



Planning Bulletin January 2024

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.

Legislation and Matters Arising

Emerging Legislation

This section provides a summary of updates to emerging legislation in the last month. Further information on what the emerging legislation covers and its overall progress to date can now be found in [Appendix I](#).

Government Bills

High Speed Rail (Crewe to Manchester) Bill

- The [High Speed Rail \(Crewe to Manchester\) Bill](#) is currently awaiting a date for Committee Stage.

Holocaust Memorial Bill

- The [Holocaust Memorial Bill](#) is currently awaiting a date for Committee Stage. For information on progress of the petitions against the Bill, please see the Holocaust Memorial Bill Select Committee section below.

The Offshore Petroleum Licensing Bill

- The [Offshore Petroleum Licensing Bill](#) was debated at second reading on Monday 22 January, and will next be considered in a Committee of the whole House on a date to be confirmed.

The Rail Reform Bill

- The Rail Reform Bill was announced in the King's Speech on 7 November 2023, however details of the Bill have yet to be published.

Private Members' Bills

Heritage Trees Bill

- A date for the Second Reading of the [Heritage Trees Bill](#) is awaited.



High Street (Designation, Review and Improvement Plan) Bill

- The [High Street \(Designation, Review and Improvement Plan\) Bill](#) was introduced via ballot to the House of Commons by Jack Brereton MP (Stoke on Trent) on 6 December 2023. The Bill aims to require local authorities to designate high streets in their area, the condition of which is to be periodically reviewed so that action plans can be developed for their improvement. The Bill's Second Reading took place on 26 January and a date for Committee Stage is awaited.

Secondary legislation

Biodiversity Net Gain Regulations

- Draft Biodiversity Net Gain (BNG) regulations were initially published on 29 November 2023, but the contents in these statutory instruments have been updated and laid before parliament on 19 January. [DEFRA announced](#) that they come into force on:
 - 12 February for major developments; and
 - 2 April for small developments.
- The BNG regulations comprise:
 - [The Biodiversity Gain \(Town and Country Planning\) \(Consequential Amendments\) Regulations 2023](#)
 - These Regulations amend the Town and Country Planning Act 1990 to integrate the BNG framework.
 - [The Biodiversity Gain Site Register \(Financial Penalties and Fees\) Regulations 2023](#)
 - These Regulations allow for fees to be charged for applications to register land on the Biodiversity Gain Site Register and allow the Register operator (Natural England) to issue financial penalties where false or misleading information is provided.
 - [The Biodiversity Gain Site Register Regulations 2023](#)
 - These Regulations make provision for a (publicly accessible) Biodiversity Gain Site Register, to be managed by Natural England.
 - [The Biodiversity Gain Requirements \(Exemptions\) Regulations 2023](#)
 - These Regulations set out the exemptions which include:
 - Temporary exemption for small developments where an application for planning permission is made or has been granted before April 2024.

- Development with no impact on priority habitat and where impacts fall below the specified ‘de minimis’ threshold.
- Householder applications.
- The high-speed railway network.
- Off-site gain developments.
- Certain self-build and custom build developments.
- [The Biodiversity Gain Requirements \(Irreplaceable Habitat\) Regulations 2023](#)
 - These Regulations set out which habitats are considered irreplaceable for BNG metric calculation purposes and a requirement that, where affected, alternative bespoke compensation will be agreed between the developer and the local planning authority (LPA).
- [The Biodiversity Gain \(Town and Country Planning\) \(Modifications and Amendments\) \(England\) Regulations 2024](#)
 - These regulations set out how the new BNG framework sits within the development management process for planning applications. This includes the content and form of the BNG plan, the procedure for submission and approval of the plan, as well as who should approve the plan.
- More information on the draft statutory BNG regulations is available in the [blog: The Biodiversity Net Gain Statutory Instruments – explained](#).

The Town and Country Planning (Consultation) (England) Direction 2024

- On 26 January, [The Town and Country Planning \(Consultation\) \(England\) Direction 2024](#) replaced The Town and Country Planning (Consultation) (England) Direction 2021. The new direction adds development affect ancient woodland (defined as “an area in England which has been continuously wooded since at least the end of the year 1600 A.D”) to the scope of the directive, which otherwise covers development affecting:
 - World Heritage Sites.
 - Green Belt.
 - Outside town centres.
 - Playing fields.
 - Flood risk areas.



- Commemorative objects.

Policy

National Planning Policy Framework

- On 19 December 2023, a revised National Planning Policy Framework (NPPF) was published in response to the Levelling-up and Regeneration Bill (LURB) Reforms to National Planning Policy Consultation (closed 2 March 2023). On 20 December 2023, the revised NPPF was further updated to remove text from paragraph 14b, which was not intended for publication.
- No changes have been made to the policy text within Chapter 16: Historic Environment of the NPPF, albeit that the paragraph and footnote references have changed as a result of additions elsewhere. Below is a summary of some of the key changes relevant to the historic environment elsewhere within the NPPF.
 - **Local plans** - Paragraph 1 of the NPPF Introduction has been amended to say (additions in bold) “It provides a framework within which locally-prepared plans **can provide for sufficient housing** and other development **in a sustainable manner. Preparing and maintaining up-to-date plans should be seen as a priority in meeting this objective**”. Changes have also been made to Annex 1 in relation to the implementation of the NPPF and local plans.
 - **Assessing local housing need** – In Chapter 5: Delivering a sufficient supply of homes, a new paragraph 61 clarifies that the outcome of the standard method in national planning guidance is an “advisory starting point” with robust evidence needed if an alternative approach is used.
 - **Five-year housing supply** - Paragraph 76 of the new NPPF removes the requirement for those LPAs which have put in place an up-to-date local plan to update annually their five-year supply of land.
 - **Mansard roofs** - Paragraph 124e of Chapter 11: Making effective use of land, now states that authorities “should... allow mansard roof extensions on suitable properties” where they harmonise with the original building.
 - **Uncharacteristic density** - A new paragraph 130 in Chapter 11: Making effective use of land states that significant uplifts in the average density of residential development may be inappropriate if the resulting built form would be “wholly out of character with the existing area.” The government’s consultation response (see below) makes clear that this applies to plan-making only, and any resulting policies should be evidenced by local design codes.
 - **Beauty and planning conditions** – As per the consultation proposals, the NPPF now includes several references to “beauty”, although the term itself remains undefined.

Chapter 12: Achieving well-designed and beautiful places now includes a new paragraph 140 which encourages LPAs to use planning conditions to require clear details of a scheme's design and materials. The paragraph also states that LPAs "should ensure that relevant planning conditions refer to clear and accurate plans and drawings which provide visual clarity about the design of the development."

- **Green Belt** – Chapter 13: Protecting Green Belt land includes a new paragraph 145 which states that there is "no requirement for Green Belt boundaries to be reviewed or changed." It also adds that councils can still choose to review boundaries "where exceptional circumstances" justify it.
- **Energy Efficiency** - Chapter 14: Meeting the challenge of climate change, flooding and coastal includes a new paragraph 164 which gives "significant weight" to the importance of energy efficiency through adaptation of buildings. The paragraph also states that LPAs should apply the policies set out in Chapter 16 of the NPPF.

Planning Policy Guidance Updates

- On 19 December 2023, the [Planning Policy Guidance for Green Belt](#) was updated in relation to when development can take place on brownfield land in the Green Belt.
- A new [policy paper for traveller sites](#) was published alongside the update.

Energy National Policy Statements

- On 17 January, the Secretary of State for Energy Security and Net Zero 'designated' five revised [National Policy Statements \(NPS\) for Energy Infrastructure](#), draft versions of which were published in November 2023. Currently, the revised Energy NPS comprise:
 - [Overarching National Policy Statement for energy \(EN-1\)](#)
 - [National Policy Statement for natural gas electricity generating infrastructure \(EN-2\)](#)
 - [National Policy Statement for renewable energy infrastructure \(EN-3\)](#)
 - [National Policy Statement for natural gas supply infrastructure and gas and oil pipelines \(EN-4\)](#)
 - [National Policy Statement for electricity networks infrastructure \(EN-5\)](#)
- EN-1 now states that "substantial weight" should be given to the types of infrastructure covered by this NPS on the basis that the government has demonstrated that there is a need for those types of infrastructure which is urgent.
- The sixth Energy NPS - [National Policy Statement for nuclear power generation \(EN-6\)](#) - has not yet been revised and is currently being consulted on (see the consultations section below).



Committees

Energy Security and Net Zero Committee

- The [Energy Security and Net Zero Committee](#) has seven inquiries open, including:
 - The [Flexible Grid for the Future Inquiry](#) looking at how the grid develops including in terms of planning and devolution of decision-making. There have been three oral evidence sessions to date, the most recent on 17 January. [Transcripts from the oral evidence sessions](#) are available online, along with the written evidence statements.
 - The [Heating our Homes Inquiry](#) looking at the challenges to heating homes including issues of energy efficiency (including insulation), heat pumps and other technologies that might replace gas boilers, new build/renovated houses heat standards, the infrastructure and workforce problems surrounding delivery of retrofit. There have been four oral evidence sessions to date, with two taking place in January. Historic England gave evidence at the session held on 10 January. All [evidence submitted to the Heating our Homes Inquiry](#) is available online, including [written evidence submitted by Historic England](#).

Environment, Food and Rural Affairs Committee

- The [Environment, Food and Rural Affairs Committee](#) has seven inquiries open, including:
 - An [inquiry into Urban Green Spaces](#) exploring the ecological, environmental and other benefits of green space. To date, two oral evidence sessions have been held with the most recent on 30 January. [Transcripts from the oral sessions](#) are available online, along with the written evidence statements. The [written evidence submitted by Historic England](#) is also available online.

Environmental Audit Committee

- The [Environmental Audit Committee](#) currently has ten inquiries open, including:
 - An inquiry into [the Role of Natural Capital in the Green Economy](#). The first oral evidence session for this inquiry was held on 24 January. All [evidence submitted to the Role of Natural Capital in the Green Economy Inquiry](#), which includes a [submission by Historic England](#), is available online.
 - An inquiry into [Heat Resilience and Sustainable Cooling](#). All [evidence submitted to the Heat Resilience and Sustainable Cooling Inquiry](#), which includes a [submission by Historic England](#), is available online.



The Holocaust Memorial Bill Select Committee

- On 11 January, the [Holocaust Memorial Bill Select Committee](#) announced a [programme of public hearings](#) to consider petitions against the Bill. The programme currently extends until 7 February. [Transcripts of the Holocaust Memorial Bill petition hearings](#) held to date have been published online.

Levelling Up, Housing and Communities Committee

- The [Levelling Up, Housing and Communities Committee](#) (LUHCC) currently has 17 inquiries open, including:
 - An [inquiry into Children, Young People and the Built Environment](#). The inquiry is looking at how better planning, building and urban design in England could enhance the health and well-being of children and young people, while also benefitting the wider population. The first oral evidence session for this inquiry took place on 24 January. All [evidence submitted to the inquiry into Children, Young People and the Built Environment](#), which includes a [submission by Historic England](#), is available online.
 - The [Reforms to National Planning Policy Inquiry](#) is looking at the proposed changes to the NPPF and the government's wider approach to planning reform. All [evidence submitted to the Reforms to National Planning Policy Inquiry](#) is available online.
- On 19 December 2023, the LUHCC published a news article in which the [committee chair commented on the Government's planning reforms announcement](#).

Public Accounts Committee

- The [Public Accounts Committee](#) (PAC) currently has 40 inquiries open, including:
 - The [Flood Defences Inquiry](#), which is looking into current risk management arrangements; flood protection achievements between 2015 and 2021; and the government's preparedness to manage and reduce flood risk in the future. All [evidence submitted to the Flood Defences Inquiry](#) is available online. On 27 January, the Committee published the [Resilience to Flooding Report](#) which provides a summary of the inquiries findings and a series of recommendations for improving future delivery of flood defences. The recommendations include that the Department for Environment, Food and Rural Affairs (DEFRA), the Department for Levelling Up, Housing and Communities (DLUHC) and LPAs should develop plans to strengthen compliance with DEFRA's planning advice to ensure that new housing is not built in areas of high flood risk. A government response is due by 17 March.
 - The [HS2 Euston: Recall Inquiry](#), which is looking into progress on the project since April 2023. All [evidence submitted to the HS2 Euston Inquiry](#) is available online.



- The [Restoration and Renewal Recall Inquiry](#), which is looking into progress on the restoration of the Palace of Westminster, a World Heritage Site. All [evidence submitted to the Restoration and Renewal Inquiry](#) is available online.
- The [Levelling Up Funding to Local Government Inquiry](#), which is looking at the progress of levelling up projects to date, DLUHC's plans for evaluating levelling up funds, and what action DLUHC is taking to tackle delays and support local delivery. The first oral evidence session was held on 15 January. All [evidence submitted to the Levelling Up Funding to Local Government Inquiry](#) is available online.
- The [Government Resilience: Extreme Weather Inquiry](#), which is looking at the risks from extreme weather, the development of resilience to them and the rate of climate adaptation. The [Government Resilience: Extreme Weather Inquiry call for evidence](#) closes on 7 February.

Government Planning Letters

Letters to Chief Planning Officers

DLUHC regularly writes [letters to Chief Planning Officers](#) of LPAs in England, providing guidance on planning.

Planning Newsletter: 21 December 2023

- The [Planning Newsletter published on 21 December 2023](#) includes:
 - An update on revisions to the NPPF (see above for more information).
 - Announcements made by the Secretary of State to support LPAs improve their planning performance (see Other Items below for more information).
 - A call for participants in the Government Connectivity Tool Beta Testing, a web-based application that generates a national measure of any place's connectivity. The beta tests are:
 - Developing a new policy or funding plan (such as a Local Plan, Design Code, Supplementary Planning Document, Infrastructure Delivery Strategy, Local Transport Plan, Local Cycling and Walking Infrastructure Plan or Bus Service Improvement Plan); or
 - How the tool could support decisions (by analysing interventions needed for a site, assessing the suitability of a site, negotiating developer contributions, or providing advice as a statutory consultee).



Planning Newsletter: 30 January

- The [Planning Newsletter published on 30 January](#) includes updates on:
 - Further planning guidance being in preparation to provide clarification on the NPPF's 5-year housing supply requirements (paragraph 226), which means some authorities only have to demonstrate four years of specific deliverable sites instead of the usual five.
 - BNG coming into force on 12 February and notification that the related Planning Practice Guidance will be updated before then.
 - That all LPAs with an out-of-date timetable for producing a local plan need to review and update their current timetable within 12 weeks of the NPPF revisions.
 - On 25 January, the Secretary of State for the Environment, Food and Rural Affairs designated 16 catchments in which water companies are required to upgrade wastewater treatment works before 1 April 2030. Further information can be found in the [Notice of Designation of Sensitive Catchment Areas 2024](#).
 - That on 21 December, changes were made to Permitted Development Rights relating open prisons, solar equipment and electronic communications – see [The Town and Country Planning \(General Permitted Development etc.\) \(England\) \(Amendment\) \(No. 2\) Order 2023](#).
 - On 13 December 2023, the Government launched the [consultation on the Future Homes and Buildings Standard](#), which is open until 6 March (see the Government Consultations section below).
 - That a review of Building Regulations 2010 (Part G) for tighter water efficiency standards is due this spring.
 - On the 26 January a revised [Town and Country Planning \(Consultation\) \(England\) Direction 2024 \(Consultation Direction\)](#) was published in response to Section 136 of the Levelling-up and Regeneration Act 2023 (LURA). The amendment sets out criteria and arrangements for consulting the Secretary of State when development affects ancient woodland.
 - On 26 December 2023, the LURA's section 245 changed the duty on relevant authorities in respect of their interactions with statutory purposes of protected landscapes: National Parks, The Broads and National Landscapes (Areas of Outstanding Natural Beauty). Relevant authorities¹ must now seek to further the

¹ As defined by the Environment Act Section 62 11A (for National Parks), Countryside and Rights of Way Act 2000 Section 85 (2) (for AONBs) and Norfolk and Suffolk Broads Act 1988 Section 17A.



purposes of these areas 'in exercising or performing any functions in relation to, or so as to affect, land' in the designated area.

- In response to stakeholder and following an internal review, Active Travel England (ATE) will update its suite of published guidance products in February. ATE will also establish its developer and local authority forums in the spring to advise and inform ATE's approach to its role in the planning system.
- DLUHCs research to understand the costs associated with publishing compulsory purchase order (CPO) notices, how they vary across different types of CPOs, and how the process of publishing the notices works in practice across different organisations. The research is being informed by a [survey on CPOs](#) which closes on 14 February.
- DLUHCs research on the [Digital Planning Programme's data platform](#), with a short [survey](#) currently open.
- Publication of the [Open Digital Planning Project 10 year plan](#).

Advice

Historic England Advice

- On 24 January, Historic England published new online advice on [Understanding Special Historic Interest in Listing](#). This looks specifically at special historic interest - the connection between the building and the people who use or have used it, the things that happen or have happened there, the ideas that were developed there or the role that the building played in the nation's history.
- All [Historic England planning advice](#) is available on our website and [Appendix II](#), below, includes a list of all Good Practice Advice notes (GPAs) and Historic England Advice Notes (HEANs).

Forthcoming Historic England Advice

Climate Change and Historic Building Adaptation

- The draft Historic England Advice Note on Climate Change and Historic Building Adaptation is now pending revision in light of consultation feedback.

Managing Change Affecting World Heritage Sites

- A new HEAN on Managing Change Affecting World Heritage Sites in England is being drafted. Public consultation on the Advice Note will be announced in the coming months.



Training

Historic Environment Management

- 2024 marks the 20th anniversary of [Historic England's Historic Environment Management \(HEM, formerly HELM\) training programme](#) and we continue to grow our new learning platform with more e-learning and a hybrid learning offer. Recently released short courses include:
 - Assessing Statements of Significance** – This is based on Historic England Advice Note 12 and explores the assessment of significance as part of a staged approach to decision-making. The learning is aimed at planners within local authorities and any others whose decisions affect heritage assets, particularly through the planning system.
 - Stopping the Rot** - Based on the Historic England guidance of the same name, this course provides a short introduction to 4 key enforcement powers available to local authorities to take action against loss or disrepair of historic buildings.
 - Retrofit: Traditional vs Modern Construction** - This course outlines the differences between traditional and modern construction - focusing on fabric performance, building use and heritage significance - to highlight risks of retrofitting traditionally constructed buildings. This is the first in what will be a series of e-learning courses on the retrofit of historic buildings.

Webinars

- Webinars on a wide variety of topics continue and will sit alongside longer form e-learning courses. Forthcoming [Technical Conservation Webinars](#) include:
 - 6 February 13:00 - Building crafts skills training: The King's Foundation
 - 20 February 13:00 - The viability of water source heat pumps in historic buildings
- Visit [Historic England's training webpages](#) for more information and booking, or keep up-to-date on new courses and training news by signing up to receive [Historic England's bi-monthly Training Newsletter](#).

Infrastructure Planning

Civil Nuclear: Roadmap to 2050

- On 11 January, DESNZ published the [Civil Nuclear: Roadmap to 2050](#) a policy paper which sets out both long and short term actions for developing the nuclear sector to help meet Net Zero targets.



Other Items

Agriculture Transition Plan

- On 5 January, DEFRA published the [Agricultural Transition Plan Update](#), which provides an update on progress in reforming agricultural policy in England and sets out plans and priorities for the next phase of reform. The policy paper confirms that the no detriment principle (that actions for one environmental outcome should not prejudice another) will remain in place: “Within our schemes we will continue to keep rules where they are strictly necessary and where there is a risk of damage to the natural or historic environment. This includes avoiding negative impacts on important historic features to maintain our principle of non-detriment for parts of the historic environment that have been officially recognised as being, or potentially being, of particular significance in a national context.”
- The historic environment is also mentioned in [Annex 1: Our Plan for Achieving Environmental Outcomes](#), under Target H.

Biodiversity Net Gain

- On 29 November 2023 DEFRA published their [Biodiversity Net Gain \(BNG\) Collection](#). This Collection includes guidance on:
 - [What biodiversity net gain is](#).
 - [Land manager guidance](#) – on meeting BNG requirements, selling biodiversity units and combining BNG and nutrient mitigation payments.
 - [Developer guidance](#) – on meeting BNG requirements, making on-site gains, making off-site gains, what can count towards BNG, statutory BNG credits, statutory BNG credit prices, submitting a BNG plan, and exemptions.
 - [LPA guidance](#) –for what LPAs should do.
 - [Calculating a biodiversity value](#) – as well as tools and guides to the metric.
 - [Legal agreements](#) – how to secure BNG.
 - [Habitat management and monitoring plans](#).
 - [Planning practice guidance](#) – which will come into force on the date the regulations come into force and BNG commences.
- A [DEFRA blog on BNG](#), also published on 29 November 2023, announced that there will be public consultation on BNG irreplaceable habitats in 2024. DEFRA recently published a [blog on irreplaceable habitats and BNG](#), which provides more information on this.



Energy Efficiency Review

- On January 3, DLUHC published [Adapting Historic Homes for Energy Efficiency: a Review of the Barriers](#), which looks at the practical barriers to energy efficiency and low carbon heating measures in historic homes, including the planning barriers, local authority and the construction industry capacity and capability, guidance and information, and affordability and financial incentives. The review has been undertaken jointly by the DLUH, DCMS and DESNZ with support by an advisory working group, including Historic England.
- The Review included a focus on listed buildings and conservation areas and identifies a number of opportunities where improvements could be made to better enable the implementation of planning tools associated with them, including:
 - National planning policy, advice and guidance
 - Local authority skills, capacity and training
 - Advice and information for homeowners
 - Industry skills, capacity and training
 - Affordability and fiscal incentives
- The report states that the forthcoming National Development Management Policies will specifically include a new policy related to improving energy efficiency in historic buildings. This policy will be consulted on, as will “opportunities for using Local Listed Building Consent Orders to support energy efficiency improvements on listed buildings”. The report also states that a consultation is planned on reforms to the Energy Performance of Buildings (England and Wales) Regulations 2012 to look at improving the energy efficiency recommendations on Energy Performance Certificates for historic buildings.

Environment Blog

- Defra has changed its Land Use Blog to an [Environment Blog](#), expanding the range of topics covered. For those interested, it is possible to [subscribe to the Environment Blog](#).

Freeports Delivery Roadmap

- On 19 December 2023, DLUHC published the [Freeports Delivery Roadmap](#). Freeports are areas of tax and customs incentives, the development of which will be supported by locally led planning measures such as Local Development Orders, which can extend permitted development rights. To date ten Freeports have been identified across the UK. The roadmap provides further detail on the planning aspect of Freeports including that:



- Government will ensure that relevant national planning policy reflects the needs and priority of Freeports and Investment Zones.
- DLUHC's 'Planning Super Squad' will be supporting Freeports and Investment Zones.
- Any Freeport or Investment Zone project that is deemed to be a Nationally Significant Infrastructure Project (NSIP) will benefit from a reformed consenting process from Spring 2024.
- Statutory consultees will be important in providing advice and that Historic England will have a Service Level Agreement for the Freeports programme with DLUHC.

Government Response to the Review into the Implementation of Environmental Assessment Regimes

- On 22 January, the [government response to the OEPs review of the Implementation of Environmental Assessment Regimes](#) was published. The response sets out the government's actions in relation to the OEPs recommendations outlining progress on improving planning data and capacity. Only in relation to recommendation 9, which suggests the revision of existing environmental assessment guidance does the government indicate that no action will be taken.

Heritage Related Planning Determinations

- Research commissioned by the Historic Environment Protection Reform Group (HEPRG) on [Heritage-related Planning Determinations](#) has been published. Building on the 2017 Historic England research project looking at The Heritage Dimension of Planning Applications, the research examines a 'snapshot' of statistical information about heritage-related planning applications made to a sample of LPAs over two two-week periods in 2022.

Housing Delivery Test: 2022 Measurement

- On 19 December 2023, government published the [2022 Housing Delivery Test measurement](#) by LPAs and a technical note on the process used in its calculation.

Office for Environmental Protection Report

- On 18 January, the Office for Environmental Protection published [Progress in improving the natural environment in England 2022/2023](#), their annual assessment of government's progress in accordance with the 25 Year Environment Plan (25YEP) and its first revision, the Environmental Improvement Plan 2023 (EIP23). The report concludes that while some progress has been made, very substantial challenges remain, and that government is largely off track to meet EIP23 ambitions, Environment Act targets and other commitments. Assessment of Goal Ten: Enhancing beauty, heritage and engagement



with the natural environment suggests a mixed picture in terms of progress, while the overall prospects of the goal were not assessed as the evidence base is still in development.

Planning Speech and Written Ministerial Statement

- On 19 December 2023, the Secretary of State delivered a [speech: Falling back in love with the future](#) and published a [written ministerial statement: The Next Stage in Our Long Term Plan for Housing Update](#). The statement mirrored his speech and covered a large range of topics including regeneration, beauty, investment zones, building more garden towns and villages, street votes, planning investment including the creation of a planning super squad. Key points made in the announcement include:
 - A review of the statutory consultation system.
 - Further consultations on new and expanded Permitted Development Rights, accelerated planning services, a universal Future Homes Standard and build out rates.
 - The Decent Homes Standard will be updated.
 - Review of building regulations for water efficiency in new homes.
 - Plans to enact the planning enforcement “package” in the Levelling Up and Regeneration Act.
 - Further consideration of the consultation responses regarding whether an applicant’s past behaviour should be considered in decision-making.
 - Further consideration of taking planning permissions into account in the application of the Housing Delivery Test.

Current Government Consultations

District Heating Zones

- On 18 December 2023, BEIS opened a [consultation on Proposals for Heat Network Zoning](#). This consultation is looking at the detail of District Heat Zone identification, requirements in zones (consumer protections, emissions, requirements to connect) and zone delivery (selecting developers and ensuring construction). The consultation closes on 26 February.

East Marine Plan Statement of Public Participation

- On 15 January, DEFRA and the Marine Management Organisation opened a [consultation on the East Marine Plan Statement of Public Participation](#). The consultation is looking at



the process of how the Marine Management Organisation will engage with stakeholders and closes on 12 February.

Intangible Cultural Heritage

- On 23 December 2023, DCMS opened a [consultation on the initial implementation stage of the 2003 UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage](#). The consultation is looking at the implementation of the Convention and defining and identifying intangible cultural heritage in the UK. The consultation closes on 29 February.

Nuclear Power Stations

- On 11 January, DESNZ opened a [consultation on the Approach to Siting Nuclear Power Stations Beyond 2025](#). The consultation will inform the revision of the [National Policy Statement for Nuclear Power Generation \(EN6\)](#) and is seeking views on the proposed policy approach for siting new nuclear power stations, including the criteria to be considered. The consultation closes on 10 March.

Planning Data

- DLUHC is currently running a [consultation on planning data](#), looking at how their data platform – [planning.data.gov.uk](#) – is used and how it may be developed. No closing date is provided.

Street Votes

- On 22 December 2023, DLUHC opened a [consultation on Street Vote Development Orders](#). Deriving from the Levelling-up and Regeneration Act 2023, Street Votes will allow residents to propose development on their street and vote on whether the development should be given planning permission. The consultation is looking at the detailed operation of this initiative and closes on 2 February.

The Future Homes and Buildings Standards

- On 13 December 2023, DLUHC opened a [consultation on Future Homes and Buildings Standards](#). The consultation is looking at energy efficiency requirements for new homes and non-domestic buildings and sets out technical proposals for changes to the Building Regulations (Part L and Part 6), the associated Approved Document guidance and calculation methods. Although primarily relating to new homes/non-domestic buildings, some proposals of the consultation are also relevant to existing buildings (i.e. material change of use, updated guidance and minimum standards, real world performance and call for evidence relating to Part O of the Building Regulations). The consultation closes on 6 March.



Government Consultation Responses

Reforms to National Planning Policy Consultation

- On 29 November 2023, the [government's response to the Levelling-up and Regeneration Bill Reforms to National Planning Policy Consultation](#) was published alongside the revised NPPF. The response provides a summary of the consultation responses and useful context for the changes that have been implemented in relation to the NPPF, explaining why suggested changes have not been adopted.
- With regards to the reforms to local plan making, the consultation response notes that the government's response on those matters were provided in the [Levelling-up and Regeneration Bill: Consultation on Implementation of Plan-making Reforms](#).
- With regards to National Development Management Policies (NDMPs), the consultation response states that existing development management policy in the NPPF will be the starting point for their development.
- In terms of climate change, the consultation response indicates that the possibility of embedding a broad form of carbon assessment in planning policy will be explored in a future review of national planning policy.

Calendar

February 2024

February 2 – DLUHC's [consultation on Street Vote Development Orders](#) closes.

February 7 - The [Government Resilience: Extreme Weather Inquiry call for evidence](#) closes.

February 12 - DEFRA and the Marine Management Organisation [consultation on the East Marine Plan Statement of Public Participation](#) closes.

February 14 – Applications for the final round of [Brownfield Land Release Fund 2](#) closes.

February 26 – BEIS' [consultation on Proposals for Heat Network Zoning](#) closes.

February 29 - DCMS [consultation on the 2003 UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage](#) closes.

March 2024

March 6 – DLUHC's [consultation on the Future Homes and Buildings Standards](#) closes.



Historic England

March 10 – DESNZ’ [consultation on the Approach to Siting Nuclear Power Stations Beyond 2025](#) closes.

Planning Bulletin Notifications

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Appendix I: Progress of Emerging Legislation

Government Bills

High Speed Rail (Crewe to Manchester) Bill

- The [High Speed Rail \(Crewe to Manchester\) Bill](#) is a hybrid bill authorising the building of HS2 between Crewe and Manchester. Whilst the [government has announced it will not to deliver the Birmingham to Manchester section of HS2](#) covered by the Bill, it has apparently been retained as a vehicle for some [Network North](#) projects.

Holocaust Memorial Bill

- The [Holocaust Memorial Bill](#) aims to facilitate the building of the Holocaust Memorial next to the Houses of Parliament by enabling the Secretary of State to remove restrictions that prevent the construction of new buildings in Victoria Tower Gardens, Westminster. Since the ‘carry-over motion’ was agreed by Commons and Lords, the Bill has had its first and second reading in the Commons, and Committee stage is yet to be announced.

The Offshore Petroleum Licensing Bill

- The [Offshore Petroleum Licensing Bill](#) will require the North Sea Transition Authority to invite applications for licences annually rather than the current discretionary basis. The Bill was introduced in the Commons on 8 November and no date has been set for its second reading.

The Rail Reform Bill

- The draft Rail Reform Bill was announced in the King’s Speech on 7 November, however details have yet to be published. The [briefing notes for the Speech](#) indicate that this Bill will enable the creation of a new arm’s length body – Great British Railways – and help deliver the [2021 Plan for Rail](#). The Bill is to undergo pre-legislative scrutiny, which is intended to facilitate a swifter passage through Parliament when the legislation is brought forward.

Private Members’ Bills

Heritage Trees Bill

- On 5 December, Baroness Young of Old Scone introduced the [Heritage Trees Bill](#) in the House of Lords. The Bill seeks to enable Natural England to create and maintain a register of ‘heritage trees’ and to promote and protect trees on the list. A date for the Second Reading of the Bill is awaited.



Appendix II: Historic England Planning Advice

Good Practice Advice Notes (GPAs)

The GPAs provide information on good practice, particularly looking at the principles of how national planning 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: The Historic Environment and Site Allocations in Local Plans \(October 2015\)](#)
- [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 \(February 2018\)](#)



Historic England

- [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 \(June 2021\)](#)
- [HEAN 17: Planning and Archaeology \(November 2022\)](#)