



## Planning Bulletin: December 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](#).

# Legislation and Matters Arising

## Secondary Legislation

### *Permitted Development Rights (PDR)*

- *The Town and Country Planning (General Permitted Development) (Amendment) (No.3) Order 2021* has introduced a number of changes to permitted development rights, which will take effect on various dates in January 2022:
  - References to the National Planning Policy Framework in *The Town and Country Planning (General Permitted Development) (England) Order 2015* will be updated with effect from 11 January 2022.
  - New and amended provisions in relation to moveable structures come into effect on 2 January 2022: these are addressed in more detail below.
  - An amended provision in relation to the holding of markets by or on behalf of local authorities comes into effect on 11 January 2022. Originally introduced in June 2020, this PDR allowed markets to be held for an unlimited amount of days, including the provision of moveable structures related to this use: the measure will now be made permanent. It excludes markets on sites designated as Scheduled Monuments and Sites of Special Scientific Interest.
  - A provision in relation to emergency development by a local authority or health service body comes into effect on 1 January 2022.
  - Provisions relating to development by the Crown on a closed defence site (to allow development by or on behalf of the Crown constituting the erection, extension or alteration of buildings used exclusively for defence purposes on closed defence sites subject to conditions, limitations and restrictions) come into effect on 11 January 2022.
  - A minor amendment to *The Town and Country Planning (Compensation) (England) Regulations 2015* also comes into effect on 11 January 2022.
- The new provisions in respect of moveable structures permit the following without the need for planning permission:
  - Unlisted pubs, cafes, and restaurants (not in the curtilage of a listed building) can put up one moveable structure on a permanent basis
  - Listed pubs, cafes, and restaurants, and 'historic visitor attractions' can put up one moveable structure for up to 120 days in a 12-month period.
- For both of these provisions, there are restrictions relating to scheduled monuments, and to minimising impacts on surrounding communities (including limits to size, height, and distance to residential boundaries). For moveable structures associated with listed buildings, further provisions include requirements for land to be reinstated to its original condition, prior approval from the local planning authority in relation to siting and the method of installation, and consultation with Historic England.

## Emerging Legislation

### *Government Bills*

- *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 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 now scheduled to take place on 18 March 2022.
- *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 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.
- *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 with the second reading planned for 14 January 2022.

#### *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. The Bill 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 scheduled to take place on 18 March 2022.

#### **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.

#### **DLUHC Letter to Chief Planning Officers**

- The [Chief Planner's Newsletter](#) was issued in December 2021 and included:
  - Launch of Green Infrastructure Mapping
  - Planning Propriety Guidance

- Lorry Parking in planning: Written Ministerial Statement
- Further Measures to Ease Supply Chain Pressures
- Round 2 of the PropTech Engagement Fund

## Committees

### Levelling Up, Housing and Communities Committee

- The Committee published the *Supporting Our High Streets After Covid-19* report into the regeneration of the UK's high streets after Covid-19. It recommended the government should immediately conduct a review on the impact on high streets of central and local government handling of the pandemic. Furthermore, the committee called for the move to greater local devolution of funding.

### Business, Energy and Industrial Strategy Committee

- The Committee published written evidence on 7 December from its inquiry into the government's draft Energy National Policy Statements (NPS), which provide a policy framework used to determine applications for Nationally Significant Infrastructure Projects (NSIPs).

### Environmental Audit Committee

- The Committee held a formal evidence session on 7 December on the outcomes of COP26, with the president appearing before the Committee to talk about the implications for UK climate policy and the priorities for the presidency before COP27 next year in Egypt.

### Environment and Climate Change Committee

- On 13 December the Committee held an oral evidence session on mobilising action on climate change and the environment, and specifically encouraging behaviour changes among the public.

## 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 on *Planning and Archaeology* for public consultation 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 early in 2022.

## 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/winter 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.

## Other Initiatives

- Natural England published some aspects of their Green Infrastructure (GI) framework on December 7. Although the framework will be fully available in the Autumn of 2022, Natural England has made available their *Principles of Good Green Infrastructure* as well as the beta of their *Green Infrastructure Mapping Tool* on their [Green Infrastructure Portal](#).
- The Department for Business, Energy & Industrial Strategy (BEIS) [announced](#) £116 million for businesses developing new technologies that will increase energy efficiency in homes and buildings, reduce carbon emissions, boost the UK's energy security and provide cleaner ways to generate power and heat.

## Current Consultations

### *Draft Flood Risk Management Plans and River Basin Management Plans*

- The Environment Agency has two consultations open. The [Draft Flood Management Plans](#) consultation closes on 21 January 2022. The [River Basin Management Plans](#) consultation seeks views on the proposed long-term objectives for the water environment and the measures to achieve them, with the consultation closing on 22 April 2022.

## Consultation Responses

### *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 is available [here](#).

### *Offshore Transmission Network Review*

- Historic England's responded to the government consultation on an [Offshore Transmission Network Review](#), which closed on 23 November. The consultation

examined proposals for an enduring regime and multi-purpose interconnectors. Historic England's response can be found [here](#).

#### *Nationally Significant Infrastructure Projects (NSIP)*

- The Government invited stakeholders to participate in a comprehensive end-to-end review of the NSIP process and all its interactions. Responses were sought from all those who engage with the NSIP regime. The consultation will inform the National Infrastructure Planning Reform Programme. The [stakeholder survey](#) closed on 17 December and the responses are currently being analysed with responses expected in 2022. Historic England's response will be available [here](#) shortly.

#### *UK Marine Strategy Part Three: Programme of Measures*

- The [consultation](#) on updating the UK Marine Strategy Part Three closed on 29 November 2021. Historic England's response will be available [here](#) shortly.

## **Calendar**

### *January*

- 2 *Amended permitted development rights for moveable structures come into force.*
- 21 *Draft Flood Risk Management Plans consultation closes.*

*Strategy and Listing Department, Historic England  
Email: [governmentadvice@HistoricEngland.org.uk](mailto:governmentadvice@HistoricEngland.org.uk)  
21 December 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](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* (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)