

From: [REDACTED]
To: [Cleve Hill Solar Park](#)
Subject: Historic England Written Representation Registration ID 20022145
Date: 25 June 2019 19:53:36
Attachments: [REDACTED]

Please find attached Historic England's written representation for Cleve Hill Solar Park (application REF EN010085). If you have any questions, we would be pleased to answer these.

Best wishes,
Alice

Alice Brockway
Inspector of Historic Buildings and Areas
Regions Group

Historic England
Floor 4 The Atrium, Cannon Bridge House, 25 Dowgate Hill, London, EC4R 2YA

Direct line: 020 7973 3655 Mobile: [REDACTED]

Please note that our Guildford office has now closed and we are based in London as part of the London and South East Region. We will retain our strong focus on the local delivery of our services.

All email addresses and mobile phone numbers remain unchanged, including e-notification addresses for planning consultations.

Follow us on Twitter [@HE_SouthEast](#)
www.HistoricEngland.org.uk

We have launched four new, paid-for Enhanced Advisory Services, providing enhancements to our existing free planning and listing services. For more information on the new Enhanced Advisory Services as well as our free services go to our website: www.HistoricEngland.org.uk/EAS



We are the public body that helps people care for, enjoy and celebrate England's spectacular historic environment, from beaches and battlefields to parks and pie shops.

Follow us: [Facebook](#) | [Twitter](#) | [Instagram](#) Sign up to our [newsletter](#)

This e-mail (and any attachments) is confidential and may contain personal views which are not the views of Historic England unless specifically stated. If you have received it in error, please delete it from your system and notify the sender immediately. Do not use, copy or disclose the information in any way nor act in reliance on it. Any information sent to Historic England may become publicly available. We respect your privacy and the use of your information. Please read our full [privacy policy](#) for more information.



Historic England

**REPRESENTATIONS OF THE HISTORIC BUILDINGS AND MONUMENTS
COMMISSION FOR ENGLAND (HISTORIC ENGLAND)**

**PLANNING ACT 2008 (AS AMENDED) – SECTION 88 AND THE
INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE) RULES 2010 (AS
AMENDED) - RULE 6**

**APPLICATION BY CLEVE HILL SOLAR PARK LTD FOR AN ORDER GRANTING
DEVELOPMENT CONSENT FOR THE PROPOSED CLEVE HILL SOLAR PARK**

APPLICATION REF: EN010085

REGISTRATION ID No.20022145

DATED: 25 June 2019

Contents

1. Introduction
2. Comments in relation to Onshore - Designated Heritage Assets
3. Comments in relation to Onshore Non –designated Heritage Assets – archaeology

1. Introduction

- 1.1. The Historic Buildings and Monuments Commission for England (Historic England), known as Historic England, is the Government's statutory adviser in relation to the historic environment in England. It was set up by the National Heritage Act 1983, and the National Heritage Act (2002) gave Historic England responsibility for maritime archaeology in the English area of the UK Territorial Sea. Historic England is a Non-Departmental Public body sponsored by the Department for Digital Culture, Media and Sport (DCMS). Our remit in the historic environment intersects with the policy responsibilities of a number of other government departments – particularly the Ministry of Housing, Communities and Local Government, with their responsibilities for land use planning matters.
- 1.2. In previous correspondence in relation to this project application, via our Planning Inspectorate Registration and Relevant Representation Form (dated 28 January 2019) we summarised Historic England's view on matters concerning designated Heritage Assets and non-designated Heritage Assets (specifically archaeological remains). This letter therefore expands on these matters.

2. Comments in relation to - Designated Heritage Assets:

- 2.1. The following advice relates to impacts to designated heritage assets and we hope it will be helpful to highlight below our position on the impacts as assessed within the Environmental Statement (ES) and the limited areas of disagreement where we consider the level of harm is higher than suggested therein.
- 2.2. In all cases for designated heritage considered here, the effects are indirect, i.e. the change proposed is within the setting of the heritage assets. Setting is the surrounds in which a heritage asset is experienced and we are concerned with how change might affect the ability to understand the significance that assets derive from their setting. Historic England's focus in this representation is to advise on impacts to highly graded designated heritage assets (grade I and II* listed buildings and scheduled monuments), but we also comment, following a request during pre-application discussions, on a very limited number of grade II listed buildings most affected by the proposal, including Sparrow Court and Graveney Court.
- 2.3. We expect that Swale Borough Council as the Local Authority will provide lead advice on the impact to all grade II listed buildings and conservation areas within their districts (in addition to their view on the impact to highly graded assets). Canterbury City Council might also provide advice about any issues for setting of designated heritage assets more removed from the application site. Kent County

Council and the archaeologists of its Heritage Conservation team will be your lead advisor for effects to non-designated heritage, including unlisted buildings and structures in and around the development site, but focused on archaeological remains.

- 2.4. In terms of our specific comments on the Environmental Statement (Volume 1, Chapter 11: Cultural Heritage and Archaeology) we note the list of Heritage Assets identified for assessment remains as it was when we provided advice on the Preliminary Environmental Impact Report (PEIR). We agree with table 11.2 Sensitivity of Cultural Heritage Features and the methodology in table 11.4 for assessing the potential effect of the proposal on the significance of individual assets. We also agree with the levels of in-direct effects at the operational stage for designated archaeological heritage (11.5.2). However, we do not agree with the assessment of effects for built designated heritage assets, All Saints Church (grade I), Sparrow Court (grade II), and Graveney Court (grade II) (11.5.2.3 paragraphs 156-171).

All Saints Church

- 2.5. The Environmental Statement assesses the significance of the grade I listed All Saints church as high and we agree with this assessment. However, we assess the effect from the development to be greater than low. The church is the focal point of the hamlet of Graveney and stands on a high point in the landscape surrounded by agricultural fields and dispersed historic buildings. The origin of a settlement here may well be linked to the productive salt flats which once lay to its north. Archaeological evidence for which survives as the scheduled salt production mounds (salterns) close to the settlement though these ceased to produce salt in the 14th century and the land was then reclaimed for farming. This use continues today and the sense that All Saints church is sited in a rural landscape surrounded by dispersed historic buildings contributes to its significance and helps explain its origins as a modest rural parish church.
- 2.6. The development would lie to the north and north-west of the church. It would not be visible in views as the church is approached from the south along Graveney Road. However, the development would be visible in views of the church as it is experienced in its environs from the west and north and in glimpsed views out from the western boundary of the churchyard. In all these views large areas of solar panels and associated infrastructure would be an incongruous addition alien to the verdant undeveloped character of the area eroding the rural setting which makes a contribution to the significance of the building. We agree that the level of harm is reduced by removing solar panels from field Y (which lay to the north/north-west of the church) but we nonetheless continue to believe the overall magnitude of effect is higher than low (11.5.2.3,

paragraph 160) and would be medium. Based on table 11.4, Significance of Predicted Effects, this would give rise to a moderate magnitude of effect.

- 2.7. We agree with the Heritage Statement (document 7.7) which concludes that the level of harm (in NPPF terms) is less than substantial but we consider the range of harm within the less than substantial spectrum can be defined in a more nuanced way and we conclude that to the harm to significance for the grade I listed church would be moderate. This is important because NPS EN-1 requires that harm to designated heritage is justified and weighed against the public benefits of a proposal noting that “the greater the level of harm to the significance of the heritage asset the greater the justification will be needed for any loss.” (NPS EN-1, 5.8.15) A moderate level of harm to the significance of All Saints church therefore requires a greater level of justification.

Sparrow Court

- 2.8. Sparrow Court is a 15th century timber framed building which lies to the south of the development and is one of the dispersed historic buildings which form part of the wider historic landscape around Graveney. Its relationship to surrounding agricultural fields can be appreciated in views from a footpath west of All Saints church. In these views (viewpoint 8) the proposed development to its north will erode its wider rural setting causing some harm to an understanding and appreciation of its historic origins as an isolated historic building in an expansive rural landscape. We accept that modern buildings can be seen in this existing view, something which reduces an understanding of its historic origins, but we consider these are reasonably well screened and that there is additional harm to significance on the basis that the development further erodes that setting. We assess the magnitude of effect is likely to be higher than low (11.5.2.3 Paragraph 169) and more likely to be medium which based on table 11.4 would result in a moderate magnitude of effect. As per the requirements of NPS En-1, a greater level of harm to the significance of a designated asset requires a greater level of justification (5.8.15).
- 2.9. We agree with the conclusion of the heritage statement which assesses the level of harm to be less than substantial in NPPF terms (p. 4, paragraph 28) but like All Saints Church we believe the range of harm in less than substantial can be expressed in a more nuanced way, ranging from low to the higher end of less than substantial harm, and suggest in this case that the harm is moderate.

Graveney Court

- 2.10. We agree with the Environmental Statement which concludes that Graveney Court is of high sensitivity (11.5.2.3 paragraph 162). Originally built in the 15th century by John Martyn, a judge of the Court of Common Pleas it is now part of a

working farm. In long views from the west towards Graveney Court, it can be appreciated in its wider rural setting surrounded by agricultural fields which help explain its rural origins and its later use associated with farming. While it is the rear, less formal elevation which is visible in these views, we nonetheless consider this does not detract from an appreciation of the house and historic association with the surrounding agricultural fields. In our view an appreciation of Graveney Court in its rural setting would be harmed by the introduction of large areas of solar panels, especially when appreciated in long views from the west and in views out from the building which is sited on elevated land above the area of proposed development.

- 2.11. We do not agree that the predicted effect, highlighted in the Environmental Statement, would be low (11.5.2.3 paragraph 164) and consider it more likely this would be medium. On this basis and with reference to table 11.4 in the Environmental Statement this would result in a moderate effect in EIA terms. We agree with the heritage statement which assesses that the impact would be less than substantial in EIA terms, but like Sparrow Court and All Saints Church we suggest the range of harm covered by the less than substantial terminology of the NPPF can be expressed in a more nuanced way and that the harm here is likely to be moderate within that range.
- 2.12. The policy context for decision taking for a Development Consent Order is set out in *Overarching National Policy Statement (EN-1)*, and for heritage in *Section 5.8*. For designated heritage this requires an applicant to show that harm to heritage significance has been avoided or minimised and that any remaining harm has clear and convincing justification (5.8.12 and 5.8.14). In this case we are satisfied that the harm has been reduced by the removal of proposed solar panels from field Y. It will be for the Examining Authority to now decide if the remaining harm has clear and convincing justification and to weigh that harm against the public benefits in the manner set out in section 5.8.15.
- 2.13. In reaching its decision the Examining Authority will also need to take into account the presumption in favour of the conservation of designated heritage with the more important the asset the greater that presumption needing to be (5.8.14). We also draw your attention to 5.8.18 which notes that “when considering applications for development affecting the setting of a designated heritage asset, the Examining Authority [IPC] should treat favourably applications that preserve those elements of a setting which make a positive contribution to, or better reveal the significance of a heritage asset”. When considering applications which do not achieve this, the Examining Authority should weigh the harmful impacts to the significance of designated heritage against the public benefits of the development.

3. Comments in relation to Non –designated Heritage Assets – archaeology:

Historic England, Floor 4, The Atrium, Cannon Bridge house, 25 Dowgate Hill, London, EC4R 2YA

Telephone 0207 973 3700 HistoricEngland.org.uk

Please note that Historic England operates an access to information policy.

Correspondence or information which you send us may therefore become publicly available.



- 3.1. There are no scheduled monuments on the site. The site of the proposed development has archaeological potential for a range of non-designated assets of different periods and deposits/site types but they are unlikely to be of national significance, such that they might have a level of significance comparable to a scheduled monument. Therefore Historic England does not wish to engage with non-designated archaeological matters and we defer to Kent Council's Heritage Conservation Team
- 3.2. We note that the crash site of a WWII German aircraft lies within the development area, which is designated under the Protection of Military Remains Act 1986. Licences from the SoS for Defence are required for excavation under the 1986 Act. A licence for excavation might not be issued in some circumstances, in which case preservation *in situ* of the remains may be required. We raise this point for your information but Historic England would not normally expect to advise about the assessment of such licence applications.

Summary

In conclusion, Historic England highlights here three areas of disagreement between the applicant's assessment of impact and Historic England's assessment. Those assets where disagreement lies are the grade I church of All Saints, Graveney and the grade II buildings Sparrow Court and Graveney Court. We also highlight one aspect of the WSI – the future strategy for any remains associated with the WWII German Aircraft – which in our view warrants further consideration.

ENDS