



## Planning Bulletin: February 2022

*This monthly note highlights some of the recent and forthcoming developments in the world of planning from a heritage perspective. For further information about any of the items, please follow the links provided or use the contact information on the last page. Please note that this is not necessarily a complete review of matters and is not intended to provide any legal advice on the issues raised. Unless otherwise stated, it does not comprise the formal position of Historic England on these matters.*

*Current and previous editions of Planning Bulletin (back to September 2017) are now available on-line [here](#).*

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## Historic England

In this challenging and difficult time, we are committed to continuing to provide our services and support to everyone as best we can. We are also working closely with heritage sector organisations to ensure that we all offer support for any queries you may have or practical issues that need to be addressed. We are working to our usual deadlines for providing planning advice. Requests for listing or amendments may take longer than normal as we deal with a backlog of casework generated during restrictions on movement. We will, however, continue to process cases as best we can.

Our local teams remain the best first point of call so if you need to contact us, please email your region as normal. For further information, advice, and update on current Historic England services, please refer to our [website](#).

## Government Departments

### Department for Levelling Up, Housing and Communities

- The Rt Hon [Stuart Andrew MP](#) (Pudsey, Horsforth and Aireborough) has been appointed as Minister of State (Minister for Housing).

### Department for Transport

- [Wendy Morton MP](#) (Aldridge-Brownhills) has been appointed as a Minister of State in the Department for Transport.

### HM Treasury

- [Chris Heaton-Harris MP](#) (Daventry) has been appointed as Parliamentary Secretary to the Treasury (Chief Whip).

## Legislation and Matters Arising

### Emerging Legislation

#### *Government Bills*

- [\*Judicial Review and Courts Bill\*](#): This legislation has been introduced to give judges power (under the Judicial Review process) to suspend orders quashing planning decisions with legal flaws, to give those involved time to rectify them without losing the planning permission altogether. The Bill reached Committee stage in the House of Lords being discussed on 21 and 24 February and is now at Report Stage.
- [\*High Speed Rail \(Crewe-Manchester\) Bill\*](#): This legislation has been introduced to make provision for a railway between a junction with Phase 2a of High Speed 2 south of Crewe in Cheshire and Manchester Piccadilly Station; for a railway between Hoo Green in Cheshire and a junction with the West Coast Main Line at Bamfurlong, south of Wigan; and for connected purposes. The Bill was

introduced through its first reading in the House of Commons on 24 January and will now proceed to a second reading, the date of which is yet to be announced.

#### *Private Members' Bills*

- *Carbon Emissions (Buildings) Bill*: The Bill was introduced under the *Ten-Minute Rule* in the House of Commons on 2 February and is due to receive its second reading in the House of Commons on 18 March. The Bill proposes that whole-life carbon emissions of buildings are reported; those limits are set on embodied carbon emissions in the construction of buildings; and for connected purposes.
- *Climate and Ecology Bill*: The Bill requires the Prime Minister to achieve climate and ecology objectives; to give the Secretary of State a duty to create and implement those objectives; to establish a Citizens' Assembly; and to give duties to the Committee on Climate Change regarding the objectives and strategy. A first reading was held on the 2 September, with a second reading now scheduled to take place on 18 March.
- *Planning (Proper Maintenance of Land) Bill*: The Bill makes provision for increased fines for failures to comply with a notice under section 215 of the Town and Country Planning Act 1990. It was introduced to Parliament under the *Ten-Minute Rule*. The Bill's Second Reading in the House of Commons is awaited.
- *Planning and Local Representation Bill*: The Bill includes granting local authorities' power to apply local design standards for permitted development and to refuse permitted development proposals that would be detrimental to the health and wellbeing of an individual or community. It was introduced to Parliament under the *Ten-Minute Rule* on 15 July 2021. The Bill will be given its second reading in the House of Commons on 18 March.
- *Green Belt Protection Bill*: A Bill to establish a national register of Green Belt land in England, to restrict the ability of local authorities to de-designate Green Belt land and to make provision about future development of de-designated Green Belt land. The Bill was introduced in the House of Commons on 21 June 2021.
- *Onshore Wind Bill*: The Bill started in the House of Lords being introduced in June 2021. It would require the Government to amend planning guidance to enable local planning authorities to grant more onshore wind applications for the purpose of meeting the UK's carbon targets. The Bill has reached Committee stage in the House of Lords and will receive its reading on 2 March.
- *Planning (Street Plans) Bill*: A Bill to make provision about the creation and operation of street-level plans for local development. The Bill was introduced and passed its first reading on 13 September 2021, with the second reading scheduled to take place on 18 March 2022.
- *Cultural Objects (Protection from Seizure) Bill*: A Bill to extend protection from seizure or forfeiture given to cultural objects. The bill moved from the House of Commons into the House of Lords receiving its first reading on 31 January 2022 and will receive its second reading on 18 March.

#### *Private Bills*

- *Highgate Cemetery Bill*: The Bill passed the report stage on the 3 September and went onto pass the third reading on the 14 September. The Bill will undergo

consideration of Commons amendments in the House of Lords sitting on 3 March as part of the Final stage before Royal Assent.

### **Heritage Planning Case Database**

- Historic England tweets planning decisions of heritage interest, via [@HeritageAdvice](#), and these are then collated into the [Heritage Planning Case Database](#). This is a searchable online database of appeal and call-in decisions relating to planning permission (that affects a heritage asset) and listed building consent. Cases have been summarised using a [standard list of search terms](#), for ease of use; searches can also be carried out by address, date or decision reference.

## **Committees**

### **Business, Energy and Industrial Strategy Committee**

- The Committee published a report [Decarbonising heat in homes](#) on 3 February. The report sets out the challenges in the transition to decarbonised domestic heating and makes recommendations about the steps which need to be taken for the Government to meet its own targets for the decarbonisation of domestic heating.

### **Environment and Climate Change Committee**

- On 9 March the Committee will hold a [formal meeting](#) (oral evidence session) on Mobilising Action on Climate Change and Environment: Behaviour Change. This is the second of two oral evidence sessions following a call for evidence. The purpose of the inquiry is to explore behaviour change in the context of climate change (mitigation and adaptation) and the environment (e.g. biodiversity, water, waste & the circular economy and air pollution).

## **Policy**

### **Levelling Up White Paper**

- On 2 February Government published the Levelling Up White Paper, entitled [Levelling Up the United Kingdom](#). The Paper sets out twelve national missions to be achieved by 2030. These will be the policy objectives for levelling up and include those related to planning, heritage and culture. The missions will be supported by public metrics to monitor and track progress on the evolution of spatial disparities. It is expected that consultation will be held on policy commitments in future publications, with legislation also being introduced into Parliament.
- There are a number of proposals for reforming the planning system in England. Some of these include:
  - Regenerating 20 towns and cities by assembling and remediating brownfield land and working with the private sector to bring about transformational developments (page 208)

- Empowerment of communities to shape regeneration and development plans (page 211)
- A meaningful say on planning applications (page 216)
- Hybrid models for planning committees (page 216)
- Widening the accessibility of neighbourhood plans (page 216)
- Local plans to be simpler and shorter (page 227)
- Enhancing compulsory purchase powers to support town centre regeneration (page 228)
- Exploring new models of an infrastructure levy (page 228)
- Devolution deals for every part of England that wants one (Page 234)

## Guidance

### Department for Levelling Up, Housing and Communities

#### *UK Shared Prosperity Fund*

- Alongside the Levelling Up White Paper, the government has published Pre-Launch Guidance for the UK Shared Prosperity Fund. The fund supports the levelling up agenda, with all areas of the UK receiving an allocation from the fund based on a funding formula.

## DLUHC Letters to Chief Planning Officers

- The Chief Planners Newsletter from Joanna Averley, DLUHC Chief Planner was issued on the 11 February, subject headings are:
  - Levelling Up White Paper – stating that there will be an update on changes in the planning system in the Spring.
  - Biodiversity Net Gain – summary of currently open consultation being held by DEFRA which closes on 5 April.
  - Housing Design Awards – invitation to enter 2022's awards.
  - Permitted Development Rights – an update on legislation introduced in January 2022 on markets, moveable structures, and continued support for

local authorities and health service bodies to respond to the spread of coronavirus.

- Active Travel England – the new body will be a statutory consultee within the spatial planning system on major planning applications.
- Planning Gateway One – an update on the recently introduced building/fire safety measure and an invitation for local authorities to submit information on their experience to date to DLUHC.
- Strategic Environmental Assessment for Neighbourhood Plans – advice to undertake SEA Screening early to reduce risks for making neighbourhood plans and meeting the examination requirements.

## Advice

### *Historic England Advice*

- Good Practice Advice notes (GPAs) and Historic England Advice Notes (HEANs) are all available on the Historic England [website](#), and are listed in Appendix I to this Bulletin for ease of reference.

### *Forthcoming Historic England Advice*

- A new draft HEAN on *Planning and Archaeology* is to be published for public consultation imminently.
- We also anticipate publishing a draft revision to HEAN 4 on *Tall Buildings* in the coming month.
- We are currently drafting a new HEAN on *Managing Change Affecting World Heritage Sites in England*. Further updates will be provided in subsequent Planning Bulletins in advance of public consultation in the coming months.

Please see our web page headlined [The Planning System](#) where Historic England Advice Notes may be found alongside our Good Practice Advice notes.

## Training

### *Historic England Training*

- We are preparing a new HELM training programme. For the time being our training will continue to be online, but we will be transitioning to new blended models of training which will include online ‘self-study’ elements, live webinars and, hopefully, as things continue to improve, a return to small group courses and site visits.
- A new series of [Technical Tuesdays: technical conservation webinars](#) starts in March with the following events:
  - Tuesday 1 March - fire alarm systems in historic buildings - installation methods and design – 13:00 to 14:00.
  - Tuesday 8 March – discussion with SPAB scholars about technical repairs seen on Scholarships 13:00 to 14:00.

- Tuesday 15 March – Discussion with SPAB Fellows about technical aspects of their scholarships – 13:00 to 14:00.
- Visit our [webpages](#) for more information and booking.

## Other Initiatives

### *Great British Railways: National Headquarters Competition*

- A [competition](#) has been launched to find a location for the headquarters of the new body. Towns and cities outside of London have the opportunity to participate and the competition will seek to recognise places with a rich railway heritage and strong links to the national rail network.

## Current Consultations

### *Biodiversity Net Gain Regulations and Implementation*

- Defra is [consulting](#) on how biodiversity net gain will be applied to Town and Country Planning Act development, and, at a higher level, Nationally Significant Infrastructure Projects. The consultation closes on 5 April.

### *Landscapes review (National Parks and AONBs): implementing the review*

- Defra is seeking views on the [Government response to the landscapes review](#) including potential changes to legislation. The consultation closes on 9 April.

### *Draft River Basin Management Plans*

- The Environment Agency is consulting on [draft River Basin Management Plans](#) seeking views on the proposed long-term objectives for the water environment and the measures to achieve them. The consultation closes on 22 April.

## Calendar

### *April*

- 5 Defra's consultation on [Biodiversity Net Gain Regulations and Implementation](#) closes.
- 9 Defra's consultation on [Landscapes review \(National Parks and AONBs\): implementing the review](#) closes.
- 22 The Environment Agency's consultation on [draft River Basin Management Plans](#) closes.

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*If you did not receive this edition of Planning Bulletin direct from Historic England, you may find the current edition online [here](#). If you would like to sign up for notifications when a new edition is issued, please contact [governmentadvice@HistoricEngland.org.uk](mailto:governmentadvice@HistoricEngland.org.uk).*



# APPENDIX I: HISTORIC ENGLAND PLANNING ADVICE

## *Good Practice Advice Notes (GPAs)*

- The GPAs provide information on good practice, particularly looking at the principles of how national policy and guidance can be applied. They are the result of collaborative working with the heritage and property sectors in the Historic Environment Forum, and have been prepared following public consultation:
  - *GPA1: The Historic Environment in Local Plans* (March 2015)
  - *GPA2: Managing Significance in Decision-Taking in the Historic Environment* (March 2015)
  - *GPA3: The Setting of Heritage Assets* (December 2017)
  - *GPA4: Enabling Development and Heritage Assets* (June 2020)

## *Historic England Advice Notes (HEANs)*

- The HEANs include detailed, practical advice on how to implement national planning policy and guidance. They have been prepared by Historic England following public consultation:
  - *HEAN 1: Conservation Areas: Designation, Appraisal and Review (Second Edition)* (February 2019)
  - *HEAN 2: Making Changes to Heritage Assets* (February 2016)
  - *HEAN 3: Site Allocations* (October 2015)
  - *HEAN 4: Tall Buildings* (December 2015)
  - *HEAN 5: Setting up a Listed Building Heritage Partnership Agreement* (November 2015)
  - *HEAN 6: Drawing up a Local Listed Building Consent Order* (November 2015)
  - *HEAN 7 (2nd ed): Local Heritage Listing* (January 2021)
  - *HEAN 8: Sustainability Appraisal and Strategic Environmental Assessment* (December 2016)
  - *HEAN 9: The Adaptive Reuse of Traditional Farm Buildings* (October 2017)
  - *HEAN 10: Listed Buildings and Curtilage* (February 2018)
  - *HEAN 11: Neighbourhood Planning and the Historic Environment* (October 2018)
  - *HEAN 12: Statements of Heritage Significance* (October 2019)
  - *HEAN 13: Minerals Extraction and Archaeology* (January 2020)
  - *HEAN 14: Energy Efficiency and Traditional Homes* (June 2020)
  - *HEAN 15: Commercial Renewable Energy Development and the Historic Environment* (February 2021)
  - *HEAN 16: Listed Building Consent* (June 2021)