



Planning Bulletin: September 2019

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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Government Departments

Department for Digital, Culture, Media and Sport

- [Helen Whately](#) MP (Faversham and Mid Kent) was appointed Parliamentary Under Secretary of State (Minister for Arts, Heritage and Tourism), replacing Rebecca Pow MP.

Department for Environment, Food and Rural Affairs

- [Zac Goldsmith](#) MP (Richmond Park) has been appointed Minister of State at Defra and at the Department for International Development.
- [Rebecca Pow](#) MP (Taunton Deane) has been appointed Parliamentary Under Secretary of State. She was previously a Parliamentary Under Secretary of State at DCMS.

HM Treasury

- Chancellor of the Exchequer, Sajid Javid delivered the 2019 spending round on 4 September. Of note, he pledged 4.1% rise 'in line with inflation' for the Department of Digital, Culture, Media and Sport budget. It was also confirmed that there would be 'a total of £241 million from the Towns Fund in 2020-21 to support the regeneration of high streets, town centres and local economies.'

Legislation and Matters Arising

Legislation

- Kew Gardens (Leases) Act 2019: provides the Secretary of State's powers in relation to the management of the Royal Botanic Gardens, Kew, include the power to grant a lease in respect of land for a period of up to 150 years. Following agreement by both Houses on the text it received Royal Assent on 9 September 2019.

Emerging Legislation

Government Bills

- Parliamentary Buildings (Restoration and Renewal) Act 2019: provides for the establishment of a Sponsor Body and a Delivery Authority to oversee and manage the restoration of the Houses of Parliament. The Bill was introduced into the House of Commons on 8 May 2019. Following agreement by both Houses on the text it now awaits Royal Assent.
- High Speed Rail (West Midlands - Crewe) Bill: the hybrid Bill makes provision for a railway between a junction with Phase One of High Speed 2, near Fradley Wood in Staffordshire, and a junction with the West Coast Main Line near Crewe in Cheshire. Second reading took place on 30 January 2018. The Bill received its First Reading in the House of Lords on 16 July and is scheduled for its Second Reading on 4 September. Explanatory notes are available here.
- Agriculture Bill: amongst other things, the Bill authorises new expenditure for certain agricultural and other purposes; makes provision about direct payments during an agricultural transition period following the United Kingdom's departure from the European Union; and confers power to modify retained direct EU legislation relating to agricultural and rural development payments, public market intervention and private storage aid. The Bill concluded its Committee stage on 20 November, with the Report stage in the House of Commons yet to be announced. The Bill has been amended in Committee; explanatory notes and a briefing paper are available.
- Fisheries Bill: amongst other things, the Bill makes provision about grants in connection with fishing, aquaculture or marine conservation. Introduced in October 2018, the Bill went to a Public Bill Committee on 17 December, with the Report stage (and subsequent third reading) due on a date to be announced. The Bill is available here, and explanatory notes here.
- Environment Bill: New measures to enhance wildlife, transform our waste system and improve the resilience of water supplies have been set out by Environment Secretary

Michael Gove. In an update on progress towards the introduction of the Environment Bill the government has published firm positions, following a range of consultations on:

- A deposit return scheme (DRS) for drinks containers
- Consistency in household and business recycling.
- Extended producer responsibility (EPR)
- Biodiversity net gain
- Conservation covenants
- Improving our management of water in the environment

A policy statement has also been published, summarising progress so far and updating on the direction and vision of the Bill.

Private Members' Bills

- *Bat Habitats Regulation Bill*: the Bill makes provision to enhance the protection available for bat habitats in the vicinity of a building site, and to limit the protection for bat habitats in buildings used for public worship. The second reading took place on 27 April 2018; the Committee stage has yet to be scheduled. A briefing is available here.
- *Bat Habitats Regulation (No. 2) Bill*: the Bill makes provision to enhance the protection available for bat habitats in the non-built environment and to limit the protection for bat habitats in the built environment where the presence of bats has a significant adverse impact upon the users of buildings. The Bill was presented to Parliament on 5 September 2017 and the second reading took place on 23 November 2018; the Committee stage has yet to be scheduled.
- *Equality Act 2010 (Amendment) (Disabled Access) Bill*: the Bill amends the Equality Act 2010 to improve access to public buildings by introducing six- and twelve-inch rules for step-free access. The second reading took place on 24 November 2017, and the Committee stage has yet to be scheduled.
- *Green Belt (Protection) Bill*: the Bill provides for the establishment of a national register of Green Belt land in England, the restriction of the ability of local authorities to de-designate Green Belt land, and provision about future development of de-designated Green Belt land. Its first reading took place on 5 September 2017; second reading was scheduled for 15 March 2019 but proceedings were interrupted and the Bill's second reading is now postponed to a date to be announced.
- *Clean Air Bill*: the Bill requires the Secretary of State to set, measure, enforce and report on air quality targets; to make provision about mitigating air pollution; to make provision about vehicle emissions testing; and to restrict the approval and sale of vehicles with certain engine types. Its first reading took place on 22 November 2017; second reading has yet to be scheduled.
- *Compulsory Purchase and Planning Bill 2017-19*: the Bill makes provision for greater powers for local authorities deal with developers who "sit" on buildings of heritage and cultural importance. It also looks at removing VAT for any conversion works to properties in Heritage Action Zones and introduce new sources of money, to be administered by Homes England and available to local authorities, to unlock these pieces of land. Its first reading took place in the House of Commons on 4 September 2019. The second reading has yet to be scheduled.
- *Planning (Appeals) Bill*: the Bill limits the grounds of appeal against decisions on planning applications consistent with a neighbourhood development plan or local plan. It was introduced on 4 December 2018, and second reading has yet to be scheduled.

- *Planning (Affordable Housing and Land Compensation) Bill*: the Bill would create a new duty for councils to include a policy in their local plans to capture betterment values where they arise. It would also replace the current definition of affordable housing (classed as being up to 80% of market prices), with one that stipulates that housing cannot cost more than 35% of net household income for lowest quartile income groups in each local authority area. The Bill also seeks to specify in law the key factors used for viability testing in relation to planning decisions, including placing explicit limitations on the expectations of developer profit and land values for compulsory purchase. It was introduced on 27 February 2019, and second reading has yet to be scheduled.

Secondary Legislation

Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019

- The Regulations have been updated, as has the relevant section of the Planning Practice Guidance (see below).

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.

Committees

Environmental Audit Committee

- The Parliamentary Environmental Audit Select Committee has published its report, *Our Planet, Our Health*. It said that climate change is already impacting on food production and security, and said urban design is contributing to poor air quality and exacerbating health issues. The report said: 'The NPPF needs to be better updated to promote opportunities for active travel, green spaces and access to healthy, sustainable food in planning authorities' local plans.' It also stated that: 'The NPPF needs to be better updated to promote opportunities for active travel, green spaces and access to healthy, sustainable food in planning authorities' local plans.'

Science and Technology Committee

- The Science and Technology Committee has highlighted the lack of Government policies in place to deliver the net zero target by 2050 and recommends 10 steps the Government should take to meet this legally binding target.

Guidance

Permitted Development Rights for Householders

- MHCLG has updated its technical guidance relating to permitted development (PD) rights for householders, to reflect the removal of the time limit in relation to large rear

extensions. The guidance has highlighted the need for householders to consult neighbours when seeking permission for home extensions under PD rights, as well as giving guidance on the maximum size of extension permitted.

Planning Practice Guidance (PPG)

- The section of the PPG on Community Infrastructure Levy (CIL) has been updated to explain the Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019. Amongst other things, the PPG confirms that councils should take into account uplifts in land value generated by planning permissions and consider bespoke charges for large-scale sites. Councils are also required to prepare annual statements detailing revenue from section 106 planning gain and CIL.

Viability

- MHCLG has updated its guidance on understanding viability in line with the NPPF published in July 2018.

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 Historic Environment Advice Note (HEAN) on Minerals Extraction and Archaeology should soon be published and will be available to download from the Historic England website.

Training

Current Training

- Historic England provides training and guidance to help local authorities, heritage professionals, owners and voluntary organisations look after England's heritage. Training that is currently available covers a wide range of topics, many directly linked to planning matters and Historic England advice. Our training programmes are:
 - Historic Environment Local Management (HELM): training on managing the historic environment for local authorities, regional agencies and national organisations. Visit the webpages for course dates and booking. New courses for the autumn will include Practical Building Conservation: Porous Building Materials, Industrial Heritage, Heritage Statements, and Design and Place-making in Historic Areas. Courses include:
 - Practical Building Conservation: Porous Building Materials (Avoncroft Museum, Bromsgrove, 3 October 2019)
 - Practical Building Conservation Update: Porous Building Materials (West Sussex, 10 October).
 - Making a Future for Industrial Heritage (Wigan, 24 October 2019)

- Heritage Practice: training courses for heritage specialists in technical subjects and techniques. Visit the webpages for details of courses'
- Essentials Training: training course on fundamental heritage skills for local authority planners and early entrants into historic environment services. Visit the webpages for details of courses on (amongst others):
 - Setting in Practice (Birmingham, 10 October; Leeds, 31 October).
- Online training: webinars and other resources to help supplement the short course training opportunities and make them more widely available. The online training includes recordings of webinars and other, longer courses to work through.
- All courses, and further information, can be accessed on the Historic England website.
- Proposed training in autumn/winter will include more training on industrial heritage, and new courses on the disposal of military assets, and statements of heritage significance.
- 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.

Infrastructure

5G in Rural Areas

- Digital Secretary Nicky Morgan has launched a £30 million UK-wide competition to spark a tech revolution in countryside communities and help rural Britain seize the opportunities of 5G technology.

5G and Extend Mobile Coverage

- MHCLG has launched a consultation seeking views on the principle of amending permitted development rights in England to grant planning permission for mobile infrastructure to support deployment of 5G and extend mobile coverage, particularly in rural areas, and the circumstances in which it would be appropriate (closing 4 November).

National Grid: The Visual Impact Provision Project

- The National Grid has published its fifth Annual Report for the Visual Impact Provision (VIP) project. The project is making use of a £500m provision by Ofgem to carry out work that reduced the impact of existing transmission lines in English and Welsh Areas of Outstanding Natural Beauty (AONBs) and National Parks. The document will shortly be available to download here.

Other Initiatives

Coastal Communities

- MHCLG have announced five coastal communities in Cumbria, Dorset, Gloucestershire, Kent and Suffolk will share £10M for projects from the Coastal Communities Fund.

Healthy New Towns

- NHS England has published [a series of reports](#), setting out 10 principles, aimed at ensuring new developments support better health outcomes for residents. The Healthy New Towns programme worked with [10 demonstrator sites](#) across England to explore how the development of new places could create healthier and connected communities with integrated and high-quality services.

Historic England Planning Bulletin

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

Future High Streets Fund Expanded

- PM Boris Johnson [confirmed](#) an additional 50 towns will benefit from the £1 billion Future High Streets Fund. The funding could be used by these areas to improve transport and access into town centres, convert empty retail units into new homes and workplaces, and invest in infrastructure.

Historic England: Planning Bulletin

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Historic High Streets £95m Funding Boost

- 69 high streets across the country will benefit from a £95 million Government [fund](#) delivered through Historic England's [Heritage Action Zone](#) initiative. Working with local councils and communities, Historic England will deliver physical improvements and cultural activities to regenerate these high streets and restore local historic character.

Landscapes Review: National Parks and Areas of Outstanding Natural Beauty

- Defra has [published](#) the final report of the independent review to consider the next steps for National Parks and Areas of Outstanding Natural Beauty sites (AONBs) in England. A central proposal is to 'bring National Parks and AONBs together as part of one family of national landscapes, served by a shared National Landscapes Service', as well as 'a wider range of non-designated systems of landscape protection.'
- The Report also proposes a 'strengthened place for national landscapes in the planning system with AONBs given statutory consultee status, encouragement to develop local plans and changes to the National Planning Policy Framework.' It proposes a new set of purposes applicable to both National Parks and AONBs: '[To] Recover, conserve and enhance natural beauty, biodiversity and natural capital, and cultural heritage.'

Making Home Ownership Affordable

- MHCLG has published a [discussion paper](#) 'to look at all of the ways to support the delivery of more homes, including how the planning system could help bring forward additional sites for homes that local aspiring first-time buyers can afford to buy', as well as proposing 'a new national model for shared ownership to help aspiring first-time buyers.'

Modern Methods of Construction

- The Government has published its [response](#) to the Housing, Communities and Local Government Select Committee report on modern methods of construction.

National Park Authorities and Area of Outstanding Natural Beauty Conservation Boards

- Defra have announced appointments to National Park Authorities (NPAs) and Areas of Outstanding Natural Beauty (AONB) Conservation Boards.

Notes on Neighbourhood Planning

- MHCLG has published one of its regular bulletins from its neighbourhood planning team, covering the latest news and policy developments, including an article on the new Design Toolkit: Achieving Well-Designed Places through Neighbourhood Planning.

Planning Advisory Service: The Route Mapper and Toolkit

- The Planning Advisory Service (PAS) will shortly be launching a new tool and support to help local authorities to review and update local plans PAS will be delivering a free introduction and training day for planning officer on using it on Tuesday 5 November in Birmingham.

Planning Delivery Fund: Illegal Developments on the Green Belt

- MHCLG have announced the councils which were successful in securing a share of £2M to address the costs of tackling unauthorised and illegal development in areas with significant areas of Green Belt land.

Towns Fund

- The 100 places invited to develop proposals for a new generation of multi-million-pound Town Deals have been announced by Local Government Secretary Rt Hon Robert Jenrick MP. The towns eligible for support from the £3.6 billion Towns Fund include 'places with proud industrial and economic heritage but have not always benefitted from economic growth in the same way as more prosperous areas.'

Current Consultations

- DfT and Office for Low Emission Vehicles are consulting on proposals for Electric Vehicle Chargepoints in Residential and Non-Residential Buildings (closing date 7 October 2019)
- Historic England is inviting views on its training provision (closing date 30 September 2019)
- MHCLG and DCMS are consulting on Proposed Reforms to Permitted Development Rights to Support the Deployment of 5G and Extend Mobile Coverage (closing date 4 November 2019)

Calendar

October

- 3 HELM training course: Practical Building Conservation: Porous Building Materials (Avoncroft Museum, Bromsgrove)
- 7 Consultation on Electric Vehicle Chargepoints in Residential and Non-Residential Buildings closes

- 10 HELM training course: Practical Building Conservation Update: Porous Building Materials (West Sussex)
- 10 Essentials Training: training course: Setting in Practice (Birmingham)
- 24 HELM training course: Making a Future for Industrial Heritage (Wigan)
- 31 Essentials Training: training course: Setting in Practice (Leeds)

November

- 4 Consultation on Proposed Reforms to Permitted Development Rights to Support the Deployment of 5G and Extend Mobile Coverage 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)