

Heritage Addendum

Land at Boxted Solar Farm.

On behalf of RES Ltd.

Date: February 2025 | Pegasus Ref: P21-2950

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1. Introduction

- 1.1. This Heritage Addendum has been prepared by Pegasus Group to provide a commentary and response to consultation comments received with regards to the proposed solar scheme at Bosted (Planning ref: DC/23/05127), Suffolk.
- 1.2. This document addresses specific comments made within the consultation responses, providing further clarification or rebuttal; where necessary.
- 1.3. This document is an Addendum to the Heritage Statement prepared by Pegasus in October 2023 and submitted in support of the application. Historic background information and detailed discussion of significance of relevant heritage assets and the contribution made by setting to their significance can be found within this originally submitted document. Relevant information is reproduced here, but these documents should be read together.

2. Consultation Comments

Historic England 24th November 2023

- 2.1. Historic England do not object to the proposals.
- 2.2. The consultation response makes comments on the Heritage Assessment with regards to Boxted Hall, grade II* listed building and the associated parkland. However Historic England note that they agree with the Pegasus assessment that there is unlikely to be visibility between the church and the proposed development due to vegetation around the churchyard boundary.
- 2.3. Historic England expressed concerns regarding the impact of the proposals on the wider setting of Boxted Hall and long views of the All Saint's parish church tower but concur that any harm would be less than substantial. They do not articulate where on that scale the harm would be.
- 2.4. Within their Recommendation section, Historic England restate their concerns over Boxted Hall and the All Saint parish church which are addressed in the relevant sections below.

Babergh and Mid-Suffolk Principal Heritage Officer 13th December 2023

- 2.5. It is welcomed that the Heritage Officer acknowledges that the Heritage Statement is '*comprehensive*'.
- 2.6. The Heritage Officer makes a number of comments about landscape and setting which are addressed below and they go on to make a number of comments on the application, including on the character of the proposals before setting out their impact assessment upon the significance of the assets. The Heritage Officer discusses Moorhouse Farm and Water Hall and it is noted that there is agreement that there would be less than substantial harm to these assets. The level of harm within the less than substantial scale to Moorhouse Farm expressed by the Heritage Officer is not in agreement with the level expressed within the Pegasus Heritage Statement
- 2.7. The Heritage Officer goes on to discuss a number of further heritage assets including Boxted Hall, Holy Trinity Church and other designated assets within Boxted. The Heritage Officer concludes less than substantial harm at a very low level to the cluster of grade II listed assets in Boxted, namely Street Farm, Street Farm Cottages, 3 & 4 The Street and Thatched Cottages. It is alleged this is from the change in landscape character of the site which would affect the experience of the assets.
- 2.8. The Heritage Officer goes on to allege a varying degree of harm – though noted never above the low range – to a number of other assets and also identifies no harm but does not elucidate which heritage assets this lack of harm refers to.
- 2.9. The Heritage Officer concludes their response by saying they have identified harm on a very low to medium scale of less than substantial to "some" heritage assets. They conclude with regards to Moorhouse Farm in particular:

“Whilst it would be possible to mitigate the effects of the solar panels upon the setting of the assets from some aspects, particularly in closer views of the solar farm, by screening through planting, such screening would not have an impact on views from the opposite side of the Glem valley. I consider the contribution of the landscape and site to the significance of Moorhouse Farm can be best appreciated from these views. This should therefore be factored into any balancing exercise of the public benefits versus the adverse impacts of the proposal.”

- 2.10. Pegasus have addressed the issue of the visibility of the northern façade of Moorhouse Farm in the text below.

Suffolk Preservation Society 12th December 2023

- 2.11. The Suffolk Preservation Society (SPS) note ‘*serious concerns*’ regarding heritage impacts specifically on the grade II Water Hall and Moorhouse Farm and the grade II* Boxted Hall, though go on to discuss All Saints Church.
- 2.12. It is noted that the SPS recognise that the proposed Site no longer has a parkland character (para 15).
- 2.13. Whilst raising concerns, the SPS do not set out how the significance of these assets would be harmed by the proposed Scheme through changes to setting.
- 2.14. At paragraph 16 of their response, SPS state: ‘*The extent of the proposed site includes land between Moorhouse Farm, Water Hall and Boxted Hall.*’ The Site is not located between Water Hall and Boxted Hall, rather the Site is located on land south of Moorhouse Farm, on land which has no current link with these assets. They also state that the Scheme would result in the severing of the link between Boxted Hall and Moorhouse Farm. There is no longer any link – this has long since been severed through sale and purchase of land.

Save Glem Valley February 2024

- 2.15. A Heritage Assessment has been prepared by Richard Hoggett Heritage on behalf of the Save Glem Valley group (SGV) which includes an Appendix – *Moorhouse Farm, Boxted, Suffolk: Heritage Asset Assessment* carried out by Leigh Alston in February 2023.

Summary of Responses

- 2.16. Given the allegations of harm to such a long list of assets within the Heritage Officer response, the table below sets out the position as it stands with regards to harm to heritage assets.

Asset	Pegasus	Conservation Officer	Historic England (only comment on designated heritage assets of the highest significance)
Moorhouse Farm	Less than substantial harm – low end of the spectrum	Less than substantial harm – middle of the spectrum	n/a
Water Hall	Less than substantial harm – low end of the spectrum	Less than substantial harm – low end of the spectrum	n/a
3 and 4 The Street	No harm	Less than substantial harm – lower end of the spectrum	n/a
Thatched Cottages	No harm	Less than substantial harm – lower end of the spectrum	n/a
Street Farm Cottage	No harm	Less than substantial harm – lower end of the spectrum	n/a
Street House	No harm	Less than substantial harm – lower end of the spectrum	n/a
Assets at Boxted Hall	No harm	Less than substantial harm – low end of the spectrum	Considers there to potentially be 'some harm'
Church of All Saints	No harm	Less than substantial harm – low end of the spectrum	Considers there to potentially be 'some harm'
Hare and Hounds	No harm	Not specifically mentioned – between lower end of less than substantial harm and no harm	n/a
Somerton Hall	No harm	Not specifically mentioned – between lower end of less than substantial harm and no harm	n/a
Hartest Conservation Area	No harm	Not specifically mentioned – between lower end of less than substantial harm and no harm	n/a

3. Archaeology

- 3.1. A geophysical survey was undertaken across the Site in August 2023 with the results included within the original Heritage Statement. The results of the survey were discussed with the Senior Archaeological Officer (SAO) for Suffolk County Council and a strategy for further trial trenching was discussed.
- 3.2. The scope of trial trenching has been agreed with the SAO via an email of 19th March 2024. Within this, and previous correspondence, it was agreed that archaeological fieldwork would focus on four key areas of archaeological potential identified within the geophysical survey and that a 4% sample of these four areas. A provisional number of trenches were agreed and it was agreed that the nominated sub-contractor would design the trench plan in accordance with the agreed parameters.
- 3.3. A contractor has been appointed for the works and they are currently preparing the Written Scheme of Investigation (WSI). The trenching is forthcoming.

4. Discussion of Consultation Comments

- 4.1. This section is set out discussing the heritage assets in turn to address specific comments by consultees.
- 4.2. General comments arising from the consultation responses are discussed at the end of this section.

Moorhouse Farm Grade II listed building (NHLE Ref: 1485365)

- 4.3. This asset is a grade II listed building and an asset of less than the highest significance in accordance with NPPF.
- 4.4. Within their comments, the Principal Heritage Officer for Babergh and Mid-Sussex stated in their preamble to their full response that *'It is not clear from the submission when the association between Moorhouse Farm and Boxted Hall was severed. The site appears to be within the control of Boxted Hall.'* Pegasus would draw to the attention of the Heritage Officer paragraph 6.16 of the submitted Pegasus Heritage Statement, repeated here for convenience:

"6.16 At the time of the Boxted Tithes Map of 1840, 11 of the 16 land parcels which made up the site were under the ownership of the Marquis of Downshire and the occupancy of John Spencer Westrup. The Marquis and Westrup also owned and occupied Moorhouse Farm to the north. There is also a historical association between some of the land within the site and Boxted Hall to the south, due to five of the land parcels being under the ownership of George Weller Poley, who occupied Boxted Hall and the associated parkland, although four were tenanted by John Smith and the remaining single parcel was woodland at this time. The historic association between the land within the site and Moorhouse Farm has since been severed and the land within the site is under a different ownership and occupancy"

- 4.5. The highlighted section of the paragraph above sets out that by 1840 the association between Moorhouse Farm and Boxted Hall was severed. Moorhouse Farm was in a different ownership to Boxted Hall. So by this early date, there was no longer any association between the two assets.
- 4.6. Views south across the valley and towards this asset are illustrated by VP7 and VP10 of the photomontages submitted to support this application.
- 4.7. These show that whilst the proposed Scheme would be visible when looking across the valley in the view of the asset, the embedded mitigation of the design, pulling panels away from the building to the south and east has had the result that the panels appear quite removed from the asset. The ability to appreciate the isolation is retained. The fields within the foreground of the view and immediately surrounding the asset will remain free of panels, allowing the asset to be appreciated within a view of open fields.
- 4.8. VPs 7 and 10 also illustrate that even if Moorhouse Farm was a park lodge for Boxted Hall, these views are not illustrative of a parkland landscape nor are there any views to any elements of Boxted Hall or associated elements. The view is of a working, agricultural landscape. Any historic association with Boxted Hall and the parkland is not appreciable or understood within this view.

- 4.9. Whilst it is the case there will be views of the Scheme with views of this asset across the Glem Valley, it is the case that the panels will be behind the asset, not in front in any area. As such, the Scheme will not block, impede or in any way obstruct the view. The view of the asset across the Glem Valley and the proportion of the asset visible and its immediate surrounding grounds will not change.
- 4.10. As demonstrated by the Moorhouse Farm, Heritage Asset Assessment February 2023 by Leigh Alson document submitted as an appendix to the Save Glem Valley Heritage Assessment response to the application, it can be seen that it is from the interior of the asset where the majority of the significance of this asset is derived. There is good survival of original or unaltered fabric of a 15th – 16th century timber-framed house as illustrated by a large number of photographs within this report. This aspect of the asset, the aspect from which the asset derives the majority of its significance, will not experience any change from the proposed scheme. The fact that the interior is the biggest contributing factor to significance is illustrated by the exterior having been altered and subject to extensive change in the 19th century which led to the appearance today in the Victorian Mock Gothic style. Indeed, the 2023 Alston report states that the reason why this asset may have been overlooked for listing for so long as:

“Its current omission from Historic England’s schedule is a clear error explained by its isolated location and Victorian facade, but is sadly typical of the inadequate list for Babergh District Council’s area which has not been resurveyed since the 1970s when internal inspection was discouraged.”

- 4.11. This quote is clear in setting out that because the interior of the building has not been inspected, the building was not recognised as having sufficient national historic or architectural interest to warrant designation.
- 4.12. Taking into account all of the above, the assessment as set out in the Pegasus Heritage Statement of less than substantial harm at the low end of the spectrum stands.

General Comments on this Asset

- 4.13. A number of the consultees remark that the proposed Scheme would ‘surround’ this asset on three sides. This is not correct. The Scheme will be in closest proximity to the east of the asset and even then, built form is over 125m from the asset. The redline boundary does not extend to the west of the asset and to the southwest, the built form is over 270m removed.
- 4.14. As demonstrated by the photomontages discussed above (VPs7 and 10), the offset of the scheme to the south southwest, with no development at all to the west of the asset means that in views, the asset is not surrounded by the Scheme on three sides. Panels are visible to the east (left of photographs) with then clear, open views around all other aspects of the asset.

Church of the Holy Trinity (also listed as All Saint’s Church) Grade I listed building (NHLE Ref: 1351739)

- 4.15. Pegasus welcome the acknowledgement of Historic England in their consultation response that they broadly accept the conclusions of the Pegasus Heritage Statement on this asset. Historic England note that the church tower can be seen rising above the vegetation in

views – as noted and demonstrated in the Heritage Statement and question if the panels would appear in these views of the church tower when installed.

- 4.16. Whilst it is the case that solar panels may appear in the same view as the church tower, the view that is available at present of the tower – that is the portion of the tower that is visible today will continue to be visible with the panels present. It is noted that the views mentioned by Historic England in the Heritage Statement (plates 51 and 52) are distant with the church tower not a readily discernible feature in this view. Indeed, to actually gain a view of the asset that is in anyway legible, the photograph needed to be zoomed in. Therefore, whilst it is the case that panels could appear in the view illustrated by plate 51, the church is not a distinct feature in this view. Moreover, the view of the church tower which is available will not change as a result of the scheme.
- 4.17. It is also the case that the views of the church tower which contribute to significance are those which are key views of the tower as making a meaningful contribution to the understanding of the church’s location or architectural interest. This is not a view one can appreciate from within the Site.
- 4.18. With further regard to the last point, Historic England provides specific guidance on setting and church towers/spires which is applicable here:

“Being tall structures, church towers and spires are often widely visible across land- and townscapes but, where development does not impact on the significance of heritage assets visible in a wider setting or where not allowing significance to be appreciated, they are unlikely to be affected by small-scale development, unless that development competes with them, as tower blocks and wind turbines may. Even then, such an impact is more likely to be on the landscape values of the tower or spire rather than the heritage values, unless the development impacts on its significance, for instance by impacting on a designed or associative view.”¹

- 4.19. It is considered that this is such an example of where a view of a tower is so indistinct that it would not be affected by small-scale development – with small-scale interpreted here as small on a vertical plane – as opposed to a tall tower or wind turbine.
- 4.20. The Heritage Officer also raised comments on this asset in their December 2023 consultation, however the response above is considered sufficient to address these concerns.
- 4.21. Taking into account all of the above, the assessment as set out in the Pegasus Heritage Statement of no harm stands.

Boxted Hall Grade II* listed building (NHLE Ref: 1351740)

- 4.22. Historic England agree with the Pegasus Heritage Statement, agreeing that views from the immediate vicinity of the Hall would be unlikely to be affected by the Scheme. It then goes on to question why views from the edge of the former parkland have not been considered. It is the case that the former parkland associated with Boxted Hall is not a designated asset in its own right. Whilst it is agreed that the former parkland as extant is legible and provides

¹ Historic England, GPA:3, p. 7.

a location to understand and appreciate the heritage interests of the Boxted Hall, views from the edge of the parkland looking out from this area are not considered to contribute to the significance of this Listed Hall. As set out in the Heritage Statement, the very closest part of the parkland to the Site is 125m away, however this is a block of woodland. The bulk of the parkland is over 250m south of the Site boundary. The historic mapping does not indicate any designed views or avenues looking out towards the Site from within the parkland. Whilst there is an approach from the north, off Glemsford Road, there is no lodge at this entrance and it passes through the farm buildings – clearly not a principal entrance to the estate. It is also the case that any views from the edge of the parkland would be of working, agricultural land and not parkland. There is no parkland character to be observed.

- 4.23. Viewpoints 16A and 16B of the Photographic Record submitted with the application demonstrate the character of views from the edge of the parkland taken from the PRow Footpath 11, slightly north of the parkland boundary which demonstrate the agricultural nature of views towards the Site and the blocking of any views of the Site by existing screening – a situation which will be further screened with landscape mitigation.
- 4.24. The Heritage Officer state in their response that Boxted Hall is in ‘close proximity’ to the Scheme – the nearest built form of the scheme is over 460m away from this asset. This is not considered to be close proximity.
- 4.25. Taking into account all of the above, the assessment as set out in the Pegasus Heritage Statement of no harm stands.

General Comments

Heritage Officer

- 4.26. The Heritage Officer comments in the introduction of their 13th December 2023 response: ‘The landscape and environment in which the heritage assets are experienced are their setting.’ Whilst it is true the definition of setting in Annex 2: Glossary of NPPF is that Setting is the surroundings in which an asset is experienced, the Heritage Officer fails then to include the rest of the definition *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.*² Historic England Guidance on Setting³ is very clear to make the distinction between setting and landscape:

“14. Analysis of 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. Careful analysis is therefore required to assess whether one heritage asset at a considerable distance from another, though intervisible with it – a church spire, for instance – is a major component of the setting, rather than just an incidental element within the wider landscape.”

- 4.27. The Heritage Officer also conflates issues of landscape character with setting – with the two being entirely different. Effects on landscape character are assessed against entirely

² Annex 2 NPPF, December 2024 MHCLG.

³ Historic England 2017. *The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning Note 3 (2nd Ed).*

different criteria to heritage assets which are assessed on the effect upon their significance which includes setting. The Heritage Officer states *"Harm to landscape character is likely to have an impact on the setting of a heritage asset located within the landscape"* – Pegasus would wholly disagree with this as a blanket statement of fact. Landscape character is relevant only where it contributes to the significance of the asset. Whilst setting is indeed defined as the surroundings in which an asset is experienced, those surroundings can be positive, negative or neutral in their contribution to significance. We are concerned there has been a conflation of landscape and heritage within this section – harm to landscape character is not a de facto harm to heritage assets within that landscape. There is a concern therefore that the setting of assets has been conflated with landscape in this assessment and therefore the incorrect baseline for the significance and contribution made by setting considered within the Heritage Officers response.

- 4.28. Comments regarding views from PRow and roads giving approaches to asset are not considered to be heritage matters. The Heritage Officer has not provided any evidence to suggest any link between these PRow and the significance of heritage assets other than to reference general 'views'. Views from PRow are not a heritage asset, nor is there a suggestion the PRow themselves are heritage assets. The Heritage Officer mentions views of isolated farmsteads, many of which are listed, but does not go on to say why a view of a solar scheme would change the ability to understand these farmsteads as isolated. A solar scheme is temporary, low-lying and not residential in character. A solar scheme in a view does not then make the view 'populated'. This issue was considered by an Inspector at the Thaxted, Cutlers Green Lane Appeal in October 2023⁴. The Inspector considered the matter of listed, isolated farmhouses and the character of the surrounding landscape in terms of the setting of the asset. The Inspector stated:

"65. There would therefore be a change in character of the surroundings from open agricultural land to land containing solar arrays and the experience of the approach to the asset from a number of directions would alter. This would cause harm to the setting and therefore the significance of the listed building.

66. However, because the solar arrays would sit on top of the land, it would still be apparent that the arrays are located on former agricultural fields. Accordingly, the former functional relationship of the building with the surrounding farmland would still be discernible. Moreover, the sense of seclusion of the building and its isolated setting, away from other properties would be retained."

- 4.29. It is the case, therefore, that solar schemes retain the understanding of the agricultural function and association with the buildings and retain the sense of isolation and seclusion.

- 4.30. Under the section of the response titled ***Character of the Proposal***, there are a number of comments which appear to be the personal opinion of the Heritage Officer rather than an objective undertaking to describe the character. For example:

"The solar panels would be up to 3.5m tall of mechanical, planar and rigid manmade aesthetic. When viewed close to they would be imposing and contrast with the soft

⁴ APP/C1570/W/23/3319421

characteristics of the land... The overall effect of the proposal would be to have an industrialising impact upon the character of the site”

- 4.31. It can no longer be said that solar schemes are ‘alien’ or ‘incongruous’ feature in the wider landscape or have an industrialising effect. They are an element of a working landscape, with the ability to retain and understanding of agricultural character and part of a wider energy mix required to meet net zero targets and address the climate emergency.
- 4.32. The Heritage Officer once again potentially provides personal opinion in stating that the solar panels would appear ‘*dark and homogenous in appearance*’ it is noted that the Site and its surrounds are arable fields, all under the same crop rotation and ownership – ie the crops are all the same across the fields harvested at the same time, fields ploughed at the same time etc. So, whilst it is the case that the colour and tone of the fields changes throughout the year, these change as homogenous blocks – ie the crops grow at the same rate, producing a homogeneous dark green block when views from afar. When ploughed, the dark colour of the ploughed fields is a homogenous block. It is also the case that from different vantage points, the ground beneath the panels will be visible allowing the grassland underneath to be visible.
- 4.33. The Heritage Officer is not entirely clear in their section ***Other assets considered within the Heritage Statement***. They state they do not ‘*necessarily*’ agree with the Heritage Statement in concluding there would be no harm to the remainder of heritage assets and goes on to state that ‘*I do acknowledge that the impact upon assets that are at a greater distance from the site would be much less than those specifically considered above and could be regarded as resulting between very low to no harm to their significance on the “less than substantial” scale.*’ The Heritage Officer does not articulate how the harm would arise and how a solar scheme in the wider landscape causes harm to the significance of specific heritage assets. The guidance of paragraph 14, quoted above, of the Historic England Setting guidance is useful here – is the simple fact of being in the wider landscape, even intervisible a major component of setting or is it an incidental element within the wider landscape? In addition, the Heritage Officer states that the range of harm identified to these ‘*other assets*’ ranges from very low to no harm on the less than substantial scale. Firstly, Pegasus note there is no level of no harm on the less than substantial scale. No harm is its own category and if there is a finding of no harm – then there would not need to be planning balance or the relevant policy tests. Therefore the Heritage Officer has not identified those assets where they consider no harm to arise from the Scheme. Without knowing this, and based on the assessment within the Pegasus Heritage Statement, it is difficult to understand what the threshold is for the Heritage Officer in deciding that the Scheme would be harmful to significance, given the Pegasus conclusion that the majority of assets will not see a level of change that is harmful.
- 4.34. The Heritage Officer made comments on the economic viability of heritage assets in their response. Whilst it is acknowledged that economic viability can be factored into considerations of harm to significance of heritage assets, the Heritage Officer has no evidential basis upon which to base their comments regarding the economic activity of Moorhouse Farm, Boxted Hall or any impact the scheme may have on the economic activities of these sites. Comments on the ‘*beauty of this landscape on the rural economy*’ are similarly subjective and without any evidential basis whatsoever and potentially stray into personal opinion.

- 4.35. Under the **Conclusion** section of the response, it is noted that Pegasus and the Heritage Officer are in agreement in identifying less than substantial harm to Moorhouse Farm and Water Hall.

Save Glem Valley

- 4.36. References to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 are irrelevant here. The Scheme does not lie within the boundary of a Conservation Area and as such, the provisions of S72 do not apply – a position clarified by the High Court decision of *Hall v City of Bradford MDC* ([2019] EWHC 2899 (Admin))⁵ at paragraph 17 of that judgement. Further comments on the weighting to be given to heritage assets and case law is found in the section below.
- 4.37. Comments regarding archaeology at paragraph 5.12 are not considered relevant here. Discussions regarding the archaeological requirements are ongoing with the LPA Archaeologist.

Comments on Historic Landscape within Save Glem Valley Response

- 4.38. The proposed Scheme will not result in the removal of any entire hedgerows within the Scheme boundary.
- 4.39. In terms of legibility of the historic landscape, that is the level of historic landscape that is visible today, it is the case that the field boundaries that do remain are depicted on the 1840 tithe map and the woodland blocks of Park Wood, Lownage Wood and Dripping Pan Wood are all retained from the tithe mapping – with Park Wood part of an area of Ancient Woodland.
- 4.40. It is the case that there is potential archaeological activity dating to the prehistoric period within the Site as evidenced by the geophysical survey, however evidence of archaeological deposits of a certain date is not the same as evidence of a legible historic landscape of that period. What matters with regards to historic landscape is what is legible today and what can be interpreted from the features that survive. More important still is whether these elements could be considered as a heritage asset and further still, if any of these elements would experience harm from the proposed Scheme. In this case, the panels will sit within the existing field pattern – there will be no large-scale loss of hedgerow nor any removal of the extant woodland blocks.
- 4.41. With regards to proposed landscaping, the proposed landscape mitigation is entirely within the character of the existing landscape. Woodland belts are proposed to screen the panels, very much in keeping with the surrounding area. In addition, it is the case that the landowner could alter the pattern of fields within the Site at any time through the planting of new hedgerows or new woodland blocks without requiring permission.

Glint and Glare

⁵ [https://www.bailii.org/cgi-bin/format.cgi?doc=/ew/cases/EWHC/Admin/2019/2899.html&query=\(ewhc\)+AND+\(2899\)](https://www.bailii.org/cgi-bin/format.cgi?doc=/ew/cases/EWHC/Admin/2019/2899.html&query=(ewhc)+AND+(2899))



- 4.42. A Solar Photovoltaic *Glint and Glare* Study to support this application was prepared by Pager Power in October 2023 and submitted in support of this application. This study assessed the potential for glint and glare from a number of dwellings including the location of the grade II listed Moorhouse Farm, grade II Water Hall, dwellings (including listed buildings) within Boxted, grade I listed Church of the Holy Trinity and groupings of dwellings near to and including the grade II* Boxted Hall.
- 4.43. For Moorhouse Farm, the report concluded that solar reflections were not geometrically possible. For the remainder, the possibility was identified for Solar reflections predicted for less than 60 minutes on any given day and for less than 3 months of the year or more than 3 months in one case however this is based on geometric modelling without any account of screening. Once screening was taken into account, all of the reflecting panels were considered to be screened by intervening terrain and vegetation – thus resulting in no effect.
- 4.44. Even if it were to be the case that there could be a small visibility of glint/glare for a period of less than 60 minutes, it does not necessarily follow that this would be harmful.
- 4.45. There is no specific requirement for designated heritage assets to be subject to a glint and glare assessment however the Pager Power report assessed a number of dwellings in the vicinity which are also listed buildings including Moorhouse Farm, Water Hall and the assets listed above.

5. Discussion of Relevant Case Law, Legislation and Policy

- 5.1. Case law relating to the level of weight to be given to designated heritage assets in the decision-making process where harm is caused (Palmer v Herefordshire Council [2016] EWCA Civ 1061)⁶ is clear:

“5. The degree of harm (if any) is a matter of judgment for the decision maker, but if the decision maker decides that there is harm, he is not entitled to give it such weight as he thinks fit. To the contrary he must give it considerable weight: East Northamptonshire DC v Secretary of State for Communities and Local Government [2014] EWCA Civ 137, [2015] 1 WLR 45 at [22]. However, this does not mean that the weight that the decision maker must give to the desirability of preserving the building or its setting is uniform. It will depend on, among other things, the extent of the assessed harm and the heritage value of the asset in question”

- 5.2. Whilst the weight that a decision-maker must give if finding harm is considerable, the weight the decision-maker must give to the considerable weight in the planning balance is not uniform.

- 5.3. Lewison J goes on to state:

“34. Although the statutory duty requires special regard to be paid to the desirability of not harming the setting of a listed building, that cannot mean that any harm, however minor, would necessarily require planning permission to be refused. I agree, therefore, with what the judge said at [61]:

“It is still plainly the case that it is for the decision taker to assess the nature and degree of harm caused, and in the case of harm to setting rather than directly to a listed building itself, the degree to which the impact on the setting affects the reasons why it is listed. Further, it is for the decision taker then to balance that against the benefits of the development. The duty to accord “considerable weight” to the desirability of avoiding harm does not mean that any harm, however slight, must outweigh any benefit, however great, or that all harms must be treated as having equal weight. The desirability of avoiding a great harm must be greater than that of avoiding a small one. The desirability of avoiding harm to a high category heritage asset must be greater than that of avoiding a similar harm to a less important asset.”

- 5.4. It must also be noted that the requirements of paragraph 212 and 213 of NPPF which sets out the ‘great weight’ and ‘clear and convincing justification’ elements apply only to designated assets.

- 5.5. The matter of what constitutes clear and convincing justification has been considered by the High Court within the judgement R (Pugh) v Secretary of State for Communities and Local Government [2015] EWHC 3 (Admin)⁷, Gilbert J addresses the matter of what constitutes ‘clear and convincing’ justification in terms of fulfilling the requirements of NPPF

⁶ [https://www.bailii.org/cgi-bin/format.cgi?doc=/ew/cases/EWCA/Civ/2016/1061.html&query=\(ewca\)+AND+\(civ\)+AND+\(1061\)](https://www.bailii.org/cgi-bin/format.cgi?doc=/ew/cases/EWCA/Civ/2016/1061.html&query=(ewca)+AND+(civ)+AND+(1061))

⁷ <https://www.bailii.org/ew/cases/EWHC/Admin/2015/3.html>

para 132 (as it was in the version of NPPF current at the time of the judgement which is transcribed into the current NPPF at paragraph 213). He states at paragraphs 53 and 54:

“53. Mr Harwood points out that paragraph 132 uses the phrase “clear and convincing justification.” It might be thought difficult to be convincing without being clear, but it seems to me that the author of NPPF is saying no more than that if harm would be caused, then the case must be made for permitting the development in question, and that the sequential test in paragraphs 132–4 sets out how that is to be done. So there must be adherence to the approach set out, which is designed to afford importance in the balance to designated heritage assets according to the degree of harm. If that is done with clarity then the test is passed, and approval following paragraph 134 is justified.

54. Here the Inspector placed considerable value on the benefits of the scheme. He was entitled to do so as the decision maker. His weighing of those benefits at paragraph 46 is not done in isolation, but draws on what is set out earlier in the Decision Letter. His approach is clear, and he gives reasons for his striking the balance as he does.”

- 5.6. It is clear from the statement of Gilbert J that the matter of deciding whether there is clear and convincing justification is for the decision-maker when considering the balance between the benefits of the scheme and the harms arising from the scheme, as long as when it comes to designated assets, the decision-maker gives this harm the appropriate level of great weight.
- 5.7. A very recent decision for a solar scheme (APP/W3520/W/24/3345132) at Woodlands Farm, Stowmarket, Suffolk is directly relevant to this Addendum as it concerned a proposed solar scheme within the Mid-Suffolk LPA area with matters relating to heritage and policy LP25 of the Babergh and Mid-Suffolk Joint Local Plan – Part 1 2023, considered by the Inspector. The Appeal was also concerned with the setting of heritage assets and harm arising from the Scheme.
- 5.8. The Inspector identified harm, less than substantial to the significance of a number of heritage assets including a Conservation Area, a Grade I listed church (at the mid to lower end of the scale), a grade II* listed building and a number of other grade II* and II listed buildings at less than substantial harm at the lower end of the scale. Harm was identified, therefore, to a number of designated assets, including asset of the highest significance in accordance with NPPF. In consideration of the planning balance, at paragraph 37 of the decision, the Inspector concludes:

“NPPF paragraph 212 states that 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 the more important the asset, the greater the weight should be). I have taken this into account in awarding weight to the harm I have identified to the important assets within the Badley Hall grouping, and I have given greater weight to the harm to the highly graded assets. The harm I have identified to the heritage assets must be given considerable importance and weight in the balancing exercise required by NPPF paragraph 215. Taking all the above into account, I consider that the overall less than substantial harm to the significance of designated heritage assets is outweighed by the public benefits of the proposed development that are attributable to the generation of renewable energy, along with the biodiversity, soil management and socio-economic benefits.”

5.9. The Inspector allowed the Appeal, demonstrating that a finding of harm to designated heritage asset does mean that a scheme must be refused if outweighed by the benefits.

5.10. In reference to policy LP25 and heritage, the Inspector states:

“39. To give JLP Policy LP25 Part 3 the meaning intended by MSDC it is necessary to read into it that the ‘impact on...the setting of heritage assets’ would be an adverse impact. It would also be necessary to infer that the reference to ‘no alternative sites available within the District’ meant that there would be no suitable alternative sites that would result in a less harmful impact. Even allowing for such an interpretation, I am not convinced that the proposal would be at odds with Policy LP25.

40. The policy is supportive of renewable energy generation subject to, amongst other things, full consideration of relevant matters, and where impact can be effectively mitigated. Mitigation here has its normal meaning of making less severe. So, it seems to me that compliance with this part of the policy could be achieved by effective measures that demonstrably lessened the severity of the impact. For the reasons set out in the sections of this decision on the character and appearance of the area and heritage assets, I am satisfied that the proposed on-site landscaping and additional tree/hedgerow planting would comply with Parts 1 and 3 of Policy LP25 concerning effective mitigation.”

5.11. The proposed Scheme has set out a number of measures, embedded within the design of the Scheme which are considered to reduce (mitigate) harm to identified heritage assets.

5.12. Also of relevance to the policies under consideration for this Scheme, though noted of course each case turns on its own merits, the Inspector, having identified harm to heritage assets goes on to state:

“44. The harm I have identified to heritage assets is not sufficient to bring the proposal into overall conflict with JLP Policy SPO9, which requires development to support and contribute to the conservation, enhancement and management of the natural and local environment and networks of green infrastructure, including: landscape, biodiversity and the historic environment.”

5.13. A recent appeal decision issued on 13th January 2025 (APP/V4630/W/24/3347424) for a BESS scheme at Great Barr in Walsall is relevant to the consideration of this application. One of the main issues at that Appeal was the effect on heritage assets and the site was located within a Conservation Area, adjacent to a grade II registered park and garden with a number of grade II listed buildings in the vicinity. Unlike the Site under consideration, that Appeal site lay within the Conservation Area and therefore had the statutory test of S72 of the P (LBCA) Act 1990 to consider. Within the Appeal decision, the Inspector identified less than substantial harm to the Conservation Area, at a low level, less than substantial harm at the lowest level to three grade II listed buildings and no harm to the registered park and garden.

5.14. In this Appeal decision, when considering the balance at para. 110 – 111 of the decision, the Inspector sets out that as per paragraph 212 of the Framework, great weight should be given the conservation of a designated heritage assets when considering the impact of a development. The Inspector then goes on to consider the benefits of the scheme and states at para 111:

“Great weight is accorded to the potential harm to the 4 HAs, the CA, the listed buildings at Old Hall Farm and St Margaret’s Church. Balanced against this, the early contribution the BESS would make to the acknowledged need for battery storage to assist in mitigating the effects of climate change and maintaining energy security attracts great weight...Given their scale and nature, these public benefits outweigh the low level of less than substantial harm to HAs. The less than substantial harm to the HAs does not provide a clear reason for refusing the BESS.” (author’s emphasis).

- 5.15. The Inspector, quite rightly, points to the fact that a finding of less than substantial harm to a designated heritage asset is not reason enough to refuse a scheme. The Inspector found the less than substantial harm was outweighed by the benefits of the scheme and allowed the Appeal.
- 5.16. There are numerous Appeal decisions from recent months for solar and BESS schemes which have considered heritage issues and harm to heritage assets through changes to their setting.
- 5.17. A further relevant Appeal Decision for a solar scheme at Thoroton, Nottinghamshire of June 2024⁸, also considered harm to heritage assets, with the Inspector identifying harm to two Conservation Areas and a grade I listed church. The Inspector considered these in the planning balance, concluding:

“69. The harm to three heritage assets would be temporary and reversible. However, the NPPF provides that great weight should be given to the conservation of these assets. In the NPPF paragraph 208 balancing exercise, I consider that the less than substantial harm I have identified to the significance of the designated heritage assets here is outweighed by the substantial public benefits that would be attributable to the renewable energy generated by the proposed solar farm. Further details about these benefits are set out later in this decision.”

NPS EN-1

- 5.18. National Policy Statement (NPS) EN-1 (Overarching National Policy Statement for Energy adopted 17th January 2024) at paragraph 1.2.1 states:

“In England, this NPS, in combination with any relevant technology specific NPSs, may be a material consideration in decision making on applications that fall under the Town and Country Planning Act 1990 (as amended).”
- 5.19. NPS EN-1 introduced the concept of Critical National Priority (CNP) for schemes of critical low carbon infrastructure. These are schemes where the starting point for decision-making is that a list of planning tests has already been met. This list of tests as set out at paragraph 4.2.17 of the NPS EN-1 includes:

“where substantial harm to or loss of significance to heritage assets should be exceptional or wholly exceptional.”

⁸ APP/P3040/W/23/3330045



- 5.20. It is the case, therefore that even where a scheme may cause substantial harm (after all mitigation possible has been put in place) this would still be outweighed by the benefits of the CNP project.



6. Conclusions

- 6.1. The position of Pegasus is restated here that the scheme has the potential to cause less than substantial harm at the low end of the scale to the grade II listed Moorhouse Farm and the grade II listed Water Hall.
- 6.2. Photomontages VP 7 and 10 show that whilst the Scheme is visible in the views of Moorhouse Farm from across the Glem Valley, the Scheme does not form a clear backdrop to the asset, nor is there any sense of the panels 'wrapping around' the asset. There is a generous buffer in the eastern side of the asset of over 125m and there are no panels to the west of the asset. The foreground of the view of the asset is not part of the Scheme and will remain free from development allowing the asset to be viewed in surrounded by open fields.
- 6.3. For Water Hall, the 1840 tithe map shows there was an association between Boxted Hall, Water Hall and small portion of land within the Site, however this link is now severed. There is a possibility of glimpsed views of the eastern portion of the Site in winter vegetation, and the change to a portion of the rural setting of the asset which was once associated is where the low level of harm is derived.
- 6.4. It is a clear and well-understood concept that a finding of harm to a designated heritage asset is insufficient reason to refuse permission. The harm must be placed within the planning balance and assessed accordingly.
- 6.5. The proposed Scheme is temporary, with any harm arising to significance through setting being capable of being reversed upon decommissioning.
- 6.6. The Pegasus Heritage Statement concludes no harm to the other identified assets.

Town & Country Planning Act 1990 (as amended)
Planning and Compulsory Purchase Act 2004

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