



## Planning Bulletin: January 2022

*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. We are working to our usual deadlines for providing planning advice. Requests for listing or amendments may take longer than normal as we deal with a backlog of casework generated during

restrictions on movement. We will, however, continue to process cases as best we can. 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*

- **Judicial Review and Courts Bill**: This legislation has been introduced to give judges power (under the Judicial Review process) to suspend orders quashing planning decisions with legal flaws, to give those involved time to rectify them without losing the planning permission altogether. The Bill passed its third reading within the commons on the 25 January and entered the House of Lords, passing its first reading on the 26 January and will now proceed to a second reading, the date of which is yet to be announced.
- **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; and for connected purposes. The Bill was introduced through its first reading in the House of Commons on 24 January and will now proceed to a second reading, the date of which is yet to be announced.

#### *Private Members' Bills*

- **Climate and Ecology Bill**: 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. A first reading was held on the 2 September, with a second reading now scheduled to take place on 18 March 2022.
- **Planning (Proper Maintenance of Land) Bill**: 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. It was introduced to Parliament under the *Ten-Minute Rule*. The Second Reading in the House of Commons has been rescheduled and is due to take place on 18 March 2022.
- **Planning and Local Representation Bill**: The Bill includes granting local authorities' power to apply local design standards for permitted development and to refuse permitted development proposals that would be detrimental to the health and wellbeing of an individual or community. It was introduced to Parliament under the *Ten-Minute Rule* on 15 July 2021. As of the 31 January 2022 the bill is currently in its second reading.
- **Green Belt Protection Bill**: A Bill 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 was introduced on 21 June 2021 and as of the 31 January 2022 is currently in its second reading.

## Private Bills

- *Highgate Cemetery Bill*: The Bill passed the report stage on the 3 September and went onto pass the third reading on the 14 September. The Bill is now awaiting the consideration of amendments from the House of Commons, the final stage before Royal Assent.
- *Planning (Street Plans) Bill*: A Bill to make provision about the creation and operation of street-level plans for local development. The Bill was introduced and passed its first reading on 13 September 2021, with the second reading scheduled to take place on 18 March 2022.
- *Cultural Objects (Protection from Seizure) Bill*: A Bill to extend protection from seizure or forfeiture given to cultural objects. The bill moved into the report stage on 28 January 2022.

## 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

### Levelling Up, Housing and Communities Committee

- The Committee published the [government response](#) to the committee's report on local government and the path to net zero on 18 January. The Committee also [published a letter](#) from the Chair to the Secretary of State, Rt. Hon. Michael Gove MP, concerning the UK Shared Prosperity Fund and cladding data.

### Business, Energy and Industrial Strategy Committee

- The Committee published an [oral evidence transcript](#) from its session on 18 January as part of its longer inquiry into the government's draft Energy National Policy Statements (NPS), which provide a policy framework used to determine applications for Nationally Significant Infrastructure Projects (NSIPs). The Committee also published [letters exchanged](#) with OFGEM, NIC and ENA following questions concerning energy network resilience.

### Environmental Audit Committee

- The Committee published two reports on 13 January and 20 January on [Water quality in rivers](#) in addition to the [government response](#) to the Committee's previous report on green jobs. The Committee also published the [oral evidence transcript](#) for their inquiry into technological innovations and climate change.

### Environment and Climate Change Committee

- On 10 January the Committee published [a letter from Alok Sharma](#), president of COP, and his response to the committees inquiry on the implementation of COP26. The Committee additionally published two oral evidence transcripts on

13 January and the 18 January on their inquiries into delivering COP26 and mobilising action on climate change respectively.

### **Built Environment Committee**

- The Committee published its report into Meeting UK Housing Demand on 10 January, which emphasises the role in which planning has on helping to address the housing crisis and how reform in the planning process is needed to increase the supply of quality housing.

## **Guidance**

### **Department for Levelling Up, Housing and Communities**

*Updated Guidance: When is Permission Required?*

- Government guidance has been updated following the High Court's decision in *Ricki Sage v Secretary of State for Housing, Communities and Local Government & London Borough of Bromley* (2021).

## **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*

- We anticipate publishing a new draft HEAN on *Planning and Archaeology* for public consultation in the coming month.
- Following public consultation last year, further revision to HEAN 4 on *Tall Buildings* is progressing, taking account of the feedback we received. We anticipate publishing the updated HEAN early in 2022.

## **Training**

### *Historic England Training*

- We are preparing a new HELM training programme. For the time being our training will continue to be online, but we will be transitioning to new blended models of training which will include online 'self-study' elements, live webinars and, hopefully, as things continue to improve, a return to small group courses and site visits.
- Our winter webinars will include continuation of our popular technical conservation series, and topics such as local listing, and textile mills & regeneration. We also have our 'Climate Fridays' webinars.
- Visit our webpages for more information and booking.

## Other Initiatives

### *Build Back Better Business Council*

- The government has published its report for the Build Back Better Business Council 2021 on 6 January. The Council aims to drive economic recovery across the UK and enable the transition to a Net Zero Economy by 2050.

### *Climate Change Risk Assessment*

- The government has published the UK's Third Climate Change Risk Assessment. It outlines work underway to meet the challenge of climate change and identifies the risks that climate change poses to multiple parts of society and the economy.

### *Landscapes Review: National Parks and Areas of Outstanding Natural Beauty*

- The government has published its response to Julian Glover's Independent Landscape Review. The proposals are designed to aid nature recovery and safeguard England's National Parks and AONBs. They will now be subject to public consultation.

### *Neighbourhood Planning*

- The government has announced that eleven councils in urban and deprived areas will receive funding to boost engagement and participation in neighbourhood planning.

### *Technical Consultation on Consequential Changes to Permitted Development Rights*

- The government has published the outcome of the technical consultation on consequential changes to permitted development rights.

### *Planning Inspectorate*

- The Housing Minister, the Rt Hon Chris Pincher MP, has written to the Planning Inspectorate setting out new performance measures for the organisation.

## Current Consultations

### *Whole Industry Strategic Plan for Rail*

- The Great British Railways Transition Team, has launched a call for evidence, inviting views from within and beyond the rail sector, to inform the development of a whole industry strategic plan. The consultation closes on 4 February.

### *The Second National Infrastructure Assessment: Baseline Report*

- The National Infrastructure Commission has launched a call for evidence for the Second National Infrastructure Assessment setting out the current state of the UK's economic infrastructure and identifying key challenges over the next 30 years. The consultation closes on 4 February.

### *Biodiversity Net Gain Regulations and Implementation*

- Defra is consulting on how biodiversity net gain will be applied to Town and Country Planning Act development, and, at a higher level, Nationally Significant Infrastructure Projects. The consultation closes on 5 April.

### *Draft River Basin Management Plans*

- The Environment Agency is consulting on *draft River Basin Management Plans* seeking views on the proposed long-term objectives for the water environment and the measures to achieve them. The consultation closes on 22 April.

## **Consultation Responses**

### *Draft Flood Management Plans*

- The Environment Agency consultation on draft Flood Risk Management Plans closed on 21 January. Historic England's response is available here.

## **Calendar**

### *February*

- 4 Great British Railways call for evidence on the *Whole Industry Strategic Plan for Rail* closes.
- 4 The National Infrastructure Commission call for evidence on the *Second National Infrastructure Assessment: Baseline Report* closes.

### *April*

- 5 Defra's consultation on *Biodiversity Net Gain Regulations and Implementation* closes.
- 22 The Environment Agency's consultation on *draft River Basin Management Plans* closes.

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*31 January 2021*

*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](mailto: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 (2nd ed): Local Heritage Listing* (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* (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)
  - *HEAN 15: Commercial Renewable Energy Development and the Historic Environment* (February 2021)
  - *HEAN 16: Listed Building Consent* (June 2021)