

Proof of Evidence – Heritage

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

Appeal by Enviromena Project Management UK Ltd.

Date: 10/03/2025 | Pegasus Ref: P24-1827

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1. Author's Background.

- 1.1. My name is Hannah Armstrong. I am a full member of the Institute for Historic Building Conservation (IHBC) and an Associate of the Chartered Institute for Archaeologists (CIfA). I have a BA Honours degree in Archaeology from the University of Bristol and a Master of Science in the Conservation of Historic Buildings from the University of Bath. I have over twelve years' experience working in the heritage sector.
- 1.2. I have acted as a heritage consultant on numerous developments in England, Scotland and Wales, both on behalf of developers and reviewing their work for other parties. I provide advice to clients on heritage assessments and planning strategy. My role necessitates close liaison with heritage stakeholders such as Historic England and Local Authority heritage officers.
- 1.3. The assessment of the significance of heritage assets, and important elements of their 'setting', is an area which I have particular expertise, and I have completed many specialist assessments of historic buildings, Conservation Areas and designed landscapes, and their 'settings'.
- 1.4. I have been employed by Pegasus Group since February 2016, and my position is that of Director.
- 1.5. I was not involved with Planning Application Ref. PAP/2023/0071 prior to submission or during the determination of the application, and I was not the author of the submitted Heritage and Archaeology Assessment (prepared by BWB Consulting) submitted as part of the original application package.
- 1.6. I have visited the Appeal Site and its surroundings on two occasions – 5th December 2024 and 7th January 2025. During these site visits, the designated heritage assets which are the subject of this Appeal were visited (in so far as access allowed) and assessed from within their environs.
- 1.7. The evidence which I have prepared and provided for this Appeal has been prepared and given in accordance with the guidance of my professional institutions. I confirm that the opinions expressed are my true professional opinions, irrespective of by whom I am instructed.

2. Introduction.

- 2.1. This Heritage Proof of Evidence has been prepared on behalf of Enviromena Project Management UK Ltd (the 'Appellant') following the refusal by North Warwickshire Borough Council (henceforth referred to as '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').
- 2.2. 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."* The application was accompanied by a Heritage and Archaeology Assessment prepared by BWB Consulting which concluded that the proposals would result in a low level of less than substantial harm to four designated heritage assets, as a result of a change in 'setting'.
- 2.3. The scheme was presented to the NWBC Planning Board on three separate occasions: once to recommend that a site visit was undertaken by members, and twice (subsequent to the site visit) with an Officer recommendation for approval. With regards to 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. In this regard, it is noted that NWBC considered that a low level of less than substantial harm would arise to six designated heritage assets, as a result of a change in 'setting'.
- 2.4. Potential impacts on the historic environment did not form part of the discussion when the scheme was presented to NWBC Planning Board.¹
- 2.5. The application was refused on 10th July 2024, with the single 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 Based upon the transcripts provided at Appendix A1 of the Evidence of Mr Bainbridge.

- 2.6. NWBC have confirmed via the Heritage Statement of Common Ground between the LPA and Appellant (henceforth the 'LPA Heritage SoCG'²) that references to the Church of St Mary and All Saints within the reason for refusal was made in regard to a discussion on Local and Neighbourhood Plan policies referenced within the reason for refusal only, and that NWBC did not seek to identify any harm to the heritage significance of the Church (or any other heritage asset) within the reason for refusal. NWBC have confirmed that the reason for refusal pertains to landscape matters only.
- 2.7. The Appellant lodged an Appeal against the decision, with a Hearing to consider the Appeal scheduled to be held on 10th December 2024.
- 2.8. NWBC's Statement of Case for the Hearing was received on 12th November 2024 (henceforth 'November 2024 NWBC SoC'). In regard to heritage matters the November 2024 NWBC SoC makes reference to the following designated heritage assets:
- Scheduled Ringwork Castle 80m South West of Castle Farm (henceforth referred to as 'Scheduled Ringwork Castle').
 - Fillongley Conservation Area.
 - Grade II Listed Park House Farm.
 - Grade II Listed Fillongley Mount.
 - Grade II Listed Manor House Farm.
 - Grade II Listed White House Farmhouse.
- 2.9. At §8.27, the November 2024 NWBC SoC states that:
- "The impact upon these heritage assets are considered to be less than substantial harm. It should be noted that there are other listed building within Fillongley, but no harm is considered to occur to these due to a lack of intervisibility with the Appeal site."***³
- 2.10. At §8.28, the November 2024 NWBC SoC states that:
- "In respect of the impact upon archaeology, it is noted that that land lies within an area of significant archaeological potential. There is potential for pre-medieval remains and evaluative fieldwork would need to be undertaken. This could be conditioned upon an approval. The approach to dealing with archaeology is agreed with the County Archaeologist and thus less than substantial harm is afforded to this matter."***⁴

² Core Document 12.9.

³ November 2024 LPA SoC, §8.27 – Core Document 9.5.

⁴ Ibid, §8.28.

- 2.11. At §8.29, the November 2024 NWBC SoC confirms that it is the position of NWBC that the harm identified to the relevant heritage assets is outweighed by the public benefits of the scheme:

“Overall, the harm to heritage assets needs to be considered within the planning balance. However, in terms of the benefits generated from the collective renewable energy generation benefits are considered to outweigh the heritage harm, when the heritage harm is considered in isolation. It is for this reason that no specific heritage reason for refusal was attached to the decision. Only limited conflict with the heritage policy is considered to occur.”⁵

- 2.12. At §10.1 of the overarching Statement of Common Ground between the Appellant and NWBC, dated 19th November 2024, it is confirmed that it is common ground between the parties that:

“9. At most, there is less than substantial harm caused to heritage assets.”

“10. There is no “heritage” reason for refusal.”⁶

- 2.13. This position has been reaffirmed via the updated overarching Statement of Common Ground between the Appellant and NWBC dated 7th February 2024.⁷

- 2.14. The LPA Heritage SoCG confirms that whilst there is some minor disagreement between the parties with regards to which designated heritage assets harm arises to, any harm is classified as less than substantial, at the low end of the spectrum, at most.

- 2.15. On 21st October 2024, 12 working days prior to the scheduled start of the aforementioned Hearing, additional evidence on heritage matters was submitted by Fillongley Parish Council (the ‘Rule 6 Party’), prepared by Keystone Heritage. The evidence of Keystone Heritage⁸ introduced alleged harm to the Grade II* Listed Church of St Mary and All Saints, as well as raising matters regarding a number of asserted non-designated heritage assets (henceforth ‘NDHAs’) and the consideration of archaeology. A separate Statement of Common Ground has been agreed between the Appellant and the Rule 6 Party, referred to in my evidence as ‘Rule 6 Heritage SoCG’ (Core Document 12.4).

- 2.16. Accordingly, my evidence considers all ‘heritage assets’ referred within the November 2024 NWBC SoC and the November 2024 report prepared by Keystone Heritage. Where relevant, my evidence will highlight common ground between the parties on heritage matters.

- 2.17. The evidence presented within this Heritage Proof of Evidence is supported by the information provided within the Heritage Proof of Evidence Appendices document. Relevant appendices will be referred to within this document as ‘Heritage PoE Appendix ‘X’.

⁵ Ibid, §8.29.

⁶ November 2024 overarching Statement of Common Ground between NWBC and the Appellant, §10.1 – Core Document 12.10.

⁷ Core Document 12.1.

⁸ Core Document 9.10.

- 2.18. The evidence set out within this Proof of Evidence and supporting appendices supersedes the assessments presented within the Heritage and Archaeology Assessment prepared by BWB Consulting in regard to the consideration of designated heritage assets and 'non-designated heritage assets'. My assessment does not provide any update on the consideration of the archaeological potential of the Appeal Site, as determined via available sources, and thus the assessment presented within the Heritage and Archaeology Assessment on this matter remains applicable.

Assessment Methodology

- 2.19. The full methodology utilised in the preparation of this Proof of Evidence is provided at **Heritage PoE Appendix 1**.

3. The Appeal Site and Appeal Proposals

- 3.1. The Appeal Site comprises 7no. agricultural fields situated to the north of the M6 motorway. All bar one of the fields is in arable use. The current field morphology derives largely from changes undertaken in the post-War period, and there is a distinct contrast between the current field morphology and character of the Appeal Site and that depicted on historic cartographic sources (see Plate 1).
- 3.2. The current field morphology and character of the Appeal Site is reflected in the Historic Landscape Characterisation survey undertaken by Warwickshire County Council ('WCC'). The majority of Appeal Site is covered by areas HWA3843 and HWA3844 which are defined within the accompany data as:
- HWA3843 – *"Very large irregular post-war fields. Marked on the OS 1st edition as predominately large rectilinear fields with straight boundaries, probably planned enclosure."*⁹
 - HWA3844 – *"Very large irregular post-war fields. Marked on the OS 1st edition as large and medium sized irregular fields with curvilinear boundaries."*¹⁰
- 3.3. The northeastern corner of the Appeal Site (referred to as 'Field 5 on Plate 2) is characterised on the HLC as forming part of a large area defined as *"Large irregular fields. Some field and boundary loss since the OS 1st edition. These fields are arranged in a concentric pattern leading towards Corley Moor."*¹¹ As discussed further in my Evidence, this area differs from the remainder of the Appeal Site in having the potential to have formed part of a medieval deer park.
- 3.4. Meriden Road defines much of the western boundary of the Appeal Site. The alignment of the road in this location derives primarily from changes to an earlier routeway, presumably as part of the construction of the M6 motorway. The M6 motorway lies adjacent to the southern boundary of the Appeal Site, with its presence visible and / or audible across much of the Appeal Site.
- 3.5. Agricultural land lies to the north and east of the Appeal Site. The field morphology in these areas appears to have been subject to less change during the 20th century than the Appeal Site; however, they are not an exact relic of the 19th-century composition based upon analysis of historic mapping.

⁹ HLC dataset published by WCC.

¹⁰ Ibid.

¹¹ HLC dataset published by WCC.



Plate 1: Modern aerial of photograph (left), extract from the 1846 Tithe Map (centre) and extract from the 1887 Ordnance Survey Map (right) with the approximate Appeal Site boundary outlined in red. Comparison between these sources demonstrates the extent of change within the Appeal Site during the 20th century.

The Appeal Proposals

- 3.6. Planning Permission is sought for the establishment of a solar farm within the Appeal Site, comprising the installation of photovoltaic modules and supporting infrastructure, such as transformer units, 2no. substations and required boundary fencing, alongside a programme of landscaping.
- 3.7. The solar farm would be a temporary use of the land as the main solar equipment would be removed and the land returned to its former condition when the development is decommissioned following 40 years from the date of the first export of electricity to the electrical grid. The only element which would remain post decommissioning is the Distribution Network Operator ('DNO') substation in the far southwest corner of the Site.
- 3.8. The photovoltaic modules are proposed to be spaced to avoid any shadowing effect from one panel to another with topography dictating exact row spacing. There would be space between the bottom of the panels and the ground to allow sheep to graze the land between and amongst the panels. This is a common practice for pastoral management and maintenance. Transforming units are spaced across the Appeal Site, set amongst the photovoltaic modules.
- 3.9. In the far southwestern extent of the Appeal Site, an area of hard standing would accommodate both the customer substation and the DNO substation. Access into the Appeal Site for construction, operation, and decommissioning would utilise the existing agricultural access off B4102 Meriden Road.
- 3.10. External boundaries to the fields are also proposed to be infilled and reinforced with additional shrub planting. This includes the western boundary adjacent to Meriden. A new field boundary is also proposed on an east-west axis between the two fields. A remnant field boundary in the central part of the Appeal Site will also be reinforced.
- 3.11. A new hedgerow is proposed on a broad northwest / southeast axis across the Appeal Site, with new hedgerow boundaries proposed flanking the route of PRoW footpath M294/1, which will be maintained on its current alignment and is proposed to be set within a 'Green Lane' with native species-rich hedgerows proposed along either side, creating a wide green corridor. As detailed within Section 5 of the Evidence of Mr Cook, the placement of these new hedgerows to form the 'Green Lane' reflects historic field boundaries visible on historic mapping.
- 3.12. Fencing within the Appeal Site will be deer-proof and comprised of wire mesh at the height of 2m and wooden posts. Pole-mounted CCTV security cameras, 3m in height will be located at intervals along the security fencing.



Plate 2: Extract from the proposed Landscape Strategy Plan detailing the location of the proposed solar arrays, associated infrastructure and landscaping (included within Appendix 8 of the evidence of Mr Cook; DRWG: P24-1827_008).

4. Consideration of Designated Heritage Assets.

4.1. As set out in **Section 2** of my Evidence, NWBC makes reference to the following designated heritage assets within the November 2024 NWBC SoC:

- Fillongley Conservation Area.
- Scheduled Ringwork Castle (NHLE Ref. 1013152).
- Grade II Listed Park House Farm (NHLE Ref. 1186219).
- Grade II Listed Fillongley Mount (NHLE Ref. 1299309).
- Grade II Listed Manor House Farm.
- Grade II Listed White House Farmhouse (NHLE Ref. 1034868).

4.2. NWBC no longer consider that harm arises to designated heritage assets at Manor Farm following a review of the designations, with this confirmed at §2.1 of the LPA Heritage SoCG. I agree with this position, and the Rule 6 Party have also confirmed that they do not consider that harm would arise to the designated heritage assets at Manor Farm.¹² Accordingly, the designated heritage assets at Manor Farm – restricted to two Grade II Listed Gate Piers – will not be subject to assessment within my Evidence.

4.3. In addition to the designated heritage assets outlined above, the Rule 6 Party consider that harm arises to the Grade II* Listed Church of St Mary and All Saints (NHLE Ref. 1034830), the Grade II Listed Barn 20 Metres North of Park Farmhouse (NHLE Ref. 1034838) and Grade II Listed Cartshed and Granary 5 Metres North East of Park House (NHLE Ref. 1034837). Accordingly, these assets will also be considered below. NWBC have confirmed via the LPA Heritage SoCG that they do not consider that harm arises Church of St Mary and All Saints or the two Grade II Listed ancillary buildings at Park House Farm.¹³

4.4. The key issues associated with the above designated heritage assets are as follows:

- What is the heritage significance of the identified designated heritage assets, including any contribution made by its 'setting'.
- What contribution is made by the Appeal Site to the overall heritage significance of the identified designated heritage assets, if any.
- What change would occur as a result of the Appeal proposals in terms of how the identified heritage assets are understood, experienced and appreciated,

¹² §2.1 of the Heritage Rule 6 SoCG – Core Document 12.4.

¹³ §2.1 of the Heritage LPA SoCG – Core Document 12.9.

and how any harm would arise to their overall heritage significance of the identified designated heritage assets as a consequence of the change.

- 4.5. The proposed development would not result in any physical impacts to the identified designated heritage assets, and thus any impacts to the heritage significance of the identified designated heritage assets would result from a change in 'setting'.
- 4.6. When considering changes in 'setting', the Inspector in a recent Secretary of State Appeal Decision (henceforth referred to as the 'Edith Summerskill House Decision') has clearly set out that:

"In cases where the impact is on the setting of a designated heritage asset, it is only the significance that asset derives from its setting that is affected. All the significance embodied in the asset itself would remain intact. In such a case, unless the asset concerned derives a major proportion of its significance from its setting, then it is very difficult to see how an impact on its setting can advance a long way along the scale towards substantial harm to significance."¹⁴ (my emphasis)

- 4.7. The Inspector for the 'Edith Summerskill House Decision' also provides the following narrative on substantial harm and the less than substantial harm 'spectrum':

"... substantial harm is set at a high bar, such that a good deal (or all) of the significance of a designated heritage asset would have to be removed for it to be reached. That means that the range for a finding of less than substantial harm is very wide indeed, from a harmful impact that is hardly material, to something just below that high bar."¹⁵

- 4.8. Background information on the identified heritage assets and their 'context' which supports the assessments presented in this Section are provided at **Heritage PoE Appendix 2**.

Scheduled Ringwork Castle

- 4.9. The Scheduled Monument (covering an extent of c.2ha) comprises the above and below ground remains of a c.12th–century fortified ringwork, abandoned during the 14th or 15th centuries. 'Ringworks' acted as strongholds for military operations and in some cases as defended aristocratic or manorial settlements.
- 4.10. The Scheduled Monument is located c.300m from the Appeal Site at its closest point, with the intervening areas comprising agricultural fields with mature vegetation boundaries. Of particular note is the rising topography of the intervening area which restricts visual connections between the Scheduled Monument and the Appeal Site (see further detail in **Heritage PoE Appendix 2**).

¹⁴ APP/H5390/V/21/327713 [2023] – Edith Summerskill House, Clem Attlee Court, London, SW6 7TW, Paragraph 12.50 of main Decision – Core Document 7.25.

¹⁵ Ibid, Paragraph 12.49 of main Decision.

- 4.11. The extent of the former fortified ringwork castle is defined by three streams, with these watercourses thought to have been diverted at the date of the castle's construction in order to form its southern outer defences. The water courses also provided the water supply for the inner defensive ditches. One of the streams extends southwards through the Appeal Site, whilst another runs along the eastern boundary.



Plate 3: Aerial photograph detailing the location of the Appeal Site (approximate boundary shown in red) and the Scheduled Ringwork (approximate boundary shown in blue).

Statement of Significance

- 4.12. The heritage significance of the Scheduled Ringwork Castle is principally derived from the historic, architectural and archaeological interest of the above and below grounds remains within the bounds of the designated area, as an example of a former, early medieval fortified site. Specifically:
- The asset has historic interest in the information which it can provide on early medieval fortified sites of this type, including their layout and component parts.
 - The asset is of architectural interest as a result of the standing masonry remains, built of local sandstone, and the information which they provide in

regard to the physical form and layout of structures associated with such fortified sites.

- The asset has archaeological interest in the potential environmental and material evidence that may exist within the Scheduled area and which could provide information on the occupation of the site.

4.13. Under 'Reasons for Designation', the List Entry identifies that:

"They [Ringworks] are rare nationally with only 200 recorded examples and less than 60 with baileys. As such, and as one of a limited number and very restricted range of Anglo-Saxon and Norman fortifications, ringworks are of particular significance to our understanding of the period

Castle Yard survives well and is one of only two known examples of this class of monument in Warwickshire. The foundations of medieval structures will survive as buried features within both the ringwork and the bailey, while the accumulated fill of the ringwork and bailey ditches will retain information valuable for an understanding of the environment and economy of the site's inhabitants. Additionally, the buried land surface beneath the ringwork enclosure will retain environmental evidence relating to the landscape in which Castle Yard was constructed."¹⁶

4.14. The 'setting' of the asset also contributes to the significance of the asset, although the significance derived from the setting is less than that derived from its physical remains. The principal elements of the physical surrounds and experience of the asset (its "setting") which I consider contribute to its heritage significance comprise:

- The spatial and visual relationships (as they exist) between the Scheduled Ringwork and the wider settlement of Fillongley to the north. This contributes to the understanding of the siting of the castle in relation to the settlement of 'Young Fillongley', with this term historically utilised to differentiate between the growth of what is considered to be the current core of the settlement of Fillongley, and an earlier settlement 'Old Fillongley' in the vicinity of Old Fillongley Hall to the northwest.¹⁷ It is also noted that the Scheduled Ringwork has a closer and visual relationship with the settlement than the earlier medieval motte and bailey castle at 'Castle Hills',¹⁸ which is located c.700m north of the Church of St Mary and All Saints, and often associated with Old Fillongley.
- The spatial and visual relationships (as they exist) between the Scheduled Ringwork and elements of its immediate surrounding landscape which retain either above ground or below ground remains associated with its occupation. An example of this is the earthworks identified on the HER c.100m north of

¹⁶ NHLE List Entry Ref. 1013152 – Core Document 7.56.

¹⁷ Warwickshire County Council, 2015, *Warwickshire Historic Towns Project: Fillongley Historic Character Assessment* (English Heritage Project Number 5222), p. 9 – Heritage PoE Appendix 4.

¹⁸ NHLE Ref. 1011367.

the Appeal Site which *may* represent contemporary activity – see further below.

- The spatial and visual relationships between the Scheduled Ringwork and elements of the immediately adjacent agricultural landscape, elements of which are likely to have formed part of its associated landholdings and in some cases contain evidence of above or below ground remains associated with the occupation of the complex (where proximate and intervisible). This provides an understanding as to the historic operation of the Ringwork.

- 4.15. When considering the visual and spatial relationships (as they exist) between the Scheduled Ringwork and the surrounding agricultural landscape beyond the immediate hinterland of the Scheduled area, it is important to note that whilst an assumed historic associative connection is anticipated based upon the status of the complex, this would likely have been severed at the date of abandonment, and the landscape has changed since then through enclosure and later interventions. Visual connections also diminish as one moves further away from the immediate hinterland due to the topography of the area and intervening mature vegetation. Accordingly, whilst the wider agricultural landscape to the east, west and south beyond the immediate hinterland (in particular that which formed part of the former deer park – see further below) can be considered to contribute to the understanding of the rural positioning of the Ringwork and its position to the south of the settlement of Fillongley, the contribution which it makes to the overall understanding and experience is less than principal elements set out at §4.14 above.
- 4.16. The HER identifies much of the landscape to the east, south and west of the Scheduled Ringwork as historically forming a deer park, with the HER entry stating that said deer park was associated with the occupation of the Ringwork.¹⁹ The presumed extent of the deer park includes some of the immediate agricultural landscape discussed within the bullet points at §4.14 above.
- 4.17. The identification of a deer park associated with the Scheduled Ringwork is not surprising, with the presence of deer parks alongside ‘seats’ of high status, such as the ringwork, are well attested through the archival and archaeological record across the country. During the medieval period, the use of the term park meant no more than an area of ground, often wooded in some form, enclosed for the keeping of animals, typically deer, whilst also serving ‘productive’ functions such as the production of timber, the raising of fish and birds. Parks were most commonly sub-rectangular or oval in shape to minimise the expense of the means of enclosure, and were often sited in open areas as opposed to settled areas. Such parks fell into disuse in the 16th and 17th centuries, with the many parks being turned over to agriculture or reverted back to woodland.

¹⁹ HER Ref. MWA13254.

- 4.18. The HER entry confirms that the presumed boundary of the former deer park at Fillongley, as recorded on the HER, is based upon *'place names referring to parkland on the 1844 tithe map'*.²⁰ The HER Entry does not indicate that there are any earlier cartographic or other identified sources which have been utilised in the creation of the entry. The Fillongley Historic Character Assessment recognises that the use of the Tithe Map allows of the bounds of the former park to be 'tentatively' understood.²¹



Plate 4: Aerial photograph detailing the approximate presumed extent of the former deer park, as detailed on the HER, the full eastern extent of which is not shown. The approximate location of the Scheduled Ringwork is shown in blue.

- 4.19. It is also noted that the presumed extent of the former deer park as plotted by the HER also includes the site of recorded earthworks which the HER identifies as *'possibly a fish pond/mill/settlement within the parkland associated with Castle Yard'*.²² As discussed further in **Section 5** of my Evidence, the basis of the identification of these earthworks, and their interpretation, is currently unclear; however, in the context of the possible uses suggested it would not have been unusual for deer parks to include fishponds for the raising of fish.

²⁰ Ibid.

²¹ Warwickshire County Council, 2015, Warwickshire Historic Towns Project: Fillongley Historic Character Assessment (English Heritage Project Number 5222), p. 10 – Heritage PoE Appendix 4.

²² HER Ref. MWA13256.

- 4.20. On the basis of the above, the extent of the former deer park as plotted on the HER is the presumed extent with no firm evidence of the boundary and extent cited by the source.
- 4.21. It is also important to take into account that the presumed extent of the former deer park is now in agricultural use and has been subject to change, including via modification of the interior field pattern, the introduction of residential development along the southern edges of B4098 and the construction of the current Park House Farm complex.
- 4.22. Importantly, legibility of the presumed extent of the former deer park, as a whole, in the landscape today is limited at best. The presence of the of the former deer park, and its presumed extent, is best understood via the archival record, as discussed above.
- 4.23. The land which is situated within the presumed extent of former deer park can be considered to contribute to the understanding of the occupation of the Scheduled Ringwork; however, there is limited perception of the former functional connection between the Ringwork and the former deer park. It is my opinion that any contribution made by the character of the landscape within the presumed extent of the former deer park where it extends beyond the immediate hinterland of the Scheduled area, as now extant, to the overall heritage significance of the Scheduled Monument is markedly less than the elements set out at §4.14 above.

Contribution Made by the Appeal Site

- 4.24. 'Field 5' of the Appeal Site is situated within the bounds of the presumed extent of the former deer park as recorded on the HER. Field 5 is now a single agricultural field in arable use defined by hedgerow boundaries.
- 4.25. At the date of the 1844 Tithe Map and Apportionment (upon which the presumed extent of the former deer park is based) Field 5 comprised three fields (see Plate 1), referred to in the accompanying Tithe Appointment as pastoral and arable fields known as 'Near Park', 'Park Meadow' and 'Far Park'. Accordingly, the current form and character of Field 5 derives from 20th-century changes to the field morphology. Furthermore, due to a lack of earlier cartographic sources, the date of the boundaries shown on the Tithe Map is unknown, but it is fair to assume that this was post-disparkment.
- 4.26. There is no evidence of the field boundaries depicted on the Tithe Map 'on site' today, or definitive evidence of features associated with a park pale which would likely have defined the extent of the presumed former deer park.
- 4.27. Intervisibility between the Appeal Site and the Scheduled Ringwork is limited to glimpsed and heavily filtered views between the northern extent of Field 5 and isolated elements of the eastern part of the Scheduled area. It is likely that such views would be screened in the summer months. The same is also the case where co-visibility occurs from isolated areas to the east of the asset. It is also highlighted there is limited understanding of the form of the Scheduled Ringwork from the landscape beyond the bounds of the Scheduled area; in particular, there is no clear understanding or experience of the earthworks or ruins within the Scheduled area.



Plate 5: Example of a glimpsed view of the northern boundary of Field 5 (approximate location highlighted in blue) from the southeastern edge of the Scheduled Monument.



Plate 6: Example of a glimpsed view of the northern boundary of Field 5 (approximate location highlighted in blue) from the southeastern edge of the Scheduled Monument.

- 4.28. The remainder of the Appeal Site simply forms part of the wider agricultural landscape to the south of the Scheduled Ringwork, with no clear visual, or definitive associative connections, and does not contribute to the understanding, experience or appreciation of the asset. The character of the Appeal Site is not one of the preserved medieval, or indeed post-medieval, landscape and is understood as a group of fields created via changes to the field pattern in the post-War period, situated to the north of the M6 motorway.
- 4.29. Overall, the Appeal Site is considered to form part of the wider surrounds of the Scheduled Ringwork which makes a limited contribution, at most, to the overall heritage significance of the asset. Any contribution is isolated to Field 5 for the reasons set out above.

Change Which Would Occur from the Appeal Proposals and Assessment of Impact

- 4.30. Based upon available evidence it is anticipated that the proposed solar panels in the northern part of Field 5 would be visible from isolated elements of the Scheduled Monument and co-visible within the boundary of the Scheduled Monument from isolated areas to the east. The photomontage for Viewpoint 4 provides an indication of the latter.²³
- 4.31. The proposed solar panels are bi-facial fixed tilt panels. The frames of the modules are designed so that the panels are permanently fixed at 20°, in a southerly facing direction, with the highest part of the panels being c.2.26m above ground level.²⁴ By virtue of the topography, it may be the case that there would be slightly easterly or westerly 'lean' to the modules, but the panels would still be fixed facing south. The panels would be bi-facial meaning that there would be a reflective surface on both sides in order to maximum the efficiency of the panels, with the optimised face being that which faces towards the sun (i.e., to the south). As the underside of the panels will be angled downward towards the ground, it is my understanding that any reflections from the underside would only ever go towards the ground.
- 4.32. The Scheduled Monument lies to the north of the proposed development, and thus any views of the proposed development would be of the modules themselves and the underside of the panels. When taking into account the separation between the areas, the resulting visual change is anticipated to be characterised as a darker surface sitting within the landscape, bound by mature vegetation. From this distance, perceptibility of the stock proof fencing along the northern boundary is anticipated to be limited, and there are no 'built elements' such as transformers or substations proposed within the areas of Field 5 visible from the relevant isolated elements of the Scheduled Monument or areas to the east of the Scheduled area from where co-visibility may occur.

²³ Core Document 1.36, p. 6–8.

²⁴ Core Document 1.32.

- 4.33. The visual change would be a distant and filtered change, as demonstrated by the photomontage for Viewpoint 4, and undeveloped agricultural land (including wider extents of the former deer park which are in pastoral use) would remain in the foreground emphasising the separation between the proposals and the Scheduled area.
- 4.34. The proposals would result in a further change to the character of a presumed remnant part of the former deer park contemporary to, and most likely associated with, the occupation of the Scheduled Monument. This change, however, needs to be viewed in the context of the current character of this part of the presumed former deer park, which is not a relic of the historic form. Furthermore, the proposed solar development would not alter the field boundaries of Field 5 (as now extant), nor would it 'remove' the agricultural landscape as the fields beneath the panels will remain as will existing field boundaries, allowing for the agricultural landscape to still be read and understood.
- 4.35. The proposed development would not alter the overall understanding and experience of the surviving form of the Scheduled Ringwork, its relationship with the settlement of Fillongley to the north, its relationship with the watercourses which surround it or its immediate agricultural hinterland, much of which formed part of the former deer park. The proposals would not alter the flow of the streams which define the Scheduled Monument.
- 4.36. On the basis of the above, it is my opinion that the proposed solar development would result in a change to the 'setting' of the asset which would result in a low level of less than substantial harm, with this taking a precautionary approach. Such harm is associated with the change to Field 5 only (with the presumed extent of the former deer park boundary once again reiterated) and would be present only for the temporary lifespan of the proposals.



Plate 7 : 'Zoomed in' section of the photomontage for Viewpoint 4 (located c.200m east of the Scheduled Monument) to demonstrating how the proposals would be viewed from isolated areas to the east of the Scheduled Monument, beyond the designated area. Provided for illustrative purposes only.

Fillongley Conservation Area

- 4.37. The Fillongley Conservation Area was designated by NWBC in 1970, and is focused upon the historic core of the settlement, the Scheduled Ringwork ditch and an undeveloped area situated between the Scheduled area and the properties on Coventry Road. Plate 9 demonstrates the location of the Conservation Area in relation to the Appeal Site, with further detail as to the boundary of the asset provided at **Heritage PoE Appendix 2**.



Plate 8: Aerial photograph detailing the location of the Appeal Site (approximate boundary shown in red) and the Fillongley Conservation Area (approximate boundary shown in yellow).

- 4.38. The only 'Appraisal' for the Fillongley Conservation Area published on the NWBC website is the Conservation Area Statement which was prepared in support of the designation in 1970. The document, as provided at Core Document 5.5, is useful in providing a contextual understanding as to the rationale behind the designation and its associated boundary.

Statement of Significance

- 4.39. The heritage significance of the Fillongley Conservation Area is principally derived from the special architectural and historic interest of the buildings and spaces within its bounds, and the contribution which they make to the understanding, experience and appreciation of the occupation of the settlement, including the Ringwork, from the medieval period onwards, with emphasis placed upon the character and appearance which has been established during the post-medieval and modern periods.
- 4.40. It is noted that the 1970 Conservation Area Document – with this being the document prepared in support of the designation and the only relevant document published by NWBC – does not make explicit reference to the Ringwork, with the discussion focussed upon the built form within the historic core of the village.
- 4.41. While there is currently no statutory protection for the 'setting' of Conservation Areas (see further discussion in **Section 7** of my Evidence), it is evident that elements of the surrounds of the Conservation Area (its 'setting') make some contribution to its significance, albeit less than the structures and spaces within its boundaries.
- 4.42. The contribution which the 'setting' of the Conservation Area makes to its overall heritage significance is intrinsically linked to understanding, experience and appreciation of the individual assets; however, this also needs to be viewed in context of understanding of this specific designation as a whole.

Contribution Made by the Site

- 4.43. It is my opinion that any contribution made by the Appeal Site to the Conservation Area, via 'setting', is derived solely from the contribution which it makes to the understanding of the Scheduled Ringwork. Accordingly, I refer to my assessments set out above.
- 4.44. I do not consider that the Appeal Site contributes to the understanding, experience or appreciation of the wider extent of the designation, i.e., the historic core of the settlement of Fillongley.
- 4.45. Thus, it is my opinion that the Appeal Site forms part of the 'setting' of the Fillongley Conservation Area which makes a limited, at most, contribution to the overall heritage significance of the asset. Any such contribution is derived from limited, at most contribution which Field 5 makes to the understanding of the Ringwork.

Change Which Would Occur from the Appeal Proposals and Assessment of Impact

- 4.46. §220 of the *NPPF* states that it is necessary to consider the relevant significance of the element of the Conservation Area which has the potential to be affected, in this case one aspect of its 'setting', and its contribution to the significance of the

designation as a whole, i.e., would the application proposals undermine the significance of the Conservation Area as a whole?²⁵

- 4.47. Any potential impact that would arise to the overall heritage significance of the Conservation Area, via a change in 'setting' would derive solely from the limited change to the understanding, experience and appreciation of the Scheduled Ringwork, and in turn the contribution which the asset make to the overall heritage significance of the Conservation Area. Accordingly, I refer to my assessments set out above.
- 4.48. When taking into account the heritage significance of the designation as a whole, and the nature of the resulting change, the harm arising to the Conservation Area, via a change in 'setting', can only be considered to be at the low end of less than substantial, with this taking a precautionary approach. The harm identified would be removed on the decommissioning of the solar farm.

Grade II Listed Park House

- 4.49. The Grade II Listed Park House, situated c.390m north of the Appeal Site at its closest point, comprises an early to mid-17th century farmhouse, with later 19th-century alterations. The farmhouse is located at the southwestern extent of the main element of Park House Farm complex, which is made up of a mix of historic and modern agricultural buildings. The principal elevation is understood to be to the north, with this facing out over an enclosed yard area, beyond which is Meriden Road. Enclosed domestic gardens lie to the south and west of the dwelling.

Statement of Significance

- 4.50. In summary, the heritage significance Park House is principally derived from the architectural, historic, aesthetic and archaeological interest of its physical fabric as an example of a 17th-century farmhouse, with later 19th-century alterations.
- 4.51. The 'setting' of the asset also contributes to the significance of the asset, although the significance derived from the setting is less than that derived from its physical fabric. The principal elements of the physical surrounds and experience of the asset (its "setting") which I consider contribute to its heritage significance comprise:
- The position of the farmhouse within its defined domestic demise, the boundaries of which are reflective of the historic arrangement.
 - The spatial and visual relationships between the farmhouse and the historic ancillary buildings to the north, the grouping of which represents the historic enclosed farmstead. These relationships contribute to the understanding and experience of the function and development farmhouse.

²⁵ MHCLG, *NPPF*, para. 220 – Core Document 6.26.

- The spatial relationships between the farmhouse and its historically associated farmland / landholdings (see Plate 2.5 at **Heritage PoE Appendix 2**).
- The spatial relationship between the farmhouse and Meriden Road to the north.
- The experience and appreciation of the farmhouse from within its immediate surrounds, i.e., the domestic demise and farmstead, from where the architectural detailing of the asset can be experienced alongside its relationship with the historic and modern farm buildings.
- The experience and appreciation of the asset from Meriden Road, in so far as possible, in particular the architectural detail of the principal elevation, both individually and in-conjunction with the surviving historic outbuildings to the north.
- The experience and appreciation of the asset from aspects of its historically associated landholdings, where possible.

4.52. The experience and appreciation of the asset from the wider landscape to the east and south, beyond the historically associated landholdings, is also considered to contribute to the understanding of Park House Farm as a principal dwelling associated with a wider farmstead, the position of which is detached from the focus of the nearest settlement (Fillongley). The level of contribution made by the experience and appreciation of the asset from such areas varies based upon the extent to which the asset is visible and understood.

Contribution Made by the Appeal Site

4.53. No historic functional or associative connections have been identified between Park House Farm and the Appeal Site. The date of the asset and the name 'Park House Farm' could indicate a possible connection to the disparkment of the former deer park, a minor part of which is presumed to extent into the Appeal Site.

4.54. The Appeal Site forms one part of the wider agricultural landscape situated beyond the farmstead and its immediate environs. In this context, the character of which is now defined by post-War agricultural practices and changes to the earlier field morphology.

4.55. Due to the topographical position of Park House on an area of high ground to the north of the Appeal Site, intervisibility exists between the asset and parts of the Appeal Site, as does co-visibility from areas beyond the bounds of the Appeal Site. From such locations, and despite the lack functional and associative connections, the Appeal Site reads as part of the wider agricultural landscape within which the farmstead is situated, and contributes to the understanding of the dispersed position of the farmstead, albeit to a lesser degree than the immediate surrounds.

4.56. In summary, it is my position that the Appeal Site forms part of the 'setting' of Park House Farm which makes a limited, at most, contribution to its overall heritage significance.



Plate 9: Aerial photograph detailing the location of the Appeal Site (approximate boundary shown in red) and Park House (blue dot).



Plate 10: Example view across the Appeal Site towards the Park House Farm complex (blue), with the farmhouse highlighted in yellow, as seen from the high ground in the southern part of the Appeal Site.



Plate 11: Example view across the Appeal Site towards the Park House Farm complex (blue), with the farmhouse highlighted in yellow, as seen from the southern part of the Appeal Site.



Plate 12: Example view across the Appeal Site towards the Park House Farm complex (blue), with the farmhouse highlighted in yellow, as seen from the northern boundary of the Site.



Plate 13: Example view across the Appeal Site towards the Park House Farm complex (blue), with the farmhouse highlighted in yellow, as seen from the northern boundary of the Site.



*Plate 14: Example view of Park House Farm farmstead (blue), with the farmhouse highlighted in yellow, as seen from land **outside of the Site** to the north. Such views provide a better experience than those within the Appeal Site.*

Change Which Would Occur from the Appeal Proposals and Assessment of Impact

- 4.57. It is anticipated that any views of the proposed development from Park House would be limited to glimpsed views from the single window on the upper floor of the south elevation and oblique views from the upper floor of windows on the east elevation. Views from the ground floor and the immediate surrounds of the asset are anticipated to be restricted due to intervening built form and vegetation. Nevertheless, should views be obtainable they are anticipated to be glimpsed and filtered.
- 4.58. It anticipated that some incidental glimpsed views of Park House from within the Appeal Site may be lost; however, incidental glimpsed views are anticipated to remain appreciable form certain areas due to the topography and nature of the proposals.
- 4.59. The proposed development would be co-visible with Park House, most commonly experienced via glimpsed views of the farmhouse set amongst the modern expansion of the farmstead, from within the bounds of the Appeal Site, the immediate environs to the east of the Appeal Site and from and elevated parts of Meriden Rd and Green End Rd to the north of the farmstead.
- 4.60. Where co-visibility would occur, the proposed development would result in a change to the character to one part of the wider landscape within which the farmstead is experienced. In considering this change, it is important to take into account that:
- The degree of perceptibility of the proposed development when taking into account the intervening distance and the nature of the proposals.
 - The proposed change would read as a change in the wider surrounds of the farmstead, and within an area characterised by post-War agricultural practices and within the context of the M6 motorway.
 - A clear separation between the proposed solar farm and the farmstead would be appreciable.
 - The proposed solar arrays would sit atop of the land, and thus it would still be apparent that the arrays and their associated infrastructure are situated within formerly wholly agricultural fields. Furthermore, due to the low-lying nature of the proposals, the overall 'openness' of the landscape in this location would remain.
- 4.61. An indication of potential co-visibility between Park House and the proposals from the wider landscape to the north and west of the farm complex, is provided by the photomontage for Viewpoint 9,²⁶ with this taken from Meriden Road to the north of the current extent of the Park House Farm complex.

²⁶ Core Document 1.36, p. 13 and 14.



Plate 15: Extract from the Year 15 photomontage for Viewpoint 9, located to the north of the current extent of the Park House Farm complex.

- 4.62. There would be no change to the spatial and visual relationships between the component parts of the farmstead, the understanding of the group as a farmstead or the relationship with the immediate agricultural surrounds, which comprises the historic landholdings.
- 4.63. On this basis, the resulting change to the wider 'setting' of Park House Farm would be at the low end of less than substantial, with this taking a precautionary approach. The harm identified would be removed on the decommissioning of the solar farm.

Grade II Listed Ancillary Buildings at Park House Farm

- 4.64. The Grade II Listed ancillary buildings at Park House Farm comprise the 'Barn 20 Metres North of Park Farmhouse' and 'Cartshed and Granary 5 Metres North East of Park House'. These buildings enclose the historic farmyard to the north of Park House Farm to the west and east respectively.

Statement of Significance

- 4.65. In summary, the heritage significance of Listed ancillary buildings at Park House is principally derived from the architectural, historic, aesthetic and archaeological interest of their physical fabric as an example of early 17th- and late 18th-century

agricultural buildings, with later 19th-century alterations, associated with the development of a contemporary farmstead.

- 4.66. The 'setting' of the assets also contributes to their significance, although the significance derived from their setting is less than that derived from its physical fabric. The principal elements of the physical surrounds and experience of the assets (their "setting") which I consider contribute to its heritage significance comprise:
- The spatial and visual relationships between the Listed ancillary buildings, and their relationship with Park House. Such relationships contribute to the understanding of the functionality and development of the individual buildings and the wider farmstead.

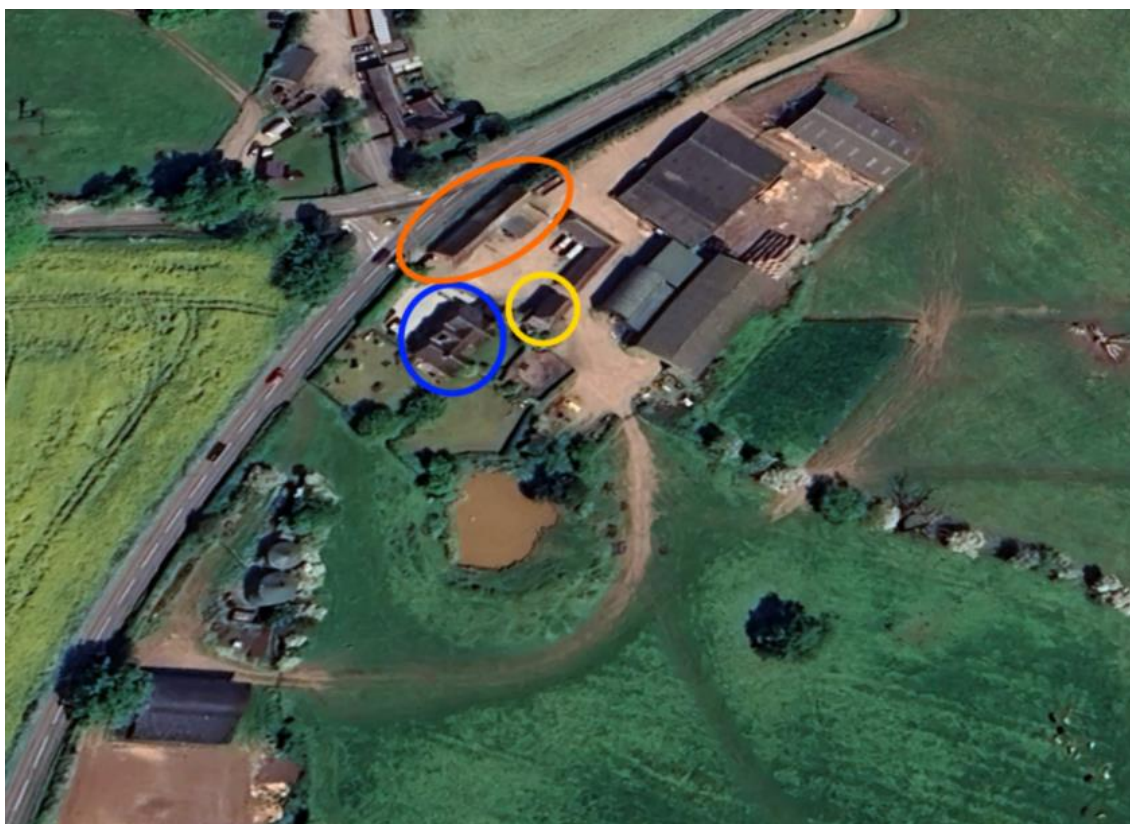


Plate 16: Aerial photograph of the Park House Farm complex, with Park House outlined in blue, the Listed barn in orange and the Listed cart shed and granary in yellow.

- 4.67. The two Listed ancillary buildings, and the historic farmstead enclosure which they provide is now largely enclosed to the east and north by modern agricultural buildings associated with the ongoing evolution of the Park House Farm complex. These buildings have altered the spatial and visual connections between the Listed ancillary buildings and the wider historic landholdings associated with the former farmstead.
- 4.68. Furthermore, the spatial and visual connection with the wider agricultural landscape is not considered to make the same level of contribution to the overall understanding and experience of the assets as ancillary buildings associated with a farmstead in the same way that they do the principal farmhouse (Park House, as discussed above). Any areas that may be deemed to contribute would be isolated to areas which fall

within the historic landholdings associated with the farm, and thus functional operation of the two ancillary buildings.

Contribution Made by the Appeal Site

- 4.69. As discussed above, no historic functional or associative connections have been identified between Park House Farm and the Appeal Site.
- 4.70. The Appeal Site forms one part of the wider agricultural landscape situated beyond the farmstead and its immediate environs, the character of which is now defined by post-War agricultural practices and changes to the earlier the field morphology. The Appeal Site does not contribute to the understanding or experience of the ancillary buildings at Park Farm, be that with regards to their architectural style or function, or their relationship with the principal dwelling.
- 4.71. For these reasons, I do not consider that the Appeal Site form part of the 'setting' of the assets which contributes to their overall heritage significance.

Change Which Would Occur from the Appeal Proposals and Assessment of Impact

- 4.72. Intervisibility is not anticipated between the proposed development and the 'Barn 20 Metres North of Park Farmhouse', with any intervisibility between the proposed development and 'Cartshed and Granary 5 Metres North East of Park House' anticipated to be heavily confined due to the position of the asset and intervening built form. Furthermore, designed views of the buildings would not have formed part of their designed intent, based upon their intended function.
- 4.73. Should the proposed development be visible from, or co-visible with, the Listed ancillary buildings at Park Farm, it would represent a change in the wider landscape beyond the farmstead and historic landholdings associated with the farm complex. The ability to view the proposals from, or in-conjunction with the assets would not alter the ability to understand or experience them, be that in regard to their architectural style or function, or their relationship with the principal dwelling.
- 4.74. It is thus concluded that the proposed development would not result in a change to 'setting' that would impact upon the overall heritage significance of the Listed ancillary buildings at Park Farm.

Grade II Listed Fillongley Mount

- 4.75. The Grade II Listed Fillongley Mount is located on an area of high ground c.450m northwest of the Site, with intervening land comprising domestic gardens within the demise of the property, open agricultural land, mature tree planting and the route of Meriden Road. The property is situated within a defined curtilage, with domestic gardens to the north, east and south. A group of ancillary buildings lies to the west, with it understood that although having been subject to conversion it remains within the same ownership as the principal dwelling.

- 4.76. As discussed in **Heritage PoE Appendix 2**, the property (which has 16th-century origins) was subject to extensive alteration in the mid-19th century, including the addition of a new wing and frontage to the southeast. The grounds of the property were also subject to redesign in the 19th century, including the creation of new domestic gardens and a minor parkland. Alterations to the extent and character of the domestic gardens and parkland occurred during the mid-late 20th century, as has the character of the wider landscape visible from the asset and its immediate surrounds.



Plate 17: Aerial photograph detailing the location of the Appeal Site (approximate boundary shown in red) and Fillongley Mount (yellow dot).

Statement of Significance

- 4.77. In summary, the heritage significance of Fillongley Mount is principally derived from the architectural, historic, aesthetic and archaeological interest of its physical fabric as an example of a dwelling with 16th-century origins, subject to later change in the 17th and 19th centuries. The changes undertaken in the 19th century resulted in the re-fronting of the dwelling, with this likely to have reflected a change in 'status' and / or the manner to which the dwelling was designed to be experienced.
- 4.78. The 'setting' of the asset also contributes to the significance of the asset, although the significance derived from the setting is less than that derived from its physical fabric. The principal elements of the physical surrounds and experience of the asset (its "setting") which I consider contribute to its heritage significance comprise:

- The spatial and visual relationships, as they exist, between the principal dwelling of Fillongley Mount and the group of the ancillary buildings to the west. These relationships contribute to the understanding of the status, operation and development of the Fillongley Mount complex.
- The position of the asset within its defined domestic demise, and the understanding, experience and appreciation of the asset from within its bounds. It is from such locations that the architectural and historic interest of the asset can be best appreciated.
- Outward views to the southeast, in so far as these are now appreciable, from the southeast elevation of the asset and the immediate surrounds of the asset in this direction.

4.79. As discussed above and in **Heritage PoE Appendix 2**, outward views to the southeast are considered to form part of the design intent of the property, in particular as remodelled in the 19th century. Historically the views would have included the associated parkland in the foreground, with the wider agricultural landscape beyond. There is no indication that views beyond the parkland were designed to be screened; however, it is important to note that such views would be wide-reaching and there is no evidence of focus on a particular area. Modern aerial photographs would suggest that southeasterly views from the ground floor of the property and its immediate surrounds may, to some degree, be screened or filtered by the vegetation boundary of the revised curtilage. Irrespective of any screening that may be present it is important to recognise that the composition and character of the southeasterly views has been subject to change during the mid-late 20th century. Such changes include the removal of the parkland character to the land west of Meriden Road, a change to the character of the agricultural field morphology (including within the Appeal Site) and the introduction of the M6 motorway.

4.80. There is no evidence of designed views back towards Fillongley Mount from specific locations in the wider landscape, and where views are obtainable the extent to which the architectural detailing, form and siting of the asset can be understood varies.

4.81. Glimpsed views of Fillongley Mount and the ancillary grouping are obtainable from Green End Road as one travels along this route; however, the asset effectively turns it back on the road and is partially screened by the ancillary buildings and mature vegetation. Accordingly, any contribution that can be considered to be made to the heritage significance of Fillongley Mount by views from Green End Road, which it is highlighted does not include any form of pavement, are far less than those associated with the elements set out above.

Contribution Made by the Appeal Site

4.82. The Appeal Site forms one part of the wider landscape, beyond the former parkland and landholdings associated with Fillongley Mount. Despite the lack of functional and associated connections, and designed relationship per se, the Appeal Site forms part of the wider landscape located to the southeast of the asset anticipated to be visible in designed viewsheds from the asset in this direction.

- 4.83. There is, however, no indication that the viewshed was specifically focused upon the Appeal Site, and the character and composition of the Appeal Site is not a relic of the 19th century.
- 4.84. Glimpsed and filtered views of the southeast elevation of Fillongley Mount are obtainable from certain areas of the Appeal Site, in particular the higher ground in the southern part of the Appeal Site. There is no indication that views from within the Appeal Site comprise specific designed views of the asset and, where available, such views do not contribute to the understanding, experience or appreciation of the form, architectural detailing or development of the asset. Thus, views from within the Appeal Site are characterised as ‘incidental’.
- 4.85. Based upon the above, it is my opinion that the Appeal Site makes a limited, at most, contribution to the overall heritage significance of Fillongley Mount.



Plate 18: Example view across the Appeal Site towards the Fillongley Mount (yellow), as seen from the high ground in the southern part of the Appeal Site.

Change Which Would Occur from the Appeal Proposals and Assessment of Impact

- 4.86. It is anticipated that the proposed development would be visible from the southeast frontage of Fillongley Mount; however, current assessment would indicate that such views may only be obtainable from the upper floors due to intervening mature vegetation boundaries.

- 4.87. The proposed development would result in a change to the character of one part of the composition of the anticipated wide reaching, southeasterly views from Fillongley Mount (likely from the upper floors only), which are understood to have formed part of the design intent of the asset. In considering this change, it is important to take into account that: the Appeal Site fell beyond the designed parkland associated with the asset; the Appeal Site is not a relic of the 19th century in terms of its field morphology and character, and the M6 motorway which defines the southern boundary of the Appeal Site is clear modern change to which the Appeal Site is viewed alongside.
- 4.88. The proposed development would result in a change to incidental views of Fillongley Mount from within the Appeal Site; however, as set out above, such views are not considered to contribute to the understanding, experience or appreciation of the asset.
- 4.89. Overall, the resulting change is considered to result in a low level of less than substantial harm to the overall heritage significance of Fillongley Mount, with this taking a precautionary approach. The harm identified would be removed on the decommissioning of the solar farm.

Grade II Listed White House Farmhouse

- 4.90. The Grade II Listed White House Farmhouse comprises an early 19th-century farmhouse, with possible earlier origins, situated amongst a group of historic and modern outbuildings c.250m west of the Appeal Site. The intervening area comprises an enclosed gravelled forecourt, area of domestic lawn, agricultural land, Meriden Road and a modern copse.

Statement of Significance

- 4.91. In summary, the heritage significance of White House Farmhouse is principally derived from the architectural, historic, aesthetic and archaeological interest of its physical fabric as an example of an early 19th-century farmhouse, potentially containing earlier fabric.
- 4.92. The 'setting' of the asset also contributes to the significance of the asset, although the significance derived from the setting is less than that derived from its physical fabric. Furthermore, a review of archival sources (as set out in **Heritage PoE Appendix 2**) demonstrates that the current character of the surrounds of White House Farmhouse are not a relic of the historic arrangement, in particular in regard to the design of its immediate demise, the approach and the relationship with outbuildings.
- 4.93. The principal elements of the physical surrounds and experience of the asset (its "setting") which I consider contribute to its heritage significance comprise:
- The spatial and visual relationships between the farmhouse and the historic ancillary buildings to the north, the grouping of which represents the historic farmstead. These relationships contribute to the understanding and experience of the function and development farmhouse and farmstead. The changes that have occurred within the context of the historic farmstead are, however, noted with these including the conversion of the ancillary buildings

for light industrial use and the construction of new 'light industrial' style buildings.

- The spatial relationships between the farmhouse and its historically associated farmland / landholdings (see Plate 2.20 at **Heritage PoE Appendix 2**).
- The experience and appreciation of the farmhouse from within its immediate surrounds, i.e., the domestic demise and farmstead, from where the architectural detailing of the asset can be experienced alongside its relationship with the historic and modern farm buildings, albeit noting the change which has occurred (see **Heritage PoE Appendix 2**).
- The experience and appreciation of the asset from aspects of its historically associated landholdings, where possible.



Plate 19: Aerial photograph detailing the location of the Appeal Site (approximate boundary shown in red) and White House Farmhouse (purple dot).

Contribution Made by the Appeal Site

- 4.94. No historic or functional connections have been identified between White House Farmhouse and the Site on the 1843 Tithe Map. The immediate surrounds of the asset and the Site are bisected by the modern alignment of Meriden Road. There are also a number of mature (modern) tree belts in the intervening area.

- 4.95. Due to the intervening topography and mature vegetation, there is no clear intervisibility between White House Farmhouse and elements of the Appeal Site closest to Meriden Road. Views of White House Farmhouse were identifiable during my site visits from isolated areas of the central and eastern parts of the Appeal Site; however, it is anticipated that these would be obscured during times when intervening vegetation is in full leaf.
- 4.96. Co-visibility of the Appeal Site and White House Farmhouse from beyond the boundary of the Appeal Site is limited. Co-visibility was noted during the site visit from the footbridge which crosses the M6 motorway to the south of the Appeal Site, with the Appeal Site seen in the foreground alongside the infrastructure of the motorway itself. As with views from the Appeal Site, it is anticipated that these views would be obscured during times when intervening vegetation is in full leaf.
- 4.97. The views discussed above are considered to be incidental and do not contribute to the overall understanding or experience of White House Farmhouse as a principal dwelling to the farmstead, in particular as the remainder of the farmstead is not clearly understood. There is also no indication that views across the wider landscape to the east from the asset, which include the Appeal Site, form part of the design intent of the asset. Irrespective, the extent of change which has occurred in this view is highlighted.
- 4.98. In summary, it is my position that the Appeal Site does not form part of the 'setting' of White House Farmhouse which positively contributes to the understanding and experience of the asset, and thus its heritage significance.



Plate 20: Example view in the direction of White House Farmhouse (purple) from the southern part of the Appeal Site.



Plate 21: Example view in the direction of White House Farmhouse from the southern part of the Site. White House Farmhouse is **not visible** from this location.

Change Which Would Occur from the Appeal Proposals and Assessment of Impact

- 4.99. It is anticipated that development within isolated parts of the Appeal Site – in particular Fields 8 and 9 – would be visible from White House Farmhouse, and its immediate surrounds. Where visible, the proposals would be viewed as change within the wider landscape, beyond the alignment of Meriden Road and mature tree planting and alongside the M6 motorway. It would not alter the understanding and experience of White House Farmhouse as an early 19th-century farmhouse, its relationship with the associated farmstead or its associated land holdings (modern and historic). It would read as separate entity within the wider landscape, the overall openness of which would remain. It is also important to take into account that the proposed solar development will not 'remove' the agricultural landscape as grassland would remain/be established beneath the panels and existing field boundaries will remain, allowing for the agricultural landscape to still be read and understood.
- 4.100. The proposed development would result in a change to some views of White House Farmhouse from within the Appeal Site; however, based upon the proposed layout, views including from the existing trackway within the southern part of the Site and the proposed copse on the highest point of the Site will remain, albeit from within a different 'context'. It is, however, reiterated that the Site is not a relic of the historic landscape. Accordingly, although the proposals will result in a change to incidental

views from within the Appeal Site, views of the asset will remain, and where possible will remain understood as a part of a farmstead distinctly separate from the Appeal Site.

- 4.101. Co-visibility from beyond the Appeal Site is limited. The proposed development would be viewed in the foreground of the asset from the footbridge which crosses the M6 motorway, at certain times of the year (as demonstrated photomontage for Viewpoint 7²⁷). From this location the proposals would be viewed as a change adjacent to the motorway, alongside existing motorway infrastructure. As with views from the Site, the asset would not be obscured, as would the understanding of the asset as a part of a farmstead distinctly separate from the Appeal Site.
- 4.102. Thus, it is my opinion that no harm is considered to arise as a result of change of a change in 'setting'. The difference between the final conclusions on White House Farmhouse and Park House, despite Park House being closer to the Appeal Site, result from the differing visual relationships and experience of the assets.

Grade II* Listed Church of St Mary and All Saints

- 4.103. The Grade II* Listed Church of St Mary and All Saints is located c.900m north of the Site at its closest point, separated by the built form of Fillongley and the agricultural hinterland to the south of the settlement. The Church is situated within a defined and enclosed churchyard, on a slightly elevated position to north / east of Coventry Road as it meanders through the village.

Statement of Significance

- 4.104. In summary, the heritage significance of Church of St Mary and All Saints is principally derived from the architectural, historic, aesthetic and archaeological interest of its physical fabric as an example of a medieval parish church.
- 4.105. The 'setting' of the asset also contributes to its significance, although the significance derived from the setting is less than that from its historic fabric. The principal elements of the physical surrounds and experience of the asset (its 'setting') which I consider contribute to its heritage significance comprise:
- The location and position of the asset within the defined churchyard and the experience and appreciation of the asset from this location. From this location the architectural detailing can be best experienced, as can the relationship with the various memorials which are situated within the churchyard;
 - The spatial and visual relationship between the asset and the wider settlement of Fillongley which it serves, and the experience and appreciation of the asset from the settlement. This is particularly relevant with regard to

²⁷ Core Document 1.36, p. 9-11.

the elements of the historic core which are located in proximity to the Church; and

- The experience of the asset, where possible, from the immediate surrounds of the settlement of Fillongley.



Plate 22: Aerial photograph detailing the location of the Appeal Site (approximate boundary shown in red) and the Church of St Mary and All Saints (orange dot).

- 4.106. The level of contribution made experience of the asset, where possible, from the immediate surrounds of the settlement of Fillongley is considered to be less than the relationship (spatial and visual) with the churchyard and built aspects of the settlement. It is from these locations that the asset is best experienced, appreciated and understood.
- 4.107. This assessment correlates with that presented by the Inspectorate in their consideration of the residential development of *Land Off Station Road, Long Melford, Suffolk*.²⁸ Within their assessment of potential impacts on the Grade I Listed Church of the Holy Trinity the Inspector set out that:

“382. – It [the Church of the Holy Trinity] derives much of its significance from its architectural quality, scale, location and presence providing evidential illustrative

²⁸ APP/D3505/W/18/3214377 – Core Document 7.26.

and aesthetic value. It forms a local landmark and can be seen from significant distances in the surrounding area however visibility is not the test of the contribution to significance albeit it may influence that. These values are best appreciated in reasonably close proximity to the church, the adjacent graveyard, the Green and the more immediate surrounding area. [114, 116, 282, 283].”²⁹ (my emphasis)

- 4.108. The Church, alongside much of the historic core of the settlement, is situated within a slight ‘hollow’. This topographical context, coupled with the relatively short stature of the tower, results in the building not being overtly prominent when experienced from within the settlement and wider surrounds. Where visible from the wider landscape, the tower is often viewed with the wider landscape to the north of the settlement as a ‘backdrop’ and not frequently experienced as ‘breaking’ the skyline.



Plate 23: Example view of the Church of St Mary and All Saints from areas north of the Appeal Site. This view demonstrates that even where the tower is not viewed with a ‘backdrop’, it does not form a prominent feature within the landscape.

²⁹ Ibid., Paragraphs 382–384.

Contribution Made by the Appeal Site

- 4.109. The Appeal Site comprises 7no. agricultural fields c.900 south of the Church of St Mary and All Saints, at its closest point. The current field pattern associated with the Appeal Site is not reflective of a medieval landscape contemporary with the construction of the Church, and does not form part of the immediate agricultural hinterland of the settlement of Fillongley.
- 4.110. No views of the Appeal Site are available from the Church of St Mary and All Saints or the surrounding churchyard. Furthermore, the Appeal Site is not experienced within views of the Church from within the settlement of Fillongley. Views of the Appeal Site may be possible from the Church tower; however, access to the tower is likely to be associated with maintenance only. The purpose of the tower is not to facilitate outward views, nor are these outward views considered to form part of the design intent of the asset.
- 4.111. Any views of the Church of St Mary and All Saints from within the Appeal Site are limited to minor glimpsed views from the western edges of the Appeal Site (Fields 1 and 10 on Plate 2).
- 4.112. Co-visibility between the Church of St Mary and All Saints is equally limited:
- Co-visibility between the Church of St Mary and All Saints and the far eastern part of the Appeal Site (Fields 4 and 5 on Plate 2) is obtainable from isolated parts of the PRoW to the east of the Appeal Site, the route of which is separated from the Appeal Site by a field and watercourse. In order to view the Church from this location one must face north, with the Appeal Site located obliquely to the viewer and in the periphery of the view, i.e., exact co-visibility in one sight line is difficult to achieve.
 - Co-visibility between the tower of the Church of St Mary and All Saints and parts of western and central area of the Appeal Site (Fields, 2, 9 and 10 on Plate 2) is obtainable from isolated stretches of Meriden Road to the west of the Appeal Site and the PRoW which extends westward from the road.
- 4.113. In all such cases, views of the Church of St Mary and All Saints are limited to glimpsed views of the Church tower, with the extent of the tower visible varying across the viewpoints. In all such cases the Church tower is viewed with the wider landscape to the north of the settlement as a backdrop and does not break the skyline. There is little to no understanding or experience of the architectural detailing of the Church or its siting within the settlement of Fillongley, and within such views the tower is not viewed as a 'waymaker' in the landscape.
- 4.114. It is thus concluded that these incidental views of the tower of the Church of St Mary do not make a limited, at most, to the overall heritage significance of the asset.



Plate 24: Example view of the tower of the Church of St Mary (yellow) from the PRow to the east of the Appeal Site from where the far eastern part of the Appeal Site is also visible (as indicated by the red line).

Change Which Would Occur from the Appeal Proposals and Assessment of Impact

- 4.115. When considering how the appeal proposals may result in a change to the wider surrounds that could impact upon the overall heritage significance of the Church of St Mary and All Saints, it is emphasised that *The Setting of Heritage Assets* states the following in relation to impacts arising from the loss of distant views of churches:

“Being tall structures, church towers and spires are often widely visible across land- and townscapes but, where development does not impact on the significance of heritage assets visible in a wider setting or where not allowing significance to be appreciated, they are unlikely to be affected by small-scale development, unless that development competes with them, as tower blocks and wind turbines may. Even then, such an impact is more likely to be on the landscape values of the tower or spire rather than the heritage values, unless the development impacts on its significance, for instance by impacting on a designed or associative view.”³⁰

³⁰ Historic England, *The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning Note 3* (2nd edition, Swindon, December 2017), p.7 – Core Document 6.7.

- 4.116. Another important consideration is that designed views of a church from specific areas of the wider rural landscape, or from specific viewpoints, are not the norm, with views from incidental points in the wider rural landscape most commonly being derived from the scale of the buildings, and its intention as a way marker.
- 4.117. The proposed development would not result in a change that would impact upon the experience and appreciation of the Church of St Mary and All Saints from within the surrounding churchyard, from within the settlement of Fillongley or from the immediate surrounds of the settlement, in so far as such views are possible. It is from these areas that the form and siting of the asset is best appreciated and understood.
- 4.118. Views of the proposals may be possible from the tower; however, such outward views are not considered to form part of the design intent of the asset, with access to these areas for maintenance only. Furthermore, even if the proposals were to be visible, it would form one part of a panoramic view and would be understood as a change some distance from the asset and settlement, located adjacent to the modern character of the M6 motorway.
- 4.119. The proposed development may result in the loss of minor incidental glimpsed views of the Church tower from isolated parts of the Appeal Site – specifically western parts of Fields 1 & 10; however, based upon the low level of the proposal it is anticipated that views would also be likely to remain obtainable from certain locations.
- 4.120. As demonstrated by the photomontage for Viewpoint 11,³¹ due to the topography of the area and views low lying nature of the proposals, it is not anticipated that views of the Church would be obscured from Meriden Road or the PRoW which extends westwards from this route (Plate 27).
- 4.121. It is acknowledged that where views would remain obtainable that the Church would either be viewed from within a different context or with a different character to part of the foreground (as indicated by the photomontage for Viewpoint 11). However, when taking into account the limited experience of the Church available in such views, and in particular the fact that the Church is not viewed as a waymarker in the landscape from these locations, the change to the wider composition of the view is not considered to detract from the limited, at most, contribution which such views currently make to the heritage significance of the asset. The same is also the case with regard to co-visibility between the proposals and the Church which may occur from isolated areas in the western part of the Appeal Site.

³¹ Core Document 1.36, p. 12-14.



Plate 25: Extract from the year 15 photomontage for Viewpoint 11, with this detailing the view from the PRow which extends westwards from Meriden Road. The tower of the Church of St Mary and All Saints (highlighted in yellow) would not be obscured, and the proposed development would be viewed as a change in within the wider landscape some distance from the asset.

- 4.122. The proposed panels in Fields 4 and 5 would be visible from the PRow to the east of the Appeal Site in the same isolated locations from where the Church tower can also be viewed. However, views of the panels would be filtered by intervening vegetation (existing and proposed), and the proposal and Church would not be readily understood together due to the siting of the panels and the orientation required by the viewer in order to view the Church. Where visible from the PRow the panels would not detract from views of the Church, limited, at most, contribution which such views currently make to the heritage significance of the asset.
- 4.123. Accordingly, it my opinion that no harm would arise to the overall heritage significance of the Church of All Saints, via a change in 'setting'.

5. Consideration of the ‘Non-Designated Heritage Assets’ Referred to by the Rule 6 Party.

- 5.1. NDHAs in the terms of the NPPF were not raised as a concern by NWBC during the determination of the application nor are NDHAs referred to within the Officer Reports, the reason for refusal, November 2024 NWBC SoC or the overarching November 2024 SoCG.
- 5.2. The Keystone Heritage Report submitted on behalf of the Rule 6 Party identifies a number of presumed NDHAs to which they consider that harm arises.
- 5.3. NDHAs are defined within the PPG as follows:

“Non-designated heritage assets are buildings, monuments, sites, places, areas or landscapes identified by plan-making bodies as having a degree of heritage significance meriting consideration in planning decisions but which do not meet the criteria for designated heritage assets.

A substantial majority of buildings have little or no heritage significance and thus do not constitute heritage assets. Only a minority have enough heritage significance to merit identification as non-designated heritage assets.”³²

- 5.4. The PPG continues by stating that:

“There are a number of processes through which non-designated heritage assets may be identified, including the local and neighbourhood plan-making processes and conservation area appraisals and reviews. Irrespective of how they are identified, it is important that the decisions to identify them as non-designated heritage assets are based on sound evidence.”³³

- 5.5. Both the PPG and Historic England – specifically via *Historic England Advice Note 7* (*‘HEAN7’*)³⁴ – recognise that NDHAs can be identified in a number of ways, with HEAN7 specifically highlighting the following:
- Local heritage lists
 - Local and Neighbourhood Plans
 - Conservation area appraisals and reviews
 - Decision-making on planning applications.³⁵

³² MHCLG, PPG, paragraph 039, reference ID: 18a-039-20190723 – Core Document 6.34.

³³ MHCLG, PPG, paragraph 040, reference ID: 18a-040-20190723 – Core Document 6.34.

³⁴ Historic England, *Local Heritage Listing: Identifying and Conserving Local Heritage*, Historic England Advice Note 7 (Second Edition) (Swindon, October 2021) – Core Document 6.50.

³⁵ Ibid, p. 6.

- 5.6. In considering the identification of NDHAs by plan-making bodies – i.e., Local Planning Authorities – both the *PPG* and Historic England guidance place emphasis on consistency of the identification of heritage assets, and advocates the use of ‘Local Lists’ of NDHAs to which clear criteria for assessment are attached.
- 5.7. NWBC are currently seeking nominations for additions to the ‘local list of heritage assets’ and set out that these can comprise: buildings and structures; parks and gardens; archaeological sites; and features within a town scape or landscape/important views or settings.³⁶ As part of this process, NWBC have published a ‘local list’ guidance document which is readily available on line, and provides guidance on assessing whether something should be considered important in heritage terms. Specifically, Page 15 of the document sets out a range of interests for consideration comprising: age; rarity; identity; group impact; landmark quality; and non-physical attributes. A full copy of the guidance document is provided at Core Document 5.12.
- 5.8. No information is provided within the Keystone Heritage Report regarding the criteria upon which they have identified the alleged NDHAs, and no reference to the HEAN4 or the NWBC ‘local list’ guidance document has been made. As discussed further below it would appear in a number of cases that their identification is derived largely as a result of a feature being included on Warwickshire Historic Environment Record (HER) data.
- 5.9. In this regard, *HEAN7* clearly states that: *“The inclusion of a site or structure in an HER does not itself identify it as a non-designated heritage asset: inclusion merely records valuable information about it, and does not reflect the planning judgement needed to determine whether it does in fact have a degree of heritage significance which merits consideration in planning decisions.”*³⁷ It is agreed between the Appellant and the Rule 6 Party that this a material consideration when utilising HER data in the Decision-Making process.
- 5.10. Furthermore, suitable consideration of the data is required in order to take into account the basis of identification and the current context, i.e., do ‘features’ remain extant.
- 5.11. My assessment on NDHAs will take into account guidance provided within the *NPPF*, *PPG*, *HEAN7* and the NWBC ‘local list’ guidance document, and utilise professional judgement.
- 5.12. The Keystone Heritage Report initially identifies three alleged NDHAs *within* the Appeal Site – the site of a former field barn; the alignment of a historic footpath in the western part of the Appeal Site; and the former deer park discussed in **Section 4** of my Evidence.
- 5.13. The identification of the former field barn within the Appeal Site as a NDHA appears to derive solely from the recording of the former structure on the HER. With regards to this, I refer to the discussion set out above in regard to the guidance provided within *HEAN:7* on the consideration of such data.

³⁶ <https://www.northwarks.gov.uk/forward-planning/heritage-conservation/4>

³⁷ Historic England, *Local Heritage Listing: Identifying and Conserving Local Heritage*, Historic England Advice Note 7 (Second Edition) (Swindon, October 2021), p. 18 – Core Document 6.50.

- 5.14. The HER records the identification of the former field barn as derived from the depiction of a barn in the relevant location on the 1st Edition Ordnance Survey Map. No standing remains of the former field barn survive and the area has been subject to ploughing. It is unlikely that any below ground remains of such a structure would survive in these circumstances, and should they survive, I do not consider that they would have heritage significance as they would not illustrate anything beyond that already known – the location of a modern farm structure.
- 5.15. On this basis, my opinion is that neither the recorded site of the former field barn, nor any below ground remains which may survive, should be classified as a NDHA. It is also highlighted that the Warwickshire County Archaeologist did not raise the former field barn within their consultation responses, despite them being aware of its presence within the Appeal Site.
- 5.16. The Keystone Heritage Report identifies that a footpath within the western part of the Site – located roughly on the alignment of the modern PRow – is recorded on 19th-century cartographic sources and thus it is their position that this represents a NDHA.
- 5.17. The fact that the route is recorded on 19th-century cartographic sources does not equate to the route being classified as a NDHA. It is not unusual for modern PRows to follow the alignment of older footpaths, and thus in turn it is not unusual for footpaths to be identifiable on archival sources. This occurrence is not in itself considered to of sufficient inherent value to warrant the classification of said route as a NDHA.
- 5.18. Even if one was to take the view that the footpath should be classified as a NDHA, then for clarity and robustness of assessment any discussion on the footpath should consider the full length, as it now exists, acknowledging the character of its full course and any changes that have occurred, and how this may influence the relative interest of component sections of the route.
- 5.19. As the footpath extends through the Appeal Site, it is passing through a post-War agricultural landscape which is not reflective of the historic field morphology or character. The southern boundary of the field is defined by the M6 motorway, which is visible and audible from the PRow as it extends through the Appeal Site. The alignment of Meriden Road as visible from the PRow as it extends through the Appeal Site is modern and derives from the alteration to the route in conjunction with the establishment of the M6 motorway. The ongoing route of the PRow to the south of the Appeal Site has also been disrupted by the construction of the M6 motorway. I do not consider that such matters have been accurately presented within the Keystone Heritage report.
- 5.20. Overall, it is my opinion that the footpath which extends through the Appeal Site should not be classified as a NDHA.
- 5.21. The presumed extent of the former deer park, as identified on the HER, is discussed in detail within **Section 4** of my Evidence. It is my opinion that the discussion presented within the Keystone Heritage Report does not acknowledge the current condition of the former deer park and how it is understood in the landscape, nor does it accurately reflect the existing landscape character of the Appeal Site.

- 5.22. It is my opinion that whilst the former deer park can be considered to form part of the 'setting' of the Scheduled Monument which contributes to the understanding of that asset the former deer park is of insufficient intrinsic value, as now extant, to warrant classification as a NDHA in its own right.
- 5.23. In discussing the former deer park, the Keystone Heritage Report states that deer park *'forms part of the wider remnant medieval landscape of the area that includes moated enclosures, ridge and furrow cultivation and a possible fishpond'*, with such 'features' recorded on the HER.
- 5.24. The Keystone Heritage Report continues by identifying the same possible fishpond and ridge and furrow earthworks as NDHAs, and with specific regard to the ridge and furrow earthworks *states that 'some impact is likely on the setting and ability to appreciate/understand the cultivation ridge and furrow to the east'* of the Appeal Site.
- 5.25. The HER entry for the possible fishpond, which it also refers to as a possible mill pond or settlement, records the source for the identification of the 'feature' as the unpublished *Warwickshire Extensive Urban Survey Fillongley Assessment (Archaeology Assessment)*, prepared by B Morton and dated 2011. I have contacted the Warwickshire HER to obtain a copy of the 2011 document and have been informed that there is no report with such a date, that the relevant project ended in 2015 and any resulting reports are dated to either 2014 or 2015. With regard to Fillongley, the resulting report dates to 2015. It may be that the HER officer at the time, in creating the relevant entry, was utilising raw, 'work in progress' data. There is no reference to the earthworks within the 2015 *Warwickshire Historic Towns Project: Fillongley Historic Character Assessment* report,³⁸ and thus no further information is available regarding the identification and resulting interpretation of the 'earthworks'.
- 5.26. In light of the above, I do not consider that there is currently sufficient evidence to state that earthworks, located c.100m north of the Appeal Site, should be classified as a NDHA.
- 5.27. Irrespective, even should it be determined that the 'earthworks' are NDHAs, I do not consider that the Appeal Site has the potential to contribute to the understanding of the earthworks, such that they should be identified as having the potential to be sensitive to the proposals. The Appeal Site simply forms part of the wider agricultural landscape, now modern in character, and does not contribute to the understanding or experience of the possible form or function of the earthworks, nor their possible connection with the Ringwork, as now experienced.
- 5.28. The same is also the case with regard to the ridge and furrow earthworks referred to within the Keystone Heritage report. The Appeal Site is now characterised by post-War field systems, with no clear evidence of surviving ridge and furrow earthworks, and does not contribute to the understanding of ridge and furrow earthworks beyond the Appeal Site. It should also be noted that whilst the earthworks to the east of the Appeal Site do indeed lie within an adjacent field, the recorded earthworks to the west are located c.300m to the west separated from the Appeal Site by a road, fields and farmstead.

³⁸ Warwickshire County Council, 2015, Warwickshire Historic Towns Project: Fillongley Historic Character Assessment (English Heritage Project Number 5222) – Heritage PoE Appendix 5.

- 5.29. The basis from which the identification of the ridge and furrow earthworks has been made is also currently unknown. A review of aerial photographs from the 1950s onwards of the area identified to the east of the Appeal Site (the only earthworks considered to have the potential to be of relevance to this Appeal) has not identified any clear expressions of earthworks associated with ridge and furrow, nor were any clear above ground earthworks noted during the site visit. Neither the source nor current situation is reflected in the assessment presented within the Keystone Heritage Report.
- 5.30. The Keystone Heritage Report continues by identifying the remains of a field barn recorded on the HER to southeast of the Appeal Site and part of the course of Meriden Road to the northwest the Appeal Site as NDHAs.
- 5.31. With regard to the field barn, again the identification of these feature as a NDHA is understood to derive from the HER data. Based upon onsite assessment, it would appear that some standing remains of the field barn remain; however it is my position that the value would not be sufficient to warrant consideration in the decision-making process. Specifically, and in reference to the NWBC 'local list' guidance, the remains are not considered to provide any particular insight into the post-medieval or modern agricultural practices, beyond what is already known from the archival record. Even if it was deemed that the field barn beyond the bounds of the Appeal Site was of sufficient interest to warrant classification as a NDHA, then I do not consider that any interest that it may hold would be sensitive to the proposed changes within the Appeal Site when taking into account the current baseline conditions.
- 5.32. The classification of part of Meriden Road as a NDHA is understood to be based purely on this section of the route following the alignment of a road depicted on 19th-century mapping. I do not consider that this is sufficient to warrant classification of the road as being a NDHA, and if such an approach was to be taken then numerous roads across the Country would be classified as NDHAs, even the M1 motorway which partially follows the alignment of a Roman road. Furthermore, in accordance with the discussion set out above in regard to the footpath, it is not considered appropriate to simply pick and choose which parts of the route may be considered to be of potential value, with changes to the route and its surrounds also be a key consideration.
- 5.33. At Page 46 of their report, Keystone Heritage provide a table which they state provides a summary of *'The heritage assets potentially affected by the solar farm proposal...'* Within said table, Keystone Heritage only make reference to the footpath and relevant section of Meriden Road as individual NDHAs, with the remainder of the NDHAs discussed above grouped as part of a *'Remnant medieval landscape'* or as *'Post-medieval landscape features'*.
- 5.34. This grouping of 'features' is reflected in Keystone Heritage's summary of their position on the significance of the NDHAs that they have identified:

"Individual elements of the medieval and post-medieval landscape south of Fillongley are [sic] have scope for further investigation, but are likely, in isolation, to be of low significance.

The value of these assets, however, lies not in their individual significance but in the sum of their parts – in their collective significance as a landscape of aesthetic appeal and

high historic value that is legible as illustrative of the organic evolution of the area over centuries.³⁹

- 5.35. Despite these conclusions, and the content of the table provided at Page 46 of the Keystone Heritage Report, Keystone Heritage have confirmed via the SoCG process that *"It was not the intention to ascribe entire periods of landscape as NDHAs – rather that individual elements within those relic landscapes are identifiable as NDHAs and these contribute to the whole."*⁴⁰
- 5.36. Thus, there is ambiguity within the evidence of Keystone Heritage as to whether they are seeking to identify individual NDHAs or group 'features' together as part of an overarching discussion on historic landscape. Caution is advised in regard to the double counting of potential NDHAs, and in turn potential impacts, due to the manner to which matters have been presented within the Keystone Heritage Report.
- 5.37. Furthermore, the Keystone Heritage Report appears to indicate that it is their opinion that the landscape simultaneously represents a relic medieval and post-medieval landscape. It is difficult to see how this could be the case, when surely any changes associated with the latter would have impacted upon the survival of the former.
- 5.38. To confirm, it is my opinion that the Appeal Site itself is not considered to be of sufficient intrinsic interest as now extant to warrant classification as a non-designated historic landscape, associated with either the medieval or post-medieval periods. It is also my opinion that the discussion presented throughout the Keystone Heritage report, and upon which their opinion on heritage significance and impact is based, does not provide an accurate reflection of the Appeal Site as currently extant and experienced.
- 5.39. It is acknowledged that there are areas within the environs of the Appeal Site where medieval landscape, or post-medieval landscape, could be considered to be intelligible via field patterns, but this is not the case with the Appeal Site. The assessment presented within the Keystone Heritage Report is sweeping and does not clearly articulate the differences between the character of the Appeal Site and the surrounding area.
- 5.40. In considering potential impacts arising from the proposed development, the Keystone Heritage Report identifies 'direct' impacts on the presumed 'buried' NDHAs within the Appeal, Site, and states that the proposals would *"dramatically alter the character of the historic footpath"* and affect the *"Dynamic views east across the site from Meriden Road."*⁴¹ As set out above, Keystone Heritage consider that both the footpath and sections of Meriden Road represent NDHAs.
- 5.41. In response to the 'assessments of impact' provided at §9.21–9.23 of the Keystone Heritage Report the following commentary is made:
- With regard to the former deer park, the proposed development would result in a change in character to one small part of the presumed extent of the deer park (Field 5 on Plate 2), the composition and character of which is not a relic of the historic

³⁹ Keystone Heritage Report, §8.29 – 8.30 – Core Document 9.10.

⁴⁰ Commentary provided by Catherine Tuck of Keystone Heritage on 22nd January 2025 on the draft Heritage Rule 6 SoCG.

⁴¹ Keystone Heritage Report, §9.21–9.23 – Core Document 9.10.

arrangement (see **Section 4**). The presumed extent of the deer park in this location would remain understood via the retention of the existing field boundaries, and there are no features within Field 5 associated with the deer park that would be 'obscured' per se. When considering change in the context of the current baseline, there would be no change to the understanding and experience of the presumed deer park through 'direct' or 'indirect' impacts.

- As discussed further in **Section 6**, the proposed archaeological mitigation strategy agreed within NWBC aims to prevent the loss of any archaeological remains which may warrant preservation in-situ, with the contingency to record any archaeological remains of lesser value, as applicable. Remnants of the field barn within the Appeal Site are not considered to be of sufficient value that the loss should be considered within the planning terms, but could be mitigated via mitigation strategy, if deemed appropriate. Potential impacts on the field barn were not raised by the County Archaeologist within their consultation responses.
- It is my opinion that the assessments presented in regard to the footpath and Meriden Road fail to take into account the current character of these route, in particular what is visible and audible from them. Due to the changes which have occurred within the mid-late 20th century, one does not pass through a historic landscape as they utilise the routes in so far as they interact with the Appeal Site. It should also be noted that the route of the footpath as extends southwards from the Appeal Site has been altered by the same mid-late 20th century changes, and I do not consider that the experience as one utilises the footpath is a 'historic experience'. In addition to the character of agricultural fields in which one is moving through, the M6 motorway takes one out of what could be considered to be interpreted as a 'historic character'.
 - Accordingly, the proposals would represent a change to a landscape already characterised by 20th-century change, experienced from one section of the route of the footpath and Meriden Road.
- The routes of both, in so far as they are now aligned and accessible, would be preserved, and the change would be understood as a change within a landscape which is not a relic of the historic arrangement, and is dominated visually and audibly by the M6.
 - The PRoW would be preserved within a 'green driveway'. Whilst a change in character, this needs to be considered in the context of the existing baseline. The landscaping would provide a generous buffer, and the experience of travelling through a green space with field boundaries will be retained. Accordingly, it is my opinion that no harm should be identify to any value that alignment of the footpath may be deemed to hold, should it be considered by the decision maker to represent a NDHA.
 - Equally, the ability to view the proposal from Meriden Road would not alter the understanding of the route of the road as now extant, or remove the ability to obtain views from it. In considering views from Meriden Road, it is also important to take into account that views from this route are transient (the road is a 60mph road with no footway), glimpsed and oblique. They are not lingering views and are frequently restricted by adjacent vegetation.

- Thus, whilst representing a change in the surrounds of one section of the road, it is my opinion that no harm should be identified to any value that alignment of the road, may be deemed to hold, should it be considered by the decision maker to represent a NDHA.

- 5.42. The Keystone Heritage Report continues by discussing the proposed landscaping plan, and states that: *"for the most part, the proposed hedging will be on alignments that do not correspond with any historic field boundaries. Although some historic hedgerows were removed in in the 20th century to create larger fields, many still survive, including within the appeal site."*
- 5.43. On this basis, the Keystone Heritage report sets out the opinion that *"The effect of this will be not only be to fail to reinforce the historic field pattern of the site, but more importantly, to actively create hedging – that will be permanent – along lines that confuse and obscure the historic field pattern that has formed part of the agricultural landscape for centuries."*⁴²
- 5.44. The above discussions are supplemented by an extract from the 1849 Tithe Map with the location of new hedgerows superimposed atop of the map. The caption reads as follows: *'...Tithe map (from Heritage & Archaeology Assessment by BWB) showing the site (red line) and pattern of historic fields, overlain with lines of proposed new hedging that conflict with historic field boundaries (green dotted lines).'*⁴³
- 5.45. Both the assessment text and the image caption fail to acknowledge that the current field pattern does not read as a relic of the historic pattern due to the extent of change that has occurred, and again provides a confusing amalgamation between discussion on land within and outside of the Appeal Site. Furthermore, as demonstrated in Section 5 of the Evidence of Mr Cook, it is evident that the 'lines of new hedging' presented in the Keystone Heritage Report are not accurately drawn, in particular in regard to the alignment of the new 'Green Lane' planting which the Appellant is proposing on either side of PRoW, and do not provide an accurate representation of the proposals in relation to either the current or historic context.
- 5.46. The proposed planting would reintroduce much smaller field parcels within the Appeal Site, which although not on the same alignment as boundaries depicted on historic mapping, could be considered to be better reflective of the historic field pattern of the area, as discernible via historic sources and the wider surrounds of the Appeal Site. However, as I do not consider that the Appeal Site should be considered to represent a non-designated landscape due to either its presumed surviving medieval or post-medieval character this is not considered to be a heritage matters.
- 5.47. The Keystone Heritage Report summarises their position on impacts on NDHAs as follows:
- §9.26 – *"Individually, the NDHAs are generally of low heritage value (or unknown in the case of potential buried archaeology). Direct and indirect impact of this type is assessed as ranging from moderate to major adverse."***

⁴² Ibid., §9.25.

⁴³ Ibid., Figure 37, p. 58.

§9.27 – “On assets of low sensitivity a moderate level of change will result in a significance of effect that is slight to moderate adverse. In NPPF terms, this equates to ‘less than substantial harm’.”

- 5.48. There is a lack of clarity within the Keystone Heritage Report as to what which of the presumed NDHAs they consider to be impacted upon, whether potential impacts are to individual NDHAs or collective groups, or the level of harm considered to arise.

Summary Conclusions on NDHAs

- 5.49. In summary, I do not consider that the ‘features’ identified by Keystone Heritage as NDHAs located within the Appeal Site should be considered as such, nor do I consider that the Appeal Site should be classified as a non-designated landscape associated with either the medieval or post-medieval period.
- 5.50. The assessment provided within the Keystone Heritage Report over relies on HER data, without considering the source of identification or the current context.
- 5.51. Furthermore, the assessment presented does not accurately reflect the current character or composition of the Appeal Site, nor the manner to which it is experienced.
- 5.52. Even if the Decision-Maker was to conclude differently and consider that some ‘features’ identified on the HER or by Keystone Heritage within the surrounds of the Appeal Site should be deiminated to be classified as NDHA, I do not consider that these would be sensitive to change within the Appeal Site as a result of a change in ‘setting’.
- 5.53. As confirmed within the LPA Heritage SoCG,⁴⁴ it is the position of 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. Relic 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.

⁴⁴ Core Document 12.9.

6. Archaeology.

- 6.1. The archaeological potential of the Site, based upon available sources, was considered within the Heritage and Archaeology Assessment prepared by BWB and submitted as part of the original application submission package. No concerns were raised by the NWBC or the Warwickshire County Council Senior Historic Environment Officer in regard to the content of the assessment.
- 6.2. The first consultation response from the Warwickshire County Council Senior Historic Environment Officer was received on 11th April 2023. Within the response the Senior Historic Environment Officer recommended that archaeological evaluation in the form of a geophysical survey and trial trenching was undertaken prior to determination in order to inform possible mitigation options and to informed decision-making (as required).⁴⁵
- 6.3. Following receipt of the April 2023 response, a Technical Note was submitted to NWBC by the Appellant which confirmed their *'commitment that following the granting of planning permission, should evaluation identify significant archaeological remains requiring preservation in situ across any part of the site then the construction methodology across those areas will avoid any below ground impacts.'*⁴⁶
- 6.4. The Technical Note continued by identifying six methods which could be implemented, depending on need following the undertaken of further archaeological investigations. The six methods proposed are summarised follows:
- A programme of further fieldwork, the scope and need of which would be dependent on several factors, including the value, extent, depth and fragility of the remains, and the implementation of any other mitigation measures, as set out below.
 - The relocation of heavy infrastructure, such as transformers, away from *'sensitive archaeological areas'*, if deemed appropriate.
 - The avoidance of the tracking by heavily machinery over remains of *'national importance'*, as far as possible.
 - The utilisation of ground mats which can withstand the residual forces of heavy machinery should it not possible to avoid crossing remains of *'national importance'*.
 - If archaeological remains are identified and deemed to warrant preservation in areas where solar panels are proposed, pre-cast anchors can be implemented for both the solar panel modules, and if necessary the deer fencing. The pre-cast concrete anchors avoid the need to pile drive the solar panel modules, and thus prevents below-ground disturbance.
 - The utilisation of overhead cabling to avoid ground disturbance in areas deemed to have *'high archaeological value'*.

⁴⁵ Core Document 3.2, PDF p. 204-206.

⁴⁶ Core Document 3.2, PDF p. 237-242.

- 6.5. In summary, the Technical Note proposes the undertaking of further archaeological investigations in order to ascertain the potential presence and intrinsic value of any below-ground remains that may be present within the Appeal Site, based upon which proportionate next steps can be considered. Such next steps may be the undertaking of a proportionate scheme of archaeological evaluation prior to / during construction works, or applying protective technological mitigation.
- 6.6. The approach set out in the Technical Note is common practice in the construction of solar farms, and deemed appropriate in this case.
- 6.7. Subsequent to the submission of the technical note a revised consultation response was received from Senior Historic Environment Officer on 7th August 2023:

"In light of the commitments that have been made by the applicant and the fact that they have been able to demonstrate that a strategy involving no below ground impacts can be achieved I would wish to amend my previous advice and would now accept that a programme of archaeological work secured by condition will be appropriate in this instance. I would envisage this work taking a phased approach, the first elements of which would include a programme [of] geophysical survey and evaluative trial trenching. I would therefore recommend that, should planning permission be granted for this scheme conditions such as the following be attached to any consent:

No development shall take place until:

a) a Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work has been submitted to and approved in writing by the Local Planning Authority.

b) the programme of archaeological evaluative fieldwork and associated post-excavation analysis and report production detailed within the approved WSI has been undertaken. A report detailing the results of this fieldwork, and confirmation of the arrangements for the deposition of the archaeological archive, has been submitted to the planning authority.

c) An Archaeological Mitigation Strategy document (including a Written Scheme of Investigation for any archaeological fieldwork is proposed) has been submitted to and approved in writing by the Local Planning Authority. This should detail a strategy to mitigate the archaeological impact of the proposed development and should be informed by the results of the evaluation."⁴⁷

- 6.8. On the basis of the above, the Officer Report provided the following discussion on archaeology:

The County Archaeologist considers that the site lies within an area of significant archaeological potential. It is acknowledged that the site is likely to have remained predominantly in agricultural use since the medieval period, but the lack of previous fieldwork undertaken means that the potential of the site for the pre-medieval periods is unknown. As a consequence, it has been agreed with the applicant that evaluative fieldwork will be undertaken in order to establish whether there would be below ground

⁴⁷ Core Document 3.2, PDF p. 238.

impacts. This would take the form of a phased approach through the site including a programme of geophysical survey and evaluative trial trenching for each phase. This approach has been agreed with the County Archaeologist and could be accommodated by planning condition.”⁴⁸

6.9. It is common ground between the Appellant, NWBC and the Rule 6 Party that:

- Matters of below-ground archaeology did not form a reason for refusal.
- The LPA County Archaeologist did not object to the Scheme.
- Archaeology can be suitably and proportionately addressed via the Appellant’s commitment to undertaking a programme of archaeological investigations, based upon which an Archaeological Mitigation Strategy will be prepared and implemented.

⁴⁸ Core Document 2.2, §4.31.

7. Consideration of Identified Harm Within the Decision-Making Process.

- 7.1. Details of the heritage legislation and planning policies which are considered relevant to this Appeal are provided at **Heritage PoE Appendix 3**.
- 7.2. As detailed at **Section 4** of this Proof of Evidence, it is my opinion that harm would arise to the following designated heritage assets, via a change in 'setting':
- Fillongley Conservation Area.
 - Scheduled Ringwork Castle.
 - Grade II Listed Park House Farm.
 - Grade II Listed Fillongley Mount.
- 7.3. It is my opinion that the harm arising would be at the lower end of less than substantial harm, with this taking a precautionary approach. The harm identified would be removed following the decommissioning of the solar farm and removal of associated infrastructure.
- 7.4. The *Palmer* case sets out that:
- “Although the statutory duty requires special regard to be paid to the desirability of not harming the setting of a listed building, that cannot mean that any harm, however minor, would necessarily require planning permission to be refused.”⁴⁹***
- 7.5. The less than substantial harm identified to the above designated heritage assets should be considered alongside the wider public benefits of the proposals, in accordance with §215 of the NPPF, Policy LP15 of the Local Plan and Policy FNPO6 of the Fillongley Neighbourhood Plan.
- 7.6. The Courts (*Pugh*⁵⁰) have held that where the decision-maker works through the sequence for dealing with proposals which impact upon heritage assets in the context of §212–215 of the NPPF and finds that any harm to significance is outweighed by public benefits, then the clear and convincing justification referred to at §213 of the NPPF is in place.
- 7.7. Policy considerations are addressed within the Evidence of Mr Bainbridge.
- 7.8. With regard to the consideration of Park House Farm and Fillongley Mount, §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***

⁴⁹ *Palmer v Herefordshire Council & Anor* [2016] EWCA Civ 1061. Paragraph 34 – Core Document 7.22.

⁵⁰ *Pugh v SoS for Communities and Local Government* [2015] EWHC 3 (Admin) – Core Document 7.28.

or its setting or any features of special architectural or historic interest which it possesses.⁵¹ (my emphasis)

- 7.9. Key is the use of the terms ‘special regard’ and ‘desirability’. §66(1) does not state that where a development does not preserve or enhance a development that it must be considered contrary to legislation and should be refused. See also comments above regarding the *Palmer* case.
- 7.10. As clarified by the Court of Appeal (*Mordue*⁵²), where the principles of the NPPF (specifically that of §215) are applied this is in keeping with the duties of the Planning (Listed Buildings and Conservation Areas) Act 1990, which requires ‘special regard’ to be paid to ‘desirability of preserving the architectural and historic interest of a Listed Building, including any contribution made by its ‘setting’.
- 7.11. The statutory duty pertaining to the consideration of Conservation Area is set out in §72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, and reads as follows:
- “In the exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”***⁵³ (my emphasis)
- 7.12. §72(1) applies to the consideration of changes *within* the boundary of a Conservation Area only, and does not extend the duty to the consideration of changes in ‘setting’.⁵⁴ Thus the 1990 Act, in so far as it applies to Conservation Areas, is not engaged or offended by the proposals.
- 7.13. The Ancient Monuments and Archaeological Areas Act 1979 does not extend to the consideration of the setting of Scheduled Monument. The proposals do not affect the physical fabric of the Scheduled Ringwork Castle and there is no provision within the 1979 Act for the consideration of changes in setting; thus, the Act is not engaged or offended by the proposals.
- 7.14. Whilst I do not consider that there are any NDHAs which would be impacted upon by the proposed development, the following commentary is provided in regard to how NDHAs should be considered within the decision-making process.
- 7.15. Should harm be deemed to arise to a NDHA, this should be considered within the context of §216 of the NPPF, Policy LP15 of the Local Plan and Policy FNPO6 of the Fillongley Neighbourhood Plan.

⁵¹ UK Public General Acts, Planning (Listed Buildings and Conservation Areas) Act 1990, Section 66(1).

⁵² *Jones v Mordue* [2015] EWCA Civ 1243 – Core Document 7.23.

⁵³ UK Public General Acts, Planning (Listed Buildings and Conservation Areas) Act 1990. Section 72(1).

⁵⁴ As per the High Court case of *James Hall v City of Bradford*, [2019] EWHC 2899 (Admin) Para. 17 – Core Document 7.49.

- 7.16. High Court Judgements have confirmed that when considering potential impacts NDHAs within the decision-making process, the balanced judgement required is different from the public benefits exercise associated with designated heritage assets (as set out in §214 and §215 of the *NPPF*).⁵⁵
- 7.17. Within a High Court Judgment of 2017, Jarman HHJ confirmed that the only requirement of the *NPPF* in respect of NDHAs is *“that the effect of an application on the significance should be taken into account”*.⁵⁶

Planning Policy Referred to Within the Reason for Refusal

- 7.18. The reason for refusal refers to Policies LP1, LP3, LP14 and LP30 of the North Warwickshire Local Plan 2021 and Policies FNPO1 and FNPO2 of the Fillongley Neighbourhood Plan 2019. These policies and their relevance to the consideration of the historic environment are outlined below. Further exploration of the policies is provided within the evidence of Mr Bainbridge (Planning) and Mr Cook (Landscape), as applicable.
- 7.19. The reason for refusal does not make reference to Policy LP15 of the North Warwickshire Local Plan 2021 or Policy FNPO6 of Fillongley Neighbourhood Plan 2019, with these the heritage specific policies of both Plans. As confirmed in **Section 2**, the lack of reference to these policies stems from NWBC considering that heritage should not be a reason for refusal, with any harm to relevant heritage assets outweighed by the public benefits of the scheme.
- 7.20. Policy LP1 pertains to ‘Sustainable Development’ and sets out NWBC’s overarching position on this matter. The policy outlines a number of ‘criteria’ to which development proposals ‘must’ accord, including integrating appropriate with the historic environment, and sustaining, conserving and enhancing the historic environment’. It is, however, highlighted that another such criterion is to accord with the overarching objectives and policies set out within the development plan, with the supporting text making reference to the consideration of the *NPPF*. As such, Policy LP1, which is focussed upon Sustainable Development in general and not heritage matters, cannot be considered to preclude the ‘heritage balance’.
- 7.21. Policy LP3 and Policy LP14 provide NWBC’s policy on ‘Green Belt’ and ‘Landscape’ respectively. Neither of these policies relate to the consideration of the historic environment.
- 7.22. Policy LP30 pertains to the consideration of new ‘Built Form’. There are not considered to be any heritage implications of the wording of the policy in so far as it is applicable to the consideration of this Appeal and the proposal.
- 7.23. Policy FNPO1 of the Fillongley Neighbourhood Plan relates to the consideration of the ‘Built Environment’ and reads as follows:

“Development proposals where possible should ensure the designs of new buildings (including extensions) do not cause a detrimental change to the overall character of the village, the rural landscape of the parish and the setting of the Church through;

⁵⁵ MHCLG, *NPPF*, paras. 214 and 215– Core Document 6.26.

⁵⁶ *Travis Perkins (Properties) Limited v Westminster City Council* [2017] EWHC 2738 (Admin), Paragraph 44 – Core Document 7.27.

- *Encouraging developments that use the scale, shapes, forms of 'traditional Arden Valley buildings', especially in or close to the Conservation Area*
- *Development should conserve the built character of Ancient Arden Landscape by ensuring that new development reflects vernacular features as stated in 'Design Guidelines for Development in Ancient Arden' (WCC Arden Character Guidelines 1993) (Evidence Base 05/03 National Character Assessment Area 97 Arden). See FPC website.*
- *Development that will affect the setting of the Church should be in accordance with the North Warwickshire Local Plan and the advice of Historic England."*

7.24. In considering the reference to the Church of St Mary and All Saints within Policy FNPO1, it is important to note that:

- Potential impacts on the experience of the Church of St Mary can be associated with changes in landscape character, and not just the heritage significance of the Church, as set out in **Section 4** of my Evidence. As confirmed within the LPA Heritage SoCG, NWBC have confirmed that in writing the reason for refusal that they were referring to landscape matters only.⁵⁷
- Policy LP15 of the North Warwickshire Local Plan allows for the consideration of heritage harm against the public benefits of a scheme. Thus, if harm was to arise to the Church of St Mary and All Saints via a change in 'setting' and deemed to be outweighed by the public benefits of the scheme, then a development would be in accordance with the Local Plan.
- The potential requirement for consultation with Historic England in this case is discussed further below; however, it is important to note that Policy FNPO1 does not state that should Historic England advise that harm arises to the heritage significance of the Church as a result of a proposed development that this should result in the refusal. Again, this would be matter for the planning balance, to which the wording of the policy also refers.

7.25. Policy FNPO2 pertains to the consideration of the 'National Environment'. This policy is not of relevance to the consideration the historic environment.

⁵⁷ Core Document 12.9, §2.1.

8. Commentary on Rule 6 Party Evidence.

- 8.1. This Section provides my professional opinion on a number of matters discussed within the Keystone Heritage report, submitted on behalf of the Rule 6 Party, which I consider is of relevance to the Appeal. The commentary provided in this Section should be read alongside commentary made on the case of Keystone Heritage within **Sections 4** and **5** of my Evidence.
- 8.2. Naturally my Evidence (as presented within this Section and wider elements of this Proof of Evidence) does not cover every point raised by Keystone Heritage, and my not referencing each point should not be taken to necessarily indicate my agreement with the approach, analysis or findings of the Keystone Heritage Report.

The Keystone Heritage Report Methodology

- 8.3. The Keystone Heritage Report states that:

“The general methodology used in the production of this Heritage Statement follows an approach to the assessment of the historic built environment that is widely adopted as heritage industry standard. The process follows that set out by Historic England⁵⁸, by the Chartered Institute for Archaeologists⁶ and in guidance contained within the NPPF on conserving and enhancing the historic environment. ⁷ The levels and tables used to quantify significance and impact are taken from the ICOMOS ‘Guidance on Heritage Impact Assessments for Cultural World Heritage properties’ (2011).”⁵⁸

- 8.4. The 2011 ‘Guidance on Heritage Impact Assessments for Cultural World Heritage properties’ referred to the Keystone Heritage Report was replaced in 2022 by the *Guidance and Toolkit for Impact Assessments in a World Heritage Context*. The 2022 document does not include the same matrix-based approach or definitions set out in the 2011 document, upon which Keystone Heritage have based their assessment.
- 8.5. A matrix-based approach to assessing potential impacts on the historic environment is not advocated within the *NPPF*, the *PPG* or Historic England guidance. The use of matrix-based approach is standard practice for the preparation of Environmental Impact Assessments (‘EIAs’); however, these are governed by their own set of requirements. The use of a matrix-based approach can lead to the ‘double counting’ of potential impacts, and their use does not clearly align with the terminology of the *NPPF*, or Local Policy, to which a decision should be made against.
- 8.6. The suitability of utilising a matrix-based approach to consider the changes to the historic environment, outside of an EIA situation, was explored within a recent Appeal Decision as follows:

100 – “...the Council’s witness employed a matrix approach, taking the value of the asset as well as the magnitude of change to derive a level of significance, which was then applied as a grading linked to a spectrum of response within the Framework’s LTS and Substantial Harm categories. I can see the source of such an approach in landscape studies, EIA approaches and that set out in the ICOMOS guidance. The assessment of

⁵⁸ Keystone Heritage Report, §4.1 – Core Document 9.10.

harm to significance is quintessentially one of judgement and providing a methodology that would appear to deal with the value of the asset, the scale of the change and a calculation of a relative level of significance is superficially attractive.

101 – “However, a number of clear issues arose when tested, not least that the concept of categorising harm as LTS or Substantial is a function of the Framework’s approach, which then provides a clear commentary as to the relative weight that arises from these based on the value of the asset. Taking the value into account in assessing the effect on assets must differ from the approach expected by the Framework as it can only lead to counting the value of the asset twice in calculating the weight to be derived.”⁵⁹

- 8.7. Accordingly, it is my opinion that the matrix-based approach utilised by Keystone Heritage does not reflect best practice set out in the NPPF, the PPG or Historic England guidance, and its use has led to the conflating of a) of the level of harm that may occur to heritage assets; and b) the manner to which identified harm is articulated in the terms of the NPPF.
- 8.8. A particular example is that of the harm identified in relation to the Scheduled Ringwork Castle.
- 8.9. At §9.7 the Keystone Heritage Report sets out that:
- “Using the scale in figure 11, this impact is deemed to ‘negatively alter the setting or overall character of the heritage asset and detract from overall significance’. As such, this constitutes change that is moderate adverse.”***
- 8.10. As the Scheduled Monument is classified as an asset of ‘high value’, the matrix-based approach results in a level of impact will result in a significance of effect that is moderate/large adverse. This approach lacks the ability to present an accurate and nuanced understanding as to the extent of change that may arise or how this may alter the contribution made by the setting of the asset to its overall significance. Furthermore, when it is deemed suitable to utilise a matrix-based approach (i.e., in the preparation of EIAs) where a matrix leads to the identification of two possible effects, it is common practice for professional judgment to be articulated as to which of the possible effects is applicable.
- 8.11. Leading to how the identified levels of matrix-based harm equates to the terminology of the NPPF, it is my opinion that the manner to which this has been ‘converted’ in relation to the NPPF is inaccurate and conflates the level of harm that could be deemed to arise.
- 8.12. §9.7 of the Keystone Heritage Report continues by stating that:
- “Due to the impact [on the Scheduled Ringwork] being indirect rather direct, in NPPF terms, this equates to harm that is at the very upper end of ‘less than substantial’.”***
- 8.13. The above would indicate that Keystone Heritage only consider that ‘substantial harm’ does not arise because the impact is via a change in ‘setting’ and is not physical impacted upon. This position is considered to be unfounded when taking into account the known definition of

⁵⁹ Appeal Ref: APP/H1705/W/22/3302752 The Street, Bramley, Hampshire RG26 5BP, 29th March 2023 – Core Document 7.15.

substantial harm (see further below) and demonstrates the dangers of utilising a matrix based approach in conflating matters.

8.14. Furthermore, it has been confirmed in the High Court that there is no separate scale for the consideration of physical or non-physical impacts ('direct' or 'indirect' in the terms of the Keystone Heritage Report) to a heritage asset. The consideration remains what would the proposed change have on the overall heritage significance of the asset, be that via a physical change or a change in 'setting'.⁶⁰

8.15. The guidance set out within the PPG clarifies that "substantial harm" is a high test, and that it may not arise in many cases. It makes it clear that it is the degree of harm to the significance of the asset, rather than the scale of development, which is to be assessed:

"In general terms, substantial harm is a high test, so it may not arise in many cases. For example, in determining whether works to a listed building constitute substantial harm, an important consideration would be whether the adverse impact seriously affects a key element of its special architectural or historic interest. It is the degree of harm to the asset's significance rather than the scale of the development that is to be assessed. The harm may arise from works to the asset or from development within its setting."

While the impact of total destruction is obvious, partial destruction is likely to have a considerable impact but, depending on the circumstances, it may still be less than substantial harm or conceivably not harmful at all, for example, when removing later additions to historic buildings where those additions are inappropriate and harm the buildings' significance. Similarly, works that are moderate or minor in scale are likely to cause less than substantial harm or no harm at all. However, even minor works have the potential to cause substantial harm, depending on the nature of their impact on the asset and its setting.⁶¹ (my emphasis)

8.16. In considering potential impacts to an asset as a result of a change in 'setting', the Edith Summerskill House Decision set out that:

"In cases where the impact is on the setting of a designated heritage asset, it is only the significance that asset derives from its setting that is affected. All the significance embodied in the asset itself would remain intact. In such a case, unless the asset concerned derives a major proportion of its significance from its setting, then it is very difficult to see how an impact on its setting can advance a long way along the scale towards substantial harm to significance."⁶²(my emphasis)

8.17. Accordingly, the identification of harm to the Scheduled Ringwork being at the upper end of the less than substantial harm spectrum does not accurately reflect the nature of change that would occur.

⁶⁰ EWHC 2847, R DCLG and Nuon UK Ltd v. Bedford Borough Council, Para 25 – Core Document 7.21.

⁶¹ MHCLG, PPG,, Paragraph: 018 (ID: 18a-018-20190723 Revision date: 23.07.2019) – Core Document 6.34.

⁶² APP/H5390/V/21/327713 [2023] – Edith Summerskill House, Clem Attlee Court, London, SW6 7TW, Paragraph 12.50 of main Decision – Core Document 7.25.

Use of '3D' GoogleEarth Imagery

- 8.18. At Figures 24, 26 and 28, the Keystone Heritage Report utilises 3D GoogleEarth imagery to provide an indication as possible views from Park House and White House Farmhouse towards the Appeal Site and to demonstrate the 'elevated position' of the Church of St Mary and All Saints.
- 8.19. These images do not provide an accurate represent of possible views or intervisibility, and are effectively taken from a 'floating' location, which neither the exact location or height is known. They should not be relied upon in the presenting of accurate evidence.

Use of Photomontages

- 8.20. At Figures 32, 34 and 36 the Keystone Heritage Report reproduces extracts from the photomontages prepared by Troopers Hill on behalf of the Rule 6 Party. It should be noted that the extracts reproduced are of 'Year 1' only and do not include references to 'Year 15' when the proposed landscaping would have become established.

Appeal Decisions Referred to Within the Keystone Heritage Report

- 8.21. Keystone Heritage outline two appeals within Section 5 of their Report which they consider represent 'recent precedents' made by the Planning Inspectorate that are of relevance to this Appeal.

APP/W3005/W/3323953 – Hamilton Hill Farm, Cauldwell Road, Sutton in Ashfield

- 8.22. The application considered under APP/W3005/W/3323953 pertained to the installation of a 7MW solar farm, adjacent to an urban area. The Site was situated c.150m from a Scheduled Monument, and in proximity to the base of the topographical mound upon which the Scheduled area was located. The function of the Scheduled Monument relevant to the case – 'Mound on Hamilton Hill' – is unknown, with possible suggestions being the site of a Bronze Age barrow, look out, site for gallows or a medieval meeting place.
- 8.23. In considering the relevance of APP/W3005/W/3323953 it must be acknowledged that the Scheduled Monument considered under that Appeal differs from that associated with this Appeal, and had a distinctly different spatial and visual relationship with the Appeal Site than is the case here. There is also a distinct difference in the size and capacity of the solar scheme proposed – the scheme proposed under APP/W3005/W/3323953 would have had a capacity of 7MW, whilst that proposed under this Appeal has a capacity of 40MW. This is of relevance in regard to the public benefits that may be deemed to arise from the proposals.
- 8.24. Irrespective, the Appeal Decision simply confirms the decision-making process in so far as it relates to the consideration of Scheduled Monuments. Specifically, a degree of harm was identified by the Inspector as arising to the heritage significance of the Scheduled Monument as a result of a change in 'setting', which the Inspector judged to be 'less than substantial'. In accordance with the *NPPF*, the Inspector considered the identified harm against the public benefits associated with the scheme proposed under APP/W3005/W/3323953, with it their opinion that the benefits in that case did not outweigh the harm.

- 8.25. This does not set a precedent that in situations where harm to a Scheduled Monument is identified that this would require a Planning Permission to be refused.
- 8.26. In considering the balance, the Inspector rightly identifies that no requirement exists in legislation to consider changes to the 'setting' of Scheduled Monument. This is the only element of the Decision associated with APP/W3005/W/3323953 that is considered to be of relevance to the consideration of this Appeal, albeit it is simply confirming a matter of fact.

s62A/2022/001 – Land East of Pelham Substation, Maggots End, Manuden

- 8.27. One of the reasons for refusal of the S62A application was that the relevant applicant had failed to provide sufficient information on archaeological assets, and in that case the Inspector considered whether the information which had been provided at the time of decision making was reasonable and proportionate.
- 8.28. As confirmed in **Section 5** of my evidence, the County Archaeologist was satisfied, despite the Appeal Site not being subject to investigation prior to determination, that the Applicant had provided sufficient information to demonstrate a commitment to the undertaking of further archaeological fieldwork, the result of which would inform a suitable and proportionate Archaeological Mitigation Strategy. Furthermore, potential impacts on below ground archaeology did not form a reason for refusal.
- 8.29. It is agreed between all parties (including the Rule 6 Party) via the relevant Heritage SoCG that archaeology can be suitably and proportionately addressed via the Appellant's commitment to undertaking a programme of archaeological investigations, based upon which an Archaeological Mitigation Strategy will be prepared and implemented.
- 8.30. With regard to other heritage assets, as with the Appeal discussed above, s62A/2022/001 simply confirms the decision-making process.
- 8.31. On this basis, s62A/2022/001 is not considered to be of relevance to this Appeal.
- 8.32. The Keystone Heritage Report rightly identifies that the matter was subsequently considered at the High Court 9 (Low Carbon Solar 6 Ltd v Secretary of State for Levelling Up, Housing and Communities [2024] EWHC 770 (Admin)); however, the matters at the heart of the case are not considered to be applicable to this Appeal. The single ground of challenge that the Inspector dealt with the applicant's appeal in a manner that was procedurally unfair because he refused to take account of rebuttal evidence which the appellant had submitted late in the appeal process. That issue does not arise in this case.

Consideration of Whether the Scheme is Temporary or Permanent

- 8.33. At §9.1-9.2, the Keystone Heritage Report sets out that:

"Care should in taken in regarding the proposed solar farm development as 'temporary'. The life span of the scheme is intended to be 40 years. A similar projected lifespan for another solar farm scheme was considered by the Inspector⁵⁰ to be perceived as permanent rather than temporary features within the landscape given the chronological span (equivalent to a generation), together with the scale and size of the proposal."

“In addition to the visual impact of development, infrastructure such as panel supports, tracks and fencing, over time will generate their own wear patterns and areas of soil accretion. Even after de-commission, these will inevitably leave traces in the landscape that confuse or obscure historic landscape features. Impact on potential buried archaeology within the site cannot be classed as temporary; the invasive destruction of stratigraphic layers beneath the surface is permanent.”.

- 8.34. The Appeal decision referenced in footnote 50 of the above quote is s62A/2022/001, as discussed above.
- 8.35. Whilst this Appeal decision is noted, there are numerous recent solar Appeal decisions which have concluded that solar development with a lifespan of 40 years is temporary. It is my opinion that the proposals are temporary by virtue of the fixed lifespan and measures in place for its decommissioning.
- 8.36. As set out in **Section 3** of the only element of the proposed development which would remain post decommissioning is the DNO substation in the far southwest corner of the Appeal Site. I do not consider that following decommissioning that there would be traces of the solar farm that would ‘confuse or obscure historic landscape features’ when taking into account the current character of the Appeal Site, as explored in **Sections 2–5** of my Evidence. This includes the possible retention of the proposed hedgerow boundaries as discussed in **Section 5**.
- 8.37. As confirmed above, it is agreed between the parties that archaeology can be suitably and proportionately addressed via the Appellant’s commitment to undertaking a programme of archaeological investigations, based upon which an Archaeological Mitigation Strategy will be prepared and implemented. As indicated by the Technical Note previously provided by the Appellant to NWBC, upon which the County Archaeologist made their professional recommendations, any future storage would seek identify construction and design measures which would result in no below ground impacts to any below grounds remains interest.

Interpretation of Planning Policy Within the Keystone Heritage Report

- 8.38. Within their conclusions, Keystone Heritage outline that *“While the public benefits of moving towards a lower carbon-polluting future are probably undisputed, no evidence appears to have been put forward as part of the proposed development that the same public benefits cannot be achieved in a location of much lower historic sensitivity – one that does not incur the same degree of harm to the historic environment. As such, the proposal is not deemed to comply with paragraphs 208 or 209 of the NPPF [215 and 216 of the December 2024 NPPF].”*
- 8.39. Utilising the same rationale, Keystone Heritage deem that the proposals are contrary to Paragraph 213 of the December 2024 NPPF, Policy LP15 of the North Warwickshire Local Plan and Policy FNPO6 of the Fillongley Neighbourhood Plan.
- 8.40. Firstly, it is not clear upon the basis to which Keystone Heritage have to make the planning judgement which they have presented within their report, and we would highlight that it is common ground between the Appellant and the Rule 6 Party that it is the role of the decision-maker to consider any harm to heritage against the public benefits of a scheme.

- 8.41. In regard to relative wording and considerations of Paragraph 213, 215 and 216 of the NPPF, Policy LP15 of the North Warwickshire Local Plan and Policy FNPO6 of the Fillongley Neighbourhood Plan, I refer to the discussion presented within the **Section 7** of my Evidence and to the Proof of Evidence of Mr Bainbridge.
- 8.42. It is also reiterated that it is common ground between the Appellant and the LPA any harm to the historic environment would be outweighed by the public benefits of the proposals. This is irrespective of any differences between the Appellant and the LPA on what heritage assets have the potential to be sensitive to the proposals.

9. Summary Position of the Parties Regarding the Historic Environment

9.1. The following provides a summary of the position of the Appellant, NWBC and the Rule 6 parties on heritage matters, as ascertained via the Statement of Common Ground process.

Relevant Aspect of the Historic Environment	My Position.	Position of NWBC	Position of the Rule 6 Party
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'	<i>'Moderate/ large adverse'</i> effect in terms of the matrix format utilised within the Keystone Heritage report. Less than substantial harm, at the very upper 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'	<i>'Moderate/ large adverse'</i> effect in terms of the matrix format utilised within the Keystone Heritage report. Less than substantial harm, at the very upper 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'	<i>'Slight /moderate adverse'</i> effect in terms of the matrix format utilised within the Keystone Heritage report. Less than substantial harm 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'	<i>'Slight adverse'</i> effect in terms of the matrix format utilised within the Keystone Heritage report. Less than substantial harm 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'	Described in the Keystone Heritage Report as 'not appreciable' harm due to the greater distance between Fillongley Mount and the Site. This equates to less than substantial, at the lower 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'.	<i>'Slight adverse'</i> effect in terms of the matrix format utilised within the Keystone Heritage report. Less than substantial harm to the overall heritage significance of the asset via a change in setting.
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'.	Less than substantial harm, at the lower end of the spectrum, 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'.	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'.	<i>'Slight /moderate adverse'</i> effect in terms of the matrix format utilised within the Keystone Heritage report. Less than substantial harm to the overall heritage significance of the NDHAs via a change in setting.
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 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 can be suitably and proportionately addressed via the Appellant's commitment to undertaking a programme of archaeological investigations, based upon which an Archaeological Mitigation Strategy will be prepared and implemented. This approach is to be secured via Condition.

10. Summary Conclusions.

- 10.1. This Proof of Evidence presents my assessment and opinion of potential impacts on relevant aspects of the historic environment which are the subject of this Appeal.
- 10.2. It is my opinion that the proposed development would result in less than substantial harm, at the low end of the spectrum, to the heritage significance of the following heritage assets:
- Fillongley Conservation Area.
 - Scheduled Ringwork Castle.
 - Grade II Listed Park House Farm.
 - Grade II Listed Fillongley Mount.
- 10.3. The harm identified arises from a change in 'setting' only and would be removed following the decommissioning of the solar farm and removal of associated infrastructure.
- 10.4. The less than substantial harm identified to the above designated heritage assets should be considered alongside the wider public benefits of the proposals.
- 10.5. I do not consider that harm to the heritage significance of the following designated heritage assets, as identified by MBC, would arise as a result of a change in 'setting':
- Grade II* Listed Church of St Mary and All Saints.
 - Grade II Listed White House Farmhouse.
 - Grade II Listed Barn 20 Metres North of Park Farmhouse.
 - Grade II Listed Cartshed and Granary 5 Metres North East of Park House
- 10.6. I do not consider that the 'features' located within the Appeal Site identified as NDHAs by Keystone Heritage should be considered as such, nor do I consider that the Appeal Site should be classified as a non-designated landscape associated with the either the medieval or post-medieval period.
- 10.7. The assessment provided within the Keystone Heritage Report on NDHAs over relies on HER data, without considering the source of identification or the current context. Furthermore, the assessment presented does not accurately reflect the current character or composition of the Appeal Site, nor the manner to which it is experienced.
- 10.8. Even if the Decision-Maker was to conclude differently and consider that some 'features' identified on the HER or by Keystone Heritage within the surrounds of the Appeal Site should be classified as NDHA, I do not consider that these would be sensitive to change within the Appeal Site as a result of a change in 'setting'.

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