



Planning Bulletin: July 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.

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Government Departments

Department for Digital, Culture, Media and Sport

- The Department for Digital, Culture, Media and Sport published its Departmental Plan, including a commitment to ‘...Promote and protect the historic environment so that future generations can appreciate heritage assets. We will use the Heritage Statement to deliver cohesive policies focused on building a resilient and sustainable sector (contributes to SDG 16)’.

The Department for Environment, Food and Rural Affairs

- The Cabinet Office announced the appointment of Tamara Finkelstein as the new Permanent Secretary at Defra.

Legislation and Matters Arising

Emerging Legislation

Government Bills

- *Parliamentary Buildings (Restoration and Renewal) Bill*: the Bill provides for the establishment of a Sponsor Body and a Delivery Authority to oversee and manage the restoration of the Houses of Parliament. It was introduced into the House of Commons on 8 May. The Bill is available [here](#), and explanatory notes [here](#).
- *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. The Bill received its First Reading in the House of Lords on 16 July. Explanatory notes are available [here](#).
- *The Kew Gardens (Lease) (No. 3) Bill [Lords]* had its second reading in the House of Commons. Issues discussed during the debate included the ability to grant longer leases on Crown land and opening new streams of revenue.
- *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, public market intervention and private storage aid. The Bill concluded its Committee stage on 20 November, with the Report stage in the House of Commons yet to be announced. The Bill has been amended in Committee; explanatory notes and a briefing paper are available.
- *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. A report by the Environment, Food and Rural Affairs Committee has recently been published (April 2019), following pre-legislative scrutiny of the Bill. 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. This issue has recently been the subject of written and oral questions in Parliament.

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 and the second reading took place on 23 November; the Committee stage has yet to be scheduled.
- *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.
- *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 was scheduled for 15 March 2019 but proceedings were interrupted and the Bill's second reading is now postponed to a date to be announced.
- *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 has yet to be scheduled.
- *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 has yet to be scheduled.
- *Planning (Affordable Housing and Land Compensation) Bill*: the Bill would create a new duty for councils to include a policy in their local plans to capture betterment values where they arise. It would also replace the current definition of affordable housing (classed as being up to 80% of market prices), with one that stipulates that housing cannot cost more than 35% of net household income for lowest quartile income groups in each local authority area. The Bill also seeks to specify in law the key factors used for viability testing in relation to planning decisions, including placing explicit limitations on the expectations of developer profit and land values for compulsory purchase. It was introduced on 27 February, and second reading has yet to be scheduled.

Secondary Legislation

The Neighbourhood Planning Act 2017 (Commencement No. 6) Regulations 2019

- These Regulations brought into force section 8(2) of the Neighbourhood Planning Act 2017, on 4th July 2019. Section 8(2) amends the *Planning and Compulsory Purchase Act 2004* to require the Secretary of State to issue guidance for local planning authorities on how their local development documents (taken as a whole) should address housing need that results from old age or disability.

The Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019

- The Regulations amend the Community Infrastructure Levy 2010 Regulations have been published and will come into force on 1 September 2019.

Case Update

London Borough of Lewisham v Cornerstone Telecommunications Infrastructure Ltd.

- Nine antennae were installed on the roof of Forsythia House, a block of social housing flats close to the London Borough of Lewisham's Telegraph Hill Conservation Area. The Council considered that the apparatus was permitted development, but the Appeal Court judgement concluded that they were masts installed on the building, and by virtue of the building's height and the masts proximity to a highway, were not permitted development

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 Committee: Modern Methods of Construction

- In its report, the Committee urged the Government to unlock the potential for modern methods of construction (MMC) to build homes quicker, more cheaply, while maintaining build quality. It states: 'We will not reach 300,000 net additions annually by the mid-2020s unless MMC are used in a significant proportion of homes. MMC can help to overcome some of the constraints that limit homebuilding but should be used in conjunction with traditional methods to build the homes'.

Policy

National Policy Statement for Geological Disposal Infrastructure

- The Department for Business, Energy & Industrial Strategy has published a National Policy Statement that will be used as the primary basis for the examination by the Examining Authority, and for decisions by the Secretary of State, in considering development consent applications for geological disposal infrastructure that fall within the definition of a Nationally Significant Infrastructure Project.

Guidance

Planning Practice Guidance (PPG)

- A section was introduced into the PPG on Housing for Older and Disabled People on 26 June.

MHCLG Letter to Chief Planning Officers

- MHCLG has written to local planning authorities setting out the arrangements for funding local planning authorities for neighbourhood planning work for 2019/10.

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.
- Consultation recently took place on the new Historic England Advice Note: Statements of Heritage Significance (closed 10 May); responses are now being considered, and the final version of this advice will be issued in due course.

Training

- Historic England provides training and guidance to help local authorities, heritage professionals, owners and voluntary organisations look after England's heritage. Training that is currently available covers a wide range of topics, many directly linked to planning matters and Historic England advice. Our training programmes are:
 - Historic Environment Local Management (HELM): training on managing the historic environment for local authorities, regional agencies and national organisations. Visit the webpages for course dates and booking. New courses for the autumn will include Practical Building Conservation: Porous Building Materials, Industrial Heritage, Heritage Statements, and Design and Place-making in Historic Areas. Courses include:
 - Practical Building Conservation Update: Porous Building Materials (West Sussex, 10 October).
 - Heritage Practice: training courses for heritage specialists in technical subjects and techniques. Visit the webpages for details of courses on (amongst others):
 - Understanding Historic Buildings (Oxford on 16-19 September).
 - Essentials Training: training course on fundamental heritage skills for local authority planners and early entrants into historic environment services. Visit the webpages for details of courses on (amongst others):
 - Assessing Heritage Significance (Darlington, 12 September)

- Setting in Practice (Birmingham, 10 October; Leeds, 31 October).
- 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.
- 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.

Infrastructure

HS1 International Stations

- The Department for Transport is consulting on a periodic review of the station long-term charge for the 4 HS1 International stations for the period 2020 to 2025 (closing 31 July 2019).

Other Initiatives

Accelerated Planning Green Paper

- The Secretary of State for Housing, Communities and Local Government has confirmed that the forthcoming Accelerated Planning Green Paper will 'look at how greater capacity and capability within local planning authorities, better performance management and procedural improvements can accelerate the end-to-end planning process for all'.

Building a Market for Energy Efficiency

- The Department for Business, Energy & Industrial Strategy has published its response to a call for evidence on additional measures and incentives that could encourage home-owners to invest in energy efficiency improvements. The consultation concluded in January 2018.

Celebrating the Historic Counties of England

- MHCLG has published guidance to help local authorities recognise historic counties, including advice on historic county boundary signs, road signs marking historic county boundaries, and flag flying.

Building Better, Building Beautiful Commission

- The independent body that is advising government on how to promote and increase the use of high-quality design for new build homes and neighbourhoods published its interim report, *Creating Space for Beauty*, on 9 July.

DCMS Sectors Economic Estimates 2018: Employment

- DCMS has published statistics on the contribution of DCMS sectors to the UK economy, measured by employment. Although the contribution of 'heritage' is not isolated, the figures show that in 2018, there were 5.3 million jobs in DCMS sectors, accounting for 16% of all UK jobs.

Garden Villages

- The Secretary of State for Housing, Communities and Local Government has announced £2.85 million to support the development of plans for 19 garden villages across the country; with each project receiving £150,000.

High Streets

- The Government has announced details of the High Streets Task Force, following its commitment to do so in the 2018 Budget. As a response to the Housing, Communities and Local Government Select Committee inquiry into the future of high streets and town centres, the remit of the High Streets Task Force will include the provision of planning experts to assist local authorities in designing high street and town centre strategies.
- The Government has also announced the 50+ areas across that are going through to the second phase of the Future High Streets Fund, which will now receive up to £150,000 of new funding to work up detailed project proposals, based on their initial plans.

Jodrell Bank

- Jodrell Bank Observatory in Cheshire has been named as the UK's newest UNESCO World Heritage Site, becoming the UK's 32nd site to be added to the list.

Local Authority Revenue Expenditure and Financing: 2019-20 Budget, England

- Published by the Ministry of Housing Communities and Local Government, the Local Authority Revenue Expenditure and Financing: 2019-20 Budget, England report indicates that planning and development services are expected to see a 16.5 per cent increase in expenditure over the year, up from £1 billion to £1.2 billion; the biggest percentage increase across all other services that councils provide.

National Lottery Heritage Fund

- The NLHF has launched a new awards scheme, Heritage Horizon Awards, which will invest £100million over the next three years in heritage projects for UK heritage. There will be a particular focus on The National Lottery Heritage Fund's current strategic priorities: landscape and nature and heritage at risk.

Noise Action Plans

- The Department for Transport has published a policy paper covering large urban areas, roads and railways. Councils can identify certain Local Green Spaces (already designated on the basis of their tranquillity) as 'quiet areas'. The updated action plans take into account the 2017 noise mapping and views from the consultation held in 2018.

Planning and the Broken Housing Market

- The Public Accounts Committee published Planning and the Broken Housing Market, setting out what it sees as 'inherent problems at the heart of the housing planning system' which might undermine delivery of the government's 300,000-homes-a-year target.

Planning Inspectorate

- The Secretary of State for Housing, Communities and Local Government, has written to the Planning Inspectorate setting out new ways of reporting for the body, and reminding inspectors of 'the importance of being pragmatic in getting plans in place'.

- The Planning Inspectorate (PINS) has announced that two planning appeals have been decided in fewer than the 24 weeks' target in a new process being piloted, following recommendations made in the Rosewell Review.
- PINS has also announced details of a new online appeal service aiming 'to provide better ease of use and clarity of case progress'. Starting at the end of July, the pilot will be restricted to appeals of a certain type against some local planning authority decisions in East Sussex, West Sussex and Kent.
- PINS has published the revised Procedure Guide for Local Plan Examinations (June 2019). This replaces the previous 2016 version. The revised Procedure Guide reflects the requirement in the recent letter from the Secretary of State to share letters raising soundness or significant legal compliance issues and fact-check reports with MHCLG on a 'for-information basis' at least 48 hours in advance of them being sent to the LPA.

Regenerating Seaside Towns and Communities

- A debate took place in the House of Lords on the report of the Select Committee on Regenerating Seaside Towns and Communities. Topics considered during the debate included inadequate transport connectivity, as well as poor quality education and housing. The need for 'heritage funding' was raised. *Sentencing Guidelines for Arson and Criminal Damage Offences*
- The Sentencing Council have published new sentencing guidelines regarding arson and criminal damage. The new guidelines will see that courts take full account of the 'impact of arson or criminal damage such as vandalism on national heritage assets including listed buildings, historic objects or unique parts of national heritage and history'.

Tourism Sector Deal

- The Tourism Sector Deal (published by the Department for Digital, Culture, Media & Sport and Department for Business, Energy & Industrial Strategy) sets out how the government and industry will work in partnership to boost productivity, develop the skills of the UK workforce, and support destinations to enhance their visitor offer, in a Tourism Sector Deal.

Current Consultations

- The Department for Transport is consulting on a periodic review of the station long-term charge for the 4 HS1 International stations for the period 2020 to 2025 (closing date 31 July 2019).
- The Department for Environment, Food & Rural Affairs is seeking evidence on key flood and coastal issues to help develop a flood and coastal erosion and national infrastructure strategy (closing date 18 August 2019).
- The Department for Transport and Office for Low Emission Vehicles is consulting on proposals to:
 - alter building regulations for new residential buildings to include requirements for electric vehicle chargepoints, and for new non-residential buildings to include requirements for electric vehicle chargepoint infrastructure, and
 - introduce a requirement for existing non-residential buildings to have electric vehicle chargepoints (closing date 7 October 2019).

Recent Consultation Responses

- Historic England's response to the MHCLG Parks Action Group consultation on the 'Greenprint' for MHCLG Skills for Parks is available [here](#).
- Historic England's response to the Department for Environment, Food and Rural Affairs consultation on *Updating the Marine Strategy: Part One* is available [here](#).
- Historic England's response to the Department for Transport's consultation on *Aviation 2050 - the Future of UK Aviation* is available [here](#).
- Historic England's response to the Environment Agency consultation on a draft *National Flood and Coastal Erosion Risk Management Strategy for England* 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:
 - *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 (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)