



Planning Bulletin: November 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. We are working to our usual deadlines for providing planning advice. Requests for listing or amendments may take longer than

normal as we deal with a backlog of casework generated during restrictions on movement. We will, however, continue to process cases as best we can. 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](#).

Autumn Budget and Spending Review

The [Autumn Budget and Spending Review 2021](#) was published in October. Headlines included:

- **Levelling Up Fund:** Confirmation of the first round of successful bidders for the £4.8bn [Levelling Up Fund](#) and the £150m [Community Ownership Fund](#).
- **Creative and Cultural Industries:** £850m investment to protect museums, galleries, libraries and local culture and tax relief for culture as 'levelling up is also about protecting our unique culture and heritage'.
- **Housing:** £1.8bn investment to bring 1500 hectares of brownfield land into use.
- **Transport:** Over £35bn of rail investment and £24bn strategic roads investment from 2020-25.
- **High Streets:** Reforms to business rates to create stronger high streets.
- **Net zero:** £30bn investment to create the new, green industries of the future.

Legislation and Matters Arising

Emerging Legislation

Government Bills

- **Environment Act:** The Environment Bill was granted Royal Assent on 9 November 2021. The Act 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.
- **Judicial Review and Courts Bill:** This 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 will now enter the Report Stage, with the date still to be announced.

Private Members' Bills

- **Climate and Ecology Bill:** 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 currently taking place, predicted to finish on 10 December 2021.
- **Planning (Proper Maintenance of Land) Bill:** 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. 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*: A 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 was withdrawn on the same day it was originally scheduled to have its second reading; 19 November 2021.
- *Planning and Local Representation Bill*: 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 21 January 2022.
- *Unauthorised Development (Offences) Bill*: A Bill to make unauthorised development without planning permission an offence and to prohibit retrospective planning applications. The Bill was introduced on 21 September and is now awaiting the second reading, which is scheduled to take place on 3 December 2021.
- *Green Belt Protection Bill*: A Bill to establish a national register of Green Belt land in England, to restrict the ability of local authorities to de-designate Green Belt land and to make provision about future development of de-designated Green Belt land. The Bill was introduced on 21 June 2021 and the second reading began on the 26 November 2021.

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 the consideration of amendments from the House of Commons, the final stage before Royal Assent.
- *Planning (Street Plans) Bill*: A Bill to make provision about the creation and operation of street-level plans for local development. The Bill was introduced and passed its first reading on 13 September 2021, with the second reading due to take place on 3 December 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.

Committees

Housing, Communities and Local Government Committee

- The HCLG Committee was renamed the Levelling Up, Housing and Communities Committee in line with the name change for the DLUHC.
- The Secretary of State for DLUHC, the Rt Hon Michael Gove MP, was questioned by the committee on a range of issues relating to the scope and role of the DLUHC, as well as its likely impact and priorities going forward.

- Secretary of State Michael Gove defined levelling up as: ‘making opportunity more equal across the country.’ He also confirmed that net zero needs to be at the heart of future planning policy.

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* to investigate the demand for new housing in the UK and how barriers to meeting this demand can be overcome. Further hearings are scheduled for 30 November and 7 December.
- During a session, Peers heard from DLUHC Minister, Chris Pincher MP. When asked how the government’s proposals to introduce a zone-based approach to planning would affect the availability of land, he confirmed that the government was focused on sites which ensured planning rules were predictable per site.

Business, Energy and Industrial Strategy Committee

- The Committee is holding an inquiry on *Decarbonising Heat In Homes* to help ensure the UK is on track to deliver net zero by 2050.
- The Committee is also holding an inquiry on *Revisions to Energy National Policy Statements (NPS)*. The call for evidence closed on the 26 November 2021.

Environmental Audit Committee

- The committee have held a number of formal oral evidence sessions and have published a transcript of oral evidence: *Sustainability of the Built Environment* to look at the best routes to net zero for future building needs.

Written Ministerial Statements

- The Secretary of State for the Department of Transport announced a joint initiative with DLUHC on *Planning Reforms for Lorry Parking*. This includes the identification and delivery of temporary sites to address immediate need and changes to planning so proposals for new or expanded distribution centres make provision for lorry parking. Government also intend to publish planning practice guidance setting out how local planning authorities can assess the need for and allocate land to logistics site uses.

Guidance

- New guidance on paragraph 22 of the National Planning Policy Framework has been published on the way local authorities should reflect the recent NPPF paragraph 22 changes. Specifically, in ensuring that plan preparation can continue at pace whilst also ensuring the government’s objectives are delivered.

DLUHC Letters to Chief Planning Officers

- The Chief Planner’s Newsletter was issued in November 2021 and included:
 - Expressions of Interest launched to support the improvement of digital planning software

- New guidance on paragraph 22 of the National Planning Policy Framework (covered above)
- Progressing Local Plans and Neighbourhood Plans
- Infrastructure Funding Statements
- National Model Design Code: Illustrations
- New address for submission of Planning Casework
- Update on plan making coronavirus easements
- Call for Participation: User Research and 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 at the end of this year.

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. We also have our 'Climate Fridays' webinars.
- Visit our [webpages](#) for more information and booking.

Research

- Historic England has launched new and updated evidence on mitigation, adaptation and energy measures relating to the threats and issues surrounding climate change. Following COP26, the Historic Environment Forum published their '[Heritage Responds](#)', in addition to the Climate Heritage Network's '[Accelerating Climate Action through the Power of Arts, Culture and Heritage](#)'. Historic England also published its own internal research on a range of issues relating to climate change on 5 November which can be found [here](#).

Other Initiatives

- The government has confirmed £65 million of funding for English local authorities to create a new digital system to improve the planning regime in the [Autumn Budget 2021](#).
- In the budget the Chancellor announced £1.8 billion of funding to unlock the delivery of 160,000 homes on brownfield land across England.
- The government has [commissioned](#) the National Infrastructure Commission, its infrastructure advisory body to produce a study on the effective management of surface water flooding in England, looking at areas including spatial and development planning.
- The HS2 leg between Leeds and the East Midlands has been withdrawn as part of its new £96 billion [Integrated Rail Plan](#).
- The government has launched [a trial for new digital initiatives to make the planning process more accessible](#). Over £1m of government funding has been allocated to 13 planning authorities to make the planning process more open and accessible and boost public engagement.

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](#).

Draft River Basin and Draft Flood Risk Management Plans

- River Basin Management plans must be reviewed every 6 years, with the last review having taken place in February 2016. The [current consultation](#) is the third and final review and views are sought on the proposed long-term objectives for the water environment and the measures to achieve them. The consultation will run until the 22 April 2022 and is being carried out in association with the [Draft Flood Management Plans 2021 to 2027](#) consultation, which will close on 21 January 2022.

Consultation Responses

Permitted Development Rights Consultation

- The public consultation on *Supporting Defence Infrastructure and the Future of Time-Limited Permitted Development Rights* [proposed](#) two new rights for defence infrastructure and changes to two time-limited permitted development rights. Historic England published its response to the consultation [here](#).

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 closed on 29 November 2021. Historic England's response to the consultation will be available here shortly.

Calendar

December

- 3 *The Unauthorised Development and Planning (Street Plans) Bills will both have their second reading.*
- 7 *The Environmental Audit and Lords Committee for Built Heritage will both have evidence sessions.*

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30 November 2021*

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 (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)