

TOWN AND COUNTRY PLANNING ACT 1990

**APPEAL BY KENT INTERNATIONAL GATEWAY LTD
APPU2235/A/09/2096565/NWF**

**PROPOSED RAIL FREIGHT INTERCHANGE, WAREHOUSING AND ASSOCIATED
DEVELOPMENT**

APPLICATION MA/07/2092 LAND EAST OF MAIDSTONE

KCC ARCHAEOLOGY

REBUTTAL PROOF OF EVIDENCE

SIMON MASON

ON BEHALF OF KENT COUNTY COUNCIL

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

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APPENDIX

1. CgMs Consulting, July 2004 “Proposed Hollingbourne Business Park, Near Maidstone, Kent: Archaeological Desk Based Assessment”

SECTION 1 – INTRODUCTION

- 1.1 I am Simon Mason. I am providing further evidence as a rebuttal to the Proof of Evidence of Paul Chadwick (KIG7.2). As part of this rebuttal I am introducing supplemental evidence in connection with an archaeological desk based assessment (CgMs 2004) provided to me by Mr Chadwick on 9th September 2009. The assessment, which I have provided as Appendix 1 of this rebuttal, was received while I was finalising my proof of evidence and in the time available to me could not be covered in that evidence.
- 1.2 I consider the CgMs desk based assessment in Section 2 of this proof. In Section 3 I provide a rebuttal on some particular matters that arise from Mr Chadwick's evidence (KIG 7.1).

SECTION 2 – ARCHAEOLOGICAL DESK BASED ASSESSMENT 2004

- 2.1 In paragraph 2.6 of Mr Chadwick's evidence (KIG 7.1) he refers to his initial assessment of part of the KIG site in 2004 in connection with a previous development proposal. During my review of the Archaeology Supplemental Environmental Statement (CD 3.30) I noted that this assessment was referred to. I requested and received a copy of the report (see Appendix 1) on the 9th September 2009.
- 2.2 The report was written by Mr Chadwick in July 2004 and is titled "*Proposed Hollingbourne Business Park, Near Maidstone, Kent: Archaeological Desk Based Assessment*". The study considered an area of approximately 40 hectares within the eastern end of the KIG site which was being promoted for development through the Local Plan Review.
- 2.3 Paragraphs 4.1 to 4.9.7 of the assessment provide an account of the archaeological and historical background of the site. While brief, this account is helpful in that it touches on some of the background archaeological potential of the KIG site which is lacking in the later studies that I have commented on in my proof of evidence.
- 2.4 In paragraph 4.2.1, Mr Chadwick acknowledges the value of considering the general distribution of archaeological material to predict the archaeological potential of the site.
- 2.5 In paragraph 4.4.1 the potential for the remains of temporary camps of

Mesolithic peoples is recognised. Mr Chadwick acknowledges here that the topographic conditions on the site are similar to those where a Mesolithic site has been identified 150m to the south.

- 2.6 In paragraph 4.4.4 the potential for remains of Neolithic date is described. Mr Chadwick speculates “...that by about 2000 BC the area around the study site had been cleared of elements of its natural woodland cover and was occupied by a mosaic of clearings, small farmsteads, fields, burial monuments and managed woodland.” He goes on to conclude that remains might include individual artefacts or localised scatters of lithics. Remains of Neolithic date are relatively rare in the county. If remains of the small farmsteads, fields and burial monuments that Mr Chadwick speculates may be in this area of Holmesdale are present then such remains could potentially be of regional or national importance.
- 2.7 In paragraph 4.5.1 the assessment notes “...the distribution and character of Bronze Age evidence indicates an increased scale of clearance and an intensification of land-use.” In 4.5.5 it is further explained “In view of this wealth of Bronze Age evidence from immediately north and south of the study site and an Iron Age settlement near Musket Lane/M20, a high potential for the occurrence of further sub-surface features in the north-east portion of the study site is identified, along with the possibility of one or more plough-damaged Round Barrows in this area and along the spur north of Woodcut Farm...” Some of the potential that I have highlighted in my proof (KCC SM1 paragraphs 4.38-4.44) is supported by CgMs’ findings.
- 2.8 Paragraph 4.6.1 suggests that at least one later prehistoric settlement site would be located on or close to the site and explains that the Late Iron Age pattern of settlement and land-use would have continued into the Roman period.

Paragraph 4.6.4 explains that elements of a Roman settlement could extend into the northern part of the site, while other evidence of the Roman landscape including burials could also be present.

- 2.9 The potential of the area for rich Saxon remains, which I have addressed in paragraphs 4.49 to 4.54 of my proof has not been realised. The potential for remains of the Saxon burial site at White Heath to extend in to the site has been acknowledged (Appendix 1 paragraph 4.7.3).
- 2.10 In paragraph 6.2 Mr Chadwick concludes that *"...it is evident from SMR and other evidence in the immediate vicinity of the study site that at least some parts of the site have a considerable archaeological potential for as yet undiscovered archaeological sites."* This is an important conclusion.
- 2.11 In paragraph 6.4 he also concludes that *"... it is evident from the archaeological evidence in the vicinity of the site that a programme of archaeological evaluation will be required in order to identify appropriate mitigation measures and to enable an informed planning decision."* This too is an important conclusion.
- 2.12 The desk top study demonstrates that as early as 2004 the "considerable archaeological potential" of the area of the KIG site, that the potential for presently unidentified sites to be present and that evaluation is needed to inform a planning decision had been recognised by Mr Chadwick and his clients.

SECTION 3 – REBUTTAL

- 3.1 Mr Chadwick in his proof (KIG 7.1) makes a number of points which I wish to respond to. The responses made below do not imply acceptance of other points raised in the appellant's evidence.
- 3.2 Concerning the progress towards a Statement of Common Ground, CgMs did send a draft statement in August (Paragraph 2.2). This draft was sent on 12th August 2009 prior to submission of the Archaeology SES which was referred to. I and Mr Parkinson from Maidstone Borough Council met with Mr Chadwick on the 10th September. No common ground was agreed that would be able to help the Inquiry in any way that is meaningful. It is intended that a further meeting will be arranged to consider the evidence that has been submitted and reach agreement where possible.
- 3.3 Mr Chadwick's comments (3.3 to 3.5) on PPG16 are very brief and over selective in referring to paragraphs 8, 18 and 27. A fuller description of the paragraphs of PPG16 which are relevant to the archaeology of the KIG development is set out in paragraphs 3.2 to 3.14 of my proof.
- 3.4 Mr Chadwick commences his commentary on the consultations concerning the development proposals with the submission of the planning application I 2007 (4.1). It is important to note that discussions with WSP had started in February 2007 and that KCC had provided a detailed specification for archaeological assessment and evaluation in May 2007, prior to the submission of the application. It is also important to note that even earlier assessments of the site or part of the site had been carried out in 2004 by CgMs which recognised a

“considerable archaeological potential” and advised the undertaking of field evaluation (Appendix 1 paragraphs 6.2 & 6.4) and by WSP in 2005 which also recommended that a programme of trial trenching be undertaken (KCC SM1 Appendix 5 paragraph 4.1.6).

- 3.5 Paragraphs 4.3 and 4.4 of Mr Chadwick’s proof refer to the Regulation 19 requests by MBC. The County Council’s request for additional information is clear in the representations we made with respect to the planning application and supplementary information. The requirements were also made clear in pre-application discussions and in the detailed specification that was provided on request to the Appellant’s archaeological advisors in advance of the planning application. The need for archaeological assessment and evaluation of the site could not have been a surprise to the appellant given the conclusions of the studies in 2004 and 2005, the pre-application discussions, and KCC and English Heritage’s representations. That no specific survey work other than the monitoring of test pits by Archaeology South East took place until May 2009, almost five years after the completion of the first desk based study, cannot be explained by heritage issues not having been included in the Regulation 19 requests.
- 3.6 With reference to 4.7.1 it should be noted that no agreement was reached between KCC, MBC and CgMs regarding the scope of the archaeological evaluation works at the meeting on the 13th May 2009. The County Council’s position was that the works set out in the specification provided in May 2007 should be undertaken. My evidence (Section 6) covers why the work that has been carried out since May 2009 is considered by the County Council to be inadequate. This section deals adequately with much of what Mr Chadwick has set out in 4.7.1 to 4.7.2 of his evidence. I would however wish to respond a number of points.

- 3.7 In 4.7.4 references are made to on site discussions regarding the treatment of the archaeological remains in Field 9. I would like to clarify, as I made clear at the time and in subsequent SOCG discussions with Mr Chadwick, that while I agree that the actual remains in the trenches were heavily truncated by ploughing and on their own merits did not warrant preservation in-situ, I do not agree that this should be taken as demonstrating the mitigation for the wider site which has not been sufficiently evaluated to understand its importance. Indeed the remains that have been recorded in the trenches may be part of a wider site that warrants preservation in situ.
- 3.8 I do not agree that the approach has been 'iterative' (4.7.5). Rather the evaluation work that has been carried out has not taken account of the site conditions, a topographic model or adequate desk based study. This issue is addressed in Section 6 of my proof. I also provide the justification for the use of the fieldwalking, metal detecting and test pitting methods that have been specified in 5.43 and 5.44 of my proof. I agree that the amount of evaluation trenching is not to a level which satisfies the County Council and only targets the potential anomalies identified by the geophysics survey, the reliability of which I have questioned in evidence. I would disagree that all the likely significant archaeological features that were identified have been tested in the evaluation trenching (4.7.5) that was "...in part dictated by the harvest".
- 3.9 The process set out in 4.7.8 has been dealt with in my evidence. It is evident from the documentation before the Inquiry that the guidance set out in PPG16 has not been followed and the information provided to assess the impact of the scheme on archaeology is inadequate. The mitigation proposed in 4.7.10 cannot therefore be supported.

- 3.10 In summary there is nothing within the evidence submitted by Mr Chadwick that leads me to reconsider the conclusions that I reached in my own evidence.

**APPENDIX 1 – CGMS CONSULTING, JULY 2004 “PROPOSED
HOLLINGBOURNE BUSINESS PARK, NEAR MAIDSTONE, KENT:
ARCHAEOLOGICAL DESK BASED ASSESSMENT”**