

REBUTTAL PROOF ON HERITAGE MATTERS

COTMOOR SOLAR FARM, LAND NORTH OF HALLOUGHTON, SOUTHWELL

ON BEHALF OF JBM SOLAR PROJECTS 6 LTD

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PROPOSAL:

**CONSTRUCTION OF A SOLAR FARM AND BATTERY STATIONS TOGETHER
WITH ALL ASSOCIATED WORKS, EQUIPMENT AND NECESSARY
INFRASTRUCTURE**

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1. INTRODUCTION

1.1 This Rebuttal Proof of Evidence addresses specific heritage evidence presented in Mr. Adam Partington's Heritage Proof of Evidence (CD C8-C).

1.2 This rebuttal will focus on three main points:

- Two matters relating to the Halloughton Conservation Area, specifically comprising the access track within the site boundary and the application of S72 of the Planning (Listed Buildings and Conservation Areas) Act 1990;
- Matters relating to the decommissioning of the scheme and the level of harm alleged in the Proof of Mr. Partington; and
- Matters relating to land ownership.

1.3 This rebuttal addresses the points above only. Silence on other elements of Mr. Partington's Proof does not confer my agreement on other matters within the Proof, including the methodology analysis and conclusions of the report.

1.4 My name is Laura Garcia and I have prepared this rebuttal and the Heritage Proof of Evidence. My experience and qualifications are set out in my Proof of Evidence. I can confirm that the evidence I have prepared is true and given in accordance with the guidance of my professional institute. I can confirm the opinions expressed are my true professional opinions.

2. MATTERS RELATING TO HALLOUGHTON CONSERVATION AREA

- 2.1 This section addresses two points within Mr. Partington's Proof of Evidence relating to the Halloughton Conservation Area.
- 2.2 The first point is the assertion made in Mr. Partington's Proof at paragraphs 4.2.62 and 4.2.63 that the proposed access track into the site would have a high adverse impact upon the character and appearance of the Halloughton Conservation Area. The proposed access track is discussed in my Proof of Evidence at paragraph 12.39 where it was concluded that the proposed access track would not result in any harm to the special character or interest of the Conservation Area.
- 2.3 Within the evidence of Mr. Partington, the harm to the Conservation Area from the proposed access track is said to arise from the loss of a small section of grass verge and hedgerow at the main vehicular entrance and the 'hardening' of the semi-natural character of the public realm. It is acknowledged by Mr. Partington that the magnitude of the works is low, but it is stated that the adverse impact is amplified due to the conspicuous location of the development at the village's only formal point of vehicular access to and from the public highway
- 2.4 It is noted that harm arising from the proposed access track has never previously formed part of the Council's case and has never been set out as a source of harm to the Halloughton Conservation Area, hence the requirement for this rebuttal.
- 2.5 In order for construction vehicles to safely access the site, a very small area of the grass verge to the east of the proposed access would be required to be formed into a surface suitable for heavy vehicles. In addition, a small portion of hedgerow would require removal to facilitate access. Upon completion, a double-width farm gate would be installed where the access track meets the public highway which would be similar to the existing entrance gate at Manor Farm (see plate below).



Plate 1 Gate at Manor Farm – similar style to that proposed for the site access

- 2.6 The scale and nature of the works required for the formation of the access track would not cause harm to the special character of the Conservation Area. When considering harm within Conservation Areas, the harm to the area as a whole must be considered, not simply to one particular area within the boundary.
- 2.7 The formation of the proposed access track and the way it connects to the road into Halloughton is entirely in keeping with other access tracks and entrances to properties set back off the main street within the settlement. The grass verge within the settlement has been punctuated with a number of entrances for access to newer properties within the settlement. These entrances, for example to properties at Manor Farm, Ash View and Taoro are of a similar formation, with splayed entrances and tracks formed of concrete or tarmac cut into the grass verges.
- 2.8 The formation of the site access would require the removal of 4-5m section of hedgerow. It is considered that this removal would be insignificant when compared against the extent of hedgerow within the settlement and the removal would not cause any change to the special character of the Conservation Area or diminish the experience upon entering this eastern end of the village.
- 2.9 It is noted that the area of the proposed access track is located opposite an informal parking area and turning circle at the eastern entrance of the village. This area has eroded the grass verge on the southern side of the lane at the

entrance through vehicular use, widening the entrance into the village and removing a section of the grass verge on this approach. When viewing this on my site visit, I did not consider that this erosion and removal of the grass verge in this area diminished my ability to understand the special character and interest of the Conservation Area as a whole or reduced the experience of entering the village at its eastern end. It is considered that the removal of a very small section of grass verge for the access track would similarly not cause any harm or change to the special character of the Conservation Area or the experience of entering the village at the eastern end.

- 2.10 The bellmouth area of the access track is to be constructed using a 'no-dig' construction method. This is a cellular mesh which is placed over the original ground surface which is then anchored with a granular fill and topped with fine gravel. This is an entirely reversible method of construction. The ramped access onto the access track from the road is constructed of the same material, but gradually ramped to ease entry into the site. Again, this gradual ramp is similar to the other access points in the settlement itself.
- 2.11 Details of the site access were considered in a note addressing Site Access Arrangements (CD A17) prepared in December 2020. This sets out that this access into the proposed site was chosen specifically over other, equally viable options as it would reduce vehicle movements into the core of Halloughton and it would be able to be delivered without significant works or alteration.
- 2.12 The second point addresses the application of section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. At the first sentence of paragraph 2.2.2 of Mr. Partington's evidence, he sets out the wording of S72, which is not disputed. The second section of this paragraph then goes on to try and expand the scope of S72 by including consideration of the setting of conservation areas as falling under the remit of the Act. Mr. Partington attempts to justify this by stating there is guidance from English Heritage that would support this approach, however the reference given "*The Setting of Heritage Assets p.31*" does not correspond to the 2017 Historic England 'The Setting of Heritage Assets' which does not contain 31 pages. It seems that this reference to English Heritage guidance refers to the 2011 version of this document, which has been superseded a number of times, and elements of the guidance within have become outdated due to more recent judgments.

- 2.13 Paragraph 2.2.2 concludes by stating “*Development that is outside a conservation area can affect the experience of that area because its character and visual qualities may be influenced by external development*”.
- 2.14 This approach, that the consideration of development outside of a Conservation Area boundary as affecting the character and appearance of the Conservation Area falls within the statutory duty of S72 was considered within the 2019 High Court Judgement of *Hall v City of Bradford Metropolitan District Council*¹. Within this, paragraph 17 records the agreement of the parties that Section 72 of the P(LBCA)A 1990 applies only to land within a conservation area which reflects the wording of the section itself. Therefore, the scope of S72 as set out by Mr Partington in his Proof is incorrect and a misapplication of this section of the legislation. S72 only applies to development within the boundary of a conservation area.

¹ *Hall v City of Bradford MDC & Anor* [2019] EWHC 2899 (Admin)

3. MATTERS RELATING TO LAND OWNERSHIP

- 3.1 Throughout the evidence of Mr. Partington, there are repeated claims regarding land ownership in relation to Halloughton and the proposed site. It is claimed that the manorial estate still survives as a single unit, under single ownership for the substantial part. Paragraph 4.3.21 of Mr. Partington's proof sets this out and states that this contributes to the strong and extant sense of historical integrity and with reference to Halloughton Manor Farmhouse, sets out at paragraph 4.3.36 that the *"experience of the manor's significance is considerably amplified by the remarkable integrity of its village and landscape setting, with the estate, which remains in agricultural operation, surviving as the dominant landowner in the parish"*. Similarly at paragraph, 4.3.111, Mr. Partington states in relation to the barn at Bridle Road Farm, *"the character and appearance of the Halloughton Conservation Area has a very strong sense of historical integrity which clearly reflects the agricultural operations of Halloughton Manor as the main landowner from the 13th century to the modern day."*
- 3.2 Whilst it is the case that the current owner of Halloughton Manor Farm is also the owner of the site, this association between Halloughton and the site in terms of landownership is something that has only arisen with the current owner of Halloughton Manor Farm. This is not an historic association and there is no sense of one "lord of the manor". It is the case that the majority of the land within Halloughton parish was part of the prebendary of Southwell Minster, however the prebend was leased out over its history to a variety of owners who, in turn, sub-let the land and farms. The Proposed scheme will not change the relationship. It will not sever connections between Halloughton and the surrounding landscape and it is likely that following the decommissioning of the scheme in 40 years the land ownership will be exactly the same as it is today.

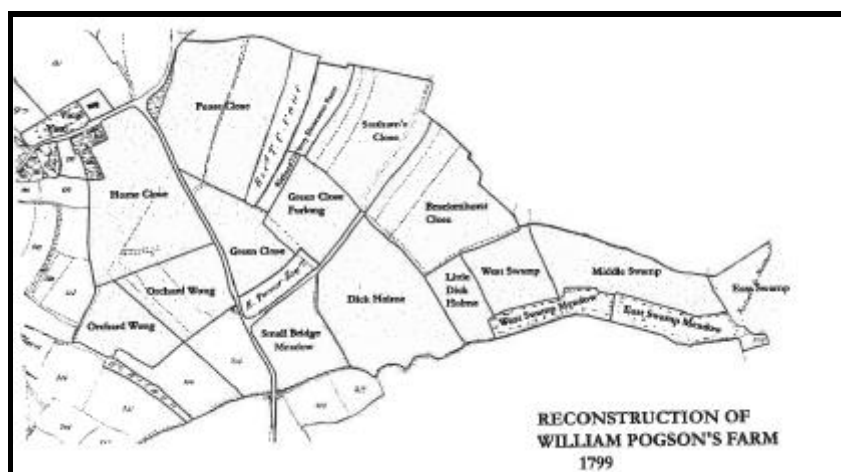


Plate 2 Figure taken from J. Elliott draft document – *Halloughton Unravelled* 2013 (unpublished)

- 3.3 Plate 2 shows the landholding associated with Halloughton Manor Farm in 1799 – the site was not part of the landholdings associated with the manor house – this is supported by the evidence of the 1848 tithe map which is discussed at paragraph 8.17 of my evidence. This shows that William Pogson tenanted Halloughton Manor Farm, but the land of the site was not tenanted by the same person. The farmland of Halloughton Manor Farm was to the south and southeast as shown by the plan above and through tithe map analysis.
- 3.4 Each farm within Halloughton had its own landholdings, again a point supported by the evidence of the 1848 Tithe map. For example, Bridle Road Farm was tenanted by Henry Brett and the landholdings associated with this farm were all to the south. The lands of the site in Halloughton parish were tenanted by George Moore and Thomas Johnson, both of whom occupied farms on the northern side of the lane, now the site of Brookside and Church Cottage. Whilst all being under the broader umbrella of the prebendary, it is clear that the prebendal lands and Halloughton were not a homogenised unit. As the 1848 Tithe map demonstrates, whilst Sir Richard Sutton was the owner of the estate (leased from the Church Commissioners), he did not reside in Halloughton Manor Farm, Halloughton was one of a number of landholdings of Sir Richard.
- 3.5 As referenced in the Proof of Mr. Partington at 4.2.12, in 1952 the Church Commissioners finally sold off the estate and sold the freeholds of the farms to the individual tenants. This sale severed the connection between the Church and the parish of Halloughton.

- 3.6 This point of the rebuttal is not to provide a potted history of the land ownership of Halloughton in relation to the proposed scheme, but is provided to rebut the claims made within the Proof of Mr. Partington that this is a single, manorial unit, largely under one owner thus with an historic association which enhances the significance of assets within it, including the Conservation Area itself (see paragraph 4.2.70 of Mr. Partington’s evidence as an example).

4. MATTERS RELATING TO THE DECOMMISSIONING OF THE PROPOSED SCHEME

- 4.1 The Proof of Evidence of Mr. Partington alleges that the harm arising from the proposed scheme would continue following the decommissioning of the scheme after its 40-year consented operation. Harm is alleged to continue following decommissioning for the Halloughton Conservation Area, grade II* Halloughton Manor Farm House and the grade II listed Barn at Bridle Road Farm. It is noted that paragraph 5.1.6 of Mr. Partington's evidence states that harm would continue following decommissioning to the significance of "*Halloughton Conservation Area and those designated heritage assets within it including the Manor Farm House and the Bridle Road Farm*". However, the discussion of the other listed buildings in the Conservation Area (Church of St. James, Barn at Halloughton Manor Farm and Pigeoncote, Stable block and Granary at Halloughton Manor Farm) states that there would be no impact upon significance following decommissioning of the scheme. Therefore, the conclusion of Mr. Partington is incorrect in this regard.
- 4.2 In addition, this allegation of harm continuing to certain heritage assets following the decommissioning of the scheme is a new point, never before raised by the LPA within the Reason for Refusal, within the subsequent Statement of Case or within the further clarification email of 25th October 2021 (CD C10). Hence the requirement for this section of the rebuttal.
- 4.3 The harm to the assets alleged by Mr. Partington arises from the same source. This is set out at paragraph 4.3.125 for Barn at Bridle Road Farm and 4.2.54 for the Halloughton Conservation Area, however the source of the harm from the proposed scheme following decommissioning is not explicitly set out for Halloughton Manor Farm House. The source of the harm is the proposed tree planting put forward to mitigate parts of the scheme in field F7, F8 and F9. Mr. Partington accepts that the retention of hedgerows which forms part of the mitigation of this scheme would "*sustain a key element of the field morphology*" (para 4.3.125 and 4.2.54).
- 4.4 The only tree planting proposed in those fields is a proposed woodland belt around 15m in width along the southern edge of those fields. It is noted that there is already a strong hedgerow at the southern boundary of these fields. The proposed tree-belt would strengthen this existing landscape cover.

- 4.5 Woodland belts and planting are not alien features within this landscape, nor do they diminish the integrity of the historic agricultural landscape. The proposed mitigation for the scheme is entirely in character with the surrounding landscape and does not introduce any alien elements or species. Native species are proposed, to mirror the existing tree cover within the village. The level of planting that is proposed is in keeping with the surrounding landscape.
- 4.6 Mr. Partington claims that the once decommissioned, the proposed development would continue to have harmful effects due to the continued reduction of the historic integrity of the character of the rural landscape to the north. The historic integrity of this particular section of the site would not change. There would be no removal of hedgerows or historic field boundaries, all that would take place is a bolstering of an existing field boundary and the agricultural use of these fields would continue through the ability to graze sheep. There are, at present, no open views across these fields from within the Conservation Area or on approaches to it, the views are already filtered by the existing hedgerows. The understanding and appreciation of the historic integrity of these three fields (F7, F8 and F9) does not rely on visibility of them. The understanding of their time-depth is derived from knowledge of historic mapping of the area. The change in view that would occur over the 40-year period of the scheme and following the decommissioning of the scheme through the addition of one stretch of native tree planting would not reduce the historic integrity of the rural landscape.