



Sustainability & Environment  
Appraisal

# LA 106

## Cultural heritage assessment

(formerly HA 208/07, HA 60/92, HA 75/01 )

Revision 1

### Summary

This document sets out the requirements for assessing and reporting the effects on cultural heritage as part of the environmental assessment process of construction, operation and maintenance projects.

### Application by Overseeing Organisations

Any specific requirements for Overseeing Organisations alternative or supplementary to those given in this document are given in National Application Annexes to this document.

### Feedback and Enquiries

Users of this document are encouraged to raise any enquiries and/or provide feedback on the content and usage of this document to the dedicated Highways England team. The email address for all enquiries and feedback is: [Standards\\_Enquiries@highwaysengland.co.uk](mailto:Standards_Enquiries@highwaysengland.co.uk)

**This is a controlled document.**

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## Release notes

Version	Date	Details of amendments
1	Jan 2020	Revision 1 (January 2020) Revision to update references only. Revision 0 (September 2019) LA 106 replaces HA 208/07, HA 60/92 and HA 75/01. The full document has been re-written to make it compliant with the new Highways England drafting rules.

## **Foreword**

### **Publishing information**

This document is published by Highways England.

This document supersedes HA 208/07, HA 75/01 and HA 60/92 which are withdrawn and makes provision for requirements outlined within EU Directive 2011/92/EU as amended by 2014/52/EU (hereafter referred to as the 2014/52/EU [Ref 3.N]).

### **Contractual and legal considerations**

This document forms part of the works specification. It does not purport to include all the necessary provisions of a contract. Users are responsible for applying all appropriate documents applicable to their contract.

## Introduction

### Background

The construction, improvement and maintenance of motorways and all purpose trunk roads can result in environmental effects on cultural heritage.

The development of this document has been influenced by the UK government's and its agencies' commitment to balancing the need for development against the requirement to protect and enhance our national cultural heritage resource as far as is practicable through their ratification and adoption of the following:

- 1) United Nations Educational, Scientific and Cultural Organisation (UNESCO) Convention Concerning the Protection of the World Cultural and Natural Heritage (1972) UNESCO 1972 [Ref 10.I];
- 2) United Nations Educational, Scientific and Cultural Organization 2017 Operational Guidelines for the Implementation of the World Heritage Convention Intergovernmental Committee for the Protection of the World Cultural and Natural Heritage UNESCO 2017 [Ref 20.I];
- 3) the International Council on Monuments and Sites (ICOMOS) International Charter for the Conservation and Restoration of Monuments and Sites ICOMOS 1964 [Ref 11.I];
- 4) the European Cultural Convention (1954) ECC 1954 [Ref 17.I];
- 5) the Convention for the Protection of the Architectural Heritage of Europe (1985) CoE 1985 [Ref 15.I];
- 6) the European Convention on the Protection of the Archaeological Heritage (1992) ECPAH [Ref 16.I];
- 7) the European Landscape Convention (2000) ELC 2000 [Ref 18.I]; and
- 8) the UNESCO Convention on the Protection of the Underwater Cultural Heritage (2001) UNESCO 2001 [Ref 19.I].

This document aligns with Directive 2011/92/EU as amended by 2014/52/EU (the 2014/52/EU [Ref 3.N]).

### Assumptions made in the preparation of this document

The assumptions made in GG 101 [Ref 6.N] apply to this document.

# Abbreviations

## Abbreviations

Abbreviation	Definition
CIfA	Chartered Institute for Archaeologists
EIA	Environmental Impact Assessment
ICOMOS	International Council on Monuments and Sites
UNESCO	United Nations Educational Scientific and Cultural Organisation

## Terms and definitions

### Terms

Term	Definition
Archaeology	The understanding of the past through the study of material remains, not the remains themselves.
Cultural heritage	<p>Historic monuments, historic groups of buildings and/or historic sites.</p> <p>NOTE 1: Monuments: architectural works, works of monumental sculpture and painting, elements or structures of an archaeological nature, inscriptions, cave dwellings and combinations of features;</p> <p>NOTE 2: Groups of buildings: groups of separate or connected buildings (recognised for their architecture, homogeneity or their place in the landscape);</p> <p>NOTE 3: Sites: material remains resulting from the works of humans or the combined works of nature and humans, and areas including archaeological sites. UNESCO 1972 [Ref 10.I];</p> <p>NOTE 4: Other cultural matters are dealt with in LA 108 [Ref 1.N], and LA 107 [Ref 12.I] Landscape and visual effects.</p>
Cultural heritage resource	<p>A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest.</p> <p>NOTE 1: Cultural heritage resource can be designated or undesignated.</p> <p>NOTE 2: Roads themselves can be of heritage interest.</p>
Historic	Associated with past human activity.
Programme of investigation	<p>Phases of:</p> <ol style="list-style-type: none"> <li>1) excavation or other recording;</li> <li>2) assessment;</li> <li>3) analysis; and,</li> <li>4) dissemination of the results.</li> </ol>
Scoping	The process of considering the information required for reaching a (reasoned) conclusion on the likely significant effects of a project on the environment.
Setting	<p>The surroundings in which a cultural heritage resource is experienced.</p> <p>NOTE 1: Its extent is not fixed and can change as the resource and its surroundings evolve.</p> <p>NOTE 2: Elements of a setting can make a positive or negative contribution to the significance of a resource and can affect the ability to appreciate that significance or can be neutral.</p>
Zone of visual influence	Area within which a proposed development can have an influence or effect on visual amenity.

## 1. Scope

### Aspects covered

- 1.1 The requirements in this document shall be applied to the assessment, reporting and management associated with cultural heritage from the delivery of motorway and all purpose trunk road projects.
- 1.2 Environmental assessments shall describe impacts on cultural heritage in line with the wider requirements and advice provided in:
  - 1) LA 101 [Ref 5.N] Introduction to environmental assessment;
  - 2) LA 102 [Ref 8.N] Screening projects for Environmental Impact Assessment;
  - 3) LA 103 [Ref 7.N] Scoping projects for environmental assessment; and
  - 4) LA 104 [Ref 4.N] Environmental assessment and monitoring.
- 1.3 Environmental assessments must, in line with the 2014/52/EU [Ref 3.N], identify, describe and assess the absorption capacity of sites of historical, cultural or archaeological significance.
- 1.4 For the purposes of cultural heritage assessments, landscapes of historical, cultural or archaeological significance shall be assessed as a cultural heritage resource.

### Implementation

- 1.5 This document shall be implemented forthwith on all schemes involving cultural heritage on the Overseeing Organisations' motorway and all-purpose trunk roads according to the implementation requirements of GG 101 [Ref 6.N].

### Use of GG 101

- 1.6 The requirements contained in GG 101 [Ref 6.N] shall be followed in respect of activities covered by this document.



## **2. Principles and purpose**

### **Assessment and consultation**

- 2.1 Where potential trans-boundary impacts are predicted, relevant planning authorities likely to be concerned by a project shall be consulted.

### 3. Assessment methodology

#### Scoping

- 3.1 The scoping assessment shall document the initial baseline studies undertaken and make a recommendation on the scope of further assessment.
- 3.2 The scoping assessment shall address the following questions to gain an understanding of the need to undertake further cultural heritage assessment:
- 1) is any designated or other cultural heritage resource in the footprint of the scheme or outside that footprint but still potentially physically affected by it?;
  - 2) is the setting of any designated or other cultural heritage resource in the footprint of the scheme, within the zone of visual influence or potentially affected by noise (see LA 111 [Ref 13.I])?;
  - 3) is there new land take associated with the project?;
  - 4) could potential archaeological remains be concealed?
- 3.3 Where the response to one or more of the scoping assessment questions is 'yes', further assessment shall be undertaken.
- 3.4 Scoping shall apply established and reliable design, mitigation and best practice measures when reporting against the scoping assessment questions.

#### Study area

- 3.5 Where the need for further assessment has been established, the assessment shall define a study area according to the sensitivity of the receiving environment and the potential impacts of the project.
- 3.6 Where a new road is proposed the study area shall include the footprint of the scheme plus any land outside that footprint which includes any heritage assets which could be physically affected.
- 3.6.1 The study area should include the settings of any designated or other cultural heritage resource in the footprint of the scheme or within the zone of visual influence or potentially affected by noise (see LA 111 [Ref 13.I]).
- 3.7 The study area used in the assessment shall be agreed with the Overseeing Organisation.

#### Baseline scenario

- 3.8 The baseline scenario shall define the existing designated and undesignated cultural heritage resource CIFA desk-based assessment [Ref 2.N].
- 3.9 Where desk-based studies suggest that available information is inadequate for the purpose of the assessment, field surveys shall be undertaken to enhance the data CIFA Standards [Ref 1.I], CIFA Field evaluation [Ref 3.I] and CIFA Geophysics [Ref 4.I].
- 3.9.1 In addition to national registers and local cultural heritage records, historical maps and aerial photographs, relevant books, journals, previous reports, LiDAR and geotechnical data may be consulted.

#### Significance criteria

- 3.10 Assigning value (sensitivity), magnitude of impact and significance of effect and reporting the significant effects of a project on cultural heritage resource and its settings shall follow the requirements in LA 104 [Ref 4.N] Environmental assessment and monitoring.
- 3.11 Where a cultural heritage resource falls in a different value (sensitivity) category to that required by its designation and LA 104 [Ref 4.N], the approval of the Overseeing Organisation shall be sought.

**NOTE 1** *The effect on the cultural heritage resource is not significant when the impact does not substantially diminish the heritage interest of the cultural heritage resource.*

**NOTE 2** *For example, a milestone in the lowest listed building category which has already been moved twice can be of medium rather than high value, or a scheduled Roman town which has previously been a candidate world heritage site but has been held to not meet the inscription criteria can still be of very high value.*

## Design and mitigation

### Design

3.12 Cultural heritage design objectives shall be developed for the project in accordance with national, regional and local policies, priorities and objectives.

3.12.1 The cultural heritage design objectives should provide a clear statement of how the project, through mitigation, is expected to contribute to the value of, or the understanding and dissemination of, the cultural heritage resource, and how this is to be achieved, monitored and validated.

**NOTE** *Where archaeological research frameworks exist they are to guide the cultural heritage design objectives.*

### Mitigation

3.13 Mitigation measures shall be identified where remediation of a likely significant effect is necessary, as it cannot be avoided, prevented or reduced in accordance with the requirements of LA 104 [Ref 4.N].

3.13.1 Mitigation measures should be identified on a case-by-case basis.

**NOTE** *Mitigation measures can include:*

- 1) *avoidance, preservation by burial, or investigation in the case of archaeological remains;*
- 2) *relocation, photographic or drawn to scale surveys in the case of historic buildings;*
- 3) *recording, information panels or landscape works in the case of impacts on historic landscapes; and*
- 4) *reduction to impact on setting through screening or landscaping.*

3.13.2 Programmes of investigation should be undertaken to mitigate the impact on cultural heritage resource where it cannot be avoided.

**NOTE 1** *Programmes of investigation deliver mitigation by addressing the adverse effect of a project on archaeology even when the cultural heritage resource is destroyed or altered.*

**NOTE 2** *The destruction of the archaeology without a programme of investigation to understand the cultural heritage resource is the worse option.*

**NOTE 3** *The Chartered Institute for Archaeologists provides standards and guidance on many of the activities which can constitute mitigation CIFA Archives [Ref 9.I], CIFA Standing buildings [Ref 7.I], CIFA Documentation [Ref 8.I], CIFA consultancy advice [Ref 6.I], CIFA Excavation [Ref 2.I], CIFA Field evaluation [Ref 3.I], CIFA Geophysics [Ref 4.I], CIFA Nautical guidance [Ref 5.I], CIFA Watching brief [Ref 14.I] and CIFA Standards [Ref 1.I].*

3.14 Mitigation measures that address an adverse effect through a programme of investigation shall not be reported as a beneficial effect, despite any contribution such an investigation makes to design objectives.

3.15 Where a project is not delivered, or where no further cultural heritage work is undertaken beyond the assessment stage, the analysis and publication, including popular dissemination, of any original cultural heritage work shall be completed.

## 4. Normative references

The following documents, in whole or in part, are normative references for this document and are indispensable for its application. For dated references, only the edition cited applies. For undated references, the latest edition of the referenced document (including any amendments) applies.

Ref 1.N	Highways England. LA 108, 'Biodiversity'
Ref 2.N	CIFA desk-based assessment, 'Chartered Institute for Archaeologists Standard and guidance for historic environment desk-based assessment (2014)'
Ref 3.N	2014/52/EU, 'Directive 2014/52/EU of the European Parliament and of the Council of 16 April 2014 amending Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment'
Ref 4.N	Highways England. LA 104, 'Environmental assessment and monitoring'
Ref 5.N	Highways England. LA 101, 'Introduction to environmental assessment'
Ref 6.N	Highways England. GG 101, 'Introduction to the Design Manual for Roads and Bridges'
Ref 7.N	Highways England. LA 103, 'Scoping projects for environmental assessment'
Ref 8.N	Highways England. LA 102, 'Screening projects for Environmental Impact Assessment'

## 5. Informative references

The following documents are informative references for this document and provide supporting information.

Ref 1.I	CIFA. CIFA Standards, 'Chartered Institute for Archaeologist Appendices to standards, 2014'
Ref 2.I	CIFA. CIFA Excavation, 'Chartered Institute for Archaeologist Standard and guidance for archaeological excavation, 2014'
Ref 3.I	CIFA. CIFA Field evaluation, 'Chartered Institute for Archaeologist Standard and guidance for archaeological field evaluation, 2014'
Ref 4.I	CIFA. CIFA Geophysics, 'Chartered Institute for Archaeologist Standard and guidance for geophysical survey, 2014'
Ref 5.I	CIFA. CIFA Nautical guidance, 'Chartered Institute for Archaeologist Standard and guidance for nautical archaeological recording and reconstruction, 2014'
Ref 6.I	CIFA. CIFA consultancy advice, 'Chartered Institute for Archaeologists Standard and guidance for commissioning work on, or providing consultancy advice on, archaeology and the historic environment, 2014'
Ref 7.I	CIFA. CIFA Standing buildings, 'Chartered Institute for Archaeologists Standard and guidance for the archaeological investigation and recording of standing buildings or structures'
Ref 8.I	CIFA. CIFA Documentation, 'Chartered Institute for Archaeologists Standard and guidance for the collection, documentation, conservation and research of archaeological materials, 2014'
Ref 9.I	CIFA. CIFA Archives, 'Chartered Institute for Archaeologists Standard and guidance for the creation, compilation, transfer and deposition of archaeological archives, 2014.'
Ref 10.I	UNESCO, 1972. UNESCO 1972, 'Convention Concerning the Protection of the World Cultural and Natural Heritage '
Ref 11.I	ICOMOS 1964, 'International Council on Monuments and Sites (ICOMOS) International Charter for the Conservation and Restoration of Monuments and Sites (1964)'
Ref 12.I	Highways England. LA 107, 'Landscape and visual effects'
Ref 13.I	Highways England. LA 111, 'Noise and vibration'
Ref 14.I	CIFA. CIFA Watching brief, 'Standard and guidance for an archaeological watching brief, 2014'
Ref 15.I	Council of Europe, 1985. CoE 1985, 'The Convention on the Protection of the Architectural Heritage of Europe'
Ref 16.I	Council of Europe, 1992. ECPAH, 'The European Convention on the Protection of the Archaeological Heritage'
Ref 17.I	Council of Europe, 1954. ECC 1954, 'The European Cultural Convention'
Ref 18.I	Council of Europe, 2000. ELC 2000, 'The European Landscape Convention (2000)'
Ref 19.I	UNESCO 2001, 'UNESCO Convention on the Protection of the Underwater Cultural Heritage (2001) '

Ref 20.I	UNESCO 2017, 'United Nations Educational, Scientific and Cultural Organization 2017 Operational Guidelines for the Implementation of the World Heritage Convention Intergovernmental Committee for the Protection of the World Cultural and Natural Heritage'
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