



Planning Bulletin: February 2019

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.

Legislation and Matters Arising

Emerging Legislation

Government Bills

- **High Speed Rail (West Midlands - Crewe) Bill**: the hybrid Bill makes provision for a railway between a junction with Phase One of High Speed 2, near Fradley Wood in Staffordshire, and a junction with the West Coast Main Line near Crewe in Cheshire. Second reading took place on 30 January 2018; a date for committee stage has not yet been scheduled. Explanatory notes are available [here](#). The promoters' (HS2 Ltd, the Department for Transport, etc.) [response to the Select Committee's second special report](#) and the [response to the Select Committee interim report](#) have also been published.
- **Agriculture Bill**: amongst other things, the Bill authorises new expenditure for certain agricultural and other purposes; makes provision about direct payments during an agricultural transition period following the United Kingdom's departure from the European Union; and confers power to modify retained direct EU legislation relating to agricultural and rural development payments and public market intervention and private storage aid. The Bill concluded report stage on 20 November, the details of which can be found [here](#), with the next report stage in the House of Commons yet to be announced. The Bill as amended in Committee is available [here](#), explanatory notes [here](#), and a briefing paper [here](#). Further amendments to the Bill were proposed on 23 and 31 January and can be found [here](#).
- **Fisheries Bill**: amongst other things, the Bill makes provision about grants in connection with fishing, aquaculture or marine conservation. Introduced in October 2018, the Bill went to a Public Bill Committee on 17 December, with the report stage (and subsequent third reading) due on a date to be announced. The Bill is available [here](#), and explanatory notes [here](#).
- **Environment Bill**: Defra has issued a [draft Environment \(Principles and Governance\) Bill](#), which sets out how the government will maintain environmental standards as the UK leaves the EU, develop the vision of the 25 Year Environment Plan, and create the independent Office for Environmental Protection (OEP). The draft Bill commits the government to publishing a policy statement which will set out how Ministers should interpret and apply environmental principles. It also commits government to have a plan for environmental improvement. The Bill is accompanied by a [Policy Paper](#), a [Statement of Impacts](#), and an [Information Paper on the Policy Statement on Environmental Principles](#). Defra has also issued the government's [response](#) to May's consultation on [Environmental Principles and Governance after the United Kingdom leaves the European Union](#). The historic environment is not included in the majority of the provisions within the draft Bill; in this, it differs in approach to the cultural and

natural environment to that within the recently published 25 Year Environment Plan (January 2018). The omission of heritage from the Bill has the potential to exclude heritage from the remit of the proposed Office for Environmental Protection.

- *Treasure Act 1996*: DCMS has launched a consultation on revising the definition of treasure in the Treasure Act 1996, revising the related codes of practice and the process for finds that may be treasure. The aim of the Act is to ensure that important archaeological items are preserved in public collections. The consultation closes on 30 April.

Private Members' Bills

- *Bat Habitats Regulation Bill*: the Bill makes provision to enhance the protection available for bat habitats in the vicinity of a building site, and to limit the protection for bat habitats in buildings used for public worship. The second reading took place on 27 April 2018; the committee stage has yet to be scheduled. A briefing is available here.
- *Bat Habitats Regulation (No. 2) Bill*: the Bill makes provision to enhance the protection available for bat habitats in the non-built environment and to limit the protection for bat habitats in the built environment where the presence of bats has a significant adverse impact upon the users of buildings. The Bill was presented to Parliament on 5 September 2017; second reading has yet to be rescheduled.
- *Equality Act 2010 (Amendment) (Disabled Access) Bill*: the Bill amends the *Equality Act 2010* to improve access to public buildings by introducing six- and twelve-inch rules for step-free access. The second reading took place on 24 November 2017, and the Committee stage has yet to be scheduled.
- *Kew Gardens (Leases) Bill*: the Bill provides that the Secretary of State's powers in relation to the management of the Royal Botanic Gardens, Kew, include the power to grant a lease in respect of land for a period of up to 150 years. The first reading took place on 13 July 2017, and second reading has yet to be scheduled. Explanatory notes are available here.
- *Green Belt (Protection) Bill*: the Bill provides for the establishment of a national register of Green Belt land in England, the restriction of the ability of local authorities to de-designate Green Belt land, and provision about future development of de-designated Green Belt land. Its first reading took place on 5 September 2017; second reading is expected to take place on 15 March.
- *Clean Air Bill*: the Bill requires the Secretary of State to set, measure, enforce and report on air quality targets; to make provision about mitigating air pollution; to make provision about vehicle emissions testing; and to restrict the approval and sale of vehicles with certain engine types. Its first reading took place on 22 November 2017; second reading is scheduled for 15 March.
- *Planning (Appeals) Bill*: the Bill limits the grounds of appeal against decisions on planning applications consistent with a neighbourhood development plan or local plan. It was introduced on 4 December, and second reading is scheduled for 22 March.

Heritage Planning Case Database

- Historic England maintains 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.

Guidance

Planning Practice Guidance (PPG)

- MHCLG advised that it is continuing to review the PPG following the publication of the revised NPPF, with updated guidance anticipated in March.

MHCLG Letters to Chief Planning Officers

- MHCLG has published (on 15 January) a Letter to Chief Planning Officers outlining the changes brought in by the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018. These came into force on 28 December 2018.

Advice

Historic England Advice

- Good Practice Advice notes (GPAs) and Historic England Advice notes (HEANs) are all available on the Historic England website, and listed in Appendix I to this Bulletin, for ease of reference.

Updated Historic England Advice

- Following earlier public consultation, a revised edition of HEAN 1: Conservation Areas: Designation, Appraisal and Review (Second Edition) has been published.

Conserving Georgian and Victorian Terraced Housing: A Guide to Managing Change

- Following requests for updates to the English Heritage document *London Terraced Housing 1660 – 1860* a revised document has been issued for consultation. Conserving Georgian and Victorian Terraced Housing: A Guide to Managing Change intends to provide a concise overview of the development of terraced housing and an approach to change in these historic buildings (closing date 22 March).

Training

- Historic England provides training and guidance to help local authorities, heritage professionals, owners and voluntary organisations look after England's heritage. Training currently available covers a wide range of topics, many directly linked to planning matters and Historic England advice:
 - Historic Environment Local Management (HELM): training on managing the historic environment for local authorities, regional agencies and national organisations. Visit the webpages for details of courses on (amongst others):
 - NPPF Decoded: Plan Making (last few places available in Leeds on 28 March)
 - NPPF Decoded: Development Management and Archaeology (this course is fully booked, but please contact helmbookings@historicengland.org.uk to be placed on the waiting list).
 - Heritage Practice: training courses for heritage specialists in technical subjects and techniques. Visit the webpages for details of courses on (amongst others):
 - Understanding Setting within the Context of Heritage Assets (Leicester on 25-26 March).

- Historic Area Assessments ([York on 23 May](#)).
- Understanding Historic Buildings ([Oxford on 16 September](#)).
- [Online training](#): webinars and other resources to help supplement the short course training opportunities and make them more widely available. The online training includes recordings of webinars and other, longer courses to work through.
- All courses, and further information, can be accessed on the [Historic England website](#).

Infrastructure

Bedford and Cambridge Route Option Consultation

- The East West Railway Company is [consulting on five different route options](#) for the central section of East West Rail, which is to run between Bedford and Cambridge and form part of a new rail connection between Oxford and Cambridge. While the Western Section between Oxford and Bedford can be built by reinstating and upgrading existing lines, for the [Central Section](#) between Bedford and Cambridge an entirely new rail line would need to be built. The consultation closes on 11 March.

Light Rail and Other Rapid Transit Solutions in Cities and Towns: Call for Evidence

- The Department for Transport has issued a [general call for evidence](#) on how to better use and implement light rail and other rapid transit solutions in cities and towns. It is inviting views on how to better harness the opportunities for building on the popularity of light rail and how to build the UK's manufacturing and engineering capacity. The consultation closes on 19 May.

HS2 Phase 2a Additional Provision 2 Environmental Statement and Supplementary Environmental Statement 2 Consultation

- HS2 Ltd is consulting upon the [Supplementary Environmental Statement 2 and Additional Provision 2 Environmental Statement](#) related to proposed amendments to the [High Speed Rail \(West Midlands - Crewe\) Bill](#) (closing date 29 March). These cover:
 - Additional Provision 2 Environmental Statement (AP2 ES), which reports on the likely significant environmental effects of the amendments in AP2, i.e. amendments to the [High Speed Rail \(West Midlands - Crewe\) Bill](#) which are outside the existing powers and limits of the Bill.
 - Supplementary Environmental Statement 2 (SES2), which sets out the likely significant environmental effects of the construction and operation of the railway. This is based on updated environmental information and changes to the design and construction assumptions within the existing powers and limits of the [High Speed Rail \(West Midlands - Crewe\) Bill](#).

Other Initiatives

The Cultural Development Fund (CDF)

- Grimsby, Thames Estuary, Plymouth, Wakefield and Worcester will receive a share of £20 million of funding to invest in local culture, heritage and creative industries and help drive economic growth. The funding, from the [Cultural Development Fund](#) (itself part of the [Creative Industries Sector Deal](#)), forms part of the Government's [Industrial Strategy](#).

Coastal Revival Fund

- MHCLG has made further awards from the Coastal Revival Fund totalling almost £1 million. This is to restore coastal landmarks and bring economic growth to coastal communities. This will assist 23 coastal projects. This funding builds on the 25 coastal projects awarded a share of nearly £1 million through the Coastal Revival Fund in November 2018.

British Improvement Districts (BIDs) Loan Fund

- A BID is a business-led and business funded body formed to improve a defined commercial area. MHCLG has opened the latest round of the Business Improvement Districts (BIDs) Loan Fund, with up to £95,000 available, which is estimated to provide funding for up to four prospective BIDs. Expressions of interest are to be received by 8 March, with completed applications submitted by 10 May.

Planning for New Homes

- The National Audit Office (NAO) has published Planning for New Homes, the scope of which was to find how effective MHCLG is in:
 - Supporting local authorities to produce plans for how the supply of new homes will meet need in their area;
 - Supporting local authorities and the Planning Inspectorate in having effective and sufficiently resourced planning processes and teams to deal with planning applications and appeals; and
 - Working effectively with local authorities, other government departments and developers to ensure infrastructure to support new homes is planned and funded.
- The NAO found that the planning system was not working well and that the system does not currently provide value for money in terms of delivering new homes. It was concluded that MHCLG understood the shortfalls in the planning system and that the new NPPF aims to address some of these, such as the system for contributions from developers. However, it was too early to say how effective the new framework and proposed reforms will be in bringing about a significant boost to housing supply.

Independent Review of Planning Appeal Inquiries: Call for Evidence

- The report of the Independent Review of Planning Appeal Inquiries has been published. The report summarises the findings of the review (which investigated the current inquiries process and how it could be improved), and makes 22 recommendations on how the planning appeal inquiry process can be improved and decisions made more quickly, including:
 - Improved transparency and procedures;
 - The introduction of a policy feedback loop;
 - The use of technology;
 - The involvement of the Secretary of State; and
 - Suggested targets for the Planning Inspectorate.
- The report recommends that the Planning Inspectorate prepare an action plan by April 2019 on how it will ensure the necessary organisational measures are in place to deliver improvements by no later than June 2020. Historic England's response to the original consultation (which ran from 24 July to 18 September) can be found here.

Integrated Communities Strategy Green Paper

- MHCLG has published its *Integrated Communities Action Plan* and its summary of the responses to the consultation on the *Integrated Communities Green Paper* (which ran between 14 March and 5 June 2018). The consultation emphasised that local communities should be actively involved in the plan-making process and that local planning authorities should also seek to involve all sections of the community in the planning decisions that affect them. In addition to this, they should support and facilitate neighbourhood planning. The final action plan sets out that the Government intends to continue to work alongside LEPs to build integration and inclusivity into their strategies, and that progress has already been made through the publication of the new NPPF.

Current Consultations

- The Infrastructure and Projects Authority and HM Treasury's *Proposal for a New Approach to Building: Call for Evidence* (closing date 17 February).
- Defra consultation on *Protecting and Enhancing England's Trees and Woodlands* (closing date 28 February).
- East West Railway Company's consultation on the *Bedford and Cambridge Route Options* (closing date 11 March).
- Ofgem's consultation on the *RIO-2 Sector Specific Methodology* (closing date 14 March).
- Historic England's *Conserving Georgian and Victorian Terraced Housing: A Guide to Managing Change* (closing date 22 March).
- The Department for Business, Energy & Industrial Strategy is consulting on *The Treatment of Electricity Storage Within the Planning System* (closing date 25 March).
- The Marine Management Organisation's (MMO) consultation on four emerging marine plans in the *North East*, *North West*, *South East* and *South West* (closing date 29 March).
- HS2 Ltd's consultation on the *Supplementary Environmental Statement 2 and Additional Provision 2 Environmental Statement* (closing date 29 March).
- Radioactive Waste Management's (part of the Department for Business, Energy and Industrial Strategy) consultation on *Site Evaluation - How We Will Evaluate Sites in England* (closing date 31 March).
- Department for Transport's *Aviation 2050 - the Future of UK Aviation* (closing date 11 April).
- DCMS's consultation on revising the definition of treasure in the *Treasure Act 1996* (closing date 30 April).
- Department for Transport's *Light Rail and Other Rapid Transit Solutions in Cities and Towns: Call for Evidence* (closing date 19 May).

Recent Consultation Responses

- Historic England's response to Defra's call for evidence for its independent review of National Park and AONB landscapes (the Glover Review) is available here.
- Historic England's response to Defra's draft National Policy Statement for Water Resources Infrastructure consultation is available here.

- Historic England's response to MHCLG's *Planning Reform: Supporting the High Street and Increasing the Delivery of New Homes* consultation is available here.
- Historic England's response to Defra's *Biodiversity Net Gain: Updating Planning Requirements* consultation is available here.

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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:
 - *GPA 1: 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 (forthcoming)*

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)