NATIONAL PLANNING PRACTICE GUIDANCE:
Updates 21 – 23 July 2019
Introduction

The Ministry of Housing, Communities and Local Government (“MHCLG”) published updates to 22 categories of the National Planning Practice Guidance (“NPPG”) between 21 and 23 July 2019. The updates include a wide range of matters from Advertisements and Appropriate Assessment to the Use of Planning Conditions and Water Supply, Waste Water and Water Quality. Whilst a number of the updates are relatively minor in nature, for example the update to the Land Stability section of the guidance, others are more substantial in nature, in particular the Housing and Economic Land Availability Assessment section and the section on the Green Belt that introduces advice on topics relating to compensatory improvements to offset the impact of removing land from the Green Belt as part of plan-making.

Below, under the existing NPPG chapter headings, we summarise some of the key changes and explore potential implications.
Advertisements

The update confirms that the deemed consent for advertisements displayed on the glazed (external) surface of telephone kiosks previously granted under Class 16 of Schedule 3 to the Regulations was removed with effect from 25 May 2019 and that express consent is required to display advertisements in these instances (Paragraph: 009 Reference ID: 18b-009-20190722).

The guidance advises that LPAs may serve a community protection notice under Section 43 of the Anti-social Behaviour, Crime and Policing Act 2014, to require statutory undertakers and others responsible for street furniture and ‘relevant surfaces’ to remove fly-posters, and where street furniture and relevant surfaces are defaced by fly-posters in a manner that is detrimental to the amenity of the area or is offensive. If a community protection notice is not complied with, an LPA can remove fly-posters and reclaim the costs of doing so (this was previously done under section 48 of the Anti-social Behaviour Act 2003) (Paragraph: 062 Reference ID: 18b-062-20190722).

Appropriate assessment

The update includes a new section devoted to Appropriate Assessment, which brings the guidance in line with recent amendments to the regulations on Habitats regulation Assessment 2017 (HRA), and in response to recent, significant legal rulings (People over Wind) (Paragraph: 005 Reference ID: 65-005-20190722) on how screening decisions should be made for the purposes of deciding whether an appropriate assessment is required; in particular the requirement not to take into account mitigation measures. Although the industry should already be responding to the implications of this judgement, this change helps align the position of the guidance with the courts.

Consultation and pre-decision matters

The update reflects the requirement for LPAs to consult Neighbourhood Forums as well as Parish Councils on relevant planning applications (Paragraph: 006 Reference ID: 15-006-20190722), reflecting the Government’s continued drive for localism to be imbued within the planning system.

The guidance states that LPAs should encourage applicants to engage with statutory and non-statutory consultees before submitting their applications to help avoid delays in the planning application process (Paragraph: 013 Reference ID: 15-013-20190722). Many developers will do this already, in order to comprehensively scope out issues prior to submission, though this places a greater onus on the developer to engage at an earlier stage, and added responsibility for those consultees to respond in a timely manner.

Where an application has been amended it is up to the LPA to decide whether further publicity and consultation is necessary in the interests of fairness. In deciding what further steps may be required local planning authorities should consider whether any of those who were entitled to be consulted on the application would be deprived of the opportunity to make any representations that they may have wanted to make on the application as amended. The previous guidance linked the need for a re-consultation to whether objections had been raised in the original consultation and whether the changes were significant. (Paragraph: 026 Reference ID: 15-026-20190722).

Where a local planning authority is minded to grant planning permission against the COMAH competent authority’s advice, it should give the Health and Safety Executive, Environment Agency or Office for Nuclear Regulation advance notice of that intention, and allow 21 days from that notice for the COMAH competent authority to give further consideration to the matter. This will enable the COMAH competent authority to consider whether to request the Secretary of State for Housing, Communities and Local Government call-in the application (Paragraph: 028 Reference ID: 15-028-20190722).
Effective use of land

The update provides guidance on making effective use of land, including planning for higher density development. Specific guidance is also set out to help determine whether land should be reallocated for a more deliverable use (Paragraph: 001 Reference ID: 66-001-20190722), the test being whether there is a ‘realistic prospect’ of delivering the site for its intended use.

Enforcement and post-permission matters

An additional section has been added in relation to the actions that LPAs can use to encourage the implementation of planning permissions for development following consent (Paragraph: 068 Reference ID: 17b-068-20190722). Reference is made to the use of conditions to require development to begin within a shorter time period than the standard three years and to the need for LPAs to ensure that planning conditions are discharged effectively, and planning obligations agreed quickly. In addition, the guidance highlights the use of the following existing tools:

- Completion notice – served on an owner or occupier in relation to an uncompleted development, giving (at least) 12 months for compliance, after which time the planning permission shall become invalid.
- Discontinuance notice – this allows the LPA to require the use of the land or building to be discontinued, impose conditions on the land or building, or require steps to be taken for the alteration or removal of the building or works. There may be a liability for a local authority to pay compensation.
- Revocation of planning permission – this allows an LPA to revoke or modify planning permission where they consider it expedient, or where development has stalled. There may be a liability for a local authority to pay compensation.

Historic environment

The updated guidance states that positive historic environment strategies could include the delivery of development that reflects and enhances local character and distinctiveness with particular regard given to the prevailing styles of design and use of materials in a local area (Paragraph 003 Reference ID: 18a-003-0201907230).

The definition of ‘significance’ has been expanded (Paragraph 006 Reference ID: 18a-006-0201907230) and makes clear that this is derived not only from a heritage asset’s physical presence, but also from its setting. The definition of setting has also been updated to provide additional guidance and states that 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 (Paragraph 013 Reference ID: 18a-013-0201907230). What is clear from this change, is that the Government continues to recognise the importance of the built environment, which places a continued onus on engaging with this issue where relevant, with appropriate advice from heritage specialists.

Further guidance is provided on the ‘optimum’ viable use of a heritage asset and how this should be taken into account in decision making with guidance making it clear that the optimum viable use may not necessarily be the most commercially viable one (Paragraph 015 Reference ID: 18a-015-0201907230).
Detailed guidance is provided on the assessment of harm to a 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 NPPF (paragraphs 194-196) 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. (Paragraph 018 Reference ID: 18a-018-0201907230).

Non-designated heritage assets can be identified through both the local plan and neighbourhood plan-making process. Clear and up-to-date information on non-designated heritage assets should be made available to the public including the criteria used to select them. (Paragraph 040 Reference ID: 18a-040-0201907230).

**Green belt**

This update introduces advice, in a relatively concise form, on the role of the Green Belt in the planning system. This covers topics on: the factors that can be taken into account when considering the potential impact of development on the openness of the Green Belt; compensatory improvements to offset the impact of removing land from the Green Belt as part of plan-making; and, securing compensatory improvements to the environmental quality and accessibility of the Green Belt (Paragraph: 001 Reference ID: 64-001-20190722 to 64-003-20190722). This is an important consideration for those with sites in the Green Belt, where Exceptional Circumstances/Very Special Circumstances have been justified, and there is a need for developers to actively engage with this issue to ensure that this additional test of the Green Belt is satisfied.

This is additional guidance that will impact on the plan-making process as well as individual planning applications on land in the Green Belt. The guidance refers to legal rulings (Samuel Smith's Brewery) that have considered matters relating to the impact on openness, including spatial and visual aspects of openness, duration and remediability of development, and the degree of activity likely to be generated (Paragraph: 001 Reference ID: 64-001-20190722).

**Healthy and safe communities**

The updated guidance significantly expands this section of the PPG and replaces the previous Health and wellbeing section of guidance. The guidance introduces the following matters:

- Healthy communities through positive planning – planning and health need to be considered together to create environments that support and encourage healthy lifestyles and in terms of identifying and securing the facilities needed for primary, secondary and tertiary care, and the wider health and care system (Paragraph: 001 Reference ID:53-001-20190722).
- Promoting estate regeneration by setting a strategic vision and framework and establishing the principles at an early stage in the process, whilst ensuring that communities are involved (Paragraph: 006 Reference ID:53-006-20190722).
- Supporting the delivery of sufficient school places to meet the needs of existing and new communities. Plans should seek to meet the development needs of their area and should allocate sufficient land for schools to meet anticipated need, taking account of cross boundary needs. The Department for Education ‘securing developer contributions for education’ guidance is referred to as the appropriate tool for estimating pupil numbers from new housing and securing contributions. The allocation of land for new schools, including the use of ‘safeguarded’ land is encouraged (Paragraph: 007 Reference ID:53-007-20190722).
- Supporting safe communities and preventing crime and malicious threats through good design and masterplanning. The use of Security Considerations Assessments (SCA) at either the plan-making or decision taking stage are identified as being helpful to demonstrate that potential security related vulnerabilities are identified, assessed and addressed in an appropriate and proportionate manner (Paragraph: 010 Reference ID:53-010-20190722).
**Housing and economic land availability assessment**

The update brings to the fore consideration (and application) of constraints when assessing deliverability, such as Green Belt, reflecting on advice in footnote 6 of the NPPF (Paragraph: 002 Reference ID: 3-002-20190722).

**Stage 1 – Identification of sites/broad locations**

The Methodology has also been updated – in determining the extent of the assessment area, this should now cover the ‘plan-making area’, as opposed to the ‘functional housing market area and functional economic market area’ (Paragraph: 006 Reference ID: 3-006-20190722). This would appear to simplify the assessment by linking site locations solely to local authority boundaries. However, plan-makers still need to consider cross-boundary working across relevant housing market or functional economic areas, in line with the duty to co-operate (including SOCG).

The PPG now reflects the NPPF requirement to identify a minimum proportion of sites for housing no larger than one hectare, unless strong reasons suggest otherwise (Paragraph: 009 Reference ID: 3-009-20190722).

Assessments should assume all minor developments and sites with detailed planning permission are deliverable within 5 years, unless ‘evidence’ indicates otherwise (Paragraph: 014 Reference ID: 3-014-20190722). Information to be recorded during the survey of sites should now include ‘consistency with the development plan’s policies’ and ‘proximity to services and other infrastructure, such as public transport’. This would suggest a greater consideration of recently adopted Neighbourhood Plan policies in the identification of potential sites/broad locations (Paragraph: 015 Reference ID: 3-015-20190722), potentially limiting opportunities for site promotion. Emphasis on ‘proximity’ could be applied prescriptively in order to limit the potential to promote sites that could otherwise tackle existing under-provision of services, particularly public transport.

**Stage 2 – Site/broad location assessment**

In terms of suitability, ‘environmental/amenity impacts experienced by would-be occupiers and neighbouring areas’ has now been deleted from the criteria. In terms of availability, the PPG now advises that planning permission can be a ‘good indication’ of the availability of sites, and that sites without permission can be considered available within the first five years, with further guidance to this being contained in the 5-year housing land supply guidance (Paragraph: 019 Reference ID: 3-019-20190722). No changes have been made to the guidance on assessing ‘achievability’ of sites, retaining the emphasis on viability and capacity of developers to complete, let or sell units over a certain period (Paragraph: 020 Reference ID: 3-020-20190722).

In terms of circumstances where constraints have been identified that could impact on ‘deliverability’ of a site, a small but potentially significant change has been made, with the inclusion of adopted or emerging development plans as specific constraints that could affect suitability of sites (Paragraph: 021 Reference ID: 3-021-20190722). This is a move away from the previous PPG, which advocated for a review of development plan policies as a means to remove such constraints that are preventing development. This again, could be a shot in the arm for recently made neighbourhood plans which seek to protect certain sites/locations from development.

**Stage 3 – Windfall assessment (where justified)**

The update brings the guidance in line with NPPF para 67 (Paragraph: 023 Reference ID: 3-023-20190722).

**Stage 4 – Assessment review**

The guidance now makes explicit that indicative trajectories should specify how much housing and economic development can be provided within five-year timeframes (1-5, 6-11, and 11+).
Where insufficient sites are identified to meet objectively assessed needs (including identified local housing need), the PPG now emphasises that plan-making authorities will need to ensure that they are making the most effective use of land (in line with the NPPF), including density assumptions linked to accessibility criteria (Paragraph: 025 Reference ID: 3-025-20190722). This is more specifically targeted at greater emphasis on brownfield sites within built-up areas. Interestingly, the reference to new settlements has been deleted.

Where, after all potential options have been considered (and where appropriate discounted), needs still cannot be met locally, it remains necessary to consider how needs might be met in adjoining areas in accordance with the duty to cooperate. However, the PPG now requires plan-making authorities to explain as part of the plan examination process why such needs cannot be met should they fail to address this through the duty to cooperate (Paragraph: 025 Reference ID: 3-025-20190722).

**Stage 5 – Final Evidence Base (new sub-section)**

This is new to the PPG and specifies that the SHLAA can form part of the evidence to underpin 5-year land supply assessments when plan-making and decision-taking (Paragraph: 026 Reference ID: 3-026-20190722). The sub-sections on Housing land supply and Housing Delivery Test have now been moved to their own sections in the PPG.

**Housing and economic needs assessment**

The approach to calculating local housing need based on the Standard Methodology remains consistent with the previous PPG. This includes using the 2014-based household projections as the ‘minimum’ starting point, with an adjustment for affordability and the application of a cap where the adjustment is over 40% of the minimum household projection/or housing requirement figure (Paragraph: 004 Reference ID: 2a-004-20190220).

It also remains the case that where a cap does reduce the minimum number generated by the standard method, this does not reduce the housing need itself. Consequently, plan-making authorities cannot ignore this and ensure that any housing need above the capped level is planned for ‘as soon as reasonably possible’ (Paragraph: 007 Reference ID: 2a-007-20190220).

Two new paragraphs have been inserted in relation to assessing need and allocating space for logistics development, and the specific locational requirements of specialist or new sectors (Paragraphs: 031 Reference ID: 2a-031-20190722 and: 032 Reference ID: 2a-032-20190722). This is an important section of text, which responds to the national agenda for employment growth and assists in quantifying the needs for this sector of jobs growth.

**Housing needs of different groups**

The PPG now includes a new section dealing specifically with advice on planning for the housing needs of different groups. The guidance on the calculation of affordable housing need remains broadly similar to previous guidance, however, a change has been made to the last paragraph under affordable housing (Paragraph: 008 Reference ID: 67-008-20190722) which now states that plans may include an increase to the ‘total housing requirement’ to help deliver the required number of affordable homes, rather than as an adjustment to the ‘total housing figure’ in previous versions of the PPG. The PPG now views such adjustments as clearly being ‘policy-on’ and not as part of objectively assessed needs (referred to as ‘policy off’).
Housing supply and delivery

Five-year housing land supply and the Housing Delivery Test now have their own separate sections in the PPG.

In demonstrating a 5-year housing land supply, the PPG now advises that plan-making authorities can use the ‘intended adoption date of the plan’ as the basis for identifying a 5-year land supply (Paragraph: 004 Reference ID: 68-004-20190722).

With regards to demonstrating that sites are ‘deliverable’ under the revised NPPF definition (Annex 2), evidence must be ‘robust and up to date’. For sites that are not deliverable in principle (i.e. do not have the benefit of detailed planning consent) ‘further evidence’ is required including ‘firm progress’ on bringing forward sites (Paragraph: 007 Reference ID: 68-007-20190722). This is a change to the previous PPG, which required ‘clear evidence’ including ‘any progress’ towards bringing forward sites. It can be argued that the updated PPG, at least at face value, sets out a more rigorous test for Councils to overcome in order to justify the inclusion of sites without planning permission in their five-year supply of deliverable sites.

Land affected by contamination

The updated guidance states that risk assessments should be prepared by a ‘competent person’ reflecting the revised NPPF and highlights that the National Quality Mark Scheme (NQMS) accredits competent persons for assessing and reporting land contamination issues (Paragraph: 007 Reference ID: 33-007-20190722). Early engagement with LPAs and Environmental Health Departments is encouraged and various sources of information that can be used to help establish the likelihood of contamination are listed (Paragraph: 005 Reference ID: 33-005-20190722). References to the Water Framework Directive are updated to refer to the Water Environment Regulations 2017. The use of green infrastructure to limit harmful disturbance of the ground is also introduced as an example of finding solutions to land contamination.

Land stability

No material changes to the guidance.

Natural environment

The guidance has been updated to include a new section on biodiversity net gain. Paragraph 020 Reference ID: 8-020-20190721 to Paragraph: 028 Reference ID: 8-028-20190721 set out what biodiversity net gain is, how it can be achieved, calculated and how it fits into the mitigation hierarchy.

Net gain 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. Biodiversity net gain is described as delivering 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.

This could take the form of creating new habitats, enhancing existing habitats, providing green roofs, green walls, street trees or sustainable drainage systems. Benefits can be achieved entirely on-site or by using off-site gains where necessary. Off-site measures can be secured from ‘habitat banks’, which comprise areas of enhanced or created habitats which generate biodiversity unit ‘credits’.

The biodiversity metric 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, condition and extent.
**Noise**

The two main additions to the guidance relate to the potential that can occur when development is proposed in the vicinity of existing business and to the impact of aviation activities. The guidance now sets out that it is the responsibility of the ‘agent of change’ to clearly identify the effects of existing businesses that may cause a nuisance and the likelihood that they could have a significant adverse effect on new residents/users. Importantly, the new guidance also states that the agent of change must take into account not only current activities but also those that are permitted, even if they are not occurring at the time of the application being made. Where mitigation is identified it may be possible to work with owners/operators to explore whether potential adverse effects could be mitigated at source and where this is the case it may be necessary to ensure that the measures are in place prior to the occupation/operation of the new development (Paragraphs: 009 Reference ID: 30-009-20190722 and 010 Reference ID: 30-010-20190722).

The guidance states that the agent of change principal may also apply in areas near to airports or where there is the potential for aviation activities to have a significant adverse effect on new noise-sensitive development (Paragraph: 012 Reference ID: 30-012-20190722). Reference is made to the requirement for development that increases air movements for an EIA (where it meets the relevant threshold) where appropriate mitigation could be proposed (Paragraph: 013 Reference ID: 30-013-20190722).

**Plan making**

Key aspects of the guidance that has been updated cover:

- The relationship between local plans and neighbourhood plans
- Plan reviews
- The Presumption

**Relationship between local plans and neighbourhood plans**

The updated PPG does not seek to significantly alter the existing relationship between the two plan processes. The PPG does now advise that Local Plans need only supersede a neighbourhood plan where ‘changed circumstances justify this’. Furthermore, the PPG requests Local Plans ‘to make appropriate reference to neighbourhood plan policies and proposals’ but asks only that neighbourhood plans ‘acknowledge the local plan policies that they relate to’. (Paragraph: 006 Reference ID: 61-006-20190723).

**Plan reviews**

The updated PPG deletes the first paragraph under this section (para 061). Additional criteria (Paragraph: 065 Reference ID: 61-065-20190723) has been added to the guidance relating to those factors local authorities should consider when determining whether a plan, or policies within a plan, should be updated. These include: whether issues have arisen that may impact on the deliverability of key site allocations; the impact of changes to higher tier plans; and whether any new social, environmental or economic priorities may have arisen.

With respect to the evidence required when carrying out a review, local authorities will now need to have ‘due regard’ to the Duty to Cooperate (Paragraph: 069 Reference ID: 61-069-20190723).

**The presumption**

The updated PPG now advises that local plans do not need to directly repeat the presumption in favour of sustainable development set out in paragraph 11 of the NPPF (Paragraph: 036 Reference ID: 61-036-20190723). There are no changes to the PPG advice on plan examinations further to the changes made up to March 2019.
Strategic environmental assessment and sustainability appraisal

The changes bring the PPG advice in line with amended regulations on Appropriate Assessment (Paragraph: 047 Reference ID: 11-047-20190722), as well as other changes that seek to streamline the guidance with respect to neighbourhood plans (for example Paragraph: 042 Reference ID: 11-042-20190722).

Town centres and retail

There is a focus on the ‘high street’ and how local planning authorities can take a leading role in promoting a positive vision for these areas, bringing together stakeholders and supporting sustainable economic and employment growth. They need to consider structural changes in the economy, in particular changes in shopping and leisure patterns and formats, the impact these are likely to have on individual town centres, and how the planning tools available to them can support necessary adaptation and change (Paragraph: 001 Reference ID: 2b-001-20190722).

The key way to set out a vision and strategy for town centres is through the development plan and policies are expected to define the extent of primary shopping areas. In addition, a range of other planning tools can help to support town centres to adapt and thrive (Paragraph: 002 Reference ID: 2b-002-20190722):

- Local Development Orders
- Neighbourhood Development Order
- Brownfield registers
- Compulsory purchase powers

There is a strong focus on permitted development rights that allow the change of use without any application process. This includes the following (Paragraph: 007 Reference ID: 2b-007-20190722):

- From shops to financial and professional services uses, such as a bank.
- From financial and professional services, a betting shop or pay day loan shop to a shop.
- From a betting shop or pay day loan shop to financial and professional services.
- From a restaurant or café, or a hot food takeaway to a shop or financial or professional services.
- From a hot food takeaway to a restaurant or café.
- From a shop, financial and professional services, betting shop or pay day loan shop with two flats above.

Further permitted development rights allow for a change of use subject to prior approval by the local planning authority on specific planning matters:

- From shops and financial and professional services, a betting shop or pay day loan shop to a restaurant or café.
- From shops and financial and professional services, a betting shop or pay day loan shop to an assembly and leisure use.
- From shops, financial and professional services, a betting shop, pay day loan shop, launderette, and hot food takeaway premises to office use.
- From shops, financial and professional services, a betting shop, pay day loan shop, launderette, and hot food takeaway premises to residential use.
- From amusement arcades / centres or casinos to residential use.
- From offices to residential use.

To support new ventures and pop-ups and avoid buildings being left empty, a separate right allows a range of uses (such as offices, shops, financial and professional services, restaurants and cafes, hot food takeaways, assembly and leisure uses) to convert temporarily to another use (such as office, shop, financial and professional service, restaurant) for a single continuous period of up to three years (Paragraph: 008 Reference ID: 2b-008-20190722).
Use of planning conditions

The guidance includes reference to the ‘The Town and Country Planning (Pre-commencement Conditions) Regulations 2018’ which sets out that planning permission for the development of land may not be granted subject to a pre-commencement without the written agreement of the applicant to the terms of the condition (Paragraph: 002 Reference ID: 21a-002-20190723).

The guidance states that the rigorous application of the 6 tests can reduce the need for conditions and that it is good practice to keep the number of conditions to a minimum. Early engagement and positive dialogue between the LPA and the applicant is encouraged to result in planning permission being granted with fewer conditions attached. Effective pre-application discussions are also highlighted as being able to help to establish early in the process what may need to be the subject of conditions. Planning Performance Agreements can be used to set a timetable for when discussions about conditions will take place (Paragraph: 018 Reference ID: 21a-018-20190723).

The guidance removes the previous reference to ‘straightforward’ applications to discharge conditions being completed within 21 days and confirmation that there is a right of appeal against the refusal or failure to determine an application to discharge conditions.

The guidance introduces a new section on deemed discharge with confirmation that this process 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 LPA 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).

Water supply, wastewater and water quality

The update introduces sections on wastewater, cross-boundary issues and information about the water environment. References to the EU Water Framework Directive are updated to refer to the Water Environment Regulations 2017. The guidance states that strategic policy-making authorities need to consider the objectives in the government’s 25 Year Environment Plan to reduce the damaging abstraction of water from rivers and groundwater, and to reach or exceed objectives for rivers, lakes, coastal and ground waters that are specially protected (Paragraph: 002 Reference ID: 34-002-20140306).

Additional requirements for plan-making are also introduced, including:

- The impact on designated sites of importance for biodiversity should be considered to ensure the required infrastructure is in place before any environmental effects occur.
- The capacity of the environment to receive effluent from development in different parts of a strategic policy-making authority’s area without preventing relevant statutory objectives being met.

Reference is made to the Department for Environment, Food and Rural Affairs that has published a policy framework to encourage the wider adoption of an integrated catchment-based approach to improving the quality of the water environment (Paragraph: 008 Reference ID: 34-008-20140306).
When is permission required?

The guidance updating references to include more recent legislation (Conservation of Habitats and Species Regulations 2017, EIA Regulations 2017, Conservation of Habitats and Species Regulations 2017. The previous reference to the temporary permitted development rights for larger house extensions is removed as this is now permanent.

Update to the section on time-limited permitted development rights. The following change of use permitted development rights apply for temporary time periods (Paragraph: 033 Reference ID: 13-033-20190722):

- Change in use of a building in any use class (apart from Class A4 drinking establishments, including drinking establishments with expanded food provision) to a state-funded school for 2 academic years provided this has been approved by the minister with policy responsibility for schools. Where there is a temporary use of a building as a state-funded school, the building retains its original use or use class. It also retains any associated rights to change to a permanent state-funded school as permitted by Part 3 of Schedule 2 to the General Permitted Development Order.
- The provision for buildings for a temporary state-funded school on previously vacant commercial land for up to 3 academic years provided this has been approved by the minister with policy responsibility for schools;

Change in use of a building from a use falling in Class A1 (shops), A2 (financial and professional services), A3 (restaurants and cafes), Class A5 (hot food takeaways), B1 (business), D1 (non-residential institutions), D2 (assembly and leisure), a betting office or a pay day loan shop to a flexible use falling within Classes A1 (shops), A2 (financial and professional services), A3 (restaurants and cafes), Class B1 (business), and certain Class D1 uses (non-residential institutions) namely a clinic or health centre, art gallery, museum, public library or exhibition hall for a single continuous period of up to 3 years.
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