

**Rebuttal Evidence – Ken Taylor
For the Rule 6 Party
24 January 2023**

Rebuttal Evidence

- 1) This Rebuttal Statement is made in response to the Technical Note prepared by Mr Amir Bassir which is annexed to the statement of Mr Francis Hesketh for the Appellant at Appendix D starting at page 48 (CD12.5).
- 2) It is also in response to Mr Bassir's response to the Rule 6 Statement which is found at Appendix 2 of the appendices to the evidence of Mr Paul Connelly for the Appellant starting at page 11 (CD12.2).
- 3) I use the paragraph numbering used in the Technical Note (identified with the prefix **1-**) and Rule 6 Response (identified with the prefix **2-**).
- 4) **1-1.22.** The technical note suggests the land at the west of the site 'remained as waste ground' between the time of the 1780 enclosure map and the 1791 estate map. However, the enclosure map states this whole area was among the 'Old Enclosures' (1-G7507.43.003), and the 1791 estate map shows this land in the possession of Mary Bristow (whose name appears on 1-G7507.43.004, to the left of the land later used as allotments). The idea that this land was 'waste' is unfounded, which undermines the final sentence of the conclusion at paragraph 1-1.33 that asserts the enclosure and the pattern of hedges 'took place during the general period of Parliamentary Enclosures'. No documentary evidence is offered for that assertion, which is important because it is restated at 1-1.39 and appears to be the basis on which the judgement is made (1-1.41) that the hedgerows are not 'ancient' (as defined at 1-1.35).
- 5) **1-2.5.** Previous to this paragraph in the technical note, a set of striations visible in LiDAR imagery (1-G7507.43.007) for the field 'Two Acres' was interpreted as post-dating 1791 (also discussed by Mr Bassir at 2-1.4). That is, in the main, accepted (Mr Bassir fails to note that the archaeological survey (CD1.18 d)) at paragraph 4.2.18 interprets those features as field drains), but what is strongly disputed is the subsequent

generalisation: 'Since the striations visible across the site have a very similar characteristic it is considered that they are likely of the same age and origin'.

- 6) The illustration (1-G7507.43.007) broadly supports that view yet, even so, faint striations are visible that contradict the assertion that all striations are 'very similar' - these are in the field 'Three Acres' (bounded to the north by hedgerows HH4 and HH5). Similar horizontal features can be seen in the field called 'Four Acres' in the 1791 Estate map. Other LiDAR images show the striations in both these fields more clearly – see 'A note on land use at Brislington Meadows Ken Taylor' (2023) (CD11.4 (i)) and the DTM and DSM LiDAR images at CD11.6 (k) & (l). Not only do these visually resemble ridge and furrow cultivation but also their calculated width lies comfortably within the range of such medieval features, and so may be taken positively as evidence for ridge and furrow at this site.
- 7) **1-2.7.** None of the three surveys cited in this paragraph - walkover, geophysical, and archaeological - provide evidence of absence, but only show an absence of evidence, and the fact that the archaeological surveys carried out did not '*not provide evidence for ridge and furrow remains or medieval activity*' (2-1.4) does not mean that they do not exist.
- 8) Also the reference to removal of the hedge shown between the fields called 'Pool Close' and 'The Hook' in the 1791 Estate map by the time the 1846 Tithe map was prepared discussed in both statements is a 'red herring', because these are not the fields where there is evidence of ridge and furrow.
- 9) Taken in order, each point regarding the three surveys can be shown to lack substance.
- 10) The evidence shows that 'Three Acres', along with the other fields, has been put to pasture for decades, and the vegetation grows tall and lush, so the subtle fluctuations in ground level captured by LiDAR

would have been overgrown and hidden from the view of those conducting the walkover survey at the height of summer on 12th July 2020 (1-4.58, Historic Environment Assessment).

- 11) I accept that the geophysical survey in the archaeological survey (CD1.18 b)) doesn't appear to show the evidence of ridge and furrow seen in the various LiDAR images. It is, however, very likely the data does contain evidence of these features, but the many strong magnetic signals are overwhelming. Further processing of the raw data (or less, perhaps) may be required to reveal the fainter pattern of ridge and furrow.
- 12) The archaeological survey ((CD1.18 d)) methodology shows the trenches were excavated by machine, and the uncovered features (ditches, pits and postholes) were excavated by hand, and, crucially, only those artefacts found during hand excavation were recorded (paragraphs 4.3, and 6.1). These discrete features were either Roman or lacked datable finds, so it's not surprising the artefacts recorded were not medieval.
- 13) **1-2.8.** As mentioned, there is evidence for ridge and furrow in the LiDAR striations in 'Three Acres' but this has not received due consideration. Mr Bassir's evidence fails to mention its existence either in this field or in the field to the west, called 'Four Acres in the 1791 Estate map, so the conclusion in this paragraph that *'It is considered that there is no substantive evidence that the site formed part of an open-field agricultural system or that ridge and furrow remains are present on the site or influenced the current hedgerow pattern.'* is simply not supported by the weight of the evidence.
- 14) **1-2.9 to 1-2.11 inclusive.** The arguments presented in these paragraphs have been countered above.
- 15) **1-2.12.** At some places the abrupt difference in ground level either side of the hedgerows is around 0.5 metre so perhaps insufficient to catch the eye of the walkover survey, but in others it is well over 1

metre though often obscured by outgrowth from the hedge. The height differences are however shown clearly in Appendix B, Flood Risk Assessment and Drainage Strategy (CD1.27) as consistently occurring in association with the hedgerows. These abrupt differences are the features in the landscape that have been described as lynchets risers. The fields themselves provide clear evidence that these features do not wholly arise *'from natural erosive processes and water-borne soil movement downhill with the east-west hedgerows acting as a soil trap and accumulating soil over time.'* For example, the soil trap explanation fails to account for the 1 metre height of the lynchet riser at the lower boundary of the site. The hedgerow (HH7) marking this field boundary is downhill from the riser, and between them an ancient public right of way runs alongside the hedge at the lower level, creating an open space, the very opposite of a soil trap.

- 16) **1-2.16.** Ploughing for a long period of time, while religiously avoiding blocking the right of way (which I believe to be a medieval Priests Path alongside the lower boundary of the site (CD11.4 (f))), is a more plausible explanation for the large difference in ground level, than a sort of natural erosion that somehow miraculously stops short of the path and hedge. The risers in the other fields are tall enough to cast doubt on their origin in soil traps, and their uniform alignment across the landscape in clear association with the hedgerows commend this as a remarkably complete pattern of fields formed by ancient ploughing. Because ploughed fields don't need stock hedges, the hedges surrounding these fields are considered to post-date the ploughing and were put in place when the land use changed from arable to pastoral. Given both the age of the hedges, and also the time it takes to form lynchets on this scale, the pattern of fields created by such ploughing could easily pre-date the period of Parliamentary Enclosures. In addition, the evidence of ridge and furrow (bearing in mind that this site is conveniently close to the heart of the medieval

village and was not part of the Common), supports the contention that this preserved landscape more probably belong to the village's medieval open fields.

- 17) **1-2.19 to 1-2.29 inclusive.** The conclusions presented in the technical note are undermined, if not completely overturned, by the evidence presented above.