



OTTERPOOL PARK

COUNTRYSIDE • CONNECTED • CREATIVE

DOCUMENTS SUBMITTED IN SUPPORT
OP5 APPENDIX 9.26 – **SCHEDULE MONUMENT**
CONSENT DECISION

www.otterpoolpark.org

March 2022



OTTERPOOL PARK

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Application Administration

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OP2	Planning Fee
OP3	Outline Planning Application Form, including relevant certificates & CIL Form.

Environmental Statement

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OP5	Environmental Statement which assesses the impact of the proposed development on the following topics:
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Chapter 3	Development and Consideration of Alternatives
Chapter 4	The Site and Proposed Development
Chapter 5	Agriculture and Soils
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Please refer to ES Contents page which provides a full list of ES Appendices

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Documents submitted in support

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OP13	Access and Movement Mode Share Targets
OP14	Cultural and Creative Strategy
OP15	Statement of Community Involvement
OP16	Supplemental Statement of Community Involvement



Historic England

Ms Poppy Carmody-Morgan
Quod
Ingeni Building
17 Broadwick Street
London
W1F 0DE

Direct Dial: 0207 973 3700

Our ref: S00215150

26 April 2019

Dear Ms Carmody-Morgan

**Ancient Monuments and Archaeological Areas Act 1979 (as amended); Section 2
control of works
Application for Scheduled Monument Consent**

**WESTENHANGER CASTLE, OTTERPOOL PARK, STONE STREET,
WESTENHANGER
Scheduled Monument No: SM 22777, HA 1020761
Our ref: S00215150
Application on behalf of Cozumel Estates Ltd**

1. I am directed by the Secretary of State for Digital, Culture, Media & Sport to advise you of the decision regarding your application for Scheduled Monument Consent received 20 March 2019 in respect of proposed works at the above scheduled monument concerning demolition of concrete and timber buildings built as stables for the racecourse, break-up and removal of hard surfaces and tree removal.. The works were detailed in the following documentation submitted by you:

OPM (P) 3100 vegetation retention and removal strategy,
OPM (P) 1008H green infrastructure and open space
OPM (P) 1018J existing buildings to be demolished and retained
OPM (P) 1011H green infrastructure buffers

The consent applied for and granted by this letter is for the demolition of agreed buildings and removal of agreed trees only and NOT for the subsequent treatment of the stables area, which at time of writing is the subject of a major planning application that proposes landscaping of this part of the scheduled monument. A separate Scheduled Monument Consent application will be required for these works.

2. In accordance with paragraph 3(2) of Schedule 1 to the 1979 Act, the Secretary of State is obliged to afford you, and any other person to whom it appears to the Secretary of State expedient to afford it, an opportunity of appearing before and being heard by a person appointed for that purpose. This opportunity was offered to you by



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Historic England and you have declined it.

3. The Secretary of State is also required by the Act to consult with the Historic Buildings and Monuments Commission for England (Historic England) before deciding whether or not to grant Scheduled Monument Consent. Historic England considers the effect of the proposed works upon the monument to be

I can confirm that the Secretary of State is agreeable for the works to proceed providing the conditions set out below are adhered to, and that accordingly Scheduled Monument Consent is hereby granted under section 2 of the 1979 Act for the works described in paragraph 1 above, subject to the following conditions:

- a) The works to which this consent relates shall be carried out to the satisfaction of the Secretary of State, who will be advised by Historic England. At least 4 weeks' notice (or such shorter period as may be mutually agreed) in writing of the commencement of work shall be given to Peter Kendall. Historic England London and SE Region, 4th Floor The Atrium, Cannon Bridge House, 25 Dowgate Hill, London, EC4R 2YA
- tel no 07718 679697 or peter.kendall@historicengland.org.uk in order that an Historic England representative can inspect and advise on the works and their effect in compliance with this consent.
- (b) No works requiring ground disturbance shall take place until the applicant has confirmed in writing the commissioning of a programme of archaeological work before and/or during the works in accordance with a written scheme of investigation which has been submitted to and approved by the Secretary of State as advised by Historic England. You are advised that this should follow a two stage process, beginning with a desk based assessment of the potential for archaeological remains (above ground or buried) which should include a map regression, to be followed by proposals for archaeological supervision of works and for recording so as to minimise the risk of harm to archaeological remains and to mitigate any harm that cannot be avoided.
- (c) The archaeological contractor appointed to provide the archaeological services referred to above at (b) shall be agreed with Historic England.
- (d) Photographs of the stable buildings to be removed should be taken before demolition starts and this should be sufficient to illustrate the character of the individual types of building and to show the character of the stable yard. A copy of the report should be sent to Historic England within 3 months of the completion of the demolition works (or such other period as may be mutually agreed) and a copy offered to the Kent CC Historic Environment Record..



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- (e) All those involved in the implementation of the works granted by this consent must be informed by the owner, occupier and/or developer that the land is designated as a scheduled monument under the Ancient Monuments and Archaeological Areas Act 1979 (as amended); the extent of the scheduled monument as set out in both the scheduled monument description and map; and that the implications of this designation include the requirement to obtain Scheduled Monument Consent for any works to a scheduled monument from the Secretary of State prior to them being undertaken.
- (f) Equipment and machinery shall not be used or operated in the scheduled area in conditions or in a manner likely to result in damage to the monument/ ground disturbance other than that which is expressly authorised in this consent.
- (g) All material arising from the demolitions shall be removed from the scheduled monument. There shall be no dumping within the scheduled area. You are advised to avoid placing material in locations that would be harmful to the monument or which would affect its significance by virtue of changes to its setting.
- (h) There shall be no burning within the scheduled area.
- (j) Any existing trees, shrubs and woody growths proposed for removal shall be cut off at ground level and the roots poisoned, the stumps being left *in situ* and not grubbed out. You are advised to discuss the full extent of tree works with Historic England after the demolition of the stable buildings and it may be necessary to obtain arboricultural advice to help determine the extent of these works. Stump grinders shall not be used without the prior agreement of Historic England.
- (k) In the event of any structural remains (buried or above ground) being identified, Historic England shall be informed and their advice sought as to the immediate protection and future conservation of the remains.
- (l) Within 6 months (or such other period as may be mutually agreed) of the completion of the works to which this consent relates a report into the archaeological activities carried out and the results achieved through recording shall be sent to Historic England and the Kent CC Historic Environment Record. You are advised to discuss the format and content of the report with Historic England and to provide a copy to them in draft.
- (m) The contractor shall complete and submit an entry on OASIS (On-line Access to the Index of Archaeological Investigations - <http://oasis.ac.uk/england/>) prior to project completion, and shall deposit any digital project report with the Archaeology Data Service, via the OASIS form, upon completion.





4. By virtue of section 4 of the 1979 Act, if no works to which this consent relates are executed or started within the period of five years beginning with the date on which this consent was granted (being the date of this letter), this consent shall cease to have effect at the end of that period (unless a shorter time period is set by a specific condition above).

5. This letter does not convey any approval or consent required under any enactment, bye law, order or regulation other than section 2 of the Ancient Monuments and Archaeological Areas Act 1979.

6. Your attention is drawn to the provisions of section 55 of the 1979 Act under which any person who is aggrieved by the decision given in this letter may challenge its validity by an application made to the High Court within six weeks from the date when the decision is given. The grounds upon which an application may be made to the Court are (1) that the decision is not within the powers of the Act (that is, the Secretary of State has exceeded the relevant powers) or (2) that any of the relevant requirements have not been complied with and the applicant's interests have been substantially prejudiced by the failure to comply. The "relevant requirements" are defined in section 55 of the 1979 Act: they are the requirements of that Act and the Tribunals and Inquiries Act 1971 and the requirements of any regulations or rules made under those Acts.

Yours sincerely

Peter Kendall

Team Leader, Development Advice

Regions Group

E-mail: Peter.Kendall@historicengland.org.uk

For and on behalf of the Secretary of State for Digital, Culture, Media and Sport

cc Andy Jarrett - Folkestone & Hythe DC.



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