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Direct Dial: [REDACTED]

Our ref: P01556337

Date: 23 February 2023

Dear Ms Palmer

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

**Land East of Pelham substation, Maggots End, Manuden  
Application S62A/22/0011**

Thank you for your letter of 10 February 2023 regarding the above application by Low Carbon Solar Park 6 Limited 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 a renewable-led energy scheme comprising ground mounted solar photovoltaic (PV) arrays and battery storage with ancillary equipment on agricultural land, 76.38 ha. in area, located near Pelham Substation, Maggots End, Manuden.

This application forms a resubmission of a previously scheme which was submitted to Uttlesford District Council in November 2021 and refused in January 2022 (ref: UTT/21/3356/FUL).

Historic England provided advice to the Local Planning Authority on the previous scheme (dated 26 November 2021). We recommended that further assessment was needed to establish the impact of the proposals on the significance of heritage assets.

We note the revised design of the scheme that has been submitted. We have not been consulted on this scheme (resubmission) at the pre-application stage. We are disappointed that the screening opinion from the Local Planning Authority did not identify heritage as a potential issue given our concerns relating to the previous scheme. Consequently, we note there is no specific cultural heritage chapter in the Environment Statement.

We have concerns in relation to the impact of the scheme on the historic environment and consider it would result in less than substantial harm to the scheduled 'The Crump: a ringwork 600m south of Berden'. There is also potential for less than substantial harm to the scheduled 'Moated site at Battles Manor'. In our view,

however, the applicant has not provided sufficient information in relation to the impact upon these assets to be assessed.

We recommend that further assessment should be undertaken to establish the impact of the proposals on the significance of heritage assets.

## **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) and 'Moated site at Battles Manor' (LEN 1011630).

The Crump, located to the north 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.

The scheduled 'Moated site at Battles Manor' is the remains of a medieval moated enclosure, located to the south of the proposed development. The northern and southern moat arms remain visible. The eastern and western arms have been infilled but will survive as buried features. The garden between the two moat arms contains a heavy scatter of tile fragments which indicates a former structure, probably the original house, which is documented as dating from the 14th century.

There is high evidential value in both these heritage assets and archaeological remains will be preserved that provide important information relating to the occupation and development of these sites.

The rural setting of the scheduled monuments makes a strong positive contribution to their significance, and how they are experienced in the landscape. Like other examples of their type in this part of England, the scheduled monuments were constructed in the rural landscape. Whilst field boundaries have changed over time, the fundamental agrarian land use in the vicinity of both the scheduled monuments has remained.

There are also a number of Grade II listed buildings within a 1500m radius (Figure 1 of the Heritage Statement).

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 activity to the south of Blakings Lane and south-east of The Crump defined by geophysical survey undertaken to inform this application (Appendix 9 of the Heritage Statement).

We also note the remains of a moated enclosure within the area of the proposed solar arrays (Section 5.22 of the Heritage Statement; HER Monument MEX13939). The remains of this enclosure have been also defined as a microtopographic feature via visualised Lidar data (Appendix 8 of the Heritage Statement). A second potential moated site has been defined within the western extent of the site (MEX1036848) (Section 5.26 of the Heritage Statement).

The applicant has provided a *Gazetteer of identified heritage assets* (Appendix 5 of the Heritage Statement, prepared by Pegasus Group, 02 09 2022), and both designated and non-designated heritage assets are discussed in the Heritage Statement.

An LVIA is also provided with the application (prepared by Pegasus Group, August 2022) and this forms Chapter 6 of the Environmental Statement.

### 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 monuments known as 'Moated site at Battles Manor', to the south, and 'The Crump: a ringwork 600m south of Berden', to the north.

We have concerns that the scheme would result in the erosion of the rural character of the scheduled 'Moated site at Battles Manor', to the south. We note Context Baseline Viewpoint 10B in the LVIA, to the north of Battles Manor (Figure 6.5 of ES Chapter 6). This indicates that the edge of the solar modules would be visible over the brow of the hill, although it is stated in Section 6.23 of the Heritage Statement, '*there is no clear intervisibility between the land within the site and the moated site*'. No photomontage has been submitted for this viewpoint, to enable the visual impact to be assessed.

In terms of the scheduled 'The Crump: a ringwork 600m south of Berden', the development would also, 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. The introduction of solar arrays and ancillary equipment into this landscape would be intrusive and alien. We consider this change 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 north-west, known as Solar Farm near Stocking Pelham scheme (Application ref. S62A/22/0006). At present, it is difficult to assess the cumulative level or extent of harm to The Crump scheduled monument given the lack of an appropriate cumulative impact assessment relating to the historic environment (although we note the LVIA cumulative assessment presented in Section 6.5 of ES Chapter 6).

We also note that non-designated archaeological remains have been detected as anomalies by the geophysical survey within the application site (Appendix 9 of the Heritage Statement). These have not been tested by trial-trenched evaluation to assess their significance.

### 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).

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*’.

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight attaches to the asset’s conservation; the more important the asset, the greater that weight should be. Significance can be harmed through development within an asset’s setting.

Our advice reflects guidance in Historic England’s Historic Environment Good Practice Advice in Planning Note 3 (2017) provides detailed information for the assessment of setting of heritage assets: *Historic Environment Good Practice Advice in Planning Note 3, The Setting of Heritage Assets*.

This guidance indicates that setting embraces all of the surroundings from which an asset can be experienced or that can be experienced from or within the asset. Setting does not have a fixed boundary and cannot be defined, in perpetuity, as a spatially bounded area or as lying within a set distance of a heritage asset.

### 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 to weigh the balance between benefits and the impact and harm to the historic environment.

We welcome the removal of the solar modules in the areas to the south of The Crump and to the north Battles Manor in this resubmission. This reduces the impact of the scheme to some degree on the scheduled monuments. We do still have some concerns, however, about the impact of the proposed development on these monuments.

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 Examining Authority.

We recommend that an additional visualisation is presented and assessed from Viewpoint 10B, to allow the impact to be fully assessed for the scheduled 'Moated site at Battles Manor' and in order to satisfy paragraph 194 of the NPPF.

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 setting of the scheduled 'The Crump: a ringwork 600m south of Berden'.

We consider the application site does contribute to the significance of The Crump and we believe the photomontage from Viewpoint 8, the proxy viewpoint for this heritage asset, indicates that the proposed development would be visible, both in Year 1 and Year 5 (Figure 6.6 of ES Chapter 6). We consider this would result in less than substantial harm to the significance of the scheduled monument. This is contra Section 6.53 of the Heritage Statement that states the proposed development '*is considered to result in no harm to the heritage significance of the Scheduled The Crump*'.

In our view, 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 consider 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.

We also note that no cumulative impact assessment has been carried out in terms of the historic environment. We would recommend that an adequate assessment is undertaken of the cumulative impact of the proposed development together with the proposed solar farm to the north-west (Solar Farm near Stocking Pelham scheme, Application ref. S62A/22/0006) in terms of the scheduled 'The Crump: a ringwork 600m south of Berden'.

We note the presence of non-designated archaeological remains defined by geophysical survey within the application site, and we welcome the removal of panels from two areas of these remains - along the northern extent of the site and to the north of the moated enclosure (Section 5.47 of the Heritage Statement).

The Local Planning Authority's historic environment adviser, ECC Place Services takes the lead in advising on the identification, assessment and scope for mitigation on non-designated buried archaeological remains and we note their advice of 20 February regarding the proposals. We note their concerns about the lack of, and need for, targeted trial-trenching evaluation in advance of the planning decision, in order to assess the nature and complexity of non-designated archaeological remains within the application site.

We consider it is best practice in terms of the assessment of archaeological remains to identify whether any important remains are present that could preclude or modify the proposed development. This approach is proportionate and justified in accordance with NPPF paragraphs 194 and 195 and this is consistent with our advice relating to the previous application (dated 26 November 2021).



Archaeological work at this stage helps to ensure that an application is well-informed and appropriately designed. It also significantly reduces the risk of additional unexpected costs and delays at a later stage. Such a strategy will enable greater ability of archaeological contractors to more accurately cost the mitigation scheme.

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.

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 (both 'The Crump: a ringwork 600m south of Berden' and 'Moated site at Battles Manor' are located close to PROWs) to improve public perception and understanding of these scheduled monuments.

We would recommend these are secured by a condition attached to any planning permission (if granted) or via a developer contribution. Along with a conservation management plan for The Clump, this would, in our opinion, help to offset the harm that we have identified to the historic environment from the development.

## **Recommendation**

Historic England has concerns about 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.

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 our view, however, the applicant has not provided sufficient information in relation to the impact upon the heritage assets to weigh the harm against the public benefits of the proposal, as required by paragraph 202. Consequently, we consider 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 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.



Historic England

Please contact me if we can be of further assistance.

Yours sincerely

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