

---

# **EAST YORKSHIRE SOLAR FARM**

**East Yorkshire Solar Farm  
EN010143**

## **Environmental Statement**

**Volume 2, Appendix 7-1: Legislation, Policy and Guidance for Cultural Heritage  
Document Reference: EN010143/APP/6.2**

Regulation 5(2)(a)  
Infrastructure Planning (Applications: Prescribed Forms and Procedure)  
Regulations 2009

November 2023  
Revision Number: 00

2009

BOOM-POWER.CO.UK

**BOOM**  
POWER

Prepared for:

East Yorkshire Solar Farm Limited

Prepared by:

AECOM Limited

© 2023 AECOM Limited. All Rights Reserved.

This document has been prepared by AECOM Limited (“AECOM”) for sole use of our client (the “Client”) in accordance with generally accepted consultancy principles, the budget for fees and the terms of reference agreed between AECOM and the Client. Any information provided by third parties and referred to herein has not been checked or verified by AECOM, unless otherwise expressly stated in the document. No third party may rely upon this document without the prior and express written agreement of AECOM.

## Table of Contents

1.	Introduction .....	1
1.1	Purpose of this Appendix.....	1
2.	National Legislation, Policy and Guidance .....	1
2.2	National Legislation .....	1
2.3	National Policy.....	2
2.4	Guidance .....	33
3.	Local Policy and Guidance .....	35
4.	References.....	38

## Tables

Table 1.	Relevant NPS requirements for the cultural heritage assessment.....	4
<b>Table 2.</b>	<b>Relevant Draft NPS requirements for cultural heritage assessment...</b>	<b>16</b>
Table 3.	Relevant NPPF requirements for cultural heritage assessment.....	28
Table 4.	Relevant local policy and guidance.....	36

# 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 effects of the Scheme on cultural heritage.
- 1.1.2 Legislation and policy are considered at national and local levels.
- 1.1.3 This appendix does not assess the Scheme against legislation and policy instead the purpose of considering legislation and policy 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 used within the ES assessment. For example, a policy may require the assessment of an impact or the use of a specific methodology.
- 1.1.4 Instead, the relevant legislation and policy is assessed within the Planning Statement. The following sections identify and describe the legislation, policy and supporting guidance considered specifically relevant to the cultural heritage assessment, which has been taken into account in preparing the ES.

## 2. National Legislation, Policy and Guidance

- 2.1.1 Legislation, planning policy and guidance relating to cultural heritage, and pertinent to the Scheme, comprises:

### 2.2 National Legislation

- 2.2.1 Regulation 5 of The Infrastructure Planning (Environmental Impact Assessment (EIA)) Regulations 2017 (Ref. 1) sets out that an EIA must describe and assess in an appropriate manner, in light of each individual case, the direct and indirect significant effects of the proposed development on cultural heritage.
- 2.2.2 The Infrastructure (Decisions) Regulations 2010 (Ref. 2) 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.

- 2.2.3 The Planning (Listed Buildings and Conservation Areas) Act 1990 (Ref. 3) (excluding normal planning procedures, which are disapplied by the DCO, which if granted, would encompass all of the normal consents) sets out the principal statutory provisions that must be considered in the determination of any application affecting listed buildings and conservation areas. Section 66 of the Act states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. By virtue of Section 1(5) of the Act a listed building includes any object or structure within its curtilage. Section 72 of the Act establishes a general duty on a local planning authority or the Secretary of State with respect to any buildings or other land in a Conservation Area to pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
- 2.2.4 The Ancient Monuments and Archaeological Areas Act 1979 (amended by the National Heritage Act 1983) (Ref. 23) and 2002 (Ref. 24) (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 (Ref. 4).
- 2.2.5 The Hedgerows Regulations 1997 (Ref. 29) specify the criteria for identifying whether a hedgerow could be classed as important and, if identified as such, permission from the local planning authority is required to remove it. The criteria for establishing importance includes if a hedgerow marks a pre-1850 parish or township boundary; incorporates an archaeological feature; is part of, or associated with, an archaeological marks the boundary of, or is associated with, a pre-1600 estate or manor; forms an integral part of a pre-Parliamentary enclosure field system; or is part of, or visibly related to, any building or other feature associated with such a system.

## 2.3 National Policy

- 2.3.1 The Scheme's proposed energy generating technology is not currently specifically referenced by a National Policy Statement (NPS). However, 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 (EN-1) with particular reference to Section 5.8 Historic Environment (Ref. 5); and
  - b. National Policy Statement for Electricity Networks Infrastructure (EN-5) (Ref. 6).

- 2.3.2 The NPSs set out the Government's energy policy, the need for new infrastructure and guidance for determining an application for a Development Consent Order (DCO). The NPSs include specific criteria and issues which should be covered by applicants in their assessments of the effects of their scheme, and how the decision maker should consider these impacts.
- 2.3.3 The relevant NPS requirements, together with an indication of where in the ES the information provided to address these requirements, are provided in **Table 1**.

**Table 1. Relevant NPS requirements for the cultural heritage assessment**

Relevant NPS paragraph reference	Requirement of the NPS	Location of 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.	An assessment of potential impacts at these stages of the Scheme is made within section 7.7 of <b>Chapter 7: Cultural Heritage, ES Volume 1 [EN010143/APP/6.1]</b> .
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.	An assessment of the value (heritage significance) of heritage assets, including contribution made by setting, is included in section 7.5 and section 7.7 of <b>Chapter 7: Cultural Heritage, ES Volume 1 [EN010143/APP/6.1]</b> . Data sources are stated in section 7.4 of <b>Chapter 7: Cultural Heritage, ES Volume 1 [EN010143/APP/6.1]</b> and include the relevant local authority Historic Environment Record.
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	A desk-based assessment is presented in <b>Appendix 7-2: Cultural Heritage Desk-based Assessment, ES Volume 2 [EN010143/APP/6.2]</b> which identifies relevant designated heritage assets within the Site and

Relevant NPS paragraph reference	Requirement of the NPS	Location of information provided to address this
	Remains, Listed Building; Registered Park and Garden; Registered Battlefield; Conservation Area; and Registered Historic Landscape (Wales only)	wider Study Areas using information from the Historic Environment Record and National Heritage List for England (NHLE).
Paragraph 5.8.4	<p>There are heritage assets with archaeological interest that are not currently designated as scheduled monuments, but which are demonstrably of equivalent significance. These include:</p> <ul style="list-style-type: none"> <li>those that have yet to be formally assessed for designation;</li> <li>those that have been assessed as being designated but which the Secretary of State has decided not to designate; and</li> <li>those that are incapable of being designated by virtue of being outside the scope of the Ancient Monuments and Archaeological Areas Act 1979.</li> </ul>	<p>An assessment of the value (heritage significance) of heritage assets, including contribution made by setting, is included in section 7.5 and section 7.7 of <b>Chapter 7: Cultural Heritage, ES Volume 1 [EN010143/APP/6.1]</b>.</p> <p>Data sources are stated in section 7.4 of <b>Chapter 7: Cultural Heritage, ES Volume 1 [EN010143/APP/6.1]</b> and include the relevant local authority Historic Environment Record.</p>
Paragraph 5.8.5	<p>The absence of designation for such heritage assets does not indicate lower significance. If the evidence before the Infrastructure Planning Commission (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.</p>	<p>An assessment of the value (heritage significance) of heritage assets, including contribution made by setting, is included in section 7.5 and section 7.7 of <b>Chapter 7: Cultural Heritage, ES Volume 1 [EN010143/APP/6.1]</b>.</p> <p>Data sources are stated in section 7.4 of <b>Chapter 7: Cultural Heritage, ES Volume 1 [EN010143/APP/6.1]</b> and include the relevant local authority Historic Environment Record.</p>



Relevant NPS paragraph reference	Requirement of the NPS	Location of information provided to address this
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.	An assessment of potential impacts resulting from the proposed development is made within section 7.7 of <b>Chapter 7: Cultural Heritage, ES Volume 1 [EN010143/APP/6.1]</b> . Evaluation fieldwork surveys have been undertaken to allow the Applicant to enhance the baseline understanding of cultural heritage assets including their potential value. The results of the fieldwork surveys are included in the ES and the reports submitted with the DCO application and also, ultimately, lodged with the relevant local planning authority Historic Environment Record.
Paragraph 5.8.8	As part of the ES ... 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 and assessed the heritage assets themselves using expertise where necessary according to the proposed development's impact.	An assessment of the value (heritage significance) of heritage assets, including contribution made by setting, is included in section 7.5 and section 7.7 of <b>Chapter 7: Cultural Heritage, ES Volume 1 [EN010143/APP/6.1]</b> . Data sources are stated in section 7.4 of <b>Chapter 7: Cultural Heritage, ES Volume 1 [EN010143/APP/6.1]</b> and include the relevant local authority Historic Environment Record.

Relevant NPS paragraph reference	Requirement of the NPS	Location of information provided to address this
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.	A desk-based assessment is presented in <b>Appendix 7-2: Cultural Heritage Desk-based Assessment, ES Volume 2 [EN010143/APP/6.2]</b> . Field evaluation survey reports are submitted with the DCO application.
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.	The assessment of the value of heritage assets is set out in section 7.5 and section 7.7 of <b>Chapter 7: Cultural Heritage, ES Volume 1 [EN010143/APP/6.1]</b> .
Paragraph 5.8.11	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: evidence provided with the application; any designation records; the Historic Environment Record, and similar sources of information; the heritage assets themselves;	An assessment of the value (heritage significance) of heritage assets, including contribution made by setting, is included in section 7.5 and section 7.7 of <b>Chapter 7: Cultural Heritage, ES Volume 1 [EN010143/APP/6.1]</b> . Data sources are stated in section 7.4 of <b>Chapter 7: Cultural Heritage, ES Volume 1 [EN010143/APP/6.1]</b> and include the relevant local authority Historic Environment Record.

Relevant NPS paragraph reference	Requirement of the NPS	Location of information provided to address this
	<p>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>	
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>An assessment of the value (heritage significance) of heritage assets, including contribution made by setting, is included in section 7.5 of <b>Chapter 7: Cultural Heritage, ES Volume 1 [EN010143/APP/6.1]</b>. Data sources are stated in section 7.4 of <b>Chapter 7: Cultural Heritage, ES Volume 1 [EN010143/APP/6.1]</b> and include the relevant local authority Historic Environment Record. Impacts to designated heritage assets have been avoided through design, as set out in section 7.6 of <b>Chapter 7: Cultural Heritage, ES Volume 1 [EN010143/APP/6.1]</b>. Evaluation fieldwork surveys have been undertaken to allow the Applicant to enhance the baseline understanding of cultural heritage assets including their potential value. The results of the fieldwork surveys are included in the ES and the reports submitted with the DCO application and also, ultimately, with the relevant local planning authority Historic Environment Record.</p>

Relevant NPS paragraph reference	Requirement of the NPS	Location of information provided to address this
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>Impacts to designated heritage assets have been avoided through design, as set out in section 7.6 of <b>Chapter 7: Cultural Heritage, ES Volume 1 [EN010143/APP/6.1]</b>. The field surveys undertaken have helped inform the emerging design. Opportunities for avoiding impacts to heritage assets, including through change to their setting, have been considered during the design process.</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</p>	<p>Impacts to designated heritage assets have been avoided through design, as set out in section 7.6 of <b>Chapter 7: Cultural Heritage, ES Volume 1 [EN010143/APP/6.1]</b>.</p>

Relevant NPS paragraph reference	Requirement of the NPS	Location of information provided to address this
Paragraph 5.8.15	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 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.	Impacts to designated heritage assets have been avoided through design, as set out in section 7.6 of <b>Chapter 7: Cultural Heritage, ES Volume 1 [EN010143/APP/6.1]</b> .
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	Impacts to designated heritage assets have been avoided through design, as set out in section 7.6 of <b>Chapter 7: Cultural Heritage, ES Volume 1 [EN010143/APP/6.1]</b> .

Relevant NPS paragraph reference	Requirement of the NPS	Location of information provided to address this
	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.	
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 is presented in section 7.7 of <b>Chapter 7: Cultural Heritage, ES Volume 1 [EN010143/APP/6.1]</b> . The applicant is willing to discuss appropriate conditions and obligations as necessary, including reasonably ensuring development will proceed where loss of heritage significance may occur.
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	An assessment of the value (heritage significance) of heritage assets, including contribution made by setting, is included in section 7.5 of <b>Chapter 7: Cultural Heritage, ES Volume 1 [EN010143/APP/6.1]</b> . Impacts to designated heritage assets have been avoided through design, as set out in section 7.6 of <b>Chapter 7: Cultural Heritage, ES Volume 1 [EN010143/APP/6.1]</b> .

Relevant NPS paragraph reference	Requirement of the NPS	Location of information provided to address this
Paragraph 5.8.19	<p>benefits that will be needed to justify approval.</p> <p>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.</p>	<p>Assessment of likely impacts &amp; effects upon heritage assets presented in section 7.7 of <b>Chapter 7: Cultural Heritage, ES Volume 1 [EN010143/APP/6.1]</b>.</p>
Paragraph 5.8.20	<p>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.</p>	<p>Impacts to designated heritage assets have been avoided through design, as set out in section 7.6 of <b>Chapter 7: Cultural Heritage, ES Volume 1 [EN010143/APP/6.1]</b>.</p> <p>Evaluation fieldwork surveys have added to the baseline understanding of cultural heritage assets, including their potential value. The results of the fieldwork surveys are included in the ES and the reports will be submitted with the DCO application and also, ultimately, with the relevant local planning authority Historic Environment Record.</p>
Paragraph 5.8.21	<p>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 (MMO) and English Heritage, or</p>	<p>Field evaluation surveys comprising geophysical survey and trial trenching have been carried out in accordance with a Written Scheme of Investigation, agreed with the relevant local planning authority heritage officers.</p>

Relevant NPS paragraph reference	Requirement of the NPS	Location of information provided to address this
	<p>where it is in Welsh waters, the MMO and Cadw)) and that the completion of the exercise is properly secured.</p>	
<p>Paragraph 8.8.22</p>	<p>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.</p>	<p>Field evaluation surveys comprising geophysical survey and trial trenching have been carried out in accordance with a Written Scheme of Investigation (WSI), agreed with the relevant local planning authority heritage officers, and the results have informed the impact assessment in the ES.</p>
<p>NPS EN-5</p>		
<p>Paragraph 2.8.8</p>	<p>Paragraph 3.7.10 of EN-1 sets out the need for new electricity lines of 132kV and above, including overhead lines. Although Government expects that fulfilling this need through the development of overhead lines will often be appropriate, it recognises that there will be cases where this is not so. Where there are serious concerns about the potential adverse landscape and visual effects of a proposed overhead line, the IPC will have to balance these against other relevant factors, including the need for the proposed infrastructure, the availability and cost of alternative sites and routes and methods of installation (including undergrounding).</p>	<p>All cables within the scheme will be buried, and so have been assessed as such with regard to potential impacts to cultural heritage assets.</p>



Relevant NPS paragraph reference	Requirement of the NPS	Location of information provided to address this
Paragraph 2.8.9	<p>The impacts and costs of both overhead and underground options vary considerably between individual projects (both in absolute and relative terms). Therefore, each project should be assessed individually on the basis of its specific circumstances and taking account of the fact that Government has not laid down any general rule about when an overhead line should be considered unacceptable. The IPC should, however only refuse consent for overhead line proposals in favour of an underground or sub-sea line if it is satisfied that the benefits from the non-overhead line alternative will clearly outweigh any extra economic, social and environmental impacts and the technical difficulties are surmountable. In this context it should consider.... The environmental and archaeological consequences (undergrounding a 400kV line may mean disturbing a swathe of ground up to 40 metres across, which can disturb sensitive habitats, have an impact on soils and geology, and damage heritage assets, in many cases more than an overhead line would).</p>	<p>A desk-based assessment is presented in <b>Appendix 7-2: Cultural Heritage Desk-based Assessment, ES Volume 2 [EN010143/APP/6.2]</b> and identifies known heritage records within the Site. Field evaluation surveys have identified additional (previously unrecorded) archaeological features within the Site. Archaeological sites have been avoided by design where this is feasible.</p>

## Draft National Policy Statements

- 2.3.4 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 (Ref. 7) (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 30 March 2023. These include the following Draft NPSs:
- a. Draft Overarching National Policy Statement for Energy (EN-1) (Draft NPS EN-1) (Ref. 8); and
  - b. Draft National Policy Statement for Renewable Energy Infrastructure (EN-3) (Draft NPS EN-3) (Ref. 9).
- 2.3.5 The consultation on the details of these provisions closed on 23 June 2023, but the documents have not been finalised or adopted.
- 2.3.6 The transitional provisions in the draft EN-1 state that the suite of NPS will only have effect once designated in relation to those applications that are accepted for examination after the date of designation. The date for submission of the Application may mean that there is no NPS specifically in relation to ground mounted solar, but the draft NPS are "important and relevant" matters, as defined in S.105 (2)(c) of the 2008 Act and are matters which the Secretary of State should have regard to and place significant weight on.
- 2.3.7 Given the importance and relevance of these Draft NPSs, the EIA approach takes account of these new emerging documents. Where the relevant Draft NPSs contain requirements that differ from the requirements of the NPSs, **Table 2** indicates where the information to address these requirements is provided within the ES. From review of the draft documents, it is considered that the draft provisions do not change the assessment approach.

**Table 2. Relevant Draft NPS requirements for cultural heritage assessment**

<b>Relevant Draft NPS paragraph reference</b>	<b>Requirement of the NPS</b>	<b>Location of information provided to address this</b>
<hr/>		
Draft NPS EN-1		
Paragraph 5.9.7	<p>The Secretary of State should also consider the impacts on other non-designated heritage assets (as identified either through the development plan making process by plan-making bodies, including ‘local listing’, or through the application, examination and decision making process). This is on the basis of clear evidence that such heritage assets have a significance that merits consideration in that process, even though those assets are of lesser significance than designated heritage assets.</p>	<p>A description of the value (heritage significance) of heritage assets, including the contribution to value made by setting, is within the desk-based assessment is presented in <b>Appendix 7-2: Cultural Heritage Desk-based Assessment, ES Volume 2 [EN010143/APP/6.2]</b> and is also within <b>Chapter 7: Cultural Heritage, ES Volume 1 [EN010143/APP/6.1]</b>.</p> <p>Data sources are stated in section 7.4 of <b>Chapter 7: Cultural Heritage, ES Volume 1 [EN010143/APP/6.1]</b> and include reference to the relevant local authority Historic Environment Record.</p>
Paragraph 5.9.9	<p>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. Consideration will also need to be given to the possible impacts, including cumulative, on the wider historic environment. The assessment should include reference to any historic landscape or seascape character assessment and associated studies as a means of assessing impacts relevant to the proposed project</p>	<p>Section 7.7 of <b>Chapter 7: Cultural Heritage, ES Volume 1 [EN010143/APP/6.1]</b> sets out an assessment of the likely effects to above ground and below ground heritage assets.</p>

Relevant Draft NPS paragraph reference	Requirement of the NPS	Location of information provided to address this
Paragraph 5.9.10	As part of the ES the applicant should provide a description of the significance of the heritage assets affected by the proposed development, including any contribution made by their setting. 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 their significance. As a minimum, the applicant should have consulted the relevant Historic Environment Record <sup>232</sup> (or, where the development is in English or Welsh waters, Historic England or Cadw) and assessed the heritage assets themselves using expertise where necessary according to the proposed development's impact	A description of the value (heritage significance) of heritage assets, including the contribution to value made by setting, is within the desk-based assessment is presented in <b>Appendix 7-2: Cultural Heritage Desk-based Assessment, ES Volume 2 [EN010143/APP/6.2]</b> and is also within <b>Chapter 7: Cultural Heritage, ES Volume 1 [EN010143/APP/6.1]</b> . Data sources are stated in section 7.4 of <b>Chapter 7: Cultural Heritage, ES Volume 1 [EN010143/APP/6.1]</b> and include reference to the relevant local authority Historic Environment Record.
Paragraph 5.9.11	Where a site on which development is proposed 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, accurate representative visualisations may be necessary to explain the impact.	A desk-based assessment is presented in <b>Appendix 7-2: Cultural Heritage Desk-based Assessment, ES Volume 2 [EN010143/APP/6.2]</b> . Field evaluation surveys comprising geophysical survey and trial trenching have been carried out in accordance with a WSI, agreed with the relevant local planning authority heritage officers, and the results have informed the impact assessment in the ES.
Paragraph 5.9.12	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	An assessment of the impact of the Scheme on the value (heritage significance) of heritage assets is discussed in Section 7.7 of <b>Chapter 7: Cultural Heritage, ES Volume 1</b>

Relevant Draft NPS paragraph reference	Requirement of the NPS	Location of information provided to address this
	indirect impacts, the extent and detail of these studies will be proportionate to the significance of the heritage asset affected	<b>[EN010143/APP/6.1]</b> . The ES considers impacts arising from noise, vibration and lighting.
Paragraph 5.9.13	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: enhancing, through a range of measures such a sensitive design, the significance of heritage assets or setting affected considering where required the development of archive capacity which could deliver significant public benefits 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.	Impacts to designated heritage assets have been avoided through design, as set out in section 7.6 of <b>Chapter 7: Cultural Heritage, ES Volume 1 [EN010143/APP/6.1]</b> . An assessment of the impact of the Scheme on the value (heritage significance) of heritage assets is discussed in section 7.7 of <b>Chapter 7: Cultural Heritage, ES Volume 1 [EN010143/APP/6.1]</b> .
Paragraph 5.9.14	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.	An assessment of the impact of the Scheme on the value (heritage significance) of heritage assets is discussed in section 7.7 of <b>Chapter 7: Cultural Heritage, ES Volume 1 [EN010143/APP/6.1]</b> . The ES acknowledges that impacts can be sustained by physical alteration, or by change to setting, and can be temporary or permanent.
Paragraph 5.9.15	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	Impacts to designated heritage assets have been avoided through design, as set out in section 7.6 of <b>Chapter 7: Cultural Heritage, ES Volume 1 [EN010143/APP/6.1]</b> .

Relevant Draft NPS paragraph reference	Requirement of the NPS	Location of information provided to address this
	elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably	
Paragraph 5.9.22	In considering the impact of a proposed development on any heritage assets, the Secretary of State should consider 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 their conservation and any aspect of the proposal	Impacts to designated heritage assets have been avoided through design, as set out in section 7.6 of <b>Chapter 7: Cultural Heritage, ES Volume 1 [EN010143/APP/6.1]</b> .
Paragraph 5.9.25	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 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.	Impacts to designated heritage assets have been avoided through design, as set out in section 7.6 of <b>Chapter 7: Cultural Heritage, ES Volume 1 [EN010143/APP/6.1]</b> .
Paragraph 5.9.26	The Secretary of State should give considerable importance and weight to the desirability of preserving all heritage assets. 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.	Impacts to designated heritage assets have been avoided through design, as set out in section 7.6 of <b>Chapter 7: Cultural Heritage, ES Volume 1 [EN010143/APP/6.1]</b> .
Paragraph 5.9.27	Substantial harm to or loss of significance of a grade II Listed Building or a grade II Registered Park or Garden should be exceptional.	Impacts to designated heritage assets have been avoided through design, as set out in section 7.6 of <b>Chapter 7: Cultural Heritage, ES Volume 1 [EN010143/APP/6.1]</b> .

<b>Relevant Draft NPS paragraph reference</b>	<b>Requirement of the NPS</b>	<b>Location of information provided to address this</b>
Paragraph 5.9.28	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	Impacts to designated heritage assets have been avoided through design, as set out in section 7.6 of <b>Chapter 7: Cultural Heritage, ES Volume 1 [EN010143/APP/6.1]</b> .
Paragraph 5.9.29	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 the following apply: the nature of the heritage asset prevents all reasonable uses of the site no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible the harm or loss is outweighed by the benefit of bringing the site back into use	Impacts to designated heritage assets have been avoided through design, as set out in section 7.6 of <b>Chapter 7: Cultural Heritage, ES Volume 1 [EN010143/APP/6.1]</b> .
Paragraph 5.9.30	Where the proposed development will lead to less than substantial harm to the significance of the designated heritage asset, this harm should be weighed against the public benefits of the proposal, including, where appropriate securing its optimum viable use.	Impacts to designated heritage assets have been avoided through design, as set out in section 7.6 of <b>Chapter 7: Cultural Heritage, ES Volume 1 [EN010143/APP/6.1]</b> .

Relevant Draft NPS paragraph reference	Requirement of the NPS	Location of information provided to address this
Paragraph 5.9.31	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	An assessment of the impact of the Scheme on the value (heritage significance) of heritage assets is discussed in section 7.7 of <b>Chapter 7: Cultural Heritage, ES Volume 1 [EN010143/APP/6.1]</b> . Field evaluation surveys are currently underway to identify location of previously unrecorded archaeological sites in order to minimise or avoid impacts, where feasible.
Paragraph 5.9.32	Not all elements of a Conservation Area or World Heritage Site will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm or less than substantial harm under paragraph 5.9.29 or less than substantial harm under paragraph 5.9.30, as appropriate, considering the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole.	The Scheme will not result in the loss of a building (or other element) which makes a positive contribution to the significance of a conservation area or World Heritage Site.
Paragraph 5.9.34	When considering applications for development affecting the setting of a designated heritage asset, the Secretary of State should give appropriate weight to the desirability of preserving the setting such assets and 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 Secretary of State should give great weight to any negative effects, when weighing them against the wider benefits of the	An assessment of the impact to heritage assets, including impacts through potential changes to components of setting that contribute to heritage significance, is included in section 7.7 of <b>Chapter 7: Cultural Heritage, ES Volume 1 [EN010143/APP/6.1]</b> .



Relevant Draft NPS paragraph reference	Requirement of the NPS	Location of information provided to address this
Draft NPS EN-3	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.	
Paragraph 3.10.98	The impacts of solar PV developments on the historic environment will require expert assessment in most cases and may have effect both above and below ground.	An assessment of the impact to below ground archaeological remains and above ground heritage assets is included in section 7.7 of <b>Chapter 7: Cultural Heritage, ES Volume 1 [EN010143/APP/6.1]</b> .
Paragraph 3.10.99	Above ground impacts may include the effects on the setting of Listed Buildings and other designated heritage assets as well as on Historic Landscape Character.	An assessment of the impact to designated heritage assets, including impacts through potential changes to components of setting that contribute to their heritage significance, is included in section 7.7 of <b>Chapter 7: Cultural Heritage, ES Volume 1 [EN010143/APP/6.1]</b> .
Paragraph 3.10.100	Below ground impacts, although generally limited, may include direct impacts on archaeological deposits through ground disturbance associated with trenching, cabling, foundations, fencing, temporary haul routes etc.	An assessment of potential permanent impacts to below ground archaeological remains as a result of their physical removal is included in Section 7.7 of <b>Chapter 7: Cultural Heritage, ES Volume 1 [EN010143/APP/6.1]</b> .
Paragraph 3.10.101	Equally solar PV developments may have a positive effect, for example archaeological assets may be protected by a solar PV farm as the site is removed from regular ploughing and shoes or low-level piling is stipulated.	Embedded mitigation measures are set out in Section 7.6 of <b>Chapter 7: Cultural Heritage, ES Volume 1 [EN010143/APP/6.1]</b> . This includes opportunities to design around locations of heritage assets to preserve them in situ, as set

Relevant Draft NPS paragraph reference	Requirement of the NPS	Location of information provided to address this
Paragraph 3.10.103	Applicant assessments should be informed by information from Historic Environment Records (HERs) or the local authority.	out in section 7.10 of <b>Chapter 7: Cultural Heritage, ES Volume 1 [EN010143/APP/6.1]</b> .
Paragraph 3.10.104	Where a site on which development is proposed includes, or has the potential to, include heritage assets with archaeological interest, the applicant should submit an appropriate desk-based assessment and, where necessary, a field evaluation. These should be carried out, using expertise where necessary and in consultation with the local planning authority, and should identify archaeological study areas and propose appropriate schemes of investigation, and design measures, to ensure the protection of relevant heritage assets	Chapter 7: Cultural Heritage is supported by desk-based assessment, presented as <b>Appendix 7-2: Cultural Heritage Desk-based Assessment, ES Volume 2 [EN010143/APP/6.2]</b> and also by the results of fieldwork surveys comprising geophysical survey and archaeological trial trenching, the results of which are submitted with this ES.
Paragraph 3.10.105	In some instances, field studies may include investigative work (and may include trial trenching beyond the boundary of the proposed site) to assess the impacts of any ground disturbance, such as proposed cabling, substation foundations or mounting supports for solar panels on archaeological assets.	Field evaluation surveys comprising geophysical survey and trial trenching have been carried out in accordance with a WSI, agreed with the relevant local planning authority heritage officers, and the results have informed the impact assessment in the ES.
Paragraph 3.10.106	The extent of investigative work should be proportionate to the sensitivity of, and extent of proposed ground disturbance in, the associated study area	Field evaluation surveys comprising geophysical survey and trial trenching have been carried out in accordance with a WSI, agreed with the relevant local planning authority heritage officers, and the

Relevant Draft NPS paragraph reference	Requirement of the NPS	Location of information provided to address this
Paragraph 3.10.107	Applicants should take account of the results of historic environment assessments in their design proposal	results have informed the impact assessment in the ES.
Paragraph 3.10.108	Applicants should consider what steps can be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting.	Heritage assets identified from the desk-based assessment, presented as <b>Appendix 7-2: Cultural Heritage Desk-based Assessment, ES Volume 2 [EN010143/APP/6.2]</b> and the results of archaeological field surveys have informed the design process.
Paragraph 3.10.109	As the significance of a heritage asset derives not only from its physical presence but also from its setting, careful consideration should be given to the impact of large-scale solar farms which depending on their scale, design and prominence, may cause substantial harm to the significance of the asset.	An assessment of the impact to heritage assets, including impacts through potential changes to components of setting that contribute to their heritage significance, is included in section 7.7 of <b>Chapter 7: Cultural Heritage, ES Volume 1 [EN010143/APP/6.1]</b> and has informed the embedded and additional mitigation measures in section 7.8.
Paragraph 3.10.110	Applicants may need to include visualisations to demonstrate the effects of a proposed solar farm on the setting of heritage assets.	Visualisations to support the impact assessment have been agreed with statutory consultees,

Relevant Draft NPS paragraph reference	Requirement of the NPS	Location of information provided to address this
Paragraph 3.10.128	The ability of the applicants to microsite specific elements of the proposed development during the construction phase should be an important consideration by the Secretary of State when assessing the risk of damage to archaeology.	<p>Historic England and local authority heritage officers, through consultation.</p> <p>Following consultation meetings with Historic England and local authority heritage officers, additional photography has been included in the desk-based assessment, presented as <b>Appendix 7-2: Cultural Heritage Desk-based Assessment, ES Volume 2 [EN010143/APP/6.2]</b> to support the description of setting and the understanding of the importance of views in the experience of heritage assets.</p>
Paragraph 3.10.129	Where requested by the applicant, the Secretary of State should consider granting consents which allow for the micro siting within a specified tolerance of elements of the permitted infrastructure so that precise locations can be amended during the construction phase if unforeseen circumstances, such as the discovery of previously unknown archaeology, arise.	<p>Opportunities to avoid cultural heritage assets through micro siting has been investigated as part of the design process.</p> <p>The approach to change to the locations of some elements of the Scheme during construction in response to unexpected archaeological discoveries will be set out in the the detailed Construction Environmental Management Plan (CEMP) the delivery of which will be secured through DCO Requirement 11. A commitment to the approach being confirmed prior to construction is included in the Framework CEMP (<b>Appendix 2-1: Framework Construction Environmental Management Plan, ES Volume 2 [EN010143/APP/6.2]</b>).</p>

<b>Relevant Draft NPS paragraph reference</b>	<b>Requirement of the NPS</b>	<b>Location of information provided to address this</b>
Paragraph 3.10.151	Solar farms are generally consented on the basis that they will be time-limited in operation. The Secretary of State should therefore consider the length of time for which consent is sought when considering the impacts of any indirect effect on the historic environment, such as effects on the setting of designated heritage assets	Potential impacts to heritage assets during operation, decommissioning and extending beyond the decommissioning stage, such as tree planting as part of embedded mitigation, are assessed in section 7.7 of <b>Chapter 7: Cultural Heritage, ES Volume 1 [EN010143/APP/6.1]</b> .

## National Planning Policy Framework

- 2.3.8 The National Planning Policy Framework (Ref. 10) sets out the Government's planning policies for England and how these should be applied to contribute to the achievement of sustainable development. While the EIA methodology forms part of a separate planning regime, the planning decision still takes account of national guidance. As such, it is important to understand where the development fits within this. Section 16 of the NPPF deals specifically with the historic environment. Where changes are proposed, the NPPF sets out a clear framework to ensure that heritage assets are conserved, and where appropriate enhanced, in a manner that is consistent with their significance.
- 2.3.9 The NPPF sets out the importance of being able to assess the significance of heritage assets that may be affected by a development. Significance is defined in Annex 2 as being the "value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic". Significance is not only derived from an asset's physical presence, but also from its setting. The setting of a heritage asset is defined in Annex 2 as, "*the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve*".
- 2.3.10 The relevant National Planning Policy (NPPF) paragraphs, together with an indication of where in the ES the information is provided to address these requirements, are provided in **Table 3**.

**Table 3. Relevant NPPF requirements for cultural heritage assessment**

Relevant NPPF paragraph reference	Requirement of the NPPF	Location of 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>The significance of heritage assets, including contribution to significance made by their setting, is set out in <b>Appendix 7-2: Cultural Heritage Desk-based Assessment, ES Volume 2 [EN010143/APP/6.2]</b>.</p> <p>Data sources used for this ES are set out in section 7.4 of <b>Chapter 7: Cultural Heritage, ES Volume 1 [EN010143/APP/6.1]</b> and include the relevant local authority historic environment record.</p> <p>Field evaluation surveys comprising geophysical survey and trial trenching have been carried out in accordance with a WSI, agreed with the relevant local planning authority heritage officers, and the results have informed the impact assessment in the ES.</p>
Paragraph 195	<p>Paragraph 195 includes a requirement on local planning authorities, having assessed the particular significance of any heritage asset that may be affected by a proposal, including development affecting its setting, to take this into account when considering the impact of a proposal on a heritage asset.</p>	<p>A description of the significance of heritage assets, including a description of their setting and how this contributes to the experience and heritage significance of the asset, is discussed in the Desk-based Assessment, <b>Appendix 7-2, ES Volume 2 [EN010143/APP/6.2]</b></p>

Relevant NPPF paragraph reference	Requirement of the NPPF	Location of information provided to address this
Paragraph 197	<p>In determining applications, local planning authorities should take account of:</p> <ul style="list-style-type: none"><li>a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;</li><li>b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and</li><li>c) the desirability of new development making a positive contribution to local character and distinctiveness.</li></ul>	<p>and an assessment of the impact of the Scheme on the significance, including though changes to setting, of heritage assets is discussed in Section 7.7 of <b>Chapter 7: Cultural Heritage, ES Volume 1 [EN010143/APP/6.1]</b>.</p> <hr/> <p><b>Chapter 7: Cultural Heritage, ES Volume 1 [EN010143/APP/6.1]</b> presents an assessment of the impacts of the Scheme on heritage assets.</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>Section 7.4 of <b>Chapter 7: Cultural Heritage, ES Volume 1 [EN010143/APP/6.1]</b> acknowledges this requirement of the NPPF and also acknowledges that impacts affecting the value of heritage assets are considered in terms of harm, and that there is a requirement to determine whether the level of harm amounts to 'substantial harm' or 'less than substantial harm'.</p>



Relevant NPPF paragraph reference	Requirement of the NPPF	Location of information provided to address this
Paragraph 200	<p>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:</p> <ul style="list-style-type: none"><li>• the nature of the heritage asset prevents all reasonable uses of the site;</li><li>• no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and</li><li>• 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</li></ul>	<p>Section 7.7 of <b>Chapter 7: Cultural Heritage, ES Volume 1 [EN010143/APP/6.1]</b> acknowledges that designated heritage assets have been avoided through careful design of the Scheme. This includes avoiding development within the setting of a designated heritage asset where this makes an important contribution to its heritage value.</p>
Paragraph 201	<p>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</p>	<p>Section 7.6 of <b>Chapter 7: Cultural Heritage, ES Volume 1 [EN010143/APP/6.1]</b> acknowledges that harm to designated heritage assets has been avoided through careful design of the Scheme. This includes avoiding development within the setting of a</p>

Relevant NPPF paragraph reference	Requirement of the NPPF	Location of information provided to address this
	<p>outweigh that harm or loss, or all of the following apply:</p> <ul style="list-style-type: none"> <li>• the nature of the heritage asset prevents all reasonable uses of the site;</li> <li>• no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation;</li> <li>• conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and</li> <li>• the harm or loss is outweighed by the benefit of bringing the site back into use.</li> </ul>	<p>designated heritage asset where this makes an important contribution to its heritage value.</p>
<p>Paragraph 202</p>	<p>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.</p>	<p>Section 7.8 of <b>Chapter 7: Cultural Heritage, ES Volume 1 [EN010143/APP/6.1]</b> acknowledges that harm to designated heritage assets has been avoided through careful design of the Scheme. This includes avoiding development within the setting of a designated heritage asset where this makes an important contribution to its heritage value.</p>
<p>Paragraph 203</p>	<p>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</p>	<p><b>Chapter 7: Cultural Heritage, ES Volume 1 [EN010143/APP/6.1]</b> includes an assessment of the impacts to the significance of relevant non-designated heritage assets. A description of the significance of relevant non-designated heritage assets, including a description of their</p>

Relevant NPPF paragraph reference	Requirement of the NPPF	Location of information provided to address this
	judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.	setting and how this contributes to the significance of the asset, is discussed in the Desk-based Assessment, <b>Appendix 7-2, ES Volume 2 [EN010143/APP/6.2]</b> .
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.	<b>Chapter 7: Cultural Heritage, ES Volume 1 [EN010143/APP/6.1]</b> acknowledges that archaeological evaluation comprising geophysical survey and trial trenching has been carried out for the Scheme in order to provide evidence relating to the significance of heritage assets within the Site. The results will be submitted with the DCO application and, ultimately, deposited with the relevant local authority Historic Environment Record which is publicly accessible.

## 2.4 Guidance

2.4.1 The following guidance is of relevance for cultural heritage and a summary is provided below:

- a. Planning Practice Guidance, Conserving and enhancing the historic environment (Ref. 11);
- b. Historic Environment Good Practice Advice in Planning Note 2. Managing Significance in Decision Taking in the Historic Environment. Historic England (Ref. 12);
- c. Historic Environment Good Practice Advice in Planning Note 3. The Setting of Heritage Assets. Historic England (2nd edition, 2017) (Ref. 13);
- d. Historic Environment Statement of Heritage Significance: Analysing Significance in Heritage Assets. Historic England Advice Note 12. Historic England (2019) (Ref. 14);
- e. Historic England Advice Note 15: Commercial Renewable Energy Development and the Historic Environment: Historic England Advice Note 15 (Ref. 15);
- f. Chartered Institute for Archaeologists (CIfA) Standard and Guidance for Historic Environment Desk-Based Assessment (Ref. 16); and
- g. Institute of Environmental Management and Assessment (IEMA), the Institute of Historic Building Conservation (IHBC) and the Chartered Institute for Archaeologists (CIfA), Principles of Cultural Heritage Impact Assessment in the UK (Ref. 17).

### Planning Practice Guidance

2.4.2 The Planning Practice Guidance (PPG) provides further advice and guidance that expands the policy outlined in the NPPF. It expands on terms such as 'significance' and its importance in decision making. The PPG clarifies that being able to properly assess the nature, extent and the importance of the significance of the heritage asset and the contribution of its setting, is crucial to understanding the potential impact and acceptability of development proposals (paragraph 007 Reference ID: 18a-007-20190723).

2.4.3 The PPG states that in relation to setting a thorough assessment of the impact on setting needs to take in to account, and be proportionate to, the significance of the heritage asset under consideration and the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it (paragraph 013; Reference ID: 18a-013-20190723).

2.4.4 The PPG discusses how to assess if there is substantial harm. It states that what matters in assessing if a proposal causes substantial harm is the impact on the significance of the asset. It is the degree of harm to the asset's significance rather than the scale of the development that is to be assessed (paragraph 018; Reference ID: 18a-018-20190723).

2.4.5 The NPPF indicates that the degree of harm should be considered alongside any public benefits that can be delivered by development. The PPG states that these benefits should flow from the proposed development and should be of a nature and scale to be of benefit to the public and not just a private

benefit and would include securing the optimum viable use of an asset in support of its long-term conservation (paragraph 020; Reference ID: 18a-020-20190723).

### **Historic England Guidance**

- 2.4.6 Good Practice Advice (GPA) Planning Note 2 (Ref. 12) emphasises the importance of having a knowledge and understanding of the significance of heritage assets likely to be affected by the development and that the ‘first step for all applicants is to understand the significance of any affected heritage asset and, if relevant the contribution of its setting to its significance’ (paragraph 4). Early knowledge of this information is also useful to a local planning authority in pre-application engagement with an applicant and ultimately in decision making (paragraph 7).
- 2.4.7 GPA Planning Note 3 (Ref. 13) provides guidance on understanding setting, and how it may contribute to the significance of heritage assets and allow that significance to be appreciated. The document also provides advice on how views contribute to setting. Paragraph 8 of the advice note confirms that the extent of the setting, as defined in the NPPF, is not fixed and may change as the asset and its surroundings evolve. Paragraph 9 states that although the setting is not itself a heritage asset, nor a heritage designation, land comprising a setting may itself be designated. The concept of an ‘immediate’, ‘wider’ and ‘extended’ setting is introduced in the same paragraph (under the section on Designated Views); however, it is acknowledged that there is no formal definition for these terms, and they will only apply in certain cases.
- 2.4.8 Advice Note 12 (Ref. 14) outlines a recommended approach to assessing the significance of heritage assets in line with the requirements of NPPF. It includes a suggested reporting structure for a ‘Statement of Heritage Significance’, as well as guidance on creating a statement that is proportionate to the asset’s significance (heritage value) and the potential degree of impact of a Proposed Development. The Advice Note also offers an interpretation of the various forms of heritage interest that an asset can possess, i.e., its archaeological, architectural, artistic and historic interest, based on the terms provided in the NPPF Glossary (Ref. 10).
- 2.4.9 Advice Note 15 (Ref. 15) explains how the historic environment should be taken fully into account during the planning and delivery of commercial renewable energy developments in line with national policy. It reiterates the content of other advice notes in terms of understanding the significance of assets and the contribution that their setting makes to significance in order to assess impact and consider ways to minimise harm. It encourages the use of photomontages to inform assessments of potential impact on the setting of heritage assets, but also notes how Landscape and Visual Impact Assessment is different from an assessment of setting. In relation to proposed solar farm developments the guidance highlights the potential for impacts to below ground archaeological assets and impacts through change to the setting of heritage assets. It notes that mitigation measures such as consideration of different foundation designs and technologies, and the use of tree and hedge planting to screen the development should be considered.

### **Chartered Institute for Archaeologists**

- 2.4.10 The baseline assessment set out in **Appendix 7-2: Cultural Heritage Desk-based Assessment, ES Volume 2 [EN010143/APP/6.2]** has been undertaken in accordance with guidance published by the Chartered Institute for Archaeologists (ClfA), specifically the Standard and Guidance for Historic Environment Desk-Based Assessment (Ref. 16).

### **IEMA Principles of Cultural Heritage Assessment in the UK**

- 2.4.11 Principles of Cultural Heritage Impact Assessment in the UK (Ref. 17) is a guide to good practice in cultural heritage impact assessment published jointly by the Institute of Environmental Management and Assessment (IEMA), the Institute of Historic Building Conservation and the ClfA. The document provides guidance on understanding cultural heritage assets and evaluating the consequences of change.
- 2.4.12 Understanding cultural heritage assets is split into three stages: Description, Significance and Importance. The description arrives at a factual statement that establishes the nature of the asset. The heritage values of the asset are then analysed (the guidance stresses that these include but are not limited to aesthetic, historic, scientific, social or spiritual values) and a statement of cultural significance given. Finally, the importance of the asset is assessed, and a conclusion drawn as to the level of protection that the asset merits in planning policy and cultural heritage legislation. The guidance notes that unlike cultural significance, importance is scaled and can be described as high, medium or low.
- 2.4.13 The process of evaluating the consequences of change is split into three stages: Understanding change, Assessing impact and Weighting the effect. All aspects of a proposal that have the ability to change a cultural heritage asset or its setting are first explained. If these changes affect the cultural significance of the asset, the resulting impact (which could be positive or negative) and its magnitude is then assessed. The effect is a combination of the magnitude of the impact and the cultural heritage asset's importance, and the scale of the effect will determine by how much the issue should influence the design of the proposal and whether the proposal is acceptable and will be permitted.

## **3. Local Policy and Guidance**

- 3.1.1 The Scheme lies within the administrative areas of East Riding of Yorkshire Council and the newly formed Unitary Authority of North Yorkshire Council. North Yorkshire Council was formed on 1 April 2023 by the merger of the administrative areas of North Yorkshire County Council and its six constituent District Councils. Therefore prior to the merger and the formation of the Unitary Authority the Scheme was located in the administrative areas of Selby District Council and North Yorkshire County Council.
- 3.1.2 It is expected that over time a new Local Plan for North Yorkshire Council will be prepared, however it is anticipated that this will not be in place (either adopted or at draft review stage) within the timescale of the DCO Application and that the planning policy for Selby District Council and North Yorkshire

County Council, as described within this Appendix, along with that for the East Riding of Yorkshire will continue to be the relevant local planning policy for the Scheme.

- 3.1.3 The following local policy **Table 4** is relevant to the assessment of the effects of the Scheme on cultural heritage.

**Table 4. Relevant local policy and guidance**

<b>Relevant Document</b>	<b>Relevant policies</b>
East Riding Local Plan 2012-2029 (2016) (Ref. 18)	Policy ENV3: Valuing our Heritage
East Riding Local Plan Update 2020 – 2039 (2022) Ref. 20)	Policy ENV3: Valuing our Heritage
Selby District Local Plan 2005 (Ref. 21)	Policy ENV27: Scheduled Monuments and Important Archaeological Sites Policy ENV28: Other Archaeological Remains
Selby District Core Strategy Local Plan (2013) (Ref. 19)	SP18: Protecting and Enhancing the Environment
Selby District Council Local Plan Publication Version 2022 (Ref. 22)	Policy SG12: Valuing the District's Historic Environment Policy SG13: Planning Applications and the Historic Environment

- 3.1.4 Policy ENV3 of the East Riding Local Plan 2012-2029 (2016) (Ref. 18) states that *“Where possible, heritage assets should be used to reinforce local distinctiveness, create a sense of place, and assist in the delivery of the economic well-being of the area. This can be achieved by putting assets, particularly those at risk, to an appropriate, viable and sustainable use.”*

- 3.1.5 *The significance, views, setting, character, appearance and context of heritage assets, both designated and non-designated, should be conserved, especially the key features that contribute to the East Riding’s distinctive historic character. C. Development that is likely to cause harm to the significance of a heritage asset will only be granted permission where the public benefits of the proposal outweigh the potential harm. Proposals which would preserve or better reveal the significance of the asset should be treated favourably.*

- 3.1.6 *Where development affecting archaeological sites is acceptable in principle, the Council will seek to ensure mitigation of damage through preservation of the remains in situ as a preferred solution. When in situ preservation is not justified, the developer will be required to make adequate provision for excavation and recording before or during development.”*

- 3.1.7 Policy ENV3 of the East Riding Local Plan Update 2020 – 2039 (Ref. 20) sets out that *“Proposals that positively and proactively conserve and enhance the East Riding’s Historic Environment and heritage assets will be supported. This Historic Environment reinforces local distinctiveness, helps create a sense of place and can assist in the delivery of the economic*

*wellbeing of the area. Key features that contribute to the East Riding's distinctive historic character, include, but are not limited to:*

- 1. Those elements that contribute to the special interest of Conservation Areas, including the landscape setting, open spaces, key views and vistas, and important unlisted buildings identified as contributing to the significance of each Conservation Area in its appraisal;*
- 2. Listed Buildings and their settings;*
- 3. Scheduled Monuments;*
- 4. Historic Parks and Gardens and key views in and out of these landscapes;*
- 5. The dominance of the church towers and spires as one of the defining features of the landscape, such as those of Holderness and the Wolds;*
- 6. Heritage assets associated with the historic development and defence of the East Yorkshire Coast and the foreshore of the Humber Estuary; 7. The historic, archaeological and landscape interest of the Registered Battlefield at Stamford Bridge;*
- 8. The historic cores of medieval settlements, and, surviving former medieval open field systems with ridge and furrow cultivation patterns or garth plots;*
- 9. The nationally significant archaeology of the Yorkshire Wolds; and*
- 10. Those parts of the nationally important wetlands where waterlogged archaeological deposits'*

3.1.8 Policy ENV27 of the Selby District Local Plan 2005 (Ref. 21) relates to scheduled monuments and important archaeological sites, and ENV28 which deals with other archaeological remains.

3.1.9 Selby District Core Strategy Local Plan (2013) (Ref. 19) states that "*the high quality and local distinctiveness of the natural and manmade environment will be sustained by:*

- a. Safeguarding and, where possible, enhancing the historic and natural environment including the landscape character and setting of areas of acknowledged importance.
- b. Conserving those historic assets which contribute most to the distinct character of the District and realising the potential contribution that they can make towards economic regeneration, tourism, education and quality of life."

3.1.10 Policy SG12 (Valuing the District's Historic Environment) of the Selby District Council Local Plan Publication Version 2022 (Ref. 22) states that "The District's heritage assets will be preserved and where appropriate enhanced in a manner commensurate to their significance. Developments which will help in the management, conservation, understanding and enjoyment of the District's historic environment, especially for those assets which are at risk, will be encouraged. Particular attention will be paid to the conservation of those elements which contribute most to the Selby District's distinctive character and sense of place".

3.1.11 Policy SG13 (Planning Applications and the Historic Environment) sets out the considerations for submitting a planning consideration.



## 4. References

- Ref. 1 H.M Government (2017). The Infrastructure Planning (Environmental Impact Assessment (EIA)) Regulations 2017. Available at: <https://www.legislation.gov.uk/uksi/2017/571/contents/made>. [Accessed 09 August 2023]
- Ref. 2 The Stationery Office (HMSO) (2010) The Infrastructure Planning (Decisions) Regulations 2010. Available at: <https://www.legislation.gov.uk/ukdsi/2010/9780111490266/contents>. [Accessed 09 August 2023]
- Ref. 3 The Stationery Office (1990) Planning (Listed Buildings and Conservation Areas) Act (1990). Available at: <https://www.legislation.gov.uk/ukpga/1990/9/contents> [Accessed 09 August 2023]
- Ref. 4 The Stationery Office (1979) Ancient Monument and Archaeological Areas Act (1979) (as amended). Available at: <https://www.legislation.gov.uk/ukpga/1979/46>. [Accessed 09 August 2023]
- Ref. 5 Department for Energy and Climate Change (DECC) (2011) Overarching National Policy for Energy (EN-1). Available at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/47854/1938-overarching-nps-for-energy-en1.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/47854/1938-overarching-nps-for-energy-en1.pdf). [Accessed 09 August 2023]
- Ref. 6 DECC (2011). National Policy Statement for Electricity Network Infrastructure (EN-5). Available at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/47858/1942-national-policy-statement-electricity-networks.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/47858/1942-national-policy-statement-electricity-networks.pdf). [Accessed 09 August 2023]
- Ref. 7 Department for Energy Security and Net Zero and Department for Business, Energy and Industrial Strategy (2020). Energy white paper: Powering our net zero future. Available at: <https://www.gov.uk/government/publications/energy-white-paper-powering-our-net-zero-future> [Accessed 16 November 2023]
- Ref. 8 Department for Energy Security & Net Zero (2023). Overarching National Policy Statement for Energy (EN-1). Available at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1147380/NPS\\_EN-1.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1147380/NPS_EN-1.pdf). [Accessed 09 August 2023]
- Ref. 9 Department for Energy Security & Net Zero (2023). National Policy Statement for Renewable Energy Infrastructure (EN-3). Available at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1147382/NPS\\_EN-3.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1147382/NPS_EN-3.pdf). [Accessed 09 August 2023]
- Ref. 10 Department for Levelling Up, Housing and Communities (2023). National Planning Policy Framework. Available at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1182995/NPPF\\_Sept\\_23.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1182995/NPPF_Sept_23.pdf) [Accessed 13 September 2023]
- Ref. 11 Department for Levelling Up, Housing and Communities and Ministry of Housing, Communities and Local Government (MHCLG) (2019). Planning Practice Guidance (PPG). Available at:

- <https://www.gov.uk/government/collections/planning-practice-guidance>  
[Accessed 09 August 2023]
- Ref. 12 Historic England (2015). Historic Environment Good Practice Advice in Planning Note 2. Managing Significance in Decision Taking in the Historic Environment. Available at: <https://historicengland.org.uk/images-books/publications/gpa2-managing-significance-in-decision-taking/>. [Accessed 09 August 2023]
- Ref. 13 Historic England (2017). Historic Environment Good Practice Advice in Planning Note 3. The Setting of Heritage Assets. English Heritage, Swindon. Available at: <https://historicengland.org.uk/images-books/publications/gpa3-setting-of-heritage-assets/heag180-gpa3-setting-heritage-assets/>. [Accessed 09 August 2023]
- Ref. 14 Historic England (2019). Advice Note 12 Statements of Heritage Significance: Analysing Significance in Heritage Assets. Available at: <https://historicengland.org.uk/images-books/publications/statements-heritage-significance-advice-note-12/>. [Accessed 09 August 2023]
- Ref. 15 Historic England (2021). Commercial Renewable Energy Development and the Historic Environment: Historic England Advice Note 15. Available at: <https://historicengland.org.uk/images-books/publications/commercial-renewable-energy-development-historic-environment-advice-note-15/> [Accessed 16 November 2023]
- Ref. 16 Chartered Institute for Archaeologists (CIfA) (2020). Standard and guidance for historic environment desk-based assessment. Chartered Institute for Archaeologists, Reading. October 2020. Available at: [https://www.archaeologists.net/sites/default/files/CIfAS%26GDBA\\_4.pdf](https://www.archaeologists.net/sites/default/files/CIfAS%26GDBA_4.pdf). [Accessed 09 August 2023]
- Ref. 17 The Institute of Environmental Management and Assessment (2021). Principles of Cultural Heritage Impact Assessment in the UK. The Institute of Environmental Management and Assessment (IEMA), the Institute of Historic Building Conservation (IHBC). and the Chartered Institute for Archaeologists (CIfA). Available at: <https://www.iema.net/articles/principles-of-cultural-heritage-impact-assessment?t=156563>. [Accessed 09 August 2023]
- Ref. 18 East Riding of Yorkshire Council (2016). East Riding Local Plan 2012–2029 Strategy Document. Available at: <https://www.eastriding.gov.uk/planning-permission-and-building-control/planning-policy-and-the-local-plan/east-riding-local-plan/>. [Accessed 09 August 2023]
- Ref. 19 Selby District Council (2013). Selby District Core Strategy Local Plan. Available at: [https://www.northyorks.gov.uk/sites/default/files/fileroot/planning\\_migrated/planning\\_policy/CS\\_Adoption\\_Ver\\_OCT\\_2013\\_REDUCED.pdf](https://www.northyorks.gov.uk/sites/default/files/fileroot/planning_migrated/planning_policy/CS_Adoption_Ver_OCT_2013_REDUCED.pdf) [Accessed 09 August 2023]
- Ref. 20 East Riding of Yorkshire Council (2022). East Riding Local Plan Update 2020-2039: Proposed Submission Strategy Document Update. Available at: <https://downloads.eastriding.org.uk/corporate/planning/planning-policy-and-the-local-plan/local-plan-update-submission-and-examination/documents-submitted-for-examination/S-LP01%20Strategy%20Document%20Update.pdf> [Accessed 09 August 2023]
- Ref. 21 Selby District Council (2005). Selby District Local Plan. Available at: <https://www.northyorks.gov.uk/planning-and-conservation/planning->

- policy/planning-policy-your-local-area/selby-planning-policy/selby-development-plan/selby-district-local-plan-2005. [Accessed 09 August 2023]
- Ref. 22 Selby District Council (2022). Selby District Council Local Plan Publication Version Consultation 2022. Available at: Publication Local Plan. Available at:  
<https://democracy.selby.gov.uk/documents/s16614/Appendix%201%20Publication%20Local%20Plan.pdf>. [Accessed 09 August 2023]
- Ref. 23 The Stationery Office (1983) The National Heritage Act (1983). Available at: <https://www.legislation.gov.uk/ukpga/1983/47/contents>. [Accessed 09 August 2023]
- Ref. 24 The Stationery Office (2002) The National Heritage Act (2002). Available at: <https://www.legislation.gov.uk/ukpga/2002/14/contents> [Accessed 09 August 2023].
- Ref. 25 H.M Government (2011). The Carbon Budget Order 2011. Available at: <https://www.legislation.gov.uk/uksi/2011/1603/made#:~:text=This%20Order%20sets%20the%20carbon,the%20Climate%20Change%20Act%202008> [Accessed 09 August 2023]
- Ref. 26 H.M. Government (2016). The Carbon Budget Order 2016. Available at: <https://www.legislation.gov.uk/uksi/2016/785/contents/made>. [Accessed 09 August 2023]
- Ref. 27 H.M Government (2021). The Carbon Budget Order 2021 Available at: <https://www.legislation.gov.uk/ukdsi/2021/9780348222616>. [Accessed 09 August 2023]
- Ref. 28 Department for Environment, Food & Rural Affairs (2022). UK Climate Change Risk Assessment. Available at: <https://www.gov.uk/government/publications/uk-climate-change-risk-assessment-2022>. [Accessed 09 August 2023]
- Ref. 29 H. M. Government (2017). The Hedgerows Regulations. Available at: <https://www.legislation.gov.uk/uksi/1997/1160/contents/made> [Accessed 11 August 2023]