

# Environmental Outcomes Reports: A New Approach to Environmental Assessment

The  
Heritage  
Alliance

DLUHC Consultation Response  
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## About Us

The Heritage Alliance is England's largest coalition of independent heritage interests. We unite more than 190 organisations which together have over 7 million members, volunteers, trustees and staff. The vast majority of England's historic environment, including more than half of rural England, is managed and cared for by Heritage Alliance members. The Alliance's specialist Rural Heritage Advocacy Group has fed into this response.

### **Q.1. Do you support the principles that will guide the development of outcomes? [Yes / No].**

Yes, but we have concerns about safeguarding their application. Broadly, we support an outcomes-centred approach with a targeted and streamlined approach. We see benefit in the principle of removing box ticking exercises that do not add value, and we welcome the principle of designing outcomes alongside sector groups to ensure that heritage outcomes are robustly considered within this measure. We are pleased to see that, as EORs reflect the objectives of the 2023 Environmental Improvement Plan, cultural heritage and archaeology are adequately recognised as an integral part of the environment.

It is vital that new arrangements for EORs cover the same scope as the current EIA/SEA and give the same weighting to the protection of cultural heritage and landscape as the natural environment, as set out by Article 3 of the original EU Directive. We are also concerned that the delivery of EORs through regulations might mean there will not be the same opportunity to scrutinise the details to make sure the EORs work for the natural and historic environment as if they were passed through primary legislation.

Our main concern lies with the principle of duplication. The consultation highlights the overlapping assessment of impacts on the historic environment through the planning system. But the Listed Buildings and Conservation Areas Act 1990 does not give statutory protection for all elements of historic environment impacts. EORs can and should continue to provide additional protections. They can provide added value by taking an integrated approach to design and scoping, enabling measurement against EOR outcomes, and safeguarding against future changes in historic environment policy.

Current EIA regimes for development are fundamentally important to the protection of the marine historic environment, as they provide the sole mechanism requiring an assessment of impacts and mitigation in the marine sphere. The UK Marine Policy Statement and Marine Plans, which may be interpreted as duplications, do not provide equivalent levels of detail regarding process and decision-taking for the historic environment. In the absence of EIA, planning systems for the marine environment are seriously under-developed.

The non-regression clause offers limited assurance that the removal of perceived duplications will not impact the overall level of heritage protections. As it stands, the reference to upholding Environmental law as defined by the Environment Act means that heritage will be excluded from the protection of this clause, as it is [excluded from the Environment Act](#). We are therefore concerned that heritage protections have not been thought through in this measure. As little detail is provided on the regulations themselves at this stage and they are able to be brought in without further scrutiny, we must highlight this as a major potential threat.

**Q.2. Do you support the principles that indicators will have to meet? [Yes / No].**

Yes, but we have concerns about the availability of indicators. The indicators set out in the consultation document do begin to provide a basis for assessing and monitoring the condition of the historic environment, alongside the natural environment. They need to be developed with, aligned with, and funded with, the indicators for the natural environment.

An ongoing issue is that the great majority of rural archaeology and historic landscape features are not scheduled, but that the 25 Year Environment Plan Indicator Framework uses the condition of scheduled monuments as its only metric. Other statutory targets to include a broader range of would have been and still would be welcome, such as an indicator related to Heritage At Risk. Large scale historic landscape assets including historic landscapes are still the least well mapped in indicator data and most likely to be affected by major developments if

EORs do not adequately capture them in. Both SEA and EIA currently consider designated and non-designated assets, which is vital not only for landscapes but for the marine sphere. Heritage designations apply only to the limit of the Territorial Sea (c. 12 nautical miles) whereas EIA/SEA encompass the whole UK Marine Area (up to c. 200 nautical miles). Consequently, in the absence of EIA, heritage designations are incapable of offering an alternative means of protecting heritage and managing change both on land and in the marine environment.

We note the consultation's recognition that quantitative metrics are not always available, and that professional qualitative judgement can be of use in these situations. However, the lack of reliable datasets should be an indication that the development of new indicators is required for optimal monitoring of the historic environment in future. The consultation suggests that the details of the indicator framework will be developed in consultation with stakeholders, and this is welcome. Historic environment indicators are not easy to develop, and existing datasets will not provide much of the evidence that is needed for robust indicators. This is therefore an opportunity to recognise gaps in the availability, completeness and quality of existing historic environment datasets which should drive government investment in gathering appropriate and up-to-date data.

**Q.3. Are there any other criteria we should consider?**

As flagged in question 2, a precautionary principle should be considered when designing the outcomes and indicator models. Outcomes must not be created on the basis of the available indicator data, or else undesignated heritage assets and landscape features will lose many of the unilateral protections currently offered by EIAs. There are also likely to be circumstances where a lack of data creates uncertainty about particular heritage outcomes, and there must be an approach in place to deal with these cases that does not presume in favour of outcomes being achieved.

**Q.4. Would you welcome proportionate reporting against all outcomes as the default position? [Yes/ No].**

No. We would advise caution in the reduction of the scoping exercise as heritage is frequently deprioritised across the planning regime and EIAs currently provide a valuable safeguard for many historic environment features that are not captured elsewhere.

The consultation acknowledges that it would be 'rare that outcomes are not relevant at all' and historic environment features can be easily overlooked if scoping is not required. A benefit of the scoping exercise is its holistic approach which covers a wide range of environmental factors in a comprehensive manner. Taking this broad multi-disciplinary approach also reflects a broader definition of the environment which recognises the inseparable nature of the historic environment from the natural.

We note that in some cases a lack of clear guidance around environmental reporting can reduce the ability to scope out certain outcomes due to uncertainties with the system. However, we would be concerned that an attempt to make the system more proportionate with the use of triggers would risk overlooking undesignated assets and landscapes for the reasons given in question 2 on data issues.

**Question 5: Would it be effective in reducing bureaucratic process, or could this simply result in more documentation?**

We believe that removing the scoping stage in favour of proportionate reporting against all outcomes would be unlikely to reduce bureaucratic process. We support making reports more accessible and reducing replication, but we do not think this proposal will have the desired effect. For proportionate reporting to be effective it would still therefore need to include a high-level Desk Based Assessment (DBA) and specialist report which would have a limited impact on reducing overall bureaucracy.

***THA not responding to questions 6-9***

**Question 9: Do you support the principle of strengthening the screening process to minimise ambiguity?**

We would need to see further detail on what would constitute a Category 1 or Category 2 site and whether this would adequately capture significant but non-designated landscapes. Some current screening criteria, such as protections for uncultivated land, are an important trigger for EIA screening of heritage assets but could be at risk of being lost under a new system. Not only do such processes play an important role in cross compliance for rural payments, but they are often the only parts of the planning process that capture unscheduled features such as dry-stone walls which don't meet other threshold tests. We would therefore be keen to ensure that Category 2 sites were not automatically regarded as requiring a lower level of

environmental assessments if the categorisation is defined solely in terms of scheduled assets or protected landscape designations.

**Question 10: Do you consider that proximity or impact pathway to a sensitive area or a protected species could be a better starting point for determining whether a plan or project might require an environmental assessment under Category 2 than simple size thresholds? [Yes/No].**

No. Size thresholds are an important predictive factor for the presence of buried heritage assets, and many important archaeological and historic assets have been discovered in this way. In principle, we would support the development of additional criteria to trigger environmental assessments, but we are therefore cautious about how this might work, and which triggers could be successful. Any new triggers such as proximity impact pathways should be used in conjunction with, rather than instead of, the size threshold.

There are no viable historic environment designations that would be able to provide a watertight and straightforward trigger for heritage assets. Whilst designated heritage assets such as scheduled monuments and listed buildings would be a useful starting point for impacts on setting, they represent only a tiny fraction of heritage and sites of archaeological interest – much of which remains unmapped and undiscovered. Using a crude blanket measure such as 100 metres is also not equally applicable to the vast range of heritage sites, with the curtilage and setting of a Grade I listed stately home varying widely from that of a Grade II listed war monument. An oversimplified trigger would therefore result in the oversight of many aspects of the historic environment in environmental assessments as well as the inclusion of those that need not be brought into scope.

**Question 11: If yes, how could this work in practice? What sort of initial information would be required?**

A simple trigger related to proximity would be difficult to implement and may not work in practice. A Category 1 assessment of sensitive areas would need to include World Heritage Sites, National Parks, AONBs, Conservation areas, Registered Parks and Gardens, and sites including listed buildings, scheduled monuments, and protected marine sites. A proximity buffer would need to be defined which is likely to vary between each. Category 2 assessments would need to be designed to scope any additional evidence relating to the potential sensitivity of the site, though this process would be severely limited by the lack of datasets outlined above.

**Question 12: How can we address issues of ineffective mitigation?**

The consultation outlines plans to give the government stronger powers to require adaptive or dynamic mitigation and remedial action, where monitoring shows that progress towards a desired and established environmental outcome is not being met. We would support this as a fundamental component of the new system and note that a distinct mitigation approach must be designed for heritage. Physical harm to a heritage asset cannot be offset through replacing the irreplaceable, but could involve related public goods including excavation, knowledge transfer, educational engagement, and public display. We would also welcome a conversation about whether a new approach to ‘off-site offsetting’ and compensation for archaeological initiatives could be included within EOR guidance.

***THA not responding to questions 13-18***

**Question 19: Do you support the principle of environmental data being made publicly available for future use?**

Yes, we support the principle of environmental data, and particularly historic environment data, being made publicly available to fill current gaps in quality and availability, improve future assessments and inform best practice. We support the wider statutory maintenance of Historic Environment Records (HERs) to contribute to the smooth and timely operation of the planning system by providing ready access to reliable information about the historic environment. The proposed statutory duty for Local Authorities to maintain HERs is a positive step to recognise the value of this data and ensure that all HERs across England can meet high data standards, enhance the usability of digital data, and identify opportunities for place-making benefits and development opportunities.

***THA not responding to questions 20-24***

**Question 25: What new skills or additional support would be required to support the implementation of Environmental Outcomes Reports?**

Any new assessment regime will require significant re-skilling and training resulting in a lengthy transition period. Local planning authorities already suffer from a dearth of conservation and archaeological expertise, and the need for increased capacity and expertise in these disciplines

within the planning system is well documented. The consultation highlights several areas in which 'professional judgement' ought to be exercised in the absence of appropriate datasets, but there is now a risk that these judgements will not be made by conservation professionals. Statutory consultees such as Historic England and the National Amenity Societies have also been subject to budget cuts which reduce their ability to provide further resourcing for EORs as the consultation suggests.

For further information, please contact The Heritage Alliance.

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