



Planning Bulletin: May 2020

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](#).

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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.

Following the latest advice from Government in relation to Coronavirus (Covid-19), we have closed all our sites and offices until further notice.

Our staff are working from home and we will continue to provide advice and process grant payments as usual. We are doing what we can to maintain our level of response to planning and listing applications and general enquiries, but please do bear with us if responses are a little slower than usual.

Our local teams remain the best first point of call so if you need to contact us, please email your region as normal:

- northwest@HistoricEngland.org.uk
- northeast@HistoricEngland.org.uk
- yorkshire@HistoricEngland.org.uk
- midlands@HistoricEngland.org.uk
- eastofengland@HistoricEngland.org.uk
- southwest@HistoricEngland.org.uk
- londonseast@HistoricEngland.org.uk

For further information, advices, and updates on current Historic England services, please refer to our [website](#).

Planning Response to Covid-19

Given the fast moving nature of responses to the Covid-19 pandemic, we would recommend checking websites such as gov.uk, the [Local Government Association](#), the [Planning Advisory Service](#) and others for up to date information.

This section highlights some of the changes introduced, since the last Planning Bulletin, relating to planning and the historic environment, and is not intended as a compendium of all information relating to Covid-19 issues.

Coronavirus (Covid-19): Government Planning Update

- In response to the spread of Covid-19, MHCLG has published an update on planning matters, including temporary measures to make it easier to operate the planning system. The update covers:
 1. [Community Infrastructure Levy](#)
 2. [New time-limited permitted development rights](#)
 3. [Validation of applications](#)
 4. [Determination timescales](#)
 5. [Publicity and consultation for planning applications](#)
 6. [Virtual planning committees](#)
 7. [Local Plans](#)
 8. [Neighbourhood Plans](#)
 9. [Compulsory purchase](#)
 10. [Nationally Significant Infrastructure Projects](#)
 11. [Where to go for additional information](#)

Statutory Publicity Arrangements

- Under the [Town and Country Planning \(Development Management Procedure, Listed Buildings and Environmental Impact Assessment\) \(England\) \(Coronavirus\) \(Amendment\) Regulations 2020](#) the government has introduced temporary regulations to supplement existing statutory publicity arrangements, such as site

notices and newspaper advertisements, for planning applications. Local authorities now have flexibility to take "other reasonable steps" to publicise applications if they cannot be undertaken through the existing specific requirements for site notices, neighbour notifications or newspaper publicity. Such steps must be "proportionate to the scale and nature of the proposed development".

Planning Practice Guidance Updates

- The online Planning Practice Guidance (PPG) on *Consultation and Pre-Decision Matters* has been updated to reflect the temporary regulations relating to statutory publicity arrangements (see above). The pages include details of how to determine what steps are proportionate.
- The PPG on *Plan-Making* has been updated to include new paragraphs which set out changes to Plan-making guidance in response to the Covid-19 pandemic. It states, amongst other things, that "where any of the policies in the Statement of Community Involvement cannot be complied with due to current guidance to help combat the spread of Covid-19, the local planning authority is encouraged to undertake an immediate review and update the policies where necessary so that plan-making can continue".
- The PPG on *Environmental Impact Assessments* has been amended to include a section on the temporary changes to statutory publicity arrangements outlined above.

Ministerial Statement: Virtual Working and Planning

- The Secretary of State for the Ministry of Housing, Communities and Local Government, Robert Jenrick MP, has issued a written ministerial statement on virtual working and planning in response to Covid-19. It covers the role of digital technology, virtual events (such as the Planning Inspectorate's (PINS) programme for moving to digital inquiries, hearings, meetings and other events), digital documentation for applications, updates on guidance on sites visits, publicity and community engagement, and guidance and advice from PINS.

Planning Inspectorate

- *Updated Guidance on Site Visits*: PINS has published guidance on site visits, and hearings and inquiries. It will be commencing site visits where it is safe to do so as well as considering whether there are types of cases that can proceed without undertaking a visit. It also reports that the first fully digital hearing took place on 11 May as a pilot. Following that trial, PINS hopes that at least a further 20 examinations, hearings and inquiries will follow during May and June.
- *Statement on Local Plan Examinations*: Following the government's written ministerial statement PINS has also published a statement on how virtual local plan examinations might proceed.
- *Statement on Nationally Significant Infrastructure Projects (NSIPs)*: in light of government advice on to control the spread of Covid-19, PINS have issued a statement on NSIPs.

Community Infrastructure Levy Guidance

- In response to the spread of Covid-19, MHCLG has published guidance for local authorities on Community Infrastructure Levy matters. Amongst other things, it states that the government will introduce amendments to the Community Infrastructure Levy Regulations 2010 "to enable charging authorities to defer payments, to temporarily disapply late payment interest and to provide a discretion to return interest already

charged where they consider it appropriate to do so for developers that have an annual turnover of less than £45 million".

Compulsory Purchase Guidance

- In response to the spread of Covid-19, MHCLG has published [guidance](#) for acquiring authorities on compulsory purchase matters. The guidance covers:
 - [Compulsory purchase](#)
 - [Recently Submitted CPOs](#)
 - [Service of documents](#)
 - [Time periods for responses](#)
 - [Return of documents to acquiring authorities](#)
 - [Decisions remitted back to acquiring authorities](#)
 - [Dealing with claimants](#)

Taskforce to Develop a Plan to Reopen Places of Worship

- The government has [announced](#) it is working with faith leaders to develop a plan to enable the phased and safe reopening of places of worship when the evidence shows it is the right time to do so. The government previously set out its ambition to reopen places of worship in step 3 of its plan to lift restrictions, which is expected to be no earlier than 4 July subject to further scientific advice.
- Details of other Covid-19 related taskforces are available [here](#).

Traffic Management Act 2004: Network Management in Response to Covid-19

- The government has issued [guidance](#) setting out high-level principles to help local authorities to manage their roads to deal with Covid-19 response related issues. The government "expects local authorities to make significant changes to their road layouts to give more space to cyclists and pedestrians", and that "such changes will help embed altered behaviours and demonstrate the positive effects of active travel". It provides additional information to the original [Network Management Duty Guidance](#) (November 2004) and will be reviewed on a regular basis.

Encouraging Cycling and Walking

- The government has [announced](#) £250 million emergency active travel fund to help create pop-up bike lanes with protected space for cycling, wider pavements, safer junctions, and cycle and bus-only corridors, in response to requirements such as the need for social distancing. "Following unprecedented levels of walking and cycling across the UK during the pandemic, the plans will help encourage more people to choose alternatives to public transport when they need to travel, making healthier habits easier and helping make sure the road, bus and rail networks are ready to respond to future increases in demand."

Safe Use of Public Space

- The MHCLG has published [guidance](#) on enabling safe use of public spaces in light of the Covid-19 pandemic. It focuses on the design principles for safer urban centres and green spaces. It contains "information and examples of interventions that may be undertaken by the owners and operators of public spaces to keep people safe as and when the restrictions are relaxed and urban spaces become busier."

Ministerial Statement: Construction Site Working Hours

- The Secretary of State for the Ministry of Housing, Communities and Local Government, Robert Jenrick MP, has issued a [written ministerial statement](#) instructing

local planning authorities to “take a swift and positive approach to requests from developers and site operators for greater flexibility around construction site working hours”, for instance by not enforcing, or amending, planning conditions that restrict them. The full contents of the guidance are:

1. [Existing flexibilities - overview](#)
2. [Instalment policies](#)
3. [Enforcement](#)
4. [Section 106](#)

Impacts of Covid-19 Effects on the Heritage Sector

- Historic England has [published](#) a survey of the impact of Covid-19 on the heritage sector. It complements that of the National Lottery Heritage Fund (NLHF), whose survey had targeted the charities and third sector organisations which they had previously supported. Amongst others things, the survey showed that nearly four out of five (76%) of respondents report lost business in the short term, and three out of five (58%) had postponed or cancelled income-generating events.
- The Impact of Covid-19 on the Heritage Sector is discussed further in the latest edition of Historic England’s [Heritage Online Debate](#).

Funding for Business Improvement Districts

- The government has [announced](#) that Business Improvement Districts will receive £6.1 million in funding in response to the Covid-19 pandemic. The money will be paid to local authorities and dispersed to Business Improvement Districts to help local businesses.

Extended Public Consultations

- The Department for International Trade’s consultation on the UK’s [Freeport Policy](#) has been extended to 13 July.
- The Environment Agency’s consultation on [River Basin Planning: Challenges and Choices](#) has been extended to 24 September.
- Historic England’s consultation on a draft [Local Authority Strategic Framework](#) has been extended until 25 May.
- Historic England’s consultation on a revised Advice Note on [Tall Buildings](#) has been extended to 28 May.
- Historic England’s consultation on a new Advice Note on [Commercial Renewable Energy and the Historic Environment](#) has been extended to 28 May.

Government Departments

Ministry of Justice

- The Ministry of Justice had published details of its [Sustainable Operations Strategy](#), setting out how it embeds environmental sustainability throughout its estate, operations and procurement activity. It includes nine strategies and policies, to address key topics such as; adaptation to the impacts of climate change, biodiversity and ecology, and heritage and historic buildings.

Legislation and Matters Arising

Secondary Legislation

As reported in the *Planning Response to Covid-19* section (above):

- Under the *Town and Country Planning (Development Management Procedure, Listed Buildings and Environmental Impact Assessment) (England) (Coronavirus) (Amendment) Regulations 2020* the government has introduced temporary regulations to supplement existing statutory publicity arrangements, such as site notices and newspaper advertisements, for planning applications.

Written Ministerial Statements

- Details of written ministerial statements relating to *Virtual Working and Planning* and *Construction Site Working Hours* are noted in the *Planning Response to Covid-19* section of this Bulletin (above).

Emerging Legislation

Government Bills

- *Agriculture Bill*: amongst other things the Bill authorises expenditure for certain agricultural and other purposes; to make provision about direct payments following the United Kingdom's departure from the European Union and about payments in response to exceptional market conditions affecting agricultural markets; to confer power to modify retained direct EU legislation relating to agricultural and rural development payments and public market intervention and private storage aid. The Bill was introduced to the House of Commons and given its First Reading on 16 January. The Bill passed its Second Reading on 3 February and has been considered by a Public Bill Committee which reported to the House on 6 March. The Bill passed its Third Reading on 13 May and will now go to the House of Lords for consideration.
- *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 Bill was introduced to the House of Commons and given its First Reading on 13 January. The Second Reading is yet to be scheduled.
- *Environment Bill 2019-21*: amongst other things the Bill aims to A 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 have reintroduced the Bill and have said that it demonstrates a 'commitment to tackling climate change and to protecting and restoring our natural environment for future generations.' The Bill had its Second Reading in the House of Commons on 26 February. This Bill was being considered by a Public Bill Committee but due to current circumstances the sittings of the Committee have been suspended until further notice. The Committee is now scheduled to report by 25 June

Private Bills

- *Highgate Cemetery Bill*: was deposited with Parliament on 27 November 2019. The Examination took place on 18 December and the Bill was found to be compliant with Private Business Standing Orders. The Bill was introduced to the House of Lords and

had its First Reading on 22 January. The Second reading took place on 12 February and was unopposed, so there was no debate. The Bill needed a "Wharnccliffe" Examination to comply with certain standing orders concerning the consents of owners, members and directors of companies. The Examination was on 9 March and the bill was found compliant. The bill now proceeds to an Opposed Bill Committee to consider the petitions. No date has yet 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.

Committees

- The UK Environmental Audit Committee has launched the [Technological Innovation and Climate Change Inquiry](#), with its first focus on offshore wind power. Following the Government's Offshore Wind Sector Deal in March 2019, the Committee will consider the opportunities that will maximise the industry's potential, and that challenges it faces in delivering greater capacity. The Committee is inviting written submissions to inform its first session. Submissions should be submitted through the Committee's web portal.
- The DCMS Committee has launched an inquiry into the [Impact of Covid-19 on DCMS Sectors](#). It will consider both the immediate and long-term impact that Covid-19 and the related social and financial measures are having on the wide range of industries and organisations under the Committee's remit. The Committee expects to hold a number of evidence sessions from late April onwards to hear directly from stakeholders, arms-length bodies and Government about what is being done and what further support is needed. It is seeking submissions from anyone with answers to the questions in the call for evidence (deadline 19 June).

Guidance

Planning Practice Guidance

- Details of changes to the online Planning Practice Guidance relating to [Consultation and Pre-Decision Matters](#), [Plan-Making](#) and [Environmental Impact Assessments](#) are noted in the [Planning Response to Covid-19](#) section of this Bulletin (above).

Community Infrastructure Levy

- As noted in the [Planning Response to Covid-19](#) section of this Bulletin (above), MHCLG has published [guidance](#) for local authorities on Community Infrastructure Levy matters in response to the spread of Covid-19.

Advice

Historic England Advice

- *The Reconstruction of Heritage Assets*. This new online advice sets out the issues to consider when deciding whether to reconstruct, and if so how best to proceed..
- *Responding to Graffiti*. There have been a number of graffiti attacks on historic buildings and structures during the Covid-19 crisis. Historic England has published new advice on how respond to such cases, including on what to do after a graffiti incident, and how to obtain professional advice. A technical advice note on preventing and removing graffiti is currently in the final stages of preparation.
- 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

- Historic England is consulting on a revised version of its Advice Note on *Tall Buildings* (HEAN 4). The revised text is available here. The updated Advice Note reflects changes in the National Planning Policy Framework and recent good practice. It offers useful guidance to those involved with the planning and design of tall buildings (consultation has been extended until 28 May).
- Historic England is consulting on the draft text for a new Advice Note on *Commercial Renewable Energy and the Historic Environment*. Technologies covered include large-scale development proposals for wind power, solar photovoltaics and biomass and energy from waste (consultation closing date 28 May).
- Following public consultation, publication of a HEAN on *Energy Efficiency and Traditional Homes* is expected shortly.
- A HEAN on *Permission in Principle* is being currently being drafted and should be consulted on soon.

Training

Historic England Training

- In response to Covid-19 restrictions, Historic England is increasing its e-learning and remote CPD provision. HE will be launching new e-learning courses in June, based on previously delivered *NPPF Decoded* HELM events, and have almost tripled the planned programme of Webinars.
- Some topics are tailored to respond, in part, to Covid-19 and how it is affecting the heritage sector. Topics include *Wellbeing and Heritage* and *Heritage Crime During Lock Down*. HE will also be turning the HELM courses planned for 2020 into webinars and this will include topics such as *Industrial Heritage* and *Design and Place-shaping*.
- Historic England has launched its new *Technical Tuesdays*, series of webinars delivered by its Technical Conservation Team. *Technical Tuesday* webinars usually take place 13:00-14:00, and previous webinars are available online, generally about a

week after the event. Webinars address the following themes, but the offer will be expanded later in the year:

- *Beneath the Surface*
 - (5 May - Earthen Mortars and Plasters)
 - 2 June - Fibrous Plaster
 - 7 July - Concealed Decoration
 - *Survey and Inspection*
 - (12 May - Infrared Thermography)
 - 9 June - Geospatial Survey
 - 14 July – Damp
 - *Buildings at Risk*
 - (19 May - Fire in Thatched Buildings)
 - 16 June - Graffiti
 - 21 July - Lightning Protection
 - *Building Services*
 - 26 May - Principles and Decision Making
 - 23 June - Installation
 - 28 July - Inspection and Maintenance
- More details about HE online training go to are available [here](#), and 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

Planning Enforcement Handbook for England

- The Royal Town Planning Institute has published a [*Planning Enforcement Handbook*](#), including a section on Urgent Works to Listed Buildings, authored by Historic England, and other sections of direct relevance to the historic environment.

Planning Inspectorate

- As noted in the *Planning Response to Covid-19* section (above), PINS have issued [*Updated Guidance on Site Visits*](#), a [*Statement on Local Plan Examinations*](#), and a [*Statement on Nationally Significant Infrastructure Projects \(NSIPs\)*](#).

Reinstating a Road after Street Works: New Edition of the Code of Practice

- Following consultation a new, fourth edition, version of the [*Specification for the Reinstatement of Openings in Highways*](#) has been [launched by the DfT](#). The main changes in the fourth edition are:
 - the introduction of new materials to aid compliance with air voids (compaction) requirements
 - rationalising the process for introducing innovation, to help speed up the introduction of new materials and methods in street works
 - a new specification for micro trenching
 - permitting the use of large diameter coring reducing site occupation time.

Current Consultations

- The Department for International Trade is consulting on the UK's Freeport Policy. The proposals include tariff flexibility, customs facilitations and tax measures, as well as planning reforms, additional targeted funding for infrastructure improvements and measures to incentivise innovation (extended closing date 13 July).
- Historic England is consulting on a draft Local Authority Strategic Framework to guide our engagement with local authorities beyond site-specific casework and take account of the organisation's new structure. The framework will support the prioritisation of Historic England resources, and it will also help local authorities to understand what we do, why and how (extended closing date 25 May).
- Historic England is consulting on a revised version of its Advice Note on Tall Buildings (HEAN 4). The revised text is available [here](#) (extended closing date 28 May).
- Historic England is consulting on the draft text for a new Advice Note on Commercial Renewable Energy and the Historic Environment. Technologies covered include large-scale development proposals for wind power, solar photovoltaics and biomass and energy from waste (closing date 28 May).
- The Environment Agency is consulting on River Basin Planning: Challenges and Choices (extended closing date 24 September). It is seeking views on:
 - the challenges that limit the benefits society obtains from the water environment in the river basin districts in England (the challenges)
 - the best way to address these issues (the choices)
- The UK Environmental Audit Committee has launched the Technological Innovation and Climate Change Inquiry, with its first focus on offshore wind power, is inviting written submissions to inform its first session (see *Committees* section, above).
- The DCMS Committee has launched an inquiry into the Impact of Covid-19 on DCMS Sectors and is seeking submissions in response to its call for evidence (see *Committees* section, above. Deadline 19 June).

Calendar

May

- 25 Historic England consultation on a draft Local Authority Strategic Framework closes
- 26 Historic England *Technical Tuesday* Webinar: *Building Services: Principles and Decision Making* (13:00-14:00)
- 28 Historic England consultation on an Advice Note on Commercial Renewable Energy and the Historic Environment closes
- 28 Historic England consultation on a revised Advice Note on Tall Buildings closes

June

- 2 Historic England *Technical Tuesday* Webinar: *Beneath the Surface: Fibrous Plaster* (13:00-14:00)

- 9 Historic England *Technical Tuesday* Webinar: *Survey and Inspection: Geospatial Survey* (13:00-14:00)
- 16 Historic England *Technical Tuesday* Webinar: *Buildings at Risk: Graffiti* (13:00-14:00)
- 19 Deadline for submissions to DCMS Committee on *Impact of Covid-19 on DCMS Sectors*
- 23 Historic England *Technical Tuesday* Webinar: *Building Services: Installation* (13:00-14:00)

July

- 7 Historic England *Technical Tuesday* Webinar: *Beneath the Surface: Concealed Decoration* (13:00-14:00)
- 13 The Department for International Trade consultation on the UK's *Freeport Policy* closes
- 14 Historic England *Technical Tuesday* Webinar: *Survey and Inspection: Damp* (13:00-14:00)
- 21 Historic England *Technical Tuesday* Webinar: *Buildings at Risk: Lightning Protection* (13:00-14:00)
- 28 Historic England *Technical Tuesday* Webinar: *Inspection and Maintenance* (13:00-14:00)

September

- 24 Environment Agency consultation on *River Basin Planning: Challenges and Choices* closes

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20 May 2020

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 (forthcoming)*

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: Local Heritage Listing* (May 2016)
 - *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)