



## Planning Bulletin: August 2022

This monthly note highlights some of the recent and forthcoming developments in the world of planning from a heritage perspective. 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.

Previous editions of Planning Bulletin (back to September 2017) are available [on-line](#).

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# Legislation and Matters Arising

## Emerging Legislation

### Government Bills

- Levelling Up and Regeneration Bill: The Bill makes provisions for a wide range of matters, including aspects of planning, local democracy and devolution, and levelling up measures. Amongst other things the Bill makes provision for:
  - national development management policies to sit alongside local development plan policies;
  - a replacement for the Community Infrastructure Levy;
  - Environmental Outcome Reports to replace Environmental Impact Assessments;
  - changes to compulsory purchase and enforcement powers;
  - powers in relation to planning data;
  - a requirement for local authorities to have design codes for their area.
- The Bill contains five clauses relating to the historic environment:
  - a duty to have special regard to the preservation or enhancement of heritage assets and their settings will apply to a wider range of designated heritage assets. (Clause 92);
  - enforcement powers introducing Temporary Stop Notices for listed building works, aligning them with general planning enforcement powers. (Clause 93);
  - new powers to enable Urgent Works Notices to be served on occupied buildings, and any costs to be entered as a land charge. (Clause 94);
  - removal of compensation for local authorities when they serve a Building Preservation Notice on a historic building under threat of damage whilst it is considered for listing. (Clause 95);
  - a statutory underpinning for Historic Environment Records, enabling them to be a strong evidence base for the new planning system. (Clause 185).
- The Bill was accompanied by an Explanatory Note and a Policy Paper giving further information on its contents and future consultations on aspects of the Bill. The Bill had its second reading in the House of Commons on 8 June and proceeded to Committee stage sitting on 21, 22, 23, 28 and 30 June, 5, 7, 12, 14 and 19 July. The Bill will have further sessions at Committee on 6 and 8 September.
- On 30 August DLUHC announced that amendments would be made to the Bill to introduce powers which will enable Nationally Significant Infrastructure Projects (NSIPs) to be determined faster. The amendments also propose powers which would allow smaller changes to NSIPs that already have approval to be made more quickly. As part of the announcement, funding of £750,000 has been awarded to ten council-led projects to support innovation in community engagement on infrastructure projects. The announcement included publication of a policy statement, Improving Performance of the NSIP Planning Process and Supporting Local Authorities, which will be subject to a future consultation. A full Action-Plan is also due to be published.
- A Research Briefing on the Levelling Up and Regeneration Bill 2022-23, was also published as part of the House of Commons Library on 1 June.
- UK Infrastructure Bank Bill 2022-23: The Bill has been introduced in the House of Lords to give statute to the UK Infrastructure Bank. Its purposes are to contribute to addressing climate change and to support regional and local economic growth through investment in infrastructure. The Bill received its first reading in the House of Lords on

11 May, and its second reading on 24 May. The Bill reached Reporting stage on 4 July, had its Third reading in the House of Lords on 11 July and has now passed to the House of Commons having its First reading on 11 July, a date for the Second reading is awaited. A Research Briefing was published by the House of Lords Library on 19 May.

- *High Speed Rail (Crewe-Manchester) Bill*: This legislation has been introduced to make provision for a railway between a junction with Phase 2a of High Speed 2 south of Crewe in Cheshire and Manchester Piccadilly Station; for a railway between Hoo Green in Cheshire and a junction with the West Coast Main Line at Bamfurlong, south of Wigan.
- The Bill has been carried over from the previous session of Parliament and received its first reading in the current Session of Parliament on 11 May. The Bill received its second reading on 20 June in the House of Commons and has now passed to Committee stage, a date for sitting has yet to be announced. A Research Briefing was published by the House of Commons Library on 16 June.
- *Energy Bill*: The Bill has been introduced through the House of Lords. The aim of the Bill is to increase resilience and reliability of energy systems across the UK, support the delivery of the UK's climate change commitments and reform the UK's energy system while minimising costs to consumers and protecting them from unfair pricing. The Bill has three key pillars:
  - Leveraging investment in clean technologies.
  - Reforming the UK's energy system and protecting consumers.
  - Maintaining the safety, security and resilience of the energy systems across the UK.
- The Bill had its First Reading in the House of Lords on 6 July, its Second reading on 19 July and will go through Committee Stage from 5 September with planned sessions for 7, 12 and 14 September. A Library Briefing for the Energy Bill was published by the House of Lords Library on 14 July.

#### *Private Member's Bills*

- *Carbon Emissions (Buildings) Bill*: This Private Member Bill has been introduced with proposals to require the whole-life carbon emissions of buildings to be reported; to set limits on embodied carbon emissions in the construction of buildings; and for connected purposes. The Bill had its first reading in the House of Commons on 2 February in the previous session of Parliament and had its first reading in this current session on 20 June, the second reading is due on 25 November.
- *Green Belt (Protection) Bill*: This Private Member Bill seeks 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 had been introduced in the previous session of Parliament but had not progressed beyond the first reading and was reintroduced in the current 2022-2023 session in the House of Commons on 20 June 2022. The Bill is due to have its second reading on 9 September.
- *Climate and Ecology Bill*: The Bill was introduced through the House of Lords. The Bill would impose a duty on the government to achieve defined climate and nature targets. This would also include introducing a strategy for reducing the UK's overall contribution to global greenhouse gas emissions to net zero. The bill would also impose a similar

requirement on targets designed to halt and reverse the UK's overall contribution to the degradation and loss of nature. The Bill had its First reading in the House of Lords on 25 May, its Second reading on 15 July and has now passed to Committee Stage for which a date is awaited. A Library Briefing for the Climate and Ecology Bill was published by the House of Lords Library on 11 July.

- Local Authority (Housing Allocation) Bill: The Bill has been introduced through the House of Lords and is intended to make provision for local authorities to determine their short-term housing needs and housing allocation numbers; and for connected purposes. The Bill had its first reading in the House of Lords on 24 May, its second reading on 8 July and has now reached Committee Stage, a date for which is awaited.

### **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, and searches can also be carried out by address, date or decision reference.

## **Committees**

### **Land Use in England Committee**

- The Committee is holding an Inquiry to consider Land Use in England. To date a call for written evidence has been undertaken alongside oral evidence sessions. The Inquiry is looking into a range of issues including:
  - Current and potential demands on land use in England;
  - The impact of these demands on the environment and climate change;
  - The current systems for deciding land use and the effectiveness of these systems;
  - How the decision-making process surrounding land use can be improved.

### **Levelling Up, Housing and Communities Committee**

- A letter was published on 24 August from the Chair of the Levelling Up, Housing and Communities Committee to the Secretary of State for DLUHC. The letter presents initial findings on the Bill following scrutiny by the Committee. The letter expresses a number of concerns about the wider planning provisions of the Bill but does not mention the historic environment within these.

### **Digital, Culture, Media and Sport Committee**

- The Committee is holding an inquiry on Reimagining Where We Live: Cultural Placemaking and the Levelling Up Agenda into the role that culture might play in delivering a Government commitment to level up the country. As part of the inquiry consideration will be given to funding for cultural initiatives and how well the current model ensures that distribution goes to areas that might be missing out.

# Policy

## Planning Practice Guidance

### *Flood Risk and Coastal Change*

- The *Flood Risk and Coastal Change* section was updated on 25 August. The update provides a significant refresh to the guidance in line with the latest policy position on flood risk introduced in revisions to the National Planning Policy Framework in 2018 and 2021.

### *Healthy and Safe Communities*

- The *Healthy and Safe Communities* section was updated on 7 August 2022. An additional paragraph *how can local authorities help control the litter associated with hot food takeaway?* has been inserted. The guidance sets out that councils should consider seeking details from applicants in relation to what measures will be put in place to reduce litter from takeaways, such as the requirements for the installation of new litter bins, and commitments to undertake litter picking.

# 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

- A consultation on the draft *Planning and Archaeology Historic England Advice Note* ended on 25 April. Responses are being reviewed and a final revised HEAN will be published shortly.
- A new HEAN on *Managing Change Affecting World Heritage Sites in England* is being drafted. Further updates will be provided in subsequent Planning Bulletins in advance of public consultation in the coming months.
- Drafting has begun on a new HEAN on *Climate Change and Historic Environment*. Consultation is expected later in the year.

# Training

## Historic England

- A new HELM training programme is being prepared. 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, a return to small group courses and site visits.
- Visit Historic England's training [webpages](#) for more information and booking.

## Other Initiatives

### *Chewing Gum Task Force*

- On 6 August Defra announced funding to support more than 40 councils across the UK to remove chewing gum stains as part of the Chewing Gum Task Force run by Keep Britain Tidy. Research has identified that around 87% of England's streets are stained with gum. The funding is to be spread over 5 years.

### *City Status*

- A full, up-to-date list of cities in the United Kingdom, its Crown Dependencies and Overseas Territories was published on 29 August. This includes Gibraltar, which has had its city status reaffirmed. Awarded as part of the Queen's Platinum Jubilee, there are eight new cities in England: these include Doncaster, Colchester and Milton Keynes.

### *Community Forests*

- On 5 August Defra and the Forestry Commission announced funding of £44.2 million to be awarded for tree planting across in England's 13 Community Forests. This will amount to around 2,300 hectares of trees. Local authorities are also to benefit from support through the development of the *Local Authority Tree and Woodland Strategies Toolkit*, to be launched in September, helping build capacity for new trees and woodlands.

### *DLUHC Secretary of State Letter to the Planning Inspectorate*

- The Secretary of State for DLUHC wrote to the Planning Inspectorate, on 28 July, setting out new temporary arrangements for local plan examinations until a new Prime Minister is appointed. The letter urged Inspectors to continue to address correspondence with councils in a constructive and positive way where shortcomings are identified in a local plan.
- The letter also instructed that during the transition period Inspectors should not send letters or reports which conclude that local plans are unsound and incapable of being made so and/or which advise councils that local plans should be withdrawn, prior to a new Prime Minister taking Office, and until the Department advises the Inspectorate otherwise.

### *Interim Chair of Historic Royal Palaces*

- Carole Souter has been appointed as Interim Chair of Historic Royal Palaces from 1 August 2022 until 4 July 2023 or until a new substantive Chair has been appointed whichever is the sooner.

### *Levelling Up Parks Fund*

- Funding of £9 million has been allocated across the UK to create parks in neighbourhoods which are currently most deprived of green spaces, through the Levelling Up Parks Fund. This includes 85 neighbourhoods in England where existing parks will either be upgraded or, alternatively, new parks will be created. Part of the Fund will be used to support new trees being planted in these parks. A Levelling Up Parks Fund: Prospectus by DLUHC was published to support the distribution of funds.

## Current Consultations

### *Strategic Road Network and the Delivery of Sustainable Development*

- DfT is holding a consultation on the updating of *Strategic Road Network and the Delivery of Sustainable Development (Circular 02/13)*. The consultation started on 21 July and will close on 15 September. The proposed changes include:
  - strengthening environmental policies in response to the transport decarbonisation plan and the drive towards zero emission transport;
  - implementing policy to reflect a recent written ministerial statement about lorry parking and a new section on freight facilities;
  - clarifying policy in order to address legal issues;
  - removing or amending out of date material.

## Calendar

### September

- 5      Announcement of a new UK Prime Minister.
- 15     DfT's consultation on the *Strategic Road Network and the Delivery of Sustainable Development (Circular 02/13)* closes.

Historic England

Email: [governmentadvice@historicengland.org.uk](mailto:governmentadvice@historicengland.org.uk)

31 August 2022

If you did not receive this edition of Planning Bulletin direct from Historic England, you may wish to sign up for notifications when a new edition is issued, by emailing [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 (Second Edition) (March 2022)*
  - *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 (Second edition) (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 (Second Edition) (April 2022)*
  - *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)*