



Historic England

National Infrastructure Planning Reform Programme

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 Digital, 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.

As a statutory consultee and an 'interested party' on all Nationally Significant Infrastructure Projects (NSIP) we welcome the opportunity to submit a response to the National Infrastructure Planning Reform Survey.

1. Please provide your name

The Historic Buildings and Monuments Commission for England (Historic England)

2. Please provide your email address

Governmentadvice@HistoricEngland.org.uk

3. What could government, its arms-length bodies and other statutory bodies do to accelerate the speed at which NSIP applications can be prepared and more generally to enhance the quality of submissions? (no more than 300 words)

Historic England welcomes comprehensive and early engagement on Nationally Significant Infrastructure Projects (NSIP) prior to DCO submission. Comprehensive early engagement means we can provide advice on proposals as they are being formulated so as to avoid harm to the historic environment; and advise on appropriate methodology for assessment of impacts on the historic environment in the drafting of the Environmental Statement (ES). There is currently substantial variation in pre-application engagement with Historic England and, in turn, how applicants respond to our comments. If there is early engagement, there is more scope for positive discussion which can reduce issues and potential conflicts at later stages and help enhance the quality of submissions.

Quality information is considered essential for a DCO application and promotion of an accelerated process should not compromise on quality. It is important applicants

provide clear, well documented and evidence-based assessments to underpin applications as inadequate information will lead to delays at the Examination and decision-making stage, and possibly increase scope for challenge of the decision. Ensuring that the Planning Inspectorate has the ability to require that applicants meet quality standards for engagement and assessment information would be welcomed. We suggest

- Scope for recommendations for survey work (using an agreed methodology) to input into the ES, with surveys undertaken as early as possible;
- Clarification by Historic England as to the adequacy of historic environment evaluation data and assessments provided to inform the EIA and selection of scheme options prior to DCO submission;
- PINs guidance on the scope of the ES to focus on key relevant information informed by baseline studies and based on stakeholder input; and
- Sufficient time between Preliminary Environmental Information Report (PEIR) consultation and submission of the DCO for the applicant to address matters raised in relation to the natural, built and historic environment.

4. Following submission, are there any aspects of the examination and decision process which might be enhanced, and how might these be improved? (no more than 300 words)

The Examination process is well-defined, and the use of Issues Specific Hearings and written questions can be an efficient mechanism for information gathering from arms-length bodies such as Historic England.

Where a Statement of Common Ground (SoCG) is required, this can be a protracted and complex process involving lengthy negotiation between the applicant and other stakeholders. A review of the SoCG process and guidance from the Planning Inspectorate on a simplified approach together with careful consideration of appropriate timing for submission of a SoCG would improve the examination process and offer greater certainty to the applicant and stakeholders.

The examination and decision process can be further enhanced by managing and communicating changes to examination timetables as early as possible to allow time to respond and manage resources when examinations are cancelled or re-arranged, and agendas amended. Establishing a clear notification process for timetable changes alongside adherence to an agreed timetable would assist in this matter.

Challenges are also presented in the desire for greater flexibility at the Examination stage with detailed matters addressed post-consent stage via provisions under the ‘Rochdale Envelope’. This can result in a lack of certainty as to what is being applied for and consequently have a bearing on the extent of impact the proposal, creating challenges for the Examining Panel in fully understanding and assessing the proposals and extent to which they are in accord with policy. Early assessment of

environmental impacts, including those on the historic environment would help address some of these issues.

Consideration might usefully be given to establishing clear obligations on an applicant to conduct detailed survey investigations post-consent and pre-construction in full consultation with arms-length bodies and local authorities to reduce uncertainty and give greater confidence in assessing the proposals. For example, the ability to understand how the impact on archaeology is to be dealt with would be assisted by submitting the Overarching Archaeological Schemes of Mitigation early on. This enables the parties to discuss the framework which can then form the basis for later implementation of consent.

5. Where a development consent order has been made, what impediments are there to physically implementing a project which could be removed? (no more than 300 words)

Consent Holders lead on how and when a project is progressed post-consent. We suggest that Consent Holders are asked to engage with statutory bodies at an early stage to inform programmes of work necessary before formal ‘commencement’ of the project.

The role of statutory bodies such as Historic England could also be set out in the DCO, where appropriate, so that advice can be provided in respect of post-consent programmes of work. Recognition of our involvement in DCO applications in relation to Schedule 3 requirements (discharging conditions) would assist in the discharging of provisions relating to the historic environment and in particular archaeology and marine heritage matters.

Ensuring the Service Level Agreement includes post-consent work (such as discharge of requirements) can be beneficial to both the Consent Holder and other parties as it establishes clear expectations at this stage.

Governance meetings in the form of stakeholder forums are also useful to help monitor issues and provide updates on progress with NSIP delivery. This approach has been taken on the Thames Tideway project.

6. How might digitalisation support the wider improvements to the regime, for example are there any specific aspects that you feel could benefit from digital enhancements? (no more than 300 words)

Historic England supports enhanced digitisation and greater online interaction through the NSIP process. The increased use of online meetings in place of in-person meetings has resulted in greater time efficiencies for specialists involved in NSIP engagement and delivery. NSIPs will also be able to benefit from the sensitivity

mapping project led by Historic England which explores how one might best show the likely impact of change on archaeological remains and how this would benefit an area-based approach to planning.

Such mapping is dependent on the availability of good quality data which is the responsibility of all parties. It should also be acknowledged that physical meetings and site visits play a vital role and there is scope for these alongside digital processes.

Further enhancements can be made to reduce the volume of unnecessary information and increase information sharing. Ensuring the evidence base and associated research is widely available and accessible promotes a broad understanding of proposals at application, consenting and delivery stages.

The move to a ‘digital only EIA’ has the potential to be an effective innovation however it requires further development and testing to determine functionality and practical use by consultees. Promotion of the benefits of digital EIAs and clear guidance to ensure accuracy of information using common (industry accepted) standards would further encourage its use by applicants and stakeholders.

The matter of long-term archiving and digitisation of records also needs to be addressed including who leads on its implementation and on-going management to inform future decision-making. Digital data collaboration agreements may present a solution and provide the opportunity for useful and relevant data.

The volume of information generated prior to and during Examination can be time consuming to process in order to identify documents of interest. Improved accessibility of information, including indexing on the PINS website and notifications when relevant documents are available would assist with this.

7. What issues are affecting current NSIPs that would benefit from enhanced cross-government co-ordination including government departments and arms-length bodies? (no more than 300 words)

Historic England notes the aspirations of Project Speed and its pathway projects, and welcomes greater collaboration between applicants, government department sponsors and arms-length bodies. These meetings enable discussion on strategic matters and facilitate learning across NSIPs with similar characteristics.

More integrated application of natural, built and historic environment policies (in line with the NPPF paragraph 8) is enhanced by collaboration between environmental bodies including Historic England. This raises the profile of environmental considerations and support their consideration earlier in the NSIP process.

Definition and greater clarity about the responsibilities and remit of arms-length bodies would also enhance the NSIP regime ensuring effective and efficient engagement. Historic England also would welcome the opportunity to work with

government on guidance and advice to ensure that there is a better understanding of the environment, including the historic environment.

Co-ordination between arms-length bodies where the DCO covers multiple consenting regimes would be beneficial. For example, where proposals involve considerations regarding matters of relevance to marine and terrestrial planning. Historic England would welcome early discussions between agencies, specialists and arms-length bodies will avoid duplication or gaps and assist in collaborative working.

8. Does the NSIP regime successfully interact with other consenting and regulatory processes and the wider context within which infrastructure projects operate? (no more than 300 words)

The Planning Act 2008 negates the need for separate listed building and scheduled monument consents as this is given through the grant of the DCO. Consequently, it is important that careful consideration of the implications of proposals on the historic environment are established in the ES and appropriate requirements set out in the DCO.

This includes:

- How the historic environment, as a defined receptor, is addressed and included within the EIA scoping exercise; and
- In the case of Scheduled Monuments, the agreements made at the consenting stage which may be based on outline designs and are subject to change at post-consent stage. This can result in pre-commencement requirements under Schedule 3 to agree final works on the Scheduled Monument, which are discouraged in the NSIP process.

Historic England would like to see clarification through guidance in support of the 12 NPS would ensure considerations from other consenting regimes are effectively embedded within the DCO process.

NPS underpin how the NSIP regime interacts with other consenting and regulatory processes. For example, the Energy NPS refer to the rules and provisions under the Electricity Act 1989. This precedes current provisions in the NPPF, and it would therefore be helpful for the updated NPS to acknowledge any variation between processes and where possible align the NPS with the terminology and language used in the NPPF, PPG, UK Marine Policy Statement and published marine plans. To help take account of other regulatory processes it may be necessary to put in place cross-stakeholder liaison, such as when managing the licencing process for consents with the Marine Management Organisation. This approach has been effective for the Thames Tideway DCO.

9. Are there areas where limits in the capacity or capability of NSIP applicants, interested parties and other participants are resulting in either delays or adversely affecting outcomes? (no more than 300 words)

Early notification and engagement between applicants and arms-length bodies at pre-application stage allows for more effective forward planning of resources. NSIP are large scale complex schemes and Historic England recognises there may be proposals which require specialist resources to support scheme progression over a long timeframe. Early engagement presents the opportunity to establish a Service Level Agreement with the applicant early on to formalise resource arrangements and paid for services.

The NSIP process (including planning and implementing DCOs) does raise the question of resources and whether those involved at pre-application, application and post-consent stages (such as local authorities and statutory consultees) can provide the resources at the appropriate time. There may be scope for Service Level agreements to facilitate and provide arrangements for this.

Historic England welcomes the opportunity to work with government, the Planning Inspectorate and other agencies to identify the measures required to support the anticipated programme of NSIP projects over the next 10 years and identify potential skills-based or regional risks. This is needed in order to optimise participation and identify efficiencies in providing advice throughout pre-application, examination and post-consent discharge of consents.

10. Is there anything else you think we should be investigating or considering as part of our end-to-end operational review of the NSIP process? (no more than 300 words)

Historic England is keen to work with government to help clarify how the historic environment (including archaeology) is managed within the NSIP process as this can present challenges to applicants/Consent Holders and present risks if considered late in the process. A review of the historic environment could include:

- Better recognition that the historic environment can contribute to the social value of a project and the considerable gains in knowledge about our shared historic environment (including through archaeological works).
- Consideration of how the historic environment is addressed in the EIA process including the balancing of desk-based assessments and field evaluation to determine impact and inform mitigation measures.
- The requirement for Overarching Archaeological Schemes of Mitigation as part of the consenting process, so that the framework for mitigation works is clearly set out and understood by all parties at the outset of commencement.
- Opportunities presented by Historic England's sensitivity mapping project and how this can be incorporated within digital NSIP processes to inform decision making on archaeology.

As part of the end-to-end operational review of the NSIP process, Historic England also considers it would be beneficial to focus on pre-application and post-consent stages to address the following:

- Pre-application Stage – the effectiveness of PIER consultation given the compressed timescale between PIER and DCO submission with project evaluation pushed to the post-consent stage.
- Post-consent Stage – monitoring and review of pre-construction, construction, operation and maintenance or decommissioning phases to evaluate if the proposals and stated outcomes have been delivered effectively.

11. Please confirm how you interact with the NSIP regime?

- Promotor
- Local planning authority
- Statutory consultee **X**
- Lawyer
- Consultant
- Member of affected community
- Other (please specify).