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Direct Dial: [REDACTED]

Our ref: P01531275

Date: 18 January 2023

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 9 January 2023 regarding the above application by Statera Energy for planning permission.

**Historic England Advice**

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.66ha. of land at Berden Hall Farm, Ginns Road, Berden.

We note the Environment Statement and amended planning application that has been submitted. In particular, we note the new documents relating to heritage: ES Vol. 1 chapter 6 (Heritage) and also the Heritage Statement addendum, appendix 6.1. The ES submission includes a cumulative assessment presented in ES Vol. 1 chapter 5 and appendices 5.1 (Photomontages) and 5.2 (Illustrative material for assessing the effect of the solar farm on heritage assets). We also note the Outline Written Scheme of Investigation, Appendix 6.2.

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

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 southeast of the proposed development, is a well-preserved example of a ringwork. 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 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 also note the non-designated archaeological remains of a probable late Anglo-Saxon or Norman ringwork, known as The Rookery, to the east of the revised development area. 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 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.

#### Impact of the proposals on the historic environment

In our previous advice of 26 August 2022 to the original application, we raised a number of specific concerns about the application.

We were concerned about the impact of the proposed development on the setting of the 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).

We welcome the additional information that has been provided in the updated Environmental Statement, and the submission of additional visualisations to assess the impact of the proposed solar farm on the significance of the Church of St Nicholas and Berden Hall as well as the Berden Priory Group. We now consider the impacts and effects of the development on the significance of these highly-graded assets has been adequately assessed.

We were also concerned about the assessment of the impact on the significance of The Crump scheduled monument. In our view, as stated in our previous advice of 26 August 2022, the harm to the significance of this scheduled monument would be less than substantial and, at least, moderate in scale – after mitigation planting (7-10 years growth). The experience of the scheduled monument, from the proximal location (Viewpoint 7), would be adversely altered by the erection of solar panels in what is currently, and historically, an open agrarian landscape.

We note the amended application, however, states the proposed development would have *'an indirect, low adverse magnitude of impact on archaeological assets of high and medium sensitivity/value, resulting in effects of minor adverse significance on the setting of these assets'* (ES Vol. 1, para. 6.41). We also note Para. 4.24 of the Heritage Statement addendum (appendix 6.1) also states, *'overall, the proposals would have a neutral impact on the significance of The Crump'*.

We were concerned about the cumulative impact of the development and the proposed solar farm at Maggots End on The Crump scheduled monument and we note the cumulative impact assessment that has been submitted with the amended application ES Vol. 1, paras. 6.55-71).

We consider the cumulative harm to the significance of this scheduled monument would be less than substantial and, at least, moderate in scale. The presence of the scheduled monument in the rural and undeveloped nature of the landscape is a rare survival, and the monument draws a considerable amount of significance from how it is experienced in the wider, surrounding landscape. We disagree, therefore, with the conclusion of the cumulative impact assessment that the overall indirect cumulative effect would be minor (ES Vol. 1, para. 6.61).

We were concerned about the impact on The Rookery, a non-designated heritage asset with potentially equivalent significance to that of a designated heritage asset.

We welcome the revised design of the proposed development has been altered to omit panels in the easternmost field in order to avoid potential impacts on below ground archaeology. The redline boundary has been revised to exclude field on the east side with The Rookery from proposals (ES Vol. 1, para. 3.15).

We also note the Outline Written Scheme of Investigation, Appendix 6.2. We would defer to the Local Planning Authority's specialist archaeological advisor (ECC Place Services) on the suitability on this document, and on the appropriateness of the proposed investigation of non-designated archaeological remains.

In terms of Assessment Criteria and Assignment of Significance (ES Vol 1, para. 6.12),

we would point to the current (published in 2021) East of England Regional Research Framework: <https://researchframeworks.org/eoe/> We would recommend the ES is amended to reflect this research framework.

#### Policy considerations for this proposal

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 states that the significance of the heritage assets should be taken into account *'when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal'*.

Paragraph 196 states, *'where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision'*.

Paragraph 197 states, *'in determining applications, local planning authorities should take account of:*

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- c) the desirability of new development making a positive contribution to local character and distinctiveness'*.

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 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’.*

Paragraph 205 states that *‘local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted’.*

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’.*

Setting is then defined in the NPPF as *‘the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset and may affect the ability to appreciate that significance or may be neutral’.*

#### Historic England’s position on the proposals

We confirm our view that the proposed development will result in harm to the significance of the adjacent scheduled monument known as The Crump through development within its setting. We consider the harm would be less than substantial and, at least, moderate in scale.

We also consider the cumulative impact of the proposed solar farm at Maggots End and the current development would also result in harm to The Crump scheduled monument.

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.

The policy tests in the NPPF for the historic environment state that, when deciding whether or not to grant planning permission, the Local Planning Authority will need to have considered two main elements - whether the scheme can justify the harm to the significance of the designated heritage asset (paragraphs 199 and 200) and whether the application can deliver any additional public benefit (paragraph 202).

In relation to justification, this is a matter for the Council to consider with reference to the submission, and with reference to local and national planning policies and local planning need.

With regards to the case for public benefit for the historic environment, as stated in our previous advice of 26 August 2022, 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 or via s.106 agreement.

We also consider public benefit could be delivered by removal of The Rookery from intensive cultivation to managed grassland. A conservation management plan for The Rookery should be secured by a condition attached to any planning permission (if granted) or via s.106.

Public benefit could be also provided by the provision of interpretation panels in suitable, publicly accessible locations to improve public perception and understanding of The Crump and The Rookery.

We consider these measures would help to offset the harm to the historic environment from the development.

## **Recommendation**

Historic England does not object to this revised application but considers that the recommendations for public benefit for the historic environment outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 199, 200 and 202 of the NPPF.

We would recommend that conservation management plans are secured for The Crump and The Rookery. These could be secured by a condition attached to any planning permission (if granted) or via s.106. We would also recommend that adequate funding is secured for interpretation of both heritage assets.

We would seek reassurance from the applicant that these measures, and funding, are in place to secure public benefit for the historic environment. We would be also pleased to scrutinise and advise on the conservation management plans submitted for approval in due course.

We would advise that any planning permission should be also conditional on a scheme of archaeological work being secured, in accordance with the NPPF paragraph 205. The archaeological advisor to the Local Planning Authority (Essex County Council Place Services) will be able to advise on the scheme of the archaeological



investigation.

The Planning Authority should take this representation into account and seek safeguards as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us.

Yours sincerely,

Dr Jess Tipper MCIfA FSA

Inspector of Ancient Monuments (Essex and Hertfordshire)

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