



Planning Bulletin: March 2022

This monthly note highlights some of the recent and forthcoming developments in the world of planning from a heritage perspective. For further information about any of the items, please follow the links provided or use the contact information on the last page. Please note that this is not necessarily a complete review of matters and is not intended to provide any legal advice on the issues raised. Unless otherwise stated, it does not comprise the formal position of Historic England on these matters.

Current and previous editions of Planning Bulletin (back to September 2017) are now available on-line [here](#).

Contents

- Historic England
 - Spring Statement
 - Legislation and Matters Arising
 - *Emerging Legislation*
 - *Secondary Legislation*
 - *Heritage Planning Case Database*
 - Committees
 - Guidance
 - DLUHC Letters to Chief Planning Officers
 - Advice
 - *Historic England Advice*
 - *Forthcoming Historic England Advice*
 - Training
 - *Historic England*
 - Other Initiatives
 - Current Consultations
 - Calendar
-
- Appendix I: Historic England Planning Advice

Historic England

Given the easing of restrictions we are in the process of re-opening our offices, although we will continue with hybrid working as appropriate. We will continue to provide advice and grant payments as usual.

Our local teams remain the best first point of call so if you need to contact us, please email your region as normal. For further information, advice, and updates on current Historic England services, please refer to our [website](#).

Spring Statement

- The Spring Statement was delivered by Chancellor of the Exchequer Rishi Sunak on 23 March. It is in full [here](#). Amongst other things the statement included:
 - A time-limited zero rate of VAT on energy saving materials, such as solar panels.
 - Levelling Up Fund second round – a second round of the Levelling Up Fund is being launched. The fund in total provides £4.8 billion for local infrastructure projects. A refreshed [Prospectus](#) has been issued to assist bidders.
 - Changing Places Fund – £25.3 million is being made available to install 500 Changing Places toilets in public places and tourist attractions. A further £6.5 million is being made available where there is little or no provision.

Legislation and Matters Arising

Emerging Legislation

Government Bills

- *Judicial Review and Courts Bill*: This legislation has been introduced to give judges power (under the Judicial Review process) to suspend orders quashing planning decisions with legal flaws, to give those involved time to rectify them without losing the planning permission altogether. The Bill reached Committee stage in the House of Lords being discussed on 21 and 24 February and is now at Report Stage sitting on 31 March.
- *High Speed Rail (Crewe-Manchester) Bill*: This legislation has been introduced to make provision for a railway between a junction with Phase 2a of High Speed 2 south of Crewe in Cheshire and Manchester Piccadilly Station; for a railway between Hoo Green in Cheshire and a junction with the West Coast Main Line at Bamfurlong, south of Wigan; and for connected purposes. The Bill was introduced through its first reading in the House of Commons on 24 January and will now proceed to a second reading, the date of which is yet to be announced.

Private Members' Bills

- *Climate and Ecology Bill*: The Bill requires the Prime Minister to achieve climate and ecology objectives; to give the Secretary of State a duty to create and implement those objectives; to establish a Citizens' Assembly; and to give duties to the Committee on Climate Change regarding the objectives and strategy. A first reading was held on the 2 September, with a second reading now scheduled to take place on 6 May.
- *Planning (Proper Maintenance of Land) Bill*: The Bill makes provision for increased fines for failures to comply with a notice under section 215 of the Town and Country Planning Act 1990. It was introduced to Parliament under the Ten-Minute Rule. A date for the Bill's Second Reading in the House of Commons has not yet been confirmed.
- *Planning and Local Representation Bill*: The Bill includes granting local authorities' power to apply local design standards for permitted development and to refuse permitted development proposals that would be detrimental to the health and wellbeing of an individual or community. It was introduced to Parliament under the Ten-Minute Rule on 15 July 2021. The Bill will be given its second reading in the House of Commons on 6 May.

- *Planning (Women's Safety) Bill*: The Bill proposes a requirement to assess the impact on women's safety to be published as a condition of planning approval for major developments. The Bill had its first reading in the House of Commons on 8 March and will have its second reading on 6 May.
- *Green Belt Protection Bill*: A Bill to establish a national register of Green Belt land in England, to restrict the ability of local authorities to de-designate Green Belt land and to make provision about future development of de-designated Green Belt land. The Bill was introduced in the House of Commons on 21 June 2021.
- *Onshore Wind Bill*: The Bill started in the House of Lords being introduced in June 2021. It would require the Government to amend planning guidance to enable local planning authorities to grant more onshore wind applications for the purpose of meeting the UK's carbon targets. The Bill had its third reading in the House of Lords on 18 March and has now passed to the House of Commons.
- *Planning (Street Plans) Bill*: A Bill to make provision about the creation and operation of street-level plans for local development. The Bill was introduced and passed its first reading on 13 September 2021, with the second reading scheduled to take place on 6 May 2022.
- *Cultural Objects (Protection from Seizure) Bill*: A Bill to extend protection from seizure or forfeiture given to cultural objects. The bill moved from the House of Commons into the House of Lords receiving its first reading on 31 January 2022 received its second reading on 18 March and will now go to Committee, a date is awaited.

Private Bills

- *Highgate Cemetery Act*: The Bill has passed through all stages in the House of Commons and House of Commons and a date is yet to be set for it to receive Royal Assent where it will be passed as an Act.

Secondary Legislation

Permitted Development Rights for Electronic Communications Infrastructure

- Government responded on 7 March to the technical consultation on changes to permitted development rights for electronic communications infrastructure. The response set out that the Government would introduce via secondary legislation new permitted development rights which support the deployment of 5G and help extend mobile coverage.
- Subsequently, on 14 March, the *Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2022* was laid before Parliament. The new permitted development rights that it introduces will come into force from 4 April and will include:
 - The deployment of taller and wider masts;
 - Building-based masts located nearer to highways; and
 - Deployment of radio equipment housing required alongside new antennae.
- These changes will also provide increased scope for telecommunications equipment development without the need for full planning permission in areas of Article 2(3) Land (conservation areas, World Heritage Sites, etc.). In brief, changes to permitted development rights in areas of Article 2(3) Land include:

- Permitting small radio equipment cabinets (not exceeding 2.5 cubic metres) without the need for prior approval;
- Permitting the alteration or replacement of existing ground-based masts up to 25 metres in height without the need for prior approval, and up to 30 metres in height with prior approval. Above these heights full planning permission will be needed;
- Permitting the installation of new ground-based masts up to 25 metres on Article 2(3) land or land on a highway subject to prior approval;
- A new condition of permitted development to this Part 16 will be introduced that requires Code Operators to minimise the visual impact of new network development. this applies to protected and unprotected land but will have a particular focus on Article 2(3) land.,

Heritage Planning Case Database

- Historic England tweets planning decisions of heritage interest, via [@HeritageAdvice](#), and these are then collated into the [Heritage Planning Case Database](#). This is a searchable online database of appeal and call-in decisions relating to planning permission (that affects a heritage asset) and listed building consent. Cases have been summarised using a [standard list of search terms](#), for ease of use; searches can also be carried out by address, date or decision reference.

Committees

Environment and Climate Change Committee

- Following a call for written evidence, the Committee held three [formal meetings](#) (oral evidence sessions) during March on *Mobilising Action on Climate Change and Environment: Behaviour Change*. The purpose of the inquiry is to explore behaviour change in the context of climate change (mitigation and adaptation) and the environment (e.g. biodiversity, water, waste & the circular economy and air pollution).

Land Use in England Committee

- The Committee on Land Use in England has published a [call for evidence](#). The Committee is inviting the public to give their views on current and future demands on land use, and how government decision making on this issue can be improved. The call for evidence closes on 26 April. A range of issues are being looked into 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; and
 - How the decision-making process surrounding land use can be improved.

Levelling Up, Housing and Communities Committee

- Government [responded](#) to the Levelling Up, Housing and Communities Select Committee report on [Progress on Devolution in England](#) on 1 March. A number of

planning related recommendations and the Government has stated that these matters will be addressed in forthcoming changes to the planning system.

Transport Committee

- On 1 March the Committee began work on an inquiry into *Maritime 2050: Objectives, Implementation and Effects*. A written call for evidence closed on 25 March. The inquiry seeks to understand how the Government's policy framework for the maritime sector is being implemented and whether its objectives are properly supporting ports and marine planning.

Guidance

Department for Digital, Culture, Media and Sport

Code of Practice for Wireless Network Development in England

- On 7 March DCMS published an updated and strengthened *Code of Practice for Wireless Network Development in England*. The Code of Practice has a stronger focus on the siting and design of mobile infrastructure and the process for engaging with local authorities and communities.

DLUHC Letters to Chief Planning Officers

Letter about Nutrient Pollution

- On 17 March the DLUHC Chief Planner issued a letter about nutrient pollution. It concerns the impacts of nutrient pollution on some rivers and waterbodies in catchments of Habitat Sites. Subject headings within the letter are:
 - Nutrient pollution: neutrality, support and funding
 - Nutrient neutrality
 - Support to enable development
 - What does this mean for decisions and plans
 - DLUHC funding support at a catchment level
 - Support from the planning advisory service
 - Tackling nutrient pollution impacts nationally.

Planning Newsletters

- Two Planning Newsletters were issued in March by the DLUHC Chief Planner. The first (on 18 March) was specifically concerned with nutrient pollution, following the 17 March letter referred to above. The second (25 March) was more wide ranging, covering:
 - Traveller Site Fund 2022/23
 - Innovation and Capacity Fund for Local Authorities working on Nationally Significant Infrastructure Projects
 - Biodiversity Net Gain Grants
 - Design Code Pathfinders Programme
 - Digital Citizen Engagement funds for 28 Projects
 - Permitted Development Rights for Electronic Communications Infrastructure
 - Article 4 Directions
 - Nutrient Neutrality.

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.
- A revised *[Tall Buildings Historic England Advice Note 4](#)* was published on 4 March.

Forthcoming Historic England Advice

- Publication of an updated version of *[HEAN 11: Neighbourhood Planning](#)* and the Historic Environment is expected in the next few weeks.
- A consultation draft of *[Planning and Archaeology Historic England Advice Note](#)* has been published. Public consultation started on 1 March and will end on 25 April.
- A new HEAN on *[Managing Change Affecting World Heritage Sites in England](#)* is being drafted. Further updates will be provided in subsequent Planning Bulletins in advance of public consultation in the coming months.
- Drafting has begun on a new HEAN on *[Climate Change and Historic Environment](#)*. Consultation is anticipated later in the year.

Training

Historic England

- A new HELM training programme is being prepared. For the time being our training will continue to be online, but we will be transitioning to new blended models of training which will include online 'self-study' elements, live webinars and, hopefully, as things continue to improve, a return to small group courses and site visits.
- Following the launch of Historic England's, *[A Strategy for Inclusion, Diversity and Equality - November 2020 to March 2023](#)* in 2021, Historic England is committed to making our work and workforce more inclusive and diverse. We have introduced a new training programme focused on accessibility and are extending this offer to the heritage sector. A series of three modules will be delivered during May:
 - Module 1 Fundamentals of Disability Inclusion (there are a choice of alternative dates of 10, 11 and 12 May, register [here](#))
 - Module 2 Supporting Disabled Employees (there are a choice of alternative dates of 17, 18 and 19 May, register [here](#))
 - Module 3 Accessibility in the Built Environment (there are a choice of alternative dates of 24, 25 and 26 May, register [here](#))
- Please note that capacity is limited to 20 people per session for each of the sessions.
- Visit Historic England's training [webpages](#) for more information and booking.

Other Initiatives

Levelling Up Round 2

- On 23 March the *Levelling Up Fund Round 2: prospectus* was published. The second round of the Fund will focus on the same three themes as the first round: transport investments, regeneration and town centre investment, and cultural investment. The second round of the Fund will also fund up to two large bids for up to £50 million under the Fund's culture and heritage investment theme. Bids need to be submitted by noon on Wednesday 6 July.
- The *Index of Priority Places* has been updated for the second round of the Fund to make use of the latest available datasets.

Proptech Engagement Fund

- The Department for Levelling Up Housing and Communities is allocating £3.25 million from the *Proptech Engagement Fund* for 28 projects across England, to pilot digital tools which if successful could be used to increase community engagement in the planning system in the future.

Local Authority Treescapes Fund and the Urban Tree Challenge Fund

- The Department for Environment, Food & Rural Affairs will allocate £9 million to successful applicants across both the *Local Authority Treescapes Fund and the Urban Tree Challenge Fund*. The intention is to support tree planting efforts to improve the environment. Both funds form part of the Government's plans to plant 30,000 hectares of trees across the UK per year by 2025.

Design Code Pathfinder Programme

- 25 areas in England have been awarded a share of £3 million to help them set their own standards for design locally through the *Design Code Pathfinder Programme*.

UK City of Culture 2025 Shortlist

- Four places have been shortlisted for the UK City of Culture 2025 title: Bradford, County Durham, Southampton and Wrexham County Borough.

National Infrastructure Planning Reform: Innovation and Capacity Fund for Local Authorities

- Government has invited local authorities (or groups of local authorities working in partnership) to consider innovative ways in which their role in the Nationally Significant Infrastructure Projects system can be improved or done differently.

World Heritage Site Nominations

- The Heritage Minister has launched a call for the UK's next nominations for UNESCO World Heritage Status. Successful sites will progress to formal nomination stage for World Heritage Status. The process is open to sites in the UK, Overseas Territories and Crown Dependencies. The Department for Digital, Culture, Media and Sport (DCMS) will form an independent panel of heritage experts to review nominations.

Current Consultations

Biodiversity Net Gain Regulations and Implementation

- Defra is consulting on how biodiversity net gain will be applied to *Town and Country Planning Act* development, as well as Nationally Significant Infrastructure Projects under the *Planning Act 2008*. The consultation closes on 5 April.

Landscapes review (National Parks and AONBs): implementing the review

- Defra is seeking views on the Government Response to the Landscapes Review including potential changes to legislation. The consultation closes on 9 April.

Draft River Basin Management Plans

- The Environment Agency is consulting on Draft River Basin Management Plans seeking views on the proposed long-term objectives for the water environment and the measures to achieve them. The consultation closes on 22 April.

Environment Act 2021: environmental targets

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

Nature Recovery Green Paper

- Defra is seeking views on the Nature Recovery Green Paper: Protected Sites and Species. The consultation closes on 11 May. A holistic approach to nature recovery and the historic environment is an important focus of Historic England's work. Historic England will be responding to the consultation.

Calendar

April

- 5 Defra's consultation on Biodiversity Net Gain Regulations and Implementation closes.
- 9 Defra's consultation on Landscapes review (National Parks and AONBs): implementing the review closes.
- 22 The Environment Agency's consultation on draft River Basin Management Plans closes.

May

- 10 (with an alternative choice of dates of 11 and 12 May) Historic England online training: Module 1 - Fundamentals of Disability Inclusion. Please note spaces are limited to 20 people per session.
- 11 Defra's consultation closes on both the Environment Act 2021: environmental targets and the Nature recovery green paper.
- 17 (with an alternative choice of dates of 18 and 19 May) Historic England online training: Module 2 - Supporting Disabled Employees. Please note spaces are limited to 20 spaces per session.

24 (with an alternative choice of dates of 25 and 26 May) Historic England online training:
Module 3 - Accessibility in the Built Environment. Please note spaces are limited to
20 people per session.

Historic England

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31 March 2022

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may find the current edition online [here](#). If you would like to sign up for notifications when
a new edition is issued, please contact governmentadvice@HistoricEngland.org.uk.

APPENDIX I: HISTORIC ENGLAND PLANNING ADVICE

Good Practice Advice Notes (GPAs)

- The GPAs provide information on good practice, particularly looking at the principles of how national policy and guidance can be applied. They are the result of collaborative working with the heritage and property sectors in the Historic Environment Forum, and have been prepared following public consultation:
 - *GPA1: The Historic Environment in Local Plans (March 2015)*
 - *GPA2: Managing Significance in Decision-Taking in the Historic Environment (March 2015)*
 - *GPA3: The Setting of Heritage Assets (December 2017)*
 - *GPA4: Enabling Development and Heritage Assets (June 2020)*

Historic England Advice Notes (HEANs)

- The HEANs include detailed, practical advice on how to implement national planning policy and guidance. They have been prepared by Historic England following public consultation:
 - *HEAN 1: Conservation Areas: Designation, Appraisal and Review (Second Edition) (February 2019)*
 - *HEAN 2: Making Changes to Heritage Assets (February 2016)*
 - *HEAN 3: Site Allocations (October 2015)*
 - *HEAN 4: Tall Buildings (Second Edition) (March 2022)*
 - *HEAN 5: Setting up a Listed Building Heritage Partnership Agreement (November 2015)*
 - *HEAN 6: Drawing up a Local Listed Building Consent Order (November 2015)*
 - *HEAN 7 (Second edition): Local Heritage Listing (January 2021)*
 - *HEAN 8: Sustainability Appraisal and Strategic Environmental Assessment (December 2016)*
 - *HEAN 9: The Adaptive Reuse of Traditional Farm Buildings (October 2017)*
 - *HEAN 10: Listed Buildings and Curtilage (February 2018)*
 - *HEAN 11: Neighbourhood Planning and the Historic Environment (October 2018)*
 - *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)*