



**Land North of Little Cheveney Farm  
Sheephurst Lane  
Marden  
Kent**

*Appeal Statement – Heritage*

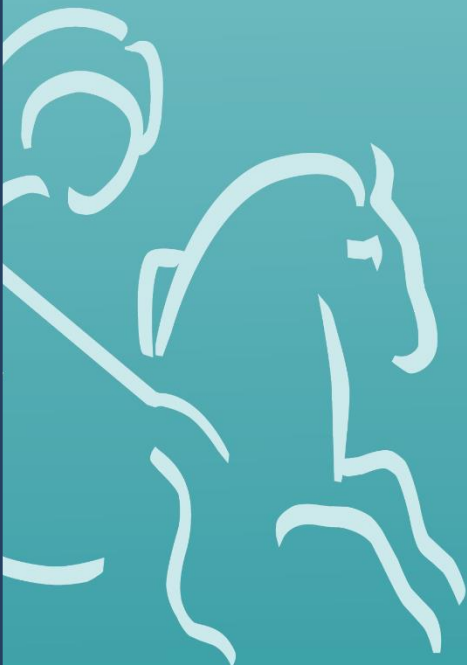


*Report prepared for:*  
Statkraft UK Ltd

CA Project: AN0691

Application ref.: 22/501335/FULL

April 2023



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## 1. INTRODUCTION

- 1.1. This heritage appeal statement has been prepared by Cotswold Archaeology in respect of application ref. 22/501335/FULL and appeal for the installation of a renewable energy led generating station comprising of ground-mounted solar PV arrays, associated electricity generation infrastructure and other ancillary equipment comprising of storage containers, access tracks, fencing, gates and CCTV together with the creation of woodland and biodiversity enhancements on land north of Little Cheveney Farm, Marden, Kent.
- 1.2. My name is Rebecca Wills, and I am a Senior Heritage Consultant for Cotswold Archaeology, based in the company's Andover office. I am a Member of the Chartered Institute for Archaeologists (MCIfA) and Cotswold Archaeology is a Registered Organisation with the Institute. I have over 16 years' experience of working professionally within the heritage sector, and have extensive experience of assessing and advising on a host of heritage-related matters. Within this document I, with support from Julia Sulikowska, Senior Heritage Consultant and Robert Sutton, Director of Heritage Consultancy, present heritage evidence as part of an Appeal against the decision to refuse planning permission for the Appeal Scheme.
- 1.3. This heritage appeal statement follows on from a Heritage Desk-Based Assessment (hereafter DBA; Cotswold Archaeology 2022, see below). This document will not seek to replicate the details provided in the earlier report, which it should be read alongside. It seeks to summarise the main issues and sets out why and how heritage issues have been addressed.
- 1.4. This statement is solely concerned with matters associated with the assessment of potential effects of the Appeal Scheme on heritage assets listed within the Reasons of Refusal (hereafter referred to as the 'RfR; MBC 2022a). Matters associated with landscape and visual effects, other issues and the planning balance can be found in the other appeal documents.
- 1.5. The RfR to which this statement responds to is as follows:

*3. The proposed development, by virtue of its scale, proximity and character results in less than substantial harm to the settings of Heritage Assets being Grade II listed buildings of Little Long End and Little Cheveney Farm as views from and to listed buildings close to the site would be possible. The harm to the significance of*

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*the heritage assets would be less than substantial. The application is therefore contrary to policies DM4 and DM24 of the Maidstone Borough Local Plan 2017 and the NPPF.*

- 1.6. As such, what follows presents a discussion of the impacts upon the Grade II Listed Buildings mentioned in the RfR:
- Little Long End (Historic England ref. 1252931); and
  - A group of four buildings at Little Cheveney Farm: Little Cheveney Farm farmhouse (Historic England ref. 1060676), Oasthouse about 15 metres south east of Little Cheveney Farmhouse (Historic England ref. 1060677), Oasthouse about 60 metres north east of Little Cheveney Farmhouse (Historic England ref. 1344415) and Barn about 15 metres south west of Little Cheveney Farmhouse (Historic England ref. 1344414). For ease these assets will be referred to collectively as ‘Little Cheveney Farm’ unless specific discussion in relation to individual buildings is presented.
- 1.7. These designated heritage assets are illustrated on Figures 9 and 10 of the DBA (Figure 9 is reproduced in Appendix 1 of this statement, with Little Long End labelled **A** and Little Cheveney Farm labelled **B**).
- 1.8. The planning committee report (MBC 2022b) and the comments from Heritage and Design consultees at Maidstone Borough Council (MBC 2022c) accept the (“no harm”) conclusions of the DBA in relation to the other Listed Buildings in the surrounding landscape, including Grade II Listed Longends Farmhouse, Great Sheephurst and Turkey Farm House. As such these have not been raised in the RfR and are not further considered within this statement.
- 1.9. In addition, the planning committee report concluded that in relation to the archaeological potential, further archaeological investigations can be secured via an appropriately worded planning condition, accepting the conclusions of the DBA. As such, the archaeological matters are not further discussed below.

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## 2. INFORMING DOCUMENTS

### *Appeal documents*

- 2.1. The heritage appeal statement should be read alongside the General PV Layout for the refused scheme, ref.: 27899 - 050 Rev E - Proposed Solar Farm Site Layout.pdf.

### *Application documents*

- 2.2. The relevant document with regard to this heritage statement that formed part of the planning application is the Heritage Desk-Based Assessment (DBA; Cotswold Archaeology 2022). This statement considers the conclusions of the DBA in relation to the impact assessment upon Grade II Listed Buildings to be accurate, and this is discussed further below.

### *Guidance documents*

- 2.3. The documents that have informed the assessment methodology adopted in this statement are cited within chapter 7 (References). The three key documents are:
- *Conservation Principles, Policies and Guidance for the Sustainable Management of the Historic Environment*, Historic England 2008;
  - *Historic Environment Good Practice Advice in Planning: Note 3: The Setting of Heritage Assets (Second Edition)*, Historic England 2017;
  - and
  - *Principles of Cultural Heritage Impact Assessment in the UK, 2021*, IEMA, IHBC and ClfA.

### *Relevant legislation*

#### **Planning (Listed Buildings and Conservation Areas) Act 1990**

- 2.4. The Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty upon the Local Planning Authority (or, as the case may be, the Secretary of State) to afford due consideration to the preservation of Listed Buildings and their settings (under Section 66(1)), and Conservation Areas (under Section 72(2)), in determining planning applications.
- 2.5. Under Section 66 of the Act, 'in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State, shall have special regard

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to the desirability of preserving the building or its setting or any features of special architectural or historic interest that it possesses' (Section 66).

### **Policy framework**

#### **National Planning Policy Framework**

2.6. The paragraphs within the section 16 (Conserving and enhancing the historic environment) of the NPPF (July 2021) (CD136) that are of relevance to this Appeal are:

- Paragraph 194, in so far as it relates to “local planning authorities .... require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance.”;
- Paragraph 195, in so far as “Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset)...”;
- Paragraph 199, in so far as “when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation...”; and
- Paragraph 202, in so far as “where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal...”.

#### **Local Planning Policy**

2.7. The policies within the Maidstone Borough Local Plan 2011-2031, adopted October 2017, of relevance to heritage assets discussed in this statement include Policy SP18 Historic Environment (quoted in full in the DBA) and Policy DM4 Development affecting designated and non-designated heritage assets<sup>1</sup>. The contents of these policies very much reflect the detail within the NPPF.

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<sup>1</sup> Policy DM4: *Applicants will be expected to ensure that new development affecting a heritage asset incorporates measures to conserve, and where possible enhance, the significance of the heritage asset and, where appropriate, its setting. 2. Where appropriate, development proposals will be expected to respond to the value of the historic environment by the means of a proportionate Heritage Assessment which assesses and takes full account of: i. Any heritage assets, and their settings, which could reasonably be impacted by the proposals; ii. The significance of the assets; and iii. The scale of the impact of development on the identified significance. 3. Where development is proposed for a site which includes or has the potential to include heritage assets with archaeological interest, applicants must submit an appropriate desk-based assessment and, where necessary, a field evaluation. (after Maidstone Borough Local Plan 2011-2031)*

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### 3. FUNDAMENTAL PRINCIPLES OF HERITAGE ASSESSMENT

#### *Introduction*

- 3.1. This chapter sets out the fundamental principles within legislation and planning policy with regard to the safeguarding of the significance of heritage assets (including their settings). These themes are drawn out, into a narrative, to provide the contextual background of the methodology adopted in the impact assessment presented within the DBA and in chapter 4 of this statement, below. In the most part, these themes are well-articulated in legislation, policy and good practice guidance; however, in some cases, key points are given further elaboration to demonstrate the specific applicability to the key issues that are the subject of this Appeal.

#### *A changed and changing historic environment*

- 3.2. Our historic environment tells a story of change. The buildings of today that have stood for hundreds of years would have, when first constructed, looked alien within their environments. The same can be said of landscape features such as ridge and furrow, so prevalent in parts of the English medieval countryside, which had no place in the farmed landscapes of the pre-Roman or Roman period. Or large, amalgamated arable fields, which do not resemble the patchwork landscape of enclosed fields characteristic of the post-medieval period. The transportation infrastructure of more recent times in the form of canal, rail and motorway often paid little respect or even acknowledgement of the grain of the landscape through which they pass. Our historic environment is one of change and creation. Our legislative and policy framework seeks to safeguard those elements that tell the most important stories of these changes.
- 3.3. Within our historic environment there are some special buildings and places that survive as an ‘intact artefact’, a time capsule; telling an important story of a specific event, presenting an unadulterated articulation of a designer’s intention or the unaltered aftermath of a single occurrence. When in the presence of these buildings and places, one can be more easily transported to the past time in question, forming an integral part of the experience of their heritage significance. These buildings and places are extremely rare and are especially sensitive to changes that would interfere with the quality of this ‘unaltered experience’.



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3.4. Many of the historic buildings which survive within the landscape today continue to be used and have been adapted over the centuries to reflect the changing technology, needs and aspirations of their occupants and users. The buildings and their surroundings have been altered to ensure they have a viable use within the changing socio-economic environment. This change occurs constantly and forms part of the narrative of those heritage assets, from internal alterations to allow modern residential facilities, or extensions to provide extra space, to provision of amenities such as swimming pools, or even conversion of formerly agricultural buildings when they become disused..

3.5. Therefore, most of our historic environment, even the majority of designated heritage assets, tell stories of change. The Listed Buildings that are the subject of this Appeal, are heritage assets that tell stories of change too.

#### *Understanding heritage significance and setting*

3.6. The NPPF provides a definition of ‘significance’ for heritage policy (Annex 2). This states that heritage significance comprises ‘The value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic’.

3.7. Regarding ‘levels’ of significance (or more properly ‘importance’) the NPPF (2021) provides a distinction between: designated heritage assets of the highest significance (including scheduled monuments); designated heritage assets not of the highest significance (including Grade II Listed Buildings); and non-designated heritage assets.

3.8. The ‘setting’ of a heritage asset comprises ‘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’ (NPPF (2021), Annex 2). Thus, it is important to note that ‘setting’ is not itself a heritage asset: however, it may contribute to the significance of a heritage asset.

3.9. Guidance on assessing the effects of change upon the setting and significance of heritage assets is provided in ‘Historic Environment Good Practice Advice in Planning Note 3: The Setting of Heritage Assets’, which has been utilised for the assessment presented here. To quote directly from this document “Analysis of

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setting is different from landscape assessment. While landscapes include everything within them, the entirety of very extensive settings may not contribute equally to the significance of a heritage asset, if at all.” Therefore, understanding and articulating the relative significance of the component parts of the setting of a heritage asset is a critical component to the impact assessment (see below).

- 3.10. In summary, setting can contribute to heritage significance through associated attributes i.e., surviving elements within its surrounds that have a tangible association with the important stories of the asset itself (maybe lying well-beyond the experience of the asset); or at specific locations where the asset itself is experienced.
- 3.11. In the vast majority of cases heritage significance is experienced when one is looking towards (or simply ‘looking at’) the heritage asset. The sensory and intellectual stimulation drawn from the aesthetic and historic (illustrative) value of a building (such as a post-medieval farm complex) is obviously had from views towards it. It is highly relevant that there will be locations within the setting of a heritage asset where this is best or commonly experienced.
- 3.12. The importance of understanding and articulating the relative significance of an asset (or elements of an asset) is well-grounded in legislation, policy and good practice guidance. Historic England’s *The Setting of Heritage Assets* mentions that by “considering the level of ... [the relative] contribution to significance, it is possible to gauge impact more transparently and more consistently”.
- 3.13. To quote, again, from *The Setting of Heritage Assets* “Views, however, can of course be valued for reasons other than their contribution to heritage significance. They may, for example, be related to the appreciation of the wider landscape, where there may be little or no association with heritage assets”. The guidance goes further on this point to state that “Views out from heritage assets that neither contribute to significance nor allow appreciation of significance are a matter of amenity rather than of setting”.

***Change does not necessarily result in harm***

- 3.14. For a proposal (a development) to cause harm to a heritage asset it must have the potential to impact its heritage significance or the way in which its significance is experienced. Change to the character of the asset’s setting (relevant in this Appeal) does not necessarily result in harm to its significance.

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- 3.15. As Historic England guidance states, ‘Many places coincide with the setting of a heritage asset’ and ‘conserving or enhancing heritage assets by taking their settings into account need not prevent change; indeed change may be positive’. Thus change, even that which is perceived by some as unwelcome and/or considerable in scale is not to be necessarily equated with harm to heritage significance. As such, the introduction of, say, a solar farm within a part of the setting of a heritage asset, and specifically a part that contributes little or nothing to its heritage significance, is not necessarily harmful. It is only when this change alters one or more of those elements that materially contribute to the asset’s significance, or when it impinges on the experience of the asset’s significance that harm can arise.
- 3.16. Therefore, the assessment presented here is solely concerned with identifying such instances of harm or benefits. Thus, identifying a change of character or an altered view is not, of itself, evidence of an impact (or harm) in heritage terms.

### *Reversibility*

- 3.17. The matter of reversibility is also of relevance to an understanding of change and to the effect of the development on heritage significance. The IEMA Principles of Cultural Heritage Impact Assessment acknowledge the importance of this matter, as does the Setting of Heritage Assets.
- 3.18. Reversibility is a long-established concept within historic building conservation. When a change of use is proposed that requires material alterations to the layout of a building, the designers will often seek to create a scheme that ‘sits lightly’ within and amongst the historic fabric; and that the new installations can be removed or reversed with minimal or no impact. These types of schemes are often described as mitigating any adverse effects.
- 3.19. However, as a concept within the conservation philosophies of historic landscape management (as is relevant to this Appeal), reversibility is less well developed. This does not mean that it is not relevant; far from it, it is wholly relevant and applicable. Therefore, a proposal or development that can be removed from the landscape or from the setting of a heritage asset without causing any permanent adverse effects is clearly a material matter and must be recognised as having a far lesser effect than an irreversible change.

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### **Solar farm developments**

- 3.20. By their very nature and location within the landscape, solar farms of the scale being proposed here, are inherently rural and agricultural in character. While they plainly exhibit features only present within 21st century rural landscapes, this feature type can be categorised alongside other late 20th century phenomena such as oil seed rape, biofuel crops, confetti fields and alpaca farms.
- 3.21. The character of these features (solar panels) within the landscape is perceived very differently by different individuals. Some will perceive them as unwanted, eyesores; others will see them as important, sensitive, rural and even agricultural. In conversations on solar farms and the historic landscape it is not uncommon to see them described as industrial, urban and akin to built-form (i.e. similar to housing estates). These descriptions can be misleading regarding the way in which these features are or should be perceived. Industrial character areas are a hive of activity, noise, smells and people interacting with mechanised equipment; solar farms are the total opposite – quiet, still and unpopulated. In the same sense, all of the characteristics associated with urban ‘built form’ are completely absent from my perception and experience of solar farms.
- 3.22. When solar farms were first introduced to our landscape(s) they would have seemed alien (see above for further discussion on this in relation to the many changes to our landscape over the past 8,000 years). However, the prevalence of these features within the countryside, a function of nearly 20 years of construction and operation, requires us to recognise these solar farms as becoming a more commonplace landscape character type, much in the same way we acknowledge golf courses or greenhouses / polytunnels.

## **4. HERITAGE SIGNIFICANCE AND IMPACT ASSESSMENT**

### **Introduction**

- 4.1. An assessment of the designated heritage assets within the surroundings of the Appeal Site is provided in Section 5 of the DBA. This section does not therefore seek to reproduce this content but instead presents a summary of the significance of the Grade II Listed Buildings at Little Long End and Little Cheveney Farm, and of the way in which this significance may be affected by the Appeal Scheme.

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## ***Little Long End***

### *Description of the asset*

- 4.2. Little Long End is situated just to the north of the Appeal Site boundary, from which it is separated by the hedge-lined Burtons Lane. Originally constructed as a three-bay barn in the 17th or early 18th century, the building was converted to a cottage in the mid-19th century. It is described in the list entry as a two-storey building with a weatherboarded timber frame, a central doorway with later gabled porch, plain tile roof with half-hipped ends, and brick gable-end chimney stacks.

### *Significance of the asset (including contribution made by setting)*

- 4.3. The heritage significance of Little Long End is derived from the evidential (architectural) value embodied in its physical form and fabric, as well as its historical (illustrative) value relating to the development of the local landscape in the post-medieval and early modern period.
- 4.4. Little Long End is situated within an enclosed plot, bound to the south by Burtons Lane and to the north by a railway line. The principal elevation faces south, towards the road, while a long private garden lies to the north (rear) of the building. These immediate, enclosed surroundings are a crucial aspect of the building's setting in facilitating an understanding of its later historical function as a private dwelling.
- 4.5. Little Long End is surrounded in all directions by agricultural land, with the exception of the small number of houses to the east. These wider surrounds can be seen to be representative of a rural landscape setting broadly consistent with that within which the building was originally constructed and functioned. However, this character is not dependent on specific land-use (i.e. arable), but rather relates to the overall rural context. However, while still rural in character, this landscape has undergone considerable change in the 19th and 20th centuries, including the construction of the railway line, electricity pylons and small-scale residential developments, along with the amalgamation (enlarging) of small fields of medieval and post-medieval origin.
- 4.6. Little Long End is best experienced from within its immediate surroundings formed by its enclosed plot, whereupon the historic and architectural qualities of the building can be appreciated at proximity. A further experience of the building is available from Burton Lane (Photo 1), however this is limited to where there are breaks in the vegetation. The asset is perceived within a rural context, although tall

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vegetation either side of the lane largely obscures longer-distance views of the asset in relation to the surroundings.



**Photo 1** View north onto Little Long End from Burton Lane

*The impact of the Appeal Scheme on heritage significance*

- 4.7. The part of the Appeal Scheme which lies closest to Little Long End will comprise a biodiversity area, formed of a mixture of native tree species. The nearest solar panels will be over 215m to the east of the asset, beyond an existing overhead power line.
- 4.8. While a key view into and out from the building, from the principal elevation, faces south towards the Appeal Site, mature hedgerows obscure any views of the Appeal Site (Photo 2). Likewise, the building is not visible from within the Appeal Site and cannot be experienced alongside it within the wider landscape.
- 4.9. The Appeal Scheme will not be discernible within any experience of Little Long End. Although forming part of the wider rural landscape surrounding Little Long End, The Appeal Site has no known functional or historical associations with the building and has no bearing on the ability to appreciate or understand its heritage significance. The solar arrays will be sited within the periphery of these wider surroundings, with the existing lack of intervisibility maintained and enhanced by preservation of the existing vegetation and the additional tree planting within the biodiversity area in the north-west of the Appeal Site.





**Photo 2** View east towards the Site, from Burton Lane adjacent to Little Long End

- 4.10. Through the DBA and the analysis presented above, it has been established that the change in character from arable to solar, as resulting from the Appeal Scheme, would cause no harm to the significance of the Grade II Listed Little Long End. The Appeal Scheme will continue to be perceived as forming part of the wider hinterland of the asset, i.e. a fundamentally rural landscape. Due to the situation of the building over 200m away from the nearest solar panels, and the intervening vegetation, there is no intervisibility between an experience of the building and a view of the solar arrays.
- 4.11. Thus, there would be no harm to the significance of the Grade II Little Long End.

### ***Little Cheveney Farm***

#### *Description of the assets*

- 4.12. The group of Listed Buildings at Little Cheveney Farm is located c. 230m to the south of the Appeal Site. At the centre of the complex is the farmhouse, a two-storey, timber-framed building of late 16th century date, with late-18th or early-19th century additions and 1930s restoration. The building has brick and tile-hung elevations, with a roof plain tiled gable roof and a central multiple brick ridge chimney stack. Later rear wings lie to the right and left.
- 4.13. The barn approximately 15m south-west of the farmhouse is of 17th century date, with later additions and alterations. It is timber framed and weatherboarded, of six

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bays, and sits on a rendered plinth. The two oasthouses are located c. 15m south-east and c. 50m north of the Farmhouse, and are both of 19th or early 20th century date, with surviving kilns and cowls. Both oasthouses appear to have converted to residential use.

*Significance of the assets (including contribution made by setting)*

- 4.14. The heritage significance of the Listed Buildings at Little Cheveney Farm stems from their physical form and fabric, which retain evidential and architectural values relating to their construction and phases of use, as well as historical illustrative values as surviving elements of the local post-medieval and early modern landscape. Consideration of the assets as a group adds to their historical value.
- 4.15. Historically comprising a large farmstead with a rough courtyard layout (as depicted on 19th century mapping), Little Cheveney Farm is now formed of a small number of private residences, positioned either side of the north/south farm track which effectively acts as a private driveway. With the exception of the barn, the assets now comprise private homes, and each property is separated from the others by gardens to the front and rear (the boundaries of which are denoted by low fences and/or vegetation). Despite these alterations and changes of use, the buildings continue to be appreciable as a group, while modern agricultural barns and grazed paddocks within the immediate surroundings of the building attest to their collective historical function as a farmstead.
- 4.16. The buildings can be best experienced at proximity, from within the farm grounds. It is from here that the historic and architectural qualities of the buildings can be clearly seen and appreciated, and that the spatial relationships between the structures can be understood. It is anticipated that the key views into and out from the buildings are those that overlook the other buildings and open spaces within the farm.
- 4.17. The wider landscape surrounding Little Cheveney Farm is characterised by agricultural land. The rural character of this broader context helps to convey the historic, agricultural function of the farmstead, although the importance of this aspect of setting been somewhat reduced by the conversion of the oasthouses to residential use. This landscape has experienced considerable change throughout the 20th and 21st centuries, as evidenced by the presence of residential developments on Sheephurst Lane, large agricultural barns and electricity pylons.



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In addition, many of the large, regular fields present within the existing landscape, including the Appeal Site, are derived from the 20th century amalgamation of medieval and post-medieval field systems. It is the overall rural character, rather than specific land-use (i.e. arable) that is of relevance to the significance of the farm buildings.

- 4.18. While it is expected that some views of the wider surrounding landscape can be afforded from the buildings at Little Cheveney Farm, these would be filtered between intervening vegetation and agricultural buildings; such views are furthermore incidental, although they do serve to illustrate the rural context of the farm.



**Photo 3** View south-west from within the Site towards Little Cheveney Farm

- 4.19. Longer-distance views of the oasthouses at Little Cheveney Farm are available within the Appeal Site from a number of areas, particularly in the parts of the Appeal Site closest to the farmstead of the structures (Photo 3). These views illustrate the buildings within their wider agricultural setting, and provide an insight into the prominence of the former hop production industry in the area. However, such views are too distant to allow any clear perception of the historic or architectural qualities of the buildings, which are more readily appreciated from within their immediate environs. Similar views of the tops of the oasthouses can furthermore be attained from numerous locations within the surrounding area.
- 4.20. As identified within the DBA, the land within the Appeal Site formed part of the landholding associated with Little Cheveney Farm in the mid-19th century. This minor historical relationship is not apparent except through examination of historical documentation.

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*The impact of the Appeal Scheme on heritage significance*

- 4.21. The Appeal Scheme would introduce solar panels into the wider landscape surroundings to the north, east and west of Little Cheveney Farm. However, no panels will be placed in the fields closest to buildings, with the nearest located over 270m north of the core of the farm (and 150m of the northernmost oasthouse). The landscape mitigation measures include the enhancement of the existing vegetation boundaries at the southern edge of the Appeal Site, and the creation of a 15m deep woodland belt and new hedgerow to provide visual screening.
- 4.22. Owing to the measures set out above, and the distance of the panels from the farm, the Appeal Scheme is unlikely to feature within any views from Little Cheveney Farm. Where any visibility is possible, this will be limited to glimpsed and heavily filtered views which will in no way affect the ability to appreciate or understand the farm buildings. The key elements that contribute to the significance of the buildings, inherent within their physical form, will remain entirely unaltered, as will the primary experience of the buildings afforded from within their immediate surroundings.
- 4.23. While the Appeal Scheme may interrupt the existing views of the oasthouses available from within the Appeal Site., these incidental and distant views have been identified as making only a minor contribution to the significance of the buildings, which will remain visible and distinctive features from elsewhere within the landscape.
- 4.24. In consideration of the above, and as determined within the DBA, the Appeal Scheme would result in a slight change in character to the wider landscape surroundings of the Grade II Listed Buildings at Little Cheveney Farm. However, the Appeal Scheme will be seen and understood as part of the wider agricultural hinterland of the assets. The historical association between the Appeal Site and the assets would not be lost as a result of this change in character.
- 4.25. Accordingly, there would be no harm to the significance of the Grade II Listed Buildings at Little Cheveney Farm.

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## 5. RESPONSE TO THE REASONS FOR REFUSAL

- 5.1. The following paragraphs respond to the matters expressed in the RfR (MBC 2022a), the planning committee report (MBC 2022b), and the consultation response from the Heritage and Design consultees at Maidstone Borough Council (MBC 2022c).
- 5.2. The Heritage and Design consultation response raises an objection to the application, citing impacts on the Grade II Listed Buildings at Little Long End and Little Cheveney Farm. Regarding Little Long End, the consultation response agrees with the DBA that the wider rural landscape surrounding the building makes only a minor contribution to its significance, but goes on to state that *'nevertheless, the construction of a considerable number of solar panels, even with the trees will reduce the rural setting of the site'*. No explanation is provided as to how this landscape contributes to the significance to the building, or whether and how any harm would occur. As identified within the DBA and Section 4, above, the Appeal Site does not feature within any experience of the building and does not have any direct (i.e. meaningful) historical or functional associations with it. The Appeal Scheme will retain an agricultural character within the Appeal Site through the preservation of the existing field boundaries and the maintenance of the Appeal Site as grassland throughout the solar farm operation. I therefore disagree that the Appeal Scheme would lead to a reduction in the 'rural setting'.
- 5.3. Further comment on the effect upon Little Long End is made in the committee report, which references the *'harm to its setting from the industrialisation of its arable context'*. As set out above and in paragraph 3.21, it is my view that the character of solar farms is rural and agricultural, and the Appeal Scheme will not produce environmental changes such as noise and vibrations that are typically associated with industrial developments. This view was accepted by the Inspector in a recent Appeal Decision for Land at Park Farm, Gillingham (Appeal ref. APP/D1265/W/22/3300299; Appendix 2), in which paragraph 33 states of solar farms *'nor do I accept the Council's assertion that they are industrial in visual terms, as they have little in common with industrial development and are becoming gradually accepted in rural areas'*.

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- 5.4. In relation to Little Cheveney Farm, the consultation response references the visibility of the oasthouses, stating *'the short distance views of this asset from the site in particular the roundels and cowls are important and will be impacted by the proposed development somewhat, however it is the rural setting that will be diminished and will result in some minor harm to the setting of the listed building'*. However, as also noted within the response, these are prominent features within the landscape, and their visibility is not specific to the Appeal Site. The Appeal Site does not offer a unique vantage point from which to experience the assets and does not make a direct contribution towards their significance. Where the response refers to the diminishment of the rural setting, the comments again fail to articulate how this setting contributes to the significance of the oasthouses. The consultation response seems to place an emphasis on the 'harm to the setting', with little explanation as to how that would lead to harm to the significance of the buildings.
- 5.5. The committee report refers to the *'visual, functional and historic connections'* between the Appeal Site and the Listed Buildings at Little Cheveney Farm. However, the assessment presented in the DBA and above has concluded that only a low level of intervisibility exists between the Appeal Site and the Listed Buildings at Lower Cheveney Farm. Where this visual connection does exist, it is limited to relatively distant and filtered views which provide little meaningful insight into the historical form of the buildings. The most informative experience of the assets is attained within their immediate surroundings formed by the farmstead. Regarding the functional and historical connection cited within the committee report, while there is a broad association through the Appeal Site's agricultural status, this represents just a part of the much wider rural landscape to which this would also apply. The DBA identified a minor historical relationship based on former landownership, however this will be preserved, the former association will be maintained. The appreciation of this relationship will not be affected by the Appeal Scheme.
- 5.6. The consultation response concludes that the Appeal Scheme would result in harm to the Listed Buildings at Little Long End and Little Cheveney Farm, but that this harm *'would be minor and at the lower end of less than substantial'*. The findings of the committee report cite *'less than substantial harm'* to the assets, stating that this results from the *'occasional views from and to the listed buildings across the*

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*application site*'. This appears to make the assumption that change to the views would automatically result in harm, however it is only where this change alters an aspect which materially contributes to the significance of an asset that harm would arise (see paragraph 3.15, above). I contend that the limited alteration to these occasional and indirect views from and towards the assets would result in no harm to their significance.

- 5.7. The committee report accepts the public benefits of a renewable energy scheme but states that such benefits '*could be obtained by sites that are less constrained by the proximity of so many Grade II listed buildings*' (para. 6.42). A scheme of this type and size would always be, because of its nature, sited in a rural location forming hinterland of some Listed Buildings or other heritage assets. However I do not rely on this to justify the acceptability of the Appeal Scheme or the incorrect conclusions cited within the committee report. Any development proposal should be assessed on its own merits and considered within the current legislative and planning policy context. This should be informed by assessment based not on 'proximity' of a site to designated heritage assets, or comparisons with other locations, but by a thorough understanding of whether a scheme that is proposed could affect significance of designated heritage assets. This discussion is not directly relevant to the Appeal Scheme, as the DBA has demonstrated the Listed Buildings in the vicinity of the Appeal Site would not be harmed.
- 5.8. The RfR draws from the consultation response and committee report in finding 'less than substantial harm' to the Grade II Listed Buildings at Little Long End and Little Cheveney Farm, triggering conflict with Local Plan Policy DM4 and NPPF paragraph 202 when insufficient public benefits are acknowledged. As presented within this Appeal Statement, I find no such harm to these designated heritage assets.

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## 6. CONCLUSIONS

- 6.1. This Appeal Statement has addressed the potential effects of the Appeal Scheme in relation to designated heritage assets, as identified in the RfR. The RfR determined that less than substantial harm would occur in relation to the significance of Grade II Listed Little Long End and a group of Grade II buildings at Little Cheveney Farm, as a result of the change within the settings of these assets brought about by the introduction of the solar farm.
- 6.2. This analysis presented in this Appeal Statement, which has been informed by a detailed and robust Heritage Desk-Based Assessment, identifies that the Appeal Site does not feature within any experience of Little Long End, with established vegetation preventing any visual relationship. There are no known functional or historical associations between Little Long End and the Appeal Site, and the arable character of the Appeal Site is of no relevance to the significance of the asset. The Appeal Scheme would retain and enhance the existing vegetation boundaries, thereby maintaining the existing lack of visibility and preserving the field pattern. It is concluded that no harm would be occasioned to the significance of the Grade II Listed Little Long End should the appeal be allowed.
- 6.3. The group of Grade II Listed Buildings at Little Cheveney Farm comprise a farmhouse, barn and two oasthouses which have been converted to residential use. While the Appeal Site forms part of the wider agricultural surroundings to the buildings, its arable character makes no direct contribution towards their significance. The key experience of the assets is from within their immediate surroundings, where the form of the buildings, their layout and contextual relationships can be clearly understood. The occasional, distant and filtered views between the buildings and the Appeal Site do not inform the significance of the assets. Should the appeal be allowed, there would no harm to the significance of the Grade II Listed Buildings at Little Cheveney Farm.
- 6.4. The requirement of the Planning (Listed Buildings and Conservation Areas) Act 1990 is that ‘.....*the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses*’ (s.66(1)). As has been established, the specific land-use (arable) of the Appeal Site makes no contribution to the identified ‘special architectural or historic interest’ of the



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designated heritage assets and the broader rural character forms only a limited component to the wider heritage significance. In any case, the change brought about by the Appeal Scheme would not change this rural character and thus no harm would come to the significance of the assets. It can be concluded that their special interest would be preserved.

- 6.5. Paragraph 202 of the NPPF states that where less than substantial harm is identified in relation to designated heritage assets, this should be balanced against the public benefits of the scheme. The conclusion of the assessment demonstrates that there will be **no harm** to the significance of designated heritage assets, and thus para. 202 need not be engaged.
- 6.6. Policy DM4 of the Maidstone Borough Local Plan states that new developments affecting a heritage asset should incorporate measures to conserve, and where possible enhance, the significance of the heritage asset and its setting. The Appeal Scheme is considered to result in no harm to the significance of the building through alterations to its setting, therefore the requirements of Policy DM4 are met.
- 6.7. Should the Inspector conclude differently and find harm to these Listed Buildings, of a scale akin to that noted by the Council, i.e. lower end of less than substantial, such harm should be weighed against the benefits of the Appeal Scheme.

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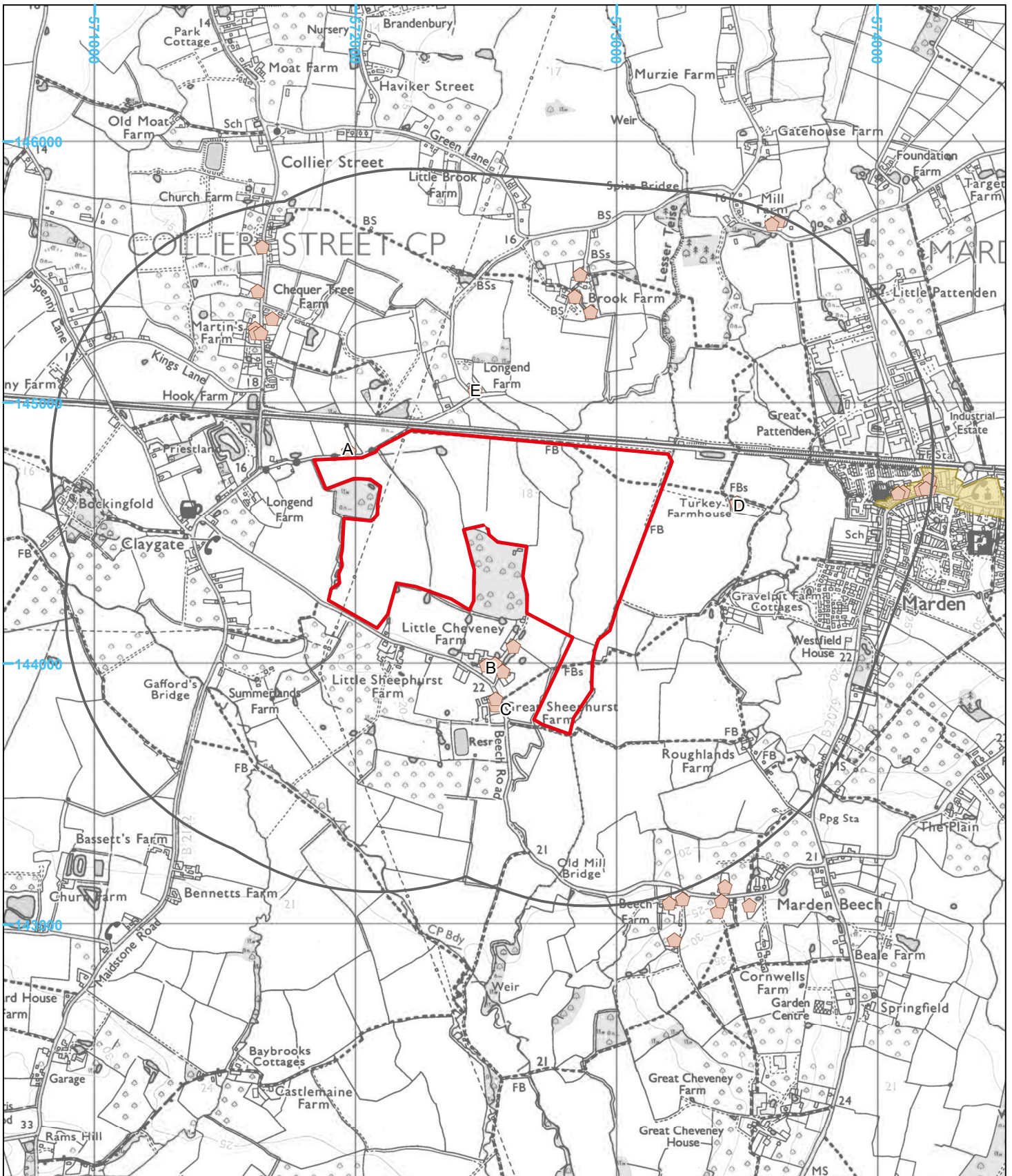
## 7. REFERENCES

- Chartered Institute for Archaeologists 2020 *Standard and Guidance for Historic Environment Desk-Based Assessment*
- Cotswold Archaeology 2022 *Marden Solar, Land West of Marden, Kent: Heritage Desk Based Assessment*. Report ref. AN0347\_1
- Historic England 2008 *Conservation Principles, Policies and Guidance for the Sustainable Management of the Historic Environment*
- Historic England 2015 *Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision-Taking in the Historic Environment*
- Historic England 2017 *Historic Environment Good Practice Advice in Planning: Note 3: The Setting of Heritage Assets (Second Edition)*
- Historic England 2019 *Historic England Advice Note 12: Statements of Heritage Significance: Analysing Significance in Heritage Assets*
- Maidstone Borough Council (MBC) 2017 *Maidstone Borough Local Plan 2011 – 2031* [https://maidstone.gov.uk/\\_data/assets/pdf\\_file/0005/171149/Local-Plan-v2-November-2017.pdf](https://maidstone.gov.uk/_data/assets/pdf_file/0005/171149/Local-Plan-v2-November-2017.pdf)
- Maidstone Borough Council (MBC) 2022a *Planning Decision Notice – Application Reference 22/501335/FULL*, 28 October 2022
- Maidstone Borough Council (MBC) 2022b *Planning Committee Report – Application Reference 22/501335/FULL*, 20 October 2022
- Maidstone Borough Council (MBC) 2022c *Heritage and Design Consultation Response – Application Reference 22/501335/FULL*, 10 August 2022
- Ministry of Housing, Communities and Local Government 2021 *National Planning Policy Framework (NPPF)*; published July 2021
- Planning (Listed Buildings and Conservation Areas) Act 1990 Act of UK Parliament



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**APPENDIX 1: DESIGNATED HERITAGE ASSETS (AFTER  
COTSWOLD ARCHAEOLOGY 2022; FIGURE 9)**



- Site
- Study Area
- Marden Conservation Area
- Grade II Listed Buildings



Andover 01264 347630  
 Cirencester 01285 771022  
 Milton Keynes 01908 564660  
 Suffolk 01449 900120

W [www.cotswoldarchaeology.co.uk](http://www.cotswoldarchaeology.co.uk)  
 E [enquiries@cotswoldarchaeology.co.uk](mailto:enquiries@cotswoldarchaeology.co.uk)

PROJECT TITLE  
**Marden Solar, Kent**

FIGURE TITLE  
**Designated Heritage Assets**



DRAWN BY	NH	PROJECT NO	AN0347	FIGURE NO.
CHECKED BY	JS	DATE	16/02/2022	
APPROVED BY	JS	SCALE@A4	1:20,000	<b>9</b>

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## APPENDIX 2: PARK FARM APPEAL DECISION



## Appeal Decision

Inquiry held on 27 – 30 September and 5 October 2022

Site visits made on 26, 28 and 29 September 2022

by **Phillip J G Ware BSc DipTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 13 February 2023

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### Appeal Ref: APP/D1265/W/22/3300299

#### Land at Park Farm, Gillingham SP8 5JG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Fern Brook Solar Farm Ltd against the decision of Dorset Council.
  - The application Ref P/FUL/2021/02046, dated 4 June 2021, was refused by notice dated 25 January 2022.
  - The development proposed is the construction of a solar photovoltaic farm, battery storage and associated infrastructure, including inverters, batteries, substations, security cameras, fencing, access tracks and landscaping.
- 

### Decision

1. The appeal is allowed and planning permission is granted for the construction of a solar photovoltaic farm, battery storage and associated infrastructure, including inverters, batteries, substations, security cameras, fencing, access tracks and landscaping on Land at Park Farm, Gillingham SP8 5JG in accordance with the terms of the application Ref P/FUL/2021/02046, dated 4 June 2021, subject to the conditions set out in the Annex to this decision.

### Procedural matters

2. The majority of the Inquiry was held in person, with other participants and observers on Teams. Closing submissions were delivered virtually.
3. The appellants put forward an amended landscaping scheme at the appeal stage. Although this was suggested to have an implication related to archaeology, both parties agreed that the appeal should proceed on that basis, and the archaeological matter was discussed at the Inquiry. I am satisfied that no interests would be prejudiced by that course of action and the Inquiry and this decision relate to the amended plans.

### Main issues

4. There are two main issues in this case
  - The effect on the character and appearance of the landscape
  - The effect on the setting of designated and non-designated heritage assets

5. There are two other matters, archaeology and noise, which although not forming part of the Council's reasons for refusal, appeared to generate some disagreement between the parties at the time of the CMC. It was agreed at the CMC that these matters could usefully be discussed further and, as a result, much of the dispute was resolved and a Supplementary Statement of Common Ground (SOCG) was prepared (September 2022). These matters will be dealt with separately below.

## **Reasons**

### *The site, the surrounding area and the proposals*

6. The appeal site is around 33 hectares in extent (slightly larger if the route of the cable connection is included). It comprises grazed pastureland bounded by managed species-poor hedges. The site is classified as Grade 4 (poor quality) agricultural land due to its heavy slowly permeable soils.
7. The surrounding area comprises similar fields, with a woodland to the north. It is around 600 metres east of the settlement of Gillingham. The area, aside from Gillingham, is generally rural in character, and the nearest residential property is Donedge Lodge Farm around 240 metres to the northeast.
8. There is a public bridleway running adjacent to and within the northern and north-western boundaries of the site. This bridleway forms part of the White Hart Link which connects Gillingham with Motcombe, and which connects with other footpaths.
9. The site is not within or adjacent to any national or international environmental, landscape or cultural heritage designations. The majority of the site is within Flood Zone 1, along with smaller areas of Flood Zones 2 and 3 along the western and southern boundaries.
10. The site known as the Gillingham Southern Extension (GSE) is located on fields to the west of the site – its closest point is around 70m from the western edge of the site.<sup>1</sup> Outline permission for a major development was given in 2021 – I will return to this later.
11. The Gillingham Royal Forest Project Area covers an area of approximately 13.7 square miles and includes the appeal site. The area around the appeal site is a non-designated heritage asset in its own right. The Area includes three Scheduled Monuments - Kings Court Palace Moated Site - approximately 600m to the west; the remains of East Haines House and the adjacent section of the Deer Park Pale - approximately 1km to the north-west; and the Gillingham Park Boundary Bank - approximately 500m to the east. Donedge Lodge Farm is a non-designated heritage asset.

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<sup>1</sup> There is a disagreement between the parties as to how this proximity is best described, but this dispute is of no relevance to the decision.



12. The plan below shows the relationship between the appeal site and the heritage



13. The appeal proposal is described in general terms in the banner heading above. The details are shown on the submitted plans, and are described in the Planning, Design and Access Statement and the Council officer's report (P/FUL/2021/02046).

*Policy context*

14. The development plan comprises the saved policies of the North Dorset District Wide Local Plan 2003 (DWLP); the North Dorset Local Plan Part 1 2016 (LP);

<sup>2</sup> Taken from Mr Sutton's evidence, and uncontested

and the Motcombe Neighbourhood Plan 2019 (NP). It is worth recording that there is no suggestion from any party that the most important policies in the development plan are out of date or that the so-called 'tilted balance' is engaged.

15. DWLP policy GRF1 deals with the Gillingham Royal Forest Project Area. It states that it is proposed to provide additional woodland planting to enhance the landscape, provide recreational facilities and provide interpretational material. Development in keeping with the character of the area and in accordance with these matters will be approved.<sup>3</sup>
16. LP policies 4, 5 and 22 deal with heritage, landscape and renewable energy matters. Policy 4 is a wide ranging policy dealing with the natural environment. Amongst other matters it seeks to protect the landscape character of the area. Policy 5 deals with the historic environment, and in particular the need to weigh any less than substantial harm to designated heritage assets against the public benefits of proposals, and deals with the approach to harm to non-designated heritage assets. Policy 22 deals with renewable energy proposals, and the need to weigh benefits against impacts. The effect on the landscape and the historic environment are two potential adverse impacts.<sup>4</sup>
17. In addition, LP Policy 21 deals with the GSE, as referenced above. It includes four main areas proposed for development and notes that the setting of Kings Court Palace, as a scheduled monument will need to be protected. It states that Gillingham Park is an ancient Deer Park, which was formerly surrounded by a 'park pale'.
18. NP policy MOT5 takes a similar approach to DWLP policy GRF1 in its support for woodland planting in the Royal Forest area and the promotion of the understanding of the area. MOT7 seeks to minimise adverse impacts on views from public rights of way over open countryside. It identifies views which are of particular significance, none of which relate to this proposal.

### **Landscape**

19. The appeal site itself comprises agricultural fields and is entirely rural in appearance, as is much of the surrounding area. That said the influence of the edge of the settlement is apparent to varying degrees from parts of the site and the wider area. I will return below to the effect of the GSE allocation and permission. The site falls within the area of the Gillingham Royal Forest which is itself a non-designated heritage asset and is part of the setting for other assets (to which I will return below).
20. A useful starting point in dealing with the effect of the proposal on the character and appearance of the area is to consider the way in which it is described in character appraisals. In terms of the National Character Area the site and the area are within NCA 133: Blackmore Vale and Vale of Wardour. This is described as a "...large expanse of lowland clay vale and the Upper Greensand terraces and hills that mark the southern and eastern boundary of

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<sup>3</sup> Other DWLP policies are listed in the SOCG at para 7.5. These are not reasons for refusal.

<sup>4</sup> Other LP policies are listed in the SOCG at para 7.4. These are not reasons for refusal.

the NCA.” At a more local level the site is within the Clay Vale Landscape Character Type, which is described as “..a broken sweep across the north-western parts of the county beyond the western and northern edges of the chalk escarpment”.

21. The site is not within any landscape designated at either a national or local policy level. Although the above descriptions naturally do not specifically describe the appeal site and its immediate surroundings, it is clear to me that it is generally representative of the surrounding landscape.
22. The other point of note is that the predecessor authority to the Council had a Landscape Sensitivity Assessment of the area prepared in 2014. This assessment described the area as “..a flat or gently undulating landform..”, a description which reasonably describes the area. The Assessment also stated that the area is not inherently sensitive to solar PV development, and that from within the area the even topography means that solar PV development would be unlikely to be perceptible beyond its immediate surrounds.
23. The landscape reason for refusal stated that the site was within a “..valued landscape..” and that the development would lead to unacceptably adverse harm to its character. One of the key differences between the parties is whether the site and the surrounding area are a valued landscape for the purposes of National Planning Policy Framework (NPPF) paragraph 174a. This states that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.....in a manner commensurate with their statutory status or identified quality in the development plan.
24. In this case it is clear that the landscape has no statutory status. The Council argued that DWLP policy GRF1 was a landscape designation (along with NP policy MOT5.) However this policy relates to the whole of the Royal Forest, does not identify the area to which it applies, nor identify the appeal site and does not refer to landscape quality. Instead it focusses on the objectives of the Royal Forest Project. This policy clearly does not identify the area for any landscape value. The relevant policy (NP MOT7) in the Motcombe Neighbourhood Plan does not identify any views of ‘particular significance’ over the Deer Park or appeal site. I do not consider that either policy has any direct bearing on the issue. On that basis the site and the surrounding area does not fall within either of the statutory or development plan matters referenced in NPPF 174a.
25. However the concept of a valued landscape is not defined in the NPPF. The leading court case on what constitutes a valued landscape is the Stroud judgement, as accepted by the parties.<sup>5</sup> This deals with whether the countryside in question has demonstrable physical attributes (rather than just popularity) which would take the site beyond mere countryside. In other words, as accepted by the parties, whether the attributes take the landscape beyond the ‘ordinary’ or ‘everyday’.
26. Both parties considered this matter in the light of GLVIA 3 guidance, and although they used different terminology from each other, the approaches were

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<sup>5</sup> Stroud District Council v SSCLG and Gladman Developments Ltd. [2015] WL 849499



very similar. The assessment of the various factors which might lead to a conclusion that the landscape was valued in NPPF terms was the subject of debate at the Inquiry. However, bearing in mind the 'Stroud test' summarised above, it is notable that the Council's approach was that the site and its surroundings were 'representative' or 'typical' of the Blackmore Vale/Clay Vale landscape. That accords with what I saw on site and in the surrounding area and these descriptions do not raise the area to the level of a valued landscape in NPPF terms.

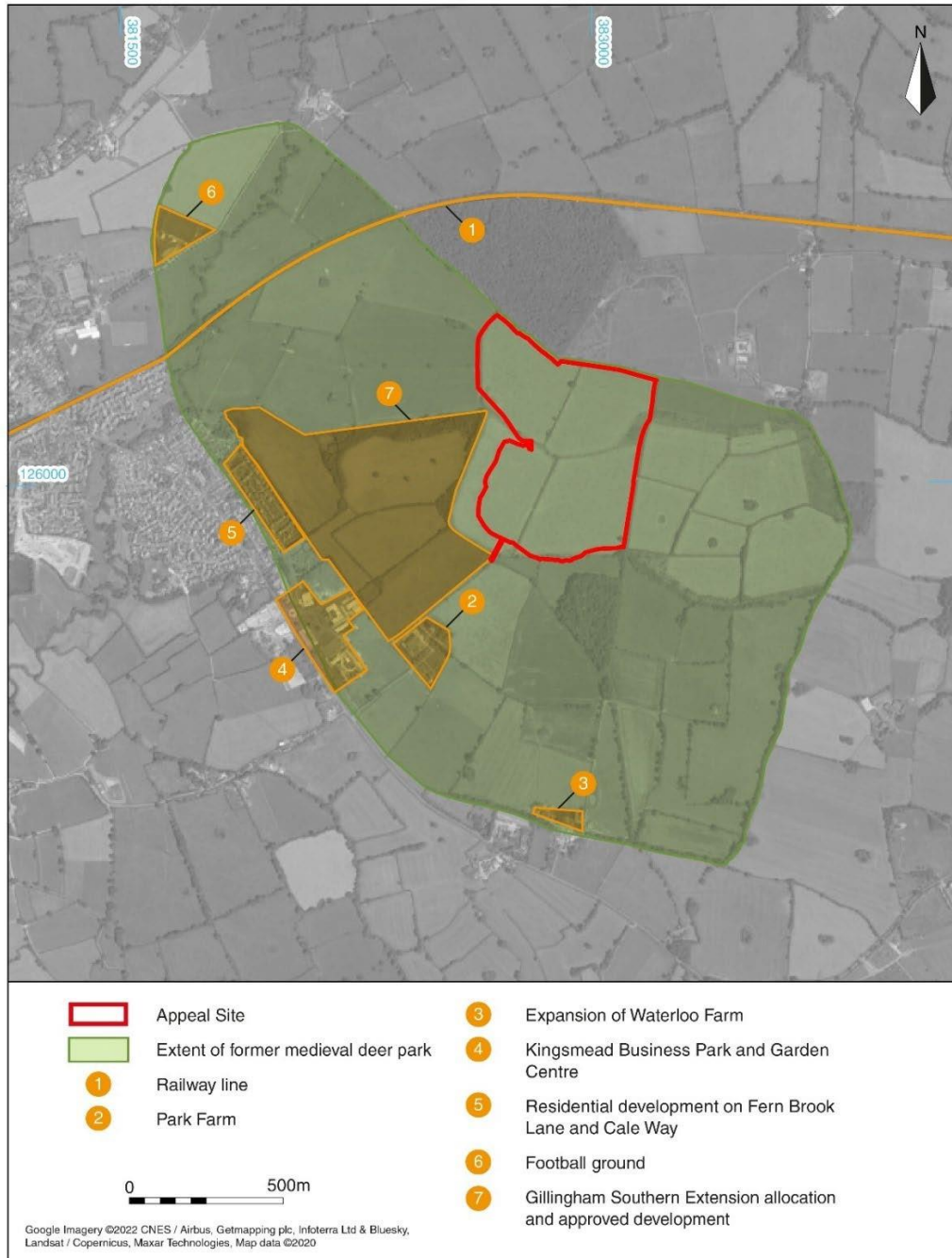
27. One specific point raised by the authority was reference to the fact that the appeal site is close to a long-distance trail – the White Hart Link. Whilst that may attract walkers to the area and increase the numbers who would be able to see the appeal proposal, I do not accept that this raises the landscape quality to the 'valued' level. The country is criss-crossed by walking routes of various types, and very many other less publicised but popular routes – proximity to such a route does not in itself raise the landscape to the 'valued' level .
28. It should also be noted that, as far as the Inquiry was told, there was no mention of the 'valued landscape' argument in the report leading to the grant of the outline permission for the GSE scheme. This casts further doubt on the Council's approach to landscape appraisal in the current case.
29. In summary, I do not consider that the landscape is a valued one in NPPF paragraph 174(a) terms, and I will shortly turn to consider the effect of the proposal on the area in the light of the development plan and NPPF paragraph 174(b) - which refers to the recognition of the intrinsic character and beauty of the countryside.
30. Before turning to the effect on the landscape, it is of note that the reason for refusal did not specifically refer to visual impact, although naturally the view from the footpath adjacent to the site (N69/7) is of considerable relevance to considering landscape character. From my visit to the area, I am not surprised at the lack of reference to visual harm, as I consider that the visual impact, save from that footpath, would be limited and short range.
31. There was a difference between the parties as to the sensitivity of the landscape, with the authority assessing sensitivity significantly higher than the appellant. However the Council's position began with a district wide approach to sensitivity and concluded a higher level of sensitivity than it subsequently defended. Specifically when addressing the criteria for assessment as set out in the Sensitivity Study, the Council accepted that majority of factors would result in a low-medium sensitivity. My consideration of the evidence, including this position reached in cross-examination, supports the appellant's conclusion that the sensitivity of the site is low-medium.
32. It is clear that any development on open agricultural fields would conflict with the characteristics of the site and cause a loss of some open character at the site level. In terms of the magnitude of change, due to the landform and existing screening, along with the ability to undertake landscape mitigation, the magnitude of change would be localised - high on the site, medium at the Deer Park level, declining to low/negligible in the wider area. This change could be best appreciated from Viewpoints 1 and 2 (accepted by the Council as

the only locations where there would be a significant visual effect). In coming to that conclusion, I appreciate that the Council's position is that there would be a higher magnitude of change on the site and beyond, but to a large extent this stemmed from the initially higher assessment of sensitivity (which I do not accept) and was not an assessment supported by the answers in cross-examination.

33. There was an argument put forward by the appellant that the proposed solar farm would be inherently rural in nature. But although many solar farms are now located in rural settings, I do not consider that they are so common that they have come to be regarded as a form of development which is inherently rural. But nor do I accept the Council's assertion that they are industrial in visual terms, as they have little in common with industrial development and are becoming gradually accepted in rural areas.
34. Before concluding on this matter, it is also important to consider the effect on the landscape as it will be in future following the GSE allocation and consented scheme. Outline planning permission was granted in 2021 for development on land to the southwest of the appeal site in accordance with the GSE allocation. The permission was for up to 634 dwellings, a primary school, sports pitches with floodlighting, public open space, play facilities, access and internal estate roads, internal footpaths and cycleways, sustainable drainage system with ponds, landscaping, utility connections and associated groundworks and infrastructure.
35. The Council stated that the boundaries of the approved development and the appeal site do not directly adjoin each other, and that there is landscaping potential between the two. However given the scale of the consented development, the effect on the baseline landscape will be substantial. It is accepted that this major development does not, in itself, justify the appeal scheme. However it would be wrong to ignore the consequences of the allocation and consented scheme on the character of the area.
36. The plan below shows the relationship between the appeal site and the GSE allocation/consented development and other developments in the Deer Park area.<sup>6</sup>

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<sup>6</sup> Taken from Mr Sutton's evidence, and uncontested



37. Overall, I consider that there would be some limited harm to the character and appearance of the landscape and the proposal would therefore conflict with LP policies 4 and 22 as summarised above.

### Heritage

38. The relevant heritage assets which may be affected by the proposal were agreed by the parties to be as follows:

- Gillingham Forest Deer Park and part of the Park Pale (non-designated heritage assets)
- King’s Court Palace Moated Site (scheduled monument)

- Remains of East Haimes House and adjacent Park Pale (scheduled monument)
- Gillingham Park Boundary Bank (scheduled monument)
- Donedge Lodge Farm (non-designated heritage asset)

All these are shown on the first plan above.

39. In all cases it is agreed that the harm would be less than substantial in NPPF terms – though the extent of the harm is not agreed. It was also agreed that scheduled monuments are assets of the highest significance and that any harm to them should be given great weight.
40. There would be no direct effect on any of the assets aside from that part of the Gillingham Forest Deer Park on which the proposal would be constructed. All the assets relate to the historic former Deer Park which formed part of the Gillingham Royal Forest. With the arguable exception of Donedge Lodge Farm, which will be discussed below, the other assets would not come into existence were it not for the Deer Park, and they have a clear historic relationship with each other.
41. Beginning with the Deer Park, each asset will be considered in turn in its own right and then the combined effect of all the assets will be assessed.

#### The Deer Park

42. The effect on the former Deer Park is the main focus of the Council's case, both as an individual asset and in combination with the other assets. Aside from Donedge Lodge Farm, the setting of all the other assets listed above is the Deer Park itself.
43. The Park is part of the former medieval Deer Park which lay to the east and south-east of Gillingham. At the turn of the 12/13<sup>th</sup> centuries the evidence is that it was one of about 60 deer parks in Dorset and one of four royal parks in the county. At that time the boundary of the park would have been enclosed by a barrier or 'park pale'. As part of the history of the area and its royal associations, the park as a whole has historic significance – although the parties agreed that the appeal site itself does not possess any particular significance beyond its location within the wider park area.
44. The park derives significance from its historic and, to a lesser extent, its physical presence. However the experience of the asset as a whole has changed substantially over time as its surroundings have evolved. In this context the Council's Statement of Case describes the Deer Park as a coherent and legible whole. I have to disagree with that assessment as what exists now is not an intact deer park (as can be seen in many other locations) but the remains of a former deer park.
45. The boundary of the former Deer Park now includes a considerable amount of modern development (as can be seen from the second plan above) and contains substantial modern development including the Kingsmead Business Park, retail stores, a petrol filling station, a garden centre, housing and a football club with floodlights, modern agricultural buildings and a railway line.

46. Of potentially even greater importance is the LP allocation of the GSE development and the grant of planning permission for redevelopment. It was confirmed at the Inquiry that the status of the Deer Park was not referenced in the report leading to the grant of permission for the GSE development, which intrudes into the central area of the former park. For the Council to now express concern on heritage grounds about the current proposal appears inconsistent. It was accepted at the Inquiry that these modern developments are part of the current understanding of the Deer Park. My overall conclusion is that the asset is of reduced importance given the current intrusions into its original area.
47. That said, it is still possible for the informed observer to appreciate the historic contribution which the appeal site makes to the Deer Park as a whole. The public experience of this contribution would be largely from the footpath to the north. However no important views of the former Deer Park would be obstructed by the proposal, no footpaths would be closed, and the boundaries of the park would be unchanged. Movement through and views of the park would obviously be different in that, in some locations, there would be views of the solar farm. The placing of a solar farm on part of the park, even for a finite period, would obviously change the experience of this asset to a degree. Whilst recognising the effect of the current proposal on the park, this would be appreciably less than other approved/built developments.
48. Overall, the Deer Park, as it stands today with all the incursions into it, has reduced heritage significance. However there is a persuasive argument that, even though the baseline has significantly changed, the area that remains is all the more important. The change from open rural farmland to a solar farm on part of the Deer Park would affect both visual and historic relationships.
49. However, due to its relatively limited scale, the proposal would cause only limited harm to this non-designated heritage asset. I will return below to the heritage balance.

#### Kings Court Palace

50. King's Court Palace is the site of a medieval royal hunting lodge and is a scheduled monument. The monument is now seen as a ditch, internal bank and partial external bank.
51. The history of the site dates substantially from around 1200 when King John ordered extensive alterations to an existing house. It is understood that he visited the site regularly thereafter. In 1369 Edward III ordered the demolition of the buildings and the sale of the materials, and then in the late 18th century the foundations of the building were dug up and the stone used for road repairs.
52. The remaining earthworks are crossed by a modern track which bridges the ditch and truncates the banks in two places. What remains today is only visible from close up and can best be appreciated from the footpath which runs through the site. These are the remnants of what was once two substantial building complexes and a large (probably) continuous bank. It is also reasonable to assume that the buried remains may hold evidence about medieval high society, the local economy and the landscape. An information



board along the footpath close to the site provides a useful summary and a interpretation of the former complex of buildings.

53. The setting of the monument includes most of the other assets listed at the start of this section, but most importantly the Deer Park itself. The history and function of the lodge is intrinsically linked to the existence of the Deer Park.
54. The appeal site is around 600 metres east of the scheduled monument. The area between the two is gently rolling topography, typical of the wider area, and there are several field boundaries and trees between the two. Standing within the earthworks there would be a very small further incursion of modern development into the setting of the asset in visual terms, which already includes modern development and the railway line.
55. However, historically the Deer Park is the *raison d'être* of the asset and makes a contribution to its understanding in historic terms, as described above. The proposal would, to a very limited extent, change the contribution which the setting makes to the appreciation or understanding of the asset. For these reasons, I conclude that there would be very limited harm to this heritage asset. This would be at the bottom end of 'less than substantial harm' in NPPF terms. I will return below to the heritage balance.

#### East Haines House

56. East Haines House is a scheduled monument lying just outside the boundary of the former Deer Park and beyond the park pale. The monument includes a part of the park pale.
57. It was once the residence of the fee forester, the principal park keeper, of the park during the medieval period. The asset is now a series of rectilinear earthworks (with the potential for buried archaeology). The park pale in this area is discernible in places as field boundaries and hedges, and in some sections, as an earthwork. Unlike the Palace, there is no information board to assist in the experience here. That said, the informed visitor could appreciate something of the historical associations of the asset.
58. As previously stated, the setting of East Haines House and the Park Pale includes the Deer Park, however the setting of the house and the pale is heavily influenced by the modern Gillingham Town FC pitches, buildings and floodlighting columns. These lie within the former Deer Park, located in between the asset and the appeal site. The railway line runs to the south and further separates this asset from the rest of the former Deer Park. There is no direct pedestrian access into the park from East Haines House and to get into the park it is necessary to walk away from it and then back into it
59. The appeal site lies over 1km from the East Haines House, and slightly closer to parts of the park pale. The Council's position is that there is partial intervisibility but from what I saw on my visit, even that is optimistic. The distance and limited intervisibility between the appeal site and the asset, combined with their current setting, means that the proposed change in character of the appeal site would be of extremely limited relevance to the visual experience of the asset. The ability to interpret and appreciate the buried archaeological remains and the pale would be scarcely affected.

60. However, as with Kings Court, East Haines House and the associated parts of the park pale would not have come into being without the Deer Park. Even a small diminution in the area of the park would slightly reduce the historical contribution which the setting makes to the appreciation of the asset.
61. Overall, I conclude that there would be very limited harm to this heritage asset. This would be at the bottom end of 'less than substantial harm' in NPPF terms. I will return below to the heritage balance.

#### Park Boundary Bank

62. The perimeter of the Deer Park would have originally been enclosed by a barrier or park pale, as discussed above. It would have potentially incorporated some natural topography, along with sections of a hedge atop a bank with a ditch, incorporating stakes and pales to increase its effectiveness. Part of the pale is linked to East Haines House and is considered above, but part on the east side of the former Deer Park is separately identified.
63. The earthworks of the park pale are the only substantial physical surviving remnants of the medieval landscape. In this context the asset has significance both as a landscape feature (with the potential to preserve archaeological remains) and as part of the history of the group of assets. The setting of the pale, i.e. the Deer Park itself, contributes to the significance of this asset.
64. Visually, at the closest point the appeal site is around 500 metres away from this part of the pale, and the two are separated by gently rolling land with field boundaries including dense hedgerows. For this reason the visual effect of the appeal proposal on the setting of the earthwork would hardly be affected.
65. However, as with other assets, the proposal would slightly reduce the legibility of the asset in its Deer Park setting, which forms part of the asset's significance.
66. Overall the proposal would scarcely change the historic significance of the asset as derived from its setting. I conclude that there would be very limited harm to the visual setting of this heritage asset. This would be at the bottom end of 'less than substantial harm' in NPPF terms. I will return below to the heritage balance.

#### Donedge Lodge Farm

67. The position in relation to Donedge Lodge Farm is unusual. The Council consider this is a heritage asset in NPPF terms.
68. The property is a 19<sup>th</sup> century house located on high ground with views over part of the appeal site and beyond. A 1624 map of the Gillingham Forest<sup>7</sup> shows that there was a Donedge Lodge in the general location of the current building. This was apparently a keeper's lodge, but it no longer exists and there are no known remains.
69. The Council speculated at the Inquiry that the current house may conceal fabric from an earlier date or have been built over or close to remains of the historic

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<sup>7</sup> CD219

lodge. However there is no evidence to justify this. The authority advanced the idea that the location is the important factor, but it is the building which is the asset. The non-designated asset is therefore the 19<sup>th</sup> century house, and not any suspected remains of an earlier building.

70. The current building has relatively limited architectural interest, and though it is prominent in the landscape, this is not sufficient to justify non-designated status. Thus, the asset is of very limited value in heritage terms.
71. The surroundings of the building undoubtedly add to its setting, and views from the building would change with the development of a solar farm.
72. Overall, the proposal would have no effect on whatever very limited heritage significance the building possesses.

#### Cumulative heritage effect

73. I have concluded above that, leaving aside Donedge Farm, there would be less than substantial harm in NPPF terms caused to the heritage assets, and that this harm would be at the bottom end of the scale within that category. Nonetheless any harm to designated heritage assets must be given great weight as these are assets which the NPPF recognises to be of the highest significance.
74. In coming to this view I have taken full account of the views of Historic England<sup>8</sup> as the Government's national statutory advisor on heritage matters. I do not depart from their views in principle although, after an extensive site visit and consideration of the appeal evidence, I differ in some instances related to the degree of harm.
75. Considered in visual terms, the proposal would have very limited effect on the contribution which the setting (i.e. the Deer Park) makes to the individual or group significance of the assets. However as a principal, the reduction in the undeveloped area of the Deer Park, almost regardless of distance, would cause some limited harm to the ability to conceptually link the assets together into an understanding of the whole.
76. Overall, for the reasons given above, I conclude that the proposal would cause limited harm to the setting of a number of heritage assets, and would conflict with LP policies 4, 5 and 22 as summarised above. I give this matter considerable importance and weight, and will return to the overall heritage balance below.

#### **Conditions and planning obligation**

77. Most of the conditions below were agreed by the parties at the Inquiry, and the reasons are given beneath each condition. Two conditions merit separate comment.
78. At the time of the Council's decision there was no archaeological objection raised by the authority. But, as referenced above, the Inquiry proceeded on the basis of revised plans and the Council raised archaeological concern in response to the revisions. The Supplementary Statement of Common Ground

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<sup>8</sup> 6 August 2021, summarised CD.114, pp.32-33



agreed a number of matters. However neither the geophysical survey or trial trenching raised any matters of interest. A condition has been put forward to deal with this matter, although the appellant's position is that this is unnecessary. However as the matter is not entirely free from doubt it is considered that the condition is necessary.

79. It was agreed at the CMC that a report would be prepared dealing with noise matters. This report proposed mitigation measures in the form of acoustic louvres and, on that basis, it was that agreed noise levels would remain below the existing background noise level. There was some residual concern by the Council regarding the proposed louvres being sited within the structures, but a condition has been agreed to ensure that noise levels would be acceptable.
80. In relation to the planning obligation there is a dispute regarding the Gillingham Forest contribution, which would be put towards the enhancement of the landscape through woodland planting and the promotion of countryside recreation and tourism activities. Although this contribution could be more precise, it is considered that it is necessary in the light of the effect on the Royal Forest area and is in line with LP policy GRF1. It meets the tests for planning obligations.

### **Heritage and planning balance**

81. The proposal would cause harm, in varying but limited degrees, in relation to the two main issues in dispute in this case – landscape and heritage. This is set out above. I need to balance these harms against the benefits of the scheme, both in relation to heritage matters and the overall planning balance.
82. Before considering the potential benefits of the scheme, there is one matter which was referenced but not specifically argued by the appellant. That is the limited period (40 years) for which permission is sought. Whilst I acknowledge that the development would be reversible, this time period is a large part of an adult lifetime and I do not give that matter any significant weight.
83. The proposed development would generate a significant number of jobs directly related to the construction of the solar farm, along with others in the supply chain. The employment related to the operational phase would obviously be far lower. I consider that this economic benefit is of moderate weight in favour of the scheme.
84. There would be additional woodland planting in the north-east corner of the site, accepted by both parties as a benefit. The amount of this planting goes beyond that which would be required to simply partially screen the development, and would be a positive benefit. In addition there is the contribution through the s106 obligation towards off-site planting in connection with the Gillingham Forest Project<sup>9</sup>. I have already stated that this contribution could be clearer as to the specific project. However overall I consider that the direct and indirect planting would be a moderate benefit arising from the scheme.

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<sup>9</sup> It is also understood that the appellant offered bridleway improvements, but that this was rejected by the Council.

85. The scheme would deliver a measurable gain in biodiversity, and this would be a further moderate benefit arising from the proposal.
86. The appellant has offered to provide interpretation boards, ensured by condition, to provide information regarding the Deer Park. This would be a limited benefit arising from the proposal.
87. The energy and decarbonising credentials of the proposal are a very important factor in considering this appeal. I will deal with the local position first.
88. The Council recognises the need to provide energy from renewable sources in its area, and this is illustrated by its declaration of a Climate Emergency in 2019 (updated that same year to a Climate and Ecological Emergency). In policy terms the appeal also gains some support from LP policy 22 which, whilst referencing the need deal with adverse impacts in the balance, deals with the benefits of renewable energy.
89. The appellant emphasised the need for additional renewable energy in the UK and specifically in Dorset if the country is to meet the 'net zero' target and budgets in order to tackle the global challenge of climate change. The appellant called expert and persuasive evidence on the question of urgent need and limited supply. The Council relied on their planning witness in this respect, and stated that they did not accept that there is an urgent need for the development. The approach by the authority was that the appellant had to pass an 'essential' test – but no policy basis for such a test was put forward. In any event this is directly contrary to NPPF paragraph 158 which provides that there is no requirement for the appellant to demonstrate the overall need for renewable energy. Nor was any convincing evidence (even on a historical basis projected into the future) put forward to support the Council's suggestion that improvements in technology will significantly reduce demand for solar farms.
90. The Council also criticised the appellant's Alternative Site Assessment<sup>10</sup> on a number of grounds. This Assessment set out a various constraints which, it was suggested, limited the availability of sites in the county. I agree with the Council's criticism to the extent that the Assessment only considered sites within a relatively limited radius of connection points. However the number of sites which could reasonably accommodate this type of development in flood zones, conservation areas or Green Belts (all of which were regarded by the authority to be potentially feasible) must be seriously limited due to the various additional constraints in such areas.
91. Overall, whilst the Assessment might be criticised on a number of grounds, it would have to massively underestimate the position before it could be demonstrated that there are sufficient sites in the area. From the evidence that is an untenable position. In addition the Council did not put forward any alternative site which might be more appropriate than the appeal site, and more importantly the LP does not identify sites or even broad areas of search for this type of development.

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<sup>10</sup> CD18

92. Turning to the national picture, it is unnecessary to recite the clearly stated national position related to renewable energy. For many years there have been a series of policies, statements and legal obligations which all seek to encourage renewable energy developments where they are appropriate. Particular reference should be made to the NPPF and the Net Zero Strategy: Build Back Greener. Furthermore it is clear that decarbonisation will rely very heavily on wind and solar power, and that the national need is significantly greater than the capacity of current projects.
93. In the light of the local and national imperative summarised above related to the provision of renewable energy, this matter weighs very heavily in favour of the proposal.
94. Turning to the overall heritage and planning balance, I have found that the proposal would lead to less than substantial harm to the significance of designated assets and limited harm to non-designated assets, to the extent set out above. This is a matter to which I attach considerable importance and weight.
95. But the public benefits summarised above, particularly the importance of the provision of renewable energy and the need to tackle climate change, are exceptionally weighty. I conclude that the public benefits of the proposal outweigh some non-compliance with policy on the basis of harm to landscape and heritage assets, and would be significantly and demonstrably outweighed by the clear benefits of the scheme.

### **Conclusion**

96. For the reasons given above I conclude that the appeal should be allowed.

*P. J. G. Ware*  
Inspector

**APPEARANCES**

**FERN BROOK SOLAR FARM LTD**

Mr Michael Humphries KC, instructed by DWD Property and Planning

He called:

Mr Si Gillett MSc	Humbeat
Mr Robert Sutton MCIfA	Cotswold Archaeology
Mr Will Gardner BSc(Hons) MSc CLMI	EDP
Mrs Sarah Price BA DipTP MRTPI	DWD Property and Planning

**DORSET COUNCIL**

Mr Mark Westmorland Smith of Counsel, instructed by the Head of Legal Services

He called:

Mrs Rachel Haworth IHBC	LUC
Mr Peter Radmall MA BPhil CMLI	Landscape Consultant
Mr Peter Grubb BSc(Hons) MSc MRTPI	Lighthouse Development Consulting

**INTERESTED PERSON**

Mr G Clinton	Donedge Lodge Farm
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**INQUIRY DOCUMENTS**

Doc 1	Appellant's opening submissions
Doc 2	Council's opening submissions
Doc 3	Dark skies plan
Doc 4	ALC Grades (Defra)
Doc 5	Dorset Council Local Plan consultation January 2021
Doc 6	Unilateral Planning Obligation
Doc 7	Closing submissions by the Council
Doc 8	Closing submissions by the appellant

## **ANNEX**

### **Land at Park Farm, Gillingham SP8 5JG**

#### **Conditions**

1. The development hereby permitted shall not begin later than 3 years from the date of this permission.
2. The permission hereby granted shall expire 40 years from the date when electrical power is first exported from the solar farm to the electricity grid network, excluding electricity exported during initial testing and commissioning. Written confirmation of the first export date shall be provided to the Local Planning Authority no later than one calendar month after the event.  
Reason: The proposed scheme has a 40 year lifespan and to accord with the evidence at the Inquiry.
3. The development hereby permitted shall be carried out in accordance with the details shown on the following approved plans: Site Location Plan ref. LCS047-SP-01 and Development Zones Plan ref. LCS047- DZ-01 Rev 11 and Table 4-1 of Environmental Statement Chapter 4, except as controlled or modified by conditions of this permission.  
Reason: For the avoidance of doubt.
4. Prior to the commencement of the development hereby permitted, full details of the final locations, design and materials to be used for the panel arrays, inverters, substation, control building, switch room, CCTV cameras and fencing shall be submitted to and approved in writing by the Local Planning Authority. Subsequently the development shall be carried out in accordance with the approved details.  
Reason: In the interests of the appearance of the development and the character of the area
5. Prior to the commencement of the development hereby permitted, a detailed landscaping scheme, in accordance with the principles contained within the Landscaping Proposals Plan (Reference: Figure 6.9 including figure 6.9w – 6.9f Rev F), shall be submitted to and approved in writing by the Local Planning Authority. These details shall include schedules of new trees, shrubs and hedgerows to be planted (noting species, plant sizes and numbers/densities), the identification of the existing trees and shrubs on the site to be retained (noting species, location and spread) and an implementation programme.

The scheme shall be implemented by no later than the first planting season following the first export date and thereafter be maintained in accordance with the approved scheme. In the event of any of the trees or shrubs so planted dying or being seriously damaged or destroyed within 5 years of the completion of the development, a new tree or shrub or equivalent number of trees or shrubs, as the case may be, of a species first approved by the

Local Planning Authority, shall be planted and properly maintained in a position or positions first approved in writing by the Local Planning Authority.  
Reason: To ensure satisfactory landscaping in the interests of the character of the area.

6. Prior to the commencement of the development hereby permitted, a Landscape Ecology Management Plan (LEMP) for the detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The LEMP shall include:
- a) Details of long term design principles and objectives.
  - b) Management responsibilities, maintenance schedules and replacement provisions for existing retained landscape features and any landscape to be implemented as part of the approved landscape scheme.
  - c) Summary plan detailing different management procedures for the types of landscape on site.

The schedule and plan shall be implemented in accordance with the agreed programme.

Reason: To ensure the landscaping contributes to the appearance of the area.

7. No development shall commence unless the Local Planning Authority has been provided with either:
- a) A licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or
  - b) A GCN District Level Licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or
  - c) A statement in writing from the Natural England to the effect that it does not consider that the specified activity/development will require a licence.

Reason: To avoid harm to habitats and species.

8. Notwithstanding the submitted details, no works or development shall take place until an Arboricultural Method Statement and scheme for protection of the retained trees/hedgerows has been agreed in writing with the Local Planning Authority. This scheme shall include:
- a) plan showing details and positions of the ground protection areas
  - b) details and position of protection barriers
  - c) details and position of underground service/drainage runs/soakaways and working methods employed should these runs be within the designated root protection area of any retained tree/hedgerow on or adjacent to the application site.
  - d) details of any special engineering required to accommodate the protection of retained trees/hedgerows (e.g., in connection with foundations, bridging, water features, hard surfacing).
  - e) details of construction and working methods to be employed for the installation of access tracks within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.



- f) details of timing for the various phases of works or development in the context of the tree/hedgerow protection measures.

All works/development shall be carried out in accordance with the approved arboricultural method statement and tree/hedgerow protection scheme.

Reason: To ensure that no harm is caused to retained trees/hedgerows.

- 9. Prior to the commencement of the development (including vegetation clearance), a Construction Environmental Management Plan for Biodiversity (CEMP: Biodiversity) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall be based on the recommendations made in the Ecological Assessment Revision A September 2021.

- a) Risk assessment of potentially damaging construction activities
- b) Identification of "biodiversity protection zones"
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person as necessary.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reason: To ensure that no harm occurs to the biodiversity of the area.

- 10. No development shall commence until a Biodiversity Net Gain Design Stage Report, in line with Table 2 of CIEEM Biodiversity Net Gain report and audit templates (July 2021), has been submitted to and approved in writing by the Local Planning Authority, using the DEFRA Biodiversity Metric 3.0 or any successor. The content of the Biodiversity Net Gain (BNG) report should include the following:

- a) Baseline data collection and assessment of current conditions on site;
- b) commitment to measures in line with the Mitigation Hierarchy and evidence of how BNG
- c) Principles have been applied to maximise benefits to biodiversity;
- d) Provision of the full BNG calculations, with detailed justifications for the choice of habitat types, distinctiveness and condition, connectivity and ecological functionality;
- e) Details of the implementation measures and management of proposals; and
- f) Details of the monitoring and auditing measures.

The proposed enhancement measures shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

Reason: To ensure that the development gives rise to biodiversity net gain in line with the proposal.

11. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment and Drainage Strategy May 2021 (or as otherwise amended).

Reason: To ensure the development does not increase flood risk.

12. Construction Traffic Management Plan (CTMP), which shall include wheel washing facilities, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The approved CTMP shall be implemented prior to any works being carried out on site and shall be maintained throughout the course of the development. The CTMP shall state the times at which plant or material will be delivered to the site.

Reason: To ensure that the development does not harm highway safety and in the interests of the amenity of the area.

13. The development hereby approved shall accord with the acoustic measures as set out within the submitted Noise Assessment (Tetra Tech; 784-B041272) (or other method attenuation that may be agreed by the LPA pursuant to this condition). The development hereby approved shall not commence operation until:

i) precise specification and performance details of the acoustic louvres (or other method of attenuation), required as identified for the inverter units, and for all the battery storage units and DNO and Customer substations, are submitted to and approved in writing by the Local Planning Authority, and;

ii) The agreed attenuation methods are implemented in full to ensure no increase in the background noise level (15 minute LA90) when measured at the proposed sensitive receptors detailed within the submitted Noise Assessment, and to remain within the WHO guidelines for noise intrusion at nearby properties.

Reason: To ensure the development does not cause harm by reason of noise.

14. Not less than 12 months before the cessation of the development hereby permitted, or following a period of one year in which the development has failed to produce electricity for supply to the grid a decommissioning method statement (DMS) shall be submitted to and approved in writing by the Local Planning Authority. The DMS shall include details of the removal of the panels, supports, inverters, cables, buildings and all associated structures and fencing from the site, and a timetable for their removal. The DMS shall also include a traffic management plan to address likely traffic impacts during the decommissioning period and details of the proposed restoration of the site. The site shall be decommissioned in accordance with the approved DMS within 6 months of the expiry of the 40 year period from the date when electrical power is first exported from the solar farm to the electricity grid network, excluding electricity exported during initial testing and commissioning, or within 18 months of the site ceasing to produce electricity whichever is sooner.

Reason: To ensure the full decommissioning of the site in the interests of the character of the area.

15. Prior to the operation of the development hereby permitted, full details and siting of the fixed interpretation boards at locations agreed with the LPA containing information regarding the former Deer Park shall be submitted to and approved in writing by the Local Planning Authority.  
Reason: To assist with the public understanding of the Deer Park.
16. There shall be no permanent illumination on the site unless otherwise agreed in writing by the local planning authority.  
Reason: To protect the rural character of the area
17. Prior to the commencement of the development hereby permitted, a mapped and photographic record of the historic character showing key features within the appeal site and immediate surrounds, and the relationships between them, shall be submitted to and approved in writing by the Local Planning Authority. The approved record shall be deposited with the local Historic Environment Record (HER) or otherwise published to an appropriate public archive to be agreed by the Local Planning Authority.  
Reason: To record aspects of heritage significance which may otherwise be lost or obscured by the development.
18. Prior to the commencement of any development hereby approved, including any excavation, a scheme that details a programme of investigative archaeological work (including trial trenching), to inform the appropriate and precise location and design of the planting scheme along the northern site boundary with the deer park pale (to avoid harm to archaeological evidence in this area), shall be submitted to, and agreed in writing by the Local Planning Authority. The development, including the final agreed planting details, shall thereafter accord with the agreed scheme.  
Reason: To ensure that no harm is caused to any buried archaeology.

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