

**A303 Amesbury to Berwick Down
(Stonehenge) Wiltshire
TR010025**

**Wiltshire Council (A303-AFP022)
Comments on 8.11 (Rev 2) Draft
Detailed Archaeological Mitigation
Strategy (REP6-014)**

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1. Introduction

The Council is pleased to see the further development of the draft Detailed Archaeological Mitigation Strategy (DAMS) submitted to the Examining Authority (ExA) (REP6-014).

2. Wiltshire Council's Comments on the DAMS

The Council, in its role as local authority and statutory consultee, has already commented on the Outline Archaeological Mitigation Strategy (OAMS), the precursor to the draft DAMS, submitted with the draft DCO as well as several prior versions of the draft DAMS. The Council notes that some but not all the comments made on the Deadline 4 version have been addressed, so those have been included again in this response.

The DAMS is a crucial strategy in the DCO application which when approved will provide the requisite rationale for a consistent approach to be taken to essential archaeological mitigation required to make the Scheme acceptable.

The Council is content with the direction of development and for the most part with the level of details in the of DAMS. However, there are some areas of the Scheme where additional mitigation is required, and further assessment needs to be provided before it can be considered final and approved by the Council. The Council expects to be fully engaged in the further development of this document into a final version prior to the close of the Examination. The DAMS will need to be a certified document, with its implementation secured by a DCO Requirement.

Areas of the document that need further detail, agreement and approval are set out below.

Deposition of Tunnel Arisings at Parsonage Down East

The Scheme proposes to deposit the arisings from the tunnel boring within this section of the landscape outside the WHS and creation of a chalk grassland habitat. The archaeological mitigation proposed for this area is a combination of excavation and preservation in situ of known archaeological remains.

The strategy proposed in the dDAMS is for areas of fill more than 2 metres deep, there will be archaeological excavation in advance. In areas proposed for fill less than 2 metres deep, any archaeological remains will be preserved under fill. This also applies to other areas of the Scheme not just Parsonage Down East. Wiltshire Council has already agreed that some areas of known archaeological remains will be excavated rather than buried.

Wiltshire Council has recently been forwarded a further assessment of the archaeological remains in this area. The Council has not yet been able to fully take this into account. It is likely that the Council will require further field evaluation (trenching and geophysical survey) and / or mitigation than currently proposed. The strategy for the mitigation of archaeological features prior to deposition of tunnel arisings on Parsonage Down East is therefore still under discussion. Highways England (HE) still need to demonstrate that preservation in situ of archaeological remains can be fully achieved in line with Historic England's relevant guidelines.

The method to be used to manufacture and distribute the chalk slurry to be deposited on Parsonage Down East has been discussed with HE over the last few weeks. Some of the details of the method are still unclear, as are the implications for any preservation of archaeological remains that will be buried, and so decision-making on the archaeological mitigation will have to be made at a later

stage. It is imperative that the DAMS sets out what the criteria and parameters will be for decision making in relation to this area.

Mitigation of Main Road Line Outside the WHS

The Council acknowledges that further mitigation areas have been included in this revised version of the DAMS. However, this is still not extensive enough. The Council notes that there seems to be three areas of the road line (West of site 13.1, East of sites 13.3 and 15.1), as indicated on figure 12.11b where no mitigation is currently proposed. In consideration of this important prehistoric landscape, the Council require that the whole of the road line outside of the WHS (including junctions and slip roads) should be subject to some form of mitigation and this needs to be reflected in Appendix D, fieldwork action areas.

Approval of documents by Wiltshire Council

The Council notes that a new section has been inserted at 8.5.

Whilst the Council does not have an issue with including a “deeming provision” within the DAMS approval process to avoid unnecessary delay. However, it does have an issue with the current wording as it leaves open the risk to both the project and the approval process whereby sub-standard documentation is submitted and there is insufficient time for appropriate consideration of the issues by the decision maker and the deeming provision(s) then do not protect the issues that the DAMS has been put in place to address.

Therefore, the Council proposes some minor amendments to Clause 8.5 of the DAMS by the insertion of an additional clause immediately following clause 8.5.1 as set out below and minor amendment to current clauses 8.5.2 and 8.5.3 to reflect a validation date.

The Council is still considering whether HE proposed time for consideration of the application once validated (currently proposed as 28 days) will be sufficient.

“8.5 Approval of Documents by Wiltshire Council

8.5.1 *Where the prior written approval of Wiltshire Council is explicitly stated to be required by this DAMS for any part of the archaeological mitigation works or for a SSWSI, HMP, MS or other document, the relevant person seeking such approval pursuant to this DAMS (being Highways England, or a person acting on behalf of Highways England including the Archaeological Contractor, the TPA, the PW or MW Contractor, and whom, for the purposes of this section 8.5, shall be referred to as the “Applicant”) shall apply for the approval of Wiltshire Council prior to commencing with that element of the works or the works covered by the relevant document.*

8.5.2 *When Wiltshire Council receives such an application it must, within 3 days, send to the Applicant an acknowledgement of the application and as part of that acknowledgement advise whether it considers that the application is sufficient for a determination to be made.*

If Wiltshire Council fails to provide such an acknowledgement then the application will be deemed to be validated as at the date that the acknowledgement was required to be sent.

If Wiltshire Council sends an acknowledgement confirming the sufficiency of the information for determination then the application is validated on the date of the acknowledgement.

If Wiltshire considers the application is insufficient, it shall provide to the Applicant details of what further information is needed to be supplied by the Applicant to allow the application to be validated and require the Applicant to supply that information within a further 5 days. If the Applicant supplies the further information then the application is validated on the date of receipt by the Council of that further information.

Should the Applicant dispute the need for further information, the Applicant and the Council shall, within 5 days of the Applicant giving notice of such dispute, meet to resolve the issue and if agreement cannot be reached the application shall be deemed to be validated at the end of that 5 day period but without prejudice to Wiltshire Council's right to make a determination declining to consent, agree or approve the application due to insufficiency of information which would be subject to clause 8.5.3.

~~8.5.2~~ 8.5.3 Where Wiltshire Council has received an application of the type mentioned in paragraph 8.5.1:

- a) *the consent, agreement or approval concerned must, if given, be given in writing and is not to be unreasonably withheld; and*
- b) *the application must be determined in good faith without unreasonable delay, and in any event before the end of the period of [28] days beginning with the date on which the application was ~~received~~ **validated** unless such other period is agreed with the Applicant.*

~~8.5.3~~ 8.5.4 If Wiltshire Council has received an application of the type mentioned in paragraph 8.5.1 ***which has been validated in accordance with clause 8.5.2*** and fails to notify the Applicant of its decision before the end of the period of [28] days beginning with the date on which the application was received, Wiltshire Council is deemed to have given its approval without condition or qualification at the end of that [28] day period.

~~8.5.4~~ 8.5.5 For the purposes of determining an application under this DAMS, "written approval" shall include electronic communication such as e-mail.

~~8.5.5~~ 8.5.6 Any application, ***acknowledgement, notice of dispute and further information supplied*** made under this section 8.5 is deemed to be received:

- a) *at the time of delivery if delivered by hand or by electronic communication such as email; and*
- b) *48 hours after the date of posting if sent by recorded delivery post."*

Detailed Principles

The Council's archaeology service is largely content with these. However, regarding point 2.3.1, the third principle is not required.

Chronological Scheme

There appears to be some errors in the period dates as set out in this section.

Human Remains

6.3.76 implies that some human remains may be reinterred. This should not be the case and will not be agreed by the Council.

Top Soil Sampling Approach

A robust methodology still needs to be agreed for further assessment and mitigation of artefacts in the topsoil in areas to be mitigated. Further information on the nature and extent of lithics from the evaluation phase has been provided by HE to help inform the decision making on this issue, a further statistical information has now been requested. This issue is still under discussion.

Sampling Approach to Excavation of Features

The level of sampling of features referred to in section 6.3 needs to be agreed and approved. A minimum percentage of sampling for all likely feature types should be set out in the DAMS. In addition, a strategy for the sampling of any prehistoric roundhouses needs to be included in this section.

Interruptions and Delays

Section 6.1.21 sets out circumstances where work on site may have to be suspended if conditions on site are poor and continued works activity may lead to damage to archaeological remains. It is important to note here that the Council, as lead curator, must not only be consulted if this is the case, but will be able to monitor site conditions but will have the ability to require works to cease. This needs to be made explicit.

Temporary Roads and Haul Roads

The Council notes that a temporary road is proposed to be installed at grade at site 48. The Council previously advised that all temporary and haul roads should not have a permanent impact on the topsoil. As with the other similar proposed roads, the Council strongly advise that this one is built up and the underlying spoil is protected.

Detailed Mitigation Measures by Scheme Area

The Council needs to assess, agree and approve the detail contained in Appendix D - preservation areas, and Appendix E - proposed archaeological fieldwork areas.

Whilst most of the mitigation work will take place in the Preliminary Works phase, the Council notes that Section 5.1.7 refers to some potential overlap with Main Works phase. There needs to be a mechanism for managing any overlap, especially if different archaeological contractors are employed for each phase. Wiltshire Council would like some input into the documentation and tender process in terms of selecting appropriate archaeological contractors as referred to in 5.1.9.

Digital Data and Management Plan

It is good to see this section (6.9) included in the draft DAMS. However, further detail needs to be added to confirm the timeframe for its approval and that this will be developed and approved before start of the mitigation phase for both Preliminary Works and Main Works stages. There also needs to be confirmation that the local authority will be able to approve the final version of the management plan referred to in 6.9.9.

Public Archaeology and Community Engagement

The Council welcomes the inclusion of this section (5.4) and the additional information requested in the draft DAMS and the Strategy (Appendix E) which aims to deliver a legacy from the archaeological investigations undertaken for the Scheme. The key section the Council think is missing now is one on implementation and approval. The final version of the DAMS needs to include an Action Plan for delivery for the strategy and an agreed timetable, which needs to state that the delivery will start before the archaeological mitigation works commence.

There needs to be confirmation of which organisation(s) will approve and sign off on the delivery of the actions.

Approval and Sign-Off of Archaeological Mitigation Works and Related Documentation

Wiltshire Council is pleased to see the further development of the Communication Strategy in section 2 and Appendix A setting out the organisations involved in the sign-off process. However, the Council thinks more detail is needed to further clarify roles inside and outside the WHS and in particular the role of the Scientific Committee.

Throughout the document e.g. 8.1.5 – 8.1.14 and the Executive Summary, it needs to be made explicit that Wiltshire Council's archaeology service will be approving the SSWSIs. This also applies to the monitoring of mitigation fieldwork and approval of the sign-off of specific areas. Sections 1.3.4 and 8.1.7 and 8.1.8 need amending in this respect to reflect the statutory roles of Wiltshire Council and Historic England. The other member of HMAG can be invited to some of the visits where appropriate but are not required to enable areas to be signed off. A clear distinction needs to be made between the advisory role of HMAG members the statutory role of approving bodies, Wiltshire Council and Historic England. For example, in 6.1.18, in the case of decisions which need to be made about any unexpected finds, this falls to Wiltshire Council / Historic England only.

3. Conclusion

In summary, the Council is content with the direction of development of the DAMS and its level of detail for the most part, with only a smaller number of issues still to be agreed. The Council is moving closer to being able to approve a document that meets all the Council's requirements and applies the highest standards of mitigation appropriate to this internationally significant landscape.