

From: [Naylor, Philippa](#)
To: [Hornsea Project Three](#)
Cc: [Pater, Chris](#); [Fletcher, Will](#)
Subject: EN10080 - Historic England Response Deadline 3
Date: 14 December 2018 15:09:31
Attachments: [2018 12 14 - Final - Deadline 3 - Post hearing submissions Historic England.pdf](#)

Dear Sir or Madam,

Please find attached Historic England's response to Deadline 3.

Kind regards,
Pip

Pip Naylor
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Three
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14th December 2018

Dear Mr Prentis,

Please find below the post-hearing submissions from Historic England, as requested for Examination Deadline 3.

Written submission of oral case –Issue Specific Hearing held on Thursday 6th December 2018 (draft Development Consent Order)

In relation to agenda item 7a, we have now obtained advice from our in-house legal team and we offer the following comments regarding the arbitration provisions in the draft Development Consent Order (vis. Art. 5(6), Schedules 11 and 12 (draft deemed Marine Licences) paragraph 10 and Schedule 13 (Arbitration rules)). This would appear to be unusual in that it brings the Secretary of State's decision into the remit of an arbitrator, and we are not aware of this having been proposed either in earlier proposals relating to Hornsea offshore wind farms, or indeed other proposed Development Consent Orders. We also note the concerns raised by the MMO and Natural England regarding this provision in the draft Development Consent Order and we have nothing further to add at this stage.

In relation to agenda item 7c, we offered the following comments: It is in the interest of all parties that avoidance of features, both of archaeological or other interest, is achieved, if this project application is successful in securing the necessary consents. We will therefore provide advice on survey specifications for the collection to data to inform such avoidance procedures. Additionally, a Written Scheme of Investigation should be agreed prior to the commencement of such surveys, in order to allow for the collection of data suitable for the purpose of identifying features of archaeological interest and plan their avoidance.

In support of the statements we made as oral evidence at the Issue Specific Hearing (6th December 2018), we offer the following advice regarding requested revision of the draft Development Consent Order (including deemed Marine Licences).

Comments on revised draft Development Consent Order (as submitted by the Applicant at Deadline 1):

We are content with the amendment to the definition of ‘commence’ within Schedule 11 and Schedule 12 (respectively Part 1, Article 1), so as it now includes any offshore site preparation works and that all references to the definition ‘commence’ as used elsewhere within the Development Consent Order have been amended accordingly.

Schedule 1 Part 3 Article 8 (Provision of Landscaping) – We support the amendment proposed by Dr J. Albone (Norfolk County Council) that as well as consultation regarding preparation of a Landscape Management Plan with the statutory Nature Conservation Body that such consultation should also include Historic England.

Furthermore, we offer the advice that the outline landscape Management Plan (PINS Document Reference: A8.7, APFP Regulation 5(2)(a)) does not make any specific reference to the historic environment or the need for mitigation to offset the impact of the development upon the significance of designated heritage assets.

Paragraph 1.1.1.2 states that the ... “Outline Landscape Management Plan is the framework to agree detailed master plans and operations for the management and maintenance of the soft landscape proposals (planting and seeding) for the onshore HVAC booster station (if required) and onshore HVDC converter/HVAC substation...”. However, we consider that this landscaping, as set out in this paragraph, has partly been agreed as mitigation for the highly graded heritage assets as described in our written evidence, and as shown on the heritage specific LVIA. This document would in our view need to reference the historic environment, state why the mitigation is necessary and what it is there to mitigate against.

Paragraph 1.1.1.3 also says that the “Outline Landscape Management Plan describes management to be carried out during the first five years following planting or seeding.” Whilst we have no particular comment about the timetable, it does not place any emphasis on efficacy or make provision for a review of the result after 5 years and the need to revisit if the results have not been successful.

Schedule 1 Part 3 Article 16 (Onshore Archaeology) – We hereby confirm that this is a matter to be dealt with by the relevant local authority as the primary body responsible for such matters.

Within the Schedules 11 and 12, Part 1 the reference to a ‘statutory historic body’ should refer to the Historic Building and Monuments Commission for England, the formal title of Historic England. Within Schedule 12, Part 1 amendment to this definition is also required to include reference to the relevant local authority.

We wish to see included under Schedule 11 (Generation Assets), Part 2, Article 13(1)(d) as an additional paragraph (vii) the following:

“all spatial data for Archaeological Exclusion Zones and application of a Protocol for Archaeological Discoveries under Section 13. This is to ensure the adherence to the protocol and the avoidance of Archaeological Exclusion Zones (AEZs) by the applicant and their chosen contractors through the construction and operation phases of the project.”

We wish to see included under Schedule 12 (Transmission Assets), Part 2, Article 14(1)(d) as an additional paragraph (vii) the following:

“all spatial data for Archaeological Exclusion Zones and application of a Protocol for Archaeological Discoveries under Section 14. This is to ensure the adherence to the protocol and the avoidance of Archaeological Exclusion Zones (AEZs) by the applicant and their chosen contractors through the construction and operation phases of the project.”

Within Schedule 11 (Generation Assets), Part 2, Article 19 and Schedule 12 (Transmission Assets), Part 2, Article 20, we further wish to see provisions for the monitoring of archaeological receptors post-construction, inclusive of AEZs, to ensure that there are no negative impacts from the construction programme in terms of jack-up footprints and scour, thus testing the predictions made within the Environmental Statement. We therefore wish to see the following amendment added under Schedule 11 (Generation Assets), Part 2, Article 19(2)(f) and Schedule 12 (Transmission Assets), Part 2, Article 20(2)(f):

“full bathymetric and side scan sonar coverage of all areas impacted by the construction phase, including any AEZs, and analysis of the data by an accredited archaeological to be delivered in accordance with Section 20 and 21 respectively.”

Schedule 11, Part 2, Article 14 and Schedule 12, Part 2, Article 15 – We request that the timeframe provided for the submission of plans, scheme and protocols etc. as provided under Schedule 11, Part 2, Article 13 (preconstruction plans and documentation) and Schedule 12, Part 2, Article 14 (preconstruction plans and documentation) be amended to 6 months, to ensure alignment with the production of the Written Scheme of Investigation. Further, we request that the plans produced under Schedule 11, Part 2, Article 13(1)(f) and Schedule 12, Part 2, Article 14(1)(f) are amended to include a timeframe for delivery.

Schedule 11 (Generation Assets), Part 2, Article 13(1)(f) to be amended as follows:

“proposed pre-construction monitoring surveys, constructing monitoring, post-construction monitoring and related reporting in accordance with conditions 17, 18 and 19.”

Schedule 12 (Transmission Assets), Part 2, Article 14(2)(f) – to include reference to relevant Local Authority if not using HDD and therefore the proposed cable installation will require foreshore excavation.

Within Schedule 11, Part 2, Article 13(3) and Schedule 12, Part 2, Article 14(3) we request the removal of the term 'archaeological' in reference to the pre-construction investigations, to allow for the provisions within any accepted Written Scheme of Investigation to be applied to all investigations and pre-commencement material operations irrespective of the reason for conducting such operations or activities.

Yours sincerely,



Pip Naylor,

Marine Planning Archaeological Officer

Email: Pip.Naylor@HistoricEngland.org.uk

cc: Dr Christopher Pater (Head of Marine Planning - Historic England)

Dr Will Fletcher (Inspector for Ancient Monuments – Historic England)