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Sent: 27 February 2024 15:37
To: Cottam Solar Project
Cc: Nina Wilson
Subject: Nottinghamshire County Council response to Rule 17 Request for further information.

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Dear Sirs

Further to the Examining Authority's request for further information dated 13 February, Nottinghamshire CC has the following response to make in respect of three areas - Historic Environment, Transport and Access and Minerals:

Historic Environment

3.9.4 Lincolnshire and Nottinghamshire County Council's views as sought on the Applicant's approach to archaeological remains and non-designated assets in respect of the changes, as is set out in Section 3.9 of the SEIR [AS-064]. The Applicant has also provided a revised Written Scheme of Investigation [REP4-025] at Deadline 4 and so that document should also be considered in your response.

Response

Regarding areas of change 1 and 2 shown in the SEIR, the additional area to the south of Cottam power station has been recently evaluated as part of the Gate Burton scheme where sufficient evaluation has been undertaken and an appropriate mitigation strategy has been agreed including this area. In area of change 3 we would not expect additional archaeological investigation in this area. The authorities consider that areas 4 and 5 do require evaluation including trial trenching which has not yet been undertaken.

The Nottinghamshire Archaeologist has also been working with Lincolnshire CC to form an agreed response to the applicants Written Scheme of Investigation (and also in response to the proposed Cultural Heritage Position Statement).

As they currently stand both authorities cannot agree either of the two WSIs. Our position remains that they have failed to adequately evaluate the site in line with professional guidance and standard archaeological practice and as such both authorities cannot recommend either of the proposed post consent strategies.

As we have consistently stated throughout the NSIP process, adequate trial trenching is required to inform an appropriate and fit for purpose mitigation strategy to adequately deal with the developmental impacts. This trenching should cover the full impact zone including the redline boundary and cable routes and be undertaken pre-consent to be in accordance with NPPF paragraphs 200 and 201 and the EIA Regulation 5 (2d)).

Trenching results are essential not only to inform mitigation but to ensure effective risk management and allows the developer to present a programme that is deliverable. As we are now in the post-submission stage we would do our best to facilitate completion of an appropriate scheme of trenching evaluation before the determination, to allow the results to inform a reasonable and robust site specific mitigation strategy.

In the light of direction from the Examining Authority, we offer our specific comments on both WSIs below to give examples of the level and extent of issues we cannot agree:

'Areas assessed to have archaeological potential, based on consideration of all available archaeological data, were targeted with evaluation trenches within the Cottam 3b Site, both to 'ground truth' the results of previous surveys

and to provide samples of 'blank' areas, in which archaeological remains had not been identified by non-intrusive methods.' (sections 3.1.32, 3.1.96 and elsewhere)

This was not agreed by LCC, NCC or Bassetlaw who have consistently stated that the full impact zone including the redline boundary and cable routes must be adequately evaluated by trial trenching.

Preservation in situ areas. Sections 7.1.8 to 7.1.11 discuss directional drilling but include no mitigation measures to ensure the preservation in situ areas are protected from development works such as machine tracking or plant storage which could damage or destroy the surviving archaeology. The full extent of the archaeological areas must be determined and each area must be fenced off and subject to a programme of monitoring throughout the construction, operation and the decommissioning phases, and there will be no ground disturbance whatsoever which may disturb or affect the archaeological remains, including plant movement or storage. The fencing will need to remain in place and be maintained throughout the lifetime of the scheme. They need an Archaeological Clerk of Works and the management strategy for the preservation in situ areas will need to be included in their CEMP to ensure the protection measures stay in place throughout the development.

Section 7.1.14 states that geophysical survey will be undertaken on land newly included by the change to the Order Limits. Evaluation trenching will also be required and the results used to inform any necessary mitigation works required to adequately deal with the development impact.

This section states that if limited potential archaeological remains are identified an archaeological watching brief would be sufficient. We do not agree, the appropriate level of mitigation cannot be determined until the trenching results are known.

This section uses the phrase "strip, map and sample' monitoring" this phrase is incorrect, please use 'strip, map and sample' excavation. Monitoring implies a passive response which is not acceptable.

Sections 7.1.45 to 7.1.52 on 'Informative trial trenching' should be removed: trial trenching is not a mitigation response, it is an evaluation technique. A full programme of trial trenching must be agreed across the full impact zone to an adequate level to inform the mitigation stage of archaeological work. The trenching results form the basis for the site-specific mitigation strategy which will need to be reasonable and proportionate.

Section 7.1.47 states that *'In line with the recommendation by Lincolnshire County Council Historic Environment Team for trenching across all areas of the Scheme, a further 902 untargeted trenches measuring 50m by 2m will be machine excavated (avoiding buffer zones as a result of utilities and ecological features) (see Figures 2 to 11). Although these proposed trenches are untargeted —i.e. are not targeting features with a potential archaeological interest they have been positioned with consideration to anomalies identified by geophysical survey, features identified by LiDAR and aerial photo mapping, and topographical changes.'*

The authorities are seeking clarification of the LCC recommendation - where does the 902 trenches come from? In an attempt to reach concordance we moved from our initial 3% with 1% to 2% trenching in our meeting with PINS. A 2% sample of the redline boundary is approximately 2900 trenches. 440 trenches have been completed. The proposed trenches not 'untargeted' if they are targeting geophysical survey anomalies and features. The authorities seek clarification.

Also, section 7.1.49 states that *'Once the detailed design of the Scheme has been finalised, in any areas where ground disturbance is not proposed, for example those areas that are being used for landscaping and ecological mitigation and enhancement, trenching would no longer be required as there would be no potential for impact to buried archaeological remains. Trenches in these locations would not be excavated.'*

This is incorrect. Landscaping and ecological mitigation work may have an archaeological impact, for example wildlife ponds and scrapes and tree planting. Trenching will need to take place across the impact zone as development impacts from all groundworks and plant movement whether for infrastructure, solar arrays or mitigation areas may damage or destroy surviving archaeology.

Section 7.1.51 states that *'Following excavation and recording of any archaeological remains, and with the agreement of the Lincolnshire County Council Historic Environment Team, the evaluation trenches will be backfilled with the previously excavated spoil.'*

All areas must be signed off by curatorial agreement before backfilling can commence.

Sections 7.1.52 states that *'Where archaeological remains are encountered, the preference will be to preserve these in situ where possible using non-intrusive surface-mounted pre-cast concrete ground anchors.'*

If remains of a high significance are identified during the informative trial trenching, targeted open-area excavation may be required to preserve such remains by record (see below). The use of ground anchors can only be used where surviving archaeology is at a depth and of a nature that would not be detrimentally impacted by the placement, settling and removal of the ground anchors. In areas of shallow deposits which encompasses much of this agricultural landscape, ground anchors would cause damage or destruction without investigation and without recording. For example on the adjacent West Burton scheme previously unexpected human remains were found in the first few days of trenching at a depth of 20cm below the ground surface. There would be compaction when the ground anchors are installed, settling and readjustment during the decades of operational life and ground disturbance when the ground anchors are ripped out in decommissioning as the land will need to be restored *'to its preconstruction condition at the end of the operation.'* (C7.2 Outline Decommissioning Statement section 2.1.1) There is no mention of archaeology in the Outline Decommissioning Statement including Table 3.1 Decommissioning Mitigation and Management Measures.

Section 7.1.61 states that *'Apart from where not otherwise needed due to engineering requirements, it is assumed that archaeological excavation areas will be backfilled on completion.'*

The authorities would like the applicant to clarify what is meant by *'where not otherwise needed due to engineering requirements.'* Again all areas must be signed off by curatorial agreement before backfilling can commence.

Section 7.1.62 states that *'Similar to Open-Area excavation, 'Strip, Map and Sample' excavation will be employed where non-intrusive previous archaeological investigations have identified potential archaeological remains but, based on current evidence, these do not appear to be extensive or potentially significant enough to warrant Open-Area excavation'*.

This is not acceptable. Effective fit for purpose mitigation of the developmental impact cannot be adequately determined through non-intrusive methods alone. Strip map and sample excavation along with the rest of the mitigation options should be selected based on an understanding of the surviving archaeological resource across the site. Therefore intrusive as well as non-intrusive evaluation is required. NPPF paragraphs 200 and 201 require the identification of archaeological remains, assessment of their significance and the proposal of suitable mitigation. Intrusive evaluation is essential for determining areas of archaeological mitigation. Strip map and sample excavation areas will be determined from interrogation of the full suite of standard archaeological evaluation techniques including intrusive work principally trenching.

Section 7.1.64 states that *'An indicative sampling strategy is provided below, but if archaeological remains are identified to be less extensive or less potentially significant, then this may be subject to reduction in scope following liaison with the Lincolnshire County Council Historic Environment Team and Nottinghamshire.'*

Again this sentence needs a corresponding statement for where archaeological remains are found to be more intensive and more potentially significant.

Section 7.1.69 states that *'An archaeological watching brief will be undertaken on specific areas of groundworks (e.g. the cable route, access roads where these require intrusive groundworks) and where topsoil stripping is required as part of the construction process (e.g. battery storage areas, sub-stations, water tanks, construction compounds, directional drilling access pits etc).'*

Unless a more intensive archaeological mitigation response has been identified as appropriate from the trenching results.

Neither Nottinghamshire nor Lincolnshire agree with the rescue archaeology term 'watching brief' which implies passive monitoring of earth moving equipment. Instead please use 'archaeological monitoring under archaeological control and supervision' so the archaeologist is controlling the depth of soil being moved.

Section 7.1.71 states that *'The archaeological monitoring of construction groundworks will include the following:*

- *archaeological inspection of overburden / topsoil removal*
- *monitoring of the removal of structural remains*
- *inspection of subsoil for archaeological features*
- *excavation, recording and environmental sampling of features necessary to determine their date and character'*

This is not considered acceptable. Archaeological structural remains are significant and should be appropriately archaeologically excavated in proportion to their significance. Monitoring as mitigation of structural remains is entirely inappropriate.

Section 7.1.73 states that *'Every effort will be made to implement the archaeological watching brief without affecting the construction timetable, however, some limited suspension of groundworks in specific areas of the Scheme under investigation may be required in order to record and sample any archaeological evidence uncovered (in line with the 'Strip, Map and Sample' methodology provided in this WSI). The length of stoppage time will be determined by the nature of archaeological features or deposits identified.'*

This paragraph is an excellent illustration of why sufficient evaluation is required in advance of finalisation of scheme details, and of any work programme. Sufficient evaluation will mean that site-specific mitigation can be determined and built into the work programme and schedule, thus reducing the risk to the construction programme this paragraph implies.

Section 7.1.74 states that *'Where it can be demonstrated that survival conditions are such that archaeological potential is negligible, the Lincolnshire County Council Historic Environment Team will be informed and, where necessary, the watching brief suspended.'*

This is not agreed. This paragraph demonstrates a lack of understanding on the nature of archaeology. There may be a blank area for 50 metres then a number of unexpected burials, at what point should the watching brief be suspended and what specific area be excluded and then recommenced? Please clarify.

Regarding paleoenvironmental sampling (sections 7.1.90 to 7.1.94) advice should be sought from Matthew Nicholas, Historic England's regional science advisor.

Section 7.1.100 states that *'Where areas of the Scheme or parts of individual sites have been shown to contain no archaeological remains following stages of archaeologically monitored top-soil stripping, or where specific areas of the Scheme have been fully archaeologically excavated, agreement will be sought with the Lincolnshire County Council Historic Environment Team to allow for construction groundworks to proceed in these specific areas.'*

Nottinghamshire County Council should be referred to here and throughout the document where agreement is to be reached.

Section 7.1.102 states that *'Should unexpectedly extensive, complex or significant remains be uncovered that warrant, in the professional judgment of the archaeologists on site, more detailed recording or extensive excavation than is appropriate in the terms of this WSI, the scope of the WSI will be reviewed.'*

This paragraph shows that the risk has not been managed appropriately at the evaluation stage as previously stated. Regarding the figures, we have grave doubts regarding interpretation of the air photo and LIDAR features, for example Figure 4 which identifies banks as Post Medieval. Without intrusive investigation it is impossible to know the dates of these features. Some of these features do not align with Post Medieval field boundaries and some

look like they may be part of Medieval settlement. These are mitigation strategies proposed on the basis of inadequate intrusive field evaluation. If accepted they would pose an unacceptable precedent for two counties with huge potential to deliver sustainable energy demand, there is no public benefit in it being at the expense of the loss of unknown inadequately evaluated archaeology across thousands of hectares.

Transport and access

3.10.2 Nottinghamshire County Council's views are also sought on the effect of the temporary closure of Public Torksey Ferry Road/Right of Way NT [Rampton] BOAT 13 on users that would arise from Changes 1 and 2

Response

Nottinghamshire CC does not hold information as to the type or frequency of users on RoW generally and specifically on Rampton BOAT 13 (Torksey Ferry Road) so the impact on the public use is unknown. A temporary closure of the BOAT will only prevent the public passing and re-passing along the route on foot, cycle, horseback or leading a horse, horse and cart and motorised vehicle. It does not affect the access to fields and land adjacent who are using a private right. This access will have to be managed by the applicant. The BOAT is a dead-end to the east but does connect before that with another BOAT (Rampton BOAT 12 also known as Shortleys Road) which itself links to Helenship Lane, Laneham. Rampton FP7 connects with the eastern end of BOAT 13. The applicant must ensure that suitable signage is present at all access points to the closed path.

Minerals

3.13.2 - Section 3.8 of the SEIR [AS-064] considers that Changes 1 and 2 would not affect the delivery of the approved restoration scheme for the Quarry. Nottinghamshire County Council's views are sought on this matter.

Response:

Nottinghamshire County Council agrees that changes 1 and 2 as shown on the plan at the end of the SEIR would not affect delivery of the approved restoration scheme for the former Rampton Quarry. This scheme last approved in 2016 is to return a field south of Torksey Ferry Road to agriculture and also creates a reed bed. The amended scheme boundary does not affect this area and it is considered that works can be achieved without having any significant effect on the restoration and ecological benefit of the scheme.

I trust this is helpful.

Yours sincerely

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