



Planning Bulletin: May 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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Historic England

We are in the process of re-opening our offices, although we will continue with hybrid working where 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 [regional office](#). For further information, advice, and updates on current Historic England services, please refer to our [website](#).

Legislation and Matters Arising

State Opening of Parliament (Queen’s Speech)

- The speech set out the government’s agenda for the 2022-23 session, outlining proposed policies and legislation. The speech referred to a number of Bills that will be progressed through Parliament during this period. These included the Levelling Up and

Regeneration Bill, the UK Infrastructure Bank Bill, the High-Speed Rail (Crewe-Manchester) Bill, the Transport Bill, and the Energy Security Bill. Details of the first three are set out below.

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. It will have its second reading in the House of Commons on 8 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 will go to Committee stage on 14 June.
- **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 will receive its second reading in the House of Commons, a date has yet to be announced.

- *Judicial Review and Courts Act*: 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 was granted Royal Assent on the 28 April and is now the Judicial Review and Courts Act.

Secondary Legislation

- On 12 May the *Protection of Wrecks (Designation and Amendment) (England) Order 2022* was laid before Parliament and will come into force on 2 June. The Order introduces or amends a number of provisions concerning Protected Wreck sites. These include:
 - designating two wreck sites in the Needles Channel, Isle of Wight, and one in the Swash Channel on the approach to Poole Harbour, Dorset;
 - designating a wreck site in the Hanover Cove on the North Cornish coast;
 - amending a previous designation of a wreck site in Bracklesham Bay, West Sussex to correct a factual error in its co-ordinates.

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. An oral evidence session was held on 23 May. 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.

Environmental Audit Committee

- The Committee is holding an inquiry into the *Sustainability of the Built Environment*, the purpose of the inquiry is to look at the best routes to net zero for our future building needs from low carbon materials through to policies to minimise the whole life carbon impact of new buildings. Their first report, *Building to Net Zero: Costing Carbon In Construction*, was published on 26 May. The report addresses five themes:
 - accounting methods for embodied and whole life carbon;
 - the use of low-carbon building materials;
 - Government procurement of buildings;
 - issues surrounding retrofit and reuse;
 - the skills and training required to delivered sustainable construction.

- Findings from the report include:
 - national policy so far has been entirely focused on operational emissions and not embodied carbon;
 - the construction industry is willing and able to undertake whole-life carbon assessments to measure the operational and embodied carbon cost of construction;
 - there is availability of low-carbon building products to meet current demand, however there are insufficient incentives to develop and use these materials.
 - more needs to be done to promote the benefits of re-using and retrofitting buildings ahead of demolition;
 - a strong recommendation for Government to introduce a mandatory requirement to undertake whole-life carbon assessments for buildings and to develop progressively ratcheting carbon targets for buildings, to match the pathway to net zero by the end of 2022;
 - a recommendation for the undertaking of a full investigation into the impact extensions to permitted development rights has had on incentives to retrofit existing properties; and
 - for a joined-up policy to meet afforestation commitments and the need for commercial plantations to meet the demand for domestic timber in construction.

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 draft of *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.

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

Delivering Net Zero: Key Considerations for Commercial Retrofit

- The UK Green Building Council has published *Delivering Net Zero: Key Considerations for Commercial Retrofit*. The report sets out measures commercial developers need to take to reach net zero, explaining the difference between deep and light retrofit and identifying ten key considerations. Several case studies are presented including retrofit of historic buildings.

The Outdoor Recreation Valuation Tool

- The Outdoor Recreation Valuation Tool (ORVal) is a newly available tool developed by researchers at the University of Exeter Business School, and funded by DEFRA. The tool assesses the value and benefits that are derived from accessible greenspace in England.

Garden Community Funding

- DLUHC has provided £15 million of funding for 43 garden communities across England to further help bring forward development proposals and infrastructure on these sites. The aim is to deliver up to 16,000 homes per year from 2025.

Current Consultations

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, waste reduction and air quality. The consultation closes on 27 June.

Consultation on the Review of the Local Air Quality Management Policy Guidance

- Defra is consulting on the review of the Local Air Quality Management Policy Guidance. The guidance is being revised to reflect the legislative changes introduced through the *Environment Act 2021* and clarify roles and responsibilities within local government. This guidance relates to local authority action on air quality and applies to local authorities in England only (excluding those in London). The consultation started on 28 March and ends on 6 June.

Calendar

June

- 6 Defra consultation on the review of the *Local Air Quality Management Policy Guidance* closes.
- 8 *Levelling Up and Regeneration Bill* to have its second reading in the House of Commons.
- 27 Defra consultation on the *Environment Act 2021: Environmental Targets* closes.

Historic England

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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.

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)*