

**ELECTRICITY ACT 1989 (SECTION 36 AND SCHEDULE 8)  
TOWN AND COUNTRY PLANNING ACT 1990 (SECTION 90)  
THE ELECTRICITY GENERATING STATIONS AND OVERHEAD LINES (INQUIRIES PROCEDURE)  
(ENGLAND AND WALES) RULES 2007**

**PUBLIC INQUIRY TO CONSIDER SECTION 36 ELECTRICITY ACT 1989 APPLICATION BY  
STEADINGS WIND FARM LIMITED FOR CONSENT AND DEEMED PLANNING PERMISSION TO  
CONSTRUCT AND OPERATE A WIND FARM AT KIRKWHELPINGTON, NORTHUMBERLAND  
(KNOWN AS STEADINGS)**

**APPENDIX TO THE PROOF OF EVIDENCE OF  
SIMON COLLCUTT MA(Hons) DEA DPhil FSA  
CULTURAL HERITAGE IMPACT INCLUDING ASSESSMENT OF CUMULATIVE EFFECTS  
ON BEHALF OF STEADINGS WIND FARM LIMITED**

**THE SETTING OF CULTURAL HERITAGE FEATURES  
ASSESSMENT PRINCIPLES**

**BERR REFERENCE: GDBC/ 001/ 00278C**

**TYNEDALE COUNCIL REFERENCE: 20060540**

**NORTHUMBERLAND COUNCIL REFERENCE: 06/ 00023/ CPC**

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**The Setting of Cultural Heritage Features  
Assessment Principles**

**APPENDIX TO THE PROOF OF EVIDENCE OF  
Dr. S.N. Collcutt**

on behalf of  
**Steadings Wind Farm Limited**

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**Oxford Archaeological Associates Limited**

**November 2007**

**BERR Ref : GDBC/001/00278C**

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## 1. Introduction

- 1.1 There are currently no formal guidelines on the assessment of the impact of proposed development upon the setting of cultural heritage features.

## 2. Setting as a Material Planning Consideration

- 2.1 It has been confirmed in guidance, after long application in practice, that setting is a material consideration in Planning in PPG 16<sup>1</sup> and PPG 15<sup>2</sup>.

- 2.2 Setting is also a specific statutory consideration for Listed Buildings and Conservation Areas, as set out in the P(LBCA)A<sup>3</sup>.

- 2.3 At s.66(1), the Act states:

*In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State 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.*

- 2.4 It is clear that the wording at s.66(1) defines a special material consideration but it does not create an absolute prescription against non-preservation. Setting is therefore a matter to be weighed in the overall Planning balance<sup>4</sup>.

- 2.5 The setting of important heritage features (such as World Heritage Sites, Scheduled Ancient Monuments, Listed Buildings, Conservation Areas, Registered Parks & Gardens and Registered Battlefields) are usually given specific local weight in statutory local plans.

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<sup>1</sup> Planning Policy Guidance 16: *Archaeology and Planning* 1990 [SWF5.2].

<sup>2</sup> Planning Policy Guidance 15: *Planning and the Historic Environment* 1994 (as amended by DCLG & DCMS 2007, *Revisions to Principles of Selection for Listing Buildings* Department of Communities and Local Government Circular 01/2007; Department for Culture, Media and Sport Circular PP992; 8 March 2007 [SWF16.4]) [SWF5.1].

<sup>3</sup> Planning (Listed Buildings & Conservation Areas) Act 1990 [SWF7.2].

<sup>4</sup> The Planning Inspectorate (LAVENDER, D.) 2006 Appeal Decision APP/K2610/A/05/1180685 *Farmland adjacent to Skitfield Road, Guestwick, Norwich* (refused Wind Farm, Broadland District), for the First Secretary of State [SWF9.1(j(i))]. "17. Nonetheless, it is apparent from PPS7 and paragraph 66(1) of the Act that protection or enhancement of the countryside and preservation of the settings of Listed Buildings are not, in themselves, intended to be determinative. Rather, as my framing of the main issues indicates, they are factors to which regard, or special regard, must be paid in the overall planning balance. [...]"

### 3. Special Interest of Setting

3.1 Cultural Heritage features and their settings should only be judged on relevant characteristics. The Government's intentions on the matter of nationally important sites, to be included in a new consolidated List for all types of cultural heritage features, have been set out in the recent Heritage White Paper <sup>5</sup>. The principles are given as follows:

*1.1.18 The concept of 'special interest' used in the listing system has been tested out over many years. It has shown itself to be broad enough to accommodate changing perceptions of the historic environment, and sufficiently neutral to avoid subjective value judgements. In future, all national designation decisions will be made on the basis of 'special architectural, historic or archaeological interest'.*

3.2 Particular issues are relevant to the setting of a cultural heritage feature only in as much as they contribute to (or detract from) the architectural, historic or archaeological interest of the feature in question, more specifically, the *special* interest, when dealing with features of national importance.

3.3 A crucial example of unsound use of the concept of setting in historic environment terms would be to suggest that the landscape (any and all landscape) around a cultural heritage feature should be taken as the 'tablecloth upon which the feature stands' <sup>6</sup>, without there being any clear, and clearly explained, relationship between the characteristics of that landscape and the special interest of the cultural heritage feature. Masser (2006) <sup>7</sup> has rightly noted that "some of the landscape elements surrounding a site will be highly relevant to the setting of the site, others much less so". 'Landscape' and 'setting' are not synonymous in this context.

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<sup>5</sup> DCMS & WAG 2007. *Heritage Protection for the 21st Century White Paper*, Department for Culture, Media & Sport and Welsh Assembly Government, March 2007 [SWF16.5].

<sup>6</sup> **Contra:** The Planning Inspectorate (LAVENDER, D.) 2006 Appeal Decision APP/K2610/A/05/1180685 *Farmland adjacent to Skitfield Road, Guestwick, Norwich* (refused Wind Farm, Broadland District), for the First Secretary of State [SWF9.1(j(i))]. "16. In the light of this statutory requirement, I have considered carefully the advice in paragraphs 2.16 and 2.17 of PPG15, concerning the scope of the setting of Listed Buildings. While dealing mainly with protecting specific features of interest, the formal grounds of such buildings, or their setting in a particular street, it advises that the term 'setting' should not be interpreted too narrowly. This, to my mind, is of particular relevance in relation to structures of the very substantial height and local prominence proposed in this case. Thus, while the landscape around Guestwick is neither statutorily designated nor of such scenic beauty that it is of national importance in itself, it does provide the tablecloth on which a number of Listed Buildings stand, and it is the protection of the setting of these that is a matter of national importance. To that extent, I regard landscape and setting as indistinguishable from each other."

<sup>7</sup> MASSER, P. 2006. *Environmental Impact Assessment of Windfarms: Cultural heritage and the problem of 'setting'* (February 2006) Headland Archaeology Limited, paragraph 2.2 [SWF16.28].

## 4. Appropriate Characteristics of Setting

- 4.1 Collcutt (1999)<sup>8</sup> published a review article on the setting of cultural heritage features, in which a compilation of much of the relevant material on 'usage' of the concept to that date was presented.
- 4.2 From this work, and from subsequent publications, a number of critical characteristics of setting have emerged, which are considered in turn below.

### Visual Characteristics

- 4.3 Collcutt argued, with examples, that setting is "fundamentally a visual concept"<sup>9</sup>, with both the principle cultural heritage feature and the relevant characteristics of its setting needing to be reasonably visible at ground level<sup>10</sup>.
- 4.4 English Heritage developed<sup>11</sup> a working definition of "setting" on that basis:

*DEFINITIONS: This document uses particular words and phrases to describe the historic environment and the ways in which it is valued and managed. Their specific or technical meaning as used in this document is set out below.*

[...]

**Place**

*Any part of the historic environment, of any scale, that has an identity perceived by people*

[...]

**Setting**

*The visual surroundings in which a significant place is now experienced*

### Insufficiency of Visibility Criterion Alone

- 4.5 Visibility, of the principal cultural heritage feature in and from its surroundings (the 'visual envelope'), is the appropriate starting point but mere visibility is not sufficient to define the relevant characteristics of special interest<sup>12</sup>.

<sup>8</sup> COLL CUTT, S.N. 1999. The setting of cultural heritage features. *Journal of Planning & Environment Law*. June 1999:498-513 [SWF16.25].

<sup>9</sup> Ibid., p.500.

<sup>10</sup> Cf. The Planning Inspectorate (ELLISON, M.) 2005. *A303 Trunk Road (Stonehenge Improvement) Report* (Ref: HA61/4/3) to the First Secretary of State and the Secretary of State for Transport, January 2005 [SWF10.1]. "10.123 [...]. I do not accept, however, that existing planning guidance provides that non visible remains have a setting which needs to be preserved [...]. Paragraph 27 of PPG16 refers only to visible remains [6.3.19], and the DMRB [Design Manual for Roads and Bridges paragraph 6.1, part 2, section 3, Vol.11] indicates that visual intrusion, as an impact on setting, is only relevant for archaeological remains which are clearly visible to the human eye [...]."

<sup>11</sup> English Heritage 2006 *Conservation Principles for the Sustainable Management of the Historic Environment: First Stage Consultation* February 2006, English Heritage: London [SWF16.12].

- 4.6 In connection with wind farms, a visually permeable type of development which does not commonly block off broad views entirely, the contribution of the visible setting to special interest may still be apparent <sup>13</sup>.
- 4.7 Again in connection with wind farms, turbines may be visible over very long distances because they are tall structures and they must be sited to catch the wind. This will often lead to exaggerated concern at the planning stage with respect to the range over which significant setting impact will occur <sup>14</sup>.

### Other Directly Perceptual Characteristics

- 4.8 English Heritage have refined <sup>15</sup> their working definition of setting, as follows:

<sup>12</sup> The Planning Inspectorate (SMITH, K.) 2006 Appeal Decision APP/Q1153/A/05/1187563 *Land west of A386 on Bowerland Road, south of Oakhampton, Devon* (refused Yelland Wind Farm, Borough of West Devon), DCLG [SWF9.1(k(i))]. "42. I do not consider that mere visibility of the turbines from the [historic] features represents a substantial objection from the standpoint of [... standard Planning policies]. [...]". Again: The Planning Inspectorate (HISCOX, R.D.) 2006 Appeal Decision APP/Q0830/A/05/1189328 *Penpell Farm, Par, St. Austell, Cornwall* (refused Wind Farm, Borough of Restormel), DCLG [SWF9.1(h(i))]. "33. I fully appreciate the argument for the Appellants that the fact that there may be intervisibility between a listed building, or its curtilage, and proposed wind turbines, does not necessarily amount to harm to the setting of that building, and judgement is needed as to whether the impact of being seen would be harmful. I am also mindful that any harm I may find in respect of the setting of this listed building, or any other buildings or features of importance in the historic landscape, must be weighed in the balance of considerations that will be necessary when I have considered the main issues."

<sup>13</sup> The Planning Inspectorate (LAVENDER, D.) 2006 Appeal Decision APP/Q1153/A/08/2017162 *Agricultural land to the south east of North Tawton and south west of Bow* (Den Brook Wind Farm, Borough of West Devon), DCLG [SWF9.1(r)]. "35. [...] With respect to views from various villages at 1.3 and 2.7 km [...] the turbines] would [...] be seen across extensive swathes of countryside in the foreground, behind and to either side, so the setting would remain distinctly rural." Cf. also The Planning Inspectorate (DURRANT, K.P.) 2006 Appeal Decision APP/Y2003/A/05/2005388 *Land north of Elsham Industrial Estate, Elsham, Lincolnshire* (refused Wind Farm, North Lincolnshire), DCLG [SWF9.1(i(i))]. "29. [...] It is the nature of turbine development that land remains open beneath and through them, such that the wider agricultural landscapes would still permeate the setting."

<sup>14</sup> Cf. The Planning Inspectorate (GRANTHAM, R.W.N.) 2007 Appeal Decision APP/A3010/A/06/2017850 *Agricultural land to the east of Grove, approximately 5km east of Retford, Nottinghamshire* (refused Tawton Wind Farm, Bassetlaw District), DCLG [SWF9.1(m(i))]. "42. The [Grade I Listed] 13th century Church of St Peter sits at the western end of a low ridge and, as a result, occupies a fairly prominent position in the local landscape in views from around Upton, to the south. From here, its roof and modest castellated tower form part of the skyline and a break between the residential and agricultural buildings to the east and a Mature Landscape Area to the west. However, it is not visually dominant. [...] 44. A further consideration is the view out from the churchyard. From here, the impact of the turbines would be striking, but the separation from them [1.9 km] would be apparent. [...] 45. Taking all these factors into account, together with the advice of English Heritage in relation to Wind Energy and the Historic Environment, I am led to conclude that the setting which underpins the importance of this building and the visual contribution it makes, is limited to an area that is relatively close to the Church and does not extend to include the landscape of the appeal site. That setting would be preserved by the scheme [...]" Again: The Planning Inspectorate (MAJOR, P.) 2007 Appeal Decision APP/X1545/A/06/2023805 *Hockley Farm, Hockley Lane, Bradwell on Sea, Essex* (Bradwell Wind Farm, Maldon District), DCLG [SWF9.1(g(i))]. "37. In summary I do not accept that the setting of the chapel is a wide as suggested by the Council. The wider landscape clearly has historic links with the chapel, but I do not see these as being unacceptably altered by the proposal. That part of the landscape which defines the setting, the area where the real interrelationship of the chapel and the surroundings exerts itself, is much smaller. There would be effects, even some slight detraction from the appreciation of the chapel, especially when looking over the chapel to the wind farm, but I do not consider that the effects would be such as to materially harm the setting of the building."

<sup>15</sup> English Heritage 2007 *Conservation Principles for the Sustainable Management of the Historic Environment: Second Stage Consultation* February 2007, English Heritage: London [SWF15.13].

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[...]

**Place**

*Any part of the historic environment, of any scale, that has an identity perceived by people*

[...]

**Setting**

*The surroundings in which a place is experienced, embracing an understanding of perceptible evidence of the past in the present landscape*

- 4.9 This refined definition has wider implications (see below) but, here, one may note that, although primarily visual 'cues' are still required, other senses may become involved. Plausible examples to date mostly involve sound, either with respect to the suitability of the volume or the nature (whether evocative or discordant) of the sound <sup>16</sup>.

**Setting and Context**

- 4.10 The word 'context' is used in archaeology to mean an 'excavation collecting unit' (such as a specific body of sediment in the fill of an ancient ditch); for the avoidance of possible confusion, this is **not** the meaning intended here.

- 4.11 There is an emerging usage of the term 'context' amongst historic environment management professionals to refer to 'intellectual surroundings' <sup>17</sup>:

*8.3 The Committee emphasised the need to weigh up the legal position regarding setting, and to develop an intellectually viable definition of setting. It was suggested that setting might usefully be contrasted with context, the former having more to do with visual environment, the latter with intellectual surroundings, including deposits and the questions that give them meaning.*  
[...]

- 4.12 In the same vein, Denyer (2004) <sup>18</sup> suggested:

*13.4 Although there is no formal definition of setting, there is best practice. Setting is primarily a visual concept, which can be tempered by knowledge of contextual links.* [...]

<sup>16</sup> Cf. Highways Agency 1992 (as amended to February 2007). Design Manual for Roads and Bridges: Volume 11 (Environmental Assessment), Section 3 (Environmental Assessment Techniques), Part 2 (Cultural Heritage) [SWF16.22].

<sup>17</sup> EHAC 2004/7. Item 8 – Gravel Extraction at Thornborough Henges, North Yorkshire English Heritage Advisory Committee, Open Minutes, 8 January 2004, p.7 [SWF16.15].

<sup>18</sup> DENYER, S. 2004 A303 Trunk Road (Stonehenge Improvement) Public Inquiry: Closing Statement ICOMOS-UK International Council on Monuments & Sites, UK Committee, 26 April 2004 [SWF16.7].

- 4.13 English Heritage responded <sup>19</sup> to the above advice from EHAC and ICOMOS-UK as follows:

[DEFINITIONS:] **Context**

*A wider framework within which the values of a place should be considered:  
e.g. visual, functional, intellectual*

[...]

*We have used [...] the word 'context' rather than 'setting' because the latter has become associated primarily with intervisibility, while context can include a range of present or past relationships with other places. They may be visual, but can as easily be, for example, functional or intellectual. (p.24)*

- 4.14 English Heritage have revised <sup>20</sup> their ideas as follows:

*48. 'Context' embraces any relationship between a place and other places. It can be, for example, temporal, functional, intellectual or political, as well as visual, so any one place can have a multi-layered context. The range of contextual relationships of a place will normally emerge from an understanding of its origins and evolution. Understanding context is particularly relevant to assessing whether a place has greater value for being part of a larger entity or group. (p.32)*

- 4.15 In the Heritage White Paper, a full example of a "Historic Asset Record" was given in Annex 1 for a linked church and graveyard. The example mentions "setting" only in as much as the graveyard is the "essential setting" for the church. Wider scope is covered only in the section explicitly on "Context" <sup>21</sup>, which mentions only 'visible' relationships (including evidence of diachronic design response). "Setting" is not mentioned at all in the proposed "Historic Asset Consent" procedure in Annex 2. Indeed, the word 'setting' (although it appears several times in the section on Welsh proposals) simply does not appear at all in its normal sense (i.e. relating to the 'visual envelope' beyond the site in question) in the proposals for England - it is entirely reasonable to assume that this strong difference was intended by Government.

<sup>19</sup> English Heritage 2006 *Conservation Principles for the Sustainable Management of the Historic Environment: First Stage Consultation* February 2006, English Heritage: London [SWF16.12]; cf. also LAMBRICK & HIND 2006. *A Review of Cultural Heritage Coverage in Environmental Impact Assessments* Planarch 2 Final Report. Oxford Archaeology May 2005 (Sponsored and variously funded by: ODP, EH, Kent CC, Somerset CC, Derbyshire CC, Peak District NPA, and the Environmental Impact Assessment Centre) [SWF16.27]. "4.4.4 English Heritage could helpfully consider how it might help to promote good practice in cultural heritage input to EIAs in relation to its own role, including: [...] • Developing and maintaining consistency in its own approaches to review and advice, particularly in relation to issues such as definition and approach to setting; [...]".

<sup>20</sup> English Heritage 2007 *Conservation Principles for the Sustainable Management of the Historic Environment: Second Stage Consultation* February 2007, English Heritage: London [SWF16.13].

<sup>21</sup> DCMS & WAG 2007. *Heritage Protection for the 21st Century White Paper*, Department for Culture, Media & Sport and Welsh Assembly Government, March 2007 [SWF16.5]. Annex 1: "The Church of St. Mary Magdalene is Taunton's principal parish church. It stands to the east of the modern town centre, just inside the line of the early medieval town defences. It is approached via Hammet Street which was dramatically aligned on its west tower in the C18. It stands within its former burial ground, now a park-like green space with mature specimen trees and a few remaining tombs and gravestones including a late medieval chest tomb. A war memorial cross stands to the north of the church."

4.16 In this connection, one may consider the following Appeal decision letter <sup>22</sup>:

*41. [...] A significant point of dispute with the Appellant Company is whether protection of setting should extend to monuments that are below ground (as is the henge) rather than only to monuments that are visible above ground.*

*42. On this last point I take a pragmatic view and distinguish between historic setting and now existing landscape setting. It seems to me that the concept of an historic setting readily attaches to monuments that were once above ground but no longer are (as the henge). Such setting may extend as far as those who are engaged in scholarly investigation of the remains can demonstrate a significant past or present visual or functional interaction with the landscape at the time of construction or at any other important event in their history. I certainly do not therefore rule out any possibility of the historic setting of subterranean remains at Bow extending to Dartmoor. Preservation of the historic setting, however, is conditioned by the evolution of the landscape since the monument was first erected and what now survives in respect of the present-day landscape setting. To my mind, it requires the now existing landscape setting to be preserved only inasmuch as this facilitates understanding and appreciation of the relationship between the monument and its historic setting. [...] this may mean having to conceptualise how the remains might once have looked above ground, whether as originally constructed or in their former setting. The historic setting could, I consider, thus be preserved even though the presence of new structures may encroach upon some aspects of the view of their current surroundings. Any other approach would, in my judgment, potentially and unnecessarily sterilise whole areas of countryside, extending over many kilometres, from any new upstanding development at all.*

4.17 Here, the Inspector, in differentiating between what was and what is, appears to be employing a concept similar to that of 'context'. The line of reasoning employed is perfectly logical and is acceptable on all points, save for the basic confusion in terms; a buried archaeological site will certainly have 'context' but it will not have 'setting' in the accepted (Planning constraint) sense of the term.

### **Importance of the Principal Heritage Feature**

4.18 Methods of determining the importance of cultural heritage features have been developed for management and control purposes <sup>23</sup>.

4.19 The Government's intentions on the assessment of importance have been set out in the recent Heritage White Paper <sup>24</sup>. In addition to the overarching statutory criterion of 'special interest' (as already noted), this text mentions selection criteria:

<sup>22</sup> The Planning Inspectorate (LAVENDER, D.) 2006 Appeal Decision APP/Q1153/A/08/2017162 *Agricultural land to the south east of North Tawton and south west of Bow* (Den Brook Wind Farm, Borough of West Devon), DCLG [SWF9.1(r)].

<sup>23</sup> Cf. the Non-Statutory Criteria for Scheduling Ancient Monuments in Annex 4 of PPG 16 [SWF5.2], which 'overlie' a complex semi-quantitative methodology devised by English Heritage to assess monuments in great detail when necessary; reduced versions of this methodology are often called 'MIV' (Monument Importance Value) assessments.

1.1.19 *While the statutory criteria will remain broad and flexible, we will make the designation system easier to understand by introducing detailed, non-statutory selection criteria. These will be based on the new Principles of Selection that have been issued for listing buildings under the current system. [...]*

4.20 The broader, non-statutory selection criteria for all cultural heritage assets remain to be defined, although those already published for Listed Buildings<sup>25</sup> are as follows:

**General Principles**

6.12 **Age and rarity.** [... self -explanatory]

6.13 **Aesthetic merits.** *The appearance of a building – both its intrinsic architectural merit and any group value – is a key consideration in judging listing proposals, but the special interest of a building will not always be reflected in obvious external visual quality. Buildings that are important for reasons of technological innovation, or as illustrating particular aspects of social or economic history, may have little external visual quality.*

6.14 **Selectivity.** *Where a building qualifies for listing primarily on the strength of its special architectural interest, the fact that there are other buildings of similar quality elsewhere is not likely to be a major consideration. However, a building may be listed primarily because it represents a particular historical type in order to ensure that examples of such a type are preserved. Listing in these circumstances is largely a comparative exercise and needs to be selective where a substantial number of buildings of a similar type and quality survive. In such cases, the Secretary of State's policy is to list only the most representative or most significant examples of the type.*

6.15 **National interest.** *The emphasis in these criteria is to establish consistency of selection to ensure that not only are all buildings of strong intrinsic architectural interest included on the list, but also the most significant or distinctive regional buildings that together make a major contribution to the national historic stock. For instance, the best examples of local vernacular buildings will normally be listed because together they illustrate the importance of distinctive local and regional traditions. Similarly, for example, some buildings will be listed because they represent a nationally important but localised industry, such as shoemaking in Northamptonshire or cotton production in Lancashire.*

6.16 **State of repair.** *The state of repair of a building is not a relevant consideration when deciding whether a building meets the test of special interest. The Secretary of State will list a building which has been assessed as meeting the statutory criteria, irrespective of its state of repair.*

4.21 The caveat concerning aesthetic merits is important. Cultural heritage managers are, as a rule, rather wary of this criterion anyway, hence the well quoted<sup>26</sup> *obiter dictum* of Forbes J. in the Listed Building case *Winchester City Council v. Secretary of State for the Environment* (1978) 36 P. & C.R. 455 at 472:

<sup>24</sup> DCMS & WAG 2007. *Heritage Protection for the 21st Century* White Paper, Department for Culture, Media & Sport and Welsh Assembly Government, March 2007 [SWF16.5].

<sup>25</sup> DCLG & DCMS 2007. *Revisions to Principles of Selection for Listing Buildings* Department of Communities and Local Government Circular 01/2007; Department for Culture, Media and Sport Circular PP992, 8 March 2007 [SWF16.4].

<sup>26</sup> For example, in Collcutt (1999) [SWF16.25], who very probably 'stole' it from one of the authoritative works of Charles Mynors.

*When one is dealing with questions of aesthetic value, I very much doubt whether experts are necessarily of any use at all. [...] experts do tend to differ and for every expert that one could find who said, looking at pure aesthetics, that something was exceptionally fine one might quite easily find another expert who took exactly the opposite view.*

### **Relevance to Setting**

4.22 Collcutt <sup>27</sup> attempted to list certain qualities of setting <sup>28</sup> which would often be of relevance to the principal cultural heritage feature:

- (a) Intrinsic Visual interest - the visual qualities of the archaeological features themselves as seen from other points;*
- (b) Topographic Setting - the visual relationship of the archaeological features to the surrounding topography (including local slope angles) and to such major elements as hills, river valleys, etc.;*
- (c) Landuse Setting - the visual relationship of the archaeological features to the landuse and particularly to those elements of the current landuse which had remained unchanged or were similar to those which existed at the time the features were occupied; and*
- (d) Group Setting - the visual relationship of the features to other visible archaeological sites in the vicinity, in terms of both contemporary and diachronic ("palimpsest") groupings or patterning. (p.504)*

4.23 The function and design of a principal feature may often embody obvious links, carried in one direction down a particular sightline or by intervisibility, with aspects of the setting. Indeed, some views were originally chosen as relevant by the builders or even specifically designed to compliment the principal feature.

4.24 The relevance of such characteristics lies in their contribution to understanding and legibility in the present <sup>29</sup>.

### **Accessibility & Amenity**

4.25 Public accessibility is necessary to bring out the value of setting and the degree of such accessibility is material to judgements over potential development impact, especially if the proposed development is of a temporary type. Footpaths and bridleways bring the public

<sup>27</sup> COLL CUTT, S.N. 1999. The setting of cultural heritage features. *Journal of Planning & Environment Law*. June 1999:498-513 [SWF16.25].

<sup>28</sup> A list adopted by DENYER, S. 2004 *A303 Trunk Road (Stonehenge Improvement) Public Inquiry: Closing Statement* ICOMOS-UK International Council on Monuments & Sites, UK Committee, 26 April 2004 [SWF16.7].

<sup>29</sup> Cf. The Planning Inspectorate (LAVENDER, D.) 2006 Appeal Decision APP/Q3305/A/05/1181087 *Land at Shooters Bottom Farm, Townsend Lane, Chewton Mendip, Somerset* (Shooters Bottom Wind Farm, Mendip District), DCLG. [SWF9.1(q)]. Test with respect to SAMs: "30. [...] The development] would not seriously interfere with the understanding of the origins or nature of the remains or their historical relationship to the surrounding landscape. I accordingly conclude that the effect on their setting would not be so significant as to invoke the presumption against development in this case."

into a closer relationship with the visible historic environment. CROW-registered<sup>30</sup> open access land permits even broader access, although it still seems likely that a given cultural heritage feature will receive more attention if there is an obvious approach route. The availability of permissive access (to features such as historic parks, gardens and churchyards) may be very important.

- 4.26 The question of public amenity is a difficult one. When amenity is derived directly and explicitly from the historic characteristics of the cultural heritage feature and its setting, there can be no hesitation in recognising relevance. However, when amenity is derived from general ambience, through what may in more extreme cases be an 'uninformed' or even a wholly subliminal link to the observer ('receptor'), cultural heritage managers tend to start to feel out of their depth, and perhaps then look to their Landscape & Visual colleagues for help. This brings us on to the concept of 'public value'.

### **Public Value**

- 4.27 In the essay, "Better Places to Live"<sup>31</sup>, the former Secretary of State for Culture, Media & Sport spoke of public value:

*The second way in which the historic environment is distinctive, is that we do not have to seek it out. It is constantly before us as we go about our daily lives [...]. People merely have to lift their eyes.*

- 4.28 Perhaps unable to leave the field to a purely subjective definition of what is of value in the historic environment, EHAC responded<sup>32</sup> by making the link with relevant context:

*7.6 [...] Following the advice of the Secretary of State at the DCMS, in her recent comments on Public Value, it was suggested that the public value interest of the monuments and wider landscape ought to be considered. The contextual importance of the landscape was the key to greater understanding.*

- 4.29 English Heritage continue to put relevance and understanding first<sup>33</sup>, even in the matter of public value:

*3.2 In order to identify the heritage values of a place, it is necessary first to understand its fabric, and how and why it has changed over time; and then to consider*

<sup>30</sup> Countryside & Rights of Way Act, 2000; not relied upon specifically in this evidence.

<sup>31</sup> JOWELL, Rt. Hon. T. 2005 *Better Places to Live: Government, Identity and the Value of the Historic and Built Environment* March 2005, DCMS [SWF16.6].

<sup>32</sup> EHAC 2006/5. *Item 7 – Ladybridge Farm, Thornborough Henges* English Heritage Advisory Committee, Open Minutes, February 2006, pp. 9-10 [SWF16.16].

<sup>33</sup> English Heritage 2007 *Conservation Principles for the Sustainable Management of the Historic Environment: Second Stage Consultation* February 2007, English Heritage: London [SWF16.13]. Cf. also previous policy in English Heritage 1997. *Sustaining the Historic Environment: New perspectives on the future* March 1997, English Heritage: London [SWF16.8].

- *who values the place, and why they do so*
- *how those values relate to its fabric*
- *their relative importance*
- *whether they are enhanced by associated objects*
- *the contribution of the setting and context of the place to its values*
- *how well the place compares with others sharing similar values. (p.17)*

4.30 Scotland has generally taken an even stronger line of public value than England but, again, understanding is seen as a necessary criterion <sup>34</sup>:

*The “experience” of a site can be considered mainly visual although it is predicted that an experience of a site will be enhanced when the site, and its past use by human beings, is understood.*

[...]

*It is clear that an archaeological site's setting has three broad values for society: aesthetic appreciation, intellectual interpretation and “experience”, all adding up to amenity value for the wider community. [...] (p.6)*

4.31 Any members of the public, be they visitors or local residents, will develop a 'personal' relationship with the historic environment, somewhere along the continuum of acute curiosity to complete indifference, as they see fit. Professional cultural heritage managers will always judge it their duty to try to inform both individual members of the public and the local and central government agencies responsible for conservation policy for that environment.

### **Assessment Process**

4.32 The actual assessment process for indirect (setting) effects of proposed development is not, in fact, particularly important, as long as the underlying principles involved are made explicit. Traditionally, assessment has often made use of terms such as sensitivity, magnitude & significance of effects <sup>35</sup> but care must be taken not to allow too mechanistic an approach to develop.

4.33 Impacts can be classified in different ways, such as 'subtractive negative impacts' (destruction or obstruction of relevant setting elements, effects upon the integrity of a

<sup>34</sup> BLACK, M. 2005. “Defining the setting of monuments and sites: The significance of tangible and intangible cultural and natural qualities” [www.international.icomos.org/xian2005/papers/1-5.pdf](http://www.international.icomos.org/xian2005/papers/1-5.pdf) [SWF16.26] [At this time, Mairi Black was Heritage Planning Manager of the Heritage Planning Unit, executive agency of the Scottish Executive.]

<sup>35</sup> Cf. Highways Agency March 2007 *Assessing the Effect of Road Schemes on Historic Landscape Character* [SWF16.23]; designed to tackle the difficult problem of the effects upon sometimes very large numbers of cultural heritage sites.

feature and its setting, severance of a feature from significant parts of its setting <sup>36</sup>) and 'additive negative impacts' (dominance, scalar discrepancy, competition, discordance or interference from movement/sound/light). Positive impacts are possible (screening or removing an existing undesirable element or finding a particular resonance across time between a historic feature and a new construct). The duration of impact is important, especially if the impact will be temporary and reversible.

- 4.34 Even in assessment, English Heritage <sup>37</sup> bring us back to that most important factor - understanding:

*47. 'Setting' is an established concept that relates primarily to the surroundings in which a place is experienced, while embracing an understanding of perceptible evidence of the past in the present landscape. Definition of the setting of a significant place will normally be guided by the extent to which material change within it could affect (enhance or diminish) the place's significance. (p.32)*

## 5. Setting and Wind Farms

### Specific English Heritage Advice

- 5.1 English Heritage have set out a useful summary <sup>38</sup> of the ways in which inappropriate development may affect setting, specifically with respect to wind farms:

#### Indirect impacts

*Wind energy developments may impair the setting of historic sites and can compromise the visual amenity of the wider landscape, detracting from historic character, sense of place, tranquillity and remoteness. In certain conditions, indirect impacts can also include noise and shadow flicker from turbines. (p.7)*

#### Setting and visual amenity

*In accordance with the guidance provided by PPS22 and its companion guide, consideration should be given to the impact of wind energy developments on the wider landscape setting and visual amenity of historic sites <sup>39</sup>. This consideration should extend to the effects of any necessary infrastructure (such as power transmission lines, access roads and signage) and to the individual as well as the cumulative impact of developments. Seasonal variations in visual impact should also be considered.*

<sup>36</sup> Highways Agency 1992 (as amended to February 2007). Design Manual for Roads and Bridges: Volume 11 (Environmental Assessment), Section 3 (Environmental Assessment Techniques), Part 2 (Cultural Heritage) [SWF16.22].

<sup>37</sup> English Heritage 2007 *Conservation Principles for the Sustainable Management of the Historic Environment: Second Stage Consultation* February 2007, English Heritage: London [SWF16.13].

<sup>38</sup> English Heritage 2005 *Wind Energy and the Historic Environment* October 2005, English Heritage: London [SWF16.10].

<sup>39</sup> This should be understood in terms of English Heritage's own advice that historic relevance and help towards understanding are, of course, implied here as a 'filter' through which landscape and visual amenity must pass.

*While change within the setting of historic sites may often be acceptable, in certain instances development will be considered inappropriate. Among particular factors which should be borne in mind when assessing the acceptability of developments within the setting of historic sites are:*

- *Visual dominance: Wind turbines are far greater in vertical scale than most historic features. Where an historic feature (such as a hilltop monument or fortification, a church spire, or a plantation belonging to a designed landscape) is the most visually dominant feature in the surrounding landscape, adjacent construction of turbines may be inappropriate.*
- *Scale: The extent of a wind farm and the number, density and disposition of its turbines will also contribute to its visual impact.*
- *Intervisibility: Certain archaeological or historic landscape features were intended to be seen from other historic sites. Construction of wind turbines should respect this intervisibility.*
- *Vistas and sight-lines: Designed landscapes invariably involve key vistas, prospects, panoramas and sight-lines, or the use of topography to add drama. Location of turbines within key views, which may often extend beyond any designated area, should be avoided.*
- *Movement, sound or light effects: The movement associated with wind turbines as well as their scale may be a significant issue in certain historic settings. Adequate distance should always be provided between important historic sites and wind turbine developments to avoid the site being overshadowed or affected by noise and shadow flicker effects.*
- *Unaltered settings: The setting of some historic sites may be little changed from the period when the site was first constructed, used or abandoned. Largely unaltered settings for certain types of sites, particularly more ancient sites, may be rare survivals and especially vulnerable to modern intrusions such as wind turbines. This may be a particular issue in certain upland areas.*  
(p.8)

5.2 Recently, English Heritage have taken a specific line with respect to wind farm applications, which they have called a "discriminatory position"<sup>40</sup>:

*1.4.4 Although it is for the planning authority or Secretary of State to balance the various competing considerations to which applications for planning permission may give rise, English Heritage's position in response to proposals for the development of wind farms that would affect historic places, their character or setting is discriminating. Our stance is to draw the attention of planning authorities or the Secretary of State to proposals which would have significant and detrimental effects on historic places of particular importance. It is for this reason that the evidence submitted in this proof relates largely to the Roman fort [SAM] and the Saxon chapel [Grade I LB] to the east of Bradwell-on-Sea, and does not consider the effect of the proposed development on either the scheduled duck decoy further south or on other listed buildings in the vicinity.*

[...]

*2.1.2 In all, the Environmental Statement submitted with the application identified 103 listed buildings and two conservation areas that would be in the "vicinity" of the site, although it is [there] suggested that only 28 would be*

<sup>40</sup> NEALE, J. (Inspector of Historic Buildings, English Heritage Team Leader for Essex & Hertfordshire) June 2007. English Heritage Evidence to the Appeal APP/X1545/A/06/2023805/NWF *Land at Hockley Farm, Hockley Lane, Bradwell-on-Sea, Essex (Bradwell Wind Farm, District of Maldon)* [SWF10.2]; this appeal has subsequently been allowed.

*affected by the present development. Consistent with the essentially discriminatory position adopted by English Heritage in respect of proposals for the development of wind farms, however, this proof will concentrate on the two monuments of exceptional significance that lie close to the north-east tip of the peninsula.*

### **A General Recapitulation**

- 5.3 Much of the material considered in this Appendix has also been brought together in a particularly coherent manner in a recent work on the potential impact of off-shore wind farms. Because this text is so clear, it seems useful (leaving the reader to translate the 'maritime' references to their obvious 'terrestrial' analogues) to quote it at length, as a 'recapitulation', here:

*A standard approach to assessing significance of effects is to balance the importance of the resources affected versus the scale of the impact (often using a matrix). The importance of resources is often based on designation gradings related to 'national', 'regional' or 'local' importance, but it should be noted that this is a rather crude measure that may not reflect the historical role and relationships between features and their surroundings (e.g. as navigation marks). A better approach is to consider the importance of different attributes of the setting of each feature or area affected and how these would be altered. The significance of any effects on the setting or character of that resource can then be judged in terms of how seriously key characteristics would be affected. This allows the particular interest of widely differing types of asset, and particular kinds of relationships to their surroundings to be considered within a single common approach. [...] This includes assessing which attributes are most important for type of historic asset being assessed (whether it is a submerged wreck or a standing church).*

*By examining the extent to which key characteristics would be affected the development, and how seriously, it becomes possible to make a balanced overall assessment despite the great variety of historic areas and places that could be affected. This procedure seeks to recognise that physical attributes of the setting of a place have to be considered in the context both of historical and cultural relationships and how far these are still discernible.*

*Thus the 'factors contributing to historic character' will include consideration of how far the physical surroundings may still reflect historic characteristics that contribute to (or have potential to add to) appreciation and understanding*

- *e.g. topographical siting, mature vegetation, old trees, buildings, archaeological remains*

*But contributory factors will often concern how the physical attributes of a place can reflect more intangible relationships, such as:*

- *the intrinsic visual role of a lighthouse or beacon*
- *designed visual relationships and approaches to a historical place*
- *how features were used historically – e.g. relationships between quay, customs office and warehouses in a port*
- *attached attributes - e.g. the use of buildings as navigation marks*
- *historical events – e.g. the debris trail of a wreck relative to currents and the topography of the reefs and shoals where the vessel foundered*
- *historical or cultural association – e.g. views depicted in well-known art or descriptions in literature*

*Factors that detract from the historic character of a place's setting are broadly the reverse of these characteristics and relationships where they are no longer discernible or are much diminished. It is important to note that everywhere is subject to change, and the older places are, the less likely they are to retain characteristics that reflect their original use or conception.*

*Indeed, in many cases it may be the accumulation of long-term change that gives the surroundings of a place their particular historic resonance. The way factors detract from historic character therefore need to be judged in terms of tangible and significant loss of historic resonance and legibility. Relatively neutral conditions (e.g. where much of historic patina has been lost but basic historic patterns of landuse remain albeit in a modern form) should generally be regarded as still contributing to historic character rather than significantly detracting from it.* <sup>41</sup> (pp.47-8)

## 6. Authenticity

6.1 In the same case as mentioned earlier <sup>42</sup>, the Inspector made the following observation, which, once allowance has been made for the non-standard terminology, must be essentially correct:

*43. It is a different question as to whether protection of the setting of a monument should include not just historic setting but also existing landscape setting. In this respect, even if aesthetically desirable, I see no reason in purely archaeological terms to seek to "garden" the surrounds of these particular monuments in the interests of protecting or establishing what may today be regarded as an attractive (but potentially misleading) setting for them.*

6.2 Collcutt discussed the concept of 'authenticity' at length, and noted the support of international standards on this point <sup>43</sup>. He concluded his review <sup>44</sup> as follows:

*These indicators suggest a broad "philosophy" of cultural heritage setting. Each principal heritage feature can be viewed as a "monument", in the common language sense of a "remembrance". This, together with the stress on visual qualities, places the interest of the general public (rather than of the academic) very much at centre stage. It must therefore be concluded that the degree of accessibility to the public (both in physical terms and in respect of the available interpretative information, whether immediately obvious or as provided by professionals), whilst not being a factor necessary to the definition of the primary qualities of material setting, must have some weight in the judgment of overall importance of that setting. Public perception is a very important factor in*

<sup>41</sup> Oxford Archaeology 2007 *Guidance for Assessment of Cumulative Impact on the Historic Environment from Offshore Renewable Energy*, 3rd. Draft Consultation Paper Commissioned by COWRIE (Collaborative Offshore Wind Research Into The Environment) Limited (Ref. COWRIE CIARCH-11-2006), June 2007 [SWF16.41].

<sup>42</sup> The Planning Inspectorate (LAVENDER, D.) 2006 Appeal Decision APP/Q1153/A/08/2017162 *Agricultural land to the south east of North Tawton and south west of Bow* (Den Brook Wind Farm, Borough of West Devon), DCLG [SWF9.1(r)].

<sup>43</sup> Cf. *Nara Convention on Authenticity* issued by the 1994 Conference under the auspices of the Government of Japan, UNESCO, ICCROM & ICOMOS [SWF16.37].

<sup>44</sup> COLLUTT, S.N. 1999. The setting of cultural heritage features. *Journal of Planning & Environment Law*. June 1999:498-513 [SWF16.25].

*this context; PPG 16 and PPG 15 speak of "a sense of national identity"<sup>45</sup> and Scottish guidance has long recognised the "national consciousness"<sup>46</sup>. The professional's job should be to make sure that this public perception is properly tempered by the criterion of authenticity, by resisting "false remembrance"<sup>47</sup> or substitution of the historically genuine simply at the dictates of modern (and possibly transient) taste.*

6.3 This conclusion seems as relevant now as it did when it was first written.

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<sup>45</sup> [Footnote in the original article] PPG 16, paragraph 6; PPG 15, paragraph 1.1.

<sup>46</sup> [Footnote in the original article] Cf. the comments at p.46 in D.J. Breeze, "Ancient Monuments legislation" in *Archaeological Resource Management in the UK: An Introduction*, J. Hunter and I. Ralston eds (Allen Sutton & IFA: Stroud, 1993). pp. 44-55.

<sup>47</sup> [Footnote in the original article] But noting that there may be a proper place for the consideration of the weight to be accorded "traditional interest"; cf. Ancient Monuments and Archaeological Areas Act 1979, s. 61(12)(b).