

From: [REDACTED]
To: [Jones, Hefin](#)
Subject: Heritage Statement 2
Date: 30 August 2019 07:06:41
Attachments: [REDACTED]

Dear Hefin,

Please find enclosed Heritage Statement 2 which includes a report on the detrimental effects of the proposed development on heritage assets in Faversham and Harty. This was commissioned by GREAT and carried out by Dr N Doggett.

Best wishes,
Lut Stewart



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HERITAGE STATEMENT

In respect of

**PROPOSED SOLAR PARK DEVELOPMENT,
CLEVE HILL, GRAVENEY, KENT**

On behalf of

Graveney Rural Environment Action Team (GREAT)

AHC REF: ND/9701

May 2019

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APPENDICES

APPENDIX 1: Qualifications & Experience

APPENDIX 2: Historic England List Entries (mainly from the Images of England Website)

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1.0 INTRODUCTION AND SCOPE OF REPORT

- 1.1 The purpose of this report, which has been prepared and written by Dr. Nicholas Doggett, FSA, MICfA, IHBC, Managing Director of Asset Heritage Consulting Ltd., on behalf of Graveney Rural Environment Action Team (GREAT) is to provide an analysis of the impact of the proposed Cleve Hill solar park on the settings of the three listed buildings in Graveney with Goodnestone civil parish most affected by the proposals, namely All Saints' Church and Graveney Court, which form the core of the small Graveney Church Conservation Area, and Sparrow Court, together with the Church of St. Thomas the Apostle in the parish of Harty on the Isle of Sheppey and The Shipwright's Arms, Hollowshore, Faversham.
- 1.2 Given the scope of my instruction from GREAT, it is important to emphasize that the absence of reference to the setting of any other listed building or conservation area should not be taken to mean that I am in agreement with the analysis carried out by Wessex Archaeology/ Arcus Consultancy Services Ltd. of the settings of any of these other heritage assets, their significance and the conclusions drawn about the impact of the solar proposals on that significance as set out in the various reports they have prepared for their clients, including Chapter 11 – Cultural Heritage & Archaeology - of the Preliminary Environmental Information Report (PEIR), and the more recent Chapter 11 in the Environmental Statement (ES), produced in November 2018.
- 1.3 Indeed, given what in my opinion (my qualifications and experience are attached at **Appendix 1** of this report) is the flawed analysis set out in both these documents of the significance of the settings of the listed buildings referred to in paragraph 1.1 above and the impact of the solar park proposals on that significance, it is entirely possible that Wessex Archaeology/ Arcus Consultancy Services Ltd.'s analysis of the impact of the proposed solar park's impact on the setting of other heritage assets in the vicinity may be similarly deficient.
- 1.4 The structure of my own report, which takes full account of Historic England's latest guidance on 'setting': 'The Setting of Heritage Assets- Historic Environment Good Practice Advice in Planning Note 3, (2nd. edn. Dec. 2017) in a way that Chapter 11 of the PEIR & ES do not, begins with an analysis of what is most significant about the settings of the listed buildings referred to in paragraph 1.1 above, followed by an

assessment of the impact of the solar park proposals on that significance, which includes where relevant a critique of the methodology used and conclusions used in Chapter 11 of the PEIR and ES.

- 1.5 From this analysis, aided by the fact that I have made visits to the area in different seasons (in July last year and March this year) it is clear to me that the solar park proposals would cause 'less than substantial harm' (as that term is defined and used in the NPPF and (N)PPG) to what is significant about their settings of all the listed buildings referred to in paragraph 1.1 above.

2.0 ASSESSMENT OF HERITAGE SIGNIFICANCE

All Saints' Church, Graveney

- 2.1 Graveney and its church are summarised thus by John Newman in his *Kent: North East and East* in the 'Pevsner' Buildings of England series (2013, p.382): *'On the edge of the Thames-side marshes, the church on a mound, what is left of medieval Graveney Court alongside. This church a rarity in Kent and would be a rarity in any county except perhaps Norfolk; for it is not only delightfully unrestored but it is worthwhile also as architecture and contains objects beautiful in their own right'*.
- 2.2 Certainly, there can be no doubt that much of the heritage value of the Grade I listed All Saints' Church, which was first added to the statutory list in 1952, derives directly from the 'special' architectural and historic interest of the building itself, which has 12th-century origins, but was much altered and rebuilt in the later Middle Ages.
- 2.3 It has a rather unusual north-west tower set flush with the west end of the nave, while another feature of particular interest externally is the way in which the almost certainly mid 14th-century reticulated tracery of the great east window was removed and replaced by the present Perpendicular-style window of narrower proportions during the 15th century.
- 2.4 It is possible that, although before the Dissolution the advowson of the church was held by the priory of St. Mary Overie, Southwark, which would thus have been responsible for the upkeep of the chancel, this window was part of the work paid for by John Marsh (d.1436), a judge of the king's bench, whose brass is in the church and who according to the celebrated Kent historian, Edward Hasted (1732-1812) built much of the adjoining Graveney Court in c.1420.
- 2.5 Further endowments were made to the church during the 15th and early 16th centuries, including the bequest in the will of William Moyce of 40s. for the bell frame *'to be paid when they begin work'*.

- 2.6 This local benefaction continues today, the parishioners having recently raised a substantial amount of money (supported by Historic England grant aid) to re-roof the nave and chancel in traditional clay-peg tiles as part of this important building's long-term conservation. Co-incidentally at the time of my first visit to the area in July 2018 the church was holding an open day as a condition of the Historic England grant aid.
- 2.7 As noted above, I would obviously not deny that much of the heritage significance of the church derives *'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'* (paragraph 154 of PEIR Chapter 11 & paragraph 157 of ES Chapter 11), but this, of course, is not the whole story.
- 2.8 Indeed, as even Wessex Archaeology/ Arcus Consultancy Services Ltd. concede (paragraphs 94 & 96 of the PEIR & ES chapters respectively) *'The church would have been a focal point in the landscape overlooking the marshland to the north'*, and despite the later attempt to caveat this pertinent observation with the rather tortuous statement (paragraphs 154 & 157 respectively) that *'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'*, they also rightly recognize (paragraph 97 & 99 respectively) that *'Despite the conversion of the marshland to arable use, the flat expanse of land is considered to still exert an influence of the character and development of Graveney. The presence of the wild open spaces which extend up to the edge of the All Saints Churchyard are a strong reminder of how remote Graveney is and has been over time. The marshland landscape setting is considered to make a contribution to the setting of the Graveney (Church) Conservation Area. The scattered arrangement of the buildings and inconsistency in the range of materials is through (sic – presumably thought) to reflect the harsher environment and bleak surroundings close to the marsh'*.
- 2.9 This description of the area around the church, which along with the directly Graveney Court makes up the core of the small Graveney Church Conservation Area, can be compared with the description made by Hasted in his account of the area published in 1798 in Vol. 7 of *The History and Topographical Survey of the County of Kent*, pp. 28-38: *'IT (i.e. Graveney) LIES about two miles from the high London road, on the north*

side of it, at the 48th mile-stone, the parish of Goodnestone intervening, in a low country adjoining the marshes, of which there is a large quantity, both fresh and salt within it, Faversham creek and the Swale being the western and northern boundaries of it. The soil of it various, there being in the level part some rich tillage land, and on the rises or small hills in it, a light soil of both sand and gravel. The church stands in the eastern part of the parish, having Graveneycourt, with an antient gateway, and numerous offices, singularly built round it, well worth observation, as denoting its former respectable state. In the western part is Nagdon, adjoining to Faversham creek, having a decoy for wild fowl, and a large quantity of marsh land belonging to it. There is but little thoroughfare here, and no village, the houses being interspersed straggling throughout it. Upon the whole though unhealthy, it has not an unpleasant aspect, being well cloathed with trees, especially elm, which are very thriving here, and in great plenty; the roads are remarkably well taken care of, as are the poor, and the whole parish seems to thrive well under the care of the inhabitants of Graveney-court. There are some parts of this parish separated from the rest by those of Faversham and Goodneston intervening. There are several scarce plants observed by Mr. Jacob in this parish, and enumerated in this Plantæ Favershamienses'.

- 2.10 This is important not only for the ways in which what Hasted saw at the end of the 18th century remains remarkably similar to the situation today, but also that not all was marshland even then with some of it in 'proper' agricultural use, such as the 'rich tillage land' in 'the level part'.
- 2.11 Certainly, this casts considerable doubt over the recurring theme in Chapter 11 of the PEIR & ES, which asserts that because not all the land covered by the proposed solar park is marshland but is in agricultural (including arable) use it is automatically less important in historic landscape terms and can therefore be developed without any significant harm being caused to the heritage assets affected.
- 2.12 This is an issue to which I return in Section 3.0 of this report.

Graveney Court

- 2.13 As noted above, this Grade II listed building, first added to the statutory list along with the church in 1952 and likewise described in the Newman 'Pevsner' (p.384), is partly of medieval date including to the jettied section, with substantial Georgian remodelling, and stands immediately alongside the churchyard, albeit it is not fully visible from there owing to the trees standing inside the boundary of the churchyard and within the property itself.
- 2.14 Graveney Court can however be very easily seen from the road (Seasalter Road), forming (notwithstanding the presence of some utilitarian modern farm buildings) an impressive and attractive ensemble with the church and its ancient churchyard.
- 2.15 Like the church, Graveney Court stands in a slightly elevated position looking directly towards the application site, its clear historical and visual relationship with the church, combined with the remote nature of the edge of marshland location, together with the 'special' architectural and historic interest of both buildings, all forming major components of its significant heritage value.
- 2.16 It goes almost without saying that the existing setting of both Graveney Court and the church (individually and together) form an integral major element of the character and appearance of the Graveney Church Conservation Area, there being no good purpose in seeking to make distinctions between the setting of the listed buildings and that of the conservation area in this case.

Sparrow Court

- 2.17 Sparrow Court is an isolated former farmhouse of 15th-century origin of Wealden type with a lower gabled cross-wing. The house is largely of timber-framed construction (largely concealed externally by plasterwork) with its jettied section partly underbuilt in painted brick, the whole of the main part under a distinctive hipped roof clad in traditional Kent peg-tiles.
- 2.18 The house was first added to the statutory list in 1986 (presumably as part of the National Accelerated Resurvey of Listed Buildings being conducted at that time) and clearly merits its Grade II listing.

- 2.19 Sparrow Court's remote rural location surrounded by enclosed pasture and arable fields, several of which belong to the property, with views of the marshland beyond (which includes the site of the proposed solar park) clearly forms a significant part of its setting, as does its inter-visibility with The Old Vicarage, which although it is not a listed building is apparently of 16th-century origin (with a late Victorian or Edwardian wing) and can therefore perfectly legitimately be regarded as a non-designated heritage asset.
- 2.20 The intrinsic heritage value and significance of Sparrow Court's setting as a Grade II listed building are acknowledged at paragraphs 161 & 167 of chapter 11 in the PEIR & ES respectively, quoted here *verbatim*: '*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; 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*'.
- 2.21 There is nothing in this assessment with which I disagree.

Church of St. Thomas the Apostle, Harty

- 2.22 This church and the diminutive settlement of which it forms a part is located on the northern bank of the Swale estuary on the Isle of Sheppey on what was once the separate Isle of Harty. Until 1946 a ferry (originally a small sailing or rowing boat) operated from near what is now the (Grade II) listed Ferry House Inn, which was

formerly the home of the ferry warden, and the quay for which can still be seen below the pub, to Oare on the 'mainland'.

- 2.23 Although this was a regular service, the ferry can however never have made much difference to the isolation and certainly the remoteness of the Isle of Harty, even if as the information panel situated near the pub explains, the Swale estuary was once busy with spitsail barges carrying goods to London and smacks (oyster dredging boats). Incidentally, this information panel gives 1953 as the date of the ferry's closure.
- 2.24 The church, which has fabric of the late 11th or early 12th century, with a north aisle of c.1200 and later medieval alteration, together with some fine medieval furnishings (including what the current Historic English list entry of 2010 – see **Appendix 2** - calls a 'very good' screen of c.1350-75) and was sensitively 'restored' by George Austin, the Canterbury diocesan architect, in 1887-90, is now listed at Grade II*.
- 2.25 The reason why the list entry was amended in 2010 is that the church was formerly listed at Grade B (the now superseded 'ecclesiastical equivalent' of Grade II*) and presumably when this was abolished the decision was taken to re-write the list description accompanying the previous list entry – see **Appendix 2**.
- 2.26 One of the main benefits of the new list entry is that it sets out the reasons for designation, among them the '*Very beautiful setting on the north bank of the Swale, opposite Whistable, as one of the last vestiges of the medieval settlement of Harty*'.
- 2.27 This reason for designation is, perhaps unsurprisingly, underplayed in Chapter 11 of the PEIR & ES (see paragraphs 107 and 168 of the former and 109 and 174 of the latter) in which it is stated (paragraphs 168 and 174 respectively) first that the church's '*immediate setting is considered to be defined by its place within the churchyard, as well as its relation to the buildings and spaces of the nearby settlement and community which it serves. The position of the church on the edge of the Swale and its landscape value make a contribution to the significance of the asset*', and then that '*The Core ASA is considered to be within the wider setting of the Grade II* listed church, however it is expected that the current sea wall located to the north of the*

Core ASA will help to screen some of the Development from view. It is the prominence of the church in views towards it that are considered significant here, rather than view from it to the wider landscape'.

- 2.28 Nowhere is it explained who '*considers*' the Core ASA to be within the wider setting of the Grade II* listed church or, more importantly, who '*considers*' that it is the prominence of the church in views towards it that are significant here, rather than view from it to the wider landscape. Presumably, this is because Wessex Archaeology Arcus Consultancy Services Ltd. are alone in this '*consideration*'.
- 2.29 Historic England were not, of course, the first to note the remoteness and '*splendid isolation*' of the church's and indeed the former island's setting. Hasted, Vol. 6 of *The History and Topographical Survey of the County of Kent (1798)*, pp.276-83, writes that '*The island lies opposite to the parish of Ore on the main land of the county, the waters of the Swale slowing between them, over which there is a ferry...called Harty ferry. The grounds are entirely pasture, on which are constantly feeding about 4000 sheep. The centure of it is rising ground. The church stands nearly in the middle of it. There is no village, and only six lookers cottages in the whole of it, these people, about twenty in number, being the only inhabitants, the unhealthiness of the air deterring all others from attempting to dwell in it. About two third of the island are the property of Mr. Sawbridge*'.
- 2.30 Likewise, the well-researched church guide (1999) records that '*Writing to a former rector apologizing for his inability to attend the harvest festival at Harty, Sir John Betjeman said "Alas I shall have to console myself with memories of the church in its splendid isolation with sea birds wheeling by and The Thames (sic) so wide as to be open sea, and air so fresh as to be healthier than yogurt (unflavoured)"*'.
- 2.31 The church is naturally included in many books on parish churches, such as the various editions of Betjeman's own *Guide to English Parish Churches* or *English Country Churches* by Derry Brabbs (1985), where it is described (p.108) in the section called '*Tiny or Isolated Churches*'.
- 2.32 Despite, or just as likely because of the remote and isolated nature of the spot, visitors do however come to this delightful and well-maintained church. At the time of

my visit in July 2018, there were several other people present clearly also enjoying the building and the extensive unobstructed views over the Swale estuary to the north.

Shipwright's Arms, Hollowshore, Faversham

- 2.33 The Shipwright's Arms is a Grade II listed public house, probably of 18th-century origin, situated in a remote location alongside a working boatyard, at the confluence of the Faversham and Oare Creeks and (other than by boat) can only be reached either by public footpath (the long-distance Saxon Shore Way) from Oare, which continues along the shore line past the pub, or by a no-through road across the surrounding marshland.
- 2.34 The term 'unspoilt gem' is overused and often misused, but in the case of The Shipwright's Arms it is entirely appropriate, as is the simple description of the pub in the 2019 edition of The Good Pub Guide, which describes its traditional character as follows: *'Remote marshland tavern with plenty of character; three dark simple little bars separated by standing timbers, wood partitions and narrow door arches, medley of seats from tapestry-cushioned stools to black panelled built-in settles forming booths, flags and boating pennants on ceiling, wind gauge above main door (takes reading from chimney), up to six Kentish beers tapped from the cask (pewter tankards over counter), simple home-cooked food lunchtime only; children (away from bar area) and dogs welcome, large garden with bat and trap, path along Oare Creek to Swale estuary, lots of surrounding bird life, closed Monday'*.
- 2.35 As the Historic England list entry (written in 1989 when the building was first listed), suggests, the 'special' interest of the building lies as much in its setting as in its architecture: *'...The building stands far out on the marshes at the confluence of the Faversham and Oare Creeks (Hollowshore) and thus has a landscape value above what might be expected for a relatively modest building; it also still serves the boat repair and mooring activities on Hollowshore it was first built to meet'* (see **Appendix 2**).
- 2.36 Immediately beyond the pub's garden, a popular spot in late spring & summer, including for walkers along the Saxon Shore Way - the path turns abruptly to the

south-east when the pub is reached - views rapidly open up of the Nagden and Graveney Marshes, the site of the proposed solar park, with The Swale and the Isle of Harty/Sheppey beyond.

- 2.37 Perhaps unsurprisingly, the significance of the pub's remote setting as part of its character as a listed building seems to be entirely lost on the authors of Chapter 11 of the PEIR and ES, who although they acknowledge the Historic England statement about the pub having '*a landscape value above what might be expected for a relatively modest building*' (paragraphs 112 and 114 of the PEIR & ES respectively) have no more to say on the matter.

3.0 THE SOLAR PARK PROPOSALS AND THE HERITAGE ISSUES

- 3.1 As will be evident from the assessment of the high heritage value of the settings of the five listed buildings and that of the Graveney Church Conservation Area described above, it is clearly essential that the solar park proposals do nothing to harm this.
- 3.2 The high significance of the listed buildings referred to in this report is for the most part recognized in Chapter 11 of the PEIR & ES, even if in the case of the two highly graded listed churches in particular the physical extent and nature of the settings is (presumably deliberately) underplayed.
- 3.3 To take All Saints' Church, Graveney, Graveney Court and Sparrow Court first, it appears to me from wading through the lengthy, formulaic and tiresomely repetitive Chapter 11 of the PEIR that Wessex Archaeology/Arcus Consultancy Services Ltd.'s statement (paragraph 220, repeated without typographical errors at 226) that '*Effects of "minor" significance have been identified from a loss of significance at The Church of All Saints in Graveney (Grade I), Graveney Court Farm (grade II) and Sparrow Court (Grade II) and Graveney Conservation Area*' is based on little more on the facts that the proposed solar panels are situated some distance away, their detrimental impact on the landscape could be mitigated by planting and, to cap it all, that '*any effect upon significance arising from a reduction in the contribution that the setting makes for these assets will be reversible after the decommissioning of the Development*' (paragraph 226).
- 3.4 At first sight the approach taken in the ES to assessing the impact of the solar park proposals on the settings of designated heritage assets affected might appear from its sub-title 'Built Heritage-Indirect Effects' and length (paragraphs 153-184) to be more rigorous than in the PEIR but, as the following analysis of that assessment shows, this is not in fact the case.
- 3.5 Before looking at how the impact of the solar park proposals on the settings of the five listed buildings I describe in Section 2.0 above is assessed in the ES, there are however a number of general points to consider.

- 3.6 First, as made clear at the beginning of Historic England's latest guidance on 'setting': 'The Setting of Heritage Assets- Historic Environment Good Practice Advice in Planning Note 3, (2nd. edn. Dec. 2017), which builds on the helpful and pragmatic advice offered on this subject in earlier iterations of this document, the concept of setting as it relates to heritage assets is defined in both the NPPF and (N)PPG.
- 3.7 In the glossary at Annexe 2 to the NPPF, setting is defined as '*The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral*'.
- 3.8 Likewise, in the section of the (N)PPG entitled 'What is the setting of a heritage asset and how should it be taken into account?', it is further explained that '*A thorough assessment of the impact on setting needs to take into account, and be proportionate to, the significance of the heritage asset under consideration and the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it.*

Setting is the surroundings in which an asset is experienced, and may therefore be more extensive than its curtilage. All heritage assets have a setting, irrespective of the form in which they survive and whether they are designated or not.

The extent and importance of setting is often expressed by reference to visual considerations. Although views of or from an asset will play an important part, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between places. For example, buildings that are in close proximity but are not visible from each other may have a historic or aesthetic connection that amplifies the experience of the significance of each.

The contribution that setting makes to the significance of the heritage asset does not depend on there being public rights or an ability to access or experience that setting. This will vary over time and according to circumstance.

When assessing any application for development which may affect the setting of a heritage asset, local planning authorities may need to consider the implications of cumulative change. They may also need to consider the fact that developments which materially detract from the asset's significance may also damage its economic viability now, or in the future, thereby threatening its on-going conservation (PPG, paragraph: 013, reference ID: 18a-013-20140306)'.

- 3.9 Sadly, although the authors of Chapter 11 of the ES claim (paragraph 28) that '*The methodology employed in this chapter for determining the significance of effect of the Development project upon known and potential archaeological and cultural heritage receptors takes into account the staged process to assessment of settings set out in 'The Setting of Heritage Assets'*', there is actually next to nothing in their assessment to suggest that they have any real understanding of how this guidance should be applied to defining, assessing and protecting what is significant about the settings of 'built heritage' as they like to call it.
- 3.10 For instance, to imply (as they also did in paragraphs 220 & 226 of PEIR) that because a listed building, particularly a highly graded one, is not to be demolished or otherwise directly affected by the proposed solar park, the effect on its significance will only be 'minor' is clearly not appropriate and flies directly in the face of the government guidance on the historic environment contained in the NPPF and the (N)PPG.
- 3.11 Other important points of omission or misunderstanding should also be addressed here. For instance, the only reference to noise in the whole of the lengthy Chapter 11 of the ES is in the throwaway comment at paragraph 147 (repeated *verbatim* from paragraph 144 of the PEIR) that '*Whilst there would be indirect effects in terms (of) noise and visual intrusion arising from the presence of cranes, vehicles, flashing lights etc. within the site and accessing the site, most of these effects are considered temporary and short term, limited to working hours and for the duration of the construction programme'*.
- 3.12 Significantly, no mention at all is made at all of the noise that would be generated from the proposed solar panels and the impact that this could have on the setting of the heritage assets affected, notwithstanding that the very next Chapter of both the PEIR & ES considers Noise & Vibration, and it is increasingly becoming recognized that a

level of noise which does not currently exist will result from the solar park should it become operational.

- 3.13 Unlike noise, there are references (e.g. paragraph 134) in Chapter 11 of the ES to the potential for planting as a 'mitigation measure', including during the site's 'operational phase'. There is however no recognition of the fact that planting is proposed simply because of the significant degree of harm that would in fact be caused to the surrounding area.
- 3.14 Unsurprisingly in this context there is, of course, no mention of the advice at paragraph 40 of the Historic England Settings document that: *'As screening can only mitigate negative impacts, rather than removing impacts or providing enhancement, it ought never to be regarded as a substitute for well-designed developments within the setting of heritage assets. Screening may have as intrusive an effect on the setting as the development it seeks to mitigate, so where it is necessary, it too merits careful design'*.
- 3.15 With these general points made, I now turn to a detailed critique of Wessex Archaeology/Arcus Consultancy Services Ltd.'s assessment of the impact of the solar park proposals on the designated heritage assets as set out at paragraphs 153 to 184 of the ES chapter.
- 3.16 Paragraph 153. *'Indirect effects to Built Heritage assets are caused through the potential for the significance of heritage assets to be changed (diminished or otherwise harmed) through a loss of the contribution that their settings make to that contribution, as a result of development within that setting. Indirect effects are considered temporary (albeit long-term) lasting only for the consented life of the Development and fully reversible on decommissioning'*. The basis on which the acknowledged harm caused to the settings of the important listed buildings affected is apparently justified by Wessex Archaeology/Arcus Consultancy Services Ltd. is beyond me.
- 3.17 Paragraphs 154-156 Graveney Conservation Area are considered below under the Church of All Saints and Graveney Court (see also paragraph 2.16 above).

- 3.18 Paragraphs 157-160 Church of All Saints. These begin with the acknowledgement (paragraph 157) that the Grade I listed church is situated in a '*relatively elevated position*' and that '*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*'.
- 3.19 At the end of this paragraph we are correctly told that the church '*...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 (LVIA))*', but nowhere is there any explanation of how the existing experience of the church's setting is preserved were the solar park to be installed – see Viewpoint 3 after one year and ten in the LVIA.
- 3.20 A similar lack of explanation/justification applies to views from the churchyard towards the proposed solar park (paragraph 158).
- 3.21 'The decision to not promote infrastructure formerly proposed in Field Y to the north of the church (paragraph 159) is discussed under Sparrow Court below.
- 3.22 Paragraphs 162-164 Graveney Court. Paragraph 162 appears to acknowledge the significance of the setting of this Grade II listed farmhouse of medieval origin situated directly alongside the churchyard: '*...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*'.
- 3.23 Paragraph 164. As with views to and from the churchyard, no satisfactory explanation is provided for the opinion that '*The effects are 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*'.
- 3.24 Paragraphs 167-169 Sparrow Court. Paragraph 168 states that '*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’.

- 3.25 This is essentially correct, albeit the magnitude of the adverse impact is typically underplayed, while the fact that Field Y has now been omitted from the solar panel development area (a very small area of the total site) heralded as a magnanimous response from the developers to earlier concerns expressed by Historic England over the adverse effect the proposals would have on the settings of Sparrow Court, the Church of All Saints and Graveney Court (see also paragraphs below).
- 3.26 How successful the omission of Field Y ‘...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’ remains in my mind debateable at least.
- 3.27 It is notable that, despite the omission of Field Y from the development site, paragraph 169 acknowledges that ‘*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’*, although as with the impact of the proposals on the church and Graveney Court, there is no real explanation of why this effect is considered to be ‘*low in magnitude’* or ‘*the overall effect on the significance of the building...assessed as minor in significance’*.
- 3.28 Paragraphs 174-175 Church of St. Thomas the Apostle, Harty. As with the Church of All Saints, there is no real appreciation of the role that the ‘wider setting’ plays in this significance of this remote and remarkable Grade II* listed church (see paragraphs 2.22 to 2.32 above). To claim (paragraph 174) that ‘...*is expected that the current sea wall located to the north of the Core ASA will help to screen some of the Development from view. It is the prominence of the church in views towards it that are considered significant here, rather than view from it to the wider landscape’*, betrays the total lack of sensitivity of the authors of Chapter 11 to the *genius loci* of this special place.
- 3.29 Once again, and as with the impact of the solar park proposals on the heritage assets discussed immediately above, there is no proper explanation for the assertion at

paragraph 175 that *'The presence of the Development is not considered to cause any reduction in the contribution that the setting makes to the significance of this asset. The interests from which the Church derives its significance are largely best appreciated in the immediate vicinity in any case. Any effect is considered "negligible" in magnitude, and the overall effect on the Church's significance is assessed as **not significant**'.*

- 3.30 Paragraph 178 The Shipwright's Arms. After conceding that *'Its position within the marshland landscape makes a contribution to the setting and significance of the asset'*, it appears that, for this contribution not to be diminished and for visitors to this remote pub to continue enjoy the remote isolation of this spot they would be well advised not to poke their heads above the sea wall, on which the authors of Chapter 11 rely in support of their claim that *'Any incidental visibility of the Development will not diminish the contribution of the setting to the significance of the asset and is considered to be an effect of "negligible" magnitude; as no harm to or reduction in significance is identified to this asset, the overall effect is assessed as **not significant**'.*
- 3.31 Certainly, it is not my professional opinion that the photomontages at Viewpoint 12 contained in Chapter 7 of the LVIA (taken from the Saxon Shore Way immediately adjacent to The Shipwright's Arms) support the position taken by Wessex Archaeology/Arcus Consultancy Services Ltd. on the level of harm caused by the solar park proposals to the setting of The Shipwright's Arms as a Grade II listed building situated directly on the long-distance Saxon Shore Way (see also paragraph 2.36 above).
- 3.32 On the contrary, I consider there is a real danger that public enjoyment of the isolated and remote location occupied by The Shipwright's Arms would be severely diminished if the solar park was to be granted permission, an opinion I am sure that many others who know this spot will share.

4.0 CONCLUSION

- 4.1 For all the reasons set out in the body of this report, it is clear to me that the proposed solar park would cause a significant degree of harm to the settings of the heritage assets considered in this report and their significance. As stated in the Introduction, it is also possible that further research and fieldwork might identify other heritage assets that would be similarly adversely affected by the proposals.
- 4.2 One point where I would agree with Wessex Archaeology/ Arcus Consultancy Services Ltd. is that the level of harm caused is 'less than substantial' as that term is defined and used in the NPPF and (N)PPG, where it is specifically acknowledged that '*In general terms, substantial harm is a high test, so it may not arise in many cases*'.
- 4.3 This however is where I suspect we would part company – with Wessex Archaeology/ Arcus Consultancy Services Ltd. almost certainly claiming at the forthcoming inquiry that the degree of harm caused would be at the lower end of 'the less than substantial' spectrum, despite the fact that (notwithstanding its inordinate length) nowhere is that set out in Chapter 11 of the PEIR and ES.
- 4.4 I, on the other hand, for the reasons clearly identified in this report, am firmly of the view that the harm caused would be towards the upper end of 'the less than substantial' spectrum.
- 4.5 Be this as it may, whatever the exact level of harm caused may be, its location anywhere on the 'less than substantial' spectrum means that harm is caused and this is therefore a material consideration for the decision maker to take fully into account when determining the proposals.
- 4.6 This indeed is the position established by the 'Barnwell' Court of Appeal Decision, whereby the Court held that with regard to Section 66 (1) of the Planning (Listed Buildings & Conservation Areas) Act 1990, even in cases where 'less than substantial' harm is caused, decision-makers must nevertheless give considerable weight to the desirability of 'preserving' the settings of listed buildings as required by the Act.

- 4.7 In short, a finding of 'less than substantial harm' should not be equated with a 'less than substantial planning objection', meaning that even when the harm is 'less than substantial', the balancing exercise required by paragraph 134 of the NPPF is still subject to the statutory duty imposed by Section 66 (1).
- 4.8 In such circumstances there can only be a strong presumption against the grant of permission.