



Planning Bulletin April 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. On 25 March, the Government [indicated that it intends to seek permission from Parliament to adapt the Bill deliver Northern Powerhouse Rail only and remove HS2 from the scope](#). This follows the [Government's announcement that it will not to deliver the Birmingham to Manchester section of HS2](#).

Holocaust Memorial Bill

- On 26 April, the [Holocaust Memorial Bill Select Committee](#) published the [Report on the Government's Holocaust Memorial Proposals](#). Among other comments, the Committee queried the consultation process around the selection of Victoria Tower Gardens.

The Offshore Petroleum Licensing Bill

- The Committee Stage of the [Offshore Petroleum Licensing Bill](#) took place in the House of Lords on 23 April and a date for the Report Stage has yet to be announced.

The Rail Reform Bill

- [The Draft Rail Reform Bill](#) was published by the Government on 20 February for pre-legislative scrutiny.



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](#) passed Third Reading on 26 April and will now proceed to the House of Lords for consideration.

Heritage Public Houses Bill

- On 24 April, [the Heritage Public Houses Bill](#) was successfully introduced by Marco Longhi (Con, Dudley North) under [the Ten Minute Rule](#). The Second Reading of the Bill will be on 21 June. The Bill would require local authorities to:
 - Maintain a register of heritage public houses in their area and to make provision in connection with the compilation and maintenance of such registers;
 - Make provision relating to planning applications in respect of public houses on such a register;
 - Place restrictions on the sale of heritage public houses;
 - Make provision relating to the nomination of heritage public houses as assets of community value;
 - Make provision about the listing of heritage public houses.

Secondary legislation

Levelling-Up and Regeneration Act Regulations

- On 2 April, [The Planning Act 2008 \(Commencement No. 8\) and Levelling-up and Regeneration Act 2023 \(Commencement No. 4 and Transitional Provisions\) Regulations 2024](#) were made. This brings into force various heritage and enforcement provisions of the [Levelling-Up and Regeneration Act \(LURA\)](#).
 - The heritage specific provisions brought forward by these regulations include:
 - **Temporary Stop Notices in relation to listed buildings.** Section 103 of the LURA enables a local planning authority (LPA), which suspects unauthorised works were carried out on a listed building, to issue a Temporary Stop Notice requiring the works to stop for up to 56 days. This allows the LPA to investigate the suspected breach and establish the facts of the case. It also creates an offence for contravention of such a notice. Section 103 came into force on 25 April.

- **Removal of compensation for building preservation notice (BPN).** Section 105 of the LURA removes the right to claim compensation for BPNs in England. S.105 also requires LPAs to consult with Historic England before serving a BPN. A BPN is a means for an LPA to protect a building that might have special architectural or historic interest where it is in danger of demolition or alteration, which it is considered for listing. It protects a building for six months, which allows Historic England time to carry out an assessment of the building. S.105 comes into force on 25 July.
- Enforcement provisions that came into force on 25 April include:
 - The time limit for taking enforcement action against operational development or change of use to a dwellinghouse was extended from four years to ten years. This means the time limit for taking enforcement action is now ten years in all cases (see LURA, S.115).
 - The maximum duration of Temporary Stop Notices has been extended from 28 days to 56 days to give local authorities more time to investigate suspected breaches of planning control (See LURA, S.116).
 - New powers for LPAs to issue an Enforcement Warning Notice asking a person concerned to submit a retrospective planning application within a specified period (see LURA, S.117).
 - Restrictions to appeals against enforcement notices on the ground that planning permission ought to be granted or that a condition or limitation attached to a planning permission ought to be discharged, if permission has previously been refused in the last two years (see LURA, S.118).
 - New powers for the Planning Inspectorate to dismiss an appeal against an enforcement notice or certificate of lawfulness where the appellant is causing undue delay (see LURA, S.119).
 - Increases to fines for failures to comply with a breach of condition notice or a Section 215 Notice (relates to maintenance of land) (see LURA S.120).
- The Regulations also bring into force S.122 and S.124 of the LURA. S.122 makes permanent the powers to make provision for pre-application consultation. S.124 enables the Secretary of State to make provision to require or allow planning applications to be made and associated documents to be provided by electronic means or in accordance with particular standards.



Policy and Guidance

Planning Practice Guidance Updates

- On 25 April, updates were made to the Planning Practice Guidance (PPG) to reflect the enforcement reforms introduced through the Levelling-up and Regeneration Act 2023 (see the legislation section above for details of the enforcement changes that came into force on 25 April). These include updates to:
 - [Appeals](#)
 - [The RAS Enforcement PPG](#)
 - [Enforcement and post-permission matters](#)
- On 26 April, the [Community Infrastructure Levy PPG](#) was updated to clarify the position on retrospective planning permissions granted under S.73A of the Town and Country Planning Act 1990 in relation to obtaining relief or exemption from Community Infrastructure Levy (see paragraphs 47a and 47b).

Committees

Built Environment Committee

- The [Built Environment Committee](#) has two inquiries open, including:
 - The [High Street in Towns and Small Cities Inquiry](#) looking at how high streets can be regenerated and become more resilient and attractive. The Inquiry opened on 14 February. There have been seven oral evidence sessions to date, with two more due to take place on 30 April and 7 May. All [evidence submitted to the High Streets in towns and small cities Inquiry](#) is available online.

Energy Security and Net Zero Committee

- The [Energy Security and Net Zero Committee](#) has eight 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 six oral evidence sessions to date, the most recent on 24 April. [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, and the infrastructure and workforce problems surrounding delivery of retrofit. There have

been six oral evidence sessions to date. 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 eleven inquiries open, including:
 - An inquiry into [the Role of Natural Capital in the Green Economy](#). To date, three oral evidence sessions have been with the most recent on 20 March. 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](#). On 31 January, the [Fifth Report – Heat Resilience and Sustainable Cooling](#) was published. All [evidence submitted to the Heat Resilience and Sustainable Cooling Inquiry](#), which includes a [submission by Historic England](#), is available online.
 - An inquiry into [Climate Change and Security](#). A [call for evidence](#) has been published. The deadline for the submission of evidence was 29 April.

Levelling Up, Housing and Communities Committee

- The [Levelling Up, Housing and Communities Committee](#) (LUHCC) currently has seven 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. To date, there have been three oral sessions with the most recent on 25 March. All [evidence submitted to the inquiry into Children, Young People and the Built Environment](#), which includes a [submission by Historic England](#), is available online.



Public Accounts Committee

- The [Public Accounts Committee](#) (PAC) currently has 46 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](#). A [Government Response to the Resilience to Flooding Report](#) was published on 2 April.
 - The [HS2 Euston: Recall Inquiry](#), which is looking into progress on the project since April 2023. On February 7, the Committee published the [HS2 and Euston Report](#). A [Government Response to the HS2 and Euston Report](#) was published on 2 April. 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 Levelling Up Funding to Local Government Report](#) was published on 15 March. 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 it and the rate of climate adaptation. The [Government Resilience: Extreme Weather Report](#) was published on 19 April. All [evidence submitted to the Government Resilience: Extreme Weather Inquiry](#) is available online.
 - The [Decarbonising Home Heating Inquiry](#), which is looking at how government intends to deliver emission reductions in home heating. The first oral evidence session was held on 24 April. [Transcripts from the oral sessions](#) are available online, along with the written evidence statements.

Government Planning Letters

Letters to Chief Planning Officers

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



Planning Newsletter: 15 April

- The [April Planning Newsletter](#) included:
 - A reminder that Biodiversity Net Gain (BNG) became mandatory for non-major development sites on 2 April, with signposts to the [Planning Advisory Service's Biodiversity Net Gain page](#).
 - A signpost to the [consultation on an accelerated planning system](#) (see consultation section below for more details).
 - A signpost to the draft [Planning Performance Dashboard](#) that provides information on local authority performance, with a view to receive any feedback by 1 May.
 - A reminder that from 1 April, comments from interested parties on planning and enforcement appeals will only be accepted through the [Appeals Casework Portal](#) (ACP).
 - A signpost to the [Local Nutrient Mitigation Fund: Round 2](#), which closed on 26 April.
 - A signpost to the [Compulsory Purchase Orders: Publication of Register of Decisions](#), which was first published on 21 March.
 - A signpost for councils interested in taking part in the second cohort of the [Pathways to Planning Graduate Scheme](#).
 - A summary of the Government's response to the [consultation on Operational reforms to the Nationally Significant Infrastructure Project \(NSIP\) consenting process](#).
 - A summary of the implementation of enforcement measures in the Levelling-Up and Regeneration Act 2023.
 - A signpost to the Office of Place's Code Schools with a link to the [Code School application page](#). There are 100 free online places for local authority planners for the five-day course that covers design codes best practice.
 - A signpost to the Ofcom complaints procedure in relation to the inappropriate siting of telegraph poles.

Advice

Historic England Advice

- 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 to World Heritage Sites in England

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

Infrastructure Planning

National Infrastructure Planning Guidance Portal

- On 17 April, the [National Infrastructure Planning Guidance Portal](#) was published. The Portal provides access to and updates on the status of existing and newly published National Infrastructure Planning Guidance (NIPG). It also sets out a timetable for the future revision of NIPG documents.

New National Infrastructure Planning Guidance

- On 17 April, two new NIPG documents came into force. These are:
 - [Introduction to National Infrastructure Planning Guidance](#), which sets out the role and scope of the National Infrastructure Planning Guidance.
 - [Planning Act 2008: Infrastructure Planning \(Fees\) Regulations 2010 - cost recovery by the Planning Inspectorate and public authorities](#), which provides guidance on the new provisions enabling the charging of fees for services provided in relation to NSIP applications/proposed applications by certain public authorities, including Historic England. The new fee provisions came into force on 1 April via [The Infrastructure Planning \(Fees\) \(Amendment\) Regulations 2024](#). There is further information available on [Historic England's website](#).
- On 30 April, a further six NIPG documents were published or updated. These are:
 - [Planning Act 2008: Pre-application stage for Nationally Significant Infrastructure Projects \(April 2024\)](#), which provides guidance on the pre-application stage for NSIPs.
 - [Planning Act 2008: Fast-track process for Nationally Significant Infrastructure Projects \(April 2024\)](#), which provides guidance to explain how the fast-track route for NSIPs is intended to operate so that applicants and potential applicants can understand what



is required of them in making the choice about whether to apply for the fast-track route.

- [Planning Act 2008: Content of a Development Consent Order for Nationally Significant Infrastructure Projects \(April 2024\)](#), which provides guidance on the content of Development Consent Orders for NSIPs.
- [Planning Act 2008: Acceptance stage for Nationally Significant Infrastructure Projects \(April 2024\)](#), which provides guidance on the acceptance stage for NSIPs.
- [Planning Act 2008: Pre-examination stage for Nationally Significant Infrastructure Projects \(April 2024\)](#), which provides guidance on the pre-examination stage for NSIPs.
- [Planning Act 2008: Examination stage for Nationally Significant Infrastructure Projects \(April 2024\)](#), which provides guidance on the examination stage for NSIPs.

National Infrastructure Legal Challenges Review

- On 26 April, the [terms of reference for Lord Banner's review](#) were published. The Review explores the causes of legal challenges brought against the NSIPs regime. The terms of reference set out the scope of the Review, which will answer the following key question:
 - Are NSIPs unduly held up by inappropriate legal challenges? If so, what are the main reasons for this and how can the problem be effectively resolved?

Training

- Historic England provide webinars and e-learning courses. Visit [Historic England's training webpages](#) for 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](#).

Other Items

UNESCO Convention: Intangible Cultural Heritage

- On 7 March, the [United Kingdom ratified UNESCO's Convention for the Safeguarding of the Intangible Cultural Heritage](#), which comes into force on 7 June. This follows a recent government [consultation on the initial implementation stage of the Convention on the Safeguarding of the Intangible Cultural Heritage](#) that closed on 29 February. See the Consultation section below for a link to Historic England's response.



Pavement Licence Guidance

- On 2 April, the Government published new [Pavement Licence Guidance](#) covering the streamlined process for cafes, restaurants and bars to secure a licence to place furniture on the pavement. This streamlined process was initially brought forward on a temporary basis by the [Business and Planning Act 2020](#) and was later made permanent via the [Levelling Up and Regeneration Act 2023](#), with some changes. These changes include the introduction of a standard fee cap for both new licences (£500) and renewals of licences (£350) as well as increased consultation and determination periods, with an increase to the maximum duration of licences (2 years) and provides local authorities with new powers to remove unlicensed furniture.

Design Code Pathfinders

- On 10 April, the Office for Place announced that 10 new areas in England will join the [Design Code Pathfinder Programme](#). The areas will receive a share of £1 million, as well as support from the Office for Place, to produce exemplar design codes. The focus of this new round is to evaluate the effectiveness of design codes, expand existing local authority design standards and to generate new ‘theme-based’ design codes to demonstrate the range of potential uses and benefits.

Current Government Consultations

An Accelerated Planning System

- On 6 March, DLUHC opened a [consultation on an accelerated planning system](#). The consultation runs for eight weeks and closes on 1 May. The consultation seeks views on:
 - A new Accelerated Planning Service for major commercial applications with a 10 week timescale and fee refunds if this is not met.
 - An end to the use of extension of time agreements for householder applications.
 - Allowing only one extension of time for other developments, which links to a proposed new performance measure for LPA speed of decision-making against statutory time limits.
 - An expansion of the current simplified written representations appeals process for householder and minor commercial appeals to more appeals.
 - Implementing section 73B for applications to vary planning permissions and the treatment of overlapping permissions.



Locally-led Development Corporation consultation

- On 10 April, DLUHC opened a [consultation on Locally-led Development Corporations](#). The Levelling Up and Regeneration Act (LURA) 2023 makes provision for the designation of a new type of Locally-Led Urban Development Corporation overseen by local authorities rather than the Secretary of State. The consultation includes [Draft Regulations](#) that set out the powers local authorities would have in relation to a Locally-Led Urban Development Corporation. This includes the power to approve the urban development corporations' plans for development of the urban regeneration area. In addition, the consultation is also asking for comments on updating the New Towns Act 1981 (Local Authority Oversight) Regulations 2018 in relation to Locally-led New Town Development Corporations.

Historic England Consultation Responses

Historic England has submitted [responses to recent consultations](#), which are now available on our website. These include:

- [Historic England's response to Changes to Various Permitted Development Rights Consultation](#).
- Historic England's response to an Accelerated Planning System Consultation will be published shortly on the [consultation responses website](#).

Calendar

May 2024

May 1 – DLUHC's [consultation on an accelerated planning system](#) closes

June 2024

June 5 – DLUHC's [consultation on Locally-led Development Corporations](#) closes.

Planning Bulletin Notifications

If you did not receive this edition of Planning Bulletin direct from Historic England, you can sign up for notifications when a new edition is issued by emailing: governmentadvice@HistoricEngland.org.uk

If you no longer wish to receive Planning Bulletin, or have received this in error, please email governmentadvice@HistoricEngland.org.uk and we will remove you from the mailing list.



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. Following the [Government's announcement that it will not to deliver the Birmingham to Manchester section of HS2](#), covered by the Bill, the Government is seeking the permission of Parliament to adapt the Bill to deliver [Northern Powerhouse Rail](#).

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 Committee Stage in the Lords took place on 23 April.

The Rail Reform Bill

- The [Draft Rail Reform Bill](#) will make the necessary legislative changes to bring about reform of the rail sector, revising the role and functions of the Secretary of State and enabling the new Integrated Rail Body to be established. This delivers key element of the rail reform envisaged by the [Plan for Rail](#). The Bill was published for pre-legislative scrutiny on 20 February.

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.



Historic England

High Street (Designation, Review and Improvement Plan) Bill

- The [High Street \(Designation, Review and Improvement Plan\) Bill](#) will require local authorities to designate high streets in their area and develop action plans to improve them. The Bill passed Third Reading on 26 April and will now proceed to the House of Lords for consideration.



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 \(November 2022\)](#)