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**To:** [A303 Stonehenge](#)  
**Cc:** [Woodhouse, Helen](#)  
**Subject:** A303 Stonehenge DCO proposal  
**Date:** 31 May 2019 17:55:21  
**Attachments:** [image001.png](#)  
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Dear Sirs

**Application by Highways England for an Order Granting Development Consent for the A303 Amesbury to Berwick Down**

**PINS Reference: TR010025**

**Historic England reference: 20019871**

The examination timetable set out a number of documents for submission by deadline 3 (31<sup>st</sup> May).

Following careful consideration of the three items on that list that appeared to be most pertinent for Historic England, we would note as follows;

- i) Comments on Written Representations and responses to comments on Relevant Representations.  
As set out in our Written Representations we are the Government's statutory adviser on all matters relating to the historic environment, including world heritage. We have therefore sought to focus on advising the Examining Authority on those pertinent matters that will assist and inform the Examining Authority's understanding of the implications to the historic environment arising from the scheme. To that end, we do not intend to engage in providing commentary on other parties positions unless they call into question the role of and advice given by Historic England. This should not however be taken that an absence of comment is implicit agreement with comments made. We are continuing to discuss matters with Highways England and engaging in discussion groups/meetings where we can be of assistance and it is appropriate to do so.
- ii) Comments on responses to the Examining Authority's Written Questions  
We would reiterate the comments noted above in relation to the Written Representations.
- iii) Comments on the DAMS  
We attach our comments for your consideration. Please note that more detailed and technical discussions are also taking place with Highways England in order to progress matters.

We also note that the agenda's for the Issue Specific Hearings 1, 2 and 3 have been published ( and can confirm the representation of Historic England at these events will be as follows:

Draft Development Consent order – 4th June – Dr Helen Woodhouse, Mr Henry Owen-John, Mr Christiaan Zwart, and Miss Beth Harries will be attending, and we may speak if issues arise in connection with the historic environment.

Cultural Heritage – 5th June – Dr Helen Woodhouse, Mr Henry Owen-John, Mr Christiaan Zwart, and Miss Beth Harries will be attending, and in view of the issues on the agenda will speak to those issues as appropriate.

Cultural Heritage – Blick Mead – 6th June – Dr Helen Woodhouse, Mr Christiaan Zwart, and Miss Beth Harries will be attending, and in view of the issues on the agenda will to speak to those issues as appropriate.

Landscape, visual effects and design – 7th June – Dr Helen Woodhouse, Mr Christiaan Zwart, and Miss Beth Harries will be attending, and we may speak if issues arise in connection with the historic environment

We trust this is of assistance.

Should you have any queries, please do not hesitate to contact me.

Kind regards

Beth

**Beth Harries**  
**Solicitor**

Governance and Legal Team

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**On behalf of Historic England**



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Historic England

**HBMCE COMMENTS ON CURRENT ITERATION (DRAFT 3) OF THE  
“DETAILED ARCHAEOLOGICAL MITIGATION STRATEGY” (DAMS)**

**31<sup>st</sup> May 2019**

**Application by**

**Highways England for an Order granting Development Consent for  
the A303 Amesbury to Berwick Down**

**PINS Reference No: TR010025**

**HBMCE Reference No: 20019871**

## 1. **HBMCE comments on the current iteration of the Detailed Archaeological Mitigation Strategy (DAMS)**

In our Written Representations for Deadline 2, HBMCE indicated that we would provide the Examining Authority with further comments relating to the Draft 3 Detailed Archaeological Mitigation Strategy (d3DAMS) and Overarching Written Scheme of Investigation (OWSI) once this document had been submitted formally to the Examination at Deadline 2 (HBMCE Written Representations 7.6.115). HBMCE has been working towards providing detailed comments to assist the Examining Authority (ExA) and continues to do so.

- 1.1 These comments are, therefore, a brief and high level overview, and more work is being undertaken to consider in detail the dDAMS. We will provide further commentary as appropriate as that work progresses. We are also continuing our discussions with Highways England on this work.
- 1.2 As noted in our Written Representations “The DAMS/OWSI is a key document in the DCO application, providing an explanation of the approach to archaeological mitigation across the Scheme and an overarching WSI which will directly inform the content of the site specific WSI’s (SSWSIs). A DAMS/OWSI, when correctly drafted, should ensure consistency, setting out an overall strategy and approach to archaeological mitigation for the entire Scheme, and ensure sufficient detail is included with regards to the selection of methods and specific areas for focus” (7.6.113).
- 1.3 As a consequence, HBMCE has continued, through our different and respective roles as: a) a statutory consultee; and b) a member of HMAG, to provide further advice on what is now the third initial draft of the combined DAMS and OWSI since the first draft was shared with us in March 2019. Our advice remains that there is a need for an archaeological strategy for the Scheme<sup>1</sup> appropriate to the international importance of the Stonehenge and

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<sup>1</sup> As set out in our Written Representations, when HBMCE refers to “the Scheme”, HBMCE means the “authorised works” proposed to be consented by Article 4(1) of d2DCO and Schedule 2 thereto, being the numbered Works therein, and the Works Plans and Engineering Drawings. References by HBMCE to “the

Avebury and Associated Sites (SAAS) World Heritage Site (WHS) and the potential impact of the Scheme in line with the requirements of the National Policy Statement on National Networks (5.140) and following our own published guidance. The international importance of the WHS and the iconic status of Stonehenge itself (Attribute 1 of Outstanding Universal Value) set a high bar for such work.

1.4 In our Written Representations we made three main recommendations for the development of the DAMS which have continued to form the focus of our subsequent advice on this document. In our opinion these recommendations should underpin decision making regarding the appropriateness and proportionality of the proposed approach in the DAMS to the programme of archaeological work required as part of the Scheme:

- Development of a research framework within which the DAMS would be implemented (7.6.118);
- An appropriate range and level of archaeological investigation underpinned by understanding and assessment of significance and/or OUV, as well as the level of impact (7.6.119);
- Adoption of a landscape scale approach, linked to key research themes and an understanding of significance/OUV (7.6.120).

## **1.5 Development of a Research Framework for the Scheme**

The results of archaeological fieldwork conducted under the proposed Scheme which transects the WHS landscape will be significant, and have the potential to change and further our understanding of that landscape and the sites and monuments within it. Whilst the Scheme is primarily a proposal for road infrastructure and not a detailed research proposal, since it traverses an internationally recognised and highly significant historic environment, a landscape without parallel, and given that one of the four stated objectives of the Department for Transport concerns “cultural heritage”, we have advised that the development of a research framework for the Scheme is appropriate.

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Scheme” exclude (in line with Note 4 to each of the Engineering Drawings) the illustrative design proposals and other illustrative material.

Such an approach should provide the appropriate means by which to identify the extent, type and method of investigation that will be most successful, in this case, in revealing the significance of the WHS and other designated heritage assets, and in most appropriately mitigating any loss of significance.

- 1.6 Previous versions of the dDAMS have been reviewed by HBMCE, other members of the Heritage Monitoring and Advisory Group (HMAG) and the Scientific Committee during their iterative development. The d3DAMS submitted for review as part of the Examination is working to take on board the comments received to date from HBMCE and has incorporated more detail to contextualise its proposed approach through consideration of the results from archaeological evaluation on the Scheme. It has also engaged with HBMCE's recommendation to identify research questions starting from the baseline of the "Research Framework for the Stonehenge, Avebury and Associated Sites WHS" (Leivers and Powell 2016) and this is welcomed. However, further work remains required. In particular, the next step should be the consideration of the WHS site and Scheme specific research questions that have and continue to arise from the evaluation work conducted to date, and identifying how these questions relate to, expand upon and enhance those set in the published Research Framework.
- 1.7 Adopting a research led approach to archaeological mitigation enables not just an 'iterative strategy', responding to significance and OUV as it is revealed during the programme of work, but an 'intelligent strategy' to evolve in relation to execution of the Scheme so that wherever possible it can identify and robustly justify where and how archaeological investigation would add value in terms of furthering our understanding of this internationally important landscape. For this reason, HBMCE has been progressing conversations with Highways England, their archaeological contractors, and other members of HMAG in relation to the further development of this document. We have promoted more detailed interrogation of the information currently available from the emerging evaluation reports to intelligently target future work based on consideration of the 3 recommendations outlined above.

- 1.8 We would expect to be able to update the Examining Authority further on how discussion of this approach has progressed with Highways England and its potential application within the DAMS as the Examination continues.
- 1.9 We have also provided advice to Highways England as follows:
- a) The DAMS must set out an approach to fully integrate the fieldwork and post-excavation elements into the fieldwork phase to support an iterative and flexible strategy which is critical to achieving best practice;
  - b) Specialists should be integrated into the archaeological contractor's project team to actively input to the design of strategies for the SSWSIs and advise through fieldwork and post-excavation. The DAMS must establish and reinforce regular communication between specialist members of the team and the fieldwork Project Manager and field staff;
  - c) Further discussion is needed regarding how the DAMS will establish communication procedures outside the project team in particular with statutory consultees in order to access relevant specialist advice where needed in the implementation of SSWSIs, and critically, in relation to gaining necessary approvals.
- 1.10 We have also provided detailed advice to Highways England on the specific technical content of the DAMS regarding, for example, approaches to topsoil artefact recovery and analysis, environmental archaeology and the application of archaeological science, and the processes required to achieve aims related to these elements of the scheme. In providing advice on the emerging reports from earlier phases of work we have advised Highways England in relation to where the results of that investigation can continue to inform the development of the DAMS. For this reason as archaeological investigation and reporting (both invasive and non-invasive) continues throughout the Examination, the DAMS will also continue to evolve as issues arise and potential for valuable information is identified in the reports of that work. Our own comments will continue to evolve and be augmented following our continued engagement with Highways England as they develop the document and through further discussion with other members of HMAG and the Scientific Committee.



- 1.11 Ultimately, the DCO must secure the application of the archaeological investigative methodologies set out in the DAMS to clear and agreed parameters for the development and implementation of the SSWSIs. The DAMS must provide a robust and enforceable baseline for all archaeological work under the Scheme to ensure that the high standards set for such work in an internationally important landscape are adhered to.
- 1.12 HBMCE's role is in relation to the application of an appropriate and proportionate archaeological mitigation strategy both within the WHS and in relation to scheduled monuments and otherwise nationally important archaeological remains outside the WHS boundary.
- 1.13 Whilst the current d3DAMS represents an improvement on the initial drafts we have reviewed, further work is nonetheless required to properly address the recommendations and concerns of HBMCE. It is critical that the d4DAMS sets out a clear procedure by which the relevant heritage statutory consultees will ultimately be required to provide approval in relation to any archaeological work conducted as part of the Scheme. It is essential that the process and parameters for decision making under the DAMS are set out unambiguously to ensure that the mitigation strategies implemented meet the requirements of the relevant national policy and guidance as well as the international obligations associated with the inscription of the WHS. This process should therefore secure the same level of safeguarding for designated heritage assets under the Scheme as would be afforded them under otherwise applicable statutory consents deriving under otherwise relevant statutory regimes, having regard to the disapplication of the relevant cultural heritage legislation under the Planning Act 2008.
- 1.14 HBCME will continue to progress discussions on these elements of detail and strategic approach with Highways England throughout the Examination Hearing Period to work through the outstanding technical issues.

## **The Relationship of the dDCO and dDAMS**

1.15 Within Part 1 of the d2DCO, Requirements 4 and 5 make provision for an OEMP and for a DAMS. Paragraph 1(1)(a) appears to categorise “archaeological *mitigation* works” as “preliminary works” and the latter category is not within the scope of Requirement 4(1). Therefore, the d3DAMS would appear to be within the scope of Requirement 5. However, Article 2(1) defines “commence[ment]” of the authorised development to *exclude* “operations consisting of archaeological investigations and mitigation works”. There appears, therefore, to be no trigger in the d2DCO prior to commencement of development by which to ensure adherence to the dDAMS or by which it may be enforced *per se*. Further, the Article 2(1) definition of “commence” appears to differentiate between two categories: a) “archaeological investigations”; and b) “[archaeological] mitigation works”. It appears difficult to follow how the latter may proceed without knowledge of the former. HBMCE advises that the timing and detailed content of the next iteration of the dDAMS, therefore, needs to be clarified and resolved if it is to have effect. A solution appears to revisit the drafting of these provisions to ensure commencement of the Scheme upon execution of archaeological investigations. We advise that such gaps need to be remedied by Highways England and look forward to the next iteration of the dDCO (to be submitted 31 May).

### **Current position at 31<sup>st</sup> May 2019**

1.16 As can be seen from the above, work is continuing on developing the DAMS and HBMCE welcomes the work that has been done so far. We anticipate further work from Highways England before we will be in a position to properly advise on the adequacy of the dDAMS and its relationship with the dDCO. Although detailed work remains required, we are optimistic that with continuing discussions with Highways England it may develop its current document in an appropriate manner for the Scheme.

1.17 We anticipate providing to the Examining Authority further representations in relation to the DAMS as iterative drafts are submitted to the Examination in line with the Hearing timetable.