

1. Home (<https://www.gov.uk/>)
2. Housing, local and community (<https://www.gov.uk/housing-local-and-community>)
3. Planning and building (<https://www.gov.uk/housing-local-and-community/planning-and-building>)
4. Planning system (<https://www.gov.uk/housing-local-and-community/planning-system>)

Guidance

Air quality

Provides guidance on how planning can take account of the impact of new development on air quality.

From:
Ministry of Housing, Communities & Local Government (<https://www.gov.uk/government/organisations/ministry-of-housing-communities-and-local-government>)

Published
6 March 2014

Last updated
1 November 2019 — See all updates

Contents

- What air quality considerations does planning need to address?
- What is the role of plan-making with regard to air quality?
- Are air quality concerns relevant to neighbourhood planning?
- What information is available about air quality?
- When could air quality considerations be relevant to the development management process?
- What specific issues may need to be considered when assessing air quality impacts?
- How detailed does an air quality assessment need to be?
- How can an impact on air quality be mitigated?

[Print this page](#)

1 November 2019: This guidance has been updated - see previous version (https://webarchive.nationalarchives.gov.uk/20190903135034tf_/https://www.gov.uk/guidance/air-quality--3).

Where plans are being prepared under the transitional arrangements set out in Annex 1 to the revised National Planning Policy Framework (<https://www.gov.uk/government/publications/national-planning-policy-framework--2>), the policies in the previous version of the framework published in 2012 (<http://webarchive.nationalarchives.gov.uk/20180608095821/https://www.gov.uk/government/publications/national-planning-policy-framework--2>) will continue to apply, as will any previous guidance which has been superseded since the new framework was published in July 2018. If you'd like an email alert when changes are made to planning guidance please subscribe (<https://www.gov.uk/topic/planning-development/planning-officer-guidance/email-signup>).

What air quality considerations does planning need to address?

The 2008 Ambient Air Quality Directive (<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:152:0001:0044:EN:PDF>) sets legally binding limits for concentrations in outdoor air of major air pollutants that affect public health such as particulate matter (PM₁₀ and PM_{2.5}) and nitrogen dioxide (NO₂).

The UK also has national emission reduction commitments for overall UK emissions of 5 damaging air pollutants:

- fine particulate matter (PM_{2.5})
- ammonia (NH₃)
- nitrogen oxides (NO_x)
- sulphur dioxide (SO₂)
- non-methane volatile organic compounds (NMVOCs)

As well as having direct effects on public health, habitats and biodiversity, these pollutants can combine in the atmosphere to form ozone, a harmful air pollutant (and potent greenhouse gas) which can be transported great distances by weather systems. Odour and dust can also be a planning concern, for example, because of the effect on local amenity.

The Department for Environment, Food and Rural Affairs carries out an annual national assessment of air quality (<https://uk-air.defra.gov.uk/air-pollution/>) using modelling and monitoring to determine compliance with relevant Limit Values (<https://ec.europa.eu/environment/air/quality/standards.htm>). It is important that the potential impact of new development on air quality is taken into account where the national assessment indicates that relevant limits have been exceeded or are near the limit, or where the need for emissions reductions has been identified.

The local air quality management (LAQM) (<https://laqm.defra.gov.uk/supporting-guidance.html>) regime requires every local authority to regularly review and assess air quality in their areas. Air quality is a devolved matter, and for England these reviews identify whether national objectives in the Air Quality (England) Regulations 2000 (<http://www.legislation.gov.uk/ukSI/2000/928/contents/made>) have been, or will be, achieved by an applicable date.

If national objectives are not met, or at risk of not being met, the local authority concerned must declare an air quality management area (<https://uk-air.defra.gov.uk/aqma/>) and prepare an air quality action plan. This identifies measures that will be introduced in pursuit of the objectives and can have implications for planning.

Air quality considerations may also be relevant to obligations and policies relating to the conservation of nationally and internationally important habitats and species. The Air Pollution Information System (<http://www.apis.ac.uk/>) and Natural England's 'Impact Risk Zones' tool (available on MAGIC (<https://magic.defra.gov.uk/>)) can help to determine the types of development proposal which can adversely affect these designated sites of special scientific interest and indicates when consultation with Natural England is required.

What is the role of plan-making with regard to air quality?

All development plans can influence air quality in a number of ways, for example through what development is proposed and where, and the provision made for sustainable transport. Consideration of air quality issues at the plan-making stage can ensure a strategic approach to air quality and help secure net improvements in overall air quality where possible.

It is important to take into account air quality management areas (<https://uk-air.defra.gov.uk/aqma/>), Clean Air Zones (<https://www.gov.uk/government/publications/air-quality-clean-air-zone-framework-for-england>) and other areas including sensitive habitats or designated sites of importance for biodiversity where there could be specific requirements or limitations on new development because of air quality. Air quality is also an important consideration in habitats assessment, strategic environmental assessment and sustainability appraisal (<https://www.gov.uk/guidance/strategic-environmental-assessment-and-sustainability-appraisal>) which can be used to shape an appropriate strategy, including through establishing the 'baseline', appropriate objectives for the assessment of impacts and proposed monitoring.

Drawing on the review of air quality carried out for the local air quality management regime, plans may need to consider:

- what are the observed trends shown by recent air quality monitoring data and what would happen to these trends in light of proposed development and / or allocations;
- the impact of point sources of air pollution (pollution that originates from one place);
- the potential cumulative impact of a number of smaller developments on air quality as well as the effect of more substantial developments, including their implications for vehicle emissions;
- ways in which new development could be made appropriate in locations where air quality is or is likely to be a concern, and not give rise to unacceptable risks from pollution. This could, for example, entail identifying measures for offsetting the impact on air quality arising from new development including supporting measures in an air quality action plan or low emissions strategy where applicable; and
- opportunities to improve air quality or mitigate impacts, such as through traffic and travel management and green infrastructure provision and enhancement.

As part of the strategic environmental assessment (<https://www.gov.uk/guidance/strategic-environmental-assessment-and-sustainability-appraisal>) or sustainability appraisal (<https://www.gov.uk/guidance/strategic-environmental-assessment-and-sustainability-appraisal>) of a plan, consideration will need to be given to potential trends in air quality in the presence and absence of development, as well as any impacts and mitigation / improvement opportunities arising from the plan's proposals.

Paragraph: 002 Reference ID: 32-002-20191101

Revision date: 01 11 2019

Are air quality concerns relevant to neighbourhood planning?

Air quality concerns can be relevant to neighbourhood planning (<https://www.gov.uk/guidance/neighbourhood-planning--2>), and it is important to consider whether air quality is an issue when drawing up a neighbourhood plan or considering a neighbourhood development order. The local planning and environmental health departments will be able to advise whether air quality is an issue that may need to be addressed in a neighbourhood area, and how this might affect potential policies and proposals that are being considered.

Paragraph: 003 Reference ID: 32-003-20191101

Revision date: 01 11 2019

What information is available about air quality?

In addition to the information on local air quality held by environmental health departments in local authorities, the Department for Environment, Food and Rural Affairs publishes information and there is a range of other potential sources which can be drawn on, depending on the development and its proposed location.

Information published by Defra

- the UK Air Information Resource (UK-AIR) (<https://uk-air.defra.gov.uk/>), which contains information on historic and current air quality across the UK, including a GIS portal (<https://uk-air.defra.gov.uk/data/gis-mapping>) of Defra's national assessment against relevant Limit Values and air quality management areas;
- air quality management area records (<https://uk-air.defra.gov.uk/aqma/>) and modelled background pollution concentrations (<https://uk-air.defra.gov.uk/aqma/>);
- the National Atmospheric Emissions Inventory (<https://naei.beis.gov.uk/>) for emissions of air pollution including maps at a 1km by 1km resolution for a wide range of pollutants;
- the Pollutant and Release Transfer Register (<https://www.gov.uk/guidance/uk-pollutant-release-and-transfer-register-prtr-data-sets>), which has links to emissions from installations permitted under the Environmental Permitting Regulations, which is useful for point sources;
- the Clean Air Strategy (<https://www.gov.uk/government/publications/clean-air-strategy-2019>) sets out actions for dealing with 5 major sources of air pollution. A detailed National Air Pollution Control Programme (<https://www.gov.uk/government/publications/air-quality-uk-national-air-pollution-control-programme>) was published by the Department for Environment, Food and Rural Affairs in April 2019.

Other sources of information

- the Environmental Pollution Incident dataset (<http://apps.environment-agency.gov.uk/wiyby/37821.aspx>) published by the Environment Agency, which has information about pollution incidents and sites (<https://environment.data.gov.uk/public-register/view/index>) registered under the Environmental Permitting Regulations;
- information about the impact of air quality on habitats and species (including critical loads and levels) held by the Air Pollution Information System (<http://www.apis.ac.uk/>). This has been developed in partnership by the UK conservation agencies and regulatory agencies and the Centre for Ecology

and Hydrology;

- the sustainability appraisal or habitats assessment informing strategic planning policies and whether these required an Air Quality Assessment;
- recent environmental statements that may include updated baseline assessments.

Paragraph: 004 Reference ID: 32-004-20191101

Revision date: 01 11 2019

When could air quality considerations be relevant to the development management process?

Whether air quality is relevant to a planning decision will depend on the proposed development and its location. Concerns could arise if the development is likely to have an adverse effect on air quality in areas where it is already known to be poor, particularly if it could affect the implementation of air quality strategies and action plans and/or breach legal obligations (including those relating to the conservation of habitats and species). Air quality may also be a material consideration if the proposed development would be particularly sensitive to poor air quality in its vicinity.

Where air quality is a relevant consideration the local planning authority may need to establish:

- the ‘baseline’ local air quality, including what would happen to air quality in the absence of the development;
- whether the proposed development could significantly change air quality during the construction and operational phases (and the consequences of this for public health and biodiversity); and
- whether occupiers or users of the development could experience poor living conditions or health due to poor air quality.

The steps a local planning authority might take in considering air quality are set out in this flow diagram.

Flowchart

(https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/841149/Air_Quality_flowchart.pdf)

P.D.F., 105KB, 1 page

This file may not be suitable for users of assistive technology.

► Request an accessible format.

It is important that applicants engage (<https://www.gov.uk/guidance/before-submitting-an-application>) early on with the local planning and environmental health departments to establish the need and scope of any assessment to support an application.

For large and complex industrial processes, the Environment Agency should also be able to help by identifying:

- if an environmental permit (<https://www.gov.uk/topic/environmental-management/environmental-permits>) is also required before the proposed development can start operating;
- if there are any significant air quality issues that may arise at the permitting stage (so there are 'no surprises'); and
- whether there are any special requirements that might affect the likelihood of getting planning permission (such as the height of chimneys).

Environment Agency guidance – Developments requiring planning permission and environmental permits (<https://www.gov.uk/government/publications/developments-requiring-planning-permission-and-environmental-permits>) provides advice on aligning the planning and permitting processes to address these issues efficiently and aid faster decision making.

Paragraph: 005 Reference ID: 32-005-20191101

Revision date: 01 11 2019

What specific issues may need to be considered when assessing air quality impacts?

Considerations that may be relevant to determining a planning application include whether the development would:

- Lead to changes (including any potential reductions) in vehicle-related emissions in the immediate vicinity of the proposed development or further afield. This could be through the provision of electric vehicle charging infrastructure; altering the level of traffic congestion; significantly changing traffic volumes, vehicle speeds or both; or significantly altering the traffic composition on local roads. Other matters to consider include whether the proposal involves the development of a bus station, coach or lorry park; could add to turnover in a large car park; or involve construction sites that would generate large Heavy Goods Vehicle flows over a period of a year or more;
- Introduce new point sources of air pollution. This could include furnaces which require prior notification to local authorities; biomass boilers or biomass-fuelled Combined Heat and Power plant; centralised boilers or plant burning other fuels within or close to an air quality management area or introduce relevant combustion within a Smoke Control Area (<https://www.gov.uk/smoke-control-area-rules>); or extraction systems (including chimneys) which require approval or permits under pollution control legislation;
- Expose people to harmful concentrations of air pollutants, including dust. This could be by building new homes, schools, workplaces or other development in places with poor air quality;
- Give rise to potentially unacceptable impacts (such as dust) during construction for nearby sensitive locations;
- Have a potential adverse effect on biodiversity, especially where it would affect sites designated for their biodiversity value.

Paragraph: 006 Reference ID: 32-006-20191101

Revision date: 01 11 2019

How detailed does an air quality assessment need to be?

Assessments need to be proportionate to the nature and scale of development proposed and the potential impacts (taking into account existing air quality conditions), and because of this are likely to be locationally specific. The scope and content of supporting information is best discussed and agreed between the local planning authority and applicant before it is commissioned.

It is not necessary for air quality assessments that support planning applications to duplicate aspects of air quality assessments that will be done as part of non-planning control regimes, such as under Environmental Permitting Regulations. Air quality is a consideration in Environmental Impact Assessment (<https://www.gov.uk/guidance/environmental-impact-assessment>), if one is required, and also in a Habitats Regulations Appropriate Assessment (<https://www.gov.uk/government/publications/guidance-on-competent-authority-coordination-under-the-habitats-regulations>).

The following could form part of assessments:

- a description of baseline conditions and any air quality concerns affecting the area, and how these could change both with and without the proposed development;
- sensitive habitats (including designated sites of importance for biodiversity);
- the assessment methods to be adopted and any requirements for the verification of modelling air quality;
- the basis for assessing impacts and determining the significance of an impact;
- where relevant, the cumulative or in-combination effects arising from several developments;
- construction phase impacts;
- acceptable mitigation measures to reduce or remove adverse effects; and
- measures that could deliver improved air quality even when legally binding limits for concentrations of major air pollutants are not being breached.

Paragraph: 007 Reference ID: 32-007-20191101

Revision date: 01 11 2019

How can an impact on air quality be mitigated?

Mitigation options will need to be locationally specific, will depend on the proposed development and need to be proportionate to the likely impact. It is important that local planning authorities work with applicants to consider appropriate mitigation so as to ensure new development is appropriate for its location and unacceptable risks are prevented. Planning conditions (<https://www.gov.uk/guidance/use-of-planning-conditions>) and obligations (<https://www.gov.uk/guidance/planning-obligations>) can be used to secure mitigation where the relevant tests are met.

Examples of mitigation include:

- maintaining adequate separation distances between sources of air pollution and receptors;
- using green infrastructure, in particular trees, where this can create a barrier or maintain separation between sources of pollution and receptors;
- appropriate means of filtration and ventilation;
- including infrastructure to promote modes of transport with a low impact on air quality (such as electric vehicle charging points);

- controlling dust and emissions from construction, operation and demolition; and
- contributing funding to measures, including those identified in air quality action plans and low emission strategies, designed to offset the impact on air quality arising from new development.

Paragraph: 008 Reference ID: 32-008-20191101

Revision date: 01 11 2019

Published 6 March 2014

Last updated 1 November 2019 + show all updates

1. 1 November 2019
Revised version of guidance.
2. 6 March 2014
First published.

[Print this page](#)

Related content

- Strategic environmental assessment and sustainability appraisal (<https://www.gov.uk/guidance/strategic-environmental-assessment-and-sustainability-appraisal>)
- Strategic Environmental Assessments (<https://www.gov.uk/government/collections/strategic-environmental-assessments>)
- Water supply, wastewater and water quality (<https://www.gov.uk/guidance/water-supply-wastewater-and-water-quality>)
- Planning obligations (<https://www.gov.uk/guidance/planning-obligations>)

Collection

- Planning practice guidance (<https://www.gov.uk/government/collections/planning-practice-guidance>)

Explore the topic

- Planning system (<https://www.gov.uk/housing-local-and-community/planning-system>)

Is this page useful?

- [Yes this page is useful](#)
- [No this page is not useful](#)

Thank you for your feedback

[Report a problem with this page](#)

[Close](#)

Help us improve GOV.UK

Don't include personal or financial information like your National Insurance number or credit card details.

What were you doing?

What went wrong?

Send

Close

Help us improve GOV.UK

To help us improve GOV.UK, we'd like to know more about your visit today. We'll send you a link to a feedback form. It will take only 2 minutes to fill in. Don't worry we won't send you spam or share your email address with anyone.

Email address

Send me the survey

1. Home (<https://www.gov.uk/>)
2. Housing, local and community (<https://www.gov.uk/housing-local-and-community>)
3. Planning and building (<https://www.gov.uk/housing-local-and-community/planning-and-building>)
4. Planning system (<https://www.gov.uk/housing-local-and-community/planning-system>)

Guidance

Climate change

Advises how to identify suitable mitigation and adaptation measures in the planning process to address the impacts of climate change.

From:
Ministry of Housing, Communities & Local Government (<https://www.gov.uk/government/organisations/ministry-of-housing-communities-and-local-government>)

Published

12 June 2014

Last updated

15 March 2019 — See all updates

Contents

- Why is it important for planning to consider climate change?
- What climate change legislation should planners be aware of?
- How can the challenges of climate change be addressed through the Local Plan?
- How can adaptation and mitigation approaches be integrated?
- How can planning deal with the uncertainty of climate risks when promoting adaptation in particular developments?
- What evidence of risks arising from climate change is available to support local plan-making?
- How can local planning authorities identify appropriate mitigation measures in plan-making?
- How can local planning authorities support energy efficiency improvements to existing buildings?
- What are government's national standards for a building's sustainability and for zero carbon buildings?
- What is passive solar design?
- Where can I find out more about climate change mitigation and adaptation?
- Can a local planning authority set higher energy performance standards than the building regulations in their local plan?

Print this page

Where plans are being prepared under the transitional arrangements set out in Annex 1 to the revised National Planning Policy Framework (<https://www.gov.uk/government/publications/national-planning-policy-framework--2>), the policies in the previous version of the framework published in 2012 (<http://webarchive.nationalarchives.gov.uk/20180608095821/https://www.gov.uk/government/publications/national-planning-policy-framework--2>) will continue to apply, as will any previous guidance which has been superseded since the new framework was published in July 2018. If you'd like an email alert when changes are made to planning guidance please subscribe (<https://www.gov.uk/topic/planning-development/planning-officer-guidance/email-signup>).

Why is it important for planning to consider climate change?

In addition to supporting the delivery of appropriately sited green energy (<https://www.gov.uk/guidance/renewable-and-low-carbon-energy>), effective spatial planning is an important part of a successful response to climate change as it can influence the emission of greenhouse gases. In doing so, local planning authorities should ensure that protecting the local environment is properly considered alongside the broader issues of protecting the global environment. Planning can also help increase resilience to climate change impact through the location, mix and design of development.

Addressing climate change is one of the core land use planning principles which the National Planning Policy Framework expects to underpin both plan-making and decision-taking. To be found sound, Local Plans (<https://www.gov.uk/guidance/local-plans--2>) will need to reflect this principle and enable the delivery of sustainable development in accordance with the policies in the National Planning Policy Framework (<https://www.gov.uk/guidance/national-planning-policy-framework/14-meeting-the-challenge-of-climate-change-flooding-and-coastal-change>). These include the requirements for local authorities to adopt proactive strategies to mitigate and adapt to climate change (<https://www.gov.uk/guidance/national-planning-policy-framework/14-meeting-the-challenge-of-climate-change-flooding-and-coastal-change#para149>) in line with the provisions and objectives of the Climate Change Act 2008 (<http://www.legislation.gov.uk/ukpga/2008/27/contents>), and co-operate to deliver strategic priorities which include climate change.

In addition to the statutory requirement to take the Framework into account in the preparation of Local Plans (<https://www.gov.uk/guidance/local-plans--2>), there is a statutory duty on local planning authorities to include policies in their Local Plan designed to tackle climate change and its impacts. This complements the sustainable development duty on plan-makers and the expectation that neighbourhood plans will contribute to the achievement of sustainable development. The National Planning Policy Framework emphasises that responding to climate change is central to the economic, social and environmental dimensions of sustainable development.

Paragraph: 001 Reference ID: 6-001-20140306

Revision date: 06 03 2014

What climate change legislation should planners be aware of?

Section 19(1A) of the Planning and Compulsory Purchase Act 2004 (<http://www.legislation.gov.uk/ukpga/2008/29/section/182>) requires local planning authorities to include in their Local Plans “policies designed to secure that the development and use of land in the local planning

authority's area contribute to the mitigation of, and adaptation to, climate change". This will be a consideration when a Local Plan is examined.

The Climate Change Act 2008 (<http://www.legislation.gov.uk/ukpga/2008/27/contents>) establishes a legally binding target to reduce the UK's greenhouse gas emissions by at least 80% in 2050 from 1990 levels. To drive progress and set the UK on a pathway towards this target, the Act introduced a system of carbon budgets including a target that the annual equivalent of the carbon budget for the period including 2020 is at least 34% lower than 1990.

The Climate Change Act 2008 also requires the government:

- to assess regularly the risks to the UK of the current and predicted impact of climate change;
- to set out its climate change adaptation objectives; and
- to set out its proposals and policies for meeting these objectives.

These requirements are fulfilled by the UK climate change risk assessment (<https://www.gov.uk/government/publications/uk-climate-change-risk-assessment-government-report>) and the National adaptation programme report (<https://www.gov.uk/government/publications/adapting-to-climate-change-national-adaptation-programme>) respectively, which may provide helpful information for plan-making.

Paragraph: 002 Reference ID: 6-002-20140306

Revision date: 06 03 2014

How can the challenges of climate change be addressed through the Local Plan?

There are many opportunities to integrate climate change mitigation and adaptation objectives into the Local Plan (<https://www.gov.uk/guidance/local-plans--2>). Sustainability appraisal (<https://www.gov.uk/guidance/strategic-environmental-assessment-and-sustainability-appraisal>) can be used to help shape appropriate strategies in line with the statutory duty on climate change and ambition in the Climate Change Act 2008 (<http://www.legislation.gov.uk/ukpga/2008/27/contents>).

Examples of mitigating climate change by reducing emissions:

- Reducing the need to travel and providing for sustainable transport (<https://www.gov.uk/guidance/travel-plans-transport-assessments-and-statements>)
- Providing opportunities for renewable and low carbon energy technologies (<https://www.gov.uk/guidance/renewable-and-low-carbon-energy>)
- Providing opportunities for decentralised energy and heating
- Promoting low carbon design approaches (<https://www.gov.uk/guidance/design>) to reduce energy consumption in buildings, such as passive solar design (<https://www.gov.uk/guidance/design>)

Examples of adapting to a changing climate:

- Considering future climate risks when allocating development sites to ensure risks are understood over the development's lifetime (<https://www.gov.uk/guidance/housing-and-economic-development-needs-assessments>)

- Considering the impact of and promoting design responses to flood risk and coastal change (<https://www.gov.uk/guidance/flood-risk-and-coastal-change>) for the lifetime of the development
- Considering availability of water and water infrastructure (<https://www.gov.uk/guidance/water-supply-wastewater-and-water-quality>) for the lifetime of the development and design responses to promote water efficiency and protect water quality (<https://www.gov.uk/guidance/water-supply-wastewater-and-water-quality#water-quality>)
- Promoting adaptation approaches in design (<https://www.gov.uk/guidance/design>) policies for developments and the public realm

Engaging with appropriate partners, including utility providers, communities, health authorities, regulators and emergency planners, statutory environmental bodies, Local Nature Partnerships, Local Resilience Forums, and climate change partnerships will help to identify relevant local approaches.

Paragraph: 003 Reference ID: 6-003-20140612

Revision date: 12 06 2014 See previous version

(<http://webarchive.nationalarchives.gov.uk/20140320163321/http://planningguidance.planningportal.gov.uk/blog/guidance/climate-change/how-can-the-challenges-of-climate-change-be-addressed-through-the-local-plan/>)

How can adaptation and mitigation approaches be integrated?

When preparing Local Plans and taking planning decisions local planning authorities should pay particular attention to integrating adaptation and mitigation approaches and looking for ‘win-win’ solutions that will support sustainable development. This could be achieved in a variety of ways, for example:

- by maximising summer cooling through natural ventilation in buildings and avoiding solar gain;
- through district heating networks that include tri-generation (combined cooling, heat and power); or
- through the provision of multi-functional green infrastructure, which can reduce urban heat islands, manage flooding and help species adapt to climate change – as well as contributing to a pleasant environment which encourages people to walk and cycle.

Local planning authorities should be aware of and avoid the risk of maladaptation (adaptation that could become more harmful than helpful). For example, designing buildings to maximise solar gain in winter without thinking through the implications for overheating in summer.

Sustainability appraisal (<https://www.gov.uk/guidance/strategic-environmental-assessment-and-sustainability-appraisal>) and, where required, Environmental Impact Assessment (<https://www.gov.uk/guidance/environmental-impact-assessment>), can be useful for testing the integration of mitigation and adaptation measures and the long term implications of decisions.

Paragraph: 004 Reference ID: 6-004-20140612

Revision date: 12 06 2014 See previous version

(<http://webarchive.nationalarchives.gov.uk/20140320163321/http://planningguidance.planningportal.gov.uk/blog/guidance/climate-change/how-can-adaptation-and-mitigation-approaches-be-integrated/>)

How can planning deal with the uncertainty of climate risks when promoting adaptation in particular developments?

The impact of climate change needs to be taken into account in a realistic way. In doing so, local planning authorities will want to consider:

- identifying no or low cost responses to climate risks that also deliver other benefits, such as green infrastructure that improves adaptation, biodiversity and amenity
- building in flexibility to allow future adaptation if it is needed, such as setting back new development from rivers so that it does not make it harder to improve flood defences in future
- the potential vulnerability of a development to climate change risk over its whole lifetime

Paragraph: 005 Reference ID: 6-005-20140306

Revision date: 06 03 2014

What evidence of risks arising from climate change is available to support local plan-making?

Climate change risk assessments can support the production of Local Plans (<https://www.gov.uk/guidance/local-plans--2>) by informing the Sustainability appraisal (<https://www.gov.uk/guidance/strategic-environmental-assessment-and-sustainability-appraisal>).

Local risk assessments can be used to identify those climate risks, including those arising from severe weather events, the planning system can address. Risk assessments could consider the implications for the built environment and development, infrastructure, services and biodiversity, and their subsequent implications for vulnerable groups and community cohesion. Identifying those impacts which pose most potential risk or disruption to the provision of local services will enable vulnerability to be assessed and areas suitable for development to be identified and adaptation responses to be put in place.

Other parts of a Local Plan's evidence base will also include information on climate change risks, such as the Strategic Flood Risk Assessment (<https://www.gov.uk/guidance/flood-risk-and-coastal-change#Strategic-Flood-Risk-Assessment-section>) and Water Resource Management Plan and water cycle studies (<https://www.gov.uk/guidance/water-supply-wastewater-and-water-quality#water-cycle-studies>). Infrastructure providers hold information on the extent of supply and network constraints and their existing plans to reinforce those networks and capacity. Other service providers may also have carried out risk assessments that have implications for planning, such as health and social service providers.

Local studies can also be undertaken to provide a more detailed assessment of local vulnerability to climate impacts and the effects of extreme weather events.

Paragraph: 006 Reference ID: 6-006-20140306

Revision date: 16 11 2016 See previous version

(<http://webarchive.nationalarchives.gov.uk/20140320163321/http://planningguidance.planningportal.gov.uk/blog/guidance/climate-change/what-evidence-of-risks-arising-from-climate-change-is-available-to-support-local-plan-making/>)

How can local planning authorities identify appropriate mitigation measures in plan-making?

Every area will have different challenges and opportunities for reducing carbon emissions from new development such as homes, businesses, energy, transport and agricultural related development.

- Robust evaluation of future emissions will require consideration of different emission sources, likely trends taking into account requirements set in national legislation, and a range of development scenarios.
- Information on carbon emissions at local authority level (<https://www.gov.uk/government/collections/uk-local-authority-and-regional-carbon-dioxide-emissions-national-statistics>) has been published by the government for 2005 onwards, and can be drawn on to inform emission reduction options. Information is also available on GOV.UK (<https://www.gov.uk/government/policies/greenhouse-gas-emissions>) on how emissions are reported against the national target to reduce the UK's greenhouse gas emissions by at least 80% (from the 1990 baseline) by 2050.
- The distribution and design of new development and the potential for servicing sites through sustainable transport solutions, are particularly important considerations that affect transport emissions. Sustainability appraisal (<https://www.gov.uk/guidance/strategic-environmental-assessment-and-sustainability-appraisal>) should be used to test different spatial options in plans on emissions.
- Different sectors may have different options for mitigation. For example, measures for reducing emissions in agricultural related development include anaerobic digestion, improved slurry and manure storage and improvements to buildings. In more energy intensive sectors, energy efficiency and generation of renewable energy can make a significant contribution to emissions reduction.

Paragraph: 007 Reference ID: 6-007-20140306

Revision date: 06 03 2014

How can local planning authorities support energy efficiency improvements to existing buildings?

Where energy efficiency improvements require planning permission local planning authorities should ensure any advice to developers is co-ordinated to ensure consistency between energy, design and heritage matters.

Many improvements to homes and other buildings may not require planning permission. Further guidance can be found on the Planning Portal's interactive house (https://www.planningportal.co.uk/info/200125/do_you_need_permission/90/interactive_house) and in the When is permission required? (<https://www.gov.uk/guidance/when-is-permission-required>) guidance.

Paragraph: 008 Reference ID: 6-008-20140306

Revision date: 06 03 2014

What are government's national standards for a building's sustainability and for zero carbon buildings?

The National Planning Policy Framework (<https://www.gov.uk/guidance/national-planning-policy-framework/14-meeting-the-challenge-of-climate-change-flooding-and-coastal-change#para150>) expects local planning authorities when setting any local requirement for a building's sustainability to do so in a way consistent

with the government's zero carbon buildings policy and adopt nationally described standards. Local requirements should form part of a Local Plan (<https://www.gov.uk/guidance/local-plans--2>) following engagement with appropriate partners, and will need to be based on robust and credible evidence and pay careful attention to viability (<https://www.gov.uk/guidance/viability>). In this respect, planning authorities will need to take account of government decisions on the Housing Standards Review (<https://www.gov.uk/government/publications/2010-to-2015-government-policy-building-regulation/2010-to-2015-government-policy-building-regulation#appendix-5-technical-housing-standards-review>) when considering a local requirement relating to new homes.

If considering policies on local requirements for the sustainability of other buildings, local planning authorities will wish to consider if there are nationally described standards and the impact on viability of development. Further guidance can be found under Viability (<https://www.gov.uk/guidance/viability>).

Paragraph: 009 Reference ID: 6-009-20150327

Revision date: 27 03 2015 See previous version

(<http://webarchive.nationalarchives.gov.uk/20141202102440/http://planningguidance.planningportal.gov.uk/blog/guidance/climate-change/how-can-local-planning-authorities-support-energy-efficiency-improvements-to-existing-buildings/>)

What is passive solar design?

Guidance on passive solar design is available under Design – 'Planning should promote efficient use of natural resources' (<https://www.gov.uk/guidance/design#efficient-use-of-natural-resources>).

Paragraph: 010 Reference ID: 6-010-20140306

Revision date: 06 03 2014

Where can I find out more about climate change mitigation and adaptation?

Further information on climate change (<https://www.gov.uk/guidance/climate-change-explained>) and the actions being taken by the government, including the National adaptation programme (<https://www.gov.uk/government/publications/adapting-to-climate-change-national-adaptation-programme>) and the UK climate change risk assessment (<https://www.gov.uk/government/publications/uk-climate-change-risk-assessment-government-report>), which is updated every 5 years.

The Committee for Climate Change (<https://www.theccc.org.uk/>) (including the Adaptation Sub-Committee) is an independent, statutory body established under the Climate Change Act 2008 (<http://www.legislation.gov.uk/ukpga/2008/27/contents>) to advise the UK government on emissions targets and reports to Parliament on progress made in reducing greenhouse gas emissions and preparing for climate change.

Natural England's website (<https://www.gov.uk/government/organisations/natural-england>) provides information on using green infrastructure to help places and communities mitigate and adapt to climate change.

Local planning authorities may also find it useful to read Keeping the country running: natural hazards and infrastructure (<https://www.gov.uk/government/publications/keeping-the-country-running-natural-hazards-and-infrastructure>), which is a guide to improving the resilience of critical infrastructure and essential services, published by Cabinet Office.

Paragraph: 011 Reference ID: 6-011-20140306

Can a local planning authority set higher energy performance standards than the building regulations in their local plan?

Different rules apply to residential and non-residential premises. In their development plan policies, local planning authorities:

- Can set energy performance standards for new housing or the adaptation of buildings to provide dwellings, that are higher than the building regulations, but only up to the equivalent of Level 4 of the Code for Sustainable Homes.
- Are not restricted or limited in setting energy performance standards above the building regulations for non-housing developments.

The Planning and Energy Act 2008 (<https://www.legislation.gov.uk/ukpga/2008/21/contents>) allows local planning authorities to set energy efficiency standards in their development plan policies that exceed the energy efficiency requirements of the building regulations. Such policies must not be inconsistent with relevant national policies for England. Section 43 of the Deregulation Act 2015 (<http://www.legislation.gov.uk/ukpga/2015/20/section/43>) would amend this provision, but is not yet in force.

The Written Ministerial Statement on Plan Making (<https://www.gov.uk/government/speeches/planning-update-march-2015>) dated 25 March 2015 clarified the use of plan policies and conditions on energy performance standards for new housing developments. The statement sets out the government's expectation that such policies should not be used to set conditions on planning permissions with requirements above the equivalent of the energy requirement of Level 4 of the Code for Sustainable Homes (this is approximately 20% above current Building Regulations across the build mix).

Provisions in the Planning and Energy Act 2008 (<https://www.legislation.gov.uk/ukpga/2008/21/contents>) also allow development plan policies to impose reasonable requirements for a proportion of energy used in development in their area to be energy from renewable sources and/or to be low carbon energy from sources in the locality of the development.

Paragraph: 012 Reference ID: 6-012-20190315

Revision date: 15 03 2019

Published 12 June 2014

Last updated 15 March 2019 + show all updates

1. 15 March 2019
Added new paragraph 012.
2. 12 June 2014
First published.

Print this page

Related content

- Climate change explained (<https://www.gov.uk/guidance/climate-change-explained>)
- Viability (<https://www.gov.uk/guidance/viability>)

- Local government, climate change and the environment
(<https://www.gov.uk/government/collections/local-government-climate-change-and-the-environment>)
- Strategic environmental assessment and sustainability appraisal
(<https://www.gov.uk/guidance/strategic-environmental-assessment-and-sustainability-appraisal>)

Collection

- Planning practice guidance (<https://www.gov.uk/government/collections/planning-practice-guidance>)

Explore the topic

- Planning system (<https://www.gov.uk/housing-local-and-community/planning-system>)

Is this page useful?

-
-

Thank you for your feedback

Help us improve GOV.UK

Don't include personal or financial information like your National Insurance number or credit card details.

What were you doing?

What went wrong?

Help us improve GOV.UK

To help us improve GOV.UK, we'd like to know more about your visit today. We'll send you a link to a feedback form. It will take only 2 minutes to fill in. Don't worry we won't send you spam or share your email address with anyone.

Email address

1. Home (<https://www.gov.uk/>)
2. Housing, local and community (<https://www.gov.uk/housing-local-and-community>)
3. Planning and building (<https://www.gov.uk/housing-local-and-community/planning-and-building>)
4. Planning system (<https://www.gov.uk/housing-local-and-community/planning-system>)

Guidance

Design: process and tools

Provides advice on the key points to take into account on design.

From:
Ministry of Housing, Communities & Local Government (<https://www.gov.uk/government/organisations/ministry-of-housing-communities-and-local-government>)

Published
6 March 2014

Last updated
1 October 2019 — See all updates

Contents

- Planning for well-designed places
- Making decisions about design
- Tools for assessing and improving design quality
- Effective community engagement on design

Print this page

This replaces the previous guidance on Design - see previous version (<https://webarchive.nationalarchives.gov.uk/20190903180754/https://www.gov.uk/guidance/design>).

Where plans are being prepared under the transitional arrangements set out in Annex 1 to the revised National Planning Policy Framework (<https://www.gov.uk/government/publications/national-planning-policy-framework--2>), the policies in the previous version of the framework published in 2012 (<http://webarchive.nationalarchives.gov.uk/20180608095821/https://www.gov.uk/government/publications/national-planning-policy-framework--2>) will continue to apply, as will any previous guidance which has been superseded since the new framework was published in July 2018. If you'd like an email alert when changes are made to planning guidance please subscribe (<https://www.gov.uk/topic/planning-development/planning-officer-guidance/email-signup>).

Planning for well-designed places

How are well-designed places achieved through the planning system?

Well-designed places can be achieved by taking a proactive and collaborative approach at all stages of the planning process, from policy and plan formulation through to the determination of planning applications and the post approval stage. This guidance explains the processes and tools that can be used through the planning system and how to engage local communities effectively.

To be read alongside this guidance, the National Design Guide (<https://www.gov.uk/government/publications/national-design-guide>) sets out the characteristics of well-designed places and demonstrates what good design means in practice.

As set out in paragraph 130 of the National Planning Policy Framework (<https://www.gov.uk/guidance/national-planning-policy-framework/12-achieving-well-designed-places>), permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development.

Good design is set out in the National Design Guide under the following 10 characteristics:

- context
- identity
- built form
- movement
- nature
- public spaces
- uses
- homes and buildings
- resources
- lifespan

The National Design Guide can be used by all those involved in shaping places including in plan-making and decision making.

Paragraph: 001 Reference ID: 26-001-20191001

Revision date: 01 10 2019

How can plans support well-designed places?

Planning policies can set out the design outcomes that development should pursue as well as the tools and processes that are expected to be used to embed good design. Appropriate policies can be included within:

- a plan's vision, objectives, and overarching strategic policies
- non-strategic policies in local or neighbourhood plans

- supplementary planning documents, such as local design guides, masterplans or design codes, which provide further detail on specific design matters

Local planning authorities are expected to effectively engage their local community when developing design policies, as set out in paragraph 125 of the Framework (<https://www.gov.uk/guidance/national-planning-policy-framework/12-achieving-well-designed-places>).

Paragraph: 002 Reference ID: 26-002-20191001

Revision date: 01 10 2019

What role can a plan's vision, objectives and strategic policies play?

A plan's vision and objectives can be used to set out the types of place(s) which the plan aims to achieve, how this will contribute to the sustainable development of the area and how this translates into the expectations for development and investment, including design.

Where a plan contains strategic policies, they can be used to set out these design expectations at a broad level – for example in relation to the future character and role of town centres, areas requiring regeneration or suburban areas facing more incremental change. Strategic policies can also be used to set key design requirements for strategic site allocations and explain how future masterplanning and design work is expected to be taken forward for these sites.

Paragraph: 003 Reference ID: 26-003-20191001

Revision date: 01 10 2019

What role can non-strategic policies play?

Non-strategic policies (<https://www.gov.uk/guidance/plan-making>) can be used to establish more local and/or detailed design principles for an area, including design requirements for site specific allocations. They can be prepared by local planning authorities or neighbourhood planning groups (<https://www.gov.uk/guidance/neighbourhood-planning--2>), and are most effective when based on appropriate evidence of the defining characteristics of the area, such as its historic, landscape and townscape character.

Non-strategic policies are important for providing a clear indication of the types of development that will be allowed in an area, especially where they provide a hook for more detailed local design guides, masterplans or codes. They can also set out how other design tools are expected to be used in appropriate circumstances, such as design review.

Area Action Plans are a particular form of local plan which planning authorities can use to provide a policy framework for areas subject to (or needing) significant change, such as town centres, regeneration areas and major employment zones. They may incorporate or be accompanied by a strong design vision and principles in the form of a masterplan for the area.

Neighbourhood plan-making (<https://www.gov.uk/guidance/neighbourhood-planning--2>) is one of the key ways in which local character and design objectives can be understood and set out, and with the benefit of being a community-led process. The Neighbourhood Planning Design Toolkit (<https://neighbourhoodplanning.org/toolkits-and-guidance/good-design-neighbourhood-planning/>) provides advice on using neighbourhood plans to best effect.

Paragraph: 004 Reference ID: 26-004-20191001

Revision date: 01 10 2019

What are local design guides?

Local design guides are prepared by local planning authorities and neighbourhood planning groups to set out the general design principles and standards that development proposals should follow in the area, building on policies in the development plan. They are an important way of communicating local design expectations and requirements, and are one of the visual tools that the National Planning Policy Framework expects authorities or neighbourhood planning groups to prepare and use.

Local design guides should be informed by the 10 important characteristics of good places set out in the National Design Guide (<https://www.gov.uk/government/publications/national-design-guide>), and need to be shaped by a clear understanding of the local area's qualities and opportunities. Good local design guides are concise, positive documents which are accessible and use tools such as illustrations and checklists to highlight key design issues and possible solutions. They are most effective when used alongside other relevant design tools to assess the design quality of proposed schemes. To be given as much weight as possible in the decision-making process, local design guides need to be adopted as supplementary planning documents (<http://www.legislation.gov.uk/uksi/2012/767/part/5/made>) or appended to a neighbourhood plan.

Paragraph: 005 Reference ID: 26-005-20191001

Revision date: 01 10 2019

What are masterplans?

Masterplans set the vision and implementation strategy for a development. They are distinct from local design guides by focusing on site specific proposals such as the scale and layout of development, mix of uses, transport and green infrastructure. Depending on the level of detail, the masterplan may indicate the intended arrangement of buildings, streets and the public realm. More specific parameters for the site's development may be set out in a design code, which can accompany the overall masterplan.

A range of other plans and technical reports may be needed alongside a masterplan, to provide supporting evidence and set out related proposals, such as a local character study, landscape assessment, transport assessment and proposals for securing biodiversity net gain. An implementation strategy could also be included, especially where development is expected to be brought forward in a number of phases.

Paragraph: 006 Reference ID: 26-006-20191001

Revision date: 01 10 2019

How can masterplans be used most effectively?

Masterplans are most likely to be produced by local authorities or developers. For local authorities, they can help to clarify design expectations early in the planning process, set a clear vision for the site, inform infrastructure and viability assessments and identify requirements for developer contributions or other investment. Developers may produce a masterplan to help evolve their own vision for a site, assess options, engage the local planning authority and community in pre-application discussions and support an outline planning application.

Whoever prepares them, masterplans can benefit from a collaborative approach between the local planning authority, site promoters and local communities so that aspirations and constraints are understood early on. Masterplans produced by local planning authorities may be adopted as supplementary planning documents to give them weight in decisions on applications. Masterplans often apply to schemes that are developed over a long time period and so may need to be subject to regular review and be flexible to adapt to changing circumstances.

Care should be taken to ensure that masterplans are viable and well understood by all involved and that graphic representations of what the development will look like do not mislead the public by showing inaccurate details or significant elements not yet decided upon.

Paragraph: 007 Reference ID: 26-007-20191001

Revision date: 01 10 2019

What are design codes?

Design codes are a set of illustrated design requirements that provide specific, detailed parameters for the physical development of a site or area. The graphic and written components of the code should be proportionate and build upon a design vision, such as a masterplan or other design and development framework for a site or area. Their content should also be informed by the 10 characteristics of good places set out in the National Design Guide.

Design codes can be commissioned or prepared by either the local planning authority or developer, but are best prepared in partnership to secure agreed design outcomes and maintain viability, particularly across complex sites and phased and multi-developer schemes. They can also be prepared for smaller sites, including self-build or custom build projects, where codes can be used to maintain a degree of certainty whilst allowing for design freedom. On large sites it can be important to allow for the code to be reviewed as development proceeds, so that lessons from its initial implementation can be addressed, provided that any changes do not subvert the overall design vision or weaken the quality of development.

Design codes can be applied to all development types including residential, commercial, mixed use, open space, landscape or public realm requirements. They can be adopted as a supplementary planning document, or appended to a Neighbourhood Plan, Community Right to Build Order or Neighbourhood Development order.

Paragraph: 008 Reference ID: 26-008-20191001

Revision date: 01 10 2019

Making decisions about design

How can pre-application discussions be used to achieve well-designed places?

Pre-application discussions (<https://www.gov.uk/guidance/before-submitting-an-application#the-value-of-pre-application-engagement>) are an opportunity for prospective applicants and the local planning authority to discuss the intended approach to a site and how design policies and guidance need to be applied. Giving authorities the opportunity to inform and influence the design of a proposed development early in the design process is more efficient than trying to implement suggested revisions at a later stage, particularly if this relates to a major proposal.

In providing pre-application advice, the local planning authority may draw upon its own appropriately skilled and experienced staff, external consultants or design review panels.

Paragraph: 009 Reference ID: 26-009-20191001

Revision date: 01 10 2019

How is design considered in outline planning applications?

Applications for outline planning permission seek to establish whether the scale and nature of a proposed development would be acceptable before fully detailed proposals are put forward. However, design is often considered at this stage in order to assist community engagement, inform an environmental impact assessment or design and access statement (where required) and provide a framework for the preparation and submission of reserved matters proposals.

In some instances, it may be appropriate as part of the outline application to prepare and agree a design code to guide subsequent reserved matters applications. Design quality cannot be achieved through an outline planning application alone. Outline planning applications allow fewer details about the proposal to be submitted than a full planning application, but can include design principles where these are fundamental to decision making.

Paragraph: 010 Reference ID: 26-010-20191001

Revision date: 01 10 2019

What is the role of parameter plans in achieving well-designed places?

Parameter plans can include information on the proposed land use, building heights, areas of potential built development, structure of landscape and green infrastructure, access and movement and other key structuring and placemaking components. They can be prepared to inform an environmental impact assessment, where one is required to accompany an outline application.

Parameter plans can provide elements of the framework within which more detailed design proposals are generated, but they are not a substitute for a clear design vision and masterplan, and need to be used in a way that does not inhibit the evolution of detailed proposals. For example, setting maximum parameters for aspects such as building heights can still allow flexibility in determining the detailed design of a scheme.

Paragraph: 011 Reference ID: 26-011-20191001

Revision date: 01 10 2019

What is the role of Design and Access Statements in achieving well-designed places?

Design and Access Statements (DAS) (<https://www.gov.uk/guidance/making-an-application#Design-and-Access-Statement>) set out the narrative for the design approach and design rational for the scheme. They demonstrate how the local character of an area has been taken into account and how design principles will be applied to achieve high quality design. They set out concisely how the proposal is a suitable response to the site and its setting, taking account of baseline information.

Paragraph: 012 Reference ID: 26-012-20191001

Revision date: 01 10 2019

How can conditions be used to ensure design quality at the pre-consent stage?

During the decision-making stage, where limited design documentation has been prepared as part of the outline planning application, a local planning authority can consider using conditions (<https://www.gov.uk/guidance/use-of-planning-conditions>) to ensure that fundamentally important principles are respected in detailed design and to set out if there are further detailed design requirements to make a scheme acceptable. Conditions on design can be identified at the outline planning application stage allowing for the details to be submitted for later determination as part of a reserved matters application.

Detailed design issues that are central to the acceptability of a scheme are, however, most effective when set out at the application stage. Pre-application advice (<https://www.gov.uk/guidance/before-submitting-an-application#the-value-of-pre-application-engagement>) is encouraged and can be used as a stage for applicants and local planning authorities to discuss the use of planning conditions in relation to design quality.

Paragraph: 013 Reference ID: 26-013-20191001

Revision date: 01 10 2019

How can planning committees be effectively engaged on design?

It is important that training and support for planning committee members equips them to understand what the relevant design policies and guidance are seeking to achieve, so that they can assess proposals effectively and champion good design outcomes. This can include identifying key information and methods that will help councillors in their role, as well as keeping them up to date on design issues as part of pre-application discussions and the consideration of live planning applications.

Paragraph: 014 Reference ID: 26-014-20191001

Revision date: 01 10 2019

How can local planning authorities ensure the quality of approved development is not materially diminished between permission and completion?

The design process continues after the granting of permission, and it is important that design quality is not diminished as a permission is implemented. In some cases, local planning authorities may wish to encourage design details to be agreed as part of the initial permission, so that important elements are not deferred for later consideration. It can also be important to ensure that applications to discharge conditions or amend approved schemes do not undermine development quality.

Local planning authorities can consider a strategy to maintain the original design intent and quality of significant schemes, such as by encouraging the retention of key design consultants from the planning application team and using design review at appropriate intervals. Site inspections to verify compliance with approved plans and conditions are important.

Paragraph: 015 Reference ID: 26-015-20191001

Revision date: 01 10 2019

Tools for assessing and improving design quality

What tools are available to help assess and improve the design of development?

There are a range of tools available to guide the design of developments to ensure that the final product is of good quality. As set out in paragraph 129 of the Framework (<https://www.gov.uk/guidance/national-planning-policy-framework/12-achieving-well-designed-places>), these tools and processes are of most benefit when applied early in the evolution of schemes to prompt discussions and refine options. They can be used to involve relevant stakeholders, including built environment and non-built environment professionals, decision makers and the local community.

Available tools include (but are not limited to):

- National Design Guide (<https://www.gov.uk/government/publications/national-design-guide>)
- Local design guides and codes
- Design review
- Assessment frameworks

These tools can be used by:

- local planning authorities and neighbourhood planning groups, who may wish to include the use of specific tools in their plan policies as a means of promoting good design, to effectively engage communities and make robust and well-informed decisions on applications; and
- developers to help evolve and assess the design aspects of proposals, and for the purposes of community engagement.

Paragraph: 016 Reference ID: 26-016-20191001

Revision date: 01 10 2019

What is design review and how can it be used appropriately?

Design review is an independent assessment of development proposals by a panel of multidisciplinary professionals and experts, which can inform and improve design quality in new development. It is not intended to replace advice from statutory consultees and advisory bodies, or be a substitute for local authority design skills or community engagement.

Effective design review is proportionate and can be used for both large and small-scale development, so long as the projects are significant enough to warrant the investment needed for a review. The number and expertise of panel members required can be guided by the complexity of the scheme and the sensitivity of the site and its surroundings.

An effective design review:

- follows clear criteria for the appraisal of schemes, agreed by the panel, and ensuring they work for the benefit of the public and reflect relevant local and national design objectives;
- sets clear, meaningful terms of reference to ensure a transparent, objective, robust and defensible process that demonstrates benefit to the public;

- is representative, diverse and inclusive, drawing upon a range of built environment and other professional expertise. Continuity of panel members is important to provide consistency in approach for each scheme reviewed, including agreed procedures to feedback to applicants;
- considers the wider site-specific and policy context, such as relevant socio-economic issues, as well as the physical characteristics of the site and its setting. Site visits are important in providing panel members with awareness of context and local characteristics;
- is written up and communicated in a transparent and accessible way to be understood by a wide range of stakeholders; and
- includes mechanisms to represent the views of local communities and other stakeholders.

Design review is most effective when applied at the earliest stage of design development. It can be followed up at further stages as projects evolve, including pre-application and are implemented, referencing and building upon recommendations made in previous design reviews.

Recommendations from design review panels can be used to help support decisions on applications, so development proposals need to show how they have considered and addressed them.

Paragraph: 017 Reference ID: 26-017-20191001

Revision date: 01 10 2019

What are assessment frameworks and how can they be used appropriately?

Assessment frameworks are a set of criteria against which a design can be assessed. They can cover a range of issues that are important for securing well-designed places (such as Building for Life 12) or may focus on particular considerations such as climate change or health.

Local planning authorities and developers may wish to use assessment frameworks to inform the design and evaluation of proposals, and support discussions with local communities and other interests about the creation of good places. Frameworks are effective when the issues within them are considered in relation to the particular context and character of a local area. Authorities may wish to refer to the use of specific frameworks in their policies or supplementary planning guidance that are most relevant to the vision for their area, although it is important to ensure that they are used in a proportionate way and do not conflict with national or local planning policy.

Paragraph: 018 Reference ID: 26-018-20191001

Revision date: 01 10 2019

Effective community engagement on design

How can local communities be effectively engaged in the design of their area?

Communities can effectively shape both design policies and development through a collaborative process of meaningful participation. Early engagement and linking engagement activities to key stages of design decision-making and plan-making can empower people to inform the vision, design policies and the design of schemes.

Engagement activities offer an opportunity to work collaboratively with communities to shape better places for local people. They consider how to embed empowerment, capacity building and employability opportunities for local people and organisations throughout the design process.

It is important that local planning authorities or applicants demonstrate how all views are listened to and considered. Local planning authorities are encouraged to achieve this through representations in a published consultation statement. Where clear parameters are set it makes it clear to communities what scope there is for them to influence the design policies or scheme being developed.

Local planning authorities and applicants are encouraged to proactively engage an inclusive, diverse and representative sample of the community, so that their views can be taken in to account in relation to design. It is also important to consider maximising the opportunity for local communities to participate, such as working with established organisations or groups within the community and holding events at a time and location that are accessible. Language and presentation of design information is most effective when clear and straightforward.

Paragraph: 019 Reference ID: 26-019-20191001

Revision date: 01 10 2019

What tools can be used to effectively engage local communities in the design process?

There is a range of tools that can be used to effectively engage local communities throughout the plan-making and planning application process, including:

- design workshops
- community panels or forums
- exhibitions
- digital methods

Paragraph: 020 Reference ID: 26-020-20191001

Revision date: 01 10 2019

How can design workshops be used to effectively engage local communities?

Design workshops with members of the local community can take many forms, and are often most effective when interactive and creative, to explore the challenges and opportunities of a site or area and explore how design can help improve the quality of that place for local people and organisations.

Design workshops can be used by local planning authorities to understand the views of local communities on design policies in local plans, and both local authorities and applicants in relation to masterplans and design elements of specific development sites. Independent facilitators may be appointed, when working with stakeholder groups, to offer design capacity building and help build a shared understanding through the design process.

Site visits and walking audits can be used to help map local spaces, issues and aspirations, and can play a useful role in contextualising and informing proposals.

Design workshops are most effectively used early in the planning process, to inform a vision or masterplan. Charrettes are a specific type of interactive design workshop that can be used to generate a shared understanding of the opportunities and constraints of a site between members of the community, other stakeholders including council members, parish councils and external consultees and an interdisciplinary team of built environment professionals including local authority officers that leads to the development of options.

Paragraph: 021 Reference ID: 26-021-20191001

Revision date: 01 10 2019

How can community panels or forums be used to effectively engage local communities?

Community panels or forums can be set up by local planning authorities or third sector organisations, such as civic societies, to represent the views of local communities by scrutinising plans, policies or applications.

They can be made up of residents, local councillors and other members of the community and public service agencies. They are most effective when membership is diverse and inclusive, representing the whole community. For planning applications, site visits can be undertaken to understand the context of schemes.

Insights from community panels or forums can help support local planning authorities' decisions on planning applications, inform design review, and be used as evidence during the examination of plans and policies.

Community panels and forums, if diverse and inclusive, can play an important role in supporting dialogue between project teams and the wider community.

Paragraph: 022 Reference ID: 26-022-20191001

Revision date: 01 10 2019

How can digital methods be used to effectively engage local communities in the design process?

In addition to traditional verbal and written methods, local planning authorities and applicants can consider using digital methods to effectively engage communities in the design process. Digital models of proposed development schemes and their surroundings can help to visualise concepts and impacts, including the wider effects of development such as implications for daylight and sunlight. Social media (<https://www.gov.uk/guidance/social-media-playbook>) can be helpful in reaching people who may find it difficult to attend events and can be effective in targeting particular groups, such as online design and gaming platforms that can be used to help engage younger audiences in exploring spatial design.

Paragraph: 023 Reference ID: 26-023-20191001

Revision date: 01 10 2019

Published 6 March 2014

Last updated 1 October 2019 + show all updates

1. 1 October 2019
Revised version of guidance.
2. 6 March 2014
First published.

[Print this page](#)

Related content

- [Brownfield land registers data standard](https://www.gov.uk/government/publications/brownfield-land-registers-data-standard) (<https://www.gov.uk/government/publications/brownfield-land-registers-data-standard>)
- [Social media playbook](https://www.gov.uk/guidance/social-media-playbook) (<https://www.gov.uk/guidance/social-media-playbook>)
- [Housing and economic land availability assessment](https://www.gov.uk/guidance/housing-and-economic-land-availability-assessment) (<https://www.gov.uk/guidance/housing-and-economic-land-availability-assessment>)
- [Government Design Principles](https://www.gov.uk/guidance/government-design-principles) (<https://www.gov.uk/guidance/government-design-principles>)
- [Before submitting an application](https://www.gov.uk/guidance/before-submitting-an-application) (<https://www.gov.uk/guidance/before-submitting-an-application>)

Collection

- [Planning practice guidance](https://www.gov.uk/government/collections/planning-practice-guidance) (<https://www.gov.uk/government/collections/planning-practice-guidance>)
- [Housing development support for local government projects](https://www.gov.uk/government/collections/housing-development-support-for-local-government-projects) (<https://www.gov.uk/government/collections/housing-development-support-for-local-government-projects>)

Explore the topic

- [Planning system](https://www.gov.uk/housing-local-and-community/planning-system) (<https://www.gov.uk/housing-local-and-community/planning-system>)

Is this page useful?

- [Yes this page is useful](#)
- [No this page is not useful](#)

Thank you for your feedback

[Report a problem with this page](#)

[Close](#)

Help us improve GOV.UK

Don't include personal or financial information like your National Insurance number or credit card details.

What were you doing?

What went wrong?

[Send](#)

[Close](#)

Help us improve GOV.UK

To help us improve GOV.UK, we'd like to know more about your visit today. We'll send you a link to a feedback form. It will take only 2 minutes to fill in. Don't worry we won't send you spam or share your email address with anyone.

Email address

Send me the survey

1. Home (<https://www.gov.uk/>)
2. Housing, local and community (<https://www.gov.uk/housing-local-and-community>)
3. Planning and building (<https://www.gov.uk/housing-local-and-community/planning-and-building>)
4. Planning system (<https://www.gov.uk/housing-local-and-community/planning-system>)

Guidance

Green Belt

Advice on the role of the Green Belt in the planning system.

From:
Ministry of Housing, Communities & Local Government (<https://www.gov.uk/government/organisations/ministry-of-housing-communities-and-local-government>)

Published
22 July 2019

Contents

- What factors can be taken into account when considering the potential impact of development on the openness of the Green Belt?
- How might plans set out ways in which the impact of removing land from the Green Belt can be offset by compensatory improvements?
- How can the strategic policy-making authority ensure that compensatory improvements to the environmental quality and accessibility of the Green Belt will be secured?

Print this page

What factors can be taken into account when considering the potential impact of development on the openness of the Green Belt?

Assessing the impact of a proposal on the openness of the Green Belt (<https://www.gov.uk/guidance/national-planning-policy-framework/13-protecting-green-belt-land>), where it is relevant to do so, requires a judgment based on the circumstances of the case. By way of example, the courts have identified a number of matters which may need to be taken into account in making this assessment. These include, but are not limited to:

- openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume;
- the duration of the development, and its remediability – taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and
- the degree of activity likely to be generated, such as traffic generation.

Revision date: 22 07 2019

How might plans set out ways in which the impact of removing land from the Green Belt can be offset by compensatory improvements?

Where it has been demonstrated that it is necessary to release Green Belt land for development (<https://www.gov.uk/guidance/national-planning-policy-framework/13-protecting-green-belt-land>), strategic policy-making authorities should set out policies for compensatory improvements to the environmental quality and accessibility of the remaining Green Belt land. These may be informed by supporting evidence of landscape, biodiversity or recreational needs and opportunities including those set out in local strategies, and could for instance include:

- new or enhanced green infrastructure (<https://www.gov.uk/guidance/natural-environment#green-infrastructure>);
- woodland planting;
- landscape and visual enhancements (beyond those needed to mitigate the immediate impacts of the proposal);
- improvements to biodiversity (<https://www.gov.uk/guidance/natural-environment#biodiversity-geodiversity-and-ecosystems>), habitat connectivity and natural capital;
- new or enhanced walking and cycle routes; and
- improved access to new, enhanced or existing recreational and playing field provision.

Paragraph: 002 Reference ID: 64-002-20190722

Revision date: 22 07 2019

How can the strategic policy-making authority ensure that compensatory improvements to the environmental quality and accessibility of the Green Belt will be secured?

Identifying the scope for compensatory improvements is likely to require early engagement with landowners and other interest groups, once the areas of land necessary for release have been identified. Consideration will need to be given to:

- land ownership, in relation to both land that is proposed to be released for development and that which may be most suitable for compensatory improvements for which contributions may be sought;
- the scope of works that would be needed to implement the identified improvements, such as new public rights of way, land remediation, natural capital enhancement or habitat creation and enhancement, and their implications for deliverability (<https://www.gov.uk/guidance/viability>);
- the appropriate use of conditions (<https://www.gov.uk/guidance/use-of-planning-conditions>), section 106 obligations (<https://www.gov.uk/guidance/use-of-planning-conditions#negatively-worded>) and the Community Infrastructure Levy (<https://www.gov.uk/guidance/community-infrastructure-levy>), to secure the improvements where possible. Section 106 agreements could be used to secure long-term maintenance of sites.

Paragraph: 003 Reference ID: 64-003-20190722

Revision date: 22 07 2019

Related content

- Publish your developer contributions data (<https://www.gov.uk/guidance/publish-your-developer-contributions-data>)
- Rural housing (<https://www.gov.uk/guidance/rural-housing>)
- Town centres and retail (<https://www.gov.uk/guidance/ensuring-the-vitality-of-town-centres>)
- Brownfield land registers (<https://www.gov.uk/guidance/brownfield-land-registers>)
- Housing needs of different groups (<https://www.gov.uk/guidance/housing-needs-of-different-groups>)

Collection

- Planning practice guidance (<https://www.gov.uk/government/collections/planning-practice-guidance>)

Explore the topic

- Planning system (<https://www.gov.uk/housing-local-and-community/planning-system>)

Is this page useful?

- [Yes this page is useful](#)
- [No this page is not useful](#)

Thank you for your feedback

[Report a problem with this page](#)

[Close](#)

Help us improve GOV.UK

Don't include personal or financial information like your National Insurance number or credit card details.

What were you doing?

What went wrong?

[Send](#)

[Close](#)

Help us improve GOV.UK

To help us improve GOV.UK, we'd like to know more about your visit today. We'll send you a link to a feedback form. It will take only 2 minutes to fill in. Don't worry we won't send you spam or share your email address with anyone.

Email address

[Send me the survey](#)

1. Home (<https://www.gov.uk/>)
2. Housing, local and community (<https://www.gov.uk/housing-local-and-community>)
3. Planning and building (<https://www.gov.uk/housing-local-and-community/planning-and-building>)
4. Planning system (<https://www.gov.uk/housing-local-and-community/planning-system>)

Guidance

Historic environment

Advises on enhancing and conserving the historic environment.

From:
Ministry of Housing, Communities & Local Government (<https://www.gov.uk/government/organisations/ministry-of-housing-communities-and-local-government>)

Published
10 April 2014

Last updated
23 July 2019 — See all updates

Contents

- Overview: historic environment
- Plan-making: historic environment
- Decision-making: historic environment
- Designated heritage assets
- Non-designated heritage assets
- Heritage consent processes
- Consultation and notification requirements for heritage related applications
- Further information on heritage and planning issues

[Print this page](#)

This guidance has been updated see previous version
(<https://webarchive.nationalarchives.gov.uk/20190607161354/https://www.gov.uk/guidance/conserving-and-enhancing-the-historic-environment>)

Where plans are being prepared under the transitional arrangements set out in Annex 1 to the revised National Planning Policy Framework (<https://www.gov.uk/government/publications/national-planning-policy-framework--2>), the policies in the previous version of the framework published in 2012 (<http://webarchive.nationalarchives.gov.uk/20180608095821/https://www.gov.uk/government/publications/national-planning-policy-framework--2>) will continue to apply, as will any previous guidance which has been

superseded since the new framework was published in July 2018. If you'd like an email alert when changes are made to planning guidance please subscribe (<https://www.gov.uk/topic/planning-development/planning-officer-guidance/email-signup>).

Overview: historic environment

What is the main legislative framework for the historic environment?

In addition to the planning framework which is primarily set out in the Town and Country Planning Act 1990: (<http://www.legislation.gov.uk/ukpga/1990/8/contents>)

- the Planning (Listed Buildings and Conservation Areas) Act 1990 (<http://www.legislation.gov.uk/ukpga/1990/9/contents>) provides specific protection for buildings and areas of special architectural or historic interest
- the Ancient Monuments and Archaeological Areas Act 1979 (<http://www.legislation.gov.uk/ukpga/1979/46/contents>) provides specific protection for monuments of national interest
- the Protection of Wrecks Act 1973 (<http://www.legislation.gov.uk/ukpga/1973/33/contents>) provides specific protection for wreck sites of archaeological, historic or artistic interest
- the Historic Buildings and Ancient Monuments Act 1953 (<https://www.legislation.gov.uk/ukpga/Eliz2/1-2/49/contents>) makes provision for the compilation of a register of gardens and other land (parks and gardens, and battlefields).

While not part of the legislative framework, the UNESCO Convention Concerning the Protection of the World Cultural and National Heritage 1972 (<https://whc.unesco.org/en/conventiontext/>) (to which the UK is a signatory) makes provision for the World Heritage List, which is a list of cultural and/or natural heritage sites of outstanding universal value.

Any decisions where listed buildings and their settings and conservation areas are a factor must address the statutory considerations of the Planning (Listed Buildings and Conservation Areas) Act 1990 (see in particular sections 16, 66 and 72) as well as applying the relevant policies in the development plan and the National Planning Policy Framework.

Paragraph: 001 Reference ID: 18a-001-20190723

Revision date: 23 07 2019

What is meant by the conservation and enhancement of the historic environment?

Conservation is an active process of maintenance and managing change. It requires a flexible and thoughtful approach to get the best out of assets as diverse as listed buildings in every day use and as yet undiscovered, undesignated buried remains of archaeological interest.

In the case of buildings, generally the risks of neglect and decay of heritage assets are best addressed through ensuring that they remain in active use that is consistent with their conservation. Ensuring such heritage assets remain used and valued is likely to require sympathetic changes to be made from time to

time. In the case of archaeological sites, many have no active use, and so for those kinds of sites, periodic changes may not be necessary, though on-going management remains important.

Where changes are proposed, the National Planning Policy Framework sets out a clear framework for both plan-making and decision-making in respect of applications for planning permission and listed building consent to ensure that heritage assets are conserved, and where appropriate enhanced, in a manner that is consistent with their significance and thereby achieving sustainable development. Heritage assets are either designated heritage assets or non-designated heritage assets.

Part of the public value of heritage assets is the contribution that they can make to understanding and interpreting our past. So where the complete or partial loss of a heritage asset is justified (noting that the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted), the aim then is to:

- capture and record the evidence of the asset's significance which is to be lost
- interpret its contribution to the understanding of our past; and
- make that publicly available (National Planning Policy Framework paragraph 199 (<https://www.gov.uk/guidance/national-planning-policy-framework/16-conserving-and-enhancing-the-historic-environment#para196>))

Paragraph: 002 Reference ID: 18a-002-20190723

Revision date: 23 07 2019

Plan-making: historic environment

What is a positive strategy for conservation and enjoyment of the historic environment?

In line with the National Planning Policy Framework (paragraph 185) (<https://www.gov.uk/guidance/national-planning-policy-framework/16-conserving-and-enhancing-the-historic-environment>), plans should set out a positive strategy for the conservation and enjoyment of the historic environment. In developing their strategy, plan-making bodies should identify specific opportunities within their area for the conservation and enhancement of heritage assets, including their setting. This could include, where appropriate, the delivery of development that will make a positive contribution to, or better reveal the significance of, the heritage asset, or reflect and enhance local character and distinctiveness with particular regard given to the prevailing styles of design and use of materials in a local area.

The delivery of the strategy may require the development of specific policies, for example, in relation to use of buildings and design of new development and infrastructure. Plan-making bodies will need to consider the relationship and impact of other policies on the delivery of the strategy for conservation.

Paragraph: 003 Reference ID: 18a-003-20190723

Revision date: 23 07 2019

What is an appropriate evidence base for plan-making?

Policy on this is set out in paragraph 187 (<https://www.gov.uk/guidance/national-planning-policy-framework/16-conserving-and-enhancing-the-historic-environment#para187>) of the National Planning Policy Framework. Guidance can be found in the Plan-making (<https://www.gov.uk/guidance/plan-making#045>) section of the planning practice guidance.

Paragraph: 004 Reference ID: 18a-004-20190723

Revision date: 23 07 2019

How can heritage issues be addressed in neighbourhood plans?

Where it is relevant, neighbourhood plans (<https://www.gov.uk/guidance/national-planning-policy-framework/annex-2-glossary>) need to include enough information about local heritage to guide decisions and put broader strategic heritage policies into action at a neighbourhood scale.

It is beneficial for any designated and non-designated heritage assets (<https://www.gov.uk/guidance/national-planning-policy-framework/annex-2-glossary>) within the plan area to be clearly identified at the start of the plan-making process so they can be appropriately taken into account.

The historic environment record is a useful source of information on the local historic environment. The local planning authority heritage advisers can advise on local heritage issues to be considered when preparing a neighbourhood plan.

Further information on:

- Neighbourhood planning generally can be found in the neighbourhood planning section (<https://www.gov.uk/guidance/neighbourhood-planning--2>) of the planning practice guidance
- Heritage specific issues and neighbourhood planning is provided by Historic England (<https://historicengland.org.uk/advice/hpg/historic-environment/neighbourhoodplanning/>).

Paragraph: 005 Reference ID: 18a-005-20190723

Revision date: 23 07 2019

Decision-making: historic environment

What is ‘significance’?

‘Significance (<https://www.gov.uk/guidance/national-planning-policy-framework/annex-2-glossary>)’ in terms of heritage-related planning policy is defined in the Glossary of the National Planning Policy Framework (<https://www.gov.uk/guidance/national-planning-policy-framework/annex-2-glossary>) as the value of a heritage asset to this and future generations because of its heritage interest. Significance derives not only from a heritage asset’s physical presence, but also from its setting.

The National Planning Policy Framework definition further states that in the planning context heritage interest may be archaeological, architectural, artistic or historic. This can be interpreted as follows:

- archaeological interest: As defined in the Glossary to the National Planning Policy Framework, there will be archaeological interest in a heritage asset if it holds, or potentially holds, evidence of past human activity worthy of expert investigation at some point.

- architectural and artistic interest: These are interests in the design and general aesthetics of a place. They can arise from conscious design or fortuitously from the way the heritage asset has evolved. More specifically, architectural interest is an interest in the art or science of the design, construction, craftsmanship and decoration of buildings and structures of all types. Artistic interest is an interest in other human creative skill, like sculpture.
- historic interest: An interest in past lives and events (including pre-historic). Heritage assets can illustrate or be associated with them. Heritage assets with historic interest not only provide a material record of our nation's history, but can also provide meaning for communities derived from their collective experience of a place and can symbolise wider values such as faith and cultural identity.

In legislation and designation criteria, the terms 'special architectural or historic interest' of a listed building and the 'national importance' of a scheduled monument are used to describe all or part of what, in planning terms, is referred to as the identified heritage asset's significance.

Further commentary on the significance of World Heritage Sites.

Paragraph: 006 Reference ID: 18a-006-20190723

Revision date: 23 07 2019

Why is 'significance' important in decision-making?

Heritage assets may be affected by direct physical change or by change in their setting. Being able to properly assess the nature, extent and importance of the significance of a heritage asset, and the contribution of its setting, is very important to understanding the potential impact and acceptability of development proposals (see How can the possibility of harm to a heritage asset be assessed?).

Paragraph: 007 Reference ID: 18a-007-20190723

Revision date: 23 07 2019

How can proposals avoid or minimise harm to the significance of a heritage asset?

Understanding the significance of a heritage asset and its setting from an early stage in the design process can help to inform the development of proposals which avoid or minimise harm. Analysis of relevant information can generate a clear understanding of the affected asset, the heritage interests represented in it, and their relative importance.

Early appraisals, a conservation plan or targeted specialist investigation can help to identify constraints and opportunities arising from the asset at an early stage. Such appraisals or investigations can identify alternative development options, for example more sensitive designs or different orientations, that will both conserve the heritage assets and deliver public benefits in a more sustainable and appropriate way.

Further advice on assessing the significance of heritage assets can be found on Historic England's website (<https://historicengland.org.uk/images-books/publications/gpa2-managing-significance-in-decision-taking/>).

Paragraph: 008 Reference ID: 18a-008-20190723

Revision date: 23 07 2019

What assessment of the impact of proposals on the significance of affected heritage assets should be included in an application?

Applicants are expected to describe in their application the significance of any heritage assets affected, including any contribution made by their setting (National Planning Policy Framework paragraph 189 (<https://www.gov.uk/guidance/national-planning-policy-framework/16-conserving-and-enhancing-the-historic-environment#para189>)). In doing so, applicants should include analysis of the significance of the asset and its setting, and, where relevant, how this has informed the development of the proposals. The level of detail should be proportionate to the asset's importance and no more than is sufficient to understand the potential impact of the proposal on its significance.

Paragraph: 009 Reference ID: 18a-009-20190723

Revision date: 23 07 2019

Where can local planning authorities get help to assess the significance of heritage assets?

In most cases the assessment of the significance of the heritage asset by the local planning authority is likely to need expert advice in addition to the information provided by the applicant, historic environment record, similar sources of information and inspection of the asset itself. Advice may be sought from appropriately qualified staff and experienced in-house experts or professional consultants, complemented as appropriate by consultation with National Amenity Societies and other statutory consultees and other national and local organisations with relevant expertise.

Paragraph: 010 Reference ID: 18a-010-20190723

Revision date: 23 07 2019

What is a historic environment record?

Historic environment records are publicly-accessible and dynamic sources of information about the local historic environment. They provide core information for plan-making and designation decisions (such as information about designated and non-designated heritage assets, and information that helps predict the likelihood of currently unrecorded assets being discovered during development) and will also assist in informing planning decisions by providing appropriate information about the historic environment to communities, owners and developers as set out in the National Planning Policy Framework. Details of how to access historic environment records can be found on Historic England's website (<https://historicengland.org.uk/advice/technical-advice/information-management/hers/>).

Paragraph: 011 Reference ID: 18a-011-20190723

Revision date: 23 07 2019

How do Design and Access Statement requirements relate to heritage assessments?

A Design and Access Statement (<https://www.gov.uk/guidance/making-an-application#design-access-statement>) is required to accompany certain applications for planning permission and applications for listed building consent.

Design and Access Statements provide a flexible framework for an applicant to explain and justify their proposal with reference to its context. In cases where both a Design and Access Statement and an assessment of the impact of a proposal on a heritage asset are required, applicants can avoid unnecessary duplication and demonstrate how the proposed design has responded to the historic environment through including the necessary heritage assessment as part of the Design and Access Statement.

Paragraph: 012 Reference ID: 18a-012-20190723

Revision date: 23 07 2019

What is the setting of a heritage asset and how can it be taken into account?

The setting of a heritage asset is defined in the Glossary of the National Planning Policy Framework (<https://www.gov.uk/guidance/national-planning-policy-framework/annex-2-glossary>).

All heritage assets have a setting, irrespective of the form in which they survive and whether they are designated or not. The setting of a heritage asset and the asset's curtilage may not have the same extent.

The extent and importance of setting is often expressed by reference to the visual relationship between the asset and the proposed development and associated visual/physical considerations. Although views of or from an asset will play an important part in the assessment of impacts on setting, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust, smell and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between places. For example, buildings that are in close proximity but are not visible from each other may have a historic or aesthetic connection that amplifies the experience of the significance of each.

The contribution that setting makes to the significance of the heritage asset does not depend on there being public rights of way or an ability to otherwise access or experience that setting. The contribution may vary over time.

When assessing any application which may affect the setting of a heritage asset, local planning authorities may need to consider the implications of cumulative change. They may also need to consider the fact that developments which materially detract from the asset's significance may also damage its economic viability now, or in the future, thereby threatening its ongoing conservation.

Further guidance on setting of heritage assets and wind turbine development (<https://www.gov.uk/guidance/renewable-and-low-carbon-energy#heritage-be-taken-into-account>).

Paragraph: 013 Reference ID: 18a-013-20190723

Revision date: 23 07 2019

Should the deteriorated state of a heritage asset be taken into account in reaching a decision on an application?

Disrepair and damage and their impact on viability can be a material consideration in deciding an application. However, where there is evidence of deliberate damage to or neglect of a heritage asset in the hope of making consent or permission easier to gain the local planning authority should disregard the deteriorated state of the asset in any decision (National Planning Policy Framework paragraph 191).

(<https://www.gov.uk/guidance/national-planning-policy-framework/16-conserving-and-enhancing-the-historic-environment#para191>)). Local planning authorities may need to consider exercising their repair and compulsory purchase powers to remedy deliberate neglect or damage.

Paragraph: 014 Reference ID: 18a-014-20190723

Revision date: 23 07 2019

What is the optimum viable use for a heritage asset and how is it taken into account in planning decisions?

The vast majority of heritage assets are in private hands. Thus, sustaining heritage assets in the long term often requires an incentive for their active conservation. Putting heritage assets to a viable use is likely to lead to the investment in their maintenance necessary for their long-term conservation.

By their nature, some heritage assets have limited or even no economic end use. A scheduled monument in a rural area may preclude any use of the land other than as a pasture, whereas a listed building may potentially have a variety of alternative uses such as residential, commercial and leisure.

In a small number of cases a heritage asset may be capable of active use in theory but be so important and sensitive to change that alterations to accommodate a viable use would lead to an unacceptable loss of significance.

It is important that any use is viable, not just for the owner, but also for the future conservation of the asset: a series of failed ventures could result in a number of unnecessary harmful changes being made to the asset.

If there is only one viable use, that use is the optimum viable use. If there is a range of alternative economically viable uses, the optimum viable use is the one likely to cause the least harm to the significance of the asset, not just through necessary initial changes, but also as a result of subsequent wear and tear and likely future changes. The optimum viable use may not necessarily be the most economically viable one. Nor need it be the original use. However, if from a conservation point of view there is no real difference between alternative economically viable uses, then the choice of use is a decision for the owner, subject of course to obtaining any necessary consents.

Harmful development may sometimes be justified in the interests of realising the optimum viable use of an asset, notwithstanding the loss of significance caused, and provided the harm is minimised. The policy on addressing substantial and less than substantial harm is set out in paragraphs 193-196 (<https://www.gov.uk/guidance/national-planning-policy-framework/16-conserving-and-enhancing-the-historic-environment#para193>) of the National Planning Policy Framework.

Paragraph: 015 Reference ID: 18a-015-20190723

Revision date: 23 07 2019

When is securing a heritage asset's optimum viable use appropriate in planning terms?

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, the National Planning Policy Framework (paragraph 196) (<https://www.gov.uk/guidance/national-planning-policy-framework/16-conserving-and-enhancing-the-historic->

environment#para196) requires that this harm should be weighed against the public benefits of the proposal including, where appropriate, securing the optimum viable use of that asset.

Where a heritage asset is capable of having a use, then securing its optimum viable use should be taken into account in assessing the public benefits of a proposed development.

'Area-based' designated heritage assets such as World Heritage Sites and conservation areas will not themselves have a single use (though any individual heritage assets within them may). Therefore, securing the optimum viable use of the area-based asset as a whole is not a relevant consideration in assessing the public benefits of development proposals affecting such heritage assets. However, securing the optimum viable use of any individual heritage assets within the area-based designated heritage asset may still be a relevant consideration.

Paragraph: 016 Reference ID: 18a-016-20190723

Revision date: 23 07 2019

What evidence is needed to demonstrate that there is no viable use?

Appropriate marketing is required to demonstrate that a heritage asset has no viable use in the circumstances set out in paragraph 195b of the National Planning Policy Framework (<https://www.gov.uk/guidance/national-planning-policy-framework/16-conserving-and-enhancing-the-historic-environment#para195>). The aim of such marketing is to reach potential buyers who may be willing to find a viable use for the site that still provides for its conservation to some degree. If such a purchaser comes forward, there is no obligation to sell to them, but it will not have been demonstrated that the heritage asset has no viable use .

Paragraph: 017 Reference ID: 18a-017-20190723

Revision date: 23 07 2019

How can the possibility of harm to a heritage asset be assessed?

What matters in assessing whether a proposal might cause harm is the impact on the significance (<https://www.gov.uk/guidance/national-planning-policy-framework/annex-2-glossary>) of the heritage asset. As the National Planning Policy Framework makes clear, significance derives not only from a heritage asset's physical presence, but also from its setting.

Proposed development affecting a heritage asset may have no impact on its significance or may enhance its significance and therefore cause no harm to the heritage asset. Where potential harm to designated heritage assets is identified, it needs to be categorised as either less than substantial harm or substantial harm (which includes total loss) in order to identify which policies in the National Planning Policy Framework (paragraphs 194-196) (<https://www.gov.uk/guidance/national-planning-policy-framework/16-conserving-and-enhancing-the-historic-environment#para194>) apply.

Within each category of harm (which category applies should be explicitly identified), the extent of the harm may vary and should be clearly articulated.

Whether a proposal causes substantial harm will be a judgment for the decision-maker, having regard to the circumstances of the case and the policy in the National Planning Policy Framework. In general terms, substantial harm is a high test, so it may not arise in many cases. For example, in determining whether works to a listed building constitute substantial harm, an important consideration would be

whether the adverse impact seriously affects a key element of its special architectural or historic interest. It is the degree of harm to the asset's significance rather than the scale of the development that is to be assessed. The harm may arise from works to the asset or from development within its setting.

While the impact of total destruction is obvious, partial destruction is likely to have a considerable impact but, depending on the circumstances, it may still be less than substantial harm or conceivably not harmful at all, for example, when removing later additions to historic buildings where those additions are inappropriate and harm the buildings' significance. Similarly, works that are moderate or minor in scale are likely to cause less than substantial harm or no harm at all. However, even minor works have the potential to cause substantial harm, depending on the nature of their impact on the asset and its setting.

The National Planning Policy Framework confirms that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). It also makes clear that any harm to a designated heritage asset requires clear and convincing justification and sets out certain assets in respect of which harm should be exceptional/wholly exceptional (see National Planning Policy Framework, paragraph 194 (<https://www.gov.uk/guidance/national-planning-policy-framework/16-conserving-and-enhancing-the-historic-environment#para194>)).

Paragraph: 018 Reference ID: 18a-018-20190723

Revision date: 23 07 2019

How can the possibility of harm to conservation areas be assessed?

Paragraph 201 of the National Planning Policy Framework (<https://www.gov.uk/guidance/national-planning-policy-framework/16-conserving-and-enhancing-the-historic-environment#para196>) is the starting point. An unlisted building that makes a positive contribution to a conservation area is individually of lesser importance than a listed building. If the building is important or integral to the character or appearance of the conservation area then its proposed demolition is more likely to amount to substantial harm to the conservation area, engaging the tests in paragraph 195 of the National Planning Policy Framework (<https://www.gov.uk/guidance/national-planning-policy-framework/16-conserving-and-enhancing-the-historic-environment#para195>). Loss of a building within a conservation area may alternatively amount to less than substantial harm under paragraph 196. However, the justification for a building's proposed demolition will still need to be proportionate to its relative significance and its contribution to the significance of the conservation area as a whole. The same principles apply in respect of other elements which make a positive contribution to the significance of the conservation area, such as open spaces.

See guidance on how trees are protected in conservation areas (<https://www.gov.uk/guidance/tree-preservation-orders-and-trees-in-conservation-areas>).

Paragraph: 019 Reference ID: 18a-019-20190723

Revision date: 23 07 2019

What is meant by the term public benefits?

The National Planning Policy Framework (<https://www.gov.uk/guidance/national-planning-policy-framework/16-conserving-and-enhancing-the-historic-environment#para195>) requires any harm to designated heritage assets to be weighed against the public benefits of the proposal.

Public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in the National Planning Policy Framework (paragraph 8 (<https://www.gov.uk/guidance/national-planning-policy-framework/2-achieving-sustainable-development>)). Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits, for example, works to a listed private dwelling which secure its future as a designated heritage asset could be a public benefit.

Examples of heritage benefits may include:

- sustaining or enhancing the significance of a heritage asset and the contribution of its setting
- reducing or removing risks to a heritage asset
- securing the optimum viable use of a heritage asset in support of its long term conservation

Paragraph: 020 Reference ID: 18a-020-20190723

Revision date: 23 07 2019

How can Neighbourhood Development Orders and Community Right to Build Orders take account of heritage issues?

The policies in the National Planning Policy Framework, and the associated guidance, which relate to decision-making on planning applications which affect the historic environment, apply equally to the consideration of what planning permission may be granted through Neighbourhood Development Orders and Community Right to Build Orders.

Neighbourhood Development Orders and Community Right to Build Orders can only grant planning permission, not heritage consents (ie listed building consent or scheduled monument consent).

Historic England must be consulted on all Neighbourhood Development Orders and Community Right to Build Orders to allow it to assess the impacts on the heritage assets, and determine whether an archaeological statement (definition in regulation 22(2) of the Neighbourhood Planning (General) Regulations 2012 (<http://www.legislation.gov.uk/uksi/2012/637/regulation/22/made>)) is required. This, and other consultation requirements relating to development affecting heritage assets, are set out in regulation 21 of, and Schedule 1 to, the Neighbourhood Planning (General) Regulations 2012 (<http://www.legislation.gov.uk/uksi/2012/637/contents/made>).

Further information on making these Orders can be found:

- in the Neighbourhood planning section of guidance (<https://www.gov.uk/guidance/neighbourhood-planning--2>)
- in the When is permission required? section of guidance (<https://www.gov.uk/guidance/when-is-permission-required>)
- on Historic England's website (<https://historicengland.org.uk/advice/hpg/consent/ndo/>)

Paragraph: 021 Reference ID: 18a-021-20190723

Revision date: 23 07 2019

Designated heritage assets

How do heritage assets become designated?

The Department for Digital, Culture, Media and Sport (advised by Historic England) is responsible for the identification and designation of listed buildings, scheduled monuments and protected wreck sites.

Historic England identifies and designates registered parks and gardens and registered battlefields.

World Heritage Sites are inscribed by the United Nations Educational, Scientific and Cultural Organisation (UNESCO).

In most cases, conservation areas are designated by local planning authorities.

Historic England administers all the national designation regimes. Further information on selection criteria and processes can be found on Department for Digital, Culture, Media and Sport's website (<https://www.gov.uk/government/policies/conservation-of-historic-buildings-and-monuments>).

Paragraph: 022 Reference ID: 18a-022-20190723

Revision date: 23 07 2019

What are the different types of designated heritage assets?

Listed building - a building which has been designated (<https://www.legislation.gov.uk/ukpga/1990/9/contents>) because of its special architectural or historic interest and (unless the list entry indicates otherwise) includes not only the building itself but also:

- any object or structure fixed to the building
- any object or structure within the curtilage of the building which, although not fixed to the building, forms part of the land and has done so since before 1 July 1948

Scheduled monument - a monument which has been designated (<http://www.legislation.gov.uk/ukpga/1979/46/contents>) because of its national importance.

Protected wreck site - the site of a vessel lying wrecked on or in the sea bed, designated (<https://www.legislation.gov.uk/ukpga/1973/33>) because of the historical, archaeological or artistic importance of the vessel, or of any objects contained or formerly contained in it.

Registered park or garden - a designed landscape which has been designated (<https://www.legislation.gov.uk/ukpga/Eliz2/1-2/49/contents>) because of its special historic interest.

Registered battlefield - a battlefield which has been designated (<https://www.legislation.gov.uk/ukpga/Eliz2/1-2/49/contents>) because of its special historic interest.

World heritage site - a cultural and/or natural heritage site inscribed because of its outstanding universal value.

Conservation area - an area which has been designated (<https://www.legislation.gov.uk/ukpga/1990/9/part/II>) because of its special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance.

Paragraph: 023 Reference ID: 18a-023-20190723

Revision date: 23 07 2019

What do local planning authorities need to consider before designating new conservation areas?

Local planning authorities need to ensure that the area has sufficient special architectural or historic interest to justify its designation as a conservation area. Undertaking a conservation area appraisal may help a local planning authority to make this judgment.

Further advice on conservation area designation, appraisal and management can be found on Historic England's website (<https://historicengland.org.uk/images-books/publications/conservation-area-appraisal-designation-management-advice-note-1/>).

Paragraph: 024 Reference ID: 18a-024-20190723

Revision date: 23 07 2019

Do local planning authorities need to review conservation areas?

Local planning authorities must review their conservation areas from time to time (section 69(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (<http://www.legislation.gov.uk/ukpga/1990/9/section/69>)).

A conservation area appraisal can be used to help local planning authorities develop a management plan and plan-making bodies to develop appropriate policies for local and neighbourhood plans. A good appraisal will consider what features make a positive or negative contribution to the significance of the conservation area, thereby identifying opportunities for beneficial change or the need for planning protection.

Paragraph: 025 Reference ID: 18a-025-20190723

Revision date: 23 07 2019

How are World Heritage Sites protected and managed in England?

England protects its World Heritage Sites and their settings, including any buffer zones or equivalent, through the statutory designation process and through the planning system.

The Outstanding Universal Value of a World Heritage Site, set out in a Statement of Outstanding Universal Value, indicates its importance as a heritage asset of the highest significance to be taken into account by:

- the relevant authorities in plan-making, determining planning and related consent applications (including listed building consent, scheduled monument consent, development consent orders and Transport and Works Act Orders)
- and, where relevant, by the Secretary of State in determining such cases on appeal or following call in

Effective management of World Heritage Sites involves the identification and promotion of positive change that will conserve and enhance their Outstanding Universal Value, authenticity, integrity and with the modification or mitigation of changes which have a negative impact on those values.

Paragraph: 026 Reference ID: 18a-026-20190723

Revision date: 23 07 2019

How is the importance of World Heritage Sites reflected in the National Planning Policy Framework?

World Heritage Sites are defined as designated heritage assets (<https://www.gov.uk/guidance/national-planning-policy-framework/annex-2-glossary>) in the National Planning Policy Framework. The National Planning Policy Framework sets out detailed policies for the conservation and enhancement of the historic environment, including World Heritage Sites, through both plan-making and decision-making.

Further guidance on World Heritage Sites.

Paragraph: 027 Reference ID: 18a-027-20190723

Revision date: 23 07 2019

Further guidance on World Heritage Sites

Why are World Heritage Sites important?

The United Nations Educational, Scientific and Cultural Organisation (UNESCO) World Heritage Committee inscribes World Heritage Properties onto its World Heritage List for their Outstanding Universal Value – cultural and/or natural significance which is so exceptional as to transcend national boundaries and to be of common importance for present and future generations of all humanity. World Heritage Properties are referred to in the National Planning Policy Framework and in this guidance as ‘World Heritage Sites’ and are defined as designated heritage assets in the National Planning Policy Framework.

The government is a State Party to the 1972 Convention Concerning the Protection of the World Cultural and Natural Heritage (known as the World Heritage Convention) and it was ratified by the UK in 1984.

Paragraph: 028 Reference ID: 18a-028-20190723

Revision date: 23 07 2019

How is the importance of each Site recognised internationally?

A Statement of Outstanding Universal Value is agreed and adopted by the World Heritage Committee for each Site on inscription. The Statement sets out what the World Heritage Committee considers to be of Outstanding Universal Value about the Site in relation to the World Heritage Convention and includes statements of integrity and, in relation to cultural sites or the cultural aspects of ‘mixed’ Sites, authenticity, and the requirements for protection and management.

Statements of Outstanding Universal Value are key reference documents for the protection and management of each Site and can only be amended or altered by the World Heritage Committee.

Paragraph: 029 Reference ID: 18a-029-20190723

Revision date: 23 07 2019

How many World Heritage Sites are there and where are they?

There are currently 19 cultural World Heritage Sites wholly or partly in England and one natural World Heritage Site. Details of each can be found on the National Heritage List for England available on the Historic England website (<https://historicengland.org.uk/listing/the-list/>).

Paragraph: 030 Reference ID: 18a-030-20190723

Revision date: 23 07 2019

How does the terminology used by UNESCO relate to the policies of the National Planning Policy Framework?

The international policies concerning World Heritage Sites use different terminology to that in the National Planning Policy Framework. World Heritage Sites are inscribed for their 'Outstanding Universal Value' and each World Heritage Site has defined its 'attributes and components': the tangible remains, visual and cultural links that embody that value. The cultural heritage within the description of the Outstanding Universal Value will be part of the World Heritage Site's heritage significance and National Planning Policy Framework policies will apply to the Outstanding Universal Value as they do to any other heritage significance they hold. As the National Planning Policy Framework makes clear, the significance of the designated heritage asset derives not only from its physical presence, but also from its setting.

Paragraph: 031 Reference ID: 18a-031-20190723

Revision date: 23 07 2019

What principles need to be considered in developing a positive strategy for the conservation and enjoyment of World Heritage Sites?

In line with the National Planning Policy Framework, plans, at all levels should conserve the Outstanding Universal Value, integrity and authenticity (where relevant for cultural or 'mixed' sites) of each World Heritage Site and its setting, including any buffer zone or equivalent. World Heritage Sites are designated heritage assets of the highest significance. Appropriate policies for the protection and sustainable use of World Heritage Sites, including enhancement where appropriate, need to be considered in relevant plans. These policies will need to take account of international and national requirements as well as specific local circumstances.

When developing plan policies to protect and enhance World Heritage Sites and their Outstanding Universal Value, plan-making bodies should aim to satisfy the following principles:

- protecting the World Heritage Site and its setting, including any buffer zone, from inappropriate development
- striking a balance between the needs of conservation, biodiversity, access, the interests of the local community, the public benefits of a development and the sustainable economic use of the World Heritage Site in its setting, including any buffer zone
- protecting a World Heritage Site and its setting from the effect of changes which are relatively minor but which, on a cumulative basis, could have a significant effect
- enhancing the World Heritage Site and its setting where appropriate and possible through positive management

- protecting the World Heritage Site and its setting from climate change but ensuring that mitigation and adaptation is not at the expense of integrity or authenticity

Local planning authorities whose area covers either the World Heritage Site itself or all or part of its setting need to take these principles and the resultant policies into account when making decisions on applications

Paragraph: 032 Reference ID: 18a-032-20190723

Revision date: 23 07 2019

How is the setting of a World Heritage Site protected?

The UNESCO Operational Guidelines seek protection of “the immediate setting” of each World Heritage Site, of “important views and other areas or attributes that are functionally important as a support to the Property” and suggest designation of a buffer zone wherever this may be necessary. A buffer zone is defined as an area surrounding the World Heritage Site which has complementary legal restrictions placed on its use and development to give an added layer of protection to the World Heritage Site. The buffer zone forms part of the setting of the World Heritage Site.

It may be appropriate to protect the setting of World Heritage Sites in other ways, for example by the protection of specific views and viewpoints, both from and to the site. Other landscape designations may also prove effective in protecting the setting of a World Heritage Site. However it is intended to protect the setting, it will be essential to explain how this is to be done in the relevant development plan policies.

Decisions on buffer zones are made on a case by case basis at the time of nomination and reviewed subsequently through the World Heritage Site Management Plan review process. Proposals to add or amend buffer zones following inscription are submitted by government for approval by the World Heritage Committee who will consider and adopt the proposals as appropriate.

Paragraph: 033 Reference ID: 18a-033-20190723

Revision date: 23 07 2019

What are World Heritage Site management plans?

Each World Heritage Site has a management plan which contains both long term and day to day actions to protect, conserve and present the Site. Steering Groups, including key representatives from a range of national and local bodies, are responsible for the formulation and implementation of the plan, and public consultation at key stages of its development. The relevant local planning authority will often lead the Steering Group.

Management plans need to be developed in a participatory way, fully involving all interested parties and in particular those responsible for managing, owning or administering the Site. Each plan will need to be attuned to the particular characteristics and needs of the site and incorporate sustainable development principles. Each plan will:

- contain the location and Site boundary details
- specify how the Outstanding Universal Value, authenticity and integrity of each site is to be maintained
- identify attributes

- examine issues affecting its conservation and enjoyment

Management plans will usually cover topics such as its boundaries, development, tourism, interpretation, education and transport.

Given their importance in helping to sustain and enhance the significance of the World Heritage Site, relevant policies in management plans need to be taken into account in preparing development plans for the historic or natural environment (as appropriate) and in determining relevant planning applications.

Paragraph: 034 Reference ID: 18a-034-20190723

Revision date: 23 07 2019

What approach can be taken to assessing the impact of development on World Heritage Sites?

Applicants proposing change that might affect the Outstanding Universal Value, integrity and, where applicable, authenticity of a World Heritage Site through development within the Site or affecting its setting (including any buffer zone or equivalent) need to submit sufficient information with their applications to enable assessment of the potential impact on Outstanding Universal Value. This may include visual impact assessments, archaeological data and/or historical information. In many cases this will form part of an Environment Statement. Applicants may find it helpful to use the approach set out in the International Council on Monuments and Sites's Heritage Impact Assessment guidelines (http://www.icomos.org/world_heritage/HIA_20110201.pdf) and Historic England's guidance on setting and views (<https://historicengland.org.uk/advice/planning/setting-and-views/>).

World Heritage Sites are 'sensitive areas' for the purposes of determining if an Environmental Impact Assessment (<https://www.gov.uk/guidance/environmental-impact-assessment>) is required for a particular development proposal. Lower development size thresholds apply to the requirement for Design and Access Statements (<https://www.gov.uk/guidance/making-an-application#design-access-statement>) within World Heritage Sites as compared with the norm.

Paragraph: 035 Reference ID: 18a-035-20190723

Revision date: 23 07 2019

What consultation is required in relation to proposals that affect a World Heritage Site?

The UNESCO Operational Guidelines for the Implementation of the World Heritage Convention ask governments to inform the World Heritage Committee at an early stage of proposals that may affect the Outstanding Universal Value of the Site and "before making any decisions that would be difficult to reverse, so that the Committee may assist in seeking appropriate solutions to ensure that the Outstanding Universal Value is fully preserved". Therefore, it would be very helpful if local planning authorities could consult Historic England (for cultural Sites) or Natural England (for natural Sites) and Department for Digital, Culture, Media and Sport at an early stage and preferably pre-application about any development proposals which may affect a World Heritage Site or its setting (including any buffer zone or its equivalent).

It would also be helpful if local planning authorities inform World Heritage Site Steering Groups of development proposals which would have an adverse impact on the Outstanding Universal Value, integrity, authenticity and significance of a World Heritage Site or its setting, including any buffer zone or

its equivalent and consult them during the application process.

Local planning authorities are required to consult the Secretary of State for Housing, Communities and Local Government before approving any planning application to which Historic England maintains an objection and which would have an adverse impact on the Outstanding Universal Value, integrity, authenticity and significance of a World Heritage Site or its setting, including any buffer zone or its equivalent. The Secretary of State then has the discretion as to whether to call-in the application for his/her own determination. Further information on the Secretary of State's involvement in deciding an application can be found in Determining a planning application (<https://www.gov.uk/guidance/determining-a-planning-application#consult-with-the-Secretary-of-State>) section of guidance.

Paragraph: 036 Reference ID: 18a-036-20190723

Revision date: 23 07 2019

Are permitted development rights restricted in World Heritage Sites?

World Heritage Sites are defined as article 2(3) land (<https://www.gov.uk/guidance/when-is-permission-required#article-2>) in the Town and Country Planning (General Permitted Development) Order 2015. This means that certain permitted development rights are restricted within the Site. Local planning authorities can restrict further development by using article 4 (<https://www.gov.uk/guidance/when-is-permission-required#article-4-direction>) and article 5 (minerals operations) directions under the 2015 Order.

Paragraph: 037 Reference ID: 18a-037-20190723

Revision date: 23 07 2019

Where can I find further information about World Heritage Sites?

Further information on World Heritage Sites can be found on the Department for Digital, Culture, Media and Sport's website (<https://www.gov.uk/government/publications/2010-to-2015-government-policy-conservation-of-historic-buildings-and-monuments/2010-to-2015-government-policy-conservation-of-historic-buildings-and-monuments#appendix-1-nominating-places-in-the-uk-for-world-heritage-site-status>) and on the UNESCO website (<http://whc.unesco.org/>).

Paragraph: 038 Reference ID: 18a-038-20190723

Revision date: 23 07 2019

Non-designated heritage assets

What are non-designated heritage assets?

Non-designated heritage assets are buildings, monuments, sites, places, areas or landscapes identified by plan-making bodies as having a degree of heritage significance meriting consideration in planning decisions but which do not meet the criteria for designated heritage assets.

A substantial majority of buildings have little or no heritage significance and thus do not constitute heritage assets. Only a minority have enough heritage significance to merit identification as non-designated heritage assets.

Paragraph: 039 Reference ID: 18a-039-20190723

How are non-designated heritage assets identified?

There are a number of processes through which non-designated heritage assets may be identified, including the local and neighbourhood plan-making processes and conservation area appraisals and reviews. Irrespective of how they are identified, it is important that the decisions to identify them as non-designated heritage assets are based on sound evidence.

Plan-making bodies should make clear and up to date information on non-designated heritage assets accessible to the public to provide greater clarity and certainty for developers and decision-makers. This includes information on the criteria used to select non-designated heritage assets and information about the location of existing assets.

It is important that all non-designated heritage assets are clearly identified as such. In this context, it can be helpful if local planning authorities keep a local list of non-designated heritage assets, incorporating any such assets which are identified by neighbourhood planning bodies. (Advice on local lists can be found on Historic England's website (<https://historicengland.org.uk/images-books/publications/local-heritage-listing-advice-note-7/>.) They should also ensure that up to date information about non-designated heritage assets is included in the local historic environment record.

In some cases, local planning authorities may also identify non-designated heritage assets as part of the decision-making process on planning applications, for example, following archaeological investigations. It is helpful if plans note areas with potential for the discovery of non-designated heritage assets with archaeological interest. The historic environment record will be a useful indicator of archaeological potential in the area.

Paragraph: 040 Reference ID: 18a-040-20190723

Revision date: 23 07 2019

What are non-designated heritage assets of archaeological interest and how important are they?

The National Planning Policy Framework identifies two categories of non-designated heritage assets of archaeological interest:

(1) Those that are demonstrably of equivalent significance to scheduled monuments and are therefore considered subject to the same policies as those for designated heritage assets (National Planning Policy Framework footnote 63). They are of 3 types:

- those that have yet to be formally assessed for designation.
- those that have been assessed as being nationally important and therefore, capable of designation, but which the Secretary of State for Digital, Culture, Media and Sport has exercised his/her discretion not to designate.
- those that are incapable of being designated by virtue of being outside the scope of the Ancient Monuments and Archaeological Areas Act 1979 because of their physical nature.

The reason why many nationally important monuments are not scheduled is set out in the document Scheduled Monuments, published by the Department for Digital, Culture, Media and Sport. Information on location and significance of such assets is found in the same way as for all heritage assets. Judging whether sites fall into this category may be assisted by reference to the criteria for scheduling monuments. Further information on scheduled monuments can be found on the Department for Digital, Culture, Media and Sport's website.

(2) Other non-designated heritage assets of archaeological interest. By comparison this is a much larger category of lesser heritage significance, although still subject to the conservation objective. On occasion the understanding of a site may change following assessment and evaluation prior to a planning decision and move it from this category to the first.

Where an asset is thought to have archaeological interest, the potential knowledge which may be unlocked by investigation may be harmed even by minor disturbance, because the context in which archaeological evidence is found is crucial to furthering understanding.

Decision-making regarding such assets requires a proportionate response by local planning authorities. Where an initial assessment indicates that the site on which development is proposed includes or has potential to include heritage assets with archaeological interest, applicants should be required to submit an appropriate desk-based assessment and, where necessary, a field evaluation. However, it is estimated that following the initial assessment of archaeological interest only a small proportion – around 3% – of all planning applications justify a requirement for detailed assessment.

Paragraph: 041 Reference ID: 18a-041-20190723

Revision date: 23 07 2019

Heritage consent processes

Is listed building consent the same as planning permission?

Listed building consent and planning permission are 2 separate regimes. For some proposed works both planning permission and listed building consent will be needed, but in other cases only one, or neither, is required.

Paragraph: 042 Reference ID: 18a-042-20190723

Revision date: 23 07 2019

When is an application for planning permission required to carry out works to a listed building?

This will depend on the particular works involved, but in general terms:

- an application for planning permission is required if the works would usually require a planning application if the building was not listed
- an application for planning permission is not required if the works would normally be permitted development, there are no restrictions on the permitted development rights in respect of listed buildings and the permitted development rights have not been removed locally

- an application for planning permission is not required if the works would not constitute 'development' (<https://www.gov.uk/guidance/when-is-permission-required#what-is-development>) eg internal works to listed buildings

Paragraph: 043 Reference ID: 18a-043-20190723

Revision date: 23 07 2019

When is listed building consent required?

Any works to demolish any part of a listed building or to alter or extend it in a way that affects its character as a building of special architectural or historic interest require listed building consent, irrespective of whether planning permission is also required. For all grades of listed building, unless the list entry indicates otherwise, the listing status covers the entire building, internal and external, and may cover objects fixed to it, and also curtilage buildings or other structures.

Undertaking works, or causing works to be undertaken, to a listed building which would affect its character as a building of special historic or architectural interest, without first obtaining listed building consent is a criminal offence under section 9 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (<http://www.legislation.gov.uk/ukpga/1990/9/section/9>).

There is no fee for submitting an application for listed building consent.

Paragraph: 044 Reference ID: 18a-044-20190723

Revision date: 23 07 2019

What is a Listed Building Heritage Partnership Agreement?

A Listed Building Heritage Partnership Agreement is an Agreement between a local planning authority and the owner(s) of a listed building or group of listed buildings which grants listed building consent. It allows the local planning authority to grant listed building consent for the duration of the Agreement for specified works of alteration or extension (but not demolition) of those listed buildings covered by the Agreement (see sections 26A and 26B of the Planning (Listed Buildings and Conservation Areas) Act 1990) (<https://www.legislation.gov.uk/ukpga/1990/9/contents>).

Listed Building Heritage Partnership Agreements remove the need for the owner(s) concerned to submit repetitive applications for listed building consent for works covered by an Agreement.

When considering whether to grant listed building consent in a Listed Building Heritage Partnership Agreement local planning authorities are required to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest possessed by the listed building(s) to be included in the Agreement and will need to take account of the relevant policies in the National Planning Policy Framework.

Paragraph: 045 Reference ID: 18a-045-20190723

Revision date: 23 07 2019

How long will a Listed Building Heritage Partnership Agreement last?

A Listed Building Heritage Partnership Agreement must make provision for its termination. The duration of a Listed Building Heritage Partnership agreement will be a matter for the local planning authority and the other parties to the Agreement to decide. Setting a time limit for a Listed Building Heritage Partnership Agreement is recommended to ensure that the Agreement continues to meet appropriate standards and principles for conservation, and continues to have regard to the special interest of the building.

Paragraph: 046 Reference ID: 18a-046-20190723

Revision date: 23 07 2019

What procedures does a local planning authority need to follow for a Listed Building Heritage Partnership Agreement?

The procedures, including those around consultation and publicity, which local planning authorities must follow for Listed Building Heritage Partnership Agreements, are set out in the Planning (Listed Buildings and Conservation Areas) (Heritage Partnership Agreements) Regulations 2014 (<http://www.legislation.gov.uk/uksi/2014/550/contents/made>). Advice on Listed Building Heritage Partnership Agreements can be found on Historic England's website (<https://historicengland.org.uk/images-books/publications/setting-up-listed-building-hpa-advice-note-5/>).

Paragraph: 047 Reference ID: 18a-047-20190723

Revision date: 23 07 2019

What is a Local Listed Building Consent Order?

Local Listed Building Consent Orders are made by local planning authorities and grant listed building consent for works of any description for the alteration or extension (but not demolition) of listed buildings in their area (see Planning (Listed Buildings and Conservation Areas) Act 1990 (<https://www.legislation.gov.uk/ukpga/1990/9/section/26D>)). This means that owners and developers do not need to submit repetitive applications for listed building consent for works covered by an Order.

When considering making a Local Listed Building Consent Order local planning authorities are required to have special regard to the desirability of preserving the listed building(s) to which the Order applies, their setting or any features of special architectural or historic interest they possess and will need to take account of the relevant policies in the National Planning Policy Framework.

Paragraph: 048 Reference ID: 18a-048-20190723

Revision date: 23 07 2019

How long will a Local Listed Building Consent Order last?

There is no time limit on the duration of Local Listed Building Consent Orders set out in the regulations. Local planning authorities may consider it expedient to set a time limit for the Order in each individual case.

Paragraph: 049 Reference ID: 18a-049-20190723

Revision date: 23 07 2019

What procedures does a local planning authority need to follow when making a Local Listed Building Consent Order?

The procedures, including those around consultation and publicity, which local planning authorities must follow when making a Local Listed Building Consent Order are set out in the Planning (Local Listed Building Consent Orders) (Procedure) Regulations 2014

(<http://www.legislation.gov.uk/ukxi/2014/551/contents/made>) and advice can be found on Historic England's website (<https://historicengland.org.uk/images-books/publications/drawing-up-local-listed-building-consent-order-advice-note-6/>).

Paragraph: 050 Reference ID: 18a-050-20190723

Revision date: 23 07 2019

What is the difference between a Listed Building Heritage Partnership Agreement and a Local Listed Building Consent Order?

Listed Building Heritage Partnership Agreements are Agreements made between the local planning authority and the owner(s) of a listed building or group of listed buildings. There may be additional parties to the Agreement. As well as granting a general listed building consent for agreed works of alteration or extension to the listed building(s) to which the Agreement relates, they can cover other matters such as public access or management issues. They might be used, for example, to cover university campuses or large office buildings.

Local Listed Building Consent Orders are made by the local planning authority and grant a general listed building consent for specified works of alteration or extension to listed buildings of a specified description or in a specified part of the authority's area. They do not cover any other matters relating to the listed buildings. They are likely to be used for groups of similar or related listed buildings in multiple ownership, for example, estate villages or rows of terraced houses.

Paragraph: 051 Reference ID: 18a-051-20190723

Revision date: 23 07 2019

What is a Listed Building Consent Order?

A Listed Building Consent Order is made by the Secretary of State for Housing, Communities and Local Government to grant listed building consent for works of any description for the alteration or extension (but not demolition) of listed buildings of any description in England (see sections 26C, 26F, 26G and 28A of the Planning (Listed Buildings and Conservation Areas) Act 1990 (<https://www.legislation.gov.uk/ukpga/1990/9/contents>)).

When considering making a Listed Building Consent Order the Secretary of State is required to have special regard to the desirability of preserving the listed building(s) to which the Order applies, their setting or any features of special architectural or historic interest they possess and will need to take account of the relevant policies in the National Planning Policy Framework.

A pilot Listed Building Consent Order is currently being developed with the Canal & River Trust to help inform the approach to future Orders. Further information on Listed Building Consent Orders can be found on Historic England's website (<https://historicengland.org.uk/images-books/publications/notes-listed-building-consent-orders/>).

Paragraph: 052 Reference ID: 18a-052-20190723

Revision date: 23 07 2019

What is a Certificate of Lawfulness of Proposed Works?

A Certificate of Lawfulness of Proposed Works provides formal confirmation that proposed works of alteration or extension (but not demolition) of a listed building do not require listed building consent because they do not affect the character of the listed building as a building of special architectural or historic interest (see section 26H of the Planning (Listed Buildings and Conservation Areas) Act 1990 (<https://www.legislation.gov.uk/ukpga/1990/9/section/26H>)).

Certificates of Lawfulness of Proposed Works are only available in respect of works which have not yet been carried out – they cannot be obtained retrospectively.

Works for which a Certificate of Lawfulness of Proposed Works is issued must be undertaken within 10 years from the date of issue of the Certificate.

Any person wishing to obtain a Certificate must submit an application to their local planning authority. The procedures for applications, and appeals against refusal or non-determination of an application, are set out in the Planning (Listed Buildings) (Certificates of Lawfulness of Proposed Works) Regulations 2014 (<http://www.legislation.gov.uk/uksi/2014/552/contents/made>).

Paragraph: 053 Reference ID: 18a-053-20190723

Revision date: 23 07 2019

Is it necessary to apply for a Certificate of Lawfulness of Proposed Works before carrying out minor works to a listed building?

There is no obligation on anyone to apply for a Certificate of Lawfulness of Proposed Works.

Where a person is satisfied that the works they want to carry out do not require listed building consent they can, if they wish, proceed with those works without obtaining any confirmation from the local planning authority.

In order to avoid unnecessary applications, if there is any doubt about whether listed building consent is required, we would encourage owners and developers to discuss the matter with the local planning authority before submitting any application.

Paragraph: 054 Reference ID: 18a-054-20190723

Revision date: 23 07 2019

Is an application for planning permission required to carry out works to an unlisted building in a conservation area?

Planning permission is required for the demolition of certain unlisted buildings in conservation areas (known as 'relevant demolition') – see 'When is permission required?' (<https://www.gov.uk/guidance/when-is-permission-required#demolition-in-a-conservation-area>) section of the guidance.

Generally the requirement for planning permission for other works to unlisted buildings in a conservation area is the same as it is for any building outside a conservation area, although some permitted development rights are more restricted in conservation areas. Further information in ‘When is permission required?’ (<https://www.gov.uk/guidance/when-is-permission-required>) section of guidance.

Demolishing an unlisted building in a conservation area, without first obtaining planning permission where it is needed, is an offence under section 196D of the Town and Country Planning Act 1990 (<http://www.legislation.gov.uk/ukpga/2013/24/schedule/17>).

There is no fee for submitting an application for planning permission for the ‘relevant demolition’ of certain unlisted buildings in conservation areas.

Paragraph: 055 Reference ID: 18a-055-20190723

Revision date: 23 07 2019

What permissions/consents are needed for works to scheduled monuments and protected wreck sites?

Planning permission may be required (<https://www.gov.uk/guidance/when-is-permission-required>) for works to these kinds of designated heritage assets depending on whether the works constitute ‘development’ and whether any permitted development rights apply.

Irrespective of any requirement to obtain planning permission, works to scheduled monuments may require scheduled monument consent and works relating to protected wreck sites may require licences. These consent/licence regimes are outside the planning system and are the responsibility of the Department for Digital, Culture, Media and Sport advised and administered by Historic England. To undertake works without first obtaining a consent/licence where it is needed is a criminal offence. It is recommended therefore, that those intending to carry out works to these types of heritage asset contact Historic England at an early stage to confirm whether a consent/licence is needed. Further information on these regimes, including any consultation arrangements, can be found on the Department for Digital, Culture, Media and Sport’s website (<https://www.gov.uk/government/policies/conservation-of-historic-buildings-and-monuments>).

Paragraph: 056 Reference ID: 18a-056-20190723

Revision date: 23 07 2019

What permissions/consents are needed for registered parks and gardens, and registered battlefields?

Registered parks and gardens and registered battlefields are subject to the usual requirements to obtain planning permission. As they are designated heritage assets, the policies on designated heritage assets in the National Planning Policy Framework apply both in relation to plan-making and decision-making. As paragraph 194 (<https://www.gov.uk/guidance/national-planning-policy-framework/16-conserving-and-enhancing-the-historic-environment#para194>) of the National Planning Policy Framework makes clear, substantial harm to or loss of:

- any designated heritage asset of the highest significance, which includes, registered battlefields and grade I and II* registered parks and gardens, should be ‘wholly exceptional’
- any grade II registered park or garden should be ‘exceptional’

Local planning authorities are required to consult Historic England and The Gardens Trust (formerly known as The Garden History Society) on certain applications for planning permission in respect of registered parks and gardens and registered battlefields.

Local planning authorities may also consult other organisations that they consider may have a particular interest in the proposed development. In this respect, local authorities may wish to consider consulting the Battlefields Trust in relation to applications affecting registered battlefields.

Paragraph: 057 Reference ID: 18a-057-20190723

Revision date: 23 07 2019

Consultation and notification requirements for heritage related applications

When must local planning authorities consult or notify other organisations about heritage related applications?

Local planning authorities are required to consult or notify Historic England, The Gardens Trust (formerly known as The Garden History Society) and the National Amenity Societies (ie the Ancient Monuments Society, the Council for British Archaeology, the Georgian Group, the Society for the Protection of Ancient Buildings, the Victorian Society and the Twentieth Century Society) on certain applications. Further details of the requirements are set out in the following section.

Paragraph: 058 Reference ID: 18a-058-20190723

Revision date: 23 07 2019

When does Historic England need to be consulted or notified on applications for planning permission and listed building consent?

The requirements for consulting or notifying Historic England for different types of applications are set out at the following links:

- applications for planning permission
- applications for listed building consent

Paragraph: 059 Reference ID: 18a-059-20190723

Revision date: 23 07 2019

When do National Amenity Societies need to be notified of listed building consent applications?

National Amenity Societies need to be notified of certain listed building consent applications. The requirements are set out in Table 3.

Paragraph: 060 Reference ID: 18a-060-20190723

Revision date: 23 07 2019

When does The Gardens Trust (formerly known as The Garden History Society) need to be consulted on applications for planning permission?

The Gardens Trust needs to be consulted on certain planning applications. The requirements are set out in Table 4.

Paragraph: 061 Reference ID: 18a-061-20190723

Revision date: 23 07 2019

When must local planning authorities notify the Secretary of State for Housing, Communities and Local Government on heritage applications?

The current requirements for notifying the Secretary of State for Housing, Communities and Local Government are set out in Table 5.

Paragraph: 062 Reference ID: 18a-062-20190723

Revision date: 23 07 2019

Are applications where the applicant is Historic England or a local planning authority treated differently?

Some applications where the applicant is Historic England or a local planning authority are treated differently and are determined by the Secretary of State for Housing, Communities and Local Government rather than the local planning authority. Details are set out in Table 6.

Paragraph: 063 Reference ID: 18a-063-20190723

Revision date: 23 07 2019

Where should applications which need to be referred to Secretary of State for Housing, Communities and Local Government be sent?

They should be sent to:

PCU@communities.gov.uk

Information on coronavirus

All Planning Casework Unit staff are following the Prime Minister's advice aimed at limiting the spread of the Covid-19 virus and are largely working from home. Please note that during this time PCU will not be able to process hard copy correspondence and therefore all contact will need to be via email. The unit will try to respond to your email as quickly as possible but please understand that this may take longer than usual.

Enquiry number: 0303 444 8050

Table 1: Applications for planning permission: requirements to consult or notify Historic England

Broad requirements	Detailed requirements
For development that would affect the setting of a Grade I or Grade II* listed building	Regulation 5A(3) of the Town and Country Planning (Listed Buildings and Conservation Areas) Regulations 1990 (as amended) (http://www.legislation.gov.uk/ukSI/2015/809/contents/made)
For development involving the demolition, in whole or part, or the material alteration of Grade I or II* listed buildings	Article 18 of and Schedule 4 to the Town and Country Planning (Development Management Procedure) (England) Order 2015 (http://www.legislation.gov.uk/ukSI/2015/595/contents/made)
For development that would affect the character and appearance of a conservation area where the development involves the erection of a new building or the extension of an existing building, and the area of land in respect of which the application is made is more than 1,000 square metres	Regulation 5A(3) of the Planning (Listed Buildings and Conservation Areas) Regulations 1990 (as amended) (http://www.legislation.gov.uk/ukSI/2015/809/contents/made)
For development likely to affect the site of a scheduled monument	Article 18 of and Schedule 4 to the Town and Country Planning (Development Management Procedure) (England) Order 2015 (http://www.legislation.gov.uk/ukSI/2015/595/contents/made)
For development likely to affect a registered battlefield or a grade I or II* park or garden on Historic England's Register of Historic Parks and Gardens of Special Historic Interest in England	Article 18 of and Schedule 4 to the Town and Country Planning (Development Management Procedure) (England) Order 2015 (http://www.legislation.gov.uk/ukSI/2015/595/contents/made)
For development likely to affect certain strategically important views in London	Secretary of State for Housing, Communities and Local Government Directions relating to Protected Vistas (https://www.london.gov.uk/what-we-do/planning/implementing-london-plan/planning-guidance-and-practice-notes/london-view-management#Stub-18763)
All applications by local planning authorities for demolition of an unlisted building in a conservation area	Regulation 4A of the Town and Country Planning General Regulations 1992 (as amended) (http://www.legislation.gov.uk/ukSI/2015/807/contents/made)

Revision date: 23 07 2019

Table 2: Applications for listed building consent: requirements to notify Historic England

Broad requirements	Detailed requirements
To give notice of applications and decisions for works in respect of a Grade I or II* listed building	Arrangements for handling heritage applications – notification to Historic England and National Amenity Societies and the Secretary of State (England) Direction 2021 (https://www.gov.uk/government/publications/arrangements-for-handling-heritage-applications-direction-2021)
To give notice of applications and decisions for certain works to Grade II (unstarred) listed buildings. To notify where an application is made to a London borough, and the authority has not determined to refuse it	Arrangements for handling heritage applications – notification to Historic England and National Amenity Societies and the Secretary of State (England) Direction 2021 (https://www.gov.uk/government/publications/arrangements-for-handling-heritage-applications-direction-2021) and Section 14 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (http://www.legislation.gov.uk/ukpga/1990/9/section/14)

Paragraph: 066 Reference ID: 18a-066-20190723

Revision date: 23 07 2019

Table 3: Applications for listed building consent: requirements to notify the National Amenity Societies

Broad requirements	Detailed requirements
To give notice of applications and decisions for works which comprise or include the demolition of the whole or any part of a listed building	Arrangements for handling heritage applications – notification to Historic England and National Amenity Societies and the Secretary of State (England) Direction 2021 (https://www.gov.uk/government/publications/arrangements-for-handling-heritage-applications-direction-2021)

Paragraph: 067 Reference ID: 18a-067-20190723

Revision date: 23 07 2019

Table 4: Applications for planning permission: requirements to consult The Gardens Trust (formerly known as The Garden History Society)

Broad requirements	Detailed requirements
--------------------	-----------------------

Broad requirements	Detailed requirements
For development likely to affect any park or garden on Historic England's Register of Historic Parks and Gardens of Special Historic Interest in England	Article 18 of and Schedule 4 to the Town and Country Planning (Development Management Procedure) (England) Order 2015 (http://www.legislation.gov.uk/uksi/2015/595/contents/made)

Paragraph: 068 Reference ID: 18a-068-20190723

Revision date: 23 07 2019

Table 5: Applications for planning permission and listed building consent: requirements to notify the Secretary of State for for Housing, Communities and Local Government

Type of application	Broad requirements	Detailed requirements
Application for planning permission	Where the local planning authority intends to grant consent for proposals to which Historic England objects because it would have an adverse impact on a World Heritage Site	The Town and Country Planning (Consultation) (England) Direction 2021 (https://www.gov.uk/government/publications/the-town-and-country-planning-consultation-england-direction-2021)
Application for listed building consent	Outside Greater London only, or in Greater London where the application is made by Historic England, where the local planning authority intend to grant consent for works to any Grade I or II* listed building or certain works to Grade II (unstarred) listed buildings where Historic England or any of the National Amenity Societies are notified and object	Section 13 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (http://www.legislation.gov.uk/ukpga/1990/9/section/13) and Arrangements for handling heritage applications – notification to Historic England and National Amenity Societies and the Secretary of State (England) Direction 2021 (https://www.gov.uk/government/publications/arrangements-for-handling-heritage-applications-direction-2021)
Application for listed building consent	In Greater London only, where Historic England intend to direct the authority to grant consent or authorise it to determine the application as it sees fit, in relation to Grade I and II* listed buildings and certain works to Grade II (unstarred) listed buildings	Section 14 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (http://www.legislation.gov.uk/ukpga/1990/9/section/14) and Arrangements for handling heritage applications – notification to Historic England and National Amenity Societies and the Secretary of State (England) Direction 2021 (https://www.gov.uk/government/publications/arrangements-for-handling-heritage-applications-direction-2021)

Paragraph: 069 Reference ID: 18a-069-20190723

Table 6: Applications for listed building consent and planning permission for demolition of an unlisted building in a conservation area from Historic England and local planning authorities: requirement to refer to the Secretary of State for Housing, Communities and Local Government

Type of application	Broad requirements	Detailed requirements
Application for listed building consent by Historic England where Historic England or a national amenity society are notified and object to the work	To refer applications for Secretary of State's determination	Arrangements for handling heritage applications – notification to Historic England and National Amenity Societies and the Secretary of State (England) Direction 2021 (https://www.gov.uk/government/publications/arrangements-for-handling-heritage-applications-direction-2021)
Application for listed building consent by local planning authorities, where Historic England or a national amenity society are notified and object to the proposed works, and the local authority do not propose to refuse the application	To refer applications for Secretary of State's determination	Regulation 13 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990 (as amended) (http://www.legislation.gov.uk/ukxi/2015/809/contents/made)
Application for planning permission for demolition of unlisted building in a conservation area by local planning authorities where Historic England objects to the proposed works, and the local authority do not propose to refuse the application	To refer applications for Secretary of State's determination	Regulation 4A of the Town and Country Planning General Regulations 1992 (as amended) (http://www.legislation.gov.uk/ukxi/2015/807/contents/made)

Paragraph: 070 Reference ID: 18a-070-20190723

Revision date: 23 07 2019

Further information on heritage and planning issues

Where can I find further information on heritage planning issues?

- Listed building consent enforcement (<https://www.gov.uk/guidance/ensuring-effective-enforcement#Listed-Building-enforcement>)

- Listed building consent appeals (<https://www.gov.uk/guidance/appeals#appeals-against-other-planning-decisions>)
- Compulsory purchase in section 10 of the department's Guidance on compulsory purchase process and the Crichel Down Rules (<https://www.gov.uk/government/publications/compulsory-purchase-process-and-the-crichel-down-rules-guidance>)

Paragraph: 071 Reference ID: 18a-071-20190723

Revision date: 23 07 2019

Published 10 April 2014

Last updated 23 July 2019 + show all updates

1. 23 July 2019
Revised version of guidance
2. 22 February 2018
Updated paragraph 044.
3. 10 April 2014
First published.

[Print this page](#)

Related content

- Crown development (<https://www.gov.uk/guidance/crown-development>)
- Permission in principle (<https://www.gov.uk/guidance/permission-in-principle>)
- Viability (<https://www.gov.uk/guidance/viability>)
- Hazardous substances (<https://www.gov.uk/guidance/hazardous-substances>)
- Brownfield land registers (<https://www.gov.uk/guidance/brownfield-land-registers>)

Collection

- Planning practice guidance (<https://www.gov.uk/government/collections/planning-practice-guidance>)

Explore the topic

- Planning system (<https://www.gov.uk/housing-local-and-community/planning-system>)

Is this page useful?

- [Yes this page is useful](#)
- [No this page is not useful](#)

Thank you for your feedback

[Report a problem with this page](#)

[Close](#)

Help us improve GOV.UK

Don't include personal or financial information like your National Insurance number or credit card details.

What were you doing?

What went wrong?

Help us improve GOV.UK

To help us improve GOV.UK, we'd like to know more about your visit today. We'll send you a link to a feedback form. It will take only 2 minutes to fill in. Don't worry we won't send you spam or share your email address with anyone.

Email address

1. Home (<https://www.gov.uk/>)
2. Housing, local and community (<https://www.gov.uk/housing-local-and-community>)
3. Planning and building (<https://www.gov.uk/housing-local-and-community/planning-and-building>)
4. Planning system (<https://www.gov.uk/housing-local-and-community/planning-system>)

Guidance

Land affected by contamination

Provides guiding principles on how planning can deal with land affected by contamination.

From:
Ministry of Housing, Communities & Local Government (<https://www.gov.uk/government/organisations/ministry-of-housing-communities-and-local-government>)

Published

12 June 2014

Last updated

22 July 2019 — See all updates

[Print this page](#)

This guide has been updated see previous version

(https://webarchive.nationalarchives.gov.uk/20190607011032tf_/https://www.gov.uk/guidance/land-affected-by-contamination)

Where plans are being prepared under the transitional arrangements set out in Annex 1 to the revised National Planning Policy Framework (<https://www.gov.uk/government/publications/national-planning-policy-framework--2>), the policies in the previous version of the framework published in 2012 (<http://webarchive.nationalarchives.gov.uk/20180608095821/https://www.gov.uk/government/publications/national-planning-policy-framework--2>) will continue to apply, as will any previous guidance which has been superseded since the new framework was published in July 2018. If you'd like an email alert when changes are made to planning guidance please subscribe (<https://www.gov.uk/topic/planning-development/planning-officer-guidance/email-signup>).

Land affected by contamination

Why should local planning authorities be concerned about land contamination?

Failing to deal adequately with contamination can cause harm to human health, property and the wider environment. It can also limit or preclude new development; and undermine compliance with the Water Environment Regulations 2017 (<http://www.legislation.gov.uk/ukxi/2017/407/contents/made>).

See related policy:

- paragraph 170 (<https://www.gov.uk/guidance/national-planning-policy-framework/15-conserving-and-enhancing-the-natural-environment>)
- paragraphs 178-179 (<https://www.gov.uk/guidance/national-planning-policy-framework/15-conserving-and-enhancing-the-natural-environment#para178>)
- paragraph 183 (<https://www.gov.uk/guidance/national-planning-policy-framework/15-conserving-and-enhancing-the-natural-environment#para183>)

Paragraph: 001 Reference ID: 33-001-20190722

Revision date: 22 07 2019

What is the role of planning when dealing with land which may be contaminated?

To ensure a site is suitable for its new use and to prevent unacceptable risk from pollution, the implications of contamination for development should be considered through the planning process to the extent that it is not addressed by other regimes. The latter include:

- The system for identifying and remediating statutorily defined contaminated land under Part 2A of the Environmental Protection Act 1990 (<http://www.legislation.gov.uk/ukpga/1990/43/part/IIA>), which provides a risk based approach to the identification and remediation of land where contamination poses an unacceptable risk to human health or the environment. The government has published statutory guidance (<https://www.gov.uk/government/publications/contaminated-land-statutory-guidance>) on Part 2A which focuses on addressing contaminated land that meets the legal definition and cannot be dealt with via any other means, including planning.
- Building Regulations (<https://www.gov.uk/government/publications/site-preparation-and-resistance-to-contaminates-and-moisture-approved-document-c>), which require that reasonable precautions are taken to avoid risks to health and safety caused by contaminants in ground to be covered by buildings and associated ground.
- Environmental Permitting Regulations (<https://www.gov.uk/guidance/check-if-you-need-an-environmental-permit>), under which an Environmental Permit from the Environment Agency is normally required to cover the treatment and/or redeposit of contaminated soils if the soils are 'waste'.

Paragraph: 002 Reference ID: 33-002-20190722

Revision date: 22 07 2019

When is contamination likely to be present?

Contamination is more likely to arise in former industrial areas however, it may also be present in other locations including in the countryside (eg by inappropriate spreading of materials such as sludges, or contamination being moved from its original source). In addition, some areas may be affected by the natural or background occurrence of potentially hazardous substances, such as radon, ground gases or elevated concentrations of metallic elements.

Paragraph: 003 Reference ID: 33-003-20190722

Revision date: 22 07 2019

Are concerns about land contamination relevant to neighbourhood planning?

Concerns about land contamination could be relevant to neighbourhood planning and it is important to consider the possibility of land being affected by contamination when drawing up a Neighbourhood Plan (<https://www.gov.uk/guidance/neighbourhood-planning--2>) or considering a Neighbourhood Development Order. The local planning and environmental health departments should be able to advise on whether land contamination could be a concern.

Paragraph: 004 Reference ID: 33-004-20190722

Revision date: 22 07 2019

How do you determine whether land could be contaminated?

Only a specific investigation can establish whether contamination is present, but there are various sources of information that can be used to help establish its likelihood, including:

- Local authorities' own survey information; including information held and collected in connection with Part 2A of the Environmental Protection Act 1990 (<http://www.legislation.gov.uk/ukpga/1990/43/part/IIA>)(this could include information about sites that have been inspected and not determined to be 'contaminated land' within the terms of the Act but where new development could change the level of risk).
- River Basin Management Plans (<https://www.gov.uk/government/collections/river-basin-management-plans-2015>) published by the Environment Agency, including 'protected areas', which are shown in Annex D of each plan to help understand environmental sensitivity.
- Information about previous land uses contained in the National Land Use Database (<https://www.gov.uk/government/collections/national-land-use-database-of-previously-developed-land-nlud-pdl>), including commercial databases, land condition records or in records held by the Environment Agency or the British Geological Survey (e.g. the location of 'made ground', the results of broad scale geochemical surveys or radon potential maps).
- Historical ordnance survey maps; data readily available on data.gov.uk relating to historical landfills and other contaminative uses.
- Local planning authority records, including historic environment and relevant Environmental Statements that may include updated baseline assessments.
- Natural England's MAGIC site (<https://magic.defra.gov.uk/>) which sets out information about the environmental setting and sensitivity of the development site.

Information on the most common industrial activities and the risk of contamination is in Volume 2, Annex 3 of Guidance for the safe development of housing on land affected by contamination (<http://www.nhbc.co.uk/Builders/ProductsandServices/ConsultancyandTesting/LandQualityEndorsement/Technicaladviceoncontaminatedland/contaminatedlanddevelopment/>), published by the Environment Agency, National House Building Council and Chartered Institute of Environmental Health. More information is also available from industry profiles hosted by Contaminated Land: Applications In Real Environments (CL:AIRE (<https://www.claire.co.uk/useful-government-legislation-and-guidance-by-country/76-key-documents/198-doe-industry-profiles>)).

For applicants for planning permission, early engagement with the local planning and environmental health departments, particularly if the land is determined as contaminated land under The contaminated land regime under Part 2A of the Environmental Protection Act 1990 (<http://www.legislation.gov.uk/ukpga/1990/43/part/IIA>), will clarify what assessment is needed to support their proposal and issues that need to be considered in its design of a development. For example how land affected by contamination can be made compatible with sustainable drainage.

The Environment Agency will also have an interest in the case of 'special sites' designated under Part 2A of the Environmental Protection Act 1990 and all sites where there is a risk of pollution to controlled waters. Remediation will need to meet their requirements. Applicants should also check whether an environmental permit is required before development can start.

Paragraph: 005 Reference ID: 33-005-20190722

Revision date: 22 07 2019

What is the role of plans in considering contamination?

The extent to which plans will need to consider contamination will vary, but it can be helpful to:

- consider a strategic, phased approach to dealing with potential contamination if this is an issue over a wide area, and in doing so, recognise that dealing with land contamination can help contribute to achieving the objectives of EU directives such as the Water Environment Regulations 2017 (<http://www.legislation.gov.uk/ukxi/2017/407/introduction/made>);
- use sustainability appraisal (<https://www.gov.uk/guidance/strategic-environmental-assessment-and-sustainability-appraisal>) to shape an appropriate strategy, including through work on the 'baseline', appropriate objectives for the assessment of impact and proposed monitoring;
- allocate land which is known to be affected by contamination only for appropriate development – and be clear on the approach to remediation;
- have regard to the possible impact of land contamination on neighbouring areas (eg by polluting surface water or groundwater, or the migration of ground gas); and
- be clear on the role of developers and requirements for information and assessments.

Paragraph: 006 Reference ID: 33-006-20190722

Revision date: 22 07 2019

What is a contamination risk assessment and what can it contain?

If there is a reason to believe contamination could be an issue, applicants should provide proportionate but sufficient site investigation information (a risk assessment) prepared by a competent person (<https://www.gov.uk/guidance/national-planning-policy-framework/annex-2-glossary>) to determine the existence or otherwise of contamination, its nature and extent, the risks it may pose and to whom/what (the 'receptors') so that these risks can be assessed and satisfactorily reduced to an acceptable level. The National Quality Mark Scheme (<https://www.claire.co.uk/projects-and-initiatives/nqms>)(NQMS) accredits competent persons with regard to assessing and reporting land contamination issues. The Department for Environment, Food and Rural Affairs has published a policy companion document considering the use of 'Category 4 Screening Levels' (<http://randd.defra.gov.uk/Default.aspx?Menu=Menu&Module=More&Location=None&Completed=0&ProjectID=18341>) in providing a simple test for deciding when land is suitable for use and definitely not contaminated land. A risk assessment of land affected by contamination should inform an Environmental Impact Assessment (<https://www.gov.uk/guidance/environmental-impact-assessment>) if one is required.

The risk assessment should also identify the potential sources, pathways and receptors ('pollutant/contaminant linkages') and evaluate the risks. This information will enable the local planning authority to determine whether more detailed investigation is required, or whether any proposed remediation is

satisfactory.

At this stage, an applicant may be required to provide at least the report of a desk study and site walk-over. This may be sufficient to develop a conceptual model of the source of contamination, the pathways by which it might reach vulnerable receptors and options to show how the identified pollutant/contaminant linkages can be broken.

Unless this initial assessment clearly demonstrates that the risk from contamination can be satisfactorily reduced to an acceptable level, further site investigations and risk assessment will be needed before the application can be determined. Further guidance can be found on land contamination (<https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks>).

Note that remediation or site investigation activities themselves, including field trials, may require planning permission if not carried out as part of a development, and in some cases may also need environmental permits.

Paragraph: 007 Reference ID: 33-007-20190722

Revision date: 22 07 2019

Does an outline application require less information?

The information sought should be proportionate to the decision at the outline stage, but before granting outline planning permission a local planning authority will, among other matters, need to be satisfied that:

- it understands the contaminated condition of the site;
- the proposed development is appropriate as a means of remediating it; and
- it has sufficient information to be confident that it will be able to grant permission in full at a later stage bearing in mind the need for the necessary remediation to be viable and practicable.

Paragraph: 008 Reference ID: 33-008-20190722

Revision date: 22 07 2019

Should planning permission be refused if there are concerns about land contamination?

Responsibility for securing a safe development rests with the developer and/or landowner. However, local planning authorities should be satisfied that a proposed development will be appropriate for its location and not pose an unacceptable risk.

Local planning authorities should work with applicants to find acceptable ways forward if there are concerns about land contamination. For example, establishing or retaining areas of green infrastructure may serve to limit harmful disturbance of the ground. To help secure necessary mitigation, planning permission can be granted subject to conditions (<https://www.gov.uk/guidance/use-of-planning-conditions>) and/or planning obligations (<https://www.gov.uk/guidance/planning-obligations>), where the relevant tests are met.

Paragraph: 009 Reference ID: 33-009-20190722

Revision date: 22 07 2019

Using planning conditions

The stages and the factors to consider in framing appropriate planning conditions can include:

- site characterisation;
- submission of the remediation scheme;
- implementation of the approved remediation scheme; and
- monitoring and maintenance.

Model land contamination conditions can be found in appendix A of circular 95/11

(https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/7715/324923.pdf).

Paragraph: 010 Reference ID: 33-010-20190722

Revision date: 22 07 2019

Using planning obligations

Planning obligations could be used in a number of situations, for example:

- to ensure that any necessary offsite treatment works (e.g. the installation of gas-migration barriers, water treatment or monitoring arrangements) are put in place;
- to restrict the development or future use of the land concerned; or
- for payments to the local planning authority, for example, for on-going monitoring, maintenance, or as a bond to cover the contingency of future action triggered by the monitoring.

Paragraph: 011 Reference ID: 33-011-20190722

Revision date: 22 07 2019

Unacceptable risk

The Department for Environment, Food and Rural Affairs has published statutory guidance to help identify and deal with land which poses unacceptable levels of risk

(<https://www.gov.uk/government/publications/contaminated-land-statutory-guidance>) under the Part 2A of the Environmental Protection Act 1990 regime for remediating statutorily defined contaminated land. Local planning authorities will want to have regard to this guidance alongside other considerations including the Water Environment Regulations 2017 (<http://www.legislation.gov.uk/uksi/2017/407/introduction/made>) and other matters that could affect the amenity of a site and its future occupants. For example, there could be contaminants present at levels that could cause nausea, headaches, odour/nuisance to people or harm to non-protected species of plants and animals. After remediation, as a minimum, land should not be capable of being determined as contaminated land under Part 2A (<http://www.legislation.gov.uk/ukpga/1990/43/part/IIA>).

More stringent standards of remediation than those under Part 2A apply to the management of the risks posed by man-made radioactive substances as a result of redevelopment for a new use. Public Health England has published technical guidance on recovery from chemical incidents

(<https://www.gov.uk/government/publications/uk-recovery-handbook-for-chemical-incidents-and-associated-publications>) and the Department for Business, Energy and Industrial Strategy has published statutory guidance on land affected by radioactive contamination (<https://www.gov.uk/government/publications/statutory-guidance-covering-radioactive-contaminated-land>). Public Health England has also published guidance on areas affected by radon and the control measures available for new development (<https://www.gov.uk/government/publications/statutory-guidance-covering-radioactive-contaminated-land>).

Paragraph: 012 Reference ID: 33-012-20190722

Revision date: 22 07 2019

How is contamination dealt with in the decision-making process?

Flowchart

(https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/819075/land-affected-by-contamination.pdf)

P.D.F., 32.7KB, 1 page

This file may not be suitable for users of assistive technology.

► Request an accessible format.

Paragraph: 013 Reference ID: 33-013-20190722

Revision date: 22 07 2019

Published 12 June 2014

Last updated 22 July 2019 + show all updates

1. 22 July 2019
Updated guidance
2. 12 June 2014
First published.

Print this page

Related content

- Land contamination risk management (LCRM) (<https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm>)
- Land contamination: technical guidance (<https://www.gov.uk/government/collections/land-contamination-technical-guidance>)
- Contaminated land statutory guidance (<https://www.gov.uk/government/publications/contaminated-land-statutory-guidance>)

- Contaminated land exposure assessment (CLEA) tool
(<https://www.gov.uk/government/publications/contaminated-land-exposure-assessment-clea-tool>)
- Land contamination: using soil guideline values (SGVs)
(<https://www.gov.uk/government/publications/contaminated-soil-assessing-risks-on-human-health>)

Collection

- Planning practice guidance (<https://www.gov.uk/government/collections/planning-practice-guidance>)

Explore the topic

- Planning system (<https://www.gov.uk/housing-local-and-community/planning-system>)

Is this page useful?

-
-

Thank you for your feedback

Help us improve GOV.UK

Don't include personal or financial information like your National Insurance number or credit card details.

What were you doing?

What went wrong?

Help us improve GOV.UK

To help us improve GOV.UK, we'd like to know more about your visit today. We'll send you a link to a feedback form. It will take only 2 minutes to fill in. Don't worry we won't send you spam or share your email address with anyone.

Email address

1. Home (<https://www.gov.uk/>)
2. Housing, local and community (<https://www.gov.uk/housing-local-and-community>)
3. Planning and building (<https://www.gov.uk/housing-local-and-community/planning-and-building>)
4. Planning system (<https://www.gov.uk/housing-local-and-community/planning-system>)

Guidance

Light pollution

Advises on how to consider light within the planning system.

From:
Ministry of Housing, Communities & Local Government (<https://www.gov.uk/government/organisations/ministry-of-housing-communities-and-local-government>)

Published
6 March 2014

Last updated
1 November 2019 — See all updates

Contents

- What light pollution considerations does planning need to address?
- What factors can be considered when assessing whether a development proposal might have implications for light pollution?
- What factors are relevant when considering where light shines?
- What factors are relevant when considering when light shines?
- What factors are relevant when considering how much the light shines?
- What factors are relevant when considering possible ecological impacts of lighting?
- What other information is available that could inform approaches to lighting and help reduce light pollution?

Print this page

1 November 2019: This guidance has been updated - see previous version (<https://webarchive.nationalarchives.gov.uk/20190903020057/https://www.gov.uk/guidance/light-pollution>).

Where plans are being prepared under the transitional arrangements set out in Annex 1 to the revised National Planning Policy Framework (<https://www.gov.uk/government/publications/national-planning-policy-framework--2>), the policies in the previous version of the framework published in 2012 (<http://webarchive.nationalarchives.gov.uk/20180608095821/https://www.gov.uk/government/publications/national-planning-policy-framework--2>) will continue to apply, as will any previous guidance which has been

superseded since the new framework was published in July 2018. If you'd like an email alert when changes are made to planning guidance please subscribe (<https://www.gov.uk/topic/planning-development/planning-officer-guidance/email-signup>).

What light pollution considerations does planning need to address?

Artificial lighting needs to be considered when a development may increase levels of lighting, or would be sensitive to prevailing levels of artificial lighting. Artificial light provides valuable benefits to society, including through extending opportunities for sport and recreation, and can be essential to a new development. However, for maximum benefit, it is important to get the right light, in the right place and for it to be used at the right time.

Artificial light is not always necessary. It has the potential to become what is termed 'light pollution' or 'obtrusive light', and not all modern lighting is suitable in all locations. It can be a source of annoyance to people, harmful to wildlife and undermine enjoyment of the countryside or the night sky, especially in areas with intrinsically dark landscapes. Intrinsically dark landscapes are those entirely, or largely, uninterrupted by artificial light. National parks and nature reserves can serve as good examples, particularly where they support habitats for native nocturnal animals.

Lighting schemes can also be costly and difficult to change, so getting the design right and setting appropriate conditions at the planning stage (<https://www.gov.uk/guidance/use-of-planning-conditions>) is important. In particular, some types of premises (including prisons, harbour premises, airports and transport depots where high levels of light may be required for safety and security reasons) are exempt from the statutory nuisance regime for artificial light, so it is even more important to get the lighting design for these premises right at the outset.

Paragraph: 001 Reference ID: 31-001-20191101

Revision date: 01 11 2019

What factors can be considered when assessing whether a development proposal might have implications for light pollution?

The following questions indicate matters that may need to be considered in relation to managing the effects of light pollution:

- Does an existing lighting installation make the proposed location for a development unsuitable, or suitable only with appropriate mitigation? For example, this might be because:
 - the artificial light has a significant effect on the locality; and/or
 - users of the proposed development (e.g. a hospital) may be particularly sensitive to light intrusion from the existing light source.

Where necessary, development proposed in the vicinity of existing activities may need to put suitable mitigation measures in place to avoid those activities having a significant adverse effect on residents or users of the proposed scheme, reflecting the agent of change principle (<https://www.gov.uk/guidance/national-planning-policy-framework/15-conserving-and-enhancing-the->

natural-environment#para182). Additional guidance on applying this principle is set out in the planning practice guidance on noise (<https://www.gov.uk/guidance/noise--2>).

- Will a new development, or a proposed change to an existing site, be likely to materially alter light levels in the environment around the site and/or have the potential to adversely affect the use or enjoyment of nearby buildings or open spaces?
- Will the impact of new lighting conflict with the needs of specialist facilities requiring low levels of surrounding light (such as observatories, airports and general aviation facilities)? Impacts on other activities that rely on low levels of light such as astronomy may also be a consideration, but will need to be considered in terms of both their severity and alongside the wider benefits of the development.
- Is the development in or near a protected area of dark sky or an intrinsically dark landscape where new lighting would be conspicuously out of keeping with local nocturnal light levels, making it desirable to minimise or avoid new lighting?
- Would new lighting have any safety impacts, for example in creating a hazard for road users?
- Is a proposal likely to have a significant impact on a protected site or species? This could be a particular concern where forms of artificial light with a potentially high impact on wildlife and ecosystems (e.g. white or ultraviolet light) are being proposed close to protected sites, sensitive wildlife receptors or areas, including where the light is likely to shine on water where bats feed.
- Does the proposed development include smooth, reflective building materials, including large horizontal expanses of glass, particularly near water bodies? (As it may change natural light, creating polarised light pollution that can affect wildlife behaviour.)

If the answer to any of the above questions is ‘yes’, local planning authorities and applicants should think about:

- where the light shines;
- when the light shines;
- how much light shines; and
- possible ecological impacts.

Paragraph: 002 Reference ID: 31-002-20191101

Revision date: 01 11 2019

What factors are relevant when considering where light shines?

Light intrusion occurs when the light ‘spills’ beyond the boundary of the area being lit. For example, light spill can result in safety impacts related to the impairment or distraction of people (e.g. when driving vehicles), health impacts arising from impaired sleep, cause annoyance to people, compromise an existing dark landscape and/or adversely affect natural systems (e.g. plants, animals, insects, aquatic life). These adverse effects can usually be avoided with careful lamp and luminaire selection and positioning:

- Lighting near or above the horizontal is usually to be avoided to reduce glare and sky glow (the brightening of the night sky).

- Good design, correct installation and ongoing maintenance are essential to the optical effectiveness of lighting schemes such as fixed and/or regularly operated functional and decorative lighting elements.
- In combination with optical good practice aimed at limiting light pollution, efficient lamp and luminaire selection are important considerations to minimise energy use and associated carbon emissions.

Common causes of complaints to local authorities include domestic, shop or office exterior security lights, illuminated advertising and flood lighting, so these installations may require particular attention. Similarly, insensitively positioned decorative lighting, particularly in rural areas, can be a cause for concern.

Paragraph: 003 Reference ID: 31-003-20191101

Revision date: 01 11 2019

What factors are relevant when considering when light shines?

The use of lighting only when the light is required can have a number of benefits, including minimising light pollution, reducing energy consumption, reducing harm to wildlife and improving people's ability to enjoy the night sky:

- Lighting schemes could be turned off when not needed ('part-night lighting') to reduce any potential adverse effects - e.g. when a business is closed or between midnight and 5am or 6am. Planning conditions could potentially require this where necessary.
- Lighting could also be dimmed to minimise its visual impact at times of reduced need or increased sensitivity.
- Impacts on sensitive ecological receptors throughout the year, or at particular times (eg during bird migrations) may be mitigated by the design of the lighting or by turning it off or down at sensitive times.

Paragraph: 004 Reference ID: 31-004-20191101

Revision date: 01 11 2019

What factors are relevant when considering how much the light shines?

Consideration of how much light shines may include an assessment of the quantitative and spectral attributes of the lighting scheme (eg light source and performance levels) and whether it exceeds the levels required to fulfil its intended purpose. Consideration can also be given to whether the proposed lighting is purely for decorative purposes as opposed to being needed for functional reasons such as security. The character of the area and the surrounding environment may affect what will be considered an appropriate level of lighting for a development. In particular, lighting schemes for developments in protected areas of dark sky or intrinsically dark landscapes need to be carefully assessed as to their necessity and degree.

Glare needs to be avoided, particularly for safety reasons. Glare is the uncomfortable brightness of a light source due to the excessive contrast between bright and dark areas in the field of view. Consequently, the perceived glare depends on the brightness of the background against which it is viewed. It is affected by the quantity and directional attributes of the source. Where appropriate, lighting schemes could include 'dimming' to lower the level of lighting (e.g. during periods of reduced use of an area, when higher lighting levels are not needed).

More lighting does not necessarily mean better lighting. For example, large differences in adjacent lit areas can mask activity in shadow and cause areas of high contrast or glare.

White light, with more blue content or with ultraviolet content, is generally more disruptive to wildlife than, say, yellow/orange light. Similarly, for humans, light intrusion by white/blue light is more disruptive to sleep. Use of modern white light sources that filter out blue or ultraviolet light may mitigate these effects, as well as offering superior directional control. However, whiter light aids people's vision and ability to perceive colour; it also facilitates CCTV use.

The needs of particular individuals or groups will need to be considered where appropriate. These include the safety of pedestrians and cyclists, and the needs of those whose activities rely on low levels of artificial light such as astronomers. Schemes designed for those more likely to be older or visually impaired may require higher levels of light and enhanced contrast, together with more control, as the negative effects of glare also increase with age.

Paragraph: 005 Reference ID: 31-005-20191101

Revision date: 01 11 2019

What factors are relevant when considering possible ecological impacts of lighting?

Wildlife species differ from humans in their sensitivity to light (e.g. they can be affected by very low levels of light) and may be adversely affected in a number of ways by it (see the Royal Commission on Environmental Pollution's 2009 report, Artificial light in the environment (<http://www.official-documents.gov.uk/document/other/9780108508547/9780108508547.pdf>)). The positioning, duration, type of light source and level of lighting are all factors that can affect the impact of light on wildlife.

The ability of some building materials to polarise light may cause insects, birds and other wildlife to mistake the material for water. This is a daytime and night-time effect and is different to artificial light reflected off surfaces. The effect is particularly strong with smooth (shiny) dark surfaces and may be important to consider when assessing schemes near water bodies. The use of rough, matt, light-coloured materials may reduce the effect.

Further advice is available from the Defra (<https://www.gov.uk/environment/biodiversity-and-ecosystems>) and Natural England (<https://www.gov.uk/government/organisations/natural-england>) websites on handling the impact on wildlife – including from artificial light – where Protected Sites or protected species could be affected. The specific nature of any consideration will depend on the features of any protected site or presence of any protected species.

Paragraph: 006 Reference ID: 31-006-20191101

Revision date: 01 11 2019

What other information is available that could inform approaches to lighting and help reduce light pollution?

- Information from the Bat Conservation Trust on artificial lighting (<https://cdn.bats.org.uk/pdf/Resources/ilp-guidance-note-8-bats-and-artificial-lighting-compressed.pdf?mtime=20181113114229>), and Eurobats guidelines for consideration of bats in lighting projects (https://www.eurobats.org/sites/default/files/documents/publications/publication_series/WEB_EUROBATS_08_ENGL_NVK_19092018.pdf)
- The Chartered Institution of Building Services Engineers (CIBSE) – Society of Light and Lighting (SLL) Code for Lighting (<https://www.cibse.org/knowledge/knowledge-items/detail?id=a0q20000008I6xiAAC>)
- The Chartered Institution of Building Services Engineers (CIBSE) – Society of Light and Lighting (SLL) Lighting Guide 6: The Exterior Environment (<https://www.cibse.org/knowledge/knowledge-items/detail?id=a0q20000008K5EsAAK>)
- The Chartered Institution of Building Services Engineers (CIBSE) – Society of Light and Lighting (SLL) Lighting Guide 15: Transport Buildings (<https://www.cibse.org/knowledge/knowledge-items/detail?id=a0q0000000CzUERQA3>)

Paragraph: 007 Reference ID: 31-007-20191101

Revision date: 01 11 2019

Published 6 March 2014

Last updated 1 November 2019 + show all updates

1. 1 November 2019
Revised version of guidance.
2. 6 March 2014
First published.

Print this page

Related content

- Artificial light nuisances: how councils deal with complaints (<https://www.gov.uk/guidance/artificial-light-nuisances-how-councils-deal-with-complaints>)
- Noise policy statement for England (<https://www.gov.uk/government/publications/noise-policy-statement-for-england>)
- Minerals (<https://www.gov.uk/guidance/minerals>)
- Renewable and low carbon energy (<https://www.gov.uk/guidance/renewable-and-low-carbon-energy>)
- Local environmental quality (<https://www.gov.uk/guidance/local-environmental-quality>)

Collection

- Planning practice guidance (<https://www.gov.uk/government/collections/planning-practice-guidance>)

Explore the topic

- Planning system (<https://www.gov.uk/housing-local-and-community/planning-system>)

Is this page useful?

-
-

Thank you for your feedback

Help us improve GOV.UK

Don't include personal or financial information like your National Insurance number or credit card details.

What were you doing?

What went wrong?

Help us improve GOV.UK

To help us improve GOV.UK, we'd like to know more about your visit today. We'll send you a link to a feedback form. It will take only 2 minutes to fill in. Don't worry we won't send you spam or share your email address with anyone.

Email address

1. Home (<https://www.gov.uk/>)
2. Housing, local and community (<https://www.gov.uk/housing-local-and-community>)
3. Planning and building (<https://www.gov.uk/housing-local-and-community/planning-and-building>)
4. Planning system (<https://www.gov.uk/housing-local-and-community/planning-system>)

Guidance

Natural environment

Explains key issues in implementing policy to protect and enhance the natural environment, including local requirements.

From:
Ministry of Housing, Communities & Local Government (<https://www.gov.uk/government/organisations/ministry-of-housing-communities-and-local-government>)

Published

21 January 2016

Last updated

21 July 2019 — See all updates

Contents

- Agricultural land, soil and brownfield land of environmental value
- Green infrastructure
- Biodiversity, geodiversity and ecosystems
- Landscape

Print this page

This guidance has been updated see previous version
(<https://webarchive.nationalarchives.gov.uk/20190607171351/https://www.gov.uk/guidance/natural-environment>)

Where plans are being prepared under the transitional arrangements set out in Annex 1 to the revised National Planning Policy Framework (<https://www.gov.uk/government/publications/national-planning-policy-framework--2>), the policies in the previous version of the framework published in 2012 (<http://webarchive.nationalarchives.gov.uk/20180608095821/https://www.gov.uk/government/publications/national-planning-policy-framework--2>) will continue to apply, as will any previous guidance which has been superseded since the new framework was published in July 2018. If you'd like an email alert when changes are made to planning guidance please subscribe (<https://www.gov.uk/topic/planning-development/planning-officer-guidance/email-signup>).

Agricultural land, soil and brownfield land of environmental value

How can planning take account of the quality of agricultural land?

The Agricultural Land Classification

(<http://webarchive.nationalarchives.gov.uk/20130402151656/http://archive.defra.gov.uk/foodfarm/landmanage/land-use/documents/alcl-guidelines-1988.pdf>) assesses the quality of farmland to enable informed choices to be made about its future use within the planning system.

There are five grades of agricultural land, with Grade 3 subdivided into 3a and 3b. The best and most versatile land is defined as Grades 1, 2 and 3a. Planning policies and decisions should take account of the economic and other benefits of the best and most versatile agricultural land.

In the circumstances set out in Schedule 4 paragraph (y) of the Development Management Procedure Order 2015, Natural England is a statutory consultee: a local planning authority must consult Natural England before granting planning permission for large-scale non-agricultural development on best and most versatile land that is not in accord with the development plan. Natural England has published guidance (<https://www.gov.uk/government/publications/agricultural-land-assess-proposals-for-development/guide-to-assessing-development-proposals-on-agricultural-land>) on development on agricultural land.

Paragraph: 001 Reference ID: 8-001-20190721

Revision date: 21 07 2019

How can planning safeguard soils?

Soil is an essential natural capital asset that provides important ecosystem services – for instance, as a growing medium for food, timber and other crops, as a store for carbon and water, as a reservoir of biodiversity and as a buffer against pollution.

Defra has published a Code of practice for the sustainable use of soils on construction sites (<https://www.gov.uk/government/publications/code-of-practice-for-the-sustainable-use-of-soils-on-construction-sites>) which may be helpful when setting planning conditions for development sites. It provides advice on the use and protection of soil in construction projects, including the movement and management of soil resources.

Paragraph: 002 Reference ID: 8-002-20190721

Revision date: 21 07 2019

How can brownfield land of high environmental value be taken into account?

Some previously developed or ‘brownfield’ land is of high environmental value, providing habitats for protected or priority species and other environmental and amenity benefits. When allocating land for development or determining a planning application, the biodiversity or geodiversity value of the land and its environmental sensitivity will need to be taken into account so that any harm can be avoided, mitigated or compensated for in a way which is appropriate given the site’s identified value.

Not all brownfield sites of high environmental value are designated as sites of importance for biodiversity. Defra has published information on Open Mosaic Habitats (http://jncc.defra.gov.uk/PDF/UKBAP_PriorityHabitatDesc-Rev2011.pdf), a type of priority habitat that is of high ecological value which occurs on brownfield land. Natural England’s Open Mosaic Habitat Inventory (<https://data.gov.uk/dataset/8509c11a-de20-42e8-9ce4-b47e0ba47481/open-mosaic-habitat-draft>) can be used as the starting point for detailed assessments.

Paragraph: 003 Reference ID: 8-003-20190721

Revision date: 21 07 2019

Green infrastructure

What can green infrastructure include?

Green infrastructure can embrace a range of spaces and assets that provide environmental and wider benefits. It can, for example, include parks, playing fields, other areas of open space, woodland, allotments, private gardens, sustainable drainage features, green roofs and walls, street trees and 'blue infrastructure' such as streams, ponds, canals and other water bodies. References to green infrastructure in this guidance also apply to different types of blue infrastructure where appropriate.

Paragraph: 004 Reference ID: 8-004-20190721

Revision date: 21 07 2019

Why is green infrastructure important?

Green infrastructure is a natural capital asset that provides multiple benefits, at a range of scales. For communities, these benefits can include enhanced wellbeing, outdoor recreation and access, enhanced biodiversity and landscapes, food and energy production, urban cooling, and the management of flood risk. These benefits are also known as ecosystem services.

Paragraph: 005 Reference ID: 8-005-20190721

Revision date: 21 07 2019

What planning goals can green infrastructure help to achieve ?

Green infrastructure can help in:

- **Building a strong, competitive economy**

Green infrastructure can drive economic growth and regeneration, helping to create high quality environments which are attractive to businesses and investors.

- **Achieving well-designed places**

The built environment can be enhanced by features such as green roofs, street trees, proximity to woodland, public gardens and recreational and open spaces. More broadly, green infrastructure exists within a wider landscape context and can reinforce and enhance local landscape character, contributing to a sense of place and natural beauty.

- **Promoting healthy and safe communities**

Green infrastructure can improve the wellbeing of a neighbourhood with opportunities for recreation, exercise, social interaction, experiencing and caring for nature, community food-growing and gardening, all of which can bring mental and physical health benefits. Outdoor Recreation Value (ORVal) is a useful online tool that can be used to quantify the recreational values provided by greenspace. Green infrastructure can help to reduce health inequalities in areas of socio-economic deprivation and meet the needs of families and an ageing population. It can also help to reduce air pollution and noise.

- **Mitigating climate change, flooding and coastal change**

Green infrastructure can contribute to carbon storage, cooling and shading, opportunities for species migration to more suitable habitats and the protection of water quality (<https://www.gov.uk/guidance/water-supply-wastewater-and-water-quality#water-quality>) and other natural resources. It can also be an integral part of multifunctional sustainable drainage and natural flood risk management (<https://www.gov.uk/guidance/flood-risk-and-coastal-change>).

- **Conserving and enhancing the natural environment**

High-quality networks of multifunctional green infrastructure contribute a range of benefits, including ecological connectivity, facilitating biodiversity net gain and nature recovery networks and opportunities for communities to undertake conservation work.

Paragraph: 006 Reference ID: 8-006-20190721

Revision date: 21 07 2019

How can a strategic approach be taken to green infrastructure?

Strategic policies can identify the location of existing and proposed green infrastructure networks and set out appropriate policies for their protection and enhancement. To inform these, and support their implementation, green infrastructure frameworks or strategies prepared at a district-wide scale (or wider) can be a useful tool. These need to be evidence-based and include assessments of the quality of current green infrastructure and any gaps in provision. Existing national and local strategies – for example on tree and woodland provision – can inform the approach to green infrastructure; and standards such as the Accessible Natural Greenspace Standard can be applied when assessing provision.

The green infrastructure strategy can inform other plan policies, infrastructure delivery requirements and Community Infrastructure Levy schedules. In view of their potential scope and use, authorities need to collaborate with neighbouring authorities and stakeholders such as Local Nature Partnerships, Health and Wellbeing Boards and Local Enterprise Partnerships when developing green infrastructure strategies.

Paragraph: 007 Reference ID: 8-007-20190721

Revision date: 21 07 2019

How can green infrastructure be considered in planning decisions?

Green infrastructure opportunities and requirements need to be considered at the earliest stages of development proposals, as an integral part of development and infrastructure provision, and taking into account existing natural assets and the most suitable locations and types of new provision.

Depending on individual circumstances, planning conditions, obligations, or the Community Infrastructure Levy may all be potential mechanisms for securing and funding green infrastructure.

Green infrastructure will require sustainable management and maintenance if it is to provide benefits and services in the long term. Arrangements for funding need to be identified as early as possible, and factored into the design and implementation, balancing the costs with the benefits. Local community engagement can assist with management and tailoring provision to local needs.

Paragraph: 008 Reference ID: 8-008-20190721

Biodiversity, geodiversity and ecosystems

Is there a statutory basis for seeking to conserve and enhance biodiversity?

Section 40 of the Natural Environment and Rural Communities Act 2006

(<http://www.legislation.gov.uk/ukpga/2006/16/section/40>) places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. A key purpose of this duty is to embed consideration of biodiversity as an integral part of policy and decision making throughout the public sector, which should be seeking to make a significant contribution to the achievement of the commitments made by government in its 25 Year Environment Plan (<https://www.gov.uk/government/publications/25-year-environment-plan>).

Guidance on the law concerning designated sites and protected species is published separately because its application is wider than planning. In applying this, the aim should be to fulfil statutory obligations in a way that minimises delays and burdens.

Paragraph: 009 Reference ID: 8-009-20190721

Revision date: 21 07 2019

How can planning authorities plan for biodiversity and geodiversity?

Development plans and planning decisions have the potential to affect biodiversity or geodiversity outside as well as inside relevant designated areas.

Planning authorities and neighbourhood planning bodies can work collaboratively with other partners, including Local Nature Partnerships (<https://www.gov.uk/government/policies/protecting-biodiversity-and-ecosystems-at-home-and-abroad/supporting-pages/local-nature-partnerships>), to develop and deliver a strategic approach to protecting and improving the natural environment based on local priorities and evidence. Equally, they need to consider the opportunities that individual development proposals may provide to conserve and enhance biodiversity and geodiversity, and contribute to habitat connectivity in the wider area (including as part of the Nature Recovery Network).

In this context, it is useful to consider:

- the latest government policies that are relevant, including the commitments in the 25 Year Environment Plan (<https://www.gov.uk/government/publications/25-year-environment-plan>);
- the contents of existing up-to-date plans and strategies for biodiversity and nature recovery;
- the potential effects of a development on the habitats or species on the Natural Environment and Rural Communities Act 2006 section 41 list (<http://jncc.defra.gov.uk/page-5705>);
- whether an ecological survey is appropriate;
- opportunities to restore or enhance local ecological networks, including those that contribute to the wider Nature Recovery Network;
- how to secure net gains for biodiversity as part of green infrastructure provision; and
- opportunities to work strategically in order to streamline development decisions: for example, by establishing a 'zone of influence' around protected sites.

What evidence needs to be taken into account in identifying and mapping local ecological networks?

Relevant evidence in identifying and mapping local ecological networks can include:

- the broad geological, geomorphological and bio-geographical character of the area, creating its main landscapes types;
- key natural systems and processes within the area, including fluvial and coastal;
- the location and extent of internationally, nationally and locally designated sites;
- the distribution of protected and priority habitats and species (<https://www.gov.uk/guidance/protected-species-how-to-review-planning-applications>);
- areas of irreplaceable natural habitat (<https://www.gov.uk/guidance/protected-sites-and-areas-how-to-review-planning-applications>);
- habitats where specific land management practices are required for their conservation;
- main landscape features which, due to their linear or continuous nature, support migration, dispersal and gene flow, including any potential for new habitat corridors to link any isolated sites that hold nature conservation value, and therefore improve species distribution;
- areas identified by national or local partnerships with potential for habitat enhancement or restoration, including those necessary to help biodiversity adapt to climate change or which could assist with the habitat shifts and species migrations arising from climate change;
- audits of green infrastructure, such as open space within urban areas;
- information on the biodiversity and geodiversity value of previously developed land and the opportunities for incorporating this in developments; and
- areas of geological value which would benefit from enhancement and management.

Local Nature Partnerships and similar partnerships working to conserve wildlife can be a useful source of information for existing ecological networks.

How do local ecological networks relate to the Nature Recovery Network?

As set out in the Government's 25 Year Environment Plan, the Nature Recovery Network is an expanding and increasingly-connected network of wildlife-rich habitat across England. It comprises a core network of designated sites of importance for biodiversity and adjoining areas that function as stepping stones or wildlife corridors, areas identified for new habitat creation and up to 25 nature recovery areas for targeted action. Defra, Natural England and other government bodies are working with national and local partnerships to deliver the Network, which includes support for developing maps and advice to show where actions to improve and restore habitats would be most effective.

Local ecological networks can make a significant contribution to developing the Nature Recovery Network. Local ecological networks can be identified and mapped as a part of the plan-making process, with policies identifying appropriate levels of protection and opportunities to create, restore or enhance habitats or improve connectivity.

Paragraph: 012 Reference ID: 8-012-20190721

Revision date: 21 07 2019

How can plan-making bodies identify and safeguard Local Wildlife Sites and Local Geological Sites?

Locally designated ‘Local Wildlife Sites’ and ‘Local Geological Sites’ are areas of substantive nature conservation value and make an important contribution to ecological networks and nature’s recovery. They can also provide wider benefits including public access (where agreed), climate mitigation and helping to tackle air pollution. They can be in rural, urban or coastal locations, can vary considerably in size, and may comprise a number of separate sites.

National planning policy expects plans to identify and map these sites, and to include policies that not only secure their protection from harm or loss but also help to enhance them and their connection to wider ecological networks.

Local planning authorities can take a lead in establishing and maintaining partnerships and systems to identify, manage, enhance and safeguard local sites. The positive engagement and co-operation of land owners and their representative bodies can contribute significantly to the success of these partnerships.

All local sites partnerships need to use clear and locally defined site selection criteria with measurable thresholds. For example, where a particular habitat is especially scarce, it may be appropriate to adopt a lower threshold for selection than would be appropriate for other natural areas so that a suitable range of sites is protected. Selection criteria need to be developed with reference to the standard criteria in the following question, with all sites that meet the relevant criteria (informed by detailed ecological surveys and expertise) then being selected.

Paragraph: 013 Reference ID: 8-013-20190721

Revision date: 21 07 2019

What are the Standard Criteria for Local Wildlife Sites?

Standard Criteria	Detail
Size or extent	Larger sites are important for supporting viable populations of species, but smaller sites can be important as part of a larger habitat resource dispersed across the landscape. Smaller sites can be particularly valuable in areas lacking natural greenspace.
Diversity	Sites should seek to reflect the diversity of wildlife, habitats, geological or geomorphological features that characterise the area.

Standard Criteria	Detail
Naturalness	The degree to which a site supports natural features, including rock exposures revealing underlying geology, or demonstrates active or past natural processes
Rare or exceptional feature	Sites should comprise habitats or geological or geomorphological features that are rare or exceptional in the area. The local loss of a rare species or habitat may result directly in the reduction in its wider geographical range. Geological sites are often unique, formed in environments and processes that no longer exist, and their loss removes part of our understanding of the geological history of an area.
Fragility	Some habitats and geological features are more sensitive to change and are at greater risk of being lost or damaged due to the direct or indirect impacts of climate change, human activities or other influences
Typicalness	Areas that exemplify a type of habitat, geological feature, or a population of a species, that is characteristic of the natural components of the landscape in which they are found.
Recorded history and cultural associations	Sites with links to land-use, industrial and cultural history, historic events, literary or other associations in art, and the history of natural environment research can reveal environmental change over time, changes in the use of natural resources or changes in perception of the natural environment.
Connectivity within the landscape	Species may require habitat comprised of dispersed areas which are accessible and part of a functional network. Individual sites (both wildlife and geological) need to be considered in terms of the contribution they make to wider ecological networks.
Value for appreciation of nature and for learning	Sites can provide opportunities for local educational use, enabling people of all ages to learn about, better understand, experience and enjoy local wildlife and geology. Sites with less intrinsic interest may be of nature conservation value for the opportunities they provide for the appreciation of nature. Sites may also provide opportunities for ecological or geological research.

Paragraph: 014 Reference ID: 8-014-20190721

Revision date: 21 07 2019

How can information on ecology be gathered and kept up to date?

A Local Record Centre can be an effective mechanism for facilitating access to environmental information which may be held across many public and voluntary organisations. Such centres provide a one-stop information source, often serving a specific county or grouping of local authorities. Their main function is to collate, manage and disseminate biodiversity information but they may also hold other types of environmental data and can also advise on evidence gathering. The local planning authority can provide contact details if it supports a Local Record Centre.

The Multi-Agency Geographic Information for the Countryside (<https://magic.defra.gov.uk/MagicMap.aspx>) (MAGIC) website also provides a range of geographical information on the natural environment from across government.

Paragraph: 015 Reference ID: 8-015-20190721

Revision date: 21 07 2019

How can protected and priority species be considered in planning?

Planning authorities need to consider the potential impacts of development on protected and priority species, and the scope to avoid or mitigate any impacts when considering site allocations or planning applications. Guidance on the law affecting Habitats Sites, protected species and SSSIs (<https://www.gov.uk/guidance/construction-near-protected-areas-and-wildlife>).

Natural England has issued standing advice on protected species. A protected species mitigation licence from Natural England may be required before any work can start.

Natural England is working with local partners to develop strategic mitigation approaches to address the impacts of development on certain protected species such as great crested newts.

Paragraph: 016 Reference ID: 8-016-20190721

Revision date: 21 07 2019

How can ecosystems services be taken into account in planning?

Guidance on ecosystems services (<https://www.gov.uk/guidance/ecosystems-services>) (the benefits people obtain from ecosystems, such as food, water, flood and disease control and recreation) and using an ecosystems approach is available. This guidance can, where appropriate, inform plan-making and decision-making on planning applications.

Paragraph: 017 Reference ID: 8-017-20190721

Revision date: 21 07 2019

How can biodiversity and geodiversity be taken into account in preparing a planning application?

Information on biodiversity and geodiversity impacts and opportunities (<https://www.gov.uk/guidance/natural-environment#Green-Infrastructure>) needs to inform all stages of development (including site selection and design, pre-application consultation (<https://www.gov.uk/guidance/consultation-and-pre-decision-matters>) and the application itself). An ecological survey will be necessary in advance of a planning application if the type and location of development could have a significant impact on biodiversity and existing information is lacking or inadequate. Pre-application discussions can help to scope whether this is the case and, if so, the survey work required.

Even where an Environmental Impact Assessment (<https://www.gov.uk/guidance/environmental-impact-assessment>) is not needed, it might still be appropriate to undertake an ecological survey, for example, where protected species may be present or where biodiverse habitats may be lost.

As with other supporting information, local planning authorities should require ecological surveys only where clearly justified. Assessments should be proportionate to the nature and scale of development proposed and the likely impact on biodiversity. Further guidance on information requirements is set out in making an application (<https://www.gov.uk/guidance/making-an-application>).

Planning conditions (<https://www.gov.uk/guidance/use-of-planning-conditions>), legal agreements (<https://www.gov.uk/guidance/planning-obligations>) or undertakings may be appropriate in order to provide for monitoring and/or biodiversity management plans where these are needed.

Paragraph: 018 Reference ID: 8-018-20190721

Revision date: 21 07 2019

What questions are important in applying policy to avoid, mitigate or compensate for significant harm to biodiversity?

The following questions are relevant when applying the ‘mitigation hierarchy’ at paragraph 175 of the National Planning Policy Framework (<https://www.gov.uk/guidance/national-planning-policy-framework/15-conserving-and-enhancing-the-natural-environment#para175>):

Information

- Where an Environmental Impact Assessment has been undertaken, what evidence on ecological effects has already been provided in the Environmental Report and is this sufficient without having to undertake more work?
- In cases where biodiversity may be affected, is any further information needed to meet statutory obligations and/or policy obligations (including Ramsar Sites and Local Wildlife Sites) as signposted in guidance published by Defra/Natural England (<https://www.gov.uk/guidance/construction-near-protected-areas-and-wildlife>).
- Is the significance of the effects clear?
- Is relevant internal or external expertise available?

Avoidance

Can significant harm to wildlife species and habitats be avoided; for example by locating on an alternative site with less harmful impacts?

Mitigation

Where significant harm cannot be wholly or partially avoided, can it be minimised by design or by the use of effective mitigation measures that can be secured by, for example, conditions or planning obligations?

Compensation

Where, despite mitigation, there would still be significant residual harm, as a last resort, can this be properly compensated for by measures to provide for an equivalent or greater value of biodiversity?

Where a development cannot satisfy the requirements of the 'mitigation hierarchy', planning permission should be refused as indicated in paragraph 175 of the National Planning Policy Framework (<https://www.gov.uk/guidance/national-planning-policy-framework/15-conserving-and-enhancing-the-natural-environment#para175>).

Paragraph: 019 Reference ID: 8-019-20190721

Revision date: 21 07 2019

Net gain

What is net gain?

Net gain in planning describes an approach to development that leaves the natural environment in a measurably better state than it was beforehand. Net gain is an umbrella term for both biodiversity net gain and wider environmental net gain.

Paragraph: 020 Reference ID: 8-020-20190721

Revision date: 21 07 2019

How can plans encourage net gain?

Plans, and particularly those containing strategic policies, can be used to set out a suitable approach to both biodiversity and wider environmental net gain, how it will be achieved, and which areas present the best opportunities to deliver gains. Such areas could include those identified in: natural capital plans; local biodiversity opportunity or ecological network maps; local green infrastructure strategies; strategic flood risk assessments; water cycle studies; air quality management plans; river basin management plans; and strategic protected species licensing areas. Consideration may also be given to local sites including where communities could benefit from improved access to nature.

Paragraph: 021 Reference ID: 8-021-20190721

Revision date: 21 07 2019

What is biodiversity net gain?

The National Planning Policy Framework encourages net gains for biodiversity to be sought through planning policies and decisions. Biodiversity net gain delivers measurable improvements for biodiversity by creating or enhancing habitats in association with development. Biodiversity net gain can be achieved on-site, off-site or through a combination of on-site and off-site measures. It may help local authorities to meet their duty under Section 40 of the Natural Environment and Rural Communities Act 2006.

Paragraph: 022 Reference ID: 8-022-20190721

Revision date: 21 07 2019

How can biodiversity net gain be achieved?

Planning conditions or obligations can, in appropriate circumstances, be used to require that a planning permission provides for works that will measurably increase biodiversity. An applicant may also propose measures to achieve biodiversity net gain through a unilateral undertaking. The work involved may, for example, involve creating new habitats, enhancing existing habitats, providing green roofs, green walls, street trees or sustainable drainage systems. Relatively small features can often achieve important benefits for wildlife, such as incorporating 'swift bricks' and bat boxes in developments and providing safe routes for hedgehogs between different areas of habitat.

Benefits could be achieved entirely on-site or by using off-site gains where necessary. Off-site measures can sometimes be secured from 'habitat banks', which comprise areas of enhanced or created habitats which generate biodiversity unit 'credits'.

Care needs to be taken to ensure that any benefits promised will lead to genuine and demonstrable gains for biodiversity. Discussions with local wildlife organisations can help to identify appropriate solutions, and tools such as the Defra biodiversity metric (<https://www.gov.uk/government/collections/biodiversity-offsetting>) can be used to assess whether a biodiversity net gain outcome is expected to be achieved. Planning authorities need to make sure that any evidence and rationale supplied by applicants are supported by the appropriate scientific expertise and local wildlife knowledge.

When assessing opportunities and proposals to secure biodiversity net gain, the local planning authority will need to have regard to all relevant policies, especially those on open space, health, green infrastructure, Green Belt and landscape. It will also be important to consider whether provisions for biodiversity net gain will be resilient to future pressures from further development or climate change, and supported by appropriate maintenance arrangements.

Paragraph: 023 Reference ID: 8-023-20190721

Revision date: 21 07 2019

How does biodiversity net gain fit with the mitigation hierarchy?

Biodiversity net gain complements and works with the biodiversity mitigation hierarchy set out in NPPF paragraph 175a (<https://www.gov.uk/guidance/national-planning-policy-framework/15-conserving-and-enhancing-the-natural-environment#para175>). It does not override the protection for designated sites, protected or priority species and irreplaceable or priority habitats set out in the NPPF. Local planning authorities need to ensure that habitat improvement will be a genuine additional benefit, and go further than measures already required to implement a compensation strategy.

Paragraph: 024 Reference ID: 8-024-20190721

Revision date: 21 07 2019

How can biodiversity net gain be calculated?

Using a metric is a pragmatic way to calculate the impact of a development and the net gain that can be achieved.

The biodiversity metric (<https://www.gov.uk/government/collections/biodiversity-offsetting>) can be used to demonstrate whether or not biodiversity net gain will be achieved. It enables calculation of losses and gains by assessing habitat:

- distinctiveness: whether the type of habitat is of high, medium or low value to wildlife.
- condition: whether the habitat is a good example of its type.
- extent: the area that the habitat occupies.

The information needed to populate this metric is taken from habitat surveys of the site before development and any related habitat clearance or management, and for the habitats proposed within the development as well as any additional habitat improvement off-site. The metric translates habitat distinctiveness, condition and extent into a score which is presented in biodiversity units. It also uses multipliers to account for risks in delivering habitat creation or enhancement. To achieve net gain, a development must have a sufficiently higher biodiversity unit score after development than before development.

Paragraph: 025 Reference ID: 8-025-20190721

Revision date: 21 07 2019

What is the baseline for assessing biodiversity net gain?

The existing biodiversity value of a development site will need to be assessed at the point that planning permission is applied for. It may also be relevant to consider whether any deliberate harm to this biodiversity value has taken place in the recent past, and if so whether there are grounds for this to be discounted in assessing the underlying value of the site (and so whether a proposal would achieve a genuine gain).

There are laws to protect important sites and species from harm, for which Natural England have enforcement powers (<https://www.gov.uk/guidance/enforcement-laws-advice-on-protecting-the-natural-environment-in-england>). In addition, the felling of trees requires a Forestry Commission licence (<https://www.gov.uk/guidance/planning-applications-affecting-trees-and-woodland>) in most cases before felling can commence. There may be a penalty or requirement to restock if felling occurs without this. There are some exemptions relating to the location, volume and diameter of a tree, and an exemption for felling which is immediately required for the purpose of development authorised by a planning permission.

Paragraph: 026 Reference ID: 8-026-20190721

Revision date: 21 07 2019

How can biodiversity net gain be of lasting value?

New or improved habitat needs to be located where it can best contribute to local, national and international biodiversity restoration, including the Nature Recovery Network proposed in the 25 Year Environment Plan, locally identified ecological or green infrastructure networks and biodiversity opportunity areas. Providing biodiversity net gain close to where people live can improve access to nature and bring health and wellbeing benefits.

It is good practice to establish a detailed management plan to ensure appropriate management of the habitat in the long term, and to arrange for regular but proportionate monitoring on how the habitat creation or enhancement is progressing, indicating any remedial action necessary. Planning authorities may consider recording where habitat compensation has been established, and how relevant survey and monitoring data can best be utilised to strengthen the local biodiversity evidence base; for example by working with Local Environmental Record Centres.

Paragraph: 027 Reference ID: 8-027-20190721

Revision date: 21 07 2019

What is wider environmental net gain and how can it be achieved?

The aim of wider environmental net gain is to reduce pressure on and achieve overall improvements in natural capital, ecosystem services and the benefits they deliver. For example, habitat improvements can provide a range of benefits such as improvements to soil, water and air quality, flood risk management and opportunities for recreation.

In planning strategically for the enhancement of natural capital, planning authorities can draw upon evidence on natural capital assets, the supply and demand of ecosystem services flowing from them, and existing and future risks and opportunities for these services.

A number of metrics to measure and monitor aspects of wider environmental net gain are under development.

Paragraph: 028 Reference ID: 8-028-20190721

Revision date: 21 07 2019

Trees and woodland

What are the considerations when planning for trees within settlements?

Well-placed and well-chosen trees on streets and in urban spaces can provide a range of benefits: encouraging walking and enhanced physical and mental health; contributing to local environmental character and distinctiveness; providing habitats for wildlife; reducing noise and excessive heat; and supporting sustainable drainage. Changing climate, in particular hotter summers and more frequent periods of dry weather, and unknown pests and diseases, will place new pressures on green infrastructure in the long-term, so trees of the right species and age profile are essential.

The interaction of trees and tree roots with built infrastructure, transport networks, buildings and utility services is complex and requires detailed inter-disciplinary co-operation, with expert arboricultural or forestry advice. The selection of street trees needs to consider which species will best suit the highway environment in the long term, including associated infrastructure and utilities.

Paragraph: 029 Reference ID: 8-029-20190721

Revision date: 21 07 2019

What are the National Forest and Community Forests, and how should development be approached there?

The National Forest and the Community Forests are designed to bring the benefits of multi-purpose trees, woodland and forestry close to where people live. Within these areas developments are expected to include appropriate green infrastructure, in accordance with the National Forest Strategy or an approved Community Forest Plan. Planning policies and decisions need to consider the extent and type of woodland planting necessary to ensure that the new development will contribute to the creation and emerging character of the Forests.

The National Forest Company Guide for developers and planners will be available, after revision, to download from The National Forestry Company website.

Paragraph: 030 Reference ID: 8-030-20190721

Revision date: 21 07 2019

How can I find out whether an area contains ancient woodland?

A starting point is to look at the relevant ancient woodland inventory. These inventories comprise digitised maps of sites that are thought to have been continuously wooded since 1600 AD. The national ancient woodland inventory (http://www.gis.naturalengland.org.uk/pubs/gis/tech_aw.htm) is published and updated by Natural England.

Paragraph: 031 Reference ID: 8-031-20190721

Revision date: 21 07 2019

How can I find out whether a site contains ancient or veteran trees?

Ancient trees are trees in the ancient stage of their life. Veteran trees may not be very old but exhibit decay features such as branch death or hollowing. Trees become ancient or veteran because of their age, size or condition. Not all of these three characteristics are needed to make a tree ancient or veteran as the characteristics will vary from species to species. Further guidance on ancient and veteran trees is set out in the Forestry Commission and Natural England standing advice (<https://www.gov.uk/guidance/ancient-woodland-and-veteran-trees-protection-surveys-licences>).

The Ancient Tree Inventory (<https://ati.woodlandtrust.org.uk/>) can help identify ancient and veteran trees, although not all known ancient and veteran trees are included. Local Records Centres and other organisations with an interest in trees may also be able to advise on the location of known ancient or veteran trees. Tree surveys and site assessments may be needed to identify the ancient and veteran trees on a site and inform planning decisions.

Paragraph: 032 Reference ID: 8-032-20190721

Revision date: 21 07 2019

How can local planning authorities assess the potential impact of development proposals on ancient woodland and ancient or veteran trees?

Local planning authorities need to consider both the direct and indirect impacts on ancient woodland and ancient or veteran trees when assessing development proposals and the scope for avoiding or mitigating adverse impacts. Their existing condition is not something that ought to affect the local planning authority's consideration of such proposals (and it should be borne in mind that woodland condition can usually be improved with good management).

When assessing whether 'wholly exceptional reasons' exist that may justify a loss or deterioration of ancient woodland, ancient trees or veteran trees, it will not be appropriate to take any compensation measures into account. These should be considered only once the existence of 'wholly exceptional circumstances' has been ascertained.

Further guidance is set out in the Forestry Commission and Natural England standing advice (<https://www.gov.uk/guidance/ancient-woodland-and-veteran-trees-protection-surveys-licences>).

Paragraph: 033 Reference ID: 8-033-20190721

Revision date: 21 07 2019

What compensation can be provided if development resulting in loss or harm is, exceptionally, permitted?

Where development that results in the loss or deterioration of ancient woodland, ancient or veteran trees is exceptionally permitted in line with the Framework, a suitable compensation strategy should be secured and implemented via planning conditions or obligations. Compensation measures need to be decided on a case by case basis and be appropriate to the scale, nature and impacts of the development, but it is desirable for them to be provided as close to the development site as possible. Appropriate compensation might include:

- Planting new native woodland or wood pasture
- Restoring or improving other nearby ancient woodland
- Improving connections between the ancient woodland and other woodlands or habitats
- Planting individual trees that could become ancient or veteran trees in future

Paragraph: 034 Reference ID: 8-034-20190721

Revision date: 21 07 2019

Do the Forestry Commission and Natural England need to be consulted where development proposals affect ancient woodland?

The Forestry Commission (<http://www.forestry.gov.uk/>) is a non-statutory consultee for development proposals that contain or are likely to affect ancient woodland (as defined and recorded in Natural England's ancient woodland inventory), including proposals where any part of the development site is within 500 metres of the boundary of an ancient woodland, and where the development would involve erecting new buildings, or extending the footprint of existing buildings.

Natural England is a statutory consultee for proposals which may affect a Site of Special Scientific Interest. The Forestry Commission and Natural England have prepared standing advice (<https://www.gov.uk/guidance/ancient-woodland-and-veteran-trees-protection-surveys-licences>) to provide assistance to local planning authorities in considering proposals which affect ancient woodland or ancient and veteran trees. This is a material consideration in appropriate circumstances.

Paragraph: 035 Reference ID: 8-035-20190721

Revision date: 21 07 2019

Landscape

How can planning policies conserve and enhance landscapes?

The National Planning Policy Framework is clear that plans should recognise the intrinsic character and beauty of the countryside, and that strategic policies should provide for the conservation and enhancement of landscapes. This can include nationally and locally-designated landscapes but also the wider countryside.

Where landscapes have a particular local value, it is important for policies to identify their special characteristics and be supported by proportionate evidence. Policies may set out criteria against which proposals for development affecting these areas will be assessed. Plans can also include policies to avoid adverse impacts on landscapes and to set out necessary mitigation measures, such as appropriate design principles and visual screening, where necessary. The cumulative impacts of development on the landscape need to be considered carefully.

Paragraph: 036 Reference ID: 8-036-20190721

Revision date: 21 07 2019

How can the character of landscapes be assessed?

For a designated landscape, the relevant management plan will contain further information on the area's particular character and beauty.

Where appropriate, landscape character assessments can be prepared to complement Natural England's National Character Area profiles. Natural England provides guidance on undertaking these assessments (<https://www.gov.uk/guidance/landscape-and-seascape-character-assessments>).

To help assess the type and scale of development that might be able to be accommodated without compromising landscape character, a Landscape Sensitivity and Capacity Assessment can be completed.

To demonstrate the likely effects of a proposed development on the landscape, a Landscape and Visual Impact Assessment can be used.

Paragraph: 037 Reference ID: 8-037-20190721

Revision date: 21 07 2019

How can I find out about National Parks, the Broads and Areas of Outstanding Natural Beauty?

Information about the National Parks and Broads and the Government's priorities for these protected landscapes is in the National Parks circular, English National Parks and the Broads: UK government vision and circular 2010 (<https://www.gov.uk/government/publications/english-national-parks-and-the-broads-uk-government-vision-and-circular-2010>). There is no equivalent circular on Areas of Outstanding Natural Beauty, but Natural England has published information on these areas (<http://www.naturalengland.org.uk/ourwork/conservation/designations/aonb/default.aspx>).

Paragraph: 038 Reference ID: 8-038-20190721

Revision date: 21 07 2019

What are the statutory duties of local planning authorities in relation to National Parks, the Broads and Areas of Outstanding Natural Beauty?

Section 11A(2) of the National Parks and Access to the Countryside Act 1949, section 17A of the Norfolk and Suffolk Broads Act 1988 (<http://www.legislation.gov.uk/ukpga/1988/4/section/17A>) and section 85 of the Countryside and Rights of Way Act 2000 (<http://www.legislation.gov.uk/ukpga/2000/37/section/85>) require that 'in exercising or performing any functions in relation to, or so as to affect, land' in National Parks and Areas of Outstanding Natural Beauty, relevant authorities 'shall have regard' to their purposes for which these areas are designated. A list of the public bodies and persons covered under 'relevant authorities' is found in Defra guidance on this duty

(http://webarchive.nationalarchives.gov.uk/20130402151656/http://archive.defra.gov.uk/rural/documents/protected/np_aonb-duties-guide.pdf), and Natural England has published good practice guidance.

This duty is particularly important to the delivery of the statutory purposes of protected areas. It applies to all local planning authorities, not just National Park authorities, and is relevant in considering development proposals that are situated outside National Park or Area of Outstanding Natural Beauty boundaries, but which might have an impact on their setting or protection.

Paragraph: 039 Reference ID: 8-039-20190721

Revision date: 21 07 2019

Do planning policies and decisions need to take account of management plans for National Parks, the Broads and Areas of Outstanding Natural Beauty?

Management plans for National Parks, the Broads and Areas of Outstanding Natural Beauty do not form part of the statutory development plan, but they help to set out the strategic context for development. They provide evidence of the value and special qualities of these areas, provide a basis for cross-organisational work to support the purposes of their designation and show how management activities contribute to their protection, enhancement and enjoyment. They may contain information which is relevant when preparing plan policies, or which is a material consideration when assessing planning applications.

Paragraph: 040 Reference ID: 8-040-20190721

Revision date: 21 07 2019

How should development within National Parks, the Broads and Areas of Outstanding Natural Beauty be approached?

The National Planning Policy Framework makes clear that the scale and extent of development in these areas should be limited, in view of the importance of conserving and enhancing their landscapes and scenic beauty. Its policies for protecting these areas may mean that it is not possible to meet objectively assessed needs for development in full through the plan-making process, and they are unlikely to be suitable areas for accommodating unmet needs from adjoining (non-designated) areas. Effective joint working between planning authorities covering designated and adjoining areas, through the preparation and maintenance of statements of common ground, is particularly important in helping to identify how housing and other needs can best be accommodated.

All development in National Parks, the Broads and Areas of Outstanding Beauty will need to be located and designed in a way that reflects their status as landscapes of the highest quality. Where applications for major development come forward, paragraph 172 of the Framework

(<https://www.gov.uk/guidance/national-planning-policy-framework/15-conserving-and-enhancing-the-natural-environment#para172>) sets out a number of particular considerations that should apply when deciding whether permission should be granted.

Paragraph: 041 Reference ID: 8-041-20190721

Revision date: 21 07 2019

How should development within the setting of National Parks, the Broads and Areas of Outstanding Natural Beauty be dealt with?

Land within the setting of these areas often makes an important contribution to maintaining their natural beauty, and where poorly located or designed development can do significant harm. This is especially the case where long views from or to the designated landscape are identified as important, or where the landscape character of land within and adjoining the designated area is complementary. Development within the settings of these areas will therefore need sensitive handling that takes these potential impacts into account.

Paragraph: 042 Reference ID: 8-042-20190721

Revision date: 21 07 2019

What are Heritage Coasts and where can I find out about them?

Heritage Coasts are stretches of our most beautiful, undeveloped coastline which are managed to conserve their natural beauty and, where appropriate, to improve access for visitors. Most of the defined Heritage Coast is covered (on land) by either Area of Outstanding Natural Beauty or National Park designations. Planning policies and decisions should be assessed against paragraph 173 (<https://www.gov.uk/guidance/national-planning-policy-framework/15-conserving-and-enhancing-the-natural-environment#para173>) (and footnote 55 (<https://www.gov.uk/guidance/national-planning-policy-framework/15-conserving-and-enhancing-the-natural-environment#fn:55>)) of the National Planning Policy Framework. Natural England has published advice on Heritage Coasts (<https://www.gov.uk/government/publications/heritage-coasts-protecting-undeveloped-coast>). The Marine Management Organisation produces guidance on marine planning (<https://www.gov.uk/government/collections/marine-planning-in-england>) which may also be relevant to protecting Heritage Coasts.

Paragraph: 043 Reference ID: 8-043-20190721

Revision date: 21 07 2019

Published 21 January 2016

Last updated 21 July 2019 + show all updates

1. 21 July 2019

Guidance updated to include new section on biodiversity net gain.

2. 21 January 2016

First published.

[Print this page](#)

Related content

- Strategic environmental assessment and sustainability appraisal
(<https://www.gov.uk/guidance/strategic-environmental-assessment-and-sustainability-appraisal>)
- Open space, sports and recreation facilities, public rights of way and local green space
(<https://www.gov.uk/guidance/open-space-sports-and-recreation-facilities-public-rights-of-way-and-local-green-space>)
- Biodiversity and geological conservation: circular 06/2005
(<https://www.gov.uk/government/publications/biodiversity-and-geological-conservation-circular-06-2005>)
- Strategic Environmental Assessments (<https://www.gov.uk/government/collections/strategic-environmental-assessments>)

Collection

- Planning practice guidance (<https://www.gov.uk/government/collections/planning-practice-guidance>)

Explore the topic

- Planning system (<https://www.gov.uk/housing-local-and-community/planning-system>)

Is this page useful?

-
-

Thank you for your feedback

Help us improve GOV.UK

Don't include personal or financial information like your National Insurance number or credit card details.

What were you doing?

What went wrong?

Help us improve GOV.UK

To help us improve GOV.UK, we'd like to know more about your visit today. We'll send you a link to a feedback form. It will take only 2 minutes to fill in. Don't worry we won't send you spam or share your email address with anyone.

Email address

1. Home (<https://www.gov.uk/>)
2. Housing, local and community (<https://www.gov.uk/housing-local-and-community>)
3. Planning and building (<https://www.gov.uk/housing-local-and-community/planning-and-building>)
4. Planning system (<https://www.gov.uk/housing-local-and-community/planning-system>)

Guidance

Noise

Advises on how planning can manage potential noise impacts in new development.

From:
Ministry of Housing, Communities & Local Government (<https://www.gov.uk/government/organisations/ministry-of-housing-communities-and-local-government>)

Published
6 March 2014

Last updated
22 July 2019 — See all updates

[Print this page](#)

This guidance has been updated see previous version
(<https://webarchive.nationalarchives.gov.uk/20190607100418/https://www.gov.uk/guidance/noise--2>)

Where plans are being prepared under the transitional arrangements set out in Annex 1 to the revised National Planning Policy Framework (<https://www.gov.uk/government/publications/national-planning-policy-framework--2>), the policies in the previous version of the framework published in 2012 (<http://webarchive.nationalarchives.gov.uk/20180608095821/https://www.gov.uk/government/publications/national-planning-policy-framework--2>) will continue to apply, as will any previous guidance which has been superseded since the new framework was published in July 2018. If you'd like an email alert when changes are made to planning guidance please subscribe (<https://www.gov.uk/topic/planning-development/planning-officer-guidance/email-signup>).

Noise

When is noise relevant to planning?

Noise needs to be considered when development may create additional noise, or would be sensitive to the prevailing acoustic environment (including any anticipated changes to that environment from activities that are permitted but not yet commenced). When preparing plans, or taking decisions about new development, there may also be opportunities to make improvements to the acoustic environment. Good acoustic design needs to be considered early in the planning process to ensure that the most appropriate and cost-effective solutions are identified from the outset.

Related policy: paragraph 170e (<https://www.gov.uk/guidance/national-planning-policy-framework/15-conserving-and-enhancing-the-natural-environment#para170e>), paragraph 180a (<https://www.gov.uk/guidance/national-planning-policy-framework/15-conserving-and-enhancing-the-natural-environment#para180a>), paragraph 180b (<https://www.gov.uk/guidance/national-planning-policy-framework/15-conserving-and-enhancing-the-natural-environment#para180b>), paragraph 182 (<https://www.gov.uk/guidance/national-planning-policy-framework/15-conserving-and-enhancing-the-natural-environment#para182>)

Paragraph: 001 Reference ID: 30-001-20190722

Revision date: 22 07 2019

Can noise override other planning concerns?

It can, where justified, although it is important to look at noise in the context of the wider characteristics of a development proposal, its likely users and its surroundings, as these can have an important effect on whether noise is likely to pose a concern.

Paragraph: 002 Reference ID: 30-002-20190722

Revision date: 22 07 2019

How can noise impacts be determined?

Plan-making and decision making need to take account of the acoustic environment and in doing so consider:

- whether or not a significant adverse effect is occurring or likely to occur;
- whether or not an adverse effect is occurring or likely to occur; and
- whether or not a good standard of amenity can be achieved.

In line with the Explanatory note of the noise policy statement for England (<https://www.gov.uk/government/publications/noise-policy-statement-for-england>), this would include identifying whether the overall effect of the noise exposure (including the impact during the construction phase wherever applicable) is, or would be, above or below the significant observed adverse effect level and the lowest observed adverse effect level for the given situation. As noise is a complex technical issue, it may be appropriate to seek experienced specialist assistance when applying this policy.

Paragraph: 003 Reference ID: 30-003-20190722

Revision date: 22 07 2019

What are the observed effect levels?

- Significant observed adverse effect level: This is the level of noise exposure above which significant adverse effects on health and quality of life occur.
- Lowest observed adverse effect level: this is the level of noise exposure above which adverse effects on health and quality of life can be detected.
- No observed effect level: this is the level of noise exposure below which no effect at all on health or quality of life can be detected.

Although the word 'level' is used here, this does not mean that the effects can only be defined in terms of a single value of noise exposure. In some circumstances adverse effects are defined in terms of a combination of more than one factor such as noise exposure, the number of occurrences of the noise in a given time period, the duration of the noise and the time of day the noise occurs.

See the noise policy statement for England (<https://www.gov.uk/government/publications/noise-policy-statement-for-england>) for further information.

Paragraph: 004 Reference ID: 30-004-20190722

Revision date: 22 07 2019

How can it be established whether noise is likely to be a concern?

At the lowest extreme, when noise is not perceived to be present, there is by definition no effect. As the noise exposure increases, it will cross the 'no observed effect' level. However, the noise has no adverse effect so long as the exposure does not cause any change in behaviour, attitude or other physiological responses of those affected by it. The noise may slightly affect the acoustic character of an area but not to the extent there is a change in quality of life. If the noise exposure is at this level no specific measures are required to manage the acoustic environment.

As the exposure increases further, it crosses the 'lowest observed adverse effect' level boundary above which the noise starts to cause small changes in behaviour and attitude, for example, having to turn up the volume on the television or needing to speak more loudly to be heard. The noise therefore starts to have an adverse effect and consideration needs to be given to mitigating and minimising those effects (taking account of the economic and social benefits being derived from the activity causing the noise).

Increasing noise exposure will at some point cause the 'significant observed adverse effect' level boundary to be crossed. Above this level the noise causes a material change in behaviour such as keeping windows closed for most of the time or avoiding certain activities during periods when the noise is present. If the exposure is predicted to be above this level the planning process should be used to avoid this effect occurring, for example through the choice of sites at the plan-making stage, or by use of appropriate mitigation such as by altering the design and layout. While such decisions must be made taking account of the economic and social benefit of the activity causing or affected by the noise, it is undesirable for such exposure to be caused.

At the highest extreme, noise exposure would cause extensive and sustained adverse changes in behaviour and / or health without an ability to mitigate the effect of the noise. The impacts on health and quality of life are such that regardless of the benefits of the activity causing the noise, this situation should be avoided.

This table summarises the noise exposure hierarchy, based on the likely average response of those affected.

Noise exposure hierarchy table

(https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/820957/noise_exposure_hierarchy.pdf)

P.D.F., 135KB, 1 page

This file may not be suitable for users of assistive technology.

- Request an accessible format.

Paragraph: 005 Reference ID: 30-005-20190722

Revision date: 22 07 2019

What factors influence whether noise could be a concern?

The subjective nature of noise means that there is not a simple relationship between noise levels and the impact on those affected. This will depend on how various factors combine in any particular situation.

These factors include:

- the source and absolute level of the noise together with the time of day it occurs. Some types and level of noise will cause a greater adverse effect at night than if they occurred during the day – this is because people tend to be more sensitive to noise at night as they are trying to sleep. The adverse effect can also be greater simply because there is less background noise at night;
- for a new noise making source, how the noise from it relates to the existing sound environment;
- for non-continuous sources of noise, the number of noise events, and the frequency and pattern of occurrence of the noise;
- the spectral content of the noise (i.e. whether or not the noise contains particular high or low frequency content) and the general character of the noise (i.e. whether or not the noise contains particular tonal characteristics or other particular features), and;
- the local arrangement of buildings, surfaces and green infrastructure, and the extent to which it reflects or absorbs noise.

More specific factors to consider when relevant include:

- the cumulative impacts of more than one source of noise;
- whether any adverse internal effects can be completely removed by closing windows and, in the case of new residential development, if the proposed mitigation relies on windows being kept closed most of the time (and the effect this may have on living conditions). In both cases a suitable alternative means of ventilation is likely to be necessary. Further information on ventilation can be found in the Building Regulations (<https://www.gov.uk/government/publications/ventilation-approved-document-f>).
- In cases where existing noise sensitive locations already experience high noise levels, a development that is expected to cause even a small increase in the overall noise level may result in a significant adverse effect occurring even though little to no change in behaviour would be likely to occur.
- Noise Action Plans (where these exist), and, in particular the Important Areas identified through the process associated with the Environmental Noise Directive and corresponding regulations should be taken into account. Defra's website has information on Noise Action Plans and Important Areas

(<https://www.gov.uk/government/publications/noise-action-plans-large-urban-areas-roads-and-railways>). Local authority environmental health departments will also be able to provide information about Important Areas.

- the effect of noise on wildlife (<http://randd.defra.gov.uk/Default.aspx?Menu=Menu&Module=More&Location=None&ProjectID=18136&FromSearch=Y&Publisher=1&SearchText=effects>). Noise can adversely affect wildlife and ecosystems. Particular consideration needs to be given to the potential effects of noisy development on international, national and locally designated sites of importance for biodiversity;
- where external amenity spaces are an intrinsic part of the overall design, the acoustic environment of those spaces should be considered so that they can be enjoyed as intended.
- some commercial developments including restaurants, hot food takeaways, night clubs and public houses can have particular impacts, not least because activities are often at their peak in the evening and late at night. Local planning authorities will wish to bear in mind not only the noise that is generated within the premises but also the noise that may be made by customers in the vicinity.

When proposed developments could include activities that would be covered by the licensing regime, local planning authorities will need to consider whether the potential for adverse noise impacts will be addressed through licensing controls (including licence conditions (<https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003>)). Local planning authorities should not however presume that licence conditions will provide for noise management in all instances and should liaise with the licensing authority.

Paragraph: 006 Reference ID: 30-006-20190722

Revision date: 22 07 2019

Can planning policies include noise standards?

Plans may include specific standards to apply to various forms of proposed development and locations in their area. Care should be taken, however, to avoid these being applied as rigid thresholds, as specific circumstances may justify some variation being allowed.

Paragraph: 007 Reference ID: 30-007-20190722

Revision date: 22 07 2019

What factors are relevant if seeking to identify areas of tranquillity?

For an area to justify being protected for its tranquillity, it is likely to be relatively undisturbed by noise from human sources that undermine the intrinsic character of the area. It may, for example, provide a sense of peace and quiet or a positive soundscape where natural sounds such as birdsong or flowing water are more prominent than background noise, e.g. from transport.

Consideration may be given to how existing areas of tranquillity could be further enhanced through specific improvements in soundscape, landscape design (e.g. through the provision of green infrastructure) and/or access.

Paragraph: 008 Reference ID: 30-008-20190722

How can the risk of conflict between new development and existing businesses or facilities be addressed?

Development proposed in the vicinity of existing businesses, community facilities or other activities may need to put suitable mitigation measures in place to avoid those activities having a significant adverse effect on residents or users of the proposed scheme.

In these circumstances the applicant (or 'agent of change') will need to clearly identify the effects of existing businesses that may cause a nuisance (including noise, but also dust, odours, vibration and other sources of pollution) and the likelihood that they could have a significant adverse effect on new residents/users. In doing so, the agent of change will need to take into account not only the current activities that may cause a nuisance, but also those activities that businesses or other facilities are permitted to carry out, even if they are not occurring at the time of the application being made.

The agent of change will also need to define clearly the mitigation being proposed to address any potential significant adverse effects that are identified. Adopting this approach may not prevent all complaints from the new residents/users about noise or other effects, but can help to achieve a satisfactory living or working environment, and help to mitigate the risk of a statutory nuisance being found if the new development is used as designed (for example, keeping windows closed and using alternative ventilation systems when the noise or other effects are occurring).

It can be helpful for developers to provide information to prospective purchasers or occupants about mitigation measures that have been put in place, to raise awareness and reduce the risk of post-purchase/occupancy complaints.

Paragraph: 009 Reference ID: 30-009-20190722

Revision date: 22 07 2019

How can planning address the adverse effects of noise sources, including where the 'agent of change' needs to put mitigation in place?

This will depend on the type of development being considered the type of noise involved and the nature of the proposed location. In general, for developments that are likely to generate noise, there are 4 broad types of mitigation:

- engineering: reducing the noise generated at source and/or containing the noise generated;
- layout: where possible, optimising the distance between the source and noise-sensitive receptors and/or incorporating good design to minimise noise transmission through the use of screening by natural or purpose built barriers, or other buildings;
- using planning conditions/obligations to restrict activities allowed on the site at certain times and/or specifying permissible noise levels differentiating as appropriate between different times of day, such as evenings and late at night, and;
- mitigating the impact on areas likely to be affected by noise including through noise insulation when the impact is on a building.

For noise sensitive developments, mitigation measures can include avoiding noisy locations in the first place; designing the development to reduce the impact of noise from adjoining activities or the local environment; incorporating noise barriers; and optimising the sound insulation provided by the building envelope. It may also be possible to work with the owners/operators of existing businesses or other activities in the vicinity, to explore whether potential adverse effects could be mitigated at source. Where this is the case, it may be necessary to ensure that these source-control measures are in place prior to the occupation / operation of the new development. Where multiple development sites would benefit from such source control measures, developers are encouraged to work collaboratively to spread this cost. Examples of source control measures could include increased sound proofing on a building (e.g. a music venue) or enclosing an outdoor activity (e.g. waste sorting) within a building to contain emissions.

Care should be taken when considering mitigation to ensure the envisaged measures do not make for an unsatisfactory development.

Paragraph: 010 Reference ID: 30-010-20190722

Revision date: 22 07 2019

Are there further considerations relating to mitigating the impact of noise on residential developments?

Noise impacts may be partially offset if residents have access to one or more of:

- a relatively quiet facade (containing windows to habitable rooms) as part of their dwelling;
- a relatively quiet external amenity space for their sole use, (e.g. a garden or balcony). Although the existence of a garden or balcony is generally desirable, the intended benefits will be reduced if this area is exposed to noise levels that result in significant adverse effects;
- a relatively quiet, protected, nearby external amenity space for sole use by a limited group of residents as part of the amenity of their dwellings; and/or
- a relatively quiet, protected, external publically accessible amenity space (e.g. a public park or a local green space designated because of its tranquillity) that is nearby (e.g. within a 5 minute walking distance).

Paragraph: 011 Reference ID: 30-011-20190722

Revision date: 22 07 2019

How can the potential impact of aviation activities on new development be addressed through the planning system?

The agent of change principle may apply in areas near to airports, or which experience low altitude overflight, where there is the potential for aviation activities to have a significant adverse effect on new noise-sensitive development (such as residential, hospitals and schools). This could include development in the immediate vicinity of an airport, or the final approach and departure routes of an operational runway, and locations that experience regular low altitude overflight by general aviation aircraft, where this activity could subject residents or occupiers to significant noise, air quality issues and/or vibration impacts. The need for and type of mitigation will depend on a variety of factors including

the nature of the aviation activity, location and normal environmental conditions in that context. Local planning authorities could consider the use of planning conditions or obligations to require the provision of appropriate mitigation measures in the new development.

Paragraph: 012 Reference ID: 30-012-20190722

Revision date: 22 07 2019

How can local authorities and airport operators mitigate the environmental impacts of airport expansion?

The management of environmental effects associated with the development of airports and airfields is considered in detail in the Aviation Policy Framework (https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/153776/aviation-policy-framework.pdf). Planning authorities and airport operators are encouraged to work together to develop mitigation measures that are proportionate to the scale of the impact. Development that would increase air movements may require an Environmental Impact Assessment (where it meets the relevant threshold in Schedule 2 to The Town and Country Planning (Environmental Impact Assessment) Regulations 2017). It may be appropriate to consider, as part of any proposed mitigation strategy, how operational measures, siting and design of new taxiways, apron and runways, and ground-level noise attenuation measures could reduce noise impacts of expansion or increased utilisation to a minimum.

Paragraph: 013 Reference ID: 30-013-20190722

Revision date: 22 07 2019

How can local communities have a say in decisions that could result in new noise arising from aviation?

The Civil Aviation Authority has produced guidance on the regulatory process for changing airspace design (<https://publicapps.caa.co.uk/modalapplication.aspx?appid=11&mode=detail&id=8127>). The process is separate from the planning process, and gives local communities the opportunity to consider and comment on proposed changes that could affect them. Local communities also have a statutory right to contribute their views at each step in the planning process, including where development of an airport or airfield is proposed within an emerging plan or a planning application is submitted to a local authority. Depending on their nature and scale, applications for airport expansion may be determined through the Nationally Significant Infrastructure Projects regime. Where airport expansion is considered through the planning system, it will be important for decisions to consider any additional or new impacts from that expansion, and not to revisit the underlying principle of aviation use (where the latter has already been established). As part of this process, applicants are required to engage and consult with local communities, local authorities and others from the outset. Further information on this process (<https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/>).

Paragraph: 014 Reference ID: 30-014-20190722

Revision date: 22 07 2019

What other information is available to assist in the management of noise?

The management of the noise associated with particular development types is considered in the following documents:

- Mineral extraction – National planning practice guidance for minerals (<https://www.gov.uk/guidance/minerals>);
- Aircraft noise – Aviation policy framework (<https://www.gov.uk/government/publications/aviation-policy-framework>);
- Wind turbines – National planning practice guidance for renewable and low carbon energy (<https://www.gov.uk/guidance/renewable-and-low-carbon-energy>) including ETSU R 97 (https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/49869/ETSU_Full_copy__Searchable_.pdf);
- The National policy statements for energy, renewable energy, ports, hazardous waste and waste water (<https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/national-policy-statements/>).
- The Noise Action Plans for Roads, Railways and Agglomerations (<https://www.gov.uk/government/publications/noise-action-plans-large-urban-areas-roads-and-railways>); and
- Use of Planning Conditions – Planning Practice Guidance on Use of Planning Conditions (<https://www.gov.uk/guidance/use-of-planning-conditions>).

The following documents published by other organisations may be of assistance:

- BS 8233:2014 (<https://www.thenbs.com/PublicationIndex/Documents/Details?DocId=306010>)– Guidance on sound insulation and noise reduction for buildings (British Standards Institute 2014);
- Guidelines for Environmental Noise Impact Assessment (<https://www.iema.net/event-reports/2016/01/07/Launch-Webinar-IEMA-Guidelines-for-Environmental-Noise-Impact-Assesment-2014/>) (Institute of Environmental Management and Assessment, 2014);
- ProPG: Planning & Noise – Professional Practice Guidance on Planning & Noise- New Residential Development (<https://www.ioa.org.uk/sites/default/files/14720%20ProPG%20Main%20Document.pdf>) (Association of Noise Consultants, Institute of Acoustics and Chartered Institute of Environmental Health, May 2017).

Some of these documents contain numerical criteria. These values are not to be regarded as fixed thresholds and as outcomes that have to be achieved in every circumstance.

Paragraph: 015 Reference ID: 30-015-20190722

Revision date: 22 07 2019

Does this Guidance apply to developments that fall under the Permitted Development Regime?

The principles of this guidance can be used to assist in fulfilling the ‘prior approval’ requirements with regard to noise management found in Regulations such as the Town and Country Planning (General Permitted Development) (England) Order 2015 (SI 2015/596) as amended.

Paragraph: 016 Reference ID: 30-016-20190722

Revision date: 22 07 2019

How will local authorities assess whether noise has become a statutory nuisance?

Noise can constitute a statutory nuisance and is subject to the provisions of the Environmental Protection Act 1990 (<http://www.legislation.gov.uk/ukpga/1990/43/contents>) and other relevant law. This includes noise affecting balconies and gardens.

When assessing whether a statutory nuisance exists, local authorities will consider a number of relevant factors, including the noise level, its duration, how often it occurs, the time of day or night that it occurs and the 'character of the locality'. The factors influencing the 'character of the locality' may include long-established sources of noise in the vicinity – for example, church bells, industrial premises, music venues, public houses or airfields, and whether they are constant or intermittent.

Local authorities have a duty to take such steps as are reasonably practicable to investigate a statutory nuisance complaint. It is a matter for them whether they take further formal action to remedy a statutory nuisance.

Paragraph: 017 Reference ID: 30-017-20190722

Revision date: 22 07 2019

Published 6 March 2014

Last updated 22 July 2019 + show all updates

1. 22 July 2019
Revised version of guidance
2. 6 March 2014
First published.

[Print this page](#)

Related content

- Noise management (<https://www.gov.uk/government/collections/noise-management>)
- Noise policy statement for England (<https://www.gov.uk/government/publications/noise-policy-statement-for-england>)
- Light pollution (<https://www.gov.uk/guidance/light-pollution>)
- Local environmental quality (<https://www.gov.uk/guidance/local-environmental-quality>)
- Ventilation: Approved Document F (<https://www.gov.uk/government/publications/ventilation-approved-document-f>)

Collection

- Noise management (<https://www.gov.uk/government/collections/noise-management>)
- Planning practice guidance (<https://www.gov.uk/government/collections/planning-practice-guidance>)

Explore the topic

- Planning system (<https://www.gov.uk/housing-local-and-community/planning-system>)

Is this page useful?

-
-

Thank you for your feedback

Help us improve GOV.UK

Don't include personal or financial information like your National Insurance number or credit card details.

What were you doing?

What went wrong?

Help us improve GOV.UK

To help us improve GOV.UK, we'd like to know more about your visit today. We'll send you a link to a feedback form. It will take only 2 minutes to fill in. Don't worry we won't send you spam or share your email address with anyone.

Email address

1. Home (<https://www.gov.uk/>)
2. Housing, local and community (<https://www.gov.uk/housing-local-and-community>)
3. Planning and building (<https://www.gov.uk/housing-local-and-community/planning-and-building>)
4. Planning system (<https://www.gov.uk/housing-local-and-community/planning-system>)

Guidance

Open space, sports and recreation facilities, public rights of way and local green space

Gives key advice on open space, sports and recreation facilities, public rights of way and the new Local Green Space designation.

From:
Ministry of Housing, Communities & Local Government (<https://www.gov.uk/government/organisations/ministry-of-housing-communities-and-local-government>)

Published
6 March 2014

Contents

- Open space, sports and recreation facilities
- Public rights of way and National Trails
- Local Green Space designation

[Print this page](#)

Where plans are being prepared under the transitional arrangements set out in Annex 1 to the revised National Planning Policy Framework (<https://www.gov.uk/government/publications/national-planning-policy-framework--2>), the policies in the previous version of the framework published in 2012 (<http://webarchive.nationalarchives.gov.uk/20180608095821/https://www.gov.uk/government/publications/national-planning-policy-framework--2>) will continue to apply, as will any previous guidance which has been superseded since the new framework was published in July 2018. If you'd like an email alert when changes are made to planning guidance please subscribe (<https://www.gov.uk/topic/planning-development/planning-officer-guidance/email-signup>).

Open space, sports and recreation facilities

How should open space be taken into account in planning?

Open space should be taken into account in planning for new development and considering proposals that may affect existing open space (see National Planning Policy Framework paragraph 96 (<https://www.gov.uk/guidance/national-planning-policy-framework/8-promoting-healthy-and-safe-communities#para96>)). Open space, which includes all open space of public value, can take many forms, from formal sports pitches to open areas within a development, linear corridors and country parks. It can provide health and recreation benefits to people living and working nearby; have an ecological value and contribute to green infrastructure (<https://www.gov.uk/guidance/natural-environment#Green-Infrastructure>) (see National Planning Policy Framework paragraph 171 (<https://www.gov.uk/guidance/national-planning-policy-framework/15-conserving-and-enhancing-the-natural-environment#para171>)), as well as being an important part of the landscape and setting of built development, and an important component in the achievement of sustainable development (see National Planning Policy Framework paragraphs 7-9 (<https://www.gov.uk/guidance/national-planning-policy-framework/2-achieving-sustainable-development>)).

It is for local planning authorities to assess the need for open space and opportunities for new provision in their areas. In carrying out this work, they should have regard to the duty to cooperate (<https://www.gov.uk/guidance/duty-to-cooperate>) where open space serves a wider area. See guidance on Local Green Space designation, which may form part of the overall open space network within an area.

Related policy:

- paragraph 92 (<https://www.gov.uk/guidance/national-planning-policy-framework/8-promoting-healthy-and-safe-communities#para92>)
- paragraphs 20-23 (<https://www.gov.uk/guidance/national-planning-policy-framework/3-plan-making#para20>)
- paragraph 26 (<https://www.gov.uk/guidance/national-planning-policy-framework/3-plan-making#para26>)
- paragraph 96 (<https://www.gov.uk/guidance/national-planning-policy-framework/8-promoting-healthy-and-safe-communities#para96>)

Paragraph: 001 Reference ID: 37-001-20140306

Revision date: 06 03 2014

How do local planning authorities and developers assess the needs for sports and recreation facilities?

Authorities and developers may refer to Sport England's guidance (<http://www.sportengland.org/facilities-planning/planning-for-sport/planning-tools-and-guidance/>) on how to assess the need for sports and recreation facilities.

Paragraph: 002 Reference ID: 37-002-20140306

Revision date: 06 03 2014

Who should local planning authorities consult in cases where development would affect existing open space, sports and recreation facilities?

Local planning authorities are required (<http://www.legislation.gov.uk/uksi/2015/595/contents/made>) to consult Sport England (<http://www.sportengland.org/facilities-planning/>) in certain cases where development affects the use of land as playing fields (<https://www.gov.uk/guidance/consultation-and-pre-decision-matters#Statutory-consultees-on-applications>).

Where there is no requirement to consult, local planning authorities are advised to consult Sport England in cases where development might lead to:

- loss of, or loss of use for sport, of any major sports facility;
- proposals which lead to the loss of use for sport of a major body of water;
- creation of a major sports facility;
- creation of a site for one or more playing pitches;
- development which creates opportunities for sport (such as the creation of a body of water bigger than two hectares following sand and gravel extraction);
- artificial lighting of a major outdoor sports facility;
- a residential development of 300 dwellings or more.

Authorities should also consider whether there are planning policy reasons to engage other consultees (<https://www.gov.uk/guidance/consultation-and-pre-decision-matters#Non-statutory-consultees>).

Paragraph: 003 Reference ID: 37-003-20140306

Revision date: 06 03 2014

Public rights of way and National Trails

Where can I find information on public rights of way and National Trails?

Local highway authorities hold information about the location of public rights of way in the areas they cover. They are required to record the existence and location of rights of way on a definitive map. Natural England also has information about public rights of way (<https://www.gov.uk/outdoor-access-recreation/rights-of-way-open-access>) and National Trails (<https://www.gov.uk/government/publications/management-of-national-trails-the-new-deal>).

Public rights of way form an important component of sustainable transport links and should be protected or enhanced. The Defra Rights of Way circular (1/09) (<https://www.gov.uk/government/publications/rights-of-way-circular-1-09>) gives advice to local authorities on recording, managing and maintaining, protecting and changing public rights of way. It also contains guidance on the consideration of rights of way in association with development. The Circular also covers the statutory procedures for diversion or extinguishment of a public right of way.

Related policy:

- paragraph 91 (<https://www.gov.uk/guidance/national-planning-policy-framework/8-promoting-healthy-and-safe-communities>)
- paragraph 98 (<https://www.gov.uk/guidance/national-planning-policy-framework/8-promoting-healthy-and-safe-communities#para98>)
- paragraph 20 (<https://www.gov.uk/guidance/national-planning-policy-framework/3-plan-making#para20>)

Paragraph: 004 Reference ID: 37-004-20140306

Revision date: 06 03 2014

Local Green Space designation

What is Local Green Space designation?

Local Green Space designation is a way to provide special protection against development for green areas of particular importance to local communities.

Paragraph: 005 Reference ID: 37-005-20140306

Revision date: 06 03 2014

How is land designated as Local Green Space?

Local Green Space designation is for use in Local Plans (<https://www.gov.uk/guidance/local-plans--2>) or Neighbourhood Plans (<https://www.gov.uk/guidance/neighbourhood-planning--2>). These plans can identify on a map ('designate') green areas for special protection. Anyone who wants an area to be designated as Local Green Space should contact the local planning authority about the contents of its local plan or get involved in neighbourhood planning.

Paragraph: 006 Reference ID: 37-006-20140306

Revision date: 06 03 2014

How does Local Green Space designation relate to development?

Designating any Local Green Space will need to be consistent with local planning for sustainable development in the area. In particular, plans must identify sufficient land in suitable locations to meet identified development needs and the Local Green Space designation should not be used in a way that undermines this aim of plan making.

Paragraph: 007 Reference ID: 37-007-20140306

Revision date: 06 03 2014

What if land has planning permission for development?

Local Green Space designation will rarely be appropriate where the land has planning permission for development. Exceptions could be where the development would be compatible with the reasons for designation or where planning permission is no longer capable of being implemented.

Paragraph: 008 Reference ID: 37-008-20140306

Revision date: 06 03 2014

Can all communities benefit from Local Green Space?

Local Green Spaces may be designated where those spaces are demonstrably special to the local community, whether in a village or in a neighbourhood in a town or city.

Paragraph: 009 Reference ID: 37-009-20140306

Revision date: 06 03 2014

What if land is already protected by Green Belt or as Metropolitan Open Land (in London)?

If land is already protected by Green Belt policy, or in London, policy on Metropolitan Open Land, then consideration should be given to whether any additional local benefit would be gained by designation as Local Green Space.

One potential benefit in areas where protection from development is the norm (eg villages included in the green belt) but where there could be exceptions is that the Local Green Space designation could help to identify areas that are of particular importance to the local community.

Paragraph: 010 Reference ID: 37-010-20140306

Revision date: 06 03 2014

What if land is already protected by designations such as National Park, Area of Outstanding Natural Beauty, Site of Special Scientific Interest, Scheduled Monument or conservation area?

Different types of designations are intended to achieve different purposes. If land is already protected by designation, then consideration should be given to whether any additional local benefit would be gained by designation as Local Green Space.

Paragraph: 011 Reference ID: 37-011-20140306

Revision date: 06 03 2014

What about new communities?

New residential areas may include green areas that were planned as part of the development. Such green areas could be designated as Local Green Space if they are demonstrably special and hold particular local significance.

Paragraph: 012 Reference ID: 37-012-20140306

Revision date: 06 03 2014

What types of green area can be identified as Local Green Space?

The green area will need to meet the criteria set out in paragraph 100 (<https://www.gov.uk/guidance/national-planning-policy-framework/8-promoting-healthy-and-safe-communities#para100>) of the National Planning Policy Framework. Whether to designate land is a matter for local discretion. For example, green areas could include land where sports pavilions, boating lakes or structures such as war memorials are located, allotments, or urban spaces that provide a tranquil oasis.

Paragraph: 013 Reference ID: 37-013-20140306

Revision date: 06 03 2014

How close does a Local Green Space need to be to the community it serves?

The proximity of a Local Green Space to the community it serves will depend on local circumstances, including why the green area is seen as special, but it must be reasonably close. For example, if public access is a key factor, then the site would normally be within easy walking distance of the community served.

Paragraph: 014 Reference ID: 37-014-20140306

Revision date: 06 03 2014

How big can a Local Green Space be?

There are no hard and fast rules about how big a Local Green Space can be because places are different and a degree of judgment will inevitably be needed. However, paragraph 100 (<https://www.gov.uk/guidance/national-planning-policy-framework/8-promoting-healthy-and-safe-communities#para100>) of the National Planning Policy Framework is clear that Local Green Space designation should only be used where the green area concerned is not an extensive tract of land. Consequently blanket designation of open countryside adjacent to settlements will not be appropriate. In particular, designation should not be proposed as a 'back door' way to try to achieve what would amount to a new area of Green Belt by another name.

Paragraph: 015 Reference ID: 37-015-20140306

Revision date: 06 03 2014

Is there a minimum area?

Provided land can meet the criteria at paragraph 100 (<https://www.gov.uk/guidance/national-planning-policy-framework/8-promoting-healthy-and-safe-communities#para100>) of the National Planning Policy Framework there is no lower size limit for a Local Green Space.

Paragraph: 016 Reference ID: 37-016-20140306

Revision date: 06 03 2014

What about public access?

Some areas that may be considered for designation as Local Green Space may already have largely unrestricted public access, though even in places like parks there may be some restrictions. However, other land could be considered for designation even if there is no public access (eg green areas which are valued because of their wildlife, historic significance and/or beauty).

Designation does not in itself confer any rights of public access over what exists at present. Any additional access would be a matter for separate negotiation with land owners, whose legal rights must be respected.

Paragraph: 017 Reference ID: 37-017-20140306

Revision date: 06 03 2014

What about public rights of way?

Areas that may be considered for designation as Local Green Space may be crossed by public rights of way. There is no need to designate linear corridors as Local Green Space simply to protect rights of way, which are already protected under other legislation.

Paragraph: 018 Reference ID: 37-018-20140306

Revision date: 06 03 2014

Does land need to be in public ownership?

A Local Green Space does not need to be in public ownership. However, the local planning authority (in the case of local plan making) or the qualifying body (in the case of neighbourhood plan making) should contact landowners at an early stage about proposals to designate any part of their land as Local Green Space. Landowners will have opportunities to make representations in respect of proposals in a draft plan.

Paragraph: 019 Reference ID: 37-019-20140306

Revision date: 06 03 2014

Would designation place any restrictions or obligations on landowners?

Designating a green area as Local Green Space would give it protection consistent with that in respect of Green Belt, but otherwise there are no new restrictions or obligations on landowners.

Paragraph: 020 Reference ID: 37-020-20140306

Revision date: 06 03 2014

Who will manage Local Green Space?

Management of land designated as Local Green Space will remain the responsibility of its owner. If the features that make a green area special and locally significant are to be conserved, how it will be managed in the future is likely to be an important consideration. Local communities can consider how, with the landowner's agreement, they might be able to get involved, perhaps in partnership with interested organisations that can provide advice or resources.

Paragraph: 021 Reference ID: 37-021-20140306

Revision date: 06 03 2014

Can a Local Green Space be registered as an Asset of Community Value?

Land designated as Local Green Space may potentially also be nominated for listing by the local authority as an Asset of Community Value (<https://www.gov.uk/government/publications/community-right-to-bid-non-statutory-advice-note-for-local-authorities>). Listing gives community interest groups an opportunity to bid if the owner wants to dispose of the land.

Related policy: paragraphs 99-100 (<https://www.gov.uk/guidance/national-planning-policy-framework/8-promoting-healthy-and-safe-communities#para99>)

Paragraph: 022 Reference ID: 37-022-20140306

Revision date: 06 03 2014

Published 6 March 2014

[Print this page](#)

Related content

- Community Right to Bid: non-statutory advice note for local authorities (<https://www.gov.uk/government/publications/community-right-to-bid-non-statutory-advice-note-for-local-authorities>)
- Appropriate assessment (<https://www.gov.uk/guidance/appropriate-assessment>)
- Changes to the Habitats Regulations 2017 (<https://www.gov.uk/government/publications/changes-to-the-habitats-regulations-2017>)
- Renewable and low carbon energy (<https://www.gov.uk/guidance/renewable-and-low-carbon-energy>)

Collection

- Planning practice guidance (<https://www.gov.uk/government/collections/planning-practice-guidance>)

Explore the topic

- Planning system (<https://www.gov.uk/housing-local-and-community/planning-system>)

Is this page useful?

- [Yes this page is useful](#)
- [No this page is not useful](#)

Thank you for your feedback

[Report a problem with this page](#)

[Close](#)

Help us improve GOV.UK

Don't include personal or financial information like your National Insurance number or credit card details.

What were you doing?

What went wrong?

[Send](#)

[Close](#)

Help us improve GOV.UK

To help us improve GOV.UK, we'd like to know more about your visit today. We'll send you a link to a feedback form. It will take only 2 minutes to fill in. Don't worry we won't send you spam or share your email address with anyone.

Email address

1. Home (<https://www.gov.uk/>)
2. Housing, local and community (<https://www.gov.uk/housing-local-and-community>)
3. Planning and building (<https://www.gov.uk/housing-local-and-community/planning-and-building>)
4. Planning system (<https://www.gov.uk/housing-local-and-community/planning-system>)

Guidance

Travel Plans, Transport Assessments and Statements

Provides advice on when Transport Assessments and Transport Statements are required, and what they should contain.

From:
Ministry of Housing, Communities & Local Government (<https://www.gov.uk/government/organisations/ministry-of-housing-communities-and-local-government>)

Published
6 March 2014

Contents

- Overarching principles on Travel Plans, Transport Assessments and Statements
- Travel Plans
- Transport Assessments and Statements

[Print this page](#)

Where plans are being prepared under the transitional arrangements set out in Annex 1 to the revised National Planning Policy Framework (<https://www.gov.uk/government/publications/national-planning-policy-framework--2>), the policies in the previous version of the framework published in 2012 (<http://webarchive.nationalarchives.gov.uk/20180608095821/https://www.gov.uk/government/publications/national-planning-policy-framework--2>) will continue to apply, as will any previous guidance which has been superseded since the new framework was published in July 2018. If you'd like an email alert when changes are made to planning guidance please subscribe (<https://www.gov.uk/topic/planning-development/planning-officer-guidance/email-signup>).

Overarching principles on Travel Plans, Transport Assessments and Statements

This guidance relates only to Travel Plans, Transport Assessments and Statements in relation to decision-taking.

It may also be useful in plan-making if local planning authorities are of the view that Transport Assessments can beneficially inform their Local Plans (<https://www.gov.uk/guidance/local-plans--2>) (for example, in order to facilitate the use of sustainable modes of transport).

Further guidance on transport issues can be found on the Department for Transport's website (<https://www.gov.uk/government/organisations/department-for-transport>).

Paragraph: 001 Reference ID: 42-001-20140306

Revision date: 06 03 2014

What are Travel Plans, Transport Assessments and Statements?

Travel Plans, Transport Assessments and Statements are all ways of assessing and mitigating the negative transport impacts of development in order to promote sustainable development. They are required for all developments which generate significant amounts of movements.

Paragraph: 002 Reference ID: 42-002-20140306

Revision date: 06 03 2014

What are Travel Plans?

Travel Plans are long-term management strategies for integrating proposals for sustainable travel into the planning process. They are based on evidence of the anticipated transport impacts of development and set measures to promote and encourage sustainable travel (such as promoting walking and cycling). They should not, however, be used as an excuse for unfairly penalising drivers and cutting provision for cars in a way that is unsustainable and could have negative impacts on the surrounding streets.

Travel Plans should where possible, be considered in parallel to development proposals and readily integrated into the design and occupation of the new site rather than retrofitted after occupation.

Where there may be more effective or sustainable outcomes, and in order to mitigate the impact of the proposed development, consideration may be given to travel planning over a wider area.

Related policy:

- paragraph 32 (<https://www.gov.uk/guidance/national-planning-policy-framework/9-promoting-sustainable-transport#para111>)

Paragraph: 003 Reference ID: 42-003-20140306

Revision date: 06 03 2014

What are Transport Assessments and Statements?

Transport Assessments and Statements are ways of assessing the potential transport impacts of developments (and they may propose mitigation measures to promote sustainable development. Where that mitigation relates to matters that can be addressed by management measures, the mitigation may inform the preparation of Travel Plans).

Transport Assessments are thorough assessments of the transport implications of development, and Transport Statements are a 'lighter-touch' evaluation to be used where this would be more proportionate to the potential impact of the development (ie in the case of developments with anticipated limited transport impacts).

Where the transport impacts of development are not significant, it may be that no Transport Assessment or Statement or Travel Plan is required. Local planning authorities, developers, relevant transport authorities, and neighbourhood planning organisations should agree what evaluation is needed in each instance.

Paragraph: 004 Reference ID: 42-004-20140306

Revision date: 06 03 2014

How do Travel Plans, Transport Assessments and Statements relate to each other?

The development of Travel Plans and Transport Assessments or Transport Statements should be an iterative process as each may influence the other.

The primary purpose of a Travel Plan is to identify opportunities for the effective promotion and delivery of sustainable transport initiatives eg walking, cycling, public transport and tele-commuting, in connection with both proposed and existing developments and through this to thereby reduce the demand for travel by less sustainable modes. As noted above, though, they should not be used as way of unfairly penalising drivers.

Transport Assessments and Transport Statements primarily focus on evaluating the potential transport impacts of a development proposal. (They may consider those impacts net of any reductions likely to arise from the implementation of a Travel Plan, though producing a Travel Plan is not always required.) The Transport Assessment or Transport Statement may propose mitigation measures where these are necessary to avoid unacceptable or "severe" impacts. Travel Plans can play an effective role in taking forward those mitigation measures which relate to on-going occupation and operation of the development.

Transport Assessments and Statements can be used to establish whether the residual transport impacts of a proposed development are likely to be "severe", which may be a reason for refusal, in accordance with the National Planning Policy Framework.

Paragraph: 005 Reference ID: 42-005-20140306

Revision date: 06 03 2014

Why are Travel Plans, Transport Assessments and Statements important?

Travel Plans, Transport Assessments and Statements can positively contribute to:

- encouraging sustainable travel;
- lessening traffic generation and its detrimental impacts;
- reducing carbon emissions and climate impacts;
- creating accessible, connected, inclusive communities;
- improving health outcomes and quality of life;
- improving road safety; and

- reducing the need for new development to increase existing road capacity or provide new roads.

They support national planning policy which sets out that planning should actively manage patterns of growth in order to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.

Government's policy on parking is set out in the National Planning Policy Framework. Travel Plans, Assessments and Statements can also be important tools to improve the quality of town centre parking (and where, necessary to improve the vitality of town centres, the quantity too).

Local planning authorities and developers should both consider the wider benefits of Travel Plans, Transport Assessments and Statements such as helping to promote the attractiveness of a district or site to new visitors and releasing land for development that would otherwise be taken up by required related parking.

Many military establishments are located in isolated areas and the lack of choice that military families have over the location of their service accommodation means some face transport difficulties. When considering transport issues local authorities should consider the particular requirements of any Armed Forces families in their area.

Related policies:

- paragraph 43 (<https://www.gov.uk/guidance/national-planning-policy-framework/4-decision-making#para43>)
- Chapter 7 (<https://www.gov.uk/guidance/national-planning-policy-framework/7-ensuring-the-vitality-of-town-centres>)
- paragraph 103 (<https://www.gov.uk/guidance/national-planning-policy-framework/9-promoting-sustainable-transport#para103>)
- paragraph 106 (<https://www.gov.uk/guidance/national-planning-policy-framework/9-promoting-sustainable-transport#para106>)

Paragraph: 006 Reference ID: 42-006-20140306

Revision date: 06 03 2014

What key principles should be taken into account in preparing a Travel Plan, Transport Assessment or Statement?

Travel Plans, Transport Assessments and Statements should be:

- proportionate to the size and scope of the proposed development to which they relate and build on existing information wherever possible;
- established at the earliest practicable possible stage of a development proposal;
- be tailored to particular local circumstances (other locally-determined factors and information beyond those which are set out in this guidance may need to be considered in these studies provided there is robust evidence for doing so locally);
- be brought forward through collaborative ongoing working between the local planning authority/transport authority, transport operators, rail network operators, Highways Agency where there may be implications for the strategic road network

(<https://www.gov.uk/government/publications/strategic-road-network-and-the-delivery-of-sustainable-development>) and other relevant bodies. Engaging communities and local businesses in Travel Plans, Transport Assessments and Statements can be beneficial in positively supporting higher levels of walking and cycling (which in turn can encourage greater social inclusion, community cohesion and healthier communities).

In order to make these documents as useful and accessible as possible any information or assumptions should be set out in a clear and publicly accessible form:

- the timeframes over which they are conducted or operate should be appropriate in relation to the nature of developments to which they relate (and planned changes to transport infrastructure and management in the area);
- local planning authorities should advise qualifying bodies for the purposes of neighbourhood planning on whether Travel Plans, Transport Assessments and Statements should be prepared, and the benefits of doing so, as part of the duty to support.

Local planning authorities may wish to consult the relevant bodies on planning applications likely to affect transport infrastructure, such as rail network operators where a development is likely to impact on the operation of level crossings.

Paragraph: 007 Reference ID: 42-007-20140306

Revision date: 06 03 2014

Can Travel Plans, Transport Assessments or Transport Statements be used to justify higher parking charges or other constraints on car users?

While Travel Plans are intended to promote the most sustainable forms of transport, such as active travel, they should not be used to justify penalising motorists – for instance through higher parking charges, tougher enforcement or reduced parking provision (which can simply lead to more on street parking). Nor should they be used to justify (<https://www.gov.uk/guidance/design>) aggressive traffic calming measures, such as speed humps.

Maximum parking standards can lead to poor quality development and congested streets, local planning authorities should seek to ensure parking provision is appropriate to the needs of the development and not reduced below a level that could be considered reasonable.

Travel Plans, Transport Assessments and Statements should reflect the important role that appropriate parking facilities can play in rejuvenating local shops, high streets and town centres (<https://www.gov.uk/guidance/ensuring-the-vitality-of-town-centres>).

Paragraph: 008 Reference ID: 42-008-20140306

Revision date: 06 03 2014

Travel Plans

When is a Travel Plan required?

Paragraph 111 (<https://www.gov.uk/guidance/national-planning-policy-framework/9-promoting-sustainable-transport#para111>) of the National Planning Policy Framework sets out that all developments which generate significant amounts of transport movement should be required to provide a Travel Plan.

Local planning authorities must make a judgement as to whether a proposed development would generate significant amounts of movement on a case by case basis (ie significance may be a lower threshold where road capacity is already stretched or a higher threshold for a development which proposes no car parking in an area of high public transport accessibility).

In determining whether a Travel Plan will be needed for a proposed development the local planning authorities should take into account the following considerations:

- the Travel Plan policies (if any) of the Local Plan;
- the scale of the proposed development and its potential for additional trip generation (smaller applications with limited impacts may not need a Travel Plan);
- existing intensity of transport use and the availability of public transport;
- proximity to nearby environmental designations or sensitive areas;
- impact on other priorities/ strategies (such as promoting walking and cycling);
- the cumulative impacts of multiple developments within a particular area;
- whether there are particular types of impacts around which to focus the Travel Plan (eg minimising traffic generated at peak times); and
- relevant national policies, including the decision to abolish maximum parking standards for both residential and non-residential development.

Paragraph: 009 Reference ID: 42-009-20140306

Revision date: 06 03 2014

How should the need for and scope of a Travel Plan be established?

The anticipated need for a Travel Plan should be established early on, preferably in the pre-application stage but otherwise within the application determination process itself.

Consideration should be given at the pre-application stage to:

- the form and scope of the Travel Plan;
- the outcomes sought by the Travel Plan;
- the processes, timetables and costs potentially involved in delivering the required outcomes (including any relevant conditions and obligations);
- the scope of the information needed; and
- the proposals for the on-going management, implementation and review processes.

Paragraph: 010 Reference ID: 42-010-20140306

Revision date: 06 03 2014

What information should be included in Travel Plans?

Travel Plans should identify the specific required outcomes, targets and measures, and set out clear future monitoring and management arrangements all of which should be proportionate. They should also consider what additional measures may be required to offset unacceptable impacts if the targets should not be met.

Travel Plans should set explicit outcomes rather than just identify processes to be followed (such as encouraging active travel or supporting the use of low emission vehicles). They should address all journeys resulting from a proposed development by anyone who may need to visit or stay and they should seek to fit in with wider strategies for transport in the area.

They should evaluate and consider:

- benchmark travel data including trip generation databases;
- Information concerning the nature of the proposed development and the forecast level of trips by all modes of transport likely to be associated with the development;
- relevant information about existing travel habits in the surrounding area;
- proposals to reduce the need for travel to and from the site via all modes of transport; and
- provision of improved public transport services.

They may also include:

- parking strategy options (if appropriate – and having regard to national policy on parking standards (<https://www.gov.uk/guidance/national-planning-policy-framework/9-promoting-sustainable-transport#para106>) and the need to avoid unfairly penalising motorists (<https://www.gov.uk/guidance/national-planning-policy-framework/9-promoting-sustainable-transport#para106>)); and
- proposals to enhance the use of existing, new and improved public transport services and facilities for cycling and walking both by users of the development and by the wider community (including possible financial incentives).

These active measures may assist in creating new capacity within the local network that can be utilised to accommodate the residual trip demand of the site(s) under consideration.

It is often best to retain the ability to establish certain elements of the Travel Plan or review outcomes after the development has started operating so that it can be based upon the occupational and operational characteristics of the development.

Any sanctions (for example financial sanctions on breaching outcomes/processes) need to be reasonable and proportionate, with careful attention paid to the viability of the development. It may often be more appropriate to use non-financial sanctions where outcomes/processes are not adhered to (such as more active or different marketing of sustainable transport modes or additional traffic management measures). Relevant implications for planning permission must be set out clearly, including (for example) whether the Travel Plan is secured by a condition or planning obligation.

Travel Plans can only impose such requirements where these are consistent with government policy on planning obligations.

Paragraph: 011 Reference ID: 42-011-20140306

Revision date: 06 03 2014

How should Travel Plans be monitored?

Travel Plans need to set out clearly what data is to be collected, and when, establishing the baseline conditions in relation to any targets.

The length of time over which monitoring will occur and the frequency will depend on the nature and scale of the development and should be agreed as part of the Travel Plan with the developer or qualifying body for neighbourhood planning. Who has responsibility for monitoring compliance should be clear.

Monitoring requirements should only cease when there is sufficient evidence for all parties to be sure that the travel patterns of the development are in line with the objectives of the Travel Plan. This includes meeting the agreed targets over a consistent period of time. At this point the Travel Plan would become a voluntary initiative.

Paragraph: 012 Reference ID: 42-012-20140306

Revision date: 06 03 2014

Transport Assessments and Statements

When are Transport Assessment and Transport Statements required?

Paragraph 111 (<https://www.gov.uk/guidance/national-planning-policy-framework/9-promoting-sustainable-transport#para111>) of the National Planning Policy Framework sets out that all developments that generate significant amounts of transport movement should be supported by a Transport Statement or Transport Assessment.

Local planning authorities must make a judgement as to whether a development proposal would generate significant amounts of movement on a case by case basis (ie significance may be a lower threshold where road capacity is already stretched or a higher threshold for a development in an area of high public transport accessibility).

In determining whether a Transport Assessment or Statement will be needed for a proposed development local planning authorities should take into account the following considerations:

- the Transport Assessment and Statement policies (if any) of the Local Plan;
- the scale of the proposed development and its potential for additional trip generation (smaller applications with limited impacts may not need a Transport Assessment or Statement);
- existing intensity of transport use and the availability of public transport;
- proximity to nearby environmental designations or sensitive areas;
- impact on other priorities/strategies (such as promoting walking and cycling);
- the cumulative impacts of multiple developments within a particular area; and
- whether there are particular types of impacts around which to focus the Transport Assessment or Statement (eg assessing traffic generated at peak times).

Paragraph: 013 Reference ID: 42-013-20140306

Revision date: 06 03 2014

How should the need for and scope of a Transport Assessment or Statement be established?

The need for, scale, scope and level of detail required of a Transport Assessment or Statement should be established as early in the development management process as possible as this may therefore positively influence the overall nature or the detailed design of the development.

Key issues to consider at the start of preparing a Transport Assessment or Statement may include:

- the planning context of the development proposal;
- appropriate study parameters (ie area, scope and duration of study);
- assessment of public transport capacity, walking/cycling capacity and road network capacity;
- road trip generation and trip distribution methodologies and/ or assumptions about the development proposal;
- measures to promote sustainable travel;
- safety implications of development; and
- mitigation measures (where applicable) – including scope and implementation strategy.

It is important to give appropriate consideration to the cumulative impacts arising from other committed development (ie development that is consented or allocated where there is a reasonable degree of certainty will proceed within the next 3 years). At the decision-taking stage this may require the developer to carry out an assessment of the impact of those adopted Local Plan allocations which have the potential to impact on the same sections of transport network as well as other relevant local sites benefitting from as yet unimplemented planning approval.

Transport Assessments or Statements may identify the need for associated studies or may feed into other studies. However care should be taken to establish the full range of studies that will be required of development at the earliest opportunity as it is unlikely that a Transport Assessment or Statement in itself could fulfil the specific role required of a transport element of an Environmental Impact Assessment (<https://www.gov.uk/guidance/environmental-impact-assessment>) where this is required. Particular attention should be given to this issue where there are environmentally sensitive areas nearby and where the proposal could have implications for breach of statutory thresholds in relation to noise and air quality either as a result of traffic generated by the site or as a consequence of the impact of existing traffic on the site under consideration.

Paragraph: 014 Reference ID: 42-014-20140306

Revision date: 06 03 2014

What information should be included in Transport Assessments and Statements?

The scope and level of detail in a Transport Assessment or Statement will vary from site to site but the following should be considered when settling the scope of the proposed assessment:

- information about the proposed development, site layout, (particularly proposed transport access and layout across all modes of transport)
- information about neighbouring uses, amenity and character, existing functional classification of the nearby road network;

- data about existing public transport provision, including provision/ frequency of services and proposed public transport changes;
- a qualitative and quantitative description of the travel characteristics of the proposed development, including movements across all modes of transport that would result from the development and in the vicinity of the site;
- an assessment of trips from all directly relevant committed development in the area (ie development that there is a reasonable degree of certainty will proceed within the next 3 years);
- data about current traffic flows on links and at junctions (including by different modes of transport and the volume and type of vehicles) within the study area and identification of critical links and junctions on the highways network;
- an analysis of the injury accident records on the public highway in the vicinity of the site access for the most recent 3-year period, or 5-year period if the proposed site has been identified as within a high accident area;
- an assessment of the likely associated environmental impacts of transport related to the development, particularly in relation to proximity to environmentally sensitive areas (such as air quality management areas or noise sensitive areas);
- measures to improve the accessibility of the location (such as provision/enhancement of nearby footpath and cycle path linkages) where these are necessary to make the development acceptable in planning terms;
- a description of parking facilities in the area and the parking strategy of the development;
- ways of encouraging environmental sustainability by reducing the need to travel; and
- measures to mitigate the residual impacts of development (such as improvements to the public transport network, introducing walking and cycling facilities, physical improvements to existing roads.

In general, assessments should be based on normal traffic flow and usage conditions (eg non-school holiday periods, typical weather conditions) but it may be necessary to consider the implications for any regular peak traffic and usage periods (such as rush hours). Projections should use local traffic forecasts such as TEMPRO drawing where necessary on National Road Traffic Forecasts for traffic data.

The timeframe that the assessment covers should be agreed with the local planning authority in consultation with the relevant transport network operators and service providers. However, in circumstances where there will be an impact on a national transport network, this period will be set out in the relevant government policy.

Paragraph: 015 Reference ID: 42-015-20140306

Revision date: 06 03 2014

Published 6 March 2014

[Print this page](#)

Related content

- Planning policy for traveller sites (<https://www.gov.uk/government/publications/planning-policy-for-traveller-sites>)
- Rural housing (<https://www.gov.uk/guidance/rural-housing>)
- Town centres and retail (<https://www.gov.uk/guidance/ensuring-the-vitality-of-town-centres>)
- Transport evidence bases in plan making and decision taking (<https://www.gov.uk/guidance/transport-evidence-bases-in-plan-making-and-decision-taking>)
- Planning and travellers (<https://www.gov.uk/government/speeches/planning-and-travellers>)

Collection

- Planning practice guidance (<https://www.gov.uk/government/collections/planning-practice-guidance>)

Explore the topic

- Planning system (<https://www.gov.uk/housing-local-and-community/planning-system>)

Is this page useful?

-
-

Thank you for your feedback

Help us improve GOV.UK

Don't include personal or financial information like your National Insurance number or credit card details.

What were you doing?

What went wrong?

Help us improve GOV.UK

To help us improve GOV.UK, we'd like to know more about your visit today. We'll send you a link to a feedback form. It will take only 2 minutes to fill in. Don't worry we won't send you spam or share your email address with anyone.

Email address

1. Home (<https://www.gov.uk/>)
2. Housing, local and community (<https://www.gov.uk/housing-local-and-community>)
3. Planning and building (<https://www.gov.uk/housing-local-and-community/planning-and-building>)
4. Planning system (<https://www.gov.uk/housing-local-and-community/planning-system>)

Guidance

Use of planning conditions

Explains how conditions attached to a planning permission should be used and discharged effectively

From:
Ministry of Housing, Communities & Local Government (<https://www.gov.uk/government/organisations/ministry-of-housing-communities-and-local-government>)

Published
6 March 2014

Last updated
23 July 2019 — See all updates

Contents

- Why and how are conditions imposed?
- What approach should be taken to using conditions?
- Conditions relating to time limits
- The use of pre-commencement conditions
- Discharging and modifying conditions once planning permission is granted
- Deemed discharge

Print this page

Where plans are being prepared under the transitional arrangements set out in Annex 1 to the revised National Planning Policy Framework (<https://www.gov.uk/government/publications/national-planning-policy-framework--2>), the policies in the previous version of the framework published in 2012 (<http://webarchive.nationalarchives.gov.uk/20180608095821/https://www.gov.uk/government/publications/national-planning-policy-framework--2>) will continue to apply, as will any previous guidance which has been superseded since the new framework was published in July 2018. If you'd like an email alert when changes are made to planning guidance please subscribe (<https://www.gov.uk/topic/planning-development/planning-officer-guidance/email-signup>).

Why and how are conditions imposed?

Why are conditions imposed on a planning permission?

When used properly, conditions can enhance the quality of development and enable development to proceed where it would otherwise have been necessary to refuse planning permission, by mitigating the adverse effects. The objectives of planning are best served when the power to attach conditions to a planning permission is exercised in a way that is clearly seen to be fair, reasonable and practicable. It is important to ensure that conditions are tailored to tackle specific problems, rather than standardised or used to impose broad unnecessary controls.

Paragraph: 001 Reference ID: 21a-001-20140306

Revision date: 06 03 2014

What are the main legal powers relating to use of conditions?

The main powers are in sections 70, 72, 73, 73A, and Schedule 5 of the Town and Country Planning Act 1990 (<http://www.legislation.gov.uk/ukpga/1990/8/section/70>). Powers to impose conditions on appeal are also given to the Secretaries of State or their Inspectors by sections 77, 79, 177, and Schedule 6 of the Act (<http://www.legislation.gov.uk/ukpga/1990/8/section/77>). In some areas there may also be powers under local Acts which complement or vary the powers in the 1990 Act.

Section 70(1)(a) of the Act (<http://www.legislation.gov.uk/ukpga/1990/8/section/70>) enables the local planning authority in granting planning permission to impose “such conditions as they think fit”. This power needs to be interpreted in light of material considerations such as the National Planning Policy Framework, this supporting guidance on the use of conditions, and relevant case law.

A pre-commencement condition must not be imposed on the grant of permission (other than a grant of outline planning permission within the meaning of Section 92 of the 1990 Act) without the written agreement of the applicant except in the circumstances set out in the Town and Country Planning (Pre-commencement Conditions) Regulations 2018 (<http://www.legislation.gov.uk/uksi/2018/566/made>).

Paragraph: 002 Reference ID: 21a-002-20190723

Revision date: 23 07 2019 See previous version

(<https://webarchive.nationalarchives.gov.uk/20190606212244/https://www.gov.uk/guidance/use-of-planning-conditions#why-and-how-are-conditions-imposed>)

What approach should be taken to using conditions?

What should a local planning authority do to ensure that the tests in national policy have been met?

Paragraph 55 (<https://gov.uk/guidance/national-planning-policy-framework/4-decision-making#para55>) of the National Planning Policy Framework makes clear that planning conditions should be kept to a minimum, and only used where they satisfy the following tests:

1. necessary;
2. relevant to planning;
3. relevant to the development to be permitted;
4. enforceable;

5. precise; and
6. reasonable in all other respects.

These are referred to in this guidance as the 6 tests, and each of them need to be satisfied for each condition which an authority intends to apply. See also guidance on the use of model conditions (<https://www.gov.uk/government/publications/the-use-of-conditions-in-planning-permissions-circular-11-1995>).

Paragraph: 003 Reference ID: 21a-003-20190723

Revision date: 23 07 2019 See previous version

(<https://webarchive.nationalarchives.gov.uk/20190606212244/https://www.gov.uk/guidance/use-of-planning-conditions#Application-of-the-six-tests>)

How does the Local Planning Authority ensure that the 6 tests in paragraph 206 of the National Planning Policy Framework have been met?

Paragraph deleted.

Paragraph: 004 Reference ID: 21a-004-20190723

Revision date: 23 07 2019 See previous version

(<https://webarchive.nationalarchives.gov.uk/20190606212244/https://www.gov.uk/guidance/use-of-planning-conditions#Application-of-the-six-tests>)

How can the local planning authority and the applicant reduce the need for conditions?

Rigorous application of the 6 tests can reduce the need for conditions and it is good practice to keep the number of conditions to a minimum wherever possible. Early engagement and positive dialogue between the local planning authority and the applicant can also result in planning permission being granted with fewer conditions attached. Effective pre-application discussions can help to establish early in the process what may need to be the subject of conditions. A Planning Performance Agreement can be used to set a timetable for when discussions about conditions will take place.

An applicant may, where it is feasible to do so, seek approval at the application stage for matters which may otherwise have been the subject of conditions. This can reduce potential delays between the decision being taken and development taking place on site.

Paragraph: 018 Reference ID: 21a-018-20190723

Revision date: 23 07 2019 See previous version

(<https://webarchive.nationalarchives.gov.uk/20190606212244/https://www.gov.uk/guidance/use-of-planning-conditions#what-approach-should-be-taken-to-imposing-conditions>)

Are there any circumstances where planning conditions should not be used?

Any proposed condition that fails to meet one of the 6 tests should not be used. This applies even if the applicant suggests or agrees to it, or it is suggested by the members of a planning committee or a third party. Specific circumstances where conditions should not be used include:

- **Conditions which unreasonably impact on the deliverability of a development:**

Conditions which place unjustifiable and disproportionate financial burdens on an applicant will fail the test of reasonableness. In considering issues around viability, local planning authorities should consider policies in the National Planning Policy Framework and supporting guidance on viability (<https://www.gov.uk/guidance/viability>).

- **Conditions reserving outline application details:**

Where details have been submitted as part of an outline application, they must be treated by the local planning authority as forming part of the development for which the application is being made. Conditions cannot be used to reserve these details for subsequent approval. The exception is where the applicant has made it clear that the details have been submitted for illustration purposes only.

- **Conditions requiring the development to be carried out in its entirety:**

Conditions requiring a development to be carried out in its entirety will fail the test of necessity by requiring more than is needed to deal with the problem they are designed to solve. Such a condition is also likely to be difficult to enforce due to the range of external factors that can influence a decision whether or not to carry out and complete a development.

- **Conditions requiring compliance with other regulatory requirements (eg Building Regulations, Environmental Protection Act):**

Conditions requiring compliance with other regulatory regimes will not meet the test of necessity and may not be relevant to planning. Use of informatives to remind the applicant to obtain further planning approvals and other consents may be more appropriate.

- **Conditions requiring land to be given up:**

Conditions cannot require that land is formally given up (or ceded) to other parties, such as the local highway authority.

- **Positively worded conditions requiring payment of money or other consideration:**

No payment of money or other consideration can be positively required when granting planning permission. However, where the 6 tests will be met, it may be possible use a negatively worded condition to prohibit development authorised by the planning permission until a specified action has been taken (for example, the entering into of a planning obligation requiring the payment of a financial contribution towards the provision of supporting infrastructure).

Paragraph: 005 Reference ID: 21a-005-20190723

Revision date: 23 07 2019 See previous version

(<https://webarchive.nationalarchives.gov.uk/20190606212244/https://www.gov.uk/guidance/use-of-planning-conditions#what-approach-should-be-taken-to-imposing-conditions>)

Can a local planning authority use model conditions?

Model conditions can improve the efficiency of the planning process, but it is important not to apply them in a rigid way and without regard to whether the 6 tests will be met. Local planning authorities may want to consider national model conditions where appropriate in the interests of maintaining consistency. (See also model conditions (<https://www.gov.uk/government/publications/the-use-of-conditions-in-planning-permissions-circular-11-1995>).)

Paragraph: 021 Reference ID: 21b-021-20190723

Revision date: 23 07 2019 See previous version

(<https://webarchive.nationalarchives.gov.uk/20190606212244/https://www.gov.uk/guidance/use-of-planning-conditions#the-use-of-pre-commencement-conditions>)

Can conditions be used to require the applicant to submit further details after permission has been granted?

For non outline applications, other than where it will clearly assist with the efficient and effective delivery of development, it is important that the local planning authority limits the use of conditions requiring their approval of further matters after permission has been granted.

Where it is justified, the ability to impose conditions requiring submission and approval of further details extends to aspects of the development that are not fully described in the application (eg provision of car parking spaces).

Where it is practicable to do so, such conditions should be discussed with the applicant before permission is granted to ensure that unreasonable burdens are not being imposed. The local planning authority should ensure that the timing of submission of any further details meets with the planned sequence for developing the site. Conditions that unnecessarily affect an applicant's ability to bring a development into use, allow a development to be occupied or otherwise impact on the proper implementation of the planning permission should not be used. A condition requiring the re-submission and approval of details that have already been submitted as part of the planning application is unlikely to pass the test of necessity.

Paragraph: 006 Reference ID: 21a-006-20140306

Revision date: 06 03 2014

Can conditions be used to stipulate the sequence that development should be carried out in (phasing)?

Where the circumstances of the application make this necessary and the 6 tests will be met, conditions can be imposed to ensure that development proceeds in a certain sequence. Conditions may also be used to ensure that a particular element in a scheme is provided by/at a particular stage or before the scheme is brought into use.

It is important that the local planning authority and the applicant discuss and seek to agree any such conditions before planning permission is granted. This is in order to understand how the requirements would fit into the planned sequence for developing the site, impacts on viability, and whether the tests of reasonableness and necessity will be met.

See guidance on multi-stage consents and Environmental Impact Assessment (<https://www.gov.uk/guidance/environmental-impact-assessment#subsequent-applications>).

Paragraph: 008 Reference ID: 21a-008-20140306

Revision date: 06 03 2014

When can conditions be used relating to land not in control of the applicant?

Conditions requiring works on land that is not controlled by the applicant, or that requires the consent or authorisation of another person or body often fail the tests of reasonableness and enforceability. It may be possible to achieve a similar result using a condition worded in a negative form (a Grampian condition) – ie prohibiting development authorised by the planning permission or other aspects linked to the planning permission (eg occupation of premises) until a specified action has been taken (such as the provision of supporting infrastructure). Such conditions should not be used where there are no prospects at all of the action in question being performed within the time-limit imposed by the permission.

Paragraph: 009 Reference ID: 21a-009-20140306

Revision date: 06 03 2014

Is it possible to use a condition to require an applicant to enter into a planning obligation or an agreement under other powers?

A positively worded condition which requires the applicant to enter into a planning obligation under section 106 of the Town and Country Planning Act 1990 (<https://www.legislation.gov.uk/ukpga/1990/8/section/106>) or an agreement under other powers, is unlikely to pass the test of enforceability.

A negatively worded condition limiting the development that can take place until a planning obligation or other agreement has been entered into is unlikely to be appropriate in the majority of cases. Ensuring that any planning obligation or other agreement is entered into prior to granting planning permission is the best way to deliver sufficient certainty for all parties about what is being agreed. It encourages the parties to finalise the planning obligation or other agreement in a timely manner and is important in the interests of maintaining transparency.

However, in exceptional circumstances a negatively worded condition requiring a planning obligation or other agreement to be entered into before certain development can commence may be appropriate, where there is clear evidence that the delivery of the development would otherwise be at serious risk (this may apply in the case of particularly complex development schemes). In such cases the 6 tests should also be met.

Where consideration is given to using a negatively worded condition of this sort, it is important that the local planning authority discusses with the applicant before planning permission is granted the need for a planning obligation or other agreement and the appropriateness of using a condition. The heads of terms or principal terms need to be agreed prior to planning permission being granted to ensure that the test of necessity is met and in the interests of transparency.

Paragraph: 010 Reference ID: 21a-010-20190723

Revision date: 23 07 2019 See previous version

(<https://webarchive.nationalarchives.gov.uk/20190606212244/https://www.gov.uk/guidance/use-of-planning-conditions#what-approach-should-be-taken-to-imposing-conditions>)

What approach should be taken where the same objective can be met using either a condition or a planning obligation?

It may be possible to overcome a planning objection to a development proposal equally well by imposing a condition on the planning permission or by entering into a planning obligation under section 106 of the Town and Country Planning Act 1990 (<http://www.legislation.gov.uk/ukpga/1990/8/section/106>). In such cases the local planning authority should use a condition rather than seeking to deal with the matter by means of a planning obligation.

Paragraph: 011 Reference ID: 21a-011-20140306

Revision date: 06 03 2014

Can conditions be used to modify plans and other details submitted with an application?

If a detail in a proposed development, or the lack of it, is unacceptable in planning terms the best course of action will often be for the applicant to be invited to revise the application. Where this involves significant changes this may result in the need for a fresh planning application.

Depending on the case, it may be possible for the local planning authority to impose a condition making a minor modification to the development permitted. It would not be appropriate to modify the development in a way that makes it substantially different from that set out in the application.

Paragraph: 012 Reference ID: 21a-012-20140306

Revision date: 06 03 2014

Can conditions be used to limit the grant of planning permission to only part of the development proposed (a split decision)?

Express powers to issue split decisions are given to the Secretary of State and Inspectors in section 79 of the Town and Country Planning Act 1990 (<http://www.legislation.gov.uk/ukpga/1990/8/section/79>).

In cases where the local planning authority considers part of the development to be unacceptable, it will normally be best to seek amended details from the applicant prior to a decision being made. In exceptional circumstances it may be appropriate to use a condition to grant permission for only part of the development. Such conditions will only be appropriate where the acceptable and unacceptable parts of the proposal are clearly distinguishable.

Paragraph: 013 Reference ID: 21a-013-20140306

Revision date: 06 03 2014

When can conditions be used to grant planning permission for a use for a temporary period only?

Under section 72 of the Town and Country Planning Act 1990 (<http://www.legislation.gov.uk/ukpga/1990/8/section/72>) the local planning authority may grant planning permission for a specified temporary period only.

Circumstances where a temporary permission may be appropriate include where a trial run is needed in order to assess the effect of the development on the area or where it is expected that the planning circumstances will change in a particular way at the end of that period.

A temporary planning permission may also be appropriate to enable the temporary use of vacant land or buildings prior to any longer-term proposals coming forward (a 'meanwhile use').

It will rarely be justifiable to grant a second temporary permission (except in cases where changing circumstances provide a clear rationale, such as temporary classrooms and other school facilities). Further permissions can normally be granted permanently or refused if there is clear justification for doing so. There is no presumption that a temporary grant of planning permission will then be granted permanently.

A condition requiring the demolition after a stated period of a building that is clearly intended to be permanent is unlikely to pass the test of reasonableness. Conditions requiring demolition of buildings which are imposed on planning permissions for change of use are unlikely to relate fairly and reasonably to the development permitted.

Paragraph: 014 Reference ID: 21a-014-20140306

Revision date: 06 03 2014

Is it appropriate to use conditions to limit the benefits of the planning permission to a particular person or group of people?

Planning permission usually runs with the land and it is rarely appropriate to provide otherwise. There may be exceptional occasions where development that would not normally be permitted may be justified on planning grounds because of who would benefit from the permission. For example, conditions limiting benefits to a particular class of people, such as new residential accommodation in the open countryside for agricultural or forestry workers, may be justified on the grounds that an applicant has successfully demonstrated an exceptional need.

A condition limiting the benefit of the permission to a company is inappropriate because its shares can be transferred to other persons without affecting the legal personality of the company.

Paragraph: 015 Reference ID: 21a-015-20140306

Revision date: 06 03 2014

How can conditions that are requested by statutory consultees and other third parties be approached?

Statutory consultees and other third parties can suggest conditions to mitigate potential impacts and make a development acceptable in planning terms. The decision as to whether it is appropriate to impose such conditions rests with the local planning authority (except for the circumstances set out in the Town and Country Planning (Development Affecting Trunk Roads) Direction 2018)

(https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/745435/180223__TC_Planning_Development_on_the_Trunk_Road_Direction.pdf). As with any condition, the parties involved should consider whether the 6 tests will be met. Blanket standard conditions are inappropriate without proper consideration of whether they are necessary.

It is not appropriate to require in a condition that a development should be carried out to the satisfaction of a third party as this decision rests with the local planning authority.

Paragraph: 016 Reference ID: 21a-016-20140306

Revision date: 06 03 2014

Is it appropriate to use conditions to restrict the future use of permitted development rights or changes of use?

Conditions restricting the future use of permitted development rights or changes of use may not pass the test of reasonableness or necessity. The scope of such conditions needs to be precisely defined, by reference to the relevant provisions in the Town and Country Planning (General Permitted Development) (England) Order 2015 (<http://www.legislation.gov.uk/uksi/2015/596/contents/made>), so that it is clear exactly which rights have been limited or withdrawn. Area-wide or blanket removal of freedoms to carry out small scale domestic and non-domestic alterations that would otherwise not require an application for planning permission are unlikely to meet the tests of reasonableness and necessity. The local planning authority also has powers under article 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (<http://www.legislation.gov.uk/uksi/2015/596/article/4/made>) to enable them to withdraw permitted development rights across a defined area, where justified.

Paragraph: 017 Reference ID: 21a-017-20190723

Revision date: 23 07 2019 See previous version

(<https://webarchive.nationalarchives.gov.uk/20190606212244/https://www.gov.uk/guidance/use-of-planning-conditions#what-approach-should-be-taken-to-imposing-conditions>)

Is it acceptable for a local planning authority to explain in their Local Plan where conditions may be used?

Paragraph deleted.

Paragraph: 020 Reference ID: 21a-020-20140306

Revision date: 06 07 2019 See previous version

(<https://webarchive.nationalarchives.gov.uk/20190606212244/https://www.gov.uk/guidance/use-of-planning-conditions#what-approach-should-be-taken-to-imposing-conditions>)

Can conditions be used to specify the application drawings and other details which form part of the permission?

Paragraph deleted.

Paragraph: 022 Reference ID: 21a-022-20190723

Revision date: 23 07 2019 See previous version

(<https://webarchive.nationalarchives.gov.uk/20190606212244/https://www.gov.uk/guidance/use-of-planning-conditions#what-approach-should-be-taken-to-imposing-conditions>)

Does the local planning authority need to give reasons for imposing conditions?

Clear and precise reasons must be given by the local planning authority for the imposition of every condition.

Paragraph: 023 Reference ID: 21a-023-20140306

Revision date: 06 03 2014

How should a local planning authority order conditions on decision notices?

In addition to precise drafting, clear ordering of conditions on a decision notice will help ensure they are understood. It is good practice to list the conditions in the order that they need to be satisfied. A good structure is:

1. the standard time limit condition for commencement of development
2. the details and drawings subject to which the planning permission is granted
3. any pre-commencement conditions
4. any pre-occupancy or other stage conditions
5. any conditions relating to post occupancy monitoring and management.

Paragraph: 024 Reference ID: 21a-024-20140306

Revision date: 06 03 2014

Conditions relating to time limits

How should conditions be used to specify the time limit within which development granted planning permission must begin?

Under section 91 Town and Country Planning Act 1990 (<http://www.legislation.gov.uk/ukpga/1990/8/section/91>) if the local planning authority grants planning permission it is subject to a condition that sets the time limit within which the development must begin.

The relevant time limit for beginning the development is not later than the expiration of:

- 3 years beginning with the date on which the permission is granted, or;
- such other period (whether longer or shorter) as the local planning authority may impose.

The local planning authority may wish to consider whether a variation in the time period could assist in the delivery of development. For example, a shorter time period may be appropriate where it would encourage the commencement of development and non-commencement has previously had negative impacts.

The national planning policy framework encourages local planning authorities to consider imposing a shorter time period to ensure that proposals for housing development are implemented in a timely manner. A longer time period may be justified for very complex projects where there is evidence that 3 years is not long enough to allow all the necessary preparations to be completed before development can start.

Where planning permission is granted and the decision notice does not include a condition stating the time limit within which development must begin, it is deemed to be granted subject to the conditions set out in section 92 Town and Country Planning Act 1990 (<http://www.legislation.gov.uk/ukpga/1990/8/section/92>).

Paragraph: 027 Reference ID: 21a-027-20140306

Revision date: 06 03 2014

What about time limits for outline planning permissions?

Paragraph deleted.

Paragraph: 028 Reference ID: 21a-028-20190723

Revision date: 23 07 2019 See previous version

(<https://webarchive.nationalarchives.gov.uk/20190606212244/https://www.gov.uk/guidance/use-of-planning-conditions#conditions-relating-to-time-limits>)

What happens if planning permission is granted but there is no condition specifying the time limit within which development must begin?

Paragraph deleted.

Paragraph: 029 Reference ID: 2a-029-20190723

Revision date: 23 07 2019 See previous version

(<https://webarchive.nationalarchives.gov.uk/20190606212244/https://www.gov.uk/guidance/use-of-planning-conditions#conditions-relating-to-time-limits>)

Can conditions be attached to reserved matters applications relating to outline planning permissions?

The only conditions which can be imposed when the reserved matters are approved are conditions which directly relate to those reserved matters. Conditions relating to anything other than the matters to be reserved can only be imposed when outline planning permission is granted.

Paragraph: 025 Reference ID: 21a-025-20140306

Revision date: 06 03 2014

What status do informative notes appended to decision notices have?

Informative notes allow the local planning authority to draw an applicant's attention to other relevant matters – for example the requirement to seek additional consents under other regimes. Informative notes do not carry any legal weight and cannot be used in lieu of planning conditions or a legal obligation to try and ensure adequate means of control for planning purposes.

Paragraph: 026 Reference ID: 21a-026-20140306

Revision date: 06 03 2014

The use of pre-commencement conditions

When can pre-commencement conditions be used that prevent any development until the requirements of the condition have been met?

Care should be taken when considering using pre-commencement conditions that prevent any development authorised by the planning permission from beginning until the condition has been complied with. This includes conditions stating that ‘no development shall take place until...’ or ‘prior to any works starting on site...’

Such pre-commencement conditions should only be used where there is a clear justification, which is likely to mean that the requirements of the condition (including the timing of compliance) are so fundamental to the development permitted that it would otherwise be necessary to refuse the whole permission.

A pre-commencement condition that does not meet the legal and policy tests may be found to be unlawful by the courts and therefore cannot be enforced by the local planning authority if it is breached. Development carried out without having complied with a pre-commencement condition would be unlawful and may be the subject of enforcement action.

Paragraph: 007 Reference ID: 21a-007-20180615

Revision date: 15 06 2018 See previous version

(<http://webarchive.nationalarchives.gov.uk/20180411211011/https://www.gov.uk/guidance/use-of-planning-conditions#what-approach-should-be-taken-to-imposing-conditions>)

When must a local planning authority agree pre-commencement conditions with an applicant before imposing them?

Section 100ZA(5) provides that planning permission for the development of land may not be granted subject to a pre-commencement condition without the written agreement of the applicant to the terms of the condition (except in the case of a condition imposed on the grant of outline planning permission within the meaning of Section 92 of the 1990 Act or in the circumstances set out in the Town and Country Planning (Pre-commencement Conditions) Regulations 2018) (<http://www.legislation.gov.uk/uksi/2018/566/made>).

Paragraph: 036 Reference ID: 21a-036-20180615

Revision date: 15 06 2018

When may local planning authorities serve a notice to seek the written agreement of the applicant to a pre-commencement condition?

A local planning authority may decide to serve a notice if it has not been able to obtain written agreement, to a pre-commencement condition it wishes to impose, during the course of negotiations, as described in paragraph 019.

The application cannot be determined until the period specified in the notice has expired unless, before that date, the applicant provides a substantive response or written agreement to the pre-commencement condition.

What options are available to the applicant if they have received a notice from the local planning authority seeking to impose a pre-commencement condition?

The applicant can:

- provide written agreement (within the time limit) to the terms of the proposed pre-commencement condition, in which case the local planning authority may grant planning permission subject to that pre-commencement condition
- provide comments (within the time limit) on the proposed pre-commencement condition, in which case that condition cannot be imposed
- choose not respond (i.e. remain silent). If there is no response by the date given in the notice the local planning authority may grant planning permission subject to the terms of the pre-commencement condition specified in the notice
- indicate (within the time limit) that they do not agree to the terms of the proposed pre-commencement condition, in which case the local planning authority may then either:
 - i. grant planning permission without the pre-commencement condition,
 - ii. seek written agreement to an alternative pre-commencement condition, or
 - iii. refuse to grant permission (if it considers that the disputed pre-commencement condition is necessary to make the development acceptable in planning terms).

What options are available to an applicant who does not wish to comply with a condition?

Following the decision of a local planning authority to grant planning permission subject to conditions, an applicant may consider taking the following actions if they do not wish to be subject to a condition.

These options remain available where the applicant has agreed a pre-commencement condition, or the pre-commencement condition has been imposed where the applicant has not responded within the time limit set out in a notice served under the Town and Country Planning (Pre-commencement Conditions) Regulations 2018 (<http://www.legislation.gov.uk/ukxi/2018/566/made>):

- Some or all of the conditions could be removed or changed by making an application to the local planning authority under section 73 of the Town and Country Planning Act 1990 (<http://www.legislation.gov.uk/ukpga/1990/8/section/73>). In deciding an application under section 73, the local planning authority must only consider the disputed condition/s that are the subject of the application – it is not a complete re-consideration of the application. A local planning authority decision to refuse an application under section 73 can be appealed to the Secretary of State, who will also only consider the condition/s in question.
- Appeal to the Secretary of State against the decision of the local planning authority to grant planning permission subject to conditions. An appeal must be received within 12 weeks of the date on the decision notice for householder planning applications or 6 months for other planning decision types. A Planning Inspector on behalf of the Secretary of State will re-determine the whole

application (not only the decision to impose the conditions) – so there is a risk that the Inspector could refuse planning permission and therefore reverse the decision of the local planning authority. Further guidance on appeals (<https://www.gov.uk/guidance/appeals>).

Development that is taken forward in breach of conditions may be subject to local authority enforcement action. It is also possible to apply for retrospective planning permission under section 73A of the Town and Country Planning Act 1990 (<http://www.legislation.gov.uk/ukpga/1990/8/section/73A>). Further guidance on enforcement (including section 73A) (<https://www.gov.uk/guidance/ensuring-effective-enforcement>).

Paragraph: 031 Reference ID: 21a-031-20180615

Revision date: 15 06 2018 See previous version
(<https://webarchive.nationalarchives.gov.uk/20190606212244/https://www.gov.uk/guidance/use-of-planning-conditions#the-use-of-pre-commencement-conditions>)

What information must be included in a notice under the Town and Country Planning (Pre-commencement Conditions) Regulations 2018?

Paragraph deleted.

Paragraph: 039 Reference ID: 21a-039-20190723

Revision date: 23 07 2019 See previous version
(<https://webarchive.nationalarchives.gov.uk/20190606212244/https://www.gov.uk/guidance/use-of-planning-conditions#the-use-of-pre-commencement-conditions>)

Should the local planning authority agree conditions with an applicant before imposing them?

Paragraph deleted.

Paragraph: 019 Reference ID: 21a-019-2090723

Revision date: 23 07 2019 See previous version
(<https://webarchive.nationalarchives.gov.uk/20190606212244/https://www.gov.uk/guidance/use-of-planning-conditions#what-approach-should-be-taken-to-imposing-conditions>)

What are pre-commencement conditions?

Paragraph deleted.

Paragraph: 035 Reference ID: 21a-035-20180615

Revision date: 23 07 2019 See previous version
(<https://webarchive.nationalarchives.gov.uk/20190606212244/https://www.gov.uk/guidance/use-of-planning-conditions#the-use-of-pre-commencement-conditions>)

How are conditions treated under section 73?

The original planning permission will continue to exist whatever the outcome of the application under section 73. The conditions imposed on the original permission still have effect unless they have been discharged. In granting permission under section 73 the local planning authority may also impose new

conditions – provided the conditions do not materially alter the development that was subject to the original permission and are conditions which could have been imposed on the earlier planning permission. For the purpose of clarity, decision notices for the grant of planning permission under section 73 should set out all of the conditions imposed on the new permission, and restate the conditions imposed on earlier permissions that continue to have effect.

Any pre-commencement conditions may not be imposed without the written agreement of the applicant to the terms of the condition (except in the case of a condition imposed on the grant of outline planning permission within the meaning of section 92 of the 1990 Act or in the circumstances set out in the Town and Country Planning (Pre-commencement Conditions) Regulations 2018) (<http://www.legislation.gov.uk/uksi/2018/566/made>). Further guidance on section 73 (<https://www.gov.uk/guidance/flexible-options-for-planning-permissions>).

Paragraph: 040 Reference ID: 21a-040-20190723

Revision date: 23 07 2019

Will conditions on planning permissions affect future purchasers of the land?

Paragraph deleted.

Paragraph: 030 Reference ID: 21a-030-20190723

Revision date: 23 07 2019 See previous version (<https://webarchive.nationalarchives.gov.uk/20190606212244/https://www.gov.uk/guidance/use-of-planning-conditions#discharging-and-modifying-conditions>)

Discharging and modifying conditions once planning permission is granted

How can a developer seek to discharge conditions attached to a planning permission that require local planning authority approval of further details?

Requests for approval of further details required by conditions must be made to the local planning authority in writing, enclosing any relevant details.

Paragraph: 032 Reference ID: 21a-032-20140306

Revision date: 06 03 2014

Is there a fee payable to a local planning authority to discharge a planning condition?

The local planning authority will charge an application fee for written requests for both:

- written confirmation of the discharge of conditions; and
- written confirmation that one or more of the conditions imposed on a grant of planning permission have been satisfied

More details on fees (<https://www.gov.uk/guidance/fees-for-planning-applications>). The fee must be paid when the request is made, and cannot be paid retrospectively.

How long should it take for a local planning authority to discharge a planning condition?

The local planning authority should respond to requests to discharge conditions without delay and must give notice to the applicant of its decision within a period of 8 weeks, beginning with the day immediately following that on which the application is received, or any longer period agreed in writing between the applicant and local planning authority.

Where the LPA is determining an application for approval required by a condition imposed on planning permission for EIA development, which must be obtained before all or part of the development may be begun, the period is 16 weeks. (Article 27 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (<http://www.legislation.gov.uk/uksi/2015/595/article/27/made>) and regulation 68 of the Town and Country Planning (Environmental Impact Assessment) Regulations (<http://www.legislation.gov.uk/uksi/2017/571/regulation/68/made>)).

If no decision is made to discharge the condition within 12 weeks, the local planning authority must return the fee to the applicant without further delay.

These timeframes and the return of fees do not apply to prior approval procedures under Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (<http://www.legislation.gov.uk/uksi/2015/596/schedule/2/made>), or where the request relates to a reserved matter, which should be subject to a reserved matters application.

Where an applicant has concerns about the timeliness of the local planning authority in giving notice of its decision, a deemed discharge may be available under article 28 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (<http://www.legislation.gov.uk/uksi/2015/595/article/28/made>).

There is a right of appeal where an application is refused or is not determined within the statutory timescale.

Deemed discharge

What is deemed discharge?

Deemed discharge of a condition means that the local planning authority's consent, agreement or approval to any matter as required by the condition is deemed to have been given.

If seeking a deemed discharge the applicant must follow the procedure set out in Articles 27 to 30 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (<http://www.legislation.gov.uk/uksi/2015/595/article/27/made>).

The procedure is designed to avoid unacceptable delays and costs at a stage in the development process where applicants are close to starting on site or where development is underway.

Paragraph: 041 Reference ID: 21a-041-20190723

Revision date: 23 07 2019

What conditions are eligible for deemed discharge?

The deemed discharge procedure only applies to a condition which: (a) has been imposed on the grant of planning permission for the development of land in England after April 15, 2015; and (b) requires the consent, agreement or approval of an authority to any matter – i.e. the applicant has to come back to the authority for their approval.

The deemed discharge procedure cannot be applied:

(a) to a condition attached to the grant of planning permission where the condition falls within the exemptions listed in Schedule 6 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (<http://www.legislation.gov.uk/ukSI/2015/595/schedule/6/made>); or

(b) where the applicant for planning permission and the local planning authority have agreed in writing that the provisions of section 74A of the 1990 Act (deemed discharge of planning conditions) do not apply.

Paragraph: 042 Reference ID: 21a-042-20190723

Revision date: 23 07 2019

What is the process for activating deemed discharge?

Deemed discharge needs to be activated by the applicant.

If the applicant considers there is a delay in the discharge of a condition, the 'deemed discharge' process may be activated (where that is permitted, and where no appeal has been made under section 78 of the 1990 Act) by serving a 'deemed discharge' notice on the local planning authority.

A deemed discharge notice may only be served once one of the following have elapsed:

- at least 6 weeks beginning with the day immediately following that on which the application is received by the local planning authority; or
- such shorter period as may be agreed in writing between the applicant and the local planning authority for serving a notice.

If the applicant has served a deemed discharge notice and the local planning authority fails to determine the application by the date specified in the notice or such later date as may have been agreed in writing, approval is deemed to have been given, with the consequence that the condition is deemed to be discharged.

Paragraph: 043 Reference ID: 21a-043-20190723

Revision date: 23 07 2019

How is the date specified in the notice calculated?

The date specified in the notice must be no earlier than the date referred to in paragraph 034 above elapses, or 14 days after the day immediately following that on which the deemed discharge notice is received by the local planning authority, whichever is later.

Paragraph: 044 Reference ID: 21a-044-20190723

Revision date: 23 07 2019

What information needs to be included in the deemed discharge notice?

Statutory requirements for what information must be included in the deemed discharge notice are set out in Article 29 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (<http://www.legislation.gov.uk/uksi/2015/595/article/29/made>).

Paragraph: 045 Reference ID: 21a-045-20190723

Revision date: 23 07 2019

Published 6 March 2014

Last updated 23 July 2019 + show all updates

1. 23 July 2019

Amended paragraphs 002, 003, 005, 010, 017, 018, 021, 031, 034. Added new paragraphs 040-045. Deleted paragraphs 004, 019, 022, 028, 029, 030, 039.

2. 15 June 2018

Amended paragraphs 007, 019, 021 and 031. Added new paragraphs 035-039.

3. 6 March 2014

First published.

Print this page

Related content

- Flexible options for planning permissions (<https://www.gov.uk/guidance/flexible-options-for-planning-permissions>)
- Planning practice guidance (<https://www.gov.uk/government/collections/planning-practice-guidance>)
- Determining a planning application (<https://www.gov.uk/guidance/determining-a-planning-application>)
- Before submitting an application (<https://www.gov.uk/guidance/before-submitting-an-application>)
- Lawful development certificates (<https://www.gov.uk/guidance/lawful-development-certificates>)

Collection

- Planning practice guidance (<https://www.gov.uk/government/collections/planning-practice-guidance>)

Explore the topic

- Planning system (<https://www.gov.uk/housing-local-and-community/planning-system>)

Is this page useful?

-
-

Thank you for your feedback

Help us improve GOV.UK

Don't include personal or financial information like your National Insurance number or credit card details.

What were you doing?

What went wrong?

Help us improve GOV.UK

To help us improve GOV.UK, we'd like to know more about your visit today. We'll send you a link to a feedback form. It will take only 2 minutes to fill in. Don't worry we won't send you spam or share your email address with anyone.

Email address