



## Planning Bulletin: June 2020

*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.

Following the latest advice from Government in relation to Coronavirus (Covid-19), we have closed all our sites and offices until further notice.

Our staff are working from home and we will continue to provide advice and process grant payments as usual. We are doing what we can to maintain our level of response to planning and listing applications and general enquiries, but please do bear with us if responses are a little slower than usual.

Our local teams remain the best first point of call so if you need to contact us, please email your region as normal:

- [northwest@HistoricEngland.org.uk](mailto:northwest@HistoricEngland.org.uk)
- [northeast@HistoricEngland.org.uk](mailto:northeast@HistoricEngland.org.uk)
- [yorkshire@HistoricEngland.org.uk](mailto:yorkshire@HistoricEngland.org.uk)
- [midlands@HistoricEngland.org.uk](mailto:midlands@HistoricEngland.org.uk)
- [eastofengland@HistoricEngland.org.uk](mailto:eastofengland@HistoricEngland.org.uk)
- [southwest@HistoricEngland.org.uk](mailto:southwest@HistoricEngland.org.uk)
- [londonseast@HistoricEngland.org.uk](mailto:londonseast@HistoricEngland.org.uk)

For further information, advices, and updates on current Historic England services, please refer to our [website](#).

## Planning Response to Covid-19

Given the fast moving nature of responses to the Covid-19 pandemic, we would recommend checking websites such as [gov.uk](http://gov.uk), the [Local Government Association](#), the [Planning Advisory Service](#) and others for up to date information.

This section highlights some of the changes introduced, since the last Planning Bulletin, relating to planning and the historic environment, and is not intended as a compendium of all information relating to Covid-19 issues.

### *The Business and Planning Bill 2019-21*

- [The Business and Planning Bill 2019-21](#) was [introduced](#) to the House of Commons on Thursday 25 June. This introduces (amongst other things):
  - Temporary pavement licences: a streamlined consent route to allow businesses to obtain a licence to place temporary furniture, such as counters, stalls, tables and chairs outside of cafes, bars and restaurants quickly.
  - An extension to planning permissions and listed building consents that have an expiry date between the start of lockdown and the end of this year, to 1 April 2021.

### *Permitted Development Rights*

- [The Town and Country Planning \(Permitted Development and Miscellaneous Amendments\) \(England\) \(Coronavirus\) Regulations 2020](#) were introduced on the 25 June. Amongst other things, it introduces a new temporary Permitted Development (PD) Right that allows the holding of outdoor markets without the need for planning permission, and a temporary increase doubling the length of time that temporary structures can be placed on land without needing an application for planning permission. There are also changes to PD Rights relating to side extensions, as well as requirements that all housing permitted under PD Rights to adhere to a new natural light requirement.

- PD Rights will be extended to the construction of up to two storeys 'to create new flats on the topmost residential storey of a building which is an existing purpose-built, detached block of flats'. Some other key points regarding this PD Right are:
  - Listed Buildings, Scheduled Monuments and their curtilages, as well as Article 2(3) Land are excluded. Article 2(3) Land being: Conservation areas, Areas of Outstanding Natural Beauty, National Parks, the Broads, and World Heritage Sites.
  - The new homes must also be flats, the instrument states, while the right only applies to buildings built after 1 July 1948 and before 5 March 2018 and excludes those within a site of special scientific interest.
  - The right is restricted to buildings of three storeys or more in height and the extended building must not be more than 30 metres in total height.
  - The height of the extension cannot be greater than seven metres compared to the highest part of the existing roof, while any new storeys must be individually no more than three metres in height
  - Development is only permitted subject to prior approval. Conditions for local authority consideration include: transport and highways impacts; air traffic and defence asset impacts; contamination and flooding risks.
  - In addition, councils can also take into account the building's external appearance; the provision of adequate natural light in all habitable rooms; the impact on the amenity of the existing building and neighbouring premises, and whether 'because of the siting of the building, the development will impact on a protected view'.
  - Historic England must be consulted on prior notifications which impact on protected views.

#### *Commissioner for Cultural Recovery and Renewal*

- Oliver Dowden MP, the Secretary of State for DCMS, has appointed Neil Mendoza as the new *Commissioner for Cultural Recovery and Renewal*. Mr Mendoza will provide an expert and independent voice to the government, and will advise on how UK culture and heritage can begin the road to recovery from the pandemic.

#### *Cultural Renewal Taskforce*

- Oliver Dowden MP, the Secretary of State for DCMS, will chair the *Cultural Renewal Taskforce* responsible for the recreation and leisure sectors. In total, five new ministerial-led taskforces have been set up to develop blueprints for how and when closed businesses and venues can reopen safely, following publication of the UK government's National Covid-19 Recovery Strategy to help rebuild Britain

#### *Advice on Accessing Green Spaces Safely*

- DEFRA has published guidance on accessing green space safely, including visit gardens, nature reserves and parkland.

#### *Reopening High Streets Safely Fund*

- The government has announced a new £50 million fund for councils across England to prepare for the safe reopening of high streets and other retail spaces. The money will be allocated to councils on a per capita basis and will be ready to spend from 1 June 2020. Further information can be found in the Reopening High Streets Safely Fund guidance.

### *Guidance on Searching for Archaeological Finds in England During COVID-19*

- DCMS has published guidance for members of the public (including metal-detectorists) searching for archaeological finds in England during the COVID-19 pandemic. It draws on existing good practice guidance for detecting & current social distancing rules, with the prohibition on rallies still in place.

### *Guidance on Reopening Heritage Locations*

- Historic England has published guidance for people preparing to reopen a heritage location to the public, including retail and visitor attractions, or those who are preparing to go back to work at a historic site. It includes details of how to find guidance from government and other sector bodies, and things to consider when reopening or returning to work at historic sites.

### *Guidance for Reopening of Museums, Galleries and the Heritage Sector*

- DCMS has published guidance outlining how museums, galleries, heritage attractions and historic buildings can begin to reopen to the public from 4 July. Guidance for the heritage sector has been published in collaboration with Historic England and guidance for museums has been published by the National Museum Directors' Council with DCMS support. Both will outline the processes and facilities that businesses and organisations must put in place before reopening so that staff and visitors can be kept safe. The guidance is specifically for heritage attractions, those running businesses from historic and listed buildings, and those working to conserve and protect heritage assets.

### *Guidance for the Safe Use of Places of Worship*

- MHCLG has published guidance designed to assist places of worship to prepare to open for a broader range of activities on 4 July.

### *Extended Public Consultations*

- The Department for International Trade's consultation on the UK's Freeport Policy has been extended to 13 July.
- The Environment Agency's consultation on River Basin Planning: Challenges and Choices has been extended to 24 September.

## **Government Departments**

### **Ministry of Housing, Communities and Local Government**

- MHCLG has appointed Joanna Averley as Chief Planner, replacing Steve Quartermain who stepped down earlier this year. She will take on the post from September.

## **Legislation and Matters Arising**

### **Primary Legislation**

As reported in the *Planning Response to Covid-19* section (above):

- The Business and Planning Bill 2019-21 was introduced to the House of Commons on Thursday 25 June. Amongst other things it covers: temporary Permitted Development Rights for shops, etc. to use footways, etc. for trading; extensions to permissions expiring during lockdown; and flexibility for construction site working hours.

## Secondary Legislation

As reported in the *Planning Response to Covid-19* section (above):

- The Town and Country Planning (Permitted Development and Miscellaneous Amendments) (England) (Coronavirus) Regulations 2020 was introduced on the 25 June. Amongst other things the Regulations introduces a new Permitted Development Right from 1 August 2020 related to upwards extensions on existing flat-blocks.

## Emerging Legislation

### *Government Bills*

- *Agriculture Bill*: amongst other things the Bill authorises expenditure for certain agricultural and other purposes; to make provision about direct payments following the United Kingdom's departure from the European Union and about payments in response to exceptional market conditions affecting agricultural markets; to confer power to modify retained direct EU legislation relating to agricultural and rural development payments and public market intervention and private storage aid. The Bill was introduced to the House of Commons and given its First Reading on 16 January. The Bill passed its Second Reading on 3 February and has been considered by a Public Bill Committee which reported to the House on 6 March. The Bill has passed its Third Reading in the Commons on 13 May and has now passed its Second Reading in the House of Lords on 10 June. The Committee stage is scheduled to be on 7 July.
- *Clean Air (Human Rights) Bill 2019-20*: amongst other things the Bill establishes the right to breathe clean air; requires the Secretary of State to achieve and maintain clean air in England and Wales; and to enhance the powers, duties and functions of the Environment Agency, the Committee on Climate Change, local authorities (including port authorities), the Civil Aviation Authority, Highways England, Historic England and Natural England in relation to air pollution. The Bill was introduced to the House of Commons and given its First Reading on 13 January. The Second Reading is yet to be scheduled.
- *Environment Bill 2019-21*: amongst other things the Bill aims to make provision about targets, plans and policies for improving the natural environment, for statements and reports about environmental protection, conservation covenants, and about air quality. The Government have reintroduced the Bill and have said that it demonstrates a 'commitment to tackling climate change and to protecting and restoring our natural environment for future generations.' The Bill had its Second Reading in the House of Commons on 26 February. This Bill was being considered by a Public Bill Committee but due to current circumstances the sittings of the Committee have been suspended until further notice. The Committee is now scheduled to report by 29 September.

### *Private Bills*

- *Highgate Cemetery Bill*: was deposited with Parliament on 27 November 2019. The Examination took place on 18 December and the Bill was found to be compliant with Private Business Standing Orders. The Bill was introduced to the House of Lords and had its First Reading on 22 January. The Second reading took place on 12 February and was unopposed, so there was no debate. The Bill needed a "Wharnccliffe" Examination to comply with certain standing orders concerning the consents of owners, members and directors of companies. The Examination was on 9 March and the bill was found compliant. The bill now proceeds to an Opposed Bill Committee to consider the petitions. No date has yet been set.

## 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.

## Guidance

The government has published a range of guidance as reported in *Planning Response to Covid-19* section (above).

## MHCLG Letters to Chief Planning Officers

- MHCLG has written to Chief Planning Officers with an [update](#) on financial support for neighbourhood planning in 2020 to 2021.

## 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.
- A new GPA on *Enabling Development and Heritage Assets* has been [published](#) (30 June 2020). Enabling development is development that would not be in compliance with local and/or national planning policies, and not normally be given planning permission, except for the fact that it would secure the future conservation of a heritage asset. Whilst only applicable in certain circumstances, enabling development can be a useful tool. The advice in this document is intended to help all those involved in enabling development proposals (local authorities, planning and other consultants, owners, applicants and other interested parties) to work through the possible options in relation to the asset in question, and to understand whether they are acceptable. It replaces *Enabling Development and the Conservation of Significant Places* (English Heritage, 2008). A related [webinar](#) will be announced shortly.

### *Forthcoming Historic England Advice*

- Following public consultation, publication of a HEAN on *Energy Efficiency and Traditional Homes* is expected shortly.
- Following public consultation, publication of a HEAN on *Commercial Renewable Energy and the Historic Environment* is expected shortly.
- Following public consultation, publication of a revised HEAN on *Tall Buildings* (HEAN4) is expected shortly.
- A HEAN on *Permission in Principle* is being currently being drafted and should be consulted on soon.

# Training

## *Historic England Training*

- In response to Covid-19 restrictions, Historic England is increasing its e-learning and remote CPD provision. HE will be launching new e-learning courses in June, based on previously delivered *NPPF Decoded* HELM events, and have almost tripled the planned programme of Webinars.
- Some topics are tailored to respond, in part, to Covid-19 and how it is affecting the heritage sector. Topics include *Wellbeing and Heritage* and *Heritage Crime During Lock Down*. HE will also be turning the HELM courses planned for 2020 into webinars and this will include topics such as *Industrial Heritage* and *Design and Place-shaping*.
- Historic England has launched its new *Technical Tuesdays*, series of webinars delivered by its Technical Conservation Team. *Technical Tuesday* webinars usually take place 13:00-14:00, and previous webinars are made available online, generally about a week after the event. Webinars address the following themes, but the offer will be expanded later in the year:
  - *Beneath the Surface*
    - (5 May - Earthen Mortars and Plasters)
    - (2 June - Fibrous Plaster)
    - 7 July - Concealed Decoration
  - *Survey and Inspection*
    - (12 May - Infrared Thermography)
    - (9 June - Geospatial Survey)
    - 14 July – Damp
  - *Buildings at Risk*
    - (19 May - Fire in Thatched Buildings)
    - (16 June – Graffiti)
    - 21 July - Lightning Protection
  - *Building Services*
    - (26 May - Principles and Decision Making)
    - (23 June – Installation)
    - 28 July - Inspection and Maintenance
- More details about HE online training are available [here](#), and for webinar booking please visit [here](#).
- To be added to the mailing list for training events and webinars, or if you would like to suggest topics for courses, webinars or online training please email [helmbookings@historicengland.org.uk](mailto:helmbookings@historicengland.org.uk).

# Other Initiatives

## *Planning Reform Announcement*

- In a [speech](#) the Prime Minister outlined a series of proposed planning reforms to take effect by September. The changes include:
  - More types of commercial premises having total flexibility to be repurposed through reform of the Use Classes Order. A building used for retail, for instance, would be

able to be permanently used as a café or office without requiring a planning application and local authority approval. Pubs, libraries, village shops and other types of uses essential to the lifeblood of communities will not be covered by these flexibilities.

- A wider range of commercial buildings will be allowed to change to residential use without the need for a planning application.
- Builders will no longer need a normal planning application to demolish and rebuild vacant and redundant residential and commercial buildings if they are rebuilt as homes.
- Property owners will be able to build additional space above their properties via a fast track approval process, subject to neighbour consultation.
- The government also announced the launch a planning Policy Paper in July setting out a plan for comprehensive reform of England's planning system.

#### *Notes on Neighbourhood Planning*

- The Development Plans team at the MHCLG has published an update on the latest neighbourhood planning news and policy developments. It includes sections on:
  - Neighbourhood Planning & Covid-19
  - Affordable Housing for Sale support programme
  - First Homes Consultation, and
  - Neighbourhood Plan Reviews

## **Current Consultations**

- The Department for the Environment & Rural Affairs is consulting on a new *England Tree Strategy* which will be published later this year. The strategy will focus on expanding, protecting and improving woodlands, and how trees and woodlands can connect people to nature, support the economy, combat climate change and recover biodiversity (closing date 11 September).
- The Department for International Trade is consulting on the UK's *Freeport Policy*. The proposals include tariff flexibility, customs facilitations and tax measures, as well as planning reforms, additional targeted funding for infrastructure improvements and measures to incentivise innovation (extended closing date 13 July).
- The Environment Agency is consulting on *River Basin Planning: Challenges and Choices* (extended closing date 24 September). It is seeking views on:
  - the challenges that limit the benefits society obtains from the water environment in the river basin districts in England (the challenges)
  - the best way to address these issues (the choices)
- The UK Environmental Audit Committee has launched the *Technological Innovation and Climate Change Inquiry*, with its first focus on offshore wind power, is inviting written submissions to inform its first session (see *Committees* section, above).



## Calendar

### July

- 7 Historic England *Technical Tuesday* Webinar: *Beneath the Surface: Concealed Decoration* (13:00-14:00)
- 13 The Department for International Trade consultation on the UK's *Freeport Policy* closes
- 14 Historic England *Technical Tuesday* Webinar: *Survey and Inspection: Damp* (13:00-14:00)
- 21 Historic England *Technical Tuesday* Webinar: *Buildings at Risk: Lightning Protection* (13:00-14:00)
- 28 Historic England *Technical Tuesday* Webinar: *Inspection and Maintenance* (13:00-14:00)

### September

- 11 The Department for the Environment & Rural Affairs is consulting on a new *England Tree Strategy* closes.
- 24 Environment Agency consultation on *River Basin Planning: Challenges and Choices* closes

Strategy and Listing Department, Historic England  
Email: [governmentadvice@HistoricEngland.org.uk](mailto:governmentadvice@HistoricEngland.org.uk)  
30 June 2020

*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: Local Heritage Listing* (May 2016)
  - *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)