



# Planning Bulletin August 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.

## Jobs

- **Historic England is recruiting:** we will shortly be advertising for two roles in the Planning and Heritage Reform team, which supports the development of Government policy and legislation on planning and heritage protection. [More information on these roles and how to apply](#) will be available shortly.

## Government Departments

### Departmental Appointments

- At the end of August, Sir Laurie Magnus' second term as Historic England Chairman comes to an end. On August 3, [Lord Neil Mendoza, was announced as his successor](#). Lord Mendoza will commence his 4-year term on 1 September.

## 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

- Report stage for the [Levelling up and Regeneration Bill](#) will resume on 4 September.

##### The Energy Bill

- The [Energy Bill](#) is scheduled to have its report stage and third reading on 5 September.



## High Speed Rail (Crewe to Manchester) Bill

- No change.

## Private Members' Bills

### Countryside and Rights of Way Act 2000 (Amendment) Bill

- The second reading of the [Countryside and Rights of Way Act 2000 \(Amendment\) Bill](#) is scheduled for 1 December 2023. However, the House is currently not expected to sit on this day.

### Green Belt (Protection) Bill

- The second reading of the [Green Belt \(Protection\) Bill \(GBPB\)](#) is scheduled for 15 September. 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.

## 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.



## Recent court case

- [Kazalbash v Secretary of State for Levelling Up, Housing and Communities 2023](#): Planning permission had been refused by the Council for the subdivision of a house in Hillingdon. On appeal, the Inspector refused permission due to the unacceptable impact on the character and appearance of the area. This decision was challenged and quashed by the High Court, but the case went on to the Court of Appeal. The Court of Appeal concluded that the Inspector's planning assessment was logical, coherent, properly reasoned and sufficient to discharge his statutory obligations under section 70 of the 1990 Act and section 38(6) of the PCPA 2004. The Inspector had looked at the relevant local plan policies relating to character and appearance, which referred to the prevailing pattern of development in the area, including building line, set back distances, plot sizes and widths; and whilst there would no change to the external fabric of the building, a new and separate dwelling would be created, with a fence dividing the rear garden in two. The side extension, set back from the established building line, would be, and would be seen as, a new dwelling. This would be inconsistent with the prevailing pattern of development on the street and would be harmful to the character and appearance of the area. The Inspector's decision could not be faulted in law and the appeal was allowed.

## Committees

### Built Environment Committee

- On 2 August, the [Built Environment Committee](#) published [The Impact of Environmental Regulations on Development: Summary of SME Engagement Event](#).

### Environmental Audit Committee

- A new Inquiry has been announced, into the [Role of Natural Capital in the Green Economy](#). The call for evidence closes on **22 September 2023**.

### The Public Accounts Committee

- The [Public Accounts Committee](#) is holding an Inquiry entitled [HS2 Euston: Recall](#) in which it will question senior officials at the Department for Transport (DfT) and HS2 Ltd on progress on the project since its April 2023 evidence session. This Inquiry will be accepting evidence until 10 November.
- The Public Accounts Committee has also opened an Inquiry entitled [Restoration and Renewal Recall](#). The Inquiry is exploring progress on the restoration of the Palace of Westminster, a World Heritage Site, which the committee had previously raised concerns about. This Inquiry will be accepting evidence until 6 October.



## The Levelling Up, Housing and Communities Select Committee

- On August 10, the government published their [response to the Levelling Up, Housing and Communities Select Committee Report of Funding for Levelling Up](#). The committee recommendations and government responses are mainly focused on complete funding with some discussion of Investment Zones, as well as data and metrics.

### 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).

#### 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 soon.

### Training

#### Webinars

- 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, or keep up-to-date on new courses and training news by signing up to receive [Historic England's bi-monthly Training Newsletter](#). Recent new courses cover Climate Change and Retrofit, and forthcoming ones will focus on dealing with at risk sites and assessing statements of significance.

### Infrastructure Planning

#### Accelerating electricity transmission network deployment



- On 4 August, an independent [report on Accelerating Electricity Transmission Network Deployment](#) by the UK's Electricity Networks Commissioner, Nick Winser, was published. The report sets out 18 recommendations aimed at reducing development time for transmission infrastructure.

## Other Items

### Design Code Pathfinder Programme - Masterclasses

- Throughout September to December, the Office for Place is holding a series of free online sessions covering different aspects of developing design codes. [Sessions on 'Coding for Heritage'](#) are being held on 5 October and 14 November.

### Developer Contributions: Inquiry

- The All-Party Parliamentary Group (APPG) on Housing and Planning has launched an [Inquiry into Developer Contributions](#). The objectives of the inquiry are:
  - To assess the opportunities and challenges facing England's developer contributions systems today.
  - To collect evidence and the experiences of organisations, professions and people using Section 106 and CIL to enable development.
  - To assemble and review proposals made to improve the performance of England's developer contributions mechanisms in recent years.
  - To help parliamentarians understand the nature of responses submitted to the Department for Levelling Up, Housing and Communities' recent technical consultation on the Infrastructure Levy.
  - To make recommendations to government on the future direction of its planning reforms.
- Evidence is to be submitted by **5 September**.

### Investment Zones

- On 16 July, the government's [second Investment Zone](#) was announced as Liverpool, Runcorn, St. Helens, Maghull and Prescot. The Liverpool Investment Zone will be focused on Life Science and is partnered with the University of Liverpool. Investment Zones had been discussed since the 2020 [Planning White Paper](#) but the policy was refocussed as per the [Investment Zones Policy Prospectus](#). They are now envisaged as clusters of high growth industries like Advanced Manufacturing, life sciences or green industries, centred around universities. Six more Investment Zones are to be announced in England, with two more in Scotland – potentially in Glasgow City Region and North East of Scotland.



## Natural England Guidance

- Natural England has published new guidance on [Nature Recovery and the Historic Environment](#). The guidance sets out four principles:
  - Consideration of the historic environment from the outset of a project.
  - Maximising environmental benefits.
  - Abide by legal requirements, policy and guidance.
  - Avoid harm, minimise impacts and mitigate.
- Implementation of the guidance is illustrated by case studies.

## Satellite Data Services

- On 22 August, the UK Space Agency announced the start of [ten new satellite data service projects](#) that are designed to understand water pollution, carbon emissions, biodiversity changes and the infrastructure of decarbonising technologies.

## Consultations

### Ongoing consultations

#### Local Landscape Designations

- Natural England's [consultation on Local Landscape Designations](#) continues. It is seeking input from local authorities to understand their use in development plans. This consultation **closes on 8 September**.

#### Operational reforms to the Nationally Significant Infrastructure Project (NSIP) Consenting Process

- On 25 July, DLUHC opened a consultation on [Operational reforms to the Nationally Significant Infrastructure Project \(NSIP\) Consenting Process](#). The consultation follows on from the recent publication of the [Nationally Significant Infrastructure Projects Action Plan](#) and includes proposals to:
  - Introduce operational reform to support a faster consenting process
  - Recognise the role of local communities and strengthening engagement
  - Address system capability - building a more diverse and resilient resourcing model
- The consultation **closes on 19 September**.



## Protecting Hedgerows

- DEFRA is currently consulting on proposals to amend the [Hedgerow Regulations 1997](#), which recognise both the natural and historical/archaeological importance of hedgerows. The [consultation on Protecting Hedgerows](#) considers proposals to replicate existing hedgerow requirements derived from EU directives by amending the Hedgerow Regulations, or alternatively developing new legal protections for hedgerows.
- The consultation **closes on September 20**.

## Permitted Development Rights

- On 24 July, DLUHC launched a [consultation on Permitted Development Rights](#). The consultation covers:
  - Changes to permitted development rights that allow for the change of use to dwellinghouses;
  - Changes to permitted development rights that allow agricultural diversification and development on agricultural units;
  - Changes to permitted development rights that allow for non-domestic extensions and the erection of new industrial and warehouse buildings;
  - Changes to the permitted development right that allows for the temporary use of land to allow markets to operate for more days;
  - Changes to the existing permitted development right that allows for the erection, extension or alteration of schools, colleges, universities, hospitals, and closed prisons to also apply to open prisons;
  - The application of local design codes to certain permitted development rights.
- It also contains a call for evidence led by DEFRA seeking views on nature-based solutions, farm efficiency projects and diversification.
- The consultation **closes on 25 September**.

## Freight and Logistics and the Planning System: Call for Evidence

- DFT and DLUHC have launched a consultation which seeks views on the interaction between freight and logistics and the planning system in England. [Freight and logistics and the Planning System: Call for Evidence](#).
- The consultation **closes on 6 October 2023**.



## Plan-making Reforms: Consultation on Implementation

- On 25 July, DLUHC launched a [consultation on Plan-making Reforms](#) aimed at making plans simpler, shorter and more accessible. It is proposed that any policy changes – and accompanying guidance - will be in place by autumn 2024.
- The consultation also includes proposals for piloting Community Land Auctions (CLA), an alternative approach for identifying land for allocation for development that seeks to improve land value capture for the benefit of local communities.
- The consultation also contains proposals for new Supplementary Plans, which will enable planning authorities react quickly to changes in their areas, or to establish authority-wide design policies, by producing a plan that has the same ‘weight’ as local plans or minerals and waste plans. These Supplementary Plans will be subject to consultation and independent examination.
- The consultation closes on 18 October.

## Calendar

### September

September 5 – The APPG’s [call for evidence on Developer Contributions](#) closes.

September 8 – Natural England’s [consultation on Local Landscape Designations](#) closes.

September 11 – Applications for the [Planning Skills Delivery Fund](#) close.

September 19 – DLUHC’s consultation on [Operational reforms to the Nationally Significant Infrastructure Project \(NSIP\) Consenting Process](#) closes.

September 20 – DEFRA’s [consultation on Protecting Hedgerows](#) closes.

September 25 – DLUHC’s [consultation on Permitted Development Rights](#) (including a DEFRA call for evidence on nature-based solutions, farm efficiency projects and diversification) closes.

### October

October 6 - The [Freight and logistics and the Planning System: Call for Evidence](#) closes.

October 18 – DLUHC’s [consultation on Plan-making Reforms](#) closes.



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## November

November 10 – The Public Accounts Committee [HS2 Euston: Recall Inquiry](#) call for evidence 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](mailto:governmentadvice@HistoricEngland.org.uk)

If you no longer wish to receive Planning Bulletin, or have received this in error, please email [governmentadvice@HistoricEngland.org.uk](mailto:governmentadvice@HistoricEngland.org.uk) and we will remove you from the mailing list.



# 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.

### 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. It is now continuing its journey through the House of Commons.

### 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

### Countryside and Rights of Way Act 2000 (Amendment) Bill

- On 20 June, the [Countryside and Rights of Way Act 2000 \(Amendment\) Bill](#) had its first reading in the House of Commons. The Bill seeks to amend the Countryside and Rights of Way Act 2000 to extend the right of public access to the countryside, including to woodlands, the Green Belt, waters and more grasslands; and for connected purposes.

### 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 \(November 2022\)](#)