



Planning Bulletin: May 2018

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.

Government Departments

Ministry of Housing, Communities and Local Government

- James Brokenshire is the new Secretary of State at the Ministry of Housing, Communities and Local Government, following Sajid Javid's move to the Home Office.

Legislation and Matters Arising

Emerging Legislation

Government Bills

- *European Union (Withdrawal) Bill*: the Bill seeks to repeal the European Communities Act 1972 and make other provision in connection with the withdrawal of the United Kingdom from the EU. Committee stage concluded on 28 March, and report stage is now underway. Explanatory notes are available [here](#), and an updated library briefing [here](#).
- *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; a date for committee stage has not yet been scheduled. Explanatory notes are available [here](#).
- *Automated and Electric Vehicles Bill*: the Bill makes provisions about automated vehicles and electric vehicles, including in relation to charging points. Second reading took place on 20 February; committee stage is scheduled for 9 May. An explanatory memorandum is available [here](#), a briefing note [here](#), and a research briefing [here](#).
- Another Bill mentioned in the Queen's Speech which is of potential interest is the Agriculture Bill (to support UK farmers and protect the natural environment). The Bill will allow the delivery of many of the reforms set out in Defra's consultation on proposals for future agricultural policy in England (*Health and Harmony: the Future for Food, Farming and the Environment in a Green Brexit*: closing date 8 May).

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. Second reading took place on 27 April; 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; second reading is expected on 6 July.

- *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. Second reading took place on 24 November, and Committee stage has yet to be scheduled.
- *Kew Gardens (Leases) Bill*: the Bill provides that 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. First reading took place on 13 July, and second reading has yet to be scheduled. Explanatory notes are available [here](#).
- *Planning (Agent of Change) Bill*: the Bill requires specified planning controls in relation to developments likely to be affected by existing noise sources. It was introduced on 10 January, and is expected to have its second reading on 15 June.
- *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. First reading took place on 5 September 2017; second reading is scheduled for 23 November.

Heritage Planning Case Database

- Historic England maintains 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

House of Lords National Policy for the Built Environment Committee

- A [House of Lords Library Briefing](#) has been produced, providing an overview of the conclusions reached and recommendations made by the National Policy for the Built Environment Committee in [Building Better Places](#) and the [Government's response](#). It also summarises the debate on the report held in the House of Lords in January 2017 and the content of letters recently exchanged between Lord McFall of Alcluith, in his capacity as Senior Deputy Speaker and chair of the House of Lords Liaison Committee, and the Government. It concludes with an overview of recent activity relating to the policy areas considered in the report.

Policy

National Planning Policy Framework (NPPF)

- The Prime Minister and MHCLG Secretary of State launched the consultation on a revised NPPF on 5 March:
 - *National Planning Policy Framework: Draft Text for Consultation*
 - *National Planning Policy Framework: Consultation Proposals*
- The consultation closes on 10 May, and the final version is expected to be published by the summer.

- The draft NPPF and related consultation proposals document are supported by a number of other documents:
 - *Draft Planning Practice Guidance* (draft updates to planning guidance which will form part of the Government’s online Planning Practice Guidance: discussed further under ‘Planning Practice Guidance’, below).
 - *Housing Delivery Test Draft Measurement Rule Book* (draft methodology for calculating the Housing Delivery Test).
- At the same time, as part of a wider ‘planning reform package’ in support of housing delivery, the Government also published the following:
 - *Supporting Housing Delivery Through Developer Contributions: Reforming Developer Contributions to Affordable Housing and Infrastructure* (closing date 10 May).
 - *The Incidence, Value and Delivery of Planning Obligations and Community Infrastructure Levy in England in 2016-17*
- MHCLG has also published its responses to two previous consultations:
 - *Housing White Paper (Fixing Our Broken Housing Market)*: MHCLG had previously issued its response to the proposal to allow all local authorities to dispose of land with the benefit of planning permission they have granted themselves (question 5). The Government’s response to the whole consultation is now available.
 - *Planning for the Right Homes in the Right Places*: the Government’s summary of consultation responses, and its view on the way forward, is available here.

National Policy Statement for Water Resources

- In November 2017, Defra undertook a consultation on developing a National Policy Statement for Water Resources and proposals to amend the definition of nationally significant water infrastructure in the Planning Act 2008 (Historic England’s response to that consultation is available here).
- Defra has now issued a summary of the consultation responses received, noting that there was no clear consensus on what might be the most effective sizes of infrastructure to include within the Planning Act 2008 definitions. A further consultation was launched on 5 April (closing date 26 April), seeking views on new proposals for the types and sizes of infrastructure which should be considered as ‘nationally significant’.
- The responses received will inform the final amendments to the Planning Act 2008 infrastructure thresholds, which will be laid before Parliament later this year. Following this, the Government will consult on the draft National Policy Statement (NPS) for Water Resources.

Guidance

Planning Practice Guidance

- As noted above, MHCLG has issued draft Planning Practice Guidance to accompany the consultation on proposed policy changes set out in the draft NPPF. This covers:
 - Viability
 - Housing Delivery
 - Local Housing Need Assessment
 - Neighbourhood Plans
 - Plan-making

- Build to rent.

MHCLG Letters to Chief Planning Officers

- MHCLG has issued another [letter to Chief Planning Officers](#). The topics addressed are as follows:
 - NPPF consultation
 - Developer contributions consultation
 - Planning Practice Guidance:
 - Draft guidance published alongside the NPPF
 - The changes made to the guidance in February
 - Housing deals
 - Brownfield land registers
 - Permission in principle by application (from 1 June)
 - Compulsory Purchase (February's new guidance and the streamlining measures which came into force on 6 April)
 - Consultation on powers for dealing with unauthorised development and encampments (5 April – 15 June)
 - The amendments to permitted development rights which came into force on 6 April
 - The Regulations on reviewing plans every 5 years, which also came into force on 6 April (and related draft Planning Practice Guidance, published alongside the draft NPPF).
 - Local Plan interventions
 - Neighbourhood Planning Support Programme
 - The new Built Environment team in MHCLG's Planning Directorate
 - Design Quality Conference

Advice

Historic England Advice

- Good Practice Advice notes (GPAs) and Historic England Advice notes (HEANs) are all available on the Historic England website, and listed in Appendix I to this Bulletin, for ease of reference.
- A revised edition of *HEAN 1: Conservation Areas: Designation, Appraisal and Review* has now been published for [consultation](#) (closing date 17 May).
- Historic England has published a [position statement](#) on 'contested heritage in listed building decisions'. This is accompanied by a [checklist](#) to help local authorities deal with individual cases.

Forthcoming Historic England Advice

- Following earlier public consultation, a HEAN on neighbourhood planning and the historic environment will be published in coming weeks, and a final version of the updated national and regional *Streets for All*.

Training

- Historic England provides [training and guidance](#) to help local authorities, heritage professionals, owners and voluntary organisations look after England's heritage. Training currently available covers a wide range of topics, many directly linked to planning matters and Historic England advice:

- [Historic Environment Local Management \(HELM\)](#): training on managing the historic environment for local authorities, regional agencies and national organisations. The new training programme for the Spring/Summer of 2018 is now published. Visit the [webpages](#) for details of courses on:
 - Farm Buildings: Policy & Practice
 - Understanding & Managing World Heritage Sites
 - Unlocking Traditional Buildings.
 Further events on the NPPF and the Disposal of Public Assets are planned for the Autumn.
- [Heritage Practice](#): training courses for heritage specialists in technical subjects and techniques. Courses on *Historic Area Assessments* and *Understanding Historic Buildings* are currently available to book.
- [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.
- [Essentials training](#): This programme, delivered in partnership with Locus Consulting, covers the building blocks of historic environment management and explores key concepts, methodologies, legislation and policies that govern how the historic environment is understood, protected and managed through the planning system. It is aimed mainly at planners within local authorities.

Infrastructure

Aviation Strategy

- In July 2017, the Department for Transport (DfT) published a [call for evidence](#) on a new aviation strategy for the UK. DfT has now published a next steps document, [Beyond the Horizon – The Future of UK Aviation: Next Steps Towards an Aviation Strategy](#), which outlines six key objectives for the aviation strategy, and proposed actions. Consultation on the policy detail for all of the strategy objectives will take place later this year, leading to the publication of a final aviation strategy in 2019.

Other Initiatives

Historic England Planning Research

- Historic England has recently undertaken and commissioned two pieces of research looking at how heritage is considered in planning practice, with particular reference to the application of the National Planning Policy Framework. The results suggest that the policy itself is effective, but that there is some cause for concern regarding its implementation:

i) [The Heritage Dimension of Planning Applications](#)

This Historic England research reviewed just under a thousand planning and listed building consent applications across the country, to explore the ‘heritage dimension’ of planning activity. Specifically, the research looked at:

- The frequency with which heritage assets feature in such applications
- How they feature
- What impact the inclusion of heritage assets within a proposal has on the processing and determination of these applications.

ii) [Heritage in Planning Decisions: The NPPF and Designated Heritage Assets](#)

Historic England commissioned Green Balance to review decisions on planning applications relating to designated heritage assets, and to determine whether or not:

- The heritage policies of the National Planning Policy Framework are being implemented
- The decisions are having the desired effect of protecting and enhancing the historic environment.

Current Consultations

- Historic England's consultation on a revised edition of [HEAN 1: Conservation Areas: Designation, Appraisal and Review](#) (closing date 17 May).
- BEIS's call for evidence ([A Future Framework for Heat in Buildings](#)) (closing date 11 June).

Recent Consultation Responses

- Historic England's responses to Transport for the North's consultation on its [Strategic Transport Plan and Integrated Sustainability Appraisal Consultation](#) are available [here](#).
- Historic England's response to BEIS's consultation on a draft [National Policy Statement for Geological Disposal Infrastructure](#) is available [here](#) (and the related response to the [Working With Communities](#) consultation [here](#)).
- Historic England's response to MHCLG's consultation on the revised [NPPF](#) will be available [here](#) after 10 May.

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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:
 - *GPA 1: 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* (February 2016); consultation draft of a revised edition also now available for comment until 17 May.
 - *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)