



Historic England

Shaw Secretariat
The Shaw Report
Zone 6.03
Sanctuary Buildings
Great Smith Street
London SW1P 3BT

18th December 2015

Dear Sir/Madam,

THE SHAW REPORT: 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.

Historic England welcomes the opportunity to comment on the Shaw Report, and we offer some general observations below. Our responses to two specific questions in the report are attached to this letter.

Historic England is involved in commenting on major development proposals and works to listed structures across the rail network, and providing strategic listing advice, particularly in relation to routes affected by electrification. It should be noted that the majority of the modernisation works undertaken on England's historic railways (excluding listed buildings and structures) falls within existing long-established permitted development rights and does not require permission.

HE and Network Rail already work closely at a number of different levels, but we recognize that there is a need to do more at a strategic level. A meeting of chief executives, Duncan Wilson and Mark Carne, took place in October 2015 with a view to furthering this aim. There is frequent contact at director level between HE's Listing Director and Network Rail's Director of Planning. There are also regular meetings with HE's Planning Directors in our regional offices. There are occasions when the two organisations have conflicting objectives, however it is only in very rare instances (the Ordsall Chord in Manchester being



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a notable example)that we cannot overcome these differences through negotiation; in the great majority of cases we reach agreement through early engagement and our policy of 'constructive conservation'. We observe that some of the planning difficulties faced by NR on projects – electrification especially – arise because of the need to negotiate planning consents with numerous local authorities that are not necessarily consistent in their approach.

I hope that these comments will contribute to thinking about the future of Network Rail, and in particular the management of projects which affect heritage assets. I would be happy to clarify or elaborate on any points, should this be helpful.

Yours faithfully,

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Historic England: Responses to questions in the Shaw Report:

Qn. 2: Have we failed to mention any specific and important factors?

- As it is now part of government, we expect Network Rail to observe the *Protocol for the Care of the Government Historic Estate*, which sets out best practice for the management of heritage assets in public ownership. Network Rail has been reluctant in the past to acknowledge their obligations, as owners of heritage assets. So far as we know, Network Rail does not have accurate information relating to the heritage assets in their ownership. Other public agencies are further ahead in mapping their heritage assets and maintaining information about their condition. We would be keen to assist Network Rail in this regard.
- The Railway Heritage Trust (not mentioned in the report) is a valuable source of information and advice, and performs an important role in delivering projects to conserve and enhance historic stations and rail infrastructure. As the principal funder, Network Rail's ongoing support for the RHT is vital.

Q.12: Drawing on your previous experiences where relevant, what would be the potential impact on your organisation of further structural change within Network Rail?

- * As a regionally organised body ourselves, we recognise how challenging it can be to work on a nationally consistent footing. We would hope that any further structural change would continue to respect the need for national application of standards and best practice, and to ensure that lessons learned from recent electrification programmes are learnt and remembered across teams.

Q.13: What are the strengths and weaknesses of Network Rail's current approach to planning enhancements?

- The rigid application of engineering standards can give rise to conflicts with the planning controls which apply to heritage assets of a more architectural character (such as the GWR in Bath, or 19th century bridges). Network Rail would benefit from having in-house expertise which can help to reconcile engineering requirements with the objective of maintaining and enhancing heritage assets and which would, in our view, lead to the smoother planning of projects. Although Network Rail employs highly reputable heritage consultants to advise on individual enhancement projects, there needs in our view to be a central in-house capability



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for dealing with the issues raised by heritage assets – of which Network Rail is responsible for a great number.

- We appreciate that the planning controls and constraints related to heritage assets can affect the delivery of enhancements. A lot of potential delays can be mitigated by early consultation with the relevant authorities (Historic England and local planning authorities included). There have been some notably successful examples of co-operation between Network Rail and HE in relation to the listing of heritage assets, for example along the GWR and Midland Mainline electrification routes, which has provided Network Rail with clarity: we wish to do more of this joint work, and create a consistent approach across the country. The earlier on in the planning process this can happen, the better. Recent changes in planning legislation, contained within the Enterprise and Regulatory Reform Act (2013) enable greater precision to be assigned to listed assets through revised List Entries: we suggest this would be a fruitful path for Network Rail to explore.
- There is potential for Network Rail to clarify the extent and nature of protection afforded to heritage assets. For example, using HE's Enhanced Advisory Services, enhanced list descriptions can be produced which specifically exclude areas of listed buildings and structures which are not of special interest. Similarly, Heritage Partnership Agreements could be used to establish a clear regime for how listed assets such as large railway stations are managed.
- There is also potential for good practice guidance to be developed in partnership with Network Rail and the Rail Delivery Group, and for related training for Network Rail staff. This could help to promulgate ways of implementing improvements which respect and enhance the historic character of railway assets, such as stations. Similarly, the development of guidance on common technical issues, such as changes to parapets on historic bridges, would be of mutual benefit.

Q.15: How well do the current delivery and planning processes work for projects of different sizes?

- A linear project of great magnitude such as the GWR electrification needs detailed discussion at a very detailed, site-specific level. Historic England believes that it can assist in the delivery of sustainable improvements by promoting best practice, and sharing this with individual local planning authorities. We are keen to work on this with Network Rail and their consultants.



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