

# National Infrastructure Planning Reform Programme

The Department for Levelling Up, Housing and Communities are undertaking a comprehensive end-to-end review of the Nationally Significant Infrastructure Planning (NSIP) process and all its interactions.

The Government is keen to hear from all those who engage with the NSIP regime on what they see as the main issues affecting each principal stage of the process, and what potential solutions might be deployed to remedy these.

For details about how to provide a written response to this survey and how your personal data will be treated, please review the accompanying privacy statement accessible via the following link: <https://www.gov.uk/government/consultations/national-infrastructure-planning-reform-programme-stakeholder-survey/national-infrastructure-planning-reform-programme#personal-data>

To help inform our review of the NSIP process, we would ask you to consider the following questions.

## **1. Please provide your name...**

Rob Lennox

## **2. Please provide your email address...**

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## **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)

*Enter your answer*

Our professional members (working as archaeological contractors, consultants and local authority archaeological advisors) report that NSIP regulations, NPSs and PEIR processes are generally very good and should be retained, but can be implemented poorly, likely due to time and resource pressures, or a lack of understanding of the principles of and policy for managing the historic environment. We therefore urge government to ensure that coverage for the historic environment within National Policy Statements currently undergoing revision robustly sets out requirements for understanding the consequences of change to culturally significant heritage assets, enabling informed decision-making and sustainable development.

Any weakness in the structural policy framework for NSIPs can exacerbate a lack of understanding of historic environment issues as applicants follow strict process-driven methodologies. This often leads to efficiency problems, such as overcomplex reports or 'tick-box' stages which add bureaucracy, but which often lose sight of the objectives of the archaeological work itself. This means more time and effort spent negotiating between principle and specialist contractors, and more back-and-forth between LPA and applicants to arrive at the right information required to submit applications.

Most of these problems could be alleviated by better organisational and management processes, rather than requiring changes to regulation, although could be improved by stronger mandates for LPAs and PINS to promote good practice and sufficient time and resources to assess the quality of submissions.

The pre-application stage is the best opportunity for this dialogue because once the formal NSIP process starts, the timetable is very demanding for stakeholders. At present, often processes fail to show the required creativity to develop an understanding of significance, assess impact, and weight the effect of change to that significance to develop appropriate design solutions.

Investing in greater time and resources in understanding historic environment issues at the pre-application stage will invariably be cost-effective in reducing the risk of overspends and delays.

**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)

*Enter your answer*

During the post-application and examination period there is a persistent tendency for submission of additional or amended information late in the examination period. Local Authority members report that this exacerbates already demanding examination timetables for local authorities and other stakeholders.

Stronger exhortations in guidance towards undertaking early field testing to define the scope of archaeological projects and close integration of construction and archaeology teams, ensuring that archaeological advice is part of discussions for creative design solutions at the outset of application preparation may help alleviate pressures post-submission, including reasonable expectations that applicants should attempt to agree access to land for evaluation.

Timescales for stakeholder engagement which were more easily absorbed into wider LPA determination processes (e.g. aligning with planning committee meeting schedules) would also help to ease pressures following submission, particularly in areas where there are a large number of NSIPs in the South East of England.

A system where the PINS set expectations that the provision of new information after submission would be exceptional, rather than the norm, could help to instil a culture where all parties take greater care to provide the right information first time and where stakeholder engagement is undertaken in a timely manner, so as not to generate late requirements for additional information. Guidance or requirement for applicants to discuss PPAs would also be helpful in this regard. And in general, all parties should be dissuaded from undercutting appropriate levels of resource by the application of strict standards in examination and proportionate funding for PINS and LPAs.

Our members also highlight a concern that NSIP processes are often more adversarial than planning applications, likely because they are by nature major projects with significant impacts on local communities. We advise that a fundamental rethink in approach to public engagement and communication with respect to the historic environment should be a part of any revised NSIP process. NSIPs are likely to feature as key elements of levelling-up strategies, and it is therefore critical that local communities are part of the process of informing developments and that applicants can effectively communicate.

**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)

*Enter your answer*

NSIP developments are, by their nature, complex. We urge government to avoid simply branding reasonable challenges arising from implementing complex NSIP schemes as 'impediments'. Most of these complexities, though potentially slowing development, are necessary to ensure sustainable development.

**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)

*Enter your answer*

There is a need to improve the consistency of archaeological digital data across the range of NSIP projects to facilitate comparative analysis including input to archaeological big data analysis. There is also a need to encourage more innovation in the use and analysis of digital data across environmental disciplines, such as for the modelling of archaeological potential and condition at the assessment phase. These developments would help to develop greater understanding of the historic environment and improve efficiency in terms of costs and timescales and public value outcomes. The Heathrow Terminal 5 project was notable for its successful application of innovative digital processes that were cost-effective and enhanced public value outcomes. NSIP projects provide a potentially fruitful ground for innovation as unique ways to solve complex problems are likely to be present. For example, HS2 has delivered numerous methodological innovations owing to the unprecedented scale of archaeological work involved.

As mentioned above, our members have concerns about the nature of public engagement with NSIP schemes. There is a widespread belief that digital enhancements to the processes for engagement and for publicising outcomes of work would be beneficial. Digital engagement opportunities are now much more widespread, from webinars to virtual site tours and 'town hall' meetings. For our specific interests in the historic environment, our members suggest that a far greater focus on the demonstrable public benefit arising from NSIPs should be communicated through the regime. For archaeology, an increased focus on the outcomes of the later stages of archaeological work, particularly the publication and dissemination of archaeological findings and engagement with the public could be significantly enhanced, leading to better public benefit outcomes. The NSIP process could do better at highlighting these outcomes as priorities.

**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)

*Enter your answer*

**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)

*Enter your answer*

As explained above, there are concerns about the pressures that NSIP processes place on LPAs. Because of firm deadlines for NSIP stages combined with the fact that NSIPs do not correspond with LPA timetables for planning committee meetings and other TCPA timescales this can mean periods of intense pressure to turn around applications in time. Clearer guidance or stronger expectations that PPAs should be used where feasible would be valuable.

There are other places in which certain methodological guidelines used for NSIP processes do not align, causing needless issues with professional assessments and the interpretation of advice. For example, the Design Manual for Roads and Bridges provides categorisations for 'Very High' through to 'negligible' significance of heritage assets, which does not necessarily map onto historic environment methodologies for assessing value (such as those for international, national, regional and local heritage assets, but where extremely regionally rare or locally valued assets may have a 'very high' significance).

**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)

*Enter your answer*

Yes. The feedback from our members relates to the view that the biggest barrier to smooth running processes is the capacity and capability of applicants to make effective use of regulations. The main barriers are cited as the need for clear operating procedures and effective communication between specialist contractors and principle contractors. It should be expected that NSIP processes will be complicated, but this complexity is made unnecessarily difficult when work is poorly scoped at the outset or misunderstood. A highly process-driven approach to applications also does not necessarily allow for context-specific information to lead to creative solutions, and may add unnecessary stages of work (e.g. if areas are deemed of low archaeological significance, often further assessment is still requested, even if not necessary).

This could potentially be improved by providing clearer guidance on reporting lines for specialist assessments, focussing on early engagement and regular communication. A more prescriptive or rules-based process is unlikely to improve efficiency, as it is the ability to think around scheme-

specific issues which is necessary, with blanket 'tick-box' approaches is likely to cause more unnecessary work and promote poor quality assessments of significance and impact on the historic environment.

As well as resources for LPAs and PINs considered above, it is also important that statutory consultees like Historic England have the necessary resources to engage appropriately with the NSIP regime at the pre-application stage. This advice can be vital for ensuring a proportionate level of scrutiny. There are examples where this advice has appeared rushed and unusually at odds with specialist contractor's expectations.

**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)

*Enter your answer*

We would like to note that there is a strong correlation between areas of high NSIP activity and areas of high archaeological sensitivity (in the east and south of the England). This highlights the importance that having clear expectations of the likely relevance of archaeological assessment and mitigation to NSIP processes.

We would also like to stress the potential for NSIP processes to be refocussed on outcomes, supporting a more innovative scope for public benefit resulting from works such as archaeology.

We also strongly support long term investment in improving baseline data for heritage assets, which will help provide increasingly efficient up-front input for applicants to better understand likely archaeological requirements for a scheme. For marine archaeology, where often a baseline understanding of data is much lower prior to development work starting, the project staging is more back-loaded, but would still likely benefit from early consultation and clear reporting as per the suggestions above.

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

Other: Professional Institute.