



Planning Bulletin: June 2022

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.

Previous editions of Planning Bulletin (back to September 2017) are available [on-line](#).

Contents

- Government Departments
 - *Department for Digital, Culture, Media and Sport*
- Legislation and Matters Arising
 - *Emerging Legislation*
 - *Secondary Legislation*
 - *Heritage Planning Case Database*
- Committees
- Guidance
- DLUHC Letter to Chief Planning Officers
- Advice
 - *Historic England Advice*
 - *Forthcoming Historic England Advice*
- Training
 - *Historic England*
- Other Initiatives
- Current Consultations
- Calendar

- Appendix I: Historic England Planning Advice

Government Departments

Department for Digital, Culture, Media and Sport

- The Secretary of State has appointed Nairita Chakraborty, Jane, Lady Gibson, David Laing, Sir Jonathan Marsden and Robert Sackville-West as Commissioners of Historic England for terms of four years from 1 July 2022 until 30 June 2026.

Legislation and Matters Arising

Emerging Legislation

Government Bills

- *Levelling Up and Regeneration Bill*: The Bill makes provisions for a wide range of matters, including aspects of planning, local democracy and devolution, and levelling up measures. Amongst other things the Bill makes provision for:
 - national development management policies to sit alongside local development plan policies;
 - a replacement for the Community Infrastructure Levy;
 - Environmental Outcome Reports to replace Environmental Impact Assessments;
 - changes to compulsory purchase and enforcement powers;
 - powers in relation to planning data;
 - a requirement for local authorities to have design codes for their area.
- The Bill contains five clauses relating to the historic environment:
 - a duty to have special regard to the preservation or enhancement of heritage assets and their settings will apply to a wider range of designated heritage assets. (Clause 92);
 - enforcement powers introducing Temporary Stop Notices for listed building works, aligning them with general planning enforcement powers. (Clause 93) ;
 - new powers to enable Urgent Works Notices to be served on occupied buildings, and any costs to be entered as a land charge. (Clause 94);
 - removal of compensation for local authorities when they serve a Building Preservation Notice on a historic building under threat of damage whilst it is considered for listing. (Clause 95);
 - a statutory underpinning for Historic Environment Records, enabling them to be a strong evidence base for the new planning system. (Clause 185).
- The Bill was accompanied by an Explanatory Note and a Policy Paper giving further information on its contents and future consultations on aspects of the Bill. The Bill had its second reading in the House of Commons on 8 June and proceeded to Committee stage sitting on 21, 22, 23, 28 and 30 June. The Bill will have further sessions at Committee on 5 and 7 July.
- A Research Briefing on the *Levelling Up and Regeneration Bill 2022-23*, was also published as part of the House of Commons Library on 1 June.
- *UK Infrastructure Bank Bill 2022-23*: The Bill has been introduced in the House of Lords to give statute to the UK Infrastructure Bank. Its purposes are to contribute to addressing climate change and to support regional and local economic growth through investment in infrastructure. The Bill received its first reading in the House of Lords on

11 May, and its second reading on 24 May. The Bill reached Committee stage on 14 June and is due to reach reporting stage on 4 July.

- **High Speed Rail (Crewe-Manchester) Bill**: This legislation has been introduced to make provision for a railway between a junction with Phase 2a of High Speed 2 south of Crewe in Cheshire and Manchester Piccadilly Station; for a railway between Hoo Green in Cheshire and a junction with the West Coast Main Line at Bamfurlong, south of Wigan.
- The Bill has been carried over from the previous session of Parliament and received its first reading in the current Session of Parliament on 11 May. The Bill received its second reading on 20 June in the House of Commons and has now passed to Committee stage, a date for sitting has yet to be announced.

Private Member's Bills

- **Carbon Emissions (Buildings) Bill**: This Private Member Bill has been introduced with proposals to require the whole-life carbon emissions of buildings to be reported; to set limits on embodied carbon emissions in the construction of buildings; and for connected purposes. The Bill had its first reading in the House of Commons on 2 February in the previous session of Parliament, and had its first reading in this current session on 20 June, the second reading is due on 25 November.
- **Green Belt (Protection) Bill**: This Private Member Bill seeks to establish a national register of Green Belt land in England, to restrict the ability of local authorities to de-designate Green Belt land and to make provision about future development of de-designated Green Belt land. The Bill had been introduced in the previous session of Parliament but had not progressed beyond the first reading and was reintroduced in the current 2022-2023 session in the House of Commons on 20 June 2022. The Bill is due to have its second reading on 9 September.

Secondary Legislation

Protection of Wrecks

- On 2 June the **Protection of Wrecks (Designation and Amendment) (England) Order 2022** came into force. The Order introduces or amends a number of provisions concerning Protected Wreck sites. These include:
 - designating two wreck sites in the Needles Channel, Isle of Wight, and one in the Swash Channel on the approach to Poole Harbour, Dorset;
 - designating a wreck site in the Hanover Cove on the North Cornish coast;
 - amending a previous designation of a wreck site in Bracklesham Bay, West Sussex to correct a factual error in its co-ordinates.

Faculty Jurisdiction Rules

- The Church of England's **Ecclesiastical Law, England, The Faculty Jurisdiction (Amendment) Rules 2022** comes into force on 1 July 2022, These amended Rules will give greater force to the need to have due regard to advice from the Church Buildings Council on net-zero carbon. New **guidance** sets out what is required to fulfil the requirement to have 'due regard'. There is also extensive **practical information** to support congregations trying to achieve net-zero carbon by the Church's target date of 2030.

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](#), and searches can also be carried out by address, date or decision reference.

Committees

Land Use in England Committee

- The Committee is holding an Inquiry to consider [Land Use in England](#). To date a call for written evidence has been undertaken alongside oral evidence sessions. The call for written evidence closed on 26 April. [Oral evidence sessions](#) were held on 13, 20 and 27 June. The Inquiry is looking into a range of issues including:
 - Current and potential demands on land use in England;
 - The impact of these demands on the environment and climate change;
 - The current systems for deciding land use and the effectiveness of these systems;
 - How the decision-making process surrounding land use can be improved.

Levelling Up, Housing and Communities Committee

- The [Levelling Up Housing and Communities Committee](#) held [two oral evidence sessions](#) on the Levelling Up and Regeneration Bill. The first session held on 13 June involved the questioning of the Secretary of State of Levelling Up, Housing and Communities who was questioned on the Government's levelling up plans. The Minister for Housing also gave evidence on the Government's housing plans.
- The second session held on 20 June was attended by the Victoria Hills the Chief Executive of the Royal Town Planning Institute; Hugh Ellis the Policy Director at Town and Country Planning Association and Christopher Young Queens Counsel from No5 Barristers Chambers.

Digital, Culture, Media and Sport Committee

- The Committee is holding an inquiry on [Reimagining Where We Live: Cultural Placemaking and the Levelling Up Agenda](#) into the role that culture might play in delivering a Government commitment to level up the country. As part of the inquiry consideration will be given to funding for cultural initiatives and how well the current model ensures that distribution goes to areas that might be missing out.
- An [oral evidence session](#) was held on 14 June.

Guidance

UK Shared Prosperity Fund: Prospectus

- DLUHC published [Frequently Asked Questions](#) on the UK Shared Prosperity Fund: prospectus on 15 June.

DLUHC Letter to Chief Planning Officers

Letter about financial support for neighbourhood planning in 2022/23

- On 30 June the DLUHC Chief Planner issued a [letter](#) about support for neighbourhood planning in 2022/23.
- The letter sets out what funding can be obtained by Local Planning Authorities to support their functions in relation to neighbourhood planning. The letter also sets out requirements for when funding should be applied for, how it will be paid, and provides responses to a number of Frequently Asked Questions.

Planning Newsletter

- A [Planning Newsletter](#) was issued on 31 May by the DLUHC Chief Planner. The letter covered the following topics:
 - Permitted Development Rights: The Temporary Use of Land
 - New changes to Building Regulations have implications for local planning departments
 - Environment Agency and Town and Country Planning Association produce video guidance on flood and coastal resilience
 - Department for Education commence guidance on Design Codes for Schools and Colleges

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.

Forthcoming Historic England Advice

- A consultation on the draft *Planning and Archaeology Historic England Advice Note* ended on 25 April. Responses are being reviewed and a final revised HEAN will be published shortly.
- A new HEAN on *Managing Change Affecting World Heritage Sites in England* is being drafted. Further updates will be provided in subsequent Planning Bulletins in advance of public consultation in the coming months.
- Drafting has begun on a new HEAN on *Climate Change and Historic Environment*. Consultation is expected later in the year.

Training

Historic England

- A new HELM training programme is being prepared. For the time being our training will continue to be online, but we will be transitioning to new blended models of training which will include online 'self-study' elements, live webinars and, hopefully, a return to small group courses and site visits.
- Visit Historic England's training [webpages](#) for more information and booking.

Other Initiatives

City of Culture

- The Secretary of State for DCMS has approved Bradford as UK City of Culture 2025. The City was chosen over other nominees including County Durham, Southampton and Wrexham County Borough.

Community Ownership Fund

- The second round of the Community Ownership Fund opened for bidding on 11 June. The Fund is intended to provide a future for community buildings at risk of being lost. It has been updated to widen the eligibility criteria including by removing the requirement that assets have had a use within the last 5 years and will now consider funding any asset which has had a previous community use. The criteria have also been expanded to applicants who have a minimum of a 15 year lease on an asset as opposed to the previous criteria which required a minimum of a 25 year lease.

Design Code Pathfinder Programme Support Grant

- On 20 June DLUHC also published the Design Code Pathfinder Programme Support Grant Prospectus. The Prospectus provides guidance on the grant funding being made available for external support. This external support will enable the 25 selected Pathfinder organisations to produce local design codes and design coding processes. The codes and coding processes will be used as examples that communities across the country can draw on to produce their own, with support from the Office for Place.
- The grant funding is open to interested charitable organisations, with expertise in design coding and providing support and training to local planning authorities. A competition for the grant funding is being held and ends on 18 July, with the grant agreement commencing on 5 September.

Flood and Coastal Erosion Risk Management Strategy Roadmap to 2026

- The Environment Agency has published Flood and Coastal Erosion Risk Management Strategy Roadmap to 2026. This follows on from an earlier 12-month roadmap published in May 2021. The roadmap has three long-term ambitions supported by a set of strategic objectives and measures. The ambitions are:
 - Climate resilient places
 - Today's growth and infrastructure resilient in tomorrow's climate
 - A nation ready to respond and adapt to flooding and coastal change
- The Strategy sits alongside and supports the delivery of Defra's Flood and Coastal Erosion Risk Management: Policy Statement (2020).

National Model Design Code Pilot Programme Phase 1: Lessons Learned

- DLUHC published National Model Design Code (NMDC) Pilot Programme Phase 1: Monitoring & Evaluation alongside an executive summary on 20 June. The evaluation was undertaken by University College London and sought to understand the outcomes

of the design code pilot schemes, comprising 15 funded pilot authorities over a six-month testing programme from April 2021.

- The pilot authorities were geographically widespread with different levels of in-house expertise and also diverse development ambitions. In total 21 broad lessons were identified from the evaluation.
- Overall findings identified that there are different routes to design coding and that codes are not a single tool or process. The study also found that it is important that policies are in place that express where design codes may be expected and where other tools may be more appropriate. The need to understand who is responsible for producing codes is also important.

Restoring Your Railway

- Funding has been awarded by DfT to nine schemes amounting to £15 million as part of the Restoring Your Railway programme. This includes stations that have long been closed such as Haxby where there have been no passenger services since 1930.
- The 9 schemes receiving funding are:
 - Aldridge station and line upgrade in Walsall
 - The Barrow Hill Line between Sheffield and Chesterfield
 - The Ivanhoe Line between Leicester and Burton on Trent
 - Meir Station between Stoke-on-Trent and North Staffordshire
 - Haxby Station on the York to Scarborough Line
 - Reinstating the Fleetwood Railway Line
 - Ferryhill Station in County Durham
 - The Mid Cornwall Metro, connecting Newquay, Truro and Falmouth
 - Devizes Station between Pewsey and Westbury in Wiltshire

Current Consultations

Principles of Marine Net Gain

- Defra is consulting on *Principles of Marine Net Gain* to understand how to best introduce a net gain approach to infrastructure and projects in the marine environment. This consultation sets out the aims of net gain policy for the marine environment and development within it. The consultation closes on 30 August.

The Williams-Shapps Plan for Rail

- The Department for Transport is consulting on *A Consultation on Legislation to Implement Rail Transformation*. The consultation considers the core functions and duties of Great British Railways, a new governance framework and reform of wider industry structures and processes. The consultation closes on 4 August.

Calendar

July

- 1 The Church of England *Ecclesiastical Law, England, The Faculty Jurisdiction (Amendment) Rules 2022* come into force.

August

- 4 The Department for Transport consultation on *Legislation to Implement Rail Transformation* closes.
- 30 Defra's consultation on *Principles of Marine Net Gain* closes.

Historic England

Email: governmentadvice@historicengland.org.uk

30 June 2022

If you did not receive this edition of Planning Bulletin direct from Historic England, you may wish to sign up for notifications when a new edition is issued, by emailing 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 (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)*
 - *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)*