

*Submitted by email.*

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27 May 2020

## **Re: Commercial renewable energy development and the historic environment HEAN**

Thank you for the opportunity to submit a response to this consultation on behalf of the Chartered Institute for Archaeologists (CIfA) and Council for British Archaeology (CBA). Broadly and subject to revisions, we support this advice note, which includes references to CIfA standards and guidance and recognition of the value of professional accreditation, which we see as a strong positive. We have a number of comments and suggestions for how to improve the document which are as follows:

1. We consider that Historic England (HE) should be wary about sections of this guidance which appear to have the primary purpose of restating guidance which already exists elsewhere, for example on setting in GPA2. Where this advice note has the potential to be much more useful is in providing illustrations of the types of renewable energy development being brought forward, their possible impacts on the historic environment and where/how the public value argument/balancing is undertaken. This should help to explain the staged approach to avoiding harm, reducing harm, and then considering the wider public benefits of the projects and appropriate mitigation to minimise harm. There are a number of excellent case study examples that we could reference which would be valuable to include.
2. Renewable energy projects of different types are distinctly different in the ways that they may impact upon the historic environment. It *may* be useful to help align the thinking of audiences for this advice note on how to manage the historic environment in the context of renewables projects, but at present the advice note treads an uncertain line between applying general advice and highlighting specific impact patterns and processes associated with each development type. At present, some content listed under specific development types is actually generalisable. We suggest that HE should consider where additional content could be moved to Section 2, and further reflection on what the best approach and level of detail is for development-specific advice in Sections 3-5.
3. As a more general related point, while CIfA and CBA support the alignment of guidance and advice for terrestrial and marine planning, where this is done it must be subject to appropriate contextualisation and accurate reflection of where planning practice in the marine zone is different. In this regard, the intention for the advice note to have

relevance on both land must be consistent throughout the document. For example, paragraph 1 refers to 'large areas of land', rather than land and sea, and in various places where advice is supposedly general, references are made to terrestrial processes, where marine processes are different (e.g. needing to reference marine licensing in relation to consent regimes, and HE maritime records in addition to HERs). We recommend that the document is thoroughly checked for such instances of where parallel consideration of marine planning practices is required. The document should also be thoroughly checked for instances of inconsistency and omission to take account of, for example, the relevance of the UK Marine Policy Statement, the presence of scheduled monuments in marine zones, and wrecks protected under the Protection of Wrecks Act 1973. Similarly, the Protection of Military Remains Act 1986 also has relevance on land but is only mentioned in relation to off-shore wind development.

4. There are points in the advice note where greater clarity in the use of technical language is needed. For instance, 'significance' and 'visual impact' (see comments below).
5. We also consider that the current draft is potentially unhelpful in the way that quotes selectively from external guidance (see detailed comments below) and potentially introduces misconceptions around landscape assessments and focal lengths. We note that this issue was well covered by Historic England in its project 'Visualising the impacts on the setting of heritage assets' (PN: 7792) with some content in this advice note appearing to contradict this report.
6. We are confused by the omission of a section on on-shore wind where there are major implications for impacts on heritage assets and where advice, such as on how to deliver a proportionate setting assessment. Additionally, hydro-electric generation is also not covered. Small scale hydro-electric schemes are a particular issue for watermills and industrial sites. If these areas are covered in other guidance or advice documents this should be referenced, but these omissions leave the document lacking coverage in important areas.
7. The document currently references specific content from different external guidance documents. This is valuable, but there is a risk that selective quotation of such documents could undermine the wider documents' relevance to the historic environment. There are also relevant guidance documents which are not referenced, for example, the large body of off-shore wind guidance by the Crown Estate and COWRIE. It is clear that a much more methodical approach to referencing relevant guidance is required.
8. Reference should be made in the document to EN-3 as it pertains to the finite life cycle of wind infrastructure and the time-limited nature of wind energy consents. For instance, paragraph 43 should be careful not to create confusion with EN-3 guidance which describes such consents as temporary. The reversibility of some effects on the historic environment, but not others, should be discussed but without introducing a

conflict with this guidance. The advice note should specifically respond to the question of the weight that should be given to impacts in these cases (as implied in EN-3 paragraphs 2.7.17 and 2.7.43). In addition, at present, the description of residual impacts appears to contradict the idea of the ‘permanent’ impact of use.

9. Similar care should be taken to ensure not to create confusion with EN-3 in paragraph 53 on reversibility. The magnitude of harm caused by reversible impacts of time-limited developments is not less for the duration of that impact, but according to EN-3 it matters less (i.e. less weight should be given to it) as it will be reversed at the end of the operational life of the development.
10. In paragraph 17, it would help to offer some explanation as to the ‘important distinction’ between ‘significant effects’ as described via EIA and effects on significance described by the NPPF’. For instance, one ClfA expert practitioner states;

*“I am strongly of the view that EIA ‘significance’ reflects a combination of magnitude of impact (= NPPF ‘harm’) on heritage significance and the importance of the affected asset, i.e. we are more concerned about more harm to more important assets”*

11. Given this in-text confusion over the definition of significance, it is also unhelpful that the text also uses the word ‘significant’ in non-technical way in places, for example in box 4 (page 9) where it would be much better to use the word ‘important’.
12. In paragraph 29, and again in paragraph 36, references to ‘local planning authority’ should be amended to allow inclusion of the MMO as the consenting authority for marine applications.
13. In paragraph 32, we suggest removing the word ‘substantial’. The planning balance is simply about whether benefits outweigh harm. The term ‘substantial public benefits in the NPPF is only applied where needed to outweigh ‘substantial harm’ to the significance of a heritage asset (NPPF Paragraph 195).
14. We recommend discussing ‘physical impacts’ in terms of impact on heritage significance in paragraphs 34-36, as is done for setting elsewhere in the document. This should explain the principle of preservation in situ, and of minimising physical harm to the significance of heritage assets, and also explain that where physical harm to heritage assets is unavoidable, archaeological mitigation – although inherently destructive – creates new information which can enhance the significance of the heritage assets affected, converting archaeological interest/evidential value, into historical interest, and/or communal value.
15. It would also be useful to add a hyperlink to the ClfA Standard and Guidance on DBA as referenced in paragraph 35  
([https://www.archaeologists.net/sites/default/files/ClfAS%26GDBA\\_3.pdf](https://www.archaeologists.net/sites/default/files/ClfAS%26GDBA_3.pdf)).

16. In paragraph 42, the reference to ‘qualitative and expert judgement’ implies that this area (analysis of setting) is special in that regard. Inclusion of this phrase here may be intended to specifically counter common assumptions that setting is subjective. However, it is also true that the assessment of physical harm is also a matter of expert judgement. We recommend including the phrase in reference to physical impacts as well.
17. Paragraph 44 highlights photomontage as an assessment tool, but it is important to note that other techniques, such as wireframes and ZTV mapping may also be used to explore different aspects of visual change. It would be appropriate to include mention of these, or at least add ‘or other techniques’ to account for these possibilities.
18. Text box 5 highlights one very specific aspect of the Landscape Institute’s guidance note on the visual representation of development proposals (focal length). As stated above, we question whether highlighting one aspect of the guidance is wise, given the risk that it could be given inappropriate weight when taken out of context. Instead the text box could deal with when and why a photomontage may be useful to support a heritage impact assessment, with a more general link to the Landscape Institute’s technical guidance, which should be followed in all relevant respects.
19. Paragraph 45 introduces a potential confusion for applicants about whether the assessment of visual impact on the setting of heritage assets should form part of the LVIA or the cultural heritage impact assessment (CHIA). This paragraph could be clearer in suggesting that LVIA and CHIA may overlap and contribute to each other (e.g. by sharing baseline data), but each retains important and entirely distinct roles in assessment. We suggest that text box 6 would be more helpful if it focussed on exploring the differences between LVIA and CHIA.
20. The selection of viewpoints for a ‘visual impact assessment’ (one part of the LVIA) does use publicly accessible locations but, more importantly, it is fundamentally viewpoint driven and assesses visual impact on a person at that viewpoint. CHIA is not viewpoint driven but may use viewpoints to illustrate how the setting of an asset would change, but the assessment is on the overall significance of a heritage asset due to the sum of all change in its setting. CHIA does not assess impact at a single viewpoint.
21. Regarding the use of the phrase ‘visual impact assessment’ in the context of impact of the significance of heritage assets (e.g. paragraph 45), an expert CfA practitioner said:
 

*“Visual change in the setting of a heritage asset may affect the contribution that the setting makes to the significance of the asset. It is tempting to use the shorthand ‘visual impact’ for this type of impact but this risks confusing the analysis with ‘visual impact assessment’ as used in LVIA. In LVIA (landscape and visual impact assessment), visual change in a view is automatically treated as a visual impact. So, not the same as a setting assessment where visual change may not lead to an impact on heritage significance.”*

22. In paragraph 50 we are not certain that the example given is the best possible example of a cumulative impact as it does not appear to relate to cumulative impacts of multiple applications, but only to multiple aspects of a single application.
23. Paragraph 56 contains reference to peat bed contexts, possibly giving the impression that other deposits have less or no potential for archaeological importance.
24. Paragraphs 57-58 should be clearer where describing AEZs. AEZs are often established as a result of geophysical survey identifying anomalies which may be of archaeological importance. The current text implies that only areas outside AEZs are surveyed. Additional detail could also be included here, and we commend the recent suggestions of the Joint Nautical Archaeology Policy Committee (JNAPC) about how to improve detailed guidance on, for example, the size that exclusion zones should be.
25. We are not certain that paragraphs 64 and 65 provide enough reflection on the setting issues on land of off-shore wind development. General advice in section 2 could also explicitly state the potential for renewable developments on land (e.g. solar farms) to have setting issues for assets at sea, and vice-versa.
26. In paragraph 82, the concept of visual appeal is introduced. We would caution against the introduction of such an abstract notion into the judgement around the impact on the significance of heritage assets. Additionally, 'design' is not discussed in any other section and we wonder why design is specifically relevant to biomass schemes.

Please do not hesitate to contact me if you have any questions about our comments. We would be pleased to consult further on a revised draft following this consultation.

Yours sincerely,



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