



# CLEVE HILL SOLAR PARK

## HERITAGE STATEMENT

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**CLEVE HILL**  
SOLAR PARK



## **SUMMARY**

Cleve Hill Solar Park Ltd, a joint venture between Hive Energy Ltd, and Wirsol Energy Ltd, proposes to make an Application for a development consent order ("DCO") under the Planning Act 2008 for a solar and energy storage generating station project, connecting to the National Electricity Transmission System ("NETS") at Cleve Hill Substation in Kent. This Heritage Statement has been prepared in support of that Application and should be read in conjunction with the other documents submitted with the Application.

This Heritage Statement provides assessments of cultural heritage effects in terms of the National Planning Policy Framework (NPPF) and The Infrastructure Planning (Decisions) Regulations 2010 and gives consideration to Section 66 and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

The assessment concludes less than substantial harm in respect of all designated heritage assets assessed and one of the two undesignated assets assessed. Of the two undesignated assets assessed, the harm is substantial in the case of the World War II Pill Box, but as this asset is not designated, the Section 66 test is not applicable.



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## 1 INTRODUCTION

1. The potential for indirect effects upon cultural heritage features and their setting as a result of Cleve Hill Solar Park ('the Development') is considered in terms of the Environmental Impact Assessment (EIA) Regulations<sup>1</sup> in section 11.5.2 of Chapter 11: Archaeology and Cultural Heritage of the Environmental Statement (ES).
2. This Heritage Statement includes an assessment of the effects in the terms used in the National Planning Policy Framework (NPPF)<sup>2</sup>. Here, the indirect effect under consideration is an effect on the significance of a cultural heritage asset caused by a reduction in the contribution made by the asset's setting to its significance, as a result of development within that setting.
3. This Statement also considers the potential effects of the Proposed Development in terms of the requirements of the Infrastructure Planning (Decisions) Regulations 2010<sup>3</sup>, under which this application will be determined. The Regulations set out (Regulation 3) the duties of the decision-maker with respect to Listed Buildings, Conservation Areas and Scheduled Monuments.
4. For each of the asset types, the decision-maker (in this case the Secretary of State) "must have regard to the desirability of":
  - for Listed Buildings - "preserving the listed building or its setting or any features of special architectural or historic interest which it possesses"; for Conservation Areas – "preserving or enhancing the character or appearance of that area"; and
  - for a Scheduled Monument or its setting – "preserving the scheduled monument or its setting".
5. Note that the requirement under the Regulation is different (and provides a lower threshold) than the duties set out in the Planning (Listed Buildings and Conservation Areas) Act 1990. Although not required for purposes of determining the Application, consideration has been given to the requirements of the Act, as set out below and in the Conclusions.
6. For Listed Buildings, under Section 66 (s66) of that Act, the Secretary of State is required to have "special regard" to the desirability of preserving the building or its setting or any features of special architectural and historic interest which it possesses", and under Section 72 to pay "special attention.... to the desirability of preserving or enhancing the character or appearance of that area" in exercise of functions under planning and related Acts.
7. The following text considers the assets by designation type:
  - Scheduled Monuments;
  - Listed Buildings;
  - Conservation Areas;
  - Registered Historic Parks and Gardens;
  - Historic Battlefields; and
  - Selected non-designated assets
8. The consideration presented here is based on the indirect effect of the operational form of the Proposed Development, as indirect effects during construction and decommissioning will be either the same or of lesser magnitude than during operation.

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<sup>1</sup> The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017

<sup>2</sup> Ministry of Housing, Communities and Local Government (MHCLG)) (2018) National Planning Policy Framework, TSO.

<sup>3</sup> The Infrastructure Planning (Decisions) Regulations 2010

9. A conclusion section summarises the assessments in terms of the NPPF, the Regulations, and s66 and s72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

## **2 SCHEDULED MONUMENTS**

10. All scheduled monuments considered in the EIA are considered to be of high and national importance by virtue of their designation.
11. Two scheduled monuments were identified as being sensitive receptors to the Development in terms of indirect effects to their settings:
  - Salt Mounds; and
  - Sayes Court.
12. Neither of the Scheduled Monuments assessed were considered to receive any significant effect on their setting (in each case, being assessed as negligible and “not significant”). In no case was either Monument determined have a change in setting of such a magnitude that the contribution of that setting to the significance of the monuments themselves was considered to be diminished or harmed (in terms of the NPPF). For purposes of the Infrastructure Planning (Decisions) Regulations, the Monuments and their settings are considered to be preserved.

## **3 LISTED BUILDINGS**

13. All Listed Buildings with 1 km of the core archaeology study area (within the principal archaeology study area) were assessed, and through Zone of Theoretical Visibility (ZTV) analysis, Listed Buildings within 5 km (the wider archaeological study area) were also considered for assessment as a result of consultation with Historic England and Kent County Council.
14. All Listed Buildings are nationally designated and for purposes of this assessment are considered to be of 'high' sensitivity (no matter their grade of listing). Most were assessed as not receiving any effect on their settings so as to reduce their significance (any effects being scored in EIA terms as less than minor – i.e., “not significant”).
15. All of the Listed Buildings within the wider archaeological study area were assessed as receiving an effect on their setting of not significant.
16. Three Listed Buildings were assessed as receiving effects of “minor” significance and, whilst this is not considered a “significant effect” in terms of the EIA Regulations, they are further considered here in terms of the NPPF and in relation to the statutory test under s66.

### **3.1 CHURCH OF ALL SAINTS, GRAVENEY**

17. The Grade I Listed Church of All Saints is located within the northern end of the Graveney Conservation Area in a relatively elevated position. Some of the significance of the church is derived from its landscape setting which is a reminder of the remoteness of the church at the edge of the marshland, however its significance is principally derived from its archaeological and historic value, as well as the architectural value apparent in its fabric which is best appreciated in close proximity to the asset, in addition to having communal value. The church is partially screened by trees to its north, and it possesses only a low tower, so that other than by virtue of its position on elevated grounds, it does not form a major landmark, although it can be seen at distance from the west and east, and in some views from the sea wall to the north (see for example Viewpoint 3 within Chapter 7: Landscape and Visual Impact Assessment). A representative view from the edge of the footpath immediately west of the Church is presented as Viewpoint 8.

18. The Development is focussed upon the lower lying ground and some vegetation screening does exist at the edges of the churchyard which is expected to screen some of the panels from the churchyard. Should the existing vegetation be removed, the Development may be more clearly visible, but it is noted that views in this direction will still include modern elements such as the farm buildings on Cleve Hill and the paddock and shelter immediately in front of Graveney Court. The Grade I listed building is of high sensitivity, and the Development will be noticeable in (glimpsed) views to the north from the Church and from Churchyard (where screening by vegetation along the northern edge of the churchyard permits), and in views on some approaches to the Church along public footpaths to the west, introducing new modern elements into those views (albeit at distance and in the context of other modern development in the wider landscape, such as pylons, etc.). The Development will not be visible together with the Church in approaches to the Church along Graveney Lane from the south and south-west, nor as one accesses the Churchyard via the lychgate.
19. The decision not to include within the indicative development plan infrastructure formerly proposed in Field Y to the north of the Church will have the effect of further separating the Church (and adjacent settlement) on higher ground from the lower former marshland to the north. This will increase visual separation, and help to limit the presence of the Development in views of the Church to the east along public footpaths (see the visualisations presented in Technical Appendix A11.3). This will assist in helping to retain an understanding of the Church within a rural environment (which is still readily apparent to the south and east).
20. However, whilst there is some reduction in the contribution that the current setting makes to the significance of the church, this is limited to longer visual relationships and views over the former marshland. The ability to appreciate the archaeological and architectural value of the church will be undiminished. Taking the above into account, the change in the contribution that setting makes is considered to be subject to a reduction, but this leads to a limited reduction in the significance of the asset overall, as much of the interest for which it is significance will be unaffected.
21. Whilst this limited reduction in the significance of the Church constitutes "harm" as per para 194 of the NPPF, the degree of harm is considered to be "less than substantial". As per paragraph 196, "less than substantial harm" can be weighed against the public benefits of the proposal.

### **3.2 GRAVENEY COURT**

22. This Grade II Listed Building adjacent to Graveney Church at the edge of the marshland is considered to be of high sensitivity. The building is significant in its age (being medieval in its core), historic and archaeological value, and its setting is related to the farm of which it is part, as well as its relation to the church and the higher ground upon which it sits. Whilst its principal elevation faces south so that initial approaches to it do not include the marshland and Development to the north, the rear of the house faces north, and by virtue of its elevated position commands a wide view over the former marshland (and hence the Development). This former marshland aspect (and the currently largely rural setting) is considered to fall within the setting of the building, which was located to take advantage of this higher ground.
23. The panels previously proposed in Field Z and Field Y have been removed from the indicative design as a result of Scoping and Section 42 consultation responses, and this serves to help in maintaining some distance between the building and the Development, helping to retain some of the rural setting in closer proximity to the Court. The panels will be present in longer views to the north from the house but will no longer encroach up the side of Graveney Hill, or into direct line of vision between this asset and the listed Sparrow Court to its west.



24. The Development will not affect the ability to experience and appreciate the architectural value of the house, which is best appreciated in close proximity, nor its relationship to the Church and conservation area to the south and southwest. Nevertheless, the Development will be within the wider setting of the building changing this aspect from a remote and rural aspect (albeit along with other modern elements) to one more modern and perhaps industrial in character. This change in setting is considered to cause some reduction in the contribution of the setting to the significance of the asset overall, and some limited loss of significance ("harm") as a result. The effect is considered to be "low" in magnitude. The overall effect upon the significance of the asset is assessed as minor and not significant in EIA terms and to constitute "less than substantial" harm.
25. As per paragraph 196, "less than substantial harm" can be weighed against the public benefits of the proposal.

### **3.3 SPARROW COURT**

26. Sparrow Court is located 250 m to the south of the Core ASA and is Grade II listed and of high sensitivity by virtue of its designation. Its significance derives primarily from its architectural interest, and it has archaeological and historic interest from its association with the other older buildings within the wider Graveney Settlement (specifically Graveney Court farm and the Church), which are visible on the elevated ground to the east). The house is situated on land slightly higher than the former marshland to its north, but does not appear to have been originally designed with specific views in mind (although an association with the Church and Graveney Court may have been intended, as both can be plainly seen from within the immediate setting of Sparrow Court). Its immediate setting is defined as the land plot on which it stands along with the buildings within the landholding, and adjacent dwellings to its south; as a former farmstead, its wider setting does encompass the surrounding farmland, including the former marshland to the east and north. The Church and Graveney Court are considered to fall within this setting in views to the east, even if partially screened from direct view by the planting within the Sparrow Court's gardens.
27. The panels of the Development will change the wider setting of Sparrow Court in respect of its setting within a largely rural environment, and to that extent will reduce the contribution that setting makes to the significance of the asset. The panels previously proposed in Field Z and Field Y have now been removed as a result of consultation responses, so that the Development will no longer appear in direct line of site between Sparrow Court and the Church and Graveney Court, so that the linkage between these historic assets is retained.
28. The ability to appreciate the architectural interest in the house and its relationship to the gardens, and buildings that form its immediate setting is largely unchanged. However, the introduction of panels into the setting to the north and northeast of the house is considered to cause a reduction in the contribution that the (currently rural) setting makes to the significance of the asset; and the asset itself suffers limited loss of significance ("harm"). However, the degree of harm is considered to be "less than substantial". As per paragraph 196, "less than substantial harm" can be weighed against the public benefits of the proposal.

## **4 CONSERVATION AREAS**

29. Although subject to protection at a national level, Conservation Areas are designated at the local level. All have Appraisals available, and these were reviewed in undertaking the assessments, Consideration has been here given in terms of the

NPPF, for those Areas where effects of “minor” or greater significance were predicted in the EIA.

30. There are no Conservation Areas within the Development site.
31. There are three conservation areas within the 1 km Principal ASA, one of which is assessed as receiving any effect upon its significance:
  - Graveney Church Conservation Area.
32. All other conservation areas were assessed as not receiving any effect on their settings so as to reduce their significance (any effects being scored in EIA terms as less than minor – i.e., “not significant”).

#### **4.1 GRAVENEY CHURCH CONSERVATION AREA**

33. The Graveney Church Conservation Area contains Grade I Listed Church of All Saints, Grade II Listed Headstone to Thomas Barman, Murtons Farmhouse and associated Barn both Grade II listed, and Graveney Court also Grade II Listed. The Conservation Area is considered to be of moderate sensitivity (as set out in the Cultural Heritage assessment, DCO Document Reference 6.1.11). The nearest point of the Conservation Area is located approximately 430 m to the southeast of the Core ASA boundary.
34. The marshland landscape is considered to have influenced and still influences the development of Graveney and is a reminder of how remote this part of the settlement is and has been. The Development across the remaining part of this marshland landscape will affect the setting of the north part of the Conservation Area, in terms of views out of the Area to the north and northeast. However, the majority of the Area lies slightly down-slope from the higher ground where All Saints Church and Graveney Court are situated and will not be intervisible with the Development, nor will the Development be visible on the main (road) approaches to the Area.
35. The magnitude of the effect is considered to be “low” and this confined largely to the northern end of the Area. This is defined as a change in the rural setting of the Area to one with more industrial elements visible from the northern edge of the Area. This rural setting is considered to contribute to the significance of the Area in terms of views and in understanding the evolution of the settlement, and this contribution is reduced by the Proposed Development. However, across the majority of its area, its character and appearance will be unchanged.
36. As the effect is limited to the northern part of the “harm” occasioned by this reduction in the contribution of setting to significance is considered to be “less than substantial” and at the lower end of the scale. As per paragraph 196, “less than substantial harm” can be weighed against the public benefits of the proposal

## **5 REGISTERED HISTORIC PARKS AND GARDENS**

37. There are no Registered Historic Parks and Gardens within the study areas set out in Chapter 11: Archaeology and Cultural Heritage.

## **6 HISTORIC BATTLEFIELDS**

38. There are no historic battlefields within the study areas set out in Chapter 11: Cultural Heritage and Archaeology.

## **7 NON-DESIGNATED ASSETS**

### **7.1 WWII PILL BOX**

39. A significant effect (In EIA terms) has been assessed upon the significance of the WWII pill box (identified as WA75 in the ES) on the southern boundary of the Proposed Development site. This is due to the change in its setting, with the development occupying all of the land to the north which lay within the firing lines of the pill box. The pill box will not be physically harmed, but this change in setting is considered to cause a reduction in the contribution made by the setting to the significance of this asset by making its function and relationship to its surroundings harder to appreciate and understand. Paragraph 197 of the NPPF requires that this harm be balanced taking into account the scale of the effect and the significance of the asset (as well as the public benefit of the Development).
40. The pillbox is one of a class of relatively well-understood structures, and it is to be understood in the context of the wider defensive system in place along the marshes and Thames estuary. Whilst a minor component of that system, it nevertheless has some value in the contribution it makes to that wider story.
41. It is proposed that a formal record of both the pillbox and its current setting is made prior to construction, and this will help in an appreciation of the pill box itself and its role as part of the wider defensive system can be better understood. It will also aid in the future conservation and management of this asset.

### **7.2 WARM HOUSE**

42. The building is part of a farmstead dating to the Nineteenth Century (a relatively common and well-understood asset type) and lies immediately to the south of the western part of the Development. It is surrounded by intensively farmed land to its southwest, south and southeast, with poly tunnels a prominent local feature. The presence of panels of the Development to the north will change the character of the more open rural aspect to its north and this will affect the relationship of the building to the former marshland with which it may have been historically linked. This effect is considered to be minor and limited, but nevertheless does represent a degree of "harm" in that the contribution of setting to significance and hence the significance of the asset is to some extent diminished. The degree of "harm" is considered to be "less than substantial" in any case. The effect can be balanced against the significance of the asset (as per Para.197) and the public benefit.

## **8 CONCLUSION**

### **8.1 NPPF**

43. Harm has been identified with respect to four designated heritage assets: the Grade I listed Graveney Church, the Grade II listed Sparrow Court and Graveney Court and the Graveney Conservation Area. The harm to the significance of the assets results from the reduction in the contribution made by their settings to that significance caused by the Proposed Development within that setting.
44. With respect to the Listed Buildings, the effect is considered to be limited to specific areas or views and is in each case considered to be less than substantial.
45. In the case of Graveney Church Conservation Area, the effect arises from views out of and across the northern end of that area only and with the exception of this limited area, the character and appearance of the Area overall is preserved. Whilst this constitutes harm to the significance of the Area the degree of harm is considered to be "less than substantial" and very much at the lower end of the scale.

46. Whilst there is a presumption in favour of preservation (to which great weight should be given, as per para. 193 of the NPPF), as the degree of "harm" is "less than substantial" and/or the assets are non-designated, this can be weighed against the public benefit of the Proposed Development (as per Para. 196).
47. Harm has also been found to two non-designated assets; these are the WWII pill box on the southern boundary of the Proposed Development, and Warm House which lies south of the south-western boundary of the Development. The significance of the WWII pill box is considered to be substantially harmed as its visual relationship to its setting is fundamental to appreciating its form and function. Warm House suffers harm but this is considered to be less than substantial (in that it can still be readily appreciated as part of a farmstead in a largely rural environment and its heritage interest is less dependent on visual linkage to its setting).
48. Whilst it is desirable to preserve these non-designated buildings (and their settings), the NPPF asks that effects upon them are considered in relation to their significance (Para 198).
49. In each case the "harm" relates to an indirect effect from a change in setting and no physical harm will occur to any of these assets. The assessed effects ("harm" of whatever degree) will last only as long as the consented life span of the Proposed Development and is fully reversible on decommissioning.

## **8.2 INFRASTRUCTURE PLANNING (DECISIONS) REGULATIONS 2010**

50. The Application will be determined under the provisions of these Regulations. Regulation 3 requires that the Secretary of State has "regard" to preserving (or enhancing in the case of Conservation Areas) the designated assets (and their settings) as listed in paragraph 4 above.
51. Whilst the duty to have "regard" implies a lower threshold than the "special regard" required under the Planning (Listed Buildings and Conservation Areas) Act 1990, the consideration of whether an asset or its setting, or whether the character and appearance are preserved etc., is the same as required for the Act. Full details of this consideration are given below, with respect to the Act.

## **8.3 PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990**

52. With respect to Listed Buildings, the Act (in s66) imposes a duty on the decision makers when considering whether to grant planning permission for development which affects listed building or its setting to have "special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses".
53. With regards to the Listed Buildings, whilst their fabric and curtilages (and their inherent heritage interest) are preserved, their settings are changed and to this extent the s66 test is not met.
54. With respect to Conservation Areas, the Act (in s72) imposes a duty on the decision makers in the exercise of their functions "with respect to that "special attention shall be paid to the desirability of preserving or enhancing the character and appearance of the area".
55. The assessment finds that there is a limited loss of significance in that the change in setting for the northern extremity of the Area affects to a small degree the ability to appreciate the development of the current settlement pattern and its relationship to the former marshland (this relating to the historic interest in the Area). However, the majority of the Area lies down slope and is not intervisible with the Proposed Development. A rural setting for the Area is still readily apparent for the greater

majority of the Area and its character and appearance of the Area is not changed in most views from within and to the Area. Nevertheless, the slight loss in significance assessed in the EIA does relate to an aspect of the Area's character, albeit one derived from its external surroundings. Therefore, despite this effect being limited to the northernmost part of the Area only, the s72 is technically not met.

56. The s66 and s72 tests do not apply to the non-designated WWII Pill box or to Warm House as neither lie in a Conservation Area.

**Table 1 - Heritage Effects Summarised**

<b>Asset</b>	<b>Designation</b>	<b>Harm Identified?</b>	<b>Level of Harm</b>	<b>Infrastructure Planning (Decisions) Regulations Met</b>	<b>S66/S72 Test Engaged?</b>	<b>S66/S72 Test Met?</b>
Graveney Church	Grade I Listed Building	Yes	Less than Substantial	No	Yes	No
Sparrow Court	Grade II Listed Building	Yes	Less than Substantial	No	Yes	No
Graveney Court	Grade II Listed Building	Yes	Less than Substantial	No	Yes	No
Graveney Church Conservation Area	Conservation Area	Yes	Less than Substantial	No	Yes	No
WWII Pill Box	Undesignated	Yes	Substantial	Not Applicable	No	Not applicable
Warm House	Undesignated	Yes	Less than Substantial	Not Applicable	No	Not applicable



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