



Planning Bulletin October 2023

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

New Legislation

Levelling-up and Regeneration Act

- On 26 October, the [Levelling-up and Regeneration Bill](#) (LURB) received Royal Assent and became law. This was announced through a [government press release](#).
- The final text of the Act is yet to be published and there will be a phased implementation of the various provisions in it. Some matters will require secondary legislation and further public consultation.
- Heritage-related provisions in the Act include:
 - Historic Environment Records will now have statutory status to enable them to be an important cornerstone underpinning the new, digital planning system.
 - Regard to certain heritage assets in exercise of planning functions.
 - Temporary stop notices in relation to listed buildings.
 - Urgent works to listed buildings: occupied buildings and recovery of costs.
 - Removal of compensation for building preservation notices (which now includes requirement for local planning authority to consult Historic England).
 - Clarification of the powers of parish councils to provide financial assistance to church or other religious bodies' buildings (following some uncertainty of interpretation within the Local Government Act 1894).
 - Blue Plaques across England.
- Other provisions in the Act include (amongst other things):



- A requirement for local planning authorities to have an authority wide design code in place.
- The replacement of Section 106 and the Community Infrastructure Levy (CIL) regimes with a new Infrastructure Levy.
- The introduction of National Development Management Policies (NDMPs) and the limiting of local plans to local policy matters, with a new framework for the latter's preparation.
- Loss of the 'duty to co-operate' and time limits prescribed for different stages of plan preparation
- Replacement of Environmental impact assessment and strategic environmental assessment by 'Environmental Outcomes Reports'.
- New powers for local planning authorities to instigate auctions to take leases on vacant high street properties
- Changes to compensation for compulsory purchase orders to remove 'hope value' in some instances.

The Energy Act

- On 26 October, the [Energy Bill](#) received Royal Assent and became law. This was announced in a [government press release](#). Amongst other things, the Act sets out measures to accelerate offshore wind development and help deliver net zero commitments (e.g. incentivising the heating industry to invest in low-carbon heat pumps).

Amended Legislation

Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2023

- On 25 October the [Town and Country Planning \(General Permitted Development\) \(England\) \(Amendment\) Order 2023](#) came into force. It establishes a temporary permitted development right (PDR) for temporary buildings on school land where the school has a building affected by reinforced autoclaved aerated concrete (RAAC). The PDR is time-limited and can be only be used until 24 October 2026. Should the temporary buildings be required beyond then, a planning application will need to be submitted. The right is subject to limitations and conditions including that it does not apply to not apply to land that is a scheduled monument, or within the boundaries of a scheduled monument. More information on the amendment can be found in the [Explanatory Memorandum to](#)



[the Town and Country Planning \(General Permitted Development\) \(England\) \(Amendment\) Order 2023](#).

Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) (Amendment) Regulations 2023

- On 25 October [regulations to amend the Town and Country Planning Regulations 2012](#) were affirmed. However, a date for them coming into force has not yet been provided. The amendments include:
 - Increasing planning application fees by 35% for major applications and 25% for all other applications.
 - Introducing an annual inflation-related increase.
 - Removing an existing fee exemption on second applications.

Emerging Legislation

This section is used to provide a summary of updates to emerging legislation in the last month. However, Parliament has been prorogued until Tuesday 7 November. Details of Bills carried over will be included in the next Planning Bulletin.

Committees

The Climate Change Committee

- On October 12, the [Climate Change Committee](#) (CCC) published an [Assessment of Recent Announcement and Developments on Net Zero](#). The assessment concludes that the Government's plans were insufficient to meet emissions targets and calls for the government to adopt greater transparency in updating its assessment of policy impacts at the time of major announcements.

The Public Accounts Committee

- On 25 October, the [Public Accounts Committee](#) (PAC) opened an [Inquiry into Flood Defences](#). The inquiry is accepting evidence until 16 November and is looking at:
 - Current risk management arrangements;
 - What has been achieved in flood protection between 2015 and 2021;
 - How prepared government is to manage and reduce flood risk in the future.



- Other current inquiries by the PAC include:
 - The [HS2 Euston: Recall Inquiry](#) will question senior officials at the Department for Transport and HS2 Ltd on progress on the project since its April 2023 evidence session and is continuing to accept evidence until 10 November.
 - The [Restoration and Renewal Recall Inquiry](#) is exploring progress on the restoration of the Palace of Westminster, a World Heritage Site. The [transcript of the oral evidence session](#) held on October 18 has been published.

The Levelling Up, Housing and Communities Select Committee

- On 2 February the [Levelling Up, Housing and Communities Committee](#) opened an [Inquiry into Reforms to National Planning Policy](#). The government response to the findings of this Inquiry (published in July) was due on 14 September but is delayed.

Policy

The National Planning Policy Framework

- Speaking on the 17 October, Rachel Mclean confirmed that an update to the NPPF would be brought forward once the Levelling-up and Regeneration Bill received Royal Assent (which subsequently occurred on 26 October).

Government Planning Letters

Letters to Chief Planning Officers

The Department for Levelling Up, Housing and Communities (DLUHC) regularly writes [letters to Chief Planning Officers](#) of Local Planning Authorities in England (LPAs), providing guidance on planning.

Biodiversity Net Gain

- On 6 October, the Chief Planner published a [letter regarding Biodiversity Net Gain](#) (BNG). The letter follows up on the Department for Environment, Food and Rural Affairs (DEFRA's) announcement that the [timetable for BNG implementation](#) has been updated. It also announced that government will publish all BNG guidance and regulations by the end of November.



Planning Update: 19 October

- The [19 October Planning Update Newsletter](#) includes:
 - A link to the [Secretary of State's letter on the Long-term plan for housing](#), published on 8 September. Following up on the [long-term plan for housing announced in July](#), the letter sets out the role that councils will play in the delivery of housing around the country.
 - The launch of [Public Practice's recruitment](#) from 16 October. Public sector organisations interested in hosting placements, starting in April 2024, are invited to apply by 30 November.
 - The opportunity to apply for [DLUHC's Digital Planning Programme](#) funding from 17 October to 1 December.
 - The publication of advice on [Understanding and Addressing the Health Risks of Damp and Mould in the Home](#) by the Office for Health Improvement and Disparities, DLUHC and the UK Health Security Agency.
 - An update on the expansion of the [Ancient Woodland Inventory \(AWI\)](#) to include smaller sites and ancient woodland pasture parklands.

Advice

Historic England Advice

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

Forthcoming Historic England Advice

- A new Historic England Advice Note on Climate Change and Historic Building Adaptation is being drafted. Public consultation on the Advice Note is expected shortly. Further details will appear in November's Planning Bulletin.
- A new HEAN on Managing Change Affecting World Heritage Sites in England is being drafted. Public consultation on the guidance will be announced in the coming months.



Training

Webinars

- Webinars on a wide variety of topics continue and will sit alongside longer form e-learning courses. Visit [Historic England's training webpages](#) for more 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](#).

Infrastructure Planning

Future of Transport: Supporting Rural Transport Innovation

- On 2 October, the Department for Transport published [Future of Transport: Supporting Rural Transport Innovation](#). This policy paper is intended primarily for LPAs and seeks to address issues raised in the 2020 [Call for Evidence to Understand the Transport Needs of Rural Areas](#).

HS2: Northern Leg

- On 4 October, government announced the [cancellation of the northern leg of HS2](#) between Birmingham and Manchester and the redirection of the projects funding to transport projects primarily in the Midlands and North.

Network North

- On 5 October, the government launched [Network North](#) which, following the cancellation of the northern leg of HS2, sets out how regional transport networks will be developed across England.

Second National Infrastructure Assessment

- On 18 October, the National Infrastructure Commission published their [Second National Infrastructure Assessment](#) (NIA). This is a 30-year plan that sets out what infrastructure the UK needs and where it needs to be built, spanning energy, transport, water and wastewater, waste, flood management and digital. The report highlights three main challenges to UK infrastructure:
 - Decarbonising energy and achieving net zero emissions
 - Supporting economic growth across all regions



- Improving climate resilience and the environment.
- The assessment sets out 50 recommendations, recommendations 1-37 of the Second NIA aim to tackle these three challenges. Recommendations 38-46 look at the infrastructure decision-making and planning processes. Government is expected to respond formally to the Assessment within 12 months.

Other Items

Office for Environmental Protection Reports

- On 19 October, the Office for Environmental Protection published [A review of the implementation of environmental assessment regimes in England](#). The review explores what is working well in Environmental Impact Assessment (EIA) and Strategic Environmental Assessment (SEA), and where there are barriers to effectiveness. The review identifies three key issues to effectiveness: access to information, the extent of post-decision monitoring, evaluation and reporting, and access to expertise. To overcome the issues identified, the report makes the following recommendations:
 - A plan to make data easy to find and available for reuse.
 - Creation of a map-based online portal signposting data held on national and regional databases.
 - New Government guidance on environmental assessments.
 - Sharing the success of compensatory measures in Government's statutory reports.
 - A strategy to ensure necessary expertise is utilised in implementing the assessments.

Biodiversity Gain Plan

- On 26 October, the Department for Environment, Food and Rural Affairs published a [blog on the biodiversity gain plan](#) (BGP). The blog includes links to the [BGP template](#) and [draft BGP guidance for developers](#), as well as [draft BGP guidance for local planning authorities](#).

Brownfield Land Release Fund

- On 9 October, [DLUHC announced the second phase of the Brownfield Land Release Fund](#), which will deliver £60 million in funding to redevelop brownfield sites across England. The next round of funding through [Brownfield Land Release Fund 2](#) will be announced later this year.



Historic England Aerial Data Explorer

- In 2021 Historic England launched aerial its [Aerial Archaeology Mapping Explorer](#) which comprises spatial data depicting archaeology that has been identified, mapped and recorded using aerial photographs and other aerial sources across England. This [aerial data](#) is now available to download in GIS format alongside data from the National Heritage List, Conservation Areas, etc.

Consultations

Consultation Responses

Historic England responds to consultations run by government departments on various planning and environmental matters. These [consultation responses](#) are made available on our website. Some recent responses are highlighted below.

- Between 25 July to 18 October 2023 DLUHC ran a [consultation on the Implementation of Plan-making Reform](#) proposals stemming from the Levelling-up and Regeneration Bill. These proposals included measures for making plan-making faster and the plans themselves simpler and more accessible. [Historic England's response to the plan-making consultation](#) is now available online.
- Between 25 July and 19 September DLUHC ran a [consultation on the Operational Reforms to the Nationally Significant Infrastructure Project \(NSIP\) Consenting Process](#). The key proposals were reforms to support a faster consenting process, strengthening public engagement and improving system capability. [Historic England's response to the NSIP consultation](#) is now available online.
- Between 24 July and 25 September DLUHC ran a [consultation on Additional Flexibilities to Support Housing Delivery, the Agricultural Sector, Businesses, High Streets and Open Prisons; and a Call for Evidence on Nature-Based Solutions, Farm Efficiency Projects and Diversification](#). This consultation included various proposals for amending and adding to permitted development rights. [Historic England's response to the additional flexibilities' consultation](#) is now available online.
- Between 28 June and 28 September DEFRA ran a [consultation on Protecting Hedgerows in England](#). This consultation included proposals to amend the [Hedgerow Regulations 1997](#), which recognise both the natural and historical/archaeological importance of hedgerows. [Historic England's response to the hedgerow consultation](#) is now available online.



Calendar

November

November 7 - The State Opening of Parliament.

November 10 - The Public Accounts Committee's [call for evidence on HS2 Euston](#) closes.

November 16 - The Public Accounts Committee's [call for evidence on Flood Defences](#) closes.

November 30 – Deadline for Public Practice Recruitment applications.

December

December 1 – DLUHCs Digital Planning Programme funding closes.

Planning Bulletin Notifications

If you did not receive this edition of Planning Bulletin direct from Historic England, you can sign up for notifications when a new edition is issued by emailing: governmentadvice@HistoricEngland.org.uk

If you no longer wish to receive Planning Bulletin, or have received this in error, please email governmentadvice@HistoricEngland.org.uk and we will remove you from the mailing list.



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 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 \(February 2018\)](#)
- [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 \(November 2022\)](#)