

SUNNICA ENERGY FARM

EN010106

Volume 6

Environmental Statement

6.2 Appendix 7A: Relevant Legislation and Policy for Cultural
Heritage

APFP Regulation 5(2)(a)

Planning Act 2008

Infrastructure Planning (Applications: Prescribed Forms and
Procedure) Regulations 2009



Planning Act 2008

**The Infrastructure Planning
(Applications: Prescribed Forms and
Procedure) Regulations 2009**

Sunnica Energy Farm

Environmental Statement

Appendix 7A: Relevant Legislation and Policy for Cultural Heritage

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1 Introduction

1.1 Purpose of this appendix

- 1.1.1 This Environmental Statement (ES) appendix identifies and describes the legislation, policy and supporting guidance considered relevant to the assessment of the likely significant cultural heritage effects of the Scheme.
- 1.1.2 Legislation and policy are considered at national and local levels.
- 1.1.3 This ES appendix does not assess the Scheme against legislation and policy, which is the role of the Planning Statement, and instead the purpose of considering legislation and policy in the EIA is twofold:
- a. to identify legislation and policy that could influence the sensitivity of receptors (and therefore the significance of effects) and any requirements for mitigation; and
 - b. to identify legislation and policy that could influence the methodology of the EIA. For example, a policy may require the assessment of an impact or the use of a specific methodology.
- 1.1.4 The following sections identify and describe the legislation, policy and supporting guidance considered specifically relevant to the cultural heritage assessment.

2 National Legislation, Policy and Guidance

2.1 Legislation

- 2.1.1 The following legislation is relevant to the assessment of the cultural heritage effects of the Scheme.
- 2.1.2 The Ancient Monuments and Archaeological Areas Act 1979 (Ref. 1) (amended by the National Heritage Act 1983 (Ref. 2) and 2002 (Ref. 3)) (excluding normal planning procedures, which are disapplied by the Development Consent Order (DCO), which if granted, would encompass all of the normal consents) sets out that sites assessed to be of national importance may be included within the Schedule of Monuments. These sites are afforded statutory protection and Scheduled Monument Consent 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 a Scheduled Ancient Monument. This Act also provides for the designation of areas of archaeological interest in which statutory provisions for access to construction sites for the purpose of carrying out archaeological works apply.
- 2.1.3 The Planning (Listed Buildings and Conservation Areas) Act 1990 (excluding normal planning procedures, which are disapplied by the DCO, which if granted, would encompass all of the normal consents) requires the Secretary of State to hold a list of buildings of special architectural or historical interest, which are accorded statutory protection. In addition it expects local planning authorities to designate conservations which are parts of their area considered to be *“areas of special architectural or historic interest, the character or appearance of which is desirable to preserve or enhance and design.”*

2.1.4 The Infrastructure (Decisions) Regulations 2010 sets out the duties of the Secretary of State in the DCO process which include having regard to the desirability of:

- a. preserving listed buildings, their setting or any features of special architectural or historic interest which they possess;
- b. preserving or enhancing the character or appearance of conservation areas; and
- c. preserving scheduled monuments and their settings.

2.2 Policy

National Policy Statements

2.2.1 The Scheme's proposed energy generating technology is not currently specifically referenced by a National Policy Statement (NPS) however in lieu of a technology specific NPS, the EIA takes account of the following NPSs, which are considered to be matters that will be important and relevant to the Secretary of State's decision as to whether to grant a DCO for the Scheme:

- a. Overarching National Policy Statement for Energy (EN1) (Ref. 4),
- b. National Policy Statement for Renewable Energy Infrastructure (EN-3) (Ref. 5), and
- c. National Policy Statement for Electricity Networks Infrastructure (EN-5) (Ref. 6).

2.2.2 The NPSs set out the Government's energy policy, the need for new infrastructure and guidance for determining an application for a DCO. The NPSs include specific criteria and issues which should be covered by applicants' assessments of the effects of their scheme, and how the decision maker should consider these impacts.

2.2.3 The relevant NPS requirements, together with an indication of where in the ES chapter the information provided to address these requirements, are provided in **Table 2-1**.

Table 2-1 Relevant NPS requirements for the cultural heritage assessment

Relevant NPS paragraph reference	Requirement of the NPS	Where in the ES chapter is information provided to address this
NPS EN-1		
Paragraph 5.8.1	The construction, operation and decommissioning of energy infrastructure has the potential to result in adverse impacts on the historic environment.	Construction, operation and decommissioning impacts on the historic environment are presented in section 7.7 of Chapter 7: Cultural Heritage of this Environmental Statement [EN010106/APP/6.1].
Paragraph 5.8.2	The historic environment includes all aspects of the environment resulting from the interaction between people and places through time, including all surviving physical remains of past human activity, whether visible, buried or submerged, landscaped and planted or managed flora. Those elements of the historic environment that hold value to this and future generations because of their historic, archaeological, architectural or artistic interest are called "heritage assets". A heritage asset may be any building, monument, site, place, area or landscape, or any combination of these. The sum of the heritage interests that a heritage asset holds is referred to as its significance.	Significance of heritage assets presented in section 7.5 of Chapter 7: Cultural Heritage of this Environmental Statement [EN010106/APP/6.1] and also detailed in the Desk Based Assessments (DBAs) (updated 2021) provided in Appendices 7C, 7D and 7E of this Environmental Statement [EN010106/APP/6.2].
Paragraph 5.8.3	Some heritage assets have a level of significance that justifies official designation. Categories of designated heritage assets are: a World Heritage Site; Scheduled Monument; Protected Wreck Site; Protected Military Remains, Listed Building; Registered Park and Garden; Registered Battlefield; Conservation Area; and Registered Historic Landscape (Wales only)	As above
Paragraph 5.8.4	There are heritage assets with archaeological interest that are not currently designated as scheduled monuments, but which are demonstrably of equivalent significance. These include: <ul style="list-style-type: none"> • those that have yet to be formally assessed for designation; • those that have been assessed as being designatable but which the Secretary of State has decided not to designate; and • those that are incapable of being designated by virtue of being outside the scope of the Ancient Monuments and Archaeological Areas Act 1979. 	As above
Paragraph 5.8.5	The absence of designation for such heritage assets does not indicate lower significance. If the evidence before the Infrastructure Planning Commission	As above

Relevant NPS paragraph reference	Requirement of the NPS	Where in the ES chapter is information provided to address this
	(IPC) ¹ indicates to it that a non-designated heritage asset of the type described in 5.8.4 may be affected by the proposed development then the heritage asset should be considered subject to the same policy considerations as those that apply to designated heritage assets.	
Paragraph 5.8.6	The IPC should also consider the impacts on other non-designated heritage assets, as identified either through the development plan making process (local listing) or through the IPC's decision making process on the basis of clear evidence that the assets have a heritage significance that merits consideration in its decisions, even though those assets are of lesser value than designated heritage assets.	Assessment of likely impacts & effects upon heritage assets presented in section 7.7 of Chapter 7: Cultural Heritage of this Environmental Statement [EN010106/APP/6.1].
Paragraph 5.8.8	As part of the ES (see Section 4.2) the applicant should provide a description of the significance of the heritage assets affected by the proposed development and the contribution of their setting to that significance. The level of detail should be proportionate to the importance of the heritage assets and no more than is sufficient to understand the potential impact of the proposal on the significance of the heritage asset. As a minimum the applicant should have consulted the relevant Historic Environment Record (or, where the development is in English or Welsh waters, English Heritage or Cadw) and assessed the heritage assets themselves using expertise where necessary according to the proposed development's impact.	Significance of heritage assets presented in section 7.5 of Chapter 7: Cultural Heritage of this Environmental Statement [EN010106/APP/6.1] and also detailed in DBAs (updated 2021).
Paragraph 5.8.9	Where a development site includes, or the available evidence suggests it has the potential to include, heritage assets with an archaeological interest, the applicant should carry out appropriate desk-based assessment and, where such desk-based research is insufficient to properly assess the interest, a field evaluation. Where proposed development will affect the setting of a heritage asset, representative visualisations may be necessary to explain the impact.	Desk-based assessments prepared in 2018 and updated in 2021 are provided in Appendices 7C, 7D, and 7E of this Environmental Statement [EN010106/APP/6.2].
Paragraph 5.8.10	The applicant should ensure that the extent of the impact of the proposed development on the significance of any heritage assets affected can be adequately understood from the application and supporting documents.	Assessment of likely impacts & effects upon heritage assets presented in section 7.7 of Chapter 7: Cultural Heritage of this Environmental Statement [EN010106/APP/6.1].

¹ The Infrastructure Planning Commission (IPC) previously was the body that received applications and made a recommendation to the determining authority. On 1 April 2012, the IPC was abolished. The relevant Secretary of State will be the decision maker on all nationally significant infrastructure projects (NSIPs). The Planning Inspectorate will take over the functions of the IPC and will be responsible for the examination of NSIP proposals

Relevant NPS paragraph reference	Requirement of the NPS	Where in the ES chapter is information provided to address this
Paragraph 5.8.11	<p>In considering applications, the IPC should seek to identify and assess the particular significance of any heritage asset that may be affected by the proposed development, including by development affecting the setting of a heritage asset, taking account of:</p> <ul style="list-style-type: none"> • evidence provided with the application; • any designation records; • the Historic Environment Record, and similar sources of information; • the heritage assets themselves; • the outcome of consultations with interested parties; and • where appropriate and when the need to understand the significance of the heritage asset demands it, expert advice. 	<p>Significance of heritage assets presented in section 7.7 of Chapter 7: Cultural Heritage of this Environmental Statement [EN010106/APP/6.1] and also detailed in DBAs (updated 2021) provided in Appendices 7C, 7D and 7E of this Environmental Statement [EN010106/APP/6.2].</p>
Paragraph 5.8.12	<p>In considering the impact of a proposed development on any heritage assets, the IPC should take into account the particular nature of the significance of the heritage assets and the value that they hold for this and future generations. This understanding should be used to avoid or minimise conflict between conservation of that significance and proposals for development.</p>	<p>Assessment of likely impacts & effects upon heritage assets presented in section 7.7 of Chapter 7: Cultural Heritage of this Environmental Statement [EN010106/APP/6.1].</p>
Paragraph 5.8.13	<p>The IPC should take into account the desirability of sustaining and, where appropriate, enhancing the significance of heritage assets, the contribution of their settings and the positive contribution they can make to sustainable communities and economic vitality. The IPC should take into account the desirability of new development making a positive contribution to the character and local distinctiveness of the historic environment. The consideration of design should include scale, height, massing, alignment, materials and use. The IPC should have regard to any relevant local authority development plans or local impact report on the proposed development in respect of the factors set out in footnote 122.</p>	<p>Assessment of likely impacts & effects upon heritage assets presented in section 7.7 and consideration of design measures that have taken into account heritage assets are set out in sections 7.6 and 7.8 of Chapter 7: Cultural Heritage of this Environmental Statement [EN010106/APP/6.1].</p>
Paragraph 5.8.14	<p>There should be a presumption in favour of the conservation of designated heritage assets and the more significant the designated heritage asset, the greater the presumption in favour of its conservation should be. Once lost heritage assets cannot be replaced and their loss has a cultural, environmental, economic and social impact. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Loss affecting any designated heritage asset should require clear and convincing justification. Substantial harm to or loss of a grade II listed building park or garden should be exceptional. Substantial harm to or loss of designated assets</p>	<p>Assessment of likely impacts & effects upon heritage assets presented in section 7.7 of Chapter 7: Cultural Heritage of this Environmental Statement [EN010106/APP/6.1]. Consideration of the 'harm' to assessments is set out in Appendix D of the Planning Statement [EN010106/APP/7.2].</p>

Relevant NPS paragraph reference	Requirement of the NPS	Where in the ES chapter is information provided to address this
	of the highest significance, including Scheduled Monuments; registered battlefields; grade I and II* listed buildings; grade I and II* registered parks and gardens; and World Heritage Sites, should be wholly exceptional.	
Paragraph 5.8.15	Any harmful impact on the significance of a designated heritage asset should be weighed against the public benefit of development, recognising that the greater the harm to the significance of the heritage asset the greater the justification will be needed for any loss. Where the application will lead to substantial harm to or total loss of significance of a designated heritage asset the IPC should refuse consent unless it can be demonstrated that the substantial harm to or loss of significance is necessary in order to deliver substantial public benefits that outweigh that loss or harm.	Assessment of likely impacts & effects upon heritage assets presented in section 7.7 of Chapter 7: Cultural Heritage of this Environmental Statement [EN010106/APP/6.1] . Consideration of the 'harm' to assessments is set out in Appendix D of the Planning Statement [EN010106/APP/7.2] .
Paragraph 5.8.16	Not all elements of a World Heritage Site or Conservation Area will necessarily contribute to its significance. The policies set out in paragraphs 5.8.11 to 5.8.15 above apply to those elements that do contribute to the significance. When considering proposals the IPC should take into account the relative significance of the element affected and its contribution to the significance of the World Heritage Site or Conservation Area as a whole.	Assessment of likely impacts & effects upon heritage assets presented in section 7.7 of Chapter 7: Cultural Heritage of this Environmental Statement [EN010106/APP/6.1] . No World Heritage Sites are affected by the Scheme.
Paragraph 5.8.17	Where loss of significance of any heritage asset is justified on the merits of the new development, the IPC should consider imposing a condition on the consent or requiring the applicant to enter into an obligation that will prevent the loss occurring until it is reasonably certain that the relevant part of the development is to proceed.	Assessment of likely impacts & effects upon heritage assets presented in section 7.7 of Chapter 7: Cultural Heritage of this Environmental Statement [EN010106/APP/6.1] . Relevant mitigation measures are set out in sections 7.6 and 7.8 of Chapter 7; and are appropriately secured in the Requirements set out in the draft DCO.
Paragraph 5.8.18	When considering applications for development affecting the setting of a designated heritage asset, the IPC should treat favourably applications that preserve those elements of the setting that make a positive contribution to, or better reveal the significance of, the asset. When considering applications that do not do this, the IPC should weigh any negative effects against the wider benefits of the application. The greater the negative impact on the significance of the designated heritage asset, the greater the benefits that will be needed to justify approval.	Assessment of likely impacts & effects upon heritage assets presented in section 7.7 of Chapter 7: Cultural Heritage of this Environmental Statement [EN010106/APP/6.1] . Consideration of the balancing act of harms vs benefits is set out in Appendix D of the Planning Statement [EN010106/APP/7.2] .

Relevant NPS paragraph reference	Requirement of the NPS	Where in the ES chapter is information provided to address this
Paragraph 5.8.19	A documentary record of our past is not as valuable as retaining the heritage asset and therefore the ability to record evidence of the asset should not be a factor in deciding whether consent should be given.	A wide range of mitigation measures above and beyond recording have been set out within the Chapter, including mitigation by design (avoidance).
Paragraph 5.8.20	Where the loss of the whole or a material part of a heritage asset's significance is justified, the IPC should require the developer to record and advance understanding of the significance of the heritage asset before it is lost. The extent of the requirement should be proportionate to the nature and level of the asset's significance. Developers should be required to publish this evidence and deposit copies of the reports with the relevant Historic Environment Record. They should also be required to deposit the archive generated in a local museum or other public depository willing to receive it.	Trial trench evaluation works have taken place and are being finalised at the time of the DCO Application. Mitigation measures are proposed in Chapter 7: Cultural Heritage of this Environmental Statement [EN010106/APP/6.2] . Recording measures will be agreed following receipt of full results and consultation with LPA archaeological advisors as part of developing a wider scheme of archaeological mitigation measures for the Scheme.
Paragraph 5.8.21	Where appropriate, the IPC should impose requirements on a consent that such work is carried out in a timely manner in accordance with a written scheme of investigation that meets the requirements of this Section and has been agreed in writing with the relevant Local Authority (where the development is in English waters, the Marine Management Organisation and English Heritage, or where it is in Welsh waters, the MMO and Cadw)) and that the completion of the exercise is properly secured.	As above
Paragraph 5.8.22	Where the IPC considers there to be a high probability that a development site may include as yet undiscovered heritage assets with archaeological interest, the IPC should consider requirements to ensure that appropriate procedures are in place for the identification and treatment of such assets discovered during construction.	As above

Draft National Policy Statements

- 2.2.4 The Government is currently reviewing and updating the Energy NPSs. It is doing this in order to reflect its policies and strategic approach for the energy system that is set out in the Energy White Paper (December 2020), and to ensure that the planning policy framework enables the delivery of the infrastructure required for the country's transition to net zero carbon emissions. As part of the Energy NPS review process, the Government published a suite of Draft Energy NPSs for consultation on 6 September 2021. These include the following Draft NPSs, which are expected to be important and relevant to the Secretary of State's decision, and have therefore been taken into account by the EIA:
- a. Draft Overarching National Policy Statement for Energy (EN-1) (Draft NPS EN-1),
 - b. Draft National Policy Statement for Renewable Energy (EN-3) (Draft NPS EN-3), and
 - c. Draft National Policy Statement for Electricity Networks Infrastructure (EN-5).
- 2.2.5 Where the relevant Draft NPS contain requirements that differ from the requirements of the NPSs, **Table 2-2** indicates where the information to address these requirements is provided within the ES Chapter.

Table 2-2 Relevant Draft NPS requirements for the cultural heritage assessment

Relevant NPS paragraph reference	Requirement of the NPS	Where in the ES chapter is information provided to address this
Draft NPS EN-1		
Paragraph 5.9.7	Non-designated heritage assets that have been recognised by the Secretary of State as being of equivalent significance to Scheduled Monuments or Protected Wreck Sites, or that have yet to be formally assessed but have archaeological interest and have potential to demonstrate equivalent significance to Scheduled Monuments or Protected Wreck Sites, should be considered subject to the same policy considerations as those that apply to designated heritage assets.	NPS EN-1 requirements detailed within the methodology section (section 7.3 of Chapter 7: Cultural Heritage of this Environmental Statement [EN010106/APP/6.1]) and taken into consideration within the Assessment of likely impacts and effects upon heritage assets presented in section 7.7 of Chapter 7: Cultural Heritage of this Environmental Statement [EN010106/APP/6.1].
Paragraph 5.9.10	The applicant should undertake an assessment of any likely significant heritage impacts of the proposed development as part of the EIA and describe these in the ES (see Section 4.2). This should include consideration of heritage assets above, at, and below the surface of the ground.	As above
Paragraph 5.9.13	The applicant should ensure that the extent of the impact of the proposed development on the significance of any heritage assets affected can be adequately understood from the application and supporting documents. Studies will be required on those heritage assets affected by noise, vibration, light and indirect impacts, the extent and detail of these studies will be proportionate to the significance of the heritage asset affected.	NPS EN-1 requirements detailed within the methodology section (section 7.3 of Chapter 7: Cultural Heritage of this Environmental Statement [EN010106/APP/6.1]) and taken into consideration within the Assessment of likely impacts and effects upon heritage assets presented in section 7.7 of Chapter 7: Cultural Heritage of this Environmental Statement [EN010106/APP/6.1]. This takes into account, and cross-references to, specialist assessments in relation to indirect impacts. It concludes that no specific impacts are caused by noise and vibration and light as a result of the Scheme. Specific reference is made with regard to potential noise impacts on Chippenham, Park in Chapter 11: Noise and Vibration of this Environmental Statement. This concludes that there will be no increase in noise above existing ambient levels as a result of the Scheme.

Relevant NPS paragraph reference	Requirement of the NPS	Where in the ES chapter is information provided to address this
Paragraph 5.9.14	<p>The applicant is encouraged, where opportunities exist, to prepare proposals which can make a positive contribution to the historic environment, and to consider how their scheme takes account of the significance of heritage assets affected. This can include, where possible:</p> <ul style="list-style-type: none"> a. enhancing, through a range of measures such a sensitive design, the significance of heritage assets or setting affected b. considering measures that address those heritage assets which are at risk or which may become at risk, as a result of the scheme <p>considering how visual or noise impacts can affect heritage assets, and whether there may be opportunities to enhance access to, or interpretation, understanding and appreciation of, the heritage assets affected by the scheme.</p>	<p>A wide range of mitigation measures have been set out within the Chapter, where there is the potential for the significance of heritage assets to be affected. These include mitigation by design (including avoidance where appropriate), with the implementation of visual screening and landscape enhancement to limit impacts upon heritage assets where necessary.</p>
Paragraph 5.9.15	<p>Careful consideration in preparing the scheme will be required on whether the impacts on the historic environment will be direct or indirect, temporary or permanent.</p>	<p>As above</p>
Paragraph 5.9.16	<p>Applicants should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.</p>	<p>The Scheme has been designed to limit impacts on those elements of setting that make a positive contribution to the heritage assets. A wide range of mitigation measures have been set out within the Chapter, where there is the potential for the significance of heritage assets to be affected, outlined in Section 7.6. This includes potential for enhancement of existing planting to better screen views of the development. Opportunities to better reveal significance have been explored within the Scheme design, but not identified. In relation to archaeological assets, opportunities for enhancement and interpretation of notable remains identified within the landscape will be discussed with statutory consultees following the completion of evaluation trenching works and proposals integrated within the archaeological mitigation strategy for the site.</p>
Paragraph 5.9.21	<p>When considering the impact of a proposed development on the significance of a designated heritage asset, the Secretary of State should give great weight to the</p>	<p>As above</p>

Relevant NPS paragraph reference	Requirement of the NPS	Where in the ES chapter is information provided to address this
	asset's conservation. The more important the asset, the greater the weight should be. This is irrespective of whether any potential harm amounts to substantial harm, total loss, or less than substantial harm to its significance.	
Paragraph 5.9.22	Any harm or loss of significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justification. Substantial harm to or loss of significance of a grade II listed building park or garden should be exceptional. Substantial harm to or loss of significance of assets of the highest significance, including Scheduled Monuments; Protected Wreck Sites; Registered Battlefields; grade I and II* Listed Buildings; grade I and II* Registered Parks and Gardens; and World Heritage Sites, should be wholly exceptional.	NPS EN-1 requirements detailed within the methodology section (section 7.3 of Chapter 7: Cultural Heritage of this Environmental Statement [EN010106/APP/6.1]) and taken into consideration within the Assessment of likely impacts & effects upon heritage assets presented in section 7.7 of Chapter 7: Cultural Heritage of this Environmental Statement [EN010106/APP/6.1]. Appendix D of the Planning Statement [EN010106/APP/7.2] sets out the harm predicted upon designated heritage assets and concludes that there is no substantial harm caused by the Scheme.
Paragraph 5.9.23	The Secretary of State should give considerable importance and weight to the desirability of preserving all designated heritage assets. Any harmful impact on the significance of a designated heritage asset should be given significant weight when weighed against the public benefit of development, recognising that the greater the harm to the significance of the heritage asset the greater the justification will be needed for any loss.	NPS EN-1 requirements detailed within the methodology section (section 7.3 of Chapter 7: Cultural Heritage of this Environmental Statement [EN010106/APP/6.1]) and taken into consideration within the Assessment of likely impacts and effects upon heritage assets presented in section 7.7 of Chapter 7: Cultural Heritage of this Environmental Statement [EN010106/APP/6.1].
Paragraph 5.9.24	Where the proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset the Secretary of State should refuse consent unless it can be demonstrated that the substantial harm to or loss of significance is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply: <ul style="list-style-type: none"> a. the nature of the heritage asset prevents all reasonable uses of the site b. no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation c. conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible 	NPS EN-1 requirements detailed within the methodology section (section 7.3 of Chapter 7: Cultural Heritage of this Environmental Statement [EN010106/APP/6.1]) and taken into consideration within the Assessment of likely impacts & effects upon heritage assets presented in section 7.7 of Chapter 7: Cultural Heritage of this Environmental Statement [EN010106/APP/6.1]. Appendix D of the Planning Statement [EN010106/APP/7.2] sets out the harm predicted upon designated heritage assets.

Relevant NPS paragraph reference	Requirement of the NPS	Where in the ES chapter is information provided to address this
	the harm or loss is outweighed by the benefit of bringing the site back into use	
Paragraph 5.9.26	The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.	NPS EN-1 requirements detailed within the methodology section (section 7.3 of Chapter 7: Cultural Heritage of this Environmental Statement [EN010106/APP/6.1]) and taken into consideration within the Assessment of likely impacts and effects upon heritage assets presented in section 7.7 of Chapter 7: Cultural Heritage of this Environmental Statement [EN010106/APP/6.1]. Consideration of the balancing act of harms vs benefits is set out in Appendix D of the Planning Statement [EN010106/APP/7.2].
Paragraph 5.9.28	Where there is evidence of deliberate neglect of, or damage to, a heritage asset, the Secretary of State should not take its deteriorated state into account in any decision.	Not applicable.

National Planning Policy Framework (NPPF)

- 2.2.6 Section 16 of the NPPF explains the national planning policy with regard to conserving and enhancing the historic environment and how local planning authorities should determine planning applications with regard to heritage matters. The policies set out in the NPPF to a large extent mirror those that are explained in NPS EN-1. The relevant NPPF paragraphs, together with an indication of where in the ES chapter the information is provided to address these requirements, are provided in **Table 2-3**.

Table 2-3 Relevant NPPF requirements for the cultural heritage assessment

Relevant NPPF paragraph reference	Requirement of the NPPF	Where in the ES chapter is information provided to address this
Paragraph 194	<p>In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.</p>	<p>Designated and non-designated heritage assets within the study area are identified in Chapter 7: Cultural Heritage of the ES [EN010106/APP/6.1]. Section 7.5 of Chapter 7: Cultural Heritage of the ES [EN010106/APP/6.1] describes the significance of these assets.</p> <p>The assessment contained within Chapter 7: Cultural Heritage of the ES [EN010106/APP/6.1] draws upon historic environment desk-based assessments produced for the Scheme in 2018 and updated in 2021 (Appendices 7C, 7D and 7E of the ES [EN010106/APP/6.2]). Historic Landscape Characterisation (HLC) data is not available from the Cambridgeshire Historic Environment Record (HER). In its absence, an analysis of historic mapping and other available data has identified three distinct character areas across the Order limits, and an assessment of this has been included within Chapter 7: Cultural Heritage of the ES [EN010106/APP/6.1].</p> <p>Section 7.8 of Chapter 7: Cultural Heritage of the ES [EN010106/APP/6.1] contains a clear assessment of likely impacts and effects of the Scheme on cultural heritage.</p>
Paragraph 199	<p>When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.</p>	<p>Appendix D of the Planning Statement [EN010106/APP/7.2] sets out the harm predicted upon designated heritage assets.</p>

Relevant NPPF paragraph reference	Requirement of the NPPF	Where in the ES chapter is information provided to address this
Paragraph 200	Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justification. Substantial harm to or loss of: a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional; b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.	Appendix D of the Planning Statement [EN010106/APP/7.2] sets out the harm predicted upon designated heritage assets and concludes that no substantial harm arises.
Paragraph 201	Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply: a) the nature of the heritage asset prevents all reasonable uses of the site; and b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and d) the harm or loss is outweighed by the benefit of bringing the site back into use.	The Heritage Harm Assessment presented in Appendix D of the Planning Statement [EN010106/APP/7.2] sets out an assessment of harm on designated heritage assets and concludes that no substantial harm arises..
Paragraph 202	Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use	Consideration of the balancing act of harms vs benefits is set out in the Planning Statement [EN010106/APP/7.2] .
Paragraph 203	The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.	The assessment of the effects of the Scheme on non-designated heritage assets is reported in Chapter 7: Cultural Heritage of the ES [EN010106/APP/6.1] . Consideration of the balancing act of harms vs benefits is set out in the Planning Statement [EN010106/APP/7.2] .

Relevant NPPF paragraph reference	Requirement of the NPPF	Where in the ES chapter is information provided to address this
Paragraph 205	Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.	An assessment of potential impacts and proposals for recording and interpretation of heritage assets is presented in section 7.7 of Chapter 7: Cultural Heritage of this Environmental Statement [EN010106/APP/6.1] and also detailed in DBAs (updated 2021) provided in Appendices 7C, 7D and 7E of this Environmental Statement [EN010106/APP/6.2] . Recording measures will be agreed following receipt of full results and consultation with LPA archaeological advisors as part of developing a wider scheme of archaeological mitigation measures for the Scheme.

2.3 Guidance

2.3.1 The assessment has considered the following national guidance:

- a. Planning Practice Guidance, Conserving and enhancing the historic environment. This explains the assessment of harm in accordance with the NPPF. (Ref. 7);
- b. Historic Environment Good Practice Advice in Planning Note 2. Managing Significance in Decision Taking in the Historic Environment. Historic England (Ref. 8);
- c. Historic Environment Good Practice Advice in Planning Note 3. The Setting of Heritage Assets. Historic England (2nd edition, 2017) (Ref. 9); and
- d. Historic England Advice Note 12 Statements of Heritage Significance: Analysing Significance in Heritage Assets (2019) (Ref. 10).
- e. Chartered Institute for Archaeologists, Code of Conduct and Standards and Guidance for Historic Environment Desk-based Assessment (Ref. 11).

3 Local Legislation, Policy and Guidance

3.1 Legislation

3.1.1 There is no local legislation relevant to the assessment undertaken and presented within **Chapter 7: Cultural Heritage** of this Environmental Statement [EN010106/APP/6.1].

3.2 Policy

3.2.1 The following local policy is relevant to the assessment of the cultural heritage effects of the Scheme.

Table 3-1 Local policy relevant to the assessment of the cultural heritage effects of the Scheme.

Relevant Document	Relevant policies
East Cambridgeshire District Council Local Plan Adopted April 2015.	Policy ENV11: Conservation Areas Policy ENV 12: Listed Buildings Policy ENV13: Local Register of Buildings and Structures Policy ENV14: Sites of archaeological interest Policy ENV15: Historic parks and gardens
Forest Heath District Council Core Strategy Adopted 2010	Policy CS3 in relation to Landscape Character and the Historic Environment
Forest Heath and St Edmundsbury Local Plan: Joint Development Management Policies Document (last updated February 2015)	Policy DM15: Listed Buildings Policy DM16: Local Heritage Assets and Buildings Protected by an Article 4 Direction Policy DM17: Conservation Areas Policy DM19: Development Affecting Parks and Gardens of Special Historic or Design Interest Policy DM20: Archaeology

Relevant Document	Relevant policies
Fordham Neighbourhood Plan (made December 2018)	Policy 7

3.3 Guidance

3.3.1 The assessment has considered the following local guidance:

- a. Section 4: Heritage Assets of the East Cambridgeshire District Council Supplementary Planning Document: Renewable Energy Development (Commercial Scale) October 2014
- b. Briefs for archaeological evaluation issued by both Cambs and Suffolk Councils in 2020.

4 References

- Ref. 1 HMSO (1979); Ancient Monuments and Archaeological Areas Act 1979.
- Ref. 2 HMSO (1983) National Heritage Act 1983.
- Ref. 3 HMSO (2002) National Heritage Act 2002.
- Ref. 4 DECC (2011) National Policy Statement for Energy (EN-1).
- Ref. 5 DECC (2011) National Policy Statement for Renewable Energy Infrastructure (EN-3).
- Ref. 6 DECC (2011) National Policy Statement for Electricity Networks Infrastructure (EN-5).
- Ref. 7 Ministry of Housing, Communities and Local Government (2019) Planning Practice Guidance.
- Ref. 8 Historic England (2015) Historic Environment Good Practice Advice in Planning Note 2. Managing Significance in Decision Taking in the Historic Environment.
- Ref. 9 Historic England (2017) Historic Environment Good Practice Advice in Planning Note 3. The Setting of Heritage Assets (2nd edition).
- Ref. 10 Historic England Advice Note 12 Statements of Heritage Significance: Analysing Significance in Heritage Assets (2019)
- Ref. 11 Chartered Institute for Archaeologists (2020) Standard and Guidance for Historic Environment and Desk-Based Assessment.