

## Heritage Statement of Common Ground.

### Between:

Pegasus Group on behalf of Exagen Development Ltd. (the 'Appellant')

&

Rushcliffe Borough Council (the 'Council')

### **Land West of Bradmore Road and North of Wysall Road, Land West of Wysall, Wysall**

Date: 16 January 2026

LPA Ref 24/00161/FUL

Pegasus Ref: P25-1631

<b>Signed:</b> Adam Partington	<b>Signed:</b> 
<b>Name:</b> Adam Partington	<b>Name:</b> Laura Garcia – Senior Director – Heritage
<b>On behalf of:</b> Rushcliffe Borough Council (The Council)	<b>On behalf of:</b> Pegasus Group (acting on behalf of the Appellant)
<b>Date:</b> 16.01.26	<b>Date:</b> 16.01.26



## Document Management.

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# 1. Introduction.

1.1. This Heritage Statement of Common Ground (HSoCG) is agreed between Laura Garcia, Senior Heritage Director at Pegasus Group (on behalf of Exagen Development Limited, the 'Appellant') and Rushcliffe Borough Council; henceforth the 'RBC' (together the 'Parties') and relates to a Planning Appeal made pursuant to Section 78 of the Town and Country Planning Act 1990, against RBC's decision to refuse planning permission for the 'Construction, operation and subsequent decommissioning of a renewable energy park comprising ground mounted Solar PV with co-located battery energy storage system (BESS) at the point of connection, together with associated infrastructure, access, landscaping and cabling' (the Proposed Development) on Land West of Bradmore Road and North of Wysall Road, Land West of Wysall, Wysall, Nottinghamshire (the 'Appeal Site').

1.2. This HSoCG has been jointly prepared by the Appellant and RBC to establish the matters in relation solely to Heritage on which the Parties agree and disagree to allow the Public Inquiry to focus on any points of difference that may need to be addressed. This HSoCG should be read alongside the overarching SoCG.

1.3. To support the application, a Heritage Statement has been prepared by Pegasus Group (CD1.6) and a geophysical survey was carried out by Magnitude Surveys (CD1.6 & CD1.6.1) across the Site. Following on this, a programme of trial trench evaluation was carried out and an interim trenching report submitted (CD2.37) along with the application. The final report has recently been completed and submitted to the LPA Archaeologist and has been submitted as a Core Document for information (CD3.10).

1.4. Heritage forms one of the four Reasons for Refusal attached to the Council's Decision Notice which refused the Scheme. The heritage specific RfR states:

***"2. The proposed development would cause harm to the setting of the Grade I listed Holy Trinity Church, Grade II listed Manor Farmhouse and Highfields and the Wysall Conservation Area. The harm identified is towards the middle level of the less than substantial scale and whilst the benefits of the proposal in terms of renewable energy are acknowledged, the public benefits do not outweigh the identified harm. The proposal is therefore contrary to Policy 10 (Design and Enhancing Local Identity) and Policy 11 (Historic Environment) of LPP1 and Policy 1 (Development Requirements), Policy 16 (Renewable Energy) and Policy 28 (Conserving and Enhancing Heritage Assets) of LPP2 and Chapter 16 (Conserving and Enhancing the Historic Environment) of the NPPF."***

1.5. In order to make this HSoCG focussed only on Heritage matters, sections on Factual Background, the Description of the Appeal Site and Planning History and Planning Policy are set out in the main SoCG with the Council and are not included here for brevity. If there is a specific heritage matter relating to any of these sections, this will be set out below.

1.6. This HSoCG reflects the position on heritage between the Parties on the date of issue and is set out as follows:

- **Section 2 – Matters of Agreement.**
- **Section 3 – Matters Not in Agreement.**



- 1.7. Matters pertaining to the 'planning balance' are set out within the main Statement of Common Ground.

## 2. Matters of Agreement

- 2.1. The Matters Agreed between the Appellant and RBC are set out below.
- 2.2. The application was recommended by Officer's for approval with conditions but was refused at Planning Committee.
- 2.3. The Parties agree that matters of the proposed development's direct impact upon below-ground archaeology can be dealt with via phased planning condition. Correspondence from the Planning Archaeologist (CD 4.32) concluded, in respect of the first phase of trial trenching undertaken by the Applicant to support the application that '*The work carried out has demonstrated there is multi-phase archaeological activity across large parts of the application site and there is still considerable risk of encountering complex or significant archaeological remains that could have knock-on effects to time frames, budgeting etc. There will clearly be mitigation requirements for the site, and the options for these will be informed by a second phase of trenching. Mitigation may include, but not be limited to, preservation in-situ, monitoring of groundworks, alternate construction techniques and excavation (preservation by record).*'
- 2.4. It is agreed that Archaeology does not form part of the Reason for Refusal for this Appeal Scheme.
- 2.5. There would be no physical harm to the fabric of any designated heritage asset;
- 2.6. In the Historic England consultation response of 13<sup>th</sup> March 2024 (CD 4.16), they stated that insufficient information had been submitted for an assessment of the impact of the proposed development upon the Wysall Conservation Area, Holy Trinity Church, Highfields and Manor Farmhouse.
- 2.7. The Historic England consultation response of 29<sup>th</sup> November 2024 (CD 4.55) did not object to the application. Within this, they state their concerns raised in the March 2024 response have been alleviated, but that concerns still remain: '*The proposed development will alter the contribution the rural landscape makes to the character and significance of the conservation area and the historic buildings. Yet, the development is more enclosed due to the topography and existing vegetation that previously identified, therefore the impact to the conservation (sic) is mitigated. In addition to this, the visibility of Holy Trinity Church, Wysall, and Highfields from within the site and from the assets are limited by the existing vegetation or are only gained by forcing the view from particular locations, otherwise the connecting views are transitional as people move through the site. There are still concerns regarding the harm the development will cause to the heritage assets and their setting. The site viewed within the wider landscape demonstrates harm to the setting of Wysall, its landscape character and the nearby heritage assets. Furthermore, harm will also be caused from within the site as landscape mitigation is established.*'
- 2.8. In accordance with the arrangements for handling heritage applications – Notification to Historic England and National Amenity Societies and the Secretary of State (England) Direction 2021 Historic England are not required to be consulted with regards to developments which may affect the setting of grade II listed buildings. However it is agreed that, as the government's advisor on matters of heritage, amongst other roles, Historic England may advise on the effects of development on all designated or non-designated heritage assets. As an executive non-departmental public body their remit and

responsibilities extend to the protection of the entire historic environment as derived from the National Heritage Act 1983.

- 2.9. Photomontage View 8 within the original LVIA (CD 1.10) as referenced within page 3 of the Historic England 29<sup>th</sup> November 2024 (CD 4.55) response is not taken from a heritage asset, looking towards or through a heritage asset.
- 2.10. The views referenced under Appendix 4 of LVIA (CD 2.16) at page 3 in the Historic England 29<sup>th</sup> November 2024 response (CD 4.55) – it is agreed these views and photomontages (4, 7, 11a and 11b) were not of or part of the application material for the Appeal Scheme but were photomontages produced for the Highfields Solar Scheme at Bunny Hill (Ref: 22/00303/FUL) located directly west of the Appeal Site. The Scheme shown within these photomontages is not the Appeal Scheme.
- 2.11. The Conservation Officer consultation response (CD 4.60) agrees and is in line with the Historic England response (CD 4.55) that the harm to heritage assets arises due to their assertion that the proposed development will: *“alter the contribution the rural landscape makes to the character and significance of the conservation area and historic buildings.”*
- 2.12. When undertaking the planning balance at §169 through 171 of the Officer’s Report (CD 1.41), the benefits of the Scheme were found to clearly outweigh the harm identified to heritage assets.
- 2.13. It is agreed that the proposed development will have neutral impact upon the significance of the Grade II listed building off Manor Farmhouse, including the contribution made by its setting.
- 2.14. The redline boundary of the Appeal Site runs through the Wysall Conservation Area due to the requirement for a cable run to be inserted within the bound surface of the public highway to connect the two parcels. In principle, the insertion of the cable run would not cause any harm to the special character or appearance of the Conservation Area given the short-term nature of the works and with it being within the existing highway it would be no more disruptive than any other utility being inserted. It is agreed therefore, that although Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is engaged, the Appeal Scheme does not offend this.
- 2.15. It is agreed that the heritage assets under consideration at this Appeal are only:
  - Holy Trinity Church Grade I listed building (NHLE Ref: 1259980) – c.540m east of eastern Site boundary of southern solar array area;
  - Highfields Grade II listed building (NHLE Ref: 1260277) (N.B. This asset is currently known as Holy Cross Convent) – c.430m west of western boundary of northern solar array area; and
  - Manor Farmhouse Grade II listed building (NHLE Ref: 1242535) – c.510m east of eastern Site boundary of southern solar array area (it is agreed that the Council no longer allege harm to this asset – it is included for the Inspectors’ consideration); and
  - Wysall Conservation Area – at its closest, c.300m east of eastern Site boundary of southern solar array area.

- 2.16. It is agreed that where harm has been identified to the assets above (whether all the assets will experience harm is a matter not in agreement), the harm is less than substantial arising through changes to setting which contribute to significance.
- 2.17. The solar arrays within the Appeal Scheme are located over 320m west and c.500m northwest of the boundary of the Wysall Conservation Area.
- 2.18. The Highfields Solar Farm (planning ref: 22/00303/FUL), granted permission in February 2023, to the west of the Appeal Site is located in closer proximity to the Grade II listed Highfields and would be between the asset and the Appeal Site. When considering the Highfields Solar application, the Conservation Officer consultation response did not identify any harm to this asset arising from changes to setting. Specifically, the Conservation Officer noted that long-distance views of the listed building from the east would include arrays, but this would not result in harm. For the Highfields Solar application, the Conservation Officer did not identify harm to any other designated assets arising from that scheme.
- 2.19. In relation to the Grade I Holy Trinity Church, it is agreed that when considering the assessment of setting in relation to tall structures such as church towers and spires, that the Historic England Good Practice Advice in Planning 3: The Setting of Heritage assets (2017 2<sup>nd</sup> Ed) is relevant. Page 7 of this guidance document states: "*Being tall structures, church towers and spires are often widely visible across land- and townscapes but, where development does not impact on the significance of heritage assets visible in a wider setting or where not allowing significance to be appreciated, they are unlikely to be affected by small-scale development, unless that development competes with them, as tower blocks and wind turbines may. Even then, such an impact is more likely to be on the landscape values of the tower or spire rather than the heritage values, unless the development impacts on its significance, for instance by impacting on a designed or associative view.*"
- 2.20. The ability to see the Appeal Scheme from or in relation to a heritage asset is not automatically or necessarily a cause of harm.
- 2.21. It is agreed that no whole lengths of hedgerows or vegetation would be removed as part of the Appeal Scheme and mitigation planting is proposed, including new hedgerows, copse planting, woodland and individual large and small scale native trees in line with the Landscape Strategy that accompanied the application and the Enhanced Landscape Strategy submitted as part of this Appeal. As part of the mitigation scheme some existing and new hedgerows will be managed to a height of between 3-4m.
- 2.22. The Appeal Scheme is time-limited and any harm to designated heritage assets identified would be entirely reversible upon decommissioning.
- 2.23. The Parties agree that all heritage assets have a setting, including both designated and non-designated heritage assets.

### 3. Matters Not in Agreement

3.1. The level of harm and indeed, if any harm is caused, to the four designated heritage assets listed above is not agreed. The differences in the Appellant's position vs the position of Historic England and the Conservation Officer are set out in the table below:

Asset	Appellant Position on Harm	Historic England Position on Harm	RBC Conservation Officer Position on Harm	Locus Consulting Position on Harm for this Appeal
Grade I Holy Trinity Church	No harm	Medium level of less than substantial harm	Less than substantial harm towards the middle of the scale	Less than substantial harm at the middle of the scale
Wysall Conservation Area	Less than substantial harm at the lower end of the scale	Medium level of less than substantial harm	Less than substantial harm towards the middle of the scale	Less than substantial harm at the middle of the scale
Grade II Highfields	No harm	Medium level of less than substantial harm	Less than substantial harm towards the middle of the scale	Less than substantial harm at the low end of the scale
Grade II Manor Farmhouse	No harm	Position unclear as not mentioned specifically in November 2024 consultation response	Less than substantial harm towards the middle of the scale	Neutral impact

3.2. Whether solar farms cause an industrialising effect in the countryside is not agreed.

# Expertly Done.

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