



Planning Bulletin: October 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.

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](#).

Planning White Paper

Planning for the Future

- The government is consulting on the PWP, 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 PWP consultation closing date is 29 October.

Government Departments

Ministry of Housing, Communities and Local Government

Appointments

- Peter Freeman has been confirmed as the government's chosen candidate for the new Homes England chair. The pre-appointment scrutiny committee hearing with the HCLG Select Committee was held on 12 October.

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 House of Commons disagreed to the House of Lords Amendments to the Bill, with the Bill returned to the House of Lords with the Commons reasons for disagreement. The consideration of Commons amendments and reasons took place in the House of Lords on 20 October. The House of Lords have returned the Bill to the House of Commons with amendments which will be considered on 4 November.
- *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 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. The Bill was presented to Parliament on 2 September. Its Second Reading is scheduled to take place on 12 March 2021.
- *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.
- *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 29 January 2021.

Private Bills

- *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.

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 (HCLG) Committee

- The House of Commons Housing, Communities and Local Government Committee launched a new inquiry on the future of the planning system in England. The inquiry will examine a range of issues including how well the new (PWP) proposals protect existing buildings or localities, and provide mechanisms for local engagement in the planning system. The Committee has invited evidence on 8 issues, with the call for evidence closing on 30 October.

Backbench Business Committee

Planning and House Building Debate

- The House of Commons backbench business debate took place on planning reform and house building targets in relation to the PWP. Matters debated were varied and included the Standard Method for assessing housing needs; changes to S106 agreements; inclusion of archaeology within *Planning for the Future* proposals; the approach for Protected areas; and governance and decision making. The full debate can be found [here](#).

DCMS Select Committee

Select Committee Hearing on Physical Heritage

- The DCMS Committee held a one-off oral evidence session on physical heritage. Sir Laurie Magnus gave evidence, where there were questions on contested heritage and the impact of Covid-19 on the heritage sector.

Guidance

Towns Fund

- Further [guidance](#) has been published by MHCLG for the Towns Fund. The guidance is intended to enable towns to finalise their Town Investment Plans and work with MHCLG to agree their Town Deals.

Permitted Development Rights

- MHCLG have announced that all new homes in England delivered through Permitted Development rights will have to be the nationally described space standard, this is a minimum of 37 square meters for a one-bedroom flat. The date for introducing this into statutory legislation is to be confirmed.
- The new standard accompanies the previous stipulation that all homes delivered through PD should have “adequate” natural light.

MHCLG Letter to Chief Planning Officers

- Joanna Averley, the new Chief Planner, has written to local authorities strongly encouraging them to continue the preparation and adoption of local plans (including neighbourhood plans) whilst policy development and legislation is progressed to implement planning reforms. The letter can be viewed [here](#).

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.

Consultation on Historic England Advice

- Historic England is consulting on a draft HEAN on [Listed Building Consent Advice](#) (see Current Consultations). The consultation closes on 21 December.

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.

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.
- Join and view '[Climate Friday webinars](#)'. These free weekly webinars, hosted by Historic England's Environmental Strategy team in collaboration with the Climate Heritage Network, provide delegates with an in-depth look at a range of topics related to climate change and cultural heritage presented by international experts in heritage and climate change research, policy and practice.
- Please visit the HE online training web pages [here](#) for the latest on our webinar programme. 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

Culture Recovery Fund

- On the 9 October DCMS announced the first round of awards for heritage from the Government's £1.57 billion Culture Recovery Fund. This includes:
 - The Culture Recovery Fund for Heritage, the £88m fund which Historic England are delivering in partnership with the National Lottery Heritage Fund. This first round offers grants to heritage sites and organisations which have been hit hard by the effects of Covid-19.
 - The Programmes of Major Works strand of the Heritage Stimulus Fund created to fund capital restoration and renewal works.

Local Heritage List Campaign

- The Local Heritage List campaign encourages communities to nominate historic buildings and other heritage assets which they value most for inclusion in their council's local list. MHCLG has launched the call for expressions of interest for local heritage lists.
- To support the campaign, the Government is providing £700,000 of funding to councils in 10 English county areas to develop new or updated local lists. The closing date is 13 November.

Current Consultations

- Historic England is consulting on a draft HEAN on Listed Building Consent Advice. The Advice Note gives both general advice for owners of listed buildings about listed building consent as an application process and on how to judge whether proposals need consent, how to achieve certainty on the need for consent, and how to make successful applications. It also gives advice on works that may or may not need listed building consent, depending on how the works are proposed to be carried out (closing date 21 December).
- MHCLG is consulting on the *Planning White Paper* (see above). Consultation on Planning for the Future (closing date 29 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 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 (closing date 22 November).

Recent Consultation Responses

Historic England's responses

- The response to MHCLG's consultation on *Changes to the Current Planning System* is available here.
- The response to DEFRA's consultation on *River Basin Planning: Challenges and Choices* is available here.
- The response to DEFRA's consultation on the *England Tree Strategy* is available here.
- The response to DEFRA's consultation on a revised draft Waste Management Plan for England is available here.
- The response to BEIS's consultation on *Offshore Oil and Gas Exploration, Production, Unloading and Storage (Environmental Impact Assessment) Regulations 2020* is available here.

Calendar

October

- 29 MHCLG consultation on *Planning for the Future* closes.
- 30 HCLG Committee call for evidence closes for the *inquiry on the future of the planning system in England*.

November

- 13 The *call for expressions of interest* for the first stage of the Local Heritage List Campaign closes.
- 22 DfT consultation on *Pavement Parking: Options for Change* closes.

December

- 21 Historic England consultation on *Listed Building Consent Advice* draft HEAN 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 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)