



Planning Bulletin: February 2021

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
- Legislation and Matters Arising
 - *Enacted Legislation*
 - *Written Ministerial Statements*
 - *Emerging Legislation*
 - *Heritage Planning Case Database*
- Policy
- Guidance
- MHCLG Letters to Chief Planning Officers
- Advice
 - *Historic England Advice*
 - *Forthcoming Historic England Advice*
- Training
- Other Initiatives
- Current Consultations
- Recent Consultation Responses
- Calendar
- Appendix I: Historic England Planning Advice

Historic England

In this challenging and difficult time, we are committed to continuing to provide our services and support to everyone as best we can. We are also working closely with heritage sector organisations to ensure that we all offer support for any queries you may have or practical issues that need to be addressed.

Our sites and offices continue to be closed until further notice. Our staff are working from home and 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](#).

Legislation and Matters Arising

Enacted Legislation

- The High Speed 2 (West Midlands to Crewe) Act 2021 was enacted on 11 February 2021. This makes provision for development of HS2 Ltd Phase 2a between the West Midlands (Staffordshire) and Crewe. Historic England continue to engage with HS2 Ltd on matters relating to Phase 2a and the historic environment.

Written Ministerial Statements

- Robert Jenrick, Secretary of State for Housing, Communities and Local Government, issued a written ministerial statement on 1 February 2021 about design. The update announced the Government's response to the Building Better, Building Beautiful Commission, consultation on revisions to the National Planning Policy Framework and the new National Model Design Code, establishment of an interim Office for Place and re-launch of the Community Housing Fund.

Emerging Legislation

Government Bills

- Clean Air (Human Rights) Bill 2019-20: amongst other things the Bill establishes the right to breathe clean air; requires the Secretary of State to achieve and maintain clean air in England and Wales; and to enhance the powers, duties and functions of the Environment Agency, the Committee on Climate Change, local authorities (including port authorities), the Civil Aviation Authority, Highways England, Historic England and Natural England in relation to air pollution. The Second Reading is still yet to be scheduled.
- Environment Bill 2019-21: amongst other things the Bill aims to make provision about targets, plans and policies for improving the natural environment, for statements and reports about environmental protection, conservation covenants, and about air quality. The Government has reintroduced the Bill and has said that it demonstrates a 'commitment to tackling climate change and to protecting and restoring our natural environment for future generations'. The Bill received its sixteenth to twentieth sessions in a Public Bill Committee. The Public Bill Committee voted against the proposed amendment to include heritage in the Environment Bill, noting there was recognition of the connection between the natural environment and heritage in the *25-Year Environment Plan*. The Bill was due to have its report stage, but the government announced it will be delayed. It is expected to return early in the next Parliamentary session and become law by Autumn.

Private Members' Bills

- Climate and Ecology Bill 2019-21. 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. The Bill was presented to Parliament on 2 September. The date of its Second Reading in the House of Commons is yet to be announced.
- Desecration of War Memorials Bill 2019-21. The Bill aims to create the offence of desecrating a war memorial. It was introduced to Parliament on 23 June under the *Ten Minute Rule*. The date of its Second Reading in the House of Commons is yet to be announced.

- *Planning (Proper Maintenance of Land) Bill 2019 – 21*. 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. Jonathan Gullis MP made positive reference to historic buildings and Historic England. It was introduced to Parliament under the *Ten Minute Rule*. The date of its Second Reading in the House of Commons is yet to be announced.

Private Bills

- *Highgate Cemetery Bill*: The Bill needed a ‘Wharnclyff’ Examination to comply with certain standing orders concerning the consents of owners, members and directors of companies. The Bill was found compliant on 9 March. The bill now proceeds to an Opposed Bill Committee to consider the petitions. A date has not been set.

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.

Policy

National Planning Policy Framework (NPPF)

- MHCLG launched a consultation on changes to the National Planning Policy Framework (NPPF). The proposed changes to the NPPF are set out here and include, amongst others:
 - Chapter 2 Achieving Sustainable Development – revisions to the presumption in favour of sustainable development.
 - Chapter 4 Decision-Making - amendments in relation to use of Article 4 directions.
 - Chapter 12 Achieving Well-Designed Places – changes to place greater emphasis on beauty and place-making, and design-based grounds for refusal of planning applications.
 - Chapter 16 Conserving and Enhancing the Historic Environment – approach for historic statues, plaques and memorials.

Oxford-Cambridge Arc Strategic Framework

- The Government has set out a Spatial Framework plan for the Oxford-Cambridge Arc. This is a regional plan that covers the 5 counties of Oxfordshire, Northamptonshire, Buckinghamshire, Bedfordshire and Cambridgeshire. A strategic approach will be taken to protect and enhance the Arc’s heritage and environment. Through the Government-led approach, the Spatial Framework will be implemented as a spatially specific national planning policy with Local Planning Authorities having regard to the Spatial Framework, as they do with other national policies and guidance.

Guidance

- MHCLG is consulting on the draft National Model Design Code (NMDC) which provides detailed guidance on the production of design codes, guides and policies to promote successful design. It is anticipated the NMDC will be used to inform the production of local design guides, codes and policies. The draft NMDC consultation is accompanied by related Guidance Notes for Design Codes.
- The Historic Building Annex was added to the Government Workplace Design Guide on 26 January. The Historic Building Annex has been developed with consultation from Historic England and outlines the approach for handling our heritage assets; recognising the need to preserve our past, whilst developing a use for modern day requirements.

MHCLG Letters to Chief Planning Officers

- The latest Chief Planner's newsletter was circulated on 5 February. It highlighted the recent Government publications in response to the Building Better, Building Beautiful Commission (BBBBC) 'Living with Beauty' Report:
 - The Government's 'Response to the Living with Beauty Report'
 - The National Planning Policy Framework (NPPF) and National Model Design Code (NMDC) consultation.
- The Chief Planner confirmed there will be further opportunities to learn how to use the National Model Design Code supported by the interim Office for Place within MHCLG and the transition board chaired by Nicolas Boys Smith. A pilot programme has also been launched for local authorities to apply design coding in their areas.
- The headings in the Chief Planners letter are as follows:
 - Message from the Chief Planner
 - Planning for the Future Consultation - Update to Privacy Notice
 - Building Better, Building Beautiful
 - Revisions to the National Planning Policy Framework
 - Testing the National Model Design Code
 - Historic Statues
 - Local Heritage List Campaign
 - Housing Design Awards
 - Update on Self and Custom Housebuilding
 - Survey of Local Planning Authorities on Readiness to Deliver Biodiversity Net Gain

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.
- Following public consultation, *HEAN 15: Commercial Renewable Energy Development and the Historic Environment* has now been published. This advice explains how the historic environment is taken fully into account during the planning and delivery of commercial renewable energy development. The HEAN covers renewable energy from on-shore and off-shore wind power, solar photovoltaics, biomass and energy from waste. The HEAN shares broad principles and advice to help decision makers to consider key issues across different types of commercial renewable energy development.

Forthcoming Historic England Advice

- Following public consultation, publication of a new HEAN on Listed Building Consent is expected shortly.
- Following public consultation last year, further revision to HEAN 4 on Tall Buildings is progressing, taking account of the feedback we received. We anticipate publishing the updated HEAN in the spring/summer this year. The updated HEAN will address the relationship between tall buildings and heritage, focusing on plan-making and identifying locations for tall buildings. Case studies from examples across England are being prepared for the HEAN to provide real world insights, lessons learnt and good practice.

Training

Historic England Training

- In response to Covid-19 restrictions, Historic England is increasing its e-learning and remote CPD provision.
- HE has turned the HELM courses into webinars, including topics such as *Enabling Development*, *Industrial Heritage* and *Design and Place-shaping*. They can be accessed [here](#).
- *Technical Tuesdays*; a series of webinars delivered by its Technical Conservation Team is made available online, generally about a week after the event. Registration is open for the following webinars:
 - 2 March 2021: [mortars for conservation - part 1](#)
 - 9 March 2021: [remote inspection - part 3](#)
 - 16 March 2021: [conservation of architectural metalwork - part 2](#)
- Please visit the HE online training web pages [here](#) for the latest on our webinar programme. For webinar booking please visit [here](#).
- To be added to the mailing list for training events and webinars, or if you would like to suggest topics for courses, webinars or online training, please email helmbookings@historicengland.org.uk.

Other Initiatives

Local Listing Projects

- The Government has announced 22 successful local list projects resulting from the recent local heritage list campaign. Funding of £1.5 million will support projects which involve a county-wide approach to developing or improving local heritage lists.

Building Better, Building Beautiful Commission: Government Response to the 'Living with Beauty' Report

- The Government has published the 'Response to the Living with Beauty Report' setting out how the Government has responded to the recommendations in the Building Better, Building Beautiful Commission 'Living with Beauty' Report.

Building Regulations: Part M – Changing Places

- The Building Regulations Approved Document Part M has been amended to require that places of assembly, recreation and entertainment with a capacity for 350 or more people install Changing Places facilities if they are newly built or undergoing a major refurbishment. 'The Building Regulations 2010. Amendments to the Approved Documents. Approved Document M: Access to and use of buildings. Volume 2 - Buildings other than dwellings 2015 edition' July 2020 came into effect in January 2021.

Protecting Heritage in the City of London

- On 11 February MHCLG published a letter from the Secretary of State to the City of London Corporation outlining the Government's national policy and advice on the protection of historic statues.

Current Consultations

- MHCLG launched a consultation on changes to the National Planning Policy Framework (NPPF) and a new draft National Model Design Code (NMDC). The consultation closes on **27 March 2021**.
- The Government is consulting on plans to enable the public to require councils and public sector organisations to sell unused land and assets to create new homes or community spaces under the *'Right to Regenerate'*, which is a reform of the *'Right to Contest'*. The consultation closes on **13 March 2021**.
- The Government is consulting on the Future of Building Standards – Part L and Part F of the Building Regulations. The consultation is seeking views on standards and draft guidance for conservation of fuel and power, ventilation and overheating. This is applicable for non-domestic buildings, dwellings and new residential buildings. The consultation closes on **13 April 2021**.

Recent Consultation Responses

- Historic England responded to the MHCLG consultation on 'Supporting Housing Delivery and Public Services Infrastructure'. The consultation response can be found here.

Calendar

March

- 2 Historic England Technical Tuesdays Webinar: [mortars for conservation - part 1](#)
- 3 The Chancellor of the Exchequer will deliver his budget statement
- 9 Historic England Technical Tuesdays Webinar: [remote inspection - part 3](#)
- 13 Right to Regenerate consultation closes.
- 16 Historic England Technical Tuesdays Webinar: [conservation of architectural metalwork - part 2](#)
- 27 Consultation on changes to the National Planning Policy Framework and draft National Model Design Code closes.

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If you did not receive this edition of Planning Bulletin direct from Historic England, you 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* (December 2015)
 - *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 (2nd ed): 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)