

PC 422/23

NEW FOREST NATIONAL PARK AUTHORITY

PLANNING COMMITTEE MEETING – 18 APRIL 2023

GOVERNMENT CONSULTATIONS ON: (A) PERMITTED DEVELOPMENT RIGHTS; AND (B) AN INCREASE IN PLANNING FEES

Report by: Steve Avery, Executive Director

1. Introduction

- 1.1 Report PC 419/23 to last month's Planning Committee meeting provided an overview of two current consultations relating to: (i) proposed amendments to national permitted development rights; and (ii) supporting the stronger performance of local planning authorities through increased planning fees. This report provides further detail on these important consultations and sets out the National Park Authority's suggested response to the proposal to introduce a new permitted development right for temporary recreational campsites (Annex 1). The responses to the consultations need to be submitted by the deadline of 25 April 2023.
- 1.2 The consultations were launched by the Department for Levelling Up, Housing & Communities on 28 February 2023, with details available at [Permitted development rights: supporting temporary recreational campsites, renewable energy and film-making consultation - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/permitted-development-rights-supporting-temporary-recreational-campsites-renewable-energy-and-film-making-consultation) and [Technical consultation: Stronger performance of local planning authorities supported through an increase in planning fees - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/technical-consultation-stronger-performance-of-local-planning-authorities-supported-through-an-increase-in-planning-fees).

2. Consultation 1: Permitted development rights: supporting temporary recreational campsites, renewable energy and film-making consultation

- 2.1 This consultation contains proposed changes to the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended. It covers:
- A new permitted development right to support temporary recreational campsites.
 - Changes to the existing permitted development rights for solar equipment and a new permitted development right for solar canopies.
 - Amendment to the existing permitted development right which allows local authorities to undertake certain development. This change would allow bodies to undertake the work on behalf of the local authority.
 - Changes to the existing permitted development right allowing for the temporary use of buildings or land for film-making purposes.
- 2.2 Of key interest to the Authority is the proposal to introduce a new permitted development right to allow the temporary placement of up to 30 tents at any one time on land for up to 60 days a year and for moveable structures on the land related to the campsite use, such as portable toilets. National Parks – covered within the definition of Article 2(3) land - are not excluded from this proposed new right, which would be subject to some limitations and conditions to control impacts and protect local amenity.
- 2.3 The new right would be inserted in Part 4 (temporary buildings and uses) of Schedule 2 to the General Permitted Development Order. This new right would be standalone

and once introduced, the existing temporary use of land permitted development right (Class B of Part 4) would be amended to exclude camping. This has implications for the National Park-wide Article 4 Direction confirmed by the Authority last year and supported by the majority of respondents during the public consultation. At the time, the Government confirmed they were content for the Authority to confirm the Direction.

- 2.4 It is acknowledged that some provisions have been included in an attempt to limit the impact of such uses. For example, it is proposed that the new right would only apply to the placing of tents and not allow for the siting of caravans, motorhomes and campervans. To minimise potential impacts of campsites on local communities, it is also proposed that the new right should only allow for no more than 30 tents to be erected on the land at any one time. In addition, the proposed new right would not apply to land within the curtilage of a listed building; sites of special scientific interest; scheduled monuments; safety hazard areas and military explosives storage areas. Over 50% of the New Forest National Park is designated as a Site of Special Scientific Interest (SSSI) and so the proposed new right would not apply in these areas.
- 2.5 Annex 1 to this report sets out the Authority's recommended consultation response to this element of the proposed new permitted development rights. Our response raises significant concerns and highlights the inconsistency in the national approach to temporary campsites in National Parks in recent years. For example, the final report of the Government-commissioned 'Landscapes Review' (Glover, September 2019) recommended that the current Permitted Development Rights (PDR) system should be reviewed and, if necessary, further PDRs should be added to the list of those currently withdrawn within National Parks to ensure that the full application process applies before determining planning approval. In December 2021 the Government reverted the existing permitted development right for temporary campsites back to 28 days (from the 56 days that applied in 2020 and 2021) in recognition of the detrimental impact the extended right had on some local communities. However, in February 2023 a new change is proposed that would again extend permitted development rights in National Parks.
- 2.6 There is slightly less concern with regard to the proposed permitted development rights for renewable energy and film making although we still maintain that permitted development rights should not be extended further in our most protected landscapes – one of the key recommendations of the Landscapes Review (2019). We shall be contributing to a National Parks England consultation response that will address these other proposals; there is already an agreed position that planning controls should not be relaxed further in our National Parks and Conservation Areas.
- 3. Consultation 2: Technical consultation - stronger performance of local planning authorities supported through an increase in planning fees**
- 3.1 This consultation seeks views on proposals to increase planning fees and to improve the performance of local planning authorities. The introduction from the Department for Levelling Up, Housing & Communities states, '...it is essential that planning authorities have the resources they need to deliver a service that people expect as well as meeting our ambitions for planning reform...The government has heard consistent feedback from all sectors that the core planning application service is not consistently performing at the level it should and one of the root causes is, for many local planning authorities, an absence of adequate resources and capability.'

3.2 The Government therefore recognises that planning authorities (including National Park Authorities) need more resource in order to perform their critical social, economic and environmental functions on planning effectively. This consultation proposes an increase in planning application fees for major applications by 35% and for all other applications by 25%, together with an indexation proposal for fees to be adjusted annually in-line with inflation. Other proposals that views are invited on include:

- Additional fees for bespoke or 'fast track' services
- Ring-fence additional fees income for the delivery of the planning service
- Double fees for retrospective applications
- Remove the 'free-go' for repeat applications
- Build planning capacity and capability within local authorities, including challenges in recruitment and retention, and how these can be addressed
- Reduce the Planning Guarantee from 26 to 16 weeks for non-major applications
- Improve the quality of the local authority planning service by monitoring more performance measures

(i) Planning Fees

3.3 National planning fees were last revised in January 2018, more than 5 years ago. Prior to that, planning fees had not increased since November 2012 and the piecemeal increase in fees over the last decade has not kept up with inflation. Although fees provide an income for planning authorities to contribute towards their costs in providing a planning service, the fees (both existing and with the proposed increase) do not cover the full cost to the planning authority in determining an application. The Government is proposing to increase fees for major applications by 35% and increasing fees for all other applications by 25%, so that the planning application service is principally funded by the beneficiaries of planning gain – land and property owners – rather than the taxpayer. Additionally, to discourage unauthorised development, it is proposed to double fees for retrospective applications (which we broadly support so long as it does not discourage people from seeking to regularise unauthorised development).

3.4 Subject to the outcome of the current consultation and Parliamentary approval, the Government intends to introduce the proposed fee increase in summer 2023. It is proposed that legislation will be introduced when parliamentary time allows for all planning fees to be adjusted annually in line with inflation and this is supported.

(ii) Ringfencing of additional fee income

3.5 Although not legally ring-fenced, the purpose of planning application fees is to enable planning authorities (including National Park Authorities) to perform their statutory function of processing planning applications. To ensure that the proposed additional fee income directly supports increased resourcing of local authority planning departments, the Government is seeking views on whether the additional income arising from the proposed fee increase should be ringfenced for spending within the local authority planning department. This seems logical and is particularly relevant for National Park Authorities, where the planning function is the Authority's primary statutory power to deliver the National Park two purposes and related duty.

3.6 We are supportive of these proposals but will stress that it is vitally important that the proposed fee increases applies to all types of planning applications – there is a suggestion that raising fees for householder applications might not be appropriate due to cost of living pressures.

(iii) Performance

- 3.7 The Government has stated it is only prepared to introduce fee increases nationally if planning performance also improves. The consultation therefore also proposes a new approach to how the performance of local planning authorities is measured across a broader set of quantitative and qualitative measures. For example, the Government intends to amend the existing metrics that measure performance of local planning authorities for speed of decision-making so that planning authorities are primarily held to account for the number of applications that are determined within the statutory determination periods rather than through an extension of time agreement. They also propose to tighten the Planning Guarantee period for non-major applications. We are concerned that excluding extension of time agreements from any future performance measure could see an increase in the number of refusals and a corresponding increase in appeals, which would be counter-productive and not helpful to any of the parties involved.
- 3.8 The Government intends to consult on the details of the proposed performance indicators following a review of comments received through this consultation. It is recognised that local authorities need time and resources to adjust to any new planning performance framework, and that sufficient advance notice will need to be given before any relevant assessment period is applied.
- 3.9 It is proposed that officers respond to Consultation 2 highlighting the above points.

4. Conclusions

- 4.1 The [English national parks and the broads: UK government vision and circular 2010](#) states, 'The town and country planning system is a key instrument in the achievement of Park purposes. Planning legislation has a major impact on the form and location of development, is a vital tool for managing the impact of development on landscape and biodiversity and a key part of conserving and enhancing cultural heritage, including the built heritage in Park settlements...' – paragraph 136. This position was supported in the Government-commissioned 'Landscapes Review' (2019), which concluded that the planning powers for National Park Authorities are important and that, '...the protections they give are essential and we don't think they hold progress back...' – paragraph 60.
- 4.2 Despite the recommendations of the Landscape Review (2019) highlighting the impacts of Permitted Development Rights on National Parks, further reforms and proposed amendments to the national planning system are proposed and National Parks are not exempt from these. The Authority's proposed response to the consultation on national permitted development rights (Annex 1) highlights significant concerns over the impacts could have on the landscape, habitats and local communities of the New Forest National Park.
- 4.3 The proposals to increase planning fees for the first time in over 5 years is welcomed and is something the Royal Town Planning Institute and others (including National Park Authorities and users of the planning service) have been calling for. It is important that any additional income is ring-fenced for the delivery of the planning service and we understand that the Government will consult further on the proposed revised performance measures for planning authorities. As highlighted in the consultation, it is important that these performance indicators are introduced once planning services have had the opportunity to add to their resources.

Recommendation:

Members endorse the National Parks Authority's consultation response to the proposal to introduce a new permitted development right for temporary recreational campsites as set out in Annex 1.

Contact:

Steve Avery, Executive Director
steve.avery@newforestnpa.gov.uk

Equality Impact Assessment: No impacts have been identified.

Annex 1 – Proposed response to extended PD Rights for temporary campsites

| Question | New Forest NPA response |
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| <p>Q1. Do you agree that a new permitted development right should be introduced that will allow the temporary use of land for recreational campsites and associated facilities?</p> | <p>No. The New Forest is one of the most visited National Parks in England and has the highest proportion of designated land of international value for nature conservation in the country. Holiday parks and campsites are already well provided for in the National Park and for these reasons, successive local plans have taken a restrictive approach to the provision of new campsites.</p> <p>The New Forest National Park Authority has considerable experience of dealing with the impacts of national permitted development rights for temporary campsites and the issues that arise. In March 2022 the Authority agreed to bring the Article 4 Direction into effect relating to temporary campsites on 30 September 2022 and further details are available at National Park-wide Article 4 Direction – temporary campsites - New Forest National Park Authority (newforestnpa.gov.uk). The effect of the Direction is to withdraw permitted development rights within Classes B and BA of Part 4 of Schedule 2 of the Order across the whole of the New Forest National Park. During the consultation on the proposed Direction, over 70% of respondents supported the use of the Direction and the Department for Levelling Up, Housing & Communities confirmed they were content for the Authority to decide whether to confirm the Article 4 Direction or not. The Direction enables appropriate and proportionate consideration to be given to a range of material planning considerations (including access, impacts on residential amenity and landscape).</p> <p>The proposed new permitted development right would result in further pressures on local communities, the landscape and habitats within the National Park.</p> <p>There is therefore a strong case to exclude National Parks from this proposed new right and to ensure that proposals for new campsites in protected landscapes continue to be properly assessed through the planning process.</p> |
| <p>Q2. Do you agree that the permitted development right should only apply to the placing of tents?</p> | <p>Yes - notwithstanding that we do not support this new permitted development right, it should not be extended further. The New Forest experience is that ‘pop up’ tented campsites can and do have detrimental impacts on local communities and the wider environment.</p> <p>We have received representations from local communities and others highlighting negative impacts from campfires, lighting, amplified music, lack of appropriate parking</p> |

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| | <p>areas, increased recreational pressures on adjacent sites and impacts on residential amenity of neighbours. All of these impacts apply whether the accommodation provided is tents, caravans or mobile homes. The proposed restriction to tents only would not address these.</p> |
| <p>Q3. Do you agree that the permitted development right should allow up to a maximum of 30 tents to be erected on the land?</p> | <p>If an additional national permitted development right is to be introduced for temporary camping uses, it is essential a limit is placed on the number of pitches that could be provided. In the New Forest National Park there are examples of temporary campsites set up under existing national permitted development rights with over 100 pitches provided. For some small rural communities this is a significant increase in the population of the local hamlet and places are strain on very limited local services.</p> |
| <p>Q4. Do you agree that the permitted development right should be limited to up to 60 days per calendar year?</p> | <p>No. Following the start of the coronavirus pandemic the Government extended the existing permitted development rights to enable the temporary use of land for camping from 28 days to 56 days. This resulted in significant problems in areas during 2020 and 2021 – see Covid: Pop-up campsite rules 'harming communities' - BBC News – and therefore the existing Permitted Development Right reverted to 28 days for 2022.</p> <p>There is an inconsistency in national policy in reverting to 28 days for the existing permitted development right for the temporary use of land for camping in 2022 due to the detrimental impacts of the extended right (Class B of Part 4); then introducing a new right in 2023 to allow the use of land for 60 days.</p> |
| <p>Q5. Do you agree that the permitted development right should require the provision of temporary on-site facilities to provide waste disposal, showers and toilets?</p> | <p>One of the detrimental impacts reported to the New Forest National Park Authority in 2020 and 2021 from 'pop up' temporary campsites was waste disposal and lack of toilet facilities. Therefore, in principle, there is merit in this proposal although the siting of such facilities, if not properly controlled, could have negative impacts on the character and appearance of protected landscapes as well as impacts on local residents if sited near to their properties.</p> <p>In addition, over 70 planning authorities (including several National Park Authorities) are now covered by the legal requirement to ensure new development is 'nutrient neutral'. Wastewater is a contributor to nutrient loads and therefore temporary campsites must demonstrate how they are addressing the requirement for nutrient neutrality in affected catchments. This legal requirement applies whether development comes forward through the national permitted development right route or through a planning application. The proposed requirement to provide on-site</p> |

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| | <p>facilities should also cover the safe disposal of waste (including wastewater) to ensure compliance with the Habitats Regulations in affected catchments.</p> |
| <p>Q6. Do you agree that the permitted development right should not apply on land which is in or forms part of sites of special scientific interest, Scheduled Monuments, safety hazard areas, military explosives storage areas and land within the curtilage of a listed building?</p> | <p>The final report of the Government-commissioned 'Landscapes Review' (Glover, September 2019) stated on page 60: "<i><u>We think their [NPA] planning powers are important, the protections they give are essential and we don't think they hold progress back.</u></i>"</p> <p>The Report went on to advise: "<i>The current Permitted Development Rights (PDR) system should also be reviewed and, if necessary, further PDRs should be added to the list of those currently withdrawn within national landscapes to ensure that the full application process applies before determining planning approval.</i>" – page 64</p> <p>The proposed introduction of new extended permitted development rights in National Parks runs directly contrary to the conclusions of the Government-commissioned review of national landscapes (National Parks and AONBs).</p> <p>While supporting the proposed exclusions of SSSIs, Scheduled Monuments, safety hazard areas, military explosives storage areas and land within the curtilage of a listed building, we believe all Article 2(3) land should be excluded from this new permitted development right. This would ensure our nation's finest landscapes are protected, in accordance with primary legislation and paragraph 176 of the NPPF (2021).</p> |
| <p>Q7. Are there any other planning matters that should be considered?</p> | <p>As outlined above, national permitted development rights do not remove the requirement for new development to comply with the legal requirements of the Habitats Regulations. In the New Forest National Park for example, new overnight visitor accommodation (including campsites) increases recreational pressures on the internationally designated sites of the New Forest and Solent coast and therefore mitigation is required. Development similarly affects the water quality of the protected River Avon and Solent designated sites and must therefore demonstrate nutrient neutrality. Any future additions to national permitted development rights must highlight the legal need to ensure compliance with the Habitats Regulations.</p> |
| <p>Q8. Do you agree that the permitted development right should require annual prior notification to the local</p> | <p>Yes. The prior notification process should also require the submission of information relating to site management such as lighting, noise and parking, to ensure that there are no adverse impacts on amenity and landscape. Taken together with the requirement for an assessment of, and mitigation for recreational disturbance and nutrient</p> |

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| authority of the matters set out above? | enrichment, it underscores the need for a full and rigorous assessment through the planning application route rather than through an overly complex prior notification procedure. |
| Q9. Do you think that, in areas of flood risk, the right should allow for prior approval with regard to flooding on the site? | <p>No. The proposed permitted development right should not apply to flood zones 2 or 3.</p> <p>This proposal is not compatible with national flood risk policy. Campsites are listed as more vulnerable in appendix 3 of the National Planning Policy Framework. The proposal does not recognise the difference between national flood risk policy for flood risk zones 2 and 3, the exceptions test, or indeed the sequential test. Reference to flood warning and evacuation plans is too simplistic.</p> |
| Q10. Do you think that any of the proposed changes in relation to a new permitted development right for temporary recreational campsites could impact on: a) businesses b) local planning authorities c) communities? | <p>There will be impacts which need to be properly considered through a planning application. Farm businesses and local traders can benefit from an increase in tourist trade and this is an important consideration. However, an excessive amount of unregulated camping activity repeated at scale across the National Park could affect the viability and attractiveness of existing tourism businesses.</p> <p>A new permitted development right with associated monitoring requirements will create extra burdens for the National Park Authority as the local planning authority.</p> <p>There is the potential for local communities to be seriously affected by this proposal through inappropriately sited pop up campsites. The New Forest is one of the most densely populated National Parks in England. Simply saying that 30 tents reduces the impact on the community is too simplistic – even a few tents could make noise and disturb neighbouring land uses.</p> |
| Q11. Do you think that proposed changes in relation to a new permitted development right for temporary recreational campsites could give rise to any impacts on people who share a protected characteristic? (Age; Disability; Gender Reassignment; Pregnancy and Maternity; Race; Religion or Belief; Sex; and Sexual Orientation). | Generally speaking camping is an inclusive form of holiday-making as it is less costly than most other forms of accommodation. However, the temporary nature of the sites under discussion means that the facilities and means of access are unlikely to be fully inclusive. It is likely that any toilet and shower provision will be more difficult to use for those with limited mobility. Similarly, it is unlikely that there will be existing surfaced level footpaths to provide access around the site and particularly to and from showers, toilets and waste facilities. |

