



Planning Bulletin: December 2020

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.

Our sites and offices continue to be closed until further notice. Our staff are working from home and will continue to provide advice and grant payments as usual.

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

Emerging Legislation

Government Bills

- *Clean Air (Human Rights) Bill 2019-20*: amongst other things the Bill establishes the right to breathe clean air; requires the Secretary of State to achieve and maintain clean air in England and Wales; and to enhance the powers, duties and functions of the Environment Agency, the Committee on Climate Change, local authorities (including port authorities), the Civil Aviation Authority, Highways England, Historic England and Natural England in relation to air pollution. The Second Reading is still yet to be scheduled.
- *Environment Bill 2019-21*: amongst other things the Bill aims to make provision about targets, plans and policies for improving the natural environment, for statements and reports about environmental protection, conservation covenants, and about air quality. The Government have reintroduced the Bill and have said that it demonstrates a 'commitment to tackling climate change and to protecting and restoring our natural environment for future generations'. The Bill received its sixteenth to twentieth sessions in a Public Bill Committee. The Public Bill Committee voted against the proposed amendment to include heritage in the Environment Bill, noting there was recognition of the connection between the natural environment and heritage in the *25-Year Environment Plan*. The date for the report stage and third reading at the House of Commons is to be confirmed.

Matters Arising

Private Members' Bills

- *Climate and Ecology Bill 2019-21*. 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. The Bill was presented to Parliament on 2 September. Its Second Reading is scheduled to take place on 12 March 2021.
- *Desecration of War Memorials Bill 2019-21*. The Bill aims to create the offence of desecrating a war memorial. It was introduced to Parliament on 23 June under the *Ten Minute Rule*. Its Second Reading in the House of Commons is scheduled to take place on 5 February 2021.
- *Planning (Proper Maintenance of Land) Bill 2019 – 21*. 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. Jonathan Gullis MP made positive reference to historic buildings and Historic England. It was introduced to Parliament under the *Ten Minute Rule*. Its Second Reading is scheduled for 5 February 2021.

Private Bills

- *Highgate Cemetery Bill*: The Bill needed a 'Wharnclyff' Examination to comply with certain standing orders concerning the consents of owners, members and directors of companies. The Bill was found compliant on 9 March. The bill now proceeds to an Opposed Bill Committee to consider the petitions. A date has not been set.

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.

Committees

Housing, Communities and Local Government (HCLG) Committee

- The House of Commons Housing, Communities and Local Government Committee is proceeding with the [inquiry on the future of the planning system in England](#). Minister for Housing Christopher Pincher and Simon Gallagher, Director of Planning at MHCLG appeared before the Select Committee on 7 December. A transcript of the hearing can be found [here](#). References made to the historic environment were in relation to conservation, preservation and managing change, and protected areas having appropriate rules in place; with heritage considerations handled earlier in the plan-making process.

MHCLG Letter to Chief Planning Officers

- The Chief Planner has written to local authorities encouraging them to continue preparation of local plans and providing an update on policy and practice development changes and consultation. The letter can be viewed [here](#).

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

- Following public consultation, publication of a HEAN on *Commercial Renewable Energy and the Historic Environment* is expected shortly.
- Following public consultation, publication of a revised HEAN on *Tall Buildings* (HEAN4) is expected shortly.

Training

Historic England Training

- In response to Covid-19 restrictions, Historic England is increasing its e-learning and remote CPD provision.

- HE has turned the HELM courses which were planned for 2020 into webinars, including topics such as *Enabling Development*, *Industrial Heritage* and *Design and Place-shaping*. They can be accessed [here](#).
- *Technical Tuesdays*; a series of webinars delivered by its Technical Conservation Team are made available online, generally about a week after the event.
- Please visit the HE online training web pages [here](#) for the latest on our webinar programme. For webinar booking please visit [here](#).
- To be added to the mailing list for training events and webinars, or if you would like to suggest topics for courses, webinars or online training please email helmbookings@historicengland.org.uk.

Other Initiatives

Standard Methodology for Housing Need

- Following the ‘*Changes to the Current Planning System*’ September consultation, the Government announced an updated formula for its standard methodology for housing need, with the aim to increase housing delivery in England’s 20 largest cities and towns. Full details of the new standard method formula will be published shortly.
- The Government response to the standard methodology proposals in the September consultation can be found [here](#).

APPG – Conservation, Places and People

- An All Party Parliamentary Group on Conservation, Places and People launched an [inquiry](#) on *21st Century Places: values and benefits*. It will examine the value of the historic environment and how it can help to promote growth and regeneration. The call for evidence closes on 29 January 2021.

Planning Reform – Design Body Steering Group

- A [Steering Group](#) has been convened to explore the options for establishing a new expert design body which can help authorities make effective use of design guidance and codes, monitoring their application. The Steering Group is chaired by Nicholas Boys Smith and members include sector leaders, acting in a personal capacity.

Urban Centre Recovery Taskforce

- Government announced a new [Urban Centre Recovery Taskforce](#) on 16 December to examine how housing, planning and regeneration can help cities recover from the economic impact of Covid-19.

Current Consultations

- On 3 December MHCLG launched a [consultation](#) on ‘*Supporting Housing Delivery and Public Service Infrastructure*’ which proposes new and amended Permitted Development (PD) Rights and other changes to the planning system. The proposed changes, subject to consultation, are:
 - A new PD right to allow all buildings within Use Class E to be converted to residential use (Use Class C3) without requiring a planning application.

- A new 'fast track' planning route to build public service buildings with a determination period of 10 weeks and a statutory consultation period of 14 days.
 - Revision to existing PD right to allow greater extension of public service buildings.
- The closing date for the consultation is 28 January 2021.

Calendar

January 2021

28 MHCLG consultation on *Supporting Housing Delivery and Public Service Infrastructure* closes.

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22 December 2020*

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.

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: Local Heritage Listing* (May 2016)
 - *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)