

## Cultural heritage

One of a series of background topic papers prepared by db symmetry in support of a public consultation on proposals for a strategic rail freight interchange in Blaby district, to the north-east of Hinckley in Leicestershire.

### INTRODUCTION

1. In 2019 db symmetry will apply to the government for a Development Consent Order (DCO) for a proposed rail freight interchange on a site in Blaby District, to the east of Hinckley in Leicestershire. The project is known as the Hinckley National Rail Freight Interchange (HNRFI).
2. A DCO is a special form of planning permission for large infrastructure projects. It can include a range of additional powers required to implement the proposals, such as powers to acquire land, undertake works to streets, trees and hedgerows and divert utility services.
3. The Environmental Dimension Partnership Ltd (EDP) has been commissioned by db symmetry to undertake an assessment of the effects of the project on the historic environment. This work will inform the planning proposals and will be reported in the Environmental Statement that will accompany the DCO application for the site.
4. EDP is an independent environmental planning consultancy with offices in Cirencester, Shrewsbury and Cardiff. The practice provides advice to private and public sector clients throughout the UK in the fields of landscape, ecology, archaeology, cultural heritage, arboriculture, rights of way and master planning. Details of the practice can be obtained at [www.edp-uk.co.uk](http://www.edp-uk.co.uk).
5. Cultural heritage includes a wide range of features recognised in policy as ‘heritage assets’ resulting from human intervention in the landscape, varying in scope from buried archaeological remains, up to late 20th century industrial structures. In this case, heritage assets include the following:
  - World Heritage Sites – an international designation reflecting an asset’s ‘outstanding universal value’;

- Scheduled Monuments – a national designation applied to archaeological sites of ‘national importance’;
- Listed Buildings (Grades I, II\* and II) – a national designation applied to buildings of ‘special architectural and historic interest’;
- Registered Parks and Gardens (Grades I, II\* and II) – a national designation applied to parks and gardens of ‘special historic interest’;
- Registered Historic Battlefields - a national designation applied to important English battlefields;
- Conservation Areas – areas designated by the Council as the local planning authority for their ‘special architectural and historic interest’;
- Non-designated heritage assets - buildings, monuments, sites, places, areas or landscapes identified as having a degree of significance meriting consideration in planning decisions but which are not formally designated heritage assets.

## LAW, POLICY AND GUIDANCE

### Legislative framework

6. There are two primary Acts governing the conservation and management of the historic environment in an English context - the Ancient Monuments and Archaeological Areas Act (1979), and the Planning (Listed Buildings and Conservation Areas) Act (1990).

### *Ancient Monuments and Archaeological Areas Act, 1979*

7. The Ancient Monuments and Archaeological Areas Act, 1979, as amended, builds on previous Acts in confirming legal protection for nationally important archaeological remains through their addition to a centrally maintained list or ‘schedule’.
8. Archaeological remains that have been scheduled are known as Scheduled Monuments (SMs). Proposed works affecting a SM for the most part require Scheduled Monument Consent (SMC), which is issued by Historic England acting on behalf of the Department for Digital, Culture, Media and Sport (DCMS).
9. In the 1979 Act, ‘works’ are defined as demolishing, destroying, repairing, altering or adding to the monument. With the exception of ‘consented’ activities, under the Act, it is an offence to damage a SM by carrying out works without having first obtained SMC.
10. The Act does not, however, address the ‘setting’; i.e. the environment in which the asset

is experienced. Instead, the setting of archaeological assets is protected by the National Networks National Policy Statement and the National Planning Policy Framework (NPPF) (see below).

### ***Planning (Listed Buildings and Conservation Areas) Act 1990***

11. Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 set out the duties of Local Planning Authorities in respect of the treatment of listed buildings and conservation areas through the planning process.
12. Section 66(1) of the Act sets out the statutory duty of the decision-maker, where proposed development would affect a listed building or its setting.
13. The ‘special regard’ duty of the 1990 Act has been tested in the Courts and confirmed to require that ‘considerable importance and weight’ is afforded by the decision maker to the desirability of preserving a listed building along with its setting.
14. Paragraph 5.131 of the National Policy Statement for National Networks and Paragraph 193 of the National Planning Policy Framework 2018 transpose s66 (1) of the 1990 Act into national planning policy.

### ***National Policy Statement for National Networks (2014)***

15. The National Policy Statement for National Networks, hereafter referred to as ‘NPS’, sets out the need for and the government’s policies to deliver development of Nationally Significant Infrastructure Projects (NSIPs) on the national road and rail networks in England and Wales. It provides planning policy for promoters of NSIPs on the road and rail networks, and the basis for the examination by the Examining Authority and decisions by the Secretary of State.
16. The NPS recognises the need to consider heritage assets within the application and determination process as the construction and operation of national infrastructure has the potential to result in adverse impacts on the historic environment, as stated in paragraph 5.120. The historic environment section of the statement (NPS pp. 71-75) emphasises the need for local authorities to set out a clear strategy for the conservation and enjoyment of the historic environment, where heritage assets are recognised as a finite and irreplaceable resource, to be preserved in a manner appropriate to their significance.
17. Paragraph 5.127 addresses applications for NSIPs, stating that:

*‘The applicant should 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. As a minimum the relevant Historic Environment Record should have been consulted and the heritage assets assessed using appropriate expertise. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, the applicant should include an appropriate desk-based assessment and, where necessary, a field evaluation.'*

18. Designated heritage assets are addressed in Paragraph 5.131, which 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. The more important the asset, the greater the weight should be. Once lost, heritage assets cannot be replaced and their loss has a cultural, environmental, economic and social impact. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Given that heritage assets are irreplaceable, harm or loss affecting any designated heritage asset should require clear and convincing justification. Substantial harm to or loss of a grade II Listed Building or a grade II Registered Park or Garden should be exceptional. Substantial harm to or loss of designated assets of the highest significance, including World Heritage Sites, Scheduled Monuments, grade I and II\* Listed Buildings, Registered Battlefields, and grade I and II\* Registered Parks and Gardens should be wholly exceptional.'*

19. With regard to non-designated heritage assets, Paragraph 5.125 states that:

*'The Secretary of State should also consider the impacts on other non-designated heritage assets (as identified either through the development plan process by local authorities, including 'local listing', or through the nationally significant infrastructure project examination and decision making process) on the basis of clear evidence that the assets have a significance that merit consideration in that process, even though those assets are of lesser value than designated heritage assets.'*

### **National planning policy Framework – July 2018**

20. The NPPF 2018 sets out the government's approach to the conservation and management of the historic environment, including both listed buildings and conservation areas, through the planning process in more general terms. The opening paragraphs of Section 16 [184 and 185] emphasise the need for local authorities to set out a clear strategy for the conservation and enjoyment of the historic environment, where heritage assets are recognised as an irreplaceable resource, to be conserved in a manner appropriate to their significance.

## Local planning policy

21. The statutory development plan relevant to the site comprises the Blaby District Local Plan 1999 (saved policies 2007) and the Blaby District Core Strategy (adopted February 2013).

### *Blaby District Local Plan 1999 (saved policies 2007)*

22. The relevant saved policies of the Blaby District Local Plan 1999 include:
- CE1 Scheduled Ancient Monuments and Archaeological Sites;
  - CE6 Listed Buildings; Setting;
  - CE9 Conservation Areas; Vistas/Street Scenes/Open Spaces; and
  - CE10 Conservation Areas; Character and Appearance.

### *Blaby District Local Plan Core Strategy 2013-2029*

23. The Blaby District Local Plan 2013-2029 (Core Strategy) provides the strategic planning policy framework and sets out strategic land allocations for the District to 2029. The core strategy forms part of the spatial plan and provides the basis for decisions on land use planning affecting Blaby District.
24. Policy contained within the adopted Local Plan, relevant to the historic environment, includes:

#### ***Policy CS20: Historic Environment and Culture***

*‘Blaby District has a number of important buildings, sites and areas of historic value including Scheduled Monuments (SMs), Listed Buildings, Conservation Areas, archaeological remains and other heritage assets. These (including heritage assets most at risk through neglect, decay or other threats) will be preserved, protected and where possible enhanced.*

*‘The Council takes a positive approach to the conservation of heritage assets and the wider historic environment through:*

*‘a) Considering proposals for development on, in, or adjacent to historic sites, areas and buildings against the need to ensure the protection and enhancement of the heritage asset and its setting. Proposed development should avoid harm to the significance of historic sites, buildings or areas, including their setting.*

*'b) Expecting new development to make a positive contribution to the character and distinctiveness of the local area.*

*'c) Ensuring that development in Conservation Areas is consistent with the identified special character of those areas, as well as working, where appropriate, to identify other areas of special architectural merit or historic interest in designating additional Conservation Areas;*

*'d) Securing the viable and sustainable future of heritage assets through uses that are consistent with the heritage asset and its conservation; and*

*'e) Promoting heritage assets in the District as tourism opportunities where appropriate.'*

25. In addition to policy CS20, paragraphs 7.20.1 to 7.20.4 of the Local Plan make the following points:

*'The East Midlands Regional Plan indicates that 'the historic environment should be understood, conserved and enhanced' in order to 'contribute to the Region's quality of life'. The above policy aims to meet this objective by protecting (and where possible enhancing) archaeological sites, historic buildings, conservation areas, historic parks and other cultural assets.*

*'The National Planning Policy Framework (NPPF) emphasises the importance of Local Plans setting out a positive strategy for the conservation and enjoyment of the historic environment and its heritage assets, and places a heavy emphasis on the conservation of heritage assets in a manner appropriate to their significance.*

*'Blaby District contains a number of important archaeological sites (including 14 Scheduled Monuments). In addition there are numerous areas of known archaeological interest and the potential for other unexplored areas to contain important archaeological artefacts.*

*'The District of Blaby has nine conservation areas and some 200 listed buildings. Development proposals that affect listed buildings or fall within Conservation areas need to be of very high design quality taking into consideration the principles of good design set out in Policy CS2.'*

## THE SITE

### Designated heritage assets (Cultural Heritage Plan 1)

26. The baseline assessment has established that there are no designated heritage assets designated under the relevant legislation within the draft DCO boundary, such as world heritage sites, scheduled monuments, listed buildings, registered parks and gardens, battlefields, or conservation areas, as set out on the list in paragraph 1.3 above.
27. Within 5 km of the HNRFI site there are six scheduled monuments, 98 listed buildings and nine conservation areas. There are several groups of listed buildings in the settlements of Stoney Stanton to the east (including the Grade II\* listed Church of St Michael) and Elmesthorpe to the north (including the Grade II listed Church of St Mary). Scheduled monuments closest to the HNRFI site include the ruined church at Elmesthorpe to the north, and Sapcote Castle and Moat, on the west edge of Sapcote, south-east of the HNRFI site. The Aston Flamville conservation area is also located to the south of the HNRFI site.
28. In general terms, the majority of the designated heritage assets in the wider area comprise listed buildings clustered in the historic cores of local settlements. Several listed buildings, including the Church of All Saints, are located in Sapcote to the east; Aston Flamville to the south; and a number of listed buildings, including the Grade II\* listed Church of St Catherine are located in Burbage to the south-west. The Grade I listed Church of St Mary is located on the southern edge of Barwell, north-west of the HNRFI site.
29. Ongoing assessment indicates that, in the overwhelming majority of cases, the positions of the listed buildings and conservation areas are such that land within the draft DCO boundary does not form part of their settings. However, there are a number of listed churches in the surrounding settlements that, by virtue of their location on local high points with views outwards in the direction of the HNRFI site, or through the prominence of their towers or spires in the local landscape, are experienced in combination with the land within the site. Hence, the HNRFI site is regarded as being part of the setting of these assets.

### Non-designated heritage assets (Cultural Heritage Plan 2)

30. There are relatively few non-designated heritage assets or records of previous archaeological investigations recorded within the draft DCO boundary by the Leicestershire Historic Environment Record (HER).
31. A single archaeological investigation is recorded on the western edge of the HNRFI site (ELE8716) and relates to a desk-based assessment in advance of a construction of a pipeline. No features of apparent interest were recorded within the draft DCO boundary during the course of the investigation.
32. The remaining HER entries relate to an undated cropmark of a possible ditch (MLE68) recorded in the northern portion of the HNRFI site and a late 19th century barn

(MLE20555) at Hobbs Hayes farm in the southern part of the site.

33. Two fields containing ridge and furrow earthworks, deriving from medieval agricultural practice, were also identified during the course of the site assessment work.
34. Historic mapping indicates that the extant farmsteads within the draft DCO boundary were established variously in the 18th or 19th centuries.
35. Historic Landscape Characterisation (HLC) data provided by the HER indicate that the fields within the draft DCO boundary are predominantly characterised as reorganised piecemeal enclosure or planned enclosure originating in the late post-medieval period.
36. None of the archaeological or landscape features identified to date by the HER and site walkover is considered to represent an ‘in-principle’ constraint to development.
37. The surrounding area has produced evidence for archaeological activity dating from the early prehistoric period through to the medieval period, although this is predominantly evidenced by records relating to chance finds of artefacts rather than conclusive evidence of settlement.
38. The scarcity of archaeological information for land within the draft DCO boundary is likely to be reflective of a lack of systematic investigation in the wider area, rather than the actual absence of archaeological remains. The albeit limited evidence for archaeological activity in the wider area, coupled with the extensive size of the site, suggests that inevitably there is some potential for it to contain hitherto unidentified buried archaeological remains relating to the prehistoric, Roman and later periods. However, based on the current evidence and the site’s agricultural use certainly since the medieval period, any such remains are likely to be heavily compromised by later agricultural activity.
39. Further assessment is being progressed to better understand the nature, presence and extent of any buried features that might survive within the site through an appropriate programme of investigative fieldwork, although, on the basis of the current evidence, any such remains are unlikely to be of sufficient importance or extent, or survive to a level, which would warrant preservation *in situ*.

## OUR APPROACH TO ASSESSMENT

40. The first stage of the assessment is to verify the baseline conditions of the site and surrounding area. The proposed scope of works includes an archaeological and heritage assessment of the historic environment at and around the site, informed by an appropriate programme of investigative fieldwork, as agreed with relevant consultees.
41. The aim of the assessment work will be to identify, as far as is reasonably possible, the nature of the archaeological and cultural heritage resource within the study area, to assess significance and to make appropriate recommendations for the future treatment of any

remains or assets which may be affected.

42. A robust and proportionate setting assessment will be undertaken for all designated heritage assets within an appropriate radius of the draft DCO boundary, in addition to any assets beyond this study area that may be found to be potentially sensitive to the development proposals.
43. A study area of 5km, measured from the draft DCO boundary, has been requested by statutory consultees to assess the potential for impacts on designated heritage assets through changes to their settings.
44. While the setting assessment will be informed by landscape and visual considerations, it will acknowledge that the assessment of setting is not purely a visual consideration. The ability to see a proposed development from or in combination with a heritage asset does not necessarily equate to an effect upon that heritage asset. It is rather a question of the contribution of the setting to the heritage significance of each asset, and whether there would be any change to that contribution as a result of the proposals.
45. A 1 km radius study area from the draft DCO boundary is considered appropriate to inform the baseline assessment of the area's archaeological potential in terms of non-designated heritage assets.
46. In addition to field visits and consultation with relevant officers and stakeholders, consultation with the following resources will be undertaken.
  - Leicestershire Historic Environment Record.
  - The relevant local history centre/ record office and other local repositories.
  - The National Heritage List for England.
  - Historic Ordnance Survey mapping.
  - Historic aerial photography.
  - Archaeological Data Service Online Catalogue.
  - Previous desk-based assessments, EIAs or fieldwork reports prepared for other sites in the vicinity.
47. The assessment will then identify and evaluate the nature and likelihood of the impacts of the development in both the long and short term on the identified archaeological and cultural heritage features, against clearly defined criteria. Significance will be assigned to impacts relative to the sensitivity of the resource and the magnitude of impact in accordance with best practice.

48. The baseline assessment process, including any required fieldwork, will give due regard to industry best practice guidance produced by the Chartered Institute for Archaeologists and relevant Historic England guidance, including Historic Environment Good Practice Advice in Planning, Note 3, The Setting of Heritage Assets (HE 2017).
49. The EIA assessment for archaeology and cultural heritage will be prepared with reference to guidance set out in the Highways Agency *Design Manual for Roads and Bridges*, Vol.11, Section 3, Part 2. This is an industry standard assessment methodology, and the only one adopted by a government agency.

### THE LIKELY MAIN EFFECTS OF THE PROPOSALS

50. The cultural heritage assessment has already commenced and has examined the known historic environment baseline conditions within the draft DCO boundary and its broader context. The assessment process will involve ongoing analysis of the likely cultural heritage effects as the evidence base expands and the development proposals evolve. Where impacts cannot be avoided through design, additional mitigation measures will be recommended.
51. In accordance with paragraph 5.127 of the NPS and other best-practice guidance, the assessment process will identify the heritage significance of assets, including the contribution of the setting to that significance, and assess the impact of the development on that significance. Policy and guidance make clear that impacts are not harmful unless they adversely affect a heritage asset's significance.
52. Archaeological resources are susceptible to a range of impacts during development. These relate to works associated with site preparation as well as construction related activities including:
- demolition and site clearance activities that disturb archaeological remains;
  - excavation that extends into archaeological sequences, for example deep foundations or basements resulting in the removal of the resource;
  - piling activities resulting in disturbance and fragmentation of the archaeological resource;
  - dewatering activities resulting in desiccation of waterlogged remains and deposits.
53. The implications, if any, of these actions will be considered and significance criteria allocated to any identified impact.
54. In terms of the effects on cultural heritage, the effects of the development can be direct, such as loss or damage to a heritage feature such as extant historic farm buildings within

the draft DCO boundary, or indirect, including the effect resulting from change to the setting of a listed building or scheduled monument for example. This component of the assessment will be cross-referenced with the landscape and visual assessment. Any such impacts will be discussed and significance criteria applied.

## PROPOSED APPROACH TO MITIGATION

55. A hierarchical approach towards mitigation (prevent, reduce, offset) will be applied to avoid, where possible, any effects on cultural heritage through the overall design of the proposed development, the disposition of its elements (prevent), and, subsequently through careful siting of the different elements of the proposed development and its required infrastructure (reduce). Further mitigation might also be employed to offset any effects that cannot be otherwise adequately prevented or reduced.
56. If potential adverse impacts are identified on heritage assets, the means by which they might be avoided – through design – will be explored as a priority. If such impacts cannot be avoided or minimised through design, then alternative strategies, which might include site investigation and recording, will be proposed. The residual impacts following the implementation of these measures will then be defined and significance criteria applied in the assessment process.
57. For archaeological and cultural heritage resources within the draft DCO boundary, the priority is to avoid harm. If preservation *in situ* is not viable to prevent effects, an appropriate mitigation strategy will be implemented to offset the effects. The principal element of additional mitigation to address archaeological effects will be to secure DCO Requirements (similar to planning conditions in a conventional planning permission) that ensure the delivery and completion of further archaeological investigation and recording, in advance of or during construction.
58. In terms of standing buildings of historic interest within the draft DCO boundary, the principal element of additional mitigation to address effects will be to secure DCO Requirements that ensure the delivery and completion of further assessment and recording of these structures in advance of construction.
59. For indirect effects, resulting for example from change to the setting of a listed building or scheduled monument, the approach will be to prevent or minimise effects through the design of the scheme, including the opportunity to improve and enhance the structure of the landscape across the area through hedgerow and woodland planting, in order to mitigate changes to the setting of any such heritage assets.

## NEXT STEPS

60. Further work is programmed to expand the baseline for the purposes of the cultural heritage assessment.

61. The results of a geophysical survey of the site will be used to inform its archaeological potential. A subsequent programme of trial trenching and intrusive fieldwork, agreed with consultees, is being progressed which will define the presence of any archaeological features within the draft DCO boundary and allow the formation of an appropriate mitigation strategy to secure their investigation and recording, as appropriate.
62. The non-designated buildings and structures within the draft DCO boundary will be assessed to allow the formation of an appropriate mitigation strategy to secure their investigation and recording in advance of development, as appropriate.
63. Designated heritage assets within the defined 5km study area will be subject to a full impact assessment, following the finalisation of the Parameters Plan for the development proposals.