



Planning Bulletin: April 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](#).

Contents

- Historic England
- Planning Response to Covid-19
- Legislation and Matters Arising
 - *Secondary Legislation*
 - *Written Ministerial Statements*
 - *Emerging Legislation*
 - *Heritage Planning Case Database*
- Committees
- Guidance
 - *Planning Practice Guidance*
- Advice
 - *Historic England Advice*
 - *Forthcoming Historic England Advice*
- Training
- Other Initiatives
- Current Consultations
- Recent Consultation Responses
- Calendar
- Appendix I: Historic England Planning Advice

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 latest advice from Government in relation to Covid-19 (Coronavirus), 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 Response to Covid-19

Given the fast moving nature of responses to the CV-19 pandemic, we would recommend checking websites such as gov.uk, the Local Government Association and others for up to date information.

This section highlights some of the changes introduced, since the last Planning Bulletin, relating to planning and the historic environment, and is not intended as a compendium of all information relating to Covid-19 issues.

Local Authority Meetings

- Local Government Secretary, Robert Jenrick MP, has confirmed that, under the *Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020*, local authorities can hold public meetings remotely by video or telephone. The change applies to all local authorities in England, which includes joint committees constituted to be a local planning authority, county councils, district councils, combined authorities, and others.

Planning Inspectorate

- The Planning Inspectorate has published a number of updates on how it is responding to the CV-19 pandemic, including proposals for a first pilot digital hearing to take place in May (see *Other Initiatives* section, below).

Temporary Permitted Development Rights for Emergency Development

- *The Town and Country Planning (General Permitted Development) (Coronavirus) (England) (Amendment) Order 2020* [2020 No. 412] has introduced a new temporary permitted development right for emergency development by a local authority or health service body.

Traffic Regulation Orders

- The Department for Transport has issued guidance in response to concerns about the ability of traffic authorities to implement the publicity requirements when making permanent or temporary Traffic Regulation Orders during the current pandemic. Its purpose is to mitigate the impact on the public and assist authorities in considering other means to inform them. It is temporary guidance and will be withdrawn once conditions allow.

Access to Parks and Public Spaces, including Burial Grounds and Cemeteries

- Local Government Minister, Simon Clarke, has written to local authorities urging them to continue allowing access to parks and public spaces. The letter also highlights updated guidance to make clear that burial grounds and cemeteries may remain open, and that grounds surrounding crematoria may also remain open, including gardens of remembrance.

Extended Public Consultations

- The Department for International Trade's consultation on the UK's Freeport Policy has been extended to 13 July.
- The Environment Agency's consultation on River Basin Planning: Challenges and Choices has been extended to 24 September.
- Historic England's consultation on a draft Local Authority Strategic Framework has been extended until 25 May.
- Historic England's consultation on a revised Advice Note on Tall Buildings has been extended to 28 May.
- Historic England's consultation on a new Advice Note on Commercial Renewable Energy and the Historic Environment has been extended to 28 May.

Legislation and Matters Arising

Secondary Legislation

As reported in the *Planning Response to Covid-19* section (above):

- The Government has introduced the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020, allowing local authorities to hold public meetings, such as planning committees, remotely by video or telephone (see
- The Town and Country Planning (General Permitted Development) (Coronavirus) (England) (Amendment) Order 2020 [2020 No. 412] has introduced a new temporary permitted development right for emergency development by a local authority or health service body.

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 was introduced to the House of Commons and given its First Reading on 16 January. The Bill passed its Second Reading on Monday 3 February 2020 and has been considered by a Public Bill Committee which reported to the House on 6 March.

- *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 Bill was introduced to the House of Commons and given its First Reading on 13 January. The Second Reading is 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.' The Bill had its Second Reading in the House of Commons on 26 February. 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.

Private Bills

- *Highgate Cemetery Bill*: was deposited with Parliament on 27 November 2019. The Examination took place on 18 December and the Bill was found to be compliant with Private Business Standing Orders. The Bill was introduced to the House of Lords and had its First Reading on 22 January. The Second reading took place on 12 February and was unopposed, so there was no debate.

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

- The UK Environmental Audit Committee has launched the *Technological Innovation and Climate Change Inquiry*, with first focus on offshore wind power. Following the Government's Offshore Wind Sector Deal in March 2019, the Committee will consider the opportunities that will maximise the industry's potential, and that challenges it faces in delivering greater capacity. The Committee is inviting written submissions to inform its first session and submissions should be submitted through the Committee's web portal.

- The DCMS Committee has launched an inquiry into the *Impact of Covid-19 on DCMS Sectors*. It will consider both the immediate and long-term impact that Covid-19 and the related social and financial measures are having on the wide range of industries and organisations under the Committee's remit. The Committee expects to hold a number of evidence sessions from late April onwards to hear directly from stakeholders, arms-length bodies and Government about what is being done and what further support is needed. It is seeking submissions from anyone with answers to the questions in the call for evidence (deadline 19 June).

Guidance

Planning Practice Guidance

- A new paragraph (107) has been added to the Guidance on Neighbourhood Planning, which sets out changes that have been introduced in response to the coronavirus (COVID-19) pandemic. It includes guidance on Referendums, Decision-making, Examinations and Public Consultation.

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

- Historic England is consulting on a revised version of its Advice Note on *Tall Buildings* (HEAN 4). The revised text is available here. The updated Advice Note reflects changes in the National Planning Policy Framework and recent good practice. It offers useful guidance to those involved with the planning and design of tall buildings (consultation has been extended until 28 May).
- Historic England is consulting on the draft text for a new Advice Note on *Commercial Renewable Energy and the Historic Environment*. Technologies covered include large-scale development proposals for wind power, solar photovoltaics and biomass and energy from waste (consultation closing date 28 May).
- Following public consultation, publication of a HEAN on *Energy Efficiency and Traditional Homes* is expected shortly.
- A HEAN on *Permission in Principle* is being currently being drafted and should be consulted on soon.

Training

Postponement of Historic Environment Training

- Historic England is temporarily suspending its national programmes of Historic Environment Training in response to the Coronavirus pandemic. This measure covers face-to-face and classroom based courses only. It will help to protect the health of

speakers, delegates and the people who work at event venues. HE will reschedule as many events as possible for later in the year and where appropriate it will provide online training as an alternative. [Please see online training webpages](#) for information on webinars and other online learning.

- 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

Housing, Land and Planning Geospatial Datasets

- The Geospatial Commission has brought together a collection of fifty [housing, land and planning open datasets](#) to make data easier to find for the sector. The Commission has identified over 300 datasets that are used during the housing and planning process, and have initially published the first fifty of those. Additional datasets will be added in the future.

Revitalisation of the High Street

- The Government has published its [Response to the British-Irish Parliamentary Assembly report on The Revitalisation of the High Street](#), highlighting how existing initiatives align with the Report's recommendations.

Planning Inspectorate to Pilot First Digital Hearing

- The Planning Inspectorate has [published](#) news that it hopes to hold its first fully 'digital' hearing on 11 May, and is preparing for additional cases to be heard by digital hearings/inquiries in May/early June with a view to scaling up digital events further over June/July.

Current Consultations

- The Department for International Trade is consulting on the UK's [Freeport Policy](#). The proposals include tariff flexibility, customs facilitations and tax measures, as well as planning reforms, additional targeted funding for infrastructure improvements and measures to incentivise innovation (extended closing date 13 July).
- The Environment Agency is consulting on [River Basin Planning: Challenges and Choices](#) (extended closing date September). It is seeking views on:
 - the challenges that limit the benefits society obtains from the water environment in the river basin districts in England (the challenges)
 - the best way to address these issues (the choices)
- Historic England is consulting on a draft [Local Authority Strategic Framework](#) to guide our engagement with local authorities beyond site-specific casework and take account of the organisation's new structure. The framework will support the prioritisation of Historic England resources, and it will also help local authorities to understand what we do, why and how (extended closing date 25 May).

- Historic England is consulting on a revised version of its Advice Note on *Tall Buildings* (HEAN 4). The revised text is available [here](#) (extended closing date 28 May).
- Historic England is consulting on the draft text for a new Advice Note on *Commercial Renewable Energy and the Historic Environment*. Technologies covered include large-scale development proposals for wind power, solar photovoltaics and biomass and energy from waste (closing date 28 May).

Recent Consultation Responses

- Historic England's response to the Department for International Trade consultation on the UK's *Freeport Policy* is available [here](#).

Calendar

May

- 25 Historic England consultation on a draft *Local Authority Strategic Framework* closes.
- 28 Historic England consultation on an Advice Note on *Commercial Renewable Energy and the Historic Environment* closes.
- 28 Historic England consultation on a revised Advice Note on *Tall Buildings* closes.

June

- 19 Deadline for submissions to DCMS Committee on *Impact of Covid-19 on DCMS Sectors*.

July

- 13 The Department for International Trade consultation on the UK's *Freeport Policy* closes.

September

- 24 Environment Agency consultation on *River Basin Planning: Challenges and Choices* closes.

Strategy and Listing Department, Historic England
 Email: governmentadvice@HistoricEngland.org.uk
 30 April 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 (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 (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)