# Supporting Housing Delivery & Public Service Infrastructure

**About this Consultation**

This consultation document and consultation process have been planned to adhere to the consultation principles issued by the Cabinet Office.  
  
Representative groups are asked to give a summary of the people and organisations they represent, and where relevant who else they have consulted in reaching their conclusions when they respond.  
  
Information provided in response to this consultation, including personal data, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 2018 (DPA), the General Data Protection Regulation 2016, and the Environmental Information Regulations 2004.  
  
If you want the information that you provide to be treated as confidential, please be aware that, as a public authority, the Department is bound by the Freedom of Information Act and may therefore be obliged to disclose all or some of the information you provide. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.  
  
The Ministry of Housing, Communities and Local Government will process your personal data in accordance with the law and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties. A full privacy notice is included on the next page.  
  
Individual responses will not be acknowledged unless specifically requested.   
  
Your opinions are valuable to us. Thank you for taking the time to read this document and respond.  
  
Are you satisfied that this consultation has followed the Consultation Principles? If not or you have any other observations about how we can improve the process please contact us via the [complaints procedure](https://www.gov.uk/government/organisations/ministry-of-housing-communities-and-local-government/about/complaints-procedure).

### **Please confirm you have read this page. \***

|  |  |  |  |
| --- | --- | --- | --- |
| |  |  | | --- | --- | | Yes | X | |  |

**Privacy Notice**

The following is to explain your rights and give you the information you are be entitled to under the data protection legislation.  
  
Note that this section only refers to your personal data (your name address and anything that could be used to identify you personally) not the content of your response to the consultation.  
  
**1. The identity of the data controller and contact details of our Data Protection Officer**  
The Ministry of Housing, Communities and Local Government (MHCLG) is the data controller. The Data Protection Officer can be contacted at dataprotection@communities.gov.uk.  
  
**2. Why we are collecting your personal data**  
Your personal data is being collected as an essential part of the consultation process, so that we can contact you regarding your response and for statistical purposes. We may also use it to contact you about related matters.  
  
**3. Our legal basis for processing your personal data**  
Article 6(1)(e) of the General Data Protection Regulation 2016 (GPDR) provides that processing shall be lawful if processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller.  
Section 8(d) of the Data Protection Act 2018 further provides that this shall include processing of personal data that is necessary for the exercise of a function of the Crown, a Minister of the Crown or a government department.  
  
The processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the Ministry of Housing, Communities and Local Government. The task is consulting on departmental policies or proposals or obtaining opinion data in order to develop good effective government policies in relation to planning.  
  
**4. With whom we will be sharing your personal data**  
We will not share your personal data with organisations outside of MHCLG without contacting you for your permission first.  
  
**5. For how long we will keep your personal data, or criteria used to determine the retention period.**  
Your personal data will be held for 2 years from the closure of the consultation  
  
**6. Your rights, e.g. access, rectification, erasure**  
The data we are collecting is your personal data, and you have considerable say over what happens to it. You have the right:

a. to see what data we have about you  
b. to ask us to stop using your data, but keep it on record  
c. to ask to have all or some of your data deleted or corrected  
d. to lodge a complaint with the independent Information Commissioner (ICO) if you think we are not handling your data fairly or in accordance with the law. You can contact the ICO at https://ico.org.uk/, or telephone 0303 123 1113.

**7. Storage of your personal data**  
We are using SmartSurvey to collect data for this consultation, so your information will be stored on their UK-based servers in the first instance. Your data will not be sent overseas. We have taken all necessary precautions to ensure that your data protection rights are not compromised by our use of third-party software.    
  
If your submit information to this consultation using our third-party survey provider, it will be moved to our secure government IT systems within six months of the consultation closing date (28 January 2021).  
  
**8. Your personal data will not be used for any automated decision making.**

### **Please confirm you have read this page. \***

|  |  |  |  |
| --- | --- | --- | --- |
| |  |  | | --- | --- | | Yes | X | |  |

**Respondent Details**

This section of the survey asks for information about you and, if applicable, your organisation.

### **First name \***

|  |
| --- |
| Emma |

### **Last name \***

|  |
| --- |
| Clarke |

### **Email address**

|  |
| --- |
| emma.clarke@wcl.org.uk |

### **Are you responding on behalf of an organisation or as an individual? \***

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| |  |  | | --- | --- | | Organisation | X | | Individual |  | |  |
|  |  |

**Organisation (if applicable)**

|  |
| --- |
| Wildlife and Countryside Link (Link) |

### **Position in organisation (if applicable)**

|  |
| --- |
| Policy and Information Coordinator |

### **Please indicate whether you are replying to this consultation as a: \***

|  |  |
| --- | --- |
| Developer |  |
| Planning consultant |  |
| Construction company or builder |  |
| Local authority |  |
| Statutory consultee |  |
| Professional organisation |  |
| Lawyer |  |
| Charity or voluntary organisation | X |
| Town Council |  |
| Parish Council |  |
| Community group, including residents’ associations |  |
| Private individual |  |
| Other (please specify): |  |

### **Please indicate which sectors you work in / with (tick all that apply): \***

|  |  |
| --- | --- |
| Education section |  |
| Health sector |  |
| Prison sector |  |
| None of the above | X |

**Supporting housing delivery through a new national permitted development right for the change of use from the Commercial, Business and Service use class to residential**

### **Q1 Do you agree that there should be no size limit on the buildings that could benefit from the new permitted development right to change use from Commercial, Business and Service (Class E) to residential (C3)?**

|  |  |
| --- | --- |
| Agree |  |
| Disagree | X |
| Don't know |  |

Please give your reasons:

|  |
| --- |
| It should be noted that Wildlife and Countryside Link (Link)\* objects to the introduction of a new permitted development right to change use from Class E to Class C3.  Permitted development rights risk environmental harm, peoples’ access to nature, heritage and the historic environment and the creation of green and beautiful places. They remove the ability to ensure the general sustainability of the location of housing. They also undermine the Local Plan-led system and remove the ability of local authorities to plan for vital and viable communities.  However, if the government is to pursue this further, there should be a size limit on the buildings that could use this route. The amended use classes mean that a building could be of significant size with potential for significant indirect environmental effects such as increased pressure on existing green spaces. A size limit is also necessary to mitigate the cumulative impacts of multiple PDR developments in any one locality.  \*Wildlife and Countryside Link (Link) is the largest environment and wildlife coalition in England, bringing together 57 organisations to use their strong joint voice for the protection of nature and landscapes. This consultation response is supported by the following Link members: Bat Conservation Trust, Campaign for National Parks, Council for British Archaeology, CPRE The Countryside Charity, Friends of the Earth, Open Spaces Society, The Wildlife Trusts, RSPB, Woodland Trust. |

### **Q2.1 Do you agree that the right should not apply in areas of outstanding natural beauty, the Broads, National Parks, areas specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981, and World Heritage Sites?**

|  |  |
| --- | --- |
| Agree | X |
| Disagree |  |
| Don't know |  |

Please give your reasons:

|  |
| --- |
| Link agrees that the right should not apply in areas of outstanding natural beauty, the Broads, National Parks, areas specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981, and World Heritage Sites. Any land use planning decisions in these areas must take account of their statutory purposes and carefully manage development impacts and the only way to do this effectively is through a full planning application process.  In addition, the right should not apply in conservation areas, areas adjacent to Local Wildlife Sites, designated sites, irreplaceable habitats, brownfield sites of high environmental value\*, designated heritage assets (listed buildings, scheduled monuments, registered parks and gardens) or other areas identified as covered by policies 174 to 176 of the NPPF.  Permitted development rights risk environmental harm, peoples’ access to nature, heritage and the historic environment and the creation of green and beautiful places. They remove the ability to ensure the general sustainability of the location of housing. They also undermine the Local Plan-led system and remove the ability of local authorities to plan for vital and viable communities.  \*https://www.wcl.org.uk/docs/Brownfield%20high%20environmental%20value%20FINAL%20June%2015.pdf |

### **Q2.2 Do you agree that the right should apply in conservation areas?**

|  |  |
| --- | --- |
| Agree |  |
| Disagree | X |
| Don't know |  |

Please give your reasons:

|  |
| --- |
| Link does not agree that the right should apply in conservation areas. In addition, the right should not apply in areas adjacent to Local Wildlife Sites, designated sites, irreplaceable habitats, designated heritage assets (listed buildings, scheduled monuments, registered parks and gardens), brownfield sites of high environmental value\* or other areas identified as covered by policies 174 to 176 of the NPPF. Any changes of use in these areas crucial for nature’s recovery and for tackling the climate and biodiversity crises should be subject to a normal planning application so that their impacts can be fully assessed and taken into consideration and consulted upon.  Permitted development rights risk environmental harm, peoples’ access to nature, heritage and the historic environment and the creation of green and beautiful places. They remove the ability to ensure the general sustainability of the location of housing. They also undermine the Local Plan-led system and remove the ability of local authorities to plan for vital and viable communities.  \*https://www.wcl.org.uk/docs/Brownfield%20high%20environmental%20value%20FINAL%20June%2015.pdf |

### **Q2.3 Do you agree that, in conservation areas only, the right should allow for prior approval of the impact of the loss of ground floor use to residential?**

|  |  |
| --- | --- |
| Agree |  |
| Disagree | X |
| Don't know |  |

Please give your reasons:

|  |
| --- |
| Link does not agree that the right should apply in conservation areas. The right should not apply in conservation areas, areas adjacent to Local Wildlife Sites, designated sites, irreplaceable habitats, designated heritage assets (listed buildings, scheduled monuments, registered parks and gardens), brownfield sites of high environmental value\* or other areas identified as covered by policies 174 to 176 of the NPPF. Any changes of use in these areas crucial for nature’s recovery and for tackling the climate and biodiversity crises should be subject to a normal planning application so that their impacts can be fully assessed and taken into consideration and consulted upon.  Permitted development rights risk environmental harm, peoples’ access to nature, heritage and the historic environment and the creation of green and beautiful places. They remove the ability to ensure the general sustainability of the location of housing. They also undermine the Local Plan-led system and remove the ability of local authorities to plan for vital and viable communities.  \*https://www.wcl.org.uk/docs/Brownfield%20high%20environmental%20value%20FINAL%20June%2015.pdf |

### **Q3.1 Do you agree that in managing the impact of the proposal, the matters set out in paragraph 21 of the consultation document should be considered in a prior approval?**

|  |  |
| --- | --- |
| Agree | X |
| Disagree |  |
| Don't know |  |

Please give your reasons:

|  |
| --- |
| It should be noted that Wildlife and Countryside Link objects to the introduction of a new permitted development right to change use from Class E to Class C3 and objects to the use of prior approval as an alternative to a normal planning application.  Permitted development rights risk environmental harm, peoples’ access to nature, heritage and the historic environment and the creation of green and beautiful places. They remove the ability to ensure the general sustainability of the location of housing. They also undermine the Local Plan-led system and remove the ability of local authorities to plan for vital and viable communities.  Furthermore, the biodiversity duty as set out under section 40 to the Natural Environment and Rural Communities Act (2016) requires a public authority, including Ministers of the Crown and local authorities, to have regard to the purpose of conserving biodiversity. This proposal appears not to consider biodiversity and may leave the Minister open to challenge in this respect. A failure to meet these duties or to alert the applicants to the risk of failure leaves local governments open to legal challenge and leaves applicants to prosecution should their actions negatively impact statutory protected species.  If the government is to pursue this further, the matters set out in paragraph 21 of the consultation should be considered in a prior approval. However, these matters are not sufficient to assess and manage the impact of the proposal. In addition to the matters set out in paragraph 21, prior approval should take into consideration: the general sustainability and ecological impact of the location of housing, statutory protected species (or the excluded types of developments should include buildings that hosted protected species), heritage assets and the historic environment, the potential impact of increased pressure on green infrastructure and green space, the delivery of Biodiversity Net Gain, the implementation of National and locally-established Design Codes, developer contributions ensure these places have the required infrastructure and green infrastructure to be viable places to live.  Ultimately, the list of things that should be considered in a prior approval mean that a normal planning application is the most appropriate means to ensure a fair and open process, which manages the impact of development on nature and support’s its recovery. As such we do not agree that prior approval is a fit-for-purpose alternative.  In addition, changes of use to residential are significant changes in the planning system. These proposals would undermine the Local Plan-led system in town centres and remove the ability of local authorities to plan for vital and viable communities, including by ensuring Design Codes are effectively implemented. Local people and communities have less scrutiny over changes of land use. |

### **Q3.2 Are there any other planning matters that should be considered?**

|  |  |
| --- | --- |
| Yes | X |
| No |  |
| Don't know |  |

Please specify:

|  |
| --- |
| Link objects to the use of prior approval as an alternative to a normal planning application. Prior approval is not an appropriate planning process for these developments: the list of matters that need to be considered means that in order for appropriate scrutiny and consideration to be given, a normal planning application would be a more appropriate route. Link does not agree that prior approval is a fit-for-purpose alternative.  If the government is to pursue this further, the matters set out in paragraph 21 of the consultation should be considered in a prior approval. However, these matters are not sufficient to assess and manage the impact of the proposal. In addition to the matters set out in paragraph 21, prior approval should take into consideration: the general sustainability and ecological impact of the location of housing, statutory protected species (or the excluded types of developments should include buildings that hosted protected species), heritage assets and the historic environment, the potential impact of increased pressure on green infrastructure and green space, the delivery of Biodiversity Net Gain, the implementation of National and locally-established Design Codes, developer contributions ensure these places have the required infrastructure and green infrastructure to be viable places to live.  Furthermore, the biodiversity duty as set out under section 40 to the Natural Environment and Rural Communities Act (2016) requires a public authority, including Ministers of the Crown and local authorities, to have regard to the purpose of conserving biodiversity. These proposals appear not to consider biodiversity and may leave the Minister open to challenge in this respect. A failure to meet these duties or to alert the applicants to the risk of failure leaves local governments open to legal challenge and leaves applicants to prosecution should their actions negatively impact statutory protected species.  In addition, changes of use to residential are significant changes in the planning system. These proposals would undermine the Local Plan-led system in town centres and remove the ability of local authorities to plan for vital and viable communities, including by ensuring Design Codes are effectively implemented. Local people and communities have less scrutiny over changes of land use. |

### **Q4.1 Do you agree that the proposed new permitted development right to change use from Commercial, Business and Service (Class E) to residential (C3) should attract a fee per dwellinghouse?**

|  |  |
| --- | --- |
| Agree |  |
| Disagree |  |
| Don't know |  |

Please give your reasons:

|  |
| --- |
| No comment. |

### **Q4.2 If you agree there should be a fee per dwelling house, should this be set at £96 per dwellinghouse?**

|  |  |
| --- | --- |
| Yes |  |
| No |  |
| Don't know |  |

Please give your reasons:

|  |
| --- |
| No comment. |

### **Q5 Do you have any other comments on the proposed right for the change of use from Commercial, Business and Service use class to residential?**

|  |  |
| --- | --- |
| Yes | X |
| No |  |

Please specify:

|  |
| --- |
| The motivation of the proposed right for the change of use classes to residential is to allow more permitted development rights. The Government claims these changes will streamline and create faster development of housing, however, the evidence from the Letwin Review points to slow build-out rates as the cause of the delay in the delivery of housing, not the planning system.\* Thus these proposals will not serve to speed the delivery of housing and simultaneously undermine environmental protections, peoples’ access to green space, and the creation of green and healthy communities.  In addition, changes of use to residential are significant changes in the planning system. These proposals would undermine the Local Plan-led system in town centres and remove the ability of local authorities to plan for vital and viable communities.  In addition, given the scale and pace of the Government’s deregulatory drive, accompanied by many separate consultations, Link is concerned about the lack of consideration of the cumulative environmental impacts and the lack of scrutiny over these proposals. The current proposed planning reforms are still under review, and their proposals to amend EIA and SEA, make the proposals in this consultation challenging to properly evaluate in the wider planning context.  \*https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\_data/file/752124/Letwin\_review\_web\_version.pdf |

### **Q6.1 Do you think that the proposed right for the change of use from the Commercial, Business and Service use class to residential could impact on businesses, communities, or local planning authorities?**

|  |  |
| --- | --- |
| Yes | X |
| No |  |
| Don't know |  |

If so, please give your reasons:

|  |
| --- |
| The motivation of the proposed right for the change of use classes to residential is to allow more permitted development rights. The Government claims these changes will streamline and create faster development of housing, however, the evidence from the Letwin Review points to slow build-out rates as the cause of the delay in the delivery of housing, not the planning system.\* Thus these proposals will not serve to speed the delivery of housing and simultaneously undermine environmental protections, peoples’ access to green space, and the creation of green and healthy communities.  These proposals could put nature at risk and peoples’ access to nature at risk because protected species legislation is not considered in prior approval, the general sustainability and ecological impact of housing is not considered and developments under PDR are currently exempt from biodiversity net gain. The impact on communities is also high: there will be increased pressure on green infrastructure and green space, developer contributions are not required under PDR to secure the required infrastructure and green infrastructure to make these places viable and beautiful places to live.  These changes of use to residential are significant changes in the planning system. These proposals will undermine the Local Plan-led system in town centres and remove the ability of local authorities to plan for vital and viable communities, including by ensuring Design Codes are effectively implemented. Local people and communities have less scrutiny over changes of land use.  The lower application fee for permitted development applications in comparison to a full planning application may also represent a reduction in revenue for LPAs precisely at a time when resources are already stretched thinly. This would make it more difficult to effectively enforce these new rights.  \*https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\_data/file/752124/Letwin\_review\_web\_version.pdf |

### **Q6.2 Do you think that the proposed right for the change of use from the Commercial, Business and Service use class to residential could give rise to any impacts on people who share a protected characteristic?**

|  |  |
| --- | --- |
| Yes |  |
| No |  |
| Don't know |  |

If so, please give your reasons:

|  |
| --- |
| No comment. |

**Supporting public service infrastructure through the planning system**

### **Q7.1 Do you agree that the right for schools, colleges and universities, and hospitals be amended to allow for development which is not greater than 25% of the footprint, or up to 250 square metres of the current buildings on the site at the time the legislation is brought into force, whichever is the larger?**

|  |  |
| --- | --- |
| Agree |  |
| Disagree | X |
| Don't know |  |

Please give your reasons:

|  |
| --- |
| Wildlife and Countryside Link (Link)\* disagrees. The right should not be allowed. The proposal is particularly alarming as there is effectively no upper size limit for potential development. Extensions on schools, colleges, universities, and hospitals should require a planning application. Extending permitted development could undermine existing development mitigation (whether mitigation measures for the original development were voluntary or required for planning consent) and without proper assessment, permitted development would have a negative impact. School grounds in particular may have areas set aside for biodiversity interest and gain. They are often located in urban areas which have high heritage value and heritage assets that can be harmed by inappropriately scaled development. By continuing to go through the normal planning application process, we can ensure that these developments: properly consider statutory protected species (the buildings that host protected species should be excluded from the allowed types of development), the potential impact of increased pressure on infrastructure and green infrastructure, effectively implement Design Codes, are subject to Biodiversity Net Gain, require developer contributions to ensure the required infrastructure and green infrastructure, and are subject to democratic consultation with local communities.  Green infrastructure around hospitals and schools can play a huge role in supporting positive outcomes: views of trees or heritage assets from hospital windows can help improve recovery after operations and green space in schools offer outdoor learning opportunities connecting young people to nature, for example. The permitted development right will make it harder to protect these assets and design in new ones.  Furthermore, the biodiversity duty as set out under section 40 to the Natural Environment and Rural Communities Act (2016) requires a public authority, including Ministers of the Crown and local authorities, to have regard to the purpose of conserving biodiversity. This proposal appears not to consider biodiversity and may leave the Minister open to challenge in this respect. A failure to meet these duties or to alert the applicants to the risk of failure leaves local governments open to legal challenge and leaves applicants to prosecution should their actions negatively impact statutory protected species.  If allowed, the right should not apply in areas of outstanding natural beauty, the Broads, National Parks, areas specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981, World Heritage Sites, conservation areas, areas adjacent to Local Wildlife Sites, designated sites, irreplaceable habitats, designated heritage assets (listed buildings, scheduled monuments, registered parks and gardens), brownfield sites of high environmental value\*\* or other areas identified as covered by policies 174 to 176 of the NPPF.  \*Wildlife and Countryside Link (Link) is the largest environment and wildlife coalition in England, bringing together 57 organisations to use their strong joint voice for the protection of nature and landscapes. This consultation response is supported by the following Link members: Bat Conservation Trust, Campaign for National Parks, Council for British Archaeology, CPRE The Countryside Charity, Friends of the Earth, Open Spaces Society, The Wildlife Trusts, RSPB, Woodland Trust.  \*\*https://www.wcl.org.uk/docs/Brownfield%20high%20environmental%20value%20FINAL%20June%2015.pdf |

### **Q7.2 Do you agree that the right be amended to allow the height limit to be raised from 5 metres to 6?**

|  |  |
| --- | --- |
| Agree |  |
| Disagree | X |
| Don't know |  |

Please give your reasons:

|  |
| --- |
| Link disagrees. The right should not be allowed. Increasing the height limit of schools, colleges, universities, and hospitals should require a planning application. By continuing to go through the normal planning application process, we can ensure that these developments: properly consider statutory protected species (the buildings that host protected species should be excluded from the allowed types of development), heritage assets and the historic environment, the potential impact of increased pressure on infrastructure and green infrastructure, effectively implement Design Codes, are subject to Biodiversity Net Gain, require developer contributions to ensure the required infrastructure and green infrastructure, and are subject to democratic consultation with local communities.  Green infrastructure around hospitals and schools can play a huge role in supporting positive outcomes: views of trees or heritage assets from hospital windows can help improve recovery after operations and green space in schools offer outdoor learning opportunities connecting young people to nature, for example. The permitted development right will make it harder to protect these assets and design in new ones.  If allowed, the right should not apply in areas of outstanding natural beauty, the Broads, National Parks, areas specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981, World Heritage Sites, conservation areas, areas adjacent to Local Wildlife Sites, designated sites, irreplaceable habitats, designated heritage assets (listed buildings, scheduled monuments, registered parks and gardens), brownfield sites of high environmental value\* or other areas identified as covered by policies 174 to 176 of the NPPF.  \*https://www.wcl.org.uk/docs/Brownfield%20high%20environmental%20value%20FINAL%20June%2015.pdf |

### **Q7.3 Is there any evidence to support an increase above 6 metres?**

|  |  |
| --- | --- |
| Yes |  |
| No |  |
| Don't know |  |

Please specify:

|  |
| --- |
| No comment. |

### **Q7.4 Do you agree that prisons should benefit from the same right to expand or add additional buildings?**

|  |  |
| --- | --- |
| Agree |  |
| Disagree | X |
| Don't know |  |

Please give your reasons:

|  |
| --- |
| Link disagrees. The right should not be allowed. Expansions or additions of prisons should require a planning application. Extending permitted development could undermine existing development mitigation (whether mitigation measures for the original development were voluntary or required for planning consent) and without proper assessment, permitted development would have a negative impact. By continuing to go through the normal planning application process, we can ensure that these developments: properly consider statutory protected species (the buildings that host protected species should be excluded from the allowed types of development), heritage assets and the historic environment, the potential impact of increased pressure on infrastructure and green infrastructure, effectively implement Design Codes, are subject to Biodiversity Net Gain, require developer contributions to ensure the required infrastructure and green infrastructure, and are subject to democratic consultation with local communities.  Furthermore, the biodiversity duty as set out under section 40 to the Natural Environment and Rural Communities Act (2016) requires a public authority, including Ministers of the Crown and local authorities, to have regard to the purpose of conserving biodiversity. This proposal appears not to consider biodiversity and may leave the Minister open to challenge in this respect. A failure to meet these duties or to alert the applicants to the risk of failure leaves local governments open to legal challenge and leaves applicants to prosecution should their actions negatively impact statutory protected species.  If allowed, the right should not apply in areas of outstanding natural beauty, the Broads, National Parks, areas specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981, World Heritage Sites, conservation areas, areas adjacent to Local Wildlife Sites, designated sites, irreplaceable habitats, designated heritage assets (listed buildings, scheduled monuments, registered parks and gardens), brownfield sites of high environmental value\* or other areas identified as covered by policies 174 to 176 of the NPPF.  \*https://www.wcl.org.uk/docs/Brownfield%20high%20environmental%20value%20FINAL%20June%2015.pdf |

### **Q8 Do you have any other comments about the permitted development rights for schools, colleges, universities, hospitals and prisons?**

|  |  |
| --- | --- |
| Yes | X |
| No |  |

Please specify:

|  |
| --- |
| Link disagrees with these proposed extensions of permitted development rights. These proposals could put nature at risk and peoples’ access to nature at risk because statutory protected species are not properly taken into account in prior approval (buildings that host protected species should be excluded from the allowed types of development), the general sustainability and ecological impact of housing is not considered and developments under PDR are currently exempt from biodiversity net gain. The impact on communities is also high: there will be increased pressure on green infrastructure and green space, developer contributions are not required under PDR to secure the required infrastructure and green infrastructure to make these places viable and beautiful places.  Green infrastructure around hospitals and schools can play a huge role in supporting positive outcomes: views of trees or heritage assets from hospital windows can help improve recovery after operations and green space in schools offer outdoor learning opportunities connecting young people to nature, for example. The permitted development right will make it harder to protect these assets and design in new ones.  These changes of use to residential are significant changes in the planning system. These proposals will undermine the Local Plan-led system in town centres and remove the ability of local authorities to plan for vital and viable communities, including by ensuring Design Codes are effectively implemented. Local people and communities have less scrutiny over changes of land use.  In addition, given the scale and pace of the Government’s deregulatory drive, accompanied by many separate consultations, Link is concerned about the lack of consideration of the cumulative environmental impacts and the lack of scrutiny over these proposals. The current proposed planning reforms are still under review, and their proposals to amend EIA and SEA, make the proposals in this consultation challenging to properly evaluate in the wider planning context. |

### **Q9.1 Do you think that the proposed amendments to the right in relation to schools, colleges and universities, and hospitals could impact on businesses, communities, or local planning authorities?**

|  |  |
| --- | --- |
| Yes | X |
| No |  |
| Don't know |  |

If so, please give your reasons:

|  |
| --- |
| Yes, these proposed extensions of permitted development rights will impact businesses, communities, and local planning authorities. These proposals could put nature at risk and peoples’ access to nature at risk because statutory protected species are not properly taken into account in prior approval (buildings that host protected species should be excluded from the allowed types of development), the general sustainability and ecological impact of housing is not considered and developments under PDR are currently exempt from biodiversity net gain. The impact on communities is also high: there will be increased pressure on green infrastructure and green space, developer contributions are not required under PDR to secure the required infrastructure and green infrastructure to make these places viable and beautiful places.  Green infrastructure around hospitals and schools can play a huge role in supporting positive outcomes: views of trees or heritage assets from hospital windows can help improve recovery after operations and green space in schools offer outdoor learning opportunities connecting young people to nature, for example. The permitted development right will make it harder to protect these assets and design in new ones.  These changes of use to residential are significant changes in the planning system. These proposals will undermine the Local Plan-led system in town centres and remove the ability of local authorities to plan for vital and viable communities, including by ensuring Design Codes are effectively implemented. Local people and communities have less scrutiny over changes of land use.  Furthermore, the biodiversity duty as set out under section 40 to the Natural Environment and Rural Communities Act (2016) requires a public authority, including Ministers of the Crown and local authorities, to have regard to the purpose of conserving biodiversity. This proposal appears not to consider biodiversity and may leave the Minister open to challenge in this respect. A failure to meet these duties or to alert the applicants to the risk of failure leaves local governments open to legal challenge and leaves applicants to prosecution should their actions negatively impact statutory protected species.  In addition, given the scale and pace of the Government’s deregulatory drive, accompanied by many separate consultations, Link is concerned about the lack of consideration of the cumulative environmental impacts and the lack of scrutiny over these proposals. The current proposed planning reforms are still under review, and their proposals to amend EIA and SEA, make the proposals in this consultation challenging to properly evaluate in the wider planning context. |

### **Q9.2 Do you think that the proposed amendments to the right in relation to schools, colleges and universities, and hospitals, could give rise to any impacts on people who share a protected characteristic?**

|  |  |
| --- | --- |
| Yes |  |
| No |  |
| Don't know |  |

If so, please give your reasons:

|  |
| --- |
| No comment. |

### **Q10.1 Do you think that the proposed amendment to allow prisons to benefit from the right could impact on businesses, communities, or local planning authorities?**

|  |  |
| --- | --- |
| Yes | X |
| No |  |
| Don't know |  |

If so, please give your reasons:

|  |
| --- |
| Yes, these proposed extensions of permitted development rights to prisons will impact businesses, communities, and local planning authorities. These proposals could put nature at risk and peoples’ access to nature at risk because statutory protected species are not properly taken into account in prior approval (buildings that host protected species should be excluded from the allowed types of development), the general sustainability and ecological impact of housing is not considered and developments under PDR are currently exempt from biodiversity net gain. The impact on communities is also high: there will be increased pressure on green infrastructure and green space, developer contributions are not required under PDR to secure the required infrastructure and green infrastructure to make these places viable and beautiful places.  Green infrastructure around hospitals and schools can play a huge role in supporting positive outcomes: views of trees or heritage assets from hospital windows can help improve recovery after operations and green space in schools offer outdoor learning opportunities connecting young people to nature, for example. The permitted development right will make it harder to protect these assets and design in new ones.  Furthermore, the biodiversity duty as set out under section 40 to the Natural Environment and Rural Communities Act (2016) requires a public authority, including Ministers of the Crown and local authorities, to have regard to the purpose of conserving biodiversity. This proposal appears not to consider biodiversity and may leave the Minister open to challenge in this respect. A failure to meet these duties or to alert the applicants to the risk of failure leaves local governments open to legal challenge and leaves applicants to prosecution should their actions negatively impact statutory protected species.  These changes of use to residential are significant changes in the planning system. These proposals will undermine the Local Plan-led system in town centres and remove the ability of local authorities to plan for vital and viable communities, including by ensuring Design Codes are effectively implemented. Local people and communities have less scrutiny over changes of land use.  In addition, given the scale and pace of the Government’s deregulatory drive, accompanied by many separate consultations, Link is concerned about the lack of consideration of the cumulative environmental impacts and the lack of scrutiny over these proposals. The current proposed planning reforms are still under review, and their proposals to amend EIA and SEA, make the proposals in this consultation challenging to properly evaluate in the wider planning context. |

### **Q10.2 Do you think that the proposed amendment in respect of prisons could give rise to any impacts on people who share a protected characteristic?**

|  |  |
| --- | --- |
| Yes |  |
| No |  |
| Don't know |  |

If so, please give your reasons:

|  |
| --- |
| No comment. |

### **Q11 Do you agree that the new public service application process, as set out in paragraphs 43 and 44 of the consultation document, should only apply to major development (which are not EIA developments)?**

|  |  |
| --- | --- |
| Yes |  |
| No |  |

Please give your reasons:

|  |
| --- |
| Wildlife and Countryside Link (Link)\* does not agree with the new public service application process. The proposals reduce the time available for consultation with statutory consultees and the public. This puts at risk both effective and high-quality decision-making (securing good environmental incomes and providing surety for developers and planning applicants) and undermines meaningful democratic consultation.  If the government is to proceed, EIA development must be outside scope. Especially given the current proposed planning reforms are still under review, and their proposals to amend EIA and SEA, make the proposals in this consultation challenging to properly evaluate in the wider planning context.  In addition, given the scale and pace of the Government’s deregulatory drive, accompanied by many separate consultations, Link is concerned about the lack of consideration of the cumulative environmental impacts and the lack of scrutiny over these proposals.  \*Wildlife and Countryside Link (Link) is the largest environment and wildlife coalition in England, bringing together 57 organisations to use their strong joint voice for the protection of nature and landscapes. This consultation response is supported by the following Link members: Bat Conservation Trust, Campaign for National Parks, Council for British Archaeology, CPRE The Countryside Charity, Friends of the Earth, Open Spaces Society, The Wildlife Trusts, RSPB, Woodland Trust. |

### **Q12 Do you agree the modified process should apply to hospitals, schools and further education colleges, and prisons, young offenders' institutions, and other criminal justice accommodation?**

|  |  |
| --- | --- |
| Yes |  |
| No | X |

If not, please give your reasons as well as any suggested alternatives:

|  |
| --- |
| Link disagrees with the new public service application process. The proposals reduce the time available for consultation with statutory consultees and the public. This puts at risk both effective and high-quality decision-making (securing good environmental incomes and providing surety for developers and planning applicants) and undermines meaningful democratic consultation.  In general, given the scale and pace of the Government’s deregulatory drive, accompanied by many separate consultations, Link is concerned about the lack of consideration of the cumulative environmental impacts and the lack of scrutiny over these proposals. The current proposed planning reforms are still under review, and their proposals to amend EIA and SEA, make the proposals in this consultation challenging to properly evaluate in the wider planning context. |

### **Q13 Do you agree the determination period for applications falling within the scope of the modified process should be reduced to 10 weeks?**

|  |  |
| --- | --- |
| Yes |  |
| No | X |

Please give your reasons:

|  |
| --- |
| No, Link does not agree with the new public service application process, nor the proposal to reduce the determination period to 10 weeks. The proposals reduce the time available for consultation with statutory consultees and the public. This puts at risk both effective and high-quality decision-making (securing good environmental incomes and providing surety for developers and planning applicants) and undermines meaningful democratic consultation.  In general, given the scale and pace of the Government’s deregulatory drive, accompanied by many separate consultations, Link is concerned about the lack of consideration of the cumulative environmental impacts and the lack of scrutiny over these proposals. The current proposed planning reforms are still under review, and their proposals to amend EIA and SEA, make the proposals in this consultation challenging to properly evaluate in the wider planning context. |

### **Q14 Do you agree the minimum consultation / publicity period should be reduced to 14 days?**

|  |  |
| --- | --- |
| Yes |  |
| No | X |

Please give your reasons:

|  |
| --- |
| No, Link does not agree with the new public service application process, nor the proposal to reduce the minimum consultation period to 14 days. The proposals reduce the time available for consultation with statutory consultees and the public. This puts at risk both effective and high-quality decision-making (securing good environmental incomes and providing surety for developers and planning applicants) and undermines meaningful democratic consultation.  In general, given the scale and pace of the Government’s deregulatory drive, accompanied by many separate consultations, Link is concerned about the lack of consideration of the cumulative environmental impacts and the lack of scrutiny over these proposals. The current proposed planning reforms are still under review, and their proposals to amend EIA and SEA, make the proposals in this consultation challenging to properly evaluate in the wider planning context. |

### **Q15 Do you agree the Secretary of State should be notified when a valid planning application is first submitted to a local planning authority and when the authority anticipates making a decision? (We propose that this notification should take place no later than 8 weeks after the application is validated by the planning authority.)**

|  |  |
| --- | --- |
| Yes |  |
| No |  |

Please give your reasons:

|  |
| --- |
| No comment. |

### **Q16 Do you agree that the policy in paragraph 94 of the NPPF should be extended to require local planning authorities to engage proactively to resolve key planning issues of other public service infrastructure projects before applications are submitted?**

|  |  |
| --- | --- |
| Yes |  |
| No |  |

Please give your reasons:

|  |
| --- |
| No comment. |

### **Q17.1 Do you have any comments on the other matters set out in the consultation document, including post-permission matters, guidance and planning fees?**

|  |  |
| --- | --- |
| Yes |  |
| No |  |

Please specify:

|  |
| --- |
| No comment. |

### **Q17.2 Do you have any other suggestions on how these priority public service infrastructure projects should be prioritised within the planning system?**

|  |  |
| --- | --- |
| Yes |  |
| No |  |

Please specify:

|  |
| --- |
| No comment. |

### **Q18 Do you think that the proposed amendments to the planning applications process for public service infrastructure projects could give rise to any impacts on people who share a protected characteristic?**

|  |  |
| --- | --- |
| Yes | X |
| No |  |

If so, please give your reasons:

|  |
| --- |
| These proposals are significant in nature and could lead to substantial impacts upon local communities and environments, including access to nature-rich accessible greenspace. An impact assessment should be undertaken of this major policy proposal and not simply in advance of secondary legislation. The COVID-19 pandemic has highlighted the unequal access to nature-rich accessible greenspace amongst communities. These proposals are likely to have a disproportionate impact on urban and poorer communities where access to greenspace is lower and where people with protected characteristics are more likely to be disproportionately represented. |

**Consolidation and simplification of existing permitted development rights**

### **Q19.1 Do you agree with the broad approach to be applied to the review and update of existing permitted development rights in respect of categories 1, 2 and 3 outlined in paragraph 76 of the consultation document?**

|  |  |
| --- | --- |
| Agree |  |
| Disagree | X |
| Don't know |  |

Please give your reasons:

|  |
| --- |
| Wildlife and Countryside Link (Link)\* does not agree. The motivation of the proposed right for the change of use classes to residential is to allow more permitted development rights. The Government claims these changes will streamline and create faster development of housing, however, the evidence from the Letwin Review points to slow build-out rates as the cause of the delay in the delivery of housing, not the planning system.\*\* Thus these proposals will not serve to speed the delivery of housing and simultaneously undermine environmental protections, peoples’ access to green space, and the creation of green and healthy communities.  These proposals could put nature at risk and peoples’ access to nature at risk because protected species legislation is not considered in prior approval, the general sustainability and ecological impact of housing is not considered and developments under PDR are currently exempt from biodiversity net gain. The impact on communities is also high: there will be increased pressure on green infrastructure and green space, developer contributions are not required under PDR to secure the required infrastructure and green infrastructure to make these places viable and beautiful places to live.  \*Wildlife and Countryside Link (Link) is the largest environment and wildlife coalition in England, bringing together 57 organisations to use their strong joint voice for the protection of nature and landscapes. This consultation response is supported by the following Link members: Bat Conservation Trust, Campaign for National Parks, Council for British Archaeology, CPRE The Countryside Charity, Friends of the Earth, Open Spaces Society, The Wildlife Trusts, RSPB, Woodland Trust.  \*\*https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\_data/file/752124/Letwin\_review\_web\_version.pdf |

### **Q19.2 Are there any additional issues that we should consider?**

|  |  |
| --- | --- |
| Yes | X |
| No |  |

Please specify:

|  |
| --- |
| These changes of use to residential are significant changes in the planning system. These proposals would undermine the Local Plan-led system in town centres and remove the ability of local authorities to plan for vital and viable communities, including by ensuring Design Codes are effectively implemented. Local people and communities have less scrutiny over changes of land use.  In general, given the scale and pace of the Government’s deregulatory drive, accompanied by many separate consultations, Link is concerned about the lack of consideration of the cumulative environmental impacts and the lack of scrutiny over these proposals. The current proposed planning reforms are still under review, and their proposals to amend EIA and SEA, make the proposals in this consultation challenging to properly evaluate in the wider planning context.  These proposals could put nature at risk and peoples’ access to nature at risk because protected species legislation is not considered in prior approval, the general sustainability and ecological impact of housing is not considered and developments under PDR are currently exempt from biodiversity net gain. The impact on communities is also high: there will be increased pressure on green infrastructure and green space, developer contributions are not required under PDR to secure the required infrastructure and green infrastructure to make these places viable and beautiful places to live. |

### **Q20 Do you agree think that uses, such as betting shops and pay day loan shops, that are currently able to change use to a use now within the Commercial, Business and Service use class should be able to change use to any use within that class?**

|  |  |
| --- | --- |
| Agree |  |
| Disagree |  |
| Don't know |  |

Please give your reasons:

|  |
| --- |
| No comment. |

### **Q21 Do you agree the broad approach to be applied in respect of category 4 outlined in paragraph 76 of the consultation document?**

|  |  |
| --- | --- |
| Agree |  |
| Disagree |  |
| Don't know |  |

Please give your reasons:

|  |
| --- |
| No comment. |

### **Q22 Do you have any other comments about the consolidation and simplification of existing permitted development rights?**

|  |  |
| --- | --- |
| Yes | X |
| No |  |

Please specify:

|  |
| --- |
| The motivation of the proposed right for the change of use classes to residential is to allow more permitted development rights. The Government claims these changes will streamline and create faster development of housing, however, the evidence from the Letwin Review points to slow build-out rates as the cause of the delay in the delivery of housing, not the planning system.\* Thus these proposals will not serve to speed the delivery of housing and simultaneously undermine environmental protections, peoples’ access to green space, and the creation of green and healthy communities.  These proposals could put nature at risk and peoples’ access to nature at risk because statutory protected species are not properly taken into account in prior approval (buildings that host protected species should be excluded from the allowed types of development), the general sustainability and ecological impact of housing is not considered and developments under PDR are currently exempt from biodiversity net gain. The impact on communities is also high: there will be increased pressure on green infrastructure and green space, developer contributions are not required under PDR to secure the required infrastructure and green infrastructure to make these places viable and beautiful places to live.  Furthermore, the biodiversity duty as set out under section 40 to the Natural Environment and Rural Communities Act (2016) requires a public authority, including Ministers of the Crown and local authorities, to have regard to the purpose of conserving biodiversity. This proposal appears not to consider biodiversity and may leave the Minister open to challenge in this respect. A failure to meet these duties or to alert the applicants to the risk of failure leaves local governments open to legal challenge and leaves applicants to prosecution should their actions negatively impact statutory protected species.  These changes of use to residential are significant changes in the planning system. These proposals would undermine the Local Plan-led system in town centres and remove the ability of local authorities to plan for vital and viable communities, including by ensuring Design Codes are effectively implemented. Local people and communities have less scrutiny over changes of land use.  In general, given the scale and pace of the Government’s deregulatory drive, accompanied by many separate consultations, Link is concerned about the lack of consideration of the cumulative environmental impacts and the lack of scrutiny over these proposals. The current proposed planning reforms are still under review, and their proposals to amend EIA and SEA, make the proposals in this consultation challenging to properly evaluate in the wider planning context.  \*https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\_data/file/752124/Letwin\_review\_web\_version.pdf |

**End of survey**

You have reached the end of the consultation questions. Thank you for taking the time to complete them and for sharing your views. Please note that you will not receive an automated email to confirm that your response has been submitted.   
  
After the consultation closes on 28 January 2021 we will consider the responses we have received and publish a response, in due course.