

**TOWN AND COUNTRY PLANNING (INQUIRIES PROCEDURE)  
(ENGLAND) RULES 2000**

**RULE 6 STATEMENT OF CASE ON BEHALF OF ENGLISH HERITAGE  
(THE HISTORIC BUILDINGS AND MONUMENTS COMMISSION FOR  
ENGLAND) IN RELATION TO:**

Scheduled monuments consent applications:

1. Site of Waltham Hall, Takeley, Littleford, Essex (County Monument number 143); and
2. The Grange Moated Site and Fishpond, Takeley, Uttlesford, Essex (National Monument Number 20719)

in conjunction with the proposed development by BAA Limited and Stansted Airport Limited for a second runway at Stansted airport, Essex, CM24 1QW

*Secretary of State references:*

*HSD9/2/10277*

*HSD9/2/10279*

## **1. THE ROLE OF ENGLISH HERITAGE**

1.1 English Heritage is an independent, grant-aided body governed by Commissioners and was established with effect from 1 April 1984 under section 32 of the National Heritage Act 1983. The general duties of English Heritage are as follows:

‘...So far as is practicable...,

- a) to secure the preservation of ancient monuments and historic buildings situated in England; and
- b) to promote the preservation and enhancement of the character and appearance of conservation areas situated in England; and
- c) to promote the public’s enjoyment, and advance their knowledge, of ancient monuments and historic buildings in England.’

1.2 English Heritage’s sponsoring ministry is the Department for Culture, Media and Sport (“DCMS”), although its remit in conservation matters intersects with the policy responsibilities of a number of other government departments, particularly the Department of Communities and Local Government (“DCLG”), with its responsibilities for land-use planning matters.

1.3 English Heritage is a statutory consultee providing advice to local planning authorities on certain categories of application for planning permission, listed building consent and conservation area consent. Similarly English Heritage advises both Secretaries of State on those applications, subsequent appeals and on other matters generally affecting the historic environment. It is regarded as the lead body for the heritage sector and is the Government’s principal adviser on the historic environment.

1.4 English Heritage is a major source of funding for the historic environment and is responsible for the preservation and presentation of over four hundred historic properties in the nation’s care. Further details are set out in Annex A6-A9 of Planning Policy Guidance Note 15: Planning and the Historic Environment (PPG15).

## **2 THE PROPOSAL**

2.1 Applications were submitted on 28 April 2008 for Scheduled Monument Consent to carry out works resulting in the destruction of the following Scheduled Ancient Monuments:

2.1.1 Site of Waltham Hall, Takeley, Littleford, Essex (County Monument number 143); and

2.1.2 The Grange Moated Site and Fishpond, Takeley, Uttlesford, Essex (National Monument Number 20719)

2.2 These works are required as part of the proposed expansion of Stansted airport through the provision of a second runway, improvement of rail access, provision of new means of access from the M11 and A120, a new terminal and new control tower and extensive ancillary facilities including hangers, maintenance facility, fuel depot, hotels, offices and car parks.

2.3 This Statement of Case should be read in conjunction with an Outline Statement of Case prepared by English Heritage and dated 13<sup>th</sup> October 2008 which sets out its case in relation to the impact on the historic environment arising from the proposals set out in various planning and related applications for the overall scheme.

### **3 THE SITES AND THEIR HISTORIC CONTEXT**

3.1 Stansted airport lies in the rural landscape of north-west Essex and east Hertfordshire. It is a landscape that is little spoilt other than with the presence of the airport and adjacent major roads and is rich in historic character. The area most directly affected by the scheme consists of two parts: a plateau on which the airport sits and the upper reaches of the Chelmer valley to the east.

3.2 The area as a whole preserves much understandable evidence of the pattern of probable Saxon settlement and subsequent manorial organisation. Within this historic landscape, medieval moated enclosures are a particularly important component, both in terms of their visual character and their potential to contain important archaeological remains of the significant homesteads and farmsteads with which they are associated. Within this context of historic landscape there are 2 scheduled monuments (“The Grange” and “Waltham Hall”), and 35 historic buildings, 13 of which are listed. The richness of the historic landscape is mirrored by that of buried archaeological remains. Scattered flint artefacts from the Palaeolithic and Neolithic periods have been found across the area, and in addition, 5 Bronze Age settlements have been discovered together with 4 Iron Age and 1 Romano-British settlement.

3.3 Monuments are Scheduled if they are nationally important. There are some 20,000 Scheduled sites in England. They are of the highest historic and archaeological significance and in terms of importance can generally be considered equivalent to grade I Listed Buildings.

3.4 The two Scheduled Monuments, which would be destroyed, are nationally important sites that fully deserve their Scheduled Monument status. They both hold significant known historic interest. In addition, archaeological investigations of both sites at some point in the future

would be of significant value as both show potential for yielding important evidence of past lives that would be of national interest.

#### **4 THE ISSUES**

- 4.1 The Secretary of State for Culture, Media and Sport decided in July 2008 to hold an inquiry in respect of these applications.
- 4.2 The proposal will impact on the historic environment generally and the destruction of the Scheduled Monuments should not be looked at in isolation from the other impacts (see Outline Statement of Case on other Stansted applications).
- 4.3 In evidence English Heritage will describe the two Scheduled Monuments affected by the proposal, why they were Scheduled and what their significance is. English Heritage will give evidence on the importance and value of retaining sites and remains of historic and archaeological significance in situ and of the lost value to this and future generations if the sites are destroyed, even if they are recorded as they are removed. The impact of the Stansted proposals on the historic environment generally will be dramatic and severe. The destruction of these Scheduled Monuments is a principal part of that impact.
- 4.4 In determining the Scheduled Monument Consent applications, regard must be had to the relevant guidance. The Government's policy as set out in Planning Policy Guidance 16 notes in paragraph 8 "Where nationally important archaeological remains, whether scheduled or not, and their settings are affected by proposed development there should be a presumption in favour of their physical preservation." English Heritage therefore considers that destruction should only be permitted if the Secretary of State is of the opinion that the merits of the various applications (and therefore the airport expansion overall) justifiably and decisively outweigh the loss of the monuments as well as the other impacts on the historic environment as set out in the Outline Statement of Case.
- 4.5 With regard to any mitigation, the Applicant's proposals may in principle be acceptable subject to appropriate measures being put in place (through conditions or otherwise) to ensure the greatest understanding of the historic significance of the assets is secured before they are destroyed. English Heritage will bring evidence as to what these measures are and how they should be achieved.

#### **5 DOCUMENTS THAT MAY BE REFERRED TO AT THE INQUIRY**

- 5.1 English Heritage may produce or refer to the following documents at the Inquiry:
  - 5.1.1 National policy guidance, particularly PPS1 and PPG15 and PPG16

- 5.1.2 Regional policy guidance and the Development Plan
- 5.1.3 Conservation Principles (April 2008)
- 5.1.4 Scheduled Monuments descriptions and other material relevant to understanding the significance of the assets that would be affected by the proposed development.
- 5.1.5 English Heritage's pre application advice letter to BAA dated 30 November 2007
- 5.1.6 Relevant case law and any other relevant plans, policy advice/guidance, research papers and relevant documentation.
- 5.2 English Heritage reserves the right to refer to other documents and evidence as a result of any issues raised by the applicant, local planning authority or other parties.