

Belvoir Solar Farm, Leicestershire

Timothy Malim, Proof of Evidence: Heritage

Melton Borough Council



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Hampton Heritage Design & Consultancy Ltd



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SUMMARY

The evidence I present below outlines the reason for refusal on grounds of harm to heritage assets, as well as the legislative and policy framework in which the decision has been taken. I have reviewed the Environmental Statement and appendices and accept that assessment has been undertaken by the appellant in a standard manner which identified less than substantial harm to heritage assets. I present my reasons for thinking there are some short-comings in the appellant's methodology and assessment which has led me to calculate a higher degree of harm within the range represented by the term "less than substantial harm", than is proposed by the appellant. In conclusion I believe the development would lead to less than substantial harm, and it would not enhance the heritage significance of the assets through construction and operation of this development within their setting.



1. Qualifications and Experience

1.1 Qualifications

- 1.1.1 I am a qualified archaeologist with 44 years of professional experience having graduated from the Institute of Archaeology, London University, with a BA (Hons). I am a Fellow of the Society of Antiquaries of London (FSA), a Member of the Chartered Institute for Archaeologists (MCIFA), and Chair of the Federation of Archaeological Managers and Employers. I have acted as a Consultant to the Government of Sri Lanka (Ministry of Cultural and Religious Affairs) advising on the World Heritage Sites of the Cultural Triangle, and have worked as a consultant on behalf of the Overseas Development Organization and British Council. I have been a part-time tutor with Cambridge University's Institute of Continuing Education, and I am a member of The Prehistoric Society.

1.2 Experience

- 1.2.1 I have worked in local government, charitable and private sectors, and have extensive knowledge of current legislation and policy guidance within the different jurisdictions of the UK. My experience covers many aspects of the heritage industry including cultural resource management, project management, heritage impact assessment, archaeological survey and fieldwork, public interpretation and presentation, cultural tourism, research and publication. I have authored many articles and books including a detailed study of Barrington Anglo-Saxon Cemetery, a specialist regional synthetic study on Stonea and the Roman Fens, and edited monographs on *Durovigetum* Roman Godmanchester, and Old Oswestry Hillfort and its Landscape. As a consultant over the past 22 years I have developed wide experience in the EIA process and the assessment of impact on settings of designated sites. As part of this process, my analysis and characterization of the historic landscape and the sensitivity of designated heritage assets within their settings, have proved beneficial in helping manage change effectively. I have contributed technical statements to the Institute of Environmental Management and Assessment on the application of EIA regulations to the historic environment and cultural heritage, and input to consultation for Historic England's guidance on the setting of heritage assets. I have also led two nationally significant projects for investigating and monitoring the preservation in situ of archaeological remains, including designing and implementing the English Heritage funded strategic study of Nantwich's Waterlogged Deposits, Cheshire, and Hanson Building Products' (now Forterra's) monitoring of the waterlogged Bronze Age Timber Platform at Must Farm, Cambridgeshire.

1.3 Recent career history

- 1.3.1 I am currently a Director at Hampton Heritage Design & Consultancy Ltd, a company I set up when I left SLR Consulting where I had been Technical Discipline Manager since 2006. SLR is a global multi-disciplinary environmental planning consultancy and I was recruited to start a new discipline, Archaeology and Heritage, within their UK business. I built a team of c. 10 consultants and initiated several high profile and pioneering projects, as well as contributing to many multi-discipline studies including EIAs. From 2002 – 2006 I was an Associate with Gifford, an engineering consultancy, managing the archaeology and heritage section based at Chester. From 1989 – 2002 I established and then directed Cambridgeshire County Council's Archaeological Field Unit, responsible for all aspects of the management and direction of its c.30 staff, and took a strategic overview on all areas of heritage in the county in connection



with this role. In 2000 I was made President of the Cambridge Antiquarian Society having served as Vice-president for eight years, and I was a part-time tutor at the University's extra-mural department, teaching a certificate course in Archaeology, as well as periods of secondment to Sri Lanka to act as an archaeological advisor for two investigation programmes. Prior to that I was part of various projects in both the UK and abroad, and was employed on the University of Cambridge and English Heritage's Fenland Survey in the mid 1980s.

1.4 Key areas of expertise

Heritage advice, consultancy and familiarity with current legislation and the planning process	Guidance for clients on all aspects of the planning process and on potential benefits from heritage assets; risk workshops and cost/timetable estimation
Market sectors and client types	Experience with: residential & retail development, highways, utilities, energy, aggregates, land management, charitable sector, local authorities, and national agencies
Conservation Management Plans and Heritage Appraisals	Leading and writing CMP and related studies as part of conservation-based development schemes & cultural tourism
Environmental Impact Assessment	Application of international standards to review Romanian Gold Mine EIA and undertake EIA in Namibia; Cultural Heritage chapters and contributions for various wind farms;
Project Management	Thorough knowledge and expertise in organizing, directing and managing all aspects of archaeological fieldwork and post-excavation analysis programmes through to publication
Site Investigation and fieldwork	Wide experience in practical application of appropriate techniques and priorities in archaeological investigation
Heritage interpretation and publication	Proven track record in developing successful teams and programmes to bring to conclusion archaeological projects and disseminate significant results
Lecturing and research	Experienced lecturer and active participant in academic studies

1.5 Expert evidence

- 1.5.1 The evidence which I have prepared for this proof and provide for this appeal (PINS REF: APP/Y2430/W/24/3340258) is true and has been prepared (as appropriate) with reference to relevant guidance of my professional institute and Historic England's planning advice and good practice notes. I confirm that the opinions I have expressed are true and derived from my professional experience.



2.0 APPEAL PROPOSALS AND PLANNING AUTHORITY REFUSAL

2.1 Appeal proposal

- 2.1.1 Full Planning Application for the Construction of a Solar Farm together with all Associated Work, Equipment and Necessary Infrastructure at Fields OS 6700 6722 and 5200 Muston Lane, Easthorpe (MBC Planning Application Reference: 22/00537/FUL).

2.2 Melton Borough Council's reasons for refusal

- 2.2.1 The decision notice issued by Melton Borough Council on 11th September 2023 (CD 3.3) states one of the reasons for refusal as follows:

RfR: 4 In the opinion of the local planning authority, the proposal would result in an unacceptable impact on the setting of the heritage assets in the vicinity of the proposal (including, but not limited to, Grade I Listed Belvoir Castle and its Registered Park & Garden, two grade II* listed buildings and three scheduled monuments) which cannot be adequately mitigated. The proposal is considered to damage the setting and the appreciation of the heritage assets and their appreciation in the landscape which should be considered as a wider vista in the context of Belvoir Castle and the Vale of Belvoir. The benefits in reducing carbon emissions are therefore not considered to outweigh the harm to the heritage assets. The proposal is therefore considered to be contrary to policies SS1, EN1, EN10, EN13 and D1 of the Melton Local Plan, and Bottesford Neighbourhood Plan Policy 9.

3.0 RELEVANT LEGISLATION, POLICY AND GUIDANCE

3.1 Legislation

3.1.1 Town and Country Planning Act 1990

3.1.1.1 The Planning (Listed Buildings & Conservation Areas) Act 1990 Section 66 (1) requires *“In considering whether to grant planning permission [or permission in principle] 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 to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”*.

3.1.2 Levelling Up and Regeneration Act 2023

3.1.2.1 The Levelling up and Regeneration Act 2023 received royal assent on 26th October and amongst its many provisions, it has introduced a statutory duty which requires special regard to be given to the desirability of 'preserving or enhancing' Scheduled Monuments, Registered Parks and Gardens, World Heritage Sites and Registered Shipwrecks. Section 102 amends the TCPA 1990 to insert after section 58A: *“In considering whether to grant planning permission or permission in principle for the development of land in England which affects a relevant asset or its setting, the local planning authority or (as the case may be) the Secretary of State must have special regard to the desirability of preserving or enhancing the asset or its setting.”* Implementation of Section 102 is still pending, although planning policy already provides protection in this regard.

3.2 National Policy

3.2.1 Energy

3.2.1.1 Chapter 5.9 of Overarching National Policy Statement for Energy (March 2023) (EN1 (CD4.3)) presents how development for energy projects should be mindful of impacts on the historic environment. Several sections within this Policy have relevance for the current appeal:

5.9.1 The construction, operation and decommissioning of energy infrastructure has the potential to result in adverse impacts on the historic environment above, at and below the surface of the ground.

5.9.23 The Secretary of State should consider the desirability of sustaining and, where appropriate, enhancing the significance of heritage assets, the contribution of their settings and the positive contribution that their conservation can make to sustainable communities, including to their quality of life, their economic vitality, and to the public's enjoyment of these assets.

5.9.24 The Secretary of State should also consider the desirability of the new development making a positive contribution to the character and local distinctiveness of the historic environment. The consideration of design should include scale, height, massing, alignment, materials, use and landscaping (for example, screen planting).

5.9.34 When considering applications for development affecting the setting of a designated heritage asset, the Secretary of State should give appropriate weight to the desirability of preserving the setting of such assets and treat favourably applications that preserve those elements of the setting that make a positive contribution to, or better reveal the significance



of, the asset. When considering applications that do not do this, the Secretary of State should give great weight to any negative effects, when weighing them against the wider benefits of the application. The greater the negative impact on the significance of the designated heritage asset, the greater the benefits that will be needed to justify approval.

3.2.2 Planning

- 3.2.2.1 In the National Planning Policy Framework (NPPF) (2023 (CD 4.1)), Chapter 16 explains requirements for the conservation and enhancement of the historic environment. According to the NPPF paragraph 200 “...when determining a planning application, local planning authorities should 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 sufficient to understand the potential impact of the proposal on their significance; the relevant historic environment record should have been consulted; the heritage assets assessed using appropriate expertise where necessary; and where the development site has archaeological potential a field evaluation may be required.”
- 3.2.2.2 Paragraph 205 states “...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). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance”.
- 3.2.2.3 Paragraph 206 addresses substantial harm “Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:
- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional.
 - b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional”.
- 3.2.2.4 Paragraph 208 addresses a lesser degree of harm “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 including, where appropriate, securing its optimum viable use”.
- 3.2.2.5 Paragraph 212 encourages enhancement of the historic environment “Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably”.
- 3.2.2.6 The Planning Practice Guidance (2019) (PPG) to the NPPF (CD4.2B) provides some more detailed advice on how to apply the NPPF. Within this guidance Paragraph 018 (ID: 18a-018-20190723) helps clarify paragraphs 206 and 208 of the NPPF: “Proposed development affecting a heritage asset may have no impact on its significance or may enhance its significance and therefore cause no harm to the heritage asset. Where potential harm to designated heritage assets is identified, it needs to be categorised as either less than



substantial harm or substantial harm (which includes total loss) in order to identify which policies in the National Planning Policy Framework (paragraphs 206-208) apply.

3.2.2.7 Within each category of harm (which category applies should be explicitly identified), the extent of the harm may vary and should be clearly articulated.”

3.3 Local policies

3.3.1 Melton Borough Council

3.3.1.2 Melton Local Plan 2011–2036 (adopted 2018) Policy EN13 (CD 5.1) states “The NPPF provides national policy for considering proposals which affect a heritage asset. This includes the need to assess the effect of a proposal on the significance of an asset and the need for a balanced judgment about the scale of any harm or loss and the significance of the heritage asset.

3.3.1.3 Melton Borough has many important historic assets. These include Listed Buildings, Conservation Areas, Scheduled Monuments (SMs) and non-designated heritage assets (ranging from nationally to locally important heritage features).

3.3.1.4 The Borough of Melton contains heritage assets that are at risk through neglect, decay or other threats. These will be conserved, protected and where possible enhanced.

3.3.1.5 The Council will take a positive approach to the conservation of heritage assets and the wider historic environment through:

A) seeking to ensure the protection and enhancement of Heritage Assets including non designated heritage assets when considering proposals for development affecting their significance and setting. Proposed development should avoid harm to the significance of historic sites, buildings or areas, including their setting.

B) seeking new developments to make a positive contribution to the character and distinctiveness of the local area.

G) taking account of any local heritage assets listed in Neighbourhood Plans.”

3.3.2 Bottesford Neighbourhood Plan

3.3.2.1 Bottesford Neighbourhood Plan (CD 5.2) was incorporated into Melton Borough Council’s Development Plan on 14th October 2021 and approved by the Parish Council 25th of November 2021. Specific to the current appeal is Neighbourhood Plan Policy 9 within section 18 Renewable Energy and Low Carbon Technologies, where paragraph 227 states “*The landscape across the Parish has varying sensitivities (see section 11 above). Regard must be had to the potentially adverse impacts of renewable energy infrastructure on the setting of both the visual and archaeological assets including any cultural heritage in particular the historic link and view points between Belvoir Castle and St Marys Church. Any such development must therefore be of an appropriate scale, in a suitable location, and sensitive to the landscape of the Parish, as well as respecting residential amenity.*” Also Policy 12: Protecting Heritage Assets, which include point 3 “*The effect of a proposal on the significance of a non-designated heritage asset, including their setting, will be taken into consideration when determining planning applications. Applications that are considered to cause substantial harm to a non-designated heritage asset will require a clear and convincing justification.*”

3.4 National guidance

3.4.1 Historic England and Renewable Energy

3.4.1.1 Historic England's Advice Note 15 Commercial Renewable Energy Development and the Historic Environment (March 2021) (CD 4.7) clarifies the distinction between Landscape and Visual Impact Assessment and Heritage Impact Assessment in paragraph 52: *"LVIA differs from the assessment of setting impacts because, while the impact of development in views under LVIA is on the viewer, as receptor, the impact of development in terms of the setting of heritage assets and associated views is on the significance of the heritage asset itself."*

3.4.1.2 Paragraph 70 stresses the need to consider the impact of screening specific to solar parks: *"Harmful visual impacts on the settings of heritage assets can be avoided or reduced through sensitive design and layout, and mitigation measures such as tree and hedge planting to screen the development. However, care needs to be taken that these measures do not themselves have an adverse impact on the heritage setting or landscape character."*

3.4.2 Historic England assessment guidance

3.4.2.1 Three further advice notes and guidance from Historic England assist in assessing heritage values, and in adopting a staged approach to assessing heritage significance and the contribution that setting makes to that significance, guidance which I have followed in my own assessment:

- Historic England 2015 Conservation Principles: Policies and Guidance for the Sustainable Management of the Historic Environment (English Heritage 2008) (CD 4.23);
- Historic England 2017 Historic Environment Good Practice Advice in Planning Note 3: The Setting of Heritage Assets ((GPA3) CD 4.22); and
- Historic England 2019 Statement of Heritage Significance: Analysing Significance in Heritage Assets Historic England Advice Note 12 ((HEAN12) CD 2.24)

3.4.2.2 Conservation Principles (CD 4.23) sets out a structured approach to establishing the heritage significance of an asset and how change might be accommodated. This methodology defines heritage significance as deriving from a combination of heritage 'values', chief amongst which are: evidential (archaeological) value; historic (illustrative and associative) value; aesthetic value; and communal value. The guidance proposes that changes which would harm the heritage values of a significant place should be unacceptable unless:

- a) the changes are demonstrably necessary either to make the place sustainable, or to meet an overriding public policy objective or need;
- b) there is no reasonably practicable alternative means of doing so without harm;
- c) that harm has been reduced to the minimum consistent with achieving the objective;
- d) it has been demonstrated that the predicted public benefit decisively outweighs the harm to the values of the place, considering:
 - its comparative significance,
 - the impact on that significance, and
 - the benefits to the place itself and/or the wider community or society as a whole.



3.4.2.3 GPA3 *The Setting of Heritage Assets* (2017) (CD 4.22) promotes an iterative ‘stepped’ assessment methodology, complementary to the stages in HEAN 12 (Table 1 below).

	Statements of Heritage Significance	The Setting of Heritage Assets
1	Understand the form, materials and history of the affected heritage asset(s), and/or the nature and extent of archaeological deposits	Identify which heritage assets and their settings are affected
2	Understand the significance of the asset(s)	Assess the degree to which these settings and views make a contribution to the significance of the heritage asset(s) or allow significance to be appreciated
3	Understand the impact of the proposal on that significance	Asses the effects of the proposed development, whether beneficial or harmful, on the significance or on the ability to appreciate it
4	Avoid, minimise and mitigate negative impact, in a way that meets the objectives of the NPPF	Explore ways to maximise enhancement and avoid or minimise harm
5	Look for opportunities to better reveal or enhance significance	Make and document the decision and monitor outcomes

Table 1 Concordance between the stages and steps of HEAN 12 and HEGPA 3

3.4.2.4 HEAN12 (CD 4.24) refers to impact assessment in Section 3, p17: *“Where the proposal affects the setting, and related views, of a heritage asset, or assets, clarify the contribution of the setting to the significance of the asset, or the way that the setting allows the significance to be appreciated. This may include the impact of the location of new development within the setting, of the impact on key views, the impact on the relationship of the heritage asset to its setting, etc.”*

4.0 EVIDENCE

4.1 Site and setting visit

- 4.1.1 I visited the site and the potentially affected heritage assets on 5th July 2024 in good weather conditions, and again on 26th July. The application site was largely if not entirely under crop, and large fields were separated by low hedges, but public footpaths allowed access to experience the views of designated heritage assets at some distance from the site. The land rises gently to the north-east, and from this part of the site long distance views were relatively unimpeded by hedges.
- 4.1.2 Two prominent assets were intermittently visible on the skyline as I walked the paths, the towers of Belvoir Castle crowning the hill to the south, and the spire of St Mary's Church to the north. These fixed points in the landscape enabled an understanding of the relationship between the historic settlements of Bottesford and Belvoir, and with Muston which was visible at the eastern end of the footpath. The landscape was dominated by agriculture, emphasising the rural setting for the heritage assets and the historic connection of their communities with the farmland around them. The A52 with its moving traffic was the most obvious modern intrusion, but otherwise the landscape has remained little altered from its appearance since enclosure in the 18th century or earlier.
- 4.1.3 From the elevated advantage of the northern terrace at Belvoir Castle, broad views over the Vale of Belvoir were achieved, albeit large parts were obscured by the trees which have grown within the northern part of the park. Despite these trees in summer foliage acting as a screen, I could see St Mary's Church spire in Bottesford easily and appreciate it as an eyecatcher within the landscape. Due to its distance from the castle, the application site currently blends into the green fieldscape as an integral part of the surrounding farmland.
- 4.1.4 From within Easthorpe (conservation area and scheduled monument) I could see neither the application site nor Belvoir Castle. This was also true of ground level views south from St Mary's Church, but north of it the Duke of Rutland's almshouses or hospital survives dating from 1591, which reinforced for me the close historical connection between the castle and village. From the heritage assets in Muston village I observed very little visual connection with Belvoir Castle or the application site, except from the south-western edge of the settlement towards the site.

4.2 Designated heritage assets: built heritage

4.2.1 GPA3 Step 1: identifying heritage assets that might be affected by the proposed development

4.2.1.1 The most important built heritage assets likely to be affected by the proposed development would be:

- Grade I Belvoir Castle
- Grade II* Registered Park and Garden
- Belvoir Conservation Area
- Grade I St Mary's Church in Bottesford
- Grade II* St John's Church in Muston



4.2.1.2 In the following paragraphs I assess each in turn or, as appropriate, assess them as an asset group. I agree with the appellant's suggestion that the listed building, registered park and garden, and the conservation area at Belvoir can all be assessed together (CD 1.31.3 paragraph 3.5.76).

4.2.2 GPA3 Step 2: Significance of Belvoir Castle, designed landscape and conservation area

4.2.2.1 The heritage significance of these assets derive from their historic associations with a seat of aristocratic power, physically manifested as a castle and later stately home, situated in a dominant location with a designed landscape encircling it. The evidential value of these assets lies in the preservation of past activity in the form of built and buried remains, and how the heritage assets have developed over the centuries, whereas their historical value has been documented in national, local and family archives, including the contribution of political and military events, royal visits and grand designs, and their contribution to local socio-economic development through aspects such as agricultural land-holding and creation of the Grantham canal. The aesthetical value includes the architectural style of the castle and estate buildings in the conservation area, the elevated position providing vistas and long distant views to and from the castle and its gardens, and its representation in works of art. There is high communal value today through the assets at Belvoir acting as a focus for tourism, the castle and estate acting as an employer in the local area, and in a providing a sense of place and special identity through association for the surrounding communities within the Vale of Belvoir.

4.2.3 GPA3 step 2: Contribution of setting to heritage significance of Belvoir Castle, LB, RPG and CA

4.2.3.1 Although the gardens and parkland surrounding Belvoir Castle provide an intimate setting for the listed building, the wider landscape is crucial to understanding and appreciating its significance. Its dominating position on top of the ridge overlooking the Vale of Belvoir with views that can extend to Lincoln Cathedral 30 miles away in good visibility, is a result of its original function as a stronghold to control the surrounding countryside, to be seen as a castle and to project power, whilst also providing tactical defensive advantage in having wide views to prepare for any potential attack. In later times these same topographical advantages were used to enhance the prestige of a stately home and seat of a long-established and powerful aristocratic family. Of particular note is the historic connectivity between St Mary's Church in Bottesford and Belvoir, as the spire is visible from the castle, acting as a landmark for where many of the earls and dukes of Rutland are buried. The importance of this view and its visibility from the castle is historically emphasised by its inclusion within the portrait of Elizabeth, the 5th Duchess, which hangs above the entrance stairway at Belvoir Castle. A swagger portrait of the Duchess (Figure 1), it shows to the side a view of part of the castle with guests on the Drawing Room balcony, the landscape beyond, and St Mary's Church spire prominent on the skyline.



Figure 1 Portrait of Elizabeth 5th Duchess, and view of the Vale of Belvoir and St Mary's Church spire from the Castle

4.2.4 GPA3 step 2: Contribution of setting and views over the Vale of Belvoir

4.2.4.1 The contribution to the heritage significance of Belvoir Castle and its park provided by the vista over the Vale of Belvoir is discussed in the appellant's Heritage Statement (CD 1.33.7) Appendix 3.1, 5.40-5.41 (p.25), 6.6 (p.32) and 6.25 (p.37) where it refers specifically to the panoramic views of the Vale from the northern terrace. The concept and creation of this terrace or esplanade was part of the campaign of renewal conducted by the 5th Duchess, Elizabeth nee Howard, at the start of the 19th century, influenced by Capability Brown's plans and tree planting for the park, and James Wyatt's Romantic Gothic castle. The intention was to have a promenade around the northern half of the castle so that the long-distance vista over the Vale of Belvoir could be enjoyed by the Manners family and their guests. Standing proud as an eyecatcher in this landscape is the spire of St Mary's at Bottesford, at over 200 ft high and sometimes called the "Lady of the Vale".



- 4.2.4.2 Protection of this landscape due to its importance for appreciating and experiencing the heritage significance of Belvoir Castle is outlined in the 2014 Melton and Rushcliffe Landscape Sensitivity Study “...wide views across the Vale of Belvoir are available from the minor road which passes to the west of the castle, where a car park and main entrance to the castle are located. From here the view over the Vale of Belvoir is characterized by a rural patchwork of fields, bordered by hedgerows and punctuated by woodlands and historic villages. It is desirable to preserve the expansive and rural patchwork character of this view” (p.16, 32-38) (CD 8.8), and in the Bottesford Neighbourhood Plan “Regard must be had to the potentially adverse impacts of renewable energy infrastructure on the setting of both the visual and archaeological assets including any cultural heritage in particular the historic link and view points between Belvoir Castle and St Marys Church. Any such development must therefore be of an appropriate scale, in a suitable location, and sensitive to the landscape of the Parish, as well as respecting residential amenity” ((CD 5.2) paragraph 227 and Policy 9 (point 4, and 5b)).
- 4.2.4.3 The first floor of the northern part of the castle includes the State Dining Room, and the Drawing Room with its semi-circular bay and viewing balcony. The north-west side of the Castle houses the Kings Rooms, named for the Prince Regent’s (King George IV) visit in 1814, and subsequent royal visits by Queen Victoria as Princess Royal in 1835 and with Prince Albert in 1843, and Edward VII at the beginning of the 20th century. The choice of this northern part of the castle for accommodating royalty, rather than the southern aspect which faces the sun and the gardens, demonstrates that the views over the vale must have been of over-riding importance. The appellant’s assessment does not accord this any significance, referring to them as “dreary”, and it dismisses any impact on views of the vale and the application site from Belvoir Castle largely due to mature parkland trees screening it from the proposed development (6.26 and 6.28 p.37 and 3.5.3 of the Cultural Heritage ES chapter (CD 1.33.3)).
- 4.2.4.4 The proposed solar farm has a duration of 40 years, however, and during that period storms and natural aging, or pests and disease such as Ash Dieback or Oak Decline, are likely to result in thinning out of their screening effect. This would enhance the existing vista from the castle, reverting it to one enjoyed historically, emphasising the contribution that the historic Belvoir estate fields (where the solar farm would be located) already make to the heritage significance of the castle. The castle utilized extensive views of the surrounding landscape in its role as a stately home, and when it was a medieval and later defensive structure.
- 4.2.4.5 In addition to the visual impact on appreciation of the designated assets at Belvoir, the erosion of the historic linkage between the agricultural estate and the castle through replacement of arable fields with solar panels, is very important. This would detract from the historical narrative of the area, because the application site land directly contributed to the economic foundation of the castle and the registered park and garden, and so the land’s historical use and appearance are integral to understanding the designated assets’ original purpose and significance.
- 4.2.5 GPA3 step 3: Potential effect on Belvoir Castle and park from development within its setting
- 4.2.5.1 The appellant’s assessment focuses on intervisibility between the castle and the site (CD 1.33.3 paragraph 3.5.1) but lacks a more detailed analysis of the historic associations that



would be severed by the removal of a large part of the agricultural landscape and introduction of an extensive built-up zone of modern structures.

- 4.2.5.2 The current Belvoir Castle estate comprises 16000 acres (6475ha) of which 12000 acres (4856ha) are arable¹, and the proposed development would occupy 99.95ha of the estate's arable land. The landholding north of the castle covers approximately 975ha in a block from Belvoir Road in the west, the A52 in the north, Muston and Woolsthorpe in the east, and Woolsthorpe Road in the south, and so the solar farm would cover c.10% of the listed building's and the RPG's rural setting in this direction. This change from an agricultural land-use to a more industrialised land-use would also erode a large part of the historic setting which the estate-farmed hinterland provides to these assets. Historic England's guidance (CD 4.22) on the difference between settings and views (page 2) explains that setting is the surroundings in which an asset is experienced, and that although the extent and importance of setting is often expressed by reference to visual considerations, it is also influenced by our understanding of the historic relationship between places.
- 4.2.5.3 Viewpoint 9 from the appellant's LVIA is located at the northern edge of the registered park and garden, adjacent to Woolsthorpe Road where it meets with a public footpath. The approach from Woolsthorpe and especially this viewpoint location, provides some of the most impressive views of the castle and its parkland, whilst also allowing the observer an expansive vista northwards over the Vale of Belvoir, with St Mary's Church spire prominent against the skyline. The designated assets can be fully appreciated and experienced in their landscape setting which at present includes a patchwork of agricultural fields, hedges and woodland copses. The proposed development would be clearly visible in the distance, to the south-east of St Mary's, changing this historic rural setting to one with an increasing proportion of modern structures, which would comprise a very long-term impact on the setting of the registered park and garden. Heritage Viewpoint Photomontage 8 (CD 1.33.7 Part 12, and 3.5.21) shows that the proposed development would also be visible from the Belvoir Conservation Area at the Engine Yard, as a thin band of grey panels in the far distance.
- 4.2.5.4 Contrary to the appellant's assessment, the proposed development would result in more than a negligible or minor change to this historic landscape setting for Belvoir Castle (CD 1.33.3 3.5.9), its park and its relationship with St Mary's church in Bottesford. The application site of 99.95ha forms a large part of the historic landscape between Belvoir Castle and Bottesford and therefore it should have incurred a Moderate score for impact according to the appellant's own criteria which defines Moderate as "Change to large parts or elements of the Heritage Asset or elements within its setting that contribute to its significance" (CD 1.33.3 Table 3-3), and so this would have resulted in a significant effect (described by the appellant as Moderate/Large for heritage assets of high significance) (CD 1.33.3 Table 3-5).
- 4.2.5.5 The appellant's assessment of impact is further flawed by the disconnect between the Cultural Heritage and Glint and Glare chapters. No evidence is provided by the Glint & Glare assessment to support a negligible impact on the Grade I Belvoir Castle or its Grade II*

¹ <https://www.belvoircastle.com/about-us/the-estate/farming-and-land/>



registered park and garden, although it is very likely that from the elevated position of the Castle, the sun reflecting off 81ha of solar panels angled to the south, would be a significant distraction when experiencing the Grade I building in its historic landscape setting. The Glint and Glare assessment (CD 1.31.6 6.3.1) was conducted over a 1km area, and noted permanent minor adverse effects for dwellings. Given the national importance of Belvoir Castle and its park as designated heritage assets of the highest value, in my opinion an assessment should have been made of the potential magnitude of impact from glint and glare that might affect the Castle. Historic England's guidance on renewable energy and the historic environment (CD 4.7) paragraph 52 stresses that "*..... the impact of development in terms of the setting of heritage assets and associated views is on the significance of the heritage asset itself*" which distinguishes it from the approach that a Landscape and Visual Impact Assessment would adopt.

4.2.5.6 The appellant's assessment presents photomontages of various viewpoints, which are helpful in trying to understand the potential magnitude of impact from the solar farm. The view from the balcony at the northern end of the Drawing Room is modelled in Heritage Viewpoint 9 (CD 3.33.7 Appendix 3.1 Part 12), which shows rows of panels aligned north-south in many of the fields visible in the mid-distance. The visualisation shows the panels edge on, but my understanding is that the panels will move as they follow the sun, and would be a more visible element of the view from the balcony when facing south. The change this would cause to the existing agricultural landscape setting for the castle and this important vista, replacing historically cultivated estate land by extensive areas of solar panels, would not be negligible, but in my opinion it would be clearly discernible, and with the longevity of the proposed development over 40 years this would result in a minor-moderate adverse impact.

4.2.6 GPA3 step 3: effect on views of the castle from the site

4.2.6.1 In views towards Belvoir Castle from the public footpath crossing the site, (CD 1.33.3 section 3.5.6 and 3.5.9 and CD 1.33.7 Appendix 3.1 Parts 12 and 13 (Heritage VP10) in the Cultural Heritage ES), it is argued that this incidental view would have a negligible impact on the heritage significance of the Grade I building. The visualisation VP10 shows, however, a large expanse of solar panels in close proximity to the viewer which severely degrades the appreciation and experience of the castle in its rural setting from Belvoir estate land, i.e. land that has a direct association with the Grade I listed building, and this major change to the baseline is exacerbated by the proposed screening which would completely obliterate any view of the castle after 5 years growth.

4.2.6.2 Although this is from a single position, the ability to experience and appreciate the castle in its setting whilst walking along the footpath would have varying degrees of change, for example Heritage VP 13B in Appendix 3.1 Part 15 (CD 1.33.7) shows a large expanse of solar panels in the middle distance, detracting from appreciation of the castle in its landscape setting. Despite Amendments 4, 5 and 7 in the appellant's Statement of Case 3.29 (CD 9.2), I believe that the assessment of a negligible impact and slight adverse effect for a change of this scale over a period of 40 years to the setting of Grade I and Grade II*assets, has underestimated the significance of effect from the proposed solar farm, as an industrial-scale



development within the setting of assets that the NPPF describes as of the highest significance.

4.2.6.3 My assessment is in agreement with that put forward as advice from the conservation officer dated 16th December 2022 (CD 7.21), although this advice was not included in the officer's report to the planning committee *"The Vale of Belvoir is one of the most distinctive character elements within the Borough of Melton and is defined by the extensive network of low-lying, neatly formed C18 / early C19 Enclosure field systems. The very gentle topography of the Vale allows each of the villages to be read as separate elements when travelling through this landscape, with the Belvoir ridge an ever-present and defining feature. Belvoir (beautiful view) Castle is indeed the monarch of the landscape. The Grade I listed building forms a direct, tangible relationship with large swathes of the Vale and even if there are not direct tangible views, there are intangible views, both to / from the Castle as well as the relevant conservation areas identified above. It is considered there will be less than substantial harm to the setting of the above stated conservation areas, as well as to the Grade I listed Belvoir Castle and the spire of St Mary the Virgin's Church in Bottesford, in accordance with Paragraph 202 of the NPPF."*

4.2.7 GPA3 step 2: Significance of St Mary's Church

4.2.7.1 The heritage significance of St Mary the Virgin's Church in Bottesford lies not only in its architectural form, but also in its spiritual connotations as the centre of its surrounding community and congregation. The dedication is normally associated with an early attribution, and is also often associated with proximity to springs or streams, so although the surviving building is largely high medieval in date, its origins are probably Anglo-Saxon and as such it has high potential for evidential value. As the northern-most parish within the diocese of Leicester, and a place of ritual and burial, St Mary's not only served Bottesford and other townships, but became the resting place for the Dukes of Rutland and their families after the Dissolution of the Monasteries in 1536 - 41 led to the closure of Belvoir Priory, and thus it has a high historic value for the region. The physical presence of the church has been greatly enhanced by the addition of one of the highest steeples in Leicestershire, which demonstrates wealthy patronage (from the Dukes of Rutland) and the importance of making the church visible from long distances. Like so many of our parish churches it is of great architectural interest, and provides aesthetic value through its appearance in close vicinity, and from afar as an elegant pale spire reaching skywards over treetops. Today it remains a focal point for Bottesford and surrounding area, providing communal value through worship, rites of passage, and being an iconic building which provides local distinctiveness to the Vale.

4.2.8 GPA3 step 2: Contribution of setting to heritage significance of St Mary's Church

4.2.8.1 The immediate setting for St Mary's Church is its location adjacent to the River Devon, in the historic core of Bottesford village. Its association with the historic development of the settlement, and with its community past and present, can be understood easily and appreciated from such proximity.

4.2.8.2 The wider setting includes the surrounding farming landscape and communities, including that at Belvoir. Historically the parish church served outlying townships such as Beckingthorpe, Wimbisithorpe, Easthorpe and Normanton, and after the dissolution of the



monasteries it became the resting place and mausoleum for the dukes of Rutland and their families. There is therefore a direct historic link between the castle and the church, supplemented by the Duke of Rutland's Almshouses (bede house or hospital) which is situated just north-west of St Mary's, designed to provide accommodation for village men in their old age. The high spire that adorns the church ensured that the church would be visible for a wide area around it, including from the castle and the intervening rural landscape. The heritage significance of the church and its cultural associations extend over a wide area, and its physical presence in the landscape explains why it is referred to as "the Lady of the Vale".

4.2.9 GPA3 step 3: Potential effect on St Mary's Church from development within its setting

4.2.9.1 For the Grade I Church of St Mary's at Bottesford the Heritage Statement includes modelled visualisations of how views of the church in its countryside setting would be changed (CD 1.33.7 Heritage VP6B and 7A (Appendix 3.1 Parts 6 and 7) and 13A (Appendix 13.1 Part 14)). Although the spire would remain visible in some views, VP6B and 7A demonstrate the major change that would occur to the landscape over c.180° in the middle distance at 6B and at near distance at 7A, resulting in the solar panels dominating the view and divorcing the church from its rural surroundings. The mitigation measures to screen the solar panels would effectively block views of even the church spire after Year 5 (CD 1.33.7 Heritage Statement Appendix 3.1 Part 8).

4.2.9.2 It is my opinion that the Appellant's assessment of a negligible impact and slight adverse effect for a change of this scale over a period of 40 years to the setting of a Grade I asset, has underestimated the significance of effect from the proposed solar farm. I would assess the proposed development as causing a minor-moderate adverse impact due to its extensive scale and its operational longevity, disrupting an observer's ability to appreciate and experience St Mary's Church from the rural ambience currently provided within this part of its setting. The Conservation Officer's advice (CD 7.21) strongly suggests refusal based on the cumulative effect of this application in addition to the four other permitted and proposed solar farms with in the landscape setting of St Mary's Church "*At some point this piecemeal erosion of the Vale's historic character will have to stop. Further approvals will only set a precedent for even further potential encroachments.*"

4.3 GPA3 step 1: additional designated heritage assets

4.3.1 Scheduled monuments, listed buildings and conservation area

4.3.1.1 Within the area surrounding the application site there are three scheduled monuments which are survivals from the medieval period, Muston Moated Grange, Muston Cross, and the Shifted Medieval Village Earthworks and Moat at Easthorpe. There is also the conservation area at Easthorpe.

4.3.1.2 In Muston there are also two listed buildings that could be affected by the proposed development, the Grade II* St John the Baptist's Church and Grade II Peacock's Farm.

4.3.2 GPA3 step 2: significance of the scheduled monuments and listed buildings

4.3.2.1 The circular form of the moated site at Easthorpe might indicate an early (Saxon) date, rather than high medieval, and the earthworks have been interpreted as providing evidence of the medieval village, so they contain high evidential value due to the archaeological remains, and



some historic value from documentary reference, but little of aesthetic or communal value beyond the preservation of a green space and physical reminder of the early origins to the settlement. The conservation area has been designated to safeguard the morphology and existing built heritage of the village at Easthorpe, so the focus is on the aesthetic value, historic and architectural interest, of the cottages and other buildings that straddle the main streets of the settlement. The character of the area is derived from the appearance and materials of the buildings, and views of their relationship with open areas and enclosing vegetation.

- 4.3.2.2 St John the Baptist's Church is located close to the crossing point of the River Devon, on the road that links the two main parts of Muston village. Its evidential value derives from its architectural and archaeological interest, and documentary sources which give it historic value. Aesthetic and communal value stem from its central role for the spiritual well-being and focus for religious celebrations for the parish of Muston and its communities.
- 4.3.2.3 Peacock's Farm is a post-medieval stone-built farmhouse on the south-eastern side of Muston village. Its evidential value lies in the vernacular architecture of the building and its agricultural association with the neighbouring farm yard and outbuildings. There will be documentary records within the Belvoir Estate for the farm which would give it historic value, but there is little of aesthetic and communal value beyond the appearance of the house as in keeping with the traditional character of the village and the economic benefit it brought to the community there.
- 4.3.2.4 Muston village Cross would have functioned as a meeting place and probably an informal market place for local produce from the parish fields, with evidential value provided through its architectural and technological character and choice of location within the settlement, some historic value through written and depicted reference to the monument, and aesthetic and communal value through its role as a visible focus for the community.
- 4.3.2.5 For Muston Grange, however, there is more specific evidence. British History Online² reports that the Manor of Muston was given to the Augustine abbey of Owston (Charnwood, Leicestershire) in 1341 at much the same time as Robert de Golville gave Normanton to the abbey. Although these Muston lands were sold by the abbey in 1493, the proximity of the scheduled monument to the north-eastern part of the proposed development strongly suggests part of its landholding would have been included within the application site. The scheduled monument provides evidential value through the survival of earthworks and buried remains considered to be of national importance, and it also has good historic value through the documentary sources that refer to it. The aesthetic and communal values of the asset derive from its tranquil setting at the edge of Muston village, crossed by footpaths so that the public can experience it in its rural surroundings and understand its historic relevance as part of medieval life.

² Houses of Augustinian canons: the abbey of Owston in A History of the County of Leicestershire Vol 2 ed. W.G. Hoskins, R.A. McKinley, London 1954 <https://www.british-history.ac.uk/vch/leics/vol2/pp21-23>.



4.3.3 GPA3 steps 2 & 3: contribution of setting to heritage significance and potential effect on these designated assets from development within their setting

4.3.3.1 CD 1.33.7 Section 8.9 of the appellant's Heritage Statement acknowledges that the site is within the setting of these assets, and the proposed development's relationship to two of the scheduled monuments and potential impact has been discussed in sections 3.5.26 – 3.5.35, 3.5.36 – 3.5.42, 3.5.50 – 3.5.55, 3.5.56 – 3.5.65 in CD 1.33.3 cultural heritage ES, although this has not included the scheduled monument at Easthorpe.

4.3.3.2 There is no specific evidence to associate the application site with the Easthorpe manor's historic fields, and so I do not see a convincing reason for a direct connection between the application site and the Easthorpe village earthworks. In respect to the setting for the conservation area at Easthorpe, the A52 bypass has effectively severed its current relationship to Muston and the application site, and in combination with the intervening vegetation to mask visual change to its landscape setting, I agree with the appellant's assessment in there being no harm from the proposed development.

4.3.3.3 Muston village cross, St John's Church and Peacock's Farm are all designated assets which include a general setting of the historic and current agricultural landscape surrounding the village. The Cross could well have functioned as a meeting place and market for local produce from the parish fields, and Peacock's Farm as part of the Belvoir Castle estate could have included part of the application site within its farmland. If the appellant's assessment had included an analysis of historic mapping, the Tithe map and apportionments would have quickly identified any direct connection between the tenant of Peacock's Farm and the application site, and a more detailed assessment could have been made of the contribution that the setting makes to this Grade II listed building. However, the assessment was deficient in this detail.

4.3.3.4 St John's Church does not have the presence in the landscape that St Mary's exhibits, built with a much smaller spire. Its dedication and proximity to the River Devon suggests the focus was with the water for baptism, and its location links the two parts of Muston village. I do not see evidence that the application site makes any specific contribution to the heritage significance of this listed building as part of its setting.

4.3.3.5 Muston Grange and moated site, however, has a setting which includes the working fields as part of its historic functional rationale as a detached farm-holding, granted to the monks of Ouston. In my opinion the documentary evidence outlined above provides a plausible direct connection between the scheduled monument and the site, and I believe this would be adversely affected by a change from its historic use for cultivation, to a new use for production of electricity on an industrial scale. I would assess this as a minor adverse impact over the long-term to an asset of the highest significance, resulting in less than substantial harm.

4.4 Analysis of appellant's methodology and assessment results

4.4.1 Contrary to the NPPF the appellant has chosen to describe scheduled monuments, Grade I and Grade II* listed buildings and registered parks and gardens as of "High" value in their Table 3-1 Receptor Value (importance) and Sensitivity (CD 1.31.3), and Grade II assets and



conservation areas as “Medium” value. In the NPPF paragraph 206(b) the first group are termed as of the “highest significance”, with the implication that the second group are of high significance. By changing these terms to “High” and “Medium” the assessment gives a perception that it could have downplayed the sensitivity of these designated assets.

- 4.4.2 The Heritage Statement and Cultural Heritage ES chapter (CD 1.33.7 and 1.33.3) have understandably focused on the designated heritage assets, with a lesser focus on non-designated assets, but this has led to the absence of an analysis of what the individual assets collectively mean for an understanding of the historic environment and its development over time. There has been no historic map regression exercise, in particular the assessment lacks the benefit of looking at the Bottesford Enclosure map and its landholding details or the tithe apportionments and map, and so only a very minimal attempt has been made in the appellant’s assessment to understand how the application site articulates with the heritage assets within and around it, essential to better appreciating the contribution of setting to their heritage significance.
- 4.4.3 The appellant’s methodology in CD 1.33.3 Cultural Heritage Table 3.3 is unhelpful for providing a transparent understanding of how the magnitude of impact has been assessed (reproduced as Table 2 below). The table in the right hand column labelled “Description” should present criteria that explains how the terms in the left hand column (labelled as Major, Moderate, Minor, Negligible and No change) are applied, but instead the description repeats the wording from the left hand column rather than defining these terms adequately.

Magnitude of Impact	Description
Major	Change to most or all of the Heritage Asset, or change within its setting resulting in the total loss, or near total loss of the significance of the Heritage Asset
Moderate	Change to large parts or elements of the Heritage Asset or elements within its setting that contribute to its significance resulting in a moderate loss of the significance of the Heritage Asset directly or via a change to its setting.
Minor	Change to any part of the Heritage Asset or elements of its setting that contribute to its significance resulting in a minor change to the significance of the Heritage Asset directly or via a change to its setting.
Negligible	Change to any part of the Heritage Asset or elements of its setting that contribute to its significance resulting in a negligible change to the significance of the Heritage Asset directly or via a change to its setting.
No Change	No change to the Heritage Asset or its setting.

Table 2 Appellant’s Table 3.3 for assessing magnitude of impact

- 4.4.4 As a comparison, for example, Table 3 below has been taken from the Highways Agency publication “Design Manual for Roads and Bridges” (April 2020) which provides a succinct but more informative guide as to what is meant by the terminology applied to assessing the magnitude of impact.



Table 3.4N Magnitude of impact and typical descriptions

Magnitude of impact (change)		Typical description
Major	Adverse	Loss of resource and/or quality and integrity of resource; severe damage to key characteristics, features or elements.
	Beneficial	Large scale or major improvement of resource quality; extensive restoration; major improvement of attribute quality.
Moderate	Adverse	Loss of resource, but not adversely affecting the integrity; partial loss of/damage to key characteristics, features or elements.
	Beneficial	Benefit to, or addition of, key characteristics, features or elements; improvement of attribute quality.
Minor	Adverse	Some measurable change in attributes, quality or vulnerability; minor loss of, or alteration to, one (maybe more) key characteristics, features or elements.
	Beneficial	Minor benefit to, or addition of, one (maybe more) key characteristics, features or elements; some beneficial impact on attribute or a reduced risk of negative impact occurring.
Negligible	Adverse	Very minor loss or detrimental alteration to one or more characteristics, features or elements.
	Beneficial	Very minor benefit to or positive addition of one or more characteristics, features or elements.
No change		No loss or alteration of characteristics, features or elements; no observable impact in either direction.

Table 3 DMRB 2020 <https://standardsforhighways.co.uk/dmrb>

4.4.5 The appellant’s methodology in CD 1.33.3 Cultural Heritage ES Table 3.4 labelled “Assessment Descriptors” includes five categories for duration of effects. In Table 3.5 Significance of Effect Matrix, however, there is no corresponding inclusion of how the categories in Table 3.4 have been factored into assessing the effect on heritage assets. The effect of a change in the long-term would be more significant than a temporary or short-, or medium-term effect, but despite reference to long-term in the text of the cultural heritage ES chapter (CD 1.33.3) it is not clear how the appellant’s assessment has included this important temporal dimension. As the proposed development would endure for 40 years, I believe the omission of a long-term/permanent effect into the appellant’s methodology has contributed to an undervaluation of the significance of effect.

4.5 Assessment of effect

4.5.1 Methodology

4.5.1.1 I have undertaken my own assessment of the assets potentially affected, applying the appellant’s heritage value for the receptor from their Table 3-2 (CD 1.33.3), the DMRB criteria for magnitude of impact (Table 3 above), the long-term duration of the development, and a coarse-grained significance effect matrix.

4.5.2 Belvoir Castle, Registered Park and Garden and Conservation Area

4.5.2.1 These are assets of highest value which would receive a minor-moderate adverse impact due to the scale of the proposed scheme and loss of a large part of the historic farming estate through industrial development. In addition, as evidenced by the photomontages, the placement of solar panels and screening vegetation would largely remove, or severely distract from, the ability to appreciate and experience Belvoir Castle in its rural setting when walking along the footpaths through the farming landscape. Finally, although distant from the castle, the large area that the development would cover is in the line of sight from the northern terrace and first floor balcony to the Lady of the Vale, St Mary's Church spire, the ancestral burial place for the Dukes of Rutland and an eyecatcher feature in the vista. The vale of Belvoir has been identified by Melton and Rushcliffe Councils as a particularly sensitive landscape to be protected (CD 8.8), and this view from the castle would always have been one of great importance for appreciating the castle and stately home in its landscape setting. Additional to the change to the existing patchwork field landscape there is also the potential for the solar panels to reflect sunlight as they face south tracking the sun, producing a distinct zone of glint and glare in the views towards St Mary's Church, would constitute a more intense visible change within the vista than the appellant's assessment has considered. This could lead to a significant detraction in appreciation and experience of the Grade I listed building and Grade II* registered park and garden within their historic landscape setting. Although the development is reversible, it would last for the best part of two generations, and is therefore a long-term impact, which I assess as **less than substantial harm mid way** between the high and low ends of the range that this category of harm includes.

4.5.3 St Mary's Church

4.5.3.1 St Mary's Church is an asset of the highest value which would receive a minor adverse impact for a small zone within the surrounding rural landscape within which it can be appreciated and experienced. Photomontages show that views of the spire from the footpath would be greatly changed by the construction of solar panels extending for c.180 degrees, severing the rural landscape and causing a major distraction for appreciating the Grade I listed building in one part of its setting. Screening from hedges and trees would in time mask the industrial nature of the development, but would also block views of the church spire, losing the ability of an observer to understand the relationship between the church and the castle on its hilltop in the opposite direction. This change would last for 40 years, so it would result in a long-term impact, and I assess this as **less than substantial harm mid way** between the high and low ends of the range that this category of harm includes.

4.5.4 Earthwork Remains of the Moated Grange Site at Muston

4.5.4.1 This is an asset of the highest value which would receive a minor adverse impact through the change to its historic landholding and current farmland setting. The current surroundings to the south and west of the scheduled monument comprises an uninterrupted agricultural landscape, one that reflects the historic role of the grange as a farming unit for Owston Abbey. The change from this rural setting to an industrial one would degrade the ability to experience the monument in the context of its functional and aesthetic surroundings as the Manor of Muston and its demesne. Although reversible this change would have a duration of 40 years

and so long-term, and I assess this as **less than substantial harm** at the **lower end** between the high and low ends of the range that this category of harm includes.

5.0 CONCLUSIONS

5.1 Overview – key points

5.1.1 The EIA has applied what the appellant considered a proportionate approach to its data gathering, analysis and assessment, but in my opinion this has resulted in some missing detail or clarity which the assessment would have benefited from. Nonetheless, it has identified “less than substantial harm” to some heritage assets. Appendix 1 provides a comparative table as a concordance between the various assessments that have been completed during the EIA and planning process to illustrate the key parts to this process, and Table 4 below sets out a comparison between the harm assessed in the appellant’s cultural heritage chapter and my own assessment.

5.1.2 I believe that the appellant’s assessment contains some flaws in its methodology which has led to an under-estimation of the potential effect of the proposed development on specific heritage assets, and in general on the historic environment and local distinctiveness. In summary, these include use of terms that lower the sense of importance and sensitivity of assets that are described in the NPPF as of the highest significance, the omission of a historic map regression exercise and sufficient analysis of the historic environment and the inter-relatedness of heritage assets that form local character and distinctiveness, the lack of transparency in how the magnitude of impact has been assessed, the focus on visual change rather than the change to historic associations, the omission of the long-term nature of the proposed development within the assessment of effect process, and the omission of a glint and glare assessment for assets of the highest significance at Belvoir Castle.

Heritage asset	Appellant’s assessment	My assessment
Belvoir Castle Grade I LB	Less than substantial lowermost end of spectrum	Less than substantial harm mid way between its high & low ends
Belvoir Castle Grade II* RPG	Less than substantial lowermost end of spectrum	Less than substantial harm mid way between its high & low ends
Belvoir Conservation Area	Less than substantial lowermost end of spectrum	Less than substantial harm mid way between its high & low ends
St Mary’s Church Grade I LB	Less than substantial lowermost end of spectrum	Less than substantial harm mid way between its high & low ends
Muston Grange SM	No harm	Less than substantial harm at lower end
Muston Village Cross LB & SM	No harm	No harm
Easthorpe earthworks SM	No harm	No harm
Easthorpe Conservation Area	No harm	No harm
St John’s Church Grade II* LB	Less than substantial lowermost end of spectrum	No harm
Peacock’s Farm Grade II LB	No harm	No harm

Table 4 Comparison between appellant’s assessment of harm and my own



5.2 Compliance

- 5.2.1 In my opinion the Council has correctly applied policy to protect the historic environment from the application as the development would be contrary to Policies EN13 of the Melton Local Plan, specifically A) *“seeking to ensure the protection and enhancement of Heritage Assets including non designated heritage assets when considering proposals for development affecting their significance and setting”*, and Bottesford Neighbourhood Plan Policy 9 paragraph 227, as well as applying the requirements of NPPF paragraphs 203c and 205 appropriately. It has also had to ensure it has fulfilled its duties under the Planning (Listed Buildings and Conservation Areas) Act 1990 Section 66 to preserve the setting of listed buildings, and those of scheduled monuments under the Levelling up and Regeneration Act 2023. Finally the council has given due consideration to National Energy Policy EN1 paragraphs 5.9.23, 5.9.24 and 5.9.34 which outline the need to sustain and enhance the significance of heritage assets, ensure *“the desirability of the new development making a positive contribution to the character and local distinctiveness of the historic environment”* and for designated assets to *“treat favourably applications that preserve those elements of the setting that make a positive contribution to, or better reveal the significance of, the asset”*.
- 5.2.2 The advice given by Historic England in their correspondence of 5th September 2022 (CD 7.14B) accords with much of my own conclusion *“.... we do have concerns on heritage grounds due to the impact upon the settings of the designated heritage assets. We consider the impacts and effects to be higher than indicated in the EIA.....If approving this application, your authority should be entirely satisfied that there is clear and convincing justification for the harm to the designated heritage assets, and that the harm is outweighed by the public benefits of the scheme. You should be certain that the benefits of the scheme could not be delivered in a less harmful way, such as a smaller scale of development or alternative layouts”*.
- 5.2.3 The requirements set out in the NPPF are clear, paragraph 205 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). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”* Paragraphs 209 and 211 are also relevant in that they extend the need for planning authorities to take into account the effect of a proposed development on non-designated heritage assets, and that *“....the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted”*.
- 5.2.4 Therefore, I believe there is sufficient evidence for potential harm to designated and non-designated heritage assets from the proposed development, to justify why the application has been refused in accordance with the NPPF and local policies.

5.3 Conclusions

- 5.3.1 It is my professional opinion that the proposed development would result in less than substantial harm to designated heritage assets of the highest significance, the Belvoir Castle asset group and to St Mary’s Church and Muston moated grange scheduled monument, as well as non-designated heritage assets, and that the proposed development fails to comply with the NPPF paragraph 203(c) and EN1 paragraph 5.9.34.



Heritage Consultancy:

- Planning Supporting Statements & Desk Based Studies
- Environmental Impact Assessment
- Expert Witness
- International Heritage Advice
- Historic Landscape Assessment
- Pre-Planning Heritage Advice
- Estate Management Heritage Input



Built Heritage/ Historic Environment:

- Historic Building Survey & Recording
- Statement of Significance
- Written Scheme of Investigation
- Conservation Area Appraisal
- Heritage Statement and Impact Assessment
- Heritage Design Advice
- Conservation Management Plan



Archaeological Consultancy:

- Archaeological Desk Based Assessment
- Written Scheme of Investigation
- Archaeological Evaluation
- Watching Brief (Archaeological Observation)
- Post Excavation Analysis and Recording
- Archaeological Survey



Outreach:

- Interpretation Panels
- Display Designs
- Booklets & Leaflets
- Lectures, School and Society Talks
- Tailored Historic Site Visits
- Cultural Tourism



Interior Design:

- Concepts for Interior Design
- Interior Design
- Sourcing Services

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