

FIVE ESTUARIES OFFSHORE WIND FARM STATEMENT OF COMMON GROUND 10.10.12 HISTORIC ENGLAND

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In preparation of this document Five Estuaries Wind Farm Ltd has made reasonable efforts to ensure that the content is accurate, up to date and complete for purpose.

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DEFINITION OF ACRONYMS

Term	Definition
DCO	Development Consent Order
ETGs	Expert Topic Group
LPA	Local planning authority
OWSI	Onshore Written Scheme of Investigation
SoCG	Statement of Common Ground
VEOWF	Five Estuaries Offshore Wind Farm
WSI	Written Scheme of Investigation



1 INTRODUCTION

1.1 BACKGROUND

- 1.1.1 This Statement of Common Ground (SoCG) has been prepared between Five Estuaries Offshore Wind Farm Limited (hereafter referred to as 'the Applicant') and Historic England to set out the areas of agreement and disagreement between the two parties in relation to the proposed Development Consent Order (DCO) application for the Five Estuaries Offshore Wind Farm (hereafter referred to as "VEOWF").
- 1.1.2 Following detailed discussions undertaken between the parties, (see section 11.3 and 7.3 within 6.2.11 Offshore Archaeology and Cultural Heritage [APP-080] and 6.2.7 Archaeology and Cultural Heritage [APP-089] respectively for a log of consultation) the Applicant and Historic England have sought to progress a SoCG. It is the intention that this document provides the Planning Inspectorate with a clear overview of the level of common ground between both parties. This document will be updated if any additional points are identified or any positions change during the Examination.

1.2 APPROACH TO SOCG

- 1.2.1 This SoCG sets out the topic, a brief summary of the issue or matter subject to disagreement or agreement, the position of the Applicant and that of Historic England, and a colour coding to illustrate the level of agreement and/or materiality.
- 1.2.2 A full description of the approach adopted is set out in 9.33 Approach to Statements of Common Ground [APP-266] submitted as part of the DCO application.



2 HISTORIC ENGLAND'S REMIT

2.1.1 Historic England is the UK Government's statutory adviser on the historic environment, championing historic places and helping people to understand, value and care for them.

2.2 APPLICATION DOCUMENTS WHICH HAVE INFORMED DISCUSSION

- 2.2.1 The application documents below have informed discussions with Historic England.
 - > 3.1 Draft Development Consent Order [APP-024]
 - > 6.2.11 Offshore Archaeology and Cultural Heritage [APP-080]
 - > 6.5.11.1 Offshore Archaeology and Cultural Heritage Technical Report [APP-128]
 - > 9.19 Outline Marine Written Scheme of Investigation Revision B [REP3-012]
 - > 6.3.7 Archaeology and Cultural Heritage [APP-089]
 - > 6.6.7.1 Historic Environment Desk-Based Assessment [APP-160]
 - > 6.6.7.2 Onshore Geophysics Report [APP161]
 - > 6.6.7.3 Geoarchaeological Desk Based Assessment [APP-162]
 - 6.6.7.4 Archaeological and Geoarchaeological Monitoring of Ground Investigation works [APP-163]
 - > 6.6.7.5 Onshore Cultural Heritage GPA3 Exercise and Technical Note Offshore Array [APP-164]
 - > 6.6.7.6 Onshore Cultural Heritage GPA3 Exercise and Technical Note Onshore Project Area [APP-165]
 - > 6.6.7.7 Onshore Archaeological and Geoarchaeological Monitoring of Ground Investigation Onshore ECC [APP-166]
 - > 6.6.7.8 Archaeological and Palaeolithic Evaluation Phase 1 [APP-167]
 - > 6.6.7.9 Archaeological and Palaeolithic Evaluation Phase 2 [APP-168]
 - > 9.21 Code of Construction Practice [APP-253]
 - > 9.23 Outline Onshore Written Scheme of Investigation [APP-256]

2.3 CONSULTATION SUMMARY

- 2.3.1 Since 2019, the project has been engaging with relevant stakeholders through different levels of activity. The project has undertaken consultation with Historic England before submitting the application and has held Expert Topic Groups (ETGs) on offshore and onshore historic environment, as well as bilateral meetings with key stakeholders.
- 2.3.2 The comments received and the meetings between the project and the interested party have formed the basis for this SoCG.



3 AGREEMENTS LOG

- 3.1.1 The following sections of this SoCG set out the level of agreement between the Applicant and Historic England for each relevant component of the Application identified in paragraph 2.1.3. The tables below detail the positions of the Applicant alongside those Historic England and whether the matter is agreed or not agreed.
- 3.1.2 In order to easily identify whether a matter is 'agreed', 'not agreed' or an 'ongoing point of discussion, the agreements logs in the tables below are colour coded to represent the status of the position according to the criteria in Table 3.1 below. Colours were chosen in order to ensure inclusivity for the visibility of data.

Table 3.1: Position Status key

POSITION STATUS	COLOUR CODE
The matter is considered to be agreed between the parties.	Agreed
The matter is neither 'agreed' or 'not agreed' and is a matter currently under discussion.	Ongoing point of discussion
The matter is not agreed between the parties.	Not agreed



Table 3.2: Status of discussions

Reference Number	Topic	Historic England's Position	Applicant's Position	Position Status
Offshore HE01	Embedded mitigation in impact assessment in ES.	Historic England are concerned that the impact assessment presented in the ES relies on embedded mitigation to avoid significant impact. Assumptions made about the effectiveness of avoidance to remove significant impact effects, are however predicted on the adequacy of all subsequent survey investigations, in order to allow for the proposed adaptive mitigation to be effective. Historic England believes if any part of the proposed development occurs within the jurisdiction of a local authority, then there must be an obligation for consultation. The	The Applicant considers that the mitigation measures set out in the Outline Marine Written Scheme of Investigation [REP4-025] are proportionate and achievable. This is based on a phased investigation (post-determination and preconstruction as appropriate), combined with the ability to be flexible in micrositing of infrastructure within the order limits, especially with regard to the cable works. Schedule 11, part 2, Condition 13(2): the Applicant notes that this change amounts to the addition of 'and Essex County Council' to the existing wording. The Applicant notes	Ongoing point of discussion
HE02	Additional wording to be added to Schedule 11, part 2, Condition 13(2).	proposed text amendment (as highlighted below) to the draft deemed Marine Licence is consistent with other offshore wind farm DCOs such as the Galloper Wind Farm Order 2013. Furthermore, this amendment is necessary given the proposed coordination that should occur between this proposed development and the proposed North Falls Offshore Wind Farm, as explained within Five Estuaries ES Volume 9, Report 29 "Offshore Connection Scenario" [APP-262] Historic England has recommended additional wording to be added Schedule 11, part 2, Condition 13(2). "Subject to condition 13(3), the licensed activities or any relevant stage of those activities must not commence unless	that Tendring District Council is the relevant local planning authority (LPA) and their interest ends at low water and they have no remit for the considerable majority of the licenced works. The Applicant does not consider it necessary to add that the MMO can consult the LPA under this condition but notes that the LPA only has a remit in a small area of the works and it is unnecessary to consult them on all of the works where these do not impact the intertidal area which would also be covered by the onshore WSI. The Applicant is not clear why the amendments suggested by Historic England are necessary as a result of coordination with North Falls. North Falls will be subject to their own approval processes on their own Offshore WSI, irrespective of any coordination with Five Estuaries.	Ongoing point of discussion
		no later than six months prior to the commencement a marine written scheme of archaeological investigation for the stage in construction has been submitted to and approved by the MMO in writing, in accordance with the outline marine written schemes of investigation, and in accordance with industry good practice, in consultation with the statutory historic body and Essex County Council to include"		
HE03	Physical evaluation of known and presently unknown archaeological assets.	Historic England has concerns with the lack of evaluation of known and presently unknown archaeological assets.	The Applicant notes the comments and acknowledges the risk that this project will encounter both the known and presently unknown elements of the historic environment. At this stage the final project design and therefore the spatial location of the export cables is not confirmed, however in keeping with the outlined mitigation infrastructure will be microsited to avoid known and potential archaeological features, and sites of archaeological interest will be subject to further investigation in watching briefs prior to construction.	Ongoing point of discussion



Reference Number	Topic	Historic England's Position	Applicant's Position	Position Status
HE04	The magnitude of impact on sediments and geoarchaeological potential.	It is Historic England's position that there is potential significant impact on preserved palaeochannels and deposits with high geoarchaeological potential already identified in the proposed development corridor, as acknowledged in Five Estuaries ES Volume 6, Chapter 11: Offshore Archaeology and Cultural Heritage (ExA Ref: APP-080)	The Applicant considers the evaluation undertaken to date to be proportionate to the importance of the heritage assets and argues that it is enough to understand the potential impact of the proposal on their significance as per Overarching National Policy Statement for Energy (EN-1), November 2023, Paragraph 5.9.10. It is assumed that all heritage works (excluding works under the forthcoming post-construction monitoring plan) will be undertaken prior to the commencement of the construction phase. All archaeological works will be detailed in activity specific Method Statements and agreed with Historic England and the MMO (as the competent authority) in line with Table 11.17: Mitigation relating to Offshore Archaeology and Cultural Heritage, 9.19 Outline Marine Written Scheme of Investigation [APP-251] and Deemed marine licence Schedule 10 Condition 12(2) (3), Condition 13, 16 (a) (iii), Condition 17 (2) (iii) Condition 18 (2) (a), Condition 19 (2) (a).	Ongoing point of discussion
HE05	Number of geoarchaeological cores within the marine study area.	Historic England has concerns that nine geoarchaeological cores are not enough considering the number, size and complexity of possible channels or old land surfaces potentially identified within the marine study area.	The illustrated core positions represent an initial assessment of potential archaeological cores within a larger geotechnical campaign which is to be refined as the project progresses.	Ongoing point of discussion
Onshore		As stated in Historic England's Written Representation	During the pre-application phase, as is normal for offshore	
HE06	Level of intrusive evaluation within the construction corridor used to inform the assessment.	[REP2-053] there is a risk that the conclusions from the Historic Environment Desk Based Assessment and therefore ES Chapter may not reflect the true archaeological potential of the area and values assigned to assets would need to be reassessed as more information becomes available. Historic England recognise it is not possible to evaluate all areas however a high percentage of land within the Order Limits remains under investigated and there the risk of encountering high value heritage assets remains a significant risk factor. This renders the assessment of value presented in the ES as effectively draft value, as it has not been possible to characterize those deposits except via geophysical survey. This presents a considerable risk to both the loss of important information and proposed embedded mitigation, which relies upon micrositing away from important anomalies is potentially at risk, should extensive and important archaeological deposits be identified post consent. It is important that the Applicant acknowledges that this approach could result in high value assets relating to the historic environment being encountered that could risk the project timetable and key milestones.	wind farm projects, the Applicant had to strike a balance and collect enough survey data to understand the potential archaeological effects without causing undue impact to arable farmland (which is present along the whole route) from extensive trial trenching campaigns. The Applicant has focussed on the OnSS where there is less flexibility to microsite around potential archaeology. The information from the non-intrusive and intrusive surveys, alongside the desk based assessment are sufficient at this stage to allow for a robust assessment of the significance of effect resulting from the project and also to inform future intrusive investigations. The Applicant's approach complies with the NPS and professional guidance which provides for a staged approach requiring investigation only in so far as is needed to establish significance, with desk based assessment as the first stage, followed by targeted investigations. An extensive programme of archaeology surveys is planned pre-construction as detailed in the Outline Onshore Written Scheme of Investigation (OWSI) [APP-256]. The Applicant is comfortable that the work done to date and the OWSI [APP-256] reflects the start of a phased approach to mitigation,	Not agreed



Reference Number	Topic	Historic England's Position	Applicant's Position	Position Status
HE07	Mechanism to ensure engagement and support appropriate monitoring.	As stated in Historic England's Written Representation [REP2-053] Historic England does not believe the control documents as drafted (oWSI and CoCP) provide enough detail and clarity to give both comfort and assurances that archaeology would be appropriately managed. Further detail is required within the control documents to provide assurances to curators that archaeology will be appropriately and responsibly considered and managed.	with subsequent detailed WSIs being prepared for agreement by the relevant Consultees, prior to commencement, and updated based on previous phases (as necessary to reflect the findings). The Applicant is seeking to engage with Historic England and other relevant consultees to refine and develop the Outline OWSI and its relationship to the CoCP to review and revise wording of these documents, so that the policies and processes set out in them are mutually acceptable and provide an effective means of controlling and achieving the mitigation. The Applicant will update the outline OWSI [APP-256] (or Archaeological Mitigation Strategy) for Deadline 6 with details of how the discharge of the various phases of archaeological mitigation would take place and be approved by the LPA under Requirement 9. The Applicant will review the CoCP to see if additional text can be added on the relationship with the archaeological control documents and likely requirements on site.	Ongoing point of discussion
HE08	Historic England has concerns over the level of detail in the Outline WSI, particularly related to the different phases of proposed mitigation.	Historic England's has concerns over the level of detail in the Outline WSI, particularly related to the different phases of proposed mitigation and how this would be managed. It recommends the production of an Archaeology Mitigation Strategy (or similar document) to provides more detail on the different phases of archaeological mitigation and how the project will work with the LPA and Historic England.	The Applicant considers that the mitigation measures set out in the outline OWSI [APP-256] are proportionate and achievable. This is based on a phased investigation (post-determination and pre-construction as appropriate), combined with the ability to be flexible in micrositing of infrastructure within the order limits, especially with regard to the cable works. The Applicant is proposing to update the onshore OWSI [APP-256] to include further details on the proposed mitigation after discussions with Essex County Council and Historic England. The Applicant has also agreed to produce an Archaeology Mitigation Strategy at Deadline 6 (which may form an appendix to the outline OWSI [APP-256]) to provide better context for archaeological mitigation proposals.	Ongoing point of discussion
HE09	Historic England requests named as consultee on requirements	As stated in Historic England's Written Representation [REP2-053] Historic England recommend that the following draft requirement is amended as follows: Onshore archaeology, Requirement 9: "9.—(1) No stage of the onshore works may commence until, for that stage, an archaeological written scheme of investigation in accordance with the outline onshore written schemes of investigation as appropriate for the relevant stage has been produced in consultation with Historic England and submitted to and approved by the relevant planning authority" Historic England await the proposed document updates and additional drafting from the Applicant to see if it addresses the need to ensure that Historic England is appropriately consulted on the archaeological mitigation.	The Applicant does not consider it necessary for Historic England to be a named statutory consultee of Requirement 9. The Applicant does propose to update the wording within the outline OWSI [APP-256] and/or include within the Archaeological Mitigation Strategy details on the need to consult with Historic England.	Ongoing point of discussion



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