

**STATEMENT OF CASE IN RESPECT OF THE APPLICATIONS FOR SCHEDULED  
MONUMENT CONSENT RELATING TO**

- **SITE AT WALTHAM HALL, TAKELEY, UTTLESFORD, ESSEX (COUNTY  
MONUMENT NO. EX 143)**
- **THE GRANGE MOATED SITE AND FISHPOND, TAKELEY, UTTLESFORD,  
ESSEX (NATIONAL MONUMENT NO. 20719)**

**07 October 2008**

**Generation2**

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## SECTION 1: INTRODUCTION

- 1.1 This is the Statement of Case of BAA Limited and Stansted Airport Limited (hereafter referred to as BAA) in respect of the applications for Scheduled Monument Consent to carry out works resulting in the destruction of the following two named Scheduled Monuments:
- Site of Waltham Hall, Takeley, Uttlesford, Essex (County Monument Number EX 143).
  - The Grange Moated Site and Fishpond, Takeley, Uttlesford, Essex (National Monument Number 20719).
- 1.2 The works to the Scheduled Monuments are necessary to enable the implementation of the Stansted Generation 2 Airport Project (the G2 Airport Project) for the expansion of Stansted Airport to accommodate a throughput of 68 million passengers per annum (mppa) by about 2030 in accordance with national air transport policy set out in the Air Transport White Paper (2003) (ATWP).
- 1.3 The G2 Airport Project forms part of the overall G2 Project. The component parts of the G2 Project are described in Section 1 of Volume 1 of the *G2 Airport Project Environmental Statement* (March 2008) (hereafter called the ES), as the G2 Airport Project, the Stansted Rail Improvement Project and the G2 Airport Access from M11 and A120 Project. The G2 Airport Project, of which the applications for Scheduled Monument Consent form a part, is that part of the overall G2 Project which is concerned principally with the development of the airport itself.
- 1.4 This Statement of Case responds to the requirement set out in the letter from the Department for Culture, Media and Sport dated 21 July 2008 which notified BAA that the Secretary of State had called in the Applications and a Statement of Case should be provided within eight weeks of the date of the letter.
- 1.5 This Statement of Case accords with the requirements of the Town and Country Planning (Inquiries Procedures) Rules 2000 ('The Rules') and guidance provided in Circular 05/00, Planning Appeals: Procedures (including inquiries into called-in planning applications) (Circular 05/00).

- 1.6 Circular 05/00 makes it clear that the purpose of the Statement of Case should be to:
- a) outline the full particulars of the case which a party proposes to put forward at the inquiry; and
  - b) provide a list of all the documents that a party will rely on when presenting their case at the inquiry.
- 1.7 Separate statements will be submitted in respect of the other components of the G2 Project as a consequence of the different consent regimes which apply to the related package of planning applications which together form part of the G2 Airport Project. These separate statements are listed below and it is appropriate that they should be read together.
- 1.8 The additional statements to be submitted by BAA are:
- a) the Outline Statement in respect of the planning applications for the G2 Airport Project due on 13<sup>th</sup> October 2008;
  - b) the full Statement of Case for the planning applications for the G2 Airport Project to follow in due course.; and
  - c) a Statement of Case in respect of the Transport and Works Act application for the Stansted Rail Improvement application due on the 13<sup>th</sup> October 2008.
- 1.9 In due course, it will also be necessary for BAA to submit a Statement of Case for the Compulsory Purchase Orders proposed for the airport development, the offsetting proposals and for the creation of new local roads. It may also be necessary for a Statement of Case to be prepared for the proposed stopping up of local roads. These statements will follow in due course, as required by the relevant regulations.
- 1.10 This Statement is structured as follows:
- Section 2: Background
- Section 3: Description of Scheduled Monument Applications
- Section 4: National Guidance and Development Plan
- Section 5: Historic Significance (Intrinsic Value)
- Section 6: Offsetting and Mitigation
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Section 7: Conclusions

Section 8: Schedule of Documents

## SECTION 2: BACKGROUND

- 2.1 It will be demonstrated that the proposed layout of the expanded airport has been carefully considered and that environmental considerations have been fully taken into account to the extent it was practical to do so, whilst remaining consistent with airport operational requirements.
- 2.2 It will be explained that compared with the effects of the wide spaced runway option that informed the policy support for the second runway in the December 2003 ATWP, the proposed development has achieved a significant reduction in land take and a reduction in the impacts on cultural heritage.
- 2.3 BAA's evidence will explain that Waltham Hall and The Grange Scheduled Monuments lie within the boundaries of the proposed Stansted G2 Airport Project and that the Stansted G2 Airport Project necessitates excavation works resulting in the loss of the Scheduled Monuments. BAA's evidence will describe the physical content of the outline and full applications for the G2 Airport Project referring to the development specifications and application plans which accompany each application. Particular reference will be made to illustrative layout plan OL/IP/12.
- 2.4 The scale, location and layout of the terminal and aprons will be briefly explained and a summary of the main features of the airport development provided. Reference will be made to Sections 6 and 7 of the *G2 Airport Design and Access Statement* (hereafter called the *Design and Access Statement*).
- 2.5 BAA's evidence will explain that the proposed development will involve substantial earthworks to create a level platform to enable the construction of the second runway and taxi ways to the south east of the existing airport and related airport and commercial development.
- 2.6 Reference will be made to a plan identifying the principal earthworks that accompanies the G2 Airport Project application and the location of the two Scheduled Monuments will be identified and it will be explained that both lie within an area of major cut earthworks. It will be explained why it is, therefore, not possible to preserve the remains of these Scheduled Monuments in situ as part of the development proposals.

## **SECTION 3: DESCRIPTION OF SCHEDULED MONUMENT APPLICATIONS**

3.1 Applications for Scheduled Monument Consent pursuant to Section 2 of the Ancient Monuments and Archaeological Act 1979 were submitted on 28 April 2008. The applications seek consent for:

1. Destruction of Scheduled Monument known as “site of a medieval house and remains of a moat” Waltham Hall [NMR No. TL 52 SE 5, County No. Essex 143] in connection with the development of the Stansted G2 Airport Project.
2. Destruction of Scheduled Monument known as The Grange Moated Site and Fishpond [National Monument Reference No: 20719] in connection with the development of the Stansted G2 Airport Project.

3.2 The following documentation was submitted in support of the applications and will be referred to at the inquiry.

**a) Waltham Hall**

- A completed Scheduled Monument Consent Application Form.
- A Supporting Statement.
- Project Design for Archaeological Excavation.
- Drawings:
  - SM Plan 1 Plan accompanying NMR Monument Record reference number EX 143.
  - SM Plan 2 Plan of Scheduled Monument – Site of Waltham Hall plan reference number SM1/AD/01.
  - SM Plan 3 Location of Scheduled Monuments in relation to the G2 Airport Project Application Boundary.
  - SM Plan 4 Location of Scheduled Monuments in relation to the G2 Airport Project Principal Earthworks.
  - SM Plan 5 Stansted Generation 2 Illustrative Detailed Masterplan.

**b) The Grange**

- A completed Scheduled Monument Consent Application Form.
- A Supporting Statement.
- Project Design for Archaeological Excavation.
- Drawings:
  - SM Plan 1 Plan accompanying NMR Monument Record reference number SM20719.
  - SM Plan 2 Plan of Scheduled Monument – The Grange Moated Site and Fishpond plan reference number SM2/AD/01.
  - SM Plan 3 Location of Scheduled Monuments in relation to the G2 Airport Project Application Boundary.
  - SM Plan 4 Location of Scheduled Monuments in relation to the G2 Airport Project Principal Earthworks.
  - SM Plan 5 Stansted Generation 2 Illustrative Detailed Masterplan.

## SECTION 4: NATIONAL GUIDANCE AND DEVELOPMENT PLAN

### a) The Air Transport White Paper

- 4.1 BAA's evidence will consider the need for the G2 Project as set out in up-to-date national air transport policy; namely, the ATWP.
- 4.2 The ATWP constitutes a policy framework against which the applications for the G2 Airport Project, including these applications, are required to be considered. The G2 Airport Project is concerned with the delivery of national policy. BAA's evidence in support of the planning applications comprising the G2 Airport Project will examine in detail the way in which the project as a whole responds to and accords with the ATWP policy. *The Stansted Generation 2 Planning Statement* (hereafter the *Planning Statement*) which accompanied those applications provides an analysis of the ATWP at Section 5.
- 4.3 The ATWP concludes that there is an urgent need for additional runway capacity in the South East and that the first new runway should be at Stansted, to be delivered as soon as possible.
- 4.4 The ATWP also recognises that the development of a second runway would bring significant benefits in the public interest.
- 4.5 The ATWP recognises that the expansion of the airport outlined within the White Paper would require substantial land take and a loss of around 100 properties including two Scheduled Ancient Monuments and 29 Grade II Listed buildings (paragraph 11.39). BAA will argue that it follows that the development of a second runway at Stansted is supported in principle in the ATWP on the grounds that it represents an appropriate balance between making appropriate provision for national economic and air transport requirements and needs, and the avoidance, where possible, of adverse environmental and other effects. National policy accordingly recognises and accepts, in principle, the generality of the scale of adverse effects on the environment that are likely to arise from the G2 Airport Project.

**b) PPG 15 AND PPG16**

- 4.6 BAA's evidence will explain that the approach adopted in designing and assessing the G2 Airport Project proposals set out in Volume 6 of the ES is consistent with the guidance contained within PPG15: Planning and the Historic Environment, and PPG16 : Archaeology and Planning.
- 4.7 PPG16 provides that there should be a presumption in favour of physical preservation of archaeological remains in situ. Nevertheless, the guidance acknowledges that it is not always possible and goes on to advise that each case should be considered on its individual merits and identifies issues relevant to the consideration of planning applications affecting archaeological remains. These include policies in detailed development plans, all other relevant policies and material considerations including the intrinsic importance of the remains and weighing these against the need for the development.
- 4.8 PPG16 also acknowledges that in some circumstances, excavation and recording may represent an alternative to physical preservation.
- 4.9 BAA's evidence will provide a detailed analysis of the way in which the proposals respond to and accord with the specific guidance within PPG16.

**c) The Development Plan**

- 4.10 Section 6 of the *Planning Statement* sets out the relevant policies of the statutory development plan, which comprises the East of England Plan (the RSS) and the Uttlesford Local Plan. BAA's general case in relation to the development plan is summarised in Section 6.5 of the *Planning Statement* which states that the G2 Project is in accord with the development plan as a whole.

**d) RSS 14: East of England Plan (May 2008) (the RSS)**

4.11 BAA's evidence will show that not only does the G2 Airport Project accord with the RSS Strategy, but also the expansion of Stansted Airport with a second runway is an integral element of the RSS. The delivery of the G2 Airport Project is important to achieving the objectives of the regional strategy. BAA will also refer to specific policies which discuss treatment of cultural heritage within the region and will discuss how the approach adopted to assessing and managing cultural heritage resources in the G2 Airport Project is consistent with the approach promoted.

**e) The Uttlesford District Local Plan 2005**

4.12 It will be BAA's case that the Uttlesford Local Plan is out of date as it does not contain policies relating to the second runway. However, BAA's evidence will address those policies within the plan that do have some continuing relevance to the proposals, particularly in relation to the layout, design and operation of the airport, as well as the mitigation of its effects.

4.13 BAA's evidence will consider the application of the specific policies providing guidance on applications affecting Ancient Monuments and Sites of Archaeological Importance, and the specific policies in the ATWP and RSS relating to control, mitigation and compensation with regard to environmental effects of the G2 Airport development including the loss of Scheduled Monuments.

4.14 BAA will demonstrate that the approach adopted in designing and assessing the G2 Airport Project and, in particular, the investigation and recording proposed within Volume 6 of the ES, the proposed *Cultural Heritage Impact Management Plan* (Volume 6 Appendix 8) and the detailed *Project Designs* for each archaeological monument (accompanying the Scheduled Monument Consent applications) accord with the policy framework at national, regional and local level.

## SECTION 5: HISTORIC SIGNIFICANCE (INTRINSIC VALUE)

5.1 BAA's evidence will refer to the considerable research and survey work it has undertaken in the vicinity of the two sites which is reported in Volume 6 of the ES and within individual Project Design Briefs which accompany each application.

5.2 BAA will draw upon this evidence to comment upon the historic significance and intrinsic value of each of the Scheduled Monuments.

a) **Waltham Hall**

5.3 BAA's evidence will demonstrate that the site is an example of a medieval moated site that has been abandoned, surviving only as a minor earthwork with few visible traces.

*Description of monument:*

5.4 The Schedule entry for the site gives the following description:

**'A scatter of building rubble on the surface of the field at the OS site is all that remains of Waltham Hall, though the lines of the buildings appear on APs.**

**The house was not standing circa 1768.**

**TL 564240. An L-shaped ditch was discovered which probably belonged to the larger moated site centred on Waltham Hall.'**

5.5 The site has been shown on OS maps, and the brief description in the Schedule is likely to derive from OS records, and has not been revised. The abandoned site is the reputed original location of the estate centre at nearby Waltham Hall, which has 17th-century and later farm buildings.

*Archaeological Potential*

5.6 BAA's evidence will show that the site is of known archaeological interest, and has potential for further discovery.

- 5.7 It will be explained that a programme of archaeological survey has been carried out on the land area of the G2 Project including a study of aerial photographs, a new LIDAR survey, fieldwalking and trenched evaluation. BAA's evidence will show that the site has been fully surveyed and better mapped with the aerial photographs and LIDAR survey. The results of the archaeological survey will be described, together with the evidence for medieval and earlier occupation of the site.

*Significance*

- 5.8 BAA's evidence will assess the relative significance and rarity of the site and its potential for further discovery. It will be discussed in the context of this class of medieval monument, of which some 6,000 are known in England, with the majority of medieval moated sites being located in the south and east of England, in areas such as the Essex Claylands.
- 5.9 BAA's evidence will consider the extent to which the site's historical context affects its interest and significance, with regard to manorial ownership and the relocation of the manor in the 16th century.

**b) The Grange**

- 5.12 BAA's evidence will demonstrate that the site is an example of a medieval moated site with later domestic buildings on it, and surviving farm buildings nearby.

*Description of monument:*

- 5.13 The Schedule entry for the site gives the following description:

**'The monument at the Grange includes a rectangular moated site and fishpond on the flood plain of the River Chelmer [sic] 550m south-east of Waltham Hall. The moated site measures 40m SW-NE by 30m NWSE. The arms are waterfilled and are between 5m and 12m in width and have been partly revetted with concrete. A causeway, 9m wide, gives access to the island across the eastern arm whilst a brick and concrete footbridge gives access across the western arm. An old beam, considered to be the remains of an earlier footbridge, is visible alongside the modern bridge. The island is occupied by a 17th century house with later additions which is Listed Grade II and is thought to be the original house on the site.**

**'60m west of the moat is a waterfilled fishpond which measures 20m NE-SW by a maximum of 13m NWSE. The pond is joined to the moat by a channel which is approximately 2m wide and is waterfilled. A modern concrete footbridge crosses the channel at the northern tip of the pond. The drainage ditches to the north-east and south of the enclosure are considered to be later drainage channels and are not part of the moated site.**

**'The house, modern footbridges, drainage tank and paths are all excluded from the scheduling, though the ground beneath them is included.'**

#### *Listed Buildings*

- 5.14 The Grange Scheduled Monument contains The Grange Grade II Listed Building, a post-medieval timber-framed house built in the centre of the medieval moat. As stated above, the building is excluded from the scheduled monument. Its demolition is the subject of a listed building consent application made by BAA as part of the series of applications for the G2 Airport Project.
- 5.15 Two further Grade II listed buildings, a granary and a cart lodge, once formed part of The Grange but now form separate properties. Both buildings lie outside of the site. Separate applications for listed building consent to demolish these listed buildings to enable the implementation of the G2 Airport Project have been submitted by BAA.

#### *Archaeological Potential*

- 5.16 BAA's evidence will demonstrate that the site is of known archaeological interest, and has potential for further discovery.
- 5.17 The Schedule comments on the potential of the site to contain significant archaeological information:

**'The Grange moated site is well preserved and will retain archaeological information pertaining to the occupation of the site while the waterfilled ditches will also retain environmental evidence relating to the economy of its inhabitants and the landscape in which they lived.'**

5.18 Although the Schedule entry suggests that the existing Listed Building is the original house on the site, it will be shown that it is likely that the moated enclosure contains remains of earlier, medieval structures and other features.

*Significance*

5.19 BAA's evidence will assess the relative significance and rarity of the site and its potential for further discovery. It will be discussed in the context of this class of medieval monument, of which some 6,000 are known in England, with the majority of medieval moated sites being located in the south and east of England, in areas such as the Essex Claylands.

5.20 BAA's evidence will consider the extent to which the site's historical context affects its interest and significance, with regard to extent of forest and monastic ownership.

## **SECTION 6:      OFFSETTING AND MITIGATION**

- 6.1      BAA's evidence will show that the significant environmental effects of the G2 Airport Project have been thoroughly assessed within the ES. Volume 6 of the ES addresses issues relating to cultural heritage including archaeology and contains recommendations for mitigation and offsetting measures to reduce the impact upon cultural heritage including archaeology. A *Cultural Heritage Impact Management Plan* has been produced which is attached at Appendix 8 of Volume 6.
- 6.2      The Plan outlines proposals and methodologies for preventing, reducing and offsetting adverse effects. In accordance with PPG15 and PPG16 it recommends that wherever possible cultural heritage resources will be preserved in situ. However, where this is not achievable it recommends a programme of archaeological excavation and recording prior to their removal, followed by a programme of analysis and the publication of the results.
- 6.3      BAA's evidence will explain that project designs for archaeological excavation and recording have been prepared for both The Grange Scheduled Monument and Waltham Hall Scheduled Monument.
- 6.4      BAA's evidence will refer to the potential for further archaeological discovery at Waltham Hall and in particular at The Grange.
- 6.5      BAA's evidence will show that the knowledge gained from the proposed investigation of the site together with the proposed recording and publication would significantly offset the unavoidable loss of The Grange and Waltham Hall Scheduled Monuments.

## SECTION 7: CONCLUSIONS

- 7.1 The ATWP supports the construction of a second runway at Stansted Airport and identifies the significant economic and social benefits it will provide. The G2 Airport Project is concerned with the delivery of national policy.
- 7.2 The ATWP acknowledges that expanding aviation capacity at Stansted will have adverse environmental effects. It anticipates that the development of a second runway at the airport would result in the loss of these two Scheduled Monuments.
- 7.3 It will be demonstrated that the G2 Airport Project has been designed and laid out so as to minimise adverse environmental impact, including those on cultural heritage. It has been possible, for example, to reduce significantly the number of Listed Buildings that will be affected by the development. Nonetheless, the two Scheduled Monuments will need to be excavated to construct the extended airport. Accordingly, it is not possible to preserve the existing remains in situ.
- 7.4 It will be demonstrated that the significant environmental effects of the G2 Airport Project have been thoroughly assessed and reported within the ES. Volume 6 of the ES reports on the impacts on cultural heritage.
- 7.5 Volume 6 and the *Project Design* reports that accompany both Scheduled Monument applications identify potential mitigation and offsetting measures. The *Project Design* reports outline the archaeological excavation, recording and reporting that BAA proposes to undertake. These measures would substantially offset the loss of the Scheduled Monuments and would be likely to provide valuable archaeological information regarding historic moated sites.
- 7.6 Accordingly, it will be concluded that
- it is Government policy that Stansted Airport should be expanded by the construction of a second runway and associated buildings and infrastructure;
  - in formulating this policy the Government explicitly anticipated the loss of the two Scheduled Ancient Monuments;

- the G2 Airport Project, which delivers national policy, will necessitate the loss of both Waltham Hall and The Grange Scheduled Monuments;
- the harm associated with the loss of those two Scheduled Ancient Monuments will be offset so far as is practicable; and
- that the need to undertake the expansion of Stansted Airport in the public interest as proposed and the benefits associated with it outweigh the presumption in favour of the preservation in situ of Waltham Hall and The Grange Scheduled Monuments.

## **SECTION 8: SCHEDULE OF DOCUMENTS**

8.1 BAA intends to refer to the following documents at the public inquiry:

### **Application for Scheduled Monument Consent (The Grange Moated Site and Fishpond) Documents**

Copy of the NMR Record for The Grange Scheduled monument, including the plan (SM Plan 1)

Site plan (SM2/AD/01)

Plan of scheduled monuments location in relation to the G2 Airport Development Application Boundary (SM Plan 3)

Plan of scheduled monuments location in relation to the G2 Airport Development Principal Earthworks (SM Plan 4)

Stansted Generation 2 Illustrative Detailed Masterplan (SM Plan 5)

Supporting Statement

Project Design for Archaeological Excavation Document

### **Application for Scheduled Monument Consent (Site of Waltham Hall) Documents**

Copy of the NMR Record for the Grange Scheduled monument, including the plan (SM Plan 1)

Site plan (SM1/AD/01)

Plan of scheduled monuments location in relation to the G2 Airport Development Application Boundary (SM Plan 3)

Plan of scheduled monuments location in relation to the G2 Airport Development Principal Earthworks (SM Plan 4)

Stansted Generation 2 Illustrative Detailed Masterplan (SM Plan 5)

Supporting Statement

Project Design for Archaeological Excavation Document

### **Other BAA documents**

G2 Airport Project Environmental Statement Volume 1

G2 Airport Project Environmental Statement Volume 6: Cultural Heritage

G2 Airport Project Cultural Heritage Impact Management Plan

G2 Airport Project Design and Access Statement

G2 Planning Statement

G2 Full Airport Application Drawings FL/AD/01 to FL/AD/46

G2 Full Airport Application Information Plans FL/1P/01 to FL/IP/12

G2 Outline Airport Application Drawings OL/AD/01 to OL/AD/02

G2 Outline Airport Application Parameter Plans OL/PP/01 to OL/PP/09

G2 Outline Airport Application Information Plans OL/IP/01 to OL/IP/12

### **National Policy Documents**

Planning Policy Guidance 16: Archaeology and Planning

Planning Policy Guidance 15: Planning and the Historic Environment

Air Transport White Paper

### **Planning Documents**

East of England Plan

Uttlesford District Local Plan

- 8.2 It may be necessary to adduce specific evidence or to provide particular documents in response to any objections or statements of case received in relation to these applications and BAA reserves the right to introduce any such additional documents as may be relevant.