



Planning Bulletin: May 2021

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.

Our sites and offices continue to be closed until further notice. Our staff are working from home and will continue to provide advice and grant payments as usual.

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 updates on current Historic England services, please refer to our [website](#).

Legislation and Matters Arising

Queen's Speech

Environment Bill

- The Environment Bill has been carried over from the last parliamentary session, further details are in the *Emerging Legislation* section.
- The Bill places a duty on Ministers to ensure environmental considerations are central to policy development.
- Dame Glenys Stacey has been appointed chair of the Office for Environmental Protection and a draft *Policy Statement on Environmental Principles* is out for consultation.

Planning Reform in England Bill

- The new Planning Reform Bill will be introduced to parliament in the autumn. The main elements of the Bill are:
 - Changing Local Plans so they provide more certainty over the type, scale and design of development permitted on different categories of land.
 - Decreasing the time it takes for development to go through the planning system.
 - Replacing existing systems with a more predictable and transparent levy.
 - Simplifying and enhancing the framework for environmental assessments for developments.
 - Reforming the framework for locally led development corporations.

Levelling Up Bill

- As part of the preparations for the Levelling Up Bill, the Government will publish a Levelling Up White Paper later in 2021.
- Areas covered under the Bill include:
 - Local regeneration and town centre improvement.
 - Enterprise and jobs.
 - Levelling up public services.
 - Skills and education.
 - Major infrastructure and connectivity.

Secondary Legislation

- The *Town and Country Planning (General Permitted Development etc) (England) (Amendment) Order 2021* was introduced on 31 March 2021 and came into force on 21 April 2021. Full details of the legislation can be found [here](#). In summary:
 - **A new Class MA** (in Part 3 of Schedule 2) to allow change of use from commercial, business and service uses (Use Class E) to residential dwellings (Use Class C3) under permitted development rights subject to conditions and limitations. Transition arrangements for Article 4 directions restricting change of use from offices to residential dwellings are in place until 31 July 2022.

- **Amendments to Class M** (in Part 7 of Schedule 2) to increase the size of extensions and building height allowed under permitted development rights for schools, colleges, universities, prisons and hospitals, subject to conditions and limitations.
- **Addition of Commemorative Structures to Class B** (in Part 11 of Schedule 2) confirming extra protections for unlisted statues, memorials or monuments.
- **Amendments to Class B** (in Part 8 of Schedule 2) to bring permitted development rights for seaports in line with airports, allowing development of buildings for the provision of services and facilities at the port, including the erection or alteration of an operational building.

Emerging Legislation

Government Bills

- *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 Second Reading in the House of Lords is yet to be scheduled.
- *Environment Bill 2019-21, 2021-22*: 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 has reintroduced the Bill and has said that it demonstrates a 'commitment to tackling climate change and to protecting and restoring our natural environment for future generations'. The Bill received its sixteenth to twentieth sessions in a Public Bill Committee. The Public Bill Committee voted against the proposed amendment to include heritage in the Environment Bill, noting there was recognition of the connection between the natural environment and heritage in the *25-Year Environment Plan*. The Bill has returned in the next Parliamentary session and is due to have its report stage, with the Bill expected to become law by Autumn.

Private Members' Bills

- *Climate and Ecology Bill 2019-21*. 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. The Bill was presented to Parliament on 2 September 2020. The date of its Second Reading in the House of Commons is yet to be announced.
- *Planning (Proper Maintenance of Land) Bill 2019 – 21*. 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. Jonathan Gullis MP made positive reference to historic buildings and Historic England. It was introduced to Parliament under the *Ten Minute Rule*. The date of its Second Reading in the House of Commons is yet to be announced.

Private Bills

- *Highgate Cemetery Bill*: The Bill needed a 'Wharnclyff' Examination to comply with certain standing orders concerning the consents of owners, members and directors of

companies. The First Reading of the Bill took place in the House of Commons on 22 April 2021. The date of the Second Reading is yet to be announced.

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

Legislative Directions

- New Directions relating to Commemorative Structures in the *Town and Country Planning (General Permitted Development etc) (England) (Amendment) Order 2021* are summarised below:
 - [Arrangements for Handling Heritage Applications: Notification to Historic England and National Amenity Societies and the Secretary of State \(England\) Direction 2021](#) confirms the new requirement to notify Historic England in respect of the demolition of Grade II listed statues, memorials, and monuments; and extends the definition of relevant works to Grade II listed buildings to include 'commemorative object works'.
 - [The Town and Country Planning \(Consultation\) \(England\) Direction 2021](#) introduces the requirement for Local Planning Authorities (LPA) to consult the Secretary of State on planning applications for full or partial demolition of commemorative structures which have been in place for ten or more years, where the LPA does not propose to refuse the application, exceptions to this are set out in the legislation and direction.
 - [The Town and Country Planning \(Demolition - Description of Buildings\) Direction 2021](#) confirms that the demolition of a commemorative structure needs planning permission and constitutes the development of land.

Planning Practice Guidance (PPG)

- New guidance relating to commemorative structures was issued on 27 April 2021.
- Paragraph 125 '*Do I need to apply for planning permission to demolish a statue, memorial or monument?*' has been added to the [PPG - When Is Permission Required](#). The guidance sets out when planning permission is required and when permitted development rights apply for commemorative structures in and outside a conservation area.
- Paragraph 126 '*Do I need planning permission to demolish a plaque?*' details where a planning application would be required and where listed building consent would be necessary.

MHCLG Letters to Chief Planning Officers

- The *Planning Update Letter* from Joanna Averley, MHCLG Chief Planner summarised the post-pandemic planning challenges and encouraged local planning authorities (LPAs) to continue local plan preparations. The 1 April 2021 letter included:
 - Supporting Housing Delivery and Public Service Infrastructure – legislation introduced on 31 March 2021
 - Further Measures to Enable Businesses to Operate Safely and Support Economic Recovery – detailing the Written Ministerial Statement (Construction Update) to Parliament on 25 March 2021
 - Changes to the Current Planning System Consultation – Update on First Homes – detailing the Government response to the First Homes proposals.
 - Electronic Communications Infrastructure – setting out the technical consultation on changes to permitted development rights for electronic communications infrastructure.
 - Progressing Local Plans and Neighbourhood Plans – referencing the Written Ministerial Statement of 19 January 2021 and encouraging the progression of Neighbourhood Plans.
 - Remote Meetings – noting the changes to temporary powers permitting remote meetings which will not be extended after 7 May 2021 and the associated call for evidence which is open until 17 June 2021.
 - Graduate Recruitment – noting an update on recruitment.
- A further letter was issued to LPAs on *Additional Support to Neighbourhood Planning*. The letter outlined funding opportunities available to LPAs to encourage take up and preparation of Neighbourhood Plans. This includes a new £2.1 million fund for under-represented areas and a £330,000 fund for a Neighbourhood Planning Pilot to test a simpler approach.

Committees

Housing, Communities, and Local Government (HCLG) Select Committee

- The HCLG Committee heard oral evidence on *Supporting our high streets after COVID-19* on 13 May 2021.
- The oral evidence session on *Permitted Development Rights* is due to take place on 17 May 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.
- The annual *Heritage Counts Research* has been published and provides useful evidence on how carbon emissions can be reduced in our pre-1919 homes. Further details can be found [here](#).

Forthcoming Historic England Advice

- We anticipate publishing a new draft HEAN for public consultation on Planning and Archaeology in the coming few weeks.
- Following public consultation, publication of a new HEAN on Listed Building Consent is expected by the end of May.
- Following public consultation last year, further revision to HEAN 4 on Tall Buildings is progressing, taking account of the feedback we received. We anticipate publishing the updated HEAN in the spring/summer this year.

Training

Historic England Training

- In response to Covid-19 restrictions, Historic England is increasing its e-learning and remote CPD provision.
- HE has turned the HELM courses into webinars, including topics such as Commercial renewable energy development and the historic and an interactive online workshop: Easy access to historic landscapes and buildings. They can be accessed [here](#).
- Technical Tuesdays; a series of webinars delivered by its Technical Conservation Team is made available online, generally about a week after the event. Registration is open for the following webinars:
 - **18 May 2021:** Climate change adaptation: conservation – retrofit
 - **25 May 2021:** Mortars for conservation: part 2 – mortar analysis
- Please visit the HE online training web pages [here](#) for the latest on our webinar programme [here](#). For webinar booking please visit [here](#).
- If you would like to enquire about running a webinar or online training please fill in this [form](#).
- 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.

Historic Environment Advice Assistant Apprenticeship Training Programme

- Historic England is working with Strode College to deliver the Level 4 Historic Environment Advice Assistant apprenticeship training programme and are looking to recruit for the next cohort, to **commence September 2021**.
- Apprenticeships are for everyone – not just school leavers! They are simply a mixture of learning new skills in the workplace and completing a taught programme of training.
- This higher technical apprenticeship is a great opportunity to up-skill in the area of managing change to the historic environment through the planning system. It provides a structured programme of training, based around 10 modules delivered by Strode College and Historic England experts. This is completed alongside day to day work, where the individual will undertake opportunities to develop their experience of working on heritage cases.

- For further information, please visit <https://www.strode-college.ac.uk/college-info/news/historic-environment-advice-assi/> contact Adrian Ash, Head of Higher Education aash@strode-college.ac.uk

Marine Planning

- The MMO have held briefing sessions on Marine Planning. Further information including data on marine licenses, environmental designations and policy information used within the regional marine plans can be obtained from the MMO's [Explore Marine Plans](#) service. A 'How to use – Explore Marine Plans' webinar which can be viewed [here](#).
- Hypothetical planning examples are also available from the MMO through [Using marine plans](#), for example, how a coastal local authority should consider marine plan objectives and policies in their plan making. This detail is important given that all public authorities taking authorisation or enforcement decisions that affect or might affect the UK marine area must do so in accordance with the appropriate marine policy documents under section 58 of the [Marine and Coastal Access Act 2009](#) (MCAA).

Other Initiatives

Levelling Up Fund

- Frequently asked questions and webinar slides were added to the Levelling Up Fund [additional documents page](#) on 30 April 2021.
- Neil O'Brien, Conservative MP for Harborough in Leicestershire, has been appointed as chief adviser on Levelling Up.

Neighbourhood Planning

- MHCLG has launched two new funds to support more neighbourhood planning in towns and cities:
 - A fund of £2.1m is focused on increasing the uptake of neighbourhood planning in under-represented areas.
 - A fund of £330,000 has been launched to deliver a neighbourhood planning pilot and explore potential streamlining of neighbourhood plans.

Defra Independent Review on Reservoir Safety and Legislation

- Professor David Balmforth's [independent review](#) for Defra on *Reservoir Safety and Legislation* was published on 13 May 2021. The review follows on from the Toddbrook reservoir incident review carried out in 2019. Balmforth's report makes recommendations for improving the safety regime and to strengthen the roles and responsibilities for the regulator, reservoir owners and engineers. There are many large lakes in parks and gardens and other historic sites that come under the Reservoirs Act regulations.

Current Consultations

- The consultation on Historic England's *draft Industrial Heritage Strategy* is open and further details including how to respond can be found [here](#). The consultation closes on **7 June 2021**.
- The review on Historic England's *Enhanced Advisory Services (EAS)* is open and further details including how to respond can be found [here](#). The review closes on **9 July 2021**.
- MHCLG has launched a [technical consultation](#) on *Changes to Permitted Development Rights for Electronic Communications Infrastructure*. The consultation closes on **14 June 2021**.

Recent Consultation Responses

- Historic England responded to the MHCLG consultation on [National Planning Policy Framework \(NPPF\) and National Model Design Code \(NMDC\)](#). The consultation response can be found [here](#).
- Historic England responded to the call for evidence for the HCLG Committee [Permitted Development Rights Inquiry](#). The consultation response can be found [here](#).
- Historic England responded to the [Future of Building Standards](#) consultation.

Calendar

May

- 17 Review of Historic England's Enhanced Advisory Services opens.
- 18 Climate change adaptation: conservation – retrofit.
- 25 Mortars for conservation: part 2 – mortar analysis.

June

- 2 Consultation on the *Draft Policy Statement on Environmental Principles* closes.
- 7 Historic England's *draft Industrial Heritage Strategy* consultation closes.
- 14 Consultation on *Changes to Permitted Development Rights for Electronic Communications Infrastructure* closes.
- 17 Government's call for evidence on remote (planning) meetings 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.

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)