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The Planning Inspectorate
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Our ref: P01531275

Date: 26 August 2022

Dear Ms Palmer

Town and Country Planning Act 1990 (Section 62A Applications)

**Berden Hall Farm, Ginns Road, Berden
Application S62A/22/0006**

Thank you for your letter of 4 August 2022 regarding the above application by Statera Energy for planning permission.

On the basis of the information available to date, we offer the following advice to assist The Planning Inspectorate in determining the application.

Summary

This application seeks approval under Section 62A of the Town and Country Planning Act 1990 for the Development of a ground mounted solar farm, together with associated infrastructure and landscaping on c.72ha. of land at Berden Hall Farm, Ginns Road, Berden.

Historic England has previously provided scoping advice to the Local Planning Authority in July 2021 (UTT/21/2158/SCO; our ref. PL00752223). We have not been consulted on the scheme by the applicant, however, at the pre-application stage or in relation to the development of the heritage assessment.

We have concerns in relation to the impact of the scheme on the historic environment and consider it would result in harm to a scheduled monument. In addition, we believe the application will result in harm to a non-designated heritage asset of potentially equivalent significance as a scheduled monument. There is also potential for harm to other designated assets in the area. In our view, however, the applicant has not provided sufficient information in relation to the impact upon these assets to weigh the harm against the public benefits of the proposal.

We are recommending that further, more detailed assessments should be undertaken to establish the impact of these proposals on the significance of heritage assets. That stated, we also object to the proposals on heritage grounds.



Historic England Advice

The significance of the historic environment

The application site covers a relatively large area of land to the southwest of Berden and to the east of Stocking Pelham. The development has the potential to impact upon both designated and non-designated heritage assets.

Our primary consideration is the potential impact on the setting of the scheduled monument known as 'The Crump: a ringwork 600m south of Berden' (List Entry Number 1009308).

The Crump, located to the east of the proposed development, is a well-preserved earthwork that includes a raised area of ground which measures 32m in diameter at the base and stands c.3m high. This 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.

Ringworks are medieval fortifications built and occupied from the late Anglo-Saxon period to the later 12th century. They comprised a small defended area containing buildings which was surrounded or partly surrounded by a substantial ditch and a bank surmounted by a timber palisade or, rarely, a stone wall. They are rare nationally with only 200 recorded examples and, as one of a limited number and very restricted range of Anglo-Saxon and Norman fortifications, ringworks are of particular significance to our understanding of the period.

There is high evidential value in this asset and archaeological remains will be preserved that provide important information relating to the occupation and development of the site.

The presence of this scheduled monument in the rural, agricultural landscape is a rare survival. The setting of the scheduled monument contributes to its significance, and the monument draws a considerable amount of significance from how it is experienced in the landscape.

We also note the archaeological remains of a ringwork within the proposed development area. This has been detected by the geophysical survey, air photography and it has been defined as a microtopographic feature. The ringwork was investigated by limited archaeological excavation in 1954.

At present, this is a non-designated heritage asset but a request has been submitted to assess it as a potential scheduled monument. In our view, this feature is a highly significant non-designated heritage asset with potentially equivalent significance to that of a designated heritage asset. The proximity of this ringwork to The Crump scheduled monument is unusual and, in our view, the visual and functional links of these ringworks adds to the significance of both, and this to the significance of the wider historic landscape.

We have also considered the impact of the development on the setting of the fine Grade I Listed Church of St Nicholas and Grade II* Listed Berden Hall, both located to



the east of the proposed development. In addition, to the north of the proposed development, there is the Grade II* Listed Berden Priory (LEN 1112470) and Well House and Treadmill to North of Berden Priory (LEN 1170289). The present house is on the site of a medieval priory, a 12th century hospital or priory of St John the Evangelist of the Augustinian canons, which is a non-designated asset.

There are also a number of Grade II listed buildings within a 1500m radius, within the settlements of Berden and Stocking Pelham and in open countryside.

We note that a complex range of other non-designated buried archaeological remains are recorded within the development site, including the remains of an intense area of multi-phase settlement activity defined by geophysical survey undertaken to inform this application.

The applicant has provided a *Gazetteer of identified heritage assets* (Appendix 1 of the Heritage Statement, prepared by RPS Group, 7 June 2022), and both designated and non-designated heritage assets are discussed in the Heritage Statement. We note, however, Appendix 1 includes a long list of sites from different, and unrelated, parts of the county; for example, pref. refs. 6372-5 relate to sites in Billericay.

An LVIA is also provided with the application (prepared by Sightline Landscape, May 2022).

The proposals and their impact on the historic environment

Our primary concern relates to the impact of the proposed development upon the significance of the scheduled monument known as 'The Crump: a ringwork 600m south of Berden'.

The development would, in our view, result in an erosion of the rural character of this designated heritage asset, from an open agricultural environment to a semi-industrial landscape. We consider this would result in harm to the significance of the scheduled monument.

We are also concerned about the potential cumulative impact of the proposed solar farm to the south, Maggots End Road scheme. At present, it is difficult to assess the level or extent of harm to The Crump scheduled monument given the lack of an appropriate assessment. We would expect to see a more detailed assessment of the cumulative impact upon the significance of this scheduled monument provided in the application.

Secondly, we have concerns about the non-designated ringwork within the development area. In our view, this feature is a highly significant non-designated heritage asset with potentially equivalent significance to that of a designated heritage asset. We would recommend that the significance of this asset is reassessed. The approach to mitigation of this asset should be also reviewed because, in our view, the proposed development would result in harm to the significance of this asset.

We consider that the development has the potential to cause harm to the significance of buried archaeological remains of this monument by the proposed woodland

planting. Moreover, the development also has the potential to cause harm to the significance of the ringwork by development within its setting.

Thirdly, we also have concerns that the scheme will result in the erosion of the rural character of several highly-graded listed buildings. The Theoretical Zone of Visual Influence (Figure 4, Appendix 2 of the LVIA) indicates the development would potentially be visible from the Church of St Nicholas, Berden Hall and also Berden Priory. We would expect to see confirmation from the applicant as to the likely impacts and visibility of the scheme from these assets.

Given the lack of appropriate heritage-specific visualisations in the assessment, at present it is difficult to confirm the level or extent of harm to these highly-graded designated heritage assets.

We also note that the east-to-west section of road between Berden and Little London, to the east of the proposed development, is a protected lane (ref. UTTLANE32). This historic landscape feature has not been identified in the Heritage Statement and it has not been assessed under Policy ENV9 of the Uttlesford Adopted Local Plan, which identifies 'Protected Lanes' as part of the local historic landscape.

The protected lane falls within the definition of a non-designated heritage asset having been 'identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest'. It is not possible, therefore, to establish the impact of the proposed development on the significance of this asset, and on its relationship with the designated and non-designated heritage assets in the historic landscape.

The policy context

The National Planning Policy Framework (NPPF) establishes a presumption in favour of sustainable development in the planning system (paragraphs 7, 8, 10 and 11) which also identifies protection of the historic environment as an important element of achieving sustainable development. Further policy principles relating to the historic environment are set out in Chapter 16 of the NPPF.

In particular, it emphasises the importance of conserving heritage assets, which are an irreplaceable resource, in a manner appropriate to their significance so that they can be enjoyed for their contribution to the quality of life of existing and future generations (NPPF paragraph 189).

Paragraph 194 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'.

Paragraph 195 requires the LPA 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). This policy also says that the significance of



the heritage assets 'should be taken into account 'when considering the impact of a proposal on a heritage asset.

Paragraph 199 requires the planning authorities to place 'great weight' on the conservation of designated heritage assets, and states that 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'.

Paragraph 200 States 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'.

Paragraph 201 states that local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss.'

Paragraph 202 states 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.

Paragraph 203 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'.

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' (paragraph 206).

Footnote 68 states, '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'.

Historic England's position

We do not have an in principle objection to development of this type and we recognise that there is likely to be a clear public benefit. We acknowledge that, as set out in paragraph 202 of the NPPF, it is for the examining authority (in this case The Planning Inspectorate) to weigh the balance between benefits and the impact and harm to the historic environment.

We have concerns that this development would result in a change from an agricultural landscape to a semi-industrial landscape and would result in an erosion of the rural character of the designated heritage assets. We consider this would result in harm to the significance of the heritage assets and, in our view, the application fails key policy tests in relation to the harm (paragraphs 202 and 203 of the NPPF).



We are also concerned that insufficient information has been provided with the application to enable the effect of the proposed development to be fully assessed and for the balance to be weighed proportionally by The Planning Inspectorate. Therefore, in our view, this application also fails paragraph 194 of the NPPF.

Consequently, we do not consider the application delivers a full assessment of the designated heritage assets that might be impacted by the development. We recommend that additional visualisations from key viewpoints are presented and assessed, to provide a suitable level of information and to allow the impacts to be fully assessed.

We also have concerns about the applicant's assessment in the documentation provided. The Heritage Statement, for example, states that the proposed development would make a neutral contribution to, and have a neutral impact on, the significance of The Crump scheduled monument. It is stated that the mitigation planting will screen the solar panels from view, 'largely in winter and completely in summer' (Section 5.7). The assessment concludes that the harm would be 'less than substantial' and nuanced towards the lower end of the scale' (Section 5.8). Moreover, it is stated that the proposed installation of the solar panels would 'retain the sense of openness and the verdant nature of the Site' (Section 5.21).

In our view, the impact on the significance of the historic landscape, and the scheduled monument, has been downplayed and we believe the photomontages indicate that the harm will be less than substantial and, at least, moderate in scale. The experience of the scheduled monument, from the proximal location, would be adversely altered by the erection of solar panels in what is currently, and historically, an open agrarian landscape.

We do not believe that the solar panels will be completely screened in summer, following mitigation planting. In our view, the solar panels would be prominent in the fields on the horizon, both in summer and winter following mitigation. It would be substantially more visible than 'some glimpses', as stated in Section 5.6, in terms of Viewpoint 7, the proximal location for The Crump scheduled monument.

We also note that no cumulative impact assessment has been carried out in terms of the historic environment. Section 6.89 of the LVIA states 'there may be some potential in direct inter-visibility between the two schemes', i.e. between the proposed development and the Maggots End Road scheme to the south, at Viewpoint 7. The LVIA concludes that the overall indirect cumulative effect would be negligible.

The cumulative impact is not, however, discussed in the Heritage Statement. In our view, it is important that the cumulative impact should be assessed further in terms of the impact on The Crump scheduled monument, given the scale of the proposed development and the scale of the proposed solar farm at Maggots End Road, to the south of The Crump.

In our view, the agrarian and undeveloped nature of this landscape contributes to the significance of the scheduled monument. The presence of this asset in the rural landscape is a rare survival, and the monument draws a considerable amount of significance from how it is experienced in the historic landscape setting. Moreover,

setting of a heritage asset is not always directly related to visibility and, in this case, there is a wider relationship between the heritage assets and the proposed development site.

We believe the impact of the agricultural landscape is downplayed in the assessment and would ask that the harm to the monuments is reconsidered, in accordance with the approach set out in [Historic Environment Good Practice Advice in Planning Note 3, The Setting of Heritage Assets](#).

We have concerns, in particular, about the non-designated ringwork within the development area. It is also marked on historic maps. This asset has been detected by the geophysical survey, and also recorded by air photography. We note this has been also defined as a microtopographic feature via visualised Lidar data (Section 4.15 of Appendix 2).

This ringwork would appear to be of a similar morphology to, and of similar dimensions, to The Clump scheduled monument, to the south-east. Based on the 1950s investigation, it also appears to be contemporary with The Crump. The Heritage Statement states that it is 'possibly Anglo-Saxon through medieval, and possibly associated with the scheduled 'Ringwork' fortification to the south-east of the site' (Section 4.60). Section 5.15 states, this ringwork 'is possibly of higher evidential value by association with the Scheduled ringwork'.

A request has been submitted to the Listing department of Historic England for this ringwork to be assessed as a potential scheduled monument. In our view, this feature has the potential for an enhanced significance and we consider that it has an equivalent value to that of a designated heritage asset. This is in accordance with footnote 68 of the NPPF. However, we consider further information may be necessary to characterise this asset prior to determination of the application.

We note that the proposed solar panels would not extend across the ringwork, finishing just to the west and with a new hedged boundary. The proposed planting plan indicates that an area of new woodland is proposed for this area, and across the site of the ringwork. Section 5.14, however, states that a detailed planting design would take into account of any requirements from preservation *in situ*, which would be determined post-consent.

The creation of woodland planting would be inappropriate, in our view, at this location. We would recommend this asset should remain in the open landscape, although it would be beneficial to remove this site from intensive cultivation that may cause disturbance to the buried archaeology. In addition, the root systems of woodland trees have the potential to disturb and damage any archaeological remains.

The assessment of significance of the application does not give the asset equivalent weight to a scheduled monument and is, in our view, potentially flawed. Furthermore, the significance of the asset in relation The Crump scheduled monument, the Church of St Nicholas and other non-designated remains defined by geophysical survey, also needs to be taken into account. The impact of placing solar panels to the west of, and planting woodland over, the asset needs to be considered.



We also contend that the mitigation offered is not sufficient to offset the harm to a scheduled monument or an asset of equivalent value.

It is our view that the degree to which the setting contributes to the significance of the asset, and the less than adequate mitigation, would result in a high degree of harm to that asset. At present, we consider that this application fails the key policy tests in the NPPF at paragraphs 202 and 203. There is clear harm to a non-designated heritage asset of equivalent status to scheduled monument and yet insufficient information to allow a balance to be weighed. We also consider that further mitigation to reduce the effect on this asset would be possible.

We note that this archaeological feature has not been investigated by further assessment (trial-trenched evaluation). Given the similarity and proximity to The Crump scheduled monument, and the great rarity of such features nationally, we would advise that the evaluation is undertaken prior to consent.

We would also suggest that the non-designated archaeological remains shown by geophysical survey and air photography to the west should be ideally further assessed (by trial-trenched evaluation) prior to determination of the application in order to characterise the deposits and to determine if they have any relevance or make any contribution to the significance of the ringwork.

In our view, the identification, assessment and scope for mitigation on non-designated buried archaeological remains should be carried out prior to determination of the application in order to characterise the archaeological deposits.

We would, however, recommend you take advice from the archaeological advisors to the LPA and would defer to their view on prior determination trial-trenched evaluation. We note that Section 5.13 states surface-mounted panels could be included if significant archaeological remains are identified by post consent archaeological evaluation. If planning permission is granted, without pre-determination evaluation, we would also recommend the use of a condition relating to the foundation design of the solar panels. This is to ensure that buried archaeological remains can be adequately preserved in situ, if they are identified by post consent evaluation.

We also have concerns about the LVIA. In particular, we have looked at the approach taken and note that the study provides primarily generic landscape views and includes only one heritage specific viewpoint (Viewpoint 7) relating to highly-graded heritage assets.

In order to satisfy paragraph 194 of the NPPF, we would recommend that additional heritage-specific viewpoints are provided to illustrate the application with critical assessment of the impact upon the significance of the highly-graded assets. This should include and assessment of the cumulative impact on The Crump scheduled monument.

We would recommend illustrations, in particular, to show impact on the setting of the Grade I listed Church of St Nicholas and Grade II* Berden Hall, as well as the Grade II* Berden Priory. These need to demonstrate the visibility of the development in the

current landscape and then the effects of the development and mitigation on these heritage assets.

The assessment identifies the development site as part of the extended setting of the Church of St Nicholas and it is stated that the proposed development site 'makes a moderately positive contribution to the setting of the church by virtue of its openness and rural character' (Section 5.19). The Heritage Statement suggests that additional planting will serve to 'largely screen any intervisibility (Section 5.19). It is concluded that development will have a neutral impact on its significance.

No visualisations are presented in the assessment to demonstrate the impact of the development on the church. We would, therefore, recommend that the assessment is supported by visualisations to enable the impact of the proposed development to be assessed.

For Berden Hall, the Heritage Statement states there is no intervisibility between the Hall and the proposed development due to the extent and maturity of planting. It is also stated that the proposed development site makes only a very limited contribution to the significance of Berden Hall by virtue of the historic connection between the two, because the development site was historically owned by the Hall and because of the retained open character of the development site (Section 4.17). Consequently, it is concluded that the proposed development would have a neutral impact on its significance, because there is no visual relationship and because the openness of the arable landscape 'would not be altered' (Section 5.20).

Again, we would recommend that the assessment is supported by visualisations for Berden Hall to enable the impact of the proposed development to be assessed.

To the north of the proposed development, there is the Grade II* Listed Berden Priory (LEN 1112470) and Well House and Treadmill to North of Berden Priory (LEN 1170289). These are situated 500m to the north of the proposed development. They are marked on Figure 3 of the Heritage Statement but otherwise they do not appear to be discussed in the assessment.

We note the Theoretical Zone of Visual Influence (Figure 4, Appendix 2 of the LVIA) indicates the development would potentially be visible from these assets. Consequently, these assets should be also assessed in the Heritage Statement and visualisations should be presented to enable the impact of the proposed development to be assessed.

We have not previously had an opportunity to comment on this application and have not been engaged in pre-application discussions. We are aware that some of these issues would have been better explored through pre-application consultation. However, in our view, given that this is a full planning application, we do not have any option than to object to the scheme as set out.

We consider that the scheme has the potential to cause less than substantial harm, at least moderate in scale to the significance of the designated heritage assets as identified in our comments above. We, therefore, consider that this should be given great weight in the planning balance required under paragraph 202 of the NPPF.



With regards to the case for public benefit for the historic environment, we consider this could be delivered by a conservation management plan (a programme of capital works and on-going maintenance of the scheduled monument) for The Clump scheduled monument, secured by a condition attached to any planning permission (if granted) or via s.106 with wording agreed with Historic England.

We would also suggest that public benefit for the historic environment could be provided by the provision of interpretation panels in suitable, publicly accessible locations (The Crump scheduled monument is located close to PROWs) to improve public perception and understanding of The Crump scheduled monument. We would recommend these are also secured via s.106. Along with a conservation management plan for The Clump, this would, in our opinion, help to offset the harm to the historic environment from the development.

A similar conservation management plan may be appropriate for the non-designated ringwork that, in our view, has an equivalent value to that of a designated heritage asset.

Recommendation

Historic England objects to the application on heritage grounds as currently submitted. We consider the application does not meet the requirements of the NPPF, in particular paragraph numbers 189, 194 and 195. It also fails the key policy test in paragraph 202 and 203.

We have concerns in relation to the impact of the scheme on the historic environment and consider it would result in harm to a scheduled monument. We consider this should be given great weight in the planning balance required under paragraph 202 of the NPPF. In addition, we believe the application will result in harm to a non-designated heritage asset of potentially equivalent significance as a scheduled monument, in accordance with footnote 68 of the NPPF. There is also potential for harm to other designated assets in the area. In our view, however, the applicant has not provided sufficient information in relation to the impact upon these assets to weigh the harm against the public benefits of the proposal, as required by paragraphs 202 and 203 of the NPPF. Consequently, the application fails paragraph 194 of the NPPF in that regard

We consider further information is a prerequisite in order to assess the heritage assets prior to consent being granted. We recommend the applicant is asked to reconsider certain aspects of the proposed development in relation to the historic environment.

We have identified a non-designated ringwork within the development that, in our view, has an equivalent value to that of a designated heritage asset. Given pending designation application, we would recommend that the applicant may wish to re-assess the significance of this asset within the development area and the approach to mitigation.



We would recommend that additional heritage viewpoints are provided to illustrate the application and provide critical assessment of the impact upon the significance of the highly-graded heritage assets.

We consider that the issues and safeguards outlined in our advice need to be addressed to ensure the application meets the requirements of the NPPF paragraphs set out above.

We recommend these representations are taken into account and amendments, safeguards or further information sought as set out in our advice. If, however, you propose to determine the application in its current form, please treat this as a letter of objection, and send us a copy of your report at the earliest opportunity.

Please contact me if we can be of further assistance.

Yours sincerely

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Inspector of Ancient Monuments
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