



Planning Bulletin: September 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 advice from Government in relation to Coronavirus (Covid-19), 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](#).

Planning White Paper

Planning for the Future

- The government is consulting on the Planning White Paper, entitled *Planning for the Future*. Its stated aim is 'to streamline and modernise the planning process, bring a new focus to design and sustainability, improve the system of developer contributions to infrastructure, and ensure more land is available for development where it is needed'.
- The Planning White Paper consultation closing date is 29 October.

Government Departments

Ministry of Housing, Communities and Local Government

Appointments

- [Luke Hall](#) MP (Thornbury and Yate) has been appointed as Minister of State.
- [Kelly Tolhurst](#) MP (Rochester and Strood) has been appointed as Parliamentary Under Secretary of State at MHCLG.

Department for Transport

Appointments

- [Robert Courts](#) MP (Witney) has been appointed as Parliamentary Under Secretary of State at DfT.

Legislation and Matters Arising

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 is scheduled for the Third Reading in the House of Lords on 1 October.

- *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 is still yet to be scheduled.
- *Environment Bill 2019-21*: 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 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'. 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. The Committee is now scheduled to report by 1 December.

Private Bills

- *Desecration of War Memorials Bill 2019-21*. The Bill aims to create the offence of desecrating a war memorial. It was introduced to Parliament on 23 June under the *Ten Minute Rule*. Its Second Reading in the House of Commons is scheduled to take place on 5 February 2021.
- *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 Bill was found compliant on 9 March. The bill now proceeds to an Opposed Bill Committee to consider the petitions. A date has still not been set.
- *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*. Its Second Reading is scheduled for 20 January 2021.

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

Permitted Development Rights and Changes to the Use Classes Order

- Facts sheets on *Permitted Development Rights and Changes to the Use Classes Order* were published by MHCLG on 18 September. They include:
 - Fast Track Planning for Brownfield Regeneration – information on demolition of buildings and construction of new dwelling houses in their place.
 - Fast Track Approval for Building Upwards – information on permitted development for building upwards.
 - Flexible Use on the High Street – information on Use Classes Order.

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

- Following public consultation, publication of a HEAN on *Commercial Renewable Energy and the Historic Environment* is expected shortly.
- Following public consultation, publication of a revised HEAN on *Tall Buildings* (HEAN4) is expected shortly.
- A HEAN on *Permission in Principle* is being currently being drafted and should be consulted on soon.
- A HEAN on *Listed Building Consent* is being currently being drafted.

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 planned for 2020 into webinars, including topics such as *Enabling Development*, *Industrial Heritage* and *Design and Place-shaping*. They can be accessed here.
- *Technical Tuesdays*; a series of webinars delivered by its Technical Conservation Team are made available online, generally about a week after the event.
- Please visit the HE online training web pages here for the latest on our webinar programme. More topics and dates are being added for the autumn. For webinar booking please visit here.
- 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.

Other Initiatives

Beauty at the Heart of the Planning System

- Robert Jenrick (Secretary of State) has announced steps to put beauty and design at the heart of the planning system.
- To support that announcement, Nicholas Boys Smith has been appointed to lead an expert group advising government on how to embed beauty and quality into the new, reformed planning system. The new design body is tasked with driving up design standards and supporting local communities to produce design codes defining beautiful design in each community.

Biodiversity Commitment

- The Prime Minister committed to protect an additional 4% of UK land to support the recovery of nature. The total commitment is for protection of 30% of UK's land by 2030, signed in the Leaders Pledge for Nature at the UN event on 28 September. The government has committed significant investment to support environmental enhancement and protection in England through the Nature for Climate Fund and the new Environmental Land Management (ELM) scheme.

High Street Heritage Action Zones

- The *High Street Heritage Action Zones* programme was launched on 19 September. 68 high streets have been offered funding as part of a £95 million government funded programme being delivered by Historic England. This will unlock the potential for high streets, fuelling economic, social and cultural recovery.

Local Heritage Initiative

- Charles O'Brien has been appointed as government's new *Listing Heritage Adviser* to help communities protect historic buildings and monuments. He will work with councils to increase the number of buildings and structures of significant historical and cultural value that are locally listed, helping to protect them through the planning system.

Parliamentary Suburban Task Force

- The All-Party Parliamentary Group 'suburban taskforce' has appointed an advisory board and is progressing a public call for evidence, which is due to close on 2 October. Whilst the call for evidence is initially focused on London suburbs, the aim is to support the long-term sustainability of suburban areas at the national level.

Productive Placemaking Report

- The All-Party Parliamentary Group on *Building Communities* published the *Productive Placemaking Report* on the 22 September. The report recommended:
 - Placemaking should be incorporated at the heart of the NPPF.
 - Local industrial strategies should incentivise developers to share best practice as a driver of productivity.
 - Financial and policy structures need to be in place to ensure long-term management of place.
 - ONS must develop a measurement of placemaking and its link to productivity / GDP.
 - The government should aim to reduce the cost of land for the creation of affordable housing.
 - CIL should be replaced with a new Property Sales Levy.

Productivity and the Arts, Heritage and Museum Sectors Report

- DCMS has published *Productivity and the Arts, Heritage and Museum Sectors*. The report details the direct and indirect productivity of arts, heritage and museum sectors.

Current Consultations

- MHCLG is consulting on the *Planning White Paper* (see above). Consultation on *Planning for the Future* closes on 29 October.
- MCHLG is consulting on *Changes to the Current Planning System*. The consultation sets out proposals for measures to improve the effectiveness of the current planning system (closing date 1 October).
- The Department for the Environment & Rural Affairs is consulting on a revised draft *Waste Management Plan for England*. The Plan provides an analysis of the current waste management situation in England. It is primarily about the quantity of waste there is in England and how that waste is managed. The Plan sets out a summary of current policies, not new policies or announcements. It reflects the policies included in the Government's Resources and Waste Strategy, published in 2018 (closing date 15 October).
- The Department for Business, Energy and Industrial Strategy (BEIS) is consulting on the *Review of Consents for Major Energy Infrastructure Projects and Special Protection Areas*. Views are being sought on a draft *Screening of Likely Significant Effects* report. The consultation closes on 9 October.
- The Department for Business, Energy and Industrial Strategy (BEIS) is consulting on the proposed *Offshore Oil and Gas Exploration, Production, Unloading and Storage* (Environment Impact Assessment) Regulations 2020. The consultation closes on 2 October.
- The Department for Transport is consulting on *Pavement Parking: Options for Change*. The DfT is consulting on how the Traffic Regulation Order (TRO) can be improved, including for pavement parking. The consultation closes on 22 November.

Calendar

October

- 1 MCHLG consultation on *Changes to the Current Planning System* closes
- 2 BEIS consultation *Offshore Oil and Gas Exploration, Production, Unloading and Storage* closes.
- 9 BEIS consultation on Review of Consents for Major Energy Infrastructure Projects and Special Protection Areas closes.
- 15 DEFRA consultation on a revised *Waste Management Plan for England* closes
- 29 MHCLG consultation on *Planning for the Future* closes.

November

- 22 DfT consultation on *Pavement Parking: Options for Change* closes.

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30 September 2020

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: 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)
 - *HEAN 14: Energy Efficiency and Historic Buildings: How to Improve Energy Efficiency* (June 2020)