



WHITESTONE

solar farm

WHITESTONE SOLAR FARM

Volume 6: Environmental Statement

6.20 Appendix 8.1: Legislation, Policy and Guidance

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Planning Act (2008)
Infrastructure Planning (Applications:
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ENVIRONMENTAL STATEMENT

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Prepared by:

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Prepared for:

Whitestone Net Zero Ltd

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Glossary

Term	Meaning
<i>Environmental Statement (ES)</i>	The Environmental Statement which presents the environmental information relating to the Proposed Development. The ES has been prepared to present information for formal consultation in accordance with current EIA regulation.
<i>The Applicant</i>	Whitestone Net Zero Ltd
<i>The Application</i>	The Application to be submitted to the Secretary of State for a Development Consent Order.
<i>The Proposed Development</i>	The proposed Whitestone Solar Farm.

Acronyms

Acronym	Meaning
<i>CIfA</i>	Chartered Institute for Archaeologists
<i>CNP</i>	Critical National Priority
<i>ES</i>	Environmental Statement
<i>LPA</i>	Local Planning Authority
<i>PPG</i>	Planning Practice Guidance
<i>NPPF</i>	National Planning Policy Framework
<i>NPS</i>	National Policy Statement
<i>NSIP</i>	Nationally Significant Infrastructure Project
<i>SoS</i>	Secretary of State

Units

Units	Meaning
N/A	N/A

8.1 Legislation, Policy and Guidance

- 8.1.1. This Appendix supports **ES Volume 2, Chapter 8: Cultural Heritage and Archaeology [EN0110020/APP/6.8]**. This Chapter of the Environmental Statement (ES) has been developed in line with the following key legislation, policy and associated guidance.

Legislation

Infrastructure Planning (Decisions) Regulations 2010

- 8.1.2. EN-1¹ (paragraph 5.9.24) provides the following:
- 8.1.3. “The Secretary of State must also comply with the requirements on listed buildings, conservation areas and scheduled monuments, set out in Regulation 3 of the Infrastructure Planning (Decisions) Regulations 2010.”
- 8.1.4. Regulation 3 provides as follows:
- 8.1.5. (1) When deciding an application which affects a listed building or its setting, the decision-maker(1) must have regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses.
- 8.1.6. (2) When deciding an application relating to a conservation area, the decision-maker must have regard to the desirability of preserving or enhancing the character or appearance of that area.
- 8.1.7. (3) When deciding an application for development consent which affects or is likely to affect a scheduled monument or its setting, the decision-maker must have regard to the desirability of preserving the scheduled monument or its setting.
- 8.1.8. Clauses (1) and (2) of Regulation 3 are broadly equivalent to sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, as applicable to applications determined under the Town and Country Planning Act².
- 8.1.9. Physical protection of Scheduled Monuments is provided under the Ancient Monuments and Archaeological Areas Act (1979).³ However, the Ancient Monuments and Archaeological Areas Act (1979) does not provide statutory protection for the setting of Scheduled Monuments, and, in doing so, Regulation 3(3) provides a higher level of statutory protection for Scheduled Monuments than would be the case under a Town and Country Planning Application.

Ancient Monuments and Archaeological Areas Act 1979⁴

- 8.1.10. This Act consolidates and amends laws related to ancient monuments, providing for their investigation, preservation, and recording. It includes provisions for the protection of scheduled monuments and areas of archaeological importance.

Planning (Listed Buildings and Conservation Areas) Act 1990⁵

- 8.1.11. This Act provides special controls for buildings and areas of special architectural or historic interest. It includes provisions for the listing of buildings, the control of works affecting listed buildings, and the designation of conservation areas.

National Heritage Act 2002⁶

- 8.1.12. This Act aims to expand the scope of responsibilities held by the Historic Buildings and Monuments Commission for England to include vehicles, vessels, aircraft or movable structures in, on or under the seabed within the limits of the United Kingdom Territorial Waters adjacent to England. It is designed to enhance their capacity to fulfil their duties effectively. Additionally, it addresses associated matters to ensure comprehensive and effective governance.

Hedgerow Regulations 1997⁷

- 8.1.13. The Hedgerow Regulations (1997) have no bearing on determinations of heritage 'Significance' or 'impact' within the planning system. They are a triggering mechanism for notifying the Local Planning Authority (LPA) of the intended alteration or removal of any hedgerows classified as 'important'; such classification is to be determined with reference to a list of criteria appended to the regulations.

Protection of Military Remains Act 1986⁸

- 8.1.14. This legislation renders it unlawful to tamper with the remains of any downed, submerged, or stranded military aircraft or specified vessel without proper authorisation, regardless of casualties or whether the incident transpired during wartime or periods of peace. Any aircraft lost in the line of military duty is automatically classified as Protected Places under this statute.

Treasure Act 1996⁹

- 8.1.15. This legislation defines which objects are classified as treasure and legally obliges the finder of treasure to report their find.

Burial Act 1857¹⁰

- 8.1.16. This legislation, and later amendments, regulates burial grounds and provides for the exhumation of remains. Section 25 states that it is an offence to remove buried human remains without a licence from the Secretary of State or, if in consecrated religious grounds, a faculty.

National Planning Policy

National Policy Statements (NPS) for Energy Infrastructure (2025)

- 8.1.17. The NPSs for energy infrastructure outline the government's policy for delivering major energy infrastructure. The 2025 revised NPSs (EN-1, EN-3 and EN5) came into force in January 2026.

- 8.1.18. The National Policy Statements for Infrastructure outline the government's policy for delivering major energy infrastructure. The NPSs provide the primary policy against which the Secretary of State (SoS), and any examining authority/Planning Inspector appointed by the SoS, will determine Nationally Significant Infrastructure Projects (NSIPs) in England and Wales (including territorial waters and wider UK Renewable Energy Zones).
- 8.1.19. The NPSs provide the primary policy against which the Secretary of State and any examining authority/Planning Inspector appointed by the Secretary of State, will determine NSIPs in England and Wales (including territorial waters and wider UK Renewable Energy Zones). Overarching NPS EN-1 is supported by Technical NPSs EN-2 to EN-6, of which EN-3 ('Renewable Energy Infrastructure')¹¹ and EN-5 ('Electricity Networks Infrastructure')¹² are of relevance to the Proposed Development.
- 8.1.20. NPS EN-1 comprises the 'Overarching National Policy Statement for Energy'.
- *Section 4.2 of EN-1 establishes the principle of Critical National Priority (CNP) infrastructure (defined as nationally significant low carbon projects) – this applies a policy presumption that, subject to any legal requirements (including under section 104 of the Planning Act 2008), the urgent need for CNP Infrastructure to achieving energy objectives, together with the national security, economic, commercial, and net zero benefits, will in general outweigh any other residual impacts not capable of being addressed by application of the mitigation hierarchy; and*
 - *Section 5.9 of EN-1 sets out specific overarching provisions for the Historic Environment, all of which are aligned with the National Planning Policy Framework (2024).*
- 8.1.21. NPS EN-1 is supported by NPSs EN-2 to EN-6, of which the following is relevant to this EIA:
- NPS for Renewable Energy Infrastructure (EN-3), (December 2025); *and*
 - NPS for Electricity Networks Infrastructure (EN-5) (December 2025). Although EN-5 contains no policies or requirements specific to the historic environment, its contents is still relevant.

The National Planning Policy Framework (NPPF) (2024) and Planning Practice Guidance (2019)¹³

- 8.1.22. The National Planning Policy Framework (NPPF) (Section 16 – Conserving and Enhancing the Historic Environment) and its supporting guidance in the Planning Practice Guidance (PPG) – Historic Environment provide up to date overarching national planning policy with regard to the assessment of harm to heritage assets.
- 8.1.23. Paragraphs 202 to 206 of the NPPF detail the requirements placed upon Local Planning Authorities to set out a positive strategy for the conservation and enjoyment of the historic environment as well as to provide suitable information to aid applicants and heritage professionals to:
- *'assess the significance of heritage assets and the contribution they make to their environment; and*
 - *predict the likelihood that currently unidentified heritage assets, particularly sites of historic and archaeological interest, will be discovered in the future.'*

- 8.1.24. Paragraphs 207 of the NPPF state a requirement for 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.’
- 8.1.25. Paragraph 208 of the NPPF places a requirement on Local Planning Authorities to identify and assess the particular significance of heritage assets that may be affected by the proposal.
- 8.1.26. In relation to impacts to designated assets Paragraph 212 of the NPPF highlights the importance of conservation, stating 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.’
- 8.1.27. Paragraph 213 and 214 of the NPPF states:
- “Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:
- 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; and
 - 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; and
 - no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
 - 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.”
- 8.1.28. Paragraph 215 of the NPPF goes on to state 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.”

- 8.1.29. In relation to non-designated assets, Paragraph 216 of the NPPF states that significance of non-designated assets should be considered and that a ‘a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset’ when considering proposals. Paragraph 218 goes on to state that ‘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.’
- 8.1.30. In relation to Conservation Areas Paragraph 219 states that ‘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.’
- 8.1.31. In relation to the planning balance Paragraph 221 states that ‘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.’

Local Planning Policy

City of Doncaster Council - Doncaster Local Plan 2015 - 2035 (2021)¹⁴

Policy 34: Valuing our Historic Environment (Strategic Policy)

- 8.1.32. *“Doncaster’s historic environment will be conserved in accordance with the following principles:*
- *Proposals and initiatives will be supported which preserve and, where appropriate, enhance the heritage significance and setting of the Borough’s heritage assets (including locally identified undesignated heritage assets), and especially those elements which contribute to the distinct identity of the Borough. These include:*
 - *The nationally important waterlogged archaeological remains at Sutton Common, Thorne Moor, and Hatfield Moor;*
 - *The Roman camps and settlements, motte and bailey castles, historic houses, historic parks and gardens and villages, with special regard to those along the Southern Magnesian Limestone Ridge;*
 - *The Georgian townscape and the railway heritage of Doncaster, its historic grain, including its street layouts and plot sizes and key views and vistas especially of the spires and towers of Doncaster’s churches;*
 - *The Borough’s historic market towns such as Thorne, Hatfield, Bawtry, and Tickhill;*
 - *Early twentieth century suburban developments, including planned colliery villages; and*
 - *Sites and structures associated with aviation history including the heritage of the second world war and cold war.*

- *Proposals and initiatives will be supported which improve the accessibility and enjoyment of the Borough's existing and potential local, regional and national historic attractions in keeping with their heritage significance. These include:*
 - *The Mansion House;*
 - *Cusworth Hall and its parkland;*
 - *Doncaster Minster (St. George's Church);*
 - *Conisbrough Castle; and*
 - *Brodsworth Hall and parkland.*
- *Proposals and initiatives will be supported which identify, promote and secure the long term future of Doncaster's heritage assets. These include:*
 - *Increasing and making publicly available our knowledge and understanding of the historic environment gained through the planning process;*
 - *Continuing to review existing and prospective parks and gardens of local historic interest and consideration of the designation of buildings of local architectural and historic interest;*
 - *The identification of heritage assets at risk and implementing strategies and initiatives to reduce their number through positive management;*
 - *Supporting the re-use of sites and buildings of heritage significance putting them to viable uses consistent with their conservation; and*
 - *Supporting investment in the repair and maintenance of Doncaster's historic buildings”.*

Policy 35: Understanding and Recording the Historic Environment

8.1.33. *“Proposals that affect known or potential heritage assets will require:*

- *The provision of a heritage statement (or its equivalent) that includes:*
 - *Sufficient information to gain an understanding of the potential impact that the proposals will have on the significance of any heritage assets or historic environment likely to be affected; and*
 - *For heritage sites with archaeological interest, at least a desk-based assessment and, where appropriate, the results of a field evaluation.*
- *In the exceptional circumstances where harm could be justified, detailed investigation and recording will be required to an agreed standard in advance of any alteration, demolition or groundwork to ensure that an understanding of the affected heritage asset is gained and that knowledge is widely publicised including deposition of the site archive with the relevant archive repository and deposition of a report on the results with the South Yorkshire Sites & Monuments Record (Historic Environment Record).”*

Policy 36: Listed Buildings

8.1.34. *“Development proposals affecting a listed building or its setting will be assessed against the following principles:*

- *Proposals that enhance or better reveal the significance of a listed building or structure will be supported. Proposals that harm the significance of a listed*

building or its setting will not be supported other than in circumstances where that harm is clearly outweighed by the public benefits of the proposal having regard to the significance of the heritage asset affected;

- *Alterations and extensions to a listed building will be considered acceptable where they are sympathetic to the historic proportions and massing of the building; make use of materials that complement the materials used on the building; and preserve and enhance its special interest;*
- *Measures for improving the energy efficiency of a listed building will be supported where they do not conflict with its special interest as a listed building. Where there is a conflict of interest the Council will weigh the public benefits of the proposal against the harm to the listed building having regard to the significance of the heritage asset;*
- *A proposal for a change of use to a listed building would be considered acceptable where it does not harm its heritage significance. Where a change of use requires significant alterations with potential harm to the listed building it will be necessary to demonstrate that the proposed alterations are necessary to secure the long-term survival of the listed building; and*
- *Permission will not be granted for proposals which would result in substantial harm or total loss of a listed building or structure unless the building cannot reasonably be repaired and the Council is satisfied that every effort has been made to secure, repair, or reuse the building, to find an alternative use through maintenance, grant assistance, or offer for sale or lease, or, that there are substantial and demonstrable public benefits to be gained which outweighs the loss of the building.”*

Policy 37: Conservation Areas

8.1.35. *“Development proposals affecting, or within the setting of, Conservation Areas will be assessed according to the following principles:*

- *Proposals should take fully into account the identified significance contained in the Conservation Area Appraisal for the relevant designated area where published;*
- *Proposals should not detract from the heritage significance of a conservation area by virtue of their location, layout, nature, height, density, form, scale, materials or design or by the removal of trees, the loss of important open spaces or other important landscape features, or through adverse impact on key views and vistas. Proposals that result in harm to a conservation area will be refused unless the harm is outweighed by public benefits arising from the development;*
- *Proposals will be supported where it can be demonstrated that they will enhance or better reveal an element which can contribute to the character and appearance of the conservation area. Proposals within conservation areas requiring the demolition of buildings that make a positive contribution to the conservation area will not be supported unless the building is currently derelict and is incapable of rehabilitation; or the removal of the building, and/or the proposed redevelopment of the site, would result in demonstrable public benefits sufficient to outweigh the harm; and*
- *Any proposal for the demolition of a building or site in a conservation area will need to be accompanied by an acceptable redevelopment scheme or a*

remedial scheme for making good the building or site which will be required to be implemented immediately following demolition.”

Policy 38: Historic Parks and Gardens

8.1.36. *“Development affecting Historic Parks and Gardens will be assessed against the following principles:*

- *Development proposals within, or affecting, Doncaster’s nationally registered parks and gardens, and parks and gardens of local historic interest (as shown on the Policies Map), should preserve and, where appropriate, enhance the heritage significance of these parks and gardens;*
- *Proposals affecting a historic park of local or national significance should not result in harm to the built or landscape features or key views or vistas which contribute to the significance of the historic park or garden, or which might prejudice future restoration; and*
- *Where proposals result in harm or substantial harm to the significance of a nationally designated historic park the proposal will be considered in relation to the extent of harm arising from the proposal, the relative significance of the historic park and garden, and any public benefits arising from the proposal. In the case of parks and gardens of local interest a balanced judgement will be taken weighing the scale of any harm against the significance of the park.”*

Policy 39: Development Affecting Archaeology

8.1.37. *“Development affecting archaeological remains will be assessed against the following principles:*

- *Development that would result in harm to the significance of a scheduled monument or other nationally important archaeological assets will not be permitted other than in exceptional circumstances; and*
- *Development affecting other archaeological assets will need to demonstrate how any benefits will outweigh harm to the site. When development affecting such sites is justifiable, the Council will seek to ensure preservation of the remains in situ as a preferred solution. When in situ preservation is not justified, the developer will be required to make adequate provision for appropriate investigation and recording including excavation in accordance with Policy 35.”*

Policy 40: Buildings or Structures of Local Historic Interest

8.1.38. *“Development proposals affecting buildings that meet the criteria of buildings of local historic interest, either as part of a local list or as part of the planning application process, will be assessed against the following principles:*

- *Proposals which retain those elements of a building of local historic interest which have been identified as contributing to its heritage significance, or proposals which better reveal its significance will be supported; and*
- *Proposals should seek to avoid harm to those features, including setting, which contribute to the significance of the building of local historic interest. Where proposals result in harm or substantial harm to the significance of a building of local historic interest a balanced judgement will be made taking into account the degree of harm and relative significance of the heritage asset.”*

Rotherham Metropolitan Borough Council - Rotherham Local Plan (2018)¹⁵

Policy SP 40 Listed Buildings

- 8.1.39. *“Development proposals affecting a Listed Building or its setting will be considered against the following principles:*
- *Special regard will be given to the preservation of Listed Buildings and structures. Therefore, substantial harm to or demolition of a Listed Building will be strongly resisted;*
 - *The significance of a Listed Building can be harmed by unsympathetic extensions or alterations to its appearance, plan form or replacement of windows. Extensions and alterations to a Listed Building will only be considered acceptable where they relate sensitively to the Listed Building and preserve or enhance the special interest and significance;*
 - *The Council encourages the development of good quality, contextual design, including any development within the setting of Listed Buildings. Development which has an adverse effect on the setting of Listed Buildings will not be acceptable;*
 - *The best use for a Listed Building is usually that for which it was designed, however other uses may be considered acceptable provided they do not harm the significance of the Listed Building. Where significant alterations are required that potentially harm the Listed Building it will be necessary to demonstrate that the original use of the Listed Building is no longer viable or sustainable and that the proposed alterations are necessary to secure the long term survival of the Listed Building;*
 - *The Council will support proposals and alterations to Listed Buildings in order to mitigate climate change only where such proposals respect the significance of the Listed Building and do not have an adverse impact on its appearance, character or historic fabric;*
 - *The Council will take necessary measures to ensure that neglected Listed Buildings are appropriately repaired and / or reused; and*
 - *Where appropriate, proposals will be supported which enhance or better reveal the significance of a Listed Building or structure.”*

Policy SP 41 Conservation Areas

- 8.1.40. *“Development proposals within or likely to affect the setting of a Conservation Area will be considered against the following principles:*
- *Developments are required to ensure the preservation or enhancement of the special character or appearance of Rotherham’s Conservation Areas and their settings;*
 - *There is a presumption in favour of the preservation of buildings and structures, both listed and unlisted, which make a positive contribution to the special character or appearance of Conservation Areas. Permission will not be granted for the demolition of a building in a Conservation Area which makes a positive contribution to the character or appearance of the Area unless it can be clearly demonstrated that:*

- *There is no realistic prospect of the building continuing in its existing use or that a suitable alternative use cannot reasonably be found; or*
 - *The building is in poor structural condition and the cost of repairing and maintaining it would be disproportionate in relation to its importance and to the value derived from its continued use; and*
 - *The demolition is part of a redevelopment proposal which would, in its own right, serve to preserve or enhance the character or appearance of the Conservation Area.*
 - *Spaces, street patterns, views, vistas, uses, trees and landscapes which contribute to the special character or appearance of a Conservation Area will be safeguarded;*
 - *Depending on the scale of the development and when deemed necessary, developers will be required to submit character statements to assess the impact of the development upon the character and appearance of the Conservation Area and to minimise the effect of development proposals through careful consideration of their design.*
- 8.1.41. *Under section 211 of the Town and Country Planning Act 1990 the Local Planning Authority must be notified six weeks before the carrying out of works to, or removal of trees in a Conservation Area that are not protected by a Tree Preservation Order unless an exception applies. This notice period gives the Authority an opportunity to consider whether to make a Tree Preservation Order on the tree or trees.”*

Policy SP 42 Archaeology and Scheduled Ancient Monuments

- 8.1.42. *“Development proposals that may impact upon archaeology, whether designated as a Scheduled Ancient Monument or undesignated, will be considered against the following principles:*
- *Development that would result in harm to the significance of a Scheduled Monument or other nationally important archaeological site will not be permitted;*
 - *The preservation of other archaeological sites will be an important consideration. When development affecting such sites is acceptable in principle, the Council will seek preservation of remains in situ, as a preferred solution. When in situ preservation is not justified, the developer will be required to make adequate provision for archaeological recording to ensure an understanding of the remains is gained before they are lost or damaged, in accordance with Policy SP 43 'Conserving and Recording the Historic Environment'.”*

Policy SP 43 Conserving and Recording the Historic Environment

- 8.1.43. *“All proposals affecting a heritage asset will require careful assessment as to the impact and appropriateness of development to ensure that the historic, architectural, natural history, or landscape value of the asset and / or its setting are safeguarded and conserved, and any conflict avoided or minimised in accordance with the policies of this Local Plan.*
- 8.1.44. *Development proposals that affect known or potential heritage assets will need to provide supporting information in sufficient detail that the impact of the*

proposed scheme on those heritage assets can be established, in line with the following approach:

- *Where proposals involve sites which have been assessed as part of the Council's Archaeological Scoping Studies evidence base, Heritage Statements will be required where sites are identified as having 'major', 'potential' or 'uncertain' objections to development. Where this applies to sites allocated through Policy SP 1 'Sites Allocated for Development' it is identified in the site-specific development guidelines at Chapter 5 'Site development guidelines';*
 - *Proposals on other sites will be required to submit a Heritage Statement if development would affect a known or potential heritage asset.*
- 8.1.45. *Heritage Statements should consider the impact of the specific development proposed with regard to the setting of heritage assets on or in the vicinity of the site; detailed archaeological assessment; and the results of field evaluation.*
- 8.1.46. *In the exceptional circumstances that harm could be justified, resulting in the loss or damage of a heritage asset, appropriate recording will be required to an agreed standard in advance of any alteration, demolition or groundworks, to ensure that: an understanding of the remains is gained before they are lost or damaged, that the knowledge gained is widely disseminated, and that the resulting archive is deposited for long-term duration."*

Policy SP 44 Historic Parks, Gardens and Landscapes

- 8.1.47. *"The Council will seek to ensure the protection and appropriate enhancement of the borough's historic parks and gardens. Development proposals should:*
- *Safeguard those features which form an integral part of the special character or appearance of the Park or Garden;*
 - *Ensure that development does not detract from the enjoyment, layout, design, character, appearance or setting of the Park or Garden, key views out from the Park, or prejudice its future restoration. Where development is likely to affect a Historic Park and Garden or its setting, applications should include a Heritage Impact Assessment setting out the likely impact which the development would have upon its significance and the means by which any harm might be mitigated."*

Policy SP 45 Locally Listed Buildings

- 8.1.48. *"The Council will seek to ensure and encourage the preservation and enhancement of Locally Listed Buildings and will use its powers where possible to protect their significance, character and setting, by the following means:*
- *Consent will not normally be granted for the demolition of Locally Listed Buildings;*
 - *Alterations and extensions should be based on an accurate understanding of the significance of the asset including the structure. Proposals should respect the architectural character, and detailing of the original building. The structure, features, and materials of the building which contribute to its architectural and historic interest should be retained or restored with appropriate traditional materials and techniques;*
 - *Any proposals should protect and enhance the setting of Locally Listed Buildings;*

- *Taking a practical approach towards the alteration of Locally Listed Buildings to comply with the Disability Discrimination Act 2005 and subsequent amendments, provided that the building's special interest is not harmed, using English Heritage advice as a basis."*

Policy SP 46 War Memorials

- 8.1.49. *"Where development proposals may impact upon War Memorials or their siting, Memorials should be retained in situ, if possible, or otherwise sensitively relocated following appropriate community consultation."*

Rotherham Metropolitan Borough Council – Rotherham Local Plan: Core Strategy 2013-2028 (Adopted September 2014)¹⁶

Policy CS 23 Valuing the Historic Environment

- 8.1.50. *"Rotherham's historic environment will be conserved, enhanced and managed, in accordance with the principles set out below:*
- a. Proposals and initiatives will be supported which conserve and enhance the heritage significance and setting of the borough's heritage assets, specifically those elements which contribute to the distinct identity of the borough. These include:*
 - i. The Roman Ridge, Roche Abbey, motte and bailey castles, historic houses and historic parks and gardens.*
 - ii. The borough's industrial past with particular regard to Catcliffe Glassworks, Swinton Pottery and the Chesterfield Canal.*
 - iii. The historic grain of the town centre and historic village cores, including street layout and plot sizes.*
 - iv. Early 20th century developments including planned colliery villages.*
 - v. Encouraging suitable new uses for vacant, under-used and derelict historic buildings.*
 - b. The character and setting of Rotherham Minster and the Chapel on the Bridge will be conserved and enhanced. Proposals will be supported which respect and enhance key views and vistas to both these and other significant buildings such as the Church of All Saints at Laughton en le Morthen.*
 - c. The character and setting, including key views to and from the historic buildings and designated landscape, of the Wentworth Woodhouse Estate will be conserved, enhanced and protected from inappropriate development.*
 - d. Proposals will be supported which protect the heritage significance and setting of locally identified heritage assets such as buildings of local architectural or historic interest, locally important archaeological sites and parks and gardens of local interest."*

North East Derbyshire District Council – North East Derbyshire Local Plan 2014 – 2034¹⁷

- 8.1.51. In regard to local planning policies for Derbyshire County Council, they defer to the local district councils local plans for each area.

Policy SDC5: Development within Conservation Areas

- 8.1.52. *“Development proposals within or impacting upon Conservation Areas will be permitted where they preserve or enhance the character or appearance of the area and its setting.*
- 8.1.53. *Development proposals will be considered in relation to how well the design and location of the proposal has taken account of:*
- a. *The development characteristics and context of the area, in terms of important buildings, spaces, landscapes, walls, trees, and views within, into or out of the area; and*
 - b. *The form, scale, size and massing of nearby buildings, together with materials of construction.”*

Policy SDC6: Development affecting Listed Buildings

- 8.1.54. *“Proposals for alterations to or changes of use of a listed building will be supported where they preserve the significance of the heritage asset and its setting including impacts on the character, architectural merit or historic interest of the building.*
- 8.1.55. *Proposals should use materials, layout, architectural features, scale and design that respond to and do not detract from the listed building.*
- 8.1.56. *Proposals which allow for viable uses that are compatible with the conservation of the fabric of the building and its setting will generally be supported.”*

Policy SDC7: Scheduled Monuments and Archaeology

- 8.1.57. *“Proposals for development that affect heritage assets with archaeological interest will be permitted provided that it can be demonstrated that the development will not be harmful to the archaeological interest of the heritage assets or their settings, having regard to their significance.*
- 8.1.58. *Where development proposals are likely to affect non-designated heritage assets of archaeological interest, the developer should submit sufficient information to allow the significance of the asset and the potential impact of the proposals thereon to be understood. In some cases this will require archaeological desk based assessment and/or field evaluation of the site which should be submitted as part of the development proposal and undertaken by a suitably qualified archaeologist.*
- 8.1.59. *Preservation in situ of archaeological sites or remains is the preferred option. However, where assessment shows preservation in situ is not justified provision should be made for excavation and recording before demolition, disturbance or removal takes place.”*

Policy SDC8: Registered Parks and Gardens

- 8.1.60. *“Proposals for development that affect Renishaw Hall Registered Park and Garden including its setting will be granted provided that they would conserve or enhance the historic layout, character, designed features and principal components which contribute to its significance.*

- 8.1.61. *Proposals which seek to restore or reinstate its historic landscape features to original designs, using appropriate evidence, or better reveal its setting will be encouraged.*"

Policy SDC9: Non-designated Local Heritage Assets

- 8.1.62. *"Proposals for development that affect a non-designated local heritage asset will be permitted provided that they positively sustain or enhance the significance of the asset, its features, character and setting.*
- 8.1.63. *Proposals involving the loss of or harm to, a local heritage asset will be subject to a balanced assessment taking account of the significance of the asset and the scale of the harm or loss."*

Sheffield City Council – Sheffield Development Framework Core Strategy (Adopted March 2009) ¹⁸

Policy CS74 – Design principles

- 8.1.64. High-quality development will be expected, which would respect, take advantage of and enhance the distinctive features of the city, its districts and neighbourhoods, including:
- c. the topography, landforms, river corridors, Green Network, important habitats, waterways, woodlands, other natural features and open spaces;
 - d. views and vistas to landmarks and skylines into and out of the City Centre and across the city to the surrounding countryside;
 - e. the townscape and landscape character of the city's districts, neighbourhoods and quarters, with their associated scale, layout and built form, building styles and materials;
 - f. the distinctive heritage of the city, particularly the buildings and settlement forms associated with:
 - i. the metal trades (including workshops, mills and board schools)
 - ii. the City Centre
 - iii. Victorian, Edwardian and Garden City suburbs
 - iv. historic village centres and the city's rural setting.
- 8.1.65. Development should also:
- a. contribute to place-making, be of a high quality, that contributes to a healthy, safe and sustainable environment, that promotes the city's transformation;
 - b. help to transform the character of physical environments that have become run down and are lacking in distinctiveness;
 - c. enable all people to gain access safely and conveniently, providing, in particular, for the needs of families and children, and of disabled people and older people;
 - d. contribute towards creating attractive, sustainable and successful neighbourhoods.

Bolsover District Council – Local Plan for Bolsover District¹⁹

- 8.1.66. In regards to local planning policies for Derbyshire County Council, they defer to the local district councils local plans for each area.

Policy SC16: Development Within or Impacting Upon Conservation Areas

- 8.1.67. *“Development proposals within or impacting upon Conservation Areas will be permitted where they preserve or enhance the character and appearance of the area and its setting.*
- 8.1.68. *Applications will be considered in relation to how well the design and location of the proposal has taken account of*
- a. The development characteristics and context of the conservation area, in terms of important buildings and important open spaces*
 - b. Landscapes, walls, trees and views into or out of the area*
 - c. The form, scale, size and massing of nearby buildings, together with materials of construction”*

Policy SC17: Development affecting Listed Buildings and their Setting

- 8.1.69. *“Proposals for alterations to, or changes of use of listed buildings will be supported where they protect the significance of the heritage asset (including its setting), including impacts on the character, architectural merit or historic interest of the building.*
- 8.1.70. *Proposals should consider factors such as materials, layout, architectural features, scale and design.*
- 8.1.71. *Proposals which allow for viable uses that are compatible with the conservation of the fabric of the building, and its setting will generally be supported.*
- 8.1.72. *As set out in national guidance, where a proposed development will lead to substantial harm to or loss of a designated heritage asset, the Council will refuse consent except in exceptional circumstances. Exceptional circumstances would include demonstrating that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh harm or loss.”*

Policy SC18: Scheduled Monuments and Archaeology

- 8.1.73. *“Proposals will be supported where the significance of scheduled monuments or archaeological sites, including their setting, is sustained and enhanced. Any development that adversely impacts a scheduled monument, physically and/or in terms of setting, will not be permitted except where the harm is demonstrably outweighed by public benefits.*
- 8.1.74. *Where development proposals are likely to affect non-designated archaeological sites, the developer should submit sufficient information to allow the significance of the archaeological remains and the impacts of the proposals thereon to be understood. In some cases this will require archaeological desk based assessment and/or field evaluation of the site which should be submitted as part of a development proposal and should be undertaken by a suitably qualified archaeologist. Provision should then be made for the excavation and recording of archaeological assets before demolition, disturbance or removal*

takes place, or for their preservation in situ as appropriate for the significance of the particular asset.

- 8.1.75. *It should be noted that any development that would affect scheduled monuments above or below ground will require scheduled monument consent in addition to planning approval.”*

Policy SC19: Bolsover Area of Archaeological Interest

- 8.1.76. *“Within the Bolsover Town Area of archaeological interest as defined on the Policies Map:*
- 1. Planning applications involving ground disturbance should be accompanied by the results of archaeological desk-based assessment, heritage impact assessment or other site evaluation assessment method, as appropriate to the scale and type of development. The assessment work should be undertaken by a suitably qualified archaeologist.*
 - 2. Proposals will be supported where the significance of archaeological assets is sustained or enhanced.*
 - 3. Where harms to archaeological assets are considered to be outweighed by development benefits provision should be made for their excavation and recording before development takes place.”*

Policy SC20: Registered Parks and Gardens

- 8.1.77. *“Planning permission for development that preserves or enhances the special historic landscape character and interest of a registered park and garden including its setting will be granted.*
- 8.1.78. *Applications must seek to protect original or significant designed landscapes, their built features, and setting.*
- 8.1.79. *Proposals which seek to restore or reinstate historic landscape features to original designs, using appropriate evidence, or better reveal their setting will be encouraged.”*

Policy SC21: Non-Designated Local Heritage Assets

- 8.1.80. *“Development proposals which positively sustain or enhance the significance of any local heritage asset and its setting will be permitted.*
- 8.1.81. *Alterations, additions and changes of use should respect the character, appearance and setting of the local heritage asset in terms of the design, materials, form, scale, size, height and massing of the proposal.*
- 8.1.82. *Proposals involving full or partial demolition of a local heritage asset will be resisted unless sufficient justification is provided on the proposed scheme and its public benefits to outweigh the harm caused by the loss of the asset.”*

Dinnington St John's Neighbourhood Plan 2016 – 2028 (Adopted May 2021)²⁰

Policy Bed 1: Dinnington Character Buildings and Structures of Local Heritage Interest

- 8.1.83. *“The Plan identifies the buildings and structures listed below (and shown on figures 3 to 9) as Dinnington Character Buildings and Structures of Local Heritage Interest:*
- 1. Dinnington Colliery Pit Wheel (Coronation Park);*
 - 2. Gurnhill Trough (Coronation Park);*
 - 3. Cenotaph (Coronation Park);*
 - 4. Old Library (Laughton Road);*
 - 5. Front of the Old Brewery (Laughton Road);*
 - 6. Handsworth Woodhouse Co-op Buildings (Laughton Road);*
 - 7. Old Dentists (Lidgett Lane);*
 - 8. Croft Cottage (Barleycroft Lane);*
 - 9. Middleton Institute (Barleycroft Lane);*
 - 10. 1 Silverdales Social Club (Lordens Hill);*
 - 11. Carlisle Terrace (Last of “The Barracks”);*
 - 12. Remains of the Old Blacksmiths (Laughton Road);*
 - 13. The Old Plant Workshop (Bottom of Church Lane);*
 - 14. St Leonards Church (Anglican) (including Font, Lectern and Dinnington Miners Banner);*
 - 15. St Joseph’s Church (Catholic);*
 - 16. The Old Rectory; and*
 - 17. The Older Rectory (Laughton Road).*
- 8.1.84. *Development proposals will be supported which conserve or enhance the heritage significance and setting of a Character Buildings or Structure.*
- 8.1.85. *Development proposals will be required to take into account the character, context and setting of these locally important assets, including important views towards and from them.*
- 8.1.86. *Development proposals will be required to be designed appropriately, taking account of local styles, materials, detail and heritage value.*
- 8.1.87. *Development proposals that may impact upon any Dinnington Character Building or Structure shall be accompanied by a heritage statement which considers the impact of the specific development proposed with regard to the character, context and setting of the assets on or in the vicinity of the site.”*

Maltby Neighbourhood Plan (Adopted February 2024)²¹

Policy M2: Maltby Character Buildings and Structures of Local Heritage Interest

- 8.1.88. *“The following buildings and structures (see maps in Appendix 1 of the Neighbourhood Plan) are identified as Maltby Character Buildings and Structures of Local Heritage Interest:*
- 1. Former White Swan, 9 Blyth Road;*
 - 2. The Queen’s Hotel, Tickhill Road at the junction with Muglet Lane;*
 - 3. Abbeyfield House, 43 Blyth Road;*
 - 4. The Wesley Centre, Blyth Road (formerly Maltby Wesleyan Methodist Chapel);*
 - 5. Former Anglican Church of the Ascension, Firth Crescent (now Ascension Mews Flats);*
 - 6. St Mary Magdalene Roman Catholic Church, Morrell Street;*
 - 7. Former Anglican Church of The Venerable Bede, Salisbury Road (now Bede House);*
 - 8. Former Maltby Grammar School (including Rotherham Road Frontage), Braithwell Road (now within Maltby Academy);*
 - 9. Former Maltby Church of England School, Church Lane;*
 - 10. The Crossley Memorial, Makins Hill, Maltby;*
 - 11. Barn to the rear of Roche Abbey Mill Farm, Kings Wood Lane, Stone;*
 - 12. The Nook, Blyth Road, Stone;*
 - 13. No’s 1 & 2 Stone Cottages, Blyth Road, Stone;*
 - 14. The Old School House, Blyth Road, Stone;*
 - 15. Stone Lodge, Blyth Road, Stone;*
 - 16. Stone Cottage, Blyth Road, Stone;*
 - 17. The Cottage, Horseshoe Lane, Stone;*
 - 18. Stone Mill Bridge, Horseshoe Lane, Stone;*
 - 19. Stone Grange, Blyth Road, Stone;*
 - 20. Stone Grange outbuildings fronting Blyth Road, Stone;*
 - 21. Four Lane Ends, Blyth Road;*
 - 22. The Old Barns (Four Lane Ends), Blyth Road;*
 - 23. Yews Lodge, The Yews, Firbeck; and*
 - 24. Yews Cottages, The Yews, Firbeck.*
- 8.1.89. *Development proposals will be supported which conserve or enhance the heritage significance and setting of a Character Building and Structure.*
- 8.1.90. *Development proposals will be required to take into account the character, context and setting of these locally important assets, including important views towards and from them.*

- 8.1.91. *Development proposals must be designed appropriately taking account of local styles, materials, detail and heritage value.*
- 8.1.92. *Development proposals that may impact upon any Maltby Character Building and Structure shall be accompanied by a heritage statement which considers the impact of the specific development proposed with regard to the character, context and setting of the assets on or in the vicinity of the site.”*

Wickersley Neighbourhood Plan 2012 – 2028 (Adopted May 2022)²²

- 8.1.93. *“The following buildings and structures are proposed to be included as Locally Listed Buildings.*
- 1. Castle House, Bawtry Road (Lister’s Castle);*
 - 2. Numbers 258 – 272 Bawtry Road, Wickersley;*
 - 3. Sycamore Cottage, 3 Morthen Road, Wickersley;*
 - 4. Lilac Farm, Morthen Road, Wickersley;*
 - 5. 1 Lilac Farm Close, Wickersley;*
 - 6. 3, Lilac Farm Close, Wickersley;*
 - 7. 10 & 12 Morthen Road, Wickersley;*
 - 8. 1 Moss Close, Wickersley;*
 - 9. Minden Cottage, 7 Morthen Road;*
 - 10. Minden Cottage outbuildings at the junction of Morthen Road and Minden Close;*
 - 11. 2, Church Lane, Wickersley;*
 - 12. Manor Farm, Church Lane, Wickersley;*
 - 13. 13, Morthen Road, Wickersley;*
 - 14. West Thorpe Cottage, 17 Morthen Road, Wickersley;*
 - 15. The Barn, Church Lane, Wickersley (also known as the Church Hall);*
 - 16. 30-34 Morthen Road, Wickersley including outbuildings;*
 - 17. 19-25 Morthen Road, Wickersley;*
 - 18. 27-33 Morthen Road, Wickersley;*
 - 19. 39 Morthen Road, Wickersley;*
 - 20. 40 Morthen Road, Wickersley (Wickersley Club);*
 - 21. 42 Morthen Road, Wickersley;*
 - 22. 46 & 48 Morthen Road, Wickersley + rear outbuildings;*
 - 23. 2-14 Sitwell Terrace, Wickersley;*
 - 24. 91 Morthen Road, Wickersley;*
 - 25. 1 Wood Lane, Wickersley + outbuildings;*
 - 26. 11 & 15 Wood Lane, Wickersley;*
 - 27. 58 Morthen Road, Wickersley;*

28. 1-7 Quarryfield Lane, Wickersley;
29. 23 Quarryfield Lane, Wickersley;
30. 17 & 19 Gillott Lane, Wickersley;
31. Pinchfield Cottage, 31 Gillot Lane, Wickersley;
32. Moat Farm, Moat Lane, Wickersley;
33. The Dovecote, Moat Lane, Wickersley;
34. Pinchmill Farm, Pinchmill Lane, Wickersley;
35. 17-25 Lings Lane, Wickersley;
36. Wickersley Grange, 38 Morthen Road; and
37. Wickersley War Memorial, Morthen Road.

8.1.94. *These buildings will be subject to Policy SP45 of the Rotherham Local Plan.*”

Policy GP5: Design & Development in the Conservation Area

- 8.1.95. *“In order to preserve and enhance the character and appearance of Wickersley Conservation Area, as shown on the Neighbourhood Plan Policies Map, new buildings, and extensions and alterations to existing buildings, within or affecting the setting of the conservation area, should be sympathetic to its distinctive local characteristics and achieve the following objectives whilst not preventing or discouraging appropriate innovation or change:*
- d. Layout should be sympathetic to the traditional building pattern of the conservation area and building heights, scale and massing should respond to and reinforce the character of the conservation area;*
 - e. Development should be sympathetic to existing architectural detailing such as roof forms, coursing and pointing of stonework, the proportions of window openings, joinery profiles and opening pattern of new and replacement windows and doors;*
 - f. Use of quality materials, such as natural stone that is sympathetic to the interest of the area and sit harmoniously with the existing building fabric and respect the uniformity in the colour and texture of the built form of the conservation area;*
 - g. Retention of existing stone boundary walls, gates, gateposts and railings and incorporation of new means of enclosure in a way which complements those already in existence using similar materials and details where possible;*
 - h. Retention of other architecturally or historically interesting features that testify to the evolution of the structures and are of good quality in their own right where possible; and*
 - i. Where traditional features have been replaced by modern alternatives, the reinstatement of original traditional features should be the presumed aim of conservation.”*

National Guidance

Planning Practice Guidance – Historic Environment (July 2019)²³

- 8.1.96. This guidance provides detailed advice on the assessment of harm to heritage assets, complementing the NPPF. It includes definitions of heritage assets, discussions on the nature of harm, and guidelines for assessing the impact of proposals on heritage assets.

Industry Specific Best Practice and Guidance

Historic England (2011) Environmental Archaeology: A Guide to the Theory and Practice of Methods, from Sampling and Recovery to Post-Excavation (second edition)²⁴

- 8.1.97. This document provides guidance for good practice in environmental archaeology. It gives practical advice on the applications and methods of environmental archaeology within archaeological projects.

Historic England (2015) Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision-Taking in the Historic Environment²⁵

- 8.1.98. This advice note provides guidance on assessing the significance of heritage assets and making informed decisions during the planning process.

Historic England (2016) Preserving Archaeological Remains Decision-taking for Sites under Development²⁶

- 8.1.99. This guidance focuses on the preservation of archaeological remains during development, particularly waterlogged sites, and provides methodologies for assessing and mitigating impacts.

Historic England (revised 2017) Historic Environment Good Practice Advice in Planning Note 3: The Setting of Heritage Assets²⁷

- 8.1.100. This document offers guidance on managing changes within the settings of heritage assets, emphasizing the importance of understanding and preserving their significance.
- 8.1.101. Within the NPPF the setting of a heritage asset is defined 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. Elements of setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral” (NPPF Annex 2, Glossary).
- 8.1.102. Historic England provides further definition of the concept of settings and how it should be considered within the English planning system in their ‘Good Practice Advice in Planning Note 3: The Setting of Heritage Assets’ (revised 2017):

“The extent and importance of setting is often expressed by reference to visual considerations. Although views of or from an asset will play an important part, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between places. For example, buildings that are in close proximity but are not visible from each other may have a historic or aesthetic connection that amplifies the experience of the significance of each.”

- 8.1.103. In accordance with this guidance Setting Assessment is undertaken according to a staged approach:
- Step 1: Identify which heritage assets and their settings are affected;
 - Step 2: Assess the degree to which these settings make a contribution to the significance of the heritage asset(s) or allow significance to be appreciated;
 - Step 3: Assess the effects of the Proposed Development, whether beneficial or harmful, on that significance or on the ability to appreciate it;
 - Step 4: Explore ways to maximise enhancement and avoid or minimise harm; and
 - Step 5: Make and document the decision and monitor outcomes.
- 8.1.104. In relation to Step 2, the starting point for this stage of the assessment is to consider the significance of the heritage asset itself and then establish the contribution made by its setting. The following are some of the attributes that may contribute to the setting of an asset:
- *The assets physical surroundings, inclusive of: Topography, aspect, other heritage assets, definition, scale and grain of surrounding space, formal design, orientation and aspect, historic materials and surface, green space, trees and vegetation, openness, enclosure and boundaries, functional relationships and communications, and history and degree of change over time.*
 - *The Experience of an asset inclusive of: Surrounding landscape or townscape character, views from, towards, through or across the asset, intentional intervisibility with other assets or natural features, visual dominance, prominence or role as a focal point, Noise, vibration and other nuisance, tranquillity, remoteness, wildness, busyness, bustle, movement and activity, scent's and smells, diurnal changes, sense of enclosure, seclusion, intimacy or privacy, land use, accessibility, permeability and patterns of movement, degree of interpretation or promotion to the public, rarity of comparable survivals of setting, cultural associations, celebrated artistic representations, and traditions.*
- 8.1.105. In relation to Step 3, the following attributes of the Proposed Development should be considered:
- *Location and siting;*
 - *Form and appearance;*
 - *Wider effects; and*
 - *Permanence.*

Historic England (2019) Statements of Heritage Significance: Analysing Significance in Heritage Assets. Historic England Advice Note 12²⁸

- 8.1.106. This document offers guidance on recognising and analysing heritage significance to help applicants and local authorities to make decisions on the impact of proposals for change to heritage assets.

Chartered Institute for Archaeologists (CifA) Guidelines: Standard and Guidance for Archaeological Desk-Based Assessment (2020)²⁹

- 8.1.107. This guidance provides an overview of methodology and content for the production of archaeological desk-based assessments.

CifA (2020) Standard and Guidance for Commissioning Work or Providing Consultancy Advice on Archaeology and the Historic Environment³⁰

- 8.1.108. This guidance provides standards for commissioning archaeological work and offering consultancy advice, ensuring that services are fit for purpose and conducted by qualified professionals.

Historic England (2021) Commercial Renewable Energy Development and the Historic Environment³¹

- 8.1.109. This Historic England Advice Note describes the potential impacts on the historic environment of commercial renewable energy proposals. It is written for all of those involved in commercial renewable energy development, helping them to give appropriate consideration to heritage issues.

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