

Planning Bulletin July and August 2026

This 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.

Contents

In this edition you will find:

Government Updates

- [National Planning Policy Framework 2026](#) and the Government response to the NPPF consultation.
- [Section 102 of the Levelling Up and Regeneration Act 2023](#): the announcement that the Government will proceed with implementing section 102 of the Levelling Up and Regeneration Act.
- [Reforms to the Statutory Consultee System](#): the Government's response to the consultation on the reforms to the statutory consultee system.
- [Guidance](#): the updated suite of guidance on Nationally Significant Infrastructure Projects (NSIPs).
- [Marine Plans](#): the launch of the MMP monitoring survey for marine plans
- [Letters](#), including the Chief Planners Letter.

Policy Areas

- [Planning Committees](#), including protecting built heritage.
- [Infrastructure Planning](#), including the government's response to the consultation on streamlining infrastructure consent for NSIPs.
- [Fees](#), including the government's response to the consultation on the National Default Fee Scheme.

Historic England Updates

- [Advice](#), including the updated HEAN 15.

- [Consultation responses](#), including the Government consultations on the design of the high value Council Tax surcharge and PDR for schools, assets of community value, defence and conservation.

Other Information

- [Useful links](#): links to Historic England resources.
- [Calendar](#): key upcoming dates.
- [Appendix 1](#): a list of Historic England Planning Advice
- [Appendix 2](#): a high level summary of chapter 20 in the NPPF 2026

Abbreviations

- BNG: Biodiversity Net Gain
- DEFRA: [Department for Environment, Food & Rural Affairs](#)
- DESNZ: [Department for Energy Security & Net Zero](#)
- MHCLG: [Ministry of Housing, Communities & Local Government](#)
- NPPF: [National Planning Policy Framework](#)
- NSIPs: [Nationally Significant Infrastructure Projects](#)

National Planning Policy Framework (NPPF)

- The new National Planning Policy Framework (NPPF) was published on 17 August, accompanied by the Government response to the consultation:
<https://www.gov.uk/guidance/national-planning-policy-framework>
<https://www.gov.uk/government/publications/creating-a-clear-rules-based-planning-system/creating-a-clear-rules-based-planning-system>
- The NPPF's format has changed significantly. All chapters now contain policies for plan-making and national decision-making policies. The lettering and numbering resemble that of a local plan.
- Policies focused on the historic environment are contained in Chapter 20; other chapters interact with heritage in different ways. The historic environment chapter must, of course, be read with the Framework as a whole.
- There is much to welcome in Chapter 20: Conserving and Enhancing the Historic Environment, including (but not limited to):
 - The need for development plans to deliver a positive strategy for the conservation, enhancement and enjoyment of the historic environment, and for those plans to be underpinned by proportionate heritage assessment [HE1]
 - Support for local heritage lists [HE1]
 - Recognition that heritage assets are an irreplaceable resource and that development proposals should maintain or secure uses that are consistent with conservation of the heritage asset, avoid (or if that is not possible, minimise) harm, and provide clear and convincing justification for any harm to, or loss of, significance [HE4]
 - Clarification that development proposals should be accompanied by an assessment of significance and of the potential effect of the proposal on that significance [HE5]
 - Requirement that assessments should identify the effects of the proposal on significance, whether that be positive, neutral, harmful or result in total loss [HE5]
 - Acknowledgement that any harm to a designated heritage asset will be a matter of considerable importance and weight [HE6]
 - Clarity that important public benefits can include securing the long-term reuse of a vacant or underused listed building, and enabling energy efficiency and low carbon heating measures to be employed [HE6]
 - Provisions that help to ensure development can be brought forward in ways that secure the long-term future of World Heritage Sites, such as by having regard to Outstanding Universal Value (OUV) and by retaining and conserving buildings and

other features which make a positive contribution to that OUV where possible [HE8]

- For a more detailed summary of the heritage chapter, refer to Appendix 2 of this issue of the Planning Bulletin.
- Outside of chapter 20, important provisions from a heritage perspective include (but are not limited to):

Chapter 1: Introduction

Confirmation that planning decisions must also reflect relevant international obligations and statutory requirements, as must the preparation of development plans [paragraph 3].

Chapter 2: Plan-making policies

Acknowledgement that the historic environment is a strategic issue for Spatial Development Strategies [PM1]

Confirmation of the need for proportionate evidence to inform local plans, and minerals and waste plans, within the tests of soundness [PM15]. PM8 covers the evidence for plan-making requirements.

Chapter 3: Information requirements

Reference to the information required in support of an application, as summarised in Annex C of the NPPF [DM2].

Chapter 4: Achieving sustainable development

Retained protection of designated heritage assets via a footnote on positive plan-making [S1, footnote 24].

Chapter 5: Meeting the challenge of climate change

Substantial weight given to the benefits of improving the energy efficiency of existing buildings where this would be achieved through proposals for development [CC2].

Chapter 8: Ensuring the vitality of town centres

Local planning authorities should consider the use of design guides, design codes and masterplans to support their vision for, and the development of town centres [TC1].

Chapter 12: Making effective use of land

Reference to the character of buildings and areas when seeking to make effective use of land [L1-L3].

Chapter 14: Achieving well-designed places

Development plans should be informed by evaluation of the area's existing characteristics and potential, identifying where design guides, design codes and

masterplans are necessary and how they should be prepared [DP1 and DP2].

Requirement that development proposals should respond to their context (the history, character and features of their site and its setting) [DP3]

- It will, of course, take time for the full impacts of the NPPF to become clear. Consideration given to heritage must be balanced alongside the need for the housing, commercial development, infrastructure and other facilities, to which greater emphasis is now given in particular via policies S3-S5.
- From a plan-making perspective, Historic England will work with stakeholders to support the consideration of strategic heritage issues to be covered in Spatial Development Strategies and the integration of suitable heritage-related policies in local plans. From a decision-making perspective, Historic England will continue to encourage early discussion of proposals in support of sustainable development, the consideration of heritage in the balancing exercise, and the application of appropriate weight to heritage-related considerations.
- Informed by the new NPPF, Historic England has begun a phased programme of work to update its advice notes on the [planning system](#). This will be done alongside changes made by Government to Planning Practice Guidance.
- In addition, Historic England is exploring opportunities to provide training on the newly published NPPF. To keep up to date with our training offer, [sign up to the Training & Skills bi-monthly newsletter](#).

Section 102 of the Levelling Up and Regeneration Act 2023

- The Government response to the new NPPF confirms that the Government will proceed with implementing [section 102 of the Levelling-up and Regeneration Act 2023](#), which extends the special regard duties to World Heritage Sites, scheduled monuments, registered parks and gardens, registered battlefields and protected wrecks, and their setting. This is an important development, which will be covered in more detail in a future issue of the Planning Bulletin. Currently, we await further details on the timing for implementation.

Reforms to the Statutory Consultee System

- The Government has published its [response to the consultation on reforms to the statutory consultee system](#), which sought views on reducing the scope of referrals to some of the largest statutory consultees and removing statutory consultee status from certain bodies.

- These proposals aim to significantly streamline the planning system by reducing unnecessary statutory consultations, empowering local planning authorities, and focusing resources where they are most needed. The Government response to the NPPF notes that regulations will follow consultation outcomes and that the Government plans to publish a consultation later this year on a planning fee surcharge to support statutory consultee resourcing.
- The changes to Historic England's role in the statutory consultee system are welcome, as they broadly follow our recommendations. That said, Historic England notes the loss of The Gardens Trust and The Theatres Trust as statutory consultees, which is a significant development. While The Gardens Trust will still be notified about works to registered parks and gardens, it will no longer be consulted on works affecting their settings.

Guidance

- **National Significant Infrastructure Projects:** the Planning Inspectorate has updated its suite of guidance for NSIPs:
 - [NSIPs and the people and organisations involved in the process](#)
 - [NSIPs: pre-application advice on Environmental Impact Assessment](#)
 - [NSIPs: how to submit an application for development consent](#)
 - [NSIPs: development consent legislation](#)
 - [NSIPs: advice on the preparation and submission of application documents](#)
 - [NSIPs: examples of documents produced in the Planning Act 2008 process](#)
 - [NSIPs: advice for Local Authorities](#)
 - [NSIPs: the stages of the NSIP process and how you can have your say](#)
 - [NSIPs: 2024 pre-application prospectus](#)
- **Biodiversity Net Gain for Major Infrastructure projects** – from 2 November 2026, Biodiversity Net Gain (BNG) will become mandatory for new nationally significant infrastructure project (NSIP) applications in England. To help developers prepare, [Defra have published guidance](#) setting out how BNG should be considered throughout the design and consenting process.

Marine Plans

- **Monitoring Survey for England's marine plans** – the Marine Management Organisation (MMO) has asked marine planning stakeholders to complete a monitoring survey for

England's marine plans. The MMO is required to monitor and report on marine plans under Section 61 of the Marine and Coastal Access Act (2009), and the responses will help the MMO to understand policy effects and the effectiveness of policies in securing the objectives of the marine plans. Further information is available from the [Marine Planning Officers](#).

Government Planning Letters

- **Chief Planner's Letter:** The [Chief Planner's Letter \(25 August\)](#) includes reference to the launch of consultations on planning powers for mayors and planning agreements for medium sized sites.

Planning Committees

- **Select Committee:** The Culture Media and Sport Committee released its report on [Protecting Built Heritage](#). The Committee's report helps to position heritage as part of mainstream public policy in supporting growth, delivering housing, high street renewal, public estate management, skills development and climate adaptation. Its central proposition is a "reuse first" approach. Note that reuse is not a specialist heritage concern, but a mainstream delivery tool for place-making, regeneration and sustainable development. The report sets out a clear case for cross-government policy change across planning, housing finance, tax, skills and public asset management.

Infrastructure Planning

- **Consultation on streamlining infrastructure planning:** the government has published its [response](#) to the consultation on changes to guidance, public sector services and secondary legislation to streamline infrastructure consent for National Significant Infrastructure Projects.
- **Consultation on permitted development rights:** the Department for Energy Security and Net Zero have launched a consultation on the [proposed permitted development rights for ground investigations and surveys for electricity network ground investigations](#). The deadline for responses is 4th September.

Fees

- **Fees for planning applications consultation:** the government has released its [response](#) to the consultation held during March to May this year, on the proposed National Default Fee Scheme.

Historic England Guidance and Advice

- **Historic England Advice Note 15:** Historic England has updated its Advice Note [15 - Delivering Clean Power: Commercial Renewable Energy Development and the Historic Environment \(HEAN 15\)](#).
- **World Heritage Sites (WHS):** now that the new NPPF has been published Historic England is finalising its draft Advice Note on Managing Change to WHS in England and the public consultation will be announced in the near future.

Historic England Consultations

- [Historic England responses to governmental consultations](#) can be found online. Responses in July and August include:
 - [Detailed design of the High Value Council Tax Surcharge](#)
 - [Permitted development rights: schools, assets of community value, defence and conservation](#)
 - [Draft National Policy Statement: fusion energy generation \(EN-8\)](#)

Useful Links

- **Historic England Planning Advice:** the list of [Historic England published planning advice](#) can be found online and is summarised in [Appendix I](#).
- **Planning research:** Historic England commissions and undertakes research to understand how the planning system works in practice. A list of [published Historic England planning research](#) can be found online.
- **Heritage Counts:** Historic England maintains [Heritage Counts](#), a compendium of evidence and insights to support making the case for heritage.

Calendar

September

1 September – [consultation on amendments proposed to the draft Heathrow Expansion National Policy Statement](#)

4 September – [consultation on permitted development rights for electricity network ground investigations](#)

October

5 October – [consultation on planning powers for mayors in England](#)

20 October – [consultation on standard planning agreements for medium-sized sites](#)

Planning Bulletin Notifications

If you did not receive this edition of Planning Bulletin directly from Historic England, you can sign up for notifications when a new edition is issued by emailing: 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 and we will remove you from the mailing list.

Appendix I: Historic England Planning Advice

All [Historic England planning advice](#) is available on our website. Below is a list of all Good Practice Advice notes (GPAs) and Historic England Advice Notes (HEANs). These are amended from time to time to reflect changes in legislation, policy, case law interpretation etc.

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 \(December 2025\)](#)
- [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 \(December 2025\)](#)
- [HEAN 6: Drawing up a Local Listed Building Consent Order \(November 2015\)](#)
- [HEAN 7: Local Heritage Listing \(third edition\) \(May 2026\)](#)
- [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 \(June 2025\)](#)

- [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 \(June 2026\)](#)
- [HEAN 16: Listed Building Consent \(June 2021\)](#)
- [HEAN 17: Planning and Archaeology \(November 2022\)](#)
- [HEAN 18: Adapting Historic Buildings for Energy and Carbon Efficiency \(February 2026\)](#)

Appendix 2: High-level summary of Chapter 20 in the NPPF 2026

The text that follows takes a closer look at all policies in Chapter 20: Conserving and enhancing the historic environment. It is written purely as an initial guide to the heritage chapter in the new NPPF, which opens, as do all the chapters, with a statement about the objectives of the chapter (this does not constitute policy).

- **HE1: Planning for the Historic Environment** sets out what planning authorities must do to deliver a positive strategy for the historic environment. Furthermore, it requires development plans, at the most appropriate level, to be informed by a proportionate heritage assessment. Note that Historic England’s [advice notes on the planning system](#) will be updated to support the preparation of such assessment, alongside changes to the Planning Practice Guidance (PPG).
- **HE2: Conservation Areas and World Heritage Sites** sets out what is required in plan-making to conserve the significance of conservation areas and World Heritage Sites, including support for locally-specific policies to conserve WHSs. Furthermore, HE2 supports the review of conservation areas, the preparation of conservation area appraisals and management plans, and alignment with policies in the development plan.
- **HE3: Historic Environment Records** requires local planning authorities to maintain or have access to a Historic Environment Record (HER), which should contain up-to-date evidence about the historic environment in the plan-making area. Also, HE3 outlines how HERs should be used and makes clear that information about the historic environment gathered as part of plan-making or development management activities should be publicly accessible. As stated in the government response to the NPPF consultation: “the text of policy HE3 has been expanded to address sector feedback that it could address the role of Historic Environment Records more fully”.
- **HE4: Securing the conservation of heritage assets** opens the decision-making policies in Chapter 20, setting out broad points about the importance of conserving heritage assets. It refers to uses consistent with [heritage] conservation, a key point (particularly noting the phrase “optimum viable use” no longer appears in the NPPF). Furthermore, HE4 requires that development proposals “avoid (or if that is not possible, minimise) harm” and requires clear and convincing justification for any harm. Also, it retains policy on enabling development.
- **HE5: Assessing effects on heritage assets** clarifies that proposals should be accompanied by an assessment of significance (not simply a description) and for that assessment to be undertaken by applicants. Also, HE5 confirms that the assessment should include the potential effect of the proposal on that significance.

HE5 recognises that impacts can be positive, neutral, harmful or cause total loss. Sometimes harm may be substantial.

Note the removal of the term “less than substantial harm”. Reference should instead be made to “harm”, except in those (rare) cases in which one is dealing with substantial harm or total loss.

Note, also, what is akin to a definition of substantial harm, where the proposal would “seriously affect a key element of the asset’s significance”. The Planning Policy Guidance includes a more detailed definition of substantial harm within the environment’s section on decision-making.

- **HE6: Proposals affecting designated heritage assets** deals with the decision itself. The weight to be given to conservation is now “substantial”. Substantial weight is applied to a range of different considerations throughout the new Framework.

The Government response to the NPPF states on page 129 that: “The government remains satisfied that the revised wording in policy HE6 maintains the existing level of protection and that, when following the approach set out in the NPPF decision makers will discharge the statutory regard duties in relation to the protection of designated heritage assets. To make the importance of designated heritage assets absolutely clear, a new paragraph (3) has been added to policy HE6 pointing out that any harm to a designated heritage asset will be a matter of considerable importance and weight when considering proposals in the context of the policy.”

Furthermore, on page 6 the Government response states that: “The weight to be given to specific considerations remains a matter for decision-makers, to be determined on the facts of individual cases.”

For designated heritage assets, this “substantial weight” must be understood in the light of the statutory tests. In that regard, paragraph 3 of the NPPF’s Introduction states “Planning decisions must also reflect relevant international obligations and statutory requirements, as must the preparation of development plans”; footnote 2 (to this paragraph) refers to sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

As stated above, HE6(3) makes clear that any harm to a designated heritage asset will be a matter of considerable importance and weight and dealt with accordingly.

As before, harm should be weighed against public benefits resulting from a proposal. The Framework notes “Important public benefits can include securing the long-term re-use of a vacant or underused listed building, and enabling energy efficiency and low carbon heating measures to be employed”, reflecting Government’s keenness to see vacant buildings reused and its commitment to climate measures (HE6(4)).

The tests for substantial harm and total loss remain the same, and, as before, this should be exceptional or wholly exceptional, depending on the designation (HE6(6)).

HE6 is the only heritage policy that refers to circumstances in which a proposal should be refused – and one of only a small number that do so this throughout the Framework.

- **HE7: Decisions on non-designated heritage assets** deals with non-designated heritage assets. Focusing on the changes made to the text for HE7 seen in consultation draft, the Government response states that: “The government has also revised policy HE7 on non-designated heritage assets to align more closely with policy HE5. This ensures a more consistent approach to assessing impacts and that appropriate weight is given relative to the protections set out in policy HE6 for designated heritage assets.”
- **HE8: World Heritage Sites** incorporates appropriate UNESCO terminology in relation to World Heritage Sites, which is welcome. Also, flagging another change made to the text of the consultation draft, HE8 now confirms that development proposals that affect a World Heritage Site should retain and conserve buildings and other features which make a positive contribution to the significance and Outstanding Universal Value of the WHS where possible.
- **HE9: Conservation areas** state the policy requirements for development proposals within or affecting the significance of conservation areas and what to do if the proposal would result in the loss of a building or other element which contributes to the character or appearance of a conservation area that is desirable to conserve.
- **HE10: Loss or removal of heritage assets** covers various point in respect of the loss or the removal of assets, stating what should be done where a development proposal would result in the loss of the whole or part of a heritage asset (whether designated or not). HE10(2) states that: “Heritage assets with archaeological interest should be preserved in situ where feasible. Where an asset cannot be preserved or managed on-site, appropriate provision should be made for the investigation, understanding, recording, dissemination and archiving of that asset, which should be undertaken by suitably qualified individuals or organisations.” Also, HE10 retains policy on development proposals to remove or alter a historic statue, plaque, memorial or monument.