

Proposed Solar PV Development

Preliminary Environmental Information Report

Appendix 8.1 Heritage Policy Tests

Byers Gill Solar

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Appendix 8.1: Policy Tests

1 HARM – NATIONAL PLANNING POLICY FRAMEWORK AND ENVIRONMENTAL IMPACT ASSESSMENT

1.1 Introduction

1.1.1 The Desk-based Assessment which forms Appendix 8.1 uses the criteria set out within the Overarching National Policy Statement for Energy 2011 (EN-1): Section 5.8 (Historic Environment) for determining the potential for harm to an asset.

1.1.2 Current policy (EN-1) does not refer to solar photovoltaic generation, however, this is included within the Draft National Policy Statement for Renewable Energy Infrastructure (EN-3): Sections 2.47-2.54 (Solar Photovoltaic Generation). Although this policy is still in draft, it includes relevant statements to this assessment.

1.1.3 At the time of writing, consultation on Revised Draft National Policy Statements for Energy Infrastructure has begun. While at the outset, this is unlikely to result in any material change to the requirements of the any assessment for the Historic Environment, this report will be updated following the outcome of the consultation should this be the case.

1.1.4 Reference is made within these policies where clarification of terms or for guidance on their practical implementation to ‘Annex 2 of PPS5, or any successor to it.’ PPS5 was replaced by the National Planning Policy Framework (NPPF) in 2012 and therefore is critical to any assessment as it share much of the same language as Policy EN-1 and EN-3 when referring to the Historic Environment.

1.1.5 This policy test document should be read with the understanding that where reference is made to policies within the NPPF, these are linked to and inform, the primary EN-1 and EN-3 policies.

1.1.6 The DBA uses EN-1 and NPPF compliant language, while the Preliminary Environmental Information Report (PEIR) uses a methodology which reflects the requirements of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations). For heritage, this methodology is set out in a form widely used across the industry and identifies the Magnitude of Impact that an asset may experience from a development. Consequently, this technical appendix is provided to assisting in correlating “harm” (or otherwise) to the heritage significance of heritage assets in terms of the NPPF with the significance of an effect in EIA terms.

1.2 Designated heritage assets

1.2.1 Where an assessment of substantial harm is made, this must transfer through to the PEIR as a significant effect.

1.2.2 The nuance how to equate that harm to the High and Medium levels of magnitude of impact should be made using the descriptive text to determine which best represents the impact being experienced.



- 1.2.3 For example, the total demolition of a Grade II listed building would be reported as substantial harm within an assessment guided by NPPF, and then transferred into the PEIR with a High Magnitude of Impact. However, the removal of elements of a Grade II listed building, i.e. loss but not total loss, would result in substantial harm in NPPF but, depending on the nuances of the listed building and its significance, may only transfer into the PEIR with a Medium Magnitude of Impact should much of its significance remain intact.
- 1.2.4 Where an assessment of less than substantial harm is made, this will generally not result in a significant effect within the PEIR.
- 1.2.5 The nuance how to equate that harm to the Low and Negligible levels of magnitude of impact should be made using the descriptive text to determine which best represents the impact being experienced.
- 1.2.6 For example, if a development is constructed within the setting of a Grade II listed building where that setting contributes to its significance there may be an effect on that significance. The scale of that effect would depend on the nuances of that development and what other elements of the asset contribute to its significance, however, this may be reported as less than substantial harm. This would then transfer to the PEIR with a Low Magnitude of Impact as there is a limited loss of significance.
- 1.2.7 However, if a development is constructed within the setting of a Grade II listed building where that setting makes a limited contribution to its significance, there may be a limited effect upon its significance. This would be reported as less than substantial harm, but at the bottom end of the scale and then transfer to the PEIR with a Negligible Magnitude of Impact as there is minimal change to the asset's significance.
- 1.2.8 There are exceptions to this rule where an asset of High significance, e.g. a Scheduled Monument, a Grade I Listed Building etc. is particularly sensitive to a change in its setting where that setting contributes to its significance. An assessment of less than substantial harm where there has been even a minor change in setting can result in a Low impact when aligned with the description of magnitude of change. This can then result in a Moderate Effect which is significant for the purposes of EIA.
- 1.3 Non-designated heritage assets**
- 1.3.1 Paragraph 203 of NPPF requires a balanced judgement in regard to “*the scale of any harm or loss and the significance of the heritage asset*” for non-designated heritage assets which have less weight in terms of policy and protection than designated heritage assets.
- 1.3.2 While the substantial or less than substantial differentiation does not apply to non-designated assets, development could cause impact of such a magnitude that would lead to their total loss which could qualify as a significant effect for EIA purposes.
- 1.3.3 The scale of these impacts on the heritage significance of non-designated heritage assets is determined in relation to their significance and their ability to absorb change.
- 1.3.4 Where total or major loss of heritage significance is not predicted, while still equating to harm in terms of NPPF, this would be reported within the PEIR chapter as a Minor or Negligible Effect, which is not significant.
- 1.3.5 This aligns the balance of non-significant effects against the benefits of the proposals with the requirement in NPPF that harm to any non-designated heritage asset, whether total loss, partial loss or minimal disturbance, requires consideration in the planning balance.



1.4 PEIR Concordance

- 1.4.1 Less than substantial harm to the Scheduled Monument Motte and Bailey 400m south-east of Bishopton was identified in the DBA. While less than substantial, this was determined to be at the top end of that scale as the asset is sensitive to a change in setting when appreciating an element of its historic interest.
- 1.4.2 This transferred through to the PEIR as a Low magnitude of change, however, as the asset is of High significance, this leads to the reporting of a Moderate Adverse effect, which is significant for the purposes of EIA.
- 1.4.3 The DBA concluded there was a potential for remains to be present within the Site relating to Iron Age, Romano-British, medieval and post-medieval agricultural land management remains.
- 1.4.4 The geophysical survey identified a number of anomalies which have been recorded as probable and possible archaeology while there remains a potential for as yet unknown archaeological remains.
- 1.4.5 The Cultural Heritage and Archaeology PEIR Chapter (Chapter 8) concludes that the Proposed Development would lead to a total loss of the archaeological resource, when considered on a worst-case scenario basis. In relation to the policy tests set out above, the total loss of these non-designated heritage assets must be considered to be of sufficient magnitude to be reported as a significant effect, prior to the application of appropriate mitigation.

2 SECTION 66 PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990

2.1 General

- 2.1.1 According to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the decision-maker "...shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses." Case law and precedent confirms that "great weight" is to be given to this "desirability" and the Act does not differentiate between the various Grades of listed buildings.
- 2.1.2 As the ES chapter did not identify any such assets as likely to receive harm, the above does not apply to the chapter.

3 SECTION 72 PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990

3.1 General

- 3.1.1 According to Section 72 "special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area". As with Section 66, "great weight" is to be given to this "desirability" which applies to any buildings or other land in a Conservation Area.
- 3.1.2 The Site is located within the vicinity of a number of conservation areas with the Bishopton conservation area located in close proximity.



- 3.1.3 Whilst the conservation area's character will remain broadly unchanged by the Proposed Development, there will be some limited visibility of the solar panels located within the Site. It is recognised that this has the potential to cause some harm to the character and appearance of the conservation area within views considered to be important to its significance, however, as set out within paragraph 206 of NPPF, not all elements of a conservation area contribute equally to its significance. In the case of Bishopton Conservation Area, its significance is best appreciated within the historic core of the village and within two key views beyond its boundaries. One of these views is located adjacent to an area proposed for panel installation on Church View/Mill Lane where the more modern elements of Bishopton village are located and contribute less to the overall character and appearance.
- 3.1.4 That being said, Section 72 of the Planning (Listed buildings and Conservation Areas) Act 1990 calls for great weight to be given to the desirability for the preservation or enhancement of the character and appearance of a conservation area. However, the slight change in character experienced on an element of the conservation area which is of less relative significance to the historic core from the Proposed Development will be balanced against the benefits of the scheme. This has been reported in the DBA as resulting in no harm to the significance of the conservation area.