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Open consultation

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

Published 5 September 2021

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Scope of the consultation

Topic of this consultation:

This consultation contains proposed changes to two time-limited permitted development rights in the Town and Country Planning (General Permitted Development) (England) Order 2015 which were introduced to support businesses and the high street in response to the coronavirus pandemic. It covers the following areas:

1. Class BB of Part 4 permitting moveable structures within the curtilage of a pub, café, restaurant, or historic visitor attractions
2. Class BA of Part 12 permitting for markets to be held by or on behalf of local authorities.

This consultation also contains proposed new permitted development rights to support delivery of infrastructure for Defence on the Defence estate

Scope of this consultation:

This consultation seeks views on the future of two temporary permitted development rights listed above, including the benefits of the rights as they exist, and views on proposed mitigation if they were to be made permanent. This consultation also seeks views on proposed new permitted development rights for the Ministry of Defence to enable the modernisation and development of the Defence estate. We are also seeking views on equality and impact of the rights on local authorities, businesses, and the community.

Geographical scope:

These proposals relate to England only.

Impact assessment:

The consultation seeks views on any potential impacts on business, local planning authorities and communities from changes. The government is mindful of its responsibility to have regard to the potential impact of any proposal on the Public Sector Equality Duty, and therefore views are additionally sought on whether there are any impacts arising from these measures on those with a protected characteristic.

Basic Information

Body/bodies responsible for the consultation:

Ministry of Housing, Communities and Local Government and the Ministry of Defence.

Duration:

This consultation will run from 5 September 2021 to 14 November 2021.

Enquiries:

For any enquiries about the consultation please contact:
defencesitesandtemporarpdrconsultation@communities.gov.uk

How to respond:

You may respond by completing an online survey (<https://consult.communities.gov.uk/planning-development-management/supporting-defence-infrastructure-and-the-future-o/>).

We strongly encourage responses via the online survey, particularly from organisations with access to online facilities such as local authorities, representative bodies, and businesses. Consultations on planning policy receive a high level of interest across many sectors. Using the online survey greatly assists our analysis of the responses, enabling more efficient and effective consideration of the issues raised for each question

Alternatively you can email your response to the questions in this consultation to defencesitesandtemporarydrconsultation@communities.gov.uk

If you are responding in writing, please use the proforma provided and make it clear which questions you are responding to.

Written responses should be sent to:

Planning Development Management
Ministry of Housing, Communities and Local Government
Planning Directorate
3rd Floor, North East
Fry Building
2 Marsham Street
London
SW1P 4DF

When you reply it would be very useful if you confirm whether you are replying as an individual or submitting an official response on behalf of an organisation and include:

- your name
- your position (if applicable)
- the name of organisation (if applicable)
- an address (including post-code)
- an email address
- a contact telephone number

Future of temporary permitted development rights

Background

1. The government has introduced a number of temporary permitted development rights since March 2020 in response to the coronavirus pandemic. These rights gave planning freedoms which enabled businesses, local authorities, and health service bodies to react to the unprecedented situation brought about by the pandemic.

2. In particular, some of these rights were introduced to help support business in re-opening and provide flexibility to encourage use of outdoor spaces. Having implemented these on a temporary basis, we are now interested in better understanding how these rights have been used, the benefits of retaining them and understanding the impacts of the rights, so a decision can be made as to their future.

3. This consultation concerns two of the temporary rights that were implemented, and specifically seeks evidence of the impacts of the rights as they currently exist, and views on the future of the rights including any proposed mitigation if they were to be made permanent. It also seeks views on equalities considerations and the impacts on businesses, local authorities and communities.

4. It is worth noting that there were 3 other temporary permitted development rights implemented in response to the coronavirus pandemic, which are not subject to this consultation. The first, a right allowing pubs, cafes, and restaurants to operate as takeaways without needing to apply to change use will not be extended beyond 23 March 2022. This right was in place to support businesses which needed to operate solely as a takeaway due to coronavirus restrictions as this would usually constitute a change in use. These venues are able to continue to operate a takeaway service as ancillary to their main business in the absence of this right and as such the right can fall away.

5. The second is a right which allows for additional days for the temporary use of land for any purpose, doubling the days allowed from 28 to 56 in 2020, and subsequently 2021. This right expires on 31 December 2021 and it is not proposed to extend the additional days.

6. The third is a right allowing for emergency development by local authorities or health service bodies to respond to the spread of Coronavirus. The right enables local councils and health service bodies to respond and provide facilities to limit its spread, treat, test, care for and manage the recovery of patients. This right is due to expire on 31 December 2021 and will only be extended on a temporary basis if it is necessary to do so.

Right for markets by or on behalf of local authorities

7. In June 2020 as lockdown restrictions were being eased, the government implemented a temporary permitted development right under Class BA of Part 12 of Schedule 2 of the General Permitted Development Order. This 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. Previously there was a 14 day allowance per calendar year to hold a market under the temporary use of land permitted development right (Part 4, Class B). This right does not allow markets to be held on Sites of Special Scientific Interest (SSSI) and we will also consider whether heritage assets such as scheduled monuments should be disapplied from the right. Note that this permitted development right does not remove the need to get a license to hold a market.

8. This change was put in place to support communities to hold outdoor markets and encourage the use of outdoor public spaces, both to support public health initiatives and the reopening of the high street.

9. This right was initially in place until 23 March 2021 and was subsequently extended to 23 March 2022. To continue to support communities to hold markets we are looking for evidence of how these rights are used, and their benefits and impacts, and we are proposing that this permitted development right be made permanent.

10. We are interested in getting views as to whether there should be a limit on the number of days that this right can be used for in a calendar year.

Q.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?

Q.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?

Q.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?

Q.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?

Right for the provision of moveable structures

11. In April 2021 a new temporary right was introduced under Class BB of Part 4 of Schedule 2 of the General Permitted Development Order. This right allows for the provision of moveable structures within the curtilage of a pub, café, restaurant, or historic visitor attraction. This includes allowing moveable structures for the first time in the grounds of listed buildings, helping support the important hospitality and tourism sectors.

12. The right was introduced to support greater use of outdoor spaces, for example to enable additional covered seating or through use of outdoor spaces for ticket sales. This has helped businesses increase capacity as they reopen. Any restrictions on the use of 'outdoor' shelters to prevent the spread of coronavirus should be taken into consideration when using this right.

13. In order to continue to support hospitality and tourism businesses and organisations, particularly those which are listed buildings and therefore do not benefit from the permitted development right for the temporary use of land, we are seeking evidence of how this right is currently used, and the benefits it has brought about, and we propose that this right be made permanent.

14. This right was introduced on a temporary basis and as such is relatively unrestrictive as to the types of structures that can be put up, and for how long. We are now interested in understanding whether there is evidence of any impacts from the use of the right so far. We are also seeking views on whether it would be beneficial to introduce a height limit or size limit on the moveable structures allowed under the right to mitigate against impacts if made permanent. We suggest a height limit of 4 metres in line with the height limit of the permitted development right for buildings incidental to the use of a dwellinghouse, and a suggested size limit of 50% of the footprint of the existing building on site.

15. We are also interested in getting views as to whether there should be a limit on the number of days that this can be used per calendar year. We have proposed that this limit should be 56 days. And we are specifically seeking views to better understand the implications of this right on heritage assets. We are also interested in getting views on whether the limit should be longer than 56 days, or whether there should be a limit at all, in the curtilage of non-listed buildings as this could have important economic benefits.

16. Alongside the mitigation which we have proposed above, the statutory nuisance framework provides an enforcement mechanism for local authorities to deal with noise where there are unacceptable impacts.

17. This right is currently in place until 1 January 2022.

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

Q.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?

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

Q.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?

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

Q.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?

Q.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?

Q.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?

Public Sector Equality Duty and Impact Assessments

18. We are required to assess these proposals by reference to the Public Sector Equality Duty contained in the Equality Act 2010. A Public Sector Equality Duty Assessment and an impact assessment will be prepared reflecting the detail of the changes to be made prior to any secondary legislation being laid.

19. We would welcome your comments as part of this consultation on whether any of the proposed consequential changes 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).

Q.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.

Q.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.

Supporting Defence infrastructure

Background

20. The Prime Minister has set his ambition in the strategy to rebuild Britain and fuel economic recovery in his 'Let's build back better' strategy stating, 'the government will build back better, build back greener, build back faster'. In line with the Prime Minister's 'Levelling Up' ambition, Defence wants to drive for faster delivery of our infrastructure plans across the regions to improve and bring about change sooner for the benefit of our Service personnel, Defence people and the country's recovery

21. As one of the principal instruments available to government, Defence plays a unique role in protecting and promoting the 3 fundamental national interests identified by the recent Integrated Review: sovereignty, security and prosperity. Our fundamental purpose is to protect our people, territory, critical national infrastructure and way of life^[footnote 1]. Our operations ensure that the UK maintains freedom of action and that its citizens are free from coercion or manipulation. Defence also makes a significant contribution at the heart of local communities across the UK, as well as the wider economy, with our UK-wide footprint providing local jobs, investment in cutting edge R&D and British industry, and through defence exports.

22. Defence investment directly supports UK growth through investment and development; employment through contracted infrastructure services; encouragement of small and medium enterprises through Defence contracting and Government Commercial Services arrangements; promotion of apprenticeships through industry partners, and land release for housing and industrial and commercial purposes. Estimates show that Defence infrastructure projects alone will support up to 100,000 jobs over the next 20 years.

23. The Integrated Review 2021^[footnote 2] established 4 overarching objectives:

- sustaining strategic advantage through science and technology
- shaping the open international order of the future
- strengthening security and Defence at home and overseas
- building resilience at home and overseas

24. Our infrastructure is the underpinning, key enabler of these objectives. Without a modern, better and more efficient, sustainable, asset base, designed for current and future capabilities, these objectives may be thwarted.

25. Defence's recent settlement following the 2020 Spending Review provides a great opportunity to drive forward the modernisation and optimisation of the Defence estate so that it provides the living and working accommodation for our personnel fit for the 21st century, adapted to the changing Defence outputs and supporting the government's move to a low-carbon future.

26. Defence is committed to adapting the estate on a more sustainable footing. Our infrastructure construction will lead the way for Defence by delivering decarbonisation, helping to attain and deliver our Net Zero commitments and developing an estate which promotes biodiversity by improving the habitats on the Defence estate. MOD's recently published Climate Change and Sustainability Strategic Approach clearly sets out the standards which we aspire to deliver to.

27. As part of our ongoing commitment to the environment, and in addition to our statutory duties, MOD has voluntary agreements with a number of environmental bodies including one with DEFRA which is currently under review to reflect MOD's intent, subject to military capability, to ensure that developments on the Defence estate results in improvements for biodiversity.

28. The recent Defence Command Plan reinforces Defence's ambition to invest and transform our Defence estate, to maximise its value and potential. The Defence Command Plan makes clear our intent to prioritise funding for our critical infrastructure projects, to enhance our resilience. The scale, nature and location of the estate needs to be better aligned to current and future Armed Forces' size and composition.

29. In order to retain flexibility to meet changing demands and resilience for future capability across the estate, construction of new buildings, together with improvement of existing infrastructure assets is vital. In order to deliver new capability to new locations across the country, Defence requires more accommodation, workspace, and training facilities are needed if we are to succeed in our mission.

30. Defence is committed to adapting the Armed Forces' capabilities to meet our objectives and ensure resilience. It is therefore essential to have the right people in the right places, at the right time with access to the right equipment. To achieve this, MOD has committed to optimising its estate requiring Defence to deliver more accommodation, workspace, and training facilities in the right places.

31. Our plans to develop and regenerate the Defence estate include new improved accommodation for our Service personnel. We will also develop new state of the art workspaces designed with our future capability in mind, as well as training facilities for our Service personnel. This will enable Defence to meet the operational demands and expectations of the future.

32. We are investing some £4.3 billion under Defence Estate Optimisation alone in the next decade in addition to £1.5 billion planned for upgrading of single living accommodation for our Service personnel over the next decade. The 2020 Spending Review also secured £740 million of additional investment in infrastructure separately which will support all 3 Services.

33. As part of the government strategy to 'build back better' MHCLG have been working alongside MOD to look for ways of achieving greater planning certainty and flexibility to enable MOD to deliver the changes we need on the Defence estate faster and more effectively and to allow the construction of accommodation and assets to support Defence capabilities in an accelerated timeframe. Central to these proposals are the development of new permitted development rights, which will help Defence realise its capabilities and contribute to the government's ambition for accelerated infrastructure projects in line with Project SPEED. Supporting Defence Infrastructure delivery through a new national permitted development right

34. Therefore in this consultation we propose two new permitted development rights to allow MOD to develop new and regenerate existing buildings on the Defence estate, within the confines of our Defence bases. The new build and regeneration activities will enable MOD to modernise and better utilise the estate, meet new improved standards, and meet the changing operational demands being placed upon Defence, without the need to seek planning permission for specific projects, but in line with predetermined limits.

35. To ensure faster delivery of MOD's infrastructure plans we are consulting on the proposal to introduce new permitted development rights within the curtilage of our Defence bases which will speed up delivery of new infrastructure, and provide more flexibility and agility to MOD in the delivery process for our developments within the planning system. We expect these proposals to be a central pillar for the optimisation of the Defence estate and improving living and working conditions for serving personnel.

36. Permitted development rights in England are set out in the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) (as amended) (<https://www.legislation.gov.uk/ukxi/2015/596/contents/made>). These provide a national grant of permission for specific types of development, meaning that planning applications for developments falling within the scope of permitted development rights are not required. The rights provide a more streamlined planning process with greater planning certainty.

37. The new permitted development rights would enable MOD to both extend and alter existing buildings and construct additional buildings on the Defence estate without the need for planning permission, subject to certain limitations, and within the perimeter wire of sites.

38. The new permitted development rights would be in addition to the existing permitted development rights which were granted to MOD in 2006 when it lost Crown immunity from the planning system. Prior to this Defence had been immune from the planning system, however the decision to put the Crown onto a statutory basis meant that the Crown would then be subject to environmental impact assessments^[footnote 3]. This would continue to be the case under the new permitted development rights. The existing permitted development rights for Crown and national security developments, are set out within Part 19 of the GPDO (as amended)

(<https://www.legislation.gov.uk/ukxi/2015/596/schedule/2/part/19/made>). These provide limited flexibility for Defence developments, largely in relation to aerodromes where the permitted development rights are welcomed and already in existence. However, in respect of the erection of new, or extension of existing buildings not on aerodromes, the existing permitted development rights are significantly restricted by size limits, which make them of limited value to Defence to meet the majority of our planning requirements. The new permitted development rights would therefore level up the application of permitted development rights across Defence. Part 19 of the GPDO also applies to Crown development in general and therefore the permitted development rights do not take into account the specific operational requirements of Defence that are different to other Crown bodies.

New Permitted Development Rights

39. We propose two new permitted development rights:

a. To enable Defence to erect, extend or alter its single living accommodation and its supporting infrastructure^[footnote 4] by up to 25% of the floorspace of the total current single living accommodation buildings and ancillary supporting infrastructure on a Defence site at the time the legislation is brought into force.

b. To enable Defence to erect, extend or alter its work and training facilities/space by up to 35% of the total floorspace of the current workspace and training buildings on a Defence site at the time the legislation is brought into force.

40. Both permitted development rights would be subject to the limitations and conditions outlined below.

41. The provision of 25 % is based upon analysis of the current requirement for new single living accommodation – although this will not enable Defence to build the totality of its requirements it will us to make a difference and allow faster construction of smaller to medium size developments.

42. The provision of 35% is in recognition of the greater size of many of our non-accommodation buildings such as workspace, messing facilities which provide meals for hundreds of personnel and gyms.

43. The majority of Defence's sites are sizeable and in locations where it is anticipated new development would have a minimal impact on local communities. Development would also be in accordance with existing security parameters which frequently dictates the location of Defence

buildings away from view.

44. The permitted development rights will also not apply to service families housing, which will still be subject to the existing requirement of planning permission.

45. By linking the permitted development rights to the existing floorspace of buildings at the site this ensures MOD will only develop in proportion to existing facilities. In some cases, this will not be sufficient for our needs in which case we will seek planning permission, similarly in some locations we will not need to make use of the full permitted development right scope.

46. The new permitted development rights will enable greater speed, flexibility, and agility for Defence to develop its infrastructure, only within the perimeter wire and thus within the confines of its bases, delivering the operational capability Defence requires to meet its objectives.

47. The scope of the development under consideration by MOD is not just new buildings, a very high proportion of our existing buildings will be re-furbished and re-purposed plus old buildings which are no longer viable for a variety of reasons will be demolished. Therefore, in many cases the overall increase in a Defence site will be mitigated by the loss of other buildings at that site.

Ministry of Defence Buildings Explained

New Permitted Development Right

Development of 25% more single living accommodation and supporting infrastructure

Description

This right will enable us to extend and alter as well as develop new living accommodation for Service personnel. MOD refers to this type of accommodation as 'Single Living Accommodation' (SLA) because it is solely for serving personnel to live in on base, and not their families. It caters for both single personnel, and those working away from their families. This type of accommodation falls within Class C2A of the Town and Country Planning (Use Classes) Order 1987 (as amended) and is usually 3 to 4 storeys high. The new single living accommodation provided for Service personnel is standardised, in the majority of cases, and typically comprises a bedroom with en-suite facilities together with communal laundry and cooking facilities, although this latter facility is often limited to hot drinks and snack preparation since the preference is to provide catering and dining centrally for our Service personnel to promote military ethos. Depending on the type of build the kitchen and dining facilities could form part of the accommodation provision, for example in an Officers' Mess. Hence we also need to include in this right the ability to build or alter the ancillary aspects which form part of the building i.e. the central kitchen, dining and recreation spaces in line with scaling and health and safety requirements.

Why Defence needs to develop

There are a number of reasons why Defence needs more accommodation. We are optimising capacity of the estate, so we need more accommodation on our existing bases to enable other military sites to be vacated and disposed of. There is a strong need for the improvement of our existing accommodation, to bring it into line with modern expectations, to make the buildings more efficient and sustainable for the future, delivering Net Zero.

New Permitted Development Right

Development of 35% more workspace.

Description

This permitted development right would enable us to both build new and extend existing non-domestic, technical, welfare, storage and other ancillary workspaces including dining/kitchen or 'mess' facilities which wouldn't fall under the provisions above because they are standalone. The types of workspaces we typically provide for Defence personnel (including Service personnel, civilians and contractors) is wide ranging, dependant on the role that the Defence personnel at a particular base are performing and the type of equipment they are using. The range of workspaces we currently have planned include: offices which include buildings like Regimental HQs, sports facilities, training spaces (which may be a classroom or may house sophisticated simulators, for example), workshops, garaging and hangars for equipment to be housed and worked on, stores, medical and dental facilities, guardrooms and even kennels.

Why Defence needs to develop

As for domestic accommodation the requirement for these types of buildings is driven by the numbers and roles of the personnel at a location. With estate optimisation, more people at a location means more infrastructure is needed, both from a health and safety perspective but also to ensure that MOD can respond to technological and threat changes. This means new equipment and new capabilities which require purpose built buildings for the equipment and training. Along with much of the Defence estate many of our existing workspaces are in need of modernisation to meet current expectations and standards of operation, for example in relation to carbon emissions.

48. Defence infrastructure plans are subject to frequent review due, to changes in requirements, legislation and advances in technology. The new permitted development right will enable MOD to have more flexibility and agility to respond to change without having to resort to planning applications, which can lead to projects being delayed and higher costs.

Proposed Limitations to the Permitted Development Rights

49. It is important that we protect the rural and historic settings of many of our sites and we recognise that the potential impacts of development coming forward need to be appropriately addressed so that adverse impacts on considerations such as local amenity, landscape and the historic and natural environment are minimised. MOD fully complies with UK legislation with respect to the environment and has a strong record in environmental management and protection.

50. It is proposed that the following limitations would apply:

Size

- The permitted development rights will be subject to prior approval with the local authority, in relation to the siting and scale of the building, where the proposed footprint on site exceeds 4,000 sqm.

Height

- The permitted development rights will be limited by height to 12 metres. This height parameter recognises that, particularly in relation to SLA accommodation, and where extending the footprint of a proposed building is problematic due to restrictions on the size/ location of the development site, we will sometimes need to build higher.
- In order to mitigate concerns over height where a proposed building would exceed existing building heights of building types at the location and be visible from the public highway, the permitted development will be subject to prior approval on exterior appearance from the Local Planning Authority.
- In all cases where the development height is above 10 metres, and visible from the public highway, the development will be situated a minimum of 25 metres away from the perimeter to minimise visual impact and will be subject to prior approval from the Local Planning Authority regarding the exterior appearance.
- In relation to the extension of buildings, the new extension will be limited to the height of the existing building.

Location

- The location of any new build or extension would be no closer than 15 metres of the site perimeter.
- Where the new building will exceed the existing building heights at a site, it will be no closer than 25 metres.

Exemptions

- the permitted development rights will not apply to land which is or forms part of a site of special scientific interest, to listed buildings and their curtilage, Scheduled Monuments, or to Article 2(3) land.

51. It should be noted that, unlike other development subject to permitted development rights, Defence's proposals are for developments only within the Defence boundary, which means that for the majority of developments construction will be on sites far away from local communities and residential areas.

52. In addition to the above proposed limitations the MOD is, and will continue to be, bound by statutory controls and policy commitments. The MOD has statutory duties to protect the environment under 3 separate pieces of existing legislation; Conservation of Habitats and Species Regulations (Natura 2000 sites), Countryside and Rights of Way Act (Sites of Special Scientific Interest) and Natural Environment and Rural Communities Act. These duties on MOD remain extant. The statutory controls include screening for environmental impact assessment (Note: if a proposal triggers environmental impact assessment then permitted development rights cannot be used), natural environment legislation relating to protected sites and species, historic environment legislation on scheduled monuments and listed buildings, as well as statutory duties to have regard to the conservation of biodiversity and landscapes. MOD's internal controls include sustainability appraisals, environmental appraisals and performance standards incorporated into our estate management and major project processes, MOD's Building Regulations, which are completely aligned with national building controls and Building Safety Compliance Systems.

53. In order to mitigate concerns over the potential of developing in areas of flood risk we would like to seek views on whether the exercise of permitted development rights should be subject to prior consultation in flood risk areas and what bodies should be part of that consultation. We would also like to seek views on whether the permitted development rights should be subject to prior consultation in cases where land contamination is present, and the bodies who should be consulted as part of that consultation.

54. The MOD has always been committed to working with the communities it is part of and will continue to consult and involve the community in its future plans. It is recognised that there may be concerns over the impact of the permitted development rights and we welcome feedback to help us finalise the permitted development rights.

Q 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.

Q 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

Q7. 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

Q 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

Q9. Do you agree that a greater percentage should apply for the workspace provision?

Please give your reasons.

Q 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.

Q11. 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.

Q12. Do you agree that locating taller buildings together would be a good idea?

Please give your reasons

Q13. 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.

Q.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.

Q 15. Do you think it is appropriate that only 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.

Public Sector Equality Duty and Impact Assessments

55. We are required to assess these proposals by reference to the Public Sector Equality Duty contained in the Equality Act 2010. A Public Sector Equality Duty Assessment and an impact assessment will be prepared reflecting the detail of the changes to be made prior to any secondary legislation being laid.

56. We would welcome your comments as part of this consultation on whether any of the proposed consequential changes 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).

Q16. 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.

Q17. 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.

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 may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Environmental Information Regulations 2004 and UK data protection legislation. In

certain circumstances this may therefore include personal data when required by law.

If you want the information that you provide to be treated as confidential, please be aware that, as a public authority, the Ministry of Housing, Communities and Local Government and the Ministry of Defence are 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 and the Ministry of Defence will at all times process your personal data in accordance with UK data protection legislation 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 below.

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/department-for-communities-and-local-government/about/complaints-procedure>).

Personal data

The following is to explain your rights and give you the information you are entitled to under UK data protection legislation.

Note that this section only refers to personal data (your name, contact details and any other information that relates to you or another identified or identifiable individual personally) not the content otherwise 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) and the Ministry of Defence (MOD) are the data controllers. The Data Protection Officers can be contacted at dataprotection@communities.gov.uk or by writing to the following address:

Data Protection Officer,
Ministry of Housing, Communities and Local Government
Fry Building, 2 Marsham Street
London
SW1P 4DF

and for MOD at cio-dpa@mod.gov.uk or by writing to the following address:

MOD Data Protection Officer
Ground Floor, Zone D, Main Building
Whitehall
London
SW1A 2HB.

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

The Data Protection Act 2018 states that, as a government department, the Ministry of Housing, Communities and Local Government and the Ministry of Defence may process personal data as necessary for the effective performance of a task carried out in the public interest. i.e. a consultation. Article 6(1)(e) of the UK General Data Protection Regulation states 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. This consultation does not actively seek special category personal data. Where such data is provided in response to the consultation the data subject will be considered to have given explicit consent for the processing of those personal data for one or more specified purposes in accordance with Article 9 (2)(a) of the UK General Data Protection Regulation.

4. With whom we will be sharing your personal data

All representations submitted in response to this consultation will be shared between the Ministry of Housing Communities and Local Government, and the Ministry of Defence as this is a joint consultation between those Departments. Specific representations may also be shared with other central government departments and their agencies, such as the Department of the Environment Food and Rural Affairs, where it is necessary to draw on their expertise and it is not possible to anonymise the data. Should we receive a large response to this consultation, we may share your personal data with a third-party supplier in order to process the responses. In this instance, we will update this Privacy Notice with further details of this third-party supplier.

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 two years from the closure of the consultation.

6. Your rights, e.g. access, rectification, restriction, objection

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 your data corrected if it is incorrect or incomplete
- d. to object to our use of your personal data in certain circumstances
- e. 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 online (<https://ico.org.uk/>), or telephone 030 3123 1113.

Please contact us at the following address if you wish to exercise the rights listed above, except the right to lodge a complaint with the ICO: dataprotection@communities.gov.uk or

Knowledge and Information Access Team
Ministry of Housing, Communities and Local Government
Fry Building, 2 Marsham Street
London
SW1P 4DF

Or at MOD please contact: cio-dpa@mod.gov.uk or by writing to the following address:

MOD Data Protection Officer
Ground Floor, Zone D, Main Building
Whitehall
London
SW1A 2HB

7. Your personal data will not be sent overseas.

8. Your personal data will not be used for any automated decision making.

9. We are using a third-party system, Citizen Space, to collect consultation responses.

In the first instance your personal data will be stored on their secure UK-based server. Your personal data will remain on the Citizen Space server and/or be transferred to our secure government IT system for two years of retention before it is deleted.

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1. Defence Command Plan – Defence in a Competitive Age, March 2021
 2. 16 March 2021
 3. DCLG Circular 02/2006 (<https://www.gov.uk/government/publications/crown-application-of-the-planning-acts-circular-02-2006>)
 4. Including the provision of defence personnel facilities ancillary to the undertaking, for example dining, welfare, storage, and other ancillary infrastructure needed.

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