

Permitted development rights for electricity network ground investigations

Historic England Response

Respond by: 4th September 2026

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Introduction

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. We welcome the opportunity to respond to this consultation.

Principle and scope of the proposed PDR

Q1a: Do you agree that permitted development rights (PDRs) should allow for ground investigation and survey works to support the delivery of electricity network infrastructure?

Not sure.

Q1b: Do you agree that the proposed PDR should apply on both operational and non operational land?

No comment.

Q1c: Please explain your answers.

Historic England appreciates the importance of the Clean Power by 2030 mission, including accelerating electricity network delivery. As a result, it is logical to explore what PDRs might be appropriate to support this aim, without limiting or restricting heritage protection (as stated on page 4 of the consultation document). That said, in our experience as government's adviser on the historic environment, archaeological ground investigations and surveys are typically treated as 'de minimis' and not in themselves regarded as a development, insofar as they sit in advance of the grant of planning consent or development consent order. They are subject as appropriate to marine management consent, SSSI consent and Scheduled Monument Consent.

Pre-determination archaeological work is a crucial element in the planning process and supports well designed and viable applications which can be promptly determined. As mentioned, typically this work is undertaken without any need for planning consent, unless it is of such scale and/or complexity that it is itself or forms part of an engineering operation, as might be the case, for example, in a deeply stratified urban location requiring ground support.

We therefore urge caution in drafting this PDR such that it does not inadvertently result in large areas of archaeological work requiring planning permission. In our view, if a new PDR enables works for which permission is not currently required in practice, there is a risk that the threshold at which local planning authorities require planning applications for survey work (including on schemes not related to the electricity network) could be lowered to harmonise with the limits set by the PDR.

Irrespective of whether archaeological work on a scheduled monument requires planning permission, it would, however, require scheduled monument consent (SMC)¹.

Having highlighted our concerns about potential unintended consequences, we welcome acknowledgment (on page 8) that ground investigation and surveys can inform subsequent assessment(s) and changes to project design or routing, and reference (on page 9) to early engagement with the local planning authority (such reference would benefit from referring also to the authority's archaeological adviser). Archaeological investigations are routinely undertaken in advance of consent for such schemes (without application for separate planning consent) and routinely inform the design and mitigation of the main works.

If government is committed to introduce the proposed PDRs, the PDR requires careful drafting with as much as clarity as possible in terms of its scope and supported by suitable guidance and advice. We note the proposal is already to exclude the development right on Scheduled Monuments. We would also have a concern about the granting of this form of PDR within World Heritage Sites, Registered Battlefields, Registered Parks and Gardens, Conservation Areas, Protected Wrecks and in the curtilage of Listed Buildings, but as noted above this is an area where the status quo is largely that planning consent is not required. As a result, in respect of works to the above designated assets and also unscheduled archaeological remains of potential national importance, we would be cautious of unintended consequences from the operation of the PDR.

We suggest a way forward that would address these concerns in the answers to questions below and would welcome further detailed discussion with you and the industry. Other mechanisms to provide advice, guidance or direction to chief planning officers in the implementation of the present system may be more effective and introduce less risk of unintended consequence than use of the PDR.

¹ To note that whilst planning consent does not convey SMC, NSIP DCO does negate the need for SMC.

Eligible Projects

Q2a: Do you agree that the PDR should apply to electricity network developers (i.e. distribution and transmission license holders) and third parties acting on their behalf?

No comment.

Q2b: Please explain your answer.

No comment.

Restrictions to depth and surface area

Q3a: Do you agree that the maximum depth of tests should be limited to 15 metres?

Not sure.

Q3b: Do you agree that the maximum surface area of tests should be limited to 90 square metres?

Not sure.

Q3c: If you do not agree, what other depth or surface area restrictions would you propose?

The rationale is unclear from the document why the 15 m and 90 m depth and area measurements have been chosen. This makes it hard to comment on whether or not they are appropriate.

Q3d: Please explain your answers.

Historic England's headline point in our response to this consultation is to urge caution in drafting this PDR, due to the risk of unintended consequences that local planning authorities could in practice reduce the threshold at which they require planning applications for survey work not included in the PDR.

That said, we take this opportunity to highlight that investigation up to 15m in depth includes potential for substantial harm to or loss of archaeological remains, including remains that are unscheduled (and thus not subject to the separate scheduled monument consent) but are nonetheless of national importance. The National Planning Policy Framework establishes that such remains should be subject to the same tests as scheduled monuments.

Set in this context, exclusion of scheduled monuments from the PDR would therefore be welcome, but it would be important also to refer to the Historic Environment Record and liaise with the Council's archaeological adviser regarding the archaeological potential of the area and the approach to assessment and mitigation that is most appropriate. Therefore, if the government is committed to introduce the PDR, we take this opportunity to highlight that a provision is included in Condition M.2 (in Class M) of Schedule 2, Part 7 of the GDPO which states "where proposed development under Class M relates to the erection, extension or alteration of a university building, development is permitted subject to the condition that before beginning the development the developer applies to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—

- (i) transport and highways impacts of the proposed development;
- (ii) the design and external appearance of the erection, extension or alteration; or
- (iii) the impact of the development on heritage and archaeology;**

The same principle could be applied in this context, helpfully providing a mechanism for ensuring that the local planning authority's archaeological adviser is able to comment on the archaeological potential of the area that would be affected.

Damage to and removal of trees

Q4a: Do you agree that the PDR should be subject to the condition that there would be no damage to, or removal of, trees?

No comment.

Q4b: Please explain your answer.

No comment.

Time limits

Q5a: Do you agree that works should be limited to 28 days?

No comment.

Q5b: If you do not agree, what time limit would you propose?

No comment.

Q5c: Please explain your answers.

No comment.

Q5d: Do you think that the proposed PDR should specify a prescribed process where archaeological impacts are uncovered and require preservation in situ?

Yes.

Q5e: Please explain your answer.

We encourage reference to the need for engagement with Historic England in cases where an asset with archaeological interest (if it is not scheduled) is potentially of national importance, and reference to our published advice, including [Planning and Archaeology: Historic England Advice Note 17](#).

If the government is committed to introduce the PDR, we take this opportunity to highlight that a provision is included in Condition M.2 (in Class M) of Schedule 2, Part 7 of the GDPO which states “where proposed development under Class M relates to the erection, extension or alteration of a university building, development is permitted subject to the condition that before beginning the development the developer applies to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—

- (i) transport and highways impacts of the proposed development;
- (ii) the design and external appearance of the erection, extension or alteration; or
- (iii) the impact of the development on heritage and archaeology;**”

The same principle could be applied in this context, helpfully providing a mechanism for ensuring that the local planning authority’s archaeological adviser to comment on the archaeological potential of the area that would be affected.

Reinstatement of land

Q6a: Do you agree that the PDR should be subject to the condition that any land would need to be restored, so far as practicable, to its original condition on the completion of works or within 28 days?

Yes.

Q6b: Please explain your answer.

This is a reasonable approach to take, notwithstanding the point that heritage assets are an irreplaceable resource and harm done to archaeological remains is irreversible.

Temporary buildings and structures

Q7a: Do you agree that the PDR should include provisions for temporary building and structures associated with the investigations?

Not sure.

Q7b: Please explain your answer.

Impacts of temporary buildings and structures to complete the GIs and surveys, depending on their scale and placement, can themselves harm heritage significance. Therefore, while Historic England does not object to such buildings and structures being included in the proposed PDRs, consideration is needed of their potential heritage impacts.

Set in this context, if the government is committed to introduce the PDR, we take this opportunity to highlight that a provision is included in Condition M.2 (in Class M) of Schedule 2, Part 7 of the GDPO which states “where proposed development under Class M relates to the erection, extension or alteration of a university building, development is permitted subject to the condition that before beginning the development the developer applies to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—

- (i) transport and highways impacts of the proposed development;
- (ii) the design and external appearance of the erection, extension or alteration; or
- (iii) the impact of the development on heritage and archaeology;**

The same principle could be applied in this context.

Q7c: Do you agree that the maximum permitted height of buildings and structures should be limited to 10 metres?

Not sure.

Q7d: Please explain your answer.

Historic England notes that The Town and Country Planning (General Permitted Development) (Scotland) Order 1992 embeds a prior approval process for buildings on operational land (for the protection of plant or machinery) that exceed 3 metres in height.

10 metres represents a relatively tall structure in many circumstances and its impacts, even if only temporary, would need to be considered from a heritage perspective. If the government is committed to introduce the PDR, we take this opportunity to highlight that a provision is included in Condition M.2 (in Class M) of Schedule 2, Part 7 of the GDPO which states “where

proposed development under Class M relates to the erection, extension or alteration of a university building, development is permitted subject to the condition that before beginning the development the developer applies to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—

- (i) transport and highways impacts of the proposed development;
- (ii) the design and external appearance of the erection, extension or alteration; or
- (iii) the impact of the development on heritage and archaeology;**

The same principle could be applied in this context.

Q7e: Do you agree that buildings and structures should be permitted for no more than 28 days?

Yes.

Q7f: Please explain your answer.

It is appropriate to have a suitable time limit to buildings and structures of the proposed scale.

Prior notification to Local Planning Authority

Q8a: Do you agree that prior notification of the Local Planning Authority should be required?

Yes.

Q8b: Please explain your answer.

While we support the need for prior notification, Historic England highlights the need for a mechanism beyond prior notification that could trigger more detailed consideration of impacts in certain circumstances. Thus, if the government is committed to introduce the PDR, we take this opportunity to highlight that a provision is included in Condition M.2 (in Class M) of Schedule 2, Part 7 of the GDPO which states “where proposed development under Class M relates to the erection, extension or alteration of a university building, development is permitted subject to the condition that before beginning the development the developer applies to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—

- (i) transport and highways impacts of the proposed development;
- (ii) the design and external appearance of the erection, extension or alteration; or
- (iii) the impact of the development on heritage and archaeology;**

The same principle could be applied in this context.

Furthermore, we highlight the importance of early engagement, not least through “pre-app” discussions both with the local planning authority and, as appropriate, with Historic England via our [pre-application advisory service](#), and the need for and value of such engagement in any scheme prior to undertaking works.

Q8c: Do you agree that this should be submitted at least 14 days before the works begin?

No comment.

Q8d: Please explain your answer

No comment.

Designated land and sites

Q9a: Do you agree that the PDR should be permitted in designated land, sites and areas?

No.

Q9b: Please explain your answer.

Historic England’s headline point is to urge caution in drafting this PDR due to the risk of unintended consequences that local planning authorities could in practice reduce the threshold at which they require planning applications for survey work not included in the PDR.

If the Government is committed to introducing this PDR, we would be concerned by the potential risks of harm to the significance of designated heritage assets, in particular World Heritage Sites which clearly are assets of the highest international importance, scheduled monuments (as covered in question 9c) and non-designated heritage assets with archaeological interest that are considered to be of equivalent significance to scheduled monuments.

Focusing on World Heritage Sites, as the National Planning Policy Framework makes clear, planning policies and decisions must reflect relevant international obligations and statutory requirements, which include the UNESCO World Heritage Convention. When implemented, section 102 of the Levelling-up and Regeneration Act 2023 will extend this duty to a wider range of designated heritage assets, including World Heritage Sites. This is consistent with the NPPF requirement to give great weight to an asset’s conservation. It is therefore unclear how the proposed PDRs could be applied in all cases in a manner consistent with those duties.

Thus, if the PDRs are retained within World Heritage Sites, consultation with Historic England should be mandatory within a prior approval process.

Focusing on remains that are unscheduled but of national importance, the NPPF establishes that such remains should be subject to the same tests as scheduled monuments, underscoring the importance of liaison with the relevant local planning authority (including its archaeological adviser) and reference to the Historic Environment Record.

We take this opportunity to highlight that a provision is included in Condition M.2 (in Class M) of Schedule 2, Part 7 of the GDPO which states “where proposed development under Class M relates to the erection, extension or alteration of a university building, development is permitted subject to the condition that before beginning the development the developer applies to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—

- (iv) transport and highways impacts of the proposed development;
- (v) the design and external appearance of the erection, extension or alteration; or
- (vi) the impact of the development on heritage and archaeology;”**

The same principle could be applied in this context, helpfully providing a mechanism for ensuring that the local planning authority’s archaeological adviser to comment on the archaeological potential of the area that would be affected.

Note the types of designations referenced on page 14 do not currently include conservation areas. This should be amended to refer to conservation areas, which we note are also included in the [associated PDR introduced in Scotland](#).

Also, we note the 1992 order from Scotland refers to protections within the curtilage of a listed building, rather than solely the listed building.

Q9c: Do you agree that the PDR should not be permitted on the site of a Scheduled Monument?

Yes.

Q9d: Please explain your answer.

Historic England’s headline point is to urge caution in drafting this PDR due to the risk of unintended consequences that local planning authorities could in practice reduce the threshold at which they require planning applications for survey work not included in the PDR.

Archaeological work on a scheduled monument would not normally be regarded as development at pre-determination stage; it would, however, require Scheduled Monument

Consent (SMC) regardless of whether there was planning permission or PDR in place. To note that whilst planning consent does not convey SMC, NSIP DCO does negate the need for SMC. This goes to the heart of the primary function of the designation as set out in DCMS 2013 Policy Statement, regarding the conservation of the monument and key considerations that inform the consenting process.

If the Government is committed to introducing this PDR, Historic England welcomes this exclusion from the PDR, recognising it would not be appropriate to offer PDRs for such works within a scheduled monument.

Also, it should be noted that some remains that are unscheduled (and thus not subject to the separate scheduled monument consent) are nonetheless of national importance. The NPPF establishes that such remains should be subject to the same tests as scheduled monuments, underscoring the importance of liaison with the relevant local planning authority (including its archaeological adviser) and reference to the Historic Environment Record.

We take this opportunity to highlight that a provision is included in Condition M.2 (in Class M) of Schedule 2, Part 7 of the GDPO which states “where proposed development under Class M relates to the erection, extension or alteration of a university building, development is permitted subject to the condition that before beginning the development the developer applies to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—

- (vii) transport and highways impacts of the proposed development;
- (viii) the design and external appearance of the erection, extension or alteration; or
- (ix) the impact of the development on heritage and archaeology;**”

The same principle could be applied in this context, helpfully providing a mechanism for ensuring that the local planning authority’s archaeological adviser to comment on the archaeological potential of the area that would be affected.

General questions and evidence gathering

Q10a: Are there any other likely impacts or matters that should be considered if permitted development rights are extended to allow for ground investigation and survey works by electricity network developers?

No comment.

Q10b: Please explain your answer.

No comment.

Impact assessment

Q11a: Do you think that the proposed extension of the temporary permitted development rights to allow for ground investigation and survey works by electricity network developers could impact on: a) businesses b) local planning authorities c) communities?

Yes

No

Don't know

No comment.

Q11b: Please provide your reasons. It would be helpful if you could specify whether your comments relate to a) business, b) local planning authorities, or c) communities, or a combination.

No comment.

Public Sector Equality Duty

Q12a: Do you think that the proposed extension of the temporary permitted development rights to allow for ground investigation and survey works by electricity network developers have any impacts on people who share a protected characteristic? (Age; Disability; Gender Reassignment; Pregnancy and Maternity; Race; Religion or Belief; Sex; and Sexual Orientation).

No comment.

Q12b: Please provide your reasons.

No comment.