

Draft Heritage Memorandum Heritage Sub-group consolidated comments & HS2/DfT feedback (24th September 2014)

No.	Reference – (Nov.2013)	Issue	HS2/ DfT Response
1	Environmental Memorandum	<p>EM is too specific (only water courses and wetlands) and needs to ensure cross-over issues are adequately covered. Expand to include:</p> <ul style="list-style-type: none"> - historic landscapes and features (not just designed landscapes, and including [missing text?] such as historic lanes); - setting of heritage assets (including landscape restoration and noise/visual mitigation); - evaluation/ mitigation of ecology compensation; - spoil disposal and flood mitigation areas; - potential for heritage benefits arising from compensatory public open space provision; - environmentally sensitive work sites list should include heritage considerations 	<p>The EMRs must be looked at as a set of documents which work in combination - it is not necessary to repeat controls from one document to another.</p> <p>The Environmental Memorandum sets the framework for considering the environmental aspects of the design and construction of HS2 at a project-wide level with the responsible national agencies. Local authorities have a role through the range of approvals that will be required from them and they will have the ultimate local control on many of these topics covered in the Environmental Memorandum.</p> <p>The Environmental Memorandum encompasses the elements highlighted and wording of the EM is being reviewed to emphasise the historic aspects, implicit already.</p> <p>In light of comments received, we propose to expand the introduction to the <i>Heritage</i> Memo to include an explanation as to how it relates to the other EMRs.</p>
2	Heritage Memorandum General	Question approach of introducing a number of EMRs, in particular - cannot see justification for separating Heritage Memo and Planning Memo into separate documents	<p>Lessons learned from Crossrail and HS1 suggest that there is greater clarity in having two separate documents. A separate Heritage Memorandum allows a greater explanation of the approach to heritage and increased clarity regarding requirements.</p> <p>No change proposed.</p>
3	General	<p>Concerns that (with reference to HS1 and Crossrail experience) strategic and irreversible decisions on heritage assets of all types will be made at national level with:</p> <ul style="list-style-type: none"> - little or no influence from the local planning authority and their conservation staff, besides decisions on the 'dressings' of structures; - or from local stakeholders (namely local heritage groups); 	<p>The measures set out in the hybrid Bill and the EMRs are needed to ensure that the planning process does not unduly hinder the timely and cost effective delivery of a project of national importance.</p> <p>The main proposed provisions of the planning regime set out in the Bill are explained in HS2 Information Paper B1, The Main Provisions of the Planning Regime. The planning regime set out in the Bill is considered to strike a</p>

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		<p>and</p> <ul style="list-style-type: none"> - little regard for important local non-designated heritage assets (specifically Camden's draft local list, many of which are directly affected by HS2) 	<p>reasonable balance between enabling local authorities to exercise controls over a range of matters and ensuring that the Proposed Scheme is completed on time and to budget. The Planning Memorandum sets out the measures and behaviours expected of planning authorities in the exercise of their functions under the planning regime, in exchange for the extra controls obtained by signing the Memorandum.</p> <p>The Heritage Memorandum sets out how the historic environment (including heritage assets and their setting), will be addressed during the design and construction of the Proposed Scheme. It provides a framework for the nominated undertaker, English Heritage, local authorities and other stakeholders to work together to ensure that the design and construction of the HS2 works are carried out with respect to the protection of and having proper regard to the historic environment. This includes designated and non-designated heritage assets.</p> <p>The nominated undertaker in implementing the powers in the HS2 Bill will be subject to a wide range of controls and will need to obtain an extensive range of approvals. These include (but are not limited to):</p> <ul style="list-style-type: none"> - General principles of the EMRs; - Environmental Memorandum; - Heritage Memorandum; - Adoption and implementation Code of Construction Practice; - Planning approvals that will be required under Schedule 16 to the HS2 Bill; - Approval of works to listed building under the heritage agreement (agreed with Local Authorities & English Heritage) process - Approval of works to scheduled monuments under a scheduled monument agreement; and - Seeking approvals under Section 61 of the Controls of Pollution Act; <p>Given this wide range of effective and well tested controls, and the various approvals that are required, we do not accept that the controls imposed on the nominated undertaker are insufficient and that to suggest the overall</p>

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			<p>environmental control processes are weighted against local authorities (and other relevant statutory bodies) is unwarranted.</p> <p>We disagree that there is little regard for non-designated heritage assets; the Heritage Memorandum sets out the high level objectives to be adhered to by the nominated undertaker in relation to the historic environment including designated and non-designated heritage assets, with all heritage assets (both designated and non-designated) addressed within the statements on 'Mitigation: investigation and recording' given in section 5. Non-designated heritage assets will continue to be part of the programme of archaeological and heritage works as the project progresses.</p>
4	General	Propose that HS2 Ltd should fund salaries and/or pay fees for heritage-related applications	While we recognise local authorities concerns regarding costs it is not material to the consideration of the controls in the EMRs.
5	Paras 1.1.1 & 2.1.2	Unclear with whom the 'commitment' expressed within the EMRs lies - para1.1.1 refers to 'the overarching commitment by the nominated undertaker', while 2.1.2 refers to the commitment as being that of the SoS. EH recommend refers to either the SoS for Transport or the Government	Thank you for your comments: the terminology will be standardised throughout.
6	Para 1.2.2	'General Principles' omitted as a component of the EMRs	Thank you for your comments: the list will be amended to include 'General Principles' and wording standardised with other EMR documents.
7	Para 1.3.1	<p>a) Suggestion that emphasise that the primary purpose of the HM is 'to state the commitment of the Government with respect to the protection and where appropriate the enhancement of the historic environment, in taking forward the detailed design and construction of phase One...' and 'Further that they will have proper regard to the policies in the NPPF relating to the historic environment.'</p>	<p>a) Please see our response to point 5 above, which highlights the range of controls in place to ensure that proper regard is paid to the historic environment.</p> <p>Attention is drawn to the approval that qualifying authorities have (ref paragraph 2(5)(a)(iii) and the table in paragraph 3 of Schedule 16 to the Bill. For ease of reference we have extracted the relevant text from Schedule 16.</p> <p>Sch 16, para 2(5)(a)(iii)</p>

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		<p>b) There is a lack of a convincing baseline commitment to preserving the historic environment and minimising harm to it; and no attempt to define the level of 'due regard' other than in terms of the NPPF; and suggest make a fundamental commitment to the desirability of preserving a heritage asset or its setting as set out in s16(2) and 66(1) of Planning (LB & CA) Act 1990.</p> <p>c) Lack of specific commitment to and timescales for 'work(ing) together'</p>	<p>'If the relevant planning authority is a qualifying authority, it may only refuse to approve plans or specifications for the purposes of this paragraph on the ground that—</p> <p>(a)the design or external appearance of the building works ought to be modified</p> <p>(iii)to preserve a site of archaeological or historic interest or nature conservation value,</p> <p>and is reasonably capable of being so modified...'</p> <p>We will review the wording of para 1.3.1 and the last sentence, proposing it be amended to:</p> <p>'...is carried out with proper regard to the historic environment.'</p> <p>Paragraph 1.1.5 of the General Principles of the EMRs states that:</p> <p>'The nominated undertaker will in any event, and apart from the controls and obligations referred to in paragraph 1.3, use reasonable endeavours to adopt mitigation measures that will further reduce any adverse environmental impacts caused by Phase One of High Speed 2, insofar as these mitigation measures do not add unreasonable costs to the project or unreasonable delays to the construction programme.'</p> <p>b) We disagree that the HM lacks a commitment to the historic environment. In the context of a nationally important project the measures set out give a wide range of effective and well tested controls, including the various approvals that are required from local authorities and statutory bodies. We do not accept that insufficient regard is paid to the historic environment. Please see our response to point 3.</p> <p>c) The timescales for formal consultation are set out in the Planning Memorandum as relates to approvals. The Draft Planning</p>

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		<ul style="list-style-type: none"> - within the design process; and - in development of WSIs (see comment below) 	<p>Memorandum also requires the nominated undertaker to engage in pre-application discussions with the relevant local authority whenever reasonably practicable.</p> <p>However it should be noted that the location specific WSIs are not a matter for approval by the Local authorities (unless it is in relation to a Heritage Agreement).</p> <p>The nominated undertaker will be required to engage in forward discussions with local planning authorities, English Heritage and other relevant stakeholders about location specific WSI , thus facilitating effective engagement.</p> <p>Matters regarding the design process are addressed in Schedule 16 and the Planning Memorandum in relation to local authority approval.</p> <p>We will review the wording to provide clearer signposting/cross-referencing to these other elements of project documentation.</p>
8	Para 1.3.2	<p>a) To explain why the NPPF is referred to in the HM, it is EH suggested that HS2 include: "An important component of the Government's National Planning Policy Framework is the protection and enhancement of the historic environment", which then leads into the subsequent definitions</p> <p>b) BP2 - Query why the final sentence in the NPPF definition ('Heritage asset includes designated heritage assets and assets identified by the local planning authority (including local listing)') has been omitted.</p> <p>c) Suggest additional BP to include definition of designated heritage assets</p>	<p>a) We propose to amend the existing text in light of this comment to provide context for the subsequent definitions: 'An important component of the Government's National Planning Policy Framework is the protection and enhancement of the historic environment'</p> <p>b) The quote will be extended to include the full NPPF definition.</p> <p>c) In light of this comment we propose to include an additional bullet to state the definition of designated assets from the NPPF:</p>

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			'Designated heritage asset: A World Heritage Site, Scheduled Monument, Listed Building, Protected Wreck Site, Registered Park and Garden, Registered Battlefield or Conservation Area designated under the relevant legislation'.
9	Para 2.1.3, BP2 & section 4	More appropriate to refer to 'consultation' (as in earlier draft) rather than 'engagement'	In light of this comment we propose that the second bullet point be retitled 'Consultation and engagement' to reflect the varying types of 'contact' and section 4 will be retitled 'Consultation and engagement'.
10	Para 2.1.3, BP3	Query use of the term 'mitigation' - See also Section 5 – 'mitigation' comments (17).	<p>The use of the term depends on the context in which it is used.</p> <p>For archaeological works we accept that 'investigation and recording' is a more informative shorthand and the document will be reviewed to reflect that throughout.</p> <p>In relation to built heritage, where an impact often relates to setting, the term, mitigation, may be more appropriate.</p> <p>The wording and terminology in relation to this point will be reviewed throughout.</p>
11	Para 3.1.1	Suggested greater clarity if paragraph ends 'in order to conserve and enhance the significance of heritage assets, including their settings, that will be affected by the works authorised by the Act'	The current wording is considered sufficient in relation to the Promoters obligations in designing the works.
12	para3.1.3	a) Useful to include commitment here (or at para5.2.2) to finding appropriate uses or sustainable solutions in situations where listed structures are rendered unviable as dwellings (but are not necessarily demolished)	<p>a) The Promoter does not accept open ended undefined liability, as the compensation and protection measures above are considered sufficient to protect the historic and listed buildings that may be affected.</p> <p>Other projects, such as High Speed One, do not demonstrate that long term use of listed or historic buildings is threatened.</p> <p>There are a number of schemes in place for property owners and businesses</p>

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		b) Recommend additional para to relate 3 preceding paras:	<p>to apply to should they consider that there will be an effect.</p> <p>HS2 Ltd has acquired a number of properties under the Exceptional Hardship Scheme, Statutory Blight and Express Purchase provisions (IP C4: Land Acquisition Policy). Some of these properties are Listed Buildings. Listed or historic buildings that are required for construction will be acquired under the relevant Bill powers, or schemes described above, and appropriately managed. For all properties, route-wide professional property management agents have been appointed by HS2 Ltd to manage the estate. Properties that are not required for the operation of HS2 will be disposed of in accordance with the Land Disposal policy, see IP C6: Disposal of Surplus Land.</p> <p>Measures set out in the Code of Construction Practice are designed to manage impacts during construction and this includes heritage assets, and methods to protect the visual amenity of rural and urban areas and in relation to noise and vibration to ensure that 'Best Practicable Means' will be applied during construction works.</p> <p>The Promoters response to the mitigation of construction and operational noise are explained further in HS2 Information Papers E20, E21 & 23.</p> <p>Schedule 16 to the Bill establishes the planning regime under which certain details of the HS2 works will require approval from the relevant local planning authority. For certain of these approvals the grounds which the authority may take into account when considering whether to approve, condition or require a modification to a request for approval include 'to preserve a site of archaeological or historic interest or nature conservation value'. This will ensure that heritage assets will considered through the planning process that will apply to the HS2 works. Further details of the planning regime are set out in HS2 Information Paper B1, The Main Provisions of the Planning Regime.</p> <p>b) We propose to amend the existing text in light of this comment to</p>

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		"Sympathetic design of new structures and alterations and the careful integration of heritage assets into construction works will be of particular importance in achieving these objectives."	include: 'Sympathetic design of new structures and alterations and the careful integration of heritage assets into construction works will be of particular importance in achieving these objectives.'
13	Para 4.1.2	Nominated undertaker 'seeks to engage' – weak as an overarching commitment. EH suggest ' <i>will endeavour to engage</i> '	We propose to amend the existing text in light of this comment to: 'the nominated undertaker shall, whenever reasonably practicable, engage constructively with English Heritage, Local Authorities and other stakeholders on heritage matters' NB this sentence will be reordered within section 4, for clarity.
14	Para 4.2.2	Suggest addition: HS-G to identify opportunities which may arise from the construction or operation of HS2 for improving the condition of, and enhancing, the historic environment and heritage assets, including their settings. Refer to public engagement (successful for Crossrail)	It is considered that such dialogue is almost always more appropriate at a local level, and they will be developed within the framework of community engagement. It is acknowledged that the HS-G will discuss route-wide opportunities in relation to heritage assets. HS2 Ltd seeks clarity from the HS-G regarding what this means in relation to routewide matters. It is considered that the sentiment is adequately reflected within the existing bullets. Information paper G2, Community Relations, sets out the general principles of community engagement which includes the requirement for the Nominated Undertaker to liaise with appropriate local community projects, employment and educational initiatives.
15	Para4.3.1 (EH)	EH propose '...other stakeholders, <i>as appropriate</i> ' (rather than 'where necessary') to suggest stronger aspiration to involve the wider community.	We propose to amend the existing text in light of this comment to 'as appropriate'.
16	Section 5 - general	a) Need to be clear that all areas with significant potential will be subject to appropriate field evaluation/ mitigation, not just	a) Our approach to fieldwork continues to develop and further surveys and investigation will be undertaken in a similar way to other major

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		<p>the known 'heritage assets' published in ES.</p> <p>b) For implementation – helpful to understand the structure and 'chain of command' given the number of archaeological organisations that will need to be involved - query how e.g. environmental mitigation be done in a way which maintains acceptable degree of consistency & quality.</p>	<p>infrastructure projects, for example High Speed One and Crossrail. The programme of survey is continuing.</p> <p>Section 5.5 of the HM already states the sequence of investigation works and this is considered sufficient. No change.</p> <p>b) HM is the high level overarching document and these matters will be dealt with in those documents named in the HM, notably generic WSI and Location Specific WSI. As with other major infrastructure schemes there will be a number of subsequent documents (listed in the generic WSI) prepared which will set out roles and responsibilities. No change is proposed.</p>
17	Section 5 "mitigation"	<p>As the NPPF makes clear, recording cannot be seen as <i>mitigation</i> and therefore the term should not be used in the HM unless appropriate (as in para5.2.2). In general 'mitigation' should be deleted or replaced with 'investigation and recording' (see paras para 3.1.2 BP3, 5.6.3; 7.2.1; & 7.3.2)</p> <p>Similar concerns are raised that there is a strongly archaeological slant to 'mitigation', with emphasis on investigation & recording of assets destroyed or physically damaged. Welcome wording that gives a clearer sense of balance/ definition between different strands of heritage mitigation – see comments on WSIs</p>	<p>As noted in response to point 10 above, the use of terminology 'mitigation' and investigation and recording' depends on the context in which it is used. For archaeological works we accept that 'investigation and recording' is more informative shorthand and the document will be reviewed to reflect that throughout. For built heritage assets, where an impact often relates to setting, the term 'mitigation' may be more appropriate.</p> <p>As noted earlier the wording and terminology will be reviewed throughout the document.</p> <p>All the EMRs are being reviewed and the points raised are being considered along with other responses.</p> <p>It is proposed to improve the signposting within the Heritage Memorandum to Schedule 16 and the Environmental memorandum, acknowledging comments made in relation to the lack of reference to the historic environment in the Environmental Memorandum are being considered.</p> <p>It is right that the draft Heritage Memorandum and the Environmental Memorandum, as part of the EMRs, should evolve, and be subject to refinement, amendment and expansion. This is because elements of design,</p>

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			assessment and Parliamentary processes may develop during the passage of the Bill. A final version of the EMRs will be produced as and when the Bill achieves Royal Assent. The EMRs build on direct experience from other major infrastructure schemes, such as HS1 and Crossrail.
18	Para 5.1.1	Suggest 'minimise' rather than 'constrain' to better indicate the intention, and shorten para to end as '...where unavoidable, to minimise any impacts on the significance of heritage assets.'	We propose to amend the existing text in light of this comment to: '...or, where unavoidable, to seek to reduce any impacts on the significance of heritage assets.'
19	Paras 5.2 & 5.3	As section 5 largely relates to archaeological work/ recording, query whether 'Setting of heritage assets' and 'Sustainability' sections would be better located at the end of current section 6.	In light of this comment, the order and location of these sections to be reviewed for clarity.
20	Section 5.2	<p>a) Contrary to statements in HM, there is no reference to the mitigation of impacts on the setting of heritage assets in the EM.</p> <p>b) 'appropriate regard will be given' to the setting of heritage assets is rather weak as a commitment – suggest penultimate sentence reworded as: 'It is recognised that this work may have implications for the setting of heritage assets, and the desirability of minimising harm to the significance of those assets through impact upon their setting will be integral to the design process.'</p> <p>c) In addition to the EM, the HM should commit to provision for mitigation adequate to minimise adverse impact, as most appropriate to the setting, by:</p> <ul style="list-style-type: none"> - Assessing affected assets and their setting, incl. impacts beyond the permitted land-take, both on-site and desk-based - as existing and as impacted by construction and operational visual and environmental (incl. sound) - liaising with LPA & stakeholders to discuss appropriate mitigation that takes into account special qualities of 	<p>a) See response to point 1 above.</p> <p>b) We propose to amend the existing text in light of this comment to: 'It is recognised that this work may have implications for the setting of heritage assets, and the desirability of reducing harm to the significance of those assets through impact upon their setting will be a key consideration during the design process.'</p> <p>c) The impact of the Proposed Scheme on the setting of heritage assets has been undertaken and is presented in the ES. During the development of the design of the scheme, the detail of mitigation solutions will be developed.</p> <p>It is considered that the issues raised are sufficiently addressed. We draw attention specifically to the General Principles of the EMRs and to Schedule 16.</p>

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		<p>setting that contribute to assets' significance – preferably at least 6 weeks prior to submission</p> <ul style="list-style-type: none"> - undertaking to monitor the effect of mitigation, with commitment to consider further measures if results are evidently ineffective or in case of outstanding adverse impact on asset's viability <p>d) HM should include commitment to finding appropriate uses/ sustainable solutions where listed structures are rendered unviable as dwellings (here or in para 3.1.3). Concern over impacts on setting affecting viability of usable/ working assets and perception of their significance, incl. from close construction work & temporary vacancy or blight leading to deterioration. An LPA would take this into account in determining any application (in line with NPPF), so suggest NU should when determining options for mitigation, and allow for:</p> <ul style="list-style-type: none"> - initial review of assets possibly affected; - assessment of mitigation options; - commitment to effective and appropriate mitigation; - monitoring impacts and consider further measures for outstanding viability issues - engagement with LPA and other stakeholders - 	<p>d) Please refer to the response to point 12 a) above.</p>
21	Section 5.5 & para 5.5.1	'Investigation and recording' rather than 'heritage investigation' or 'heritage mitigation', to align this with the S5 heading	We propose to amend the existing text in light of this comment to: 'investigation and recording' for consistency, where appropriate.
22	Para 5.5.1, BP4	a) May be helpful to state that the purpose of the investigation works is to record and advance understanding, as advised in paragraph 141 of the NPPF, rather than simply to record that which is lost.	a) We propose to incorporate additional wording in light of this comment to section 5.5: 'The investigation works will seek to advance our understanding of the past.'
23	Para 5.5.1	a) Under 5.5.1 and later – add the development of generic and site specific research agenda and strategies which could be	a) It is not the purpose of the HM to provide this level of detail. The commitment to enhance understanding is sufficient, as is the

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		<p>linked to both landscape zones and themes.</p> <p>b) Useful to include cross references to later details in BPs, i.e. refer to para5.6.3 in BP₃ and para5.6.5 in BP₄</p> <p>c) BP₄ should say post excavation (assessment, analysis and publication) and post built heritage recording, or post excavation programme</p>	<p>commitment to produce of routewide and locally specific documentation. No change is proposed.</p> <p>b) It is considered that there is sufficient legibility in the document for a cross reference to be unnecessary.</p> <p>c) We propose to revise BP₄ in light of this comment to read: 'archaeological and built heritage post excavation/recording (assessment, analysis, publication and archiving)'</p>
24	Para 5.5.2	Unclear on what paragraph is intending to say. If this is the intention, state that the heritage investigation programme will be fully integrated with the overall construction programme and that integration will be continuously reviewed to ensure that sufficient time is allowed for investigation without undue impact on the construction timetable.	<p>We propose to revise this wording in light of this comment to provide greater clarity:</p> <p>'The heritage investigation programme will be fully integrated with the overall construction programme and that integration will be continuously reviewed to ensure that sufficient time is allowed for investigation without undue impact on the construction timetable. The management of construction activities is set out in the CoCP.'</p>
25	Section 5	<p>a) Development of WSIs - no timescales for consultation provided and no specific remit for the sorts of assets and impacts that will be involved</p> <p>b) Lack of provision for input to the design of mitigation to the setting of assets. Engagement needs to allow for fair consideration of issues and options before the constrained 8-week approval process begins</p> <p>c) A 'WSI' does not make adequate promise for built heritage assets in need of more practical intervention and there is no provision with regard to setting - 'Written Scheme of <i>Mitigation</i>' more appropriate. Otherwise HM reads primarily as a document for archaeological assets and there will be concern that built heritage is not provided for in a positive manner.</p>	<p>a) See response to 7 c) above.</p> <p>b) See responses to points 3 and 20 c) above.</p> <p>c) A location specific WSI which addresses built heritage matters is a requirement to set out the works to be undertaken in terms of investigation and recording of a built heritage asset. A generic WSI for built heritage is being prepared and will be issued to the HS-G for review and comment.</p> <p>As is standard within the heritage industry, WSIs are prepared to set out the</p>

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			required protection, recording and investigation works necessary in connection with development. Where there are specific 'mitigation' works are required in light of the heritage significance of an asset, and if these works comprise, for example, noise barriers and landscape works then these will be addressed through other project mechanisms already noted throughout this response.
26	5.4	The quality and suitability of the staff and design work is critical and can hopefully be secured by management arrangements.	This is addressed in section 5.4 of the HM and is considered sufficient as it sets out the parameters of such individuals and companies who will undertake specialist work.
27	5.6	Supporting this opportunity to prepare an overall research framework	See comment 23 above.
28	para5.6.3	<p>a) See 'mitigation' above. Suggest that para starts with 'The approach to heritage assets may include...'</p> <p>b) Query regarding the terminology of 'enabling works'?</p> <p>c) How much time will be available for such redesign and investigation/ discussion.</p>	<p>a) It is considered that this sufficiently reflects the scope of works to be undertaken.</p> <p>b) enabling works are those activities required in order to enable construction e.g. utility diversion.</p> <p>c) See comments 3 and 7c) above.</p>
	Para 5.6.5	<p>It is imperative that a commitment be given that artefacts and records will be given a suitable repository. The commitment only to work with EH and other bodies to find one is insufficient. While EH is happy to provide advice and help in this area, the obligation must lie with the Secretary of State.</p> <p>A key issue and must include funding (suggest liaison & cost sharing with other major infrastructure projects)</p>	As set out above, the Nominated Undertaker will work with English Heritage and local authorities to identify suitable repositories to enable the deposition of the artefacts and records generated by the heritage investigation programme, and this approach will be discussed with the Heritage Sub-group and other relevant stakeholders, such as museum organisations. The Promoter recognises the need to deposit the HS2 archaeological and heritage archive appropriately. Lessons learned from other major infrastructure projects, such as the Channel Tunnel Rail Link, will be taken into account.

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			It should be noted that general lack of museum archive storage is a national problem – and one that the Promoter, English Heritage, local authority museum services and archaeological officers are keenly aware of. Not all local authorities have comparable facilities available. A meeting of all relevant stakeholders to address museum storage is proposed for Autumn 2014.
30	Para5.6.7	LEMPs – need to have a procedure/ process to ensure they do include all known and potential heritage assets.	LEMPs are addressed in Information Paper D3: Code of Construction Practice. This is not a matter that required further explanation in the Heritage Memorandum.
31	Section 6 (including paras 6.1.1, 6.1.4 & 6.1.3)	<p>a) Terminology needs reconsidering. If it is the intention that this applies only to assets of national importance, i.e. that meet the SoS's criteria for scheduling & fall within the meaning of paragraph 139 of the NPPF, the phrase 'national importance' should replace 'national significance' in section 6 (including paras 6.1.1 & 6.1.4).</p> <p>b) Query use of the phrase '<i>exceptional</i> national importance' – and the kind of 'exceptional' assets that go beyond the 'national importance' sufficient for scheduling to be considered. EH happy to discuss in more detail to ensure the necessary mechanism for dealing with unexpected discoveries is offered.</p>	<p>a) In light of this comment we will review the use of the wording in relation to 'national importance' and 'significance'.</p> <p>b) The procedure for unexpected discoveries of national importance will be developed will be consulted on via the Heritage Sub-Group.</p>
32	Para 6.1.2	The term 'Preservation by record' is now largely defunct (see other 'mitigation' comments) and should be replaced.	As noted earlier in light of similar comments, the terminology throughout will be revised to 'investigation and recording' where appropriate.
33	Para 7.2.1	<p>a) Should refer to schedule 17 (listed buildings), not 18 (scheduled monuments)</p> <p>b) Delete 'It is proposed' and 'which would usually be' from 2nd</p>	<p>a) The HM will be updated to reflect final Bill schedule numbering.</p> <p>b), c), d), e) In light of comments received, revised wording is proposed:</p>

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		<p>sentence</p> <p>c) No commitment given to Heritage Agreements for listed buildings which might be subsequently listed (Schedule 17, para 1(1)(b))</p> <p>d) Remove 'mitigation measures' from final sentence (see comments above) and suggest 'These Heritage Agreements will ensure that appropriate measures are in place, either to safeguard the asset or to ensure investigation and recording instead</p> <p>e) Alternatively suggest change whole paragraph to: 'A Heritage Agreement will be made with each affected local authority and with English Heritage, in respect of works authorised by the bill that would normally require listed building consent. These agreements will cover the specific arrangements for each of the listed buildings identified in Table 1 of Schedule 17 and those that are not identified in Table 1 but fall within para 1 (2) of Schedule 17 (designations on or after 30th September 2013). These Heritage Agreements will ensure that measures are in place for the protection, conservation, enhancement, investigation, recording and advancement of knowledge, as appropriate, of the listed buildings.'</p>	<p>'It is proposed that a Heritage Agreement will be made with each affected local authority and with English Heritage, in respect of works authorised by the Bill that would normally require listed building consent. These agreements will cover the specific arrangements for each of the listed buildings identified in Table 1 of Schedule 17.</p>
34	Para 7.2.3	<p>a) Request to include commitment to Heritage Agreements for buildings listed in Table 2 of Schedule 17 (as suggested in earlier drafts) ; there is no provision for engagement for Table 2 LBs, despite the fact that the works may be invasive and require alteration normally subject to LB Consent.</p>	<p>a) Heritage Agreements will be in place for those listed buildings named in table 2 of Schedule 17. In light of the comments it is proposed to provide the following text to clarify this:</p> <p>'Paragraph 2 of Schedule 17 to the Bill disapplies some of the legislation under the Planning (Listed Buildings and Conservation Areas) Act 1990 for those listed buildings specified in Table 2 of that Schedule, specifically with regards to works to maintain or restore their character, or for the affixing of monitoring apparatus. This has the effect of removing the need for listed building consent for works to protect the listed building from adverse effects, such as ground settlement as a result of HS2 works. It is proposed that a</p>

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		<p>b) No provision for consequences to assets not specified in sched.17 – engagement welcomed.</p> <p>c) Clarification of purpose of “affixing apparatus for measurement...” (para 2 of Sched.17) needed – this is pointless unless a commit to rectifying any problems in an appropriate manner. The monitoring and commitment to rectify should also extent to viability issues & outstanding harm to setting.</p>	<p>Heritage Agreement will be made with each affected local authority and with English Heritage, setting out arrangements for the obtaining of approvals for any protective or monitoring works to these buildings (but for the Bill) would normally require listed building consent. The nominated undertaker will liaise with the local authority and English Heritage during the preparation of the methodology for the works.’</p> <p>b) Schedule 17 specifically addresses listed buildings. Where a property listed before 30 September 2013 has been omitted from either table then the NU will be required to follow existing legislation.</p> <p>c) The undertaking by the Secretary of state, in relation to Schedule 17, requires Heritage Agreements to be consulted and agreed with EH and the relevant LA. These agreements will include all works necessary to preserve the significance of the asset.</p>
35	Para 7.3.1	Schedule 18, not 19, and paragraph 2 rather than paragraph 1.	The HM will be updated to reflect the final numbering of the Bill and its Schedules.
36	Para 7.3.2	<p>a) Delete ‘It is proposed that’ and ‘be of a type’ and ‘normally’ from 1st sentence.</p> <p>b) Should include commitment to Heritage Agreements for monuments which might be scheduled in the future which are affected by the works authorised by the Bill.</p>	<p>a) In light of the comment it is proposed to revise the wording for greater clarity to: ‘It is proposed that a Heritage Agreement will be made with English Heritage and this agreement will cover the site specific arrangements for scheduled monument in respect of the HS2 works that would usually require scheduled monument consent.’</p> <p>b) In preparing the works to be authorised by the Bill, account was taken of all monuments scheduled before 30th September 2013, and these are the monuments for which we propose to enter into scheduled monument agreements. Were a monument to be scheduled in the future which is affected by HS2, it would be necessary to examine the situation on a case by case basis, but the other mechanisms would still apply.</p>

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		c) Suggest final sentence: '...will ensure appropriate investigation and recording or safeguarding measures are in place.' (See 'mitigation' & para 7.2.1 above)	No changes to the current wording are proposed. c) In light of the comment it is proposed to amend the wording to: 'This agreement will ensure that appropriate investigation and / or protection measures are in place.'
37	Para 8.1.2	Unclear on what the 'project specific regime' here was intended to be.	In light of the comment it is proposed to revise the wording to: 'the nominated undertaker will develop a 'Burial Grounds, Human Remains and Monuments Procedure' to implement the legal requirements of Schedule 19 to the Bill. This paper will be developed by HS2 Ltd , who will consult with English Heritage, the Heritage Sub-Group and other relevant stakeholders, regarding it.'
38	Para 8.1.5	<p>a) See para3.1.2 BP5 comment. Careful wording noted ('consideration will be given to the need for...') does not commit HS2 to full archaeological investigation of post-medieval burial grounds. This section should to avoid mixing legal and archaeological requirements.</p> <p>Although the extent will be subject to consideration, in accordance with forthcoming EH guidance, the need for archaeological investigation of burial grounds needs to be acknowledged as a principle – so change 2nd sentence to: 'Where burial has occurred over 100 years ago consideration will be given to the extent of archaeological excavation.</p> <p>b) Concerns over the archaeological impacts, namely the former burial ground at St James' Gardens and the lack of in-house archaeological expertise, concluding that HS2 needs to ensure full arrangements (including consultation procedures) are in place in the HM and PM for full archaeological input into HS2-related proposals.</p>	<p>a) Although the Promoter recognises that archaeological excavation appropriate to the significance of burials over 100 years old is likely in all cases, the Promoter does not agree that this should be an automatic response. In light of the comment it is proposed to revise the wording to: 'Where burial has occurred over 100 years ago consideration will be given to the extent of archaeological investigation.'</p> <p>b) London boroughs receive specialist archaeological planning advice from GLAAS and liaison with GLAAS will continue.</p>