



Planning Bulletin June 2023

This monthly note highlights some of the recent and forthcoming developments in the world of planning, from a heritage perspective. 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.

Government Departments

Departmental Appointments

- On 22 June, the Department for Culture, Media and Sport [announced the appointment](#) of [Susannah Storey](#) as the new Permanent Secretary, to support the [Rt Hon Lucy Frazer KC MP](#), the Secretary of State for Culture, Media and Sport, and her Ministerial team.

Legislation and Matters Arising

Emerging Legislation - England

This section provides a summary of updates to emerging legislation in the last month. Further information on what the emerging legislation covers and its overall progress to date can now be found in [Appendix I](#).

Government Bills

Levelling Up and Regeneration Bill

- House of Lords Report Stage for the [Levelling Up and Regeneration Bill \(LURB\)](#) has been scheduled to take place on 11 and 13 July. It is unlikely that the Bill will complete its passage through Parliament before the summer recess as there will be just four sitting days from the end of report stage for third reading and consideration of amendments in both Houses. Therefore, the Bill is likely to carry over into the next parliamentary session.

Retained EU Law (Revocation and Reform) Bill

- Throughout June the [Retained EU Law bill](#) has proceeded to ‘ping pong’ (i.e. pass back and forth between Commons and Lords) as further issues were considered. On 26 June, following assurances from the Commons, the Lord’s withdrew their amendments for an environmental non-regression clause and parliamentary scrutiny. The assurances were that Government will not decrease environmental protections, that statutory instruments will be subject to [affirmative procedure](#) and that significant reforms to retained EU law will be subject to public consultation. The bill was given [Royal Assent](#) on 29 June.



The Energy Bill

- The [Energy Bill](#) is currently being debated at committee stage.

High Speed Rail (Crewe to Manchester) Bill

- No change.

Private Members' Bills

Green Belt (Protection) Bill

- The second reading of the [Green Belt \(Protection\) Bill \(GBPB\)](#) is scheduled to take place on 7 July. However, the House is currently not expected to sit on this day.

Private Burial Grounds and Cemeteries Bill

- No change.

Ecology Bill

- No change.

Carbon Emissions Bill

- No change.

Private Bills

Bishop's Stortford Cemetery Bill

- No change.

Emerging Legislation – Wales

Historic Environment (Wales) Act 2023

- The [Historic Environment \(Wales\) Bill](#) was introduced into Welsh Parliament on 4 July 2022, passed on 28 March 2023 and received Royal Assent on 14 June.
- The bill consolidates and restates existing historic environment legislation into one Act. Further information on the bill, including the explanatory notes and details of passage the bill are available on the [Welsh Parliament Website](#).
- Although the Act has received Royal Assent, it is not expected to come into force until later in 2024 when supporting secondary legislation and guidance have been created.



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, and searches can also be carried out by address, date, or decision reference.

Committees

Built Environment Committee

- Transcripts from the [inquiry into the impact of environmental regulations on development](#) have been published. This inquiry is seeking to evaluate how environmental regulations are implemented through the planning system and their interactions between the different environmental regulations. Further evidence sessions are scheduled for 4 and 11 July.

Climate Change Committee

- On 22 June, it was announced that the Government and devolved administrations have appointed Professor Piers Forster, a Professor of Physical Climate Change at the University of Leeds, as the interim Chair of the [Climate Change Committee](#).

Environmental Audit Committee

- Evidence submitted in the [inquiry into Enabling Sustainable Electrification of the UK Economy](#) has been published. The inquiry is examining issues and opportunities for low carbon grid connections, and to date oral evidence has been given by the Commissioner and Assistant Director of the National Infrastructure Commission.

Levelling Up, Housing and Communities Committee

- The [findings of the funding for levelling up inquiry](#), launched on 20 October 2022, have now been published and the Government's response is due by 26 July. The [inquiry into the funding for levelling up](#) looked at the allocation of levelling-up resources and the aim, size and focus of the many different funds available. The inquiry also explored how far the Government's approach to funding for levelling up, and proposed initiatives such as Investment Zones, contributes to its objective of levelling up the country.
- On 13 and 27 June, [letters from Rachel Mclean](#), Minister of State for Housing and Planning to the Chair, were submitted to the [inquiry into reform to national planning policy](#) which is looking at the proposed changes to the National Planning Policy



Framework (NPPF) and the Government's wider approach to planning reform. The letters covered:

- Measures on self and custom build
- Small sites commitments
- Commitments to local authority resourcing
- The impact of changes to planning policy since 2010
- Alignment policy

Public Accounts Committee

- The [Public Accounts Committee](#) is holding an [inquiry into support for innovation to deliver net zero](#). The Committee will question senior officials at the Department of Energy Security and Net Zero, HM Treasury and the Department for Science, Innovation and Technology on the Government's approach to investment in research and innovation to deliver its net zero targets. Oral evidence sessions commenced on 15 June.

Government Planning Letters

Letters to Chief Planning Officers

The Department for Levelling Up, Housing and Communities (DLUHC) regularly writes letters to chief planning officers of local planning authorities in England, providing guidance on planning.

Planning Update Newsletter: 19 June

- A [DLUHC Planning Newsletter](#) was published on 19 June, by the Chief Planner, Joanna Averley. The letter covered the topics/announcements, including:
 - The launch of a new Local Planning Authority skills and resourcing survey to help target support and monitor resourcing and skills over time.
 - Publication of the [Government's response to the compulsory purchase-compensation reforms consultation](#). This consultation sought views on proposals to cap or remove the payment of compensation for the prospect of planning permission ('hope value') when powers of compulsory purchase are used. Via the Levelling Up and Regeneration Bill, the Government is introducing a means to restrict the payment of hope value in certain types of schemes (e.g. those that enable affordable and social housing, education or health related development) provided there is justification in the public interest to do so.



- At 1:30pm on 17 July, the [Office for Place](#) is presenting a free [Design Code Pathfinder programme webinar](#) to showcase the results of the programme.

Advice

Historic England Advice

- All [Historic England planning advice](#) is available on our website and [Appendix II](#), below, includes a list of all Good Practice Advice notes (GPAs) and Historic England Advice Notes (HEANs).

Historic England Stones Guide

- On 6 June, Historic England launched the [Building Stones Database for England](#) which is accompanied by 45 illustrated guides highlighting the geology and local building stones across the country. The database is the country's first online searchable map explorer tool, bringing together information on over 4,000 important local building stones, where they were extracted and used, and potential sources for repairs and new construction.

Historic Almshouses: A Guide to Managing Change - draft Historic England Advice

- Historic England is continuing to consult on our [draft advice note on historic almshouses](#), which provides advice on managing change to these assets. Almshouses often have considerable historic and architectural significance deriving from the influence of their function (use for housing elderly people) on their form and their age. However, their use has subtly changed over time and modern updates are often required. This advice note suggests how historic and architectural significance can be retained while supplying more comfortable and appropriate housing.
- The consultation closes on 26 July 2023. All responses should be sent to governmentadvice@HistoricEngland.org.uk

Forthcoming Historic England Advice

- A new Historic Environment Advice Note (HEAN) on Managing Change Affecting World Heritage Sites in England is being drafted. Public consultation on the guidance will be announced in the coming months.
- A new HEAN on Climate Change and Historic Environment is being drafted. Public consultation on the guidance will be announced in the coming months.



Training

- Webinars on a wide variety of topics continue and will sit alongside longer form e-learning courses. Visit [Historic England's training webpages](#) for more information and booking.

Marine Planning

Seabed Digital Mapping

- The crown estate has announced that it is [digitally mapping the UK seabed](#) and building an integrated, spatial analysis platform that will consider existing and future demands on the seabed out to 2050; geographical constraints for all key offshore sectors; existing infrastructure; and environmental designations and future resource requirements for environmental habitats and nature recovery.

Other Items

Active Travel England

- [Active Travel England \(ATE\)](#) the Government's executive for promoting walking, wheeling and cycling is now a statutory consultee and to be consulted on all planning applications for developments equal to or exceeding 150 housing units, 7,500 m² of floorspace or an area of 5 hectares. The establishment of ATE's statutory consultee status follows a pilot project, which saw ATE work with 30 local authorities to assess more than 60 developments over nine months until November 2022. Feedback from a survey at the start of the pilot saw 80% of respondents agree ATE should have a role in the planning system. While ATE will be consulted on developments at and above its thresholds, it will not have any statutory powers to direct the outcome of planning applications.

Heritage Harbours

- This month, the first ten [Heritage Harbours](#) have been announced and comprise: Bristol, Buckler's Hard, Chester, Exeter, Faversham and Oare Creeks, Maldon and Heybridge, Sandwich, Shardlow, Stourport and Wells next the Sea. Heritage Harbours are not a legal designation but recognise that a place of historic maritime significance, coastal or inland, that retains original features, buildings and facilities important for supporting historic vessels and maritime skills.

Historic Environment Scotland

- Historic Environment Scotland (HES) have just launched '[Our Past, Our Future](#)' Scotland's new strategy for the historic environment, which replaces 'Our Place in Time' (2014). The

strategy sets out the principles and priorities for sustaining and enhancing the benefits of Scotland's historic environment.

HS2 Woodland Fund Reopens

- The [HS2 Woodland Fund](#) has reopened for new applications, with £3.25 million available to support woodland creation and the restoration of plantations of ancient woodland sites along the High Speed Two (HS2) Phase One route.

Local Government Association Funding

- The Department for Levelling Up, Housing and Communities has announced that it is granting £1.59 million to the Local Government Association to [fund a new scheme to support graduates into the planning sector](#). The funding will support 30 students over two years and remain open until 30 June 2025.

Post-implementation Reviews of Environmental Laws

- On 27 June, the [DEFRA response to the Office of Environmental Protection's \(OEP\) report on Post Implementation Review of Environmental Law](#) was published. The OEPs report had concluded that the Government has not consistently completed legally required Post-Implementation Reviews (PIRs) of environmental laws and the Government response acknowledged a backlog of PIRs to be addressed by the following:
 - Assessing all overdue PIRs against prioritisation criteria, including considering links to retained EU law (REUL) and future reform work.
 - Producing action plans for all overdue PIRs with clear phased timescales for completion and individual deadlines, to be completed by the end of 2024.
 - A bespoke digital application for internal tracking and reporting on PIRs.
 - External legal support to provide assurance that we have captured all outstanding requirements.
 - New governance processes.

Rural strategy

- On 6 June, the Government announced the publication of '[Unleashing Rural Opportunity](#)' a document which sets out the Governments proposals to create jobs and growth in the countryside. The plan states that Government will soon consult on possible changes to permitted development rights for converting agricultural buildings and that additional measures to unlock more small-scale rural housing – potentially via permission in principle – will be considered. The document proposes the introduction of a new network of “rural housing enablers”, who will “help to identify sites with local support for



development and in keeping with the local area”. More rural planning training may be provided to councils.

Current Consultations

Developing Local Partnerships for Onshore Wind in England

- The Department for Energy Security and Net Zero (DESNZ) has a [consultation on Developing Local Partnerships for Onshore Wind in England](#) which is seeking views on:
 - Improving the way developers and communities engage when an onshore wind site is proposed in a local area.
 - Whether improvements can be made to the system of community benefits, so that communities directly benefit from cheap, clean, secure power.
- The consultation closes on July 7.

High Street Rental Auctions

- DLUHC’s [consultation on the High Street Rental Auctions](#) has been extended and is now running until 7 July. High Street Rental Auctions are designed to bring disused commercial properties back into use, by letting Councils auction off a building lease for 1-5 years. The proposals include two new permitted development rights that would allow commercial buildings to be converted to other uses or divided up into multiple units during these leases, and for these changes to be made permanent at the end of the lease.

Shaping the Future of England's Strategic Roads

- The Department for Transport (DFT) has a [consultation on Road Investment Strategy \(RIS3\)](#), which will set out investment in the strategic road network (SRN) during the third road period (2025 to 2030). The consultation closes on 13 July.

Recent Consultation Responses

Historic England has recently submitted several [responses to recent consultations](#), which are now available on our website. These include:

Department for Energy Security and Net Zero

- [Planning for new energy infrastructure: revisions to National Policy Statements](#)
- [Proposals for offshore hydrogen regulation](#)



Department for Levelling Up Housing and Communities

- [Environmental Outcomes Reports: a new approach to environmental assessment](#)
- [Technical Consultation on the Infrastructure Levy](#)

Calendar

July

July 7 - DESNZ [consultation on Developing Local Partnerships for Onshore Wind in England](#) closes.

July 7 – DLUHC’s [consultation on the High Street Rental Auctions](#) closes.

July 13 – DFT [consultation on Shaping the Future of England's Strategic Roads](#) closes.

July 26 – Historic England’s consultation on the draft Historic Almshouses guidance closes.

Planning Bulletin Notifications

If you did not receive this edition of Planning Bulletin direct from Historic England, you can sign up for notifications when a new edition is issued by emailing: governmentadvice@HistoricEngland.org.uk

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Appendix I: Progress of Legislation to Date

This appendix contains background information on emerging legislation that has the potential to influence the management and protection of the historic environment. The latest progress for any bills is reported in the main 'Emerging Legislation' section of the newsletter above.

Government Bills

Levelling Up and Regeneration Bill

- The [Levelling Up and Regeneration Bill \(LURB\)](#) makes provisions for a wide range of matters, including aspects of planning, local democracy and devolution, and levelling up measures. Amongst other things, LURB makes provision for:
 - National development management policies, which will sit alongside local development plan policies.
 - A replacement for the Community Infrastructure Levy.
 - Environmental Outcome Reports to replace Environmental Impact Assessments/ Strategic Environmental Assessment.
 - Changes to compulsory purchase and enforcement powers.
 - Powers in relation to planning data.
 - A requirement for local authorities to have design codes for their area.
- The LURB contains five key clauses relating to the historic environment:
 - The duty to have special regard to the preservation or enhancement of heritage assets, and their settings, will apply to a wider range of designated heritage assets (Clause 95, previously 92);
 - It introduces Temporary Stop Notices for listed building works, increasing enforcement powers (Clause 96, previously 93);
 - New powers to enable Urgent Works Notices to be served on occupied buildings and any costs to be entered as a land charge (Clause 97, previously 94);
 - It removes the requirement for local authorities to provide compensation when they serve a Building Preservation Notice on a historic building under threat of damage whilst it is considered for listing (Clause 98, previously 95);



- A statutory underpinning for Historic Environment Records, to facilitate a strong evidence base for the new planning system (Clause 212, previously 185).
- A series of [publications related to the LURB](#) are available. These include a Policy Paper, explanatory notes and research briefings.
- The LURB has passed through the House of Commons and is making its way through the House of Lords.

Retained EU Law (Revocation and Reform) Bill

- Introduced to the House of Commons in September 2022, the [Retained EU Law \(REUL\) \(Revocation and Reform\) Bill](#) will revoke certain retained EU law the end of 2023. It would not apply to retained EU law that was domestic primary legislation. Any retained EU law that still applied after the end of 2023 would be renamed as assimilated law. The Bill would give ministers and devolved authorities powers to restate, reproduce, revoke, replace, or update, retained EU law and assimilated law by statutory instrument. [Publications related to the REUL Bill](#) include three briefing papers and three explanatory notes.
- On 10 May Kemi Badenoch provided an update on the REUL Bill, announcing that the sunset clause was to be removed and replaced by a schedule of specific EU laws to be revoked at the end of 2023. The [schedule of retained EU law](#) to be revoked or sunset by 31 December was published on 15 May.
- The REUL Bill has passed through both the House of Commons and the House of Lords and is now in its final stages.

The Energy Bill

- [The Energy Bill](#) was introduced to increase resilience and reliability of energy systems across the UK, support the delivery of the UK's climate change commitments, and reform the UK's energy system while minimising costs to consumers and protecting them from unfair pricing. The Energy Bill has three key drivers:
 - Leveraging investment in clean technologies.
 - Reforming the UK's energy system and protecting consumers.
 - Maintaining the safety, security and resilience of the energy systems across the UK.
- [Briefings for the Energy Bill](#) were published on 14 July and 9 December 2022.
- Introduced in the House of Lords on 6 July 2022, it completed its passage through that House on 24 April and immediately passed to the Commons where following its second reading on 9 May, it was sent to a Public Bill Committee.



High Speed Rail (Crewe to Manchester) Bill

- The [High Speed Rail \(Crewe to Manchester\) Bill](#) 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.
- The Bill received its first reading in the House of Commons on 11 May. On 16 June a High-Speed Rail (Crewe to Manchester) Bill Research Briefing was published to inform the Bill's Second reading on 20 June 2022. Following its second reading, a petitioning period was started. This allowed individuals, groups and organisations 'directly and specially' affected by the Bill to submit a petition against the Bill.
- Between 6 July and 1 September 2022, the Supplementary Environmental Statement 1 (SES1) and the Additional Provision 1 Environmental Statement (AP1 ES) for the proposed High Speed Two (HS2) railway between Crewe and Manchester was open to public consultation. The findings of the HS2 Environmental Statement consultation were reported on 26 October 2022. It includes comments on the value of a historic canal corridor and potential effects to it.
- On 13 December 2022, the House of Commons agreed a motion to appoint Members to the [High-Speed Rail \(Crewe to Manchester\) Bill Select Committee](#) who will commence work considering petitions against the Bill. A date for the Committee stage has yet to be announced.

Private Member's Bills

Green Belt (Protection) Bill

- The [Green Belt \(Protection\) Bill \(GBPB\)](#) seeks to establish a national register of Green Belt land in England. The Bill would also restrict the ability of local authorities to de-designate Green Belt land and make provision about future development of de-designated Green Belt land.
- The GBPB is currently passing through the House of Commons, where it was introduced in the 2021-2022 session of Parliament.

Private Burial Grounds and Cemeteries Bill

- The [Private Burial Grounds and Cemeteries Bill](#) aims to make provision for the regulation of private burial grounds and cemeteries. It was introduced to the House of Lords on 15 June 2022. The Second reading (i.e. general debate on all aspects of the Bill) is yet to be scheduled.



Ecology Bill

- The [Ecology Bill](#) (previously the [Climate and Ecology Bill](#)) was introduced through the House of Lords in the 2021-22 parliamentary session. The Bill would impose a duty on the Government to achieve defined nature targets, to halt and reverse the UK's overall contribution to the degradation and loss of nature. A [Library Briefing for the Climate and Ecology Bill](#) was published by the House of Lords Library on 11 July 2022. The Bill underwent Committee Stage in November 2022, and Report Stage in January this year; no changes were made.
- The [Ecology Bill](#) had its third reading in the House of Lords on 21 April. The Bill passed (with the removal of clause 3: Financial Provisions) and was sent to the House of Commons, where it had its first reading on 24 April. The Bill's second reading is scheduled for 24 November.

Carbon Emissions (Buildings) Bill

- The [Carbon Emissions Bill \(CEB\)](#) proposes that the whole-life carbon emissions of buildings be reported with a buildings application and that limits are set on embodied carbon emissions in the construction of buildings.
- The CEB was introduced in the House of Commons in February 2022 and had its second reading on 25 November 2022. It was scheduled to be debated again on 24 February, but this has been delayed.

Private Bills

Bishop's Stortford Cemetery Bill

- The [Bishop's Stortford Cemetery Bill](#) aims to confer powers upon Bishop's Stortford Town Council to extinguish rights of burial, and allow the disturbance of human remains in Bishop Stortford's New Cemetery and Old Cemetery in order to increase space for interments. The Bill, which includes explanatory notes at its start, was introduced to the House of Lords on 23 January.
- From 24 January to 6 February the Bill was open to petition by those "specially and directly affected" by it. The Bill had its second reading in the House of Lords on 28 February and has proceeded to an Opposed Bill Committee (Select Committee) to consider the petition against it.



Appendix II: 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: The Historic Environment and Site Allocations in Local Plans \(October 2015\)](#)
- [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: Local Heritage Listing \(Second edition\) \(January 2021\)](#)
- [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 \(February 2018\)](#)



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- [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 \(June 2021\)](#)
- [HEAN 17: Planning and Archaeology \(November 2022\)](#)