



One Earth Solar Farm

Volume 6.0 Environmental Statement [EN010159]

Volume 3: Technical Appendices Supporting ES Volume 2

Appendix 9.1: Summary of Relevant Legislation, Policy and Technical Guidance

February 2025

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

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A.9 Buried Heritage Legislation, Planning Policy and Guidance

A.9.1 Review of Policy, Legislation and Relevant Guidance

- A.9.1.1. Legislation, planning policy and guidance relating to cultural heritage, and pertinent to the Proposed Development comprises:

Legislation

Infrastructure Planning (Decisions) Regulations 2010 – specific reference to Regulation 3

- A.9.1.2. This regulation set out the matters which the decision-maker must have regard to, for development consent order applications under the Planning Act 2008. Regulation 3 specifically outlines that if a proposal potentially affects a scheduled monument or its setting, the decision-maker must take into account the desirability of preserving the scheduled monument or its setting, or indeed other features of historical interest. This principle is also mirrored for development consent order applications affecting conservation areas and listed buildings and their settings.

Ancient Monuments and Archaeological Areas Act 1979 – Part I Ancient Monuments: Protection of Scheduled Monuments

- A.9.1.3. This legislation established the protection of archaeological heritage in England, Wales and Scotland, and further introduced the legal protection of sites of national significance/archaeological importance as ‘Scheduled Monuments’. Through this Act, damage to a scheduled monument became a criminal offence.

National Planning Policy

Overarching National Policy Statement for Energy (EN-1) (2024)

- A.9.1.4. This provides overarching government policy on energy NSIPs and the way in which any impacts and mitigation measures will be considered. **Section 5.9** of this policy statement focusses on the Historic Environment.
- A.9.1.5. Paragraph 5.9.7 states that “*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.*”

- A.9.1.6. Paragraph 5.9.9 states that *“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.9.1.7. Paragraph 5.9.10 states that *“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.9.1.8. Paragraph 5.9.11 states that *“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.9.1.9. Paragraph 5.9.21 states that *“Where there is a high probability (based on an adequate assessment) that a development site may include, as yet undiscovered heritage assets with archaeological interest, the Secretary of State will consider requirements to ensure appropriate procedures are in place for the identification and treatment of such assets discovered during construction.”*
- A.9.1.10. Paragraph 5.9.22 states that *“In determining applications, the Secretary of State 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 (including assets whose setting may be affected by the proposed development), taking account of:*
- > relevant information provided with the application and, where applicable, relevant information submitted during the examination of the application;*
 - > designation records, including those on the National Heritage List for England;*

- > *Historic Environment Records;*
- > *representations made by interested parties during the examination process; and*
- > *expert advice.”*

- A.9.1.11. Paragraph 5.9.24 states that *“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.9.1.12. Paragraph 5.9.27 states that *“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... irrespective of whether any potential harm amounts to substantial harm, total loss, or less than substantial harm to its significance.”*
- A.9.1.13. Paragraph 5.9.28 states that *“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.9.1.14. Paragraph 5.9.32 states that *“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.9.1.15. Paragraph 5.9.33 states that *“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.”*

National Policy Statement for Renewable Energy Infrastructure (EN-3) (2024)

- A.9.1.16. This provides specific policy on how renewable energy NSIPs should be assessed and determined, and the way in which any impacts and mitigation measures will be considered. Specific extracts relating to the Proposed Development are as follows:
- A.9.1.17. Paragraph 2.3.8 states that *“In considering the impact on the historic environment as set out in Section 5.9 of EN-1 and whether the Secretary of State is satisfied that the substantial public benefits would outweigh any loss or harm to the significance of a designated heritage asset, the Secretary of State should take into account the positive role that large-scale renewable*

projects play in the mitigation of climate change, the delivery of energy security and the urgency of meeting the net zero target.”

- A.9.1.18. Paragraphs 2.10.107 states that *“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.*
- A.9.1.19. Paragraph 2.10.108 states that *“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.9.1.20. Paragraph 2.10.109 states that *“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.9.1.21. Paragraph 2.10.110 states that *“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.”*
- A.9.1.22. Paragraph 2.10.111 states that *“generic historic environment impacts are covered in Section 5.9 of EN-1.”*
- A.9.1.23. Paragraph 2.10.112 states that *“applicant assessments should be informed by information from Historic Environment Records (HERs) or the local authority”.*
- A.9.1.24. Paragraph 2.10.113 states that *“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.9.1.25. Paragraph 2.10.114 states that *“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.”*
- A.9.1.26. Paragraph 2.10.115 states that *“The extent of investigative work should be proportionate to the sensitivity of, and extent of, proposed ground disturbance in the associated study area.”*

- A.9.1.27. Paragraph 2.10.116 states that *"applicants should take account of the results of historic environment assessments in their design proposal."*
- A.9.1.28. Paragraph 2.10.117 states that *"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.9.1.29. Paragraph 2.10.118 states that *"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.9.1.30. Paragraph 2.10.119 states that *"Applicants may need to include visualisations to demonstrate the effects of a proposed solar farm on the setting of heritage assets."*
- A.9.1.31. Paragraph 2.10.137 states that *"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.9.1.32. Paragraph 2.10.151 states *"the Secretary of State should consider the period of time the applicant is seeking to operate the generating station, as well as the extent to which the site will return to its original state, when assessing impacts such as landscape and visual effects and potential effects on the settings of heritage assets and nationally designated landscapes."*
- A.9.1.33. Paragraph 2.10.160 states *"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."*

National Policy Statement for Electricity Networks Infrastructure (EN- 5) (2023)

- A.9.1.34. This provides specific policy on electricity network NSIPs, which could also apply to the cabling and grid connection parts of the Proposed Development, including how applications will be assessed and determined, and the way in which any impacts and mitigation measures will be considered.
- A.9.1.35. Section 2.2.10 Factors Influencing Site Selection and Design states *"As well as having duties under Section 9 of the Electricity Act 1989, (in relation to developing and maintaining an economical and efficient network), applicants must take into account Schedule 9 to the Electricity Act 1989, which places a duty on all transmission and distribution licence holders, in formulating*

proposals for new electricity networks infrastructure, to “have regard to the desirability of preserving natural beauty, of conserving flora, fauna and geological or physiographical features of special interest and of protecting sites, buildings and objects of architectural, historic or archaeological interest; and ...do what [they] reasonably can to mitigate any effect which the proposals would have on the natural beauty of the countryside or on any such flora, fauna, features, sites, buildings or objects.”

National Planning Policy Framework (2024)

- A.9.1.36. The National Planning Policy Framework (NPPF) is an overarching document which sets out government planning policy for development outside of the NSIP regime in England, and how this is expected to be applied by local authorities and developers. The NPPF can be an important and relevant consideration for NSIPs as well, but in the event of any conflict, the NPS policy prevails. The NPPF provides a framework for local sustainable development via local plans. **Chapter 16** focusses specifically on ‘conserving and enhancing the historic environment’.
- A.9.1.37. 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 of the NPPF 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”.*
- A.9.1.38. Paragraph 207 of the NPPF states that *“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 asset’s importance and no more than is sufficient to understand the potential impact of the proposal on their significance.”*
- A.9.1.39. Paragraph 208 states that *“Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal.”*
- A.9.1.40. Paragraph 212 states that *“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.9.1.41. Paragraph 214 states that *“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.”*
- A.9.1.42. Paragraph 215 states that *“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.9.1.43. Paragraph 216 states that *“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.”*

Local Planning Policy

- A.9.1.44. Local planning policy relevant to our Site is set out below. Local policies can be an important and relevant consideration for NSIPs as well, but in the event of any conflict, the NPS policy prevails.

Newark and Sherwood, Draft Amended Allocations and Development Management Plan (AADMDPD), Regulation 22, (January 2024)

- A.9.1.45. The AADMDPD (January 2024) version is currently at Regulation 22, as such the July 2013 version remains relevant. Specific policies within the 2013 version of the AADMPD that remain relevant to the Proposed Development include Policies DM4, DM5, and DM9.
- A.9.1.46. Policy DM4(3) notes that renewable and low carbon energy generation related planning permissions will be granted *“where the benefits are not outweighed by detrimental impact from the operation and maintenance of the development and through the installation process upon heritage assets and or their settings.”*
- A.9.1.47. Policy DM5 (4) states that *“Where local distinctiveness derives from the presence of heritage assets, proposals will also need to satisfy Policy DM9”.*
- A.9.1.48. Policy DM9 ‘Protecting and enhancing the historic environment’ states that *“In accordance with the requirements of Core Policy 14, all development proposals concerning heritage assets will be expected to secure their*

continued protection or enhancement, contribute to the wider vitality, viability and regeneration of the areas in which they are located and reinforce a strong sense of place.”

- A.9.1.49. Policy DM9 (3) Historic Landscapes states “*proposals should respect the varied historic landscapes of the district (including registered parks and through their setting and design. Appropriate development that accords with the Core Strategy, other Development Plan Documents will be supported.*”
- A.9.1.50. Policy DM9 (4) Archaeology states “*proposals should take account of their effect on sites and their settings with the potential for archaeological interest. Where proposals are likely to affect known important sites, sites of significant archaeological potential, or those that become known through the development process, will be required to submit an appropriate desk-based assessment and, where necessary, a field evaluation. This will then be used to inform a range of archaeological mitigation measures, if required, for preservation by record and more occasionally preservation in situ. Planning permission will not normally be granted for development proposals which would destroy or detrimentally affect Scheduled Ancient Monuments. Within Newark’s Historic Core, as defined on the Policies Map, archaeological evaluation will usually be required prior to the determination of planning applications.*”
- A.9.1.51. Policy DM9 (5) All heritage assets states “*proposals affecting heritage assets and their settings.. should utilise appropriate siting, design, detailing, materials and methods of construction.*”

Newark and Sherwood District Council (2023), Local Development Framework, Allocations and Development Management, Development Plan Document (AADMDPD), Submission Version, January 2024

- A.9.1.52. This amended local Development Plan Document (DPD) has been compiled to ensure that the wider development framework within Newark and Sherwood District Council sufficiently allocates land for development to meet the needs of the area, up until 2033. This DPD is currently under examination via the Secretary of State with an independent planning inspector.
- A.9.1.53. Specific policies within the AADMDPD relevant to the Proposed Development include Policy DM4, DM5 (b)(4), and DM9:
- A.9.1.54. Policy DM4 “*Renewable and Low Carbon Energy Generation*” states that “*In order to achieve the commitment to carbon reduction set out in Core Policy 10, planning permission will be granted for renewable and low carbon energy generation development, as both standalone projects and part of other development, its associated infrastructure, and the retro-fitting of existing development, where its benefits are not outweighed by detrimental impact from the operation and maintenance of the development and through the installation process upon:*

- > *Heritage Assets and or their settings;” [among other factors not considered relevant to this assessment]*

- A.9.1.55. Policy DM 9, ‘Protecting and Enhancing the Historic Environment’ states “*all development proposals concerning heritage assets will be expected to conserve them in a manner appropriate to their significance, contribute to the wider vitality, viability and regeneration of the areas in which they are located (including its contribution to economic vitality), reinforce a strong sense of place and be enjoyed for their contribution to the quality of life of existing and future generations.*”
- A.9.1.56. Policy DM9 (4) Archaeology states “*proposals should take account of their effect on sites and their settings with the potential for archaeological interest. Where proposals are likely to affect known important sites, sites of significant archaeological potential, or those that become known through the development process, will be required to submit an appropriate desk-based assessment and, where necessary, a field evaluation. This will then be used to inform a range of archaeological mitigation measures, if required, for preservation by record and more occasionally preservation in situ. Planning permission will not normally be granted for development proposals which would destroy or detrimentally affect Scheduled Ancient Monuments. Within Newark’s Historic Core, as defined on the Policies Map, archaeological evaluation will usually be required prior to the determination of planning applications.*”
- A.9.1.57. Policy DM9 (5) All Heritage Assets, notes that the “*criterion concerns all heritage assets, including non-designated assets which meet the Council’s criteria. All development proposals affecting heritage assets and their settings, including new operational development and alterations to existing buildings, where they form or affect heritage assets should utilise appropriate siting, design, detailing, materials and methods of construction. All planning applications for development proposals which affect heritage assets should include a description of the significance of any heritage assets affected, including any contribution made by their setting.*”

Newark and Sherwood District Council (2019), Amended Core Strategy Development Plan

- A.9.1.58. The Amended Core Strategy for Newark and Sherwood District is part of the Local Development Framework for the area. This strategy outlines the overarching issues and objectives to address over a 20-year period, contextualising this into wider vision, series of objectives and core policies toward delivery.
- A.9.1.59. Core Policy 14 “Historic Environment” is relevant to the Proposed Development and states that “*Newark & Sherwood has a rich and distinctive historic environment and the District Council will work with partners and developers in order to secure:*

- > *The continued conservation and enhancement of the character, appearance and setting of the District's heritage assets and historic environment, in line with their identified significance as required in national policy;*
- > *Designated assets and environments comprising Listed Buildings (inclusive of the protected views of and across Southwell's principal heritage assets), Conservation Areas, Registered Historic Parks and Gardens, and Scheduled Monuments. 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. The more important the asset, the greater the weight should be. Where adverse impact is identified there should be a clear and convincing justification, including where appropriate a demonstration of clear public benefits;*
- > *Non-designated heritage assets including buildings of local interest, areas of archaeological interest and unregistered parks and gardens or as identified on the relevant Historic Environment Record or identified in accordance with locally agreed criteria. In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset;*
- > *The preservation and enhancement of the special character of Conservation Areas including that character identified through Conservation Area Character Appraisals which will form the basis for their management. Important open spaces and features identified through the Conservation Area Appraisal process will be protected through subsequent allocation in the Allocations & Development Management DPD;*
- > *Positive action for those heritage assets at risk through neglect, decay, vacancy or other threats where appropriate; and*
- > *The protection of Historic Landscapes including the Historic Battlefield at Stoke Field, the Sherwood Forest Heritage Area and the Historic Landscape around Laxton. A sustainable future for Laxton will be sought, which preserves and enhances its Open Field System and culture, the built and natural environment which sustain it, including the Historic Landscape around Laxton, and the institutions which manage it. This will be achieved by working in partnership with the Court Leet, the Crown Estates and the Parish Council. Appropriate new development which facilitates these aims will be supported."*

Central Lincolnshire Local Plan (2023)

- A.9.1.60. The Local Plan for the central Lincolnshire area sets out the approach to planning policy and overarching development allocations to drive growth in the area over a 20-year period. The Local Plan is contextualised into a wider vision, series of objectives and core policies toward delivery.

A.9.1.61. Specific policies detailed in the Local Plan and are relevant to the Proposed Development, as below.

A.9.1.62. Policy S57 “*The Historic Environment*” states that:

“Development proposals should protect, conserve and seek opportunities to enhance the historic environment of Central Lincolnshire. In instances where a development proposal would affect the significance of a heritage asset (whether designated or non-designated), including any contribution made by its setting, the applicant will be required to undertake and provide the following, in a manner proportionate to the asset’s significance:

- a) describe and assess the significance of the asset, including its setting, to determine its architectural, historical or archaeological interest;*
- b) identify the impact of the proposed works on the significance and special character of the asset, including its setting;*
- c) provide a clear justification for the works, especially if these would harm the significance of the asset, including its setting, so that the harm can be weighed against public benefits.*

Development proposals will be supported where they:

- d) protect the significance of heritage assets (including where relevant their setting) by protecting and enhancing architectural and historic character, historical associations, landscape and townscape features and through consideration of scale, design, architectural detailing, materials, siting, layout, mass, use, and views and vistas both from and towards the asset;*
- e) promote opportunities to better reveal significance of heritage assets, where possible;*
- f) take into account the desirability of sustaining and enhancing non-designated heritage assets and their setting.”*

“..Development proposals that will result in substantial harm to, or the total loss of, a designated heritage asset will only be granted permission where it is necessary to achieve substantial public benefits that outweigh the harm or loss, and the following criteria can be satisfied:

- j) the nature of the heritage asset prevents all reasonable uses of the site;*
- k) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation;*
- l) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and*
- m) the harm or loss is outweighed by the benefit of bringing the site back into use.*

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, including, where appropriate, securing its optimum viable use, outweigh the harm.

Where a non-designated heritage asset is affected by development proposals, there will be a presumption in favour of its retention, though regard will be had to the scale of any harm or loss and the significance of the heritage asset. Any special features which contribute to an asset's significance should be retained and reinstated, where possible..”

Archaeology

Development affecting archaeological remains, whether known or potential, designated or undesignated, should take every practical and reasonable step to protect and, where possible, enhance their significance.

Planning applications for such development should be accompanied by an appropriate and proportionate assessment to understand the potential for and significance of remains, and the impact of development upon them.

If initial assessment does not provide sufficient information, developers will be required to undertake field evaluation in advance of determination of the application. This may include a range of techniques for both intrusive and non-intrusive evaluation, as appropriate to the site.

Wherever possible and appropriate, mitigation strategies should ensure the preservation of archaeological remains in-situ. Where this is either not possible or not desirable, provision must be made for preservation by record according to an agreed written scheme of investigation submitted by the developer and approved by the planning authority.

Any work undertaken as part of the planning process must be appropriately archived in a way agreed with the local planning authority.”

Bassetlaw District Council (2010) Local Development Framework, Publication Core Strategy and Development Management Policies

A.9.1.63. The Core Strategy for the Bassetlaw District sets out the overarching vision for the area up until 2026, including the policy approach to deliver this.

A.9.1.64. Policy SO9 is a strategic objective policy of Bassetlaw's Core Strategy. It states:

“protect and enhance Bassetlaw's heritage assets, identify those of local significance, advance characterisation and understanding of heritage asset significance, reduce the number of heritage assets at risk and ensure that development is managed in a way that sustains or enhances the significance of heritage assets and their setting.”

A.9.1.65. Policy DM8 states that:

“Support will be given to development proposals or regeneration schemes (particularly in central Worksop, Retford, and Tuxford) that protect and enhance the historic environment and secure its long-term future, especially the District's Heritage at Risk. Such proposals must recognise the significance of heritage assets as a central part of the development. They will be expected to be in line with characterisation studies, village appraisals, conservation area appraisals (notably the site-specific development briefs that may be found within them), archaeological reports, and other relevant studies.

A. Definition of Heritage Assets

Designated heritage assets in Bassetlaw include:

- *Listed Buildings (including attached and curtilage structures);*
- *Conservation Areas;*
- *Scheduled Monuments; and*
- *Registered Parks and Gardens.*

Non-Designated assets in Bassetlaw include:

- *Buildings of Local Interest;*
- *Areas of archaeological interest;*
- *Unregistered Parks and Gardens; and*
- *Buildings, monuments, places, areas or landscapes positively identified as having significance in terms of the historic environment.*

B. Development Affecting Heritage Assets

There will be a presumption against development, alteration, advertising or demolition that will be detrimental to the significance of a heritage asset.

Proposed development affecting heritage assets, including alterations and extensions that are of an inappropriate scale, design or material, or which lead to the loss of important spaces, including infilling, will not be supported.

The setting of an asset is an important aspect of its special architectural or historic interest and proposals that fail to preserve or enhance the setting of a heritage asset will not be supported. Where appropriate, regard shall be given to any approved characterisation study or appraisal of the heritage asset. Development proposals within the setting of heritage assets will be expected to consider:

- *Scale;*
- *Design;*
- *Materials;*
- *Siting; and*
- *Views away from and towards the heritage asset.” [relevant parts of policy included only]*

Draft Bassetlaw Local Plan (2023) 2020-2038: Main Modifications Version, August 2023

A.9.1.66. This Local Plan sets out Bassetlaw District’s planning and policy framework, development strategy and site allocations to inform effective delivery of the overall vision up until 2038.

A.9.1.67. Policies set out in the Local Plan are relevant to the Proposed Development:

A.9.1.68. Policy ST40: The Historic Environment states that:

“The historic environment will be conserved and enhanced, sensitively managed, enjoyed and celebrated for its contribution to sustainable communities. Proposals will be supported where they:

- a) give great weight to the conservation and re-use of designated heritage assets (designated and non-designated) and their settings, including for appropriate temporary use, based on their significance in accordance with national policy;*
- b) make a positive contribution to the character and local distinctiveness of the historic environment, including through the use of innovative design;*
- c) positively conserve or enhance a historic designed landscape;*
- d) maintain, conserve, sustain or return to beneficial use designated or non-designated assets;*
- e) capitalise in an appropriate and sensitive manner the regeneration, tourism and energy efficiency potential of heritage assets;*
- f) positively secure the conservation and re-use of ‘at risk’ heritage assets;*
- g) improve access and enjoyment of the historic environment where appropriate, particularly where they retain, create or facilitate public access to heritage assets to increase understanding of their significance.*

Applicants will be required to submit evidence in line with best practice and relevant national guidance, examining the significance of any heritage assets affected through a Heritage Statement, including any contribution made by their setting. The level of detail should be proportionate to the asset’s significance, and the results submitted to the Nottinghamshire Historic Environment Record. In some circumstances, further survey, analysis and/or recording will be made a condition of consent.”

A.9.1.69. Policy 41 Designated and Non-Designated Heritage Assets states that:

“Proposals for development, including change of use, that involve a designated heritage asset, or the setting of a designated heritage asset will be expected to:

- a) conserve, enhance or better reveal those elements which contribute to the heritage significance and/or its setting;*
- b) respect any features of special architectural or historic interest, including where relevant the historic curtilage or context, its value within a group and/or its setting, such as the importance of a street frontage, traditional roofscape, or traditional shopfronts;*
- c) be sympathetic in terms of its siting, size, scale, height, alignment, proportions, design and form, building technique(s), materials and detailing, boundary treatments and surfacing, or are of a high quality contemporary or innovative nature which complements the local vernacular, in order to retain the special interest that justifies its designation;*
- d) ensure significant views away from, through, towards and associated with the heritage asset(s) are conserved or enhanced;*
- e) in the case of a Conservation Area, to have regard to the established urban grain and ensure that spaces between and around buildings, such as paddocks, greens, gardens and other gaps, are preserved where they contribute to the Conservation Area’s character and appearance.*

Proposals that will lead to substantial harm or total loss of significance will be refused unless the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, and it can be demonstrated that:

- a) the nature of the heritage asset prevents all reasonable uses of the site;*
- b) no viable use of the heritage asset can be found in the medium term through appropriate marketing that will enable its conservation;*
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and*
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.*

Proposals that would result in less than substantial harm to the significance of a designated heritage asset will only be supported where it can be demonstrated that the public benefits will outweigh any harm identified.

Non-Designated Heritage Assets

Proposals for development, including change of use, that involve a non-designated heritage asset, or the setting of a non-designated heritage asset will be expected to:

- a) have regard to the significance of the asset and its relationship with its setting; and*
- b) be sympathetic to the local vernacular in terms of siting, size, scale, height, alignment, design and form; proportions, materials.*

Proposals that will lead to harm to or loss of significance of a non-designated heritage asset will only be considered supported where it can be demonstrated that:

- a) the asset's architectural or historic significance is proven to be minimal; or*
- b) through an up-to-date structural report produced by a suitably qualified person, the asset is not capable of viable repair; or*
- c) through appropriate marketing, the asset has no viable use; or*
- d) the public benefits of the scheme outweigh the loss of significance."*

Archaeological Sites

"Where evidence suggests that significant archaeological remains exist on site, proposals should be supported by an appropriate archaeological evaluation that provides an assessment of the significance of the remains and considers how the remains would be affected by the proposed development.

Where the 'in situ' preservation of archaeological remains is not possible or desirable, suitable provision shall be made by the developer for the excavation, recording, analysis, storage, relocation of assets and archiving, in accordance with a Written Scheme of Investigation that has been approved by the Local Planning Authority."

A.9.1.70. Policy ST42: The Historic Environment states that:

"The historic environment will be conserved and enhanced, sensitively managed, enjoyed and celebrated for its contribution to sustainable communities. Proposals will be supported where they:

- h) give great weight to the conservation and re-use of designated heritage assets (designated and non-designated) and their settings, including for appropriate temporary use, based on their significance in accordance with national policy;*
- i) make a positive contribution to the character and local distinctiveness of the historic environment, including through the use of innovative design;*
- j) positively conserve or enhance a historic designed landscape;*
- k) maintain, conserve, sustain or return to beneficial use designated or nondesignated assets;*
- l) capitalise in an appropriate and sensitive manner the regeneration, tourism and energy efficiency potential of heritage assets;*
- m) positively secure the conservation and re-use of 'at risk' heritage assets;*
- n) improve access and enjoyment of the historic environment where appropriate, particularly where they retain, create or facilitate public access to heritage assets to increase understanding of their significance.*

Applicants will be required to submit evidence in line with best practice and relevant national guidance, examining the significance of any heritage assets affected through a Heritage Statement, including any contribution made by their setting. The level of detail should be proportionate to the asset's significance, and the results submitted to the Nottinghamshire Historic Environment Record. In some circumstances, further survey, analysis and/or recording will be made a condition of consent."

National Guidance

Planning Practice Guidance (2023), Historic Environment (2019)

- A.9.1.71. This guidance sets out the key issues on enhancing and conserving the historic environment. This guidance sets out how the historic environment should be addressed in local plans, the designation process for designated and non-designated heritage assets, the overarching heritage consent process, as well as further information on the consultation process for and other planning issues associated with heritage related proposals.

English Heritage (2008) Conservation Principles, Policies and Guidance

- A.9.1.72. English Heritage, now Historic England, published guidance which aids best practice for a wide range of stakeholders in regard to the historic environment. This guidance mainly focuses on creating and implementing a management regime for its users and further defines value and significance upon heritage receptors.

Historic England (2015), Managing Significance in Decision-Taking in the Historic Environment – Historic Environment Good Practice Advice in Planning: 1. The Historic Environment in Local Plans ('GPA2')

- A.9.1.73. This advice note provides information to a wide range of stakeholders in aid of implementing national historic environment policy within the NPPF and PPG. Therefore, this advice from Historic England should be utilised to support national policy implementation. This guidance further outlines that information required for planning and listed building consent should be proportionate, and

any activities around conservation or investigation should again be balanced against heritage significance.

Historic England (2017) The Setting of Heritage Assets – Historic Environment Good Practice Advice in Planning: 3. Historic England and Historic Environment Forum

- A.9.1.74. This advice note provides information to a wide range of stakeholders, in tandem with NPPF and PPG guidance, on managing modification to the setting of several heritage assets. This document furthermore gives practitioners advice on understanding what heritage setting is and how it contributes to the overall heritage significance.

Historic England (2007, updated 2019) Piling and Archaeology guidance and good practice

- A.9.1.75. This document specifically provides information on piling types, impacts, and solutions for sustainable foundation design to assist planning authorities and archaeological officers, developers and their consultants to make clear and informed decisions about piling schemes and their potential impact upon archaeological remains..

Historic England (2020) Good Practice in Planning 4: Enabling Development and Heritage Assets

- A.9.1.76. This document specifically outlines guidance regarding development to safeguard a heritage asset, which would not normally be approved through the planning system nor be in-line with national or local planning policy. Therefore, this direction from Historic England is to encourage developers and authorities to work together to ensure appropriate development and acceptability, and if required any alternative arrangements.

Historic England (2021) Historic Environment Advice Note 15. Commercial Renewable Energy Development and the Historic Environment ('HEAN15', Historic England)

- A.9.1.77. This Historic England advice note is specifically aimed at developers of renewable energy projects of various sizes (including NSIP and other large proposals), to improve consideration of heritage issues within the proposal process. The overarching detail within this advice note focuses on potential impacts upon the historic environment, associated with the development of renewable energy projects.
- A.9.1.78. This guidance note reflects the requirements of NPS EN-1 and the NPPF and that the process set out in these two documents should be followed when considering renewable energy proposals that may have a harmful impact on the significance of designated and non-designated heritage assets. This is set out in paragraphs 35 to 38. Of particular note is paragraph 36 which states

that “any harmful impact on the significance of a designated heritage asset requires a clear and convincing justification, detailing the benefits of the proposal and enabling them to be weighed against any harm that would be caused to the historic environment. In this regard, EN-3 notes the positive role that large-scale renewable projects play in the mitigation of climate change, the delivery of energy security and the urgency of meeting the national targets for renewable energy supply and emissions reductions. Determining the balance between harm and benefits is done on a case-by-case basis, informed by evidence and assessment (as described in national policy) and taking account of a range of factors and relevant policy and guidance (including other relevant advice in this advice note).”

Historic England (2022) Planning and Archaeology: Historic England Advice Note 17

- A.9.1.79. This advice note sets the context for archaeology within the planning system. The guidance produced by Historic England summarises responsibility that planning authorities and developers have regarding archaeology through a planning application, how legislation, national policy and guidance should be applied, promoting accuracy and the benefits of implementation.

Professional Regulations and Standards & Guidance

- A.9.1.80. In addition to the above, the following professional regulations, standards and guidance have been considered::
- > *Lincolnshire County Council, Guidance for large schemes including NSIPs and EIAs, General Scoping Opinion for the Historic Environment*
 - > *Chartered Institute for Archaeologists (CIfA), 2023, Standard for archaeological excavation*
 - > *Chartered Institute for Archaeologists (CIfA), 2023, Standard for archaeological monitoring and recording*
 - > *Chartered Institute for Archaeologists (CIfA), 2014a, Standard and Guidance for the Collection, Documentation, Conservation and Research of Archaeological Materials (revised 2020)*
 - > *Chartered Institute for Archaeologists (CIfA), 2014b, Standard and Guidance for Archaeological Field Evaluation (revised 2023)*
 - > *Chartered Institute for Archaeologists (CIfA), 2014c, Code of Conduct (revised 2022)*
 - > *Chartered Institute for Archaeologists (CIfA), 2014d, Standard and Guidance for the Creation, Compilation, Transfer and Deposition of Archaeological Archives (revised 2020)*

- > *Chartered Institute for Archaeologists (CIfA), 2014e, Standard and Guidance for the Collection, Documentation, Conservation and Research of Archaeological Materials.*
- > *Chartered Institute for Archaeologists (CIfA), 2014f, Standard and guidance for historic environment desk-based assessment (revised 2020)*
- > *The British Association for Biological Anthropology and Osteoarchaeology (BABAO) 2019, Code of Ethics and Code of Practice*



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