



Planning Bulletin: November 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.

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Government Departments

Department for Levelling Up, Housing and Communities

- The Rt Hon Lucy Frazer KC MP (South East Cambridgeshire) was appointed Minister of State for DLUHC on 26 October and was confirmed as Planning Minister on 7 November.

Autumn Statement

- The Autumn Statement was delivered by Chancellor of the Exchequer Jeremy Hunt on 17 November. It is in full [here](#). Amongst other things the statement included:
 - Refocusing the investment zone programme; the programme will now instead be used to grow a small number of the highest potential knowledge-intensive clusters. Existing expressions of interest will not be taken forward;
 - Plans to update National Policy Statements for transport, energy and water resources during 2023;
 - A recommitment for Core Northern Powerhouse Rail, East-West Rail and HS2;
 - A commitment to Project Gigabit, to reach at least 85 per cent gigabit-capable broadband coverage by 2025 and nationwide coverage by 2030;
 - Delivering Sizewell C Nuclear Power Station subject to final agreement;
 - Putting the UK Infrastructure Bank on a statutory footing;
 - The agreement of a further mayoral devolution deal with Suffolk County Council, whilst advanced discussions are being held with authorities in Cornwall, Norfolk and the North East of England;
 - Reaffirming the commitment in the Levelling Up White Paper for new devolution deals with Greater Manchester and the West Midlands Combined Authorities by early 2023; and
 - Levelling Up Fund bids will be announced before the end of the year.

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 is now at Report stage, the first sitting of this stage was on 23 November, a second sitting was due to be held on 28 November but has been delayed.
- Further amendments were published in November, including those put forward by the DLUHC Secretary of State. These include:
 - Powers for community land auctions, meaning local authorities can capture the value of land allocated for development, put forward by Secretary of State for DLUHC (proposed new Part 4A);
 - Proposals for 'street votes,' put forward by Secretary of State for DLUHC (proposed Clause 61);
 - A requirement for developers to report annually on build out rates for housing permissions, put forward by Secretary of State for DLUHC (proposed Clause 90B); and
 - The potential for consolidation of existing legislation without the need for parliamentary approval, put forward by Secretary of State for DLUHC, (proposed to be inserted after Clause 114)
- Two Research Briefings have also been published, the first provided a general briefing on the Bill and was published as part of the House of Commons Library on 1 June. A further Research Briefing on the Levelling Up and Regeneration Bill 2022-23: Progress of the Bill was also published on 9 November.
- 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 has reached Committee stage which sat on 22 and 23 November and has now passed to Report Stage a date for which 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 is now at Committee Stage. Committee sat on 5 and 7 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 Bill is undergoing its second reading and sat on 25 November and will also sit on 9 December.
- 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 now undergoing its second reading and will sit on 2 December.
- 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 underwent Committee Stage sitting on 18 November. The Bill will now undergo reporting 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.

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. Formal (private meetings) were held on 7, 14 and 28 November. 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

The Committee is holding an inquiry into Funding for Levelling Up. The Committee's inquiry will examine questions around the allocation of levelling-up resources and the aim, size and focus of the many different funds available. The inquiry will also explore how far the Government's approach to funding for levelling up, and proposed initiatives such as Investment Zones, contributes to its objective of levelling up the country. Two formal meetings (oral evidence sessions) were held on 14 and 28 November.

Digital, Culture, Media and Sport Committee

- The Committee is holding an inquiry titled Reimagining Where We Live: Cultural Placemaking and the Levelling Up Agenda, looking 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. On 2 November a Third Report was published titled Reimagining Where We Live: Cultural Placemaking and The Levelling Up Agenda. Headline topics from this report include:
 - Cultural Placemaking Barriers to cultural placemaking
 - Impact of rising utility costs and the cost-of-living crisis
 - Participation and social mobility
 - Social mobility in the creative economy
 - Creating opportunities in the creative industries
 - Decision making and planning
 - Access to library services

Environmental Audit Committee

- The Environmental Audit Committee is holding an inquiry titled Technological Innovations and Climate Change: Onshore Solar Energy. A call for evidence is being held and will close on 1 December.
- The focus of the inquiry is both small-scale deployment of solar technology on residential and commercial properties, and large-scale solar farms. It will investigate the current barriers to expansion of these solar installations and the land-use risks associated with increasing the number of solar farms in the UK. The Committee will

also consider the security and sustainability of the supply chain for solar panels and energy storage technologies.

Policy

Written Ministerial Statements

- On 17 November the Secretary of State for DLUHC made a Written Ministerial Statement on the Levelling Up and Regeneration Bill. The Statement announced that amendments to the Bill had been tabled. As part of the Statement it was announced that planning reforms will be based on five key principles known as BIDEN, these are Beauty, Infrastructure, Democracy, Environment and Neighbourhoods.
- On 29 November the Secretary of State for DEFRA made a Written Ministerial Statement announcing £20 million of funding to improve tree planting stocks, woodland resilience, domestic timber production and to accelerate tree planting across England. This includes £10 million for *Woodlands into Management Innovation Funds* and the *Tree Production Innovation Fund* to support projects that explore new technologies and business models to improve tree planting stocks and woodland resilience, and a further £10 million awarded to 57 local authorities to accelerate tree planting.

DLUHC Planning Newsletter

Message from Chief Planner

- A Planning Newsletter was published on 4 November by the DLUHC Chief Planner. The letter covered the following topics:
 - Improving planning performance: Updated criteria for designation
 - Law Commission review of compulsory purchase law
 - Natural England survey on SSSI Impact Risk Zones
 - PINS AI Innovation Survey for local planning authorities
 - DfE design code for schools and colleges - register for upcoming stakeholder engagement sessions
- A further Planning Newsletter was published on 28 November by the DLUHC Chief Planner. The letter covered the following topics:
 - Nutrient Neutrality Update
 - Housing Design Awards (open for entry on 1 December)
 - DLUHC Planning Software Improvement Fund
 - Natural England testing of a Biodiversity Net Gain Habitat Management and Monitoring template
 - PAS guidance on Biodiversity Net Gain and Nature Recovery
 - Slurry Infrastructure grant and habitats regulations assessment (information for local planning authorities)
 - Planning practice guidance on flood risk and coastal change training, to be held by the Town and Country Planning Association on 13 December
 - Short films on Natural Flood Management for planners.

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.
- *Planning and Archaeology Historic England Advice Note 17* was [published](#) on 4 November.

Forthcoming Historic England Advice

- 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 early next year.

Training

Historic England

- A new [Historic Environment Management \(HEM\) e-learning programme](#) is being prepared. This will include priority topics and will launch in 2023. In due course this will consist of new blended models of training to include online 'self-study' elements, live webinars and, hopefully, a return to small group courses and site visits.
- Webinars on a wide variety of topics continue and will sit alongside longer form e-learning courses. Visit Historic England's training [webpages](#) for more information and booking.
- On 13 December there will be a [Technical Tuesday](#) webinar on The Use of Heat Pumps in Historic Buildings at 1pm. Register [here](#).
- On 11 January 2023, there will be a webinar on inclusive communication for the heritage sector. Register [here](#).

Other Initiatives

Compulsory Purchase

- DLUHC has [asked](#) the Law Commission to review the current law on compulsory purchase, examining the consolidation and modernisation of the law that would be required. This follows a stated commitment from the UK Government for the compulsory purchase process to be made faster and fairer.

Brownfield Land Release Fund 2

- On 19 November DLUHC [allocated](#) up to £35 million from a total of £180 million from the *Brownfield Lane Release Fund 2* to 59 projects across England. The remaining funds will be allocated over the next two years to help create homes and jobs.

COP 27

- From 6 November to 20 November, the 27th Conference of Parties (COP27) was held in Sharm-El-Sheikh in Egypt. Rishi Sunak PM announced that as part of £11.6 billion spend on international climate finance between the years 2021/22 and 2025/26, £1.5 billion will be spent on climate adaptation (an increase from £500 million).
- Other measures announced by the UK include the launch of the Forests and Climate Leaders' Partnership which will meet twice a year and is intended to halt forest loss by 2030. Commitments of £90 million were also made to the conservation of the Congo Basin as part of the forest agenda and £65 million committed to the *Nature, People and Climate Investment Fund* to support indigenous and local forest communities.

Calendar

December

- 1 Deadline for written evidence for *Environmental Audit Committee into Technological Innovations and Climate Change: Onshore Solar Energy*.
- 13 Historic England Technical Tuesday webinar - The Use of Heat Pumps in Historic Buildings

January

- 11 Historic England webinar – Inclusive Communications

Historic England

Email: governmentadvice@historicengland.org.uk

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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.

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)*
 - *HEAN 17: Planning and Archaeology (November 2022)*