Ms Jessica Potter  
National Infrastructure Directorate  
Temple Quay House  
2 The Square  
Bristol  
BS1 6PN

10th September 2012

Dear Ms Potter,

**EN010005 – application for the Triton Knoll Offshore Wind Farm (TKOWF)**

**Statement of Common Ground (SoCG) between English Heritage and Triton Knoll Offshore Wind Farm Limited (TKOWFL).**

In the Rule 8 letter issued by the ExA on 30 July 2012, Annexe C, Question 11.3, a request was made for a SoCG between English Heritage and the Applicant (in that case specifically relating to visual impact issues).

The Parties request that the ExA accepts this letter and the following statements as our SoCG in response to the ExA’s request.

**Matter Agreed**

It is agreed that the issues raised by English Heritage in their representation to PINS (dated 8th May 2012) relate to a number of points associated with the following application documents:

1. TKOWF ES Volume 2, Chapter 11 Marine Archaeology

2. Draft Development Consent Order (with Deemed Marine Licence), dated January 2012
3. TKOWF ES Volume 3 (Annex J) Seascape and visual impact assessment

It has been agreed between English Heritage and TKOWFL that this letter, which has been produced in response to the questions set out in Annexe C of the Rule 8 letter, should concentrate solely on the areas of disagreement and agreement associated with the matters raised in the relevant representation submitted by English Heritage. As such the remainder of this letter considers the English Heritage relevant representation made to PINS, dated 8th May 2012.

1. TKOWF ES Volume 2, Chapter 11 Marine Archaeology

The following statements pertain to the concerns raised regarding the assessment of foundation designs:

- It is agreed that, in terms of the effects of foundation designs and effects on physical processes and associated indirect or secondary effects on archaeological receptors, realistic worst case development scenarios have been established (as defined in Table 2.9 (Chapter 2 Volume 2 of the ES), and on archaeological receptors, as defined in Table 11.4 (Chapter 11 Volume 2 of the ES)) and the maximum environmental effects have been described (any lesser development scenario resulting in no greater (and in most cases lesser) environmental effects).

It is agreed that, with regard to the concern raised by English Heritage that “an assessment does not seem to have been included of the direct impacts associated with ground preparation required to support construction of different foundation designs (see paragraph 11.32) as set out in Table 11.4 (Rochdale Envelope scenario assessed)”, section 11.32 to 11.45 of the ES includes adequate and appropriate consideration of the impacts associated with seabed preparation prior to foundation installation.

It is agreed that, with regard to the points raised by English Heritage on the preparation of a Written Scheme of Investigation (WSI), mitigation measures are outlined in Volume 2 Chapter 11 Marine Archaeology (paragraph 11.76) and as detailed in the Section 2 of this document, the draft Deemed Marine Licence includes a condition pertaining to the provision of a Written Scheme of
Investigation in consultation with English Heritage (Schedule 2 Part 2 Condition 9(h)).

It is agreed that the Applicant, TKOWFL, will provide a draft WSI to the ExA and English Heritage on or before 12th October 2012.

It is agreed that this draft WSI will then be completed and implemented throughout the development process and in line with the requirements of Condition 9(1)(h) of the deemed draft Marine Licence.

It is agreed that, with regard to the point raised by English Heritage which refers to the UK Marine Policy Statement, only a small proportion of sites are subject to statutory protection but that other sites, which may be of equal archaeological interest, should be afforded the same policy position as designated historic assets. It is agreed that this point will be referred to where necessary in the WSI, which will be developed, agreed and implemented in consultation with English Heritage.

2. Draft Development Consent Order (with Deemed Marine Licence)

It is agreed that the draft Deemed Marine Licence includes a condition stipulating that the development of the WSI is to be undertaken in consultation with English Heritage and should include a reporting and recording protocol (Schedule 2 Part 2 Condition 9(h)).

It is agreed that the following amendments are required to the conditions outlined in Schedule 2 Part 2 Condition 9(h) to support the points raised in the English Heritage relevant representation with respect to the Written Scheme of Investigation and to enable effective delivery of archaeological assessment as an integrated component of the draft DCO required for this project.

**Deemed Marine Licence, Condition 9(1)(b)(iii):**

“proposed pre-construction surveys, baseline report format and content, construction monitoring, post-construction monitoring and related reporting in accordance with conditions 9(h), 13, 14 and 15.”
Deemed Marine Licence, Condition 9(1)(h)(vi):

“archiving of archaeological material, inclusive of any completed and agreed archaeological reports produced through the WSI which are to be deposited by the licensee within a public archive in accordance with the OASIS (Online AccesS to the Index of archaeological investigationS’) system.”

Deemed Marine Licence, Condition 13(2)(b):

“a high resolution swath-bathymetric survey and side scan sonar survey of the area(s) within the Order limits in which it is proposed to carry out construction works, including a 500m buffer around the site of each works and inclusive of seabed anomalies or sites of historical or archaeological interest that lie within that 500m buffer.”

3. TKOWF ES Volume 3 (Annex J) Seascape and visual impact assessment

With regard to the final point raised by English Heritage on the use of the Historic Seascape Characterisation programme in the TKOWF ES, Volume 2 Chapter 9 Seascape and Visual Impact Assessment refers to consultation received from English Heritage on this matter during the Section 42 consultation process and refers the reader to Volume 1 Chapter 8 of the Consultation Report (specifically Appendix C, Table A8.2j). The consultation report confirms that The Historic Seascapes Characterisation pilot project for Withernsea to Skegness was not published at the time the seascape and visual impact assessment for TKOWF was carried out and as such alternative best practice guidance was applied.

It is agreed that the inclusion of a completed Historic Seascape Characterisation report that was spatially inclusive of the proposed development area was not available at the time of writing, and therefore its assessment of historic character was not available to inform this assessment exercise.
It is agreed that the non-availability of the Historic Seascape Characterisation report has not compromised the finding of the assessment presented in the Applicants ES.

**Summary**

It is agreed that subject to delivery of a draft archaeological Written Scheme of Investigation, prior to consent, that is developed, agreed and implemented in consultation with English Heritage, there are no other outstanding matters that have not been agreed between TKOWFL and English Heritage with respect to the Project Application.

Yours sincerely

<table>
<thead>
<tr>
<th>7th September 2012</th>
<th>10th September 2012</th>
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<tbody>
<tr>
<td>Mr Trevor Baker</td>
<td>Dr Christopher Pater</td>
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<tr>
<td>For and on behalf of Triton Knoll Offshore Wind Farm Ltd</td>
<td>For and on behalf of English Heritage</td>
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Dear Mr Amos,

Planning Act 2008 and the Infrastructure Planning (Examination Procedure) Rules 2010
Proposed Offshore Wind Farm – Triton Knoll
Unique Reference Number: 10015765

Thank you for your letter of 30th July 2012 regarding the procedural decisions made by the Examining Authority following the preliminary meeting for the Triton Knoll Offshore Wind Farm project. We also acknowledge receipt of your letter, dated 9th August 2012, and the errata for the Examining Authorities Questions.

This correspondence will address the Examining Authorities request for Statements of Common Ground (SoCG), as relevant to our interests, and provide responses to the written questions, relevant to us, as set out in Annex C of the above referenced letters. Please note that as we are the Government’s advisor on all aspects of the historic environment in England and in consideration that the proposed Triton Knoll Offshore Wind Farm array area is located within UK Controlled Waters adjacent to England our advice is offered without prejudice. We have therefore copied this correspondence to our sponsoring body, the Department for Culture, Media and Sport (DCMS).

Statements of Common Ground with Triton Knoll Offshore Wind Farm Ltd (TKOWFL)
We have discussed and agreed a Statement of Common Ground for this project with the applicant and we have supplied a copy to you with this correspondence (letter to Ms J. Potter of the National Infrastructure Directorate, dated 10th September 2012).
Question reference: 8.10 (Historic Environment)

Questions to English Heritage

The Relevant Representation from English Heritage states that “no attention was given to the preparation of an archaeological Written Scheme of Investigation”, however such a scheme is required by draft Condition 9 of Part 2 of Schedule 2 (Deemed Marine Licence).

a) What wording does English Heritage propose is added to the draft DCO or Draft Deemed Marine Licence, if any, to satisfy any concerns here and/or better reflect the Model Clauses it recommends as published by the Crown Estate?

Our response
We acknowledge the response we made in our Relevant Representation (dated 8th May 2012) that the wording contained within the Deemed Marine Licence should support the production, in agreement with English Heritage, of an archaeological Written Scheme of Investigation (WSI). The matter that concerned us, in our response of 8th May 2012, was that a draft WSI was not included as a component of the Environmental Statement prepared for this proposed project. We advise developers that the preparation of a WSI at an early stage of project development will help ensure appropriate analysis of the historic environment. However we accept that, should permission be granted for this project, a WSI will be produced in accordance with the Deemed Marine Licence. In this regard we noted that the Deemed Marine Licence in Condition 9(h) makes reference to “industry good practice” which we consider to be inclusive of the guidance document Model Clauses for Archaeological Written Schemes of Investigation published by The Crown Estate in 2010.

b) Are there any statutory or policy reasons why the Scheme must be agreed with English Heritage?

Our response
We are the Government’s independent advisor on all aspects of the historic environment in England, we operate as an Executive Non-departmental Public Body and we report to Parliament through the Secretary of State for Culture, Media and Sport. In regard to the marine environment, English Heritage’s general powers under section 33 of the National Heritage Act 1983 were extended (via the National Heritage Act 2002) to modify our functions to include securing the preservation of monuments in, on, or under the seabed within the seaward limits of the UK Territorial Sea adjacent to England i.e. the area of sea extending up to 12 nautical miles from the coastal ‘baseline’ adjacent to England. However, we are aware that the proposed array development area is located on UK Continental Shelf adjacent to England and therefore any comment we offer is given without prejudice to our responsibilities as set out in the aforementioned Acts.

In the delivery of our duties we work in partnership with central government departments, local authorities, voluntary bodies and the private sector within the framework of our Conservation Principles (published 2008) which can be summarised as follows:

- the historic environment is a shared resource;
- everyone should be able to participate in sustaining the historic environment;
- understanding the significance of places is vital;
significant places should be managed to sustain their values;
decisions about change must be reasonable, transparent and consistent; and
documenting and learning from decisions is essential.

We support Government objectives for marine planning and management and we provide advice to regulatory bodies as required by EU Directives for Strategic Environmental Assessment (2001/42/EC) and Environmental Impact Assessment (85/337/EEC, as amended) in regard to assessment of matters such as landscape, material assets and the cultural heritage and we continue our support through subsequent development control licensing procedures. We have signed a Memorandum of Understanding with the Marine Management Organisation (MMO) to support a co-ordinated approach and we direct your attention to the HM Government and Devolved Administrations High Level Marine Objectives (published 2009) which includes a definition of marine cultural heritage: “the historic environment of the seas includes individual sites and assets of historic, archaeological, architectural or artistic interest, whether or not they are afforded statutory protection by heritage protection legislation.” Furthermore, the UK Marine Policy Statement (published 2011), in section 2.6.6, addresses the historic environment and applies the term “heritage assets” to describe buildings, monuments, sites and landscapes that have been identified as holding a degree of significance. The UK Marine Policy Statement also provides an explanation about the diverse character of the historic environment in the coastal and offshore zones; how protection should be afforded that is appropriate and proportionate to its significance; that opportunities should be utilised to develop knowledge and understanding of the historic environment; and continuation of the policy that the absence of designation does not necessarily indicate lower significance.

c) Does English Heritage propose that the draft DCO Deemed Marine Licence should secure compliance with the Crown Estate protocol for Archaeological Discoveries and if so what is its proposed wording?

Our response
Condition 9(h)(vii) of the Deemed Marine Licence makes reference to “a reporting and recording protocol” as part of an archaeological Written Scheme of Investigation and we consider it implicit that the preparation of the archaeological reporting protocol reflects Condition 9(h) that preparation, of the Written Scheme of Investigation, is done “in accordance with industry good practice”, which we consider to be inclusive of The Protocol for Archaeological Discoveries published by The Crown Estate in December 2010. Subject to the delivery to English Heritage of a draft archaeological Written Scheme of Investigation and Reporting Protocol for archaeological discoveries, which should be drafted in conjunction with the above referenced guidance published by The Crown Estate, we do not propose any additional wording within the DCO.
d) **English Heritage is requested to provide its preferred wording in order that the DCO secures deposition in public archives as per it request and,**

**Our response**
We offer the following for inclusion within the Deemed Marine Licence, Condition 9(1)(h)(vi):

“archiving of archaeological material, inclusive of any completed and agreed archaeological reports produced through the WSI are deposited by the licensee within a public archive in accordance with the OASIS (Online Access to the Index of archaeological investigationS’) system.”

The deposit of reports, produced in agreement with the MMO and English Heritage, in a public archive will enable commercial archaeological contracting services to comply with professional standards of service as required by bodies such as the Institute for Archaeology. The agreed deposit of reports will also support the statement made within the UK Marine Policy Statement to maximise opportunities to develop knowledge and understanding.

e) **English Heritage is requested to provide its preferred wording in order that the DCO requires the inclusion of sea bed anomalies within the preparation of pre construction baseline monitoring as per its request**

**Our response**
We offer the following for inclusion within the Deemed Marine Licence, Condition 9(1)(b)(iii):

“proposed pre-construction surveys, baseline report format and content, construction monitoring, post-construction monitoring and related reporting in accordance with conditions 9(h), 13, 14 and 15.”

We recommend this amendment so that pre-construction baseline monitoring programmes are prepared with a methodology (as agreed through preparation of an archaeological Written Scheme of Investigation) that supports further site investigation to enable determination of features of possible archaeological interest.

We offer the following for inclusion within the Deemed Marine Licence, Condition 13(2)(b):

“a high resolution swath-bathymetric survey and side scan sonar survey of the area(s) within the Order limits in which it is proposed to carry out construction works, including a 500m buffer around the site of each works and inclusive of seabed anomalies or sites of historical or archaeological interest that lie within that 500m buffer.”

This amendment will deliver baseline condition assessment of the sites of possible archaeological interest identified within the Environmental Statement prepared for this proposed project (Volume 3, Annex L – Marine Archaeology, Document Reference: 05/01/03/l, paragraphs 5.2.29 to 5.2.35).
Questions reference 8.11 (Historic Environment)
Question to Applicant (errata dated 9th August 2012)
Notwithstanding the conclusion in paragraph 9.79 of Chapter 2 of the ES (Document 05/01/02/09) that "TKOWF has been assessed to have negligible effects on the identified regional seascape" and on heritage assets as stated in paragraph 9.80, the Plan of Non Statutory Historic or Scheduled Monument Sites (Drawing Number 02/04/b) identifies no heritage assets by name and the applicant is requested to submit a revised plan which identifies by name in the key/legend and on the plan those heritage assets within that study area located on or near the coastline in addition identifying the Gunby Estate.

Our response
We note that this request is directed to the applicant and we request that we are supplied with a copy of the revised plan as detailed in 8.11

Question reference 8.12 (Historic Environment)
Questions to Applicant and English Heritage
English Heritage in its Relevant Representation recommends assessment according to its Historic Seascape Characterisation approach.

a) Can the applicant demonstrate it has carried out adequate assessment in this area and on what basis?

Our response
We note that this question is specifically directed to the applicant.

b) What other environmental information if any does English Heritage wish the ExA to take into account in relation to the impact of the development on Historic Seascapes?

Our response
We do not offer any further environmental information to be taken into account as relevant to this particular topic. Our published Conservation Principles (as referenced above) describe our approach to characterisation, which we have adapted to the marine environment, to support understanding about particular aspects of cultural heritage within an area with an explanation of the past contexts of particular places within it. A perception of historic character is therefore generated and its application is to support decision-making in terms of how character might be changed (positive or negative) by a proposed development. In our advice we made reference to the nationally applicable methodology prepared to support delivery of Historic Seascapes Characterisation (HSC) which could inform the approach to seascape assessment used within the EIA exercise. However, our approach to HSC does not directly ascribe sensitivities to historic character and its primary audience is to inform planning procedures.

Question reference 11.3 (Principle of development: Statement of Common Ground)
Questions to Applicant, English Heritage, National Trust and Local Authorities
Visual Impacts upon Land including Design and landscape, baseline information, methodology, impacts (with particular reference to the Lincolnshire Wolds Area of Outstanding Natural Beauty and designated heritage assets within the Zone of Theoretical Visibility (ZVT), mitigation and overall demonstration of adequate environmental assessment
Our response

In consideration of the distance offshore of the proposed development it is unlikely that the setting of any heritage assets within the ZVT will be affected and we therefore have no further comment to offer in respect of this matter and this application.

However, we note that the onshore substations, cables and related infrastructure will be the subject of a future application. Development of this type could have substantial impacts on heritage assets and their settings. We note that designated heritage assets (listed buildings, scheduled monuments, registered parks and gardens, registered battlefields, etc.) though offered the highest levels of protection in legislation and planning policy are not mentioned at all in the Cable Statement (incorporating grid connection) (document 07/01, January 2012, revision 6). We would expect full assessments of the impacts of such development to be carried out in order to inform suitable minimally intrusive locations, routes and development layouts. The Environmental Impact Assessment for the onshore development should include a cultural heritage chapter which embraces all relevant heritage considerations, including impacts on the settings of heritage assets, not only the effects of the development on archaeological remains (cf. Cable Statement, Table 4). We will be happy to provide further advice at the commencement of this process.

Yours sincerely,

Christopher Pater
Marine Planning Unit

Cc  Ben Robinson (Team Leader: Ancient Monuments and Buildings, East Midlands – English Heritage)
    Shane Gould (National Infrastructure Advisor – English Heritage)
    Alan Gibson (Marine Management Organisation)
    John Tallantyre (DCMS)