

Heritage Statement of Common Ground.

Between:

Pegasus Group on behalf of Enviromena Project Management UK Ltd.

&



North Warwickshire Borough Council.

Land South of Park House Farm, Meriden Road, Fillongley.

Date: 05/02/2025

PINS Ref: APP/R3705/W/24/3349391

LPA Ref PAP/2023/0071

Signed: 	Signed: 
Name: Jeff Brown	Name: Hannah Armstrong
On behalf of: North Warwickshire Borough Council	On behalf of: Pegasus Group (acting on behalf of the appellant)
Date: 6/2/25	Date: 06.02.2025

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1. Introduction.

- 1.1. This Heritage Statement of Common Ground (SoCG) is agreed between Hannah Armstrong (for the 'Appellant') and Jeff Brown (for 'North Warwickshire Borough Council'; henceforth referred to as 'NWBC') following the refusal by NWBC to grant Planning Permission for the installation of a solar farm at Land 800m South of Park House Farm, Meriden Road, Fillongley (the 'Appeal Site').
- 1.2. Planning Application Ref. PAP/2023/0071 was submitted to NWBC on 22nd February 2023 and validated on 24th February 2023. The application sought Full Planning Permission for the *"Construction of a temporary Solar Farm, to include the installation of ground-mounted solar panels together with associated works, equipment and necessary infrastructure."*
- 1.3. The scheme was presented to the NWBC Planning Committee on three separate occasions: the first occasion recommended that a site visit was undertaken by Members, with Officers recommending approval at the subsequent 2^{no.} occasions. In regard to the Heritage matters, NWBC Officers were content that any harm that may arise to the historic environment would be outweighed by the public benefits of the scheme.
- 1.4. The application was refused on 10th July 2024, with the reason for refusal reading as follows:

"The proposed development is inappropriate development in the Green Belt. It is not considered that it would preserve the openness of the Green Belt as required by Policy LP3 of the North Warwickshire Local Plan 2021 and the National Planning Policy Framework (NPPF) 2023. It would additionally cause landscape and visual harm such that it does not accord with Policies LP1, LP14 and LP30 of the North Warwickshire Local Plan 2021, or Policies FNPO1 and FNPO2 of the Fillongley Neighbourhood Plan 2019. The Local and Neighbourhood Plan policies require new development to conserve and enhance the landscape; to integrate appropriately into the natural environment, harmonise with its immediate and wider settings, as well as to protect the rural landscape of the Parish, the scenic aspects of the village and the setting of the Church. The cumulative harms caused are considered to be substantial because of the development's proposed size, its siting on higher land, there being no surrounding higher land and its public visibility over a wide area. It is not considered that this substantial harm is clearly outweighed by any benefits that the proposal might give rise to."
- 1.5. This Heritage SoCG is structured as follows:
 - **Section 2** – Matters of Agreement.
 - **Section 3** – Matters Not in Agreement.
 - **Section 4** – Summary of the Position of the Parties.
- 1.6. Matters pertaining to the 'planning balance' are set out within the overarching Statement of Common Ground ('SoCG').

2. Matters of Agreement.

Designated Heritage Assets Sensitive to the Proposed Development

2.1. It is agreed between the Appellant and NWBC that:

- Impacts on the overall heritage significance of designated heritage assets, via a change in 'setting', did not form a reason for refusal. This is confirmed at Section 10.1.10 of the main SoCG signed 19th November 2024.
- The reference to the Grade II* Listed Church of St Mary and All Saints (NHLE Ref. 1034830) within the reason for refusal, as transcribed in Section 1, was made in regard to a discussion on Local and Neighbourhood Plan policies only. There is no discussion within the wording of the reason for refusal of the scheme in the context of the Church, and NWBC did not identify any harm to the heritage significance of the Church (or any other heritage asset) within the reason for refusal. The reason for refusal pertains to landscape matters only, as confirmed by at Section 10.1.10 of the main SoCG signed 19th November 2024.
- Less than substantial harm, at the low end of the spectrum, would arise to the overall heritage significance of the following designated heritage assets, via a change in 'setting', with this taking a precautionary approach:
 - Scheduled Ringwork Castle 80m South West of Castle Farm (henceforth referred to as 'Scheduled Ringwork Castle'; NHLE Ref. 1013152).
 - Fillongley Conservation Area.
 - Grade II Listed Park House (NHLE Ref. 1186219).
 - Grade II Listed Fillongley Mount (NHLE Ref. 1299309).
- References to designated heritage assets at Manor House Farm within the Officer Report and NWBC Statement of Case (dated November 2024) were erroneous, with said documents referring to 'Grade II Listed Manor House Farm'. It is agreed between the parties that the farmhouse and barns at Manor House Farm are not Listed and that the only designated heritage asset at said farm complex are the Grade II Listed Gate Piers located to the east and west of the entrance to Manor House Farm (NHLE Refs. 1034836 and 1186205). It is agreed that no harm would arise to the 2no. Grade II Listed Gate Piers, and that reference to Manor House Farm within the NWBC Statement of Case should be disregarded following further examination of the Listed Buildings present at the Site.
- No harm would arise to the overall heritage significance of the Grade II* Listed Church of St Mary and All Saints, via a change in 'setting'.
- No harm would arise to the overall heritage significance of the Grade II Listed Barn 20 Metres North of Park Farmhouse (NHLE Ref. 1034838) or Grade II Listed Cartshed and

Granary 5 Metres North East of Park House (NHLE Ref. 1034837), as a result of a change in 'setting'.

Non-Designated Heritage Assets Sensitive to the Proposed Development

2.2. In response to matters raised by the Rule 6 party, it is agreed between the Appellant and NWBC that:

- The Appeal Site does not represent a preserved relic of a medieval or post-medieval landscape, and accordingly does not represent a non-designated historic landscape in the terms of the NPPF. Relict features of the medieval and post-medieval landscape (as identified in the Keystone Heritage report) should not be classified as a non-designated heritage asset in the terms of the NPPF.
- The line of a footpath (as shown on 19th century sources) that is reflected in the alignment of the current Public Right Way in the western part of the Appeal Site should not be classified as a non-designated heritage asset in the terms of the NPPF.
- Sections of Meriden Road which follow the alignment of a road shown on 19th century mapping should not be classified as a non-designated heritage asset in the terms of the NPPF.

Archaeology

2.3. It is agreed between the Appellant and NWBC that:

- Matters of below-ground archaeology did not form a reason for refusal.
- The LPA County Archaeologist did not object to the Scheme.
- The LPA County Archaeologist considered matters of below-ground archaeology could be appropriately addressed via condition which would secure a programme of staged archaeological works forming a Mitigation Strategy.

Consideration of Designated Heritage Assets Within the Decision-Making Process

2.4. It is agreed between the Appellant and NWBC that:

- The less than substantial harm identified should be considered alongside the wider public benefits of the proposals, in accordance with Paragraph 215 of the December 2024 NPPF (previously Paragraph 208), Policy LP15 of the North Warwickshire Local Plan 2021 and Policy FNPO6 of the Fillongley Neighbourhood Plan.
- Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states: *"In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State, shall have special regard to the desirability of preserving*

the building or its setting or any features of special architectural or historic interest which it possesses.”¹

- Unlike Section 66(1) of the 1990 Act, Section 72(1) of the 1990 Act does not make reference to the 'setting' of a Conservation Area. This makes it plain that it is the character and appearance of the designated Conservation Area that is the focus of special attention. Accordingly, it is agreed that Section 72(1) is not applicable to this case.
- The Ancient Monuments and Archaeological Areas Act 1979 does not extend to the consideration of the setting of Scheduled Monument. Accordingly, it is agreed that The Ancient Monuments and Archaeological Areas Act 1979 is not applicable to this case.

Consideration of Non-Designated Heritage Assets in the Decision-Making Process

2.5. It is agreed between the Appellant and NWBC that:

- There is no basis in policy for describing harm to non-designated heritage assets as 'substantial' or 'less than substantial', rather the *NPPF* requires that the scale of any harm or loss is articulated whilst having regard to the significance of the asset.
- Should harm be identified to a non-designated heritage asset, said harm should be considered in the context of Paragraph 216 December 2024 *NPPF* (formally Paragraph 209) Policy LP15 of the North Warwickshire Local Plan 2021 and Policy FNPO6 of the Fillongley Neighbourhood Plan.

¹ UK Public General Acts, Planning (Listed Buildings and Conservation Areas) Act 1990, Section 66(1).

3. Matters Not in Agreement.

3.1. The Appellant and NWBC are not in agreement on the following matters:

- Whether harm arises to the overall heritage significance of the Grade II Listed White House Farm, via a change in 'setting'. The Appellant considers that no harm would arise, whilst NWBC considers that a low level of less than substantial harm would arise.

4. Summary of the Position of the Parties.

- 4.1. This section provides a summary of the case of the Appellant and NWBC in regard to potential impacts on aspects of the historic environment identified by relevant parties² for consideration as part of this Appeal.

Relevant Aspect of the Historic Environment	Appellant Position.	Position of the NWBC
Scheduled Ringwork Castle	Less than substantial harm, at the low end of the spectrum, to the overall heritage significance of the asset via a change in 'setting', taking a precautionary approach.	Less than substantial harm, at the low end of the spectrum, to the overall heritage significance of the asset via a change in 'setting'
Fillongley Conservation Area	Less than substantial harm, at the low end of the spectrum, to the overall heritage significance of the asset via a change in 'setting', taking a precautionary approach.	Less than substantial harm, at the low end of the spectrum, to the overall heritage significance of the asset via a change in 'setting'
Grade II Listed Park House Farm	Less than substantial harm, at the low end of the spectrum, to the overall heritage significance of the asset via a change in 'setting', taking a precautionary approach.	Less than substantial harm, at the low end of the spectrum, to the overall heritage significance of the asset via a change in 'setting'
Grade II Listed Fillongley Mount	Less than substantial harm, at the low end of the spectrum, to the overall heritage significance of the asset via a change in 'setting', taking a precautionary approach.	Less than substantial harm, at the low end of the spectrum, to the overall heritage significance of the asset via a change in 'setting'
Grade II Listed White House Farmhouse	No harm to the overall heritage significance of the asset via a change in 'setting'.	Less than substantial harm, at the low end of the spectrum, to the overall heritage significance of the asset via a change in 'setting'
Grade II Listed Barn 20 Metres North of Park Farmhouse and Grade II Listed Cartshed and Granary 5 Metres North East of Park House	No harm to the overall heritage significance of the asset via a change in 'setting'.	No harm to the overall heritage significance of the asset via a change in 'setting'.

² In this circumstance relevant parties refers to the Appellant, NWBC and Fillongley Parish Council (the 'Rule 6 Party').

Relevant Aspect of the Historic Environment	Appellant Position.	Position of the NWBC
Grade II* Listed Church of St Mary and All Saints	No harm to the overall heritage significance of the asset via a change in 'setting'.	No harm to the overall heritage significance of the asset via a change in 'setting'.
Grade II Gate Piers at Manor House Farm	No harm to the overall heritage significance of the asset via a change in 'setting'.	No harm to the overall heritage significance of the asset via a change in 'setting'..
'Non-Designated Heritage Assets' Identified Within Rule 6 Party Evidence (excluding potential below ground archaeological remains within the Site).	Do not consider identified features, routes or 'landscapes' to represent non-designated heritage assets in the terms of the NPPF. Accordingly, no harm identified to 'non-designated heritage assets'.	Do not consider identified features, routes or 'landscapes' to represent non-designated heritage assets in the terms of the NPPF. Accordingly, no harm identified to 'non-designated heritage assets'.
Archaeology	Archaeology can be suitably and proportionately addressed via the Appellant's commitment to undertaking of a programme of archaeology investigations, based upon which an Archaeological Mitigation Strategy will be prepared and implemented. This approach is to be secured via Condition.	Archaeology be can suitably and proportionately addressed via the Appellant's commitment to undertaking of a programme of archaeology investigations, based upon which an Archaeological Mitigation Strategy will be prepared and implemented. This approach is to be secured via Condition.

