



Mallard Pass

Solar Farm

Mallard Pass Solar Farm

Environmental Statement Volume 2 Appendix 8.1: Cultural Heritage - Policy Context

November 2022

PINS Ref: EN010127

Document Ref: EN010127/APP/6.2

Revision P0

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

Appendix 8.1 Legislation and Planning Policy Relevant to Cultural Heritage

- 1.1.1. This Appendix presents the relevant legislation, planning policy and guidance relevant to the Cultural Heritage assessment and is presented in the following sections.
- 1.1.2. Table 1 presents the legislation, Table 2 presents the national planning policies and Table 3 presents the relevant local planning policies that have been considered in carrying out this assessment. No local legislation is applicable.

Table 1 Legislation Relevant to Cultural Heritage Assessment

Legislation	Requirement in relation to Cultural Heritage	How/Where has this been addressed in the EIA
The Planning (Listed Buildings and Conservation Areas) Act 1990 (excluding normal planning procedures, which are disapplied by the Development Consent Order (DCO), which if granted, would encompass all of the normal consents)	Act of Parliament placing a duty upon the Local Planning Authority (or, as the case may be, the Secretary of State) to afford due consideration to the preservation of Listed Buildings and their settings (under Section 66(1)), and Conservation Areas (under Section 72(2)), in determining planning applications.	Applied in assessing effects upon of Listed Buildings and Conservation Areas within Section 8.4 of Chapter 8: Cultural Heritage of the ES [EN010127/APP/6.1].
The Ancient Monuments and Archaeological Areas Act 1979 excluding normal planning procedures, which are disapplied by the Development Consent Order (DCO), which if granted, would encompass all of the normal consents)	Act of Parliament providing for the maintenance of a schedule of archaeological remains of the highest significance, affording them statutory protection.	Applied in identifying and assessing designated archaeological remains within Section 8.4 of Chapter 8: Cultural Heritage of the ES.
National Heritage Act 1983 (amended 2002) excluding normal planning procedures, which are disapplied by the Development Consent Order (DCO), which if granted,	One of four Acts of Parliament providing for the protection and management of the historic environment, including the establishment of the	Applied in identifying and assessing effects upon heritage assets within Section 8.4 of Chapter 8: Cultural Heritage of the ES.

Legislation	Requirement in relation to Cultural Heritage	How/Where has this been addressed in the EIA
would encompass all of the normal consents)	Historic Monuments & Buildings Commission, now Historic England.	
Infrastructure Planning (Decisions) Regulations (2010) excluding normal planning procedures, which are disapplied by the Development Consent Order (DCO), which if granted, would encompass all of the normal consents)	Regulation 3 places a duty on the decision-maker to have regard to the desirability of preserving listed buildings, conservation areas and scheduled monuments, including their setting.	Applied in identifying and assessing effects upon heritage assets within Section 8.4 of Chapter 8: Cultural Heritage of the ES.
Hedgerows Regulations (1997) excluding normal planning procedures, which are disapplied by the Development Consent Order (DCO), which if granted, would encompass all of the normal consents)	Provides protection for 'important' hedgerows within the countryside, controlling their alteration and removal by means of a system of statutory notification.	Applied in identifying and assessing effects upon historic landscape within Section 8.4 of Chapter 8: Cultural Heritage of the ES.

Table 2 National Planning Policy Relevant to Cultural Heritage Assessment

National Planning Policy	Requirement in relation to Cultural Heritage	How/Where has this been addressed in the EIA
Overarching National Policy Statement for Energy (EN-1) 2011	<p>Section 5.8 Historic environment, particularly:</p> <ul style="list-style-type: none"> • paragraph 5.8.8 regarding the description of the heritage significance; • paragraph 5.8.9 regarding the potential scope to assess buried archaeological remains; • paragraph 5.8.13, 5.8.14 & 5.8.18 regarding the desirability to sustain and where possible enhance the significance of heritage assets (and their settings); • paragraph 5.8.15 regarding the requirement to weigh any harm to heritage assets alongside public benefits • paragraph 5.8.20, 5.8.21 & 5.8.22 regarding the appropriateness of imposing a condition on the consent to record any heritage assets with archaeological interest that may be affected by development 	<p>In response to each relevant paragraph of EN-1, details can be found in Chapter 8: Cultural Heritage of the ES, specifically within the following sections:</p> <ul style="list-style-type: none"> • re 5.8.8: see Section 8.2 Baseline Conditions • re 5.8.13, 14 & 18 see Section 8.3 Embedded Mitigation and 8.6 Residual Effects • re 5.8.15 see section 8.6 Residual Effects • re 5.8.20, 21 & 22 see Section 8.5 Proposed Additional Mitigation

National Planning Policy	Requirement in relation to Cultural Heritage	How/Where has this been addressed in the EIA
draft - Overarching National Policy Statement for Energy (EN-1) 2021	Section 5.9 Historic environment	Applied in the assessment of effects upon heritage assets including the scope of proportionate information to support the submission, with detail that matches that described above.
National Planning Policy Framework (NPPF)	Chapter 16: Conserving and enhancing the historic environment (paragraphs 189 – 208)	Applied in the assessment of effects upon heritage assets

Table 3 Local Planning Policy Relevant to Cultural Heritage Assessment

Local Planning Policy	Requirement in relation to Cultural Heritage	How/Where has this been addressed in the EIA
Rutland Core Strategy 2011 – 2026 (adopted 2011), Policy CS22	Sets out the requirement for the quality and character of the built and historic environment of Rutland to be conserved and enhanced.	Applied in the assessment of effects upon heritage assets
South Kesteven Local Plan 2011 – 2036 (adopted 2020), Policy EN6	Sets out the requirement to protect and enhance heritage assets and their settings	Applied in the assessment of effects upon heritage assets

Guidance

1.1.3. The following guidance have been considered in carrying out this assessment:

- National Planning Policy Guidance (NPPG), Historic Environment (2019);
- Conservation Principles (Historic England 2008);
- Good Practice Advice in Planning: Note 2 (GPA2): Managing Significance in Decision-Taking in the Historic Environment (Historic England, 2015); and
- Good Practice Advice in Planning: Note 3 (GPA3): The Setting of Heritage Assets, Second Edition (Historic England, 2017);
- Historic England Advice Note 12: Statements of Heritage Significance: Analysing Significance in Heritage Assets (Historic England 2019); and
- Standard and Guidance for Historic Environment Desk-Based Assessment (Chartered Institute for Archaeologists 2020).

References

- Ref 1 The Planning (Listed Buildings and Conservation Areas) Act 1990
- Ref 2 The Ancient Monuments and Archaeological Areas Act 1979
- Ref 3 National Heritage Act 1983 (amended 2002)
- Ref 4 Infrastructure Planning (Decisions) Regulations (2010)
- Ref 5 Hedgerows Regulations (1997)
- Ref 6 Department of Energy & Climate Change (2011) Overarching National Policy Statement for Energy (EN-1)
- Ref 7 Department for Business, Energy & Industrial Strategy (2021) Draft Overarching National Policy Statement for Energy (EN-1)
- Ref 8 Ministry of Housing, Communities and Local Government (2021). National Planning Policy Framework (NPPF)
- Ref 9 Rutland County Council (2011). Rutland Core Strategy 2011 – 2026 (adopted 2011)

- Ref 10 South Kesteven District Council (2020). South Kesteven Local Plan 2011 – 2036 (adopted 2020)
- Ref 11 Department for Levelling Up, Housing and Communities and Ministry of Housing, Communities & Local Government (2019). National Planning Policy Guidance (NPPG), Historic Environment
- Ref 12 Historic England (2008). Conservation Principles, Policies and Guidance for the Sustainable Management of the Historic Environment.
- Ref 13 Historic England (2015). Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision-Taking in the Historic Environment.
- Ref 14 Historic England (2017). Historic Environment Good Practice Advice in Planning: Note 3: The Setting of Heritage Assets (Second Edition).
- Ref 15 Historic England (2019). Historic England Advice Note 12: Statements of Heritage Significance: Analysing Significance in Heritage Assets.
- Ref 16 Chartered Institute for Archaeologists (2020). Standard and Guidance for Historic Environment Desk-Based Assessment.

