



## Planning Bulletin: October 2021

*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. Our sites and offices continue to be closed until further notice. Our staff are working from home and will continue to provide advice and grant payments as usual. Our local teams remain the best first point of call so if you need to contact us, please email your region as normal. For further information, advice, and updates on current Historic England services, please refer to our [website](#).

## Government Departments

### Department for Digital, Culture, Media and Sport

- A cabinet reshuffle means a new Secretary of State has been appointed at DCMS; Nadine Dorries MP (Mid-Bedfordshire) has replaced Oliver Dowden MP (Hertsmere).
- In addition, Julia Lopez MP (Hornchurch and Upminster) and Chris Philp MP (Croydon South) have also been appointed as DCMS Ministers with portfolios to be confirmed.

### Department of Levelling up, Housing and Communities

- The MHCLG has been renamed to the Department for Levelling Up, Housing and Communities (LUHC) as of the 19<sup>th</sup> September 2021.
- Michael Gove MP (Surrey Heath) has been appointed the new Secretary of State of LUHC, to be supported by new ministers Kemi Badenoch MP (Saffron Walden) and Neil O'Brien MP (Harborough).

### Department of Transport

- Trudy Harrison MP (Copeland) has replaced Rachael Mclean MP (Redditch) as Parliamentary Under-Secretary of State for Transport.

## Legislation and Matters Arising

### Emerging Legislation

#### *Government Bills*

- *Environment Bill 2019-21, 2021-22*: As of the 6 September, the bill entered the report stage in the House of Lords, which allows members of the Lords to further examine and make amendments to the Bill. Amendments discussed covered clauses 109, 110, 113 and 136 of the Bill, which relate to *Local Nature Recovery Strategies, Conservation, Habitats Regulations* and *The Effect of acquisition or disposal of affected land by responsible body*. The bill entered its third reading stage on 13 October in the House of Lord, it will now return to the House of Commons for the consideration of commons amendments.
- *Judicial Review and Courts Bill 2021-22*: New legislation has been introduced to give judges power (under the Judicial Review process) to suspend orders quashing planning decisions with legal flaws, to give those involved time to rectify them without losing the planning permission altogether. The Bill was presented to Parliament on 21 July and its second reading began in the House of Commons on 18 October.

#### *Private Members' Bills*

- *Climate and Ecology Bill 2019-21*. The Bill requires the Prime Minister to achieve climate and ecology objectives; to give the Secretary of State a duty to create and implement those objectives; to establish a Citizens' Assembly; and to give duties to the Committee on Climate Change regarding the objectives and strategy. A first reading was held on the 2 September, with a second reading due to take place on 29 October.
- *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*. The Second Reading in the House of Commons is due to take place on 14 January 2022.

- *Planning (Enforcement) Bill 2021-22*. The Bill to create a national register of persons who have committed planning offences and introduce tougher penalties was introduced on 16 June 2021. The Bill is to receive its second reading on 19 November 2021.
- *Planning and Local Representation Bill 2021-22*: The Bill includes granting local authorities' power to apply local design standards for permitted development and to refuse permitted development proposals that would be detrimental to the health and wellbeing of an individual or community. It was introduced to Parliament under the *Ten Minute Rule* on 15 July. The Second Reading in the House of Commons is due to take place on 22 October.

### *Private Bills*

*Highgate Cemetery Bill*: The Bill passed the report stage on the 3 September and went onto pass the third reading on the 14 September, meaning it is now awaiting on the consideration of amendments from the House of Commons, the final stage before Royal Assent.

### **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**

### **Housing, Communities and Local Government Committee**

- The HCLG Committee held three evidence sessions on the 13, 15 and 20 of September on the role of local government and the pathway to net zero.
- These included the questioning of The Rt. Hon. Lord Deben, The Chairman of the Climate Change Committee, as well as representatives of local councils and ministers from MHCLG and BEIS.

### **Lords Committee for the Built Environment**

- The Built Environment committee has published a number of [written](#) and [oral evidence](#) submissions relating to their current inquiry into *Meeting the UK's Housing Demand*. Formal meetings for evidence held on the 12 and 19 October discussed using design codes in planning and improving the quality of new homes. There are further meetings to be held on the 26 October and 2 November.

## **DLUHC Letters to Chief Planning Officers**

- The [Chief Planners Newsletter](#) from Joanna Averley, DLUHC Chief Planner was issued on the 12 August 2021 and included:
- **National Model Design Code: Phase 2 Pilots** – Local authorities and neighbourhood planning groups were invited to express an [interest](#) in participating by the 13 September.

- **NSIP Survey** – Users of Nationally Significant Infrastructure Projects (NSIP) are invited to take part in a survey which will contribute to the larger review and wider reforms of the NSIP process as part of National Infrastructure Strategy. The survey will be open through the first phase of their review which closes 17 December.
- **Temporary Pavement Licence Provisions Extension** – Provisions making it quick and cheaper for businesses to obtain pavement licenses having been extended by 12 months until 30 September 2022. The DLUHC has also committed to the principle of making the provisions permanent, although this will require parliamentary legislation, with no current schedule having been announced.
- **Tree Planting on Vacant & Derelict Land** – Defra have called for input from local planning authorities for a funding mechanism to turn vacant and derelict land unsuitable for housing into beneficial, productive woodland.
- **Biodiversity Metric 3** – Natural England’s Metric 3 has been launched for recommended use in all new projects committed to, or required to achieve, a biodiversity net gain outcome. Natural England intends to provide training for its usage in coordination with the Planning Advisory Service (PAS).
- **Small Sites Metric (SSM) Consultation** – Natural England has also launched a consultation version of a proposed SSM, a version of metric 3 intended for smaller sites, this consultation is open until the end of October 2021.
- **Call for Participation: User Research and Planning Reform** – There is the opportunity for those who work in or are involved in the planning system to be part of the voluntary user research panel which will contribute to future planning reform.

## 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*

- We anticipate publishing a new draft HEAN for public consultation on *Planning and Archaeology* in the coming few weeks.
- Following public consultation last year, further revision to HEAN 4 on *Tall Buildings* is progressing, taking account of the feedback we received. We anticipate publishing the updated HEAN in the summer this year.

### *New Advice Notes Published*

- ‘*Theft of Metal from Church Roofs: Replacement Materials*’ was published on the 10 September along with its companion ‘*Theft of Metal from Church Roofs: Prevention and Response*’. The Replacement Materials note applies to historic churches and other buildings with traditional metal roofs; the Prevention and Response note deals with measures to prevent theft and how to respond if theft has taken place.

## Training

### *Historic England Training*

- As we move into the Autumn/Winter we are preparing a new HELM training programme. 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, as things continue to improve, a return to small group courses and site visits.
- Our autumn webinars will include continuation of our popular technical conservation series, and topics such as local listing, and textile mills & regeneration.
- [Visit our webpages for more information and booking](#)
- In addition to our usual webinars, in the lead up to the Conference of the Parties (COP26) in Glasgow Historic England has partnered with the Climate Heritage Network to deliver a series of webinars exploring work around the theme of cultural heritage and climate action. Each week from the 1st October we are joined by speakers from around the world as they share their experiences and research.
- [Visit our 'Climate Friday's' webinar page for details and booking](#) and [catch up with the first webinars in the series on our recordings page](#).
- Historic England are partnering with Historic Environment Scotland, the National Trust, English Heritage, Cadw and the National Trust for Scotland to present the [Virtual Climate Resilience Heritage Summit](#). This will be an opportunity to discuss heritage resilience and climate change, taking place 27 October.
- Finally, we are pleased to be working again with Strode College to deliver the formal training programme for the Level 4 Historic Environment Advice Assistant Apprenticeship, whose second cohort comprises apprentices from a range of employers, including local authorities, national charities and a planning consultancy. Over the two-year programme, apprentices will gain the skills and knowledge needed to advise on and manage change in the historic environment. This is a fantastic opportunity for supporting entry into historic environment careers and also as an upskilling opportunity for related disciplines.
- Information on [historic environment apprentices can be found on our webpages](#) or visit the [Strode College webpage](#) for specific information about the Level 4 Historic Environment Advice Assistant Apprenticeship.

## Research

- Historic England has launched new and updated evidence on potential opportunities for textile mills. ['Driving Northern Growth Through Repurposing Historic Mills'](#) re-assesses the potential of under-used and vacant mills, identifying their possible contribution to rebalancing the country's economy and improving environmental sustainability. It also highlights regeneration success stories.

## Other Initiatives

*Michael Gove's appointment at DLUHC*

- Michael Gove has paused the Government's reform of the planning system in order to conduct a review into proposals.

#### *The Heritage Advisory Board*

- The Heritage Advisory Board has been given the task to oversee the development and drafting of a new set of guidelines on how heritage assets should be dealt with, within the policy framework of 'retain and explain' in heritage. The board will be made up of seven members; Dr Anna Keay OBE, Mukesh Sharma MBE DL, Sir Laurie Magnus, Trevor Phillips OBE, Robert Tombs, Martha Lytton-Cobbold and Dr Samir Shah CBE.

#### *The Conservative Party Conference*

- Michael Gove outlined four aims for the Government's *levelling up* agenda. These are:
  - Strengthening local leadership;
  - Raising living standards;
  - Improving public services; and
  - Enhancing the sense of pride in areas.

#### *Net Zero Strategy: Build Back Greener*

- *The Department for Business, Energy and Industrial Strategy* published *Net Zero Strategy: Build Back Greener* on 19 October. This policy paper sets out proposals for decarbonising all sectors of the UK economy to meet the 2050 net zero target. The policy paper can be found [here](#).

#### *RTPI Planning for Climate Change Guidance*

- En lieu of COP26, the RTPI and Town and Country Planning Association have created a guide for local authorities on planning for climate change. It is a vital introduction to implementing practical solutions to help reverse climate change. The guidance can be found [here](#).

## **Current Consultations**

#### *Nationally Significant Infrastructure Projects (NSIP)*

- The Government is inviting stakeholders to participate in a comprehensive end-to-end review of the NSIP process and all its interactions. Responses are sought from all those who engage with the NSIP regime. The consultation will inform the National Infrastructure Planning Reform Programme. The stakeholder survey closes on 17 December 2021 and can be found [here](#).

#### *Local Nature Recovery Strategy*

- The consultation is seeking views on how the Government should implement Local Nature Recovery Strategies in England, following their introduction in the Environment Bill. The Local Nature Recovery Strategy is intended to cover multiple local planning authority areas and forms statutory guidance. The consultation can be found [here](#) and closes on 2 November 2021.

#### *Planning for new Energy Infrastructure: Reviews of Energy NPS*

- The energy white paper published in December 2020 announced that the government would review the energy National Policy Statements (NPS). The consultation seeks

information on whether the revised energy NPS provide a suitable framework to support decision making for nationally significant energy infrastructure, as well as the appraisals of sustainability (AoS) and habitats regulations assessments (HRA) that have been carried out in relation to the draft energy NPS. The consultation will close on the 29 November 2021. The consultation can be found [here](#).

#### *Review of the Mission and Pastoral Measure 2011*

- A consultation on the *Review of the Mission and Pastoral Measure* has been extended to the 31 October. The Measure makes provision for the legal reorganisation of parishes and benefices, dioceses, and the closure and re-use of church buildings no longer needed for public worship. This review is intended to improve and simplify the process associated with the Measure. Information on the consultation can be found [here](#).

#### *Permitted Development Rights Consultation*

- A consultation on *Supporting Defence Infrastructure and the Future of Time-Limited Permitted Development Rights* proposes two new rights for defence infrastructure and changes to two time-limited permitted development rights. The consultation proposes to make permanent *Class BB of Part 4*: permitting moveable structures within the curtilage of a pub, café, restaurant, or historic visitor attractions and *Class BA of Part 12*: permitting for markets to be held by or on behalf of local authorities of the *Town and Country (General Permitted Development) (England) Order 2015*. Further information on the consultation can be found [here](#). The consultation closes on 14 November.

## **Calendar**

### *October*

29 *The second reading of the Climate and ecology bill will start.*

31 *The deadline for the Review of the Mission and Pastoral Measure 2011 consultation.*

### *November*

2 *Local Nature Recovery Strategy consultation closes.*

14 *Consultation on Supporting Defence Infrastructure and the Future of Time-Limited Permitted Development Rights closes.*

29 *Consultation on Energy National Policy Statements 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](mailto: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 (2nd ed): Local Heritage Listing* (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* (October 2018)
  - *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)