

FIVE ESTUARIES OFFSHORE WIND FARM STATEMENT OF COMMON GROUND HISTORIC ENGLAND, REVISION B

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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
AMS	Archaeological Mitigation Strategy
DCO	Development Consent Order
ETGs	Expert Topic Group
LPA	Local planning authority
NPS	National Planning Statement
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]
 - > 10.47 Archaeological Mitigation Strategy [REP6-051]

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
		Offs	hore	
HE01	Embedded mitigation in impact assessment in ES.	Historic England is 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. O4 March 2025 - Historic England is content that the mitigation measures set out in the Outline Marine Written Scheme of Investigation (Revision C) [REP4-025] are sufficient to agree this point.	The Applicant considers that the mitigation measures set out in the Outline Marine Written Scheme of Investigation (Revision C) [REP4-025] 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 micro-siting of infrastructure within the order limits, especially with regard to the cable works.	Agreed
HE02	Additional wording to be added to Schedule 11, part 2, Condition 13(2).	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 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. 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 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	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 that Essex County Council (ECC) is the discharging authority for the onshore works 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 ECC under this condition but notes that ECC 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.	Ongoing point of discussion



Reference Number	Topic	Historic England's Position	Applicant's Position	Position Status
HE03	Physical evaluation of known and presently unknown archaeological assets.	statutory historic body and Essex County Council to include" Historic England has concerns with the lack of evaluation of known and presently unknown archaeological assets. 04 March 2025 - Historic England is content that this risk is appropriately acknowledged and the mitigation measures set out in the Outline Marine Written Scheme of Investigation (Revision C) [REP4-025] are sufficient to agree this point.	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 micro-sited to avoid known and potential archaeological features, and sites of archaeological interest will be subject to further investigation in watching briefs prior to construction as explained in the Outline Marine Written Scheme of Investigation (Revision C) [REP4-025].	Agreed
HE04	The magnitude of impact on sediments and geoarchaeological potential.	It is Historic England's position that there is potential significant impact on preserved palaeo-channels 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) 04 March 2025 - Historic England is content that this risk is appropriately acknowledged and the mitigation measures set out in the Outline Marine Written Scheme of Investigation (Revision C) [REP4-025] are sufficient to agree this point.	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. 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, the Outline Marine Written Scheme of Investigation (Revision C) [REP4-025] and the following in the Deemed Marine Licence: - Schedule 10 Condition 12(2) (3), Condition 13, Condition 17 (2) (iii) Condition 18 (2) (a), Condition 20(2)(a) and 21. - Schedule 11 Condition 13(2) and 13(3), Condition 18(2)(a)(iii), Condition 21(2)(a). It is acknowledged that some risk remains and that this will be managed by the processes described in the Outline Marine Written Scheme of Investigation (Revision C) [REP4-025].	Agreed
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. The processes described above in HE04 will be used to manage this risk as the project progresses.	Agreed



Reference Number	Topic	Historic England's Position	Applicant's Position	Position Status
		04 March 2025 - Historic England is content the mitigation measures set out in the Outline Marine Written Scheme of Investigation (Revision C) [REP4-025] are sufficient to address this concern, and this point can now be agreed.		
		Ons	hore	
HE06	Level of intrusive evaluation within the construction corridor used to inform the assessment.	As stated in Historic England's Written Representation [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. 04 March 2025 - Historic England is content that the revised AMS to be submitted at Deadline 8 provides are	During the pre-application phase, the Applicant has worked 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 ahead of consent. The Applicant has focused on the OnSS area where there is less flexibility to microsite around potential archaeology, and a small area of the onshore export cable corridor (ECC). The Applicant acknowledges that there is an increased risk that archaeological remains may be discovered during the construction phase as a result but is of the opinion that the process for managing the archaeology on the route as set out in the Archaeological Mitigation Strategy (AMS, [REP6-051]) and the outline Written Scheme of Investigation (OWSI) allows for this risk to be appropriately dealt with. The AMS sets out a phased process (including a comprehensive evaluation) to inform decision-making on subsequent mitigation, whether <i>in situ</i> or by record, based on an assessment of the results of the pre-determination work and the planned post-consent evaluation (Phase 2). The results of this and agreed mitigation would constitute Phase 3 and the necessary post-excavation assessment, would inform proposals for analysis, dissemination and publication (to be undertaken as Phase 4). The information from the non-intrusive and intrusive surveys, alongside the desk-based assessment are sufficient at this stage to allow for an 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. The Applicant is proposing changes to the wording of the order to better reflect the requirements of the Statutory Consultees	Agreed



Reference Number	Topic	Historic England's Position	Applicant's Position	Position Status
		sufficient commitments and detail on the future archaeological and geoarchaeological measures. This matter can now be agreed.	The approach to addressing archaeology post-consent is set out in the AMS, which outlines that the results of archaeological work undertaken to date, and the proposed Phase 2 evaluation will be assessed to inform subsequent decision-making on mitigation (whether design amendments to accommodate preservation <i>in situ</i> , set-piece archaeological work, or archaeological monitoring to achieve preservation by record). The AMS also identifies the need for a Phase 4, to ensure appropriate publication and dissemination of the results of the archaeological work carried out in the preceding phases. Details of the phase-specific archaeological works will be set out and agreed in the form of Written Schemes of Investigation, in line with the processes identified in the AMS. An initial extensive programme of archaeology surveys is planned pre-construction (phase 2 evaluation) as set out in the AMS and	
			detailed in the OWSI [APP-256]. Update, 4 March 2025: the Applicant and Historic England have been working together on the development of the AMS and this discussion is also reflected in the amended wording in the Code of Construction Practice (CoCP) as well as changes to the wording of the DCO requirement, both most recently updated at Deadline 7. The final version of the AMS will be submitted at Deadline 8.	
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.	The Applicant has been engaging with Historic England and other relevant consultees to develop and refine the Archaeological Mitigation Strategy (AMS) and OWSI. In addition, the Applicant is ensuring that this is reflected in the wording of the CoCP, 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 produced a first draft of the AMS at Deadline 6 which detailed how the discharge of the various phases of archaeological mitigation would take place and be approved by the LPA under Requirement 9. The AMS will include the OWSI as an appendix. The Applicant reviewed the CoCP at Deadline 7 to add additional text on the relationship with the archaeological control documents (e.g. AMS) and likely requirements on site.	Agreed
		04 March 2025 - Historic England is content that the revised AMS to be submitted at Deadline 8 provides sufficient commitments and detail on the future archaeological and geoarchaeological evaluation. This matter has now been agreed.	The Applicant's position as of 21 Feb 2025 is that the AMS and OWSI will outline the processes that provide sufficient input and control to enable the Statutory Consultees and Archaeological curators to be assured that the archaeology will be appropriate managed and given due consideration at each stage, and that the relevant bodies will have meaningful input to the decision-making processes required prior to and during each of the Phases identified in that document. The AMS will be the primary Document setting out the processes by which archaeology will be managed, post-consent. As noted on the Applicants	



Reference Number	Topic	Historic England's Position	Applicant's Position	Position Status
			phases of work required from evaluation (Phase 2), mitigation (Phase 3) through to appropriate publication and dissemination (Phase 4) of the results of the archaeological works. It identifies the roles and responsibilities of the relevant parties (including the Local Planning Authority's archaeological advisor and Historic England) and recognises the role the archaeological curators will have in monitoring and signing-off completion of agreed archaeological works prior to releasing areas for construction.	
			Detailed specific written Schemes of investigation will be prepared as appropriate and agreed prior to the commencement of the phases to which they apply. These documents fall under the AMS process, which provides the overarching framework.	
			Update, 4 March 2025: A revised draft of the AMS and OWSI will be submitted at Deadline 8 after being updated to reflect comments received from the Consultees after Deadlines 6 and 7 and in subsequent consultation.	
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 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. Historic England have recommended the applicant produce an Archaeology Mitigation Strategy (or similar document) to provides more detail on the archaeological evaluation and the different phases of archaeological mitigation and how the project will work with the LPA and Historic England. 21 February 2025 Historic England have recommended corresponding changes to the DCO wording and the CoCP. We also would like it to be acknowledged that evaluation and mitigation are and should be treated as separate phases. A phase of mitigation will need agreed by LPA and Historic England and undertaken once the results of the evaluation are known. 04 March 2025 - Historic England is content that the revised AMS to be submitted at Deadline 8 provides sufficient commitments and detail on the	The Applicant considers that the mitigation measures set out in the 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 micro-siting of infrastructure within the order limits, especially with regard to the cable works. The Applicant is proposing to update the OWSI to include further details on the proposed mitigation after discussions with Essex County Council and Historic England. The Applicant has also produced an Archaeology Mitigation Strategy (AMS) at Deadline 6 to provide better context for archaeological mitigation proposals. The Applicant's position as of 21 February 2025 is that the AMS is to be seen as the primary document setting out the process by which the archaeology can be appropriately managed (and the OWSI and any subsequent detailed WSIs will fall under the overarching process set out in the AMS). The phased process is explicitly acknowledged in the revised draft, and the roles and responsibilities of the relevant parties in decision-making clearly identified. Specifically, the role of the archaeological curators in monitoring all agreed archaeological work and signing that work off for example, prior to release of identified areas for construction, is acknowledged. Update, 4 March 2025: the AMS is being revised following comments received from the Statutory Consultees on the draft submitted at Deadline 6. Revisions of the AMS and OWSI will be submitted at Deadline 8. Wording regarding the percentage of trail trenching has been added to the AMS as follows: 2.4.3 It is intended that the Phase 2 evaluation trenching be archaeology-led and trenching may be applied at differing densities to allow informed decision making on the need for (and scope and extent of) any specific subsequent	Agreed



Reference Number	Topic	Historic England's Position	Applicant's Position	Position Status
		future archaeological and geoarchaeological evaluation. This matter has now been agreed.	mitigation works (to be undertaken in Phase 3). It is anticipated that "blank" areas, where there is currently the least supporting information or where geophysical survey results are less conclusive will require densities of 4% of trenching (with a view to allowing the archaeological consultees to have confidence to "sign-off" areas if no remains are encountered. Lower densities may be appropriate where existing evidence allows a more clear view of the potential archaeology, with work then being required to inform the physical extent of the archaeology and the nature of mitigation proposals and / or design changes in those areas.	
HE09	Historic England requests to be 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. 04 March 2025 - Historic England is content that the revised AMS, which includes clear roles and responsibilities, as well as commitments to consultation with HE to be submitted at Deadline 8 provides is sufficient commitments and detail on the future archaeological and geoarchaeological evaluation. This matter has now been agreed.	The Applicant does not consider it necessary for Historic England to be a named statutory consultee of Requirement 9. However, the Applicant has updated the wording within the Archaeological Mitigation Strategy (AMS) and OWSI [APP-256] on the need to consult with Historic England. The Applicant's position at 21 Feb 2025: as set out in the Applicant's Position with regard to HEO7 and HEO8, The AMS is to be seen as the primary document setting out the process by which the archaeology can be appropriately managed (and the OWSI and any subsequent detailed WSIs will fall under the overarching process set out in the AMS). New wording for the Requirement has been proposed to clarify the status of the AMS, and further discussion required between the Applicant, HE (and the County Archaeologist) to agree the wording. The phased process is explicitly acknowledged in the revised AMS draft, and the roles and responsibilities of the relevant parties in decision-making clearly identified. Specifically, the role of the archaeological curators in monitoring all agreed archaeological work and signing that work off for example, prior to release of identified areas for construction, is acknowledged. Historic England and the Historic England's regional scientific advisor are specifically referred to in the AMS. Updated text in the AMS is as follows: 1.2.7 Specific works in any Phase (or sub-phase) which are proposed as part of this AMS will be detailed in location or activity specific Written Schemes of Investigation, to be agreed with the archaeological Curators as appropriate. For purposes of this document, Archaeological Curators here includes the Local Planning Authority Archaeological Advisor, as well as Historic England and the Historic England regional scientific advisor. Update, 4 March 2025: the AMS is being revised following comments received from the Statutory Consultees on the draft submitted at Deadline 6. Revisions of the AMS and OWSI will be submitted at Deadline 8.	Agreed



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