



Planning Bulletin: November 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.

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](#).

Planning White Paper

Planning for the Future

- The government has consulted on the PWP, entitled *Planning for the Future*. Its stated aim is ‘to streamline and modernise the planning process, bring a new focus to design and sustainability, improve the system of developer contributions to infrastructure, and ensure more land is available for development where it is needed’.
- Historic England’s response to the PWP is [here](#).

Government Departments

HMT – Spending Review 2020

- In the annual [Spending Review 2020](#) on 25 November the Chancellor, Rishi Sunak announced:
 - The creation of a new £7.1 billion *National Home Building Fund* that aims to unlock 860,000 homes with a focus on regeneration schemes and development on brownfield land.
 - A £4 billion *Levelling Up Fund* for investment in local infrastructure projects including upgrading town centres and community infrastructure, and local arts and culture.
 - £12 million to take forward the government’s reforms to the planning system.
 - Measures to deliver the Prime Minister’s *Ten-Point Plan* for a Green Industrial Revolution.

Legislation and Matters Arising

Enacted Legislation

Government Acts

- The [Agriculture Act 2020](#) received Royal Assent on 11 November. The Act puts in place a domestic system to replace the Common Agricultural Policy, to be gradually introduced by 2027. The new system has a single Environmental Land Management Scheme (ELMS) rewarding farmers and land managers for providing environmental ‘public goods’. Part 1, Chapter 1, subsection (1) (c) specifically identifies cultural heritage as a public good. The Act sustains the profile of rural heritage within the ELMS and will enable the Secretary of State to provide financial assistance for managing land or water in a way that maintains, restores or enhances cultural or natural heritage.

Secondary Legislation

- *General Permitted Development Order (England) (Amendment) Regulations 2020* were amended on 12 November:
- To reflect that space standards for all new homes in England, delivered through Permitted Development Rights, will have to meet national space standards from 6 April 2021.

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 is still 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 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*.

Matters Arising

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. Its Second Reading is scheduled to take place on 12 March 2021.
- *Desecration of War Memorials Bill 2019-21*. The Bill aims to create the offence of desecrating a war memorial. It was introduced to Parliament on 23 June under the *Ten Minute Rule*. Its Second Reading in the House of Commons is scheduled to take place on 5 February 2021.
- *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*. Its Second Reading is scheduled for 29 January 2021.

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 Bill was found compliant on 9 March. The bill now proceeds to an Opposed Bill Committee to consider the petitions. A date has not 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.

Committees

Housing, Communities and Local Government (HCLG) Committee

- The House of Commons Housing, Communities and Local Government Committee is proceeding with the [inquiry on the future of the planning system in England](#). Oral evidence commenced in November, examining government proposals to reform the planning system from the perspective of the construction sector and regional strategic planners.

Guidance

Planning Practice Guidance (PPG)

- Guidance on the [Community Infrastructure Levy \(CIL\)](#) was updated on 16 November to explain the implications for CIL with regard to changes to the Use Classes Order (see paragraphs 023 and new paragraph 201). The new paragraph 201 advises that any references to use classes specified prior to 1 September 2020 are to be read as descriptions of the previous Use Class Order. The updated guidance also references regulations exempting First Homes from CIL. The updated guidance reflects the amendment to CIL legislation.

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.

Consultation on Historic England Advice

- Historic England is consulting on a draft HEAN on [Listed Building Consent Advice](#) (see Current Consultations). The consultation closes on 21 December.

Forthcoming Historic England Advice

- 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.

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 planned for 2020 into webinars, including topics such as *Enabling Development*, *Industrial Heritage* and *Design and Place-shaping*. They can be accessed [here](#).
- *Technical Tuesdays*; a series of webinars delivered by its Technical Conservation Team are made available online, generally about a week after the event.
- Please visit the HE online training web pages [here](#) for the latest on our webinar programme. 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.

Other Initiatives

National Infrastructure Strategy

- The first *National Infrastructure Strategy* (NIS) was published on 25 November. It sets out the government's key infrastructure priorities and details a National Infrastructure Planning Reform Programme to refresh how the Nationally Significant Infrastructure Projects (NSIP) regime operates.
- The NIS proposes future consultation on changes to Permitted Development Rights to allow for easier expansion of schools, colleges, hospitals and prisons. A fast track application process is also proposed with changes in secondary legislation to allow for a 10-week determination period for these types of uses.

Nature Recovery Network (NRN)

- The *Nature Recovery Network* (NRN) Delivery Partnership, led by Natural England was launched on 5 November. The partnership brings together representatives from over 600 organisations, including Historic England, to drive forward restoration of protected sites and landscapes; and help provide new habitat across England, as set out in the government's *25 Year Environment Plan*.

Places of Worship

- The final evaluation of the DCMS funded Taylor Review Pilot, examining the sustainability of historic places of worship in England, can be found [here](#).

Historic England: Tailored Review

- On the 24 November the government published the *Tailored Review of Historic England* which is an assurance review of public bodies. Historic England's response to the Tailored Review can be found [here](#).

Neighbourhood Planning

- The government published an update to neighbourhood planning on 11 November, the autumn newsletter can be found [here](#).

Current Consultations

- The re-drafted HEAN 7 on [Local Heritage Listing](#) is now out for consultation. This re-drafted advice note reinforces the essential role of local heritage listing in providing a consistent and accountable way of identifying local heritage assets, now updated to reflect the changes made to the Planning Practice Guidance in 2019. Consultation closes on 18 December.
- Historic England is consulting on a draft HEAN on [Listed Building Consent Advice](#). The Advice Note gives both general advice for owners of listed buildings about listed building consent as an application process and on how to judge whether proposals need consent, how to achieve certainty on the need for consent, and how to make successful applications. It also gives advice on works that may or may not need listed building consent, depending on how the works are proposed to be carried out (closing date 21 December).

Recent Consultation Responses

Historic England's responses

- The response to MHCLG's Planning White Paper, [Planning for the Future](#) is [here](#).

Calendar

December

- 18 Historic England consultation on [Local Heritage Listing](#) re-drafted HEAN 7 closes.
- 21 Historic England consultation on [Listed Building Consent Advice](#) draft HEAN closes.

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30 November 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.

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)
 - *HEAN 14: Energy Efficiency and Historic Buildings: How to Improve Energy Efficiency* (June 2020)