

## NEW FOREST NATIONAL PARK AUTHORITY PLANNING COMMITTEE – 21 JULY 2026

### PERMITTED DEVELOPMENT RIGHTS: SCHOOLS, ASSETS OF COMMUNITY VALUE, DEFENCE AND CONSERVATION - NEW FOREST NATIONAL PARK AUTHORITY CONSULTATION RESPONSE

**Report by:** David Illsley, Interim Head of Planning & Place

#### 1. Introduction

- 1.1 On 10 June 2026 the Government launched a consultation on proposed further changes to the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended. The consultation covers the following areas and further details are available at [Permitted development rights: schools, assets of community value, defence and conservation - GOV.UK](#):
- Extending the existing temporary permitted development right that provides for temporary buildings on school land where buildings have been affected by reinforced autoclaved aerated concrete (RAAC) for an additional 2 years.
  - Removing assets of community value from the permitted development right that allows for the demolition of certain buildings, so they would no longer be able to be demolished without first applying for planning permission
  - Several changes to the permitted development right that allows for development by the Crown on closed defence sites, to support the delivery of a Defence estate that is fit for purpose and maximises the use of estate assets.
  - New permitted development flexibilities to support the development of conservation measures within Environmental Delivery Plans by Natural England as part of the Nature Restoration Fund.
- 1.2 The consultation is led by the Ministry of Housing, Communities & Local Government and runs for 8 weeks, between 10 June and 5 August 2026.
- 1.3 This report – and the recommended National Park Authority response to the consultation – focus on the proposed new permitted development rights to support the delivery of conservation measures set out within the Environmental Delivery Plans that will be prepared in the future.

#### 2. New permitted development flexibilities to support the development of conservation measures within Environmental Delivery Plans

- 2.1 Environmental Delivery Plans (EDPs) were introduced under the Planning and Infrastructure Act 2025 to provide a structured approach for addressing environmental impacts of development on protected sites or species. They aim to consolidate and enhance existing mitigation measures, allowing developers to meet legal obligations without conducting separate assessments for each project.

- 2.2 Natural England is responsible for the preparation of EDPs, which will set out a package of conservation measures to address one or more environmental impacts of development and secure an environmental uplift (see [Environmental Delivery Plans | Local Government Association](#)). The aim of EDPs is to pool resources and deliver conservation measures at scale to maximise the outcome for the environment. Once an EDP is in place, Natural England will use the necessary powers and funds collected to implement the conservation measures. In December 2025 Natural England commenced work on preparing EDPs for 16 nutrient affected catchments (including the River Avon and the Solent) and 7 for Great Crested Newts. The Government intends to expand EDPs over time, using EDPs to cover other protected species and habitats. This is likely to include recreational impacts for protected sites including the New Forest and Solent.
- 2.3 Conservation measures within an EDP may include measures which reduce or remove pollution, reduce disturbance, enhance or restore existing habitats and create new habitats or habitat features. The Government states, "...elements of these conservation measures may constitute development and therefore require planning permission, including for operational works and erecting new structures."
- 2.4 The Government is therefore proposing to support the implementation of conservation measures within an EDP through a national grant of planning permission via permitted development rights. Natural England, and operators on its behalf, would be permitted to undertake specified development on a site for the purposes of its functions relating to the implementation of an EDP. The consultation states that this would provide certainty to Natural England and local communities, ensuring that certain conservation measures within an EDP that constitute "development" benefit from a national grant of planning permission, and can be delivered without the submission of a planning application.
- 2.5 Paragraph 48 of the Government's consultation states, "...for the avoidance of doubt, we are not proposing to permit all development that might be required in relation to conservation measures within an EDP, but rather specific types of development (within set parameters) that are likely to be included within an EDP (such as excavations to facilitate pond creation or the erection of small scale structures to support the creation of habitats), striking a balance between development freedom, certainty, and retaining proportionate safeguards against potential impacts. Where conservation measures constitute development and go beyond what is permitted, a planning application would be required."
- 2.6 The list below summarises the proposed permitted development rights:
- The national grant of planning permission would apply to most Article 2(3) land (which includes National Parks, National Landscapes, conservation areas, and World Heritage Sites). This would provide Natural England with the flexibility to deliver conservation measures in places that will provide the most benefit, even if the land already has a designation. Measures include landscaping (e.g. pond creation, excavation); fencing (including gates and walls), footpaths, cycleways and bridleways; small scale structures; and public access to SANGs (including parking provision, access, pay & display machines).

- None of the national grants of planning permission would apply on the site of a scheduled monument.
- If the development is to take place within a conservation area; World Heritage Site; the site of a registered park, garden or battlefield; the site of a protected wreck; or to a listed building or land within its curtilage, Natural England would be required to seek prior approval from the relevant planning authority as to the impact of the siting and appearance of the development on the designation.
- Specifically in relation to nationally-protected landscapes, paragraph 58 states, “...Natural England already has various statutory duties relating to protected landscapes, including advising local planning authorities on development proposals in such landscapes. Therefore, we do not consider that prior approvals are necessary in protected landscapes, which includes National Parks, National Landscapes and the Broads. To require Natural England to seek prior approval for development within these landscapes would require the local planning authority to consult Natural England. This would create unnecessary burdens and provide few additional safeguards beyond those already afforded by Natural England’s existing statutory duties in relation to protected landscapes.”

### 3. New Forest National Park Authority – proposed consultation responses

- 3.1 Set out below are the National Park Authority’s proposed responses to the relevant consultation questions that Planning Committee members are asked to endorse.

#### **NFNPA recommended consultation responses**

**Question 26:** *It is proposed that development be permitted in protected landscapes with no prior approval process. Do you agree?*

**No.** The National Park Authority understands the rationale behind the Government’s proposals. We have previously supported proposals to remove the requirement for nature restoration schemes/conservation projects to deliver mandatory Biodiversity Net Gain. Some national park authorities have also introduced Local Development Orders to support nature-based solutions. Our work through both the delivery of our statutory planning functions and the New Forest National Park Partnership Plan has a strong focus on nature recovery. In principle we support the aim of enabling the delivery of conservation measures.

However, the justification for not requiring prior approval for development within National Parks on the basis that it would duplicate the existing requirement for national park authorities to consult Natural England is not particularly strong. We do consult Natural England on existing relevant prior approvals, but the Authority’s decisions include a wider assessment than solely responding to Natural England’s feedback (where it is received). The New Forest National Park Authority supports the aims of EDPs in delivering nature recovery, but believes there is merit in retaining the prior approval process for such measures within nationally protected landscapes. The prior approval process should include consideration of siting and appearance (including landscape impacts) amongst

other matters. National park authorities have knowledge and expertise that should be utilised - currently Natural England often defer to the national park authority's specialist officers on existing prior approval consultations and this specialist input should be part of the future process.

**Question 28:** *It is proposed that landscaping, including excavations and deposits, be permitted. Do you agree?*

**Yes, to an extent.** It is recognised that EDPs may identify conservation measures such as (i) the creation, maintenance and restoration of ponds; and (ii) the modification of rivers to create meanders, wetlands and flooded meadows. These are highly relevant to the New Forest (a designated Ramsar site), where partners are working to improve water quality through a series of projects, from small scale pond creation to large scale river restorations. In principle the New Forest National Park Authority is supportive of the introduction of these rights, subject to the conditions set out in the Government's consultation.

The proposal to make landscaping – including excavations and deposits – permitted development rights when delivered under an Environmental Delivery Plan (EDP) has implications for (i) unexploded ordnance / contaminated land constraints; and (ii) archaeological interest areas which fall outside ancient scheduled monument designations. There are a number of these within the New Forest National Park which fall outside of any statutory designations referred to within the proposed Permitted Development rights. We have concerns over the unintended consequences on these new PD rights on these matters.

**Question 48:** *It is proposed that the development of a single vehicular access, of up to 10 car parking spaces, structures for cycle parking, height barriers and pay & display machines in connection with a SANG be permitted. Do you agree?*

**No.** The New Forest National Park Landscape Action Plan highlights a range of small-scale activities that can detract from local distinctiveness and tranquillity. This includes piecemeal encroachment onto Open Forest land; lighting impacts; the subdivision of land; the creation of access tracks across fields; the use of standard highways infrastructure; and the creation of site entrances and boundaries along roads that introduce 'suburban' elements into a rural landscape. The proposals within this new PD right go beyond what would reasonably be required for conservation purposes. Although designed to serve a much larger car park, the entrance infrastructure at Lepe Country Park (undertaken by a local authority under their existing PD rights) highlights the urbanising effects such development can have. This should continue to be subject to proportionate planning oversight within protected landscapes.

## 4. Conclusions

- 4.1 This is an important consultation and reflects the weight the Government places on the emerging Environmental Delivery Plans (EDPs) to deliver co-ordinated, strategic mitigation to support planned development. The first EDPs covering the New Forest will focus on water quality impacts on the River Avon and Solent coast and further EDPs on recreational pressures and potentially air quality may follow.

4.2 In principle we are supportive of measures that enable the delivery of nature recovery measures. This is reflected in the Authority's previous consultation response on reforms to the national system of Biodiversity Net Gain for example. The proposed new national permitted development rights for conservation measures that support the delivery of EDPs are wide ranging. While supportive in principle, it is recommended that the National Park Authority's consultation response highlights the need for national park authorities to continue to have an input into such measures within National Parks through the prior approval process.

**Recommendation:**

**Members of the Planning Committee endorse the key principles set out in the box after paragraph 3.1 of this report to form the basis of the Authority's consultation response; and delegate authority to the Interim Head of Planning & Place to submit the final response by the deadline of 5 August 2026.**

**Papers:**

**PC 516/26** – Cover report

**Equality and Diversity Implications:**

There are not considered to be any specific equality or diversity implications arising out of this report. Ultimately it is a decision for the Government how they revise national permitted development rights and the National Park Authority's role is as a consultee.

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