

**PROOF OF EVIDENCE FOR PUBLIC INQUIRY IN RESPECT OF ISSUES
RELATED TO ARCHAEOLOGY MATTERS**

RELATED TO

**THE OUTLINE PLANNING APPLICATION FOR UP TO 400 DWELLINGS,
INCLUDING THE CREATION OF NEW POINTS OF ACCESS, PROVISION OF
FORMAL AND INFORMAL OPEN SPACE, ANCILLARY LANDSCAPING, CAR
PARKING AND HIGHWAY AND DRAINAGE WORKS, LAND TO THE EAST AND
WEST OF WARBURTON LANE, WARBURTON, WA13 9TT**

Local Authority Ref: 98031/OUT/19

Greater Manchester Archaeological Advisory Service

Archaeology Proof of Evidence 08/09/2020

ON BEHALF OF TRAFFORD METROPOLITAN BOROUGH COUNCIL

FOR PUBLIC INQUIRY OCTOBER 2020

BY

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CONTENTS

1. Introduction	2-3
2. Qualifications and Experience	3
<u>Planning Context Matters of Dispute:</u>	4
3. Archaeological Desk Based Assessment	4-5
4. Geophysical Survey	5-7
5. Significance of Archaeological Remains	7-9
6. Designatable Heritage Assets	9-10
7. Planning best practice and relevant appeal decisions	10-11
8. Conclusion	12
9. References	12-13
10. List of Appendices	13-14
11. Expert Declaration	14

1. Introduction

1.1 This Proof of Evidence is submitted on behalf of Trafford Council in support of its decision to refuse outline planning permission (in contesting the appeal) for a residential development of up to 400 dwellings on land to the east and west of Warburton Lane, Warburton (LPA ref: 98031/out/19).

1.2 Within this Proof of Evidence I address archaeology matters related specifically to reasons for refusal 1 (of 10 reasons for refusal).

1.3 Bethany Brown of Trafford Council has prepared further planning based evidence to address reasons for refusal 1 (NPPF and R1), Elizabeth Lewis of Trafford Council has prepared heritage-based evidence to address RfR1 (NPPF and R1).

2. Qualifications and Experience

2.1 I am Norman Redhead and my job title is Heritage Management Director (Archaeology) of the Greater Manchester Archaeological Advisory Service (GMAAS). I have a BA (Hons) degree in Archaeology. I am a Member of the Chartered Institute of Archaeologists and a Fellow of the Society of Antiquaries of London. I have spent 30 years providing archaeological planning advice for the ten Local Planning Authorities of Greater Manchester. During this time I have also managed the Historic Environment Record, including delivery of a major Historic Landscape Characterisation project, and promoted community engagement and research. I spent 4 years as County Archaeologist and Director of Greater Manchester Archaeological Unit (GMAU) prior to becoming Director of GMAAS at Salford University in 2012.

2.2 Through a service level agreement, GMAAS provides archaeological planning advice to the ten planning authorities of Greater Manchester and maintains on their behalf the Historic Environment Record for Greater Manchester (HER).

Planning Context

The following Proof of Evidence is for the archaeological aspects of Trafford LPA's reason for refusal. This is set against the four matters of dispute set out in the Archaeology Statement of Common Ground.

3.0 Matter of Dispute (3.1) The Council considers that relevant non-digital resources held by the HER and Trafford Local Studies Library were not consulted for the archaeological desk-based assessment. As a result, the archaeological potential was underrepresented. The Appellant considers the archaeological desk-based assessment to be robust.

3.1 In response to a pre-application enquiry, GMAAS recommended that in accordance with NPPF 128 (now 189), an archaeological desk-based assessment (DBA) be undertaken to inform the planning process (**Appendix 1**).

3.2 CgMs published a DBA (**CD-A3**), dated October 2018, in support of the application (now appeal proposal). This study utilised digitally derived data from the Greater Manchester HER that included the appeal site and an area extending 1km from the appeal site boundary. The DBA was reviewed by GMAAS on 12th July 2019 (**Appendix 2**). CgMs produced an updated DBA (**CD-A57**) in December 2019 which incorporated a geophysical survey by Magnitude Surveys. GMAAS provided a consultation response to this on 13th January 2020 (**Appendix 4**).

3.3 The DBA failed to consult important resources held by the HER and Trafford Local Studies Library. Contrary to standard practice, GMAAS staff were not asked about relevant sources of information and the reliability of HER data, and the consultant did not visit the GMAAS office to look at relevant publications,

archaeology reports and other relevant unpublished material. This led to the archaeology being under-represented and significant archaeological interest missed, for instance the medieval deer park which falls within the appeal site along with prehistoric/Romano-British archaeological potential. A detailed analysis demonstrating the lack of robustness of the DBA is set out in **Appendix 3**. There is a marked contrast between the appellant's DBA and the recently published archaeological assessment for GM Spatial Framework Allocation 45 - New Carrington (**Appendix 15**), the latter providing a much more detailed and robust analysis despite covering a much larger area.

4.0 Matter of Dispute (3.3) The Council disputes some of the findings of the pre-determination geophysical survey undertaken in support of the application / appeal. The Appellant considers the findings of the geophysical survey to be robust.

4.1 In partial response to GMAAS recommendations, the applicant commissioned Magnitude Surveys to undertake a geophysical survey (using a fluxgate gradiometer) of 24.25 hectares covering Sites 1 and 2. This was undertaken in two parts, with the bulk of the survey incorporated into the revised DBA by CgMs in December 2019, followed by completion of those areas too waterlogged to access first time around (c 15% of the site). This allowed Magnitude to produce a final stand-alone, revised survey report in March 2020 (**CD-B7**). GMAAS were not consulted on the survey's methodology and interpretation of the results.

4.2 The completed survey led to revised interpretations for features in Site 1, due to new areas being surveyed. The east side curving feature 3a is now identified as a

former road shown on the 1839 Warburton tithe map (as previously pointed out by GMAAS, but missed by the DBA and another indication of its poor quality). The potential kiln site is better defined, several undefined pits are noted along with pre-tithe map field boundaries. GMAAS consider that the green linear features in the eastern part of site could represent archaeological features relating to early settlement. GMAAS maintain that there is good potential for prehistoric and Roman archaeology on the ridge alongside Moss Lane on high ground overlooking the brook. Until evaluation trenching has been undertaken it is not possible to say whether or not buried remains of schedulable quality exist within the development site.

4.3 The survey report states that there is no archaeological interest in Zone 2 west of Warburton Lane. GMAAS dispute this. Figure 9 of the Magnitude survey shows two parallel linear features running south to north alongside and just to the west of the main road. These are not discussed in the report main text, just being noted in the key as agricultural, but GMAAS believe they could relate to an earlier road route or even the boundary of the medieval deer park. Figure 9 also shows a potential ditch feature in the northern part of the survey plot, curving from west to east which has not been identified in the survey interpretation. **Appendix 5** has two images, one with arrows showing the suggested ditch at Site 2, the other a comparative example at Mellor Old Vicarage site, Stockport which proved, by excavation, to be a late Bronze Age ditch filled in during the Iron Age). The survey concludes that there is no archaeological interest in Site 2 but GMAAS disagree.

4.4 GMAAS stated in their letter of 13th January 2020 that there are well known limitations and issues with geophysical survey in the North West region and that this is just one element of evaluation work. It is standard practice to ground-truth

geophysical survey results through targeted trial trenching and include 'blank' areas to ensure that the potential for archaeological remains has been properly explored. There are features in Sites 1 and 2 that GMAAS consider are archaeological and require further evaluation. The geophysical survey interpretation misses several potential archaeological features and, given the limitations of geophysical survey, it is possible that other potential early features may be encountered especially given the favourable topography for Prehistoric/Romano-British settlement and the former medieval deer park (**Appendix 15** Archaeological Resource chapter: Table 1 and Section 4 Recommendations for HECA 7, 10, 13).

5.0 Matter of Dispute (3.5) The Council considers that the potential for the presence of significant archaeological remains within the appeal site has not been adequately quantified and that pre-determination evaluation, including field walking of ploughed areas and trial trenching is required. The Appellant considers that the archaeological potential of the site can be adequately addressed post-determination via a condition.

5.1 The following list is GMAAS's current understanding of the site's archaeological potential. **Appendix 6** provides more detailed descriptions of these known and potential remains, with an assessment of significance.

- A) Potential Prehistoric/Romano-British archaeology alongside Moss Lane and overlooking Red Brook. (Site 1)
- B) Features identified in the geophysical survey as 'agricultural' but which may in fact be of archaeological significance. (Sites 1 and 2)

- C) Potential archaeological remains not showing up on the geophysical survey.
(Sites 1 and 2)
- D) Location of a possible kiln site. (Site 1)
- E) A cottage and ancient routeway in Site 1 (**Appendix 7**).
- F) A variety of features relating to Warburton medieval deer park (**Appendix 8**).
(Site 2)

5.2 It should be noted that as well as having potential for highly significant buried archaeological remains, the western part of the appeal site impacts on visible remains of the former medieval deer park. The detailed historic environment study for the New Carrington land allocation of the GMSF has identified the potential for well-preserved elements of the park to be schedulable (**Appendix 15** - Archaeological Resource chapter, pages 17-18). Within the appeal site, this includes the park boundary (both above and below-ground remains), whilst immediately adjacent to Site 2 are probable medieval fishponds. These and other features require further research and survey. It is interesting to note that these features are missing from the appellant's DBA, although the Heritage Impact Assessment has recognised the medieval park boundary.

5.3 In our consultation response to the updated DBA on 13th January 2020 (**Appendix 4**), GMAAS stated that the applicant had not provided enough information to identify the extent and significance of heritage assets with an archaeological interest, contrary to NPPF paragraph 189. Without this, it is not possible to determine appropriate mitigation, which might include preservation in situ of significant archaeological remains. GMAAS recommended that the application should be deferred until this information is forthcoming.

5.4 To facilitate the evaluation trenching scheme and in their capacity as archaeological advisers to Trafford LPA, GMAAS produced a trench layout plan on 24th March 2020, which includes the rationale for the trench locations (**Appendix 14**). This should form the basis of a Written Scheme of Investigation setting out the methodology for undertaking the works, the timetable, staffing and post excavation analysis. Field walking over the ploughed soils also needs to be undertaken to identify surface artifacts which could indicate previously unrecognised archaeological sites. For the medieval deer park, further survey and historical research should be undertaken to inform our understanding of the potential national significance of its various elements. The appellant has stated that this work will not be undertaken before the appeal decision. No explanation has been provided as to why this is the case given all the above.

5.5 Dealing with archaeological interests through a planning condition is inappropriate due to the applicant not providing an adequate/proportionate understanding of the significance of heritage assets with an archaeological interest. This compromises the ability to preserve significant remains in situ and could affect the viability of the housing scheme so that the development is at risk.

5.6 There is significant harm weighing against the development arising from the inadequacy of the current understanding about the archaeology's significance.

6.0 Matters of Dispute (3.7) The Council considers that the appeal site contains potentially designatable heritage assets and that they are at risk of adverse impacts as a result of the appeal proposal. The appellant does not consider that the appeal site contains potentially designatable heritage assets.

6.1 GMAAS has set out in **Appendix 6** that there are potentially designatable heritage assets with an archaeological interest affected the development scheme, and that the appellant has not provided an appropriate level of information in relation to the archaeology. An understanding of the significance of a heritage asset is the starting point for determining what mitigation would be appropriate. Without undertaking an appropriate scheme of evaluation and further assessment it is not possible to establish the significance of these assets and whether or not they should be preserved in situ. This matter goes to the heart of the principle of the development as it could have significant impacts on the quantum, design and layout of any development. Otherwise there is a realistic possibility that substantial harm or total loss of a heritage asset of the highest significance would take place, in terms of Footnote 63 of the NPPF: '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.'

6.2 Paragraph 194 of NPPF also comes into play as it states that any harm to, or loss of, the significance of a designated asset should require clear and convincing justification. It goes on to state that substantial harm to, or loss of, scheduled monuments should be wholly exceptional.

7. Planning best practice and relevant Appeal Decisions

7.1 Historic England's good practice advice in Planning – Managing Significance in Decision-Taking in the Historic Environment (**CD-G2**) states under Point 10:

‘Understanding the level of significance is important as it provides the essential guide to how the policies should be applied. This is intrinsic to decision-taking where there is unavoidable conflict with other planning objectives.’

7.2 Several Appeals have been dismissed on the basis of the inadequacy of current understanding of the significance of archaeology that might be affected by development, even where the remains are likely to be of lesser value than those invoking NPPF Footnote 63. I consider the same approach applies because it can be demonstrated that the appellant has failed to adequately identify the archaeological interest and define the character and significance of below-ground remains. Relevant examples include:

Appeal Ref: APP/P0240/W/18/ 3204513 – Park Farm, Park Road, Westoning, MK45 5LA (4th June 2019) **(Appendix 9) - sections 42-6 pages 9-10**

Appeal Ref: APP/R3650/W/16/3152456 – Land west of Overwood House, Old Compton Lane, Farnham, Surrey, GU9 8EH (8th November 2016) **(Appendix 10) – sections 15-17 pages 3-4**

Appeal Ref: APP/F2415/W/19/3232745 – Land west of Sutton Lane, Sutton in the Elms (7th October 2019) **(Appendix 11) – sections 13-15 page 3**

Appeal Ref: APP/H0520/W/3219040) – Land at Old Ramsey Road, St Ives, PE27 3LL (8th January 2020) **(Appendix 12) – sections 27-30 pages 5-6**

Appeal Ref: APP/A1910/W/17/3168760 – Land north of Gaddesden Lane, Redbourn, Herts, AL37AF (25th July 2017) **(Appendix 13) – sections 31-37 pages 6-7**

8. Conclusion

8.1 GMAAS have described how the appellant's archaeological desk based assessment fails to provide enough information to understand the extent and significance of heritage assets with an archaeological interest or the impact of development proposals upon that significance. It has been demonstrated that the DBA is not robust and is not adequate for planning purposes.

8.2 GMAAS have demonstrated that there is potential for archaeological remains of various types and periods to be present within the appeal site. Those relating to the former Warburton medieval deer park and the Prehistoric/Romano-British periods could be of national importance and therefore of equivalent significance to scheduled monuments (invoking NPPF Footnote 63). A recent study for the GMSF New Carrington allocation, which includes the appeal site, supports this view describing the archaeological potential as highly significant.

8.3 GMAAS have shown that there has not been an adequate level of evaluation to determine the relative significance of heritage assets or the impact of development on that significance. Without further investigation it is impossible to form an appropriate archaeological mitigation strategy and therefore the development should not be allowed.

9. References

Brennand, M (ed) 2007 *An Archaeological Research Framework for North West England Vol 2 Research Agenda and Strategy*

Cooper, G. 2014 *Salter (Deer-Leaps) in Historical Deer-Park Boundaries: A Case Study Using a 1608 Dispute Map of Leagram Park in Bowland*

Historic England, 2018 *Agriculture: Scheduling Selection Guide*

Nevell, M 1988 *Great Woolden Hall Farm: excavations on a Late*

Prehistoric/Romano-British native site in *The Greater Manchester Archaeological Journal* Vol 3

Nevell, M. with Carney, M., Cracknell, J., Haworth, J. Hill, C and Jubb, D. 2015

Warburton: Glimpses of Rural Life: The Archaeology and History of a Cheshire Village Salford: University of Salford Archaeological Monograph Vol. 4

West Yorkshire Archaeological Services 2019 *Plots E1 and E2 Carrington, Greater Manchester: Archaeological Trial Trenching and Excavation*

10. List of Archaeology Appendices

1. GMAAS Consultation Response 17/07/18
2. GMAAS Consultation Response 12/07/19
3. Analysis of the DBA showing lack of robustness
4. GMAAS Consultation Response 13/01/20
5. Geophysics possible ditch
6. Archaeological Sites and Significance Assessment
7. Tithe Map features Site 1
8. Medieval Deer Park maps and images
9. Appeal Decision Park Farm
10. Appeal Decision Overwood House
11. Appeal Decision Sutton Lane
12. Appeal Decision Old Ramsey Road
13. Appeal Decision Gaddesden Lane

14. Provisional Evaluation Trenching Plan 24/03/2

15. GMA45 New Carrington, Historic Environment Assessment Headline Report with Appendices for: Historic Background and Characterisation (1), Archaeological Resource (2), Built Heritage (3) and Historic Landscape (4) by Reader, R (Salford Archaeology) 2020

11. Expert Declaration

11.1 I understand my duty as an expert witness is to the inquiry. This evidence includes all matters relevant to the issues on which my expert evidence is given.

11.2 I confirm that, insofar as the facts stated in my evidence are within my own knowledge, I have made clear which they are and I believe them to be true, and that the opinions I have expressed represent my true and complete professional opinions on the matters to which they refer.