Historic England

Planning for New Energy Infrastructure: Draft National Policy Statements for Energy Infrastructure

Historic England is the Government's statutory adviser on all matters relating to the historic environment in England. We are a non-departmental public body established under the National Heritage Act 1983 and sponsored by the Department for Culture, Media and Sport (DCMS). We champion and protect England's historic places, providing expert advice to local planning authorities, developers, owners and communities to help ensure our historic environment is properly understood, enjoyed and cared for.

We welcome the opportunity to submit a response to the draft National Policy Statements for Energy Infrastructure.

Summary

Critical National Priority for Offshore Wind

Historic England recognises the urgency of delivering critical national priority (CNP) infrastructure and the importance of doing so to meet net zero objectives and electricity demand by 2030.

We have raised the following points in response to the CNP glossary definition and policy presumption:

- Risks to the historic environment resulting from the planning weight given to CNP infrastructure.
- Concern regarding the application of legal requirements and unintended consequences for the historic environment.
- Importance of the mitigation hierarchy in the protection and conservation of the historic environment.
- Consequences of the broad definition used to define CNP infrastructure.
- Cumulative impacts of development.
- Guidance required for an accelerated process and resources required to deliver these objectives.
- Ability of policy to meet net zero objectives by 2030 in the context of challenges faced by the UK energy market, resources and grid connection capacity.

In our response we suggest the following to ensure the historic environment is properly and consistently considered in the Energy NPSs:

1. A focused definition for CNP infrastructure to ensure a robust definition of need where there is a direct relationship between offshore wind energy generation and onshore connection points.

2. A consistent definition and application of the mitigation hierarchy for the historic environment in the Energy NPS and EORs proposed in the reformed environmental assessment regime.

3. Participation in early engagement and identification of potential risks to the historic environment from CNP infrastructure so that the mitigation hierarchy may be applied at the earliest opportunity.

Offshore Wind Environmental Improvement Package

A commitment to establishing Offshore Wind Environmental Standards is welcome and Historic England would be willing to directly engage with Defra on the OWES guidance. We would also welcome the opportunity to provide views on strategic compensatory measures as part of a holistic approach to mitigation which secures broader environmental benefits.

Need for New Electricity Network Infrastructure

A holistic view of network planning is welcomed as it assists in understanding the inter-relationship and prioritisation of schemes. It is important for any centralised approach to take account of the historic environment and be accompanied by a meaningful approach to stakeholder consultation with early engagement.

The presumption undergrounding within nationally designated landscapes has the potential to deliver significant positive effects for landscape and heritage receptors, however, undergrounding also has the potential to harm non-designated heritage assets and archaeological remains. We encourage a proportionate approach which considers impacts on the historic environment.

Other Comments

Historic environment - we would welcome a consistent policy approach and use of terminology for the historic environment across all Energy NPSs. Our response provides detailed comments in response to proposals and revisions to the Energy NPSs.

Solar farms - significant growth is anticipated in solar provision, and we would welcome a strengthened but proportionate policy position which seeks to avoid direct impacts on the historic environment where possible.

Emerging and new technologies - further detail – or a separate NPS for carbon capture, usage and storage (CCUS) – would establish a clear policy position and approach for managing environmental impacts, including those on the historic environment.

Appraisal of Sustainability - we would welcome clarity on how the conclusions from the AOS have been considered in the Energy NPSs.

Please note, our response refers to the paragraph numbering shown in the NPS documents rather than the paragraph numbering in the consultation report which appears to be incorrect.

Detailed Response

Critical National Priority (CNP) for Offshore Wind

1. Do you agree with the glossary definition for CNP?

2. Do you agree with the new guidance added to draft EN-1, draft EN-3 and draft EN-5 on the CNP for offshore wind, supporting onshore and offshore network infrastructure, and related network reinforcements? Specifically, do you agree that this policy will:

a. support government ambitions to deploy up to 50GW of offshore wind by 2030, including up to 5GW of floating wind?

b. support government objectives to streamline the offshore wind consenting process?

Response to questions 1 and 2:

The Energy NPS sets out the significant scale of change driving the UK's energy policy. Historic England fully recognises the urgency of delivering critical national priority (CNP) infrastructure and the importance of doing so to meet net zero objectives and electricity demand by 2030. The principle of prioritising critical renewable energy infrastructure above delivery of other types of infrastructure is understood.

The glossary definition for the CNP policy presumption is proposed in EN-1. It also sets the overarching framework for energy policy with detailed policies contained in EN-2 to EN-5. Therefore, it is important that EN-1 establishes the overall principle and the detailed CNP policies in the other Energy NPSs align in a consistent way. For example, our response below shows how the intention for policy to be subject to any legal requirements is overshadowed by the proposed approach in EN-3 regarding CNP infrastructure meeting exceptions tests as the start point for decision making.

Following our review of the CNP glossary definition and policy details in the Energy NPSs we have the following comments:

A. **Risks to the historic environment resulting from the planning weight given to CNP infrastructure.**

The glossary definition in EN-1 sets the policy presumption that "*subject to any legal requirements, the urgent need for CNP will in general outweigh any other residual impacts not capacity of being addressed by application of the mitigation hierarchy*" (EN-1, Chapter 6).

Historic England recognises the public benefits of critical priority infrastructure. However, substantial harm or total loss to heritage assets needs to be justified in line with legal requirements in the Planning Act 2008 and be consistent with heritage policy in EN-1 section 5.9.

The new paragraph 3.8.15 in EN-1 is explicit that the Secretary of State will take as a starting point that CNP infrastructure meets several tests, which include allowing for exceptional or wholly exceptional harm to or loss of significance to heritage assets. Despite the strong steer for decision making in the Energy NPS, it represents the policy position. Legal requirements in Planning Act 2008 section 104(7) remain the over-riding factor whereby consent should be refused if adverse impacts outweigh benefits. Amending the policy text in EN-3 to direct decision makers to legal requirements in the Planning Act 2008 would assist in providing clarity regarding the planning balance.

There is concern the emphasis on urgency and criticality of CNP infrastructure may establish a default position for planning weight in favour of CNP infrastructure regardless of level of impact on the significance of heritage assets. It is essential that early assessment of impact is retained for CNP infrastructure including undertaking early proximity and avoidance exercises for heritage assets. This is necessary to inform application of the mitigation hierarchy noting that avoidance is better than minimising or mitigating impacts on the historic environment.

The Energy NPS also refers to other types of energy infrastructure such as low carbon hydrogen being critical to meet the UK's commitment to achieve net zero by 2050. While not in scope at this stage, there is the potential for the policy presumption for CNP to extend to other types of energy infrastructure. It is unclear how the urgency of need of different types of energy infrastructure (as stated in EN-1 paragraph 3.3.55) will be applied to decision making and how this will relate to the approach taken for CNP infrastructure.

B. Concern regarding the application of legal requirements and unintended consequences for the historic environment.

The CNP glossary definition and framework policy in EN-1 would appear to offer legislative protections to heritage assets recognised in or created by legislation, where there are associated duties or requirements in primary legislation. Heritage assets covered by such protections are listed buildings, conservation areas, scheduled monuments and protected wrecks[1]. Other designated heritage assets such as World Heritage Sites, Registered Parks and Gardens, and Registered

[1] Planning (Listed Building and Conservation Areas) Act 1990; Ancient Monuments and Archaeological Areas Act 1979; and Protection of Wrecks Act 1973.

Battlefields, and non-designated assets do not have the same legislative requirements for consent or duties to comply with in decision making and are only covered by national policy (and, in some cases, secondary legislation). The CNP policy presumption risks a different approach being applied to heritage assets covered by primary legislation and those covered by policy.

In reviewing the policy detail in EN-3, the proposed approach appears inconsistent with the policy position in the glossary definition and framework policy in EN-1, paragraph 3.3.57. EN-3 paragraph 3.8.15 establishes the SoS starting point for decision making whereby CNP infrastructure has met the tests required to outweigh harm to the historic environment. To propose this as a starting point for decision making would appear to nullify the legal requirements indicated in the glossary definition with unintended consequences for the historic environment.

Subject to the application of legislative requirements in the Planning Act 2008, the unintended consequences of CNP policy in EN-3 are that all aspects of the historic environment (regardless of significance) are at risk of substantial harm or loss from CNP infrastructure. This policy approach in EN-3 means the early identification and application of the mitigation hierarchy is essential for the historic environment as discussed below.

C. Importance of the mitigation hierarchy in the protection and conservation of the historic environment.

Other than the statement that the term environment refers to both the natural and historic environment (EN-1 paragraph 4.2.6) – itself to be welcomed – the Energy NPSs do not directly mention the historic environment in relation to the mitigation hierarchy. As our response highlights, early application of the mitigation hierarchy is critical to manage and respond to risks of impacts from CNP infrastructure. The historic environment chapter (EN-1 section 5.9) makes no reference to the mitigation hierarchy or how it can be applied.

As EN-1 sets the overarching framework, avoidance or management of the risks of harm or loss to the historic environment is important to include in section 5.9. A consistent definition of the mitigation hierarchy is required that refers to both the natural and historic environment. Our guidance[2] suggests:

- First avoiding harm to the significance of heritage assets (including archaeological remains); and then
- Minimising and mitigating harm; while also

[2] https://historicengland.org.uk/images-books/publications/planning-archaeology-advice-note-17/heag314-planning-archaeology/

- Maximising opportunities for public benefit.

Historic England would welcome the opportunity to discuss this further with government.

Proposals for the Environmental Outcomes Report are currently out for consultation. It will be important to ensure there is a consistent approach across the NPS environmental assessment policies and approach proposed in Environmental Outcome Reports. This includes appropriate regard being given to the historic environment.

We understand that in relation to the EOR the proposed conceptual framework is more geared towards the natural environment, rather than encompassing the broader natural and historic environment. In addition, it is not yet clear how the shift to an outcomes-based approach will recognise and deal with negative effects identified through environmental assessment. The current EIA regime is able to balance adverse and beneficial effects across multiple environmental topics. If not considered in this holistic way, there is a risk the focus on positive outcomes may obscure the risk of real and detrimental impacts on the historic environment from NSIP energy schemes. This also raises uncertainty and risk regarding the identification of impacts through the EOR process and the ability to effectively apply the mitigation hierarchy in order to conserve and enhance the historic environment.

Applying a consistent definition and application of the mitigation hierarchy for the historic environment in the Energy NPSs and Environmental Outcome Reports would address potential issues and strengthen the approach to mitigation of impacts on the historic environment. Historic England would also welcome early engagement and identification of potential risks to the historic environment from CNP infrastructure so the mitigation hierarchy may be applied at the earliest opportunity.

D. Consequences of the broad definition used to define CNP infrastructure.

The scope for CNP infrastructure is open-ended in its definition as it covers “supporting onshore and offshore network infrastructure and related reinforcements.” This has the potential to bring into scope any aspect of the national grid.

The Energy NPS (EN-5) does offer some clarification as reference is made to National Grid’s Holistic Network Design and follow-up exercises. The National Grid strategic programme covers extensive proposals across England, Wales and Scotland. It is also evolving into the Centralised Strategic Network Plan, the scope of which is still to be defined. This strategic programme could potentially be included as CNP infrastructure due to the current network capacity constraints for new connections (see our response in section H below). Therefore, there is the potential for extensive onshore impacts to the historic environment resulting from a broad definition of CNP Infrastructure.

A tightening of the definition of CNP infrastructure associated with a robust justification of need would be welcomed. This could be achieved through clearly

establishing the direct relationship between the onshore connection point and offshore wind energy generation. We would be happy to assist in the drafting of such a definition.

Wider issues with network capacity and need for network reinforcements would therefore be out of scope of CNP infrastructure, unless it was justified as an urgent requirement. Either way, we suggest network capacity and reinforcement works to the transmission network are managed as a separate matter with a clear justification for them being CNP infrastructure.

E. Cumulative impacts of development.

The National Audit Office published a report on Decarbonising the Power Sector (1 March 2023). This report acknowledges that to achieve the ambition of 50GW offshore wind by 2030, three times as much offshore wind capacity needs to be deployed in eight years as in the last two decades. This scale and rate of delivery is going to result in challenges regarding competition for cabling routes and onshore connection points.

National Grid ESO's Holistic Network Design (HND) and follow-up exercise sets out proposals for strategic transmission and connection points, however this represents guidance, and DCO applicants can submit their own proposals.

The outcome of this rate of delivery will be multiple projects being delivered within key locations, which risks a cumulative impact on the historic environment. While one CNP infrastructure scheme may be acceptable, proposals for multiple CNP infrastructure schemes in sensitive locations where there are limited options could result in substantial harm or loss to the significance of heritage assets. Historic England continues to engage with National Grid ESO on the HND and follow-up exercise to assess high-level risks and input into strategic proposals.

F. Application of an accelerated process for delivery of offshore wind energy generation with associated offshore and onshore infrastructure.

The CNP policy presumption establishes clear principles regarding the urgency of meeting the government objectives to deliver 50GW offshore wind energy generation by 2030 through a streamlined consenting process. EN-1 refs to the British Energy Security Strategy setting an ambition to reduce the consenting process to 12 months and establish a fast-track consenting route for certain projects where quality standards are met. However, there are few details on what this would entail in practice, and the resources required to realise an accelerated process.

Guidance is needed to show how the policy principles (where the DCO process time is cut by over half) can be delivered in practice, including further information on how the development consent process will be streamlined. Attention and detail are needed so that legal obligations and policy requirements are met. This includes

where substantial harm to or loss of significance to heritage assets should be exceptional or wholly exceptional (EN-3, paragraph 3.8.16).

Historic England understands the accelerated approach is being progressed through the NSIP reform agenda. We welcome the opportunity to engage with NSIP reforms including the anticipated consultation on the NSIP Action Plan.

G. Ability of policy to meet net zero objectives by 2030.

The CNP policy presumption currently focuses on offshore wind energy generation to deliver low carbon electricity and support net zero objectives. It is important to recognise that offshore wind is one element of a strategic approach which applies the energy hierarchy and supports generation using a mix of energy sources; this is acknowledged in EN-1.

Accelerating the consenting process is one measure to achieve delivery within required timescales. The policy presumption for CNP can help support government ambitions if accompanied by support and resourcing for advisory bodies to operate within an accelerated process for CNP infrastructure.

Delivery of energy generation to meet forecast needs and net zero objectives is based on complex factors such as challenges faced by the UK energy market, resources, and grid connection capacity which are important to address alongside policy. For example, in November 2022 the National Grid stated that for those looking for a connection to the electricity transmission system in England and Wales, the queue comprises 176 GW of new generation and interconnector schemes.

Monitoring is vital to track progress of delivering 50GW offshore wind energy generation, to measures policy outcomes and to review unintended consequences for the historic environment where there is the risk of substantial harm or loss of heritage assets. The AOS refers to heritage monitoring indicators: we support their use for monitoring with Historic England referred to as the data source as the reference to Natural England is incorrect.

Key suggestions
In responding to the CNP glossary definition and policy guidance we suggest the following to ensure the historic environment is properly and consistently considered in the Energy NPSs:

1. A focused definition for CNP infrastructure to ensure a robust definition of need where there is a direct relationship between offshore wind energy generation and onshore connection points.

2. A consistent definition and application of the mitigation hierarchy for the historic environment in the Energy NPS and EORs proposed in the reformed environmental assessment regime.

3. Participation in early engagement and identification of potential risks to the historic environment from CNP infrastructure so that the mitigation hierarchy may be applied at the earliest opportunity.

Offshore Wind Environmental Improvement Package

3. Do you agree with the new text included in Section 2.8.103 of draft EN-3 relating to the Offshore Wind Environmental Standards?

While the question invites comment on the changes to paragraph 2.8.103, due to changes in paragraph numbering the section on Offshore Wind Environmental Standards (OWES) is set out in EN-3, paragraphs 3.8.103 – 3.8.106.

A commitment to establishing Offshore Wind Environmental Standards is welcome, with the proviso that the standards are written from the outset in accordance with paragraph 4.2.6 of EN-1, where the term environment refers to both the natural and historic environments.

Until the Defra guidance on how OWES are applicable to design, construction, operation and decommissioning of offshore wind farms is published for consultation, there is limited information for comment at this stage. The principle of applying the Defra guidance is sensible and aligns with the approach taken for other government guidance for the Development Consent process, as directed by other NPSs. Equally, the principle for applicants to evidence compliance with guidance or justify departure is also considered appropriate subject to the OWES details to be shared by Defra.

Historic England would welcome the opportunity for direct consultation with Defra on the OWES guidance and other strategic-level mitigation measures inclusive of the historic environment. OWES are potentially a means to support realisation of the policies in EN-1, for proposals to make a positive contribution to the historic environment and ensure resources are forthcoming to support curatorial capacity both locally and nationally (EN-1 paragraphs 5.9.13 and 5.9.17).

Clarity regarding the relationship between OWES requirements and the CNP policy presumption would be welcomed. It is presumed OWES guidance would inform the application of the mitigation hierarchy and offshore wind design, construction, operation and decommissioning outcomes.

4. Do you agree with additions made in relation to strategic compensation and seeking the views of the SNCBs and Defra Secretary of State in Section 2.8.282 of draft EN-3 relating to the Compensatory Measures?

EN-3 requires compensatory measures to be secured to offset the adverse effects where scheme proposals have Habitats Regulation Assessment (HRA) impacts and derogation policies apply. Identification of compensatory measures is one of the strict legal tests for HRA.

The expectation to seek advice from Statutory Nature Conservation Bodies and Defra on potential mitigation and / or compensation requirements could be strengthened so that the policy 'requires' rather than 'expects' consultation to take place.

Historic England would also welcome reference to Statutory Environmental Bodies (SEB) as opposed to SNCB. Whilst the historic environment is not part of HRA legislation and guidance, the principle of consulting Historic England on potential mitigation measures is essential. This opportunity would be curtailed if applicants are directed to seek advice of SNCBs rather than SEBs.

Advice should be sought from SEBs to deliver a holistic approach to sustainable management of terrestrial and marine space, acknowledging that there are specific HRA habitat and species factors that must be addressed. Furthermore, Historic England can offer that attention is given to non-HRA matters to maximise the Evidence Plan process used by DCO applicants through which obligations and commitments can be secured and specified for historic environment positive outcomes.

The principle of applicants always employing the mitigation hierarchy (EN-3 paragraph 3.8.229) is supported as this is essential to manage the potential impacts of renewable energy including CNP infrastructure on the historic environment. Again, the involvement of SEBs as opposed to SNCBs is important for the reasons set out in the paragraph above.

Need for New Electricity Network Infrastructure

6. Do you agree with new guidance added to Section 2.8 of draft EN-5 on the inclusion of strategic planning as a consideration to support the needs case for electricity network infrastructure?

Section 2.8 of draft EN-5 refers to strategic network planning as that proposed through the Centralised Strategic Network Planning under the Ofgem-led Electricity Network Planning Review (ETNPR). Footnote 28 of EN-5 confirms the needs case for infrastructure identified in National Grid ESO's Network Options Assessment (NOA) Refresh 2022 is recognised in the Energy NPS. This requires extensive electricity network infrastructure across the UK with offshore generation, associated offshore and onshore connections, and onshore network reinforcements.

In principle we support a strategic approach to network planning, which has the potential to expedite the progress of projects as they are brought forward to consent. A holistic view of network planning is welcomed as it assists in understanding the inter-relationship and prioritisation of schemes. Historic England also welcomes the acknowledgement in EN-5 paragraph 2.12.2 that a substantial amount of new onshore network infrastructure is required and the adoption of a more co-ordinated approach for offshore transmission systems.

It is important that strategic planning is informed by heritage impact assessments required as part of the environmental assessment process. It is also important for any centralised approach to take account of the historic environment and be accompanied by a meaningful approach to stakeholder consultation including early engagement with statutory bodies.

While the principle of a strategic approach is understood, further guidance is needed on the relationship between strategic network infrastructure identified through the Centralised Strategic Network Plan, and the Holistic Network Design and follow-up exercise which is focused on planning for offshore wind energy generation and onshore connection points. It would also be useful to clarify which elements of the strategic network plans are prioritised under the critical national priority infrastructure definition and which elements are planned to be delivered under business-as-usual arrangements.

The objectives of a strategic and holistic approach to onshore and offshore network planning are also welcomed which "*will identify the most efficient way of meeting decarbonisation targets and should reduce the overall amount of network infrastructure required*" (EN-5 paragraph 2.2.4). Identifying efficiencies between solutions and opportunities for shared infrastructure is one approach to reducing potential negative impacts on the historic environment due to a reduction in the scale of development proposals.

EN-5 paragraph 2.14.2 states that applicants "*should demonstrate*" how proposed design, environmental, community and other impacts have been considered and how adverse impacts have followed the mitigation hierarchy. The policy stance is for the DCO applicant to consider heritage matters. The policy could be enhanced by incorporating a broader description of what comprises the environment (taking account of onshore and marine heritage) and stating the opportunities and benefits of expanding knowledge, appreciation and enjoyment of heritage (as provided for in EN-1 paragraph 5.9.23).

7. Draft EN-5 includes a strong starting presumption for overhead lines for electricity networks developments outside nationally designated landscapes, which was consulted on in 2021. Do you agree?

The presumption for overhead lines outside of nationally designated landscapes has the potential to deliver significant positive effects for landscape and heritage receptors. Nationally designated landscapes are recognised for their cultural heritage assets and (as in the case of the Lake District) may also be designated as World Heritage Sites. However, undergrounding also has the potential to harm non-designated heritage assets and archaeological sites through construction impacts.

Historic England is a member of the Stakeholder Advisory Group for National Grid's VIP programme, where historic environment risks and proposed mitigation measures

for proposed undergrounding solutions are reviewed for nationally designated landscapes.

The policy in EN-5 paragraph 2.9.21 sets a clear direction for areas where harm "*cannot feasibly be avoided by mitigation or re-routing overhead lines*". While the underground option is one solution, we encourage a proportionate approach to be followed which considers impacts on the historic environment and proposes undergrounding when other options have been assessed and discounted.

The policy refers to harm to landscape, visual amenity and natural beauty. Historic England would also welcome reference to the historic environment, as historic landscapes and heritage assets are valued assets that contribute to nationally designated landscapes as defined in Part II, section 5 of the National Parks and Access to Countryside Act 1949[3] and section 26 of the Countryside and Rights of Way Act 2000 (for Areas of Outstanding Natural Beauty).

Other Comments

8. Do you have any comments on any aspect of the draft energy NPSs or their associated documents not covered by the previous questions?

Historic environment

Historic England would welcome a consistent policy approach and use of terminology for the historic environment across all Energy NPSs. EN-1 paragraphs 4.2.6 and 5.6 make positive references to the historic environment and Historic England supports these additions. We also welcome the reference to our Advice Note on commercial renewable energy development and the historic environment in EN-3, footnote 55.

In several Energy NPSs there are limited direct references to the historic environment. For example, there is no reference to heritage or the historic environment in EN-2 and few references in EN-4. As a minimum we would welcome cross-reference to section 5.9 in EN-1. EN-5 paragraph 3.7.73 also mentions national designations but only for the natural environment. The historic environment is relevant as siting biomass on a designated heritage asset could risk a scheme contravening planning policy and legislation for scheduled monument consent.

[3] The statutory purposes of National Parks are to conserve and enhance the natural beauty, wildlife and cultural heritage of the National Parks; and to promote opportunities for the public understanding and enjoyment of the special qualities of the Parks.

In revising the Energy NPS, there are also some amendments and deletions which cause concern due to potential issues with compliance with legislation and policy. Historic England would welcome the following revisions to the Energy NPS:

General comments:
We would welcome reference to all aspects of the historic environment in the Energy NPS. For example, EN-1 paragraphs 5.9.16 to 5.9.19 use a narrow definition focused on archaeological remains. Adopting a holistic approach which is consistent with government policy on the historic environment is important. This can be achieved by taking account of all aspects of the historic environment and aligns with the approach in EN-1 paragraph 5.9.26. In EN-3, paragraphs 3.3.6 and 3.7.73 refer to registered parks and gardens however, there is no mention of World Heritage Sites. It is important to include this designation as reference to "*nationally recognised designations*" could go further to recognise international designations, being mindful the Lake District is designated as a National Park and World Heritage Site. Inclusion of all aspects of the historic environment would ensure consistency with other government policy.

Terminology could be applied in a consistent way throughout the Energy NPSs. Apart from EN-1, there are few references to the historic environment across the Energy NPSs. The Energy NPSs would benefit from greater clarity about the historic environment and the application of the mitigation hierarchy to avoid impacts in the first instance. Throughout the Energy NPSs there is also a mix of terminology used such as historic environment, cultural heritage, ancient monuments, and scheduled monuments. The preference would be for historic environment and heritage definitions in the Energy NPS to align with glossary definitions in the NPPF[4] and heritage section in the UK Marine Policy Statement[5].

EN-1:

[4] For example, the NPPF glossary definition for heritage asset is "*A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. It includes designated heritage assets and assets identified by the local planning authority (including local listing)*".

[5] Section 2.6.6 "*The historic environment includes all aspects of the environment resulting from the interaction between people and places through time, including all surviving physical remains of past human activity, whether visible, buried or submerged. Those elements of the historic environment – buildings, monuments, sites or landscapes – that have been positively identified as holding a degree of significance53 meriting consideration are called 'heritage assets'*".

Amendments have been made to EN-1 which change the policy approach to the historic environment, resulting in inconsistencies and unintended consequences. We would welcome the following:

- Amend the reference to "*improving the natural environment*" at the end of paragraph 4.2.29 to just refer to the "*environment*" as heritage is a consideration within the Environmental Improvement Plan.
- Amend EN-1 paragraph 5.9.5 so that the reference to non-designated heritage assets is compliant with the previous policy wording in EN-1 paragraph 5.8.4[6] and aligns with the Scheduled Monuments Policy Statement October 2013.
- Reinstate EN-1 paragraph 5.9.6 as its removal risks the understanding of equivalence and inconsistency with government policy in the NPPF 2021. The deleted text stated "*Non-designated heritage assets that have been recognised by the Secretary of state as being of equivalent significance to Scheduled Monuments or Protected Wreck Sites, or that have yet to be formally assessed but have archaeological interest and have potential to demonstrate equivalent significance to Scheduled Monuments or Protected Wreck Sites, should be considered subject to the same policy considerations as those that apply to designated heritage assets.*"
- Reinstate existing text in EN-1 paragraph 5.9.34 as the amendment to "*appropriate weight*" would lead to an incorrect understanding of the way in which setting can contribute to significance. Use of the original text where "…*the Secretary of State should give considerable importance and weight to the desirability of persevering the setting*…"; and "*When considering applications that do not do this, the Secretary of State should give significant weight to any negative effects*…" would correctly reflect how heritage assets and their settings work.
- Reinstate the original requirements section in EN-1 as it included important provisions for the historic environment which would have been secured through policy set out in section 5.9. In moving these requirements and framing them under mitigation, as currently proposed, there is no guarantee these essential provisions can be secured.
- Amend EN-1 footnote 232 as the reference to historic environment records does not align with the NPPF 2021.

[6] EN-1 paragraph 5.8.4 There are heritage assets with archaeological interest that are not currently designated as scheduled monuments, but which are demonstrably of equivalent significance. These include: ● those that have yet to be formally assessed for designation; ● those that have been assessed as being designatable but which the Secretary of State has decided not to designate; and ● those that are incapable of being designated by virtue of being outside the scope of the Ancient Monuments and Archaeological Areas Act 1979.

- Recognise the opportunities offered from marine non-licensable activities referenced in paragraph 5.6.13 such as geotechnical survey which can reveal significant new information about the environment and look to maximise such activities through an agenda for net benefits inclusive of the historic environment. This approach should be managed through the production of a written scheme of investigation (referred to in EN-1 paragraph 5.9.18).
- Amend paragraph 4.4.3 to refer to UK stated objectives for the historic environment (in line with paragraphs 4.4.11 and 5.9.19) so that there is a clear link with the cross-government Marine Spatial Prioritisations Programme.

EN-3:

Historic England supports EN-3 paragraphs 3.8.39 - 90 in the capacity of investigations to reveal new heritage assets in development locations and the flexibility of micro-siting to allow DCO applicants to accommodate any unforeseen events. We acknowledge that for some renewable energy technologies (ie tidal stream energy) such spatial flexibility will be limited. Historic England would welcome amendments in relation to archaeological approach, processes and terminology in EN-3. For example:

- Paragraphs 3.8.39 and 3.11.14 refer to archaeology rather than archaeological objects.
- Paragraph 3.8.90 refer to heritage assets rather than archaeological assets.

There are also opportunities deliver on the aspirations and objectives in the Energy NPS and also deliver on the desirability to sustain and enhance the historic environment by strengthening the proposed policies in EN-3:

- Paragraph 3.8.78 refers to the Crown Estate implementing mitigation measures. It is important that Historic England is also engaged in discussions and the preparation of mitigation measures in relation to the impact on the historic environment.
- Paragraph 3.8.125 refers to scour effects from waves and tides. It is also relevant to include sand wave clearance to take account of unknown archaeological remains, as this could be impacted through clearance operations. Such discovery is likely during the construction phase and actions should address matters highlighted in EN-3 paragraph 3.8.275.
- Paragraphs 3.8.187 to 3.8.190 propose avoidance based on early survey work to identify the likelihood of archaeological remains. While this aligns with the previous policy (which was that of avoidance being the most effective form of protection), there is still a need to require exclusion zones to manage the potential extent of archaeological remains. Ensuring there is scope to mitigate for discoveries made during the development is also relevant. These policy revisions expose the historic environment to greater risk of harm.
- Paragraph 3.10.97 states that below-ground impacts are "*generally limited*" however, it is unclear if this would be the case for the historic environment. Our preference is for this text to be removed.

- In considering the ambition to speed up delivery of offshore wind energy projects (paragraph 3.8.5) it is important that such ambition is reconciled with the requirement for project flexibility (paragraph 3.6.2). This can be achieved by defining flexibility within an accelerated process so that it does not vary between DCO applicants. This would establish clear expectations about what aspects are flexible and how this relates to historic environment assessments and application of the mitigation hierarchy. The steer to provide a "*precise route for the cable from the wind farm to the transmission network connection point offshore or.... the precise onshore connection*" (paragraph 3.8.80) is an example of setting clear expectations for DCO applicants.

EN-4:

- The NPS refers to marine biodiversity in relation to dredging in paragraph 1.20.15. Dredging also impacts marine archaeology and the wider historic environment. Therefore, it is important that policy in EN-4 also takes account of the historic environment. This could also be better reflected in paragraphs 1.29.2 by referring to historic environment mitigation measures (including cross-referencing EN-1 section 5.9); and
- We concur with the statement made in paragraph 2.13.17 and the possible impact of dredging on heritage assets. However, paragraph 2.15.3 needs to be expanded so that appropriate weight is attached to heritage assets regardless of their designated or non-designated status.

EN-5:

Historic England would welcome amendments to strengthen the policy approach for the historic environment. For example:

- Paragraph 2.10.8 considers mitigation; this should extend to the historic environment through holistic assessment including potential impact on archaeological remains from underground cables.
- Paragraph 2.13.14 focuses on the marine environment; however, the solution would have potential impact on the marine and terrestrial historic environment. The policy could be enhanced to include onshore impacts.
- The reference to heritage mainly relates to the Defra / Natural England policy on heritage coasts rather than reflecting the historic environment.
- Terminology could be amended so that reference to "ancient monuments" is corrected to "scheduled monuments" (ie. see footnote 13). "Archaeological and heritage sites" in paragraph 2.9.95 should also be corrected to "heritage assets".
- Footnote 13 states that "*Care should be taken in relation to all historic sites with statutory protection...*". It is unclear whether this means avoidance of impacts or adherence to policy. Our preference would be for this to be clarified and relate to avoidance measures. The reference to ancient monuments should also be corrected to scheduled monuments.
- Paragraph 2.9.25 details the balancing exercise for the SoS for consent for underground cabling rather than overhead lines. Historic environment receptors are clearly a factor in the balancing exercise; however, it is unclear what elements would clearly outweigh the provision of underground cabling

rather than overhead lines. As stated in Question 6, undergrounding needs to be managed in a sensitive way in relation to the significant effects this could have on harm to or loss of archaeological remains.

- Paragraph 2.15.1 states that "*The Secretary of State should also be satisfied that options for co-ordination have been considered and evaluated appropriately*." We would welcome clarification regarding the tests used to determine whether this has occurred.
- Paragraph 2.15.5 refers to "spatially close groups of offshore windfarms". Given the considerable number of projects in locations such as the North Sea and Irish Sea, clarification and a revised definition which refers to clusters of offshore windfarms within defined licence boundaries could be preferable.

Solar farms

The British Energy Security Strategy has the objective for 70GW energy generation from solar farms. There has been significant growth in solar farm development over the last few years and it is important the Energy NPS establishes a clear policy position in relation to their delivery.

From a historic environment perspective EN-5 paragraph 3.10.95 does mention the setting of designated heritage assets. However, the policy doesn't appear to mention avoiding direct impacts upon designated heritage assets such as scheduled monuments. This is vital to ensure the mitigation hierarchy is applied appropriately to the historic environment.

Emerging and new technologies

Careful consideration should be given to the acknowledgement in EN-3 paragraph 2.6.6 about other renewable technologies which could become economically and technically viable, and what revisions or new NPS may be required to provide a strategic policy framework for these new technologies.

For example, the British Energy Security Strategy has a clear objective for carbon capture, usage and storage (CCUS). While this is an emerging technology, there are a growing number of NSIP applications for CCUS being submitted to PINS. The further review of the Energy NPS provides an opportunity to establish a clear policy position for CCUS in either a detailed section of an existing Energy NPS or a new document. This would allow a clear approach for managing environmental impacts including the potential harm to or loss of significance to heritage assets resulting from CCUS technologies in onshore and offshore locations.

Appraisal of Sustainability (AOS)

The Energy NPSs refer to the AOS in each policy document, however it is unclear how the AOS has informed the Energy NPS content. While there is a reference to the different assessments (AOS and HRA) that have been done, it would be useful to note the basis for their assessment and how their conclusions have been considered in the NPS. For example, EN-1 paragraph 2.6.3 refers to testing under the AOS but is unclear about the outcomes. In EN-5 the AOS does not consider heritage impact, which is a concerning omission when the scope of CNP infrastructure and potential

for undergrounding may lead to very significant impacts on archaeological remains. The AOS also omits heritage as an objective in the appraisal of EN-3.

In its evaluation of the CNP policy presumption Historic England notes the Sustainability Appraisal for EN-1 should have included a reasonable alternative that covers a scenario without the new CNP policy presumption. This would have assisted in identifying the extent of potential environmental impacts with and without the policy in place.

The inclusion of heritage assets in Sustainability Appraisal maps in Annex D would allow for a comprehensive view of assets which may be impacted by Energy NPS proposals. While the main AOS report refers to a comprehensive list of heritage assets, these are not reflected in the supplementary mapping analysis. In addition to showing listed buildings and conservation areas, mapping could also consider heritage at risk and non-designated heritage assets.

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