

Our ref: 21/00790/AS Land between Woodchuch Road and Appledore Road, Tenterden

Date: 27th August 2021

20 Western Avenue
Milton Park
Abingdon, Oxfordshire
OX14 4SH
T +44 1235 821 888

Mark Davies
Case Officer
Planning and Development Unit
Ashford Borough Council
Civic Centre
Tannery Lane
Ashford
Kent. TN23 1PL.

Dear Mr Davies,

Re: 21/00790/AS – Land and between Woodchurch Road and Appledore Road, Tenterden

I am writing on behalf of the Applicant, Wates Developments Ltd, in response to comments received on the above application with regard to heritage matters.

In particular I have been asked to address the comments made by Kent County Council's Senior Archaeological Officer (KCC's SAO), Wendy Rogers, in her letter dated 1st July 2021. I shall address these comments in turn here.

- First, KCC's SAO states that "*My comments on the earlier application for 250 dwellings 19/01788/AS/OUT (20/01/20) regarding background archaeological and archaeological landscape issues are relevant for this application and provide brief background assessment on historic environment issues.*" I believe it is helpful that these comments are included here, as in regard to the previous application, which was of greater density than the 145 dwellings now proposed as part of the current application, KCC's SAO stated that: "

"This outline application is supported by a fairly comprehensive assessment of heritage issues, including an archaeological deskbased assessment and a historic landscape assessment by RPS and a built heritage assessment by Malcolm A Cooper. I welcome these reports, especially the historic landscape assessment. I consider the DBA and the HLA are very good and provide detail and sound interpretation.

I am also delighted that the currently proposed masterplan seems to reflect key elements of the historic landscape and the overall historic landscape pattern. Not only are some field boundaries and the earthwork in the NW corner respected but the historic lane from Gallows Green seems to be reflected as a green boundary/footpath. This apparent use and consideration of the historic landscape pattern is very positive for the understanding and appreciation of local historic landscape distinctiveness."

- The masterplan for both the previous and current scheme have been driven by heritage and historic landscape considerations, and a comparison between the two schemes (see accompanying **Figure 1** and **Figure 2**) demonstrates quite clearly that the proposed residential parcels sit discretely within each of the existing historic landscape divisions and field parcels, and both of the proposed schemes retain and respect features of historic landscape significance. Indeed, the current scheme, which is of a lower density than the original 2019 application, very carefully avoids encroaching onto the historic routeway which runs through the southern part of the Site and proposed development is set well back from

historic landscape features, particularly the historic field boundaries which encapsulate the historic land-use pattern.

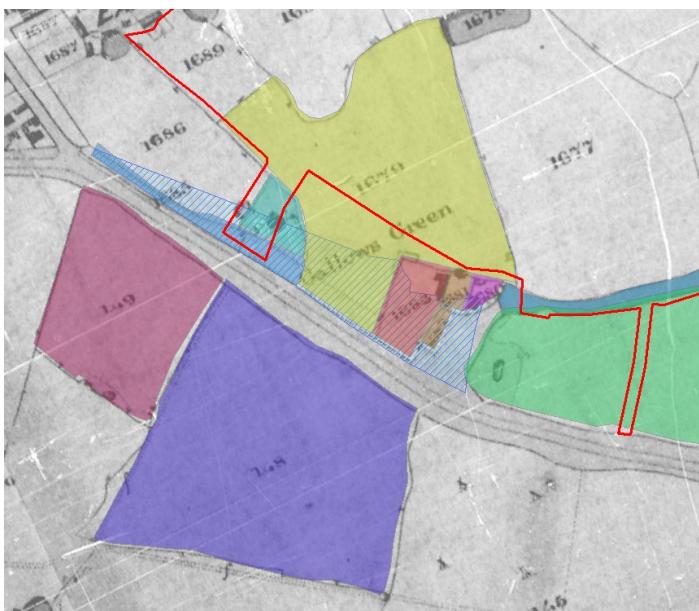
3. It is noted by KCC's SAO that for the latest application, additional information has been provided including further comments from the applicant's heritage consultant, RPS, and from local heritage groups. Local heritage groups are expressing concern over some heritage issues including some specific archaeological landscape elements. I will draw on this additional information here where relevant, but draw your attention in particular to the Historic Landscape Assessment (HLA) with Addendum and Archaeological Desk-Based Assessment (ADBA) with Addendum, submitted in support of the current application. I have seen no further evidence presented by local heritage groups nor individual objectors which would lead me to change my professional judgement as applied regarding the location of the green on which the gallows at Tenterden once stood. I shall, however, deal with local objections later in this letter.
4. It is noted that as part of the review of the current application, the KCC's SAO made a site visit on 29th June 2021. It is agreed that the baseline archaeological potential has been sufficiently highlighted in the RPS ADBA and as stated later in the letter, "*There is potential for buried archaeological remains to survive on site and a suitable phased programme of archaeological works will be needed. This is mentioned by RPS and it can be covered through pre-commencement conditions.*" Those conditions are then stated at the end of the letter, and replicate those included in comments on the previous 2019 application. These are standard conditions and are entirely agreed by the Applicant.
5. The KCC SAO notes that "*The site does appear to contain some surviving archaeological landscape features which may be considered to form components of an important historic landscape, including hedgerows, footpaths, boundary marker trees, ditches, ponds, quarries, small field system, etc. The archaeological landscape assets of most interest seem to be the site of a gallows, two patches of ridge and furrow, springs, quarries and ponds, and a trackway towards the southern end of the proposed development site.*" It is worth noting here that these features collectively contribute to the historic landscape of the Site, but the landscape itself is not 'important': it is a non-designated heritage asset, and does not meet any criteria for national heritage designation. In terms of heritage value, it is a landscape of low, local historic interest.
6. The KCC SAO then goes on to offer some specific comments on what are described as 'archaeological landscape assets' which include the site of a gallows, two patches of ridge and furrow, springs, quarries and ponds, and the trackway towards the southern end of the proposed development site.
7. With regards to comments on the gallows site, we are in wholehearted agreement with the statement that "*Early maps refer to Gallows Green, Gallows field names, etc but there does not seem to be a definitive site of the gallows. It seems likely it was located on the area where Appledore Road is shown to widen out on the Tithe Map, south of Limes Land Farmhouse*" and that "*Gallows sites are fairly typical elements of the wider historic setting of a medieval and post medieval town and may be considered of local significance and as such may be considered important at a local level*", i.e. they are of low, local significance only, and constitutes a non-designated heritage asset.
8. RPS, and the scheme's objectors, have undertaken a considerable amount of research into this issue of the siting of the gallows and what can be construed as 'Gallows Green': contrary to the opinion of KCC's SAO that "*identifying the actual site would be challenging*", in fact the evidence all points to the area of the gallows, and thus the 'green' on which the gallows sat, as laying outside of the proposed development site, and has already been built over. The area as depicted on historic maps as 'Gallows Green' identified the hamlet of cottages and gardens here, which comprised a few smallholdings and enclosures which had gradually encroached onto the roadside waste along Appledore Road, with the 19th century maps properly suggesting a gallows site at the point where the Appledore Road widened. The KCC's SAO agrees with this view.
9. The 1822 Adams Map is clear in plotting and identifying various fields and their names surrounding this part of the road, where the 'green' for the gallows would have been located within the open roadside waste. As clearly argued and stated in the HLA Addendum, in the Weald 'greens' are typically roadside waste, and are in effect 'common land' which is not enclosed nor belonging to a particular person or estate. Thus the green on which the gallows were situated at Tenterden would have been an area which had been left unenclosed, and therefore comprised the 'gap' between the enclosed fields along Appledore Road. This area would consequently have been open to the public and available for large gatherings, such as those documented during the hangings of two young men in 1785 (as referenced on p.6 of a letter dated 28th May 2021 submitted by Mr A Poole on behalf of the Limes Land Protection Group (LLPG)). This is clearly shown on **Figure 3**, which shows the various fields with 'gallows' in their

name fronting onto the large area of roadside waste. For reference, the current site masterplan is shown in relation to the fields from the 1822 Adams Map in accompanying **Figure 4**.

10. The later Tithe Map of 1843 also upholds this view, as shown on accompanying **Figure 5**, where there had been additional encroachment into the area of roadside waste by the cottages in Plot 1684, and the recording of Plot 1685 as Road Slip. Tithe plots 1680, 1681 and 1683 (cottages and gardens) clearly relate to the encroaching dwellings as shown on the Adams map, although by the time of the Tithe, the gardens of Plot 1683 had extended, and additional garden was enclosed as Plot 1682. For reference, the current site masterplan is shown in relation to the fields from the 1843 Tithe Map in accompanying **Figure 6**.
11. Although KCC's SAO states that "*Whether the actual gallows site was within or adjacent to the proposed development site, it merits sympathetic consideration and appropriate mitigation. It may also be worthwhile considering whether there is a related burial ground or paupers grave nearby.*" In terms of appropriate mitigation, this is covered by the heritage enhancement conditions suggested by KCC's SAO at the end of the letter. Appropriate mitigation may, for example, include interpretation panels at key points within the proposed development site to enhance the appreciation and legibility of the retained archaeological and historic landscape features for amenity users, where currently there is no such provision. An agreed programme of post-determination pre-commencement archaeological field evaluation works, as per the recommended conditions, could also ascertain whether or not there are any burial grounds within the Site, but current evidence would suggest this is unlikely. This forms part of the archaeological mitigation strategy as suggested by KCC, and therefore does not preclude development at the Site.
12. The letter from KCC's SAO then notes that "*There are two areas within the site which may be remnant historic ridge and furrow, one in the northwest part of the site and the other in the northern part. Surviving ridge and furrow is not common in Kent and is a landscape heritage asset meriting sympathetic and appropriate consideration, including preservation in situ as a preferred option.*" Only one area of ridge and furrow is upstanding and is visible on the ground, as shown on Plate 7 of the HLA, located in field parcel F1: this area is not being developed as part of the proposed scheme and is indeed being preserved in situ. The ridges here could be a well-preserved remnant of medieval ridge and furrow, and/or could be the result of the former use of this field as an orchard: nonetheless, the proposed development respects this element of the historic landscape and therefore it is retained intact as part of the proposed scheme. The other potential area of medieval or later ridge and furrow is in field parcel F3, which is only apparent from Lidar data, with no extant surface features. It has also been partially destroyed by a large depression, which usefully the local heritage group has identified as being a WWII bomb crater. As such, the surviving part of a small area of possible ridge and furrow with no above-ground legibility here is not an asset where it would be proportionate nor reasonable to expect it to be preserved in situ. It is not of schedulable quality nor would meet any criteria for landscape or heritage designation. Heritage enhancement measures and suitable archaeological mitigation can be secured by condition to adequately address any impacts from the proposed development in this area, and this would be a proportionate and reasonable response and in line with national planning policy and guidance.
13. It is also important to note that comments by KCC's SAO on the previous 2019 scheme did not raise the issue of any impact to the sub-surface possible ridge and furrow area in field parcel F3 and therefore their sudden concerns appear quite odd. As noted above, it would be disproportionate and unreasonable to seek to preserve this non-designated asset in situ. It is also worth noting that several new entries relating to features on 'Limes Land' have been added to the Kent Historic Environment Record (KHER) subsequent to the production of the RPS ADBA and HLA, which were not recorded in the KHER at the time when the original searches for these reports were undertaken. It is important that the heightened interest in the current application Site does not skew a proportionate and reasonable response to the proposed scheme when weighed in the planning balance.
14. The track towards the southern end of the Site is described by KCC's SAO as "*Another focus of concern*". It is unclear what the concern here is, as the current masterplan (as shown in accompanying **Figure 2**) clearly retains the former trackway and the existing planting along its length as it currently survives in the landscape. At present, the trackway is only clearly discernible in field parcel F5 (see Plate 8 in the HLA), and will not be impacted by any element of the proposed development in this area, which has been set back away from it. Part of this former likely driveway at its western end and the large area it once opened onto (i.e. the area of roadside waste which would have been the 'green' on which the gallows once stood) has already been built over, and the proposed development seeks to retain and enhance the trackway in parcel F5 by keeping it as a footpath. Again, appropriate and

- proportionate heritage enhancement measures for this area can be secured by condition, as recommended by KCC's SAO.
15. The KCC's SAO's letter then moves on to state that "*There has also been some concern expressed regarding the assessment of "ponds" on the site.....These ponds are part of the archaeological landscape and it would be preferable to integrate them into the masterplan rather than introducing new ponds and channels.*" As **Figure 2** here demonstrates, the current masterplan does indeed retain and integrate the existing ponds into the development: the introduction of new ones is a SUDS issue, but inserting ponds into this landscape is in keeping with its current historic landscape character, and is not introducing an alien feature.
 16. There is clearly a professional difference of opinion with regard to the heritage significance and possible origin of the areas of probable and possible ridge and furrow. For the avoidance of doubt, the clear area of ridges in field parcel F1 is being fully retained, as opposed to "*....may be partially maintained*", as stated by KCC. The KCC SAO further suggests that the HLA "*does not mention much about the other possible ridge and furrow and this lack of reference is reflected in the lack of strong mitigation for this area in the current Masterplan.*" It is my professional opinion, as stated above in para.12, that the surviving part of a small area of possible ridge and furrow, with no above-ground legibility, is a non-designated heritage asset of low, local value and is not an asset where it would be proportionate nor reasonable to expect it to be preserved in situ. As such, I am of the opinion that development in this area would not be inappropriate, and that any development can be suitably mitigated by an appropriately worded condition, as set out by KCC's SAO at the end of the letter. It is considered to be reasonable to mitigate the impact of development in this area through preservation by record, and it is unreasonable and not proportionate to suggest that that this area cannot be developed within the current scheme.
 17. Somewhat confusingly, KCC's SAO states "*There is little acknowledgement in the RPS HLA that linking early map data to modern map data is challenging and there is a lot of room for variable interpretations.*" This is at odds with the evidence put forward in the HLA Addendum where the issue of reliability on historic maps is clearly addressed. However, it is welcomed that the KCC SAO goes on to state that "*With regard to the RPS HLA, overall it is still my view that the assessment is based on documentary evidence; sound references are used; it has been compiled by a historic landscape specialist; and the interpretations are evidence-based as far as possible at this initial stage.*" The reports are deemed to be of a high standard, and whilst there may be some disagreement in interpretation, this should not detract from the factual evidence presented therein.
 18. With regard to the current masterplan and comparisons with the previous masterplan, accompanying **Figures 1** and **2** clearly show that there is a far lower density of development within the current scheme; the key elements of the historic landscape (historic field pattern, field divisions, extant ridge and furrow, the extant elements of the drove/trackway, ponds, footpath) have indeed been reflected in the design of the scheme, and development has been further set back from the historic hedgerows and other features to better preserve their setting. The balance of harm to non-designated heritage assets of low, local value needs to be weighed in the planning balance with the overall benefits of the scheme, and the heritage enhancement and mitigation measures that can be achieved by conditions as recommended by KCC's SAO. As stated earlier, it is not proportionate nor appropriate to mitigate the area of below-ground possible ridge and furrow by taking this out of development altogether, particularly where there is nothing to see and it has already been compromised by a WWII bomb crater. There is no reflection of the gallows site within the masterplan as it is irrelevant and does not fall within the Masterplan site: however, as noted earlier, a heritage interpretation panel or panels could, for example, be provided within the amenity space within the development as a heritage enhancement and mitigation measure which makes the history of the Site and its surrounds more readily accessible.
 19. It is not the case that archaeological landscape measures have been reduced and compromised in the current application when compared to the previous scheme. The HLA was indeed used to guide the revised masterplan layout which has significantly decreased the quantum of development whilst retaining and respecting the key historic landscape elements which characterise the Site.
 20. The KCC SAO suggests that "*Some of the concerns over the gallows site, driveway and ponds might be able to be addressed through further documentary research and interpretation measures.*" It is agreed that interpretation measures would be an appropriate form of heritage mitigation and enhancement. In terms of additional research, it is unclear what further documentary research is required over and above that already undertaken by the Applicant and also presented by the local heritage objectors.

21. With reference in particular to the letter and enclosures dated 28th May 2021 filed by Albert Poole on behalf of the LLPG, it is agreed, as stated on p.4 of said letter, that the 1843 Tithe Map is the most significant map in terms of detail and accuracy. As shown on accompanying **Figure 5**, it is clear that part of Plot 1679, 'Gallows Green Field', lies within the Site. 'Gallows Green' is annotated on the Tithe map to denote the cluster of smallholdings which had been established by encroaching onto the roadside waste, i.e. the 'green' where the gallows stood, which I continue to assert is in the area as indicated on **Figures 2 and 3**. Indeed, Mr Poole asserts that the gallows would have been located on the northernmost point of Plot 1683. This may well be the case, and as clearly shown on **Figure 6**, this plot lies outside of the Site boundary and within the area of formerly unenclosed 18th century roadside waste. The maps presented by RPS have all been georeferenced digitally using Geographical Information Systems (GIS) which provides a significant level of accuracy in plotting heritage features in relation to modern OS mapping and the proposed Masterplan for the Site.
22. As the image below shows, the area of roadside waste (hatched in blue) is the extent of the 'green' as captured on the Adams map of 1822, where the gallows would have once stood on the large area of roadside waste during the 18th century and earlier. As such, it was around this area of 'green' that the various fields were enclosed, and named on both the Adams and Tithe maps with 'gallows' in their nomenclature. By 1843 there had been substantial encroachment into this area by the recorded cottages and gardens, including Tithe plots 1680, 1681, 1682 and 1683, and various historic documents refer to these dwellings as "being at a place called Gallows Green". I do not believe that the evidence can be any clearer that the site of the gallows and the 'green' on which they stood lies firmly outside of the application area, and that 'Gallows Green' as mentioned in documents and annotated on historic maps refers to this cluster of early roadside ribbon development along Appledore Road.



I trust this letter clarifies matters regarding the archaeological landscape mitigation, which is fully embedded in the design of the scheme, particularly by showing on the accompanying figures how surviving historic landscape features sit alongside the previous and current masterplans. Heritage enhancement and archaeological mitigation can be secured by condition, as recommended and set out by KCC's SAO, including suitable long term management, protection and interpretation.

Yours sincerely,
for RPS Group Limited

N.J.Cook

Dr Nikki Cook MCIfA
Technical Director - Heritage
nikki.cook@rpsgroup.com
+44 1235 448773 m. +44 7729 429817

