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1 INTRODUCTION

Personal details

- 1.1 My name is John Trehy and I am employed as an Associate Director at Terence O'Rourke Ltd (TOR), a planning, design and environmental consultancy established in 1985.

- 1.2 I hold a degree in archaeology from the University of Sheffield and over the last 13 years since graduating in 1997 I have worked in the field of archaeology and cultural heritage in England, Scotland and Ireland whilst working in both the public and private sector. In recognition of my professional experience I have attained full professional membership of the Institute for Archaeologists.

- 1.3 In the past six years whilst working at TOR I have been responsible for introducing professional archaeological standards and developing cultural heritage best practice. I am responsible for preparing a range of cultural heritage assessments for inclusion in Environmental Statements. My broad range of professional experience across both the public and private sectors has engendered a holistic cultural heritage approach to assessing the potential impacts of a wide range of developments types. Renewable energy development projects, in particular wind farm schemes and energy from waste schemes have formed a large part of my recent workload.

- 1.4 I have been involved with wind farm projects across the United Kingdom, for example at North Rhins, Dumfries and Galloway (approved and under construction); Earlshaugh, Scottish Borders Council (submitted, awaiting decision); Newfield, Dumfries and Galloway (submitted, awaiting decision); Lissett Airfield wind farm East Riding of Yorkshire, (awaiting grid connection); Sixpenny Wood wind farm, Goole, East Riding of Yorkshire (approved) and West Wight wind farm, Isle of Wight (refused).
- 1.5 I have also been involved in an energy from waste (EfW) project at Newhaven in East Sussex, which is currently under construction, and a materials recovery and waste transfer facility in Hollingdean, Brighton, which is now operational. A current project is an EfW project in close consultation with the States of Guernsey for Suez Environment. All have had detailed archaeological, built environment and historic landscape considerations that have required broad appraisal of the potential below ground archaeological resource as well as the above ground tangible cultural heritage resource.
- 1.6 I presented a paper to the Landscape Design Trust in September 2009 on TOR's methodology for cultural heritage assessment of wind farm developments and was an expert witness on cultural heritage matters on behalf of Dover District Council in the successful dismissal of the appeal for a wind farm at East Langdon, north of Dover.

Scope of evidence

- 1.7 This proof will consider the development proposals in terms of the likely significant impact upon five identified cultural heritage assets in the immediate and wider environment. These particular assets were listed under issues on historic landscape in the Planning (Development Control) Committee March 2009 (CD-B1, 45) and the Statement of Common Ground includes these assets for consideration at this inquiry (paragraph 10.10.1, CD-C2 & C3). The five assets are;
- a. Trerice Bridge – grade II listed structure
 - b. Parkandillick Engine House – grade II* listed building
 - c. St Denys Church - grade II* listed building
 - d. Castle-an-Dinas Hillfort – scheduled monument
 - e. Historic landscape character¹ (HLC).
- 1.8 My proof will adopt a staged approach to assessing the potential effects on the setting of the five cultural heritage assets. This is an approach recently endorsed by English Heritage (CD-N9) in its guidance entitled *Seeing the history in the View: a method for assessing heritage significance within views* (see appendix 7 for summary). I will clearly describe the assets; the contribution and role of each asset in the present and past landscape dynamic; cross refer to the photomontage figures produced in the assessment thus far (CD-A8/CD-A11), and give a comprehensive, professional judgement on what

¹ HLC is a GIS-based archaeological method for defining the historic and archaeological dimension of the present-day landscape. It is used to understand a landscape's 'time-depth' and facilitate sustainable management.

I believe will be the potential effects of the Cornwall Energy Recovery Centre (CERC) on the five cultural heritage assets.

1.9 My proof will outline recent guidance and best practice on what constitutes setting when assessing cultural heritage sites. I will refer to relevant case law that demonstrates the judgement to be made as stated in planning law. I draw conclusions that can be considered as part of the judgement that has to be made by this inquiry.

1.10 The evidence which I have prepared and provide for this inquiry (APP/D0840/A/09/2113075) in this proof of evidence is true and has been prepared and is given in accordance with the guidance of my professional institution and I confirm that the opinions expressed are my true and professional opinions.

2 CONTEXTUAL ISSUES AND BACKGROUND INFORMATION

Historical background

2.1 In this section I outline the cultural heritage background of the site and wider historic landscape. I will show how the historic landscape surrounding the development has evolved considerably through human intervention since prehistoric times. The CERC proposals will not cause a direct impact to any nationally designated site, structure or building, scheduled monument or listed building, and will not encroach upon a locally designated conservation area.

- 2.2 All of Cornwall is a historic landscape; all has been altered, transformed and affected by human activities, particularly because of extractive industry. There are 149 recorded sites listed in the Cornwall Historic Environment Record (CHER) within a 1500m buffer of the CERC proposals (see figure 1, appendix 2). There are 10 listed buildings, one scheduled monument, two areas of great historic value (AGHV) and one area of local architectural and historic value (ALAHV) within this buffer. The majority of the sites recorded in the CHER are post-medieval or modern in date (61%) and reflect the dramatic impact the china clay industry has had on this particular area. The china clay industry cannot be said to have entirely created this area's present character, as there was a complex human landscape here since prehistory. The landscape north of the CERC site was inhabited as early as the Bronze Age, with a number of burial and ritual sites utilised by a community extracting tin on Goss Moor. The intensive exploitation and deforestation of Goss Moor in this period is testified by its expansive heathland today.
- 2.3 St. Dennis probably originated from the Cornish word '*dinas*', which means hillfort. The site of a probable Iron Age hillfort is recorded on Carne Hill (TOR 1, figure 2, appendix 2), which would have commanded strategic and territorial views across the Fal valley and Goss Moor to the north. This is now the site of St Denys Church, its associated graveyard and green (figure 5, appendix 2). The outer rampart of the probable hillfort is discernible along the northern and eastern sides, while the drystone wall of the circular churchyard follows the inner rampart.

- 2.4 The dispersed farmstead composition of the settlement pattern surrounding St Dennis was established by the early medieval period, and changed little until the 19th/20th centuries. Carne Hill continued to be a significant ritual and territorial focus in the early medieval period. It is the site of early medieval sacred enclosure, known as a lann, and a wheel-headed cross (TOR 41 and 8 respectively, figure 2, appendix 2). The Domesday survey records a *landines* or *landineri* at Carne Hill; evidence of a building serving as a church or chapel.
- 2.5 For much of history, the area was based on a mixed economy of agriculture, some tin or iron extraction, and from the later 18th century, small scale and often-intermittent china stone and clay extraction. St Dennis was one of earliest areas of the development of the china clay and china stone industries from the late 18th century. The works were centred on the moors and wastes of the higher ground; a deed of 1799 relates to quarries on the Trelavour and Hendra commons. In the 19th century the clay industry fitted into the overall landscape relatively unobtrusively, at least compared with today with its pits and dumps of a more human scale². The deepening pits demanded more efficient means of pumping to drain them and the use of Cornish engines became commonplace in the later years of the 19th century³. As the industry entered the 20th century the landscape of Hensbarrow had become transformed into a “*unique and extraordinary patchwork of small pits, conical dumps,*

² Herring, P. and Smith, J.R. 1991 The Archaeology of the St Austell china clay area: an archaeological and historical assessment, 44

³ *ibid.*, 48

*settling pits and tanks. The chimneys of engine houses and pan-kilns punctuated this landscape.*⁴

2.6 Until the mid 1800s, St Dennis consisted of three hamlets - Hendra, Trelavour and Whitepit. The village is not described as a churchtown but more a polyfocal settlement due to the incorporation and growth of these hamlets in response to the expansion of the china clay industry and later displacement of population from farmlands taken over for china clay extraction. With the turn of the 20th century came amalgamations of china clay companies who expanded their pits and waste dumps, resulting in the china clay industry becoming the dominant force over agriculture in this area of central Cornwall, with the extent and scale of their vast pits testimony to this dominance. The effect on the landscape after 1945 was one of inexorable pressure, both on the older established patterns of settlement and farmsteads as they were swallowed up. The disposal of waste mica in impounding lagoons rather than into streams and rivers has also consumed large tracts of land and led to a further landscape transformation (figure 4, appendix 2). The CERC site is a significant interface with the clay areas on either side of the Fal valley.

Relevant planning context

2.7 Relevant local plan policy on the historic environment is provided in the adopted Restormel Borough Council Local Plan, 2001-2011 (CD-D4). Six local plan policies were cited in reasons for refusal no.3 regarding unacceptable impact on listed buildings and the historic landscape (CD-B2),

⁴ *ibid.*, 48

namely policies 11, 18, 24, 25, 26 and 33. Mr Greenwood will describe at length the planning policy and regard to the varying local plans before this inquiry.

- 2.8 The Restormel Local Plan contains four protective designations that apply to the cultural heritage assets before this inquiry.

Policy 24 states:

“Developments will not be permitted that would cause harm to the features and characteristics of Areas of Great Historic Value [AGHV] unless the benefits of the development outweigh the harm”.

- 2.9 The former hillfort on Carne Hill, 1.09 kilometres north east of the CERC, is included in the large Castle-an-Dinas/Belowda/Goss Moor AGHV (figure 11, appendix 2). This local plan designation recognises the importance of spatial and temporal interrelations across a large area, especially the relationship of the hillfort at Carne Hill with the larger contemporary hillfort at Castle-an-Dinas 4.9 kilometres to the north of the CERC. The CERC is not within any part of this particular AGHV.

- 2.10 A second AGHV is designated at Trerice Bridge in recognition of a medieval and earlier road layout set within the small area of multi-period, mainly industrial remains. The bridge is the only standing/remaining structure of the AGHV and is of high sensitivity due to its national protection. The other features recorded within this locally designated area are fragments of two medieval field systems, a ruined early 19th century small farm, a stamping

mill and ruins of Wheal Remfry brickworks established for the adjacent clay works (figure 1, appendix 2). The proposals to construct a bridge and haul road will have a limited and small direct impact on the Trerice Bridge AGHV (see section 4.2 - 4.6 of this proof).

- 2.11 Policy 32 refers to St Dennis village, which is designated as an area of local architectural and historic value (ALAHV), and states that:

“Proposals for development within the local areas of archaeological and historic value should have particular regard to the conservation of local character.” Section 42.3 of the local plan states that;

“The boundary of the area of local architectural and historic value has therefore been drawn to include this area which is crucial to the visual setting of the church, as well as being of historic interest.”

- 2.12 Mapping shows this ALAHV boundary to be focused on a funnelled zone along the line of Fore Street northwards to the junction of Carne Hill and Church Road to include St Denys Church and the extensive field system north towards Carne Farm (figure 2, appendix 2). This is the only documented reference to a visual setting for the church. The CERC does not form any part of what is considered in this local designation as being the ‘*crucial setting*’ of St. Denys Church.

- 2.13 Policy 25 of the local plan states:

“Development proposals which would damage scheduled ancient monuments or other archaeological remains of national importance or their settings will

not be permitted.” The predicted change to the setting of one scheduled monument, Castle-an-Dinas, 4.9 kilometres north of the CERC is in contention before this inquiry. There will be no direct impact on this site from the proposals.

2.14 Policy 33 states that;

“Development which conflicts with the preservation or enhancement of listed buildings, their settings and features will not be permitted.” Changes to the setting of three listed buildings are in contention before this inquiry. There will be no works to any of these three sites as a consequence of any element of the CERC proposals.

2.15 None of the local plan policies adopted 2001 and listed in the council’s reason for refusal make reference to considerations in the light of a development of the scale, mass or height required for an energy from waste (EfW) development such as the CERC. As my colleague Mr Greenwood will explain in greater detail, the Waste Local Plan 2002 (WLP)/Waste Development Framework (WDF) (CD-D5 and D6) supported one centralised EfW in the county and identified Rostowrack Farm as a being one of two suitable sites, the other being Victoria. The WLP recognises that a large scale plant of the size required to handle the county’s waste up to 240,000 tpa *“could have a significant effect on landscape.”* I will contend, along with Mr Coulson, that the siting of the CERC is afforded a greater deal of assimilation and absorption from the immediate landscape due to the rapidly changing man-made landscape created as a consequence of the unique china clay industry.

2.16 Approximately 70% of the CERC site is the subject of Policy CC4 of the Minerals Local Plan (CD-D7). Within this area the policy states that applications for development ancillary to the extraction of china clay will be permitted except where it would give rise to significant detrimental effects which cannot be satisfactorily mitigated (see figure 10, appendix 2). The land to the north, from the east-west field fence that bisects the CERC site, to the extant sewage works opposite Lower Bodella, is identified in the Minerals Local Plan as an Area of Special Environmental Concern (ASEC).

2.17 Paragraph 7.42 of the Minerals Local Plan states;

“ASECs are not ‘no-go’ areas for minerals development, and their designation does not imply that minerals development may not be acceptable at some future stage.”

Policy CC3 allows the disposal of china clay waste in ASECs where there is an over-riding need as judged in relation to a series of criteria.

2.18 St Dennis was included in the Cornwall industrial settlements initiative, (CISI) in 2004 (CD-N12). This survey undertaken by the council was a countywide assessment of the character and significance of 112 industrial settlements of various sizes throughout the county, eight of which were within the china clay area. All eight settlements, including St Dennis, were recommended for conservation area designation, inclusion of sites on the statutory list and the creation of a local list of buildings and sites. Only one village, Pentewan, has had a conservation area appraisal produced following these recommendations

that date back to at least 2004⁵. However, it is noteworthy that Pentewan was already a conservation area prior to the production of either the CISI or conservation area appraisal reports and in effect the findings in the former led to an extension of the conservation area designation. Therefore, no weight was given by the previous district council (Restormel), nor I believe should be given to the recommendations of the CISI report in relation to St Dennis.

2.19 Certain concerns and residual effects are outlined by the Historic Environment Service, Cornwall County Council and English Heritage in their responses to the EIA for the CERC (appendix 6). **It is important to stress that English Heritage do not raise an objection in principle.** As part of the transparent consultation exercise I undertook with the council's Historic Environment Planning Adviser, Phil Coplestone in agreeing the scope of the information required for the Regulation 19, his main concern lay with the potential archaeological resource likely to be impacted by the construction of CERC and necessary access road. An agreed scheme of geophysical survey was undertaken across these two elements of the proposals to satisfy Mr Coplestone's concerns (CD-A11). No clearly discernible archaeological anomalies were identified by the geophysical survey that required further investigation pre-determination of the application. To this end, the recommendation brought before the council planning committee in March 2009 (CD-B1, 20) states that consent should be dependent upon a standard archaeological condition in line with Planning Policy Guidance (PPG) 16.

⁵ Pentewan's CISI report is dated 2002
Land at Rostowrack Farm (Pins ref. APP/D0340/A/09/2113075)
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2.20 In 1997⁶ English Heritage developed the following criteria to prevent debate on sustainability in the historic landscape entering an impasse, where no development can be considered acceptable if it is seen as diminishing historic environment or diluting historic character,

a. *Critical historic environment capital*: irreplaceable assets of great value normally receiving statutory protection.

b. *Constant historic environment capital*: assets that contribute as a group to overall character of an area. Loss of some assets may be acceptable as long as compensation/substitution is made within the group so ensuring overall character is sustained.

c. *Tradable historic environment capital*: assets of the historic environment for which society is willing to accept loss in exchange for other benefits (economic, employment) or perhaps conservation gains.

2.21 This concept and approach in relation to the historic environment allows change to be managed or guided more realistically. It does so by accepting that change, as much as continuity is a feature of the historic character in which cultural heritage assets are sited (CD-N13, 6). The process and methodology adopted in my proof will clearly illustrate how it is a small number of assets, four of which are considered critical capital due to their national designation, that have potential adverse effects on their setting in question before this inquiry. None of these critical capital assets will suffer any adverse direct impact as a consequence of CERC. All are located within a historic industrial landscape capable of absorbing the CERC and therefore I

⁶ English Heritage 1997 Sustaining the historic environment: new perspectives on the future – see appendix 8 for summary
Land at Rostowrack Farm (Pins ref. APP/D0340/A/09/2113075)
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conclude that the loss or adverse effect on the setting of these assets should be considered acceptable or '*tradable*' when weighed against the benefits and need for CERC.

2.22 In section 3 of my proof I will explain why it is not merely a case of whether or not the proposed CERC can be seen from the cultural heritage sites, ie. intervisibility, but whether or not the changes proposed by the CERC detract from those contributory factors of the asset in question to such a degree that it harms its legibility for present and future appreciation. In section 4 I will explain the concept of setting in considerations of potential change as a consequence of development proposals on the five cultural heritage assets.

2.23 In section 5 I will state that the statutory test under the Planning (listed buildings and conservation areas) Act 1990 and advisory guidance of Planning Policy Guidance (PPG) 15 do not require the decision maker to reject a proposal merely because harm to the setting of a cultural heritage asset has been identified. It is merely the first stage but must be taken further to consider the '*desirability*' of preserving setting, which I contend will involve giving weight to the reasons for the site allocation, the need for the proposal and the environmental benefits.

3 METHODOLOGY

- 3.1 The adequacy of the ES in relation to the cultural heritage assessment is not in question, and it has not been criticised by the council or the statutory adviser on the historic environment, English Heritage. A letter from Phil Coplestone, Historic Environment Planning Adviser, Cornwall County Council, dated 16th June 2008 in response to the ES and planning application (appendix 6) states: *“The impacts of the proposed waste recycling plant are adequately dealt with in the EIA...”* and as previously stated consent should be dependent upon the completion of a scheme of archaeological works achieved by a condition in line with PPG16.
- 3.2 There are five identified cultural heritage assets that Cornwall Council state will have unacceptable impacts as a consequence of the development proposals. These sites are three listed buildings, Trerice Bridge, Parkandillick engine house, St. Denys Church; a scheduled monument, Castle-an-Dinas and the historic landscape character. All will be considered in detail in section 4 of my proof. A valuable publication in the debate on what contributes to the setting of a cultural heritage site has recently been produced and welcomed by historic environment specialists involved with this issue in EIA (Appendix 11). I present a table based on this methodology (Historic Scotland consultation document, August 2009, appendix 4) describing what I believe are the factors that contribute to the setting of the nationally designated heritage assets in question before this inquiry.

Assessment of significance of effects

- 3.3 In order to assess effects on cultural heritage of the proposed development, the proof first makes an overall assessment of the components and level of the importance of the five assets. The setting of any feature is composed of a range of historical or functional relationships to the surrounding land area and a visual catchment that can range from very confined to very extensive depending on the nature of the site. The importance of a wider visual setting beyond the immediately surrounding land to the significance of a feature or building, and to how it is understood and appreciated, can therefore vary greatly.
- 3.4 The judgement in the ES and in this proof of the magnitude of change likely to occur as a result of a development is based on available information on the proposed development; immediate and direct changes such as ground disturbance for construction, the removal of existing structures or trees, any changes to drainage and more long term or indirect changes from the addition of new structures and transport networks or changes to views of or from heritage features, or perceptions of their priority in the landscape.
- 3.5 The broad criteria developed by TOR for measures of the importance or sensitivity of the resource affected, and the magnitude or scale of the change are shown on figures 1 and 2 respectively in appendix 10. The generic definitions of the significance of potential effects can then be generated by feeding the two sets of criteria into the potential significance matrix (figure 3, appendix 10).

Setting of cultural heritage assets

- 3.6 Setting is essentially about how the surroundings of an historic asset contribute to its appreciation and understanding. It is defined in recent English Heritage (CD-N3) guidance as:

“The surroundings in which a place is experienced, its local context that embraces both present and past relationships to the adjacent landscape including the way the place is perceived, experienced and valued by people today.”

The Xi'an declaration (CD-N5) on the conservation of the setting of heritage structures, sites and areas adopted by the International Council on Monuments and Sites (ICOMOS) states that:

“The setting of a heritage structure, site or area is defined as the immediate and extended environment that is part of, or contributes to, its significance and distinctive character.”

- 3.7 The nature of a cultural heritage site's setting is not fixed and may change as that site and its surroundings evolve. An example can be shown through comparison of the c.1840 St Dennis parish tithe map (figure 3, appendix 2) with the aerial photograph of St Denys Church on Carne Hill dated 1946 (plate 11, appendix 3), and also realising the rapid growth of the china clay industry in the second half of the 20th century (figure 4, appendix 2). It is important to stress that landscape and visual values are mainly aesthetic, whereas for historic setting there has to be cultural relevance that expresses the presence of the past in the present landscape. Historic functional links to the surrounding land, its use and character are primarily identified visually. Changes to the

setting of cultural heritage sites could be as a consequence of factors other than merely the direct theoretical visibility of the development. Such effects can include noise or other sensory effects, physical changes to the landform by other development, scale and proximity of the proposals in relation to the asset.

3.8 The setting of any feature consists of a range of historical or functional relationships to the surrounding land area and a visual catchment that can range from very confined to very extensive depending on the nature of the site. The importance of visual qualities, or particular views or vistas to the significance of a feature or building, and to how it can be understood and appreciated, can therefore vary greatly. The assessment of value, coupled with reference to national and local legislation, relevant policy statements and best professional practice, allows a judgement to be made of the importance of the asset.

3.9 The judgement of the magnitude of change likely to occur as a result of development is based on available information on the proposed development. The proposed scheme components themselves will largely determine ground disturbance and visual changes resulting from both the stack height and EfW facility required, but potential impacts could also result from the associated haul road construction and the severance of historic field boundary walls (Cornish hedges). When assessing setting it is important to look at changes in the landscape since the historic structure was built and the contribution of the

historic structure to the current landscape. Modern development is part of how a historic structure is experienced today.

- 3.10 The issue of heritage sites that have a formal visitor or tourism role, and potential changes in public perceptions as a result of development is considered through moderating the magnitude of change; it is an extra aspect of the assessment for those particular (and relatively few) sites but is not part of the cultural value the designations are intended to recognise and protect, and is not relevant to the assessment for most of the sites. The appearance and aesthetic qualities of these sites' present surroundings play an important role in modern legibility, and therefore any alterations of these qualities can impact upon their setting.

4 THE COUNCIL'S REASONS FOR REFUSAL

4.1 In this section of my evidence I first make an overall assessment of the components, qualities and level of importance or value of the five key cultural heritage sites/assets that Cornwall Council judged would be harmed by the proposals. The focus is the inherent value and importance of the cultural heritage site itself, which is clearly separated in the assessment from any public amenity value particular sites may have, or contribution to tourism or other interests. Four sites and one area are assessed in terms of change and legibility of their setting, while both direct changes and indirect impacts of the proposals upon the historic landscape character is assessed. There will be no direct impact upon any national or regional asset, with only limited direct impact upon a locally designated cultural heritage asset (see below).

Trerice Bridge (LB 10, appendix 1; figure 1, appendix 2; plates 1-2, appendix 3)

4.2 Trerice Bridge is a grade II listed structure on the site of a ford over the River Fal. It is part of a medieval and earlier road layout and is set within the small area of multi-period, mainly industrial remains that is recognised as an AGHV in policy 24 of the Restormel Local Plan (CD-D4). The bridge is the only standing/remaining structure of the AGHV and is of high sensitivity due to its national protection. The other features recorded within this locally designated area are fragments of two medieval field systems, a ruined early 19th century small farm, a stamping mill and ruins of Wheal Remfry brickworks established for the adjacent clay works (figure 1 appendix 2). The current

status and survival of these remains is unknown and relate to historical accounts and not definitive survey information. Dense vegetation currently obscures and restricts access to the area west of Trerice Bridge. The effects of the china clay operations in this area therefore remain undefined.

4.3 The proposals will involve the use of an existing junction off the Stamps Hill road, with a new section of road and a bridge over the River Fal 45 metres to the west of the Trerice Bridge. Works will include building up the ground levels on either side of the river and a concrete abutment on either side for the bridge (likely to be a bailey bridge type structure) and a single pier in the riverbed.

4.4 The setting of Trerice Bridge has recently been altered by the major change to the approach in the new road at Stamps Hill and the continuing china clay operations (plates 1-2, appendix 3). The road over Trerice Bridge will not be used for access for the construction or operation of the CERC. Whilst it is recognised that there will be a limited impact within the AGHV to the west of the bridge, there will be no direct impact on the listed structure. The new access road and new bridge across the River Fal will be an addition to the present setting of the bridge and the ancient crossing point on the river. The immediate setting of the bridge as the road falls to the river crossing is within a wooded area; its wider setting is already and will continue to be subject to large scale changes resulting from the china clay operation to the west.

- 4.5 The haul road will not be constructed to adoptable standards and will be similar in character to the routes already in use by Imerys in this area. The new bridge will be a low-key structure within retained and replanted woodland. New planting will assimilate the bridge into the landscape. The alignment of the proposed new bridge avoids the group of mature trees to the south west of the listed bridge. Traffic volumes on the new route will be comparable to the present use of the area for quarrying operations.
- 4.6 In my opinion, the proposals will not have a significant effect on the setting of the listed Trerice Bridge. The archaeological interest and historic features of the surrounding AGHV have very little visual presence and are integrated within the established woodland. The CERC will be a significant addition to the wider landscape in views from the approach to the bridge (see viewpoint 3 and photomontage, figures 9.14, 9.15 in ES chapter 9/CD-A8), but significantly there are no historic or functional links to give this change relevance to the setting or interest of the AGHV or Trerice Bridge. New planting will assimilate the proposed bridge and offer no intervisibility opportunity in the direction of the CERC, while initial views between the existing and new bridge will be possible before the intended planting establishes itself. I therefore conclude that the presence of the CERC will have no bearing on the historic elements of the AGHV or the grade II listed asset of Trerice Bridge.

Parkandillick engine house (LB 9, appendix 1; figures 1 and 6, appendix 2; plates 3 - 7, appendix 3)

- 4.7 Parkandillick engine house is a grade II* listed building with attached boiler house and detached chimney of late 19th century date. The china clay works are first recorded here in 1834 and expanded in 1840 by Charles Truscott (figure 3, appendix 2) to include one of the first pan kilns for drying clay. The engine house is rectangular in plan, with the front gable end to the south east (plate 7, appendix 3) and the upper bob at the rear gable end that is weatherboarded, with a platform to each side of the beam (plate 3, appendix 3). The engine house is constructed of granite rubble with brick dressings, with a slate roof with ridge tiles and gable ends. The boiler house is attached at the right side, to north east and the chimney *c.* 10 metres away to the south east (plate 4, appendix 3). The engine house has a 50-inch bore pumping engine and retains all machinery.
- 4.8 Jets of water were used in the clay pits to wash out the china clay or kaolin as a slurry which was then pumped to the surface where the heavier sand and mica wastes were separated out in settling pits (plate 4, appendix 3). The kaolin was then dried and packed for shipment, while the waste was deposited on conical tips, which have transformed the landscape so dramatically. The workings were disused for a period at the end of the 19th century, then reopened in 1911 when the beam engine was brought from the Copperhouse Foundry, Hayle. Parkandillick finally closed in 1942 with the contraction of the china clay industry during the war. The processing plant at the existing

dryers was established in the 1950s. Further detail on the methods of extraction of the china clay is provided in appendix 9.

- 4.9 The building's high grade reflects its rarity in retaining the internal beam engine, which is now the only one remaining *in situ* in the china clay area since the demolition in 2008 of the engine house at Goonvean. The relevant functional setting of the engine house and its associated drying pans is within the relict workings, although the dryers and the still operational pit to the south are a significant presence. The Trevithick Society restored the building and beam engine in 1970. There is limited public access and the engine is occasionally operational. The engine house is visible from the open farmland to the north and there are glimpsed views from the road to the south.
- 4.10 The siting of the CERC close to the operational Goonvean/Parkandillick china clay works will allow assimilation and an easier absorption of another large-scale industrial structure and with less discordant visual impact than if inappropriately sited in a remote, idyllic rural and tranquil setting. The landscape in which the CERC would be sited is a largescale, rapidly changing, dynamic, industrial landscape, which has been undergoing change since the early 19th century, with the rapidity of change especially evident in the late 20th century (plate 21, appendix 3). The CERC would be a mere continuation and extension of industry in this localised area.
- 4.11 The present setting of the engine house is restricted within this busy industrial environment due to the presence of several dense rows of conifers. The

closest row lies *c.* 12 metres north of the north eastern corner of the engine house and casts a shadow (in winter) over this elevation of the engine house (plate 6, appendix 3). A further row lies *c.* 15 metres north with a third east west orientated row 2 metres north lying adjacent to a trackway. A north-south orientated row of conifers lies adjacent to the western side of the road leading to the dryers. No other conifers are present anywhere within this industrial complex and their presence and form is best described as discordant. The rows combine to provide an effective screen for the engine house from the existing operational china clay works and will also assist in screening direct intervisibility to and from the CERC (plate 7, appendix 3). The constant background noise and din from the dryers as well as the traffic that regularly utilise the access road to the dryers immediately adjacent to the engine house and chimney maintain a constant reminder of the original historic setting of this cultural heritage site.

- 4.12 Parkandillick engine house is contained within the relict china clay working area and the grouping of the works at Parkandillick (figure 4, appendix 2). Long section 02 in appendix 6 of the Regulation 19 information (CD-A11) shows the topographical relationship of the engine house within these industrial workings and the proposed CERC site 290 metres away (also shown in plate 5, appendix 3). The building form of the engine house, in particular the slate roofline and gable ends, along with its differing scale and construction types of relation to the industrial modern dryers (plate 5, appendix 3) are distinctive amongst the modern industrial sheds and Parkandillick dryers. This allows the engine house, but not its nearby

chimney, to have a wider visual setting and it is a feature in views of the edge of the area dominated now by the china clay working. Besides the obvious continuing change in setting of the engine house as a consequence of the operational Goonvean china clay works and associated dryers, the planting along the northern elevation of the engine house of conifers adjacent to the roadway (see plates 6 and 7, appendix 3) has also affected the immediate surroundings of this heritage site. These are a noticeable and discordant feature in relation to other vegetation associated with the works. These elements restrict functional and visual relationship to the CERC site to the north.

- 4.13 The CERC will admittedly be an addition within the already established industrial landscape. The scale, height and massing of the necessary CERC is determined by the need for it to handle *c.*240, 000 tonnes of the county's waste. Messrs. Greenwood and Aumonier deal with the need argument in greater detail in their proofs of evidence. As photomontage and representative viewpoint GC058, produced as part of Mr Coulson's evidence clearly illustrates, there will be no view of CERC and stack in relation to the engine house and chimney from what the council contend is the primary setting to the south. I therefore conclude that the large visual change that would result from the siting of the CERC 290 metres north of the engine house results in a medium/small change to the setting of the engine house, which given its high sensitivity as a grade II* listed building is an effect of moderate significance.

St. Denys Church (LB 1-7, appendix 1; figures 1-3 and 5, appendix 2; plates 8-15, 18, appendix 3)

- 4.14 St. Denys Church is a grade II* listed building which lies 1.09 kilometres north east of the CERC site. The church, the associated monuments in the churchyard including the scheduled early medieval cross (TOR 8, figure 2), and the playing place below, succeeded early medieval occupation of the hill - a lann, and the original ritual significance based on topography and the creation of hillfort in the Iron Age.
- 4.15 The church is probably late 14th/early 15th century in date with a later 15th century tower (see list description appendix 1). The structure that now stands is best described as plain with squared granite rubble with granite dressings, with a south main porch and a north door. The church was substantially rebuilt in 1847. The tower of granite ashlar is on two levels reaching a height of 55ft⁷ (16.76 metres). Until 1826 a perimeter ditch or moat surrounded the church and graveyard, after which time a Cornish stonewall was built inside the ditch (figure 3, appendix 2). A fire in 1985 damaged all but the porch and tower. A new gate was fitted after the fire between the church green and car park, with the hedge rebuilt in 1994 and 100 trees planted along the church green and graveyard in 1995, resulting in a marked change in the immediate setting of this area. The churchyard is now closed to burials.
- 4.16 The early 19th century churchyard walls and enclosure walls radiating down the western hillside reinforce the visual presence of the former hillfort (plate

⁷ Rickard, K. 2008 The book of St Dennis and Goss Moor: a moorland history Land at Rostowrack Farm (Pins ref. APP/D0340/A/09/2113075) Evidence on cultural heritage matters on behalf of Sita Cornwall

12, appendix 3). As several viewpoints and aerial photographs demonstrate, especially figures 9.11, 9.18 and 9.22 of the ES (CD-A8), it is the hill itself and the identifiable cluster of recently planted trees around the graveyard and church green areas that are recognisable in the immediate and wider environs. In the view from footpath 2 550 metres west of the CERC (figure 9.11) or viewpoint 6 1.4 kilometres north east of the CERC (figure 9.18) where St Denys Church is visible in the right background, it is not possible to identify the church tower as it is the same scale as the extant tree line along western boundary. However, seasonality plays a part in the prominence and identification of the tower in the wider landscape, due to the mix of conifer and deciduous trees (plates 8 and 11, appendix 3).

- 4.17 The church is a significant landmark in the expanded settlement of St Dennis, but recent development, for example the Indian Queens peak power station to the north west of the church (figure 4, appendix 2) competes and detracts from the church's historic landscape priority (plate 11, appendix 3). The church's elevation means there are clear views from the western and northern stiles in the churchyard boundary wall outwards to the surrounding land, but one cannot discern the CERC site from these high vantage points. The ritual and territorial significance of the hill is based on its use for an Iron Age hillfort, and there is a direct visual link to the large hillfort at Castle-an-Dinas to the north. The functions of the two sites as centres controlling a large area of varied territory are still appreciable. The landscape form of Carne Hill can be identified from Castle-an-Dinas, but the opposite is not the case when trying to

visually locate the latter to the north on Goss Moor from areas of the church or car park.

4.18 The upper portion of the church tower is first appreciated from the northern approach road of Carne Hill, along the B3279 road from the A30 to St Dennis (plate 9, appendix 3). There are no views towards the existing Parkandillick works or CERC site due to the rising topography and height of the extant hedgeline. The location of the church on high ground will result in no comparative juxtaposition with the CERC from these northern approaches.

4.19 The only documented reference to a visual setting of the church is provided in section 42.3 of the Restormel Local Plan 2001-11 (CD-D4), which states:
“The boundary of the area of local architectural and historic value [St Dennis village] has therefore been drawn to include this area which is crucial to the visual setting of the church, as well as being of historic interest”(for boundary see figure 2, appendix 2). Mapping shows this boundary to be focused on a funnelled zone along the line of Fore Street northwards to the junction of Carne Hill and Church Road to include St Denys Church and the extensive field system north towards Carne Farm. It does not extend westwards to include any part of the CERC site.

4.20 One practical approach to the discussion of setting, in relation to St Denys Church in particular, is to present what I believe is necessary further detail in the assessment of this asset as I appreciated on my site visits. The area can be subdivided into three parts; car park and approaches (plate 8, appendix 3),

church green (plate 9, appendix 3) and the churchyard (plate 10, appendix 3). Bearing in mind that visibility is only the starting point, thereafter it must be determined just what of relevance is visible in both the heritage feature and its setting, what relationships exist between these visible elements and what weight or importance should be attributed to the whole⁸.

Church car park

4.21 This area affords long distance views in all directions except to the east. To the north the peak power station and A30 are present in the middle distance and the wind farm at Saint Breok Down is discernible above the northern horizon. Looking westwards towards Fraddon Down and Wheal Remfry works on the horizon, a large section of the view is the dense woodland present over the former Mica Dam adjacent to the River Fal, with Boscawen Park football pitches with a distinctive row of conifers and a series of large rectangular farm sheds in the middle distance. To the south lie the rooflines of a number of bungalows in the immediate vicinity, their tiled roofs at odds with the drystone field boundary walls radiating down Carne Hill; the village of St Dennis and the linear extent of the Parkandillick works with the reprofiled waste tips on the horizon.

4.22 While not taken from precisely the same location, it is useful to compare two south westerly views from the vicinity of the church car park that are separated by 50 years, GC024 (Mr Coulson's landscape proof) and plate 21 (appendix 3 in support of this proof). The most striking difference to the viewer is the lack

⁸ *ibid.* 503

of several dominant conical clay tips to the south of St. Dennis on Rostowrack Downs, that have now been reprofiled and revegetated, in effect larger, flatter and greener. The former view, GC024 also shows the extent of residential encroachment close to the church car park, with a number of unharmonious rooflines of properties on Carne Hill that are at odds with the drystone walling and other residential areas at St. Dennis and Hendra at a distance and low lying. The presence and impact of development in this landscape is more pronounced, with encroachment in close proximity to the environs of St Denys church more conspicuous, and in effect allowing a degree of acceptability to the CERC at 1.09 kilometres south west.

Church green

4.23 This area of green space can be entered on three sides; from the car park to the west (plate 14, appendix 3), the main gates to the south east (plates 10 and 12, appendix 3) or alternatively over a stile in the eastern wall. The information board erected in 2000 adjacent to the main gate states that “*the views on clear days from the church are to the west, the dish and aerials of Goonhilly Earth Station and to the north west, the views over Goss Moor*”. Once inside the green area there are five benches for visitors, three along the south facing wall (plate 11, appendix 3) and one on either boundary wall (east and west). The area invites respite to visitors and walkers to this island hilltop church but does not offer expansive views to the lower lying land to the south when viewed from any of the south facing benches (plate 11, appendix 3). The southern church green boundary wall (seen in plate 8, appendix 3) with recently planted conifers effectively, and perhaps intentionally screens the industrial works and

landscape to the south, with only two remnant conical clay tips visible on the horizon to the south (plate 12, appendix 3) and another distinctive on the western horizon towards Fraddon Down (plate 14, appendix 3).

- 4.24 While within this green area the sense of place is of being detached within this isolated religious site. The existing industrial works 1.09 kilometre to the south west have little or no bearing on the immediacy or tranquillity of this area and are not a detracting aural⁹ or visual factor to appreciation of the setting of the church green.

Churchyard

- 4.25 Immediately adjacent to the western entrance to the green from the car park are steps into the churchyard (see plate 14, appendix 3). A double metal gate lies immediately east of these steps that lead along a path to the southern church entrance. The scheduled cross is immediately evident adjacent to this path on the eastern side, with its scale inviting closer scrutiny. Unfortunately, the west-facing elevation of the cross has suffered from exposure to the elements and growth of lichen now obscures the original delicate and fine detail of the stone craftsmanship.

- 4.26 The southern entrance path immediately drops down northwards and divides in two offering a western or eastern walk through the graveyard. The western pathway drops again in elevation towards the north west through closely grouped gravestones. There are no discernible views afforded to the

⁹ My colleague Mr Dennis confirms that the predicted noise readings at this location are best described as peaceful and quiet.

south west towards the CERC once you have chosen this path. Some glimpses are possible but are predominantly of sky and the horizon to the west, but no judgment on distance or built features is possible due to the difference in elevation. There is a stile in the western boundary wall that affords long distance views west and north (with St Breok Downs wind farm discernible on the northern horizon). Another stile in the northern wall provides an expansive view northwards across Goss Moor towards Castle-an-Dinas on the horizon (plate 16, appendix 3).

4.27 The footpath continues eastwards where the ground rises once again, but there is no clear view south west towards the CERC due to the scale and height of the church and churchtower, as well as the lack of topographical relationship to the lower ground to the south west. A viewpoint was requested by the council from this area of the churchyard (CD-A18). The intention was to illustrate the juxtaposition of the stack in relation to the north facing elevation of the churchtower (GC059 Mr Coulson's supporting figures). I do not believe that such a view is possible without straying off the footpath and walking across several graves. The photomontage produced is a winter view and does not afford a wide expansive view towards CERC, the stack may be glimpsed between the branches but would be screened by foliage. The closeness of the graves to the footpath allows an appreciation of such important historical elements such as names that are no longer in use today, eg. Absalom Stephens (b. 1827 d. 1902). This provides an element of cultural relevance and importantly an historical setting to the churchyard. Merely

glimpsing a section of the upper part of a stack associated with CERC 1.09 kilometres south west would not alter this setting.

4.28 The final part of the walk encircling the church follows the path west towards the starting point and entrance to the church. The detail on the east-facing elevation of the stone cross is now clearly discernible and very impressive. The backdrop as you approach this elevation of the cross is towards the west in the direction of the conical clay tip on the horizon of Fraddon Down (plate 17, appendix 3) over the immediate gravestones and boundary wall of the churchyard initially, but there is no view south west towards the CERC and none of the existing chimneys at Parkandillick are discernible (even in winter foliage).

4.29 The predominant setting within the churchyard is one of seclusion, isolation and immediacy. There are no detracting elements once within the churchyard. The sense of place is intimate and contemplative as there are no elements such as traffic, residential or industrial noise or structures that reduces the quality or appreciation within the churchyard and its many graves (plate 15, appendix 3).

4.30 That part of the landscape, which defines the setting of the church, the area where the real interrelationship of the church and graveyard exerts itself, is small and confined. There would be effects and a change to the extant industrial landscape by these proposals, but these vary from the car park (substantial effect), to church green (substantial-moderate effect) and finally graveyard (moderate-small effect – see GC059). When approaching and

entering the church green to appreciate and visit the church and graveyard, it is important to stress that there will be no juxtaposition of the stack or CERC with the church and its 55ft tower. The ambience and tranquillity within the church green or graveyard areas would not be spoilt or harmed by the proposal to construct another industrial stack, to add to the three that are present at Parkandillick dryers (plate 5, appendix 3) or the CERC situated 1.09 kilometres south west. Therefore, I contend that the potential adverse effects on the setting of this complex of cultural heritage assets on Carne Hill, the setting of St Denys Church being the asset in contention before the inquiry, can be moderated from the substantial adverse effect stated originally in the ES (CD-A8), when these differences are considered.

Castle-an-Dinas Hillfort (figures 4 and 10, appendix 2, plates 19 - 20 appendix 3)

4.31 Castle-an-Dinas is a scheduled monument, one of the largest Iron Age hillforts in Cornwall and lies 4.9km north of the CERC site. It is sited on the summit of Castle Downs with extensive, intended views across central Cornwall to both north and south coasts. The site features in Cornish legend as one of the seats of the Dukes of Cornwall, with folklore stating that King Arthur's mother, Ygraine was killed there. That the site has attracted such associations may be a reflection of its continued significance from its prehistoric beginnings into the early medieval period.

4.32 The hillfort is surrounded by three ramparts and ditches, with two Bronze Age barrows in the interior probably indicating the initial use of this site around

which the later enclosures were built in the Iron Age, probably surmounted by a wooden palisade. Hillforts provided a focus for the community, symbolising wealth and power of a tribal unit and providing a central place for social ceremonies, trade and ritual practices. The Iron Age hillfort site would have originally lay within open moorland. This moorland was ploughed up during the Second World War and since then the hillfort has been overgrazed and neglected resulting in erosion to the ramparts and increase in scrub and bracken (plate 20, appendix 3).

- 4.33 A 20th century wolfram mine has left its mark on the monument with level platforms cut into the prehistoric ramparts to carry an aerial ropeway known as a ‘blondin’ which would have transported skips of ore from the mine on the northern side of the hill to the processing works on the south. Cornwall Heritage Trust acquired the hillfort site from the Duchy of Cornwall in 1988. The Trust has carefully and sympathetically conserved and managed the site to ensure its sustainability as a visitor and tourist site. Initially the Trust was instrumental in the work done to create the marked footpath through the south east rampart along the outer rampart to the original entrance to the hillfort in the south west. This effectively stopped visitors taking the direct route from the car park over the ramparts to the original entrance. Further information boards were also placed in the nearby car park, and in 2002 a panoramic plate was unveiled on a recumbent stone within the interior of the fort. This points out local landmarks, including Nine Maidens Stone Row 3 miles to the north.

4.34 The hillfort and surrounding land is included in the large Castle-an-Dinas/Belowda/Goss Moor Area of Great Historic Value (see figure 11, appendix 2). The AGHV designation recognises the importance of spatial and temporal interrelations across a large area. The relationship of the hillfort at Carne Hill with the larger hillfort at Castle-an-Dinas to the north is an important characteristic of the AGHV. It is my opinion that the CERC proposals would not significantly alter these relationships either visually or spatially. The CERC is not sited in an area of the middle distance between these two sites and would not be in direct competition with Carne Hill in terms of scale and elevation. The CERC therefore would not alter the justification, attributes or wider functional setting of this locally designated AGHV and the spatial relationships recognised between it and Carne Hill (see plate 16, appendix 3).

4.35 Castle-an-Dinas is undoubtedly an important historic asset in the wider landscape of Goss Moor 4.9 kilometres north of the CERC. To demonstrate changes to what would have once been an expansive territorial landscape controlled by inhabitants of this hillfort, the presence in the wider landscape of the 11-turbine wind farm 6.4 kilometres to the north on St. Breok Down, as well as Newquay Airport 6 kilometres to the west are examples of detracting factors in this historic setting. The land to the south of the hillfort contains several elements of modern development such as the car park area and Providence Farm, Royalton Farm and access track, the recently upgraded A30, with the railway line lying parallel and to the south, the Indian Queens peak power station and power lines, as well as the Wheal Remfry and Parkandillick

china clay works. The immediate setting, appreciation or sense of place of the hillfort will be unaltered as a consequence of the CERC at 4.9km to the south.

4.36 I would draw attention to the revised viewpoint image (CD-A11, figure RF25), which represents how the proposals would appear within the wider landscape view southwards from the scheduled monument across Goss Moor to the smaller former hillfort at Carne Hill and the backdrop of the china clay workings. This shows that the building and the stack would be visible but at a distance and against the backdrop of the Parkandillick dryers and the many reprofiled and revegetated waste tips. The intervening development of the A30 is also a detracting element. The proposals would not constitute a significant alteration to the present industrial context and character of this landscape, as there would be assimilation and absorption into the wider industrial landscape. I therefore conclude that the CERC would not be sited in a location that would intervene in any intended spatial relationships from Castle-an-Dinas to the wider landscape.

4.37 This conclusion is therefore in line with advisory guidance PPG16 (CD-E12, paragraphs 8, 18 and 27) in that there will be no physical impact and the setting of this scheduled monument will not be significantly impacted by CERC. The case for the preservation of archaeological remains must be assessed on the individual merits of each case, taking into account the archaeological policies in detailed development plans, together with all other relevant policies and material considerations, including the intrinsic importance of the remains and weighing these against the need for the

proposed development. This is the approach taken in paragraph 90 of the council's Planning (Development Control) Committee report (CD-B1, 45) where in respect of Castle-an-Dinas:

"I do not believe that there will be an adverse impact upon its setting nor on long landscape views from it or to it. This is because of the distance from the monument and the nature of the current landscape around St Dennis."

Historic landscape character (figures 3, 4, 7-10 and 14, appendix 2; plate 17, appendix 3; appendix 5 and appendix 12).

- 4.38 A method for understanding the nature of the present landscape through its historical development was pioneered in Cornwall in 1994. The method, historic landscape characterisation (HLC), has rapidly developed into a national programme, which is now funded by English Heritage. The method interprets and maps present day landscape in terms of the historic processes, which have created it. It does not define the former extent of prehistoric or medieval field systems; rather it describes where today's landscape is broadly prehistoric or medieval in origin and in surviving character. It provides an interpretation of the whole landscape to stimulate dialogues and raise understanding and awareness of the richness, complexity and value of the historic landscape (CD-N13). None of the zones identified and mapped by the HLC of Cornwall, or indeed by any of the completed HLC projects across England, have identified zones that should be protected either by national, regional or local policies or designations.

- 4.39 Character, in relation to HLC, is an attempt to bring together as many aspects of a place or region as possible in order to appreciate and understand it better and to understand the experience of being in it. Landscapes with symbolic referents, such as ancient monuments and standing buildings, are available to people trying to understand and appreciate the present and past environment around them. For example the careful siting of St Denys Church within a former hillfort gave a sense of legitimisation to the building and the institution that chose the site.
- 4.40 By far the most widespread zone in the county is anciently enclosed land (AEL) (figure 9, appendix 2). This is the agricultural heartland containing farms documented before the 17th century and characterised by irregular field patterns with either medieval or prehistoric origins (CD-N13, 77-83). The CERC and access road were always considered during the course of this assessment (CD-A8, figure 14.5 & CD-A11) to lie within AEL¹⁰ as defined by the HLC (CD-N13), and reiterated at paragraph 87 at the council's Planning (Development Control) Committee, March 2009 (CD-B1, 45). However, analysis of the first edition Ordnance Survey map dated 1888 (figure 13, appendix 2) shows a field boundary at Rostowrack that has since been removed in line with the switch from arable to pastoral agricultural practices. The existing buildings at the farm are of various dates, the unlisted granite-built farmhouse dating from the later 19th century (it first appears on the 1906 edition of the OS map).

¹⁰ Figure 14.5, CD-A8 shows the CERC and access road lying within medieval farmland with prehistoric farmland to the north and east based on HLC types at time of production of ES in 2008 Land at Rostowrack Farm (Pins ref. APP/D0340/A/09/2113075)
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- 4.41 The site is on the boundary between the ancient farming landscape of the Fal valley (AEL) and the china clay-dominated area of the former granite uplands of Hensbarrow (figures 7 and 8, appendix 2). Based on the most recent re-evaluation of HLC types that combine to form HLC zones, the CERC site predominantly lies within recently enclosed land (REL) (figure 14, appendix 2). Previously the definition of AEL comprised prehistoric, medieval and post-medieval attributes and character types, but the recently revised HLC map produced from information provided in line with recommendations to assess alternative sites (appendix 14) states that REL now comprises post-medieval and 20th century attributes. It is my understanding that this re-evaluated HLC information is not publicly available information, insofar as it is not the most recently obtained mapping for HLC as kindly provided by the council in January 2010 (see figures 7-9, appendix 2). It would imply that there has now been an internal critical review of the HLC types with the resultant factor being to remove post-medieval attributes from AEL zones.
- 4.42 The two industrial area allocations denoted by the Minerals Local Plan, 1998 for Rostowrack Farm – plant development and ASEC – indicate an earlier acceptance by the council that the site was potentially suitable if alternative china clay areas were either exhausted or unattainable¹¹. The expansion onto this farmland would have resulted in far greater direct impact on the AEL than proposed with the CERC site; the MLP allocation would directly affect 19.4ha of AEL, as opposed to 0.42ha as a consequence of the CERC proposals (see figure 10, appendix 2). When viewed from the car park at St Denys Church

¹¹ Cornwall's historic landscape study was published in 1994 for use with Cornwall Council strategic plans such as the Minerals Local Plan in 1998
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(plate 17, appendix 3) the REL and AEL in the ‘green bowl’ surrounding CERC contains a number of other detracting elements such as Boscawen Park football pitches and rows of conifers (3.12ha in size), the extensive area of scrub plantation present along the River Fal in the location of the former Mica Dam and the Indian queens peak power station (6.12ha in size). All are large modern elements of contrasting character within the pastoral agriculture of this area, with two (Boscawen and the powerstation) being examples of recent ‘acceptable’ development on AEL when determined by the council.

4.43 The CERC site is a small development footprint that would not undermine the character of the REL recognised at the site or the AEL to the north to any unacceptable degree. Simply period tagging landscapes ignores the essential truth of the physical landscape as an evolving entity that has been created, manipulated and interpreted over many centuries. As the detailed historic characterisation of the CERC site illustrates (figures 7, 8 and 14, appendix 2), the railway line is the only element separating the extant china clay operations spilling onto Rostowrack Farm. The historic landscape in which the CERC proposals would be sited would remove extant field boundaries and change the use of land at Rostowrack Farm. This is a process that has already taken place since 1888 to meet the demands of changing agricultural practices (figure 13, appendix 2). My colleague Mr Coulson draws attention to the fact that while the proposals result in the removal of 800 metres of Cornish hedge, the mitigation proposals would result in 1,420 metres of new Cornish hedge being constructed in line with best practice guidelines. I therefore conclude that the 0.42 ha of the development site that overlies AEL is but a minute fraction of

this predominant countywide historic landscape character type - 57.47% of total land surface of Cornwall¹² (figure 9, appendix 2). The remainder of the CERC is sited on REL, which makes up 17.44% of the total land surface of Cornwall.¹³

4.44 As my colleague Mr Greenwood has clearly stated, the Waste Development Framework identified two sites in central Cornwall that had the potential to accommodate an EfW, the CERC at Rostowrack Farm and Victoria. As part of the balance that needs to be reached in comparing these two sites I have assessed both in terms of potential significant effects on nationally designated cultural heritage sites within a 5km zone of visual influence applying a 120m stack to both sites. The results are shown on figures 11 (CERC) and 12 (Victoria) in appendix 2;

CERC: a total of seven scheduled monuments and 46 listed buildings (one grade I, four grade II* and 41 grade II) would theoretically have views of the stack. The CERC is sited on REL, with only 0.42ha along the northern boundary in AEL.

Victoria: a total of 17 scheduled monuments and 72 listed buildings (two grade I, two grade II* and 68 grade II) would theoretically have views of the stack. The entire Victoria site area is within AEL, and 29.5ha of the adjacent business park has been developed on AEL in recent years.

4.45 This clearly illustrates the suitability of the CERC site in relation to significant effects on the cultural heritage resource when compared to the site at Victoria.

¹² Herring 1998, 40

¹³ *ibid.*

It must be stressed that this study area is based upon best practice cultural heritage assessment techniques in relation to tall structures such as wind turbines. No such expanded study area was originally recommended either by the council or English Heritage in their scoping opinions for the CERC. This is also only a quantitative judgment on the likely worst-case scenario focussing on types of cultural heritage assets likely to have views of a stack associated with an EfW development. As this proof has shown, simply being able to see the stack from one of these assets is no indication of harmful effects upon cultural heritage setting.

5 KEY PLANNING ISSUES AND RELEVANT CASE LAW

- 5.1 I will now demonstrate through cross reference to recent case law/planning appeal decisions (particularly renewable energy proposals) the judgement to be made under Section 66(1) of the Town Country Planning (Listed Buildings and Conservation Areas) Act 1990 (CD-N6) which states that the LPA or Secretary of State “*shall have special regard to the desirability of preserving the building or its setting.*” The section concludes that the predicted effects of the proposal will not be unacceptable when weighed against the need and benefits the CERC would provide for the area and county.
- 5.2 In the case of the Wadlow Farm, Cambridgeshire, wind farm appeal (APP/W0530/A/07/2059471) the Inspector, Mr Lavender stressed in appraising the levels of predicted visual harm on cultural heritage assets, that the statutory requirement with regard to the setting of listed buildings “*to give special consideration to the desirability of preservation or enhancement.*” The presumption to preserve the setting of scheduled monuments conveys no statutory force, deriving as it does from national planning guidance rather than law. Therefore in each case a balance of considerations must be undertaken in relation to the potential degree of effect/change proposed.
- 5.3 PPG15 paragraph 1.3 (CD-N14) acknowledges that the historic environment of England is all-pervasive, and that it cannot in practice be preserved unchanged. Such changes must, however, be acceptable when judged against the sensitivity of the cultural heritage asset affected, whether the nature of the

effect is positive or negative, and the benefit accruing from the exploitation of the energy resource in question. In some locations the cultural heritage asset may be less sensitive, the development less incongruous, the nature of effect beneficial or neutral so that the wider benefits may readily sway the balance in favour of the development¹⁴.

- 5.4 The findings of the Inspector in the context of listed buildings and scheduled monuments in the appeal cases at Shooters Bottom, Den Brook and Fullabrook (CD-I6, I7, I8 respectively) are relevant in that the Inspector found that there was harm to the setting of various cultural heritage assets but that it was necessary to go on to consider the full test in both the Act and in PPG15 regarding the desirability of preserving or enhancing the setting of the feature, as opposed to merely finding that there was potential harm to it.
- 5.5 In the challenge to the Inspector's decision in the Enertag case for a proposal to construct six 125m high wind turbines at Guestwick in Norfolk (CD-I9), where the landscape was attractive, with an integral part being church towers rising over hedgerows and trees, it was argued that the Inspector had misunderstood the meaning of S66 (1) of the TCP (LB & CA) Act 1990. The Claimant submitted that the Inspector had considered only one aspect, namely visual impact, of what may cause change to the setting of a listed building. The judge concluded however that the Inspector had in fact separated the likely effects on both the landscape and cultural heritage sites and described what he felt were degrees of impact. The assessment of the landscape impact

¹⁴ APP/W0530/A/07/2059471, 10
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and the evaluation of the setting of a listed building were in this instance rightly agreed to be separate entities that required specialist professional input and opinion.

5.6 The statutory test under the Planning (Listed Buildings and Conservation Areas) Act 1990 and advisory guidance of both Planning Policy Guidance (PPG) 15 and 16 do not require the decision maker to reject a proposal because harm to the setting of a cultural heritage asset has been identified. It is merely the first stage but must be taken further to consider the ‘desirability’ of preserving setting, which I contend will involve giving weight to the reasons for the site allocation, the need for the proposal and the environmental benefits.

5.7 It is noteworthy that a similar approach was applied by the council’s planning officer in concluding the historic landscape issues in the Planning (Development Control) Committee report (CD-B1, 45) stating that:
“Concluding that there is an adverse impact on these features does not necessarily mean that the application should be refused. A balanced view should still be reached. ...I do not believe that these changes [for a larger facility stated in the emerging WDF] make the impacts significantly worse nor do I believe that these impacts are sufficient to outweigh the overall need for the facility and the support for the facility within the Development Plan.”

6 SUMMARY AND CONCLUSIONS

6.1 As I have explained using recent guidance (CD-N3 and appendix 11) and TOR's own methodology in determining significance of effects (appendix 10), there is a particular process to assessing the impact of new development on the setting of cultural heritage sites or areas. There are three stages to adopt;

- a. Identify the historic assets that may be affected
- b. Define the setting, its qualities and extent and describe how the surroundings contribute to ways in which the asset is understood and appreciated
- c. Assess how any new development would impact upon that setting.

The original cultural heritage assessment in the ES (chapter 14, CD-A8), further clarification in the Regulation 19 (CD-A11) and the detailed assessment presented in this proof of evidence are in line with a robust, comprehensive and transparent assessment of the potential effects of the CERC proposal.

6.2 There are six factors that should be considered in assessing the impact of any new development on the setting of a cultural heritage asset (appendix 11, 6), and include:

- a. The visual impact of the proposal relative to the scale of the asset and its setting
- b. The visual impact of the proposal relative to the current place of the asset in the landscape

- c. How the proposal compares to the character of the built environment within the surroundings of the asset
- d. The magnitude and cumulative effect of the proposed change on ones ability to appreciate a particular asset
- e. The ability of the landscape, comprising the setting of any/all assets, to absorb new development without eroding an assets key characteristics
- f. The effect of the proposal on qualities of an assets setting such as sense of place, remoteness, cultural identity, spiritual responses or evocation of the past.

All of these factors are considered in this proof and I believe that the CERC proposals satisfy all of them.

- 6.3 As Mr Greenwood states in his proof of evidence, the emerging WDF identified the CERC site as one of only two preferred sites in the Central Cornwall Area of Search suitable for a large scale EfW plant. The Minerals Local Plan identified part of the site as an area for industrial plant development, with the land to the north of the CERC site earmarked for the continued disposal of china clay. These allocations illustrate the council's consideration that the CERC site was a viable and suitable extension to the extant industrial/china clay works.
- 6.4 Of the five cultural heritage assets assessed here, there would be substantial or moderately significant effects on the setting of two assets as a consequence of the CERC proposal – St. Denys Church and Parkandillick engine house, both of which are nationally designated grade II*. With regards to the effects on

historic landscape character, which is afforded no statutory protection, the CERC site within an area of recently enclosed land (REL) is a small impact upon this landscape zone, which covers 17.44% of Cornwall.

6.5 Recently enclosed land is a descriptive, non-designated character type that was never intended to imply value judgments on landscape significance or acceptability of development impact. However, there are usually two stages to the historic landscape characterisation process (appendix 12, 6): firstly the landscape is identified, mapped, described and interpreted, ie. ‘this is what we have’ (CD-N13, appendix 5) and a second stage in which judgements about value are applied to this initial assessment and objectives are agreed, ie. ‘this is what we wish to do with it’. Cornwall was the first county in England to pioneer this landscape characterisation process in 1994 (*ibid.*), but no follow up work on its application has been undertaken on the second stage judgement on value in relation to land management and conservation applications across Cornwall’s historic environment. The recent re-evaluation of character types resulting in the CERC site being REL and not AEL as previously described is perhaps the start of the second stage by the council (see figure 14, appendix 2; appendix 14 correspondence).

6.6 The predicted substantial significant effect to the setting of St. Denys Church, as originally stated in the ES chapter 14 (CD-A8) varies across the three identified areas of the curtilage, which I contend should be viewed as three distinct parts. While there would be a substantially significant effect when viewed from the car park, the effect reduces as one enters the church green and

walks towards the church. The enclosure and strong sense of place of the churchyard and its grove of trees dominate impressions once within this space. The CERC would be behind the viewer in this approach with no juxtaposition or competition between either the stack of the CERC or the 55ft church tower. There would be glimpses of the stack height and possibly the roofline of the main building (winter views only) from particular points of the northern graveyard (figure GC059 Mr Coulsons proof). The topography of Carne Hill drops away from the northern graveyard wall allowing no other third point from the vicinity of the church where the CERC would be juxtaposed with this grade II* listed building (plate 9, appendix 3). Importantly, from the wider landscape, such as Goss Moor to the north, it is the distinctive and now densely tree-covered Carne Hill top that is identifiable and not the church tower or any other historic structures.

6.7 Parkandillick engine house is contained within the relict china clay working area. Long section 02 in appendix 6 of the Regulation 19 information (CD-A11) shows the topographical relationship of the engine house within these industrial workings and the proposed CERC site (also shown in plate 5, appendix 3). The building form of the engine house, in particular the slate roofline and gable ends, are distinctive amongst the modern industrial sheds and Parkandillick dryers. The discordant presence of several lines of conifers close to the northern elevation of the asset also assists with recognition in the wider landscape, as these trees are not common amongst the areas of revegetated waste tips. The internal beam engine is partly reflective of this assets high grading as a grade II* listed building, whilst the functional

relationship to both chimney and drying pans in its immediate vicinity are other factors. It is my opinion that the CERC site is not part of the internal or external functional relationship to this asset – either historically (see figure 3, appendix 2), or considered of similar character in the present day (see figure 7 and 8, appendix 2). As photomontage and representative viewpoint GC058, produced as part of Mr Coulson’s evidence clearly illustrates, there will be no view of CERC and stack in relation to the engine house and chimney from what the council contend is the primary setting to the south. Therefore, I believe that the CERC proposals would result in a small change to the setting of this asset with an effect of moderate significance predicted.

6.8 In the course of my work on the assessment of CERC, there have been several versions of the HLC data (CD-A8, figure 14.5; figures 7, 8 and 14, appendix 2). The reappraised HLC zones (figure 14, appendix 2) describe the CERC site as predominantly REL with a thin section of AEL. Neither zone is designated by national, regional or local policies and are therefore not afforded any form of protection. The CERC site did not contain features of AEL that the recent HLC evaluation deemed to be either prehistoric or medieval in origin, but likely to be the consequence of later amendments of field boundaries during the post medieval or 20th century. The CERC proposals are a small development footprint that would not undermine the legibility or character of the REL at the site to an unacceptable degree.

6.9 English Heritage conservation principle 5 (CD-N3) states:

“Decisions about change must be reasonable, transparent and consistent.” It is my opinion that the council has not adequately explained how it has determined levels of acceptable harm on the key cultural heritage assets in the reason for refusal no.3 (CD-B2). The subsequent conservation principle, no.6 states that:

“Documenting and learning from decisions is essential. Managers of significant places should monitor and regularly evaluate the effects of change and responses to it and use the results to inform future decisions.”

It is my opinion that the council has not properly evaluated the effects of change as a consequence of the china clay industry on the landscape surrounding the CERC site and in not doing so, has failed to appreciate the degree of absorption and assimilation that the current industry offers the CERC proposals.

6.10 It is my opinion that the immediate and wider historic environment surrounding the CERC site does not possess a rich resource of cultural heritage assets, with only 10 listed buildings accorded national protection, with seven of these within the St. Denys Church complex. I contend that the council has failed to consider the English Heritage concept of ‘tradable historic environment capital’ in accepting a degree of change to the setting of a small number of ‘critical capital’ assets in exchange for benefits to achieving renewable energy and waste targets.

6.11 English Heritage (CD-N3, 60) states that changes which would harm the heritage values of a significant place should be unacceptable unless:

“a. Changes are necessary either to make the place sustainable, or to meet an overriding public policy objective or need...and

d. It has been demonstrated that the predicted public benefit decisively outweighs the harm to the values of the place, considering;

its comparative significance

the impact on that significance

the benefits to the place itself and/or wider community or society as a whole.”

6.12 The underlying considerations in striking the balance should be applying:

“proportionality and reasonableness, whether in relation to the place or society, the predicted benefits of change outweigh the residual, unavoidable harm that would be done to the significance of the place. The balance lies between retaining significance, the sum of the heritage values ascribed at the point of change to something, which, if lost, cannot be replaced, and the predicted benefits of development. The benefits, including those of strategies to mitigate and adapt to climate change, need to be subject to scrutiny in proportion to their impact on heritage values.” (CD-N3, 61)

6.13 On the basis of this evidence I conclude that all potential cultural heritage impacts have been fully taken into account. In the context of the clearly established need for this facility, as set out in the evidence of others, I conclude, on balance, that the local impacts on the cultural heritage assets are acceptable.