



Historic England

Proposals for Heat Network Zoning 2023 Historic England Consultation Response

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 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 submit a response to the consultation on Proposals for heat network zoning 2023.

General Comments

Historic England recognise the need for action to reduce carbon emissions and the positive role that heat networks can play in supporting this. We therefore support the aims of this consultation in seeking to bring forward more heat networks provided appropriate safeguards are put in place to limit any potential harm to the historic environment.

Key Messages:

- Historic England supports the roll out of Heat Networks provided sufficient safeguards are put in place to limit any potential harm to the historic environment.
- Zone Coordinators should refer to historic planning data such as the National Heritage List for England (NHLE) and the relevant local Historic Environment Record (HER) data when refining and reviewing Heat Network Zone (HNZ) boundaries.
- Historic England requests being included as a Tier 2 consultee for Heat Networks Zone designations, accompanied by guidance setting out the circumstances when Zone Coordinators should consult us.
- We recommend that the relevant County (or local) Archaeologist is engaged, as a relevant stakeholder, in the refinement and review of HNZ boundaries and consulted on proposed the HNZ designations.
- Assuming any rights to undertake the work operate under permitted development rights (or similar) we recommend that those include conditions and limitations to minimise the harm to the historic environment, as well as necessary guidance and, if necessary, an agreed code of best practice.

- Historic England would be happy to work with government, and others, to develop approaches that minimise harm to the historic environment and maximise the roll out of heat networks across England.
- Exclusions, restrictions, conditions or matters for prior approval may need to be attached at the delivery stage to minimise or mitigate impacts on the historic environment including designated heritage assets.

Heat networks, and the associated technologies and infrastructure, have the potential to impact upon the historic environment – primarily on below ground archaeological remains, but also on historic buildings, structures and places. Zones are likely to come forward in dense urban areas where there may be a concentration of heritage assets and will require the laying of underground pipework and associated above ground infrastructure.

The new system should therefore be designed to take account of the historic environment in the formulation of HNZs and measures should be taken to mitigate any potential harm. To this end, we note two stages within the development of a heat network, as set out in the consultation, where impacts on the historic environment are best considered and/or mitigated.

The first is in the refinement, review and designation of the HNZ boundary. We believe it is essential that the Zone Coordinator refers to historic environment data when refining the HNZ boundary. As a minimum, this should include reference to the NHLE data and the relevant local HER data. This will allow for an understanding of the historic environment within the proposed HNZ at the outset of the project. It will also help to highlight any project risks or other legislative requirements that heat network companies may have to consider when building out the network: for example, if separate consents will be required (e.g. listed building consent or scheduled monument consent).

The consultation proposes that Historic England will be an optional consultee (Tier 2) on HNZ boundaries. Historic England supports this approach provided guidance is published giving Zone Coordinators clear advice on when it would be appropriate to consult us (e.g. if the proposed HNZ is in an area of particular historic sensitivity such as a World Heritage Site or Areas of Archaeological Importance). We give further details in our answer to Question 60 below.

We believe that relevant county archaeologist, or local archaeological specialist, should be involved in the formulation of HNZ boundaries and be a Tier 1 statutory consultee. They are a key custodian of local archaeological knowledge including undesignated archaeology. They will have insight into areas of archaeological sensitivity and will be able to provide valuable advice when refining HNZ boundaries and assessing project risk.

The second stage is in the delivery of the heat network (e.g. the laying of pipework and associated infrastructure). The consultation refers to granting permitted development rights to heat network companies via licence (as stated at page 78 of the consultation). We are aware of local authorities within the Heat Network Zoning Pilot Programme such as [Bristol](#) and [Southwark](#) that have granted planning permission for heat networks at a local level through a Local Development Order (LDO). In each case, appropriate conditions and limitations have been included that seek to limit the impact on the historic environment (relating for example to archaeology, listed buildings and conservation areas). Historic England would

support similar safeguards being taken forward if permitted development rights are granted at a national level as set out in the consultation.

As additional consents may be required, any permitted development rights (or equivalent) to enable HN delivery should exclude works to scheduled monuments or listed buildings.

Alongside the necessary legislation, processes and structures put in place to enable the delivery of HNzs, consideration also needs to be given to the capacity (such as county archaeologists, or archaeological contractors engaged in the delivery stage) to support HNz delivery. This may impact on the speed, phasing or geographical distribution of delivery or the scale of HNzs that might come forward at a particular time. Consideration also needs to be given to the management of any artefacts recovered from HNz archaeological work and the capacity/resources of local or national archives to take those on.

Specific Questions

48. Should the zone refinement stage allow more general refinements? Please provide any specific examples of other factors which could be considered.

The national mapping exercise will be based on whether there is a cost/carbon benefit for a HNz in a particular area. Refining and review of boundaries at a local level should be done by reference to all available information on the historic environment- in particular locally available archaeological information and knowledge. It may be appropriate to de-risk potential zones through the use of desk-based archaeological assessments. County archaeologists (or local equivalent), landscape and heritage specialists should be engaged in the assessment of HNz boundaries.

They may be able identify areas of archaeological priority, importance or sensitivity where it may not be appropriate to locate a HNz, or where additional mitigation needs to be put in place at delivery stage. It may be beneficial to publish guidance on HNz boundary assessments and delivery.

Consideration needs to be given to the Areas of Archaeological Importance (AAI) as designated under Part 2 of the [Ancient Monuments and Archaeological Areas Act 1979](#). There are five such AAIs covering; Canterbury, Chester, Exeter, Hereford and York. In these areas, there is a statutory requirement (including for utility companies) to give the local authority six weeks' notice prior to starting works.

We would welcome further discussion with Government about how these particularly sensitive areas are integrated into the delivery and roll out of heat networks and what safeguards can be implemented to ensure that any harm to archaeological remains is mitigated. These designations and the legal implications should be considered at the Zone refinement stage.

It is not clear whether HNzs boundaries will take in the entire area encompassed or whether there will be islands of exclusion (or even increased sensitivity) within them. As an example, there may be public parks (which may be historic and/or designated) in urban areas across, or within, which it would be inappropriate to run HNz infrastructure. Other green infrastructure, such as historic street trees, may also impact on by HNz delivery.

Consideration also needs to be given between the interaction of HNZ boundaries and designated heritage assets such as scheduled monuments. Works to scheduled monuments will require scheduled monument consent and there may be a case for excluding large area-based scheduled monuments from HNZs. Any process or guidance must make the need for other consents clear: scheduled monument consent or the possibility of listed building consent, where it is envisaged there will be HN connections to a listed building.

Other designated heritage assets, such as World Heritage Sites and Registered Battlefields, may be designated (in part) due to their archaeological interest: and when considering the boundaries and the delivery of HNZs in these areas necessary safeguards should be applied.

There is a statutory requirement under the [Planning \(Listed Buildings and Conservation Areas\) Act 1990](#) to have special regard to impacts on listed buildings and pay special attention to impacts on conservation area. The [Levelling-up and Regeneration Act 2023](#) proposes similar duties (subject to implementation) under section 102 for other designated heritage assets. This is echoed in the policy requirement, in the [National Planning Policy Framework 2023](#), to give great weight to the conservation of designated heritage assets. Similar duties exist with regards to other protected areas such as National Parks and Areas of Outstanding Natural Beauty.

49. Do you agree that we should not introduce any requirements around the minimum or maximum size of a potential heat network zone? If not, please provide further detail.

The HNZ process would be a parallel system to planning permission, although district heating systems are currently being delivered through Local Development Orders. It is not clear from the consultation whether larger HNZs would trigger the need for Environmental Impact Assessment.

52. Please provide any views on types of data which could be difficult or costly to provide. Specify the type of data and which organisation would supply it.

It is our understanding that the National Zoning Model (NZM), is a data-led spatial energy model and we note that on page 60 of the consultation it states that “Planning data” will form part of the data reviewed in identifying zones. To avoid and minimise the potential for harm to heritage assets, and best manage risk to project delivery, we would advise that historic environment planning data is collated and reviewed as part of that planning dataset. As a minimum, this should include the NHLE data and the relevant local HER data.

The NHLE data is available to view at <https://www.planning.data.gov.uk/> and to download freely from the [Historic England website](#). This data is regularly updated; it is therefore important to ensure that the most current datasets are used.

Additionally, information on non-designated heritage assets, often including areas of archaeological sensitivity, can be obtained from the local HER, and through engaging county archaeologists (or local equivalent), landscape and heritage specialists

53. Do you agree that the Central Authority should review the zoning methodology every five years? If not, please provide alternative suggestions.

54. What factors should the Central Authority consider when reviewing the zoning methodology?

55. Do you agree that changes to the zoning methodology following a review should not apply retroactively to existing zones?

We recommend regular review of the national and local HNZ boundary methodology. This should encompass a review of any impacts on the historic environment, both in terms of the methodology for setting boundaries and whether improvements could be made to mitigate impacts during the delivery phase.

60. Do you agree with the proposed Tier 1 and Tier 2 consultees set out in Appendix 5? If not, please provide any suggested changes.

At present it is proposed that Historic England will be an optional consultee (Tier 2) on HNZ boundaries which, based on our understanding of the impacts of HNZs, we support. Such an approach relies on the Zone Coordinators knowing when it would be appropriate to consult Historic England. To make this system robust and consistent we would support the publication of guidance to support Zone Coordinators in this regard. We would however welcome confirmation of the proposed scale of HNZ infrastructure.

The guidance should give instruction about when Historic England should be consulted. This will help to create consistency in approach between Zone Coordinators and ensure that impacts on the historic environment through the HNZ designation are appropriately considered. We would expect the guidance to cover areas of particular historic sensitivity such as World Heritage Sites, Registered Battlefields or highly graded Registered Parks and Gardens, and Areas of Archaeological Importance and be refined as the new system beds in and impacts of heat networks on the historic environment are better understood.

Where above ground works are proposed HE should be consulted in line with its normal statutory planning duties. The guidance should make it clear that additional consents (e.g. listed building consent and scheduled monument consent (SMC) may or, in the case of SMC, be required for works to those designated heritage assets.

The relevant county/local archaeologist and/or built environment specialist should be involved in the formulation of Zone boundaries and should be a Tier 1 statutory consultee. They are a key custodian of local historic planning knowledge on non-designated heritage assets, often including areas of archaeological sensitivity and will be able to provide valuable advice when refining HNZ boundaries and assessing project risk.

It is not clear how any comments from Tier 1 or 2 consultees will be taken on board and whether there will be a requirement to reconsult if boundary proposals are revised.

Policy & Evidence: Policy Department

26 February 2024