



Planning Bulletin: June 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](#).

Government Departments

Department of Culture, Media and Sport

- DCMS has appointed Camilla Finlay as a Trustee of the Historic Royal Palaces.

Ministry of Housing, Communities and Local Government

- MHCLG has appointed Lord Gary Porter CBE as a new non-executive director on the MHCLG Departmental Board.

Legislation and Matters Arising

Secondary Legislation

- The *Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) (Amendment) Regulations 2021* were introduced on 27 May 2021. Full details of the draft legislation can be found [here](#).

Written Ministerial Statements

- The Housing Minister has laid an *Affordable Housing Update* Written Ministerial Statement. This introduces planning policy on First Homes setting out their definition, developer contributions, exemptions, transitional arrangements and exception sites.

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 Government published amendments to the Environment Bill which were debated in the House of Lords on 7, 21 and 23 June 2021. The inclusions of heritage in the Bill amendments were subsequently withdrawn. The next debate is scheduled for 30 June 2021 and 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 Second Reading is due to take place on 10 September 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*. The Second Reading in the House of Commons is due to take place on 14 January 2022.
- *Planning (Enforcement) Bill 2021-22*. The Bill to create a national register of persons who have committed planning offences and introduce tougher penalties was introduced on 16 June 2021. The Bill is to receive its second reading on 19 November 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 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: Planning Practice Guidance (PPG)

First Homes

- Policy and guidance on *First Homes* has been published in the NPPF (paragraph 71) and [PPG](#).

Fire Safety and High Rise Buildings

- Guidance on *Fire Safety and High Rise Buildings* has been published in the [PPG](#).

MHCLG Letters to Chief Planning Officers

- The [Chief Planners Newsletter](#) from Joanna Averley, MHCLG Chief Planner was issued on the 28 May 2021 and included:
 - Neighbourhood planning and extension of the funding deadline to 7 June 2021.
 - Notification of the introduction of the *Faster Application Process for Key Public Service Infrastructure Development* into legislation on 1 August 2021. This will reduce the statutory determination period from 13 weeks to 10 weeks and shorten the statutory consultation period from 21 days to 18 days.
 - Introduction of *Planning Gateway One: Building regulation and Fire Safety*.
 - First Homes: Written Ministerial Guidance.
 - Bio-diversity Net Gain and the Environment Bill.
 - National Model Design Code.

- Update on MHCLG research on Building Regulations Part M Review.
- 5G: Changes to the permitted development rights for electronic communications infrastructure – technical consultation, which closed on 14 June 2021.
- Natural England digital service improvements.
- Planning guidance published on carrying out reviews of National Policy Statements. This supports the *National Infrastructure Planning Reform Programme* that is being taken forward as part of *Project Speed*.
- A further letter was issued to LPAs on *Update on Financial Support for Neighbourhood Planning in 2021/22* which announced arrangements for funding LPAs for the financial year beginning April 2021 to support their role in the neighbourhood planning process. The letter includes details on how to claim funding and FAQs.

Committees

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

The Future of the Planning System in England

- The HCLG Committee has published its report on *The Future of the Planning System in England*. It makes recommendations against the planning reforms proposed in the Planning White Paper: Planning for the Future. Headline conclusions and recommendations include:
 - The Planning Bill should be brought forward in draft form and subject to pre-legislative scrutiny.
 - The three areas proposal for Local Plans should be reconsidered and if it does process recommendations include to implement a ‘highly protected’ alongside ‘protected’ area category to enable strong protections for areas that need a shield against development, whilst ensuring development can still happen in rural areas.
 - Seek to obtain commitment for an additional £500 million over 4 years for LPAs and undertake a resources and skills strategy.
 - Implement statutory Historic Environment Records, assess the merits of additional protections for other sites, published an assessment of impact of proposed planning reform on historic buildings and sites, and reconsider the retention of sustainability assessments.

Permitted Development Rights

- The oral evidence session on *Permitted Development Rights* took place on 16 June 2021 with Housing Minister, Christopher Pincher; Director of Planning, Simon Gallagher; and Private Secretary to the Minister at MHCLG, Georgie Caine giving evidence. The Housing Minister noted that permitted development rights would work alongside initiatives such as the future high streets fund, towns fund and levelling up fund.

Commons Transport Committee

Heritage Rail

- The Commons Transport Committee published correspondence on 15 June 2021 to Baroness Vere of Norbiton, Minister for Roads, Buses and Places at DfT. The

correspondence related to the Historic Railways Estate and the demolition or infilling of bridges and tunnels.

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 *Listed Building Consent* Advice Note (HEAN 16) was published on 21 June 2021. The advice note is aimed at owners and applicants, as well as local planning authorities. It is intended to make it easier for owners and applicants to make informed applications for listed building consent (LBC), to navigate the divide between what does and what does not need LBC and to address frequently asked questions currently directed to local planning authorities.

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 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 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:
 - **6 July 2021**: Conservation Question Time
- 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 adopted and published the North East, North West, South East and South West Marine Plans to guide development across England's seas. The Plans provide a framework for sustainable use of our seas and are an essential toolbox for decision making about how the seas are used and protected for the future. All Marine Plans can be accessed on Explore Marine Plans.

Other Initiatives

Neighbourhood Planning

- MHCLG has announced arrangements for funding from 2021/22 to support LPAs in the neighbourhood planning process.

High Streets

- The Government has announced Towns Deals Funding of £725 million for 30 towns to boost their local economies, create jobs and help them build back better from the pandemic.
- The House of Commons Library has published a briefing on town centre regeneration and includes a section on High Street Heritage Action Zones.

Design

- MHCLG has published a video to support the National Model Design Code.
- MHCLG has announced funding of £50,000 each for 14 councils to develop new local design codes as part of a pilot scheme. The codes will set out design principles for new development in local areas and will be expected to enhance the character of the local area.

Climate Change

- Defra published the Climate Change Adaptation Policy Information Paper on 21 June 2021 which sets out the approach including key actions and other organisations Defra is working with on climate change adaptation.

Rural

- Defra announced the [Farming in Protected Landscapes](#) programme which will provide funding to help farmers and other land managers based in National Parks or Areas of Outstanding Natural Beauty (AONBs). The funding will go towards projects such as conserving historic features on a farm.
- Defra has published the [Nature for People, Climate and Wildlife](#) policy paper which includes the *England Trees Action Plan 2021 to 2024*; *Managing historic features on grassland* about how to manage historic features, and conserve landscape character and cultural heritage; and the *England Peat Strategy*.

Nationally Significant Infrastructure Projects (NSIP)

- The Government has announced an operational review of the Nationally Significant Infrastructure Projects (NSIP) process. Consultation on proposed measures for the NSIP regime is planned for spring 2022.
- The Government has published guidance on the process for review of existing National Policy Statements. The guidance provides further clarification on the process set out in Section 6 of the Planning Act 2008 for reviewing a National Policy Statement.
- The NSIP operational review is part of a wider programme which includes a review of Energy National Policy Statements (NPS) and a reform of the system of environmental impact assessments (EIA) and strategic environmental assessments (SEA).

Heritage Review

- Secretary of State for MHCLG, Robert Jenrick announced a review of PINs (the Planning Inspectorate) and planning policy heritage at the end of May. The review has been commissioned into how the Planning Inspectorate and planning policy “*considers and defends heritage.*”

Current Consultations

- 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**.

Recent Consultation Responses

- Historic England responded to the MHCLG technical consultation on *Changes to Permitted Development Rights for Electronic Communications Infrastructure*. The consultation response can be found [here](#).

Calendar

July

- 6 Technical Tuesday: Conservation Question Time.
- 9 *Enhanced Advisory Services* Review closes.

August

- 1 Fast track route for public service building applications comes into effect.

Strategy and Listing Department, Historic England
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30 June 2021

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)
 - *HEAN 16: Listed Building Consent* (June 2021)