



Planning Bulletin: April 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

Given the easing of restrictions we are in the process of re-opening our offices, although we will continue with hybrid working as appropriate. We 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

- *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 reached its third reading in the House of Lords on 6 April. Subsequently, Lords amendments were considered in the House of Commons on 26 April followed by consideration of Commons amendments in the House of Lords on 27 April.
- *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. A carry-over motion was put forward and agreed to in the House of Commons on 25 April, allowing the Bill to be carried forward to the 2022-2023 session of Parliament, which will have its State Opening on 10 May.

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 6 May.
- *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. A date for the Bill's Second Reading in the House of Commons has not yet been confirmed.
- *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. The Bill will be given its second reading in the House of Commons on 6 May.
- *Planning (Women's Safety) Bill*: The Bill proposes a requirement to assess the impact on women's safety to be published as a condition of planning approval for major developments. The Bill had its first reading in the House of Commons on 8 March and will have its second reading on 6 May.
- *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 in the House of Commons on 21 June 2021.
- *Onshore Wind Bill*: The Bill started in the House of Lords being introduced in June 2021. It would require the Government to amend planning guidance to enable local planning authorities to grant more onshore wind applications for the purpose of meeting

the UK's carbon targets. The Bill had its third reading in the House of Lords on 18 March and has now passed to the House of Commons.

- ***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 6 May.
- ***Cultural Objects (Protection from Seizure) Bill***: A Bill to extend protection from seizure or forfeiture given to cultural objects. The Bill has completed all its readings in both the House of Commons and House of Lords and will now go forward for Royal Assent to become an Act of Parliament, a date has yet to be announced for this to take place.

Secondary Legislation

Highgate Cemetery Act

- The ***Highgate Cemetery Act 2022*** was enacted on 24 March. The Act allows for the Highgate Cemetery Trust to extinguish rights of burial in grave spaces, and to disturb and reinter human remains in order to increase the space for further interments in such graves and improve Highgate Cemetery. The Act also establishes powers to use appropriately or remove altogether from the cemetery any memorials on such graves.

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

Land Use in England Committee

- The Committee is holding an Inquiry in relation to ***Land Use in England***. To date a call for written evidence has been undertaken alongside oral evidence sessions. The call for written evidence closed on 26 April. The Inquiry is looking into a range of issues including:
 - Current and potential demands on land use in England.
 - The impact of these demands on the environment and climate change.
 - The current systems for deciding land use and the effectiveness of these systems.
 - How the decision-making process surrounding land use can be improved.

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.
- The Second Edition of ***HEAN 11: Neighbourhood Planning*** was published on 5 April.

Forthcoming Historic England Advice

- A consultation draft of *Planning and Archaeology Historic England Advice Note* ended on 25 April. Responses are being reviewed and a final revised HEAN will be published shortly.
- A new HEAN on *Managing Change Affecting World Heritage Sites in England* is being drafted. Further updates will be provided in subsequent Planning Bulletins in advance of public consultation in the coming months.
- Drafting has begun on a new HEAN on *Climate Change and Historic Environment*. Consultation is anticipated later in the year.

Training

Historic England

- A new HELM training programme is being prepared. 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.
- Following the launch of *A Strategy for Inclusion, Diversity and Equality - November 2020 to March 2023* in 2021 Historic England is committed to making our work and workforce more inclusive and diverse. We have introduced a new training programme focused on accessibility and are extending this offer to the heritage sector. A series of three modules will be delivered during May:
 - *Module 1 Fundamentals of Disability Inclusion* (there are a choice of alternative dates of 10, 11 and 12 May, register [here](#))
 - *Module 2 Supporting Disabled Employees* (there are a choice of alternative dates of 17, 18 and 19 May, register [here](#))
 - *Module 3 Accessibility in the Built Environment* (there are a choice of alternative dates of 24, 25 and 26 May, register [here](#))
- Please note that capacity is limited to 20 people per session for each of the sessions.
- An online workshop will be delivered jointly by English Heritage Trust and Historic England on *Research Ethics and Integrity* on 17 May. Utilising relevant case studies and group discussion, this workshop will explore issues related to research integrity, research ethics and good research practice. Register [here](#).
- Visit Historic England's training [webpages](#) for more information and booking.

Other Initiatives

British Energy Security Strategy

- On 7 April the Department for Business, Energy and Industrial Strategy published the *British Energy Security Strategy*. Subsequently on 19 April the Minister for Business,

Energy and Industrial Strategy made an Oral statement to Parliament concerning the document.

- The Strategy is intended to set the direction for future energy production within the UK including objectives for oil and gas, nuclear, renewable energy and energy demand. The Strategy follows on from The Ten Point Plan for a Green Industrial Revolution (November 2020) and the Net Zero Strategy (October 2021). Key measures in the strategy include:
 - Reviewing the planning restrictions relating to householder energy efficiency measures including glazing in conservation areas and listed buildings.
 - The ambition for 50GW of new offshore wind energy resource by 2030 with up to 5GW of floating wind.
 - Establishing a fast track route for priority cases for offshore wind where quality standards are met, this will be done through a review of the *Planning Act 2008* to set shorter timescales for examination.
 - Potential for up to 8 new nuclear reactors by 2030 and the ambition for 10GW hydrogen energy production by 2030.
 - Consulting on the development of local partnerships for a limited number of supportive communities who wish to host new onshore wind infrastructure in return for benefits, including lower energy bills.
 - Consulting on amending planning rules for ground-mounted solar to strengthen policy in favour on development on non-protected land.
 - Potential for revised permitted development rights in relation to rooftop solar to increase scope of new development without the need for an application for planning permission.
 - Updating national policy statements so they are recognised in the planning system.
 - Updating planning policy to support repowering of onshore wind energy.

Shale Gas Exploration

- The Energy Minister has commissioned the British Geological Survey to advice on the latest scientific evidence concerning shale gas extraction commonly known as fracking. The review of evidence will include consideration of the following:
 - Whether there have been any new developments in the science of fracturing.
 - Whether new techniques are suitable for use in the UK.
 - How seismicity compares with other forms of underground energy production.
 - A review of safe thresholds for activity.
 - Whether there are there more suitable locations with less problematic geology than those previously tested in Lancashire.
- The review of evidence will be desk based and a deadline has been set for the end of June for the British Geological Society to report its findings.

UK Shared Prosperity Fund Allocations Levelling Up Round 2

- On 13 April DLUHC set out the allocations for 2022-23, 2023-24 and 2024-25 financial years for authorities across the United Kingdom for the UK Shared Prosperity Fund. In

England this includes allocations to County Councils, District Councils, London Boroughs, Unitary authorities and Mayoral Combined Authorities.

National Archives: Publication of Court Judgments

- The National Archives will manage the preservation, storage and publication of court and tribunal judgments from now on. Judgments and tribunal decisions will be available on the National Archives website free of charge via the [Find Case Law](#) service where users can search records.

Current Consultations

Environment Act 2021: Environmental Targets

- Defra is consulting on potential [environmental targets](#) under the *Environment Act 2021*, including biodiversity on land and in the sea, water quality and availability, resource efficiency, waste reduction and air quality. The consultation closes on 11 May.

Nature Recovery Green Paper

- Defra is seeking views on the [Nature Recovery Green Paper: Protected Sites and Species](#). The consultation closes on 11 May. The Green Paper outlines areas where DEFRA considers that change is required to meet nature recovery ambitions and looks at potential consolidation of legislation relating to protected sites and species following the UK's exit from the European Union, as well as several policy areas relating to biodiversity targets including protecting 30% of land and sea in the UK by 2030 (30 by 30).

Recent Consultation Responses

Biodiversity Net Gain Regulations and Implementation

- Historic England responded to Defra's [consultation](#) on how biodiversity net gain will be applied to *Town and Country Planning Act 1990* development, as well as Nationally Significant Infrastructure Projects under the *Planning Act 2008*. The consultation response is available to view [here](#).

Landscapes review (National Parks and AONBs): Implementing the Review

- Historic England responded to Defra's consultation on [Government Response to the Landscapes Review](#) concerning how proposals may be implemented, including potential changes to legislation. This includes the potential for a statutory role within the planning system for AONB bodies, both for plan making and development management. The consultation response will be published [here](#) shortly.

Draft River Basin Management Plans

- Historic England also responded to the Environment Agency's consultation on [Draft River Basin Management Plans](#) for the period 2021-2027. The consultation response will be published [here](#) shortly.

Calendar

May

- 10 (with an alternative choice of dates of 11 and 12 May) Historic England online training: *Module 1 - Fundamentals of Disability Inclusion*. Please note spaces are limited to 20 people per session.
- 11 Defra's consultation closes on both the Environment Act 2021: Environmental Targets and the Nature Recovery Green Paper.
- 17 (with an alternative choice of dates of 18 and 19 May) Historic England online training: *Module 2 - Supporting Disabled Employees*. Please note spaces are limited to 20 spaces per session.
- 17 Historic England and English Heritage Trust joint online workshop on *Research Ethics and Integrity*.
- 24 (with an alternative choice of dates of 25 and 26 May) Historic England online training: *Module 3 - Accessibility in the Built Environment*. Please note spaces are limited to 20 people per session.

Historic England

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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 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 (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 (Second edition): 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 (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)*