



Fosse Green Energy

Preliminary Environmental Information Report

VOLUME

3

**Appendix 7-A: Cultural Heritage
Policy and Legislation**

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Prepared for:

Fosse Green Energy Limited

Prepared by:

AECOM Limited

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Table of Contents

1.	Introduction	1
1.1	Purpose of this Appendix.....	1
2.	National Legislation, Policy and Guidance.....	2
2.1	National Legislation	2
2.2	National Policy Statements.....	3
2.3	National Planning Policy Framework	16
3.	Local Planning Policy	20
3.2	Central Lincolnshire Local Plan (2023).....	20
3.3	Neighbourhood Plans	20
3.4	Guidance	23
4.	References.....	25

Tables

Table 1: Relevant NPS Policy for Cultural Heritage.....	5
Table 2: Relevant NPPF (December 2023) Policy for Cultural Heritage.....	17
Table 3: Relevant Local Policy and Guidance with respect to Cultural Heritage	21

1. Introduction

1.1 Purpose of this Appendix

- 1.1.1 This Preliminary Environmental Information (PEI) Report appendix identifies and describes the legislation, policy and supporting guidance considered relevant to the assessment of the likely significant effects of the Proposed Development on Cultural Heritage, as reported in **PEI Report Volume 1, Chapter 7: Cultural Heritage**.
- 1.1.2 Legislation and policy are considered at both national and local levels.
- 1.1.3 This appendix does not assess the Proposed Development against legislation and policy, instead the purpose of considering legislation and policy in the Environmental Impact Assessment (EIA) is twofold;
 - a. to identify legislation and policy that could influence the determination of important cultural heritage features (and therefore the significance of effects) and any requirements for mitigation; and
 - b. to identify legislation and policy that could influence the methodology to be used within the PEI Report assessment and/or within the EIA which will be presented in the Environmental Statement. 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 Impact Assessment (the assessment) as presented in **PEI Report Volume 1 Chapter 7: Cultural Heritage**.

2. National Legislation, Policy and Guidance

2.1 National Legislation

- 2.1.1 Legislation, policy and guidance relating to Cultural Heritage, and pertinent to the Proposed Development, comprises:

The Infrastructure Planning (Environmental Impact Assessment (EIA)) Regulations (2017)

- 2.1.2 Regulation 5 of The Infrastructure Planning (Environmental Impact Assessment (EIA)) Regulations 2017 (Ref 1) set out that an EIA describe and assess in an appropriate manner, the direct and indirect significant effects of the Proposed Development on Cultural Heritage.

The Infrastructure Planning (Decisions) Regulations (2010)

- 2.1.3 The Infrastructure Planning (Decisions) Regulations 2010 (Ref 2) sets out the duties of the Secretary of State in the Development Consent Order (DCO) process which include having regard to the desirability of:
- the preservation of listed buildings, their setting, or any features of special architectural or historic interest within which they possess;
 - the preservation or enhancement of the character or appearance of conservation areas; and
 - the preservation of scheduled monuments and their setting.

The Ancient Monuments and Archaeological Areas Act 1979

- 2.1.4 The Ancient Monuments and Archaeological Areas Act 1979 (Ref 3) (amended by the National Heritage Act 1983 (Ref 4) and 2002 (Ref 5)) (excluding normal planning procedures, which are disapplied by the Development Consent Order (DCO), which if granted, would encompass all of the normal consents) defines scheduled monuments through setting out that sites assessed to be of national importance may be included within the Schedule of Monuments. These sites are afforded statutory protection and a Scheduled Monument Consent is required before any works are carried out which may result in the demolition, destruction, damage of the monument, any works removing, repairing, altering or adding to, or any flooding or tipping operations on land in, on, or under which there is a scheduled monument.

The Planning (Listed Buildings and Conservation Areas) Act (1990)

- 2.1.5 The Planning (Listed Buildings and Conservation Areas) Act 1990 (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) requires the Secretary of State compile, or approve, with or without modifications, a list of listed buildings of special architectural or historic interest.
- 2.1.6 Planning authorities are expected to determine which parts of their area are areas of special architectural or historic interest within which preservation or enhancement of character or appearance are considered desirable. These areas shall be designated as conservation areas.

The Hedgerows Regulations 1997

- 2.1.7 The Hedgerows Regulations (Ref 7), enacted under Section 97 of the Environment Act 1995, sets out requirements for the protection of 'important' hedgerows through the legislative mechanisms of the National Planning Policy Framework (NPPF) 2023 (Ref 11) and local planning authorities.
- 2.1.8 For a hedgerow to be important it must have existed for more than 30 years, and, for archaeological or historical reasons, it satisfies at least one of the criteria summarised below in Part II of Schedule 1.
- a. the hedgerow marks the boundary, or part of the boundary, of at least one historic parish or township predating 1850;
 - b. the hedgerow incorporates an archaeological feature which is either included in the schedule of monuments under the Ancient Monuments and Archaeological Areas Act 1979 or is recorded on the Historic Environment Record before 'the relevant date' (that is before the Regulations were made on 24 March 1997);
 - c. the hedgerow is situated wholly or partly within an archaeological site, either scheduled or recorded on the Historic Environment Record, or is on land adjacent to such a site and is associated with any monument or feature on that site;
 - d. the hedgerow marks the boundary of a pre-1600 AD estate or manor or visibly relates to any building or other feature of such an estate or manor;
 - e. the hedgerow is recorded in a document held at a Record Office forming an integral part of a field system pre-dating the Enclosure Acts or it is part of, or visibly related to, any building or other feature associated with such a system.

2.2 National Policy Statements

- 2.2.1 The EIA takes account of the following National Policy Statements (NPSs), designated in January 2024, which have effect in relation to the Proposed

Development and provide a framework for decision making by the Secretary of State:

- a. Overarching National Policy Statement for Energy (EN-1) (Ref 8);
- b. National Policy Statement for Renewable Energy Infrastructure (EN-3) (Ref 9); and
- c. National Policy Statement for Electricity Networks Infrastructure (EN-5) (Ref 10).

2.2.2 The NPSs set out the Government's energy policy infrastructure for delivery of major energy infrastructure, along with the need for new infrastructure and guidance for determining applications for Development Consent Orders (DCOs). The NPSs provide specific guidance and criteria that applicants should cover when assessing the effects of their Proposed Development, and how the Secretary of State should consider these impacts and any mitigation measures applied.

2.2.3 The relevant NPS requirements for Cultural Heritage are provided in **Table 1**, along with an indication of where in the PEI Report appendix this information can be sourced.

Table 1: Relevant NPS Policy for Cultural Heritage

Relevant NPS Paragraph Reference	Requirement of the NPS	Action needed and location of information provided to address this
Overarching National Policy Statement for Energy (EN-1) (November 2023)		
Paragraph 5.9.1	The construction, operation and decommissioning of energy infrastructure has the potential to result in adverse impacts on the historic environment above, at and below the surface of the ground.	A preliminary assessment of potential impacts at these stages of the Proposed Development is made within Section 7.7 of PEI Report Volume 1, Chapter 7: Cultural Heritage .
Paragraph 5.9.2	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.	A preliminary assessment of the value (heritage significance) of heritage assets, including the contribution made by setting, is included in Section 7.7 of PEI Report Volume 1, Chapter 7: Cultural Heritage . Data sources are stated in Section 7.4.7 of PEI Report Volume 1 Chapter 7: Cultural Heritage .
Paragraph 5.9.3	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'. Heritage assets may be buildings, monuments, sites, places, areas or landscapes, or any combination of these. The sum of the heritage interests that a heritage asset holds is referred to as its significance. Significance derives not only from a heritage asset's physical presence, but also from its setting.	A desk-based assessment is presented in PEIR Volume 3, Appendix 7-B: Cultural Heritage Desk-Based Assessment which identifies relevant designated heritage assets within the Site and wider Study Areas using information from the Historic Environment Record and National Heritage List for England (NHLE).
Paragraph 5.9.4	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;	A preliminary assessment of the value (heritage significance) of heritage assets, including the contribution made by setting, is included in Section 7.7 of PEI Report Volume 1, Chapter 7: Cultural Heritage .

Relevant NPS Paragraph Reference	Requirement of the NPS	Action needed and location of information provided to address this
	Conservation Area; and Registered Historic Landscape (Wales only)	Data sources are stated in Section 7.4.7 of PEI Report Volume 1, Chapter 7: Cultural Heritage and include the relevant local authority Historic Environment
Paragraph 5.9.5	There are heritage assets that are not currently designated, but which have been demonstrated to be of equivalent significance to designated heritage assets of the highest significance. These are: • those that the Secretary of State has recognised as being capable of being designated as a Scheduled Monument or Protected Wreck Site but has decided not to designate • those that the Secretary of State has recognised as being of equivalent significance to Scheduled Monuments or Protected Wreck Sites but are incapable of being designated by virtue of being outside the scope of the related legislation. • those that have yet to be formally assessed by the Secretary of State, but which have potential to demonstrate equivalent significance to Scheduled Monuments or Protected Wreck Sites.	A preliminary assessment of the value (heritage significance) of heritage assets, including the contribution made by setting, is included in Section 7.7 of PEI Report Volume 1, Chapter 7: Cultural Heritage. Data sources are stated in Section 7.4.7 of PEI Report Volume 1, Chapter 7: Cultural Heritage and include the relevant local authority Historic Environment Record.
Paragraph 5.9.6	Non-designated heritage assets of archaeological interest that are demonstrably of equivalent significance to Scheduled Monuments or Protected Wreck Sites should be considered subject to the policies for designated heritage assets. The absence of designation for such heritage assets does not indicate lower significance or necessarily imply that it is not of national importance.	A preliminary assessment of the value (heritage significance) of heritage assets, including the contribution made by setting, is included in Section 7.7 of PEI Report Volume 1, Chapter 7: Cultural Heritage. Data sources are stated in Section 7.4.7 of PEI Report Volume 1, Chapter 7: Cultural Heritage and include the relevant local authority Historic Environment Record
Paragraph 5.9.7	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	A preliminary assessment of the value (heritage significance) of heritage assets, including the contribution made by setting, is

Relevant NPS Paragraph Reference	Requirement of the NPS	Action needed and location of information provided to address this
	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.	included in Section 7.7 of PEI Report Volume 1, Chapter 7: Cultural Heritage . Data sources are stated in Section 7.4.7 of PEI Report Volume 1, Chapter 7: Cultural Heritage and include the relevant local authority Historic Environment Record
Paragraph 5.9.9	The applicant should undertake an assessment of any likely significant heritage impacts of the proposed development as part of the EIA and describe these along with how the mitigation hierarchy has been applied in the ES (see section 4.3). 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.	A preliminary assessment of the value (heritage significance) of heritage assets, including the contribution made by setting, is included in Section 7.7 of PEI Report Volume 1, Chapter 7: Cultural Heritage . The methodology for the assessment is provided in Section 7. of PEI Report Volume 1, Chapter 7: Cultural Heritage with reference to both embedded and additional mitigation provided at Sections 7.6 and 7.8 of the PEI Report Volume 1, Chapter 7: Cultural Heritage . Cumulative impacts are assessed in Section 7.10 of PEI Report Volume 1, Chapter 7: Cultural Heritage .
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 (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 preliminary assessment of the value (heritage significance) of heritage assets, including the contribution made by setting, is included in Section 7.7 of PEI Report Volume 1, Chapter 7: Cultural Heritage . Data sources are stated in Section 7.4.7 of PEI Report Volume 1, Chapter 7: Cultural Heritage and include the relevant local authority Historic Environment Record

Relevant NPS Paragraph Reference	Requirement of the NPS	Action needed and location of information provided to address this
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 PEI Report Volume 3, Appendix 7-B: Cultural Heritage Desk-Based Assessment . Field evaluation surveys are currently underway and final reports will be submitted with the DCO application. Archaeological surveys and field evaluation are being undertaken to allow the Applicant to enhance the baseline understanding of cultural heritage assets including their potential value. The results of the fieldwork surveys will be 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 5.9.12	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 indirect impacts, the extent and detail of these studies will be proportionate to the significance of the heritage asset affected.	A preliminary assessment of the value (heritage significance) of heritage assets, including the contribution made by setting, is included in Section 7.7 of PEI Report Volume 1, Chapter 7: Cultural Heritage .
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	Impacts to designated heritage assets will, where possible, be avoided through design, as set out in Section 7.6 of PEI Report Volume 1 Chapter 7: Cultural Heritage . Opportunities for the enhancement of the historic environment (e.g. enhancing historic field boundaries or historic hedgerows) will be considered at the ES stage.

Relevant NPS Paragraph Reference	Requirement of the NPS	Action needed and location of information provided to address this
	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.	
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.	A preliminary assessment of potential impacts arising from the Proposed Development, is included in Section 7.7 of PEI Report Volume 1, Chapter 7: Cultural Heritage .
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 elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.	Impacts to designated heritage assets and their setting will, where possible, be avoided/preserved through design, as set out in Section 7.6 of PEI Report Volume 1, Chapter 7: Cultural Heritage . Embedded mitigation measures are described in Section 7.6 of PEI Report Volume 1, Chapter 7: Cultural Heritage .
Paragraph 5.9.24	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.	A preliminary assessment of the value (heritage significance) of heritage assets, including the contribution made by setting, is included in Section 7.7 of PEI Report Volume 1, Chapter 7: Cultural Heritage .
Paragraph 5.9.27	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.	The criteria for assessing the significance of heritage assets is provided in Table 7.1 of PEI Report Volume 1 Chapter 7: Cultural Heritage . A preliminary assessment of potential impacts arising from the Proposed Development, is included in Section 7.7 of PEI Report Volume 1, Chapter 7: Cultural Heritage .

Relevant NPS Paragraph Reference	Requirement of the NPS	Action needed and location of information provided to address this
Paragraph 5.9.28	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.	A preliminary assessment of the potential impacts upon heritage assets is presented in Section 7.7 of PEI Report Volume 1, Chapter 7: Cultural Heritage .
Paragraph 5.9.29	Substantial harm to or loss of significance of a grade II Listed Building or a grade II Registered Park or Garden should be exceptional.	A preliminary assessment of the potential impacts upon heritage assets is presented in Section 7.7 of PEI Report Volume 1, Chapter 7: Cultural Heritage .
Paragraph 5.9.30	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.	A preliminary assessment of the potential impacts upon heritage assets is presented in Section 7.7 of PEI Report Volume 1, Chapter 7: Cultural Heritage .
Paragraph 5.9.31	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	A preliminary assessment of the potential impacts upon heritage assets is presented in Section 7.7 of PEI Report Volume 1, Chapter 7: Cultural Heritage .

Relevant NPS Paragraph Reference	Requirement of the NPS	Action needed and location of information provided to address this
	the harm or loss is outweighed by the benefit of bringing the site back into use	
Paragraph 5.9.32	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.	A preliminary assessment of the potential impacts upon heritage assets is presented in Section 7.7 of PEI Report Volume 1, Chapter 7: Cultural Heritage .
Paragraph 5.9.33	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.	A preliminary assessment of the potential impacts upon heritage assets is presented in Section 7.7 of PEI Report Volume 1, Chapter 7: Cultural Heritage .
Paragraph 5.9.34	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 under paragraph 5.9.30 or less than substantial harm under paragraph 5.9.32, as appropriate, 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.	A preliminary assessment of the potential impacts upon heritage assets is presented in Section 7.7 of PEI Report Volume 1, Chapter 7: Cultural Heritage .
Paragraph 5.9.35	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.	The current condition of heritage assets are described, where appropriate the Section 7.5, and assessed in Section 7.7 of PEI Report Volume 1, Chapter 7: Cultural Heritage .
Paragraph 5.9.36	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	A preliminary assessment of the potential impacts upon heritage assets and their setting is presented in Section 7.7 of PEI Report Volume 1, Chapter 7: Cultural Heritage .

Relevant NPS Paragraph Reference	Requirement of the NPS	Action needed and location of information provided to address this
	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 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.	
National Policy Statement for Renewable Energy Infrastructure EN-3 (November 2023)		
Paragraph 2.10.107	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.	The methodology for the preliminary assessment is provided in Section 7.4 of PEI Report Volume 1, Chapter 7: Cultural Heritage . Effects on above and below ground heritage assets are considered in Section 7.7 of PEI Report Volume 1, Chapter 7: Cultural Heritage .
Paragraph 2.10.108	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.	A preliminary assessment of the potential impacts upon heritage assets and their setting is presented in Section 7.7 of PEI Report Volume 1, Chapter 7: Cultural Heritage .
Paragraph 2.10.109	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.	A preliminary assessment of the potential impacts upon heritage assets is presented in Section 7.7 of PEI Report Volume 1, Chapter 7: Cultural Heritage .
Paragraph 2.10.110	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.	Impacts to archaeological assets will, where possible, be avoided through design, as set out in Section 7.6 of PEI Report Volume 1, Chapter 7: Cultural Heritage .

Relevant NPS Paragraph Reference	Requirement of the NPS	Action needed and location of information provided to address this
Paragraph 2.10.112	Applicant assessments should be informed by information from Historic Environment Records (HERs) or the local authority.	Data sources used to inform the preliminary assessment are stated in Section 7.4.7 of PEI Report Volume 1, Chapter 7: Cultural Heritage and include the relevant local authority Historic Environment Record.
Paragraph 2.10.113	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.	A desk-based assessment is presented in PEI Report Volume 3, Appendix 7-B: Cultural Heritage Desk-Based Assessment . Consultation undertaken with the local planning authorities is summarised at Section 7.3 of PEI Report Volume 1, Chapter 7: Cultural Heritage .
Paragraph 2.10.114	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 are currently underway and final reports will be submitted with the DCO application. Archaeological surveys and field evaluation are being undertaken to allow the Applicant to enhance the baseline understanding of cultural heritage assets including their potential value. The results of the fieldwork surveys will be 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 2.10.115	The extent of investigative work should be proportionate to the sensitivity of, and extent of proposed ground disturbance in, the associated study area.	Archaeological surveys and field evaluation are being undertaken to allow the Applicant to enhance the baseline understanding of cultural heritage assets including their potential value. The results of the fieldwork surveys will be included in the ES and the reports submitted with the DCO application and also, ultimately, lodged

Relevant NPS Paragraph Reference	Requirement of the NPS	Action needed and location of information provided to address this
		with the relevant local planning authority Historic Environment Record.
Paragraph 2.10.116	Applicants should take account of the results of historic environment assessments in their design proposal.	A desk-based assessment is presented in PEI Report Volume 3, Appendix 7-B: Cultural Heritage Desk-Based Assessment . Embedded mitigation measures considered in the design of the Proposed Development, are set out in Section 7.6 of PEI Report Volume 1, Chapter 7: Cultural Heritage .
Paragraph 2.10.117	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.	A preliminary assessment potential impacts upon heritage assets, their setting and any key views is presented in Section 7.7 of PEI Report Volume 1, Chapter 7: Cultural Heritage .
Paragraph 2.10.118	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.	A preliminary assessment of potential impacts upon heritage assets and their setting is presented in Section 7.7 of PEI Report Volume 1, Chapter 7: Cultural Heritage .
Paragraph 2.10.137	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.	A preliminary assessment of potential impacts upon heritage assets and their setting is presented in Section 7.7 of PEI Report Volume 1, Chapter 7: Cultural Heritage .
Paragraph 2.10.138	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.	A preliminary assessment of potential impacts upon previously unknown archaeology with reference to embedded mitigation is provided at Section 7.7 of PEI Report Volume 1, Chapter 7: Cultural Heritage . Additional archaeological investigation and mitigation measures are considered in Section 7.8 of PEI Report Volume 1, Chapter 7: Cultural Heritage .



Relevant NPS Paragraph Reference	Requirement of the NPS	Action needed and location of information provided to address this
Paragraph 2.10.160	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.	A preliminary assessment of potential impacts upon archaeological assets, and their setting is presented in Section 7.7 of PEI Report Volume 1, Chapter 7: Cultural Heritage .

2.3 National Planning Policy Framework

- 2.3.1 National Planning Policy Framework (NPPF) (Ref 11) sets out the Government's planning policies for England and how these are expected to be applied. Paragraph 5 outlines that while the NPPF does not contain specific policies for NSIPs, the NPPF is still relevant when considering the determination of DCOs. Therefore, the EIA for the Scheme has taken the NPPF into account.
- 2.3.2 Paragraph 8 defines three overarching objectives within the NPPF, which are interdependent and need to be pursued in mutually supportive ways:
- a. **An economic objective:** to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
 - b. **A social objective:** to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
 - c. **An environmental objective:** to contribute to protecting and enhancing the natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.
- 2.3.3 Section 15 of the NPPF explains how local planning authorities should determine planning applications with regard to Cultural Heritage, and the national planning policy associated with meeting the challenge of conserving and enhancing the historic environment. Relevant NPPF requirements relating to Cultural Heritage, along with an indication of where this information is located within the PEI Report to address these requirements, are provided in **Table 2**.

Table 2: Relevant NPPF (December 2023) Policy for Cultural Heritage

Relevant NPPF Paragraph Reference	Requirement of the NPPF	Action need and location of information provided to address this
Paragraph 200	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.	A desk-based assessment is presented in PEI Report Volume 3, Appendix 7-B: Cultural Heritage Desk-Based Assessment which identifies relevant designated heritage assets within the Site and wider Study Areas using information from the Historic Environment Record and National Heritage List for England (NHLE). A preliminary assessment of the value (heritage significance) of heritage assets, including the contribution made by setting, is included in Section 7.7 of PEI Report Volume 1, Chapter 7: Cultural Heritage .
Paragraph 201	Paragraph 201 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.	A preliminary assessment of the value (heritage significance) of heritage assets, including the contribution made by setting, is included in Section 7.7 of PEI Report Volume 1, Chapter 7: Cultural Heritage .
Paragraph 205	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.	A preliminary assessment of potential impacts upon archaeological assets and their setting is presented in Section 7.7 of PEI Report Volume 1, Chapter 7: Cultural Heritage .
Paragraph 206	Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development	A preliminary assessment of potential impacts upon archaeological assets and their setting is presented in

Relevant NPPF Paragraph Reference	Requirement of the NPPF	Action need and location of information provided to address this
	within its setting), should require clear and convincing justification. Substantial harm to or loss of: grade II listed buildings, or grade II registered parks or gardens, should be exceptional; 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.	Section 7.7 of PEI Report Volume 1, Chapter 7: Cultural Heritage.
Paragraph 207	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: 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; and the harm or loss is outweighed by the benefit of bringing the site back into use.	A preliminary assessment of potential impacts upon archaeological assets and their setting is presented in Section 7.7 of PEI Report Volume 1, Chapter 7: Cultural Heritage.
Paragraph 208	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.	A preliminary assessment of potential impacts upon archaeological assets and their setting is presented in Section 7.7 of PEI Report Volume 1, Chapter 7: Cultural Heritage.

Relevant NPPF Paragraph Reference	Requirement of the NPPF	Action need and location of information provided to address this
Paragraph 209	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.	A preliminary assessment of potential impacts upon archaeological assets and their setting is presented in Section 7.7 of PEI Report Volume 1, Chapter 7: Cultural Heritage .
Paragraph 211	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.	A preliminary assessment of potential impacts upon archaeological assets and their setting is presented in Section 7.7 of PEI Report Volume 1, Chapter 7: Cultural Heritage .
Paragraph 214	Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.	Embedded mitigation measures considered in the design of the Proposed Development, are set out in Section 7.6 of PEI Report Volume 1, Chapter 7: Cultural Heritage , and are used to inform the preliminary assessment of potential impacts upon archaeological assets and their setting which is presented in Section 7.7 of PEI Report Volume 1, Chapter 7: Cultural Heritage .

3. Local Planning Policy

- 3.1.1 Local planning policy documents concerning Cultural Heritage that are relevant to the Proposed Development, have been outlined below and policy relevant to these documents further considered within **Table 3**.

3.2 Central Lincolnshire Local Plan (2023)

- 3.2.1 The Central Lincolnshire Local Plan (Ref 12) was adopted in April 2023 and is a revision of the previous Central Lincolnshire Plan that was adopted in 2017. The Local Plan was revised to ensure it remains current and consistent with latest national guidelines and local circumstances. The Local Plan contains planning policies and allocations for the growth and regeneration of Central Lincolnshire over the next 20 years.

3.3 Neighbourhood Plans

The Bassingham Neighbourhood Plan 2016-2036

- 3.3.1 The Bassingham Neighbourhood Plan (2016-2036) (Ref 13) sets out its policies relating to the continuing development of the parish of Bassingham. Coleby Parish Neighbourhood Plan 2018-2036

Coleby Parish Neighbourhood Plan (2018-2036)

- 3.3.2 Coleby Parish Neighbourhood Plan (2018-2036) (Ref 14) sets out Coleby Parish's commitment to protecting its local heritage. The Neighbourhood Plan highlights the need to preserve the historic character of the parish, whilst allowing for an appropriate level of development.

Table 3: Relevant Local Policy and Guidance with respect to Cultural Heritage

Relevant Document	Relevant Policies	Location of Information provided to address this
Central Lincolnshire Local Plan (2023)	Policy S57: The Historic Environment states that development proposals should protect, conserve and seek opportunities to enhance the historic environment of Central Lincolnshire. The policy sets out the criteria for development that proposals must adhere to if they affect the significance of a heritage asset; alter or change heritage assets; result in substantial harm to assets. Where a development proposal would result in less than substantial harm to a designated heritage asset, permission will only be granted where the public benefits outweigh the harm. The policy also sets out how development proposals will be determined where they affect Listed Buildings, Conservation Areas and Archaeology.	Impacts to heritage assets and their setting will, where possible, be avoided through design, as set out in Section 7.6 of PEI Report Volume 1, Chapter 7: Cultural Heritage. A preliminary assessment of potential impacts upon archaeological assets and their setting is presented in Section 7.7 of PEI Report Volume 1, Chapter 7: Cultural Heritage.
Bassingham Neighbourhood Plan (2016-2036)	ES3: Heritage Assets states heritage assets and their settings will be conserved and, where appropriate, enhanced, to maintain the quality of Bassingham's built heritage and historic environment. Any development proposal affecting a heritage asset, or its setting should contribute positively to conserving and enhancing the asset. Where a Design and Access Statement is required it should provide sufficient detail for proposals to be properly understood and a Heritage Statement may be necessary depending on the scale and significance of the impacts of the proposal. Requirements for information supporting such proposals may include: • Drawings showing the proposal in relation to surroundings including elevations and sections; • Three-dimensional drawings from single multiple viewpoints; and • Rendered elevations to demonstrate the proposed palette of materials. Design and Access Statements should include detail of how the proposal has taken account of the content of the latest Conservation Area appraisal.	Impacts to heritage assets in Bassingham and their settings will, where possible, be avoided through design, as set out in Section 7.6 of PEI Report Volume 1, Chapter 7: Cultural Heritage. A preliminary assessment of potential impacts upon archaeological assets and their setting is presented in Section 7.7 of PEI Report Volume 1, Chapter 7: Cultural Heritage.

Relevant Document	Relevant Policies	Location of Information provided to address this
Coleby Parish Neighbourhood Plan (2018-2036)	Policy 1 highlights that development proposals must demonstrate that they can be carried out without negatively impacting upon the setting of the village, the character and appearance of the Conservation Area, the character, extent, setting or usage of any heritage asset, and the landscape character.	Impacts to heritage assets in Coleby and their settings will, where possible, be avoided through design, as set out in Section 7.6 of PEI Report Volume 1, Chapter 7: Cultural Heritage. A preliminary assessment of potential impacts upon archaeological assets and their setting is presented in Section 7.7 of PEI Report Volume 1, Chapter 7: Cultural Heritage.

3.4 Guidance

Planning Practice Guidance (2019)

- 3.4.1 The Planning Practice Guidance (PPG) (Ref 16) was published on 24 June 2014 and revised in 2019 and provides more in-depth guidance to the NPPF. The PPG is referred to in a footnote in Draft NPS EN-1, therefore it is of relevance and supports development of renewable energy infrastructure. The PPG provides guidance on the Historic Environment, including within Paragraph 013 (Reference ID: 18a-013-20190723) which determines what the 'setting' of a heritage asset is and how this can be taken into account when assessing applications that may affect the setting of a heritage asset.
- 3.4.2 The PPG (Paragraph 018; Reference ID: 18a-018-20190723) also details how the possibility of harm to a heritage asset is assessed. Within this it is stated that when determining substantial harm "It is the degree of harm to the asset's significance rather than the scale of the development that is to be assessed". This harm may arise from works to the asset itself or from development within its setting.
- 3.4.3 The NPPF requires any harm to designated heritage assets to be weighed against the public benefits of the proposal, and these benefits may deliver social, economic or environmental objectives. The PPG states that these benefits should flow from the proposed development and be of a nature or scale to be of benefit to the public at large, and not just a private benefit. These benefits do not always have to be visible or accessible to the public. (Paragraph 020; Reference ID: 18a-020-20190723).

Historic England Guidance (2023)

- 3.4.4 Historic England Guidance (Ref 17) sets out how the planning system works to protect historic places and contains a number of Good Practice Advice (GPA) notes that address plan-making and decision-taking along with other issues that are important in good decision-making.
- 3.4.5 GPA Note 2 (Ref 18) reiterates that understanding the nature of the significance, the extent of that significance and the level of significance, of heritage assets is important to understanding the best means of conservation and how adaptable the asset may be. The applicant will be required to undertake an assessment of significance to inform the application process to understand as necessary the potential impacts of the proposal on heritage assets.
- 3.4.6 GPA Note 3 (Ref 19) provides general advice on understanding setting, and how it may contribute to the significance of heritage assets and allow that significance to be appreciated, along with advice on how views contribute to setting. The document outlines a number of steps to undertaking a proportionate assessment of the particular significance of any heritage asset that may be affected by a proposal.

- 3.4.7 Advice Note 12 (Ref 20) explores the significance of heritage assets as part of a staged approach to decision-making, within which assessing the significance precedes the designing of the proposal. The relationship with archaeological desk-based assessments and field evaluations, along with design and access statements are also described within this Advice Note. Interpretations of the various forms of heritage interest that an asset can possess, i.e., its archaeological, architectural, artistic and historic interest are also provided.
- 3.4.8 Advice Note 15 (Ref 21), 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 Standard and Guidance for Historic Environmental Desk Based Assessment (2020)

- 3.4.9 The baseline assessment undertaken within the Environmental Statement has been undertaken in accordance with guidance published by the Chartered Institute for Archaeologists (CIfA), specifically the Standard and Guidance for Historic Environmental Desk-Based Assessment (Ref 22).

IEMA Principles of Cultural Heritage Assessment in the UK (2021)

- 3.4.10 Principles of Cultural Heritage Impact Assessment in the UK (Ref 23) 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 CIfA. The document provides guidance in regard to understating cultural heritage assets and evaluating the consequences of change.

4. References

- Ref 1 H.M Government (2017). The Infrastructure Planning (Environmental Impact Assessment (EIA)) Regulations 2017. Available at: <https://www.legislation.gov.uk/ukxi/2017/571/contents/made>.
- Ref 2 The Stationery Office (HMSO) (2010) The Infrastructure Planning (Decisions) Regulations 2010. Available at: <https://www.legislation.gov.uk/ukdsi/2010/9780111490266/contents>.
- Ref 3 The Stationery Office (1979) Ancient Monument and Archaeological Areas Act (1979) (as amended). Available at: <https://www.legislation.gov.uk/ukpga/1979/46>
- Ref 4 The Stationery Office (1983) The National Heritage Act (1983). Available at: <https://www.legislation.gov.uk/ukpga/1983/47/contents>.
- Ref 5 The Stationery Office (2002) The National Heritage Act (2002). Available at: <https://www.legislation.gov.uk/ukpga/2002/14/contents>.
- Ref 6 The Stationery Office (1990) Planning (Listed Buildings and Conservation Areas) Act (1990). Available at: <https://www.legislation.gov.uk/ukpga/1990/9/contents>
- Ref 7 The Hedgerow Regulations. 1997 (as amended). The Stationary Office, London. Available online at: <https://www.legislation.gov.uk/ukxi/1997/1160/contents/made>
- Ref 8 Department for Energy Security & Net Zero (2024). Overarching National Policy Statement for Energy (EN-1). Available at: <https://assets.publishing.service.gov.uk/media/655dc190d03a8d001207fe33/overarching-nps-for-energy-en1.pdf>
- Ref 9 Department for Energy Security and Net Zero (2024). National Policy Statement for Renewable Energy Infrastructure (EN 3). Available at https://assets.publishing.service.gov.uk/media/64252f5f2fa848000cec0f52/NPS_EN-3.pdf
- Ref 10 Department for Energy Security and Net Zero (2024). National Policy Statement for Electricity Networks Infrastructure (EN-5). Available at: <https://assets.publishing.service.gov.uk/media/655dc25e046ed400148b9dca/nps-electricity-networks-infrastructure-en5.pdf>
- Ref 11 Ministry of Housing, Communities and Local Government (MHCLG) (2023). National Planning Policy Framework (NPPF). Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_December_2023.pdf
- Ref 12 Lincolnshire Council. 2023. Central Lincolnshire Local Plan. Available online at: <https://www.n-kesteven.gov.uk/sites/default/files/2023-04/Local%20Plan%20for%20adoption%20Approved%20by%20Committee.pdf>

- Ref 13 Bassingham Parish Council. 2016. Bassingham Parish Neighbourhood Plan. Available online at: https://www.n-kesteven.gov.uk/sites/default/files/2023-01/bassingham_neighbourhood_plan.pdf
- Ref 14 Coleby Parish Council. 2018. Coleby Parish Neighbourhood Plan. Available online at: https://www.n-kesteven.gov.uk/sites/default/files/2023-01/coleby_neighbourhood_plan.pdf
- Ref 15 Dunstan Parish Council. 2016. Dunstan Parish Neighbourhood Plan. Available online at: https://www.n-kesteven.gov.uk/sites/default/files/2023-01/dunstan_neighbourhood_plan_-_9_september_2016.pdf
- Ref 16 Ministry of Housing, Communities and Local Government (MHCLG). 2019. Planning Practice Guidance (PPG). Available at: <https://www.gov.uk/government/collections/planning-practice-guidance>
- Ref 17 Historic England. 2015. Historic Environment Good Practice Advice in Planning Note 2 – Managing Significance in Decision Taking. London, Historic England.
- Ref 18 Historic England. 2017. Historic Environment Good Practice Advice in Planning Note 3 – The Setting of Heritage Assets (second edition). London, Historic England.
- Ref 19 Historic England. 2019. Statements of Heritage Significance: Analysing Significance in Heritage Assets. Historic England Advice Note 12. London, Historic England.
- Ref 20 Historic England. 2021. Commercial Renewable Energy Development and the Historic Environment Historic England Advice Note 15. Historic England
- Ref 21 Historic England. 2021. Commercial Renewable Energy Development and the Historic Environment Historic England Advice Note 15. Historic England
- Ref 22 Chartered Institute for Archaeologists (CIfA). 2020. Standard and guidance for historic environment desk-based assessment. Reading, Chartered Institute for Archaeologists.
- Ref 23 IEMA. 2021. IEMA Principles of Cultural Heritage Assessment in the UK. Available online at: https://www.archaeologists.net/sites/default/files/j30361_iema_principlesof_chia_v8.pdf