



CLEVE HILL SOLAR PARK

STATEMENT OF COMMON GROUND BETWEEN THE APPLICANT AND HISTORIC ENGLAND

August 2019
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DCO APPLICATION REFERENCE EN010085

STATEMENT OF COMMON GROUND (SOCG)

AUGUST 2019

BETWEEN:

- 1) CLEVE HILL SOLAR PARK LTD; AND**
 - 2) THE HISTORIC BUILDINGS AND
MONUMENTS COMMISSION FOR ENGLAND
(HISTORIC ENGLAND)**
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1 INTRODUCTION

1. This Statement of Common Ground (SoCG) has been prepared in relation to an application (the Application) made to the Secretary of State (SoS) for the Department for Business, Energy & Industrial Strategy (BEIS), under section 37 of the Planning Act 2008, seeking a Development Consent Order (DCO) for the Cleve Hill Solar Park (hereafter referred to as the Development). The application was accepted by PINS on 14th December 2018.
2. This SoCG has been prepared as a means of clearly stating any areas of agreement and disagreement between the Applicant and Historic England, which are set out in sections 3 and 4.

2 AGREEMENT

3. Confirmation that the Table 2 of this SoCG reflect the points of agreement at the stated date is provided in Table 1.

Table 1: Confirmation of Agreement

Date	Signatory	Signature
30.08.2019	Peter Kendall Team Leader – Development Advice (Kent)	

3 RELEVANT REPRESENTATION COMMENTS

Table 2: Relevant Representation Comments

Historic England Comments	Applicant Response	Status (HE to complete)
<i>Relevant Representation Comments</i> (RR Reference in bold, HE-X)	<i>Applicant's response</i>	<i>E.g., Agreed / Not Agreed / N/A</i>
HE-2 The site is on former marshland (now reclaimed for agricultural fields) to the north and north-west of Graveney. Historic England assesses that the proposal would cause harm to several listed buildings including the grade I All Saints Church in Graveney and to the Graveney Conservation Area which encompasses the core of the medieval settlement. Graveney is a modest rural settlement which grew up from the production of salt on the North Kent Marshes and small scale farming in the area. Its focal point is All Saints Church which stands on a high point surrounded by agricultural fields and dispersed historic buildings including the grade II listed buildings Graveney Court, Murston Farm and Sparrow Court. While much of the marshland to its north and north-west has since been reclaimed for agricultural use the sense that All Saints sits in a rural landscape surrounded by dispersed historic buildings is a key part of its significance that helps explain its origins. In our view the visual impact of such a large number of solar PV modules and the associated infrastructure would harm the significance the grade I church derives from the rural character of its setting because this would be eroded by the proposal. Solar PV modules would be visible in long views towards the church from the north, northwest and west as it is approached and to a more limited extent in views out from the churchyard towards the site. We think	The methodology set out in Section 11.2 of Chapter 11 - Cultural Heritage and Archaeology of the ES is appropriate and has been correctly applied.	Partly agreed. We agree with the methodology but there is disagreement over its application for three designated heritage assets.
	The Applicant seeks agreement that attributing High sensitivity to Grade I listed - All Saints Church Graveney is appropriate. Sensitivity is described in Table 11.2 of Chapter 11 - Archaeology and Cultural Heritage of the ES (PINS document reference APP-041).	Agreed
	The Applicant seeks agreement that attributing a low magnitude of change in respect of Grade I listed - All Saints Church Graveney is appropriate. Magnitude is described in Table 11.3 of Chapter 11 - Archaeology and Cultural Heritage of the ES (PINS document reference APP-041).	Not agreed. We think the level of change is medium (as per table 11.4 in Chapter 11 of the ES) and thus that there is a moderate change in the setting of the grade I listed All Saints Church.

Historic England Comments	Applicant Response	Status (HE to complete)
<p>this causes a moderate level of harm to the significance of the listed building.</p>	<p>The Applicant seeks agreement that an effect of "minor" significance upon Grade I listed - All Saints Church Graveney in EIA terms is appropriate.</p> <p>Attribution of significance of effect is described in Table 11.4 of Chapter 11 - Archaeology and Cultural Heritage of the ES (PINS document reference APP-041).</p>	<p>Not agreed</p> <p>A medium level of change leads to a magnitude of effect at a moderate level (Table 11.4, ES)</p>
	<p>In the Preliminary Environmental Information Report (PEIR) which was the subject of consultation in summer 2018, the Development included solar panels on the slopes of Graveney Hill / Cleve Hill and the assessment of Grade I listed - All Saints Church Graveney at para 154 to 155 was that the magnitude of change was "low" on an asset of "high" sensitivity, resulting in a "minor" effect in EIA terms. Historic England disagreed with this assessment.</p> <p>The assessment of Grade I listed All Saints Church Graveney in the ES (PINS document reference APP-041) para 157 to 160 is the same as in the PEIR - that the magnitude of change is "low" on an asset of "high" sensitivity, resulting in a "minor" effect in EIA terms.</p> <p>The Applicant seeks agreement that the magnitude of change in respect of this asset</p>	<p>Partly Agreed</p> <p>We agree the magnitude of change is reduced by the removal of panels from field Y.</p> <p>We disagree that the overall magnitude of change is low resulting in a minor effect in EIA terms. Historic England considers the overall effect of change to be medium and thus harm to be of a moderate level.</p>

Historic England Comments	Applicant Response	Status (HE to complete)
	is reduced from the magnitude of change predicted at the PEIR stage as a result of the design changes.	
	The Applicant seeks agreement that the Grade I listed All Saints Church's significance does not derive solely or even mainly from its location in a rural setting and the conclusion of the Cultural Heritage assessment that other elements that make up its heritage interest are not affected by the Development.	Not agreed. Its situation within a dispersed agricultural settlement surrounded by fields is a key part of its significance
	<p>The Applicant recognises that there is a change in wider setting, but this is only on the west side of the Grade I listed - All Saints Church (the rural setting would remain readily appreciable to the east and south), the opposite side to the entrance, and whilst there is a reduction in the contribution that this element of its setting makes to this aspect of the Church's significance, we consider the overall effect to be "minor" in EIA terms, and to constitute "less than substantial harm" in National Planning Policy Framework terms, as set out in the Heritage Statement (PINS reference APP-257).</p> <p>The decision not to promote infrastructure formerly proposed in Field Y ensures that the level of predicted effect is appropriately assessed as "minor".</p>	<p>Partly agreed.</p> <p>We agree that in NPPF terms the harm to the significance of All Saints church is less than substantial.</p> <p>We do not agree that the overall effect of the development is minor in EIA terms.</p>

Historic England Comments	Applicant Response	Status (HE to complete)
	The Applicant seeks agreement that there is very limited availability of views towards All Saints Church, Graveney from the north, north-west and west which would include Development infrastructure.	Please provide specific viewpoints in order for Historic England to provide feedback here.
	Historic England's "moderate harm" and "less than substantial harm" in the Applicant's terminology are equivalent.	Partly Agreed The applicant's terminology for less than substantial harm is derived from the NPPF. Less than substantial harm can be expressed on a scale of low to high (i.e. that the NPPF allows for a degree of nuance when explaining harm to heritage significance). In this case Historic England assesses the harm to be less than substantial for the purposes of applying NPPF policies but overall that the harm is moderate.
HE-3 We agree that the impact on significance to other nearby designated heritage including the Graveney Conservation Area is likely to be lower than the impact on All Saints church. However the impact to Sparrow Court (grade II listed building) may be greater than the minor level as assessed in the ES because the proposed development will be visible in long views from the east towards the listed building and this impacts on an appreciation of its rural setting and the significance it derives from this.	The amendments to the scheme have been prompted in large part by the concerns raised in respect of cultural heritage assets, including Sparrow Court, and the changes ensure the predicted "minor" effect will be "minor". This is reflected in the ES chapter (PINS document reference APP-041). Field Y has been removed from the development proposals in its entirety. This serves to reduce or prevent intrusion into direct visual linkages between All Saints Church, Graveney Court and Sparrow Court. The wider separation of the Development from Graveney Court will help maintain its	Not agreed While we agree the level of harm to heritage significance is reduced by the removal of field Y we nevertheless continue to assess that the magnitude of change will be medium and thus the predicted effect will be moderate in EIA terms.

Historic England Comments	Applicant Response	Status (HE to complete)
	<p>linkage to the wider rural landscape, albeit panels will continue to be visible across the wider former marshland beyond. Similarly, longer views towards Sparrow Court will still contain panels but these will not be as close into the house nor in the foreground of views as seen from the Church and Graveney Hill. In any case, as with the Church, the significance of these assets does not rely solely, or even mainly, on the former marshland and current rural setting. Their other heritage interests are not affected, hence the assessment that whilst there is some reduction in the contribution that setting makes to the significance of the assets (and to the ability to read/appreciate that element of their significance) as a result of the Development, the overall effect on their significance is "minor" for purposes of the EIA Regulations. This is in part because much of their historic, archaeological and architectural interest will still be readily appreciable and/or does not rely on longer distance visual contributions.</p>	
	<p>The Applicant seeks agreement that attributing "high" sensitivity to Grade II listed Sparrow Court is appropriate.</p> <p>Sensitivity is described in Table 11.2 of Chapter 11 - Archaeology and Cultural Heritage of the ES (PINS document reference APP-041).</p>	Agreed

Historic England Comments	Applicant Response	Status (HE to complete)
	<p>The Applicant seeks agreement that attributing a "low" magnitude of change in respect of Grade II listed Sparrow Court is appropriate.</p> <p>Magnitude is described in Table 11.3 of Chapter 11 - Archaeology and Cultural Heritage of the ES (PINS document reference APP-041).</p>	<p>Not Agreed</p> <p>We think the magnitude of effect is medium (as per table 11.4 in the ES) but still within the spectrum for less than substantial harm in NPPF terms.</p>
	<p>The Applicant seeks agreement that a "minor" effect upon Grade II listed Sparrow Court in EIA terms is appropriate.</p> <p>Attribution of significance of effect is described in Table 11.4 of Chapter 11 - Archaeology and Cultural Heritage of the ES (PINS document reference APP-041).</p>	<p>Not Agreed</p> <p>As per table 11.4 (ES) a medium magnitude of effect to a receptor with high sensitivity has a moderate effect.</p>

Historic England Comments	Applicant Response	Status (HE to complete)
	<p>In the PEIR, which was the subject of consultation in summer 2018, the Development included solar panels on the slopes of Graveney Hill / Cleve Hill and the assessment of Grade II listed - Sparrow Court at para 161 to 163 was that the magnitude of change was "low" on an asset of "high" sensitivity, resulting in a "minor" effect in EIA terms. Historic England disagreed with this assessment.</p> <p>The Applicant seeks agreement that the magnitude of change in respect of this asset is reduced from the magnitude of change predicted at the PEIR stage as a result of the design changes made.</p>	<p>Not Agreed</p> <p>We think the overall effect is reduced by the changes made since the PEIR but that it remains a moderate effect in EIA terms.</p>

Historic England Comments	Applicant Response	Status (HE to complete)
<p>HE-4</p> <p>We also note that the effect on Graveney Court is assessed as minor in the ES. Graveney Court stands directly north of All Saints Church. Originally built for the Judge of the Court of Common Pleas it is now part of a working farm. The rural setting afforded to it including the site helps to explain its rural origins and its use associated with farming. While the listed building was clearly orientated towards the east (its rear west facing elevation is markedly informal in contrast to the principal east elevation), there are nevertheless long views from the west towards the building and adjacent church in which the building's wider rural setting would be eroded which we assess as causing moderate harm to its significance.</p>	<p>The amendments to the scheme have been prompted in large part by the concerns raised in respect of assets including Graveney Court, and these changes ensure that the predicted "minor" effect will be "minor". This is reflected in the ES chapter (PINS document reference APP-041).</p> <p>Field Y has been removed from the development proposals in its entirety. This serves to prevent intrusion into direct visual linkages between All Saints Church, Graveney Court and Sparrow Court. The wider separation of the Development from Graveney Court will help maintain its linkage to the wider rural landscape, albeit panels will continue to be visible across the wider former marshland.</p> <p>Longer views towards Sparrow Court from public rights of way to the east will still contain panels but these will not be as close into the house nor in the foreground of views as seen from the Church and Graveney Hill. In any case, as with the Church, the significance of these assets does not rely solely on the former marshland and current rural setting. Their other heritage interests are not affected, hence the assessment that whilst there is some reduction in the contribution that setting makes to the significance of the assets (and to the ability to read/appreciate that element of their</p>	<p>Partly agreed.</p> <p>We agree the level of harm has been reduced by the removal of panels in field Y.</p> <p>We disagree that the effect on Graveney Court will low and thus minor in EIA terms.</p>

Historic England Comments	Applicant Response	Status (HE to complete)
	significance) as a result of the Development, the overall effect on their significance is "minor" for purposes of the EIA regulations (in part because much of their historic, archaeological and architectural interest will still be readily appreciable and/or does not rely on longer distance visual contributions).	
	The harm to the significance of Grade II listed Graveney Court is less than substantial as per the conclusions of the Heritage Statement (PINS reference APP-257) at section 3.3.	Agreed
	Historic England's "moderate harm" and "less than substantial harm" in the Applicant's terminology are equivalent.	Please refer to our comments in HE-2 on this matter.
HE-5 There are no designated heritage assets of archaeological interest, such as scheduled monuments, within the site nor do we think that any of these in the area around the site are likely to be adversely affected as a result of changes to their settings. The site does however have the potential for non-designated archaeological remains. In view of the potential remains, it is important that this is appropriately considered and dealt with in the DCO examination process.	The Applicant seeks agreement that the mitigation measures set out in the updated outline Written Scheme of Investigation [REP3-007] are considered by HE to be appropriate and proportionate in dealing with the potential for non-designated archaeological remains.	Agree Historic England is content that Para 4.30 of the WSI (revised August 2019) addresses earlier concerns about a strategy for handling the results of any survey of the WWII crash site.

Historic England Comments	Applicant Response	Status (HE to complete)
HE-6 In view of the above Historic England would want to ensure that the examining authority have the necessary information in order to inform its decision on whether or not the proposal satisfies the requirements of NPS EN-1 to conserve the historic environment	The Applicant seeks agreement that the information contained with Chapter 11 - Cultural Heritage and Archaeology of the ES (PINS reference APP-041), it's associated technical appendices and the Heritage Statement (PINS reference APP-257) include all the necessary information in relation to the historic environment to inform the ExA's decision making.	Agree Historic England is content that the updated WSI (August 2019, paras 4.30, 4.9 and 7.2) take account of the issues raised in para 3.2 of Historic England's written representation.

4 WRITTEN REPRESENTATION COMMENTS

Table 3: Selected written representation comments where further agreement sought

Historic England Comments	Applicant Response	Status (HE to complete)
<i>Written Representation Comments</i> (WR paragraph reference in bold)	<i>Applicant's response</i>	<i>E.g., Agreed / Not Agreed / N/A</i>
WR Para 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.	The Applicant will continue to engage with KCC in respect of non-designated archaeology. The updated outline Written Scheme of Investigation [REP3-007] includes references to the protection of military remains at sections 2.14 and 3.3. The Applicant seeks agreement that this issue has been addressed.	Agree
WR 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.	The areas of disagreement reflect those set out in Table 2 above. The Outline WSI [REP3-007] has been amended to take account of Historic England's comments through the addition of paragraph 4.30. The Applicant seeks agreement from HE that the strategy for any remains associated with the WWII German Aircraft has been addressed.	Historic England agrees that there continues to be disagreement about the level of harm to the significance of the grade I Church of All Saints, Graveney, and the grade II listed buildings Sparrow Court and Graveney Court. Historic England also agrees that the updated information in Para 4.30 of the WSI sets out a strategy for any remains associated with the WWII German Aircraft.