an offence under this section committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of--

(a) a director, manager, secretary or other similar officer of the body corporate, or

(b) a person purporting to act in any such capacity,

he, as well as the body corporate, is guilty of that offence and liable to be proceeded against accordingly.

(4) The reference in subsection (3) to a director must be construed in accordance with section 331(2) of the Town and Country Planning Act 1990.

(5) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 5 on the standard scale."

NOTES:

Initial Commencement

To be appointed

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To be appointed: see s 121(1), (2)(e).

Appointment

Appointment: 31 October 2004: see SI 2004/2593, art 2(a).

Extent

This section does not extend to Scotland: see s 124(1).

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**PLANNING AND COMPULSORY PURCHASE ACT 2004
2004 CHAPTER 5**

PART 8 COMPULSORY PURCHASE

Loss payments

Royal Assent [13 May 2004]

Planning and Compulsory Purchase Act 2004, Ch. 5, s. 106 (Eng.)

106 Basic loss payment

(1) After section 33 of the Land Compensation Act 1973 (c 26) (home loss payments for certain caravan dwellers) there is inserted the following section--
"Other loss payments

33A Basic loss payment

(1) This section applies to a person--

(a) if he has a qualifying interest in land,

(b) if the interest is acquired compulsorily, and

(c) to the extent that he is not entitled to a home loss payment in respect of any part of the interest.

(2) A person to whom this section applies is entitled to payment of whichever is the lower of the following amounts--

(a) 7.5% of the value of his interest;

(b) £75,000.

(3) A payment under this section must be made by the acquiring authority.

(4) An interest in land is a qualifying interest if it is a freehold interest or an interest as tenant and (in either case) it subsists for a period of not less than one year ending with whichever is the earliest of--

(a) the date on which the acquiring authority takes possession of the land under section 11 of the Compulsory Purchase Act 1965 (entry to take possession of land);

(b) the date on which the acquiring authority enters the land if it proceeds

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under Schedule 3 to that Act;

(c) the vesting date (within the meaning of the Compulsory Purchase (Vesting Declarations) Act 1981) if a declaration is made under section 4 of that Act (general vesting declaration);

(d) the date on which compensation is agreed between the person and the acquiring authority;

(e) the date on which the amount of compensation is determined by the Lands Tribunal.

(5) The compulsory acquisition of an interest in land includes acquisition of the interest in consequence of the service of--

(a) a purchase notice under section 137 of the Town and Country Planning Act 1990 (right to require purchase of certain interests);

(b) a notice under section 150 of that Act (purchase of blighted land).

(6) The value of an interest is its value for the purpose of deciding the amount of compensation payable in respect of the acquisition; but this is subject to subsections (7) and (8).

(7) If an interest consists partly of a dwelling in respect of which the person is entitled to a home loss payment the value of the interest is the value of the whole interest less the value of so much of the interest as is represented by the dwelling.

(8) If rule (5) of section 5 of the Land Compensation Act 1961 (equivalent reinstatement) applies for the purpose of assessing the amount of compensation the value of the interest is nil."

(2) Section 33A of the Land Compensation Act 1973 (c 26) (as inserted by subsection (1) above) does not apply in relation to a pre-commencement acquisition of an interest in land.

(3) A pre-commencement acquisition of an interest in land is any of the following--

(a) acquisition by means of a compulsory purchase order if the order is made or made in draft before the commencement of this section;

(b) acquisition by means of an order made under section 1 or 3 of the Transport and Works Act 1992 (c 42) (orders relating to certain transport works) if the application for the order was made to the Secretary of State before the commencement of this section;

(c) acquisition by means of an order under section 1 or 3 of that Act if the order is made in pursuance of section 7 of that Act (orders made without application) and the order is made in draft before the commencement of this section;

(d) acquisition by means of a power contained in an enactment (including a

private or local Act) to acquire compulsorily specified land or a specified interest in land if the Bill providing for the power is introduced into Parliament before the commencement of this section.

NOTES:**Initial Commencement***To be appointed*

To be appointed: see s 121(1), (2)(e).

Appointment

Appointment: 31 October 2004: see SI 2004/2593, art 2(a).

Extent

This section does not extend to Scotland: see s 124(1).

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**PLANNING AND COMPULSORY PURCHASE ACT 2004
2004 CHAPTER 5**

**PART 8 COMPULSORY PURCHASE
Loss payments
Royal Assent [13 May 2004]**

Planning and Compulsory Purchase Act 2004, Ch. 5, s. 107 (Eng.)

107 Occupier's loss payment

(1) After section 33A of the Land Compensation Act 1973 (inserted by section 106 of this Act) there are inserted the following sections--

"33B Occupier's loss payment: agricultural land

(1) This section applies to a person if--

- (a) he has a qualifying interest in land for the purposes of section 33A,
- (b) the land is agricultural land,
- (c) the interest is acquired compulsorily, and
- (d) he occupied the land for the period specified in section 33A(4).

(2) A person to whom this section applies is entitled to a payment of whichever is the greatest of the following amounts--

- (a) 2.5% of the value of his interest;
- (b) the land amount;
- (c) the buildings amount.

(3) But the maximum amount which may be paid to a person under this section in respect of an interest in land is £25,000.

(4) A payment under this section must be made by the acquiring authority.

(5) The value of an interest is its value for the purpose of deciding the amount of compensation payable in respect of the acquisition; but this is subject to subsections (6) and (7).

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(6) If an interest consists partly of a dwelling in respect of which the person is entitled to a home loss payment the value of the interest is the value of the whole interest less the value of so much of the interest as is represented by the dwelling.

(7) If rule (5) of section 5 of the Land Compensation Act 1961 (equivalent reinstatement) applies for the purpose of assessing the amount of compensation the value of the interest is nil.

(8) The land amount is the greater of £300 and the amount found in accordance with the following Table--

Area of the land	Amount per hectare
Not exceeding 100 hectares	£100 per hectare or part of a hectare
Exceeding 100 hectares	(a) £100 per hectare for the first 100 hectares;
	(b) £50 per hectare for the next 300 hectares or part of a hectare.

(9) The buildings amount is £25 per square metre (or part of a square metre) of the gross floor space of any buildings on the land.

(10) The gross floor space must be measured externally.

33C Occupier's loss payment: other land

(1) This section applies to a person if--

- (a) he has a qualifying interest in land for the purposes of section 33A,
- (b) the land is not agricultural land,
- (c) the interest is acquired compulsorily, and
- (d) he occupied the land for the period specified in section 33A(4).

(2) A person to whom this section applies is entitled to a payment of whichever is the greatest of the following amounts--

- (a) 2.5% of the value of his interest;
- (b) the land amount;
- (c) the buildings amount.

(3) But the maximum amount which may be paid to a person under this section in respect of an interest in land is £25,000.

(4) A payment under this section must be made by the acquiring authority.

(5) The value of an interest is its value for the purpose of deciding the amount of compensation payable in respect of the acquisition; but this is

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subject to subsections (6) and (7).

(6) If an interest consists partly of a dwelling in respect of which the person is entitled to a home loss payment the value of the interest is the value of the whole interest less the value of so much of the interest as is represented by the dwelling.

(7) If rule (5) of section 5 of the Land Compensation Act 1961 (equivalent reinstatement) applies for the purpose of assessing the amount of compensation the value of the interest is nil.

(8) The land amount is the greater of--

(a) £2,500;

(b) £2.50 per square metre (or part of a square metre) of the area of the land.

(9) But if only part of land in which a person has an interest is acquired, for the figure specified in subsection (8)(a) there is substituted £300.

(10) The buildings amount is £25 per square metre (or part of a square metre) of the gross floor space of any buildings on the land.

(11) The gross floor space must be measured externally."

(2) Sections 33B and 33C of the Land Compensation Act 1973 (c 26) (as inserted by subsection (1) above) do not apply in relation to a pre-commencement acquisition of an interest in land.

(3) A pre-commencement acquisition of an interest in land is any of the following--

(a) acquisition by means of a compulsory purchase order if the order is made or made in draft before the commencement of this section;

(b) acquisition by means of an order made under section 1 or 3 of the Transport and Works Act 1992 (c 42) (orders relating to certain transport works) if the application for the order was made to the Secretary of State before the commencement of this section;

(c) acquisition by means of an order under section 1 or 3 of that Act if the order is made in pursuance of section 7 of that Act (orders made without application) and the order is made in draft before the commencement of this section;

(d) acquisition by means of a power contained in an enactment (including a private or local Act) to acquire compulsorily specified land or a specified interest in land if the Bill providing for the power is introduced into Parliament before the commencement of this section.

NOTES:**Initial Commencement**

To be appointed

To be appointed: see s 121(1), (2)(e).

Appointment

Appointment: 31 October 2004: see SI 2004/2593, art 2(a).

Extent

This section does not extend to Scotland: see s 124(1).

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*** THIS DOCUMENT IS CURRENT THROUGH 26 NOVEMBER, 2004 ***

**PLANNING AND COMPULSORY PURCHASE ACT 2004
2004 CHAPTER 5**

PART 8 COMPULSORY PURCHASE

Loss payments

Royal Assent [13 May 2004]

Planning and Compulsory Purchase Act 2004, Ch. 5, s. 108 (Eng.)

108 Loss payments: exclusions

(1) After section 33C of the Land Compensation Act 1973 (inserted by section 107 of this Act) there is inserted the following section--

"33D Loss payments: exclusions

(1) This section applies to a person if--

(a) he is a person to whom section 33A, 33B or 33C applies,

(b) a notice falling within subsection (4) has been served on him in relation to the land mentioned in that section,

(c) at the relevant time the notice has effect or is operative, and

(d) he has failed to comply with any requirement of the notice.

(2) This section also applies to a person if--

(a) he is a person to whom section 33A, 33B or 33C applies,

(b) a copy of an order falling within subsection (5) has been served on him in relation to the land mentioned in that section, and

(c) the order has not been quashed on appeal.

(3) No payment may be made under section 33A, 33B or 33C to a person to whom this section applies.

(4) These are the notices--

(a) notice under section 215 of the Town and Country Planning Act 1990 (power to require proper maintenance of land);

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(b) notice under section 189 of the Housing Act 1985 (requirement to repair dwelling etc unfit for human habitation);

(c) notice under section 190 of that Act (requirement to repair dwelling etc in state of disrepair);

(d) notice under section 48 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (repairs notice prior to compulsory notice of acquisition of listed building).

(5) These are the orders--

(a) an order under section 264 of the Housing Act 1985 (closure of dwelling etc unfit for human habitation);

(b) an order under section 265 of that Act (demolition of dwelling etc unfit for human habitation).

(6) The relevant time is the time at which the compulsory purchase order in relation to the person's interest in the land--

(a) is confirmed, in the case of an order falling within section 2(2) of the Acquisition of Land Act 1981 (procedure for authorisation);

(b) is made, in the case of an order falling within section 2(3) of that Act.

(7) The Secretary of State may by regulations amend subsections (4) and (5)."

(2) Section 33D of the Land Compensation Act 1973 (c 26) (as inserted by subsection (1) above) does not apply in relation to a notice or order specified in subsection (4) or (5) of that section if the notice or copy of the order was served on a person to whom that section applies before the commencement of this section.

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 121(1), (2)(e).

Appointment

Appointment: 31 October 2004: see SI 2004/2593, art 2(a).

Extent

This section does not extend to Scotland: see s 124(1).

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**PLANNING AND COMPULSORY PURCHASE ACT 2004
2004 CHAPTER 5**

PART 8 COMPULSORY PURCHASE

Loss payments

Royal Assent [13 May 2004]

Planning and Compulsory Purchase Act 2004, Ch. 5, s. 109 (Eng.)

109 Loss payments: supplementary

After section 33D of the Land Compensation Act 1973 (inserted by section 108 of this Act) there are inserted the following sections--

"33E Claims

(1) This section applies for the purposes of sections 33A to 33C

(2) A claim for payment must be made in writing to the acquiring authority.

(3) The claim must give such particulars as the authority may reasonably require for the purpose of deciding--

(a) whether a payment is to be made;

(b) the amount of any such payment.

(4) For the purposes of the Limitation Act 1980 a person's right of action to recover a payment must be taken to have accrued--

(a) in the case of a claim under section 33A on the last day of the period specified in subsection (4) of that section;

(b) in the case of a claim under section 33B or 33C on the date of his displacement from the land.

33F Insolvency

(1) This section applies if a person is entitled to a payment under section 33A, 33B or 33C but before a claim is made under section 33E insolvency proceedings are started in relation to the person.

(2) Any of the following may make a claim instead of the person mentioned in subsection (1)--

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(a) a receiver, trustee in bankruptcy or the official receiver in the case of an individual;

(b) an administrator, administrative receiver, liquidator or provisional liquidator or the official receiver in the case of a company or a partnership.

(3) Insolvency proceedings are--

(a) proceedings in bankruptcy;

(b) proceedings under the Insolvency Act 1986 for the winding up of a company or an unregistered company (including voluntary winding up of a company under Part 4 of that Act);

(c) proceedings for the winding up of a partnership.

33G Death

(1) This section applies if a person is entitled to a payment under section 33A, 33B or 33C but before a claim is made under section 33E the person dies (the deceased).

(2) A claim may be made by a person who--

(a) occupied the land for a period of not less than one year ending with the date on which the deceased is displaced from the land, and

(b) is entitled to benefit on the death of the deceased by virtue of a ground mentioned in subsection (3).

(3) The grounds are--

(a) a testamentary disposition;

(b) the law of intestate succession;

(c) the right of survivorship between joint tenants.

33H Agricultural land: dual entitlement

(1) This section applies if a person is entitled in respect of the same interest in agricultural land to a payment both--

(a) under section 33B of this Act, and

(b) by virtue of section 12(1) of the Agriculture (Miscellaneous Provisions) Act 1968 (additional payments in consequence of compulsory acquisition of agricultural holding).

(2) Payment may be made in respect of only one entitlement.

(3) If the person makes a claim under both provisions he must be paid in respect of the entitlement which produces the greater amount.

33I Payment

(1) Any dispute as to the amount of a payment to be made under section 33A, 33B or 33C must be determined by the Lands Tribunal.

(2) The acquiring authority must make any payment required by section 33A not later than whichever is the latest of the following dates--

(a) the last day of the period specified in section 33A(4);

(b) the last day of the period of three months beginning with the day the claim is made;

(c) the day on which the amount of the payment is determined.

(3) The authority must make any payment required by section 33B or 33C not later than whichever is the latest of the following dates--

(a) the date the person is displaced from the land;

(b) the last day of the period of three months beginning with the day the claim is made;

(c) the day on which the amount of the payment is determined.

(4) If paragraph (c) of subsection (2) or (3) applies the authority may at any time make a payment in advance to the person entitled to a payment (the claimant).

(5) If when the value of the interest is agreed or determined the amount of a payment made under subsection (4) differs from the payment required by section 33A, 33B or 33C--

(a) the amount by which the advance payment exceeds the payment required must be repaid by the claimant to the authority;

(b) the amount by which the payment required exceeds the advance payment must be paid by the authority to the claimant.

(6) The acquiring authority must pay interest on the amount required to be paid at the rate prescribed by regulations under section 32 of the Land Compensation Act 1961.

(7) Interest accrues from the date specified in paragraph (a) of subsection (2) or (3) (as the case may be).

(8) The authority may, at the request of the person entitled to the payment, make a payment on account of the interest mentioned in subsection (6).

33J Acquisition by agreement

(1) This section applies if--

(a) an interest in land which is a qualifying interest for the purpose of

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section 33A is acquired by agreement by an authority which has power to acquire the interest compulsorily, and

(b) the interest is acquired from a person who would be entitled to a payment under section 33A, 33B or 33C if the interest is acquired compulsorily.

(2) The authority may make a payment to the person of an amount equal to the amount they would be required to pay if the interest is acquired compulsorily.

33K Regulations

(1) This section applies for the purposes of sections 33A to 33I.

(2) The Secretary of State may by regulations substitute for any amount or percentage figure specified in these sections such other amount or percentage figure (as the case may be) as he thinks fit.

(3) Except as provided in the following provisions of this section, a power to make regulations must be exercised by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

(4) This subsection applies to regulations under subsection (2) which substitute--

(a) a percentage figure, or

(b) an amount, in a case where the change in value condition is not satisfied.

(5) A statutory instrument containing regulations to which subsection (4) applies must not be made unless a draft of the regulations has been laid before and approved by resolution of each House of Parliament.

(6) The change in value condition is satisfied if the Secretary of State thinks that in the case of the substitution of an amount it is expedient to make the substitution in consequence of changes in the value of money or land.

(7) Regulations under subsection (2) may make different provision for different purposes."

NOTES:**Initial Commencement*****To be appointed***

To be appointed: see s 121(1), (2)(e).

Appointment

Appointment: 31 October 2004: see SI 2004/2593, art 2(a).

Extent

2004 CHAPTER 5

This section does not extend to Scotland: see s 124(1).

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**PLANNING AND COMPULSORY PURCHASE ACT 2004
2004 CHAPTER 5**

**PART 8 COMPULSORY PURCHASE
Corresponding amendments of other enactments
Royal Assent [13 May 2004]**

Planning and Compulsory Purchase Act 2004, Ch. 5, s. 110 (Eng.)

110 Corresponding amendments of other enactments

(1) This section applies to any enactment passed or made before or in the same session as the passing of this Act (other than an enactment amended by this Part) which makes provision--

(a) in connection with the compulsory acquisition of an interest in land,

(b) creating a power which permits the interference with or affectation of any right in relation to land, or

(c) for the payment of any sum in connection with the acquisition, interference or affectation.

(2) The Secretary of State may by order amend an enactment to which this section applies for the purpose of making provision which--

(a) corresponds to provision made by this Part, or

(b) applies any such provision or corresponding provision.

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 121(1), (2)(e).

Appointment

Appointment: 31 October 2004: see SI 2004/2593, art 2(a).

Extent

2004 CHAPTER 5

This section does not extend to Scotland: see s 124(1).

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**PLANNING AND COMPULSORY PURCHASE ACT 2004
2004 CHAPTER 5**

PART 9 MISCELLANEOUS AND GENERAL

Crown

Royal Assent [13 May 2004]

Planning and Compulsory Purchase Act 2004, Ch. 5, s. 111 (Eng.)

111 Crown

(1) This Act (except Part 8) binds the Crown.

(2) The amendment of an enactment by or by virtue of Part 8 applies to the Crown to the extent that the enactment amended so applies.

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 121(1).

Appointment

Sub-s (2): Appointment: 31 October 2004: see SI 2004/2593, art 2(b).

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**PLANNING AND COMPULSORY PURCHASE ACT 2004
2004 CHAPTER 5**

**PART 9 MISCELLANEOUS AND GENERAL
Parliament**

Royal Assent [13 May 2004]

Planning and Compulsory Purchase Act 2004, Ch. 5, s. 112 (Eng.)

112 Parliament

The planning Acts and this Act have effect despite any rule of law relating to Parliament or the law and practice of Parliament.

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 121(1).

Extent

This section does not extend to Scotland: see s 124(1).

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**PLANNING AND COMPULSORY PURCHASE ACT 2004
2004 CHAPTER 5**

PART 9 MISCELLANEOUS AND GENERAL

Miscellaneous

Royal Assent [13 May 2004]

Planning and Compulsory Purchase Act 2004, Ch. 5, s. 113 (Eng.)

113 Validity of strategies, plans and documents

(1) This section applies to--

- (a) a revision of the regional spatial strategy;
- (b) the Wales Spatial Plan;
- (c) a development plan document;
- (d) a local development plan;
- (e) a revision of a document mentioned in paragraph (b), (c) or (d);
- (f) the Mayor of London's spatial development strategy;
- (g) an alteration or replacement of the spatial development strategy,

and anything falling within paragraphs (a) to (g) is referred to in this section as a relevant document.

(2) A relevant document must not be questioned in any legal proceedings except in so far as is provided by the following provisions of this section.

(3) A person aggrieved by a relevant document may make an application to the High Court on the ground that--

- (a) the document is not within the appropriate power;
- (b) a procedural requirement has not been complied with.

(4) But the application must be made not later than the end of the period of six weeks starting with the relevant date.

(5) The High Court may make an interim order suspending the operation of the

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relevant document--

(a) wholly or in part;

(b) generally or as it affects the property of the applicant.

(6) Subsection (7) applies if the High Court is satisfied--

(a) that a relevant document is to any extent outside the appropriate power;

(b) that the interests of the applicant have been substantially prejudiced by a failure to comply with a procedural requirement.

(7) The High Court may quash the relevant document--

(a) wholly or in part;

(b) generally or as it affects the property of the applicant.

(8) An interim order has effect until the proceedings are finally determined.

(9) The appropriate power is--

(a) Part 1 of this Act in the case of a revision of the regional spatial strategy;

(b) section 60 above in the case of the Wales Spatial Plan or any revision of it;

(c) Part 2 of this Act in the case of a development plan document or any revision of it;

(d) sections 62 to 78 above in the case of a local development plan or any revision of it;

(e) sections 334 to 343 of the Greater London Authority Act 1999 (c 29) in the case of the spatial development strategy or any alteration or replacement of it.

(10) A procedural requirement is a requirement under the appropriate power or contained in regulations or an order made under that power which relates to the adoption, publication or approval of a relevant document.

(11) References to the relevant date must be construed as follows--

(a) for the purposes of a revision of the regional spatial strategy, the date when the Secretary of State publishes the revised strategy under section 9(6) above;

(b) for the purposes of the Wales Spatial Plan (or a revision of it), the date when it is approved by the National Assembly for Wales;

(c) for the purposes of a development plan document (or a revision of it), the date when it is adopted by the local planning authority or approved by the

Secretary of State (as the case may be);

(d) for the purposes of a local development plan (or a revision of it), the date when it is adopted by a local planning authority in Wales or approved by the National Assembly for Wales (as the case may be);

(e) for the purposes of the spatial development strategy (or an alteration or replacement of it), the date when the Mayor of London publishes it.

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 121(1), (2)(f).

Appointment

Appointment (in relation to England): 28 September 2004: see SI 2004/2202, art 2(e).

Extent

This section does not extend to Scotland: see s 124(1).

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**PLANNING AND COMPULSORY PURCHASE ACT 2004
2004 CHAPTER 5**

PART 9 MISCELLANEOUS AND GENERAL

Miscellaneous

Royal Assent [13 May 2004]

Planning and Compulsory Purchase Act 2004, Ch. 5, s. 114 (Eng.)

114 Examinations

An examination of any document or plan for the purposes of Part 2 or Part 6 of this Act is a statutory inquiry within the meaning of the Tribunals and Inquiries Act 1992 (c 53).

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 121(1), (2)(f).

Appointment

Appointment (in relation to England in so far as relating to Part 2): 28 September 2004: see SI 2004/2202, art 2(f).

Extent

This section does not extend to Scotland: see s 124(1).

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PART 9 MISCELLANEOUS AND GENERAL

Miscellaneous

Royal Assent [13 May 2004]

Planning and Compulsory Purchase Act 2004, Ch. 5, s. 115 (Eng.)

115 Grants for advice and assistance

In the principal Act after section 304 (grants for research and education) there is inserted the following section--

"304A Grants for advice and assistance

(1) The appropriate authority may make grants for the purpose of assisting any person to provide advice and assistance in connection with any matter which is related to--

- (a) the planning Acts;
- (b) the Planning and Compulsory Purchase Act 2004;
- (c) the enactments mentioned in subsection (2).

(2) The enactments are enactments which relate to planning contained in the following Acts--

- (a) the Planning and Compensation Act 1991;
- (b) the Transport and Works Act 1992;
- (c) the Environment Act 1995.

(3) The appropriate authority may make a grant subject to such terms and conditions as it thinks appropriate.

(4) Person includes a body whether or not incorporated.

(5) The appropriate authority is--

- (a) the Secretary of State in relation to England;

(b) the National Assembly for Wales in relation to Wales."

NOTES:

Initial Commencement

Royal Assent

Royal Assent: 13 May 2004: see s 121(1).

Extent

This section does not extend to Scotland: see s 124(1).

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PART 9 MISCELLANEOUS AND GENERAL

Miscellaneous

Royal Assent [13 May 2004]

Planning and Compulsory Purchase Act 2004, Ch. 5, s. 116 (Eng.)

116 Isles of Scilly

(1) This Act applies to the Isles of Scilly subject to such exceptions, adaptations and modifications as the Secretary of State may by order direct.

(2) An order may in particular provide for--

(a) the Council of the Isles of Scilly to enter into arrangements in pursuance of section 4;

(b) the exercise by the Council of the Isles of Scilly of any function exercisable by a local planning authority under Part 2.

(3) But an order must not be made under this section unless the Secretary of State has consulted the Council of the Isles of Scilly.

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 121(1).

Appointment

Appointment: 6 August 2004: see SI 2004/2097, art 2.

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PART 9 MISCELLANEOUS AND GENERAL

Miscellaneous

Royal Assent [13 May 2004]

Planning and Compulsory Purchase Act 2004, Ch. 5, s. 117 (Eng.)

117 Interpretation

(1) Expressions used in this Act and in the principal Act have the same meaning in this Act as in that Act.

(2) Expressions used in this Act and in the listed buildings Act have the same meaning in this Act as in that Act.

(3) Expressions used in this Act and in the hazardous substances Act have the same meaning in this Act as in that Act.

(4) The planning Acts are--

(a) the principal Act;

(b) the listed buildings Act;

(c) the hazardous substances Act;

(d) the Planning (Consequential Provisions) Act 1990 (c 11).

(5) The principal Act is the Town and Country Planning Act 1990 (c 8).

(6) The listed buildings Act is the Planning (Listed Buildings and Conservation Areas) Act 1990 (c 9).

(7) The hazardous substances Act is the Planning (Hazardous Substances) Act 1990 (c 10).

(8) The Scottish planning Acts are--

(a) the Town and Country Planning (Scotland) Act 1997 (c 8);

(b) the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (c 9);

(c) the Planning (Hazardous Substances) (Scotland) Act 1997 (c 10); and

(d) the Planning (Consequential Provisions) (Scotland) Act 1997 (c 11).

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 121(1), (2)(f), (4)(c).

Appointment

Sub-ss (1)-(7): Appointment (for the purpose of making, or making provision by means of, subordinate legislation): 6 August 2004: see SI 2004/2097, art 2.

Sub-ss (1)-(7): Appointment (for remaining purposes): 28 September 2004: see SI 2004/2202, art 3(b).

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**PART 9 MISCELLANEOUS AND GENERAL
General**

Royal Assent [13 May 2004]

Planning and Compulsory Purchase Act 2004, Ch. 5, s. 118 (Eng.)

118 Amendments

(1) Schedule 6 contains amendments of the planning Acts.

(2) Schedule 7 contains amendments of other enactments.

(3) A reference in Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999 to an enactment amended by this Act must be taken to be a reference to the enactment as so amended.

(4) But subsection (3) does not affect such an enactment to the extent that the amendment makes express provision in connection with the exercise of a function in relation to Wales.

NOTES:

Initial Commencement

Specified date

Sub-s (2): Specified date (for certain purposes): 13 July 2004: see s 121(6).

To be appointed

Sub-ss (1), (3), (4): To be appointed: see s 121(1), (2)(f), (g).

Sub-s (2): To be appointed (for remaining purposes): see s 121(1), (2)(f), (g), (4)(d).

Appointment

Sub-ss (1), (3), (4): Appointment (for the purpose of making, or making provision by means of, subordinate legislation): 6 August 2004: see SI 2004/2097, art 2.

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Sub-ss (1), (3), (4): Appointment (for remaining purposes): 28 September 2004: see SI 2004/2202, arts 2(h), 3(c); for transitional provisions and savings see art 4, Sch 2 thereto.

Sub-s (2): Appointment (for certain purposes): 6 August 2004: see SI 2004/2097, art 2.

Sub-s (2): Appointment (for certain purposes): 28 September 2004: see SI 2004/2202, art 3(c); for transitional provisions and savings see art 4, Sch 2 thereto.

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**PART 9 MISCELLANEOUS AND GENERAL
General**

Royal Assent [13 May 2004]

Planning and Compulsory Purchase Act 2004, Ch. 5, s. 119 (Eng.)

119 Transitionals

(1) Schedule 8 contains transitional provisions relating to Parts 1 and 2.

(2) The Scottish Ministers may by order make such transitional provision for Scotland, corresponding to the provisions of Schedule 4 and to section 30B of the hazardous substances Act (inserted by section 79(3)), as they consider necessary or expedient.

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 121(1), (4)(e).

Appointment

Sub-s (1): Appointment (for the purpose of making, or making provision by means of, subordinate legislation): 6 August 2004: see SI 2004/2097, art 2.

Sub-s (1): Appointment (in relation to England for remaining purposes): 28 September 2004: see SI 2004/2202, art 2(g).

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**PART 9 MISCELLANEOUS AND GENERAL
General**

Royal Assent [13 May 2004]

Planning and Compulsory Purchase Act 2004, Ch. 5, s. 120 (Eng.)

120 Repeals

Schedule 9 contains repeals.

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 121(1), (2)(f), (g), (4)(f).

Appointment

Appointment (for certain purposes): 6 August 2004: see SI 2004/2097, art 2.

Appointment (for certain purposes): 28 September 2004: see SI 2004/2202, art 3(d).

Appointment (for certain purposes): 31 October 2004: see SI 2004/2593, art 2(e).

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PART 9 MISCELLANEOUS AND GENERAL

General

Royal Assent [13 May 2004]

Planning and Compulsory Purchase Act 2004, Ch. 5, s. 121 (Eng.)

121 Commencement

(1) The preceding provisions of this Act (except section 115 and the provisions specified in subsections (4), (5) and (6)) come into force on such day as the Secretary of State may by order appoint.

(2) But the Secretary of State must not make an order which relates to any of the following provisions unless he first consults the National Assembly for Wales--

- (a) Part 3;
- (b) Part 4, except sections 44 and 55;
- (c) Part 5;
- (d) in Part 7, Chapter 1;
- (e) Part 8;
- (f) in this Part sections 113, 114, 117, 118 and 120;
- (g) Schedules 3, 4, 6, 7 and 9.

(3) And the Secretary of State must not make an order which relates to section 91 unless he first consults and has the agreement of the Scottish Ministers.

(4) The following provisions come into force on such day as the Scottish Ministers may by order appoint--

- (a) sections 90 and 92 to 98;
- (b) Schedule 5;

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(c) section 117(8);

(d) in so far as relating to the Town and Country Planning (Scotland) Act 1997, section 118(2) and Schedule 7;

(e) section 119(2); and

(f) in so far as relating to that Act, to the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 or to the Planning (Hazardous Substances) (Scotland) Act 1997, section 120 and Schedule 9.

(5) Part 6 comes into force in accordance with provision made by the National Assembly for Wales by order.

(6) In Schedule 7, paragraph 10(7) comes into force at the end of the period of two months starting on the day this Act is passed.

NOTES:**Initial Commencement****Royal Assent**

Royal Assent: 13 May 2004: (no specific commencement provision).

Subordinate Legislation

Planning and Compulsory Purchase Act 2004 (Commencement No 2) (Wales) Order 2004, SI 2004/1813 (made under sub-s (5)).

Planning and Compulsory Purchase Act 2004 (Commencement No 1 and Transitional Provision) (Wales) Order 2004, SI 2004/1814 (made under sub-s (5)).

Planning and Compulsory Purchase Act 2004 (Commencement No 1) Order 2004, SI 2004/2097 (made under sub-ss (1)-(3)).

Planning and Compulsory Purchase Act 2004 (Commencement No 2, Transitional Provisions and Savings) Order 2004, SI 2004/2202.

Planning and Compulsory Purchase Act 2004 (Commencement No 3) Order 2004, SI 2004/2593 (made under sub-ss (1), (2)).

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**PART 9 MISCELLANEOUS AND GENERAL
General**

Royal Assent [13 May 2004]

Planning and Compulsory Purchase Act 2004, Ch. 5, s. 122 (Eng.)

122 Regulations and orders

(1) A power to prescribe is (unless express provision is made to the contrary) a power to prescribe by regulations exercisable--

(a) by the Secretary of State in relation to England;

(b) by the National Assembly for Wales in relation to Wales.

(2) References in this section to subordinate legislation are to any order or regulations under this Act.

(3) Subordinate legislation--

(a) may make different provision for different purposes;

(b) may include such supplementary, incidental, consequential, saving or transitional provisions (including provision amending, repealing or revoking enactments) as the person making the subordinate legislation thinks necessary or expedient.

(4) A power to make subordinate legislation must be exercised by statutory instrument.

(5) A statutory instrument is subject to annulment in pursuance of a resolution of either House of Parliament unless it contains--

(a) regulations made by the Secretary of State under section 46;

(b) an order under section 98, 116(1) or 119(2);

(c) an order under section 110(2);

(d) an order under section 121(1) to which subsection (8) applies;

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(e) an order under section 121(4);

(f) provision amending or repealing an enactment contained in an Act;

(g) subordinate legislation made by the National Assembly for Wales.

(6) A statutory instrument mentioned in subsection (5)(a), (c) or (f) must not be made unless a draft of the instrument has been laid before and approved by resolution of each House of Parliament.

(7) A statutory instrument containing an order under section 98 or 119(2) is subject to annulment in pursuance of a resolution of the Scottish Parliament.

(8) This subsection applies to an order which does not contain provision amending or repealing an enactment contained in an Act.

(9) A statutory instrument containing an order under section 121(4), if it includes provision amending or repealing an enactment contained in an Act, must not be made unless a draft of the instrument has been laid before and approved by resolution of the Scottish Parliament.

(10) In subsection (3), "enactment" includes an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament and in subsections (8) and (9), "Act" includes such an Act and "enactment" includes an enactment comprised in such an Act.

NOTES:**Initial Commencement*****Royal Assent***

Royal Assent: 13 May 2004: (no specific commencement provision).

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**PART 9 MISCELLANEOUS AND GENERAL
General**

Royal Assent [13 May 2004]

Planning and Compulsory Purchase Act 2004, Ch. 5, s. 123 (Eng.)

123 Finance

(1) There is to be paid out of money provided by Parliament--

(a) any expenses of the Secretary of State in making grants in connection with the provision of advice and assistance in relation to the planning Acts;

(b) any increase attributable to this Act in the sums payable out of money so provided under any other enactment.

(2) There is to be paid into the Consolidated Fund any increase attributable to this Act in the sums so payable under any other enactment.

NOTES:

Initial Commencement

Royal Assent

Royal Assent: 13 May 2004: (no specific commencement provision).

Extent

This section does not extend to Scotland: see s 124(1).

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**PLANNING AND COMPULSORY PURCHASE ACT 2004
2004 CHAPTER 5**

PART 9 MISCELLANEOUS AND GENERAL

General

Royal Assent [13 May 2004]

Planning and Compulsory Purchase Act 2004, Ch. 5, s. 124 (Eng.)

124 Extent

(1) Except as otherwise provided in this section, this Act extends to England and Wales only.

(2) Sections 111(1), 118(2), 120 to 122, this section and section 125 extend also to Scotland.

(3) Sections 90 to 98, 117(8) and 119(2) extend to Scotland only.

(4) The extent of any amendment, repeal or revocation made by this Act is the same as that of the enactment amended, repealed or revoked.

NOTES:

Initial Commencement

Royal Assent

Royal Assent: 13 May 2004: (no specific commencement provision).

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**PLANNING AND COMPULSORY PURCHASE ACT 2004
2004 CHAPTER 5**

**PART 9 MISCELLANEOUS AND GENERAL
General**

Royal Assent [13 May 2004]

Planning and Compulsory Purchase Act 2004, Ch. 5, s. 125 (Eng.)

125 Short Title

This Act may be cited as the Planning and Compulsory Purchase Act 2004.

NOTES:

Initial Commencement

Royal Assent

Royal Assent: 13 May 2004: (no specific commencement provision).

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**PLANNING AND COMPULSORY PURCHASE ACT 2004
2004 CHAPTER 5**

**SCHEDULE 1 LOCAL DEVELOPMENT ORDERS: PROCEDURE
Section 40**

Royal Assent [13 May 2004]

Planning and Compulsory Purchase Act 2004, Ch. 5, Sch. 1 (Eng.)

SCHEDULE 1 Local Development Orders: Procedure

In the principal Act after Schedule 4 (special provision as to land use in 1948) there is inserted the following Schedule--

"SCHEDULE 4A

Local Development Orders: Procedure

Preparation

1

(1) A local development order must be prepared in accordance with such procedure as is prescribed by a development order.

(2) A development order may include provision as to--

(a) the preparation, submission, approval, adoption, revision, revocation and withdrawal of a local development order;

(b) notice, publicity, and inspection by the public;

(c) consultation with and consideration of views of such persons and for such purposes as are prescribed;

(d) the making and consideration of representations.

(3) Regulations under this paragraph may include provision as to the matters relating to a local development order to be included in the report to be made by a local planning authority under section 35 or 76 of the Planning and Compulsory Purchase Act 2004.

Revision

2

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(1) The local planning authority may at any time prepare a revision of a local development order.

(2) An authority in England must prepare a revision of a local development order--

(a) if the Secretary of State directs them to do so, and

(b) in accordance with such timetable as he directs.

(3) An authority in Wales must prepare a revision of a local development order--

(a) if the National Assembly for Wales directs them to do so, and

(b) in accordance with such timetable as it directs.

(4) If a development plan document mentioned in section 61A(1) is revised under section 26 of the Planning and Compulsory Purchase Act 2004 (revision of local planning documents) or revoked under section 25 of that Act (revocation by Secretary of State) a local development order made to implement the policies in the document must be revised accordingly.

(5) If a local development plan mentioned in section 61A(1) is revised under section 70 of the Planning and Compulsory Purchase Act 2004 (revision of local development plan) or revoked under section 68 of that Act (revocation by National Assembly for Wales) a local development order made to implement the policies in the plan must be revised accordingly.

(6) This Schedule applies to the revision of a local development order as it applies to the preparation of the order.
Order to be adopted

3

A local development order is of no effect unless it is adopted by resolution of the local planning authority.
Annual report

4

(1) The report made under section 35 of the Planning and Compulsory Purchase Act 2004 must include a report as to the extent to which the local development order is achieving its purposes.

(2) The Secretary of State may prescribe the form and content of the report as it relates to the local development order.

5

(1) The report made under section 76 of the Planning and Compulsory Purchase Act 2004 must include a report as to the extent to which the local development order is achieving its purposes.

(2) The National Assembly for Wales may prescribe the form and content of the report as it relates to the local development order."

NOTES:**Initial Commencement***To be appointed*

To be appointed: see s 121(1), (2)(b).

Appointment

Appointment (for the purpose of making, or making provision by means of, subordinate legislation): 6 August 2004: see SI 2004/2097, art 2.

Extent

This Schedule does not extend to Scotland: see s 124(1).

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*** THIS DOCUMENT IS CURRENT THROUGH 26 NOVEMBER, 2004 ***

**PLANNING AND COMPULSORY PURCHASE ACT 2004
2004 CHAPTER 5**

SCHEDULE 2 TIMETABLE FOR DECISIONS

Section 55

Royal Assent [13 May 2004]

Planning and Compulsory Purchase Act 2004, Ch. 5, Sch. 2 (Eng.)

SCHEDULE 2 Timetable for Decisions

Decisions

1

This Schedule applies to any decision which must be taken by the Secretary of State under--

(a) section 77 of the principal Act (reference of applications to Secretary of State);

(b) section 78 of the principal Act (right to appeal against planning decisions).

2

(1) This Schedule also applies to a decision not mentioned in paragraph 1 if each of the following two conditions applies.

(2) The first condition is that the Secretary of State thinks the decision is connected with a decision mentioned in paragraph 1.

(3) The second condition is that--

(a) the Secretary of State is required by virtue of any enactment to take the decision, or

(b) (in any case to which paragraph (a) does not apply) the Secretary of State by virtue of a power under any enactment directs that the decision must be referred to him.

3

But the Secretary of State may by order specify decisions or descriptions of decisions to which a timetable is not to apply.

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Timetable

4

(1) The Secretary of State must make one or more timetables for the purposes of decisions to which this Schedule applies.

(2) A timetable may make different provision for different decisions or different descriptions of decision.

(3) A timetable--

(a) has effect from such time as the Secretary of State determines;

(b) must set out the time within which the decision must be taken;

(c) may set out the time within which any other step to be taken for the purposes of the decision must be taken.

(4) A timetable made under this paragraph must be published in such form and manner as the Secretary of State thinks appropriate.

Notice

5

(1) The Secretary of State must notify the following persons as soon as practicable of the published timetable which applies to a decision--

(a) the applicant or appellant (as the case may be) in relation to the decision;

(b) the local planning authority for the area to which the decision relates;

(c) any other person who requests such notification.

(2) But the Secretary of State may direct that the timetable is subject to such variation as he specifies in the notice under sub-paragraph (1).

(3) If the Secretary of State acts under sub-paragraph (2) the notice under sub-paragraph (1) must also specify the reasons for the variation.

(4) The timetable notified under this paragraph is the applicable timetable.

Variation

6

(1) This paragraph applies if before the time at which any step must be taken in accordance with the applicable timetable the Secretary of State thinks that there are circumstances which are likely to prevent the taking of the step at that time.

(2) The Secretary of State may vary the applicable timetable accordingly.

(3) If the Secretary of State varies the applicable timetable under

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sub-paragraph (2) he must notify the persons mentioned in paragraph 5(1) of the variation and the reason for it.

Written reasons

7

If the Secretary of State fails to take any step in accordance with the applicable timetable (or that timetable as varied under paragraph 6) he must give written reasons to the persons mentioned in paragraph 5(1).

Annual report

8

(1) The Secretary of State must lay before Parliament a report in respect of each year which--

(a) reviews his performance under the provisions of this Schedule;

(b) explains any failure to comply with a timetable.

(2) The report must be published in such form and manner as the Secretary of State thinks appropriate.

NOTES:**Initial Commencement*****To be appointed***

To be appointed: see s 121(1).

Appointment

Para 3: Appointment: 6 August 2004: see SI 2004/2097, art 2.

Extent

This Schedule does not extend to Scotland: see s 124(1).

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**PLANNING AND COMPULSORY PURCHASE ACT 2004
2004 CHAPTER 5**

**SCHEDULE 3
Section 79**

Royal Assent [13 May 2004]

Planning and Compulsory Purchase Act 2004, Ch. 5, Sch. 3 (Eng.)

SCHEDULE 3 Crown Application

Purchase notices

1

After section 137 of the principal Act (circumstances in which a purchase notice may be served) there is inserted the following section--

"137A Purchase notices: Crown land

(1) A purchase notice may be served in respect of Crown land only as mentioned in this section.

(2) The owner of a private interest in Crown land must not serve a purchase notice unless--

(a) he first offers to dispose of his interest to the appropriate authority on equivalent terms, and

(b) the offer is refused by the appropriate authority.

(3) The appropriate authority may serve a purchase notice in relation to the following land--

(a) land belonging to Her Majesty in right of Her private estates;

(b) land belonging to Her Majesty in right of the Duchy of Lancaster;

(c) land belonging to the Duchy of Cornwall;

(d) land which forms part of the Crown Estate.

(4) An offer is made on equivalent terms if the price payable for the interest is equal to (and, in default of agreement, determined in the same manner as) the compensation which would be payable in respect of it if it were

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acquired in pursuance of a purchase notice.

(5) Expressions used in this section and in Part 13 must be construed in accordance with that Part."

2

After section 32 of the listed buildings Act (circumstances in which a purchase notice may be served) there is inserted the following section--

"32A Purchase notices: Crown land

(1) A listed building purchase notice may be served in respect of Crown land only as mentioned in this section.

(2) The owner of a private interest in Crown land must not serve a listed building purchase notice unless--

(a) he first offers to dispose of his interest to the appropriate authority on equivalent terms, and

(b) the offer is refused by the appropriate authority.

(3) The appropriate authority may serve a listed building purchase notice in relation to the following land--

(a) land belonging to Her Majesty in right of Her private estates;

(b) land belonging to Her Majesty in right of the Duchy of Lancaster;

(c) land belonging to the Duchy of Cornwall;

(d) land which forms part of the Crown Estate.

(4) An offer is made on equivalent terms if the price payable for the interest is equal to (and, in default of agreement, determined in the same manner as) the compensation which would be payable in respect of it if it were acquired in pursuance of a listed building purchase notice."

Compulsory acquisition

3

(1) Section 226 of the principal Act (compulsory acquisition of land for development and other planning purposes) is amended as follows.

(2) After subsection (2) there is inserted the following subsection--

"(2A) The Secretary of State must not authorise the acquisition of any interest in Crown land unless--

(a) it is an interest which is for the time being held otherwise than by or on behalf of the Crown, and

(b) the appropriate authority consents to the acquisition."

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(3) After subsection (8) there is inserted the following subsection--

"(9) Crown land must be construed in accordance with Part 13."

4

(1) Section 228 of the principal Act (compulsory acquisition of land by the Secretary of State) is amended as follows.

(2) After subsection (1) there is inserted the following subsection--

"(1A) But subsection (1) does not permit the acquisition of any interest in Crown land unless--

(a) it is an interest which is for the time being held otherwise than by or on behalf of the Crown, and

(b) the appropriate authority consents to the acquisition."

(3) After subsection (7) there is inserted the following subsection--

"(8) Crown land must be construed in accordance with Part 13."

5

(1) Section 47 of the listed buildings Act (compulsory acquisition of listed building in need of repair) is amended as follows.

(2) After subsection (6) there is inserted the following subsection--

"(6A) This section does not permit the acquisition of any interest in Crown land unless--

(a) it is an interest which is for the time being held otherwise than by or on behalf of the Crown, and

(b) the appropriate authority (within the meaning of section 82C) consents to the acquisition."

Definitions

6

(1) Section 293 of the principal Act (preliminary definitions) is amended as follows.

(2) In subsection (1) for the definition of "Crown interest" there is substituted the following definition--

"Crown interest" means any of the following--

(a) an interest belonging to Her Majesty in right of the Crown or in right of Her private estates;

(b) an interest belonging to a government department or held in trust for Her

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Majesty for the purposes of a government department;

(c) such other interest as the Secretary of State specifies by order;".

(3) In subsection (2) after paragraph (b) there is inserted the following paragraph--

"(ba) in relation to land belonging to Her Majesty in right of Her private estates means a person appointed by Her Majesty in writing under the Royal Sign Manual or, if no such appointment is made, the Secretary of State;".

(4) In subsection (2) after paragraph (e) there are inserted the following paragraphs--

"(f) in relation to Westminster Hall and the Chapel of St Mary Undercroft, means the Lord Great Chamberlain and the Speakers of the House of Lords and the House of Commons acting jointly;

(g) in relation to Her Majesty's Robing Room in the Palace of Westminster, the adjoining staircase and ante-room and the Royal Gallery, means the Lord Great Chamberlain."

(5) After subsection (2) there is inserted the following subsection--

"(2A) For the purposes of an application for planning permission made by or on behalf of the Crown in respect of land which does not belong to the Crown or in respect of which it has no interest a reference to the appropriate authority must be construed as a reference to the person who makes the application."

(6) After subsection (3) there are inserted the following subsections--

"(3A) References to Her Majesty's private estates must be construed in accordance with section 1 of the Crown Private Estates Act 1862.

(3B) In subsection (2A) the Crown includes--

(a) the Duchy of Lancaster;

(b) the Duchy of Cornwall;

(c) a person who is an appropriate authority by virtue of subsection (2)(f) and (g)."

(7) After subsection (4) there are inserted the following subsections--

"(5) An order made for the purposes of paragraph (c) of the definition of Crown interest in subsection (1) must be made by statutory instrument.

(6) But no such order may be made unless a draft of it has been laid before and approved by resolution of each House of Parliament."

7

In the listed buildings Act after section 82B (inserted by section 83(1))

there is inserted the following section--

"82C Expressions relating to the Crown

(1) In this Act, expressions relating to the Crown must be construed in accordance with this section.

(2) Crown land is land in which there is a Crown interest or a Duchy interest.

(3) A Crown interest is any of the following--

(a) an interest belonging to Her Majesty in right of the Crown or in right of Her private estates;

(b) an interest belonging to a government department or held in trust for Her Majesty for the purposes of a government department;

(c) such other interest as the Secretary of State specifies by order.

(4) A Duchy interest is--

(a) an interest belonging to Her Majesty in right of the Duchy of Lancaster, or

(b) an interest belonging to the Duchy of Cornwall.

(5) A private interest is an interest which is neither a Crown interest nor a Duchy interest.

(6) The appropriate authority in relation to any land is--

(a) in the case of land belonging to Her Majesty in right of the Crown and forming part of the Crown Estate, the Crown Estate Commissioners;

(b) in relation to any other land belonging to Her Majesty in right of the Crown, the government department having the management of the land;

(c) in relation to land belonging to Her Majesty in right of Her private estates, a person appointed by Her Majesty in writing under the Royal Sign Manual or, if no such appointment is made, the Secretary of State;

(d) in relation to land belonging to Her Majesty in right of the Duchy of Lancaster, the Chancellor of the Duchy;

(e) in relation to land belonging to the Duchy of Cornwall, such person as the Duke of Cornwall, or the possessor for the time being of the Duchy, appoints;

(f) in the case of land belonging to a government department or held in trust for Her Majesty for the purposes of a government department, the department;

(g) in relation to Westminster Hall and the Chapel of St Mary Undercroft, the Lord Great Chamberlain and the Speakers of the House of Lords and the House of

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Commons acting jointly;

(h) in relation to Her Majesty's Robing Room in the Palace of Westminster, the adjoining staircase and ante-room and the Royal Gallery, the Lord Great Chamberlain.

(7) If any question arises as to what authority is the appropriate authority in relation to any land it must be referred to the Treasury, whose decision is final.

(8) For the purposes of an application for listed building consent made by or on behalf of the Crown in respect of land which does not belong to the Crown or in respect of which it has no interest a reference to the appropriate authority must be construed as a reference to the person who makes the application.

(9) For the purposes of subsection (8) the Crown includes--

(a) the Duchy of Lancaster;

(b) the Duchy of Cornwall;

(c) a person who is an appropriate authority by virtue of subsection (6)(g) and (h).

(10) The reference to Her Majesty's private estates must be construed in accordance with section 1 of the Crown Private Estates Act 1862.

(11) An order made for the purposes of paragraph (c) of subsection (3) must be made by statutory instrument.

(12) But no such order may be made unless a draft of it has been laid before and approved by resolution of each House of Parliament."

8

(1) Section 31 of the hazardous substances Act (exercise of powers in relation to Crown land) is amended as follows.

(2) Subsections (1) and (2) are omitted.

(3) In subsection (3) for the definition of "Crown interest" there is substituted the following definition--

"Crown interest" means any of the following--

(a) an interest belonging to Her Majesty in right of the Crown or in right of Her private estates;

(b) an interest belonging to a government department or held in trust for Her Majesty for the purposes of a government department;

(c) such other interest as the Secretary of State specifies by order;".

(4) In subsection (5) after paragraph (a) there is inserted the following

paragraph--

"(aa) in relation to land belonging to Her Majesty in right of Her private estates means a person appointed by Her Majesty in writing under the Royal Sign Manual or, if no such appointment is made, the Secretary of State;".

(5) In subsection (5) after paragraph (d) there are inserted the following paragraphs--

"(e) in relation to Westminster Hall and the Chapel of St Mary Undercroft, means the Lord Great Chamberlain and the Speakers of the House of Lords and the House of Commons acting jointly;

(f) in relation to Her Majesty's Robing Room in the Palace of Westminster, the adjoining staircase and ante-room and the Royal Gallery, means the Lord Great Chamberlain."

(6) After subsection (6) there are inserted the following subsections--

"(7) References to Her Majesty's private estates must be construed in accordance with section 1 of the Crown Private Estates Act 1862.

(8) An order made for the purposes of paragraph (c) of the definition of Crown interest in subsection (3) must be made by statutory instrument.

(9) But no such order may be made unless a draft of it has been laid before and approved by resolution of each House of Parliament."
Special enforcement notices

9

(1) Sections 294 and 295 of the principal Act (control of development on Crown land: special enforcement notices) are omitted.

(2) But the repeal of sections 294 and 295 does not affect their operation in relation to development carried out before the commencement of this paragraph. Applications for planning permission, etc

10

(1) After section 298 of the principal Act (supplementary provision as to Crown and Duchy interests) there is inserted the following section--

"298A Applications for planning permission by Crown

(1) This section applies to an application for planning permission or for a certificate under section 192 made by or on behalf of the Crown.

(2) The Secretary of State may by regulations modify or exclude any statutory provision relating to the making and determination of such applications.

(3) A statutory provision is a provision contained in or having effect under any enactment."

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(2) Section 299 of the principal Act is omitted.

(3) The repeal of section 299 of the principal Act does not does not affect any requirement made in pursuance of regulations made under subsection (5)(b) of that section.

11

After section 82E of the listed buildings Act (inserted by section 84) there is inserted the following section--

"82F Applications for listed building or conservation area consent by Crown

(1) This section applies to an application for listed building consent or conservation area consent made by or on behalf of the Crown.

(2) The Secretary of State may by regulations modify or exclude any statutory provision relating to the making and determination of such applications.

(3) A statutory provision is a provision contained in or having effect under any enactment."

12

(1) After section 31 of the hazardous substances Act (exercise of powers in relation to Crown land) there is inserted the following section--

"31A Applications for hazardous substances consent by Crown

(1) This section applies to an application for hazardous substances consent made by or on behalf of the Crown.

(2) The Secretary of State may by regulations modify or exclude any statutory provision relating to the making and determination of such applications.

(3) A statutory provision is a provision contained in or having effect under any enactment."

(2) Section 32 of the hazardous substances Act is omitted.
Rights of entry

13

After section 325 of the principal Act (supplementary provisions as to rights of entry) there is inserted the following section--

"325A Rights of entry: Crown land

(1) Section 324 applies to Crown land subject to the following modifications.

(2) A person must not enter Crown land unless he has the relevant permission.

(3) Relevant permission is the permission of--

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(a) a person appearing to the person seeking entry to the land to be entitled to give it, or

(b) the appropriate authority.

(4) In subsection (8) the words "Subject to section 325" must be ignored.

(5) Section 325 does not apply to anything done by virtue of this section.

(6) "Appropriate authority" must be construed in accordance with section 293(2)."

14

After section 88B of the listed buildings Act (rights of entry: supplementary provisions) there is inserted the following section--

"88C Rights of entry: Crown land

(1) Section 88 applies to Crown land subject to the following modifications.

(2) A person must not enter Crown land unless he has the relevant permission.

(3) Relevant permission is the permission of--

(a) a person appearing to the person seeking entry to the land to be entitled to give it, or

(b) the appropriate authority.

(4) In subsection (6) the words "Subject to section 88B(8)" must be ignored.

(5) Section 88B does not apply to anything done by virtue of this section.

(6) "Appropriate authority" must be construed in accordance with section 82C(6)."

15

After section 36B of the hazardous substances Act (rights of entry: supplementary provisions) there is inserted the following section--

"36C Rights of entry: Crown land

(1) Section 36 applies to Crown land subject to the following modifications.

(2) A person must not enter Crown land unless he has the relevant permission.

(3) Relevant permission is the permission of--

(a) a person appearing to the person seeking entry to the land to be entitled to give it, or

(b) the appropriate authority.

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(4) Section 36B does not apply to anything done by virtue of this section.

(5) "Appropriate authority" must be construed in accordance with section 31(5)."

Service of notices

16

After section 329 of the principal Act (service of notices) there is inserted the following section--

"329A Service of notices on the Crown

(1) Any notice or other document required under this Act to be served on the Crown must be served on the appropriate authority.

(2) Section 329 does not apply for the purposes of the service of such a notice or document.

(3) "Appropriate authority" must be construed in accordance with section 293(2)."

Information as to interests in land

17

After section 330 of the principal Act (power to require information as to interests in land) there is inserted the following section--

"330A Information as to interests in Crown land

(1) This section applies to an interest in Crown land which is not a private interest.

(2) Section 330 does not apply to an interest to which this section applies.

(3) For a purpose mentioned in section 330(1) the Secretary of State may request the appropriate authority to give him such information as to the matters mentioned in section 330(2) as he specifies in the request.

(4) The appropriate authority must comply with a request under subsection (3) except to the extent--

(a) that the matter is not within the knowledge of the authority, or

(b) that to do so will disclose information as to any of the matters mentioned in section 321(4).

(5) Expressions used in this section and in Part 13 must be construed in accordance with that Part."

Listed buildings and conservation areas

18

(1) Sections 83 and 84 of the listed buildings Act (provisions relating to

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Crown land) are omitted.

(2) The repeal of section 84 of the listed buildings Act does not affect any requirement made in pursuance of regulations made under subsection (4)(b) of that section.

19

(1) Section 89(1) of the listed buildings Act (application of certain general provisions of principal Act) is amended as follows.

(2) After the entry relating to section 329 there is inserted--

"section 329A(1) and (2) (service of notices on the Crown)".

(3) After the entry relating to section 330 there is inserted--

"section 330A(1) to (4) (information as to interests in Crown land)".

Hazardous substances

20

In section 17 of the hazardous substances Act (revocation of consent on change of control of land) after subsection (2) there is inserted the following subsection--

"(3) This section does not apply if the control of land changes from one emanation of the Crown to another."

21

(1) Section 37(2) of the hazardous substances Act (application of certain general provisions of the principal Act) is amended as follows.

(2) After the entry relating to section 329 there is inserted--

"section 329A(1) and (2) (service of notices on the Crown)".

(3) After the entry relating to section 330 there is inserted--

"section 330A(1) to (4) (information as to interests in Crown land)".

Miscellaneous

22

Section 293(4) of the principal Act (certain persons treated as having an interest in Crown land) is omitted.

23

Section 297 of the principal Act (agreements relating to Crown land) is omitted.

24

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(1) Section 298 of the principal Act (supplementary provisions as to Crown and Duchy interests) is amended as follows.

(2) Subsections (1) and (2) are omitted.

(3) In subsection (3) after "in which there is" there is inserted "a Crown interest or".

25

Section 299A of the principal Act (Crown planning obligations) is omitted.

26

(1) Section 300 of the principal Act (tree preservation orders in anticipation of disposal of Crown land) is omitted.

(2) But the repeal of section 300 does not affect its operation in relation to a tree preservation order made by virtue of that section before the commencement of this paragraph.

27

(1) Section 301 of the principal Act (requirement of planning permission for continuance of use instituted by the Crown) is omitted.

(2) But the repeal of section 301 does not affect its operation in relation to an agreement made as mentioned in subsection (1) of that section before the commencement of this paragraph.

NOTES:**Initial Commencement*****To be appointed***

To be appointed: see s 121(1), (2)(d), (g).

Appointment

Paras 6-8, 10-12: Appointment (for the purpose of making, or making provision by means of, subordinate legislation): 6 August 2004: see SI 2004/2097, art 2.

Extent

This Schedule does not extend to Scotland: see s 124(1).

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**PLANNING AND COMPULSORY PURCHASE ACT 2004
2004 CHAPTER 5**

SCHEDULE 4 TRANSITIONAL PROVISIONS: CROWN APPLICATION

Section 89

Royal Assent [13 May 2004]

Planning and Compulsory Purchase Act 2004, Ch. 5, Sch. 4, Pt. 1 (Eng.)

Part 1 The Principal Act

Introduction

1

This Part applies to a development if--

(a) it is a development for which before the relevant date no planning permission is required,

(b) it is not a development or of a description of development for which planning permission is granted by virtue of a development order, and

(c) before the relevant date proposed development notice had been given to the local planning authority.

2

In this Part--

(a) the relevant date is the date of commencement of section 79(1);

(b) proposed development notice is notice of a proposal for development given by the developer in pursuance of arrangements made by the Secretary of State in relation to development by or on behalf of the Crown;

(c) the developer is the Crown or a person acting on behalf of the Crown.
Acceptable development

3

(1) This paragraph applies if before the relevant date in pursuance of the arrangements either the local planning authority have or the Secretary of State has given notice to the developer that they or he (as the case may be) find the proposed development acceptable.

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(2) The notice must be treated as if it is planning permission granted under Part 3 of the principal Act.

(3) If the notice is subject to conditions the conditions have effect as if they are conditions attached to the planning permission.

4

(1) This paragraph applies if before the relevant date the local planning authority have in pursuance of the arrangements kept a register of proposed development notices.

(2) The register must be treated as if it is part of the register kept by them in pursuance of section 69 of the principal Act.

Referred proposals

5

(1) This paragraph applies if--

(a) before the relevant date the local planning authority have notified the developer in pursuance of the arrangements that they do not find the development acceptable, and

(b) the matter has been referred to but not decided by the Secretary of State.

(2) This paragraph also applies if--

(a) before the relevant date the local planning authority have notified the developer in pursuance of the arrangements that they find the development acceptable subject to conditions, and

(b) the matter has been referred to but not decided by the Secretary of State.

(3) The Secretary of State must deal with the proposal as if it is an appeal by an applicant for planning permission under section 78 of the principal Act.

Pending proposals

6

(1) This paragraph applies if before the relevant date--

(a) proposed development notice has been given, but

(b) the local planning authority have not given notice to the developer as mentioned in paragraph 3 or 5.

(2) The principal Act applies as if the proposal is an application for planning permission duly made under Part 3 of that Act.

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 121(1), (2)(d), (g).

Extent

This Schedule does not extend to Scotland: see s 124(1).

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**PLANNING AND COMPULSORY PURCHASE ACT 2004
2004 CHAPTER 5**

SCHEDULE 4 TRANSITIONAL PROVISIONS: CROWN APPLICATION

Section 89

Royal Assent [13 May 2004]

Planning and Compulsory Purchase Act 2004, Ch. 5, Sch. 4, Pt. 2 (Eng.)

Part 2 The Listed Buildings Act

Introduction

7

This Part applies to works if--

(a) they are works for which before the relevant date no listed building consent is required, and

(b) before the relevant date proposed works notice had been given to the local planning authority.

8

In this Part--

(a) the relevant date is the date of commencement of section 79(1);

(b) proposed works notice is notice of a proposal for works given by the person proposing to carry out the works (the developer) in pursuance of arrangements made by the Secretary of State in relation to development by or on behalf of the Crown;

(c) the developer is the Crown or a person acting on behalf of the Crown.
Acceptable works

9

(1) This paragraph applies if before the relevant date in pursuance of the arrangements either the local planning authority have or the Secretary of State has given notice to the developer that they or he (as the case may be) find the proposed works acceptable.

(2) The notice must be treated as if it is listed building consent granted

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under the listed buildings Act.

(3) If the notice is subject to conditions the conditions have effect as if they are conditions attached to the consent.

10

(1) This paragraph applies if before the relevant date the local planning authority have in pursuance of the arrangements kept a register of proposed works notices.

(2) The register must be treated as if it is part of the register kept by them in pursuance of the listed buildings Act.

Referred proposals

11

(1) This paragraph applies if--

(a) before the relevant date the local planning authority have notified the developer in pursuance of the arrangements that they do not find the works acceptable, and

(b) the matter has been referred to but not decided by the Secretary of State.

(2) This paragraph also applies if--

(a) before the relevant date the local planning authority have notified the developer in pursuance of the arrangements that they find the works acceptable subject to conditions, and

(b) the matter has been referred to but not decided by the Secretary of State.

(3) The Secretary of State must deal with the proposal as if it is an appeal by an applicant for listed building consent under section 20 of the listed buildings Act.

Pending proposals

12

(1) This paragraph applies if before the relevant date--

(a) proposed works notice has been given, but

(b) the local planning authority have not given notice to the developer as mentioned in paragraph 9 or 11.

(2) The listed buildings Act applies as if the proposal is an application for listed building consent duly made under that Act.

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 121(1), (2)(d), (g).

Extent

This Schedule does not extend to Scotland: see s 124(1).

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**PLANNING AND COMPULSORY PURCHASE ACT 2004
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**SCHEDULE 5
Section 90**
Royal Assent [13 May 2004]

Planning and Compulsory Purchase Act 2004, Ch. 5, Sch. 5 (Eng.)

SCHEDULE 5 Crown Application: Scotland

Purchase notices

1

In the Town and Country Planning (Scotland) Act 1997 (c 8) (referred to in this Schedule as the "principal Scottish Act"), there is inserted after section 88 (circumstances in which purchase notices may be served) the following section--

"88A Purchase notices: Crown land

(1) A purchase notice may be served in respect of Crown land only as mentioned in this section.

(2) The owner of a private interest in Crown land must not serve a purchase notice unless--

(a) he first offers to dispose of his interest to the appropriate authority on equivalent terms, and

(b) the offer is refused by the appropriate authority.

(3) The appropriate authority may serve a purchase notice in relation to the following land--

(a) land belonging to Her Majesty in right of her private estates,

(b) land which forms part of the Crown Estate.

(4) An offer is made on equivalent terms if the price payable for the interest is equal to (and, in default of agreement, determined in the same manner as) the compensation which would be payable in respect of it if it were acquired in pursuance of a purchase notice.

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(5) Expressions used in this section and in Part 12 (Crown Land) must be construed in accordance with that Part."

2

In the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (c 9) (referred to in this Schedule as the "Scottish listed buildings Act"), after section 28 (circumstances in which purchase notices may be served) there is inserted the following section--

"28A Purchase notices: Crown land

(1) A listed building purchase notice may be served in respect of Crown land only as mentioned in this section.

(2) The owner of a private interest in Crown land must not serve a listed building purchase notice unless--

(a) he first offers to dispose of his interest to the appropriate authority on equivalent terms, and

(b) the offer is refused by the appropriate authority.

(3) The appropriate authority may serve a listed building purchase notice in relation to the following land--

(a) land belonging to Her Majesty in right of her private estates,

(b) land which forms part of the Crown Estate.

(4) An offer is made on equivalent terms if the price payable for the interest is equal to (and, in default of agreement, determined in the same manner as) the compensation which would be payable in respect of it if it were acquired in pursuance of a listed building purchase notice."

Compulsory acquisition

3

(1) In the principal Scottish Act, section 189 (compulsory acquisition of land for development and other planning purposes) is amended as follows.

(2) After subsection (2) there is inserted the following subsection--

"(2A) The Scottish Ministers must not authorise the acquisition of any interest in Crown land unless--

(a) it is an interest which is for the time being held otherwise than by or on behalf of the Crown, and

(b) the appropriate authority consents to the acquisition."

(3) After subsection (8) there is inserted the following subsection--

"(9) Crown land must be construed in accordance with Part 12."

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4

(1) Section 190 of that Act (compulsory acquisition of land by Secretary of State for the Environment) is amended as follows.

(2) After subsection (1) there is inserted the following subsection--

"(1A) But subsection (1) does not permit the acquisition of any interest in Crown land unless--

(a) it is an interest which is for the time being held otherwise than by or on behalf of the Crown, and

(b) the appropriate authority consents to the acquisition."

(3) After subsection (7) there is added the following subsection--

"(8) Crown land must be construed in accordance with Part 12."

5

(1) In the Scottish listed buildings Act, section 42 (compulsory acquisition of listed building in need of repair) is amended as follows.

(2) After subsection (6) there is inserted the following subsection--

"(6A) This section does not permit the acquisition of any interest in Crown land unless--

(a) it is an interest which is for the time being held otherwise than by or on behalf of the Crown, and

(b) the appropriate authority consents to the acquisition."

Definitions

6

(1) In the principal Scottish Act, section 242 (preliminary definitions) is amended as follows.

(2) In subsection (1) for the definition of "Crown interest" there is substituted the following definition--

"Crown interest" means any of the following--

(a) an interest belonging to Her Majesty in right of the Crown or in right of Her private estates,

(b) an interest belonging to a government department or held in trust for Her Majesty for the purposes of a government department,

(c) such other interest as the Scottish Ministers specify by order;".

(3) In subsection (2) after paragraph (b) there is inserted the following

paragraph--

"(ba) in relation to land belonging to Her Majesty in right of Her private estates means a person appointed by Her Majesty in writing under the Royal Sign Manual or, if no such appointment is made, the Scottish Ministers;".

(4) After subsection (2) there is inserted the following subsection--

"(2A) For the purposes of an application for planning permission made by or on behalf of the Crown in respect of land which does not belong to the Crown or in respect of which the Crown has no interest, a reference to the appropriate authority must be construed as a reference to the person who makes the application."

(5) After subsection (3) there is inserted the following subsection--

"(3A) References to Her Majesty's private estates must be construed in accordance with section 1 of the Crown Private Estates Act 1862 (c 37)."

(6) After subsection (4) there are inserted the following subsections--

"(5) An order made for the purposes of paragraph (c) of the definition of Crown interest in subsection (1) must be made by statutory instrument.

(6) But no such order may be made unless a draft of it has been laid before and approved by resolution of the Scottish Parliament."

7

In the Scottish listed buildings Act, after section 73B (inserted by section 93(1)), there is inserted the following section--

"73C Expressions relating to the Crown

(1) Expressions relating to the Crown must be construed in accordance with this section.

(2) Crown land is land in which there is a Crown interest.

(3) A Crown interest is any of the following--

(a) an interest belonging to Her Majesty in right of the Crown or in right of Her private estates,

(b) an interest belonging to a government department or held in trust for Her Majesty for the purposes of a government department,

(c) such other interest as the Scottish Ministers specify by order.

(4) A private interest is an interest which is not a Crown interest.

(5) The appropriate authority in relation to any land is--

(a) in the case of land belonging to Her Majesty in right of the Crown and

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forming part of the Crown Estate, the Crown Estate Commissioners,

(b) in relation to any other land belonging to Her Majesty in right of the Crown, the government department having the management of the land,

(c) in relation to land belonging to Her Majesty in right of Her private estates, a person appointed by Her Majesty in writing under the Royal Sign Manual or, if no such appointment is made, the Scottish Ministers,

(d) in the case of land belonging to a government department or held in trust for Her Majesty for the purposes of a government department, the department.

(6) If any question arises as to what authority is the appropriate authority in relation to any land it must be referred to the Scottish Ministers, whose decision is final.

(7) For the purpose of an application for listed building consent made by or on behalf of the Crown in respect of land which does not belong to the Crown or in respect of which the Crown has no interest, a reference to the appropriate authority must be construed as a reference to the person who makes the application.

(8) The reference to Her Majesty's private estates must be construed in accordance with section 1 of the Crown Private Estates Act 1862 (c 37).

(9) An order made for the purposes of paragraph (c) of subsection (3) must be made by statutory instrument.

(10) But no such order may be made unless a draft of it has been laid before and approved by resolution of the Scottish Parliament.

(11) This section applies for the purposes of this Act."

8

(1) In the Planning (Hazardous Substances) (Scotland) Act 1997 (c 10) (referred to in this Schedule as the "Scottish hazardous substances Act"), section 31 (exercise of powers in relation to Crown land) is amended as follows.

(2) Subsections (1) and (2) are omitted.

(3) In subsection (3) for the definition of "Crown interest" there is substituted the following definition--

"Crown interest" means any of the following--

(a) an interest belonging to Her Majesty in right of the Crown or in right of Her private estates,

(b) an interest belonging to a government department or held in trust for Her Majesty for the purposes of a government department,

(c) such other interest as the Scottish Ministers specify by order."

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(4) In subsection (5) after paragraph (b) there is inserted the following paragraph--

"(ba) in relation to land belonging to Her Majesty in right of Her private estates means a person appointed by Her Majesty in writing under the Royal Sign Manual or, if no such appointment is made, the Scottish Ministers,".

(5) After subsection (6) there are inserted the following subsections--

"(7) References to Her Majesty's private estates must be construed in accordance with section 1 of the Crown Private Estates Act 1862 (c 37).

(8) An order made for the purposes of paragraph (c) of the definition of Crown interest in subsection (3) must be made by statutory instrument.

(9) But no such order may be made unless a draft of it has been laid before and approved by resolution of the Scottish Parliament."
Special enforcement notices

9

(1) Sections 243 and 244 of the principal Scottish Act (control of development on Crown land: special enforcement notices) are omitted.

(2) But the repeal of sections 243 and 244 does not affect their operation in relation to development carried out before the commencement of this paragraph. Applications for planning permission, etc

10

(1) In the principal Scottish Act, after section 247 (supplementary provision as to Crown interest) there is inserted the following section--

"247A Applications for planning permission by Crown

(1) This section applies to an application for planning permission or for a certificate under section 151 made by or on behalf of the Crown.

(2) The Scottish Ministers may by regulations modify or exclude any statutory provision relating to the making and determination of such applications.

(3) A statutory provision is a provision contained in or having effect under any enactment (including any enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament)."

(2) Section 248 (application for planning permission etc in anticipation of disposal of Crown land) is omitted.

(3) The repeal of that section does not affect any requirement made in pursuance of regulations made under subsection (5)(b) of that section.

11

After section 73E of the Scottish listed buildings Act (inserted by section

94(4)) there is inserted the following section--

"73F Applications for listed building or conservation area consent by Crown

(1) This section applies to an application for--

- (a) listed building consent, or
- (b) conservation area consent,

made by or on behalf of the Crown.

(2) The Scottish Ministers may by regulations modify or exclude any statutory provision relating to the making and determination of such applications.

(3) A statutory provision is a provision contained in or having effect under any enactment (including any enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament)."

12

In the Scottish hazardous substances Act, section 32 (application for hazardous substances consent in anticipation of disposal of Crown land) is omitted.

13

Before section 33 of that Act there is inserted--

"32A Applications for hazardous substances consent by Crown

(1) This section applies to an application for hazardous substances consent made by or on behalf of the Crown.

(2) The Scottish Ministers may by regulations modify or exclude any statutory provision relating to the making and determination of such applications.

(3) A statutory provision is a provision contained in or having effect under any enactment (including any enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament)."

Rights of entry

14

After section 270 of the principal Scottish Act (supplementary provisions as to rights of entry) there is inserted the following section--

"270A Rights of entry: Crown land

(1) Section 269 applies to Crown land subject to the following modifications.

(2) A person must not enter Crown land unless he has the relevant permission.

(3) Relevant permission is the permission of--

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(a) a person appearing to the person seeking entry to the land to be entitled to give it, or

(b) the appropriate authority.

(4) In subsection (6) the words "Subject to section 270" must be ignored.

(5) Section 270 does not apply to anything done by virtue of this section.

(6) "Appropriate authority" must be construed in accordance with section 242."

15

After section 78 of the Scottish listed buildings Act (rights of entry: supplementary provisions) there is inserted the following section--

"78A Rights of entry: Crown land

(1) Section 76 applies to Crown land subject to the following modifications.

(2) A person must not enter Crown land unless he has the relevant permission.

(3) Relevant permission is the permission of--

(a) a person appearing to the person seeking entry to the land to be entitled to give it, or

(b) the appropriate authority.

(4) In subsection (6) the words "and 78" must be ignored.

(5) Section 78 does not apply to anything done by virtue of this section.

(6) "Appropriate authority" must be construed in accordance with section 73C"

16

After section 35 of the Scottish hazardous substances Act (rights of entry: supplementary provisions) there is inserted the following section--

"35A Rights of entry: Crown land

(1) Section 33 applies to Crown land subject to the following modifications.

(2) A person must not enter Crown land unless he has the relevant permission.

(3) Relevant permission is the permission of--

(a) a person appearing to the person seeking entry to the land to be entitled to give it, or

(b) the appropriate authority.

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(4) In subsection (5), the words "and 35" must be ignored.

(5) Section 35 does not apply to anything done by virtue of this section.

(6) "Appropriate authority" must be construed in accordance with section 31(5)."

Service of notices

17

After section 271 of the principal Scottish Act (service of notices) there is inserted the following section--

"271A Service of notices on the Crown

(1) Any notice or other document required under this Act to be served on the Crown must be served on the appropriate authority.

(2) Section 271 does not apply for the purposes of the service of such a notice or document.

(3) "Appropriate authority" must be construed in accordance with section 242."

Information as to interests in land

18

In the principal Scottish Act, after section 272 (power to require information as to interests in land) there is inserted the following section--

"272A Information as to interests in Crown land

(1) This section applies to an interest in Crown land which is not a private interest.

(2) Section 272 does not apply to an interest to which this section applies.

(3) For a purpose mentioned in section 272(1) the Scottish Ministers may request the appropriate authority to give them such information as to the matters mentioned in section 272(2) as they specify in the request.

(4) The appropriate authority must comply with a request under subsection (3) except to the extent--

(a) that the matter is not within the knowledge of the authority, or

(b) that to do so will disclose information as to any of the matters mentioned in section 265A(4).

(5) Expressions used in this section and in Part 12 (Crown Land) must be construed in accordance with that Part."

Listed buildings and conservation areas

19

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(1) In the Scottish listed buildings Act, sections 74 and 75 (provisions relating to Crown land) are omitted.

(2) The repeal of section 75 does not affect any requirement made in pursuance of regulations made under subsection (4)(b) of that section.

20

(1) In the Scottish listed buildings Act, section 79 (application of certain general provisions of the principal Scottish Act) is amended as follows.

(2) In subsection (1)--

(a) after the entry relating to section 265 there is inserted--

"section 265A (planning inquiries to be held in public subject to certain exceptions),",

(b) after the entry relating to section 271 there is inserted--

"section 271A(1) and (2) (service of notices on the Crown),", and

(c) after the entry relating to section 272 there is inserted--

"section 272A(1) to (4) (information as to interests in Crown land),".

(3) After subsection (2) there is inserted the following subsection--

"(3) In the application of section 265A of the principal Act for the purposes of this Act, the provisions mentioned in subsection (1) of the section shall be construed as including any inquiry held by virtue of this section."
Hazardous substances

21

In the Scottish hazardous substances Act, in section 15 (revocation of consent on change of control of land) after subsection (2) there is inserted the following subsection--

"(3) This section does not apply if the control of the land changes from one emanation of the Crown to another."

22

(1) In the Scottish hazardous substances Act, section 36 (application of certain general provisions of the principal Scottish Act) is amended as follows--

(a) after the entry relating to section 265 there is inserted--

"section 265A (planning inquiries to be held in public subject to certain exceptions),",

(b) after the entry relating to section 271 there is inserted--

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"section 271A(1) to (2) (service of notices on the Crown)", and

(c) after the entry relating to section 272 there is inserted--

"section 272A(1) to (4) (information as to interests in Crown land)".

(2) The existing provision as so amended becomes subsection (1), and after that subsection there is added--

"(2) In the application of section 265A of the principal Act for the purposes of this Act, the provisions mentioned in subsection (1) of the section shall be construed as including any inquiry held by virtue of this section."

Miscellaneous

23

Sections 242(4) (certain persons treated as having an interest in Crown land) and 246 (agreements relating to Crown land) of the principal Scottish Act are omitted.

24

In the principal Scottish Act, for section 247 (supplementary provisions as to Crown interest) there is substituted the following section--

"247 Supplementary provisions as to Crown interest

Where, in accordance with an agreement under section 246, the approval of a planning authority is required in respect of any development of land in which there is a Crown interest, sections 78 to 82 have effect in relation to the withholding of that approval, or the giving of it subject to conditions, as if it were a refusal of planning permission, or, as the case may be, a grant of planning permission subject to conditions."

25

(1) In the principal Scottish Act, section 249 (tree preservation orders in anticipation of disposal of Crown land) is omitted.

(2) But the repeal of section 249 does not affect its operation in relation to a tree preservation order made by virtue of that section before the commencement of this paragraph.

26

(1) In the principal Scottish Act, section 250 (requirement of planning permission for continuance of use instituted by the Crown) is omitted.

(2) But the repeal of section 250 does not affect its operation in relation to an agreement made as mentioned in subsection (1) of that section before the commencement of this paragraph.

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 121(4)(a), (b).

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**PLANNING AND COMPULSORY PURCHASE ACT 2004
2004 CHAPTER 5**

SCHEDULE 6

Section 118

Royal Assent [13 May 2004]

Planning and Compulsory Purchase Act 2004, Ch. 5, Sch. 6 (Eng.)

SCHEDULE 6 Amendments of the Planning Acts

Town and Country Planning Act 1990 (c 8)

1

The Town and Country Planning Act 1990 is amended as follows.

2

In section 55(2)(b) (meaning of development) the word "local" is omitted.

3

For section 69 there is substituted the following section--

"69 Register of applications etc

(1) The local planning authority must keep a register containing such information as is prescribed as to--

(a) applications for planning permission;

(b) requests for statements of development principles (within the meaning of section 61E);

(c) local development orders;

(d) simplified planning zone schemes.

(2) The register must contain--

(a) information as to the manner in which applications mentioned in subsection (1)(a) and requests mentioned in subsection (1)(b) have been dealt with;

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(b) such information as is prescribed with respect to any local development order or simplified planning zone scheme in relation to the authority's area.

(3) A development order may require the register to be kept in two or more parts.

(4) Each part must contain such information as is prescribed relating to the matters mentioned in subsection (1)(a) and (b).

(5) A development order may also make provision--

(a) for a specified part of the register to contain copies of applications or requests and of any other documents or material submitted with them;

(b) for the entry relating to an application or request (and everything relating to it) to be removed from that part of the register when the application (including any appeal arising out of it) or the request (as the case may be) has been finally disposed of.

(6) Provision made under subsection (5)(b) does not prevent the inclusion of a different entry relating to the application or request in another part of the register.

(7) The register must be kept in such manner as is prescribed.

(8) The register must be kept available for inspection by the public at all reasonable hours.

(9) Anything prescribed under this section must be prescribed by development order."

4

Section 76 (Duty to draw attention to certain provisions for benefit of disabled) is omitted.

5

Sections 106 to 106B (planning obligations) are omitted.

6

In section 108 (compensation for refusal of planning permission formerly granted by development order) after subsection (3) there is inserted the following subsection--

"(3A) This section does not apply if--

(a) development authorised by planning permission granted by a development order or local development order is started before the permission is withdrawn, and

(b) the order includes provision in pursuance of section 61D permitting the development to be completed after the permission is withdrawn."

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7

(1) In section 245 (modification of incorporated enactments), subsections (2) and (3) are omitted.

(2) The amendments made by sub-paragraph (1) do not apply to compulsory purchase orders of which notice under section 11 of or, as the case may be, paragraph 2 of Schedule 1 to the Acquisition of Land Act 1981 (c 67) is published before commencement of this paragraph.

8

In section 284(1) (restriction on challenge to validity of certain documents), paragraph (a) is omitted.

9

(1) Section 287 (procedure for questioning the validity of certain matters) is amended as follows.

(2) For subsections (1) to (3) there are substituted the following subsections--

"(1) This section applies to--

- (a) a simplified planning zone scheme or an alteration of such a scheme;
- (b) an order under section 247, 248, 249, 251, 257, 258 or 277,

and anything falling within paragraphs (a) and (b) is referred to in this section as a relevant document.

(2) A person aggrieved by a relevant document may make an application to the High Court on the ground that--

- (a) it is not within the appropriate power, or
- (b) a procedural requirement has not been complied with.

(3) The High Court may make an interim order suspending the operation of the relevant document--

- (a) wholly or in part;
- (b) generally or as it affects the property of the applicant.

(3A) Subsection (3B) applies if the High Court is satisfied--

- (a) that a relevant document is to any extent outside the appropriate power;
- (b) that the interests of the applicant have been substantially prejudiced by a failure to comply with a procedural requirement.

(3B) The High Court may quash the relevant document--

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(a) wholly or in part;

(b) generally or as it affects the property of the applicant.

(3C) An interim order has effect until the proceedings are finally determined.

(3D) The appropriate power is--

(a) in the case of a simplified planning zone scheme or an alteration of the scheme, Part III;

(b) in the case of an order under section 247, 248, 249, 251, 257, 258 or 277, the section under which the order is made."

(3) In subsection (5)--

(a) paragraph (a) is omitted;

(b) in each of paragraphs (b) to (e) the words "by virtue of subsection (3)" are omitted.

(4) Subsection (6) is omitted.

10

(1) Section 296 (exercise of powers in relation to Crown land) is amended as follows.

(2) In subsection (1) for paragraph (a) there is substituted the following paragraph--

"(a) a document, plan or strategy specified in subsection (1A) may include proposals relating to the use of Crown land;".

(3) After subsection (1) there is inserted the following subsection--

"(1A) These are the documents, plans and strategies--

(a) the regional spatial strategy (or a revision of it) within the meaning of Part 1 of the Planning and Compulsory Purchase Act 2004;

(b) a local development document (or a revision of it) adopted or approved under Part 2 of that Act;

(c) a local development plan (or a revision of it) adopted or approved under Part 6 of that Act;

(d) the Mayor of London's spatial development strategy (or any alteration or replacement of it) published in pursuance of section 337 of the Greater London Authority Act 1999."

11

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(1) Section 303A (recovery of costs of certain inquiries) is amended as follows.

(2) For subsection (1) there are substituted the following subsections--

"(1) This section applies if the appropriate authority appoints a person to carry out or hold a qualifying procedure.

(1A) A qualifying procedure is--

(a) an independent examination under section 20 or 64 of the Planning and Compulsory Purchase Act 2004;

(b) a local inquiry or other hearing under paragraph 8(1)(a) of Schedule 7;

(c) the consideration of objections under paragraph 8(1)(b) of that Schedule.

(1B) The appropriate authority is--

(a) the Secretary of State if the local planning authority causing the procedure to be carried out or held is in England;

(b) the National Assembly for Wales if the local planning authority causing the procedure to be carried out or held is in Wales."

(3) In each of subsections (2) to (6) and (10)(a) in each place where it occurs--

(a) for "Secretary of State" there is substituted "appropriate authority";

(b) for "him" there is substituted "it";

(c) for "he" there is substituted "it".

(4) In each of subsections (2), (4), (5) and (6) in each place where it occurs for "inquiry" there is substituted "procedure".

(5) In subsection (5) each of the following is omitted--

(a) "or appointed as one of the persons who are to hold it";

(b) "(in addition to what may be recovered by virtue of the appointment of any other person)";

(c) in paragraph (c), "(or, in a case where that person is appointed as one of the persons who are to hold the qualifying inquiry, an appropriate proportion of any costs attributable to the appointment of an assessor to assist those persons)".

(6) Subsections (7) to (9) are omitted.

(7) Before subsection (10) there is inserted the following subsection--

"(9A) References to a local planning authority causing a qualifying inquiry

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to be held include references to a requirement under the Planning and Compulsory Purchase Act 2004 on the authority to submit a plan to the appropriate authority for independent examination."

12

In section 306(2) (local authorities and statutory undertakers may contribute to certain costs of local planning authorities) for paragraph (a) there are substituted the following paragraphs--

"(a) any expenses incurred by a local planning authority for the purposes of carrying out a review under section 13 or 61 of the Planning and Compulsory Purchase Act 2004 (duty of local planning authority to keep under review certain matters affecting development);

(ab) any expenses incurred by a county council for the purposes of carrying out a review under section 14 of that Act (duty of county council to keep under review certain matters affecting development);"

13

In section 324(1) (rights of entry) for paragraph (a) there is substituted the following paragraph--

"(a) the preparation, revision, adoption or approval of a local development document under Part 2 of the Planning and Compulsory Purchase Act 2004 or a local development plan under Part 6 of that Act;"

14

(1) Section 333 (provision about regulations and orders) is amended as follows.

(2) After subsection (2) there is inserted the following subsection--

"(2A) Regulations may make different provision for different purposes."

15

In section 336(1) (interpretation) for the definition of development plan there is substituted--

"development plan" must be construed in accordance with section 38 of the Planning and Compulsory Purchase Act 2004;"

16

(1) Schedule 1 (distribution of functions of local planning authorities) is amended as follows.

(2) Paragraph 2 is omitted.

(3) In paragraph 3(7) the words "but paragraph 4 shall apply to such applications instead" are omitted.

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(4) For paragraph 7 there is substituted the following paragraph--

"7

(1) A local planning authority must not determine an application for planning permission to which the consultation requirements apply unless it complies with sub-paragraph (7).

(2) The consultation requirements are--

(a) consultation with the RPB for the region in which the authority's area is situated if the development is one to which sub-paragraph (3) applies;

(b) consultation by a district planning authority with the county planning authority for their area if the development is one to which sub-paragraph (4) applies.

(3) This sub-paragraph applies to--

(a) a development which would by reason of its scale or nature or the location of the land be of major importance for the implementation of the RSS or a relevant regional policy, or

(b) a development of a description in relation to which the RPB has given notice in writing to the local planning authority that it wishes to be consulted.

(4) This sub-paragraph applies to--

(a) a development which would materially conflict with or prejudice the implementation of a relevant county policy,

(b) a development in an area in relation to which the county planning authority have given notice in writing to the district planning authority that development is likely to affect or be affected by the winning and working of minerals, other than coal,

(c) a development of land in respect of which the county planning authority have given notice in writing to the district planning authority that they propose to carry out development,

(d) a development which would prejudice a proposed development mentioned in paragraph (c) in respect of which notice has been given as so mentioned,

(e) a development of land in relation to which the county planning authority have given notice in writing to the district planning authority that it is proposed to use the land for waste disposal, or

(f) a development which would prejudice a proposed use mentioned in paragraph (e) in respect of which notice has been given as so mentioned.

(5) The consultation requirements do not apply--

(a) in respect of a development to which sub-paragraph (3) applies if the RPB

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gives a direction authorising the determination of the application without compliance with the requirements;

(b) in respect of a development to which sub-paragraph (4) applies if the county planning authority gives a direction authorising the determination of the application without compliance with the requirements.

(6) A direction under sub-paragraph (5) may be given in respect of a particular application or a description of application.

(7) If the consultation requirements apply the local planning authority--

(a) must give notice to the RPB or county planning authority (as the case may be) (the consulted body) that they propose to consider the application,

(b) must send a copy of the application to the consulted body, and

(c) must not determine the application until the end of such period as is prescribed by development order beginning with the date of the giving of notice under paragraph (a).

(8) Sub-paragraph (7)(c) does not apply if before the end of the period mentioned in that sub-paragraph--

(a) the local planning authority have received representations concerning the application from the consulted body, or

(b) the consulted body gives notice that it does not intend to make representations.

(9) A relevant regional policy is--

(a) a policy contained in a draft revision of the RSS which has been submitted to the Secretary of State in pursuance of section 5(8) of the 2004 Act, or

(b) a policy contained in a structure plan which has effect by virtue of paragraph 1 of Schedule 8 to the 2004 Act.

(10) A relevant county policy is--

(a) a policy contained in a local development document which has been prepared in accordance with a minerals and waste scheme and submitted to the Secretary of State in pursuance of section 20(1) of the 2004 Act or adopted by the county planning authority in pursuance of section 23 of that Act, or

(b) a policy contained in a structure plan which has effect by virtue of paragraph 1 of Schedule 8 to the 2004 Act.

(11) RPB and RSS must be construed in accordance with Part 1 of the 2004 Act.

(12) The 2004 Act is the Planning and Compulsory Purchase Act 2004."

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In Schedule 2 (transitional provisions relating to development plans) Parts 1, 2 and 3 are omitted.

18

(1) Schedule 13 (blighted land) is amended as follows.

(2) Paragraphs 1 to 4 are omitted.

(3) The following paragraph is inserted as paragraph 1A--

"1A

Land which is identified for the purposes of relevant public functions by a development plan document for the area in which the land is situated.

Notes

(1) Relevant public functions are--

(a) the functions of a government department, local authority, National Park authority or statutory undertakers;

(b) the establishment or running by a public telecommunications operator of a telecommunication system.

(2) For the purposes of this paragraph a development plan document is--

(a) a development plan document which is adopted or approved for the purposes of Part 2 of the Planning and Compulsory Purchase Act 2004 (in this paragraph, the 2004 Act);

(b) a revision of such a document in pursuance of section 26 of the 2004 Act which is adopted or approved for the purposes of Part 2 of the 2004 Act;

(c) a development plan document which has been submitted to the Secretary of State for independent examination under section 20(1) of the 2004 Act;

(d) a revision of a development plan document in pursuance of section 26 of the 2004 Act if the document has been submitted to the Secretary of State for independent examination under section 20(1) of that Act.

(3) But Note (2)(c) and (d) does not apply if the document is withdrawn under section 22 of the 2004 Act at any time after it has been submitted for independent examination.

(4) In Note (2)(c) and (d) the submission of a development plan document to the Secretary of State for independent examination is to be taken to include the holding of an independent examination by the Secretary of State under section 21 or section 27 of the 2004 Act."

(4) In paragraph 5 for "any such functions as are mentioned in paragraph 1(a)(i) or (ii)" there is substituted "relevant public functions (within the meaning of paragraph 1A)".

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(5) In paragraph 6 for "any such functions as are mentioned in paragraph 5" there is substituted "relevant public functions (within the meaning of paragraph 1A)".

(6) In paragraph 13, for "paragraphs 1, 2, 3 and 4" there is substituted "paragraph 1A".
Planning (Listed Buildings and Conservation Areas) Act 1990 (c 9)

19

The Planning (Listed Buildings and Conservation Areas) Act 1990 is amended as follows.

20

In section 10(3) (regulations relating to applications for listed building consent)--

(a) for paragraph (b) and the word "and" following it there is substituted the following paragraph--

"(b) requirements as to publicity in relation to such applications;"

(b) after paragraph (c) there are inserted the following paragraphs--

"(d) requirements as to consultation in relation to such applications;

(e) prohibiting the determination of such applications during such period as is prescribed;

(f) requirements on the local planning authority to take account of responses from persons consulted."

21

In section 23(2) (matters to which regard is to be had by local planning authority in exercising function of revoking or modifying consent) for "the development plan and to any other" there is substituted "any".

22

In section 26(2) (matters to which regard is to be had by the Secretary of State in exercising function of revoking or modifying consent) for "the development plan and to any other" there is substituted "any".

23

In section 67 (publicity for applications affecting the setting of listed buildings) for subsections (1) to (7) there is substituted the following subsection--

"(1) The Secretary of State may prescribe requirements as to publicity for applications for planning permission in cases where the local planning authority think that the development of land would affect the setting of a listed

building."

24

In section 73 (publicity for applications affecting conservation areas) for subsection (1) there is substituted the following subsection--

"(1) The Secretary of State may prescribe requirements as to publicity for applications for planning permission in cases where the local planning authority think that the development of land would affect the character or appearance of a conservation area."

25

In section 91(2) (interpretation) "development plan" is omitted.

26

In section 93 (provision about regulations and orders) after subsection (6) there are inserted the following subsections--

"(6A) Regulations and orders may make different provision for different purposes.

(6B) The powers to make regulations under sections 10(3)(b), 67(1) and 73(1) must be taken to be powers mentioned in section 100(2) of the Local Government Act 2003 (powers exercisable in relation to descriptions of certain local authorities which fall into particular categories for the purposes of section 99 of that Act)."
Planning (Hazardous Substances) Act 1990 (c 10)

27

In section 40 of the Planning (Hazardous Substances) Act 1990 (provision about regulations) after subsection (3) there is inserted the following subsection--

"(4) Regulations may make different provision for different purposes."

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 121(1), (2)(f), (g).

Appointment

Paras 1, 3, 14, 16, 19, 20, 23, 24, 26, 27: Appointment (for the purpose of making, or making provision by means of, subordinate legislation): 6 August 2004: see SI 2004/2097, art 2.

Paras 1, 16(1), (2), 19: Appointment (in relation to England for remaining

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purposes): 28 September 2004: see SI 2004/2202, art 2(h); for transitional provisions and savings see art 4, Sch 2 thereto.

Para 7: Appointment: 31 October 2004: see SI 2004/2593, art 2(c).

Paras 8-13, 15, 17, 18, 21, 22: Appointment (in relation to England): 28 September 2004: see SI 2004/2202, art 2(h); for transitional provisions and savings see art 4, Sch 2 thereto.

Paras 20, 23, 24, 26: Appointment (for remaining purposes): 28 September 2004: see SI 2004/2202, art 3(c), (e).

Para 25: Appointment: 28 September 2004: see SI 2004/2202, arts 2(h), 3(c), (d), (f), Sch 1, Pt 2

Extent

This Schedule does not extend to Scotland: see s 124(1).

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PLANNING AND COMPULSORY PURCHASE ACT 2004
2004 CHAPTER 5

SCHEDULE 7 AMENDMENTS OF OTHER ENACTMENTS

Section 118

Royal Assent [13 May 2004]

Planning and Compulsory Purchase Act 2004, Ch. 5, Sch. 7 (Eng.)

SCHEDULE 7 Amendments of Other Enactments

Gas Act 1965 (c 36)

1

In paragraph 7(2) of Schedule 3 of the Gas Act 1965 after "development order" there is inserted "or local development order".

Finance Act 1969 (c 32)

2

In section 58(4) of the Finance Act 1969 (disclosure of information for statistical purposes), in the Table in the entry relating to local planning authorities--

(a) in the first column for "the Town and Country Planning Act 1990" there is substituted "Part 2 or 6 of the Planning and Compulsory Purchase Act 2004";

(b) In the second column for "Part II of the Town and Country Planning Act 1990" there is substituted "Part 2 or 6 of the Planning and Compulsory Purchase Act 2004".

Leasehold Reform Act 1967 (c 88)

3

In section 28(6)(a) of the Leasehold Reform Act 1967 (development for certain public purposes) for "Town and Country Planning Act 1990" there is substituted "Planning and Compulsory Purchase Act 2004".

Agriculture (Miscellaneous Provisions) Act 1968 (c 34)

4

In section 12 of the Agriculture (Miscellaneous Provisions) Act 1968 after subsection (3) there is inserted the following subsection--

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"(4) If a person is entitled in respect of the same interest in land to a payment both--

(a) by virtue of subsection (1), and

(b) under section 33B of the Land Compensation Act 1973 (additional loss payment for agricultural land),

section 33H of that Act (only one payment to be made if a person has dual entitlement) applies."
Countryside Act 1968 (c 41)

5

(1) Paragraph 3 of Schedule 2 to the Countryside Act 1968 is amended as follows.

(2) In sub-paragraph (2), after "published" there is inserted ", affixed".

(3) In sub-paragraph (4)(a), after "published" there is inserted ", affixed".

(4) The amendments made by this paragraph do not apply to compulsory purchase orders of which notice under section 11 of the Acquisition of Land Act 1981 (c 67) is published before commencement of this paragraph.
Greater London Council (General Powers) Act 1969 (c lii)

6

In section 13 of the Greater London Council (General Powers) Act 1969 (exercise of powers relating to walkways), in the proviso for the words from "any local plan" to "Schedule 1 to that Act)" there is substituted "a local development document (within the meaning of Part 2 of the Planning and Compulsory Purchase Act 2004)".
Land Compensation Act 1973 (c 26)

7

(1) The Land Compensation Act 1973 is amended as follows.

(2) In section 29 (home loss payments) after subsection (3A) there is inserted the following subsection--

"(3B) For the purposes of this section a person must not be treated as displaced from a dwelling in consequence only of the compulsory acquisition of part of a garden or yard or of an outhouse or appurtenance belonging to or usually enjoyed with the building which is occupied or is intended to be occupied as the dwelling."

(3) Sections 34 to 36 are omitted.

(4) In section 87(1) (general interpretation) in the definition of "dwelling" "(except in section 29)" is omitted.

(5) But the amendments made by this paragraph do not have effect in relation

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to a compulsory purchase order made or made in draft before the commencement of this paragraph.

Greater London Council (General Powers) Act 1973 (c xxx)

8

In section 24(4) of the Greater London Council (General Powers) Act 1973 (definitions for the purpose or provision relating to parking place agreements)--

(a) in the definition of appropriate provision for "the Greater London" there is substituted "their";

(b) in the second place where it occurs "Greater London development plan" is omitted.

Welsh Development Agency Act 1975 (c 70)

9

(1) Schedule 4 to the Welsh Development Agency Act 1975 is amended as follows.

(2) Paragraph 2 is omitted.

(3) In paragraph 3, in sub-paragraph (1)(c), for "section 13 of that Act to objections made by an owner, lessee or occupier" there is substituted "sections 13 and 13A of that Act to relevant objections".

(4) The amendments made by this paragraph do not apply to compulsory purchase orders of which notice under section 11 of the Acquisition of Land Act 1981 (c 67) is published before commencement of this paragraph.

Local Government, Planning and Land Act 1980 (c 65)

10

(1) The Local Government, Planning and Land Act 1980 is amended as follows.

(2) In section 142 (acquisition by corporation), in subsection (2A), "(subject to section 144(2))" is omitted.

(3) In section 143 (acquisition by local highway authority), in subsection (3A), "(subject to section 144(2))" is omitted.

(4) In section 144, in subsection (2), "the 1981 Act and" is omitted.

(5) In Schedule 28, in paragraph 1, "The 1981 Act and" and the words from "and in paragraph 2" to the end are omitted.

(6) The amendments made by this paragraph do not apply to compulsory purchase orders of which notice under section 11 of or, as the case may be, paragraph 2 of Schedule 1 to the Acquisition of Land Act 1981 is published before commencement of this paragraph.

(7) In Schedule 26 (Urban Development Corporations), after paragraph 14 there

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are inserted the following paragraphs--
"Delegation of planning functions

14A

(1) This paragraph applies in relation to any function conferred on the corporation by virtue of an order under section 149 above.

(2) The corporation may appoint committees and such committees may appoint sub-committees.

(3) Anything which is authorised or required to be done by the corporation--

(a) may be done by any member of the corporation or of its staff who is authorised for the purpose either generally or specifically;

(b) may be done by a committee or sub-committee which is so authorised.

(4) The corporation may--

(a) determine the quorum of a committee or sub-committee;

(b) make such arrangements as it thinks appropriate relating to the meetings and procedure of a committee or sub-committee.

(5) Anything done for the purposes of sub-paragraph (4) is subject to directions given by the Secretary of State.

(6) The validity of anything done by a committee or sub-committee is not affected by--

(a) any vacancy among its members;

(b) any defect in the appointment of any of its members.

(7) This paragraph does not extend to Scotland.

14B

(1) This paragraph has effect in relation to the membership of committees and sub-committees appointed under paragraph 14A.

(2) A committee may consist of--

(a) such members of the corporation as it appoints;

(b) such other persons as the corporation (with the consent of the Secretary of State) appoints.

(3) A sub-committee of a committee may consist of--

(a) such members of the committee as it appoints;

(b) such persons who are members of another committee of the corporation

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(whether or not they are members of the corporation) as the committee appoints;

(c) such other persons as the corporation (with the consent of the Secretary of State) appoints.

(4) The membership of a committee or sub-committee--

(a) must always include at least one person who is a member of the corporation;

(b) must not include any person who is a member of the staff of the corporation."

Highways Act 1980 (c 66)

11

(1) The Highways Act 1980 is amended as follows.

(2) In section 232(8) after "1990" there is inserted "and Parts 2 and 6 of the Planning and Compulsory Purchase Act 2004".

(3) In section 232(9) for the definition of development plan there is substituted--

"development plan" must be construed in accordance with section 38 of the Planning and Compulsory Purchase Act 2004;

"local authority" has the same meaning as in the Town and Country Planning Act 1990."

(4) Section 259 (power to confirm, etc, compulsory purchase order in part) is omitted.

(5) The amendment made by sub-paragraph (4) does not apply to a compulsory purchase order of which notice under section 11 of or, as the case may be, paragraph 2 of Schedule 1 to the Acquisition of Land Act 1981 is published before the commencement of that sub-paragraph.

Acquisition of Land Act 1981 (c 67)

12

In section 29(5) of the Acquisition of Land Act 1981 for the words "any reference to any owner, lessee or occupier" there are substituted the words "the reference to a qualifying person for the purposes of section 12(2)".

Housing Act 1985 (c 68)

13

(1) In section 578A of the Housing Act 1985 (modification of compulsory purchase order in case of acquisition of land for clearance), in subsection (2), for "section 13" there is substituted "sections 13 to 13C".

(2) The amendment made by sub-paragraph (1) does not apply to compulsory purchase orders of which notice under section 11 of the Acquisition of Land Act

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1981 is published before commencement of this paragraph.
Education Reform Act 1988 (c 40)

14

(1) The Education Reform Act 1988 is amended as follows.

(2) In section 190 (wrongful contracts or disposals), in subsection (6) for the words from "references" to the end there is substituted "the reference in section 12 of that Act to an owner of the land included reference to the London Residuary Body".

(3) In section 201 (wrongful disposals), in subsection (6), for the words from "references" to the end there is substituted "the reference in section 12 of that Act to an owner of the land included reference to the local education authority concerned".

(4) The amendments made by this paragraph do not apply to compulsory purchase orders of which notice under section 11 of the Acquisition of Land Act 1981 (c 67) is published before commencement of this paragraph.
Housing Act 1988 (c 50)

15

(1) Paragraph 2 of Schedule 10 to the Housing Act 1988 (modifications of Acquisition of Land Act 1981) is omitted.

(2) The amendment made by sub-paragraph (1) does not apply to compulsory purchase orders of which notice under section 11 of or, as the case may be, paragraph 2 of Schedule 1 to the Acquisition of Land Act 1981 is published before commencement of this paragraph.
Planning and Compensation Act 1991 (c 34)

16

In Schedule 4 to the Planning and Compensation Act 1991 Part 3 is omitted.
Local Government Act 1992 (c 19)

17

In section 14(5) of the Local Government Act 1992 (structural changes which may be recommended by the Electoral Commission), paragraph (d) is omitted.
Leasehold Reform, Housing and Urban Development Act 1993 (c 28)

18

(1) Schedule 20 to the Leasehold Reform, Housing and Urban Development Act 1993 (modification of Acquisition of Land Act 1981) is amended as follows.

(2) In paragraph 1, for "modifications specified in paragraphs 2 and" there is substituted "modification specified in paragraph".

(3) Paragraph 2 is omitted.

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(4) The amendments made by this paragraph do not apply to compulsory purchase orders of which notice under section 11 of or, as the case may be, paragraph 2 of Schedule 1 to the Acquisition of Land Act 1981 (c 67) is published before commencement of this paragraph.
Environment Act 1995 (c 25)

19

(1) The Environment Act 1995 is amended as follows.

(2) In section 67 (which makes provision for a National Park authority to be the local planning authority) subsections (2) to (4) are omitted.

(3) In Schedule 14 (periodic review of mineral planning permissions) in paragraph 2(1), in the definition of "first review date", for "paragraph 5" there is substituted "paragraphs 3A and 5".

(4) In Schedule 14 after paragraph 3 there is inserted the following paragraph--

"3A

(1) The Secretary of State may by order specify a first review date different from the first review date found in pursuance of paragraph 3(1) or (2).

(2) Sub-paragraph (3) applies if no first review date is found in pursuance of paragraph 3(1) or (2).

(3) The Secretary of State may by order specify a first review date.

(4) An order under sub-paragraph (3) may make different provision for different cases or different classes of case.

(5) An order under this paragraph must be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament."
Town and Country Planning (Scotland) Act 1997 (c 8)

20

(1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.

(2) In section 26(2)(b) (meaning of "development"), for "local roads authority" there is substituted "roads authority (as defined by section 151(1) of the Roads (Scotland) Act 1984)".

(3) In section 275 (regulations and orders), after subsection (2) there is inserted--

"(2A) Regulations may make different provision for different purposes."

(4) In Schedule 10 (periodic review of mineral planning permissions)--

(a) in paragraph 2(1), in the definition of "first review date", for

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"paragraph 5" there is substituted "paragraphs 3A and 5"; and

(b) after paragraph 3, there is inserted the following paragraph--

"3A

(1) The Scottish Ministers may by order specify a first review date different from the first review date found in pursuance of paragraph 3(1) or (2).

(2) Sub-paragraph (3) applies if no first review date is found in pursuance of paragraph 3(1) or (2).

(3) The Scottish Ministers may by order specify a first review date.

(4) An order under sub-paragraph (3) may make different provision for different cases or different classes of case.

(5) An order under this paragraph must be made by statutory instrument subject to annulment in pursuance of a resolution of the Scottish Parliament." Regional Development Agencies Act 1998 (c 45)

21

(1) Paragraph 1 of Schedule 5 to the Regional Development Agencies Act 1998 (modifications of Acquisition of Land Act 1981) is omitted.

(2) The amendment made by sub-paragraph (1) does not apply to compulsory purchase orders of which notice has been published under section 11 of or, as the case may be, paragraph 2 of Schedule 1 to the Acquisition of Land Act 1981 (c 67) before commencement of this paragraph. Greater London Authority Act 1999 (c 29)

22

(1) The Greater London Authority Act 1999 is amended as follows.

(2) In section 337 (publication)--

(a) for "relevant regional planning guidance" there is substituted "the regional spatial strategy for a region which adjoins Greater London";

(b) subsection (10) is omitted.

(3) In section 342(1) (matters to which Mayor is to have regard) for paragraph (a) there is substituted the following--

"(a) the regional spatial strategy for a region which adjoins Greater London;"

(4) In section 346(b) (Mayor to monitor plans) for "unitary development plan" there is substituted "local development documents (within the meaning of Part 2 of the Planning and Compulsory Purchase Act 2004)". Countryside and Rights of Way Act 2000 (c 37)

23

In section 86(4) of the Countryside and Rights of Way Act 2000--

(a) "II," is omitted;

(b) at the end there is inserted "or under Part 2 or 6 of the Planning and Compulsory Purchase Act 2004".

NOTES:**Initial Commencement*****Specified date***

Para 10(7): Specified date: 13 July 2004: see s 121(6).

To be appointed

Paras 1-9, 10(1)-(6), 11-23: To be appointed: see s 121(1), (2)(f), (g), (4)(d).

Appointment

Paras 2, 3, 6, 8, 11(1)-(3), 16, 17, 22, 23: Appointment (in relation to England): 28 September 2004: see SI 2004/2202, art 2(i); for transitional provisions and savings see art 4, Sch 2 thereto.

Paras 4, 5, 7, 9, 10(1)-(6), 11(4), (5), 12-15, 18, 21: Appointment: 31 October 2004: see SI 2004/2593, art 2(d).

Para 19: Appointment (for the purpose of making, or making provision by means of, subordinate legislation): 6 August 2004: see SI 2004/2097, art 2.

Para 19(2): Appointment (in relation to England for remaining purposes): 28 September 2004: see SI 2004/2202, art 2(i).

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**PLANNING AND COMPULSORY PURCHASE ACT 2004
2004 CHAPTER 5**

**SCHEDULE 8 TRANSITIONAL PROVISIONS: PARTS 1 AND 2
Section 119**

Royal Assent [13 May 2004]

Planning and Compulsory Purchase Act 2004, Ch. 5, Sch. 8 (Eng.)

SCHEDULE 8 Transitional Provisions: Parts 1 and 2

Development plan

1

(1) During the transitional period a reference in an enactment mentioned in section 38(7) above to the development plan for an area in England is a reference to--

(a) the RSS for the region in which the area is situated or the spatial development strategy for an area in Greater London, and

(b) the development plan for the area for the purposes of section 27 or 54 of the principal Act.

(2) The transitional period is the period starting with the commencement of section 38 and ending on whichever is the earlier of--

(a) the end of the period of three years;

(b) the day when in relation to an old policy, a new policy which expressly replaces it is published, adopted or approved.

(3) But the Secretary of State may direct that for the purposes of such policies as are specified in the direction sub-paragraph (2)(a) does not apply.

(4) An old policy is a policy which (immediately before the commencement of section 38) forms part of a development plan for the purposes of section 27 or 54 of the principal Act.

(5) A new policy is a policy which is contained in--

(a) a revision of an RSS;

(b) an alteration or replacement of the spatial development strategy;

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(c) a development plan document.

(6) But--

(a) an old policy contained in a structure plan is replaced only by a new policy contained in a revision to an RSS;

(b) an old policy contained in a waste local plan or a minerals local plan is replaced in relation to any area of a county council for which there is a district council only by a new policy contained in a development plan document which is prepared in accordance with a minerals and waste development scheme.

(7) A new policy is published if it is contained in--

(a) a revision of an RSS published by the Secretary of State under section 9(6);

(b) an alteration or replacement of the Mayor of London's spatial development strategy published in pursuance of section 337 of the Greater London Authority Act 1999 (c 29).

(8) A new policy is adopted or approved if it is contained in a development plan document which is adopted or approved for the purposes of Part 2.

(9) A minerals and waste development scheme is a scheme prepared in accordance with section 16.

(10) The development plan mentioned in sub-paragraph (1)(b) does not include a street authorisation map which continued to be treated as having been adopted as a local plan by virtue of paragraph 4 of Part 3 of Schedule 2 to the principal Act.
Structure plans

2

(1) This paragraph applies to proposals for the alteration or replacement of a structure plan for the area of a local planning authority.

(2) If before the commencement of Part 1 of this Act the authority have complied with section 33(2) of the principal Act (making copies of proposals and the explanatory memorandum available for inspection) the provisions of Chapter 2 of Part 2 of the principal Act continue to have effect in relation to the proposals.

(3) In any other case--

(a) the authority must take no further step in relation to the proposals;

(b) the proposals have no effect.

(4) If the proposals are adopted or approved by virtue of sub-paragraph (2) above, paragraph 1 of this Schedule applies to the policies contained in the proposals as if--

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(a) they were policies contained in a development plan within the meaning of section 54 of the principal Act;

(b) the date of commencement of section 38 is the date when the proposals are adopted or approved (as the case may be).
Unitary development plan

3

(1) This paragraph applies to proposals for the alteration or replacement of a unitary development plan for the area of a local planning authority.

(2) If before the relevant date the authority have not complied with section 13(2) of the principal Act (making copies of the proposals available for inspection)--

(a) they must take no further step in relation to the proposals;

(b) the proposals have no effect.

(3) In any other case paragraph 4 or 5 below applies.

4

(1) This paragraph applies if--

(a) before the relevant date the local planning authority is not required to cause an inquiry or other hearing to be held by virtue of section 16(1) of the principal Act (inquiry must be held if objections made), or

(b) before the commencement of Part 2 of this Act a person is appointed under that section to hold an inquiry or other hearing.

(2) If this paragraph applies the provisions of Chapter 1 of Part 2 of the principal Act continue to have effect in relation to the proposals.

(3) The relevant date is whichever is the later of--

(a) the end of any period prescribed by regulations under section 26 of the principal Act for the making of objections to the proposals;

(b) the commencement of Part 2 of this Act.

5

(1) If paragraph 4 does not apply the provisions of Chapter 1 of Part 2 of the principal Act continue to have effect in relation to the proposals subject to the modifications in sub-paragraphs (2) to (5) below.

(2) If before the commencement of Part 2 of this Act the local planning authority have not published revised proposals in pursuance of regulations under section 26 of the principal Act--

(a) any provision of the regulations relating to publication of revised

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proposals must be ignored,

(b) the authority must comply again with section 13(2) of the principal Act.

(3) If before the commencement of Part 2 of this Act the local planning authority have published revised proposals in pursuance of regulations under section 26 of the principal Act the authority must comply again with section 13(2) of that Act.

(4) Any provision of regulations under section 26 of the principal Act which permits the local planning authority to modify proposals after an inquiry or other hearing has been held under section 16 of that Act must be ignored.

(5) If such an inquiry or other hearing is held the authority must adopt the proposals in accordance with the recommendations of the person appointed to hold the inquiry or other hearing.

6

If proposals are adopted or approved in pursuance of paragraph 4 or 5 above paragraph 1 of this Schedule applies to the policies contained in the proposals as if--

(a) they were policies contained in a development plan for the purposes of section 27 of the principal Act;

(b) the date of commencement of section 38 is the date when the proposals are adopted or approved.

7

(1) This paragraph applies if at the date of commencement of Part 1 a local planning authority have not prepared a unitary development plan in pursuance of section 12 of the principal Act.

(2) References in paragraphs 3 to 6 to proposals for the alteration or replacement of a plan must be construed as references to the plan.
Local plan

8

(1) This paragraph applies to proposals for the alteration or replacement of a local plan for the area of a local planning authority.

(2) If before the commencement of Part 2 of this Act the authority have not complied with section 40(2) of the principal Act (making copies of the proposals available for inspection)--

(a) they must take no further step in relation to the proposals;

(b) the proposals have no effect.

(3) In any other case paragraph 9 or 10 below applies.

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9

(1) This paragraph applies if--

(a) before the relevant date the local planning authority is not required to cause an inquiry or other hearing to be held by virtue of section 42(1) of the principal Act (inquiry must be held if objections made), or

(b) before the commencement of Part 2 of this Act a person is appointed under that section to hold an inquiry or other hearing.

(2) If this paragraph applies the provisions of Chapter 2 of Part 2 of the principal Act continue to have effect in relation to the proposals.

(3) The relevant date is whichever is the later of--

(a) the end of any period prescribed by regulations under section 53 of the principal Act for the making of objections to the proposals;

(b) the commencement of Part 2 of this Act.

10

(1) If paragraph 9 does not apply the provisions of Chapter 2 of Part 2 of the principal Act continue to have effect in relation to the proposals subject to the modifications in sub-paragraphs (2) to (5) below.

(2) If before the commencement of Part 2 of this Act the local planning authority have not published revised proposals in pursuance of regulations under section 53 of the principal Act--

(a) any provision of the regulations relating to publication of revised proposals must be ignored,

(b) the authority must comply again with section 40(2) of the principal Act.

(3) If before the commencement of Part 2 of this Act the local planning authority have published revised proposals in pursuance of regulations under section 53 of the principal Act the authority must comply again with section 40(2) of that Act.

(4) Any provision of regulations under section 53 of the principal Act which permits the local planning authority to modify proposals after an inquiry or other hearing has been held under section 42 of that Act must be ignored.

(5) If such an inquiry or other hearing is held the authority must adopt the proposals in accordance with the recommendations of the person appointed to hold the inquiry or other hearing.

11

(1) This paragraph applies if the Secretary of State thinks--

(a) that the conformity requirement is likely to give rise to inconsistency

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between the proposals and relevant policies or guidance, and

(b) that it is necessary or expedient to avoid such inconsistency.

(2) The Secretary of State may direct that to the extent specified in the direction the conformity requirement must be ignored.

(3) The Secretary of State must give reasons for the direction.

(4) The conformity requirement is--

(a) the requirement under section 36(4) of the principal Act that the local plan is to be in general conformity with the structure plan;

(b) the prohibition under section 43(3) of the principal Act on the adoption of proposals for a local plan or for its alteration or replacement which do not conform generally with the structure plan.

(5) Relevant policies and guidance are--

(a) national policies;

(b) advice contained in guidance;

(c) policies in the RSS.

12

If proposals are adopted or approved in pursuance of paragraphs 9 to 11 above paragraph 1 of this Schedule applies to the policies contained in the proposals as if--

(a) they were policies contained in a development plan for the purposes of section 54 of the principal Act;

(b) the date of commencement of section 38 is the date when the proposals are adopted or approved.

13

(1) This paragraph applies if at the date of commencement of Part 1 a local planning authority have not prepared a local plan in pursuance of section 36 of the principal Act.

(2) References in paragraphs 8 to 12 to proposals for the alteration or replacement of a plan must be construed as references to the plan.
Minerals and waste local plans

14

Paragraphs 8 to 13 above apply to a minerals local plan and a waste local plan as they apply to a local plan and references in those paragraphs to a local planning authority must be construed as including references to a mineral planning authority and an authority who are entitled to prepare a waste local

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plan.
Schemes

15

(1) This paragraph applies to--

(a) the local development scheme which a local planning authority are required to prepare and maintain under section 15 of this Act;

(b) the minerals and waste development scheme which a county council are required to prepare and maintain for any part of their area for which there is a district council.

(2) During the transitional period the local planning authority or county council (as the case may be) must include in the scheme as a development plan document--

(a) any plan or document which relates to an old policy (for the purposes of paragraph 1 above) which has not been replaced by a new policy;

(b) any proposals adopted or approved by virtue of paragraphs 3 to 12 above.

16

(1) The repeal by this Act of paragraphs 1 to 4 of Schedule 13 to the principal Act does not affect anything which is required or permitted to be done for the purposes of Chapter 2 of Part 6 of the principal Act during any time when a plan mentioned in any of those paragraphs continues to form part of the development plan by virtue of--

(a) paragraph 1 of this Schedule, or

(b) that paragraph as applied by any other provision of this Schedule.

(2) References to a plan mentioned in any of paragraphs 1 to 4 include any proposal for the alteration or replacement of the plan.

(3) The development plan is the development plan for the purposes of section 27 or 54 of the principal Act.
Regulations and orders

17

(1) The Secretary of State may by regulations make provision for giving full effect to this Schedule.

(2) The regulations may, in particular--

(a) make such provision as he thinks is necessary in consequence of this Schedule;

(b) make provision to supplement any modifications of the principal Act

required by this Schedule.

(3) The Secretary of State may by order make such provision as he thinks is necessary in consequence of anything done under or by virtue of this Schedule.

(4) Provision under sub-paragraph (3) includes provisions corresponding to that which could be made by order under Schedule 2 of the principal Act.

18

The Secretary of State may by regulations make provision--

(a) for treating anything done or purported to have been done for the purposes of Part 2 before the commencement of that Part as having been done after that commencement;

(b) for disregarding any requirement of section 19 in respect of anything done or purported to have been done for the purposes of any other provision of Part 2.

19

Interpretation

(1) References to section 27 of the principal Act must be construed subject to section 28(3)(a) and (c) of that Act.

(2) RSS must be construed in accordance with Part 1 of this Act.

(3) Development plan document must be construed in accordance with Part 2 of this Act.

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 121(1), (4)(e).

Appointment

Paras 1-3, 5-8, 10-16, 19: Appointment (in relation to England): 28 September 2004: see SI 2004/2202, art 2(g), (j).

Paras 4, 9: Appointment (for the purpose of making, or making provision by means of, subordinate legislation): 6 August 2004: see SI 2004/2097, art 2.

Paras 4, 9: Appointment (in relation to England for remaining purposes): 28 September 2004: see SI 2004/2202, art 2(g), (j).

Paras 17, 18: Appointment: 6 August 2004: see SI 2004/2097, art 2.

Subordinate Legislation

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Town and Country Planning (Transitional Arrangements) (England) Regulations 2004, SI 2004/2205 (made under paras 17(1), (2), 18).

Extent

This Schedule does not extend to Scotland: see s 124(1).

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**PLANNING AND COMPULSORY PURCHASE ACT 2004
 2004 CHAPTER 5**

SCHEDULE 9 REPEALS

Section 120

Royal Assent [13 May 2004]

Planning and Compulsory Purchase Act 2004, Ch. 5, Sch. 9 (Eng.)

SCHEDULE 9 Repeals

Short title and chapter	Extent of repeal
Land Compensation Act 1973 (c 26)	Sections 34 to 36. In section 87(1), in the definition of "dwelling", "(except in section 29)".
Greater London Council (General Powers) Act 1973 (c xxx)	In section 24(4), the second "Greater London development plan".
Welsh Development Agency Act 1975 (c 70)	In Schedule 4, paragraph 2.
Local Government, Planning and Land Act 1980 (c 65)	In section 142(2A), "(subject to section 144(2))". In section 143(3A), "(subject to section 144(2))". In section 144(2), "the 1981Act and". In Schedule 28, in paragraph 1, "The 1981 Act and" and the words from "and in paragraph 2" to the end.
Highways Act 1980 (c 66)	Section 259.

Housing Act 1988 (c 50)
Town and Country
Planning Act 1990
(c 8)

In section
55(2)(b), the word
"local".

Section 73(3).

Section 76.

Section 83(1).

Sections 106 to
106B.

In section 220(3),
the expression
"62".

In section 226, in
subsection (1) the
first "which" and
subsection (2).

Section 245(2) and
(3).

In section 284(1),
paragraph (a).

In section 287, in
subsection (5),
paragraph (a) and
in each of

paragraphs (b) to
(e) the words "by
virtue of
subsection (3)" and
subsection (6).

Section 293(4).

Sections 294 to
297.

Section 298(1) and
(2).

Sections 299 to
301.

Section 303(6).

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In section 303A, in subsection (5) the words "or appointed as one of the persons who are to hold it", the words "(in addition to what may be recovered by virtue of the appointment of any other person)" and in paragraph (c) the words "(or, in a case where that person is appointed as one of the persons who are to hold the qualifying inquiry, an appropriate proportion of any costs attributable to the appointment of an assessor to assist those persons)" and subsections (7) to (9).

In Schedule 1, paragraph 2, in paragraph 3(7) the words "but paragraph 4 shall apply to such applications instead".

In Schedule 2, Parts 1, 2 and 3.

In Schedule 7, paragraphs 3 and 4.

In Schedule 13, paragraphs 1 to 4.

Planning (Listed
Buildings and
Conservation Areas)
Act 1990 (c 9)

In section 10, in subsection (2) the words "shall be made in such form as the authority may require and" and in subsection (3) the word "and" after paragraph (b).

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Section 67(2) to
(7).
Sections 83 and 84.
In section 91(2),
"development
plan".
In section
92(2)(a), "83,
84,".

Planning (Hazardous Substances) Act
1990 (c 10) Section 31(1) and
(2).
Section 32.

Planning and
Compensation Act
1991 (c 34) Section 17(1).

In Schedule 4, Part
3.
In Schedule 18,
Part 2 in the entry
relating to the
Land Compensation
Act 1973, "section
36(6) (farm loss
payment),".

Local Government
Act 1992 (c 19) In section 14(5),
paragraph (d).
Leasehold Reform,
Housing and Urban
Development Act
1993 (c 28) In Schedule 20,
paragraph 2.

Environment Act
1995 (c 25) In section 67,
subsections (2) to
(4).

Town and Country
Planning (Scotland)
Act 1997 (c 8) Section 242(4).

Sections 243 to
250.

Planning (Listed
Buildings and
Conservation Areas)
(Scotland) Act 1997
(c 9) Sections 74 and 75.

Planning (Hazardous
Substances)
(Scotland) Act 1997
(c 10) Section 31(1) and
(2).

Regional
Development
Agencies Act 1998
(c 45) Section 32.
In Schedule 5,
paragraph 1.

Countryside and Rights of Way Act 2000 (c 37) In section 86(4), "II,".

Note: The repeal of sections 34 to 36 of the Land Compensation Act 1973 does not have effect in relation to a compulsory purchase order made or made in draft before the commencement of paragraph 7(3) of Schedule 7.

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 121(1), (2)(f), (g), (4)(f).

Appointment

Appointment (in part for certain purposes): 6 August 2004: see SI 2004/2097, art 2.

Appointment (in relation to England in part): 28 September 2004: see SI 2004/2202, arts 2(k), 3(d), Sch 1, Pt 1; for transitional provisions and savings see art 4, Sch 2 thereto.

Appointment (in part for certain purposes): 28 September 2004: see SI 2004/2202, art 3(d), (f), Sch 1, Pt 2.

Appointment (in part): 31 October 2004: see SI 2004/2593, art 2(e).



Wildlife and Countryside (Amendment) Act 1991

1991 CHAPTER 39

An Act to amend sections 5 and 11 of the Wildlife and Countryside Act 1981 so as to make it an offence knowingly to cause or permit to be done certain acts mentioned in those sections.

[25th July 1991]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—(1) Section 5 of the principal Act (prohibition of certain methods of killing or taking wild birds) shall be amended as follows.

Amendment of section 5 of Wildlife and Countryside Act 1981.

(2) At the end of subsection (1)(d) “or” shall be omitted.

(3) At the end of subsection (1)(e) there shall be inserted—

“; or

(f) knowingly causes or permits to be done an act which is mentioned in the foregoing provisions of this subsection and which is not lawful under subsection (5).”.

(4) The following subsection shall be inserted after subsection (4)—

“(4A) In any proceedings under subsection (1)(f) relating to an act which is mentioned in subsection (1)(a) it shall be a defence to show that the article was set in position for the purpose of killing or taking, in the interests of public health, agriculture, forestry, fisheries or nature conservation, any wild animals which could be lawfully killed or taken by those means and that he took or caused to be taken all reasonable precautions to prevent injury thereby to wild birds.”.

Amendment of section 11 of Wildlife and Countryside Act 1981.

2.—(1) Section 11 of the principal Act (prohibition of certain methods of killing or taking wild animals) shall be amended as follows.

(2) In subsection (1)—

(a) at the end of paragraph (b) “or” shall be omitted; and

(b) at the end of paragraph (c) there shall be inserted—

“; or

(d) knowingly causes or permits to be done an act which is mentioned in the foregoing provisions of this section.”.

(3) In subsection (2)—

(a) at the end of paragraph (d) “or” shall be omitted; and

(b) at the end of paragraph (e) there shall be inserted—

“; or

(f) knowingly causes or permits to be done an act which is mentioned in the foregoing provisions of this subsection.”.

(4) In subsection (3)(a), after “position” there shall be inserted “or knowingly causes or permits to be set in position”.

(5) In subsection (5), after “(e)”, there shall be inserted “and in any proceedings for an offence under subsection (1)(d) or (2)(f) relating to an act which is mentioned in any of those paragraphs”.

(6) The following subsection shall be added after subsection (6)—

“(7) In any proceedings for an offence under subsection (2)(f) relating to an act which is mentioned in subsection (2)(a) it shall be a defence to show that the article was set in position for the purpose of killing or taking, in the interests of public health, agriculture, forestry, fisheries or nature conservation, any wild animals which could be lawfully killed or taken by those means and that he took or caused to be taken all reasonable precautions to prevent injury thereby to any wild animals included in Schedule 6.”.

Short title, interpretation, commencement and extent. 1981 c. 69.

3.—(1) This Act may be cited as the Wildlife and Countryside (Amendment) Act 1991.

(2) In this Act references to the principal Act are references to the Wildlife and Countryside Act 1981.

(3) This Act shall come into force at the end of the period of two months beginning with the day it is passed.

(4) This Act shall not have effect in relation to anything done before it comes into force.

(5) This Act does not extend to Northern Ireland.

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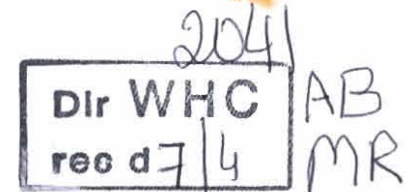
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Francesco Bandarin
Director
World Heritage Centre
UNESCO
7, Place de Fontenoy
75352 Paris 07SP
FRANCE

31 March 2006



Dear *M. Bandarin*

UK Nomination: Cornwall and West Devon Mining Landscape

I am writing to update you on the emerging masterplan for Hayle Harbour in the candidate UK World Heritage Site of Cornwall and West Devon Mining Landscape and on a number of more general points.

One of the issues raised by Professor José Maria Garcia de Miguel during his evaluation visit to the Cornwall and West Devon Mining Landscape last September was the impact of development on the nominated site, particularly in Camborne/Redruth and in Hayle. The need to notify significant development proposals was also raised in Regina Durighello's letter of 9 November to which we replied on 23 December.

In a site of this size and nature, including a number of communities with considerable employment and social needs, the issue of sustainable development is clearly key. The World Heritage Site nomination dossier sees inscription as being a major element in achieving sustainable heritage-led regeneration which preserves the outstanding universal value and character of the site while meeting the legitimate aspirations of the local communities. The Management Plan contains specific policies on Sustainable development. These are:

- | | |
|-----------|--|
| 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 7c | There should be a presumption in favour of retaining and re-using historic buildings which are important components of the Site |



INVESTOR IN PEOPLE

These policies will be given effect through the spatial planning policies adopted by the various local planning authorities covering the nominated site and by their decisions on individual planning applications. In addition to national legislation to protect the historic environment, all the local authorities concerned already have strong policies in place to protect the historic environment generally. In some cases they have already included specific policies related to the nominated World Heritage Site. With the encouragement of the Government Office for the South West, the Government Regional Office, they are now developing a further suite of model policies for the World Heritage Site for adoption into their spatial planning strategies once the site is inscribed.

In Camborne and Redruth, sustainable redevelopment around the World Heritage Site is the responsibility of the Urban Regeneration Company (URC). With 50% financial support from English Heritage, the Company are appointing a Historic Environment Officer within their Major Projects Team. One of the principal objectives of this post will be ensure that all development proposals within the URC area conform to the management policies for the World Heritage Site.

The developers for Hayle Harbour have now further developed their masterplan for the harbour which was the subject of local consultation in December 2005. The redevelopment scheme includes 54,000 sq ft of industrial units, 23,000 sq ft of wavehub building (related to a renewable energy scheme several miles off shore), a new marina, over 800 new residential units, shops, pubs, restaurants, two hotels, health centre and community and leisure facilities. An essential part of the scheme will be the repair (at a cost of £25 million) of the harbour itself which is of course a significant part of the proposed World Heritage Site.

Whilst new development is considerable, the site itself is a large one and the proposals will restore the extent and scale of development to what it was in the harbour's heyday. With the hard copy of this letter I am enclosing the brochure for last December's master plan exhibition for your information. At this stage, of course, the proposals are indicative only and detailed proposals will have to be worked up for each of the four successive phases of development.

The UK State Party considers that these proposals are in keeping with the nominated World Heritage property. The proposals also have the support of English Heritage, the government's statutory advisor. They support the overall masterplan and lay strong emphasis on the need for a very high quality of design of individual buildings and phases. We believe that this scheme will support and enhance the character of the nominated World Heritage Site as well as supporting the local community.

I trust that this update will be helpful to ICOMOS and the World Heritage Centre in completing your evaluation of this nomination. Please let me know if you require any further information.

I am copying this letter to Tim Craddock, UK Ambassador to UNESCO, to ICOMOS and to the UK National Commission for UNESCO.

Yours sincerely

A handwritten signature in cursive script that reads "Peter Marsden".

Peter Marsden
Architecture and Historic Environment Division

Cc H.E Mr Timothy Craddock, UK Permanent Delegate to UNESCO
Ms Regina Durighello, Director, World Heritage Programme, ICOMOS
Ms Sue Davies, Chair Culture Committee, UK National Commission for UNESCO

H E Mrs Ina Marciulionyte
Chairman
World Heritage Committee
7 Place de Fontenoy
75352 Paris 07 SP
FRANCE



28 June 2006

Dear Chairman

CORNWALL AND WEST DEVON MINING LANDSCAPE

I write to you to draw your attention to three significant factual errors in the ICOMOS evaluation of the United Kingdom nomination of the Cornwall and West Devon Mining Landscape, and to ask you to bring these concerns to the attention of the World Heritage Committee when it considers this nomination.

The factually wrong statements (given below) are grouped under three headings. They are as follows:

PARTS OF THE NOMINATED SITE DO NOT HAVE LEGAL PROTECTION

In the UK, World Heritage status is not recognised currently in planning law (p.128)

Currently some large areas of landscape and some urban areas such as Camborne and Redruth do not have specific protection (p.128)

Until [the proposed Register of Historic Sites and Buildings] is introduced, however, there is no protection for many parts of the nominated site (p.129)

Some parts of the nominated site are unprotected (p.132)

Put in place policies for the protection of distinctive habitats and plant communities (p132)



BUFFER ZONES ARE NEEDED TO PROTECT THE SETTING OF THE NOMINATED SITE

Where however there is no such designation [ie pre-existing landscape designation such as Areas of Outstanding Natural Beauty], for example around Camborne and Redruth, Hayle and Tavistock, protection is needed for the setting of the nominated areas and it is considered that a buffer zone should be in place (p. 130)

HAYLE HARBOUR DEVELOPMENT PROPOSAL

This planning application is apparently to be determined before the World Heritage Committee [meeting] (p.130)

It does however go beyond the minimal development needed to support restoration and regeneration (p.130)

The scale and scope of the project would mean that .. the new structures would dominate the harbour and compromise its integrity as the main port for the Cornish mining industry (p.130)

Looking at each of these three areas in more detail:

PARTS OF THE NOMINATED SITE DO NOT HAVE LEGAL PROTECTION

The United Kingdom has had a system for control of development based on statute law for around 60 years. Much of the detail of this system is exercised through government guidance to the local authorities responsible for spatial planning and development control. Each local authority translates this guidance into a development plan for the area it controls. Such development plans have statutory backing and legal status. Departure from them can lay a local authority open to judicial action.

Government guidance is published in a series of Planning Policy Guidance Notes. Planning Policy Guidance Notes set out national policy from which local authorities may depart only in exceptional and well-justified circumstances. They therefore have considerable force in directing the use of local authorities' planning powers both in dealing with individual cases and in drawing up development plans.

World Heritage Sites are fully protected under the terms of PPG15 and the policies adopted in local authority development plans. PPG 15 says , *inter alia*:

World Heritage Sites

2.22 Details of World Heritage Sites in England are given in paragraph 6.35. No additional statutory controls follow from the inclusion of a site in the World Heritage list. Inclusion does, however, highlight the outstanding international importance of the site as a key material consideration to be taken into account by local planning authorities in determining planning and listed building consent applications, and by the Secretary of State in determining cases on appeal or following call-in.

2.23 Each local authority concerned, taking account of World Heritage Site designation and other relevant statutory designations, should formulate specific planning policies for protecting these sites and include these policies in their development plans. Policies should reflect the fact that all these sites have been designated for their outstanding universal value, and they should place great weight on the need to protect them for the benefit of future generations as well as our own. Development proposals affecting these sites or their setting may be compatible with this objective, but should always be carefully scrutinised for their likely effect on the site or its setting in the longer term. Significant development proposals affecting World Heritage Sites will generally require formal environmental assessment, to ensure that their immediate impact and their implications for the longer term are fully evaluated (see paragraph 2.13 above).

This advice, and the policies put in place by local authorities in accordance with it, give protection to World Heritage Sites as a whole over and beyond specific designation of individual properties or areas within them. On this latter point there is an active programme of new designation within the nominated site which has identified specific buildings and monuments which will be assessed for listing and scheduling in due course .

In terms of the overall nominated World Heritage Site, the current statutory development plans for Cornwall and Devon contain policies to protect all parts of the Site and its wider setting. The 2004 Cornwall Structure Plan, for example (quoted on p188 of the Nomination), says:

The conservation and enhancement of sites, areas, or interests, of recognised international or national importance for their landscape, nature conservation, archaeological or historic importance, including the proposed World Heritage Site, should be given the priority in the consideration of development proposals

The Devon Structure plan states *inter alia*

Internationally, nationally and regionally important archaeological sites and their settings should be preserved wherever possible. Other important sites and their settings should be preserved wherever possible, and in considering proposals for development which would have an adverse impact on them, the importance and value of the remains will be a determining factor

Care will be given to the conservation of the historic landscape character, features, structures and archaeological sites and their settings within the Cornwall and West Devon Mining Landscape World Heritage Site Bid Area in West Devon

ICOMOS acknowledge that many of the nature conservation sites already have specific designations for their mining related nature conservation value (several of the SSSIs are specific to metal tolerant Bryophytes). Both the Cornwall and Devon Structure Plans give specific protection to nature conservation. In the case of Cornwall, the Structure Plan includes nature as well as heritage conservation. Over many years successive Structure Plans and Local Plans have specifically mentioned International and National Designations

and have identified Wildlife Sites as being the locally recognised sites of Biodiversity Value. Both counties have long held policies on nature conservation matters. The Devon Structure Plan has the following policy dealing with bio-diversity:

The biodiversity and earth science resource of Devon's natural environment should be sustained and, where possible, enhanced in accordance with Biodiversity Action Plan objectives and targets. Its diversity and distinctiveness should not be diminished.

These are very clear statements of the protection in place and counters the ICOMOS report's evaluation of the situation.

The Cornwall Structure Plan is currently being amplified by the development of supplementary planning guidance. This will add a more detailed description of the spatial planning and development control envisaged but, nonetheless, the whole nominated World Heritage Site already has legal protection through this and similar policies.

Detailed proposals for the new Heritage Protection Register have yet to be published by government, let alone reach the stage of legislative proposals. The government have said that the new system will not diminish existing levels of protection. The Heritage Protection Review will clarify the way in which World Heritage Sites are designated in England but there is no pre-supposition that levels of protection need to change.

BUFFER ZONES ARE NEEDED TO PROTECT THE SETTING OF THE NOMINATED SITE

The operational guidelines state at Section II.F, paragraph 106 'Where no buffer zone is proposed, the nomination should include a statement as to why a buffer zone is not required. It is the UK's stated position, discussed with ICOMOS advisers, that buffer zones could be detrimental to the protection we want to afford to this Site.

In the UK planning system, WH buffer zones are only given effect by inclusion in the spatial planning system. If that system can better provide appropriate protection by the adoption of policies to protect World Heritage Sites from adverse impacts of developments outside the property wherever the proposal is situated, it is our view that there is no need of a buffer zone. Throughout Cornwall, there is already protection against inappropriate development through the Cornwall Structure Plan noted above. The protection of designated areas, such as Areas of Outstanding Natural Beauty, cited as *de facto* buffer zones by the ICOMOS evaluation, and of most other forms of designation such as Conservation Areas, is only made effectual through policies in local development plans as is the case for World Heritage Sites. It is our considered view that, in the case of Cornish Mining, individual buffer zones for the individual nominated areas could be harmful since protection of the setting of the nominated site could be limited to the buffer zones and not to the wider landscape. In effect the whole of Cornwall and West Devon will function as a buffer zone, though not specifically defined as such. For these reasons we consider the statement that buffer zones are needed to protect the site factually inaccurate in this context and not in line with the operational guidelines which permit the omission of buffer zones where there are sound reasons so to do.

HAYLE HARBOUR

It should first be pointed out that the proposals for the Hayle Harbour development scheme will not be determined before the meeting of the Committee in Vilnius. As stated in our letter of 31 March, the overall Master Plan sent to the Committee, does have the general support of English Heritage provided that there is a very high quality of design of individual phases (currently four are proposed) and buildings. The designs given in the Master Plan, itself the result of many months discussion, are indicative only. No formal consent procedure has yet begun and there is likely to be a separate application for each phase. There will therefore be ample opportunity for the Committee to be involved in accordance with the provisions of the Operational Guidelines, provided that the site is inscribed on the World Heritage List.

Much of the proposed development lies outside the nominated area on the northern side of the harbour. The harbour is currently largely derelict and has lost the structures that lined the quaysides when it was in use. The proposals within the nominated World Heritage Site will restore the harbour and its infrastructure as well as doing much to restore the scale and business that the area had as a working industrial site. What is proposed is the minimum necessary to support restoration and regeneration of this area, and to ensure its future maintenance by guaranteeing it new uses.

I must apologise for writing at such length but I believe that the points raised in the letter where the UK State Party cannot accept the ICOMOS evaluation illustrate fundamental errors. These have significantly and adversely affected ICOMOS' recommendation on a site which they recognise to have outstanding universal value, authenticity and integrity. It is therefore important, in our view, that these errors should be drawn to the attention of the World Heritage Committee.

It is my understanding that this letter should be circulated to all Committee Members in the working languages of the Committee and I would like, through you, to request that the Centre arranges for this to happen.

*Yours sincerely
Mandy Barrie*

Mandy Barrie
Head of International, World Heritage & Listing Branch
Department for Culture, Media & Sport

Cornwall and West Devon Mining Landscape (United Kingdom)

No 1215

1. BASIC DATA

<i>State Party:</i>	United Kingdom
<i>Name of property:</i>	Cornwall and West Devon Mining Landscape
<i>Location:</i>	Cornwall and Devon Counties
<i>Date received by the World Heritage Centre:</i>	25 January 2005
<i>Included in the Tentative List:</i>	21 June 1999
<i>International Assistance from the World Heritage Fund for preparing the nomination:</i>	No
<i>Category of property:</i>	

In terms of the categories of cultural property set out in Article 1 of the 1972 World Heritage Convention, this is a *site*. In terms of the *Operational Guidelines for the Implementation of the World Heritage Convention* (2 February 2005) paragraph 47, it is also a *cultural landscape*.

Brief description:

Much of the landscape of Cornwall and West Devon was transformed in the 18th and early 19th centuries as a result of the rapid growth of pioneering copper and tin mining. Its deep underground mines, engine houses, foundries, new towns, smallholdings, ports and harbours, and ancillary industries together reflect prolific innovation that drove this crucible of industrial development which in the early 19th century produced two thirds of the world's supply of copper. The substantial remains are a testimony to the contribution Cornwall and West Devon made to the industrial revolution in the rest of Britain and to the fundamental influence the area had on the mining world at large.

Cornish technology embodied in engines, engine houses and mining equipment were exported around the world. Cornwall and West Devon were the heartland from which mining technology rapidly spread. When Cornish and West Devon mining declined in the 1860s, large numbers of miners emigrated to work and live in mining communities based on Cornish traditions, in for instance South Africa, Australia, and Central and South America, where Cornish engine houses still survive.

2. ACTIONS

Background: This is a new nomination. On 31st March 2006, the State Party has sent information on a development project planned for the Centre of Hayle Harbour.

Date of the Technical Evaluation Mission: 19-24 September 2005

Dates of request for additional information and of receipt from State Party: ICOMOS has sent a letter on 9 November 2005 and the State Party has provided information on 23 December 2005.

Consultations: ICOMOS has consulted its International Scientific Committee on Historic Gardens – Cultural Landscapes and TICCIH. IUCN has provided an evaluation of the natural attributes of the site.

Literature: Extensive literature on Cornish mining, mining engines, mining processes, mining transport, mining settlements, mining social structures, the contribution of Cornwall to the industrial revolution, geology & mineralogy and the Cornish Diaspora, particularly in the *Journal of the Trevithick Society* (1973 -), from local publishers such as D Bradford Barton Ltd., Twelveheads Press, Landfall Publications, and Dyllansow Truran, by Prof Roger Burt between 1969 and 1987 on the organisation of Cornish mines; also unpublished thesis by G Burke, *The Cornish Miner and the Cornish Mining Industry 1870-1921*, 1981.

Date of ICOMOS approval of this report: 10 April 2006

3. THE PROPERTY

Description

The extensive nominated site consists of the most authentic and historically important surviving components of the Cornwall and West Devon mining landscape from around 1700 to 1914. The area covers 19,808 ha. There is no Buffer zone. There are ten areas representing the heartlands of former mining districts spread throughout Cornwall County and just over the border into West Devon County. These areas share a common identity in being part of the overall massive exploitation of minerals in the early 19th century. Having developed separately from one another, they also display distinct differences reflecting the location of mineral ores as well as the relative independence of the landowners and merchants who controlled mining, banking and ancillary industries. Together the areas form a unified cultural landscape that reflects all aspects of the mining industry – both technological and social– mine sites, mine transport, ancillary industries, mining settlements, smallholdings, great houses & estates and mineralogical sites. That landscape is in part relict, where mines and mine transport for instance, are no longer worked, and part evolving, where for example the agricultural landscape which supported the mining settlements are still working places, as are the rural settlements and towns.

The mines in Cornwall and West Devon produced copper, tin and arsenic. The combined output dominated the world's supply in the early 19th century. The success of the mining industry was based on technological innovation which made feasible deep-shaft mining. Local pioneers invented the steam engine for pumping water out of the mines and then in response to the expense of shipping coal into the region made the engines much more efficient through the development of high-pressure steam pumping technology. The safety fuse for blasting was also developed locally.

Subsidiary industries contributed to the overall prosperity. Much of the ore was dressed and smelted locally. The

steam engines and rail tracks, rail engines and barges needed for the growth of the industry were also produced locally in foundries such as Perran, Harvey's, Holman's, Sara's, Mount Tavy, Bedford and Charlestown.

Effective use of the technology demanded good transport and a tight social structure. A high-quality transport network involving canals, railways and tramways connecting mines to ports was constructed in the early 19th century. This included ports and quays at Hayle, Portreath, Devoran, Charlestown and Morwelham; tramways and railways at Poldice Plateway, Redruth & Chasewater Railway, Liskeard & Caradon Railway and the East Cornwall Mineral Railway.

The social structure that emerged was a dispersed one with no one central large town. This reflected the disposition of granite outcrops where minerals could be mined and the mobilisation of private capital. Large new settlements grew at Camborne, Carharrack and Minions and many smaller towns and villages were also built with rows of terraced houses clustered around groups of mines, developed by entrepreneurs.

To support the needs of these urban areas, large parts of the uplands (around 50,000 ha) were turned from grazing into smallholdings, patchworks of small fields demarcated by hedge banks, with small one-storey, usually self-built, cottages.

The mine owners lived in large houses, many developing horticulturally important ornamental gardens (some of which are outside the nominated area). The owners exercised power through their agents and stewards. Many of these men had their authority reinforced through their involvement in the non-Conformist Methodist chapels that were built in nearly all the mining settlements. The dominant outward manifestation of the industry were the large three storey engine houses with tall chimneys that rose above the mine workings, peppering the landscape particularly in the central area around Camborne and Redruth. Around three thousand were constructed across the region. Robustly constructed of local stone with slate roofs, almost two hundred have survived. Four still have beam engines in situ for winding or pumping.

The nominated areas are the following mining districts:

- St Just
- Port of Hayle
- Tregonning and Gwinear with Trewavas
- Wendron
- Camborne and Redruth with Wheal Peevor and Portreath Harbour
- Gwennap with Devoran and Kennall Vale
- St Agnes
- The Luxulyan Valley
- Caradon
- Tamar Valley with Tavistock

These are considered in turn:

St Just

The majority of the mines sites lie in a rugged and dramatic coastal belt 6km long by 2km wide. The area includes St Just town built to serve the local mines, mining hamlets, smallholdings and Portledden House, the home of a successful mine owner. Mineral processing sites such

Botallack and Levant mines demonstrate the use of steam power for ore-processing. The dramatically sited mines have attracted generations of writers and artists. The area has mineralogical significance. Noted individual sites are:

-Botallack mine, with mine shafts running under the ocean and on the cliffs a Crown's engines and at surviving arsenic-refining works.

-Levant mine, with the oldest surviving Cornish engine from 1840.

-Geevor mine, a 20th century tin mine with well preserved earlier remains including a Brunton calciner.

-Kenidjack valley, with remains of many water driven crushing mills

Port of Hayle

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.

Tregonning and Gwinear with Trewavas

Some of the richest and deepest tin and copper mines are found in this area. Together with a very well preserved patchwork of miners' smallholdings around Tregonning Hill, the area has larger mining terraces built with large dressed granite block facades and examples of early mine adventurers' houses. Notable individual sites are:

-Wheal Vor mine, the richest mine in Cornwall employing at its height some 1,100 people.

-Extensive remains of steep, open cast mining in Great Wheal Fortune.

-Godolphin House dating from the 17th century, the home to the mines adventurer Sir Francis Godolphin, and Trevanno House home of the Wallis, and later Bickford-Smith, mining families.

Wendron

This sparsely populated upland area contains fine remains of extensive miners' smallholdings with single storey houses interspersed around the fields.

The area also includes several prominent engine houses and Porkellis Chapel, an early 19th century Chapel with larger adjacent 1866 chapel complete with original internal fittings.

Camborne and Redruth with Wheal Peevor and Portreath Harbour

In the centre of Cornwall the mineral resources of the granite ridge that dominates this area produced some of the richest and deepest copper and tin mines in the world and generated the wealth to build Camborne and Redruth as

virtual new towns. The wealth of the mines is reflected in the many substantial public buildings in Redruth such as the Mining Exchange, the School of Science and Art, Plain-an-Gwarry Chapel, St Andrew's Church and in Camborne the Wesleyan Chapel and the Passmore Edwards Library. Both towns still maintain their 19th century layout and have examples of speculatively built housing terraces; while Redruth also has large houses built for the middle classes.

Noted individual industrial buildings are the three large Cornish beam engines that survive in their mine contexts at East Pool & Agar mine, and South Crofty Mine, the last continuing to work until 1955.

Gwennap with Devoran and Kennall Vale

This somewhat desolate heathland landscape has extensive remains of copper mines and engine shafts and the railways that linked the mines to the ports, such as Devorran, developed in the 1820s and 1830s.

The area also includes smallholdings, well preserved mining villages next to the mines they served at St Day, Carharrack and Chacewater, and examples of houses built by mining industrialists such as Sorrier House, Treguilow and Burncoose.

On an inlet to the River Fal stands the remains of the Perran Foundry, one of the three largest in Cornwall.

St Agnes

Like St Just, this area exemplifies a coastal mining tradition including some sites worked since pre-historic times. Inland from the mines, the downland was taken under plough to feed the expanding urban mining populations.

Notable individual sites include Wheal Coates mine with three engine houses for winding, pumping and stamping.

The Luxulyan Valley and Charlestown

The Luxulyan valley reflects a concentration of industrial remains related to one man, Joseph Treffry. These include the Par Canal constructed in c1835 to take ore from his large Fowey Consols mine to the port he constructed at Par. The thickly wooded valley provided charcoal for smelting tin.

Charlestown is a very well preserved industrial harbour designed by the civil engineer John Smeaton at the end of the 18th century and built for a local industrialist. It was used to export copper ore and china-clay. It includes large terraced houses and a foundry.

Caradon

This open moorland site with its massive waste tips reflects intensive mining activity over around forty years from 1840 until its abandonment. Small mining settlements spread out across the moor and older villages expanded in the mining boom. There are several notable engine houses including Wheal Jenkin, South Phoenix mine and the large landmark Phoenix mine, a symbol of misplaced optimism, built as late as 1907 to house the last pumping engine built in Cornwall by Holman's Foundry in Camborne.

Tamar Valley with Tavistock

The mines in this West Devon site were clustered around the sinuous River Tamar valley which provided water power. Several contain impressive waterwheel pits. The river proved to be inadequate for all the traffic and the East Cornwall Mineral Railway was built in 1863 to link the mines with the developing ports of Calstock in Cornwall and Morwellham in Devon. Only parts of the track survive.

The largest mine is the Devon Great Consols which produced the greatest output of any mine in the nominated site. Remains of arsenic refining are spread across the landscape: its arsenic output dominated the world's supply.

Tavistock is a mediaeval town remodelled by its estate owner in the 19th century with the profits of copper mining, particularly from the Great Consols mine. The town contains many imposing and confident public buildings such as the Guildhall, Town Hall, Corn market and the large Fitzford Church, all built between 1835 and 1867. High quality 'model' short terraces of houses for workers, with gabled windows and hipped roofs, in distinct contrast to the simpler designs in Cornwall, were built between 1845 and 1866 by the Duke of Bedford.

The town contains three 19th century iron foundries, Mount Foundry, (which produced iron barges for the canal), Tavy Foundry and Bedford Iron Works. Tavistock was linked to the port of Morwellham by the Tavistock canal built for mineral traffic between 1803-17. It extends for 7.2km including a 2.4km tunnel and is still in good order.

History

Archaeological evidence suggests that the mineral resources of Cornwall and West Devon have been exploited for over 3,500 years. Until 1700, tin was the most important ore, its extractive production only being exceeded in Europe by Erzgebirge in the early 15th century. The Romans extracted the ore from tin streams to supply countries across northern Europe and extraction continued in early and later medieval times. In 1201 the importance of the tin industry was recognised by the establishment of a special legal framework that gave privileges to the tanners. It was administered through eight 'Stannary' areas and persisted until 1838.

By the early 16th century, many tin streams were becoming exhausted and miners turned to the exploitation of outcrops. At first the shallow ore was mined in an open cast process. Once this was exhausted, progressively deeper shafts needed to be sunk. These had to be drained of water, usually by water-powered pumps.

In the 1580s German miners began mining copper ore. The first mines were unsuccessful and it was not until the early 1700s that a successful mine was established at Chacewater. Around the same time, gunpowder was introduced into mines and this greatly increased the speed at which mines could be established and the depth to which channels could be sunk. The development of steam engines allowed water to be pumped from these deep mines.

It was Thomas Newcomen from Devon who developed the 'atmospheric' engine. The first to be installed in a metal mine was at Great Wheal Vor between 1710 and 1714.

This heralded the beginning of industrialisation of the mining process. The early engines were however expensive and inefficient to run and their number increased only slowly until the more efficient Boulton and Watt engines were brought to the region in 1778. By 1790, 45 engines were working, laying the foundations for the expansion of the industry. The technology was in place to exploit the plentiful deep seams of copper and tin ore.

The last great technological leap was the invention of the high-pressure steam engine by Richard Trevithick of Camborne, which was more powerful and efficient. His first machine was constructed in 1800. The early three decades of the 19th century saw much experimentation with engine design, promoting competition amongst engineers and mine owners. And Cornish foundries were developed to meet the growing demand for the engines.

The construction of a transport infrastructure and the development of subsidiary industries accelerated the pace of change; by the 1850s Cornish mines dominated the world's copper markets.

Of course the extraction of copper and tin as a profitable business was only possible because of the high demand for these minerals, tin for plating and cans and copper for the brass products needed for ships and engines.

The landscape was transformed by the mines, engine houses and spoil heaps, by new towns and mining settlements constructed to accommodate the rapidly increasing number of miners, and by ports, harbours, railways and canals. Wealth generated was used to create copious public buildings and fine houses and landscape gardens for the mine owners.

At the same time, the technology that allowed the development of the mines was exported around the world to countries which had appropriate mining deposits. As a result, there are important examples of the diagnostic beam-engine houses surviving from 19th century Spain, Mexico, South Africa and Australia.

The copper crash of 1866 caused by increasing competition from Chile, Lake Superior and South Australia, precipitated the rapid closure of many copper mines, leaving only the tin mines active. They survived for a few more years until competition from Australia and Malaya led to an unsustainable drop in price. Miners started to emigrate taking their knowledge and technology with them to develop 'Cornish' mines around the world. By the end of the 19th century, it was mainly arsenic workings that remained, exploiting the arsenical pyrites formerly discarded as waste.

A few mines survived, the last, South Crofty, closing in 1998.

Protection and Management

The nominated area is owned by both public and private organisations and charitable institutions. The largest percentage is collectively small private owners.

Legal provision:

In the UK, World Heritage status is not recognised currently in planning law. Individual elements within World Heritage Sites are protected by a range of

designations and local policy plans. In the case of the nominated areas for cultural property, this means that those parts that are scheduled ancient monuments (not all the mines), listed buildings (only applies to a proportion of the buildings), registered parks and gardens, and conservation areas (not all settlements are designated) are protected but currently some large areas of landscape and some urban areas, such as Camborne and Redruth do not have specific protection (apart from that given for natural qualities of the landscapes – see below). However World Heritage status is a key material consideration when planning applications are considered.

Many of the mining landscapes are valued for their natural qualities – either coincidental or arising from the nature of the mineralised spoil heaps. 37.4% (7369 ha) of the nominated area is also designated as an area of Outstanding Natural Beauty, a landscape designation in UK law that is recognised as Category V protected area. There are 6 Candidate European Special Areas of Conservation (CSACs) in the area. These cover 1208ha or 6.1%. There are 26 Sites of Special Scientific Interest (SSSIs), covering 723 ha (3.6%), some listed for their geological interest. These designations provide indirect protection to the cultural qualities of the nominated site, through prohibiting certain types of development, but are not a substitute for protection for cultural attributes.

Management structure:

A detailed and comprehensive management plan has been created which stresses the need for an integrated and holistic management of the large, fragmented and diverse nominated areas. It lists policies to address key issues. These are however in some places advisory.

The main strength of the plan is the effective network of stakeholders that underpins it. A Partnership consists of representatives from 73 stakeholder organisations. It established 6 area panels based on District Councils, and two thematic panels to guide the nomination and creation of the plan. A Working Group of officers from key governmental and non-governmental organisations was involved in the production of the nomination and plan. Both these structures will continue in place in the interim while a governance review is carried out to discuss whether successor bodies are needed to agree future shared investment and management procedures.

The main thrust of implementation lies with the Site office for the nominated property with staff responsible to the Partnership for the implementation of the Management Plan. This office consists of a full-time Site Co-ordinator and Research officer and part-time Historic Environment Record mapping and administrative staff. They have access to extensive planning and conservation advice from the County Council and English Heritage.

Resources:

Resources for delivering the Management Plan will be drawn from a range of partners, such as English Heritage, the National Trust and funding streams including the European Regional Development Fund. The Site office has annual revenue of £200,000.

In the five years from 1998, capital expenditure on the nominated site by major public and charitable trust owners

totalled over £26 million. A further £7.7 million was projected for 2004/5.

Justification of the Outstanding Universal Value by the State Party (summary)

The transformation of the Cornwall and West Devon Mining Landscape contributed substantially to the development of the Industrial Revolution in the rest of Britain

The Cornish mining industry was characterised by prolific technological innovation, such as the Cornish beam engine and boiler, and the involvement of local pioneers. The diffusion of this technology to mines overseas proved to be of international significance; Cornish engine houses are striking evidence of this world-wide impact.

Cooper production from West Cornwall during the first three decades of the 19th century amounted to two-thirds of the world's supply.

4. EVALUATION

Conservation

Conservation history:

The conservation of the historic remains of mining in Cornwall and West Devon has been undertaken since the 1930s, and thus represents one of the longest histories of industrial heritage conservation in the world. The nomination sets out in detail the preservation work carried out and the development of the various preservation societies that spurred action, such as the Cornish Engines Preservation Committee set up in 1933 that led to surveys of mines and engines and the establishment of the Cornish Engines Preservation Society in 1944, which over the next 20 years acquired and handed over to the National Trust (a conservation Charity) five key sites. In 1969 this society became the Trevithick Society and in 1993 the Trevithick Trust to develop the idea of a dispersed museum of mining.

The history set out demonstrates how interest in individual mines and engines broadened in the 1970s to the wider mining landscape. Surveys were undertaken by Cornwall County Council and in the late 1980s government funds became available for site conservation. A project by Kerrier District Council in 1987 around the Camborne - Redruth area brought about a change of attitude in highlighting the need to see mining areas as part of the region's identity.

In the past 16 years, nearly 100 engine houses, 40 chimneys and over 100 other significant mine buildings have been conserved. All the nominated area has been surveyed and recorded (see below) and there is in place a detailed inventory of sites needing consolidation and conservation.

State of conservation:

The state of conservation of those mining remains that have been consolidated is good. Of the remainder, some need no more than minor consolidation: others are awaiting funding. Approximately half the engine houses have been consolidated. For instance in St Just 32 survive

and 19 have been consolidated; in Tregonning 3 have been consolidated and 11 need attention; at Camborne and Redruth of 41 surviving, 35 have been consolidated; at Gwennap 8 have been consolidated out of 26; at Caradon of 59, 34 have not been consolidated; while at Tamar 16 have been consolidated and 22 require work.

Many of the Foundry buildings have been abandoned and are in need of conservation or new uses. Domestic houses are generally in a good state of conservation (apart from joinery details –see below) as are harbours and ports, and the remains of transport such as canals, viaducts and railways.

Since 1995, National Trust (a land-owning charity) has acquired a substantial proportion of the coastal landscape where mines were constructed.

Protection and Management:

The nomination acknowledges that statutory and other protection in place at present do not adequately reflect the importance of the nominated areas in all cases. This is the case in some of the urban areas, for instance Camborne and Redruth, where only a few of the buildings are protected, some of the mining areas such as Gwennap where the majority of the mining structures are neither listed nor scheduled, and also those parts of the landscape which are not part of Areas of Outstanding Natural Beauty or Conservation Areas. Many of the mining sites are being considered for statutory protection, but are not yet listed, and other areas are being considered as conservation areas.

As part of a heritage protection review, the UK government has announced its intention to put World Heritage sites on a new Register of Historic Sites and Buildings in England. This Register, it is said, will give World Heritage sites statutory recognition for the first time. This system will be introduced once legislation has been passed through parliament. Until this is introduced, however, there is no protection for many parts of the nominated site.

The Management Plan that has been developed is very thorough and comprehensive and has drawn in a large number of partners. The key challenge is to balance conservation and development across the very large areas nominated. The fragmentary nature of the boundaries and the several separate discrete sites will present challenges in terms of resources for monitoring.

The Plan and the compilation of the nomination have both been carried out with extensive local support and both demonstrate substantial local commitment.

- Boundaries

The nomination is underpinned by an impressive GIS based documentation system that in turn reflects detailed surveys of all the key mining areas from which the nominated areas were chosen. The nominated areas are therefore based on detailed knowledge and rigorous analysis of what remains. The nominated areas reflect the disposition of mining activity rather than a random pattern of what has survived.

No buffer zone has been identified for any part of the nominated areas. Where nominated areas are set within land that is protected, for instance as an Area of Outstanding Natural Beauty that controls development, the

lack of a Buffer Zone could be said to be justified as the setting is protected. Where, however, there is no such designation, for examples around Camborne and Redruth, Hayle and Tavistock, protection is needed for the setting of the nominated areas and it is considered that a buffer zone should be in place.

Risk analysis:

The following threats are identified in the nomination:

- Development

In several urban areas where there is no specific or general protection, the erosion of architectural details in many mining terraces is acknowledged. Protection needs to come first in order to prevent further modifications that could affect the integrity of the property, and a positive action plan should also if possible be put in place to reverse some of the changes.

In all cases where development is planned within the nominated site, the archaeological evidence must be respected – both for the intrinsic evident and for the way it reflects former buildings and spatial arrangements.

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 World Heritage Committee 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.

- Conversion

Funds to conserve unused mine buildings and foundries are not in all cases in place. In some instances development is offered as a way of funding conservation and achieving the right balance is acknowledged as being a challenge. It is essential that any new uses for mining remains respect the significances of the buildings in terms of the evidence embodied in them for industrial uses.

- Resumption of mining

While acknowledging the importance of the landmark pledge made by the International Council on Mining and Metals at

the Durban World Parks Congress to treat natural World Heritage sites as ‘no go’ areas for mining, the nomination considers that mining is such an important part of the tradition of the area - and indeed the *raison d’être* for the nomination - that “proposals for a resumption of mining will be supported where they do not adversely affect the outstanding universal values of the Site”. Currently there is an active proposal for a mine outside the nominated areas which it is said could impact on setting. Any proposals for new mining activities that impact on the nominated areas or their setting will need to be subject to appropriate notification and debate under the terms of the *Operational Guidelines* paragraph 172.

- Waste heaps

Within Cornwall as a whole, there are nearly 4,900 ha of derelict land, including 3,900 ha of old metalliferous spoil heaps. Most of these occur within the nominated site.

A need to acknowledge the cultural value of old waste heaps (as well as their natural value) is highlighted in the face of active encouragement to re-use spoil heaps by certain tax regimes. This threat underlines the need for all the nominated areas to be protected.

Spoil heaps associated with the mines and particularly arsenic mines are toxic. There is a need to ensure that access to sites is kept away from potentially toxic areas. The wider issue of dealing with toxic water seepage from spoil heaps and mines is actively addressed by the National Environment Agency.

- Farming activities

In the face of potential changes in the viability of the farming industry in Europe, the threat from energy crops, new woodlands and lack of grazing is highlighted. This also points to the need for protection of the landscape areas for their cultural qualities.

Authenticity and integrity

Authenticity:

The nominated site as a whole has high authenticity in terms of what remains. The mines, engine houses and associated buildings have either been consolidated or await work. In the villages and towns there has been loss of architectural detail, particularly in the terraced houses, but it is considered that this is reversible. 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.

Integrity:

The integrity of what is nominated relates to the way it represents the scope and extent of the mining activity in the area in the 18th and 19th centuries. As has been noted, this activity was dispersed and based on the disposition of mineral veins. The nomination satisfactorily reflects the way the prosperity of mining transformed the landscape both in urban and rural areas and encapsulates the extent of those changes.

IUCN:

IUCN has evaluated the nominated site for its natural values. It considers that these are considerable, and notes in

particular that more than 37% of the nominated Site lies within a Category V protected area as a protected landscape (Area of Outstanding Natural Beauty). It also notes that several sites, including the highly unusual habitats and plant communities created by some of the former waste tips, have been nominated for inclusion as part of the European system of Special Areas of Conservation or designated as Sites of Scientific Interest. However these habitats and plant communities are distinctive precisely because they have adapted to some of the most polluted land in the UK, which has had and continues to have considerable impact, not only on the natural communities of the waste and spoil tips, but on the downstream aquatic and estuarine environments as well. Indeed the toxicity is a clear manifestation of the interaction of humans and nature in this special environment, and should be given more prominent recognition as an important element of the cultural landscape.

IUCN is pleased to note that these natural qualities and the associated designations have been taken fully into account in the nomination. It considers that nature conservation and landscape protection policies are important in delivering the objectives of the nominated site and should not be seen as in any way obstructive to them. In general, it welcomes the aims of the Management Plan, and advises that policies for biodiversity and protection of the natural elements of the landscape should be fully integrated into the future management of the site.

Comparative evaluation

A detailed comparative analysis is given in the nomination. The distinctive qualities of the site are related to industrialised non-ferrous metal mining and its dispersion around the world. In Europe the copper mines of Falun, Sweden, Roars, Norway, and Rimersburg, Germany, were active at an earlier period and did not involve industrialised processes. Further field comparisons are made with silver and gold mines in Mexico, Bolivia, and Brazil which again were earlier and non-industrialised. The analysis does not mention later industrialised mines such as those developed in the late 19th and early 20th century in the Americas and Australia. These to an extent built on the successes of the industrialised processes developed in Cornwall and West Devon and were its successors. It was the growth of mines in Chile, (such as Sewell, also nominated), North America and South Australia, that precipitated the demise of those in South-West England.

The value of the Cornish and West Devon mines is related to their role as the first proponents of an industrialised process at a time when copper and tin were in great demand. And this value is enhanced by the amount surviving of the 18th and 19th century landscapes created by the industry. This landscape is, moreover, highly legible, susceptible to detailed interpretation, and *in toto* a valuable, evidential source.

Outstanding universal value

General statement:

The outstanding universal value of the Cornish and West Devon mining landscape nominated areas is based on a combination of the following qualities:

- Between 1700 and 1814, the industrialisation of non-ferrous mining in Cornwall and West Devon transformed the landscape and the structure of society and contributed substantially to the development of an industrialised economy in Britain and around the world.
- The mines of Cornwall and West Devon, through the development and use of steam technology, became proponents of industrialised mining processes that had a profound effect on mining around the world.
- The remains of mines, engine houses, foundries, new planned towns, villages, smallholdings, ports, harbours, railways, canals, and tramways together are testimony, in an inter-linked and highly legible way, to the energy, to the sophistication and success of early, large-scale, industrialised, non-ferrous mining.
- The survival of Cornish engine houses in Spain, Mexico, South Africa and Australia reflects the migration of Cornish miners from the 1820s, and particularly in the 1860s and 1870s, to mines around the world.

Evaluation of criteria:

The site is nominated on the basis of criteria ii, iii and iv:

Criterion ii: The development of industrialised mining in Cornwall and West Devon between 1700 and 1914, and particularly the innovative use of the beam engine, led to the evolution of an industrialised society manifest in the transformation of the landscape through the creation of new towns and villages, smallholdings, railways, canals, docks and ports, and this had a profound impact on the growth of industrialisation in the United Kingdom and then on industrialised mining around the world. ICOMOS considers that the property meets this criterion.

Criterion iii: The extent and scope of the remains of copper and tin mining, and the associated transformation of the urban and rural landscapes, including the now distinctive plant communities of waste and spoil heaps and estuarine areas, 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. ICOMOS considers that the property meets this criterion.

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. ICOMOS considers that the property meets this criterion.

5. RECOMMENDATIONS

Recommendations

The nominated site is extensive and complex. ICOMOS commends the State Party for putting forward a property that demonstrates nearly all the facets of the mining revolution that transformed Cornwall and West Devon's

landscape in the 19th century and displays their social as well as economic and natural impacts.

As acknowledged in the nomination, there are developmental threats to part of the nominated site and currently protective designations do not adequately reflect the value of all the remains. Some parts of the nominated site are unprotected. The State Party has indicated that in the near future it is anticipated that World Heritage sites will be given status in planning law. The size and complexity of the proposed nomination, the comparatively large proportion of the property currently not protected and the degree of developmental pressure in certain areas raises cause for concern. ICOMOS considers that the nominated areas should be given legal protection.

The management plan stresses the need for heritage-led regeneration and the challenge of balancing development with conservation, both of which ICOMOS strongly support. However there is a need to define the extent and scope of regeneration projects within the nominated area and where they could impinge on it. Development that dominates the landscape, is incompatible with its industrial patterns, or is out of balance with conservation of existing settlements could compromise the integrity of what has been nominated.

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.

Though some of the rural areas of the nomination are set within protected landscapes, some areas are not and are also within development zones. ICOMOS considers that these areas should be provided with buffer zones.

Although the re-opening of mines in the nominated areas could be considered as re-energizing the cultural landscape, great care would be needed with any such proposals to ensure that the values associated with early steam technologies are not harmed. It is therefore recommended that any such proposals, within the nominated areas, or their setting, are forwarded to the World Heritage Committee for debate and scrutiny.

In line with IUCN's recommendations, ICOMOS recommends that the natural values of the cultural landscape should be fully integrated into the future management of the site in a way that demonstrates the link between biodiversity and landscape protection and that policies should be developed for biodiversity, the protection of natural landscapes and contamination control.

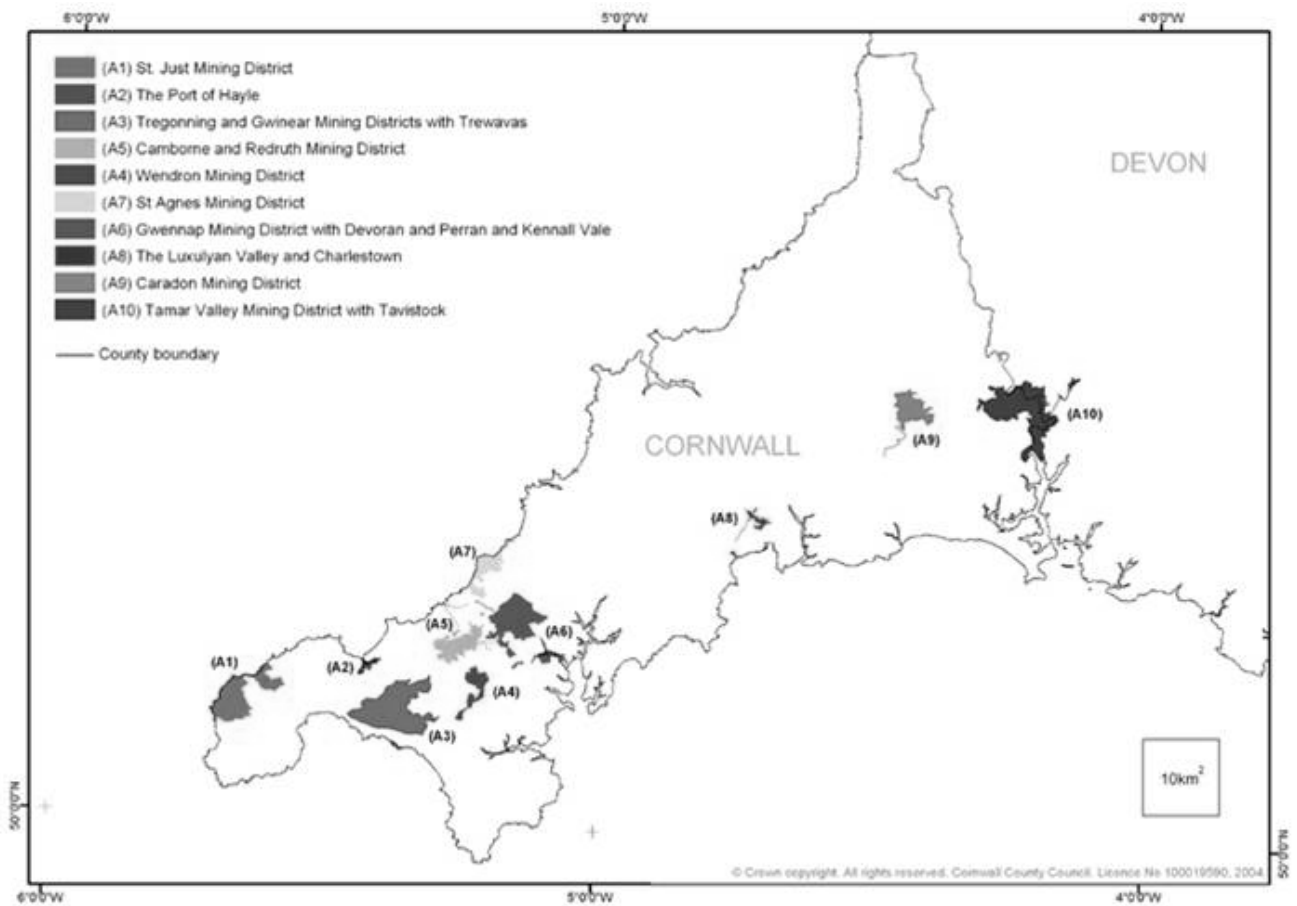
Recommendation with respect to inscription

ICOMOS recommends that the nomination of Cornwall and West Devon Mining Landscape be *referred* back to the State Party of the United Kingdom to allow them to:

- Re-define the nominated areas to reflect the key assets of the Cornwall and west Devon mining cultural landscape, consistent with their history, and surviving testimonies to industrialised mining processes, where they can be given protection from large-scale development that might impinge on their integrity and value;
- Put in place appropriate legal protection;

- Create buffer zones around those areas not set within protected landscapes;
- Put in place policies for the protection of distinctive habitats and plant communities related to mining, and also for contamination control.

ICOMOS, April 2006



Map showing the boundaries of the ten nominated areas



Botallack Mine



Charlestown Harbour



British and Colonial Explosives Company works



Union Street, Camborne

Paysage minier des Cornouailles et de l'ouest du Devon (Royaume-Uni)

No 1215

1. IDENTIFICATION

État partie : Royaume-Uni

Bien proposé : Paysage minier des Cornouailles et de l'ouest du Devon

Lieu : Comtés de Cornouailles et du Devon

Date de réception par le Centre du patrimoine mondial : 25 janvier 2005

Inclus dans la liste indicative : 21 juin 1999

Assistance internationale au titre du Fonds du patrimoine mondial pour la préparation de la proposition d'inscription : Non

Catégorie de bien :

En termes de catégories de biens culturels, telles qu'elles sont définies à l'article premier de la Convention du Patrimoine mondial de 1972, il s'agit d'un *site*. Aux termes des *Orientations devant guider la mise en œuvre de la Convention du patrimoine mondial* (2 février 2005), paragraphe 47, c'est aussi un *paysage culturel*.

Brève description :

Le paysage des Cornouailles et de l'ouest du Devon s'est en grande partie transformé au XVIII^e et au début du XIX^e siècle dans le sillage de l'essor rapide de l'exploitation minière du cuivre et de l'étain, alors à leurs débuts. Les profondes mines souterraines, les bâtiments des machines, les fonderies, les villes nouvelles, les petites propriétés, les ports et les industries associées reflètent le prolifique esprit d'innovation qui fut le moteur de ce développement industriel, qui produisait au début du XIX^e siècle les deux tiers du cuivre mondial. Les nombreux vestiges attestent de la contribution des Cornouailles et de l'ouest du Devon à la révolution industrielle dans le reste de la Grande-Bretagne, et de l'influence fondamentale de cette région sur l'ensemble du monde minier.

La technologie des Cornouailles qu'incarnent les machines, les bâtiments qui les abritent et l'équipement minier fut exportée dans le monde entier. Les Cornouailles et l'ouest du Devon furent au cœur de la diffusion rapide de la technologie minière. Lorsque l'activité minière des Cornouailles et de l'ouest du Devon déclinèrent dans les années 1860, les mineurs émigrèrent en grands nombres vers des communautés minières fondées d'après les traditions de Cornouailles, par exemple en Afrique du Sud, en Australie, en Amérique centrale et en Amérique du Sud,

où subsistent encore aujourd'hui des bâtiments qui abritent des machines de Cornouailles.

2. ACTIONS

Antécédents : Il s'agit d'une nouvelle proposition d'inscription. L'État partie a envoyé des informations sur le projet de développement du centre du port de Hayle le 31 mars 2006.

Date de la mission d'évaluation technique : 19-24 septembre 2005

Dates de demande d'information complémentaire et d'envoi par l'État partie : L'ICOMOS a envoyé une lettre le 9 novembre 2005 et l'État partie a fourni des informations le 23 décembre 2005.

Consultations : L'ICOMOS a consulté son Comité scientifique international sur les jardins historiques – paysages culturels et le TICCIH. L'UICN a fourni une évaluation des attributs naturels du site.

Littérature : Nombreux ouvrages sur les mines de Cornouailles, les machines des mines, les processus miniers, les transports miniers, les villages miniers, les structures sociales des mines, la contribution des Cornouailles à la révolution industrielle, la géologie et la minéralogie et la diaspora des habitants des Cornouailles notamment dans le *Journal of the Trevithick Society* (à partir de 1973), par des éditeurs locaux tels que D Bradford Barton Ltd., Twelveheads Press, Landfall Publications, et Dyllansow Truran, par Prof Roger Burt entre 1969 et 1987 sur l'organisation des mines de Cornouailles ; également la thèse non-publiée de G Burke, *The Cornish Miner and the Cornish Mining Industry 1870-1921*, 1981.

Date d'approbation de l'évaluation par l'ICOMOS : 10 avril 2006

3. LE BIEN

Description

Le vaste site proposé pour inscription comprend les éléments les plus authentiques et les plus historiques qui subsistent du paysage minier des Cornouailles et de l'ouest du Devon de 1700 à 1914 environ. La zone couvre 19 808 hectares. Il n'y a pas de zone tampon. Dix zones représentent le cœur des anciens districts miniers disséminés dans tout le comté de Cornouailles et de l'autre côté de la limite occidentale avec le comté du Devon. Ces régions partagent une identité commune en ce qu'elles étaient des composantes de l'exploitation massive des minerais au début du XIX^e siècle. Ayant suivi un développement distinct, elles présentent aussi des différences et illustrent l'emplacement des minerais, ainsi que l'indépendance relative des propriétaires terriens et des marchands qui contrôlaient l'extraction minière, la banque et les industries associées. Ensemble, les zones forment un paysage culturel unifié, qui reflète tous les aspects de l'industrie minière, qu'ils soient technologiques ou sociaux, les sites miniers, le transport minier, les industries

connexes, les peuplements miniers, les petites exploitations, les grandes maisons et domaines et les sites minéralogiques. Il s'agit en partie d'un paysage relique ; les mines et les systèmes de transport miniers, par exemple, sont aujourd'hui désaffectés. C'est aussi en partie un paysage vivant : ainsi, le paysage agricole qui apportait leur subsistance aux peuplements miniers sont toujours en usage aujourd'hui, tout comme les peuplements ruraux et les villes.

Les mines des Cornouailles et de l'ouest du Devon produisaient du cuivre, de l'étain et de l'arsenic. La production combinée dominait l'offre mondiale au début du XIXe siècle. Le succès de l'industrie minière reposait sur l'innovation technologique qui a rendu possible l'extraction minière en puits profonds. Des pionniers locaux inventèrent le moteur à vapeur pour pomper l'eau hors des mines, puis, en réaction au coût de l'expédition du charbon dans la région, perfectionnèrent ces moteurs en développant une technologie de pompage de vapeur à haute pression. La sécurité pour l'amorce des explosions fut également mise au point dans la région.

Les industries associées contribuèrent à la prospérité globale. Une grande partie du minerai était taillé et fondu localement. Les moteurs à vapeur, les traverses de chemins de fer, les moteurs des trains et les barges nécessaires à l'expansion de l'industrie étaient eux aussi produits localement, dans des fonderies comme Perran, Harvey's Holman's, Sara's, Mount Tavy, Bedford et Charlestown.

L'usage efficace de la technologie exigeait un bon système de transport et un tissu social solide. Un réseau de transport de grande qualité, impliquant des canaux, des chemins de fer et des tramways reliant des mines aux ports fut construit au début du XIXe siècle. Il comprenait les ports et les quais de Hayle, Portreath, Devoran, Charlestown et Morwelham, les tramways et les chemins de fer de Poldice Plateway, les chemins de fer de Redruth & Chasewater, de Liskeard & Caradon et le chemin de fer *East Cornwall Mineral Railway*.

La structure sociale qui émergeait était une structure éparse, dépourvue d'une grande ville centrale, ce qui reflétait la disposition des affleurements granitiques où l'on pouvait exploiter les minerais et la mobilisation de capitaux privés. D'importants nouveaux peuplements se développèrent à Camborne, Carharrack et Minions, et quantité de petites villes et de villages furent également construits, avec des rangées de maisons en bande regroupées autour des groupes de mines, construites par des entrepreneurs.

Pour subvenir aux besoins de ces zones urbaines, beaucoup des plateaux (environ 50 000 hectares) ont été convertis de pâturages en petites exploitations, patchworks de petits champs délimités par des haies, avec de petits cottages de plain pied généralement construits par leur propriétaire.

Les propriétaires miniers vivaient dans de grandes maisons, avec pour beaucoup des jardins ornementaux intéressants du point de vue horticole (pour certains en dehors de la zone proposée pour inscription). Les propriétaires exerçaient leur pouvoir par l'entremise de leurs agents et de leurs commis. Beaucoup de ces hommes jouissaient d'une autorité renforcée par leur implication dans les chapelles méthodistes non conformistes

construites dans la quasi totalité des peuplements miniers. La principale manifestation extérieure de l'industrie sont les grands bâtiments des machines, s'élevant sur trois étages, surmontés de hautes cheminées surplombant les travaux de mines et disséminés dans tout le paysage, particulièrement dans la zone centrale autour de Camborne et de Redruth. Environ trois mille ont été construites dans la région. De construction robuste, en pierre locale avec des toits en ardoise, presque deux cents ont survécu. Quatre possèdent toujours in situ des moteurs à vapeur pour l'extraction ou le pompage.

Les zones proposées pour inscription sont les districts miniers suivants :

- St Just
- Port de Hayle
- Tregonning et Gwinear avec Trewavas
- Wendron
- Camborne et Redruth avec Wheal Peevor et le port de Portreath
- Gwennap avec Devoran et Kennall Vale
- St Agnes
- Vallée de Luxulyan
- Caradon
- Vallée de la Tamar avec Tavistock

Ces éléments sont considérés les uns après les autres.

St Just

La majorité des sites miniers se situent dans une ceinture côtière austère et spectaculaire, de 6 km de long sur 2 km de large. La zone englobe la ville de St Just, bâtie pour desservir les mines locales, des hameaux miniers, de petites exploitations et Portledden House, demeure d'un riche propriétaire minier. Les sites de traitement des minerais, tels que les mines de Bottalack et de Levant, témoignent de l'utilisation de l'énergie à vapeur pour le traitement des minerais. Ces mines, qui s'inscrivent dans un décor spectaculaire, ont attiré des générations d'écrivains et d'artistes. En outre, la zone possède une valeur minéralogique. Individuellement, les sites les plus notables sont :

- La mine de Bottalack, avec des puits de mine circulant sous l'océan et, sur les falaises, un moteur Crowns et des installations de traitement de l'arsenic.

- La mine du Levant, avec le plus ancien moteur de Cornouailles qui subsiste, datant de 1840.

- La mine de Geevor, mine d'étain du XXe siècle, avec des vestiges plus anciens bien préservés, dont un four à calciner Brunton.

- La vallée de Kenidjack, abritant les vestiges de plusieurs broyeurs hydrauliques.

Port de Hayle

Situé sur la côte septentrionale des Cornouailles, c'était le principal port de l'industrie minière des Cornouailles. D'énormes quantités de charbon et de bois d'importation et de cuivre d'exportation transitaient par ce port. Les vastes

quais et les appontements demeurent largement intacts, dans le décor magnifique d'un estuaire ouvert, flanqués de villas pour les classes dirigeantes et de logements en bande pour les ouvriers.

Hayle abrite aussi les vestiges de deux fonderies de fer Harveys, où furent fabriqués les plus grands moteurs à vapeur de mine au monde, et la compagnie Cornwall Copper. Toutes deux engendrèrent l'édification d'importants et imposants édifices urbains.

Le port était desservi par le canal de Copperhouse construit en 1769/1787 et un chemin de fer construit à partir de 1834, avec un pont de 1837 et un pont oscillant au-dessus du canal.

Tregonning et Gwinear avec Trewavas

Certaines des plus riches et des plus profondes mines d'étain et de cuivre se trouvent ici. Aux côtés d'un patchwork très bien préservé de petites propriétés de mineurs autour de Tregonning Hill, la zone comporte de grandes terrasses minières bâties avec des façades imposantes en blocs de granite taillé, et des exemples de maisons des premiers « aventuriers » de la mine. Individuellement, les sites les plus notables sont :

- La mine de Wheal Vor, la plus riche des Cornouailles, qui employait à son apogée quelque 1 100 personnes.
- Les vastes vestiges des mines à ciel ouvert de Great Wheal Fortune.
- Godolphin House, datant du XVIIe siècle, qui abritait le magnat minier Sir Francis Godolphin, et Trevarno House, demeure des familles minières Wallis et plus tard Bickford-Smith.

Wendron

Ces plateaux peu peuplés abritent les beaux vestiges de petites propriétés de mineurs, avec des maisons de plain-pied disséminées autour des champs.

La zone comprend également plusieurs édifices imposants abritant des machines, ainsi que Porkellis Chapel, une chapelle du début du XIXe siècle, adjointe d'une autre plus récente, de 1866, qui comporte l'ensemble de sa décoration intérieure d'origine.

Camborne et Redruth avec Wheal Peevor et le port de Portreath

Au centre des Cornouailles, les ressources minérales de la chaîne granitique qui domine cette région ont produit quelques-unes des plus riches et des plus profondes mines de cuivre et d'étain du monde, et généré des richesses suffisantes pour construire Camborne et Redruth à partir de rien ou presque. La prospérité des mines se reflète dans les nombreux édifices publics de Redruth, tels que la bourse d'échange minière, l'école des sciences et des arts, Plain-an-Gwarry Chapel, St Andrew's Church et, à Camborne, Wesleyan Chapel et la Passmore Edwards Library. Les deux villes conservent leur tracé du XIXe siècle et possèdent des exemples d'habitations en bande construites dans une optique spéculative, tandis que

Redruth comporte également de grandes maisons destinées aux classes moyennes.

Parmi les bâtiments industriels notables figurent les trois grandes pompes de Cornouailles à eaux d'exhaure qui subsistent dans leur contexte minier, à la mine East Pool & Agar et à la mine South Crofty. Cette dernière resta en activité jusqu'en 1955.

Gwennap avec Devoran et Kennall Vale

Ce paysage désolé, aux vastes étendues couvertes de fougères, possède des vestiges importants de mines de cuivre et de puits d'exhaure, ainsi que les chemins de fer qui reliaient les mines aux ports comme Devoran, qui se sont développés dans les années 1820 et 1830.

La zone comporte aussi de petites propriétés, des villages miniers bien conservés à côté des mines qu'ils desservait à St Day, Carharrack et Chacewater, et des exemples de maisons bâties par des industriels miniers, comme Sorrier House, Treguillow et Burncoose.

Sur un bras de la rivière Fal se dressent les vestiges de la fonderie Perran, l'une des trois plus grandes de Cornouailles.

St Agnes

Comme St Just, cette zone illustre la tradition minière côtière, avec quelques sites exploités depuis l'époque préhistorique. À l'intérieur des terres, on travaillait le sol à la charrue pour nourrir des populations minières urbaines en pleine expansion.

Parmi les sites notables figurent la mine Wheal Coates, avec trois bâtiments des machines, pour l'extraction, le pompage et l'estampage.

Vallée de Luxulyan et Charlestown

La vallée de Luxulyan reflète une concentration de vestiges industriels associés à un seul et même homme, Joseph Treffry. Parmi ceux-ci, le canal de Par, construit aux environs de 1835 pour apporter le minerai de sa grande mine de Fowey Consols au port qu'il avait fait bâtir à Par. Cette vallée densément boisée alimentait en charbon les fonderies d'étain.

Charlestown est un port industriel extrêmement bien préservé, conçu par l'ingénieur civil John Smeaton à la fin du XVIIIe siècle et bâti pour un industriel local. Il servait à l'exportation du minerai de cuivre et du kaolin. Il comprend de grandes maisons en bande et une fonderie.

Caradon

Ces vastes landes avec leurs terrils massifs reflètent l'activité minière intense pendant une quarantaine d'années, de 1840 jusqu'à son abandon. De petits peuplements miniers s'étendent dans les landes, et les anciens villages se sont agrandis à l'époque de la croissance minière. Il existe plusieurs bâtiments abritant des machines notables, parmi lesquels Wheal Jenkin, la mine de South Phoenix et la grande mine phare de Phoenix, symbole d'un optimisme mal placé, construite en

1907 pour abriter la dernière pompe à eau d'exhaure montée en Cornouailles par la fonderie Holman, à Camborne.

Vallée de la Tamar avec Tavistock

Les mines de ce site de l'ouest du Devon étaient rassemblées autour de la sinueuse vallée de la Tamar, qui fournissait l'énergie hydraulique. Plusieurs mines contiennent d'impressionnants puits à roue hydraulique. La rivière s'est avérée insuffisante pour accueillir tout le trafic, et l'on construisit en 1863 le *East Cornwall Mineral Railway*, pour relier les mines aux ports en pleine expansion de Calstock en Cornouailles et de Morwellham dans le Devon. Il ne subsiste aujourd'hui que des tronçons de la voie.

La plus grande mine est la Devon Great Consols, la plus grande productrice de toutes les mines du site proposé pour inscription. Des vestiges du traitement de l'arsenic sont disséminés dans le paysage : elle était la première productrice d'arsenic au monde.

Tavistock est une ville médiévale remodelée par son propriétaire au XIXe siècle grâce aux bénéfices de l'extraction de cuivre, particulièrement dans la mine de Great Consols. La ville abrite de nombreux édifices publics imposants, comme le Guildhall, l'hôtel de ville, le marché au maïs et la grande église Fitzford, tous bâtis entre 1835 et 1867. De petits lotissements en bande « modèles » de grande qualité pour les ouvriers, avec des fenêtres à pignons et des toits en croupe, s'opposant nettement aux conceptions plus simples des Cornouailles, furent construits entre 1845 et 1866 par le duc de Bedford.

La ville compte trois fonderies de fer du XIXe siècle, Mount Foundry (qui produisait des barges en fer pour le canal), Tavy Foundry et Bedford Iron Works. Tavistock était reliée au port de Morwellham par le canal de Tavistock, construit pour assurer le trafic de minerai entre 1803 et 1817. Il s'étend sur plus de 7,2 km, avec un tunnel de 2,4 km, et il est toujours en bon état.

Histoire

Les preuves archéologiques suggèrent que les ressources minérales de Cornouailles et de l'ouest du Devon ont été exploitées pendant plus de 3 500 ans. Jusqu'en 1700, l'étain était le principal minerai, et seule Erzgebirge en produisait de plus grande quantité, en Europe, au début du XVIe siècle. Les Romains extrayaient le minerai pour alimenter en étain les pays d'Europe du nord, et l'extraction se poursuivit au début et à la fin du Moyen Âge. En 1201, l'importance de l'industrie de l'étain fut reconnue par l'établissement d'un cadre juridique spécial, conférant certains privilèges aux étainiers. Administré sous la forme de huit régions étainières, il perdura jusqu'en 1838.

Au début du XVIe siècle, de nombreux gisements d'étain arrivèrent à épuisement, et les mineurs se tournèrent vers l'exploitation des affleurements rocheux. Tout d'abord, le minerai de surface fut extrait à ciel ouvert mais après son épuisement, il fallut peu à peu creuser des puits de plus en

plus profonds. Il fallait drainer l'eau qu'ils contenaient, en règle générale au moyen de pompes hydrauliques.

Dans les années 1580, les mineurs allemands commencèrent à exploiter le cuivre. Les premières mines ne furent pas un succès, et ce n'est qu'au début des années 1700 qu'une mine prospère fut établie à Chacewater. À la même époque environ, on introduisait la poudre à canon dans les mines, accroissant ainsi grandement la vitesse d'établissement de celles-ci, et la profondeur des puits. L'apparition des moteurs à vapeur permit d'extraire l'eau de ces mines profondes.

C'est Thomas Newcomen, du Devon, qui mit au point le moteur « atmosphérique ». Le premier moteur installé dans une mine de métal équipa Great Wheal Vor entre 1710 et 1714, préfigurant l'industrialisation de l'extraction minière. Cependant, les premiers moteurs étaient onéreux et d'un rendement médiocre, et leur nombre n'augmenta que lentement jusqu'à l'arrivée dans la région des moteurs Boulton et Watt, plus efficaces, en 1778. En 1790, 45 moteurs étaient en activité, jetant les fondations de l'essor de l'industrie. La technologie était désormais en place pour exploiter les riches gisements en profondeur de cuivre et d'étain.

La dernière grande avancée technologique fut l'invention du moteur à vapeur à haute pression, plus puissant et plus rentable, par Richard Trevithick de Camborne. Sa première machine fut construite en 1800. Les trois premières décennies du XIXe siècle virent un grand nombre d'expérimentations sur la conception de moteurs, encourageant la compétition entre ingénieurs et propriétaires miniers. Des fonderies furent donc développées en Cornouailles pour répondre à la demande croissante en moteurs.

La construction d'infrastructures de transport et le développement d'industries annexes accélèrent la vitesse du changement ; dans les années 1850, les mines des Cornouailles dominaient les marchés mondiaux du cuivre.

Bien sûr, l'extraction rentable du cuivre et de l'étain n'était possible que du fait de la forte demande pour ces minerais, l'étain pour la vaisselle et les conserves et le cuivre pour les produits en laiton nécessaires pour les navires et les moteurs.

Les mines, les bâtiments abritant des machines et les monceaux de déblais, les villes nouvelles et les peuplements miniers construits pour accueillir le nombre rapidement croissant de mineurs, et les ports, chemins de fer et canaux transformèrent le paysage. La richesse générée était mise à profit pour édifier d'imposants bâtiments publics, de belles demeures et des jardins paysagers pour les propriétaires miniers.

Dans le même temps, la technologie qui avait permis le développement des mines s'exportait partout dans le monde où se trouvaient des gisements miniers le justifiant. C'est pourquoi on trouve en Espagne, au Mexique, en Afrique du Sud et en Australie d'importants exemples des bâtiments abritant des pompes à eaux d'exhaure de diagnostic qui subsistent du XIXe siècle.

En 1866, l'effondrement du cuivre provoqué par la concurrence croissante du Chili, du Lac Supérieur et du sud de l'Australie précipita la fermeture de quantité de mines de cuivre, seules les mines d'étain restant en activité. Elles subsistèrent pendant quelques années de plus, jusqu'à ce que la concurrence de l'Australie et de la Malaisie entraînent une baisse insoutenable des prix. Les mineurs commencèrent à émigrer, emportant dans leurs bagages leurs connaissances et leur technologie, pour développer des mines des Cornouailles aux quatre coins du monde. À la fin du XIXe siècle, il restait essentiellement des sites de traitement de l'arsenic, exploitant les pyrites arsenicales jadis mises de côté.

Quelques mines survécurent ; la dernière, South Crofty, ferma ses portes en 1998.

Protection et gestion

La zone proposée pour inscription appartient à des organismes publics et privés et à des institutions caritatives, La proportion la plus importante étant collectivement dévolue à de petits propriétaires privés.

Dispositions légales :

Au Royaume-Uni, la législation de l'urbanisme ne reconnaît pas actuellement le statut de patrimoine mondial. Des éléments individuels inscrits sur la Liste du patrimoine mondial sont protégés par divers classements et différents plans locaux. Dans le cas des zones proposées pour inscription à titre culturel, cela signifie que les parties qui constituent des monuments anciens classés (pas toutes les mines) ou des bâtiments classés (ce qui ne s'applique qu'à une fraction des bâtiments), des parcs et des jardins et des zones de conservation (ce qui n'est pas le cas de tous les peuplements) sont protégées mais actuellement, certaines grandes étendues de paysage et certaines zones urbaines, comme Camborne et Redruth, ne possèdent aucune protection particulière (hormis celle accordée pour les qualités naturelles du paysage – cf. ci-dessous). Toutefois, le statut de Patrimoine mondial est un critère fondamental à considérer lors des demandes en matière d'urbanisme.

Une grande partie des paysages miniers sont précieux pour leurs qualités naturelles - soit de pure coïncidence, soit de par la nature des monceaux de déblais minéralisés. 37,4 % (7369 ha) de la zone proposée pour inscription sont également classés comme Zone de beauté Naturelle Exceptionnelle, statut juridique britannique reconnu comme zone protégée de catégorie V. On compte 6 zones candidates européennes de conservation spéciale (CSAC) dans la zone. Ceux-ci couvrent 1208 hectares ou 6,1 %. Il y a 26 sites d'intérêt scientifique particulier (SSSI) couvrant 723 hectares (3,6 %), dont certains sont classés pour leur intérêt géologique. Ces classements fournissent une protection indirecte aux qualités culturelles du site proposé pour inscription, par l'interdiction de certains types de développement, mais ne remplacent pas une protection des attributs culturels à ce titre.

Structure de la gestion :

Un plan de gestion détaillé et exhaustif a été élaboré. Il met l'accent sur la nécessité d'une gestion intégrale et

holistique des grandes zones proposées pour inscription, fragmentées et diverses. Il dresse la liste des politiques de traitement des principaux problèmes. Celles-ci n'ont cependant parfois pas d'autre vocation que celle de conseil.

Le point fort principal du plan est le réseau efficace de parties prenantes qui le sous-tend. Un partenariat réunit les représentants de 73 organisations parties prenantes. Il a établi 6 commissions de zone calquées sur les *District Councils*, et deux commissions thématiques pour guider la proposition d'inscription et la création du plan. Un groupe de travail réunissant les principales organisations gouvernementales et non gouvernementales a pris part à la préparation de la proposition d'inscription et du plan. Ces deux structures assureront l'intérim pendant que sera réalisée une étude de gouvernance, afin de décider si des organismes successeurs sont nécessaires pour convenir des futures procédures communes d'investissement et de gestion.

L'élan principal de mise en œuvre incombe à l'Office du Site pour le bien proposé pour inscription, avec un personnel responsable du partenariat pour la mise en œuvre du plan de gestion. Cet office se compose d'un Coordinateur du Site et d'un responsable de recherche à plein temps, et d'un personnel chargé de cartographier l'environnement historique et administratif à temps partiel. Il bénéficiera des conseils du *County Council* et de *English Heritage* en matière d'urbanisme et de conservation.

Ressources :

Les ressources mises en œuvre pour dresser le plan de gestion proviendront de plusieurs partenaires, tels que *English Heritage*, le *National Trust* et d'autres sources de financement, au rang desquelles le Fonds de Développement Régional Européen. L'Office du Site dispose d'un revenu annuel de 200 000 livres sterling.

Ces cinq dernières années, depuis 1998, les dépenses de capital réalisées sur le site proposé pour inscription par les grands propriétaires publics et les institutions caritatives ont totalisé plus de 26 millions de livres sterling. On prévoit pour 2004/2005 7,7 millions de livres sterling de plus.

Justification de la valeur universelle exceptionnelle émanant de l'État partie (résumé)

La transformation du paysage minier de Cornouailles et de l'ouest du Devon a grandement contribué à l'essor de la Révolution industrielle dans le reste de la Grande-Bretagne.

L'industrie minière de Cornouailles se caractérisait par un prolifique esprit d'innovation technologique, avec par exemple la pompe à eaux d'exhaure et la chaufferie de Cornouailles, et l'implication de pionniers de la région. La diffusion de cette technologie aux mines à l'étranger s'avéra d'une importance internationale, et les bâtiments de machines des Cornouailles sont la preuve frappante de cet impact mondial.

La production de cuivre dans l'ouest des Cornouailles dans les trois premières décennies du XIXe siècle représentait les deux tiers de l'offre mondiale.

4. ÉVALUATION

Conservation

Historique de la conservation :

La conservation des vestiges historiques miniers en Cornouailles et dans l'ouest du Devon a commencé dans les années 1930, et représente à ce titre l'une des plus anciennes dans l'histoire mondiale de la conservation du patrimoine industriel. La proposition d'inscription expose en détail le travail de préservation réalisé et le développement des diverses sociétés de conservation qui ont initié l'action, comme le *Cornish Engines Preservation Committee* fondé en 1933, qui a conduit à des études des mines et des moteurs et à l'établissement de la *Cornish Engines Preservation Society* en 1944, laquelle, sur les 20 années suivantes, a racheté cinq sites importants pour les remettre au *National Trust* (une institution caritative de conservation). En 1969, cette société est devenue la *Trevithick Society* et, en 1993, le *Trevithick Trust*, pour développer l'idée d'un musée minier dispersé.

L'historique présenté montre comment l'intérêt pour les mines individuelles et les moteurs s'est élargi au paysage minier plus global dans les années 1970. Le *Cornwall County Council* (Conseil régional de Cornouailles) a entrepris des études et, à la fin des années 1980, des fonds publics ont été mis à disposition pour la conservation du site. En 1987, un projet du *Kerrier District Council* (Conseil général de Kerrier) en 1987 autour de la région de Camborne - Redruth a apporté un changement d'attitude, en mettant en exergue la nécessité de considérer les zones minières comme des composants de l'identité régionale.

Ces 16 dernières années, presque 100 bâtiments abritant des machines, 40 cheminées et plus d'une centaine d'autres bâtiments miniers d'importance ont été conservés. Toute la zone proposée pour inscription a été étudiée et inventoriée (cf. ci-dessous) et un inventaire détaillé des sites nécessitant des travaux de consolidation et conservation a été mis en place.

État de conservation :

L'état de conservation des vestiges miniers qui ont été consolidés est bon. Sur les autres, certains ont besoin de travaux de consolidations mineurs, et d'autres attendent des financements. La moitié des bâtiments abritant des machines, approximativement, ont d'ores et déjà été consolidés. Par exemple, à St Just, il en reste 32 et 19 ont été consolidés ; à Tregonning 3 ont été consolidés et 11 nécessitent une attention ; à Camborne et à Redruth, sur les 41 restants, 35 ont été consolidés ; à Gwennap, 8 sur 26 ont été consolidés ; à Carandon, sur 59, 34 n'ont pas été consolidés, tandis qu'à Tamar 16 ont été consolidés et 22 doivent faire l'objet de travaux.

Beaucoup des bâtiments de fonderie ont été abandonnés et ont besoin de travaux de conservation ou d'être affectés à de nouveaux usages. Les maisons domestiques sont généralement en bon état de conservation (exception faite

des détails de menuiserie, cf. ci-dessous), tout comme les ports, et les vestiges des moyens de transport tels que canaux, viaducs et chemins de fer.

Depuis 1995, le *National Trust* (organisme caritatif propriétaire foncier) a racheté une grande partie du paysage côtier où les mines étaient construites.

Protection et gestion :

La proposition d'inscription reconnaît que la protection statutaire et autre actuellement en place ne reflète pas comme il convient l'importance des zones proposées pour inscription. C'est le cas pour certaines des zones urbaines, par exemple Camborne et Redruth, où seuls quelques-uns des édifices sont protégés, de certaines des zones minières comme Gwenap, où la majorité des structures minières ne sont ni classées ni prévues pour classement, et également de certaines parties du paysage qui ne font pas partie des zones de beauté naturelle exceptionnelle ou des zones de conservation. Une grande partie des sites miniers sont envisagés pour protection statutaire mais ne sont pas encore classés, et d'autres sont envisagés comme zones de conservation.

Dans le cadre de l'examen de la protection du patrimoine, le gouvernement britannique a annoncé son intention d'inscrire les sites du Patrimoine mondial dans un nouveau Registre des sites et bâtiments historiques en Angleterre. Ce registre, dit-on, constituerait la première reconnaissance statutaire des sites du Patrimoine mondial. Ce système sera mis en place une fois la législation adoptée par le Parlement, mais jusque là, il n'y aura pas de protection pour une grande partie du site proposé pour inscription.

Le plan de gestion élaboré est très complet et a attiré un grand nombre de partenaires. Le principal défi est de respecter un équilibre entre conservation et développement dans les zones très vastes proposées pour inscription. La nature fragmentaire des délimitations et la multiplicité des sites distincts entraîneront des difficultés en termes de ressources de suivi.

Le plan et la proposition d'inscription ont tous deux été réalisés avec un soutien local fort, et tous deux démontrent un important engagement local.

- Délimitations :

La proposition d'inscription est sous-tendue par un impressionnant système de documentation SIG qui reflète à son tour les études détaillées de toutes les zones minières clés à partir desquelles les zones proposées pour inscription ont été choisies. Les zones proposées pour inscription sont donc basées sur une connaissance détaillée et une analyse rigoureuse de ce qui reste. Elles reflètent la disposition de l'activité minière plutôt qu'un schéma aléatoire de ce qui subsiste.

Aucune zone tampon n'a été identifiée pour aucune des zones proposées pour inscription. Si ces dernières s'inscrivent dans des terres protégées, par exemple dans une zone de beauté naturelle exceptionnelle où le développement est contrôlé, l'absence de zone tampon pourrait être considérée comme justifiée, l'environnement

étant déjà protégé. Cependant, en l'absence d'un tel classement, par exemple autour de Camborne et de Redruth, de Hayle et de Tavistock, une protection de l'environnement des proposées pour inscription est nécessaire, et on considère qu'il faudrait mettre en place une zone tampon.

Analyse des risques :

Les menaces suivantes sont identifiées dans la proposition d'inscription.

- Développement

Dans plusieurs zones urbaines où il n'existe aucune protection spécifique ou générale, la dégradation des détails architecturaux de nombreuses terrasses minières est reconnue. La protection doit être la priorité pour éviter de nouvelles modifications susceptibles d'affecter l'intégrité du bien, et un plan d'action positif devrait aussi être mis en place, si possible, pour supprimer certaines des modifications.

Dans tous les cas où l'on prévoit un projet de développement sur le site proposé pour inscription, les preuves archéologiques doivent être respectées, tant pour leur intérêt intrinsèque que pour la représentation qu'elles donnent des anciens bâtiments et des anciennes dispositions spatiales.

Certaines zones urbaines, Camborne, Redruth et le port de Hayle, ont été désignées comme des zones prioritaires de régénération économique par le gouvernement, d'où l'apparition rapide de zones industrielles autour de Redruth.

Étant donné l'absence de protection particulière (cf. ci-dessus), on s'inquiète que dans certains cas, le besoin d'une régénération axée sur le patrimoine s'efface devant les pressions commerciales. Le plan de gestion manifeste un engagement positif en ce sens, mais pour l'instant, aucune étude de cas ne vient expliquer comment on évitera un développement inapproprié sans protection supplémentaire.

Un grand projet de développement du centre du port de Hayle pourrait faire figure de test. Le 31 mars 2006, l'État partie a dévoilé les détails d'un projet de 25 millions de Livres sterling pour la construction de 5 000 m² de surfaces industrielles, 2 000 m² d'un bâtiment pour le projet d'exploitation des énergies marines Wavehub, d'une marina, de plus de 800 logements résidentiels, magasins, pubs, restaurants, deux hôtels et des équipements de loisirs. Ce projet doit être présenté devant le Comité du patrimoine mondial et a reçu le soutien de *English Heritage* et de l'État partie. Ce très grand projet de développement est justifié par le fait qu'il apportera un développement très attendu. Il est cependant plus ambitieux qu'un projet qui assurerait le développement minimal nécessaire pour satisfaire les besoins de restauration et de régénération. L'échelle et la portée du projet signifieront que les nouvelles structures domineront le port et compromettront son intégrité de port principal pour l'industrie minière de Cornouailles.

- Conversion

On ne dispose pas toujours de fonds de conservation des bâtiments miniers inutilisés et des fonderies. Dans certains cas, le développement est proposé comme un moyen de financer la conservation et la réalisation du juste équilibre pose un certain problème, reconnaît-on. Il est essentiel que les nouveaux usages affectés aux vestiges miniers respectent les significations des bâtiments, par rapport aux traces d'usage industriel qu'ils abritent.

- Reprise de l'activité minière

Tout en reconnaissant l'importance de la promesse historique faite par le Conseil international des mines et des métaux, lors du congrès mondial des parcs naturels de Durban, de traiter les sites du Patrimoine Mondial comme des zones interdites à toute activité minière, la proposition d'inscription considère que cette dernière est un élément si fondamental aux traditions de la zone - et, de fait, la raison d'être de la proposition d'inscription - que « les propositions de reprise de l'activité minière seront appuyées si elles ne nuisent pas aux valeurs universelles exceptionnelles du Site ». Il existe actuellement une proposition active de mine en dehors des zones proposées pour inscription qui, dit-on, pourrait avoir un impact sur les abords. Les propositions de nouvelles activités minières qui ont un impact sur les zones proposées pour inscription ou leurs abords devront être soumises à une notification et à un débat aux termes des *Orientations*, paragraphe 172.

- Terrils

L'ensemble des Cornouailles abrite environ 4 900 hectares de terrains en friche, dont 3 900 hectares d'anciens terrils métallifères. La plupart de ceux-ci se trouvent sur le site proposé pour inscription.

La nécessité de reconnaître la valeur culturelle des anciens terrils (ainsi que leur valeur naturelle) est mise en évidence par l'encouragement actif à la réutilisation de ceux-ci que prodiguent certains régimes fiscaux. Cette menace souligne la nécessité de protéger toutes les zones proposées pour inscription.

Les terrils associés aux mines, et tout particulièrement aux mines d'arsenic, sont toxiques. Il importe de veiller que l'accès aux sites soit maintenu à l'écart des zones potentiellement toxiques. L'Agence nationale pour l'environnement étudie activement la question plus vaste du traitement des infiltrations toxiques venues des terrils et des mines.

- Activités agricoles

Au vu de l'évolution potentielle de la viabilité du secteur agricole en Europe, la menace venue des cultures énergétiques, de nouveaux bois et du manque de pâturages pèse plus lourd encore. Cela prouve aussi la nécessité de protéger les zones du paysage pour leurs caractéristiques culturelles.

Authenticité et intégrité

Authenticité :

Dans son ensemble, ce qui subsiste sur le site proposé pour inscription possède un fort degré d'authenticité. Les mines, les bâtiments abritant des machines et les bâtiments associés ont été consolidés ou sont en passe de l'être. Les villages et les villes ont perdu des détails architecturaux, particulièrement en ce qui concerne les maisons en bande, mais on considère que ces pertes sont récupérables. La principale menace pesant sur l'authenticité porte sur le développement qui pourrait compromettre la disposition spatiale de zones telles que le port de Hayle ou les abords de Redruth et de Camborne.

Intégrité :

L'intégrité des zones proposées pour inscription vient de la représentation qu'elles donnent de la portée et de l'envergure de l'activité minière dans la zone aux XVIIIe et XIXe siècles. Comme on l'a noté, cette activité était dispersée suivant la disposition des veines minérales. La proposition d'inscription reflète de façon satisfaisante la transformation du paysage apportée par la prospérité minière en zones urbaines comme rurales, et englobe bien en totalité ces changements.

UICN :

L'UICN a évalué le site proposé pour inscription du point de vue de ses valeurs naturelles. Il juge celles-ci d'une valeur considérable, et note en particulier que plus de 37 % du site proposé pour inscription se situe dans une zone de protection du paysage de catégorie V (zone de beauté naturelle exceptionnelle). Il note aussi que plusieurs sites, notamment les habitats et communautés hautement inhabituelles créés sur certains des anciens terrils, ont été proposés pour inclusion dans le système européen de zones de conservation spéciales ou classés en SSSI.

Toutefois, ces habitats et communautés de plantes sont hautement inhabituelles justement parce qu'elles se sont adaptées à des terres qui comptent parmi les plus polluées du Royaume-Uni, qui ont eu et continuent d'avoir un impact considérable, non seulement sur les communautés naturelles des terrils mais aussi sur les milieux aquatiques et estuariens. Effectivement, la toxicité est une manifestation claire de l'interaction des hommes et de la nature dans cet environnement particulier et devrait se voir accorder une reconnaissance plus importante en tant qu'élément du paysage culturel.

L'UICN note avec satisfaction que ces qualités naturelles et les désignations associées ont été pleinement prises en compte dans la proposition d'inscription. Il juge que des politiques de conservation de la nature et de protection du paysage sont importantes pour réaliser les objectifs du site proposé pour inscription, et ne doivent en aucun cas être considérés comme des entraves à ceux-ci. En général, il est favorable aux buts du plan de gestion, et conseille que les politiques de protection de la biodiversité et des éléments naturels du paysage soient pleinement intégrés à la future gestion du site.

Évaluation comparative

La proposition d'inscription donne une analyse comparative détaillée. Les qualités distinctives du site sont associées à l'exploitation minière industrialisée de métaux non ferreux et à sa diffusion dans le reste du monde. En Europe, les mines de cuivre de Falun en Suède, de Roars, en Norvège, et de Rimersburg, en Allemagne, étaient actives plus tôt et n'impliquaient pas de processus industrialisés. D'autres comparaisons sur le terrain sont avancées, cette fois avec les mines d'argent et d'or du Mexique, de la Bolivie et du Brésil, qui étaient elles aussi plus anciennes et non industrialisées. L'analyse ne fait mention d'aucune mine industrialisée postérieure, telle que celles développées à la fin du XIXe et au début du XXe siècle aux Amériques et en Australie. Dans une certaine mesure, celles-ci ont été construites grâce au succès des processus industrialisés apparus en Cornouailles et dans l'ouest du Devon, et en sont les successeurs. C'est d'ailleurs la croissance des mines au Chili (comme Sewell, également proposée pour inscription), en Amérique du Nord et dans le sud de l'Australie qui a précipité le déclin de celles du sud-ouest de l'Angleterre.

La valeur des mines de Cornouailles et de l'ouest du Devon vient de leur rôle de précurseurs des processus industrialisés à une époque où le cuivre et l'étain étaient très demandés. Cette valeur est encore accentuée par le nombre de paysages du XVIIIe siècle et du XIXe siècle créés par l'industrie qui subsistent. Ce paysage est de surcroît hautement lisible, apte à permettre une interprétation détaillée et, globalement, une source précieuse et manifeste.

Valeur universelle exceptionnelle

Déclaration générale :

La valeur universelle exceptionnelle du paysage minier de Cornouailles et de l'ouest du Devon repose sur l'association des qualités suivantes :

- entre 1700 et 1814, l'industrialisation de l'exploitation minière de métaux non ferreux en Cornouailles et dans l'ouest du Devon a transformé le paysage et la structure de la société et a contribué de façon importante au développement d'une économie industrialisée en Grande-Bretagne et dans le reste du monde.
- Les mines de Cornouailles et de l'ouest du Devon, par le développement et l'utilisation d'une technologie à vapeur, sont devenues les éléments de processus miniers industrialisés qui ont eu un profond effet sur l'activité minière dans le monde.
- Les vestiges des mines, des bâtiments des machines, des fonderies, des nouvelles villes urbanisées, des villages, des petites propriétés, des ports, des chemins de fer, des canaux et des tramways témoignent ensemble, avec des imbrications étroites et de façon hautement lisible, de l'énergie, de la sophistication et du succès des débuts d'une exploitation minière à

grande échelle et industrialisée de métaux non ferreux.

- L'existence de bâtiments abritant des machines en Espagne, au Mexique, en Afrique du Sud et en Australie reflète la migration des mineurs de Cornouailles à partir des années 1820, et en particulier dans les années 1860 et 1870, vers les mines des quatre coins du monde.

Évaluation des critères :

Ce site est proposé pour inscription sur la base des critères ii, iii et iv.

Critère ii : L'essor d'une activité minière industrialisée en Cornouailles et dans l'ouest du Devon entre 1700 et 1914, et plus particulièrement l'usage novateur de la pompe à eaux d'exhaure, a conduit à l'évolution d'une société industrialisée, qui s'est manifestée dans la transformation du paysage par la création de nouvelles villes et de nouveaux villages, de petites propriétés, de chemins de fer, de canaux, de docks et de ports, avec un impact profond sur l'expansion de l'industrialisation au Royaume-Uni, puis sur l'activité minière industrialisée dans le monde entier. L'ICOMOS considère que le bien répond à ce critère.

Critère iii : L'étendue et la portée des vestiges des mines de cuivre et d'étain et de la transformation associée des paysages urbains et ruraux, y compris aujourd'hui les communautés de plantes caractéristiques des terrils et des zones estuariennes, représentent un témoignage vivant et lisible du succès de l'activité minière industrialisée en Cornouailles et dans l'ouest du Devon, quand la région dominait la production mondiale de cuivre, d'étain et d'arsenic. L'ICOMOS considère que le bien répond à ce critère.

Critère iv : Le paysage minier des Cornouailles et de l'ouest du Devon, et particulièrement ses bâtiments des machines et ses pompes à eaux d'exhaure caractéristiques, en tant qu'ensemble technologique au sein d'un paysage, illustre l'importante contribution de la région à la révolution industrielle et aux changements formateurs des pratiques minières dans le monde. L'ICOMOS considère que le bien répond à ce critère.

5. RECOMMANDATIONS

Recommandations

Le site proposé pour inscription est vaste et complexe. L'ICOMOS félicite l'État partie pour sa proposition d'un bien qui illustre la quasi totalité des facettes de la révolution minière qui transforma le paysage des Cornouailles et de l'ouest du Devon au XIXe siècle et qui témoigne de son impact social autant qu'économique et naturel.

Comme le reconnaît la proposition d'inscription, des menaces liées au développement pèsent sur une partie du site proposé pour inscription, et les mesures de protection actuelles ne reflètent pas comme il se doit la valeur de tous les vestiges. Certaines parties du site proposées pour inscription ne sont pas protégées. L'État partie a indiqué

que, dans un avenir proche, il prévoit que les sites du Patrimoine mondial bénéficient d'un statut particulier dans les lois d'urbanisme. Les dimensions et la complexité de la proposition d'inscription, la proportion relativement grande du bien actuellement sans protection et le niveau des pressions liées au développement dans certaines zones sont sources de préoccupations. L'ICOMOS considère que les zones proposées pour inscription devraient bénéficier d'une protection légale.

Le plan de gestion souligne la nécessité d'une régénération axée sur le patrimoine et le défi trouver un équilibre entre le développement et la conservation, ce que l'ICOMOS soutient avec force. Toutefois, il existe un besoin de définir l'étendue et la portée des projets de régénération dans la zone proposée pour inscription et la mesure dans laquelle ils pourraient l'affecter. Le développement qui domine le paysage est incompatible avec ses schémas industriels, ou est en déséquilibre avec la conservation des peuplements existants, et pourrait compromettre l'intégrité de ce qui a été proposé pour inscription.

L'ICOMOS considère que le développement proposé du port de Hayle ne serait pas cohérent avec l'importance de Hayle en tant que port principal de l'industrie minière et donc avec une partie clef du paysage culturel proposé pour inscription.

Bien qu'une partie des zones rurales de la proposition d'inscription se trouve dans des zones de paysage protégées, ce n'est pas le cas pour toutes, et certaines sont aussi dans des zones de développement. L'ICOMOS considère que ces zones devraient être dotées d'une zone tampon.

Bien que la réouverture des mines dans les zones proposées pour inscription pourrait être considérée comme revigorante pour le paysage culturel, il faut faire très attention, par rapport à ces propositions, à ce que les valeurs associées aux débuts des technologies à vapeur n'en pâtissent pas. Il est donc recommandé que ces propositions, pour les zones proposées pour inscription ou leurs abords, soient transmises pour examen et débat au Comité du patrimoine mondial.

Conformément aux recommandations de l'UICN, l'ICOMOS recommande que les valeurs naturelles du paysage culturel soient entièrement intégrées à la future gestion du site, de façon à démontrer le lien entre la biodiversité et la protection du paysage. Il recommande aussi que des politiques soient développées en faveur de la biodiversité, de la protection des paysages naturels et du contrôle de la contamination.

Recommandation concernant l'inscription

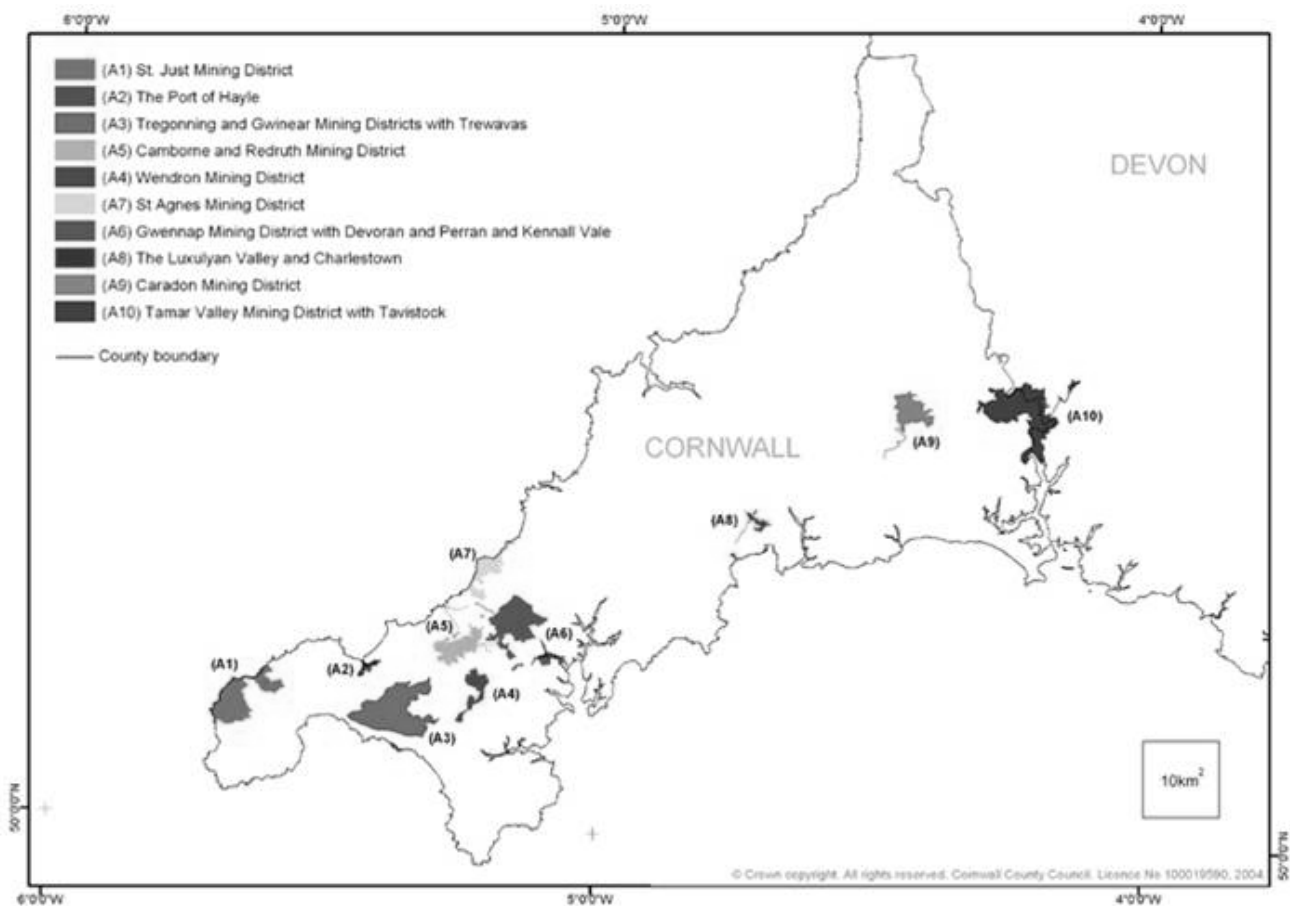
L'ICOMOS recommande que la proposition d'inscription du paysage minier des Cornouailles et de l'ouest du Devon soit *renvoyée* à l'État partie du Royaume-Uni pour lui permettre de :

- redéfinir les zones proposées pour inscription afin de refléter les éléments principaux du paysage culturel minier des Cornouailles et de l'ouest du Devon, de rester cohérent avec leur

histoire et les témoignages qui subsistent de l'exploitation minière industrialisée où il est possible de les protéger des projets de développement à grande échelle qui pourraient nuire à leur intégrité et à leur valeur ;

- mettre en place une protection légale appropriée ;
- créer des zones tampon autour des zones non comprises dans des paysages protégés ;
- mettre en place des politiques visant la protection des habitats exceptionnels et des communautés de plantes liées à l'exploitation minière et aussi le contrôle de la contamination.

ICOMOS, avril 2006



Plan indiquant la localisation des dix zones proposées pour inscription



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WORLD HERITAGE NOMINATION – IUCN TECHNICAL EVALUATION

CORNWALL AND WEST DEVON MINING LANDSCAPE (UNITED KINGDOM) - ID N° 1215

IUCN undertook a desk review of the Cultural Landscape nomination, the full text of which was provided to ICOMOS as an input to their evaluation process. Subsequently, the IUCN World Heritage Panel noted additional points and approved the following brief summary for the information of the World Heritage Committee:

Natural values

IUCN considers that the natural values of the property are evident, though concentrated in the 37% of the nominated property that lies within a Category V protected area (Area of Outstanding Natural Beauty). It also notes that several sites within the nominated property, including the highly unusual habitats and plant communities created by some of the former waste and spoil tips, have been nominated for inclusion as part of the European system of Special Areas of Conservation or designated as Sites of Special Scientific Interest. However, these habitats and plant communities are distinctive precisely because they have adapted to some of the most polluted land in the UK, which has had and continues to have considerable impact, not only on the natural communities of the waste and spoil tips, but on the downstream aquatic and estuarine environments as well. Indeed, the issue of toxicity is a clear manifestation of the interaction of humans and nature in this special environment, and might be given more prominent recognition as an important element of the cultural landscape.

Management aspects

IUCN is pleased to note that these natural qualities and the associated designations have been taken into account in the nomination. The case for listing of this property as a cultural landscape, “a combined work of man and nature”, was not, in the opinion of IUCN, adequately addressed in the nomination document. Thus, it is recommended that this central theme be given prominence in the management programme for the property. IUCN considers that nature conservation, landscape protection, contamination control, and the featuring of human/nature relationships are important elements to be recognized as critical to delivering the objectives of the nominated property, and should not be seen as in any way obstructive to them. In general, IUCN welcomes the aims of the Management Plan, and advises that policies for biodiversity, landscape protection, contamination control, and the recognition of human/nature relationships should be fully integrated into the future management of the property.

IUCN concurs with the ICOMOS recommendation to refer the nomination and suggests that the State Party give due consideration to the points outlined above.

CANDIDATURE AU PATRIMOINE MONDIAL - ÉVALUATION TECHNIQUE DE L'UICN
PAYSAGE MINIER DE CORNOUAILLES ET DE L'OUEST DU DEVON (ROYAUME-UNI)

ID N° 1215

L'UICN a entrepris un examen théorique de cette proposition concernant un paysage culturel, dont le texte intégral a été remis à l'ICOMOS pour contribuer à son propre processus d'évaluation. Par la suite, le Groupe d'experts du patrimoine mondial de l'UICN a noté quelques points additionnels et a approuvé le bref résumé suivant, communiqué pour information au Comité du patrimoine mondial :

Valeurs naturelles

L'UICN considère que les valeurs naturelles de ce bien sont évidentes bien qu'elles soient concentrées dans les 37 % du bien proposé qui sont classés dans une aire protégée de Catégorie V (Zone de beauté naturelle exceptionnelle). Elle note aussi que plusieurs sites, à l'intérieur du bien proposé, y compris les habitats et communautés de plantes tout à fait particuliers, créés par certains des anciens terrils de déchets et de résidus, ont été proposés pour inclusion dans le système européen des Zones de conservation spéciales ou désignés Sites d'intérêt scientifique spécial. Toutefois, ces habitats et ces communautés de plantes ne sont distinctifs que parce qu'ils se sont adaptés à certaines des terres les plus polluées du Royaume-Uni qui ont eu et continuent d'avoir des impacts considérables, non seulement sur les communautés naturelles des terrils de déchets et de résidus mais aussi sur les milieux aquatiques et estuariens situés en aval. En réalité, la question de la toxicité est une manifestation claire de l'interaction entre les êtres humains et la nature dans ce milieu particulier et aurait pu occuper une place plus prééminente en tant qu'élément important du paysage culturel.

Aspects concernant la gestion

L'UICN est heureuse de constater qu'il a été tenu compte de ces qualités naturelles et des inscriptions associées dans le dossier de proposition. De l'avis de l'UICN, la justification d'inscription de ce bien en tant que paysage culturel, « un effort conjoint de l'homme et de la nature », n'était pas traitée de manière adéquate dans le dossier de proposition. Il est donc recommandé que ce thème central occupe une place de choix dans le programme de gestion du bien. L'UICN considère que la conservation de la nature, la protection du paysage, la lutte contre la pollution et la présentation des relations entre l'homme et la nature sont des éléments essentiels qu'il faut reconnaître comme d'importance critique pour la réalisation des objectifs du bien proposé et qui ne doivent pas être considérés comme un quelconque obstacle à ces objectifs. De manière générale, l'UICN est satisfaite des objectifs du plan de gestion et conseille d'intégrer, comme il convient, les politiques relatives à la biodiversité, à la protection du paysage, à la lutte contre la pollution et à la reconnaissance des relations entre l'homme et la nature dans la gestion future du bien.

Comme l'ICOMOS, l'UICN recommande de renvoyer la proposition et suggère à l'État partie d'accorder toute l'attention nécessaire aux points mentionnés ci-dessus.