



LPA Planning Ref No: 22/02241/FUL

PINS ref No: APP/P3040/W/23/3330045

Summary Proof of Evidence
of
James Bate (RBC - Heritage)

Section 78 Planning Appeal

Against Refusal of Planning Permission for installation of renewable energy generating solar farm comprising ground-mounted photovoltaic solar arrays, together with substation, inverter stations, security measures, site access, internal access tracks and other ancillary infrastructure, including landscaping and biodiversity enhancements

Land East of Hawksworth and Northwest of
Thoroton

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Introduction

- 1.1 This summary proof of evidence has been prepared by myself, Mr James Bate, and represents my true and professional opinions, based on my professional knowledge and experience. This is given in accordance with the guidance of my professional institute.
- 1.2 I am a graduate of the universities of Derby (BSc Hons – Heritage/Architectural Conservation, 2007), York (MSc – Building Conservation, 2015) and Leicester (CertArch – Archaeology, 2020). I am a professionally qualified conservation specialist and full member of the Institute of Historic Building Conservation (IHBC), to which I was elected in 2010. As with all members of the IHBC, I am bound by a Code of Professional Conduct which applies to my professional activities and requires that I act with competence, honesty and integrity, and exercise independent professional judgement at all times.
- 1.3 I have worked continuously in local government as a Conservation Officer, and more recently as a manager within the Planning Department with line management responsibility for the Conservation Officer, since January 2008 in a variety of settings from Devon and Staffordshire to Nottinghamshire and as such have some 16 years of professional experience.
- 1.4 I have been providing conservation advice to Rushcliffe Borough Council since November of 2013, with a brief hiatus between 2019 and 2021. My work has included acting as a case officer for applications as well as providing design advice outside of historic environment settings to planning colleagues.
- 1.5 In addition to work for local authorities I have undertaken limited amounts of private consultancy work as a self-employed sole trader.
- 1.6 All photographs contained within this document were taken by the author during a site visit in March 2023.

Heritage Assets

- 2.1 The application site sits between two adopted conservation areas, those of Thoroton and Hawksworth.
- 2.2 These two settlements are relatively close neighbours to the extent that there are several vantage points within Hawksworth from which it is possible to see the spire of the Parish Church in neighbouring Thoroton.
- 2.3 There are also multiple footpaths and bridleways which serve to connect the two villages, and again from these there are locations where it is possible to view both of the villages from a single vantage point.

- 2.4 In addition to the conservation areas each of the villages also feature a number of listed buildings with examples at each of the three listing grades.
- 2.5 The most notable are the two Parish Churches:
- St Mary and All Saints (Hawsworth) GII*
 - Church of St Helena (Thoroton) GI
- 2.6 There are also a number of grade II listed buildings, a total of 5 in Hawsworth and 4 in Thoroton, of which the only the following are affected to be worth further consideration:
- Hawsworth Manor and Adjoining Pidgeoncote (Hawsworth) GII
 - Model Farm Buildings at Top Farm in Hawsworth (Hawsworth) GII

Summary Conclusions

- 3.1 My own assessment of the scale of harm each of the nearest designated heritage assets would be subject to as a consequence of the proposed development differs from that concluded in the appellants Cultural Heritage Impact Assessment (**CD 1.23**) which was submitted in support of their application.
- 3.2 The table below identifies the heritage assets which have been the focus of my assessment, their asset type and grading (where applicable) and a statement on the degree of less than substantial harm that I conclude:

Asset	Grade/Class	Harm
Hawsworth Conservation Area	Conservation Area (Setting & Key View)	Lower Middle Quartile
Thoroton Conservation Area	Conservation Area (Setting)	Lower Middle Quartile
Thoroton St Helena	G I Listed	Lower Middle Quartile – but Towards Middle
Hawsworth St Mary & All Saints	G II* Listed	Lower Middle Quartile
Hawsworth Manor & Pigeoncote	G II Listed	Low
Top Farm – Model Farm Buildings	G II Listed	Low, near Almost No Harm

- 3.3 My assessment of harm is higher in all cases than that ascribed by the appellants Cultural Heritage Impact Assessment (**CD 1.23**), with the possible exception of the Grade II listed Top Farm where I would agree that the harm is at the lower end of the less than substantial scale, but feel that the description of this scale of harm as 'negligible' inadvertently and incorrectly suggests that this could simply be set aside,

albeit I do agree that the low level of harm to this asset is unlikely to be a determining issue.

- 3.4 In the case of Conservation Areas I am of the view that my higher findings in terms of scale of harm are due to the failure of the author of the Cultural Heritage Assessment (**CD 1.23**) to apparently have reference to the conservation area appraisals for the two settlements and to appreciate the contribution made by their agricultural character and context, and also to undertake an assessment of impacts upon them which appeared to diminish their significance to providing a setting for the listed buildings within them, rather than treating them as separate heritage assets with significance and settings in their own rights.
- 3.5 In the case Hawksworth Manor as a grade II listed building the farming background, and continued farming associations, of the site appear to be unrecognised and not to factor into consideration of the impacts on the significance of this listed building via its setting, which has led to my finding a greater degree of harm in my assessment.
- 3.6 In the case of the two churches the appreciation of their setting seems to give weight disproportionately to their immediate context within their churchyards and the conservation areas within the site, with prominence in the wider landscape referred to as 'distant views' and seemingly given little weight in the assessment.
- 3.7 The greater scale of harm which I had, and have, identified led the local authority in its role as decision maker to conclude, when determining the application originally, that the public benefits of the scheme did not outweigh the harm to heritage assets.
- 3.8 Further to the balance of harm for the test under paragraph 208 of the framework there is also the issue of a need for a clear and convincing justification under the preceding paragraph 206.
- 3.9 It would not appear that there has been any consideration of whether the benefits of this development could be achieved via alternative means, including through delivering the development on alternative sites, whilst securing a reduction to heritage harms, or avoiding such harms entirely. As such it would not appear that a clear and convincing justification for the harm which development on this site would cause has been demonstrated.