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10.0 ARCHAEOLOGY AND CULTURAL HERITAGE

10.1 Introduction

10.1.1 This Chapter assesses the effects of the Proposed Development upon archaeological and cultural heritage assets. The assessment includes the direct effects resulting from the construction of the proposed Motorway Service Area and realignment of the A168. The indirect effects upon the setting of heritage assets which may result from the Motorway Service Area are also assessed.

10.1.2 The Proposed Development is described in full in Chapter 4.0 (including a description of the construction process). In summary, the Proposed Development would comprise:

- An Amenity Building;
- A separate stand-alone Drive through Coffee Shop;
- A Fuel Filling Station located immediately adjacent to the Amenity Building, underneath the green roof;
- A separate stand-alone Fuel Filling Station (FFS) for HGVs and coaches;
- A dedicated means of access into the MSA from the A1(M) which would include a new overbridge above the A1(M);
- A dedicated staff access into the MSA from the B6265 (not open to the public);
- Realignment of the A168 to the east of the A1(M) to accommodate the new junctions to the MSA;
- Vehicle parking for cars, HGVs and caravans;
- An Abnormal Load / Police Enforcement Area;
- Surface water drainage infrastructure, forming part of a site-wide sustainable drainage system; and
- An extensive on-site hard and soft landscape scheme, together with earthworks across the site and the provision of screen mounding.

10.1.3 The assessment considers the effects of all aspects of the Proposed Development as described in Chapter 4.0. The Site of the Proposed Development comprises an area of agricultural land on either side of the A1(M) approximately 750m north west of the village of Kirby Hill and circa 2km north west of the town of Boroughbridge. The superficial geology of the Site comprises glaciofluvial sands and gravels or river

terrace drift deposits of the Vale of York Formation. The bedrock comprises Sherwood Sandstone¹.

- 10.1.4 Archaeological investigations on the Site and elsewhere locally indicate that soils are brown forest soils (either typical brown-earths or argillic brown-earths) over a fairly thin Glacial Till, comprising watersorted or reworked clayey sands which in turn overlie highly permeable sand, derived from Bunter Sandstone².

10.2 Methodology

Legislation and Guidance

Legislation

- 10.2.1 Statutory protection for archaeology is outlined in the Ancient Monuments and Archaeological Areas Act (1979) as amended by the National Heritage Act (1983). A schedule of nationally important archaeological sites subject to legal protection is maintained by Historic England (HE), which is a statutory consultee in the planning process.
- 10.2.2 Listed Buildings and Conservation Areas receive protection under the Planning (Listed Buildings and Conservation Areas) Act 1990.

Planning Policy: National Planning Policy Framework

- 10.2.3 The National Planning Policy Framework (NPPF) sets out the government's planning policies for England and how these are expected to be applied, with a central theme of “*presumption in favour of sustainable development*”³. Planning policy regarding the historic environment is outlined in Chapter 12 of the NPPF, with an emphasis on the need to determine the significance of any heritage assets, including any contribution to this made by their setting, that may potentially be affected by a proposed development⁴. This requires, as a minimum that the relevant historic environment record should be consulted and effects on heritage assets assessed using appropriate expertise. Where a site at which development is proposed includes, or has the potential to include heritage assets with archaeological interest,

¹ BGS Geoindex, accessed at <http://mapapps2.bgs.ac.uk/geoindex/home.html>, on 08/05/2017.

² Tavener 1996

³ DCLG: Department for Communities and Local Government (2012). National Planning Policy Framework, 3

⁴ DCLG: Department for Communities and Local Government (2012). National Planning Policy Framework, 128

local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

10.2.4 Where designated assets are concerned, great weight should be given to the asset's conservation and any loss of significance should require "*clear and convincing justification*"⁵.

10.2.5 Effects upon non-designated heritage assets are also a pertinent planning consideration. Where a heritage asset is to be lost, either in part or in whole, as a result of the development, the local planning authority should require developers to:

"...record and advance the understanding of the significance of any heritage assets [...] in a manner appropriate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible".⁶

Planning Policy: Local Planning Policy

10.2.6 The Harrogate District Local Plan was adopted in February 2001, with "saved" selective alterations in 2004 and 2007. The local plan is used alongside the core strategy (2009) and Supplementary Planning Guidance in informing strategic planning decisions. The council has a number of Saved Policies from the Harrogate District Local Plan (February 2001). The following Core Strategy Policies and Saved Policies make particular reference to the historic environment and are relevant to this assessment:

Core Strategy Policy EQ2: The Natural and Built Environment and Green Belt

'The district's exceptionally high quality natural and built environment will be given a level of protection appropriate to its international, national and local importance. In addition, more detailed protection and where appropriate enhancement measures will be applied through the Development Control Policies DPD, relevant management plans and by working in partnership with landowners and interested parties. Subject to the district's need to plan for new greenfield development, the landscape character of the whole district will be protected and where appropriate enhanced. Where criteria based planning policies cannot provide the necessary protection local landscape designations will be identified:

⁵ DCLG: Department for Communities and Local Government (2012). National Planning Policy Framework, 132

⁶ DCLG: Department for Communities and Local Government (2012). 2012 *National Planning Policy Framework*, 141

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- *to protect the high quality of the landscape which is important to the setting of the towns of Harrogate, Knaresborough and Ripon;*
 - *to protect those ‘green wedges’ in Harrogate town which are an important part of its character and distinctiveness;*
 - *to protect appropriate green space within the main built up areas of Group A, B, and C settlements listed in Policy SG2 of this Core Strategy.*

Priority measures to protect and enhance the district’s natural and built environment are to:

- *carry out appraisals of the district’s conservation areas incorporating measures for the protection and enhancement of their special interest;*
- *reduce the number of ‘Buildings at Risk’; and*
- *ensure that new development incorporates high quality locally distinctive design.’*

10.2.7 Policies HD3, HD6 and HD7⁷ have been retained from the 2001 Local Plan and are also relevant to this assessment:

Policy HD3

‘Development which has an adverse effect on the character or appearance of a conservation area will not be permitted and this includes the following forms of development:

a) the demolition of non-listed buildings which make a positive contribution to the character or appearance of conservation areas.

b) the erection of buildings out of scale with their surroundings.

c) proposals involving the loss of open space, which contributes to the character of the conservation area.

d) the combination of adjoining buildings to create large open plan offices or shops.

e) proposals which would have an adverse effect on the historic form and layout of passageways and plots.

⁷ Harrogate District Council (2001). *Harrogate local plan*

Applications for development in or visually affecting conservation areas will be expected to contain sufficient information to allow a proper assessment of their impact on the character and appearance of the conservation area to be made.

Where the loss of a non-listed building is acceptable in principle, conditions will be attached to the grant of consent for demolition to ensure that no demolition shall take place until a contract for the carrying out of works of redevelopment has been made and planning permission for those works has been granted.'

10.2.8 Policy HD6

'Development affecting historic battlefield sites, as identified on the proposals map, will only be permitted where the proposal:

a) does not adversely affect the historic, archaeological and landscape interest of the site; and

b) does not prejudice any potential for interpretation of the site'

10.2.9 Policy HD7a

'Development will not be permitted where it would adversely affect the character or setting of parks and gardens included in the English Heritage register of parks and gardens of special historic interest.'

Supplementary Planning Guidance

10.2.10 The Harrogate District Heritage Management Guidance was approved as a Supplementary Planning Document (SPD) in 2014 in order to provide detailed advice for decision makers, applicants and other interested parties involved in the planning process. It supports the policies of the Core Strategy, particularly EQ2, and will support heritage and design policies of the emerging Local Plan. The SPD is a material consideration in the determination of planning applications and appeals.

National Guidance

10.2.11 The National Planning Policy Guidance (NPPG) was released in March 2014 by DCLG and replaced Planning Policy Statement 5: Planning for the Historic Environment Practice Guide. The NPPG contains guidance on the implementation of the NPPF policies on conserving and enhancing the historic environment.

10.2.12 In terms of the heritage assets considered as part of this assessment the most relevant sections of the Guidance relate to effects on non-designated heritage assets, setting of designated heritage assets and harm. These are addressed under separate headings below.

Non-designated assets

10.2.13 In terms of non-designated assets, NPPG states that:

“The National Planning Policy Framework identifies two categories of non-designated site of archaeological interest:

(1) Those that are demonstrably of equivalent significance to scheduled monuments and are therefore considered subject to the same policies as those for designated heritage assets.

(2) Other non-designated heritage assets of archaeological interest. By comparison this is a much larger category of lesser heritage significance, although still subject to the conservation objective. On occasion the understanding of a site may change following assessment and evaluation prior to a planning decision and move it from this category to the first

Where an asset is thought to have archaeological interest, the potential knowledge which may be unlocked by investigation may be harmed even by minor disturbance, because the context in which archaeological evidence is found is crucial to furthering understanding.

*Decision-taking regarding such assets requires a proportionate response by local planning authorities. Where an initial assessment indicates that the site on which development is proposed includes or has potential to include heritage assets with archaeological interest, applicants should be required to submit an appropriate desk-based assessment and, where necessary, a field evaluation. However, it is estimated following an initial assessment of archaeological interest only a small proportion – around 3 per cent – of all planning applications justify a requirement for detailed assessment”.*⁸

Setting

⁸ DCLG: Department for Communities and Local Government (2014). *Planning Practice Guide*, Para 40

10.2.14 With regard to setting, Paragraph 13 of the NPPG states that:

“A thorough assessment of the impact on setting needs to take into account, and be proportionate to, the significance of the heritage asset under consideration and the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it”.⁹

10.2.15 The NPPF defines setting 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 a 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”¹⁰.

10.2.16 In March 2015, Historic England published an updated guidance document on setting as part of their Good Practice Advice Notes intended to explain how to apply the policies contained in the NPPF. This document states:

“Setting is not a heritage asset, nor a heritage designation, though land within a setting may itself be designated. Its importance lies in what it contributes to the significance of the heritage asset. This depends on a wide range of physical elements within, as well as perceptual and associational attributes pertaining to, the heritage asset’s surroundings”¹¹.

10.2.17 The Historic England Guidance sets out the ways in which setting may contribute to the value of a heritage asset. It advocates a five stage approach which comprises:

- the identification of the heritage assets;
- an assessment of the contribution of setting to the asset’s value;
- an assessment of potential effects upon the setting (and thus the value of the asset) by a proposed development/change;
- an exploration of potential enhancement and/or mitigation measures; and
- to make, document and monitor the outcomes of the decision made.¹²

10.2.18 The guidance provides a checklist of potential attributes of setting which may contribute to, or make appreciable the value of the asset in question. HE

⁹ DCLG: Department for Communities and Local Government (2014). *Planning Practice Guide*, Para 13

¹⁰ DCLG: Department for Communities and Local Government (2012). *National Planning Policy Framework*, 56

¹¹ Historic England (2015). *Good Practice Advice Note 3: Setting*, 4.

¹² Historic England (2015). *Good Practice Advice Note 3: Setting*, 7.

acknowledges that the checklist is non-exhaustive and that not all attributes will apply in all cases.

- 10.2.19 This assessment has regard to the HE checklist and the Harrogate District Heritage Management Guidance, but, in the interests of being proportionate to the effects that would occur, only discusses attributes of setting where these are found to contribute to the value of the asset. In many cases effects upon setting are ‘less than substantial’ and are not significant. As such, it is not always necessary or appropriate to propose mitigation or enhancement measures. Where relevant, mitigation and enhancement measures are identified as part of this assessment.
- 10.2.20 The final bullet point set out in the HE guidance does not apply to this assessment as the monitoring of decision outcomes can only be undertaken once the planning decision in question has been made.

Harm

- 10.2.21 Developments can cause harm to heritage assets both through direct physical effects upon particular assets and/or through indirect effects on the setting of cultural heritage assets.
- 10.2.22 The NPPF, where designated heritage assets are concerned, requires a judgement to be made as to the level of harm that could be caused to heritage assets by development. It requires us to indicate whether that harm would be ‘*substantial*’ or ‘*less than substantial*’, and the level of harm predicted establishes the planning test to be applied. It notes 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. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional”.*

10.2.23 Harm is defined by HE as:

“Change for the worse, here primarily referring to the effect of inappropriate interventions on the heritage values of a place.”¹³

10.2.24 The NPPG notes that:

“What matters in assessing if a proposal causes substantial harm is the impact on the significance of the heritage asset”.¹⁴

10.2.25 The NPPG notes that the ‘*substantial*’ harm is a ‘*high test*’ and that as such it is unlikely to result in many cases¹⁵.

10.2.26 Direct effects cause a reduction or loss of cultural value or heritage significance because the physical alteration of the site, monument, building or feature reduces its evidential value and its ability to inform this and future generations about our past. If the physical effect materially alters the appearance of the heritage asset it may affect its aesthetic value.

10.2.27 Adverse indirect effects on setting commonly reduce the aesthetic value of the cultural heritage asset; but in some special cases can reduce the evidential value of a building or monument, principally by interrupting, or in severe cases completely obstructing, some designed-in view to or from the asset or by adversely affecting the ability of the observer to appreciate the heritage value of the asset. Such an effect upon setting would reduce the information content, and thus the overall cultural value of the asset.

Assessment Methodology

10.2.28 The primary source of information relating to the presence and significance of known non-designated historic/archaeological remains in the area has been the North Yorkshire Council Historic Environment Record (who hold the HER for Harrogate District Council). An extract was received from the HER in April 2017. Up to date information on Scheduled Monuments, Listed Buildings and Registered Parks and Gardens was obtained from Historic England in April 2017, together with GIS data

¹³ Historic England (2008). *Conservation Principles*, 71.

¹⁴ DCLG: Department for Communities and Local Government (2014). *Planning Practice Guide*, Para 17.

¹⁵ DCLG: Department for Communities and Local Government (2014). *Planning Practice Guide*, Para 17

recording their locations and extent. Information on boundaries of Conservation Areas was obtained from Harrogate District Council.

10.2.29 All heritage assets, whether designated or not, within a distance of up to 1 km from the boundary of the Site have been identified within the assessment and these are recorded in Appendix 10.1. The locations of all assets are illustrated on Figure 10.2. Initially all designated assets including Scheduled Monuments, Listed Buildings, Conservation Areas and Registered Parks and Gardens, at distances up to 3 km from the Site have been identified and mapped of Figure 10.1. Those heritage assets that might be subject to indirect effects upon their setting have been identified through initial sites visits, analysis of the ZTV and scoping. Heritage assets which have been carried through to full assessment are mapped in Figure 10.3.

Assessment of Significance / Assessment Criteria

10.2.30 This sub-section sets out the methodology for assessing effects upon heritage assets both direct and indirect. It takes account of NPPF, its practice guide and Historic England's Good Practice Advice Note 3: the setting of heritage assets, and Harrogate District Heritage Management Guidance as set out above.

The Assessor

10.2.31 AOC Archaeology Group conforms to the standards of professional conduct outlined in the Chartered Institute for Archaeologists' Code of Conduct, the ClfA Code of Approved Practice for the Regulation of Contractual Arrangements in Field Archaeology, the ClfA Standards and Guidance for Historic Environment Desk Based Assessments and Field Evaluations.

10.2.32 AOC Archaeology Group is a Registered Archaeological Organisation of the Chartered Institute for Archaeologists. This status ensures that there is regular monitoring and approval by external peers of our internal systems, standards and skills development.

10.2.33 AOC is ISO 9001:2008 accredited, in recognition of the Company's Quality Management System.

Assessing Cultural Value (Significance) & Importance

10.2.34 The definition of cultural significance is readily accepted by heritage professionals both in the UK and internationally and was first fully outlined in the Burra Charter,

Article One of which identifies that ‘*cultural significance*’ or ‘*cultural heritage value*’ means aesthetic, historic, scientific, social or spiritual value for past, present or future generations¹⁶. This definition has since been adopted by heritage organisations around the world, including Historic England (HE). The NPPF defines cultural significance as:

*“The value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting.”*¹⁷

10.2.35 The term ‘*cultural value*’ will be used throughout this assessment as opposed to ‘*cultural significance*’, in order to avoid confusion with the concept of a ‘*significant effect*’ in EIA terms.

10.2.36 All heritage assets have some value, however some assets are judged to be more important than others. The level of that importance is, from a cultural resource management perspective, determined by establishing the asset’s capacity to inform present or future generations about the past. In the case of many heritage assets their importance has already been established through the designation (i.e. scheduling, listing and register) processes applied by HE.

10.2.37 The criteria used to establish importance in this assessment are presented in Table 10.2 below and are drawn from the Department of Media, Culture and Sports publication, Principles for Selection of Listed Buildings,¹⁸ and the Scheduled Monuments Policy Statements published by the same body,¹⁹ which outline the criteria for designating heritage assets.

Table 10.2: Criteria for Establishing Importance

Importance	Criteria
International and National	<ul style="list-style-type: none"> ○ World Heritage Sites; ○ Scheduled Monuments (Actual and Potential); ○ Grade I and II* Listed Buildings; ○ Grade I and II* Registered Parks and Gardens; ○ Registered Battlefields; ○ Fine, little-altered examples of some particular period, style or type.

¹⁶ ICOMOS (1999). *Burra Charter* Article 1.2.

¹⁷ DCLG: Department for Communities and Local Government (2012). NPPF, 56.

¹⁸ DMCS (2010). *Principles for Selection of Listed Buildings*.

¹⁹ DMCS (2013). *Scheduled Monuments Policy Statements*.

Importance	Criteria
Regional	<ul style="list-style-type: none"> ○ Grade II Listed Buildings; ○ Grade II Registered Parks and Gardens; ○ Conservation Areas; ○ Major examples of some period, style or type, which may have been altered; ○ Asset types which would normally be considered of national importance that have been partially damaged (such that cultural heritage value has been reduced).
Local	<ul style="list-style-type: none"> ○ Locally Listed Heritage Assets; ○ Lesser examples of any period, style or type, as originally constructed or altered, and simple, traditional sites, which group well with other significant remains, or are part of a planned group such as an estate or an industrial complex; ○ Asset types which would normally be considered of regional importance that have been partially damaged or asset types which would normally be considered of national importance that have been largely damaged (such that their cultural heritage value has been reduced).
Negligible	<ul style="list-style-type: none"> ○ Relatively numerous types of remains; ○ findspots or artefacts that have no definite archaeological remains known in their context; ○ Asset types which would normally be considered of local importance that have been largely damaged (such that their cultural heritage value has been reduced);

Methodology for Assessing Direct Physical Effects

10.2.38 A direct effect by a development can potentially result in an irreversible loss of information content and therefore cultural heritage value. The potential magnitude of change upon heritage assets caused by the Proposed Development has been rated using the classifications and criteria outlined in Table 10.3 below.

Table 10.3 Criteria for establishing magnitude of physical change

Physical Effect	Criteria
High	<p>Major loss of information content resulting from total or large-scale removal of deposits from a site.</p> <p>Major alteration of a monument's baseline condition.</p>
Medium	<p>Moderate loss of information content resulting from partial removal of deposits from a site.</p> <p>Moderate alteration of a monument's baseline condition.</p>
Low	<p>Minor detectable changes leading to the loss of information content.</p> <p>Minor alterations to the baseline condition of a monument.</p>
Marginal	<p>Very slight or barely measurable loss of information content.</p> <p>Loss of a small percentage of the area of a site's peripheral deposits.</p> <p>Very slight alterations to a monument.</p>
None	No physical change anticipated.

10.2.39 The predicted level of direct effect upon each asset was determined by considering its importance in conjunction with the magnitude of change predicted for it. As there are many factors which may affect the level of the effect of an impact the overall level of effect must be assessed on an individual basis using professional judgement and experience. However, the matrix presented as Table 10.4 below provides a useful indication of the potential level of effect that may result from an identified impact.

Table 10.4: Method of rating level of direct effects on heritage assets by the Proposed Development

Magnitude of Change	Importance of Asset			
	Negligible	Local	Regional	National and International
High	Minor	Moderate	Moderate-Major	Major
Medium	Negligible - Minor	Minor-Moderate	Moderate	Moderate-Major
Low	Negligible	Minor	Minor-Moderate	Moderate
Marginal	Negligible	Negligible	Minor	Minor-Moderate
None	None	None	None	None
The level of effects recorded in grey highlighted cells are considered more likely to be potentially 'significant'				

Methodology for Assessing Indirect Effects Upon Setting

10.2.40 This sub-section outlines the detailed methodology used in assessing potential effects upon the setting of heritage assets. A discussion of setting, including a definition of it, is provided earlier in this Section (Paragraphs 10.2.14 to 10.2.20). The methodology presented here sets out criteria for assessing sensitivity to changes to setting (Relative Sensitivity), magnitude of change and level of effect.

Assessing Sensitivity of Assets to Changes to their Setting

10.2.41 Whilst determining the relative cultural value of a heritage asset is essential for establishing its importance, it is widely recognised²⁰ that the importance of an asset is not the same as its sensitivity to changes to its setting. Thus in determining effects upon the setting of assets by a proposed development, both importance and sensitivity to changes to setting need to be considered.

10.2.42 Setting is a key issue in the case of some, but by no means all assets. A nationally important asset does not necessarily have high sensitivity to changes to its setting (relative sensitivity) this may be because its value lies in its other characteristics and its setting is not a factor which contributes demonstrably to its value. An asset's

²⁰ Lambrick (2008). *Setting Standards: A Review prepared on behalf of the IFA*.

sensitivity refers to its capacity to retain cultural heritage value in the face of changes to its setting. The ability of the setting to contribute to an understanding, appreciation and experience of the asset and its value also has a bearing on the sensitivity of that asset to changes to its setting. Assets with high sensitivity will be vulnerable to changes that affect their settings, and even slight changes may reduce their value or the ability of setting to contribute to the understanding, appreciation and experience of the asset. Less sensitive assets will be able to accommodate greater changes to their settings without significant reduction in their value, and in spite of such changes the relationship between the asset and its setting will still be legible.

10.2.43 The criteria for establishing an asset’s relative sensitivity are outlined in Table 10.5 below.

Table 10.5: Criteria for Establishing Relative Sensitivity

Sensitivity	Definition
High	<p>An asset whose setting contributes significantly to an observer’s understanding, appreciation and experience of it and its value should be thought of as having High Sensitivity to changes to its setting. This is particularly relevant for assets whose settings, or elements thereof, contribute directly to their value (e.g. form part of their Evidential and Aesthetic Value²¹). For example an asset which retains an overtly intended or authentic relationship with its setting and the surrounding landscape. These may in particular be assets such as ritual monuments that have constructed sightlines to and/or from them, or structures intended to be visually dominant within a wide landscape area e.g. castles, tower houses, prominent forts etc.</p> <p>An asset, the current understanding, appreciation and experience of which, relies heavily on its modern aesthetic setting. In particular an asset whose setting is an important factor in the retention of its cultural value.</p>
Medium	<p>An asset whose setting contributes moderately to an observer’s understanding, appreciation and experience of it and its value should be thought of as having Medium Sensitivity to changes to its setting. This could be an asset for which setting makes a contribution to value, but whereby its value is derived mainly from its physical evidential values. This could for example include assets which had an overtly intended authentic relationship with their setting and the surrounding landscape but where that relationship (and therefore the ability of the assets’ surroundings to contribute to an understanding, appreciation and experience of them and their value) has been moderately compromised either by previous modern intrusion in their setting or the landscape, or where the asset itself is in such a state of disrepair that the relationship with setting cannot be fully determined.</p> <p>An asset, the current understanding, appreciation and experience of which, relies partially on its modern aesthetic setting regardless of whether or not this was intended by the original constructors or authentic users of the asset. An asset whose setting is a contributing factor to the retention of its cultural value.</p>
Low	<p>An asset whose setting makes some contribution to an observer’s understanding, appreciation and experience of it and its value should</p>

²¹ *Historic England (2008). Conservation Principles, 28-29.*

Sensitivity	Definition
	generally be thought of as having Low Sensitivity to changes to its setting. This may be an asset whose value is mainly derived from its physical evidential values and whereby changes to its setting will not materially diminish our understanding, appreciation and experience of it or its value. This could for example include assets which had an overtly intended authentic relationship with their setting and the surrounding landscape, but where that relationship (and therefore the ability of the assets' surroundings to contribute to an understanding, appreciation and experience of them and their) has been significantly compromised either by previous modern intrusion to its setting or landscape, or where the asset itself is in such a state of disrepair that the relationship with setting cannot be determined.
Marginal	An asset whose setting makes minimal contribution to an observer's understanding, appreciation and experience of it and its value should generally be thought of as having Marginal Sensitivity to changes to its setting. This may include assets for which the authentic relationship with their surrounding has been lost, possibly having been compromised by previous modern intrusion, but who still retain cultural value in their physical evidential value and possibly wider historical and communal values.

10.2.44 The determination of an asset's sensitivity is first and foremost reliant upon the determination of its setting. The criteria set out in Table 10.5 above are intended as a guide. Assessments of individual assets are informed by knowledge of the asset itself, of the asset type if applicable, and by site visits to establish the current setting of the assets. This allows for the use of professional judgement and each asset is assessed on an individual basis. It should be noted that individual assets may fall into a number of the sensitivity categories presented above, e.g. a country house may have a high sensitivity to alterations within its own landscaped park or garden, but its sensitivity to changes in the wider setting may be less.

10.2.45 In establishing the relative sensitivity of an asset to changes to its setting, an aesthetic appreciation of that asset and its setting must be arrived at. Appendix 10.2 outlines the range of factors which should be considered when establishing the setting of an asset and therefore determining its sensitivity. These have been used as a guide in assessing each asset from known records and in the field. In defining these criteria, emphasis has been placed on establishing the current setting of each asset and how the Proposed Development would affect it.

Assessing Magnitude of Change

10.2.46 Determining the magnitude of change caused by the Proposed Development requires an identification of the change to the setting of any given asset, and in particular changes to those elements of the setting that inform its cultural value. Table 10.6 below outlines the main factors affecting magnitude of change:

Table 10.6: Factors Affecting Magnitude of Change

Site Details	Importance of detail for assessing magnitude of change
1) Proximity to centre of development	Increasing distance of an asset from the Proposed Development will, in most cases, diminish the effects on its setting.
2) Visibility of development (based on visualisations where appropriate)	The proportion of the development that is likely to be intervisible with the asset will usually directly affect the magnitude of change on its setting.
3) Complexity of landscape	The more visually complex a landscape is, the less prominent the new development may appear within it. This is because where a landscape is visually complex the eye can be distracted by other features and will not focus exclusively on the new development. Visual complexity describes the extent to which a landscape varies visually and the extent to which there are various land types, land uses, and built features producing variety in the landscape.
4) Visual obstructions	This refers to the existence of features (e.g. tree belts, forestry, landscaping or built features) that could partially or wholly obscure the development from view.

10.2.47 It is acknowledged that Table 10.6 above primarily deals with visual factors affecting setting. Whilst the importance of visual elements of settings, e.g. views, intervisibility, prominence etc, are clear, it is also acknowledged that there are other, non-visual factors which could potentially result in setting effects. Such factors could be other sensory factors, e.g. noise or smell, or could be associative. In coming to a conclusion about magnitude of change upon setting, this assessment makes reference to traffic, noise, air quality, and landscape and visual assessments, undertaken for this ES, where appropriate.

10.2.48 Once the above has been considered, the prediction of magnitude of change in setting is based upon the criteria set out below in Table 10.7. In applying these criteria, particular consideration is given to the relationship of the Proposed Development to those elements of setting which have been qualitatively defined as most important in contributing to the value of the heritage asset and the ability to understand, appreciate and experience it and its value.

Table 10.7 Criteria for Classifying Magnitude of Change in Setting

Magnitude	Criteria
High	<p>Direct and substantial change in view affecting a significant sightline to or from a ritual monument or prominent fort;</p> <p>Direct and substantial change in view affecting a key 'designed-in' view or vista from a Designed Landscape or Listed Building;</p> <p>Direct severance of the relationship between an asset and its setting;</p> <p>Major imposition within a Cultural Landscape;</p>

Magnitude	Criteria
	A change that alters the setting of an asset such that it threatens the protection of the asset and the understanding of its cultural value.
Medium	<p>Oblique change in view affecting an axis adjacent to a significant sightline to or from a ritual monument but where the significant sightline of the monument is not obscured;</p> <p>Oblique change in view affecting a key 'designed-in' view or vista from an Designed Landscape or Listed Building;</p> <p>Partial severance of the relationship between a asset and its setting;</p> <p>Notable alteration to the setting of an asset but not directly affecting those elements of the setting which contribute most to the understanding of the cultural value of the asset;</p> <p>Notable, but not major, imposition within a Cultural Landscape;</p> <p>A change that alters the setting of an asset such that the understanding of the asset and its cultural value is marginally diminished.</p>
Low	<p>Peripheral change in view affecting a significant sightline to or from a ritual monument, designed landscape or building;;</p> <p>Minor imposition within a Cultural Landscape;</p> <p>A change that alters the setting of an asset, but where those changes do not materially affect an observer's ability to understand, appreciate and experience the asset or its value.</p>
Marginal	All other changes to setting
None	No setting changes

Assessing Level of Effect on Setting

10.2.49 The level of effect resulting from changes in the setting of cultural heritage assets is judged to be the interaction of the asset's sensitivity (Table 10.5) and the magnitude of the change (Table 10.7) and also takes into consideration the importance of the asset (Table 10.2). In order to provide a level of consistency the assessment of sensitivity, the prediction of magnitude of change and the assessment of level of effect have been guided by pre-defined criteria. A qualitative descriptive narrative is also provided for each asset to summarise and explain each of the professional value judgments that have been made in reaching a judgement on sensitivity of the asset and the magnitude of change.

10.2.50 The interactions that guide the determination of level of effect on settings of the assets in question is shown in Table 10.8

Table 10.8: Level of Effect on the Setting of Cultural Heritage Assets

Magnitude of Change	Relative Sensitivity			
	<i>Marginal</i>	<i>Low</i>	<i>Medium</i>	<i>High</i>
<i>High</i>	Minor	Minor-Moderate	Moderate	Major

<i>Medium</i>	Negligible	Minor	Minor-Moderate	Moderate
<i>Low</i>	Neutral	Negligible	Minor	Minor-Moderate
<i>Marginal</i>	Neutral	Neutral	Negligible	Minor
The levels of effect recorded in grey highlighted cells are 'significant'				

Harm

- 10.2.51 The NPPF, where designated heritage assets are concerned, requires an assessment to be made as to the level of harm which could be caused to designated heritage assets by development. It requires a judgement to be made as to whether that harm is '*substantial*' or '*less than substantial*', and the level of harm predicted establishes the planning test to be applied. Extant guidance on harm relevant to this assessment is set out earlier in this Section (Paragraphs 10.2.21 to 10.2.27) above.
- 10.2.52 There would be no direct effects upon designated heritage assets as a result of the Proposed Development. As such, any discussion of harm in this assessment will relate to indirect effects on the setting of designated heritage assets.
- 10.2.53 The NPPG notes that '*substantial*' harm is a '*high test*' and that as such it is unlikely to result in many cases. As noted earlier in this Section what matters in establishing whether harm is '*substantial*' or not, relates to whether a change would seriously adversely affect those attributes or elements of a designated asset that contribute to, or give it, its value.
- 10.2.54 In terms of effects upon the setting of designated heritage assets, it is considered that only those effects identified as 'significant' in this assessment have the potential to be of '*substantial*' harm. Where no significant effect is found, the harm is considered to be '*less than substantial*'. This is because, as set out earlier in this methodology, effects only reach the significance threshold if their relative sensitivity to changes in setting is at the higher end of scale, or if the magnitude of change is at the higher end of the scale.
- 10.2.55 For many designated assets, setting may not contribute to their value or the contribution to value may be limited. For these assets, even High magnitude changes to setting are unlikely to have adverse effects on the value of the designated asset. As set out in Table 10.6, lower ratings of magnitude of change tend to relate to notable or perceptible changes to setting but where these changes do not necessarily obscure or damage elements of setting or relationships which directly contribute to the value of assets. As such, effects that are not significant will result

in '*less than substantial*' harm. Where there are no effects or effects are deemed to be Neutral there will be no harm.

10.2.56 Where significant effects are found, a detailed assessment of the level of harm will be made. Whilst non-significant effects will cause '*less than substantial*' harm, the reverse is not always true. That is, the assessment of an effect as being '*significant*' does not necessarily mean that the harm to the asset is '*substantial*'. The assessment of level of harm in the ES Chapter, where required, will be a qualitative one, and will largely depend upon whether the effects predicted would result in a major impediment to the ability to understand or appreciate the heritage asset in question by reducing or removing its information content and therefore reducing its cultural value.

Limitations

10.2.57 This assessment is based upon data obtained from publicly accessible archives as described in Section 10.3 below, a walkover survey and a site visits to designated assets for the purpose of undertaking an assessment of setting. Data was received from North Yorkshire County Council HER and downloaded from the HE website in April 2017. The assessment does not contain records added after this date.

10.2.58 The setting assessment was conducted in April 2017– the strategy for assessing heritage assets on private property involved establishing a view point from the closest public footpath or road. It should be noted that the site walkover and the setting assessment site visits were undertaken in spring with variable tree coverage.

10.3 Baseline

10.3.1 The following data sources were consulted during preparation of this assessment:

- North Yorkshire Council Historic Environment Record;
- North Yorkshire County Record Office;
- Boroughbridge Local Studies Library;
- Historic England;
- Historic England Designated Data set (downloadable from <https://services.historicengland.org.uk/NMRDataDownload/default.aspx>)
- The Historic England Archive (formerly the National Monuments Record) (Historic England, Fire Fly Avenue, Swindon);
- The National Heritage List For England; and

-
- National Map Library (National Library of Scotland, Causewayside, Edinburgh).

10.3.2 This assessment is based upon data obtained from publicly accessible archives as described above, and from visits to designated heritage assets undertaken during April 2017. All site visits to designated heritage assets were undertaken in clear weather and a photographic record was maintained.

Context

10.3.3 The Site comprises an area of agricultural land on Kirby Hill Moor, between the historic settlements of Kirby Hill and Marton Le Moor, approximately 2 km north east of the Roman town of Boroughbridge. The Site lies within the Swale-Ure Washlands, a landscape well known for its late Neolithic and early Bronze Age ceremonial and burial monuments. The course of the Roman Road, Dere Street runs through the east of the Site and may also follow the line of a prehistoric route. The A1(M) runs north to south through the centre of the Site and the A168, also running north to south, dissects the eastern portion of the Site. Junction 4 lies to the immediate west of the Site.

10.3.4 Data for designated heritage assets located within 3 km of the Site was downloaded from HE in April 2017 (Figure 10.1 and Appendix 10.1). No designated assets are located within the Site.

10.3.5 Six Scheduled Monuments are located within 3 km of the Site. 3.12 km north west of the Site is a Scheduled Monument of Late Neolithic date known as the henge monument 300m north west of Cana Barn (Site 6). The three prehistoric standing stones (Sites 69-71), comprising the stone alignment known as the Devil's Arrows, are located 2.51 km south of the Site, west of Boroughbridge. The Scheduled Monument known as the Site of Roman fort and settlement 400m north of Birckyard Farm (Site 72) is located 2.38 km south of the Site also west of Boroughbridge. Humberton Deserted Medieval Village (Site 18) is located 3.52 km east of the Site

10.3.6 Fifty-five Listed Buildings stand within 3 km of the Site. These are Grade II Listed, with the exception of: Grade I Church of All Saints at Kirby Hill (Site 1), 956 m to the south east, Grade I Listed Skelton Lodges (Site 48) located 2.21 km west of the Site and the Grade I Listed Church of Christ the Consoler (Site 19), located 2.41 km west of the Site. Both Skelton Lodges and the Church of Christ the Consoler are located within the Grade II* Registered Park of Newby Hal (Site 17).

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- 10.3.7 The Conservation Areas of Boroughbridge and Roecliffe are located within 3 km of the Site. The Registered Battlefield of the Battle of Boroughbridge (Site 73) is also located within 3km of the Site.
- 10.3.8 Data regarding non-designated heritage assets, archaeological events and Historic Landscape Character areas was obtained from the North Yorkshire HER in April 2017. This identified 79 heritage assets within 1 km of the Site (Figure 10.2 and Appendix 10.1). The data extract included area records, highlighting portions of land where archaeological remains have been identified, point records, locating more discrete features such as find spots and linear records highlighting features such as prehistoric trackways. Taken together these entries record sites and artefacts dating from the Neolithic to the 20th century.
- 10.3.9 The HER data includes six records relating to archaeological events sites, finds or discoveries within the Site itself. A rapid fieldwalking survey²² (Site 136) followed by a detailed programme of fieldwalking²³ (Site 129) was undertaken within the Site in advance of the A1 upgrade to motorway. An archaeological watching brief²⁴ undertaken during construction works for the A1 upgrade to motorway revealed a number of features of Neolithic date (Site 127). A geophysical survey²⁵ (Site 138) (see Figure 10.8) undertaken within the Site in 1997 detected no anomalies of definite archaeological interest. Two desk based assessments^{26 27} (Sites 134-5) have been undertaken to assess the archaeological potential of previously proposed MSA at Kirby Hill.
- 10.3.10 The HER data includes two records relating to archaeological sites, finds or discoveries adjacent or close to the Site boundary. An area of Protected Military Remains is located on the northern boundary of the Site at the location where a Tomahawk crashed (Site 94) on 16th December 1942 following an attempt to fly by a ground staff airman. The pilot Arthur Orchard Biddulph, aged 21 was killed in the

²² Griffiths, M 1992. 01/1992. A1 Motorway: Walshford to Dishforth. Archaeological Evaluation. Desk Top Study and Rapid Field Evaluation.

²³ Northern Archaeological Associates 1993 A1 Motorway: Walshford to Dishforth Fieldwalking Survey for Bullen and Partners

²⁴ Northern Archaeological Associates. 01/1994. A1 Motorway: Walshford to Dishforth Post Excavation Assessment of a Watching Brief in Fields 84-107.

²⁵ Gaffney, C 1997 Report on Geophysical Survey. Kirby Hill.

²⁶ CGMS 2010 Archaeological Desk-Based Assessment Proposed Motorway Service Area, Kirby Hill, North Yorkshire

²⁷ John Samuels Archaeological Consultants, 09/1997. Proposed Motorway Service Area at Kirby Hill Proof of Evidence Dealing with Archaeology.

crash. The site of a ring ditch (Site 84) of unknown, but probable prehistoric date, is located north of the Site.

10.3.11 No World Heritage Sites fall within 3km of the Proposed Development.

Prehistoric (pre AD43)

10.3.12 Archaeological evidence from the study area and wider Vale of Mowbray indicates that this area supported a relatively high density of population in the Neolithic period²⁸. Evidence for ceremonial monuments, (cursus, henges and burial monuments) have survived as earthwork monuments or as sub-surface features recorded on aerial photographs throughout the study area and include a henge and double posted pit alignment at Cana (3.12 km north west of the Site). To the south of the Site, three standing stones (Sites 69-71) (known as Devil's Arrows) are located to the south of the Rive Ure at Boroughbridge. Evidence for associated settlements, fields and paddocks is more limited and is generally confined to plough-damaged pits and lithic artefacts in the ploughsoil.

10.3.13 A programme of fieldwalking undertaken in advance of the upgrade of the A1 included part of the north of the western half of the Site within a field known as 'Field 89' (see Figure 10.8). The fieldwalking recorded a total of 80 objects including 72 flints (6 burnt, 33 struck flakes, 23 retouched flakes and 10 tools), one sherd of probable prehistoric pottery, one sherd of medieval pottery and six sherds of undated pottery. Almost all of the finds were recovered from the southernmost 200m of Field 89 which falls within the Site boundary. It is possible that the southern flint distribution could be associated with a ring ditch (Site 84) previously recorded on aerial photographs. A re-examination of the aerial photographs both during an earlier desk-based assessment of this Site and as part of this assessment did not identify the feature.

10.3.14 Archaeological monitoring of topsoil stripping undertaken during the widening of the A1(M) within and north of the west of the Site, within Field Nos 88 and 89, recorded 16 Neolithic pits. Two groups of pits, comprising a total of 10 pits, were recorded in Field 88 and three groups of pits, comprising six pits, were recorded in Field 89. The majority of the pits contained Late Neolithic pottery sherds, waste flint, fire shattered stones and carbonised food residue. A number of pits also contained large quantities of pottery sherds. A pit close to the boundary between Field 88 and 89 contained 75

²⁸Manby, T Moorhouse S Ottaway, P (eds) 2003 *The Archaeology of Yorkshire An Assessment at the Beginning of the 21st Century* Yorkshire Archaeological & Historical Society.

sherds of Grimston Ware (representing more than four vessels) and the most northerly pit within Field 89 produced 104 sherds of Woodlands-style Grooved Ware (representing at least 13 vessels). Burnt and fire shattered stone was a common component of many of the pit's fills, although there was no evidence of in-situ burning. Carbon-dating of charred hazelnuts from two of the pits in Field 89 produced a date of between 3950-3520 BC²⁹. A complex of over 100 pits in eight separate geographical locations was found north of the Site, 1km east of Marton-le-Moor during the A1 upgrading works (Sites 90, 91 and 120). Many pits contained burnt material and large quantities of Grimstone and related Early Neolithic pottery fragments were also found.

10.3.15 Regional studies of the distribution of round barrows have identified concentrations of burial monuments along the ridge that divides the Ure from the Swale (Manby 2003). Within the study area, the HER records two ring-ditches, one c.500m north west of the Site (Site 75) and a second, immediately north west of the Site (Site 84). Ring ditches are also known at Marton-le-Moor (Site 87) and Cocklakes (Site 125) both located north west of the Site.

10.3.16 The archaeological monitoring for the A1(M) north of the Site recovered a small quantity of decorated pottery sherds from five pits dated to the Beaker period (Field 90 See Figure 1.9)³⁰.

Roman (AD43 – AD410)

10.3.17 During the Roman period Dere Street/Leeming Lane (Sites 99 and 149), a major Roman road route from York to Scotland crossed through the east of the Site. Leeming Lane (Site 149) is not included as a heritage asset in the North Yorkshire HER, however historical Ordnance Survey maps record it as a Roman Road. It largely underlies the modern B6265 (Leeming Lane) and crosses the eastern portion of the Site on a south east to north west alignment. Within the Site it comprises a surfaced road no longer in public use following the upgrades to the A1(M). A Roman coin was found east of Chapel Lane (Site 100) north of the Site and provides further evidence of Roman activity in the vicinity of the Site.

10.3.18 The site of a Roman fort and settlement 400m north of Brickyard Farm (Site 72) is located on a raised river terrace, 2.38 km south of the Site and to the west of Boroughbridge. The monument was identified by geophysical survey and the

²⁹ Manby T 2003 *The Archaeology of Yorkshire An Assessment at the Beginning of the 21st Century*

³⁰ Taverer 1996

presence and nature of the remains were confirmed by a series of excavations adjacent to the monument. The geophysical survey revealed three sides of rectangular, double ditched enclosure with rounded corners characteristic of Roman forts. A road was revealed extending east-west to the north of the fort which was connected to it by a short spur-road. Also revealed by the survey were defensive outworks beyond the road and settlement which take the form of concentric and overlapping lengths of ditch, a characteristic additional defence associated with first century AD military sites. The settlement lies to the east and north of the fort, where a series of tracks, ditches and buildings were identified. The excavations produced pottery, coins and artefacts, including body armour fittings and coins which date the site to the first century AD and indicate that it was constructed shortly after AD 71 when Petillius Cerealis began his push north into the territory of the native Brigantes. The fort only had a short life span, being abandoned in AD 85. After this date a fort was established at nearby Aldborough over 3 km south of the Site where Dere Street/Leeming Lane crossed the River Ure.

Early Medieval and Medieval (AD410 – AD 1485)

- 10.3.19 The Church of All Saints (Site 2) located 956 m south east of the Site is thought to have 8th century origins suggesting a pre-Norman settlement at Kirby Hill. An early medieval cross head (Site 68) is recorded by the HER at Kirby Hill in the vicinity of the Church of All Saints.
- 10.3.20 Kirby Hill, also known as Kirby-on-the-Moor is recorded in the Domesday Book in 1086 when a manor and six carucates at Kirby Hill belonged to Gospatric. The overlordship was held by the Mowbrays. The church and one carucate of land were included in their foundation charter to Newburgh Priory in 1170. After the dissolution, the manor was granted to Nevill's of Thornton Bridge who held it until he sold the manor to Sir Robert Long in 1672³¹.
- 10.3.21 No sub-surface medieval features were discovered during the watching brief for the A1 upgrade in the vicinity of the Site and only four sherds of medieval pottery were recovered during fieldwalking within the west of the Site.
- 10.3.22 The Site thus likely was located in an area of rough common pasture, known as Kirby Moor during the medieval period.

³¹ *Bulmer 1890 Bulmers' History - Topography and Directory of North Yorkshire*, S&N Publishing. 1890. Part 2 p. 733

Post-Medieval and Modern (1485 – Present)

- 10.3.23 The earliest maps that show the study area are the 1675 Oligby's Road Map of England and Wales (not shown) and the 1775 Jeffery's Map of Yorkshire (not shown) both of which are too small in scale and schematic in nature to provide any detail regarding land-use. The 1775 Jeffery's Map shows the west of the Site on the edge of Kirby Moor and the east of the Site bisected by Leeming Lane
- 10.3.24 The late medieval to early post medieval period witnessed the start of the process of enclosure which represented the change from arable to pastoral agriculture and economy. There are no tithe or estate maps that show the Site. However the 1806 enclosure award map (Figure 10.4) shows the west of the Site, the majority of which is annotated Kirby Moor Hill Moor or common belonging to Catherine Tinley Long. A large irregular shaped pond is shown in the south of the Site. Leeming Lane is annotated as 60ft wide and the land to its west which includes land now dissected by the A1(M) is shown divided into four plots. The southernmost three plots are annotated as belonging to Reverend Henry Kitchingham while the fourth is annotated as 'CT Long Manorial Allotment'. The accompanying enclosure award includes an agreement between the aforementioned Henry Kitchingham and Catherine Tinley Long to create a drain east and west of Lemming Lane Road and discusses remuneration for the creation of these drains. A later document and plan dated 1867 (Figure 10.5) and concerning an exchange of Glebe Land within the parish includes a small area of Glebe Land within the Site which was to be purchased from the church by a Miss Rawson. The plan shows only the part of the Site which was the subject of the Glebe Exchange but shows a layout similar to that shown on the earlier 1806 map, with the majority of the Site still shown as unenclosed land.
- 10.3.25 Ordnance Survey mapping indicates little change between the enclosure map of 1806 and 1892 (Figure 10.6) although the pond within the south of the site is no longer shown. The 1892 Ordnance Survey map shows the west of the Site occupying parts of three fields and the east of the Site occupying parts of six fields either side of Leeming Lane.
- 10.3.26 Successive editions of the Ordnance Survey maps (Figure 10.6, 1892; Figure 10.7, 1910; not shown, 1956) reveal little changes to the layout of the Site between the late 1890's and the early 1960's. During the 1960's the A1 Boroughbridge Bypass was constructed and in the late 1990's, the A1 was upgraded to a motorway.

10.3.27 The North Yorkshire HER records two aircraft crash sites within the study area. A Tomahawk crashed close to the north-western corner of the Site in 1942 (Site 94) and a Jet Provost crashed east of the Site (Site 98) in 1971. The wreckage was removed from both sites and both sites are now Protected Military Remains.

Historic Landscape

10.3.28 The North Yorkshire Historic Landscape Character Assessment (see Appendix 10.3) identifies Historic Landscape Character Areas by Type. The west of the Site lies within the HLC Area Type described as 'Modern Improved Fields' and described as 'a large area centred on the A1 which has seen a high degree of boundary loss to create large irregular fields defined by erratic hedgerows' (Site 142). The east of the Site occupies 3 HLC Areas; HLC Type 'Modern Improved Fields' which is described as 'a very large area of large irregular fields defined by erratic hedgerows both internally and externally' and that 'this area has fragmentary legibility due to the degree of boundary loss and dates to the modern period' (Site 139); HLC Type 'Road Junction (Motorway)' which is described as 'modern road junction on the A1 and was previously characterised as Medieval strip fields which were Medieval in character' (Site 143). The south-eastern part of the site occupies HLC Type 'Strip Fields' described as 'an area of strip fields which lie to the north and west of Kirby Hill, this area consists of medium sized semi-irregular fields defined by the s curved hedges' and that 'this has a partial legibility due to the degree of boundary loss and is medieval.' (Site 145).

Aerial Photographic Evidence

10.3.29 Vertical aerial photographs, dating between 1951 and 2003, held by the Historic England Archives were examined as part of this assessment. These photographs indicate the Site was in arable cultivation for the latter half of the 20th century. Photographs from the 1990s show the works for upgrading the A1(M), a dark amorphous feature appears in the south east corner of the western portion of the Site at this time and is interpreted as resulting from drainage issues associated with the upgrade.

10.3.30 No archaeological features or demonstrable areas of disturbance are evidenced on the aerial photographs.

Site Walkover

- 10.3.31 A walkover of the Site was undertaken on 19th April 2017. The conditions were overcast and dry. The west of the Site was occupied by a young wheat crop and as such only the boundaries and plough tramlines between crops were surveyed. The east of the Site was fallow with evidence of having been recently planted/harvested with turnips. The east of the Site was surveyed in transects.
- 10.3.32 A well established, thin, hedge / tree line forms the western Site boundary and contains two mature trees close to the summit of Kirby Hill. The remains of boulders along the southern and western boundary of the Site are indicative that the boundaries were formerly of drystone construction. The south of the Site is bounded by a large embankment which carries the B6265 over the A1(M). The western boundary of the Site within the eastern portion is banked up against the A1(M) carriageway with numerous semi mature deciduous hedge and shrubs typical of large infrastructure planting. The line of Leeming Lane crosses through the Site and is marked by a tarmac road no longer in public use but demarking the route of the former public road.
- 10.3.33 No previously unidentified heritage assets were identified during the walkover survey. Nor were any areas of truncation noted.

10.4 Assessment of Effects

- 10.4.1 The Cultural Heritage Importance of the heritage assets recorded within the Site has been classified according to the method shown in Table 10.2 and the results are shown in Table 10.9 below.

Table 10.9: Importance of Heritage Assets

Site No.	Site Name	Status	Description	Cultural Heritage Importance
94	Tomahawk Aircraft Crash Site	Protected Military Remains	On the 16th December a Tomahawk, Serial number AH912, crashed following an attempt to be flown by a ground staff airman. The pilot was killed. The site potentially contain human remains and/or remnants of the aircraft	Regional
129/ 136	Flint Scatters	Non-designated	Concentrations of prehistoric worked implements were recorded during two fieldwalking surveys within the north of the western portion of the Site. The	Local

Site No.	Site Name	Status	Description	Cultural Heritage Importance
			flints were removed as part of the exercise which concentrated on areas to be disturbed by the widening of the A1(M) . It is likely that remnants of the flint scatter extend further west into the Site.	
127	Neolithic Pits	Non-designated	The location of numerous pits, of Neolithic date, were recorded within the Site during a watching brief. Those within the footprint of the A1(M) have been excavated and recorded.	Local
149	Leeming Lane	Non-designated	Leeming Lane is recorded as a Roman Road on historical Ordnance Survey maps. The HER does not recorded it has a heritage asset. It largely underlies the B6265 (Leeming Lane) which previously ran through the proposed development site prior to the A1(M) upgrade. The road is marked by a surfaced road no longer in public use but demarking the route of the former public road.	Local

Incorporated Mitigation

10.4.2 The Proposed Development has been designed in order to limit potential visual effects on the surrounding landscape. The approach to the design is described in detail within the Design and Access Statement which accompanies the planning application. As part of this process the setting of the nearby Grade II Listed Skelton Windmill (Site 1) and The Church of All Saints', Kirby Hill (Site 2) was considered. As such the layout and design of the Proposed Development has sought to mitigate impacts on these designated assets.

Construction Phase

10.4.3 Effects on heritage assets deriving from the construction of the Proposed Development are predominantly related to direct effects on heritage assets. The potential for indirect effects on the settings of heritage assets is discussed within the Operational Phase below.

Direct Effects: Known Remains

- 10.4.4 Potential effects on known or unknown buried archaeological remains which may survive, relate to the possibility of disturbing, removing or destroying *in situ* remains and artefacts during groundbreaking works (including excavation, construction and other works associated with the Proposed Development) within the Site boundary.
- 10.4.5 Three cultural heritage assets are located within the Site boundary with a fourth asset (Site 94) located on the Site boundary. An assessment of potential direct effects on heritage assets is summarised below. Table 10.9 outlines the predicted level of effect that the Proposed Development could have upon the remains of Negligible or greater Cultural Heritage Importance located within the Site boundary. Its conclusions have been formulated using the criteria laid out in Tables 10.2 to 10.4.

Table 10.9: Summary of Effects upon Remains within Proposed Development Area

Site No.	Site Name	Cultural Heritage Importance	Magnitude of Direct Change from Proposed Development	Level of Effect
94	Tomahawk Aircraft Crash Site	Regional	Medium	Moderate
129/136	Flint Scatters	Local	High	Moderate
127	Neolithic Pits	Local	None	None
149	Leeming Lane	Local	Low	Minor

- 10.4.6 The Proposed Development requires substantial reduction of the existing ground level within the majority of the site to accommodate the new structure and parking facilities. This will require complete removal of deposits within an area known for prehistoric flint scatters. Taking into consideration the fact that the flints were largely removed during a previous survey the importance of the *in situ* assets is judged to be local. The magnitude of impact resulting from the construction of the Proposed Development would be **High** as the groundworks would remove any remains. As such, in the absence of mitigation, this impact would result in a **Moderate** level of effect, which would have the potential to be a significant impact.
- 10.4.7 The aircraft crash site of a Tomahawk is located on the northern boundary of the Site. It is possible that remains associated with the crash including human and/or remains of the aircraft itself extend into the Site. Groundworks associated with the Proposed Development have the potential to result in the partial removal of deposits

from this site which could lead to a moderate loss of information content. The magnitude of impact would be **Medium**. As such, in the absence of mitigation, this impact would result in a **Moderate** level of effect, which would have the potential to be a significant impact.

10.4.8 Where Leeming Lane passes through the Site it is a modern surfaced road and formerly formed part of the B6265. The construction of the modern road is likely to have, at least in part, damaged the Roman road beneath as well as an features associated with its construction. As such it is deemed to be of Local importance. The realignment of the road would constitute a minor alteration to the overall length of the road in a location where the road has already been modernised and realigned. As such a low magnitude impact is expected. This would result in a **Minor** level of effect, which is not significant.

10.4.9 The Neolithic pits (Site 127) were observed during a watching brief associated with the upgrades to the A1(M) and were excavated and so are no longer extant on site. As such **No** effects are expected.

Direct Effects: Unknown Remains

10.4.10 The assessment has established that the Site is located within an area rich in prehistoric and Roman activity and therefore the potential for encountering prehistoric remains is considered to be moderate to high. The extent and cultural value of any such remains is not known but impacts upon any surviving prehistoric or Roman remains could lead to removal of deposits associated with such sites and the magnitude of impact would be **Medium to High**. As such, in the absence of mitigation, this impact would result in a potential **Moderate to Major** level of effect, which would have the potential to be a significant impact.

10.4.11 The Site does not lie in close proximity to significant medieval or later finds or features and therefore the potential is considered low for significant *in situ* remains of these periods.

10.4.12 A geophysical survey³² (Site 138) (see Figure 10.8) undertaken within the Site in 1997 detected no anomalies of definite archaeological interest.

³² Gaffney, C 1997 *Report on Geophysical Survey. Kirby Hill*.

Operational Phase

Introduction

- 10.4.13 Effects on heritage assets resulting from the presence of the Proposed Development once each phase of construction has finished are likely to be limited to indirect effects on the settings of heritage assets. No direct effects are predicted during the Operational Phase. Therefore this assessment is limited to indirect effects on the settings of heritage assets.
- 10.4.14 As the Proposed Development would be located adjacent to the existing A1(M) corridor, it is considered that it would not give rise to any significant adverse effects on settings with regards to odour, air quality and noise. Thus, this assessment focuses primarily on visual changes to the settings of heritage assets.
- 10.4.15 An assessment of the landscape and visual effects of the Proposed Development are set out in full in Chapter 6.0 (the Landscape and Visual Impact Assessment). The landscape and visual assessment and its supporting documents e.g. viewpoints, montages and wireframes, have been used to assist in establishing effects on the setting of heritage assets.
- 10.4.16 Unless stated, the specific effects on the settings of heritage assets identified in this assessment are judged to lead to adverse effects on their cultural heritage value.
- 10.4.17 A screening exercise has been undertaken, using GIS analysis, desk-based survey of the assets, site visits/area visits and review of Google Maps, which has resulted in the scoping out of many heritage assets from detailed consideration in this assessment.
- 10.4.18 All heritage assets were initially included in the screening exercise. All non-designated assets were subsequently judged not sensitive to changes in their settings. This is due either to the fact that all have limited surface presence being either buried below the ground surface, findspots or the sites of features recorded from historic mapping that are no longer extant in the modern landscape. Records of archaeological events and Historic Landscape Characterisation areas are also excluded from the settings assessment.
- 10.4.19 As a result of the above screening exercise, it has also been concluded that a large number of assets in the wider 3 km study area would have no clear visibility with the Proposed Development due to topography, built structures and vegetation. Whilst

glimpses of the Proposed Development cannot be discounted for all of these assets, the Proposed Development would be seen at a distance and beyond other urban built features or the A1(M) corridor. As such effects are likely to be non-material in that they would not result in a change to the setting of the asset such that there would be a reduction in the cultural value of the asset.

10.4.20 Those assets where an effect upon setting has been deemed possible are included in the assessment.

10.4.21 All heritage assets are listed in the gazetteer in Appendix 10.1. Figure 10.1 records all designated heritage assets (Scheduled Monuments, Listed Buildings and Conservation Areas) located within 3 km of the Proposed Development, whilst Figure 10.3 indicates those heritage assets for which settings assessment has been carried forward. Designated Assets within 1km

Skelton Windmill (Site 1)

10.4.22 Skelton Windmill (Site 1) was built in 1822 as part of the Newby Hall estate and was used as a working windmill until the First World War. The mill is Grade II Listed although it lacks the cap and sails with tail pole which used to turn the sails into the wind. In 1998, the mill was converted into a residential property which retains many of the original features. The Listing description notes a rail at the top of the tower which suggests that it may have been used as a viewing tower after milling ceased. The railing is no longer in place.

10.4.23 Skelton Windmill is set on the summit of a low rise which, in this low rolling arable landscape, affords it panoramic long distance views. Writing in 1891 Bulmer³³ notes that '*On a hill near the village is Skelton Wind-mill, from which can be seen 16 churches, the cathedrals of York and Ripon, the castles of Crayke and Sheriff-Hutton, and the Hambleton hills.*'

10.4.24 The immediate setting of the mill comprises the adjacent mill house to the south, enclosed wooded gardens to the east and open farmland to the north and west. The B6265 passes south of the mill in a north west to south east alignment. The wider setting of the mill extends across intensively-farmed arable and grass fields which are separated by hedgerows with distant views to the settlements of Ripon to the

³³ *Bulmer 1891 Bulmer's History - Topography and Directory of North Yorkshire*, S&N Publishing. 1890. Part 2 p. 733

north west and towards York to the south east as well as east to the A1(M) and beyond to the Howardian Hills and north east to the Hambleton Hills.

10.4.25 Although missing the original sails, the siting of Skelton Windmill at the highest locally available topographic point, its distinctive tapering tower and accompanying views across agricultural land contribute to an understanding of its historic windmill function. Skelton Windmill is judged to be of medium relative sensitivity to changes in its setting.

10.4.26 The Proposed Development would be visible in views east from Skelton Windmill. At ground level views of the Proposed Development would be partially blocked by mature deciduous vegetation within the gardens of the mill and adjacent house. Clear unobstructed views to the Proposed Development would be obtainable from the elevated vantage points provided by the upper storeys of the mill. The Proposed Development would be seen beyond the immediate agricultural setting of the mill and within a view which already features the A1(M). The Proposed Development would be seen within the context of the A1(M) and would not obstruct wider views east to the Howardian Hills. The Proposed Development has been sited and designed to limit its visibility from the surrounding area and as such even in these elevated views would be largely hidden from view by intervening topography and existing vegetation. Some elements, notably lighting columns and the rooftops of the buildings would be partially visible. The proposed dumbbell junction, which would pass over the A1(M), and its associated traffic and street furniture (lighting and signage) would also be visible particularly outside of daylight hours when illumination of the overhead route and the associated car parking areas would accentuate visibility. However, it should be noted that, as per the ZTV of lorry visibility (Figure 5.1a), lorries are theoretically visible on the B6265 overbridge. The Proposed Development would be much less visible (if visible at all) on approach to the windmill along the B6265 from the north west due to a combination of intervening topography, roadside vegetation and, in closer views, the mill itself and adjacent house which block views to the east. The Proposed Development would thus be visible from Skelton Windmill but would not feature on approach to the mill from the B6265 and would not compete with or be seen against the mill on the skyline. The immediate agricultural setting of the windmill would remain legible as would the topographic siting of the windmill, its distinctive tapering profile and its wide ranging views across the landscape. The Proposed Development would thus constitute a notable alteration to the setting of Skelton Windmill but would not directly affect those

elements of the setting which contribute most to the understanding of its cultural value. The magnitude of impact would be medium. The level of effect would be **Minor-Moderate** and not significant.

Church of All Saints, Kirby Hill (Site 2)

- 10.4.27 The Church of All Saints', Kirby Hill (Site 2) originated in the 10th century; it is Grade I Listed and consists of a chancel, nave, north chapel, north aisle, vestry, west tower and south porch. The nave is of late Saxon date and constructed of large irregular stones, some of which are parts of early carved slabs and cross shafts of Saxon origin. The original chancel of the church was destroyed and replaced in 1170 with further additions in the late 13th century and the 15th century. The church was restored in 1870 by George Gilbert Scott³⁴.
- 10.4.28 The church is set within an enclosed graveyard on a low rise at the eastern edge of Kirby Hill village. This position affords it wide ranging views across open agricultural land in an arc from northwest through east to southwest. Views west from the church are more limited due to the presence of intervening built structures within the village. Mature deciduous trees and bushes within the graveyard form part of the immediate setting of the church and depending on exact location within the graveyard partially limit views out across the landscape. The main entrance to the church faces south towards the Roman site of Aldborough and it is possible that the siting of the church in this location referenced earlier significant historic sites in the River Ure valley. Although the undulating low lying nature of the surrounding landscape limits distant views of the church it was clearly intended to make a visual statement within the village and to have a high aesthetic appeal. It is judged to be of medium sensitivity to changes in its setting.
- 10.4.29 The Proposed Development would be only partially visible in views north west from the church with the majority screened from view by topography and vegetation. It would be seen in the middle distance beyond the immediate setting of agricultural fields separated by hawthorn hedges and beyond vegetation within the graveyard. Traffic along the A168 is currently visible in this view and the traffic noise from the A1(M)/A168 is audible from the church. The proposed access to the MSA over the A1(M) would be visible due to its elevated height and it is likely that traffic moving over this road would also be seen. At this distance there is not expected to be a

³⁴ Pevsner N 1966 *Buildings of England: Yorkshire North Riding (Pevsner Architectural Guides: Buildings of England)* Yale University Press, p210.

noticeable additional noise impact from traffic accessing the MSA. Outside daylight hours street lighting on the MSA overbridge and lights from traffic would be seen although this would be very similar, and in the same view, as the lighting on the existing B6265 bridge over the A1(M). Visibility of the Proposed Development on approach to the church from within the village would be very limited due to the presence of intervening built structures. There would be no visibility of the Proposed Development from the entrance to the church in its south elevation. Views of the Proposed Development in the middle distance would constitute a minor change that alters the wider setting of the church but would not materially affect an observer's ability to understand, appreciate and experience the church or its value. The magnitude of impact would be low. The level of effect would be **Minor** and not significant.

Listed Buildings in Kirby Hill (Sites 3-5)

Writing about Kirby Hill in 1891 Bulmer notes that: *The village stands on an eminence from which extensive views of the surrounding country are obtained*⁶⁵. The Pond House (Site 4) is located in the centre of the village and dates from 1750. It is likely that when constructed, and indeed when Bulmer was writing in the 19th century, that this house had open views across the surrounding landscape. However, the Pond House is now surrounded by residential properties of 20th century date which, whilst largely of single storey nature, prevent views out across the landscape from the house at ground level. The house is judged to be of low sensitivity to changes in its setting. The Proposed Development would not be visible from ground level from the house. The house has a single north facing window at first floor level from which it might be possible to view the Proposed Development. Distant views of the Proposed Development from a single window beyond modern residential development within the village would constitute a marginal magnitude of impact. The level of effect would be **Neutral** and not significant.

- 10.4.30 There would be no intervisibility between the Proposed Development and the Grade II Listed Vicarage (Site 3) and Milestone (Site 4) due to the massing of intervening built structures and vegetation within the village and as such there would be **No** effect on the settings of these assets.

³⁵ *Bulmer 1891 Bulmer's History - Topography and Directory of North Yorkshire*, S&N Publishing. 1890. Part 2 p. 733

Designated Assets within 1-3km

Scheduled Monuments

- 10.4.31 The Scheduled Monument known as '*Henge monument 300m north west of Cana Barn*' (Site 6) is of Late Neolithic date and is located 3.12 km north west of the Site. Although visible as a low upstanding earthwork, it has been much reduced by ploughing and its cultural heritage value now largely resides within its buried remains. It is set within an open arable field at a location which is afforded panoramic views across a landscape which is known to contain other prehistoric ritual monuments. Although largely buried it is possible to appreciate the topographic siting of this monument and this contributes towards an understanding of its ritual function. It is judged to be of medium sensitivity to changes in its setting. The Proposed Development would be located south east of the monument. The A1(M) could not be seen from the location of this monument on the day of the site visit due to the presence of mature hedges which reduced outward visibility into the middle distant (although wider views to the Hambleton Hills are still possible). The Proposed Development may be seen in winter months when the hedges and trees that form the surrounding field boundaries are not in leaf. However, it would be seen beyond the immediate agricultural setting of the monument and would not obstruct views out across the landscape. The magnitude of impact would be low. The level of effect would be **Minor** and not significant.
- 10.4.32 The three prehistoric standing stones (Sites 69-71), comprising the stone alignment known as *The Devil's Arrows*, are located 2.51 km south of the Site, either side of Bar Lane west of Boroughbridge. The monument comprises a stone alignment 174m long dating from the Late Neolithic/Early Bronze Age. The two northernmost stones are set within flat open agricultural land north of Bar Lane, while the third is set within rough woodland to the south of Bar Lane. As ritual monuments with probable connections to other prehistoric ritual monuments in this area the Devils Arrows are of high sensitivity to changes within their immediate settings and of medium sensitivity to changes in their wider settings. The Proposed Development would be located offset from the alignment of the stones. The Site itself is not visible due to combination of intervening topography and vegetation, accordingly there would be **No effect**.
- 10.4.33 There would be no intervisibility between the Scheduled Monument known as the *Site of Roman fort and settlement 400m north of Brickyard Farm* (Site 72) and the

Proposed Development due to the banking of the intervening A1(M), which at its nearest point is located c. 16 m from the Scheduled Monument, would block any views of the Proposed Development and there would be **No** effect.

10.4.34 There would be no intervisibility between the Scheduled Monument known as *Humberton Deserted Medieval Village* (Site 18) and the Proposed Development due to combination of existing field boundaries and locally rising ground west of the monument. The ZTV (Figure 5.1a) suggests that lorries could be visible from the proposed overbridge. However, at this distance, and due to intervening vegetation, this is very unlikely. Accordingly, **No** effect upon setting is predicted.

Conservation Areas

10.4.35 There would be no visibility of the Proposed Development from the Boroughbridge Conservation Area and the Listed Buildings within it due to intervening topography and the massing of surrounding urban structures. As such there would be **No** effect on the setting of these assets from the Proposed Development.

10.4.36 The Conservation Area of Roecliffe is located between Boroughbridge and Bishopmonkton 3km south of the Site. It occupies relatively flat ground which combined with the vegetated nature of surrounding property and field boundaries Roecliffe Wood on the south bank of the Ure and gently rising topography to the north serves to limit views out from the core of the Conservation Area towards the Site to the north. The Proposed Development would have **No** effect the setting of Roecliffe Conservation Area.

Registered Parks and Gardens: Newby Hall (Site 17) and Listed Buildings (Sites 19, 20, 21 and 48)

10.4.37 Newby Hall RPG is located south west of Site and immediately south west of the village of Skelton in a rural and agricultural setting. The park is located within level ground which rises slightly to the north from the River Ure. The boundaries of the RPG are formed by fences and walls dividing the park from agricultural land. The RPG is judged to be highly sensitive to changes within its boundaries but of medium sensitivity to changes in the surrounding agricultural landscape. Visibility of the Proposed Development would be limited from within the RPG and would be at worst a marginal impact. Consequently a **Negligible** effect, which is not significant, on the setting of the RPG is anticipated.

10.4.38 The principal entrance to the RPG is from Skelton where there is an entrance screen with Grade I Listed Lodges (Site 48), the setting of which is dominated by the tree lined drive upon which they are located. The lodges are judged to be of high sensitivity to change in their immediate driveway setting and of medium to low sensitivity to changes in the wider landscape. The trees blocked any visibility of the Site on the day of the Site visit. It is possible that the Proposed Development would be seen during winter months when the trees are not in leaf. However, it would be seen at a distance of over 2km away, beyond the driveway and landscaped park to which the lodges relate and would constitute at worst a low magnitude of impact. The level of effect would be at worst **Minor** and not significant

10.4.39 The Grade I Listed Church of Christ the Consoler (Site 19) and associated well (Site 20), wall and gate piers (Site 21) are located in the north-east corner of the RPG, 1.3km northeast of the Hall and 2.41 km south west of the Site. The building, designed by William Burges 1871-6 for Lady Mary Vyner, is set within a churchyard planted with weeping beech trees and yews. The spire rising above the trees is a focal point for views north and east across the RPG and the view is backed by a band of woodland north east of the church which extends along the north east boundary to the eastern entrance and would block any views to and from the Proposed Development. Consequently there would be **No** effect on the setting of the church.

10.4.40 The setting of the Grade II Listed Mulwith Farm (Site 59) relates primarily to the River Ure to the south and immediately surrounding agricultural land. It is judged to be of low sensitivity to changes in its setting. Rising ground and trees block visibility of the Site and as such the Proposed Development would have **No** effect on the setting of the farmhouse.

Battle of Boroughbridge

10.4.41 There would be no intervisibility between the Proposed Development and the Inventory Battle of Boroughbridge (Site 73) due to rising topography, intervening vegetated field boundaries and urban settlement as such there would be **No** effect on the setting or Landscape Character of the Battlefield.

Remaining Listed Buildings

10.4.42 The Grade II Listed Marton Church (Site 13) is set within the village of Marton-le-Moor. There would be some limited visibility of the Proposed Development from the

rear of the church within the graveyard. This would not affect the ability to understand and appreciate the church within its village and wider agricultural setting. There would be no impact on other buildings within Marton Le Moor (Sites, 8, 9 and 66) due to massing of intervening buildings. As such there would be **No** effect.

10.4.43 There would be no intervisibility with the Proposed Development and the Listed Buildings in Skelton-on-Ure due to the presence of built structures to the east (Site 14 and 16) or dense vegetation (Site 15) which prevent views in the direction of the Site. As such there would be **No** effect.

10.4.44 The Grade II Listed Norton le Clay Farm Cottage (Site 7) is located in the centre of the village of Norton le Clay opposite the junction of two minor roads north east of the Site. The setting of the cottage relates to the village and road junction and immediately surrounding agricultural land. It is of low sensitivity to changes in its setting. The main elevation of the cottage faces due south and is thus offset from the Proposed Development. Views towards the Site from within the village and from the cottage are generally open although foreshortened slightly by gently rising ground which would block the majority of the Proposed Development from view. It is possible that the elevated slip road and associated traffic would be visible in the distance from the farm house. This would be at worst a low magnitude of impact. The effect would be **Negligible** and not significant.

Harm

10.4.45 No significant effects have been found on the setting of designated heritage assets from the Proposed Development. Given this, and in accordance with the assessment methodology set out in Section 10.2 above, there will either be No Harm to heritage assets or that harm will be 'less than substantial' and as such the relevant policy test, as set out in the NPPF³⁶, should apply.

10.5 Mitigation

10.5.1 The NPPF³⁷ and associated guidance, as well as local planning policies (all outlined in Section 10.2), require a mitigation response that is designed to eliminate, reduce or compensate for the effects of the Proposed Development on the archaeological heritage assets within the Site.

³⁶ DCLG: Department for Communities and Local Government (2012). *National Planning Policy Framework*. 134

³⁷ DCLG: Department for Communities and Local Government (2012). *National Planning Policy Framework*.

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- 10.5.2 Under the 1986 Protection of Military Remains Act (PMRA)³⁸ where the presence of a crash site has been indicated and it is believed that works may disturb it in any way, a licence must be obtained from the Royal Air Force Personnel Management Agency (PMA). Given the proximity of the Proposed Development to the Tomahawk aircraft crash site (Site 94) it is advised that a licence is obtained from PMA prior to commencement of development.
- 10.5.3 There is potential for a **Moderate** level of effect, which is considered significant, upon a flint scatter within the Site (Sites 129/136) and the site of an aircraft crash on the boundary of the Site (Site 94). A **Minor** level of effect is expected on Leeming Lane (Site 149), this is not considered significant.
- 10.5.4 In addition to the presence of known prehistoric and World War II remains, the assessment has identified potential for previously unrecorded finds and deposits of prehistoric and possibly later periods and a potential for a **Moderate to Major** effect on any such remains. As such it is recommended that archaeological evaluation should be undertaken to establish the extent of any surviving archaeological remains that might be damaged during construction of the application site.
- 10.5.5 The exact scope of any further investigations and / or mitigation would need to be agreed with North Yorkshire County Council Archaeology Service on behalf of the LPA.
- 10.5.6 There is no direct mitigation than can be offered to reduce the predicted setting effects beyond the incorporated mitigation which has been employed in the design of the Proposed Development. However, no indirect effects on the settings of heritage assets that are considered significant have been identified.

10.6 Residual Effects and Conclusions

- 10.6.1 The assessment has identified the potential for previously unrecorded finds and deposits of prehistoric and potentially later periods to survive within the Site. Historic mapping and aerial photographic sources indicate that the Site has been under arable cultivation since at least the 19th century and in more recent years has been subject to intensive arable cultivation including deep ploughing. It is therefore likely that any archaeological deposits located within the Site will be, at least in part

³⁸ HMSO (1986) *Protection of Military Remains Act* <http://www.legislation.gov.uk/ukpga/1986/35>

truncated, by plough damage. There remains, however, a possibility that archaeological remains could occur across the Site.

- 10.6.2 As such it is recommended that a programme of archaeological works comprising fieldwalking and an evaluation by trial trenching should be undertaken to establish the extent of any surviving archaeological remains that might be damaged during construction of the Proposed Development. The fieldwalking would be aimed at identifying further evidence for flint scatters beyond the original survey area. The trial trench evaluation would seek to establish the presence or absence of any buried archaeological remains on Site. Should the evaluation confirm the survival of buried archaeological remains then, depending on their significance, extent, survival and condition, further mitigation including full excavation could potentially be required. At least one trench should be placed across Leeming Lane (Site 149) prior to the commencement of the development to establish whether there are any remains associated with its construction or use in the Roman period survive. Following receipt of the required PMA licence a trench should also be placed adjacent to the northern boundary of the Site in the vicinity of the Tomahawk aircraft crash site (Site 94) in order to determine if any remains associated with it extend into the Site boundary.
- 10.6.3 If the mitigation outlined above is undertaken this would ensure preservation by record of the known heritage assets within the Site and would enable identification and preservation by record of any hitherto unrecorded archaeological remains. Following the implementation of the outlined mitigation residual effects upon the flint scatters, finds and deposits of prehistoric and possibly later periods and the World War II remains would be of **Negligible** level and not significant. Further investigations could contribute to the local archaeological / historical narrative and could also complement any proposed enhancement works.
- 10.6.4 This assessment has not identified any significant indirect effects on the settings of designated / non-designated heritage assets, where harm to such assets is predicted this is judged to be 'less than substantial' in relation to the policy test required as part of the National Planning Policy Framework.