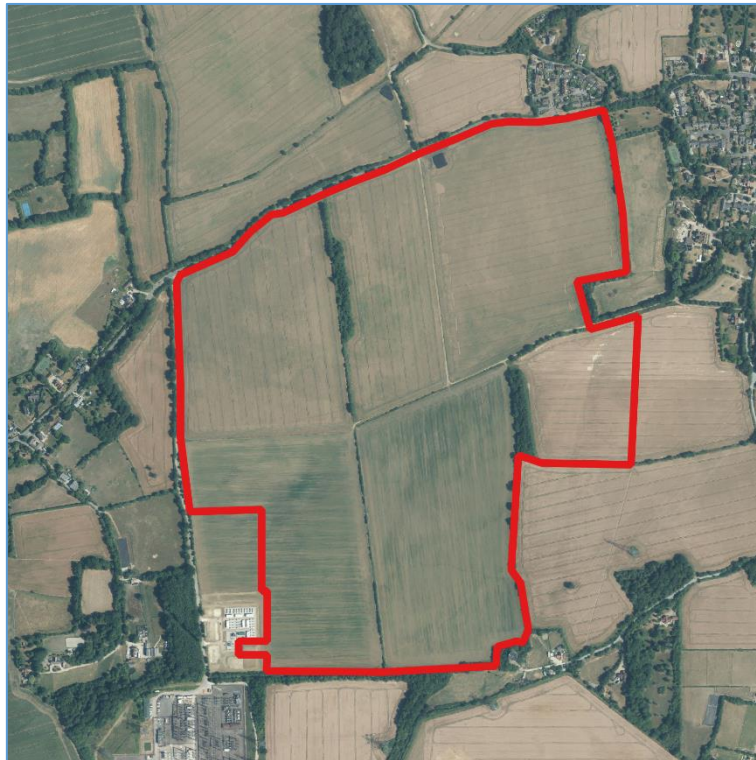


Heritage Assessment

Berden Hall Farm,
Ginns Road, Berden



Planning Ref.: S62A/22/0006

prepared for
Protect the Pelhams

August 2022

Richard Hoggett Heritage



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1. Introduction

- 1.1 This Heritage Assessment has been prepared by Dr Richard Hoggett FSA MCIFA on behalf of Protect the Pelhams, an action group working to resist the industrialisation of their rural landscape.¹ Specifically, I have been commissioned to critically review the heritage impact elements of a full planning application for the development of a ground-mounted solar farm with a generation capacity of up to 49.99 megawatts, together with associated infrastructure and landscaping, which was validated on 29th July 2022. The application is being determined by the Planning Inspectorate under Section 62A of the Town and Country Planning Act (1990), as amended by the Growth and Infrastructure Act (2013), following the placing of Uttlesford District Council into special measures due to its planning system (Planning Ref.: S62A/22/0006).²
- 1.2 In preparing this report, I have reviewed all of the relevant submitted documents, with a particular emphasis on the submitted Planning, Design and Access Statement prepared by Statera Energy and the Heritage Statement prepared by RPS Consulting Services Ltd. In addition, I have consulted the National Heritage List for England (last accessed on 26th August 2022) and the Crabb's Green Conservation Area Character Appraisal and Management Proposals, adopted by East Hertfordshire District Council in 2018.
- 1.3 I undertook an accompanied site visit with members of Protect the Pelhams on 12th August and have familiarised myself with the historic landscape within and around the proposed development area, and the heritage assets adjacent to the site. In doing so, I have paid particular attention to the contribution which the proposed development site makes to the setting of those heritage assets.
- 1.4 Section 2 of this report presents the framework of legislation, planning policy and guidance which applies to the application site. Section 3 sets out the details of the proposed development. Section 4 critically reviews the submitted Heritage Statement, identifies and assesses the designated and non-designated heritage assets which lie within and surround the site and presents an assessment of the likely impact of the proposed development. Section 5 presents the conclusions of this report.

¹ [REDACTED]

² <https://www.gov.uk/guidance/section-62a-planning-application-s62a220006-berden-hall-farm-ginns-road-berden>

2. Legislation, Policy and Guidance

2.0.1 Where any development may affect Designated or Non-Designated Heritage Assets, there is a framework of legislation, planning policy and guidance which ensures that proposals are developed and considered with due regard to their impact on the historic environment. Those pieces of legislation, policy and guidance of relevance to the proposed development area are presented here.

2.1 Legislation

2.1.1 Ancient Monuments and Archaeological Areas Act 1979

2.1.1.1 Under the terms of the Ancient Monuments and Archaeological Areas Act 1979, an archaeological site or historic building of national importance can be designated as a Scheduled Monument.³ Any works, including development, which might affect a Scheduled Monument are subject to the granting of Scheduled Monument Consent (SMC) alongside any planning permission which may be required.

2.1.1.2 Each Scheduled Monument has a setting which may contribute to its significance and this setting can also be affected positively or negatively by development.

2.1.2 Planning (Listed Buildings and Conservation Areas) Act 1990

2.1.2.1 Legislation pertaining to buildings and areas of special architectural and historic interest is contained within the Planning (Listed Buildings and Conservation Areas) Act 1990. Section 66(1) of the 1990 Act states that:

in considering whether to grant planning permission 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.

2.1.2.2 In the 2014 Court of Appeal judgement in relation to the Barnwell Manor Wind Energy Ltd v East Northants DC, English Heritage, National Trust and SSCLG, Lord Justice Sullivan held that:

[2014] EWCA Civ 137, Para. 24: Parliament in enacting section 66(1) did intend that the desirability of preserving the settings of listed buildings should not simply be given careful consideration by the decision-maker for the purpose of deciding whether there would be some harm, but should be given "considerable importance and weight" when the decision-maker carries out the balancing exercise.

2.1.2.3 In a second 2014 Court of Appeal judgement in relation to Jones v Mordue, SOSCLG and South Northants Council, Lord Justice Sales clarified that, with regards to the setting of Listed Buildings, where the principles of the NPPF

³ <https://www.legislation.gov.uk/ukpga/1979/46/contents>

are applied (in particular paragraph 134, now paragraph 196 of the revised NPPF), this is in keeping with the requirements of the 1990 Act.

- 2.1.2.4 In a further 2014 High Court judgement in relation to *Forge Field Society v Sevenoaks DC*, Mr Justice Lindblom reinforced these earlier judgements, stating that:

[2014] EWHC 1895, para. 48: As the Court of Appeal has made absolutely clear in its recent decision in *Barnwell*, the duties in sections 66 and 72 of the Listed Buildings Act do not allow a local planning authority to treat the desirability of preserving the settings of listed buildings and the character and appearance of conservation areas as mere material considerations to which it can simply attach such weight as it sees fit.

[2014] EWHC 1895, para. 49: But it is to recognize, as the Court of Appeal emphasized in *Barnwell*, that a finding of harm to the setting of a listed building or to a conservation area gives rise to a strong presumption against planning permission being granted. The presumption is a statutory one.

2.2 Planning Policy

2.2.1 National Planning Policy Framework

- 2.2.1.1 Designated and non-designated heritage assets are given protection under the National Planning Policy Framework (NPPF), the original version of which was published by the then Department for Communities and Local Government in 2012. A revised version of the NPPF was published by the Ministry of Housing, Communities and Local Government in July 2018, to which minor updates were made in February 2019, although these did not affect the sections pertaining to heritage. A second revised version of the NPPF was published in July 2021, which preserved the approach to conserving and enhancing the historic environment presented in the previous iteration.
- 2.2.1.2 Provision for the historic environment is considered in Section 16 of the NPPF, which directs Local Planning Authorities to set out 'a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats' (NPPF (2021), para. 190). The aim is to ensure that Local Planning Authorities, developers and owners of heritage assets adopt a consistent approach to their conservation and to reduce complexity in planning policy relating to proposals that affect them.
- 2.2.1.3 Paragraph 194 of the NPPF (2021) states that 'In determining applications, 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 no more than is sufficient to understand the potential impact of the proposal on their significance.'

- 2.2.1.4 Paragraph 195 of the NPPF (2021) instructs Local Planning Authorities to 'identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise'.
- 2.2.1.5 Paragraph 199 of the NPPF (2021) 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'.
- 2.2.1.6 Paragraph 200 of the NPPF (2021) explains that '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'. As a corollary, paragraph 202 states that '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'.
- 2.2.1.7 In addition to the effects on designated heritage assets, paragraph 203 of the NPPF (2021) states that 'the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset'. A footnote to paragraph 200 of the NPPF makes it clear that 'non-designated heritage assets of archaeological interest, which are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets' (NPPF (2021) footnote 68).

2.2.2 Uttlesford Local Plan

- 2.2.2.1 The Development Plan for Uttlesford District is made up of the Adopted Local Plan, the Minerals Local Plan and the Waste Local Plan. The current Local Plan was adopted in 2005 and provides the basis for all planning decisions within the district. It contains policies relating to the location of development and protection of environmental features. These policies are monitored and reviewed by the council to make sure that they are meeting the council's aims. The Council is currently in the process of developing a new Local Plan.
- 2.2.2.2 Policy ENV1 of the Local Plan concerns development within Conservation Areas and states that: 'Development will be permitted where it preserves or enhances the character and appearance of the essential features of a Conservation Area, including plan form, relationship between buildings, the arrangement of open areas and their enclosure, grain or significant natural or heritage features. Outline applications will not be considered. Development

involving the demolition of a structure which positively contributes to the character and appearance of the area will not be permitted.'

2.2.2.3 Policy ENV2 of the Local Plan concerns development affecting Listed Buildings and states that: 'Development affecting a listed building should be in keeping with its scale, character and surroundings. Demolition of a listed building, or development proposals that adversely affect the setting, and alterations that impair the special characteristics of a listed building will not be permitted. In cases where planning permission might not normally be granted for the conversion of listed buildings to alternative uses, favourable consideration may be accorded to schemes which incorporate works that represent the most practical way of preserving the building and its architectural and historic characteristics and its setting.'

2.2.2.4 Policy ENV4 of the Local Plan concerns Ancient Monuments and Sites of Archaeological Importance and states that: 'Where nationally important archaeological remains, whether scheduled or not, and their settings, are affected by proposed development there will be a presumption in favour of their physical preservation in situ. The preservation in situ of locally important archaeological remains will be sought unless the need for the development outweighs the importance of the archaeology. In situations where there are grounds for believing that sites, monuments or their settings would be affected developers will be required to arrange for an archaeological field assessment to be carried out before the planning application can be determined thus enabling an informed and reasonable planning decision to be made. In circumstances where preservation is not possible or feasible, then development will not be permitted until satisfactory provision has been made for a programme of archaeological investigation and recording prior to commencement of the development.'

2.2.2.5 Policy ENV9 of the Local Plan concerns Historic Landscapes and states that: 'Development proposals likely to harm significant local historic landscapes, historic parks and gardens and protected lanes as defined on the proposals map will not be permitted unless the need for the development outweighs the historic significance of the site.'

2.2.3 National Planning Practice Guidance

2.2.3.1 The NPPF is complemented by a series of National Planning Practice Guidance documents, which include specific guidance on the application of the NPPF to the historic environment, published in 2014 and updated in July 2019. On the subject of how proposals can avoid or minimise harm to the significance of a heritage asset, the guidance states that 'analysis of relevant information can generate a clear understanding of the affected asset, the heritage interests represented in it, and their relative importance' (Paragraph: 008 Reference ID: 18a-008-20190723).

2.2.3.2 The guidance goes on to state that 'Applicants should include analysis of the significance of the asset and its setting, and, where relevant, how this has informed the development of the proposals. The level of detail should be proportionate to the asset's importance and no more than is sufficient to

understand the potential impact of the proposal on its significance' (Paragraph: 009 Reference ID: 18a-009-20190723).

2.2.4 Historic England Guidance

2.2.4.1 Historic England's guidance on managing the significance of the historic environment in decision-taking (Historic England 2015), advises that significance should be assessed as part of the application process. It also advocates understanding the nature, extent, and level of significance of a heritage asset by considering the aesthetic, communal, historic and evidential values which a heritage asset may hold.

2.2.4.2 Historic England's most recent guidance on assessing heritage significance (Historic England 2019) advises using the terminology of the NPPF and Planning Practice Guidance, and indicates that significance should be considered to be derived from a heritage asset's archaeological, architectural, artistic and historic interest.

2.2.4.3 Historic England's guidance on assessing the potential impact which development proposals may have upon the settings of heritage assets sets out a five-stage approach to the process (Historic England 2017). Specifically, these steps are:

- Step 1: identify which heritage assets and their settings are affected;
- Step 2: assess whether, how and to what degree these settings make a contribution to the significance of the heritage asset(s);
- Step 3: assess the effects of the proposed development, whether beneficial or harmful, on that significance;
- Step 4: explore the way to maximise enhancement and avoid or minimise harm;
- Step 5: make and document the decision and monitor outcomes.

2.2.4.4 This report follows the steps set out by Historic England with regard to the possible impacts of the proposed development on surrounding heritage assets.

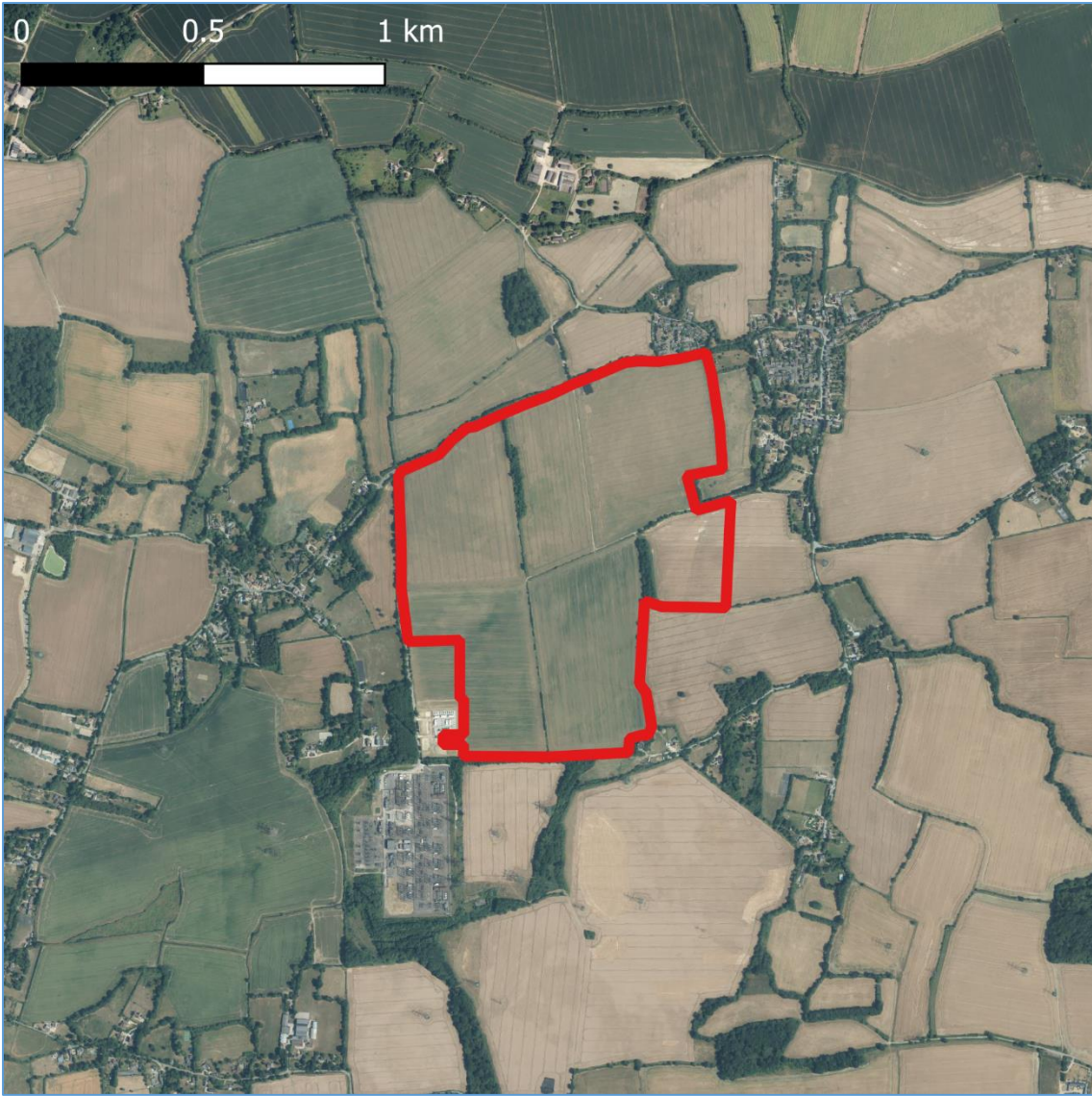


Figure 1. Modern aerial view showing the location of the proposed development site to the east of Stocking Pelham and west of Berden. Scale 1:20,000.



Figure 2. Modern aerial view showing topographical features within and surrounding the proposed development site. Scale 1:10,000.

3. The Proposed Scheme

- 3.1 The proposed development area comprises a 71 hectare parcel of land situated to the west of Berden (Essex) and the east of Stocking Pelham (Hertfordshire) (Figure 1). The entire layout of the PV arrays will be located within the administrative area of Uttlesford District Council, although the county boundary between Essex and Hertfordshire runs north-south along the western edge of the application site.
- 3.2 The application site comprises four large arable fields, divided by hedges which include occasional large trees. Farm tracks run alongside most of the internal hedges and a Public Right of Way runs north-south through the centre of the site. There are no landscape features within the fields, such as mature trees or structures, and the fields are drained via a series of ditches which take the water in a north-easterly direction towards Berden and the catchment of the River Stort.
- 3.3 To the east, the application site is bounded by agricultural land, beyond which stands the medieval settlement core of Berden (Figure 2). To the north, the site is bounded by Ginns Road, to the north of which lies further agricultural land interspersed with woodland and pockets of settlement. To the west, the site is bounded by an access track serving the Stocking Pelham Substation and the Pelham Battery Storage Facility, which are situated outside the south-western corner of the site. Beyond this access track stands the settlement core of Stocking Pelham, together with further agricultural land and belts of woodland. To the south, the site is bounded by the substation and battery storage facility referred to above, together with agricultural land interspersed with stands of woodland.
- 3.4 This application seeks planning permission for the construction and operation of a ground mounted solar farm with a generation capacity of up to 49.99MW together with associated infrastructure, access and landscaping. The solar farm will be operable for a period of up to 40 years. According to the submitted documents, the proposed development will involve the installation of some 100,368 photovoltaic solar panels mounted on tables which will have a front edge at around 0.9m above ground and the rear edge at 2.5m. Rows will run west-east, following the existing contours of the ground with the panels facing south. Spacing between rows will vary between 7.9m and 9.8m, depending on topography.
- 3.5 In addition to the panels, ten inverter units (the size of standard shipping containers) will be distributed among the panels and accessed via a combination of existing and proposed access tracks. A small substation protected with a palisade fence will be built in the south-western corner of the site, adjacent to the existing battery storage facility, and accessed via the internal track network from the main access to the solar farm on Ginns Road. Regarding the boundaries of the site, each field will be surrounded by deer fencing, which will act to exclude large mammals and humans from the facility, while the existing Public Right of Way will be retained but contained within a fenced and hedged corridor. Further new hedges and copses will be

planted around the periphery of the proposed development site to provide additional screening for the solar farm.

- 3.6 The historical mapping including in the submitted Heritage Statement captures the developmental history of the proposed development site from the late 1770s onwards, indicating that the northern half of the site has comprised agricultural fields since before this date. By contrast, the southern part of the site is depicted as heavily wooded and enclosed as Berden Park, the extent of which continued to the south of the proposed development area. The field boundary which enters the development site from the east and connects with the north-south line of the Public Right of Way apparently marks the former position of a track linking the grounds of Berden Hall to its park. This area of parkland was later depicted on the Berden Tithe map of 1839, but had been cleared by the time that the First Edition of the Ordnance Survey map was published in the late 1870s. From this point onwards the agricultural landscape of the proposed development area has apparently remained relatively static and undeveloped.
- 3.7 The historical mapping also highlights the presence of a moated ringwork located inside the eastern edge of the proposed development area, which was evidently well established by the 1770s and which appeared on every map until the 1950s, after which it was apparently filled in. The character and heritage significance of this feature as a non-designated heritage asset is considered in more detail below.

4. Heritage Impact Assessment

- 4.0.1 The current application is supported by a Heritage Statement prepared by RPS Consulting Services Ltd (Parker and Pickett 2022), which identifies the designated and non-designated heritage assets which surround the proposed development area and presents an assessment of the likely impact which the scheme will have upon them. This Heritage Statement informed by the results of an aerial photographic assessment undertaken by Air Photo Services Ltd and a gradiometer survey undertaken by Wessex Archaeology, copies of which are included at technical appendices to the Heritage Statement.
- 4.0.2 This section presents a critical review of the assessments of heritage impact set out in the submitted Heritage Statement and identifies additional heritage assets which will also be impacted upon by the proposed scheme.

4.1 Designated Heritage Assets

4.1.1 Scheduled Monuments

- 4.1.1.1 There are no scheduled monuments within the proposed development area itself, but a Scheduled Monument known as 'The Crump' is located to the east of the proposed development area (Figure 3; National Heritage List for England Entry No. 1009308).⁴ The submitted Heritage Statement incorrectly describes this Scheduled Monument as being 'c. 620m to the east' of the proposed development site (para. 4.5), yet at its closest point the easternmost extremity of the proposed development area only lies 380m from the Scheduled Monument.
- 4.1.1.2 'The Crump' is a medieval ringwork, fortifications which were primarily constructed and occupied from the Late Anglo-Saxon period until the later 12th century. The Scheduled Monument comprises a raised area of ground measuring 32m in diameter at the base and standing 3m high. The top of the raised area is saucer-shaped and is 10m in diameter and 1m deep. The central raised area is surrounded by a moat which has a maximum width of 12m and is about 1.5m deep. The western half of the moat remains waterfilled, although was largely dry at the time of my site visit, while the eastern half has silted up. In 1958, the then-owner excavated a small trench in the interior of the mound. A clay floor and a packed post-hole were found, along with some 12th-century pottery and metal fragments.
- 4.1.1.3 The submitted Heritage Statement identifies that the setting of the Scheduled Monument comprises the agricultural landscape within which the monument is located. Although the earthworks cannot be seen or experienced as a distinct feature, due to their being situated within a wooded area within the garden of Stocks Farm, the submitted Heritage Statement concludes that 'the primarily agricultural setting of the Scheduled ringwork makes a strong contribution to its significance' (Parker and Pickett 2022, para. 4.8).

⁴ [REDACTED]

- 4.1.1.4 In assessing the likely impact upon the significance of this Scheduled Monument, the submitted Heritage Statement identifies that the presence of the solar panels would represent a change in the setting of the ringwork, the report concludes that the level of harm caused would be “less than substantial” and nuanced towards the lower end of the scale of ‘less than substantial’ (Parker and Pickett 2022, para. 5.8). In particular, this is considered to be the case because the affected area of land is a ‘relatively small area of countryside’ and that ‘the change would be fully reversible’.
- 4.1.1.5 I consider that this conclusion of the Heritage Statement understates the likely impact of the proposed development, which would see a significant change in the landscape character of a large tract of the land surrounding the Scheduled Monument. Acknowledging that the surrounding agricultural landscape makes a ‘strong contribution’ to the significance of the Scheduled Monument, the dramatic change of landscape character which would be brought about by the proposed development, from the current (and historical) agricultural character to a landscape of industrialised energy production on a very large scale, would have a much greater impact than is stated by the applicant. Rather than being a ‘small area of countryside’, the proposed development area encompasses much of the agricultural land to the west of the monument. Similarly, while the development of the site is technically ‘temporary’ and ‘reversible’, the application is for an operational period of up to 40 years, which means that the impacts of the scheme will be experienced for at least two generations. There are also significant questions surrounding the true reversibility of the scheme, for while the panels may be able to be removed, the proposed new planting associated with the scheme will be harder to reverse, and there is nothing to indicate that the lifespan of the scheme will not be extended at a later date.
- 4.1.1.6 The proposed development of the solar farm will not directly affect the Scheduled Monument, but it will change the character of its setting which will in turn result in a detrimental impact upon the significance of the monument. I agree that, in planning terms, this will equate to ‘less than substantial harm’, but disagree with the applicant’s assessment of the degree of ‘less than substantial harm’, concluding that this lies towards the middle of the scale. It should be noted that, as a Scheduled Monument, this feature is of the highest designation and is of national significance. Under paragraph 199 of the NPPF (2021) ‘great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be)’ and, under paragraph 202 of the NPPF (2021), ‘this harm should be weighed against the public benefits of the proposal’.

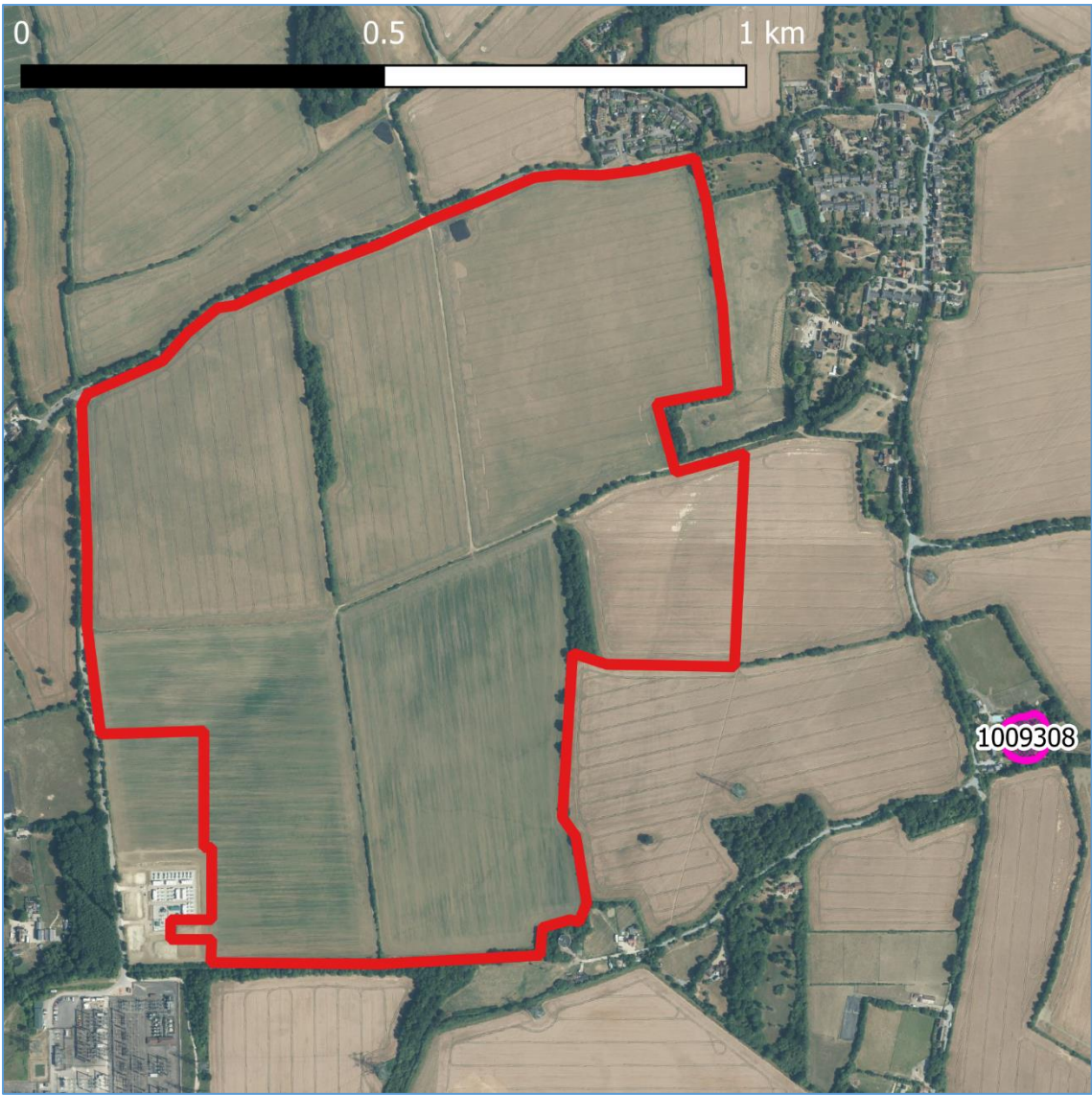


Figure 3. Modern aerial view showing the spatial relationship between the proposed development site and 'The Crump' Scheduled Monument. Scale 1:10,000.

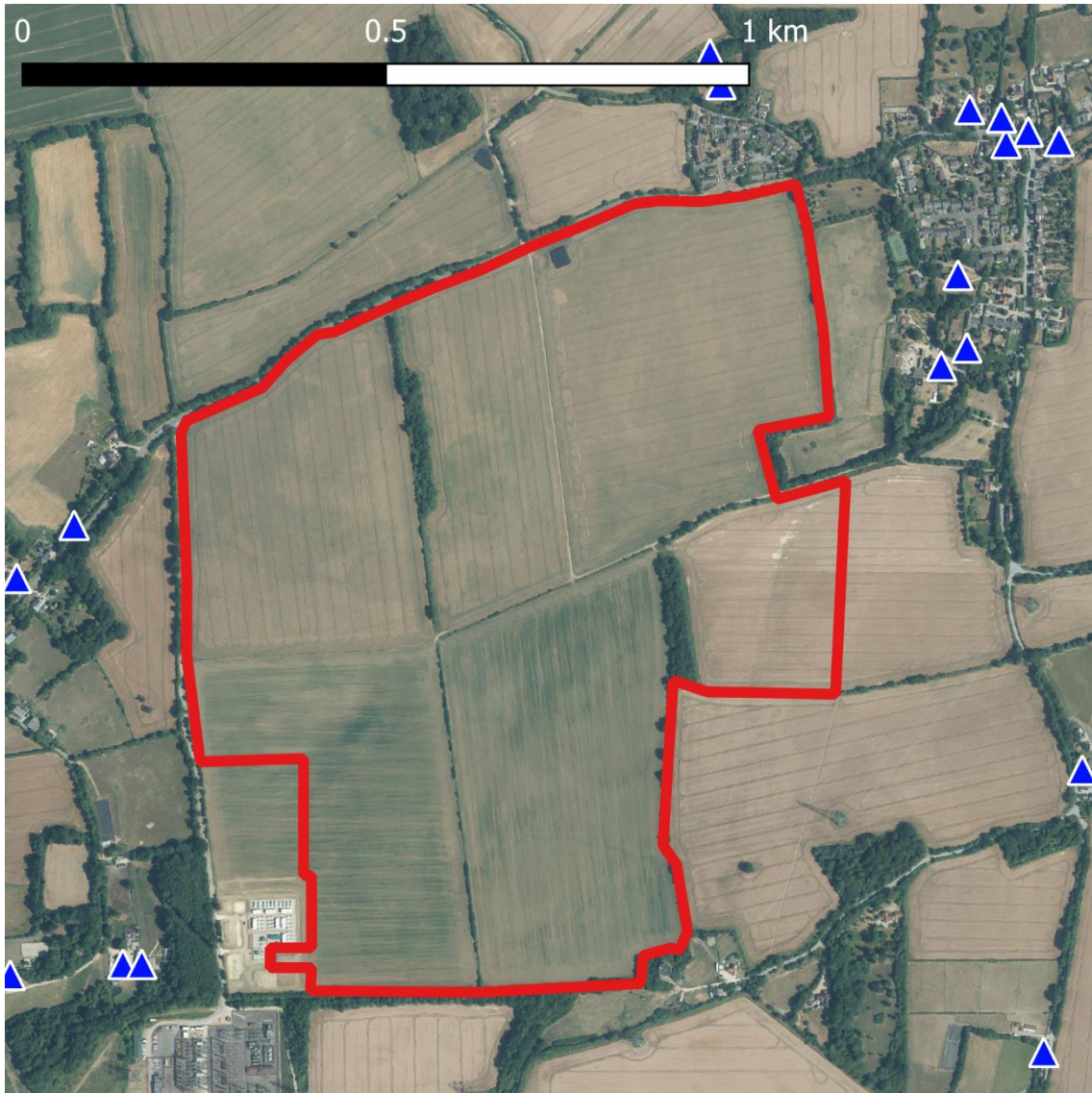


Figure 4. Modern aerial view showing the spatial relationship between the proposed development site and surrounding listed buildings. Scale 1:10,000.

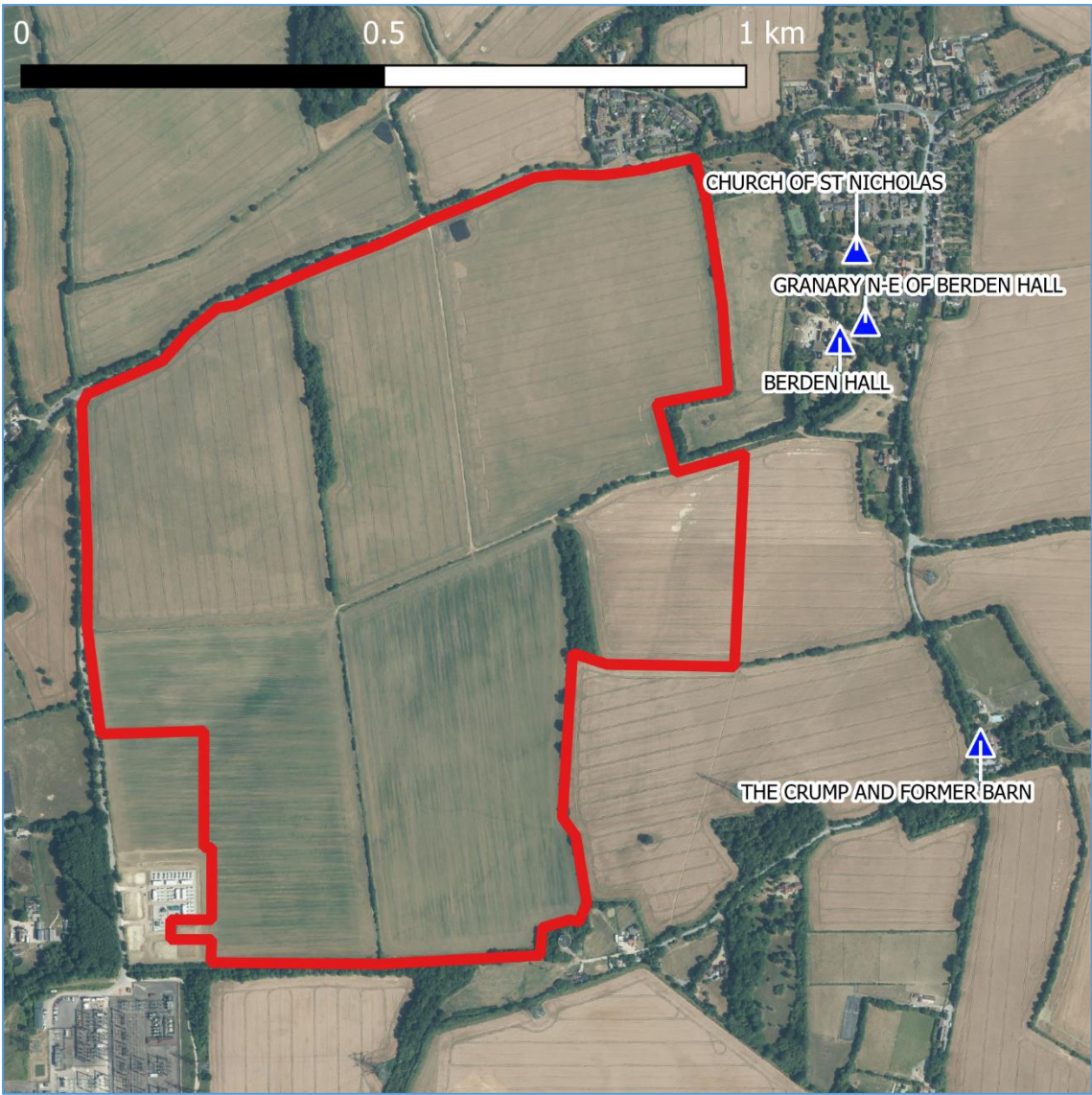


Figure 5. Modern aerial view showing the spatial relationship between the proposed development site and the listed buildings affected by the proposed development. Scale 1:10,000.

4.1.2 Listed Buildings

4.1.2.1 There are no listed buildings within the proposed development area, but several stand in close proximity to it and the proposed development area forms part of their setting (Figure 4). The submitted Heritage Statement presents a detailed assessment of the listed buildings which stand within the environs of the site and identifies that the following have the potential to be affected by the proposed development of the solar farm because the site forms part of their setting (Figure 5):

- The Church of St Nicholas – Grade I (National Heritage List for England Entry No. 1170264).⁵
- Berden Hall – Grade II* (National Heritage List for England Entry No. 1112468).⁶
- Granary north-east of Berden Hall – Grade II (National Heritage List for England Entry No. 1306141).⁷
- The Crump and Former Barn – Grade II (National Heritage List for England Entry No. 1112471).

I agree with the identification of these buildings, but as is discussed further below, I disagree with the applicant's assessments of the likely heritage impact which the proposed development would have upon the significance of these buildings.

Church of St Nicholas

4.1.2.2 The Church of St Nicholas is Berden's parish church and is listed at Grade I (National Heritage List for England Entry No. 1170264).⁸ It is constructed from flint-rubble and stone and is cruciform in plan, with a nave of mainly 12th-century origin, but with the remains of Anglo-Saxon long-and-short work in the western angle of the nave. The chancel and transepts are 13th-century, but the chancel was partly rebuilt in the 19th century. The western tower is 15th century and has a pyramid roof behind a castellated parapet. The south porch is 19th century and there is considerable 19th-century restoration. The fittings include a good 17th-century octagonal pulpit.

4.1.2.3 The submitted Heritage Statement identifies that the immediate setting of the church is formed by its churchyard, but that the extended setting of the church encompasses the developed form of Berden to the east and north, Berden Hall to the south and the open agricultural land to the west, a significant part of which lies within the proposed development area. The church stands 200m from the nearest edge of the proposed development site. It is recognised by the applicant that long views of the church can be obtained across these agricultural fields, including from the line of the Public Right of Way which traverses the centre of the site. The assessment concludes that the site 'makes a moderately positive contribution to the



setting of the church by virtue of its openness and rural character' (Parker and Pickett 2022, paras 4.11–13).

- 4.1.2.4 In assessing the likely impact upon the significance of the Church of St Nicholas, the submitted Heritage Statement identifies that 'the additional planting will serve to largely screen any intervisibility between the site and the church'. It also states that the 'openness of the site will be retained' and that as a consequence the proposals will have a 'neutral' impact on the setting of the church, which in planning terms equates to causing no harm (Parker and Pickett 2022, para. 5.19). I strongly disagree with this conclusion.
- 4.1.2.5 During my own site visit, it was very apparent that long views of the church can be obtained across the entirety of the proposed development area, from both its western boundary (Figures 6 and 7) and from the Public Right of Way which crosses the site. As is stated by the applicant, the proposed planting, fencing and the height of the panels themselves will have the effect of severing these views, reducing the ability to experience the church and therefore having a detrimental impact upon its setting. Likewise, the change of landscape character from an open agricultural landscape to an industrialised landscape will also have a detrimental effect upon the setting of the church. Having identified these impacts and the fact that the proposed development site in its current form makes an, albeit moderately, positive contribution to the setting of the church, the applicant's conclusion of a 'neutral' heritage impact is untenable. Rather, I conclude that the proposed development of the solar farm would result in 'less than substantial' harm to the Grade I-listed church due to changes to its setting and the severance of the long views from the west, and consider that this harm lies towards the middle of the scale. As a Grade I-listed building, the church is of the highest designation and is of national significance. Under paragraph 199 of the NPPF (2021) 'great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be)' and, under paragraph 202 of the NPPF (2021), 'this harm should be weighed against the public benefits of the proposal'.



Figure 6. A long view looking east across the proposed development site from the western boundary, showing the tower of St Nicholas's church to be clearly visible. Photograph taken 12th August 2022.



Figure 7. Detail from Figure 6, showing the tower of St Nicholas's church to be clearly visible. Photograph taken 12th August 2022.

Berden Hall

- 4.1.2.6 Berden Hall stands to the south of the parish church and is listed at Grade II* (National Heritage List for England Entry No. 1112468).⁹ Berden Hall is a 16th-century red-brick house with rainwater heads bearing arms and the date 1655. The building is two storey, with attics, and was originally rectangular with wings projecting on the west side, giving it a U-shape. There are 17th-century additions at the rear and all the windows were altered at the same time. Each side of the building has three gables, mostly with moulded copings and finials, some of which are restored. The ground floor retains some of the 17th-century mullioned and transomed windows with leaded lights. The east front has a four-window range of casements with mullions and transoms. The windows in the gables are two-light casements. Raised brick bands extend across the fronts between the storeys. On the east front there is a central doorway with a three-centred arch with a square label mould, chamfered pilasters and an original panelled door. Above the doorway on the first floor is a central sunken oval panel. The north and south fronts have similar features. The roofs are tiled, with two original chimney stacks each with four restored octagonal shafts on rectangular bases. The interior has an original staircase with an open square well and open balusters with strapwork.
- 4.1.2.7 Related to the Hall is the granary, which is situated 40m to its north-east and listed at Grade II (National Heritage List for England Entry No. 1306141).¹⁰ This is a two-storey, rectangular, red-brick building with brickwork similar to that of Berden Hall, but altered or rebuilt in the late 17th or early 18th century. The roof is tiled, with a stopped gable at the southern end. There are dovecote openings in the apex of the gable.
- 4.1.2.8 The submitted Heritage Statement considers these two buildings as a complex and identifies that their immediate setting comprises the extensive grounds, including formal and informal gardens, within which the buildings are set. The parish church stands to the north of the Hall, with arable land to the south and grassland meadows and arable land to the west. These latter form part of the proposed development site, the nearest edge of which lies 150m from the Hall. The assessment identifies that there is no intervisibility between the Hall and the site at ground level, due to the mature hedgerows which border the intervening meadow, but the report does identify that the site was in the same ownership as Berden Hall, resulting in an historic relationship between the Hall and the site. The historical mapping, discussed above, indicates that the southern part of the proposed development site was formerly wooded parkland belonging to the Hall. As a consequence, the report concludes that the site makes a limited contribution towards the setting of the Hall and the granary by virtue of the historic connection between them and the retained open character of the agricultural land (Parker and Pickett 2022, paras 4.16–7)

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- 4.1.2.9 In assessing the likely impact upon the significance of Berden Hall and the granary, the submitted Heritage Statement identifies that 'while the arable character of the site would change ... its openness would not be altered'. It is concluded that the proposed development would have a 'neutral' impact on the significance of the Hall and granary, which in planning terms equates to causing no harm (Parker and Pickett 2022, para. 5.20). I disagree with this conclusion.
- 4.1.2.10 While there are limited views between the Hall and the site at ground level, it is clear from photographs taken from the upper floors of the Hall, such as that reproduced in Figure 8, that clear, long-distance views into and across the proposed development site are possible, particularly during the winter months. Reverse views from the site to the Hall are equally achievable. These views, in conjunction with the historical connections between the Hall and its former parkland, mean that the change in landscape character from an agricultural to an industrialised landscape will have a greater impact upon the setting of the Hall than stated by the applicant, and, indeed, will be visible from it. Again, the assertion that the existing open character of the landscape will remain unchanged is misleading, given that the proposed development will introduce new planting, copses, deer fences and multiple rows of solar panels to a landscape which is currently wide and open.
- 4.1.2.11 Rather than a 'neutral' impact, I conclude that the proposed development of the solar farm would result in 'less than substantial' harm to the Grade II*-listed Berden Hall, due to changes to its setting and the severance of the views to and from the west, and consider that this harm lies towards the lower end of the scale. In their assessment, the applicant has grouped the Hall with the adjacent Grade II-listed granary, and I consider that their assessment of a neutral impact upon the granary is correct. As a Grade II*-listed building, Berden Hall is of the second-highest designation and is of national significance. Under paragraph 199 of the NPPF (2021) 'great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be)' and, under paragraph 202 of the NPPF (2021), 'this harm should be weighed against the public benefits of the proposal'.



Figure 8. A long view looking westwards from the second floor of Berden Hall, showing the view across the agricultural land of the proposed development area. Photograph taken by John Burton on 15th February 2022.

The Crump and Former Barn

4.1.2.12 The Crump and Former Barn stand 300m to the east of the easternmost extent of the proposed development area, immediately to the west of The Crump Scheduled Monument, and are listed at Grade II (National Heritage List for England Entry No. 1112471).¹¹ Formerly known as Stocks Farm, the building is a 16th- to 17th-century timber-framed and plastered house of a single storey with attics. The roof is thatched and half-hipped at the northern and southern ends, with two dormers on the western front and a central square chimney stack. A former three-bay, timber-framed, thatched-and-plastered barn to the north-west of the house has been converted into a large room and is connected to the house by a modern wing. Some of the exterior timber-framing is exposed. The interior has exposed timber-framing in both the house and former barn and the house has exposed ceiling beams and joists. The buildings were renovated in the 20th century.

4.1.2.13 The submitted Heritage Statement identifies that the buildings are situated within a well-defined residential plot, surrounded on all sides by arable land and areas of woodland. These contribute to the rural character of the property, which is a former farm complex, and makes a positive contribution towards the significance of the buildings. The report acknowledges that the proposed development site forms a substantial part of the arable land to the west of the

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building, although views to and from the building are limited due to the single-storey nature of the property. The applicant concludes that as there is no known historical connection between the site and the building, the site makes a neutral contribution to the setting and significance of the building (Parker and Pickett 2022, para. 4.20).

- 4.1.2.14 In assessing the likely impact upon the significance of The Crump, the submitted Heritage Statement identifies that the proposed development of the site would 'retain the sense of openness and the verdant nature of the site, which are the factors which contribute positively to the understanding and appreciation of The Crump'. The report concludes that the proposed development of the solar farm will therefore have a 'neutral' impact on the significance of The Crump, which in planning terms equates to causing no harm (Parker and Pickett 2022, para. 5.21). I disagree with this conclusion.
- 4.1.2.15 Regarding the issue of visibility and legibility in the landscape, it was apparent during my own site visit that the long, low, thatched roof of The Crump is visible in long-range views across and from within the proposed development area, as is captured in the photographs reproduced as Figures 9 and 10, taken from the western boundary of the site. The building can clearly be read as an agricultural building within an agricultural setting, irrespective of any proven historical associations between the farmhouse and the surrounding landscape. As a consequence, the agricultural land which surrounds The Crump, of which the proposed development site forms a large part, should be considered to make a much greater contribution to the setting and significance of the building than the applicant allows.
- 4.1.2.16 Rather than a 'neutral' impact, I conclude that the proposed development of the solar farm would result in 'less than substantial' harm to the significance of the Grade II-listed The Crump, caused due to changes to its setting and the severance of the views to and from the west, and consider that this harm lies towards the lower end of the scale. The applicant's conclusion that the development of the solar farm will result in the retention of the existing openness of the site and its verdant character are also somewhat at odds with the significant industrialisation and fencing-off of the existing agricultural landscape which will occur under the submitted proposals. As a Grade II-listed building, The Crump is of the most numerous tier of designation and is of regional significance. Under paragraph 199 of the NPPF (2021) 'great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be)' and, under paragraph 202 of the NPPF (2021), 'this harm should be weighed against the public benefits of the proposal'.



Figure 9. A long view looking east across the proposed development site from the western boundary, showing the thatched roof of The Crump to be clearly visible. Photograph taken 12th August 2022.



Figure 10. Detail from Figure 9, showing the thatched roof of The Crump to be clearly visible. Photograph taken 12th August 2022.



Figure 11. Modern aerial view showing the spatial relationship between the proposed development site and the Crabb's Green Conservation Area. Scale 1:10,000.

4.1.3 Crabb's Green Conservation Area

4.1.3.1 The Crabb's Green Conservation Area encompasses a small rectangular area of land situated to the south-west of the proposed development site, within the East Herts District Council administrative area (Figure 11). As is set out in the Conservation Area Appraisal, compiled in 2018, the Conservation Area focusses on the historical area of Crabb's (formerly Crab's) Green, which historical mapping indicates comprised a small green with surrounding green-side settlement, much of which survives today and can still be read clearly in the landscape.¹² There are three listed buildings within the Conservation Area.

4.1.3.2 Despite its proximity to the proposed development site, the Conservation Area is inwardly focused on the green itself and largely surrounded by dense

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woodland, resulting in its separation from the proposed development site. Immediately to the south of the Conservation Area stands the highly industrialised complex of the Stocking Pelham Substation, while to the east of the Conservation Area stands the smaller-scale, but similarly industrial Pelham Battery Storage Facility, to which the proposed solar farm would be connected. Given these constraints, the submitted Heritage Statement concludes that the proposed development site does not contribute to the setting of the Conservation Area, meaning that the development of the solar farm would have no impact upon the significance of the Conservation Area (Parker and Pickett 2022, paras 4.29–37). Having visited the site, I agree with this conclusion.

4.2 Non-Designated Heritage Assets

- 4.2.1 In addition to Designated Heritage Assets, the NPPF also recognises the status of Non-designated Heritage Assets, being assets which are not formally designated but which are of archaeological, historical or architectural significance.
- 4.2.2 The submitted Heritage Statement includes a detailed assessment of the archaeological potential of the proposed development area, which is informed by data extracts from the Essex and Hertfordshire Historic Environment Records, augmented by the results of an aerial photographic assessment undertaken by Air Photo Services Ltd and a gradiometer survey undertaken by Wessex Archaeology, copies of which are included at technical appendices to the Heritage Statement (Parker and Pickett 2022, Appendices 2 and 3).
- 4.2.3 The results of previous archaeological fieldwork and that commissioned by the applicant indicates that the proposed development area is of high archaeological potential. Specifically, previous fieldwork and the aerial photographic assessment have identified:
- a prehistoric to Roman ditched enclosure measuring 90m by 60m within the north-western part of the proposed development area (Essex HER 47982).
 - a post-medieval field-system, with possible pre-medieval origins, in the southern portion of the site (Essex HER 19562).
 - a ringwork motte located immediately within the eastern boundary of the proposed development site. This was depicted on historical mapping until the 1950s and was known as The Rookery, but now only survives as a cropmark (Essex HER 3854).

In addition, the applicant's geophysical survey identified the following:

- an area of possible Iron Age to Roman settlement enclosed by a ditch system similar to a 'banjo enclosure', with a south-east-facing entrance.
- an area of possible Anglo-Saxon and medieval settlement within the central and southern parts of the site, which it is suggested could be related to the Scheduled ringwork known as The Crump, discussed above.

- 4.2.4 As yet, although an aerial photographic assessment and geophysical survey have been undertaken by the applicant, to date no invasive fieldwork has been undertaken in order to ground-truth the results of these surveys and provide a better characterisation of the archaeological deposits and features which may lie buried beneath the site. The proposed construction of the solar farm will have a direct and irreversible impact upon the archaeological deposits within the site, and this impact needs to be mitigated either via a programme of archaeological fieldwork which will result in the preservation of these features 'by record' or by the redesigning of the scheme in such a way as to enable the preservation of archaeological features *in situ*.
- 4.2.5 It is noted that the consultation response from Place Services, dated 9th August 2022, has recognised the potential archaeological impact of the proposed development, and requests that conditions be placed on any consent granted in order to ensure that a programme of archaeological trial trenching be undertaken post-consent. This should be followed by a programme of archaeological mitigation and/or preservation *in situ*. While I support the need for a trenched evaluation of this kind, it is regrettable that this has not been required to be undertaken prior to the granting of consent. Paragraph 194 of the NPPF (2021) requires that 'where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.' It is notable that in recent years, the determination of many similar solar farm schemes across the eastern region has required an invasive fieldwork element to be undertaken prior to determination. This better enables the informed determination of the application and allows the applicant to better incorporate their archaeological mitigation strategies into their design and delivery phases.
- 4.2.6 Of particular concern is the former ringwork known as The Rookery, which lies within the eastern boundary of the proposed development area. This is clearly an important archaeological site and is probably similar in date and origin to the nearby Scheduled ringwork known as The Crump. The submitted Heritage Statement indicates that the proposed treatment of the area in which the ringwork lies is an area of 'New Woodland Planting'. While the Heritage Statement indicates that the 'detailed planting design for this area will take account of any requirements for preservation *in situ*', it goes on to state that this will be applied 'while retaining the ability to provide the desired screening in the landscape design' (Parker and Pickett 2022, para. 5.14). The ground disturbance caused by new planting of this kind and the subsequent disturbance caused by the spread of roots are both particularly detrimental to the preservation of archaeological deposits, and the proposed planting in this location shows a disregard for best practice for archaeological preservation and conservation on the part of the applicant.
- 4.2.7 Finally, it is understood that at the time of writing the ringwork is currently being considered by Historic England as a possible candidate for designation as a Scheduled Monument, but that a decision on this will not be made before the current consultation deadline of 5th September 2022. Given that the outcome of this decision process has the potential to affect substantially the

assessments of the heritage impact of the proposed development set out in the submitted Heritage Statement and in this assessment, it is suggested that it would be prudent to delay the determination of this case until the due process has been completed by Historic England.

5. Conclusions

- 5.1 This Heritage Assessment has been prepared on behalf of Protect the Pelhams and critically reviews the heritage impact elements of a full planning application for the development of a ground-mounted solar farm with a generation capacity of up to 49.99 megawatts, together with associated infrastructure and landscaping, which was validated on 29th July 2022. The application is being determined by the Planning Inspectorate under Section 62A of the Town and Country Planning Act (1990), as amended by the Growth and Infrastructure Act (2013), following the placing of Uttlesford District Council into special measures due to its planning system (Planning Ref.: S62A/22/0006).
- 5.2 The proposed development area comprises a 71 hectare parcel of land situated to the west of Berden (Essex) and the east of the Stocking Pelham (Hertfordshire). The application site comprises four large arable fields, divided by hedges which include occasional large trees. Farm tracks run alongside most of the internal hedges and a Public Right of Way runs north–south through the centre of the site. The county boundary between Essex and Hertfordshire runs north–south along the western edge of the application site.
- 5.3 There are no Scheduled Monuments within the proposed development area itself, but a Scheduled Monument known as 'The Crump' is located 320m to its east (National Heritage List for England Entry No. 1009308). In assessing the likely impact upon the significance of this Scheduled Monument, the submitted Heritage Statement identifies that the presence of the solar panels would represent a change in the setting of the ringwork and concludes that the level of harm caused would be 'less than substantial' and nuanced towards the lower end of the scale of 'less than substantial' (Parker and Pickett 2022, para. 5.8). I consider that this understates the likely impact of the proposed development. The dramatic change of landscape character which would be brought about by the proposed development, from the current (and historical) agricultural character to a landscape of industrialised energy production on a very large scale, would have a much greater impact than is stated by the applicant. I agree that, in planning terms, this will equate to 'less than substantial harm', but disagree with the applicant's assessment of the degree of 'less than substantial harm', concluding myself that this lies towards the middle of the scale.
- 5.4 There are no listed buildings within the proposed development area, but several stand in close proximity to it and the proposed development area forms part of their setting. The submitted Heritage Statement presents a detailed assessment of the listed buildings which stand within the environs of the site and identifies that the following have the potential to be affected by the proposed development of the solar farm because the site forms part of their setting:
- The Church of St Nicholas – Grade I (National Heritage List for England Entry No. 1170264).
 - Berden Hall – Grade II* (National Heritage List for England Entry No. 1112468).
 - Granary north-east of Berden Hall – Grade II (National Heritage List for England Entry No. 1306141).
 - The Crump and Former Barn – Grade II (National Heritage List for England Entry No. 1112471).

I agree with the identification of these buildings, but I disagree with the applicant's assessments of the likely heritage impact which the proposed development would have upon the significance of these buildings.

- 5.5 In assessing the likely impact upon the significance of the church of St Nicholas, the submitted Heritage Statement concludes that the proposed development will have a 'neutral' impact on the setting of the church, which in planning terms equates to causing no harm (Parker and Pickett 2022, para. 5.19). I strongly disagree with this conclusion. Rather, I conclude that the proposed development of the solar farm would result in 'less than substantial' harm to the Grade I-listed church due to changes to its setting and the severance of the long views from the west, and consider that this harm lies towards the middle of the scale.
- 5.6 Berden Hall stands to the south of the parish church and is listed at Grade II* (National Heritage List for England Entry No. 1112468). In assessing the likely impact upon the significance of Berden Hall, the submitted Heritage Statement again concludes that the proposed development would have a 'neutral' impact on the significance of the Hall, causing no harm (Parker and Pickett 2022, para. 5.20). Again, I disagree with this conclusion and consider that the proposed development would result in 'less than substantial' harm to the Grade II*-listed Berden Hall, due to changes to its setting and the severance of the views to and from the west, and consider that this harm lies towards the lower end of the scale.
- 5.7 The Crump and Former Barn stand 300m to the east of the easternmost extent of the proposed development area, immediately to the west of The Crump Scheduled Monument, and are listed at Grade II (National Heritage List for England Entry No. 1112471). In assessing the likely impact upon the significance of The Crump, the submitted Heritage Statement the report again concludes that the proposed development of the solar farm will have a 'neutral' impact on the significance of The Crump (Parker and Pickett 2022, para. 5.21). I disagree with this conclusion, and consider that the proposed development would result in 'less than substantial' harm to the significance of the Grade II-listed The Crump, caused due to changes to its setting and the severance of the views to and from the west, and consider that this harm lies towards the lower end of the scale.
- 5.8 It should be noted that, as Scheduled Monuments, Grade I and Grade II* listed buildings, most of the heritage assets discussed above are among the highest categories of designation and are of national significance. As such, under paragraph 202 of the NPPF, this harm needs to be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. Under paragraph 197 of the NPPF, 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. Likewise, Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and subsequent legal judgements indicate that this harm should be given 'considerable importance and weight' when the decision-maker carries out the balancing exercise. This detrimental effect upon the setting of the Scheduled Monument and the listed buildings also means that the proposed development is at odds with Policies ENV2 and ENV4 of the Uttlesford District Local Plan.
- 5.9 The submitted Heritage Statement also includes a detailed assessment of the archaeological potential of the proposed development area, which indicates that the proposed development area is of high archaeological potential. As yet, although an aerial photographic assessment and geophysical survey have been undertaken by the applicant, to date no invasive fieldwork has been undertaken in order to ground-truth the results of these surveys and provide a better characterisation of the archaeological deposits and features which may lie buried beneath the site. The proposed construction of the solar farm will have a direct

and irreversible impact upon the archaeological deposits within the site, and this impact needs to be mitigated either via a programme of archaeological fieldwork which will result in the preservation of these features 'by record' or by the redesigning of the scheme in such a way as to enable the preservation of archaeological features *in situ*. It is regrettable that this has not been required to be undertaken prior to the granting of consent. Paragraph 194 of the NPPF (2021) requires that 'where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.' It is notable that in recent years, the determination of many similar solar farm schemes across the eastern region has required an invasive fieldwork element to be undertaken prior to determination.

- 5.10 Of particular concern is the former ringwork known as The Rookery, which lies within the eastern boundary of the proposed development area. This is clearly a important archaeological site and is probably similar in date and origin to the nearby Scheduled ringwork known as The Crump. It is understood that at the time of writing the ringwork is currently being considered by Historic England as a possible candidate for designation as a Scheduled Monument, but that a decision on this will not be made before the current consultation deadline of 5th September 2022. Given that the outcome of this decision process has the potential to affect substantially the assessments of the heritage impact of the proposed development set out in the submitted Heritage Statement and in this assessment, it is suggested that it would be prudent to delay the determination of this case until the due process has been completed by Historic England.

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7. About the Author

Dr Richard Hoggett is a freelance heritage consultant with over 20 years' experience in the academic, commercial and local authority heritage sectors. A former Senior Archaeological Officer for Suffolk County Council, as a consultant he assesses the heritage implications of planning applications and provides specialist advice to Local Planning Authorities, developers and landowners across the eastern region. He is a Fellow of the Society of Antiquaries of London and a Member of the Chartered Institute for Archaeologists.