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1 March, 2017

Dear Sir / Madam,

**Environmental Impact Assessment: Technical consultation (Transport regulations)**

Thank you for the opportunity to comment on the proposed approach to implementing the amended EIA Directive through the Transport and Works Act (TWA) 1992 and procedure rules made under that Act, the Highways Act 1980 and the Harbours Act 1964.

**The Chartered Institute for Archaeologists**

The Chartered Institute for Archaeologists (CIfA) is the leading professional body representing archaeologists working in the UK and overseas. CIfA promotes high professional standards and strong ethics in archaeological practice, to maximise the benefits that archaeologists bring to society, and provides a self-regulatory quality assurance framework for the sector and those it serves.

CIfA has over 3,200 members and around 80 registered practices across the United Kingdom. Its members work in all branches of the discipline: heritage management, planning advice, excavation, finds and environmental study, buildings recording, underwater and aerial archaeology, museums, conservation, survey, research and development, teaching and liaison with the community, industry and the commercial and financial sectors.

**Environmental Impact Assessment: regulations**

**General**

Environmental impact assessment (EIA) is a key mechanism for the management and protection of the historic environment, not only for designated historic assets but also

for those assets which are not designated and for which EIA provides a crucial (and in many cases the only) safeguard.

As such, we are concerned to see that the current levels of protection and oversight provided by EIA are maintained and where appropriate improved and strongly support the transposition of Directive 2014/52/EU in this regard. Transposition should, if possible, be done in such a way as to ensure, or at least facilitate, the continued operation of these provisions regardless of the United Kingdom's membership of the European Union.

In particular, we welcome the requirements imposed by the amended Directive to ensure that work, both on behalf of the applicant and the decision maker, is carried out by 'competent experts'.

### **Specific Questions**

**Question 1 Do you agree with our approach to transposing the requirements of the 2014 Directive into the Transport and Works Act 1992 and the procedure rules made under that Act, or have any other comments?**

1.1 No comment, save that ClfA takes issue with the proposed approach to implementing the requirements to ensure that work is carried out by competent experts.

1.2 There needs to be greater clarity in the identification of competent experts, both as regards those advising competent authorities and those acting on behalf of applicants. Professional competence is a matter for the relevant professional bodies and clarity can be most effectively achieved by the use of accreditation mechanisms (such as those provided in an archaeological context by ClfA's accredited membership grades<sup>1</sup> and registered organisations scheme<sup>2</sup>). Ideally, these should be embedded in regulations, but if this does not occur, they should be clearly identified in supporting guidance.

**Question 2 Do you agree with our approach to transposing the requirements of the 2014 Directive into the Harbours Act 1964, or have any other comments?**

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<sup>1</sup> <http://www.archaeologists.net/regulation/accreditation>

<sup>2</sup> <http://www.archaeologists.net/regulation/organisations>

2.1 No comment, save that ClfA takes issue with the proposed approach to implementing the requirements to ensure that work is carried out by competent experts.

2.2 The role of the competent authority is to adjudicate upon the proposal before it, not upon the professional competence of those promoting the proposal. The latter issue is one for relevant professional bodies. The proposed transposition of the requirements in question leaves open to doubt the definitions of a 'competent expert', both as regards those advising competent authorities and those acting on behalf of applicants. Such doubt is most effectively dispelled by the use of accreditation mechanisms (such as those provided in an archaeological context by ClfA's accredited membership grades<sup>3</sup> and registered organisations scheme<sup>4</sup>). Ideally, these should be embedded in regulations, but if this does not occur, they should be clearly identified in supporting guidance.

**Question 3 Do you agree with our approach to transposing the requirements of the 2014 Directive into the Highways Act 1980, or have any other comments?**

3.1 No comment, save that there needs to be clarity in the identification of competent experts, both as regards those advising competent authorities and those acting on behalf of applicants. Professional competence is a matter for the relevant professional bodies and clarity can be most effectively achieved by the use of accreditation mechanisms (such as those provided in an archaeological context by ClfA's accredited membership grades<sup>5</sup> and registered organisations scheme<sup>6</sup>). Ideally, these should be embedded in regulations, but if this does not occur, they should be clearly identified in supporting guidance.

We would be happy further to discuss the issues raised in this consultation insofar as they affect the historic environment. In the meantime, if there is anything further that I can do to assist please do not hesitate to contact me.

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<sup>3</sup> See footnote 1 above

<sup>4</sup> See footnote 2 above

<sup>5</sup> See footnote 1 above

<sup>6</sup> See footnote 2 above

Yours faithfully,

A handwritten signature in black ink, appearing to read 'P. Hinton', written in a cursive style.

Peter Hinton  
BA MCifA FRSA FSA FIAM FSA Scot  
Chief Executive, CifA