

Response submitted to consultation on streamlining infrastructure planning  
Submitted on 2025-10-27 12:38:25

## About You

### Name of organisation

Historic England

### Type of organisation

Government

## Pre-application: guidance for applicants preparing applications

**1. Please provide views about the potential risks and benefits of government producing more prescriptive or less prescriptive guidance about pre-application consultation and engagement in absence of statutory requirements. In particular, we are interested in views on how guidance on engagement can support an efficient, faster, proportionate and effective NSIP process or whether doing so risks undermining the potential time and cost savings.**

### Question 1:

Historic England supports the ambition to streamline infrastructure planning. Early engagement with Historic England often helps to avoid, minimise or mitigate impact of development on the historic environment upfront, with the double benefit of both enabling development to happen more quickly and securing effective protection for heritage. We are keen to work with all parties to ensure that pre-application engagement is robust, timely and proportionate. Whilst we appreciate the reasons for removal of statutory pre-application consultation as set out in the Planning and Infrastructure Bill, we also want to work to avoid any risks which come from reducing early engagement with Historic England, to ensure necessary identification of both heritage constraints and opportunities. We have actively engaged with developers through current statutory procedures for NSIPs and will continue to seek to do so, recognising that the historic environment is a finite and irreplaceable resource which contributes to economic vitality, identity and well-being of communities across England. Infrastructure planning can and should continue to respect and enhance this legacy.

Historic England believes there is value and benefit in having a prescribed approach to ensure well developed applications can be submitted following meaningful and proportionate engagement with statutory consultees resulting in higher quality of applications and thereby smoother examinations. Guidance which is clear on the need for early involvement and input from statutory consultees such as Historic England would assist in making the process more effective, efficient and streamlined.

There will be few NSIP schemes, by their nature, that pose no impact to the nation's heritage, whether that is our historic landscapes, our historic built environment, our maritime heritage or our buried archaeology. Many heritage assets are statutorily protected, for example, scheduled

monuments or listed buildings. Effective liaison between applicants and consultees is necessary to reflect the ubiquity, importance and diversity of the historic environment, not least to harmonise approaches across consent regimes and reduce risk at examination and bring increased public confidence in the NSIP process. Guidance should underline the significant risks of poor consultation when seeking a positive decision. Less prescriptive guidance would increase the potential for missed opportunities to deliver these broader benefits and identify potential risks. More prescriptive guidance conversely, brings with it more scope to identify benefits and improved identification of future risk and cost issues. This is in the interests of all concerned as ultimately this approach can de-risk a project, saving time and costs later in the process.

Concise, helpful secondary and tertiary guidance is available to assist with the proportionate management of many kinds of heritage assets that can be signposted in new guidelines. As an example, Historic England is currently finalising new guidance for archaeological evaluation relating to solar farm planning and delivery, with the Chartered Institute for Archaeologists (CIfA), the Association of Local Government Archaeological Officers and Solar UK to encourage the development of well thought out strategies which integrate assessment of impacts with scheme design as a continuous process from early scoping to delivery. The intention is to produce a smoother, swifter and more efficient application pathway whilst also fully considering impacts on the historic environment. Public policy in heritage management maintains a consistent approach of early assessment, both to establish significance and identify harm that could arise and proactive design measures to firstly to avoid harm. If that is not possible, to then reduce harm with residual issues resolved via field investigation, public engagement and, where agreed appropriate, enhancement. Any new guidance should underline the usefulness and efficiency of that approach towards faster and more efficient NSIP decision making.

We would certainly welcome further dialogue with Government officials to help shape guidance and implementation of these reforms, and to ensure that heritage remains a valued and integral part of the planning system.

**2. Should guidance note that collaboration outside of the NSIP process can help to address wider challenges that could otherwise impact development proposals? If so, what should it say?**

Question 2:

Historic England fully supports inclusion of the importance of collaboration outside the NSIP process in the guidance. As stated in our response to Question 1, we welcome engagement with developers at the earliest stage possible. We recognise that at this point developers may only have a basic outline for a proposal which is likely to change/be refined over time. However, engagement at this stage allows us the opportunity to advise on the presence of, or potential for presence of, designated and undesignated heritage assets and likely impacts from development. We can then work with applicants to identify alternatives, highlight what assessments and evidence may be needed and at what stage in the process. In this way we can also be clear where historic assets should be avoided at the earliest possible stage of the planning process. Importantly early engagement also helps to develop and maintain a mutually beneficial working relationship to establish common data and evidence needs and an understanding of impacts.

For example, through our engagement with National Highways for the A66 and Lower Thames Crossing proposals, we established early on an effective process of communication via their consultants and were able to work positively with them to minimise harm to the historic environment. The Lower Thames Crossing Company has made clear that this approach has provided both clarity and certainty in terms of what is contained within the DCO, and this smooths the overall path to project delivery by avoiding uncertainty and requirement of later changes to the scheme. We have adopted a similar approach working with National Grid and their consultants on the proposed Norwich to Tilbury power line, building on the experience of working with them on the Bramford to Twinstead line.

Furthermore, in June 2025 Historic England and National Highways signed a Memorandum of Understanding. This agreement outlines how we will collaborate to conserve and enhance heritage sites affected by infrastructure projects, particularly those along the strategic road network. It has enabled more joined-up working as we continue to collaborate with National Highways on other schemes.

Early collaboration can also identify opportunities for co-benefits that schemes can deliver for the environment (both natural and historic), as well as community-benefit schemes. There are a wide variety of community benefits that can be delivered which, if undertaken in partnership with the local people, can enhance the economy, society and the environment in a local area. Due to the potential impact caused by infrastructure projects on the historic environment, we suggest the guidance includes advice that any community benefits include local heritage and historic environment projects or activities. This could include repairs and maintenance of locally valued historic structures or projects around historic landscapes and could support local aspirations around greater access to heritage. Guidance should also highlight that these benefits can also be used to deliver investment and growth in the local area, especially when used to invest in local infrastructure, supply chains and skills.

Beyond the NSIP process itself, Historic England welcomes the on-going collaborative work of the National System Energy Operator (NESO) to develop strategic energy plans, including the Strategic Spatial Energy Plan (SSEP), the Centralised Strategic Network Plan (CSNP) and the Regional Energy Strategic Plans (RESPs). We consider that when combined with information from the National Infrastructure and Service Transformation Authority's (NISTA) UK Infrastructure Pipeline, it could provide an effective basis for valuable collaborative, co-ordinated working between schemes, developers and stakeholders using the NSIP route. We will continue to work with both organisations to provide information and advice on matters relating to the historic environment.

**3. Would it be useful for applicants to consider these factors while preparing their applications and in particular in relation to any non-statutory engagement and consultation (at paragraph 19)? What changes or additions to these draft factors would you welcome?**

Yes

Question 3:

Historic England considers all the factors suggested within the consultation; prioritise front-loading, proportionate evidence and engagement, openness and transparency, and timeliness are key components to a well-developed application and welcomes their inclusion in guidance. We explain our reasons for this below and also offer additional factors for consideration.

Prioritise front-loading

A front-loaded, well-developed application which is accepted by the Planning Inspectorate and then proceeds to examination, will be more likely to receive consent if it has benefitted from appropriate early engagement and agreement. We consider that the risk of significant amendments and associated resource costs will be reduced through early engagement with statutory bodies.

In addition, the guidance should be clear that active engagement from the applicant to respond to points made by consultees is required. Guidance could also helpfully suggest that applicants new to the system look for and replicate good practice established by existing applicants and advisors.

Proportionate

A proportionate pre-application approach is desirable and could be supported and achieved with statutory consultees through an agreed programme of engagement that is tailored to the project in question, which has been informed by an initial assessment.

Open and transparent

Openness and transparency is a desirable principle and we would welcome an emphasis on clear statements of consultation topics, ones that provide detail on the drivers behind them and summarise different benefits and constraints involved.

Timely

Adequate timelines for consultation and response are required to provide the valuable feedback necessary to support a front-loaded application. These should be realistic, achievable and whenever possible agreed with all parties.

In addition, we suggest consideration of the principle of “conscientious consideration” of consultee advice by developers, reflecting the Gunning Principles’ established judicial definition of legitimate consultation.

**4. Do you agree guidance should set out at a high level the benefits of non-statutory engagement and consultation? Are there any benefits not listed which we should include?**

Yes

Question 4:

As we have stated in earlier answers (Questions 1 and 2), effective early engagement de-risks projects, creates certainty and speeds up decision-making. Any guidance needs to set out robustly the clear benefits of engagement. Reduction in risks, especially unexpected costs, as well as more efficient use of resources by public bodies, would be strong benefits to include.

In addition, it would be helpful if guidance promotes the desirability of identifying good practice examples or ‘lessons learnt’ type information for each project to be made available on scheme/organisation websites. Although these may be unique to each project there may be commonalities which would enable both developers and consultees to refine processes and apply later in the project, or on other projects. Over time, if this practice is embedded, this could provide a useful learning resource, help prevent delays and reduce costs.

We agree that early engagement can help to ensure potential impacts can be mitigated (paragraph 18). Guidance could helpfully highlight the irreplaceable nature of heritage assets, which cannot be mitigated for in the same way that the natural environment can and that early engagement with Historic England will help identify suitable alternatives.

**5. Should guidance encourage collaboration between applicants, stakeholders and statutory bodies? If so, what should it say? We particularly welcome views on how collaboration can prevent delays and the role for the sector to work collaboratively with stakeholders and how government can support this.**

Question 5:

Yes, a collaborative, proactive approach helps shape more sustainable and context-sensitive proposals, streamlines the planning and examination process, and ensures that legal and policy requirements for consultation are met. It also encourages trust, transparency, and cross-sector coordination, which are vital for securing public support and achieving balanced, well-informed outcomes.

Guidance should highlight that collaborative working can help to identify co-benefits from development across different areas of the environment e.g. the historic and natural environments which can result in increased public benefits and acceptance. The guidance

should include specific examples and we would be pleased to provide input to demonstrate how Historic England has successfully collaborated on schemes such as the Sizewell C NSIP and Hornsea Offshore Windfarm. We would also be pleased to explain our work as part of the North Sea Prehistory Research and Management Framework where we collaborate with developers, academics, The Crown Estate and the Marine Management Organisation to ensure all relevant archaeological work conducted for the offshore wind sector and other seabed industries contribute to the understanding of North Sea prehistory.

In addition, guidance should be sufficiently detailed to explain that structured and planned consultation with bodies such as Historic England provides the most effective means to progress from an EIA Scoping Opinion to DCO application.

#### Pre-application: the role of different stakeholders and statutory bodies at pre-application

**6. Should guidance include advice to local authorities, statutory bodies and applicants on finding the right balance between engaging early and engaging with sufficient technical information without creating unnecessary delay? We would also welcome comments on whether and how guidance could encourage applicants, local authorities and statutory bodies to work together to most effectively manage resources in their engagement.**

##### Question 6:

The guidance should include advice on finding the right balance for timing of engagement vis a vis amount of technical information. As referred in response to Question 1, we are working with archaeological and sectoral partners to establish this for solar farm planning and delivery.

Early engagement is vital for shaping proposals and identifying key issues, but if done without adequate information it can lead to confusion, misaligned expectations, or wasted effort. Providing too much unnecessary information during engagement can significantly delay processes and lead to poor use of resources. Conversely, early dialogue can allow a clearer mutual understanding of what is required, and it is important that statutory bodies set this out and look to avoid repeated requests for additional information.

Historic England welcomes the opportunity to provide high level or indicative advice on outline plans where we can help identify potential issues with designated assets and provide more detailed advice on technical matters as appropriate. This is our preferred way of working. We consider that project specific pre-application advice services can offer a greater degree of flexibility than formal rounds of consultation. Additionally, early engagement on the principle of development, followed by subsequent detailed engagement on any challenges, can be helpfully and efficiently provided through such a mechanism.

Scope for collaboration over common environmental issues (e.g. natural and historic landscape, protected species and earthworks) can be helpful via interdisciplinary workshops. For example, guidance could encourage workshops which include applicants, local planning authorities (including county archaeologists) and statutory bodies as a means



of managing resources for all involved. It is also important that guidance is clear about obligations on applicants to secure the services of accredited and experienced consultants to formulate the technical content of DCO applications, which can be discussed and where possible, agreed between stakeholders.

In addition, it is important to avoid consultees or stakeholders being overwhelmed with excessive detail, especially if the material is not tailored to our specific role or expertise. This may also require additional time to sift through documentation, request clarifications, or re-engage to focus on the relevant matters. This not only strains the capacity of statutory bodies and local authorities, many of whom operate with limited resources, but can also result in duplicated effort and missed opportunities for timely input. Clear, targeted, and proportionate information helps ensure that engagement is purposeful, focused, and resource-efficient for all parties involved.

**7. Is guidance needed to support applicants to identify which statutory bodies should be consulted based on the potential impacts of the proposed application? If so, what should that guidance include?**

Question 7:

Yes, guidance should clearly identify which statutory bodies should be consulted. We support the recognition in paragraph 23 of the consultation that “Statutory bodies play an essential role in providing expert advice and information...” and that as a consequence potential impacts can be understood and legal requirements met.

Historic England works in a flexible way throughout project development to assist in ensuring the assessment and management of impacts is appropriately dealt with to minimise/avoid delay and encourage better outcomes. Given the ubiquity and diversity of the historic environment, we would welcome and support guidance that clearly identifies which statutory bodies should be consulted based on potential impacts and would be pleased to contribute to it. It is also worth noting that in the marine environment Historic England is in the unique position of having a specialist marine team which offers advice on all elements of a project from offshore turbines, coastal considerations and through to the onshore elements such as sub-stations. This means we can provide consistent, seamless advice on the historic environment for the length of these types of applications. It would be helpful if guidance would recognise this approach and the benefits to all parties involved

In consideration of the matters that will need to be addressed through an EIA (or parallel process), such as the historic environment, any guidance produced should be clear about how an applicant will use a formal EIA Scoping Opinion (or other formal requirement) published by the Planning Inspectorate to organise effective consultation with statutory bodies through to DCO submission. It is appreciated that NSIP applicants will want to maintain maximum flexibility through utilising a ‘design envelope’ approach, which means there will be multiple worst-case impact scenarios. We therefore recognise that multiple project options will be evaluated and that applicants will want to provide information to different audiences and stakeholders that best facilitates preparation of an eventual DCO application.

**8. Would additional government guidance on engagement with statutory bodies regarding environmental requirements be of value, in addition to the advice and guidance provided directly by those organisations? How can guidance support constructive engagement by statutory bodies? Please provide details on what would be most useful in government guidance relative to what is provided to other relevant organisations.**

Yes

Question 8:

Yes, additional guidance on engagement with statutory bodies regarding environmental requirements would be of value. It could usefully reiterate the importance, and legal requirements, of environmental considerations. It could helpfully express that 'environment' includes the historic environment, not just the natural environment as the two are inextricably linked in relation to management issues but also in how they are perceived by the public. Furthermore, it could highlight that there may be co-benefits across the natural and historic environments, including those in the marine and coastal environments. The forthcoming introduction of mandatory biodiversity net gain (BNG) into the NSIP system (currently expected in May 2026), and the co-benefits this could encourage, could also helpfully be acknowledged in guidance.

Guidance can support constructive engagement by statutory bodies by highlighting their respective relevant guidance and advice, encouraging early engagement and encouraging, where possible, joint meetings/workshops with applicants.

**9. Is guidance needed to support proportionate, effective and constructive engagement from both the applicant and local authorities? If yes, what should such guidance cover?**

Question 9:

Yes, from Historic England's perspective a key reason for this is to provide important clarity of roles and status between different parties. It is clear to us that there is significant benefit in applicants knowing from an early stage in the process which role is undertaken by which consultee. This will assist with regard to, for example, the local planning authority taking the lead in advice on undesignated heritage assets and their settings and in formally discharging certain requirements. There is also the issue of managing archaeology which is demonstrated to be of equivalent significance to scheduled monuments which remains within the planning process and not scheduled monument consent.

**10. Is guidance needed to encourage applicant engagement with landowners and affected persons in a proportionate, effective and meaningful way? If so, we would welcome views on how guidance should support engagement with landowners and affected persons.**

Question 10:

No comment



**11. Should guidance support applicants to identify Category 3 people to be notified once an application is accepted for examination? If so, what should it say?**

Question 11:  
No comment

**12. Is guidance needed to encourage applicant engagement with communities in a proportionate, effective and meaningful way? If so, what should it say? We would also welcome thoughts on how guidance can provide clarity and support engagement by communities.**

Question 12:  
No comment

Pre-application: guidance and documents to support acceptance, examination and decision

**13. Should guidance continue to encourage applicants to use tools such as Issues and Engagement logs, and Principal Areas of Disagreement Summary Statements? Please comment on the value and scope of these documents for informing likely examination issues in light of the removal of statutory requirements for consultation. We also welcome views on any potential advantages or disadvantages for enabling a more effective examination if regulations required some of these documents to be submitted alongside an application.**

Yes

Question 13:

Issues and engagement logs are useful for targeted issue work and enumerating and managing areas of common ground and disagreement. We have worked with applicants for many years through defined NSIP pre-application procedures that clearly support meaningful engagement all the way through to DCO submission. It would be in the interest of all parties for guidance to clearly explain how these documents should be produced to accompany an application, particularly given the importance to applicants of retaining as much flexibility as possible in scheme options through their 'design envelope' approach.

In the absence of a statutory pre-application consultation in the future, these documents would serve to provide summaries of contended matters and assist in providing openness and transparency. They would potentially be most useful accompanied by holistic advice providing an overall steer on cumulative degrees of harm and benefit a scheme creates and setting out the desirability or otherwise of alternative options.

Long, tabulated collections of topics would risk making issues less accessible and transparent for other stakeholders to understand the significance and risk of the issues discussed.

However, the existence of multiple documents serving the same purpose can create confusion. We recommend providing more explicit guidance on preparing a Statement of Common

Ground (SoCG), including suggestions for clearly defined sections to record comments, responses, and early identification of key issues. This document could initially be drafted in a concise form and expanded upon as the process progresses, thereby reducing the need for additional document types. We have seen this process work to great effect in projects such as Sizewell and the A47.

**14. Are voluntary evidence plans an effective way of getting input on environmental issues early to inform environmental assessments and identify suitable mitigations? Please provide reasons.**

Historic England has actively participated in the evidence plan process for many years with developers. It provides clear structure and organisation for engagement with us throughout pre-application. We see great value in developers facilitating technical discussion groups with key stakeholders and the developer's consultants to reach agreement. The use also of an overall steering group with an independent Chair can also support the informed debate and discussion as the developer refines and alters possible scheme options as part of a 'design envelope' approach.

**15. Should guidance set out the circumstances in which use of voluntary evidence plans might be beneficial?**

Yes

Question 15:

Historic England appreciate the importance to applicants of retaining as much flexibility as possible in how a project might be designed and delivered. We understand that they will want to assess and evaluate different options and combinations. Guidance that explains these circumstances and how an evidence plan process can help could be welcomed.

Voluntary evidence plans could risk obscuring issues through sheer volume of information that can be forthcoming given the purpose of an environmental assessment at application is to characterise the area within which the development could occur. Guidance could offer advice on how to ensure this does not occur.

**16. If guidance were to highlight the option to publish an engagement summary report, what might the potential advantages and disadvantages of this be? We would also welcome views on submitting this report alongside an application, especially what advantages and disadvantages there may be for a more effective examination if guidance encouraged or regulations required submission.**

Question 16:

Historic England sees potential merit in this proposal but would like further information to fully understand the benefits of this approach. Currently we feel it is unclear what purpose a voluntary engagement summary would serve, especially as the consultation suggests it would not need to demonstrate compliance with statutory requirements or explain how feedback from engagement has been addressed. Such a report seems to lack clear direction and could

increase to the workload rather than reduce it. The focus should instead be on the extent of engagement conducted and whether issues have been addressed, so that all parties, especially the Examining Authority, can better understand how the proposal complies with legal requirements.

We do consider that an engagement summary report could, however, provide transparency to stakeholders if written in a suitable and accessible format. We also recognise that such a report has the potential to assist the efficiency of the examination process and demonstrate the willingness and adaptability of the applicant as presently occurs. Should the option to publish an engagement summary report be included in the guidance, recognition should be given to additional resources required from both applicants and consultees.

A suggestion for further consideration is that it may be possible for voluntary engagement summary reports to be subsumed into draft, “live” Statement of Common Ground documents, without the need for creating an additional document type.

#### Pre-application: enhancing notification and publicity

**17. Do you agree that requiring the following information in notifications to the Planning Inspectorate, host local authorities, and the Marine Management Organisation would be beneficial in enabling them to prepare for examination? What other information or documents could be encouraged through guidance? Please give reasons.**

Yes

Yes

Yes

Not answered

(a) Paragraph 52 of the consultation refers to the potential to prescribe additional information in the notification regarding Environmental Impact Assessment (EIA) requirements through secondary legislation. Including clear, up-to-date links to project information and ensuring that notifications are informative and accessible would significantly enhance engagement. It helps establish and maintain good communication throughout the DCO process, enabling statutory bodies, local authorities, and other stakeholders to stay informed and respond effectively. This approach promotes transparency, reduces the risk of misunderstandings, and supports more efficient use of resources by ensuring that consultees are working with the most current and relevant information.

(e) It would be helpful to highlight whether the delivery of the application scheme is reliant on any additional consents, especially associated NSIP schemes, and, if so, what those are.

**18. Should guidance indicate a point at which the applicant should issue the notification? If so, at what should it say?**

Historic England would welcome notification of the Planning Inspectorate, local authorities and the Marine Management Organisation early in the process. Early notification will allow these



bodies to inform and collaborate with statutory bodies like Historic England, even if applicants only have limited information.

**19. Do you agree that a specific format with contents requirements, would be beneficial to standardise this duty for both the applicant and the Planning Inspectorate when ensuring that this Duty has been met (please specify why)? We would also welcome views on what further guidance may support this clarity.**

No Comment

**20. Do you agree with the proposal to move to a 'digital first' approach by only requiring information to be made available for inspection online? Please explain why. The government would welcome information and data about any potential impacts, including equalities impacts, of this change.**

Yes, but with reservations.

Question 20:

Yes, but with reservations.

Historic England understands the benefits of moving to a digital first approach but government will need to be satisfied that no community and/or individuals will be disadvantaged by a digital first approach, due to regional variances in digital connectivity.

Guidance should be clear that an online document management system which maintains and clearly flags superseded material, provides visualisations, highlights the most up to date version of a document and uses informative and clear names for its documents is beneficial. Experience over many years with NSIPs has shown that applicants will prepare technical reports to explain possible scheme designs and survey results, so guidance should explain the importance of such material to inform how environmental assessment conclusions are reached and how it will be anticipated that further assessment work will follow should authorisation be secured.

Out of necessity application documents often run to hundreds of pages each and moving to online access could have wider environmental benefits through a reduction in paper use. However, we are concerned that not all communities or individuals have easy access to the technology required to access such large documents. This may be particularly relevant to rural communities where digital connectivity may not support the viewing of such documents. It is also important to ensure those with limited access to technology are not denied access to information.

We suggest guidance makes it clear that whilst a digital first approach is acceptable, where an identified need arises, applicants should be required to provide hard copies in suitable physical locations, agreed with local communities or the local authority/town or parish councils.

**21. What further guidance would support applicants to undertake effective publicity which enables transparency and public awareness?**

Question 21:

Any guidance about effective publicity must explain that it includes meaningful engagement with stakeholders, both national and local, that allows debate and discussion. Recording and publishing the outputs of engagement should assist transparency. It is also important that guidance explains how to maximise awareness through using different means of communication and outreach, both web-based and adverts in local papers etc to promote in-person events.

Acceptance: changes to the acceptance test

**22. What further advice is needed though guidance to ensure sufficient clarity about the test that will be applied by the Planning Inspectorate at the acceptance stage, and how applications can be prepared that will meet the acceptance test? What guidance if any should be provided to provide clarity about matters that are not tested at acceptance, in order to clearly establish the difference between past and future requirements?**

Question 22:

Further government guidance would be helpful in clarifying the test applied by the Planning Inspectorate (PINs) at the acceptance stage of NSIP applications, and in helping applicants prepare submissions that meet these requirements. While the acceptance test under Section 55 of the Planning Act 2008 focuses on procedural completeness, such as the inclusion of required documents, adequacy of pre-application consultation, and compliance with statutory requirements, there is often uncertainty about what constitutes a “satisfactory standard” or how consultation adequacy is judged. Clear, practical guidance could provide applicants with a checklist of expectations, examples of common pitfalls, and advice on sequencing and document quality. Additionally, it is important that guidance distinguishes between matters assessed at acceptance and those considered during examination, such as the merits of the proposal or detailed environmental impacts. This would help manage expectations, avoid misinterpretation of acceptance as endorsement, and ensure that applicants are fully prepared for the scrutiny that follows. Guidance should also align with advice from statutory bodies to promote consistency and support constructive engagement throughout the process.

Allowing corrections to the scheme before acceptance, along with giving PINs the opportunity to consult with statutory consultees, helps ensure that a viable scheme moves forward. If there has been no engagement with statutory consultees, PINs should emphasise its importance and encourage such discussions. If non-engagement continues despite this guidance, it may be necessary to consider withdrawing the proposal for not meeting the acceptance criteria.



**23. How can applicants outline how they have had regard to section 51 advice from the Planning Inspectorate when they submit applications, and what should be encouraged through guidance?**

Question 23:

The use of a specific section 51 engagement log and a requirement for its submission and agreement could be promoted through guidance.

Pre-examination and Examination: enabling sharper focus and stronger outcomes in the examination stage through focused IAPIs.

**24. What further steps should government consider to strengthen the role of the Initial Assessment of Principal Issues (IAP), so that it supports early clarity for all stakeholders, procedural fairness, and a more focused and effective examination?**

Question 24:

Historic England aims to resolve matters before the application is submitted through early engagement with any outstanding matters considered by the Examination Authority (ExA) during examination. We continue to work with the applicant/other stakeholders and respond to the ExA to resolve any outstanding matters as early as possible at examination.

Because of its ubiquity, complexity and statutory protections, IAPI guidance should include criteria for identifying heritage as a principal issue and ensure that guidance requires that Historic England be consulted during the scoping of an IAPI.

New IAPI guidance could also explain how other, “routine matters”, mentioned in paragraph 71 should be distinguished and managed. Guidance should also reflect different types of NSIPs and that identification of principle issues should be tailored accordingly.

Pre-examination and Examination: supporting effective examination through guidance for public bodies

**25. Do you agree that existing guidance provides enough information to aid local authorities in preparing meaningful local impact reports and should therefore be retained? If further information would be beneficial to be included within this guidance, what should it say?**

No comment

**26. Is existing guidance clear on the difference between a relevant representation, written representation and local impact report? What further information on the differences between a local impact report and relevant representation would be beneficial to assist local authorities?**

No comment

**27. How can guidance seek to reduce existing barriers that public authorities face in engaging with the process?**

No comment

**28. What should guidance say to ensure public authorities engage appropriately with examinations? We would welcome views on how guidance can outline the circumstances in which public authorities are relevant to the application.**

No comment

Pre-examination and Examination: procedural flexibility for land acquisition amendments during examination

**29. Do you consider that regulations for compulsory acquisition as part of DCOs should, where possible, limit the duplication of procedures where land acquisition changes are required and to provide the Examining Authority with greater discretion to set reasonable timeframes to reflect the specific circumstances of each DCO and its associated land acquisition issue?**

No comment

**30. Are there any further changes that could be made to the infrastructure planning CA Regulations and supporting guidance to contribute to the streamlining of the DCO examination process by reducing repetition or timescales where changes to land acquisition are required post submission?**

No comment

Pre-examination and Examination: guidance on pre-examination and examination of applications

**31. In addition to the changes highlighted in Chapter 3 of this consultation, what further changes to pre-examination and examination guidance would support efficient and effective examination of applications for development consent?**

Question 31:

Applicant(s) should be required to produce a detailed list of technical assessments and reporting that were not completed prior to submission of the DCO application, but which the applicant(s) intend to undertake and submit during the DCO examination stage. However, we also recognise the need for continued flexibility in the process for applicants, especially when unexpected issues may arise during the examination process. Guidance should provide for detailed list and also recognise that some flexibility will be required.

**32. Are there further changes to secondary legislation - for example, the Infrastructure Planning (Examination Procedure Rules) 2010 - which you believe government should consider to support effective and efficient examinations?**

No comment

#### Reforming NSIP Services: pre-application services

**33. Is government correct in seeking to reframe the pre-application services provided by the Planning Inspectorate in this way? Are these the right objectives? Are there any additional changes to these services in light of the removal of statutory pre-application consultation that guidance should seek to clarify? We would particularly welcome reflections from developers on what factors they take into account in determining which services is most appropriate for their project.**

Question 33:

Historic England acknowledges the necessity of reforming pre-application services to encourage meaningful engagement over a box-ticking exercise, particularly in light of government objectives to accelerate decision-making, improve efficiency, and support better infrastructure delivery. The adoption of a tiered service model, the introduction of more rigorous documentation requirements, and the implementation of a fast-track procedure illustrate a shift towards a more organised and adaptable approach to pre-application engagement. These changes are designed to help applicants prepare more thoroughly for the examination process and to minimise delays.

Nonetheless, with the removal of statutory pre-application consultation requirements, there is a pressing need for robust guidance. Such guidance must ensure that the new system continues to support engagement that is meaningful, inclusive, and proportionate. In the absence of statutory obligations, there is a risk that consultations may become uneven or perfunctory, especially if developers are unclear about what is expected of them or if local authorities and statutory bodies do not have sufficient capacity to participate effectively.

To mitigate these risks, guidance should provide clear definitions of good practice for non-statutory consultation, emphasising the importance of transparency, accessibility, and responsiveness. It should also explain how the Planning Inspectorate (PINs) will evaluate the quality of consultation during the acceptance stage, in line with the revised Section 55 criteria. Furthermore, the guidance should outline expectations for environmental and community engagement even in cases where these are not legally required, clarify the roles and responsibilities of statutory bodies and local authorities now that formal consultation duties have been removed, and detail transitional arrangements for projects that are either already underway or span the period of legislative change.

We welcome a tailored casework approach from PINs and use of Section 51 preapplication advice. It is helpful to acknowledge how the present NSIP system is entirely applicant-led at the pre-application stage in terms of engaging with statutory bodies (as mentioned in paragraph 116), the public and other stakeholders. It is therefore relevant to set objectives for any change

in pre-application services offered by the Planning Inspectorate that will reflect their specific role and responsibilities for overall planning advice. It is therefore necessary for any guidance produced to clearly explain the specialist (project-specific) advice that can only be obtained from local and national competent authorities, for example, to ensure environmental assessments are conducted as sufficient to satisfy EIA regulation requirements.

**34. What alternative models could government consider for pre-application support in order to enable better collective oversight and co-ordination of input across statutory bodies?**

Question 34:

Any such model to support oversight and coordination, as could be offered by the Planning Inspectorate (PINs), will require investment of resources and re-examination of paid-for services so that any client to PINs understands how technical/specialist advice is included or excluded. An alternative model could be to require the applicant to coordinate on a scheme-by-scheme basis - or across integrated schemes - and invite PINs to sit in on the group to ensure they had latest and best awareness of emerging issues and opportunities.

It is also worth recognising that there may be multiple schemes arising in one particular area/region which stretches stakeholders' resources when responding to projects. Additionally, there may be multiple schemes of a similar type e.g. solar farms coming forward in a particular area where the cumulative impact is unclear. Guidance could helpfully explain these difficulties to applicants and encourage co-ordination across projects whenever possible. An awareness of these issues and methods to overcome them would help to speed up the process. Such issues could be addressed in part through the early engagement for better developed schemes being ready for submission; encouragement of taking up paid for services and also fostering good working relationships between parties to have mutual understanding of respective needs.

**35. What steps could government take to make the enhanced service more attractive to applicants of complex and high priority projects?**

Question 35:

It is directly relevant that this consultation has acknowledged that it is the applicant's decision to decide if any service(s) offered by the Planning Inspectorate will assist them during pre-application. It is therefore important to consider how applicants appreciate defined structure and formality of process which incentivises the take up of paid-for services offered by any statutory body. This will ultimately facilitate timely progression through pre-application to submission.

**36. Should guidance be more directive in setting out that, where applicants are advised that a project has been assessed by the Planning Inspectorate as being in need of a higher level of service (for reasons including project complexity and local circumstances), applicants are expected to adopt that level of service?**

Don't know

Question 36:

The guidance will need to be very clear about how any “higher level of service” will assist applicants (i.e. will it guarantee coordination between different public bodies?) and whether adequate incentivisation is directed at encouraging applicants to subscribe to paid-for services from other statutory bodies that are best placed to advise on technical aspects of a project proposal.

It may also be beneficial for guidance to encourage the Planning Inspectorate to work closer with statutory consultees so there can be mutual support of organisations regarding engagement and resolving issues as far as possible early in the process.

**37. Should guidance also specify that recommendations made by the Planning Inspectorate on the allocation of their pre-application services ought to be informed by considerations about whether the project or project type has been identified by government as a priority? If so, would this have any unintended consequences? Would it be important for government to be clear and transparent on what its priority projects are?**

Question 37:

While prioritising projects may offer benefits, it has the potential to create perceptions of bias and unequal treatment if criteria are unclear or non-transparent. This could delay or reduce support for other important projects. Clear and transparent guidelines on what qualifies as a priority and how these decisions interact with resource allocation are vital.

Guidance must stress that all applicants deserve fair support, and quality should remain the main criterion for acceptance. Prioritisation risks undermining the consistency and neutrality of the NSIP regime and may allow weaker projects to move forward if speed becomes the focus. Therefore, government needs to ensure any prioritisation mechanism remains transparent, accountable, and equitable, so all projects are assessed fairly based on their complexity, impact, and readiness.

**38. Are there any changes that could be made to pre-application service offerings by public bodies?**

Question 38:

Any forthcoming guidance could helpfully explain how the pre-application services offered by public bodies will reflect how an applicant wishes to voluntarily seek advice to inform preparation of a DCO application. This consultation has clearly explained how essential a clearly

structured programme is during pre-application with clear decision points for the status of an application to be reviewed and refined as may be possible with stakeholders.

**39. Should the ability to cost recover be extended additional or all statutory bodies that are prescribed in the Planning Act 2008 and Schedule 1 to the 2009 Regulations (as amended?)**

Yes

Question 39:

Yes, it should if advice from those statutory bodies will assist preparation of a DCO application.

We support measures to discourage unreasonable behaviour, whilst emphasising the importance of statutory consultees raising legitimate and evidence-based concerns about heritage impacts. Heritage assessments often require detailed analysis and site-specific evidence, which may take time to prepare. The ability to cost recover for this work is welcome as it helps ensure sufficient capacity to undertake this efficiently and provide robust input and advice.

Guidance on costs should recognise the statutory role of Historic England and the need for proportionate, evidence-based engagement.

**40. How should government develop key performance indicators for public bodies providing cost recoverable services for NSIP applications, and if so, what should those key performance indicators contain?**

Not Answered

Question 40:

The key performance indicators could reflect conventional expectations for timely responses to requests received for advice for an identified project/development. This should be compatible with the cost-recovery contracts which each public body produces.

**41. In what ways can government support local authorities as they implement cost recoverable services?**

No comment

**42. How else can government support local authorities in their role engaging with NSIP applications, as they adapt their role to take account of reforms through the Planning and Infrastructure Bill?**

No comment



## Reforming NSIP Services: the fast-track process

**43. Do you agree that there remains merit for applicants in a fast-track process, based on shortened examinations delivered through primary legislation and with the process set out in guidance, that is designed to deliver a faster process for certain projects? If yes, give reasons why it is not being used currently; if not, please give reasons.**

No comment

**44. The current fast-track guidance designed to deliver upfront certainty for making decisions within 12 months of applications being accepted. Do you consider it fit for purpose? If not, please give reasons.**

Don't know

Question 44:

Whilst the current fast-track guidance aims to deliver upfront certainty by committing to decisions within 12 months of acceptance, achieving that certainty depends heavily on a well-defined and structured programme of consultation during the pre-application stage. Without clear and coordinated engagement with stakeholders, including statutory bodies, local authorities, and affected communities, there is a risk that key issues will emerge too late, undermining the fast-track timeline and potentially compromising the quality of the application.

To support this, guidance should emphasise the need for:

- Early and strategic engagement planning, with clear milestones and responsibilities.
- Transparent, relevant, and proportionate documentation
- Collaborative working arrangements
- Minimum standards for consultation quality, even in the absence of statutory requirements.

**45. How do you think the existing fast-track process could be amended to support delivery of government's priorities, and be more widely applied to applicants? We are also interested in views on how government should determine and communicate which projects it considers to be a priority for taking through the pre-application, examination and decision process.**

Question 45:

We would expect government to determine priorities, subject to strategic assessment requirements, which can be clearly communicated to different stakeholders prior to project-specific assessments and examinations conducted in reference to National Policy Statements (which explain identified priorities).

To a degree we consider this is already well communicated by government to statutory consultees - for instance in electrical infrastructure necessary to be in place ahead of and in tandem with net zero generation and rising electrical demand. The challenge is

communicating to the public both the functional necessity of the works in simple practical terms and procedural fairness of the design and consent work to deliver this essential work.

**46. In what ways can government and its agencies best support applicants and relevant stakeholders to achieve robust, and faster decision timeframes during the pre-application, examination and decision process? Please indicate your views on the following potential changes, covered in this section. Please suggest practical measures, tools, or desired policy changes, and give reasons to support these.**

Question 46a:

Projects that demonstrate a clear commitment to early engagement, whereby applicants meaningfully respond to stakeholder input with the aim of resolving issues prior to submission, may be good candidates for fast-tracking. Fast-track status should not be based solely on project type or political priority, but rather on the demonstrated readiness and robustness of the application.

Projects that show a genuine commitment to collaborative working, issue resolution, and transparent consultation are more likely to result in applications that can be efficiently and effectively examined, enabling a robust and timely decision, and ultimately ensures delivery and real-world outcomes.

Guidance should reinforce that fast-tracking is earned through process quality, not assumed, and that early engagement must be structured, purposeful, and documented to support this.

Question 46b:

The ambition for a more proactive role for agencies such as Historic England that might assist fast-tracking will necessitate investment in staff resources to support more primary data generation and information management which would need to be reflected in paid-for services.

Question 46c:

If there is to be an obligation for applicants to go through a fast-track process it would seem to necessitate obligations for engagement and consultation with stakeholders (including the public) to ensure DCO applications are fit-for-purpose.

Question 46d:

Detailed guidance will need to set the overall assessment criteria to inform any decision about priority level for qualification as a (NSIP) to go through a fact-track process.

**47. Do you have any other comments or suggestions regarding the fast-track process or related policies?**

Question 47:

Suitability for any fast-tracking should be subject primarily to the quality of the DCO application received. Guidance should explain the effectiveness of pre-application consultation through a structured procedure that provides reassurance to all parties.

Mandatory pre-application requirements under the Town and Country Planning Act 1990

**48. Do you agree that pre-application consultation requirements under the Town and Country Planning Act for onshore wind developments should be removed? Please give reasons.**

Don't know

Question 48:

Historic England recognises this is part of a broader effort to streamline infrastructure consenting and align planning processes across energy sectors. We understand that this change is intended to create legislative parity with other renewable energy technologies, such as solar, which are not subject to the same requirement under the TCPA. From this perspective, the proposal seeks to ensure that onshore wind is not disproportionately burdened with more prescriptive engagement requirements than other forms of energy infrastructure. While legislative consistency is desirable, we emphasise the need for good planning practice and advise that the guidance sets clear standards and requirements.