

**RH/1/D**

**Appeal by Redrow Homes Ltd**

**Land to east and west of Warburton Lane, Trafford**

**PINS reference APP/Q4245/W/19/3243720**

**LPA reference 98031/OUT/19**

**Rebuttal Proof of Evidence of Helena Kelly, BSc MCIfA**

**Built Heritage and Archaeology**



## 1 Introduction

1.1. This rebuttal proof has been prepared by Helena Kelly in response to the following evidence:

- Dr Nevell, for Warburton Parish Council (archaeology)
- Mr Redhead, GMAAS, for Trafford Council (archaeology)
- Mrs Lewis, for Trafford Council (built heritage)
- Mr Beckman, for Warburton Parish Council (landscape/ historic hedgerows)

1.2. I concentrate on providing clarification in relation to substantive areas of disagreement. I do not respond to every point made in the above evidence. This does not mean that I otherwise agree with the above evidence in detail or in totality.

1.3. I provide an Appendix (RH/1/E) in support of this rebuttal evidence.

## 2 Proof of Evidence provided by Dr Nevell, on behalf of Warburton Parish Council (WPC/1/B)

2.1. At paragraph 11 Dr Nevell outlines the broad archaeological and historic interest in Warburton. He refers to the 'largely complete late medieval deer park'; it is important to note that while the field pattern does generally preserve the boundary of the deer park, its interior has been considerably altered through agricultural use (discussed further below). Further in paragraph 11, Dr Nevell refers to 30 trenches having been dug around the core of the village. It should be noted that these trenches have included negative evidence. For example, an archaeological evaluation undertaken by Wessex Archaeology for Channel 4's Time Team<sup>1</sup> at the site of Moss Brow Farm aimed to investigate the remains of a possible Romano-British fortlet, putatively identified by the University of Manchester Archaeology Unit (UMAU) and the South Trafford Archaeological Group (STAG), following the discovery of numerous Romano-British finds through metal detecting in the surrounding area. This work had identified a ditch interpreted as having the classical Roman defensive 'V' shaped profile. The evaluation excavated a number of trenches which clearly identified that there was no Romano-British fortlet at Warburton, and that the feature identified was the remains of an old hedgerow.

2.2. At paragraphs 20-22 Dr Nevell refers to guidance documents 'Principles of Selection for Listing Buildings' and 'Scheduled Monuments; identifying, protecting, conserving and investigating nationally important archaeological sites under the Ancient Monuments and Archaeological Areas Act 1979 (DCMS March 2010). However, the most recent and

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<sup>1</sup> Wessex Archaeology, Moss Brow Farm, Warburton, Greater Manchester, Archaeological Evaluation and Assessment of the Results, Unpublished report reference 62510.01, March 2007

relevant guidance should be *Scheduled Monuments and nationally important but non-scheduled monument (DCMS October 2013)*. Also in paragraph 21 Dr Nevell refers to heritage values as set out in 'Conservation Principles' (Historic England, 2008), namely aesthetic, communal, evidential and historical value. He states that similarly the NPPF identifies these values; the NPPF refers to archaeological, architectural, artistic and historic interest in relation to the value of a heritage asset. Paragraph 2.31 of my evidence provides a summary of the equivalence of these terms in considering the value of a heritage asset.

- 2.3. At paragraph 31 Dr Nevell states that "there are no remains within the study area which are considered to be a heritage asset of national significance... known remains... could be considered to be of regional (Deer Park) and high local significance (see Table 2)". At Paragraph 32 remains of local importance are defined as being of low value, and assets of regional importance of being of medium value. It follows in Table 1 that a major magnitude of change in relation to an asset of medium value would result in a moderate/ slight significance of effect, rather than that recorded in Table 2 by Dr Nevell which is: value – high, magnitude of sensitivity – major, and magnitude of change – moderate/ large.
- 2.4. The assessment criteria used here is not particularly clear, it would seem that 'magnitude of sensitivity' is being used to describe the magnitude of impact and 'magnitude of impacts to describe the significance of effect. I have included a Table (RH/1/E[1]) that provides a comparison of the assessed impact of the development made by Trafford Council, Warburton Parish Council and the Appellant, using Table 2 in Dr Nevell's evidence.

### **3 Proof of Evidence and Appendices provided by Mr Redhead, Greater Manchester Archaeological Advisory Service, on behalf of Trafford Council (TBC-1)**

- 2.5. In relation to evidence provided by Dr Nevell and Mrs Lewis, I have provided a comparison of their assessments and my own. No assessment is provided by Mr Redhead and I am not able to fully provide a similar comparison, I have however extracted Mr Redhead's assessment of value where it was possible to do so.

#### ***The archaeological desk-based assessment (Proof section 3, Appendix 3)***

- 3.1. At paragraph 3.0, Mr Redhead states (referencing the Statement of Common Ground) that 'The Appellant considers the archaeological desk-based assessment to be robust'. The Statement of Common Ground (Archaeology) states that the Appellant considers that the archaeological desk-based assessment provided an adequate assessment of the appeal site. I set out in my evidence that I do not fully agree with the findings of the archaeological desk-based assessment.

- 3.2. I do agree with some of the points raised by Mr Redhead in his Appendix 3 analysis of the desk-based assessment; I agree that it is best practice to visit the historic environment record in person, also to consult on the content and scope of a desk-based assessment, and I agree that the desk-based assessment does not provide a particularly detailed analysis of the potential for as yet unknown archaeology to survive within the Appeal site for some periods. I also noted that reference was not included to the site of a cottage adjacent to Birch Cottage or former track adjacent to Birch Farm (although both are included in my evidence). However even when noting the differences between my assessment and that of CgMs, the conclusions I reach are similar. I find that it is reasonable, given the results of the desk-based assessment and field survey (geophysics), for a professional judgement to be reached regarding the known and potential value of assets with archaeological interest within the site. Also, that it is proportionate for that interest to be further investigated as a condition of consent, through intrusive archaeological evaluation, so that a suitable mitigation strategy can be agreed.
- 3.3. There are frequent references in Mr Redhead's Appendix 3 and in his Proof at 3.3 to the absence of reference to Warburton Park in the archaeological desk-based assessment. The archaeological desk-based assessment at 1.1 points out that historic buildings are the subject of a separate report. The Heritage Impact Assessment provides a detailed baseline description and assessment for Warburton Park. I find therefore that while there may have been a lack of effective signposting between reports, it is not correct that the Appellant failed to consider the effects of the development on Warburton Park non-designated heritage asset.

***The archaeological potential of the development site (prehistoric period) (Proof section 5, Appendix 6)***

- 3.4. Mr Redhead refers (e.g. Proof 2.2, Appendix 6, paragraph 2.2.) to the Appeal site as being an area of higher ground above Red Brook and the adjacent former Warburton Moss. The site is to the north of the historic area of moss and historically was 'dry land' as opposed to waterlogged moss, but I also note that the Heritage Assessment, at paragraph 4.9, suggests that this area would have flooded, being close to the River Mersey, which prior to the construction of the Manchester Ship Canal which raised the sides of the river, flooded for large parts of the year. Also, at 4.12 it postulates that "It is possible that the deer park was created here due to the high level of flooding, making drainage and cultivation difficult". Ordnance survey contours indicate that the Appeal site is at a similar height above Ordnance Datum (aOD) to the former Warburton Moss (approximately 19-21m aOD) as opposed to the ridge immediately to the south of Moss Brow (over 1km to the south of the Appeal site), which rises to 27m aOD. I do not read the Appeal site as being higher land

above the moss, and I therefore conclude that although the possibility of prehistoric or Roman activity cannot be completely ruled out, on balance (taking into account the desk-based evidence, results of the geophysical survey as well as the topography of the site) the probability of settlement within the Appeal site is unlikely given the less favourable conditions when compared to the ridge to the south.

### *The archaeology of Warburton Deer Park (Proof section 5 and Appendix 8)*

- 3.5. Mr Redhead puts forward that the remains of Warburton Park are potentially schedulable (proof at paragraph 5.2). This is then taken up in the Planning evidence (Mrs Brown for Trafford Council) that this asset be considered as an asset of ‘demonstrably equivalent significance to a scheduled monument’ and that consequently NPPF footnote 63 is applicable.
- 3.6. The evidence provided is largely drawn from the GMSF report (discussed more below), and there are some points to clarify.
- 3.7. Mr Redhead states in his proof at 5.2 that the ‘western part of the Appeal site impacts on visible remains of the former medieval deer park... Within the Appeal site, this includes the park boundary (both above and below-ground remains)’. I have visited the Appeal site and provide photographs (RH/1/E[2]) that show that the Appeal site is ploughed flat up to the area of vegetation that slopes to Red Brook. The only potential area where any evidence for a bank could survive is immediately adjacent to Red Brook where an area of public open space and ecological mitigation is proposed by the parameters plan (an area that would not be impacted by the Appeal proposals). I did not see any earthwork evidence within the Appeal site during my site visit but did observe that the area within the red line boundary but not impacted by the development immediately to the south of Red Brook (within the western part of Site 2) is very overgrown and slopes steeply to the Red Brook. A photograph provided by Mr Redhead provides evidence for an artificial bank adjacent to the Red Brook (Appendix 8, image 6, page H6). The photograph is taken from the GMSF report which identifies the location of the photograph as from Coroner’s Wood, so it is unclear if this image is of the Appeal site.
- 3.8. Mr Redhead provides evidence for fishponds (Appendix 8, image 7, page H7), illustrated using the 1896 1:2,500 scale Ordnance Survey map below. I note that the inter-connecting leats are not evident on earlier mapping of the same scale (RH/1/E[3]), which also shows fewer ponds. These ponds could also therefore potentially be evidence for agricultural activity, such as marl pits, post-dating the use of this area as a deer park. This possibility is

acknowledged in the GMSF report (Appendix 15, page O100) in relation to other ponds within the former park.

- 3.9. The possible salters (Mr Redhead's evidence Appendix 8, page H8) are also discussed in detail in Appendix 15 (page O101); it is entirely possible that there were deer leaps on this boundary, allowing access to Coronor's Wood beyond, although there is no other evidence to substantiate this (for example field names such as 'salter's croft'). However no earthwork evidence survives for these possible salters which are outside of the Appeal site (with the possible exception of one within the area of ecological mitigation), and they are within the easement of the gas pipeline, so unlikely to survive as archaeological evidence in any case.
- 3.10. I provide a copy of the annotated 1757 Estate Map showing these possible features, with the Appeal site red line boundary added (RH/1/E[3]).
- 3.11. The former park has been through a succession of changes, including enclosure to fields and turnover to agricultural use presumably in the later 17<sup>th</sup> century, rebuilding of Warburton Park Farm in the mid-18<sup>th</sup> century with further rebuilding in the 19<sup>th</sup> and 20<sup>th</sup> centuries, and an extensive reorganisation of the enclosure pattern during the 19<sup>th</sup> century with further changes, mostly resulting from hedgerow removal, during the 20<sup>th</sup> and 21<sup>st</sup> centuries, which allowed for more intensive farming and ploughing within the former deer park. A gas pipeline traverses the park parallel to its northern boundary adjacent to the Red Brook. These changes are not fully acknowledged by Mr Redhead or the GMSF report.

### *The GMSF survey (Appendix 15)*

- 3.12. The GMSF survey is included in the Appendix to Mr Redhead's evidence. The GMSF report was produced by Centre for Applied Archaeology, University of Salford. It is dated July 2020 and was not available to the Appellant during the preparation of their application or to myself while preparing my evidence. This is despite the Appellant's request for that document to be made available, after it was referred to in the Council's committee report (February 2020 (CDA62)). I have considered the findings of that report in relation to the Appeal site and have the following observations:
- 3.13. The Appeal site is within Historic Environment Character Areas (HECA) 7, 10 and 13, described as follows:
- 3.14. HECA 7 - *This is an area where the requirement for further work should be set out in the development brief and be completed pre-application. This is a relatively large area of archaeological sensitivity where the prehistoric archaeological potential has not been defined and the extent and significance of the medieval deer park remains has not been*

- definitively established. Further historical research relating to the medieval deer park, combined with earthwork survey, geophysics and evaluation trenching is required to better define significance and inform the scheduling/listing process. If significant remains are identified then these will be subject to sympathetically designed preservation in situ or further investigation and recording (dependent on the level of significance) which can be secured through a planning condition.*
- 3.15. HECA 10 - *This is an area where the requirement for further work should be set out in the development brief and be completed pre-application. This relates to the including the potential northern boundary of the medieval deer park, potentially represented by a substantial E-W aligned linear earthwork on the south side of Red Brook, within the further deer park assessment recommended for HECA 7. This will help to better define significance and inform the scheduling/listing process. Also, a programme of evaluation through geophysics and trial trenching should be set out in the development brief and required pre-application. If significant remains are identified then these will be subject to sympathetically designed preservation in situ or further investigation and recording (dependent on the level of significance) which can be secured through a planning condition.*
- 3.16. HECA 13 - *This is an area where the requirement for further work should be set out in the development brief and the initial work completed pre-application. This is a large area of archaeological sensitivity where the potential has not been defined. The master plan should identify broad areas of where development might take place and then archaeological evaluation should be undertaken in the form of through geophysics, field walking and trenching to establish where especially significant archaeology should be preserved in situ through sympathetic planning within those developable areas and where the archaeology can be removed but first of all recorded through a planning condition. This evaluation could be set out in a development brief for prospective sponsors/developers. This northern half of this area, should however, also be included as part of the peat survey recommended for HECA 9, which should be undertaken pre-application.*
- 3.17. The Appeal site is within a very small proportion of these large HECAs. Within the Appeal site, pre-determination desk-based assessment and geophysical survey has been completed. As I note in my evidence, the provision of post-determination trenching (and field walking could be included if ground conditions permit) is accepted by the Appellant, which would provide further information for an agreed programme of mitigation, secured through a planning condition. I observe that the Appellant's approach and that set out above are not inconsistent. The Appeal site is not within the northern part of HECA 13, so the recommended pre-application peat survey is not relevant to the Appeal site.



- 3.18. I note that HECA 10 is described by the report as 'Coroner's Wood', area of ancient woodland. HECA 10 is much larger than the extent of Coroner's Wood as recorded on The Ancient Woodland inventory, which does not include the Appeal site.
- 3.19. The GMSF report (Appendix 15 Page O192) provides an analysis of hedgerows that it considers to be historic, I note the broad equivalence between this and the Appellant's ES Addendum (Appendix 15.2A) although I also note that the GMSF report includes some outgrown hedgerows. Also, it notes hedgerows lining Moss Lane; to the north of Moss Lane adjacent to the Appeal site there are very large gaps in hedgerow, although some hedgerow is extant on the southern side of Moss Lane.

### *Appeal decisions (Appendices 9 - 13)*

- 3.20. Mr Redhead has provided a range of appeal decisions where appeal proposals were dismissed because (among other reasons) pre-determination trenched evaluation had not been undertaken. I have reviewed these and have some observations on points of difference between these appeals and the Warburton Lane appeal:
- 3.21. Park Farm (TBC-1 Appendix 9) – The reason for refusal related to potential effects of the Appeal proposal on the setting of a scheduled medieval moated site and fishponds. Additionally, concern was raised as to the possibility of there being buried archaeology linked to this scheduled monument, and the absence of any detailed archaeological evaluation in the area to the west of the SM (including the appeal site) to date, which led the Inspector to conclude that this amounted to potential significant harm. In relation to the Warburton Lane Appeal, the historic environment baseline is less sensitive than that in the Park Farm case. Also, as noted in my evidence the Appeal proposal is in outline allowing for any necessary archaeological mitigation to be developed prior to detailed design.
- 3.22. Overwood House, Surrey (TBC-1 Appendix 10) – The appeal site at Overwood House was located in a local plan designated area of 'High Archaeological Potential', related to the site of a pottery kiln which could be of regional significance. No trenching had been undertaken and the appeal was dismissed on the basis of a lack of information. In relation to the Warburton Lane Appeal, the appeal site is not in a recognised area of archaeological interest defined in the local plan.
- 3.23. Sutton Lane, Leicestershire (TBC-1 Appendix 11) – In this case the Appellant had submitted an outline application but layout was not a reserved matter (and would therefore be fixed upon grant of planning permission). Planning history of an earlier application had flagged archaeological issues which had not been adequately addressed as part of the appeal proposal. At Warburton Lane there is no such planning history and, as noted above the



Warburton Lane appeal proposal was submitted in outline and parameters are such that significant archaeology could be preserved *in situ* if warranted.

- 3.24. Ramsey Road, Cambridgeshire (TBC-1 Appendix 12) – In this case the Appellant had concluded that there was low/negligible potential for significant archaeological remains on site. The County Archaeologist disagreed stating that there was evidence that the area had been an extensively settled and managed landscape and any potential buried remains could result in significant changes to the ability to bring forward development. There appears to be a significant difference between the baseline data at Ramsey Road and that for the Warburton Lane Appeal site, which indicates a greater level potential at Ramsey Road, given the proximity of significant cropmark evidence.
- 3.25. Gaddesden Lane, Hertfordshire (TBC-1 Appendix 13) – This appeal related to a proposed solar farm in an allocated 'Area of Archaeological Significance'. It was dismissed on basis of deficient information. As set out above there is a difference between the Gaddesden Lane appeal and Warburton Lane, in that Warburton Lane is not within a recognised area of archaeological interest defined in the local plan.
- 3.26. I include two recent appeal decisions (my rebuttal Appendix RH/1/E[5]) which relate to large scale residential proposals within Greater Manchester with similar levels of baseline heritage interest to the Appeal proposal, where archaeological trenched evaluation was considered to be acceptable as a condition of consent by GMAAS and the Inspector that heard those cases. A third (also Bowlands Hey, a different but adjacent site to the Appeal decision in my Appendix) is referred to for different reasons in Mr Hann's evidence and already included in RH/7/C/P31, but in that case it was also considered reasonable to provide archaeological trenched evaluation as a condition of consent. I reiterate that it is common practice in Greater Manchester and elsewhere for archaeological interests to be dealt with by condition, particularly in cases where the application is made in outline.

#### 4. Proof of Evidence and Appendices provided by Mrs Lewis, on behalf of Trafford Council (TBC-2)

- 4.1. At 6.19 Mrs Lewis refers to the footbridge over Red Brook; the footbridge applications were withdrawn and do not form part of the Appeal proposals.
- 4.2. Mrs Lewis makes reference to requests for ZTV and wireframe visualisations. She refers to this as being an approach supported by Historic England's advice on setting (proof paragraph 6.39). Historic England's advice on setting is set out in GPA3 (Historic Environment Good Practice Advice note 3, the setting of heritage asset, 2<sup>nd</sup> ed. Historic England 2017). That document refers to visualisations in paragraph 42, stating "*The true effect of a development on setting may be difficult to establish from plans, drawings and visualisations...*". In relation to zones of theoretical visibility, it advises that these are discussed with the local authority (paragraph 21, third bullet). GPA3 does not support visualisations as being necessary to assessing the effects of proposals on heritage assets. In this case it was reasonable and proportionate to determine the effects of the Appeal scheme without visualisations, given that the scheme is for a common development type, and in an area with readily available comparable features for reference, such as housing in Partington and at Top Park Close. I did not have any difficulty in making my assessment without wireframes or ZTV and would not expect to have had these made available for this type of development.
- 4.3. At 6.36, in relation to Old Warburton Lane, Mrs Lewis states that the access to Site 1 could lead to 'potential loss of park pale'. Mr Redhead's image 4 (TBC-1 Appendix 8 page H4) shows the boundaries of the park, and this shows that the park boundary did not follow Old Warburton Lane where it originally crossed Red Brook, I agree with the boundaries as shown on that image and dispute that the access to Site 1 would have any impact on Warburton Park. I also note that only approximately 50% of the course of Old Warburton Lane preserved as a footpath is within the Appeal site boundary, and of that only a short section at its southern extent where it meets the new Warburton Lane would be directly impacted by the entrance to Site 1 shown on the parameters plan.
- 4.4. At 6.37 Mrs Lewis states that the 'application is submitted in full'; it is submitted in outline.
- 4.5. Mrs Lewis states that she considers the harm in relation to the affected designated assets to be less than substantial but does not set out where on the scale of less than substantial harm she considers those effects to be.

I provide a table giving a comparison of the effects assessed by Mrs Lewis to my own in my appendix (RH/1/E[1]), with reference to Mrs Lewis's table in her Appendix at page H4. I

recognise that Mrs Lewis identifies some differences between her assessment and that set in her figure 3 'magnitude of impact plotted against value' (her Appendix page H3) but note that there is a considerable difference in relation to Old Warburton Lane. Mrs Lewis records the value as low and the magnitude of impact as major, concluding a major harm/ change, the matrix on page H3 states this harm as 'low/moderate'.

4.6. I note that Mrs Lewis records the value/significance of Warburton Park as low/medium.

## **5. Proof of Evidence provided by Mr Beckmann, on behalf of Warburton Parish Council (WPC/2/B)**

5.1. Mr Beckmann provides his credentials as a Landscape Architect and his evidence is in relation to landscape effects. At paragraphs 2, 3 and 4, Mr Beckman refers to 'scheduled and unscheduled heritage assets'; there are no scheduled monuments within 1km of the Appeal site.

5.2. In his proof (paragraph 10) and appendix, Mr Beckman provides comments on the ES Addendum hedgerow assessment (ES Addendum Appendix 15.2A) and I have included a table (my Appendix, RH/1/E[4]) which provides a comparison between his assessment and that of the ES Addendum (Appendix 15.2A) with which I largely agree.