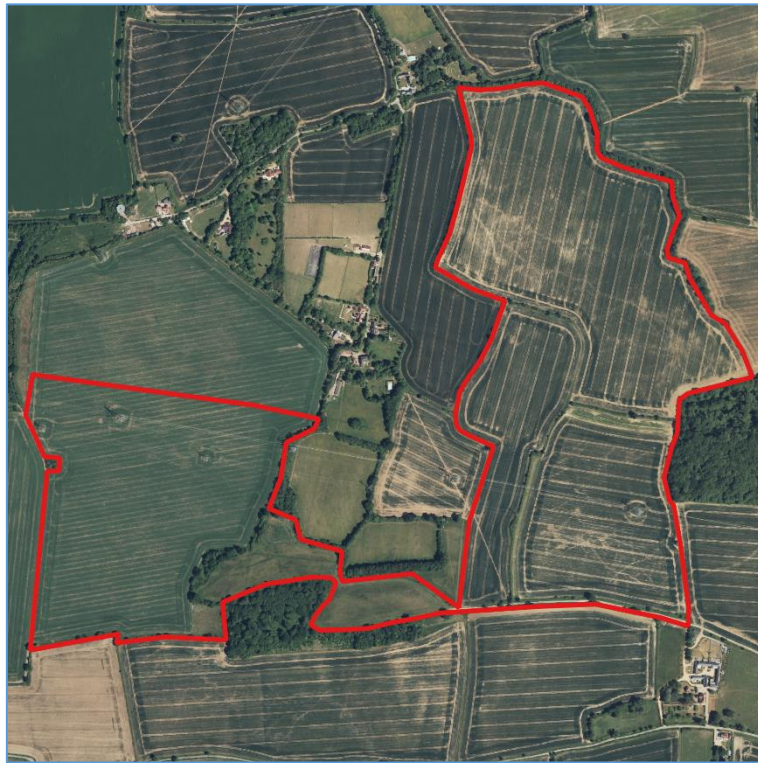


Heritage Impact Assessment

Pelham Spring Solar Farm, Berden



Planning Ref.: S62A/2022/0011

prepared for
Protect the Pelhams

March 2023

Richard Hoggett Heritage

9 Church Street, New Buckenham, Norwich, NR16 2BA
07855 383799 richard@richard-hoggett.co.uk

Contents

List of Figures	ii
1. Introduction	1
2. Legislation, Policy and Guidance	2
2.1 Legislation	2
2.1.1 Ancient Monuments and Archaeological Areas Act 1979	2
2.1.2 Planning (Listed Buildings and Conservation Areas) Act 1990	2
2.2 Planning Policy	3
2.2.1 National Planning Policy Framework	3
2.2.2 Uttlesford Local Plan	4
2.2.3 National Planning Practice Guidance	5
2.2.4 Historic England Guidance	6
3. The Proposed Scheme	9
4. Heritage Impact Assessment	12
4.1 Designated Heritage Assets	12
4.1.1 Scheduled Monuments	12
4.1.2 Listed Buildings	15
4.2 Non-Designated Heritage Assets	25
5. Conclusions	27
6. Bibliography	31
7. About the Author	31

List of Figures

Figure 1.	The location and landscape setting of the proposed development site. Scale 1:20,000. (Ordnance Survey © Crown Copyright 2023. All rights reserved.).....	7
Figure 2.	Modern aerial view showing topographical features within and surrounding the proposed development site. Scale 1:10,000.....	8
Figure 3.	Modern aerial view showing the spatial relationship between the proposed development site and surrounding scheduled monuments. Scale 1:10,000.	14
Figure 4.	Modern aerial view showing the spatial relationship between the proposed development site and surrounding listed buildings. Scale 1:10,000.....	16
Figure 5.	Copy of a 1732 map of Brickhouse Farm, showing the relationship between Brick House and the surrounding agricultural land to the east, south and west.	20
Figure 6.	Long view eastwards from the rear of Brick House, looking towards the proposed development site.	21
Figure 7.	View eastwards from the garden of Brick House, looking towards the proposed development site.	21
Figure 8.	View eastwards from Rose Garth, looking towards the proposed development site.....	23
Figure 9.	View south-eastwards from Rose Garth, showing the small trees the Applicant claims would screen the site.	24
Figure 10.	Long view north-westwards across the development site, showing Rose Garth (centre of frame) in its rural setting.	24

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 construction and operation of a 49.99 megawatt solar farm comprising ground-mounted solar photovoltaic (PV) arrays and battery storage, together with associated development, including inverter cabins, DNO substation, customer switchgear, access, fencing, CCTV cameras and landscaping. 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/22/0011).
- 1.2 The current application is an amended version of a previous planning application for the construction and operation of a solar farm on the site, which was refused on several grounds, including heritage impact, by Uttlesford District Council in January 2022 (UTT/21/3356/FUL).
- 1.3 In preparing this report, I have reviewed all of the relevant submitted documents, with a particular emphasis on the submitted Planning Statement, Design and Access Statement and Heritage Statement, all prepared by Pegasus Group on behalf of Low Carbon Solar Park 6 Limited. In addition, I have consulted the National Heritage List for England (last accessed on 17th March 2023) and I undertook an accompanied site visit with members of Protect the Pelhams on 3rd March 2023. As such, I 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 <https://protectthepelhams.com/>

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.² 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 <https://www.legislation.gov.uk/ukpga/1979/46/contents>

- 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 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 is 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 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 maximising 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.

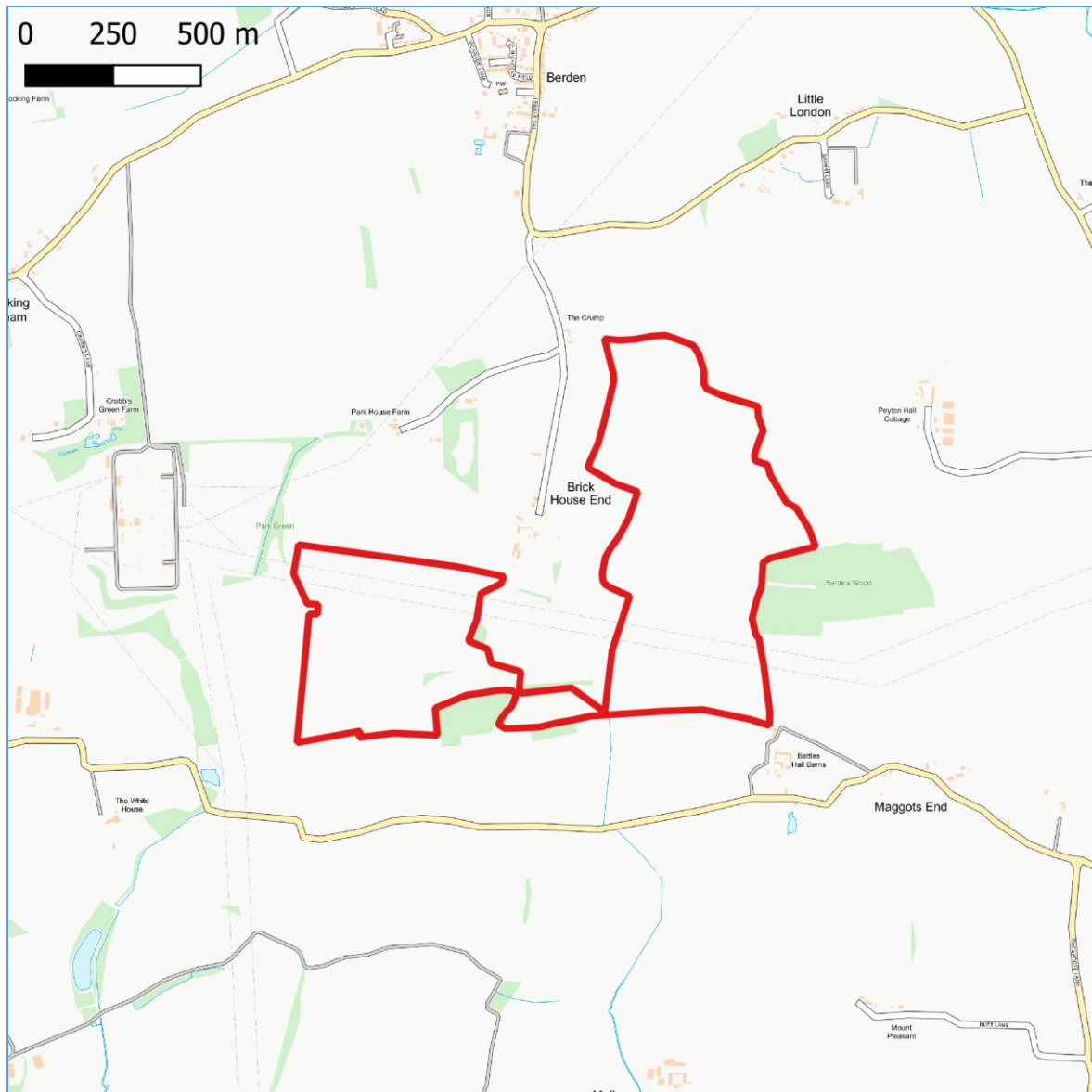


Figure 1. The location and landscape setting of the proposed development site. Scale 1:20,000. (Ordnance Survey © Crown Copyright 2023. All rights reserved.)

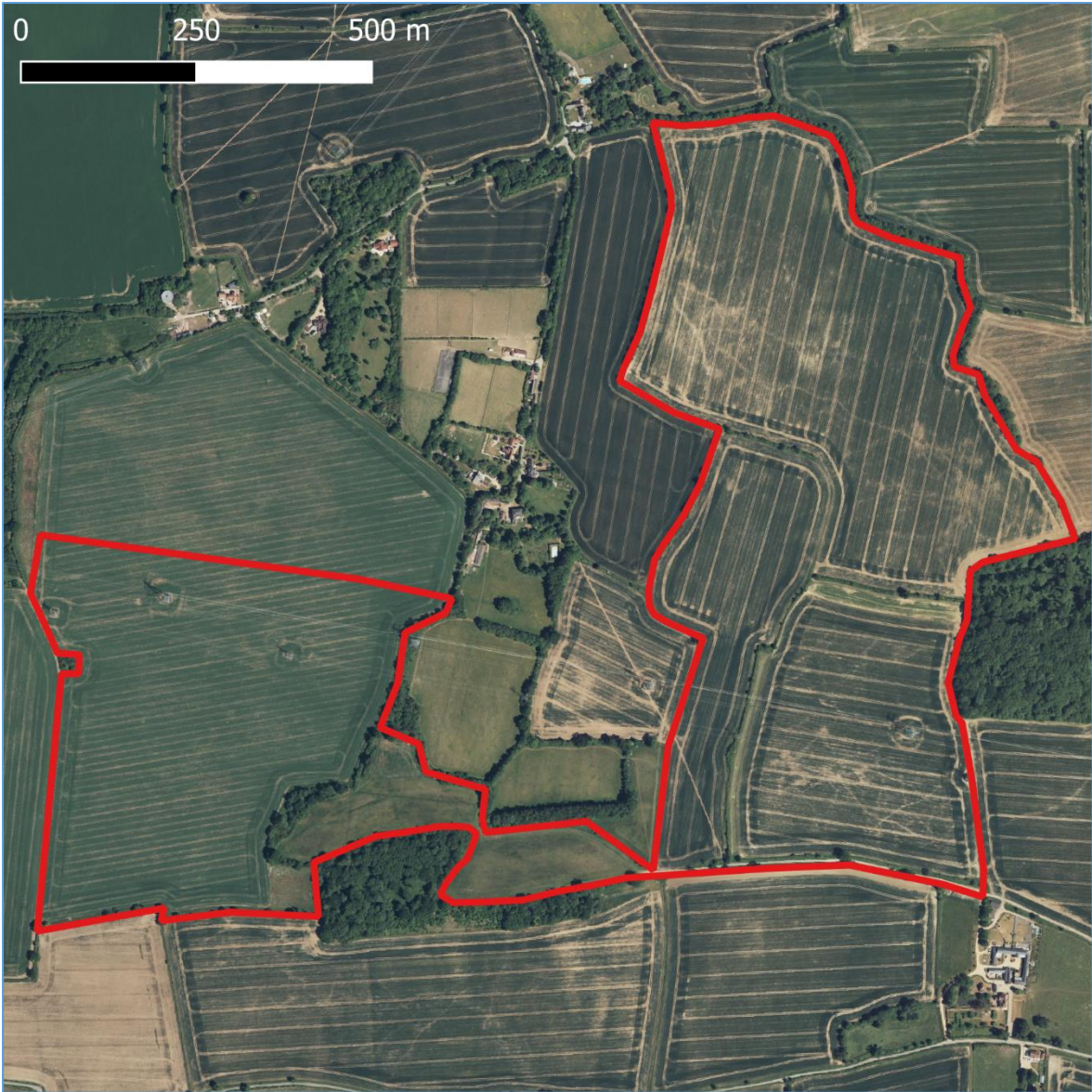


Figure 2. Modern aerial view showing topographical features within and surrounding the proposed development site. Scale 1:10,000.

3. The Proposed Scheme

- 3.1 The proposed development area comprises a 76 hectare parcel of land located at Maggots End, c. 0.8km to the south of the village of Berden, c. 1.2km to the north-west of the village of Manuden and c. 6km to the north of the town of Bishop's Stortford. The northern part of the site is located within Berden parish, while the southern part is located within the parish of Manuden. The entire site lies within the administrative area of Uttlesford District Council.
- 3.2 The western part of the application site comprises part of a large, irregularly-shaped agricultural field surrounded by mature hedgerows and belts of trees. The eastern part of the site comprises three smaller, irregularly-shaped agricultural fields again demarcated by mature hedgerows and trees. The two areas are linked by a narrow belt of irregularly-shaped pasture, which is also bounded by mature hedgerows and belts of trees. Topographically, the highest points of the site are at its eastern (118m aOD) and western (121m aOD) extremities, with both halves of the site sloping down towards its centre (105m aOD). The site is crossed by several Public Rights of Way and is traversed from west to east by a double line of pylons serving the Pelham Substation, which is located some 350m beyond the western edge of the site.
- 3.3 To the east, the application site is bounded by agricultural land and Battle's Wood. To the north, the site is primarily bounded by agricultural land, while the central part of the site is bounded by the settlement which clusters around Brick House End, a part of the wider settlement of Berden, which incorporates several listed buildings and a scheduled ringwork known as The Crump. To the west, the site is bounded by agricultural fields, beyond which stands the Stocking Pelham Substation and the Pelham Battery Storage Facility. To the south, the site is again bounded by agricultural fields, and the historic buildings and scheduled moated site of Battles Hall (which is considered further below) stands at the south-eastern corner of the site.
- 3.4 The historical mapping included in the submitted Heritage Statement by Pegasus Group captures the developmental history of the proposed development site from the late 1770s onwards, indicating that the site has comprised a group of irregularly-shaped agricultural fields since before this date (Ward 2022).
- 3.5 The current application seeks planning permission for the construction and operation for a period of up to 40 years of a 49.99 megawatt solar farm comprising ground-mounted solar photovoltaic (PV) arrays and battery storage, together with associated development, including inverter cabins, DNO substation, customer switchgear, access, fencing, CCTV cameras and landscaping. The majority of the site is given over to solar panels, inverters, and battery containers, while the substation, transformer compound, customer

switchgear and meter kiosk will be located within the central area of the site which is currently given over to pasture.

- 3.6 The solar panels would be laid out in straight south-facing arrays from east to west across the site. There will be a gap of at least 3–4m between each row of arrays and maximum top height of the solar panels would be 3m. The minimum height of the lowest part of the solar modules fixed onto the framework will be 0.9m. In addition to the panels, 23 inverter units and 36 battery units (each the size of standard shipping containers) will be distributed among the panels and accessed via a combination of existing and proposed access tracks. Regarding the boundaries of the site, each field will be surrounded by 2m-high deer fencing, which will act to exclude large mammals and humans from the facility. New hedging and trees will be planted around the periphery of the proposed development site to provide additional screening for the solar farm.
- 3.7 The current application is an amended version of a previous planning application for the construction and operation of a solar farm on the site, which was refused on several grounds, including heritage impact, by Uttlesford District Council in January 2022 (UTT/21/3356/FUL).³
- 3.8 The second reason for refusing the original application stated that:

'There are several heritage assets in close proximity of the site including a number of grade two listed buildings and two ancient monuments. The Local Planning Authority has a duty under Section 66(1) of the Listed Buildings & Conservation Areas Act 1990 to have special regard to the desirability of preserving the setting and significance of any features of special architectural or historical interest.

The existing site positively contributes to the identified heritage assets' setting and significance through being open land with views through to the wider agrarian landscape which preserves their sense of tranquillity. The setting of the heritage assets will inevitably be affected by the proposals which would result in an industrialising effect, contrary to the verdant and rural landscape setting and would result in an erosion of the rural character of the designated heritage assets. The proposals would thereby result in 'less than substantial harm' through change in their setting. Furthermore, a lack of information was submitted in the supporting heritage statement and thereby the impact of the proposals cannot be accurately assessed as part of this application, and no assessment of the potential impacts of the proposals upon the significance of the heritage assets has been made, thus Paragraph 194 of the NPPF (2021) has not been met.

³ <https://publicaccess.uttlesford.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=R2D596QNHMJ00>

Having regard to the guidance in paragraph 202 of the National Planning Policy Framework, the Local Planning Authority has considered the public benefits associated with the development but concludes that these would not outweigh the harm caused to the significance and setting of the designated heritage asset. The proposals are thereby contrary to policy ENV2 and ENV4 of the Adopted Local Plan and the National Planning Policy Framework.'

3.9 In addition, the third reason for refusing the original application stated that:

'The Heritage Statement highlights late prehistoric finds and features, including ring-ditches, within the vicinity of the site along with the probable sites of two medieval moats within the proposed development area. The proposed development also lies in close proximity to two scheduled sites, The Crump, and Battles Hall. Furthermore, their statement identifies the potential for the medieval remains of a possible moated enclosure within the site.

Following the guidance within the NPPF at present the application has not provided appropriate consideration of the impact of the development such as a geophysical assessment and photographic evidence of the area to allow for the LPA to assess the historic environment as required by paragraph 194 and policy ENV4 of the adopted local plan.'

3.10 Following the refusal of permission, the applicant has undertaken further archaeological fieldwork and redesigned elements of the scheme. The following section examines the degree to which the revised scheme has addressed the heritage impacts which contributed to the refusal of the scheme.

4. Heritage Impact Assessment

- 4.0.1 Despite the negative heritage impact of the scheme being cited in two of the reasons for refusal of the original application, it is to be regretted that the Local Planning Authority considered that the impact of the revised scheme on cultural heritage did not need to be fully assessed as part of this planning application. As a consequence, there is no cultural heritage assessment in the submitted Environmental Statement. Instead, the current application is supported by a standalone Heritage Statement prepared by Pegasus Group (Ward 2022), which identifies the designated and non-designated heritage assets within and surrounding the proposed development area and presents an assessment of the likely impact which the scheme will have upon them. The Heritage Statement is informed by the results of a geophysical survey undertaken by Headland Archaeology, included as Appendix 9 of 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 two scheduled monuments lie in very close proximity to its boundaries (Figure 3). The scheduled monument known as 'The Crump' is located 30m to the north of the proposed development area (National Heritage List for England Entry No. 1009308).⁴ The scheduled monument known as the 'Moated Site at Battles Manor' is located 140m to the southern of the proposed development area (National Heritage List for England Entry No. 1011630).⁵

The Crump

- 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, 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 <https://historicengland.org.uk/listing/the-list/list-entry/1009308>

⁵ <https://historicengland.org.uk/listing/the-list/list-entry/1011630>

- 4.1.1.3 The submitted Heritage Statement identifies that 'there is no known historical of functional association between the land within the site and The Crump' (para. 6.47). Given the age of the monument, this is not surprising, but no indication is given in the Heritage Statement of the extent to which such evidence may have been sought as part of the assessment, and the earliest tenorial records consulted appear to be the 19th-century tithe apportionments. There is a strong likelihood that earlier medieval sources would demonstrate such a connection, given the close proximity of The Crump to the proposed development area.
- 4.1.1.4 This issue aside, the submitted Heritage Statement concludes that The Crump derives some of its significance from the agricultural landscape within which the monument is located, but concludes that only the landscape to the north would have formed part of its setting, stating that Blakings Lane to the south of The Crump would have formed a southern boundary to the holding (para. 6.51). Again, this is asserted without any evidence being cited, but the results of the geophysical survey submitted as Appendix 9 (Illustration 14) of the Heritage Statement clearly indicate that there is a dense area of archaeological settlement features focussed on The Crump. Even without a demonstrable historical connection, the agricultural land to the south of The Crump, some of which lies within the proposed development area, did and does also form a part of the setting of The Crump.
- 4.1.1.5 The submitted Heritage Statement concludes that, while the proposed development of the solar farm would result in a change of character of the land within the site from the current (and historical) agricultural character to a landscape of industrialised energy production on a very large scale, the lack of historical association and intervening hedgerows will mean that the development would result in no harm to the significance of the scheduled monument. I disagree with this conclusion and consider that the change of landscape character which would be brought about by the proposed development would have a much greater impact than is stated by the Applicant. The proposed development area encompasses much of the agricultural land to the south-east of the monument and I conclude that the development would result in 'less than substantial harm' to the scheduled monument.
- 4.1.1.6 My conclusion accords with that of Historic England. In their consultation response dated 23 February 2023, Dr Jess Tipper (Inspector of Ancient Monuments) also concluded that the development would result in 'less than substantial harm' to the scheduled monument. 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 surrounding scheduled monuments. Scale 1:10,000.

Battles Hall Moated Site

4.1.1.7 The 'Battles Hall Moated Site' comprises a rectangular moated site, the northern and southern arms of which are still extant, while the eastern and western arms have been infilled. The southern arm is 60m long and the northern arm is 52m long, and both arms are 12m wide. The garden between the two arms contains a heavy scatter of tile fragments which indicates a former structure, probably the original house, which is documented from the 14th century. The garden wall, which runs along the south side of the northern arm and continues along the western edge of the island, is constructed of early brick and contains a 16th-century entrance which is now blocked up.

4.1.1.8 The submitted Heritage Statement identifies a long-established historical connection between Battles Hall and land within the proposed development

area, which continues to this day (para. 6.13), and concludes that setting contributes to the significance of the scheduled monument, including the agricultural land within the site (paras 6.18–21). Although the Applicant concludes that the land within the site makes 'a very minor contribution' to the significance of the setting, they conclude that even with the scheme's in-built mitigation the proposed development will result in 'less than substantial harm' to the scheduled monument. The Applicant considers that this harm falls 'at the lowermost end of the spectrum'. While I agree that the development would result in 'less than substantial harm', I consider that the Applicant's conclusion understates the detrimental impact which the change of landscape character brought about by the development would have, and conclude that this harm would lie further up, towards the middle of the scale.

4.1.1.9 Again, my conclusion accords with that of Historic England, who concluded in their consultation response that there was the potential for 'less than substantial harm' to be caused to the scheduled moated site. 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'.

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 listed buildings, all of them Grade II, have the potential to be affected by the proposed development of the solar farm because the site forms part of their setting:

- Battles Hall (Grade II; NHLE No. 1276720)⁶
- Dovecote 30m NW of Battles (Grade II; NHLE No. 1239462)⁷
- Cartlodge 30m SE of Battles (Grade II; NHLE No. 1239353)⁸
- The Crump and former barn (Grade II; NHLE 1112471)⁹
- Brick House (Grade II; NHLE No. 1170302)¹⁰

⁶ <https://historicengland.org.uk/listing/the-list/list-entry/1276720>

⁷ <https://historicengland.org.uk/listing/the-list/list-entry/1239462>

⁸ <https://historicengland.org.uk/listing/the-list/list-entry/1239353>

⁹ <https://historicengland.org.uk/listing/the-list/list-entry/1112471>

¹⁰ <https://historicengland.org.uk/listing/the-list/list-entry/1170302>

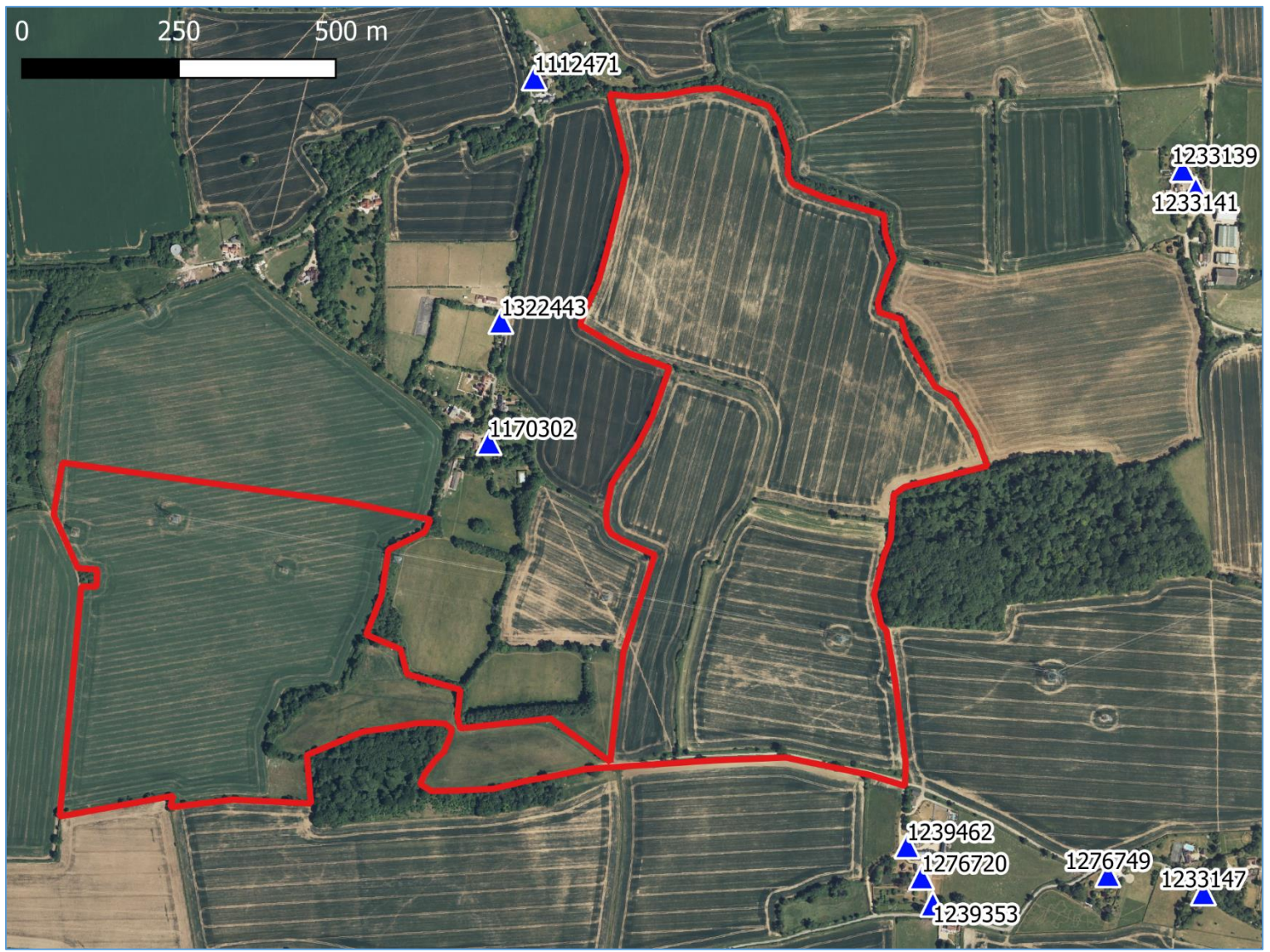


Figure 4. Modern aerial view showing the spatial relationship between the proposed development site and surrounding listed buildings. Scale 1:10,000.

- Rose Garth (Grade II; NHLE No. 1322443)¹¹
- Peyton Hall (Grade II; NHLE No. 1233139)¹²
- Barn to SE of Peyton Hall (Grade II; NHLE No. 1233141)¹³

4.1.2.2 I agree with the identification of these buildings, and agree with the Applicant's assessment that The Crump and former barn (NHLE 1112471), Peyton Hall (NHLE No. 1233139) and the barn to its south-east (NHLE No. 1233141) will not be affected by the proposed development. However, 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 the other buildings on the identified list.

Battles Hall Complex (Battles Hall, Dovecote and Cartlodge)

- 4.1.2.3 The Grade II-listed Battles Hall stands 150m to the south of the proposed development area, while its associated Grade II-listed dovecote stands 95m from the site and Grade II-listed cartlodge is located 195m from the site. The main Hall was listed in 1951, while the dovecote and cartlodge were listed in 1983. Although the three buildings form part of the same complex and are interrelated, they are listed as three separate buildings.
- 4.1.2.4 Battles Hall is a partly moated timber-framed building built c. 1660 using some materials from an early house on the site. The building is of two storeys, with attics and cellars, under a tiled roof, which is hipped at the north and south ends. There is an original central chimney stack with a moulded brick stringcourse at its base. The exterior of the ground floor is faced in brick and that of the first storey is plastered. A two-storeyed entrance porch projects on the front. The windows are mainly double-hung sashes with glazing bars, but south of the porch there is an original mullioned and transomed window with leaded lights.
- 4.1.2.5 The dovecote is a two-storey structure of red brick laid in a Flemish bond under a tiled roof and dates from the 18th or 19th centuries. There is a single-storey lean-to on the southern end of the building which is initialled and dated 1812 above its entrance door.
- 4.1.2.6 The cartlodge is a timber-framed and weatherboarded building under a thatched, hipped roof, and dates from the 17th or 18th centuries. Oriented north-south, the building has seven bays, the northernmost two of which are enclosed.
- 4.1.2.7 As with the scheduled moated site, which is the precursor to the extant building, the submitted Heritage Statement identifies a long-established historical connection between Battles Hall and land within the proposed development area, which continues to this day (para. 6.30). The Heritage Statement also

¹¹ <https://historicengland.org.uk/listing/the-list/list-entry/1322443>

¹² <https://historicengland.org.uk/listing/the-list/list-entry/1233139>

¹³ <https://historicengland.org.uk/listing/the-list/list-entry/1233141>

concludes that setting contributes to the significance of all three of these listed buildings and includes the views towards the group which are afforded from the nearby public rights of way (para. 6.39), as well as parts of the surrounding agricultural land which forms the immediate historical setting of the farmstead (para. 6.40).

- 4.1.2.8 Although the Applicant concludes that the land within the site makes 'a very minor contribution' to the significance of the setting (para. 6.41), they conclude that even with the scheme's in-built mitigation the proposed development will result in 'less than substantial harm' to all three of the listed buildings (para. 6.42). The Applicant considers that this harm falls 'at the lower end of the spectrum'. While I agree that the development would result in 'less than substantial harm', I consider that the Applicant's conclusion understates the detrimental impact which the change of landscape character brought about by the development would have, and conclude that this harm would lie further up the scale. 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'.

Brick House

- 4.1.2.9 At its core, Brick House is a timber-framed house with 16th- to 17th-century origins, but it was completely refaced in red brick in 1670. The façade features a five-window range of double-hung sashes with glazing bars, set in flush cased frames. The ground-floor windows have segmental heads of 1670. A raised brick band extends across the front between the storeys. The roof is slated and hipped at the east and west ends.
- 4.1.2.10 In the submitted Heritage Statement, Brick House is described as standing 215m west of the site, but as can clearly be seen in Figure 4, this description does not convey the full nature of the relationship between the site and Brick House. While the house is indeed 215m from the *eastern* part of the site, at its closest point the house is only 150m from the *western* part of the site, and the house and its grounds are effectively enclosed by the development to the east, south and west, with the substation proposed for the land to the south of the house.
- 4.1.2.11 The Heritage Statement states that there is no known historical association between Brick House and land within the proposed development area (para. 6.67), although no evidence is presented for this assertion and the earliest records examined are apparently the 19th-century tithe apportionment. Although the Heritage Statement concludes that 'some parts' of the surrounding agricultural landscape contribute to the significance of the building, as part of its rural setting, the Applicant states that the site itself is not part of the setting of the listed building (para. 6.74). Again, these statements demonstrate a fundamental misunderstanding of the significance of the building on the

Applicant's part, for Brick House has its origins as the principal dwelling for Brickhouse Farm, which encompassed much of the surrounding land. This is clearly demonstrated by a 1732 map of Brickhouse Farm, which was then owned by Christ's Hospital, London (reproduced here as Figure 5),¹⁴ which clearly indicates that some of the land to the east of the house, as well as all of the land to the south and the west of the house was formerly part of the farm, including all of the land on which the western part of the solar farm and substation are proposed to be built.

- 4.1.2.12 The Heritage Statement also states that 'glimpsed views' of the site are afforded from land adjacent to Brick House and that views of the house are obtained from within the site itself (para. 6.68–69) and concludes that the building is best appreciated from its front garden and the lane on which it stands (para. 6.70). While the Applicant has only viewed Brick House from the road and has not been able to enter the grounds to undertake a fuller assessment of the extent and character of the property's setting, during my own visit to Brick House it was apparent that the land to the south of the building makes an important contribution towards the setting of the building and that extensive views of the proposed development site can be obtained from the building and its grounds (for example, Figures 6 and 7). The visual impact of the development upon Brick House is exacerbated by the fact that it stands at the lowest point of the surrounding area, with the land rising to the east and west, and it is on this rising land that the solar farm will be constructed. The elevated position of these panels will make them particularly visible from the rear of Brick House itself and also from throughout the extensive grounds which constitute its setting, which include formal gardens, a swimming pool and paddocks.
- 4.1.2.13 The Applicant concludes that the proposed development will have no impact on the significance of Brick House (paras 6.74-75). I disagree strongly with this conclusion, which is based on the mistaken belief that there is no historical association between Brick House and its surrounding landscape. As is clearly demonstrated by the 1732 map reproduced as Figure 5, there is a very strong historical relationship between Brick House and much of the proposed development site. On the basis of the historical mapping and my own site visit, I conclude that the proposed development will result in 'less than substantial harm' to the significance of the building resulting from the fundamental change of landscape character of its historical and present agricultural setting. Given the nature of this historical association and the extent of the affected views, I conclude that this harm lies towards the middle of the 'less than substantial' scale.

¹⁴ London Metropolitan Archives: CLC/210/H/062/MS22639/001
(https://search.lma.gov.uk/LMA_DOC/CLC_210.PDF)



Figure 5. Copy of a 1732 map of Brickhouse Farm, showing the relationship between Brick House and the surrounding agricultural land to the east, south and west.



Figure 6. Long view eastwards from the rear of Brick House, looking towards the proposed development site.



Figure 7. View eastwards from the garden of Brick House, looking towards the proposed development site.

4.1.2.14 This conclusion accords with the formal Historic Buildings and Conservation Advice submitted by Place Services in a consultation response dated 16th February 2023, in which Thomas Muston (Historic Environment Team) concluded that the proposed development would result in 'less than substantial harm'. Place Services concluded that this harm was at the lower end of the scale, although this was determined without the benefit of the mapping and site visit referred to here, which cause me to rate the level of harm more highly. 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'.

Rose Garth

4.1.2.15 Rose Garth is a 17th-century timber-framed and plastered building, which stands 125m to the west of the eastern part of the proposed development site and fronts onto the north-south lane which connects Berden to Brickhouse End. It is a single-storey building, with attics, under a thatched roof and features a central chimney stack and an external chimney stack at its southern end. The building has small casement windows with lattice leaded lights and was restored in the late 20th century.

4.1.2.16 The Heritage Statement states that there is no known historical association between Rose Garth and land within the proposed development area (para. 6.79), although again no evidence is presented for this assertion and the earliest records examined are apparently the 19th-century tithe apportionment.

4.1.2.17 The main façade of Rose Garth looks eastward across the road and has clear views of the eastern part of the proposed development site, which are made all the clearer by the rising topography to the east (Figure 8). The submitted Heritage Statement acknowledges this relationship (para. 6.80), but states that the trees which stand to the east of the building will screen the site to such a degree that these are reduced to 'glimpsed' views. This is a very spurious statement, as the six trees in question are small and spindly and the area which they cover is not even as long as the building itself and it is very apparent that they would not screen much (if any) of the solar farm which is proposed to fill much of the hillslope to the east (Figure 9).

4.1.2.18 The Heritage Statement concludes that Rose Garth derives some of its significance from its setting, and that this includes 'some parts' of the surrounding agricultural landscape, although the Applicant is at pains to stress (but not explain) that this does not include the agricultural land within the application site (para. 6.85-86). As a consequence, the Applicant concludes that the proposed development will have no effect upon the setting or significance of Rose Garth. Again, I disagree strongly with this conclusion. Clearly there is a strong intervisibility between Rose Garth and the application site, which is

emphasised by the rising ground and which the small trees alluded to by the Applicant will do little to sever, and the agricultural surroundings of the site make a strong contribution to its significance. The change in landscape character brought about by the scheme will be exacerbated by the topography, resulting in harm to the significance of the building.

4.1.2.19 Furthermore, it was very apparent during my own site visit that the long, low, thatched roof of Rose Garth and its eastern façade are clearly visible in long-range views across and from within the proposed development area, especially from the public right of way at the southern edge of the site (Figure 10). In these views the building can clearly be read as a rural vernacular 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 Rose Garth, of which the proposed development site forms a large part, makes a much greater contribution to the setting and significance of the building than the Applicant allows. These long views will be severed by the construction of the solar farm, which will also harm the setting of the building.



Figure 8. View eastwards from Rose Garth, looking towards the proposed development site.



Figure 9. View south-eastwards from Rose Garth, showing the small trees the Applicant claims would screen the site.



Figure 10. Long view north-westwards across the development site, showing Rose Garth (centre of frame) in its rural setting.

4.1.2.20 Rather than the 'no harm' identified by the Applicant, I conclude that the proposed development would cause 'less than substantial harm' to the setting and significance of Rose Garth resulting from the fundamental change of landscape character of its historical and present agricultural setting and the severance of the long views of the building. I consider that this harm lies towards the middle of the 'less than substantial' scale. This conclusion accords with the formal Historic Buildings and Conservation Advice submitted by Place Services in a consultation response dated 16th February 2023, in which Thomas Muston (Historic Environment Team) concluded that the proposed development would result in 'less than substantial harm'. Place Services concluded that this harm was at the lower end of the scale, although this was determined without the benefit of the long views evident during my site visit, which cause me to rate the level of harm more highly. 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'.

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 an assessment of the archaeological potential of the proposed development area, which is informed by data extracts from the Essex Historic Environment Record and the results of a geophysical survey undertaken by Headland Archaeology, included as Appendix 9 of the Heritage Statement.
- 4.2.3 The geophysical survey identified two areas of possible Iron Age and/or Romano-British settlement activity within the northern part of the eastern half of the site and the western part of the western half of the site. The survey shows large complexes of enclosures, the likely dates of which are corroborated by morphology and associated surface finds. As a consequence, the Heritage Statement concludes that the potential for significant archaeological remains dating from these periods is 'moderate to high'. On the evidence contained within the geophysical survey report, the archaeological potential is clearly 'high' or 'very high' in the areas identified and across the wider site.
- 4.2.4 The geophysical survey also identified the location of three sides of a medieval moated site in the centre of the eastern half of the site. This is surrounded by a number of smaller enclosures, which may also be related to the moated site. The Heritage Statement recognises that the archaeological remains of the moated site are significant, but indicates that the proposed development will cover its location, resulting in harm to this non-designated heritage asset.

- 4.2.5 By way of archaeological mitigation, the Heritage Statement indicates that solar panels will not be constructed on the northern part of the eastern area of the site, but that the rest of the site will be developed, including the western area of possible Iron Age and Romano-British settlement and the area of the moated site. It is stated that each panel will be supported on piles which, while each causing localised disturbance, in the quantity which will be required for the solar farm has the potential to cause a great deal of archaeological disturbance.
- 4.2.6 Overall, the geophysical survey and previous archaeological discoveries indicate that the archaeological potential of the site is high. To date, although the geophysical survey have been undertaken by the Applicant, no invasive fieldwork has been undertaken in order to ground-truth the results of the 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* beyond those areas already marked for exclusion.
- 4.2.7 Given the archaeological sensitivity of the site and the demonstrable presence of extensive archaeological features, it would be appropriate for a programme of archaeological trial trenching to be undertaken before it is possible to determine the application. 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.
- 4.2.8 This conclusion accords with the Specialist Archaeological Advice given by Place Services in their consultation response dated 20th February 2023, in which Katie Lee-Smith (Historic Environment Team) recommended that a programme of archaeological trial-trenching evaluation should be undertaken in advance of a planning decision. This recommendation was echoed by Historic England in their consultation response dated 23rd February 2023, in which Dr Jess Tipper (Inspector of Ancient Monuments) also stated that the lack of archaeological trial-trenching was a significant omission and that such trenching should be undertaken before the application is determined.

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. 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/22/0011).
- 5.2 The proposed development area comprises a 76 hectare parcel of land located at Maggots End, c. 0.8km to the south of the village of Berden and c. 1.2km to the north-west of the village of Manuden. The western part of the application site comprises part of a large, irregularly-shaped agricultural field surrounded by mature hedgerows and belts of trees. The eastern part of the site comprises three smaller, irregularly-shaped agricultural fields again demarcated by mature hedgerows and trees. The two areas are linked by a narrow belt of irregularly-shaped pasture, which is also bounded by mature hedgerows and belts of trees.
- 5.3 There are no scheduled monuments within the proposed development area itself, but two scheduled monuments lie in very close proximity to its boundaries. The scheduled monument known as 'The Crump' is located 30m to the north of the proposed development area (National Heritage List for England Entry No. 1009308). The scheduled monument known as the 'Moated Site at Battles Manor' is located 140m to the southern of the proposed development area (National Heritage List for England Entry No. 1011630).
- 5.4 Regarding The Crump, the Applicant concludes that, while the proposed development of the solar farm would result in a change of character of the land within the site from the current (and historical) agricultural character to a landscape of industrialised energy production on a very large scale, the lack of historical association and intervening hedgerows will mean that the development would result in no harm to the significance of the scheduled monument. I disagree with this conclusion and consider that the change of landscape character which would be brought about by the proposed development would have a much greater impact than is stated by the Applicant. The proposed development area encompasses much of the agricultural land to the south-east of the monument and I conclude that the development would result in 'less than substantial harm' to the scheduled monument. My conclusion accords with that of Historic England. In their consultation response dated 23 February 2023, Dr Jess Tipper (Inspector of Ancient Monuments) also concluded that the development would result in 'less than substantial harm' to the scheduled monument.

- 5.5 Regarding the Moated Site at Battles Manor, the Applicant concludes that even with the scheme's in-built mitigation the proposed development will result in 'less than substantial harm' to the scheduled monument. The Applicant considers that this harm falls 'at the lowermost end of the spectrum'. While I agree that the development would result in 'less than substantial harm', I consider that the Applicant's conclusion understates the detrimental impact which the change of landscape character brought about by the development would have, and conclude that this harm would lie further up the scale.
- 5.6 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 Heritage Statement presents a detailed assessment of the listed buildings which stand within the environs of the site and identifies that the following listed buildings, all of them Grade II, have the potential to be affected by the proposed development because the site forms part of their setting:
- Battles Hall (Grade II; NHLE No. 1276720)
 - Dovecote 30m NW of Battles (Grade II; NHLE No. 1239462)
 - Cartlodge 30m SE of Battles (Grade II; NHLE No. 1239353)
 - The Crump and former barn (Grade II; NHLE 1112471)
 - Brick House (Grade II; NHLE No. 1170302)
 - Rose Garth (Grade II; NHLE No. 1322443)
 - Peyton Hall (Grade II; NHLE No. 1233139)
 - Barn to SE of Peyton Hall (Grade II; NHLE No. 1233141)
- 5.7 I agree with the identification of these buildings, and agree with the Applicant's assessment that The Crump and former barn (NHLE 1112471), Peyton Hall (NHLE No. 1233139) and the barn to its south-east (NHLE No. 1233141) will not be affected by the proposed development. However, I disagree with the applicant's assessments of the likely heritage impact which the proposed development would have upon the significance of the other buildings on the identified list.
- 5.8 Regarding the Battles Hall complex (Battles Hall, dovecote and cartlodge), the Applicant concludes that even with the scheme's in-built mitigation the proposed development will result in 'less than substantial harm' to all three of the listed buildings. The Applicant considers that this harm falls 'at the lower end of the spectrum'. While I agree that the development would result in 'less than substantial harm', I consider that the Applicant's conclusion understates the detrimental impact which the change of landscape character brought about by the development would have, and conclude that this harm would lie further up the scale.
- 5.9 Regarding Brick House, the Applicant concludes that the proposed development will have no impact on the significance of the building. I disagree

strongly with this conclusion, which is based on the mistaken belief that there is no historical association between Brick House and its surrounding landscape. As is clearly demonstrated by the 1732 map reproduced as Figure 5, there is a very strong and clearly demonstrable historical relationship between Brick House and much of the proposed development site. On the basis of the historical mapping and my own site visit, I conclude that the proposed development will result in 'less than substantial harm' to the significance of the building resulting from the fundamental change of landscape character of its historical and present agricultural setting. Given the nature of this historical association and the extent of the affected views, I conclude that this harm lies towards the middle of the 'less than substantial' scale.

- 5.10 Regarding Rose Garth, the Applicant concludes that the proposed development will have no impact on the significance of the building. I disagree and conclude that the proposed development would cause 'less than substantial harm' to the setting and significance of Rose Garth resulting from the fundamental change of landscape character of its historical and present agricultural setting and the severance of the long views of the building. I consider that this harm lies towards the middle of the 'less than substantial' scale. This conclusion accords with the formal Historic Buildings and Conservation Advice submitted by Place Services in a consultation response dated 16th February 2023, which concluded that the proposed development would result in 'less than substantial harm'.
- 5.11 The submitted Heritage Statement also includes an assessment of the archaeological potential of the proposed development area, which indicates that the proposed development area is of high archaeological potential. To date, although a geophysical survey has been undertaken by the applicant, 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*. 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.' I conclude that the Applicant should be required to undertake a programme of archaeological trial-trench evaluation before the application is determined, and this conclusion is echoed in the consultation responses made by Historic England and Place Services.

- 5.12 The proposed development of the Pelham Springs solar farm will cause 'less than substantial harm' to the significance of two scheduled monuments – The Crump and the Battles Hall moated site – and five Grade II-listed buildings – Battles Hall and associated dovecote and cartlodge, Brick House and Rose Garth. Under paragraph 202 of the NPPF (2021) this 'less than substantial harm' needs to be weighed against the public benefits of the proposal. Paragraph 199 of the NPPF (2021) states that in applying the planning balance 'great weight' should be given to their conservation. The NPPF is explicit that the more important these assets are, the greater the weight should be.
- 5.13 Finally, in addition to the heritage impacts identified in this report, due consideration also needs to be given to the cumulative heritage impact which may be caused by the proposed development of the neighbouring Berden Hall Solar Farm, which is located to the west of the Pelham Springs solar farm site and is currently subject of an active planning application being determined by the Planning Inspectorate (Planning Ref.: S62A/22/0006). The submitted Heritage Statement fails to consider the possible cumulative impacts of the two schemes, both of which would result in 'less than substantial harm' to the setting of The Crump scheduled monument, which lies between the two schemes. The Berden Hall scheme is due to be determined before the current scheme, and its outcome should also be a material consideration in determining the heritage harm of the current proposals.

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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.