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 4. Planning system (<https://www.gov.uk/housing-local-and-community/planning-system>)
 5. Supporting defence infrastructure and the future of time-limited permitted development rights (<https://www.gov.uk/government/consultations/supporting-defence-infrastructure-and-the-future-of-time-limited-permitted-development-rights>)
- Department for Levelling Up, Housing & Communities (<https://www.gov.uk/government/organisations/department-for-levelling-up-housing-and-communities>)
 - Ministry of Defence (<https://www.gov.uk/government/organisations/ministry-of-defence>)
 - Ministry of Housing, Communities & Local Government (<https://www.gov.uk/government/organisations/ministry-of-housing-communities-and-local-government>)

Consultation outcome

Supporting defence infrastructure and the future of time-limited permitted development rights: government response

Updated 20 June 2022

Contents

[Introduction](#)

[Overview](#)

[Part 1: Future of temporary permitted development rights](#)

[Part 2: Supporting Defence infrastructure](#)



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Introduction

1. The [Levelling Up white paper \(https://www.gov.uk/government/publications/levelling-up-the-united-kingdom\)](https://www.gov.uk/government/publications/levelling-up-the-united-kingdom) sets out how the government intends to spread opportunity more equally across the country. As part of that, government is committed to delivering an efficient planning process which offers certainty and flexibility to all users, and supports the aspirations set out in the Levelling Up white paper.
2. The Ministry of Defence and Department for Levelling Up, Housing and Communities published a [joint consultation \(https://www.gov.uk/government/consultations/supporting-defence-infrastructure-and-the-future-of-time-limited-permitted-development-rights/supporting-defence-infrastructure-and-the-future-of-time-limited-permitted-development-rights\)](https://www.gov.uk/government/consultations/supporting-defence-infrastructure-and-the-future-of-time-limited-permitted-development-rights/supporting-defence-infrastructure-and-the-future-of-time-limited-permitted-development-rights) on 5 September 2021 which ran for a period of 10 weeks, ending on 14 November 2021. The consultation sought views on separate proposals for:
 - Part 1: Future of temporary permitted development rights
 - Part 2: Supporting Defence infrastructure
3. During 2020 and 2021 the government introduced a number of time-limited permitted development rights which allowed businesses and local communities to quickly respond to and recover from the impacts of the coronavirus pandemic. The consultation invited comments on the future of two time-limited permitted development rights relating to outdoor markets and moveable structures. These were introduced on a time-limited basis to support economic recovery of England's towns and cities and to enable businesses to make best use of outdoor space. Views were sought on the benefits of the time-limited permitted development rights, and on proposed mitigations if they were to be made permanent.
4. Developing the Defence estate sooner and making it fit for the future is key to achieving the overarching objectives of the [Integrated Review of Security, Defence, Development and Foreign Policy 2021 \(https://www.gov.uk/government/publications/global-britain-in-a-competitive-age-the-integrated-review-of-security-defence-development-and-foreign-policy\)](https://www.gov.uk/government/publications/global-britain-in-a-competitive-age-the-integrated-review-of-security-defence-development-and-foreign-policy). The consultation also invited comments on the introduction of new permitted development rights relating to single living accommodation and non-accommodation buildings on Defence sites. Views were sought on the scope of the new rights and on proposed conditions and mitigations.
5. We are grateful for the detailed responses received to the consultation. They have been carefully considered and the [Town and Country Planning \(General Permitted Development etc.\) \(England\) \(Amendment\) \(No. 3\) Order 2021 \(https://www.legislation.gov.uk/uksi/2021/1464/contents/made\)](https://www.legislation.gov.uk/uksi/2021/1464/contents/made) was laid on 20 December 2021 before the time-limited rights were due to expire. The Instrument introduced new permitted development rights for outdoor markets and moveable structures. Outdoor markets can be held for an unlimited number of days, subject to limitations. We have also introduced a permitted development right to allow pub, café and restaurant owners to place one moveable structure on their own land. Historic visitor attractions and pubs, cafés and restaurants that are listed buildings have been given a similar right to erect one moveable structure for up to 120 days in a 12 month period. These rights are subject to a number of new limitations and conditions.
6. The Instrument extended for a further year the time-limited permitted development right allowing for emergency development by local authorities and health service bodies to respond to the spread of coronavirus. At the time of the consultation we did not propose to extend this right, which was due to expire on 31 December 2021, as the future need for the right was unclear. However we have subsequently extended the right for a further year until 31 December 2022 to support the vaccination rollout.

7. The Instrument also introduced a new permitted development right for the Ministry of Defence to enable the modernisation and development of the Defence estate, relating to its single living accommodation and supporting infrastructure as well as other structures on a closed Defence site. The right is subject to a number of limitations and conditions.

Overview

8. There were 212 responses to the Supporting defence infrastructure and the future of time-limited permitted development rights consultation. Not all respondents addressed both parts of the consultation or answered every question. We received responses from a wide range of interested parties from across the public and private sectors, as well as from the general public. We are grateful to everyone who took the time to respond.

9. The table below provides a breakdown of responses to the consultation survey by type of respondents.

Type of organisation	Number of responses
Personal response	105
Local authority (including national parks, Broads Authority, the Greater London Authority and London boroughs)	27
Neighbourhood planning body, parish or town council	14
Private sector organisation (including housebuilders, developers, housing associations, businesses, consultants)	15
Trade associations, interest groups, voluntary or charitable organisation	15
Other	33
Unknown	3

10. We have carefully reviewed and analysed the responses. This document provides detailed analysis and responses to the individual proposals as set out below.

Part 1: Future of temporary permitted development rights

11. Permitted development rights are a national grant of planning permission. The government has introduced a number of time-limited permitted development rights since March 2020 in response to the coronavirus pandemic and its economic effects. Such time-limited rights cease to have effect from specified dates as set out in legislation.

12. The government introduced a time-limited right under Class BA of Part 12 of the General Permitted Development Order (“GPDO”) which enabled markets to be held by or on behalf of local authorities for an unlimited number of days, including the provision of moveable structures related to this use. The right was introduced on 25 June 2020 and was initially due to expire on 23 March 2021, but was later extended until 23 March 2022.

13. The government also introduced a time-limited right under Class BB of Part 4 of the GPDO which allowed for the provision of one moveable structure within the curtilage of a pub, café, restaurant or historic visitor attraction for an unlimited number of days. The right was introduced on 16 April 2021 and was due to expire on 1 January 2022.

14. The consultation sought views on whether these two rights should be made permanent and whether any mitigations on their use should be introduced.

Rights for markets by or on behalf of local authorities

Question 1.a: Do you agree that the right allowing markets to be held by or on behalf of local authorities for an unlimited number of days per year (Part 12, Class BA) should be made permanent?

15. There were 192 responses to this question. More than half were supportive of the proposal. Those in favour cited benefits to the local economy and the generation of local employment opportunities. Improving community cohesion was also a key reason for supporting the proposal. Opponents of the proposal cited the potential for increased traffic and disruption to local residents. Some respondents commented that the holding of markets for an unlimited number of days could create additional competition to established high street businesses.

Question 1.b: Do you have any evidence as to any benefits and impacts as a result of introducing this right for markets, or have views of future impacts were the right made permanent?

16. There were 186 responses to this question. Less than half provided evidence of the right or what the impacts and benefits would be should the right be made permanent. Those that did respond noted economic benefits such as increased footfall and spending when additional market days have been held, leading to increased employment, spending and support to local businesses. Respondents raised matters around the absence of local consultation if the right were to be made permanent. Other comments included potential disruption from increased traffic, noise and a loss of public space which could impact existing nearby businesses.

Question 1.c: Do you think that there should be a limit on the number of days that this right can be used for in a calendar year?

17. There were 184 responses to this question. Less than half supported limiting the number of days that such markets could be held each year. Respondents who were in favour of no limit on the number of days cited the potential economic benefits and the need to encourage new businesses to invest in local communities. Respondents agreed that local authorities should decide how often markets were held and that any decision should be made in consultation with local businesses and communities. Those respondents who were in favour of a limit on the number of days cited the need to minimise the negative impacts that more market days would have on local residents and existing businesses.

Question 1.d: Do you have views on whether there should be additional restrictions on the use of this right to mitigate against potential impacts of making this permanent, including proximity to scheduled monuments?

18. There were 181 responses to this question. Less than half provided views on whether additional restrictions should be brought in if the right was made permanent. There was strong support that scheduled monuments and heritage assets should be protected and that limiting the proximity of

markets to such assets would help. The use of a prior approval process to consider the impacts of individual markets was also supported, to consider matters such as operating hours.

Government response to Questions 1.a – 1.d

19. We want to ensure that local authorities can continue to hold outdoor markets to support local communities and businesses, consistent with our objectives of developing pride in place as set out in the Levelling Up white paper. This right has encouraged the use of outdoor public spaces, supporting both public health initiatives and it provided a much needed boost to make high streets in towns and cities across the country more vibrant and resilient.

20. To ensure continued flexibility for communities and businesses, we have made the right permanent allowing outdoor markets to be held by or on behalf of local authorities for an unlimited number of days, allowed for in Class BA of Part 12 of the GPDO.

21. To reflect comments raised in the consultation that heritage assets need to be protected, we have maintained the limitation preventing markets to be held on Sites of Special Scientific Interest (SSSI) and we have introduced a new limitation preventing markets to be held on sites designated as scheduled monuments. This right can only be used by local authorities or someone acting on their behalf, and stall holders will still need to obtain a licence from the local authority before they can operate.

Right for the provision of moveable structures

Question 2.a: Do you agree that the right allowing for the provision of moveable structures (Part 4, Class BB) should be made permanent?

22. There were 201 responses to this question, of which less than half supported making the right permanent. Those respondents that supported the proposal provided feedback that the permitted development right had benefited businesses by increasing the capacity of venues and providing flexibility for them to operate outdoors, which was particularly important during periods of coronavirus restrictions. Those who opposed the proposal noted that moveable structures could harm the appearance of and access to heritage assets. Respondents also commented that moveable structures which increase the capacity of venues, particularly those in the grounds of pubs, could increase noise if they are located near to residential properties, impacting on local residents and communities.

Question 2.b: Do you have any evidence of benefits and impacts as a result of the introduction of the right for moveable structures (Part 4, Class BB), or have views on potential future impacts were the right made permanent?

23. Of the 189 respondents to this question, around three quarters of respondents provided evidence and views on the use of the right to date. Respondents welcomed that the right had enabled businesses to continue to operate in a safe manner and, through providing additional space, this had benefited local economies. Those respondents who supported making the right permanent stated that it would allow continued economic recovery because of the increase in footfall and space for businesses to operate in. However other respondents noted that the right could increase noise and anti-social behaviour, particularly where moveable structures are placed near to residential boundaries. Some respondents suggested that moveable structures could harm the appearance and amenity of heritage assets and listed buildings.

Question 2.c: Do you think the right for moveable structures (Part 4, Class BB) should be limited to 56 days per calendar year?

24. There were 198 responses to this question, of which more than half did not support the proposal. Those respondents suggested a number of alternative limitations, including higher, lower and no day limits. Those in favour of a 56 day limit stated that it was an appropriate length of time to provide flexibility to businesses. However some supported a lower limitation because a 56 day limit could impact on traffic and noise for local residents. Those respondents in favour of introducing a higher day limit stated that 56 days could be restrictive to businesses and the hospitality industry at a critical time. A limitation could be costly to businesses who would have to construct and dismantle structures throughout the year. Other respondents believed that any day limitation would be difficult to enforce against.

Question 2.d: Do you think that the right for moveable structures (Part 4, Class BB) could be greater than 56 days, or allowed for an unlimited number of days, in the curtilage of non-listed buildings?

25. Of the 197 responses to this question, more than half did not support this proposal. Those respondents stated that moveable structures had a negative impact on heritage assets and listed buildings, which could continue if moveable structures remained in their curtilages all year round. Other respondents noted that moveable structures would increase noise and traffic in the local area, and that these issues would be exacerbated if structures remained in place all year round. However respondents also acknowledged that moveable structures provide certainty to businesses as they recover from the pandemic. A number of respondents suggested that decisions on moveable structures should be made on a case by case basis to factor in local circumstances.

Question 2.e: Do you agree that there should be a height limit for the moveable structures of 4 metres?

26. There were 198 responses to this question, of which there was considerable support for a height limit for moveable structures. Respondents were in favour of a height limit so that the character and appearance of areas could be protected. However some respondents suggested that a limit of 4 metres was too high and a lower limit of 3 or 2.5 metres would be more appropriate, to ensure that there were no negative impacts on local residents such as blocking views and light. Supporters of the proposal stated that there should be no limit to allow flexibility for higher structures.

Question 2.f: Do you agree that there should be a size threshold on the moveable structures allowing them to be up to 50% of the footprint of the existing building on site?

27. There were 194 responses to this question, of which about half were supportive of introducing a size threshold. Those in favour of the proposal cited a 50% threshold as being a proportionate limitation which would balance the need for providing additional space for business whilst limiting the impact on local areas. Those not in favour stated that a 50% size limit was too large and some respondents suggested a 25% limit as an alternative. There was also support for no size limit, with respondents citing that this could negatively impact on businesses, particularly those that operated in smaller premises. Some respondents thought that any decision should be taken on a case by case basis by the local planning authority.

Question 2.g: Do you have any evidence of impacts specifically on heritage assets, including listed buildings as a result of the introduction of the right for moveable structures (Part 4, Class BB). Do you have any views on potential future impacts on heritage assets were the right made permanent?

28. There were 191 responses to this question and around a third of respondents provided evidence or views. Respondents provided positive feedback that moveable structures had increased footfall and revenue to heritage assets. It was also noted that the right had reduced the requirements of the

planning application process, which can be burdensome for listed building owners. Respondents suggested that some moveable structures are not in-keeping with heritage assets and listed buildings, particularly if the siting and fixings are inappropriate. As such, respondents suggested that if the right were to be made permanent then moveable structures in such locations should be subject to prior approval.

Question 2.h: Do you have views on whether there should be any other additional restrictions on the use of this right (Part 4, Class BB) to mitigate against potential impacts of making this permanent?

29. There were 185 responses to this question, of which there were a range of suggestions for additional limitations. It was suggested that moveable structures could impact on local residents so some respondents proposed that a limitation is introduced which prevents moveable structures adjacent to residential areas and heritage assets. Some suggested that moveable structures should be subject to limitations on design and hours of operation. Other respondents suggested that a prior approval should be introduced. Those respondents who did not support any additional restrictions said that the right should be as flexible as possible for businesses to use.

Government response to Questions 2.a – 2.h

30. To support hospitality and tourism businesses and organisations to make best use of their outdoor space and extend economic opportunities, this flexibility has now been made permanent. We have created two separate permitted development rights and introduced a number of limitations to address specific impacts and a number of matters raised in the consultation.

31. In order to provide flexibility to businesses a new right allows for one moveable structure within the curtilage of a pub, café or restaurant for an unlimited number of days per year, to support the tourism and hospitality sector to make best use of their outdoor spaces to operate in, following the period of uncertainty they have faced. This is allowed for in a new Class G right in Part 2 of the GPDO.

32. To enhance access to and enjoyment of England's best cultural assets, a separate right, an amended version of Class BB of Part 4, allows for one moveable structure within the curtilage of a Historic Visitor Attraction, such as a country house, and listed buildings within the scope of this right (cafes, pubs and restaurants) for up to 120 days in a twelve month period. To protect such settings, this right is subject to prior approval by the Local Planning Authority in relation to the siting and method of installation of the moveable structure. The right also requires the reinstatement of the land to its original condition once the moveable structure is removed and includes a requirement for consultation with Historic England. This will enable businesses and organisations to protect historic assets whilst also making best use of outdoor spaces. This measure does not remove the obligation to apply for listed building consent under the Planning (Listed Building and Conservation Area) Act 1990 where the provision of a moveable structure would require such an application. Therefore, the provision of any moveable structure must not cause the alteration, demolition or extension of a listed building in any manner which would affect its character as a building of special architectural or historic interest.

33. In response to the comments raised, additional mitigation measures have been introduced which apply to all moveable structures under Class G of Part 2 and Class BB of Part 4. To protect local amenity and minimise impacts on surrounding communities, moveable structures are subject to limits on the height, size and distance to the boundary where it adjoins residential development. There is a size threshold of 50% of the footprint of the building or 50 square metres whichever is the lesser, and a height limit of 3 metres. In addition to this, any structure cannot be within 2 metres distance from

residential boundaries. The current protections have been maintained which prevent moveable structures within the boundary of a Scheduled Monument and prevent the use of moveable structure for the display of an advertisement.

34. The Licensing Act 2003 regime will apply to licensed premises, and the environmental health statutory nuisance regime will apply to all premises. This provides mitigation and avenues of redress for local residents against harm to local amenity from noise or public nuisance.

Public Sector Equality Duty and Impact Assessments

Question 3: Do you think that any of the proposed changes in relation to the future of the time-limited permitted development rights could impact on: a) businesses b) local planning authorities c) communities. Yes/No/Don't know. Please give your reasons. It would be helpful if you could specify whether your comments relate to a) business, b) local planning authorities, or c) communities, or a combination and which right or rights they particularly relate to.

35. There were 130 responses to this question, and more than half of these did not think there would be impacts. Most respondents agreed that businesses would benefit from both the market and moveable structure rights being made permanent. However, some respondents raised that other businesses would not benefit from the rights may be impacted and that the public may be negatively impacted. Those respondents cited that the markets rights could lead to a loss of public space and that the moveable structures right could increase noise and other environmental impacts, such as fumes from barbeques, which could impact on local residents and communities. Comments also suggested that local planning authorities could face increased burdens in having to deal with related complaints and enforcement issues.

Question 4: Do you think that any of the proposed changes in relation to the future of the time-limited permitted development rights 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. Yes/No/Don't know. If so, please give details and specify which right/s any comment relates to.

36. There were 187 responses to this question, of which less than half provided potential impacts on those with protected characteristics. Respondents cited that the permanency of outdoor markets could impact people with sight loss or limited mobility if pavements, pedestrian routes and public areas are reconfigured or removed. Some respondents felt that markets and moveable structures, particularly at public houses, could cause a nuisance to those who live within a close proximity. This could be especially detrimental to children and elderly people. As the rights support the use of outdoor spaces, other respondents cited positive impacts that allowing for ground level moveable structures and markets could improve accessibility for people with limited mobility.

Government response to Questions 3 and 4

37. We are required to assess the impacts of any measures on businesses, local authorities and communities being taken forward before any secondary legislation is laid to make changes to national permitted development rights. We are also required to assess the proposals by reference to the public sector equality duty contained in the Equality Act 2010.

38. We are grateful for the responses that provided views on any potential implications of the proposed changes on people with protected characteristics and on business. These comments were taken into consideration in preparing an assessment of impact of the changes being taken forward and a public sector equality duty assessment regarding the proposals.

39. In regard to the potential for the rights to block access to pavements, it is important to note that these rights are separate to changes to pavement licenses introduced in the Business and Planning Act 2020. Pavement licenses allow hospitality businesses to place furniture, such as tables and chairs, on the highway outside their premises.

Part 2: Supporting Defence infrastructure

New permitted development rights

Question 5: Do you agree that new rights should be created that will enable MOD to develop more single living accommodation within the perimeter of their sites up to 25% of the existing floorspace for single living accommodation at a Defence site to support service personnel? Please give your reasons.

40. There were 152 responses to this question, of which less than a third disagreed with the proposals, while the majority either agreed or did not know. Those in support of the proposal commented that the effective use of a site was paramount. Views were expressed in relation to the potential impact of such development on surrounding landscapes, communities and local areas and that there might be intensification of a site at the expense of the local environment. It was suggested that the MOD should inform the local planning authority before the commencement of works.

Question 6: Do you agree that new rights should be created that will enable MOD to develop other types of workspace up to 35% of the existing floorspace within the perimeter of their sites? Please give your reasons.

41. There were 147 responses to this question, of which the majority of respondents either agreed or did not know, and less than a third disagreed with the proposals. Supporters of the proposal stated that MOD should be able to use its space as it sees most beneficial, and that there is a need for new training premises. Comments also reflected the same points raised in the previous question relating to impact on the community and landscape.

Question 7: Do you agree that supporting the redevelopment of Defence assets and Defence bases will provide an opportunity for new jobs in regions across the UK and will underpin Defence's active role in communities across the UK? Please give your reasons.

42. There were 148 responses to this question and about half didn't know whether the rights would provide opportunities for new jobs. Respondents recognised that this proposal could boost local employment, for example as a result of civilian jobs being transferred to consolidated sites and the increase in support roles as a result of the increase in MOD personnel. However other respondents noted that the job opportunities would be the same regardless of whether the development resulted from a planning application or a permitted development right.

Question 8: Do you agree that the permitted development rights should be applied to the wide range of buildings needed by MOD? Please give your reasons.

43. Of the 147 responses to this question very few comments were provided. About half didn't know whether the rights should be applied to such a wide range of buildings and whilst less than half agreed, less than a third disagreed. Some respondents thought that there shouldn't be any restriction whilst others did not want the right to be construed very widely to include holiday accommodation, for example.

Question 9: Do you agree that a greater percentage should apply for the workspace provision? Please give your reasons.

44. There were 143 responses to this question and less than a third of respondents provided comments. Less than a third of the 143 responses agreed that a higher percentage should apply to workspace provision, and more than half didn't know whether there should be a bigger percentage for workspace compared to single living accommodation. Those supporting the proposal for additional workspace noted that new techniques in Defence and warfare needed new workspaces. The positive connection between the greater workspace provision and the opportunity to provide more local employment was also noted. Those respondents who were not in favour commented that workspace and living space should be equally treated. The point was also made that, given the greater number of people working from home due to coronavirus restrictions, vacant office space could be re-purposed.

Government response to Questions 5 – 9

45. The government is committed to providing the best up to date facilities for its armed forces to operate from. A single permitted development right will enable development to proceed faster for the benefit of service personnel, helping MOD to modernise and better utilise the estate, meet new improved standards, and meet the changing operational demands being placed upon Defence. This also supports the government's commitment to prioritise key public service projects. In view of the positive responses we received to the consultation, we have developed this policy and proceeded as proposed in the consultation with the exception that we have included the requirement for local authority notification to ensure they are fully aware of development as suggested by comments received in the consultation.

46. We have legislated that the permitted development right only applies to existing closed Defence sites that operate behind a secure perimeter boundary. It will only apply to existing established Defence sites and it will only apply for Defence purposes. In response to comments raised during the consultation in relation to the role of the local planning authority, the inclusion of the requirement for written notification to be provided to the local planning authority, in all cases, will ensure the local authority is advised of the date of commencement of the development and provided with sufficient information for the authority to ascertain whether the development meets the terms of the right. This will improve community awareness and transparency.

Proposed limitations to the Permitted Development Rights

Question 10: Do you think restricting the location of development to 15m from the perimeter of the military site is sufficient or would a greater distance be better? Please suggest what would be an appropriate distance and give your reasons.

47. There were 144 responses to this question, and more than half responded that they didn't know but less than a third agreed that the location of development should be restricted to 15m from the perimeter. Those in support of the measure cited that the proposed distance was sufficient and that Defence should not be constrained by imposing a greater distance. It was noted by some respondents that there might be a need for greater distance to protect residential areas from the nuisance that a military building might bring. A number of respondents noted that it was dependent upon the specific site circumstances and location with a suggestion that there should be a site specific approach to ensure adverse visual and landscape impacts were minimised.

Question 11: Do you think there is scope to raise the 4000 sqm footprint trigger for prior approval on the very largest operational military sites? Please suggest what would be an appropriate alternative limit, and give your reasons.

48. There were 144 responses to this question and a considerable number responded that they didn't know whether there was scope to raise the limit and equal numbers of respondents agreed that there was scope or that there was no scope. Views ranged on the limit with some respondents considering it adequate whilst others considered it being too large. However it should be noted that some of the respondents thought incorrectly that the limit applied to a building rather than to the totality of buildings. The suggestion was made that a schedule of large sites would help to inform where a larger limit might be appropriate.

Question 12: Do you agree that locating taller buildings together would be a good idea? Please give your reasons.

49. There were 145 responses to this question, with a considerable number responding that they didn't know and less than a third in agreement. Comments made included that locating taller buildings together in a cluster can have less of a negative visual impact. Conversely the point was also raised that there was potential for greater negative visual and landscape impact if tall buildings were in a single group.

Government response to Questions 10 – 12

50. We welcome the range of points made in response to these questions. Having considered the responses on balance we feel that restricting development to 15m from the perimeter of the military site is appropriate to protect neighbouring developments. In relation to grouping taller buildings together there was no clear endorsement of this suggestion and the points made led us to conclude it would not be appropriate to put in place a rule to this effect. The 4,000 sqm limit also drew a range of responses the majority of which either supported it as it was or didn't know. We are therefore retaining the proposed limits on location to the boundary and height and size limit in relation to the point at which prior approval with the local planning authority will be triggered.

Question 13: Do you think that the exercise of the permitted development rights in flood risk zones should be subject to prior consultation? Please specify which bodies should be consulted.

51. This question received 147 responses with more than half agreeing that there should be prior consultation. Most of the comments indicated that development on a flood plain should be avoided and for MOD to act sustainably. Suggestions in relation to bodies that should be consulted included the local planning authority and the Environment Agency as well as with the Canal & River Trust.

Question 14: Do you think that the exercise of permitted development rights in relation to sites with land contamination should be subject to prior consultation? Please specify which bodies should be consulted.

52. 147 responses were received to this question with more than half agreeing that there should be prior consultation. This question attracted a high comment rate with most comments expressing the importance of dealing with contaminated land and suggesting that the local planning authority and the Environment Agency should be consulted.

Question 15: Do you think it is or is not appropriate that SSSI, Article 2(3) land, listed buildings and Scheduled Monuments should be excluded from the permitted development rights? Please give details if you think it is appropriate or if not.

53. About half of the 150 who responded agreed that it was appropriate to exclude certain land from the permitted development rights. All comments agreed with the proposed protection however views were expressed about the importance of also protecting archaeological remains, registered parks,

gardens and battlefields by excluding them from the exercise of the permitted development right.

Government response to Question 13 – 15

54. We have noted the views on flood risk and contamination and as a result of the comments in favour of prior consultation we have decided to include a requirement in the legislation that prior to beginning development there must be an assessment of contamination and flood risks of the development, with measures identified to reduce, so far as practicable, any contamination or flood risks of the development and any measures implemented. Additionally, we have also now included provision, where the proposed development is in an area within flood zone 2, for prior consultation with the Environment Agency. We feel these provisions will provide adequate protection and address the obvious issues in relation to sustainability and development in flood zones and in relation to contaminated land. We noted the point made about archaeological remains, and registered parks and gardens and, having reviewed the location of any such features within the Defence estate felt that the existing proposals would be sufficient to protect them largely because of the limiting of any development to within a closed Defence site in the legislation.

Public Sector Equality Duty and Impact Assessments

Question 16: Do you think that any of the proposed changes in relation to permitted development rights for Defence could impact on: a) businesses, b) local planning authorities, c) communities. Yes/No/Don't know. Please give your reasons. It would be helpful if you could specify whether your comments relate to a) business, b) local planning authorities, or c) communities, or a combination and which right or rights they particularly relate to.

55. More than half of the 154 respondents who answered this question didn't know if any of the proposed changes would impact on either business, local planning authorities or communities. Less than a third felt there would be an impact. Views were expressed that there could be potential positive benefits to local businesses from any increase in armed forces personnel contributing to the local economy but also that businesses were unlikely to be significantly impacted. In respect of the impact on local planning authorities the view was expressed that they might be negatively impacted by the loss of fee income but that this would be limited due to the likely low number of applications in a single area.

Question 17: Do you think that any of the proposed changes in relation to permitted development rights for Defence 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. Yes/No/ Don't know. If so, please give details and specify which right/s any comment relates to.

56. More than half of the 150 respondents to this question didn't know if there would be any impact. Less than a third of respondents thought the proposed changes would not impact on people who share a protected characteristic and the view was expressed that any adverse consequences of the proposals would be equally detrimental to those in the wider community as to those with a protected characteristic.

Government response to Question 16 and 17

57. We are required to assess the impact of any measures on businesses, local authorities and communities being taken forward before any secondary legislation is laid to make changes to national permitted development rights. We are also required to assess the proposals by reference to the public sector equality duty contained in the Equality Act 2010.

58. We are grateful for the responses that provided views on any potential implications of the proposed changes on people with protected characteristics. These comments were taken into consideration in preparing a public sector equality duty assessment regarding the proposals. As the measures related to development by the Crown on closed Defence sites, an assessment of impact was not prepared.

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