

***The Planning Act 2008 - Chapter 2 Examination TR010025
A303 Amesbury to Berwick Down Improvements***

***Written Submission by the Council for British Archaeology and
CBA Wessex***

***Written Observations on Agenda Items not Dealt with Orally at
Hearing on 21st August 2019***

September 2019

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5.4 Preservation by record – sections 6.3 to 6.5

(Including a 10-minute presentation by Professor Parker Pearson – and a 10-minute presentation by Mr Lambrick)

NOTE: AFTER THE PRESENTATIONS, DUE TO PRESSURES OF TIME, THE FOLLOWING ITEMS WERE NOT DISCUSSED (OR WERE ONLY REFERRED TO GOVERNMENT BODIES FOR COMMENT): THE EXAMINING AUTHORITY INVITED WRITTEN COMMENTS INSTEAD.

Introduction

1. Under a later item (5.5) Mr Lambrick drew attention orally to paragraph 5.1.2 of the draft DAMS which states:

"The archaeological mitigation programme will address the Archaeological Research Agenda (ARA, see section 4 above) and will be undertaken to the highest practicable standards, employing innovative data collection approaches and techniques."

It will also be noted that paragraph 1.2.2 states that

"The Scheme passes through a landscape of high archaeological significance, both inside and outside the WHS. Accordingly, the intention of the Strategy is to apply the highest practicable standards of mitigation, employing innovative approaches to address a question-based research strategy that places the significance of the archaeological resource at the centre of decision-making both at design and implementation phases."

2. ALL aspects of the DAMS sections covering investigative excavations (ie 6.3 to 6.5 but also 6.6 and 6.7) thus need to be judged against this self-imposed requirement to achieve *"the highest practicable standards."* As a clear principle applicable to the whole scheme and in particular the WHS and its environs that contribute to its OUV, this is entirely appropriate; but the methods and sampling strategy actually proposed in the draft DAMS falls far short of this.
3. For unexplained (mechanistic, procedural or legalistic?) reasons significantly different standards are be adopted for different kinds of archaeological mitigation arbitrarily divided between those areas within the WHS and those outside it, not taking account of whether the material contributes to an understanding OUV (let alone the wider scheme-wide commitment expressed in paragraph 1.2.2).
4. Currently, as emphasised by the CBA as well as by the Consortium of Archaeologists, the methods and sampling strategy proposed do not reflect the 'highest standard' of research that is 'practicable' from an archaeological perspective. They are far more akin to a 'business as usual' approach where the emphasis is on general characterisation of the archaeological resource rather than

robustly ensuring across all aspects that the full potential is met, including full identification and recovery of very rare but important evidence.

5. The limits of what is 'practicable' as implied by the different methodological approaches and sampling proportions set out in the draft DAMS is NOT determined by what is technically possible archaeologically, or in terms of what research questions might be addressed given sufficient time and resources – the proposals do not involve anything obviously innovative. For example, there is no proposal to work with Universities to develop new methods or refine technologies or carry out rigorous scientific scrutiny of sampling procedures to show what information is lost in standard approaches.
6. The actual limitations of what is deemed 'practicable' as set out in the draft DAMS are left undefined, and the options to increase levels of sampling etc show that the starting point is not the 'highest practicable standard' but something well below from which higher standards can be sought if desired. In the absence of any technical archaeological constraints, one or more of the following are presumably the constraining factors currently applied:
 - An unspoken and entirely undefined limit on what time, resources and specialist expertise that Highways England is prepared to devote to the work
 - A programming time limit
 - A basic failure to look beyond 'business-as-usual' limits on what is normally expected of developers, rather than applying the same standards that are applied to any research-led archaeology within the WHS or affecting its OUV.
7. Given the extent of the WHS and its environs that contribute to OUV that are affected by irreparable loss of archaeological remains, it is **more** important that the highest standards are applied, not less so just because the scale of work would be so substantial.
8. As the CBA observed at the hearing on June 6th, a highly precautionary approach is needed, and this should be seen in the wider policy context including how the limits of archaeological investigation proposed preclude later re-investigation by future generations. This needs to be judged in the context of:
 - NPSNN paragraphs 5.1.22, 5.124, 5.129, 5.131 and 5.139
 - Historic Environment PPG (July 23rd 2019) paragraph 002
 - WHS Management Plan paragraph 2.3.1AND must also be viewed in the context of cumulative effects, as indicated by
 - NPSNN paragraphs 4.16 to 4.17
 - PINS Infrastructure advice note 17.

i. Archaeological excavation and recording

• Agreement required on a baseline percentage for plough zone and other sampling.

9. CBA endorses Professor Parker Pearson's presentation which clearly made the case for a very high level of ploughzone sampling.

10. We further wish to emphasise that this substantially reinforced Mr Lambrick's presentation and vice-versa, showing the need for a holistic understanding of the dynamics of deposit formation and where cultural and ecological remains end up and what information may be lost if this is not fully understood and catered for in research questions, objectives and investigative sampling methods.
11. For these reasons and the more general point that the draft DAMS is seeking to achieve "highest practicable standards" and practical considerations of management we believe that the default position should be 100% recovery with any departures from that being agreed with the relevant authorities based on clear demonstrable evidence that, allowing for chronology, rarity of objects, function of objects, source of 'exotic' materials and clarity of spatial patterning ALL useful research data could be recovered by a lower level of sampling.
12. The CBA has also highlighted other shortcomings of sampling in its comments on the EXA 2nd Questions ([REP6-084] pp 5-12)

• Para 6.3.15 – How would the mechanism of a reflexive approach [to plough zone archaeology] operate? How are trigger points and proportions determined?

13. As clearly explained by Professor Parker Pearson and reinforced by Mr Lambrick in their short presentations, the approach to ploughzone archaeology is fundamentally misconstrued. As the CBA has previously observed ([REP6-084] pp 7, 26, 30) the key issue is to ensure recovery of the rare but important artefacts that elucidate a wide range of research issues, and (as Mr Lambrick noted in relation to another intervention at the hearing, it may well be where there is little sign of other activity that some of clearer indications could be found).
14. An 'opportunity' based approach would address this in the opposite manner, assuming 100% recovery would most securely meet all research issues across a wide range of spatial and chronological and thematic levels, and would then be tested by asking what lower proportion of recovery would still securely recover sufficient evidence to address all those issues?
15. This is what underpins the 100% sampling of the ploughzone that has been applied in the WHS as vindicated by Professor Parker Pearson's example, in which he showed how lower levels of sampling significantly reduce the potential to address currently recognised research questions.
16. It should be noted that reduced sampling both lowers the confidence with which any patterning can be discerned, and in many cases may not even address several research questions.
17. As noted above, the current approach to mitigation is to treat it as a damage limitation exercise not an opportunity to conduct research of 'the highest practicable standard' into the archaeological remains that would be lost.
18. The enhanced sampling of the ploughzone now proposed is of very limited applicability, only involving areas earmarked for Archaeological Excavation and Recording (as defined by draft DAMS section 6.3) not other areas.

19. The areas to which this would be applied are also of limited and only vaguely defined extent:
 - *5 areas of lithic material concentrations in and close to the western part of the WHS that would repay closer examination, based on distribution of the material, incidence of chronologically and/or typologically distinctive pieces, coincidence with subsurface features encountered in trial trenching, and possible topographical or activity-related distributions (Highways England, 2019n) [REP3-024].*
 - *Further areas for investigation within the WHS will include parts of the Eastern Portal approach; and*
 - *The footprint of the proposed junction improvement at Rolleston Corner [now downgraded to Strip Map and Record]*
20. The 'reflexive' basis is only to determine what within these parameters is to be done, with no provision for extending the approach to other areas.
21. The approach is deeply flawed also in being limited to and thereby heavily biased towards investigating what is already been discovered, NOT the idea of recovering systematic objective information about human activity (or the lack of it) across the affected areas at different periods and of different character.
22. The CBA has consistently urged a precautionary approach and has suggested that all sampling rates for investigation be considered from the opposite perspective of what proportion of deposits and their contents would be discarded without any further recovery, and how that might curtail or prevent some important research issues being addressed.
23. The assumption for the purposes of paragraph 6.3.15 should be reversed, assuming 100% sampling as the default for the WHS and areas contributing to its OUV, only reducing this where it is demonstrable that sufficient sample of diagnostic artefacts in terms chronology, function, source, spatial patterning and scale of activity have been recovered to enable all relevant research issues capable of being addressed. This needs to be done in a manner that considers not just what is recoverable from the ploughzone but also how it may shed light on research questions (including through contrasts and presence and absence of material) when coupled with material from other types of deposit.

● **Para 6.3.22 – Should decisions regarding cleaning by hand be made by the Contractor or by others?**

24. For a World Heritage Site and its environs where small subtle features and indistinct deposits are to be expected, it ought to be the norm (and has been for research excavations) that careful cleaning by hand is the base standard, not an extra requirement.
25. Even the provision for areas of 'Archaeological Excavation and Recording' does not fulfil this standard, stating that following topsoil stripping:

"The resulting surface will be cleaned by hand, where required, for the acceptable definition of archaeological remains: this is of particular importance

where Neolithic or Early Bronze Age settlement traces may be present, since most evidence of domestic structures will take the form of stake-holes and small post-holes, the successful identification of which is critical. Areas where hand cleaning is likely to be required will be identified in the SSWSI: decisions regarding where hand cleaning is required will be made on site by the Archaeological Contractor in consultation with the TPA, Wiltshire Council and Historic England and, for sites within the WHS, HMAG”

26. This has two deep flaws: the phrase ‘where required’ pre-supposes that it will be possible to be certain in advance of cleaning where it is ‘required’; the double decision-making of defining this in advance in a SSWSI and then on site involving all four supervising bodies is plainly hopelessly bureaucratic.
27. For this type of excavation, complete hand cleaning of the stripped surface is a normal standard anyway - doubly so in a WHS – not only for the reason given, but also because features dug into chalk that are backfilled with almost exactly the same material can be very hard to find without cleaning but may include important features such as burials.
28. The same issue arises for ‘*strip map and record*’ areas (draft DAMS section **6.4**) where there is NO provision for hand cleaning of the stripped surface although there is no clear basis for assuming that the areas selected for this approach will have any less potential to contain the kinds of archaeology referred to as requiring hand cleaning (see below for further comments).
29. For areas earmarked for ‘*archaeological monitoring and recording*’ (draft DAMS section **6.5**) there is also NO provision for hand cleaning of the stripped surface. There is no clear basis for assuming that areas selected for this approach will have any less potential to contain the kinds of archaeology requiring hand cleaning (though some of these areas are related to minor works, not large scale stripping).
30. Within the WHS and areas outside it where it is clear there is significant potential for remains that contribute to its OUV, the default position should be that all stripped surfaces should be hand-cleaned.
31. Overall, this further illustrates how, far from being predicated on ‘highest practicable standards’ (as claimed), the draft DAMS is based on a far more limited business-as-usual, damage-limitation approach. As a result, the decision-making process is geared to having to tighten and upgrade the general business-as-usual standards to something nearer (but still short of) the ‘highest practicable standards.’ A far better, more precautionary approach would be to set the standard at the genuine ‘highest practicable’ (established to be 100%) and then relax that standard to some less demanding but still effective level IF it becomes manifest that nothing is to be gained and there is no significant risk of unintended loss by applying a somewhat less demanding standard.

● **Para 6.3.44 to 6.3.48 – Changes to the sampling strategy would mean a revised SSWSI, subject to Wiltshire Council’s approval.**

32. Here again the problem arises because the less than ‘highest practicable’ standard being proposed means that instead of relaxing the standard if appropriate, the

whole decision-making process is geared to tightening and upgrading the assumed standards from what the archaeological contractor may have allowed for in costing the work. This not only reinforces the point that the default standard as set by the draft DAMS is NOT the 'highest practicable', but also involves further potential complexities of time, programming and cost, potentially including contractual disagreements.

33. The baseline assumption for the purposes of paragraph 6.3.44 to 6.3.48 should be reversed, assuming 100% sampling as the default and only reducing this where it is demonstrable that sufficient diagnostic artefacts and palaeo-environmental and dating samples ecological samples have been recovered to enable ALL relevant research issues to be addressed as fully as possible in terms chronology, function, source, spatial patterning and scale of activity, including the recovery of rare but highly informative material.

● ***Para 6.3.50 – Agreement required on the proportion of tree hollows excavated.***

34. Mr Lambrick's presentation ([AS-075]) demonstrated that care is needed to ensure that an integrated approach is developed towards the sampling of the ploughzone, tree hollows, buried surfaces and deliberately dug features.
35. As he showed, and as was also clear from Professor Parker Pearson's presentation, the qualities and value of evidence from these sources are complementary and differ in their respective potential and qualities as evidence to shed light on past societies and the environment.
36. As Mr Lambrick indicated, apart from their potential use as shelters and occasional places for deliberate 'special' deposits, tree hollows tend to trap up-rooted samples of the prehistoric (or later) ground surface before it was incorporate into the ploughzone, resulting in better preservation than survives in the present agricultural soil but only in small haphazard areas.
37. Over a large area with reasonably numerous tree hollows, the absence of artefacts or charcoal and other signs of burning may indicate an absence of the sort of activity that results in such material being left on the ground. But as Mr Lambrick's presentation showed, this is not reliable (especially for individual hollows); but where coupled with intensive ploughzone recovery, the strength of both lines of evidence strengthens, potentially indicating where and when activity was taking place before or after general clearance of trees.
38. But to detect such patterns – especially in relation to chronological variation – requires a high level of sampling: certainly not the very meagre level proposed which is predicated only on only characterising the tree hollows themselves not addressing broader questions when coupled with intensive ploughzone sampling.
39. The various iterations of the DAMS have been ambiguous about the sampling procedure for tree hollows, leaving the approach substantially unclear. For those areas where full 'Archaeological Excavation and Recording' is proposed (DAMS section 6.3) but nowhere else, it has been stated from the beginning (currently paragraph 6.3.37) that

Within the WHS, pits, post-holes and other isolated features (including natural features such as tree throws that have potential to contain archaeological remains) will normally be completely (100%) excavated. Outside the WHS, these types of feature will normally be completely (100%) excavated; half-sectioning of features may be adopted, in consultation with Wiltshire Council, subject to the significance of the remains.” [added emphasis]

40. But since revision 1, this has been qualified by a statement (currently 6.3.42-6.3.43) referring to

• archaeological excavation of a sample of confirmed tree hollows; and
• recovery of a sample of 150 litres of the fill of excavated tree hollows to be sieved for small artefact / ecofact recovery.

“The following factors will be considered in identifying a representative sample for excavation:....” [added emphasis]

41. Taken together, this makes it clear that only examples judged in advance to contain archaeological remains are to be excavated, and these are to be selected as a ‘representative sample’ judged against pre-set criteria (currently set out in paragraph 6.3.43).
42. Although these criteria for choosing which tree holes to excavate might seem quite wide at first sight, they are once again heavily biased towards investigating areas of activity known from other indications, and would only investigate the tree hollows that reflect such activities at the stripped surface. There is no explicit figure for what proportion this would be, but the reference to Highways England’s review of ploughzone and tree hole archaeology ([**REP3-24**] p.13) implies that its recommendations would act as the baseline. Far from being 100% as might be inferred at first sight from paragraph 6.3.37, this would be more likely be 10%-12.5% (as assumed for CBA’s comments in response to ExA Questions 2, [**REP-084**] p8) – as is reflected in the proposals for site 35 Rollestone Corner (now downgraded from Archaeological Excavation and Recording to Strip Map and Record – see draft DAMS rev 3 p306) .
43. This bureaucratic approach does NOT resonate as being to the ‘highest practicable standards’ and sets the seeds for wrangling over what has been costed for rather than how relevant research objectives can be met.
44. As Mr Lambrick noted, and previously referred to in CBA’s comments on ExA Questions 2 ([**REP-084**] pp 28, 29, 35) achieving a high standards, avoiding delays and dealing with ‘unexpected’ discoveries all need a very progressive procurement process such as that used for Terminal 5.

ii. Strip, Map and Record

• Para 6.4.4 – Agreement required on a baseline percentage for the proportion of features excavated.

45. The ‘strip map and record’ technique was developed in the 1990s as a compromise approach whereby much larger areas would be stripped under archaeological control to facilitate identification of the main archaeological features for general

purpose characterisation, usually in the context of types of remains that are far more identifiable than those being sought between the upstanding monuments in the Stonehenge WHS.

46. It is inherently unsuitable for the Stonehenge and Avebury WHS where, as indicated in paragraph 6.3.22, important remains may be sparse and hard to find, and *'the successful identification of which is critical.'* This issue applies just as much to areas of Strip Map and Record as it does to areas earmarked for Archaeological Excavation and Recording.
47. The distinction between Archaeological Excavation and Recording and Strip Map and Record is fundamentally a decision to recover the main characteristics of the area excavated, not a full record. By not hand cleaning the stripped surface, small and indistinct features may not be seen or recorded (let alone sampled). By lowering the percentage of features and fills excavated, the method aims only to recover sufficient archaeological material to give an approximate date and some indication of subsistence activity or environmental conditions, not the full picture.
48. The whole basis of strip map and record is to enable larger areas to be covered at a significantly lower standard of sampling and recording. It is thus by definition NOT the *"highest practicable standard"* in archaeological terms but is ONLY adopted where either resources and time to do more are unavailable, or where archaeological potential has been deemed very low relative to the urgency of need for delivering a development.
49. It is inherently NOT suited to addressing the complete loss of archaeological materials in and around a WHS such as the Stonehenge and Avebury landscapes, and does NOT represent an approach representing *'highest practicable standards'*.

iii. Archaeological Monitoring and Recording

● Para 6.5.10 - Agreement required on a baseline for the quantum of excavation.

50. This approach is well-suited to areas of extremely limited spatial impact where prior excavation is not possible or accessibility too limited to be effective, but this should not lower the standard that is applied to excavating significant deposits.
51. Once again a very high level of recovery should be the objective within the WHS and its environs where remains contribute to its OUV.

5.5 Communications, etc

i. Para 8.5.1 – Consultation on SSWSIs, etc and para 8.6.1 – Approval of Documents by Wiltshire Council. Are these arrangements acceptable, including the time periods allowed?

ii. Para 8.6.5 – Appeals. Should such procedures also apply to disagreement with a decision of Highways England?

52. The whole approach proposed is far too bureaucratic, potentially wasting time and resources that would be better applied elsewhere. The procedures are designed to

limit rather than maximise the archaeological response and instead of setting the "highest practicable standard" and allowing departures from that it sets a more or less business as usual standard putting the onus on Wiltshire Council to try to crank this up to something more closely approaching the highest standard practicable.

53. There should not need to be any 'appeal' mechanism: the whole approach should be unashamedly driven by the fundamental objective of carrying out the archaeological investigation and recording to the highest standard currently available and to the greatest thoroughness required to address ALL relevant research objectives, both wide and site specific. Instead of appealing a strengthening of the standards, the boot should be on the other foot: any relaxation of that standard should be a matter for request and approval.

5.7 Part 3 – Tables, figures and references

ii. Table 11-3: Summary of proposed mitigation areas and actions. Are the parties satisfied with these proposals, including treatment of stockpile areas? Should other areas be covered?

iii. Table 11-4: Areas excluded from archaeological mitigation. Are the parties satisfied with the list, including the exclusion of proposed working areas?

54. For the reasons given above, the CBA does not accept that these tables of areas and actions, or several of those excluded represent an adequate response – or even a sensible approach.
55. As previously explained, the whole approach is based on a far too narrow site-specific response that treats the results of evaluation and survey as if they reliably define the limit of what might be found. By failing to test the reliability of the geophysics compared with trenching or make any extrapolations from these results and previous discoveries, the approach adopted is far too dogmatic, divided down to small limited parcels related more to what is known than what could be discovered, with no allowance for design modification within the limits of deviation.
56. For issues of safety Highways England works to very high design standards and permits relaxations or departures where appropriate. The same should apply here, especially within the WHS and other areas contributing to its OUV. By setting a much higher broad-brush standard for whole areas of the scheme it would be far more flexible to adapt and deviate where it was agreed that the highest standard could be relaxed without any serious loss of evidence for any aspect of research.

5.8 Part 4 – Appendices

i. Appendix A: Flowcharts

• A1 – Should the HEMP be the product of three bottom section elements, rather than just the Main Works, HMP and Method Statement?

57. YES It might need to be an updated document in the light of what the main contractor proposes. It will be noted that different archaeological contractors may

well be involved – which would be a further unhelpful procurement/management complication.

58. Appendix A.2 does not the potentially separate archaeological contractor brought in for the main works. Nor how the two contractor would collaborate for the Public Archaeology and Community Engagement Programme.

● **A4, A7, and A9 – Should the headings indicate approvals by statutory bodies as in A3, A5, A6, and A8?**

59. YES

60. These flow charts do not distinguish between the Preliminary Works Archaeological Contractor and the Main Works Archaeological Contractor, or show at what stage this handover would happen.

ii. Appendix D: Action Areas

Comments and discussion.

61. See comments above (paragraphs 54-57) and comments previously submitted (CBA comments on ExA 2nd Questions [REP-084] pp 9, 25, 35, 37, 39, 40]). The whole approach to this overarching DAMS is based on a far too narrow site-specific, damage limitation response that treats the results of evaluation and survey as if they reliably define the limit of what might be found, rather than being a very incomplete indication of the full archaeological potential of the areas affected by the scheme.

APPENDIX A

Response to Highways England’s Previous Criticisms of CBA’s Account of Relevant Heritage Policy

This Appendix is included to make clear the CBA’s continuing views on the relevant policy considerations that apply to the loss of archaeology for which the draft DAMS sets out proposals for avoiding, reducing or offsetting harm arising from the scheme.

Part I: Paragraph 5.139 of the NPSNN

- A1. In response to submissions made by the CBA in relation to paragraph 5.139 of the NPSNN (Main submission [REP2-070] paragraph 43, p16; [REP2-075] paragraph D10; Oral submission hearing 5th June 2019), the Applicant has claimed that the wording of the paragraph should not be taken as written, but interpreted in terms they propose ([REP4-030] *Deadline 4 8.30.2 - Written summaries of oral submissions put at Cultural Heritage hearings on 5th and 6th June 2019* Appendix B), which they claim reflect the judgment of Mr Justice Kerr in *Hayes v York City Council* ([2017] EWHC 1374 (Admin) – though NOT it should be noted, his actual words.

- A2. While the language of NPSNN (2014) is very similar to the preceding NPPF (2012) there are whole sections that do not appear in NPPF at all, and various policies (including this one) are not identically worded. It cannot therefore be assumed that any differences in wording are accidental. However, it is equally reasonable to assume that overall policy is intended to be consistent.
- A3. Where the interpretation of the words is an issue, if policies have NOT been clarified or changed in revisions published subsequent to a relevant court judgment, it cannot be assumed that the policy was wrong and the interpretation of the court automatically correct. This especially applies if the judicial interpretation is subject to caveats in respect of the breadth of its application.
- A4. Where new Government guidance clarifies the policy as written, it is that which should be assumed to be the correct reading rather than any interpolation offered by the judgment.
- A5. In this case, paragraph 85 of the judgment effectively limits its wider application beyond the case at hand, which was one where all parties agreed that it concerned 'less than substantial harm' arising from 'an already justified development.' The judge stated that,
- "The distinction between public benefits weighed in the scales in the balancing exercise and mitigation measures which attenuate the detriment caused by an already justified development, must therefore be rejected on the facts of this case, even if (which I doubt) it has any intrinsic validity."*
- This makes it clear that while Justice Kerr doubted if the policy as written had any intrinsic validity, he was only making the judgment on the case at hand – any wider application in different circumstances that were not considered in this case, would need to be assessed on merit.
- A6. There have been two updates of NPPF since the Hayes v York City Council judgment, and during consultation prior to the main revision in 2018 archaeological policies were discussed, but the opportunity to alter or clarify paragraph 141 (now 199) in the light of this judgment was NOT taken.
- A7. Since then Planning Policy Guidance on the historic environment has recently been updated (<https://www.gov.uk/guidance/conserving-and-enhancing-the-historic-environment> Paragraph: 002 Reference ID: 18a-002-20190723 July 23rd 2019) serves to re-emphasise the policy as written:

Part of the public value of heritage assets is the contribution that they can make to understanding and interpreting our past. So where the complete or partial loss of a heritage asset is justified (noting that the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted), the aim then is to:

- *capture and record the evidence of the asset's significance which is to be lost*
- *interpret its contribution to the understanding of our past; and*

- *make that publicly available (National Planning Policy Framework paragraph 199)*

A8. On this basis, the CBA stands by its original account of policy and Mr Lambrick's oral submissions and invites the ExA to take special note of the new clarification of policy in the updated PPG as of July 23rd 2019.

PART II - Future Generations and the Precautionary Approach

A9. This part of the submission covers the Applicant's response to the CBA's main written submission about the need to take account of NPSNN paragraphs 5.122 and 5.129 relating to conservation benefitting future generations ([**REP2-070**]; [**REP2-075**] paragraph D4), and in oral evidence (June 5th 2019) about how this relates to the need for a precautionary approach.

A10. Reiterating verbatim a response ([**REP3-013**] paragraph 21.4.4) on the CBA's main written Submission and appendices about the need to take account of NPSNN policies towards conservation for future generations, the Applicant commented ([**REP4-030**] p 2-16):

"It is an unpersuasive position to assert that the Scheme should be prevented from being progressed in the face of a speculative argument that future technology may discover more information in this area of the WHS. This is particularly the case having regard to the technology which is already available now, the comprehensiveness of the assessment undertaken and the mitigation measures in place in the Detailed Archaeological Mitigation Strategy (DAMS) [REP2-038]."

A11. This is taken out of context and misrepresents the CBA's position. Neither in its written submissions nor in Mr Lambrick's oral evidence has the CBA asserted that the Scheme should be prevented from being progressed because future technology may discover more information in this area of the WHS. The whole point is that in the context of national and international policy obligations this is a consideration that has particular bearing on how the precautionary principle should be applied.

A12. Mr Lambrick's overall key point was that in the context of a World Heritage Site an especially precautionary approach is needed in the light of NPSNN paragraphs 5.124, 5.129, 5.131 and WHS Management Plan 2.3.1

5.124 Non-designated heritage assets of archaeological interest that are demonstrably of equivalent significance to Scheduled Monuments, should be considered subject to the policies for designated heritage assets. The absence of designation for such heritage assets does not indicate lower significance.

5.129 In considering the impact of a proposed development on any heritage assets, the Secretary of State should take into account the particular nature of the significance of the heritage asset and the value that they hold for this and

future generations. This understanding should be used to avoid or minimise conflict between their conservation and any aspect of the proposal.

5.131 When considering the impact of a proposed development on the significance of a designated heritage asset, the Secretary of State should give great weight to the asset's conservation. The more important the asset, the greater the weight should be. Once lost, heritage assets cannot be replaced and their loss has a cultural, environmental, economic and social impact.

Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Given that heritage assets are irreplaceable, harm or loss affecting any designated heritage asset should require clear and convincing justification. Substantial harm to or loss of a grade II Listed Building or a grade II Registered Park or Garden should be exceptional. Substantial harm to or loss of designated assets of the highest significance, including World Heritage Sites, Scheduled Monuments, ... should be wholly exceptional.

2.3.1 The UK Government is accountable according to the World Heritage Convention for the protection, conservation, presentation and transmission to future generations of its sites on the World Heritage List in order to sustain their Outstanding Universal Value (OUV). According to the UNESCO Operational Guidelines, OUV is 'cultural and/or natural significance which is so exceptional as to transcend national boundaries and to be of common importance for present and future generations of all humanity'.

- A13. To this might be added the reference to the value that heritage assets hold for future generations in NPSNN 5.1.22, and many more references in the WHS Management Plan.
- A14. The Applicant's position that it is 'speculative' to suppose 'that future technology may discover more information in this area of the WHS' is extraordinarily hubristic and short-sighted when policy requires consideration of the needs and opportunities of future generations. We benefit today from centuries of inventiveness in applying new technologies to archaeological endeavour. We are not working to the ideas and techniques available to pioneers of archaeology such as William Stukeley; archaeologists have embraced the core value of stratigraphy; they have used radiocarbon dating to rewrite prehistory; in recent years we have seen the use of isotopes to show that people cremated at the Stones may have come from a similar locality to the Blue Stones, that cattle were being driven to the Stonehenge area from all over Britain to feed hoards of labourers at Durrington Walls, and that the Amesbury Archer came from Europe; ancient DNA has been extracted to show that a nearby burial may be the remains of his son or some other relative. Within the lifetime of active living archaeologists many of these and other techniques were not available earlier in their careers.

- A15. It is far more absurd to suggest that future technology might NOT be capable of discovering more information in this area of the WHS.
- A16. The Applicant makes the position worse by boasting that their criticism is validated as *"particularly the case having regard to the technology which is already available now, the comprehensiveness of the assessment undertaken and the mitigation measures in place in the Detailed Archaeological Mitigation Strategy (DAMS) [REP2-038]"*
- a. *"The technology which is available now"* only exists because enterprising archaeologists and scientists have speculated sufficiently to realise the potential of new approaches and methods to be developed, often adapting and applying science and technology in other fields.
 - b. But not all such technology is being used or proposed for use to its full potential applicability.
 - c. The CBA has shown that the assessment undertaken to date is a very long way from being *'comprehensive'* either in methods applied or its analysis, failing entirely to make any prediction, based on what is supposed to be meaningful scientifically based sampling, of what the archaeology totality of the scheme footprint might be
 - d. The CBA and others have equally shown how very far short of the claimed *'highest practicable standards'* the draft DAMS still falls – even after two further iterations.
- A17. A less self-satisfied, and far more precautionary approach is needed.