



Planning Bulletin February 2024

This monthly note highlights some of the recent and forthcoming developments in the world of planning, from a heritage perspective. 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.

Legislation and Matters Arising

Emerging Legislation

This section provides a summary of updates to emerging legislation in the last month. Further information on what the emerging legislation covers and its overall progress to date can now be found in [Appendix I](#).

Government Bills

High Speed Rail (Crewe to Manchester) Bill

- The [High Speed Rail \(Crewe to Manchester\) Bill](#) is currently awaiting a date for Committee Stage.

Holocaust Memorial Bill

- The [Holocaust Memorial Bill](#) is currently awaiting a date for Committee Stage. For information on progress of the petitions against the Bill, please see the Holocaust Memorial Bill Select Committee section below.

The Offshore Petroleum Licensing Bill

- The [Offshore Petroleum Licensing Bill](#) was debated at a Committee of the Whole House on 20 February.

The Rail Reform Bill

- [The Draft Rail Reform Bill](#) was published by the Government on 20 February for pre-legislative scrutiny.

Private Members' Bills

Heritage Trees Bill

- A date for the Second Reading of the [Heritage Trees Bill](#) is awaited.



High Street (Designation, Review and Improvement Plan) Bill

- The [High Street \(Designation, Review and Improvement Plan\) Bill](#) is currently awaiting a date for Committee Stage.

Secondary legislation

Biodiversity Net Gain Regulations

- On 12 February, the Biodiversity Net Gain (BNG) regulations came into force. The BNG regulations most relevant to planning are:
 - [The Environment Act 2021 \(Commencement No. 8 and Transitional Provisions\) Regulations 2024](#)
 - [The Biodiversity Gain Requirements \(Exemptions\) Regulations 2024](#)
 - [The Biodiversity Gain \(Town and Country Planning\) \(Modifications and Amendments\) \(England\) Regulations 2024](#)
 - [The Biodiversity Gain Requirements \(Irreplaceable Habitat\) Regulations 2024](#)
- BNG applies to all planning applications for major development made on or after the 12 February and will apply to applications for non-major development from 2 April, unless the category of development is exempt (see [the Biodiversity Gain Requirements \(Exemptions\) Regulations 2024](#) for details).

Levelling-Up and Regeneration Act Regulations

- The [Levelling-up and Regeneration Act 2023 \(Commencement No. 2 and Transitional Provisions\) Regulations 2024](#) are the second commencement regulations made under the Levelling-up and Regeneration Act. The regulations brought into force a number of provisions of the Levelling-up and Regeneration Act on 31 January. These include planning provisions that provide a statutory basis for National Development Management Policies and to enable regulations and development orders to be made in relation to Street Vote Development Orders.

Permitted Development Rights

- The [Town and Country Planning \(General Permitted Development\) \(England\) \(Amendment\) Order 2024](#) makes changes to the permitted development right that allows the change of use of commercial, business and service uses (Class E) to dwellinghouses (Class C3) by removing the 1,500 sqm maximum floorspace limit and removing the three-month vacancy requirement. The changes come into force on 5 March and relate to England only.



Policy and Guidance

Planning Practice Guidance Updates

- On 14 February, the [Planning Practice Guidance for Biodiversity Net Gain](#) was published. Further updates were made to existing Planning Practice Guidance as a result of the commencement of the BNG. These updates include:
 - The [Planning Practice Guidance for Viability](#) which was updated to reflect that mandatory BNG is a consideration for on viability assessments (see paragraph 012).
 - The [Planning Practice Guidance for Natural Environment](#) which was updated to reflect the commencement of BNG and the publication of separate guidance (see paragraphs 009, 018-021).
- On 19 February, the [Planning Practice Guidance for Community Infrastructure Levy](#) (CIL) was updated. The update makes clear that CIL-charging authorities should not set higher residential CIL rates on minor development on the grounds that these sites are not required to provide affordable housing contributions because doing so erodes the underlying policy objective of the small sites policy.
- On 5 February, the [Planning Practice Guidance on Housing Supply and Delivery](#) was updated to reflect recent updates to the revised [National Planning Policy Framework](#) (in particular paragraph 226). The changes include:
 - Information on transitional arrangements for decision making.
 - Updates to clarify how local authorities who meet the policy criteria can calculate a 4-year housing land supply position.
 - Further detail on the circumstances under which authorities are not required to demonstrate a 5-year housing land supply for decision making.

Committees

Built Environment Committee

- The [Built Environment Committee](#) has three inquiries open, including:
 - The [High Street in Towns and Small Cities Inquiry](#) looking at how high streets can be regenerated and become more resilient and attractive. The Inquiry opened on 14 February and there have been two oral evidence sessions with a further one due on 5 March. [Transcripts from the oral evidence sessions](#) are available online. The deadline for submission of evidence is 22 March.



Energy Security and Net Zero Committee

- The [Energy Security and Net Zero Committee](#) has seven inquiries open, including:
 - The [Flexible Grid for the Future Inquiry](#) looking at how the grid develops including in terms of planning and devolution of decision-making. There have been four oral evidence sessions to date, the most recent on 7 February. [Transcripts from the oral evidence sessions](#) are available online, along with the written evidence statements.
 - The [Heating our Homes Inquiry](#) looking at the challenges to heating homes including issues of energy efficiency (including insulation), heat pumps and other technologies that might replace gas boilers, new build/renovated houses heat standards, and the infrastructure and workforce problems surrounding delivery of retrofit. There have been five oral evidence sessions to date. Historic England gave evidence at the session held on 10 January. All [evidence submitted to the Heating our Homes Inquiry](#) is available online, including [written evidence submitted by Historic England](#).

Environment, Food and Rural Affairs Committee

- The [Environment, Food and Rural Affairs Committee](#) has six inquiries open, including:
 - An [Inquiry into Urban Green Spaces](#) exploring the ecological, environmental and other benefits of green space. To date, two oral evidence sessions have been held with the most recent on 30 January. [Transcripts from the oral sessions](#) are available online, along with the written evidence statements. The [written evidence submitted by Historic England](#) is also available online.

Environmental Audit Committee

- The [Environmental Audit Committee](#) currently has ten inquiries open, including:
 - An inquiry into [the Role of Natural Capital in the Green Economy](#). To date, two oral evidence sessions have been with the most recent on 28 February. All [evidence submitted to the Role of Natural Capital in the Green Economy Inquiry](#), which includes a [submission by Historic England](#), is available online.
 - An inquiry into [Heat Resilience and Sustainable Cooling](#). On 31 January, the [Fifth Report – Heat Resilience and Sustainable Cooling](#) was published. All [evidence submitted to the Heat Resilience and Sustainable Cooling Inquiry](#), which includes a [submission by Historic England](#), is available online.

The Holocaust Memorial Bill Select Committee

- On 11 January, the [Holocaust Memorial Bill Select Committee](#) announced a [programme of public hearings](#) to consider petitions against the Bill. To date, there have been two oral



evidence session with the most recent on 6 February. [Transcripts of the Holocaust Memorial Bill petition hearings](#) held to date have been published online.

Levelling Up, Housing and Communities Committee

- The [Levelling Up, Housing and Communities Committee](#) (LUHCC) currently has 17 inquiries open, including:
 - An [inquiry into Children, Young People and the Built Environment](#). The inquiry is looking at how better planning, building and urban design in England could enhance the health and well-being of children and young people, while also benefitting the wider population. To date, there have been two oral sessions with the most recent on 26 February. All [evidence submitted to the inquiry into Children, Young People and the Built Environment](#), which includes a [submission by Historic England](#), is available online.
 - The [Reforms to National Planning Policy Inquiry](#) is looking at the proposed changes to the NPPF and the government's wider approach to planning reform. All [evidence submitted to the Reforms to National Planning Policy Inquiry](#) is available online.

Public Accounts Committee

- The [Public Accounts Committee](#) (PAC) currently has 45 inquiries open, including:
 - The [Flood Defences Inquiry](#), which is looking into current risk management arrangements; flood protection achievements between 2015 and 2021; and the government's preparedness to manage and reduce flood risk in the future. All [evidence submitted to the Flood Defences Inquiry](#) is available online. On 27 January, the Committee published the [Resilience to Flooding Report](#). A government response is due by 17 March.
 - The [HS2 Euston: Recall Inquiry](#), which is looking into progress on the project since April 2023. On February 7, the Committee published the [Tenth Report of Session 2023-2024](#). All [evidence submitted to the HS2 Euston Inquiry](#) is available online.
 - The [Restoration and Renewal Recall Inquiry](#), which is looking into progress on the restoration of the Palace of Westminster, a World Heritage Site. All [evidence submitted to the Restoration and Renewal Inquiry](#) is available online.
 - The [Levelling Up Funding to Local Government Inquiry](#), which is looking at the progress of levelling up projects to date, DLUHC's plans for evaluating levelling up funds, and what action DLUHC is taking to tackle delays and support local delivery. The first oral evidence session was held on 15 January. All [evidence submitted to the Levelling Up Funding to Local Government Inquiry](#) is available online.



- The [Government Resilience: Extreme Weather Inquiry](#), which is looking at the risks from extreme weather, the development of resilience to it and the rate of climate adaptation. The first oral evidence session took place on 21 February. All [evidence submitted to the Government Resilience: Extreme Weather Inquiry](#) is available online.

Government Planning Letters

Letters to Chief Planning Officers

DLUHC regularly writes [letters to Chief Planning Officers](#) of LPAs in England, providing guidance on planning.

Letter about Update to Planning Practice Guidance on Housing Supply and Delivery: 5 February

- The [Letter about Updates to Planning Practice Guidance on Housing Supply and Delivery](#) published on 5 February notifies of changes that were made to the Planning Practice Guidance on Housing Supply and Delivery (see section above for more details).
- The letter explains that further updates to the guidance will be made in due course. These will cover how past oversupply can be considered by authorities who are calculating their 5 year housing land supply position along with wider updates to ensure that the PPG fully aligns with the revised NPPF.

Advice

Historic England Advice

- All [Historic England planning advice](#) is available on our website and [Appendix II](#), below, includes a list of all Good Practice Advice notes (GPAs) and Historic England Advice Notes (HEANs).

Forthcoming Historic England Advice

Climate Change and Historic Building Adaptation

- The draft Historic England Advice Note on Climate Change and Historic Building Adaptation is now pending revision in light of consultation feedback.

Managing Change Affecting World Heritage Sites

- A new HEAN on Managing Change Affecting World Heritage Sites in England is being drafted. Public consultation on the Advice Note will be announced in the coming months.



Training

- Historic England provide webinars and e-learning courses. Visit [Historic England's training webpages](#) for information and booking, or keep up-to-date on new courses and training news by signing up to receive [Historic England's bi-monthly Training Newsletter](#).

Other Items

London Plan Review

- On 13 February, the [London Plan Review: Report of Expert Advisors](#) was published. The report was commissioned by the Secretary of State Michael Gove to consider any change to the London Plan that might assist housing delivery on brownfield sites in London. The Report recommends the introduction of a planning presumption in favour of brownfield development. [A Letter from the DLUHC Secretary of State to the Mayor of London](#) was also published on 13 February setting out the Secretary of State's response to the London Plan Review. The Secretary of State is now consulting on taking the Review's recommendation forward not just in London but also for those 20 towns and cities subject to the urban uplift (see Current Government Consultations section below for more details).

Written Ministerial Statement

- On 19 February, the Secretary of State, Michael Gove, published a [Written Ministerial Statement: Long Term Plan for Housing](#). The Statement covered; brownfield development, permitted development rights, funding for housing delivery in London, support for Small and Medium Enterprise housebuilders, steps to release public sector land for housing, measures on short term lets and guidance relating to second staircases in buildings above 18 metres.

Protected Landscapes Targets and Outcomes Framework

- On 31 January, Defra published a policy paper: [Protected Landscapes Targets and Outcomes Framework](#). The paper sets targets for Protected Landscapes to achieve 3 outcomes from our [Environmental Improvement Plan \(EIP\) 2023](#):
 - Goal 1: Thriving plants and wildlife
 - Goal 7: Mitigating and adapting to climate change.
 - Goal 10: Enhancing beauty, heritage and engagement with the natural environment.
- For Goal 10 the paper sets out the following two targets:



- Improve and promote accessibility to and engagement with Protected Landscapes for all, using existing metrics in our Access for All programme
- Decrease the number of nationally designated heritage assets at risk in Protected Landscapes.

Article 4 Directions: Secretary of State Modification Letters

- On 9 February, the Secretary of State Michael Gove published [Modification of Article 4 Direction Letters](#) sent to the London Borough of Brent, the London Borough of Hillingdon and Three Rivers District Council. The letters direct these Councils to modify article 4 directions. The letters explain that the article 4 directions affected did not take a sufficiently targeted approach in the assessment of the wholly unacceptable adverse impacts of the permitted development right in each location.

Current Government Consultations

Intangible Cultural Heritage

- On 23 December 2023, DCMS opened a [consultation on the initial implementation stage of the 2003 UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage](#). The consultation is looking at the implementation of the Convention and defining and identifying intangible cultural heritage in the UK. The consultation closes on 29 February.

The Future Homes and Buildings Standards

- On 13 December 2023, DLUHC opened a [consultation on Future Homes and Buildings Standards](#). The consultation is looking at energy efficiency requirements for new homes and non-domestic buildings and sets out sets out technical proposals for changes to the Building Regulations (Part L and Part 6), the associated Approved Document guidance and calculation methods. Although primarily relating to new homes/non-domestic buildings, some proposals of the consultation are also relevant to existing buildings (i.e. material change of use, updated guidance and minimum standards, real world performance and call for evidence relating to Part O of the Building Regulations). The consultation closes on 6 March.

Nuclear Power Stations

- On 11 January, Department for Energy Security and Net Zero opened a [consultation on the Approach to Siting Nuclear Power Stations Beyond 2025](#). The consultation will inform the revision of the [National Policy Statement for Nuclear Power Generation \(EN6\)](#) and is seeking views on the proposed policy approach for siting new nuclear power stations, including the criteria to be considered. The consultation closes on 10 March.



Planning Policy for Brownfield Development

- On 13 February, DLUHC opened a [consultation on Strengthening Planning Policy for Brownfield Development](#). The consultation closes on 26 March. The consultation seeks views on three proposals:
 - Changes to national planning policy to give significant weight to the benefits of delivering as many homes as possible and take a flexible approach in applying planning policies or guidance relating to the internal layout of development.
 - Changes to the way the Housing Delivery Test operates in the 20 towns and cities subject to the uplift in the standard method. This would introduce an additional presumption trigger where their Housing Delivery Test score falls below 95%. In these circumstances the presumption in favour of sustainable development would apply to applications on previously developed land.
 - Reviewing the threshold for the referral of applications to the Mayor of London.

Changes to Various Permitted Development Rights

- On 13 February, DLUHC opened a [consultation on Changes to various permitted development rights](#). The consultation closes on 9 April. The consultation seeks views on:
 - Changes to certain permitted development rights which enable householders to improve and enlarge their homes.
 - Changes permitted development rights which enable the upward extension of a range of existing buildings.
 - Changes to the permitted development right which allows for the demolition of certain buildings and rebuild as homes.
 - Changes to the permitted development rights which enable the installation of electrical outlets and upstands for recharging electric vehicles.
 - Changes to the permitted development right for the installation of air source heat pumps.

Planning Data

- DLUHC is currently running a [consultation on planning data](#), looking at how their data platform – [planning.data.gov.uk](#) – is used and how it may be developed. No closing date is provided.



Government Consultation Responses

Developing Local Partnerships for Onshore Wind in England

- On 15 February, the [Government's response to Developing Local Partnerships for Onshore Wind in England](#) was published. The consultation sought views on improvements that could be made to the existing system of community engagement and community benefits for onshore wind. The proposals included embedding best practice principles of community engagement into the official planning practice guidance and updating the Community Benefits Protocol for Onshore Wind. Government indicate that they will take forward these measures and intend to publish the Community Benefits Protocol as official guidance.

Historic England Consultation Responses

Historic England has recently submitted several [responses to recent consultations](#), which are now available on our website. These include:

- [Historic England's response to the Street Vote Development Orders.](#)
- [Historic England's response on Proposals for Heat Network Zoning.](#)

Calendar

February 2024

February 29 – DCMS's [consultation on the 2003 UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage](#) closes.

March 2024

March 6 – DLUHC's [consultation on the Future Homes and Buildings Standards](#) closes.

March 10 – DESNZ's [consultation on the Approach to Siting Nuclear Power Stations Beyond 2025](#) closes.

March 26 – DLUHC's [consultation on Strengthening Planning Policy for Brownfield Development](#) closes.

April 2024

April 9 – DLUHC's [consultation on Changes to various permitted development rights](#) closes.



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Appendix I: Progress of Emerging Legislation

Government Bills

High Speed Rail (Crewe to Manchester) Bill

- The [High Speed Rail \(Crewe to Manchester\) Bill](#) is a hybrid bill authorising the building of HS2 between Crewe and Manchester. Whilst the [government has announced it will not to deliver the Birmingham to Manchester section of HS2](#) covered by the Bill, it has apparently been retained as a vehicle for some [Network North](#) projects.

Holocaust Memorial Bill

- The [Holocaust Memorial Bill](#) aims to facilitate the building of the Holocaust Memorial next to the Houses of Parliament by enabling the Secretary of State to remove restrictions that prevent the construction of new buildings in Victoria Tower Gardens, Westminster. Since the 'carry-over motion' was agreed by Commons and Lords, the Bill has had its first and second reading in the Commons, and Committee stage is yet to be announced.

The Offshore Petroleum Licensing Bill

- The [Offshore Petroleum Licensing Bill](#) will require the North Sea Transition Authority to invite applications for licences annually rather than the current discretionary basis. The bill had its third reading in the Commons on 20 February.

The Rail Reform Bill

- The [Draft Rail Reform Bill](#) will make the necessary legislative changes to bring about reform of the rail sector, revising the role and functions of the Secretary of State and enabling the new Integrated Rail Body to be established. This delivers key element of the rail reform envisaged by the [Plan for Rail](#). The Bill was published for pre-legislative scrutiny on 20 February.

Private Members' Bills

Heritage Trees Bill

- On 5 December, Baroness Young of Old Scone introduced the [Heritage Trees Bill](#) in the House of Lords. The Bill seeks to enable Natural England to create and maintain a register of 'heritage trees' and to promote and protect trees on the list. A date for the Second Reading of the Bill is awaited.



Historic England

High Street (Designation, Review and Improvement Plan) Bill

- The [High Street \(Designation, Review and Improvement Plan\) Bill](#) will require local authorities to designate high streets in their area and develop action plans to improve them. A date for Committee Stage of the Bill is awaited.



Appendix II: Historic England Planning Advice

Good Practice Advice Notes (GPAs)

The GPAs provide information on good practice, particularly looking at the principles of how national planning 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: The Historic Environment and Site Allocations in Local Plans \(October 2015\)](#)
- [HEAN 4: Tall Buildings \(Second Edition\) \(March 2022\)](#)
- [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 \(Second edition\) \(January 2021\)](#)
- [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 \(February 2018\)](#)



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- [HEAN 11: Neighbourhood Planning and the Historic Environment \(Second Edition\) \(April 2022\)](#)
- [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 \(June 2021\)](#)
- [HEAN 17: Planning and Archaeology \(November 2022\)](#)