



Planning Bulletin: July 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

- Boris Johnson gave a statement in Downing Street on 7 July giving notice of his resignation as Prime Minister. He will continue to be in post until a new Prime Minister is appointed, who is expected to be in post from 5 September.
- Press Releases were issued on Ministerial Appointments on 5 July and 7 July by the Prime Minister's Office, 10 Downing Street.

Department for Digital, Culture, Media and Sport

- Matt Warman MP (Boston & Skegness) was appointed as a Minister of State at the Department for Digital, Culture, Media and Sport on 7 July.
- Damian Collins MP (Folkestone & Hythe) was appointed as a Parliamentary Under Secretary of State at the Department for Digital, Culture, Media and Sport on 8 July.

Department for Levelling Up, Housing and Communities

- The Rt Hon Greg Clark MP (Tunbridge Wells) was appointed as Secretary of State for Levelling Up, Housing and Communities on 7 July.
- Paul Scully MP (Sutton and Cheam) was appointed as a Minister of State at the Department for Levelling Up, Housing and Communities on 7 July. He remains as Minister for London.
- Marcus Jones MP (Nuneaton, Arley and Hartshill) was appointed as a Minister of State at the Department for Levelling Up, Housing and Communities on 7 July.
- Lia Nici MP (Great Grimsby) was appointed as a Parliamentary Under Secretary of State at the Department for Levelling Up, Housing and Communities on 7 July.

Department for Environment, Food and Rural Affairs

- Steve Double MP (St Austell and Newquay) was appointed as a Parliamentary Under Secretary of State at the Department for Environment, Food and Rural Affairs on 7 July.

Department for Transport

- Trudy Harrison MP (Copeland) was appointed as a Minister of State at the Department for Transport on 7 July.
- Karl McCartney MP (Lincoln) was appointed as a Parliamentary Under Secretary of State at the Department for Transport on 7 July.

HM Treasury

- The Rt Hon Nadhim Zahawi MP (Stratford-on-Avon) was appointed as Chancellor of the Exchequer on 5 July.
- Richard Fuller MP (North East Bedfordshire) was appointed as Economic Secretary to the Treasury on 8 July.
- Alan Mak MP (Havant) was appointed as Exchequer Secretary to the Treasury on 8 July.

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 proceeded to Committee stage sitting on 21, 22, 23, 28 and 30 June, 5, 7, 12, 14 and 19 July. The Bill will have further sessions at Committee on 6 and 8 September.
- 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 will go through Committee Stage from 5 September with planned sessions for 7, 12 and 14 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 9 September.
- Climate and Ecology Bill: The Bill 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.

- *Local Authority (Housing Allocation) Bill*: The Bill has been introduced through the House of Lords and is intended to make provision for local authorities to determine their short-term housing needs and housing allocation numbers; and for connected purposes.
- The Bill had its first reading in the House of Lords on 24 May, its second reading on 8 July and has now reached Committee Stage, a date for which is awaited.

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*. To date a call for written evidence has been undertaken alongside oral evidence sessions. The call for written evidence closed on 26 April. Further oral evidence sessions were held on 4, 11, 18 and 20 July. 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 Levelling Up Housing and Communities Committee held a further oral evidence session on the Levelling Up and Regeneration Bill on 18 July.
- A letter was sent from the former Secretary of State for DLUHC to the Chair of the Committee regarding the Levelling Up and Regeneration. Subject heading in the letter included:
 - The primacy of the development plan
 - Consultation on National Development Management Policies
 - Public participation in spatial development strategies and supplementary plans
 - Urgent Crown Development

Digital, Culture, Media and Sport Committee

- The Committee is holding an inquiry on Reimagining Where We Live: Cultural Placemaking and the Levelling Up Agenda 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.

Policy

Written Ministerial Statements

- Levelling Up Fund Update: The Secretary of State for DLUHC published a Written Ministerial Statement on 15 July which announced that he was opening applications for the second round of the Levelling Up Fund. This will allocate £4.8 billion of further funding across the UK. Submissions will be accepted until midday on 2 August.
- Transport Update: The Secretary of State for DfT announced the shortlist for the headquarters of Great British Railways on 5 July. The shortlist of six has been selected from a longer list of forty-two locations and comprises Birmingham, Crewe, Derby, Doncaster, Newcastle upon Tyne and York. Criteria being used to select the location include:
 - alignment to Levelling Up principles
 - connected and easy to get to
 - opportunities for GBR
 - value for money
 - railway heritage and links to the network
 - public support
- The shortlist has gone forward to a consultative public vote to be held by the Great British Railways Transition Team online and by post and closes on 15 August.
- Statement on improving water quality and tackling nutrient pollution: The Secretary of State for Defra published a Written Ministerial Statement on 20 July announcing measures to tackle water pollution. Currently 74 local authorities in 27 catchments across England are affected by issues concerning nutrient pollution on protected sites which are causing them to be in unfavourable condition. This means that in some locations within these authorities planning permission cannot be granted as it would result in excess nutrients.
- As part of the statement it was announced that an amendment to the Levelling Up and Regeneration Bill will be tabled to help reduce pollution from development in relevant catchments. This amendment will place a new statutory duty on water and sewerage companies in England to upgrade wastewater treatment works to the highest technically achievable limits by 2030 in nutrient neutrality areas. Upgrades will still happen elsewhere but on a longer timeframe.
- Feedback from a recent written all for evidence to water companies will also be used to identify where upgrades could be made sooner. The Statement outlines that Defra wants these improvements to be factored into Habitats Regulations Assessment.
- A ministerial direction to support Natural England to establish a Nutrient Mitigation Scheme will be issued. Planning guidance will be issued this summer concerning housing land supply and nutrient mitigation. Planning Practice Guidance will also be updated shortly on the application of the Habitats Regulations Assessment.

DLUHC Letter to Chief Planning Officers

Planning Newsletter

- A Planning Newsletter was issued on 12 July by the DLUHC Chief Planner. The letter was an invitation to a Digital Citizen Engagement LPA Showcase held on 20 July. The

event was held to highlight emerging best practice and lessons learned using digital engagement on planning consultations and what could be done in the future to support a more digitally enabled, user-friendly planning and engagement system.

- A further [Planning Newsletter](#) was also issued on 28 July by the DLUHC Chief Planner. The letter included information on the following matters:
 - Nutrient Neutrality and HRA Update
 - Home Loss Payments under the Land Compensation Act 1973
 - Article 4 Directions: Modification Notices Issued
 - 37th British-Irish Council Summit
 - Digital Citizen Engagement LPA Showcase Event – Recording available
 - PropTech Engagement Fund: Round 2 Project Updates
 - Blog: Digital Planning Reform
 - Stay up to date with the work of DLUHC’s Digital Planning team

Nutrient Neutrality & Habitats Regulations Assessment Update

- A [letter](#) was issued on 21 July by the DLUHC Chief Planner. This letter updated action on nutrient pollution. This followed a Written Ministerial Statement from the Secretary of State for the Environment on 20 July setting out the action the Government is taking to address the issue of nutrient pollution. Subject headings in the letter included:
 - Government action
 - How does this address the issue of nutrient pollution
 - What does this mean for decision and plan making
 - Support from the Planning Advisory Service

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.

Forthcoming Historic England Advice

- A consultation on the draft *[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 expected later in the year.

Other

- On 27 July the [Natural England Action Plan for 2022 to 2023](#) was published. The action plan sets out priorities, budgets and targets in the third year of working towards their strategy *Building Partnerships for Nature Recovery*. The action plan also sets out Natural England’s support for the vision of ‘thriving Nature for people and the planet’

and their commitment to fulfil the government's ambitions for the natural environment in the 25 Year Environment Plan.

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, a return to small group courses and site visits.
- Visit Historic England's training [webpages](#) for more information and booking.

Other Initiatives

Brownfield Land Release Fund 2

- On 8 July DLUHC announced that councils would be able to apply for a share of funding amounting to £180 million from the [Brownfield Land Release Fund 2](#). The first phase of the fund is open for bidding and amounts to £40 million. The intention of the fund is to deliver 17,000 new homes on brownfield land. The rest of the fund will be made available over the following two years.

Street Name Changes

- On 5 July DLUHC [announced](#) that residents and business owners will be given the final say over whether their street name should be changed. These changes followed a public consultation where 90% of people supported communities making the decision. The changes will be introduced upon the enactment of the Levelling Up and Regeneration Bill.

Current Consultations

Strategic Road Network and the Delivery of Sustainable Development

- DfT is holding a [consultation](#) on the updating of *Strategic road network and the delivery of sustainable development (Circular 02/13)*. The consultation started on 21 July and will close on 15 September. The proposed changes include:
 - strengthening environmental policies in response to the transport decarbonisation plan and the drive towards zero emission transport;
 - implementing policy to reflect a recent written ministerial statement about lorry parking and a new section on freight facilities;
 - clarifying policy in order to address legal issues;
 - removing or amending out of date material.

Principles of Marine Net Gain

- Defra is consulting on [Principles of Marine Net Gain](#) and how to best introduce a net gain approach to infrastructure and projects in the marine environment. This consultation sets out the aims of net gain policy for the marine environment and development within it. The consultation closes on 30 August.

The Williams-Shapps Plan for Rail

- DfT is consulting on *A Consultation on Legislation to Implement Rail Transformation*.. The consultation considers the core functions and duties of Great British Railways, a new governance framework and reform of wider industry structures and processes. The consultation closes on 4 August.

Calendar

August

- 4 DfT's consultation on *Legislation to Implement Rail Transformation* closes.
- 30 Defra's consultation on *Principles of Marine Net Gain* closes.

September

- 15 DfT's consultation on the *Strategic road network and the delivery of sustainable development (Circular 02/13)* closes.

Historic England

Email: governmentadvice@historicengland.org.uk

29 July 2022

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.

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)*