

From: Emily Gillott <emily.gillott@nottsc.gov.uk>
Sent: 17 April 2024 16:37
To: Gareth Elliott <GElliott@rushcliffe.gov.uk>
Cc: Ursilla Spence <ursilla.spence@nottsc.gov.uk>
Subject: RE: [EXTERNAL]:24/00161/FUL Old Wood Energy Park

OFFICIAL

Afternoon Gareth.

Thank you for the extension of time for comments on the technical note provided by the applicant so that I could consult with various specialists. I have some comments below:

The technical note appears to acknowledge that preservation in-situ of archaeological features can be achieved by way of an archaeological management plan secured as a condition. Such a plan would set out the requirements to ensure preservation in-situ of archaeological remains, including annual monitoring and provision for any required remediation, for the construction, operation, and decommissioning of the scheme. It would state the mitigation methods and areas, lay out a schedule for annual monitoring and lay out provisions for the event of the site having to be redesigned to accommodate new hardware, for example.

This assumes that the archaeology on the site is not Schedulable. The work carried out so-far on the adjacent site to the west indicates a roofed high-status Roman building in the immediate vicinity, which could be what the features in Area 7 represent. At present we do not have any information beyond conjecture based on morphology from the geophysical survey, as to the nature, date, preservation and significance of the archaeological remains on this site. If the site contains evidence of a Roman roofed structure such as a villa then those remains are potentially Schedulable, therefore of national significance. Equally some of the remains may not warrant preservation in-situ.

In order to develop appropriate mitigation schemes and/or an archaeological management plan for the site the archaeology needs to have been suitably characterised and the significance assessed. We do not currently have enough information to inform any mitigation or management plan. This requirement for baseline information is reflected in a recent High Court appeal on a solar scheme where the inspector found that there was insufficient information on archaeology due to the absence of trial trenching. On this scheme the applicant did not undertake any evaluation, disregarding the issue of significance, because their view was that mitigation could avoid harm (this seems to be a similar approach offered on the scheme we are discussing). The inspector stated '... an understanding of the significance of heritage assets is the starting point for determining any mitigation, and it is not appropriate to assess mitigation without that understanding. To approach the matter from the direction which the claimant does,

by saying that the requirement to understand such significance is inapplicable because mitigation means that there is no harm, is, in my judgment, to approach the matter the wrong way round. There needs to be an understanding of significance in order to assess whether any mitigation appropriately addresses any harm.'

My own professional guidance (ClfA Standard and Guidance for archaeological advice by historic environment services) states 'advisors should only make a recommendation in response to a development proposal where the significance of assets affected by the development proposal and the scale of any loss of significance is adequately understood'. Suggesting that it is appropriate to recommend that evaluation of significance is carried out post determination is asking me to go against my own professional standards and guidance.

The cumulative impacts of solar schemes on archaeological remains and their setting, and on the historic landscape, have been very much underestimated, as is reflected in the revision of EN-3 in very short order after its publication. Footnote 94 states 'The results of pre-determination archaeological evaluation inform the design of the scheme and related archaeological planning conditions'.

The NPPF para 200 states that enough information should be available to understand the potential impact of the proposal on the significance of any remains. We do not understand the significance of the remains and so cannot assess the potential impact.

Additionally Historic England's document 'Piling and Archaeology guidance and good practice' also emphasises the importance of understanding significance and harm. 'The applicant will need to provide sufficient information demonstrating an adequate understanding of the significance of the archaeological site and assessment of potential harm to that significance arising from the development'.

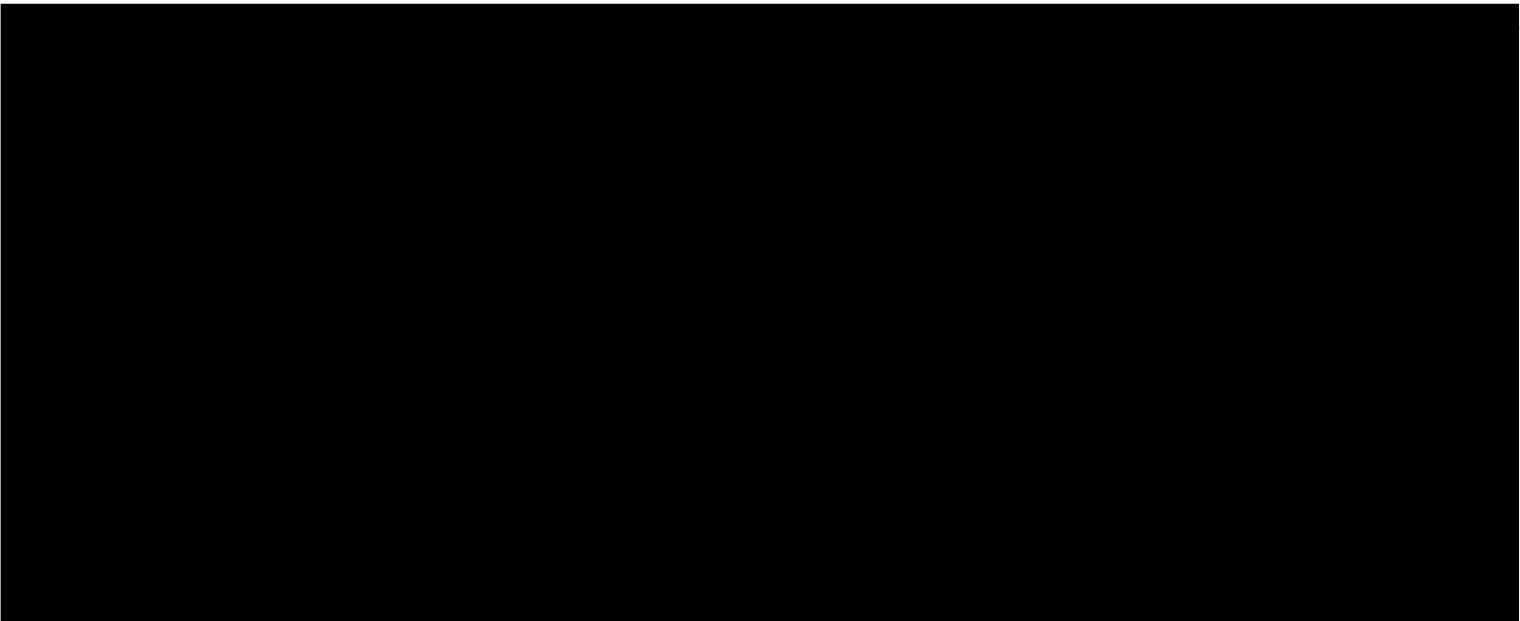
There were specific circumstances that led to the total conditioning of work on the adjacent site to the west, and it has been a good demonstration of how problematic that can be for both the archaeology and the client in terms of timetabling and design of scheme, and with unknown and unknowable costs.

I am not recommending outright refusal of the scheme on the basis of archaeology, but every professional guidance for archaeology, and the NPPF and EN-3 all are clear that archaeological potential and significance need to be assessed at as early a stage as possible and used to inform design and mitigation, and I have to support that approach.

I hope this is helpful,
All the best
Emily

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(Pronouns: she/her)



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