



# Planning Bulletin August 2024

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.

## Legislation and Matters Arising

### Emerging Legislation

#### Government Bills

The [King's Speech](#) (17 July) introduced 40 bills, including the **Planning and Infrastructure Bill** and the **English Devolution Bill**. More information on the proposed contents of these bills can be found in the [King's Speech 2024: background briefing notes](#) (summarised below). Bills with a planning or heritage dimension include:

#### Planning and Infrastructure Bill

- The [Planning and Infrastructure Bill](#), not yet laid before Parliament, proposes to:
  - Streamline the delivery process for critical infrastructure, including simplifying the consenting process for major infrastructure projects.
  - Enable relevant, new, and improved National Policy Statements to come forward, establishing a review process that provides the opportunity for them to be updated every five years.
  - Further reform compulsory purchase compensation rules to ensure that compensation paid to landowners is fair but not excessive where important social and physical infrastructure and affordable housing are being delivered.
  - Improve local planning decision making by modernising planning committees.
  - Increase local planning authorities' capacity, to improve performance and decision making, providing a more predictable service to developers and investors.
  - Use development to fund nature recovery where currently both are stalled.

#### English Devolution Bill

- The [English Devolution Bill](#), not yet laid before Parliament, proposes to:

- Put a standardised devolution framework into legislation that gives local leaders powers over strategic planning, local transport networks, skills, and employment support.
- Provide new powers and duties for local leaders to produce Local Growth Plans.
- Allow local leaders to formally request additional powers according to the framework and the Government will be required to consider the request and either devolve them or publicly explain their reasons for not doing so.
- Establishing a simpler process for creating new Combined and Combined County Authorities.
- Establish a legislative foundation upon which to widen and deepen devolution, with a weighting towards creating advanced mayoral settlements where there is the capacity and ambition to do so.
- Improve and unblock local decision making through more effective governance arrangements for mayors and Combined Authorities.
- Introduce a new ‘right to buy’ for valued community assets.

## Great British Energy Bill

- The [Great British Energy Bill](#) establishes Great British Energy, a new, publicly owned energy company which will own, manage, and operate clean power projects. The Bill passed its first reading in the House of Commons on 25 July and is scheduled for its second reading on 5 September.

## Holocaust Memorial Bill

- The [Holocaust Memorial Bill](#) was carried over from the previous Parliamentary session and has already passed the House of Commons and its first reading in the House of Lords. It is scheduled for its second reading in the House of Lords on 4 September. The Bill will enable the Government to deliver on a long-term commitment to build a Holocaust Memorial and Learning Centre next to the Houses of Parliament by allocating funding and removing restrictions on development in Victoria Tower Gardens.

## High Speed Rail (Crewe to Manchester) Bill

- The [High Speed Rail \(Crewe to Manchester\) Bill](#) was carried over from the previous Parliamentary session. It has passed both reading stages in the House of Commons and is currently awaiting a committee stage date. The Bill enables powers to deliver rail infrastructure in the north of England.



## The Crown Estate Bill

- The [Crown Estate Bill](#) seeks to change aspects of how the Crown Estate operates including widening investment powers and granting the power to borrow. This will support the delivery of offshore energy, as the Crown Estate is the owner of the seabed. It will also support regeneration and housebuilding given its extensive property portfolio. It has passed both readings in the House of Lords and is awaiting a committee stage date.

## Policy and Guidance

### Written Ministerial Statement

- On 30 July, Louise Haigh (Secretary of State for Transport) delivered a [Written Statement to Parliament on Transport Infrastructure](#) announcing an internal review of the Department of Transport's (DfT) capital spend portfolio.

### National Planning Practice Guidance

#### Enforcement and post-permission Matters

- On 8 August, [Paragraph 013 \(restrictions on retrospective applications\)](#) was updated to clarify that if a Local Planning Authority issues an enforcement notice following submission of a retrospective application (on or after 25 April 2024), a ground (a) appeal (i.e., that permission ought to be granted) cannot be made if the notice was issued within the time allowed for determination of that retrospective application.

## Committees

Following the Dissolution of Parliament on 30 May, all committees (except some statutory committees) ceased to exist. New committees are in the process of being set up.

### Built Environment Committee

- On 22 August, a note was published summarising the [Visit of the Built Environment Committee to Staines-Upon-Thames](#) (21 May) as part of the [High Streets in Towns and Small Cities Inquiry](#).



## Government Planning Letters

### Letters to Chief Planning Officers

The Ministry of Housing, Communities and Local Government (MHCLG) regularly writes [letters to Chief Planning Officers](#) of local planning authorities in England, providing guidance on planning.

#### Planning Newsletter: 2 August

- The [August Planning Newsletter](#) references:
  - Consultation on policy revisions to the National Planning Policy Framework.
  - Measures to deliver social and affordable housing.
  - Delivering New Towns, urban extensions, and regeneration schemes.
  - Creation of a New Homes Accelerator Taskforce.

Appended to the newsletter was a letter dated 1 August from Matthew Pennycook (Minister of State for Housing and Planning) to the President of the Royal Town Planning Institute recognising the '[vital role of professional planners in building the homes we need](#)' and reiterating commitment to bolstering capacity and capability in planning departments through, for example, increase to planning fees.

Following this, on 29 August, Government issued a [press release on the New Homes Accelerator Taskforce](#). The Taskforce will seek to speed up delivery of stalled housing sites. Working across the sector to identify local barriers, interventions could include support for local planning capacity. The press release coincided with a call for evidence from landowners, local authorities, and housebuilders to identify blocked sites.

## Advice

All [Historic England planning advice](#) is available on our website, and Appendix I includes a list of all Good Practice Advice notes (GPAs) and Historic England Advice Notes (HEANs).

### New Historic England Advice

#### Heritage Works for Housing

- On 20 May, Historic England published [Heritage Works for Housing](#), which explores how historic buildings can be reused, repurposed and refurbished to deliver residential development (see also Training section).



## Infrastructure Planning

### Nationally Significant Infrastructure Advice Pages

- On 8 August, the Planning Inspectorate added a series of [advice pages relating to Nationally Significant Infrastructure Projects](#) (NSIPs) including a range of notes supporting:
  - Applicants to prepare documents.
  - Local authorities to understand their role in the process.
  - Members of the public to understand and engage in the process
  - Information on rights of entry.

## Training

Historic England provide webinars and e-learning courses. Visit [Historic England's training webpages](#) for 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](#).

- On **18 September 13:00-14:00** Historic England and Deloitte are hosting the [Heritage Works for Housing Webinar](#) exploring the new [Heritage Works for Housing advice](#), which explores how historic buildings can be reused, repurposed and refurbished to provide residential development.

## Other Items

### Environmental Improvement Plan

- On 30 July, the Department for Environment, Food and Rural Affairs (DEFRA) announced a [Review of the Environmental Improvement Plan](#), which includes as one of its goals enhancing beauty, heritage and engagement with the natural environment. The review is due to be completed by the end of the year.

### Historic Environment Overview

- On 6 August, the [Historic Environment Forum](#), with support from Historic England, published the [Historic Environment Overview 2023-2024](#). This report highlights some of the achievements within the heritage sector over 2023-2024.



## Current Government Consultations

### Proposed reforms to the National Planning Policy Framework and other changes to the planning system

- On 30 July, the Ministry for Housing, Communities and Local Government (MHCLG) opened a consultation on [Proposed reforms to the National Planning Policy Framework and other changes to the planning system](#).
- The consultation seeks views on the Government's proposed approach to revising the NPPF as well as a series of wider policy proposals in relation to increasing planning fees, local plan intervention criteria and appropriate thresholds for certain Nationally Significant Infrastructure Projects.
- In relation to the NPPF, the consultation proposes to:
  - make the standard method for assessing housing needs mandatory, requiring local authorities to plan for the resulting housing need figure, planning for a lower figure only when they can demonstrate hard constraints and that they have exhausted all other options;
  - reverse other changes to the NPPF made in December 2023 which were detrimental to housing supply;
  - implement a new standard method and calculation to ensure local plans are ambitious enough to support the Government's manifesto commitment of 1.5 million new homes in this Parliament;
  - broaden the existing definition of brownfield land, set a strengthened expectation that applications on brownfield land will be approved and that plans should promote an uplift in density in urban areas;
  - identify grey belt land within the Green Belt, to be brought forward into the planning system through both plan and decision-making to meet development needs;
  - improve the operation of 'the presumption' in favour of sustainable development, to ensure it acts an effective failsafe to support housing supply, by clarifying the circumstances in which it applies; and, introducing new safeguards, to make clear that its application cannot justify poor quality development;
  - deliver affordable, well-designed homes, with new "golden rules" for land released in the Green Belt to ensure it delivers in the public interest;



- make wider changes to ensure that local planning authorities are able to prioritise the types of affordable homes their communities need on all housing development and that the planning system supports a more diverse housebuilding sector;
  - support economic growth in key sectors, aligned with the Government's industrial strategy and future local growth plans, including laboratories, gigafactories, datacentres, digital economies and freight and logistics;
  - deliver community needs to support society and the creation of healthy places; and
  - support clean energy and the environment, including through support for onshore wind and renewables.
- The consultation also seeks views on:
    - whether to reform the way that the NSIP regime applies to onshore wind, solar, data centres, laboratories, gigafactories and water projects, as the first step of the Government's NSIP reform plans;
    - whether the local plan intervention policy criteria should be updated or removed, so the Government can intervene where necessary to ensure housing delivery; and
    - proposals to increase some planning fees, including for householder applications, so that local planning authorities are properly resourced to support a sustained increase in development and improve performance.
  - The proposed reforms to the NPPF are set out in tracked changes in the [National Planning Policy Framework: Draft text for consultation document](#). The [Outcomes of the proposed revised method](#) sets out the local housing needs figure for each local planning authority when calculated via the proposed new standard method.

## Calendar

### September

4 September – Second reading of the [Holocaust Memorial Bill](#) (House of Lords).

5 September – Second reading of the [Great British Energy Bill](#) (House of Commons).

18 September – [Heritage Works for Housing](#) webinar.

24 September – [Proposed reforms to the National Planning Policy Framework and other changes to the planning system consultation](#) closes (11.45pm).



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## Planning Bulletin Notifications

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[governmentadvice@HistoricEngland.org.uk](mailto:governmentadvice@HistoricEngland.org.uk)

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# 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 planning 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 has been superseded by HEAN 18 and has been withdrawn
- [HEAN 15: Commercial Renewable Energy Development and the Historic Environment \(February 2021\)](#)
- [HEAN 16: Listed Building Consent \(June 2021\)](#)
- [HEAN 17: Planning and Archaeology \(November 2022\)](#)
- [HEAN 18: Adapting Historic Buildings for Energy and Carbon Efficiency \(July 2024\)](#)