



Planning Bulletin: March 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.

Following the latest advice from Government in relation to Covid-19 (Coronavirus), we have closed all our sites and offices until further notice.

Our staff are working from home and we will continue to provide advice and process grant payments as usual. We are doing what we can to maintain our level of response to planning and listing applications and general enquiries, but please do bear with us if responses are a little slower than usual.

Our local teams remain the best first point of call so if you need to contact us, please email your region as normal:

- northwest@HistoricEngland.org.uk
- northeast@HistoricEngland.org.uk
- yorkshire@HistoricEngland.org.uk
- midlands@HistoricEngland.org.uk
- eastofengland@HistoricEngland.org.uk
- southwest@HistoricEngland.org.uk
- londonseast@HistoricEngland.org.uk

For further information, advices, and updates on current Historic England services, please refer to our [website](#).

Government Departments

Ministry of Housing, Communities & Local Government

- Steve Quartermain, in his [letter](#) to Chief Planning Officers, has confirmed that he is to step down as Chief Planner at MHCLG at the end of March.
- Jeremy Pocklington has been [appointed](#) as the new Permanent Secretary MHCLG. He succeeds Dame Melanie Dawes.

HM Treasury

- The *Spring Budget 2020* was delivered by Chancellor of the Exchequer, Rishi Sunak, on 11 March. It is in full [here](#) and the statement is [here](#). Amongst other things the Budget included:
 - Extending the Affordable Homes Programme and £1.1bn allocation of the Housing Infrastructure Fund for 69,620 new homes in nine areas
 - A Devolution deal for West Yorkshire and £4.2bn for five-year funding settlements for the eight Mayoral Combined Authorities
 - The creation of a new Nature for Climate Fund which will invest £640m in tree planting and peatland restoration in England, increasing the rate of tree planting by over 600%
 - Funding (in the supporting Budget documentation) for the previously announced High Streets and the Cultural Investment Fund
 - A review of the Green Book (Treasury guidance on how to appraise policies, programmes, and projects)
 - A new Comprehensive Spending Review (CSR) to conclude in July
 - After the CSR, the government will launch a new long-term Single Housing Infrastructure Fund to unlock new homes in areas of high demand across the country by funding the provision of strategic infrastructure and assembling land for development
 - A new £400m brownfield fund for 'pro-development councils and ambitious Mayoral Combined Authorities'

Legislation and Matters Arising

Legislation

- Coronavirus Act 2020: amongst other things, Section 78 (*Local Authority Meetings*) of the Act contains powers to make provisions relating to the functioning of local authorities meetings during the current pandemic. Secondary legislation is required for these powers to come into force. It is considered that these provisions may enable "remote" or "virtual" planning and other committees to be held (see also: Letter to Chief Planning Officers)
 - Given the fast moving nature of responses to the CV-19 pandemic, we would recommend checking websites such as gov.uk, the [Planning Inspectorate](#) (see below), and the [Local Government Association](#) for up to date information.

Secondary Legislation

- The Government has introduced the *Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2020*, to allow the temporary change of use of a pub (A4 - drinking establishment) and a restaurant (A3 – restaurants and cafes) to a hot-food take away for 12 months, in response to the Covid-19 outbreak.

Written Ministerial Statements

- Robert Jenrick, Secretary of State for Housing, Communities and Local Government, has issued a *Written Ministerial Statement* (13 March) which urges LPAs to apply pragmatism to the enforcement of restrictions on food and other essential deliveries at this time. LPAs should also use their discretion on the enforcement of other planning conditions which hinder the effective response to COVID-19.

Emerging Legislation

Government Bills

- *Agriculture Bill*: amongst other things the Bill authorises expenditure for certain agricultural and other purposes; to make provision about direct payments following the United Kingdom's departure from the European Union and about payments in response to exceptional market conditions affecting agricultural markets; to confer power to modify retained direct EU legislation relating to agricultural and rural development payments and public market intervention and private storage aid. The Bill was introduced to the House of Commons and given its First Reading on 16 January. The Bill passed its Second Reading on Monday 3 February 2020 and has been considered by a Public Bill Committee which reported to the House on 6 March.
- *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 Bill was introduced to the House of Commons and given its First Reading on 13 January. The Second Reading is yet to be scheduled.
- *Environment Bill 2019-21*: amongst other things the Bill aims to A 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 had its Second Reading in the House of Commons on 26 February. This Bill was being considered by a Public Bill Committee but due to current circumstances the sittings of the Committee have been suspended until further notice.

Private Bills

- Highgate Cemetery Bill: was deposited with Parliament on 27 November 2019. The Examination took place on 18 December and the Bill was found to be compliant with Private Business Standing Orders. The Bill was introduced to the House of Lords and had its First Reading on 22 January. The Second reading took place on 12 February and was unopposed, so there was no debate.

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 Inspectorate Guidance

- In response to the spread of COVID-19, the Planning Inspectorate (PINS) has published guidance on how it will continue to carry out its duties. PINS offices are now closed, with staff working remotely. All previously arranged site visits are cancelled with immediate effect, and PINs will make new arrangements as soon as possible. It has also postponed all local plan, appeal and nationally significant infrastructure project (NSIP) hearings and inquiries until further notice.

MHCLG Letters to Chief Planning Officers

- MHCLG has issued its March 2020 Planning Update Newsletter to Chief Planning Officers. It includes:
 - Advice on how LPAs might cope with the impacts of Covid-19, covering:
 - Decision Making
 - Enforcement
 - Planning Inspectorate Guidance
 - MHCLG Planning Casework
 - Permitted Development Rights
 - Plan-making
 - Neighbourhood Planning Referendums
 - Neighbourhood Planning New Burdens Funding
 - It also covers wider planning issues, including:
 - Planning for the Future
 - Airport Noise Guidance
 - Building Better Building Beautiful Commission report
 - Aggregate Mineral Survey for England and Wales 2019

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

- Historic England is consulting on a revised version of its Advice Note on *Tall Buildings* (HEAN 4). The revised text is available [here](#). The updated Advice Note reflects changes in the National Planning Policy Framework and recent good practice. It offers useful guidance to those involved with the planning and design of tall buildings (consultation closing date 26 April).
- Historic England is consulting on the draft text for a new Advice Note on *Commercial Renewable Energy and the Historic Environment*. Technologies covered include large-scale development proposals for wind power, solar photovoltaics and biomass and energy from waste (consultation closing date 28 May).
- Following public consultation, publication of a HEAN on *Energy Efficiency and Traditional Homes* is expected shortly.
- A HEAN on *Permission in Principle* is being currently being drafted and should be consulted on soon.

Training

Postponement of Historic Environment Training

- Historic England is temporarily suspending its national programmes of Historic Environment Training in response to the Coronavirus pandemic. This measure covers face-to-face and classroom based courses only. It will help to protect the health of speakers, delegates and the people who work at event venues. HE will reschedule as many events as possible for later in the year and where appropriate it will provide online training as an alternative. [Please see online training webpages](#) for information on webinars and other online learning.
- 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 England Research

- Historic England's *Strategic Stone Study* has been completed. It will be re-launched as the Building Stone Database for England later this year.

Marine Planning

- The Marine Management Organisation (MMO) is [consulting](#) on the *draft North East, draft North West, draft South East and draft South West Marine Plans*. (See Current Consultations)

Other Initiatives

Planning for the Future

- Housing Secretary Robert Jenrick MP has made a statement setting out a proposed series of reforms to the planning system, contained in the policy document *Planning for the Future*. Details of the proposals include, amongst other things:
 - A Planning White Paper will be issued in the spring.
 - Planning fees are to be linked to LPA performance; with 'automatic rebates' to be provided where planning applications are successful at appeal.
 - All Local Plans to be completed by December 2023, or the Secretary of State will intervene
 - The NPPF is to be updated with regard to 'good design and place-making'
 - A new £10 billion Single Housing Infrastructure Fund, and Homes England are to build 'a pipeline of opportunities up and down the country'
 - References to extending Permitted Development Rights for upwards extensions and demolition of vacant commercial, industrial and residential structures, and their replacement with 'high quality' homes.

Pocket Parks

- The government has announced winners of £1.35 million fund to create 68 new Pocket Parks. The funding will help community groups to create 19 brand new parks and refurbish 49 existing plots of land. These new grants will fund the third round of Pocket Parks since the scheme launched in 2016.

Current Consultations

- The Marine Management Organisation (MMO) is consulting on the *draft North East, draft North West, draft South East and draft South West Marine Plans*. The draft Marine Plans are prepared under the policy framework provided by the Marine Policy Statement, and together they underpin the marine planning system for England. A recording of the National Webinar for the draft Marine Plans consultation exercise has now been published by the MMO together with a record of the National Webinar Q&A session. Historic England is planning to deliver a Webinar focusing on the heritage aspects of the draft Marine Plans on 19 March at 13:00 (closing date 6 April).
- The Department for International Trade is consulting on the UK's *Freeport Policy*. The proposals include tariff flexibility, customs facilitations and tax measures, as well as planning reforms, additional targeted funding for infrastructure improvements and measures to incentivise innovation (closing date 20 April).
- The Environment Agency is consulting on *River Basin Planning: Challenges and Choices* (closing date 24 April). It is seeking views on:
 - the challenges that limit the benefits society obtains from the water environment in the river basin districts in England (the challenges)
 - the best way to address these issues (the choices)
- Historic England is consulting on a revised version of its Advice Note on *Tall Buildings* (HEAN 4). The revised text is available here (closing date 26 April).
- Historic England is consulting on the draft text for a new Advice Note on *Commercial Renewable Energy and the Historic Environment*. Technologies covered include large-

scale development proposals for wind power, solar photovoltaics and biomass and energy from waste (closing date 28 May).

Calendar

April

- 1 The Faculty Jurisdiction (Amendment) Rules 2019 comes into force
- 6 The MMO consultation on the draft North East, draft North West, draft South East and draft South West Marine Plans closes.
- 20 The Department for International Trade's consultation on the UK's Freeport Policy closes.
- 24 Environment Agency consultation on River Basin Planning: Challenges and Choices closes
- 26 Historic England consultation on a revised Advice Note on Tall Buildings closes.

May

- 28 Historic England consultation on an Advice Note on Commercial Renewable Energy and the Historic Environment 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 (forthcoming)*

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)