



# Planning Bulletin September 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

This section provides a summary of updates to emerging legislation in the last month. Further information on what the emerging legislation covers can now be found in [Appendix I](#).

### Emerging Legislation

The House of Commons conference recess started on 13 September and ends on 6 October. During this time the House will not be sitting.

#### The Terrorism (Protection of Premises) Bill

- The [Terrorism \(Protection of Premises\) Bill](#) passed First Reading on 12 September. The Second Reading is due on 14 October.

#### Great British Energy Bill

- The [Great British Energy Bill](#) passed Second Reading on 5 September. It is due to go to Committee Stage on 8 October. On 3 September, DESNZ published the [Great British Energy Bill Overarching Factsheet](#). The House of Commons Library has also published on 3 September a [Research Briefing on the Great British Energy Bill](#).

#### Holocaust Memorial Bill

- The [Holocaust Memorial Bill](#) passed Second Reading in the House of Lords on 4 September. A date for Committee Stage is awaited.

#### High Speed Rail (Manchester to Crewe) Bill

- The [High Speed Rail \(Manchester to Crewe\) Bill](#) has passed both reading stages in the House of Commons and is currently awaiting a committee stage date.



## Crown Estate Bill

- The [Crown Estate Bill](#) passed Second Reading on 2 September and the Committee Stage is due on 14 October.

## High Speed Rail (Manchester to Crewe) Bill

- The [High Speed Rail \(Manchester to Crewe\) Bill](#) has passed both reading stages in the House of Commons and is currently awaiting a committee stage date.

## Private Members Bills

### Environmental Targets (Public Authorities) Bill

- The [Environmental Targets \(Public Authorities\) Bill](#) is due to have its Second Reading on 18 October.

### Permitted Development Rights (Extension) Bill

- The [Permitted Development Rights \(Extension\) Bill](#) had its First Reading on 9 September a date for the Second Reading has yet to be announced.

## Secondary Legislation

- On 9 September, the Government laid before Parliament two statutory instruments relating to the Compulsory Purchase Order (CPO) process that come into effect on 1 October.

### The Land Compensation (Additional Compensation) (England) Regulations 2024

- When making a CPO, certain acquiring authorities such as local authorities, Homes England and Development Corporations may include in the order “a section 14A direction”, which restricts the assessment of compensation for the value of land taken. To make a section 14A direction the scheme must be facilitating either affordable housing, health or educational development.
- If the acquiring authority’s use of the land is not in accordance with the authority’s stated intentions, the Secretary of State may, on an application made by a person who was entitled to compensation, make a direction for additional compensation providing certain conditions have been met.
- The [Land Compensation \(Additional Compensation\) \(England\) Regulations 2024](#) allows eligible persons, when submitting their claims for additional compensation, to include an amount to make good financial losses (“qualifying losses”). Qualifying losses are those

losses suffered by an eligible person as a consequence of a CPO being confirmed with a section 14A direction included and not receiving the full market value for their land.

- This instrument also establishes:
  - the procedure for making applications for directions for additional compensation;
  - the procedure for making claims for the payment of additional compensation (including provision about the costs of such applications or claims);
  - the steps to be taken for publicising or giving notice of a direction for additional compensation;
  - the rate of interest to be applied to amounts of additional compensation which are payable; and
  - how or when additional compensation (and any interest) is to be paid.

## New Town Compulsory Purchase Regulations

- As part of the CPO process under the New Towns Act 1981, New Town Development Corporations, local highways authorities and the Secretary of State must issue certain documents at different stages of the CPO process. The [New Towns \(Compulsory Purchase of Land\) \(Amendment\) Regulations 2024](#) inserts new prescribed forms in the New Towns (Compulsory Purchase of Land) Regulations 1977 for compulsory acquisitions of land in England to give effect to a reform introduced through section 190 of the Levelling-up and Regeneration Act 2023 as it relates to England.

## Policy and Guidance

### Written Ministerial Statement

- On 11 September, Emma Hardy MP (Minister for Water and Flooding) delivered a [Written Statement](#) to Parliament on the Government's response to the Office for Environmental Protection Report on the Implementation of the Water Framework Directive Regulations and River Basin Management Planning in England.

## Committees

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



## Built Environment Committee

- The [Built Environment Committee](#), in the House of Lords, has two inquiries open:
  - The [High Street in Towns and Small Cities Inquiry](#) looking at how high streets can be regenerated and become more resilient and attractive. Baroness Taylor of Stevenage OBE and Alex Norris MP are due to give oral evidence on 8 October.
  - The [Grey Belt Inquiry](#) looking at what Grey Belt land is, how it can contribute to housing targets and what sustainable Grey Belt development looks like, which was launched on 6 September. The deadline for submission of evidence is 14 October.

## Energy Security and Net Zero Committee

- On 11 September, [Bill Esterson MP](#) (Sefton Central) was elected Chair of the [Energy Security and Net Zero Committee](#).

## Environment, Food and Rural Affairs Committee

- On 9 September, [Alistair Carmichael MP](#) (Orkney and Shetland) was elected unopposed as Chair of the [Environment, Food and Rural Affairs Committee](#).

## Environmental Audit Committee

- On 11 September, [Toby Perkins MP](#) (Chesterfield) was elected Chair of the [Environmental Audit Committee](#).

## Housing, Communities and Local Government Committee

- On 11 September, [Florence Eshalomi MP](#) (Vauxhall and Camberwell Green) was elected Chair of the [Housing, Communities and Local Government Committee](#).

## Public Accounts Committee

- On 11 September, [Sir Geoffrey Clifton-Brown MP](#) (North Cotswolds) was elected Chair of the [Public Accounts Committee](#).

## Government Planning Letters

### Letters to Chief Planning Officers

MHCLG regularly writes [letters to Chief Planning Officers](#) of local planning authorities in England, providing guidance on planning.



## Planning Newsletter: 13 September

- The [September Planning Newsletter](#) references:
  - the updated approach to ‘Pragmatism’ in Local Plan Examinations as set out in [Matthew Pennycook’s letter to the Chief Executive of the Planning Inspectorate](#);
  - the transitional arrangements for Local Plans, as set out in the [NPPF consultation](#);
  - the [New Homes Accelerator Programme call for sites](#);
  - [DEFRA’s new statistic on access to green space in England](#);
  - [Historic England’s Advice Note 18 on Adapting Historic Buildings for Energy and Carbon Efficiency](#);
  - Planning Advisory Service’s (PAS) new sample [Biodiversity Net Gain templates](#);
  - Office for Place updates;
  - confirmation of the Planning Casework Unit’s (PCU) correct contact details;
  - Natural England’s new improved [SSSI Impact Risk Zones tool](#) for Planners; and
  - new design codes resources for local authority planners.

## Advice

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

## Infrastructure Planning

### Nationally Significant Infrastructure Advice Pages

- On 20 September, the Planning Inspectorate published the second set of updated advice pages relating to Nationally Significant Infrastructure Projects (NSIPs). These include advice pages on:
  - [cumulative effects assessment](#);
  - [the habitats regulations assessments](#);
  - [the water framework directive](#);
  - [transboundary process](#);
  - [Environmental Impact Assessment \(EIA\) notification and consultation](#);



- [commitments register](#); and
- [scoping solar development](#).
- The third set of advice updates (phase 3), expected to be published later this year, will include a separate advice page on environmental statements, updated advice on the environmental impact assessment process, revised advice on the drafting of development consent orders, and new advice on achieving good design in NSIPs.

## 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 **9 October 13:00-14:00** Historic England are hosting the [Wellbeing and Heritage Webinar](#) exploring how heritage practitioners can collaborate with health, local authorities and voluntary, community, faith and social enterprise (VCFSE) partners to ensure that people enjoy and benefit from their historic environment and help make places healthier and helpful for all that live and work there.
- On **24 October 13:00-14:00** Historic England and the Canal and River Trust (CRT) are hosting the [Industrial Heritage: The Role and Work of the Canal and River Trust Webinar](#), which will describe CRT's establishment and role, the nature and historical significance of the canal network, its maintenance and management including on-going challenges and how the CRT works in partnership with others.

## Other Items

### Brownfield Passports Policy Paper

- On 22 September, MHCLG published the [Brownfield Passport: Making the most of Urban Land Policy Paper](#). The paper sets out several proposals including:
  - Amending national policy to explicitly state that development on brownfield land within urban settlements is acceptable unless specified exclusions apply.
  - Amending national policy to set minimum expectations for certain types of location where a particular scale of development may be appropriate. Or alternatively encouraging those parameters to be set at a local level via local development plans / design codes.
  - Using design guides and codes to identify opportunities for redevelopment.
  - Giving greater support for the use of Local Development Orders to grant consent for development at a specified scale and/or form.



- Although not a formal consultation, MHCLG welcomes views on the options set out in the paper and provide several questions to guide responses. There is no formal deadline, and MHCLG intend to confirm next steps in due course.

## Demolition and Retrofit in National Planning Policy – Research Survey

- On 17 September, MHCLG published an [online survey on Demolition and Retrofit in National Planning Policy](#). The Survey seeks the views of stakeholders about whether Government should update national planning policy and guidance in the future, regarding the demolition and redevelopment or retrofit of buildings. The survey closes on 31 October.

## Letter: Housing delivery in London

- On 30 September, the Deputy Prime Minister withdrew a requirement to review the London Plan in a [letter to the Mayor of London](#). The partial review was mandated by the previous government in March.

## New Towns Taskforce: Terms of Reference

- On 18 September, a [policy paper setting out the terms of reference for the New Towns Task Force](#) was published.

## Planning Inspectorate: Artificial Intelligence Guidance

- On 6 September, the Planning Inspectorate [published new guidance on use of artificial intelligence \(AI\)](#) as part of any appeal, application or examination.

## Government Consultations

### Government Consultation Responses

- On 11 September, the [Government response to the Office for Environmental Protection report on the implementation of the Water Framework Directive Regulations and River Basin Management Planning in England](#) was updated.

### Historic England Consultation Responses

- Historic England [responses to recent consultations](#) are available on our website. These include:
  - Historic England's response to Proposed reforms to the National Planning Policy Framework and other changes to the planning system (to be published shortly).



## Calendar

### October

9 October – [Wellbeing and Heritage Webinar](#).

14 October – The call for evidence for the Built Environment Committee's [Grey Belt Inquiry](#) closes.

24 October – [Industrial Heritage: The Role and Work of the Canal and River Trust Webinar](#).

31 October – [Online survey on Demolition and Retrofit in National Planning Policy](#) closes.

## Planning Bulletin Notifications

If you did not receive this edition of Planning Bulletin direct from Historic England, you can sign up for notifications when a new edition is issued by emailing: [governmentadvice@HistoricEngland.org.uk](mailto:governmentadvice@HistoricEngland.org.uk)

If you no longer wish to receive Planning Bulletin, or have received this in error, please email [governmentadvice@HistoricEngland.org.uk](mailto:governmentadvice@HistoricEngland.org.uk) and we will remove you from the mailing list.





# Appendix I: Progress of Emerging Legislation

## Government Bills

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

### 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 production company which will own, manage, and operate clean power projects.

### 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. 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 (Manchester to Crewe) Bill

- The [High Speed Rail \(Manchester to Crewe\) Bill](#) was carried over from the previous Parliamentary session. The Bill enables powers to deliver rail infrastructure in the north of England.

### 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 delivery of offshore energy, as the Crown Estate is the owner of the seabed, as well as regeneration and housebuilding given its extensive property portfolio.

### Terrorism (Protection of Premises) Bill

- The [Terrorism \(Protection of Premises\) Bill](#) require persons with control of certain premises or events to take steps to reduce the vulnerability of the premises or event to, and the risk of physical harm to individuals arising from, acts of terrorism; to confer related functions on the Security Industry Authority; to limit the disclosure of information about licensed premises that is likely to be useful to a person committing or preparing an act of terrorism; and for connected purposes.



## Private Members Bills

### Environmental Targets (Public Authorities) Bill

- The [Environmental Targets \(Public Authorities\) Bill](#) makes provision for a statutory objective requiring public bodies to contribute to delivery of targets set under the Environment Act 2021 and Climate Change Act 2008; to place a duty on public bodies to meet this objective in the exercise of their functions; and for connected purposes. The Bill started in the House of Lords and is sponsored by Lord Krebs.

### Permitted Development Rights (Extension) Bill

- The [Permitted Development Rights \(Extension\) Bill](#) makes provision to extend permitted development rights to allow householders to improve and extend their residential properties; and for connected purposes. The Bill started in the House of Lords and is sponsored by Lord Lucas.



## Appendix II: 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 \(July 2024\)](#)