

Planning committee reform: draft regulations and guidance ¹

[Submitted via online portal]

Question 1 Do you have any comments on the draft Regulations?

Yes. Historic England welcomes the proposed inclusion of Listed Building Consent, and associated permissions, in Schedule 2. As impact on heritage relates to significance rather than development scale, it is important that applications related to heritage have the potential for committee oversight where desirable in the local context. To ensure greater clarity in the regulations Historic England recommends:

- Addition of 'Certificates of Lawfulness for Proposed Works to Listed buildings' (Schedule B). This process relates to Listed Building Consent, is distinct from certificates associated with planning permission, and is subject to different legislation. The process is currently omitted from regulations.
- Clarifying that the 'technical consents' stage will be dealt with in the same manner as the 'Permission in Principle' stage.

Question 2 Do you agree with our proposed approach to phased reserved matters applications? If not, do you think we should return to the original position of reserved matters on phased development being delegated in all circumstances or should we instead consider delegating certain types of phased reserved matters applications?

No comment.

Question 3 Do you have any comments on the draft guidance?

Yes. Historic England broadly supports the criteria for referral - especially point (b), where an application raises an economic, social or environmental issue of local significance, and welcomes recognition of the role of heritage as a key consideration.

The interpretation and application of the referral test will be critical to the effective operation of the national scheme of delegation, and how local planning authorities can be flexible to reflect local circumstances and priorities. However, accepting that this list is illustrative not definitive, there will still be value in considering and expanding these points further.

For example, as worded there may be significant debate around the meaning of a 'notable' listed building, and concern over the solely urban focus. Historic England would welcome the opportunity to work with government on refining this guidance, exploring where referral may be desirable, and supporting associated training during the transition period. Initial ideas could include highly graded assets, buildings at risk, local landmarks or cultural amenities, and assets central to strategic regeneration schemes.

¹ <https://www.gov.uk/government/consultations/planning-committee-reform-draft-regulations-and-guidance>