



Date: 28th May 2020

Dear Sir/Madam,

Historic England Advice Note: Commercial Renewable Energy and the Historic Environment Consultation

Thank you for the opportunity to comment on the consultation draft of the above. I am responding on behalf of the Association of Local Government Archaeological Officers: England. The Association (ALGAO) is the national body representing local government archaeology services at County, District, Metropolitan, Unitary and National Park authority level. These provide advice to nearly all the District, Unitary and other local government bodies in the country.

ALGAO: England co-ordinates the views of its member authorities (92 in total) and presents them to government and to other national organisations. It also acts as an advisor to the Local Government Association (LGA) on archaeological matters. The range of interests of our members embraces all aspects of the historic environment, including archaeology, buildings and the historic landscape, and our stated aims are to:

- Provide a strong voice for local authority historic environment services and promote these to strengthen and develop their role within local government in delivering local and national government policy
- Ensure local government historic environment services are included within policy (national and local) for culture and education
- Ensure that policy aims to improve the sustainable management of the historic environment
- Promote the development of high standards in the historic environment profession

The comments below include the views of several curatorial archaeologists, but some ALGAO members may have different views to those expressed below.

We welcome the intention to provide a HEAN on Commercial Renewable Energy and the Historic Environment as large-scale infrastructure schemes are expected in the near future across the country. We would request that the following considerations and suggested amendments are taken into account in finalising the advice note.

There should be emphasis early in the document that the red line for an application, whether NSIP or LPA, should include all the ancillary development, including grid and other connections, which can be extensive. Although noted in specific sections, this is a major point which would be worth emphasising at the start.

There should also be reference to community heating schemes. In such schemes there will be impacts from the multiple heat pump boreholes and the resulting matrix, and also from retrofitting listed buildings and installing heat networks in conservation areas.

Comments on specific paragraphs are set out below:

17. The EIA Regulations 2017 - This should also include consideration of non-designated assets as detailed in NPPF Section 16.

20. Reference should also be made to consulting at an early stage regarding non-designated assets with the HER and Local Authority Heritage staff.

22. Again there is also a need to consult with local authority heritage staff.

24. Rather than 'it may be that the applicant seeks pre-application advice' should reword to 'the applicant is strongly advised to seek' to encourage early consultation. Local authority archaeological advisors should be mentioned alongside Historic England.

27. Again there should be specific mention of local authority archaeological advisors and consultation of the Historic Environment Record.

28. There should be more explanation of how it would be possible to achieve this for example by undertaking archaeological assessment and field evaluation.

29. Again reference should be made to field evaluation. Many potential assets will not already be included in existing records. Explain that the results from the assessment undertaken as part of NPPF para 189 should be considered before para 30 which deals with the conservation of assets

Box 4: Nationally important archaeological sites - reference to NPPF footnote 63 - this should be earlier in the text perhaps next to the reference to SMs.

30. Conservation of assets is only possible if they are understood through an appropriate level of assessment and in many cases, this will be through fieldwork especially in relation to below ground archaeological assets

32. Mention that this should be based on an informed assessment as described in NPPF 189.

33. It could be helpful to mention what information is required to allow a judgement to be made e.g. archaeological assessment.

35. Buried archaeological remains can be damaged or even totally destroyed by construction operations, such as intrusive ground investigation, engineering operations to prepare the site for construction, temporary works, excavation, foundation and buried service installation, and post-construction intrusive operations relating to the repair, maintenance and improvement of the site. As a result, an iterative, evidence-based approach is needed to consider archaeological interest on a site-by-site basis – the advice note should explain this more clearly.

36. Add that a developer should always approach the local authority heritage service to ensure that they are given up to date advice on the archaeological potential of the area. They will be able to provide the applicant with an informed and nuanced approach to address the requirements of the NPPF. This may not always involve a DBA but might also include archaeological fieldwork such as fieldwalking, geophysical survey and trial trenching.

37. 'A DBA may suggest that a programme of archaeological assessment prior to determination is needed' - this should be rephrased to explain that the advice to undertake further works would come from the local authority archaeological advisor possibly in discussion with the archaeological consultant.

In addition to the DBA, a programme of archaeological assessment is needed prior to determination to provide appropriate baseline evidence that will be used to inform a strategy to mitigate the construction impacts of the development. Should explain that the evaluation methodology is set out in a programme of works, known as a Written Scheme of Investigation (WSI), which would normally be agreed with the relevant planning authority and where appropriate with Historic England.

39. The statement that 'the results of any (pre-determination) evaluation can be used to inform the design of the scheme (also see Preserving Archaeological Remains) informed by related discussions between the applicant and the relevant authorities or other interested parties' is of critical importance and should be strengthened and more fully explained within the document. Should emphasise that the information from the evaluation is essential, firstly, in terms of the decision about the principle of development and, secondly, if consent is granted in informing the design of the development including archaeological mitigation.

40. This paragraph should explain better that if the applicant for an NSIP is successful in securing consent, the Development Consent Order (DCO) will specify conditions and a timeframe within which project specific archaeological WSI(s) should be prepared. The primary lead for agreeing any onshore WSI will be the relevant local authority, with Historic England the primary advisor for any offshore WSI which would be agreed formally with the Marine Management Organisation. Reference should also be made to requirements for preparing and depositing the archaeological archive and possibly displaying significant artefacts or for other heritage interpretation.

54. It is important to explain in this section that this is why it is important to evaluate all of the application area not just small parts of it so that the long-term management of the impacts can be addressed.

Section 4 Solar energy – This section should be more expansive. There are different techniques for mounting arrays, some of which are not intrusive. Also, solar does provide an opportunity to protect and manage archaeological sites through arable reversion. Again, this is mentioned but should be bolder.

74. Should clearly say that assessment means predetermination assessment including fieldwork not just a DBA.

75. Again this needs to say clearly that assessment should be undertaken pre-determination and should perhaps be placed after para 72.

76. We welcome the inclusion of this paragraph but should also consider how the plan would be enforced and what would happen if the site was decommissioned and returned to agriculture.

77. As airfields are favoured sites for such development there should be reference to the HE guidance on assessing the significance of historic military aviation sites.

Section 5. Biomass and energy from waste (EfW): technology-specific issues - this seems to be included as an afterthought although the requirements regarding pre-determination assessment are just as applicable to this type of development. The section should be strengthened.

We would be happy to discuss any of the above comments in more detail if that would be helpful.

Yours sincerely

Lis Dyson
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ALGAO England
(Heritage Conservation Manager
Kent County Council)