



## Planning Bulletin: October 2022

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.

Previous editions of Planning Bulletin (back to September 2017) are available [on-line](#).

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## Government Departments

### Prime Minister's Office, 10 Downing Street

- The King appointed the Rt Hon Rishi Sunak MP (Richmond (Yorkshire)) as Prime Minister, First Lord of the Treasury, Minister for the Civil Service, and Minister for the Union on 25 October. The Prime Minister then gave a statement from Downing Street. This followed the King accepting the resignation of the Rt Hon Elizabeth Truss MP (South West Norfolk).

### Cabinet Office

- The Rt Hon Oliver Dowden MP (Hertsmere) was appointed Chancellor of the Duchy of Lancaster on 25 October.

### Department for Digital, Culture, Media and Sport

- The Rt Hon Michelle Donelan MP (Chippenham) has been re-appointed as Secretary of State for Digital, Culture, Media and Sport.

### Department for Levelling Up, Housing and Communities

- The Rt Hon Michael Gove MP (Surrey Heath) was appointed Secretary of State for Levelling Up, Housing and Communities and Minister for Intergovernmental Relations on 25 October.

### Department for Business, Energy and Industrial Strategy

- The Rt Hon Grant Shapps MP (Welwyn Hatfield) was appointed Secretary of State for Business, Energy and Industrial Strategy on 25 October. This follows the resignation of Jacob Rees-Mogg MP (North East Somerset).

### Department for Environment, Food and Rural Affairs

- The Rt Hon Thérèse Coffey MP (Suffolk Coastal) was appointed Secretary of State for Environment, Food and Rural Affairs on 25 October.

### Department for Transport

- The Rt Hon Mark Harper MP (Forest of Dean) was appointed Secretary of State for Transport on 25 October.

### HM Treasury

- The Rt Hon Jeremy Hunt MP (South West Surrey) was appointed Chancellor of the Exchequer on 14 October.

## Legislation and Matters Arising

### Emerging Legislation

#### *Government Bills*

- *Levelling Up and Regeneration Bill*: The Bill makes provisions for a wide range of matters, including aspects of planning, local democracy and devolution, and levelling up measures. Amongst other things the Bill makes provision for:
  - national development management policies to sit alongside local development plan policies;
  - a replacement for the Community Infrastructure Levy;

- Environmental Outcome Reports to replace Environmental Impact Assessments;
  - 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 Bill contains five clauses relating to the historic environment:
    - a 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 92);
    - enforcement powers introducing Temporary Stop Notices for listed building works, aligning them with general planning enforcement powers. (Clause 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 94);
    - removal of compensation for local authorities when they serve a Building Preservation Notice on a historic building under threat of damage whilst it is considered for listing. (Clause 95);
    - a statutory underpinning for Historic Environment Records, enabling them to be a strong evidence base for the new planning system. (Clause 185).
  - The Bill was accompanied by an Explanatory Note and a Policy Paper giving further information on its contents and future consultations on aspects of the Bill. The Bill had its second reading in the House of Commons on 8 June and following Committee stage is now at Report stage.
  - On 30 August DLUHC announced that amendments would be made to the Bill to introduce powers which will enable Nationally Significant Infrastructure Projects (NSIPs) to be determined faster. The amendments also propose powers which would allow smaller changes to NSIPs that already have approval to be made more quickly. As part of the announcement, funding of £750,000 has been awarded to ten council-led projects to support innovation in community engagement on infrastructure projects. The announcement included publication of a policy statement, Improving Performance of the NSIP Planning Process and Supporting Local Authorities, which will be subject to a future consultation. A full Action-Plan is also due to be published.
  - A Research Briefing on the *Levelling Up and Regeneration Bill 2022-23*, was also published as part of the House of Commons Library on 1 June.
  - UK Infrastructure Bank Bill 2022-23: The Bill has been introduced in the House of Lords to give statute to the UK Infrastructure Bank. Its purposes are to contribute to addressing climate change and to support regional and local economic growth through investment in infrastructure. The Bill received its first reading in the House of Lords on 11 May, and its second reading on 24 May. The Bill reached Reporting stage on 4 July, had its Third reading in the House of Lords on 11 July and has now passed to the House of Commons having its First reading on 11 July, a date for the Second reading is awaited. A Research Briefing was published by the House of Lords Library on 19 May.
  - 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.

- The Bill has been carried over from the previous session of Parliament and received its first reading in the current Session of Parliament on 11 May. The Bill received its second reading on 20 June in the House of Commons and has now passed to Committee stage, a date for sitting has yet to be announced. A Research Briefing was published by the House of Commons Library on 16 June.
- Energy Bill: The Bill has been introduced through the House of Lords. The aim of the Bill is 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 Bill has three key pillars:
  - 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.
- The Bill had its First Reading in the House of Lords on 6 July, its Second reading on 19 July and is now at Committee Stage. Committee sat on 5 and 7 September. A Library Briefing for the Energy Bill was published by the House of Lords Library on 14 July.

#### *Private Member's Bills*

- Carbon Emissions (Buildings) Bill: This Private Member Bill has been introduced with proposals to require the whole-life carbon emissions of buildings to be reported; to set limits on embodied carbon emissions in the construction of buildings; and for connected purposes. The Bill had its first reading in the House of Commons on 2 February in the previous session of Parliament and had its first reading in this current session on 20 June, the second reading is due on 25 November.
- Green Belt (Protection) Bill: This Private Member Bill seeks 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 had been introduced in the previous session of Parliament but had not progressed beyond the first reading and was reintroduced in the current 2022-2023 session in the House of Commons on 20 June 2022. The Bill is due to have its second reading on 28 October.
- Climate and Ecology Bill: The Bill was introduced through the House of Lords. The Bill would impose a duty on the government to achieve defined climate and nature targets. This would also include introducing a strategy for reducing the UK's overall contribution to global greenhouse gas emissions to net zero. The bill would also impose a similar requirement on targets designed to halt and reverse the UK's overall contribution to the degradation and loss of nature. The Bill had its First reading in the House of Lords on 25 May, its Second reading on 15 July and has now passed to Committee Stage for which a date is awaited. A Library Briefing for the Climate and Ecology Bill was published by the House of Lords Library on 11 July.

#### **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

### Land Use in England Committee

- The Committee is holding an Inquiry to consider *Land Use in England*. A formal meeting (oral evidence session) is planned for 2 November. 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.

### Levelling Up, Housing and Communities Committee

- The Committee is holding an inquiry to consider *Funding for Levelling Up*. The Committee's inquiry will examine questions around the allocation of levelling-up resources and the aim, size and focus of the many different funds available. The inquiry will also explore 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.

### Digital, Culture, Media and Sport Committee

- The Committee is holding an inquiry titled *Reimagining Where We Live: Cultural Placemaking and the Levelling Up Agenda*, looking into the role that culture might play in delivering a government commitment to level up the country. As part of the Inquiry consideration will be given to funding for cultural initiatives and how well the current model ensures that distribution goes to areas that might be missing out.

### Environmental Audit Committee

- On 30 September the House of Commons published *Building to Net Zero: Costing Carbon in Construction: Government Response to the Committee's First Report*. The First Report being published on 26 May. Topics include:
  - Whole-life carbon assessments (WLCA)
  - Building materials
  - Government procurement
  - Retrofit and reuse of existing buildings
  - Skills and training
- The report is a collective response from the Departments for Business, Energy and Industrial Strategy (BEIS), Transport (DfT), Levelling Up, Housing and Communities (DLUHC), Education (DfE), and the Environment, Food and Rural Affairs (Defra), as well as HM Treasury (HMT) and the Infrastructure and Projects Authority (IPA).
- Responses include:
  - The recognition of the importance of WLCA in ensuring that carbon is properly accounted for, encouraging the industry to use low carbon materials and to produce more efficient, low-carbon designs.

- An agreement that a standardised method of calculation, for assessing embodied carbon at building level, is required.
- The intention to review the National Planning Policy Framework to make sure it contributes to climate change mitigation and adaptation as fully as possible.
- There are no plans to carry out specific research of the impact of permitted development rights on incentives to retrofit existing properties.
- The permitted development right for the demolition of specified types of buildings (single, purpose-built detached blocks of flats, single detached buildings for office, light industrial or research and development use) and replacement build as residential will be kept under review.

## Guidance

### *Improving Planning Performance: Criteria for Designation*

- On 13 October DLUHC published revised criteria for assessing local planning authority performance. Specifically, the document sets out the criteria that the Secretary of State intends to use for making or revoking a designation in respect of a local planning authority's performance in determining applications for major development and, separately, its performance in determining applications for non-major development.

## DLUHC Planning Newsletter

### *Message from Chief Planner*

- A Planning Newsletter was published on 11 October by the DLUHC Chief Planner. The letter covered the following topics:
  - New GOV.UK Digital Land planning data platform
  - Investment Zones
  - Support to local planning authorities providing pre-application services and Planning Performance Agreements
  - Recruiting: Deputy Director, Planning Casework Unit, DLUHC

## 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.
- Historic England has published a new web page on *Building Regulations, Approved Documents and Historic Buildings*, to provide guidance for owners of historic buildings on complying with building regulations in England. It also highlights where in the approved documents there is specific advice about historic buildings.

### Forthcoming Historic England Advice

- A consultation was held on the draft *Planning and Archaeology Historic England Advice Note* earlier in 2022. Responses have been 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 expected later in the year.

## Training

### Historic England

- A new Historic Environment Management (HEM) e-learning programme is being prepared. This will include priority topics and will launch in 2023. In due course this will consist of new blended models of training to include online 'self-study' elements, live webinars and, hopefully, a return to small group courses and site visits.
- 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.

## Other Initiatives

### *Submitting a Planning Appeal*

- A 'beta' planning appeal submission process has been [launched](#) in more than 30 local planning authority (LPA) areas by the Planning Inspectorate. This process will initially be for full planning (s78) and householder appeals. Further LPA areas are to be added in due course. The intention is to simplify the application process for submitting an appeal to make it easier and faster.

### *National Map of Planning Data*

- DLUHC has [launched](#) the National Map of Planning Data. The publicly accessible Map is still in the development stage and does not yet cover all of England, nor is the data complete. The map forms part of the digitisation programme for planning in England. Layers on the map include article 4 directions, conservation area and other natural, built and historic environmental data.

Historic England

Email: [governmentadvice@historicengland.org.uk](mailto:governmentadvice@historicengland.org.uk)

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If you did not receive this edition of Planning Bulletin direct from Historic England, you may wish to sign up for notifications when a new edition is issued, by emailing [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 (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)*
  - *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)*